

agenda

Briefing Session

A BRIEFING SESSION WILL BE HELD IN
CONFERENCE ROOM 1, JOONDALUP CIVIC CENTRE,
BOAS AVENUE, JOONDALUP

ON **TUESDAY, 12 FEBRUARY 2013**
COMMENCING AT **6.30pm**

PUBLIC QUESTION TIME

Members of the public are requested to lodge questions in writing by close of business on Monday, 11 February 2013

Answers to those questions received within that timeframe will, where practicable, be provided in hard copy form at the Briefing Session.

QUESTIONS TO

council.questions@joondalup.wa.gov.au

PO Box 21 Joondalup WA 6919

www.joondalup.wa.gov.au

BRIEFING SESSIONS

The following procedures for the conduct of Briefing Sessions were adopted at the Council meeting held on 17 March 2009:

INTRODUCTION

The modern role of the Elected Council is to set policy and strategy, and provide goals and targets for the local government (City of Joondalup). The employees, through the Chief Executive Officer, have the task of implementing the decisions of the Elected Council.

A well-structured decision-making process that has established procedures will provide the elected body with the opportunity to:

- have input into the future strategic direction set by the Council;
- seek points of clarification;
- ask questions;
- be given adequate time to research issues;
- be given maximum time to debate matters before the Council;

and ensure that the elected body is fully informed to make the best possible decision for all the residents of the City of Joondalup.

PURPOSE OF BRIEFING SESSIONS

Briefing Sessions will involve Elected Members, staff, and external advisors (where appropriate) and will be open to the public.

Briefing Sessions will provide the opportunity for Elected Members to be equally informed and seek additional information on matters prior to the presentation of such matters to the next ordinary meeting of Council for formal consideration and decision.

PROCEDURES FOR BRIEFING SESSIONS

The following procedures will apply to Briefing Sessions that are conducted by the City of Joondalup.

- 1 Briefing Sessions will be open to the public except for matters of a confidential nature. The guide in determining those matters of a confidential nature shall be in accordance with the *Local Government Act 1995*.
- 2 Dates and times for Briefing Sessions will be set well in advance where practicable, and appropriate notice given to the public.
- 3 The Chief Executive Officer will ensure timely written notice and an agenda for each Briefing Session will be provided to all Elected Members, Members of the public and external advisors (where appropriate).

- 4 The Mayor is to be the Presiding Member at Briefing Sessions. If the Mayor is unable or unwilling to assume the role of Presiding Member, then the Deputy Mayor may preside at the Briefing Session. If the Deputy Mayor is unable or unwilling, those Elected Members present may select one from amongst themselves to preside at the Briefing Session.
- 5 There is to be no debate amongst Elected Members on any matters raised during the Briefing Session.
- 6 Relevant employees of the City will be available to make a presentation or respond to questions on matters listed on the agenda for the Briefing Session.
- 7 All Elected Members will be given a fair and equal opportunity to participate in the Briefing Session.
- 8 The Presiding Member will ensure that time is made available to allow for all matters of relevance to be covered.
- 9 Elected Members, employees and relevant consultants shall disclose their interests on any matter listed for the Briefing Sessions. When disclosing an interest the following is suggested:
 - (a) Interests are to be disclosed in accordance with the provisions of the *Local Government Act 1995* and the City's Code of Conduct.
 - (b) Elected Members disclosing a financial interest will not participate in that part of the Session relating to the matter to which their interest applies and shall depart the room.
 - (c) Employees with a financial interest in a matter may also consider it appropriate to depart the room when the matter is being considered.
- 10 Elected Members have the opportunity to request matters to be included on the agenda for consideration at a future Briefing Session at Item 10 on the Briefing Session agenda.
- 11 A record shall be kept of all Briefing Sessions. As no decisions are made at a Briefing Session, the record need only be a general record of the items covered but shall record any disclosure of interests as declared by individuals. A copy of the record is to be forwarded to all Elected Members.
- 12 Members of the public may make a deputation to a Briefing Session by making a written request to the Mayor by 4.00pm on the working day immediately prior to the scheduled Briefing Session. Deputations must relate to matters listed on the agenda of the Briefing Session.
- 13 Other requirements for deputations are to be in accordance with the Standing Orders Local Law where it refers to the management of deputations.

PROCEDURES FOR PUBLIC QUESTION TIME

The following procedures for the conduct of Public Question Time were adopted at the Council meeting held on 17 March 2009:

Questions asked verbally

- 1 Members of the public are invited to ask questions at Briefing Sessions. Questions asked at a Briefing Session must relate to a matter contained on the agenda.
- 2 A register will be provided for those persons wanting to ask questions to enter their name. Persons will be requested to come forward in the order in which they are registered, and to give their name and address.
- 3 Public question time will be limited to two minutes per member of the public, with a limit of two verbal questions per member of the public.
- 4 Statements are not to precede the asking of a question during public question time. Statements should be made during public statement time.
- 5 Members of the public are encouraged to keep their questions brief to enable everyone who desires to ask a question to have the opportunity to do so.
- 6 Public question time will be limited to the legislative minimum of 15 minutes. Public question time is declared closed following the expiration of the allocated 15 minute time period, or earlier if there are no further questions. The Presiding Member may extend public question time in intervals of ten minutes, but the total time allocated for public question time is not to exceed 35 minutes in total.
- 7 Questions are to be directed to the Presiding Member and shall be asked politely, in good faith, and are not to be framed in such a way as to reflect adversely or to be defamatory on a particular Elected Member or City employee. The Presiding Member shall decide to:
 - accept or reject any question and his/her decision is final;
 - nominate a member of the Council and/or City employee to respond to the question;
 - take a question on notice. In this case a written response will be provided as soon as possible, and included in the agenda of the next briefing session.
- 8 Where an Elected Member is of the opinion that a member of the public is:
 - asking a question at a Briefing session that is not relevant to a matter listed on the agenda, or;
 - making a statement during public question time;they may bring it to the attention of the Presiding Member who will make a ruling.
- 9 Questions and any response will be summarised and included in the notes of the Briefing Session.

- 10 It is not intended that question time should be used as a means to obtain information that would not be made available if it was sought from the City's records under Section 5.94 of the *Local Government Act 1995* or the *Freedom of Information Act 1992*. Where the response to a question(s) would require a substantial commitment of the City's resources, the Chief Executive Officer will determine that it is an unreasonable impost upon the City and refuse to provide it. The Chief Executive Officer will advise the member of the public that the information may be sought in accordance with the *Freedom of Information Act 1992*.

Questions in Writing – (Residents and/or ratepayers of the City of Joondalup only).

- 1 Only City of Joondalup residents and/or ratepayers may submit questions to the City in writing.
- 2 Questions must relate to a matter contained on the agenda.
- 3 The City will accept a maximum of five written questions per City of Joondalup resident/ratepayer. To ensure equality and consistency, each part of a multi-part question will be treated as a question in its own right.
- 4 Questions lodged by the close of business on the working day immediately prior to the scheduled Briefing Session will be responded to, where possible, at the Briefing Session. These questions, and their responses, will be distributed to Elected Members and made available to the public in written form at the meeting.
- 5 The Presiding Member shall decide to accept or reject any written question and his/her decision is final. Where there is any concern about a question being offensive, defamatory or the like, the Presiding Member will make a determination in relation to the question. Questions determined as offensive, defamatory or the like will not be published. Where the Presiding Member rules questions to be out of order, an announcement to this effect will be made at the meeting, including the reason(s) for the decision.
- 6 The Presiding Member may rule questions out of order where they are substantially the same as questions previously submitted and responded to.
- 7 Written questions unable to be responded to at the Briefing Session will be taken on notice. In this case, a written response will be provided as soon as possible and included on the agenda of the next Briefing Session.
- 8 A person who submits written questions may also ask questions at a Briefing Session and questions asked verbally may be different to those submitted in writing.
- 9 Questions and any response will be summarised and included in the notes of the Briefing Session.

- 10 It is not intended that question time should be used as a means to obtain information that would not be made available if it was sought from the City's records under Section 5.94 of the *Local Government Act 1995* or the *Freedom of Information Act 1992*. Where the response to a question(s) would require a substantial commitment of the City's resources, the Chief Executive Officer will determine that it is an unreasonable impost upon the City and refuse to provide it. The Chief Executive Officer will advise the member of the public that the information may be sought in accordance with the *Freedom of Information Act 1992*.

DISCLAIMER

Responses to questions not submitted in writing are provided in good faith and as such, should not be relied upon as being either complete or comprehensive.

PROCEDURES FOR PUBLIC STATEMENT TIME

The following procedures for the conduct of Public Statement Time were adopted at the Council meeting held on 18 December 2007:

- 1 Members of the public are invited to make statements at Briefing Sessions. Statements made at a Briefing Session must relate to a matter contained on the agenda.
- 2 A register will be provided for those persons wanting to make a statement to enter their name. Persons will be requested to come forward in the order in which they are registered, and to give their name and address.
- 3 Public statement time will be limited to two minutes per member of the public.
- 4 Members of the public are encouraged to keep their statements brief to enable everyone who desires to make a statement to have the opportunity to do so.
- 5 Public statement time will be limited to a maximum of 15 minutes. Public statement time is declared closed following the 15 minute allocated time period, or earlier if there are no further statements.
- 6 Statements are to be directed to the Presiding Member and are to be made politely in good faith and are not to be framed in such a way as to reflect adversely or be defamatory on a particular Elected Member or City employee.
- 7 Where an Elected Member is of the opinion that a member of the public is making a statement at a Briefing session, that is not relevant to a matter listed on the draft agenda, they may bring it to the attention of the Presiding Member who will make a ruling.
- 8 A member of the public attending a Briefing Session may present a written statement rather than making the Statement verbally if he or she so wishes.
- 9 Statements will be summarised and included in the notes of the Briefing Session.

DEPUTATION SESSIONS

Council will conduct an informal session on the same day as the Briefing Session in Conference Room 1, Joondalup Civic Centre, Boas Avenue, Joondalup, commencing at 6.30pm where members of the public may present deputations by appointment only. (Please note that deputation requests are to be received by no later than 4.00pm on the Monday prior to a Briefing Session.)

A time period of 15 minutes is set-aside for each deputation, with five minutes for Elected Members' questions. Deputation sessions are open to the public.

* *Any queries on the agenda, please contact Governance Support on 9400 4369*

RECORDING OF THE PROCEEDINGS OF THE BRIEFING SESSION

Proceedings of the Briefing Session shall be electronically recorded for administrative purposes only, except for matters of a confidential nature. The guide in determining those matters of a confidential nature shall be in accordance with the *Local Government Act 1995*.

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LATE ITEMS / ADDITIONAL INFORMATION

In the event that further documentation becomes available prior to this Briefing Session, the following hyperlink will become active:

[Additional Information120213.pdf](#)

CITY OF JOONDALUP – BRIEFING SESSION

To be held in Conference Room 1, Joondalup Civic Centre, Boas Avenue, Joondalup on **Tuesday, 12 February 2013** commencing at **6.30pm**.

ORDER OF BUSINESS

1 OPEN AND WELCOME

2 DEPUTATIONS

3 PUBLIC QUESTION TIME

The following questions were submitted to the Briefing Session held on 4 December 2012:

Mr S Turner, Burns Beach:

Re: Item 20, Bramston Park – Proposed Community Sporting Facility.

Q1 Why is the City of Joondalup proposing to include a multi-purpose community sporting facility, floodlighting and a car park in the concept plan for Bramston Park when the survey of affected residents in the area resulted in the majority voting against these features?

A1 Given that the number of respondents in support and opposition to the proposed development is so close, it is recommended that the Bramston Park project proceed to the next stage of the City's endorsed Master Planning process which is concept design. This will give the community another opportunity to make comment on the project with more detailed information such as site layout, basic facility design and proposed usage and management.

Q2 The proposal states that minimal bushland at the Southern end of Bramston Park will be removed to cater for a car park and clubhouse/community hall. What area (square metres) are these facilities proposed to take up and how much bushland is expected to be retained?

A2 The exact size, design and layout of the facilities cannot be determined until concept plans are developed. If the City proceeds to concept design the community will be given another opportunity to make comment on the project.

Mr S Few, Woodvale:

Re: Item 15, Tender 021/12 – Supply, Delivery and Installation of Instant Turf.

Q1 How can the CEO consider that the “potential risk associated with the appointment of Turfmaster Facility Management, given its previous performance with the City, outweighs its lower cost” given that the tender documentation Part 1, clause 1.3(c) states the respondent must “assume that the City has no knowledge of the respondent, experience or any previous works undertaken by the respondent for the City or any other public authority?”

A1 Part 1, Clause 1.3 is advice to the respondent in preparing their response to the tender request. In effect it suggests to respondents that they should provide full detailed responses to all of the requirements and not make assumptions about the existing knowledge that the City may or may not already have about the respondent. It does not suggest that the City will ignore any knowledge it may already have about the respondent.

Q2 How can it be considered that “awarding the contract to Turfmaster Facility Management may expose the City to higher risk given its past performance history with the City”, when Turfmaster Facility Management has never previously been contracted to provide these tendered services?

A2 The City assesses the respondent as well as the services that are specifically proposed when considering a tender.

The following questions were taken on notice at the Briefing Session held on 4 December 2012:**Mrs R Fleming, Ocean Reef:**

Re: Skate Facility, Mirror Park, Ocean Reef.

Q1 Can the Council please place no parking signs, with penalties incurred on the verges that surround the perimeter of Mirror Park, including Ocean Reef Road, Venturi Road, Mirror Place and Etchell Court allowing resident parking only?

A1 A minor parking scheme amendment is currently being developed for consideration. The amendment will recommend signage to control parking on the south verge alongside Ocean Reef Road. Infringements can be issued to drivers who park contrary to the signs.

Q2 Is the Council aware of the noise level the residents are trying to cope with, even though the park is currently a construction site?

A2 There have been no noise measurements taken at the construction site for the Mirror Park skate park; however noise measurement can be done at the skate park once it is fully operational.

Q3 If the residents are trying to cope with the noise level whilst the skate park is a construction site, how is the Council going to manage the noise level when it is officially opened?

A3 The City has noise monitoring equipment should this be required, see above.

- Q4 *Will local residents, especially those surrounding the perimeters of Mirror Park skate park be notified and invited to the official opening of the Mirror Park skate park?*
- A4 There was a small function officiated by the Mayor on 14 December 2012 to acknowledge the opening of the skate park. Residents were not invited to this function however there may be opportunities in future for residents to be involved in events such as skate/bmx/scooter competitions as currently happens at the Kinross Skate Park.
- Q5 *What is Joondalup Council's management policy on Mirror Park skate park, including noise levels, late night use and security of once it is opened?*
- A5 The skate park will be managed in accordance with the Skate Park Facility Management Plan that was noted by Council at its August 2012 meeting (CJ147-08/12 refers).

4 PUBLIC STATEMENT TIME

The following statements were submitted to the Briefing Session held on 4 December 2012:

Ms K Drummond, Duncraig:

Re: Item 22, Petition requesting an upgrade of Play Equipment and Installation of Exercise Equipment and Water Fountains in Glengarry Park, Duncraig.

Ms Drummond spoke in relation to a petition she has provided to Council with regard to requesting soft rubber matting to be installed to play equipment to increase the hygiene and safety for children and to install exercise equipment and water fountains for users of Glengarry Park, Duncraig.

Mr S Turner, Burns Beach:

Re: Item 20, Bramston Park – Proposed Community Sporting Facility.

Mr Turner spoke in relation to the proposed Community Sporting Facility at Bramston Park and stated that the greater majority of residents are opposed to the development of the sporting facility in its current form.

Mr Turner stated that the lack of access to Bramston Park made the site unsuitable for a sporting facility.

Mr Turner spoke in favour of retaining the bushland at Bramston Park and mentioned that surrounding residents would be willing to help keep the bush in pristine condition.

5 APOLOGIES AND LEAVE OF ABSENCE

Apologies

Cr Tom McLean, JP.

6 DECLARATIONS OF FINANCIAL INTEREST/INTEREST THAT MAY AFFECT IMPARTIALITY

7 REPORTS

ITEM 1 DEVELOPMENT, CODE VARIATION AND SUBDIVISION APPLICATIONS - NOVEMBER AND DECEMBER 2012

WARD	All
RESPONSIBLE DIRECTOR	Ms Dale Page Planning and Community Development
FILE NUMBER	07032, 101515
ATTACHMENTS	<p>Attachment 1 Monthly Development Applications Determined - November and December 2012</p> <p>Attachment 2 Monthly Subdivision Applications Processed - November and December 2012</p> <p>Attachment 3 Monthly Building Code Applications Decisions - November and December 2012</p>
AUTHORITY / DISCRETION	Information - includes items provided to Council for information purposes only that do not require a decision of Council (that is for 'noting').

PURPOSE

For Council to note the number and nature of applications considered under delegated authority.

EXECUTIVE SUMMARY

Clause 8.6 of *District Planning Scheme No. 2* (DPS2) allows Council to delegate all or some of its development control powers to a committee or an employee of the City.

The purpose of delegation of certain powers by Council, in addition to other town planning matters, is to facilitate timely processing of development applications, Residential Design Codes applications 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 2012 (Attachments 1, 2 and 3 refer):

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

BACKGROUND

DPS2 requires that delegations be reviewed every two years, unless a greater or lesser period is specified by Council. At its meeting held on 15 May 2012 (CJ075-05/12 refers), Council considered and adopted the most recent Town Planning Delegations. These were then incorporated into the Delegated Authority Manual when Council considered the review of this at its meeting held on 26 June 2012 (CJ108-06/12 refers).

DETAILS

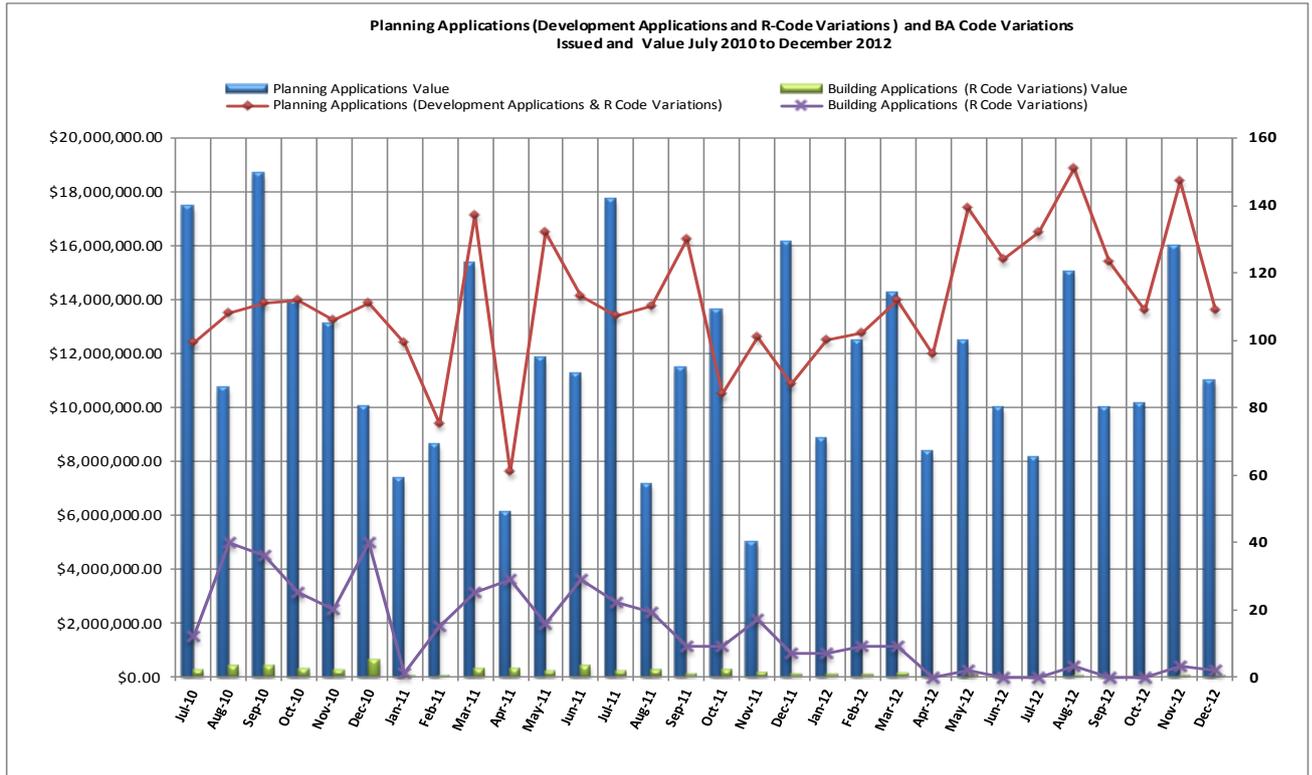
The number of applications determined under delegated authority during November and December 2012, is shown below:

Approvals determined under delegated authority – November and December 2012		
Type of Approval	Number	Value (\$)
Planning applications (development applications and R-Codes applications)	256	\$ 26,998,193
Building applications (R – Codes applications)	5	\$ 51,884
TOTAL	261	\$ 27,050,077

The number of development applications received during November and December was 297. (This figure does not include any applications that may become the subject of an R-Code application as part of the building permit approval process).

The number of development applications current at the end of December was 183. Of these, 51 were pending additional information from applicants, and 21 were being advertised for public comment.

In addition to the above five building applications and 693 building permits were issued during the months of November and December with an estimated construction value of \$60,408,000.



Subdivision approvals processed under delegated authority for November and December 2012		
Type of approval	Number	Potential additional new lots
Subdivision applications	4	10
Strata subdivision applications	7	7

Issues and options considered

Not applicable.

Legislation / Strategic Community Plan / policy implications

Legislation *City of Joondalup District Planning Scheme No. 2.*

Strategic Community Plan

Key theme Quality Urban Environment.

Objective Quality built outcomes.

Strategic initiative Buildings and landscaping is suitable for the immediate environment and reflect community values.

Policy Not applicable. All decisions made under delegated authority have due regard to any of the City’s policies that apply to the particular development.

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.

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 261 applications were determined for the months of November and December with a total amount of \$102,471 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 256 development applications determined during November and December 2012 consultation was undertaken for 136 of those applications. Applications for Residential Design Codes 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 application). The eleven subdivision applications processed during November and December 2012 were not advertised for public comment.

COMMENT

Large local governments utilise levels of delegated authority as a basic business requirement in relation to town planning functions. The process allows for timeliness and consistency in decision-making for rudimentary development control matters. The process also allows the elected members to focus on strategic business direction for the 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.

RECOMMENDATION

That Council NOTES the determinations made under delegated authority in relation to the:

- 1 Development applications and R-Codes applications described in Attachment 1 to this Report during November and December 2012;**
- 2 Subdivision applications described in Attachment 2 to this Report during November and December 2012;**
- 3 Building Code applications described in Attachment 3 to this Report during November and December 2012.**

Appendix 1 refers

To access this attachment on electronic document, click here: [Attach1brf120213.pdf](#)

ITEM 2 NOMINATION OF LOCAL GOVERNMENT MEMBERS TO THE NORTH-WEST METROPOLITAN JOINT DEVELOPMENT ASSESSMENT PANEL

WARD	All
RESPONSIBLE DIRECTOR	Ms Dale Page Planning and Community Development
FILE NUMBER	09886, 101515
ATTACHMENT	Nil.
AUTHORITY / DISCRETION	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

PURPOSE

For Council to nominate two Elected Members to serve as members on the North-West Metropolitan Joint Development Assessment Panel (JDAP) and two Elected Members to serve as deputies.

EXECUTIVE SUMMARY

From 1 July 2011, 15 Development Assessment Panels (DAPs) commenced operation throughout Western Australia.

DAPs are responsible for determining development applications where the likely cost of the development exceeds a specified dollar value. For the City of Joondalup, any proposal over \$7 million in value would be determined by the JDAP (mandatory DAP application). An applicant may also elect for a development with a value of between \$3 million and \$7 million to be determined by the JDAP (opt-in DAP application).

Council is required to nominate two Elected Members to sit on the JDAP as the local government members, and a further two Elected Members to sit on the JDAP in the event of unavailability of one or both of the other members.

Should Council not nominate four Elected Members to sit on the JDAP, the Minister for Planning is able to nominate an elector of the district who is considered to appropriately represent local interests. As such it is recommended that Council nominate four Elected Members for these roles.

BACKGROUND

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

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

The JDAP consists of the following members:

- three members with specialist knowledge in the areas of town planning, architecture, or other related disciplines
- two Elected Members from the City of Joondalup, who sit on the panel for applications relating to the City of Joondalup only.

Councillors Norman and Gobbert are the current JDAP local government members who represent the City, and Councillors Chester and Hamilton-Prime are the alternate members. The term for these members and all other local government members expires on 26 April 2013.

Since the introduction of DAPs, the City has received a total of eight DAP applications. Of these five were mandatory DAP applications, and three were opt-in applications. The City has also received three applications to amend approvals issued by the DAP.

The specialist members' positions on the DAPs have recently been advertised, with nominations closing on 25 January 2013. Advice of the new specialist members on the North-West Metropolitan JDAP will be provided once these members have been appointed by the Minister.

DETAILS

The Department of Planning has requested that local government authorities begin the process of nominating Elected Members to sit on the DAP for the two year period until 26 April 2015.

As outlined above, the DAP determines all applications with a value of \$7 million or greater, and may determine applications of a value between \$3 million and \$7 million, if the applicant elects that this be the case.

Local government nominations are required to be submitted to the Department of Planning on or before 28 February 2013.

Local government members of the DAP may only fill this role while they are an Elected Member of the relevant local government, and for a maximum period of two years. The term of appointment will be set out in the Instrument of Appointment. An earlier appointment as a member of the DAP does not affect the ability of an Elected Member to renominate as set out in the legislation section of this report.

Local government elections may result in a change to local DAP membership if current Councillors, who are DAP members, are not re-elected. In this instance, the deputy DAP members will take the place of the former DAP members. If both the DAP member and alternate (deputy) member are not re-elected, the local government will need to renominate and the Minister reappoint.

DAP members will receive training and cannot sit on the DAP until this training has been completed. Training of local government DAP members who have not previously held a position on the DAP will take place following formal appointment by the Minister of those members.

A range of manuals are also available for local government DAP members and applicants.

Issues and options considered

Council is required to nominate two Elected Members to represent the City as members on the JDAP and two Elected Members to act as first alternate member (deputy) and second alternate member (deputy).

Legislation / Strategic Community Plan / policy implications

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

Strategic Community Plan

Key theme Quality Urban Environment.

Objective Quality built outcomes.

Strategic initiative Buildings and landscaping is suitable for the immediate environment and reflect community values.

Policy Not applicable.

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

The *Planning and Development (Development Assessment Panels) Regulations 2011* also became effective on this date. These regulations set out provisions pertaining to the operation of DAPs and membership of DAPs. In particular, the following regulations are of importance:

25. JDAP members

- (1) *The members of a JDAP, at any meeting of the JDAP to determine or otherwise deal with a development application or an application to amend or cancel a determination of the JDAP, are —*
 - (a) *the two local government members included on the local government register as representatives of the relevant local government in relation to the development application; and*
 - (b) *three persons appointed to the JDAP as specialist members.*

(2) *In subregulation (1)(a) —*

relevant local government, in relation to a development application, means the local government of the district in which the land to which the development application relates is situated.

(3) *The specialist members must be appointed in writing by the Minister.*

(4) *Regulation 37 applies to the appointment of specialist members.*

26. JDAP local government member register

(1) *The Minister must cause to be established and maintained a register of local government members of JDAPs.*

(2) *Subject to subregulation (4), the register must include the names of two members of the council of each local government of a district for which a JDAP is established.*

(3) *Whenever it is necessary to include a member of a council of a local government on a local government register under subregulation (2), the Minister must —*

(a) *in writing, request the local government to nominate a member of the council of the local government for inclusion on the register; and*

(b) *unless subregulation (4) applies, include on the register the name of the person nominated.*

(4) *If, within 40 days after the date on which the Minister makes a request under subregulation (3) or such longer period as the Minister may allow, the local government fails to nominate a person for inclusion on the local government register in accordance with the request, the Minister may include on the register as a representative of the local government a person who —*

(a) *is an eligible voter of the district of the local government; and*

(b) *the Minister considers has relevant knowledge or experience that will enable that person to represent the interests of the local community of that district.*

(5) *For the purposes of subregulation (4)(a) a person is an eligible voter of a district if that person is eligible under the Local Government Act 1995 section 4.29 or 4.30 to be enrolled to vote at elections for the district.*

28. Alternate members

(1) *The Minister may, in writing, appoint —*

(a) *an alternate member for any person appointed under regulation 23(1)(a);*

(b) *an alternate member for any person included on the local government register under regulation 26; and*

(c) *such number of persons eligible to be appointed as specialist members as the Minister considers necessary to form a pool of alternate members for specialist members.*

(2) *Regulation 24 applies in relation to an appointment under subregulation (1)(a).*

- (3) *Regulation 26 applies in relation to an appointment under subregulation (1)(b).*
- (4) *An alternate member for a local government member of a DAP may act in the place of the local government member if the local government member is unable to perform the functions of the member by reason of illness, absence or other cause.*
- (5) *If a specialist member other than the presiding member is unable to perform the functions of the member by reason of illness, absence or other cause, an alternate member from the pool referred to in subregulation (1)(c) may, on the request of the presiding member, act in the place of the specialist member.*
- (6) *A person cannot act in the place of a specialist member of a DAP if the person is —*
 - (a) *employed under the Local Government Act 1995 section 5.36 by the local government of a district for which the DAP is established; or*
 - (b) *a member of the council of the local government of a district for which the DAP is established.*
- (7) *An alternate member acting under this regulation may despite anything in these regulations, continue to act, after the occasion for so acting has ceased, for the purpose of completing any determination of a DAP application.*
- (8) *An alternate member, while acting in the place of a DAP member, has the same functions and protection from liability as a DAP member.*
- (9) *No act or omission of a person acting in place of another under this regulation is to be questioned on the ground that the occasion for so acting had not arisen or had ceased.*

29. Term of office

- (1) *A DAP member holds office for the term specified in the member's instrument of appointment.*
- (2) *The term of office specified in an instrument of appointment must not exceed two years.*
- (3) *A person's eligibility for reappointment as a DAP member or the term for which a person may be reappointed is not affected by an earlier appointment.*

31. Fees and allowances for DAP members

- (1) *Subject to subregulation (6), a DAP member who attends a DAP meeting is entitled to be paid the fee set out in Schedule 2 Item 1 or 2, as the case requires.*
- (2) *Subject to subregulation (6), a DAP member who attends a DAP meeting to determine an application under regulation 17 is entitled to be paid the relevant fee set out in Schedule 2 item 3 or 4 but is not entitled to be paid the fee set out in Schedule 2 Item 1 or 2.*

- (3) *Subject to subregulation (6), a DAP member who, at the invitation or requirement of the State Administrative Tribunal, attends a proceeding in the Tribunal in relation to the review of a determination of the DAP is entitled to be paid the fee set out in Schedule 2 Item 5 or 6, as the case requires.*
- (4) *A DAP member is entitled to be reimbursed for motor vehicle and travel expenses at the rate decided from time to time by the Public Sector Commissioner for members of Government boards and committees.*
- (5) *Fees and allowances for DAP members are payable by the department.*
- (6) *Unless the Minister has given written consent to the payment, fees are not payable under this regulation to a DAP member who is —*
 - (a) *an employee as defined in the Public Sector Management Act 1994; or*
 - (b) *an employee of a department or other agency of the Commonwealth; or*
 - (c) *a local government employee; or*
 - (d) *a judicial officer or retired judicial officer; or*
 - (e) *an employee of a public academic institution.*

32. Casual vacancies

- (1) *The office of a DAP member becomes vacant if the member —*
 - (a) *dies, resigns or is removed from office under this regulation; or*
 - (b) *is, according to the Interpretation Act 1984 section 13D, a bankrupt or a person whose affairs are under insolvency laws; or*
 - (c) *is convicted of an offence punishable by imprisonment for more than 12 months; or*
 - (d) *is convicted of an offence against section 266 of the Act.*
- (2) *A DAP member may at any time resign from office by giving a written resignation to the Minister.*
- (3) *The Minister may, by notice in writing given to the member, remove a DAP member from office on the grounds of —*
 - (a) *neglect of duty; or*
 - (b) *misconduct or incompetence; or*
 - (c) *mental or physical incapacity to carry out the member's duties in a satisfactory manner; or*
 - (d) *absence without leave granted under regulation 33 from three consecutive meetings of the DAP of which the member had notice.*
- (4) *Failure to comply with regulation 45(2), 46(2) or (3), 47 or 48 is capable of constituting misconduct for the purposes of subregulation (3)(b).*
- (5) *The Minister must, by notice in writing given to the member, remove a DAP member from office if the member ceases to hold a position or qualification by virtue of which the member was appointed.*
- (6) *A notice given under subregulation (3) or (5) must specify the ground of removal.*
- (7) *The removal takes effect on the day on which the member is given the notice or on such later day as is specified in the notice.*

Risk management considerations

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

If Council does not nominate Elected Members to sit on the JDAP on or before 28 March 2013, the Minister for Planning may, as set out above, appoint a person who is an eligible voter within the district, who the Minister feels will adequately represent the views of the community.

Financial/budget implications

JDAP members, including local government members are to be paid \$400 per sitting of the JDAP, with the presiding member (one of the specialist members) receiving a payment of \$500 per sitting of the JDAP.

Any JDAP member who successfully completes training is entitled to the payment of \$400 from the Department of Planning.

The City will be responsible for receiving the DAP application fees from the applicant and forwarding these to the DAP secretariat. The City may also incur other minor costs which will be reimbursed by the DAP secretariat. The City will still receive application fees to assess and report on applications.

Regional significance

As the JDAP determines all applications for development approval where the value of the development is greater than \$7 million, and the works do not relate to a single house or less than 10 grouped dwellings, it is likely that all proposals of regional significance will be determined by this body.

Sustainability implications

Sustainability implications of individual developments will be addressed in reports to the JDAP.

Consultation

Consultation will be undertaken on applications to be presented to the JDAP where necessary, and in accordance with current protocols.

COMMENT

Council is required to nominate two members and two alternate members that will sit on the JDAP for the determination of significant development applications within the City of Joondalup for a two year period up until April 2015.

Further information regarding the establishment, operations and membership of DAPs are detailed in the *Planning and Development (Development Assessment Panels) Regulations 2011*.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council:

- 1 NOMINATES two Elected Members to represent the City of Joondalup as members on the North-West Metropolitan Joint Development Assessment Panel;**
- 2 NOMINATES two Elected Members to represent the City of Joondalup as first alternate member (deputy) and second alternate member (deputy) on the North-West Metropolitan Joint Development Assessment Panel.**

ITEM 3 PROPOSED CHANGE OF USE FROM OFFICE TO CONSULTING ROOMS AT LOT 107 (473) BEACH ROAD, DUNCRAIG

WARD	South
RESPONSIBLE DIRECTOR	Dale Page Planning and Community Development
FILE NUMBER	09483, 101515
ATTACHMENT	Attachment 1 Location plan Attachment 2 Development plan
AUTHORITY / DISCRETION	Quasi-Judicial - When Council determines an application/matter that directly affects a person's rights and interest. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of quasi-judicial authority include town planning applications, building licences and other decisions that may be appealable to the State Administrative Tribunal.

PURPOSE

For Council to determine an application for a change of use from Office to Consulting Rooms at Lot 107 (473) Beach Road, Duncraig.

EXECUTIVE SUMMARY

An application for planning approval has been received for a proposed change of use from Office to Consulting Rooms at Lot 107 (473) Beach Road, Duncraig.

The subject site is bound by Beach Road to the south, Davallia Road to the west and the Carine Glades Shopping Centre to the east. The site of the proposed development is zoned 'Urban' under the *Metropolitan Region Scheme*, and 'Commercial' under the City's *District Planning Scheme No. 2 (DPS2)*. Under DPS2, Consulting Rooms is a permitted (P) land use within the Commercial Zone.

At its meeting held on 13 December 2011 (CJ233-12/11 refers), Council approved an application for a Showroom and Office development on the subject site. This proposal was approved with a car parking shortfall of eleven car bays (33%) across the subject site. At its meeting held on 18 September 2012 (CJ179-09/12 refers), Council approved a change of use from Showroom to Educational Establishment and Shop which resulted in an increase in the car parking shortfall by five bays to a 16 car bay (42%) shortfall across the site. This application proposes to increase the car parking shortfall by an additional three car bays, therefore proposing a 19 car bay (46.3%) shortfall across the site.

It is considered that the car parking provided on site, in addition to that provided on adjoining sites, is sufficient to accommodate the parking needs of the proposed land use and other land uses that will operate from within the development.

It is therefore recommended that Council approves the application subject to conditions.

BACKGROUND

Suburb/Location	Lot 107 (473) Beach Road, Duncraig
Applicant	Phillipa M. Mazzoni
Owner	Violet Beauregarde Pty Ltd
Zoning	DPS Commercial MRS Urban
Site area	1,856m ²
Structure plan	Not applicable

The site is located on the north east corner of the intersection of Beach and Davallia Roads in Duncraig (Attachment 1 refers).

A service station was approved on the site in 1972 and has since been demolished.

At its meeting held on 13 December 2011 (CJ233-12/11 refers), Council approved a Showroom and Office development on the subject site. At its meeting held on 18 September 2012 (CJ179-09/12 refers), Council approved a change of use from Showroom to an Educational Establishment and Shop.

The site has historically shared an informal reciprocal parking and access arrangement with the adjoining Carine Glades Shopping Centre site (Lot 11 Beach Road). The approval for the above mentioned Office and Showroom development was subject to a condition requiring a suitable legal agreement to formalise the arrangement being prepared to the satisfaction of the City. To address this condition, an easement for reciprocal car parking and access between Carine Glades Shopping Centre Pty Ltd and Violet Beauregarde Pty Ltd, the owners of Lot 107 (473) Beach Road, was recently granted. The nature of the easement allows reciprocal car parking and pedestrian and vehicular access over both sites.

At its meeting held on 11 December 2012 (CJ268-12/12 refers), Council granted its consent to initiate Amendment 65 (Omnibus Amendment) to DPS2 for the purpose of public advertising. Included in this amendment are proposed modifications to car parking standards for the land uses Office and Showroom from one car bay for 30m² of net lettable area (NLA) to one car bay per 50m² NLA. The Omnibus Amendment is considered to be a 'seriously entertained planning proposal' and has been given due regard in the assessment of this application.

DETAILS

The applicant seeks approval for a change of use from Office to Consulting Rooms.

The proposed consulting rooms will be operated by a maximum of one consultant, a podiatrist, on-site at any one time. An additional non-medical practitioner staff member (receptionist) will also be on-site.

No signage or external modifications to the facade are proposed as part of this application.

Car parking

The subject site provides a total of 22 car parking bays for the use of the tenants of and visitors to the development. Consulting Rooms, as limited by definition, are only permitted to have one consultant operating at any one time. The car parking standard of five car bays per consultant specified in Table 2 of DPS2 has been applied to the proposed change of use.

Using the current standards set out in DPS2 the proposed change of use results in the following car bay requirements:

LAND USE	CAR PARKING STANDARD	NLA/ MAX No. OF PERSONS	CAR BAYS REQUIRED
Showroom	One bay per 30m ² NLA	336m ²	11.2 = 12
Office (excluding subject tenancy)	One bay per 30m ² NLA	425m ²	14.16 = 15
Educational Est. Shop	One bay per 3 students Seven per 100m ² NLA	5 students 96m ² NLA	9
Consulting Rooms (proposed)	Five bays per consultant	1 consultant	5
Car bays required in accordance with DPS2			41
Car bays provided on site			22

As a result of the change of use the car parking shortfall increases by three additional car bays from 16 car bays to 19 car bays (46.34%).

At its meeting held on 11 December 2012 (CJ268-12/12 refers), Council granted its consent to initiate the Omnibus Amendment for the purpose of advertising. The amendment includes the following proposed modifications to the car parking standards prescribed under DPS2;

USE CLASS	CURRENT NUMBER OF ON-SITE PARKING BAYS AS PER DPS2	PROPOSED NUMBER OF ON-SITE PARKING BAYS AS PER OMNIBUS
Office	One per 30m ² NLA	One per 50m ² NLA
Showroom	One per 30m ² NLA	One per 50m ² NLA

Using the above mentioned car parking standards proposed under the Omnibus Amendment the revised car parking requirements for the development are as follows:

LAND USE	CAR PARKING STANDARD	NLA/ MAX No. OF PERSONS	CAR BAYS REQUIRED
Three Showrooms	One bay per 50m ² NLA	336m ²	6.72 = seven
Seven Offices	One bay per 50m ² NLA	425m ²	8.5 = nine
Educational Est. Shop	One bay per three students Seven per 100m ² NLA	Five students 96m ² NLA	Nine
Consulting Rooms (proposed)	Five bays per consultant	One consultant	Five
Car bays required in accordance with DPS2			30
Car bays provided on site			22

The above mentioned modifications to the car parking standards proposed under the Omnibus Amendment should be taken into consideration in determining whether the existing 22 parking bays provided on site are sufficient to service the development.

Issues and options considered

Council has the discretion to:

- approve the application without conditions
- approve the application with conditions
or
- refuse the application.

Should Council resolve to approve the application subject to conditions, the conditions should be based on the requirements of DPS2, a related local planning policy, or other planning legislation. Should Council resolve to refuse the application, the reasons for refusal should also be based on these requirements.

Legislation / Strategic Community Plan / policy implications

Legislation *City of Joondalup District Planning Scheme No.2.*

Clause 4.8 of DPS2 sets out that car parking is to be provided at a particular rate.

4.8 *Car Parking Standards*

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.

In considering the application Council shall also have regard to matters listed in Clause 6.8 of DPS2:

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 Community Plan

Key Theme: Quality Urban Environment.

Objective: Quality built outcomes.

The proposal results in minimal changes to the built environment and the manner in which the building is used. The key themes and objectives of the Strategic Community Plan are deemed to be satisfied by this proposal.

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) for the assessment of the application.

Regional Significance:

Not applicable.

Sustainability Implications:

There are not considered to be any sustainability implications as a result of the proposed change of use.

Consultation

Public consultation was not undertaken as the proposal results in only minimal changes to the manner in which the tenancy is used. It is considered that the proposal will not result in any adverse impacts on surrounding landowners.

COMMENT

Land Use

The proposal is considered to meet the definition of “Consulting Rooms” which is defined in DPS2 as “...a building used by no more than one health consultant for the investigation or treatment of human injuries or ailments and for general patient care.” The land use ‘Consulting Rooms’ is a permitted (P) use within the Commercial Zone under DPS2.

Car Parking

This application proposes to increase the car parking shortfall by an additional three car bays, therefore proposing a 19 car bay (46.3%) shortfall across the site.

Council is required to determine whether the 22 bays proposed for the site are sufficient to service the proposed development. The options available to Council are:

- determine that the provision of 22 car parking bays is appropriate
- determine that the provision of 22 car parking bays is not appropriate
- or
- determine that a cash-in-lieu payment of \$25,929 per bay is required for the shortfall in parking being \$77,787 for the three bay increase in the existing shortfall as a result of this development. This is discussed further below.

The amount of car parking able to be provided on site is limited by the need to maintain the vehicle access between Davallia Road, Beach Road and the adjoining commercial developments. Prior to the approval of the commercial development, an informal reciprocal access arrangement existed between the owners of the subject lot and the owners of the adjoining Carine Glades Shopping Centre. The Carine Glades Shopping Centre depends on access across the northern edge of the subject lot for access to 14 parking bays on the shopping centre site. A condition of approval placed on the Showroom and Office development required a suitable legal agreement to be prepared enabling uninterrupted vehicular and pedestrian access across the appropriate portions of Lot 107 and Lot 11; and reciprocal car parking for visitors to either site.

An easement for reciprocal car parking and access between Carine Glades Shopping Centre Pty Ltd and Violet Beauregarde Pty Ltd, the owners of Lot 107 (473) Beach Road, was recently granted. The nature of the easement allows reciprocal car parking and pedestrian and vehicular access over both sites and as such permits customers of the proposed development to utilise the car parking bays at the Carine Glades Shopping Centre.

Recent aerial photography of the Carine Glades Shopping Centre site shows that the car park is rarely at full capacity. It is anticipated that the demand for car parking from the Office and Showroom development, including the proposed use, will alternate with demand for car parking from the Carine Glades Shopping Centre. It is considered that the majority of demand for car parking from the subject development will be during normal business hours while the Carine Glades Shopping Centre has its greatest demand for car parking during weekday evenings and weekends. In addition to the above, should the proposed car parking standards under the Omnibus Amendment be considered, the car parking shortfall of the site will be reduced to eight car bays (26.6%). That shortfall is less than that what was originally approved by Council for the overall development. Furthermore, the original Showroom and Office development was approved with bicycle racks, end-of-trip facilities and footpaths to promote access to the site by means other than car travel, with the site easily accessible by high frequency public transport.

It is not considered appropriate in this instance to request a cash in lieu payment for the shortfall in car parking as Council has not required cash in lieu payments for previous developments on the site. Should Council resolve to approve the application and consider that a cash in lieu payment is necessary it is only considered appropriate to base this on the three bay increase to the approved shortfall. This would result in a figure of \$77,787 being payable. Council should be mindful that any cash in lieu funds received must be used to provide additional parking in the immediate locality.

Conclusion

The proposed variation to the car parking standard of DPS2 is considered appropriate. The car parking provided is considered sufficient to service the subject site having regard to the reciprocal nature of the car parking on adjoining lots and the proposed Omnibus Amendment to the existing office and showroom car parking standards under DPS2.

The application for planning approval for a change of use from Office to Consulting Rooms is considered appropriate in this instance and will not have an adverse impact on the surrounding area.

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

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council:

- 1 EXERCISES discretion under Clauses 4.5.1 and 4.8.2 of the *City of Joondalup District Planning Scheme No. 2* and determines that the car parking provision of 22 bays in lieu of 41 bays is appropriate in this instance;**
- 2 APPROVES the application for planning approval dated 11 December 2012, submitted by Phillipa M. Mazzone, on behalf of the owners, Violet Beauregarde Pty Ltd, for a Consulting Rooms (Change of use from Office) at Lot 107 (473) Beach Road, Duncraig, subject to the following condition:**
 - 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.**

Appendix 2 refers

To access this attachment on electronic document, click here: [Attach2brf120213.pdf](#)

ITEM 4 CITY OF JOONDALUP PATHOGEN MANAGEMENT PLAN

WARD	All
RESPONSIBLE	Mr Jamie Parry
DIRECTOR	Governance and Strategy
FILE NUMBER	102082, 101515
ATTACHMENT	Attachment 1 Pathogen Management Plan Attachment 2 Summary of Community Consultation Attachment 3 Implementation Schedule
AUTHORITY / DISCRETION	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

PURPOSE

For Council to endorse the City of Joondalup Pathogen Management Plan.

EXECUTIVE SUMMARY

Organisms such as fungi, bacteria and viruses that cause plant diseases are known as pathogens. While some pathogens are naturally occurring within soil populations, others have been introduced to the environment through the movement of plant materials and soils.

The presence of pathogens within the City of Joondalup poses a serious risk to the biodiversity values within natural areas. It is critical that pathogen management is applied throughout the region's landscaped and natural areas to ensure that the biodiversity values of the region remain protected from the presence of pathogens.

The City currently implements control and treatment actions for species of pathogens once they have been suspected within a park or natural area. However, a consistent and coordinated approach to the management of pathogens is required to ensure the biodiversity values of the region's natural environment are protected into the future.

In developing pathogen management plans, most local governments only investigate areas of known infestation rather than taking a holistic approach to the identification of pathogen risk. Therefore the approach that the City has taken to develop the Pathogen Management Plan serves as a demonstration of best management practice within Western Australia.

Council endorsed the release of the Draft Pathogen Management Plan for community consultation, for a period of 21 days, at its meeting held on 23 October 2012 meeting (CJ209-10/12 refers).

It is proposed that the Pathogen Management Plan, included as Attachment 1, is endorsed by Council.

BACKGROUND

Local government has an important role to play in protecting biodiversity values within parks and natural areas through managing the spread of pathogens. Activities such as road and drain construction, earth moving, landscaping and bushland management have the potential to introduce pathogens to previously uninfected areas, or increase the rate of spread. Pathogens can also be spread through recreational activities such as walking and cycling.

The Pathogen Management Plan aims to establish the level of risk of pathogens within City of Joondalup parks and natural areas and identifies areas of high risk where management actions should be concentrated.

The Pathogen Management Plan includes the following:

- Desktop assessment of parks and natural areas for the pathogens *Phytophthora* species and *Armillaria luteobubalina* to establish the level of risk within the City.
- Development of preventive and management strategies and procedures to be employed within activities relating to the use of City parks, streetscapes and natural areas.
- Identification of control and treatment measures for infested areas.
- Development of education and communication mechanisms to raise the awareness of pathogens within the organisation and the community.

The objective of the Pathogen Management Plan is to protect biodiversity values within the City of Joondalup by minimising the risk of introducing and spreading pathogens including species of *Phytophthora* and *Armillaria luteobubalina* within landscaped and natural areas.

DETAILS

Council endorsed the release of the draft Pathogen Management Plan for targeted stakeholder consultation to industry groups, relevant government agencies and local friends' groups at its meeting held on 23 October 2012 meeting (CJ209-10/12 refers).

Limited feedback was provided on the draft plan with only one submission received as detailed in Attachment 2. It is likely that limited comments were provided due to the technical nature of the document.

No changes are proposed to be made to the plan based on feedback received from the community.

The Implementation Schedule that was included with the Draft Plan does not form part of the final version of the Pathogen Management Plan as it is operational in nature. The Implementation Schedule is included as Attachment 3 for information only. It should be noted that projects within the Schedule will be reviewed on an annual basis, prior to implementation to determine priority and to ensure appropriate scope, timeframes, budget and resources are identified.

Legislation / Strategic Community Plan / policy implications

Legislation Not applicable.

Strategic Community Plan

Key theme The Natural Environment.

Objective	Environmental resilience.
Strategic initiative	Identify and respond to environmental risks and vulnerabilities.
Policy	Sustainability Policy.

The City's Pathogen Management Plan is consistent with the City's Sustainability Policy.

Risk management considerations

The presence of pathogens within the City of Joondalup poses a serious risk to the biodiversity values within natural areas. It is critical that pathogen management is applied throughout the region's landscaped areas to ensure that natural areas remain protected from the presence of pathogens. Phytophthora and Armillaria have the potential to significantly impact the composition and distribution of plant and animal species if management actions are not introduced. A proactive approach to managing this issue is required in order to reduce the risk of harm to the region's environment.

The Pathogen Management Plan provides a consistent and coordinated approach to the management of pathogens within the City of Joondalup in order to mitigate the effects and limit the spread of pathogens.

Financial/budget implications

\$30,000 was allocated to the development of the Pathogen Management Plan in the 2011-12 Budget to engage a consultant to undertake a Pathogen Desktop Risk Analysis to inform the development of the Pathogen Management Plan.

Funding will need to be allocated from 2013-14 for the implementation of proposed projects within the Pathogen Management Plan. Approval of these projects will be subject to the City's annual budget approval process. Opportunities to apply for grant funding will also be investigated, as they arise.

It should be noted that there are likely to be increases in operating costs resulting from the implementation of the Pathogen Management Plan. For example a proposed recommendation within the plan is to develop guidelines regarding the supply of landscaping materials with an aim to purchase certified pathogen free products such as mulch and plant stock. Generally these products are more expensive but have a much lower risk of introducing and spreading pathogens within the landscaped areas.

Regional significance

Not applicable.

Sustainability implications

Pathogens represent one of the most potent, persistent and widespread threats to Australian biodiversity. The implementation of the City of Joondalup Pathogen Management Plan will ensure that measures are taken to mitigate the effects and limit the spread of pathogens within the region which will result in enhanced protection of the natural environment.

Consultation

Council endorsed the release of the draft Pathogen Management Plan for targeted stakeholder consultation to industry groups, relevant government agencies and local friends' groups at its meeting held on 23 October 2012 (CJ209-10/12 refers).

COMMENT

Pathogens represent one of the most potent, persistent and widespread threats to Australian biodiversity as they have the potential to significantly impact the composition and distribution of plant and animal species. The City currently implements control and treatment actions for species of pathogens once they have been suspected within a park or natural area. However a consistent and coordinated approach to the management of pathogens is required to ensure the biodiversity values of the natural environment are protected into the future.

The City is taking a comprehensive approach to investigating the extent of pathogens within parks and natural areas and the methodology that has been utilised to undertake the Pathogen Desktop Risk Analysis and Pathogen Management Plan is considered an innovative approach and one that is yet to be undertaken by a local government within Western Australia. In developing pathogen management plans, most local governments only investigate areas of known infestation rather than taking a holistic approach to the identification of pathogen risk. Therefore the approach that the City has taken to develop the Pathogen Management Plan serves as a demonstration of best management practice within Western Australia.

The proposed management recommendations within the Pathogen Management Plan are consistent with guidelines developed by the Dieback Working Group, the leading organisation within Western Australia providing advice and technical information regarding pathogen management.

The implementation of the Pathogen Management Plan will ensure that the risk of pathogens within the City of Joondalup is established and that management recommendations are applied to effectively manage pathogens. The implementation of management actions from within the plan, such as the development of hygiene procedures, may also be applicable to the control of other plant diseases within the City.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council ENDORSES the Pathogen Management Plan forming Attachment 1 to this Report.

Appendix 3 refers

To access this attachment on electronic document, click here: [Attach3brf120213.pdf](#)

ITEM 5 MINUTES OF THE ANNUAL GENERAL MEETING OF ELECTORS HELD ON TUESDAY, 4 DECEMBER 2012

WARD	All
RESPONSIBLE DIRECTOR	Mr Jamie Parry Governance and Strategy
FILE NUMBER	102200, 102802, 101515
ATTACHMENT	Attachment 1 Minutes of the Annual General Meeting of Electors held on 4 December 2012
AUTHORITY / DISCRETION	Executive – The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

PURPOSE

For Council to note the Minutes of the Annual General Meeting of Electors held on 4 December 2012 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 4 December 2012 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 4 December 2012 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. Any motions passed at an Electors' meeting are not binding on the Council, however, Council is 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 Dr M Apthorpe, 69 Bacchante Circle, Ocean Reef, SECONDED Ms S Boylan, 52 Key West Drive, Mullaloo that the City of Joondalup change from herbicide spraying to hydrothermal weed control on all public paths and verges, beach access ways, playgrounds, parks, car parks and median strips.

Officer's comment

In order to efficiently and cost effectively undertake weed control within public areas it is necessary for the City to selectively apply herbicides. However, the City ensures that the application of herbicides is undertaken with due consideration to the interests of public health and safety. Herbicides that are applied are registered by the Australian Pesticides and Veterinary Medicines Authority (APVMA) which is the Australian government authority responsible for the assessment, registration and regulation of pesticides (including herbicides) and veterinary medicines. The role of APVMA is to independently evaluate the safety and performance of chemical products intended for sale, making sure that the health and safety of people, animals and the environment are protected. Only products that meet these high standards are allowed to be supplied.

In addition to this, the City undertakes herbicide application in accordance with material safety data sheets and manufacturers' guidelines. Herbicides are only applied at the rates specified on the manufacturer's label and in the environmental conditions prescribed in the ChemCert Risk Management in Pesticide Use Training Manual. The City is confident that the selective use of herbicides does not pose a public health and safety risk.

It should be noted that during 2008-09 the City conducted a Hydrothermal Weed Control Trial involving the treatments of hydrothermal, herbicide, and unsprayed control zones, and to compare their cost and control effectiveness. A report on the effectiveness and cost of hydrothermal and herbicide trial treatments through their application at various locations throughout the City of Joondalup was reported to the Council at its meeting held on 15 December 2009 (CJ282-12/09 refers).

It was resolved at this meeting that Council:

- “1 *NOTES the findings in Report CJ282-12/09 on the Hydrothermal Weed Control trial that hydrothermal was the least effective and most expensive method of controlling weeds;*
- 2 *ENDORSES the use of Glyphosate and Pendimethalin for the control of weeds within the City in accordance with manufacturers' specifications;*
- 3 *REQUESTS that the City continues to investigate techniques and technologies to reduce the City's reliance on herbicides for the control of weeds;*
- 4 *REQUESTS that the City provide information to the public, via the City's website on the ways in which the use of pesticides (herbicides, insecticides and fungicides) can be reduced in the garden.”*

Officer's recommendation

The Council NOTES:

- 1 *the outcomes of the use of Hydrothermal weed control has been previously reported to Council at its meeting held on 15 December 2009 (CJ282-12/09 refers);*

- 2 *the City will CONTINUE to investigate techniques and technologies to reduce the City's reliance on herbicides for the control of weeds.*

MOTION NO. 2

MOVED Mrs M Macdonald, 5 Mair Place, Mullaloo, SECONDED Mrs R Fleming, 3 Etchell Court, Ocean Reef that the City urgently consults with residents adversely affected by the noise and anti-social behaviour at Mirror Park skate facility and formalise its Management Plan so that all residents can be assured that Council will afford them quiet enjoyment of their properties.

Officer's comment

As reported to Council on 21 August 2012 (CJ147-08/12 refers), the Skate Park Facility Management Plan will be used as the framework for a co-ordinated approach to the management of the Mirror Park skate park. The City will use the Skate Park Facility Management Plan to manage any issues such as noise and anti-social behaviour at the Mirror Park Skate Park.

The Skate Park Facility Management Plan resulted from the initial consultation process, which occurred between 23 August and 24 September 2010, with owners and occupiers of properties within one kilometre of Mirror Park.

Officer's recommendation

That Council:

- 1 *NOTES the Skate Park Facility Management Plan provides a framework for a co-ordinated approach to the management of the City's skate parks, including Mirror Park skate park and the management of inherent risks associated with skate park facilities including the potential for personal injury, anti-social behaviour, noise, graffiti, vandalism and infrastructure failure;*
- 2 *NOTES no further consultation on the adopted Skate Park Facility Management Plan will be undertaken at this stage;*
- 3 *REQUESTS that a review of the implementation of the Skate Park Facility Management Plan as it relates to the Mirror Park Skate Park be undertaken one year after commencement of operation of the skate park.*

MOTION NO. 3

MOVED Mrs M Macdonald, 5 Mair Place, Mullaloo, SECONDED Mrs S Boylan, 52 Key West Drive, Mullaloo that Council urgently contracts a consultant to prepare a report on the affects of the proposed Ocean Reef Marina on Mullaloo beach, including the affects of climate change and resulting sea level rises.

Officer's comment

Initial studies have been undertaken to assess the potential impacts of the Ocean Reef Marina and climate change on the Mullaloo Beach. No significant negative impacts were identified. Further studies will be initiated including climate change and sea level variation as part of the ongoing work involved in compilation of the Project Structure Plan.

Officer's recommendation

That Council NOTES:

- 1 *initial studies have been undertaken to assess the potential impacts of the Ocean Reef Marina and climate change on the Mullaloo Beach;*
- 2 *further studies will be initiated, including climate change and sea level variation as part of the ongoing work involved in compilation of the Project Structure Plan for the Ocean Reef Marina Project.*

MOTION NO. 4

MOVED Mrs M Macdonald, 5 Mair Place, Mullaloo, SECONDED Dr M Apthorpe, 69 Bacchante Circle, Ocean Reef that Council and staff are made fully aware of the separation of power between staff and Elected Members as laid out in the Act. The Act specifically specifies that employees are accountable to the Chief Executive Officer and that the Chief Executive Officer is accountable to the Council. Consequently it is inappropriate for Elected Members to direct employees or for employees to take direction from Elected Members.

Officer's comment

Regulation 10(1) of the *Local Government (Rules of Conduct) Regulations 2007* states the following in regard to the relationship between Elected Members and employees:

"A person who is a council member must not:

- a) *direct or attempt to direct a person who is a local government employee to do or not to do anything in the person's capacity as a local government employee; or*
- b) *attempt to influence, by means of a threat or the promise of a reward, the conduct of a person who is a local government employee in the person's capacity as a local government employee."*

Before acting as an Elected Member of the City, new Elected Members are to declare that they will observe the *Local Government (Rules of Conduct) Regulations 2007* while in office. In accordance with section 5.17 of the *Local Government Act 1995* where a person has reason to believe that an Elected Member has committed a minor breach (being a contravention of the *Local Government (Rules of Conduct) Regulations 2007* or the City's *Standing Orders Local Law 2005*) they may make a formal complaint to the City's complaints officer (being the Chief Executive Officer).

As part of the City's comprehensive induction program for newly appointed Elected Members and new employees, persons are made aware of the above legislative provisions including the separation of powers between the Council, Elected Members, the Chief Executive Officer and employees. The separation of powers is also referenced in the City's Governance Framework.

In view of the above it is considered that Elected Members and employees are made fully aware of the separation of powers between Elected Members and staff through its induction programs and corporate publications.

Officer's recommendation

That Council NOTES that Elected Members and employees are made aware of their obligations, responsibilities and separation of powers through existing induction programs for Elected Members and employees and through the City's Governance Framework.

MOTION NO. 5

MOVED Mrs R Fleming, 3 Etchell Court, Ocean Reef, SECONDED Dr M Apthorpe, 69 Bacchante Circle, Ocean Reef that signs with "No Parking" to include a financial penalty for not complying with the sign be erected on the perimeters of Mirror Park skate park including, but not restricted to, Ocean Reef Road, Venturi Road and Mirror Place.

Officer's comment

The City has installed 'no stopping' signs adjacent to Mirror Park Skate Park. Rangers will monitor the area and take all necessary enforcement action.

Officer's recommendation

That Council NOTES that the City has installed 'no stopping' signs adjacent to Mirror Park Skate Park and that the City will monitor the area and take all necessary enforcement action as required.

MOTION NO. 6

MOVED Mrs M Zakrevsky, 49 Korella Street, Mullaloo, SECONDED Mr K Zakrevsky, 49 Korella Street, Mullaloo that the Council Rangers who have the power to issue infringement notices patrol the coastal reserve from Marmion to Burns Beach on the Sundays in the month that the abalone fishermen are removing abalone.

Officer's comment

The City's Rangers and staff from the City's Operation Services have for a number of years provided patrols along the Joondalup foreshore on designated abalone fishing days. Residents who observe illegal use of the dunes to access the abalone fishery areas along the coastal reserve between Marmion and Burns Beach are able to contact the City so that officers can attend and investigate the issue.

In relation to abalone fishing, the Department of Fisheries is the agency responsible for the control and management of this fishing activity.

Officer's recommendation

That Council NOTES City officers already provide patrols along the whole Joondalup foreshore on designated abalone fishing days, to control illegal parking activity and illegal dune access to abalone fishing areas.

MOTION NO. 7

MOVED Mrs M Zakrevsky, 49 Korella Street, Mullaloo, SECONDED Mrs S Boylan, 52 Key West Drive, Mullaloo that the problems with the small stage in Rob Baddock Hall, Kallaroo from a safety aspect be rectified.

Officer's comment

Repairs have been undertaken to the stage and the carpet replaced.

Officer's recommendation

That Council NOTES the stage has been repaired and the carpet replaced in Rob Baddock Hall, Kallaroo.

MOTION NO. 8

MOVED Mr M Sideris, 12 Page Drive, Mullaloo, SECONDED Mrs M Macdonald, 5 Mair Place, Mullaloo that a report be presented to the Audit Committee of the City of Joondalup to review the costs associated with the Elected Members Strategic Workshop held at Abbey Beach Resort, Busselton and that a report be prepared for Council.

Officer's comment

The role of the Audit Committee is to oversee the internal and external audit and risk management and compliance functions of the City.

If the Audit Committee considers there is a need to seek a review of the costs associated with a particular activity incurred by the City, it is able to do so of its own accord. It is not the purpose of electors' meetings, nor is it appropriate, to issue directions of this kind to a Committee or Council of local government.

In any event, all expenditure by a local government is required to be made in accordance with budgetary decisions of the Council and the regulatory framework governing the purchase of goods and services. This expenditure is subject to both internal and external audit.

Subsequent to the Annual General Meeting of Electors, a Freedom of Information application has been lodged seeking information on the costs relating to the Elected Members Strategic Weekend.

Officer's recommendation

That Council DECLINES to accede to the request for a review of the costs associated with the Elected Members Strategic Workshop held at Abbey Beach Resort, Busselton.

Legislation / Strategic Community 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 Community Plan

Key theme	Governance and Leadership.
Objective	Active democracy.
Strategic initiative	Optimise opportunities for the community to access and participate in decision-making processes.
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.

COMMENT

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

The motions carried at the Annual General Meeting of Electors held on 4 December 2012 are presented to Council in accordance with the requirements of the legislation.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council:

- 1 **NOTES** the Minutes of the Annual General Meeting of Electors held on 4 December 2012 forming Attachment 1 to this Report;
- 2 In relation to Motion No. 1 carried at the Annual General Meeting of Electors **NOTES**:
 - 2.1 the outcomes of the use of Hydrothermal weed control has been previously reported to Council at its meeting held on 15 December 2009 (CJ282-12/09 refers);
 - 2.2 the City will **CONTINUE** to investigate techniques and technologies to reduce the City's reliance on herbicides for the control of weeds;
- 3 In relation to Motion No. 2 carried at the Annual General Meeting of Electors:
 - 3.1 **NOTES** the Skate Park Facility Management Plan provides a framework for a co-ordinated approach to the management of the City's skate parks, including Mirror Park skate park and the management of inherent risks associated with skate park facilities including the potential for personal injury, anti-social behaviour, noise, graffiti, vandalism and infrastructure failure;
 - 3.2 **NOTES** no further consultation on the adopted Skate Park Facility Management Plan will be undertaken at this stage;
 - 3.3 **REQUESTS** that a review of the implementation of the Skate Park Facility Management Plan as it relates to the Mirror Park Skate Park be undertaken one year after commencement of operation of the skate park;
- 4 In relation to Motion No. 3 carried at the Annual General Meeting of Electors **NOTES**:
 - 4.1 initial studies have been undertaken to assess the potential impacts of the Ocean Reef Marina and climate change on the Mullaloo Beach;
 - 4.2 further studies will be initiated, including climate change and sea level variation as part of the ongoing work involved in compilation of the Project Structure Plan for the Ocean Reef Marina Project;
- 5 In relation to Motion No. 4 carried at the Annual General Meeting of Electors **NOTES** Elected Members and employees are made aware of their obligations, responsibilities and separation of powers through existing induction programs for Elected Members and employees and through the City's Governance Framework;
- 6 In relation to Motion No. 5 carried at the Annual General Meeting of Electors **NOTES** that the City has installed no stopping signs adjacent to Mirror Park Skate Park and that the City will monitor the area and take all necessary enforcement action as required;

- 7** In relation to Motion No. 6 carried at the Annual General Meeting of Electors **NOTES** City officers already provide patrols along the whole Joondalup foreshore on designated abalone fishing days, to control illegal parking activity and illegal dune access to abalone fishing areas;
- 8** In relation to Motion No. 7 carried at the Annual General Meeting of Electors **NOTES** that the stage has been repaired and the carpet replaced in Rob Baddock Hall, Kallaroo;
- 9** In relation to Motion No. 8 carried at the Annual General Meeting of Electors **DECLINES** to accede to the request for a review of the costs associated with the Elected Members Strategic Workshop held at Abbey Beach Resort, Busselton.

Appendix 4 refers

To access this attachment on electronic document, click here: [Attach4brf120213.pdf](#)

ITEM 6 EXECUTION OF DOCUMENTS

WARD	All
RESPONSIBLE DIRECTOR	Mr Jamie Parry Governance and Strategy
FILE NUMBER	15876, 101515
ATTACHMENT	Attachment 1 Documents executed by affixing the Common Seal for the period 27 November 2012 to 8 January 2013
AUTHORITY / DISCRETION	Information - Includes items provided to Council for information purposes only that do not require a decision of Council (that is for 'noting').

PURPOSE

For Council to note the documents executed by means of affixing the Common Seal for the period 27 November 2012 to 8 January 2013 (Attachment 1 refers).

EXECUTIVE SUMMARY

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

It is recommended that Council NOTES the Schedule of Documents covering the period 27 November 2012 to 8 January 2013, executed by means of affixing the Common Seal, as detailed in Attachment 1 to this Report.

DETAILS

During the period 27 November 2012 to 8 January 2013, 12 documents were executed by affixing the Common Seal. A summary is provided below:

Type	Number
Section 70A Notification	4
Deed	1
Lease	1
Local Law	1
Replacement of Caveat	1
Withdrawal of Caveat	1
Amendment to District Planning Scheme No. 2	2
Modified Structure Plan	1

Issues and options considered

Not applicable.

Legislation / Strategic Community Plan / policy implications

Legislation *Local Government Act 1995.*

Strategic Community Plan

Key theme Governance and Leadership.

Objective Corporate capacity.

Strategic initiative 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.

COMMENT

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

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council NOTES the Schedule of Documents covering the period 27 November 2012 to 8 January 2013, executed by means of affixing the Common Seal, as detailed in Attachment 1 to this Report.

Appendix 5 refers

To access this attachment on electronic document, click here: [Attach5brf120213.pdf](#)

ITEM 7 MINUTES OF EXTERNAL COMMITTEES

WARD	All
RESPONSIBLE DIRECTOR	Mr Jamie Parry Governance and Strategy
FILE NUMBER	48543, 60514, 03149, 41196, 101515
ATTACHMENT	Attachment 1 Minutes of the Local Emergency Management Committee meeting held 1 November 2012 Attachment 2 Minutes of the WALGA North Metropolitan Zone Committee meeting held 29 November 2012 Attachment 3 Minutes of the Mindarie Regional Council meeting held 6 December 2012 Attachment 4 Minutes of the Tamala Park Regional Council meeting held 13 December 2012 <i>(Please Note: These minutes are only available electronically)</i>
AUTHORITY / DISCRETION	Information - Includes items provided to Council for information purposes only that do not require a decision of Council (that is for 'noting').

PURPOSE

For Council to note the minutes of various external committees.

EXECUTIVE SUMMARY

The following minutes are provided:

- Local Emergency Management Committee meeting held on 1 November 2012.
- WALGA North Metropolitan Zone Committee meeting held on 29 November 2012.
- Mindarie Regional Council meeting held on 6 December 2012.
- Tamala Park Regional Council meeting held on 13 December 2012.

DETAILS

The following information details those matters that would be of interest to the City of Joondalup and discussed at those external meetings.

Local Emergency Management Committee - 1 November 2012

A Meeting of the Local Emergency Management Committee was held on 1 November 2012.

Cr John Chester is Council's representative on the Local Emergency Management Committee.

There were no items considered at this meeting to be of interest to the City of Joondalup.

WALGA North Metropolitan Zone Committee - 29 November 2012

A Meeting of the WALGA North Metropolitan Zone meeting was held on 29 November 2012.

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

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

5.1 Delivering Community Services In Partnership Policy – Implications For Local Government

It was resolved by WALGA North Metropolitan Zone Committee as follows:

“That Council:

- 1 *That WALGA strongly advocate to WA State Government for appropriate funding increases under the Funding and Contracting reforms for Not for Profit Community Service Providers should be made available on an equitable basis to those Councils that provide relevant community services either directly or in partnership.*
- 2 *That WALGA write to the Premier emphasising the critical role that Local Government plays in provision of community services and programs as well as the potential impact on the State Government Departments and communities if Local Government cease providing these services.”*

Mindarie Regional Council – 6 December 2012

A Meeting of the Mindarie Regional Council meeting was held on 6 December 2012.

Cr Russ Fishwick JP and Cr Kerry Hollywood are Council's representatives on the Mindarie Regional Council.

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

14.1 City of Stirling Withdrawal – Submission to the Minister for Local Government

It was resolved by Mindarie Regional Council as follows:

“That Council:

- A *That in accordance with part 2 clause 10 of the Local Government (Administration) Regulations 1996 Councillors Bissett, Newton, Gray and Withers supported that Council reconsider parts 3a.,3c. and 3e. of Item 4 – “City of Stirling Withdrawal” as resolved by Council at its meeting on 28 March 2012, which reads as follows:*
 - “3 *The City of Stirling be advised that the MRC is prepared to negotiate an agreement for its withdrawal pursuant to section 699 of the Local Government Act 1960 on the basis that the City of Stirling:*

- a. *be paid no more than its:*
 - (i) *paid-in capital contributions (\$840,000); and*
 - (ii) *share of the Members Revenue Equalisation Reserve i.e. unders/overs account (\$670,000);*

from current accumulated Mindarie Regional Council funds;

- c. *retain its post closure liabilities for the Tamala Park landfill, including but not limited to remediation and rehabilitation on the landfill site and other lands potentially affected, in proportion to the tonnes tipped to the total of members tonnes over the life of the landfill;*
- e. *Should the value of the land assets exceed liabilities post the closure of the Tamala Park land-fill site, then the City of Stirling shall receive a portion of that net asset value proportional to their period as members of the Mindarie Regional Council.”*

B The Council revokes parts 3a.,3c. and 3e. of the Council resolution made at its meeting on 28 March 2012 as detailed in (A) above.

C That:

- 1 The report entitled “Valuation of the City of Stirling’s Interest in the Mindarie Regional Council” dated 23 October 2012 as prepared by Deloitte and presented in attachment 1 be endorsed.*
- 2 The report detailed in (1) above be used as the basis for determining the adjustment of assets and liabilities for the withdrawal of the City of Stirling in accordance with s.699 (3) (a) of the Local Government Act 1960 as follows: a. The City of Stirling be provided the Adjusted Value of \$754,500 minus \$302,000 being the City of Stirling’s proportionate share of the insurance cover required to address MRC’s lease obligations for environmental liability. Total payment to the City of Stirling being \$452,500.*
- 3 The City of Stirling retains:*
 - a Its liability under the Resource Recovery Facility Deed of Guarantee;*
 - b Its ownership share in the land at Tamala Park Landfill Site; and*
 - c Its equity share (one third) in the land (lot 805 Pederick Street) owned by the Mindarie Regional Council and currently partially leased to BioVision for the operations of a Resource Recovery Facility. The equity share of the land will only be realised by the City of Stirling when the Mindarie Regional Council at its sole discretion decides to sell the land or if/when Mindarie Regional Council is wound up.*

D The Mindarie Regional Council endorses the submission, and its release, to the Minister for Local Government, as presented in Attachment 2.

Tamala Park Regional Council – 13 December 2012

A Meeting of the Tamala Park Regional Council meeting was held on 13 December 2012.

Cr Geoff Amphlett JP and Cr Tom McLean JP are Council's representatives on the Tamala Park Regional Council meeting.

For the information of Council, the following matters of interest to the City of Joondalup were resolved at the Tamala Park Regional Council meeting:

9.13 Stage 2B Design Guidelines, Incentives and Sales Process

It was resolved by Tamala Park Regional Council as follows:

“That Council:

- 1 *APPROVE the following modifications to the Catalina Central Cell Design Guidelines for single dwellings for the Stage 2B lots:*
 - a *Insert a requirement for an additional architectural feature to be provided at the front elevation of all dwellings;*
 - b *Insert a requirement for the design of upper storey elevations of two storey corner lots to address secondary street frontages;*
- 2 *APPROVE the sale of Lots 115 and 121 by the Sales Procedure – Private Purchaser Lots Strategy, September 2011, approved by the Council at its meeting held on 13 October 2011, subject to the same sales contracts, building incentives and commercial terms, with the addition of 1.1 metre high open style front boundary fencing being provided;*
- 3 *APPROVE the sale of Lots 116 to 120 as a single package to builders by public tender, via the use of Put Option Deeds approved by Council for the Stage 3 Builders Allocation Lots in April 2012, subject to the same procedures, selection criteria, evaluation process, and terms and conditions; with the addition of a \$3,000 per lot cash rebate to the builder, subject to landscaping and fencing (including 1.1 metre high open style front side boundary fencing) being completed by the builder within 18 months following settlement of the lot;*
- 4 *APPROVE the sale of Lots 168 and 169, by the Sales Procedure – Private Purchaser Lots Strategy, September 2011, approved by the Council at its meeting held on 13 October 2011, subject to the same sales contract;*
- 5 *APPROVE the lease of Lots 169 and 171 to 174 from private purchasers, for an initial term of three years commencing from 1 April 2013, with four 12 month options at the discretion of the Tamala Park Regional Council, and rent based on 7% of the purchase price per annum, with all outgoings paid for by the purchaser;*
- 6 *APPROVE the lease of Lot 168 from private purchasers, for an initial term of three years commencing from 1 April 2013, with one 12 month options at the discretion of the Tamala Park Regional Council, and rent based on 7% of the purchase price per annum, with all outgoings paid for by the purchaser;*

- 7 *APPROVE the lease of Lot 170 and the Catalina Sales Office structure from private purchasers, for an initial term of three years commencing from 1 October 2013, with four 12 month options at the discretion of the Tamala Park Regional Council, and rent based on 6.5% of the purchase price per annum, with all outgoings paid for by the purchaser; and*
- 8 *APPROVE the disposal of Lots 115, 168, 169, 121 and 171 to 174 by Private Treaty in accordance with Section 3.58(3) and (4) of the Local Government Act 1995.”*

9.15 Public Transport Initiatives Strategy

It was resolved by Tamala Park Regional Council as follows:

“That Council:

- 1 *RECEIVE the report by the Satterley Property Group dated 20 November 2012 regarding options to promote greater use of public transport;*
- 2 *REQUEST the Satterley Property Group to obtain written confirmation of the Early Engagement Programme allowing the location of bus stops and public transport infrastructure and budgeting implications to be determined in collaboration with the Public Transport Authority in the design of the Greenlink;*
- 3 *REQUEST the Satterley Property Group to request the Public Transport Authority to reconsider its refusal to re-route existing services through the Phase 1 area, to provide public transport services to initial residents of the Catalina Estate;*
- 4 *REQUEST the Satterley Property Group to investigate the feasibility and costs associated with a PTA funding agreement, to provide public transport services to initial residents of the Catalina Estate;*
- 5 *ADVISE the Satterley Property Group that Key Performance Indicator – Strategy and Planning; 3.2.2 Public Transport, requiring the preparation of a Public Transport Initiatives Strategy by June 2012, will be further considered following the resolution of items 2, 3 & 4;*
- 6 *ACCEPT that Key Performance Indicator - Effective use of Land and Infrastructure 1.2.3 requiring the Investigation and recommendation on the viability of a local area transit system linking local schools, rail station and shops has been ACHIEVED by the Satterley Property Group; and*
- 7 *That consideration be given for a community bus service, for peak periods from 2014 to 2016 and that the Satterley Property Group provide a report to the meeting of Council in April 2013.”*

9.19 Built Form and Demonstration Housing Strategy

It was resolved by Tamala Park Regional Council as follows:

“That Council:

- 1 *RECEIVE the Built Form and Demonstration Housing Strategy, June 2012, submitted by the Satterley Property Group;*

- 2 *DETERMINE that the Key Performance Indicators, Built Form and Demonstration Housing Strategy, June 2011, requiring the preparation of a Built Form and Demonstration Housing Strategy, June 2012 has not been met; and that the Built Form And Demonstration Housing Strategy, is required to be modified to include consideration matters listed in (3);*
- 3 *ADVISE the Satterley Property Group that the following matters require further consideration;*
 - a *The Strategy should be directed at encouraging a range of housing that meets the existing and future housing needs for the Catalina Project. The Strategy should seek to meet the demand for housing, as well as improving housing mix, affordability, and the availability of housing for those with special needs. It should contain concrete measures to implement these objectives;*
 - b *The Strategy should articulate a clear framework to help guide Tamala Park Regional Council decision making and planning, and should clearly communicate the Tamala Park Regional Council's housing-related strategies and objectives. It should provide clarity and certainty about future housing within Catalina;*
 - c *It should identify potential sites for innovation, demonstration projects and partnering. These sites should be subject to feasibility assessments, negotiation with builders, community housing providers and other levels of government;*
 - d *It should identify circumstances and criteria where the Tamala Park Regional Council may consider contributions towards affordable housing projects, as well as the nature of such contributions;*
 - e *It should consider in detail the potential and impacts for housing projects being undertaken or managed by not-for-profit housing providers, social housing or community housing providers. The Strategy should provide direction in respect of further options to investigate delivery of such proposals;*
 - f *The Strategy should include consideration of potential aged persons developments;*
 - g *The Strategy recommends a contemporary approach to housing but does not demonstrate significant innovation or industry leadership. It does not outline any strategic direction for the Project to pursue alternative approaches worthy of investigation for the delivery of affordable housing; and*
 - h *A separate report be provided by the Satterley Property Group to Council outlining ways (3d and 3e) can be achieved."*

9.20 Stage 5 Civil Construction and External Sewer

It was resolved by Tamala Park Regional Council as follows:

"That Council:

- 1 *ACCEPT the Catalina Stage 5 civil works and external sewer pricing submitted by R J Vincent for the lump sum value of \$4,618,168.53 (excluding GST); and*

- 2 *AUTHORISE the Chairman and Chief Executive Officer to sign and affix the Tamala Park Regional Council common seal to the Contract.”*

9.22 BGC Put Options / Department of Housing Purchase of Stage 3 Lots – Confidential

It was resolved by Tamala Park Regional Council as follows:

“That Council:

- 1 *Accepts the confidential legal advice relating to Buckeridge Group of Companies Put Options and the Department of Housing potential purchase of Stage 3 Put Options Lots;*
- 2 *Decline to enter into a general Land Contract with Department of Housing for Lots 11 to 18 and 20 to 25 which are the subject Put Option Deeds with the Buckeridge Group of Companies but be prepared to enter into an agreement with Department of Housing on the provision that the housing be used under the shared equity scheme;*
- 3 *Authorises the Chief Executive Officer to take all necessary action to implement the recommendations of the confidential legal advice as referred to in 1, including engaging the Council’s solicitors; and*
- 4 *Approve an extension of 60 days to the Put Option Deeds relating to the Buckeridge Group of Companies for lots 11 to 18 and 20 to 25 subject to Put Option Deeds being amended to require Land Contracts to be drawn up with individual private purchasers; should Buckeridge Group of Companies decline to agree to the extension the Put Option Deeds authorize the Chief Executive Officer to release the lots as builder allocation lots, in two parcels of five and six lots each, by public tender, via the use of Put Option Deeds as approved by Council for the Stage 3 Builders Allocation Lots in April 2012, subject to the same procedures, selection criteria and evaluation process, and terms and conditions.”*

9.23 Stage 4 Builders Allocation Lots Tender – Late Item

It was resolved by Tamala Park Regional Council as follows:

“That Council:

- 1 *APPROVE the allocation of Lot Parcels B and C to Homebuyers Centre, subject to the conditions of Tender 17/2012, and Put Option Deeds being amended to require Land Contracts to be drawn up with individual private purchasers only;*
- 2 *APPROVE the allocation of Lot Parcel A to Buckeridge Group of Companies, subject to the conditions of Tender 17/2012, and Put Option Deeds being amended to require Land Contracts to be drawn up with individual private purchasers only; and*
- 3 *AUTHORISE the Chief Executive Officer and Chairman to sign and seal relevant Put Option Deed documentation.”*

9.24 Marmion Avenue Intersection Construction Contract – Late Item

It was resolved by Tamala Park Regional Council as follows:

“That Council:

- 1 *ACCEPT the Marmion Avenue intersection bulk earthworks price submitted by R J Vincent for the lump sum value of \$515,146.41 (excluding GST);*
- 2 *ACCEPT the quote submitted by Telstra for underground service relocation works of \$104,183 (excluding GST);*
- 3 *ACCEPT the quote submitted by Optus for underground service relocation works of \$110,810 (excluding GST);*
- 4 *ACCEPT the quote submitted by ATCO for underground service relocation works of \$41,778 (excluding GST); and*
- 5 *AUTHORISE the Chairman and Chief Executive Officer to sign and affix the Tamala Park Regional Council common seal to the Contracts.”*

Legislation / Strategic Community Plan / policy implications

Legislation Not applicable.

Strategic Community Plan

Key theme Not applicable.

Objective Not applicable.

Strategic initiative 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.

RECOMMENDATION

That Council NOTES the minutes of the:

- 1 Local Emergency Management Committee meeting held on 1 November 2012 forming Attachment 1 to this Report;
- 2 WALGA North Metropolitan Zone Committee meeting held on 29 November 2012 forming Attachment 2 to this Report;
- 3 Mindarie Regional Council meeting held on 6 December 2012 forming Attachment 3 to this Report;
- 4 Tamala Park Regional Council meeting held on 13 December 2012 forming Attachment 4 to this Report.

Appendix refers

To access this attachment on electronic document, click here: [Externalminutes190213.pdf](#)

ITEM 8 ANNUAL PLAN QUARTERLY PROGRESS REPORT FOR THE PERIOD 1 OCTOBER 2012 - 31 DECEMBER 2012

WARD	All
RESPONSIBLE DIRECTOR	Mr Jamie Parry Governance and Strategy
FILE NUMBER	20560, 101515
ATTACHMENT	Attachment 1 Annual Plan Quarterly Progress Report for the period 1 October – 31 December 2012 Attachment 2 Capital Works Quarterly Report for the period 1 October – 31 December 2012
AUTHORITY / DISCRETION	Information - includes items provided to Council for information purposes only that do not require a decision of Council (that is for 'noting').

PURPOSE

For Council to note the Annual Plan Quarterly Progress Report for the period 1 October – 31 December 2012.

EXECUTIVE SUMMARY

The Annual Plan contains the major projects and priorities which the City proposes to deliver in the 2012-2013 financial year.

The Annual Plan Quarterly Progress Report provides information on the progress of projects and programs documented in the Annual Plan 2012-2013. The Annual Plan Quarterly Progress Report for the period 1 October – 31 December 2012 is shown as Attachment 1 to this report.

A Capital Works Quarterly 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 2012, forming Attachment 1 to this Report;*
- 2 *Capital Works Quarterly Report for the period 1 October – 31 December 2012, which is shown as Attachment 2 to this Report.*

BACKGROUND

The City's Corporate Reporting Framework requires the development of an Annual Plan to achieve the objectives of the Strategic Community 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 2012-2013 Annual Plan and the Quarterly Progress Reports have been aligned to the Key Themes of the new Strategic Community Plan 2012-2022 which was endorsed by Council at its meeting held on 23 October 2012 (CJ210-10/12 refers) and are as follows:

- Governance and Leadership.
- Financial Sustainability.
- Quality Urban Environment.
- Economic Prosperity, Vibrancy and Growth.
- The Natural Environment.
- Community Wellbeing.

The 2012-2013 Annual Plan contains a brief description of the key projects and programs that the City proposes to deliver in the 2012-2013 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.

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

Legislation / Strategic Community 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 Community Plan

Key Theme	Governance and Leadership.
Objective	Corporate capacity.
Strategic Initiative	Demonstrate accountability through robust reporting that is relevant and easily accessible by the community.
Policy	In accordance with City Policy - Communications - 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 2012-2013 have been included in the 2012-2013 Budget.

Regional significance

Not applicable.

Sustainability implications

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

Consultation

Not applicable.

COMMENT

The Annual Plan 2012-2013 was received by Council at its meeting held on 16 August 2012 (CJ155-08/12 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 2012-2013 Capital Works Program.

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

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council RECEIVES the:

- 1 Annual Plan Quarterly Progress Report for the period 1 October – 31 December 2012, forming Attachment 1 to this Report;**
- 2 Capital Works Quarterly Report for the period 1 October – 31 December 2012, forming Attachment 2 to this Report.**

Appendix 6 refers

To access this attachment on electronic document, click here: [Attach6brf120213.pdf](#)

ITEM 9 REQUEST TO ADVERTISE NEW PARKING LOCAL LAW 2013

WARD	All
RESPONSIBLE DIRECTOR	Mr Mike Tidy Corporate Services
FILE NUMBER	24185, 101515
ATTACHMENT	Attachment 1 City of Joondalup Parking Local Law 2013
AUTHORITY / DISCRETION	Legislative - includes the adoption of local laws, planning schemes and policies.

PURPOSE

For Council to make the *City of Joondalup Parking Local Law 2013* for the purpose of public advertising.

EXECUTIVE SUMMARY

The first part of the local law-making process is for Council to resolve that the proposed local law be advertised for public consultation. At that meeting, it is necessary for the Mayor to give notice to the meeting of the purpose and effect of the proposed local law.

The purpose of the proposed *City of Joondalup Parking Local Law 2013* is to provide for the regulation, control and management of parking within the district.

The effect of the proposed *City of Joondalup Parking Local Law 2013* is to control parking throughout the district and ensure the safe, fair and equitable use of parking facilities under the care and control of the local government.

It is recommended that Council:

- 1 *MAKES the proposed City of Joondalup Parking Local Law 2013 as detailed in Attachment 1 to this Report for the purposes of public advertising;*
- 2 *ADVERTISES the proposed City of Joondalup Parking Local Law 2013 in accordance with section 3.12 (3)(a) of the Local Government Act 1995;*
- 3 *FORWARDS a copy of the proposed City of Joondalup Parking Local Law 2013 to the Minister for Local Government in accordance with section 3.12 (3)(b) of the Local Government Act 1995;*
- 4 *REQUESTS the Chief Executive Officer prepare a further report at the conclusion of the public advertising period to enable the Council to consider any submissions made.*

BACKGROUND

The City's *Parking Local Law 1998* was last amended in March 2008 in preparation for the introduction of paid parking. Since then a number of issues have been identified as requiring further amendments to bring the local law up to date and to address shortcomings including terms that aren't defined, provisions related to ACROD permits and strengthening the paid parking provisions.

After further consideration it was identified that the *Parking Local Law 1998* is not in keeping with the modern form of a parking local law. The current benchmark for a parking local law is the Western Australian Local Government Association (WALGA) Parking and Parking Facilities Model Local Law 2010. It was felt that a parking local law that followed as closely as possible the model local law would be more readily approved by the Western Australian Parliamentary Joint Standing Committee on Delegated Legislation. It was determined therefore that rather than amending the *Parking Local Law 1998* that the City should instead develop a new parking local law based on the WALGA Parking and Parking Facilities Model Local Law 2010 with modifications to suit the specific needs of the City.

DETAILS

The procedure for making local laws is detailed in the *Local Government Act 1995* (the Act) and is a specific process that must be adhered to in order for the local law to be accepted by the Western Australian Parliamentary Joint Standing Committee on Delegated Legislation.

Section 3.12 (2) of the Act states that the first action in the process of making a local law is for the Mayor to give notice to the meeting of the purpose and effect of the proposed local law. Regulation 3 of the *Local Government (Functions and General) Regulations 1996* states that this can be achieved by ensuring that:

- “(a) *the purpose and effect of the proposed local law is included in the agenda for that meeting;*
- “(b) *the minutes of the meeting of the Council include the purpose and effect of the proposed local law.*”

Section 3.12 (3) of the *Local Government Act 1995* then requires that the City advertise the proposal to make a new *City of Joondalup Parking Local Law 2013* by statewide public notice, make copies available for inspection and invite submissions on the proposed local law.

It is anticipated that the local law-making process will take approximately four months, enabling the operation of the proposed *City of Joondalup Parking Local Law 2013* to commence in mid 2013.

The City conducted a thorough process to evaluate the current *Parking Local Law 1998* and the WALGA Parking and Parking Facilities Model Local Law 2010. Necessary amendments were made to the WALGA Parking and Parking Facilities Model Local Law 2010 to suit the specific needs of the City. This ensured that those elements from the existing *Parking Local Law 1998* that were required to be retained were included as well as any new requirements identified as shortcomings of the *Parking Local Law 1998*.

Attachment 1 is the proposed *City of Joondalup Parking Local Law 2013*. Detailed below are the key changes incorporated into the proposed *City of Joondalup Parking Local Law 2013* when compared to the current *Parking Local Law 1998*.

Key changes

- The following additions have been made to the definitions in clause 1.4, Interpretation:
 - “Local public notice” – to clarify its meaning contained within the *Local Government Act 1995*.
 - “Parents with prams sign”, “Pram” and “Young child” – to complement provisions regarding special parking requirements for parents with young children.
 - “Parking permit” – to complement provisions specific to the City’s current permit parking arrangements.
 - “Permissive parking sign” – to reflect the current direction provided within the *Road Traffic Code 2000*.
 - “Right of way” – to clarify its meaning within the context of the local law.
- The presumption in the current *Parking Local Law 1998* (because it is silent on the subject) that it is permitted to park vehicles on public verges such as around parks and reserves has been removed. New clause 6.9(1) states “*A driver shall not stop a vehicle (other than a bicycle) so that any portion of it is on a verge*”. Sub clause 6.9(1)(c) allows for signs to be put in place that permit parking as defined on the signs. This change reflects the more modern style of the WALGA Parking and Parking Facilities Model Local Law 2010 where both residential and public verges are protected from degradation by vehicles unless specific permission exists to allow vehicle parking.

In practical terms it is proposed that there be no change to how parking enforcement on public verges is applied. Where verge parking already occurs without restriction the City can simply continue to allow the parking. Where the City wishes to prohibit parking on public verges the prohibition would be demonstrated by appropriate signage as is the current practice.

- Clause 2.4 Parking where fees are payable, has been inserted to explicitly reflect the application of paid parking within the City. While the WALGA Parking and Parking Facilities Model Local Law 2010 does contain generic clauses that could capture the application of paid parking, it is considered more appropriate that the City include explicit clauses to ensure that its most frequently infringed offences are clearly captured. This is similar to provisions included in other recently adopted parking local laws such as at the Cities of Perth and Canning.

This clause also covers the potential introduction of alternative methods of payment that may not require the display of a parking ticket.

- The inclusion of parking offences related to ACROD parking in the *Parking Local Law 2013* rather than relying on the *Local Government (Parking for Disabled Persons) Regulations 1988* as is the current practice. This ensures all of the parking offences are captured in a single local law.
- There are no proposed changes to the current level of minimum and maximum penalties for infringements.

Issues and options considered

Option 1

That the proposed *City of Joondalup Parking Local Law 2013* as detailed in Attachment 1 be supported and approved for advertising seeking public submissions.

This option is recommended.

Option 2

That the proposed *City of Joondalup Parking Local Law 2013* as detailed in Attachment 1 be supported with amendments and approved for advertising seeking public submissions.

This option is not recommended as the proposed *City of Joondalup Parking Local Law 2013* is considered to adequately provide for parking control within the City of Joondalup.

Option 3

That the proposed *City of Joondalup Parking Local Law 2013* as detailed in Attachment 1, is not supported.

This option is not recommended as the current *Parking Local Law 1998* although amended on several occasions since its original adoption is now not in keeping with the modern form of a parking local law as well as requiring some specific amendments to address shortcomings such as terms that are not defined.

Legislation / Strategic Community Plan / policy implications

Legislation	Sections 3.12 to 3.15 of the <i>Local Government Act 1995</i> .
Strategic Community Plan	
Key theme	Governance and Leadership.
Objective	Active democracy.
Strategic initiative	Optimise opportunities for the community to access and participate in decision-making processes.
Policy	Council Policy - Community Consultation and Engagement.

Risk management considerations

There is a risk that the Western Australian Parliamentary Joint Standing Committee on Delegated Legislation may request amendments or even disallow the proposed *Parking Local Law 2013*. This risk has been mitigated by using the WALGA Parking and Parking Facilities Model Local Law 2010 as the basis for the City's proposed *Parking Local Law 2013*.

Financial/budget implications

The cost associated with the local law-making process is approximately \$4,000, being public advertising and gazettal costs. Funds are available in the 2012-13 budget for statutory advertising.

Regional significance

Not applicable.

Sustainability implications

Well regulated parking promotes optimum use of parking resources and minimises the number of wasteful parking bay search journeys undertaken by motorists.

Consultation

Should the proposed *City of Joondalup Parking Local Law 2013* be supported the City is required to advertise the proposal to make a new *Parking Local Law 2013* by statewide public notice, make copies available for inspection and invite submissions on the proposed local law. The submission period is required to be at least six weeks in compliance with Section 3.12(3) of the *Local Government Act 1995*.

COMMENT

The proposed *City of Joondalup Parking Local Law 2013* addresses the issues identified in the review of the current *Parking Local Law 1998* as requiring amendments to bring the local law up to date and to address shortcomings including terms that weren't defined, provisions related to ACROD permits and strengthening the paid parking provisions.

Clause 6.9 does represent a change in principle by the removal of the presumption in the current *Parking Local Law 1998* that it is permitted to park vehicles on public verges such as around parks and reserves unless specifically prohibited. The clause now provides that parking is prohibited unless otherwise permitted in the same manner that applies to verges adjacent to private property. The reason for this change is to maintain alignment with the WALGA Parking and Parking Facilities Model Local Law 2010.

In terms of the practical application of clause 6.9 it is proposed that there would be no change to current practice. That is to say parking on public verges would be permitted unless there was specific signage to prohibit parking.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION**That Council:**

- 1** **MAKES** the proposed *City of Joondalup Parking Local Law 2013* as detailed in Attachment 1 to this Report for the purpose of public advertising;
- 2** **ADVERTISES** the proposed *City of Joondalup Parking Local Law 2013* in accordance with section 3.12 (3) (a) of the *Local Government Act 1995*;
- 3** **FORWARDS** a copy of the proposed *City of Joondalup Parking Local Law 2013* to the Minister for Local Government in accordance with section 3.12 (3) (b) of the *Local Government Act 1995*;
- 4** **REQUESTS** the Chief Executive Officer prepare a further report at the conclusion of the public advertising period to enable the Council to consider any submissions made.

Appendix 7 refers

To access this attachment on electronic document, click here: [Attach7brf120213.pdf](#)

ITEM 10 LIST OF PAYMENTS MADE DURING THE MONTH OF NOVEMBER 2012

WARD	All		
RESPONSIBLE DIRECTOR	Mr Mike Tidy Corporate Services		
FILE NUMBER	09882, 101515		
ATTACHMENTS	Attachment 1	Chief Executive Officer's Delegated Municipal Payment List for the month of November 2012	
	Attachment 2	Chief Executive Officer's Delegated Trust Payment List for the month of November 2012	
	Attachment 3	Municipal and Trust Fund Vouchers for the month of November 2012	
AUTHORITY / DISCRETION	Information – includes items provided to Council for information purposes only that do not require a decision of Council (that is for 'noting').		

PURPOSE

For Council to note the list of accounts paid under the Chief Executive Officer's delegated authority during the month of November 2012.

EXECUTIVE SUMMARY

This report presents the list of payments made under delegated authority during the month of November 2012 totalling \$12,885,560.69.

It is recommended that Council NOTES the Chief Executive Officer's list of accounts for November 2012 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 this Report, totalling \$12,885,560.69.

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 2012. 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 & EFT Payments 94175 - 94440 & EF027851 - EF028584 Net of cancelled payments	\$8,809,144.42
	Vouchers 1051A - 1052A & 1055A - 1062A	\$4,031,994.68
Trust Account	Trust Cheques 205261 - 205339 Net of cancelled payments	\$44,421.59
Total		\$12,885,560.69

Issues and options considered

The list of payments report was recently amended to include contract numbers where payments were made under approved contracts. Following the June end of year roll over, the contract numbers have not been able to be included. Until this is rectified, the earlier version is being produced instead.

Legislation / Strategic Community Plan / policy implications

Legislation The Council has delegated to the Chief Executive Officer 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 Chief Executive Officer is prepared each month showing each account paid since the last list was prepared.

Strategic Community Plan

Key theme Financial Sustainability.

Objective Effective management.

Strategic Initiative Not applicable.

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

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 2012-13 Annual Budget as adopted and revised by Council at its meeting held on 10 July 2012 (JSC04-07/12 refers) or has been authorised in advance by the Mayor or by resolution of Council as applicable.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council NOTES the Chief Executive Officer's list of accounts for November 2012 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 this Report, totalling \$12,885,560.69.

Appendix 8 refers

To access this attachment on electronic document, click here: [Attach8brf120213.pdf](#)

ITEM 11 LIST OF PAYMENTS MADE DURING THE MONTH OF DECEMBER 2012

WARD	All		
RESPONSIBLE DIRECTOR	Mr Mike Tidy Corporate Services		
FILE NUMBER	09882, 101515		
ATTACHMENTS	Attachment 1	Chief Executive Officer's Delegated Municipal Payment List for the month of December 2012	
	Attachment 2	Chief Executive Officer's Delegated Trust Payment List for the month of December 2012	
	Attachment 3	Municipal and Trust Fund Vouchers for the month of December 2012	
AUTHORITY / DISCRETION	Information – includes items provided to Council for information purposes only that do not require a decision of Council (that is for 'noting').		

PURPOSE

For Council to note the list of accounts paid under the Chief Executive Officer's delegated authority during the month of December 2012.

EXECUTIVE SUMMARY

This report presents the list of payments made under delegated authority during the month of December 2012 totalling \$16,251,208.28.

It is recommended that Council NOTES the Chief Executive Officer's list of accounts for December 2012 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 this Report, totalling \$16,251,208.28.

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 2012. 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 & EFT Payments 94441 – 94677 & EF028585 – EF029136 Net of cancelled payments	\$12,014,184.52
	Vouchers 1064A – 1071A	\$4,190,099.36
Trust Account	Trust Cheques 205340 – 205436 Net of cancelled payments	\$46,924.40
Total		\$16,251,208.28

Issues and options considered

The list of payments report was recently amended to include contract numbers where payments were made under approved contracts. Following the June end of year roll over, the contract numbers have not been able to be included. Until this is rectified, the earlier version is being produced instead.

Legislation / Strategic Community Plan / policy implications

Legislation

The Council has delegated to the Chief Executive Officer 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 Chief Executive Officer is prepared each month showing each account paid since the last list was prepared.

Strategic Community Plan

Key theme Financial Sustainability.

Objective Effective management.

Strategic Initiative Not applicable.

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

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 2012-13 Annual Budget as adopted and revised by Council at its meeting held on 10 July 2012 (JSC04-07/12 refers) or has been authorised in advance by the Mayor or by resolution of Council as applicable.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council NOTES the Chief Executive Officer's list of accounts for December 2012 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 this Report, totalling \$16,251,208.28.

Appendix 9 refers

To access this attachment on electronic document, click here: [Attach9brf120213.pdf](#)

ITEM 12 FINANCIAL ACTIVITY STATEMENT FOR THE PERIOD ENDED 30 NOVEMBER 2012

WARD	All
RESPONSIBLE DIRECTOR	Mr Mike Tidy Corporate Services
FILE NUMBER	07882, 101515
ATTACHMENT	Attachment 1 Financial Activity Statement for the period ended 30 November 2012
AUTHORITY / DISCRETION	Information - Includes items provided to Council for information purposes only that do not require a decision of Council (that is for 'noting').

PURPOSE

For Council to note the Financial Activity Statement for the period ended 30 November 2012.

EXECUTIVE SUMMARY

At its Special meeting held on 10 July 2012 (JSC04-07/12 refers), Council adopted the Annual Budget for the 2012-13 Financial Year. The figures in this report are compared to the adopted budget figures.

The November 2012 Financial Activity Statement Report shows an overall favourable variance from operations and capital of \$5,946,398 for the period when compared to the 2012-13 adopted budget.

The variance can be summarised as follows:

The Operating Surplus is \$2,108,496 above budget, made up of higher revenue of \$1,488,193 and lower operating expenditure of \$620,303.

Higher Operating revenues have been driven by higher Fees and Charges \$635,222, Investment Earnings \$757,738 and Contributions, Reimbursements and Donations \$174,769. Revenue is below budget on Grants and Subsidies \$133,693. Additional revenue came primarily from Sports and Recreation Fees, Building and Development Fees, Sale of Recyclables and Investment income.

Operating Expenditure is below budget on Materials and Contracts \$619,994, Employee Costs \$129,588, Utilities \$46,148 and Insurance \$61,684. Expenditure is over budget on Depreciation \$250,971.

The favourable variance on Materials and Contracts is spread across several areas, particularly Professional Fees and Charges \$161,151, Furniture, Equipment and Artworks \$245,402, Other Materials \$104,319, Contributions and Donations \$266,748 and Public Relations, Advertising and Promotions \$134,257. These are partially offset by an unfavourable variance for Waste Management Services of \$267,482.

The Capital Revenue and Expenditure is \$3,619,973 below budget due to lower expenditure on Capital Projects of \$1,033,967, Capital Works of \$1,742,945 and Motor Vehicle Replacements of \$452,284 and higher Capital Grants revenue of \$376,501.

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

It is recommended that Council NOTES the Financial Activity Statement for the period ended 30 November 2012 forming Attachment 1 to this Report.

BACKGROUND

The *Local Government (Financial Management) Regulations 1996* requires a monthly Financial Activity Statement. At its meeting held on 11 October 2005 (CJ211-10/05 refers), Council resolved 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 2012 is attached as Attachment 1.

Legislation/Strategic Community 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 Community Plan

Key Themes Financial Sustainability.

Objective Effective management.

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

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 the 2012-13 Adopted Budget or have been authorised in advance by Council where applicable.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council NOTES the Financial Activity Statement for the period ended 30 November 2012 forming Attachment 1 to this Report.

Appendix 10 refers

To access this attachment on electronic document, click here: [Attach10brf120213.pdf](#)

ITEM 13 FINANCIAL ACTIVITY STATEMENT FOR THE PERIOD ENDED 31 DECEMBER 2012

WARD	All
RESPONSIBLE DIRECTOR	Mr Mike Tidy Corporate Services
FILE NUMBER	07882, 101515
ATTACHMENT	Attachment 1 Financial Activity Statement for the period ended 31 December 2012
AUTHORITY / DISCRETION	Information - includes items provided to Council for information purposes only that do not require a decision of Council (that is for 'noting').

PURPOSE

For Council to note the Financial Activity Statement for the period ended 31 December 2012.

EXECUTIVE SUMMARY

At its Special meeting held on 10 July 2012 (JSC04-07/12 refers), Council adopted the Annual Budget for the 2012-13 Financial Year. The figures in this report are compared to the adopted budget figures.

The December 2012 Financial Activity Statement Report shows an overall favourable variance from operations and capital of \$6,203,144 for the period when compared to the 2012-13 adopted budget.

The variance can be summarised as follows:

The Operating Surplus is \$2,421,876 above budget, made up of higher revenue of \$1,556,648 and lower operating expenditure of \$865,228.

Higher Operating revenues have been driven by higher Fees and Charges \$637,106, Investment Earnings \$896,575, Contributions, Reimbursements and Donations \$85,293 and Rates \$56,199. Revenue is below budget on Grants and Subsidies \$123,693. Additional revenue came primarily from Sports and Recreation Fees, Building and Development Fees, Sale of Recyclables and Investment income.

Operating Expenditure is below budget on Materials and Contracts \$929,695, Employee Costs \$69,706, Utilities \$45,667 and Insurance \$61,266. Expenditure is over budget on Depreciation \$307,723.

The favourable variance on Materials and Contracts is spread across several areas, particularly Professional Fees and Charges \$333,739, Furniture, Equipment and Artworks \$301,387, Contributions and Donations \$314,819 and Public Relations, Advertising and Promotions \$152,161. These are partially offset by an unfavourable variance for Waste Management Services of \$277,750.

The Capital Revenue and Expenditure is \$3,546,749 below budget due to lower expenditure on Capital Projects of \$1,259,918, Capital Works of \$1,738,626 and Motor Vehicle Replacements of \$504,830 and higher Capital Grants revenue of \$29,099.

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

It is recommended that Council NOTES the Financial Activity Statement for the period ended 31 December 2012 forming Attachment 1 to this Report.

BACKGROUND

The *Local Government (Financial Management) Regulations 1996* requires a monthly Financial Activity Statement. At its meeting held on 11 October 2005 (CJ211-10/05 refers), Council resolved 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 2012 is appended as Attachment 1.

Legislation / Strategic Community 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 Community Plan

Key theme Financial Sustainability.

Objective Effective management.

Strategic initiative Not applicable.

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

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 the 2012-13 Adopted Budget or have been authorised in advance by Council where applicable.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council NOTES the Financial Activity Statement for the period ended 31 December 2012 forming Attachment 1 to this Report.

Appendix 11 refers

To access this attachment on electronic document, click here: [Attach11brf120213.pdf](#)

ITEM 14 TENDER 031/12 SUPPLY AND INSTALLATION OF IRRIGATION SYSTEMS AT MAWSON AND HILLARYS PARKS

WARD	South-West
RESPONSIBLE DIRECTOR	Mr Mike Tidy Corporate Services
FILE NUMBER	102736, 101515
ATTACHMENT	Attachment 1 Schedule of Items Attachment 2 Summary of Tender Submissions
AUTHORITY / DISCRETION	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

PURPOSE

For Council to accept the tender submitted by Sanpoint Pty Ltd trading as LD Total for the supply and installation of irrigation systems at Mawson and Hillarys Parks.

EXECUTIVE SUMMARY

Tenders were advertised on 1 December 2012 through state wide public notice for the supply and installation of irrigation systems at Mawson and Hillarys Parks. Tenders closed on 18 December 2012. Five submissions were received from:

- Sanpoint Pty Ltd trading as LD Total.
- Total Eden Pty Ltd.
- Hydroquip Pumps & Irrigation.
- Pentair Flow Control trading as Water Dynamics.
- PGC Irrigation Contractors Pty Ltd.

The submission from Sanpoint Pty Ltd trading as LD Total represents best value to the City. The company demonstrated a thorough understanding of the required tasks. LD Total is a well established company with industry experience and the capacity to complete the work for the City within the required timeframe. It has recently completed irrigation works for local governments including the Town of Claremont, Cities of Stirling, Canning and Melville.

It is therefore recommended that Council ACCEPTS the tender submitted by Sanpoint Pty Ltd trading as LD Total for the supply and installation of irrigation systems at Mawson and Hillarys Parks as specified in tender 031/12 for the fixed lump sum of \$368,886 (GST Exclusive) for completion of the works within eight weeks from issue of the letter of acceptance.

BACKGROUND

The City has a requirement for the supply and installation of irrigation systems at Mawson and Hillarys Parks in Hillarys.

As part of the City's commitment to reducing water consumption in its parks, more effective and efficient irrigation systems are being installed at various sporting ovals. The City has adopted a Landscape Master Plan with an important component being the implementation of hydrozoning to the park where the sport ground is located.

DETAILS

The tender for the supply and installation of irrigation systems at Mawson and Hillarys Parks was advertised through statewide public notice on 1 December 2012. The tender period was for two weeks and tenders closed on 18 December 2012.

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

Tender Submissions

Five submissions were received from:

- Sanpoint Pty Ltd trading as LD Total.
- Total Eden Pty Ltd.
- Hydroquip Pumps & Irrigation.
- Pentair Flow Control trading as Water Dynamics.
- PGC Irrigation Contractors Pty Ltd.

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

A summary of the tender submissions including the location of each tenderer is provided in Attachment 2.

Evaluation Panel

The evaluation panel comprised of three members:

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

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

Compliance Assessment

The following offers received were assessed as fully compliant:

- LD Total.
- Total Eden Pty Ltd.
- Hydroquip Pumps & Irrigation.

Water Dynamics was assessed as partially compliant. It included the company's terms and conditions, representing departures from the City's conditions of contract. Water Dynamics although not fully compliant, was included for further assessment on the basis that the City could request for the withdrawal of the company's terms and conditions, if its submission scored well in the evaluation process.

PGC Irrigation Contractors Pty Ltd was assessed as non compliant. The company submitted rates that are not in accordance with required schedule. PGC Irrigation Contractors' submission did not meet the City's requirements and was not considered further.

Qualitative Assessment

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

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

Water Dynamics scored 41.1% and was ranked fourth in the qualitative assessment. The company demonstrated an understanding of the required tasks. However, it did not adequately address its capacity or experience. The company's history, number of employees, equipment, safety record, emergency contacts and specific examples supporting its experience were not provided.

Hydroquip Pumps & Irrigation scored 58.2% and was ranked third in the qualitative assessment. The company demonstrated experience in completing similar projects for various local governments including the Town of Victoria Park, Cities of Belmont and Wanneroo. It demonstrated the capacity and a general understanding of the required tasks with the exception of one aspect relating to cutting of turf.

Total Eden scored 66.3% and was ranked second in the qualitative assessment. The company has extensive experience in completing similar projects and has recently completed similar works for the Cities of Stirling and Cockburn. Total Eden is well established and has the capacity to carry out the work. It demonstrated a sound understanding of the required tasks but did not include timeframes for undertaking works on the sporting ovals within the parks that are required to be completed first.

LD Total scored 66.8% and was ranked first in the qualitative assessment. The company demonstrated a thorough understanding of the required tasks. It has successfully completed numerous projects similar in scope to the City's requirement and has recently completed irrigation works for local governments including the Town of Claremont, Cities of Stirling, Canning and Melville. LD Total has the capacity and experience required to undertake the work for the City.

Price Assessment

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

Tenderer	Lump Sum Exclusive of GST
Water Dynamics	\$287,459
LD Total	\$368,886
Hydroquip Pumps & Irrigation	\$379,000
Total Eden Pty Ltd	\$381,303

Evaluation Summary

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

Tenderer	Lump Sum Exclusive GST	Price Ranking	Weighted Percentage Score	Qualitative Ranking
LD Total	\$368,886	2	66.8%	1
Total Eden Pty Ltd	\$381,303	4	66.3%	2
Hydroquip Pumps & Irrigation	\$379,000	3	58.2%	3
Water Dynamics	\$287,459	1	41.1%	4

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

Issues and options considered

The City has a requirement for the supply and installation of irrigation systems at Mawson and Hillarys Parks. The City does not have the internal resources to supply the required services and as such requires an appropriate external service provider.

Legislation / Strategic Community Plan / policy implications

Legislation

A statewide 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 Community Plan

Key theme

Quality Urban Environment.

Objective

Quality open spaces.

Strategic initiative

Employ quality and enduring infrastructure designs that encourage high utilisation and increased outdoor activity.

Policy

Reserves, Parks and Recreation Grounds.

Risk management considerations

Should the contract not proceed, the risk to the City will be high as these works form part of landscape master planning projects which included public consultation, with an expectation that works will take place.

It is considered that the contract will represent a low risk to the City as the recommended tenderer is a well-established company with industry experience and the capacity to complete the work for the City within the required timeframe.

Financial/budget implications

Account no.	W2164 and W2165
Budget Item	Mawson Park - Landscape Upgrade Hillarys Park - Landscape Upgrade
Budget amount	\$ 400,000
Amount spent to date	\$ 17,134
Proposed cost	\$ 368,886
Balance	\$ 13,980

All amounts quoted in this report are to be exclusive of GST.

Regional significance

Not applicable.

Sustainability implications

The installation of the new reticulation system improves the effectiveness and efficiency of the systems and the project is part of the City's strategy to reduce its water consumption.

Consultation

Not applicable.

COMMENT

The evaluation panel carried out the evaluation of the submission in accordance with the City's evaluation process and concluded that the offer submitted by LD Total represents best value to the City.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council ACCEPTS the tender submitted by Sanpoint Pty Ltd trading as LD Total for the supply and installation of irrigation systems at Mawson and Hillarys Parks as specified in tender 031/12 for the fixed lump sum of \$368,886 (GST Exclusive) for completion of the works within eight weeks from issue of the letter of acceptance.

Appendix 12 refers

To access this attachment on electronic document, click here: [Attach12brf120213.pdf](#)

ITEM 15 TENDER 034/12 CIVIL WORKS FOR HODGES DRIVE CARRIAGEWAY DUPLICATION

WARD	North-Central
RESPONSIBLE DIRECTOR	Mr Mike Tidy Corporate Services
FILE NUMBER	102823, 101515
ATTACHMENT	Attachment 1 Summary of Tender Submissions
AUTHORITY / DISCRETION	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

PURPOSE

For Council to accept the tender submitted by Densford Civil Pty Ltd for civil works for Hodges Drive carriageway duplication between Marmion Avenue and Ocean Reef Road.

EXECUTIVE SUMMARY

Tenders were advertised on 17 November 2012 through statewide public notice for the civil works for Hodges Drive carriageway duplication between Marmion Avenue and Ocean Reef Road. Tenders closed on 11 December 2012. Six submissions were received from:

- Brierty Limited.
- Densford Civil Pty Ltd.
- Downer EDI Works Pty Ltd trading as Downer Infrastructure – West.
- VDM Construction (Western Operations) Pty Ltd (conforming offer).
- VDM Construction (Western Operations) Pty Ltd (alternative offer).
- Neo Infrastructure.

The submission from Densford Civil Pty Ltd represents best value to the City and is the lowest priced compliant tender. The company has sufficient resources and the extensive experience to complete the City's requirements. It has previously completed Mirrabooka Avenue extension for the City of Wanneroo and Dampier Highway dual carriageway and Greenlands Road stage two for Main Roads WA. Densford Civil Pty Ltd demonstrated a comprehensive understanding of the project and the ability to complete the works in the specified 17 week timeframe.

It is therefore recommended that Council ACCEPTS the tender submitted by Densford Civil Pty Ltd for civil works for Hodges Drive carriageway duplication for requirements as specified in Tender 034/12 for the fixed lump sum of \$1,649,023 (GST exclusive) for completion of the works within 17 weeks from possession of the site.

BACKGROUND

This requirement is to undertake the civil works for the Hodges Drive carriageway duplication between Marmion Avenue and Ocean Reef Road.

DETAILS

Tenders were advertised on 17 November 2012 through statewide public notice for a fixed lump sum contract to undertake the civil works for Hodges Drive carriageway duplication, with works to be completed within 17 weeks from the possession of the site. The tender period was for three weeks and tenders closed on 11 December 2012.

Tender Submissions

Six submissions were received from:

- Brierty Limited.
- Densford Civil Pty Ltd.
- Downer EDI Works Pty Ltd trading as Downer Infrastructure – West.
- VDM Construction (Western Operations) Pty Ltd (conforming offer).
- VDM Construction (Western Operations) Pty Ltd (alternative offer).
- Neo Infrastructure.

A summary of the tender submissions including the location of each tenderer is provided in Attachment 1.

Evaluation Panel

The evaluation panel comprised of four members:

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

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

Compliance Assessment

The following offers were assessed as compliant:

- Brierty Limited.
- VDM Construction Pty Ltd (conforming offer).
- Densford Civil Pty Ltd.
- Downer Infrastructure – West.
- Neo Infrastructure.

The following offer was assessed as partially compliant:

- VDM Construction Pty Ltd (alternative offer).

The submission of VDM Construction Pty Ltd (alternative offer) was subject to City agreeing to various amendments to the conditions of Contract. These relate to form of security, limit of liquidated damages, time extension and insurance.

The submission was included for further assessment on the basis that the potential for such amendments to increase the contractual risk to the City would be assessed prior to final consideration.

Qualitative Assessment

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

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

The conforming and alternate offers from VDM Construction Pty Ltd scored 57.5% and were ranked fifth in the qualitative assessment. The company has completed similar carriageway duplication projects including Ocean Reef Road stage one for the City of Wanneroo and Burns Beach Road for the City. The company has sufficient resources to complete the project however the site engineer and project supervisor nominated for this project have limited experience. The submission lacked information on the source of its additional resources and personnel. It supplied a provisional program and brief methodology demonstrating an understanding of the requirements.

Neo Infrastructure scored 57.6% and was ranked fourth in the qualitative assessment. The company did not demonstrate sufficient experience completing projects of a similar nature with high volumes of traffic. It has sufficient resources to complete the project. It demonstrated a sound understanding of the scope of works through a detailed methodology specific to this project and informative provisional construction program.

Brierty Limited scored 62.3% and was third in the qualitative assessment. The company demonstrated experience in completing two similar projects: Hepburn Avenue duplication stage one for the City of Wanneroo and Tonkin Highway intersection for Perth Airport Pty Ltd. It has sufficient resources to complete the project. The company demonstrated adequate understanding of the project requirements with a detailed preliminary construction program. No written methodology was submitted to support the company's understanding of the requirements.

Densford Civil Pty Ltd scored 74.8% and was ranked second in the qualitative assessment. The company demonstrated extensive experience in completing similar carriageway duplications including the Mirrabooka Avenue extension for the City of Wanneroo and Dampier Highway and Greenlands Road stage two for Main Roads WA. The company has sufficient resources to complete the project. It demonstrated a comprehensive understanding of the required tasks supported by a detailed methodology, pictorial representation of the work and traffic areas and well documented preliminary construction program.

Downer Infrastructure – West scored 75.6% and was ranked first in the qualitative assessment. It demonstrated extensive experience in completing similar carriageway duplications including the duplication of Wanneroo Road for Main Roads WA, Hepburn Avenue stage two for the City of Wanneroo and West Coast Drive dual use path for the City of Joondalup. It has the largest capacity of the tenderers in terms of personnel and equipment. It has demonstrated a thorough understanding of the scope of works through its detailed work methodology specific to this project and well documented preliminary construction program.

Price Assessment

Following the qualitative assessment, the panel carried out a comparison of the submitted lump sum prices offered by each tenderer to assess conformance to the specification and value for money to the City.

Tenderer	Lump sum Price
Densford Civil Pty Ltd	\$1,649,023
Brierty Limited	\$2,042,404
Neo Infrastructure	\$2,242,351
VDM Construction (Western Operations) Pty Ltd (Alternative Offer)	\$2,332,409
Downer Infrastructure – West	\$2,561,175
VDM Construction (Western Operations) Pty Ltd (Conforming Offer)	\$2,752,339

Evaluation Summary

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

Tenderer	Total Contract Price	Price Rank	Evaluation Score	Qualitative Rank
Downer Infrastructure – West	\$2,561,175	5	75.6%	1
Densford Civil Pty Ltd	\$1,649,023	1	74.8%	2
Brierty Limited	\$2,042,404	2	62.3%	3
Neo Infrastructure	\$2,242,351	3	57.6%	4
VDM Construction (Western Operations) Pty Ltd (Alternative Offer)	\$2,332,409	4	57.5%	5
VDM Construction (Western Operations) Pty Ltd (Conforming Offer)	\$2,752,339	6	57.5%	5

Based on the evaluation result the panel concluded that the tender that provides best value to the City is that of Densford Civil Pty Ltd and is therefore recommended.

Issues and options considered

Civil works are required to complete the duplication of the Hodges Drive carriageway. The City does not have the internal resources to undertake the works and as such requires an appropriate external service provider.

Legislation / Strategic Community Plan / policy implications

Legislation A statewide 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 Community Plan

Key theme Quality Urban Environment.

Objective Integrated spaces.

Strategic initiative Provide for diverse transport options that promote enhanced connectivity.

Policy Not applicable.

Risk management considerations

Should the contract not proceed, the risk to the City will be high as the City may lose its funding from the Metropolitan Regional Roads Group for the project.

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 has the capacity to complete the works for the City within the required 17 week timeframe.

Financial/budget implications

Account no.	W2243
Budget Item	Hodges Drv (W) – Marmion Av to Ocean Reef Rd
Budget amount	\$ 2,200,000
Amount spent to date	\$ 26,408
Proposed cost	\$ 1,649,023
Balance	\$ 524,569

The lump sum cost of this tender is not the total cost of the project.

All amounts quoted in this report are exclusive of GST.

Regional significance

Not applicable.

Sustainability implications

The duplication of Hodges Drive will assist in regulating the flow of increased traffic through the Ocean Reef area.

Consultation

Not applicable.

COMMENT

The evaluation panel carried out the evaluation of the submissions in accordance with the qualitative criteria in a fair and equitable manner and concluded that the offer representing best value to the City is that as submitted by Densford Civil Pty Ltd.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council ACCEPTS the tender submitted by Densford Civil Pty Ltd for civil works for Hodges Drive carriageway duplication as specified in Tender 034/12 at the fixed lump sum of \$1,649,023 (GST exclusive) with works to be completed within 17 weeks from possession of the site.

Appendix 13 refers

To access this attachment on electronic document, click here: [Attach13brf120213.pdf](#)

ITEM 16 REVIEW OF FINANCIAL ASSISTANCE GRANTS

WARD	All
RESPONSIBLE DIRECTOR	Mr Mike Tidy Corporate Services
FILE NUMBER	00033, 101515
ATTACHMENT	Attachment 1 Terms of Reference Attachment 2 WALGA Financial Assistance Grants Survey – response from the City
AUTHORITY / DISCRETION	Advocacy – Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.

PURPOSE

For Council to endorse the response to the Western Australian Local Government Association (WALGA) Local Government Financial Assistance Grants (FAGs) survey.

EXECUTIVE SUMMARY

The Commonwealth Grants Commission (CGC) is conducting a review into improving the impact of FAGs on local government financial sustainability (refer Attachment 1 of this report for Terms of Reference). The review will take place in several stages, including submissions from states and interested parties, culminating in a report by 31 December 2013. WALGA will be preparing a response to the CGC and is therefore surveying all local governments within Western Australia. WALGA sought an initial administrative response by 31 January 2013 (without Council approval), and then confirmation in February 2013 of Council endorsement of the survey response.

The City of Joondalup's FAG for 2012-13 was \$5.4 million, FAGs representing 4.1% of 2012-13 total revenues. To raise the same amount through rates would require an increase of 7.0%. The impacts of the allocation process between Commonwealth and States and between local governments within Western Australia is therefore of high importance to the City.

The FAGs comprise of two elements, General Purpose Grants (GPG) and Local Road Grants (LRG). In the latter case although allocated notionally for roads there is no statutory obligation to spend the grants on roads.

In reviewing the current process and the WALGA survey, the key issues included in the survey response are as follows:

- FAG allocations by CGC to the States are made on a simplistic basis that is different to the 'National Principles' that the States are required to follow in allocating to local government within the State. The CGC should update the allocation process to the States, so that this is consistent with how the States are then required to allocate to local government.

- The minimum GPG based on population should be increased from 30% to 50%. This would provide the City, and other metropolitan local governments, with a fairer share based on population.
- The methodology used by the Western Australian Local Government Grants Commission (WALGGC) to distribute FAGs to local government within Western Australia is very detailed, and appears to provide a reasonable means of applying the principle of 'horizontal equalisation'. However after review, it is recommended that further improvements be made:
 - Strategic Metropolitan Centre – there is no recognition of the extra cost of infrastructure and services that the City has to provide on a regional basis (e.g. traffic management, parking, community safety) in addition to the requirements of the immediate community.
 - Duplication of some disability factors - several are closely related to each other such as location and population dispersion which may cause double dipping in terms of a disability factor.
- The current untied basis of the FAG allocations should continue.

BACKGROUND

The CGC distribute FAG grants to the States with the GPG based on per capita and the LRG element based on a fixed percentage basis established some years ago. In Western Australia the WALGGC has the statutory role to make recommendations for the allocation of FAGs to local government. The WALGGC is required to make their recommendations in line with the National Principles formulated under the *Local Government (Financial Assistance) Act 1995*.

The City receives the minimum GPG only (that is a share of the 30% based on per capita) as do many of the Perth metropolitan area local governments. The City does not receive any of the remaining 70%, which is allocated using 'horizontal equalisation'. The City also receives a share of the roads grant based on its network of roads.

Allocation received by the City

Table 1 below provides a summary of the grants from 2009-10 to 2012-13:

- The City is 2nd in overall population terms, approx 7% of the total for Western Australia.
- FAG received though is 2.1% of the total, which has either been the 4th or 3rd highest.
- Per Person grant of GPG - the City has received \$20 per person for the past three years. For 2012-13 this ranked 127th out of 138 local governments in Western Australia.

Table 1 – Financial Assistance Grants to the City

Year	<u>Population</u>			<u>Financial Assistance Grant #2</u>			<u>Per Person #3</u>		<u>Impacts to City</u>	
	Population	% of Total	Ranking WA #1	Grant \$m	% of Total	Ranking WA #1	Per Person	Ranking WA #1	Grant increase per year	Grant as % of Total Revenue
2009-10	159,986	7.4%	2	\$4.8	2.1%	4	\$19	127	-	4.4%
2010-11	162,195	7.2%	2	\$5.2	2.1%	4	\$20	128	7.1%	4.3%
2011-12	164,445	7.2%	2	\$5.3	2.1%	4	\$20	115	3.3%	4.2%
2012-13	167,634	7.1%	2	\$5.4	2.1%	3	\$20	127	0.8%	4.1%

#1 Ranking relates to all Local Government within Western Australia

#2 Financial Assistance Grant total relates to the total of the i) General Purpose Grant ii) Road Grant. The amounts shown relate to the amounts shown on the WALGGC 'Final' statement. The amounts shown do not relate to the amounts paid in financial years, some of the payments are often made in advance and are included in the accounts of the year received.

#3 Per Person calculations is based on the GPG share of the grant only.

From a review of the grants allocated for 2012-13 for all local governments in Western Australia, it is worth noting that:

- the impact of horizontal equalisation is aptly illustrated by the Shire of Derby/West Kimberley whose GPG allocation for 2012-13 is 40% greater than the City of Joondalup although its population is only 8,231
- 95 local governments receive more than \$100 per capita in GPGs compared to the City of Joondalup's \$20
- 26 of those 95 local governments receive more than \$1,000 per capita in GPGs.

DETAILS

Who Allocates the FAGs?

The FAGs are allocated in a two stage process:

- The CGC makes allocations to the States.
- State based grant commissions, in the case of Western Australia the WALGGC, are responsible for assessing and making a recommendation to the Minister on the allocation of FAGs to each local government.

How Does the CGC Allocate to each of the States?

The FAGs comprise of two elements, allocated as follows:

- General Purpose Grants – allocated to the States on a per capita basis. WA's % of total population is currently 10.31%.
- Roads – allocated to the States based on a fixed percentage that was created a number of years ago. The fixed percentage currently applied for WA is 15.29%. It is believed that this was originally based on population share at the time it was fixed.

National Principles – Local Government (Financial Assistance) Act 1995

The allocation of FAGs is based on National Principles established under the *Local Government (Financial Assistance) Act 1995*. These National Principles are intended to ensure that the grants commissions in each State have a consistent basis for distributing the FAG.

The National Principles with regard to the General Purpose Grants are:

- Horizontal equalisation – essentially that allocation is distributed on the basis of ensuring that each local government has the ability to provide the same level of service to their community. WALGGC has developed a methodology and a series of models to apply horizontal equalisation. The methodology was recently reviewed (April 2012) by WALGGC, with changes to the previous methodology.
- Effort neutrality – as far as practicable, that policies of individual local governments in terms of expenditure and revenue effort will not affect grant determination.
- Minimum grant - each local government is entitled to a minimum GPG allocation equal to the amount that would be calculated if 30% of the GPG was allocated on a per capita basis.
- Other grant support – other relevant grant support provided to local governments to meet any of the expenditure needs assessed should be taken into account using an inclusion approach.
- Aboriginal peoples and Torres Strait Islanders – allocations to local governments shall be made in a way that recognises the needs of Aboriginal peoples and Torres Strait Islanders within their boundaries.
- Council amalgamations – where two or more local governments have been amalgamated into one, the GPG entitlement of the new local government for each of the four years following amalgamation, shall be the equivalent of the total GPG allocation that would have been made to each of the local governments if they had remained separate entities.

The National Principles for allocation of the roads element of the grant is intended to be based on the relative needs of each Local Government's ability to preserve its road assets. In assessing road needs, relevant considerations include length, type, usage and condition.

Grants awarded to the City of Joondalup

The City, like most metropolitan Local Government in WA, receives grants as follows:

- GPG - minimum only, based on a share of the 30% of GPG distributed on a per capita basis. The City does not receive any of the 70% that is awarded via the principles of horizontal equalisation.
- Roads – an element based on the road network that the City maintains.

General Purpose Grant – ‘horizontal equalisation’ / 12 disabilities

A key principle of the grants is that the allocation is distributed on the basis of ensuring that each local government has the ability to provide the same level of service to their community, this is a principle known as horizontal equalisation. WALGGC has developed a methodology and a series of models to apply horizontal equalisation. The methodology was reviewed in April 2012.

WALGGC has identified 12 factors, referred to as ‘disabilities’, to help calculate local government’s ability to provide the same level of service:

- 1 Location.
- 2 Socio-Economic disadvantage.
- 3 Growth.
- 4 Population dispersion.
- 5 Climate.
- 6 Indigenous.
- 7 Regional centres.
- 8 Terrain.
- 9 Off-road drainage.
- 10 Medical.
- 11 Cyclone.
- 12 Special needs.

For each one of the 12 disabilities, a calculation has been developed which uses a reliable source of data and applies to the relevant programs for each local government. For example with regards the first disability, location, reference is made to the Accessibility Remoteness Index of Australia, and then assessing the remoteness of a town/location based on access via road networks to five different categories of service centres. With regards growth, reference is made to the Australian Bureau of Statistics population statistics.

Issues and options considered

The WALGA survey has 13 questions. Some of the questions are dependent on yes/no answers to previous questions and may not need to be answered. The sections below summarise the proposed responses and reasons. Attachment 2 is the survey which has been completed and submitted subject to Council endorsement. The comments sections of the survey includes summarised versions of the comments below.

Minimum 30% General Purpose Grant (Questions 1 to 7)

The first set of questions on the survey relate to the minimum 30% grant, asking whether there should be a minimum, should it be different and if it were to change how it should that be phased in. This question needs to be considered also with reference to the application of the horizontal equalisation which is the principle driver of the allocation of 70% of the GPG.

Comments are:

- Rationale for 30% as the minimum - The minimum value of 30% was created in the 1970s. There does not appear to be any current rationale for why the minimum, if there is to be one, should be 30%. There should be a rationale in future for the minimum grant percentage whatever that becomes.

- Outcome of allocating 30% minimum based on population and 70% based on horizontal equalisation - it is apparent from the outcomes of the GPG allocations that the 30% minimum is intended to ensure that metropolitan local governments receive something as horizontal equalisation clearly benefits non-metropolitan local governments. Metropolitan local governments have the bulk of the population while non-metropolitan local governments have less population but greater geographical issues. Clearly non-metropolitan local governments would receive very little if GPG allocations were based solely on per capita. The application of the minimum 30% and the remaining 70% using horizontal equalisation is successful in ensuring that local governments with far greater geographical issues receive a higher proportion than would otherwise be achieved just by using per head of population. Although it is successful in achieving this share, it doesn't mean that it is the right share.
- Having a minimum GPG allocation is essential for the City of Joondalup, as without it the City would most likely not receive any GPG at all. To raise the same amount through rates would require an increase of 7.0%. The survey response therefore reflects a preference for retention of a minimum.
- WALGGC disabilities - these disabilities are well thought through and the basis of the calculations provides the WALGGC with a robust audit trail. However, the factors are very much focussed on disabilities that relate to non-metropolitan local governments and do not address factors relevant to metropolitan local governments for example the City of Joondalup as a Strategic Metropolitan Centre.
- Duplication. Several of the disabilities would be common to some local governments, and therefore the impacts of remoteness / locale are double-counted within the overall results. For example Disability 1 refers to the location and remoteness of towns. Meanwhile Disability 4 refers to Population Dispersion. The disabilities are used to apply to different areas of services provided, so there is some level of justification in having disabilities with a similar cause but a different impact. However the outcome of this is that some local governments with remoteness issues, have the remoteness factor included more than once. The issue of duplication is relevant also for other disabilities (for example terrain and off-road drainage). It is not the case that all non-metropolitan local governments are benefiting from the duplication effect.
- Should the minimum be different to 30% and if so lower or higher? Analysis of the previous four years indicates that by only apportioning 30% as a minimum, results in significant distortions in the grants received by local governments on a per capita basis. The City of Joondalup receives just \$20 per person, compared to other local governments that receive over \$18,653 per person. This huge distortion suggests a level of unfairness in the apportionment between the minimum grant and horizontal equalisation. It is therefore recommended that the minimum be increased to 50%. The rationale is that the original allocation from the Commonwealth to the States of GPG is based solely on population. It is the population of metropolitan local governments that draws the level of funding that is available for distribution within the State. The metropolitan local governments have to service that population but 70% of the funding that that population attracted is then redistributed on a completely different basis. It is acknowledged that a simple per capita basis for distribution of the GPG would unfairly disadvantage non-metropolitan local governments but a 50% minimum allocation based on per capita represents a fairer split between ratepayers across the state.

- Should the new percentage level nominated above apply immediately or be applied over time in an adjustment period? Any adjustment to the minimum is likely to have an impact to some local governments where the FAGs represent a significant share of their revenues. It is therefore recommended that the move to a 50% minimum be changed over a four year period, so that those local governments who are most affected have adequate time to adjust.
- Hawker report has been mentioned within the terms of reference used by the CGC to respond to the review. The Hawker report suggested that the minimum 30% be removed because it goes against the principle of horizontal equalisation. It is acknowledged that the objective of the minimum and horizontal equalisation, go against each other. However a process can have two objectives that may work against each other, as long as there is a balance. An objective should not be removed simply because it is inconsistent with another objective. The *Local Government (Financial Assistance) Act 1995* did not indicate that one objective was more important than the other. The recommendation for the removal of the minimum allocation as put forward by the Hawker report is therefore not supported.

Tied or Untied (Question 8)

The FAGs are currently distributed on an untied basis i.e. there is no condition on how the funds should be used. Question 8 of the WALGA survey asks whether the grants should be changed to become tied.

Comments are:

- There is a role for both tied and untied grants. Tied grants can ensure that the specific outcome that the provider is targeting is achieved. On the other hand one size does not always fit all and untied grants offer the opportunity to achieve an outcome tailored to local need. There are already a series of useful tied grants both Commonwealth and State but FAGs are the only untied grants.
- Tied grants will introduce an added level of compliance cost as well as constrain the purposes to which the grants can be applied which may not be relevant to need.
- Local Government is best placed to determine its local community needs and how best FAGs should be applied to achieve the objectives of the grant program.
- It is recommended that FAGs continue to remain untied.

City's Funding – Is the funding received by City adequate? (Question 9)

The WALGA survey states that “*Financial Assistance Grants are intended to enable each Local Government to provide a level of service equivalent to the average level of service provided by Councils across the State*”. Question 9 then asks “*if the level of funding your Local Government receives from Financial Assistance Grants adequate for this purpose?*”.

There are three possible responses posed in the survey:

- Not adequate
- Adequate
- or
- More than Adequate.

The City is unable to respond confidently to any of the three options in that the City has insufficient information about the average levels of service provided by other local governments. The response in the survey explains this position.

Does the City Have Specific Characteristics That Require More FAGS funding? (Question 10)

Question 10 of the WALGA survey asks “*if there are any specific characteristics of your Local Government’s area or population that mean you require more Financial Assistance Grant funding*”. The City’s response to this is yes, there are issues that the City has that should be taken into account, and in particular that Joondalup is a Strategic Metropolitan Centre.

Comments are:

- Provision of facilities that cater for a regional demand. In its role as a Strategic Metropolitan Centre the City has to cater for demand that is regionally based and not just local. To some extent all local governments cater for the needs of non-local populations, the most obvious being roads. The demands for Strategic Metropolitan Centres, however, are wider than most. The City already hosts major regional facilities such as Hillarys Boat Harbour, Arena Joondalup and six major suburban train stations all of which place a strain on the City’s resources to service the needs they generate. There are also a large number of additional facilities in the pipeline, for example:
 - Joondalup Performing Arts and Cultural Facility.
 - Multi Storey Car Park.
 - Edgewater Quarry.
 - Synthetic Hockey Pitch.
 - Wanneroo Basketball Association.

The recent parking survey completed in November 2012 in support of the Multi Storey Car Park project, informed us that 59% of the users of two car parks that were surveyed, were people who were not resident within the City of Joondalup district.

- Large institutions within the City of Joondalup who do not pay rates but have impacts on services. There are several large institutions within the City who are not required to pay rates including public hospital, West Australian Police Academy, Edith Cowan University and West Coast Institute of Training (TAFE). The employees and users of these facilities do provide economic benefits to the area, however, they also generate demand for services to be provided by the City with no rate revenue to fund them.
- The third disability factor applied by WALGGC in applying horizontal equalisation is Growth. The basis of the formulae is sound, referring to specific time periods and ABS data, however the formulae only refers to the population of the local government itself, and not of the regional catchment that is relevant for the provision of some services by a Strategic Metropolitan Centre. It is acknowledged that there may not be a clear audit trail to define the catchment area for a Strategic Metropolitan Centre. Indeed it could be cumbersome to complicate the Growth disability calculation with this issue. Nevertheless this is an issue that is recommended be reviewed.
- If the minimum grant were increased this would be a way of increasing the share that the City receives and the issues it faces as a Strategic Metropolitan Centre.

Allocation of Grants from CGC to States (Question 11 & 12)

The WALGA survey has also asked for comments regarding the allocation by CGC to States. The major concern with the allocation of FAGs is the allocation by the CGS initially. CGS require States to apply National Principles, as set out in the *Local Government (Financial Assistance) Act 1995*, but these are not followed by CGC themselves. There is therefore an inconsistency as the allocation to the States is inconsistent with the allocation the States are required to adhere to local governments. Specific improvements that relate to this overall concern are:

- Roads allocation between the states is based on historical fixed percentages, which are believed by WALGGC to relate to population share of the states at that time. The Local Road Groups allocation should relate to roads i.e. number (kilometres), type, usage, condition. The WALGGC and other States have developed detailed methodology for allocating FAGs to local government and this data and methodology should be used by CGC to ensure the initial State allocation is consistent and fair.
- Horizontal equalisation principles used by each of the States should also be used by the CGC. Although the WALGGC methodology of applying horizontal equalisation is considered to have some duplicates, on the whole it contains some excellent principles and models. This provides local governments who have significant disadvantages a mechanism of receiving a greater share of the FAGs. Some of these principles also relate to WA as a state, where the remoteness, growth and location of WA have significant bearing in the ability of local governments to provide an equal service in comparison to other States. The issues affecting WA should be taken into account when CGC are allocating the GPG. Additionally, where the other states have introduced worthwhile methodology that is relevant at a State level, this should also be taken into account. In summary all the methods used by each of the States to apply horizontal equalisation should be reviewed and where they are relevant at State level, they should be used by CGC for the allocation to States.

Any other comments (Question 13)

- Payments process – there have been changes during the past couple of years regarding the payments process and timing of payments. Advance payments are welcome but uncertain and do not follow the same pattern every year. It is recommended that there is a consistent process for the timing and split of the payments.
- Benchmark other states. It is unclear whether the review by WALGGC took any account/learning point of methods used in other states to apply horizontal equalisation.
- Effectiveness of Local Governments Financial Sustainability – the processes in regard to the FAG allocations are all related to a distribution methodology. There is no process or measure to indicate how effective the use of the funds is meeting the objectives of the grant program. The terms of reference from the Commonwealth has indicated that it will review FAGs in light of the effectiveness of local government. This is welcome. Is it possible that a series of financial ratios could be prepared each year which indicate the worthiness of each local government in receiving further grant allocations?

Legislation / Strategic Community Plan / policy implications

Legislation	<i>Local Government (Financial Assistance) Act 1995.</i>
Strategic Community Plan	
Key theme	Financial Sustainability.
Objective	Financial diversity.
Strategic initiative	Position the City to align with State and Federal Government priorities to increase eligibility for grant funding.
Policy	Not applicable.

Risk management considerations

There is a significant risk with the review of the Financial Assistance Grants that any significant changes to the methodology could result in a funding issue for the City, if the share of the grant is reduced. This could result in changes to services and/or a higher rates increase than would be expected.

Financial/budget implicationsImpacts on 20 Year Strategic Financial Plan (SFP)

A change in the methodology and allocation of grants to the City would have significant implications for the 20 Year SFP which is modelled on an assumption of continuing FAG grants with modest growth.

Regional significance

The City of Wanneroo and the City of Stirling both also receive the minimum grant allocation and have very similar issues to the City of Joondalup, in particular large populations. Any changes that impact on the allocation of Financial Assistance Grants to the City are likely to have a similar impact to the adjacent areas.

Sustainability implications

Not applicable.

Consultation

Not applicable.

COMMENT

The survey at Attachment 2 has been submitted to WALGA as requested as an administrative response. The endorsement of the response to the survey is now sought from Council.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council ENDORSES the completed Western Australian Local Government Association Survey on Financial Assistance Grants as at Attachment 2 to this Report.

Appendix 14 refers

To access this attachment on electronic document, click here: [Attach14brf120213.pdf](#)

ITEM 17 APPOINTMENT OF REPRESENTATIVE TO THE JOONDALUP PERFORMING ARTS AND CULTURAL FACILITY – STEERING COMMITTEE

WARD	All
RESPONSIBLE DIRECTOR	Mr Jamie Parry Governance and Strategy
FILE NUMBER	101515, 07019
ATTACHMENT	Nil.
AUTHORITY / DISCRETION	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

PURPOSE

For Council to appoint a WA Police Training Academy representative to the Joondalup Performing Arts and Cultural Facility – Steering Committee.

BACKGROUND

The Joondalup Performing Arts and Cultural Facility – Steering Committee was established at the Special Council Meeting held on 3 November 2011 (JSC2-11/11 refers). The purpose of the committee is to provide advice and make recommendations to Council on:

- the architectural design elements to be incorporated into the Joondalup Performing Arts and Cultural Facility
- the core components to be included in the Joondalup Performing Arts and Cultural Facility
- the capacity of the design features to be included in the Joondalup Performing Arts and Cultural Facility
- the options for the ongoing management and utilisation of the Joondalup Performing Arts and Cultural Facility.

At the Special Council Meeting held on 3 November 2011, the following members were appointed to the Joondalup Performing Arts and Cultural Facility – Steering Committee:

Members

Cr Liam Gobbert	Central Ward
Cr Kerry Hollywood	North Ward
Cr Tom McLean	North Ward
Cr Philippa Taylor	North-Central Ward
Cr John Chester	South-East Ward

Cr Russ Fishwick Chief Executive Officer Mr Warren Snell	South Ward (or nominee) Vice-President (Resources) and Chief Financial Officer, Edith Cowan University
Mr Russell Coad	General Manager Training and Business Services, West Coast Institute of Training
Superintendent Craig Donaldson	Principal, WA Police Academy

A maximum of two (2) external individuals with specialist expertise:

Mr Alastair Bryant

Three (3) representatives of community arts groups located within the City of Joondalup:

Representative Ms Sharon Josef Ms Christine Evans	Joondalup Community Arts Association/blend(er) Gallery President, Joondalup Encore Theatre Society President, Endeavour Theatre Group
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DETAILS

Superintendent Craig Donaldson is no longer the Principal of the WA Police Training Academy and therefore a new representative is required to be appointed to the Joondalup Performing Arts and Cultural Facility – Steering Committee.

Superintendent Scott Higgins has been nominated by the WA Police Academy as the new member of the Joondalup Performing Arts and Cultural Facility – Steering Committee as the WA Police Training Academy representative.

Issues and options considered

Council can either:

- accept the nomination of Superintendent Scott Higgins, Principal of the WA Police Training Academy as the representative to the Joondalup Performing Arts and Cultural Facility – Steering Committee
- request an alternative member be nominated to the Joondalup Performing Arts and Cultural Facility – Steering Committee as the representative of the WA Police Training Academy
or
- reconsider external representation on the Joondalup Performing Arts and Cultural Facility – Steering Committee.

Legislation / Strategic Community Plan / policy implications

Legislation *Local Government Act 1995*

Strategic Community Plan

Key theme Governance and Leadership.

Objective Strong leadership.

Strategic initiative Foster strategic alliances to deliver key transfer material projects and initiatives in partnership with key stakeholders.

Policy Not applicable.

Risk management considerations

Should the WA Police Training Academy's nomination not be accepted, the position may remain vacant and the valuable knowledge, advice and recommendations which arise from this position would not be incorporated into the overall discussions of the steering committee.

Financial/budget implications

Not applicable.

Regional significance

Not applicable.

Sustainability implications

Not applicable.

Consultation

Not applicable.

COMMENT

Superintendent Scott Higgins, Principal of the WA Police Training Academy has been nominated as the Academy's representative on the Joondalup Performing Arts and Cultural Facility – Steering Committee.

VOTING REQUIREMENTS

Absolute Majority.

RECOMMENDATION

That Council:

- 1 NOTES Superintendent Craig Donaldson is no longer Principal of the WA Police Training Academy and is therefore unable to represent the Academy on the Joondalup Performing Arts and Cultural Facility – Steering Committee;**
- 2 BY AN ABSOLUTE MAJORITY APPOINTS Superintendent Scott Higgins, Principal of the WA Police Training Academy, as the academy representative on the Joondalup Performing Arts and Cultural Facility – Steering Committee.**

REPORTS - CAPITALS WORKS COMMITTEE

ITEM 18 **BROADBEACH AND FLINDERS PARK ADDITIONAL WORKS**

WARD	South-West
RESPONSIBLE DIRECTOR	Mr Nico Claassen Infrastructure Services
FILE NUMBER	102496, 75521, 01525, 09146, 06171, 10273
ATTACHMENT	Attachment 1 Broadbeach and Flinders Parks map Attachment 2 Broadbeach and Flinders Parks current path network Attachment 3 Broadbeach and Flinders Parks proposed path network Attachment 4 Results of water analysis of lakes
AUTHORITY / DISCRETION	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

PURPOSE

For Council to consider the proposed additional works identified in Broadbeach and Flinders Parks following the community consultation undertaken in March and April 2012.

EXECUTIVE SUMMARY

Broadbeach and Flinders Parks are well-utilised adjoining reserves within the suburb of Hillarys that are classified as a Local Park and Local Open Space, respectively, under the City's Parks and Public Open Spaces Classification Framework (Attachment 1 refers). They currently contain a community centre and an assortment of park and play equipment that facilitate active and passive activities such as walking, training, dog exercising, picnicking and organised sports.

The City undertook a community consultation process in March and April 2012 to identify current local uses for the parks and potential priorities for their future development.

The outcomes of the consultation process revealed support for an improved path network, playgrounds, seating, lighting and landscaping enhancements. Community feedback indicated that a formalised pathway connecting the two parks and increasing the path network would be desirable along with path lighting. Operational issues such as algal problems within the existing lakes were also highlighted through the consultation.

The outcomes of the consultation process were reported to the Capital Works Committee at its meeting held on 7 August 2012. The Committee noted:

- “1 The outcomes of the Broadbeach and Flinders Park consultation process as outlined in Attachment 2 of the Report;*
- 2 The works currently listed in the draft Five Year Capital Works Program for Broadbeach and Flinders Parks and REQUESTS a report to be presented to a future Capital Works Committee meeting identifying additional works in response to the community consultation.”*

Following the Capital Works Committee meeting held on 7 August 2012, the Ward Councillors and City officers met on site to determine the most appropriate location of a formalised footpath to link the two parks.

It is proposed that the project for refurbishment of Flinders Park Community Centre which is listed in the 2014-15 Capital Works Program be replaced with a project to install a new path, including lighting, to link Flinders and Broadbeach Parks. The estimated cost to provide the proposed path and adequate lighting is \$180,000. The Flinders Park Community Centre refurbishment currently has a budget of \$184,558.

With regard to managing the lake systems in the parks, high levels of phosphorus in the lakes and algal blooms have historically been a problem. The water in the lakes was sampled and analysed in October 2012 and there was found to be algal populations present, low levels of dissolved oxygen and high levels of ammonia. It is proposed that change management practices be implemented to improve the quality of the water in the lakes to increase oxygen levels and reduce nutrient levels as opposed to the removal of sediment (dredging). Removal of sediment from the lakes would help to improve water quality in the short term but to improve the water quality in the long term management of the lakes needs to be changed.

It is recommended that Council APPROVES the:

- 1 route for a 2.1 metre concrete path to connect Broadbeach and Flinders Parks as shown in Attachment 3 to this Report*
- 2 listing of the installation of the path and lighting to replace the Flinders Park Community Centre refurbishment in the draft 2014-15 Capital Works Program*
- 3 listing of the Flinders Park Community Centre refurbishment in the draft 2017-18 Capital Works Program*
- 4 listing of the Broadbeach and Flinders Park remedial lake works in the draft 2014-15 Capital Works Program.*

BACKGROUND

Broadbeach and Flinders Parks were gazetted in 1995 as part of a new coastal subdivision development within the suburb of Hillarys. The City's Management Order for the parks is dated 23 May 2000, although the City undertook works on the parks prior to the Management Order. The parks were designed as an adjoining north-south linear park, comprising of an active reserve and clubrooms at its southern end and passive recreational parklands through the central and northern areas.

The parks currently contain many features, as described below:

Broadbeach Park (north):

- man-made lake system
- lake viewing platform
- irrigated grassed areas
- landscaped trees and shrubs
- one barbeque
- two picnic shelters
- one combo playground unit
- one basketball pad and hoop
- five park benches
- 15 on-street parking bays.

Flinders Park (centre and south):

- three man-made lake systems with fountains
- irrigated grassed areas
- landscaped trees and shrubs
- bollard and path lighting
- Flinders Park Community Centre
- sports field with floodlighting
- cricket practice nets
- cricket wicket
- five park benches
- two combo playground units and four free-standing play equipment items
- two car parks (24 bays and 28 bays).

The age of the infrastructure within the parks varies from over 10 years to more recent additions and replacements over the past few years. It is acknowledged that some existing infrastructure is due for upgrading or replacement, particularly with regard to ageing lighting infrastructure within the parks.

The community in the vicinity of the parks takes an active interest in the parks and since 2008, the City has received many requests to resolve operational matters and infrastructure improvements within Broadbeach and Flinders Parks. Most requests have centred on the following matters:

- Dog waste management.
- Algal blooms within the lake systems.
- Shading.
- Lighting replacements.
- Additional seating.
- Play equipment upgrades.
- Tree replacements.
- Fencing repairs.
- Footpath repairs and alignment.
- Retention of Sheoak trees.

In response to the requests received from local residents, the City has implemented the following works over the past five years:

- Some lighting replacements - from bollard to standard path lighting.
- Installation of two additional park benches in Flinders Park.
- Additional bins and dog waste bags installed in Flinders Park.
- Removal of dead trees and bushes.
- Replacement of picnic shelter and barbeque in Broadbeach Park.
- Installation of vehicle access gate and bollards in Flinders Park.
- Repaired fencing around existing lake systems.
- New park signs installed in Flinders Park.

While several new capital items have been installed in the parks during this period, most have been of a minor nature and issues surrounding lighting and path alignments have yet to be considered by the City. Operational issues pertaining to the perceived quality of the lake systems have been investigated and are discussed later in the report.

DETAILS

In acknowledgment of the diversity and number of actions requested within Broadbeach and Flinders Parks, the City undertook a community consultation process in March and April 2012 to inform the development of a holistic forward works program for the parks improvement and enhancement.

As part of the City's general asset replacement, Broadbeach and Flinders Parks have the following projects listed for consideration in the City's draft Five Year Capital Works Program:

Project	Year	Estimated cost
Playground replacement in Broadbeach Park	2013-14	\$100,000
Irrigation upgrades in Broadbeach and Flinders Parks (not related to hydro-zoning of sprinkler system)	2014-15	\$196,000
Replacement of soccer goals in Flinders Park	2014-15	\$10,000
Building refurbishment of Flinders Park Community Centre	2014-15	\$184,558

In addition to the planned works identified above, community feedback indicated that a lit formalised pathway connecting the two parks would be desirable. The current path network is shown at Attachment 2 and the proposed path network is shown at Attachment 3. The proposed path network mirrors the route that is most travelled by park users which has created an informal track. This informal path is heavily utilised and maintenance is regularly performed.

The estimated cost to formalise the path with a new 2.1 metre concrete path and associated lighting is \$180,000. There are currently no funds approved for the works however \$184,558 is currently listed in the draft 2014-15 Capital Works Program for the refurbishment of Flinders Park Community Centre. The Community Centre was built in 1996-97 and the refurbishment could be delayed to 2017-18 based on the current maintenance program and condition of the facility.

In addition to a formalised pathway in the parks, community feedback indicated a desire to improve the appearance and water quality in the lakes. It is acknowledged that actions to improve the appearance of the lakes are required. The water in the lakes was sampled and analysed in October 2012 (see Attachment 4 for results).

Based on the test results the following actions have been proposed to improve the appearance of the quality of the water in the lakes:

- Change management actions to minimise nutrient inputs around lakes through the establishment of three to five metre environmental buffer zones planted with riparian trees and low growing shrubs, rushes and sedges. This would be intersected with a few viewing platforms or limestone stepped embankments.
- Use slow release fertilisers and ensure lawn clippings do not enter the lakes.
- Installation of more aerators to maximise dissolved oxygen levels with care being taken to not disturb sediments.
- Examine nutrient levels of groundwater and stormwater entering the lake systems as this can be a significant contributor of nutrients.

If the above measures fail to rectify the algal problems at the lakes then physical removal of sediments (dredging) may be required. Removal of sediments would help stabilise the water quality in the short term, however, minimising the amount of nutrients entering the lakes through the methods proposed above is the key to good water quality in the long term.

The estimated cost for the remedial actions for the lakes at Broadbeach and Flinders Parks is \$193,000 and it is proposed that they form part of the Capital Works Program in 2014-15.

The following table provides a breakdown of the estimated costs.

ITEM	TOTAL
Preliminaries	\$13,000
Installation of two aerators Broadbeach Lake	\$50,000
Observation points at Broadbeach/Flinders North and South Lakes	\$66,000
Tube stock and advanced tree planting for environmental buffer and irrigation realignment	\$51,000
Contingency	\$13,000
TOTAL	\$193,000

Issues and options considered

Option 1

Installation of aerators and vegetated environmental buffers to increase oxygen levels and minimise nutrient levels will achieve an acceptable long term outcome at relatively low cost.

This is the recommended option.

Option 2

Physically remove sediment from the lake would only achieve be a short term improvement in water quality at high cost and is treating the symptom and not the cause.

This option is not recommended.

Legislation / Strategic Community Plan / policy implications

Legislation Not applicable.

Strategic Community Plan

Key theme Community Wellbeing.

Objective Quality facilities.

Strategic initiative Support a long-term approach to significant facility upgrades and improvements.

Policy Not applicable.

Risk management considerations

Not applicable.

Financial/Budget implicationsPath Network and lighting

Account no.	Not applicable.
Budget Item 2014/15	BCW2094 – Flinders Park Community Centre Refurbishment.
Budget amount	\$ 184,558.
Amount spent to date	Not applicable.
Proposed cost of path network and lighting	\$ 180,000.

Remedial actions for lakes

Account no.	Not applicable.
Budget Item 2014/15	PDP Broadbeach/Flinders Park Lakes Remedial Works
Budget amount	\$ 0 (New Project).
Amount spent to date	Not applicable.
Proposed cost	\$ 193,000.
Balance	Not applicable.
Annual maintenance	\$ 15,000.

All figures quoted in this report are exclusive of GST.

Regional significance

Broadbeach and Flinders Parks are classified under the current City's Parks and Public Open Spaces Classification Framework as a Local Park and Local Open Space, respectively. As such, they seek to meet the needs of local surrounding residents, rather than a broader regional community.

Sustainability implications

Undertaking a holistic approach to the future planning of Broadbeach and Flinders Parks seeks to achieve sustainable outcomes with regard to the responsible budgeting and phasing of projects and the provision of a high quality public open space for local residents that encourages and facilitates healthy lifestyles.

Consultation

The community consultation carried out in March and April 2012 highlighted a number of capital works issues, most of which either have been completed or are already listed within the Five Year Capital Works Program with the exception being the path upgrade and path lighting indentified to link the two parks.

COMMENT

The current informal path linking the two parks is heavily utilised and while maintenance is regularly performed on the path, the informal nature and inadequate lighting means it is not accessible to all park users and creates potential security and trip hazards for users.

The estimated cost of building the path and providing adequate light levels is \$180,000. There are currently no funds approved for the works, however, it is suggested that the refurbishment of Flinders Park Community Centre be delayed until 2017-18 and the funds allocated to the construction and installation of the path and lights. The Community Centre was built in 1996-97 and has been maintained to a high standard. The annual building assessment confirmed that routine maintenance will keep the building in good condition until a mini-makeover in 2017-18.

The observations from the October 2012 analysis of the lakes were that the water within the lakes was mostly clear except for the middle lake which was slightly murky and also had algae present. It is proposed that actions be undertaken to change the management of the lakes rather than removal of sediment (dredging). Change management actions to install aerators and provide vegetated buffers will increase oxygen levels and minimise nutrient levels leading to a reduction in algae. These actions provide a long term outcome to improve the quality and appearance of the lakes. While removal of the sediment would also improve the quality and appearance of the lakes is it only a short term improvement particularly if the change management actions discussed above are not undertaken.

VOTING REQUIREMENTS

Simple Majority.

COMMITTEE RECOMMENDATION

The Committee recommendation to the Council for this report (as detailed below) was resolved by the Capital Works Committee at its meeting held on 5 February 2013.

The Committee recommendation is the same as recommended by City officers.

COMMITTEE RECOMMENDATION

That Council APPROVES the:

- 1 route for a 2.1 metre concrete path to connect Broadbeach and Flinders Parks as shown in Attachment 3 to this Report;**
- 2 listing of the installation of the path and lighting to replace the Flinders Park Community Centre refurbishment in draft 2014-15 Capital Works Program;**
- 3 listing of the Flinders Park Community Centre refurbishment in the draft 2017-18 Capital Works Program;**
- 4 listing of the Broadbeach and Flinders Park remedial lake works in the draft 2014-15 Capital Works Program.**

Appendix 15 refers

To access this attachment on electronic document, click here: [Attach15brf120213.pdf](#)

ITEM 19 DELAMERE PARK ADDITIONAL FUNDING

WARD:	North
RESPONSIBLE DIRECTOR:	Mr Nico Claassen Infrastructure Services
FILE NUMBER:	102496, 88565
ATTACHMENTS:	Attachment 1 Delamere Park Final Landscape Plan and Sections Attachment 2 Approved Delamere Park Draft Concept Plan Attachment 3 Currambine Community Centre Consultation Brochure
AUTHORITY / DISCRETION	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

PURPOSE

For Council to be advised of total costs involved in the construction of Delamere Park and to approve listing for consideration the additional funding required to finalise the project in the 2013-14 Capital Works Program.

EXECUTIVE SUMMARY

No. 52 (Lot 1574) Delamere Avenue, Currambine is uncleared land set aside for the construction of the Currambine Community Centre and development of Delamere Park. There is currently \$500,000 allocated for the construction of Delamere Park in the 2012-13 Capital Works Program.

The approved draft concept plan for Delamere Park was presented to Council on 19 July 2011 with an estimated preliminary cost of \$1.39 million (CJ123-07/11 refers). The estimated preliminary cost did not include the installation of power, floodlighting and CCTV; the lighting and CCTV are required for safety and security in the park. The current budget available is \$500,000 which is not sufficient to construct the park. Additional funding of approximately \$1,660,756 (which includes a \$195,341 contingency sum) is required to complete the project bringing the total cost to \$2,148,756. Approval of additional funding is required to enable the full scope of works to be completed in accordance with the current Delamere Park landscape plan (Attachment 1 refers).

It is recommended that Council APPROVES:

- 1 listing of \$1,660,756 additional funding for consideration in the 2013-14 Capital Works Program for construction of Delamere Park;*
- 2 proceeding to community consultation of the current landscape plan, as detailed in Attachment 1 to this Report.*

BACKGROUND

No. 52 (Lot 1574) Delamere Avenue Currambine is uncleared land set aside for the construction of the Currambine Community Centre and development of Delamere Park. Subject to the review of the Parks and Public Open Space Classification Framework (PPOSCF) Delamere Park is classified as Regional Open Space. Regional Open Space areas are not used for active sport or recreation. They accommodate the needs of the Joondalup community and beyond and encourage both short and long stay usage. The infrastructure and features associated with this classification of park are as follows:

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

A report was presented to Council on 19 July 2011 providing the outcomes from the community consultation conducted on Currambine Community Centre and seeking approval to proceed to community consultation on the draft concept plan for Delamere Park (CJ123-07/11 refers). The Delamere Park Concept Plan was tabled at the meeting with an estimated preliminary cost for the development of park of \$1.39 million. This preliminary cost estimate did not include the installation of power, floodlighting and CCTV.

Council agreed, in part to:

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

The concept plan for Delamere Park (Attachment 2 refers) has not yet been subject to community consultation with local residents. There has been interest in the development of Delamere Park from local residents and on contacting the City they have been advised that community consultation on the development of the park will be undertaken in March 2013.

\$500,000 is currently allocated in the 2012-13 Capital Works Program for the development of Delamere Park which is not sufficient to complete the scope of works as detailed in the concept plan. \$12,000 has currently been committed to the project and the remaining \$488,000 will not be used during the 2012-13 financial year and is proposed to be carried forward to the 2013-14 Capital Works Program for Delamere Park. The final design has been assessed by an external Quantity Surveyor to ascertain the total cost of the project and a cost estimate of \$2,148,756 has been provided meaning that an additional \$1,660,756 is required to complete the park.

DETAILS

At the Capital Works Committee meeting held on 6 November 2012 it was requested that a report be presented to the Committee outlining the final design and costing for Delamere Park and associated funding options.

The Delamere Park site is located within a civic and cultural precinct and is considered to be a Regional Open Space. The park will attract a large range of the public who are looking to use the space for recreational activities and also those who will use the space as an access way through to the Currambine shopping centre and neighbouring commercial developments.

The increased activity that the park development will attract to this site has resulted in the incorporation of 'best design' landscaping principles which will provide a range of positive outcomes for the community, including:

- increased passive surveillance and pedestrian safety
- a range of play activities for both able bodied people and those requiring universal access
- increased accessibility for the elderly, disabled and parents with young children
- provision of large open parkland that has the opportunity to be used in conjunction with the Currambine Community Centre programs
- provision of a footpath network and outdoor gym equipment to encourage health and fitness within the community.

The construction of Delamere Park will be a significant development in enhancing the pedestrian connectivity within the Currambine community and the overall value of amenity within the community.

The following information provides details of the costs involved in the development of Delamere Park:

Soft/hard landscaping and Irrigation Works

The current landscape design for Delamere Park underwent a 'design process' evaluation by an external Quantity Surveyor. The soft/hard landscape and irrigation works are estimated at \$1,507,701. This is inclusive of:

- site mobilisation
- traffic management
- earthworks
- footpaths
- park furniture
- play ground equipment and appropriate shade
- retaining walls
- conservation fencing
- ablution facilities
- trees, turf and garden beds
- bore and irrigation works.

Car Park Construction

The car park is located to the southern end of the park and will service visitors to the park as well as act as overflow parking to the community centre. It has an estimated construction cost of \$95,000. The construction of the 60 bay car park was not included within the Currambine Community Centre budget. The costs for construction of the car park are currently being covered by the Community Centre budget however the \$95,000 cost will need to be recouped from the Delamere Park budget.

Power, Lighting and CCTV

The floodlighting in the park will be provided solely for safety and security purposes with the installation of CCTV provided to monitor assets and infrastructure in the area. This item was not included in the initial cost estimate. The estimate for power, lighting and CCTV is \$343,000.

Re-Vegetation

The area of bushland that was located at the south west corner of the proposed park has been cleared. This section of bushland is integral in creating a visual buffer from the future commercial development adjacent to Delamere Park. It is proposed that this area be revegetated using the seeds that have been collected from the existing uncleared bushland on the site. The cost estimate for re-vegetation works is \$7,713.

Summary of estimated costs for Delamere Park	Original Concept Estimate (2011)	Revised Estimate
Soft/hard landscape and irrigation works	\$1,227,859	\$1,507,701
Car park construction	\$0	\$95,000
Power/lighting and CCTV	\$153,000	\$343,000
Re-vegetation of cleared bushland	\$0	\$7,713
Sub-total	\$1,380,859	\$1,953,414
Contingency (10%)	\$0	\$195,341
Total estimate (excl. Gst)	\$1,380,859	\$2,148,756

Summary of additional funding required	
Total estimated cost for park construction (incl. 10% contingency)	\$2,148,756
Total carried forward from 2012-13 budget	\$488,000
Total additional funds required for 2013-14 budget (excl. GST)	\$1,660,756

Issues and options considered

There are a number of options that are available for consideration for developing Delamere Park:

- 1 Not develop Delamere Park.
- 2 Construction of the park using 2012-13 Capital Works budget of \$500,000.
- 3 Defer development of Delamere Park until 2014/15.
- 4 Phase development of Delamere Park for 2013/14 and 2014/15 financial years.
- 5 To provide additional funding to complete the construction of Delamere Park in accordance with the current landscape design for completion in 2013-14 Capital Works Program. This is the preferred option as Delamere Park will be completed in the same year as Currambine Community Centre. The Community Centre and car park is anticipated to be completed in September 2013.

Risk management considerations

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

If additional funding is not provided for Delamere Park the development will not be completed in accordance with the approved landscape concept plan.

Financial/budget implications

Summary of Cost Estimates:

Account no.	MPP2014 (CW000762)
Budget Item	Delamere Park
Current Budget amount	\$ 500,000
Amount spent to date	\$ 12,000
Proposed cost	\$ 2,148,756
Balance	\$ 1,660,756
Annual maintenance	\$ 40,000

Regional significance

Once constructed, Delamere Park will be available to a wide catchment of residents due to its location adjacent to the Currambine Community Centre, and will offer a range of amenities within the park.

Delamere Park has been designed at an enhanced standard so as to complement the \$4 million Currambine Community Centre.

Sustainability implications

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

Consultation

In 2009 a feasibility study was undertaken by Community Perspectives for the Currambine Community Centre and adjacent parkland. The study consulted the surrounding residents and conducted surveys to determine which amenities the public would like to have incorporated into the community centre building and within the surrounding external spaces around the building. The results from this study were used to develop the concept design for Delamere Park.

In 2011 community consultation was undertaken for Currambine Community Centre which canvassed opinions on the community centre building and car park only. The brochure did not include a concept plan for Delamere Park (Attachment 3 refers).

The concept plan for Delamere Park (Attachment 2 refers) has not yet been subject to community consultation with local residents. There has been interest in the development of Delamere Park from local residents and on contacting the City they have been advised that community consultation on the development of the park will be undertaken in March 2013.

COMMENT

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

It is recommended that additional funding is approved prior to proceeding to final design, community consultation and the development of the tender specification. The approved draft concept plan cannot be constructed with the current available budget of \$500,000 and additional funding of approximately \$1,660,756 is required to complete the park.

VOTING REQUIREMENTS

Simple Majority.

COMMITTEE RECOMMENDATION

The Committee recommendation to the Council for this report (as detailed below) was resolved by the Capital Works Committee at its meeting held on 5 February 2013.

The Committee recommendation is the same as recommended by City officers.

COMMITTEE RECOMMENDATION

That Council APPROVES:

- 1 listing of \$1,660,756 additional funding for consideration in the 2013-14 Capital Works Program for construction of Delamere Park;**
- 2 proceeding to community consultation of the current landscape plan as detailed in Attachment 1 to this Report.**

Appendix 16 refers

To access this attachment on electronic document, click here: [Attach16brf120213.pdf](#)

8 REPORT OF THE CHIEF EXECUTIVE OFFICER

9 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

NOTICE OF MOTION – CR JOHN CHESTER – SECURITY LIGHTING - [02154, 08122]

In accordance with Clause 26 of the *Standing orders Local Law 2005*, Cr John Chester has given his intention to move the following Motion at the Council meeting to be held on 19 February 2013:

“That Council REQUESTS the Chief Executive Officer to prepare a report on the City’s capacity to control inappropriately placed high intensity security lights which spill onto roadways causing a visual traffic hazard.”

Reasons for Motion

Throughout the City, many high intensity security lights can be found attached to pre-existing poles located at the sides of buildings or corners of car parks. This often results in security lights inappropriately facing outwards or sideways rather than directly on to the fronts of buildings and away from roadways.

The glare from inappropriately directed lights will significantly impair a driver’s ability to clearly see pedestrians and other road traffic.

Therefore, it would be appropriate at this time to have available for companies/businesses intending to install such lighting clearly stated...

- 1 guidelines explaining the need for proper and careful placement of security lighting;
- 2 procedures for the remediation of existing lighting which is considered to be a visual traffic hazard.

Officer’s Comment

Research will be undertaken into the City’s ability to control this issue and a report prepared for consideration at a future Council meeting.

10 REPORTS/PRESENTATIONS REQUESTED BY ELECTED MEMBERS



**DECLARATION OF
FINANCIAL INTEREST/INTEREST THAT MAY AFFECT
IMPARTIALITY**

**To: CHIEF EXECUTIVE OFFICER
CITY OF JOONDALUP**

Name/ Position	
Meeting Date	
Item No/ Subject	
Nature of Interest	Financial Interest * Interest that may affect impartiality* <i>* Delete where not applicable</i>
Extent of Interest	
Signature	
Date	

Section 5.65(1) of the Local Government Act 1995 states that:

“A member who has an interest in any matter to be discussed at a Council or Committee meeting that will be attended by that member must disclose the nature of the interest:

- (a) *in a written notice given to the CEO before the meeting; or*
- (b) *at the meeting immediately before the matter is discussed.*



DECLARATION OF FINANCIAL INTEREST/INTEREST THAT MAY AFFECT IMPARTIALITY

**To: CHIEF EXECUTIVE OFFICER
CITY OF JOONDALUP**

Name/ Position	
Meeting Date	
Item No/ Subject	
Nature of Interest	Financial Interest * Interest that may affect impartiality* <i>* Delete where not applicable</i>
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- (b) *at the meeting immediately before the matter is discussed.*



**QUESTION TO BE ASKED AT
BRIEFING SESSION/COUNCIL MEETING**

TITLE <i>(Mr/Mrs/Ms/Dr)</i>	FIRST NAME	SURNAME	ADDRESS

QUESTIONS

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Please submit this form at the meeting or:

- **post** to The Chief Executive Officer, City of Joondalup, P O Box 21, Joondalup WA 6919
- **email** to council.questions@joondalup.wa.gov.au

Please note that:

- Questions asked at a **Briefing Session** must relate to matters contained on the draft agenda.
- Questions asked at a **Council meeting** can relate to matters that affect the operations of the City of Joondalup.
- Questions asked at a **Special Meeting of the Council** must relate to the purpose for which the meeting has been called

