

minutes

MEETING HELD ON **TUESDAY, 11 OCTOBER 2011**

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CITY OF JOONDALUP

MINUTES OF COUNCIL MEETING HELD IN THE COUNCIL CHAMBER, JOONDALUP CIVIC CENTRE, BOAS AVENUE, JOONDALUP ON TUESDAY, 11 OCTOBER 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 TRONA YOUNG	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	<i>Absent from 8.35 pm to 8.41 pm</i>
MR MIKE TIDY	Director Corporate Services	
MS DALE PAGE	Director Planning and Development	<i>Absent from 8.35 pm to 8.41 pm</i>
MR JAMIE PARRY	Director Governance and Strategy	<i>Absent from 8.35 pm to 8.41 pm</i>
MR CHARLIE REYNOLDS	Acting Director Infrastructure Services	<i>to 8.27 pm</i>
MR JOHN HUMPHREYS	Manager Planning Services	<i>to 8.27 pm</i>
MS MICHELLE NOBLE	Manager Governance and Marketing	<i>Absent from 8.35 pm to 8.41 pm</i>
MR MIKE SMITH	Manager Leisure Cultural Services	<i>to 8.27 pm</i>
MR BLIGNAULT OLIVIER	Manager City Projects	<i>to 8.35 pm</i>
MR MARK McCRORY	Media Advisor	<i>to 8.27 pm; Absent from 7.16 pm to 7.21 pm</i>
MRS LESLEY TAYLOR	Governance Officer	
MRS ROSE GARLICK	Governance Officer	<i>Absent from 8.35 pm to 8.41 pm</i>

There were seven 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 11 October 2011:

Mr M Sideris, Mullaloo:

Q1 Advise when the current contract between Landfill Gas and Power Pty Ltd and the City of Joondalup for the supply of electricity power to various buildings : City of Joondalup Administration Centre; Civic Centre and Library; Percy Doyle Community Centre; and Craigie Leisure Centre, was brought before Council for approval.

A1 This question was responded to at the Council meeting held on 20 September 2011. As advised at this meeting, the City does not seek public tenders for the supply of electricity power to the buildings listed in Q1 above as the electricity supply is sourced from power suppliers under a WALGA panel contract. If a public tender is not sought there is no requirement for Council approval.

Q2 Advise for the month of June 2011, the 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 This question was responded to at the Council meeting held on 20 September 2011. As advised at this meeting, to respond to this request would require considerable research and analysis.

Further, Section 5.95 of the Local Government Act 1995 provides that a person's right to inspect information does not extend where, in the CEO's opinion, it would divert a substantial and unreasonable portion of the local government's resources away from its other functions. The request has been determined as such.

Q3 Advise when (month and date) did the City receive this advice, and why the Complaints Officer did not bring this matter to the immediate attention by way of a Report, to the Council, the Employer of the CEO.

A3 Advice was received from the Department of Local Government in a letter dated 25 January 2011. The matter was brought to the attention of the Mayor.

Q4 Advise when the Mayor, on behalf of the Council, received the written advice from the Department on this matter?

A4 Advice was received from the Department of Local Government in a letter dated 25 January 2011.

Mrs M Macdonald, Mullaloo:

Re: The Answer to Question 5 of my questions to Council 17 May 2011

Q1 When Council determined the procedure for Public Question time did the CEO or one of his officers inform Council that the procedures they were approving did not conform to the guidelines with respect to the stating of name and address?

- Q2 *When Council determined the procedure for Public Question time, did the CEO or one of his officers inform Council that before a guideline is determined, the Department of Local Government passes it to be reviewed by the Department Executive including the Director General and feedback is sought from The Minister, Local Governments, WALGA and LGMAWA and it is sent to the State Solicitor's Office to consider any relevant legislation that may impact on matters in the Guideline and that therefore it would not be appropriate to depart from the guideline?.*
- Q3 *Why would equity not be achieved if the address is not stated or if only a suburb was stated?*
- Q4 *If by stating one's name and address in the chamber equity is achieved, why aren't Councillors and the Mayor stating their addresses before they make decisions that affect the lives of their ratepayers?*
- Q5 *If equity is of concern why aren't the names and addresses of the Mayor and Councillors stated in the Agenda?*

A1-5 These questions will be taken on notice.

PUBLIC STATEMENT TIME

Mrs D Squires, Kingsley:

Re: Petition in relation to Lot 971, 52 Creaney Drive, Kingsley

Mrs Squires spoke in relation to Lot 971, 52 Creaney Drive, Kingsley and noting a petition to be presented to Council requesting that Council considers the retention of Lot 971, 52 Creaney Drive, Kingsley for the purposes of a Sculpture Park.

Mr D Blackburn, Kingsley:

Re: Petition in relation to Lot 971, 52 Creaney Drive, Kingsley

Mr Blackburn spoke in relation to Lot 971, 52 Creaney Drive, Kingsley and noting a petition to be presented to Council requesting that Council considers the retention of Lot 971, 52 Creaney Drive, Kingsley for the purposes of a Sculpture Park.

APOLOGIES AND LEAVE OF ABSENCE

Leave of Absence previously approved

Cr Philippa Taylor 28 September to 14 October 2011 inclusive.
Cr John Chester 25 October to 7 November 2011 inclusive.

C47-1011 REQUEST FOR LEAVE OF ABSENCE – CR KERRY HOLLYWOOD – [78624]

Cr Kerry Hollywood requested Leave of Absence from Council duties covering the period 25 October to 1 November 2011 inclusive.

MOVED Cr Young, SECONDED Cr McLean that Council APPROVES the request from Cr Kerry Hollywood for Leave of Absence from Council duties covering the period 25 October to 1 November 2011 inclusive.

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 Young.

CONFIRMATION OF MINUTES**C48-10/11 MINUTES OF COUNCIL MEETING, 20 SEPTEMBER 2011**

MOVED Cr Hamilton-Prime, SECONDED Cr Amphlett that the Minutes of the Council meeting held on 20 September 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 Young.

ANNOUNCEMENTS BY THE PRESIDING PERSON WITHOUT DISCUSSION**CITY OF JOONDALUP'S SUMMER EVENT SERIES 2011-12**

Mayor Pickard advised that with the warmer months nearly upon us, the City's summer events calendar is about to commence. The City's World Music in the Park summer concert series will kick off with Celtic Fusion in the Park on 12 November. Over the summer, four free concerts will be held culminating in the very popular Valentine's Concert in February next year.

He stated that these events continue the City's tradition of providing free, family entertainment to its residents. As the concerts are always a great night out and are family friendly, Mayor Pickard encouraged people to pack a picnic basket and enjoy the entertainment. Information on these events will be available soon on the City's website at www.joondalup.wa.gov.au.

Mayor Pickard advised that the Little Feet Festival for young children and their families is back again this year and will be held near the Pines Picture Gardens at the ECU Joondalup campus on Sunday 30 October. This is the 20th annual Little Feet Festival and as the premier entertainment event for young children, there will be a range of entertainment and activities on offer for the whole family.

Mayor Pickard mentioned that the Friday night weekly Central Walk Markets in the Joondalup City Centre will also start in November 2011, running for five weeks pre-Christmas followed by a four week season in the New Year, commencing 20 January 2012. For more information about the Friday night markets visit the City's website.

CITY OF JOONDALUP INVITATION ART AWARD

Mayor Pickard announced that the City will officially launch the 14th annual Invitation Art Award exhibition tomorrow at Lakeside Joondalup Shopping City which will run until Saturday, 1 November 2011.

Mayor Pickard advised that the prestigious exhibition offered one of the biggest cash prizes of its kind in WA, and commented that the Invitation Art Award is a must-see exhibition. He encouraged everyone to take the time to view the vast array of artworks over the next few weeks.

2011 LOCAL GOVERNMENT ELECTIONS

Mayor Pickard advised that the Local Government Elections will take place on Saturday, 15 October 2011, with half of the Council positions up for election. He stated that this evening will be the last Council meeting for a number of our hardworking Elected Members, particularly Crs Fiona Diaz and Trona Young, who have decided to retire from Council.

Mayor Pickard acknowledged Crs Diaz and Young, for their contributions to the City, to Council and to the residents, who they have served with commitment and passion over the last four years.

Mayor Pickard announced that Cr Young came to the Council with extensive experience in local government and has been a hardworking contributor, particularly on the Ocean Reef Marina Committee whilst representing the North Central Ward.

Mayor Pickard personally expressed his appreciation to Cr Young for her passion and commitment and wished her all the best in her life after local government.

Mayor Pickard announced that Cr Diaz represented the South Ward and has played an important role on Council. She has demonstrated that even with a young family it is possible to perform the role of an Elected Member. He stated that Cr Diaz has been a team player over the past four years and has represented her Ward and constituents over this time at Council and other forums.

Mayor Pickard thanked Cr Diaz for her contributions to Council and the residents and wished her all the best in her future endeavours.

DECLARATIONS OF INTEREST

Disclosure of Financial Interests

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

Name/Position	Mr Martyn Glover, Director Infrastructure Services
Item No/Subject	CJ192-10/11 – Tender 024/11 – Supply and Laying of Asphalt – Major Works
Nature of interest	Financial
Extent of Interest	One of the tenderers is Mr Glover's future employer. Mr Glover was not present at this meeting.

Name/Position	Mr Martyn Glover, Director Infrastructure Services
Item No/Subject	CJ193-10/11 – Tender 025/11 – Supply and Laying of Asphalt – Minor Works
Nature of interest	Financial
Extent of Interest	One of the tenderers is Mr Glover's future employer. Mr Glover was not present at this meeting.

Name/Position	Mr Garry Hunt – Chief Executive Officer
Item No/Subject	CJ201-10/11 – Minutes of the Chief Executive Officer Performance Review Committee Meeting held on 12 September 2011 (Item 1 – CEO Annual Performance Review Progress)
Nature of interest	Financial
Extent of Interest	Mr Hunt holds the position of CEO. Mr Hunt was not present at this Committee meeting.

Name/Position	Mr Garry Hunt – Chief Executive Officer
Item No/Subject	CJ201-10/11 – Minutes of the Chief Executive Officer Performance Review Committee Meeting held on 26 September 2011 (Item 1 – CEO Annual Performance Review Interview)
Nature of interest	Financial
Extent of Interest	Mr Hunt holds the position of CEO.

Name/Position	Mr Garry Hunt – Chief Executive Officer
Item No/Subject	CJ201-10/11 – Minutes of the Chief Executive Officer Performance Review Committee Meeting held on 28 September 2011 (Item 1 – Chief Executive Officer Concluded Annual Performance Review)
Nature of interest	Financial
Extent of Interest	Mr Hunt holds the position of CEO. Mr Hunt was not present at this Committee meeting.

Name/Position	Mr Garry Hunt – Chief Executive Officer
Item No/Subject	CJ201-10/11 – Minutes of the Chief Executive Officer Performance Review Committee Meeting held on 28 September 2011 (Item 2 – Annual Salary Review – Chief Executive Officer)
Nature of interest	Financial
Extent of Interest	Mr Hunt holds the position of CEO. Mr Hunt was not present at this Committee meeting.

The Media Advisor left the Chamber at 7.16 pm.

Disclosure of interest affecting impartiality

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

Name/Position	Cr Tom McLean
Item No/Subject	CJ175-10/11 – Proposed Shop and Showroom Development at Lot 929 (1244) Marmion Avenue, Currambine
Nature of interest	Interest that may affect impartiality
Extent of Interest	Cr McLean owns a property in a nearby development

Name/Position	Cr Liam Gobbert
Item No/Subject	CJ182-10/11 – Westfield Whitford City Application for Support of Sunday Trading on 27 November 2011
Nature of interest	Interest that may affect impartiality
Extent of Interest	Cr Gobbert is employed at a shop at Westfield Whitford Shopping City

Name/Position	Cr Mike Norman
Item No/Subject	CJ180-10/11 – Annual Report 2010-2011
Nature of interest	Interest that may affect impartiality
Extent of Interest	Cr Norman is the Chairman of the 'Joondalup Community Coast Care Forum' and Coordinator of three 'Friends Groups'.

Name/Position	Cr Russ Fishwick
Item No/Subject	CJ194-10/11 – Tender 026/11 – Provision of Beach Lifeguard Patrol Services
Nature of interest	Interest that may affect impartiality
Extent of Interest	Cr Fishwick is a senior State Examiner for Surf Life Saving WA

Name/Position	Mr Mike Tidy - Director Corporate Services
Item No/Subject	CJ201-10/11 – Minutes of the Chief Executive Officer Performance Review Committee Meeting held on 4 July 2011 (Item 1 - CEO Performance Review 2011)
Nature of interest	Interest that may affect impartiality
Extent of Interest	Due to the nature of his employment relationship with the CEO.

Name/Position	Mr Mike Tidy - Director Corporate Services
Item No/Subject	CJ201-10/11 – Minutes of the Chief Executive Officer Performance Review Committee Meeting held on 12 September 2011 (Item 1 – CEO Annual Performance Review Progress)
Nature of interest	Interest that may affect impartiality
Extent of Interest	Due to the nature of his employment relationship with the CEO.

Name/Position	Mr Mike Tidy - Director Corporate Services
Item No/Subject	CJ201-10/11 – Minutes of the Chief Executive Officer Performance Review Committee Meeting held on 26 September 2011 (Item 1 – CEO Annual Performance Review Interview)
Nature of interest	Interest that may affect impartiality
Extent of Interest	Due to the nature of his employment relationship with the CEO.

Name/Position	Mr Mike Tidy - Director Corporate Services
Item No/Subject	CJ201-10/11 – Minutes of the Chief Executive Officer Performance Review Committee Meeting held on 28 September 2011 (Item 1 – Chief Executive Officer Concluded Annual Performance Review)
Nature of interest	Interest that may affect impartiality
Extent of Interest	Due to the nature of his employment relationship with the CEO.

Name/Position	Mr Mike Tidy - Director Corporate Services
Item No/Subject	CJ201-10/11 – Minutes of the Chief Executive Officer Performance Review Committee Meeting held on 28 September 2011 (Item 2 – Annual Salary Review – Chief Executive Officer)
Nature of interest	Interest that may affect impartiality
Extent of Interest	Due to the nature of his employment relationship with the CEO.

The Media Advisor entered the Chamber at 7.21 pm.

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

CJ199-10/11	Appointment of Director Infrastructure Services
CJ200-10/11	Minutes of the Joondalup Performing Arts and Cultural Facility Steering Committee Held on 15 September 2011
CJ201-10/11	Minutes of the Chief Executive Officer - Performance Review Committee Meetings Held on 4 July 2011, 12 September 2011, 26 September 2011 and 28 September 2011
C52-10/11	Minutes of the Ocean Reef Marina Committee Meeting held on 10 October 2011

C49-10/11 PETITIONS

- 1 PETITION REQUESTING COUNCIL TO CHANGE THE ALL DAY PARKING IN PICCADILLY CIRCLE AND ALDGATE STREET TO TWO HOUR PARKING WITH EXEMPTION PERMITS ISSUED TO THE RESIDENTS OF THOSE STREETS. - [45411, 02909, 05386]

A 29 signature petition has been received from City of Joondalup residents requesting that Council change the all day parking in Piccadilly Circle and Aldgate Street to two hour parking with exemption permits issued to the residents of those streets.

- 2 PETITION REQUESTING IMPROVED ACCESS TO PARKING - EAST SIDE OF LAKESIDE DRIVE BETWEEN SHENTON AVENUE AND MOORHEN COURT, JOONDALUP - [04018]

A 46 signature petition has been received from concerned City of Joondalup residents, urging Elected Members to change the Parking By-laws to enable residents and non residents to have improved access to parking throughout the day on the East side of Lakeside Drive between Shenton Avenue and Moorhen Court, Joondalup.

- 3 PETITION IN RELATION TO TRAFFIC SAFETY CONCERNS IN AND AROUND TUART ROAD, GREENWOOD - [24179]

Cr Corr tabled a petition containing 50 signatures on behalf of residents of the City of Joondalup requesting that Council investigates, with appropriate remedial action, the traffic safety concerns in and around Tuart Road, Greenwood and safety concerns regarding speeding, overtaking, driving on the centre or wrong side of the road, hooning, cutting corners into Sheak and other streets, the lack of signage and the lack of road markings.

4 PETITION IN RELATION TO LOT 971, 52 CREANEY DRIVE, KINGSLEY - [11367]

Cr Corr tabled a petition containing 602 signatures on behalf of residents of the City of Joondalup requesting that Council considers retaining Lot 971, 52 Creaney Drive, Kingsley, practically in its natural forest state which, with only minor changes, could become a sculpture park.

5 PETITION IN RELATION TO VACANT SCHOOL SITE, BURNS BEACH ROAD, BURNS BEACH - [02018]

Cr Hollywood tabled a petition containing 38 signatures on behalf of residents of the City of Joondalup requesting that the vacant school site be resurfaced with grass so that it can become an area that families can use for recreation, similar to the adjacent oval, and for the site sign to be removed.

MOVED Cr Corr, SECONDED Cr McLean 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 change the all day parking in Piccadilly Circle and Aldgate Street to two hour parking with exemption permits issued to the residents of those streets;**
- 2 Petition requesting a change to the Parking By-laws to allow improved access to parking throughout the day on the East side of Lakeside Drive between Shenton Avenue and Moorhen Court, Joondalup;**
- 3 Petition requesting that Council investigates, with appropriate remedial action, the traffic safety concerns at and around Tuart Road, Greenwood;**
- 4 Petition requesting that Lot 971, 52 Creaney Drive, Kingsley not be sold, but retained practically in its natural forest state and with only minor changes, becomes a sculpture park; and**
- 5 Petition requesting that the vacant school site in Burns Beach to be resurfaced with grass similar to the adjacent oval and the site sign removed.**

AMENDMENT MOVED Cr Fishwick, SECONDED Cr Hamilton-Prime that Part 3 of the Motion be amended to read:

- “3 Petition requesting that Council investigates and recommends appropriate remedial action in relation to the traffic safety concerns at and around Tuart Road, Greenwood.”**

The Amendment was Put and

CARRIED (12/0)

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

The Original Motion as amended, being:

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 change the all day parking in Piccadilly Circle and Aldgate Street to two hour parking with exemption permits issued to the residents of those streets;**

- 2 **Petition requesting a change to the Parking By-laws to allow improved access to parking throughout the day on the East side of Lakeside Drive between Shenton Avenue and Moorhen Court, Joondalup;**
- 3 **Petition requesting that Council investigates and recommends appropriate remedial action in relation to the traffic safety concerns at and around Tuart Road, Greenwood;**
- 4 **Petition requesting that Lot 971, 52 Creaney Drive, Kingsley not be sold, but retained practically in its natural forest state and with only minor changes, becomes a sculpture park; and**
- 5 **Petition requesting that the vacant school site in Burns Beach to be resurfaced with grass similar to the adjacent oval and the site sign removed.**

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 Young

CJ173-10/11 DEVELOPMENT, CODE VARIATIONS AND SUBDIVISION APPLICATIONS - AUGUST 2011

WARD: All

RESPONSIBLE DIRECTOR: Ms Dale Page
Planning and Development

FILE NUMBER: 07032, 101515, 05961

ATTACHMENTS:

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

PURPOSE

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

EXECUTIVE SUMMARY

The provisions of clause 8.6 of the text to the District Planning Scheme No 2 (DPS2) allow Council to delegate all, or some, of its development control powers to a Committee or an employee of the City.

The purpose of delegation of certain powers by Council, in addition to other town planning matters, is to facilitate timely processing of development applications, R-codes variations and subdivision applications. The framework for the delegation of those powers is set out in resolutions adopted by Council and is reviewed on a two yearly basis, or as required. All

decisions made by staff, acting under delegated authority as permitted under the delegation notice, are reported to Council on a monthly basis.

This report identifies the following applications determined by the administration with Delegated Authority powers during August 2011 (Attachments 1, 2 and 3 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 delegations be reviewed every two years, unless a greater or lesser period is specified by Council. At its meeting held on 28 June 2011 (CJ107-06/11 refers), Council considered and adopted the most recent Town Planning Delegation.

DETAILS

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

Approvals determined under delegated authority – August 2011		
Type of Approval	Number	Value (\$)
Planning applications (development applications & R-Codes variations)	110	\$ 7,135,882
Building applications (R-Codes variations)	19	\$ 221,852
TOTAL	129	\$ 7,357,734

The number of development applications received during the period for August was 147. (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 August was 182. Of these, 37 were pending additional information from applicants, and 51 were being advertised for public comment.

Subdivision approvals processed under delegated authority From 1 August to 31 August 2011		
Type of approval	Number	Potential additional new lots
Subdivision applications	4	51 residential lots 2 mixed use lots
Strata subdivision applications	0	0

In addition to the above, 334 building licences were issued during the month of August with an estimated construction value of \$27,784,336.

Legislation/Strategic Plan/Policy Implications

Legislation Clause 8.6 of District Planning Scheme No 2 permits development control functions to be delegated to persons or Committees. All subdivision applications were assessed in accordance with relevant legislation and policies, and a recommendation made on the applications to the Western Australian Planning Commission.

Strategic Plan

Key Focus Area: The Built Environment.

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

The use of a delegation notice allows staff to efficiently deal with many simple applications that have been received and allows the Elected Members to focus on strategic business direction for the Council, rather than day-to-day operational and statutory responsibilities.

Policy:

As above.

Risk Management Considerations:

The delegation process includes detailed practices on reporting, checking and cross checking, supported by peer review in an effort to ensure decisions taken are lawful, proper and consistent.

Financial/Budget Implications:

A total of 129 applications were determined for the month of August, with a total amount of \$35,622.55 received from 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 110 development applications determined during August 2011, consultation was undertaken for 65 of those applications. Applications for Residential Design Codes variations as part of building applications are required to include comments from adjoining landowners. Where these comments are not provided the application will become the subject of a planning application (R-Codes variation). The four subdivision applications processed during August 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 the elected members to focus on strategic business direction for the Council, rather than day-to-day operational and statutory responsibilities.

All proposals determined under delegated authority are assessed, checked, reported on and cross checked in accordance with relevant standards and codes.

VOTING REQUIREMENTS

Simple Majority.

MOVED Cr Amphlett, **SECONDED** Cr Young 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 CJ173-10/11 during August 2011; and**
- 2 **Subdivision applications described in Attachment 3 to Report CJ173-10/11 during August 2011.**

The Motion was Put and CARRIED (12/0) by En Bloc Resolution prior to consideration of the Motion to go Behind Closed Doors, Page 151 refers.

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

Appendix 1 refers

To access this attachment on electronic document, click here: [Attach1brf041011.pdf](#)

CJ174-10/11 PROPOSED MODIFICATION TO POYNTER FARMERS MARKET CHARTER AT POYNTER PRIMARY SCHOOL, 39 POYNTER DRIVE, DUNCRAIG

WARD: South

RESPONSIBLE DIRECTOR: Ms Dale Page
Planning and Development

FILE NUMBER: 07584, 101515

ATTACHMENTS:

Attachment 1	Location plan
Attachment 2	Market charter
Attachment 3	Map of submitters
Attachment 4	Traffic impact

PURPOSE

To request Council's determination of an application for modification to the Poynter Farmers Market Charter, for the existing Poynter Farmers Market, and provide analysis of the existing traffic impacts resulting from the markets, as requested at the Briefing Session held on 8 February 2011.

EXECUTIVE SUMMARY

The applicant proposes to modify the Farmers Market Charter which was previously approved as part of the application for a fortnightly market at Poynter Primary School, 39 Poynter Drive, Duncraig.

The key changes that alter the function of the markets include the allowance of the markets to operate anywhere within the quadrangle area and adjacent undercover area, allowance of powered sites and greater flexibility being given to the P&C on the types of stalls. There have also been changes to the formatting of the charter.

An application for a growers' market was refused by Council at its meeting held on 15 September 2009, and a revised proposal was refused on 16 February 2010, following a request for reconsideration from the State Administrative Tribunal (SAT). The development was subsequently approved by the SAT on 25 June 2010. The markets have been operating from the site since February 2011.

The subject site is zoned 'Urban' under the Metropolitan Region Scheme (MRS) and is reserved for 'Public Purpose – Primary School' under the City's District Planning Scheme No 2 (DPS2). The market has previously been considered consistent with the zoning of the site given that it is operated by the Poynter Primary School P&C and funds raised directly contribute to educational resources and learning programs for students attending Poynter Primary School.

The proposal was advertised to 69 nearby residents for a period of 21 days. A total of 12 submissions were received being eight objections, three submissions stating no objection and one letter of support. The objections received primarily raised concerns regarding the operation of the markets from the site in general, increased noise through the allowance of powered sites, the allowance of non food stalls not being in character with the market, and the potential for attracting more customers.

It is considered that the modifications proposed do not alter the function of the markets such that the use is inconsistent with the reservation of the land, or will be detrimental to the amenity of the locality. As such it is recommended that the application be approved subject to conditions.

BACKGROUND

Suburb/Location:	Reserve 34149 (39) Poynter Drive, Duncraig
Applicant:	David Christie
Owner:	Department of Education and Training
Zoning:	DPS: Local Reserve
	MRS: Urban
Site Area:	42.1ha
Structure Plan:	Not Applicable.

The subject site is bound by Poynter Drive to the east, Griffell Way to the north and Lionel Court to the west. The southern boundary of the school is adjacent to existing residential properties.

The subject site is located in a Residential R20 area, consisting primarily of single detached houses. The subject site is located approximately one kilometre from Duncraig Village Shopping Centre (Burrageh Way, Duncraig), Carine Glades Shopping Centre (Beach Road, Duncraig), and Glengarry Shopping Centre (Arnisdale Road, Duncraig).

Council refused an application for a growers' market at its meeting on 15 September 2009, and the applicant subsequently sought review of the decision through the SAT. A revised proposal put forward by the applicant, following mediation through the SAT, was also refused by Council at its meeting on 16 February 2010. A similar proposal was subsequently approved by the SAT subject to conditions on 25 June 2010.

The markets have been operating fortnightly from the site since February 2011.

At the Briefing Session on 8 February 2011 a report was requested on the parking and traffic impact of the market. It was further requested that this report also address the market's compliance with the conditions of approval.

Recent inspections by City Officers have found that the market is generally operating in accordance with the approval, with the exception of:

- (i) stalls selling goods other than fresh food produce;
- (ii) the use of powered sites; and
- (iii) traffic not being directed to on-site parking or to Granadilla Park in the first instance.

It is noted that the type of stalls and allowance of powered sites are the subject of this application.

In regard to parking, vehicles were witnessed utilising on street parking on Griffell Way prior to the on-site parking being fully utilised, and a maximum of three vehicles were witnessed parking on Lionel Court at any one time. Whilst a parking attendant employed by the school was on-site during these inspections, they appeared ineffective in directing traffic in accordance with the approved traffic management plan. Issues relating to traffic management are currently being monitored and addressed with the P&C separate to this application.

In order to understand the approximate amount of traffic generated by the markets, traffic counts were placed on Griffell Way and Poynter Drive for a 14 day period which encompassed the market held on Saturday 20 August 2011. The results from the traffic count have been compared to evidence provided by a traffic engineer during the hearing at the SAT. This comparison is provided in Attachment 4.

DETAILS

The applicant proposes to modify the approved Farmers Market Charter. The key changes which alter the function of the Markets and require consideration as part of this application are:

- Allowance of the market to operate anywhere within the quadrangle area and adjacent undercover area, to provide greater flexibility in the location. It should be noted the maximum area of the markets will not exceed the approved 496m² and 20 stalls.
- Allowance of powered sites.
- Greater flexibility to the type of stalls, potentially allowing for non food stalls to operate.

A new site plan has also been provided identifying an additional 11 on site car parking bays. This is as a result of the car park capacity being increased during construction associated with the Federal Governments Building Education Revolution Program. There are now a total of 37 bays provided on-site.

As there is no change to the size of the area that the markets will occupy on any given occasion there is no increase in car parking demand as a result of this application.

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

As the subject site is a Local Reserve, the provisions of Clauses 2.3.2, 2.3.3 and 2.3.4 apply.

2.3.2 Use of Local Reserves

Any Local Reserve not owned by or vested in the Council may be used:

- (a) For the purposes for which the land is reserved under the Scheme;*
- (b) Where such land is vested in a public authority, for any purpose for which such land may be lawfully used by that authority;*
- (c) For the purpose for which it was used at the Gazettal Date unless the land in the meantime has become vested in a public authority, or unless such use has been changed with the approval of the Council; or*
- (d) For any purpose approved by the Council but in accordance with any conditions imposed by the Council;*

But shall not be used otherwise, or for any other purpose.

2.3.3 Development of Local Reserves

Unless the proposed development is a public work exempted by Section 32 of the Act, or the written approval of the Council is first obtained, no person shall:

- (a) Demolish or damage any building or works;*
- (b) Remove or damage any tree;*
- (c) Excavate, spoil or waste the land so as to destroy affect or impair its usefulness for the purpose for which it is reserved;*
- (d) Construct, extend or alter any building or structure other than a boundary fence;*
- (e) Carry out or commence to carry out any other development on any Local Reserve.*

2.3.4 Application for Planning Approval on Local Reserves

- 2.3.4.1 The Council may consider application for Planning Approval for land within a Local Reserve, but shall have due regard to the ultimate purpose intended for the Local Reserve and the matters set out in Clause 6.8 (Matters to be considered by Council).*

- 2.3.4.2 *Provisions in the Scheme relating to applications for Planning Approval and the exercise of any discretion thereon shall, insofar as they are not inconsistent with this clause, apply to Local Reserves.*
- 2.3.4.3 *To the extent that it is reasonable to do so, the Council shall apply or impose development standards and requirements, which would be imposed for development of the kind in question or zoned land, and the Council shall for that purpose stipulate the zone most relevant for comparison.*
- 2.3.4.4 *Where any land is partly zoned under the Scheme and partly included in a Local Reserve, then the general provisions of the Scheme shall apply to the part which is zoned and, where the circumstances permit, the Council may give one decision in respect of the part of the land which is zoned and a different decision in respect of the part of the land included in the Local Reserve.*
- 2.3.4.5 *The Council shall, in the case of land reserved for the purposes of a public authority, consult with that authority before giving its approval.*

Under Clause 2.3.4 (above) Council is required to take in account the provisions of Clause 6.8 in determining an application for Planning Approval on a Local Reserve.

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 entrained planning proposal.*
 - (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.*

Strategic Plan

Key Focus Area: Community Wellbeing

Objective: The Joondalup community is provided with opportunities to lead a healthy lifestyle.

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 the Planning and Development Act 2005.

Financial/Budget Implications:

The applicant has paid fees of \$139.00 (excluding GST) to cover all costs associated with the assessment of the application.

Regional Significance:

Not Applicable.

Sustainability Implications:

Not applicable.

Consultation:

The proposal was advertised for public comment for a period of 21 days. A total of 69 owners or occupiers were advised in writing. Advertising closed on 16 August 2011.

A total of 12 responses were received being eight objections, and three submissions stating no objections and one letter of support. Attachment 3 provides a plan indicating where submissions were received from.

Key issues arising from consultation

- Allowance of powered sites will increase noise.

City response: The proposed charter includes provisions stating that generators are not to be used. Also, no amplified sound is permitted to be used without prior consent from the City of Joondalup. The powered sites are required to allow refrigerated goods to be kept cold. It is considered that there will not be any increase in noise levels as a result of the allowance of powered sites.

- Allowing the stalls to operate anywhere within the quadrangle and undercover area will increase the surface area potential thereby making the market more attractive and therefore increasing the number of customers.

City response: Whilst the markets could operate anywhere within the quadrangle area or adjacent undercover areas, they are still maintaining the maximum market area of 496m². Therefore, there is no increase in the surface area of the markets.

- Greater flexibility:
 - (i) to the type of stalls may attract commercial ventures, increase noise and more traffic; and
 - (ii) in stalls is not consistent with the purpose of establishing the markets, which was to create better eating habits.

City response: It is considered that should approval be granted, a condition be imposed restricting the number of stalls which sell non food products to 25% (maximum five stalls). This will ensure that the aim of the markets is maintained.

- The changes will result in more rubbish, noise, traffic and unhappy neighbours with more stolen property in the area and increased crime.

City response: It is considered that the changes do not significantly alter the current function of the markets such that it will be detrimental to the amenity of the surrounding locality.

- The market is not appropriate for a residential area.

City response: The operation of the markets from the site has already been granted approval, and therefore the appropriateness of the markets at the site is not subject to further consideration as part of this application.

- The increase in flexibility is opening the potential for further changes at a later stage.

City response: Any changes which alter the function of the markets and/or conditions imposed as part of previous approvals will be subject to further approval from the City. Each application received will be assessed on its own merit giving consideration to factors listed in clause 6.8 of DPS2.

- Concerns regarding:

- (i) the existing situation of traffic, vehicle parking along Griffell Way, Lionel Court and Grandilla Street; and
- (ii) stallholders arriving prior to 8.00 am to set up stalls.

City response: These matters relate to areas of non compliance with the previous approval, which are currently being investigated by the City.

COMMENT

The proposal is for modification to the Poynter Farmers Market Charter that forms part of the current approval for Poynter Farmers Market. The key changes which alter the functions of the markets and require further consideration are:

- i) flexibility to operate in the most appropriate portion of the schools quadrangle area;
- ii) the allowance of powered sites; and
- iii) greater flexibility being provided to the P&C on the types of stalls that could operate.

These items are discussed in further detail below:

Location of the markets anywhere within the quadrangle area and adjacent undercover area

The current approval restricts the markets to occupying the northern area of the school's quadrangle area. A maximum area of 496m² and 20 stalls is permitted. It is now proposed that the markets will operate anywhere within the quadrangle area and adjacent undercover areas with the maximum size of the markets remaining unchanged at 496m² and 20 stalls.

It is noted that the quadrangle was previously deemed an appropriate location for the markets. It was considered there would be minimal impact on the amenity of the surrounding residential areas given that it is located central to the school site, and surrounded by existing school buildings. It is considered that the proposed modification to allow the markets to operate anywhere within the quadrangle and adjacent undercover area still preserves the amenity of the locality, and is therefore appropriate. As the size of the markets and number of stalls remains unchanged, the intensity of the land use is unaltered.

Allowance of powered sites

The P&C seeks to utilise the school's power to allow powered market sites, which will allow for refrigeration units to be used.

It is noted that clauses in the proposed market charter state that there shall be no amplified sound without prior consent being given by the City of Joondalup, and that generators are not to be used on-site. This is consistent with conditions of the current approval.

Given the above, it is considered that no additional noise will be generated due to the allowance of powered sites, and that there will be no additional impact on the amenity of the locality as a result. Furthermore, powered sites are currently being used, and inspections undertaken have determined that there was no noise impact.

Types of stalls

The current market charter is prescriptive in the type of stalls that could operate from the market site. Stallholders need to be from the local area and primarily sell goods that have been grown by the stall holder. The charter did not permit stalls to sell non food items.

Part 4 of the proposed Farmers Market Charter Rules still gives priority to stallholders who are "*farmers, growers, producers, bakers, cooks or gardeners*", however the Charter and Rules do not explicitly require that all stalls are to sell food produce, with the potential for non food stalls to be considered at the discretion of the P&C.

It is considered that in order to ensure that the aim of the Charter to "*provide a variety of high quality local, seasonal and fresh produce...*" is maintained, the markets should be restricted to no more than 25% of stalls (being a maximum of five stalls) offering non food products. It is noted that this is similar to the number of non food stalls which were identified during inspection of the markets.

Traffic Impact

Traffic counts were conducted by the City in the area surrounding Poynter Primary School between 17 and 29 August 2011. This included Saturday 20 August 2011, when the farmers markets were in operation.

During the operation of the Markets on Saturday 20 August, the total amount of traffic utilising any given section of Poynter Drive was 40% higher than anticipated at the SAT. The applicant's traffic expert, who provided evidence at the SAT suggested that there was likely to be an increase of between 90 and 120 vehicle trips per day on any given section of road. This has in fact increased by approximately 168 vehicle trips per day.

However, the applicant's traffic witness also suggested that the total Saturday Traffic Flow of vehicles utilising Poynter Drive would increase to approximately 2,637 vehicle trips per day. The actual volume of vehicles utilising Poynter Drive on the Saturday when the markets were in operation was significantly lower than this predicted amount, at a total of 2,009 vehicle trips per day.

Although the recorded traffic counts for this period indicate higher numbers along Poynter Drive this may also be due to additional traffic generation from the surrounding road network, including Megiddo Way.

The amount of traffic using both Griffell Way and Poynter Drive remains well within acceptable limits for the respective road types.

As outlined above, it is considered that the proposed changes to the market will not alter the existing traffic impact.

Conclusion

The proposed modification to the Charter is not considered to significantly alter the current function of the markets such that it will be detrimental to the surrounding locality. As outlined above the proposed changes are acceptable with the exception of further restriction considered necessary to ensure that the aim of providing food and produce is upheld.

As such, it is recommended that the application be approved subject to conditions.

VOTING REQUIREMENTS

Simple majority.

MOVED Cr Amphlett, SECONDED Cr Young that Council:

- 1 APPROVES the application dated 20 June 2011 submitted by David Christie, on behalf of the owner, Department of Education, for modification to the Poynter Farmers Market Charter at Reserve 34149 (39) Poynter Drive, Duncraig, subject to the following conditions:**
 - 1.1 The development shall be carried out in accordance with the Poynter Farmers Market Charter (PFMC) and Farmers Market Rules (FMR) dated 24 August 2010 except as varied by the following conditions. The following parts of the PFMC and FMR shall not be altered without further approval from the City of Joondalup:**
 - 1.1.1 PFMC Part 2 Operating Times;**
 - 1.1.2 PFMC Part 3 Stalls;**
 - 1.1.3 PFMC Part 4 Vehicle and Traffic Management;**
 - 1.1.4 FMR Part 1 Location and time;**

1.1.5 FMR Part 4 Stallholder and produce eligibility;

1.1.6 PFMC Part 9 Noise;

1.1.7 Attachment C Market Map

Modifications to other parts of the PFMC and FMR do not require further approval from the City;

1.2 A maximum of 25% of stalls operating on any given occasion are permitted to offer non food products;

2 ADVISES the applicant that this approval is for the modification to the Farmers Market Charter only. With the exception of condition (i) and (iv) set out in the Orders from the State Administrative Tribunal decision dated 25 June 2010 all other conditions remain valid and shall be complied with; and

3 ADVISES submitters of its decision.

The Motion was Put and CARRIED (12/0) by En Bloc Resolution prior to consideration of the Motion to go Behind Closed Doors, Page 151 refers.

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

Appendix 2 refers

To access this attachment on electronic document, click here: [Attach2brf041011.pdf](#)

Disclosure of interest affecting impartiality

Name/Position	Cr Tom McLean
Item No/Subject	CJ175-10/11 – Proposed Shop and Showroom Development at Lot 929 (1244) Marmion Avenue, Currambine
Nature of interest	Interest that may affect impartiality
Extent of Interest	Cr McLean owns a property in a nearby development

CJ175-10/11 PROPOSED SHOP AND SHOWROOM DEVELOPMENT AT LOT 929 (1244) MARMION AVENUE, CURRAMBINE

WARD: North

RESPONSIBLE DIRECTOR: Ms Dale Page
Planning and Development

FILE NUMBER: 03494, 101515

ATTACHMENTS:

Attachment 1	Location plan
Attachment 2	Zoning map
Attachment 3	Development plans and building perspectives
Attachment 4	Environmentally sustainable design checklist
Attachment 5	Notes of the meeting of the Joondalup Design Reference Panel

PURPOSE

To request Council's determination of an application for a shop and showroom development at Lot 929 (1244) Marmion Avenue, Currambine.

EXECUTIVE SUMMARY

An application for planning approval has been received for a showroom and shop development at Lot 929 (1244) Marmion Avenue, Currambine.

The proposed development is located to the west of Currambine Marketplace and cinemas and will incorporate 635m² net lettable area (NLA) of showroom and 1154.67m² NLA of retail floor space.

The site is zoned 'Urban' under the Metropolitan Region Scheme, with the shop component of the development located within the 'Commercial' zone, and showroom component within the 'Business' zone under the City's District Planning Scheme No.2 (DPS2). Both shop and showroom are permitted 'P' uses within the respective zones.

In accordance with Schedule 3 of DPS2, a total of 10,000m² retail NLA is permissible for the site. The proposed additions will increase the current NLA by 1154.67m² to a total of 8354.67m². As the showroom component is located within the 'Business' zone and not the 'Commercial' zone it does not contribute to retail NLA.

In addition to the development standards of DPS2, the development site is also subject to the provisions of the Currambine District Centre Structure Plan (CDCSP). The proposal meets the development standards of DPS2 and CDCSP with the exception of the length and depth of recesses along the eastern facade (urban edge), window sill heights, and awnings not extending along the full length of the southern facade.

Car parking for the site is calculated in accordance with the standards prescribed in Table 2 of DPS2. Whilst an additional 29 car bays are proposed, the 90 degree parking directly accessed from the main street is not considered appropriate, based on the information provided to date, given the high traffic volumes of the street and additional congestion that will result. Rather, an alternative parking configuration (for example parallel bays) is recommended to reduce congestion, which will result in a net loss of 57 bays. The development results in a shortfall of 186 bays.

The application was not advertised as the land uses are permitted in the respective zones and being located to the west of Currambine Marketplace, and central to the site, will not have any adverse impact on surrounding land owners.

The proposal was reviewed by the Joondalup Design Reference Panel (JDRP) on 16 September 2011, who generally supported the design of the development. The notes from this meeting in relation to the development are provided in Attachment 5.

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

BACKGROUND

Suburb/Location: Lot 929 (1244) Marmion Avenue, Currambine.
Applicant: TPG Town Planning and Design.
Owner: Davidson Pty Ltd.
Zoning: **DPS:** Commercial/Business.
MRS: Urban.

Site Area: 7.5ha
Structure Plan: Currambine District Centre Structure Plan.

The subject site is located within the CDCSP area. The Currambine District Centre is bound by Marmion Avenue to the west, Shenton Avenue to the south, and Delamere Avenue to the north and east (Attachment 1 refers).

The Currambine Marketplace Shopping Centre and cinema complex is located on the southern portion of the subject site, and was approved by Council in two stages in 1995 and 1998. In 2003 a kiosk addition was approved under delegated authority. A total of 562 car bays was considered appropriate to service the shopping centre and cinema complex.

At its meeting held on 10 June 2008, Council refused an application for a Liquor Store on the northern portion of the site (CJ106-06/08 refers). That proposal was approved by the State Administrative Tribunal, subject to a number of conditions, in December 2008. Additional car parking was proposed as part of the application to service the liquor store. This development has recently been completed.

A number of development applications have subsequently been approved for the site, however construction is yet to commence on these developments. These include a showroom, retail and take away food outlets to the west of the cinema complex, approved by Council on 19 October 2010, and the addition of three retail tenancies and relocation of the service dock to Currambine Marketplace, approved by Council on 19 April 2011.

In addition to this proposal, the City is currently assessing two additional development applications for the site, which include reconfiguration of the south western car park and upgrade and minor extension to Currambine Marketplace and cinema complex.

The proposal was referred to the JDRP on 16 September 2011. The JDRP were generally in support of the development, however raised concerns with the lack of pedestrian and disabled access from Marmion Avenue. The notes from this meeting, in relation to this development, are provided in Attachment 5, and are discussed further in the comments section of this report.

DETAILS

The development proposal incorporates the following:

- The construction of a new single storey building fronting the main street (located to the east of the proposed development) and Ocean Gate Parade. Whilst only single storey, the design of the building gives the visual impression of being two storeys;
- The Main Street facade will be predominantly glazed with an architectural saw-tooth roof to add visual interest to the street;
- A retail tenancy with a total area of 1154.67m² NLA and a showroom tenancy with a total area of 635m² NLA;
- 29 additional car parking bays consisting of 16 car bays on the Main Street and 13 staff car parking bays at the rear of the building;
- Additional landscaping around the building; and
- Loading and service area to the rear (west) of the building to be accessed from Ocean Gate Parade.

The development plans and building perspectives are provided in Attachment 3.

The development does not meet the requirements of the CDCSP in respect to:

- Recesses on the eastern facade (urban edge) with a maximum depth of three metres in lieu of 1.5 metres, and maximum width of seven metres in lieu of three metres;
- Sill heights on the eastern and southern facade extending to the ground floor level in lieu of 600 millimetres; and
- Awnings or colonnades not being provided along the full length of the southern facade.

In regard to the design of the development the applicant has provided the following detail:

Facade Treatments

The Structure Plan requires that there be no blank facades to the building other than where the building directly abuts another building or a loading bay. The development proposes a high standard of design, incorporating a range of materials, allocation for future signage, and design elements that contribute to the achievement of activated and interesting facades.

In particular, the development proposes a large amount of glazing and visually permeable frontages, ensuring future tenancies open out to and address pedestrian accessways, car parking and the Main Street as required by the Structure Plan. The proposed glazing and permeability will aid the creation of passive surveillance opportunities, as well as contributing to visual amenity and interaction at the street interface.

The building facades have the following percentage of glazing (excluding areas of retaining wall below floor slabs):

- North – 82.5%
- South – 71%
- East – 88%
- West – 65%

Although the percentage of glazing is less than the 70% on the west facade, this contains the service area for the building so is excluded from the 70% requirement. All other facades comply with glazing requirements under the structure plan.

Materials and finishes

The development plans indicate that the building incorporates a variety of materials, although details of the colours and finishes will be confirmed as part of the future building licence application. The building facades will comprise materials such as masonry, painted pre-cast concrete panels, plate glass or other approved materials on all street frontages as required under the Structure Plan. The building structure principally comprises glass, light weight cladding, metal roof sheeting and concrete wall panels.

Storage and service areas will be constructed in the same materials as the building.

Car parking

As outlined above, there are 29 car parking bays proposed as part of the development. However, based on the information provided to date, due to the traffic volumes along the main street, and in accordance with the CDCSP the 90 degree parking to the east of the proposed building is not supported and parallel parking is preferred to minimise congestion in the area. It is noted that approximately seven parallel bays could be accommodated, therefore increasing the net loss of bays from 48 to 57 bays.

Taking the above into account, the following table sets out the car parking requirement in accordance with DPS2.

Development	Car bays required under DPS2	Car bays provided
Existing and approved shopping centre, liquor store and mixed use developments (some yet to be completed)	760.09	734 (27 bay shortfall)
Proposed showroom (one bay per 30m ² NLA)	21.17	-57
Proposed shop (seven bays per 100m ² NLA)	80.83	
TOTAL	863	677 (186 bay shortfall)

An additional 102 bays are required for the development, with 20 additional bays being provided (assuming the parallel bay scenario is used). However, as a result of the development a total of 77 bays will be lost, leading to a net loss of 48 bays across the site.

Previously car parking has been calculated separately for the Liquor Store and associated developments to the North of Ocean Gate Parade, and the shopping centre itself. The liquor store is completed and this proposal will result in the integration of all development on site. As a result of this, car parking for the application that is the subject of this report has been calculated based on total car parking provided across the property.

As outlined above, there will be a shortfall of 186 car bays across the whole site. It is noted that the above car parking calculation does not include the current application for reconfiguration of the south western car park as this forms part of a separate application yet to be determined by the City. However, should that application be supported it is noted that the shortfall will be reduced to 77 bays.

In support of the amount of car parking being provided, the applicant has provided a traffic study outlining that there is currently an oversupply of car parking for the site, and that the amount of car parking being provided is adequate to service existing and proposed developments, given the reciprocal nature of the uses.

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.

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

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

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

In exercising discretion under Clause 4.5, the matters listed under Clause 6.8 require consideration:

6.8 *Matters to be considered by Council.*

- 6.8.1 *The Council, when considering an application for Planning Approval, shall have due regard to the following:*
- (a) Interest of proper and orderly planning and the preservation of the amenity of the relevant locality;*
 - (b) Any relevant submissions by the applicant;*
 - (c) Any agreed Structure Plan prepared under the provisions of Part 9 of the Scheme;*
 - (d) Any planning policy of the Council adopted under the 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 and wishes of any public or municipal authority received as part of the submission process;*
- (i) *The comments and wishes of any objectors to or supporters of the application;*
- (j) *Any previous decision made by 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.*

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:

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 \$11,194 (excluding GST) to cover all costs associated with assessing the application.

Regional Significance:

Not applicable.

Sustainability Implications:

The applicant has completed the City's sustainability checklist for the development, indicating the use of some sustainability measures (refer Attachment 4).

The applicant has not provided any further sustainability information in addition to the checklist.

Consultation:

The proposal was not advertised as the land uses are permitted within their respective zones, and being located to the west of the subject site there is considered to be no impact on surrounding residents as a result of the development.

COMMENT

The application is for a new retail and showroom building to the west of Currambine Marketplace Shopping Centre and south of Ocean Gate Parade. The requirements of DPS2 and CDCSP are met except where discussed below.

Building Recesses

Recesses on the eastern facade (urban edge) are proposed to have a maximum depth of three metres in lieu of 1.5 metres, and maximum width of seven metres in lieu of three metres.

In addition to providing entrance points to the building, the recesses will provide storage areas for shopping trolleys. The additional recessed area will allow the three metre pedestrian footpath along the 'Main Street' to be unobstructed.

Glazing

As outlined in the details section of this report, glazing to the northern, southern and eastern facades exceeds 70% of the frontage as required by the CDCSP. However the window sill heights on the eastern and southern facade extend to the finished floor level, rather than a sill height of 600mm.

Notwithstanding this non compliance, it is considered that the objective of the commercial and business zone under the structure plan is met, as the frontages provide passive surveillance and will promote an active edge and attractive facade along the 'Main Street' frontage and pedestrian and vehicle linkages.

Awnings

The awning along the southern wall of the building does not extend for the full length of the building that provides pedestrian linkage to the car park. It is noted that an awning could be provided without substantially altering the overall appearance of the development and a condition to this effect has been recommended.

Car parking

An additional 102 bays are required for the development, with 29 bays being provided. Whilst 29 bays are proposed, based on the information provided to date, the 90 degree parking accessed from the Main Street (indicated as retail street x 16 on the plans) is not supported due to the high traffic volumes along the Main Street and congestion that could result from vehicles reversing in and out of the bays. To reduce this congestion it is preferable for the bays to be realigned to be parallel, in which a maximum of seven could be provided within the same area. As a result there will be a net loss of 57 bays.

The car parking provided on site will therefore be 186 bays less than that required under DPS2. An application for an additional 109 car bays is currently being considered by the City. Should this be supported, the shortfall will reduce to 77 bays.

Council is required to determine whether the 677 bays being provided are sufficient to service the development in lieu of the 863 required under DPS2. The options available to Council are:

- 1 Determine that the provision of 677 bays is appropriate;
- 2 Determine that the provision of 677 bays is not appropriate; or
- 3 Determine that a cash-in-lieu payment of \$4,822,794 (being \$25,929 per bay) is required for the shortfall in parking.

A traffic study submitted as part of the application demonstrates that during peak utilisation (4.00pm Saturday) the parking usage rate is 4.1 bays per 100m² floor space. The traffic study also highlights that given the development forms part of an overall commercial/retail precinct and the reciprocal nature of land uses, that the car parking requirement is less than what would typically be expected for a singular shopping centre or retail site. As such, the standard prescribed in DPS2 of seven bays per 100m² NLA is considered excessive.

The study suggests that a standard of 4.51 bays per 100m² would be more appropriate, which factors in the use of the site as a whole and is an increase of 10% on the current peak utilisation. This will allow for uncharacteristic busy periods and account for future residential growth within the surrounding catchment. Based on a rate of 4.51 bays per 100m² a total of 557 bays would be required for the existing and proposed development, which is less than that currently being provided on-site (excluding the extra car parking that is likely to be provided through a separate development application).

Joondalup Design Reference Panel

The JDRP met on 16 September 2011 to discuss the proposal. Overall the JDRP was in favour of the design, stating that it will be an iconic building for the Currambine District Centre, whilst being sympathetic with the existing landscape. The JDRP did raise concerns with the lack of pedestrian and disabled paths along Ocean Gate Parade linking the development to Marmion Avenue.

In regard to these concerns, the applicant has stated that a pedestrian footpath could be provided. A condition to this effect has been recommended.

Conclusion

As discussed above, the proposed variations to the CDCSP are considered appropriate. Furthermore, the car parking being provided will be sufficient to service the existing and proposed development given the development will form part of an overall commercial/retail precinct.

Overall, the design of the development is considered to be of high quality and will be a positive contribution to the Currambine District Centre.

The application is recommended for approval subject to conditions.

VOTING REQUIREMENTS

Simple Majority.

MOVED Cr McLean, SECONDED Cr Hollywood that Council:

- 1 EXERCISES discretion in relation to Clauses 4.5.1 and 4.8.1 of the City's District Planning Scheme No 2 and determines that:**
 - 1.1 Building recesses to the eastern facade with a maximum depth of three metres in lieu of 1.5m, and maximum width of seven metres in lieu of three metres;**

- 1.2 Window sills extending to the ground floor in lieu of 600mm; and
- 1.3 Car parking provision of 677 bays in lieu of 863 bays,
- are appropriate in this instance;
- 2 APPROVES the application for planning approval dated 11 July 2011, submitted by TPG Town Planning and Design, on behalf of the owners, Davidson Pty Ltd, for proposed shop and showroom at Lot 929 (1244) Marmion Avenue, Currambine, subject to the following conditions:
- 2.1 This decision constitutes planning approval only and is valid for a period of two (2) years from the date of the decision letter. If the subject development is not substantially commenced within the two (2) year period, the approval shall lapse and be of no further effect;
- 2.2 A Construction Management Plan being submitted and approved prior to the commencement of construction. The management plan shall detail how it is proposed to manage:
- all forward works for the site;
 - the delivery of materials and equipment to the site;
 - the storage of materials and equipment on the site;
 - the parking arrangements for the contractors and subcontractors; and
 - other matters likely to impact on the surrounding properties;
- 2.3 A Refuse Management Plan indicating the method of rubbish collection is to be submitted to and approved by the City, prior to the commencement of construction;
- 2.4 The lodging of detailed landscaping plans, to the satisfaction of the City, for the development site prior to the commencement of the construction work. For the purpose of this condition, a detailed landscaping plan shall be drawn to a scale of 1:100. All details relating to paving and treatment of verges are to be shown on the landscaping plan;
- 2.5 Landscaping, reticulation and all verge treatments, based on water sensitive urban design principles, are to be established in accordance with the approved plans prior to the development first being occupied and thereafter maintained to a high standard to the satisfaction of the City;
- 2.6 Any proposed external building plant, including air conditioning units, piping, ducting and water tanks, being located so as to minimise any visual and noise impact on surrounding landowners, and screened from view from the street, and where practicable from adjoining buildings, with details of the location of such plant being submitted for approval by the City prior to the commencement of construction;
- 2.7 An onsite stormwater drainage system with the capacity to contain a 1:100 year storm of 24 hour duration is to be provided prior to the development first being occupied and thereafter maintained to the satisfaction of the City. The proposed stormwater drainage system is required to be provided to the City and approved prior to the commencement of construction;

- 2.8 The 90 degree car bays indicated as retail street parking on the eastern side of the proposed building shall be modified and/or further justified to the satisfaction of the City. Details shall be provided to the City and approved prior to the commencement of construction;
- 2.9 An awning shall be provided along the northern facade of the development and shall be designed to match the development. Details shall be provided with the Building Licence application;
- 2.10 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;
- 2.11 Obscured or reflective glazing shall not be used on the ground floor building facades; and
- 2.12 The northern, southern and western facade, bin store and masonry fence shall be treated with non-sacrificial anti-graffiti coating.

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 Young.

Appendix 3 refers

To access this attachment on electronic document, click here: [Attach3brf041011.pdf](#)

CJ176-10/11 PROPOSED EDUCATIONAL ESTABLISHMENT AT LOT 802 (20) INJUNE WAY, JOONDALUP

WARD: North

RESPONSIBLE DIRECTOR: Ms Dale Page
Planning and Development

FILE NUMBER: 18624, 101515

ATTACHMENTS:

Attachment 1	Location plan
Attachment 2	Development plans
Attachment 3	Building perspective and finishes
Attachment 4	Environmentally sustainable design checklist
Attachment 5	Notes of meeting of Joondalup Design Reference Panel

PURPOSE

To request Council's determination of an application for a proposed two storey electrical training college for Lot 804 (20) Injune Way, Joondalup.

EXECUTIVE SUMMARY

An application for planning approval has been received for a new two storey electrical training college. The proposed development includes an auditorium, 11 training rooms, two workshops, lunch room and associated facilities for staff.

The proposed development is located towards the western edge of the area known as 'the Quadrangle,' adjacent to the railway reserve. The site is zoned 'Centre' under the City of Joondalup District Planning Scheme No.2 (DPS2) and is subject to the provisions of the Joondalup City Centre Development Plan and Manual (JCCDPM). Under the JCCDPM the site is located within the bulk retail/showroom and/or technology park precinct of the Southern Business District.

The proposed land use 'Educational Establishment' is a permitted use under the JCCDPM and draft JCCSP.

The proposal meets all requirements of the JCCDPM with the exception of 45% glazing to the southern (Injune Way) facade in lieu of 50%.

In addition to the development requirements of the JCCDPM, regard should also be given to the draft Joondalup City Centre Structure Plan (JCCSP). Under the draft JCCSP, the site is located within the 'Business Support' zone. The basic provisions of this zone apply to the Quadrangle, though it is envisaged that additional and more detailed design expectations will be formulated for the Quadrangle by LandCorp, which will be appended to LandCorp's sales contracts for these lots and will be used to assess tenders and development proposals as they come forward. These design expectations have not yet been finalised and, as such have not been used in the assessment of this development application. With the exception of glazing, the proposed development complies with the standard requirements of the Business Support Zone. At the ground floor, it is proposed have 45% of the façade comprising glass windows or doors in lieu of 50% as stipulated by the draft JCCSP.

The proposal has not been advertised as it is considered that the development generally meets the requirements of the JCCDPM, and the draft JCCSP and there is considered to be no adverse impact on adjoining land owners as a result of the development. Feedback was sought from Main Roads WA as the development adjoins the railway reserve but no comments were received.

Notwithstanding the proposed development not meeting the minimum glazing requirements, it is considered that the overall design of the development is appropriate for the land use. It will retain much of the existing natural vegetation on site and will reinforce the education precinct of Joondalup.

BACKGROUND

Suburb/Location: Lot 802 (20) Injune Way, Joondalup
Applicant: Bruce McLean Architects
Owner: College of Electrical Training
Zoning: **DPS:** Centre
MRS: Central City Area
Site Area: 1.07ha
Structure Plan: Joondalup City Centre Development Plan and Manual (JCCDPM)
(Southern Business District)
Draft Joondalup City Centre Structure Plan (JCCSP)

The site is located on Injune Way between the railway reserve to the west and the recently completed Motor Industry Training Association of Western Australia (MITA) to the east. The site is currently vacant.

Council at its meeting held on 25 May 2010 adopted the draft JCCSP. Under the draft JCCSP the site is located within the 'Business Support' zone. The draft JCCSP is currently with the WAPC and the design guidelines for this precinct are still to be prepared.

The proposal was referred to the Joondalup Design Reference Panel on 16 September 2011. Notes from this meeting are provided in Attachment 5, and the issues raised are discussed further in the comments section of this report,

DETAILS

The proposed educational establishment will be comprised of the following:

- Ground Floor: Auditorium, training labs, workshops, lunch room, outdoor covered seating area and offices for staff;
- First Floor: Training labs, offices and lunch room for lecturers;
- Landscaping strip at the front of the site;
- Landscaping within the carpark and at the western boundary abutting the railway reserve;
- Shade tree provided for every four car bays; and
- Provision of a total of 156 car bays.

The proposal meets all requirements of the JCCDPM and draft JCCSP with the exception of 45% glazing to the southern (Injune Way) facade in lieu of 50%.

In regard to the design of the development the applicant has provided the following details:

The building will be over two levels, predominantly with painted concrete walls. The front office area will be a predominantly glass structure with feature cladding to the entry statement.

All verges and internal landscaping will be to a high standard and reticulated off a bore. The steep section of the site leading down to the railway reserve will be retained as landscaping. All visitor parking will have a minimum of one shade tree for every four cars.

Car parking

In accordance with the JCCDPM car parking for the site is to be provided in accordance with Table 2 of DPS2. As demonstrated in the table below, the car parking proposed exceeds that required:

Standard	Number of Students	Car bays required	Total bays provided
Educational Establishment (1 bay per 3 students accommodated)	256	85.3 (86)	156

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**

The application includes variations to the JCCDPM. Clause 4.5 of DPS2 gives Council discretion to consider these variations.

4.5 Variations to Site and Development Standards and Requirements

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

In exercising discretion under Clause 4.5, the matters listed under Clause 6.8 require consideration:

6.8 Matters to be considered by Council

- 6.8.1 *The Council when considering an application for Planning Approval shall have due regard to the following:*
- (l) Interest of proper and orderly planning and the preservation of the amenity of the relevant locality;*
 - (m) Any relevant submissions by the applicant;*
 - (n) Any agreed Structure Plan prepared under the provisions of Part 9 of the Scheme;*
 - (o) Any planning policy of the Council adopted under the provisions of clause 8.11;*
 - (p) Any other matter which under the provisions of the Scheme the Council is required to have due regard;*
 - (q) Any policy of the Commission or its predecessors or successors or any planning policy adopted by the Government of the State of Western Australia;*
 - (r) 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;*

- (s) *The comments or wishes of any public or municipal authority received as part of the submission process;*
- (t) *The comments or wishes of any objectors to or supporters of the application;*
- (u) *Any previous decision made by 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*
- (v) *Any other matter which in the opinion of the Council is relevant.*

Strategic Plan

Key Focus Area: The Built Environment.

Objective: To ensure high quality urban development 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 the Planning and Development Act 2005.

Financial/Budget Implications:

The applicant has paid fees of \$11,910 (excluding GST) to cover all costs associated with assessing the application.

Regional Significance:

The proposal will enhance the city centre's status as a regional education centre. College students and staff will be able to utilise the City Centre's existing transport facilities and connections and numerous services, and they will contribute to the City's objectives to create a lively and intensive city centre.

Sustainability Implications:

The applicant has completed the City's sustainability checklist for the development, indicating the use of some sustainability measures (Attachment 4 refers).

The applicant has not provided any further sustainability information in addition to the checklist and he has advised that the wind turbine shown on the perspective drawings will not be included as part of the development as shown at this stage.

Consultation:

The proposal has not been advertised as it is considered the development and proposed land use meets all requirements of DPS2, the JCCDPM and draft JCCSP and does not have a significant impact on the locality.

COMMENT

The application is for a two storey development to be used as an electrical training college. As outlined above, it meets all requirements of the JCCDPM and the draft JCCSP with the exception of the glazing requirements for the southern façade (Injune Way).

The applicant proposes 45% in lieu of 50% glazing to the southern façade. However, a significant amount of glazing has been proposed for the western and eastern facades. The glazing to the eastern façade is notable because most traffic to and from the development will originate from Joondalup Drive. Therefore this facade will be the one most visible from Injune Way and contribute towards the visual impression of the development. It will sufficiently offset the shortfall of glazing on the southern façade and strengthen the visual interest at this corner.

The applicant has proposed to dedicate 31.8% of the site to landscaping, which is above the minimum requirement of 8% stipulated by DPS2. It is noted that the majority of the landscaping occurs at the steep western section of the site that adjoins the railway reserve and will not be highly visible from the street. However, it does mean that that natural vegetation at this point will be retained, which is an environmentally sensitive design outcome and will serve as a buffer between the building and railway reserve.

Signage

No signage has been proposed as part of this application. Any future signage will require a separate development approval.

Joondalup Design Reference Panel

The Joondalup Design Reference Panel met on 16 September 2011 to discuss the proposal. Notes from this meeting are provided in Attachment 5. At this meeting, the panel raised the following matters:

1. Agreed that the development complied with most of the design aspects, however felt that the building was “tucked away”.
2. Queried whether there will be an issue regarding the lack of a sea breeze to the outdoor area due to the location of the student amenity area at the back of the building.
3. Raised concerns that the building is not visible from any main roads.
4. Agreed that the parking at the front is taking up most of the site and expressed concern that there may be an oversupply of parking.
5. Questioned whether all the boxes were ticked in relation to sustainability.
6. Suggested that the applicant provide a product that is more aligned with the City and Landcorp vision for the Southern Business District area.
7. Expressed concern about the colour and design of the building.

In response to the feedback provided by the panel, the applicant has provided the following information:

Applicant response to Item 1:

The design of the building has been positioned to facilitate ready access of car bays for staff and students.

City response to Item 1:

The development generally complies with all technical aspects of the City's Planning Scheme, the JCCDPM and the draft JCCSP. However, greater interaction with the streetscape of Injune Way could be achieved by placing the car parking area behind the building rather than in front of it.

Applicant response to Item 2:

The outdoor area faces between west and southwest so sea breezes will be available during the summer to this area.

City response to Item 2:

The applicant's response to this item is noted.

Applicant response to Item 3:

The visibility of the building from any main road seems irrelevant when it is considered that it is against a railway line with a landscaped embankment on one side and the site is at the end of a road.

City response to Item 3:

Further to the comment made in relation to Item 1, if the building was located closer to the Injune Way street frontage there would also be the potential for improved visibility from Joondalup Drive.

Applicant response to Item 4:

Our past experience with designing for the College of Electrical Training has shown that we have not once catered for enough parking, with most students driving cars to similar facilities in Balcatta and Jandakot.

City response to Item 4:

It is understood that the applicant is attempting to satisfy both current and future demand for car parking for students of the facility. The amount of car parking provided is greater than that required under DPS2.

Applicant response to Item 5:

In regard to sustainability we believe we have ticked most of the boxes. We note that while we have withdrawn the wind turbine from the Development application due to the clients inability to provide adequate technical information at this requirement to satisfy the council in time it is fully intended to apply for a desperate approval in due course.

City response to Item 5:

The sustainability checklist submitted as part of the application for approval is included as Attachment 4.

Applicant response to Item 6:

We believe that we have complied with current planning and building requirements to facilitate the approval of this planning application.

City response to Item 6:

There are presently no design guidelines in place for 'the Quadrangle' area. However, the City is strongly encouraging high quality design and built form for this area, similar to the MITA development.

Applicant response to Item 7:

The colour of the building is based around the corporate identity for the college of Electrical Training.

City response to Item 7:

The applicant's response to this item is noted.

Conclusion

As discussed above, the proposed variation to the amount of glazing is considered appropriate when assessed against both the JCCDPM and draft JCCSP. The eastern façade, which contributes a significant visual presence to the development, is well glazed and compensates for the non-complying southern façade.

The proposal will enhance the City Centre's status as an education centre and reinforces Joondalup as an important regional centre. Notwithstanding the shortfall in glazing to the front and the location of the car parking area, the proposed educational establishment is considered to be a valuable addition to the City Centre.

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

VOTING REQUIREMENTS

Simple Majority

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

1 EXERCISES discretion in relation to Clause 4.5 of the City's District Planning Scheme No.2, and determines that:

1.1 45% glazing to the southern façade in lieu of 50%

is appropriate in this instance.

- 2 APPROVES the application for planning approval dated 21 June 2011, submitted by Bruce McLean Architects, on behalf of the owner, College of Electrical Training for a proposed educational establishment at Lot 802 (20) Injune Way, Joondalup, subject to the following conditions:**
- 2.1 This decision constitutes planning approval only and is valid for a period of two (2) years from the date of the decision letter. If the subject development is not substantially commenced within the two (2) year period, the approval shall lapse and be of no further effect;**
 - 2.2 An onsite stormwater drainage system, with the capacity to contain a 1:100 year storm of 24-hour duration, is to be provided prior to the development first being occupied, and thereafter maintained to the satisfaction of the City. Details of the proposed stormwater drainage system shall be submitted to the City for approval prior to the commencement of construction;**
 - 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 2890.2 2002) 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 for approval by the City 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, reticulation and all verge treatments, based on water sensitive urban design principles, are to be established in accordance with the approved plans prior to the development first being occupied and thereafter maintained to a high standard to the satisfaction of the City;**
 - 2.6 Any roof mounted or freestanding plant or equipment such as air conditioning units, satellite dishes or radio masts to be located and screened so as not to be visible from beyond the boundaries of the development site, prior to the occupation of the building(s) to the satisfaction of the City; and**
 - 2.7 A Construction Management Plan being submitted and approved prior to the commencement of construction. The management plan shall detail how it is proposed to manage:**
 - all forward works for the site;**
 - the delivery of materials and equipment to the site;**
 - the storage of materials and equipment to the site;**
 - the parking arrangements for the contractors and subcontractors; and;**
 - other matters likely to impact on the surrounding properties.**

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 Young.

Appendix 4 refers

To access this attachment on electronic document, click here: [Attach4brf041011.pdf](#)

CJ177- 10/11 COMMUNITY SPORTING AND RECREATION FACILITIES FUND (CSRFF) – ANNUAL AND FORWARD PLANNING GRANTS ROUND - 2012/2013 FUNDING

WARD: All

RESPONSIBLE DIRECTOR: Mr Garry Hunt
Office of the CEO

FILE NUMBER: 22209, 08096, 07496, 101515

ATTACHMENTS: Attachment 1 CSRFF Annual and Forward Planning Grants Application Process Summary

PURPOSE

To provide details and recommendations on the applications received for the Department of Sport and Recreation's Community Sporting and Recreation Facilities Fund (CSRFF) Annual and Forward Planning Grants Round for funding in 2012/2013.

EXECUTIVE SUMMARY

The Department of Sport and Recreation has \$20 million allocated for the annual Community Sporting and Recreation Facilities Fund (CSRFF) for state-wide grants.

The CSRFF program aims to increase participation in physical activity through the provision of funding that assists the development of well designed infrastructure for sport and recreation. The City of Joondalup is required to assess, rank and rate all applications received from sport and recreation clubs/groups located within the City as well as any applications prepared by the City.

One (1) community organisation submitted an application to the City for consideration as part of the CSRFF Forward Planning Grant Round, closing on 31 October 2011. The City will also submit one application as part of the CSRFF Annual Grant Round and one application as part of the CSRFF Forward Planning Grant Round.

It is recommended that Council:

- 1 *ENDORSES the priority ranking and applicant rating for the project, as stated below:*

Project Rank	Project Rating
1	<i>City of Joondalup – construction of a skate park at Mirror Park, Ocean Reef</i>
2	<i>City of Joondalup – floodlighting upgrade at Penistone Park, Greenwood.</i>
3	<i>Whitford Hockey Club – installation of a synthetic hockey pitch at MacDonald Park, Padbury.</i>

- 2 *ENDORSES an application to Department of Sport and Recreation’s CSRFF program for \$209,000 to part fund the construction of a skate park at Mirror Park, Ocean Reef;*
- 3 *LISTS an additional \$118,157 for consideration in the 2012/13 draft Capital Works Budget, for the upgrade of floodlighting at Penistone Park, Greenwood;*
- 4 *ENDORSES an application to Department of Sport and Recreation’s CSRFF program for \$146,578 to part fund the upgrade of floodlighting at Penistone Park, Greenwood;*
- 5 *NOTES the findings of the Needs Assessment and Feasibility Study for the Whitford Hockey Club’s Proposed Artificial Turf Development:*
- 5.1 *demonstrating the need for an additional synthetic hockey pitch within the north west metropolitan region; and*
- 5.2 *for a proposed synthetic hockey pitch development at McDonald Park, Padbury;*
- 6 *DOES NOT APPROVE the Whitford Hockey Club application to Department of Sport and Recreation CSRFF program for \$606,000 to part fund the construction of a synthetic hockey pitch at MacDonald Park, Padbury; and*
- 7 *AGREES to liaise with the Whitford Hockey Club to explore other locations within the City of Joondalup that would be suitable for the construction of a synthetic hockey pitch playing facility and supporting infrastructure.*

BACKGROUND

The CSRFF program aims to increase participation in physical activity through the provision of funding that assists the development of well designed infrastructure for sport and recreation.

The CSRFF program represents a partnership opportunity for community organisations to work with Local Government Authorities and the Department of Sport and Recreation. Applications for funding may be submitted by a community organisation or a Local Government Authority. A CSRFF grant will not exceed one third (1/3) of the total completed cost of the project, with the remaining funds to be contributed by the applicant’s own cash or ‘in-kind’ contribution, and/or the Local Government Authority.

The State Government allocates \$20 million per year for CSRFF grants in three categories:

Small Grants (\$1.5 million per year; \$750,000 each round)

Small Grants are offered on a bi-annual basis for projects that have a total value of between \$7,500 and \$150,000. This includes planning studies to a total value of \$45,000, which may lead to future CSRFF applications for large scale projects. Applications close in August and March of each year.

Annual Grants (\$3 million per year)

Annual Grants require greater detail and planning and have a total project value of between \$150,001 and \$500,000. This includes large scale floodlighting projects. Applications close in October of each year.

Forward Planning Grants (\$15.5 million per year)

Forward Planning Grants are for projects requiring a period of between one and three years to complete with a maximum grant amount of \$4 million (total project value up to \$12 million). Applications close in October of each year.

The City of Joondalup is required to place a priority ranking and rating on applications from organisations that fall within its boundaries, based on the following criteria:

- Well planned and needed by the local government;
- Well planned and needed by the applicant;
- Needed by the local government, more planning required;
- Needed by the applicant, more planning required;
- Idea has merit, more preliminary work needed; and
- Not recommended

A strong emphasis is placed on a planned approach towards CSRFF applications.

DETAILS

The City prepared one (1) application for the CSRFF Annual Grant Round and one (1) for the CSRFF Forward Planning Grant Round, and received one (1) application for the CSRFF Forward Planning Grant Round.

The City assessed the applications, and developed a project summary and justification for the recommendations for each project as part of the assessment process.

City of Joondalup - Mirror Park Skate Park (CSRFF Forward Planning Grant)

Project Summary

In December 2010 (CJ212-12/10 refers), Council requested the administration to design a permanent skate park for inclusion at Mirror Park, Ocean Reef, in conjunction with a working group of young people.

Convic Design Pty Ltd was selected to design the skate park at Mirror Park. The working group of 12 young people worked in conjunction with Convic Design Pty Ltd on design concepts. In June 2011 (CJ099-06/11), Council endorsed design concept two. This design included a street skate component which also catered for BMX and scooter users of all experience levels and was inclusive of an open ended, split level bowl. Associated infrastructure such as bins, seating, lighting, signage, drinking fountain, CCTV, landscaping and shelter were also considered.

Council also requested in June 2011 that the Chief Executive Officer make application for external funding, including CSRFF.

Total Project Cost: \$627,000 (ex GST)

City of Joondalup Contribution: \$418,000 (ex GST)*
CSRFF Grant requested: \$209,000 (ex GST)

*\$250,000 has been approved in the 2011/12 budget. The City is also considering applying for funding through the Lotterywest Community Spaces grant for the remaining amount of \$168,000; if this is not successful the City will consider the additional funding as part of its budget process.

Assessment Summary

Assessment Criteria	Evidence Provided		
	Satisfactory	Unsatisfactory	Not relevant
Project justification	✓		
Planned approach	✓		
Community input	✓		
Management planning	✓		
Access and opportunity	✓		
Design	✓		
Financial viability	✓		
Co-ordination	✓		
Potential to increase Physical activity	✓		
Sustainability	✓		

Recommendation Summary

Ranking: 1
Rating: Well planned and needed by the local government
Funding request: \$209,000

City of Joondalup - Penistone Park Floodlighting, (CSRFF Annual Grant)

Project Summary

In March 2011, the City conducted a review, which identified a strategic approach to ongoing management of reserves and provision of infrastructure.

One of the recommendations to come out of the review was to upgrade floodlighting at selected sites over the next five years. Penistone Park in Greenwood was considered a high priority venue and it is recommended that the City submit an application to CSRFF to part fund the project in 2012/2013.

Assessment Summary

Assessment Criteria	Evidence Provided		
	Satisfactory	Unsatisfactory	Not relevant
Project justification	✓		
Planned approach	✓		
Community input	✓		
Management planning	✓		
Access and opportunity	✓		
Design	✓		
Financial viability	✓		
Co-ordination	✓		
Potential to increase Physical activity	✓		
Sustainability	✓		

Recommendation Summary

Ranking: 2
Rating: Well planned and needed by the local government.
Funding request: \$146,578

Whitford Hockey Club – Synthetic Hockey Pitch (CSRFF Forward Planning Grant)Project Summary

The Whitford Hockey Club is one of six (6) sporting clubs currently utilising one of the two ovals located at MacDonald Park, Padbury. In 2009 Hockey WA released a Strategic Facilities Plan that listed the preferred future synthetic hockey pitch locations for the metropolitan area. Possible locations in the northern corridor included Yokine Reserve in the City of Stirling, Nanovich Park in the City of Wanneroo and MacDonald Park.

In partnership with the City, the Whitford Hockey Club developed an application for the Department of Sport and Recreation CSRFF bi-annual Small Grant Round for a feasibility study to be conducted to assess the need and suitability of a synthetic hockey pitch at MacDonald Park. This application was endorsed by Council in August 2010 (CJ134-08/10 refers). The grant application was successful with the City contributing \$10,133 to the project.

A needs assessment and feasibility study have been conducted by the appointed consultant – GHD Perth, and these have been previously circulated to elected members. The study considered a number of location options for the proposed synthetic hockey pitch and recommended the preferred location as the upper oval (south) at MacDonald Park. This location would require the relocation of the existing cricket infrastructure and would impact the cricket club's usage of the oval and their visibility of their playing area from the clubroom.

Total Project Cost: \$1,818,000 (ex GST)

City of Joondalup Contribution: \$606,000 (ex GST)
CSRFF Grant requested: \$606,000 (ex GST)
Club contribution: \$606,000 (ex GST)

Assessment Summary

Assessment Criteria	Evidence Provided		
	Satisfactory	Unsatisfactory	Not relevant
Project justification	✓		
Planned approach	✓		
Community input		✓	
Management planning		✓	
Access and opportunity		✓	
Design	✓		
Financial viability		✓	
Co-ordination	✓		
Potential to increase Physical activity	✓		
Sustainability	✓		

Recommendation Summary

Ranking: 3
Rating: *Not recommended*
Funding request: *NIL*

Issues and options consideredWhitford Hockey Club – Synthetic Hockey Pitch

The City acknowledges the need identified in the Needs Assessment and Hockey WA's Strategic Facilities Plan for additional synthetic hockey pitches in the northern metropolitan area. Whilst the City recommends not supporting the Whitford Hockey Club's proposal for a synthetic hockey pitch at MacDonald Park, the City will work with the club to explore other locations within the City, such as Percy Doyle Reserve and Warwick Open Space. Both of these locations are more suitable given their size and ability to provide the level of infrastructure required their distance from residents and the minimal impact that will occur on existing user groups of these areas. If a location is determined suitable then a CSRFF grant application can be made in the coming year/s.

Legislation/Strategic Plan/Policy Implications**Legislation – Statutory Provisions**Australian Standard AS2560.2.3 - Guide to Sports Lighting for Football (All Codes)

This code sets out specific recommendations for the lighting of outdoor football grounds for all codes commonly played in Australia (Rugby League, Rugby Union, Australian Rules and Soccer). The standard provides recommendations on lighting to facilitate training and match standards of play.

Australian Standard AS4282 – Control of Obtrusive Effects of Outdoor Lighting

This code specifically refers to the potentially adverse effects of outdoor lighting on nearby residents (e.g. of dwellings such as houses, hotels, hospitals), users of adjacent roads (e.g. vehicle drivers, pedestrians, cyclists) and transport signalling systems (e.g. air, marine, rail), and on astronomical observations.

Strategic Plan

Key Focus Area: Community Wellbeing

Objective: 5.2 To facilitate healthy lifestyles within the community.

Strategy: 5.2.1 The City provides high quality recreation facilities and programs

Outcome: The Joondalup community is provided with opportunities to lead a healthy lifestyle.

Policy:

The assessment process undertaken for the CSRFF program is in line with the following City policies:

- Community Funding;
- Reserves, Parks and Recreation Grounds;
- Community Facilities – Built;
- Asset Management ;
- Leisure (Council); and
- Management of Community Facilities.

Risk Management Considerations:City of Joondalup - Penistone Park Floodlighting

The key risk associated with the installation of floodlighting is related to the quality of completed works. This risk is mitigated by the City's Building and Approvals process. All floodlighting projects must meet Australian Standards legislation in order to receive building approval. The City assesses all works on completion.

Whitford Hockey Club – Synthetic Hockey Pitch

The key risks identified by the City from the feasibility study on a synthetic hockey pitch at MacDonald Park includes; level of facility provision, parking issues, impact of floodlighting, financial viability, impact on existing clubs, project management and lack of community consultation undertaken.

Financial/Budget Implications:

It is anticipated that the Department of Sport and Recreation will advise the outcome of the Annual and Forward Planning Grants assessments in March 2012.

City of Joondalup – Mirror Park Skate Park

Council endorsed the design and estimated cost of \$627,000 in June 2011 (CJ099-06/11 refers). \$250,000 has been approved in the 2011/12 budget.

In addition to a CSRFF application, the City is also considering submission of an application to Lotterywest for funding for the Mirror Park Skate Park.

City of Joondalup – Penistone Park Floodlighting

As part of the City's Floodlight and Pole Replacement Program, there is currently \$175,000 listed in 2012/13 for floodlight works. It is a recommendation of this report that the Council lists an additional \$118,157 for consideration in the 2012/2013 budget for this project.

Whitford Hockey Club – Synthetic Hockey Pitch

The current capital costs for the project are estimated at \$1,818,000, which includes allowances for the relocation of existing cricket infrastructure. It is proposed in the application that the club, the City of Joondalup and the Department of Sport and Recreation will fund one-third each (\$606,000 each).

Regional Significance:

Not applicable

Sustainability Implications:City of Joondalup – Mirror Park Skate Park

The development of a new, modern skate park has positive sustainability implications for the City. A new park would enhance the amenity of public space and bring young people and the community closer together by showcasing the talents of young people in a positive, healthy and active way. A new skate park development would also have a positive effect on the development of a healthy, equitable, active and involved community, in particular young people.

City of Joondalup – Penistone Park Floodlighting

The proposed design of the Penistone Park floodlighting project has been developed to ensure flexibility in the switching of each individual pole and the park lighting as a whole, which will enable the extent of lighting to be adjusted depending on the training requirements of each group. Considerations have been made for future technologies that would enable an automated system linking the lighting to the formal park bookings.

Whitford Hockey Club – Synthetic Hockey Pitch

The need for additional synthetic hockey pitch facilities in the northern metropolitan area is documented in the Hockey WA Strategic Facilities Plan. The plan shows the lack of synthetic facilities in the northern region with current facilities only located at Arena Joondalup and Hale School, Wembley Downs. Hockey WA's plan lists possible synthetic pitch locations at MacDonald Park and also Yokine Reserve in the City of Stirling and, further into the future, Nanovich Park in the City of Wanneroo.

If the proposed facility was to be developed, the possible users would include clubs from within the City of Joondalup and also those located in the City of Stirling and the City of Wanneroo.

Consultation:City of Joondalup – Mirror Park Skate Park

In considering the 2009 petition, Council resolved to undertake community consultation to identify any issues around the inclusion of a skate park in the overall upgrade of Mirror Park, Ocean Reef. The consultation occurred between 23 August and 24 September 2010. The City wrote to all households and landowners within one kilometre of Mirror Park and included two surveys, one for the householder and one for any young people living at the address.

The Working Group of young people has provided the opportunity for consultation and involvement by potential users of the facility.

City of Joondalup – Penistone Park Floodlighting

The City undertook community consultation for the proposed floodlighting upgrade to Penistone Park. A letter was sent to local residents, along with a plan of the reserve and the locations of the proposed floodlighting poles. Residents were invited to forward any concerns in writing. A period of 21 days was allowed for submissions to be made. A distribution area of 300 metres surrounding Penistone Park was used to cover residents who may be impacted by the project.

The City also undertook consultation with the seven sporting groups who are regular users and relevant State Sporting Associations (Western Australian Football Commission, Western Australia Cricket Association, Lacrosse WA and West Australian Little Athletics). An email was sent, along with a plan of the reserve and the locations of the proposed floodlighting poles. Residents were invited to forward comments in writing.

The City sent out information to a total of 181 residents, clubs and Associations and received a total of 12 written responses. One response was received from a resident who supported the project. The other 11 responses were received from clubs and State Sporting Associations, who were also supportive of the project. Other comments included:

- The level of security lighting will bring;
- Consideration of additional infrastructure on the upper oval poles to allow for more additional lights in the future; and
- Consideration of relocating poles if proposed extension of upper oval proceeds.

Whitford Hockey Club – Synthetic Hockey Pitch

The existing sporting clubs located at MacDonald Park were invited by the Whitford Hockey Club to make comment on the proposed options for a synthetic hockey pitch at the park. Responses were received from the junior and senior cricket clubs who are opposed to the development due to the loss of playing space, particularly for the junior club in regards to managing their "In/2/Cricket" junior cricket program, which uses all of the space available on the upper (south) and lower (north) ovals.

The Department of Sport and Recreation CSRFF grant application requires the applicant to include details of the level and types of consultation undertaken for the project. Further formal consultation by the City, with the sporting clubs using the oval and community groups using the Fleur Freame Pavilion, would need to be conducted to determine more extensive feedback on the proposed development. Community consultation would also need to be conducted by the City in accordance with the Community Consultation and Engagement Policy and Protocol.

COMMENT

The Department of Sport and Recreation, through the CSRFF, aims to increase participation in sport and recreation with an emphasis on physical activity, through rational development of sustainable, good quality, well-designed and well-utilised facilities. The CSRFF provides the City with an excellent opportunity to upgrade community facilities and City infrastructure with the support of the state government (Department of Sport and Recreation) and the community organisations that will directly benefit from the upgrades.

City of Joondalup – Mirror Park Skate Park

It is clear from the original petition and subsequent work with young people that there is a real need for a new skate park within the City of Joondalup. The popularity of sports, such as skateboarding, BMX riding and scooter riding, are increasing and provide a healthy, popular alternative to traditional team sports for many young people.

City of Joondalup – Penistone Park Floodlighting

The floodlighting upgrade will benefit all of the sporting clubs, and the City, by allowing greater flexibility for training use of the reserve and increased security for the community of Greenwood.

Whitford Hockey Club – Synthetic Hockey Pitch

The Needs Assessment and Feasibility Study clearly support the benefit to Hockey WA and demonstrated need for additional synthetic hockey pitches in the northern metropolitan area. It does not however provide sufficient evidence of the requirement for the facility to be located in the City of Joondalup. MacDonald Park is not considered the most suitable site if a synthetic pitch was to be developed within the City.

No community consultation has been undertaken to date. Given the required level of floodlighting for the proposal, consultation is critical to determine the level of support from the community for the development.

The exact location for a synthetic hockey pitch should be further explored. Two possible sites include the Percy Doyle Reserve and Warwick Open Space, both of which are more suitable for the development of elite level facilities.

Consultation with the community and the other sporting and community groups of the park needs to be undertaken prior to or in conjunction with an application being made to the Department of Sport and Recreation CSRFF grant program.

VOTING REQUIREMENTS

Simple Majority

MOVED Cr Amphlett, SECONDED Cr Young that Council:

- 1 ENDORSES the priority ranking and applicant rating for the project, as stated below:**

Project Rank	Project Rating
1 City of Joondalup – construction of a skate park at Mirror Park, Ocean Reef	Well planned and needed by the local government.
2 City of Joondalup – floodlighting upgrade at Penistone Park, Greenwood.	Well planned and needed by the local government.
3 Whitford Hockey Club – installation of a synthetic hockey pitch at MacDonald Park, Padbury.	Not recommended.

- 2 ENDORSES an application to Department of Sport and Recreation’s CSRFF program for \$209,000 to part fund the construction of a skate park at Mirror Park, Ocean Reef;**
- 3 LISTS an additional \$118,157 for consideration in the 2012/13 draft Capital Works Budget, for the upgrade of floodlighting at Penistone Park, Greenwood;**
- 4 ENDORSES an application to Department of Sport and Recreation’s CSRFF program for \$146,578 to part fund the upgrade of floodlighting at Penistone Park, Greenwood;**
- 5 NOTES the findings of the Needs Assessment and Feasibility Study for the Whitford Hockey Club’s Proposed Artificial Turf Development:**
- 5.1 demonstrating the need for an additional synthetic hockey pitch within the North West metropolitan region; and**
- 5.2 for a proposed synthetic hockey pitch development at McDonald Park, Padbury;**
- 6 DOES NOT APPROVE the Whitford Hockey Club application to Department of Sport and Recreation CSRFF program for \$606,000 to part fund the construction of a synthetic hockey pitch at MacDonald Park, Padbury; and**
- 7 AGREES to liaise with the Whitford Hockey Club to explore other locations within the City of Joondalup that would be suitable for the construction of a synthetic pitch playing facility and supporting infrastructure.**

The Motion was Put and CARRIED (12/0) by En Bloc Resolution prior to consideration of the Motion to go Behind Closed Doors, Page 151 refers.

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

Appendix 5 refers

To access this attachment on electronic document, click here: [Attach5agn111011.pdf](#)

CJ178-10/11 TAMALA PARK LAND HOLDING - POWER OF ATTORNEY

WARD:	All
RESPONSIBLE DIRECTOR:	Mr Garry Hunt, Chief Executive Officer
FILE NUMBER:	41586, 101515
ATTACHMENTS:	Attachment 1 Proposed Power of Attorney between Tamala Park Regional Council and City of Joondalup

PURPOSE

The purpose of this Report is to enable Council to authorise the Mayor and Chief Executive Officer to execute a Power of Attorney, on behalf of the City, in favour of the Tamala Park Regional Council, to enable it to enter into land dealings concerning the Tamala Park Land.

EXECUTIVE SUMMARY

At its meeting on 18 August 2011, Tamala Park Regional Council (the Council) resolved to request each of its constituent member local governments, which are the joint owners of the Tamala Park Land, to grant it a Power of Attorney covering dealings in the Land.

The Council has obtained legal advice, which considers it advisable to obtain a Power of Attorney from each of the member local governments to avoid any potential issues in future land dealings with the Tamala Park project.

BACKGROUND

Each of the seven constituent member local governments of the Tamala Park Regional Council jointly owns the Tamala Park Land. The Council considers it necessary and advisable to obtain Powers of Attorney from each of the owners in order to sell land in accordance with the Tamala Park project.

The project has reached the stage where land sales may shortly be able to be commenced.

DETAILS

The Council has obtained legal advice that supports its proposal for each owner to grant a Power of Attorney in favour of the Council. The advice concludes that the provisions of the TPRC Establishment Agreement, construed in the context of the *Local Government Act 1960* concerning regional councils, are broad enough to enable the owners to execute a power of attorney in relation to the sale of the Tamala Park Land.

The Power of Attorney would give the Council powers in relation to dealing with the Tamala Park Land including:

- The execution of transfer documents;
- The decision to sell, including terms and conditions of sale;
- The execution of contract of sale documents;
- The execution of any remaining subdivisional documents; and

- The management and allocation of the proceeds of sales in accordance with the Establishment Agreement.

A copy of the request, legal advice and the Power of Attorney is at Attachment 1.

The instrument for the Power of Attorney may be executed under common seal by the Mayor and Chief Executive Officer.

Legislation/Strategic Plan/Policy Implications

Legislation *Local Government Act 1995*

Strategic Plan

Key Focus Area: Leadership and Governance.

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

Policy:

Not Applicable.

Risk Management Considerations:

It is important to avoid any uncertainty in the Regional Council's dealings with the Tamala Park Land.

Financial/Budget Implications:

Not Applicable.

Regional Significance:

As a member local government of the Tamala Park Regional Council, it is important that the City acts to ensure the continuing efficacy of the Regional Council in the implementation of the Tamala Park project.

Sustainability Implications:

Not Applicable.

Consultation:

Nil.

COMMENT

It is recommended that Council agree to the request from the Tamala Park Regional Council to grant it a Power of Attorney to ensure that it may implement the Tamala Park project with legal certainty in its land dealings.

VOTING REQUIREMENTS

Simple majority.

MOVED Cr Amphlett, SECONDED Cr Young that Council:

- 1 Agrees to the request from the Tamala Park Regional Council for the grant of a Power of Attorney in its favour concerning its dealings with the Tamala Park Land; and**
- 2 Authorises the Mayor and the Chief Executive Officer to execute a Power of Attorney in the form of the document at Attachment 1 to Report CJ178-10/11.**

The Motion was Put and CARRIED (12/0) by En Bloc Resolution prior to consideration of the Motion to go Behind Closed Doors, Page 151 refers.

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

Appendix 21 refers

To access this attachment on electronic document, click here: [Attach21agn111011.pdf](#)

CJ179 -10/11 LIVEABLE COMMUNITIES (LIVCOM) AWARDS - SOUTH KOREA

WARD: All

RESPONSIBLE DIRECTOR: Mr Jamie Parry
Governance and Strategy

FILE NUMBER: 100730, 101515

ATTACHMENTS: Nil.

PURPOSE

To seek Council's endorsement for a Delegation to attend the Presentation Finals for the 2011 International Awards for Liveable Communities (LivCom Awards) in Songpa, South Korea on 27 – 31 October 2011.

EXECUTIVE SUMMARY

The International Awards for Liveable Communities is the world's only competition for local communities that focuses on environmental management and the creation of liveable communities.

The City submitted entries for the Whole City Award and for the Project Award (Strategic Planning Category) for the Beach Management Plan in May 2011, and has recently been advised of achievement of finalist status for both submissions.

Finalists are required to attend the Presentation Finals which are to be held in Songpa, South Korea from 27 – 31 October 2011. The City will be required to provide a 40 minute presentation for both the Whole City Award and the Project Award. An International Judging Panel comprising environmental and landscape professionals will assess and grade the presentations.

BACKGROUND

The LivCom Awards were launched in 1997 and are endorsed by the United Nations Environment Program.

The International Awards for Liveable Communities Awards is the world's only competition for local communities that focuses on environmental management and the creation of liveable communities. The objective of the Awards is to encourage best practice, innovation and leadership in providing a vibrant, environmentally sustainable community that improves the quality of life.

There are five population categories in the LivCom Awards. Communities are not compared against others within their population category but are judged as to how they are performing in respect of the judging criteria within the cultural, political, economic, geographic and climatic environment in which they are situated.

The LivCom Awards include:

- Whole City Award – Entries are required to demonstrate activities in the following categories:
 - Enhancement of the Natural and Built Landscapes;
 - Arts, Culture and Heritage;
 - Environmental Best Practices;
 - Community Participation and Empowerment;
 - Healthy Lifestyle; and
 - Strategic Planning.
- Project Awards – the objective of the Project Award is to recognise innovative projects that demonstrate sustainability and environmental awareness and have a positive impact on the local community and environment.

The LivCom Awards seek to provide opportunities for information sharing regarding projects that aim to improve the quality of life of individuals through sustainable management of the community and the environment.

DETAILS

The City submitted entries for the Whole City Award and for the Project Award (Strategic Planning Category) for the Beach Management Plan in May 2011, and has recently been advised of achievement of finalist status for both submissions.

Finalists are required to attend the Presentation Finals which are to be held in Songpa, South Korea from 27 – 31 October. The City will be required to provide a 40 minute presentation for both the Whole City Award and the Project Award. An International Judging Panel comprising environmental and landscape professionals will assess the presentations, as well as ask a series of questions following the presentations.

Issues and options considered:

Option 1

Council may choose to support the City sending a Delegation to attend the Presentation Finals as outlined in this report.

Option 1 is the preferred Option as it is a requirement that all finalists attend the Presentation Finals to provide a presentation for assessment by the Judging Panel.

Option 2

Council may choose not to support the City sending a Delegation to attend the Presentation Finals and advise the LivCom Award organisers of its decision.

Option 2 will mean that the City will have to withdraw from the Awards as it is a requirement that all finalists attend the Presentation Finals.

Legislation/Strategic Plan/Policy Implications

Legislation Not applicable.

Strategic Plan

Key Focus Area: This item has a general link to the Strategic Plan across the Key Focus Areas of Economic Prosperity and Growth, the Natural Environment, and Community Wellbeing.

Policy:

Travel is covered by City Policy - Elected Members – Allowances.

Risk Management Considerations:

Should Council decide not to support the City's attendance at the Finals Presentation, there is a risk the City's reputation will be damaged given that the City's achievement of finalist status has received positive media coverage.

Costs associated with attendance at the Awards Ceremony may be viewed negatively by the community.

Financial/Budget Implications:

No allocation has been made in the 2011/12 Budget for the LivCom Awards. The costs associated are detailed below. It should be noted that City delegates will travel economy class and that costs are estimates based on information available on airfares at this time.

Category	Details	Estimated Cost
Airfares	Return Economy Class x 3 persons (Perth – South Korea Return)	\$3,900
Accommodation	\$180 per room per night x 6 days x 3 persons	\$3,240
Gift for the Mayor of Songpa	\$150	\$ 150
Other associated costs	Incidental expenses	\$ 400
Total		\$7,690

All figures quoted in this report are exclusive of GST.

Regional Significance:

Attendance at the LivCom Awards will lead to an increased regional and international profile for the City.

Sustainability Implications:

The objective of the LivCom Awards is to encourage best practice, innovation and leadership in providing a vibrant, environmentally sustainable community that improves the quality of life.

Consultation:

Not Applicable.

COMMENT

The City is required to send representatives to attend the Finals Presentation in Songpa, South Korea to provide presentations for the Whole of City Award, and the Project Award (Beach Management Plan).

Discussions with the City of Melville (winners of the Whole City Award in 2009) provided insight into the rigour of the Awards and the Judging process. These discussions also indicated that there is an expectation that the City sends high level representatives to the Presentation Finals.

It is therefore recommended that the Mayor (or his representative) and the Chief Executive Officer (or his representative), and one other City Officer attend the Presentation Finals to ensure that the City observes the Protocol of sending high level representatives, and that City Officers involved in the preparation of the submissions and presentations are in attendance to present and answer the technical questions from the Judging Panel.

There are significant benefits for the City in both providing submissions for the Awards and attending the Presentation Finals namely:

- The compilation of the initial submissions has required a self-audit process that will provide the basis for improvements to the liveability of the community;
- Success (both achievement of finalist status, and winning the Awards) can be referred to in applications for funding;
- The Presentation Finals will provide the opportunity for City representatives to observe presentations from other countries that have applied best practice approaches to similar challenges that the City faces;
- The Presentation Finals provides an opportunity to showcase the City's best practice on an international stage;
- Civic pride will be enhanced by having the City associated with leading communities in the world;
- Success in the Awards may be used to promote tourism and capital investment in the City;
- Positive National and International publicity is likely;
- The opportunity to meet with delegates from countries that face similar challenges to those faced by the City and the possibility of the formation of partnerships to exchange information and experiences on an ongoing basis, and
- The exchange of information and experiences may produce accelerated technical benefits and financial savings.

VOTING REQUIREMENTS

Absolute Majority

MOVED Cr Norman, SECONDED Cr Young that Council:

- 1 **APPROVES** the attendance of a Delegation at the Presentation Finals for the 2011 International Awards for Liveable Communities in Songpa, South Korea;
- 2 **APPROVES** the travel period from 25 October to 1 November 2011;
- 3 **ENDORSES** a formal Delegation comprising the Mayor (or his representative), the Chief Executive Officer (or his representative), and one other City Officer to represent the City at the Presentation Finals;
- 4 In accordance with S6.8 (1) (b) of the Local Government Act 1995 **APPROVES, BY AN ABSOLUTE MAJORITY**, the unbudgeted expenditure of \$7,690 (exclusive of GST) for airfares, accommodation, and incidental expenses for the Mayor or his representative, the Chief Executive Officer or his representative, and one other City Officer to attend the Presentation Finals for the 2011 International Awards for Liveable Communities in Songpa, South Korea;
- 5 **NOTES** that the additional expenditure in Part 4 above will be included as part of the midyear Budget review.

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 Young.

Disclosure of interest affecting impartiality

Name/Position	Cr Mike Norman
Item No/Subject	CJ180-10/11 – Annual Report 2010-2011
Nature of interest	Interest that may affect impartiality
Extent of Interest	Cr Norman is the Chairman of the 'Joondalup Community Coast Care Forum' and Coordinator of three 'Friends Groups'.

CJ180-10/11 ANNUAL REPORT 2010-2011**WARD:** All

RESPONSIBLE DIRECTOR: Mr Jamie Parry
Governance and Strategy

FILE NUMBER: 100869, 101515**ATTACHMENTS:** Attachment 1 Annual Report 2010-2011**PURPOSE**

For Council to:

- Adopt the Annual Report for the 2010-2011 financial year; and
- Agree to convene the 2011 Annual General Meeting of Electors on Tuesday, 6 December 2011 commencing at 5.30 pm.

EXECUTIVE SUMMARY

In accordance with Section 5.53 of the Local Government Act 1995, the 2010-2011 Annual Report has been prepared, summarising the year's highlights and achievements, as well as including specific statutory requirements.

The City's auditors have completed the audit of Council's financial statements for the 2010-2011 financial year. The abridged Financial Statements will form part of the 2010-2011 Annual Report. The Annual Report and the Financial Report will form an integral part of Council's report to the electors at the Annual General Meeting.

Section 5.27 of the Local Government Act 1995 requires that the Annual General Meeting of Electors is to be held on a day selected by the local government, but not more than 56 days after the report is accepted by the local government.

It is suggested that the most appropriate date for holding the Annual General Meeting of Electors is Tuesday, 6 December 2011.

BACKGROUND

The Local Government Act requires that every local government prepares an Annual Report and holds an Annual General Meeting (AGM) of Electors. Both the Annual Report and the Financial Report reflect on the City's achievements during 2010-2011 and focus on the many highlights of the year.

At its meeting held on 16 October 2007 (Item CJ206-10/07 refers), Council resolved to *"AGREE to hold all future Annual General Meeting of Electors as soon as practical following the adoption of the Annual Report, but in a year where an ordinary election is held, not before the first ordinary meeting of the newly elected Council."*

DETAILS

Issues and options considered:

The Annual Report for the City of Joondalup and the holding of the AGM of Electors are statutory requirements of the Local Government Act 1995. The issue to consider is the date to hold the AGM of Electors, being aware of the decision of the Council on 16 October 2007, and the limitations in being able to finalise the necessary documentation that is required to be available.

Legislation/Strategic Plan/Policy Implications

Legislation

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

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

Section 5.53 of the Local Government Act 1995 states:

5.53 Annual Reports

(1) *The local government is to prepare an annual report for each financial year.*

- (2) *The annual report is to contain:*
- a. *a report from the mayor or president;*
 - b. *a report from the CEO;*
 - c. *and d. deleted;*
 - e. *an overview of the plan for the future of the district made in accordance with Section 5.56 including major initiatives that are proposed to commence or to continue in the next financial year;*
 - f. *the financial report for the financial year;*
 - g. *such information as may be prescribed in relation to the payments made to employees;*
 - h. *the auditor's report for the financial year;*
 - ha. *a matter on which a report must be made under section 29(2) of the Disability Services Act 1993;*
 - hb. *details of entries made under section 5.121 during the financial year in the register of complaints, including –*
 - (i) *the number of complaints recorded in the register of complaints;*
 - (ii) *how the recorded complaints were dealt with; and*
 - (iii) *any other details that the regulations may require; and*
 - i. *such other information as may be prescribed.*

Section 5.54 of the Local Government Act 1995 states:

5.54 Acceptance of Annual Reports

- (1) *Subject to subsection (2) the annual report for a financial year is to be accepted* by the local government no later than 31 December after that financial year.*

** absolute majority required*

- (2) *If the auditor's report is not available in time for the annual report for a financial year to be accepted by 31 December after that financial year, the annual report is to be accepted by the local government no later than 2 months after the auditor's report becomes available.*

Section 5.55 of the Local Government Act 1995 states:

5.55 Notice of annual reports

The CEO is to give local public notice of the availability of the annual report as soon as practicable after the report has been accepted by the local government.

Section 5.27 states:

5.27 Electors' general meetings

- (1) *A general meeting of the electors of a district is to be held once every financial year.*
- (2) *A general meeting is to be held on a day selected by the local government but not more than 56 days after the local government accepts the annual report for the previous financial year.*
- (3) *The matters to be discussed at general electors' meetings are to be those prescribed.*

The Local Government (Administration) Regulations 1996 at Clause 15 details the matters for discussion at the Annual General Meeting. They are the contents of the Annual Report for the previous financial year and then any other general business. It is suggested therefore, that the Agenda format for the Annual Meeting of Electors be:

- Attendances and Apologies
- Contents of the 2010-2011 Annual Report
- General Business

Strategic Plan

Key Focus Area: Leadership and Governance.

Objective: 1.3 To lead and manage the City effectively.

Policy

Not Applicable.

Risk Management Considerations:

The risk associated with not adopting the 2010-2011 Annual Report and failure to set a date for the 2011 Annual General Meeting of Electors will result in non-compliance with the requirements of the Local Government Act 1995.

Financial/Budget Implications:

Not Applicable.

Regional Significance:

Not Applicable.

Sustainability Implications:

The Annual Report 2010-2011 provides information on achievements aligned with the Key Focus Areas of the Strategic Plan namely:

- Leadership and Governance;
- The Natural Environment;
- Economic Prosperity and Growth;
- The Built Environment; and
- Community Wellbeing.

The programs and projects delivered in 2010-2011 have contributed to increasing the social, economic and environmental capital of the City and facilitated the development of a thriving and sustainable community.

Consultation:

There is no legislative requirement to consult on the Annual Report, however the Local Government Act 1995 requires an Annual General Meeting of Electors to be held and the Annual Report to be made available publicly.

COMMENT

The audited financial statements for 2010-2011 will be submitted to an Audit Committee meeting to be held prior to the Council meeting.

In order for the City to meet its legislative requirements, it is recommended that the Council adopts the Annual Report for 2010-2011 and convenes the 2011 Annual General Meeting of Electors for Tuesday, 6 December 2011.

VOTING REQUIREMENTS

Absolute Majority.

MOVED Cr Chester, SECONDED Cr Norman that Council:

- 1 **BY AN ABSOLUTE MAJORITY, ACCEPTS** the Annual Report of the City of Joondalup for the financial year 2010-2011, forming Attachment 1 to Report CJ180-10/11; and
- 2 **AGREES** to convene the 2011 Annual General Meeting of Electors on Tuesday, 6 December 2011, commencing at 5.30 pm in the Council Chambers.

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 Young.

Appendix 6 refers

To access this attachment on electronic document, click here: [Attach6agn111011.pdf](#)

CJ181-10/11 DRAFT PUBLIC TRANSPORT PLAN FOR PERTH 2031 - CITY OF JOONDALUP SUBMISSION

WARD: All

RESPONSIBLE DIRECTOR: Mr Jamie Parry
Governance and Strategy

FILE NUMBER: 04575, 101515

ATTACHMENTS: Attachment 1 Draft Public Transport Plan for Perth in 2031
Attachment 2 Draft Submission for the City of Joondalup

This Item was dealt with later in the meeting, prior to C50-10/11.

Disclosure of interest affecting impartiality

Name/Position	Cr Liam Gobbert
Item No/Subject	CJ182-10/11 – Westfield Whitford City Application for Support of Sunday Trading on 27 November 2011
Nature of interest	Interest that may affect impartiality
Extent of Interest	Cr Gobbert is employed at a shop at Westfield Whitford Shopping City

CJ182-10/11 WESTFIELD WHITFORD CITY APPLICATION FOR SUPPORT OF SUNDAY TRADING ON 27 NOVEMBER 2011

WARD:	South-West
RESPONSIBLE DIRECTOR:	Mr Jamie Parry Governance and Strategy
FILE NUMBER:	00081, 101515
ATTACHMENTS:	Attachment 1 Information from Department of Commerce on extended trading hours proposals submission requirements. Attachment 2 Letter from Westfield Whitford City seeking an exemption to trade on Sunday, 27 November 2011.

PURPOSE

To seek support from Council in applying to the Department of Commerce for an exemption, on behalf of Westfield Whitford City, to trade on Sunday, 27 November 2011.

EXECUTIVE SUMMARY

Westfield Whitford City has made an application to the City seeking support for an additional day of trading on Sunday, 27 November 2011. Westfield has proposed to incorporate this day into their fundraising for Telethon.

BACKGROUND

Under State legislation, general retail shops in the metropolitan area are restricted to trading between 8.00 am and 9.00 pm, Monday to Friday, and between 8.00 am and 5.00 pm on Saturdays. Trading on Sundays is restricted to the Special Trading Precincts of Joondalup, Armadale, Fremantle, Midland and Perth.

Over the summer holiday period, metropolitan shops are granted additional trading hours in the lead-up to Christmas. In 2011 (for non-Precincts), these days will be Sunday, 11 December and Sunday, 18 December.

Further to these days, retailers are permitted to apply for one extra day of trading; Westfield Whitford City applied and received approval for this extra day to occur on Sunday, June 12 2011. As this permitted day is expended, Westfield requires the City to apply to the Department of Commerce, on their behalf, in order to trade the additional hours on Sunday, 27 November 2011. Extended trading of this type is considered by the Department as a 'community event' and the final decision to permit trading lies with them.

DETAILS

In order to apply for a variation to trading hours, the following is required by the Department of Commerce (Attachment 1 refers):

- The proposed event is deemed to have significance and importance to the local community;

- There is a substantial level of support by large and small retailers;
- Resident traders have been advised of their rights to exercise individual discretion whether or not to open during periods of the proposed trading extension;
- Endorsement/support has been obtained from relevant trader associations, Chambers of Commerce or other relevant retail groups; and
- Endorsement/support has been obtained from local Members of Parliament.

Westfield Whitford City has addressed these criteria in Attachment 2. Note that as the application for extended trading is to be made by the City, the Department of Commerce will accept the assurance of Council that the relevant qualifying criteria have been satisfied.

Issues and Options Considered:

As part of the Westfield Community Program, Westfield Shopping Centres across Australia are partnered with a local children's disability service provider. The Shopping Centres undertake 'Give Ability' Days where Westfield staff volunteers and local volunteers collect donations for their nominated charity. Westfield Whitford City (alongside Westfield Carousel and Westfield Innaloo) is partnered with Telethon. Westfield Whitford City proposes to stage one of these 'Give Ability' Days on Sunday, 27 November 2011 with funds raised to go to Telethon.

Westfield Whitford City has advised the City of Joondalup that it intends to host family entertainment to attract customers to the fundraising event. Westfield is seeking the support of the City to host this event as a 'community event' as per the Department of Commerce requirements.

Legislation/Strategic Plan/Policy Implications:

Legislation: *Retail Trading Hours Act 1987* — This Act applies to retail shops in Western Australia south of the 26th parallel. It sets out the trading hours and rules covering various categories of retail outlets.

Strategic Plan

Key Focus Area: Economic Prosperity and Growth.

Objective: (3.2) To increase employment opportunities within the City.

Policy:

Economic Development Policy.

Risk Management Considerations:

Sunday trading in the metropolitan area is specifically designated to Special Trading Precincts. In the Joondalup area, the Joondalup City Centre is designated as a Special Trading Precinct and Lakeside Joondalup Shopping Centre currently trades on Sundays. As such, it is possible that Lakeside Joondalup Shopping Centre (being comparable to Westfield Whitford City) may face competition for trade on Sunday, 27 November 2011 as a result of Westfield also trading on that day.

Financial/Budget Implications:

Not Applicable.

Regional Significance:

Not Applicable.

Sustainability Implications:

Economic: Trading on Sunday, 27 November 2011 at Westfield Whitford City will support economic sustainability by providing opportunities for business operators.

Social: Telethon acts as an umbrella institution for public benevolent organisations and provides social assistance to charitable groups. Westfield Whitford City's 'Give Ability' Day will support social sustainability through the fundraising efforts of Westfield staff and Telethon volunteers.

Consultation:

Westfield Whitford City has undertaken consultation with its resident traders. The results of this consultation are below, and indicate that there is significant support for trading on Sunday, 27 November 2011.

in favour of trading:	207
not in favour of trading:	32
no response/undecided:	6
total number of stores (including Majors)	245

At least 84 percent of stores have indicated an intention to trade on Sunday, 27 November 2011. (Note that the City has been advised that 6 of the traders "not in favour of trading" are services that don't trade on Sundays at all).

Westfield Whitford City has also obtained support from the Chamber of Commerce and Industry, the Retail Traders' Association and from the Honourable Rob Johnson MLA, Member for Hillarys. This support has been forwarded by way of email to the City.

COMMENT

Westfield Whitford City has obtained support from a majority of its resident traders as well as relevant external agencies, as per the conditions of the Department of Commerce.

The City is satisfied that Westfield meets the requirements for a 'community event' with their 'Give Ability' Day fundraising. It is recommended that the Council support Westfield Whitford City by submitting a request for extended trading hours to the Department of Commerce on behalf of Westfield.

VOTING REQUIREMENTS

Simple majority

MOVED Cr Hamilton-Prime, SECONDED Cr Norman that Council APPROVES the City of Joondalup making a request to the Department of Commerce for Sunday Trading on 27 November 2011 on behalf, of Westfield Whitford City, for the purpose of carrying out a 'Give Ability' fundraising event.

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 Young.

Appendix 8 refers

To access this attachment on electronic document, click here: [Attach8brf041011.pdf](#)

CJ183-10/11 EXECUTION OF DOCUMENTS

WARD: All

RESPONSIBLE DIRECTOR: Mr Jamie Parry
Governance and Strategy

FILE NUMBER: 15876, 101515

ATTACHMENTS: Attachment 1 Documents executed by affixing the Common Seal

PURPOSE

For Council to note the documents executed by means of affixing the Common Seal for the period 2 August 2011 to 20 September 2011 (Attachment 1 refers).

EXECUTIVE SUMMARY

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

DETAILS

During the period 2 August 2011 to 20 September 2011, 12 documents were executed by affixing the Common Seal. A summary is provided below:

Type	Number
Amendment to District Planning Scheme No. 2	3
Deed	1
Easement in Gross	1
Lease Agreement	1
Section 70A Notifications	5
Withdrawal of Caveat	1

Details of these documents are provided in Attachment 1 to this report.

Issues and options considered:

Not Applicable.

COMMENT

The documents that have been executed by affixing the Common Seal of the City of Joondalup are submitted to the Council for information (Attachment 1 refers).

VOTING REQUIREMENTS

Simple Majority

MOVED Cr Amphlett, **SECONDED** Cr Young that Council **NOTES** the Schedule of documents covering the period 2 August 2011 to 20 September 2011, executed by means of affixing the Common Seal, as detailed in Attachment 1 to Report CJ183-10/11.

The Motion was Put and CARRIED (12/0) by En Bloc Resolution prior to consideration of the Motion to go Behind Closed Doors, Page 151 refers.

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

Appendix 9 refers

To access this attachment on electronic document, click here: [Attach9brf041011.pdf](#)

CJ184-10/11 MINUTES OF EXTERNAL COMMITTEES

WARD: All

RESPONSIBLE DIRECTOR: Mr Jamie Parry
Governance and Strategy

FILE NUMBER: 03149, 101515

ATTACHMENTS: Attachment 1 Minutes of the Ordinary Meeting of the Mindarie Regional Council held on 25 August 2011.

(Please Note: These minutes are only available electronically)

PURPOSE

To submit minutes of external committees to Council for information.

EXECUTIVE SUMMARY

The following minutes are provided:

- Ordinary Meeting of the Mindarie Regional Council held on 25 August 2011.

DETAILS

Mindarie Regional Council Ordinary Council Meeting – 25 August 2011

An ordinary meeting of the Mindarie Regional Council (MRC) was held on 25 August 2011.

The Council's representatives on the MRC are Cr Fishwick (Chair) and Cr Hollywood.

For the information of Council, the following matters of interest to the City of Joondalup were resolved at the MRC Ordinary Council meeting:

8.1.1 SUBJECT: STRATEGIC PROJECTS COMMITTEE MEETING – 11 JULY 2011

It was resolved by the MRC as follows:

“That:

- (i) The Minutes of the Strategic Projects Committee meeting held on 11 July 2011 be noted;*
- (ii) The following recommendation from the Strategic Projects Committee Meeting Minutes held on 11 July 2011 be noted:*

Recommendation 1

- a) NOTE the report on investigations to identify a suitable replacement landfill for Tamala Park; and*
- b) AUTHORISE the MRC Administration to develop a Business Plan to allow the MRC to purchase land for the purposes of landfill.”*

8.2.3 SUBJECT: BUSINESS REPORT (for the period 11 June 2011 – 22 July 2011)

It was resolved by the MRC as follows:

“That:

- 1 the progress report for the period 11 June 2011 – 22 July 2011 against the Annual Business Plan 2011/2012 be received; and*
- 2 the process review of the Mindarie Regional Council be finalised prior to proceeding with the review of the Strategic Plan.”*

8.2.4 SUBJECT: RESOURCE RECOVERY FACILITY UPDATE REPORT (for the period 1 June 2011 – 27 July 2011)

It was resolved by the MRC as follows:

“That:

- (i) The RRF update report for the period 1 June 2011 to 27 July 2011 be noted.*
- (ii) The following operational aspects associated with the RRF that are currently being dealt with be noted:*
 - composter long-term repairs/replacement;*
 - SITA ongoing investigation of accepting rear lift vehicles;*
 - SITA problems associated with disposal of ferrous metal;*
 - RRF Project Insurance renewal process and cost; and*
 - Vehicle wash down facility;*
- (iii) The CEO be authorised to increase the RRF Gate Fee Model by \$2.00 per tonne for the period 1 October 2010 to 30 September 2011 to account for the MRC contribution towards the ISR insurance premium increase;*
- (iv) It be noted that there is no resolution to the increase in the ISR deductible and that this will be resolved by the parties in the event of a claim, following appropriate legal advice.”*

Confidential Items**8.3.1 SUBJECT: LANDFILL GAS CONTRACT REPORT**

It was resolved by the MRC as follows:

“That:

- (i) The Landfill Gas Contract Report be received;*
- (ii) The Business Plan for Landfill Gas & Power Lease/Licence Extension following consideration of public comments received (non received) be adopted;*
(Voting - Absolute Majority Required)
- (iii) The CEO be authorised to make minor changes to the Sublease - Landfill Gas Facility Tamala Park that, following appropriate legal advice, do not increase the MRC risk or financial exposure; and*
- (iv) The Chairman and CEO be authorised to sign the Sublease - Landfill Gas Facility Tamala Park, subject to all seven member Councils signing off on the document.”*

8.3.2 SUBJECT: FUTURE LANDFILL SITE INVESTIGATION AND PROPOSAL TO PURCHASE LAND

“That:

- (i) The report on investigations to identify a suitable replacement landfill for Tamala Park be noted; and*
- (ii) The Business Plan be accepted and the CEO be authorised to advertise the Business Plan in accordance with section 3.59 of the Local Government Act.”*

VOTING REQUIREMENTS

Simple Majority

MOVED Cr Amphlett, **SECONDED** Cr Young that Council **NOTES** the Minutes of the Ordinary Meeting of the Mindarie Regional Council held on 25 August 2011, forming Attachment 1 to Report CJ184-10/11.

The Motion was Put and CARRIED (12/0) by En Bloc Resolution prior to consideration of the Motion to go Behind Closed Doors, Page 151 refers.

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

To access this attachment on electronic document, click here: [externalminutes041011.pdf](#)

CJ185-10/11 CUSTOMER SATISFACTION MONITOR 2010/11

WARD: All

RESPONSIBLE DIRECTOR: Mr Jamie Parry
Governance and Strategy

FILE NUMBER: 69609, 101515

ATTACHMENTS: Attachment 1 Top Line Results including actions and improvements for 2011/12.
Attachment 2 Comparison of results with other Local Governments.

PURPOSE

To present Council with the detailed results of the 2010/11 Customer Satisfaction Survey.

EXECUTIVE SUMMARY

The Customer Satisfaction Survey is conducted annually to measure the level of overall satisfaction with the City, and its performance in delivering specific services and facilities.

Overall results for the 2010/11 Customer Satisfaction Monitor are positive, reflecting a high level of community satisfaction with the City and services delivered to the community.

The 2010/11 Survey shows an overall satisfaction rating of 84.1%. This compares with 82.6% recorded for the 2009/10 Survey reflecting high levels of community satisfaction with the City.

Customer Satisfaction with services provided by the City in 2010/11 was 92% compared to 89.2% in 2009/10, reflecting high levels of satisfaction with services delivered to the community.

At an individual service level the following changes in satisfaction levels have occurred:

There have been increases in satisfaction levels for:

- Libraries;
- Sport and Recreation Centres;
- Graffiti removal, and
- Festivals.

Of these services significant increases occurred in sport and recreation centres, festivals and graffiti removal.

Satisfaction levels for the following services have decreased from 2009/10:

- Local Traffic;
- Ranger Services;
- Mobile Security Patrols
- Community Consultation, and
- City Information.

Whilst decreases in satisfaction levels were recorded for Community Consultation and City Information, it should be noted that this is in comparison to 2009/10 survey which recorded significant increases from the previous year. The 2010/11 results are similar to 2008/09 and still set the benchmark when compared with other local governments.

Satisfaction with value for money provided for City rates has also remained reasonably strong, similar to 2009/10 ratings with around two in three rate payers satisfied with the value for money provided by the City

BACKGROUND

Customer Satisfaction Monitors have been conducted on an annual basis since 2000. The most recent survey was conducted in May and June of 2011.

An independent market research company conducted the 2010/11 Survey.

The objectives of this survey were to determine:

- Overall satisfaction with the City of Joondalup;
- Satisfaction with City Services;
- Satisfaction with selected services and facilities;
- Value for money provided by rates, and
- Key issues of concern and suggestions for improvement.

This latest community research was undertaken during 25 May - 15 June 2011 and involved random sampling and telephone interviewing of 603 respondents from within the City. The sample was crosschecked to ensure that it significantly matched the demographic profile and population spread of Joondalup in terms of age, gender and location to obtain a representative sample.

A separate survey was also conducted of residents who had used the City's Building and Planning Services over the last 12 months. This separate survey of specific applicants was introduced in 2008/09. Previously this area was surveyed as part of the annual Customer Satisfaction Survey however the methodology was altered due to minimal numbers of people surveyed having contact with Planning or Building Services.

The sampling size for the overall Customer Satisfaction Survey produces a sampling precision of +/- 4% at the 95% confidence interval – i.e. there is a 95% certainty that the results obtained will be within +/- 4% if a census was conducted of all households within the

City of Joondalup. This percentage is in accordance with the level specified by the Auditor General.

The sampling size for the separate Planning and Building survey produces a sampling precision of +/- 9.13% at the 95% confidence interval.

DETAILS

Satisfaction levels were recorded from those respondents who felt familiar enough with the service or facility to be able to comment. Respondents expressing dissatisfaction were asked to provide suggestions for improvement.

The overall satisfaction rating in 2010/11 was 84.1% compared to the 2009/10 rating of 82.6%.

Respondents were prompted with a list of 16 services provided by the City, and asked how satisfied they were with the City's performance. To maintain comparability across Surveys, the questionnaire used was based on the version used in previous years. However, some changes were made to the Survey in 2010/11 to provide greater clarity with regard to parking issues – namely the separation of satisfaction with parking into the following areas:

- Parking in the City Centre;
- Parking adjacent to schools and stations, and
- Parking in residential areas.

A separate survey of planning and building applicants was conducted to measure specific levels of satisfaction with planning and building services. This survey was aimed at determining the satisfaction of those residents that had directly used the planning and building services. (The smaller sampling size for the separate survey of planning and building applicants produces a sampling precision of +/- 9.13% at the 95% confidence interval).

The top line findings indicate that, for the majority of services, high satisfaction ratings have continued. The Survey also shows that in 2010/11 satisfaction ratings remained high and increased from residents who had contact with the City in relation to a planning or building matter.

The 2010/11 Survey showed increases in satisfaction from 2009/10 in the following services:

- Libraries;
- Sport and Recreation Centres (significant increases);
- Graffiti removal (significant increases); and
- Festivals (significant increases).

Satisfaction levels for the following services have decreased from 2009/10:

- Local Traffic;
- Ranger Services;
- Mobile Security;
- Community Consultation, and
- City Information.

The changes in the 2010/11 Survey to differentiate satisfaction with parking into the three separate areas of City Centre Parking, Parking adjacent to Schools and Train Stations, and Residential Parking indicates that satisfaction levels for residential parking are fairly high

(76.8%) whereas satisfaction levels with City Centre Parking (45.5%) and Parking adjacent to Schools and Train Stations (43.2%) are low.

Parking in the City Centre

Comments reflect that people are generally dissatisfied with the concept of having to pay.

Parking Adjacent to Schools and Stations

Comments reflect a supply and demand issue around train stations, with current supply insufficient for commuters who arrive outside of peak hours.

Comments related to school parking indicate that there are unique issues associated with specific schools however generally comments relate to issues associated with drop and pick up areas, including danger, peak hour traffic, etc and parents parking on verges.

The following table provides comparisons of satisfaction ratings with previous surveys undertaken in 2006/07, 2007/08, 2008/09, 2009/10 with the latest 2010/11 Survey.

Service	2006/07	2007/08	2008/09	2009/10	2010/11
Overall Satisfaction	86.1	81.9	83.1	82.6	84.1
Satisfaction with services provided	Not measured	Not measured	89.8	89.2	92
Value for money from rates	67.3	67.5	62.3	63.4	66
Libraries	95.5	93.7	93.5	92.3	95.1
Festivals	87.4	87.6	90.3	88.3	93.1
Sport and recreation	91.5	88.5	90.2	90.2	95.6
Mobile security patrols	70.6	62.3	63.5	70.4	66.7
Graffiti removal	74.6	75.4	78.4	82.1	92.1
Ranger services	Not measured	79.6	79.3	77.8	78.3
Weekly rubbish collection	98	96.3	97.2	97	98.5
Fortnightly recycling	95	91.1	92.6	92	89.9
Parks and POS	Not measured	91.9	91.5	91.7	90.8
Street appearance	82.1	84.2	84.1	83.5	83.4
Planning Services	61.6	54.8	80	85.1	95.2

Service	2006/07	2007/08	2008/09	2009/10	2010/11
Building Services	61.6	54.8	89.7	87	94.7
Local traffic	77.3	72.9	77.4	79.5	73.5
Parking	72.4	69.4	58.2	54.4	N/A
Parking in City Centre	N/A	N/A	N/A	N/A	45.5
Parking – Schools and Stations	N/A	N/A	N/A	N/A	43.2
Parking - Residential	N/A	N/A	N/A	N/A	76.8
Community consultation	Not measured	Not measured	69.7	74.8	67.4
City information	Not measured	Not measured	72	78.3	72.9
Understand community needs	Not measured	Not measured	73.5	72.6	68.8

Although overall satisfaction levels remain high, and satisfaction with City Services is high, the City will continue to improve service delivery in all areas, with particular focus on those service areas that have recorded decreases in satisfaction ratings including:

- Parking (City Centre and adjacent to Schools and Train Stations)
- Local Traffic
- Mobile Security
- Ranger Service
- Community Consultation
- Community Information

The top line results are included in *Attachment 1* including details of actions taken in 2010/11 to improve service delivery, and planned actions and priorities for 2011/12 for all service areas.

Benchmarking satisfaction ratings with other local governments

The City also endeavours, wherever possible, to benchmark results against other local governments where benchmarking data is available, a similar methodology for conducting customer surveys is employed, and the surveys are conducted in similar timeframes. Attachment 2 provides comparison information with local governments who have completed customer satisfaction surveys in 2010 or 2011.

Issues and options considered:

All services showing decreased levels of satisfaction have been reviewed and improvement strategies for 2011/12 are shown in Attachment 1.

Legislation/Strategic Plan/Policy Implications

Legislation The Annual Community Satisfaction Survey assists the City to achieve three elements of the Local Government Act:

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

Strategic Plan

Key Focus Area: Leadership and Governance.

Objective: To engage proactively with the community.

Policy:

Community Consultation and Engagement

Risk Management considerations:

Monitoring levels of customer satisfaction with services provided by the City is essential to assist in the delivery of effective and efficient services to the community.

Financial/Budget Implications:

The costs associated with undertaking the Customer Satisfaction Monitor in 2010/11 (including the separate Planning and Building Survey) were:

Account No:	531 A5301 3265 0000
Budget Item:	Customer Satisfaction Monitor
Budget Amount:	\$35,000
Amount Spent To Date:	\$29,680
Proposed Cost:	\$29,680
Balance:	\$ 5,320

All figures quoted in this report are exclusive of GST.

Regional Significance:

Not Applicable.

Sustainability implications:

Customer satisfaction is a measure of an organisation's sensitivity to customer needs and, from an organisational perspective, is essential for long-term success and sustainability.

Consultation:

The 2010/11 Customer Satisfaction Survey was conducted by surveying 603 residents of the City of Joondalup.

COMMENT

The 2010/11 Customer Satisfaction Survey results show that, in the main, residents are satisfied with the services provided by the City of Joondalup. A number of service areas attracted extremely high satisfaction ratings indicating that residents are very satisfied with service levels and service activities.

Overall satisfaction ratings have increased from the 2009/10 results as have satisfaction with City Services.

The City will put significant emphasis on implementing improvement strategies, where possible, to address those areas that have recorded decreases in satisfaction levels from 2009/10 as well as continuing to look for improvements in all service areas.

A number of improvements to services are planned for 2011/12 with some improvements already underway. These are detailed in Attachment 1.

VOTING REQUIREMENTS

Simple majority.

MOVED Cr Amphlett, SECONDED Cr Young that Council NOTES the 2010/2011 Customer Satisfaction Survey forming Attachment 1 to Report CJ185-10/11.

The Motion was Put and CARRIED (12/0) by En Bloc Resolution prior to consideration of the Motion to go Behind Closed Doors, Page 151 refers.

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

Appendix 10 refers

To access this attachment on electronic document, click here: [Attach10brf041011.pdf](#)

CJ186 -10/11 EXPERT PANEL DISCUSSION PAPER - CONSTITUTIONAL RECOGNITION OF LOCAL GOVERNMENT

WARD: All

RESPONSIBLE DIRECTOR: Mr Jamie Parry
Governance and Strategy

FILE NUMBER: 07122,101515

ATTACHMENTS: Attachment 1 Expert Panel on Constitutional Recognition of Local Government Discussion Paper

PURPOSE

To seek Council approval for the Chief Executive Officer (CEO) to provide a submission to the *Expert Panel on Constitutional Recognition of Local Government* (EPCRLG) in response to its recently released discussion paper.

EXECUTIVE SUMMARY

The Council has on two occasions (CJ115-07/08 and CJ043-03/11 refers), considered reports in relation to establishing a position on the constitutional recognition of local government within the *Australian Constitution*.

On each occasion, Council has resolved to support the symbolic and financial recognition of local government within the *Australian Constitution* and requested active lobbying of Federal Parliamentary Members to support the holding of a referendum on the issue by 2013.

An EPCRLG has since been established by the Australian Government to consult with the community on whether Australia's Constitution should be changed to include local government. Its discussion paper (provided at Attachment 1) and consultation outcomes will be reported back to the government to determine the likely success of a referendum if held.

The Australian Local Government Association (ALGA) has written to all local governments seeking their support to make a submission to the EPCRLG, based on previous resolutions passed by supporting Councils.

As such, it is recommended that Council:

- 1 *CONFIRMS its previously endorsed positions on constitutional recognition of local government (CJ115-07/08 and CJ043-03/11 refers), namely that Council:*
 - 1.1 *SUPPORTS symbolic and financial recognition for local government in the Australian Constitution;*
 - 1.2 *SUPPORTS financial recognition of local government in the Australian Constitution so that the Federal Government has the power to fund local government directly; and*
 - 1.3 *SUPPORTS the inclusion of local government in any new Preamble to the Constitution if one is proposed.*
- 2 *APPROVES the Chief Executive Officer providing a submission to the Expert Panel on Constitutional Recognition of Local Government that reflects Council's position stated in Part 1.*

BACKGROUND

In 2008, the City of Joondalup Council considered a proposal by the Western Australian Local Government Association (WALGA), to develop and endorse a local government position on constitutional recognition. It was anticipated that individual Council positions would form part of a broader State and National engagement framework, to inform the development of an industry-wide position on the issue. This would be utilised in the event of the Federal Government following through with its commitment to incorporate local government constitutional recognition as part of a national referendum agenda.

At the meeting of Council on 15 July 2008, Council resolved the following (CJ115-07/08 refers):

1. *NOTES the contents of the Discussion Paper – “Constitutional Recognition of Local Government” as shown in Attachment 1 to Report CJ155-07/08;*
2. *SUPPORTS symbolic and financial recognition for local government in the Australian Constitution; and*
3. *REQUESTS that a report be prepared outlining the Council’s position on constitutional recognition for referral to the next meeting of the North Metropolitan Zone scheduled for 24 July 2008 and for the referral to the WALGA.*

This position was then considered and endorsed, among others, at the WALGA North Metropolitan Zone Committee Meeting on 24 July 2008 and the WALGA State Council Meeting on 3 December 2008.

At the ALGA Local Government Constitutional Summit, held in Melbourne from 8-11 December 2008, the following resolution was made:

“Delegates of this Local Government Constitutional Summit resolve that:

to ensure the quality of planning and delivery of services and infrastructure provided to all Australians, and the ongoing sustainability of local government, any constitutional amendment put to the people in a referendum by the Australian Parliament (which could include the insertion of a preamble, an amendment to the current provisions or the insertion of a new Chapter) should reflect the following principles:

- *The Australian people should be represented in the community by democratically elected and accountable local government representatives;*
- *The power of the Commonwealth to provide direct funding to local government should be explicitly recognised; and*
- *If a new preamble is proposed, it should ensure that local government is recognised as one of the components making up the modern Australian Federation.”*

ALGA’s campaigning resulted in a commitment in 2010 from Prime Minister, Julia Gillard, to hold a referendum on the constitutional recognition of local government in the future.

As a result, ALGA requested in early 2011, further campaigning from local governments to ensure the following:

- The referendum is held in 2013;
- The type of constitutional recognition sought meets the industry’s requirements; and
- That a positive result in any referendum on this issue is achieved.

In response to this request, Council resolved at its meeting held on 15 March 2011 that it:

1. *CONFIRMS its previously endorsed position on constitutional recognition of local government (CJ115-07/08 refers), namely that Council SUPPORTS symbolic and financial recognition for local government in the Australian Constitution;*
2. *EXPANDS on the previously endorsed position stated in Point 1 by:*
 - 2.1 *SUPPORTING financial recognition of local government in the Australian Constitution so that the Federal Government has the power to fund local government directly;*

- 2.2 *SUPPORTING the inclusion of local government in any new Preamble to the Constitution if one is proposed; and*
- 2.3 *REQUESTING all political parties to support a referendum by 2013 to change the Constitution to achieve this recognition;*
3. *SUPPORTS the Mayor in writing to the Prime Minister, Federal Opposition Leader and Local Federal Parliamentary Members to inform them of Council's support for constitutional recognition and to seek their support for reform within the Federal Parliament; and*
- 4 *REQUESTS the Chief Executive Officer to implement any further suggestions provided by the Australian Local Government Association to campaign for broad public support for constitutional recognition, as is deemed practical within existing resources.*

As a result of ALGA's request, over 400 Councils passed some form of resolution to support the constitutional recognition of local governments, which was acknowledged by the following resolution at the 2011 National General Assembly of Local Government:

"This National General Assembly supports the Australian Local Government Association's position seeking constitutional recognition of local government."

DETAILS

After the completion of the 2011 National Assembly on Local Government, the Australian Government established an EPCRLG to consult with the community on whether Australia's Constitution should be changed to recognise local government.

The EPCRLG has released a discussion paper (provided at Attachment 1) addressing:

- The current role of local government within the Australian Federation;
- Reasons for recognising local government within the *Australian Constitution*; and
- Ideas for how the *Australian Constitution* may be changed to recognise local government, namely:
 - Symbolic recognition through a new Preamble or Statement of Values;
 - Financial recognition, allowing the Commonwealth to directly fund local government;
 - Democratic recognition, requiring States' to establish and maintain local government; and
 - Recognition through Federal cooperation.

Public comment is now being sought on the EPCRLG's discussion paper, with submissions due by 4 November 2011.

ALGA has since contacted all local governments, encouraging them to provide a submission in response to the EPCRLG's discussion paper, which supports constitutional change.

Issues and options considered:

Council may choose to either support or reject ALGA's invitation to assist in campaigning for constitutional recognition for local government, however, based on previously endorsed positions, it is recommended that Council approves the CEO providing a submission to the EPCRLG in response to its discussion paper.

Legislation/Strategic Plan/Policy Implications

Legislation *The Australian Constitution*

Strategic Plan

Key Focus Area: Leadership and Governance

Objective: Not applicable

Policy Not applicable

Risk Management considerations:

Not applicable.

Financial/Budget Implications:

Supporting a position of constitutional recognition that seeks direct funding arrangements between Federal and local governments will assist in delivering greater financial certainty for local governments in the future.

Regional Significance:

Not applicable.

Sustainability implications:

Not applicable.

Consultation:

Not applicable.

COMMENT

Not applicable.

VOTING REQUIREMENTS

Simple Majority.

MOVED Cr Amphlett, SECONDED Cr Young that Council:

- 1 CONFIRMS its previously endorsed positions on constitutional recognition of local government (CJ115-07/08 and CJ043-03/11 refers), namely that Council:**
 - 1.1 SUPPORTS symbolic and financial recognition for local government in the Australian Constitution;**
 - 1.2 SUPPORTS financial recognition of local government in the Australian Constitution so that the Federal Government has the power to fund local government directly;**
 - 1.3 SUPPORTS the inclusion of local government in any new Preamble to the Constitution if one is proposed; and**

- 2 APPROVES the Chief Executive Officer providing a submission to the Expert Panel on Constitutional Recognition of Local Government that reflects Council's position stated in Part 1.**

The Motion was Put and CARRIED (12/0) by En Bloc Resolution prior to consideration of the Motion to go Behind Closed Doors, Page 151 refers.

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

Appendix 22 refers

To access this attachment on electronic document, click here: [Attach22agn111011.pdf](#)

CJ187-10/11 MINUTES OF THE AUDIT COMMITTEE MEETING HELD ON 6 OCTOBER 2011

WARD: All

RESPONSIBLE DIRECTOR: Mr Mike Tidy
Corporate Services

FILE NUMBER: 50068,101515

ATTACHMENTS: Attachment 1 Unconfirmed Minutes of the Audit Committee Meeting held on 6 October 2011

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 6 October 2011 to consider the following matter:

Item 1 2010/11 Annual Financial Report.

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 6 October 2011 are shown below, together with officer's comments.

Item 1 2010/11 Annual Financial Report.

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

"That the Audit Committee RECOMMENDS that Council, BY AN ABSOLUTE MAJORITY, ACCEPTS the Annual Financial Report of the City of Joondalup and the accompanying Audit Report for the financial year 2010/11, forming Attachment 1 to this Report.

The following motion was carried:

"MOVED Cr Amphlett, SECONDED Cr Chester that the Audit Committee RECOMMENDS that Council, BY AN ABSOLUTE MAJORITY, ACCEPTS the Annual Financial Report of the City of Joondalup and the accompanying Audit Report for the financial year 2010/11, forming Attachment 1 to this Report, subject to the following amendment:

1 Page 30 of the Annual Financial Report 2010-2011 to read as follows:

"The following represents the movement in the carrying amounts of each class of infrastructure between the beginning and the end of the current financial year."

Officer's Comment

Council is now required to consider the Audit Committee's recommendation and, if agreed, accept the Annual Financial Report of the City of Joondalup and the accompanying Audit Report for the financial year 2010/11.

REQUESTS FOR REPORTS FOR FUTURE CONSIDERATION

Cr Amphlett requested a report be provided to the Audit Committee at the appropriate time, concerning the evaluation of the withdrawal of the Stirling City Council, from the Mindarie Regional Council Resource Recovery Facility.

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

Absolute Majority

MOVED Cr McLean, SECONDED Cr Amphlett that Council:

- 1 **NOTES** the unconfirmed minutes of the Audit Committee Meeting held on 6 October 2011, forming Attachment 1 to Report CJ187-10/11;
- 2 **BY AN ABSOLUTE MAJORITY ACCEPTS** the Annual Financial Report of the City of Joondalup and the accompanying Audit Report for the financial year 2010/11 forming Attachment 2 to Report CJ187-10/11, subject to the following amendment:
 - 2.1 **Page 30 of the Annual Financial Report 2010-2011 to read as follows:**

“The following represents the movement in the carrying amounts of each class of infrastructure between the beginning and the end of the current financial year”; and
- 3 **REQUESTS** the Chief Executive Officer to provide a report on the evaluation of the withdrawal of the Stirling City Council, from the Mindarie Regional Council Resource Recovery Facility.

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 Young.

Appendix 23 refers

To access this attachment on electronic document, click here: [Attach23agn111011.pdf](#)

CJ188-10/11 LIST OF PAYMENTS MADE DURING THE MONTH OF AUGUST 2011

WARD: All

RESPONSIBLE DIRECTOR: Mr Mike Tidy
Corporate Services

FILE NUMBER: 09882

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

PURPOSE

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

EXECUTIVE SUMMARY

This report presents the list of payments made under delegated authority during the month of August 2011 totalling \$8,799,427.73

It is recommended that Council NOTES the CEO's list of accounts for August 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 CJ188-10/11, totalling \$8,799,427.73

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 August 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 90536 - 90781 and EF019964 – EF20391 Net of cancelled payments	\$4,019,222.72
	Vouchers 864A, 866A, 868A-870A & 872A – 874A, 965A	\$4,671,602.87
Trust Account	Trust Cheques 204352 - 204413 Net of cancelled payments	\$108,602.14
Total		\$8,799,427.73

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 2011/2012 City's Annual Budget as adopted or revised by Council at its meeting of 28 June 2011.

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 2011/2012 Annual Budget as adopted and revised by Council at its meeting of 28 June 2011 or has been authorised in advance by the Mayor or by resolution of Council as applicable.

VOTING REQUIREMENTS

Simple majority.

MOVED Cr Amphlett, **SECONDED** Cr Young that Council **NOTES** the CEO's list of accounts for August 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 CJ188-10/11, totalling \$8,799,427.73.

The Motion was Put and CARRIED (12/0) by En Bloc Resolution prior to consideration of the Motion to go Behind Closed Doors, Page 151 refers.

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

Appendix 11 refers

To access this attachment on electronic document, click here: [Attach11brf041011.pdf](#)

CJ189-10/11 FINANCIAL ACTIVITY STATEMENT FOR THE PERIOD ENDED 31 AUGUST 2011

WARD: All

RESPONSIBLE DIRECTOR: Mr Mike Tidy
Corporate Services

FILE NUMBER: 07882, 101515

ATTACHMENTS: Attachment 1 Financial Activity Statement for the Period Ended 31 August 2011

PURPOSE

The August 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 August 2011 Financial Activity Statement Report shows an overall favourable variance from operations and capital for the period of \$2,972,299 when compared to the 2011/12 Adopted Budget.

This variance can be summarised as follows:

The **Operating** surplus is \$2,272,797 above budget, made up of higher revenue of \$1,156,338 and lower operating expenditure of \$1,116,458.

Operating revenue is above budget in Rates \$854,605, Contributions, Reimbursements and Donations \$461,018, Other Revenue \$72,544 and Investment Earnings \$120,086. Revenue is below budget in Fees and Charges \$317,059 and Grants and Subsidies \$68,704. The additional revenue mainly arose from the sale of recyclable materials and the timing of administration fees and instalment interest charged on outstanding Rates compared to budget phasing.

Operating expenditure is below budget in Materials and Contracts \$1,375,855 and Utilities \$28,246. This is partly offset by adverse variances in Employee Costs \$220,034, Insurance Expenses \$46,930 and Depreciation \$19,283.

The Materials and Contracts favourable variance is predominantly attributable to timing differences and is spread across a number of areas including External Services Expenses \$536,318, Professional Fees & Costs \$248,175, Furniture & Equipment \$277,493 and Contributions & Donations \$138,758.

The higher employment cost is mainly attributable to an unbudgeted increase in the provision rates for employee leave.

The **Capital Revenue and Expenditure** deficit is \$714,070 below budget and is made up of higher revenue of \$171,670 and under expenditure of \$542,400.

Capital Expenditure is below budget on Capital Projects \$317,631, Capital Works \$99,998 and Vehicle and Plant replacements \$133,771.

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 August 2011 forming Attachment 1 to Report CJ189-10/11.

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 August 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 Amphlett, SECONDED Cr Young that Council NOTES The Financial Activity Statement for the period ended 31 August 2011, forming Attachment 1 to Report CJ189-10/11.

The Motion was Put and CARRIED (12/0) by En Bloc Resolution prior to consideration of the Motion to go Behind Closed Doors, Page 151 refers.

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

Appendix 12 refers

To access this attachment on electronic document, click here: [Attach12brf041011.pdf](#)

CJ190-10/11 TENDER 010/11 PROVISION OF LANDSCAPE SERVICES - ILUKA

WARD: North

RESPONSIBLE DIRECTOR: Mr Mike Tidy
Corporate Services

FILE NUMBER: 101599, 101515

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

PURPOSE

To seek the approval of Council to accept the Tender submitted by Sanpoint Pty Ltd T/as LD Total for the provision of landscape services – Iluka (Tender 010/11).

EXECUTIVE SUMMARY

Tenders were advertised on 6 August 2011, through state wide public notice, for the provision of landscape services – Iluka for a period of three years, with an option for a further two years. Tenders closed on 23 August 2011. Four Submissions were received from:

- Sanpoint Pty Ltd T/as LD Total;
- Greenworx Commercial Maintenance;
- ELM (WA) Pty Ltd T/as Estate landscape Maintenance; and
- Programmed Property Services Ltd T/as Programmed Maintenance Services Ltd.

The submission from Sanpoint Pty Ltd T/as LD Total represents best value to the City. The evaluation panel has confidence in its ability to provide the services to the required standards and its breakdown of hours for mowing and garden bed maintenance reflects an appropriate understanding of the requirements. The company has considerable resources and demonstrated experience providing similar services to the City of Wanneroo and is the City's current Contractor for landscaping services for Iluka and Harbour Rise estate.

It is recommended that Council ACCEPTS the tender submitted by Sanpoint Pty Ltd T/as LD Total for the provision of landscape services – Iluka for a period of three years with an option for a further two years. The tenderer is to meet the requirements specified in Tender 010/11 for the fixed lump sum of \$374,068 (GST Exclusive) and schedule of rates for any additional works and deletions with annual price variations subject to the Perth CPI (All Groups) Index.

BACKGROUND

This requirement is for the provision of landscaping services for public open space and landscaped areas within the suburb of Iluka.

The scope of work includes the following activities and frequencies:

- Turf Maintenance – grass shall be mowed at maximum intervals of every ten days from October to April, and every 21 days from May to September;
- Garden Bed Maintenance – weekly service; and
- Restoration of established garden beds as required.

The City currently has a single Contract for the provision of landscape services in Iluka with Sanpoint Pty Ltd T/as LD Total, which expires on 31 October 2011.

DETAILS

Tenders were advertised on 6 August 2011, through state wide public notice, for the provision of landscape services – Iluka for a period of three years, with an option for a further two years. The Tender period was for two weeks and Tenders closed on 23 August 2011.

This Contract is for a fixed lump sum for the provision of landscape services with a schedule of rates for additions and deletions to the landscape, and any additional rectification works.

Tender Submissions

Four Submissions were received from:

- Sanpoint Pty Ltd T/as LD Total;
- Greenworx Commercial Maintenance;
- ELM (WA) Pty Ltd T/as Estate landscape Maintenance; and
- Programmed Property Services Ltd T/as Programmed Maintenance Services Ltd.

The schedule of items as listed in the RFT is provided in Attachment 1.

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

Evaluation Panel

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

Compliance Assessment

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

Qualitative Assessment

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

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

Programmed Maintenance Services Ltd scored 51.1% and was ranked last in the qualitative assessment. It demonstrated sufficient capacity and experience in providing landscaping services, but did not demonstrate an adequate understanding of the required tasks. The number of hours allocated to mowing and garden bed maintenance was between two and a half and four times that of the other Tenderers.

Estate Landscape Maintenance scored 53.8% and was ranked third in the qualitative assessment. It demonstrated adequate capacity and experience in providing similar landscape services, but did not demonstrate sufficient understanding of the requirements. The number of hours allocated to mowing for May to September is insufficient to meet the frequency of mowing required and the hours allocated to garden bed maintenance is much higher than that required to complete the service. The cost per hour assessment of the Contract raised strong concerns with the financial sustainability of the contract price. The imbalance in the hours allocated for the services and the low price demonstrates a lack of understanding of the requirements, and is accordingly not recommended.

Greenworx Commercial Maintenance scored 61.3% and was ranked second in the qualitative assessment. It demonstrated its capacity and sufficient experience in providing landscape services. It demonstrated some understanding of the requirements, but the hours allocated to mowing are 20 hours less per month than LD Total. This equates to 240 hours per year. The allocation of hours for mowing is not considered sufficient by the evaluation panel to meet the required service levels of the Contract.

LD Total scored 77.3% and was ranked first in the qualitative assessment. It is a large company that best demonstrated its capacity, experience and understanding of the requirements. It is the City's current Contractor for these services. The hours allocated to mowing of turf and garden bed maintenance are appropriate to meet the service levels required. LD Total best demonstrated its ability to meet the requirements of the Contract and represents the lowest risk to the City.

Price Assessment

Following the qualitative assessment, the panel carried out a comparison of the submitted lump sum prices, rates and allocated hours offered by each Tenderer to assess value for money to the City.

The cost of any renovation works and additional unscheduled services were not included in the calculation of contract cost, as they cannot be accurately estimated.

Lump Sum Price Assessment

Tenderer	Year 1	Year 2	Year 3	Total
Estate Landscape Maintenance	\$79,250	\$81,250	\$83,250	\$243,750
Greenworx Commercial Maintenance	\$110,500	\$114,368	\$118,370	\$343,238
LD Total	\$119,832	\$124,625	\$129,611	\$374,068
Programmed Maintenance Services Ltd	\$447,252	\$447,252	\$460,142	\$1,354,646

Comparison of Allocation of Hours to Lump Sum Cost and Labour Rate

Item	Months	Estate Landscape Maintenance		Greenworx Commercial Maintenance		LD Total		Programmed Maintenance Services Ltd	
		Hrs	Total	Hrs	Total	Hrs	Total	Hrs	Total
Turf (Oct to Apr)	7	130	910	80	560	107	749	441	3087
Turf (May to Sept)	5	45	225	60	300	80	400	206	1030
Garden Beds	12	160	1920	104	1248	100	1200	462	5544
Total Hours per Year		3055		2108		2349		9661	
Cost per Hour based upon Year One Lump Sum Cost		\$25.94		\$52.42		\$51.01		\$46.29	

The cost per hour calculated upon the lump sum price for each Tenderer should be comparable to the submitted labour rates. The cost per hour is inclusive of labour, equipment, overheads and materials. This is an indication of the accuracy and feasibility of the cost of the Contract. The calculated cost per hour for Estate Landscape Maintenance is significantly less than its labour rate. This is an indication that the lump sum price is insufficient for the services required. The evaluation panel has strong reservations as to the financial sustainability of the price offered by Estate Landscape Maintenance.

During the last financial year 2010/11, the City incurred \$150,919 for the provision of landscape services for Iluka inclusive of improvement works to Naturaliste Park verges and is expected to incur in the order of \$374,068 over the three year Contract period and up to \$649,050 over a five year period if the extension option is exercised.

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	Estimated Three Year Contract Price	Evaluation Score	Qualitative Rank
LD Total	\$119,832	\$374,068	77.3%	1
Greenworx Commercial Maintenance	\$110,500	\$343,238	61.3%	2
Estate Landscape Maintenance	\$79,250	\$243,750	53.8%	3
Programmed Maintenance Services Ltd	\$447,252	\$1,354,646	51.1%	4

Based on the evaluation result the panel concluded that the Tender that provides best value to the City is that of LD Total and is therefore recommended.

Issues and options considered:

Landscape services for the suburb of Iluka are required to satisfy the service level agreement standards agreed between the City and Homeowners Association of Iluka. The City does not have the internal resources to supply the required services and, as such, requires an appropriate external service provider.

Legislation/Strategic Plan/Policy Implications

Legislation A state wide public tender was advertised, opened and evaluated in accordance with Clause 11(1) of Part 4 of the *Local Government (Functions & General) Regulations 1996*, where tenders are required to be publicly invited if the consideration under a contract is, or is estimated to be, more, or worth more, than \$100,000.

Strategic Plan

Key Focus Area: The Built Environment.

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

Policy:

Specified Area Rates.

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 provide the landscape services. These services are funded in part from specified area rates and subject to a service level agreement between the City and the residents of Iluka.

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 required standards. The recommended Tenderer is currently undertaking the landscape services at Iluka and has performed satisfactorily.

Financial/Budget Implications:

Account No:	633-P3353-3359-6410 633-P3353-3359-6413 633-P3353-3359-6432
Budget Item:	Iluka Specified Area Rating Landscape Services
Budget Amount 2011/12:	\$148,077
Estimated Expenditure 1 July 2011 to 31 October 2011:	\$ 38,502
Proposed Cost 1 November 2011 to 30 June 2012:	\$ 79,888
Balance:	\$ 29,687

The above expenditure is for the scheduled landscape services only. The balance of funds available will be used for any required renovation and unscheduled works.

All figures quoted in this report are exclusive of GST.

Regional Significance:

Not applicable.

Sustainability Implications:

The provision of landscape services in the suburb of Iluka enhances the amenity of public open space for residents.

Consultation:

Consultation was undertaken with the Iluka Homeowners Association regarding the areas that will form part of the service level agreement and the requirement for renovation works during the term of the Contract. Both items were agreed to by the Iluka Homeowners Association and have been allowed for in the specification and schedule of rates of the Contract.

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 Sanpoint Pty Ltd T/as LD Total.

VOTING REQUIREMENTS

Simple majority.

MOVED Cr Amphlett, SECONDED Cr Young that Council ACCEPTS the tender submitted by Sanpoint Pty Ltd T/as LD Total for the provision of landscape services – Iluka for a period of three years, with an option for a further two years. The Tenderer is to meet the requirements specified in Tender 010/11 for the fixed lump sum of \$374,068 (GST Exclusive) and schedule of rates for any additional works and deletions with annual price variations subject to the Perth CPI (All Groups) Index.

The Motion was Put and CARRIED (12/0) by En Bloc Resolution prior to consideration of the Motion to go Behind Closed Doors, Page 151 refers.

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

Appendix 13 refers

To access this attachment on electronic document, click here: [Attach13brf041011.pdf](#)

CJ191-10/11 TENDER 023/11 PROVISION OF CLEANING SERVICES FOR LEISURE CENTRES

WARD:	North-Central, Central and South	
RESPONSIBLE DIRECTOR:	Mr Mike Tidy Corporate Services	
FILE NUMBER:	101817, 101515	
ATTACHMENTS:	Attachment 1	Schedule of Items
	Attachment 2	Summary of Tender Submissions

PURPOSE

To seek the approval of Council to accept the Tender submitted by Academy Services Pty Ltd for the provision of cleaning services for leisure centres (Tender 023/11).

EXECUTIVE SUMMARY

Tenders were advertised on 20 July 2011, through state wide public notice, for the provision of cleaning services for leisure centres for a period of three years. Tenders closed on 4 August 2011. Ten Submissions were received from:

- Quayclean Australia Pty Ltd;
- MOO Corporation WA Pty Ltd T/as Southern Cross Cleaning Services;
- Academy Services (WA) Pty Ltd;
- TJS Cleaning Services Perth;
- Glad Group Pty Ltd T/as Glad Commercial Cleaning;
- Charlo Nominees Pty Ltd T/as Charles Service Company;

- GWC Total Management Pty Ltd;
- A Group of Companies 2003 Pty Ltd T/as ALLclean property Maintenance;
- Swan Hill Cleaning Group T/as First Serve Property Maintenance; and
- HACCP Cleaning Australia Pty Ltd.

The submission from Academy Services (WA) Pty Ltd represents the lowest risk and best value to the City. The evaluation panel has confidence in its ability to provide the cleaning services to the required quality standards. The company has sufficient resources and the appropriate experience to complete the City's requirements. It is the City's current Contractor for cleaning services to leisure centres and also provides cleaning to the City of Subiaco Lords leisure facility.

It is recommended that Council ACCEPTS the Tender submitted by Academy Services (WA) Pty Ltd for the provision of cleaning services for leisure centres for a period of three (3) years, in accordance with the requirements specified in Tender 023/1, for the fixed lump sum of \$329,091.96 (GST Exclusive) for scheduled cleaning services for year one of the Contract and the schedule of rates for unscheduled cleaning services, with annual price variations subject to the Perth CPI (All Groups) Index.

BACKGROUND

The City has a requirement for professional cleaning services to be provided to the following Leisure Centres:

- Craigie Leisure Centre, 751 Whitfords Avenue, Craigie;
- Duncraig leisure Centre, 40 Warwick Road, Duncraig; and
- Heathridge Leisure Centre, 16 Sail Terrace, Heathridge.

The City currently has a single Contract for the provision of cleaning services for leisure centres with Academy Services (WA) Pty Ltd, which expires on 31 October 2011.

DETAILS

Tenders were advertised on 20 July 2011, through state wide public notice, for the provision of cleaning services for leisure centres for a period of three years. The Tender period was for two weeks and Tenders closed on 4 August 2011.

Tender Submissions

Ten (10) Submissions were received from:

- Quayclean Australia Pty Ltd;
- MOO Corporation WA Pty Ltd T/as Southern Cross Cleaning Services;
- Academy Services (WA) Pty Ltd;
- TJS Cleaning Services Perth;
- Glad Group Pty Ltd T/as Glad Commercial Cleaning;
- Charlo Nominees Pty Ltd T/as Charles Service Company;
- GWC Total Management Pty Ltd;
- A Group of Companies 2003 Pty Ltd T/as ALLclean property Maintenance;
- Swan Hill Cleaning Group T/as First Serve Property Maintenance; and
- HACCP Cleaning Australia Pty Ltd.

The schedule of items as listed in the RFT is provided in Attachment 1.

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

Evaluation Panel

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

Compliance Assessment

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

Qualitative Assessment

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

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

HACCP Cleaning Australia Pty Ltd scored 22.8% and was ranked last in the qualitative assessment. The company did not demonstrate its capacity, sufficient understanding of the requirements or any experience undertaking cleaning services of leisure or aquatic centres.

First Serve Property Maintenance scored 25.1% and was ranked ninth in the qualitative assessment. The company did not demonstrate the capacity, sufficient understanding of the requirements or any experience undertaking cleaning services of leisure or aquatic centres.

ALLclean Property Services Plus scored 41.6% and was ranked eighth in the qualitative assessment. The company demonstrated experience cleaning leisure centres for the City of Swan, but did not provide adequate information supporting its capacity. The response addressing understanding of the requirements was general in nature and did not address a specific methodology of the cleaning tasks required.

GWC Total Management Pty Ltd scored 43.7% and was ranked seventh in the qualitative assessment. The company demonstrated the capacity to provide the services, but did not demonstrate any experience cleaning in a leisure centre or aquatic centre environment, or provide sufficient information addressing its understanding of the cleaning requirements specific to the City's leisure centres.

Charles Service Company scored 48.1% and was ranked sixth in the qualitative assessment. The company demonstrated the capacity to provide the services, but did not adequately address its understanding of the required tasks, with no specific work methodology supplied for the cleaning tasks required at the leisure centres. The company demonstrated experience in school and office environment cleaning and is the City's current major sites cleaning contractor, but no experience in a leisure environment of the size and capacity of the City's leisure centres.

Glad Commercial Cleaning scored 50.6% and was ranked fifth in the qualitative assessment. The company demonstrated sufficient capacity to provide the services, but did not demonstrate any experience undertaking cleaning services in a leisure centre or aquatic centre environment. It also did not provide sufficient information addressing its understanding of the requirements and any specific work methodology for the required cleaning tasks.

TJS Cleaning Services Perth scored 55.5% and was ranked fourth in the qualitative assessment. The company demonstrated experience cleaning Fitness First gyms and the Next Generation gym in Kings Park, but no leisure or aquatic facilities of a size and capacity similar to the City's leisure centres. It did not provide sufficient information demonstrating its capacity to provide the services. The response addressing its understanding of the requirements satisfied the general work requirements but it did not allocate sufficient hours or cleaners to the Duncraig and Heathridge leisure centres and the total number of cleaning hours per week is 26.8 hours less than Academy Services (WA) Pty Ltd.

Academy Services (WA) Pty Ltd scored 55.8% and was ranked third in the qualitative assessment. It has held the cleaning contract for the City's leisure centres for the past three years. Through this contract it has demonstrated its capacity, experience and a comprehensive understanding of the City's requirements and expectations regarding the quality of cleaning services. The company's qualitative score did not reflect the company's capacity and understanding of the requirements due to the general lack of specific information in its Offer. As well as being the city's current contractor for leisure cleaning services, it is also the current contractor for the City of Subiaco Lords leisure facility.

Southern Cross Cleaning Services scored 56.9% and was ranked second in the qualitative assessment. It demonstrated the capacity to provide the services and sufficient understanding of the requirements. It demonstrated experience undertaking cleaning in mostly office based environments, but has a current contract for the cleaning of Kingsway Sporting facility. It has held this contract for just three months, which was not considered long enough by the evaluation panel to establish adequate experience in a leisure facility environment.

Quayclean Australia Pty Ltd scored 64.6% and was ranked first in the qualitative assessment. It demonstrated the capacity, experience and understanding of the required tasks. It has current contracts in WA with Venues West for cleaning of Challenge Stadium, Arena Joondalup and WA Athletics Stadium and the City of Melville. Reference checks were undertaken with the City of Melville and Venues West.

The result of these references does not support the recommendation of this company. The quality of the services provided at the reference sites was not of a level acceptable to the evaluation panel. Of particular concern was the requirement for a high level of supervision to maintain the standard of cleaning services. The City does not have the internal resources to supervise a cleaning contractor on a daily basis. The leisure centres are high profile locations to the City and the public has a high expectation of the cleanliness of the centres. The risk in awarding the Contract to Quayclean Australia Pty Ltd due to the level of supervision required and the quality of services observed in reference checks is considered high and therefore not recommended.

After completion of reference checks, the only Tenderer considered to have sufficient experience in cleaning leisure and aquatic centres of the size and patronage of the City's leisure facilities to the standards required was that of Academy Services (WA) Pty Ltd. Although its submission was lacking information, its current experience with the City and the City of Subiaco Lords facility supports an understanding of the cleaning requirements specific to a leisure centre environment and represents the lowest contractual risk to the City.

Price Assessment

Following the qualitative assessment, the panel carried out a comparison of the submitted prices offered by each tenderer for scheduled cleaning services, 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 prices after the first year of the contract.

The following table provides comparative estimated expenditure during the term of the contract.

Tenderer	Year 1	Year 2	Year 3	Total
Academy Services (WA) Pty Ltd	\$329,092	\$338,965	\$349,134	\$1,017,191
Quayclean Australia Pty Ltd	\$322,712	\$332,393	\$342,365	\$ 997,470
Glad Commercial Cleaning	\$317,058	\$326,570	\$336,367	\$ 979,995
Charles Service Company	\$306,570	\$315,767	\$325,240	\$ 947,577
Southern Cross Cleaning Services	\$303,404	\$312,506	\$321,881	\$ 937,791
ALLclean Property Services Plus	\$287,095	\$295,708	\$304,579	\$ 887,382
GWC Total Management Pty Ltd	\$266,250	\$274,237	\$282,465	\$ 822,952
HACCP Cleaning Australia Pty Ltd	\$237,328	\$244,448	\$251,781	\$ 733,557
FirstServe Property Maintenance	\$225,448	\$232,211	\$239,178	\$ 696,837
TJS Cleaning Services Perth	\$223,938	\$230,656	\$237,576	\$ 692,170

During the last financial year 2010/11 the City incurred \$315,606 for the provision of cleaning services for leisure centres and is expected to incur in the order of \$1,017,190 over the three (3) year Contract period for scheduled cleaning services.

Evaluation Summary

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

Tenderer	Contract Price Year 1	Estimated Total Contract Price	Evaluation Score	Qualitative Rank
Quayclean Australia Pty Ltd	\$322,712	\$997,471	64.6%	1
Southern Cross Cleaning Services	\$303,404	\$937,791	56.9%	2
Academy Services (WA) Pty Ltd	\$329,092	\$1,017,190	55.8%	3
TJS Cleaning Services Perth	\$223,938	\$692,170	55.5%	4
Glad Commercial Cleaning	\$317,058	\$979,995	50.6%	5
Charles Service Company	\$306,570	\$947,577	48.1%	6

Tenderer	Contract Price Year 1	Estimated Total Contract Price	Evaluation Score	Qualitative Rank
GWC Total Management Pty Ltd	\$266,250	\$822,952	43.7%	7
ALLclean Property Services Plus	\$287,095	\$887,382	41.6%	8
First Serve Property Maintenance	\$225,448	\$696,837	25.1%	9
HACCP Cleaning Australia Pty Ltd	\$237,328	\$733,557	22.8%	10

Although Academy Services (WA) Pty Ltd is 2% more expensive than first qualitative ranked Quayclean Australia Pty Ltd, the risk in awarding the Contract to Quayclean Australia Pty Ltd, due to the level of supervision required, and the quality of services observed, in reference checks is considered high and therefore not recommended.

Similarly Academy Services (WA) Pty Ltd is 8.5% more expensive than second qualitative ranked Southern Cross Cleaning Services, however the latter's experience in this area of cleaning is limited to a contract that has only recently commenced. The risk in awarding the contract to Southern Cross Cleaning Services is considered high and not recommended.

Academy Services (WA) Pty Ltd is 47% more expensive than fourth qualitative ranked TJS Cleaning Services Perth, however the latter's experience in this area of cleaning is limited to the cleaning of Fitness First gyms and Next Generation gym in Kings Park. The cleaning of these facilities is not comparable to the size and patronage of the City's leisure centres. The risk in awarding the contract to TJS Cleaning Services Perth is considered high and not recommended.

The panel concluded that the Tender from Academy Services (WA) Pty Ltd provides the lowest Contractual risk and the additional cost is warranted to obtain cleaning services to the quality standards required at the City's leisure centres.

Issues and options considered:

Cleaning services for the City's leisure centres is required to maintain the cleanliness of the centres. The City does not have the internal resources to provide the 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 provide the required cleaning services.

It is considered that the Contract will represent a low risk to the City as the recommended tenderer is a well-established company with previous experience cleaning the City's leisure centres to the required standards, and has proven capacity to provide the services to the City.

Financial/Budget Implications:

Account No:	444-A4411-3359-0000
	444-A4412-3359-0000
	444-A4413-3359-0000
Budget Item:	Cleaning Services for Leisure Centres
Budget Amount:	\$247,945 Craigie Leisure Centre
	\$ 53,105 Duncraig Leisure Centre
	\$ 56,646 Heathridge Leisure Centre
Estimated Expenditure 1 July 2011 to 31 October 2011 (Current Contract):	\$104,333
Proposed Contract Cost 1 November 2011 to 30 June 2012 (New Contract):	\$219,395
Balance:	\$ 33,968

All figures quoted in this report are exclusive of GST.

Regional Significance:

Not applicable.

Sustainability Implications:

The provision of appropriate cleaning services enhances the amenity of the City's leisure centres.

Consultation:

Not applicable.

COMMENT

Annual customer satisfaction survey results indicate the standard of cleanliness within the City's Leisure Centres is ranked within the customers top three expectations. The cleaning services of the City's Leisure Centres require specialist quality services in order to maintain the facilities in line with our customers' expectations.

Due to high attendances at the City's Leisure Centre in Craigie the City requires specialist equipment and cleaning resources, to maintain the City's assets and facility presentation to the highest standard possible.

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 the lowest contractual risk and best value to the City is that as submitted by Academy Services Pty Ltd.

VOTING REQUIREMENTS

Simple majority.

MOVED Cr Amphlett, SECONDED Cr Young that Council ACCEPTS the Tender submitted by Academy Services (WA) Pty Ltd for the provision of cleaning services for leisure centres for a period of three years, in accordance with the requirements specified in Tender 023/11, for the fixed lump sum of \$329,091.96 (GST Exclusive) for scheduled cleaning services for year one of the contract and the schedule of rates for unscheduled cleaning services, with annual price variations subject to the Perth CPI (All Groups) Index.

The Motion was Put and CARRIED (12/0) by En Bloc Resolution prior to consideration of the Motion to go Behind Closed Doors, Page 151 refers.

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

Appendix 14 refers

To access this attachment on electronic document, click here: [Attach14brf041011.pdf](#)

Disclosure of Financial Interests

Name/Position	Mr Martyn Glover, Director Infrastructure Services
Item No/Subject	CJ192-10/11 – Tender 024/11 – Supply and Laying of Asphalt – Major Works
Nature of interest	Financial
Extent of Interest	One of the tenderers is Mr Glover's future employer. Mr Glover was not present at this meeting.

CJ192-10/11 TENDER 024/11 SUPPLY AND LAYING OF ASPHALT - MAJOR WORKS

WARD: All

RESPONSIBLE DIRECTOR: Mr Mike Tidy
Corporate Services

FILE NUMBER: 101847, 101515

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

PURPOSE

To seek the approval of Council to accept the Tender submitted by Asphaltech Pty Ltd for the supply and laying of asphalt – major works (Tender 024/11).

EXECUTIVE SUMMARY

Tenders were advertised on 6 August 2011, through state wide public notice, for the supply and laying of asphalt – major works for a period of three years. Tenders closed on 23 August 2011. Four Submissions were received from:

- Asphaltech Pty Ltd;
- Roads 2000 Pty Ltd;
- Fulton Hogan Industries Pty Ltd; and
- Boral Resources (WA) Ltd T/as Boral Asphalt.

The submission from Asphaltech Pty Ltd represents best value to the City and is the lowest priced Tender for both all tonnage rates and job size rates for the supply and laying of asphalt. The company demonstrated sufficient capacity, experience and understanding of the requirements. Asphaltech Pty Ltd is the City's current Contractor for asphalt and is also the current Contractor for the Cities of Swan, Bayswater, Stirling, South Perth and the Town of Victoria Park.

It is recommended that Council ACCEPTS the Tender submitted by Asphaltech Pty Ltd for the supply and laying of asphalt – major works for a three year period for requirements as specified in Tender 024/11, at the submitted schedule of 'all tonnage' rates.

BACKGROUND

This requirement is for the supply and laying of asphalt and associated services for both capital works and general maintenance requirements of roads and associated infrastructure and is inclusive of:

- (a) Supply and laying of asphalt mixes for individual projects requiring quantities in excess of 25 tonnes; and
- (b) Supply only for the City's minor works projects either by the City's workers or City's minor works asphalt Contractor.

Tenderers were invited to submit rates based on one or both of two alternative pricing models. One was a single all tonnage rate for each type of asphalt mix. The other was different rates based upon the tonnage size of the job.

The City has historically used between 12,000 and 15,000 tonnes of asphalt per year.

The City currently has a single Contract for the supply and laying of asphalt with Asphaltech Pty Ltd which expires on 12 October 2011. The price basis of this Contract is all tonnage rates.

DETAILS

Tenders were advertised on 6 August 2011, through state wide public notice, for the supply and laying of asphalt – major works for a period of three years. The Tender period was for two weeks and Tenders closed on 23 August 2011.

Tender Submissions

Four Submissions were received from:

- Asphaltech Pty Ltd;
- Roads 2000 Pty Ltd;
- Fulton Hogan Industries Pty Ltd; and
- Boral Resources (WA) Ltd T/as Boral Asphalt.

The schedule of items as listed in the RFT is provided in Attachment 1.

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

Evaluation Panel

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

Compliance Assessment

The following Offers were assessed as fully compliant:

- Asphaltech Pty Ltd;
- Roads 2000 Pty Ltd; and
- Boral Resources (WA) Ltd T/as Boral Asphalt.

The Offer from Fulton Hogan Industries Pty Ltd, although not fully compliant in its offered price basis, was included for further assessment as the variation to the Contract terms would not result in any additional cost to the City. The Offer was submitted with rates being fixed for three months then subject to the rise and fall in bitumen prices. The City's contract terms were for rates being subject to the rise and fall in bitumen prices from the commencement of the Contract, with no fixed rate period.

Qualitative Assessment

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

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

Boral Asphalt achieved a score of 54.6% and was ranked fourth in the qualitative assessment. It demonstrated its capacity and experience in providing similar services to other local governments; however it did not adequately address its understanding of the requirements.

Fulton Hogan Industries achieved a score of 58.2% and was ranked third in the qualitative assessment. It demonstrated its experience in providing similar services to local government; however it did not provide sufficient information addressing its capacity and understanding of the requirements.

Roads 2000 Pty Ltd achieved a score of 67% and was ranked second in the qualitative assessment. It demonstrated a thorough understanding of the requirements, considerable experience in providing similar services to other local governments and the capacity to meet the City's requirements.

Asphaltech Pty Ltd achieved a score of 75.6% and was ranked first in the qualitative assessment. The company demonstrated a thorough understanding of the requirements, substantial experience providing similar services to other local governments and best demonstrated its capacity to meet the City's asphalt requirements. It is the City's current contractor for supply and laying of asphalt.

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 subject only to the rise and fall in bitumen prices in the first year of the Contract, but are subject to a price variation in years two and three of the Contract equivalent to the percentage change in the Perth CPI (All Groups) Index from the corresponding quarter of the previous year as well as the rise and fall in bitumen prices. For estimation purposes, a 3% CPI increase was applied to the rates in years two and three. The rise and fall in bitumen prices cannot be accurately estimated and did not form part of this assessment.

To provide an estimated expenditure over a 12 month period the nine most commonly used items and their typical usage based on historical data have been used and the table below provides a comparison of the estimated expenditure using both all tonnage rates and job size rates. Any future requirements will be based on demand and subject to change in accordance with the operational needs of the City. The estimated cost of the Contract for each Tenderer is as follows:

Job Size Rates

Tenderer	Year 1	Year 2	Year 3	Total
Asphaltech Pty Ltd	\$2,023,078	\$2,083,770	\$2,146,283	\$6,253,131
Roads 2000 Pty Ltd	\$2,039,086	\$2,100,259	\$2,163,266	\$6,302,611
Boral Resources (WA) Ltd T/as Boral Asphalt	\$2,254,450	\$2,322,084	\$2,391,746	\$6,968,280
Fulton Hogan Industries Pty Ltd	\$2,347,523	\$2,417,949	\$2,490,487	\$7,255,959

All Tonnage Rates

Tenderer	Year 1	Year 2	Year 3	Total
Asphaltech Pty Ltd	\$1,950,367	\$2,008,878	\$2,069,144	\$6,028,389
Boral Resources (WA) Ltd T/as Boral Asphalt	\$2,142,754	\$2,207,036	\$2,273,248	\$6,623,038
Roads 2000 Pty Ltd	\$2,228,029	\$2,294,870	\$2,363,716	\$6,886,615
Fulton Hogan Industries Pty Ltd	Did not submit.			

During the last financial year 2010/11, the City incurred \$1,867,677 for the supply and laying of asphalt and is expected to incur in the order of \$6,028,400 over the proposed three year Contract period.

Evaluation Summary

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

Tenderer	All Tonnage Rates		Job Size Rates		Qualitative Rank	Evaluation Score
	Price Ranking	Estimated Contract Price	Price Ranking	Estimated Contract Price		
Asphaltech Pty Ltd	1	\$6,028,389	1	\$6,253,131	1	75.6%
Roads 2000 Pty Ltd	3	\$6,886,615	2	\$6,302,611	2	67%
Fulton Hogan Industries Pty Ltd	Did not submit		4	\$7,255,959	3	58.2%
Boral Asphalt	2	\$6,623,038	3	\$6,968,280	4	54.6%

Based on the evaluation result, the panel concluded that the Tender that provides best value to the City is that of Asphaltech Pty Ltd, utilising all tonnage rates for the supply and laying of asphalt, and is therefore recommended.

Issues and options considered:

The supply and laying of asphalt is required for the City's capital works and maintenance programs. The City does not have the internal resources to supply the required goods and services and as such requires an appropriate external service provider.

Legislation/Strategic Plan/Policy Implications

Legislation

A state wide public tender was advertised, opened and evaluated in accordance with Clause 11(1) of Part 4 of the *Local Government (Functions & General) Regulations 1996*, where tenders are required to be publicly invited if the consideration under a contract is, or is estimated to be, more, or worth more, than \$100,000.

Strategic Plan

Key Focus Area: The built environment.

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

Policy:

Not applicable.

Risk Management Considerations:

Should the contract not proceed, the risk to the City will be high as the City will not be able to complete its asphalt component of the capital works and maintenance programs.

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 goods and services to the City.

Financial/Budget Implications:

Account No:	Various account numbers
Budget Item:	Supply and laying of asphalt. Expenditure is spread across various activities and cost codes for operational maintenance and capital works.
Estimated Budget Amount 2011/12:	\$2,052,750
Estimated expenditure 1 July 2011 to 12 October 2011 (Current Contract):	\$ 544,739
Estimated Contract cost 13 October 2011 to 30 June 2012:	\$1,381,510
Balance:	\$ 126,501

All figures quoted in this report are exclusive of GST

Regional Significance:

Not applicable.

Sustainability Implications:

The recommended Tenderer recycles asphalt profile material and offsets its carbon emissions through the ownership of a 45ha blue gum plantation near Albany containing approximately 40,000 trees.

Consultation:

Not applicable.

COMMENT

The evaluation panel carried out the evaluation of the Submissions in accordance with the Qualitative Criteria in a fair and equitable manner and concluded that the Offer representing best value to the City is that as submitted by Asphaltech Pty Ltd, utilising all tonnage rates for the supply and laying of asphalt.

VOTING REQUIREMENTS

Simple majority.

MOVED Cr McLean, SECONDED Cr Norman that Council ACCEPTS the Tender submitted by Asphaltech Pty Ltd for the supply and laying of asphalt – major works for a three year period for requirements as specified in Tender 024/11, at the submitted schedule of ‘all tonnage’ rates.

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 Young.

Appendix 15 refers

To access this attachment on electronic document, click here: [Attach15brf041011.pdf](#)

Disclosure of Financial Interests

Name/Position	Mr Martyn Glover, Director Infrastructure Services
Item No/Subject	CJ193-10/11 – Tender 025/11 – Supply and Laying of Asphalt – Minor Works
Nature of interest	Financial
Extent of Interest	One of the tenderers is Mr Glover’s future employer. Mr Glover was not present at this meeting.

CJ193-10/11 TENDER 025/11 SUPPLY AND LAYING OF ASPHALT - MINOR WORKS

WARD: All

RESPONSIBLE DIRECTOR: Mr Mike Tidy
Corporate Services

FILE NUMBER: 101848, 101515

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

PURPOSE

To seek the approval of Council to accept the Tenders submitted by Chivers Asphalt Pty Ltd and AK Asphalt Pty Ltd T/as Kelly Asphalt Contracting for the supply and laying of asphalt – minor works (Tender 025/11).

EXECUTIVE SUMMARY

Tenders were advertised on 6 August 2011, through state wide public notice, for the supply and laying of asphalt – minor works for a period of three years. Tenders closed on 23 August 2011. Five Submissions were received from:

- D & T Asphalt Pty Ltd;
- Roads 2000 Pty Ltd;
- Asphalt Solutions Pty Ltd;
- AK Asphalt Pty Ltd T/As Kelly Asphalt Contracting; and

- Chivers Asphalt Pty Ltd.

The submissions from AK Asphalt Pty Ltd T/As Kelly Asphalt Contracting and Chivers Asphalt Pty Ltd represent the best value to the City. The companies demonstrated sufficient capacity, experience and understanding of the requirements. Both have completed works for local governments including the Towns of Kwinana and Bassendean and the City of South Perth.

That Council ACCEPTS the Tenders submitted by AK Asphalt Pty Ltd T/As Kelly Asphalt Contracting and Chivers Asphalt Pty Ltd for the supply and laying of asphalt – minor works for a three year period for requirements as specified in Tender 025/11 at the submitted schedule of rates for pick-up and lay of asphalt with annual price variations subject to the Perth CPI (All Groups) Index.

BACKGROUND

This requirement is for the supply and laying of asphalt and associated services for projects requiring quantities up to 25 tonnes of asphalt for both capital works and general maintenance requirements of roads and associated infrastructure. Tenderers could submit prices for both or one of the following options:

- Option 1 – supply and lay; or
- Option 2 – lay asphalt with pick up the asphalt from the plant of the City's service provider for asphalt – major works.

The Tender was advertised with the intent to appoint two contractors to a panel for asphalt minor works. The companies that undertake these works have a small capacity. The appointment of a panel would manage situations where Contractors are not available for the City's works.

The City currently has a single Contract for the supply and laying of asphalt minor works with D & T Asphalt Pty Ltd, which expired on 30 September 2011. The price basis of this Contract was pick-up and lay asphalt rates.

DETAILS

Tenders were advertised on 6 August 2011 through state wide public notice for the supply and laying of asphalt – minor works for a period of three years. The Tender period was for two weeks and Tenders closed on 23 August 2011.

Tender Submissions

Five Submissions were received from:

- D & T Asphalt Pty Ltd;
- Roads 2000 Pty Ltd;
- Asphalt Solutions Pty Ltd;
- AK Asphalt Pty Ltd T/As Kelly Asphalt Contracting; and
- Chivers Asphalt Pty Ltd.

The schedule of items as listed in the RFT is provided in Attachment 1.

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

Evaluation Panel

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

Compliance Assessment

The following Offers were assessed as fully compliant:

- D & T Asphalt Pty Ltd;
- Roads 2000 Pty Ltd;
- AK Asphalt Pty Ltd T/As Kelly Asphalt Contracting; and
- Chivers Asphalt Pty Ltd.

The Offer from Asphalt Solutions Pty Ltd was assessed as non-compliant. It did not supply any responses to the qualitative criteria and could not be assessed.

Qualitative Assessment

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

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

D & T Asphalt Pty Ltd scored 56.5% and was ranked last in the qualitative assessment. It demonstrated sufficient experience, the capacity to meet the City's volume of work and an adequate understanding of the requirements.

Kelly Asphalt Contracting scored 59.9% and was ranked third in the qualitative assessment. It is a local company that demonstrated sufficient experience, the capacity to meet the City's volume of work and an adequate understanding of the requirements.

Chivers Asphalt Pty Ltd scored 60.6% and was ranked second in the qualitative assessment. It is a local company that demonstrated sufficient experience, the capacity to meet the City's volume of work and an adequate understanding of the requirements.

Roads 2000 Pty Ltd scored 64% and was ranked first in the qualitative assessment. It has the largest capacity of the respondents, experience in completing works of a similar nature, works on a larger scale and best demonstrated its understanding of the requirements.

Price Assessment

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

Tendered rates for the supply and lay of asphalt are subject to the rise and fall in bitumen prices in the first year of the Contract only. They are then subject to a price variation in years two and three of the Contract to a maximum of the CPI for the preceding year, as well as the rise and fall of bitumen prices. For estimation purposes, a 3% CPI increase was applied to the rates in years two and three. The rise and fall in bitumen prices cannot be accurately estimated and did not form part of the price assessment.

Tendered rates for pick-up and lay of asphalt are fixed for the first year of the Contract, but are subject to a price variation in years two and three of the Contract, to a maximum of the CPI for the preceding year. For estimation purposes, a 3% CPI increase was applied to the rates in years two and three. To provide a direct comparison of the total cost to the City with the rates to supply and lay asphalt, the cost of the asphalt from the City's major asphalt supplier was combined with pick-up and lay asphalt rates.

To provide the estimated expenditure over a 12 month period the three most commonly used items, and their typical usage based on historical data, have been used and the table below provides a comparison of the estimated expenditure using both rates for supply and lay, and pick-up and lay, of asphalt. Any future requirements will be based on demand and subject to change in accordance with the operational needs of the City.

Supply and Lay Asphalt

Tenderer	Year 1	Year 2	Year 3	Total
Chivers Asphalt Pty Ltd	\$137,400	\$141,522	\$145,768	\$424,690
D & T Asphalt Pty Ltd	\$189,650	\$195,339	\$201,200	\$586,189
Roads 2000 Pty Ltd	\$213,000	\$219,390	\$225,972	\$658,362
Kelly Asphalt Contracting	Did not submit			

Pick-up and Lay Asphalt

Tenderer	Year 1	Year 2	Year 3	Total
Chivers Asphalt Pty Ltd	\$111,539	\$114,885	\$118,332	\$344,756
Kelly Asphalt Contracting	\$172,150	\$177,314	\$182,634	\$532,098
D & T Asphalt Pty Ltd	\$174,900	\$180,147	\$185,551	\$540,598
Roads 2000 Pty Ltd	Did not submit			

During the last financial year 2010/11, the City incurred \$99,034 for the supply and laying of asphalt minor works and is expected to incur in the order of \$360,000 over the proposed three year Contract period.

Evaluation Summary

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

Tenderer	Supply and Lay Asphalt		Pick-up and Lay Asphalt		Qualitative Rank	Evaluation Score
	Price Ranking	Estimated Contract Price	Price Ranking	Estimated Contract Price		
Roads 2000 Pty Ltd	3	\$658,362	Did not submit		1	64%
Chivers Asphalt Pty Ltd	1	\$424,690	1	\$344,756	2	60.6%
Kelly Asphalt Contracting	Did not submit		2	\$532,098	3	59.9%
D & T Asphalt Pty Ltd	2	\$586,189	3	\$540,598	4	56.5%

Based on the evaluation result the panel concluded that the Tenders that provide best value to the City are those of Chivers Asphalt Pty Ltd and AK Asphalt Pty Ltd T/As Kelly Asphalt Contracting utilising pick-up and lay rates for asphalt and are therefore recommended.

Issues and options considered:

The supply and laying of asphalt is required for the City's capital works and maintenance programs. The City does not have the internal resources to supply the required goods and services and as such requires an appropriate external service provider.

Legislation/Strategic Plan/Policy Implications

Legislation A state wide public tender was advertised, opened and evaluated in accordance with Clause 11(1) of Part 4 of the *Local Government (Functions & General) Regulations 1996*, where tenders are required to be publicly invited if the consideration under a contract is, or is estimated to be, more, or worth more, than \$100,000.

Strategic Plan

Key Focus Area: The built environment.

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

Policy:

Not applicable.

Risk Management Considerations:

Should the contract not proceed, the risk to the City will be high as the City will not be able to complete its asphalt component of the capital works and maintenance programs.

It is considered that the Contract will represent a low risk to the City, as the recommended Tenderers demonstrated experience completing similar works for other local governments, and demonstrated an understanding of the minor asphalt requirements.

Financial/Budget Implications:

Account No:	Various account numbers
Budget Item:	Supply and laying of asphalt. Expenditure is spread across various activities and cost codes for operational maintenance and capital works.
Estimated Budget Amount 2011/12:	\$120,000
Estimated Expenditure 1 July 2011 to 30 September 2011 (Current Contract):	\$ 24,758
Estimated Contract cost 12 October 2011 to 30 June 2012:	\$ 85,000
Balance:	\$ 10,242

All figures quoted in this report are exclusive of GST.

Regional Significance:

Not applicable.

Sustainability Implications:

The provision of asphalt minor works is used in the repair and maintenance of the City's roads. This reduces the potential risk of the asphalt pavement surface condition being a factor in road accidents and increases the lifespan of the asphalt pavement surface of roads.

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 Offers representing best value to the City are those submitted by Chivers Asphalt Pty Ltd and AK Asphalt Pty Ltd T/As Kelly Asphalt Contracting utilising pick-up and lay rates for asphalt.

VOTING REQUIREMENTS

Simple majority.

MOVED Cr Amphlett, **SECONDED** Cr Hamilton-Prime that Council **ACCEPTS** the Tenders Submitted By Ak Asphalt Pty Ltd T/As Kelly Asphalt Contracting and Chivers Asphalt Pty Ltd for the supply and laying of asphalt – minor works for a three year period for requirements, as specified in Tender 025/11, at the submitted schedule of rates for pick-up and lay of asphalt, with annual price variations subject to the Perth CPI (All Groups) Index.

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 Young.

Appendix 16 refers

To access this attachment on electronic document, click here: [Attach16brf041011.pdf](#)

Disclosure of interest affecting impartiality

Name/Position	Cr Russ Fishwick
Item No/Subject	CJ194-10/11 – Tender 026/11 – Provision of Beach Lifeguard Patrol Services
Nature of interest	Interest that may affect impartiality
Extent of Interest	Cr Fishwick is a senior State Examiner for Surf Life Saving WA

CJ194-10/11 TENDER 026/11 PROVISION OF BEACH LIFEGUARD PATROL SERVICES

WARD: North-Central Ward and South-West Ward

RESPONSIBLE DIRECTOR: Mr Mike Tidy
Corporate Services

FILE NUMBER: 101849, 101515

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

PURPOSE

To seek the approval of Council to accept the Tender submitted by Surf Life Saving Western Australia Inc. for the Provision of Beach Lifeguard Patrol Services (Tender 026/11).

EXECUTIVE SUMMARY

In accordance with Local Government (Functions and General) Regulations 1996 s11(2)(f), the CEO approved the calling of a restricted tender with Surf Life Saving Western Australia Inc. (SLSWA) as the only organisation in Western Australia that has the capacity to provide beach lifeguard patrol services. The Request was therefore delivered to the SLSWA on Monday 22 August 2011.

The closing time and date for lodgement of a response was 10:00 am Tuesday 6th September 2011. A compliant Submission was received from Surf Life Saving Western Australia Inc.

The submission from Surf Life Saving Western Australia Inc. represents value to the City. The evaluation panel has confidence in their ability to carry out the service in accordance with the Contract specifications and SLSWA has previously provided the service to the City. Their Submission thoroughly demonstrated their capacity, experience and resources to complete the City's requirements and indicated they have successfully provided similar services over the past summer season to 8 other local governments, including the Cities of Wanneroo, Geraldton-Greenough, Rockingham and Albany; and the Towns of Cambridge and Cottesloe.

It is recommended that Council ACCEPTS the Tender submitted by Surf Life Saving Western Australia Inc. for the Provision of Beach Lifeguard Patrol Services for the next three summer seasons, in accordance with the requirements specified in Tender 026/11, at the fixed lump sum price of \$162,482 (GST Exclusive) for the first season and submitted schedule of rates for additional services (if required), subject to CPI reviews in seasons two and three.

BACKGROUND

The City has been providing a mid-week lifeguard patrol service at its most popular beaches every year from early December to early March since 1990/1991. The service is designed to complement the volunteer patrols provided by the Mullaloo and Sorrento Surf Life Saving Clubs, which operate on weekends and public holidays. The service includes identification and demarcation of designated swimming areas, the patrol of those areas, provision of advice to interested parties, dealing with emergency situations and reporting offences at the following patrol areas:

Patrol Area 1: Sorrento Beach
Patrol Area 2: Hillarys Marina Beach
Patrol Area 3: Mullaloo Beach

The City last called a tender for this service in 2008, and Surf Lifesaving WA was the only respondent. The Contract is due to expire in December 2011. As Surf Life Saving WA is the only organisation that has the capacity to provide this service to the City's requirements, a restricted tender was called for SLSWA to provide a Submission to provide services for the next three (3) summer seasons.

The patrol days are to occur Monday to Friday (excluding public holidays) within the following date range periods:

Season 1: Monday 5 December 2011 to Friday 5 March 2012
Season 2: Monday 3 December 2012 to Friday 1 March 2013
Season 3: Monday 2 December 2013 to Friday 28 February 2014

Two lifeguards are to be present at all times at each patrol area from 9.00am to 5.00pm each day.

DETAILS

A restricted tender for the provision of beach lifeguard patrol services was requested from Surf Life Saving Western Australia Inc. (SLSWA) as it is the only organisation in Western Australia that has the capacity to provide beach lifeguard patrol services required in the specification. The Term of the Contract is for the next three summer seasons, commencing on 5 December 2011.

The Request was delivered to SLSWA on Monday 22 August 2011. The Tender period was for two weeks and closed on Tuesday 6 September 2011.

Tender Submissions

One Submission was received from Surf Life Saving Western Australia Inc.

The schedule of items as listed in the RFT is provided in Attachment 1.

A summary of the Tender submission, including the location of the Tenderer, is provided in Attachment 2.

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

The Offer received was fully compliant and was considered for further evaluation.

Qualitative Assessment

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

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

Surf Life Saving Western Australia (SLSWA) scored 85.17% in the qualitative assessment. SLSWA has serviced the West Australian community as a non-profit public benevolent institution for over 80 years in providing volunteer beach lifeguard and patrol services. SLSWA managed the delivery of Lifeguard services for 9 Local Governments (including City of Joondalup) at 13 beach locations over the past summer season, through 28 affiliated surf life saving clubs and seven support operations groups.

SLSWA has an excellent understanding of the required tasks and thoroughly demonstrated its experience in delivering coastal safety services to the WA community for many decades. It has successfully performed its obligations of previous Contracts for beach Lifeguard patrol services for the City for the past nine years. The Submission included an outline of the methodology and approach it would undertake to meet the service requirements for the next three summer seasons. Included was a description of how the Emergency Response Points function, with the provision of two lifeguards at each location per shift, as a minimum requirement.

Price Assessment

As this was a restricted tender with only one nominated Respondent, a comparison of rates between Respondents was not necessary. In order to assess the price against value for service, the evaluation panel assessed this Offer against the previous Contract provided by the Respondent. The previous contract was awarded in 2008 for an initial lump sum of \$108,585 in the first year. The contract provided for a total of five lifeguards with an actual cost incurred of \$113,859 in 2010/11, after a CPI increase in May 2010. In the 2010/11 season, to address safety concerns and ensure a minimum of two lifeguards for each patrol, a third lifeguard at Sorrento Beach and Hillarys Marina was periodically alternated between patrols as required. This practice is in line with a trend throughout WA and nationally.

The offer of SLSWA provides for an increase of one lifeguard at Hillarys Marina during the contract period. The cost of the additional lifeguard is \$29,299 in the first season. Also, changes to workplace laws required the transition of all lifeguards from casual employees to fixed term contract status. The increase in employment costs together with equipment and operating costs is taken into account in the first year lump sum price, amounting to a 42.7% increase.

The following table provides a summary of the estimated expenditure for the duration of the Contract as a lump sum price. The rates are fixed for the first year of the Contract, but are subject to a price variation in years two and three of the Contract to a maximum of the Perth CPI (All Groups) for the preceding year. For estimation purposes a 3.0% CPI increase was applied to the rates in seasons two and three.

Item	Description	Season 1 Lump Sum Price (Exclusive GST)
Programmed Beach Lifeguard Patrol Services for the first summer season		
1	Sorrento Beach	\$54,161
2	Hillarys Marina / Boat Harbour	\$54,161
3	Mullaloo Beach	\$54,160
Total Lump Sum		\$162,482

Evaluation Summary

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

Tenderer	Estimated Contract Price Season 1	Estimated Total Contract Price	Evaluation Score
Surf Life Saving Western Australia Inc.	\$162,482	\$502,216	85%

Based on the evaluation result the panel concluded that the Submission from Surf Life Saving Western Australia Inc. provides value to the City and is therefore recommended.

Issues and options considered:

Not applicable.

Legislation/Strategic Plan/Policy Implications

Legislation The CEO approved calling a restricted tender in accordance with Clause 11(2)(f) of the Local Government (Functions and General) Regulations 1996, whereby Tenders do not have to be publicly invited if the local government has good reason to believe that, because of the unique nature of the goods or services required, or for any other reason, it is unlikely that there is more than one potential supplier.

Strategic Plan

Key Focus Area: Community Wellbeing

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

Policy:

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

Risk Management Considerations:

Should the Contract not proceed, the risk to the City will be high as the City has provided a summer midweek lifeguard service at its most popular beach areas since 1990/1991 and the community has an expectation that the City will provide this service to ensure the safety of its residents.

It is considered that awarding the Contract to the recommended Respondent will represent a low risk to the City on the basis that it is a very well established service provider that has been providing and managing lifeguard services to 9 Local Councils, including the City.

Financial/Budget Implications:

Account No:	443.A4408.3359.4020
Budget Item:	Midweek Lifeguard Contract
Budget Amount 2011/12 season:	\$129,000
Amount Spent To Date:	\$0.00
Proposed Cost 2011/12 season:	\$162,482
Balance:	(\$33,482)

All figures quoted in this report are exclusive of GST.

The City of Joondalup is in the process of requesting funding from the Department of Transport, the owner of land at Hillarys Marina Beach, for its contribution towards services provided at this Patrol area, partially offsetting the budget variance stated in the above table. Should this request for funding not proceed, the shortfall of \$33,482 will be requested in the mid-year budget review.

Regional Significance:

Not applicable.

Sustainability implications:

This contract would significantly contribute towards the provision of social sustainability, as the nature of the service to be provided will ensure the safe enjoyment of popular beaches by residents and visitors of the City during the summer seasons.

Consultation:

Not applicable.

COMMENT

The evaluation panel carried out the evaluation of the Submission in accordance with the Qualitative Criteria in a fair and equitable manner and concluded that the offer by Surf Life Saving Western Australia Inc. represents best value to the City.

VOTING REQUIREMENTS

Simple majority.

MOVED Cr Fishwick, SECONDED Cr Young that Council ACCEPTS the Tender submitted by Surf Life Saving Western Australia Inc. for the provision of Beach Lifeguard Patrol Services for the next three summer seasons, in accordance with the requirements specified in Tender 026/11, at the fixed lump sum price of \$162,482 (GST Exclusive) for the first season and submitted schedule of rates for additional services (if required), subject to CPI reviews in seasons two and three.

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 Young.

Appendix 17 refers

To access this attachment on electronic document, click here: [Attach17brf041011.pdf](#)

CJ195-10/11 THE PREVALENCE AND CONTROL OF CALTROP IN THE CITY OF JOONDALUP

WARD:	All	
RESPONSIBLE DIRECTOR:	Mr Martyn Glover Infrastructure Services	
FILE NUMBER:	33409, 101515	
ATTACHMENTS:	Attachment 1	Local governments that have Pest Plant Local Laws in Western Australia
	Attachment 2	Locations of Caltrop in the City of Joondalup
	Attachment 3	Farmnote – Control of Caltrop

PURPOSE

To present information in response to a Notice of Motion relating to the prevalence and control of Caltrop (*Tribulus terrestris*) in the City of Joondalup.

EXECUTIVE SUMMARY

At the Ordinary Meeting of Council on 19 April 2011, a Notice of Motion was submitted which requested a report on the prevalence and control of Caltrop in the City.

Caltrop is a summer germinating weed, which can produce an abundance of burrs that can easily puncture skin and bicycle tyres. It is a prescribed pest plant in a number of metropolitan, southwest and cereal growing local governments of the State.

The City has a register that identifies twenty-six Caltrop infestations on City managed land within its boundaries. The level of infestation on private property is not currently known. The twenty-six sites are spread across twelve suburbs and various types of locations, including natural areas and cycleways. The City sprays or removes infestations of Caltrop urgently, once their locations become known. It is important that either chemical or manual weed control is undertaken prior to the development of spiny burrs in December and January to prevent further spread of the infestation.

There are a number of options open to the City to seek to control the weed on private land, including recording and monitoring reported infestations and seeking cooperation from land owners. Awareness could also be raised through the City's media and communication avenues, or more broadly through WALGA.

A Pest Plant Local Law is the only avenue open to the City to enforce control within private land. At least forty nine Western Australian Local Governments have established a Pest Plant Local Law for the control of various weed species relevant to their district. Thirteen of these have declared Caltrop as a pest plant (see Attachment 1). The City considers that given the low number of known sites it may be appropriate to initially use the consultative approach before considering a Local Law.

It is recommended that Council:

- 1 *NOTES that the City currently undertakes the control of known infestations of Caltrop on land managed by the City;*

- 2 *REQUESTS that the City records and monitors reported infestations of Caltrop on private land;*
- 3 *REQUESTS that the City undertakes to raise the awareness of Caltrop through the City's corporate marketing material and customer service outlets; and*
- 4 *REQUESTS that the City seeks to raise broader awareness of Caltrop through WALGA.*

BACKGROUND

At the Ordinary Meeting of Council on 19 April 2011 Council received a Notice of Motion and resolved that the Chief Executive Officer:

“Submit a report to Council on the prevalence and control of the thorny weed “Caltrop” (Tribulus terrestris) within the City of Joondalup, including but not limited to, declaring Caltrop a pest plant within the City and how the City could initiate broader control of Caltrop within the Perth metropolitan area through North Zone of WALGA”.

DETAILS

Caltrop is an annual, herbaceous and fast growing weed found widely throughout Western Australia. Caltrop is otherwise known as Cat-head, Bindii or Puncture Vine. The latter name emanates from the wedge-shaped burrs that are formed in clusters of five, each with four or more long sharp spines. It is a summer germinant and a heavy infestation after summer rain can produce an abundance of burrs, which can easily puncture skin and bicycle tyres.

The City has recently developed a register that identifies twenty six Caltrop infestations within its boundaries. The register only contains information about infestations on land managed by the City. The level of infestation on private property is not currently known. The twenty six sites are spread across twelve suburbs with the major infestations being seven sites in Edgewater and eight in Kingsley. The locations where Caltrop is located in the City are identified in Attachment 2.

The control of Caltrop is important for the City because of its potential to be a nuisance, for example, puncturing of bicycle tyres and the like, and because its seeds are easily dispersed. The City sprays or removes infestations of Caltrop urgently, once their locations become known. It is important that either chemical or manual weed control is undertaken prior to the development of spiny burrs in December and January. If weed control does not take place, before the seeds reach maturity, another generation of seed will be dispersed.

The City currently uses chemical and physical methods for controlling Caltrop on land owned by the City, but could consider elimination from sites where infestations are extreme. Where possible, public access to infested areas should be minimised, to prevent the spread of seed by physical transportation, for example, clothing, footwear and vehicle tyres. A Farmnote produced by the Department of Agriculture and Food provides further information on Caltrop control (Attachment 3 refers).

The effective control of Caltrop also requires the cooperation of neighbouring landowners. Because the seeds are easily spread the weed must be eliminated from privately owned vacant land as well as City managed land.

Issues and options considered:

The City is able to undertake the monitoring and control of Caltrop on land that it directly manages. This will ensure that these sites are appropriately managed and hopefully, over time, will reduce the level of infestation as the seed bank is gradually reduced. However, ensuring control on privately owned land is not as straight forward and requires further consideration.

The following options to control Caltrop on privately owned land are proposed for consideration:

Option 1 – Record and monitor infestations and seek cooperation of private landowners

The City does not presently know to what extent Caltrop has infested private land throughout the City. Consequently, it would be beneficial to record and monitor reported infestations in order to obtain a more accurate assessment of the issue.

Whilst the City presently has no legislative capacity to ensure that private landowners control Caltrop on their land, the City can contact owners of properties with known infestations and seek their cooperation in eradicating the weed. This approach would be simple and cost effective for the City, however it relies on the landowner's voluntary cooperation and therefore may not be completely effective.

Option 2 – Undertake a promotional campaign to raise awareness

The City could undertake to educate the community on the weed, its distribution and control methods through its corporate marketing material and customer service outlets. The community could also be encouraged to report infestations of the weed to the City, thus increasing the knowledge of its spread and increasing the ability to control the weed. This approach could include web site information, distribution of flyers and possibly media articles. The cost to the City would be moderate and may change the behaviour of some landowners, however treatment of infestation would still require landowners' voluntary cooperation.

The community awareness programs currently undertaken by the City include the recent development of Weed Brochures entitled *Being WEEDwise: Garden Escapees of the City of Joondalup* and *Being WEEDwise: Environmental Weeds of the City of Joondalup*.

Option 3 – Initiate broader control through the WALGA North Metropolitan Zone

The City could attempt to initiate broader control of Caltrop through the North Metropolitan Zone by requesting that it be promoted through WALGA's various communication pathways. Possible approaches include:

- 'INFOpage' – Memorandums distributed to all councils on a range of local, regional and state issues;
- 'Eco-News' - environmental news, views, events and projects from the Association and Local governments around the state;
- 'NAMN E-News' - fortnightly e-newsletter about all the latest locally significant natural area management news; and
- 'NAMN (Natural Area Managers Network) Forums' - the Perth Biodiversity Project facilitates quarterly NAMN Forums that feature industry related guest speakers and contributions from Local Government Officers or Community Groups. Themes are topical and vary for each forum, for example: weed management; community engagement; fire ecology, dieback management and seed collection.

This approach would have little cost to the City and would have the effect of raising the issue more broadly through the region.

Option 4 - Declaration of Caltrop as a Pest Plant

The City could introduce a Pest Plant Local Law that prescribes Caltrop as a pest plant and requires the control of the weed on private property. The introduction of a Pest Plant Local Law would also mean that the City would be required to control Caltrop on all land that is the responsibility of the City to maintain.

Caltrop is a prescribed pest plant in a number of metropolitan, southwest and cereal growing local governments of the State. A Pest Plant Local Law that prescribes Caltrop as a pest is the only mechanism that allows Local Governments to enforce control of Caltrop on property that is not maintained by them.

At least 49 Western Australian Local Governments have established a Pest Plant Local Law for the control of various weed species relevant to their district. Thirteen of these have declared Caltrop as a pest plant (see Attachment 1). Many of these local governments have amended their Local Law as other pest plants have become recognised. The procedure for making a Local Law is contained within section 3.12 of the Local Government Act 1995. WALGA has a model that can be used for making a Local Law relating to pest plants.

The City of Stirling concluded that there was little justification for the development of local laws for the control of Caltrop on privately owned land and acknowledged that management of Caltrop could be substantially improved with increased public awareness and education.

Within the City of Joondalup, Caltrop is not considered a priority environmental weed due to the fact that the extent of the weed is not widespread. Resources and priority control of weeds should be focused on highly invasive weeds and those that pose a high environmental risk, including weeds that are considered major, or priority, weed species by the Department of Agriculture and Food WA.

The City believes that the implementation of a Pest Plant Local Law is probably excessive, considering the current low level of infestation. The aforementioned consultative processes and community awareness programs may be more appropriate.

Option 5 – Combined Response

If the City is to eradicate Caltrop throughout its environs, it will require a concerted effort applying options 1, 2 and 3. This is the recommended response to Caltrop infestations.

Legislation/Strategic Plan/Policy Implications

Legislation *Agriculture and Related Resources Protection Act 1976*
 – Part 9, Section 109-112
 Local Government Act 1995
 – Section 3.12

Strategic Plan

Key Focus Area: The natural environment

Objective: 2.2.1 The City works closely with external organisations in establishing environmental management and monitoring processes.

 2.2.2 The City conducts campaigns to raise community awareness about environmental protection and preservation.

Policy:

Not applicable

Risk Management Considerations:

The provision of a promotional campaign and register of infested properties would facilitate the control of Caltrop on private property and increase the focus on the City managing infestations on land under its jurisdiction. This may reduce the risk of Caltrop becoming a greater problem within the City of Joondalup.

Financial/Budget Implications:

The development of a campaign to raise the awareness of Caltrop would be at a moderate cost in relation to the preparation and distribution of flyers and other material and could be funded through existing operational budgets.

Regional Significance:

There is potential for WALGA to make an impact on a regional scale by promoting Caltrop control through its extensive networks. The City's efforts would be more likely to be successful if adjacent Local Governments were also directing efforts towards eradicating Caltrop.

Sustainability Implications:

Weeds such as Caltrop are generally highly adaptable and will establish quickly after a disturbance event such as fire, or through unrestricted access. If weeds are allowed to establish they have the potential to out-compete the City's unique floral biodiversity.

Consultation:

Not applicable

COMMENT

The City is presently undertaking the monitoring and control of Caltrop at twenty six sites of infestation on land under its control. As the extent of infestation on private land is not known, it would be beneficial for the City to record and monitor reported infestations on private land. The cooperation of the landowners in treating the weed should also be sought.

There are several approaches that can be taken in order to raise community awareness, both directly by the City and more broadly through WALGA's communication pathways. These are the recommended approaches to address Caltrop at this juncture.

VOTING REQUIREMENTS

Simple majority

OFFICER'S RECOMMENDATION: That Council:

- 1 NOTES that the City currently undertakes the control of known infestations of Caltrop on land managed by the City;
- 2 REQUESTS that the City records and monitors reported infestations of Caltrop on private land;
- 3 REQUESTS that the City undertakes to raise the awareness of Caltrop through the City's corporate marketing material and customer service outlets; and
- 4 REQUESTS that the City seeks to raise broader awareness of Caltrop through WALGA.

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

- 1 **NOTES that the City currently undertakes the control of known infestations of Caltrop on land managed by the City;**
- 2 **REQUESTS that the City records and monitors reported infestations of Caltrop on private land;**
- 3 **REQUESTS that the City undertakes to raise the awareness of Caltrop through the City's corporate marketing material and customer service outlets; and**
- 4 **REQUESTS that the City seeks to raise broader awareness of Caltrop through WALGA.**
- 5 **REQUESTS that the Chief Executive Officer develops a City of Joondalup Pest Plant Local Law for the purposes of declaring Caltrop a Pest Plant.**
- 6 **REQUESTS the City to invite the Cities of Stirling and Wanneroo to address the issue of Caltrop within their boundaries in support of the City of Joondalup's proposed Pest Plant Local Law.**

Mayor Pickard advised that Parts 1, 2, 3, 4 and 6 of the Motion will be voted upon separately to Part 5.

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

- 1 **NOTES that the City currently undertakes the control of known infestations of Caltrop on land managed by the City;**
- 2 **REQUESTS that the City records and monitors reported infestations of Caltrop on private land;**
- 3 **REQUESTS that the City undertakes to raise the awareness of Caltrop through the City's corporate marketing material and customer service outlets;**
- 4 **REQUESTS that the City seeks to raise broader awareness of Caltrop through WALGA; and**
- 6 **REQUESTS the City to invite the Cities of Stirling and Wanneroo to address the issue of Caltrop within their boundaries in support of the City of Joondalup's proposed Pest Plant Local Law.**

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 Young.

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

- 5 REQUESTS that the Chief Executive Officer develops a City of Joondalup Pest Plant Local Law for the purposes of declaring Caltrop a Pest Plant.

The Motion was Put and**LOST (3/9)**

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

MOVED Cr Amphlett, SECONDED Cr Norman that Council:

- 5 REQUESTS that the Chief Executive Officer presents a report to Council on the creation of a City of Joondalup Pest Plant Local Law for the purposes of declaring Caltrop a Pest Plant.

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 Young.

Appendix 18 refers

To access this attachment on electronic document, click here: [Attach18brf041011.pdf](#)

**CJ196-10/11 PETITION REQUESTING INVESTIGATION OF
SPEEDING CONCERNS ON MERIDIAN DRIVE,
MULLALOO**

WARD: North-Central

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

FILE NUMBER: 01364, 101515, 05386

ATTACHMENTS: Attachment 1 Locality plan
Attachment 2 Concept plan

This Item was dealt with later in the meeting, after consideration of CJ198-10/11.

CJ197-10/11 ROADS TO RECOVERY PROGRAM

WARD:	All
RESPONSIBLE DIRECTOR:	Mr Martyn Glover Infrastructure Services
FILE NUMBER:	09480, 101515
ATTACHMENTS:	Nil.

PURPOSE

To seek Council's support for the Australian Local Government Association's campaign for the extension of the National Roads to Recovery Program.

EXECUTIVE SUMMARY

The current Roads to Recovery Program terminates in 2014 and the Australian Local Government Association (ALGA) has written to all local governments seeking their support for increased and ongoing funding beyond 2014.

The City will receive nearly \$5.5 million for the current five year term of the program and this is a significant contribution to the City's road programs.

In accordance with the request from ALGA it is recommended that Council:

- 1 *REQUESTS the Federal government to:*
 - *Recognise the successful delivery of the Roads to Recovery Program by local government since 2000;*
 - *Continue the Roads to Recovery Program on a permanent basis to assist local government meet its responsibilities of providing access for its communities;*
 - *Continue the Roads to Recovery Program with the current administrative arrangements; and*
 - *Provide an increased level of funding under a future Roads to Recovery Program that recognises the shortfall of funding on local roads of \$1.2 billion annually.*

- 2 *REQUESTS that the Chief Executive Officer writes to the Prime Minister, the Leader of the Opposition, Minister for Infrastructure and Transport, Opposition spokesperson for Transport and the local Federal Member for Parliament to advise them of Council's support for a new Roads to Recovery Program.*

BACKGROUND

The ALGA has written to all local governments in Australia requesting that each local government expresses support for a campaign for increased and ongoing Roads to Recovery Program funding. ALGA has requested that council pass a resolution of support for the campaign. The letter from ALGA is addressed to the Mayor and extracts from the letter are as follows:

“We achieved the Roads to Recovery Program because of strong and united local government campaigning in 2000. Further campaigns by local government have been very successful with two extensions of the Program and a funding increase to \$350m per annum in 2009. By the time the current Program ends in 2014 more than \$4.5 billion in additional funding will have been provided for local roads.

It is now time for local government to again mount a campaign for increased and ongoing Roads to Recovery Program funding. There is no question that local government needs the funding. The Australian Local Government Association (ALGA) commissioned research, released at the 2010 National Local Roads and Transport Congress in Bunbury, which shows that the national shortfall in the level of funding for local roads amounts to about \$1.2 billion annually.

ALGA will be launching local government’s Roads to Recovery campaign at the 2011 National Local Roads and Transport Congress, being held in Mount Gambier from 16-18 November.

Our campaign needs the support of every council and in advance of the launch I am asking your council to pass a resolution of support.”

“The motion calls for the Roads to Recovery Program to be made permanent at a rate that recognises the backlog of needs on local roads, and a continuation of the current popular and successful arrangements. These arrangements provide all councils with certainty of funding and give them control over the works to be funded.

You will notice that the motion does not link the ongoing Roads to Recovery Program to any source of funding such as fuel excise. I have discussed the suggested wording for the motion with all state associations and we have agreed not to link the campaign to a funding source at the time because of uncertainty arising from the announcements to review fuel excise by the Productivity Commission, the Review of the Financial Assistance Grants and the Henry Taxation review recommendations on road user charging. You may be assured that ALGA will be making the strongest possible representations to those reviews to protect and improve local government’s financial position.

As part of our campaign, it is important to ensure that national political leaders are left in no doubt about local government views. I am therefore asking that you write to the Prime Minister, the Leader of the Opposition, Minister for Infrastructure and Transport, Opposition spokesperson for Transport and your local Federal Member of Parliament to advise them of Council’s’ support for a new Roads to Recovery Program.

Our advocacy of this vital issue will be strengthened by a show of unity and it is important that as many councils as possible attend the Congress in Mount Gambier for the launch of the Roads to Recovery Program campaign, to show local government’s strong support for its extension.

I have no doubt that by working together we can successfully take the argument to the Federal Government for continued federal local road funding and achieve a new Roads to Recovery Program.”

DETAILS

The National Roads to Recovery Program has provided a significant contribution to local government roads funding since 2000 and has allowed the City to continue to retain an acceptable road condition without increasing the level of municipal funding.

The current year's contribution to the City of Joondalup from the program is in excess of \$1 million and the loss or reduction of this funding would have a significant impact on the City's ability to maintain its roads.

Issues and options considered:

Not applicable.

Legislation/Strategic Plan/Policy Implications

Legislation

Not applicable.

Strategic Plan

Key Focus Area: The Built Environment.

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

Policy:

Not applicable

Risk Management Considerations:

The loss of Roads to Recovery funding without a replacement fund would result in the need to increase the level of municipal funding required for roads' programs.

Financial/Budget Implications:

The City will receive \$1,034,879 from the Roads to Recovery Program in 2011/2012 and the five year program (2009 to 2014) will contribute nearly \$5.5 million towards the City's road programs.

All figures quoted in this report are exclusive of GST.

Regional Significance:

Not applicable.

Sustainability Implications:

Unless the City maintains the current level of road funding the road surfaces throughout the City will deteriorate, which then adds to the cost of operating vehicles and subsequent greenhouse gas emissions.

Consultation:

Not applicable.

COMMENT

The Roads to Recovery Program is an important component of the City's road funding. The current 2009-2014 program comprises of funding of \$5,484,396 for City of Joondalup road projects. Funding to address the deterioration of local roads is a critical issue in asset management programs adopted, or currently being adopted, by local governments, and it is important from a local government perspective that funding programs such as the Roads to Recovery Program are continued.

VOTING REQUIREMENTS

Simple majority.

OFFICER'S RECOMMENDATION: That Council:

- 1 REQUESTS the Federal Government to:
 - Recognise the successful delivery of the Roads to Recovery Program by local government since 2000;
 - Continue the Roads to Recovery Program on a permanent basis to assist local government meet its responsibilities of providing access for its communities;
 - Continue the Roads to Recovery Program with the current administrative arrangements;
 - Provide an increased level of funding under a future Roads to Recovery Program that recognises the shortfall of funding on local roads of \$1.2 billion annually; and
- 2 REQUESTS that the Chief Executive Officer writes to the Prime Minister, the Leader of the Opposition, Minister for Infrastructure and Transport, Opposition spokesperson for Transport and the local Federal Member for Parliament to advise them of Council's support for a new Roads to Recovery Program.

MOVED Cr Fishwick, SECONDED Cr Amphlett that Council:

- 1 **REQUESTS the Federal Government to:**
 - **Recognise the successful delivery of the Roads to Recovery Program by local government since 2000;**
 - **Continue the Roads to Recovery Program on a permanent basis to assist local government meet its responsibilities of providing access for its communities;**
 - **Continue the Roads to Recovery Program with the current administrative arrangements;**
 - **Provide an increased level of funding under a future Roads to Recovery Program that recognises the shortfall of funding on local roads of \$1.2 billion annually; and**

- 2 REQUESTS that the Mayor writes to the Prime Minister, the Leader of the Opposition, Minister for Infrastructure and Transport, Opposition spokesperson for Transport and the local Federal Member for Parliament to advise them of Council's support for a new Roads to Recovery Program.**

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 Young.

CJ198-10/11 MUNICIPAL SOLID WASTE

WARD: All

RESPONSIBLE DIRECTOR: Mr Martyn Glover
Infrastructure Services

FILE NUMBER: 04300, 50545 101515

ATTACHMENTS: Attachment 1 Waste Authority Directions Statement

PURPOSE

The purpose of this report is for Council to consider the level of financial support the State Government provides for waste services in Western Australia.

EXECUTIVE SUMMARY

At the Ordinary Meeting of Council on 16 August 2011 a Notice of Motion was submitted requesting the following:

"That the Chief Executive Officer be requested to submit a report dealing with Municipal Solid Waste which considers:

- 1 Encouraging the State Government to assist local government with Municipal Solid Waste management issues and provide support for Regional Councils and their constituent members by writing to the Minister of Environment to:
 - (a) Advise of the severe funding pressures for Regional Councils and their constituent members in delivering Municipal Solid Waste services and particularly for Resource Recovery Facility projects and the concern that the current situation is not sustainable;*
 - (b) Request direct financial assistance for Regional Councils with Resource Recovery Facilities from the State Government as a matter of urgency to address the severe financial difficulties being created by the operation and acquisition of these facilities;**
- 2 Submitting the issues involved in point 1 above to the Western Australian Local Government Association North Zone meeting."*

Local government waste in the metropolitan area is currently handled by five Regional Councils, being Mindarie Regional Council (MRC); Eastern Metropolitan Regional Council (EMRC); Western Metropolitan Regional Council (WMRC); Southern Metropolitan Regional Council (SMRC); and Rivers Regional Council.

There are also a few local governments which are operating their own landfills, for example the Cities of Armadale and Rockingham, and others who deliver their waste outside of regional Council membership, for example the Cities of Canning, Mandurah and Stirling.

There are currently three Resource Recovery Facilities operating in the metropolitan area at the MRC, SMRC and WMRC. To date there has been no State Government support for these facilities, notwithstanding the pressure that the State Government has placed on local government to divert waste from landfill as demonstrated in the *Waste Avoidance and Resource Recovery Act 2007* and the Waste Authority's most recent Directions Statement (Attachment 1 refers).

It is recommended that Council:

- 1 *REQUESTS the Chief Executive Officer to write to the Premier and the Minister of Environment encouraging the State Government to assist local governments with Municipal Solid Waste management issues and provide support in consideration of:*
 - 1.1 *The severe funding pressures local governments incur in delivering Municipal Solid Waste services, and particularly for Resource Recovery Facility projects, and the concern that the current situation is not sustainable;*
 - 1.2 *Direct financial assistance for local governments with Resource Recovery Facilities by the State Government as a matter of urgency, to address the severe financial difficulties being created by the operation and acquisition of these facilities; and*
 - a. *The reintroduction of the Resource Recovery Rebate Scheme, with an increase in the proportion of landfill levy revenue dedicated to waste management from 25% to 100%.*
- 2 *REQUESTS the Chief Executive Officer to submit the issues involved in Part 1 above to the next available Western Australian Local Government Association North Zone meeting.*

BACKGROUND

In 1998 a levy of \$3.00 per tonne was introduced for putrescible waste delivered to metropolitan landfill sites in Western Australia. Putrescible waste is the waste placed in the green lid bin as part of all municipal solid waste.

At the same time, the State Government introduced the Municipal Recycling Scheme which provided a reward fund for local government that were recycling their waste. In January 2001 the Municipal Recycling Scheme was re-badged as the Resource Recovery Rebate Scheme (RRRS) with increased levels of funding, amended criteria and increased reporting requirements. The RRRS distributed 50% of the collected levy to local governments which were practising resource recovery or recycling and operated until June 2006.

In October 2006 the levy for putrescible waste increased to \$6.00 per tonne and in January 2010 it increased to \$28.00 per tonne. There is also a levy for inert waste, which was increased to \$13.00 per tonne in January 2010. There has been no replacement for the RRRS and the funding opportunities for local government waste from the levies have reduced to 25% of the total levy revenue, which includes funding of the Waste Authority.

These requirements were set out in the *Waste Avoidance and Resource Recovery Act 2007 (WARR Act 2007)* and the *Waste Avoidance and Resource Recovery Levy Act 2007*.

Generally the cost of the Waste Authority is 30% of the waste levy attributed to local government and to date the balance (70%) has not been fully distributed to local government funding programs.

Metropolitan local governments collect in excess of 900,000 tonnes of putrescible waste for processing or disposal. When operating at full capacity, the three resource recovery facilities can process 264,000 tonnes of putrescible waste, leaving a shortfall in excess of 640,000 tonnes.

Each of the resource recovery facilities has had design or production difficulties and the processing of waste through these facilities is significantly more expensive than landfill. Consequently there is now a reluctance for local government to increase resource recovery.

In the case of the MRC, the gate fee for putrescible waste has been increased from \$54.00 per tonne in 2008 to \$123.00 per tonne on 2011, due to the introduction of the Resource Recovery Facility.

DETAILS

Issues and options considered:

Whilst local government have been encouraged to dispose of their waste through resource recovery facilities, the State government treats all its waste as commercial which is disposed of in metropolitan landfills. This is an inequitable position and the State Government should be redirecting its waste from landfill to resource recovery facilities.

Since the introduction of the landfill levy and prior to June 2006, at least 50% of the collected levy was returned to local government to encourage resource recovery and recycling through the RRRS. There is a reasonable argument or hypothecation that all levy revenues should be applied to waste management, either in support of waste projects or in a subsidy scheme as existed with the RRRS.

In terms of further encouraging resource recovery and recycling, a scheme such as the RRRS, where the reward is proportionately linked to the quantity of waste recovered or recycled, is appropriate. There appears to be no rationale why landfill levy funds ought to be expended on general Department of Conservation non-waste activities, as is the case for at least 75% of current levies collected.

Alternatively, the levy could be abolished. However, this then no longer provides financial incentives for resource recovery as an alternative waste management to landfill.

The potential options for State Government are as follows:

Option	Advantages	Disadvantages
Do nothing	Nil	Local government continues to fund all municipal waste management.
Utilise resource recovery for processable waste streams generated by the State	Increase volume of waste delivered to existing resource recovery facilities.	Only those local governments with resource recovery facilities will benefit.
RRRS is reintroduced	Funding is distributed to local governments which are actively recovering or recycling.	The levy is not hypothecated for waste management with only 25% available.
Hypothecate levy for waste management only	Local governments and waste management receive the full benefit of the levy collected.	Department of Conservation will have to find alternative funding source for non-waste activities currently funded from the levy.
Cancel the landfill levy	Landfill and resource recovery gate fees are reduced.	There is no longer a financial encouragement to promote alternative waste recovery options.

The Minister for Environment, Hon Bill Marmion MLA, has as yet not demonstrated that he is keen to increase funding to local government for managing waste. However, the Premier has recently spoken about the need for the State to become more involved in waste management, in consideration of the difficulties local government was having in meeting demand. It may be therefore appropriate to write to both the Premier and Minister for Environment seeking increased State Government support for waste management.

Legislation/Strategic Plan/Policy Implications:

Legislation Waste Avoidance and Resource Recovery Act 2007
Waste Avoidance and Resource Recovery Levy Act 2007

Strategic Plan
Key Focus Area: The Natural Environment

Objective: 2.1.6 – the City implements strategies and projects that reduce the amount of waste which requires disposal.

Policy:

City Policy – Waste Management

Risk Management Considerations:

The major risks associated with waste management relate to the failure to collect or dispose of waste. Either of these two risks would be catastrophic for the City, as the waste would need to be stored somewhere.

This is also an ongoing financial risk as the cost to dispose of waste continues to significantly increase.

Financial/Budget Implications:

Account No:	A6205
Budget Item:	Waste Management Services
Budget Amount:	\$18,275,122
Amount Spent To Date:	\$ 2,040,727
Balance:	\$16,234,395

Waste management services were collectively the most expensive service that the City provides. The tipping fees of \$7,990,450 is the greatest single contractual cost to the City.

All figures quoted in this report are exclusive of GST

Regional Significance:

The waste disposal and processing services provided by the MRC, other Regional Councils and individual local governments provide for all municipal solid waste in Western Australia. Consequently, waste disposal and processing is a regionally significant service. It is therefore appropriate that the issue be raised to the Western Australian Local Government Association (WALGA) through the North Zone meeting.

Sustainability Implications:

Resource recovery options are expensive and metropolitan landfill sites are rapidly filling up. Therefore, the sustainability of the waste services currently provided is questionable. There is a great need for the State government and local governments to strategically plan for the future for waste services in Western Australia to ensure their sustainability.

Consultation:

The City has consulted with Regional Council officers in the preparation of this report.

COMMENT

The funding of waste management services, in particular disposal and/or processing of municipal solid waste will continue to be a challenge for local governments.

It is therefore appropriate to lobby the Premier for the State government to provide direct financial assistance for local governments with resource recovery facilities. This could best be facilitated with the reintroduction of the RRRS, with all landfill levy funds utilised for waste management.

The Western Australian Local Government Association (WALGA) has presented a range of areas that need support and financial assistance to the Minister for Environment. WALGA has also called for a return to the previous system whereby all funds collected were used for waste reduction initiatives, rather than being allocated to general expenditure budgets.

In a July 2011 WALGA media release it was stated that "There are a great number of initiatives which could be implemented should these funds [from the landfill levy] be invested back into waste infrastructure, research and education, all of which are urgently needed." The media release also states that "The initiatives include the development of local markets and infrastructure for recycled materials; a needs analysis to address illegal dumping and a campaign to increase recycling rates."

VOTING REQUIREMENTS

Simple majority.

OFFICER'S RECOMMENDATION: That Council:

- 1 REQUESTS the Chief Executive Officer to write to the Premier and the Minister for Environment encouraging the State Government to assist local governments with Municipal Solid Waste management issues and provide support in consideration of:
 - 1.1 The severe funding pressures local governments incur in delivering Municipal Solid Waste services, and particularly for Resource Recovery Facility projects, and the concern that the current situation is not sustainable;
 - 1.2 Direct financial assistance for local governments with Resource Recovery Facilities by the State Government as a matter of urgency, to address the severe financial difficulties being created by the operation and acquisition of these facilities;
 - 1.3 The reintroduction of the Resource Recovery Rebate Scheme, with an increase in the proportion of landfill levy revenue dedicated to waste management from 25% to 100%; and
- 2 REQUESTS the Chief Executive Officer to submit the issues involved in Part 1 above to the next available Western Australian Local Government Association North Zone meeting.

MOVED Cr Fishwick, SECONDED Cr Amphlett that Council:

- 1 **REQUESTS the Mayor to write to the Premier and the Minister for Environment encouraging the State Government to assist local governments with Municipal Solid Waste management issues and provide support in consideration of:**
 - 1.1 **The severe funding pressures local governments incur in delivering Municipal Solid Waste services, and particularly for Resource Recovery Facility projects, and the concern that the current situation is not sustainable;**
 - 1.2 **Direct financial assistance for local governments with Resource Recovery Facilities by the State Government as a matter of urgency, to address the severe financial difficulties being created by the operation and acquisition of these facilities;**
 - 1.3 **The reintroduction of the Resource Recovery Rebate Scheme, with an increase in the proportion of landfill levy revenue dedicated to waste management from 25% to 100%; and**
- 2 **REQUESTS the Chief Executive Officer to submit the issues involved in Part 1 above to the next available Western Australian Local Government Association North Zone 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 Young.

Appendix 20 refers

To access this attachment on electronic document, click here: [Attach20brf041011.pdf](#)

CJ196-10/11 PETITION REQUESTING INVESTIGATION OF SPEEDING CONCERNS ON MERIDIAN DRIVE, MULLALOO

WARD:	North-Central	
RESPONSIBLE DIRECTOR:	Mr Martyn Glover Infrastructure Services	
FILE NUMBER:	01364, 101515, 05386	
ATTACHMENTS:	Attachment 1	Locality plan
	Attachment 2	Concept plan

PURPOSE

To consider a petition received by Council requesting that the City addresses the issue of speeding and hoon driver behaviour on Meridian Drive, Mullaloo.

EXECUTIVE SUMMARY

In August 2011, Council received a 66 signature petition from residents of Meridian Drive requesting that the City addresses the issue of speeding and hoon driver behaviour. Meridian Drive is a single carriageway road that connects Ocean Reef Road in the north to Mullaloo Drive in the south. The traffic assessment of Meridian Drive showed that the 85th percentile traffic speed was higher than the default urban speed limit of 50km/hour. Further analysis using the City's Traffic Management Investigation and Intervention Guidelines has confirmed that Meridian Drive requires a traffic management solution, which substantiates the inclusion of the works in the Capital Works Program for the 2013/14 financial year. The instances of hoon driver behaviour is a significant issue for the wider Perth community to address and should be reported to the WA Police to enforce, as it is the responsible authority.

It is recommended that Council:

- 1 NOTES that the City has already listed for consideration traffic management treatments on Meridian Drive, Mullaloo, as part of the Five Year Capital Works Program for 2013/14;*
- 2 REQUESTS the WA Police to enforce compliance with the urban speed limit on Meridian Drive, Mullaloo; and*
- 3 ADVISES the Petition Organiser of Council's decision.*

BACKGROUND

In August 2004, the City commissioned Connell Wagner, Consulting Engineers, to prepare a Traffic Management Design Concept for Meridian Drive, between Ocean Reef Road and Mullaloo Drive. To address speeding on Meridian Drive, the traffic management design elements included the installation of a flush red asphalt median, median trees, raised intersection islands and pedestrian islands. The scheme was considered for inclusion in the Five Year Capital Works Program, however, the project was not listed until 2013/14, due to other local roads being identified as having a higher priority.

At its meeting held on 16 August 2011 (C36-08/11 refers), Council received a 66 signature petition requesting the City to 'address the speeding and hooning cars on Meridian Drive, Mullaloo'.

DETAILS

Meridian Drive is a single carriageway road approximately 1.1km in length and is located south of Ocean Reef Road, north of Mullaloo Drive and parallel with Marmion Avenue. In addition to the Local Road Network, it provides direct access to 70 residential properties and indirect access to Mullaloo Heights Primary School through Charonia Road (Attachment 1 refers). Under the Main Roads WA Metropolitan Functional Road Hierarchy, the road is classified as a Local Access Road.

An analysis of traffic count surveys undertaken for Meridian Drive during June 2009 confirmed that traffic volumes were 2,030 vehicles per day (vpd) south of Ocean Reef Road. The traffic volumes are within acceptable limits for a road of this type, with the maximum desirable traffic volume being 3,000vpd.

The default urban speed limit of 50km/h applies to Meridian Drive. The results of the June 2009 traffic count surveys revealed that the 85th percentile traffic speed was 64km/h south of Ocean Reef Road.

An analysis of Main Roads WAs five year crash data for the period ending December 2010 confirmed a total of six recorded crashes had occurred on Meridian Drive in this period. All of the crashes involved vehicle damage. The crash types were a combination of right angle, hit object, rear end and sideswipe crashes.

To confirm the extent of the traffic issue, Meridian Drive was reviewed utilising the City's 'Traffic Management Investigation and Intervention Guidelines'. The review identified the following:

- Road alignment between Ocean Reef Road and Mullaloo Drive is a combination of curves, straights and crests. The intersection sight lines and drivers' forward visibility were found to be clear and unobstructed.
- The road carriageway consists of two traffic lanes with an existing centre line marking.
- The 85th percentile recorded traffic speed of 64km/h (June 2009), south of Ocean Reef Road, is higher than desirable.
- The traffic volume of 2,030 vpd is within the maximum for a Local Access Road of this type.
- An analysis of the five year crash data to December 2010 revealed that all of the six crashes were non injury related. The majority of crashes also occurred in dry weather conditions. The road provides indirect access to Mullaloo Heights Primary School through Charonia Road, highlighting the vulnerable road users.
- Using the above information, an Action Priority Score of 63 was determined.

- In accordance with the Guidelines, an Action Priority Score of more than 50 denotes a road as being a 'Technical Problem Site' and requires a traffic management solution to be considered.

Traffic management enhancement for Meridian Drive is currently listed as part of the City's Five Year Capital Works Program in the 2013/14 financial year of the Local Road Traffic Management Program. The design elements for the proposed traffic treatment include a flush red asphalt median, intermittent median islands and intersection islands (Attachment 2 refers). The aim of the treatments is to separate traffic flows, limit traffic speeds and control turning movement at intersections.

Issues and options considered:

Council has the option to:

- Install traffic management treatments on Meridian Drive.
This is the recommended option on the basis of the results of the traffic investigation and improvements to the road safety situation.
- Retain Meridian Drive in its current form.
This option is not recommended due to the high traffic speeds and potential for vehicle crashes.

Legislation/Strategic Plan/Policy Implications

Legislation Road Traffic Code 2000.

Strategic Plan

Key Focus Area: 5.0 Community wellbeing.

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

Policy:

Not Applicable.

Risk Management Considerations:

The evaluation of Meridian Drive confirmed that the road required a traffic management solution but this is considered a low priority when compared to other roads of similar type. On the basis of the low number of reported crashes (six in five years) it is considered there is a limited risk for crashes due to speed in excess of the speed zone between now and when traffic management measures will be installed in 2013/2014.

Financial/Budget Implications:

The cost to install traffic treatments on Meridian Drive is approximately \$115,000 (excluding GST). The project is listed in the Five Year Capital Works Program and because the project would not qualify as a Blackspot, it would be fully funded by municipal funds. The project is currently listed for funding consideration in the 2013/2014 financial year and has a lower priority ranking when compared to other listed local traffic management projects adopted by Council for the 2011/ 2012 and 2012/2013 financial years.

Regional Significance:

Not Applicable.

Sustainability Implications:

Not Applicable.

Consultation:

Except for the petition organiser, there has been no further consultation. Community consultation would occur at the concept/design stage if traffic management works were to proceed.

COMMENT

The results of the traffic count surveys confirm that the 85th percentile speed is in excess of the speed zone. There are also reported levels of hoon driver behaviour. The WA Police is the responsible authority to enforce compliance to the urban speed limit and road rules as defined in the Traffic Code 2000. All drivers have a lawful and moral obligation to drive in accordance with these rules. Drivers who break the law, or deliberately take risks to avoid using the roads correctly, are putting themselves and other road users at risk, and are subject to action by the WA Police. It is therefore recommended that the WA Police be requested to enforce compliance with the urban speed limit on Meridian Drive.

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION: That Council

- 1 NOTES that the City has listed, for consideration, traffic management treatments on Meridian Drive, Mullaloo as part of the Five Year Capital Works Program for 2013/14;
- 2 REQUESTS the WA Police to enforce compliance with the urban speed limit on Meridian Drive, Mullaloo; and
- 3 ADVISES the Petition Organiser of Council's decision.

MOVED Mayor Pickard, SECONDED Cr Young that Council:

- 1 **NOTES that the City has listed, for consideration, traffic management treatments on Meridian Drive, Mullaloo as part of the Five Year Capital Works Program for 2013/14;**
- 2 **REQUESTS the WA Police to enforce compliance with the urban speed limit on Meridian Drive, Mullaloo;**
- 3 **ADVISES the Petition Organiser of Council's decision; and**
- 4 **REQUESTS the consideration of traffic treatments in Meridian Drive, Mullaloo as part of the deliberations for the Five Year Capital Works Program in 2012/13.**

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 Young.

Appendix 19 refers

To access this attachment on electronic document, click here: [Attach19brf041011.pdf](#)

CJ181-10/11 DRAFT PUBLIC TRANSPORT PLAN FOR PERTH 2031 - CITY OF JOONDALUP SUBMISSION

WARD: All

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

FILE NUMBER: 04575, 101515

ATTACHMENTS: Attachment 1 Draft Public Transport Plan for Perth in 2031
Attachment 2 Draft Submission for the City of Joondalup

PURPOSE

To consider the *Draft Public Transport Plan for Perth 2031 (DPTP)*, released for public comment by the Department of Transport, and endorse a submission from the City of Joondalup in response to the Plan.

EXECUTIVE SUMMARY

The Department of Transport recently released its DPTP (Attachment 1 refers) for public comment, with submissions due by 14 October 2011.

The Plan has been developed by an Independent Panel consisting of representatives from the Department of Transport, Department of Planning, Public Transport Authority, Main Roads WA, Department of Treasury and Finance and experts from the bus, rail and transport industries.

The main purpose of the DPTP is to report on the findings of the Independent Panel who were tasked with the following terms of reference (summarised):

- To recommend a future primary transport network;
- To recommend capital investment proposals;
- To consider a range of public and private funding options; and
- To recommend measures that integrates transport planning with urban land use and development.

A draft submission on the DPTP has been developed by the City and is provided at Attachment 2 to this report, for Council's consideration and endorsement.

It is recommended that Council:

- 1 *SUPPORTS the Draft Public Transport Plan for Perth 2031 for the purposes of providing direction and certainty with regard to future transport and urban land development opportunities within the Perth Metropolitan Area; and*
- 2 *ENDORSES the City of Joondalup submission provided at Attachment 2 to Report CJ181-10/11, in response to the Department of Transport's request for public comment on its Draft Public Transport Plan for Perth 2031.*

BACKGROUND

On the 14 July 2011, the Minister for Transport released the State Government's DPTP as a strategy for increasing the capacity and efficiency of the current Metropolitan public transport network and expanding its reach to new residential growth areas.

The DPTP has been developed on the advice of an Independent Panel that consists of representatives from the Department of Transport, Department of Planning, Public Transport Authority, Main Roads WA, Department of Treasury and Finance and experts from the bus, rail and transport industries.

DETAILS

Intent of the DPTP

The State Government's vision under the DPTP is to see public transport become the preferred choice of travel to Perth's strategic centres and through the growth corridors, by aligning recommendations for increased capacity and expansion with the Department of Planning's *Directions 2031 and Beyond* document.

It also seeks to report on the findings of the Independent Panel, who were tasked with the following terms of reference (summarised):

- To recommend a future primary transport network;
- To recommend capital investment proposals;
- To consider a range of public and private funding options; and
- To recommend measures that integrates transport planning with urban land use and development.

This has resulted in a proposal to develop the public transport network in two stages (stage one: short-term priorities from 2012-2020 and stage two: medium-term priorities from 2021-2031), with key investments areas based around:

- 1 Enhancing current capacity, particularly the railways;
- 2 Transformational projects that will redefine travel and development patterns;
- 3 Projects that provide strong connections to strategic centres; and
- 4 Projects that support the growth in the central sector and the Perth CBD.

Some longer-term projects have also been acknowledged within the DPTP that are not recommended to progress until after 2031.

Proposed Public Transport Investment within the City

There are currently no public transport investments proposed within the City of Joondalup until after 2031, when possible “rapid transit infrastructure” (RTI) may be constructed to link Joondalup, Whitfords City, Hillarys, Karrinyup and Scarborough in a north-south line. RTI can include either dedicated bus lanes or light-rail infrastructure. The DPTP does not indicate which form of RTI the identified long-term projects are likely to utilise.

Despite the lack of projects proposed for the City of Joondalup, it is noted that the City is already home to a major piece of transport infrastructure, being the northern suburbs train line. As such, the DPTP focuses more on the further expansion of the train line into the City of Wanneroo as a major transformational project for the region in the short to medium term.

Impacts on the City

The City has reviewed the DPTP (in consultation with the City of Wanneroo and additional information provided by the Department of Transport at a recent presentation on the Plan) and noted the potential impacts it will have on the City at a strategic, regional and local level, as detailed in Attachment 2.

Having acknowledged the benefits of a long-term plan for the development of a primary public transport network across the Perth Metropolitan Region, the City has also raised the following key points (summarised) for consideration by the Department of Transport:

- The DPTP proposes centralising the network towards the Perth CBD, which fails to capitalise on opportunities to broaden public transport integration across strategic centres;
- There is too much focus on transport development around Stirling (in light of the proposed Stirling City Centre Structure Plan). This could be detrimental to commercial investment opportunities within the Joondalup City Centre over the medium-term if progressed;
- There are no proposed linkages to the east of Joondalup, which fails to take advantage of the significant catchment and critical mass existing in areas such as East Wanneroo and Ellenbrook. In order to work in the Joondalup City Centre, this population would need to travel through Perth first, which is a big disincentive to decentralisation and to the growth of Joondalup as a Primary Centre;
- There is a lack of proposed east-west public transport linkages to northern train stations and into the Joondalup City Centre and the City does not support reliance on park and ride facilities in the medium-long term;
- There is a lack of socio-economic trends incorporated into the transport modelling data;
- It is questioned why other complementary plans, such as the *Moving People Plan* and *Bike Plan* are being developed separately to the DPTP;
- There is little detail on a solid review process to accommodate major changes in forecasted transport outcomes, particularly in light of under-estimated residential growth within the City of Wanneroo;
- The proposed “educational arc” does not include major education campuses within the Joondalup City Centre; and

- More detail is required to explain the circumstances in which potential direction powers may be utilised by Main Roads WA, to request the construction and maintenance of infrastructure on local roads, or to assume responsibility over local roads or lanes.

Issues and options considered:

The City has completed a thorough review of the DPTP and developed a submission in response to its proposals.

Council has the option to either:

- 1 Endorse the submission, provided at Attachment 2, without amendment.
- 2 Endorse the submission, provided at Attachment 2, with amendments.
- 3 Not endorse the submission, provided at Attachment 2.

The City recommends that Council pursues option 1, by endorsing the proposed submission without amendment.

Legislation/Strategic Plan/Policy Implications

Legislation Not applicable.

Strategic Plan

Key Focus Area: Economic prosperity and growth.

Objective: To encourage the development of the Joondalup CBD.

Policy:

Not applicable.

Risk Management Considerations:

There is a risk that if the City does not provide a response on the DPTP, it would have missed an opportunity to support the northwest region in securing appropriate and necessary public transport infrastructure in the short-medium term.

Financial/Budget Implications:

The DPTP proposes the development of a detailed funding plan and strategy, to ensure that projects are able to be successfully delivered. In the short term, the State Government is likely to remain the predominant funder of public transport projects, with major capital improvements to be funded through public-private partnerships.

One of the funding principles under the DPTP is for “...all levels of government to participate in the funding of public transport capital projects...” The City is not sure how this may impact on local governments, although, there is mention of using cash-in-lieu or parking levies in strategic centres to be put towards increasing public transport usage and reduced reliance on car travel. This is currently inconsistent with the City’s *District Planning Scheme No.2*, (which requires cash-in-lieu payments to fund parking infrastructure projects only); however, the City will be reviewing its position on parking as part of the development of its *Joondalup Activity Centre Structure Plan* and *District Planning Scheme No.3* and as such, there may be an opportunity to examine a broader application of the current parking funding requirement.

There is also a longer-term option mentioned within the DPTP for introducing developer charges in areas where improved public transport can facilitate higher density in key precincts and major centres. There is no detail as to how this could be administered and whether local governments would be required to facilitate the raising and distribution of such funds.

Finally, there is also a recommendation within the DPTP to introduce powers for Main Roads WA to direct local governments to construct or maintain public transport infrastructure on local roads, or for Main Roads WA to acquire responsibility over local government roads and lanes.

The powers are to ensure that major transformational projects are not hindered by unnecessary delays, where stakeholder negotiations have failed. It is likely that “public transport infrastructure on local roads” will only extend to the establishment and maintenance of dedicated bus lanes (which are demarcated by a strong yellow line and markings), however, this intention is not detailed within the DPTP and has only been mentioned anecdotally by Department of Transport Officers. It is unclear how much of a financial burden this may place on local governments in the future, if pursued.

Regional Significance:

It is considered important that the City responds to the Department of Transport’s request for public comment on its DPTP, to ensure that it fulfils its obligations as a regional partner in the coordination and management of economic development and infrastructure planning within the northwest corridor.

If the long-term public transport network is not planned for in a manner that supports the realities of residential growth and people movements throughout the northwest corridor, there are concerns that current road network infrastructure could become increasingly congested and dysfunctional over time. It may also affect the City’s ability to attract commercial investment within its City Centre to support the region’s employment self-sufficiency targets for 2031.

As such, the City must ensure that it works effectively with its regional and State Government partners to lobby and negotiate a position that will result in appropriate and successful public transport outcomes.

Sustainability Implications:

The DPTP aims to encourage sustainable transport options by promoting public transport as the preferred choice of travel to Perth’s strategic centres and growth corridors in the future. This is considered imperative to reducing the Metropolitan Area’s reliance on private car trips for most travel destinations.

It will also assist in significantly reducing carbon emissions on a Metropolitan-wide level.

Consultation:

In developing the submission provided at Attachment 2, the City has met with Officers from the City of Wanneroo to discuss the regional implications of the DPTP and has attended a presentation on the DPTP by Officers from the Department of Transport, where more context on the purpose of the Plan and development process was provided.

COMMENT

Not applicable.

VOTING REQUIREMENTS

Simple majority.

MOVED Cr Corr, SECONDED Cr Chester that Council:

- 1 SUPPORTS the development of a long term public transport plan by the State Government for the purposes of providing direction and certainty with regard to future transport and urban land development opportunities within the Perth Metropolitan Area; and**
- 2 ENDORSES the City of Joondalup submission provided at Attachment 2 of Report CJ181-10/11, in response to the Department of Transport's request for public comment on its Draft Public Transport Plan for Perth 2031.**

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 Young.

Appendix 7 refers

To access this attachment on electronic document, click here: [Attach7agn111011.pdf](#)

C50-10/11 COUNCIL DECISION – EN BLOC RESOLUTION - [02154] [08122]

MOVED Cr Amphlett, SECONDED Cr Young that Pursuant to the Standing Orders Local Law 2005 – Clause 48 – Adoption of recommendations en bloc, Council ADOPTS the following Items CJ173-10/11, CJ174-10/11, CJ177-10/11, CJ178-10/11, CJ183-10/11, CJ184-10/11, CJ185-10/11, CJ186-10/11, CJ188-10/11, CJ189-10/11, CJ190-10/11 and CJ191-10/11.

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 Young.

C51-10/11 MOTION TO GO BEHIND CLOSED DOORS

MOVED Cr Hollywood, SECONDED Cr Hamilton-Prime 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:**
 - CJ199-10/11 Appointment of Director Infrastructure Services, as this item relates to a matter affecting a potential employee and personal affairs of a person;**
 - CJ200-10/11 Minutes of the Joondalup Performing Arts and Cultural Facility Steering Committee Held on 15 September 2011, as**

this item contains information that if disclosed has a commercial value to a person; and

C52-10/11 Minutes of the Ocean Reef Marina Committee Held on 10 October 2011, as this item contains information that if disclosed has a commercial value to a person.

2 PERMITS the following employees to remain in the Chamber during discussions on Confidential Items CJ199-10/11, CJ200-10/11 and C52-10/11 Minutes of the Ocean Reef Marina Committee 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 Planning and Development, Ms Dale Page;**
- **Manager Governance and Marketing, Ms Michelle Noble;**
- **Manager City Projects, Mr Blignault Olivier;**
- **Governance Officer, Mrs Lesley Taylor; and**
- **Governance Officer, Mrs Rose Garlick.**

3 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 Item:

CJ201-10/11 Minutes of the Chief Executive Officer - Performance Review Committee Meetings Held on 4 July 2011, 12 September 2011, 26 September 2011 and 28 September 2011, as this item relates to a matter affecting an employee.

4 PERMITS the following employees to remain in the Chamber during discussions on Confidential Item CJ201-10/11

- **Director Corporate Services, Mr Mike Tidy; and**
- **Governance Officer, Mrs Lesley Taylor.**

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 Young.

Members of the staff (with the exception of the Chief Executive Officer, Director Corporate Services, Director Governance and Strategy, Director Planning and Development, Manager Governance and Marketing, Manager City Projects and two Governance Officers) and members of the public and press left the Chambers at this point; the time being 8.27 pm.

11 REPORT OF THE CHIEF EXECUTIVE OFFICER

CJ199-10/11 APPOINTMENT OF DIRECTOR INFRASTRUCTURE SERVICES**WARD:** All**RESPONSIBLE DIRECTOR:** Mr Garry Hunt
Office of the CEO**FILE NUMBER:** 866091**ATTACHMENTS:** Attachment 1 Confidential – Applicant Interview Notes
Attachment 2 Confidential – Applicant Details
Attachment 3 Confidential - Recommended Applicant CV

(Please Note: These attachments are confidential and will appear in the official Minute Book only)

This Item is Confidential – Not for Publication

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

MOVED Cr Chester, SECONDED Cr Young that Council ENDORSES the recommendation of the Chief Executive Officer to appoint Mr Glen Flood to the position of Director Infrastructure Services on a performance based contract for a maximum period of five (5) years at a commencing total employment cost of \$225,000.00.

AMENDMENT MOVED Mayor Pickard, SECONDED Cr Hamilton-Prime that the words “per annum” be added to the end of the Motion.

The Amendment was Put and

CARRIED (12/0)

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

The Original Motion as amended, being:

That Council ENDORSES the recommendation of the Chief Executive Officer to appoint Mr Glen Flood to the position of Director Infrastructure Services on a performance based contract for a maximum period of five (5) years at a commencing total employment cost of \$225,000.00 per annum.

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 Young.

CJ200-10/11 MINUTES OF THE JOONDALUP PERFORMING ARTS AND CULTURAL FACILITY STEERING COMMITTEE HELD ON 15 SEPTEMBER 2011

WARD: All

RESPONSIBLE DIRECTOR: Mr Garry Hunt
Office of the CEO

FILE NUMBER: 07019

ATTACHMENTS: Attachment 1 Minutes of the Joondalup Performing Arts and Cultural Facility Steering Committee Meeting Held on 15 September 2011

(Please Note: These attachments are confidential and will appear in the official Minute Book only)

This Item is Confidential – Not for Publication

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

MOVED Cr Hollywood, SECONDED Cr McLean that Council:

- 1 NOTES the unconfirmed minutes of the Joondalup Performing Arts and Cultural Facility Steering Committee meeting held on 15 September 2011, forming Attachment 1 to Report CJ200-10/11;**
- 2 ENDORSES the Joondalup Performing Arts and Cultural Facility – Review of Stakeholder and User Client Requirements report;**
- 3 ENDORSES the findings of the report are in accordance with the project Philosophy and Parameters and accommodates the identified stakeholder and user client requirements;**
- 4 SUPPORTS the undertaking of future market analysis involving comprehensive research into:**
 - Market analysis of stakeholder requirements and potential users of facilities for the performing arts events and visual arts;**
 - Events and visual arts activities;**
 - Consumer preferences;**
 - Economic impact studies and economic modelling;**
 - Management and operational modelling;**
 - Funding and financial models; and**
 - Social and community impact studies.**
- 5 NOTES that the report will serve as the basis for the preparation of future scoping documents.**

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 Young.

Disclosures of Financial Interest

Name/Position	Mr Garry Hunt – Chief Executive Officer
Item No/Subject	CJ201-10/11 – Minutes of the Chief Executive Officer Performance Review Committee Meeting held on 12 September 2011 (Item 1 – CEO Annual Performance Review Progress)
Nature of interest	Financial
Extent of Interest	Mr Hunt holds the position of CEO. Mr Hunt was not present at this Committee meeting.

Name/Position	Mr Garry Hunt – Chief Executive Officer
Item No/Subject	CJ201-10/11 – Minutes of the Chief Executive Officer Performance Review Committee Meeting held on 26 September 2011 (Item 1 – CEO Annual Performance Review Interview)
Nature of interest	Financial
Extent of Interest	Mr Hunt holds the position of CEO.

Name/Position	Mr Garry Hunt – Chief Executive Officer
Item No/Subject	CJ201-10/11 – Minutes of the Chief Executive Officer Performance Review Committee Meeting held on 28 September 2011 (Item 1 – Chief Executive Officer Concluded Annual Performance Review)
Nature of interest	Financial
Extent of Interest	Mr Hunt holds the position of CEO. Mr Hunt was not present at this Committee meeting.

Name/Position	Mr Garry Hunt – Chief Executive Officer
Item No/Subject	CJ201-10/11 – Minutes of the Chief Executive Officer Performance Review Committee Meeting held on 28 September 2011 (Item 2 – Annual Salary Review – Chief Executive Officer)
Nature of interest	Financial
Extent of Interest	Mr Hunt holds the position of CEO. Mr Hunt was not present at this Committee meeting.

Disclosures of Interests affecting impartiality

Name/Position	Mr Mike Tidy - Director Corporate Services
Item No/Subject	CJ201-10/11 – Minutes of the Chief Executive Officer Performance Review Committee Meeting held on 4 July 2011 (Item 1 - CEO Performance Review 2011)
Nature of interest	Interest that may affect impartiality
Extent of Interest	Due to the nature of his employment relationship with the CEO.

Name/Position	Mr Mike Tidy - Director Corporate Services
Item No/Subject	CJ201-10/11 – Minutes of the Chief Executive Officer Performance Review Committee Meeting held on 12 September 2011 (Item 1 – CEO Annual Performance Review Progress)
Nature of interest	Interest that may affect impartiality
Extent of Interest	Due to the nature of his employment relationship with the CEO.

Name/Position	Mr Mike Tidy - Director Corporate Services
Item No/Subject	CJ201-10/11 – Minutes of the Chief Executive Officer Performance Review Committee Meeting held on 26 September 2011 (Item 1 – CEO Annual Performance Review Interview)
Nature of interest	Interest that may affect impartiality
Extent of Interest	Due to the nature of his employment relationship with the CEO.

Name/Position	Mr Mike Tidy - Director Corporate Services
Item No/Subject	CJ201-10/11 – Minutes of the Chief Executive Officer Performance Review Committee Meeting held on 28 September 2011 (Item 1 – Chief Executive Officer Concluded Annual Performance Review)
Nature of interest	Interest that may affect impartiality
Extent of Interest	Due to the nature of his employment relationship with the CEO.

Name/Position	Mr Mike Tidy - Director Corporate Services
Item No/Subject	CJ201-10/11 – Minutes of the Chief Executive Officer Performance Review Committee Meeting held on 28 September 2011 (Item 2 – Annual Salary Review – Chief Executive Officer)
Nature of interest	Interest that may affect impartiality
Extent of Interest	Due to the nature of his employment relationship with the CEO.

CJ201-10/11 MINUTES OF THE CHIEF EXECUTIVE OFFICER - PERFORMANCE REVIEW COMMITTEE MEETINGS HELD ON 4 JULY 2011, 12 SEPTEMBER 2011, 26 SEPTEMBER 2011 AND 28 SEPTEMBER 2011

WARD: All

RESPONSIBLE DIRECTOR: Mr Mike Tidy
Corporate Services

FILE NUMBER: 54574, 98394B

ATTACHMENTS:

Attachment 1	Confirmed Minutes of the Chief Executive Officer - Performance Review Committee Meeting held on 4 July 2011
Attachment 2	Confirmed Minutes of the Chief Executive Officer - Performance Review Committee Meeting held on 12 September 2011
Attachment 3	Unconfirmed Minutes of the Chief Executive Officer – Performance Review Committee meeting held on 26 September 2011
Attachment 4	Unconfirmed Minutes of the Chief Executive Officer – Performance Review Committee meeting held on 28 September 2011

(Please Note: These attachments are confidential and will appear in the official Minute Book only)

This Item is Confidential – Not for Publication

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

This Item was dealt with later in the meeting, after consideration of C52-10/11.

**C52-10/11 MINUTES OF THE OCEAN REEF MARINA
COMMITTEE MEETINGS HELD ON 10 OCTOBER
2011**

WARD: All

RESPONSIBLE DIRECTOR: Mr Garry Hunt
Office of the CEO

FILE NUMBER: 04171

ATTACHMENTS: Attachment 1 Minutes of the Ocean Reef Marina Committee meeting held on 10 October 2011

This Item is Confidential – Not for Publication

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

MOVED Cr Young SECONDED Cr Hamilton-Prime that Council:

- 1 **NOTES** the unconfirmed minutes of the Ocean Reef Marina Committee meeting held on 11 October 2011, forming Attachment 1 to Report C52-10/11;
- 2 **ENDORSES** the Ocean Reef Marina Development – Concept Plan 7.2 Report;
- 3 **AUTHORISES** the preparation of a Business Case and Structure Plan for the Ocean Reef Marina based on Concept Plan 7.2, which will proceed in accordance with a revised Project Plan timetable and the new Environmental and Planning Approval Strategy;
- 4 **ENDORSES** obtaining strategic advice from the Environmental Protection Authority via a Section 16 (Environmental Protection Act 1986) submission;
- 5 **NOTES** the actions to be taken pursuant to the obtaining of strategic advice from the Environmental Protection Authority via a Section 16 (Environmental Protection Act 1986) submission:
 - 5.1 **Undertake** a gap analysis of available environmental information to identify further work required to support the provision of definitive Section 16 strategic advice from the Environmental Protection Authority;
 - 5.2 **Prepare** a scope of work for the preparation of documentation to support provision of Section 16 strategic advice by the Environmental Protection Authority;
 - 5.3 **Undertake** discussions with the Environmental Protection Authority to reach agreement on the scope and timing of the Section 16 process;
 - 5.4 **Continue** discussions and negotiations with relevant State Government agencies with respect to the resolution of issues associated with the Bush Forever site and Marmion Marine Park; and

- 5.5 Continue a dialogue with Commonwealth Department of Sustainability, Environment, Water, Population and Communities with a view to engaging their involvement at a strategic level to confirm requirement in relation to the Environmental Protection and Biodiversity Act 1999.**

6 NOTES the Ocean Reef Marina Development – Financial Feasibility Concept Plan 7.2 Report.

Mayor Pickard requested that it be noted in the minutes that Cr Brian Corr left the Chambers during the course of the voting process.

As the voting process was interrupted, Mayor Pickard called the vote for a second time, by a show of hands.

The Motion was Put and

CARRIED (11/1)

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

In accordance to Point 4 of the Motion to go Behind Closed Doors,

Chief Executive Officer, Director Planning And Development, Director Governance and Strategy, Manager Governance And Marketing, Manager City Projects and one Governance Officer left the Chamber at 8.35 pm

Disclosures of Financial Interest

Name/Position	Mr Garry Hunt – Chief Executive Officer
Item No/Subject	CJ201-10/11 – Minutes of the Chief Executive Officer Performance Review Committee Meeting held on 12 September 2011 (Item 1 – CEO Annual Performance Review Progress)
Nature of interest	Financial
Extent of Interest	Mr Hunt holds the position of CEO. Mr Hunt was not present at this Committee meeting.

Name/Position	Mr Garry Hunt – Chief Executive Officer
Item No/Subject	CJ201-10/11 – Minutes of the Chief Executive Officer Performance Review Committee Meeting held on 26 September 2011 (Item 1 – CEO Annual Performance Review Interview)
Nature of interest	Financial
Extent of Interest	Mr Hunt holds the position of CEO.

Name/Position	Mr Garry Hunt – Chief Executive Officer
Item No/Subject	CJ201-10/11 – Minutes of the Chief Executive Officer Performance Review Committee Meeting held on 28 September 2011 (Item 1 – Chief Executive Officer Concluded Annual Performance Review)
Nature of interest	Financial
Extent of Interest	Mr Hunt holds the position of CEO. Mr Hunt was not present at this Committee meeting.

Name/Position	Mr Garry Hunt – Chief Executive Officer
Item No/Subject	CJ201-10/11 – Minutes of the Chief Executive Officer Performance Review Committee Meeting held on 28 September 2011 (Item 2 – Annual Salary Review – Chief Executive Officer)
Nature of interest	Financial
Extent of Interest	Mr Hunt holds the position of CEO. Mr Hunt was not present at this Committee meeting.

Disclosure of Interests affecting impartiality

Name/Position	Mr Mike Tidy - Director Corporate Services
Item No/Subject	CJ201-10/11 – Minutes of the Chief Executive Officer Performance Review Committee Meeting held on 4 July 2011 (Item 1 - CEO Performance Review 2011)
Nature of interest	Interest that may affect impartiality
Extent of Interest	Due to the nature of his employment relationship with the CEO.

Name/Position	Mr Mike Tidy - Director Corporate Services
Item No/Subject	CJ201-10/11 – Minutes of the Chief Executive Officer Performance Review Committee Meeting held on 12 September 2011 (Item 1 – CEO Annual Performance Review Progress)
Nature of interest	Interest that may affect impartiality
Extent of Interest	Due to the nature of his employment relationship with the CEO.

Name/Position	Mr Mike Tidy - Director Corporate Services
Item No/Subject	CJ201-10/11 – Minutes of the Chief Executive Officer Performance Review Committee Meeting held on 26 September 2011 (Item 1 – CEO Annual Performance Review Interview)
Nature of interest	Interest that may affect impartiality
Extent of Interest	Due to the nature of his employment relationship with the CEO.

Name/Position	Mr Mike Tidy - Director Corporate Services
Item No/Subject	CJ201-10/11 – Minutes of the Chief Executive Officer Performance Review Committee Meeting held on 28 September 2011 (Item 1 – Chief Executive Officer Concluded Annual Performance Review)
Nature of interest	Interest that may affect impartiality
Extent of Interest	Due to the nature of his employment relationship with the CEO.

Name/Position	Mr Mike Tidy - Director Corporate Services
Item No/Subject	CJ201-10/11 – Minutes of the Chief Executive Officer Performance Review Committee Meeting held on 28 September 2011 (Item 2 – Annual Salary Review – Chief Executive Officer)
Nature of interest	Interest that may affect impartiality
Extent of Interest	Due to the nature of his employment relationship with the CEO.

CJ201-10/11 MINUTES OF THE CHIEF EXECUTIVE OFFICER - PERFORMANCE REVIEW COMMITTEE MEETINGS HELD ON 4 JULY 2011, 12 SEPTEMBER 2011, 26 SEPTEMBER 2011 AND 28 SEPTEMBER 2011

WARD: All

RESPONSIBLE DIRECTOR: Mr Mike Tidy
Corporate Services

FILE NUMBER: 54574, 98394B

ATTACHMENTS:

Attachment 1	Confirmed Minutes of the Chief Executive Officer - Performance Review Committee Meeting held on 4 July 2011
Attachment 2	Confirmed Minutes of the Chief Executive Officer - Performance Review Committee Meeting held on 12 September 2011
Attachment 3	Unconfirmed Minutes of the Chief Executive Officer – Performance Review Committee meeting held on 26 September 2011
Attachment 4	Unconfirmed Minutes of the Chief Executive Officer – Performance Review Committee meeting held on 28 September 2011

(Please Note: These attachments are confidential and will appear in the official Minute Book only)

This Item is Confidential – Not for Publication

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

MOVED Cr Fishwick, SECONDED Cr Amphlett that Council:

1 NOTES the:

1.1 confirmed minutes of the Chief Executive Officer Performance Review Committee meetings held on 4 July 2011 and 12 September 2011 forming Attachments 1 and 2 to Report CJ201-10/11;

1.2 unconfirmed minutes of the Chief Executive Officer Performance Review Committee meetings held on 26 September 2011 and 28 September forming Attachments 3 and 4 to Report CJ201-10/11;

2 ADOPTS the:

2.1 CEO Performance Review Committee’s Confidential Concluded Annual Performance Review Report and ENDORSES the overall rating of “Performed at a Very Satisfactory Level;

- 2.2 Chief Executive Officer's total reward package for the 2011 Annual Salary Review remain at the top of Band 9 of the Salaries and Allowances Tribunal Report of 24 June 2011, being \$327,034, an increase of 4.1%;
- 3 ENDORSES that the City of Joondalup should be included in Band 9 of the Salaries and Allowances Tribunal Band Allocation Model; and
- 4 REQUESTS that the Chief Executive Officer prepare a submission to the Salaries and Allowances Tribunal in relation to 3 above.

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 Young.

C53-10/11 MOTION TO RE-OPEN THE MEETING

MOVED Cr Amphlett, **SECONDED** Cr Norman 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 Young.

The following Officers entered the Chambers at 8.41 pm:

- Chief Executive Officer
- Director Planning And Development
- Director Governance And Strategy
- Manager Governance And Marketing
- Governance Officer

No members of the public or press were present.

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

- CJ199-10/11 Appointment of Director Infrastructure Services
- CJ200-10/11 Minutes of the Joondalup Performing Arts and Cultural Facility Steering Committee Meeting held on 15 September 2011
- CJ201-10/11 Minutes of the Chief Executive Officer - Performance Review Committee Meetings Held on 4 July 2011, 12 September 2011, 26 September 2011 and 28 September 2011
- C52-10/11 Minutes of the Ocean Reef Marina Committee Meeting held on 10 October 2011

MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**C54-10/11 NOTICE OF MOTION – CR BRIAN CORR - CAR BAYS AT THE REAR OF KINGSLEY TAVERN - [03467]**

In accordance with Clause 26 of the Standing Orders Local Law 2005, Cr Brian Corr gave notice of his intention to move the following Motion at the Council Meeting to be held on 11 October 2011.

“That Council REQUESTS the Chief Executive Officer to prepare a report on the status of the 17 or so car bays, behind the Kingsley Tavern, that have been constructed on parkland, being Lot 971 Kingsley, which is public land. The report is to detail why these car bays were built on public reserved land and what the City will now do to redeem the land.”

Background

Parkland is defined as:

- Land within, or suitable for, public parks; and
- Grassland with scattered clusters of trees or shrubs.

Lot 971 was transferred to the City of Wanneroo in June 1982 from Portuland Developments Pty Ltd.

Lot 971 was vested in the City of Joondalup by virtue of a Resolution by the Joint Commissioners in October 1999.

Reason for Motion

Lot 971 Kingsley is public land, owned by the State (our residents) since June 1982. Building car-bays on this land is highly inappropriate, to say the least.

It is important that this public land be restored to its previous condition as part of a beautiful stretch of parkland that links Kingsley Drive with Creaney Drive. This linkage is greatly hindered by these car bays.

A report to Council will clarify the issues and enable Council to make an informed decision based on the CEO’s recommendation(s).

Officer’s Comment

A report is able to be prepared.

MOVED Cr Corr that Council REQUESTS the Chief Executive Officer to prepare a report on the status of the 17 or so car bays, behind the Kingsley Tavern, that have been constructed on parkland, being Lot 971 Kingsley, which is public land. The report is to detail why these car bays were built on public reserved land and what the city will now do to redeem the land.

There being no SECONDER, the Motion

LAPSED

ANNOUNCEMENTS OF NOTICES OF MOTION FOR THE NEXT MEETING

Nil.

CLOSURE

There being no further business, the Mayor declared the Meeting closed at 8.53 pm; the following Elected Members being present at that time:

MAYOR T PICKARD
Cr K HOLLYWOOD
CR T MCLEAN
CR T YOUNG
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



**DECLARATION OF
FINANCIAL INTEREST/INTEREST THAT MAY AFFECT
IMPARTIALITY**

**To: CHIEF EXECUTIVE OFFICER
CITY OF JOONDALUP**

Name/ Position	
Meeting Date	
Item No/ Subject	
Nature of Interest	Financial Interest * Interest that may affect impartiality* <i>* Delete where not applicable</i>
Extent of Interest	
Signature	
Date	

Section 5.65(1) of the Local Government Act 1995 states that:

“A member who has an interest in any matter to be discussed at a Council or Committee meeting that will be attended by that member must disclose the nature of the interest:

- (a) in a written notice given to the CEO before the meeting; or*
- (b) at the meeting immediately before the matter is discussed.*



**QUESTION TO BE ASKED AT
BRIEFING SESSION/COUNCIL MEETING**

TITLE <i>(Mr/Mrs/Ms/Dr)</i>	FIRST NAME	SURNAME	ADDRESS

QUESTIONS

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Please submit this form at the meeting or:

- **post** to The Chief Executive Officer, City of Joondalup, P O Box 21, Joondalup WA 6919
- **email** to council.questions@joondalup.wa.gov.au

Please note that:

- Questions asked at a **Briefing Session** must relate to matters contained on the draft agenda.
- Questions asked at a **Council meeting** can relate to matters that affect the operations of the City of Joondalup.
- Questions asked at a **Special Meeting of the Council** must relate to the purpose for which the meeting has been called



**STATEMENT TO BE MADE AT
BRIEFING SESSION/COUNCIL MEETING**

TITLE <i>(Mr/Mrs/Ms/Dr)</i>	FIRST NAME	SURNAME	ADDRESS

STATEMENT

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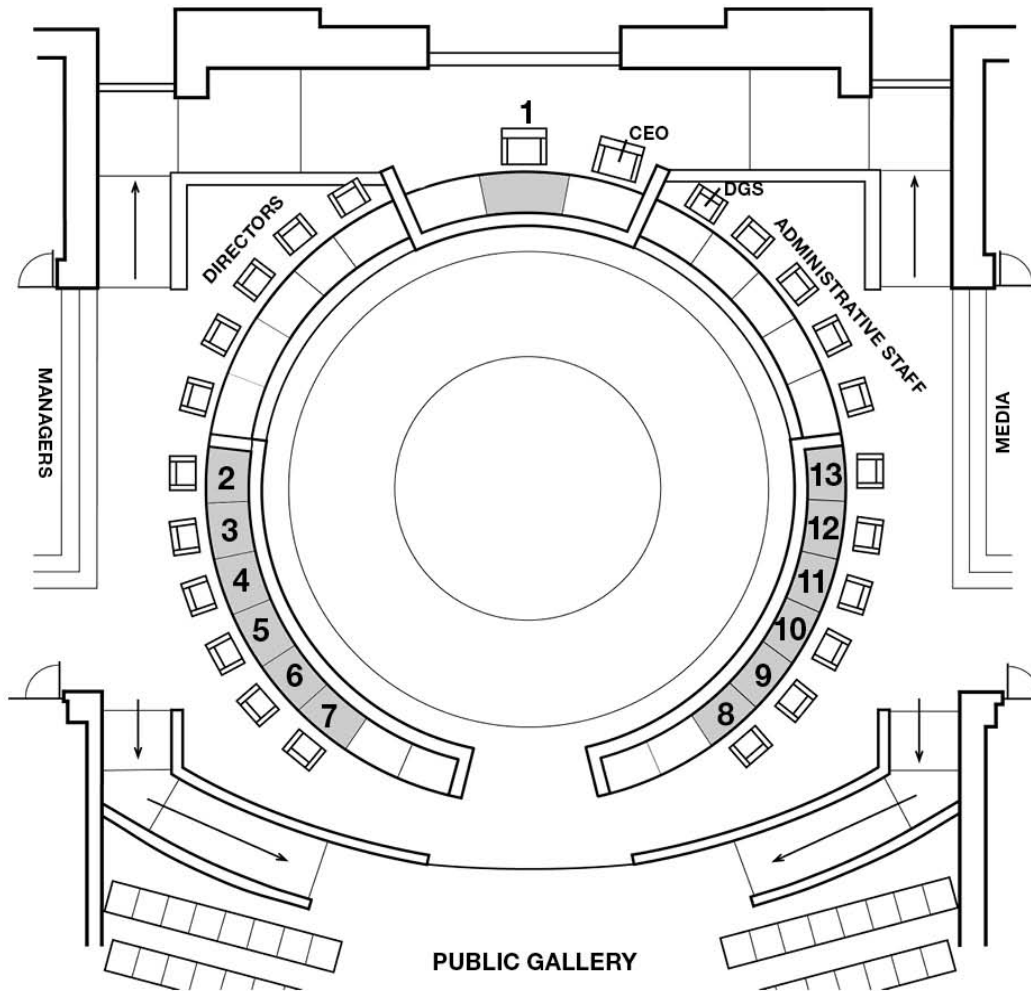
Please submit this form at the meeting or:

- **post** to The Chief Executive Officer, City of Joondalup, P O Box 21, Joondalup WA 6919
- **email** to council.questions@joondalup.wa.gov.au

Please note that:

- Statements made at a **Briefing Session** must relate to matters contained on the draft agenda.
- Statements made at a **Council meeting** can relate to matters that affect the operations of the City of Joondalup.
- Statements made at a **Special Meeting of the Council** must relate to the purpose for which the meeting has been called

Council Chambers – Seating Diagram



Mayor

1 His Worship the Mayor, Troy Pickard (Term expires 10/13)

North Ward

- 2 Cr Kerry Hollywood (Term expires 10/13)
- 3 Cr Tom McLean (Term expires 10/11)

North-Central Ward

- 4 Cr Philippa Taylor (Term expires 10/13)
- 5 Cr Trona Young (Term expires 10/11)

Central Ward

- 6 Cr Liam Gobbert (Term expires 10/13)
- 7 Cr Geoff Amphlett, JP (Term expires 10/11)

South-West Ward

- 8 Cr Christine Hamilton-Prime (Term expires 10/13)
- 9 Cr Mike Norman (Term expires 10/11)

South-East Ward

- 10 Cr John Chester (Term expires 10/13)
- 11 Cr Brian Corr (Term expires 10/11)

South Ward

- 12 Cr Russ Fishwick (Term expires 10/13)
- 13 Cr Fiona Diaz (Term expires 10/11)