

minutes

MEETING HELD ON **TUESDAY, 21 FEBRUARY 2012**

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CITY OF JOONDALUP

MINUTES OF COUNCIL MEETING HELD IN THE COUNCIL CHAMBER, JOONDALUP CIVIC CENTRE, BOAS AVENUE, JOONDALUP ON TUESDAY, 21 FEBRUARY 2012

DECLARATION OF OPENING

The Mayor declared the meeting open at 7.04 pm.

ANNOUNCEMENT OF VISITORS

Nil.

Mayor:

TROY PICKARD

Councillors:

CR KERRY HOLLYWOOD	North Ward	
CR TOM McLEAN, JP	North Ward	
CR PHILIPPA TAYLOR	North-Central Ward	
CR SAM THOMAS	North-Central Ward	
CR LIAM GOBBERT	Central Ward	
CR GEOFF AMPHLETT, JP	Central Ward	
CR MIKE NORMAN	South-West Ward	<i>Absent from 8.12 pm to 8.45 pm</i>
CR CHRISTINE HAMILTON-PRIME	South-West Ward	
CR JOHN CHESTER	South-East Ward	<i>Deputy Mayor</i>
CR BRIAN CORR	South-East Ward	
CR RUSS FISHWICK	South Ward	
CR TERESA RITCHIE	South Ward	

Officers:

MR GARRY HUNT	Chief Executive Officer	
MR MIKE TIDY	Director Corporate Services	
MR JAMIE PARRY	Director Governance and Strategy	
MS DALE PAGE	Director Planning and Development	<i>Absent from 8.48 pm to 8.51 pm</i>
MR BRAD SILLENCÉ	Manager Governance and Marketing	
MS DEBBIE TERELINCK	Manager Community Development and Library Services	<i>to 8.51 pm</i>
MR JOHN HUMPHREYS	Manager Planning Services	
MR MARK McCRORY	Media Advisor	
MR MARK THORNBUR	Acting Governance Coordinator	
MRS LESLEY TAYLOR	Governance Officer	
MRS DEBORAH GOUGES	Governance Officer	

There were 61 members of the public and one member of the press in attendance.

PUBLIC QUESTION TIME

The following questions were taken on notice at the Annual General Meeting of Electors held on 6 December 2011:

Mr R Poliwka, Joondalup:

Re: Council Rates.

Q1 Has the City any logic or reason behind the increase it has had in rates?

A1 The overall driver of the City's 2011/12 Budget was the long term financial sustainability of the City. In developing the 2011/12 Budget, the City was guided by the 20 Year Strategic Financial Plan. An overall rate increase of 5.5% meets the long term financial sustainability objective and enables the City to continue to provide for the services, facilities and works its residents have come to expect and to achieve the strategic goals and objectives of the City. The need to maintain the level of resources and operational capacity, against a background of continued cost pressures posed a significant challenge to contain the 2011/12 rate increase.

Mr M Sideris, Mullaloo:

Re: CEO's Delegated Authority.

Q1 Can you guide me to the specific section of the Local Government Act that empowers the CEO to exceed his delegated authority for the engagement of a service provider in this case to the tune of around about \$2.2 million dollars?

A1 The CEO has not exceeded his delegated authority. The City has a contractual arrangement in place with Landfill Gas and Power through a preferred supplier agreement with the Western Australian Local Government Association. Under the delegated authority "Incurring Liability and Making Payments" the CEO is authorised to approve purchases under this contract and which have been budgeted for.

Re: Turf Masters and Revegetation Program.

Q2 Is this Council aware that the sum total on that cost code or that area of cost code comes to the tune of some \$770,000 over that period of time and that exceeds the amount that we were advised by this Council as a cost for revegetation of these sumps that were damaged by Turf Masters or allegedly damaged by Turf Masters?

A2 Information from the City's published budget documentation for revegetation of sumps for the last four years is shown below:

Project	Description	Budget Year	Amount
PRE 1053	Revegetation of Sumps	2008/09	\$287,778
W 1274	Revegetation of Sumps	2009/10	\$378,000
W 1274	Revegetation of Sumps	2010/11	\$97,460
W 1274	Revegetation of Sumps	2011/12	\$10,000
		Total	\$773,238

These figures relate to all works to be undertaken for revegetation of sumps, not only those affected by hexazinone.

In September 2010 Mayor Pickard was interviewed by the Joondalup Times Newspaper and advised that the costs for the period 2007 to 2010 was \$899,000, which included remediation of the sumps and consultancies associated with remediation.

The following question was submitted prior to the Council meeting on 21 February 2012:

Ms Hiroko McLeod, Kallaroo:

Re: CJ005-02/12 – Proposed Telecommunication Facility, Dampier Park Kallaroo.

Q1 How could you approve of a commercial phone tower in the middle of a residential area knowing it will affect young children?

A1 The City is required to assess and determine the planning (development) application that has been submitted. The City's assessment of the proposal and Council's decision on the proposal must be based on the relevant planning considerations surrounding the proposal.

In terms of concerns about the adverse health impacts of EME from a facility such as the one proposed, it is beyond the role and sphere of expertise of the City and the Council to make a judgement about whether EME from the proposed facility will or will not have an impact on the health of residents and visitors to the area.

In terms of the impact of EME, the City can only base its recommendation on whether the level of EME from a facility as such will fall below the limits or standards controlled by Federal legislation.

The following questions were submitted verbally at the Council meeting:

Mr G Negus, Joondalup:

Re: CJ007-02/12 - Community Garden - Community Consultation Outcomes.

Q1 Can you please tell me if there are any similarities between the community garden sites located in East Perth, Subiaco and West Leederville and our neighbourhood park, Charing Cross Park, located in North Joondalup which is situated in a quiet location, primarily surrounded by family homes which are located on cottage blocks that have facilities for small gardens?

A1 Mayor Pickard advised there is no proposal before the Council tonight to establish a community garden anywhere in the City of Joondalup. The item that is before the Council tonight relates to engagement that the City had with a number of community groups and whether the Council should continue conversations with these community groups with regard to establishing a community garden.

Mr A Dixon, Joondalup:

Re: CJ007-02/12 - Community Garden - Community Consultation Outcomes.

Q1 How many of the 13 Councillors have visited Charing Cross Park and Regents Park?

A1 Mayor Pickard advised the Ward Councillors, Councillor Hollywood and Councillor McLean, would be aware of both parks. There is no proposal tonight to define either of those parks as community gardens. If the matter does come before Council with regard to possible locations for the community garden, it is likely that Elected Members will inspect the location before formally considering the matter.

Q2 Has the City looked at using undeveloped land for the community garden, improving an unused space instead of destroying a park?

A2 Mayor Pickard advised that the proposal is not at that stage however, the City would consider various options in consultation with the community in determining a possible location.

Mr J White, Kallaroo:

Re: CJ005-02/12 - Proposed Telecommunication Facility at Dampier Park, Kallaroo.

Q1 Does the City understand that there is a huge difference between Telstra designing a mast to be as low impact as possible and the statement in the report that states 'the tower has a limited visual impact'?

A1 The Director Planning and Development advised from a planning point of view the City does not believe the proposed tower would have a negative impact on the aesthetics of the area.

Mr D McLean, Kallaroo:

Re: CJ005-02/12 - Proposed Telecommunication Facility at Dampier Park, Kallaroo.

Q1 Has Telstra provided Council with EME readings taking elevations into consideration of all the surrounding properties ranging from three to ten metres above the location of where the proposed tower is to be located?

A1 The Director Planning and Development advised it is the City's belief that the information that Telstra has provided regarding the EME levels are based on the worst case scenario, taking into account the most sensitive people that could be exposed while making an assumption that there are no barriers between the tower and people living nearby.

Mr D Haines, Kallaroo:

Re: CJ005-02/12 - Proposed Telecommunication Facility at Dampier Park, Kallaroo.

Q1 With regards to the City having to relinquish its Management Order over the proposed site, what control will the City have over the land?

A1 The Director Planning and Development advised if a portion of the proposed land is excised and the City is required to relinquish its Management Order over the site, it does not change the necessity for the applicant to apply for a planning approval. The site will still be a reserve under the City's District Planning Scheme.

Q2 What approval processes will Telstra have to go through to make modifications to the tower, for example if Telstra wants to add another antenna, extend the height of the tower or replace the tower with a higher tower?

A2 The Director Planning and Development advised the City will still have a determining role if the proposal was not considered low impact and the City would then consider, assess and determine the development application.

Mrs Y Sanders, Kallaroo:

Re: CJ005-02/12 - Proposed Telecommunication Facility at Dampier Park, Kallaroo.

Q1 Have the health impacts been properly assessed?

Q2 Why is such a mobile tower being considered in the middle of suburbia?

A1&2 Mayor Pickard advised there are numerous mobile phone towers in suburbia. Information has been provided to Elected Members and the public in the report. It is not Council's responsibility to determine or assess the electromagnetic emission data which may be omitted by the proposed tower and Council will make a determination based on land use and planning matters.

Mr R Digman, Joondalup:

Re: CJ007-02/12 - Community Garden - Community Consultation Outcomes.

Q1 Why has the Council not undertaken community consultation with North Joondalup residents when both this report and the previous report in discussing Charing Cross Park and Regents Park as possible locations for community gardens?

A1 The Chief Executive Officer advised the City firstly wanted to determine whether there was interest from community groups to participate in a community garden project.

It would be inappropriate for the City to be looking at any particular site until it had information that people were interested in a community garden at that location.

There are still investigations to occur before any determination can be made on any appropriate site. The City will engage community consultation on any site that could be viable for a community garden.

Ms M Millan, Joondalup:

Re: CJ005-02/12 - Proposed Telecommunication Facility at Dampier Park, Kallaroo.

Q1 Is there a rental agreement that the City of Joondalup will benefit from with the establishment of this tower?

Q2 What ball park figure are we talking about?

A1&2 Mayor Pickard advised there are numerous towers located within the City of Joondalup from which the City receives a rental from specific carriers. The Chief Executive Officer added a rental agreement has not been determined at this stage of the proposal as it is a planning application and rental determination will be a separate consideration.

Ms G Warrington, Kallaroo:

Re: CJ005-02/12 - Proposed Telecommunication Facility at Dampier Park, Kallaroo.

Q1 Who can we direct health queries to?

A1 The Director Planning and Development advised there are mandatory requirements for all telecommunications carriers to comply with safety standards set by the Australian Communication and Media Authority and also to comply with EME limits set by the Australia Radiation Protection and Nuclear Safety Agency.

Q2 Is it possible if this application is approved that Telstra can add more and more low impact devices without seeking further approval?

A2 The Director Planning and Development advised if Telstra wishes to add another carrier to the proposed tower (not low impact) then the applicant would need to seek development approval from the City. If the applicant or another carrier wished to install a low impact facility it is outside of the City's jurisdiction of approval.

Mr S Jones, Woodvale:

Re: Parking of Caravans on Road Verges.

Q1 What right has someone who does not live in our street to tell us what we can do with regards to parking our caravans on the road verge?

A1 Mayor Pickard advised anyone in the community, even anyone outside our community, can lodge a complaint about unlawful activity occurring in the City of Joondalup. The City is required by law to investigate unlawful activity brought to its attention.

Q2 How does a resident amend a By-Law to make it the jurisdiction of the head Ranger to make assessments and determine parking of vehicles on verges?

A2 Mayor Pickard advised the parking of caravans or any vehicle on public property is determined by the City's District Planning Scheme. Any amendments to the scheme would take approximately 18 months for any scheme amendments to become lawful as it must go through a series of statutory processes including referral to the West Australian Planning Commission as well as public advertising.

PUBLIC STATEMENT TIME**Mr R Digman, Joondalup:**

Re: CJ007-02/12 - Community Garden - Community Consultation Outcomes.

Mr Digman spoke in relation to the community consultation outcomes for the proposed community garden.

Dr S Bailey, Kallaroo:

Re: CJ007-02/12 - Community Garden - Community Consultation Outcomes.

Dr Bailey spoke in relation to the community consultation outcomes for the proposed community garden.

Dr J White, Kallaroo:

Re: CJ005-02/12 - Proposed Telecommunication Facility at Dampier Park, Kallaroo.

Dr White spoke in relation to the proposed Telecommunication Facility at Dampier Park, Kallaroo.

Professor M Hackling, Kallaroo:

Re: CJ005-02/12 - Proposed Telecommunication Facility at Dampier Park, Kallaroo.

Professor Hackling spoke in relation to the proposed Telecommunication Facility at Dampier Park, Kallaroo.

Mr D Haines, Kallaroo:

Re: CJ005-02/12 - Proposed Telecommunication Facility at Dampier Park, Kallaroo.

Mr Haines spoke in relation to the proposed Telecommunication Facility at Dampier Park, Kallaroo.

Mrs L McDonald, Kallaroo:

Re: CJ005-02/12 - Proposed Telecommunication Facility at Dampier Park, Kallaroo.

Mrs McDonald spoke in relation to the proposed Telecommunication Facility at Dampier Park, Kallaroo.

Mr A McDonald, Joondalup:

Re: CJ007-02/12 - Community Garden - Community Consultation Outcomes.

Mr McDonald spoke in relation to the community consultation outcomes for the proposed community garden.

Mrs S Stieber, Kallaroo:

Re: CJ005-02/12 - Proposed Telecommunication Facility at Dampier Park, Kallaroo.

Mrs Stieber spoke in relation to the proposed Telecommunication Facility at Dampier Park, Kallaroo.

Ms S Dwyer, Duncraig:

Re: CJ007-02/12 - Community Garden - Community Consultation Outcomes.

Ms Dwyer spoke in relation to the community consultation outcomes for the proposed community garden.

Ms M Noble, Joondalup:

Re: CJ007-02/12 - Community Garden - Community Consultation Outcomes.

Ms Noble spoke in relation to the community consultation outcomes for the proposed community garden.

APOLOGIES AND LEAVE OF ABSENCE

C03-02/12 REQUESTS FOR LEAVE OF ABSENCE – CRS KERRY HOLLYWOOD, RUSS FISHWICK, BRIAN CORR AND CHRISTINE HAMILTON-PRIME - [102280]

Cr Kerry Hollywood requested Leave of Absence from Council duties covering the period 24 February to 2 March 2012 inclusive.

Cr Russ Fishwick requested Leave of Absence from Council duties covering the period 7 March to 17 March 2012 inclusive.

Cr Brian Corr requested Leave of Absence from Council duties covering the period 20 March to 25 March 2012 inclusive.

Cr Christine Hamilton-Prime requested Leave of Absence from Council duties covering the period 20 March to 30 March 2012 inclusive.

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

1	Cr Kerry Hollywood	24 February to 2 March 2012 inclusive.
2	Cr Russ Fishwick	7 March to 17 March 2012 inclusive.
3	Cr Brian Corr	20 March to 25 March 2012 inclusive.
4	Cr Christine Hamilton-Prime	20 March to 30 March 2012 inclusive.

The Motion was Put and

CARRIED (13/0)

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

CONFIRMATION OF MINUTES**C04-02/12 MINUTES OF COUNCIL MEETING, 13 DECEMBER 2011**

MOVED Cr Amphlett, SECONDED Cr McLean that the Minutes of the Council Meeting held on 13 December 2011 be confirmed as a true and correct record.

The Motion was Put and

CARRIED (13/0)

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

C05-02/12 MINUTES OF SPECIAL COUNCIL MEETING, 13 FEBRUARY 2012

MOVED Cr Hollywood, SECONDED Cr McLean that the Minutes of the Special Council Meeting held on 13 February 2012 be confirmed as a true and correct record.

The Motion was Put and

CARRIED (13/0)

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

ANNOUNCEMENTS BY THE PRESIDING PERSON WITHOUT DISCUSSION**OCEAN REEF MARINA MoU**

Mayor Pickard advised that last week, the City of Joondalup and State Government jointly signed a Memorandum of Understanding (MOU) regarding the exciting and visionary Ocean Reef Marina development.

Mayor Pickard stated the Cabinet-endorsed MOU was signed by City CEO Garry Hunt and himself at an official ceremony held outside the chambers last Tuesday. Planning Minister John Day and Transport Minister Troy Buswell were the Government signatories on the joint MOU, which the Premier delivered himself to Joondalup.

Mayor Pickard announced that it was great to hear the Premier speak so favourably about his Government's in principle support to see the Ocean Reef Marina project built for the benefit of both the local community and visitors to the region.

Mayor Pickard commented the MOU is a formal agreement that acknowledges a strategic alliance and the shared commitment of the City and the State Government as joint landowners of the site to this project.

Mayor Pickard advised a Business Case and Structure Plan is currently being prepared that will be based on Concept Plan 7.2.

Mayor Pickard believed the Ocean Reef Marina development has significant community support and stated that the City is committed to bringing the project to fruition in partnership with the State Government.

2012 JOONDALUP FESTIVAL

Mayor Pickard advised that final preparations for the Joondalup Festival 2012 continue, with the event on Saturday, 31 March to Sunday, 1 April set to be the largest yet.

Mayor Pickard stated the Joondalup Festival is the finale of the City's outstanding summer events calendar and is the region's largest cultural event.

Attracting more than 50,000 people over two days, the Festival delivers an outstanding range of exciting and engaging cultural experiences and entertainment that caters for everyone in the community.

Popular musical acts Old Man River, Timothy Nelson and the Infidels, Split Seconds and British India will headline the musical showcase supported by some great local talent.

Mayor Pickard commented that after last year's success, fashion will continue to be a feature of the festival with a bigger and better version of Urban Couture set to attract a new target audience with two exciting days of parades, the 'Art of Fashion' exhibition, styling workshops and much more.

Mayor Pickard advised the very popular Street Parade will return with floats of all shapes and sizes along with a Y-Central Chill Zone for young people.

Mayor Pickard felt there would be something for the whole family with a large variety of many children's activities and games, the Festival Marketplace, street arts, rides, community performances and this year there will be a designated Oasis Lounge Bar for over patrons aged over 18.

Mayor Pickard advised that all this would not be possible without the City's sponsors and thanked Premier Partner the Commonwealth Bank, Key Partners Lakeside Joondalup Shopping City, The Good Guys Joondalup, Media Partners Community Newspaper Group, Nova 93.7FM, Partners Lotterywest, Healthway and Smoke Free WA and Showcase Sponsors Slater and Gordon Lawyers, Joondalup and HBF for their invaluable support of the event.

On behalf of the Council, Mayor Pickard announced he looked forward to attending the Joondalup Festival, which for two days will turn the Joondalup City Centre into a vibrant hub of free entertainment and cultural experiences for all to enjoy.

More information on the Joondalup Festival 2012 is available at www.joondalup.wa.gov.au

DECLARATIONS OF FINANCIAL INTEREST/INTEREST THAT MAY AFFECT IMPARTIALITY**Disclosure of Financial Interest**

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

Name/Position	Cr Mike Norman
Item No/Subject	CJ005-02/12 - Proposed Telecommunication Facility at Dampier Park, Kallaroo.
Nature of interest	Financial Interest.
Extent of Interest	Cr Norman has a share holding with Telstra in excess of the regulated limit for an interest.

Disclosures of interest affecting impartiality

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

Name/Position	Cr Teresa Ritchie
Item No/Subject	CJ002-02/12 - Proposed Addition to Kingsley Village Shopping Centre at Lot 4 (100) Kingsley Drive, Kingsley.
Nature of Interest	Interest that may affect impartiality.
Extent of Interest	The applicant was a former employee of Cr Ritchie.

Name/Position	Cr Liam Gobbert
Item No/Subject	CJ005-02/12 - Proposed Telecommunication Facility at Dampier Park, Kallaroo.
Nature of Interest	Interest that may affect impartiality.
Extent of Interest	Cr Gobbert's telephone carrier is Telstra.

Name/Position	Cr Geoff Amphlett, JP
Item No/Subject	CJ005-02/12 - Proposed Telecommunication Facility at Dampier Park, Kallaroo.
Nature of Interest	Interest that may affect impartiality.
Extent of Interest	Cr Amphlett lives in Kallaroo in close proximity to the proposed site.

Name/Position	Cr Sam Thomas
Item No/Subject	CJ005-02/12 - Proposed Telecommunication Facility at Dampier Park, Kallaroo.
Nature of interest	Interest that may affect impartiality.
Extent of Interest	Mrs Thomas is a signatory to the petition in relation to the proposed telecommunication facility at Dampier Park, Kallaroo.

Name/Position	Cr Christine Hamilton-Prime
Item No/Subject	CJ005-02/12 - Proposed Telecommunication Facility at Dampier Park, Kallaroo.
Nature of interest	Interest that may affect impartiality.
Extent of Interest	A former employer lives within the vicinity of the proposed site.

Name/Position	Cr Mike Norman
Item No/Subject	CJ013-02/12 – City of Joondalup International Biodiversity Conference.
Nature of interest	Interest that may affect impartiality.
Extent of Interest	Cr Norman is Chairman of the Joondalup Community Coast Care Forum and the Coordinator of three Friends' Groups.

Name/Position	Cr Brian Corr
Item No/Subject	CJ025-02/12 – Breach of the Local Government (Rules of Conduct) Regulations 2007 – Cr Brian Corr.
Nature of interest	Interest that may affect impartiality.
Extent of Interest	Cr Corr is the subject of the Report.

Name/Position	Cr Tom McLean, JP
Item No/Subject	C12-02/12 – Request for Report in Relation to Business Development Association.
Nature of interest	Interest that may affect impartiality.
Extent of Interest	Cr McLean is a former member of the Business Development Association.

Name/Position	Cr Geoff Amphlett, JP
Item No/Subject	C12-02/12 – Request for Report in Relation to Business Development Association.
Nature of interest	Interest that may affect impartiality.
Extent of Interest	Cr Amphlett is the former Chair of the Business Development Association.

Name/Position	Cr Teresa Ritchie
Item No/Subject	C12-02/12 – Request for Report in Relation to Business Development Association.
Nature of interest	Interest that may affect impartiality.
Extent of Interest	Cr Ritchie is a member of the Business Development Association Committee.

Name/Position	Cr Brian Corr
Item No/Subject	C12-02/12 – Request for Report in Relation to Business Development Association.
Nature of interest	Interest that may affect impartiality.
Extent of Interest	Cr Corr is a member of the Business Development Association.

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

Nil.

C06-02/12 PETITIONS**1 PETITION IN RELATION TO APPLICATION DA11/1223 FOR THE TELECOMMUNICATIONS TOWER IN DAMPIER PARK, KALLAROO – [18150]**

Cr Gobbert tabled a 1044 signature petition on behalf of residents of the City of Joondalup regarding application DA11/1223 by Telstra for the erection of three antenna and ground based equipment shelter telecommunications tower in Dampier Park, Kallaroo.

The petitioners request that Council consider the following points to the attendant dangers (known and potential) relating to:

- 1 The health of children, the elderly and general community;
- 2 The impact of constant stress of people living under the danger of the unknown;
- 3 The impact on the existing amenities and enjoyment of the existing area; and
- 4 Decreased valuation of properties.

Fifteen residents have no objections to the erection of the telecommunications tower in Dampier Park, Kallaroo and 1029 residents object to the locating of telecommunication towers in residential and community areas due to the lack of supporting evidence over the potential impact of radiation levels.

2 PETITION OPPOSING THE ESTABLISHMENT OF A COMMUNITY GARDEN IN REGENTS PARK OR CHARING CROSS PARK, JOONDALUP - [69612]

Cr McLean tabled a 92 signature petition on behalf of residents of the City of Joondalup requesting that Council:

- 1 Notes the petitioners' opposition to the establishment of a community garden in Regents Park or Charing Cross Park;
- 2 Undertakes community consultation with residents in Joondalup City North prior to progressing further investigation of a community garden at Regents Park or Charing Cross Park, in accordance with the previous resolution of Council (CJ009-02/11 refers);
- 3 Allocates funding to improve and maintain Regents Park and Charing Cross Park to an acceptable level, for the use and enjoyment of residents and visitors.

MOVED Cr Hollywood, SECONDED Cr McLean that Council:

- 1 RECEIVES the petition containing 1044 signatures in relation to the proposed telecommunication facility at Dampier Park Kallaroo;**
- 2 NOTES that the matters raised in the petition are included in Item CJ005-02/12 - Proposed Telecommunication Facility at Dampier Park, Kallaroo listed in the 21 February 2012 Council Meeting Agenda;**
- 3 RECEIVES the petition containing 92 signatures opposing the establishment of a community garden in either Regents Park or Charing Cross Park and requests:**
 - 3.1 that community consultation occur prior to any decision being made in relation to these two parks; and**
 - 3.2 the allocation of funding to improve the amenity of Regents Park and Charing Cross Park.**

The Motion was Put and

CARRIED (13/0)

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

REPORTS**CJ001-02/12 DEVELOPMENT, CODE VARIATION AND
SUBDIVISION APPLICATIONS – NOVEMBER AND
DECEMBER 2011****WARD:** All**RESPONSIBLE
DIRECTOR:** Ms Dale Page
Planning and Development**FILE NUMBER:** 07032, 05961, 101515**ATTACHMENTS:** Attachment 1 Monthly Development Applications Determined -
November and December 2011
Attachment 2 Monthly Building Application Code Variations
Decision – November and December 2011
Attachment 3 Monthly Subdivision Applications Processed -
November and December 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 November and December 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 delegation be reviewed every two years, unless a greater or lesser period is specified by Council. At its meeting held on 28 June 2011, Council considered and adopted the most recent Town Planning Delegation.

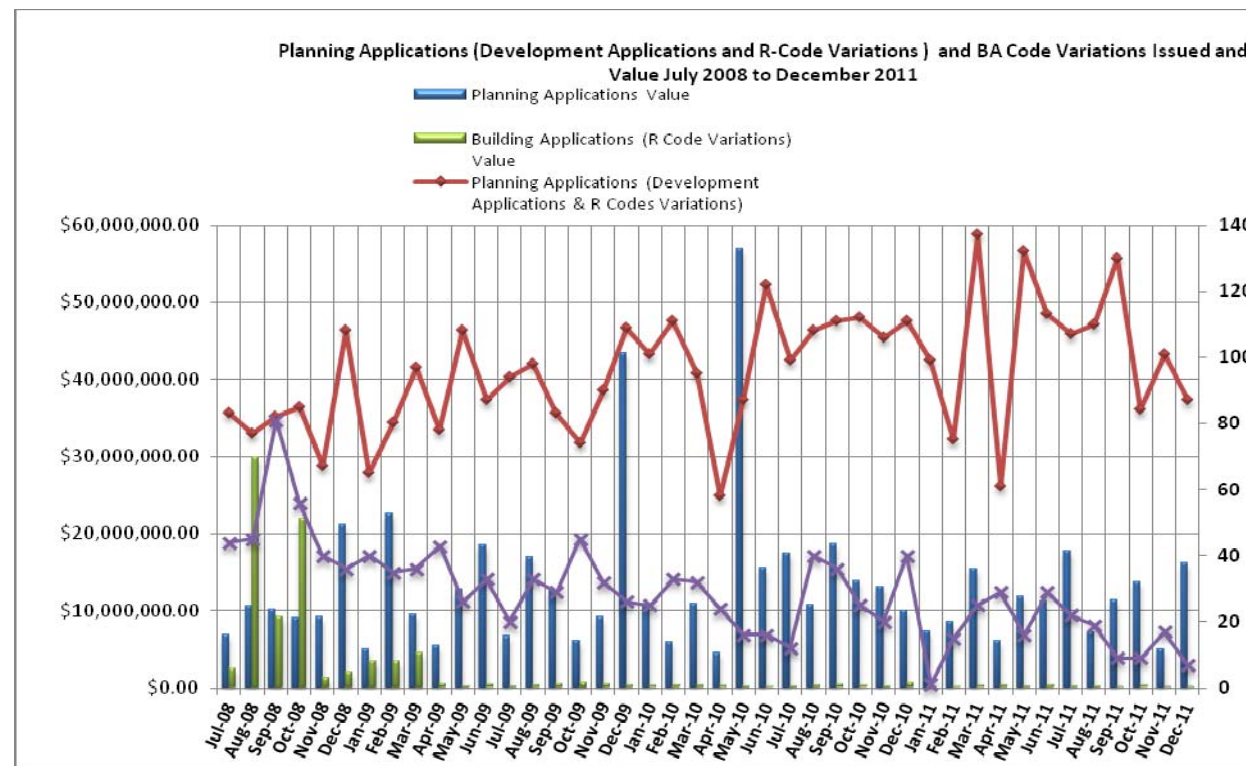
DETAILS

The number of applications determined under delegated authority during November and December 2011, is shown below:

Approvals determined under delegated authority – November and December 2011		
Type of Approval	Number	Value (\$)
Planning applications (development applications & R-Codes variations)	188	\$ 21,103,917
Building applications (R-Codes variations)	24	\$ 241,527
TOTAL	212	\$ 21,345,444

The number of development applications received during November and December 2011 was 235. (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 December was 197. Of these, 87 were pending additional information from applicants, and 27 were being advertised for public comment.



Subdivision approvals processed under delegated authority From 1 November to 31 December 2011		
Type of approval	Number	Potential additional new lots
Subdivision applications	4	4
Strata subdivision applications	2	7

In addition to the above, 524 building licences were issued during the months of November/December with an estimated construction value of \$35,480,828.

Legislation/Strategic Plan/Policy Implications:

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

Strategic Plan:

Key Focus Area: The Built Environment

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

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

Policy:

As above.

Risk Management Considerations:

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

Financial/Budget Implications:

A total of 212 applications were determined for the months of November and December 2011 with a total amount of \$76,393 received as application fees.

All figures quoted in this report are exclusive of GST.

Regional Significance:

Not Applicable.

Sustainability Implications:

Not Applicable.

Consultation:

Consultation may be required by the provisions of the Residential Design Codes, any relevant policy and/or the DPS2.

Of the 188 development applications determined during November and December 2011, consultation was undertaken for 36 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 six subdivision applications processed during November and December 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 of the City, 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 Ritchie 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 CJ001-02/12 during November and December 2011; and**
- 2 Subdivision applications described in Attachment 3 to Report CJ001-02/12 during November and December 2011.**

The Motion was Put and CARRIED (13/0) by En Bloc Resolution prior to consideration of Report of the Chief Executive Officer, Page 141 refers.

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

Appendix 1 refers

To access this attachment on electronic document, click here: [Attach1brf140212.pdf](#)

Disclosure of interest affecting impartiality

Name/Position	Cr Teresa Ritchie
Item No/Subject	CJ002-02/12 - Proposed Addition to Kingsley Village Shopping Centre at Lot 4 (100) Kingsley Drive, Kingsley
Nature of interest	Interest that may affect impartiality
Extent of Interest	The applicant was a former employee of Cr Ritchie.

CJ002-02/12 PROPOSED ADDITION TO KINGSLEY VILLAGE SHOPPING CENTRE AT LOT 4 (100) KINGSLEY DRIVE, KINGSLEY

WARD:	South-East
RESPONSIBLE DIRECTOR:	Ms Dale Page Planning and Development
FILE NUMBER:	00862, 101515
ATTACHMENTS:	Attachment 1 Location and Reciprocal Parking and Access Plan Attachment 2 Development Plan Attachment 3 Extent of Consultation

PURPOSE

To request Council's determination of an application for a proposed addition to the Kingsley Village Shopping Centre, Lot 4 (100) Kingsley Drive, Kingsley.

EXECUTIVE SUMMARY

An application for planning approval has been received for an addition to an existing supermarket at the Kingsley Village Shopping Centre. The proposed addition comprises an extension to the existing stock area of 70m² of net lettable area.

The development is located at the northern boundary of the lot and to the west of the existing supermarket. The subject site is bound to the north by Kingsley Tavern and Kingsley Professional Centre, to the east by Creaney Drive Medical Centre and to the east and south by Kingsley Commercial Centre. Kingsley Drive adjoins the lot to the west (Attachment 1 refers).

The site is zoned 'Commercial' under the City's District Planning Scheme No 2 (DPS2). The existing supermarket and proposed addition are consistent with the use class 'Shop' which is a 'permitted' or 'P' use in the 'Commercial' zone.

The application has been assessed against the requirements of DPS2. The proposal generally complies with DPS2 with the exception of a nil setback to the northern boundary and a reduced supply of car parking.

The proposal was advertised to 11 nearby landowners by way of letter. No submissions were received.

It is considered that the development with nil setback to the northern boundary will not detract from the amenity of the adjoining property and that the car parking provided on site is sufficient to accommodate the existing land uses and the proposed addition.

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

BACKGROUND

Suburb/Location: Lot 4 (100) Kingsley Drive, Kingsley
Applicant: Hodge Collard Preston Architects
Owner: Mr Peter Edward Grant and Nicolette Therese Grant
Zoning: **DPS:** Commercial
MRS: Urban
Site Area: 8174.13m²
Structure Plan: Not Applicable.

The subject site is located within the suburb of Kingsley. The site is bound to the north by Kingsley Tavern and Kingsley Professional Centre, to the east by Creaney Drive Medical Centre and to the east and south by Kingsley Commercial Centre. Kingsley Drive adjoins the lot to the west (Attachment 1 refers).

A legal agreement exists over Lot 970 (Service Station), Lot 972 (Tavern) and Lot 4 (subject site) Kingsley Drive and Lot 971 (City owned land) Creaney Drive for reciprocal access and parking. At its meeting held on 29 May 1985, Council granted approval for a commercial development on Lot 3 (Commercial Centre) Creaney Drive subject to a legal agreement being established to ensure reciprocal access and parking between Lot 3 (Commercial Centre) and Lot 4 (subject site). The lots that are the subject of the legal agreements are shown diagrammatically in Attachment 1.

DETAILS

The proposed development is an extension to the existing storage area of the existing supermarket and has a proposed net lettable area of 70m². The addition is located in the existing service yard for the centre. The development plan is provided in Attachment 2.

The proposal complies with DPS2 with the exception of building setback and car parking requirements which are discussed further below.

Building setback

DPS2 requires the addition to be setback three metres from the northern boundary, however a nil setback is proposed. It is noted that the existing shopping centre currently has a nil setback to this boundary which is 42 metres in length. The addition is a 4.5 metres extension to that wall.

Car parking

Car parking for the site is required to be provided in accordance with Table 2 of DPS2. The first table below summarises the car parking requirement for the subject site and the second table provides a summary of car parking for the adjoining sites, where reciprocal car parking exists.

Car parking for the subject site

	Parking standard for addition	Current car parking requirement for the site (excluding proposed addition)	Additional bays required for addition	Car parking required for the site (including proposed addition)	Car parking provided for the site
Lot 4 (100) Kingsley Drive	Shop - 7 bays per 100m ² NLA	228	4.9 (5)	233	149

As demonstrated in the table above, the existing car parking shortfall of 79 bays will be increased to 84 bays or 36.05% on the subject site if this application is approved. The extension itself increases the amount of car parking required for the site by five bays.

Car parking inclusive of adjoining sites (where reciprocal car parking exists)

	Parking required for the site	Car parking provided for the site	Car parking required across all sites including additional bays	Car parking provided across all sites
Lot 4 (100) Kingsley Drive (subject site)	233	149	537	355
Lot 3 (66) Creaney Drive (Commercial Centre)	179	69		
Lot 972 (90) Kingsley Drive (Tavern)	125	120		
Lot 971 (52) Creaney (City owned land)		17		
Lot 970 (86) Kingsley Drive (Service Station)	9	9		

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 (DPS2)

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 or 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: Not Applicable.

Objective: Not Applicable.

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 \$480 (excluding GST) to cover all costs associated with assessing the application.

Regional Significance:

Not Applicable.

Sustainability Implications:

Not applicable. As the proposal is a minor addition the City's Environmentally Sustainable Design Checklist has not been completed by the applicant.

Consultation:

The proposal was advertised via letter to 11 nearby landowners for a period of 21 days from 12 October 2011 to 2 November 2011. No submissions were received.

The proposal was advertised to all owners of the tenancies within the development site (except for the owner of the subject tenancy) and to the owner of the tavern site. The proposal was advertised to the owners of these properties as the addition is located in the communal service area for the shopping centre and because the addition has a nil setback to the tavern site boundary.

COMMENT

The application is for an extension to the west of the existing supermarket to enlarge the existing storage space. The supermarket is located at the north of the shopping centre site.

The requirements of DPS2 have been met except where discussed below.

Building setback

The proposed addition has a nil setback to the northern boundary; however DPS2 requires a setback of three metres. It is noted that the shopping centre was previously approved with a nil setback to the northern boundary, for a length of 42 metres. The subject application proposes to extend the existing wall with nil setback by 4.5 metres. The addition with nil setback adjoins the car parking area of the adjacent tavern site. The existing wall with nil setback to the northern boundary has a height of 4.8 metres and the new wall will have a height of 3.943 metres. The adjacent car bays are approximately 0.5 metres lower than the finished floor level of the addition. As viewed from the tavern site, the new wall with reduced setback will be approximately 4.443 metres high. The new wall will match the existing brick wall. It is considered that the proposed addition will not significantly restrict surveillance towards the tavern site as the addition is located in the existing service area which is predominantly used within usual business hours.

Due to the location of the proposed development, the addition will be setback approximately 53 metres from the Kingsley Drive frontage. As such, the addition is setback more than required under DPS2. It is therefore considered that the addition with nil setback to the northern boundary will not be detrimental to the amenity of the streetscape.

Given the above, it is considered that the addition will not result in any adverse impact on the adjoining property or on the streetscape.

Car parking

As outlined above, the car parking proposed is less than required by DPS2 by 84 bays. It is considered that the addition, being a storage area, will not generate additional customers, and therefore will not increase the number of vehicles attending the site. The City is not aware of there being a history of car parking problems on site, nor has the City received any complaints regarding a lack of car parking. Site visits to the site have indicated that there is generally an availability of parking at the centre. Given the above, it is considered that the car parking on site is sufficient to serve the proposed addition.

Service vehicle manoeuvring

The proposed addition is to be located in the existing service yard for the centre. A report from a Traffic Engineer supplied by the applicant has confirmed that the addition will not adversely affect service vehicle manoeuvring in the area.

Conclusion

As discussed above it is considered that the car parking provided is sufficient to accommodate the proposed development and that the nil setback of the wall will not detract from the amenity of the adjoining site. It is therefore considered that the variations are appropriate in this instance. It is recommended that the application be approved subject to the conditions set out below.

VOTING REQUIREMENTS

Simple Majority.

MOVED Cr Corr, SECONDED Cr Chester that Council:

- 1 EXERCISES discretion in relation to Clauses 4.5.1, 4.7.1 and 4.8.2 of the City's District Planning Scheme No 2 and determines that:**
 - 1.1 Building nil setback to the northern boundary; and**
 - 1.2 Car parking provision of 149 bays in lieu of 233 bays,**

are appropriate in this instance;
- 2 APPROVES the application for planning approval dated 29 September 2011, submitted by Hodge Collard Preston Architects, on behalf of the owners, Mr Peter Edward Grant & Nicolette Therese Grant, for proposed addition at Lot 4 (100) Kingsley Drive, Kingsley, subject to the following conditions:**
 - 2.1 This decision constitutes planning approval only and is valid for a period of two years from the date of the decision letter. If the subject development is not substantially commenced within the two year period, the approval shall lapse and be of no further effect;**
 - 2.2 All stormwater shall be collected on-site and disposed of in a manner acceptable to the City. Details of all proposed stormwater disposal systems shall be shown on the Building Licence Application;**
 - 2.3 The colours, materials and design of the addition shall match the existing shopping centre to the satisfaction of the City;**
 - 2.4 All construction works shall be contained within the property boundary;**
 - 2.5 Boundary walls shall be of a clean finish and made good to the satisfaction of the City.**

The Motion was Put and

CARRIED (13/0)

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

Appendix 2 refers

To access this attachment on electronic document, click here: [Attach2brf140212.pdf](#)

**CJ003-02/12 TOWN PLANNING DELEGATIONS - BURNS BEACH
DISPLAY VILLAGE LOT 1189 LARVOTTO TURN,
BURNS BEACH**

WARD: North

RESPONSIBLE DIRECTOR: Ms Dale Page
Planning and Development

FILE NUMBER: 85614

ATTACHMENTS: Attachment 1 Location Plan
Attachment 2 Display Village Plans

PURPOSE

To request that Council delegates, to the Director Planning and Development, the authority to determine applications for display homes on Lot 1189 Larvotto Turn, Burns Beach.

EXECUTIVE SUMMARY

In January 2012, the City approved an application for modifications to temporary car parks and land sales office for a display village approved by Council in September 2011. The modification included the relocation of a temporary car park, and the addition of one display home site at Lot 1189 Larvotto Turn, Burns Beach.

At its meeting held on 13 December 2011 (CJ229-12/11 refers), Council delegated authority to the Director Planning and Development to determine development applications for 23 display homes in this locality. As the approved temporary car parks provide adequate car parking to service all of the future developments including the additional display home lot, it is requested that Council delegates decision-making authority to the Director Planning and Development to determine applications for the additional display home on Lot 1189 Larvotto Turn, Burns Beach. This will enable the City to process the application for development approval in a timely and efficient manner.

The temporary car parks approved for the display village will contain a total of 127 car parking bays. It is intended to service a 24 dwelling display village and a land sales office (Attachments 2 and 3 refer). The approval for these car parks is valid for three years from 16 September 2011.

The City's District Planning Scheme No 2 (DPS2) requires that five on-site car parking bays are provided per display home and/or land sales office. It is anticipated that none of the proposed dwellings will provide the required parking on-site, as the temporary car park will be constructed for this purpose. As such, under the current Register of Delegations from Council, a development application for a display home on this lot will be required to be presented to Council for determination. This is as a result of car parking shortfalls greater than 10% which will exist for each of the individual development sites.

As the approved temporary car parks provide adequate car parking to service all of the future developments, it is requested that Council delegates decision-making authority to the Director Planning and Development to determine applications for a display home. This will enable the City to process applications for development approval in a timely and efficient manner.

BACKGROUND

Suburb/Location: Lot 1189 Larvotto Turn, Burns Beach.
Applicant: Development Planning Strategies.
Owner: Peet & Co.
Zoning: **DPS:** Urban Development.
MRS: Urban.
Site Area: 776m²
Structure Plan: Burns Beach Structure Plan.

The subject site is located within the Burns Beach Estate. The display village, including Lot 1189 Larvotto Turn is situated immediately to the north of Grand Ocean Entrance, and immediately to the west of the circular recreation reserve, as indicated on Attachment 1. The sites are generally surrounded by vacant residential land.

In September 2011, the City approved an application for a land sales office on proposed Lot 326, and temporary car parks on proposed Lots 318, 319, 327, and 328 Grand Ocean Entrance, proposed Lots 1189 and 1190 Larvotto Turn, and proposed Lot 1211 Umina Way, Burns Beach. These car parks were to contain a total of 148 car parking bays, including two bays for persons with disabilities in the car park located on Lots 327 and 328 Grand Ocean Entrance. They were intended to service a 23 dwelling display village and a land sales office (Attachments 2 and 3 refer). The approval for these car parks is valid for three years from 16 September 2011.

At its meeting held on 13 December 2011, Council delegated authority to the Director Planning and Development to determine applications for display homes for those lots identified in the application approved in September 2011.

Subsequent to this, a development application was received for the modification to the car parking on Lot 1189 and 1190 Larvotto Turn. This car parking was relocated to Lots 1190 and 1191 Larvotto Turn and reduced the total number of car parking bays for the display village to 127. A display home is now proposed to be developed at Lot 1189. This application was approved in January 2012. The approval is valid until 16 September 2014 to be consistent with the remainder of the temporary car parks.

DETAILS

The City will shortly be receiving a development application for a display home on the site indicated in Attachment 2. As with the other display homes within the display village it is anticipated that this development will not incorporate the five onsite car parking bays per dwelling required by DPS2.

Under the current Register of Delegations from Council, applications for the display homes on this lot would need to be presented to Council for determination, as a car parking shortfall of greater than 10% will exist.

The development for this display home site, as well as the previously approved display home sites and land sales office would require a total of 125 bays, and the temporary car parks provide 127 bays. It is considered that the technical shortfall for each individual development site will not impact on the operation of the display village, or adversely impact on the amenity of surrounding property owners.

On this basis, it is requested that Council delegate decision making authority to the Director Planning and Development to determine applications for the display homes on Lot 1189 Larvotto Turn, Burns Beach. Any approvals issued will be for a period of time that is consistent with the approval period of the temporary car park only.

Issues and options considered:

In this instance, Council may resolve to either:

- Delegate to the Director Planning and Development the authority to determine applications for the display home on Lot 1189 Larvotto Turn, Burns Beach; or
- Require that the above mentioned application is presented to Council for determination in accordance with the current Register of Delegations.

Legislation/Strategic Plan/Policy Implications

Legislation: City of Joondalup District Planning Scheme No 2 (DPS2)

Clause 4.8 of DPS2 sets out the Scheme's requirements in relation to car parking:

4.8 CAR PARKING STANDARDS

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

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

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

4.5 VARIATIONS TO SITE AND DEVELOPMENT STANDARDS AND REQUIREMENTS

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

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

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

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

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

The matters listed under Clause 6.8 require consideration:

6.8 *MATTERS TO BE CONSIDERED BY COUNCIL*

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

- (a) *interests of orderly and proper planning and the preservation of the amenity of the relevant locality;*
- (b) *any relevant submissions by the applicant;*
- (c) *any agreed Structure Plan prepared under the provisions of Part 9 of the Scheme;*
- (d) *any planning policy of the Council adopted under the provisions of clause 8.11;*
- (e) *any other matter which under the provisions of the Scheme the Council is required to have due regard;*
- (f) *any policy of the Commission or its predecessors or successors or any planning policy adopted by the Government of the State of Western Australia;*
- (g) *any relevant proposed new town planning scheme of the Council or amendment or proposed Metropolitan Region Scheme Amendment insofar as they can be regarded as seriously entertained planning proposals;*
- (h) *the comments or wishes of any public or municipal authority received as part of the submission process;*
- (i) *the comments or wishes of any objectors to or supporters of the application;*
- (j) *any previous decision made by the Council in circumstances which are sufficiently similar for the previous decision to be relevant as a precedent, provided that the Council shall not be bound by such precedent; and*
- (k) *any other matter which in the opinion of the Council is relevant.*

Clause 8.6 of DPS2 allows Council to delegate decision making powers:

8.6 *DELEGATION OF DEVELOPMENT CONTROL POWERS AND POWERS AND DUTIES IN RELATION TO OTHER PLANNING FUNCTIONS*

8.6.1 *The Council may, in writing and either generally or as otherwise provided by the instrument of delegation, delegate to a committee or an employee of the City, the exercise of any of its powers or the discharge of any of its duties under the Scheme, under this power of delegation.*

8.6.2 *Sections 5.45 and 5.46 of the Local Government Act 1995 and the Regulations referred to in section 5.46 apply to the delegation made under this clause as if the delegation were a delegation under Division 4 of Part 5 of that Act.*

Strategic Plan:

Key Focus Area: The Built Environment.

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

Policy:

Not Applicable.

Risk Management Considerations:

The applicant for the individual display home will have a right to seek a review of any planning decision made under the *Planning and Development Act 2005* and the *State Administrative Tribunal Act 2004*.

Financial/Budget Implications:

Not Applicable.

Fees will be payable for the determination of each display home application in accordance with the City's schedule of Fees and Charges.

Regional Significance:

Not Applicable.

Sustainability Implications:

Not Applicable.

Consultation:

No public consultation has been undertaken in relation to this matter to date. The City will assess any applications against the requirements of the Burns Beach Structure Plan and where an application is submitted that seeks variation to these requirements, the City will advertise the proposal as necessary.

COMMENT

The temporary car parks located throughout the proposed display village in Burns Beach will provide adequate car parking to service all of the proposed developments within the village. The proposed dwellings and the approved land sales office require five bays each under DPS2. This results in a minimum requirement of 125 bays, and 127 are provided within the temporary car park.

As such, it is considered that the shortfall for each individual development site is only a technical shortfall, and there will not be any adverse impact on the operation of the display village, or the amenity of surrounding property owners.

The development of the display village in this manner will result in a more attractive streetscape, as the display homes will not have large areas of car parking in their front setback areas, and will assist in the future conversion of these properties to single dwellings.

It is requested that Council delegate decision making authority to the Director Planning and Development to determine applications for the display home on the site as this will assist with the timely processing of the application for development approval.

Any approvals issued will be for a period of time that is consistent with the approval period of the temporary car park only.

VOTING REQUIREMENTS

Absolute Majority.

MOVED Cr Hollywood, SECONDED Cr McLean that Council:

- 1 BY AN ABSOLUTE MAJORITY, DELEGATES authority to the Director of Planning and Development under Clause 8.6 of the District Planning Scheme No 2 to determine development applications, in accordance with Clause 6.9 of the District Planning Scheme No 2 for a proposed Display Home on Lot 1189 Larvotto Turn in Burns Beach; and**
- 2 NOTES that approvals issued for the Display Homes will be temporary, and for a period of time that is consistent with the approval period of the temporary car park; and that a change of use application from Display Home to Single House will be required at the end of the approval periods.**

The Motion was Put and

CARRIED (13/0)

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

Appendix 3 refers

To access this attachment on electronic document, click here: [Attach3brf140212.pdf](#)

CJ004-02/12 PROPOSED TENANCY RECONFIGURATION AND CHANGE OF USE FROM OFFICE AND TAKE AWAY FOOD OUTLET TO OFFICE AND RESTAURANT 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 Previous Approved Floor Plan
Attachment 3 Development Plan

PURPOSE

To request Council's determination of an application for a proposed reconfiguration of tenancies and a change of use from Office and Take Away Food Outlet to Office and Restaurant at Lot 929 (1244) Marmion Avenue, Currambine.

EXECUTIVE SUMMARY

An application for planning approval has been received for reconfiguration of tenancies within a new development at Currambine Central (previously Currambine Marketplace) Shopping Centre. This results in a change of use from Office and Take Away Food Outlet to Office and Restaurant.

The subject site is zoned 'Urban' under the Metropolitan Region Scheme, and 'Business' under the City's District Planning Scheme No 2 (DPS2). The site is located within the Currambine District Centre Structure Plan (CDCSP) area. Both Office and Restaurant are permitted ('P') land uses in the Business Zone under DPS2.

As a result of the change of use, the number of car parking bays required for the whole shopping centre site under DPS2 is reduced from 976 to 965. A total of 786 bays will be provided on site on the completion of developments recently approved for the site. A shortfall of parking will still exist as a result of this application; however it will be slightly less than previously approved by Council. Even though the shortfall will be reduced by this change of use, Council needs to determine the application as the overall shortfall still exceeds 10%.

The application was not advertised as the land uses proposed and car parking provision are considered to have no adverse impact on the locality.

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: Business
	MRS: Urban
Site Area:	7.5ha
Structure Plan:	Currambine District Centre Structure Plan (CDCSP)

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.

The Currambine Central 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 were considered appropriate to service the shopping centre and cinema complex at that time.

At its meeting held on 10 June 2008, Council refused an application for a Liquor Store on the north 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 was completed in 2011.

A number of development applications have subsequently been approved for the site, with the construction of some of these developments now underway. These include a freestanding development comprising a showroom, retail and take away food outlets to the west of the cinema complex approved by Council on 19 October 2010 (CJ168-10/10 refers). This is the location of the tenancy reconfiguration and change of use the subject of this application.

Other developments approved for the site include:

- Three retail tenancies and relocation of service dock to Currambine Central, approved by Council on 19 April 2011 (CJ053-04/11 refers);
- Shop and showroom development to the west of the existing shopping centre approved by Council on 11 October 2011 (CJ175-10/11 refers); and
- Reconfiguration of the south western car park and additions and modifications to Currambine Central shopping centre approved by Council on 22 November 2011 (CJ208-11/11 and CJ209-11/11 refer).

A separate application for a change of use from Convenience Store to a Use Not Listed (Betting Agency) within the building the subject of this application has also been received by the City. This application will also be required to be determined by Council in due course.

DETAILS

This application is for reconfiguration of tenancies within a freestanding development adjacent to the Dan Murphys Liquor Store at the Currambine Central Shopping Centre. This results in a change of use from Office and Take Away Food Outlet to Office and Restaurant, which are both permitted uses within the Business Zone under DPS2.

The previous approved plans and proposed development plans are provided in Attachments 2 and 3.

Car parking

Car parking for the site is required to be calculated in accordance with DPS2. The car parking for the Restaurant has been based on the whole floor area of the tenancy which would permit a maximum of 140 patrons. The following table sets out the car parking requirement for the site based on all development approved to date.

	Car Parking Required
Total car parking required for the site prior to this application	976
Total car parking required for the site as a result of this development.	965
Total car parking provided	786

There are 179 car bays, 18.5% less on-site car parking bays than required under DPS2.

However, the proposed Office and Restaurant has a lesser car parking requirement than the approved tenancy configuration and land uses (11 bays), and approval of the application will therefore reduce the car parking shortfall across the site.

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 District Planning Scheme No.2

Clause 4.5.1 and 4.8.2 give Council discretion to approve a lesser amount of on-site car parking than that required under DPS2.

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.*

4.8 *Car Parking Standards*

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

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

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

6.8 *Matters to be considered by Council:*

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

- (a) interests of orderly and proper planning and the preservation of the amenity of the relevant locality;*
- (b) any relevant submissions by the applicant;*
- (c) any agreed Structure Plan prepared under the provisions of Part 9 of the Scheme;*
- (d) any planning policy of the Council adopted under the provisions of clause 8.11;*
- (e) any other matter which under the provisions of the Scheme the Council is required to have due regard;*
- (f) any policy of the Commission or its predecessors or successors or any planning policy adopted by the Government of the State of Western Australia;*
- (g) any relevant proposed new town planning scheme of the Council or amendment or proposed Metropolitan Region Scheme Amendment insofar as they can be regarded as seriously entertained planning proposals;*
- (h) the comments or wishes of any public or municipal authority received as part of the submission process;*

- (i) *the comments or wishes of any objectors to or supporters of the application;*
- (j) *any previous decision made by the Council in circumstances which are sufficiently similar for the previous decision to be relevant as a precedent, provided that the Council shall not be bound by such precedent; and*
- (k) *any other matter which in the opinion of the Council is relevant.*

Strategic Plan:

Key Focus Area: Not Applicable.

Objective: Not Applicable.

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 \$278 (excluding GST) to cover all costs associated with assessing the application.

Regional Significance:

Not Applicable.

Sustainability Implications:

There are not considered to be sustainability implications as a result of the change of use. These were predominantly addressed through the construction of the initial development.

Consultation:

The proposal was not advertised as the land uses are permitted within the Business Zone and there is not considered to be any impact on the locality as a result of the development.

COMMENT

The application is for reconfiguration of tenancies and a change of use from Office and Take Away Food Outlet to Office and Restaurant, which are permitted land uses within the Business Zone. As the land uses are permitted they are deemed to meet the objectives of the Zone.

The reconfiguration of the tenancies will mean that there is now a larger area developed as Offices as opposed to Take Away Food Outlets or Restaurant. Typically offices generate a lesser demand for car parking than food outlets, and therefore the demand for car parking is considered to be reduced as a result of the development. This also correlates with the car parking standards prescribed in DPS2 which requires eleven less car parking bays for the development.

Given that the change of use will slightly reduce the amount of car parking required under DPS2, it is not considered appropriate to request a cash in lieu payment for the shortfall in car parking, which has already been previously approved.

It is considered that the car parking for the site is adequate to service the development on the site. A condition of approval is recommended to restrict the maximum Restaurant patrons to 140.

Signage

One of the objectives of the CDCSP is to facilitate interaction between the street and the buildings fronting it. As such a condition of approval is recommended to prevent any obscure glazing. This condition was also imposed on the original approval for the building and this will ensure that this is carried through. An advice note will also be included on the decision letter should the application be approved advising that any signage is to be subject of a separate application for planning approval.

Conclusion

The proposed land uses are considered appropriate for the site, and being permitted uses in the Business Zone, are deemed to meet the objectives of the Zone. The car parking requirement for the site is reduced as a result of the change of use and will therefore improve car parking availability for the site.

Given the above the application is recommended for approval subject to conditions.

VOTING REQUIREMENTS

Simple Majority.

MOVED Cr Amphlett, SECONDED Cr Ritchie that Council:

- 1 EXERCISES discretion under clauses 4.5.1 and 4.8.1 of the City of Joondalup District Planning Scheme No 2 and determines that the car parking provision of 786 bays in lieu of 965 bays is appropriate in this instance;**
- 2 APPROVES the application dated 22 December 2011, submitted by TPG Town Planning and Design, on behalf of the land owners, Davidson Pty Ltd, for a change of use from Office and Take Away Food Outlet to Office and Restaurant at Lot 929 (1244) Marmion Avenue, Currambine, subject to the following conditions:**
 - 2.1 Obscure glazing to windows and doors is not permitted;**
 - 2.2 A maximum of 140 patrons shall be permitted at the Restaurant at any given time.**

The Motion was Put and CARRIED (13/0) by En Bloc Resolution prior to consideration of Report of the Chief Executive Officer, Page 141 refers.

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

Appendix 4 refers

To access this attachment on electronic document, click here: [Attach4brf140212.pdf](#)

Disclosure of Financial Interest

Name/Position	Cr Mike Norman
Item No/Subject	CJ005-02/12 - Proposed Telecommunication Facility at Dampier Park, Kallaroo.
Nature of interest	Financial Interest.
Extent of Interest	Cr Norman has a share holding with Telstra in excess of the regulated limit for an interest.

Disclosures of interest affecting impartiality

Name/Position	Cr Liam Gobbert
Item No/Subject	CJ005-02/12 - Proposed Telecommunication Facility at Dampier Park, Kallaroo.
Nature of interest	Interest that may affect impartiality.
Extent of Interest	Cr Gobbert's telephone carrier is Telstra.

Name/Position	Cr Geoff Amphlett, JP
Item No/Subject	CJ005-02/12 - Proposed Telecommunication Facility at Dampier Park, Kallaroo.
Nature of interest	Interest that may affect impartiality.
Extent of Interest	Cr Amphlett lives in Kallaroo in close proximity to the proposed site.

Name/Position	Cr Sam Thomas
Item No/Subject	CJ005-02/12 - Proposed Telecommunication Facility at Dampier Park, Kallaroo.
Nature of interest	Interest that may affect impartiality.
Extent of Interest	Mrs Thomas is a signatory to the petition in relation to the proposed telecommunication facility at Dampier Park, Kallaroo.

Name/Position	Cr Christine Hamilton-Prime
Item No/Subject	CJ005-02/12 - Proposed Telecommunication Facility at Dampier Park, Kallaroo.
Nature of interest	Interest that may affect impartiality.
Extent of Interest	A former employer lives within the vicinity of the proposed site.

Cr Norman left the Chamber, the time being 8.12 pm.

**CJ005-02/12 PROPOSED TELECOMMUNICATION FACILITY AT
DAMPIER PARK, KALLAROO**

WARD: Central

RESPONSIBLE DIRECTOR: Ms Dale Page
Planning and Development

FILE NUMBER: 18150, 101515

ATTACHMENTS: Attachment 1 Location Plan
Attachment 2 Development Plans and Photomontage
Attachment 3 City Policy - Telecommunication Facilities
Attachment 4 Map of Submitters
Attachment 5 EMF explained - Radio Communications in the
Community

PURPOSE

To request Council's determination of an application for a proposed telecommunication facility at Dampier Park, Lot 10686 (160) Dampier Avenue, Kallaroo.

EXECUTIVE SUMMARY

The applicant is proposing a 15.9 metre high monopole telecommunications facility incorporating a ground level equipment shelter, to be located in a landscaped median strip in the car park of Dampier Park, Kallaroo.

Dampier Park is reserved for the purposes of Parks and Recreation under the City's District Planning Scheme No 2 (DPS2).

The City has assessed the application having regard to DPS2 and City Policy - Telecommunications Facilities (the Policy). In accordance with the Policy, the City advertised the proposal for a 30 day period to owners and occupiers of properties within a radius of 500 metres of the proposed location of the facility. A total of 469 responses were received being 13 submissions stating no objection to the proposal, and 456 objections. Following the close of the consultation period, a 1044 signature petition was also received.

Careful regard has been given to the submissions received. However, given that the proposed facility will have limited visual impact on the streetscape and on the outlook from neighbouring properties and given that the level of electromagnetic emissions (EME) that will be emitted by the proposed facility is well below mandatory standards at only 1.12% of the general public exposure limit, it is recommended that Council approves the proposed development, subject to conditions.

BACKGROUND

Suburb/Location: Dampier Park, Lot 10686 (160) Dampier Avenue Kallaroo.
Applicant: Planning Solutions (Aust) Pty Ltd on behalf of Telstra Corporation Ltd (Telstra)
Owner: Crown Land - City of Joondalup Management Order
Zoning: **DPS:** Parks and Recreation
MRS: Urban
Site Area: 20,929m²
Structure Plan: Not Applicable.

The subject site is located within the suburb of Kallaroo. Dampier Park is reserved for the purposes of Parks and Recreation under DPS2. The site is bounded by Mullaloo Drive to the north, Dampier Avenue to the east, and Warringah Close to the west.

The subject site is utilised as a local recreation area, incorporating the Rob Baddock Community Hall and associated landscaped car parking facilities. The site is a cleared, grassed area with mature trees scattered around the site. The surrounding land is utilised for residential purposes, comprised of low density residential dwellings. One residential lot abuts the park to the south with the remaining residential lots being separated from the subject lot by road reserves. St Ives Northshore Retirement Village is located to the south east of the site across Dampier Avenue. The subject site is elevated, with the surrounding topography generally undulating coastal plain.

A low-impact telecommunication facility was originally proposed by the applicant to be located at the nearby Mullaloo Plaza Shopping Centre at Lot 251 (11) Koorana Road, Mullaloo. Community consultation for that facility was undertaken in accordance with the Australian Communications Industry Forum (ACIF) Industry Code for the Deployment of Mobile Phone Network Infrastructure. Following the community consultation, plans for the low-impact facility were suspended while Telstra examined alternative sites in the Kallaroo/Mullaloo area as suggested by residents, including the subject site at Dampier Park.

DETAILS

Telstra proposes to replace an existing light pole which is located within a landscaped median strip in the car park of Dampier Park. The existing galvanised steel pole will be replaced with a new galvanised steel pole which will accommodate the relocated car park lighting and three new panel antennas, turret mounted on the pole. Additionally it is proposed to locate an equipment shelter and underground cabling and ancillary safety and access equipment at ground level adjacent to the pole.

The proposed telecommunication facility will have an overall height of 15.9 metres above the existing ground level comprising a 13.3 metre high replacement light pole with three 2.6 metre high panel antennas. The overall height of the structure will be 5.96 metres higher than the existing light pole.

The proposed facility is not exempt from the need to obtain planning approval as it is not considered 'low impact' under the Federal Government's 'Low Impact Determination 1997'.

The location of the proposed facility will involve the removal of one tree and some shrubs.

The ground level equipment will be finished in green colorbond.

As Dampier Park is reserved for the purposes of Parks and Recreation under DPS2 a portion of land will be required to be excised from the reserve for the development of the proposed telecommunication facility. Telstra will be required to apply for the excision and to enter into a lease agreement for the use of the excised land. Approval from the Department of Regional Development and Lands (DRDL) is required for the excision of the required portion of land. It is likely that the City will need to relinquish its management order over the portion of land to be excised.

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: District Planning Scheme No 2 (DPS2)

Clause 2.3 details the criteria for development on a Local Reserve.

2.3.3 Development of Local Reserves

- (a) Any Local Reserve not owned by or vested in the Council may be used:*
- (b) for the purpose for which the land is reserved under the scheme; and*
- (c) where such land is vested in a public authority, for any purpose for which the land may be lawfully used by that authority; and*
- (e) for any purpose approved by the Council but in accordance with any conditions imposed by the Council.*

2.3.4 Applications for Planning Approval on Local Reserves

- 2.3.4.1 The Council may consider applications 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 on zoned land, and the Council shall for that purpose stipulate the zone most relevant for comparison.*

Clause 2.3.4.1 requires that Council in considering an application shall have regard to the provisions of Clause 6.8.

6.8 *Matters to be considered by Council*

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

- (a) 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 or 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: Not Applicable.

Objective: Not Applicable.

Policy:

Telecommunication Facilities.

Consideration is given in relation to City Policy - Telecommunication Facilities (Attachment 3 refers), which states in part:

“The City, as a general rule, does not support the installation or location of telecommunication facilities, particularly in the vicinity of schools, childcare establishments, hospitals and general residential areas.

In making a recommendation to the WAPC or determining the application the Council will have regard to:

- (a) the comments and concerns of the local community;*
- (b) the merits of the particular proposal;*
- (c) compliance with the industry code of practice;*
- (d) compliance with matters required to be considered under the District Planning Scheme; and*
- (e) the general concerns of the Council regarding the potential effects of telecommunication facilities referred to in Point 2 above.”*

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 \$480 (excluding GST) to cover costs associated with assessing the application.

In accordance with City Policy - Telecommunications Facilities, the applicant is required to pay for the costs incurred to the City for public consultation and as such the applicant has been invoiced \$863.73 (excluding GST).

Regional Significance:

Based on information supplied by the applicant, it is understood that the proposed tower will significantly improve mobile phone coverage for the Kallaroo and Mullaloo areas, where problems are currently experienced.

Sustainability Implications:Economic

The City recognises the importance of telecommunications facilities in supporting industry development. One of the key objectives of the City's Economic Development Plan 2007 – 2011 is to facilitate the provision of communications infrastructure to support industry development. This proposal will provide improved telecommunications services within the City of Joondalup.

Social

Positive effects resulting from the approval of this development relate to the improved communication opportunities that this infrastructure presents, and the increased ability to operate a business from home as appropriate. A negative impact that may result from the approval of such a development is the potential for residents to suffer reduced amenity or enjoyment of their homes as a result of concerns about perceived health impacts from the facility.

Consultation:

The application was advertised to 1371 property owners and occupiers within a 500 metre radius of the proposed development site for a period of 30 days beginning on 11 November 2011. A total of 469 responses were received being 13 submissions stating no objection to the proposal and 456 objections. Of the 456 objections, 317 were pro-forma submissions. The location of all submitters is shown in Attachment 4.

It is understood that information, including an image, was circulated during the public consultation process that did not accurately depict the proposed facility and may have therefore misled some submitters, particularly in relation to the appearance of the facility.

A photomontage of the proposed telecommunication facility supplied by the applicant was made available for public viewing at the City during the public consultation period, in addition to the plans and other information.

The general comments received in favour of the development are as follows:

- Phone reception in the area is bad;
- Home businesses suffer from dropouts and poor mobile reception;
- Existing internet service is slow; and
- Poor mobile reception impacts on enjoyment of living in the area.

The general concerns raised are as follows:

- The visual impact from the tower will affect the amenity of the park and community hall;
- Vicinity of tower to retirement village facility, residential areas, community hall and child playground;
- The facility should be located elsewhere;
- Impact of proposed tower on property prices; and
- The perception of health impacts associated with EME emissions on residents and park and/or community hall users.

Following the close of the consultation period discussed above, the City has received a petition raising concerns about the facility. The petition contains a total of 1044 signatures, with 1029 of these being objections to the proposal, and 15 being supportive of the proposal.

"In regards to a current application before the Council by Telstra for the erection of a 15.9m, 3 antenna and ground based equipment shelter telecommunication tower in Dampier Park, Kallaroo.

In as much as the Council is aware of the attendant dangers (known and potential) relating to:

- 1 *The health of children, the elderly and the general community;*
- 2 *The impact of constant stress on people living under the danger of the unknown;*
- 3 *The impact on the existing amenities and enjoyment of the existing area; and*
- 4 *Decreased valuation of properties.*

We the undersigned ask that the Council reject the application outright and permanently. We object to the locating of telecommunication towers in residential and community areas due to the lack of supporting evidence over the potential impact of radiation levels.”

The location of the signatories to the petition is shown in the table below:

	Against	For
Kallaroo	607	9
Mullaloo	294	5
Other – within City of Joondalup	97	0
Other – Outside City of Joondalup	26	0
Other – Address not supplied or legible	5	1
Totals	1029	15

It should be noted that there were 24 signatures on the petition that were identified as being duplicates. Three of these duplicates were in support of the proposal, and the remaining 21 were against the proposal. If these numbers were to be excluded from the above figures the total number of persons in support of the proposal would be reduced to 12 in support of the proposal, and 1008 against the proposal.

It is possible that a number of the abovementioned signatories to the petition may have also separately lodged a submission with the City.

The issues raised during the consultation period are discussed in more detail below.

COMMENT

Telstra has proposed this telecommunication facility in response to a demand for its services in the Kallaroo and Mullaloo areas. Mobile phone and broadband services in the area suffer from poor reception and ‘drop-outs’ as demonstrated in submissions received from local residents in favour of the proposal.

The proposed telecommunication facility is not considered to be in the vicinity of schools, childcare establishments or hospitals and is located approximately 75 metres away from the nearest dwelling.

Visual impact and location

The light pole replacement design of the facility is considered to be visually unobtrusive resulting in an increase of height of 5.96 metres to that of the existing light pole. The applicant’s description of the visual impact of the proposal is as follows:

“The subject proposal is designed and located such that it achieves network coverage for Telstra whilst minimising the visual impact of such infrastructure on residential areas and community sensitive sites.

The proposed facility will be of a galvanised finish, with panel antennas turret mounted on a replacement light pole, minimising the visual impact of the infrastructure on the surrounding locality.

The proposed equipment shelter is to be a Colorbond structure in green, located within a landscaped area in a car park. The ground-level infrastructure will therefore blend with the existing structures on the subject site and surrounds, and will complement the existing landscaping in the area.”

To further reduce the visual impact of the facility, if Council is of a mind to support the proposal, it is recommended that a condition be imposed requiring landscaping to be provided to screen much of the ground level equipment.

Telstra has investigated other areas surrounding the site and determined that this site was the most beneficial in terms of addressing existing telecommunication coverage issues in the Kallaroo and Mullaloo areas. The applicant suggests that the proposed facility will improve mobile phone and internet quality in the area as follows:

“The proposed infrastructure is intended to provide consumers with improved quality content and entertainment, greater productivity and further mobilisation of business applications, through faster data speeds, simultaneous voice and data sessions and video. Accordingly, the infrastructure will in fact provide a service for which there is a demonstrated public demand.”

Telstra conducted investigations into other possible locations for the telecommunication facility, including a low impact facility at the Mullaloo Shopping Centre but concluded that no other sites were suitable, stating:

“The subject proposal is put forward as the alternative to the Mullaloo Plaza Low-impact facility and will allow Telstra to service the current and future telecommunications requirements of its customers in the locality.

Detailed investigations of the locality revealed no other opportunities to co-locate telecommunications infrastructure, or utilise existing buildings, which would satisfy the coverage objectives for the facility.

The proposal involves the installation of telecommunications infrastructure within the Kallaroo area. The site selection process has been influenced by the objective of avoiding community sensitive locations.”

Effects on property values

There is no known published data to link property values to telecommunication facilities. The potential impact on property prices from development proposals are not a usual planning consideration, however it is considered that the design of the proposed telecommunication facility is sufficient to minimise the visual impact so as not to impact on property prices.

Health matters relating to proximity to telecommunication facilities

The main community concern is the adverse long term health risk associated with telecommunication facilities as a result of electromagnetic emissions (EME). International and national scientific studies conclude that there is no substantiated evidence to suggest that living near mobile telephone towers causes adverse health effects.

It is a mandatory requirement for all telecommunications carriers to comply with the Australian Safety Standards set by the Australian Communication and Media Authority and the EME limits established by the Australian Radiation Protection and Nuclear Safety Agency.

A report submitted with this application indicates estimations for the EME levels that will be present at different areas surrounding the proposed communication facility. As an example, the estimated maximum level of EME at ground level at the nearest residential dwelling to the proposed facility is 1.12% of the Australian Radiation Protection and Nuclear Safety Agency general public exposure limit of around 4.5 watts per square metre (frequency dependant).

The City has been unable to source information that provides a direct comparison between the EME levels emitted from mobile phone tower and common household appliances. However, a fact sheet, produced as part of a series called "EMF explained" by the Australian Mobile Telecommunications Associates, the GSM Association, and the Mobile Manufacturers Forum is provided as Attachment 5 to this report.

The following information was provided by the applicant:

"In a typical community, broadcast television and radio signals are similar in strength to signals from mobile phone networks and other two-way communications systems. These signals are overall very low and well below the established safety guidelines.

The World Health Organisation has reviewed the background EMF levels from wireless systems and says, "Recent surveys have shown that the RF exposures from base stations range from 0.002% to 2% of the levels of international exposure guidelines, depending on a variety of factors such as the proximity to the antenna and the surrounding environment. This is lower or comparable to RF exposures from radio or television broadcast transmitters".

Conclusion

In determining this application, Council needs to take into account the relevant planning considerations surrounding the proposal. The considerations include the visual impact of the proposed tower, and the impact of the development on the amenity of surrounding residents and the area in general.

The photomontage provided by the applicant demonstrates that the proposal will have limited visual impact on the streetscape and on the outlook from neighbouring properties. It will be located on top of an existing light pole in a landscaped car park. The ground level equipment will be finished in appropriate material and will be largely screened by vegetation. Therefore, it is considered from a planning point of view that the proposed facility will not impact on the amenity of nearby residents or the area in general from an aesthetic point of view.

The level of EME emissions from the tower is controlled by separate legislation and is not in itself a planning consideration. However, reduction of residents' amenity through reduced enjoyment of their homes, due to unease or concern about possible or perceived health impacts from the facility, could be seen as a planning consideration.

The opposition of numerous community members to the proposal is acknowledged. However, it should be noted that many common household items emit EME, including cordless phones, mobile phones and baby monitors. The City has not been able to source a direct comparison between the EME from common household appliances and the EME emissions from mobile phone towers. Technical information submitted by the applicant demonstrates that the EME levels that apply to this proposal are well below mandatory standards at only 1.12% of the general public exposure limit.

In light of this and given the demonstrated need for improved telecommunication services in the area, the separation of the proposed facility from sensitive areas, and the low visual impact of the proposed facility, it is recommended that Council approves the proposed development subject to conditions.

VOTING REQUIREMENTS

Simple Majority.

OFFICER'S RECOMMENDATION:

That Council:

- 1 APPROVES the application for planning approval, dated 7 November 2011 submitted by Planning Solutions (Aust) Pty Ltd on behalf of Telstra, for a proposed telecommunication facility at Dampier Park car park, Kallaroo, subject to the following conditions:
 - 1.1 Landscaping of a sufficient height and density to screen the equipment shelter shall be provided within 14 days from the completion of the installation of the telecommunications facility. Detailed landscape plans shall be submitted to the City for approval prior to the installation of this facility. Following installation, the landscaping shall thereafter be maintained to the satisfaction of the City;
 - 1.2 In the event that the facility is relocated or decommissioned all equipment shall be removed, the light pole shall be replaced, and the site shall be reinstated to its original state, to the satisfaction of the City, at the full expense of the owner of the equipment; and
 - 1.3 Prior to commencement of works on site, the applicant shall undertake a process to excise the land from the reserve and enter into a lease agreement for the use of that excised land for the proposed telecommunications facility, to the satisfaction of the City,
- 2 NOTES that the proposed telecommunication facility is required to be in compliance with the Australian Communications and Media Authority electromagnetic energy (EME) standards, at all times;
- 3 NOTES the information at Attachment 5 to Report CJ005-02/12, which provides recent information made available to the City on the health impacts of telecommunication towers on the community; and
- 4 ADVISES the lead petitioner of its decision.

MOVED Cr Amphlett, SECONDED Cr Gobbert that Council:

- 1 **REFUSES** the application for planning approval, dated 7 November 2011 submitted by Planning Solutions (Aust) Pty Ltd on behalf of Telstra, for a proposed telecommunication facility at Dampier Park car park, Kallaroo, for the following reasons:
 - 1.1 The proposed development will adversely impact on the amenity of surrounding residents and the locality, as people will suffer reduced enjoyment of their homes, recreation ground(s), place(s) of worship and the like due to ongoing concerns about the potential (health) impacts of the development;
 - 1.2 The proposed tower is considered to be visually obtrusive and will adversely impact on the amenity of surrounding residents;
- 2 **ADVISES** the lead petitioner of its decision.

AMENDMENT MOVED Cr Gobbert, SECONDED Cr Taylor

That a Part 3 be added to the Motion as follows:

“3 *REQUESTS a report from the Chief Executive Officer in order to seek expert advice as to what potential effects Electromagnetic Radiation (EME) may have on health and wellbeing of residents and visitors to a given area.*”

The Amendment was Put and**LOST (0/12)**

Against the Amendment: Mayor Pickard, Crs Amphlett, Chester, Corr, Fishwick, Gobbert, Hamilton-Prime, Hollywood, McLean, Ritchie, Taylor and Thomas

The Motion as Moved by Cr Amphlett, and Seconded by Cr Gobbert was Put and**CARRIED (10/2)**

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

Appendix 5 refers

To access this attachment on electronic document, click here: [Attach5brf140212.pdf](#)

In accordance with Regulation 11 (da) of the *Local Government (Administration) Regulations 1996*, the reason Council made its decision which was significantly different to what the administration recommended is because:

- The proposed development will adversely impact on the amenity of surrounding residents and the locality.
- The proposed tower is considered to be visually obtrusive.

Cr Norman entered the Chamber, the time being 8.45 pm.

CJ006-02/12 FREE KEEP FIT CLASSES FOR CITY OF JOONDALUP RESIDENTS

WARD: All

RESPONSIBLE DIRECTOR: Mr Garry Hunt
Office of the CEO

FILE NUMBER: 44851, 24069

ATTACHMENTS: Nil.

PURPOSE

For the Council to give consideration to conducting free regular keep fit/aerobics sessions in various parks throughout the City during summer months.

EXECUTIVE SUMMARY

The Council at its meeting held on 16 August 2011, (C40-08/11 refers) requested the Chief Executive Officer to prepare a report on the possibility of the City conducting free keep fit/aerobic classes within City's parks during the summer months. The report was to use the Active Living program operated by the Cairns Regional Council as a basis for the City's model.

The Cairns Regional Council introduced the activities to stimulate activity/people movement within the redeveloped Esplanade foreshore area. Initially the number of participants was low, however in recent years with a more targeted promotion campaign and the added features of the foreshore, numbers have increased.

This report examines the concept of free keep fit/aerobic classes within the City of Joondalup and considers the following factors of such an initiative:

- City operated Leisure Centres where patrons pay for fitness/recreational activities;
- The management model for the Leisure Centres and the adopted Council position statement that relates to the Centres operations;
- Private operators being issued with a fee paid licence from the City to trade in a public place to conduct fitness related activities; and
- The City's strategic objective in facilitating healthy lifestyles within the community.

It is recommended that the Council does not agree to conduct free regular keep fit/aerobics sessions in various parks throughout the City.

BACKGROUND

The Council at its meeting held on 16 August 2011, (C40-08/11 refers) resolved:

"That the Council requests a report from the Chief Executive Officer on the City's ability to conduct free regular keep fit/aerobics sessions in various parks throughout the City during the summer months."

The resolution was carried with the following reasons provided:

“The Cairns Regional Council has been coordinating a pro active program to encourage their community to have fun, stay active and keep fit. The ‘Active Living’ program has been operating since 2003 and has had a huge growth in the number of participants and classes available. The program incorporates many daily physical activities for both locals and tourists alike. The key to the program’s success is that the classes are free and the locations are stunning.”

Position Statement of the Council

Council at its meeting held on 15 April 2008 (CJ062-04/08 refers) considered and adopted a number of position statements. It was considered that the Position Statements demonstrate the Council’s agreed position in relation to strategic matters, and to assist the City with regard to any lobbying of positions where considered appropriate. One of the agreed position statements related to the Leisure Centres’ Operations, which is as follows:

“Leisure and Recreation operations overall should aim to be self sufficient and meet all operating costs.”

Council further reviewed this position statement at its meeting held on 20 July 2010 (CJ121-07/10 refers) and it was agreed to make no changes to the Position Statement. In considering any changes to the Position Statement, the following was provided to the Council:

“The City of Joondalup Leisure Centres’ currently operates on a user pay principle. The fees and charges for the Leisure Centres’ are reviewed against an annual price review of similar leisure facilities throughout the State. From a market position the City’s Leisure Centres’ operate in line with industry average. To support access to the leisure facilities in price sensitive markets, the City offers one of the highest concession discounts in Western Australia. A 25% discount is offered to seniors and concession card holders who are residents in the City of Joondalup for memberships, casual swim, crèche entry and Lifestyle program activities.

Whilst the City’s leisure facilities perform well financially against similar facilities in Western Australia, the full cost of operations for the leisure facilities (including operating costs, overhead costs and capital finance costs) requires the City to subsidise the Centres’ operations by approximately \$700,000 to \$1,000,000 per annum.

The leisure centres’ current management model is proving successful in attracting large participation rates from the community across a variety of facilities and programs with competitive fees and charges being applied.”

Trading in Public Places Licences (TIPPS)

The City has approximately 18 current trading in Public Places licences that allow private operators to use a City park or reserve for conducting fitness related activities. The annual cost for a trading in Public Places licence is \$1800, with a \$100 application fee; alternatively traders can operate monthly at \$200 per month.

The current locations for approved and pending traders are:

- Iluka Open Space;
- Kingsley Reserve;
- Emerald Park;
- Burns Beach Park;
- Mawson Park;
- Heathridge Park;
- Whitford Nodes;
- Elcar Park;
- Flinders Park;
- Mirror Park;
- Korella Park;
- Sorrento Foreshore;
- Glengarry Park;
- Sir James McCKusker Park;
- Beachside Park;
- Seacrest Park;
- Whitford West Park; and
- Falkland Park.

DETAILS

A feature of the Cairns Regional Council is its lagoon and foreshore development. It has a myriad of activities ranging from public art, outdoor concerts, markets, swimming in the lagoon, interactive infrastructure for children and the like. In 2003, in an effort to stimulate people movement and vibrancy within the Esplanade, the Cairns Regional Council instigated the Active Living program which encompassed fitness type activities that were free to the public.

The Active Living program operates on an annual basis from the Cairns Esplanade, Monday to Saturday with between two to three classes per day and approximately 15 classes per week. The activities range from Tai Chi, Zumba, Bootcamp and the like, with the Cairns Regional Council engaging the services of instructors to conduct the classes.

Initially these activities were not that well attended; however as a result of recent promotion campaigns to increase awareness, the programs have become increasingly popular. There is no registration process and no limit of clients who can attend a class; clients merely turn up on a casual basis and are not restricted to residents only.

The Cairns Regional Council does not operate its own leisure/recreation facilities (similar to Craigie, Duncraig or Heathridge Leisure Centres) where group fitness and other similar type activities are conducted by the City on a pay per attendee per class. It does, however, have arrangements with private operators for the management of its various aquatic facilities. Private operators are able to conduct commercial fitness activities in various City locations subject to the payment of agreed fees. These fees vary from location to location.

There are a few parks and reserves that would meet the expectations of the Council request in regards to the standard of the setting to host such free classes and which do not have a current trader utilising that reserve:

- Tom Simpson Park;
- Whitfords Nodes;
- Neil Hawkins Park; and
- Central Park.

Issues and options considered:

The following options exist for the Council:

- Option 1 Implement the free fitness activities on a permanent basis during the summer period;
- Option 2 Not implement the free fitness activities; or
- Option 3 Implement the free fitness activities on a trial basis.

A trial of the program could consist of a set number of sessions per day, being three days per week at one location within the City preferably between the months of October to April. Feedback and attendance would be recorded to gauge the success of the trial.

The advantages and disadvantages of offering free fitness activities are as follows:

Advantages

- Promotes and supports the strategic direction of the City to facilitate a healthy lifestyle within the community;
- Supports all the state and federal initiatives in promoting a healthy lifestyle; and
- Provides a program to tackle the growing obesity issue within Australia.

Disadvantages

- As the classes are proposed to be free, the idea contradicts the Position Statement adopted by the Council in that the City's recreation and leisure services should be self sufficient and meet operating costs;
- Creates a level of unevenness in fitness programs offered by the city for instance, fitness programs conducted at Leisure Centres incur a charge, those offered in an open space are free; and
- May cause unfair competition with private operators offering similar types of programs within public open spaces.

Legislation/Strategic Plan/Policy Implications:

Legislation: Not Applicable.

Strategic Plan:

Key Focus Area: Community Well Being.

Objective: 5.2 To facilitate healthy lifestyles within the community.
 5.2.1 The City provides high quality recreation facilities and programs.

Policy:

Leisure Policy:

Objective: To guide the provision of leisure services, facilities and programmes to assist in the achievement of the City of Joondalup's Mission, Vision and strategic objectives.

Statement: The City of Joondalup is committed to making a significant and sustainable contribution to the quality of life of its citizens, by supporting a broad range of leisure services, facilities and programmes.

Risk Management Considerations:

There is minimal risk to the City in instigating free fitness classes as it meets the City's strategic direction in facilitating healthy lifestyles within the community.

The greater risks are the reaction from:

- private operators who pay the City an annual licence fee in order to utilise its reserves to provide fitness activities; and
- users/members of the City's Leisure Centres who pay for similar type of fitness programs.

There are the general risks associated with conducting any fitness activity in regards to occupation health and safety. As the activities would be conducted outside and away from the City's centres, additional safety equipment would need to be purchased, and individual risk checklists would need to be undertaken of the site to ensure the area is safe. Patrons could also be required to complete certain declarations.

Financial/Budget Implications:

If the City was to introduce free keep fit/aerobic based on two sessions per day, six days per week over 48 weeks per annum at one location with one instructor, the cost would be approximately \$98,000. The costs primarily comprise:

- Instructor costs (salary and travel costs) - \$80,000;
- Equipment (pending type of classes offered - including safety equipment) - \$8,000;
- Promotion (such as advertising) - \$10,000.

However, if the activities were introduced based on the trial program of two sessions per day, three times per week at one location, the costs would be approximately \$9,000 for the 13 week period. The costs primarily comprise:

- Instructor costs (salary and travel costs) - \$11,000;
- Equipment (pending type of classes offered – including safety equipment) - \$4,000; and
- Promotion (such as advertising) - \$4,000.

Costs would increase where more sessions, days or locations are added. Costs may also increase where the number of instructors are required if participation increases.

It is difficult to determine if the introduction of free fitness classes would impact on the revenues of the Leisure Centre operations, in particular casual members, and this would need to be monitored.

An alternate business model would be to engage the services of an external contractor who is equipped to conduct the sessions free of charge for customers, and then levy the City a fee. No costings for this model have been researched at this time.

There are currently no funds allocated within the City's 2011/12 Budget to fund such programs.

Regional Significance:

Introduction of such free fitness classes would have little significance to the region. However, it should be noted some City events and subsidies on activities are limited to residents only.

Sustainability Implications:

Facilitating healthy lifestyles within the community via the operation of fitness classes either within a public open space or within the confines of a Leisure Centre will assist in building a sense of community, while contributing to the health and well being of public.

However, introducing free fitness activities may have an impact on the economic sustainability of the City's Leisure Centres and the operations of small business operators who offer similar services.

Anecdotal evidence would suggest that introducing such programs could have a positive impact in the reduction of life threatening diseases and a reduction on the demand on health services.

Consultation:

Not Applicable.

COMMENT

The conducting of keep fit/aerobics classes across the City certainly contributes to the City's strategic objective in developing and facilitating healthy lifestyles within the Joondalup community. The issue however is providing those classes within parks and reserves at no cost. This issue arises as the City has an established leisure centres' management model that attracts large participation rates from the community across a variety of facilities and programs with competitive fees and charges being applied.

It is, therefore, recommended that the Council not agree to conduct free regular keep fit/aerobics sessions in various parks throughout the City.

VOTING REQUIREMENTS

Simple Majority.

MOVED Cr Amphlett, SECONDED Cr Ritchie that Council:

- 1 NOTES its adopted Position Statement relating to the Leisure Centre Operations being:**

“Leisure and Recreation operations overall should aim to be self sufficient and meet all operating costs.”;

- 2 DOES NOT conduct free regular keep fit/aerobics sessions in various parks throughout the City during the summer months.**

The Motion was Put and CARRIED (13/0) by En Bloc Resolution prior to consideration of Report of the Chief Executive Officer, Page 141 refers.

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

**CJ007-02/12 COMMUNITY GARDEN - COMMUNITY
CONSULTATION OUTCOMES**

WARD: All

RESPONSIBLE DIRECTOR: Mr Garry Hunt
Office of the CEO

FILE NUMBER: 69612, 101515

ATTACHMENTS: Attachment 1 Schedule of Submissions
Attachment 2 Preferred Community Garden Locations

PURPOSE

To provide a summary of feedback received during the community consultation recently undertaken to investigate the level of community group support for the potential establishment and ongoing management of a Community Garden within the City, and to recommend a way forward.

EXECUTIVE SUMMARY

At its meeting held on 15 February 2011 (CJ009-02/11 refers), Council requested the City make contact with local Ratepayers and Residents' Associations, Service Clubs, Church Groups, School Parent and Citizen Associations, Friends of Environment Groups, Retirement Villages and residents within the catchment area of Regents Park and Charing Cross Park in North Joondalup, to determine whether their communities have an interest in participating in the establishment and ongoing management of a Community Garden in their local area.

In October 2011, 196 community organisations and interested individuals were sent a letter, survey and brochure from the City seeking expressions of interest, with 31 responses received.

While the number of responses received in total is relatively low, overall the outcomes from the community consultation are positive in terms of support for the establishment of a Community Garden. There was some disparity, however, in terms of a preferred location and the concepts for how a community garden may operate. For this reason, a decision was made to place on hold the proposed consultation of North Joondalup residents, pending greater certainty with regards to identification of a preferred Community Garden location.

Of the 31 responses received, 16 individuals and organisations indicated that they would be interested in forming part of a Steering Group in relation to the establishment and ongoing management of a Community Garden.

Based on the positive nature of the feedback received, it is recommended that Council request the Chief Executive Officer to facilitate a meeting with interested submitters to investigate the establishment of a Community Garden at a preferred location within the City, and report back to Council on its findings.

BACKGROUND

At the Council meeting held on 22 June 2010 (C28-06/10 refers), a Notice of Motion was presented requesting the City research the establishment of Community Gardens. At its meeting held on 15 February 2011 a report was presented to Council providing a summary of findings from the research undertaken (CJ009-02/11 refers).

The report outlined the processes, issues and costs associated with the establishment of Community Gardens. The research highlighted that whilst Community Gardens can be valuable for community connectedness, in order to be successful, Community Gardens require committed community members with expertise and passion to establish and nurture the project. One of the key determinants of success is that Community Gardens are community-driven.

Community Gardens cannot exist without clear guidelines, goals and expectations of their members. Local Governments can support community groups in the establishment of Community Gardens by providing expertise in the areas of community development, environmental sustainability and assistance with sourcing a suitable location, as well as with providing seed funding to ensure basic infrastructure and establishment costs are met.

The 2011 report recommended that prior to embarking on any detailed exploration of a Community Garden, the City make contact with Ratepayers and Residents associations, Service Clubs, Church Groups, School Parent and Citizens Associations, Friends of Environment Groups, Retirement Villages and residents within the catchment area of Regents Park and Charing Cross Park in North Joondalup, to determine whether they have any interest in participating in the establishment and ongoing management of a Community Garden in their local area.

DETAILS

In line with Council's resolution of 15 February 2011 (CJ009-02/11 refers), community organisations across the City were sent a letter, survey and brochure seeking expressions of interest in regards to participation in the establishment, and ongoing management, of a Community Garden in their local area. Individuals who had previously lodged expressions of interest in this type of project were also included in the consultation process. The community consultation was undertaken during the period 17 October to 21 December 2011.

In total, 31 responses were returned to the City, and the feedback from these has been summarised in the schedule of submissions which forms Attachment 1 to this report.

The following table provides a breakdown of the responses in terms of submitters' preferred area of contribution to a Community Garden project. These figures have been calculated based upon expressions of interest as per the survey questionnaire, and where more than one area of contribution interest was outlined, each has been calculated individually. For this reason, the summary table reflects a greater number of expressions of interest than the number of submitters (31) listed in the Schedule of Submissions.

Number of parties interested in forming part of a Steering Group to help establish and manage a Community Garden.	16
Number of parties interested in contributing to ongoing maintenance of a Community Garden by providing knowledge, tools or equipment.	13
Number of parties interested in having their own Community Garden plot or helping to look after a communal plot area.	19
Number of parties who provided a response but who are not interested in participating in a Community Garden project at this time.	2
Other	6

Levels of Support

Overall the outcomes from the community consultation are positive in terms of support for the establishment of a Community Garden however there was some disparity in terms of a preferred location and the concepts for how a Community Garden may operate. For this reason a decision was made to place on hold the proposed consultation of North Joondalup residents, pending greater certainty with regards to identification of a preferred Community Garden location.

While 16 individuals and community organisations have expressed an interest in forming part of a Steering Group to help establish and maintain a Community Garden, it should be noted that without a consensus in terms of desired location, project scope or objectives, the successful establishment and ongoing management of a Community Garden is unlikely.

It is recommended that interested parties be brought together in order to explore whether a consensus can be reached in terms of the above issues, and to discuss in greater detail what becoming part of a Steering Group would actually involve.

Partnership opportunities explored in this forum could result in the establishment of a committed and cohesive Community Garden Steering Group and project team.

Community Garden Location

With regards to a preferred Community Garden location, community feedback received shows support is dispersed across the City, with community organisations typically interested in a site within walking distance of their own locality. A level of concentration for preferred locations does appear in the suburbs of Joondalup and Duncraig.

Should North Joondalup be considered the preferred location by interested parties, the consultation in the catchment areas of Regents Park and Charing Cross Park could then be progressed.

A map displaying submitters preferred locations for a potential Community Garden forms Attachment 2 to this Report.

Issues and options considered:

Option One

The City could facilitate a meeting with interested submitters to explore the formation of a Steering Group to establish and manage a Community Garden at a preferred location within the City.

Option Two

Given that the community consultation undertaken was targeted at certain groups, Council could decide to conduct a further and broader community consultation open to any community organisation, resident or ratepayer within the City.

A broad scale public consultation would provide a more accurate idea of community based levels of support for a potential Community Garden, however, this option would incur significant costs not currently budgeted for.

Option Three

Council could determine that the level of support for the establishment of a Community Garden within the City is not currently sufficient to warrant further exploration and decide to take no further action at this time.

Legislation/Strategic Plan/Policy Implications:

Legislation: The City's reserves are classified as A, B or C Class Reserves under the Land Administration Act 1997. Reserves are vested for the purpose of recreation, public gardens, parks or playgrounds. The establishment of a Community Garden is consistent with most of these purposes.

If a decision is made to proceed with the establishment of a Community Garden, the provisions of the City's District Planning Scheme No 2 and/or the Metropolitan Region Scheme will need to be taken into account.

Strategic Plan:

Key Focus Area: The development of a Community Garden is linked to the Strategic Plan through the outcomes, objectives and strategies under the Key Focus Areas – Community Wellbeing and the Natural Environment.

Policy:

Community Consultation and Engagement.

Risk Management Considerations:

It is essential that a Community Garden concept be community-driven in order for the project to be successful. There is considerable risk to the ongoing sustainability of a Community Garden if it is not community-driven and managed.

Financial/Budget Implications:

There are a range of identified operational costs associated with both the establishment and maintenance of Community Gardens that could require an ongoing financial contribution from the City to remain sustainable.

The cost of establishing a Community Garden varies according to the location, size and design. The cost to establish a basic garden could range between \$10,000 and \$100,000 dependant on the scale of the project, contracted work, skilled volunteers, available funding sources and donations.

Ongoing Operational Costs

Research of other Local Governments indicates that, once established, the ongoing costs for a Community Garden may include:

- Irrigation equipment and bore maintenance;
- Power/lighting;
- Water;
- Security;
- Public Liability insurance;
- Fertiliser, pesticides;
- Plants;
- Tools; and
- Publicity, marketing.

Once a community management group for a Community Garden is established and incorporated, there are many avenues of funding that could be sourced for the continuation of the project, including the Department for Environment and Conservation, LotteryWest and Healthway.

Other avenues of income for a Community Garden could include plot rental charges and sale of produce.

Regional Significance:

The establishment and ongoing management of a Community Garden could involve the development of new partnerships between a number of local stakeholders, with interested parties including local schools, Edith Cowan University, West Coast Institute of Training, the June O'Connor Centre, the Joondalup Men's Shed and Joondalup Community Mental Health.

Sustainability Implications:

Initiatives and programs introduced throughout the community by the City should consider a range of environmental and social considerations, thereby promoting greater sustainability and overall social benefits.

Environmental

The installation of a Community Garden within the City could contribute to a number of environmental benefits, with examples including:

- Rainwater is filtered through gardens, helping to keep lakes, rivers and groundwater clean.
- Community gardens restore oxygen into the air and help reduce air pollution.
- Large quantities of organic waste can be used to fertilise gardens, thus helping to minimise a community's overall waste output.

Consideration would need to be given to identifying sources of water to irrigate a Community Garden. The use of scheme water should be limited and groundwater may not be available at the proposed site. Alternative sources of water such as rainwater should be considered, with the design of a garden incorporating rainwater tanks.

The use of pesticides within a Community Garden should also be discouraged as these chemicals can be transported into groundwater resources, causing contamination.

Social

There are many documented examples providing evidence of the positive social impact of the development of a Community Garden. A Community Garden can provide a community hub, informal education opportunities, passive recreation and wellbeing, and networking of people with similar interests.

Community Gardens can provide a facility that supports community cohesiveness and creates an opportunity for all community members to contribute to and belong in the City. This includes through the promotion of opportunities for inter-generational interaction, and for people with disabilities or mental health conditions to be included in the broader community.

COMMENT

Community Gardens are a valuable and worthwhile approach for community connectedness, and can generate many benefits with regards to reducing social isolation, the promotion of sustainable horticultural practices, healthy lifestyle practices including good nutrition, and a number of educational opportunities. However, the research undertaken does indicate that it is essential that a Community Garden concept be community-driven in order for such a project to be successful.

Given the level of support for a Community Garden expressed by individuals and community organisations during the recent consultation process, it is considered that there is sufficient interest in the establishment of a potential Community Garden Steering Group to warrant further investigative action by the City.

It is further recommended that a committed Community Garden Steering Group, cohesive in its objectives, should be established and prepared to operate independently of the City, prior to any consideration by Council of resource provision for the establishment and/or ongoing maintenance of a Community Garden.

VOTING REQUIREMENTS

Simple Majority.

MOVED Cr Fishwick, SECONDED Cr Chester that Council:

- 1 NOTES the community feedback outlined within the content of Report CJ007-02/12 in relation to the establishment and management of Community Gardens within the City; and**
- 2 REQUESTS that the Chief Executive Officer facilitate a meeting with interested submitters to investigate the establishment of a Community Garden at a preferred location within the City, and report back to Council on its findings.**

The Motion was Put and

CARRIED (13/0)

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

Appendix 6 refers

To access this attachment on electronic document; click here: [Attach6brf140212.pdf](#)

CJ008-02/12 MINUTES OF THE OCEAN REEF MARINA COMMITTEE MEETING HELD ON 29 NOVEMBER 2011

WARD: All

RESPONSIBLE DIRECTOR: Mr Jamie Parry
Governance and Strategy

FILE NUMBER: 07303, 101515

ATTACHMENTS: Attachment 1 Minutes of the Ocean Reef Marina Committee meeting held on 29 November 2011

PURPOSE

To submit the minutes of the Ocean Reef Marina Committee meetings to Council for noting.

EXECUTIVE SUMMARY

A meeting of the Ocean Reef Marina Committee was held on 29 November 2011 to consider the following matter:

Item 1 Setting of Meeting Dates for 2012.

BACKGROUND

The Council's Ocean Reef Marina Committee was established at its meeting held on 24 April 2007 (Item CJ077-04/07 refers) to provide leadership for, and oversight of, the Ocean Reef Marina project. The Committee was re-established by the Council at its Special Meeting held on 3 November 2011 (Item JSC2-11/11 refers).

DETAILS**Issues and options considered:**

The Motion carried at the Ocean Reef Marina Committee held on 29 November 2011 is shown below, together with the officer's comment:

Item 1 Setting of Meeting Dates for 2012.

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

"That the Ocean Reef Marina Committee CONSIDERS the Committee's meeting dates for 2012."

The following motion was carried:

"That the Ocean Reef Marina Committee NOTES that the Committee will meet on an as needs basis in 2012."

Officer's Comment

No further comment required.

REQUESTS FOR REPORTS FOR FUTURE CONSIDERATION

Nil.

Legislation/Strategic Plan/Policy Implications:

Legislation: The City is governed by the requirements of the Local Government Act 1995 in relation to dealings involving commercial undertakings and land development.

Strategic Plan:

Key Focus Area: The Built Environment.

Objective: 4.2: To progress a range of innovative and high quality urban development projects within the City.

Strategy: 4.2.1 Develop a concept for, and commit to, the development of land at the Ocean Reef Marina Site.

Policy:

Not Applicable.

Risk Management Considerations:

Not Applicable.

Financial/Budget Implications:

Not Applicable.

Regional Significance:

Not Applicable.

Sustainability Implications:

Not Applicable.

Consultation:

Not Applicable.

COMMENT

Not Applicable.

VOTING REQUIREMENTS

Simple Majority.

MOVED Cr Amphlett, SECONDED Cr Ritchie that Council NOTES:

- 1 The unconfirmed minutes of the Ocean Reef Marina Committee Meeting held on 29 November 2011 forming Attachment 1 to Report CJ008-02/12; and**
- 2 That the Ocean Reef Marina Committee will meet on an as needs basis in 2012.**

The Motion was Put and CARRIED (13/0) by En Bloc Resolution prior to consideration of Report of the Chief Executive Officer, Page 141 refers.

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

Appendix 7 refers

To access this attachment on electronic document, click here: [Attach7brf140212.pdf](#)

CJ009-02/12 MINUTES OF THE POLICY COMMITTEE MEETING HELD 29 NOVEMBER 2011

WARD: All

RESPONSIBLE DIRECTOR: Mr Jamie Parry
Governance and Strategy

FILE NUMBER: 26176, 101515

ATTACHMENTS: Attachment 1 Minutes of the Policy Committee Meeting held 29 November 2011

PURPOSE

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

EXECUTIVE SUMMARY

A meeting of the Policy Committee was held on 29 November 2011 to consider the following matter:

Item 1 Setting of Meeting Dates - 2012

BACKGROUND

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

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

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

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

The Committee was re-established by the Council at its Special Meeting held on 3 November 2011 (JSC2-11/11 refers) with the following terms of reference:

- 1 Make recommendations to Council on the development and review of Council and City policies to identify the direction of Council;
- 2 Initiate and request the formulation and drafting of both Council and City policies;
- 3 Devise and oversee the method of development (level and manner of community consultation) for the development of Council and City policies; and
- 4 Review the Council Policy Framework in order to ensure compliance with the provisions of the Local Government Act 1995.

DETAILS

Issues and options considered:

The Motion carried at the Policy Committee meeting held on 29 November 2011 is shown below, together with officer's comment:

Item 1 Setting of Meeting Dates - 2012

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

"That the Policy Committee CONSIDERS the Committee's meeting dates for 2012."

The following motion was carried:

"That the Policy Committee ADOPTS the following meeting dates for 2012:

- 1 *Monday, 6 February 2012, commencing at 6.00 pm;*
- 2 *Monday, 7 May 2012, commencing at 6.00 pm;*
- 3 *Monday, 6 August 2012, commencing at 7.00 pm; and*
- 4 *Monday, 12 November 2012, commencing at 6.00 pm."*

Officer's Comment

No further comment required.

REQUESTS FOR REPORTS FOR FUTURE CONSIDERATION

Solar Electric Panels

Cr Hollywood requested a report in relation to the placement of solar electric panels on roofs of residences.

Currently there is no policy in place that would determine the best place for the positioning of such panels.

Officer's Comment

A report will be prepared for the May Policy Committee Meeting.

Elected Member Allowances

Mayor Pickard requested a report in relation to Elected Members Allowances, specifically in relation to the provision of IT equipment and consideration of access to leisure facilities.

It was suggested the City investigates a policy in light of the current Bill before the Parliament and subsequent specified regulations to be gazetted.

Officer's Comment

A report was prepared for the February Policy Committee on a review of the Elected Members Allowances Policy. This is a result of an overall review of the City's Policy Manual recently completed. The matters of IT equipment and access to leisure facilities were also incorporated into the report.

Telecommunications Facilities

Cr Norman requested a report on Telecommunication facilities.

The Chief Executive Officer advised he had initiated a review of the policy as a result of the decision at the Council meeting held on 22 November 2011.

Officer's Comment

A report is being prepared for the Policy Committee on a review of City Policy – Telecommunications Facilities, to provide greater clarity with respect to the definition of the term "vicinity" (CJ204-11/11 refers).

Legislation/Strategic Plan/Policy Implications:

Legislation: Not Applicable.

Strategic Plan:

Key Focus Area: Leadership and Governance

Objective: To lead and manage the City effectively.

Policy:

As detailed in this Report.

Risk Management Considerations:

Not Applicable.

Financial/Budget Implications:

Not Applicable.

Regional Significance:

Not Applicable.

Sustainability Implications:

Not Applicable.

Consultation:

Not Applicable.

COMMENT

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

VOTING REQUIREMENTS

Simple Majority.

MOVED Cr Amphlett, SECONDED Cr Ritchie that Council:**1 NOTES:**

1.1 the unconfirmed minutes of the Policy Committee meeting held on 29 November 2011, forming Attachment 1 to Report CJ009-02/12;

1.2 the following meeting dates scheduled for the Policy Committee in 2012:

1.2.1 Monday, 6 February 2012, commencing at 6.00 pm;

1.2.2 Monday, 7 May 2012, commencing at 6.00 pm;

1.2.3 Monday, 6 August 2012, commencing at 7.00 pm; and

1.2.4 Monday, 12 November 2012, commencing at 6.00 pm,

1.3 that a report was prepared for the Policy Committee on a review of the Elected Members Allowances Policy and the matters of IT equipment and access to leisure facilities were incorporated into the Report;

1.4 that a report is being prepared for the Policy Committee on a review of City Policy – Telecommunications Facilities, to provide greater clarity with respect to the definition of the term “vicinity” (CJ204-11/11 refers);

2 REQUESTS the Chief Executive Officer to provide a report on the placement of solar electric panels on roofs of residences.

The Motion was Put and CARRIED (13/0) by En Bloc Resolution prior to consideration of Report of the Chief Executive Officer, Page 141 refers.

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

Appendix 8 refers

To access this attachment on electronic document, click here: [Attach8brf140212.pdf](#)

CJ010-02/12 ANNUAL PLAN QUARTERLY PROGRESS REPORT FOR THE PERIOD 1 OCTOBER - 31 DECEMBER 2011

WARD:	All
RESPONSIBLE DIRECTOR:	Mr Jamie Parry Governance and Strategy
FILE NUMBER:	20560, 101515
ATTACHMENTS:	Attachment 1 Annual Plan Quarterly Progress Report for the period 1 October – 31 December 2011 Attachment 2 Capital Works Overview Report for the period 1 October – 31 December 2011

PURPOSE

To present the Annual Plan Quarterly Progress Report for the period 1 October – 31 December 2011.

EXECUTIVE SUMMARY

The Annual Plan contains the major projects and priorities which the City proposes to deliver in the 2011-2012 financial year.

The Annual Plan Quarterly Progress Report provides information on the progress of projects and programs documented in the Annual Plan 2011-2012. The Annual Plan Quarterly Progress Report for the period 1 October – 31 December 2011 is shown as Attachment 1 to this Report.

A Capital Works Overview Report, which details all projects within the Capital Works Program, is provided as Attachment 2 to this Report.

It is recommended that Council RECEIVES the:

- 1 Annual Plan Quarterly Progress Report for the period 1 October – 31 December 2011, which is shown as Attachment 1 to Report CJ010-02/12; and*
- 2 The Capital Works Overview Report for the period 1 October – 31 December 2011, which is shown as Attachment 2 to Report CJ010-02/12.*

BACKGROUND

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

The City's Annual Plan and quarterly reports are in line with the new Integrated Planning Framework introduced by the Department of Local Government in October 2010 which requires planning and reporting on local government activities.

DETAILS**Issues and options considered:**

The Annual Plan contains a brief description of the key projects and programs that the City proposes to deliver in the 2011-2012 financial year. Milestones are set for the key projects and programs to be delivered in each quarter.

The Quarterly Progress Report provides information on progress against the milestones and a commentary is provided against each milestone to provide further information on progress, or to provide an explanation where the milestone has not been achieved.

The milestones being reported this quarter are the shaded sections of Attachment 1.

Legislation/Strategic Plan/Policy Implications:

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

This Act is intended to result in:

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

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:

In accordance with the Communications Policy the Council recognises and acknowledges the importance of consistent, clear communications and access to information for its stakeholders.

Risk Management Considerations:

The Quarterly Progress Reports against the Annual Plan provide a mechanism for tracking progress against milestones for major projects and programs.

Financial/Budget Implications:

All projects and programs in the Annual Plan 2011-2012 have been included in the 2011/12 Budget.

Sustainability Implications:

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

Regional Significance:

Not Applicable.

Consultation:

Not Applicable.

COMMENT

The Annual Plan 2011-2012 was received by Council at its meeting on 16 August 2011 (CJ146-08/11 refers).

A detailed report on progress of the Capital Works Program has been included with the Annual Plan Quarterly Progress Report. This Report provides an overview of progress against all of the projects and programs in the 2011-2012 Capital Works Program.

The Capital Works Overview Report includes a column which prescribes the *percent completed on site* and comments regarding the progress of projects.

VOTING REQUIREMENTS

Simple Majority.

MOVED Cr Amphlett, SECONDED Cr Ritchie that Council RECEIVES the:

- 1 **Annual Plan Quarterly Progress Report for the period 1 October – 31 December 2011, which is shown as Attachment 1 to Report CJ010-02/12; and**
- 2 **Capital Works Overview Report for the period 1 October – 31 December 2011, which is shown as Attachment 2 to Report CJ010-02/12.**

The Motion was Put and CARRIED (13/0) by En Bloc Resolution prior to consideration of Report of the Chief Executive Officer, Page 141 refers.

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

Appendix 9 refers

To access this attachment on electronic document, click here: [Attach9brf140212.pdf](#)

The Director Planning and Development left the Chamber at 8.48 pm and entered the Chamber at 8.51 pm.

The Manager Community Development and Library Services left the Chamber at 8.51 pm.

CJ011-02/12 MINUTES OF THE ANNUAL GENERAL MEETING OF ELECTORS HELD ON TUESDAY, 6 DECEMBER 2011

WARD: All

RESPONSIBLE DIRECTOR: Mr Jamie Parry
Governance and Strategy

FILE NUMBER: 82623, 42503, 101515

ATTACHMENTS: Attachment 1 Minutes of Annual General Meeting of Electors held on 6 December 2011

PURPOSE

For Council to note the Minutes of the Annual General Meeting of Electors held on 6 December 2011 and to give consideration to the motions carried at that meeting.

EXECUTIVE SUMMARY

The Annual General Meeting of Electors of the City of Joondalup was held on 6 December 2011 in accordance with Section 5.27 of the *Local Government Act 1995* (the Act). Section 5.33(1) of the Act requires that all decisions made at an Electors' Meeting if practicable are to be considered at the next Ordinary Meeting of Council.

BACKGROUND

The City's Annual General Meeting of Electors was held on 6 December 2011 in accordance with Section 5.27 of the *Local Government Act 1995*. The meeting was attended by 34 members of the public, with a total of six motions carried at the meeting.

Decisions made by electors at an Electors' Meeting are the recommendations of those electors present, on the matters discussed and considered at the meeting. As with recommendations made at Committee Meetings, they are not binding on the Council, however, the Council are required to consider them.

DETAILS**Issues and options considered:**

The Motions passed at the Annual General Meeting of Electors are set out below:

MOTION NO 1

MOVED Ms D Squires, 19 Newington Place, Kingsley, SECONDED Ms S Neal of 23 Shepherds Bush Drive, Kingsley that Lot 971 (52) Creaney Drive, Kingsley not be sold but to be retained practically in its natural forest state and with only minor changes, becomes a sculpture park to become complimentary to Kingsley Park therefore retaining its current zoning of cultural and civic.

Officer's comment

At its meeting held on 20 September 2011, Council supported the recommendation of the Strategic Financial Management Committee to initiate an Amendment to District Planning Scheme No 2 to rezone Lot 971 from 'Civic and Cultural' to 'Commercial and Residential/R40; (Restricted Use – Aged Persons Housing)' and where possible, the existing grass trees be relocated and trees offset to alternate locations throughout the City (Item CJ171-09/11 refers). The City is currently investigating the appropriate mix between Commercial and Residential/R40; (Restricted Use – Aged Persons Housing) zoning before submitting an amendment proposal to the Council for consideration.

At its meeting held on 11 October 2011, the Council received a 602 signature petition requesting that Council considers retaining Lot 971 (52) Creaney Drive, Kingsley, practically in its natural state which, with only minor changes, could become a sculpture park. A further report will be presented to the Council addressing the matters raised in the petition.

Officer's recommendation

That Council:

- 1 *NOTES its resolution of 20 September 2011 (Item CJ171-09/11 refers) supporting the recommendation from the Strategic Financial Management Committee to amend District Planning Scheme No 2 to rezone the land at Lot 971 (52) Creaney Drive, Kingsley from 'Civic and Cultural' to 'Commercial and Residential/R40; (Restricted Use – Aged Persons Housing)';*
- 2 *NOTES a further report will be presented to the Council addressing the matters raised in the petition tabled at the Council meeting held on 11 October 2011 to retain Lot 971 (52) Creaney Drive, Kingsley for the purposes of a sculpture park.*

MOTION NO 2

MOVED Mr R Poliwka, 501/17 Davidson Terrace, Joondalup, SECONDED Mr P Filing, 17 Thornbill Meander, Joondalup, that the City provides the information regarding its expenditure on goods and services highlighting those items which are purchased outside its boundaries.

Officer's comment

The City is able to provide information on the purchases of goods and services from outside its boundaries, subject to the following qualifications:

- The only way that a purchase can be determined to be from outside the City boundaries is by the mailing address of the business held by the City, which may or may not be the same as its operating location;
- Goods and services included are those in the City's purchasing catalogues. That is, those the subject of contracts and some regularly purchased items that are based on fixed quotations. Those purchased on an ad-hoc basis cannot be included because every individual purchase would need to be separately listed and there are too many to do so.

It should be noted that the City proposes to conduct a 'buy local' forum in 2011/12 aimed at informing local businesses of opportunities to undertake business with government entities in the district.

Officer's recommendation

That Council:

- 1 *REQUESTS the Chief Executive Officer provide a report regarding the City of Joondalup's expenditure on goods and services highlighting those items which are purchased outside its boundaries and identifying any qualifications applicable to the information included in the report;*
- 2 *NOTES that the Chief Executive Officer has already initiated a forum on 'buy local' opportunities for local businesses to do business with government entities in 2011/12.*

MOTION NO 3

MOVED Mr R Poliwka, 501/17 Davidson Terrace, Joondalup, SECONDED Mr P Filing, 17 Thornbill Meander, Joondalup, that the City implements an exemption for the first hour of parking in the metered areas of the CBD Joondalup.

Officer's comment

It appears that this is suggested as a way of encouraging more visitors and customers to the CBD and in particular those that only require a short stay.

There is no evidence to suggest that the current requirement to pay for all of the time that a person needs to park is discouraging people from coming to the Joondalup CBD, quite the opposite. Car park utilisation is growing when comparing 2009/10 to 2010/11. This is despite new parking bays being added to the stock with car parks at the corner of Reid Promenade and Davidson Terrace, Wise Street and Central Park which have added 141 public parking bays.

With the first hour free enforcement of the parking restrictions would become much more difficult as there would be a financial incentive to keep feeding the meter for a one hour free parking ticket and attempting to stay longer without paying at all. This could potentially reduce the turnover and hence availability of short term parking bays for visitors and customers.

The first hour of free parking will not increase the patronage by those many hundreds of car parkers who are already paying to regularly park in the Joondalup CBD whether short term or long term.

Officer's recommendation

That Council DOES NOT implement an exemption from payment for the first hour of metered parking in the metered areas of the Joondalup CBD.

MOTION NO 4

MOVED Mr R Poliwka, 501/17 Davidson Terrace, Joondalup, SECONDED Mr P Filing, 17 Thornbill Meander, Joondalup, that the City of Joondalup be restricted in its rate increase to no more than the CPI (Perth All Ordinaries) Index.

Officer's comment

The issue with linking Local Government rate increases to CPI is that CPI is not a measure of the cost movements that a Local Government is incurring. The ABS describes the CPI as "It is designed to provide a general measure of price inflation for the Australian household sector as a whole".

The elements of CPI are food and non-alcoholic beverages, alcohol and tobacco, clothing and footwear, housing, furnishings household equipment and services, health, transport, communication, recreation and culture, education, insurance and financial services. Few of these have significance for Local Government. The real cost drivers for Local Government are road and bridge construction, non-residential building construction, utility charges, salaries and wages and machinery and equipment.

In terms of the long term economic and financial management of the City linking rate increases to CPI is not prudent or sustainable.

Officer's recommendation

That Council DOES NOT restrict rate increases to the CPI (Perth All Ordinaries) Index.

MOTION NO 5

MOVED Mr M O'Brien, 45 Aberdare Way, Warwick, SECONDED Mr M Sideris, 12 Page Drive, Mullaloo, that the City of Joondalup Council be requested to make use of Section 66 of the Waste Avoidance, Resource and Recovery Act 2007 for the 2012/13 Budget Year.

Officer's comment

There are a number of options for local governments to recover the costs of providing domestic waste collection. Section 66 of the *Waste Avoidance, Resource and Recovery Act 2007* referred to in the motion enables a local government to set a rate for waste based on a rate in the dollar and the property valuation. The City of Joondalup's practice has been to set a charge per bin or receptacle. This is provided for under section 67 of the *Waste Avoidance, Resource and Recovery Act 2007*.

The City's view has been that domestic waste collection is a discrete service which can be separately costed and should be charged on a user pays basis. Each user should pay the same charge for receiving the same level of service.

If domestic waste collection were charged for under the provisions of section 66 of the *Waste Avoidance, Resource and Recovery Act 2007* users would pay a charge based on their property value which bears no relationship to the service that they receive.

One of the arguments for using this approach is that as a rate, entitled pensioners and seniors could claim a government rebate in relation to the waste charge which they cannot do if section 67 of the *Waste Avoidance, Resource and Recovery Act 2007* is used. The City believes that this situation is an anomaly and that rather than changing the method of charging for waste to one that is not appropriate, the rebate scheme for entitled pensioners and seniors as provided for in the *Rates and Charges (Rebates and Deferrals) Act 1992* should be extended to waste charges regardless of how the waste is charged for. The City has consistently lobbied and argued for this position.

Officer's recommendation

That Council DOES NOT use section 66 of the Waste Avoidance, Resource and Recovery Act 2007 for the 2012/13 Budget Year as the basis for determining waste services charges and continues to charge for waste on a per bin or receptacle basis as provided for in section 67 of the Waste Avoidance, Resource and Recovery Act 2007.

MOTION NO 6

MOVED Mr R Repke, 1 Pittwater Close, Kallaroo, SECONDED Mrs M Macdonald, 5 Mair Place, Mullaloo, that the announcement for the Annual General Meeting of Electors is placed three weeks prior to the event on the City's website and that the announcement has to include the Annual Report and the starting time to be set for 7.00 pm.

Officer's comment

At its meeting held on 11 October 2011 (CJ180-10/11 refers), the Council adopted the 2010-2011 Annual Report and set the meeting date for the Annual General Meeting of Electors, being Tuesday, 6 December 2011, commencing at 5.30 pm. The Annual Report has been available for inspection and review on the City's website since that Council meeting and readily available.

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 annual report is accepted by the Council. Section 5.29 of the *Local Government Act 1995* requires the Chief Executive Officer to give 14 days public notice of the date, time, place and purpose of the Annual General Meeting of Electors, being discussion on the Annual Report and then any other general business.

The date, time and place of the Annual General Meeting of Electors are set by the Council at the time the Annual Report is adopted, in consideration of other meeting and events that may be occurring around the time. For the recently held Annual General Meeting of Electors, a 5.30 pm meeting start time was set due to a Council Briefing Session being held on the same day.

A public notice was advertised in the community newspapers on the 17 November 2011 and 1 December 2011 and notices were also placed on the City's website and on the notice boards of the City's libraries. The notice included information where the Annual Report and Financial Statements could be viewed on the City's website or by contacting the Administration Centre.

The City has complied with the requirements of the *Local Government Act 1995* in respect of the Annual General Meeting of Electors, and in this instance gave just under three weeks' notice of the date, time and place of the meeting. Notwithstanding, the City will review whether improvements to notification and viewing of the Annual Report and Financial Statements for the community can be implemented for future Annual General Meetings of Electors.

Officer's recommendation

That Council NOTES the date, time and place of the Annual General Meeting of Electors is set by the Council and publicised in accordance with the provisions of the Local Government Act 1995.

Legislation/Strategic Plan/Policy Implications:

Legislation: Section 5.33 of the Local Government Act 1995 states:

Decisions made at Electors' Meetings

- 5.33 (1) *All decisions made at an Electors' Meeting are to be considered by the Council at the next ordinary council meeting or, if this is not practicable –*
- (a) *at the first ordinary council meeting after that meeting; or*
 - (b) *at a special meeting called for that purpose,*
whichever happens first.
- (2) *If at a meeting of the Council a local government makes a decision in response to a decision made at an Electors' Meeting, the reasons for the decision are to be recorded in the minutes of the Council Meeting.*

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 failure to consider the decisions made at the Annual General Meeting of Electors will mean that the City has not complied with Section 5.33 of the *Local Government Act 1995*.

Financial/Budget Implications:

Not Applicable.

Regional Significance:

Not Applicable.

Sustainability Implications:

Not Applicable.

Consultation:

Not Applicable.

COMMENT

The motions carried at the Annual General Meeting of Electors held on 6 December 2011 are presented to the Council in accordance with the requirements of the legislation.

VOTING REQUIREMENTS

Simple Majority.

MOVED Cr Corr, SECONDED Cr Amphlett that Council:

- 1 NOTES the Minutes of the Annual General Meeting of Electors held on 6 December 2011 forming Attachment 1 to Report CJ011-02/12;**
- 2 In relation to Motion No 1 carried at the Annual General Meeting of Electors:**
 - 2.1 NOTES its resolution of 20 September 2011 (Item CJ171-09/11 refers) supporting the recommendation from the Strategic Financial Management Committee to amend District Planning Scheme No 2 to rezone the land at Lot 971 (52) Creaney Drive, Kingsley from 'Civic and Cultural' to 'Commercial and Residential/R40; (Restricted Use – Aged Persons Housing)'; and**
 - 2.2 NOTES a further report will be presented to the Council addressing the matters raised in the petition tabled at the Council meeting held on 11 October 2011 to retain Lot 971 (52) Creaney Drive, Kingsley for the purposes of a sculpture park;**
- 3 In relation to Motion No 2 carried at the Annual General Meeting of Electors:**
 - 3.1 REQUESTS the Chief Executive Officer provide a report regarding the City of Joondalup's expenditure on goods and services highlighting those items which are purchased outside its boundaries and identifying any qualifications applicable to the information included in the Report;**
 - 3.2 NOTES that the Chief Executive Officer has already initiated a forum on 'buy local' opportunities for local businesses to do business with government entities in 2011/12;**
- 4 In relation to Motion No 3 carried at the Annual General Meeting of Electors, DOES NOT implement an exemption from payment for the first hour of metered parking in the metered areas of the Joondalup CBD;**
- 5 In relation to Motion No 4 carried at the Annual General Meeting of Electors, DOES NOT restrict rate increases to the CPI (Perth All Ordinaries) Index;**
- 6 In relation to Motion No 5 carried at the Annual General Meeting of Electors, DOES NOT make use of Section 66 of the Waste Avoidance, Resource and Recovery Act 2007 for the 2012/13 Budget Year as a basis for determining waste services charges and continues to charge for waste on a per bin or receptacle basis as provided for in section 67 of the Waste Avoidance, Resource and Recovery Act 2007; and**

- 7 In relation to Motion No 6 carried at the Annual General Meeting of Electors NOTES the date, time and place of the Annual General Meeting of Electors is set by the Council and publicised in accordance with the provisions of the Local Government Act 1995.**

The Motion was Put and

CARRIED (13/0)

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

Appendix 10 refers

To access this attachment on electronic document, click here: [Attach10brf140212.pdf](#)

CJ012-02/12 MINUTES OF EXTERNAL COMMITTEES

WARD:	All
RESPONSIBLE DIRECTOR:	Mr Jamie Parry Governance and Strategy
FILE NUMBER:	60514, 00033, 03149, 101515
ATTACHMENTS:	Attachment 1 Minutes of the WA Local Government Association (North Metropolitan Zone) meeting held on 1 December 2011. Attachment 2 Minutes of the WA Local Government Association State Council meeting held on 7 December 2011. Attachment 3 Minutes of the Mindarie Regional Council – Ordinary Council Meeting held on 8 December 2011. Attachment 4 Minutes of the WA Local Government Association (North Metropolitan Zone) Special Meeting held on 24 January 2012. Attachment 5 Minutes of the WA Local Government Association Special Meeting of State Council held on 30 January 2012.

(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 WA Local Government Association (North Metropolitan Zone) held on 1 December 2011.
- Ordinary Meeting of the WA Local Government Association State Council held on 7 December 2011.
- Ordinary Meeting of the Mindarie Regional Council held on 8 December 2011.
- Special Meeting of the WA Local Government Association (North Metropolitan Zone) held on 24 January 2012.
- Special Meeting of the WA Local Government Association State Council held on 30 January 2012.

DETAILS

A meeting of the WA Local Government Association (WALGA) (North Metropolitan Zone) was held on 1 December 2011.

The Council's representatives on the WALGA (North Metropolitan Zone) are Cr Geoff Amphlett JP, Cr Russ Fishwick, Cr Mike Norman and Cr Christine Hamilton-Prime.

For the information of Council, the following matters of interest to the City of Joondalup were resolved at the WALGA (North Metropolitan Zone) meeting:

6.1 Request Increase in Dog Registration Fees

It was resolved by the WALGA (North Metropolitan Zone) as follows:

- “1 That the North Metropolitan Zone request that the Western Australian Local Government Association apply to the Minister for Local Government to increase dog registration fees to a more realistic level.
- 2 That the North Metropolitan Zone strongly supports an increase in the penalties for unregistered dogs.”

At the WALGA State Council meeting of 7 December 2011, it was resolved that this resolution be referred to the appropriate policy area for consideration.

6.2 Municipal Solid Waste Management

It was resolved by the WALGA (North Metropolitan Zone) as follows:

“That the North Metropolitan Zone Committee recommend to the WALGA State Council that it give consideration to advocating to the State Government that it assist local governments with Municipal Solid Waste management issues and provide support in consideration of:

- 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;*
- 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;*
- 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%.”*

At the City of Joondalup Council meeting held on 11 October 2011 (CJ198-10/11 refers), Council considered the issue of Municipal Solid Waste management and requested the Mayor write to the Premier and the Minister for Environment encouraging the State Government to assist local governments with Municipal Solid Waste management issues and to provide appropriate support.

At the WALGA State Council meeting of 7 December 2011, it was resolved that this resolution be referred to the appropriate policy area for consideration.

9.1 Metropolitan Local Government Review – Special Meeting

As per the State Council Agenda for the Western Australian Local Government Association - Item 5.1, a Special State Council meeting will be held on 30 January 2012. Accordingly, a meeting of the North Metropolitan Zone is required to be held prior to this date.

It was resolved by the WALGA (North Metropolitan Zone) as follows:

“That a Special Meeting of the North Metropolitan Zone be held on Tuesday, 24 January 2012 at the City of Stirling commencing at 6 pm.”

At the City of Joondalup Council meeting held on 13 December 2011 (CJ248-12/11 refers), Council considered the issue of local government reform and approved the Chief Executive Officer providing the City’s submission to the Metropolitan Local Government Review Panel on its Metropolitan Local Government Review Panel Issues Paper.

WA Local Government Association State Council held on 7 December 2011.

A meeting of the WALGA State Council was held on 7 December 2011.

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

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

5.4 Review of State Planning Policy 3.1 – Residential Design Codes (R-Codes)

It was resolved by WALGA State Council as follows:

“That:

- 1 The interim submission to the WA Planning Commission on the review of State Planning policy 3.1 – residential Design Codes (R-Codes) is endorsed;*
- 2 Further consultation with the local government sector be undertaken by State Government, in regard to any further changes to the R-Codes following the close of the public comment period; and*
- 3 A second draft of the R-Codes be prepared by the Department of Planning for consultation with stakeholders, prior to the document being formally considered for final approval by the WA Planning Commission and Minister for Planning.”*

Council gave consideration to the consultation paper released for public comment by the Department of Planning relating to a review of the Residential Design Codes of Western Australia (R-Codes), at its meeting held on 16 August 2011 (Item CJ140-08/11 refers).

6.1 Constitutional Recognition

It was resolved by WALGA State Council as follows:

“That the submission to the Expert Panel on the Constitutional Recognition of Local Government be noted”.

Council at its meeting held on 11 October 2011 (Item CJ186-10/11 refers) approved the Chief Executive Officer providing a submission to the *Expert Panel on Constitutional Recognition of Local Government* (EPCRLG) in response to its recently released discussion paper.

The Council has on two occasions (CJ115-07/08 and CJ043-03/11 refer), 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.

Mindarie Regional Council Ordinary Council Meeting – 8 December 2011

An ordinary meeting of the Mindarie Regional Council (MRC) was held on 8 December 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:

10.1 Business Information Report

It was resolved by the MRC as follows:

“The Business Information Report be received for the period to 31 October 2011.”

10.2 City of Stirling Withdrawal

It was resolved by the MRC as follows:

“That:

- 1 *A Working Group comprising the Mindarie Regional Council Chairman and Chief Executive Officer, and the participant local government mayors and/or their elected representatives, be established to consider options for the membership, structure and the operations of the Mindarie Regional Council.*
- 2 *The City of Stirling be requested to seek from the Hon. Minister for Local Government a further 3 months' extension to their current withdrawal request from the Mindarie Regional Council.*
- 3 *The Working Group deliberations include all options, including progressing the withdrawal of the City of Stirling from the Mindarie Regional Council.”*

At the City of Joondalup Council meeting held on 13 December 2011 (CJ249-12/11 refers), Council considered a confidential matter in relation to the City of Stirling Withdrawal from the Mindarie Regional Council, supporting part 1 above of the MRC resolution and approving the mayor as the City of Joondalup representative on the Working Group.

10.3 City of Stirling Request for Extension of Exemption to Dispose of Waste to MRC Facilities

It was resolved by the MRC as follows:

“That the application from the City of Stirling for an extension to be exempted from the obligation to deliver waste to MRC facilities for a further six (6) months until 30 June 2012 or until the withdrawal has been finalised, whichever is the sooner, be approved on the condition that MRC fees and charges applicable to casual and commercial users will continue to apply to any waste delivered by the City of Stirling during the exemption period.”

WA Local Government Association (North Metropolitan Zone) Special Meeting held on 24 January 2012.

A Special Meeting of the WALGA (North Metropolitan Zone) was held on 24 January 2012.

The Council's representatives on the WALGA (North Metropolitan Zone) are Cr Geoff Amphlett JP, Cr Russ Fishwick, Cr Mike Norman and Cr Christine Hamilton-Prime.

For the information of Council, the following matter of interest to the City of Joondalup was resolved at the WALGA (North Metropolitan Zone) meeting:

2.1 Metropolitan Local Government Review

WALGA delegates provided an overview of the proposed submission on Metropolitan Local Government Reform and the WALGA State Council resolved as follows:

“That the Association's submission to the Metropolitan Local Government Review Panel be endorsed, subject to the following amendments;

1. *Deletion of the second (2nd) bullet point of recommendation 11 and replace it with;*

“Establishment of Regional Service Providers to undertake Regional Service Delivery on a voluntary basis.”
2. *In Bullet point one (1) of recommendation 11 delete the following after the words Directions 2031;*

“activity centres including the capital city, strategic metropolitan centres, and some specialist and secondary centres.”
3. *In recommendation 12 add the word “made” following “is” on the first line of the recommendation.*

WA Local Government Association Special Meeting of State Council held on 30 January 2012.

A Special Meeting of the WALGA State Council was held on 30 January 2012.

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

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

3.1 Metropolitan Local government Review

It was resolved by WALGA State Council as follows:

“That the Association’s submission to the Metropolitan Local Government Review Panel be endorsed subject to a number of conditions.

(Refer to Attachment 5 - Minutes of the WA Local Government Association Special Meeting of State Council held on 30 January 2012.)

Legislation/Strategic Plan/Policy Implications:**Legislation:**

Not Applicable.

Strategic Plan:

Not Applicable.

Policy:

Not Applicable.

Risk Management Considerations:

Not Applicable.

Financial/Budget Implications:

Not Applicable.

Regional Significance:

Not Applicable.

Sustainability Implications:

Not Applicable.

Consultation:

Not Applicable.

VOTING REQUIREMENTS

Simple Majority.

MOVED Cr Amphlett, **SECONDED** Cr Ritchie that Council **NOTES** the Minutes of the:

- 1 **WA Local Government Association (North Metropolitan Zone) meeting held on 1 December 2011 forming Attachment 1 to Report CJ012-02/12;**
- 2 **WA Local Government Association State Council meeting held on 7 December 2011 forming Attachment 2 to Report CJ012-02/12;**
- 3 **Mindarie Regional Council – Ordinary Council meeting held on 8 December 2011 forming Attachment 3 to Report CJ012-02/12;**
- 4 **WA Local Government Association (North Metropolitan Zone) Special Meeting held on 24 January 2012 forming Attachment 4 to Report CJ012-02/12; and**
- 5 **WA Local Government Association Special Meeting of State Council held on 30 January 2012 forming Attachment 5 to Report CJ012-02/12.**

The Motion was Put and CARRIED (13/0) by En Bloc Resolution prior to consideration of Report of the Chief Executive Officer, Page 141 refers.

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

To access this attachment on electronic document, click here: [externalminutes140212.pdf](#)

Disclosure of interest affecting impartiality

Name/Position	Cr Mike Norman
Item No/Subject	CJ013-02/12 – City of Joondalup International Biodiversity Conference
Nature of interest	Interest that may affect impartiality.
Extent of Interest	Cr Norman is Chairman of the Joondalup Community Coast Care Forum and the Coordinator of three Friends' Groups.

**CJ013-02/12 CITY OF JOONDALUP INTERNATIONAL
BIODIVERSITY CONFERENCE**

WARD: All

RESPONSIBLE DIRECTOR: Mr Jamie Parry
Governance and Strategy

FILE NUMBER: 24597, 101515

ATTACHMENTS: Nil.

PURPOSE

To seek Council's endorsement to present ICLEI Local Governments for Sustainability (ICLEI) Africa with an Expression of Interest to partner in the delivery of an International Biodiversity Conference within the City of Joondalup during the 2012/13 Financial Year.

EXECUTIVE SUMMARY

The City joined the ICLEI Local Action for Biodiversity (LAB) Program, now known as the BiodiverCities Program, in 2006. As part of the City's involvement in the BiodiverCities Program an opportunity has arisen for the City to host an International Biodiversity Conference that would focus on local biodiversity planning and the alignment of national, state and local priorities. The Conference would also provide an opportunity to engage with key stakeholders involved in planning for the protection of local biodiversity within urban environments.

Hosting an event such as the Biodiversity Conference could lead to a number of potential benefits for the City of Joondalup including the ability to showcase the City and the work that has been completed within the area of biodiversity conservation since joining the LAB Pioneer Program in 2006.

The development and implementation of a Biodiversity Conference that would attract attendance of international delegates requires a significant amount of research and organisation in order to ensure that the event is to the standard expected at the international level. The planning and facilitation of the Conference would require the skills and expertise of a professional event planner and assistance from two additional staff on a full time basis for a period of six months including pre and post event activities.

It is proposed that the event be staged in 2012/13 to enable sufficient time for the City to adequately plan for the event, seek grant funding opportunities and establish partnerships in order to deliver a Conference that is of a high standard and is able to attract international delegates and quality presenters and speakers.

BACKGROUND

In October 2006 the City of Joondalup joined the ICLEI Local Action for Biodiversity (LAB) Program, now known as the BiodiverCities Program, as one of twenty one Pioneering Cities. The BiodiverCities Program is facilitated globally by ICLEI Africa.

Through participation in this Project the City developed a comprehensive Biodiversity Report and established five “on the ground” biodiversity related projects. The City is currently progressing through the Local Action for Biodiversity Climate Change Project which focuses on strengthening the links between biodiversity management and climate change at the local level.

Participation in the Program includes the development of a Biodiversity and Climate Change Report which will assist the City to identify local risks of climate change within the City. The Program also focuses on utilising community education and public awareness initiatives to promote the importance of biodiversity and climate change within the community.

In February 2011, the Chief Executive Officer and Mayor Troy Pickard attended the LAB International Technical Workshop in Bergvliet, South Africa. The workshop provided the opportunity for participants of the LAB Program to share information on best practice within the areas of biodiversity conservation and management. As part of the Workshop the City provided an update on the work that is being undertaken in the area of climate change and biodiversity.

In June 2011, Mayor Troy Pickard was appointed to the International Advisory Committee for the Local Action for Biodiversity Program. Mayor Pickard is the representative for the Australasian region, in the capacity of Mayor of the City of Joondalup, the President of the Western Australian Local Government Association and the Vice President of the Australian Local Government Association.

As part of the City’s involvement in the BiodiverCities Program and its International Advisory Committee an opportunity has arisen for the City to partner with ICLEI Africa to host an International Biodiversity Conference that would focus on local biodiversity planning and aligning of national, state and local priorities. The conference could also serve as an opportunity to engage with key stakeholder groups involved in planning for the protection of local biodiversity within urban environments.

DETAILS

Hosting an International Biodiversity Conference would lead to a number of potential benefits for the City of Joondalup including the ability to showcase the City and the work that has been completed within the area of biodiversity conservation since joining the LAB Pioneer Program in 2006. The event could include key note speakers, seminars, workshops and site visits focused on improving local biodiversity conservation, integration of biodiversity outcomes into land use planning and promoting the alignment of biodiversity outcomes at the national, state and local levels.

Participants may include representatives from cities participating in the BiodiverCities Program, ICLEI and the Program partners including the Secretariat for the Convention of Biological Diversity (SCBD). Representatives from the Commonwealth, Western Australian State and Local Governments could also be invited to attend the Conference.

The development and implementation of a Biodiversity Conference that would attract attendance of international delegates requires a large amount of research and organisation in order to ensure that the event is to the standard expected at the international level. The organisation of the event would also require the skills and expertise of a professional event planner, as resources required are unavailable in house due to the time required to plan an event of this scale. The cost associated with holding an event of this type also needs to be considered as no budget allocated has been made in existing City Budgets.

The City has sought information from ICLEI relating to events that the organisation has developed and hosted which would be of a similar scale to the event being proposed. Based on the information obtained from ICLEI the event would require the services of a professional event planner with assistance from two additional staff on a full time basis for a period of six months including pre and post event. The pre event organisation would require significant resources and would include identifying key note speakers, organising venues, travel, and preparation of the programme and inviting delegates. During the event additional resources would be required to assist with facilitation, logistics and delegate liaison. The post event activities involve preparation of the Conference Report incorporating key messages and outcomes and streamlining any decisions or actions into projects or processes.

A number of high level events relating to biodiversity conservation, environmental planning and sustainable development are being held during 2012. The most significant being the Rio+20 Earth Summit being held in Brazil from 20-22 June. A number of events are also being held to coincide with the Earth Summit including the ICLEI World Congress 2012 being held in Brazil from 14 to 18 June 2012 and the Urban Nature Symposium from 13-15 June which is also being held in Brazil. The Urban Nature Symposium will also serve as the next LAB Pioneer Workshop (similar to the Cape Town Workshop held in February 2011) which the City of Joondalup will be invited to attend. The Urban Nature Symposium event will also incorporate the next meeting of the BiodiverCities Advisory Committee.

Further events are planned for the remainder of 2012, including the World City Summit being held in Singapore from 1 to 4 July 2012 and the eleventh meeting of the Conference of the Parties (COP) to the Convention on Biological Diversity scheduled to take place in Hyderabad, India from 8-19 October 2012. It is therefore proposed that an International Biodiversity Conference, to be hosted by the City of Joondalup, be planned to take place in 2013 to ensure sufficient time is available to plan an event to international standards and to enable the City to learn from the events that are being held in 2012. The additional time to plan the event will also enable the City to promote the event in order to attract participants.

The main issues associated with the City hosting an International Conference relate to the timing, resources required, financial implications and the ability to attract delegates to attend the event given the number of high profile events being held during 2012.

Issues and options considered:

- 1 The City approaches ICLEI Africa with an Expression of Interest to develop and host an International Biodiversity Conference in 2011/12. Issues relating to this option include:
 - Organisation of the event will require the expertise of an external event planner. The City has not allocated funds in the 2011/12 Budget to cover the costs associated with the potential Conference.
 - It may also be difficult to attract delegates to attend the Conference in 2011/12 as a number of high level environmental events are being held in 2012.
 - Undertaking the organisation of an event in a short time frame may result in an event that is below international standards.

- 2 The City approaches ICLEI Africa with an Expression of Interest to develop and host an International Biodiversity Conference in 2012/13. Issues relating to this option include:
 - A greater amount of time being available to adequately plan the event, resulting in a higher level event that is more likely to attract attendance from international delegates.
 - The City will be able to learn from the experiences of biodiversity related events being held in 2012 which will assist in informing the development of a City of Joondalup Conference.

- Holding the event in 2012 will enable the City to seek financial assistance from the State and Federal Governments and apply for grant funding opportunities to subsidise the cost of the event.
 - Additional planning time will enable the City to develop partnerships with key stakeholders to assist in developing and implementing a Conference Program.
- 3 The City chooses not to hold an International Biodiversity Conference. Issues relating to this option include:
- The City will not have the opportunity to showcase Joondalup in situ and the work that the City has been undertaking in biodiversity planning and conservation since joining the LAB Program in 2006.
 - The City will not be required to allocate resources to the event.

Option 2 is the preferred option. This option will allow sufficient time for the City to adequately plan for the event, seek grant funding opportunities and establish partnerships in order to deliver a Conference that is of a high international standard.

Legislation/Strategic Plan/Policy Implications:

Legislation: Not Applicable.

Strategic Plan:

Key Focus Area: Natural Environment

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

Policy:

The outcomes of hosting an International Biodiversity Conference are consistent with the objectives within Council's Sustainability Statement Policy.

Risk Management Considerations:

A number of risks are associated with the City developing and hosting an International Biodiversity Conference including the significant resources required (including human and financial) associated with delivering an event of this scale. There is also a risk that the City may not be able to attract a suitable number of delegates to attend the Conference due to the large number of environmental, biodiversity and sustainable development events which are held globally each year.

The staging of a Conference in 2012/13 will provide the City with more time to properly plan the event, mitigating the above risks.

Financial/Budget Implications:

In order to develop and deliver a Conference to international standards a large amount of time and resources needs to be allocated to the planning and facilitation of the event. The City has sought information from ICLEI Africa relating to events that the organisation has developed and hosted which would be of a similar scale to the event being proposed. Based on the information obtained from ICLEI the event would require the services of a professional event planner with assistance from two additional staff on a full time basis for a period of six months including pre and post event activities.

The City does not have the resources available to allocate to the development and facilitation of an International Biodiversity Conference, therefore it is proposed that the above positions would be outsourced, at a cost to the City.

The City has sought advice from a professional event planner who has advised that based on 100 delegates attending the costs associated with the logistics and facilitation of an event of this type would be approximately \$60,000 including:

- Event management fees: \$15,000;
- Venue hire: \$10,000;
- Catering: \$15,000;
- Speaker fees and accommodation: \$8,000;
- Transportation: \$5,000; and
- Marketing and promotion: \$7,000.

Additional staff required for the event would cost approximately \$60,000. The total funds required to plan and host the Conference would be approximately \$120,000.

No allocation for this event has been made for a Conference in the City's 2011/12 Budget. Should it be supported, it is proposed that the funding required for the event be provided within the City's 2012/13 Budget. The City will investigate opportunities to apply for grant funding in order to reduce the cost of the event for the City.

There may be an opportunity for the City to recoup costs associated with the event through a conference registration fee, however further investigation is required. The City will also seek funding opportunities to assist with the costs of hosting the Conference.

Regional Significance:

Participation in the BiodiverCities Program enables the City to be a regional leader in promoting local action for the protection and conservation of biodiversity.

Hosting an International Biodiversity Project would enable the City to showcase the work that has been undertaken in the area of biodiversity conservation to local government, state government agencies and international stakeholders. The event will raise the profile of biodiversity protection and the importance of integrating planning for biodiversity protection at the local, state, national and international levels.

Sustainability Implications:

Conservation of biodiversity is fundamental to managing the City's local environment. The natural environment provides a number of services to the community including amenity, recreational opportunities, air quality improvement and cultural values.

Consultation:

Not Applicable.

COMMENT

Hosting an International Biodiversity Conference would enable to the City to showcase the local environment and the work that the City has undertaken to protect, conserve and enhance local biodiversity. The event could also focus on strengthening the relationship between the Federal, State and Local Government sectors in the planning and delivery of biodiversity related initiatives.

Preliminary discussions have taken place with the Western Australian Local Government Association and ICLEI Oceania with both organisations indicating support and assistance to the City in the delivery of the Biodiversity Conference.

A number of factors need to be considered to ensure that a potential International Biodiversity Conference is planned and delivered in a manner that would result in the event being of a high professional standard that would attract national and international participants. An adequate amount of time, resources and budget is required to be dedicated to planning of the initiative including discussions with key stakeholders to ascertain the level of support that would be available to the City in hosting an event such as this. It is therefore recommended that the City hosts an International Biodiversity Conference in the 2012/13 Financial Year.

VOTING REQUIREMENTS

Simple Majority.

MOVED Cr Norman, SECONDED Cr Chester that Council:

- 1 APPROVES the City presenting an Expression of Interest to ICLEI Africa to partner in the delivery of an International Biodiversity Conference in 2012/13;**
- 2 NOTES that the cost of the City hosting an International Biodiversity Conference would be approximately \$120,000; and**
- 3 NOTES that funds to host an International Biodiversity Conference will be required in the 2012/13 Budget.**

The Motion was Put and

CARRIED (13/0)

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

CJ014-02/12 FINANCIAL ACTIVITY STATEMENT FOR THE PERIOD ENDED 31 OCTOBER 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 October 2011

PURPOSE

The October 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 28 June 2011, (CJ115-06/11 refers). The figures in this Report are compared to the Adopted Budget figures.

The October 2011, Financial Activity Statement Report shows an overall favourable variance from operations and capital for the period of \$4,652,824 when compared to the 2011/12 Adopted Budget.

This variance can be summarised as follows:

The **Operating** surplus is \$2,745,224 above budget, made up of higher revenue of \$324,237 and lower operating expenditure of \$2,420,987.

Operating revenue is above budget in Contributions, Reimbursements and Donations \$170,294, Investment Earnings \$411,830 and Other Revenue \$118,551. Revenue is below budget in Fees and Charges \$153,992, Rates \$135,719 and Grants and Subsidies \$120,392. The additional revenue mainly arose from the sale of recyclable materials and from investments due to a higher volume of funds being invested.

Operating expenditure is below budget in Materials and Contracts \$2,096,436, Employee Costs \$212,134, Utilities \$68,591, Loss on Asset Disposal \$46,982 and Insurance \$28,135. This is partly offset by an adverse variance on Depreciation \$31,456.

The Materials and Contracts favourable variance is predominantly attributable to timing differences and is spread across a number of areas including External Services Expenses \$470,970, Professional Fees & Costs \$379,824, Furniture & Equipment \$339,255, Public Relations, Advertising and Promotions \$178,348, Waste Management \$194,963 and Computing costs \$182,045.

The **Capital Revenue and Expenditure** deficit is \$1,956,790 below budget and is made up of higher revenue of \$128,529 and under expenditure of \$1,828,261.

Capital Expenditure is below budget on Capital Projects \$678,652, Capital Works \$1,031,380 and Vehicle and Plant replacements \$118,229.

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 October 2011 forming Attachment 1 to Report CJ014-02/12.

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 October 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 Ritchie that Council NOTES the Financial Activity Statement for the period ended 31 October 2011 forming Attachment 1 to Report CJ014-02/12.

The Motion was Put and CARRIED (13/0) by En Bloc Resolution prior to consideration of Report of the Chief Executive Officer, Page 141 refers.

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

Appendix 11 refers

To access this attachment on electronic document, click here: [Attach11brf140212.pdf](#)

CJ015-02/12 FINANCIAL ACTIVITY STATEMENT FOR THE PERIOD ENDED 30 NOVEMBER 2011

WARD:	All
RESPONSIBLE DIRECTOR:	Mr Mike Tidy Corporate Services
FILE NUMBER:	07882, 101515
ATTACHMENTS:	Attachment 1 Financial Activity Statement for the Period Ended 30 November 2011

PURPOSE

The November 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 28 June 2011, (CJ115-06/11 refers). The figures in this Report are compared to the Adopted Budget figures.

The November 2011, Financial Activity Statement Report shows an overall favourable variance from operations and capital for the period of \$5,706,549 when compared to the 2011/12 Adopted Budget.

This variance can be summarised as follows:

The **Operating** surplus is \$3,327,925 above budget, made up of higher revenue of \$1,215,643 and lower operating expenditure of \$2,112,282.

Operating revenue is above budget in Contributions, Reimbursements and Donations \$505,530, Investment Earnings \$553,987, Other Revenue \$117,098 and Rates \$96,472. Revenue is below budget in Grants and Subsidies \$57,854 and Fees and Charges \$33,795. The additional revenue mainly arose from the sale of recyclable materials and from investments due to a higher volume of funds being invested.

Operating expenditure is below budget in Materials and Contracts \$1,659,033, Employee Costs \$311,404, Utilities \$105,216, Loss on Asset Disposal \$39,952 and Insurance \$25,257. This is partly offset by an adverse variance on Depreciation \$30,066.

The Materials and Contracts favourable variance is predominantly attributable to timing differences and is spread across a number of areas including Professional Fees & Costs \$371,997, Furniture & Equipment \$331,490, Public Relations, Advertising and Promotions \$187,129, Waste Management \$165,604 and Computing costs \$160,320.

The **Capital Revenue and Expenditure** deficit is \$2,422,715 below budget and is made up of higher revenue of \$939,318 and under expenditure of \$1,483,397.

Capital Expenditure is below budget on Capital Projects \$1,030,101 and Capital Works \$527,265 and over budget on Vehicle and Plant replacements by \$73,969.

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

It is recommended that Council NOTES the Financial Activity Statement for the period ended 30 November 2011 forming Attachment 1 to Report CJ015-02/12.

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 30 November 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 Ritchie that Council NOTES the Financial Activity Statement for the period ended 30 November 2011 forming Attachment 1 to Report CJ015-02/12.

The Motion was Put and CARRIED (13/0) by En Bloc Resolution prior to consideration of Report of the Chief Executive Officer, Page 141 refers.

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

Appendix 12 refers

To access this attachment on electronic document, click here: [Attach12brf140212.pdf](#)

CJ016-02/12 FINANCIAL ACTIVITY STATEMENT FOR THE PERIOD ENDED 31 DECEMBER 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 December 2011

PURPOSE

The December 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 28 June 2011, (CJ115-06/11 refers). The figures in this Report are compared to the Adopted Budget figures.

The December 2011, Financial Activity Statement Report shows an overall favourable variance from operations and capital for the period of \$9,273,246 when compared to the 2011/12 Adopted Budget.

This variance can be summarised as follows:

The **Operating** surplus is \$4,767,196 above budget, made up of higher revenue of \$1,368,853 and lower operating expenditure of \$3,398,343.

Operating revenue is above budget in Contributions, Reimbursements and Donations \$498,171, Investment Earnings \$678,327, Rates \$163,237, Other Revenue \$93,045 and Fees and Charges \$59,000. Revenue is below budget in Profit on Asset Disposals \$36,415 and Grants and Subsidies \$86,512. The additional revenue mainly arose from the sale of recyclable materials and from investments due to a higher volume of funds being invested.

Operating expenditure is below budget in Materials and Contracts \$2,585,804, Employee Costs \$664,074, Utilities \$113,093, Loss on Asset Disposal \$44,745 and Insurance \$18,980. This is partly offset by an adverse variance on Depreciation \$30,220.

The Materials and Contracts favourable variance is predominantly attributable to timing differences and is spread across a number of areas including Professional Fees and Costs \$508,759, External Services Expenses \$348,542, Furniture & Equipment \$304,740, Public Relations, Advertising and Promotions \$242,207, Waste Management \$275,982 and Contribution and Donations \$289,794.

The **Capital Revenue and Expenditure** deficit is \$4,484,160 below budget and is made up of higher revenue of \$763,291 and under expenditure of \$3,720,869.

Capital Expenditure is below budget on Capital Projects \$1,313,961, Capital Works \$1,255,779 and Vehicle and Plant replacements \$1,151,129.

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 December 2011 forming Attachment 1 to Report CJ016-02/12.

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 December 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 Ritchie that Council NOTES the Financial Activity Statement for the period ended 31 December 2011 forming Attachment 1 to Report CJ016-02/12.

The Motion was Put and CARRIED (13/0) by En Bloc Resolution prior to consideration of Report of the Chief Executive Officer, Page 141 refers.

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

Appendix 13 refers

To access this attachment on electronic document, click here: [Attach13brf140212.pdf](#)

CJ017-02/12 LIST OF PAYMENTS MADE DURING THE MONTH OF NOVEMBER 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 November 2011 Attachment 2 CEO's Delegated Trust Payment List for the month of November 2011 Attachment 3 Municipal and Trust Fund Vouchers for the month of November 2011

PURPOSE

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

EXECUTIVE SUMMARY

This report presents the list of payments made under delegated authority during the month of November 2011 totalling \$11,639,443.95.

It is recommended that Council NOTES the Chief Executive Officer's list of accounts for November 2011 paid under delegated authority in accordance with regulation 13 (1) of the Local Government (Financial Management) Regulations 1996 in Attachments 1, 2 and 3 to Report CJ017-02/12, totalling \$11,639,443.95.

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 November 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	Municipal Cheques 91215 - 91492 & EF21350 – EF21906 Net of cancelled payments	\$6,231,083.43
	Vouchers 895A-899A & 901A-902A & 904A-907A & 909A -915A & 917A-918A	\$5,368,410.52
Trust Account	Trust Cheques 204546 -204640 Net of cancelled payments	\$39,950
Total		\$11,639,443.95

Issues and options considered:

Not Applicable.

Legislation/Strategic Plan/Policy Implications:

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

Strategic Plan:

Key Focus Area: Leadership and Governance.

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

Policy:

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

Risk Management Considerations:

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

Financial/Budget Implications:

All expenditure from the Municipal Fund was included in the City's Annual Budget as adopted or revised by Council.

Regional Significance:

Not Applicable.

Sustainability Implications:

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

Consultation:

Not Applicable.

COMMENT

All Municipal Fund expenditure included in the list of payments is incurred in accordance with the Annual Budget as adopted and revised by Council or has been authorised in advance by the Mayor or by resolution of Council as applicable.

VOTING REQUIREMENTS

Simple Majority.

MOVED Cr Amphlett, SECONDED Cr Ritchie that Council NOTES the Chief Executive Officer's list of accounts for November 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 CJ017-02/12, totalling \$11,639,443.95.

The Motion was Put and CARRIED (13/0) by En Bloc Resolution prior to consideration of Report of the Chief Executive Officer, Page 141 refers.

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

Appendix 14 refers

To access this attachment on electronic document, click here: [Attach14brf140212.pdf](#)

CJ018-02/12 LIST OF PAYMENTS MADE DURING THE MONTH OF DECEMBER 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 December 2011 Attachment 2 CEO's Delegated Trust Payment List for the month of December 2011 Attachment 3 Municipal and Trust Fund Vouchers for the month of December 2011

PURPOSE

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

EXECUTIVE SUMMARY

This report presents the list of payments made under delegated authority during the month of December 2011 totalling \$14,764,810.64.

It is recommended that Council NOTES the Chief Executive Officer's list of accounts for December 2011 paid under delegated authority in accordance with regulation 13 (1) of the Local Government (Financial Management) Regulations 1996 in Attachments 1, 2 and 3 to Report CJ018-02/12, totalling \$14,764,810.64.

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 December 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	Municipal Cheques 91493 - 91781 & EF21907 – EF22378 Net of cancelled payments	\$10,942,155.11
	Vouchers 920A-927A	\$3,793,200.53
Trust Account	Trust Cheques 204641 -204718 Net of cancelled payments	\$29,455
Total		\$14,764,810.64

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 Annual Budget as adopted or revised by Council.

Regional Significance:

Not Applicable.

Sustainability Implications:

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

Consultation:

Not Applicable.

COMMENT

All Municipal Fund expenditure included in the list of payments is incurred in accordance with the 2011/12 Annual Budget as adopted and revised by Council at its meeting held on 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 Ritchie that Council NOTES the Chief Executive Officer's list of accounts for December 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 CJ018-02/12, totalling \$14,764,810.64.

The Motion was Put and CARRIED (13/0) by En Bloc Resolution prior to consideration of Report of the Chief Executive Officer, Page 141 refers.

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

Appendix 15 refers

To access this attachment on electronic document, click here: [Attach15brf140212.pdf](#)

CJ019-02/12 MID YEAR REVIEW OF THE ANNUAL BUDGET FOR THE 2011/12 FINANCIAL YEAR

WARD:	All
RESPONSIBLE DIRECTOR:	Mr Mike Tidy Corporate Services
FILE NUMBER:	101304, 101515
ATTACHMENTS:	Attachment 1 Mid Year Review of Annual Budget for the 2011/12 Financial Year

PURPOSE

The purpose of this report is for Council to consider and adopt the Mid Year Review of the Annual Budget for the 2011/12 financial year.

EXECUTIVE SUMMARY

The review of the 2011/12 annual budget has identified a projected overall budget surplus of \$961,579 compared to an original budget surplus of \$13,963. The major areas of variation are:

- **Operations**, after adjustments for non-cash movements, the surplus from operations will be \$497,727 more than budget. This is attributable mainly to increased revenues for government grants and subsidies \$151,067, contributions reimbursements and donations \$700,659, investment earnings \$907,127 and other revenue \$70,080. This is offset by reduced revenue for rates \$15,739 and fees and charges \$97,271 and increased expenditure for employee costs \$132,747 and materials and contracts \$1,077,537.
- **Capital Revenue** from grants and contributions will be \$926,012 more than budget. The two main contributors to this are a grant and contribution for Burns Beach Road East \$547,000 and Marmion Avenue \$118,000 that were intended to be received in 2010/11 but were received this year.
- **Capital Expenditure** has reduced overall by \$335,011. Capital Projects are under budget by \$1,199,093. Capital Works are over budget by \$1,151,957 and Motor Vehicle Replacements by \$348,147.
- **Surplus Carried Forward** from 2010/11 was \$941,352 greater than budgeted. This was made up of higher than expected operating surplus \$700,568 and capital revenue \$343,269 and reduced capital expenditure \$4,212,777 offset by reduced funding requirements \$4,315,263.
- **Reserve Transfers** net draw down on reserves has decreased by a net \$1,133,271 due principally to additional transfers to reserve for capital works proposed to be carried forward to 2012/13 \$824,768, Currabine Community Centre to be completed in 2012/13 \$100,000, Ocean Reef Marina funds to be carried forward to 2012/13 \$149,882 and additional interest earnings on invested reserve funds.

It is recommended that Council:

- 1 *BY AN ABSOLUTE MAJORITY, APPROVES the transfer of \$50,619 from the Specified Area Rating – Iluka Reserve to enable landscape works;*
- 2 *BY AN ABSOLUTE MAJORITY, APPROVES the transfer of \$17,431 from the Specified Area Rating – Harbour Rise Reserve to enable landscape works;*
- 3 *BY AN ABSOLUTE MAJORITY, APPROVES the transfer of \$80,250 from the Parking Facility Reserve to enable the provision of City Centre Planter Boxes;*
- 4 *BY AN ABSOLUTE MAJORITY APPROVES the transfer of the projected surplus as at 30 June 2012 to reserve/s;*
- 5 *BY AN ABSOLUTE MAJORITY APPROVES the Mid Year Review of the budget for the 2011/12 financial year;*
- 6 *In accordance with Regulation 33A of the Local Government (Financial Management) Regulations 1996 PROVIDES a copy of the 2011/12 annual budget review and determination to the Department of Local Government.*

BACKGROUND

Under Regulation 33A of the Local Government (Financial Management) Regulations 1996 the City is required to conduct a review of its approved annual budget after considering the changes in its operating environment since the beginning of the financial year with a view to forecasting the financial impacts likely to arise for the remainder of the year.

DETAILS

Issues and options considered:

The budget review has comprised:

- A review of the adopted budget and an assessment of actual projected results against that budget, and
- Consideration of any issues not provided for in the adopted budget that may need to be accounted for.

The review of the adopted budget has taken into account what has transpired over the first six months of the year, the likely operating environment over the remaining six months under the prevailing economic conditions and the most likely impact on the City's financial position.

The focus in this review has been on ensuring there is operational capacity to deliver the services and budget programs as set out in the Adopted 2011/12 Budget and to accommodate events and issues that have arisen since budget adoption.

The estimated surplus of \$961,579 represents 0.7% of the City's total 2011/12 operating and capital expenditure budget of \$130,443,072 (excluding depreciation). The additional surplus carried forward from 2010/11 of \$941,352 accounts for almost all of this.

The notes in Attachment 1 set out the detail of all the major variations between the original adopted budget and the reviewed budget and provide explanations for these variations. The most significant of these variations are as follows:

Surplus Carried Forward from 2010/11

At the time of the 2010/11 Mid Year Budget Review it was estimated that the end of year surplus at 30 June 2011 would be \$922. During the process of developing the 2011/12 Budget this was reviewed and a revised estimate for the end of year surplus of \$2,046,117 was used as the opening balance in the 2011/12 Budget. The final end of year Rate Setting Statement surplus for 2010/11 was \$2,987,469.

There are a number of reasons for this variation of \$941,352. In summary terms the additional surplus is made up of:

Description	Sub Total	Total
Additional Operating Surplus	\$ 700,568	
Additional Capital Revenue	\$ 343,269	
Reduced Capital Expenditure	\$4,212,778	\$5,256,615
Less Reduced Funding Requirements		(\$4,315,263)
Net Variance		\$ 941,352

There are a number of offsets between revenue, expenditure and funding requirements:

- Increased revenue and reduced expenditure for parking is offset by a larger net transfer to the Parking Facility Reserve - \$429,000 more than anticipated;
- Increased recycling revenue and reduced expenditure for refuse is offset by the subsidy transfer from the Waste Management Reserve not being required - \$676,000 less than anticipated;
- Decreased capital expenditure for works and plant the bulk of which represents carry forwards and is therefore offset by a larger than expected transfer to the carry forward reserve \$2,928,000.

After allowing for these offsets the adjusted surplus is made up of:

Description	Sub Total	Total
Reduced Operating (Deficit)	(\$ 266,000)	
Additional Capital Revenue	\$ 343,000	
Reduced Capital Expenditure	\$1,146,000	\$1,223,000
Less Reduced Funding Requirements		(\$ 282,000)
Net Variance		\$ 941,000

The main underlying reason for the net additional surplus of \$941,000 is largely related to capital revenue and expenditure.

The largest variations are as follows:

A higher than expected grant recoup for the Burns Beach Road MRRG final claim as a result of a review of total project expenditure	\$467,000
Community Bus not proceeded with	\$160,000
Delays in Fleet purchase and savings on purchases made	\$509,000
	\$1,136,000

The balance of the variance is made up of numerous line items.

Contributions, Reimbursements and Donations

Contributions, reimbursements and donations have increased by \$700,659.

\$340,000 of the increase relates to increased revenue from the sale of recyclables. As this revenue is part of the waste budget which is being subsidised by the Waste Management Reserve this will mean a lesser subsidy is required and the funds will be retained in the Reserve. A further \$251,000 of the increase is an insurance claim for the replacement of the Mullaloo Surf Life saving Club room and is offset by the costs of the roof replacement.

As a result the total increase in contributions, reimbursements and donations will only contribute modest net increase to the projected surplus.

Investment Earnings

The increase of \$907,127 is mainly the result of expenditure on capital projects being slower than budgeted and consequently leaving a higher level of cash funds available to be invested for longer. The average year to date interest rate earnings achieved of 5.94% to December is slowly declining and is below the budgeted interest rate of 6.00%.

Materials & Contracts

Materials and Contracts expenditure has increased a net \$1,077,538.

The increase includes \$251,000 for repairing the roof of the Mullaloo Surf Life Saving Club for which there is an offsetting insurance claim (referred to in Contributions, Reimbursements and Donations above). Additional landscape works in the Iluka and Harbour Rise Specified Rate Areas of \$69,000 which is being funded from the respective reserve funds for those areas is also included.

Other increased expenditure for which there are revenue offsets include \$80,000 to support sports for kids that is covered by a grant and \$20,000 to fund community safety initiatives funded by the WA Police.

Increased expenditure for which there are no offsets include an additional \$105,000 in subsidy to the Warwick Leisure Centre to cover its operating deficit under its agreement with the City, an additional \$80,000 to trim trees under power lines, \$60,000 to repair and maintain the City's ageing sports floodlights, \$60,000 to meet additional traffic control requirements particularly on arterial road projects, \$77,000 additional expenditure for economic analysis tools to support economic development initiatives, \$178,376 additional maintenance services on sumps and drainage and the \$10,000 donation to the Lord Mayor Distress Relief Fund for the Margaret River Fire Appeal.

Other variances are spread over numerous other accounts and include both increases as well as reductions including finance related expenditure as a result of reduced credit card costs.

Capital Grants and Subsidies

Capital grants and subsidies revenue has increased by \$913,637.

The largest component of this is road construction grants with \$547,000 for Burns Beach Road East and \$118,000 for works on Marmion Avenue received in 2011/12 when this was originally expected to be received at the end of 2010/11. Also \$109,900 which was wasn't expected to be received until 2012/13 will now be received in the current year 2011/12.

Capital Projects, Works and Motor Vehicle Replacement

Capital projects expenditure has been reduced by \$1,199,093. This is almost all attributable to the Ocean Reef Marina project. This is as a result of timing and the funds which were coming from the Ocean Reef Marina Reserve fund will now be retained in that reserve for 2012/13.

Capital Works expenditure has been increased by a net \$1,151,957. This is made up of a number of variances that are described in detail in Note 11 of the report at Attachment 1.

Motor vehicle replacement has increased by \$348,147 which is mainly as a result of a bus and a truck ordered in 2010/11 not being delivered until 2011/12.

Proposed Carry Forward Projects and Works to 2011/12

There will be a number of projects that will not be completed by the 30 June 2012 for which funds will need to be carried forward to 2012/13. Whether a project is able to be completed or whether funds will need to be transferred to the Carried Forward Reserve will not alter the final projected financial position for Mid Year Review purposes. At this stage the estimated carry forward is \$824,768.

Options for Projected Surplus

The projected surplus is \$961,579. The prudent financial management of the surplus would be to place into the City's reserves. This was the approach taken with last year's mid year budget review where it was resolved to transfer the projected surplus on that occasion to the Joondalup Performing Arts and Cultural Facility Reserve.

The reserves that represent the best option for receiving the surplus funds are either:

- **Joondalup Performing Arts and Cultural Facility Reserve:**

This reserve still needs to accumulate funds to meet the City's objective to develop this facility although the proceeds from a land disposal program are proposed to be allocated to this reserve.

- **Strategic Asset Management Reserve:**

This reserve is for the acquisition and development of new and renewal of existing City infrastructure and building assets.

- **Waste Management Reserve:**

This reserve is to fund and support waste management. For the past several years it has been used to moderate the annual refuse charge increases that resulted from the commencement of the Resource Recovery Facility by subsidising the increases. The reserve is currently expected to be exhausted between 2013/14 and 2014/15.

Legislation/Strategic Plan/Policy Implications:

Legislation: Regulation 33A of the Local Government (Financial Management) Regulations 1996, as amended, requires the local government to carry out a review of its annual budget between 1 January and 31 March each year as follows:

“33A Review of budget

- (1) Between 1 January and 31 March in each year a local government is to carry out a review of its annual budget for that year.*
- (2) Within 30 days after the review of the annual budget of a local government is carried out it is to be submitted to the council.*
- (3) A council is to consider a review submitted to it and is to determine* whether or not to adopt the review, any parts of the review or any recommendations made in the review.*

**Absolute majority required.*

- (4) Within 30 days after a council has made a determination, a copy of the review and determination is to be provided to the Department.”*

Strategic Plan:

Key Focus Area: Leadership and Governance

- Objective:**
- 1.1 To ensure that the processes of local government are carried out in a manner that is ethical, transparent and accountable.
 - 1.3 To lead and manage the City effectively

Policy:

Not Applicable.

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:

The anticipated budget surplus is \$961,579. Further financial details are set out in the attachment.

The Rate Setting Statement in Attachment 1 includes year to date actuals to the end of December 2011. While the actual year to date surplus appears to be significant, the majority of the surplus is driven by timing differences, not savings in capital and operations and the Statement does not include any reserve transfers.

Regional Significance:

Not Applicable.

Sustainability Implications:

Budget parameters are structured based on financial viability and sustainability principles.

Consultation:

Extensive internal consultation with the Executive and all Business Units has been undertaken and a mid year budget review workshop conducted with Elected Members to prepare the revised budget.

COMMENT

Council is required to consider the budget review submitted to it (regulation 33A of the Local Government (Financial Management) Regulations 1996) and make a determination in relation to the outcomes and recommendations.

It is recommended that Council consider transferring the projected 30 June 2012 surplus to reserve/s.

VOTING REQUIREMENTS

Absolute Majority.

OFFICER'S RECOMMENDATION:

That Council:

- 1 BY AN ABSOLUTE MAJORITY, APPROVES the transfer of \$50,619 from the Specified Area Rating – Iluka Reserve to enable landscape works;
- 2 BY AN ABSOLUTE MAJORITY, APPROVES the transfer of \$17,431 from the Specified Area Rating – Harbour Rise Reserve to enable landscape works;
- 3 BY AN ABSOLUTE MAJORITY, APPROVES the transfer of \$80,250 from the Parking Facility Reserve to enable the provision of City Centre Planter Boxes;
- 4 BY AN ABSOLUTE MAJORITY, APPROVES the transfer of the projected surplus as at 30 June 2012 to reserve/s;
- 5 BY AN ABSOLUTE MAJORITY, APPROVES the Mid Year Review of the budget for the 2011/12 financial year;
- 6 In accordance with Regulation 33A of the Local Government (Financial Management) Regulations 1996 PROVIDES a copy of the 2011/12 annual budget review and determination to the Department of Local Government.

MOVED Mayor Pickard, SECONDED Cr Taylor that Council:

- 1 BY AN ABSOLUTE MAJORITY, APPROVES the transfer of \$50,619 from the Specified Area Rating – Iluka Reserve to enable landscape works;**
- 2 BY AN ABSOLUTE MAJORITY, APPROVES the transfer of \$17,431 from the Specified Area Rating – Harbour Rise Reserve to enable landscape works;**
- 3 BY AN ABSOLUTE MAJORITY, APPROVES the transfer of \$80,250 from the Parking Facility Reserve to enable the provision of City Centre Planter Boxes;**
- 4 BY AN ABSOLUTE MAJORITY, APPROVES the transfer of the projected surplus as at 30 June 2012 to the Waste Management Reserve;**
- 5 BY AN ABSOLUTE MAJORITY, APPROVES the Mid Year Review of the budget for the 2011/12 financial year;**
- 6 In accordance with Regulation 33A of the Local Government (Financial Management) Regulations 1996 PROVIDES a copy of the 2011/12 annual budget review and determination to the Department of Local Government.**

The Motion was Put and

CARRIED (13/0)

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

Appendix 16 refers

To access this attachment on electronic document, click here: [Attach16brf140212.pdf](#)

CJ020-02/12 MINUTES OF THE STRATEGIC FINANCIAL MANAGEMENT COMMITTEE HELD ON 29 NOVEMBER 2011

WARD: All

RESPONSIBLE DIRECTOR: Mr Jamie Parry
Governance and Strategy

FILE NUMBER: 51567, 101515

ATTACHMENTS: Attachment 1 Unconfirmed Minutes of the Strategic Financial Management Committee Meeting held on 29 November 2011

PURPOSE

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

EXECUTIVE SUMMARY

A meeting of the Strategic Financial Management Committee was held on 29 November 2011 to consider the following matter:

Item 1 Setting of Meeting Dates - 2012

BACKGROUND

At its meeting held on 3 November 2011 (Item JSC2-11/11 refers) Council re-established the SFMC with the following Terms of Reference:

- 1 Promote and advocate sound financial management within the City and provide advice to the Council on strategic financial management issues;
- 2 In particular advise Council on:
 - 2.1 How funding can be achieved for any major capital works project before the Council makes a commitment to a project;
 - 2.2 Levels of service delivery – determine:
 - 2.2.1 Which services to be provided;
 - 2.2.2 Standards of service. Such standard will be determined with reference to:
 - 2.2.2.1 best industry practice standards where applicable;
 - 2.2.2.2 internally agreed standards which will be determined with reference to local community expectations;
 - 2.3 Preparation of the Strategic Plan with high priority being given to ensure that the Plan is achievable in the long term;

- 2.4 Consideration of public submissions to the Strategic Plan; and
 - 2.5 Final acceptance of the Strategic Plan,
- 3 Policy development and review of policies with financial implications for the City.

DETAILS

Issues and options considered:

The Motion carried at the Strategic Financial Management Committee meeting is shown below, together with the officer's comment.

Item 1 Setting of Meeting Dates – 2012

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

"That the Strategic Financial Management Committee CONSIDERS the Committee's meeting dates for 2012."

The following motion was carried:

"That the Strategic Financial Management Committee ADOPTS the following meeting dates for 2012:

- 1 *Monday, 20 February 2012, commencing at 6.00 pm.*
- 2 *Monday, 16 April 2012, commencing at 6.00 pm.*
- 3 *Monday, 9 July 2012, commencing at 6.00 pm.*
- 4 *Wednesday, 15 October 2012, commencing at 7.00 pm."*

Officer's Comment

A check of the administration records has revealed that an error was made to Point 4 of the Committee's resolution. This should have read:

"4 Monday, 15 October 2012, commencing at 6.00 pm."

A correction will be made when the Committee confirms the minutes of the meeting held on the 29 November 2011 at its next meeting.

REQUESTS FOR REPORTS FOR FUTURE CONSIDERATION

Nil.

Legislation/Strategic Plan/Policy Implications:

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

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

Strategic Plan:

Key Focus Area: 4 - Organisational Development

- 4.1 To manage the business in a responsible and accountable manner;
- 4.1.1 Ensure financial viability and alignment to plan.

Policy:

Not Applicable.

Risk Management Considerations:

Not Applicable.

Financial/Budget Implications:

Not Applicable.

Regional Significance:

Not Applicable.

Sustainability Implications:

Consultation:

Not Applicable.

COMMENT

Not Applicable.

VOTING REQUIREMENTS

Simple Majority.

MOVED Cr Amphlett, SECONDED Cr Ritchie that Council:

- 1 the unconfirmed minutes of the Strategic Financial Management Committee meeting held on 29 November 2011, forming Attachment 1 to Report CJ020-02/12; and**
- 2 the following meeting dates scheduled for the Strategic Financial Management Committee in 2012:**
 - 2.1 Monday, 20 February 2012, commencing at 6.00 pm;**
 - 2.2 Monday, 16 April 2012, commencing at 6.00 pm;**
 - 2.3 Monday, 9 July 2012, commencing at 6.00 pm; and**
 - 2.4 Monday, 15 October 2012, commencing at 6.00 pm.**

The Motion was Put and CARRIED (13/0) by En Bloc Resolution prior to consideration of Report of the Chief Executive Officer, Page 141 refers.

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

Appendix 17 refers

To access this attachment on electronic document, click here: [Attach17brf140212.pdf](#)

CJ021-02/12 MINUTES OF THE AUDIT COMMITTEE MEETING HELD ON 29 NOVEMBER 2011

WARD: All

RESPONSIBLE DIRECTOR: Mr Jamie Parry
Governance and Strategy

FILE NUMBER: 50068, 101515

ATTACHMENTS: Attachment 1 Unconfirmed Minutes of the Audit Committee Meeting held on 29 November 2011

PURPOSE

To submit the minutes of the Audit Committee meeting to Council for noting.

EXECUTIVE SUMMARY

A meeting of the Audit Committee was held on 29 November 2011 to consider the following matter:

Item 1 Setting of Meeting Dates for 2012.

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, and re-established by the Council at its Special Meeting held on 3 November 2011 (Item JSC2-11/11 refers). The City has also employed an internal auditor since May 2002.

DETAILS**Issues and options considered:**

The Motion moved at the Audit Committee meeting held on 29 November 2011 is shown below, together with the officer's comment.

Item 1 Setting of Meeting Dates for 2012.

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

"That the Audit Committee CONSIDERS the Committee's meeting dates for 2012."

The following motion was carried:

"That the Audit Committee ADOPTS the following meeting dates for 2012:

- 1 *Thursday, 8 March 2012, commencing at 6.00 pm.*
- 2 *Monday, 25 June 2012, commencing at 6.00 pm.*
- 3 *Monday, 6 August 2012, commencing at 6.00 pm.*
- 4 *Wednesday, 3 October 2012, commencing at 7.00 pm."*

Officer's Comment

No further comment required.

REQUESTS FOR REPORTS FOR FUTURE CONSIDERATION

Nil.

Legislation/Strategic Plan/Policy Implications:

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

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

Strategic Plan:

Key Focus Area: Leadership and Governance

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

Policy:

Not Applicable.

Risk Management Considerations:

Not Applicable.

Financial/Budget Implications:

Not Applicable.

Regional Significance:

Not Applicable.

Sustainability Implications:

Not Applicable.

Consultation:

Not Applicable.

COMMENT

Not Applicable.

VOTING REQUIREMENTS

Simple Majority.

MOVED Cr Amphlett, SECONDED Cr Ritchie that Council NOTES:

- 1 The unconfirmed minutes of the Audit Committee Meeting held on 29 November 2011, forming Attachment 1 to Report CJ021-02/12; and
- 2 The following meeting dates scheduled for the Audit Committee in 2012:
 - 2.1 Thursday, 8 March 2012, commencing at 6.00 pm;
 - 2.2 Monday, 25 June 2012, commencing at 6.00 pm;
 - 2.3 Monday, 6 August 2012, commencing at 6.00 pm; and
 - 2.4 Wednesday, 3 October 2012, commencing at 7.00 pm.

The Motion was Put and CARRIED (13/0) by En Bloc Resolution prior to consideration of Report of the Chief Executive Officer, Page 141 refers.

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

Appendix 18 refers

To access this attachment on electronic document, click here: [Attach18brf140212.pdf](#)

CJ022-02/12 TENDER 031/11 - PROVISION OF MAINTENANCE, REPAIRS AND ASSOCIATED SERVICES TO THE CITY'S PARKING TICKET MACHINES

WARD: North and North Central

RESPONSIBLE DIRECTOR: Mr Mike Tidy
Corporate Services

FILE NUMBER: 101920, 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 Parkonsult for the provision of maintenance, repairs and associated services to the City's parking ticket machines.

EXECUTIVE SUMMARY

Tenders were advertised on 24 September 2011 through state wide public notice for the provision of maintenance, repairs and associated services to the City's parking ticket machines for a period of three years. Tenders closed on 11 October 2011. One submission was received from Parkonsult.

The submission from Parkonsult was the only tender received and was assessed as a conforming Offer. Parkonsult also offered an additional Optional Response that proposed an annual fixed fee for services not included in the Contract specification and which the City would otherwise pay for separately on an as and when required basis.

Parkonsult have been providing maintenance and repair services to the City's parking ticket machines since commissioning in October 2008. Parkonsult thoroughly demonstrated its capacity, experience and resources to perform to the City's requirements. The business currently provides similar services to the Cities of Vincent Subiaco. The Evaluation Panel has confidence in the ability of Parkonsult to perform the services in accordance with the Contract specification.

It is recommended that Council ACCEPTS the Tender submitted by Parkonsult for the provision of maintenance, repairs and associated services to the City's parking ticket machines for requirements as specified in Tender 031/11 and its additional Optional Response for a three year period at the submitted schedule of rates per machine equating to a year one cost of approximately \$338,542 with annual price variations subject to the percentage change in the Perth CPI (All Groups) Index.

BACKGROUND

Paid parking was introduced in the City in October 2008 to facilitate the management and control of parking to ensure that there is fair equitable use of the limited parking facilities. The City has commissioned 109 Cale 'Pay and Display' parking ticket machines located throughout the City Centre and at the Ocean Reef Boat Harbour Car Park.

The initial Contract called for supply, delivery, installation and maintenance of paid parking ticket machines. The maintenance component of this Contract was to perform maintenance and repairs to the City's parking ticket machines when required. Parkonsult was subcontracted to perform these services and since the Contract expired, the company has continued to provide these services under an open-ended arrangement.

As the parking ticket machines come out of their warranty period and begin to age, periodic maintenance is now required to maintain the machines at optimal working condition. The City now seeks to appoint a Contractor with the necessary qualifications and experience to provide these services for the next three years.

DETAILS

Tenders were advertised on 24 September 2011 through state wide public notice for the provision of maintenance, repairs and associated services to the City's parking ticket machines for a period of three years. The Tender period was for two weeks and Tenders closed on 11 October 2011.

Tender Submissions

One submission was received from Parkonsult. Its submission included an offer in response to the Request for Tender (RFT) specification to provide maintenance and repair services. In addition, an Optional Response was offered comprising a fixed annual fee to provide additional services not included in the RFT specification and which the City had intended to pay for separately on an as and when required basis. The additional services provided under the Optional Response include the provision of a monthly condition report of all parking ticket machines, graffiti removal, provision of all spare parts and bench level repairs and the purchase, supply and maintenance of all ticket stock on behalf of the City.

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 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 the submission 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 submissions received were as follows:

Qualitative Criteria		Weighting
1	Demonstrated experience in completing similar services	35%
2	Demonstrated understanding of the required tasks	30%
3	Capacity	30%
4	Social and economic effects on the local community	5%

Parkonsult scored 84.5% in the qualitative assessment. The business demonstrated substantial experience in the maintenance of Cale 'Pay and Display' parking ticket machines for the Cities of Subiaco and Vincent as well as providing services to the City of Joondalup since they were commissioned in October 2008. The business is a certified maintenance and service provider on behalf of Cale Access, the provider of parking ticket machines installed at the City. Its submission included a detailed description of its proposed methodology to perform the scheduled maintenance services to the City's parking ticket machines.

Price Assessment

As the submission from Parkonsult was the only response to this Tender, the Panel assessed its conforming offer and Optional Response against the schedule of rates from the previous Contract in order to assess value to the City.

At present, maintenance and repairs performed on the parking ticket machines is conducted under terms that are largely unchanged from the original 2008 contract. This is reflected in the Budget for ticket machine maintenance and repair for 2011/12 of \$250,000.

The Year One contract price offered by Parkonsult to meet the RFT specification is \$330,003. The Optional Response is an additional \$8,539. The proposed new Contract specifies periodic preventative maintenance of all parking ticket machines at six monthly intervals (currently as and when required). This level of service will ensure that as the parking ticket machines continue to age they are maintained at optimal working condition and the life of the machines is maximised.

In addition to the regular servicing the new maintenance specification also covers license fees and maintenance and repair of the remote communication and data interrogation facilities provided through the Cale Web Office 2 (CWO2) network. The City has been progressively connecting all of its parking ticket machines to this service. Up until a year ago less than 50% were connected but by the time the new Contract is awarded it is anticipated that all Cale parking ticket machines will be connected to this network and the contract price offer reflects the cost for all parking ticket machines.

The Optional Response offered by Parkonsult includes the provision of a monthly condition report of all parking ticket machines, graffiti removal, provision of all spare parts and bench level repairs and the purchase, supply and maintenance of all ticket stock on behalf of the City.

While not requested in the RFT specification, the Optional Response is considered good value and will more than pay for itself. The additional cost in year one is \$8,539, but the City will save \$12,000 per year on the cost of ticket stock alone.

The following table provides a summary of the estimated Contract Price offered by Parkonsult, based on its submitted schedule of rates for both the conforming offer and Optional Response for the existing 109 Cale Pay and Display parking ticket machines in operation within the City of Joondalup. This requirement may increase over time depending on the City's future requirements for parking ticket machines.

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 CPI for the preceding year. For estimation purposes, a 3% CPI increase was applied to the rates in years two and three.

Parkonsult Offers	Year 1	Year 2	Year 3	Total Estimated Contract Price
Conforming Offer	\$330,003	339,903	\$350,100	\$1,020,006
Optional Response	\$338,542	\$348,698	\$359,159	\$1,046,399

Evaluation Summary

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

Parkonsult Offers	Estimated Contract Price Year 1	Estimated Total Contract Price	Qualitative Score	Qualitative Rank
Conforming Offer	\$330,003	\$1,020,006	84.5%	Not Applicable
Optional Response	\$338,542	\$1,046,399		

Based on the evaluation result the Panel concluded that the Optional Response submitted by Parkonsult provides best value to the City and is therefore recommended.

Issues and options considered:

The provision of maintenance, repairs and associated services to the City's parking ticket machines is an essential service required to maintain the machines at optimum working capacity.

The City does not have the internal resources or accreditation to provide 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: Economic Prosperity and Growth.

Objective: To encourage the development of the Joondalup CBD.

Policy:

Joondalup City Centre Car Parking for Commercial Development.

Risk Management Considerations:

Should the contract not proceed, the risk to the City will be high as failure to provide ongoing maintenance and repairs to the City's parking ticket machines would adversely affect the effective operation of parking controls and reduce the level of revenue achieved from the operation of paid parking in the City.

It is considered that the Contract will represent a low risk to the City as the recommended Tenderer is a well-established business with significant industry experience and capacity and has provided the required service to the City since parking ticket machines were commissioned in 2008.

Financial/Budget Implications:

Account No:	343.A3403.3323.0000
Budget Item:	Plant & Equipment Maintenance and Repairs
Budget Amount 2011/12:	\$250,000
Actual Expenditure 1 July 2011 to 31 December 2011 (current contract):	\$117,870
Estimated Expenditure 1 January 2012 to 29 February 2012 (current contract):	\$61,787
Proposed Contract Cost 1 March 2012 to 30 June 2012:	\$112,847
Balance:	(\$42,504)

All figures quoted in this report are exclusive of GST.

The additional expenditure in 2011/12 will be largely offset by additional parking revenues. From 2012/13 there will an offset of savings in printing and maintenance and repair costs currently paid separately in addition to the contract but under the new contract will be covered by the Optional Response.

Regional Significance:

Not Applicable.

Sustainability Implications:

This Contract will provide a number of social and economic sustainability benefits to the City. The City has implemented paid parking to address the current and future requirement of the residents, businesses and visitors and to ensure that there is fair and equitable use of the limited parking facilities. Maintenance, repairs and associated services of the parking ticket machines by a well established, accredited supplier is a vital component of the City's CBD Parking Strategy. This provision will support economic prosperity with increased revenue opportunities and growth within the City.

Consultation:

Not Applicable.

COMMENT

The Evaluation Panel carried out the evaluation of the submissions in accordance with the Qualitative Criteria in a fair and equitable manner and concluded that the Offer submitted by Parkonsult meets the requirements of the City.

VOTING REQUIREMENTS

Simple Majority.

MOVED Cr Amphlett, SECONDED Cr Ritchie that Council ACCEPTS the Tender submitted by Parkonsult for the provision of maintenance, repairs and associated services to the City's parking ticket machines for requirements as specified in Tender 031/11 and its additional Optional Response for a three year period at the submitted schedule of rates per machine equating to a Year One cost of approximately \$338,542 with annual price variations subject to the percentage change in the Perth CPI (All Groups) Index.

The Motion was Put and CARRIED (13/0) by En Bloc Resolution prior to consideration of Report of the Chief Executive Officer, Page 141 refers.

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

Appendix 19 refers

To access this attachment on electronic document, click here: [Attach19brf140212.pdf](#)

CJ023-02/12 TENDER 039/11 - BUILDING MINOR WORKS AND MAINTENANCE NOT EXCEEDING \$100,000 IN VALUE**WARD:** All**RESPONSIBLE DIRECTOR:** Mr Mike Tidy
Corporate Services**FILE NUMBER:** 102053, 101515**ATTACHMENTS:** Attachment 1 Schedule of Items
Attachment 2 Summary of Tender Submissions
Attachment 3 Summary of Rates

(Please Note: Attachment 3 is confidential and will appear in the official Minute Book only)

PURPOSE

To seek the approval of Council to accept the Tender submitted by Devco Holdings Pty Ltd for the provision of building minor works and maintenance not exceeding \$100,000 in value.

EXECUTIVE SUMMARY

Tenders were advertised on 22 October 2011 through state wide public notice for the provision of building minor works and maintenance not exceeding \$100,000 in value. Tenders closed on 8 November 2011. 11 submissions were received from:

- Austec Building & Constructions Pty Ltd trading as Austec Group;
- Building & Construction Australia Pty Ltd trading as BCA Homes & Patios;
- Devco Holdings Pty Ltd;
- IPS Integrated Premises Services Ltd trading as Midcity Group;
- Kayedar Services;
- Oaklane Pty Ltd trading as Oaklane Projects;
- Plan Construction Pty Ltd;
- RBD Building & Maintenance Pty Ltd;
- RWE Robinson & Sons Pty Ltd trading as Robinson Buildtech;
- WA Commercial Constructions Pty Ltd trading as KMC Group; and
- CPD Group Pty Ltd.

The submission from Devco Holdings Pty Ltd represents best value to the City. The company is well established, has extensive industry experience and the capacity to meet the requirements of the City. It is currently providing similar services to the Mindarie Regional Council, City of Bayswater, City of Vincent and the City of Joondalup. It submitted the lowest normal working hours labour rates and the equal third lowest mark-up percentage rates for materials and plant hire.

It is recommended that Council ACCEPTS the Tender submitted by Devco Holdings Pty Ltd for the provision of building minor works and maintenance not exceeding \$100,000 in value as specified in Tender 039/11 for a three year period at the submitted schedule of rates, with annual price variations subject to the percentage change in the Perth CPI (All Groups) Index.

BACKGROUND

The City requires a Contractor to undertake building minor works projects and maintenance to the City's existing assets and associated facilities. Each individual project shall have a value not exceeding \$100,000.

The City currently has a single Contract for the provision of building minor works with Devco Holdings Pty Ltd which will expire on 21 February 2012.

DETAILS

The Tender for the provision of building minor works and maintenance not exceeding \$100,000 in value was advertised through state wide public notice on 22 October 2011. The Tender remained open for two weeks and closed on 8 November 2011.

Tender Submissions:

11 submissions were received from:

- Austec Building & Constructions Pty Ltd trading as Austec Group;
- Building & Construction Australia Pty Ltd trading as BCA Homes & Patios;
- Devco Holdings Pty Ltd;
- IPS Integrated Premises Services Ltd trading as Midcity Group;
- Kayedar Services;
- Oaklane Pty Ltd trading as Oaklane Projects;
- Plan Construction Pty Ltd;
- RBD Building & Maintenance Pty Ltd;
- RWE Robinson & Sons Pty Ltd trading as Robinson Buildtech;
- WA Commercial Constructions Pty Ltd trading as KMC Group; and
- CPD Group Pty Ltd.

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

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

Evaluation Panel:

The Evaluation Panel comprised of four members:

- One with tender and contract preparation skills; and
- Three with the appropriate operational expertise and involvement in supervising the Contract.

The Panel carried out the assessment of submissions in accordance with the City's evaluation process.

Compliance Assessment:

CPD Group Pty Ltd did not attend the mandatory tender briefing held on Monday, 31 October 2011. Tender clause 4.24 states that:

“a Respondent’s failure to attend this mandatory briefing will result in its Offer being deemed non-conforming and excluded from consideration”.

The Offer from CPD was therefore excluded from consideration.

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

Qualitative Assessment:

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

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

Austec Group scored 36.5% and was ranked tenth in the qualitative assessment. It did not specifically address any of the qualitative criteria. The Submission provided no details of company history or skills of support team and key personnel. Examples of works completed in the past comprised primarily of relocation and installation of transportable classrooms for WA schools and did not include similar works for local government. The Panel is not confident Austec Group has the required capacity, skills or experience to undertake the works for the City.

Midcity Group scored 41.4% and was ranked ninth in the qualitative assessment. It did not provide sufficient detail of the scope and outcome of works demonstrating its experience. The company did not adequately address its capacity in terms of the skills and qualifications of its staff or the equipment to be used. In addition, it did not provide a specific response addressing its understanding of the requirements.

Kayedar Services scored 45.3% and was ranked eighth in the qualitative assessment. It is currently providing glazing services for the Public Transport Authority and is also on a Panel contract arrangement as a pre-qualified supplier for building maintenance services for the State Government. It employs eight staff and stated that it will not be using subcontractors. The company, with its current number of staff, did not demonstrate it has the capacity to meet the City’s requirements while fulfilling its other commitments.

BCA Homes & Patios scored 46.3% and was ranked seventh in the qualitative assessment. The company demonstrated an understanding of the City’s requirements. However, it did not provide sufficient information demonstrating its experience in similar works or its capacity in terms of the number of staff and equipment available to undertake the works. It only proposed two key personnel and nominated three trade staff, whose primary roles are carpenters. It did not provide details of equipment that will be used to carry out the works.

RBD Building & Maintenance Pty Ltd scored 48.6% and was ranked sixth in the qualitative assessment. It is currently undertaking works for several insurance companies. It did not provide sufficient information demonstrating its understanding of the City's requirements. The company's primary focus is insurance repairs, shop refitting and large scale refurbishment works for department stores which are not similar to the City's requirements.

Oaklane Projects scored 57.6% and was ranked fifth in the qualitative assessment. It stated it has completed numerous building maintenance projects for state and local governments but examples of work were primarily larger fit-outs projects, which were not directly comparable to the City's requirements. It did not provide sufficient information demonstrating its capacity and understanding of the tasks required.

Plan Construction scored 64% and was ranked fourth in the qualitative assessment. It demonstrated the experience to undertake the works for the City. It generally demonstrated its capacity, however, did not provide after hours contact information. The company has provided building and maintenance services for insurance companies and state and local governments. It has successfully completed building and maintenance works for the Cities of Gosnells and Bayswater and is currently undertaking similar works for the Shire of Kalamunda and the City of Gosnells.

Robinson Buildtech scored 65.3% and was ranked third in the qualitative assessment. It demonstrated its capacity, experience and a sound understanding of the works required by the City. It is currently providing ongoing building works for the Cities of Melville, Subiaco, Stirling, Gosnells, Rockingham and Vincent. It stated most of its key personnel in building maintenance are qualified cabinet makers and carpenters but did not address the other relevant trades sufficiently.

KMC Group scored 65.4% and was ranked second in the qualitative assessment. It demonstrated experience undertaking similar works and a sound understanding of the City's requirements. The company generally demonstrated its capacity, however, did not provide specific details of its equipment. KMC has completed similar projects for various local governments including the Cities of Swan, Fremantle and Melville.

Devco Holdings scored 71% and was ranked first in the qualitative assessment. It demonstrated an understanding of the scope of works and has the capacity to fulfil the City's minor works requirements. The company is the City's current contractor for building minor works and also demonstrated extensive experience completing similar works for Mindarie Regional Council, the Cities of Bayswater and Vincent and other private organisations.

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.

The works undertaken during the Contract would be based upon an hourly labour rate and the cost of materials with each Tenderer submitting a percentage mark-up for materials and plant hire. The work will consist of two components:

- Capital projects not exceeding \$100,000 in value; and
- Reactive maintenance.

Due to the unknown nature of the works, it is not possible to calculate an estimated expenditure over the life of the Contract. However, a direct comparison of the most commonly utilised rates for labour, materials and plant hire mark-up was undertaken.

A Summary of the Rates submitted is provided in confidential Attachment 3.

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 CPI for the preceding year.

During the period 1 July 2011 to 6 January 2012, the City incurred \$886,201 for the provision of building minor works and maintenance. The current Budget for these services is \$1,200,000 for capital works and \$350,000 for maintenance. This is not anticipated to change in years two and three of the Contract and the projected expenditure over the three year Contract period will be in the order of \$4,650,000.

Evaluation Summary

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

Respondent	Price Rank			Evaluation Score	Qualitative Ranking
	Labour Rate	Material Mark-up	Plant Hire Mark-up		
Devco Holdings Pty Ltd	1	3	3	71%	1
WA Commercial Constructions Pty Ltd trading as KMC Group	4	3	3	65.4%	2
RWE Robinson & Sons Pty Ltd trading as Robinson Buildtech	5	3	3	65.3%	3
Plan Construction Pty Ltd	2	5	5	64%	4
Oaklane Pty Ltd trading as Oaklane Projects	2	3	3	57.6%	5
RBD Building & Maintenance Pty Ltd	2	2	2	48.6%	6
Building & Construction Australia Pty Ltd trading as BCA Homes & Patios	3	1	1	46.3%	7
Kayeddar Services	2	4	4	45.3%	8
IPS Integrated Premises Services trading as Midcity Group	2	3	4	41.4%	9
Austec Building & Constructions Pty Ltd trading as Austec Group	6	1	1	36.5%	10

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

While Devco Holdings, KMC Group, Robinson Buildtech and Plan Construction all demonstrated the capability to undertake the City's requirement, Devco Holdings best demonstrated its capacity and experience in this type of work and submitted the lowest normal working hours labour rate and the equal lowest mark-up rates for materials and plant hire of the top four qualitative ranked companies.

Issues and options considered:

The City has a requirement for the provision of building minor works and maintenance not exceeding \$100,000 in value. The City does not have the internal resources to undertake the required works and requires an appropriate external supplier to undertake the work.

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 Well Being

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. Building maintenance and refurbishment works will be delayed and the City will not be able to complete capital works and maintenance programs on time.

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 capacity to meet the requirements of the City.

The City will conduct regular performance assessments of the Contractor, including value for money checks through independent quantity surveyors.

Financial/Budget Implications:

Account No: Individual account numbers for each project, from the Capital Works Program 11/12.

Budget Item: Building minor works and maintenance not exceeding \$100,000 in value.

Budget Project Cost 11/12: \$1,200,000 (Capital Works).

\$350,000 (Maintenance).

Budget Amount: \$1,550,000.

Expenditure
\$886,201.

(1 July 2011 to 6 January 2012):

All figures quoted in this report are exclusive of GST.

Regional Significance:

Not Applicable.

Sustainability Implications:

The maintenance and refurbishment of City facilities will enhance their visual appeal and improve the quality of the amenities available for use by the community.

Consultation:

Not Applicable.

COMMENT

The Evaluation Panel carried out the evaluation of the submissions in accordance with the City's evaluation process and concluded that the Offer representing best value with low risk to the City is that submitted by Devco Holdings Pty Ltd.

VOTING REQUIREMENTS

Simple Majority.

MOVED Cr Amphlett, SECONDED Cr Ritchie that Council ACCEPTS the Tender submitted by Devco Holdings Pty Ltd for the provision of building minor works and maintenance not exceeding \$100,000 in value as specified in Tender 039/11 for a three year period at the submitted schedule of rates, with annual price variations subject to the percentage change in the Perth CPI (All Groups) Index.

The Motion was Put and CARRIED (13/0) by En Bloc Resolution prior to consideration of Report of the Chief Executive Officer, Page 141 refers.

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

Appendix 20 refers

To access this attachment on electronic document, click here: [Attach20brf140212.pdf](#)

**CJ024-02/12 PETITION REGARDING TRAFFIC CONCERNS ON
DELGADO PARADE, ILUKA**

WARD:	North
RESPONSIBLE DIRECTOR:	Mr Glen Flood Infrastructure Services
FILE NUMBER:	27473, 101515
ATTACHMENTS:	Attachment 1 Delgado Parade Locality Plan Attachment 2 Traffic Management Concept – Median Treatment Option Attachment 3 Traffic Management Concept – Traffic Island Treatment Option

PURPOSE

To consider a petition received by Council requesting that the City addresses the issue of traffic speeds and traffic volumes on Delgado Parade, Iluka.

EXECUTIVE SUMMARY

In September 2011, Council received a 200 signature petition from residents of Delgado Parade requesting that the City addresses the issue of traffic speeds and traffic volumes. Delgado Parade is a single carriageway road that connects Burns Beach Road in the north to Shenton Avenue in the south. The traffic assessment of Delgado Parade using the City's Traffic Management Investigation and Intervention Guidelines showed that it does not require major works. In addition due to the width of Delgado Parade and as it is a bus route, there are limited standard traffic treatments which can be suggested.

It is recommended that Council:

- 1 *SUPPORTS retaining the existing road layout on Delgado Parade, Iluka;*
- 2 *REQUESTS Main Roads WA to install centre line marking on Delgado Parade, Iluka to emphasise traffic lanes; and*
- 3 *ADVISES the lead petitioner of its decision.*

BACKGROUND

At its meeting held on 20 September 2011 (C43-09/11 refers), Council received a 200 signature petition requesting that the City 'take immediate steps to reduce both the volume and speed of vehicles on Delgado Parade, Iluka, as soon as possible'.

DETAILS

Delgado Parade is a single carriageway road 1.7 kilometres in length and 7.4 metres wide. It is located south of Burns Beach Road, north of Shenton Avenue and is parallel with Marmion Avenue. In addition to the Local Road Network, it provides direct access to approximately 111 residential properties (Attachment 1 refers).

An analysis of traffic count surveys undertaken for Delgado Parade during November 2011 confirmed that traffic volumes were 3,368 vehicles per day (vpd) south of Burns Beach Road, 3,289 vpd north of Silver Sands Drive and 3,489 vpd north of Quincy Loop. The traffic volumes are within acceptable limits for a road of this type, with the maximum desirable traffic volume being 6,000 vpd. Under the Main Roads WA Metropolitan Functional Road Hierarchy, this road currently functions as a Local Distributor Road.

The default urban speed limit of 50km/h applies to Delgado Parade. The results of the November 2011 traffic count surveys revealed that the 85th percentile traffic speed was 49.7km/h south of Burns Beach Road, 42.1 km/h north of Silver Sands Drive and 56.9 km/h north of Quincy Loop.

An analysis of Main Roads WA's five year crash data for the period ending December 2010 confirmed a total of four recorded crashes had occurred on Delgado Parade in this period. All of the crashes involved vehicle damage only. The crash types were a combination of right angle hit object, head on and reversing backwards.

Delgado Parade is a bus route for bus number 470; Joondalup to Burns Beach via Iluka. There are eight bus stop locations over the length of Delgado Parade.

To confirm the extent of the traffic issue, Delgado Parade was reviewed utilising the City's 'Traffic Management Investigation and Intervention Guidelines' and it identified the following:

- Road alignment between Burns Beach Road and Shenton Avenue is a combination of straights and curves. The intersection sight lines and drivers' forward visibility were found to be clear and unobstructed.
- The 85th percentile recorded traffic speeds range from 42.1 km/h to 56.9km/h. The highest 85th percentile speed of 56.9km/h north of Quincy Loop is higher than the urban speed limit but not dissimilar to other roads of this type.
- The traffic volumes range from 3,289 vpd to 3,489 vpd and are within the maximum for a Local Distributor Road of this type.
- An analysis of the five year crash data to December 2010 revealed that all of the four crashes were non injury related. The majority of crashes also occurred in dry weather conditions.
- Using the above information, an Action Priority Score of 44 was determined.
- In accordance with the Guidelines, an Action Priority Score between 30 and 50 denotes a road with a minor technical problem and requires low-cost non-capital works solutions to be considered where appropriate.

It is also noted that in 2009 the City received correspondence from 11 residents of Delgado Parade regarding speeding and hoon driver behaviour. As a result, traffic management enhancement for Delgado Parade was listed as part of the City's Five Year Capital Works Program in the 2014/15 financial year of the Local Road Traffic Management Program.

Issues and options considered:

Council has the option to:

Option 1: Retain the existing road layout on Delgado Parade.

The road layout can be retained in its existing form (7.4 metres wide) until the subdivision to the west and the Burns Beach Road coastal road connection are completed. It is expected traffic volumes will decrease on Delgado Parade once this has occurred. The low Action Priority Score of 44 produced using the City's Traffic Management Investigation and Intervention Guidelines' suggest this Option is not the most desirable.

Option 2: Install central median treatment and traffic islands (Attachment 2 refers).

Currently Delgado Parade is 7.4 metres wide and meets the MRWA standard lane width of 3.2 metres per lane for buses to utilise this road. A standard central median treatment of 1.2 metres would reduce each lane width to 3.1 metres and would not meet MRWA standards for roads with bus routes. The installation of a central median treatment and traffic islands on this road would be expensive, would change the streetscape and would be difficult to meet MRWA standards. The low Action Priority Score of 44 produced using the City's 'Traffic Management Investigation and Intervention Guidelines' suggest this option is not appropriate.

Option 3: Install traffic islands at intersections only (Attachment 3 refers).

Currently Delgado Parade is 7.4 metres wide and meets the MRWA standard lane width of 3.2 metres per lane for buses to utilise this road. The installation of traffic islands would require widening of the kerb lines at the intersections to meet MRWA standards. The installation of traffic islands on this road would change the streetscape, may increase the risk of damage to this new street and would be difficult to meet MRWA standards. The low Action Priority Score of 44 produced using the City's 'Traffic Management Investigation and Intervention Guidelines' suggest this Option is not appropriate.

Option 4: Install centre line marking for the full length of Delgado Parade.

There is currently no centre line line-marking on Delgado Parade. The MRWA criteria for the installation of new centreline marking is a minimum of 2,500vpd. Delgado Parade meets the MRWA warrant criteria (with over 3,000vpd) and MRWA would consider line-marking on request from the City. Officers have inspected the street in detail and can advise that installation of centreline marking would improve the delineation of lanes, however, it is expected that it would not encourage reduced traffic volumes or speeds.

Legislation/Strategic Plan/Policy Implications:

Legislation: Road Traffic Code 2000.

Strategic Plan:

Key Focus Area: Community Wellbeing.

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

Policy:

Not Applicable.

Risk Management Considerations:

The five year crash history on Delgado Parade showed there were four crashes which did not result in road trauma. The risk of crashes resulting in road trauma in the future on Delgado Parade is considered minimal.

Financial/Budget Implications:

Using the City's 'Traffic Management Investigation and Intervention Guidelines' an Action Priority Score of 44 was produced. This indicated the preferred treatment would be to install centre line marking on Delgado Parade which is a low cost treatment. The currently listed traffic management treatments in the five year Capital Works Program would therefore not be relevant solutions.

If adopted as recommended, the installation of a centre line-marking along the length of Delgado Parade will be undertaken and funded by MRWA.

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 as per Options 2 and 3 were to proceed. If Option 4 were implemented as per recommendation, there would be no requirement for further community consultation.

COMMENT

Delgado Parade was assessed using the City's 'Traffic Management Investigation and Intervention Guidelines' through the analysis of crash data, traffic volumes and speeds, and road design and topography. Through this assessment it was determined that Delgado Parade required a non-capital works solution due to a lower action priority score. The options to either install a central median treatment with traffic islands or to install traffic islands would not meet the MRWA standard lane width criteria for roads with bus routes and would change the overall streetscape and feel of the road. It is recommended to retain the existing layout of the road until the connection of Burn Beach Road occurs and the impact on traffic volumes can be determined.

In recent discussions with the developers, they have confirmed that the connection of Burns Beach Road is currently being progressed and that tender documentation is being prepared for later this financial year. It is anticipated that construction will commence prior to the end of 2012. Therefore in consideration of the pending connection of Burns Beach Road to Ocean Reef Road, the low assessment of the warrant for further traffic treatments against the City's Guidelines and the concurrence of the line marking option with MRWA warrant criteria, it is proposed that Option 4 be implemented.

VOTING REQUIREMENTS

Simple Majority.

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

- 1 **SUPPORTS** retaining the existing road layout on Delgado Parade, Iluka;
- 2 **REQUESTS** Main Roads WA to install centre line marking on Delgado Parade, Iluka to emphasise traffic lanes; and
- 3 **ADVISES** the lead petitioner of its decision.

The Motion was Put and CARRIED (13/0) by En Bloc Resolution prior to consideration of Report of the Chief Executive Officer, Page 141 refers.

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

Appendix 21 refers

To access this attachment on electronic document, click here: [Attach21brf140212.pdf](#)

C07-02/12 COUNCIL DECISION – EN BLOC RESOLUTION - [02154] [08122]

MOVED Cr Amphlett, **SECONDED** Cr Ritchie that pursuant to the Standing Orders Local Law 2005 – Clause 48 – Adoption of recommendations en bloc, Council **ADOPTS** the following Items CJ001-02/12, CJ004-02/12, CJ006-02/12, CJ008-02/12, CJ009-02/12, CJ010-02/12, CJ012-02/12, CJ014-02/12, CJ015-02/12, CJ016-02/12, CJ017-02/12, CJ018-02/12, CJ020-02/12, CJ021-02/12, CJ022-02/12, CJ023-02/12 and CJ024-02/12.

The Motion was Put and **CARRIED (13/0)**

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

REPORT OF THE CHIEF EXECUTIVE OFFICER**Disclosure of interest affecting impartiality**

Name/Position	Cr Brian Corr
Item No/Subject	CJ025-02/12 – Breach of the Local Government (Rules of Conduct) Regulations 2007 – Cr Brian Corr.
Nature of interest	Interest that may affect impartiality.
Extent of Interest	Cr Corr is the subject of the Report.

CJ025-02/12 BREACH OF THE LOCAL GOVERNMENT (RULES OF CONDUCT) REGULATIONS 2007 - CR BRIAN CORR

WARD:	All
RESPONSIBLE DIRECTOR:	Mr Garry Hunt Office of the CEO
FILE NUMBER:	101056, 101515
ATTACHMENTS:	Nil.

PURPOSE

The purpose of this report is to advise Council of the findings of the Local Government Standards Panel concerning a breach of the *Local Government (Rules of Conduct) Regulations 2007* and the Panel's orders for the publication of a notice of public censure.

EXECUTIVE SUMMARY

Division 9, Part 5 of the *Local Government Act 1995* (the Act) describes the process for dealing with alleged breaches of the *Local Government (Rules of Conduct) Regulations 2007* (the Conduct Rules) by Council members.

A complaint alleging a breach by Cr Corr of the Conduct Rules was upheld by the Local Government Standards Panel which made orders for the publication of a notice of public censure.

In accordance with the terms of the orders, the notice is required to be published in newspapers in the period between 29 February and 14 March 2012.

BACKGROUND

In July 2010, Mayor Pickard lodged a complaint under section 5.107 of the *Local Government Act 1995* alleging a breach by Cr Corr of regulation 6 of the Conduct Rules.

Regulation 6 provides that a Councillor must not disclose information that the Council member derived from a confidential document or acquired at a closed meeting of Council.

The complaint alleged that on 6 July 2010 at a Special Meeting of Council, which was open to the public, Cr Corr disclosed information that he derived from a document marked by the Chief Executive Officer to show that the information in it was confidential and was not to be disclosed.

In May 2011, the Standards Panel upheld the complaint and made orders that Cr Corr be publicly censured by requiring the Chief Executive Officer to arrange for the publication of a notice of public censure in the terms set out in the order.

In June 2011, Cr Corr applied to the State Administrative Tribunal (SAT) for a review of the Standard Panel's findings and the orders imposed on him.

On 31 January 2012, the Tribunal delivered its decision on the review application and upheld the Panel's findings and orders (refer <http://decisions.justice.wa.gov.au/SAT/SATdcsn.nsf> - *Corr and Local Government Standards Panel [2012] WASAT 14*).

DETAILS

Division 9, Part 5 of the Act deals with the conduct of Council members and provides that any person who has reason to believe that a Council member has committed a breach of the Conduct Rules may lodge a complaint.

Complaints are determined by the Local Government Standards Panel established by the Minister for Local Government under the Act. Upon a finding that a breach has been committed the Panel must make orders as to how the breach should be dealt with. The options include public censure, public apology and undertake training.

In this case, the Panel determined that public censure was appropriate, noting that –

'a public censure is not only a reprimand aimed at reformation of the offending council member and prevention of further offending acts, but also as a measure in support of the institution of local government and those council members who observe the rules of conduct.' [para. 12, *Decision and Reasons for Decision*]

Section 5.118 of the Act provides that the Chief Executive Officer of the local government concerned is required to arrange publication of any censure ordered by the Panel.

Upon the decision of the SAT to uphold the Panel's ruling and orders, it is now necessary to arrange for publication of the notice of public censure in two newspapers circulating in the district in accordance with the terms of the orders.

Legislation/Strategic Plan/Policy Implications:

Legislation: Division 9, Part 5 - *Local Government Act 1995*.

Strategic Plan:

Key Focus Area: Leadership and Governance.

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

Policy:

Code of Conduct – Clause 3.2 - Use of Confidential Information.

Risk Management Considerations:

The City's reputation for good governance would be at risk if the orders were not carried out.

Financial/Budget Implications:

The City is responsible for a portion of the costs of the Standards Panel of \$522 and for the costs of publication in two the newspapers of \$1,216.

Regional Significance:

Not Applicable.

Sustainability Implications:

Not Applicable.

Consultation:

Not Applicable.

COMMENT

The Local Government Standards Panel has ordered the Chief Executive Officer to arrange for the publication of a notice of public censure in the terms set out in the order.

The notice of public censure will be published in *The West Australian* newspaper and the *Joondalup Times* newspaper.

VOTING REQUIREMENTS

Simple Majority.

MOVED Cr McLean, SECONDED Cr Hollywood that Council RECEIVES the report in relation to the breach of the Local Government (Rules of Conduct) Regulations 2007 – Cr Brian Corr.

The Motion was Put and

CARRIED (13/0)

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

MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**C08-02/12 NOTICE OF MOTION NO 1 – MAYOR TROY PICKARD – ESTABLISHMENT OF A PERMANENT YOUTH DROP-IN CENTRE AT HEATHRIDGE LEISURE CENTRE - [03034]**

In accordance with Clause 26 of the Standing Orders Local Law 2005, Mayor Troy Pickard gave notice of his intention to move the following Motion at the Council meeting to be held on Tuesday, 21 February 2012:

"That Council REQUESTS the Chief Executive Officer to prepare a report for consideration at a future Council meeting to establish a permanent Youth Drop-in Centre at Heathridge Leisure Centre in Heathridge. The operation of the Youth Drop-in Centre could include potential partnerships with external stakeholders such as the Police Service, Government Agencies, high schools, youth service providers and youth support networks and be funded through both internal and external funding sources and grants."

Reason for Motion:

The City of Joondalup currently operates a successful Anchors Youth Action Program during the school holidays at the Anchors Youth Centre inside the Heathridge Leisure Centre, Sail Terrace, Heathridge. The Youth Action Program runs every day of the school holidays, except public holidays, and engages young people aged between 12 and 18 years, including young people with special needs.

In addition to the Anchors Youth Action Program, the City also operates a Youth Outreach Program for young people aged between 12 and 25 years, providing them an opportunity to engage with qualified Youth Workers invariably in locations where young people feel most comfortable – such as a café, park, train station or shopping centre and is also supported by the Youth-Mobile, a mobile youth centre.

Whilst the Anchors Youth Action Program is regarded a success, it only operates within the school holiday period. Additionally, whilst the Youth-Mobile is a permanent well utilised feature, it is restricted in its reach and engagement of young people.

It is suggested that an opportunity exists to expand on the successful Anchors Youth Action Program and establish a permanent program such as a Youth Drop-in Centre. The Heathridge Leisure Centre is ideally placed to house the permanent program given its central location within the City, its available capacity and the operation of the existing holiday program at the facility.

Additionally, there is considerable interest amongst external agencies, stakeholders and service providers to engage with young people within the City of Joondalup and operate within the Heathridge Leisure Centre and form part of the offering in the Youth Drop-in Centre. Various funding and grant programs could be accessed to assist in offsetting any additional operating costs.

Officer's Comment

A report can be prepared.

MOVED Mayor Pickard, SECONDED Cr Gobbert that Council REQUESTS the Chief Executive Officer to prepare a report for consideration at a future Council meeting to establish a permanent Youth Drop-in Centre at Heathridge Leisure Centre in Heathridge. The operation of the Youth Drop-in Centre could include potential partnerships with external stakeholders such as the Police Service, Government Agencies, high schools, youth service providers and youth support networks and be funded through both internal and external funding sources and grants.

The Motion was Put and

CARRIED (13/0)

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

C09-02/12 NOTICE OF MOTION NO 2 – MAYOR TROY PICKARD – OPERATION OF CCTV NETWORK [09360]

In accordance with Clause 26 of the Standing Orders Local Law 2005, Mayor Troy Pickard gave notice of his intention to move the following Motion at the Council meeting to be held on Tuesday, 21 February 2012:

"That Council REQUESTS the Chief Executive Officer to prepare a report for consideration at a future Council meeting outlining the existing CCTV network operation within the City of Joondalup and identifying potential opportunities to further enhance the network, its operations and effectiveness. The report is to include, but not limited to:

- An assessment of the effectiveness of the existing CCTV network within the City of Joondalup, including a review of CCTV coverage in the City Centre, Tom Simpson Park and McNaughton Park.***
- Identification of potential additional coverage areas to reduce and deter anti-social behaviour within the City of Joondalup, including the use of alternative monitoring and deterrent devices.***
- Mechanisms to strengthen the partnership with the Police Service to enhance the operational effectiveness of the monitoring centre and incident responsiveness.***
- Opportunities to establish a CCTV monitoring centre which could provide monitoring and response services to the Police Service, other local government authorities and private businesses on a fee for service basis."***

Reason for Motion:

In the 2007/08 financial year the City of Joondalup installed an extensive CCTV network within the City Centre and has since established CCTV coverage in Tom Simpson Park in Mullaloo and McNaughton Park in Kinross. It is timely to conduct an assessment of the initiative to determine the effectiveness of the network in deterring and reducing anti-social behaviour and crime within the City of Joondalup.

The review would enable an assessment of existing CCTV coverage within the City Centre and known hot spot locations with the potential to address any known weaknesses in the network, including the identification of additional sites within the City of Joondalup and the use of alternative monitoring equipment and devices that deter anti-social behaviour.

The City currently monitors the CCTV network on a limited basis during peak activity and liaises with the Police Service in responding to an incident and utilising footage as evidence. An opportunity exists to assess the operation of the CCTV monitoring centre and determine how improvements could be made to better interface with the Police Service and enhance incident responsiveness.

It would also be beneficial to investigate demand from private business operators and other local government authorities, in conjunction with the Police Service, to provide a fee for service with the potential to operate a significant CCTV monitoring and response centre for the north-west corridor.

Officer's Comment

A report can be prepared.

MOVED Mayor Pickard, **SECONDED** Cr McLean that Council **REQUESTS** the Chief Executive Officer to prepare a report for consideration at a future Council meeting outlining the existing CCTV network operation within the City of Joondalup and identifying potential opportunities to further enhance the network, its operations and effectiveness. The report is to include, but not limited to:

- **An assessment of the effectiveness of the existing CCTV network within the City of Joondalup, including a review of CCTV coverage in the City Centre, Tom Simpson Park and McNaughton Park.**
- **Identification of potential additional coverage areas to reduce and deter anti-social behaviour within the City of Joondalup, including the use of alternative monitoring and deterrent devices.**
- **Mechanisms to strengthen the partnership with the Police Service to enhance the operational effectiveness of the monitoring centre and incident responsiveness.**
- **Opportunities to establish a CCTV monitoring centre which could provide monitoring and response services to the Police Service, other local government authorities and private businesses on a fee for service basis.**

The Motion was Put and

CARRIED (13/0)

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

C10-02/12 NOTICE OF MOTION NO 3 – MAYOR TROY PICKARD – POTENTIAL EXPANSION OF JOONDALUP LOTTERIES HOUSE [01113]

In accordance with Clause 26 of the Standing Orders Local Law 2005, Mayor Troy Pickard gave notice of his intention to move the following Motion at the Council meeting to be held on Tuesday, 21 February 2012:

"That Council REQUESTS the Chief Executive Officer to prepare a report for consideration at a future Council meeting investigating the potential expansion of Joondalup Lotteries House in order to cater for the growth of Non Government Organisations with the City of Joondalup."

Reason for Motion:

The Joondalup Lotteries House, which is located next to the Council Administration Centre, was a joint project between the Lotteries Commission and the Council and was officially opened on 5 May 1999. Lotteries House aims to provide secure, affordable accommodation for community organisations in the northern suburbs involved in supporting and/or delivering non-profit human services. The building is managed by an incorporated body (The Joondalup Lotteries House Inc) in which the City of Joondalup is a member.

Representatives of Non Government Organisations (NGOs) in the northern suburbs including:

- Community Vision;
- Alzheimer's Australia;
- Youth Futures WA;
- Spiers Centre;
- Women's Health Works;
- Cyrenian House;
- Family Support WA;
- June O'Connor Centre;
- Red Cross Private Tenancy & Tenancy Support; and
- Salvation Army.

have been meeting to, amongst other things, increase capacity to meet the current and future needs of the northern corridor.

An opportunity exists to explore the potential extension of Joondalup Lotteries House through the replication of the building to the south of the existing footprint and double the capacity of the existing facility thereby catering for the expansion of existing NGOs and provision of new NGOs in the northern corridor.

Given the initial facility was a joint project between the Lotteries Commission and the Council, it is envisaged that considerable funding could be sourced through the Lotteries Commission and the State Government to assist in the expansion of the building.

Officer's Comment

A report can be prepared.

MOVED Mayor Pickard, SECONDED Cr Hamilton-Prime that Council REQUESTS the Chief Executive Officer to prepare a report for consideration at a future Council meeting investigating the potential expansion of Joondalup Lotteries House in order to cater for the growth of Non Government Organisations within the City of Joondalup.

The Motion was Put and

CARRIED (13/0)

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

C11-02/12 MOTION TO DISPENSE WITH THE REQUIREMENT TO GIVE NOTICE
- [02154, 08122]

MOVED Mayor Pickard, **SECONDED** Cr Amphlett that Council, **BY AN ABSOLUTE MAJORITY, DISPENSES** with the requirement to give notice under Clause 26 (1) of the City's Standing Orders Local Law 2005, to consider an urgent item of business related to the Business Development Association and a request that the Chief Executive Officer prepare a report related to the affairs of the Business Development Association as the Council is satisfied that it was not reasonable for the notice to be given.

The Motion was Put and

CARRIED (13/0)

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

Disclosures of interest affecting impartiality

Name/Position	Cr Tom McLean, JP
Item No/Subject	C12-02/12 – Request for Report in Relation to Business Development Association
Nature of interest	Interest that may affect impartiality.
Extent of Interest	Cr McLean is a former member of the Business Development Association.

Name/Position	Cr Geoff Amphlett, JP
Item No/Subject	C12-02/12 – Request for Report in Relation to Business Development Association
Nature of interest	Interest that may affect impartiality.
Extent of Interest	Cr Amphlett is the former Chair of the Business Development Association.

Name/Position	Cr Teresa Ritchie
Item No/Subject	C12-02/12 – Request for Report in Relation to Business Development Association
Nature of interest	Interest that may affect impartiality.
Extent of Interest	Cr Ritchie is a member of the Business Development Association Committee.

Name/Position	Cr Brian Corr
Item No/Subject	C12-02/12 – Request for Report in Relation to Business Development Association
Nature of interest	Interest that may affect impartiality.
Extent of Interest	Cr Corr is a member of the Business Development Association.

C12-02/12 REQUEST FOR REPORT IN RELATION TO BUSINESS DEVELOPMENT ASSOCIATION - [51024]

MOVED Mayor Pickard, **SECONDED** Cr Amphlett that Council **REQUESTS** the Chief Executive Officer to prepare an urgent report on the affairs of the Business Development Association (NM Metro) Inc., of which the City is a Foundation Member and its relevance to the ongoing operations of the City of Joondalup.

The Motion was Put and

CARRIED (13/0)

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

ANNOUNCEMENTS OF NOTICES OF MOTION FOR THE NEXT MEETING

Nil.

CLOSURE

There being no further business, the Mayor declared the Meeting closed at 9.46 pm; the following Elected Members being present at that time:

MAYOR T PICKARD
CR KERRY HOLLYWOOD
CR TOM McLEAN, JP
CR PHILIPPA TAYLOR
CR SAM THOMAS
CR LIAM GOBBERT
CR GEOFF AMPHLETT, JP
CR MIKE NORMAN
CR CHRISTINE HAMILTON-PRIME
CR JOHN CHESTER
CR BRIAN CORR
CR RUSS FISHWICK
CR TERESA RITCHIE