

MINUTES

City of Joondalup

MINUTES OF
ORDINARY MEETING OF THE COUNCIL
OF THE CITY OF JOONDALUP
HELD IN THE COUNCIL CHAMBER, JOONDALUP CIVIC CENTRE,
BOAS AVENUE, JOONDALUP

MEETING DATE



TUESDAY, 20 NOVEMBER 2007



City of
Joondalup

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**MINUTES OF COUNCIL MEETING
HELD ON TUESDAY 20 NOVEMBER, 2007**

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CITY OF JOONDALUP

MINUTES OF COUNCIL MEETING HELD IN THE COUNCIL CHAMBER, JOONDALUP CIVIC CENTRE, BOAS AVENUE, JOONDALUP, ON TUESDAY, 20 NOVEMBER 2007

DECLARATION OF OPENING

The Mayor declared the meeting open at 1908 hrs.

ANNOUNCEMENT OF VISITORS

Mayor Pickard welcomed Messrs Steve Larkin and Joe Forde from Youthcare to this evening's Council meeting.

ATTENDANCES

Mayor:

TROY PICKARD

Councillors:

Cr KERRY HOLLYWOOD	North Ward	
Cr TOM McLEAN	North Ward	
Cr ALBERT JACOB	North-Central Ward	<i>absent from 2220 hrs to 2223 hrs</i>
Cr TRONA YOUNG	North-Central Ward	
Cr MARIE MACDONALD	Central Ward	
Cr GEOFF AMPHLETT	Central Ward	
Cr MIKE NORMAN	South-West Ward	
Cr SUE HART	South-East Ward	<i>to 2308 hrs</i>
Cr BRIAN CORR	South-East Ward	
Cr RUSS FISHWICK	South Ward – <i>Deputy Mayor</i>	
Cr FIONA DIAZ	South Ward	

Officers:

MR GARRY HUNT	Chief Executive Officer	<i>absent from 2045 hrs to 2046 hrs</i>
MR MIKE TIDY	Director, Corporate Services	
MR CLAYTON HIGHAM	Director, Planning & Community Development	
MR IAN COWIE	Director, Governance and Strategy	
MR DAVID DJULBIC	Director, Infrastructure Services	
MR MIKE SMITH	Manager, Marketing Communications & Council Support	
MR GRAEME CATCHPOLE	Acting Manager, Approvals, Planning & Environmental Services	
MR MARK McCRORY	Media Advisor	
MS JANET HARRISON	Administrative Services Co-ordinator	
MS JILL HEWISON	Administrative Secretary	

There were 25 members of the Public and 1 member of the Press in attendance.

PUBLIC QUESTION TIME

Please Note: Where there are large numbers of questions submitted, every endeavour is made to respond to such questions. In the event that it is not possible to prepare responses prior to the distribution of the agenda, the questions and their responses will be circulated prior to the Council meeting.

The following questions were taken on notice at the Council Meeting held on 16 October 2007:

Mrs M Zakrevsky, Mullaloo:

Q1 *What is Council's current and future position with regard to the application for extending liquor trading until midnight on Sunday nights at the Mullaloo Beach Tavern by Rennet & Co?*

Q2 *Does this matter of Rennet's application for late Sunday trading come before our thirteen (13) elected representatives or is it signed off by the City's planning section and is it the case that the local residents have no say in what potentially can adversely affect their amenity?*

A1-2 Council opposed in March 2003 a request from the owners of the Mullaloo Tavern to the Office of Racing Gaming and Liquor for an Extended Trading Permit, for the permanent extension of trading hours of the Tavern on Thursday to Sunday nights.

The application was subsequently withdrawn by the applicant.

The City has not been advised of any further requests received by the Office of Racing, Gaming and Liquor for an Extended Trading Permit for the permanent extension of trading hours for the Tavern since the March 2003 resolution.

Any requests for comment from the Office of Racing Gaming and Liquor for an Extended Trading Permit for the Mullaloo Tavern for permanent extended trading hours would be referred to Council for determination.

The following question was taken on notice at the Briefing Session held on 13 November 2007:

Mrs M Zakrevsky, Mullaloo:

Q1 *Re Item 9 – Proposed Yellagonga Regional Park Environment Centre – I am seeking clarification as to whether Lot 2 is opposite Pedder Place or opposite Bethnal Green and St Paul's Crescent? Can a map be provided with the report?*

A1 A map of the location is attached – Appendix 36 refers. The former Lot 1 is a large parcel of land which runs adjacent to Lakeside Drive from Pedder Place in the north to Bethnal Green in the south.

The following questions were submitted in writing prior to the Council meeting:

Mrs M Zakrevsky, Mullaloo:

Q1 *How many full time field employees, excluding casuals and contractors, does the City of Joondalup have working under the Natural Areas Supervisor to manage the biodiversity of the City's reserves?*

- A1 The City undertakes a number of environmental programmes and capital projects that assist in preserving and/or enhancing the City's Natural Areas. The 2007/08 budget has allocated in excess of \$2.3M for such purposes.

The management of biodiversity of reserves under the care and control of the City of Joondalup is undertaken by a combination of:

- City staff
- Contractors
- Community groups

The City staff primarily come from within the Directorate of Infrastructure Services and involve personnel from Conservation, Natural Areas, and Operations, with additional policy related matters provided by Strategic Development. The Natural Areas is comprised of a Supervisor and two fulltime staff.

Ms M Moon, Greenwood:

- Q1 *Since the inception of the Residential Design Codes (approx. 5 years) has the City not used column 3 Table 1 of the Residential Design Codes for residential development mixed with non-residential development because Clause 4.3.1 of the DPS2 states 'lot' as opposed to site area?*

A1 No.

- Q2 *If the City answered yes to Q1 could I please be informed how often this has occurred and be given a development as an example?*

A2 Not applicable – refer to A1 above.

Mr R Archibald, Hillarys

Re: Dogs on Whitfords/Mullaloo Beach.

- Q1 *Can the Council confirm that dog Rangers are continuing to patrol the above beach area.*

A1 Ranger patrols are conducted on a regular basis at Whitfords and Mullaloo Beaches.

- Q2 *If this is confirmed can they explain why dogs are allowed to roam freely on this beach area on any evening of the week between the hours of 4pm and 6pm and at weekends, without any Rangers present?*

A2 With the exception of the Hillarys Dog Beach, dogs are prohibited from being exercised on the City's beaches. Patrols of Whitfords and Mullaloo Beaches are being presently conducted in the evenings on a regular basis.

- Q3 *Will the Council give an undertaking to improve the frequency of Ranger patrols in this area to remedy this situation for all beach lovers and swimmers?*

A3 The City's Ranger Service will continue to conduct foreshore patrols throughout the summer months as part of an on-going commitment to monitor and enforce dog and parking offences.

Mr K Robinson, Como:

(Note: Various statements made throughout these questions have been ruled out of order by the Mayor. Questions only are presented)

I refer to the minutes of the Council meeting held on 25 September 2007 in which it is recorded that a number of employees disclosed an interest that may affect their impartiality in relation to questions submitted by myself.

Q1 Has any officer previously declared an interest affecting impartiality in dealing with questions previously submitted by myself to Council for consideration?

A1 Yes.

Q2 *What prompted officers to make the declaration at the meeting held on 25 September 2007?*

Q3 *Why haven't similar declarations been made by officers in the past when dealing with questions submitted by myself.*

A2-3 Officers make declarations in accordance with their judgment.

Q4 *On what date did Mr Robinson raise with Mr Mike Smith the need for officers to make a declaration if they had an interest affecting impartiality in relation to questions submitted by myself?*

A4 As Mr Robinson raised this matter, he is aware of the date.

Q5 *Is it the case that Mr Robinson's call to Mr Mike Smith prompted the officers to make the necessary disclosures?*

Q6 *Were the Council officers aware of the need to disclose an interest affecting impartiality in responding to questions prior to Mr Robinson's discussion with Mr Mike Smith?*

Q7 *If yes, what particular aspects of the questions recorded in the minutes of 25 September 2007 differed from previous questions for which no disclosure of impartiality was made by any officer?*

A5-7 See A2-3 above.

Q8 *Is it not the Presiding Member who may or may not be the Mayor who has the ability to rule questions out of order during Council meetings?*

A8 Yes.

Questions submitted for August meeting of Council

Q9 *Given the City's response as set out above why were the questions submitted by myself on 19 July 2007 for consideration by the Council submitted to the Mayor as the member who will preside at the Council meeting held on 7 August 2007 who determined on 25 July 2007 that the City will not publish or answer the questions submitted?*

- Q10 *Why were the questions submitted by myself on 19 July 2007 not submitted to the Council meeting held on 7 August 2007?*
- A9-10 The questions submitted were considered to breach the settlement agreement Mr Robinson signed with the City. The City understands that to publish such questions would mean the City contravenes the agreement.
- Q11 *Where does the Mayor obtain the power to determine questions submitted by myself will not be published or answered?*
- A11 The Mayor as the presiding person has powers in relation to questions in accordance with the protocols.
- Q12 *Why is there no reference in the Council minutes to the action taken by the Mayor in relation to the questions submitted by myself?*
- A12 The minutes record the questions raised and the responses given in accordance with the Administration Regulations.
- Q13 *What opportunity was provided for other elected members to dissent from the Mayor's ruling in relation to the questions submitted by myself?*
- A13 The Standing Orders allow the member to dissent.
- Q14 *Has the Council been informed by the Administration of the complaints I made to Mr Ian Cowie about questions submitted by myself for Council consideration being referred to the Mayor who determines outside of a Council meeting and with no authority whether or not they will or will not be answered?*
- A14 No.
- Q15 *What action has the Director Governance and Strategy taken in respect to my complaints about the Mayor acting beyond his powers and me being unfairly treated?*
- A15 The Director has sent a number of letters to Mr Robinson. This matter has been addressed in these letters.
- Q16 *Is it appropriate for the Director Strategy and Governance to have knowingly taken no action when he is aware that the Mayor has no authority to determine whether or not the questions submitted by myself will be responded to outside a Council meeting?*
- A16 This assertion is disputed.
- Q17 *Is taking no action when knowing that due process has not been followed a breach of the Code of Conduct and obligations of the Directors contract of employment?*
- A17 Mr Robinson has indicated his desire to submit a complaint about the Director under the City's Code of Conduct.
- Q18 *Will this matter now be investigated and the appropriate action taken?*
- A18 Mr Robinson's complaint will be assessed.
- Q19 *Will the questions preciously submitted by myself for consideration by Council now be submitted to Council?*

A19 No.

Questions submitted for September meeting of Council

Q20 *Given the City's response as set out above why were the questions submitted by myself for consideration by the Council at its September meeting submitted to the Mayor as the member who will preside at the Council meeting to be held on 25 September who determined that the City will not publish or answer some of the questions?*

Q21 *Why were some of the questions not submitted to the Council meeting held on 25 September 2007?*

A20-21 See A9-10 above.

Q22 *Where does the Mayor obtain the power to determine questions submitted by myself will not be published or answered?*

A22 See A11 above.

Q23 *Why is there no reference in the Council minutes to the action taken by the Mayor in relation to the questions submitted by myself?*

A23 See A12 above.

Q24 *What opportunity was provided for other elected members to dissent from the Mayor's ruling in relation to the questions submitted by myself?*

A24 See A13 above.

Q25 *Will the questions previously submitted by myself for consideration by Council now be submitted to Council?*

A25 No.

Q26 *If not, why not?*

A26 See A9-10 above.

Q27 *Will the Council appoint an independent party to investigate repeated and ongoing breaches by the Administration of the Local Government Act and its Regulations?*

A27 This is for Council to decide.

Questions submitted for the 24 April 2007 meeting of Council

Q28 *Why does the City's advice refer to the ' member who will preside at the Council meeting on 24 April 2007" if the Mayor's determination was made at the Council meeting?*

Q29 *Why do the Council minutes reflect that a determination had been made by the Mayor in relation to the questions submitted by myself and that he was simply informing the Council of the decision made?*

A28-29 *The Mayor read the questions prior to the meeting and at the meeting announced his determination that the questions submitted were considered a breach of the settlement agreement Mr Robinson has with the City.*

- Q30 *Why does the audio tape of the Council meeting that differs significantly from what is recorded in the Council minutes also indicate that a decision had already been made by the Mayor on the questions prior to the meeting and that the Mayor was simply informing the meeting of the decision he had made?*
- Q31 *Why does the Mayor's determination that extends into two A4 pages and the reasons for his decision not correlate to the detail provided in the Council minutes?*
- A30-31 The Council minutes are not a verbatim account of what is said at meetings.
- Q32 *Why did the Mayor inform a fellow elected member seeking further details on the questions submitted by myself that his determination was not open to challenge by elected members?*
- A32 Under the procedures for Public Question Time it states "The Mayor shall decide to accept or reject the question and his/her decision is final."
- Q33 *Has the Mayor and all elected members been advised that the Mayor's advise was completely incorrect?*
- Q34 *If not, why not?*
- A33-A34 The City does not share Mr Robinson's opinion that the advice provided to the Mayor was incorrect.
- Q35 *Has the Mayor apologised to the elected member for his false and misleading response?*
- A35 No false or misleading response was provided.
- Q36 *What opportunity was provided for elected members to object to the Mayor's determination and have the questions submitted by myself considered by the Council?*
- A36 Elected Members can use the Standing Orders at any time.
- Q37 *Why does the Administration continue to maintain that the questions were submitted to the Council when the evidence clearly indicates that the questions were determined by the Mayor prior to the meeting?*
- A37 See A28 above.
- Q38 *If the Administration can be shown to have knowingly and deliberately attempted to misinform a member of the public would that constitute a breach of the City's Code of Conduct and also the individual officers contract of employment?*
- A38 Officers are required to adhere to the Code of Conduct.
- Q39 *Given that it is my belief that the administration has knowingly attempted to mislead me who can I refer my allegations to for an independent investigation of any wrong doing?*
- A39 The Department of Local Government and Regional Development.
- Q40 *When will the questions be submitted to Council?*

A40 They will not as it is believed they breach the settlement agreement.

Expenditure on Legal Fees

Q41 *How much more than \$100,000 has the City spent on legal fees?*

A41 The amount of time required to investigate this matter is considered to involve a disproportionate amount of resources.

Q42 *Given Mr Robinson unlike all other employees called before the Inquiry engaged his own legal advisers in matters related to the Inquiry with the City's total contribution to those costs being an amount of \$4,500 has the City spent in excess of \$100,000 on legal fees related to employment issues, settlement agreement and questions submitted to Council?*

A42 The City does not agree with Mr Robinson's statement. The legal expenditure in relation to Mr Robinson's involvement in the Inquiry was very substantial. However, in relation to all legal fees incurred in relation to dealings with Mr Robinson, see A-41.

Q43 *Given that the Administration has incurred legal fees of not less than \$16,471.40 in relation to questions submitted by myself for Council consideration has the City spent in excess of \$100,000 on employment issues and the settlement agreement?*

A43 No

Q44 *How many different legal firms has the City sought advice on in matters relating to myself?*

A44 The amount of time required to investigate this matter is considered to involve a disproportionate amount of resources; but it is known that at least two legal firms have been used since Mr Robinson commenced employment at the City in 1998.

Q45 *Has the City sought second opinions from different law firms on matters resulting in increased costs?*

A45 The amount of time required to research a response to this question is considered to involve a disproportionate amount of resources. From time to time on a range of matters, the City may seek a second legal opinion if it is deemed necessary.

Q46 *Is the Council aware of the concerns expressed by lawyers acting for myself at the scope of matters dealt with by the City's lawyers as opposed to employees?*

Q47 *Is the Council aware of the concerns expressed by lawyers acting for myself that the City's lawyers appeared to have no cost constraints?*

A46-47 Mr Robinson's lawyers acted in Mr Robinson's interests, not the City's.

Q48 *What checks and balances are in place to ensure that the administration exercises some financial self discipline and common sense prior to incurring legal fees?*

A48 The CEO approves the incurring of legal expenses. Financial Statements are reported monthly to the Council and are subject to an annual audit.

Q49 *What value has the City got from the \$100,000 plus it has spent on legal fees to date on matters related to myself?*

A49 The City gets good information from its legal advisors.

Q50 *Given that in excess of \$100,000 has been expended and the discretionary nature of the expenditure would it be appropriate to undertake a value for money audit of the total amount spent on legal fees?*

A50 No.

Q51 *On how many occasions has Mr Robinson sought to meet with the Mayor and or Ian Cowie for the purpose of discussing the City's concerns with the questions?*

A51 This is a matter for Mr Robinson to determine. He has made those requests.

Q52 *On how many occasions has Mr Robinson offered to amend or delete questions where it can be demonstrated that the questions could be construed as inconsistent with the agreement between the City and myself?*

A52 This is a matter for Mr Robinson to determine. It is not for the City to assist community members to pose questions.

Q53 *Is the City prepared to agree to a mutual release of the conditions of the agreement that it believes prevents the questions submitted by myself being answered?*

A53 No.

Q54 *If not, why not?*

A54 The agreement was signed by Mr Robinson and the City in good faith and there is no value to the City in agreeing to amend it.

Q55 *On how many occasions has Mr Robinson sought to meet with the Mayor and or Ian Cowie for the purpose of discussing the City's concerns with the questions?*

A55 See A51 above.

Q56 *On how many occasions has Mr Robinson offered to amend or delete questions where it can be demonstrated that the questions could be construed as inconsistent with the agreement between the City and myself?*

A56 See 52 above.

Q57 *Is the City prepared to agree to a mutual release of the conditions of the agreement that it believes prevents the questions submitted by myself being answered?*

A57 No.

Q58 *If not, why not?*

A58 See A54 above.

Q59 *Given the time that has elapsed since the complaint was lodged can I be advised:*

(a) *what if any action has been taken to date in relation to investigating the complaint?*

(b) *when the City anticipates that it's investigation will be complete?*

A59 The investigation is almost complete. It should be finalised in the coming weeks.

Q60 *Can the City advise if members of the public who have lodged complaints are normally advised of how the complaint will be dealt with and an anticipated timeline for the investigation?*

A60 Complaints are rarely lodged. The process will vary based on the nature of the complaint.

Q61 *Can the City advise why no information on the status of my complaint has been forthcoming despite the significant time period that has elapsed since the complaint was lodged and requests made for updates to the CEO and Director Governance and Strategy?*

A61 The City has corresponded with Mr Robinson in relation to the complaint.

Q62 *Is the complaint being treated differently from other complaints because the person to whom the complaint relates is the Mayor?*

A62 No.

Q63 *What confidence can members of the public have that their complaints will be dealt with fairly and appropriately when no information has been forthcoming from the City months after the complaint was first lodged?*

A63 This is a matter for individual members of the public to determine.

Q64 *Has the City received my complaint?*

A64 Yes.

Q65 *What action has been taken in relation to investigating the complaint?*

A65 A review of the substance of the complaint has been undertaken. The circumstances which led to the complaint have been reviewed and the Code has been assessed.

Q66 *Why have no responses been forthcoming to my requests for an update on the status of my complaint?*

A66 Mr Robinson was informed that the CEO is the person authorised to deal with complaints under the Code. As Mr Robinson has a complaint against the CEO, the decision was made that the Director Governance and Strategy investigate the complaint. When Mr Robinson complained about the Director, investigation ceased. The CEO is now finalising the complaint.

Q67 *Is my complaint being treated differently to other complaints made under the Code of Conduct because it involves the Mayor?*

A67 No.

Q68 *Has the Mayor been advised of my complaint and been given the opportunity to respond?*

A68 No.

Q69 *If not, why not?*

A69 The complaint is being assessed.

Q70 *Is the Administration intimidated or reluctant to investigate my complaint because it may require comments to be made critical of the Mayor's actions?*

A70 No.

Q71 *Is the Administration concerned that the Mayor may commit further breaches of the Code of Conduct if complaints against his past conduct are not investigated in a timely manner?*

A71 No.

Q72 *Has the Mayor been given the opportunity to influence when and how my complaint is investigated?*

A72 No.

Q73 *Does the City Code of Conduct require Cowie and Hunt to provide responses within certain timeframe's to my requests for information on my complaint?*

A73 No.

Q74 *If yes, why haven't responses been provided?*

A74 Not applicable.

Q75 *Are Cowie and Hunt not bound to the commitments given to members of the public in the customer service charter?*

A75 Yes.

Q76 *If not, why not?*

A76 Not applicable.

Q77 *In the years ending 30 June 2006 and 2007 had any complaint(s) been lodged by any employee concerning any alleged discriminatory behaviour by any member of the executive?*

A77 No formal complaints in relation to Discriminatory Behaviour were recorded for the years ending 30 June 2006 or 30 June 2007.

Q78 *If yes, did the complaint(s) relate to discrimination based on sexual, racial, religious beliefs or some other grounds?*

A78 Not applicable.

Q79 *Have all members of the Executive been trained in their obligation to provide a workplace free of discrimination?*

A79 Mike Tidy and Ian Cowie have received such training with former employers.

Q80 *When was this training conducted?*

A80 For Mike Tidy, it was within the last 3-4 years. For Ian Cowie, it was earlier than this.

Q81 *Given the City's undertaking, why weren't all items of my personal property returned to me on signing of the agreement?*

A81 Thirteen archive boxes of personal property were returned to Mr Robinson on 9 January 2007. At the time, it was believed that these 13 boxes contained all of Mr Robinson's property.

Q82 *Given the ownership of a set of rolla roof racks was in dispute, why did the City dispose of the rolla roof racks before the dispute had been finalized?*

Q83 *Given the City at the time of disposing of the rolla roof racks had not determined that the City actually owned the rolla roof racks, why were they disposed of?*

Q84 *Does the Council consider it acceptable for the administration to dispose of property when it is aware that ownership of the property is being disputed?*

A82-A84 This matter is the subject of a current investigation which Mr Robinson is aware of.

Q85 *Given the obligations to return personal property, why wasn't the cheque book located and returned to me upon execution of the agreement?*

A85 It had not been found then.

Q86 *On what date did the relocations take place?*

A86 From 22 to 30 October 2007.

Q87 *Where was the cheque book located?*

A87 Within the mobile suspension filing drawer which previously belonged to Mr Robinson.

Q88 *What length of time elapsed between the cheque book being located and returned to me in a matter dated 29 October 2007?*

A88 One day.

Q89 *Has any officer who has declared an interest that may affect their impartiality in relation to questions submitted by myself for Council consideration given any instructions to other officers as to how questions submitted by myself should be responded to?*

A89 Yes.

Q90 *Given the provisions of the Customer Service Charter why has no response or acknowledgement been provided in relation to the correspondence submitted by myself to the City?*

A90 The City has sent numerous letters to Mr Robinson over an extended period.

Q91 *Can further particulars be provided as to the relevance of a previous meeting between Troy and myself held on 14 June 2006 for not acceding to my requests for a meeting to discuss the grounds for ruling questions submitted for Council consideration out of order?*

A91 No. Mr Robinson is privy to the details of the meeting.

Q92 *Given the meeting held on 14 June 2006 between the Mayor and myself dealt with the Administration's refusal to provide me with a copy of the confidential report on my application for funding for legal representation that was refused by the Joint Commissioner and the adequacy of the declaration made by the CEO what aspects of my current request for a meeting duplicate the issues discussed in June to the extent that the requirement for a meeting is redundant?*

A92 Mr Robinson's meeting with the Mayor on 14 June 2006 was not restricted to the issue raised in Question 92.

Q93 *What safeguards are in place to ensure that members of the public who have lodged complaints against the Mayor for alleged breaches of the City's own code of conduct are not disadvantaged?*

A93 Any individual who lodges a complaint about a breach of the Code of Conduct is not disadvantaged and complaints are treated on a case-by-case basis.

The following questions were submitted verbally at the meeting; a summary of each question and the response given is shown below:

Mr N Gannon, Sorrento:

Re: Item CJ235-11/07 – West Coast Drive Dual use Path Concept Plan

Q1 *Why was my submission which shows a cost saving of \$3,381,312 to the community for a total cost of \$864,848 to provide a dual-use path on West Coast Drive not circulated to Councillors?*

A1 *Response by Mayor Pickard:* Rather than producing a document for each Elected Member, all individual submissions received are made available in the Councillors' Reading Room for inspection.

Q2 *Why was my submission not included in the appendix for this evening's meeting?*

A2 *Response by Mayor Pickard:* To provide a list of every single public submission received when the City goes out for public comment would involve printing a large volume of pages per agenda to incorporate the information. This is the reason for centralising submissions in the Councillors' Reading Room.

Mr S Magyar, Heathridge:

Re: Item CJ259-11/07 – ICLEI – Local Governments for Sustainability – Local Action for Biodiversity (LAB) Project and Overview of the Zagreb Croatia Workshop – 15-17 October 2007

Q1 *In considering this item, has the City allocated more funding for protection of natural areas and will the City's participation in this program make it more eligible for funding from other levels of government?*

A1 One would hope that the City will ultimately be more able to secure funding from other spheres of government, but there is not a strong level of confidence that this will occur. With respect to more funding for protection of natural areas, that is a determination that Council will make each year. The City's spends \$2.3 million on biodiversity and environmental issues and while natural areas is only a component of that, there is an ever-increasing amount being applied to natural areas. It is envisaged that this will continue to be a focus of the Council as it goes forward.

Re: Item CJ250-11/07 – Proposed Two Storey Office Development at Lot 50 (58) Constellation Drive, Ocean Reef

Q2 *Would it be permissible for the Council to include the following conditions:*

- (a) landscaping to be undertaken by below ground reticulation systems;*
- (b) building to be painted with suitable anti-graffiti paint, considering the large flat surfaces of the building.*

A2 It would be wise not to specify the type of reticulation, but rather to encourage through conditions water sensitive design in respect of the landscaping, which may provide other alternatives. Graffiti proofing the walls of the building could also be included as a condition.

PUBLIC STATEMENT TIME

Mr J Loureta, Caversham:

Mr Loureta, who is the applicant, provided an overview of the history with respect to his application in relation to the four commercial tenancies and four grouped dwellings, Lot 519 (27) Davidson Terrace (corner Reid Promenade), Joondalup.

Mr M Bond, Caversham:

Mr Bond spoke in relation to the four commercial tenancies and four grouped dwellings, Lot 519 (27) Davidson Terrace (corner Reid Promenade), Joondalup.

Dr M Apthorpe, Ocean Reef:

Dr Apthorpe spoke in relation to the proposed Yellagonga Regional Park Environment Centre.

Mr D Cuscuna, Doubleview:

Mr Cuscuna spoke in relation to the proposed abandoned shopping trolley local law amendment and his company's submission objecting to the local law.

Mr N Gannon, Sorrento:

Mr Gannon spoke in relation to the submission he had lodged with respect to potential savings in relation to the West Coast Drive Dual Use Path Concept Plan.

APOLOGIES AND LEAVE OF ABSENCE

Leave of Absence previously approved

Cr M Macdonald 21 November 2007 to 30 November 2007 inclusive
Cr S Hart 17 December 2007 to 17 January 2008 inclusive

Apology - Cr John

CONFIRMATION OF MINUTES

C74-11/07 MINUTES OF COUNCIL MEETING, 16 OCTOBER 2007

MOVED Cr Hart, SECONDED Cr Norman that the Minutes of the Council Meeting held on 16 October 2007 be confirmed as a true and correct record, subject to the inclusion of the following on Page 171 of the minutes, prior to the Amendment Moved by Cr Corr and Seconded by Cr Magyar:

“MOVED Cr Hart that the meeting be ADJOURNED for a period of five (5) minutes.

This Motion was ruled OUT OF ORDER by the Mayor.”

The Motion was Put and

CARRIED (11/1)

In favour of the Motion: Mayor Pickard, Crs Amphlett, Corr, Diaz, Fishwick, Hart, Hollywood, Jacob, Macdonald, McLean and Norman **Against the Motion:** Cr Young

C75-11/07 MINUTES OF SPECIAL MEETING OF COUNCIL, 6 NOVEMBER 2007

MOVED Cr Jacob, SECONDED Cr Fishwick that the Minutes of the Special Meeting of Council held on 6 November 2007 be confirmed as a true and correct record.

The Motion was Put and

CARRIED (12/0)

In favour of the Motion: Mayor Pickard, Crs Amphlett, Corr, Diaz, Fishwick, Hart, Hollywood, Jacob, Macdonald, McLean, Norman and Young.

ANNOUNCEMENTS BY THE PRESIDING PERSON WITHOUT DISCUSSION

MAYORAL PRAYER BREAKFAST

The City of Joondalup hosted a Mayoral Prayer Breakfast earlier this month and it was a wonderful success.

It had been three years since the last City of Joondalup prayer breakfast and judging by the reception and enthusiasm from those involved in the special event, I am sure it will become an annual event in the City and a very important occasion on our Christian community calendar.

More than 100 Civic and Christian leaders in the community attended and the City raised over \$500 for Youth Care, which promotes religion to school communities and provides Chaplaincy and Mentoring services for students.

It is my pleasure to tonight welcome YouthCARE representatives Stephen Larkin and Joe Forde to this Council meeting.

I would now ask them to come forward to receive this special cheque for \$512 from the City of Joondalup.

Mr Steve Larkin, on behalf of Youthcare, advised the funds would be used to assist with pastoral care within the school system.

WA ENVIRONMENT AWARDS

The City of Joondalup was recognised for its commitment to environmentally friendly practices on Friday evening, 16 November 2007 by winning two prestigious awards at the annual WA Environment Awards.

The City won the "Community Energy Efficiency" award for its significant contribution to energy efficiency.

The award's citation reads:

"More than 100 small businesses in the City of Joondalup improved their environmental performance by addressing water and energy usage thanks to the City's eco-business program.

Despite a very strong field of contenders, the City won its second accolade for the night in the "Government leading by example" award."

The award recognises a government body for its leadership, commitment and excellence in sustainability or conservation.

The citation for the "Government leading by example" award reads:

"The City is a member of the international Cities for Climate Protection Program which set targets to reduce corporate and community emissions by 20 per cent by 2010.

The City has improved the energy efficiency of its buildings and street lighting, purchased fuel efficient vehicles and renewable energy produced by the capture of methane at Tamala Park."

Deputy Mayor, Councillor Russ Fishwick accepted both awards on behalf of the City.

Congratulations to all those who have contributed to these projects. This recognition of the City and its contribution to our environment is fantastic.

Cr Fishwick advised the commitment of the staff of the City of Joondalup in winning these awards is tremendous. This is a significant indication of the quality of the staff at the City.

CR MIKE NORMAN

New Councillor Mike Norman has been recognised for his countless years of voluntary work with the Joondalup Community Coast Care Forum with a prestigious State Award.

His daughter Melanie, an Environmental Scientist at Alcoa and soon-to-be Senior Environmental Officer at the City of Subiaco, nominated him for the award.

Cr Norman attended the 4th WA State Coastal Conference in Denmark earlier this month.

At the Conference Dinner, which included the 2007 WA State Coastal Awards for Excellence presentation, Cr Norman was announced as the winner of "Category 1: Outstanding Coastal Leadership" for his seven (7) years of volunteering at Sorrento Beach working on restoring natural vegetation and the sand dunes and for his voluntary work with the Joondalup Community Coast Care Forum in general.

The judges had a difficult time choosing the winner because of the high calibre of nominees.

Congratulations to Cr Norman on winning such a significant award.

ROY TROUP

Finally, I would like to take this opportunity to pay tribute to the late Roy Troup.

Roy passed away late last month (October) and I would like to make mention of the big influence he had on theatre in the northern suburbs during the latter part of his life.

He helped found the Joondalup Encore Theatre in 2000 and he was involved in countless theatre productions in the past 10 years.

Roy was also a member of the Whitfords Retirees Club.

Our thoughts are with his family and I'm sure all those whose lives he touched over the years will miss him greatly.

DECLARATIONS OF INTEREST

Disclosure of Financial Interests

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

Name/Position	Mr Garry Hunt – Chief Executive Officer
Item No/Subject	Item CJ241-11/07 – Minutes of the Chief Executive Officer Performance Review Committee Meetings – September/October 2007
Nature of interest	Financial
Extent of Interest	Mr Hunt holds the position of CEO.

Disclosure of interest affecting impartiality

Elected members and staff are required under the Code of Conduct, in addition to declaring any financial interest, to declare any interest that may affect their impartiality in considering a matter. This declaration does not restrict any right to participate in or be present during the decision-making process. The Elected member/employee is also encouraged to disclose the nature of the interest.

Name/Position	Mr Garry Hunt, Chief Executive Officer
Item No/Subject	Public Question Time – Questions from Mr K Robinson
Nature of interest	Interest that may affect impartiality
Extent of interest	Certain questions relate to the role of the CEO

Name/Position	Mr Ian Cowie, Director Governance and Strategy
Item No/Subject	Public Question Time – Questions from Mr K Robinson
Nature of interest	Interest that may affect impartiality
Extent of interest	Mr Robinson has indicated he has a complaint regarding Mr Cowie's actions

Name/Position	Mr Mike Tidy, Director Corporate Services
Item No/Subject	Public Question Time
Nature of interest	Interest that may affect impartiality
Extent of interest	Mr Robinson has made a complaint against Mr Tidy and Mr Tidy has been involved in drafting some of the responses to the questions

Name/Position	Mr Garry Hunt, Chief Executive Officer
Item No/Subject	Item CJ225-11/07 – Minutes of the Audit Committee Meeting held on 9 October 2007 - (Item 1 – 2006/07 Annual Financial Report)
Nature of interest	Interest that may affect impartiality
Extent of interest	CEO is a signatory to the Annual Financial Statements

Name/Position	Cr Mike Norman
Item No/Subject	Item CJ232-11/07 - Proposed Yellagonga Regional Park Environment Centre
Nature of interest	Interest that may affect impartiality
Extent of Interest	Cr Norman has made a public submission

Name/Position	Cr Mike Norman
Item No/Subject	Item CJ235-11/07 - West Coast Drive Dual Use Path Concept Plan - Outcomes of Community Consultation
Nature of interest	Interest that may affect impartiality
Extent of Interest	Cr Norman has made a public submission

Name/Position	Mr Mike Tidy - Director Corporate Services
Item No/Subject	Item CJ241-11/07 – Minutes of the Chief Executive Officer Performance Review Committee Meetings - September/October 2007
Nature of interest	Interest that may affect impartiality
Extent of Interest	Due to the nature of his employment relationship with the CEO.

Name/Position	Cr Russ Fishwick
Item No/Subject	Item CJ245-11/07 – Community Safety and Crime Prevention Partnership Agreement with Government of Western Australia
Nature of interest	Interest that may affect impartiality
Extent of Interest	Cr Fishwick is on the Community Safety and Crime Prevention Council of Western Australia which promotes local governments to enter into a Community Safety & Crime Prevention Partnership with the State Government

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

Nil.

C76-11/07 PETITIONS

PETITION REQUESTING THE REMOVAL OF TRAFFIC ISLAND, MANAKOORA RISE, SORRENTO AND REPLACEMENT WITH ALTERNATIVE TRAFFIC CALMING DEVICE - [14030]

Cr Norman tabled a 28-signature petition on behalf of Sorrento residents requesting the removal of the traffic island opposite Lots 558, 559 and 540 Manakoora Rise, Sorrento as they consider it is a traffic hazard. The petitioners ask that the traffic island be replaced by some other traffic-calming device.

MOVED Cr Norman, SECONDED Cr Hart that that the following Petition be RECEIVED, referred to the CEO and a subsequent report presented to Council for information:

- 1 requesting the removal of the traffic island opposite Lots 558, 559 and 540 Manakoora Rise, Sorrento and replacement with some other traffic calming device.

The Motion was Put and

CARRIED (12/0)

In favour of the Motion: Mayor Pickard, Crs Amphlett, Corr, Diaz, Fishwick, Hart, Hollywood, Jacob, Macdonald, McLean, Norman and Young

CJ224-11/07 EXECUTION OF DOCUMENTS - [15876]

WARD: All

RESPONSIBLE DIRECTOR: Mr Garry Hunt
Office of CEO

PURPOSE

To provide a listing of those documents recently executed by means of affixing the Common Seal or signed by the Mayor and Chief Executive Officer for noting by the Council for the period 19 October 2007 to 30 October 2007.

EXECUTIVE SUMMARY

The City of Joondalup enters 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 CEO are reported to the Council for information on a regular basis.

BACKGROUND

Not Applicable.

DETAILS

The following documents have been executed by affixing the Common Seal.

Document:	Amendment No 38 to District Planning Scheme No 2
Parties:	City of Joondalup and WA Planning Commission
Description:	Finalisation of Amendment No 38 to District Planning Scheme No 2 as resolved at Council Meeting held Tuesday, 16 October 2007 – CJ214-10/07 refers
Date:	19.10.07
Signed/Sealed:	Sealed

Document:	Temporary Withdrawal of Caveat
Parties:	City of Joondalup, Angel Pty Ltd and D A Jambu ATF The Jambu Family Trust
Description:	To allow land transfer due to sale of land – Strata Lot 7/8 Dugdale Street, Warwick
Date:	19.10.07
Signed/Sealed:	Sealed

Document:	Consent to Section 136C – Easement for Right of Carriage-Way Deed
Parties:	City of Joondalup, Roman Catholic Archbishop of Perth and Davidson Pty Ltd
Description:	Consent to Section 136C – Easement for right of carriage way as created on Deposited Plan 56886 to enable right of access between Lot 929 (Currambine Shopping Centre) and Lot 5001. Property Lot 929 Marmion Avenue and Lot 5001 Delamere Avenue, Currambine
Date:	30.10.07
Signed/Sealed:	Sealed

Issues and options considered:

Not Applicable.

Link to Strategic Plan:

Some of the documents executed by affixing the common seal may have a link to the Strategic Plan on an individual basis.

Legislation – Statutory Provisions:

Sub-sections (2) and (3) of section 2.5 of the Local Government Act 1995 states:

- (2) The local government is a body corporate with perpetual succession and a common seal.
- (3) The local government has the legal capacity of a natural person.

Risk Management considerations:

Not Applicable.

Financial/Budget Implications:

Some of the documents executed by the City may have financial and budget implications.

Policy Implications:

Not Applicable.

Regional Significance:

Not Applicable.

Sustainability Implications:

Not Applicable.

Consultation:

Not Applicable.

COMMENT

The various documents that have been executed by affixing the Common Seal of the City of Joondalup are submitted to the Council for information.

ATTACHMENTS

Nil.

VOTING REQUIREMENTS

Simple Majority

MOVED Mayor Pickard, SECONDED Cr McLean that Council NOTES the schedule of documents covering the period 19 October 2007 to 30 October 2007 executed by means of affixing the Common Seal.

The Motion was Put and CARRIED (12/0) by En Bloc Resolution following consideration of Item CJ248-11/07, Page 202 refers.

In favour of the Motion: Mayor Pickard, Crs Amphlett, Corr, Diaz, Fishwick, Hart, Hollywood, Jacob, Macdonald, McLean, Norman and Young.

Name/Position	Mr Garry Hunt, Chief Executive Officer
Item No/Subject	Item CJ225-11/07 – Minutes of the Audit Committee Meeting held on 9 October 2007 - (Item 1 – 2006/07 Annual Financial Report)
Nature of interest	Interest that may affect impartiality
Extent of interest	CEO is a signatory to the Annual Financial Statements

CJ225-11/07 MINUTES OF THE AUDIT COMMITTEE MEETING HELD ON 9 OCTOBER 2007 - [50068]

WARD: All

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

PURPOSE

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

EXECUTIVE SUMMARY

A meeting of the Audit Committee was held on 9 October 2007.

The item of business that was considered by the Committee was:

- Item 1 2006/07 Annual Financial Report

The Committee's recommendation was considered by Council at its meeting of 16 October 2007.

It is recommended that Council NOTES the unconfirmed minutes of the Audit Committee Meeting dated 9 October 2007 forming Attachment 1 to this Report;

BACKGROUND

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

DETAILS

The Motion carried at the Audit Committee meeting held on 9 October 2007 is shown below, together with officer's comments:

Item 1 2006/07 Annual Financial Report

The following motion was carried:

"That the Audit Committee RECOMMENDS that Council BY AN ABSOLUTE MAJORITY, ACCEPTS the Annual Financial Report of the City of Joondalup and the accompanying audit report for the financial year 2006/07 forming Attachment 1 to this Report."

Officer's comment

No further action is required in relation to the 2006/07 Annual Financial Report as this matter was presented to the Council meeting held on 16 October 2007.

Issues and options considered:

Not Applicable.

Link to Strategic Plan:

Strategy 4.1 of the City's Strategic Plan 2003-2008:

"To manage the business in a responsible and accountable manner"

Legislation – Statutory Provisions:

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

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

Section 5.53 of the Local Government Act 1995 states:

5.53 Annual Reports

- (1) *The local government is to prepare an annual report for each financial year.*
- (2) *The annual report is to contain:*
 - (f) *the financial report for the financial year;*

Section 5.54 of the Local Government Act 1995 states:

6.4 Financial report

- (1) *A local government is to prepare an annual financial report for the preceding financial year and such other financial reports as are prescribed.*
- (2) *The financial report is to —*
 - (a) *be prepared and presented in the manner and form prescribed; and*
 - (b) *contain the prescribed information.*
- (3) *By 30 September following each financial year or such extended time as the Minister allows, a local government is to submit to its auditor —*
 - (a) *the accounts of the local government, balanced up to the last day of the preceding financial year; and*
 - (b) *the annual financial report of the local government for the preceding financial year.*

Risk Management considerations:

The risk associated with not accepting the Annual Financial Report for the financial year 2006/07 is that it could lead to failure to set a date for the Annual General Meeting of Electors resulting in non-compliance with the requirements of the Local Government Act 1995.

Financial/Budget Implications:

Not Applicable.

Policy Implications:

Not Applicable.

Regional Significance:

Not Applicable.

Sustainability Implications:

Not Applicable.

Consultation:

Not Applicable.

COMMENT

The unconfirmed minutes of the Audit Committee meeting held on 9 October 2007 are submitted to Council for noting.

ATTACHMENTS

Attachment 1 Unconfirmed minutes of the Audit Committee meeting of 9 October 2007

VOTING REQUIREMENTS

Simple Majority

MOVED Mayor Pickard, SECONDED Cr McLean that Council NOTES the unconfirmed minutes of the Audit Committee Meeting dated 9 October 2007 forming Attachment 1 to Report CJ225-11/07.

The Motion was Put and CARRIED (12/0) by En Bloc Resolution following consideration of Item CJ248-11/07, Page 202 refers.

In favour of the Motion: Mayor Pickard, Crs Amphlett, Corr, Diaz, Fishwick, Hart, Hollywood, Jacob, Macdonald, McLean, Norman and Young.

Appendix 1 refers

To access this attachment on electronic document, click here: [Attach1brf131107.pdf](#)

CJ226-11/07 SETTING OF MEETING DATES – 2008 - [08122]

WARD: All

RESPONSIBLE DIRECTOR: Mr Ian Cowie
Governance and Strategy

PURPOSE

To set Council's meeting dates for the 2008 calendar year.

EXECUTIVE SUMMARY

In accordance with the Local Government Act 1995, it is necessary for a local government to give local public notice of its ordinary meeting dates for the next 12 months.

It is recommended that the current four-weekly rolling cycle of meetings be maintained, and that deputation sessions continue to be held at the commencement of Briefing Sessions.

BACKGROUND

Prior to 2007, Council's decision-making process consisting of a 'rolling' three weekly cycle of meetings, with the Council recessing for the Christmas/New Year period, being:

Week 1: Strategy Session;
Week 2: Briefing Session, with deputation sessions held at the commencement of Briefing Sessions;
Week 3: Council meeting.

At its meeting held on 12 December 2006, Council set its meeting dates for 2007 and introduced a rolling four-weekly cycle, which enabled the fourth week to be used to hold additional information sessions or for scheduling various committee meetings.

DETAILS

Issues and options considered:

Council is in recess during January each year, and meetings are set from February to December to be held on a Tuesday evening.

During Local Government Weeks in August 2005 and August 2006, the commencement time of Council meetings were amended to accommodate attendance by students from high schools within the City of Joondalup. At the Council meeting held on 18 July 2006, Council resolved to:

“REQUEST the CEO to arrange a rescheduling of the ordinary meeting of Council in 2007 during Local Government Week where Council can invite a maximum of ten (10) students from each of the high schools within the district of the City of Joondalup to attend a Council meeting commencing at 12 noon.”

Whilst no formal resolution of Council is in place for 2008, it is recommended that Council continues the practice of inviting students to its meeting during Local Government Week. Advice has been received that Local Government Week is proposed to be held from Friday 2 August 2008 to Monday 4 August 2008, and accordingly it is recommended that the Council meeting on Tuesday 5 August 2008 be scheduled to commence at 12 noon.

Link to Strategic Plan:

4.3.3 Provide fair and transparent decision-making processes.

Legislation – Statutory Provisions:

Section 5.3 of the Local Government Act 1995 states:

Ordinary and Special Council meetings:

- (1) *A Council is to hold ordinary meetings and may hold special meetings;*
- (2) *Ordinary meetings are to be held not more than three months apart;*
- (3) *If a Council fails to meet as required by subsection (2) the CEO is to notify the Minister of that failure.*

Regulation 12 of the Local Government (Administration) Regulations 1996 states:

Public Notice of Council or Committee meetings

- 12 (1) *At least once each year a local government is to give local public notice of the dates on which and the time and place at which –*
 - (a) *the ordinary Council meetings; and*
 - (b) *the Committee meetings that are required under the Act to be open to members of the public or that are proposed to be open to members of the public;**are to be held in the next 12 months;*
- (2) *A local government is to give local public notice of any change to the date, time or place of a meeting referred to in subregulation (1);*

Risk Management considerations:

Failure to set and advertise Council’s meeting dates will contravene the requirements of the Local Government Act 1995.

Financial/Budget Implications:

Not Applicable.

Policy Implications:

Not Applicable.

Regional Significance:

Not Applicable.

Sustainability Implications:

Not Applicable.

Consultation:

Not Applicable.

COMMENT

The rolling four-weekly cycle of meetings worked well in 2007 and it is suggested that this system be maintained, and that deputation sessions continue to be held at the commencement of Briefing Sessions.

In order to accommodate the Christmas holidays, a three-weekly cycle is recommended for the December 2008 meeting cycle.

ATTACHMENTS

Nil.

VOTING REQUIREMENTS

Simple Majority

MOVED Mayor Pickard, SECONDED Cr McLean that Council:

- 1 **SETS the following meeting dates and times for the City of Joondalup to be held at the Joondalup Civic Centre, Boas Avenue, Joondalup:**

Briefing Sessions - to be held at 6.30 pm	Council meetings - to be held in the Council Chamber.
Tuesday 12 February 2008	7.00 pm on Tuesday 19 February 2008
Tuesday 11 March 2008	7.00 pm on Tuesday 18 March 2008
Tuesday 8 April 2008	7.00 pm on Tuesday 15 April 2008
Tuesday 6 May 2008	7.00 pm on Tuesday 13 May 2008
Tuesday 3 June 2008	7.00 pm on Tuesday 10 June 2008
Tuesday 1 July 2008	7.00 pm on Tuesday 8 July 2008
Tuesday 29 July 2008	12 noon on Tuesday 5 August 2008

Tuesday 26 August 2008	7.00 pm on Tuesday 2 September 2008
Tuesday 23 September 2008	7.00 pm on Tuesday 30 September 2008
Tuesday 21 October 2008	7.00 pm on Tuesday 28 October 2008
Tuesday 18 November 2008	7.00 pm on Tuesday 25 November 2008
Tuesday 9 December 2008	7.00 pm on Tuesday 16 December 2008
January 2009 - Recess	

- 2 **AGREES** to hold deputation sessions in conjunction with the Briefing Sessions;
- 3 in accordance with Regulation 12 of the Local Government (Administration) Regulations 1996, **GIVES** local public notice of the meeting dates detailed in (1) above;
- 4 **INVITES** a maximum of ten (10) students from each of the high schools within the district of the City of Joondalup to attend the Council meeting to commence at 12 noon on Tuesday 5 August 2008.

The Motion was Put and **CARRIED (12/0)** by En Bloc Resolution following consideration of Item CJ248-11/07, Page 202 refers.

In favour of the Motion: Mayor Pickard, Crs Amphlett, Corr, Diaz, Fishwick, Hart, Hollywood, Jacob, Macdonald, McLean, Norman and Young.

CJ227-11/07 MINUTES OF EXTERNAL COMMITTEES - [02153] [41196] [18879]

WARD: All

RESPONSIBLE DIRECTOR: Mr Ian Cowie
Governance and Strategy

PURPOSE

To submit the minutes of external committees to Council for information.

DETAILS

The following minutes are provided:

- Meeting of Western Australian Local Government Association North Metropolitan Zone held 27 September 2007
- Meeting of Tamala Park Regional Council held 11 October 2007

ATTACHMENTS

- Attachment 1 Minutes of Western Australian Local Government Association North Metropolitan Zone held 27 September 2007
- Attachment 2 Minutes of Meeting of Tamala Park Regional Council held 11 October 2007
(**Please Note:** These minutes are only available electronically)

VOTING REQUIREMENTS

Simple Majority

MOVED Mayor Pickard, **SECONDED** Cr McLean that Council **NOTES** the Minutes of the:

- 1 Western Australian Local Government Association North Metropolitan Zone Meeting held on 27 September 2007 forming Attachment 1 to Report CJ227-11/07;**
- 2 Tamala Park Regional Council Meeting held on 11 October 2007 forming Attachment 2 to Report CJ227-11/07.**

The Motion was Put and CARRIED (12/0) by En Bloc Resolution following consideration of Item CJ248-11/07, Page 202 refers.

In favour of the Motion: Mayor Pickard, Crs Amphlett, Corr, Diaz, Fishwick, Hart, Hollywood, Jacob, Macdonald, McLean, Norman and Young.

Appendices 2 and 3 refer

*To access this attachment on electronic document, click here: [Attach2brf131107.pdf](#)
[Attach3brf131107.pdf](#)*

CJ228-11/07 ANNUAL PLAN 2007-2008 AND QUARTERLY PROGRESS REPORT FOR THE PERIOD 1 JULY - 30 SEPTEMBER 2007 - [20560]

WARD: All

RESPONSIBLE DIRECTOR: Mr Ian Cowie
Governance and Strategy

PURPOSE

To present the Annual Plan 2007-2008 and Quarterly Progress Report for the Period 1 July – 30 September 2007.

EXECUTIVE SUMMARY

The Annual Plan details the priorities for the 2007-2008 financial year, and the Quarterly Progress Report provides information on the progress of projects and programs completed within the July to September quarter of the Annual Plan. The Annual Plan is shown as Attachment 1 to this report.

It is recommended that Council RECEIVES the Quarterly Progress Report for the period 1 July – 30 September 2007, shown as Attachment 2 to this Report.

BACKGROUND

The City's Corporate Reporting Framework, endorsed by Council at its meeting of 14 December 2004, requires the development of an Annual Plan and the provision of reports against the Annual Plan on a quarterly basis. (Item CJ307-12/04 refers)

DETAILS

Issues and options considered:

The Annual Plan contains a brief description of the key projects and programs that the City intends to deliver in the 2007-2008 financial year. Milestones are set for the key projects and programs to be delivered in each quarter.

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

The milestones being reported this quarter are the shaded sections of Attachment 2.

Link to Strategic Plan:

This item links to the Strategic Plan through Focus Area 4 – Organisational Development.

Outcome:	The City is a sustainable and accountable business.
Objective 4.1	To manage the business in a responsible and accountable manner.
Strategy 4.1.2	Develop a corporate reporting framework based on sustainable indicators.

Legislation – Statutory Provisions:

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.*

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:

Not Applicable.

Policy Implications:

In accordance with Policy 8-6, Communications, the Council recognises and acknowledges the importance of consistent, clear communications and access to information for its stakeholders.

Regional Significance:

Not Applicable.

Sustainability Implications:

Not Applicable.

Consultation:

Not Applicable.

COMMENT

Elected Members receive regular reports against the Capital Works Program which supplement the information contained in the Annual Plan Progress Report.

ATTACHMENTS

Attachment 1	Annual Plan 2007-2008
Attachment 2	Annual Plan Quarterly Progress Report for the period 1 July – 30 September 2007

VOTING REQUIREMENTS

Simple Majority

MOVED Mayor Pickard, SECONDED Cr McLean that Council RECEIVES the Annual Plan Quarterly Progress Report for the period 1 July 2007 – 30 September 2007, forming Attachment 2 to Report CJ228-11/07.

The Motion was Put and CARRIED (12/0) by En Bloc Resolution following consideration of Item CJ248-11/07, Page 202 refers.

In favour of the Motion: Mayor Pickard, Crs Amphlett, Corr, Diaz, Fishwick, Hart, Hollywood, Jacob, Macdonald, McLean, Norman and Young.

Appendix 4 refers

To access this attachment on electronic document, click here: [Attach4agn201107.pdf](#)

CJ229-11/07 DRAFT LOCAL LAW AMENDMENT – ANIMALS LOCAL LAW 1999 - [00819]

WARD: All

RESPONSIBLE DIRECTOR: Mr Ian Cowie
Governance and Strategy

PURPOSE/EXECUTIVE SUMMARY

To provide Council with a draft copy of the *City of Joondalup Animals Amendment Local Law 2007* and to recommend that Council resolves to release the draft for a statewide public consultation period of 44-days, in line with the requirements of section 3.12 of the *Local Government Act 1995*.

BACKGROUND

At the Meeting of 25 September 2007, Council resolved, inter alia, to:

AGREE to amend the Animals Local Law 1999 to ensure that all reserve numbers referred to in the document are correct.

A copy of the proposed Local Law Amendment has since been drafted.

DETAILS

The amendment seeks to address issues relating to incorrect reserve and lot numbers in the current Local Law.

For the purposes of section 3.12(2), the purpose and effect of the proposed amendment are as follows:

Purpose: To ensure that provisions within the Local Law are up-to-date with prevailing land descriptions, including reserve and lot numbers.

Effect: The Animals Local Law 1999 is current and accurate.

Issues and options considered:

Option 1: Council approves the content of the draft amendment and agrees to release it for a 44-day public consultation period

This option *is* recommended.

Option 2: Council does not approve the draft amendment

This option is *not* recommended given the relatively minor nature of the changes included in the amendment.

Link to Strategic Plan:

Key Focus Area: Organisational Development

Outcome: The City of Joondalup is an interactive community.

Objective: To ensure the City responds to and communicates with the community.

Legislation – Statutory Provisions:

City of Joondalup *Animals Local Law 1999*

- Clause 10(2) – Dog Exercise Areas
- Clause 26(6) – Horse Exercise Area
- Second Schedule – Prohibited Dog Exercise Areas
- Second Schedule Diagram 1 – Dog Exercise Area
- Third Schedule – Horse Exercise Area
- Third Schedule Diagram 2 – Horse Exercise Area

Local Government Act 1995

- Section 3.12

Risk Management considerations:

Not Applicable.

Financial/Budget Implications:

Should Council choose to pursue Option 1, a statewide community consultation process will be required to ensure compliance with Section 3.12(3) of the *Local Government Act 1995*. The approximate cost of undertaking a consultation process is \$2,000.

Policy Implications:

Not Applicable.

Regional Significance:

Not Applicable.

Sustainability Implications:

Not Applicable.

Consultation:

This report seeks approval to undertake consultation with the community as a part of the Local Law amendment process.

COMMENT

Not Applicable.

ATTACHMENTS

Attachment 1 City of Joondalup Animals Amendment Local Law 2007

VOTING REQUIREMENTS

Simple Majority.

MOVED Mayor Pickard, **SECONDED** Cr McLean that Council **APPROVES** the content of the City of Joondalup Animals Amendment Local Law 2007 forming Attachment 1 to Report CJ229-11/07 and **AGREES** to release the document for a 44-day statewide community consultation period as part of the overall local law amendment process.

The Motion was Put and CARRIED (12/0) by En Bloc Resolution following consideration of Item CJ248-11/07, Page 202 refers.

In favour of the Motion: Mayor Pickard, Crs Amphlett, Corr, Diaz, Fishwick, Hart, Hollywood, Jacob, Macdonald, McLean, Norman and Young.

Appendix 5 refers

To access this attachment on electronic document, click here: [Attach5brf131107.pdf](#)

CJ230-11/07 ABANDONED SHOPPING TROLLEYS LOCAL LAW AMENDMENT CONSULTATION RESULTS - [22513]

WARD: All

RESPONSIBLE DIRECTOR: Mr Ian Cowie
Governance and Strategy

PURPOSE/EXECUTIVE SUMMARY

To present Council with public feedback on the proposed amendment to the Local Government and Public Property Local Law 1999 and to recommend that Council adopts the City of Joondalup Amendment Local Law 2007 by resolution.

BACKGROUND

At the Meeting of 19 June 2007, Council resolved, inter alia to:

“ENDORSE option 2: reducing the removal period for abandoned shopping trolleys from 24 to 3 hours and AGREE to commence the process for amending the City’s Local Government and Public Property Local Law to achieve this outcome.”

A local law amendment was subsequently drafted and released for a local community consultation on 26 July and for an additional 44-day statewide consultation period, which closed on 22 October 2007.

DETAILS

The consultation process was undertaken on a local basis and also statewide as required under section 3.12 of the *Local Government Act 1995* (the “Act”).

To ensure that those directly affected by the amendment were provided with an opportunity to comment, the following initiatives were undertaken:

- Direct mail to retailers within the City of Joondalup who provide trolleys for their customers, inviting them to make a submission;
- Direct mail to residents and ratepayers groups inviting them to make a submission on the matter;
- Advertisements in local community newspapers;
- Public notices were placed on the City's website, in all four of the City's libraries and in the two Customer Service Centres at Joondalup and the Whitford City Shopping Centre. Copies of the survey form and information on the proposed amendment was available on request at these facilities;
- Website facilities, including information on the proposed amendment and an online survey, were advertised for people to make electronic submissions, and
- Statewide notification in The West Australian.

Outcomes of the Consultation

The City received a total of 30 submissions, with 12 in favour of the proposed amendment and 18 opposed. Eighty-three per cent of submissions opposed to the amendment were provided by retailers or associations supporting retailers.

Hardcopy surveys and emails were the two most popular methods of correspondence. This was an unusual feature of the process, as many of the City's most recent local law amendment consultations have seen online surveys as the most utilised method of correspondence.

Stakeholder Feedback

Overall, retailers were generally appreciative of the City opting to directly consult with them on the matter. Strong feedback from these particular stakeholders supports such sentiment, as a large percentage of those contacted returned the hardcopy survey forms sent to them by the City.

Large retailers voiced many concerns in their submissions; the two most common were as follows:

- Limitations in achieving trolley collections within 3-hour timeframe given the large area in which trolleys are left abandoned.
- Large retailers are starting to implement new measures to better manage their trolleys and request that Council work with them to re-educate the general public about shopping trolley use.

A common complaint from independent retailers, (namely IGA), was that smaller stores were being unfairly penalised by the City because, in reality, they were being implicated in an amendment that intended to target large shopping centre retailers. Independent retailers also informed the City that their resource base was significantly limited in comparison to larger retailers and would therefore find it extremely difficult to adjust to new processes.

Community perspectives on the issue were received mainly from City resident and ratepayer groups who were directly contacted as a part of the consultation process. Concerned residents also made submissions through online survey and email mechanisms. Overall, residents showed little objection to the proposed amendment and many held the view that abandoned shopping trolleys were an issue that required action by the City.

Common Suggestions/Concerns/Comments

A 3-hour removal period is physically impossible to achieve. The 24-hour period should remain.	16
Coin deposit systems should be introduced to self-regulate the return of trolleys by customers.	5
Retailers and the City should jointly undertake education campaigns to create greater awareness on the issue within the community.	8

Issues and options considered:

Option 1: Adopt the Local Law Amendment

This option *is* recommended.

Analysis: Notwithstanding the comments received from affected retailers, the City is of the belief that the problem will most likely prevail if mechanisms are not introduced to encourage greater trolley management on behalf of trolley owners.

Recent enquiries with the Town of Vincent indicated that a reduction in time for the removal of abandoned shopping trolleys is ineffective if not supported by diligent enforcement. Town of Vincent introduced a similar removal period in 1998 and found that the number of trolleys left abandoned did not significantly drop due to stricter Local Law provisions alone.

For the amendment to be successful at the City of Joondalup it would be crucial for the City to dedicate resources to police the offence for change to ensue. This will be at a cost to the City in terms of operational resources, but is a necessary requirement to ensure the campaign's success.

The Town of Vincent also advised that education programs undertaken jointly by the Town and local major retailers were predominantly unsuccessful. Customers were generally apathetic to change and as such, awareness campaigns were unsuccessful. This sentiment has also been substantiated by other Local Governments who are currently undertaking similar campaigns. In light of this, it would seem unnecessary for the City to pursue the suggestion made by retailers; namely, that the City undertakes joint education campaigns to encourage behavioural change on behalf of customers utilising shopping trolley resources.

Option 2: Do *not* adopt the Local Law Amendment

This option is *not* recommended in light of the comments suggested above.

Analysis: Not adopting the amendment would ensure that City-Retailer relations remain unaffected, however, the problem of abandoned shopping trolleys will not be addressed.

Link to Strategic Plan:

Key Focus Area: Organisational Development

Outcome: The City of Joondalup is an interactive community.

Objective: To ensure the City responds to and communicates with the community.

Legislation – Statutory Provisions:

Relevant Local Law:

Local Government and Public Property Local Law 1999.

Section 59: Shopping trolley to be removed by owner

Relevant State legislation:

Section 3.12 of the *Local Government Act 1995*

Risk Management considerations:

Should the Council decide to pursue Option 1, there is a risk that local retailers will be disappointed in the City's approach to the issue. Smaller independent retailers may also feel they are being severely disadvantaged by the City's decision.

Financial/Budget Implications:

Should the Amendment proceed, the City will need to focus enforcement efforts on this legislative change to ensure it is successful.

Policy Implications:

Not Applicable.

Regional Significance:

Not Applicable.

Sustainability Implications:

Abandoned shopping trolleys are considered as a form of litter under the *Litter Act 1979* and as such, any initiative that aims to reduce the number of trolleys abandoned in the City's landscape will be beneficial both to the environment and to the community from a public safety perspective.

Consultation:

The community consultation process is outlined in the details section of the report.

Received submissions have been collated and made available in the Councillors' Reading Room for Elected Members to consider.

COMMENT

Following communications with the Department of Local Government and Regional Development, (as required by Section 3.12(3)(b) of the *Local Government Act 1995*), the City was advised that the Joint Standing Committee on Delegated Legislation (JSCDL) would be

unlikely to approve an amendment that deviated from the 24 hour removal period modelled in the WALGA "Activities in Thoroughfares and Public Places and Trading Model Local Law".

Notwithstanding the Department's comments, the advice did not take into account the 3-hour precedent set by the Town of Vincent.

The City contacted the JSCDL to confirm the Department's comments but was advised that guidance on the matter could not be provided prior to the Committee officially considering the amendment as a part normal local law amendment processes.

ATTACHMENTS

Attachment 1	Tabulated consultation submissions
Attachment 2	City of Joondalup Local Government and Public Property Amendment Local Law 2007

VOTING REQUIREMENTS

Absolute Majority

OFFICER'S RECOMMENDATION: That Council:

- 1 By AN ABSOLUTE MAJORITY, pursuant to section 3.12(4) of the Local Government Act 1995, ADOPTS the Local Government and Public Property Amendment Local Law 2007 in the manner prescribed in Attachment 2 of Report CJ230-11/07;
- 2 REQUESTS that a plan of implementation be prepared in relation to the operationalisation of this Local Law amendment.

MOVED Cr Fishwick, SECONDED Cr Hollywood that Council:

- 1 Pursuant to section 3.12(4) of the Local Government Act 1995, ADOPTS the Local Government and Public Property Amendment Local Law 2007 in the manner prescribed in Attachment 2 of Report CJ230-11/07, with the following amendments made to Attachment 2 as shown on stamped page 77 of the Appendices by:
 - (a) Deleting in ARRANGEMENT, PART 2 - SHOPPING TROLLEYS "4.1" and inserting "4.3"; and
 - (b) Inserting in PART 2 - SHOPPING TROLLEYS after clause 4.1, new clauses 4.2 and 4.3 which read:
 - 4.2 *Amend the First Schedule in Item Number 53, by deleting "24" and inserting the numeral "3" in its place and deleting the clause number 60 and inserting the numeral "59" in its place.*
 - 4.3 *Deleting the words "in precinct of the shopping centre" and replacing these words with the following words "other than in a shopping trolley storage area."*
- 2 REQUESTS that a plan of implementation be prepared in relation to the operationalisation of this Local Law amendment.

AMENDMENT MOVED Cr Corr, SECONDED Cr Norman that Point 1 (b) of the Motion be amended to read as follows:

"1 (b) Inserting in PART 2 - SHOPPING TROLLEYS after clause 4.1, new clauses 4.2 and 4.3 which read:

4.2 Amend the First Schedule in Item Number 53, by deleting "24" and inserting the numeral "6" in its place and deleting the clause number 60 and inserting the numeral "59" in its place.

4.3 Deleting the words "in precinct of the shopping centre" and replacing these words with the following words "other than in a shopping trolley storage area."

and amending Part 2, Item 4.1, clause number 59 by deleting "24" and inserting the numeral "6" in its place."

Discussion ensued.

The Amendment was Put and

LOST (5/7)

In favour of the Amendment: Crs Corr, Diaz, Hart, Macdonald and Norman **Against the Amendment:** Mayor Pickard, Crs Amphlett, Fishwick, Hollywood, Jacob, McLean and Young

AMENDMENT MOVED Cr Norman, SECONDED Mayor Pickard that an additional Point 3 be added to the Motion to read as follows:

"3 ***NOTES that under Part 9 of the City's Local Government and Public Property Local Law, the City will use its power to issue infringement notices for the unauthorised placement of shopping trolleys in public places.***"

Discussion ensued.

The Amendment was Put and

CARRIED (11/1)

In favour of the Amendment: Mayor Pickard, Crs Amphlett, Corr, Diaz, Fishwick, Hart, Hollywood, Jacob, McLean, Norman and Young **Against the Amendment:** Cr Macdonald

The Original Motion as amended, being:

That Council:

1 Pursuant to section 3.12(4) of the Local Government Act 1995, **ADOPTS** the Local Government and Public Property Amendment Local Law 2007 in the manner prescribed in Attachment 2 of Report CJ230-11/07, with the following amendments made to Attachment 2 as shown on stamped page 77 of the Appendices by:

(a) Deleting in ARRANGEMENT, PART 2 - SHOPPING TROLLEYS "4.1" and inserting "4.3"; and

(b) Inserting in PART 2 - SHOPPING TROLLEYS after clause 4.1, new clauses 4.2 and 4.3 which read:

4.2 **Amend the First Schedule in Item Number 53, by deleting "24" and inserting the numeral "3" in its place and deleting the clause number 60 and inserting the numeral "59" in its place.**

4.3 **Deleting the words "in precinct of the shopping centre" and replacing these words with the following words "other than in a shopping trolley storage area."**

2 **REQUESTS that a plan of implementation be prepared in relation to the operationalisation of this Local Law amendment;**

3 **NOTES that under Part 9 of the City's Local Government and Public Property Local Law, the City will use its power to issue infringement notices for the unauthorised placement of shopping trolleys in public places.**

was Put and

**CARRIED BY AN
ABSOLUTE MAJORITY (10/2)**

In favour of the Motion: Mayor Pickard, Crs Amphlett, Corr, Diaz, Fishwick, Hollywood, Jacob, McLean, Norman and Young **Against the Motion:** Crs Hart and Macdonald

Appendix 6 refers

To access this attachment on electronic document, click here: [Attach6agn201107.pdf](#)

CJ231-11/07 PROPOSED PARKING LOCAL LAW AMENDMENT - [24185]

WARD: All

RESPONSIBLE DIRECTOR: Mr Ian Cowie
Governance and Strategy

PURPOSE/EXECUTIVE SUMMARY

To provide Council with a draft copy of the *City of Joondalup Parking Amendment Local Law 2007* and to recommend that Council resolve to release the draft for a statewide public consultation period of 44-days, in line with the requirements of section 3.12 of the *Local Government Act 1995*.

BACKGROUND/DETAILS

A recent review of the City's *Parking Local Law 1998* was undertaken. Numerous minor amendments were identified as important to enhance the law and improve City procedures and processes in relation to parking.

A review of current modified penalties was also undertaken. This report recommends that a general rise of 50% should apply to all parking penalties, given that an increase has not occurred for some five years and on comparison with other large local governments, the City's penalties are relatively small.

Key proposed changes to the City's *Parking Local Law 1998* include:

- That definitions relating to fee payment are broadened to include all forms of currency;
- That people parked in a time restricted parking bay cannot leave and return to that bay within an hour;
- That there should be no parking by a pram ramp pedestrian crossing;
- That clarification be made to what can occur in a loading zone;
- That parent with pram bays be established; and
- That modified penalties be increased.

Issues and options considered:

Option 1

Council approves the content of the draft amendment and agrees to release it for a 44-day public consultation period

This option *is* recommended given the minor nature of the proposed amendments.

Option 2

Council does not approve the draft amendment

This option is *not* recommended.

Option 3

Council approves some of the content of the draft amendment

This option is *not* recommended, as all of the proposed amendments are considered reasonable and worthy of approval.

Link to Strategic Plan:

Key Focus Area: Organisational Development

Outcome: The City of Joondalup is an interactive community.

Objective: To ensure the City responds to and communicates with the community.

Legislation – Statutory Provisions:

- City of Joondalup *Parking Local Law 1998*
- *Local Government Act 1995* – Section 3.12

Risk Management considerations:

Not Applicable.

Financial/Budget Implications:

Should Council choose to pursue option 1 or 3, a statewide community consultation process will be required to ensure compliance with Section 3.12(3) of the *Local Government Act 1995*. The approximate cost of undertaking a consultation process is \$2,000.

Policy Implications:

Not Applicable.

Regional Significance:

Not Applicable.

Sustainability Implications:

Not Applicable.

Consultation:

This report seeks approval to undertake consultation with the community as a part of the Local Law amendment process.

COMMENT

Not Applicable.

ATTACHMENTS

Attachment 1: Draft City of Joondalup Parking Amendment Local Law 2007
Attachment 2: City of Joondalup Parking Local Law 1998

VOTING REQUIREMENTS

Simple Majority

MOVED Mayor Pickard, SECONDED Cr McLean that Council APPROVES the content of the City of Joondalup Parking Amendment Local Law 2007, forming Attachment 1 to Report CJ231-11/07 and AGREES to release the document for a 44-day statewide community consultation period as a part of the overall local law amendment process.

The Motion was Put and CARRIED (12/0) by En Bloc Resolution following consideration of Item CJ248-11/07, Page 202 refers.

In favour of the Motion: Mayor Pickard, Crs Amphlett, Corr, Diaz, Fishwick, Hart, Hollywood, Jacob, Macdonald, McLean, Norman and Young.

Appendix 7 refers

To access this attachment on electronic document, click here: [Attach7agn201107.pdf](#)

Name/Position	Cr Mike Norman
Item No/Subject	Item CJ232-11/07 - Proposed Yellagonga Regional Park Environment Centre
Nature of interest	Interest that may affect impartiality
Extent of Interest	Cr Norman has made a public submission

CJ232-11/07 PROPOSED YELLAGONGA REGIONAL PARK ENVIRONMENT CENTRE - [60510]

WARD: All

RESPONSIBLE DIRECTOR: Mr Ian Cowie
Governance and Strategy

PURPOSE/ EXECUTIVE SUMMARY

To provide the Council with an overview of the Yellagonga Regional Park Environment Centre Feasibility Study public consultation process and outcomes as well as the responses received from the Federal Minister for the Environment and Water Resources and the State Minister for the Environment.

Taking into consideration the comments, issues and concerns arising from the public consultation process and the feedback from the State and Federal Governments, recommendations are made for furthering the development of the proposed Yellagonga Regional Park Environment Centre.

BACKGROUND

The City of Joondalup and the City of Wanneroo have formed a partnership to undertake a feasibility study for an Environment centre within the Yellagonga Regional Park. A detailed background to this project is provided in Attachment 1.

The feasibility study was concluded in February 2007 and the final draft report was presented to both Councils in March 2007. Each Council resolved inter alia to:

“APPROVE the draft Yellagonga Environment Centre Feasibility Study to be released for broad public consultation for a period of 6 weeks”.

On 19 June 2007, a report was presented to Council on the outcomes of the public consultation process with regard to the feasibility study for an Environment Centre within the Yellagonga Regional Park. At that meeting it was resolved:

“That consideration of Yellagonga Regional Park Environment Centre Feasibility Study – Presentation of Public Submissions be DEFERRED pending feedback from State and Federal Governments on their preferred site location and an indication of funding opportunities”.

This report will therefore present the public submissions from the public consultation process as well as the responses received from the Federal Minister for the Environment and Water Resources and the State Minister for the Environment.

DETAILS

At its meeting on 27 March 2007, Council resolved that the Feasibility Study report be advertised for public comment for a period of 6 weeks. (*CJ041 – 03/07 refers*).

Calls for public submissions were advertised in the local community news, an online submission facility was made available on the City of Joondalup website and letters were sent to directly affected residents living in close proximity to the proposed sites. Hard copies of the study were also made available at all library facilities, customer service centres and administration buildings throughout both the Cities of Wanneroo and Joondalup.

Public submissions closed on 9 May 2007 and the report, which provides an analysis of the submissions received, is shown as Attachment 2 to this report. Details of individual submissions are shown in Attachment 3. The submissions were analysed by independent consultants to ensure objectivity in the qualitative analysis of all the public submissions received.

In summary a total of 45 independent submissions were received. In the analysis these were divided between positive and negative comments. Twenty-five respondents were classified as positive while 18 were classified as negative. One submission was classified as a mixture of positive and negative comments. The final submission was not classified as the respondent was referring to the previous steering committee report.

It should be noted that one of the negative submissions provided a petition with 31 names strongly opposing the site at Reserve 43290 (formerly known as Lot 1). Four of the signatories to this petition also submitted individual responses making for 27 unique signatories. Three respondents provided multiple submissions.

Submissions were invited from residents of both the City of Joondalup and the City of Wanneroo with 29 submissions being received from City of Joondalup residents, 13 from City of Wanneroo residents, one respondent reported paying rates to both Cities and one response was from the National Trust. It was not possible to categorise one submission, as an address was not provided.

The key comments and issues raised from the submissions are summarised as follows:

Summary of Reasons for Support:

- The predominant reasons given for supporting the proposed Environment Centre could be attributed to the perceived educational benefits such a facility would provide including:
 - As an attractor for people visiting the Yellagonga Regional Park to learn about the native flora and fauna.
 - As a place where school children (and others) could learn about the cultural and indigenous heritage of the region.
 - As a model for addressing environmental issues in a demonstrably unique and fragile environment.

- Positive reference was made to the environmental centres at Herdsman Lake and Piney Lake and the benefit they provided to the local communities.
- The proposed Environment Centre was viewed as an asset that would provide a benefit to the local community by enhancing the existing park.
- Existing facilities would be enhanced by the inclusion of an Environment Centre.
- Proper development of the area would result in a decrease in anti-social behaviour.
- Several submissions indicated their general support for the concept. These respondents provided no concrete reason for providing positive support, although several did provide comments along the lines of *"we are pleased that the Centre is finally being built"* and *"the community has waited a long time for this project and now is the time to move forward."*

Summary of Reasons for Non-Support:

- Increased traffic was one of the most common reasons for not supporting the development at Reserve 43290 (formerly known as Lot 1). Eight submissions mention the issue of traffic conditions and the subsequent increase in noise and disturbance to the wildlife.
- An expectation that traffic would increase due to the hospital expansion was expressed and this would only be compounded by the proposed development.
- There were negative references to Neil Hawkins Park with regards to vandalism, car hooning, graffiti and general anti-social behaviour. Several respondents noted that they expected the same *"drug users and hoons"* to avail themselves of the proposed facilities. Mention was also made of the provision of *"a public use area for mischief making"* by people and the effect the increased litter would have on natural wildlife.
- Some respondents felt the development will interfere with the natural flora and fauna of the A class reserve.
- There was a view that property value would decrease.
- A long term nearby resident felt that *"our beautiful view (which was the main reason for purchasing our block) of the lake, bushland and native flora and fauna would be replaced by concrete, car parks and buildings"*.
- Other respondents noted that it was important to maintain the natural bush setting and landscape and that building an Environment Centre could negatively impact on that amenity.
- The financial viability and sustainability of the proposed centre was questioned by nine submissions. The feasibility study financial projections were questioned as being too low. Reference to the Herdsman Environment Centre as not being self-sustaining was used as an example of the potential outcome for the proposed development. This was seen as a potential drain on City resources.
- Some expressed concern that the support required from volunteers may not eventuate, causing a cost blow out of the estimates.

Response from the State and Federal Governments

In July 2007, letters were sent to both the Federal Minister for the Environment and Water Resources and the State Minister for the Environment requesting feedback on their preferred site location and an indication of funding opportunities.

Responses have now been received from the Federal Minister for the Environment and Water Resources and the State Minister for the Environment (Attachments 4 and 5 refer). The Federal Minister does not indicate whether he has a preference for Lot 1 or Scenic Drive and indicates some sources for grant money.

Similarly, the State Minister does not indicate a preference but suggests “the final location be supported by the local community”. (Ostensibly this means Lot 1 which did receive community support). The State Minister’s letter also notes that there is no funding currently available for the construction of a centre. However, it also indicates that the Government would work with the City in this regard.

Issues and options considered:

Each submission received, as part of the public consultation process, has been summarised in the Table shown as Attachment 3 to this report. Where appropriate, officer’s comments have been provided to expand further on some of the issues raised. Most issues, which concern environmental impact, traffic impact, noise, antisocial behaviour and financial viability, can be addressed during the further development of the concept.

Both the Federal Minister for the Environment and Water Resources and the State Minister for the Environment provided general support for the concept of an environment centre within Yellagonga Regional Park. The next phase of the project, if supported, will include development of a business plan and the detailed design of the Environment Centre. This will enable the City to undertake, when appropriate, detailed applications to the State and Federal Governments for capital funding support.

It should be noted that Joondalup Drive is a district distributor A class road and that Lakeside Drive is a district distributor B class road. Both roads were designed to take high traffic volumes given the growth that was predicted would occur within the Joondalup City centre.

Council has the following options in relation to the proposed Environment Centre: -

- 1 To support the development of a detailed concept design and business plan for an Environment Centre at Reserve 43290 (formerly known as Lot 1).
- 2 To support the development of a detailed concept design and business plan for an Environment Centre at Scenic Drive Wanneroo.
- 3 Not to pursue the development of an Environment Centre within the Yellagonga Regional Park at this stage.
- 4 To undertake further studies and consultation to look at other options that may have not been considered to date.

Link to Strategic Plan:

The undertaking of a feasibility study for an Environment Centre links to the City of Joondalup Strategic Plan 2003-2008 under the following areas:

Community Well Being - The City of Joondalup is a cultural centre

- 1.2 *To meet the cultural needs and values of the community*
 - 1.2.1 *Continue to enhance and create new cultural activities and events*
 - 1.2.2 *Create cultural facilities*

Caring for the Environment - The City of Joondalup is environmentally responsible in its activities

- 2.1 *To plan and manage our natural resources to ensure environmental sustainability*
 - 2.1.1 *Maintain and protect natural assets to retain biodiversity*

Organisational Development - The City of Joondalup is a an interactive community

4.3 To ensure the City responds to and communicates with the community

4.3.1 Provide effective and clear community consultation.

Legislation – Statutory Provisions:

Land Tenure and uses – Either site if selected will need approval from the Western Australian Planning Commission (WAPC) before any development can proceed.

1. Reserve 43290 (formerly known as Lot 1)

This site is currently vested in the Conservation Commission of WA. It is zoned recreational use in the Yellagonga Regional Park Management Plan, is a Class A reserve as per Section 5 of the CALM Act.

It is recommended that in order for development of an Environment Centre to occur on this site, the process of vesting the reserve (or part of the reserve) commence to allow for the proposed uses, namely environmental education, research and associated services. The City should also be given the power to lease on this site.

Enacting this vesting will require legislative change through State Parliament. This process may take up to 2 years to enact and will be initiated by the City of Joondalup Council resolving to request the Department of Environment and Conservation (DEC) to commence the legislative change process.

2. Scenic Drive

The Scenic Drive site is located on several parcels of land all vested in the City of Wanneroo under a management order. This order is currently waiting to be approved by the Council. The area is currently zoned for Sport and Recreation in the Yellagonga Regional Park Management Plan. The City would need to seek 'power to lease' authority under its management order to accommodate the concept of an Environment Centre facility. In addition the island is currently owned freehold by the WAPC and managed by DEC. DEC would need to agree to locate a boardwalk in the area to give access to the island. The Conservation Commission would also need to be consulted on this aspect.

Risk Management considerations:

A number of risks have been identified that may need mitigation should the project be supported to the next stage of development. These include:

- Potential opposition from local residents not wishing any development to be undertaken in the regional park;
- Potential to impact on cultural sensitivities with the Nyoongar people relating to the site that will be selected for development;
- Potential for competition from the National Trust's redevelopment of Luisini's Winery;
- Potential to raise community expectations without secured funding or commitment for the establishment of the Environment Centre;
- Potential conflict over the preferred location of the centre;
- Potential for future external grant assistance to achieve the next stage of the project is unknown.

Financial/Budget Implications:

The feasibility study contains detailed costings for the design and construction stages for an Environment Centre.

It should be noted that with respect to the development of the site at Reserve 43290 (formerly known as Lot 1), the feasibility study suggests that the centre is projected to run at a operating loss for the first five years of its operation as follows: -

Year 1	Year 2	Year 3	Year 4	Year 5
-\$47,250	-\$73,500	-\$115,800	-\$48,600	-\$43,000

Detailed design work and a business plan, as recommended by this report, will refine the financial costs associated with this project.

Following the completion of detailed design work and the development of a business plan further approaches for capital funding support from the State and Federal Governments can be sought. The City has budgeted \$50,000 for this detailed design work.

Policy Implications:

Not Applicable

Regional Significance:

The Yellagonga Regional Park is by nature a strategic regional natural asset for the two Cities and the State of Western Australia. It is imperative that the Yellagonga Regional Park wetlands are managed effectively and protected. The development of an Environment Centre is in keeping with the Yellagonga Regional Park Management Plan 2003-2013 and to this end the development of an Environment Centre has immense regional significance. The project represents an important demonstration of cross local government cooperation and participation.

Sustainability Implications:

An Environment Centre would be designed to enhance sustainability of the wetlands by providing ongoing education, care and monitoring processes.

Consultation:

This report explains the outcomes of the recent consultation and feedback received from the State and Federal Governments.

Submissions have been placed in the Councillor's reading room.

The next phase of the project will be to develop a detailed concept design and a business plan for the centre. Given the significant interest and concerns of adjoining land owners to the proposed site, it would be appropriate to engage with the residents once a more detailed concept design has been developed to ensure their concerns are taken into account and mitigated where reasonable.

COMMENT

In determining the way forward on this project, Council will need to consider and balance the opposing views of local residents with the desires and aspirations of the wider community. The regional benefits that can be derived from having a centre that can pursue environmental excellence is attractive and to date has been positively supported by the State Government.

If the Cities of Joondalup and Wanneroo are to make a truly concerted effort to address the future environmental challenges that the community will face, particularly with the onset of climate change, then the local government and its community will need a strong and transparent interface for the environmental work to be coordinated and resourced.

ATTACHMENTS

Attachment 1	Background to the Yellagonga Regional Park Environment Centre Feasibility Study
Attachment 2	Report: A Qualitative Evaluation of Resident Responses to the Proposed Yellagonga Environment Centre Feasibility Study
Attachment 3	Summary Table of Resident Submissions and Officer Comments
Attachment 4	Letter from Federal Minister for the Environment and Water Resources, Mr Malcolm Turnbull
Attachment 5	Letter from State Minister for the Environment, Mr David Templeman MLA
Attachment 6	Map of Lot 1 (proposed Environment Centre site)

VOTING REQUIREMENTS

Simple Majority

MOVED Cr Hart, SECONDED Cr Jacob that Council:

- 1** NOTES the comments, issues and concerns being raised from the public, shown as Attachments 2 and 3 to Report CJ232-11/07;
- 2** NOTES the responses from the Federal Minister for the Environment and Water Resources and the State Minister for the Environment, forming Attachments 4 and 5 to Report CJ232-11/07;
- 3** SUPPORTS the establishment of the Yellagonga Environment Centre on Reserve 43290, Lot 12050, 580 Joondalup Drive (formerly known as Lot 1);
- 4** SEEKS endorsement for development of an Environment Centre on Reserve 43290 (formerly known as Lot 1) from both the City of Wanneroo and the Department of Environment and Conservation;
- 5** REQUESTS that the Department of Environment and Conservation initiate the process for vesting Reserve 43290, Lot 12050, 580 Joondalup Drive (formerly known as Lot 1) or a portion of the reserve to allow for the proposed land uses being: environmental education, research and associated services and for power to lease;

- 6 **REQUESTS** that further work be undertaken to develop a more detailed design of the concept including a business plan and funding opportunities;
- 7 **NOTES** that further consultation, particularly with residents adjoining the proposed site be undertaken once a more detailed concept design is developed.

MOVED Cr Norman, **SECONDED** Cr Young that the following motion be **DEFERRED** to the Council meeting scheduled to be held in February 2008 for further discussion.

“That Council:

- 1 ***NOTES** the comments, issues and concerns being raised from the public, shown as Attachments 2 and 3 to Report CJ232-11/07;*
- 2 ***NOTES** the responses from the Federal Minister for the Environment and Water Resources and the State Minister for the Environment, forming Attachments 4 and 5 to Report CJ232-11/07;*
- 3 ***SUPPORTS** the establishment of the Yellagonga Environment Centre on Reserve 43290, Lot 12050, 580 Joondalup Drive (formerly known as Lot 1);*
- 4 ***SEEKS** endorsement for development of an Environment Centre on Reserve 43290 (formerly known as Lot 1) from both the City of Wanneroo and the Department of Environment and Conservation;*
- 5 ***REQUESTS** that the Department of Environment and Conservation initiate the process for vesting Reserve 43290, Lot 12050, 580 Joondalup Drive (formerly known as Lot 1) or a portion of the reserve to allow for the proposed land uses being: environmental education, research and associated services and for power to lease;*
- 6 ***REQUESTS** that further work be undertaken to develop a more detailed design of the concept including a business plan and funding opportunities;*
- 7 ***NOTES** that further consultation, particularly with residents adjoining the proposed site be undertaken once a more detailed concept design is developed.”*

The Procedural Motion was Put and

CARRIED (12/0)

In favour of the Procedural Motion: Mayor Pickard, Crs Amphlett, Corr, Diaz, Fishwick, Hart, Hollywood, Jacob, Macdonald, McLean, Norman and Young.

Appendices 9, 33 and 36 refer

*To access this attachment on electronic document, click here: [Attach9brf131107.pdf](#)
[Attach33agn201107.pdf](#) [Attach36min201107.pdf](#)*

CJ233-11/07 AUSTRALIAN GREENHOUSE OFFICE REPORT - CLIMATE CHANGE IMPACTS AND RISK MANAGEMENT - [59091]

WARD: All

RESPONSIBLE DIRECTOR: Mr Ian Cowie
Governance and Strategy

PURPOSE/ EXECUTIVE SUMMARY

The purpose of this report is to review the Australian Greenhouse Office Report titled 'Climate Change Impacts and Risk Management, A Guide for Business and Government'. The potential for the City of Joondalup to utilise this information is also assessed.

BACKGROUND

At its Council Meeting held on 28 August 2007, Council resolved to:

"REQUEST a report, from the Chief Executive Officer on the report of the Australian Greenhouse Office, in the Department of the Environment and Heritage, titled "Climate Change Impacts and Risk Management, A Guide for Business and Government" dated 2006, for the purpose of ensuring that this organisation is aware of the risks from climate change impacts and that suitable management responses are put in place".

DETAILS

In 2006 the Australian Greenhouse Office released the report 'Climate Change Impacts and Risk Management, A Guide for Business and Government' (Attachment 1 refers). The report provides a guide to integrating climate change impacts into risk management and other strategic planning activities in Australian public and private sector organisations for the purpose of assisting Australian businesses and organisations to adapt to climate change. Specifically the Report aims to help businesses and organisations to:

- Enumerate risks related to climate change impacts;
- Prioritise risks that require further attention; and
- Establish a process for ensuring that these higher priority tasks are managed effectively.

The Report consists of three parts:

- Part A: Introduction and fundamentals of risk assessment and management;
- Part B: How to undertake an initial strategic assessment using a workshop process; and
- Part C: Outlines considerations for more detailed analysis.

The framework outlined in the report for undertaking climate change risk assessment is detailed below:

- 1 Establish the Context – objectives, stakeholders, criteria, key elements, climate scenarios;
- 2 Identify the Risks – what could happen, how could it happen;
- 3 Analyse the Risks – review controls, likelihoods, consequences, level of risk;
- 4 Evaluate the Risks – evaluate risks, rank risks, screen minor risks; and
- 5 Treat the Risks – identify options, select the best, develop plans, implement.

The Report recommends that *“if your organisation has an existing risk management framework, use this or stay as close to it as possible, so that output of the climate analysis is comparable with other risk assessments that you carry out”*.

Issues and options considered:

Local Government and Climate Change Adaptation

The International Council for Local Environmental Initiatives (ICLEI) has recently identified that while many local governments have devoted significant time and resources to reducing greenhouse gas emissions, they have only recently begun efforts to adapt infrastructure or internal risk management systems in preparation for climate change.

In recognition of this ICLEI launched the Cities for Climate Protection (CCP) Adaptation Initiative in May 2007. ICLEI is soon to commence the piloting of this initiative with a small number of Australian local governments. As with all CCP programs this will involve the development of tools and resources.

In conjunction with this new initiative the Australian Greenhouse Office released the report ‘Climate Change Adaptation Actions for Local Government’ (Attachment Two refers). This report on climate change adaptation actions outlines the potential impacts of climate change on local government functions, and provides a toolkit of responses including information on their benefits and costs. It was written to complement the report ‘Climate Change Impacts & Risk Management – A Guide for Business and Government’.

The effects of climate change will have direct and indirect implications for local governments. Aside from any regional variations in impacts across parts of Australia, there will also be differences in the extent to which these impacts are felt by the communities of a local government area. A summary of potential climate change impacts that can have implications for local governments is provided in Attachment Three.

Current City of Joondalup Risk Management Practices

Under the Emergency Management Act (2005) specific responsibilities for emergency management planning and the coordination of the emergency recovery process have been allocated to Local Government. These responsibilities include:

- Development and maintenance of effective Local Emergency Management Arrangements (Plans);
- Establishment of a Local Emergency Management Committee;
- Appointment of a Local Recovery Coordinator and identification of the structure of a Local Recovery Committee; and
- Coordination of the emergency recovery process following a community emergency/disaster affecting the Local Government area.

To this effect the City has undertaken a number of activities in relation to emergency management planning with the aim of raising awareness within the community about emergency management issues and having appropriate plans in place to deal with emergency hazard sources.

The City participates in a number of external groups through which it coordinates its emergency planning activities with other relevant stakeholders, many of whom are responsible for emergency response, emergency welfare or other functions. These groups include the:

- City of Wanneroo – Joondalup Local Emergency Management Committee;
- North West Metropolitan District Emergency Management Committee;
- Metropolitan North and East Recovery Group; and
- Local Welfare Planning Committee (State Government).

Local and regional emergency management plans covering the North West Emergency Management District have been developed through these groups including:

- City of Joondalup Local Community Emergency Management Arrangements (Attachment 4 refers);
- City of Wanneroo Local Emergency Management Plan
- Cities of Wanneroo/ Joondalup Local Emergency Management Plan (regional) (Attachment 5 refers).

The City also has a Local Recovery Plan in place outlining how community recovery from an emergency event will be coordinated. This document is currently being reviewed and will designate a Local Recovery Coordinator and the structure of the Local Recovery Coordinating Committee.

The City, in partnership with the City of Wanneroo, have completed phases 1-3 of the All Western Australians Reducing Emergencies (AWARE) emergency risk management process which has identified significant sources of emergency risk and potential strategies for reducing the likelihood of such events and the community's vulnerability to them. The following hazards have been identified as being of priority to the City:

- Urban bushland fire;
- Structural (building) fire;
- Storm damage to local areas; and
- Hazardous material release.

The City is currently working to appoint an Emergency Management Officer (shared with the City of Wanneroo) to progress the emergency risk management process further. Money was allocated for this in the 2007/2008 budget.

Local Adaptation Pathways Grants Programme

The Australian Greenhouse Office has recently announced the 'Local Adaptation Pathways Grants Program'.

This Program provides grants to support local government bodies, regional organisations/consortiums of councils to implement of a risk management process to deal with the impacts of climate change, including initial context analysis, risk evaluation workshops and / or adaptation action plans. The process needs to align with that outlined in the 'Climate Change Impacts & Risk Management: A Guide for Business and Government' report.

The Program will provide local governments grants of up to \$30 000 (GST exclusive) for conducting a risk management process and up to \$20 000 (GST exclusive) for developing adaptation action plans using an approved service provider. The Department will establish a panel of approved service providers to this effect.

Applications for the first round of grants close on 3 December 2007. The Program will provide grants totaling up to \$2 million over a period of four years (2007/08 to 2011/12). Applicants are encouraged to explore co-investment opportunities (either levered cash or in-kind contribution).

Link to Strategic Plan:

Objective 2.1 To plan and manage our natural resources to ensure environmental sustainability.

Legislation – Statutory Provisions:

None Applicable.

Risk Management considerations:

Predicted climate change including more frequent and severe weather events, is likely to have significant implications for the City's risk management procedures.

Financial/Budget Implications:

Nil.

Policy Implications:

Nil.

Regional Significance:

Not Applicable.

Sustainability Implications:

Predicted climate change will have significant impact on the City of Joondalup's local environment, communities and economy. Having appropriate adaptation and mitigation systems in place will ensure that the City and its communities can adapt to these changes.

Consultation:

Nil.

COMMENT

As a participant in the CCP Plus program the City will remain cognisant of the Adaptation Initiative, its progress and outcomes, in order to improve its own actions in this regard. The City will consider participation in the Adaptation Initiative when it becomes available. The City will be better placed to apply for a Local Adaptation Pathways Grant when it is formally participating in the CCP Plus Adaptation Initiative.

The City's Strategic Development and Infrastructure Management Services business units will liaise to ensure the City's existing emergency management processes are cognisant of heightened risks due to climate change.

ATTACHMENTS

Attachment 1	Climate Change Impacts and Risk Management, A Guide for Business and Government
Attachment 2	Climate Change Adaptation Actions for Local Government
Attachment 3	Summary of potential climate change impacts that can have implications for local governments
Attachment 4	City of Joondalup Local Community Emergency Management Arrangements
Attachment 5	Cities of Wanneroo and Joondalup Local Emergency Management Plan

(Please Note: These attachments are only available electronically)

VOTING REQUIREMENTS

Simple Majority

MOVED Mayor Pickard, SECONDED Cr McLean that Council:

- 1 NOTES the Australian Greenhouse Office report 'Climate Change Impacts and Risk Management, A Guide for Business and Government' forming Attachment 1 to Report CJ233-11/07;**
- 2 NOTES the Australian Greenhouse Office report 'Climate Change Adaptation Actions for Local Government' forming Attachment 2 to Report CJ233-11/07;**
- 3 NOTES the City's current Emergency Management planning and processes;**
- 4 AGREES to participate in the CCP Plus Adaptation Initiative when it becomes more widely available;**
- 5 AGREES to apply for a Local Adaptation Pathways Grant if/when it participates in the CCP Plus Adaptation initiative.**

The Motion was Put and CARRIED (12/0) by En Bloc Resolution following consideration of Item CJ248-11/07, Page 202 refers.

In favour of the Motion: Mayor Pickard, Crs Amphlett, Corr, Diaz, Fishwick, Hart, Hollywood, Jacob, Macdonald, McLean, Norman and Young.

Appendix 10 refers

To access this attachment on electronic document, click here: [Attach10brf131107.pdf](#)

CJ234-11/07 STATE GOVERNMENT'S GRAFFITI VANDALISM REDUCTION STRATEGY 2007-2010 - [09907] [03111]

WARD: All

RESPONSIBLE DIRECTOR: Mr Ian Cowie
Governance and Strategy

PURPOSE

To inform the Council on the City's response to the State Government's Graffiti Vandalism Reduction Strategy 2007-2010.

EXECUTIVE SUMMARY

The WA Local Government Association (WALGA) requested feedback from all Local Governments on the State Government's Graffiti Vandalism Reduction Strategy 2007-2010. The City's response to the Strategy is contained in Attachment 1 to this report.

BACKGROUND

The State Government's Graffiti Vandalism Reduction Strategy 2007-2010 was released in August 2007. WALGA undertook to consult with Local Governments and to facilitate feedback to State Government on the key issues within the Strategy to ensure that the recommendations met the needs of Local Government. The deadline for providing comments to WALGA did not allow sufficient time for the City's response to be provided to Council prior to submission.

DETAILS

Issues and options considered:

The State Government's Graffiti Vandalism Reduction Strategy 2007-2010 promotes a co-ordinated and collaborative approach to dealing with graffiti across the community. The Strategy outlines actions aimed at reducing the current level of graffiti vandalism. These actions include:

- **People Power** – improving the volume and quantity of information reported on graffiti offences and offenders by encouraging members of the public to report graffiti.
- **Getting the Facts** – establishing and maintaining accurate data through improved graffiti reporting and recording.
- **Cooling down Hot Spots** – improving the time taken to remove graffiti damage in local communities.

- **Safe and Smart** – ensuring the safest techniques and products are used in graffiti removal.
- **DIY Designing Out Graffiti** – making it more difficult for graffiti to occur due to the design of buildings and surrounding areas, and by using anti-graffiti materials.
- **Breaking Bad Habits** – reducing the number of juveniles engaged in graffiti vandalism through educational programs.
- **Grants for Innovation** – providing financial assistance to local innovative graffiti reduction strategies.
- **Hot Spot Watching** – increasing surveillance, eg mobile cameras to gain more reliable evidence for the Police to investigate offences.
- **The 3Rs – Respect, Responsibility and Restoration** – making juvenile graffiti offenders accountable for their actions by effective punishment and rehabilitation which may include by referral to the Department of Corrective Services and involvement in ‘clean-up’ orders.

A copy of the Strategy will be placed in the Councillors’ Reading Room for reference.

WALGA’S Survey to Local Governments comprised a series of questions relating to:

- Consultation on the Strategy;
- Identification of the key areas from the Strategy;
- Effectiveness of the initiatives in reducing or preventing graffiti;
- Resourcing and costing between State and Local Governments;
- Issues in implementing the initiatives;
- Reporting and recording of graffiti;
- Service Level Agreements between State and Government agencies and Local Government;
- Designing out graffiti;
- Surveillance of hot spots; and
- Clean up orders.

A copy of the City’s response is included as Attachment 1.

Link to Strategic Plan:

Management of graffiti vandalism links to the Strategic Plan through Focus Area 1 – Community Wellbeing.

Outcome:1	The City of Joondalup is a safe and healthy city.
Objective 1.4	To work with the community to enhance safety and security in a healthy environment.
Strategy 1.4.2	Continue to implement the Safer Community Program.

Legislation – Statutory Provisions:

Not Applicable.

Risk Management considerations:

Not Applicable.

Financial/Budget Implications:

Not Applicable.

Policy Implications:

Not Applicable.

Regional Significance:

Not Applicable.

Sustainability Implications:

Not Applicable.

Consultation:

Not Applicable.

COMMENT

The City welcomes a co-ordinated approach to deal with graffiti vandalism, and generally supports the initiatives outlined within the Graffiti Vandalism Reduction Strategy 2007-2010. Some of the actions outlined within the Strategy are activities which the City has identified as priorities and is already undertaking in many cases. A few initiatives are outside the scope of Local Government.

The City's main concerns are outlined in the City's response and include:

- The need to develop a fair pricing structure for Standard Service Level Agreements when Local Governments undertake to remove graffiti for State Government Agencies;
- The need for more information from State Government regarding resourcing and timeframes of initiatives;
- The need for more responsiveness from the Police in following up graffiti offenders;
- The effectiveness of current Juvenile Justice Team measures to deal with offenders;
- The consideration of insurance and health and safety issues in supervising 'clean up' orders; and
- The question of whether funding should be dependent on Local Governments forming partnerships with State Government.

While these concerns are articulated, the City has expressed willingness to be involved in the further development of the key initiatives.

Should Council have any further comments regarding the Graffiti Vandalism Reduction Strategy 2007-2010, these will be forwarded to WALGA.

ATTACHMENTS

Attachment 1 City's response to the WA Local Government Association on the State Graffiti Vandalism Reduction Strategy 2007-2010

VOTING REQUIREMENTS

Simple Majority

MOVED Mayor Pickard, SECONDED Cr McLean that Council:

- 1 ENDORSES the report on the City's response to the Graffiti Vandalism Reduction Strategy 2007-2010 forming Attachment 1 to Report 234-11/07;**
- 2 REQUESTS the Chief Executive Officer to seek information on the effectiveness of the recent camera surveillance exercise undertaken at Belridge Shopping Centre by the Office of Crime Prevention.**

The Motion was Put and CARRIED (12/0) by En Bloc Resolution following consideration of Item CJ248-11/07, Page 202 refers.

In favour of the Motion: Mayor Pickard, Crs Amphlett, Corr, Diaz, Fishwick, Hart, Hollywood, Jacob, Macdonald, McLean, Norman and Young.

Appendix 11 refers

To access this attachment on electronic document, click here: [Attach11brf131107.pdf](#)

Name/Position	Cr Mike Norman
Item No/Subject	Item CJ235-11/07 - West Coast Drive Dual Use Path Concept Plan - Outcomes of Community Consultation
Nature of interest	Interest that may affect impartiality
Extent of Interest	Cr Norman has made a public submission

CJ235-11/07 WEST COAST DRIVE DUAL USE PATH CONCEPT PLAN – OUTCOMES OF COMMUNITY CONSULTATION - [01302] [06527] [08069] [51588]

WARD: All

RESPONSIBLE DIRECTOR: Mr Ian Cowie
Governance and Strategy

PURPOSE/EXECUTIVE SUMMARY

To provide Council with information on the consultation process on the Concept Plan for the upgrade of the West Coast Drive Dual Use Path and the results of the analysis of the community feedback.

BACKGROUND

The West Coast Drive Dual Use Path runs parallel with the Indian Ocean along West Coast Drive (also known as the Sunset Coast Tourist Drive) for 1.8km. The path is in high demand for public recreation activities such as walking, running and cycling. Upgrading the path as a project was identified as a priority for the 2006/07 Capital Works Program and funds were allocated to undertake a feasibility study of the proposed project.

In September 2006, Cardno BSD Engineers were commissioned as consultants for the project. The first draft of a Concept Plan was workshopped in November 2006. The Revised Concept Design incorporating additional environmental assessments and mapping by the consultant team was presented to Council on 22 May 2007. The consultant's report was endorsed and Council approved progress with the project to the community consultation stage, which began with an Open Night held at the Sorrento Surf Life Saving Club on 9 August 2007.

DETAILS

The purpose of the consultation process was to obtain feedback from the community on the concept design for the West Coast Drive Dual Use Path with respect to:

- The overall design
- Components of the design including:
 - Fencing
 - Lighting
 - Width
 - Use of Vertical Sculptural Markers at "Opportunity Sites"
 - Relocation of the ablution block

A survey was developed for the purposes of the community consultation process (Attachment 1 refers).

Community representation

To ensure that adequate representation of local opinion was achieved, participation targets based on the Public Participation Strategy 2006 were identified as follows:

- 30 Sorrento residents
- 30 Marmion residents

Both suburbs are immediately adjacent to the West Coast Drive Dual Use Path. However, it should be noted that the targets were set only to maximise efforts to encourage local participation and were not intended to exclude participation by others with an interest in the Concept Plan.

The public were made aware of the consultation process via:

- Press release
- Signage at a number of places along the Path
- Advertisements in the Public Notices section of local community newspapers
- Posters at all local libraries and at the Customer Service Centres at Whitford City Shopping Centre and the City Administration Centre, Boas Avenue, Joondalup

- Letters to all residents/ratepayer groups within the City
- Letters to local businesses along the path
- Letters to stakeholders including the Marmion Angling and Aquatic Club, the Sorrento Surf Life Saving Club and the Joondalup Community Coast Care Forum
- Letters to randomly selected local residents living within the vicinity of the path in the suburbs of Marmion and Sorrento.

The public provided their feedback on the design in a number of ways:

- By completing and returning hard copies of the survey
- By completing an online version of the survey at the City's website on www.joondalup.wa.gov.au

There was considerable interest in the concept plan and several members of the community took responsibility for distributing additional copies of the survey to their friends and neighbours so they had an opportunity to comment.

Analysis of community feedback

The statistical feedback from the 150 submissions received from the community is summarised in a Tables A, B, C and D below.

Table A – Statistical summary of 150 submissions

Survey Item	Overall ratings
Overall support for Concept Plan	79.9% - Strongly approve or Approve
Fencing	80.7% - Love it or like it
Bollard lighting	76.5% - Love it or like it
Path	89.4% - Love it or like it
Vertical Sculptural Marker	50.7% - Love it or like it 21.8% - Not sure
Relocation of ablution block	47.5% -Hate it or don't like it 19.9% - Not sure

Table B – Statistical Summary of Suburbs from which submissions were made

Suburb	No. of participants	Percentage response
Burns Beach	2	1.3
Connolly	1	.7
Craigie	2	1.3
Currambine	1	.7
Duncraig	13	8.7
Edgewater	2	1.3
Greenwood	2	1.3
Heathridge	3	2.0
Hillarys	2	1.3
Iluka	1	.7
Marmion	40	26.7
Mullaloo	3	2.0
Ocean Reef	3	2.0

Sorrento	54	36.0
Woodvale	3	2.0
Kingsley	7	4.7
Other	2	1.3
Total	141	94.0
Unidentified	9	6.0
TOTAL	150	100.0

Targeted suburbs – Sorrento and Marmion

Residents in the suburbs of Marmion and Sorrento – the suburbs adjacent to the path – were specifically targeted to encourage community participation in the consultation process. The follow table provides statistical information on their collective responses to the Concept Plan.

Table C – Statistical Summary of 94 Submissions from Marmion and Sorrento

Survey Item	Overall ratings
Overall support for Concept Plan	79.9% - Strongly approve or Approve
Fencing	80% - Love it or like it
Bollard lighting	73% - Love it or like it
Path	73% - Love it or like it
Vertical Sculptural Marker	48% - Love it or like it 22.8% - Not sure
Relocation of ablution block	68% -Hate it or don't like it

A detailed analysis of the qualitative data received from the residents of Marmion and Sorrento is provided in Attachment 2 to this report. Attachment 3 contains a separate analysis of the qualitative data received from the residents of other suburbs. It should be noted that the focus of the qualitative analysis was to identify commonalities rather than polarised differences of opinion, which could represent minority views.

Consultation Outcome

In summary, there is widespread community support for the Concept Plan as it is seen as necessary for improving the coastal 'look and feel' of West Coast Drive and for upgrading a path that is viewed as unsafe in its present form as a result of user-congestion.

The feature in the Concept Plan, which has not received support, has been the relocation of the ablution block. Information from the community has clearly identified the existing ablution block as a hub of local activity as it is adjacent to a safe swimming area and in addition to changing and toilet facilities, provides some shelter from prevailing winds and provides a space where people meet and talk on their way to and from the beach. The main request from the community is that the existing ablution block remains in situ and is upgraded with particular consideration being given to people with disabilities and/or experience difficulties in accessing the facility.

Issues and options considered:

Council could agree to:

- Progress all components of the Concept Plan – principally those that received majority support
- Progress all components of the Concept Plan with the exception of the relocation of the existing ablution block which is to be maintained in its present position and upgraded in accordance with community requirements
- Not progress the Concept Plan

Link to Strategic Plan:

Key Focus Area 3: City Development

Objective 3.1: to develop and maintain the City of Joondalup's assets and built environment.

Legislation – Statutory Provisions:

Not Applicable.

Risk Management considerations:

Failure to take note of and respond to the community feedback received with respect to specific aspects of the Concept Plan e.g., relocation of the ablution block may result in public disaffection with the City's participative process.

Financial/Budget Implications:

Changes in the Concept Plan may result in changes in cost estimates which have been identified as follows:

2007/08 Year : \$400,000 Allocated towards the design of the project.

2008/09 Year: \$3,850,000 Construction Costs

Total Project = \$4,250,000 (The final project costs/budget finalised following completion of final design)

Policy Implications:

Not Applicable.

Regional Significance:

Not Applicable.

Sustainability Implications:

Consideration of preserving the dunes and dunal vegetation has received consideration in the consultation process with particular input from representatives of the Joondalup Community Coast Care Forum.

Consultation:

In total 150 submissions were received, not only from the residents of Marmion and Sorrento but also from other suburbs in the City. The breakdown on the pre-set participation targets is reported in the table below.

Table D – Participation Targets

Suburb	Participation Target	Participation Achieved
Sorrento	30	54
Marmion	30	40
	60	94

Further, meetings with representatives of the Sorrento Surf Life Saving Club, the Joondalup Community Coast Care Forum and the Marmion Angling and Aquatic Club were convened during the consultation process.

COMMENT

There has been considerable public interest in the Concept Plan, particularly with respect to the proposed relocation of the ablution block, which has now been identified as a community hub where many local people of all ages meet to swim and then socialise. Given the community's overwhelming rejection of the proposal and subsequent requests for the upgrading of the existing facility in its current location, it would be appropriate for the Concept Plan to be revised accordingly.

ATTACHMENTS

Attachment 1	Survey
Attachment 2	Analysis of community feedback from the residents of Marmion and Sorrento
Attachment 3	Analysis of community feedback from residents of other suburbs

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION:

That Council:

- 1 NOTES feedback from the community in relation to the West Coast Drive Dual Use Path Concept Plan;
- 2 AGREES to progress all components of the Concept Plan with the exception of the proposal to relocate the ablution block.

MOVED Mayor Pickard SECONDED Cr Norman that Council:

- 1 **NOTES feedback from the community in relation to the West Coast Drive Dual Use Path Concept Plan and thanks those who made submissions.**
- 2 **in keeping with the community consultation feedback, AGREES to progress to detailed final design with the following elements to be included:**
 - (a) **As a priority maximise the width of the dual use path (DUP), predominately to the east, including but not limited to encroachment and reconfiguration of existing roadway, median strips and eastern verge areas.**
 - (b) **Upgrade all beach access steps, paths and ramps within the project area.**
 - (c) **All external construction materials; including but not limited to handrails, brackets and signage; must be specified to last at least 15 years in a corrosive coastal environment.**
 - (d) **All plantings and shrubbery within the project area to be local indigenous species.**
 - (e) **Removal of the Vertical Sculptural Markers (to be considered at a later stage as a separate project), removal of all small native trees and removal of all integrated Jarrah post lighting within the project area.**
 - (f) **Reconfigure the sunken DUP located between Troy Avenue and Bettles Street to include footpath lighting (the option of solar lighting to be considered), widening and retaining the DUP to the east and enhance the lookouts to incorporate appropriate predominately north-south aligned seating.**
 - (g) **That all Jarrah posts are appropriately treated to retain the natural colour of the wood and prolong their aesthetic appearance.**
 - (h) **Reconfigure the Plaza Mixed Use Precinct site to align the DUP along its current route, construct an elevated boardwalk access to the beach, create a ballooned predominately east-west aligned seating area to the west of the DUP, close the access path situated to the north and remove the fixed shade structure component.**
 - (i) **Relocate the Ross Avenue Lookout site to the north of the existing stairs, construct the viewing platform at grade with the DUP and erect a fixed shade structure (as at Sorrento Beach).**
 - (j) **Not relocate the abolution block to the MACC North site but rather reconfigure the MACC South site to incorporate an upgraded abluion block under the viewing platform, extend the viewing platform area with predominately north-south aligned seating and erect a fixed shade structure (as at Sorrento Beach).**

- 3** **LISTS for consideration in the draft 2008/2009 budget and the draft five year capital works budget sufficient funds to commence a six-year project to weed, rehabilitate and revegetate the coastal foreshore reserve adjacent to the project area with the objective to restore its condition from “poor” to “very good to excellent” in accordance with the City of Joondalup Coastal Management Plan.**
- 4** **REQUESTS the CEO ensure that coastal foreshore reserve disturbance is kept to a minimum, the extent of which will be determined in the final design.**
- 5** **REQUESTS a report be presented to Council on the potential construction of a roundabout at the intersection of West Coast Drive and The Plaza; to be executed as part of the project works.**
- 6** **NOTES that Council endorsement will be sought on the final detailed design prior to progressing to the tender stage of the project.**

With the approval of the meeting the word “two” was deleted from point 2 (f).

Discussion ensued.

It was requested that points 2 (f), (h) and (i) be voted on separately.

MOVED Mayor Pickard SECONDED Cr Norman that Council:

- 1** **NOTES feedback from the community in relation to the West Coast Drive Dual Use Path Concept Plan and thanks those who made submissions;**
- 2** **in keeping with the community consultation feedback, AGREES to progress to detailed final design with the following elements to be included:**
 - (a)** **As a priority maximise the width of the dual use path (DUP), predominately to the east, including but not limited to encroachment and reconfiguration of existing roadway, median strips and eastern verge areas.**
 - (b)** **Upgrade all beach access steps, paths and ramps within the project area.**
 - (c)** **All external construction materials; including but not limited to handrails, brackets and signage; must be specified to last at least 15 years in a corrosive coastal environment.**
 - (d)** **All plantings and shrubbery within the project area to be local indigenous species.**
 - (e)** **Removal of the Vertical Sculptural Markers (to be considered at a later stage as a separate project), removal of all small native trees and removal of all integrated Jarrah post lighting within the project area.**
 - (g)** **That all Jarrah posts are appropriately treated to retain the natural colour of the wood and prolong their aesthetic appearance.**

- (j) Not relocate the ablution block to the MACC North site but rather reconfigure the MACC South site to incorporate an upgraded ablution block under the viewing platform, extend the viewing platform area with predominately north-south aligned seating and erect a fixed shade structure (as at Sorrento Beach).
- 3 LISTS for consideration in the draft 2008/ 2009 budget and the draft five year capital works budget sufficient funds to commence a six-year project to weed, rehabilitate and revegetate the coastal foreshore reserve adjacent to the project area with the objective to restore its condition from “poor” to “very good to excellent” in accordance with the City of Joondalup Coastal Management Plan.
- 4 REQUESTS the CEO ensure that coastal foreshore reserve disturbance is kept to a minimum, the extent of which will be determined in the final design.
- 5 REQUESTS a report be presented to Council on the potential construction of a roundabout at the intersection of West Coast Drive and The Plaza; to be executed as part of the project works.
- 6 NOTES that Council endorsement will be sought on the final detailed design prior to progressing to the tender stage of the project.

The Motion was Put and

CARRIED (12/0)

In favour of the Motion: Mayor Pickard, Crs Amphlett, Corr, Diaz, Fishwick, Hart, Hollywood, Jacob, Macdonald, McLean, Norman and Young.

MOVED Mayor Pickard SECONDED Cr Norman that Council:

- 2 in keeping with the community consultation feedback, AGREES to progress to detailed final design with the following elements to be included:
- (f) Reconfigure the sunken DUP located between Troy Avenue and Bettles Street to include footpath lighting (the option of solar lighting to be considered), widening and retaining the DUP to the east and enhance the lookouts to incorporate appropriate predominately north-south aligned seating.

The Motion was Put and

CARRIED (11/1)

In favour of the Motion: Mayor Pickard, Crs Amphlett, Corr, Diaz, Fishwick, Hart, Jacob, Macdonald, McLean, Norman and Young. **Against the Motion:** Cr Hollywood

MOVED Mayor Pickard SECONDED Cr Norman that Council:

2 in keeping with the community consultation feedback, AGREES to progress to detailed final design with the following elements to be included:

- (h) Reconfigure the Plaza Mixed Use Precinct site to align the DUP along its current route, construct an elevated boardwalk access to the beach, create a ballooned predominately east-west aligned seating area to the west of the DUP, close the access path situated to the north and remove the fixed shade structure component.**

The Motion was Put and

CARRIED (10/2)

In favour of the Motion: Mayor Pickard, Crs Amphlett, Corr, Diaz, Fishwick, Hart, Macdonald, McLean, Norman and Young. **Against the Motion:** Crs Hollywood and Jacob

MOVED Mayor Pickard SECONDED Cr Norman that Council:

2 in keeping with the community consultation feedback, AGREES to progress to detailed final design with the following elements to be included:

- (i) Relocate the Ross Avenue Lookout site to the north of the existing stairs, construct the viewing platform at grade with the DUP and erect a fixed shade structure (as at Sorrento Beach).**

The Motion was Put and

CARRIED (11/1)

In favour of the Motion: Mayor Pickard, Crs Amphlett, Corr, Diaz, Fishwick, Hart, Jacob, Macdonald, McLean, Norman and Young. **Against the Motion:** Cr Hollywood

MOVED Mayor Pickard SECONDED Cr Young that in accordance with Clause 47 of the City's Standing Orders Local Law and Local Government (Administration) Regulation 11(da), the following words be included, as point 7 as this motion is significantly different :

It is the view of the Council that the motion better reflects the expectations of the Council and Community for the project and gives greater clarity to the project components.

The Motion was Put and

CARRIED (12/0)

In favour of the Motion: Mayor Pickard, Crs Amphlett, Corr, Diaz, Fishwick, Hart, Hollywood, Jacob, Macdonald, McLean, Norman and Young.

Appendices 28 and 34 refer

*To access this attachment on electronic document, click here: [Attach28brf131107.pdf](#)
[Attach34agn201107.pdf](#)*

CJ236-11/07 LIST OF PAYMENTS MADE DURING THE MONTH OF SEPTEMBER 2007 - [09882]

WARD: All

RESPONSIBLE DIRECTOR: Mr Mike Tidy
Corporate Services

PURPOSE

To present to Council the list of accounts paid under the CEO's delegated authority during the month of September 2007 to note.

EXECUTIVE SUMMARY

This report presents the list of payments made under delegated authority during the month of September 2007, totalling \$10,076,091.55.

It is recommended that Council NOTES the CEO's list of accounts for September 2007 paid under delegated authority in accordance with regulation 13 (1) of the Local Government (Financial Management) Regulations in Attachments A, B and C to this Report, totalling \$10,076,091.55.

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 September 2007. Lists detailing the payments made are appended as Attachments A and B. The vouchers for the month are appended as Attachment C.

FUNDS	DETAILS	AMOUNT
Municipal Account	Cheques 79668 - 79894 EFT 13049 - 13440 Net of cancelled payments	\$7,792,345.92
	Vouchers 309A-310A, & 313A - 316A	\$2,262,694.59
Trust Account	Cheques 201613 - 201654 Net of cancelled payments	\$21,051.04
Total		\$10,076,091.55

Issues and Options Considered:

Not Applicable

Link to Strategic Plan:

Strategy 4.1.1 – Ensure financial viability and alignment to plan.

Legislation – Statutory Provisions:

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

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 2007/08 Annual Budget as adopted by Council at its meeting of 3 July 2007, or approved in advance by Council.

Policy Implications:

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

Sustainability Implications:

Expenditure has been incurred in accordance with 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 2006/07-2009/10 which was available for public comment from 29 April 2006 to 29 June 2006 with an invitation for submissions in relation to the plan.

COMMENT

All Municipal Fund expenditure included in the list of payments is in accordance with the 2007/08 Annual Budget as adopted by Council at its meeting of 3 July 2007 or has been authorised in advance by Council where applicable.

ATTACHMENTS

- Attachment A CEO's Delegated Municipal Payment List for the month of September 2007
Attachment B CEO's Delegated Trust Payment List for the month of September 2007
Attachment C Municipal and Trust Fund Vouchers for the month of September 2007

VOTING REQUIREMENTS

Simple Majority

MOVED Mayor Pickard, **SECONDED** Cr McLean that Council **NOTES** the CEO's list of accounts for September 2007 paid under delegated authority in accordance with regulation 13 (1) of the Local Government (Financial Management) Regulations 1996 forming Attachments A, B and C to Report CJ236-11/07, totalling \$10,076,091.55.

The Motion was Put and **CARRIED (12/0)** by En Bloc Resolution following consideration of Item CJ248-11/07, Page 202 refers.

In favour of the Motion: Mayor Pickard, Crs Amphlett, Corr, Diaz, Fishwick, Hart, Hollywood, Jacob, Macdonald, McLean, Norman and Young.

Appendix 12 refers

To access this attachment on electronic document, click here: [Attach12brf131107.pdf](#)

CJ237-11/07 FINANCIAL ACTIVITY STATEMENT FOR THE PERIOD ENDED 31 AUGUST 2007 - [07882]

WARD: All
RESPONSIBLE DIRECTOR: Mr Mike Tidy
Corporate Services

PURPOSE

The August 2007 financial activity statement is submitted to Council to be noted.

EXECUTIVE SUMMARY

The August 2007 year to date report shows an overall shortfall in budgeted surplus of \$(630K) when compared to the budget approved by Council at its meeting of 3rd July 2007 (JSC01-07/07 refers).

This variance can be analysed as follows:

- The **Operating** surplus at the end of August 2007 is \$(63k) below budget, being \$(818K) from lower Revenue, which in turn is largely offset by a saving of \$755K from lower operating expenditure. Revenue variances are mainly attributable to lower than expected refuse charges and interest on investment earnings.

Expenditure variances arose from lower Employee Costs and Materials and Contracts expenditure.

- **Capital Expenditure** is \$956K against the year to date budget of \$382K. The adverse variance of \$(574K) relates mainly to earlier than expected expenditure on the Joondalup Works Depot project (\$434K) and Road Preservation programme under the Federal Local Roads Grant Scheme 06/07.

It is recommended that Council NOTES the Financial Activity Statement for the period ended 31 August 2007.

BACKGROUND

The Local Government (Financial Management) Regulations 1996 requires the production of financial activity statements. Council approved at the 11 October 2005 meeting to accept the monthly Financial Activity Statement according to nature and type classification.

DETAILS

Issues and options considered:

The financial activity statement for the period ended 31 August 2007 is appended as Attachment A.

Link to Strategic Plan:

Objective 4.1.1 – Ensure financial viability and alignment to plan.

Legislation – Statutory Provisions

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 sources and applications of funds as set out in the annual budget.

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:

Refer attachment A.

Policy Implications:

All expenditure included in the Financial Activity Statement is drawn from the City's accounting records.

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:

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 from 29 April to 29 May 2006.

COMMENT

All expenditures included in the Financial Activity Statement are incurred in accordance with the adopted 2007/08 Annual Budget or have been authorised in advance by Council where applicable.

ATTACHMENTS

Attachment A Financial Activity Statement for the period ended 31 August 2007.

VOTING REQUIREMENTS

Simple Majority

MOVED Mayor Pickard, SECONDED Cr McLean that Council NOTES the Financial Activity Statement for the period ended 31 August 2007, forming Attachment A to Report CJ237-11/07.

The Motion was Put and CARRIED (12/0) by En Bloc Resolution following consideration of Item CJ248-11/07, Page 202 refers.

In favour of the Motion: Mayor Pickard, Crs Amphlett, Corr, Diaz, Fishwick, Hart, Hollywood, Jacob, Macdonald, McLean, Norman and Young.

Appendix 13 refers

To access this attachment on electronic document, click here: [Attach13agn201107.pdf](#)

CJ238-11/07 FINANCIAL ACTIVITY STATEMENT FOR THE PERIOD ENDED 30 SEPTEMBER 2007 - [07882]

WARD: All

RESPONSIBLE DIRECTOR: Mr Mike Tidy
Corporate Services

PURPOSE

The September 2007 Financial Activity Statement is submitted to Council to be noted.

EXECUTIVE SUMMARY

The September 2007 year to date report shows an overall increase in budgeted surplus of \$1,793K when compared to the budget approved by Council at its meeting of 3rd July 2007 (JSC01-07/07 refers).

This variance can be analysed as follows:

- The **Operating** surplus at the end of September 2007 is \$1,239K above budget, comprising a shortfall in Revenue of \$(422K), offset by a saving in operating expenditure of \$1,661K. Revenue variances are mainly attributable to lower than expected refuse charges and interest on investment earnings.

Expenditure variances arose from lower Employee Costs and Materials and Contracts expenditure.

- **Capital Expenditure** is \$920K below the year to date budget of \$2,533K. The favourable variance relates mainly to lower than expected expenditure on the Joondalup Works Depot project \$439K, Ocean Reef Development delayed expenditure of \$300K and delayed vehicle replacement of \$206K.

It is recommended that Council NOTES the Financial Activity Statement for the period ended 30 September 2007.

BACKGROUND

The Local Government (Financial Management) Regulations 1996 requires the production of financial activity statements. Council approved at the 11 October 2005 meeting 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 September 2007 is appended as Attachment A.

Link to Strategic Plan:

Objective 4.1.1 – Ensure financial viability and alignment to plan.

Legislation – Statutory Provisions:

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 sources and applications of funds as set out in the annual budget.

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:

Refer attachment A.

Policy Implications:

All expenditure included in the Financial Activity Statement is drawn from the City's accounting records.

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:

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 from 29 April to 29 May 2006.

COMMENT

All expenditures included in the Financial Activity Statement are incurred in accordance with the adopted 2007/08 Annual Budget or have been authorised in advance by Council where applicable.

ATTACHMENTS

Attachment A Financial Activity Statement for the period ended 30 September 2007.

VOTING REQUIREMENTS

Simple Majority

MOVED Mayor Pickard, SECONDED Cr McLean that Council NOTES the Financial Activity Statement for the period ended 30 September 2007 forming Attachment A to Report CJ238-11/07.

The Motion was Put and CARRIED (12/0) by En Bloc Resolution following consideration of Item CJ248-11/07, Page 202 refers.

In favour of the Motion: Mayor Pickard, Crs Amphlett, Corr, Diaz, Fishwick, Hart, Hollywood, Jacob, Macdonald, McLean, Norman and Young.

Appendix 29 refers

To access this attachment on electronic document, click here: [Attach29agn201107.pdf](#)

CJ239-11/07 2007/08 SEPTEMBER MINI-BUDGET REVIEW - [61597]

WARD: All

RESPONSIBLE DIRECTOR: Mr Mike Tidy
Corporate Services

PURPOSE

The purpose of this report is to present the outcome of a preliminary review of the 2007/08 Budget.

EXECUTIVE SUMMARY

The review cycle of the 2007/08 Annual Budget has commenced with a mini-review of the City's budget based on the September quarter actual results.

The intent of the mini-review is to identify those income and expenditure areas where, with the knowledge now available, the outcome will be different from what was expected in the original budget.

The review generally identified certain Capital items that are unlikely to be completed this financial year resulting in \$4m reduction in the capital budget, reduced fee income, increased interest income and additional operating expenditure. Offsetting a significant part of this are consequential adjustments to loan borrowings and transfers to and from reserves. The net result of the review is a potential cash surplus of \$358,026 over what was estimated in the original budget.

It is recommended that Council NOTES the outcome of the preliminary review of the 2007/08 annual budget.

BACKGROUND

The Local Government (Financial Management) Regulations 1996 requires that the Annual Budget be reviewed at least once a year between 1 January and 31 March. A local government may, however, as part of its performance monitoring review its budget as often as deemed necessary.

DETAILS

As a part of the review cycle, a mini-budget review has been conducted based on September quarter actual results in order to inform Council of predicted early changes to the financial position.

In the first few months of the financial year it is difficult to judge the final expenditure outcome of projects that may have a significant period to run or are not intended to start till a later part of the year. The review has not gone into the depth of analysis that would apply to the review normally conducted in January/February. The review has focussed on the known major changes.

Issues and options considered:

Not Applicable.

Link to Strategic Plan:

Objective 4.1.1 – Ensure financial viability and alignment to plan.

Legislation – Statutory Provisions:

Regulation 33A of the Local Government (Financial Management) Regulations 1996 as amended, requires a local government to carry out a review of its annual budget at least once during the financial year between 1 January and 31 March.

Risk Management considerations:

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

Financial/Budget Implications:

The amended Rate Setting Statement, Schedules and accompanying Notes to the review are appended.

Policy Implications:

Not Applicable.

Sustainability Implications:

The Council has as a key financial objective, the long-term financial sustainability of the City of Joondalup in order to give it the capacity to achieve its key corporate objectives as specified in the Strategic Plan. The Strategic Financial Plan 2006/07 – 2009/10 has set the parameters for the Annual Budget and has been developed to ensure that current trends, including the rate of growth for revenue and expenditure, are sustainable.

Maintaining financial sustainability is important in order to avoid the impact on the local community of disruptive spending cuts or sudden and excessive rate increases, and to ensure fairness in rating between current and future ratepayers.

Consultation:

The Budget 2007/08 is based on the Strategic Financial Plan for 2006/07 - 2009/10, which was adopted after public consultation.

COMMENT

The preliminary review of the 2007/08 annual budget based on the September actual results shows a possible additional cash surplus of \$358,026. The review did not entail an in-depth analysis of the financial position of the City and the result is indicative at this stage pending the outcome of the mid year budget review scheduled for January/February 2008.

ATTACHMENTS

Attachment 1 September Mini-Budget Review for the 2007/08 Financial Year

VOTING REQUIREMENTS

Simple Majority

MOVED Mayor Pickard, SECONDED Cr McLean that Council NOTES the outcome of the preliminary review of the 2007/08 annual budget, forming Attachment 1 to Report CJ239-11/07.

The Motion was Put and CARRIED (12/0) by En Bloc Resolution following consideration of Item CJ248-11/07, Page 202 refers.

In favour of the Motion: Mayor Pickard, Crs Amphlett, Corr, Diaz, Fishwick, Hart, Hollywood, Jacob, Macdonald, McLean, Norman and Young.

Appendix 30 refers

To access this attachment on electronic document, click here: [Attach30brf131107.pdf](#)

CJ240-11/07 SYNERGY STREETVISION STREET LIGHTING AGREEMENT - [06009] [00311]

WARD: All

RESPONSIBLE DIRECTOR: Mr Mike Tidy
Corporate Services

PURPOSE

For Council to approve the StreetVision Streetlighting Agreement with Synergy and to delegate authority to the Chief Executive Officer to deal with this and other similar agreements in the future.

EXECUTIVE SUMMARY

Synergy provides street lighting and owns and operates all of the street lighting infrastructure in the City of Joondalup. The provision of street lighting is covered by an agreement and the previous agreement was established prior to the split of Western Power. With the change to Synergy a new agreement is required. The same situation applies to other local governments and many had concerns with what was originally proposed in the new agreement. Over the last twelve months the West Australian Local Government Association (WALGA) has been in negotiations with Western Power and Synergy on behalf of member local governments to finalise the proposed agreement. The agreement is now complete and ready for approval.

This agreement is of an operational nature, however, as it is not part of any tendering process there is no specific delegation in place to enable the Chief Executive Officer to deal with this or similar agreements. It is therefore proposed to make an amendment to the existing delegation "Incurring of Liability and Making Payments" to include a provision to cover this type of situation.

It is recommended that Council:

- 1 *APPROVES the StreetVision Streetlighting Agreement with Synergy;*
- 2 *BY AN ABSOLUTE MAJORITY, DELEGATES to the Chief Executive Officer:*
 - (a) *authority to enter into an agreement with Synergy for the provision of street lighting to the City, and*
 - (b) *authority to approve an extension to an existing agreement with Synergy for the provision of street lighting to the City.*

BACKGROUND

Synergy supplies street lighting to the City of Joondalup and to other local governments. The provision of those services is governed by an agreement established with each local government. The core agreement is uniform for each local government. With the change in corporate structure that has seen the provision of street lighting services transferred from the old Western Power to the new Synergy, the previous agreement has expired and there is a need to put a new agreement in place.

When the new agreements were proposed the metropolitan local governments raised concerns about the draft agreements and the matter was referred to WALGA. WALGA convened and undertook discussions with all the relevant parties to reach an agreement that is satisfactory and workable. Those discussions have been going on for twelve months.

Synergy has now presented the negotiated agreement for approval and signoff by the City of Joondalup.

While the agreement is largely operational in nature it is a significant expenditure with \$1.6 million being expended on street lighting in 2006/07. While the extension of the deregulation of the energy market to include street lighting has been mooted this is not yet in place and as such there is no tender to support this purchasing arrangement and it is exempt from the tender requirements.

In terms of the current delegations that are in place there is no delegation that specifically covers a situation where a formal agreement is required to support a purchasing decision and the purchasing decision does not involve a tender.

DETAILS

Issues and options considered:

The agreement with Synergy is largely a service level agreement. It simply articulates the services that will be provided and the responsibilities and sets out the annual costs and the arrangements for billing etc.

The agreement is a standardised agreement with all metropolitan local governments being required to agree to the same core arrangements. Schedules attached to the agreement deal with issues specific to individual local governments such as identifying all of the suburbs that are covered and the hours that the lights are on. In the latter case no change is proposed to the current dusk to dawn illumination period in the City.

In the future it is envisaged that the City of Joondalup along with other local governments will have access to a deregulated market for power supplies for street lighting. At this stage however there is no alternative to Synergy. The agreement is for an initial one (1) year period and then continues for successive one (1) year periods subject to termination at the end of each period with ninety (90) days notice.

Link to Strategic Plan:

- 4 Organisational Development
- 4.1 To manage the business in a responsible and accountable manner.

Legislation – Statutory Provisions:

Regulation 11 of the Local Government (Functions and General) Regulations 1996 sets out the requirements for inviting tenders. Sub clause (2)(e) provides a specific exemption where "the goods or services are to be supplied by or obtained through the government of the State or the Commonwealth or any of its agencies, or by a local government or regional local government". Sub clause (2)(f) also provides an exemption where the "local government has good reason to believe that, because of the unique nature of the goods or services required or for any other reason, it is unlikely that there is more than one potential supplier".

There are therefore no requirements to call tenders for power supply for street lighting and no other legislative provisions apply.

Risk Management considerations:

The purpose of the agreement in addition to setting out the amounts to be paid is to set out the services which will be provided and where the responsibilities are for repairs, maintenance etc. Not entering into an agreement puts at risk the provision of street lighting to the City of Joondalup and even if the provision of street lighting was maintained in the absence of an agreement leaves the City exposed to potential conflict and dispute in relation to responsibilities and the level of service delivery.

Although Synergy is the only currently available supplier the agreement has been negotiated over a protracted period with WALGA acting on behalf of the member local governments across the metropolitan area and represents a good outcome for the City of Joondalup.

Financial/Budget Implications:

The value of the contract for 2007/08 is \$1,680,284, which represents an increase of 1.03% over the cost for 2006/07. This cost is fully covered in the City's 2007/08 budget.

Policy Implications:

Not Applicable.

Regional Significance:

Although this agreement is between the City of Joondalup and Synergy and the schedules specifically relate to the City of Joondalup, the main body of the agreement is common to all local governments across the metropolitan area and has been negotiated on an industry basis through WALGA.

Sustainability Implications:

The ability for the City to look at alternative sources of energy for street lighting will be a possibility in the not too distant future however at this point in time the City does not have any alternatives to the supply being offered by Synergy.

Consultation:

The present agreement has been negotiated on an industry basis with metropolitan local governments represented by WALGA in negotiations with both Western Power and Synergy. There has been consultation across the industry.

COMMENT

This new agreement with Synergy effectively replaces a previous agreement that existed with the corporate entity previously known as Western Power. The agreement has been updated and developed on a common use basis across all of the metropolitan local governments having been negotiated through WALGA. It effectively sets out on a service basis what the various responsibilities are and what the service deliverables are for the City in exchange for its payment for the provision of street lighting.

The arrangement is essentially operational in nature however there are no specific delegations in place to deal with this type of issue and hence the agreement has come to the Council. As part of dealing with this agreement it is also recommended that the City make an amendment to the existing delegation that is in place for "Incurring of Liability and Making of Payments" so that in future this type of arrangement can be dealt with at an administrative level.

ATTACHMENTS

Attachment 1 StreetVision Streetlighting Agreement with Synergy

VOTING REQUIREMENTS

Absolute Majority

MOVED Cr Corr SECONDED Cr Norman that Council:

- 1 APPROVES the StreetVision Streetlighting Agreement with Synergy forming Attachment 1 to Report CJ240-11/07;**
- 2 DELEGATES to the Chief Executive Officer:**
 - (a) authority to enter into an agreement with Synergy for the provision of street lighting to the City, and**
 - (b) authority to approve an extension to an existing agreement with Synergy for the provision of street lighting to the City.**

AMENDMENT MOVED Mayor Pickard SECONDED Cr Corr that an additional point 3 be added to read:

- “3 REQUESTS Synergy to provide the City with a cost estimate to provide more energy efficient lighting to the whole of the City of Joondalup.”**

The Amendment was Put and

CARRIED (12/0)

In favour of the Amendment: Mayor Pickard, Crs Amphlett, Corr, Diaz, Fishwick, Hart, Hollywood, Jacob, Macdonald, McLean, Norman and Young.

The Original Motion, as amended, being:

That Council:

- 1 APPROVES the StreetVision Streetlighting Agreement with Synergy forming Attachment 1 to Report CJ240-11/07;**
- 2 DELEGATES to the Chief Executive Officer:**
 - (a) authority to enter into an agreement with Synergy for the provision of street lighting to the City, and**
 - (b) authority to approve an extension to an existing agreement with Synergy for the provision of street lighting to the City;**

3 REQUESTS Synergy to provide the City with a cost estimate to provide more energy efficient lighting to the whole of the City of Joondalup.

Was Put and

**CARRIED BY AN
ABSOLUTE MAJORITY (12/0)**

In favour of the Motion: Mayor Pickard, Crs Amphlett, Corr, Diaz, Fishwick, Hart, Hollywood, Jacob, Macdonald, McLean, Norman and Young.

Appendix 14 refers

To access this attachment on electronic document, click here: [Attach14brf131107.pdf](#)

Chief Executive Officer left the Chamber at 2045 hrs.

Name/Position	Mr Garry Hunt – Chief Executive Officer
Item No/Subject	Item CJ241-11/07 – Minutes of the Chief Executive Officer Performance Review Committee Meetings – September/October 2007
Nature of interest	Financial
Extent of Interest	Mr Hunt holds the position of CEO.

Name/Position	Mr Mike Tidy - Director Corporate Services
Item No/Subject	Item CJ241-11/07 – Minutes of the Chief Executive Officer Performance Review Committee Meetings - September/October 2007
Nature of interest	Interest that may affect impartiality
Extent of Interest	Due to the nature of his employment relationship with the CEO.

CJ241-11/07 MINUTES OF THE CHIEF EXECUTIVE OFFICER PERFORMANCE REVIEW COMMITTEE MEETINGS - SEPTEMBER/OCTOBER 2007 – [74574]

WARD: All

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

PURPOSE

To submit the minutes of the Chief Executive Officer Performance Review Committee meetings to Council for noting.

EXECUTIVE SUMMARY

Meetings of the Chief Executive Officer Performance Review Committee were held on the following dates:

Meeting Date:	Items of business considered by the Committee:
Monday 24 September 2007	Item 1 Chief Executive Officer Annual Performance Review Progress Item 2 Performance Review Committee – Chief Executive Officer – Resignation of Cr M John
Thursday 27 September 2007	Item 1 CEO Annual Performance Review Interview
Tuesday 2 October 2007	Item 1 Chief Executive Officer Interview Outcome and Preparation of Concluded Annual Performance Review Report Item 2 Chairman's Overview of Elected Members' Annual Assessment of CEO
Thursday 4 October 2007	Item 1 Chief Executive Officer Concluded Annual Performance Review

It is recommended that Council NOTES the following minutes of the Chief Executive Officer Performance Review Committee:

- 1 confirmed minutes of the meeting held on 24 September 2007, forming Attachment 1 to this Report;*
- 2 unconfirmed minutes of the meeting held on 27 September 2007, forming Attachment 2 to this Report;*
- 3 unconfirmed minutes of the meeting held on 2 October 2007, forming Attachment 3 to this Report;*
- 4 unconfirmed minutes of the meeting held on 4 October 2007, forming Attachment 4 to this Report.*

BACKGROUND

The Chief Executive Officer Performance Review Committee is formed for the purpose of conducting the annual performance reviews of the CEO in accordance with the following terms of reference:

- (a) Review the Chief Executive Officer's performance in accordance with the appropriate provisions contained within the Chief Executive Officer's Employment Contract;*

- (b) *Prepare and table the concluded report, in accordance with the appropriate provisions within the Chief Executive Officer's Employment Contract to the Council at a Council meeting for consideration and actioning;*
- (c) *Review the Chief Executive Officer's performance on an on-going basis as and when deemed necessary in accordance with the appropriate provisions contained within the Chief Executive Officer's Employment contract;*
- (d) *Review the Key Performance Indicators to be met by the Chief Executive Officer;*
- (e) *Review the Chief Executive Officer's remuneration package, in accordance with the appropriate provisions within the Chief Executive Officer's Employment Contract;*
- (f) *Review the Chief Executive Officer's Employment Contract and make recommendations to Council in relation to varying the contract as and when necessary.*

The CEO's annual performance review is required to be undertaken in August of each year or as soon thereafter as is possible.

DETAILS

Issues and options considered:

The Motions carried at the Chief Executive Officer Performance Review Committee meeting held on 24 September 2007 are shown below, together with officer's comments.

ITEM 1 CEO ANNUAL PERFORMANCE REVIEW PROGRESS

"That the CEO Performance Review Committee:

- 1 NOTES that the requirements of clause 11.3(e)(ii) of the CEO's contract in relation to inviting all Elected Members to make written comments on the CEO's performance have been met;*
- 2 NOTES that the requirements of clause 11.3(c) of the CEO's contract in relation to the CEO completing a self-evaluation report assessing his performance against the prescribed Key Performance Indicators have been met;*
- 3 RECEIVES the CEO's Self Evaluation Report on his performance;*
- 4 RECEIVES the Consultant's Report on Elected Member Feedback, as amended, and the CEO's Self Evaluation Report and provides the CEO with a copy of the amended Feedback Report;*
- 5 DISCUSSES with the CEO the inclusion of two KRA and/or KPIs into the contract, namely Major Projects and Sustainability."*

Officer's Comment

All of the required actions have been completed.

ITEM 2 PERFORMANCE REVIEW COMMITTEE - CHIEF EXECUTIVE OFFICER - RESIGNATION OF COUNCILLOR M JOHN

"That the resignation of Cr John from the Performance Review Committee - Chief Executive Officer be RECEIVED and it is RECOMMENDED to Council that it does not appoint a replacement to fill the vacancy on the Committee before 20 October 2007."

Officer's Comment

No action required.

The Motions carried at the Chief Executive Officer Performance Review Committee meeting held on 27 September 2007 are shown below, together with officer's comments.

ITEM 1 CEO ANNUAL PERFORMANCE REVIEW INTERVIEW

"That the Chief Executive Officer's report assessing his performance during the review period be RECEIVED."

"That the report dated 26 September 2007 submitted by the Presiding Person of the Chief Executive Officer Performance Review Committee (forming Attachment 1) dealing with an overview of the Elected Members' Annual Assessment of the Chief Executive Officer, be RECEIVED."

Officer's Comment

No action required.

The Motion carried at the Chief Executive Officer Performance Review Committee meeting held on 2 October 2007 is shown below, together with officer's comments.

ITEM 1 CHIEF EXECUTIVE OFFICER INTERVIEW OUTCOMES AND PREPARATION OF CONCLUDED ANNUAL PERFORMANCE REVIEW REPORT

"That subject to the CEO'S feedback on the proposed changes to the key result areas, the Consultant is REQUESTED to prepare a draft "Confidential Concluded Annual Performance Review Report" for the Committee's consideration at its next meeting that incorporates and reflects:

- 1 The outcomes of the CEO's performance review meeting of 27 September 2007, and*
- 2 The feedback, advice and input of the Committee."*

Officer's Comment

No action required.

ITEM 2 CHAIRMAN'S OVERVIEW OF ELECTED MEMBERS ANNUAL ASSESSMENT OF CEO

Officer's Comment

This matter was addressed as part of the interview process for the CEO held on 27 September 2007.

The Motions carried at the Chief Executive Officer Performance Review Committee meeting held on 4 October 2007 are shown below, together with officer's comments.

ITEM 1 CHIEF EXECUTIVE OFFICER CONCLUDED ANNUAL PERFORMANCE REVIEW

"That the Chief Executive Officer Performance Review Committee RECOMMENDS that Council ADOPTS the Key Performance Indicators and Measures against each of the Key Result Areas for 2007/08, subject to the following amendments to the Confidential Concluded Annual Performance Review Report, forming Attachment 1 hereto:

- 1 *Page 9: KPI – Progress Development of the strategic plan: First dot point within Measure to be removed and replaced with:*

*"Presentation of the strategic plan to Council for final adoption.
Development of a practical methodology for its implementation."*

- 2 *Page 10: KPI – Investment of the City's financial assets: Wording of dot point to be amended to read:*

"Develop a long term financial plan for City building and road assets."

- 3 *Page 13: KPI – Implement Major Project phases in accordance with the strategic plan, annual plan and operational budget:*

(a) *Amend the abbreviation 'ORM' to read 'Ocean Reef Marina';*

(b) *Amend the abbreviation 'JCCDP' to read 'Joondalup City Centre District Plan';*

- 4 *Page 13: KPI – Implement Major Project phases in accordance with the strategic plan, annual plan and operational budget: A point (c) be added to Joondalup CBD to read:*

"(c) implementation of project plans in accordance with the project plans adopted by Council." "

“That the Chief Executive Officer Performance Review Committee:

- 1 ADOPTS the Confidential Concluded Annual Performance Review Report and ENDORSES the overall rating of ‘Meets the Performance Requirements’;*
- 2 NOTES that the Chief Executive Officer has continued to provide excellent leadership, strategic management and governance for the City of Joondalup.”*

Officer’s Comment

All of the required actions have been completed.

Link to Strategic Plan:

Objective 4.5 - To manage our workforce as a strategic business resource.

Legislation – Statutory Provisions:

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

Section 5.38 of the Local Government Act 1995 (the Act) states that each employee who is employed for a term of more than one year, including the CEO and each senior employee, is to be reviewed at least once in relation to every year of employment.

Risk Management considerations:

The performance review process is designed to evaluate and assess the CEO's performance against key performance indicators on an annual basis. The requirement for the performance review is a contractual one between the Chief Executive Officer and the Council. The Contract provides for the review to be conducted by the Chief Executive Officer's Performance Review Committee. Failure to undertake the review as required in the contract terms would risk a breach of contract.

Financial/Budget Implications:

The provisions of the Chief Executive Officer's Employment Contract in relation to performance reviews requires that the Performance Review Committee engage an independent consultant to advise it and assist it in undertaking the Chief Executive Officer's performance review. Provisions have been made within the City's consultancy budget for the engagement of a suitable consultant to assist the Committee in the performance review process.

Policy Implications:

Not Applicable.

Sustainability Implications:

Not Applicable.

Consultation:

Not Applicable.

COMMENT

The CEO performance review was concluded by Council at its meeting of 16 October 2007.

ATTACHMENTS

Attachment 1	Confirmed Minutes of the Chief Executive Officer Performance Review Committee meeting held on 24 September 2007.
Attachment 2	Unconfirmed Minutes of the Chief Executive Officer Performance Review Committee meeting held on 27 September 2007.
Attachment 3	Unconfirmed Minutes of the Chief Executive Officer Performance Review Committee meeting held on 2 October 2007.
Attachment 4	Unconfirmed Minutes of the Chief Executive Officer Performance Review Committee meeting held on 4 October 2007.

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION:

That Council NOTES the following minutes of the Chief Executive Officer Performance Review Committee:

- 1 confirmed minutes of the meeting held on 24 September 2007, forming Attachment 1 to Report CJ241-11/07;
- 2 unconfirmed minutes of the meeting held on 27 September 2007, forming Attachment 2 to Report CJ241-11/07;
- 3 unconfirmed minutes of the meeting held on 2 October 2007, forming Attachment 3 to Report CJ241-11/07;
- 4 unconfirmed minutes of the meeting held on 4 October 2007, forming Attachment 4 to Report CJ241-11/07.

MOVED Cr Fishwick SECONDED Cr Jacob that Council NOTES the following minutes of the Chief Executive Officer Performance Review Committee:

- 1 confirmed minutes of the meeting held on 24 September 2007, forming Attachment 1 to Report CJ241-11/07;**
- 2 confirmed minutes of the meeting held on 27 September 2007, forming Attachment 2 to Report CJ241-11/07;**
- 3 confirmed minutes of the meeting held on 2 October 2007, forming Attachment 3 to Report CJ241-11/07;**
- 4 confirmed minutes of the meeting held on 4 October 2007, forming Attachment 4 to Report CJ241-11/07.**

The Motion was Put and

CARRIED (12/0)

In favour of the Motion: Mayor Pickard, Crs Amphlett, Corr, Diaz, Fishwick, Hart, Hollywood, Jacob, Macdonald, McLean, Norman and Young.

Appendix 15 refers

To access this attachment on electronic document, click here: [Attach15brf131107.pdf](#)

Chief Executive Officer entered the Chamber at 2046 hrs

CJ242-11/07 TENDER 048/07 PROVISION OF PRELIMINARY WORKS PRIOR TO ROAD RESURFACING - [87603]

WARD: All

RESPONSIBLE DIRECTOR: Mr David Djulbic
Infrastructure Services

PURPOSE

This report is for Council to consider the tender received for the provision of preliminary works prior to road resurfacing.

EXECUTIVE SUMMARY

Tenders were advertised on 22 September 2007 through statewide public notice for the provision of preliminary works prior to road resurfacing. Tenders closed on 9 October 2007. One tender submission was received from Sparta Enterprises T/as Stirling Paving.

Stirling Paving is a highly experienced Contractor who has provided services to the City for the last six years at a consistently high standard in a both reliable and flexible manner. They have also made the commitment to make the City their number one priority as in their previous contracts.

It is recommended, that Council ACCEPTS the tender submitted by Stirling Paving for the provision of preliminary works prior to road resurfacing in accordance with the requirements as stated in Tender 048/07 and the Schedule of Rates for a period of three (3) years with two (2) one (1) year optional extensions.

BACKGROUND

Each year as part of the Capital Works Programme, the City completes road resurfacing projects. These projects require preliminary works that include, but are not limited to the following:

- Removal of kerbing;
- Kerb backfilling (sand and gravel);
- Removal of pram ramps;
- Removal of concrete and asphalt crossover sections; and
- Supply and installation of gully grates and industrial gully grates.

The City does not have the internal resources to complete these tasks and requires the services of an appropriately experienced external service provider.

DETAILS

Tenders were advertised on 22 September 2007 through statewide public notice for the provision of preliminary works prior to road resurfacing. Tenders closed on 9 October 2007. One tender submission was received from Sparta Enterprises T/as Stirling Paving.

The evaluation panel carried out the evaluation of the Submission in accordance with the Qualitative Criteria in a fair and equitable manner and concluded that the Offer submitted by Stirling Paving represents value to the City at the offered schedule of rates.

Schedule of Rates

Item	Description	Unit	Rate (Ex. GST)
1	Removal of kerbing	Linear m	\$10.98
2	Kerb backfilling (Sand)	Linear m	\$7.36
3	Kerb backfilling (Gravel)	Linear m	\$12.30
4	Removal of pram ramps	Each	\$164.00
5	Cutting and removal of 600mm wide section of concrete crossover	Linear m	\$44.47
6	Cutting and removal of 600mm wide section of asphalt or brick paved crossover	Linear m	\$30.92
7	Supply and installation of standard gully grates	Each	\$588.00
8	Supply and installation of industrial gully grates	Each	\$688.00

The submitted prices on average are approximately 10% greater than the rates currently paid by the City. This increase directly reflects increased costs in fuel, materials and labour and is in line with current market conditions.

Stirling Paving is a highly experienced Contractor who has provided services to the City for the last six years in a reliable and flexible manner. They have demonstrated a thorough understanding of the requirements and provide their services at a consistently high standard. They have also made the commitment to make the City their number one priority as in their previous Contracts. The references provided confirmed their quality of work, commitment to service delivery and ability to work in conjunction with other Contractors.

Issues and options considered:

Should the Contract not proceed the risk to the City will be high as road resurfacing is a critical component of the City's Capital Works Programme for the maintenance of the road network in a safe and usable state for the community.

Link to Strategic Plan:

This requirement is linked to the Strategic Plan in accordance with the following items:

- 3. City Development.
- Objective 3.1 To develop and maintain the City of Joondalup's assets and built environment.
- Strategy 3.1.1 Plan the timely design, development, upgrade and maintenance of the City's infrastructure.
- Objective 3.4 To provide integrated transport to meet regional and local needs.
- Strategy 3.4.1 Advocate and facilitate the creation of transport linkages.
- Strategy 3.4.2 Align use of land and modes of transport.

Legislation – Statutory Provisions:

A state wide public tender was advertised, opened and evaluated in accordance with 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. The consideration for this contract exceeds the Chief Executive Officer's Delegated Authority in relation to the acceptance of tenders to \$250,000.

Risk Management considerations:

It is considered that awarding the Contract to the recommended Respondent will represent a low risk to the City on the basis that they are long-established company with extensive prior experience in completing.

Financial/Budget Implications:

The City has budgeted \$598,717 (excl. GST) for these services in 2007/08 and would expect to spend \$1,796,153 (excl. GST) for the three (3) year period as part of the City's Capital Works programme and \$2,993,588 (excl. GST) over the five (5) year period.

Policy Implications:

While there are no specific policy implications, the City's current practice is to encourage local business in its purchasing and tendering and this has been factored into the selection criteria.

The recommended Respondent, Stirling Paving is Western Australian company located in Stirling.

Regional Significance:

Not Applicable.

Sustainability Implications:

This Contract will ensure the City is able to upgrade and maintain the road network in a safe and usable state for the community.

Consultation:

Not Applicable.

COMMENT

The offer submitted by Stirling Paving represents best value to the City at the offered schedule of rates which are fixed and firm for the first twelve (12) months of the Contract, and thereafter, subject to variation in accordance with changes to the All Groups Consumer Price Index (CPI) for Perth as published by the Australian Bureau of Statistics.

ATTACHMENTS

Not Applicable.

VOTING REQUIREMENTS

Simple Majority

MOVED Mayor Pickard, SECONDED Cr McLean that Council ACCEPTS the tender submitted by Stirling Paving for the provision of preliminary works prior to road resurfacing in accordance with the requirements as stated in Tender 048/07 and the Schedule of Rates for a period of three (3) years with two (2) one (1) year optional extensions.

The Motion was Put and CARRIED (12/0) by En Bloc Resolution following consideration of Item CJ248-11/07, Page 202 refers.

In favour of the Motion: Mayor Pickard, Crs Amphlett, Corr, Diaz, Fishwick, Hart, Hollywood, Jacob, Macdonald, McLean, Norman and Young.

CJ243-11/07 TENDER 043/07 PROVISION OF TRAFFIC MANAGEMENT AND CONTROL SERVICES - [82603]

WARD: All

RESPONSIBLE DIRECTOR: Mr David Djulbic
Infrastructure Services

PURPOSE

This report is for Council to consider the tenders received for the provision of traffic management and control services.

EXECUTIVE SUMMARY

Tenders were advertised on 15 September 2007 through state wide public notice for the provision of traffic management and control services. Tenders closed on 3 October 2007. Five tender submissions were received from:

- Advanced Traffic Management WA
- Australian Traffic Engineering Pty Ltd
- Erections WA
- Total Road Services
- WARP Group Pty Ltd

The Evaluation Panel recommends that Total Road Services and WARP Group Pty Ltd are established as service providers on a Panel Contract to be used for the provision of traffic management and control services on an 'as and when required' basis at the rates submitted.

Both Respondents have extensive experience in supplying similar services and dealing with local governments, and will provide the City with flexible and reliable services to cater for the needs of the City's Capital Works Programme.

It is recommended that Council ACCEPTS the tenders submitted by Total Road Services and WARP Group Pty Ltd for the provision of traffic management and control services on a panel to be used on an 'as and when required' basis, in accordance with the requirements as stated in Tender 043/07 for a period of three (3) years with two (2) one (1) year optional extensions.

BACKGROUND

The Scope of Work is for the provision of traffic management and control services to areas within the City of Joondalup and includes but is not limited to labour, materials, plant and equipment, mobilisation, demobilisation and transport.

The City sought tenders from competent service providers to establish a panel of approved suppliers to provide traffic management and control services, on an "as and when required" basis, to meet the needs of the City's Capital Works Programme.

DETAILS

Tenders were advertised on 15 September 2007 through state wide public notice for the provision of traffic management and control services. Tenders closed on 3 October 2007. Five tender submissions were received from:

- WARP Group Pty Ltd
- Total Road Services
- Australian Traffic Engineering Pty Ltd
- Advanced Traffic Management WA
- Erections WA

The evaluation panel carried out the evaluation of the Submissions in accordance with the Qualitative Criteria in a fair and equitable manner and concluded that the offers representing value to the City were those submitted by Total Road Services and WARP Group Pty Ltd. The panel recommends that both Respondents are established as service providers on a Panel Contract to be used for the provision of traffic management and control services on an 'as and when required' basis.

WARP Group Pty Ltd achieved the highest score at 83% and was the second lowest priced offer received (based on the criteria used to compare the pricing in the table below). The company has demonstrated a good understanding of the requirements as it has 10 years industry experience and is currently providing contracted traffic management and control services for the Cities of Perth, Subiaco and Joondalup. It is a third party accredited company to ISO9001 and is the first traffic management company in Australia to achieve a third party accredited safety system to AS4801, therefore, ensuring the services it delivers will be completed in a safer, more consistent and effective manner.

Total Road Services scored highly at 76% and was the lowest priced offer received (based on the criteria used to compare the pricing in the table below) and has extensive experience in providing similar services for federal, state and local governments and private sector. The company is in the process of implementing its Quality Management System to ISO9001 and has an excellent safety record with no incidents since its inception.

Australian Traffic Engineering was not a strong contender as it scored only 57%. The company commenced trading in July 2005 and although its rates were competitive, being the third lowest priced offer and 9.7% higher than the second lowest (based on the criteria used to compare the pricing in the table below), the panel considered that it did not have sufficient industry experience, and therefore was not considered further.

Advanced Traffic Management WA and Erections WA were not considered, as their prices were not competitive as illustrated by the totals summarised below the following table (based on the same criteria used to compare the pricing in the table below).

NOTE: The table below provides a comparison of estimated expenditure between the recommended service providers based on historical requirements of usage for a typical mix of items. The quantities used are indicative and used for comparison only. Future mix of requirements will be based on demand and subject to change in accordance with operational needs.

INDICATIVE REQUIREMENTS PER ANNUM BASED ON PROPOSED SCHEDULE OF RATES				TOTAL ROAD SERVICES		WARP GROUP PTY LTD	
ITEM	DESCRIPTION	QTY PER ANNUM	UNIT	Rate (\$) Per Unit	Total Cost	Rate (\$) Per Unit	Total Cost
1	Prepare Traffic Management Plans as per Clause 2.4.1 of the Specification	10 plans	Hour	\$50.00	\$500	\$65.00	\$650
2	Crew of one (1) Traffic Controller, one (1) vehicle and all standard signs, Monday to Friday (Normal working hours)	650 hrs	Hour	\$40.00	\$26,000.00	\$47.00	\$30,550.00
2A	Extra Over (E/O) for Item 2 for nights, weekends and public holidays	160 hrs	Hour	\$5.00	\$800.00	\$4.23	\$676.80
3	Crew of two (2) traffic controllers, one (1) vehicle and all standard signs, Monday to Friday (normal working hours)	650 hrs	Hour	\$70.00	\$45,500.00	\$79.33	\$51,564.50
3A	E/O for Item 3 for nights, weekends and public holidays	150 hrs	Hour	\$10.00	\$1,500.00	\$15.58	\$2,337.00
4	Additional traffic controller only	450	Hour	\$30.00	\$13,500	\$31.74	\$14,283
4A	E/O for Item 4 for nights, weekends and public holidays	160	Hour	\$5.00	\$800	\$6.34	\$1,014.40
5	Traffic cones and highway bollards for after care	100 x 180 days	Each per Day	\$2.00	\$36,000	\$0.50	\$9,000
6	Signs, barrier boards, flashing yellow lamps for after care	20 x 180 days	Each per Day	\$4.00	\$14,400	\$2.64	\$9,504
7	Trailer mounted flashing arrow	90	Each per Day	\$75.00	\$6,750	\$74.05	\$6,664.50
8	Vehicle mounted flashing arrow	580	Hour	\$5.00	\$2,900	\$9.25	\$5,365
9	Variable message board (2400x1200 LED)	200	Each Day	\$180.00	\$36,000	\$235.00	\$47,000
10	Triton water filled barriers	900	Each Day	\$5.00	\$4,500	\$5.00	\$4,500
11	Pickup and drop-off for Triton water filled barriers	Based on 90 drop offs and 90 pick ups x 10 units.	Unit	\$10.00	\$18,000	\$396.00 for 1 x drop off and 1 x pick up of 1 to 20 units x 90	\$35,640

12	Submit a cost for a generic TMP that can be used for routine / repetitive type works such as minor pavement maintenance	5	Unit	\$50.00	\$250	\$0.00	Not Applicable
13	Specify the minimum time required for drawing up traffic management plans and documents including complex traffic management plans		Time Required	3 hours	Not Applicable	4 hours	Not Applicable
14	Site Inspection	10	Per Visit	\$40.00	\$400	\$0.00	Not Applicable
Total (Items 1 to 12 and 14)					\$207,800.00		\$218,749.20

By way of comparison with the other three tenders for the same mix and quantities of items total expenditure would be;

- Australian Traffic Engineering \$ 240,100
- Advanced Traffic Management \$ 492,820
- Erections WA \$1,183,875

The protocols that apply to this requirement will be that the Manager Operations Services will ensure that the service provider with the lowest project costing and availability of key personnel and resources necessary to meet the timeframe required to complete each project, will be contracted to provide its Services. If that service provider is not able to meet the required service timeframes, the Manager Operations Services will seek those required Services from the next service provider and each project cost will be based on the unit rates (GST Exclusive) as tendered by the approved service providers.

Although the rates proposed by WARP have significantly increased compared to those applicable under the expired Contract with the City, the proposed new rates are in line with those charged to other local government organisations for similar services and reflect market conditions.

Issues and options considered:

Should the Contract not proceed, the risk to the City will be high as the provision of traffic management and control services is essential in order for the City to complete the Capital Works and other Parks and Engineering Programmes.

Link to Strategic Plan:

This requirement is linked to the Strategic Plan in accordance with the following items:

- 3. City Development.
- Objective 3.1 To develop and maintain the City of Joondalup's assets and built environment.
- Strategy 3.1.1 Plan the timely design, development, upgrade and maintenance of the City's infrastructure.

Objective 3.4 To provide integrated transport to meet regional and local needs.

Strategy 3.4.1 Advocate and facilitate the creation of transport linkages.

Strategy 3.4.2 Align use of land and modes of transport.

Legislation – Statutory Provisions:

A state wide public tender was advertised, opened and evaluated in accordance with 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. The consideration for this contract exceeds the Chief Executive Officer's Delegated Authority in relation to the acceptance of tenders to \$250,000.

Risk Management considerations:

It is considered that awarding the Contract to the recommended Respondents will represent a low risk to the City on the basis that they are well-established companies with extensive experience in completing similar projects for local government and the private sector.

Financial/Budget Implications:

The City has budgeted \$221,869 (excl. GST) for these services in 2007/08 and both the recommended tenders are notionally within that budget. The City would expect to spend \$665,606 (excl. GST) for the 3-year period as part of the City's Capital Works programme and \$1,109,090 (excl. GST) over the five (5) year period.

Policy Implications:

While there are no specific policy implications, the City's current practice is to encourage local business in its purchasing and tendering and this has been factored into the selection criteria.

The successful Tenderers, Total Road Services and WARP Group Pty Ltd, are both Western Australian companies located in Hillarys and Maddington, respectively.

Regional Significance:

Not Applicable.

Sustainability Implications:

Not Applicable.

Consultation:

Not Applicable.

COMMENT

The offers representing value to the City are those submitted by Total Road Services and WARP Group Pty Ltd at the offered rates which are fixed and firm for the first twelve (12) months of the Contract, and will vary thereafter in line with changes to the All Groups Consumer Price Index (CPI) for Perth as published by the Australian Bureau of Statistics.

ATTACHMENTS

Nil.

VOTING REQUIREMENTS

Simple Majority

MOVED Mayor Pickard, SECONDED Cr McLean that Council ACCEPTS the tenders submitted by Total Road Services and WARP Group Pty Ltd for the provision of traffic management and control services on a panel to be used on an 'as and when required' basis, in accordance with the requirements as stated in Tender 043/07 for a period of three (3) years with two (2) one (1) year optional extensions.

The Motion was Put and CARRIED (12/0) by En Bloc Resolution following consideration of Item CJ248-11/07, Page 202 refers.

In favour of the Motion: Mayor Pickard, Crs Amphlett, Corr, Diaz, Fishwick, Hart, Hollywood, Jacob, Macdonald, McLean, Norman and Young.

CJ244-11/07 RENEWAL OF LEASE – SILVER CHAIN NURSING ASSOCIATION (INC) ON PART OF LOT 549 (11) MOOLANDA BOULEVARD, KINGSLEY - [00067]

WARD: South-East

RESPONSIBLE DIRECTOR: Mr David Djulbic
Infrastructure Services

PURPOSE

To seek Council's approval to renew the lease between the City of Joondalup and Silver Chain Nursing Association (Inc) (SCNA) for a facility on part of Lot 549 (11) Moolanda Boulevard, Kingsley.

EXECUTIVE SUMMARY

The City and SCNA have had a landlord/tenant relationship since 2002. The lease has been 'held over' (on the same terms and conditions) with the current period expiring on 31 December 2007. The annual rent, as at October 2007, is \$82,165, exclusive of GST. SCNA has recently requested that the City renew the lease for two-years with two options totalling up to five years and SCNA has agreed to pay commercial rent for this.

The use of the facility by SCNA at Lot 549 is predominantly administration for a diverse range of services including residential care, hospice care, emergency care, family health care, diabetes care and numerous other care services.

It is recommended that Council:

- 1 *SUPPORTS the renewal of a lease agreement with Silver Chain Nursing Association (Inc) from 1 January 2008 under the following main conditions:*
 - (a) *a two-year term commencing 1 January 2008;*
 - (b) *first option – two years and second option – one year;*
 - (c) *commencing rental of \$127,680 per annum (excl GST);*
 - (d) *annual CPI increments on anniversary of commencement of lease with review to market at the end of the second and fourth years;*
 - (e) *SCNA to undertake full internal and external maintenance of the facility including the patio and eaves and land directly underneath the patio and eaves;*
 - (f) *SCNA to pay all legal costs related to the preparation of the lease.*

- 2 *AUTHORISES signing and affixing of the Common Seal to the lease between the City of Joondalup and Silver Chain Nursing Association (Inc).*

BACKGROUND

Suburb/Location:	Kingsley
Applicant:	Silver Chain Nursing Association (Inc)
Owner:	City of Joondalup
Zoning:	DPS: Civic and Cultural
	MRS: Urban
Site Area:	1.0000 ha
Structure Plan:	N/A

Lot 549 (11) Moolanda Boulevard, Kingsley is owned by the City in freehold and was acquired on 26 May 1986 from the then State Housing Commission. The title is encumbered by a caveat associated with a legal deed between the City and the adjacent shopping centre owners. It is in respect to the shopping centre's use of a 'strip' of Lot 549's car park. The commencement date of the agreement is 6 April 1989, and it has a term of 99 years.

Lot 549 currently has two buildings on the land, both of which are being leased. Community Vision Incorporated leases the smaller building at the front of Lot 549 and SCNA leases the rear building. SCNA's leased facility comprises a brick and iron property of approximately 1180m² of lettable area and is fully serviced and air-conditioned. The purpose of the building occupied by SCNA under the terms of the current lease is for nursing administration and community activities.

DETAILS

Issues and options considered:

The City has previously requested that a market rental valuation be undertaken on the facility leased by SCNA, and the valuation dated 16 April 2007, was \$127,680 exclusive of GST and outgoings. The valuation report states that there are few premises in the 'suburbs' north of Perth, that are the size of the subject property and that the interior of the facility and the location would appear to suit SCNA's operations. The valuation report also refers to the 78-car fleet that SCNA has and that parking appears to be limited, causing SCNA to have an agreement to use the adjacent church car park.

An offer to SCNA was made following receipt of this valuation but staff changes at SCNA have delayed a response until more recently.

The main terms and conditions of the lease will be:

- a two year term commencing 1 January 2008;
- first option – two years and second option – one year;
- commencing rental of \$127,680 per annum (excl GST);
- annual CPI increments on anniversary of commencement of lease with a review to market at the end of the second and fourth years;
- SCNA to undertake full internal and external maintenance of the facility including the patio and eaves and land directly underneath the patio and eaves; and
- SCNA to pay all legal costs related to the preparation of the lease.

The main conditions detailed above are virtually the same as the current lease, except for the inclusion of the patio as part of SCNA's maintenance obligations. The renewed lease will also be at a commercial rate rather than in the past, when it has been subsidised.

Link to Strategic Plan:

The City's continued relationship with SCNA supports the following Objectives and Strategies:

Objective 1.3

To continue to provide services that meet changing need of a diverse and growing community.

Strategy 1.3.2

Provide quality-of-life opportunities for all community members.

Strategy 1.3.3

Provide support, information and resources.

Objective 4.1

To manage the business in a responsible and accountable manner.

Legislation – Statutory Provisions:

A disposition of land is defined under Section 3.58 of the Local Government Act 1995 (LGA) to include selling, leasing or otherwise disposing of property whether it be the whole or part of the property. Section 3.58 states that unless the proposed disposition is an 'exempt' disposition as defined under Regulation 30 of the *Local Government (Functions and General) Regulations 1996* (Regulations), it should be disposed of by public auction or public tender - unless the proposal is advertised for public comment for a period of not less than two weeks.

As SCNA is an incorporated body, the objects of which are of a charitable nature, it qualifies the renewal of lease as an exempt disposition under Regulation 30(2)(b)(i) and (ii) and consequently, there is no need to comply with the disposal conditions detailed under Section 3.58 of the Act and public advertising is not required.

Risk Management considerations:

SCNA has proven to be a good tenant and there appears to be little risk with the organisation remaining at that site. If SCNA could no longer use the site, the City may find it difficult to obtain a new tenant and therefore lose income.

Financial/Budget Implications:

At commencement of the new lease, SCNA will be paying an annual rent of \$127,680 (excl GST) for at least two years, with the possibility of the lease being for five years. The SCNA's rent has been subsidised since SCNA has been a tenant of the facility at 11 Moolanda Boulevard, Kingsley and the rent for the renewed lease means an increase to the current rental of over \$45,515 per annum.

Policy Implications:

With regard to lease fees charged, the City's Policy 4.2 – Setting Fees and Charges, states that the Council recognises that not-for profit groups are generally providing a benefit to the community and are normally not in a position to pay commercial lease rates. The policy fixes the subsidised rental at 1% of the current capital replacement value of the leased facility and if this approach is taken with SCNA, as the (2006) replacement value of its leased building was some \$2.6 million, then the rental applicable would be \$26,000 per annum.

SCNA is a not-for-profit organisation and is one of the largest providers of community health services in Western Australia, and is capable of paying a normal commercial rent and is prepared to do so.

Regional Significance:

SCNA offers services, which are of benefit to those in need both in the City of Joondalup and beyond its boundaries.

Sustainability Implications:

SCNA's use of this facility assists in supporting members of the community with matters related to health care.

COMMENT

SCNA has been established at the Kingsley location since 2002 and the services operated from the location would certainly be of benefit to the local community and beyond. The City has had a good relationship with SCNA, with the only issue being related to its predominant use of the car park, causing some concern with the lessee of the neighbouring leased facility. This issue has been acknowledged by SCNA and SCNA are working towards rectifying this.

It is recommended that Council supports the City entering into a lease with SCNA in accordance with the main conditions outlined within this report.

ATTACHMENTS

- Attachment 1 Location plan of 11 Moolanda Boulevard, Kingsley
Attachment 2 Aerial photograph of 11 Moolanda Boulevard, Kingsley

VOTING REQUIREMENTS

Simple Majority

MOVED Mayor Pickard, SECONDED Cr McLean that Council:

- 1 SUPPORTS the renewal of a lease agreement with Silver Chain Nursing Association (Inc) pertaining to Lot 549 (11) Moolanda Boulevard, Kingsley from 1 January 2008 under the following main conditions:**
- (a) a two-year term commencing 1 January 2008;**
 - (b) first option – two years and second option – one year;**
 - (c) commencing rental of \$127,680 per annum (excl GST);**
 - (d) annual CPI increments on anniversary of commencement of lease, with a review to market at the end of the second and fourth years;**
 - (e) Silver Chain Nursing Association to undertake full internal and external maintenance of the facility including the patio and eaves and land directly underneath the patio and eaves;**
 - (f) Silver Chain Nursing Association (Inc) to pay all legal costs related to the preparation of the lease;**
- 2 AUTHORISES signing and affixing of the Common Seal to the lease between the City of Joondalup and Silver Chain Nursing Association (Inc).**

The Motion was Put and CARRIED (12/0) by En Bloc Resolution following consideration of Item CJ248-11/07, Page 202 refers.

In favour of the Motion: Mayor Pickard, Crs Amphlett, Corr, Diaz, Fishwick, Hart, Hollywood, Jacob, Macdonald, McLean, Norman and Young.

Appendix 16 refers

To access this attachment on electronic document, click here: [Attach16brf131107.pdf](#)

Name/Position	Cr Russ Fishwick
Item No/Subject	Item CJ245-11/07 - Community Safety and Crime Prevention Partnership Agreement with Government of Western Australia
Nature of interest	Interest that may affect impartiality
Extent of Interest	Cr Fishwick is on the Community Safety and Crime Prevention Council of Western Australia which promotes local governments to enter into a Community Safety & Crime Prevention Partnership with the State Government

CJ245-11/07 COMMUNITY SAFETY AND CRIME PREVENTION PARTNERSHIP AGREEMENT WITH GOVERNMENT OF WESTERN AUSTRALIA - [63511]

WARD: All

RESPONSIBLE DIRECTOR: Mr David Djulbic
Infrastructure Services

PURPOSE

To seek Council's endorsement of a Community Safety and Crime Prevention Partnership Agreement with the Government of Western Australia negotiated through the Office of Crime Prevention (OCP).

EXECUTIVE SUMMARY

The City has been approached by the OCP to have the City enter into a Community Safety and Crime Prevention Partnership Agreement with the State Government. Representatives of the OCP have indicated that while options and availability of grant funding for participating Local Governments have not changed the Partnership Agreements can now be tailored to address single specific local issues rather than only all inclusive community safety planning. This change to the structure of the Agreements provides more flexibility for the City than past arrangements. Accordingly a Community Safety and Crime Prevention Partnership Agreement between the City and the Government of Western Australia has been developed.

It recommended that Council ENDORSES the Community Safety and Crime Prevention Partnership Agreement between the City of Joondalup and the Government of Western Australia shown as Attachment 1 to this Report.

BACKGROUND

The Government of Western Australia has developed a standard Community Safety and Crime Prevention Partnership Agreement template with which it is seeking to enter into a partnership with Local Governments to encourage community safety planning and strategy development throughout the state. The standard Agreement appoints a Local Government as the organisation that will support, coordinate and administer the Community Safety and Crime Prevention Partnership and be the facilitator of the community safety planning process.

The Community Safety and Crime Prevention Partnership Agreement template has a wide community safety / crime prevention focus and the associated plan development process aims to identify a range of local community safety issues and potential initiatives to manage them. The establishment of a Community Safety and Crime Prevention Partnership Agreement between the State and a Local Government can give that Local Government access to a number of direct and indirect grant funding sources for issue specific initiatives. Grant funding for projects developed through a Partnership Agreement is generally 'seed funding' aimed at assisting the design and implementation of projects and strategies and therefore does not usually provide long term project specific funding.

Since the formal launch of the Community Safety and Crime Prevention Partnership Agreements in October 2003 approximately 110 Local Government authorities within Western Australia have entered into a Partnership Agreement with the Government of Western Australia. The City of Joondalup was initially invited to become a party to a Community Safety and Crime Prevention Partnership Agreement following their launch during 2003. At the time the funding arrangements for the widespread community consultation and plan development were seen as inadequate to meet the needs of the City.

The City coordinates a range of community safety programs that have a crime deterrent, emergency management, graffiti control or general community safety focus. The City is now also undertaking the development of a local video surveillance camera network following the securing of grant funding from the federal government.

DETAILS

A review of the State Government's Community Safety and Crime Prevention Partnership Agreement template and subsequent negotiation between the City and the Office of Crime Prevention has resulted in the development of a draft Agreement aimed at laying out the provisions of an Agreement between the City and the State Government. The following standard grant arrangements exists for a Local Government entering into an agreement:

- Local Governments developing an Agreement with the Government of Western Australia are provided with a one off \$10,000 amount for community consultation and plan development.
- Upon development and endorsement of a Community Safety and Crime Prevention Plan a Local Government should receive a one off \$20,000 amount for plan implementation.
- The establishment of a Community Safety and Crime Prevention Partnership Agreement entitles a Local Government to apply for grant funding on a project-by-project basis from the Research and Development fund or the Designing Safer Communities Fund.

Local Governments entering into a Community Safety and Crime Prevention Partnership Agreement with the Government of Western Australia are given access to tailored crime statistical information to assist strategy planning and project monitoring. This information is adapted specifically by the WA Police to reflect areas defined by Local Government boundaries.

The Community Safety and Crime Prevention Partnership Agreement template includes a 'break clause' through which either the Local or State Government can have the Agreement amended or disbanded with an indication in writing about their intentions.

Issues and options considered:

Council has the following options relating to a Community Safety and Crime Prevention Partnership Agreement with the Government of Western Australia:

- Endorse the Community Safety and Crime Prevention Partnership Agreement with the Government of Western Australia.
- Reject the Community Safety and Crime Prevention Partnership Agreement with the Government of Western Australia.

Link to Strategic Plan:

Key Focus Area – Community Wellbeing

Outcome	The City of Joondalup is a safe and happy community
Objective 1.4	To work with the community to enhance safety and security in a healthy environment
Strategy 1.4.1	Continue to implement the Safer Community Program

Legislation – Statutory Provisions:

Not Applicable.

Risk Management considerations:

Not Applicable.

Financial/Budget Implications:

The 2007/2008 Budget includes no provision for the receipt or expenditure of grant funding from the Government of Western Australia linked to a Community Safety and Crime Prevention Partnership Agreement. Should the City enter into such an Agreement it would be provided with a one off \$10,000 grant for the development of a Community Safety and Crime Prevention Plan. Upon the endorsement of the Plan by the State Government the City would receive a one off amount of \$20,000 to assist with the implementation of strategies identified in the Plan. Subsequent funding for new strategies introduced through the Partnership could be sought through the State Government's grant funding programs. These grant programs generally provide 'seed funding' to initiate a project or purchase relevant equipment and are not designed to provide ongoing project support in subsequent years. It is likely that the City will be required to provide the ongoing funding for the majority of strategies implemented as a part of the Community Safety and Crime Prevention Partnership Agreement. The total future costs associated with the Partnership and related projects will be dependent upon the nature of the projects developed and will be considered as part of future budget deliberations by the Council.

Policy Implications:

Not Applicable.

Regional Significance:

The City participates in regular meetings relating to community safety issues with Administration representatives from the Local Governments that make up the North Zone of the Western Australian Local Government Association (WALGA).

Sustainability Implications:Economic

Funding to support the establishment and implementation of Community Safety and Crime Prevention Partnership Agreements is provided through grant funding from the Government of Western Australia. The only annual funding provided to signatory Local Governments is an amount of \$1,200 provided to assist with administrative costs in managing the Partnership and associated Community Safety and Crime Prevention Plan. All other sources of future potential funding for a Community Safety and Crime Prevention Partnership Agreement to which the City is a signatory will be through project based grant funding programs which generally provide 'seed funding' to initiate programs and strategies. The ongoing availability of grant funding to support a Partnership in which the City is participating will be reliant upon the policies of the incumbent State Government and the funding allocated to the OCP.

Consultation:

It is likely that in developing the Plan that will follow the establishment of a Partnership Agreement the City will complete targeted consultation with community groups, residents and other stakeholders as necessary to ensure the Plan and its strategies address relevant areas of need. Any community consultation carried out during Plan development will be structured to ensure that levels of community expectation are managed in line with the City's role in community safety and the responsibilities of other agencies such as the WA Police.

COMMENT

The City's Community Safety and Crime Prevention Plan would be based on the various programs already developed by the City and would include City Watch Security Patrols, Graffiti control, building partnerships with local community and police, emergency management, youth programs, road safety programs and the development of a local video surveillance camera network.

ATTACHMENTS

Attachment 1 Draft Community Safety and Crime Prevention Partnership Agreement with the Government of Western Australia

VOTING REQUIREMENTS

Simple Majority

MOVED Cr Fishwick SECONDED Cr Jacob that Council ENDORSES the draft Community Safety and Crime Prevention Partnership Agreement between the City of Joondalup and the Government of Western Australia shown as Attachment 1 to Report CJ245-11/07.

The Motion was Put and

CARRIED (12/0)

In favour of the Motion: Mayor Pickard, Crs Amphlett, Corr, Diaz, Fishwick, Hart, Hollywood, Jacob, Macdonald, McLean, Norman and Young.

Appendix 17 refers

To access this attachment on electronic document, click here: [Attach17brf131107.pdf](#)

CJ246-11/07 MINUTES OF THE CONSERVATION ADVISORY COMMITTEE HELD ON 26 SEPTEMBER 2007 [12168]

WARD: All

RESPONSIBLE DIRECTOR: Mr David Djulbic
Infrastructure Services

PURPOSE

To submit the unconfirmed minutes of the Conservation Advisory Committee to Council for noting.

EXECUTIVE SUMMARY

A meeting of the Conservation Advisory Committee was held on 26 September 2007.

The item of business that was considered by the Committee was:

- Thermal Weed Control

It is recommended that Council NOTES the:

- 1 *unconfirmed minutes of the Conservation Advisory Committee held on 26 September 2007 forming Attachment 1 to this Report;*
- 2 *actions taken by the City and supports the Officer's comments.*

BACKGROUND

The Conservation Advisory Committee is a Council Committee that advises Council on issues relating to biodiversity and the management of natural areas within the City of Joondalup.

The Committee membership comprises of five Councillors, a representative from each of the City's Bushland Friends Groups and community members with specialist knowledge of biodiversity issues.

DETAILS

Issues and options considered:

1 Thermal Weed Control

The following Motion was carried at the meeting on 26 September 2007:
(Officer's Comments have been provided to each part of the Motion)

"That the Conservation Advisory Committee:

- 1 ***provides the following comments to Council on the Thermal Weed Control report:***

- (a) ***RECOMMENDS that Council develops a Weed Control Strategy as part of its Environmental Plan, the Weed Control Strategy should be based on the principles of Integrated Weed Management, which includes the aim of reducing the reliance on herbicides;***

Officer's Comment

The City is currently reviewing its weed spraying program to reduce the use of herbicides. In particular those herbicides that are deemed to be high risk options in terms of environmental impact and potential groundwater impact. It is also noted that the City is currently investigating in more detail the cost implications of a twelve month trial of thermal weed control as part of the City's overall weed control program. The review and the trial will then inform the City of future management arrangements in terms of its weed control program. This issue is currently listed in the Environmental Plan as an Action/Strategy to be undertaken.

- (b) ***REQUESTS that the City of Joondalup commission a properly conducted local trial of the effectiveness of hydrothermal weed control on a variety of locations/weed types to be carried out by an independent NATA-certified or equivalent testing laboratory;***

Officer's Comment

Council has previously considered this matter in Council Report CJ170-08/07 – Thermal Weed Control in the City of Joondalup, presented to Council on 28 August 2007.

Officers are currently preparing a report on the feasibility of a 12-month trial and the associated costs.

- (c) ***REQUESTS cost comparisons between hydrothermal weed control and herbicide weed control to be calculated to take into account not just the cost per day of each method, but long-term costs such as increasing weed tolerance to herbicides, environmental damage and damage to human health;***

Officer's Comment

The City is currently investigating in more detail the cost implications of a 12-month trial of thermal weed control as part of the City's overall weed control program. The review and the trial will then inform the City of future management arrangements in terms of its weed control program. This issue is currently listed in the Environmental Plan as an Action/Strategy to be undertaken.

- (d) ***REQUESTS a target date no greater than two (2) years is set from now for final adoption of a weed control strategy;***

Officer's Comment

The City notes this request and following the outcome of actions listed the Environmental Plan will develop a Weed Control Strategy for the City.

- 2 *REQUESTS that enquiries be made of other West Australian local authorities using hydrothermal weed control for any information they may have;***

Officer's Comment

The City will research other Local Authorities for relevant information.

- 3** *REQUESTS reports documented at points 1 (a) and (b) come back to the Conservation Advisory Committee for comment prior to presentation to Council;*

Officer's Comment

It is not appropriate for the Advisory Committee to request future City reports to be presented to CAC prior to Council.

- 4** *SUBMITS the following attachments to assist Council in developing its weed control strategy:*
- *Pesticides and Human Health – March – April 2005 Canadian Journal of Public Health (Appendix 1 refers)*
 - *Institute of Science in Society – Glyphosate Toxic & Roundup Worse (Appendix 2 refers)*
 - *Amitrole CAS No. 61-82-5 (Appendix 3 refers)*
 - *Document to be provided by Cr John*
 - *Comparison of three weed control methods: chemical, flame and hot water (Appendix 4 refers)*
 - *Environment Matters (Appendix 5 refers)*

Officer's Comment

The attachments will be considered as part of the development of the Weed Control Strategy.

- 5** *ADVISES Council that the Conservation Advisory Committee believes there are substantial benefits in bringing weed control management back in-house.*

Officer's Comment

A report is currently being prepared in relation to this matter.

Link to Strategic Plan:**Key Focus Area**

Caring for the environment.

Outcomes

The City is environmentally responsible in its activities.

Objectives

To plan and manage the City's natural resources to ensure environmental sustainability.

Strategies

- 2.1.1 Maintain and protect natural assets to retain biodiversity.
- 2.1.2 Further develop environmentally effective and energy-efficient programs.
- 2.1.3 Develop a coordinated environmental framework, including community education.

Legislation – Statutory Provisions:

The Local Government Act 1995 allows a council to establish committees to assist a council to exercise the powers and discharge duties that can be delegated to a committee.

Risk Management considerations:

Not Applicable.

Financial/Budget Implications:

Not Applicable.

Policy Implications:

Not Applicable.

Regional Significance:

Not Applicable.

Sustainability Implications:**Environmental**

Conservation Advisory Committee objective - "To make recommendations to Council for the Conservation of the City's natural biodiversity".

Social

To promote partnerships between Council and the Community to protect the City's natural biodiversity as contained within its various natural areas (bushland, wetlands and the coastal environment).

Consultation:

The Conservation Advisory Committee provides a forum for community consultation and engagement on natural areas.

COMMENT

Not Applicable.

ATTACHMENTS

Attachment 1 Minutes of the Conservation Advisory Committee meeting held on 26 September 2007

VOTING REQUIREMENTS

Simple Majority

MOVED Cr Norman **SECONDED** Cr Hart that Council **NOTES** the:

- 1 unconfirmed minutes of the Conservation Advisory Committee held on 26 September 2007 forming Attachment 1 to Report CJ246-11/07;**
- 2 actions taken by the City and supports the Officer's comments.**

The Motion was Put and

CARRIED (12/0)

In favour of the Motion: Mayor Pickard, Crs Amphlett, Corr, Diaz, Fishwick, Hart, Hollywood, Jacob, Macdonald, McLean, Norman and Young.

Appendix 18 refers

To access this attachment on electronic document, click here: [Attach18brf131107.pdf](#)

CJ247-11/07 PROPOSED PARKING PROHIBITIONS – NEWPORT GARDENS, HILLARYS - [29136] [06098] [46607] [47607]

WARD: North

RESPONSIBLE DIRECTOR: Mr David Djulbic
Infrastructure Services

PURPOSE

To amend the City of Joondalup Parking Scheme by the introduction of a “NO PARKING” parking prohibition along Newport Gardens adjacent to Mawson Park, Hillarys.

EXECUTIVE SUMMARY

Residents of Hillarys are seeking to prohibit parking along Newport Gardens adjacent to Mawson Park to alleviate parking congestion problems. Residents are seeking the installation of prohibitions to prevent users of Mawson Park parking their vehicles along Newport Gardens carriageway and verge, and to address traffic congestion and safety issues in the area. As such it is recommended that Council:

- 1 *AMENDS the City of Joondalup Parking Scheme in accordance with Clause 33 of the City's Parking Local Law (1998) by the installation of a "NO PARKING" carriageway or verge along Newport Gardens, Hillarys (as shown in Attachment 1);*
- 2 *LISTS for consideration, \$20,000 in the 2008-2009 Capital Works Budget, for the realignment of the section of existing footpath on Newport Gardens and the construction of an additional footpath link to the playground equipment from the northwest corner of Mawson Park (as shown in Attachment 2);*
- 3 *REQUESTS the Chief Executive Officer to prepare a report that details the process in amending the Local Law and Road Traffic Code to enable parking prohibition zones to be depicted by line marking as an alternative to installing signs.*

BACKGROUND

The City was originally contacted by residents of Newport Gardens to address traffic congestion issues related to users of Mawson Park parking in Newport Gardens. It was requested that a parking prohibition be implemented in Newport Gardens, to address the safety issues related to Newport Gardens and pedestrians. This was followed by a 63-signature petition in support of the installation of the parking prohibitions.

However, it was deemed that further investigation into the proposal to prohibit parking along Newport Gardens was necessary so as not to adversely affect park users.

An additional petition of 4 signatures was received by the City from residents of Newport Gardens during this time in support of the installation of parking prohibitions along Newport Gardens.

There have been no previous requests for formalised parking around Mawson Park.

DETAILS

Issues and options considered:

Mawson Park is bounded by Newport Gardens, Flinders Avenue and Mawson Crescent. Flinders Avenue and Mawson Crescent provides verge parking for users of Mawson Park. A high number of park users park their vehicles in Newport Gardens both on the road and on available areas of verge, as this road is closest to the play equipment in the park. Newport Gardens is 6.0 metres wide and with vehicles parked on one side of the road, results in the restriction of normal traffic flow to one way. This situation reduces the level of safety for traffic and pedestrians at this location.

It is also noted that a footpath exists directly behind the kerb on this section of Newport Gardens, which creates safety concerns for pedestrians and motorists with cars parked, straddling both the road and footpath and also for vehicles traversing across the footpath to park on the available verge.

Consideration was given to restrict parking only on weekends and public holidays, however observations over the October school holidays indicated that congestion was also occurring on weekdays during this period.

During this time ample verge parking was available on all other frontages to the park.

In view of this, to prevent unsafe parking on Newport Gardens and to maintain access for residents it is proposed to implement a "NO PARKING" prohibition on the carriageway or verge.

The verge area-surrounding Mawson Park, which will still be available for park users, is approximately 700m in length, which should safely accommodate up to 250 vehicles, as highlighted in Attachment 2.

Only a small number of vehicles were able to park closest to the play equipment at the southern section of Newport Gardens, however this location is on the bend section of the road, which from a traffic and pedestrian safety aspect is not considered ideal. The distance from this location to the playground is approximately 100 metres. The distance to the playground from the other areas of available parking on Mawson Crescent and Flinders Avenue is approximately 170 metres.

The relocation of the playground in Mawson Park was investigated however it was not considered feasible due to the other uses and amenities within the park. The park has an active oval, play equipment, barbeque facilities, a lake, many trees and toilet facilities. It is very popular for families to picnic, play and enjoy the opportunities for varied activities.

The option to prohibit parking along the carriageway only has been assessed by the City of Joondalup to allow some park users to park in between the park boundary and the existing concrete footpath. This would allow a small number of park users to park within 100m of the main play ground but would jeopardise the safety of pedestrians utilising the footpath as vehicles could only park on the verge by driving over or reversing over the footpath.

As such the City has investigated the option of relocating the existing footpath at the North Western corner of Newport Gardens to adjacent the park boundary. This would allow approximately 10 vehicles to park safely on the verge at this location without crossing over the existing footpath. In addition a new footpath link would be constructed to link to the playground which would provide a link to the footpath of approximately 100 metres.

This relocation of footpath and new section of footpath could be considered in the 2008/09 budget considerations and at that time prohibitions amended to allow verge parking at this location

It is noted that relocating the entire length of the footpath to the park boundary is not feasible due to level constraints and other security aspects for pedestrians.

Mawson Park has been initially classified as a Neighbourhood Park. The key components of a neighbourhood park are;

- Single sporting ground of a size suitable for junior competition
- Ability to cater for a single sport (seasonal) at one time
- Floodlighting to facilitate sports participation
- Minor sporting infrastructure (basket ball ring, tennis hit-up wall, BMX track)
- Toilet facilities
- Car parking for 20 cars
- Play equipment
- Shelters
- Bench seating

Mawson Park has available parking for up to 250 vehicles around its perimeter excluding Newport Gardens and this exceeds the requirements of a neighbourhood park.

The following regular hire groups use or have used Mawson Park in the past:

Play On

Wayne Hanrahan - Personal Training

Monday & Friday 9:00am - 11.15am and 3.30pm - 5.45pm

Whitfords Junior Football - Winter season

Monday - Friday 4:00pm – 7:00pm & Sunday 8:00am – 2:00pm

Wanneroo Joondalup T/Ball - last used in 2004/05

Monday - Friday 3.30pm - 6.30pm, Saturday 7:00am – 6:00pm & Sunday 8:00am – 6:00pm

The proposed parking prohibition is shown on Attachment 1.

Link to Strategic Plan:

The recommendation in this report is supported by the following objective and strategy in the City's Strategic Plan 2003 – 2008:

Objective: 1.4 to work with the community to enhance safety and security in a healthy environment.

Strategy: 1.4.2 contribute to the protection of human health.

Legislation – Statutory Provisions:

The City of Joondalup Parking Local Law 1998 was made in keeping with the requirements of the Local Government Act (1995):

33 The local government may by resolution constitute, determine, vary and indicate by signs:

- (a) Prohibitions;
- (b) Regulations; and
- (c) Restrictions,

on the parking and stopping of vehicles of a specified class or classes in all roads, specified roads or specified parts of roads in the parking region at all time or at specified times, but this authority shall not be exercised in a manner inconsistent with the provisions of this local law or any other written law.

8 Application of Signs

- (2) For the purposes of this local law a sign may prohibit or regulate parking or stopping by the use of any symbol or other traffic control device in accordance with AS 1742.11

Risk Management considerations:

Not Applicable.

Financial/Budget Implications:

\$20,000 to be listed for consideration in the 2008/09 Capital Works Budget.

The cost to erect the necessary signage is approximately \$150 each, and sufficient funds exist in the maintenance operational budget for this work to occur.

Policy Implications:

Not Applicable.

Regional Significance:

Not Applicable.

Sustainability Implications:

Not Applicable.

Consultation:

The residents directly affected by the proposed prohibition, as outlined in Attachment 1, were consulted. All residents supported the proposed prohibition.

COMMENT

The proposal to prohibit parking along Newport Gardens, adjacent to the park as per Attachment 1, will maintain the general traffic flow at all times and therefore increase the level of safety and access at all times for all road users. Prohibiting verge parking improves the safety for pedestrians.

Adequate verge parking is available for users of Mawson Park on the park side of Mawson Crescent and Flinders Avenue.

Some parking could be facilitated on the verge at the north-eastern end of Newport Gardens, adjacent to the park, provided the footpath is relocated away from the kerb towards the property boundary. A path from this end of the park to the Playground may be required to facilitate ease of access. This would need to be listed for budget consideration, and is estimated to cost \$20,000, however, further investigations would be required to determine the alignment of the path and budget estimates.

The parking prohibitions would be amended when the path is relocated to permit verge parking in this area.

In addition it should be noted that only one extra sign is being installed, as most of the proposed prohibition signs can be installed on existing poles by replacing the signage "No Parking on Footpath", as the new prohibition will include the verge and carriageway.

The proposal to replace signage with line marking to denote the parking prohibition was investigated, and is not in keeping with the Road Traffic Code which is the statutory legislation that applies, because the prohibition recommended is “no parking” and currently the only line marking permitted by Road Traffic Code and Commissioner of Main Roads is a continuous yellow for “No stopping” on carriageway only.

On this basis, it is recommended that the proposed parking prohibition be supported.

It has been requested that the number of existing prohibition signs on the western side of Newport Gardens be rationalised to improve local amenity. Consequently, Attachment 1 to this report has been amended in that some intermediate signs are recommended for removal reducing the total number on the western side from 11 down to 6. It is noted that the remaining 6 signs are considered necessary as 4 depict the extent of the prohibition, and 2 intermediary signs are necessary from an enforcement perspective.

An additional clause has been included requesting that a report be prepared detailing the process involved in utilising line marking as an alternative to parking prohibition signs.

ATTACHMENTS

Attachment 1 Parking Prohibition – Newport Gardens, Hillarys
Attachment 2 Mawson Park, Hillarys – Play Equipment Location and walking distances

VOTING REQUIREMENTS

Simple Majority

MOVED Mayor Pickard, SECONDED Cr McLean that Council:

- 1 AMENDS the City of Joondalup Parking Scheme in accordance with Clause 33 of the City’s Parking Local Law (1998) by the installation of a “NO PARKING” carriageway or verge along Newport Gardens, Hillarys as shown in Attachment 1 to Report CJ247-11/07;**
- 2 LISTS for consideration, \$20,000 in the 2008-2009 Capital Works Budget, for the realignment of the section of existing footpath on Newport Gardens and the construction of an additional footpath link to the playground equipment from the northwest corner of Mawson Park as shown in Attachment 2 to Report CJ247-11/07;**
- 3 REQUESTS the Chief Executive Officer to prepare a report that details the process in amending the Local Law and Road Traffic Code to enable parking prohibition zones to be depicted by line marking as an alternative to installing signs.**

The Motion was Put and CARRIED (12/0) by En Bloc Resolution following consideration of Item CJ248-11/07, Page 202 refers.

In favour of the Motion: Mayor Pickard, Crs Amphlett, Corr, Diaz, Fishwick, Hart, Hollywood, Jacob, Macdonald, McLean, Norman and Young.

Appendix 19 refers

To access this attachment on electronic document, click here: [Attach19agn201107.pdf](#)

CJ248-11/07 RESULTS OF PUBLIC FEEDBACK – DISTRICT PLANNING SCHEME NO 2 ISSUES PAPERS - [09011]

This Item was considered later in the meeting following consideration of Item CJ260-11/07.

CJ249-11/07 TENDER 051/07 PROVISION OF TECHNICAL AND INFRASTRUCTURE REQUIREMENTS FOR PUBLIC EVENTS WITHIN THE CITY OF JOONDALUP - [77604]

WARD: All

RESPONSIBLE DIRECTOR: Mr Clayton Higham
Planning and Community Development

PURPOSE

This report is for Council to consider the tenders received for the provision of technical and infrastructure requirements for public events within the City of Joondalup.

EXECUTIVE SUMMARY

Tenders were advertised on 1 September 2007 through state wide public notice for the provision of technical and infrastructure requirements for public events within the City of Joondalup. Tenders closed on 19 September 2007. Three tender submissions were received from:

- Complete Portables
- Phase 1 Audio
- Reeces Hire and Structures Pty Ltd

It is recommended that Council ACCEPTS the tenders submitted by Complete Portables, Phase 1 Audio, Reeces Hire and Structures Pty Ltd for the provision of technical and infrastructure requirements for public events on a panel and 'as and when required' basis, in accordance with the requirements as stated in Tender 051/07 for a period of three (3) years.

BACKGROUND

The Scope of Work is for the provision of technical and infrastructure requirements for public events, which include festivals, concerts and the like. The requirements shall be inclusive of the appropriate staff to deliver, set up, install, test, operate, dismantle and remove all items of equipment at locations as required by the City.

The City of Joondalup provides an ongoing array of cultural events designed to provide residents and visitors with opportunities to enjoy world-class art experiences and participate in cultural activities.

The highlight of the City's cultural calendar is the annual "Summer in the City" programme which includes the Joondalup and Little Feet Festivals, weekly Summer Markets and the Summer Concert Series of four live, outdoor concerts.

The City sought tenders from competent service providers to establish a panel of approved suppliers to provide equipment and production requirements for the City's Summer Season programme of public events and additional smaller events on an 'as and when' required basis.

The City preferred Respondents having the capacity to provide a turnkey service (one stop shop) to provide and coordinate all technical and infrastructure requirements for public events. However, Respondents having the ability to provide part of the requirements were not excluded from consideration.

DETAILS

Tenders were advertised on 1 September 2007 through state wide public notice for the provision of technical and infrastructure requirements for public events within the City of Joondalup. Tenders closed on 19 September 2007. Three tender submissions were received from:

Tenderer	Prices Offered for Various Components
Complete Portables	Various options and costs (Tendered for Item 4 only)
Phase 1 Audio	Various options and costs (Tendered for all Items except Items 7 and 13)
Reeces Hire and Structures Pty Ltd	* Various options and costs (Tendered for all Items except Item 7)
Prices tendered are indicative only.	
*Some items have no indicative prices available as there is such a wide range of applications, these items will be priced on an application-by-application basis.	

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 all compliant Respondents represented value to the City. The Panel recommends that all Respondents are established as service providers on a Panel Contract to be used for a range of equipment and production requirements for the City's Summer Season programme of public events and additional smaller events on an 'as and when required' basis.

By nominating all compliant Respondents as preferred service providers having extensive experience in supplying similar services and dealing with Local Governments, will provide the City with flexible and reliable services to cater for all the requirements of the City as stated in the Request.

The protocols that apply to this requirement will be that the Manager Leisure and Cultural Services will ensure that the service provider with the lowest project costing and availability of the acceptable range of equipment and production requirements necessary to meet the timeframe required to complete each project, will be contracted to provide its Services. If that service provider is not able to meet the required service timeframes, the Manager Leisure and Cultural Services will seek those required Services from the next appropriate, available and competitively priced service provider.

This protocol will enable the City to obtain flexibility from its approved service providers while obtaining the most competitive price for each project at the time to meet the required outcomes for the City.

Issues and options considered:

Should the Contract not proceed, the risk to the City will be moderate as the City's major cultural events cannot proceed without the equipment and production requirements sought in this tender. In previous years, each aspect of these production requirements has been procured separately. Continuing to procure requirements separately means the City will be exposed to the following risks:

- Less technical coordination and streamlining of events for equipment by dealing with multiple parties while lacking a single point of contact to coordinate and be accountable for outcomes;
- Significantly increased resource time spent on administrative duties such as obtaining separate quotes, completing individual negotiations and establishing contracts while coordinating all service requirements, resulting in possibly diverting resources from other projects;
- Risk of technical and operational incompatibility due to the interdependence of the various equipment;
- Absence of expert technical personnel from a single company qualified and experienced to coordinate all requirements;
- This coordination role would instead fall to City personnel not necessarily technically qualified or experienced to undertake such duties; thereby resulting in possible confusion and resultant delays in coordinating and obtaining services and goods to meet scheduled requirements.
- Increased cost to the City through inability to take advantage of opportunities of scale and discounts offered on multiple large bookings.

Link to Strategic Plan:

This requirement is linked to the Strategic Plan in accordance with the following items:

1. Community Wellbeing

Objective 1.2	To meet the cultural needs and values of the community
Strategy 1.2.1	Continue to enhance and create new cultural activities and events
Strategy 1.2.2	Create cultural facilities
3.	City Development
Objective 3.2	To develop and promote the City of Joondalup as a tourist attraction
Strategy 3.2.1	Create and promote cultural tourist attractions
Strategy 3.2.2	Develop an “eco-tourism” strategy
Strategy 3.2.3	Develop marketing strategies to support the promotion of the City of Joondalup as a tourist attraction

Legislation – Statutory Provisions:

A state wide public tender was advertised, opened and evaluated in accordance with 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. The consideration for this contract exceeds the Chief Executive Officer’s Delegated Authority in relation to the acceptance of tenders to \$250,000.

Risk Management considerations:

It is considered that awarding the Contract to the recommended Respondents will represent a low risk to the City on the basis that they are well-established service providers with extensive experience in completing similar projects for local governments.

Financial/Budget Implications:

The City has budgeted in the 2007/2008 budget an amount up to \$187,670 per annum for technical infrastructure requirements for the City’s Summer Season programme of public events.

The City of Joondalup is a registered business entity for GST purposes and is able to claim input tax credit for the amount of GST payable.

Policy Implications:

While there are no specific policy implications, the City’s current practice is to encourage local business in the purchasing and tendering process and this practice has been incorporated into the selection criteria.

The recommended Tenderers, Complete Portables, Phase 1 Audio and Reces Hire and Structures Pty Ltd, are all Western Australian companies located in Malaga, Balcatta and Bayswater, respectively.

Regional Significance:

Not Applicable.

Sustainability Implications:

Not Applicable.

Consultation:

Not Applicable.

COMMENT

The offers representing value to the City are that as submitted by Complete Portables, Phase 1 Audio and Reeces Hire and Structures Pty Ltd at the proposed rates for a period of three (3) years, subject to CPI increases on an annual basis.

ATTACHMENTS

Nil.

VOTING REQUIREMENTS

Simple Majority

MOVED Mayor Pickard, SECONDED Cr McLean that Council ACCEPTS the tenders submitted by Complete Portables, Phase 1 Audio, Reeces Hire and Structures Pty Ltd for the provision of technical and infrastructure requirements for public events within the City of Joondalup on a panel and 'as and when required' basis, in accordance with the requirements as stated in Tender 051/07 for a period of three (3) years.

The Motion was Put and CARRIED (12/0) by En Bloc Resolution following consideration of Item CJ248-11/07, Page 202 refers.

In favour of the Motion: Mayor Pickard, Crs Amphlett, Corr, Diaz, Fishwick, Hart, Hollywood, Jacob, Macdonald, McLean, Norman and Young.

CJ250-11/07 PROPOSED TWO STOREY OFFICE DEVELOPMENT AT LOT 50 (58) CONSTELLATION DRIVE, OCEAN REEF - [64603]

WARD: North-Central

**RESPONSIBLE
DIRECTOR:** Mr Clayton Higham
Planning and Community Development

PURPOSE

To request Council's determination of an application for planning approval for a two-storey office development at Lot 50 (58) Constellation Drive, Ocean Reef.

EXECUTIVE SUMMARY

The subject site is located at 58 Constellation Drive, Ocean Reef, adjoining the existing Beaumaris Neighbourhood Centre.

The applicant proposes to construct a two-storey office building on the development site. The proposed development has setback variations to the north-eastern (rear) boundary and the south-eastern (side) boundary.

The proposal was not advertised for public comment as the use is a Permitted (P) use in the Commercial zone.

The proposed development complies with most requirements of District Planning Scheme No 2 (DPS2) and it is considered that the proposed variations are acceptable. It is recommended that the Development Application be approved subject to conditions.

BACKGROUND

Suburb/Location: Lot 50 (58) Constellation Drive, Ocean Reef
Applicant: Seacrest Homes
Owner: John Paul Kemsley & Corrine Anna Kemsley
Zoning: **DPS:** Commercial
 MRS: Urban
Site Area: 900m²
Structure Plan: not applicable

The (vacant) subject site is located on the north-eastern side of Constellation Drive, between Prendiville Avenue and Beaumaris Boulevard (Attachment 1 refers).

A single-storey grouped dwelling development is currently under construction to the south-east and north-east of the site. Further to the south-east of the residential development is an existing childcare centre and Church. The Beaumaris Neighbourhood Centre, which is a single storey development, is to the north-west of the site.

Existing single houses are located opposite the proposed development on Constellation Drive.

The subject lot and the adjoining Lot 51 were previously part of a single lot. Subdivision approval was granted by the Western Australian Planning Commission in 2004 to create the two lots. Both lots are zoned Commercial under the City's DPS2. Lot 51 is "L" shaped in configuration and abuts the right hand side and rear boundaries of the development site.

The lot slopes from north to south with a fall of approximately 1.5 metres across the site.

DETAILS

The applicant proposes to construct an office building on a 900m² site to the south-east of the existing Beaumaris Neighbourhood Centre. The proposed development incorporates the following:

- One two storey office building with walls on two boundaries;
- The building being partitioned to contain three offices and associated facilities;
- 17 parking bays, two service yards and associated landscaping.
- Excavation of up to one metre being undertaken.

The development plans are provided in Attachment 2.

The table below sets out the development standards and requirements of the City's DPS2 and the areas of compliance and non-compliance with these standards.

REQUIRED	PROVIDED	COMPLIANCE
Minimum Front Setback – 9 metres	14.2 metres	Yes
Minimum Side Setback – 3 metres	North-western boundary – 11.5 metres South-eastern boundary - nil	Yes No
Minimum Rear Setback – 6 metres	Nil and 2.5 metres	No
Minimum Landscaping 8% of site	8%	Yes
Landscaping strip adjacent to street – Minimum 3 metres	3 metres	Yes
Minimum number of car bays at 1 per 30m ² NLA – 14.36	17	Yes

The development is required to be determined by Council as the variations to clause 4.7.1 of DPS2 – Building Setbacks for Non-Residential Buildings – exceed that which may be determined under delegated authority.

The applicant has provided justification for the setback variations to the side and rear boundaries, stating that:

“the area in both setbacks would not get looked after and they would turn into dumping areas, also they would provide hiding areas for burglars trying to break in.

Mr John Kemsley, my client, has spoken to his neighbour on which the parapet walls will abut. The neighbour has stated on the letter provided to you that he likes the idea because the walls would provide security to his development.

The development next door has a 5 to 6 metre driveway running up along the parapet side which would provide a buffer zone for over shadowing."

Issues and Options Considered:

Council has the discretion to:

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

Consultation:

The owner of the property potentially affected by the proposed setback variations (lot 51), provided a letter in support of the proposed development, which was submitted as part of the development application.

Further advertising was not undertaken as the proposed "Office" use is a permitted land use within the Commercial zone and there were no other properties that could be potentially affected by the proposed setback variations.

Policy Implications:

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.

Legislation – Statutory Provisions:

Office is a 'P' use in the Commercial Zone. A 'P' use means:

"A use class that is permitted but which may be subject to any conditions that the Council may wish to impose in granting its approval."

The following clauses of DPS2 are relevant to the development proposal.

4.5 Variations to site and development standards and requirements

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

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

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

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

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

4.7 *Building Setbacks for Non Residential Buildings*

4.7.1 *Unless otherwise provided for in Part 3 of the Scheme, buildings shall be set back from property boundaries as follows:*

*Setback from street boundary 9.0 metres
Setback from side boundary 3.0 metres
Setback from rear boundary 6.0 metres*

4.7.2 *Where a lot has a boundary with more than one street the Council shall designate one such street as the frontage and the other street boundaries as side boundaries, if it is satisfied that there will be no adverse effect on traffic safety, and no adverse effect on the amenity of any adjoining properties or the locality generally.*

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.*

Link to Strategic Plan:

Not Applicable.

Financial/Budget Implications:

Not Applicable.

Regional Significance:

Not Applicable.

Sustainability Implications:

Not Applicable.

COMMENT**Land Use**

The proposed land use is Office, which is a Permitted ('P') use within the Commercial Zone under DPS2.

Boundary Setback Variations

Clause 4.7 of DPS2 requires a 3-metre setback to the side boundary and a 6-metre setback to the rear boundary for non-residential development. However, the applicant is seeking a variation to this Clause as follows:

- (a) nil boundary setback to one side boundary; and
- (b) nil and 2.5m rear boundary setback;

The setback variations are to the south-eastern (side) boundary and the north-eastern (rear) boundary of the proposed development. Both of these boundaries abut the adjoining residential development currently under construction on the adjoining site (lot 51) (Attachment 3 refers).

The south-eastern (side) boundary adjoins the vehicle access leg for the grouped dwellings on the neighbouring Lot 51. Units 1 and 2 are setback 5.75m and 5.26m respectively from the proposed boundary wall at the closest points. The setbacks include the four metre common driveway.

The north-eastern (rear) boundary abuts the vehicle access leg for units 3 and 4, and the garage and store-room for unit 4 on the adjoining property. Units 3 and 4 are orientated primarily towards the recreation reserve at the rear of lot 51, with very few openings facing towards the subject site.

DPS2 does not specify any height controls for non-residential buildings and does not contain any provisions relating to boundary walls by way of length or height.

The proposed side boundary wall is 26.15 metres long and varies between 6.75 metres and 7 metres in height as measured from the existing natural ground level at the boundary between the subject site and the adjoining lot 51.

The proposed rear boundary wall is 6.4 metres in length and 6.75 metres in height as measured from the existing natural ground level at the boundary of the subject lot and lot 51. The wall that is proposed to be set back 2.5 metres from the rear boundary is 4.8 metres in length and varies in height from 6.75 metres to 7.15 metres as measured from the existing natural ground level.

The proposed setback variations being sought have the potential to impact on the adjoining grouped dwelling development by way of visual impact of building bulk and overshadowing.

Any impact of the building bulk on the adjoining property could be reduced by providing some visual relief by articulating the wall, and the use of varied colours, materials and textures. Furthermore the orientation of the dwellings at the rear and the minimal number of windows facing towards the proposed development will reduce the impact further for these dwellings.

DPS2 does not contain any provisions with regard to overshadowing in non-residential zones. Furthermore, the proposed development will overshadow the adjoining property by less than 25% which is the acceptable development standard of the Residential Design Codes 2002 (R-Codes) and though the R-Codes do not apply, the impact of the proposed development is considered minimal in this regard.

Units 3 and 4 on lot 51, which may be affected by the proposed rear setback variation are situated to the north-east of the subject site and as such will not be adversely impacted by way of overshadowing from the proposed development.

Further, the design of the proposed development will provide increased privacy for the grouped dwellings on Lot 51, and will act as a buffer between the neighbourhood centre and the residential dwellings, particularly in terms of noise.

The proposed setback variations are unlikely to adversely impact on the streetscape. The front setback (14.2 metres) for the proposed office building, in addition to existing and proposed landscaping ensures that the side boundary wall will not be overly visible from Constellation Drive and as such there will be no adverse impact on the streetscape as a result of the development.

The design of the proposed office development, with glass curtain walls facing both the street and the adjoining Beaumaris Neighbourhood Centre will promote an attractive streetscape and reduce the potential for antisocial behaviour to occur. The Crime Prevention Through Environmental Design (CPTED) Guidelines produced by the Western Australian Planning Commission (WAPC) and the Office of Crime Prevention seek to minimise opportunities for crime to occur, and it is considered that this development exhibits some of these principles. The development will enable passive surveillance over the car park of the subject development and that of the adjoining shopping centre which will act as a deterrent, and the location of the boundary wall away from the shopping centre should reduce the potential for graffiti and other crimes to occur.

It is considered that the proposed boundary setback variations will not have an adverse affect on the amenity of the area and can be supported.

Furthermore, it is recommended that a condition be imposed on the development requiring that relief be provided in the boundary walls by way of colours, textures and articulation as this will reduce any adverse impact of building bulk on the adjoining owners.

Pedestrian Refuge Island

The proposed crossover location for the development conflicts with the location of the existing pedestrian refuge island on Constellation Drive. The City has examined the proposal and is satisfied that the island can be modified or relocated as necessary.

A condition is recommended, requiring the existing island to be modified or relocated at the applicant's expense and to the City's satisfaction. This should ensure that the island is relocated in a satisfactory and timely manner and as such, there should not be any adverse impact on people accessing the adjoining shopping centre or the proposed development.

Energy Efficiency

New Five Star energy efficiency measures were introduced into the Building Code of Australia in May this year. During the building licence assessment stage, the proposal will need to comply with the energy provisions of the Building Code of Australia (Part J) in order to obtain a building licence.

It is noted that the building has a large expanse of glass on two of its façades. The applicant will need to demonstrate during the building licence assessment process that it complies with the thermal performance requirements for glazing in order to avoid or reduce the use of artificial air conditioning (heating and cooling).

Conclusion

The proposed office development complies with all requirements of the City of Joondalup District Planning Scheme No 2, with the exception of the side and rear setback variations as outlined above.

The proposed setback variations are considered acceptable as the adjoining development will not be adversely impacted by way of overshadowing and measures are being undertaken to alleviate any potential impacts in terms of building bulk.

The proposed setback variations will not restrict vehicular or pedestrian movement around the site or to adjoining sites, with the pedestrian refuge island being required to be relocated as outlined above.

The glass curtain façades address the Constellation Drive streetscape and promote surveillance of the street and the car park of the adjoining Beaumaris Neighbourhood Centre, reducing the potential for anti-social behaviour. Furthermore it is considered that the proposed development will provide increased privacy for the grouped dwellings on Lot 51, and will act as a buffer between the neighbourhood centre and the residential dwellings.

It is therefore recommended that the application be approved.

ATTACHMENTS

Attachment 1	Location & Zoning Plans
Attachment 2	Development Plans
Attachment 3	Site Plan of Residential Development on Lot 51 Constellation Drive.

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION:

That Council:

- 1 EXERCISES discretion under Clause 4.5.1 of District Planning Scheme No 2 and determines that the:
 - (a) Side setback of nil in lieu of 3 metres; and
 - (b) Rear setbacks of nil and 2.5 metres in lieu of 6 metresare appropriate in this instance;
- 2 APPROVES the application for Planning Approval dated 12 July 2007 submitted by Seacrest Homes, the applicant, on behalf of the owners, John Paul Kemsley and Corrine Anna Kemsley for Offices at Lot 50 (58) Constellation Drive, Ocean Reef, subject to the following conditions:
 - (a) The parking bays, driveways and points of ingress and egress to be designed in accordance with the Australian Standard for Offstreet Car Parking (AS/NZS 2890.01 2004). Such areas are to be constructed, drained, marked and thereafter maintained to the satisfaction of the Manager Approvals, Planning and Environmental Services prior to the development first being occupied. These works are to be done as part of the building program;
 - (b) The existing pedestrian refuge island in Constellation Drive is to be modified/relocated to the City's satisfaction and at the applicant's expense. A detailed engineering drawing of the required modifications is to be submitted for the City's Approval prior to any works being undertaken. These works are to be completed prior to the occupation of the proposed development;

- (c) An onsite stormwater drainage system with the capacity to contain a 1:100 year storm of a 24-hour duration is to be provided prior to the development first being occupied and thereafter maintained to the satisfaction of the City. The proposed stormwater drainage system is required to be shown on the Building Licence submission and be approved by the Manager Infrastructure Management prior to the commencement of construction;
- (d) A bin store of minimum dimensions 1.5 metres x 1.5 metres shall be provided within the proposed service yard. The bin store shall consist of a suitably screened enclosure with a 100mm thick concrete floor graded to a commercial floor waste connected to sewer and shall have a hose cock for bin washing. The proposed bin store is to be shown on the Building Licence Application;
- (e) The lodging of detailed landscaping plans for the development site with the Building Licence Application. For the purpose of this condition a detailed landscaping plan shall be drawn to a scale of 1:100. All details relating to paving and treatment of verges are to be shown on the landscaping plan. All landscaping, reticulation and verge treatments, based on water wise principles, are to be established in accordance with the approved plans prior to the development first being occupied and thereafter maintained to the satisfaction of the Manager Approvals, Planning and Environmental Services;
- (f) The boundary walls shall be designed and constructed to provide visual relief by way of colours and materials, shall be articulated to reduce the impact of building bulk on the adjoining property, and shall be of a clean finish. Drawings of the proposed design of the boundary walls are to be submitted to the City for the approval of the Manager Approvals, Planning & Environmental Services.

MOVED Cr Jacob SECONDED Cr Young that Council:

- 1 **EXERCISES discretion under Clause 4.5.1 of District Planning Scheme No 2 and determines that the:**
 - (c) **Side setback of nil in lieu of 3 metres; and**
 - (d) **Rear setbacks of nil and 2.5 metres in lieu of 6 metres**

are appropriate in this instance;
- 2 **APPROVES the application for Planning Approval dated 12 July 2007 submitted by Seacrest Homes, the applicant, on behalf of the owners, John Paul Kemsley and Corrine Anna Kemsley for Offices at Lot 50 (58) Constellation Drive, Ocean Reef, subject to the following conditions:**
 - (a) **The parking bays, driveways and points of ingress and egress to be designed in accordance with the Australian Standard for Offstreet Car Parking (AS/NZS 2890.01 2004). Such areas are to be constructed, drained, marked and thereafter maintained to the satisfaction of the Manager Approvals, Planning and Environmental Services prior to the development first being occupied. These works are to be done as part of the building program;**

- (b) The existing pedestrian refuge island in Constellation Drive is to be modified/relocated to the City's satisfaction and at the applicant's expense. A detailed engineering drawing of the required modifications is to be submitted for the City's Approval prior to any works being undertaken. These works are to be completed prior to the occupation of the proposed development;
- (c) An onsite stormwater drainage system with the capacity to contain a 1:100 year storm of a 24-hour duration is to be provided prior to the development first being occupied and thereafter maintained to the satisfaction of the City. The proposed stormwater drainage system is required to be shown on the Building Licence submission and be approved by the Manager Infrastructure Management prior to the commencement of construction;
- (d) A bin store of minimum dimensions 1.5 metres x 1.5 metres shall be provided within the proposed service yard. The bin store shall consist of a suitably screened enclosure with a 100mm thick concrete floor graded to a commercial floor waste connected to sewer and shall have a hose cock for bin washing. The proposed bin store is to be shown on the Building Licence Application;
- (e) The lodging of detailed landscaping plans for the development site with the Building Licence Application. For the purpose of this condition a detailed landscaping plan shall be drawn to a scale of 1:100. All details relating to paving and treatment of verges are to be shown on the landscaping plan. All landscaping, reticulation and verge treatments, based on water wise principles, are to be established in accordance with the approved plans prior to the development first being occupied and thereafter maintained to the satisfaction of the Manager Approvals, Planning and Environmental Services;
- (f) The boundary walls shall be designed and constructed to provide visual relief by way of colours and materials, shall be articulated to reduce the impact of building bulk on the adjoining property, and shall be of a clean finish. Drawings of the proposed design of the boundary walls are to be submitted to the City for the approval of the Manager Approvals, Planning & Environmental Services;
- (g) That the proposed design of the boundary wall be inverted vertically so that the visual relief runs predominantly along the upper ridge and western side.

Discussion ensued.

The Motion was Put and

CARRIED (9/3)

In favour of the Motion: Mayor Pickard, Crs Amphlett, Corr, Diaz, Fishwick, Jacob, McLean, Norman and Young. **Against the Motion:** Crs Hart, Macdonald and Hollywood.

Appendix 21 refers

To access this attachment on electronic document, click here: [Attach21brf131107.pdf](#)

CJ251-11/07 FOUR COMMERCIAL TENANCIES AND FOUR GROUPED DWELLINGS - LOT 519 (27) DAVIDSON TERRACE (NORTHEAST CORNER REID PROMENADE) JOONDALUP - [76521]

WARD: North

RESPONSIBLE DIRECTOR: Mr Clayton Higham
Planning and Community Development

PURPOSE

To request the Council's determination of an application for planning approval for a proposed development containing four commercial tenancies and 4 grouped dwellings at Lot 519 (27) Davidson Terrace (North East corner Reid Promenade), Joondalup.

EXECUTIVE SUMMARY

The application is for a two-storey development on the north-east corner of Davidson Terrace and Reid Promenade within the Central Business District (CBD) of the Joondalup City Centre. The development includes four commercial tenancies at ground floor level and four upper storey grouped dwellings.

There are no specific residential density requirements in the Central Business District. The City's District Planning Scheme No 2 (DPS2) indicates that unless otherwise specified, the R20 density applies unless Council determines that a higher density coding should apply. The proposed density of the development is equivalent to approximately R36.

Council discretion is requested under clause 4.2.4 of the DPS2 for the residential density coding of Residential Inner City (R-IC) to be applied to the site in lieu of R20.

A variation to the Residential Design Codes (the Codes) is required for Unit B to be provided with a balcony area of 10.52m² in lieu of providing an outdoor living area of 12m².

Council previously approved this development at the September 2005 meeting and the Development Approval has expired. The plans that form part of this application are an exact copy of those plans previously approved by Council.

The proposed development is smaller in scale and bulk than other surrounding developments, however, the proposed development does meet the objectives of the Joondalup City Centre Planning and Development Manual (JCCPDM) for this locality. Therefore, it is recommended that the application for Planning Approval be granted as the proposed land uses and design outcome for the site are appropriate for the City Centre.

BACKGROUND

Suburb/Location: Joondalup City Centre
Applicant: Jim Loureta
Owner: Kotisian Pty Ltd
Zoning: **DPS:** Centre
 MRS: Urban
Site Area: 1102m²
Structure Plan: Joondalup City Centre Development Plan and Manual

Council previously approved the same development application at the September 2005 meeting. The Development Approval was required to be substantially commenced within a two-year period. The Development Approval lapsed on 3 October 2007 as development had not substantially commenced. A new development application has been lodged as the applicant wishes to continue with the proposed development. The proposed plans are an exact copy of those approved in September 2005.

The development site, which is currently vacant, is located on the corner of Davidson Terrace and Reid Promenade within the Central Business District of the Joondalup City Centre. To the east of the site on Reid Promenade is a three storey multiple unit residential development and to the north on Davidson Terrace is Brookwood Apartments - a six-storey development with commercial tenancies at ground level and multiple dwellings above. Across Reid Promenade and diagonally across Davidson Terrace are vacant sites. On the north western corner of Reid and Davidson Terrace is a landscaped car parking area.

DETAILS

The proposed two-storey development will front Davidson Terrace and Reid Promenade. It is proposed to have four commercial tenancies at ground level and four grouped dwelling units at the first floor. Three of the residential units have 3 bedrooms and one unit has 2 bedrooms, all units have balconies that overlook the street or the rear parking area.

An easement exists on the northern side of this site and the two adjoining sites in Reid Promenade, which permits vehicular access from Davidson Terrace to the City's No. 9 car parking area. This car parking area is located in the centre of the street block bounded by Davidson Terrace/Reid Promenade/Lakeside Drive/ Shelton Avenue. The car parking spaces for the proposed development can be accessed from either Davidson Terrace or Reid Promenade via the easement (Attachment 2 refers).

The Structure Plan adopted under DPS2 contains specific provisions for development. Clause 4.2.3 of DPS2 provides for the application of the structure Plan in Lieu of the Codes in such a case. The table below shows the relevant development standards contained within the Joondalup City Centre Development Plan and Manual (JCCDPM):

Standard	Required	Provided
Front Setback	0m	0m
Side Setback	As per BCA*	0m
Secondary street setback	0m	0m
Plot Ratio	1.0 1102m ² maximum	0.79 (848m ²)
Height	13.5m at street frontage	9.0m maximum
Parking	1 bay per 30m ² Net lettable area (Commercial) and 1 bay per dwelling (Residential) = total parking bays 17	17 Parking Bays provided

Link to Strategic Plan:

The proposed development is consistent with the City's Strategic Plan 2003 – 2008 by providing a range of commercial and residential accommodation that contributes to a vibrant City Centre and community.

Legislation – Statutory Provisions:

The provisions of DPS2, the JCCDPM and the R-Codes control development within this area.

District Planning Scheme No 2

The site is zoned Centre under DPS2 and is subject to the JCCDPM.

When determining this application, Clauses 4.2.3, 4.2.4, 4.3.1, and 6.8 of the DPS2 apply:

- 4.2.3 *Unless otherwise provided for in the Scheme the development of land for any of the Residential purposes dealt with by the Residential Design Codes shall conform to the provisions of those Codes.*
- 4.2.4 *Subject to clause 4.2.5, the Residential Design Code density applicable to land within the Scheme Area shall be determined by reference to the legend shown on the Residential Density Codes maps which form part of this Scheme.*
- Unless otherwise specified on the map the R20 density code applies unless the Council determines that a higher code should apply.*
- 4.3.1 *Where residential development is proposed to be mixed with non-residential development, Council may vary any provision of the Codes with the exception of the minimum area of lot per dwelling prescribed in Column 3, Table 1 of the Codes.*
- 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.*

Risk Management considerations:

Not Applicable.

Financial/Budget Implications:

Not Applicable.

Policy Implications:

Not Applicable.

Regional Significance:

The proposed development is located within the Central Business District of the Joondalup City Centre. The Joondalup City Centre is planned to be a multi-functional centre, which provides a range of services and opportunities for the residents of the north-west Corridor.

Sustainability Implications:

The proposed mixed-use development has the potential to contribute to a multi-functional city centre and therefore contribute to sustainable development within the City of Joondalup.

Consultation:

The proposed development was not advertised, as the form and scale of the development is consistent with other similar developments within the CBD and is expected under the provisions of the JCCDPM.

COMMENTLand Use

The proposal provides for both residential dwellings and commercial/office space, and as such, the proposed uses comply with the preferred uses identified within the CBD under the JCCDPM. The proposal provides for four office or commercial tenancies of varying sizes. In this form, the space is flexible enough in the future to accommodate other permitted uses under the JCCDPM, including retail, entertainment and restaurant/café.

Residential Density

The Structure Plan does not set specific residential density requirements in the designated General City Use area within CBD of the Joondalup City Centre. Clause 4.2.4 of the DPS2 specifies that unless otherwise specified, the R20 density code applies unless Council determines that a higher density coding should apply.

In the Residential Design Codes, a coding of R-IC is included and is intended to provide appropriate standards for residential development in the context of a city centre location. Those standards contemplate the scenario proposed here where residential development is proposed above commercial development.

The city centre provides the primary commercial core for the City of Joondalup. It contains a mixture of commercial, retail and inner city residential development. The physical form of this type of development comes with different lifestyle attitudes and aspiration from people living within these areas compared to people living within the "suburban" areas of the District. Part 3 of the Codes, which is the bulk of the Codes, deals predominately with residential development standards for the suburban areas. To match the function and form of the city centre, it is considered appropriate that the coding and provisions of Part 4.3 of the Codes Inner City Housing be used in the assessment of development applications involving residential development within the city centre rather than Part 3 of the Codes.

Based on the land area and the proposed number of dwellings, the proposal has an equivalent density of R36. The actual residential density of R36 is a lower residential density than the two adjoining developments on Davidson Terrace and Reid Promenade. The applicant has been advised of the possible suitability of developing the site to a higher density, however the applicant wishes to proceed with the current proposal due to existing contractual arrangements with Landcorp. Having regard to the existing planning controls, Council is unable to force the applicant to develop the site at a higher density.

The development of the site is partially restricted by a vehicular access easement located along the northern boundary, which covers approximately 16% of the site. The access way is used by the subject property and adjoining properties to access the rear car parking areas and the City of Joondalup Car Park No. 9.

It is recommended that Council determines under clause 4.2.4 of DPS2 that the density coding of R-IC in lieu of R20 is considered to be appropriate given that the site is in a prominent location within the city centre, where higher densities are appropriate and encouraged.

Minimum Site Area Variation

The R-IC standards require a minimum site area of 110m². Unit D has a minimum site area of 108.89m². It is recommended that a condition of planning approval be imposed requiring the minimum site area for Unit D to be increased by 1.11m to satisfy the minimum site area requirement.

This condition can easily be met if the total floor area of the balconies to Unit D is increased in size as discussed below.

Outdoor Living Area Variation

The R-IC Codes require a minimum outdoor living area of 12m² per dwelling, but does not require any communal open space.

The Residential Design Codes define Outdoor Living Area:

The area external to a Single House or Grouped Dwelling to be used in conjunction with that dwelling such that it is capable of active or passive use but excludes any area with a dimension of less than one metre minimum dimension or which, by reason of its development or topography, is not readily accessible from the dwelling.

The performance criteria of clause 4.3.4 Open Space of the R-Codes requires:

open space to be provided in accordance with the needs of residents, for private and communal (recreational and social) purposes.

As stated above, outdoor living areas for each dwelling are required in this situation, but not communal open space.

The design of the proposed development with commercial tenancies at ground level and residential dwellings at first floor level requires the provision of open space by way of a balcony for each residential dwelling. This design is compatible with the intent of preferred development within the Joondalup CBD.

The 4 dwellings have balconies that are accessible from a living area but units A, B and D have balconies with areas less than the 12m². It is considered that the design of these units, with the exception of Unit B can be easily altered to provide a combined balcony area to each unit of 12m². Unit B, due to its layout and location in relation to the other dwellings, would be difficult to modify. It is considered that the balcony size of 10.52m² would still meet the needs of the residents and as such, it is recommended that a variation be granted in this instance.

It is recommended that Council exercises discretion under clause 2.3.4 of the R-Codes and determines that a balcony area of 10.52m² for Unit B is appropriate in this instance, and imposes a condition of planning approval that requires units A and D to each have a combined minimum balcony area of 12m².

Landscaping

The proposed awnings and construction could possibly interfere with three of the existing street trees. If this is the case the trees are to be replaced at the expense of the owner/applicant and to the satisfaction of the City. It is also recommended that the owner/applicant provide one shade tree within the rear parking area and make the proposed screen wall visually permeable to promote surveillance between Davidson Terrace and the car parking area as recommended by the Designing Out Crime Planning Guidelines.

Pedestrian Shelter

Part B7 Pedestrian Shelter of the JCCDPM for the CBD requires pedestrian shelter to be provided in the form of awnings or colonnades. The applicants have provide awnings for pedestrian shelter, however, these do not wrap around both street facades. Condition 4(q) is proposed to provide a continuous pedestrian shelter around the street facades of the proposed development.

Conclusion

The design of the development articulates the street corner and has facades at ground level that address both Davidson Terrace and Reid Promenade. Entrances to the development include awnings that provide shelter to pedestrians. The design and land uses of the proposed development with commercial tenancies at ground level and residential units at first floor meets the objectives of the JCCDPM. The scale of the building, while smaller than the two adjoining sites is consistent with other existing one and two storey developments along Davidson Terrace and Reid Promenade.

The proposed development will be a positive addition to the City Centre. It will provide residential accommodation and commercial space to meet the future demands of the growing City Centre. The residential density coding of R-IC is considered appropriate in this instance. It is therefore recommended that the development application be approved, subject to appropriate conditions.

ATTACHMENTS

Attachment 1	Location plan
Attachment 2	Aerial photo
Attachment 3	Development plan
Attachment 4	Colour elevations
Attachment 5	Site photos

VOTING REQUIREMENTS

Simple Majority

MOVED Cr MCLEAN SECONDED Cr Hollywood that Council:

- 1 EXERCISES discretion under clauses 4.2.4, of District Planning Scheme No 2 and determines that a density coding-of R-IC in lieu of R20 is appropriate in this instance;**
- 2 EXERCISES discretion under clause 2.3.4 of the Residential Design Codes 2002 and determines that the performance criteria of clause 4.3.4 of the R-Codes has been met and the balcony for Unit B with a minimum area of 10.52m² in lieu of an outdoor living area of 12m² is acceptable in this instance;**
- 3 APPROVES the application for planning approval dated 17th October 2007 submitted by Jim Loureta for 4 commercial tenancies and 4 grouped dwellings on the proposed Lot 519 (27) Davidson Terrace, Joondalup subject to the following conditions:**
 - (a) Units A and D are each to have a minimum total balcony area of 12m². Plant equipment such as air-conditioning units are not permitted to be installed on the balconies;**
 - (b) Obscured or reflective glazing shall not be used at the ground level;**
 - (c) All existing trees growing on the verge shall be retained and protected during and after construction. Any damaged trees are to be replaced at the Applicant's expense to the satisfaction of the Manager Approvals, Planning & Environmental Services;**
 - (d) The screen wall to the north-western corner of the lot shall be visually permeable above 800mm from natural ground level as marked in RED on the approved plans;**

- (e) **A shade tree shall be provided as marked in RED on the approved plans in the north western corner of the lot to the satisfaction of the Manager Approvals Planning and Environmental Services;**
- (f) **The gradient between the disabled parking bay and the building entrance at the rear to be a maximum of 5%;**
- (g) **With reference to condition (f) design levels of the proposed development must ensure a smooth transition between the development and the adjoining pavement within the road reserve to the satisfaction of the City;**
- (h) **The infill paving between the existing footpath and the building is to be of high quality and match the existing paving in colour and pattern to the satisfaction of the Manager of Infrastructure Management Services;**
- (i) **The existing verge paving shall be protected from damage during construction;**
- (j) **Refuse bins must be collected from the bin store for emptying. Refuse bins cannot be positioned along the right of way;**
- (k) **Provision must be made for disabled access, parking and facilities in accordance with the Australian Standards for Design for Access and Mobility (AS 1428.1);**
- (l) **The parking bays, driveways and points of ingress and egress to be designed in accordance with the Australian Standard for Offstreet Carparking (AS2890). Such areas are to be constructed, drained, marked and thereafter maintained to the satisfaction of the City prior to the development first being occupied. These works are to be done as part of the building programme;**
- (m) **Parking bay 17 as shown red on the approved plan is to have a minimum width of 2800mm in accordance with the Australian Standards;**
- (n) **An onsite stormwater drainage system with the capacity to contain a 1:100 year storm of a 24-hour duration is to be provided prior to the development first being occupied and thereafter maintained to the satisfaction of the City. The proposed stormwater drainage system is required to be shown on the Building Licence submission and be approved by the City prior to the commencement of construction;**
- (o) **Any roof mounted or freestanding plant or equipment such as air conditioning units to be located and/or screened so as not to be visible from or beyond the boundaries of the development site;**
- (p) **Any advertising signage shall be subject to a new application for Planning Approval.**
- (q) **The proposed cantilevered awning shall be extended around the development to provide a higher standard of pedestrian shelter.**
- (r) **Unit D shall be provided with a minimum site area of 110m².**

Discussion ensued.

Mayor Pickard foreshadowed his intention to move an alternative Motion should the Motion under consideration not be successful.

The Motion was Put and

CARRIED (9/3)

In favour of the Motion: Crs Amphlett, Corr, Diaz, Fishwick, Hart, Macdonald, McLean, Norman and Young.
Against the Motion: Mayor Pickard, Crs Hollywood and Jacob.

Appendix 22 refers

To access this attachment on electronic document, click here: [Attach22brf131107.pdf](#)

**CJ252-11/07 BEAUMARIS COMMUNITY CENTRE - PROPOSED
SHADE SAIL ADDITION: LOT 2 (66)
CONSTELLATION DRIVE, OCEAN REEF - [08127]**

WARD: North-Central

**RESPONSIBLE
DIRECTOR:** Mr Clayton Higham
Planning and Community Development

PURPOSE

To request Council's determination of an application for planning approval for a proposed shade sail addition at the Beaumaris Community Centre at Lot 2 (66) Constellation Drive, Ocean Reef.

EXECUTIVE SUMMARY

An application for planning approval has been received for a proposed shade sail addition to the existing City of Joondalup Beaumaris Community Centre, Constellation Drive, Ocean Reef.

Council's determination of the application is required as the proposed structure has a side setback variation that exceeds the maximum that can be approved under delegated authority by the City.

It is recommended that the application for the proposed shade sail structure be approved as it will not adversely affect the amenity of the area as the structure:

- (a) is proposed to be located in close proximity to the side boundary walls of the existing shopping centre; and
- (b) will not be visible from the front of the shopping centre, Santiago Park or Constellation Drive.

BACKGROUND

Suburb/Location:	Lot 2 (66) Constellation Drive, Ocean Reef
Applicant:	Architectural Garden Products
Owner:	City of Joondalup
Zoning:	DPS: Civic and Cultural – Local & Commercial R20
	MRS: Urban
Site Area:	2993m ²
Structure Plan:	Not Applicable

The development site is located within the Beaumaris commercial area on Constellation Drive, Iluka. Approval was granted in 1992 for the Community Centre and associated car park. The community centre is currently used by children's playgroups, senior citizens clubs, church groups and also for private functions.

The current development application was lodged with the City in April 2007. The applicant was later uncertain as to the dimensions of the proposed shade sail and consequently the application has been held pending, awaiting confirmation from the applicant of the final details of the proposal. The applicant has since confirmed these details with the City and a determination on the development application can now be made.

DETAILS

The proposed shade sail has an area of 12.5m², height of 3.5 metres and is proposed to be located 0.3 and 0.2 metres from the two side boundaries (Attachment 2 refers). The side boundary setback for non-residential buildings under District Planning Scheme No 2 (DPS2) is 3.0 metres.

The north-western (side) boundary of the site abuts the Beaumaris Shopping centre. The common boundary contains a number of offsets, which results in two side boundary set back variations for the application.

The proposed shade sail structure will be located over existing play equipment and in a position close to the existing boundary walls of the shopping centre, which are approximately 5.0 metres in height.

Applicant Justification:

The applicant has advised that:

"The Beaumaris Community Centre is a City of Joondalup facility available for hire to community groups within Joondalup. The child's play group which regularly hires the facility is proposing to construct a shade sail over the outdoor children's play equipment and sand pit for the safety and comfort of the children, especially during the summer months."

Link to Strategic Plan:

Not Applicable.

Legislation – Statutory Provisions:

A Civic Building is a 'P' use in an area zoned Civic and Cultural. A 'P' use means:

“A use class that is permitted but which may be subject to any conditions that the Council may wish to impose in granting its approval.

In this instance, the land use has already been established and the development application is for a small shade sail addition on the site.

Clause 4.7 sets out the setback requirements for non-residential buildings as follows:

4.7 BUILDING SETBACKS FOR NON-RESIDENTIAL BUILDINGS

4.7.1 Unless otherwise provided for in Part 3 of the Scheme, buildings shall be set back from property boundaries as follows:

Setback from street boundary 9.0 metres

Setback from side boundary 3.0 metres

Setback from rear boundary 6.0 metres

Council has discretion under Clause 4.5 of the DPS2 to vary the development standards for a non-residential building (clause 4.7 of the DPS2) as follows:

4.5 VARIATIONS TO SITE AND DEVELOPMENT STANDARDS AND REQUIREMENTS

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

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

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

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

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

Clause 6.6.2 requires that Council in exercising discretion to approve or refuse an application, shall have regard to the provisions of clause 6.8, as follows:

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.*

Risk Management considerations:

Not Applicable.

Policy Implications:

Not Applicable.

Regional Significance:

Not Applicable.

Sustainability Implications:

Not Applicable.

Consultation:

The City advertised the proposal to the adjoining landowner, Beaumaris City Shopping Centre for a period of 14 days. No response was received.

COMMENT

The development proposal is in conflict with the provisions of clause 4.7 of DPS2. Clause 4.7 requires a side boundary setback of 3.0 metres whereas the development application proposes a side setback of 0.3 metres (north - western boundary) and 0.2 metres (south - western boundary).

The adjoining shopping centre boundary wall has a height of approximately 5 metres. The proposed shade sail structure, which has a maximum height of 3.5 metres, will not be a prominent or dominant feature.

The proposed addition to the Community Centre is considered to be relatively minor and will not adversely impact the amenity of the shopping centre due to its location between the community centre building and shopping centre building. The addition is out of sight of users of the shopping centre, Santiago Park, and adjoining streets. The development will provide weather protection for users of the building, including children who attend the playgroup at the building.

It is considered that the proposed development will not adversely impact the amenity of the adjoining property nor will it have an adverse impact on the amenity of the area generally. Therefore, it is recommended that the application for planning approval be granted.

ATTACHMENTS

Attachment 1	Aerial Photo
Attachment 2	Development Plan
Attachment 3	Location Photographs

VOTING REQUIREMENTS

Simple Majority

MOVED Mayor Pickard, SECONDED Cr McLean that Council:

- 1 EXERCISES its discretion under clause 4.5.1 of the City of Joondalup District Planning Scheme No 2 and determines that the:**
 - (a) shade sail with a side setback (north – western boundary) of 0.3 metres in lieu of 3 metres; and**
 - (b) shade sail with a side setback (south – western boundary) of 0.2 metres in lieu of 3 metres,**

are acceptable in this instance;

- 2 APPROVES the application for planning approval dated 11 April 2007 submitted by Architectural Garden Products, the applicant, on behalf of the owners, the City of Joondalup, for a proposed shade sail on Lot 2 (66) Constellation Drive, Ocean Reef, subject to the colour of the addition complementing the colour of the existing building to the satisfaction of the Manager Approvals, Planning & Environmental Services.**

The Motion was Put and CARRIED (12/0) by En Bloc Resolution following consideration of Item CJ248-11/07, Page 202 refers.

In favour of the Motion: Mayor Pickard, Crs Amphlett, Corr, Diaz, Fishwick, Hart, Hollywood, Jacob, Macdonald, McLean, Norman and Young.

Appendix 23 refers

To access this attachment on electronic document, click here: [Attach23brf131107.pdf](#)

CJ253-11/07 CLOSE OF ADVERTISING – PROPOSED CLOSURE OF A PORTION OF 0.1M WIDE PEDESTRIAN ACCESSWAY TO ALLOW VEHICULAR ACCESS TO LOT 1 (113) GRAND BOULEVARD, JOONDALUP - [47996]

WARD: North

RESPONSIBLE DIRECTOR: Mr Clayton Higham
Planning and Community Development

PURPOSE

For Council to consider submissions received during the public advertising of the proposed closure of a portion of the 0.1 metre wide pedestrian accessway (PAW) to allow vehicular access to Lot 1 (113) Grand Boulevard, Joondalup.

EXECUTIVE SUMMARY

Lot 1 (113) Grand Boulevard, Joondalup, is located within the Joondalup City Centre and is currently vacant. An easement across an adjacent lot (Lot 2) is intended to provide vehicular access to and from Lot 1, however this easement does not ensure unlimited access for the owners and users of Lot 1.

At its meeting held on 28 August 2007, Council considered the proposed closure of a portion of a 5.8 metre wide portion of the 0.1 metres wide pedestrian accessway (PAW) adjacent to Lot 1 (113) Grand Boulevard, Joondalup to facilitate future vehicular access to the land. Council resolved to initiate public advertising of the proposal for a period of 35 days.

Advertising closed on 18 October 2007 and no submissions were received. It is recommended that Council support the proposed closure of the portion of 0.1m wide PAW to allow vehicular access to Lot 1.

BACKGROUND

Suburb/Location:	Adjacent to Lot 1 (113) Grand Boulevard, Joondalup
Applicant:	Frank Borello – complex Land Solutions Pty Ltd
Owner:	PA & MJ McBride, M Dawn & Real Estate Property Shop Operations Network Pty Ltd
Zoning:	DPS: Centre
	MRS: Central City Area
Site Area:	Lot 1 – 0.2 hectares
Structure Plan:	Joondalup City Centre Plan and Manual

This report refers to the following lots:

- Lot 1 (113) Grand Boulevard, Joondalup, (subject lot) is vacant land located within the Joondalup City Centre (Attachment 1 refers).
- Lot 2 (115) Grand Boulevard adjacent to the southern boundary of Lot 1 was developed with a mixed use building in 1995.
- Lot 466 (109) to the north of the subject site is developed as a church.

The subject lot (Lot 1) was created through subdivision of a larger lot in 1994. An easement was created across the balance of the land (Lot 2) with the intent to allow for the provision of vehicular access from Lot 1 to Reid Promenade, via Lot 2 (Attachment 2 refers). Vehicular access to and from the subject lot is otherwise prevented by a 0.1m PAW along Grand Boulevard, and by a PAW (Central Walk) to the rear. A service road is located within the road reserve of Grand Boulevard, including along the frontage of Lot 1.

Council Decisions

At its meeting held on 7 August 2007, Council considered the proposed closure but decided to defer its decision pending further investigation of the lost opportunity cost of the car parking bay (CJ153-08/07 refers).

The requested information was provided and the matter further considered by Council at its meeting on 28 August 2007, when it was resolved to initiate public advertising of the proposal (CJ178-08/07 refers).

DETAILS

Closure Request

A request has been received to close a 5.8 metre wide portion of the 0.1 metre wide PAW adjacent to Lot 1 (113) Grand Boulevard to enable future vehicular access to and from Grand Boulevard. The reason for this request is that the applicant considers the wording of the current access easement over adjacent Lot 2 (115) Grand Boulevard is inadequate and does not ensure unrestricted access to owners and users of Lot 1 (Attachment 2 refers). Lot 2 is under different ownership to Lot 1 and comprises strata-titled units. Until the landowners are assured that unrestricted access is guaranteed, plans to develop the subject land will not progress.

The applicant has provided a letter from the body corporate operating for the strata unit owners on Lot 2 indicating a preference for access to be achieved from Grand Boulevard. The applicant also investigated the possibility of gaining access to Lot 1 through an arrangement with the owners of Lot 466 (the Church site). This option was not acceptable to the owners of Lot 466 as it was considered this may be detrimental to any future development plans for that site.

Should the 0.1m PAW closure be approved, the future construction of a crossover to provide the required access to Lot 1 would involve the loss of one car parking bay and one street tree located within the service road along Grand Boulevard. The applicant has offered to pay for the loss of any car parking bays or trees located within the road reserve that would occur with the provision of a future crossover.

Issues and options considered:

The options available to Council are:

- Support the proposed closure of a portion of the 0.1 metre wide PAW.
- Not support the proposed closure of a portion of the 0.1 metre wide PAW.

Link to Strategic Plan:

Strategy 3.1.2 – Facilitate the safe design, construction and approval of all buildings and facilities within the City of Joondalup.

Legislation – Statutory Provisions:

PAWs are created as a result of the subdivision of land under the Planning & Development Act 2005 (formerly the Town Planning and Development Act). A request can be made to Council to close a PAW.

If Council supports the proposed PAW closure, the proposal is advertised for public comment for a period of 35 days. Upon the closure of public advertising, the proposal is presented to Council for its further consideration, together with details of any submissions received.

If Council resolves to progress the closure request, all relevant documentation is forwarded to the Department of Planning and Infrastructure with a request to formally close the PAW for its determination. The Minister for Planning and Infrastructure makes the final decision on whether or not closures take place.

Risk Management considerations:

There is a risk that supporting the proposed closure of a portion of a 0.1m wide PAW may cause other developers to submit similar requests to allow vehicular access to and from major roads. This may have impacts on the streetscape in terms of landscaping and availability of car parking embayments within the road reserves in the city centre.

Financial/Budget Implications:

The City is responsible for all cost associated with advertising of the proposed PAW closure. The current budget has sufficient funds to cover the advertising costs.

If services are located within the PAW or the future crossover to Lot 1, these would need to be relocated and would be the subject of negotiations between the service agency and the applicant.

Policy Implications:

Not Applicable.

Regional Significance:

Not Applicable.

Sustainability Implications:

Not Applicable.

Consultation:

The proposed closure was advertised for public comment for 35 days, by way of a sign erected on the site, notice in the Joondalup Times and letters to adjoining properties. No submissions were received.

COMMENT

Legal advice has indicated that the easement arrangements for access over the adjoining Lot 2 do not provide for a suitable means of vehicle access to Lot 1. Therefore, in effect, Lot 1 does not have an appropriate or legal access to a street. The landowners of Lot 1 require certainty of access before commencing plans for the development of the land. Closing of a portion of the PAW would not affect vehicular access to other lots along Grand Boulevard, or have a significant impact upon traffic movement in the area.

As no submissions were received as a result of public advertising of the proposal, it is considered appropriate that Council advises Department for Planning and Infrastructure that it supports the closure request. The applicant has been advised that, should the closure be approved, payment to the City of Joondalup for the loss of one car parking embayment and one street tree within the service road adjacent to Lot 1 will be required prior to access being provided.

The existing easement over Lot 2 would become redundant if the proposed closure proceeds. As the City is a party to the easement, removal of the easement will be investigated as a separate matter.

ATTACHMENTS

Attachment 1	Location and Aerial Plan, including subject portion of 0.1m wide PAW
Attachment 2	Easement Plan

VOTING REQUIREMENTS

Simple Majority

MOVED Mayor Pickard SECONDED Cr Young that Council ADVISES the:

- 1 Department for Planning and Infrastructure that the Council SUPPORTS the closure of a portion of the 0.1 metre wide pedestrian accessway adjacent to Lot 1 (113) Grand Boulevard, Joondalup, as shown on Attachment 1 to Report CJ253-11/07 to facilitate future vehicular access to the land;**
- 2 applicant that, should approval be granted by the Western Australian Planning Commission for the subject closure, payment to the City for the loss of one car parking embayment and one street tree within the service road adjacent to Grand Boulevard that would result from the future construction of a crossover for Lot 1 (113) Grand Boulevard, Joondalup will be required from the landowners of Lot 1, prior to approval for the crossover being issued by the City. The costs for the same species of tree and a car parking bay to be located elsewhere in the City Centre are \$6000 for the car parking bay and \$500 for the street tree.**

The Motion was Put and

CARRIED (12/0)

In favour of the Motion: Mayor Pickard, Crs Amphlett, Corr, Diaz, Fishwick, Hart, Hollywood, Jacob, Macdonald, McLean, Norman and Young.

Appendix 24 refers

To access this attachment on electronic document, click here: [Attach24brf131107.pdf](#)

CJ254-11/07 MONTHLY TOWN PLANNING DELEGATED AUTHORITY REPORT, DEVELOPMENT AND SUBDIVISION APPLICATIONS – SEPTEMBER 2007 - [07032] [05961]

WARD: All

RESPONSIBLE DIRECTOR: Mr Clayton Higham
Planning & Community Development

PURPOSE

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

EXECUTIVE SUMMARY

The provisions of clause 8.6 of the text to the District Planning Scheme No 2 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 and subdivision applications. The framework for the delegation of those powers is set out in resolutions adopted by Council and is reviewed generally 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.

The normal monthly report on Town Planning Delegations identifies:

- 1 Major development applications
- 2 Residential Design Codes
- 3 Subdivision applications

This report provides a list of the development and subdivision applications determined by those staff members with delegated authority powers during the month of September 2007 (see Attachments 1 and 2 respectively) for those matters identified in points 1-3 above.

BACKGROUND

The number of development and subdivision applications determined for September 2007 under delegated authority and those applications dealt with as "R-code variations for single houses" for the same period are shown below:

Approvals Determined Under Delegated Authority – Month of September 2007		
Type of Approval	Number	Value (\$)
Development Applications	95	10,688,941
R-Code variations (Single Houses)	126	6,062,136
Total	221	16,751,077

The number of development applications received in September 2007 was 109. (This figure does not include any applications that may become the subject of the R-Code variation process).

Subdivision Approvals Processed Under Delegated Authority Month of September 2007		
Type of Approval	Number	Potential new Lots
Subdivision Applications	2	0
Strata Subdivision Applications	4	6

Suburb/Location: All
Applicant: Various – see attachment
Owner: Various – see attachment
Zoning: **DPS:** Various
MRS: Not Applicable

The District Planning Scheme No 2 requires that delegation be reviewed annually, unless a greater or lesser period is specified by Council. The Council, at its meeting of 25 September 2007 considered and adopted the most recent Town Planning Delegation for the period to 17 July 2009.

DETAILS**Issues and options considered:**

Not Applicable.

Link to Strategic Plan:

The strategic plan includes a strategy to provide quality value-adding services with an outcome to provide efficient and effective service delivery. The use of a delegation notice allows staff to efficiently deal with many simple applications that have been received and allows the elected members to focus on strategic business direction for the Council, rather than day-to-day operational and statutory responsibilities.

Legislation – Statutory Provisions:

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:

Not Applicable.

Policy Implications:

Not Applicable.

Regional Significance:

Not Applicable.

Sustainability Implications:

Not Applicable.

Consultation:

Consultation may be required by the provisions of the Residential Design Codes 2002, any relevant Town Planning Scheme Policy and/or the District Planning Scheme.

Of the 95 development applications determined during September 2007, consultation was undertaken for 50 of those applications. Of the 6 subdivision applications determined during September 2007 no applications were advertised for public comment, as the proposals complied with the relevant requirements.

COMMENT

Large local governments utilise levels of delegated authority as a basic business requirement in relation to Town Planning functions. The process allows determination times to be reasonably well accepted and also facilitates consistent decision-making in rudimentary development control matters. The process also allows the elected members to focus on strategic business direction for the Council, rather than day-to-day operational and statutory responsibilities.

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

ATTACHMENTS

Attachment 1 September 2007 decisions - Development Applications
Attachment 2 September 2007 Subdivision - Applications processed

VOTING REQUIREMENTS

Simple Majority

MOVED Mayor Pickard, SECONDED Cr McLean that Council NOTES the determinations made under Delegated Authority in relation to the:

- 1 development applications described in Report CJ254-11/07 for September 2007;**
- 2 subdivision applications described in Report CJ254-11/07 for September 2007.**

The Motion was Put and CARRIED (12/0) by En Bloc Resolution following consideration of Item CJ248-11/07, Page 202 refers.

In favour of the Motion: Mayor Pickard, Crs Amphlett, Corr, Diaz, Fishwick, Hart, Hollywood, Jacob, Macdonald, McLean, Norman and Young.

CJ255-11/07 MINUTES OF THE SENIORS INTERESTS ADVISORY COMMITTEE HELD ON 3 OCTOBER 2007 - [55511]

WARD: All

RESPONSIBLE Mr Clayton Higham
DIRECTOR: Planning & Community Development

PURPOSE

To submit the unconfirmed minutes of the Seniors Interests Advisory Committee to Council for noting and endorsement of the recommendations contained therein.

EXECUTIVE SUMMARY

A meeting of the Seniors Interests Advisory Committee was held on 3 October 2007.

The items of business that were considered by the Committee were:

- Future Directions - Seniors Interests Advisory Committee
- Vacancy – Seniors Interests Advisory Committee
- Seniors Week 2007

It is recommended that Council NOTES the unconfirmed minutes of the Seniors Interests Advisory Committee held on 3 October 2007 forming Attachment 1 to this Report

BACKGROUND

The SIAC was established for the benefit of exchanging views with residents of the City on matters related to seniors, an ageing population and the need for community input into the Seniors Plan, the Strategic Plan and other matters that impact upon seniors.

In accordance with its role, the Committee identified priority focus areas that complement various tasks and actions of the City's Seniors Plan 2004-2008. These include: seniors' health issues, transport accessibility and affordability and staying active through leisure and entertainment.

Recommendations of the Committee will facilitate progress on initiatives that are generated by the provision of ongoing Seniors Plan status reports. Other initiatives that complement the Seniors Plan such as the Transitions in Ageing Research Project Report will be useful resources to inform the review of the Seniors Plan, whilst the School Volunteer Program promotes intergenerational activities.

DETAILS

Issues and options considered:

The Motions carried at the Seniors Interests Advisory Committee meeting held on 3 October 2007 are shown below, together with officer's comments.

1 Future Directions - Seniors Interests Advisory Committee

The following Motion was carried at the meeting on 3 October 2007:

- "1 NOTES the combined information from workshop discussions on 3 August and 2 November 2005;

Officer's Comment

After extensive discussion about its role and objectives, the Committee recommended that the current format is the most suitable to ensure that the concerns of seniors are adequately represented to Council in the future.

2 Vacancy – Seniors Interests Advisory Committee

The following Motion was carried at the meeting on 3 October 2007: "That the Seniors Interests Advisory Committee RECOMMENDS the appointment of Mr Alex Cilia La Corte to the Committee."

Officer's Comment

Membership of all Committees ceased on 20 October 2007, being the date of the Local Government Elections.

At the Special Council meeting held on 6 November 2007, Council gave consideration to establishing its Committees and resolved to:

"that Council CONSIDERS the role of its three Advisory Committees (the Sustainability Advisory Committee, the Conservation Advisory Committee, and the Seniors Interests Advisory Committee) at the induction session on 10 November 2007, DETERMINES how to select members to these three Advisory Committees at its November 2007 Council meeting and APPOINTS members to these Committees at its December 2007 Council meeting."

It is therefore recommended that the Committee's recommendation not be proceeded with.

3 Seniors Week 2007

The following Motion was carried at the meeting on 3 October 2007:

"That the Seniors Interests Advisory Committee NOTES that the events held during Seniors Week were highly successful, were of a great variety, well attended and thanks both the Committee members and organising staff for their input."

Officer's Comment

The "Seniors: The Art of Ageing" achieved its objective of celebrating seniors and promoting positive active ageing, health and well being through a diverse range of activities that encouraged seniors to remain engaged and connected to their community.

Requests for Reports for future consideration

The following requests were made at the Committee meeting held on 3 October 2007:

Seniors Activities

It was requested that a report be prepared outlining activities for seniors within the community and the involvement of the Seniors Interest Advisory Committee.

Officer's Comment

A report that outlines all services, events and activities provided by the City for seniors will be prepared. The report will provide program descriptions, attendance and levels of satisfaction of participants for the period 1 January to 31 October 2007.

Dedicated Seniors Website

It was requested that a report be prepared in relation to the possibility of establishing a website dedicated to seniors via a link to the City's website that would include information on upcoming events and issues appropriate to seniors.

It was suggested that information posted on the website be in a larger text more appropriate for seniors.

Officer's Comment

A separate website specifically for seniors is not considered appropriate. Investigation of a link to specific information on seniors in the City of Joondalup would however, be undertaken.

Link to Strategic Plan:

The Seniors Interests Advisory Committee is linked to the Strategic Plan through the following objectives:

- 1.1 To develop, provide and promote a diverse range of lifelong learning opportunities.
- 1.2 To meet the cultural needs and values of the community.
- 1.3 To continue to provide services that meet changing needs of a diverse and growing community.
- 1.4 To work with the community to enhance safety and security in a healthy environment.
- 3.3 To continue to meet changing demographic needs.
- 4.3 To ensure the City responds to and communicates with the community.

Legislation – Statutory Provisions:

Not Applicable.

Risk Management considerations:

Not Applicable.

Financial/Budget Implications:

Not Applicable.

Policy Implications:

Not Applicable.

Regional Significance:

Not Applicable.

Sustainability Implications:

Not Applicable.

Consultation:

A consultation plan has been developed to ensure that the Plan captures current issues, trends and concerns.

COMMENT

Committee participation in the Seniors Plan 2004 – 2008 review and consultation process assists in ensuring that seniors are adequately represented in the planning processes and the strategic directions being developed for older people in the City.

ATTACHMENTS

Attachment 1 Minutes of the Seniors Interests Advisory Committee Meeting held on
3 October 2007

VOTING REQUIREMENTS

Simple Majority

MOVED Mayor Pickard, SECONDED Cr McLean that Council NOTES the unconfirmed minutes of the Seniors Interests Advisory Committee held on 3 October 2007 forming Attachment 1 to Report CJ255-11/07.

The Motion was Put and CARRIED (12/0) by En Bloc Resolution following consideration of Item CJ248-11/07, Page 202 refers.

In favour of the Motion: Mayor Pickard, Crs Amphlett, Corr, Diaz, Fishwick, Hart, Hollywood, Jacob, Macdonald, McLean, Norman and Young.

Appendix 26 refers

To access this attachment on electronic document, click here: [Attach26brf131107.pdf](#)

**CJ256-11/07 POSSIBLE SCHOOL CLOSURES AND SHARED USE
REQUESTS WITHIN THE CITY OF JOONDALUP -
[57177]**

WARD: Central and South-East

**RESPONSIBLE
DIRECTOR:** Mr Clayton Higham
Director Planning & Community Development

PURPOSE

To advise Council on the current information available in relation to a number of possible school closures, school site redevelopments and various approaches to the request of shared use of facilities within the City.

BACKGROUND

In the late 1990's, the State Government closed the Greenwood Primary School and the land was sold at auction for residential development. This caused considerable reaction in the local community.

DETAILS

The City has become aware of, or in one instance has been advised of, the impending closure of schools and the redevelopment of these sites in the City. The following information is known to date.

1. Craigie Senior High School site

- The school has been closed for some time
- Landcorp is currently advertising a call for expressions of interest from private sector developers to partner with them to develop the site for residential purposes.
- One preliminary discussion was held with City officers in relation to this matter.

2. Craigie Primary School/Camberwarra Primary School

- Students will move next year from Craigie to Camberwarra while Craigie is demolished and rebuilt
- Construction expected to be completed in 2 years - for approximately 300 students with potential to go to 480.
- Students move back to new Craigie for 2010 school year
- Camberwarra site to be redeveloped
- Suggested possible shared use of junior oval (including nets and cricket pitch) and courts (basketball/netball). Cost to the City would be any extra beyond the standards normally provided by the Department of Education and Training plus a share of management and maintenance.
- New school to possibly include Child Health Clinic.

3. East Greenwood Primary School/Allenswood Primary School

- The City has not received any official advice on the closure, the amalgamation, or redevelopment of these school sites.
- The City was, however, made aware of this through an announcement from the Government following the meeting of Cabinet held at the City of Joondalup earlier this year.
- The City has been requested in writing to consider entering into an agreement for shared use of Penistone Reserve
- No further information in relation to this matter has been afforded to the City at this stage.

4. Letter to the Director General Department of Education and Training.

- The City has written to the Director General on the subject of school site amalgamations and development. The letter expresses concern that a number of school sites within the City are being considered for redevelopment with little or no reference in some cases to the City or the wider community.

Issues and options considered:

Not Applicable.

Link to Strategic Plan:

Not Applicable.

Legislation – Statutory Provisions:

Not Applicable.

Risk Management considerations:

Not Applicable.

Financial/Budget Implications:

Not Applicable.

Policy Implications:

Not Applicable.

Regional Significance:

Not Applicable.

Sustainability implications:

Not Applicable.

Consultation:

Not Applicable.

COMMENT

The issue of school closures and the provision for education facilities is one that rests squarely with the State Government. The resultant issue, however, of redevelopment of those sites, the loss of open space, and the shared use of new or existing facilities and spaces is one which clearly needs to involve the local government because of the potential impact on the local communities surrounding those sites. Consultation with the City at an early stage, and right through the process for all of the sites within the City is important to ensure the best possible outcome for the community.

The principle of shared use of facilities is sound, however, those decisions need to be made having regard to the individual merits of the particular facility, the current population and trends and the current and the future usage patterns of those facilities.

ATTACHMENTS

Attachment 1	Location Maps
Attachment 2	Landcorp Expression of Interest for Craigie Senior High School Site

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION:

That Council:

- 1 NOTES that the Chief Executive Officer has written to the Director General of the Department of Education and Training, seeking information on the rationalisation of individual school sites and requesting greater involvement of the City in that process;
- 2 REQUESTS the Department of Education and Training to better inform and involve the local community surrounding each of the school sites being considered for change, at an early stage in the process;
- 3 ADVISES the Department of Education and Training that any shared use arrangements will be considered by the Council on their individual merits, having a regard to the current and future anticipated demands for the City's facilities and playing reserves and the net cost to the City for such shared used of its facilities.

MOVED Cr Corr SECONDED Cr Norman that Council:

- 1 **NOTES that the Chief Executive Officer has written to the Director General of the Department of Education and Training, seeking information on the rationalisation of individual school sites and requesting greater involvement of the City in that process;**
- 2 **NOTES the extensive consultation by schools and the State Government to keep the local community involved and informed about the amalgamation;**
- 3 **ADVISES the Department of Education and Training that any shared use arrangements will be considered by the Council on their individual merits, having a regard to the current and future anticipated demands for the City's facilities and playing reserves and the net cost to the City for such shared used of its facilities.**

It was requested that point 2 be voted on separately.

Discussion ensued.

Cr Young foreshadowed her intention to move the Officer's Recommendation should the Motion under consideration not be successful.

MOVED Cr Corr SECONDED Cr Norman that Council:

- 1 **NOTES that the Chief Executive Officer has written to the Director General of the Department of Education and Training, seeking information on the rationalisation of individual school sites and requesting greater involvement of the City in that process;**

- 3 ADVISES the Department of Education and Training that any shared use arrangements will be considered by the Council on their individual merits, having a regard to the current and future anticipated demands for the City's facilities and playing reserves and the net cost to the City for such shared used of its facilities**

The Motion was Put and

CARRIED (12/0)

In favour of the Motion: Mayor Pickard, Crs Amphlett, Corr, Diaz, Fishwick, Hart, Hollywood, Jacob, Macdonald, McLean, Norman and Young.

MOVED Cr Corr SECONDED Cr Norman that Council:

- 2 NOTES the extensive consultation by schools and the State Government to keep the local community involved and informed about the amalgamation.**

The Motion was Put and

TIED (6/6)

In favour of the Motion: Crs Corr, Diaz, Fishwick, Hollywood, McLean, and Norman. **Against the Motion:** Mayor Pickard, Crs Amphlett, Hart, Jacob, Macdonald, and Young.

There being an equal number of votes, the Mayor exercised his casting vote and declared the Motion

LOST

MOVED Cr Young SECONDED Cr Jacob that Council:

- 2 REQUESTS the Department of Education and Training to better inform and involve the local community surrounding each of the school sites being considered for change, at an early stage in the process.**

The Motion was Put and

CARRIED (10/2)

In favour of the Motion: Mayor Pickard, Crs Diaz, Fishwick, Hollywood, McLean, Amphlett, Hart, Jacob, Macdonald and Young. **Against the Motion:** Crs Corr and Norman.

Appendix 27 refers

To access this attachment on electronic document, click here: [Attach27brf131107.pdf](#)

CJ257-11/07 CONSIDERATION OF AGREEMENT PRINCIPLES FOR THE ARENA COMMUNITY SPORT AND RECREATION ASSOCIATION - [07310]

WARD: North

**RESPONSIBLE
DIRECTOR:** Mr Clayton Higham
Planning & Community Development

PURPOSE

To provide an update on the status of the Arena Community Sport and Recreation Association project for the development of sporting infrastructure at Arena Joondalup.

To consider the principles of an agreement between the City and the WA Sports Centre Trust for the management and maintenance of the new facilities.

EXECUTIVE SUMMARY

The Arena Community Sport and Recreation Association received support from the City for their Community Sport and Recreation Facilities Fund application in November 2004 based on the City providing an additional \$148,000 above the required funding of \$560,000 for the project, on the basis that no further financial support would be provided.

In April 2005, the Department of Sport and Recreation notified the Arena Community Sport and Recreation Association and the City that the application had been successful, however, the funds were granted conditional upon the City and the WA Sports Centre Trust entering into a lease agreement for a period of 20 years.

The City, the Department of Sport and Recreation and the WA Sports Centre Trust have investigated many options to meet the conditions required for funding. A lease agreement was not pursued by the City on the basis of legal advice, which outlined that this type of agreement would have implied liability issues for which the City would not be in a position to mitigate or manage, as it has no responsibility over the site.

As an alternative, a deed of agreement was developed which was approved by the Department of Sport and Recreation to meet the funding guidelines. The deed of agreement would commit the City to future financial contributions to the maintenance and renewals of assets developed in the Arena Community Sport and Recreation Association's agreement. It also includes a clause requiring the City to meet fifty percent of any outstanding costs if the Arena Community Sport and Recreation Association dissolves as an association.

The model of developing sporting associations representing a variety of clubs provides a sustainable operating framework for clubs. The City initially saw the development of the Arena Community Sport and Recreation Association as a positive move as all clubs had previously been seeking upgrades or specialist facilities for their sporting clubs. The Arena Community Sport and Recreation Association's agreement provided a unique opportunity for the City to support local club infrastructure on State land with contributions from the Department of Sport and Recreation and the WA Sports Centre Trust. Whilst the deed of agreement increases the financial responsibility of City, the obligations are not seen as excessive or beyond the standard level of support that would be provided if the Association's facilities were established as a City asset on City land.

It is recommended that the Chief Executive Officer is delegated authority to execute the agreement on the basis of the principles outlined in this report. If approved by Council, the City will forward the draft agreement to its legal advisor then to the State Solicitors Office to finalise the agreement.

BACKGROUND

In November 2004, the Council supported a Community Sport & Recreation Facilities Fund application from the Arena Community Sport and Recreation Association for the development of sporting infrastructure at Arena Joondalup.

The resolution was to:

“LIST \$710,000.00 for consideration in the 2005/06 draft budget subject to the ACSRA being granted \$590,000.00 from CSRFF, the WASCT contributing \$250,000.00 and the ACSRA agreeing to meet the remaining \$220,000.00 in project costs, with the ACSRA and the WASCT providing the City with a commitment towards their funding contributions by 1 February 2005.”

The member clubs of the association are:

	<u>Membership Numbers</u>
▪ Joondalup Brothers Rugby Union Football Club	530 juniors and seniors
▪ Joondalup Giants Rugby League Club	350 - 400 juniors and seniors
▪ Joondalup Little Athletics Club	155 juniors
▪ Joondalup Netball Association	1,300 juniors and seniors

The application sought financial assistance from the City and the Department of Sport and Recreation for the construction of nine (9) outdoor netball courts, floodlighting to sporting grounds and a clubroom facility. The total cost of the project was \$1,685,000, with the City committing \$710,000 towards the project.

In supporting the application, the City allocated funds over and above the 1/3 contribution applicable through the Community Sport and Recreation Facilities Fund program. The City's contribution represented 40% of the total project cost. In assessing the application, it was determined that the scale of the project and the benefits that it would provide to the four (4) clubs concerned, justified the additional funding.

In April 2005, the Department of Sport and Recreation notified the Arena Community Sport and Recreation Association and the City that the application had been successful and a \$550,000 Community Sport and Recreation Facilities Fund grant would be made available. This amount was \$40,000 less than the contribution requested (with the association required to fund this shortfall). The approval for funding by the Department of Sport and Recreation was considered a special case, as the Community Sport and Recreation Facilities Fund guidelines state that funding cannot be made to State organisations, such as the WA Sports Centre Trust. To meet the funding guidelines, the funds were granted conditional upon the City and the WA Sports Centre Trust entering into a lease agreement for a period of 20 years.

In July 2006, the WA Sports Centre Trust submitted to the City a draft agreement for the management of the new facilities to be developed at Arena Joondalup. This agreement did not meet the Department of Sport and Recreation's expectations for funding. The Department required a lease agreement be developed to meet the Community Sport and Recreation Facilities Fund grant conditions.

Between October 2006 and April 2007, the City negotiated with the Department of Sport and Recreation and the WA Sports Centre Trust to determine the nature of the arrangement required to fulfil the grant conditions. The City's legal advice indicated that entering into a lease agreement would have implied liability issues for the City, which the City would not be in a position to mitigate or manage, as it has no responsibility over the site. Therefore the initial request to develop a lease agreement could not be met.

Despite the fact that there was no signed agreement, the Arena Community Sport and Recreation Association commenced the project. In May 2007, Stage 1 of the project was completed with the construction of the outdoor netball courts and the installation of floodlighting to the sports grounds. The City delayed payment of its contribution because the terms of the agreement had not been agreed. Following an inspection of the works in Stage 1, it was agreed to pay the City's contribution to the extent of the completed works (40%). In August, the City made a payment of \$284,000.

In June 2007, the Department of Sport and Recreation required advice from both WA Sports Centre Trust and the City on their preferred type of agreement to outline each party's responsibilities. This was now confirmed as a deed of agreement.

The details of the agreement have continued to change throughout the development period. The first draft agreement developed by the WA Sports Centre Trust required the City to make an annual payment of \$10,000 towards maintenance of the clubrooms only. The Department of Sport and Recreation and the WA Sports Centre Trust have increased these obligations throughout the development of the agreement.

In October 2007, City Officers met with the Chairman and Chief Executive Officer of the WA Sports Centre Trust in an attempt to finalise the conditions of the draft Deed of Agreement. A new draft Deed of Agreement has been developed and includes key changes, which commit the City to ongoing financial support to the Arena Community Sport and Recreation Association's clubrooms and playing fields. Some further changes have been suggested by the City and the draft deed is currently being amended.

The development of stage two of the project, the clubrooms, has been postponed pending the finalisation of the agreement.

DETAILS

The development of the Deed of Agreement has placed an increased obligation on the City for the contribution towards maintenance and renewal works costs associated with the Arena Community Sport and Recreation Association's facilities. The rationale behind the increased obligations has been driven by the Department of Sport and Recreation who require the City to have an ongoing commitment to the Arena Community Sport and Recreation Association's facilities. The Department of Sport and Recreation believe the facilities developed for the Arena Community Sport and Recreation Association would otherwise be the responsibility of the City if it were not located on a State Government site.

An outline of the increased obligations has been detailed below:

Renewals Contributions

Under the terms of the draft Deed of Agreement 'renewals' is defined as works to replace or refurbish the existing improvements with improvements of equivalent capacity or performance capability.

The Agreement terms specify the City is required to make a 50% contribution towards renewals for the playing fields. The City is also required to make a 50% contribution to renewals of the Clubrooms less any amount that has been accumulated in the Arena Community Sport and Recreation Association's clubroom sinking fund.

The Arena Community Sport and Recreation Association has developed a sinking fund for the renewal and upgrade of the clubroom facilities. As part of the Arena Community Sport and Recreation Association's constitution, 25% of the annual net profit will directly be allocated to the sinking fund, which is expected to be \$6000 - \$7000 per annum.

It is difficult to forecast the cost of renewals, as the timing for renewals can be dependant on many factors such as the impact of the level of utilisation of the asset and the annual scheduled and preventative maintenance programs. The most immediate requirement for renewal works would relate to the netball courts. The life expectancy of netball courts is estimated at 7-10 years dependant on usage. The cost (in today's dollars) to resurface netball courts is estimated at \$5,500 per court.

At the City's request, the agreement has included that the WA Sports Centre Trust shall provide the City twelve (12) months notice of the cost of such renewals. The WA Sports Centre Trust is also required to provide an annual facility condition audit. These two conditions will assist the City in planning for the funding of the renewal projects.

Maintenance Contributions

Under the terms of the draft Deed of Agreement the City is required to contribute 50% of the actual playing fields maintenance costs on an annual basis. The playing fields refer to the netball courts and the rugby/soccer ovals located at the Arena.

To meet the proposed terms of the Agreement, the City will agree to the level of the service that the WA Sports Centre Trust will apply to the playing fields. This will ensure the maintenance cost applied to the City directly relates to the cleaning, reticulation, mowing and general maintenance as specified in the level of service. It will ensure that all future annual maintenance contributions can be directly related to an agreed level of service, limiting service creep and cost escalations.

The maintenance costs to the City, as quoted by the WA Sports Centre Trust, would be in the vicinity of \$15,000 - \$20,000 per annum. The cost estimate is based on an established maintenance contract between the WA Sports Centre Trust and a private contractor.

Additional Requirements

At the City's request additional conditions have been included in the draft Deed of Agreement that are outlined below:

1. The City is provided with the opportunity to participate in the lease negotiations between the WA Sports Centre Trust and the Arena Community Sport and Recreation Association. This condition has been requested by the City to ensure fair and sustainable terms and conditions are applied to the Arena Community Sport and Recreation Association similar to other sporting clubs or associations in the City.
2. The City is provided with an annual audited statement of revenue and expenditure from the Arena Community Sport and Recreation Association on the operation of the Clubroom. The draft Deed of Agreement states the City undertakes to reimburse 50% of the total costs, loss or damages sustained by the WA Sports Centre Trust as a result of the Arena Community Sport and Recreation Association's default on their lease. This condition has been requested by the City to enable the City to review the financial performance of the Club and allows the City to provide intervention support to the Arena Community Sport and Recreation Association if their financial position signals a risk to their sustainability.
3. The Agreement is reviewed by WA Sports Centre Trust and the City every 10 years to ensure the renewal contribution and maintenance contribution conditions of the agreement, remain in line with the initial intent of the agreement and considers the needs of all parties involved in the agreement.

Issues and options considered:

Link to Strategic Plan:

The service provided by the WA Sports Centre Trust links with the following outcome in the City's Strategic Plan 2003-2008.

Outcome: The City of Joondalup provides social opportunities that meet community needs.

Objective: 1.3 To continue to provide services that meet changing needs of a diverse and growing community.

Strategies: 1.3.1 Provide leisure and recreational activities aligned to community expectations, incorporating innovative opportunities for today's environment.

1.3.2 Provide quality-of-life opportunities for all community members.

1.3.3 Provide support, information and resources.

Outcome: The City of Joondalup has an effective integrated transport system.

Objective: 3.4 To provide integrated transport to meet regional and local needs.

Strategies: 3.4.1 Advocate and facilitate the creation of transport linkages.

Legislation – Statutory Provisions:

No legislation/statutory provisions were identified.

Risk Management considerations:

Not Applicable .

Financial/Budget Implications:

Not Applicable.

Policy Implications:

No policy implications were identified.

Sustainability Implications:

No sustainability implications were identified.

COMMENT

The additional conditions that have been included in the agreement increase the City's financial commitment to supporting the Arena Community Sport and Recreation Association, over and above the initial 2004 Community Sport and Recreation Facilities Fund agreement. It is considered that greater recognition should be given to the fact that the City contributed an additional \$148,000 to the project. Despite this, there remains considerable merit and benefit in the project for the City and its participating clubs.

The key benefit of the Arena Community Sport and Recreation Association's agreement is that four sporting clubs located in the City will share playing fields and clubrooms. Prior to the development of the Arena Community Sport and Recreation Association, the City was receiving requests from the member clubs for improved or additional sporting infrastructure to meet their clubs needs.

The development of an association with representative clubs that share a constitution and clear management plan is considered a sustainable sporting club model, which will provide many benefits to the local community.

The increased level of financial responsibility on the City is considered a fair obligation on the City considering the City would undertake this type of works on its own assets. The agreement does provide the City with significant capital and operating cost savings as compared to the City being solely responsible for the provision and maintenance of the facilities.

As a comparison in 2006/07, the City spent in the vicinity of \$60,000 to maintain the Iluka District Open Space. This a comparable active reserve that operates with a similar level of utilisation to that at of the rugby/soccer ovals at Arena Joondalup. A true cost comparison is difficult between the two sites as the Arena Community Sport and Recreation Association's Agreement does not include maintaining all surrounding non active open space and verges, of which the City is responsible for at Iluka District Open Space.

The financial value of the Agreement to the City, is highlighted through this comparison, as the City is responsible for 50% of maintenance costs estimated at \$15,000 - \$20,000, as compared to being 100% responsible for maintenance costs, if the assets were built on City land.

The agreement has included that the WA Sports Centre Trust shall give the City 12 months notice of the cost of such renewals. The WA Sports Centre Trust is also required to provide an annual facility condition audit. These two conditions will assist the City in planning for the funding of the renewal projects.

A review date has been included in the Agreement to ensure that renewal and maintenance contribution principles remain in line with the initial intent of the Agreement whilst also considering the current requirements of all groups involved in the Agreement. A ten (10) year review period was chosen over a five (5) year review period, to provide the Department of Sport and Recreation and the WA Sports Centre Trust with a level of confidence that the City was committed to the terms of the agreement.

Should Council endorse the recommendation listed, the City will finalise the agreement with the WA Sports Centre Trust, which is expected to take four weeks to complete. Following the completion of the agreement the WA Sports Centre Trust in conjunction with the Arena Community Sport and Recreation Association will seek quotes for the construction of the clubroom facilities.

The agreement is currently with the State Solicitor's Office for final drafting.

ATTACHMENTS

Nil.

VOTING REQUIREMENTS

Absolute Majority

MOVED Cr McLean SECONDED Cr Hollywood that Council:

- 1 NOTES the current status of Arena Community Sport and Recreation Association's agreement between the Western Australian Sports Centre Trust and the City;**
- 2 ENDORSES the following principles to be incorporated in the agreement:**
 - (a) The City commits to making a 50% contribution toward renewal for playing fields;**
 - (b) The City commits to making a 50% contribution to the renewal of the clubrooms less any amount that has been accumulated in the Arena Community Sport and Recreation Association's clubroom sinking fund, provided the Western Australian Sports Centre Trust gives a minimum of 12 months notice of such works;**
 - (c) The City commits to a 50% contribution to the maintenance costs of the actual playing fields on an annual basis, subject to the Western Australian Sports Centre Trust providing a detailed statement of expenditure prior to 30 June each year and that the contribution is based on 50% of the expenditure up to the agreed level of service for maintenance;**

- 3 **DELEGATES** to the Chief Executive Officer the authority to execute the agreement once finalised on the basis of the principles in 2 above.

AMENDMENT MOVED Cr Norman SECONDED Cr Hollywood that an additional point 2 (d) be added to the Motion to read as follows:

“(d) The City and the Western Australian Sports Centre Trust review the conditions of the agreement every 5 years to ensure the contribution principles remain in line with the initial intent of the agreement.”

The Amendment was Put and

CARRIED (12/0)

In favour of the Amendment: Mayor Pickard, Crs Amphlett, Corr, Diaz, Fishwick, Hart, Hollywood, Jacob, Macdonald, McLean, Norman and Young.

AMENDMENT MOVED Cr Young SECONDED Cr Jacob that points 2 (a) and 2 (b) be amended to read as follows”

“(a) The City commits to making a 50% contribution toward the agreed renewal for playing fields;

(b) The City commits to making a 50% contribution to the agreed renewal of the clubrooms less any amount that has been accumulated in the Arena Community Sport and Recreation Association’s clubroom sinking fund, provided the Western Australian Sports Centre Trust gives a minimum of 12 months notice of such works;”

Discussion ensued.

The Amendment was Put and

CARRIED (7/5)

In favour of the Amendment: Crs Amphlett, Corr, Diaz, Hart, Macdonald, Norman and Young. **Against the Amendment:** Mayor Pickard, Crs Fishwick, Jacob, McLean and Hollywood.

The Original Motion, as amended, being:

That Council:

- 1 **NOTES** the current status of Arena Community Sport and Recreation Association’s agreement between the Western Australian Sports Centre Trust and the City;
- 2 **ENDORSES** the following principles to be incorporated in the agreement:
 - (a) The City commits to making a 50% contribution toward the agreed renewal for playing fields;
 - (b) The City commits to making a 50% contribution to the agreed renewal of the clubrooms less any amount that has been accumulated in the Arena Community Sport and Recreation Association’s clubroom sinking fund, provided the Western Australian Sports Centre Trust gives a minimum of 12 months notice of such works;

- (c) The City commits to a 50% contribution to the maintenance costs of the actual playing fields on an annual basis, subject to the Western Australian Sports Centre Trust providing a detailed statement of expenditure prior to 30 June each year and that the contribution is based on 50% of the expenditure up to the agreed level of service for maintenance;
- (d) The City and the WA Sports Centre Trust review the conditions of the agreement every 5 years to ensure the contribution principles remain in line with the initial intent of the agreement.

3 DELEGATES to the Chief Executive Officer the authority to execute the agreement once finalised on the basis of the principles in 2 above.

Was Put and

CARRIED BY AN
ABSOLUTE MAJORITY (12/0)

In favour of the Motion: Mayor Pickard, Crs Amphlett, Corr, Diaz, Fishwick, Hart, Hollywood, Jacob, Macdonald, McLean, Norman and Young.

REPORT OF THE CHIEF EXECUTIVE OFFICER

CJ258-11/07 OVERVIEW OF THE OFFICIAL VISIT TO JINAN (SHANDONG PROVINCE), CHINA BY THE CITY OF JOONDALUP DELEGATION - SEPTEMBER 2007 - [52469]

WARD: All

RESPONSIBLE
DIRECTOR: Mr Garry Hunt
Office of CEO

PURPOSE

To provide an overview, and highlight the outcomes, of the visit made to the City of Jinan, Shandong Province, China from 4 to 14 September 2007 by the City of Joondalup delegation.

This report will also outline the schedule of activities of the delegation during the visit to Jinan and Beijing.

EXECUTIVE SUMMARY

Friendly relations between the City of Joondalup and the City of Jinan in eastern China have been developing since 2000. A Memorandum of Friendly Talks was signed between the two Cities in 2002. In late 2003, the City received an invitation to lead a delegation to Jinan with the intent of signing a formal protocol of friendly relations as part of the process to establish a formal sister city relationship between the two Cities. This protocol has been given national approval by the Peoples Republic of China. The signing occurred in September 2004.

In September 2007, a delegation of industry partners throughout Joondalup was formed and was led by Mayor Troy Pickard. A primary purpose of the delegation for the City of Joondalup was to strengthen the ties that are developing between the two Cities as well as to provide further opportunities for Joondalup.

During the visit, the delegates met with key officials of all industry sectors to initiate official relationships. Discussions also commenced on progressing mutual advancements for the two Cities to actively encourage and promote the expansion of co-operation and exchanges in the fields of economy, trade, science and technology, education, culture, tourism, health and in other relevant fields concerned.

BACKGROUND

“City of Jinan”

The City of Jinan is the capital, and political, economic and cultural centre of Shandong Province in eastern China and is known as “the City of springs”, as it is a City famous for a large number of natural springs. The Jinan municipality covers an area of 8,227 square kilometres (metropolitan Perth is 7,044 square kilometres in area by comparison) with an urban population of 2.4 million and a total population of 5.34 million (2002 census). The municipality encompasses one City, five urban districts and four counties. If a ranking were to be given to its status Jinan’s closest actual equivalent in Australia would be the (Greater) Brisbane City Council in Queensland. Shandong is a province on the economically thriving eastern seaboard that is strategically located as a (rail) transport hub between Beijing (480km to the north) and Shanghai (800km to the south), China’s two foremost urban-industrial regions. A snapshot of China is shown as Attachment 1.

History of the relationship

Friendly relations between the City of Joondalup and Jinan, China have been developing since 2000 following a visit by delegates from the Jinan Municipal People’s Government to Joondalup.

The City of Joondalup held a public meeting in August 2001 to gauge public support for establishing a Sister City relationship with the City of Jinan. Members of the local community were invited to attend the meeting and joined a number of prominent guests including the former Mayor, Mr John Bombak JP and the Vice Chair of the Australian Sister Cities Association, Ms Jan Teasdale to discuss the establishment of a Sister City relationship. Outcomes from this meeting were positive with all parties agreeing that the development of a Sister City relationship may produce a number of significant benefits for the City of Joondalup.

In late 2001, the former Mayor John Bombak led a delegation to Jinan during the Golden Autumn Trade Fair and in January 2002 Mr Sun Changyin, Chairman of the Jinan Municipal People’s Consultative Committee led another delegation to visit Joondalup. During this trip a “Memorandum of Friendly Talks” was signed between the two Cities.

In September 2003, Mr Li Zhongxue, Director of Jinan Foreign Affairs Office advised the City that the Chinese Friendship Association with Foreign Countries had issued an approval to formalise friendly relations between the City of Joondalup and Jinan. A formal invitation was also extended to the City to lead a delegation to Jinan with the intent of signing a formal protocol of friendly relations as part of the developing relationship between the two Cities.

A letter was sent to Jinan in response to this invitation in which the then Chairman of Commissioners, Mr John Paterson, stated that:

“Joondalup’s new Commissioners are aware of the importance of the continuing relationships between our two cities and of the significance of the twin-city relationship approved by the Chinese Friendship Association. We are keen to further develop fruitful relationships between our two cities in the areas of education, tourism, health, trade and business.”

In February 2004, Council considered the invitation from Jinan, and resolved to:

1. *ACCEPT the invitation and acknowledge the previous relations by the Municipal People’s Government of Jinan for the Chairman of the Commissioners of the City of Joondalup to lead a delegation to Jinan;*
2. *AUTHORISE the Chairman of Commissioners to commence formal discussions to negotiate an appropriate date for the delegation with the City’s key stakeholders and the Jinan People’s Municipal Government;*
3. *ADVISE the Municipal People’s Government that travel and accommodation costs would be borne by each delegate and/or their representative organisation;*
4. *LIST for consideration in 2004/05 budget process the costs of the Chairman’s travel and accommodation to Jinan as well as the associated costs of hosting an inbound delegation (excluding their accommodation and airfare costs) during the 2004/05 financial year from Jinan.”*

Further details on the history of the relationship with Jinan can be found in the following reports, previously submitted to Council:

- CJ007 - 02/04 – Invitation to further formalise friendly relations with Jinan in Shandong Province, China – [52469] [11014]
- CJ155 - 07/04 – Delegation to formalise friendly relations with Jinan in Shandong Province, China – [52469] [11014]
- CJ120 - 07/07 – Joondalup Jinan Sister Cities – Delegation for Jinan International Tourism Fair September 2007 - [52469]
- CJ184 - 08/07 – Joondalup Jinan Sister Cities – Confirmation of Mayoral Delegation to Attend Jinan International Tourism Fair September 2007 – [52469]

Formation of a delegation

Following the February 2004 Council resolution, discussions on joining the delegation were held with key Learning City partners and other key industry stakeholders. A twelve-person delegation was formed and left for Jinan in September 2004. The delegation comprised the following representatives from key industry sectors and service providers within the City of Joondalup:

Name	Position	Organisation
Mr John Paterson	Chairman of Commissioners	City of Joondalup
Ms Rhonda Hardy	Manager Strategic & Sustainable Development	City of Joondalup
Professor Patrick Garnett	Deputy Vice Chancellor	Edith Cowan University
Mr David Curry	President	Joondalup Business Association
Mr Kempton Cowan	Director of Hospital	Joondalup Health Campus
Mr James Chan	Managing Director	Joondalup Resort Hotel
Mr Alan Green	Acting President	Sunset Coast Tourism Association
Mr Graeme Lienert	Assistant Commissioner of Police (Corruption Prevention and Investigation)	Western Australia Police Service
Ms Sue Slavin	Managing Director	West Coast College of TAFE
Mr Peter Flatt	Senior Asset Manager	ING Real Estate and Owner of Lakeside Shopping Centre
Dr Glenn Watkins	Chairman	International Institute of Business & Technology (IIBT)
Mr David Xu	Director	International Institute of Business & Technology (IIBT)

Following receipt of an invitation from the Jinan Foreign Affairs Office to travel to Jinan to attend the Jinan International Tourism Fair, the Council resolved, at its meeting on 17 July 2007 that it:

- 1 *ACCEPTS the invitation to attend the Jinan International Tourism Fair;*
- 2 *APPROVES the travel period to be from 4 September 2007 to 14 September 2007;*
- 3 *ENDORSES a formal delegation comprising of the Mayor and the Chief Executive Officer to represent the City and to lead the delegation;*
- 4 *APPROVES that the City pay the associated costs for airfares, accommodation and incidental expenses for the Mayor and the Chief Executive Officer of Joondalup as outlined in Report CJ120-07/07;*
- 5 *ENDORSES the following stakeholders (or their representatives) to be part of the official delegation:*

<i>Mr Kerry Cox</i>	<i>Vice Chancellor Edith Cowan University</i>
<i>Mr Karl O'Callaghan</i>	<i>Commissioner of Police</i>
<i>Mrs Sue Slavin</i>	<i>Managing Director West Coast TAFE</i>
<i>Mr James Chan</i>	<i>Managing Director Joondalup Resort</i>
<i>Mr Russell Crook</i>	<i>President Joondalup Business Association</i>
<i>Mr Kempton Cowan</i>	<i>Managing Director Joondalup Hospital</i>
<i>Mr Andrew Slomp</i>	<i>President Sunset Coast Tourism Association</i>
<i>Mr Paul Leech</i>	<i>Principal Woodvale High School</i>

- 6 *NOTES that all costs associated with stakeholder attendance are to be borne by the stakeholders;*
- 7 *NOTES that any other Elected Members wishing to participate in the delegation may do so at their own expense and the Council must formally agree to this."*

The City issued formal invitations to the stakeholders to be part of the official delegation to Jinan. Four stakeholders accepted this invitation, and formed part of the official delegation, including Mayor Pickard and the Chief Executive Officer, as detailed below:

Name	Position	Organisation
Mr Troy Pickard	Mayor and Leader of Delegation	City of Joondalup
Mr Garry Hunt	Chief Executive Officer	City of Joondalup
Ms Sue Slavin	Executive Director	West Coast TAFE (Vocational College)
Mr Patrick O'Brien	Director, School of Hospitality	West Coast TAFE (Vocational College)
Mr Russell Crook	President	Joondalup Business Association
Professor Robert Harvey	Executive Dean, Faculty of Business and Law	Edith Cowan University
Miss Tracy Zhang	Interpreter	City of Joondalup

A subsequent report to the Council meeting of 28 August 2007, confirmed the composition of the delegation, as follows:

Mayor Troy Pickard	Mayor of Joondalup
Mrs Felicity Pickard	Partner of the Mayor of Joondalup
Mr Garry Hunt	Chief Executive Officer of the City of Joondalup
Mrs Jill Hunt	Partner to the Chief Executive Officer
Mr Russell Crook	President Joondalup Business Association
Mrs Sue Slavin	Managing Director of West Coast TAFE
Mr Patrick O'Brien	Director Hospitality and Tourism West Coast TAFE
Mr Robert Harvey	Executive Dean, Business and Law, Edith Cowan University

It was also resolved that the City would only incur costs for the Mayor and Chief Executive Officer and the provision of translation services that may be required for the delegation, with the costs for stakeholder and partner attendance being borne by themselves.

A detailed itinerary was prepared in conjunction with the Jinan Foreign Affairs Office, which included meetings with the Australian Embassy and relevant officials of the Jinan Government to progress a number of issues, as well as site visits to key business, educational and hi-tech institutions.

DETAILS

Objectives of the delegations visit to Jinan

The main objectives of the Joondalup delegation's visit to Jinan was:

- To reinforce the strong ties between the Cities of Joondalup and Jinan;
- To formally recognise the newly appointed Mayor of Jinan City, Mayor Zhang Jianguo; and
- To present new ideas for future exchange programmes and consolidate the position of Joondalup within the Jinan Government.

Brief details of trip

The Joondalup delegation comprised the Mayor, Chief Executive Officer and four key stakeholder representatives within the City of Joondalup. The delegation visited the Australian Embassy in Beijing and met with senior officials. Whilst in Jinan, the Joondalup delegation met with a large number of Government officials, educational institutions and industry counterparts.

In total, the delegation spent 4 days (5 nights) in Jinan and 4 days (4 nights) in Beijing. A summarised itinerary is provided below with additional details provided further on in this report and in relevant appendices.

Itinerary for Joondalup Delegation to visit Jinan, 4 to 14 September 2007	
Tuesday, 4 September 2007	
1555hrs	Depart Perth for Beijing, China
Wednesday, 5 September 2007	
0720hrs	Arrive Beijing
1000hrs	Arrive Great Wall Sheraton Hotel Beijing
Thursday, 6 September 2007	
0930hrs	Visit to Australian Embassy Beijing
1405hrs	Depart Beijing for Jinan
1500hrs	Arrive Jinan
1600hrs	Arrive Sofitel Hotel
1800hrs	Welcome banquet hosted by Mayor Zhang Jianguo
Friday, 7 September 2007	
0830hrs	Visit No. 9 Middle School
1000hrs	Visit Jinan University
1400hrs	Visit Jinan Vocational School
1600hrs	Meeting with Jinan Chamber of Commerce
1800hrs	Meeting and banquet given by the Tourism Fair
Saturday, 8 September 2007	
0900hrs	Opening Ceremony of Tourism Fair Attend Official Joondalup booth at Tourism Fair
1100hrs	Visit to Jinan Botanical Gardens
1900hrs	Evening show given by the Tourism Fair

Sunday, 9 September 2007	
0800hrs	Visit to Qufu, the hometown of Confucius
Monday, 10 September 2007	
0930hrs	Visit to Qilu Software Park
1400hrs	Police Bureau
1730hrs	Banquet hosted by Mr Li, former Director Foreign Affairs Department
Tuesday, 11 September 2007	
0735hrs	Travel to Beijing by Train
1100hrs	Arrive Beijing – Novotel Xin Qiao Hotel
Friday, 14 September 2007	
0800hrs	Meeting with Beijing Austrade representative
1600hrs	Depart Beijing for Perth

THURSDAY 6 SEPTEMBER 2007

Australia's relationship with China – Details of meeting with the Australian Embassy

On 6 September 2007, the Joondalup delegation met with officials from the Australian Embassy in Beijing:

Mr Scott Shepherd– Economic Counsellor to China
 Mr Quenton Stephenson -Fowkes
 Mr Ian Macintosh – Counsellor (Economic) to the Australian Embassy

The meeting provided a strong insight into the economic situation of China and in particular, Shandong Province. It was indicated the key trade interest in China is due to the strong growth currently being experienced. Last year, China's growth rate was 10% and similarly high levels of economic growth had been experienced in previous years. The central government is run by the Communist Party of China (CPC) and in 2007 the 17th Party congress will be held which will determine the economic and social agenda for the next five years. China also has a massive itinerant population and associated social issues to address.

Other items of discussion included:

- China's increasing debt ratio and the opening of the Chinese banking sector to the rest of the world;
- the shifting Chinese population (from western to eastern China);
- the Free trade agreement between Australia and China;
- the current involvement by Australian Governments (at any level) in Jinan and Shandong Province;
- increasing numbers of visa applications;
- the Expanding tourism sector;
- educational reforms and the expansion of China's post-secondary participation rates;
- training and development for employees of Chinese organisations is increasing;
- current numbers of Chinese students in Australia and Western Australia and the major opportunity to increase these numbers, particularly in WA with 26% of the international students attending Australian educational institutions coming from China (71,000 students) with a further 26,000 students in China studying Australian courses;

- partnership programs for the delivery of education and training;
- the level of Government support required for positioning WA (and Joondalup) in China;
- the acknowledgement by Australian Embassy Officials of the significance of the relationship between Joondalup and Jinan;
- the strong focus on the Vocational Education Training sector;
- Shandong Province being number 7 in Visa approvals for visits to Australia;
- bilateral Trade being \$50 billion.

Formal Meeting and Banquet Hosted By Mayor Zhang Jianguo

The delegation was transported to a Hotel used by the Jinan Municipal government for the official hosting of overseas delegations

The delegation was formally greeted by Mayor Zhang Jianguo and senior government officials including:

- Mr Yan – Secretary of the Communist Party of Jinan
- Mr Hu Zhan Ping - Vice Chairman Jinan Municipal Committee of CPPCC and Secretary General of Jinan Municipal Peoples Government
- Mr Wang Xu- Deputy secretary General Jinan Municipal Government

At this meeting formal greetings and gifts were exchanged. Mayor Pickard invited Mayor Zhang to visit Joondalup and highlighted the opportunities for further strengthening of the Sister City relationship, both at an economic and cultural level

The meeting was followed by the official welcome dinner.

Friday 7 September 2007 - No 9 Middle School

The No. 9 Middle School has a sister school agreement with Woodvale Senior High School. A number of the students of the No. 9 Middle School have visited the Woodvale School and Mayor Pickard has been in attendance at activities at the School when students from Jinan have been in attendance.

The delegation involved in the meeting with the City of Joondalup delegation included:

- Meng Wei Qing, Secretary of the Party of the Middle School;
- Wang Haiyu, Deputy Director Education Bureau;
- Shi Xiuqin, Department of Foreign Affairs;
- Liu Pei Liang, Vice President No. 9 Middle School (who has visited Woodvale); and
- Fang Hui, President of the School Board.

The School was founded in 1954.

After the official meeting, the delegation visited an English class where the teachers and students asked questions of Mayor Pickard.

This interchange was followed by a musical presentation by two students, playing traditional Chinese musical instruments. The delegation then attended a tapestry art class, and all of the members of the delegation were presented with small mementos created by students from the Art class. The delegation was treated to great fanfare both on arrival and departure and it is clear that the link between the School and the City has significant recognition.

Jinan University

The delegation visited Jinan University, to reinforce the link between Jinan University and Edith Cowan University (ECU). The official delegation to greet the City included the President, Mr Cheng Xin, Vice President Han Hong, and Vice President Cai Xianjin.

The daughter of the President of the University is a student at ECU. Mayor Pickard outlined the significant importance and status of ECU and the strength of the Joondalup Learning Precinct. Executive Dean of the Faculty of Business and Law, Professor Robert Harvey, represented ECU. From the visit to the University, it was clear that the Jinan University is an educational institution of significant status and size. The delegation was given a tour of the facilities and provided information on its extensive ties with overseas countries as well as the vast array of Degree and Masters programmes undertaken by students at the University. In his speech, Mayor Pickard emphasised the liaison between the Cities of Jinan and Joondalup, and his desire for a strengthening of the relationship over time, particularly between ECU and the University of Jinan.

Professor Harvey of ECU sought clarification on the current situation on courses and priorities that might be progressed between the two Universities. Jinan University has two major campuses, which are some distance apart. The majority of students and professors and lecturers live within the university complexes.

The Jinan University buildings are very modern and have a number of high-rise facilities. It has significant major open spaces, which ensure that the University dominates the landscape. There was considerable discussion on the opportunities for co-operative programmes to be developed and shared between the two Universities and potential for substantial links in the future.

Jinan Vocational College

The Jinan Vocational College is located some distance from the Central Business District of Jinan. Upon arrival at the facility, the usual protocol of a formal meeting was conducted, with the interchange led by Mayor Pickard and the Executive Director of West Coast College of TAFE, Sue Slavin. West Coast College of TAFE and the Jinan Vocational College have a sister city relationship via an Educational Committee. The Jinan Vocational College is a public College at tertiary level, which has an extensive history of over 55 years. There are currently 14,000 students enrolled at the College, which has four campuses. The Campus that was visited by the delegation is only three years old. The College has 47 special electives, with a focus on information technology and hospitality management. It was highlighted that the relationship with WCC was seen to be very strong, with further opportunities for growth in the future.

Meeting with Jinan Chamber of Commerce

The Chief Executive officer and the President of the Joondalup Business Association (JBA), Mr Russell Crook were able to secure a meeting with representatives of the Jinan Chamber of Commerce. The representatives were Mr Lee Jing and Mr Zhang Youxin who was Vice Chairman of the Chamber. The meeting was initiated to explore the opportunities and possibilities of formalising a relationship between the Jinan Chamber of Commerce and the JBA. The Sister City relationship between Jinan and Joondalup was outlined to the representatives, as was the fact that the JBA had a strong link with the City of Joondalup.

The Chamber of Commerce of Jinan is government supported and services small and medium enterprise for both the domestic and international markets. The Association provides economic information on business fields in a wide range of areas, excluding education and tourism. It promotes local products in the markets, particularly for the service industries and technology. The Chamber has relationships with Sacramento in USA and Oxburg in Germany.

It was clear from the discussion that there are opportunities for the City of Joondalup and the JBA to foster a business to business and Chamber to Association relationship with the support of the two Cities.

Friday 7 September - Tourism Fair Banquet

A major banquet was held to launch the Tourism Fair, which was to be opened to the public on Saturday 8 September 2007. The Vice Mayor, Mr Wang Tian Yi, who hosted the event is also the Head of Tourism and the President of the local Chamber of Commerce. Mayor Pickard was one of a number of dignitaries hosted on the official table, together with representatives from South Korea, Iceland and the Philippines. The balance of the delegation was hosted by the Vice Chairman of Tourism.

The evening had representations from all of the Countries that had display booths for the Tourism Fair. The evening was very pleasant with considerable entertainment for the guests.

Saturday 8 September 2007 Formal opening – Tourism Fair

The Mayor and CEO were part of the official party for the opening of the Tourism Fair. The VIP treatment was something to behold, with special seating arrangements for the pre-meeting where there was a briefing by Vice Mayor, Wang Tian Yi, who was responsible for the Tourism Fair.

The Governor of Shandong opened the Fair and there were speeches by the vice Mayor and Mayor Zhang, together with representatives from South Korea who had a major exhibition as part of the Tourism Fair. The Ambassador for Iceland delivered a vote of thanks on behalf of the visiting delegations.

The Tourism Fair is a major extravaganza and Joondalup was well represented, with Mayor Pickard in the front row of the stage for the formal opening.

A stand out in the crowd, in front of the stage, was the City of Joondalup delegation in their special shirts created for that event.

After the formal opening, the huge crowd moved to the exhibition hall, where the City of Joondalup delegation representatives assisted on the Joondalup booth. Mayor Pickard and wife Felicity, CEO and wife Jill, Robert Harvey, Russell Crook and Patrick O'Brien all assisted on the booth, together with staff from the Jinan Foreign Affairs Department.

There was a huge surge of the crowd around the City of Joondalup's booth and the brochures and items about Joondalup were quickly distributed. The Tourism video on display attracted significant crowds. Two TV channels interviewed Mayor Pickard and after the delegates left the booth, large numbers of people were seen wandering around the exhibition with City of Joondalup information and Australian flags.

Visit to Jinan Botanical Gardens

Two hours from the Jinan Central Business District is the location of the new Jinan Botanical Gardens. Travelling to the location, it was noticeable that the Jinan Municipal Government has invested extensively in its transport and communication systems. The access to the location was via a newly constructed freeway system. The Botanical Gardens commenced some three years ago and sites have been set aside for all Sister Cities of the City of Jinan. The delegation visited a site that has been set aside for the City of Joondalup. Each Sister City is to receive a formal invitation to plant native species from that particular region. Our visit was hosted by Mr Hu who was part of the official, formal greeting of the delegation on its first day, and who has visited the City of Joondalup as part of the delegation in 2005 with the Mayor of the day, Mayor Bao.

Jinan Spring Gardens – Batou Gardens

Within the centre of the City of Jinan are a series of gardens based around natural springs. This locality was formerly the home of a famous poet and there are a number of heritage buildings, together with the history of the poet and family over the years. One particular area of the springs and waterways has been fenced off and there is a resident seal that 'patrols' through the waterway system.

Tourism Fair Extravaganza Performance

This event was one of the highlights of the tour. A wide range of performances by performers from both Jinan and South Korea were on display. Many of the activities were of international class, similar to the Cirque du Soleil. There was a wide range and variety of singing and dancing, from opera singers to pop.

Sunday 9 September 2007

The City of Jinan officials hosted the delegation with a visit to Qufu – the home of Confucius. This involved a 2½-hour drive along a major highway system, which had extensive sections that were undergoing roadworks. It was noticeable along the way that this particular transport system was a major route for the transport of goods to manufacturing areas. This gave the delegation members an opportunity to see (the real China) and the outlying areas of Jinan and the Shandong Province.

The visit to the home of Confucius was extremely enlightening and gave a great insight into the man, his sayings and his impact on life in China over many centuries.

Monday 10 September 2007 - Visit to Qilu Software Park

This business park was initially part of a construction programme commencing in 1995. By the year 2000, 21 businesses had been established in the business park and by the end of 2006, 512 businesses had been established. It is an interactive business complex, covering an area of 6.5 square kilometres. There is a magnificent central park area, which is a major feature of the locality. The objective of the park is to act as an incubator for cutting edge technology to assist companies to develop and then move into more commercial areas. There are strong links between the Shandong University and the business park and there are 3,500 students located at the Park. The Park is part of a production zone and has industry headquarters, education and living quarters for people associated with the Park. There are a number of major international corporations, including Microsoft, Sun Microsystems, IBM and Texas Instruments located within the Park.

Public Security Bureau

The delegation made a courtesy call on the Public Security Bureau. The initial meeting was held with the Commissioner and Deputy Commissioner and two Inspectors, all of whom had attended the Joondalup Police Academy. After the formal exchanging of gifts, the delegation was led by the Deputy Commissioner to meet 10 inspectors, all of whom had attended the Joondalup Police Academy.

Three of the officers spoke about their experiences at the Academy. The Mayor signed a large visitors book to record the formal visit.

The delegation was then escorted from the Headquarters to a local Police Station, with all intersections blocked off to allow the rapid transit of the delegation. At the police station, the delegation was met by the police officials and given the red carpet and guard of honour to mark the occasion. A tour of the facilities at the local Station followed, including the cafeteria, gym room, laundry, reading room, sleeping areas, equipment room and last but not least, the Barber's shop.

The Head of Station was very proud of his trophy room where one of his officers had been formally recognised as one of the top 10 traffic police in China.

Farewell Dinner

Mr Li Zhongxue, President of the Jinan Peoples Association for Friendship and Foreign Countries, hosted the farewell banquet. Mr Li was the former Director of the Foreign Affairs Department and has visited Joondalup, with the Mayor Bao delegation that invited the City of Joondalup in 2005.

Tuesday 11 September 2007 - Travel to Beijing by train.

This method of transport proved to be very enlightening as it gave an opportunity to view the areas between key Cities and outlying areas of the City of Jinan and Beijing.

Wednesday and Thursday 12 and 13 September were spent visiting the Great Wall of China and other sites of interest in Beijing.

Friday 14 September 2007

A meeting was arranged with Paul Sander, Counsellor (Commercial Trade Commissioner) of AusTrade who is located in the Australian Embassy. The purpose of the meeting was to establish the processes and procedures that would need to be followed to progress relationships at an economic development level between the Cities of Joondalup and Jinan and in particular to progress a formal arrangement between the Jinan Chamber of Commerce and the Joondalup Business Association.

It was outlined to the Trade Commissioner the following:

1. That a meeting had been initiated with Jinan Chamber of Commerce officials;
2. That the JBA was keen to establish business links with that region
3. The City needed to ascertain the approach that ought to be taken in relation to establishing a Sister Chamber of Commerce liaison arrangement;
4. Whether there were any designated protocols or procedures that ought to be followed;
5. How could Austrade and the Federal Government assist with the development of the relationship.

The Austrade official outlined that the key areas for linking between Australia and China were essentially around banking logistics and distribution, insurance, industrial automation, fire and security and mining services.

Federal funding is available for grants for up to 20 hours of Austrade assistance to the establishment of arrangements. There is a process to this agreement, and approaches tend to work best when they are undertaken on a regional basis.

The most appropriate approach for the development of business linkages involves close liaison with Austrade to ensure that the selection of companies and industries were a match. Austrade has an office in the Shandong Province outside of Jinan and it was noted that local governments from NSW and Victoria had established strong relationships on an economic development basis through annual visits.

Austrade advised it would be able to provide examples of local government business associations that have enabled strong links to be established in China. Current strong potential markets include food and wine, food ingredients, dairy, horticulture and seeds.

Details of business cards provided by various representatives met by the Joondalup delegation are shown at Attachment 2.

Link to Strategic Plan:

This item links to the City's Strategic Plan 2003-2008 under Key Focus Area One – Community Well-being, and Key Focus Area Three – City Development.

Legislation – Statutory Provisions:

Not Applicable.

Sustainability Implications:

The Sister City relationship with Jinan, China continues to be developed with the intent of achieving positive social, environmental, economic and relationship management outcomes.

Consultation:

Not Applicable.

COMMENT

The City of Joondalup has shown leadership and innovation in the way it has pursued and established a sister city relationship that has a strong basis in economic development for the City. The City must now promote its relationship and raise awareness of the benefits that can be accrued to its residents.

Key findings

- Highly advanced economic and cultural/social society;
- Improvements identified in environmental issues, population health – air quality;
- Massive scale diversification of skills and jobs – demand in the area of training and development and management quality systems that can be explored for market feasibility;
- Long-term relations need to be established through the development of a strategic relationship plan.

Whilst the City of Jinan has a population of about six million, it is very keen to strengthen a Sister City relationship with Joondalup despite Joondalup's population only being 160,000. Jinan has 10 other Sister City relationships that they see as very important to its future development.

There are enormous opportunities in the areas of education, training, tourism and business exchange. It does need to be recognised that this will be a long-term relationship with performance indicators set for 5-10 years so that the City of Joondalup can evaluate the real benefits to be gained.

One of the problems with future direction will be change within our key stakeholders. In China, it is obvious that Sister City relationships are very much about people as well as industry.

The primary purpose of the delegation for the City of Joondalup was to strengthen the ties that are developing between the two cities as well as provide further opportunities for the Joondalup region to promote its exportable services.

Overall Impression

There are many aspects to Jinan that are complementary to the City of Joondalup. For example, the City of Jinan is known as the 'spring city' whereas Joondalup is regarded as the 'lake city'. The Chinese have demonstrated overwhelming friendship and openness during the visit. A meeting held with the Australian Embassy in Beijing endorsed the work of the Joondalup delegation as being a very desirable initiative for developing long-term relationships with China and in particular its second tier Cities.

The relationship between Jinan and Joondalup could provide a model for Local Government whereby the forming of international relationships is based on building tangible benefits for two communities or regions. Joondalup can gain significant benefits through utilising its intellectual capital in new and innovative ways.

Given the State Government is positioned to develop contracts of large scale resourcing, the Local Government sector is well equipped to provide services such as training and development to a global marketplace.

The Jinan relationship will inevitably support cultural diversification and the direction of the City of Joondalup's Cultural Plan, which will enable the City to promote the relationship to the Chinese community of Perth and attract their interest and support to Joondalup.

China is a creative country and ingenious in the manner in which it provides vibrancy into its cities through materials, colours and lighting. The City of Joondalup can learn much from its relationship with Jinan, as Jinan has much to learn from Joondalup about western culture and customs in order that it may enter the global village in a seamless manner and with the assistance guidance and support of Australian and Joondalup.

Future directions

The City of Joondalup continues to be in a position to develop a plan for ongoing interaction between the Cities over the next five to ten years and to establish milestones, benchmarks and indicators for reporting progress from actions back to the Council.

JOINT INITIATION PROPOSALS

1. A Cultural Exchange Programme

Proposal

The City of Joondalup has an active cultural programme which includes festivals, art competitions and local talent quests.

The City of Jinan has a rich cultural programme that includes acrobatics, martial arts, artworks and opera performances (i.e. Beijing Opera which occurs throughout the country).

In order to facilitate a deeper understanding and appreciation of the diversity of the two cultures it is proposed that the Mayors agree to the development of a Cultural Exchange programme between the two Cities.

Actions

- 1.1 The Mayors of both Cities agree to continue to support the development of a Cultural Exchange programme.
- 1.2 City officials are requested to develop a long-term exchange programme. This would include consideration of all cultural outputs that both Cities can offer.
- 1.3 A programme proposal is exchanged and reviewed by the two Cities, including estimated costs.
- 1.4 A final proposal is endorsed by the Council of the City of Joondalup and Jinan.
- 1.5 An Implementation Plan is developed.

2. Sister City Garden

Concept

The concept of Sister City Gardens (SCGs) would contribute to environmental awareness raising about the natural biodiversity of the two Cities.

The SCGs would replicate the flora species that are common to each City. The City of Jinan would have a *Joondalup Garden* developed within a specified area of public open space in the City of Jinan, and the City of Joondalup would dedicate a similar area of public open space for a *Jinan Garden*.

Actions

- 2.1 Both Cities agree to initiate development of concept designs for areas of land to be set aside for this purpose.
- 2.2 A concept design is drawn up by relevant officers within each City.
- 2.3 The concept designs are exchanged for review and assessment of practicality and feasibility issues.
- 2.4 The final agreed concept designs are fully costed and presented to the Council of the City of Joondalup and Jinan for final endorsement.
- 2.5 An Implementation Plan is developed for the delivery of the concept designs.

3. Public Service Training Programme

The proposal of a Public Service Training Programme (PSTP) seeks to build on the success of the inaugural PSTP that was initiated during January – June 2006.

The City of Joondalup, in partnership with West Coast TAFE and Edith Cowan University would like to offer an ongoing programme for Senior Public Servants of the City of Jinan. Modelled on the pilot programme of 2006, the programme would include the following:

Activity	Provider
English Lessons	West Coast TAFE
Business Management and Law	Edith Cowan University
Practical Applications of: <ul style="list-style-type: none"> ▪ Governance ▪ Local Government Service Provision ▪ On the job mentoring 	City of Joondalup

Actions

- 3.1 The Chief Executive Officer will offer a proposal to the City of Jinan's Direction of Foreign Affairs (Mrs Li Min).
- 3.2 The Director of Foreign Affairs would raise the proposal with the relevant training authorities within the Jinan Government for review and comment on the proposal.
- 3.3 The proposal is further developed in detail, including programming costs.
- 3.4 The detailed programme is submitted to the Director of Foreign Affairs (Mrs Li Min) for final approval.
- 3.5 An Implementation Plan is jointly developed by the Partners, ready for a 2008 intake.

4. Sister City Exchange Programme

Concept

Each City to have a desk allocated where a short and long-term Staff Exchange programme can be run.

The programme would operate on a voluntary basis and staff from the City of Joondalup would apply for a one to three month exchange which would enable them to be immersed into the lifestyle and working systems of the City of Jinan. A similar arrangement would be made available to staff from the Jinan Foreign Affairs Office with timeframes being stipulated by the Jinan Foreign Affairs Office.

All staff involved would be billeted into the homes of local staff and wages would be paid as per normal by each of the Cities.

Actions

- 4.1 Chief Executive Officer to present the concept proposal to Jinan's Director of Foreign Affairs (Mrs Li Min).
- 4.2 An officer from both the City of Joondalup and the Jinan Foreign Affairs offices are appointed to develop a detailed proposal including logistics for the concept.
- 4.3 The detailed proposal is reviewed and endorsed by the Chief Executive Officer and Director of Foreign Affairs.
- 4.4 An Implementation Programme is developed and launched.

5. Sister City Trade Desk**Concept**

The purpose of a Sister City Trade Desk is to encourage and support business opportunities. It is proposed that a Trade Desk is established in each City to facilitate the increasing business transactions taking place between the two Cities.

In Western Australia, the Trade Desk would be located within the Joondalup Business Association and Small Business Centre. The Trade Desk would enable business people from Jinan to connect with Joondalup business people to source/initiate business deals within the area, knowing that they have access to office space and support services.

A similar situation would occur in a suitable peak business authority within the City of Jinan.

Actions

- a. The Chief Executive Officer and President of the Joondalup Business Association to consider the concept and agree in principle to the concept. Meeting held with Jinan Chamber of Commerce.
- b. Proposal to be developed by City of Joondalup and Joondalup Business Association and referred to CCP and Department of Foreign Affairs of the City of Jinan.

6. Visiting Delegations from Jinan 2008**Proposal**

The proposal of a delegation visiting the City of Joondalup headed by the Mayor of Jinan, together with a delegation of students, possibly from Jinan No. 9 Middle School seeks to build on the success of the Sister City relationship between Joondalup and Jinan, and the Sister School relationship between Woodvale Senior High School and Jinan No. 9 Middle School.

It is proposed that the delegations be invited to visit the City of Joondalup during the April 2008 Joondalup Festival where the student delegation would be able to participate in the event. The Festival will be held on 12 and 13 April 2008.

Actions

- 6.1 The Mayor of Joondalup would lead discussion on the proposal with the Mayor of Jinan during his visit to Jinan in September 2007.
- 6.2 The Director of Foreign Affairs (Ms Li Min) would raise the proposal with Jinan No. 9 Middle School.
- 6.3 An officer from both the City of Joondalup and the Jinan Foreign Affairs offices are appointed to develop a detailed proposal. The proposal is further developed in detail, including costs and itineraries for the proposed delegation.

ATTACHMENTS

Attachment 1	Snapshot of China
Attachment 2	Snapshot of Jinan
Attachment 3	Jinan VIPs met during delegation tour
Attachment 4	Contact names of various representatives met by the Joondalup delegation

VOTING REQUIREMENTS

Simple Majority

MOVED Mayor Pickard, SECONDED Cr McLean that Council:

- 1 NOTES the report and its associated Attachments;**
- 2 ENDORSES that an invitation be conveyed from Mayor Pickard for an inbound delegation from Jinan to visit Joondalup to be led by Mayor Zhang;**
- 3 SUPPORTS the ongoing development of the Sister City relationship with Jinan;**
- 4 APPROVES in principle the further development of indicators for measuring the success of the relationship over the next five years after agreements have been further developed and agreed upon;**
- 5 SUPPORTS the ongoing involvement of the stakeholders in pursuing sustainable outcomes for all industry sectors within Joondalup;**
- 6 NOTES that the proposals for action comprising:**
 - (a) A cultural exchange programme;**
 - (b) Sister City Garden;**
 - (c) Public Service training programme;**
 - (d) Sister City exchange programme;**
 - (e) Sister City trade desk;**
 - (f) Visiting delegations from Jinan 2008;**

7 SUPPORTS the inclusion of the proposals within the Joondalup-Jinan Relationship Plan.

The Motion was Put and CARRIED (12/0) by En Bloc Resolution following consideration of Item CJ248-11/07, Page 202 refers.

In favour of the Motion: Mayor Pickard, Crs Amphlett, Corr, Diaz, Fishwick, Hart, Hollywood, Jacob, Macdonald, McLean, Norman and Young.

Appendix 31 refers

To access this attachment on electronic document, click here: [Attach31agn201107.pdf](#)

CJ259-11/07 ICLEI – LOCAL GOVERNMENTS FOR SUSTAINABILITY - LOCAL ACTION FOR BIODIVERSITY (LAB) PROJECT AND OVERVIEW OF THE ZAGREB CROATIA WORKSHOP - 15-17 OCTOBER 2007 - [24592]

WARD: All

RESPONSIBLE DIRECTOR: Mr Ian Cowie
Governance and Strategy

PURPOSE

To provide Council with an overview of the Local Action for Biodiversity (LAB) project and the inaugural international LAB workshop held in Zagreb Croatia from 15 –17 October 2007.

EXECUTIVE SUMMARY

In 2007 the City of Joondalup signed a 3-year agreement to participate in the LAB project.

As part of the project the City was required to attend an international LAB workshop, which was hosted by the City of Zagreb, Croatia from 15-17 October 2007. The City of Joondalup sent two officials as its representatives to the workshop. A presentation was made on actions occurring in the area of biodiversity management in the City of Joondalup.

This report outlines the highlights from the first LAB Workshop held in Zagreb, Croatia in October 2007 and makes recommendations relating to the Council giving consideration to becoming a partner in the IUCN – World Conservation Union – Countdown 2010 Declaration and to invite public comment from the community on the draft City of Joondalup Biodiversity Report.

BACKGROUND

In January 2007 the Mayor of Joondalup received an invitation from ICLEI – African Secretariat to participate in the global ICLEI – Local government for Sustainability Local Action for Biodiversity (LAB) project.

In 2007 the City of Joondalup signed a 3-year agreement enabling the City to participate in the international LAB project. The Chief Executive Officer executed the signing of this agreement.

LAB was conceived as an ICLEI partnership project, involving the IUCN - World Conservation Union, Countdown 2010, South African National Biodiversity Institute, RomaNatura and will involve 20 cities from around the world, to focus on enhancing the profile, planning and management for biodiversity at a local level.

ICLEI advised that the three year project will develop a Local Government Network for Biodiversity action, broadly representative of ICLEI's regions and continents, which will promote a greater understanding of local government biodiversity issues leading to the implementation of appropriate measures within the participating local governments.

Participation in the 2006 – 2009 LAB project was by invitation only. ICLEI has advised that the cities that participate in the project will be those cities that:

- Have a track record in sustainable development initiatives and who have taken a particular interest in biodiversity, ecosystem goods and services and conservation of natural resources.
- Have been recognised as cities that as a result of their existing initiatives have a significant ability to provide a leading example to other cities.
- Offer particular experience that may be informative for the global program.

The chosen pilot cities will be required to commit to undertake the required LAB project in an open, consultative and participatory manner to ensure that:

- Relevant non-governmental organisations, community based organisations and other relevant stakeholders are included throughout the process;
- Mechanisms are put in place to ensure broad participation;
- Active encouragement of the formation of a wide range of local partnerships (organisations, government departments, academic institutions) as part of the process of developing and implementing their biodiversity actions will be undertaken.

The pilot cities will be required to commit to ongoing annual implementation of the 10-year Biodiversity Action Plan and Framework that evolves from the LAB project through:

- The preparation and implementation of annual business plans;
- Annual budgeting and fund sourcing;
- Reporting and review beyond the three-year term of the project.

The cities will also be required to commit to:

- Actively promoting integration of biodiversity issues throughout their government organisation and line functions;
- Ensuring that biodiversity action plan and programs are integrated into and absorbed by broader City planning initiatives, master plans and development plans.

A summary of the key steps of the LAB project is as follows:

	Activity	Result
	Embarkation	Decision of selected local government to enter into the LAB process and commit financially to the project.
Step 1.	Inventory and assessment	City Biodiversity Report. Presentation of biodiversity report at an international workshop of participating cities
Step 2.	Declaration of Commitment to Biodiversity	Formal city commitment to biodiversity. International profile for the participant cities through the communication of their commitment to biodiversity.
Step 3.	Draft City 10-year Biodiversity Action Plan and Framework	Local Biodiversity Action Plan and Framework presented for review at international workshop of participating cities.
Step 4.	Formal endorsement/approval/commitment by the relevant authorities to the City 10-year Biodiversity Action Plan and Framework.	Decisions by relevant authority(ies) and/or political structures. Communication and profile by the City of the accepted 10-year Biodiversity Action Plan and Framework.
Step 5.	a) Local implementation: Five on-the-ground biodiversity demonstration projects b) Ongoing implementation of the 10-year Biodiversity Action Plan and Framework	a) Five new successful and tangible biodiversity interventions b) Reports and recommendations for the continuation of the process

DETAILS

LAB Workshop – Zagreb Croatia 15-17 October 2007

The LAB Workshop provided a forum for the 20 participating cities in the LAB project to come together to share knowledge and develop a global understanding of the issues facing the planet with respect to loss of biodiversity due to urbanisation.

The 20 Cities involved in the LAB project and attended the Zagreb Workshop were:

1. Amsterdam (The Netherlands),
2. Barcelona (Spain),
3. Bonn (Germany),
4. Cape Town (South Africa),
5. Ethewini (Durban, South Africa),
6. Edmonton (Canada),
7. Ekurhuleni (alongside Durban metro South Africa)
8. Ile de France (Paris, France),
9. Johannesburg (South Africa),
10. Joondalup (Australia),

11. King County	(Seattle, United States of America),
12. Leicester	(United Kingdom),
13. Liverpool	(Australia),
14. Nagoya	(Japan),
15. Sao Paulo	(Brazil),
16. Seoul	(Korea),
17. Tilburg	(The Netherlands),
18. Waitakere	(New Zealand),
19. Walvis Bay	(Namibia),
20. Zagreb	(Croatia).

Understanding Biodiversity

A key outcome of the workshop was the commonality of views across the global nations that urban biodiversity is a key issue facing local governments and an issue that needs to be managed and constrained. The workshop highlighted the lack of knowledge and awareness about biodiversity and what the impact that loss of eco system services can have on quality of human life within cities.

This workshop clearly identified that the key issue for local government is the need to raise the profile, public awareness and education about biodiversity and to portray biodiversity in terms of essential eco system services that are naturally occurring and provide and enhanced quality of life.

Other key outcomes were:

- Development of a uniformed definition for the concept of Urban Biodiversity. This definition will be refined and published as an outcome of LAB.
- Development of a Declaration of Commitment to Biodiversity that will be signed by all participating Cities following its refinement.
- A clear understanding of the role of Local Government in turning the tide of biodiversity loss
- A greater understanding of the different management challenges local government face in managing biodiversity
- The development of a shared vision for the types of tools that will need to be uniformly applied or developed in order to support biodiversity management
- Presentations on the different tools currently being utilised across the world by the different cities
- Presentations on the current on ground projects that are being undertaken around the world by the different cities
- Development of a conceptual governance framework or broad organising structure that will contain and support action plans for Biodiversity Management to effectively be implemented
- Agreement of the development of action plans by the end of 2008.

The full report from the Zagreb workshop is shown as Attachment 1 to this report and includes details of all the above-mentioned topics.

Issues and options considered:***Countdown 2010 Declaration***

An option has arisen from the LAB workshop in Zagreb, whereby the City of Joondalup has been invited to sign the Countdown 2010 declaration (Refer Attachment 2). The Countdown 2010 Declaration enables an organisation to be a partner of Countdown 2010. Partnership is open to any organisation wishing to demonstrate a strong commitment to the 2010 Biodiversity target.

The 2010 Biodiversity target aims to achieve a significant reduction in the current rate of biodiversity loss. The target will require the City of Joondalup to assess its current state and levels of biodiversity and put in place strategies to reduce any loss wherever possible. The signing of the Declaration would support the strategies that will be developed in the City's future Biodiversity Plan.

Should the City of Joondalup take up the invitation to sign the Countdown 2010 declaration it will become the first City in Australia to do so. This will inevitably place Joondalup in a leadership position within the Australian Local Government context.

Conference of Parties (COP 9) – Mayors Convention on Biological Diversity, Bonn Germany May 2008

At the initiative of the Mayor of Curitiba, H.E. Carlos Alberto Richa, a meeting on “Cities and Biodiversity: Achieving the 2010 Biodiversity Target” was held on 26-28 March 2007, on the first anniversary of the historic high-level segment of the eighth meeting of the Conference of the Parties (COP-8) to the Convention on Biological Diversity (CBD) in Curitiba, Brazil.

Mayors of cities that hosted or will host a meeting of the Conference of the Parties to the Convention, mayors of host cities of United Nations headquarters, and mayors of cities with specific strategies on biodiversity were invited to share their experiences and express their intention to contribute to the Countdown 2010 target of significantly reducing the rate of loss of biodiversity.

Now that the City of Joondalup has engaged in the LAB project, the Mayor of Joondalup will receive an official invitation from the Mayor of Bonn to attend the next Conference of Parties (COP 9) which is scheduled to be held in Bonn, Germany during May 2008.

Should the City of Joondalup determine that it will sign the Countdown 2010 Declaration then it will be appropriate for the Mayor of Joondalup to accept the invitation and become involved in the COP 9 meeting. Further it should be noted that the COP 9 meeting is not a component of the LAB Project Agreement and therefore the City would need to meet any costs associated with involvement in COP 9.

Link to Strategic Plan:

Outcome : The City of Joondalup is environmentally responsible in its activities.
Objective : 2.1: To plan and manage our natural resources to ensure environmental sustainability.
Strategy : 2.1.1: Maintain and protect natural assets to retain biodiversity.

Legislation – Statutory Provisions:

Not applicable.

Risk Management Considerations:

Not applicable.

Financial/Budget Implications:

The LAB project will be funded from a range of sources including a financial contribution from each of the participant cities. The total cost of the project to the City will be approximately \$50,265 or \$40,000 US. This funding was allocated in the 2007-8 budget.

Further financial benefits are likely to be derived from participation in the LAB project as international funding will be a priority for the LAB project in order to under take on ground projects as determined by the project over the next 3 years. The City of Joondalup will, alongside of other LAB Cities be able to access international funding to undertake such projects as designated.

Policy Implications:

The City may need to give future consideration to formulation of a Biodiversity Policy.

Regional Significance:

There is the opportunity for regional partnerships to be further developed through participation in the LAB project for on ground projects.

Sustainability Implications:

Participation in the LAB project has the opportunity to provide an overarching framework for the City's Biodiversity Plan with the aim of ensuring environmentally sustainable management of the City's natural assets.

Consultation:

During 2007 the City has been developing its draft Biodiversity Report. This report was presented to the LAB Workshop in Zagreb and was accepted for finalisation. In order to complete the draft report the City will seek public comment on the draft report. The final report will be submitted to the LAB project team in March 2008. This will fulfil the City's obligations under its agreement with LAB to ensure local communities are engaged and the issue of biodiversity is placed at the forefront of local government agenda.

The draft City of Joondalup Biodiversity report can be viewed on the City's website at the following web address: -

http://www.joondalup.wa.gov.au/cms/templates/coj2_lifestyle_grp.asp?id=152

COMMENT

Western Australia is now recognised by leading world environmental groups such as the World Wildlife Fund as being of great importance. The south west of Western Australia in particular is globally recognised as one of the planet's major biodiversity hotspots. This recognition of global significance is based on high levels of natural diversity, particularly for plants and amphibians, together with high levels of threat to that diversity. It is one of only five Mediterranean-type ecosystems to be listed as globally significant. It is also one of the few hotspots found in a developed country and is the only global hotspot in Australia. The importance of southwest eco-region is also recognised by the Government of Australia. The City of Joondalup lies within the central coastal location of this significant eco-region.

The benefits that can be derived from participation in the LAB project include:

Direct Financial Benefits:

- Participation by the City at two international four-day workshops, with all travel and accommodation expenses covered by the project for two official City representatives;
- Publishing of 100 high quality copies of the City's Biodiversity Report, as well as a web-based version;
- Marketing and profile of the City on the LAB Project website, documents and in international forums;
- Assistance from the LAB Manager, including working directly with the City's biodiversity team.

Governance Benefits:

- Demonstrated responsible governance, locally and internationally
- Demonstrated responsible environmental stewardship
- Recognition as a global leader in local governance with respect to biodiversity and environmental matters
- Improved quality of life and health of communities through the implementation of 10-year Biodiversity Action Plan and Framework

Ecological Sustainability and Resilience Benefits:

- Protection of biodiversity thus meeting various local, regional, national and international legal and policy obligations
- Enhanced ecological resilience

Other:

- International profiling of the City
- Recognition as a leading city on a global scale
- Potential for partnerships with a number of international cities and organisations
- Potential access to various (including global) funding opportunities
- Public education and awareness
- Access to global information and approaches
- Global networking of staff with participating cities

ATTACHMENTS

Attachment 1 Report on LAB Workshop, Zagreb Croatia 15-17 October 2007
Attachment 2 Countdown 2010 Declaration

VOTING REQUIREMENTS

Simple Majority

MOVED Mayor Pickard, SECONDED Cr McLean that Council:

- 1 **NOTES** the report on the LAB Workshop held in Zagreb Croatia from 15-17 October 2007 shown as Attachment 1 to Report CJ259-11/07;
- 2 **GIVES** consideration to signing the Countdown 2010 – Save Biodiversity declaration;
- 3 **ENDORSES** the City’s draft Biodiversity report to be advertised for a 60-day comment period from January – February 2008.

The Motion was Put and **CARRIED (12/0)** by En Bloc Resolution following consideration of Item CJ248-11/07, Page 202 refers.

In favour of the Motion: Mayor Pickard, Crs Amphlett, Corr, Diaz, Fishwick, Hart, Hollywood, Jacob, Macdonald, McLean, Norman and Young.

Appendix 32 refers

To access this attachment on electronic document, click here: [Attach32agn201107.pdf](#)

CJ260-11/07 ESTABLISHMENT OF ADVISORY COMMITTEES AND APPOINTMENT OF REPRESENTATIVES TO THESE COMMITTEES - [12168] [55511] [00906]

WARD: All
RESPONSIBLE DIRECTOR: Mr Garry Hunt
Office of CEO

PURPOSE/EXECUTIVE SUMMARY

For Council to give consideration to the establishment of Advisory Committees and to determine membership of these committees.

BACKGROUND

Appointments to Council committees terminated on 20 October 2007 with the ordinary local government elections. On 6 November 2007, Council resolved to establish a range of internal committees and appointed members to external bodies.

Council also resolved to:

“CONSIDER the role of its three Advisory Committees (the Sustainability Advisory Committee, the Conservation Advisory Committee, and the Seniors Interests Advisory Committee) at the induction session on 10 November 2007, DETERMINE how to select members to these three Advisory Committees at its November 2007 Council meeting and APPOINT members to these Committees at its December 2007 Council meeting.”

DETAILS

Elected Members gave consideration to Advisory Committees at the induction session. A range of common themes arose at this session including:

- The committees are appropriate but they should have KPIs to assess their performance;
- They should give strategic advice and their role should be distinct and clear;
- Their advisory focus should accord with the strategic plan;
- They should provide a vehicle through which Council can receive informed community opinion;
- Community forums could be valuable but they should be held on a limited basis.

Specific comments raised suggested that the committees should have a maximum of 12 members and that Council members should represent less than half of the committee number to ensure that the structure allows Council to receive advice from community members.

The current terms of reference for the Advisory Committees details the following membership:

Conservation Advisory Committee

- Five Elected Members.
- A representative from each community group concerned with natural area protection and management in the City of Joondalup or their deputy
- Community representatives with specialised knowledge of the natural environment.

Sustainability Advisory Committee

- Four Elected Members
- Six community representatives.

Seniors Interests Advisory Committee

- Two Elected Members
- Six representatives from commercial or not for profit organisations that provide services to seniors within the City.
- Four members of the community who do not represent any particular group or organisation but who have an interest in seniors issues.

Issues and options considered:

Council could:

- Resolve to re-establish the Sustainability Advisory Committee (SAC), the Conservation Advisory Committee (CAC) and the Seniors Interests Advisory Committee (SIAC);
- Resolve to establish some, but not all, of the Advisory Committees;
- Resolve to establish new Advisory Committees;
- Not re-establish Advisory Committees.

Link to Strategic Plan:

Not applicable.

Legislation – Statutory Provisions:

Sections 5.8 to 5.11 deal with committees. The relevant provisions are as follows:

5.8 . Establishment of committees

A local government may establish* committees of 3 or more persons to assist the council and to exercise the powers and discharge the duties of the local government that can be delegated to committees.

** Absolute majority required.*

5.9 . Types of committees

(1) In this section —

“**other person**” means a person who is not a council member or an employee.

(2) A committee is to comprise —

- (a) council members only;
- (b) council members and employees;
- (c) council members, employees and other persons;
- (d) council members and other persons;
- (e) employees and other persons; or
- (f) other persons only.

5.10 . Appointment of committee members

(1) A committee is to have as its members —

- (a) persons appointed* by the local government to be members of the committee (other than those referred to in paragraph (b)); and
- (b) persons who are appointed to be members of the committee under subsection (4) or (5).

** Absolute majority required.*

- (2) At any given time each council member is entitled to be a member of at least one committee referred to in section 5.9(2)(a) or (b) and if a council member nominates himself or herself to be a member of such a committee or committees, the local government is to include that council member in the persons appointed under subsection (1)(a) to at least one of those committees as the local government decides.
- (3) Section 52 of the *Interpretation Act 1984* applies to appointments of committee members other than those appointed under subsection (4) or (5) but any power exercised under section 52(1) of that Act can only be exercised on the decision of an absolute majority of the local government.
- (4) If at a meeting of the council a local government is to make an appointment to a committee that has or could have a council member as a member and the mayor or president informs the local government of his or her wish to be a member of the committee, the local government is to appoint the mayor or president to be a member of the committee.
- (5) If at a meeting of the council a local government is to make an appointment to a committee that has or will have an employee as a member and the CEO informs the local government of his or her wish —
 - (a) to be a member of the committee; or
 - (b) that a representative of the CEO be a member of the committee, the local government is to appoint the CEO or the CEO's representative, as the case may be, to be a member of the committee.

5.11 . Tenure of committee membership

- (1) Where a person is appointed as a member of a committee under section 5.10(4) or (5), the person's membership of the committee continues until —
 - (a) the person no longer holds the office by virtue of which the person became a member, or is no longer the CEO, or the CEO's representative, as the case may be;
 - (b) the person resigns from membership of the committee;
 - (c) the committee is disbanded; or
 - (d) the next ordinary elections day,

whichever happens first.

- (2) Where a person is appointed as a member of a committee other than under section 5.10(4) or (5), the person's membership of the committee continues until —
 - (a) the term of the person's appointment as a committee member expires;
 - (b) the local government removes the person from the office of committee member or the office of committee member otherwise becomes vacant;
 - (c) the committee is disbanded; or
 - (d) the next ordinary elections day,

whichever happens first.

Risk Management considerations:

There could be concerns in certain sections of the community if Council resolved not to re-establish Advisory Committees. Concern could also arise if Advisory Committees are re-established but not all applicants are appointed to these committees.

Financial/Budget Implications:

A meeting of the SAC is estimated to cost approximately \$5,000 depending on the nature of the agenda. Similar amounts could be expected to be incurred at meetings of the CAC and SAC.

Policy Implications:

Not Applicable.

Regional Significance:

Not Applicable.

Sustainability Implications:

The SAC addresses sustainability matters.

Consultation:

Not applicable.

COMMENT

There is no legislative requirement for Council to appoint Advisory Committees. If it decides to continue with Advisory Committees, the question of membership is crucial to ensure appropriate community members are involved. In re-establishing the Advisory Committees, it is important to acknowledge past contribution, but the future focus of the committees must be strategic in nature.

The SIAC has well established and recently reviewed membership arrangements and it is recommended that it continues with the community representatives that were on the committee prior to the ordinary elections.

The CAC and SAC have a broad remit which suggests that it could be useful to advertise publicly for members.

It was intended that the Advisory Committees when established would meet either bi-monthly or quarterly, rather than monthly. In addition, the CEO will be in regular contact with the various conservation groups to discuss topical issues and also to conduct periodical forums to discuss issues of a conservation or sustainability nature.

It is suggested that no more than four (4) Elected Members be appointed to any Advisory Committee.

ATTACHMENTS

Attachment 1	List of Advisory Committees and their former membership.
Attachment 2	Terms of Reference of Advisory Committees

VOTING REQUIREMENTS

Absolute Majority

Cr Jacob left the Chamber at 2220 hrs and returned at 2223 hrs.

OFFICER'S RECOMMENDATION:

That Council:

- 1 NOTES the past contribution and efforts of the Conservation Advisory Committee, Seniors Interests Advisory Committee and Sustainability Advisory Committee in the decision making process of the City of Joondalup and that the future focus of the committees must be strategic in nature;
- 2 BY AN ABSOLUTE MAJORITY:
 - (a) ESTABLISHES the Conservation Advisory Committee to:
 - make recommendations to Council for the conservation of the City of Joondalup's natural biodiversity;
 - provide strategic input and when requested advice on issues relating to the conservation and management of the City's natural biodiversity;
 - promote partnerships between Council and the community to protect the City of Joondalup's natural biodiversity as contained within its various natural areas (bushland, wetlands and coastal environment);
 - (b) AMENDS the terms of reference of the Conservation Advisory Committee by DELETING Section 2 – Membership and REPLACING it with:

“2 *Membership*

The Committee will consist of the following members, to be determined by the Council:

Four (4) Elected Members

Eight (8) Community Representatives.”
 - (c) APPOINTS the following members to the Conservation Advisory Committee:

Four (4) Elected Members
- 3 BY AN ABSOLUTE MAJORITY:
 - (a) ESTABLISHES the Sustainability Advisory Committee to:
 - recommend to the City of Joondalup Council on policy, advice and appropriate courses of action which promote sustainability, which is (1) environmentally responsible, (2) socially sound and (3) economically viable.
 - provide advice to Council on items referred to the committee.

- (b) AMENDS the terms of reference of the Sustainability Advisory Committee by DELETING Section 2 – Membership, and REPLACING it with:
- “2 *Membership*
- The Committee will consist of the following members, to be determined by the Council:*
- Four (4) Elected Members*
Eight (8) Community Representatives”
- (c) APPOINTS the following members to the Sustainability Advisory Committee:
- Four (4) Elected Members
- 4 REQUESTS the CEO to advertise for the relevant community representatives on the Conservation Advisory Committee and the Sustainability Advisory Committee and report back to the Council for its consideration of appointment of representatives at its meeting to be held on 18 December 2007;
- 5 BY AN ABSOLUTE MAJORITY:
- (a) ESTABLISHES the Seniors Interests Advisory Committee to:
- oversee the strategic coordination of all seniors’ issues across Council.
 - provide advice to Council to ensure that the concerns of seniors are adequately represented in the City’s planning processes and the strategic directions being developed for older people across the City.
- (b) APPOINTS the following members to the Seniors Interests Advisory Committee:
- Two (2) Elected Members:
- | | |
|-------------------|--------------------------|
| Ms Margaret March | Community representative |
| Ms Joy Coleman | Community representative |
| Ms Valerie Corey | Community representative |
| Ms Patricia Geary | Community representative |
- Six (6) representatives from commercial or not for profit organisations that provide services to seniors within the City.
- 6 NOTES the proposal that the CEO will initiate regular contact with the various conservation groups located within the City of Joondalup to discuss topical issues;
- 7 AGREES to hold periodical public forums on issues relating to conservation and sustainability;
- 8 AMENDS the terms of reference for the Conservation Advisory Committee, Seniors Interests Advisory Committee and Sustainability Advisory Committee to include that ordinary meetings shall be held on a quarterly basis, however special meetings may be convened in accordance with the City’s Standing Orders Local Law.

MOVED Cr NORMAN SECONDED Cr Macdonald that Council:

- 1 **NOTES** and thanks the past contribution and efforts of the Conservation Advisory Committee, Seniors Interests Advisory Committee and Sustainability Advisory Committee in the decision making process of the City of Joondalup and that the future focus of the committees must be strategic in nature;
- 2 (a) **ESTABLISHES** the Conservation Advisory Committee to:
 - make recommendations to Council for the conservation of the City of Joondalup's natural biodiversity;
 - provide strategic input and advice on issues relating to the conservation and management of the City's natural biodiversity;
 - promote partnerships between Council and the community to protect the City of Joondalup's natural biodiversity as contained within its various natural areas (bushland, wetlands and coastal environment);
- (b) **AMENDS** the terms of reference of the Conservation Advisory Committee by **DELETING** Section 2 – Membership and **REPLACING** it with:

“2 Membership

The Committee will consist of the following members, to be determined by the Council:

Four (4) Elected Members

Eight (8) Community Representatives.”
- (c) **APPOINTS** the following members to the Conservation Advisory Committee:

Cr S Hart
Cr M Norman
Cr F Diaz
Cr M Macdonald
- 3 (a) **ESTABLISHES** the Sustainability Advisory Committee to:
 - recommend to the City of Joondalup Council on policy, advice and appropriate courses of action which promote sustainability, which is (1) environmentally responsible, (2) socially sound and (3) economically viable.
 - provide advice to Council on items referred to the committee.

- 8 AMENDS the terms of reference for the Conservation Advisory Committee, Seniors Interests Advisory Committee and Sustainability Advisory Committee to include that ordinary meetings shall generally be held on a bimonthly basis, however special meetings may be convened in accordance with the City's Standing Orders Local Law.**

AMENDMENT MOVED Cr Corr SECONDED Cr Norman that an additional point 9 be added to the Motion to read as follows:

- “9 community representatives and industry people have their titles against their names on all documents, in particular minutes and agendas.”**

The Amendment was Put and

CARRIED (10/2)

In favour of the Amendment: Mayor Pickard, Crs Amphlett, Corr, Diaz, Fishwick, Hart, Hollywood, Macdonald, McLean, and Norman **Against the Amendment:** Crs Jacob and Young.

Discussion ensued.

Mayor Pickard foreshadowed his intention to move alternative wording in relation to 2(a) second dot point should the Motion under consideration not be successful.

Cr Jacob foreshadowed his intention to move the Officer's Recommendation should the Motion under consideration not be successful.

It was requested that the Original Motion as amended, now be put, with the exception of 2 (a) second dot point, 7 and 8, which will be voted on separately.

The Original Motion, as amended, being:

That Council:

- 1 NOTES and thanks the past contribution and efforts of the Conservation Advisory Committee, Seniors Interests Advisory Committee and Sustainability Advisory Committee in the decision making process of the City of Joondalup and that the future focus of the committees must be strategic in nature;**
- 2 (a) ESTABLISHES the Conservation Advisory Committee to:**
 - make recommendations to Council for the conservation of the City of Joondalup's natural biodiversity;**
 - promote partnerships between Council and the community to protect the City of Joondalup's natural biodiversity as contained within its various natural areas (bushland, wetlands and coastal environment);**

- (b) **AMENDS** the terms of reference of the Conservation Advisory Committee by **DELETING** Section 2 – Membership and **REPLACING** it with:
- “2 Membership**
- The Committee will consist of the following members, to be determined by the Council:*
- Four (4) Elected Members*
Eight (8) Community Representatives.”
- (c) **APPOINTS** the following members to the Conservation Advisory Committee:
- Cr S Hart
Cr M Norman
Cr F Diaz
Cr M Macdonald
- 3 (a) **ESTABLISHES** the Sustainability Advisory Committee to:
- recommend to the City of Joondalup Council on policy, advice and appropriate courses of action which promote sustainability, which is (1) environmentally responsible, (2) socially sound and (3) economically viable.
 - provide advice to Council on items referred to the committee.
- (b) **AMENDS** the terms of reference of the Sustainability Advisory Committee by **DELETING** Section 2 – Membership, and **REPLACING** it with:
- “2 Membership**
- The Committee will consist of the following members, to be determined by the Council:*
- Four (4) Elected Members*
Eight (8) Community Representatives”
- (c) **APPOINTS** the following members to the Sustainability Advisory Committee:
- Cr B Corr
Cr M Norman
Cr A Jacob
Cr R Fishwick
- 4 **REQUESTS** the CEO to advertise for the relevant community representatives on the Conservation Advisory Committee and the Sustainability Advisory Committee and report back to the Council for its consideration of appointment of representatives at its meeting to be held on 18 December 2007;

- 5 (a) ESTABLISHES the Seniors Interests Advisory Committee to:**
- **oversee the strategic coordination of all seniors' issues across Council.**
 - **provide advice to Council to ensure that the concerns of seniors are adequately represented in the City's planning processes and the strategic directions being developed for older people across the City.**
- (b) APPOINTS the following members to the Seniors Interests Advisory Committee:**
- | | |
|--------------------------|---------------------------------|
| Cr B Corr | |
| Cr F Diaz | |
| Ms Margaret March | Community representative |
| Ms Joy Coleman | Community representative |
| Ms Valerie Corey | Community representative |
| Ms Patricia Geary | Community representative |
- Six (6) representatives from commercial or not for profit organisations that provide services to seniors within the City.**
- 6 NOTES the proposal that the CEO will initiate regular contact with the various conservation groups located within the City of Joondalup to discuss topical issues;**
- 9 Community representatives and industry people have their titles against their names on all documents, in particular minutes and agendas.**

Was Put and

**CARRIED BY AN
ABSOLUTE MAJORITY (12/0)**

In favour of the Motion: Mayor Pickard, Crs Amphlett, Corr, Diaz, Fishwick, Hart, Hollywood, Jacob, Macdonald, McLean, Norman and Young.

MOVED Cr Norman SECONDED Cr Macdonald that Council:

- 2 (a) ESTABLISHES the Conservation Advisory Committee to:**
- **provide strategic input and advice on issues relating to the conservation and management of the City's natural biodiversity;**

The Motion was Put and

LOST (5/7)

In favour of the Motion: Crs Corr, Diaz, Hart, Macdonald, Norman **Against the Motion:** Mayor Pickard, Crs Amphlett, Fishwick, Hollywood, Jacob, McLean and Young.

MOVED Mayor Pickard SECONDED Cr Amphlett that Council:

2 (a) ESTABLISHES the Conservation Advisory Committee to:

- **provide strategic input and when requested advice on issues relating to the conservation and management of the City's natural biodiversity;**

The Motion was Put and

CARRIED (12/0)

In favour of the Motion: Mayor Pickard, Crs Corr, Diaz, Hart, Macdonald, Norman, Amphlett, Fishwick, Hollywood, Jacob, McLean and Young.

MOVED Mayor Pickard SECONDED Cr Amphlett that Council:

7 AGREES to hold yearly public forums on issues relating to conservation and sustainability.

The Motion was Put and

CARRIED (11/1)

In favour of the Motion: Mayor Pickard, Crs Corr, Diaz, Hart, Macdonald, Amphlett, Fishwick, Hollywood, Jacob, McLean and Young. **Against the Motion:** Cr Norman

MOVED Mayor Pickard SECONDED Cr Amphlett that Council:

8 AMENDS the terms of reference for the Conservation Advisory Committee, Seniors Interests Advisory Committee and Sustainability Advisory Committee to include that ordinary meetings shall generally be held on a bimonthly basis, however special meetings may be convened in accordance with the City's Standing Orders Local Law.

The Motion was Put and

CARRIED (10/2)

In favour of the Motion: Mayor Pickard, Crs Corr, Diaz, Hart, Macdonald, Amphlett, Fishwick, Hollywood, Norman and Young. **Against the Motion:** Crs Jacob and McLean

Appendix 35 refers

To access this attachment on electronic document, click here: [Attach35agn201107.pdf](#)

CJ248-11/07 RESULTS OF PUBLIC FEEDBACK – DISTRICT PLANNING SCHEME NO 2 ISSUES PAPERS - [09011]

WARD: All

RESPONSIBLE DIRECTORS: Mr Ian Cowie Governance and Strategy
Mr Clayton Higham Planning and Community Development

PURPOSE

To provide Council with the feedback provided by the public on the District Planning Scheme 2 (DPS2) Review Issues Papers.

EXECUTIVE SUMMARY

Council at its meeting held in June 2007 endorsed seven issues papers for public feedback. The purpose of the issues papers was to gain an understanding of any main issues that may be of particular importance to the community when reviewing the current scheme.

Consultation was undertaken by way of direct sample surveys, notices in the local newspaper and on the City's website, between 2 August 2007 until 28 September 2007. One hundred and sixty-three people provided feedback on the issues papers, providing a wide range of comments on each topic. This feedback is presented to Council for information.

DETAILS

The seven issues papers produced covered the following topics:

- Planning for the Joondalup City Centre;
- Commercial centres;
- Environment and sustainability;
- Home businesses;
- Housing density;
- Public open space; and
- Heritage.

Each of the issues papers contained a 2-3 page commentary on the issue. Each topic had questions which the public could rate on a scale (ie Strongly agree, agree, neutral, disagree, strongly disagree) and questions that allowed respondents to provide their own comments.

To encourage as much feedback as possible, a number of strategies for consulting with the community were used, including:

- Direct mail to a random sample of residents/owners in each ward,
- Advertisements in local newspapers,
- Web site facilities, including on-line survey forms.

Link to Strategic Plan:

The review of the DPS2 links to outcomes and objectives across the Community Wellbeing, Caring for the Environment, and City Development Key Focus areas.

Legislation – Statutory Provisions:

With regard to the issues papers, there is no legal requirement that issues papers be prepared prior the development of a Local Planning Strategy or review of DPS2.

Risk Management considerations:

Not Applicable.

Financial/Budget Implications:

There is \$25,000 in the current budget for the purposes of advertising and promotion of the issues papers and associated scheme review matters.

Policy Implications:

Not Applicable.

Regional Significance:

Not Applicable.

Sustainability Implications:

Not Applicable.

Consultation:

The analysis data has been compiled from 163 surveys (including 7 late surveys) returned to the City. Not all respondents commented on all issues, nor did they comment on all questions within an Issues topic. Those who answered most questions were those respondents who filled out the letter-box survey. Those who answered on-line were more selective of the issues on which they commented.

A summary of the results of the submissions is Attachment 1, and copies of all submissions have been provided in the Councillors' reading room.

COMMENT

The community has provided a range of comments on the issues papers. A selection of the range of themes highlighted from the feedback is:

- A range of lot sizes need to be accommodated within the City, particularly where local facilities are available.
- The provision of public open space is adequate, although a stronger emphasis should be given to how the parks are developed (ie with global warming in mind)
- Stronger controls on clearing and environmentally sensitive development, and using native species for plantings.
- There are sufficient commercial centres within the City, with generally sufficient car parking at the centres, although a mix of uses within the centres could be encouraged, and appearance and maintenance could be improved.
- Homes Business controls should be reviewed to assist in minimising any negative impact on adjoining owners.
- Protection of heritage is important to the community.

In regard to the City Centre, with the exception of a number of comments in regard to the lack of car parking, respondents appeared relatively satisfied with the current form of the City Centre, although a lack of car parking and traffic flow were the main negative issues cited.

The public feedback will assist to develop a range of issues for Council to consider in the Local Planning Strategy. A further report will be prepared for the December Strategy Session in relation to the preparation of the Local Planning Strategy.

ATTACHMENTS

Attachment 1 Results of Submissions

OFFICER'S RECOMMENDATION:

That Council NOTES the public feedback on the Issues Papers as outlined in Attachment 1 to Report CJ248-11/07, and that the feedback will assist to develop issues for consideration in the development of the Local Planning Strategy.

MOVED Mayor Pickard SECONDED Cr Young that Council

- 1 NOTES and thanks the public feedback on the Issues Papers as outlined in Attachment 1 to this report, and that the feedback will assist to develop issues for consideration in the development of the Local Planning Strategy;**
- 2 NOTES the importance of providing a clear direction for the future development of the City and in particular the CBD;**
- 3 REQUESTS the Chief Executive Officer to give priority to the CBD when scheduling work on the District Planning Scheme 2 Review.**

The Motion was Put and

CARRIED (12/0)

In favour of the Motion: Mayor Pickard, Crs Amphlett, Corr, Diaz, Fishwick, Hart, Hollywood, Jacob, Macdonald, McLean, Norman and Young.

Appendix 20 refers

To access this attachment on electronic document, click here: [Attach20agn201107.pdf](#)

C77-11/07 COUNCIL DECISION – EN BLOC RESOLUTION

MOVED Mayor Pickard, SECONDED Cr McLean that pursuant to the Standing Orders Local Law 2005 – Clause 48 - Adoption of Recommendations en bloc, Council ADOPTS Items CJ224-11/07, CJ225-11/07, CJ226-11/07, CJ227-11/07, CJ228-11/07, CJ229-11/07, CJ231-11/07, CJ233-11/07, CJ234-11/07, CJ236-11/07, CJ237-11/07, CJ238-11/07, CJ239-11/07, CJ242-11/07, CJ243-11/07, CJ244-11/07, CJ247-11/07, CJ249-11/07, CJ252-11/07, CJ254-11/07, CJ255-11/07, CJ258-11/07, CJ259-11/07.

The Motion was Put and

CARRIED (12/0)

In favour of the Motion: Mayor Pickard, Crs Amphlett, Corr, Diaz, Fishwick, Hart, Hollywood, Jacob, Macdonald, McLean, Norman and Young.

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

At the Council meeting held on 16 October 2007, Cr Steve Magyar gave notice of his intention to move the following Motion at the Council meeting to be held on Tuesday, 20 November 2007:

“That Council:

- 1 *LISTS for consideration funds for the installation of a roundabout at the intersection of Edgewater Drive and Ocean Reef Road in 2008-2009 Budget;*
- 2 *INCLUDES in the 2007-2008 Annual Report a table that compares the voting pattern of each Elected Member compared to every other Elected Member, such as in the table sample forming Appendix 18 hereto;*
- 3 *COMMENCES the process to amend Standing Orders Local Law to require Elected Members to provide the Chief Executive Officer or other delegated officer with electronic or hardcopies of amendments or alternative motions prior to the meeting.”*

Clause 26(2) of the City's Standing Orders Local Law requires a notice of motion to be signed by the member and given to the CEO at least 7 clear days before the meeting at which it is to be moved.

As a signed notice was not provided to the CEO in accordance with Section 26 of the Standing Orders Local Law, the motion has lapsed.

C78-11/07

**NOTICE OF MOTION NO 1 - CR BRIAN CORR - MULLIGAN DRIVE
AND REILLY WAY, GREENWOOD - [65597] [14100] [08167]**

In accordance with Clause 26 of the Standing Orders Local Law 2005, Cr Brian Corr gave notice of his intention to move the following Motion at the Council meeting to be held on Tuesday, 20 November 2007.

“That the City:

- 1 ***TAKES URGENT ACTION at the junction of Mulligan Drive and Reilly Way to make the junction safe;***
- 2 ***CONSIDERS the option of making Mulligan Drive a straight-through road with Reilly Way meeting it as a T-junction;***
- 3 ***CONSIDERS the option of closing the junction by making the northern section of Mulligan Drive a cul-de-sac;***
- 4 ***CONSIDERS any other option that may be seen as appropriate;***

- 5 **TAKES into account the possible future sale of the East Greenwood Primary School that is bordered by Mulligan Drive and Reilly Way across from the junction;**
- 6 **CONSULTS with nearby residents regarding the preferred solution(s);**
- 7 **BRINGS the matter back to Council for consideration and a final decision."**

REASON FOR MOTION

Cr Corr submitted the following comment in support of his Notice of Motion:

"The City undertook traffic data collection for each lane individually in August 2007. There were approximately 15 vehicles per day driving to the right of the traffic island, usually at peak times - D Djulbic – 8 November 2007."

"Neighbours have been complaining to me for many months about excessive speed and dangerous driving in this area. The traffic study supports their point of view. Urgent action is required."

OFFICER'S COMMENT

The intersection of Reilly Street and Mulligan Drive is not considered to be unsafe or dangerous. The issue is that a few persons are breaking the law.

The City is investigating the feasibility of installing approach islands on Mulligan Drive and/or Reilly Road to control the right turn movement at the intersection to limit the possibility of vehicles turning right on the wrong side of the island.

Any future traffic flows from proposed subdivision of the school site are not considered relevant to this intersection as the major traffic flows would not be making the right turn movement.

MOVED Cr Corr SECONDED Cr Norman that the City:

- 1 **TAKES URGENT ACTION at the junction of Mulligan Drive and Reilly Way to make the junction safe;**
- 2 **CONSIDERS the option of making Mulligan Drive a straight-through road with Reilly Way meeting it as a T-junction;**
- 3 **CONSIDERS the option of closing the junction by making the northern section of Mulligan Drive a cul-de-sac;**
- 4 **CONSIDERS any other option that may be seen as appropriate;**
- 5 **TAKES into account the possible future sale of the East Greenwood Primary School that is bordered by Mulligan Drive and Reilly Way across from the junction;**
- 6 **CONSULTS with nearby residents regarding the preferred solution(s);**
- 7 **BRINGS the matter back to Council for consideration and a final decision.**

AMENDMENT MOVED Cr Hart SECONDED Cr Norman that point 5 of the Motion be DELETED.

The Amendment was Put and

CARRIED (11/1)

In favour of the Amendment: Crs Corr, Diaz, Hart, Macdonald, Norman, Amphlett, Fishwick, Hollywood, Jacob, McLean and Young. **Against the Amendment:** Mayor Pickard

AMENDMENT MOVED Cr Fishwick SECONDED Cr Jacob that point 7 be amended to read:

“6 BRINGS the matters raised in clauses 1 to 5 above back to Council for consideration and a final decision.”

The Amendment was Put and

CARRIED (12/0)

In favour of the Amendment: Mayor Pickard, Crs Amphlett, Corr, Diaz, Fishwick, Hart, Hollywood, Jacob, Macdonald, McLean, Norman and Young.

The Original Motion, as Amended, being:

That the City:

- 1 TAKES URGENT ACTION at the junction of Mulligan Drive and Reilly Way to make the junction safe;**
- 2 CONSIDERS the option of making Mulligan Drive a straight-through road with Reilly Way meeting it as a T-junction;**
- 3 CONSIDERS the option of closing the junction by making the northern section of Mulligan Drive a cul-de-sac;**
- 4 CONSIDERS any other option that may be seen as appropriate;**
- 5 CONSULTS with nearby residents regarding the preferred solution(s);**
- 6 BRINGS the matters raised in clauses 1 to 5 above back to Council for consideration and a final decision.”**

Was Put and

CARRIED (12/0)

In favour of the Motion: Mayor Pickard, Crs Amphlett, Corr, Diaz, Fishwick, Hart, Hollywood, Jacob, Macdonald, McLean, Norman and Young.

C79-11/07

**NOTICE OF MOTION NO 2 - CR ALBERT JACOB – PROSTITUTION
AMENDMENT BILL 2007 - [65597] [20537] [83028]**

In accordance with Clause 26 of the Standing Orders Local Law 2005, Cr Albert Jacob gave notice of his intention to move the following Motion at the Council meeting to be held on Tuesday, 20 November 2007.

“That Council:

- 1** ***NOTES and expresses its grave concern with the proposed Prostitution Amendment Bill 2007;***
- 2** ***REQUESTS a report into the implications of the proposed Prostitution Amendment Bill for the City of Joondalup.”***

REASON FOR MOTION

Cr Jacob submitted the following comment in support of his Notice of Motion:

“This Bill, which is currently before State Parliament, legalises brothels and will require local Councils to consider brothel development applications as just another discretionary use to be considered simply on planning merits.

This will effectively mean that any development application to operate a brothel within the City of Joondalup must be processed with methods and criteria similar to how the City currently considers its other discretionary uses. Given the current level of community angst that often emerges when discretionary uses are currently proposed, this community concern could only escalate where applications for licensed brothel premises will be received.

The first part of this motion calls for the City to make a firm statement to State Parliament that this Bill will not be in the best interests of the residents of the City of Joondalup.

In the event that the Bill is passed anyway, the second part of the motion calls for a report to be prepared by the City, for strategies to be in place so that the City is best prepared to deal with brothel development applications.”

OFFICER’S COMMENT

A report can be prepared.

MOVED Cr Jacob SECONDED Cr Young that Council:

- 1** **NOTES and expresses its grave concern with the proposed Prostitution Amendment Bill 2007;**
- 2** **REQUESTS a report into the implications of the proposed Prostitution Amendment Bill for the City of Joondalup.**

AMENDMENT MOVED Cr Corr SECONDED Cr Hart that point 2 be amended to read as follows:

“2 REQUESTS an urgent report into the implications of the proposed Prostitution Amendment Bill for the City of Joondalup.”

The Amendment was Put and

CARRIED (12/0)

In favour of the Amendment: Mayor Pickard, Crs Amphlett, Corr, Diaz, Fishwick, Hart, Hollywood, Jacob, Macdonald, McLean, Norman and Young.

AMENDMENT MOVED Cr Fishwick SECONDED Cr Hart that point 1 be amended to read as follows:

“NOTES and expresses its grave concern with the proposed Prostitution Amendment Bill 2007 - in relation to the implications that it will have on local governments in processing planning applications for brothels, particularly where sex workers are operating on their own or in pairs and would not need to be registered.”

The Amendment was Put and

CARRIED (12/0)

In favour of the Amendment: Mayor Pickard, Crs Amphlett, Corr, Diaz, Fishwick, Hart, Hollywood, Jacob, Macdonald, McLean, Norman and Young.

The Original Motion, as amended being:

That Council:

- 1 NOTES and expresses its grave concern with the proposed Prostitution Amendment Bill 2007; In relation to the implications that it will have on local governments in processing planning applications for brothels, particularly where sex workers are operating on their own or in pairs and would not need to be registered;**
- 2 REQUESTS an urgent report into the implications of the proposed Prostitution Amendment Bill for the City of Joondalup.**

Was Put and

CARRIED (12/0)

In favour of the Motion: Mayor Pickard, Crs Amphlett, Corr, Diaz, Fishwick, Hart, Hollywood, Jacob, Macdonald, McLean, Norman and Young.

C80-11/07

**NOTICE OF MOTION NO 3 – MAYOR TROY PICKARD –
DEVELOPMENT OF A LONG TERM COMMUNITY VISION - [65597]
[46628]**

In accordance with Clause 26 of the Standing Orders Local Law 2005, Mayor Troy Pickard gave notice of his intention to move the following Motion at the Council meeting to be held on Tuesday, 20 November 2007.

“That Council SUPPORTS the development of a long term community vision document which will enunciate how Joondalup should look and feel in 2020 and guide strategic decision making to that date.”

REASON FOR MOTION

Mayor Pickard submitted the following comment in support of his Notice of Motion:

“Public feedback is indicating that the Joondalup community has limited awareness of the directions that the City is taking and how it is likely to ‘look and feel’ in 2020. The production of a short and simply worded guiding document which spells out a vision for Joondalup in 2020 will not only assist community members to understand the City’s future direction but also guide the City in future strategic decision making.

The visioning document should cover all key elements of the City’s operation to ‘paint a clear picture’ of the future.

The document’s development should occur through initial engagement with Elected Members before wider engagement with the broader community.”

OFFICER’S COMMENT

A community vision document is a good idea and can be developed.

Cr Hart left the Chamber at 2308 hrs.

MOVED Mayor Pickard SECONDED Cr Corr that Council SUPPORTS the development of a long term community vision document which will enunciate how Joondalup should look and feel in 2020 and guide strategic decision making to that date.

The Motion was Put and

CARRIED (11/0)

In favour of the Motion: Mayor Pickard, Crs Amphlett, Corr, Diaz, Fishwick, Hollywood, Jacob, Macdonald, McLean, Norman and Young.

ANNOUNCEMENTS OF NOTICES OF MOTION FOR THE NEXT MEETING**NOTICE OF MOTION - CR GEOFF AMPHLETT - REDUCING THE USE OF PLASTIC BAGS**

In accordance with Clause 26 of the Standing Orders Local Law 2005, Cr Geoff Amphlett has given notice of his intention to move the following Motion at the Council meeting to be held on Tuesday 18 December 2007:

“That Council REQUESTS a report on what initiatives are being taken throughout Australia to reduce the use of plastic bags and what actions the City might take to support this outcome.”

NOTICE OF MOTION – CR BRIAN CORR – REQUEST FOR REPORT ON THE REDEVELOPMENT OF CIVIC PLACE, PARRAMATTA

In accordance with Clause 26 of the Standing Orders Local Law 2005, Cr Brian Corr has given notice of his intention to move the following Motion at the Council meeting to be held on Tuesday 18 December 2007:

“That Council:

- 1 REQUESTS a report analysing the redevelopment of ‘Civic Place’ in Parramatta, identifying areas that could be relevant for the redevelopment of the Joondalup CBD, areas such as:
 - The mix of retail, commercial, community and residential facilities;
 - The statutory planning framework used;
 - Sustainability principles and practices;
 - Building design and energy efficiency;
 - Roof-top gardens, recycling of grey water, reductions in stormwater run-off;
 - The mandated design standards for both residential and office buildings;
 - The linked European-style public places (piazzas);
 - Suitability of piazza(s) for exhibitions, concerts etc;
 - Sculptures, street furniture, seating, shade;
 - Pedestrian movement;
 - Childcare facilities;
 - The shops, cafes, bars, restaurants, cinema, markets and entertainment mix;
 - Transport links eg the rail-bus interchange close by;
 - The cooperation between the different levels of government;
 - The cooperation between the public and private sectors;
- 2 CONSIDERS bringing someone to Perth to brief Elected Members on this redevelopment, the processes, timelines etc;
- 3 REPORTS back to Council on or before our April 2008 Council meeting.

CLOSURE

There being no further business, the Mayor declared the Meeting closed at 2313 hrs; the following elected members being present at that time:

MAYOR T PICKARD
Cr K HOLLYWOOD
Cr T McLEAN
Cr A JACOB
Cr T YOUNG
Cr M MACDONALD
Cr G AMPHLETT
Cr M NORMAN
Cr B CORR
Cr R FISHWICK
Cr F DIAZ