

Minutes **Ordinary Meeting of Council**

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

ON TUESDAY, 19 MAY 2009



**MINUTES OF COUNCIL MEETING
HELD ON TUESDAY 19 MAY 2009**

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CITY OF JOONDALUP

MINUTES OF COUNCIL MEETING HELD IN THE COUNCIL CHAMBER, JOONDALUP CIVIC CENTRE, BOAS AVENUE, JOONDALUP ON TUESDAY, 19 MAY 2009

DECLARATION OF OPENING

The Mayor declared the meeting open at 1903 hrs.

ANNOUNCEMENT OF VISITORS

Nil.

ATTENDANCES

Mayor:

TROY PICKARD

Councillors:

Cr KERRY HOLLYWOOD	North Ward	
Cr TOM McLEAN	North Ward – <i>Deputy Mayor</i>	
Cr TRONA YOUNG	North-Central Ward	
Cr MARIE MACDONALD	Central Ward	
Cr GEOFF AMPHLETT	Central Ward	
Cr MICHELE ROSANO	South-West Ward	Absent from 2018 hrs to 2025 hrs
Cr MIKE NORMAN	South-West Ward	
Cr SUE HART	South-East Ward	to 2251 hrs
Cr BRIAN CORR	South-East Ward	
Cr RUSS FISHWICK	South Ward	Absent from 1952 hrs to 1953 hrs
Cr FIONA DIAZ	South Ward	Absent from 2040 hrs to 2042 hrs Absent from 2230 hrs to 2231 hrs

Officers:

MR GARRY HUNT	Chief Executive Officer	
MR CLAYTON HIGHAM	Director, Planning & Community Development	to 2252 hrs
MR JAMIE PARRY	Director, Governance & Strategy	
MR MIKE TIDY	Director, Corporate Services	
MR MARTYN GLOVER	Director, Infrastructure Services	Absent from 2027 hrs to 2029 hrs
MR MIKE SMITH	Manager, Governance & Marketing	Absent from 2252 hrs to 2257 hrs
MR GAVIN TAYLOR	Manager, Leisure & Cultural Services	to 2010 hrs
MS DEBBIE TERELINCK	Acting Manager Planning Approvals & Environmental Services	to 2252 hrs
MR MARK McCRORY	Media Advisor	to 2252 hrs
MRS JANET FOSTER	Administrative Services Coordinator	
MRS ROSE GARLICK	Administrative Secretary	Absent from 2252 hrs to 2257 hrs

There were 51 members of the Public and 1 member of the Press in attendance.

PUBLIC QUESTION TIME

The following questions were taken on notice at the Council meeting held on 21 April 2009:

Mr M Caiacob, Mullaloo:

Re: Kite Surfing Licence issued for Mullaloo Beach.

Q1 *What was the commercial value for this Kite surfing licence?*

A1 The commercial value of the Kite Surfing Licence at Mullaloo Beach is \$1,200 per annum as per the City's 2008/09 Schedule of Fees and Charges.

Re: Ocean Reef Marina.

Q2 *If the Ocean Reef Committee met on 26 February 2009 and the Council met and endorsed the Revised Concept Plan 6 on 27 February 2009, how and when did this Council receive the Committee's recommendation from 26 February 2009?*

A2 Following the adjournment of the Ocean Reef Marina Committee held on 27 January 2009, a Special Meeting of Council was held to give consideration to the Ocean Reef Marina Development – Structure Planning Progress Report.

Mr M Sideris, Mullaloo:

Re: Kite Surfing Licence issued for Mullaloo Beach.

Q1 *With reference to the response to written question 2 where the cost of transferring the bollards was estimated at being \$600.00 and the revenue obtained for the Kite Surfing licence being \$500.00, there seems to be a shortfall of \$100.00. Who paid the \$600.00?*

A1 The commercial value of the Kite Surfing Licence at Mullaloo Beach is \$1,200 per annum as per the City's 2008/09 Schedule of Fees and Charges.

The City covered the full cost of transferring the bollards at the West View car park. The bollards were transferred from another site in the City to the West View Boulevard car park to resolve a number of issues relating to beach access. Groups which benefited directly from the bollard transfer include the Mullaloo Surf Life Saving Club, Emergency Services (police, fire and ambulance) and Kite Surfing Australia.

The following questions were taken on notice at the Special Meeting of Council held on 5 May 2009:

Mr S Magyar, Heathridge:

Re: JSC5-05/09 – Ocean Reef Marina Philosophy and Parameters.

Q1 *With reference to the first sentence in paragraph two of the background, when and which plans were considered by who in the last 30 years?*

A1 Plans were prepared and considered prior to the construction of the existing Ocean Reef Boat Harbour which included residential and retail/commercial components.

Council considered the development of the site and the engagement of consultants to market the land in the early 1990s with the issue being discussed at numerous Council meetings.

In 2002, the then Mayor announced that the City of Joondalup had begun to examine options for developing more than 46 hectares of land around Ocean Reef Boat Harbour.

Q2 With reference to the first sentence on page 2 under Project Philosophy and Key Parameters, is residential a permitted use on the current zoning of the land as it is?

A2 The subject land is currently reserved for 'Parks and Recreation' and 'Public Purpose' under the provisions of the Metropolitan Region Scheme (MRS). Unlike a local planning scheme, the MRS does not contain a zoning table that states which land uses are permitted under particular zones or reserves. It is therefore not possible to answer the question in a yes or no manner. Any land uses on land reserved under the MRS must be considered having regard to the purpose for which the land is reserved. It may be necessary to rezone the subject land to allow for residential development.

The following questions were submitted prior to the Council meeting:

Mr A Johnson, Kingsley:

Q1 Does the Council have in place a tendering process for the proper and fair selection of training providers for operations staff?

Q2 Is that process known to staff and open to ratepayer scrutiny?

A1&2 The City does not have any contracts with training providers from tenders that it has let. The City has access to and uses approved suppliers under the State Government Common Use contract arrangements for its major training requirements. The smaller and specific or specialised training requirements not covered by the State Government Common Use contract arrangements fall below the \$100,000 Local Government Act Regulations threshold and do not require tenders to be called. These are sourced through a competitive quotation process where it is known that there is more than one supplier.

The processes for acquiring training providers are well known to the staff responsible for sourcing and arranging the delivery of training. The City's purchasing arrangements are covered by documented processes and procedures and subject to both internal and external audit.

The following questions were submitted verbally at the Council meeting held on 19 May 2009:

Mr S Magyar, Heathridge:

Re: Notice of Motion of Motion No 1 – Cr Geoff Amphlett – Café/Restaurant Facilities

Q1 If these facilities were rented out, would the State Government be entitled to any part of the rental/lease money that the Council would collect?

Q2 Will these activities or facilities require State Government approval from the Department of Planning and Infrastructure or the Planning Commission?

A1&2 These questions will be taken on notice.

Mr R Repke, Kallaroo:

Re: Water Emergency

Q1 *Given that only 10% of the long term average of rain has been received so far this year, has the City of Joondalup had discussions with the Department of Water to ascertain the levels of water that can be saved by both the City and residents from the scheme system and ground water? In the event that the situation does not improve with regard to rainfall, does the City believe the Department of Water will announce that gardens can only be watered with a garden hose and how will such a restriction be enforced?*

A1 This question will be taken on notice.

Mr M O'Brien, Warwick:

Q1 *Have the Councillors of the City seen a copy of the agreement which clearly shows that people living in a not for profit unit contribute up to 30% of the resale value of the 'lease for life' on the unit when they vacate?*

A1 This question will be taken on notice.

Mr T Argus, Connolly:

Re: Edgewater Quarry Development

Q1 *Would the City provide figures for the allocation of both passive and active public open space in the suburb of Edgewater, both inclusive and exclusive of the Edgewater Quarry parcels of land currently for consideration by Council.*

A1 This question will be taken on notice.

PUBLIC STATEMENT TIME**Mr T Fagan, Hillarys:**

Mr Fagan spoke in relation to the proposed extension of the animal exercise area at Hillarys Beach.

Mrs J Smith, Hocking:

Mrs Smith spoke in relation to the proposed extension of the animal exercise area at Hillarys Beach.

Mr B Wood, Woodvale:

Mr Wood spoke in relation to the proposed extension of the animal exercise area at Hillarys Beach.

Mr J Clift, Hillarys:

Mr Clift spoke in relation to the proposed extension of the animal exercise area at Hillarys Beach.

Mr S Magyar, Heathridge:

Mr Magyar spoke in relation to future predictions for Perth's climate and the Notice of Motion No 3 – Cr Marie Macdonald – Request for additional information to be released during the public consultation period for the Ocean Reef Marina Development.

Mr J Chater, Duncraig:

Mr Chater spoke in relation to the proposed extension of the animal exercise area at Hillarys Beach.

Mr R Repke, Duncraig:

Mr Repke spoke in relation to the Special Meeting of Electors held regarding the Edgewater Quarry.

Ms L McLeod, Carine:

Ms McLeod spoke in relation to the proposed extension of the animal exercise area at Hillarys Beach.

Mr P Cooper, Girrawheen:

Mr Cooper spoke in relation to the proposed extension of the animal exercise area at Hillarys Beach.

Mr R Plumridge, Hillarys:

Mr Plumridge spoke in relation to the proposed extension of the animal exercise area at Hillarys Beach.

C26-05/09**EXTENSION OF PUBLIC STATEMENT TIME – [01122] [02154]****MOVED Cr Young, SECONDED Cr Corr that Public Statement Time be Extended.****The Motion was Put and****CARRIED (12/0)**

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

Dr M Apthorpe, Ocean Reef:

Dr Apthorpe spoke in relation to Notice of Motion No 2 – Cr Sue Hart – Request to Cease Legal Proceedings pending presentation of a Report.

Mr I Toy, Hillarys:

Mr Toy spoke in relation to the proposed extension of the animal exercise area at Hillarys Beach.

Mr T Argus, Connolly:

Mr Argus spoke in relation to the development and future use of the Edgewater Quarry.

Mr K Lamb, Hillarys.

Mr Lamb spoke in relation to the proposed extension of the animal exercise area at Hillarys Beach.

Mr J Banks, Hillarys:

Mr Banks spoke in relation to the proposed extension of the animal exercise area at Hillarys Beach.

Mr D Ward, Hillarys:

Mr Ward spoke in relation to the proposed extension of the animal exercise area at Hillarys Beach.

Mr D Brome, Edgewater:

Mr Brome spoke in relation to the survey undertaken with respect to the development of the Edgewater Quarry.

APOLOGIES AND LEAVE OF ABSENCE**C27-05/09 REQUEST FOR LEAVE OF ABSENCE – CR RUSS FISHWICK – [29610]**

Cr Fishwick has requested Leave of Absence from Council duties covering the period 23 – 31 May 2009 inclusive.

Cr Michael Norman requested Leave of Absence from Council duties covering the period 9-24 June 2009 and 25 June 2009 – 12 July 2009 inclusive.

MOVED Cr McLean, SECONDED Cr Amphlett that Council APPROVES the Requests for Leave of Absence from Council duties covering the following dates:

Cr Russ Fishwick	23 - 31 May 2009 inclusive
Cr Michael Norman	9 – 24 June 2009 and 25 June 2009 – 12 July 2009 inclusive

The Motion was Put and

CARRIED (12/0)

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

C28-05/09 CONFIRMATION OF MINUTESMINUTES OF COUNCIL MEETING, 21 APRIL 2009

MOVED Cr Young, SECONDED Cr McLean that the Minutes of the Council Meeting held on 21 April 2009 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, Macdonald, McLean, Norman, Rosano and Young

MINUTES OF SPECIAL MEETING OF COUNCIL, 5 MAY 2009

MOVED Cr Young, SECONDED Cr Rosano that the Minutes of the Special Meeting of Council held on 5 May 2009 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, Macdonald, McLean, Norman, Rosano and Young

ANNOUNCEMENTS BY THE PRESIDING PERSON WITHOUT DISCUSSION**OCEAN REEF MARINA CONCEPT PLAN CONSULTATION**

The 60-day community consultation period for the Ocean Reef Marina concept plan starts tomorrow (May 20) and Mayor Pickard encouraged everyone in the City to have their say and provide feedback.

Council endorsed the concept plan at a Special Council meeting on 5 May 2009 and so far the response to the marina concept plan in the community has been very positive with significant media coverage and support from the State Government, Tourism WA and many other interest groups.

A brochure and feedback form will arrive in letter boxes throughout the City in the next week and Mayor Pickard urged everyone to take the time to fill in the form and return it in the reply paid envelope supplied.

More information on the proposed marina development is available on the City's website at www.joondalup.wa.gov.au.

WANNEROO AGRICULTURAL SOCIETY CENTENARY MEDAL

Last week, Wanneroo Agricultural Society President Mike Aspinall attended the Briefing Session to make a special presentation to the City for its ongoing support of the Society. The Society is celebrating its 100th year and to acknowledge this outstanding achievement the Society has produced a commemorative 100-year medallion.

On behalf of the City, Mayor Pickard officially congratulated the Society again on its very proud history and was pleased and honoured to accept a 100-year medallion from Mr Aspinall to celebrate their impressive milestone.

The Wanneroo Agricultural Society is a success thanks to the dedication and hard work of its many many volunteers who ensure the hugely popular Wanneroo Show continues to be a highlight for the northern corridor community every year.

JUNE COUNCIL MEETING

The next Council meeting, for a first, for this term of Council will be taken to the southern suburbs of the City, and held in the Warwick Community Hall on 16 June 2009.

It will be a good opportunity for residents in the surrounding suburbs to have a chance to come and take part in a Council meeting. The change of venue will also showcase the recent refurbishments of the Warwick Hall and the adjoining community centre.

The meeting will start at 7pm and Mayor Pickard encouraged local residents to take this chance to see their Elected Council in action.

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	Cr Michele Rosano
Item No/Subject	CJ110-05/09 – Tender 005/09 – Construction of a Dual Use Path Upgrade – West Coast Drive
Nature of interest	Financial
Extent of Interest	Cr Rosano resides in close proximity to West Coast Drive

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	Cr Mike Norman
Item No/Subject	CJ110-05/09 - Tender 005/09 – Construction of a Dual use Path Upgrade – West Coast Drive
Nature of interest	Interest that may affect impartiality
Extent of Interest	Cr Norman is Co-ordinator of the Friends of Sorrento Beach and Chairman of the Joondalup Community Coastal Care Forum and has commented on the project in these capacities

Name/Position	Cr Michele Rosano
Item No/Subject	CJ119-05/09 - Report on Code of Conduct Complaint
Nature of interest	Interest that may affect impartiality
Extent of Interest	The Code of Conduct complaint was made by Cr Rosano

Name/Position	Cr Trona Young
Item No/Subject	C41-05/09 - Edgewater Quarry Development – Report on Feedback from Community Consultation
Nature of interest	Interest that may affect impartiality
Extent of Interest	A relative is a member of the Northern Districts Cycling Club

Name/Position	Cr Marie Macdonald
Item No/Subject	C34-05/09 - Notice of Motion No 2 – Cr Sue Hart – Request to Cease Legal Proceedings Pending Presentation of a Report – Unauthorised Spraying of Korella Park
Nature of interest	Interest that may affect impartiality
Extent of Interest	Cr Macdonald is the Treasurer of the Joondalup Community Coast Care Forum and Member of a Friends Group

Name/Position	Cr Mike Norman
Item No/Subject	C34-05/09 - Notice of Motion No 2 – Cr Sue Hart – Request to Cease Legal Proceedings Pending Presentation of a Report – Unauthorised Spraying of Korella Park
Nature of interest	Interest that may affect impartiality
Extent of Interest	Cr Norman as Chairman of the Joondalup Coastal Care Forum has commented on the Alleged Mis-use of Grant.

Name/Position	Cr Marie Macdonald
Item No/Subject	C37-05/09 - Notice of Motion No 3 – Cr Marie Macdonald – Request for Additional Information to be released during the public consultation period for the Ocean Reef Marina Development
Nature of interest	Interest that may affect impartiality
Extent of Interest	Cr Macdonald resides in Mullaloo and may be affected by adverse consequences of the development of Ocean Reef Marina

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

C29-05/09 CONSIDERATION OF MOTION TO GO BEHIND CLOSED DOORS - [02154]

MOVED Cr Rosano, **SECONDED** Cr Young that Council in accordance with Clause 24 of the City of Joondalup Standing Orders Local Law 2005 **RESOLVES** to Consider Item CJ108-05/09 Tender 002/09 Provision of Graffiti Control Services Behind Closed Doors and defers the Item to be considered as the last Report on the agenda immediately preceding – Announcements of Notices of Motion for the next meeting.

The Motion was Put and

CARRIED (11/1)

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

PETITIONS**C30-05/09 PETITIONS SUBMITTED TO THE COUNCIL MEETING – 19 MAY 2009****1 PETITION IN RELATION TO CONSTRUCTION OF PROPOSED FOOTPATH IN ABERDARE WAY AND EDDINGTON ROAD, WARWICK CONTINUOUSLY ON ONE SIDE OF EDDINGTON ROAD AND ABERDARE WAY - [74506] [11053]**

A 27-signature petition has been received requesting Council to construct the proposed 1.8 metre footpath adjacent to the curbing, in Eddington Road and Aberdare Way, Warwick continuously on one side of Eddington Road and Aberdare Way, Warwick:

- The section from Chelsford and Eddington intersection – along the eastern side of Eddington.
- The section along Aberdare Way - along the northern side of Aberdare Way to Street No.39, hence continuing around the bend and southward on the eastern side of Aberdare Way to Eddington Road.
- The northern side of Eddington Road, to join the footpath on the western side of Erindale Road, (presuming the short section, opposite the Warwick Police and Department of Planning and Infrastructure Vehicle Inspection Facility will replace the old narrow footpath).

2 PETITION SUPPORTING THE CONSTRUCTION OF SOUND BARRIERS ALONG CONNOLLY DRIVE – [08352]

A 31-signature petition has been received in support of the construction of barriers along Connolly Drive, Burns Beach with the widening of Connolly Drive, to reduce the traffic noise to nearby homes.

MOVED Cr Hollywood, SECONDED Cr Fishwick that the following Petitions be RECEIVED, referred to the CEO and a subsequent Report presented to Council for information:

- 1 Petition requesting the continuation of the proposed footpath in Aberdare Way and Eddington Road, Warwick on one side of Eddington Road and Aberdare Way;**
- 2 Petition supporting the construction of sound barriers along Connolly Drive.**

The Motion was Put and

CARRIED (12/0)

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

C31-05/09 CONSIDERATION TO CHANGE ORDER OF BUSINESS - [02154]

MOVED Mayor Pickard, SECONDED Cr Amphlett that in accordance with Clause 14(4) of the City's Standing Orders Local Law 2005, the following late Items be considered as the first item prior to the Order of Business – 'Reports'.

- **C40-05/09 - Special Meeting of Electors held on Monday 18 May 2009 – [37544]**
- **C41-05/09 - Edgewater Quarry Development - Report on Feedback from Community Consultation – [37544]**

The Motion was Put and

CARRIED (12/0)

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

C40-05/09 SPECIAL MEETING OF ELECTORS HELD ON MONDAY 18 MAY 2009 – [37544]

WARD: North-Central

RESPONSIBLE: Mr Jamie Parry
DIRECTOR: Governance and Strategy

PURPOSE

For the Council to note the Minutes of the Special Meeting of Electors held on 18 May 2009.

EXECUTIVE SUMMARY

As requested by electors of the City of Joondalup, a Special Meeting of Electors was held on 18 May 2009 in accordance with the provisions of the Local Government Act 1995.

Section 5.33(1) of the Act requires that all decisions made at an Electors' Meeting if practicable are to be considered at the next ordinary meeting of Council.

It is recommended that Council NOTES the Minutes of the Special Meeting of Electors held on 18 May 2009 forming Attachment 1 to this Report.

BACKGROUND

A Special Meeting of Electors was convened following receipt of a 131-signature petition, 103 of whom were electors of the City of Joondalup.

The purpose of the meeting is to discuss the following motions:

- "1 That this Meeting of Electors of the City of Joondalup calls upon the City of Joondalup to initiate discussions with the State Department of Conservation and Land Management and offer the State Government full cooperation to plan and develop an Environment Centre and Botanic Park in the land abutting Edgewater Drive and the Western Shore of Lake Joondalup to cater for:*

- (a) *Native flora that has linkages to an adventure playground;*
 - (b) *Highly visible and well shaded picnic, BBQ and large grassed areas that are linked to toilet amenities;*
 - (c) *Dual use Walking trails and bike paths that provide connection to the park facilities;*
 - (d) *Amphitheatre and greenroom facilities that can cater for theatre, music and dance productions, whilst minimising noise impact on nearby residents;*
 - (e) *An adventure playground that provides children with sensory and learning opportunities is well shaded and caters for wheelchair access;*
 - (f) *Supporting infrastructure that consists of parking, lighting and a multipurpose facility that includes storage, hard stand area and can cater for kiosk/cafe and ticketing office;*
 - (g) *Requires that the concept plan be developed ensuring minimal traffic and noise impact to residents in close proximity to Edgewater Drive.*
- 2 *That this Meeting of Electors of the City of Joondalup recognises that there are Ten (10) Wheeled Sports that have no facilities of International Competition Standard in the City of Joondalup, and requests the City to seek the support of the State and Federal Governments for Capital Funding to re-develop the old Limestone Quarry Area including, Crown Land Reserve 37229 (lot 10194), Crown Land Reserve 37188 (lot 12681), Crown Land Reserve 37120 (lot 10188) and City of Joondalup Lot 998 (100) to cater for Wheeled Sports Training and Competition in the Northern Corridor and enhance and support the Sports People, ECU and the Business People of Joondalup."*

The meeting was attended by 121 persons, 117 of whom were electors registered to vote during the meeting. The minutes of that meeting form Attachment 1 to this Report.

Decisions made at an Electors' Meeting are the recommendations of those present, on the matters discussed and considered at the meeting and are not binding on the Council. The Local Government Act 1995 requires any resolution carried at an electors meeting to be referred to the Council for consideration.

DETAILS

The Motions raised at the Special Meeting of Electors are set out below:

Motion No 1

MOVED Mr Tim Argus, 17 Portmarnock Circuit, Connolly SECONDED Mr Douglas Vermeulen, 5 Wood Ridge, Edgewater that:

- 1 *this Meeting of Electors of the City of Joondalup calls upon the City of Joondalup to initiate discussions with the State Department of Conservation and Land Management and offer the State Government full cooperation to plan and develop an Environment Centre and Botanic Park in the land at the intersection of Joondalup Drive and the northern end of Lakeside Drive (known as Lot 1) to cater for:*

- (a) *Native flora that has linkages to an adventure playground;*
- (b) *Highly visible and well shaded picnic, BBQ and large grassed areas that are linked to toilet amenities;*
- (c) *Dual use Walking trails and bike paths that provide connection to the park facilities;*
- (d) *Amphitheatre and greenroom facilities that can cater for theatre, music and dance productions, whilst minimising noise impact on nearby residents;*
- (e) *An adventure playground that provides children with sensory and learning opportunities is well shaded and caters for wheelchair access;*
- (f) *Supporting infrastructure that consists of parking, lighting and a multipurpose facility that includes storage, hard stand area and can cater for kiosk/cafe and ticketing office;*
- (g) *Requires that the concept plan be developed ensuring minimal traffic and noise impact to residents in close proximity to Edgewater Drive.*

2 *the Joondalup Combined Community Groups Association (Inc) and the Wheeled Sports Affiliates have no particular requirement that the location is specifically restricted in that motion to the land abutting Edgewater Drive rather to any agreed location within the Yellagonga National Park or other reserves.*

The Motion was Put and

CARRIED

Motion No 2

MOVED Mr Noel Winsor, 37 Tandina Way, Kingsley SECONDED Ms Renae Scott, 3 Spinnaker Drive, Ocean Reef that this Meeting of Electors of the City of Joondalup recognises that there are Ten (10) Wheeled Sports that have no facilities of International Competition Standard in the City of Joondalup, and requests the City to seek the support of the State and Federal Governments for Capital Funding to re-develop the old Limestone Quarry Area including, Crown Land Reserve 37229 (lot 10194), Crown Land Reserve 37188 (lot 12681), Crown Land Reserve 37120 (lot 10188) and City of Joondalup Lot 998 (100) to cater for Wheeled Sports Training and Competition in the Northern Corridor and enhance and support the Sports People, ECU and the Business People of Joondalup.

The Motion was Put and

LOST

Link to Strategic Plan:

Objective

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

Strategies

- 1.1.3 The City ensures that all Council documents involving decision-making processes and Council procedures are available and accessible to the community.

Legislation – Statutory Provisions:

Section 5.33 of the Local Government Act 1995 states:

Decisions made at Electors' Meetings

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

Risk Management considerations:

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

Financial/Budget Implications:

Not applicable.

Policy implications:

Not applicable.

Regional Significance:

Not applicable.

Sustainability implications:

Not applicable.

Consultation:

Not applicable.

COMMENT

The minutes of the Special Meeting of Electors are submitted to Council for noting. The motions carried at the Special Meeting of Electors held on 18 May 2009 are the subject of a separate report presented to the Council meeting to be held on 19 May 2009.

ATTACHMENTS

Attachment 1 Minutes of the Special Meeting of Electors held on 18 May 2009

VOTING REQUIREMENTS

Simple majority.

Cr Fishwick left the Chamber at 1952 hrs.

MOVED Cr Young, SECONDED Cr McLean that Council NOTES the Minutes of the Special Meeting of Electors held on 18 May 2009 forming Attachment 1 to this Report.

The Motion was Put and

CARRIED (11/0)

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

Appendix 19 refers

To access this attachment on electronic document, click here: [Attach19min190509.pdf](#)

Cr Fishwick entered the Chamber at 1953 hrs.

Disclosure of Interest Affecting Impartiality

Name/Position	Cr Trona Young
Item No/Subject	C41-05/09 - Edgewater Quarry Development – Report on Feedback from Community Consultation
Nature of interest	Interest that may affect impartiality
Extent of Interest	A relative is a member of the Northern Districts Cycling Club

**C41-05/09 EDgewater Quarry Development - Report
ON FEEDBACK FROM COMMUNITY
CONSULTATION – [37544]**

WARD: North Central

**RESPONSIBLE
DIRECTOR:** Mr Garry Hunt
Chief Executive Officer

PURPOSE

To report to Council on the results of the Edgewater Quarry community consultation process and to recommend development options for inclusion in the concept plan for the site.

EXECUTIVE SUMMARY

The Edgewater Quarry site is one of the only remaining undeveloped recreation areas in the City. Covering 17 hectares, the size, location and visibility of the site abutting Joondalup Drive makes the site significant.

Since the 1970's there have been a number of proposals for the development of the Edgewater Quarry site. The most recent was received in 2007 from the Joondalup Combined Community Groups Association (JCCGA), also known as the Wheeled Sports Association, for the development of competition standard facilities that would meet the needs of all its represented groups.

In 2008, Council endorsed (CJ062-04/08 refers) a Master Planning process that would be applied to the Edgewater Quarry site. Since this time, Elected Members have provided input into the scope and direction of the project. In October 2008, community consultation was undertaken to determine the types of development options preferred at the site.

This report discusses the outcomes of the community consultation process and also considers the options for inclusion in concept plans for the Edgewater Quarry site.

A report was presented to the ordinary meeting of the Council held on 21 April 2009 where it was resolved to refer the matter back pending the outcome of the proposed Special Meeting of Electors. The Special Meeting of Electors was held on Monday 18 May 2009, therefore this report is presented back to the Council for its determination.

It is recommended that Council:

- 1 *NOTES the findings of the community consultation process undertaken for the Edgewater Quarry Master Planning project;*
- 2 *REQUESTS the Chief Executive Officer to arrange for the development of a concept plan for the Edgewater Quarry site with the inclusion of the following facilities:*
 - (a) *Native flora botanic garden that has linkages to the adventure playground;*
 - (b) *Highly visible and well shaded picnic, BBQ and large grassed areas that are linked to public toilet amenities;*
 - (c) *Dual use walking trails and bike paths that provide connection to the park facilities;*
 - (d) *Amphitheatre and greenroom facilities that can cater for theatre, music and dance productions, whilst minimising noise impact on nearby residents;*
 - (e) *Adventure playground that provides children with sensory and learning opportunities, caters for wheelchair access and is well shaded;*
 - (f) *Supporting infrastructure consisting of parking, lighting and a multipurpose facility that includes storage, hard stand area and can cater for kiosk/café and ticketing office.*
- 3 *NOTES that the concept plan will be developed to ensure minimal traffic and noise impact to residents residing in close proximity to the Edgewater Quarry site;*
- 4 *NOTES that the concept plan will consider the provision of commercial developments that add value to the intended use of the site, along Joondalup Drive*
- 5 *REQUESTS the CEO notify the Joondalup Combined Community Groups Association of the outcome of the Edgewater Quarry community consultation process.*

BACKGROUND

The Edgewater Quarry site is bounded by Joondalup Drive, Treetop Avenue, and Regatta Drive, Edgewater (attachment 1). The site covers an area 17.02 square hectares in total.

The site comprises three (3) “reserves” and one (1) freehold lot.

- Reserve 37229 – Crown Land – City of Joondalup Management Order. Classified as “Local Reserve” for the purpose of Park and Recreation.

- Reserve 37188 - Crown Land – City of Joondalup Management Order. Classified as “Local Reserve” for the purpose of Park and Recreation.
- Reserve 37120 - Crown Land – City of Joondalup Management Order. Classified as “Local Reserve” for the purpose of Park and Recreation.
- Lot 998 (100) Treetop Ave, Edgewater – owned by the City of Joondalup. Zoned Civic and Culture.

The quarry and associated cliffs present interesting topography and indicate some of the early history of the area where limestone was extracted for a variety of purposes. Along the top of the cliffs and adjacent to a local residential area are narrow strips of land up to 30 metres wide.

Since the 1970’s to the present day, there have been a number of proposals for more intensive development and in 1996, a survey of Edgewater residents revealed that the most favoured use was for passive recreation amenities.

In March 2001, Council considered a preliminary concept plan for the site to use for community consultation purposes. The 2001 concept plan incorporated a grassed picnic area, skate park, junior and advanced BMX tracks, a playground, car park and toilet facilities. The natural bush zones to the north and south were to incorporate a mountain bike track, walk trails with lookouts at vantage points. The transition area – the 30 metres between residential dwellings and the top of the cliff – were to be extensively planted with native trees creating a buffer between passive natural bush areas and active recreation. Council approved the formation of a Quarry Park Development Committee to progress matters, but in May 2003, the Committee was disbanded.

At the beginning of 2007, the City received inquiries regarding the development of a wheeled sports facility at the Quarry site from the Joondalup Combined Community Groups Association (JCCGA). The JCCGA is seeking the development of the Edgewater Quarry site to include competition standard facilities that would meet the needs of all its represented groups. The JCCGA expressed a need for competition standard of facilities relevant to its representative groups. This group is commonly known as the Wheeled Sports Association and comprises of representatives from the following groups:

- Hand Cyclists
- Over 55 Cyclists
- Mountain Bike Cyclists
- BMX Cyclists
- Northern District Cycle Club
- North Coast Tri Club
- Skate WA
- Skate Bowl Competitors
- Track Cyclists
- Criterium Road Cyclists

In April 2008, Council endorsed (CJ062-04/08 refers) a Master Planning process that would be applied to the Edgewater Quarry site.

To date, the Elected Members have provided input into the scope and direction of the project through surveys and have also undertaken a tour of the site.

Community consultation for the Edgewater Quarry Master Plan Project commenced in October 2008, with the findings summarised in this report.

DETAILS

The consultation process was developed in line with the City's Public Participation Strategy. The aim of the consultation process was to ensure that the views of both local residents and those with a special interest in the site had an opportunity to participate.

A series of targeted groups were invited to participate in this consultation, including:

- Residents from Edgewater;
- Residents within a 1.5km radius from the site in the suburbs of Joondalup, Heathridge and Beldon;
- Representatives from local environmental groups;
- Representatives from local sport and recreation groups;
- Representatives from local resident associations;
- Joondalup Business Association;
- Department of Sport and Recreation;
- Indigenous people with connections to the site;
- Businesses within close proximity of the site along Joondalup Drive;
- Any other people with an expressed interest in the site.

To inform people of the consultation and invite their participation, letters which included frequently asked questions (FAQs) about the site and the consultation process, a survey and a reply paid envelope were sent out to over 3000 individuals, groups and organisations. Signs were erected on site and notices were placed in community newspapers, the City libraries and City of Joondalup Customer Service Centres. Information was also available on the City's website, together with a link to an electronic version of the survey and the FAQ document.

In the FAQs provided, stakeholders were advised of the purpose of the consultation, the location of the development site, some background on the site and information on who was being consulted. Further, a range of possible development options were also identified. Information on what would take place after the closing date for submissions was also provided.

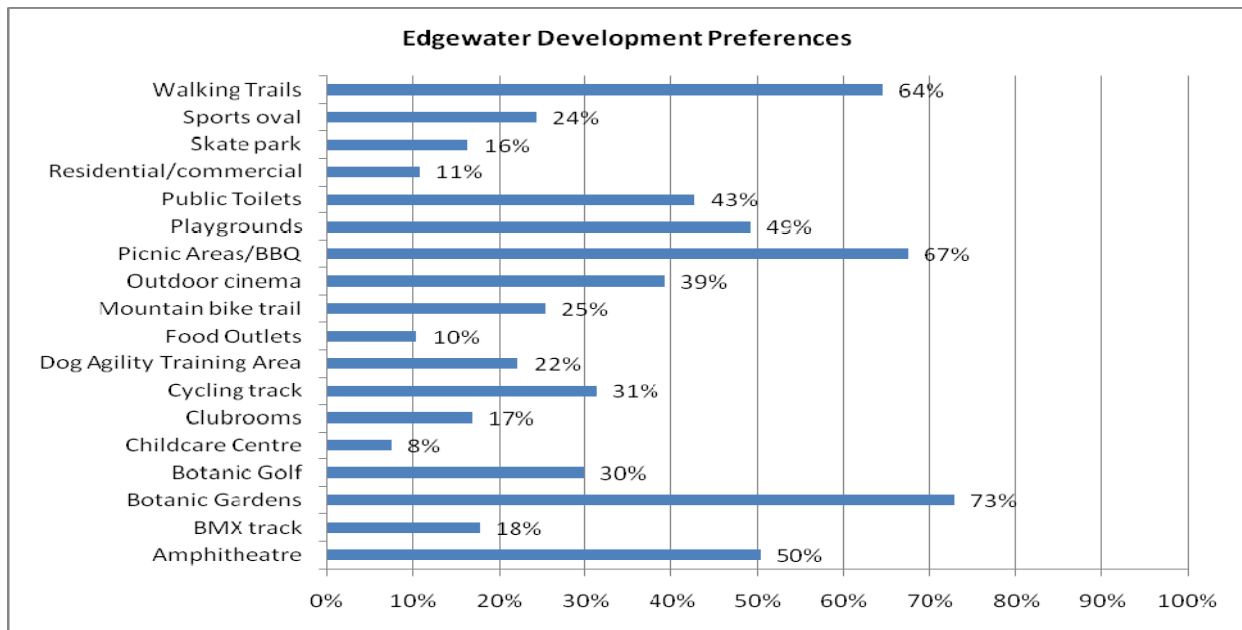
PUBLIC RESPONSE

The City received 1276 submissions from the public which represents a response rate of 38%. In general, a return rate of 20% is considered acceptable and valid. The majority of submissions were received from people identifying themselves as providing feedback for their own household (83.2%) followed by people identifying themselves as representatives or members of recreation or sporting groups (7.6%). Of the responses received from members of recreation or sporting groups, 40% were from clubs represented by the JCCGA.

Of the responses received 56.3% were from the suburb of Edgewater, with 22.3% residing in the suburbs of Beldon, Joondalup and Heathridge. People residing outside of the City represented 8.5% of the responses.

A summary of the responses has been provided overleaf which details the preferred development options from the different respondents of the survey.

SUMMARY OF FEEDBACK FROM EDGEWATER RESIDENTS



Development options supported and new ideas

The top four development options selected by Edgewater residents in order of preference included the botanic gardens (73%), picnic and barbeque areas (67%), walking trails (64%) and lastly an amphitheatre (50%). The feedback was consistent with an overall preference for the development of passive recreation facilities at the site.

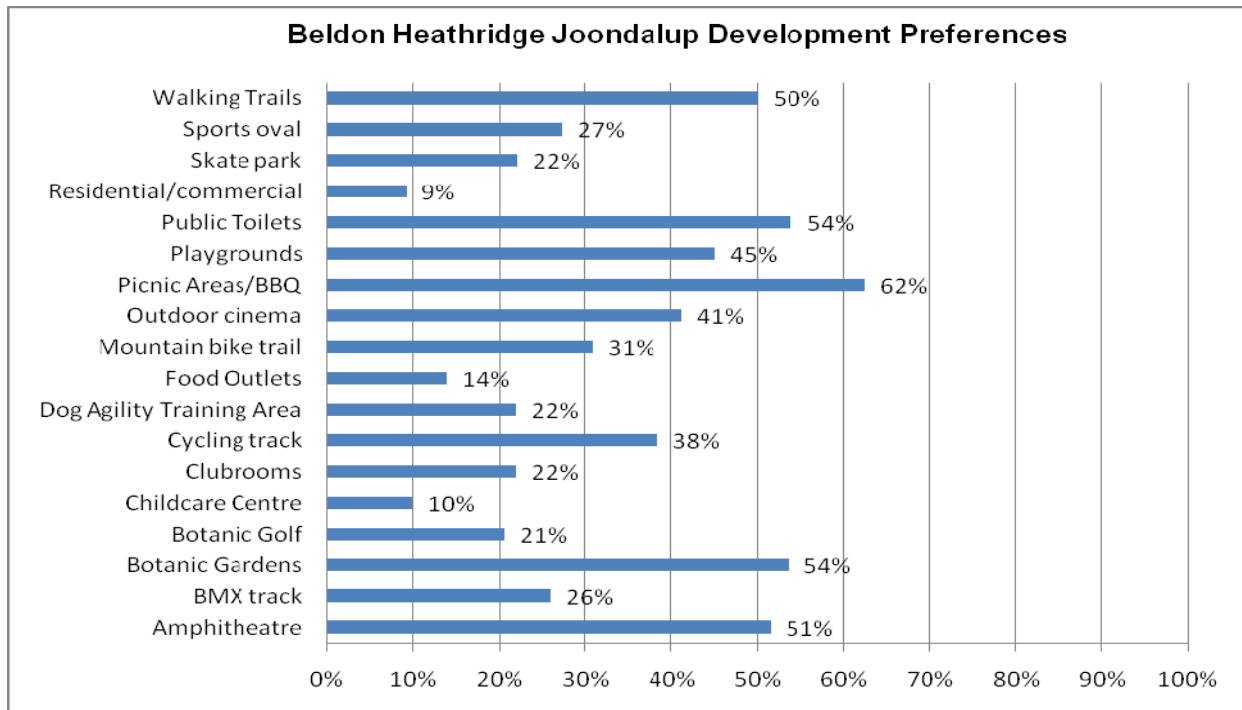
Comments from residents indicated a strong preference for the type of development that could be enjoyed by all ages, not one particular segment of the population. Some of the alternative development options listed in the feedback were sculpture park/trails, community gardens, farmers markets and environmental education activities with reference also being made to the park in Scenic Drive Wanneroo as the preferred model.

Development options not supported

Of the 458 people who took the opportunity to provide additional comments on the development options they would not support, 229 people objected to further commercial or residential development at the site. Their feedback indicates some level of concerns with growing urbanisation within the City of Joondalup. 134 people objected to the provision of food outlets, mostly on the assumption that such premises would be 'fast food' services and that there are already sufficient nearby.

BMX jumps/tracks and skate parks were highlighted by 77 Edgewater residents as development options they would not like to see at the site, due to the perception they are places likely to attract young people behaving badly.

FEEDBACK FROM BELDON, HEATHRIDGE AND JOONDALUP RESIDENTS



Development options supported and new ideas

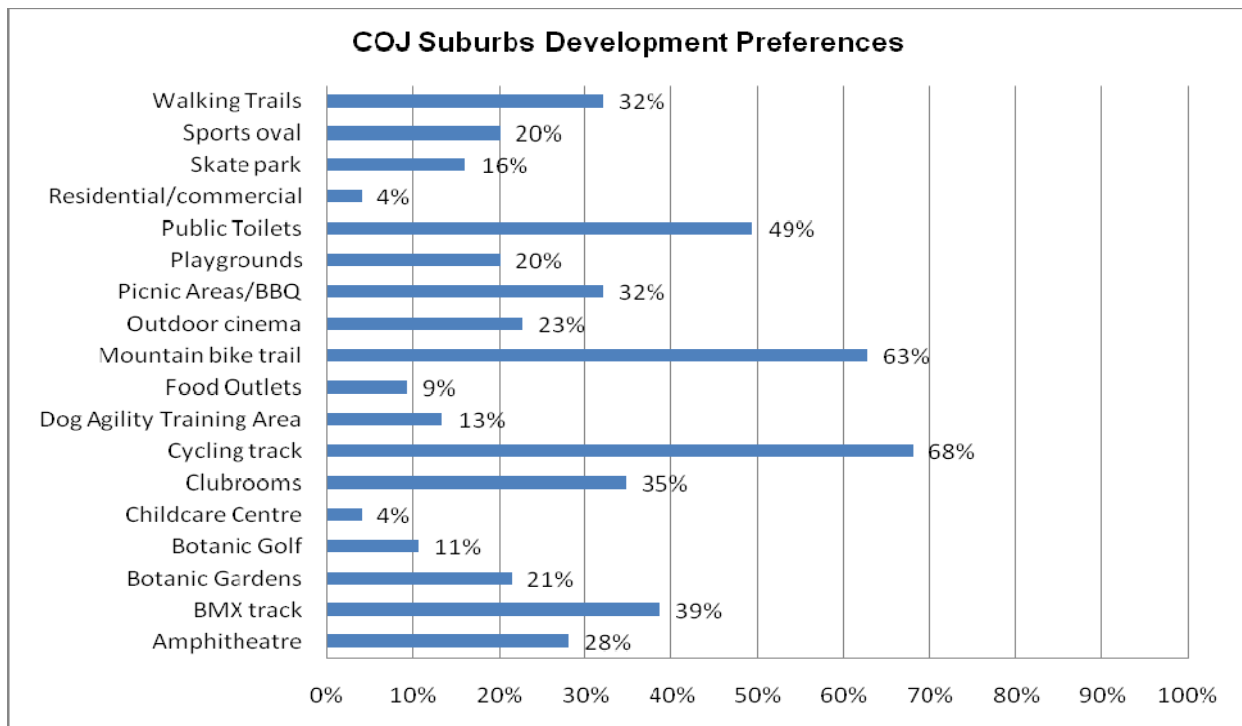
The types of development receiving the most support in order of preference were picnic/BBQ areas (62%), botanic gardens (54%) and public toilets (54%) and an amphitheatre (51%). The feedback received was consistent with the preferences of Edgewater residents.

With respect to new ideas, only 11 comments were provided on quite divergent areas, including a community centre, a velodrome, in-line speed skating facility, a running track, more parking to address traffic congestion at two local schools, public art and a golf course.

Development options not supported

Feedback was received from 115 people who did not support various aspects of development at the site. Of the 40 comments received most objected to residential/commercial development on the basis that there is enough, or too much of this type of development in the area already.

FEEDBACK FROM RESIDENTS OF OTHER CITY SUBURBS



Development options supported and new ideas

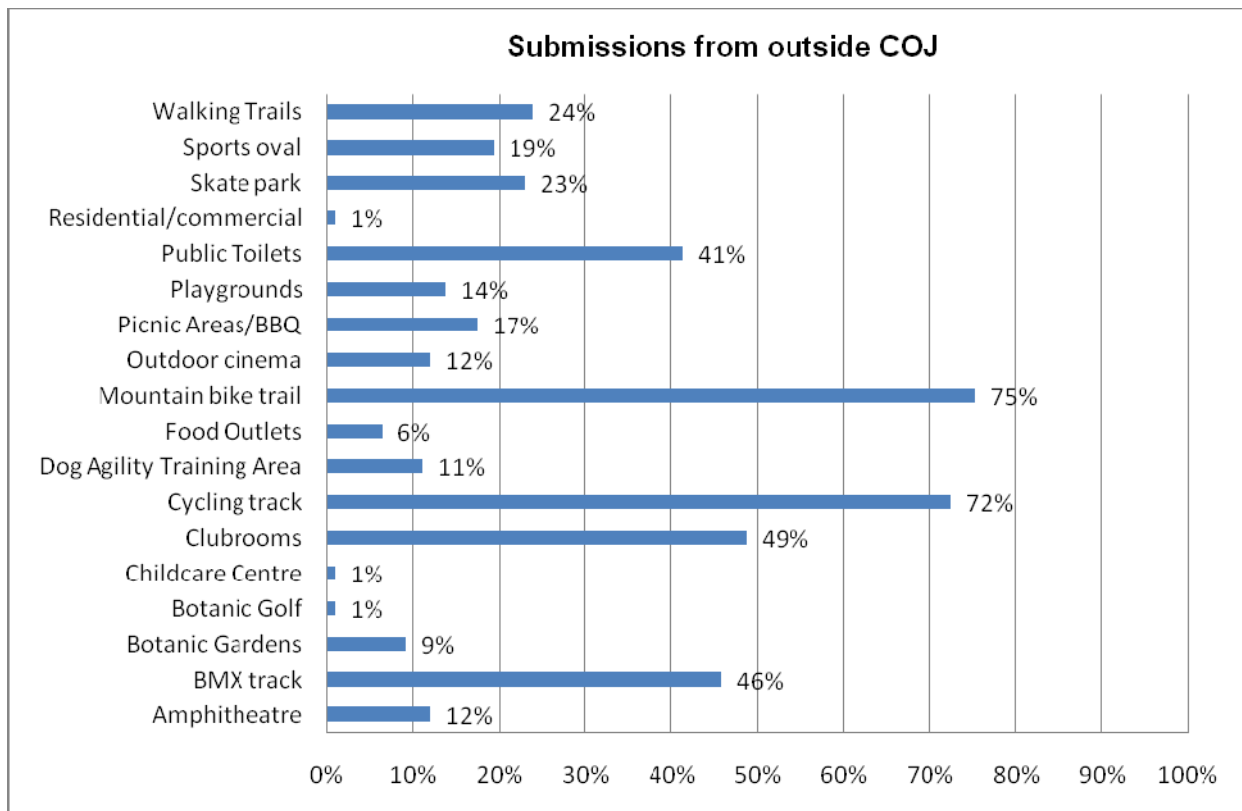
In order of preference, cycling tracks were the most supported option (68%), followed by mountain bike tracks (63%) and lastly public toilets (49%). The feedback received was significantly different to local residents, with a preference for active type facilities that supported cycling.

Three new ideas were put forward including that of a velodrome, an inline skating track and a combined wheeled sports facility that could meet the competitive needs of a variety of wheeled sports enthusiasts.

Development options not supported

17 comments were received on the development options that were not supported, with 8 focussed on residential/commercial developments. In general, they objected to further development of this nature as it was felt to be unnecessary given the growth of commercialism across Joondalup as a local authority.

FEEDBACK FROM PEOPLE OUTSIDE THE CITY OF JOONDALUP



Development options supported and new ideas

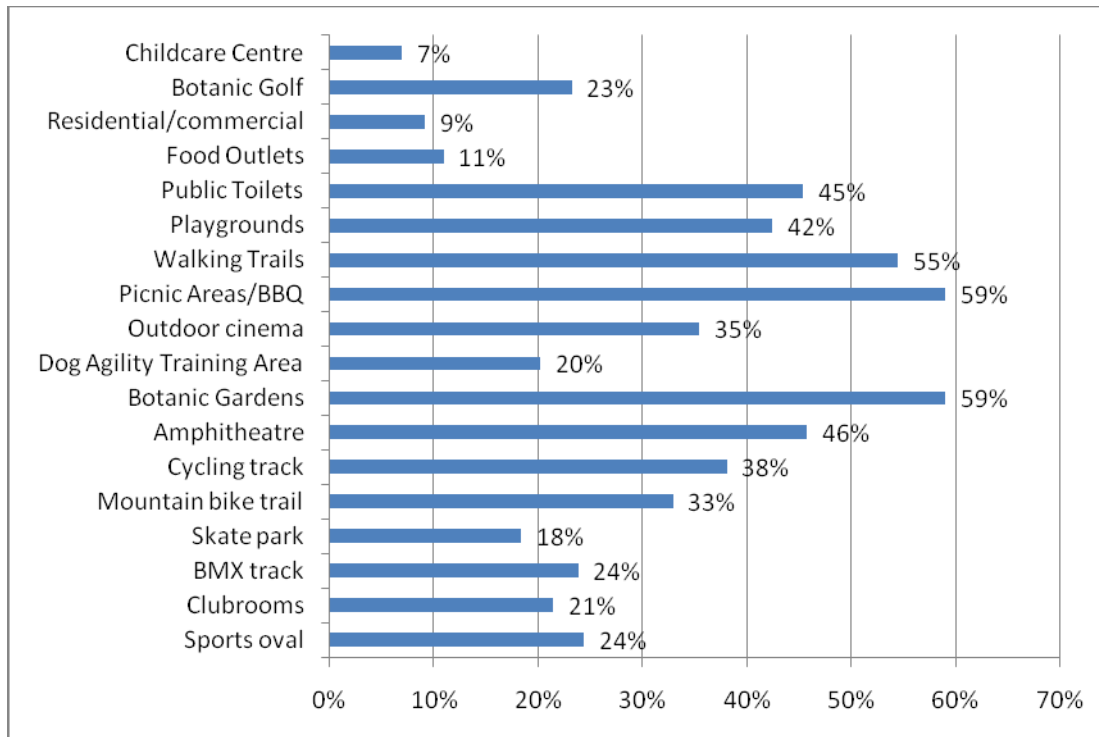
In order of preference, the development options were mountain bike track (75%), cycling track (72%), clubrooms (49%) and BMX track (46%). Given that approximately 50% of the 110 submissions received from people living outside the City were linked to a sporting or recreational group, and that most of the 13 comments received concerned 'wheeled sports', it can be deduced that there is considerable interest in Edgewater Quarry as a site suitable for a wheel sport facility.

Development options not supported

110 submissions were received from people living outside the City of Joondalup, with the least preferred options being those of residential/commercial, childcare and botanic golf (1% each).

AGGREGATE PREFERRED DEVELOPMENT OPTIONS ALL SUBMISSIONS

The table shows an aggregate of all responses for preferred development options for the Edgewater Quarry from 1276 submissions.



The top six development options in order of preference are botanic gardens and picnic areas (59%), followed by walking trails (55%), an amphitheatre (46%) public toilets (45%) and playgrounds (42%). The highest ranked active recreation facility was the cycling track, which received a response rate of 38% and was ranked 7th in preference. The least preferred options (under 10%) were for a childcare centre and residential/commercial development.

The overall results clearly demonstrate that passive development options have the most support and this is significantly reinforced by the residents of Edgewater. The closer to the site that people live, the more passive in nature they prefer any development of the Edgewater Quarry to be.

Issues and options considered:

Passive or active recreation use

Active recreation is defined as organised sport and recreation of a structured nature. Passive recreation is considered informal recreation that is less physical in nature. It is clearly indicated through the community consultation process, that passive recreation developments are the preferred options to be included in the development of the site. An analysis of the statistical information and the comments from submissions indicate that the closer people live to the site, the more likely they are to prefer a range of options for passive recreation.

The top six aggregated development options supported through the consultation process and how they can be incorporated in the development at Edgewater Quarry are outlined below.

Botanic garden

The development of a botanic garden at the Edgewater Quarry site was the most popular option receiving the most support. It is a passive development that could be integrated well into other options such as playgrounds and picnic areas. There is potential at the Edgewater Quarry site to develop a native flora botanic garden with educational opportunities through interpretive signage and maps. The design of the site could ensure that the botanic garden has linkages with children's play spaces and picnic areas, enhancing the community's use of the area.

Picnic Areas / BBQ's

Results derived from the community consultation show that picnic areas and BBQ facilities were the second most popular development option. The opportunity at the Edgewater Quarry site is to develop a large well shaded family picnic and BBQ area that is linked with other facilities such as the playground, botanic garden and Amphitheatre to create a community hub of activity.

Walking Trails

Walking trails ranked third in both the overall aggregated and Edgewater residents responses to the community feedback. There is potential for the Edgewater Quarry site to include dual use walking trails and bike paths that provide access to the site, linkages through the site to the facilities whilst providing passive recreation activity opportunities.

Amphitheatre

The development of an amphitheatre at the Edgewater Quarry site received good support from the community. The site's topography lends itself well to an amphitheatre with a number of limestone cliffs providing a potential backdrop and natural acoustic characteristics may assist in minimising noise overflow from the site.

The potential for the Edgewater Quarry site is to develop an amphitheatre and green room facility with a flexible design to allow for a variety of uses such as theatre, music and dance productions, outdoor cinema screenings and hosting large City run events such as the 'Summer in the City' music series. The key design principle for the site would be to ensure minimal noise impact to the surrounding residents. This would be addressed by undertaking an acoustic study of the site to determine the most appropriate location for the amphitheatre.

Playground

A playground development received good support from both the overall aggregated responses and Edgewater residents. A playground integrated with picnic areas, walking paths and a botanic garden provides the community with a family recreation area.

The Edgewater Quarry site provides the City with a unique opportunity to develop a well shaded adventure playground that provides children with sensory and learning opportunities and integrates wheel chair access and facilities. The design would include linkages to other park facilities such as picnic areas and the botanic garden.

Supporting Infrastructure

The development of the Edgewater Quarry site should consider the provision of adequate parking, lighting and a central multipurpose facility that can accommodate storage, host a café/kiosk, provide a hard stand/assembly area and could meet the needs of a ticketing booth for events held at the site. There is also a need for a large grassed area that can be used as an informal recreation area for activities associated with picnics such as family cricket, frisbee etc.

The inclusion of public toilets at the Edgewater Quarry development received good support from the feedback received in the community consultation. They would also be a necessary amenity for the park development. The opportunity at the Edgewater Quarry site is to provide public toilets that are visible, accessible and discourage antisocial behaviour. The design can also include environmental sustainability considerations such as solar lighting and water-saver taps and toilets.

Provision of wheeled sports facility

There was a level of support for a wheeled sports facility from the submissions received. However, the main support for this was from people living outside the City.

Criterion Track

A cycling (criterion) track was the highest ranked active sporting facility requested at the site. The cycling track received reasonable support both overall (ranked 7th) and from Edgewater residents (ranked 8th). A criterion cycling track is likely to be incompatible with the passive recreation nature that has been requested by the community for the site, due primarily to the high speed cycling activities that would occur on the track. Criterion cycling facilities will not be considered as part of the concept plans for the site.

Commercial development

Concerns about over-development or commercialisation of the Quarry are evident in the community feedback received. What is not clear from the community consultation is the perception about what a commercial development may look like or where it may be located. Interpretations from the community may have been related to a commercial development of the whole site or for the inclusion of multiple fast food outlets at the site.

There is an opportunity at the Edgewater Quarry to consider a small section of the site along Joondalup Drive for commercial purposes that add value to the intended use of the site, without detracting from the overall passive recreation nature of the development. A well designed commercial development could be included in an alternative concept plan with careful consideration given to its location and use. The development of the Edgewater Quarry site will require significant capital investment. The development of carefully integrated commercial development along the Joondalup Drive border of the site may provide the City with an opportunity to offset a significant portion of the cost required to develop the site.

Link to Strategic Plan:

The consultation process has been conducted in alignment with the Key Focus Area of Leadership and Governance and the following objectives and outcomes.

1.2 Objective: To engage proactively with the community.

Outcome: The City acts with a clear understanding of the wishes of the community.

Legislation – Statutory Provisions:

Not applicable

Risk Management considerations:

Not applicable

Financial/Budget Implications:

There is currently \$46,600 remaining in the 08/09 budget for the Edgewater Quarry Master Planning project for the development of a concept plan.

Policy implications:

Not applicable

Regional Significance:

Given the size and level of interest in the Edgewater Quarry site, the future developments will be of significant local and regional importance. The types of development options to be considered in the project would meet the needs of the local community and attract people living outside the region and tourists.

Sustainability implications:

Any developments at the Edgewater Quarry site will consider and minimise impact to important flora and fauna in the area. Facilities will be planned to reduce the impact of the carbon footprint and consider environmental sustainability design features.

Consultation:

Detailed in the report.

COMMENT

The City received a significant response rate from the consultation undertaken for the Edgewater Quarry project. The high level of responses, mostly from people living closest to the site, indicates the importance of the site to the local and nearby residents and a strong level of interest in the eventual outcome of developing the area. Given the size and location of the site and the responses received from residents outside the City, Edgewater Quarry is considered to have significant local importance and regional appeal.

Currently within the City, there are very few recreation zoned undeveloped sites remaining. The City has a unique opportunity with the Edgewater Quarry site to develop a regional passive recreation area for the community. The size of the site would allow a number of facilities to be included in the development while preserving existing natural bush flora and fauna to be enjoyed by future generations. The preferred development options are considered appropriate for a regional passive recreation area and are strongly supported by the local community.

The concept plans for the Edgewater Quarry site will focus on minimising noise overflow and traffic congestion for nearby residents. Facility developments will consider environmental impacts for the site and long term environmentally sustainable development options. The concept plans will also consider how the construction of the site could be staged over a period of years. This option allows the development of the site to be limited to available budget funds whilst still delivering outcomes for the community.

Concept design development for the site links to Stage 3 of the City's Master Planning process. This stage will take approximately 10 months to complete, which includes developing concepts designs, undertaking community consultation and confirming the final design.

The development of concept plans for the Edgewater Quarry site will provide a clear outline of how the community's preferred development options can be included into the site and the likely costs associated with the development.

ADDITIONAL INFORMATION

At the ordinary meeting of the Council held on 21 April 2009, the Council received a 131 signature petition, with 103 being verified as Electors, requesting a Special Meeting of Electors to discuss the following motions:

- "1 That this Meeting of Electors of the City of Joondalup calls upon the City of Joondalup to initiate discussions with the State Department of Conservation and Land Management and offer the State Government full cooperation to plan and develop an Environment Centre and Botanic Park in the land abutting Edgewater Drive and the Western Shore of Lake Joondalup to cater for:*

 - (a) Native flora that has linkages to an adventure playground;*
 - (b) Highly visible and well shaded picnic, BBQ and large grassed areas that are linked to toilet amenities;*
 - (c) Dual use Walking trails and bike paths that provide connection to the park facilities;*
 - (d) Amphitheatre and greenroom facilities that can cater for theatre, music and dance productions, whilst minimising noise impact on nearby residents;*
 - (e) An adventure playground that provides children with sensory and learning opportunities is well shaded and caters for wheelchair access;*
 - (f) Supporting infrastructure that consists of parking, lighting and a multipurpose facility that includes storage, hard stand area and can cater for kiosk/cafe and ticketing office;*
 - (g) Requires that the concept plan be developed ensuring minimal traffic and noise impact to residents in close proximity to Edgewater Drive.*

- 2 That this Meeting of Electors of the City of Joondalup recognises that there are Ten (10) Wheeled Sports that have no facilities of International Competition Standard in the City of Joondalup, and requests the City to seek the support of the State and Federal Governments for Capital Funding to re-develop the old Limestone Quarry Area including, Crown Land Reserve 37229 (lot 10194), Crown Land Reserve 37188 (lot 12681), Crown Land Reserve 37120 (lot 10188) and City of Joondalup Lot 998 (100) to cater for Wheeled Sports Training and Competition in the Northern Corridor and enhance and support the Sports People, ECU and the Business People of Joondalup."*

At its meeting on 21 April 2009, following receipt of the petition requesting the Special Meeting of Electors, the Council considered an item relating to the community consultation feedback results relating to the Edgewater Quarry site (item CJ080-04/09 refers). The recommendation contained within that report was as follows:

That Council:

- 1 *NOTES the findings of the community consultation process undertaken for the Edgewater Quarry Master Planning project;*
- 2 *REQUESTS the Chief Executive Officer to arrange for the development of a concept plan for the Edgewater Quarry site with the inclusion of the following facilities:*
 - (a) *Native flora botanic garden that has linkages to the adventure playground;*
 - (b) *Highly visible and well shaded picnic, BBQ and large grassed areas that are linked to public toilet amenities;*
 - (c) *Dual use walking trails and bike paths that provide connection to the park facilities;*
 - (d) *Amphitheatre and greenroom facilities that can cater for theatre, music and dance productions, whilst minimising noise impact on nearby residents;*
 - (e) *Adventure playground that provides children with sensory and learning opportunities, caters for wheelchair access and is well shaded;*
 - (f) *Supporting infrastructure consisting of parking, lighting and a multipurpose facility that includes storage, hard stand area and can cater for kiosk/café and ticketing office;*
- 3 *NOTES that the concept plan will be developed to ensure minimal traffic and noise impact to residents residing in close proximity to the Edgewater Quarry site;*
- 4 *NOTES that the concept plan will consider the provision of commercial developments that add value to the intended use of the site, along Joondalup Drive.*
- 5 *REQUESTS the Chief Executive Officer to notify the Joondalup Combined Community Groups Association of the outcome of the Edgewater Quarry community consultation process.*

During discussion on the item, an amendment was proposed under point 2 item (g), to read:

“the restaurant and café node to complement the intended uses of the site”.

Prior to the original motion and/or the amendment being determined by the Council, a motion to refer the matter back pending the outcomes of the Special Meeting of Electors was carried.

The Special Meeting of Electors was held on 18 May 2009. A separate report has been presented to the Council meeting to be held on 19 May 2009 for Council to note the minutes of the meeting.

Of the two (2) motions submitted as part of the request for a Special Meeting of Electors, the following motion was carried by the meeting:

That

- 1 *this Meeting of Electors of the City of Joondalup calls upon the City of Joondalup to initiate discussions with the State Department of Conservation and Land Management and offer the State Government full cooperation to plan and develop an Environment Centre and Botanic Park in the land at the intersection of Joondalup Drive and the northern end of Lakeside Drive (known as Lot 1) to cater for:*
 - (a) *Native flora that has linkages to an adventure playground;*
 - (b) *Highly visible and well shaded picnic, BBQ and large grassed areas that are linked to toilet amenities;*
 - (c) *Dual use Walking trails and bike paths that provide connection to the park facilities;*
 - (d) *Amphitheatre and greenroom facilities that can cater for theatre, music and dance productions, whilst minimising noise impact on nearby residents;*
 - (e) *An adventure playground that provides children with sensory and learning opportunities is well shaded and caters for wheelchair access;*
 - (f) *Supporting infrastructure that consists of parking, lighting and a multipurpose facility that includes storage, hard stand area and can cater for kiosk/cafe and ticketing office;*
 - (g) *Requires that the concept plan be developed ensuring minimal traffic and noise impact to residents in close proximity to Edgewater Drive;*

- 2 *the Joondalup Combined Community Groups Association (Inc) and the Wheeled Sports Affiliates have no particular requirement that the location is specifically restricted in that motion to the land abutting Edgewater Drive rather to any agreed location within the Yellagonga National Park or other reserves.*

Motion (2) that was contained as part of the request for the Special Meeting of Electors was not carried by the meeting.

With the exception of the Environmental Centre the City has not assessed the suitability or community support for the proposed developments at the Edgewater Quarry, to be transferred to Lot 1, Lakeside Drive Joondalup or any other location within Yellagonga National Park or other reserves.

Whilst there was a level of support for wheeled sports facilities through the community consultation process, the size and scale of the proposed facilities is considered significant and is not in line with the development expectations expressed from the community consultation process. The elite competition standard facilities that was proposed by the Joondalup Combined Community Groups Association at the Edgewater Quarry is not consistent with the types of facilities that the City provide for their local communities or sporting club needs.

The proposed development options (Item CJ080-04/09 refers) submitted as part of the report to the Council meeting held on 21 April 2009 for the Edgewater Quarry are still considered appropriate as they specifically address the needs identified from the community consultation process.

The recommendations listed below have considered the outcomes of the consultation process, which address by the local and the broader communities expectations for the future development of the Edgewater Quarry.

In response to the amendment moved at the 21 April 2009 meeting relating to the inclusion of a restaurant and café node, it is considered an appropriate addition to the proposed facilities. Facilities such as restaurants and cafes have been successfully applied to parks that have similar facilities to those that are proposed at Edgewater Quarry. Restaurants and cafes offer a complementary service to users of the park and can improve the appeal and utilisation of the park.

ATTACHMENTS

Attachment 1 Aerial of Edgewater Quarry site.

VOTING REQUIREMENTS

Simple Majority;

OFFICER'S RECOMMENDATION:

That Council:

- 1 NOTES the findings of the community consultation process undertaken for the Edgewater Quarry Master Planning project;
- 2 REQUESTS the Chief Executive Officer to arrange for the development of a concept plan for the Edgewater Quarry site with the inclusion of the following facilities:
 - (a) Native flora botanic garden that has linkages to the adventure playground;
 - (b) Highly visible and well shaded picnic, BBQ and large grassed areas that are linked to public toilet amenities;
 - (c) Dual use walking trails and bike paths that provide connection to the park facilities;
 - (d) Amphitheatre and greenroom facilities that can cater for theatre, music and dance productions, whilst minimising noise impact on nearby residents;
 - (e) Adventure playground that provides children with sensory and learning opportunities, caters for wheelchair access and is well shaded;
 - (f) Supporting infrastructure consisting of parking, lighting and a multipurpose facility that includes storage, hard stand area and can cater for kiosk/café and ticketing office;
- 3 NOTES that the concept plan will be developed to ensure minimal traffic and noise impact to residents residing in close proximity to the Edgewater Quarry site;

- 4 NOTES that the concept plan will consider the provision of commercial developments that add value to the intended use of the site, along Joondalup Drive.
- 5 REQUESTS the Chief Executive Officer to notify the Joondalup Combined Community Groups Association of the outcome of the Edgewater Quarry community consultation process.

MOVED Mayor Pickard, SECONDED Cr Young that Council:

- 1 **NOTES the findings of the community consultation process undertaken for the Edgewater Quarry Master Planning project;**
- 2 **REQUESTS the Chief Executive Officer to arrange for the development of a concept plan for the Edgewater Quarry site with the inclusion of the following facilities:**
 - (a) **Native flora botanic garden that has linkages to the adventure playground;**
 - (b) **Highly visible and well shaded picnic, BBQ and large grassed areas that are linked to public toilet amenities;**
 - (c) **Dual use walking trails and bike paths that provide connection to the park facilities;**
 - (d) **Amphitheatre and greenroom facilities that can cater for theatre, music and dance productions, whilst minimising noise impact on nearby residents;**
 - (e) **Adventure playground that provides children with sensory and learning opportunities, caters for wheelchair access and is well shaded;**
 - (f) **Supporting infrastructure consisting of parking, lighting and a multipurpose facility that includes storage, hard stand area and can cater for kiosk/café and ticketing office;**
 - (g) **the restaurant and café node to complement the intended uses of the site;**
- 3 **NOTES that the concept plan will be developed to ensure minimal traffic and noise impact to residents residing in close proximity to the Edgewater Quarry site;**
- 4 **NOTES that the concept plan will consider the provision of commercial developments that add value to the intended use of the site, along Joondalup Drive.**
- 5 **REQUESTS the Chief Executive Officer to notify the Joondalup Combined Community Groups Association of the outcome of the Edgewater Quarry community consultation process.**

Discussion ensued

The Motion was Put and

CARRIED (12/0)

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

Appendix 20 refers

To access this attachment on electronic document, click here: [Attach20min190509.pdf](#)

CJ098-05/09 EXECUTION OF DOCUMENTS – [15876]

WARD: All

RESPONSIBLE DIRECTOR Mr Garry Hunt
Office of CEO

PURPOSE

For Council to note the documents executed by means of affixing the Common Seal for the period 7 April 2009 to 15 April 2009.

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:	Section 70A Execution
Parties:	City of Joondalup and Olga Ciesla
Description:	To restrict the occupation of the ancillary accommodation to dependent member(s) of the family of the occupier(s) of the main dwelling on the land – Lot 214 (143) Goollelal Drive, Kingsley.
Date:	07.04.09
Signed/Sealed:	Sealed

Document:	Section 70A Execution
Parties:	City of Joondalup and Joseph P and Rebecca L Taliano
Description:	To restrict the occupation of the ancillary accommodation to dependent member(s) of the family of the occupier(s) of the main dwelling on the land – Lot 54 (9) Waraker Road, Hillarys.
Date:	07.04.09
Signed/Sealed:	Sealed

Document:	Section 70A Execution
Parties:	City of Joondalup and Hallmark Financial Services Pty Ltd
Description:	To restrict the occupation of the ancillary accommodation to dependent member(s) of the family of the occupier(s) of the main dwelling on the land – Lot 35 (12) Galant Close, Kallaroo
Date:	07.04.09
Signed/Sealed:	Sealed

Document:	Deed of Agreement
Parties:	City of Joondalup and The WA Sports Centre Trust
Description:	Deed of Agreement for the maintenance and renewal contribution towards the Arena Community Sport and Recreation Association Incorporated (ASCRA) clubroom facilities at the Arena Joondalup. This Agreement was a requirement in the Community Sporting and Recreation Facilities Fund (CSRFF) Funding for the project.
Date:	15.04.09
Signed/Sealed:	Sealed

Document:	Section 70A Execution
Parties:	City of Joondalup and Clarence Douglas and Colleen May D’Jordon
Description:	To restrict the occupation of the ancillary accommodation to dependent member(s) of the family of the occupier(s) of the main dwelling on the land – Lot 275 (No 14) Hughes Court, Padbury.
Date:	15.04.09
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 Cr Amphlett, **SECONDED** Cr Young that Council **NOTES** the schedule of documents covering the period 7 April 2009 to 15 April 2009 executed by means of affixing the common seal.

The Motion was Put and CARRIED (12/0) by En Bloc Resolution following consideration of Item CJ118-05/09, Page 123 refers.

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

**CJ099-05/09 APPOINTMENT TO AUDIT COMMITTEE - [02153]
[50068]**

This Item was dealt with later in the meeting, following Item C101-05/09 – Minutes of the Meeting of the Sustainability Advisory Committee held on 16 April 2009

CJ100-05/09 MINUTES OF EXTERNAL COMMITTEE - [03149]

WARD: All

RESPONSIBLE DIRECTOR Mr Garry Hunt
Office of the CEO

PURPOSE

To submit minutes of external committees to Council for information.

EXECUTIVE SUMMARY

The following minutes are provided:

- Meeting of Mindarie Regional Council held on 23 April 2009.

ATTACHMENTS

Attachment 1 Minutes of Meeting of Mindarie Regional Council held on 23 April 2009

(Please Note: These minutes are only available electronically)

VOTING REQUIREMENTS

Simple Majority

MOVED Cr Amphlett, **SECONDED** Cr Young that Council **NOTES** the Minutes of the Meeting of the Mindarie Regional Council held on 23 April 2009 forming Attachment 1 to Report CJ100-05/09.

The Motion was Put and CARRIED (12/0) by En Bloc Resolution following consideration of Item CJ118-05/09, Page 123 refers.

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

Appendix 2 refers

To access this attachment on electronic document, click here: [Attach2brf120509.pdf](#)

CJ101-05/09 MINUTES OF THE MEETING OF THE SUSTAINABILITY ADVISORY COMMITTEE HELD ON 16 APRIL 2009 - [00906]

WARD: All

RESPONSIBLE DIRECTOR: Mr Jamie Parry
Governance and Strategy

PURPOSE

To submit the unconfirmed minutes of the Sustainability Advisory Committee to Council for noting and to give consideration to the recommendations contained therein.

EXECUTIVE SUMMARY

A meeting of the Sustainability Advisory Committee was held on 16 April 2009.

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

- Item 1 - Request by the Sustainability Advisory Committee to hold One or More Workshops

BACKGROUND

The objectives of the Sustainability Advisory Committee are:

- 1 To recommend to the City of Joondalup Council on policy, advice and appropriate courses of action which promote sustainability, which is:
 - (a) environmentally responsible,
 - (b) socially sound, and
 - (c) economically viable
- 2 To provide advice to Council on items referred to the Committee from the City of Joondalup Administration.

The Committee membership comprises of four Elected Members and eight Community Representatives.

DETAILS

Issues and options considered:

The Motions carried at the Sustainability Advisory Committee meeting held on 16 April 2009 are shown below, together with officer comments.

Item 1 Request by the Sustainability Advisory Committee to hold one or more workshops

The following officer recommendation was presented to the Committee:

“That the Sustainability Advisory Committee PROVIDES information and clarification in relation to the purpose and scope of requested workshops to enable further consideration by Council of their merits and associated impact on resources.”

The following Motion was carried at the Committee meeting:

“That the Sustainability Advisory Committee PROVIDES the following information and clarification in relation to the purpose and scope of requested workshops to enable Council to consider the merits of workshops and the low impact on the City’s resources:

- 1 *To allow the committee to better develop ideas and recommendations to Council whilst limiting the impact on the City’s resources;*

2 *To gather information to be able to advise Council on how, with suitable planning, the City can ensure its future sustainability under the influence of global changes including, but not limited to:*

- *Climate;*
- *Availability of energy;*
- *Availability of water;*

3 *the attendance by officers is not required, but welcome if they wish to attend."*

Officer's Comment

The City is already putting considerable resources into energy and water reduction initiatives including the Environment Plan, Landscape Master Plan, Water Conservation Plan, and Biodiversity Action Plan. The City also participates in three of the ICLEI programs, namely the Cities for Climate Protection (CCP) Program, the Water Campaign, and the Local Action for Biodiversity (LAB) Project. Any recommendations from the Workshop would need to take account of the current work program and direction endorsed by Council in the various plans and programs.

The Workshop is supported however officers will be unable to attend given the current work program.

Requests for Reports for future Consideration

The following Motions were carried at the Committee meeting:

"That the Sustainability Advisory Committee REQUESTS:

1 *Council to resolve that the Chief Executive Officer prepares reports on:*

- (a) *The sustainable practices being used in the award-winning HIA Green Smart River gums estate in Baldivis;*
- (b) *The environmentally sustainable design used in the Stock land South Beach residential development near Fremantle (City of Cockburn);*

And that these reports are sent to the Sustainability Advisory Committee for consideration;

2 *the information obtained in points 1 and 2 above be considered in relation to the development of the sustainability requirements of the District Planning Scheme 3."*

Officer's Comment

The preparation of such reports will have resource implications as they will require significant officer time in terms of research, review, and preparation of the reports.

Sustainable design issues are being considered as a component of the development of the District Planning Scheme 3 and Elected Members will receive information on these issues for their review and comment to inform the DPS3.

"That a copy of the report which is to be presented to Policy Committee in regards to commercial green star policy be sent to the Sustainability Advisory Committee for consideration prior to it being considered by Council."

Officer's Comment

A background paper is currently being developed for the Policy Committee on a green building policy to encourage construction and retrofitting of green star buildings in the City of Joondalup. Following consideration by the Policy Committee, it will be for the Council to determine how to progress the policy.

"That the Sustainability Advisory Committee REQUESTS a report on:

- 1 the City's planned renewable energy feasibility study which was listed for consideration in the 2008/09 draft budget. This study was to include the possibility of retro fitting the Council's Administration Building, Council Chambers Building and the Library at Boas Avenue, Joondalup, with solar and/or wind power energy collection systems to a level which would receive a high star rating under the Green Star Rating System run by the Green Building Council of Australia;*
- 2 the progress of the energy audit being performed on the City's top five (5) buildings requested previously;*
- 3 the educational initiatives and arrangements for the drop off of household hazardous waste (HW)."*

Officer's Comment

The Draft Renewable Energy Feasibility Study has been received by the City and the Consultants are revising the Report based on feedback from the City. A Report will be prepared for the June Council Meeting.

The Energy Audits have been conducted on the City's top five buildings and a number of initiatives have already been undertaken. A report can be provided on progress against the audits to date.

The City has developed a Program in relation to household hazardous waste and a report can be prepared outlining the key components of that program.

Link to Strategic Plan:

Key Focus Area: The Natural Environment

Objective 2.2 To engage proactively with the community and other relevant organisations in the preservation of the City's natural environmental assets.

Legislation – Statutory Provisions:

The Committee is established in accordance with the Local Government Act 1995.

Risk Management considerations:

Not Applicable.

Financial/Budget Implications:

Not Applicable.

Policy Implications:

Not Applicable.

Regional Significance:

The Sustainability Advisory Committee provides an opportunity for consideration of regional matters that may impact on local sustainability.

Sustainability Implications:

The Sustainability Advisory Committee provides a forum for consideration of a range of sustainability issues by Elected Members and community representatives with local knowledge and expertise.

Consultation:

Not Applicable.

COMMENT

Not Applicable.

ATTACHMENTS

Attachment 1 Minutes of the Sustainability Advisory Committee meeting held on 16 April 2009

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION:

That Council:

- 1 NOTES the unconfirmed minutes of the Sustainability Advisory Committee meeting held on 16 April 2009 forming Attachment 1 to Report CJ101-05/09;
- 2 SUPPORTS the request from the Sustainability Advisory Committee to hold one or more workshops:
 - (a) To allow the Committee to better develop ideas and recommendations to Council whilst limiting the impact on the City's resources;
 - (b) To gather information to be able to advise Council on how, with suitable planning, the City can ensure its future sustainability under the influence of global changes including, but not limited to:
 - Climate;
 - Availability of energy;
 - Availability of water;

- 3 NOTES that attendance of officers is not required at these Workshops in Point 2 above;
- 4 DOES NOT SUPPORT the request from the Sustainability Advisory Committee to seek a report from the Chief Executive Officer on:
- (a) The sustainable practices being used in the award-winning HIA Green Smart River gums estate in Baldivis, and
 - (b) The environmentally sustainable design used in the Stock land South Beach residential development near Fremantle (City of Cockburn);
- given the significant resource requirements in terms of officer time associated with the research, review and report writing and the associated impact on the current approved work program in the City's Annual Plan 2008/09;
- 5 NOTES that a report is being prepared for the Policy Committee on a green building policy to encourage construction and retrofitting of green star buildings in the City of Joondalup;
- 6 NOTES that a report on the Renewable Energy Feasibility Study will be provided to Council in June 2009;
- 7 SUPPORTS the request from the Sustainability Advisory Committee to receive a progress report on the energy audits performed on the City's top five (5) buildings;
- 8 SUPPORTS the request from the Sustainability Advisory Committee to receive a report on the educational initiatives and arrangements for the drop off of household hazardous waste.

MOVED Cr Corr, SECONDED Cr Hart that Council:

- 1 **NOTES the unconfirmed minutes of the Sustainability Advisory Committee meeting held on 16 April 2009 forming Attachment 1 to Report CJ101-05/09;**
- 2 **SUPPORTS the request from the Sustainability Advisory Committee to hold one or more workshops:**
- (a) **To allow the Committee to better develop ideas and recommendations to Council whilst limiting the impact on the City's resources;**
 - (b) **To gather information to be able to advise Council on how, with suitable planning, the City can ensure its future sustainability under the influence of global changes including, but not limited to:**
 - **Climate;**
 - **Availability of energy;**
 - **Availability of water;**
 - **Sustainable practices being used in the award-winning HIA Green Smart River gums estate in Baldivis;**
 - **Environmentally sustainable design used in the Stock land South Beach residential development near Fremantle (City of Cockburn);**
- 3 **NOTES that attendance of officers is not required at these Workshops in Point 2 above;**

- 4 **NOTES** that a report is being prepared for the Policy Committee on a green building policy to encourage construction and retrofitting of green star buildings in the City of Joondalup;
- 5 **NOTES** that a report on the Renewable Energy Feasibility Study will be provided to Council in June 2009;
- 6 **SUPPORTS** the request from the Sustainability Advisory Committee to receive a progress report on the energy audits performed on the City's top five (5) buildings;
- 7 **SUPPORTS** the request from the Sustainability Advisory Committee to receive a report on the educational initiatives and arrangements for the drop off of household hazardous waste.

Discussion ensued

AMENDMENT MOVED Mayor Pickard, **SECONDED** Cr Young that the Motion be amended as follows:

- **Amending Point 2 to read:**

“SUPPORTS the request from the Sustainability Advisory Committee to hold a workshop with officer support.”

- **Deleting Point 3 and renumbering the following points.**

The Amendment was Put and

CARRIED (12/0)

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

Discussion continued

The Original Motion as amended, being:

That Council:

- 1 **NOTES** the unconfirmed minutes of the Sustainability Advisory Committee meeting held on 16 April 2009 forming Attachment 1 to Report CJ101-05/09;
- 2 **SUPPORTS** the request from the Sustainability Advisory Committee to hold a workshop with officer support:
 - (a) **To allow the Committee to better develop ideas and recommendations to Council whilst limiting the impact on the City's resources;**
 - (b) **To gather information to be able to advise Council on how, with suitable planning, the City can ensure its future sustainability under the influence of global changes including, but not limited to:**
 - **Climate;**
 - **Availability of energy;**
 - **Availability of water;**
 - **Sustainable practices being used in the award-winning HIA Green Smart River gums estate in Baldivis;**

- **Environmentally sustainable design used in the Stock land South Beach residential development near Fremantle (City of Cockburn);**
- 3 NOTES that a report is being prepared for the Policy Committee on a green building policy to encourage construction and retrofitting of green star buildings in the City of Joondalup;**
 - 4 NOTES that a report on the Renewable Energy Feasibility Study will be provided to Council in June 2009;**
 - 5 SUPPORTS the request from the Sustainability Advisory Committee to receive a progress report on the energy audits performed on the City's top five (5) buildings;**
 - 6 SUPPORTS the request from the Sustainability Advisory Committee to receive a report on the educational initiatives and arrangements for the drop off of household hazardous waste.**

Was Put and

CARRIED (12/0)

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

Appendix 3 refers

To access this attachment on electronic document, click here: [Attach3brf120509.pdf](#)

CJ099-05/09 APPOINTMENT TO AUDIT COMMITTEE - [02153] [50068]

WARD: All

RESPONSIBLE DIRECTOR: Mr Garry Hunt
Office of CEO

PURPOSE

For the Council to consider its representation on the Audit Committee.

EXECUTIVE SUMMARY

Following the 2007 ordinary election, the Council established an Audit Committee comprising the Mayor and one representative for each Ward. Council at its 21 April 2009 meeting (CJ077-04/09 refers) appointed Cr Russel Fishwick to the Committee as a result of former Cr Albert Jacob's resignation. Cr Fishwick's appointment is not in accordance with the Council's original decision as Cr Fishwick does not represent the same Ward as former Cr Jacob.

Cr Trona Young, member for the North-Central Ward has indicated she is unable to serve on the Audit Committee. Given that, it is recommended that Council amends its November 2007 decision to allow Cr Fishwick to serve.

BACKGROUND

As a result of former Cr Albert Jacob's resignation, the Council at its meeting held on 21 April 2009 resolved to appoint replacement members to various committees.

The Council appointed Cr Fishwick to the vacancy on the Audit Committee.

When the Council established the Audit Committee in late 2007, the membership was to comprise an Elected Member from each Ward.

DETAILS

The appointment of Cr Fishwick to the Audit Committee is not in accordance with the Council decision when establishing the Audit Committee due to the fact that the South Ward is already represented on the Committee.

Audit Committee

Current membership Cr Tom McLean
 Cr Marie Macdonald
 Mayor Troy Pickard
 Vacant – North-Central Ward member
 Cr Michele Rosano
 Cr Fiona Diaz
 Mr Robert (Andy) Cowin – External Member
 Vacant – South-East Ward

Role of the Committee To oversee the internal and external Audit and Risk Management and Compliance functions of the City.

Meeting details Meetings are held in the Joondalup Civic Centre.

Issues and options considered:

The Council has the following options:

- To seek nominations for the vacancy on the Audit Committee from the remaining North-Central Ward member;
- Amend its decision when establishing the Audit Committee to allow two (2) members from another Ward to serve on the Committee;
- Allow the vacancy to remain unfilled.

Link to Strategic Plan:

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

Legislation – Statutory Provisions:

The Local Government Act 1995 (the Act) provides the Council with the ability to appoint Committees to assist with its decision making processes.

The Act prescribes that all Committees are to be disbanded at every ordinary Local Government election (October 2009).

Risk Management considerations:

Not Applicable.

Financial/Budget Implications:

Nil.

Policy Implications:

Nil.

Regional Significance:

Nil.

Sustainability Implications:

Nil.

Consultation:

Nil.

COMMENT

The remaining member for the North-Central Ward has indicated that she is unable to fill the vacancy on the Audit Committee.

Therefore, it is appropriate to allow another member to serve on that Committee.

It is recommended that Council alters the membership of the Audit Committee to allow two (2) members to serve from the South Ward. This appointment will only apply until the ordinary election scheduled for October 2009.

ATTACHMENTS

Nil.

VOTING REQUIREMENTS

Absolute Majority

MOVED Cr McLean, SECONDED Cr Hollywood that Council:

- 1 AMENDS its decision of 6 November 2007 (Item JSC03-11/07 refers) by deleting “South Ward – one (1) representative” and replacing it with “South Ward – two (2) representatives”;**
- 2 APPOINTS Councillor Russel Fishwick to the Audit Committee.**

The Motion was Put and

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

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

**CJ102-05/09 WESTERN AUSTRALIAN LOCAL GOVERNMENT
ASSOCIATION 2009 ANNUAL GENERAL MEETING -
[00033]**

WARD: All

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

PURPOSE/ EXECUTIVE SUMMARY

For Council to give consideration to submission of motions for inclusion on the agenda for the Western Australian Local Government Association (WALGA) Annual General Meeting and to endorse its voting delegates.

BACKGROUND

The Annual General Meeting of WALGA is traditionally held during the WA Local Government Convention. The majority of local governments in the State have representatives attending.

Mayor Troy Pickard and Cr Russ Fishwick were nominated as the City’s voting delegates in 2008, with Cr Mike Norman and the Chief Executive Officer as their ‘proxy’ delegates.

DETAILS

The 2009 WALGA Annual General Meeting will be held on Saturday 8 August 2009.

Submission of motions

Member Councils are invited to submit motions for inclusion on the agenda for consideration at the 2009 WALGA Annual General Meeting. Motions are to be submitted in writing by close of business on Friday 12 June 2009.

The following guidelines are to be followed in the formulation of motions:

- Motions should focus on policy matters rather than issues which could be dealt with by the WALGA State Council with minimal delay.

- Due regards should be given to the relevance of the motion to the total membership and to Local Government in general. Some motions are of a localised or regional interest and might be better handled through other forums.
- Due regard should be given to the timeliness of the motion – will it still be relevant come the Local Government Convention or would it be better handled immediately by the Association?
- The likely political impact of the motion should be carefully considered.
- Due regard should be given to the educational value to members – ie does awareness need to be raised on the particular matter?
- The potential media interest of the subject matter should be considered.
- Annual General Meeting motions submitted by member Local Governments must be accompanied by fully researched and documented supporting comment.

Voting delegates

In order to participate in the voting on matter received at the Annual General Meeting, each member Council must register its voting delegates by Monday 20 July 2009. Pursuant to the WALGA Constitution, all member Councils are entitled to be represented by two voting delegates. Voting delegates may be either elected members or serving officers. Proxy voting is available where the Council's appointed representatives are unable to attend.

The current City of Joondalup members of the WALGA North Metropolitan Zone are:

Members

Mayor Troy Pickard
Cr Trona Young
Cr Tom McLean
Cr Russ Fishwick

Deputies

Cr Mike Norman
Cr Kerry Hollywood
Cr Geoff Amphlett
Cr Brian Corr

Mayor Troy Pickard currently serves as the North Metropolitan Zone representative on the State Council of WALGA as Deputy President.

Issues and options considered:

Not Applicable.

Link to Strategic Plan:

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

Legislation – Statutory Provisions:

Not Applicable.

Risk Management considerations:

If the City of Joondalup does not submit its voting members, it will not be able to vote on the matters to be debated as part of the Annual General Meeting of WALGA.

Financial/Budget Implications:

Not Applicable.

Policy Implications:

Not Applicable.

Regional Significance:

Matters considered at the 2009 WALGA Annual General Meeting relate to local government as an industry.

Sustainability Implications:

Not Applicable.

Consultation:

Not Applicable.

COMMENT

The North Metropolitan Zone Committee of WALGA, consisting of the Cities of Joondalup, Stirling and Wanneroo, is the main link the City has in considering matters relating to WALGA activities.

ATTACHMENTS

Nil.

VOTING REQUIREMENTS

Simple Majority.

OFFICER'S RECOMMENDATION:

That Council gives consideration to:

- 1 nominating its voting delegates for the 2009 Annual General Meeting of the Western Australian Local Government Association to be held on Saturday 8 August 2009;
- 2 the submission of motions for inclusion on the agenda for the 2009 Annual General Meeting of the Western Australian Local Government Association.

MOVED Cr Young, SECONDED Cr Hollywood that Council:

- 1 **nominates Mayor Troy Pickard and Cr Tom McLean as its voting delegates for the 2009 Annual General Meeting of the Western Australian Local Government Association to be held on Saturday 8 August 2009;**
- 2 **nominates CEO, Mr Garry Hunt as its deputy voting delegate for the 2009 Annual General Meeting of the Western Australian Local Government Association to be held on Saturday 8 August 2009.**

The Motion was Put and

CARRIED (12/0)

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

CJ103-05/09 ICLEI MILESTONE 2 - [78616]

WARD: All

RESPONSIBLE DIRECTOR: Mr Jamie Parry
Governance and Strategy

PURPOSE / EXECUTIVE SUMMARY

The Water Campaign™ is an international freshwater management program which aims to build the capacity of local government to reduce water consumption and improve local water quality. The Water Campaign™ is delivered by ICLEI - Local Governments for Sustainability – Oceania (ICLEI Oceania) in collaboration with the Federal and State Governments.

Council resolved to join the Water Campaign™ at its meeting held on 22 May 2007 (*CJ083-05/07 refers*) and in doing so committed to working through the requirements of the program. The program involves progressing through five milestones.

The City recently completed work on Milestone 2 of the Water Campaign™; the setting of water management goals. The purpose of this report is to seek the Council's endorsement of the prepared Milestone 2 water management goals. Once the recommendations of this report are endorsed, the Council will have met ICLEI-A/NZ's requirements to achieve Milestone 2.

BACKGROUND

The Water Campaign™ is an international program that aims to improve water quality and promote water conservation. The Water Campaign™ builds the capacity of local government participants to achieve tangible improvements in water management. The Water Campaign™ is delivered within Australia by ICLEI Oceania in collaboration with local and state governments, water authorities and the Federal Government.

The Water Campaign™, piloted in Australia in 2002, provides local government authorities (LGAs) with a tested program model, covering a broad spectrum of water management issues.

The Council at its meeting held on 22 May 2007 (*CJ083 – 05/07 refers*) resolved to participate in the Water Campaign™ Australia program. The achievement of the following five Milestones was endorsed in this resolution:

- Milestone 1: Undertake a water consumption inventory and water quality checklist
- Milestone 2: Establish a water consumption reduction goal and water quality improvement goal
- Milestone 3: Develop and adopt a local water action plan
- Milestone 4: Implement policies and measures to work towards integrated water resource management and quantify the benefits that result
- Milestone 5: Monitor and report on water consumption reductions and water quality improvements.

There are two modules of the Water Campaign™; Corporate: Improving water management within the City's own operations; and Community: Improving water management in both the residential and non-residential community. Within both of these modules are two focus areas, water quality and water conservation.

DETAILS

Milestone 1

The City completed Milestone 1 for both the Corporate and Community modules on the 21 January 2009.

Milestone 1 for the water conservation module involved completing an inventory of corporate and community water use.

Milestone 1 for the water quality module involved conducting an assessment of corporate and community water quality management practices using checklists developed by ICLEI Oceania. Following the completion of these checklists the City nominated three water quality priority areas which will be the focus of the City's Local Water Action Plan for achieving Milestone 3.

The results of Milestone 1 are summarised below.

Water Conservation

Corporate water usage – water used within City operations

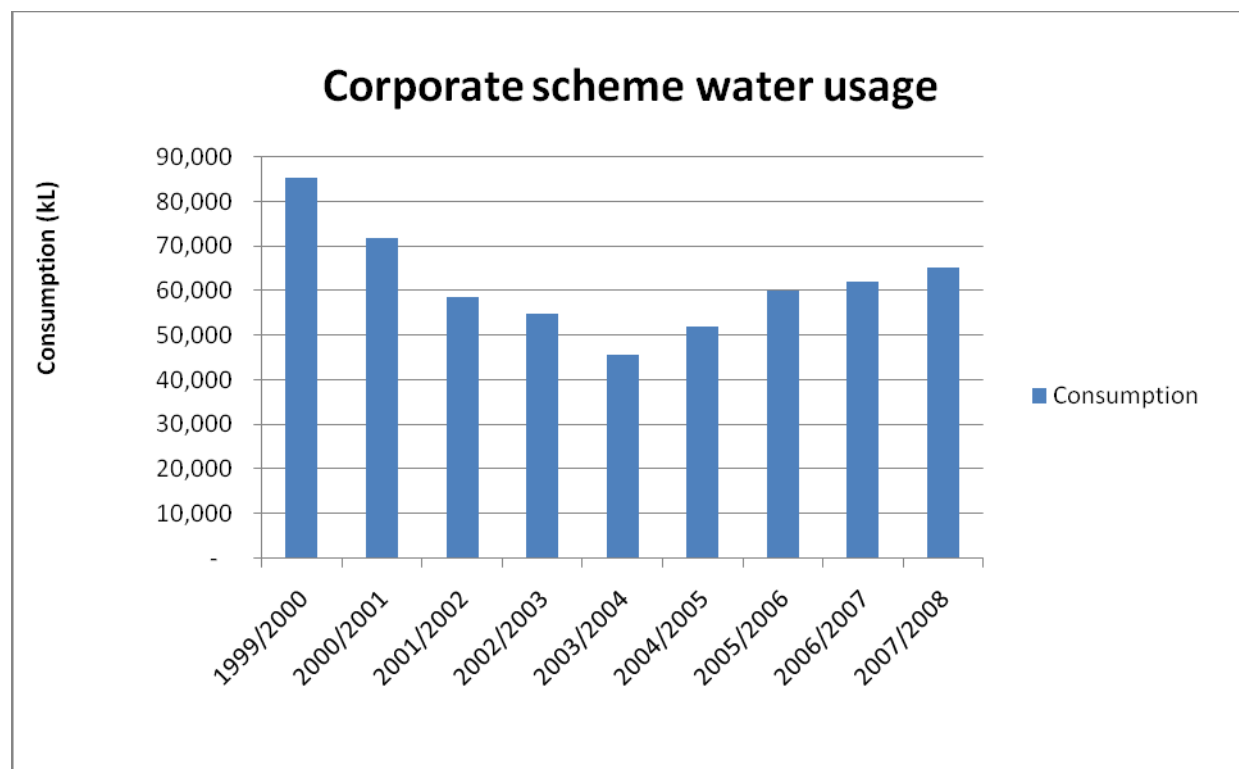


Figure 1: The City of Joondalup's corporate scheme water usage July 1999 - June 2008

It should be noted that 2001 was one of the driest years on record in Western Australia. Due to this, low dam water levels going into the 2001/2002 summer caused water restrictions to be applied throughout the City. It is from this initial set of water restrictions that current water saving culture has become the norm. Water usage within the City reflects this change in water usage habits and thus lower consumption levels from 2000/2001 can be seen.

Since the 2003/2004 financial year the City has seen an increasing trend in consumption. Large increases were seen within the Joondalup Library between the 2004/2005 and 2005/2006 financial year and the Craigie Leisure Centre between the 2005/2006 and the 2006/2007 financial year. The increase at the Joondalup library was due to increased patronage, inefficient fittings such as automatically flushing toilets (replaced during the 2006/2007 financial year) and installation of dishwashers. The increase in consumption at Craigie Leisure Centre was due to the upgrade of the aquatic facilities.

Table 1: The City of Joondalup's corporate non-scheme water usage

Year	Usage (kilolitres)	Area irrigated (hectares)	Per hectare usage
2007/2008	4,939,322	599.5	8,239

Only one year of corporate non-scheme water usage data is available as the City has never previously been required to record water usage of its bores. Not all bores were metered before 2007/2008, thus accurate consumption figures could not be ascertained before this time. The City has now installed flow meters on all bores in order to establish baseline data for the ICLEI Water Campaign™ Milestone 1.

All City buildings use scheme water and all parks are irrigated with groundwater. The City uses on average 60,000 kilolitres of scheme water per year (Figure 1) through 97 buildings. The City irrigates 226 parks (area 599.5 hectares) using approximately 4.9 million kLs (Table 1) of groundwater, averaging 8,239 kilolitres per hectare per year.

Community water usage – water used by all sectors of the community, such as by businesses and residents

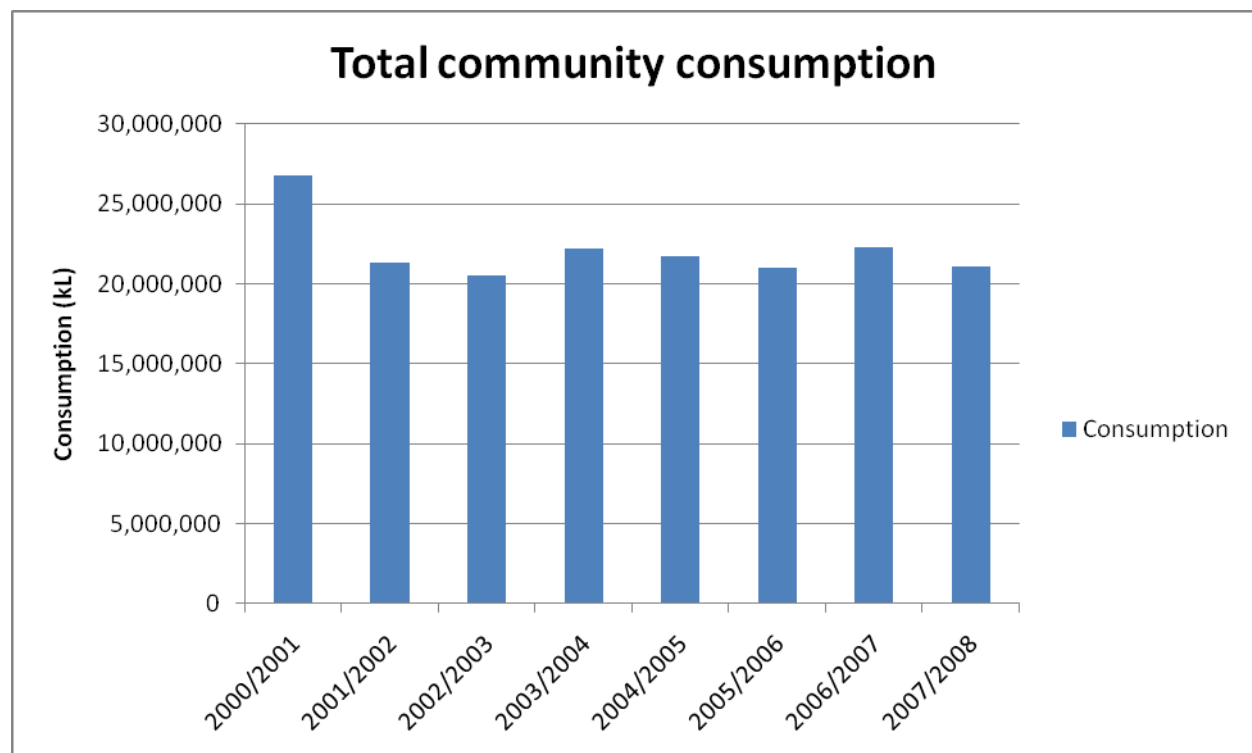


Figure 2: The City of Joondalup's community (both non-residential and residential) scheme water consumption July 2001 – June 2008

As seen before with the corporate water usage data (Figure 1), the low dam water levels going into the 2001/2002 summer caused water restrictions to be applied throughout Perth. The change in water consumption between 2001 and 2002 reflects the implementation of water restrictions and water usage from that point onwards has remained steady around the 20,000,000 kilolitres a year in both the residential and non-residential sectors (Figure 2). The residential sector is the largest user of water, using just below (from 2002 onwards) 20,000,000 kilolitres every year (Figure 3). Population of the City at the 2001 census was 148,268 people in 53,612 buildings. At the 2006 census population was 148,389 in 56,529 buildings. Indicating that the City has a stable population with limited growth occurring.

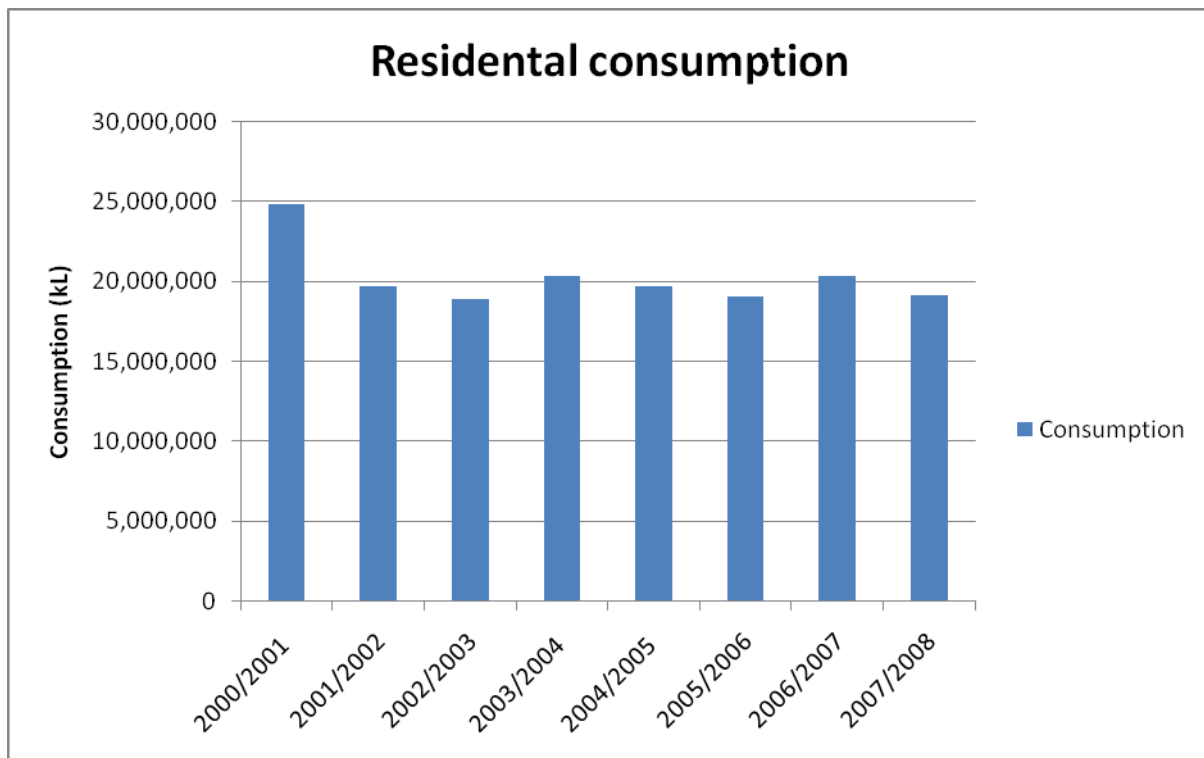


Figure 3: The City of Joondalup's residential scheme water consumption July 2001 – June 2008

Non-residential water usage varies between 1,500,000 – 2,000,000 kilolitres (Figure 4) with the lowest consumption occurring in 2003. Water users within the non-residential sector were separated into the following user types:

- Commercial
 - Communication services (Communication)
 - Cultural, recreational, personal and other services (Cultural)
 - Education (Education)
 - Finance, insurance and property (Finance)
 - Health and Community services (Health)
 - Hospitality (Hospitality)
 - Other (Other)
 - Transport and storage (Transport)
 - Wholesale and retail trade (Trade)
- Industrial
 - Agricultural, forestry and fishing (Agriculture)
 - Gas, electricity and water (Gas)
 - Manufacturing and Constructions (Manufacturing)

Water consumption within the non-residential sector is mainly by commercial users (Figure 5), with wholesale and retail trade being the highest consumer (Figure 6). The greater commercial consumption occurs due to the higher number of commercial users located within the City.

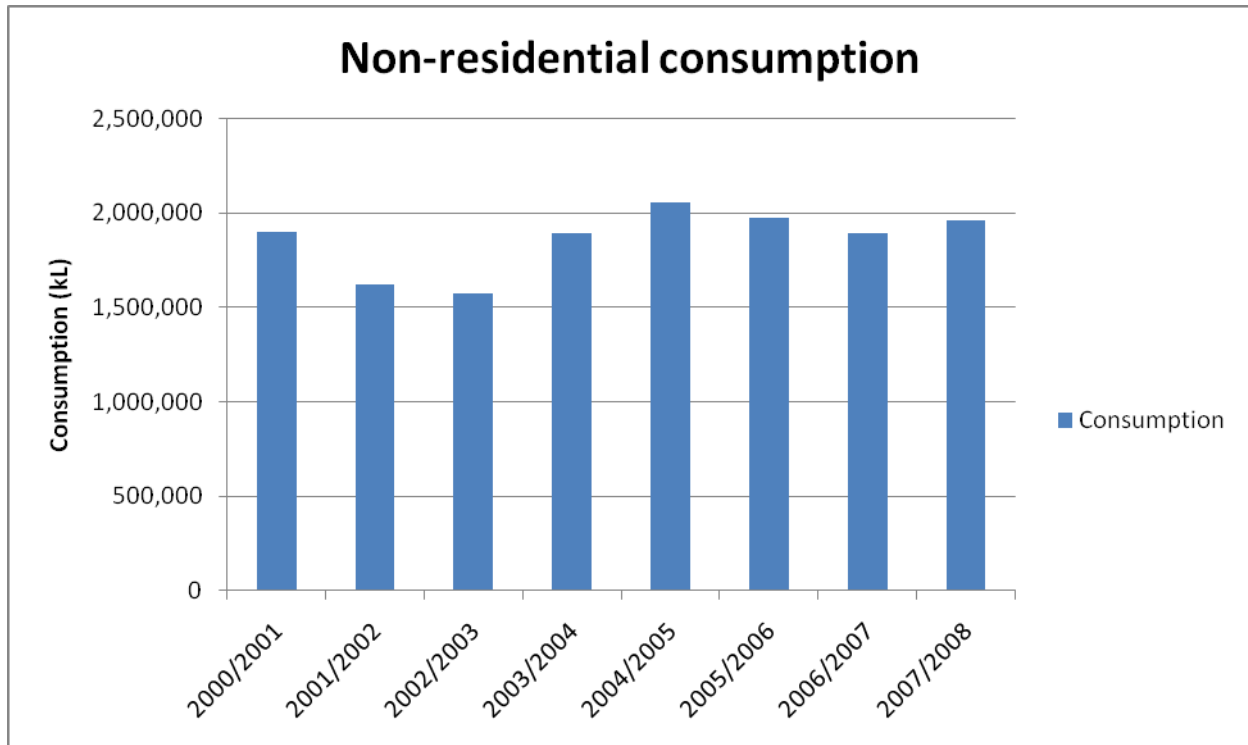


Figure 4: The City of Joondalup's non-residential scheme water consumption July 2001 – June 2006

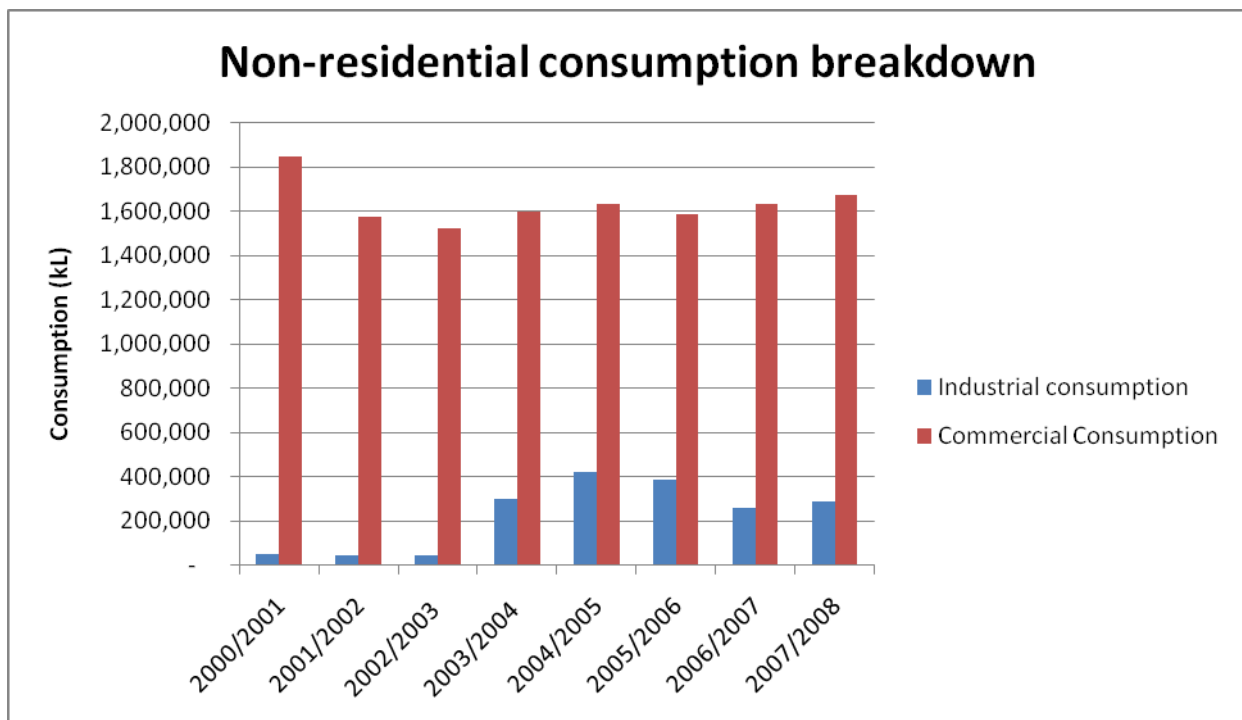


Figure 5: The City of Joondalup's non-residential water consumption broken down into commercial and industrial water use

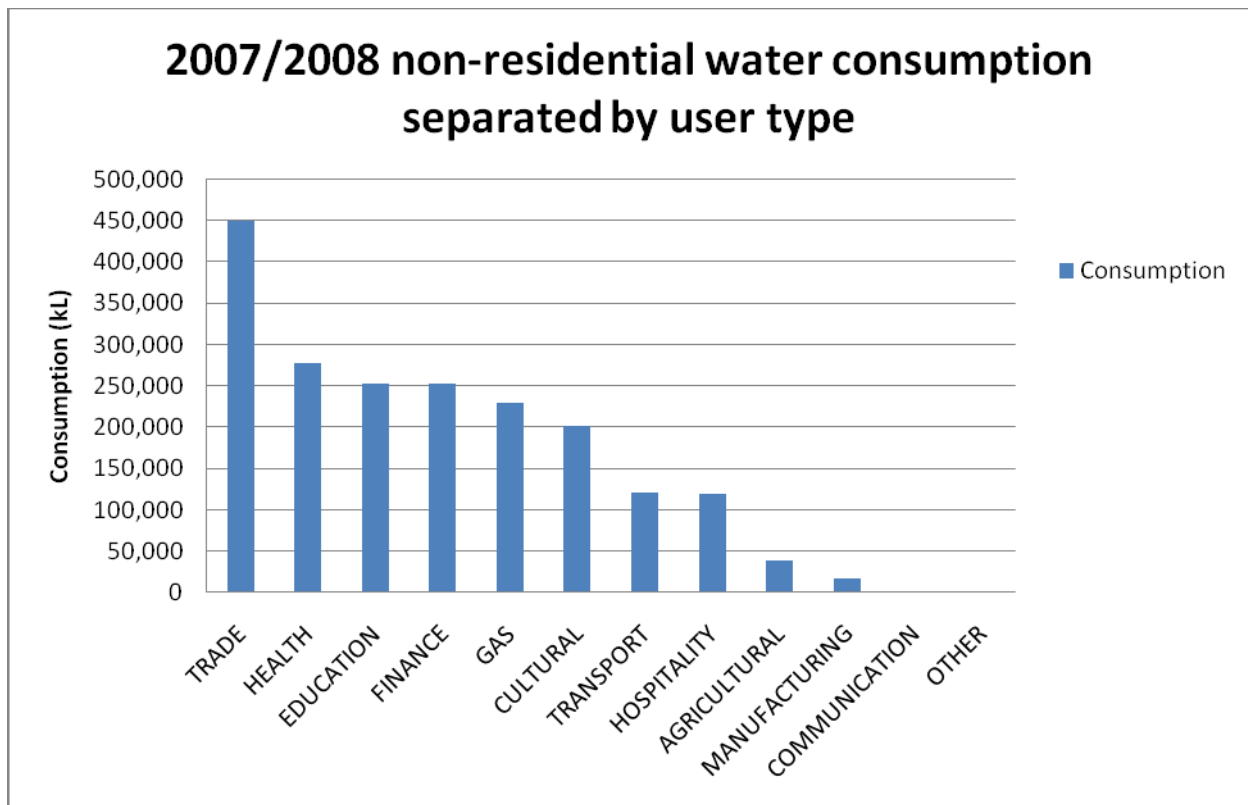


Figure 6: The City of Joondalup's 2007/2008 non-residential scheme water consumption separated by usage type

As the City only has groundwater data for the 2007/2008 financial year, the baseline year for both the corporate and community water consumption has been determined as the 2007/2008 financial year (Table 2).

Table 2: Baseline for Milestone 1

	Consumption (kilolitres)
Corporate	5,004,366 (4,939,322 groundwater & 65,044 scheme water)
Community	21,102,034

Water Quality

The water quality gap analysis highlighted that the City undertakes many of its operations in such a way that ensures ongoing water quality. In light of this, three priority areas with greatest scope for improvement in both the corporate and community sectors were chosen.

1. Herbicide and pesticide management
2. Groundwater management
3. Nutrient management

Given the City has now completed Milestone 1; the City needs to complete Milestone 2.

Milestone 2

To achieve Milestone 2 of the Water Campaign™, the City is required to identify and adopt goals for reducing water consumption and implementing water quality improvement actions.

Milestone 2 goals are developed for key priority areas identified using the findings from Milestone 1 water consumption inventories and water quality checklists.

Water consumption reduction goals are expressed as a percentage reduction from a base year, identified in Milestone 1, by a target year.

Water quality improvement goals are expressed through an action card point system whereby a certain amount of points are assigned to water quality management activities. The goal is therefore expressed as a goal to achieve a number of points by a target year. These points are outlined in an ICLEI Oceania resource called the Water Campaign™ Action Cards. These are available on the Water Campaign™ website www.iclei.org/oceania/water.

The proposed Milestone 2 goals are outlined below.

Water Conservation Goals

Corporate Water Conservation Goal:

To reduce water consumption by 10% based on 2007/2008 baseline levels by 2015.

Community Water Conservation Goal:

To work with the community to try and reduce water consumption by 5% based on 2007/2008 baseline levels by 2020.

The corporate consumption goal was chosen to align with groundwater consumption allowances set by the Department of Water (DOW) in July 2008. The DOW has stated that corporate groundwater consumption must be below 7,500 kilolitres per hectare of irrigated land per year (amalgamated across the city). A 10% reduction in consumption will mean that the City will meet the requirements and be below the allowance set by the DOW.

The community consumption goal was chosen to align with the Water Corporation's 50 year Strategic Plan 'Water Forever'. The City has limited influence over community consumption as the Water Corporation is the control body of all water supply within the City. Aligning with their reduction goals and working with them is felt to be the most efficient use of the City's resources.

By aiming to reduce corporate consumption by a greater percentage than community consumption the City is able to lead by example and thus influence community water consumption.

Water Quality Improvement Goal

To create the water quality improvement goals ICLEI has a set of action cards which contain suggestions of actions that can be undertaken. Each action is worth a certain number of points with ICLEI stating that the City has to set a target of at least 50 points. Examples of some of the actions that the City can undertake in the priority area of groundwater management are below in **Table 3**.

Table 3: Examples of water quality initiatives from the action cards and their associated points

	Initiatives	Category	Points
Groundwater management	Conduct an ongoing groundwater contamination monitoring program (in conjunction with stakeholders)	Monitoring and Data Management	5
	Develop a chemical spill emergency response plan	Implementation	5
	Install an oil separator in depot workshops to remove oil based substances from wastewater	Implementation	5
	Upgrade toxic and hazardous substances storage facilities in line with best practice	Implementation	5
	Develop and implement an ongoing maintenance schedule-appropriate to each action implemented	Maintenance	5
	Conduct staff training to ensure effective implementation of the above maintenance regimes	Staff training	5
	Assess the amount of contaminating agents prevented from entering groundwater bodies (eg litres of oil collected)	Benefit Reporting	5

From the priority areas and the action card initiatives the following water quality improvement goals were created.

Corporate Water Quality Improvement Goal:

To implement 55 points worth of actions from the Water Campaign™ action cards by 2015.

Community Water Quality Improvement Goal:

To implement 50 points worth of actions from the Water Campaign™ action cards by 2015.

These goals were selected so the City would meet the minimum requirements set by ICLEI and would remain in line with other Western Australian LGAs. Similar actions can be undertaken for both community and corporate water quality as the priority areas are the same. However, fewer actions can be undertaken to reduce herbicide and pesticide use within the community thus a lower water quality goal was chosen.

These water management goals set a strong direction for undertaking Milestone 3 and demonstrate the City's commitment to water management.

Issues and options considered:

Council may decide to:

Option 1: Adopt the proposed Milestone 2 goals.

It is recommended that Option 1 is supported.

Option 2: Request that changes are made to Milestone 2 by either increasing or decreasing goals.

ICLEI states that the City must undertake at least 50 action points to improve water quality and reduce water quality issues. Therefore if the Council decides the water quality goals need to be reduced the City will no longer meet the requirements of Milestone 2.

To meet DOW consumption requirements a 10% reduction in corporate consumption is required. Therefore if the Council decides the water consumption goal needs to be reduced the City will not reduce its consumption enough to meet the requirements set by the DOW.

Option 3: Advertise Milestone 2 goals and seek community comment on the proposed goals.

The goals stated by Milestone 2 do not directly affect the community. The City does not have the ability to enforce community reduction targets merely the ability to promote water reduction. Thus it is felt that community consultation is not necessary and would incur a financial cost to the City.

Link to Strategic Plan:

This relates to the City's key focus area of the Natural Environment. The City's Environment Plan has four key actions relating to reducing water consumption and completing the ICLEI Water Campaign™.

- Action 2.1.1 Participate in the ICLEI Water Campaign™ for the purposes of developing an overarching strategy for water usage and management.
- Action 2.1.7 Implement state 'waterwise' programs that pertain to the City's water issues.
- Action 2.1.8 In conjunction with building codes, develop guidelines for 'waterwise' products to be incorporated into public and private building developments (eg dual-flush toilets and waterless urinals).
- Action 2.2.1 Ensure the City obtains results of groundwater monitoring undertaken by the Department of Water.

Legislation – Statutory Provisions:

Not Applicable.

Risk Management considerations:

The current culture of water saving and water reduction that is being seen throughout Western Australia means that the City does not face adverse risk in accepting the proposed water reduction targets. However, once implementation of the actions (developed from the water reduction targets as part of Milestone 3) occurs there is potential for negative community reactions. Community consultation, education and a communication plan are planned throughout the implementation of the Landscape Master Plan (Report CJ259-12/08) and thus it is possible to integrate aspects of the Water Campaign™ into planned community consultations while this is being undertaken.

Financial/Budget Implications:

Plans to reduce corporate and community water consumption are not part of Milestone 2, thus accepting the reduction targets will not require funding. Individual water reduction plans as part of Milestone 3 will be determined on an annual basis and funding allocated through the annual budget process. However, it is felt a reduction in water consumption, particularly corporate water consumption, will reduce costs to the City in the long term.

Policy Implications:

The ICLEI Water Campaign™ links to the City's Sustainability Policy (5-4) and the Council's Sustainability Policy (1-3).

Regional Significance:

There are 38 LGAs within Western Australia that are currently undertaking the ICLEI Water Campaign™ with 27 having achieved Milestone 2 or higher. The City of Stirling is working towards Milestone 2 and the City of Wanneroo is currently working towards Milestone 3. Western Australia (as with the rest of Australia) is currently experiencing reduced rainfall and drought conditions, thus it is important that the City pledges to reduce its water consumption.

Sustainability Implications:

Reducing water consumption will cause the City to become more sustainable and ensure that resources, particularly groundwater resources, are maintained well into the future. As the climate is expected to become drier it is imperative that the City leads by example to show that it is serious about sustainability of water resources and reducing water consumption.

Consultation:

Not Applicable.

COMMENT

The City undertook and completed the creation of a Water Conservation Plan for the DOW in June 2008. The DOW has legislation in place limiting the amount of water that local governments can extract from groundwater resources to 7500 kilolitres/hectares/year (aggregated across the whole local government area). Reduction targets for the corporate Milestone 2 targets are correlated to the WCP reduction target such that, the ongoing implementation of the City's WCP will also support the ICLEI Water Campaign™.

The City recently adopted its Landscape Master Plan (LMP) which encourages the use of natural/native vegetation throughout the open areas of the City (Verges etc). The planting of native vegetation will reduce the water requirements of the City. This, along with the WCP, indicate that the water reduction targets are achievable and possible as the City is already working towards separate issues/plans that will result in water reduction as a by product.

Pending the endorsement of the Milestone 2 goals by Council, the next step is to begin work on Milestone 3. This milestone involves developing a Local Water Action Plan which outlines the actions the City will take to reduce water consumption and improve water quality.

ATTACHMENTS

Nil.

VOTING REQUIREMENTS

Simple Majority

MOVED Cr Amphlett, SECONDED Cr Young that Council:

- 1 ADOPTS the following reduction targets as part of the ICLEI Water Campaign™ Milestone 2, being:**

Water Consumption

Corporate To reduce water consumption by 10% based on 2007/2008 baseline levels by 2015;

Community To work with the community to try and reduce water consumption by 5% based on 2007/2008 levels by 2020;

Water Quality

Corporate To implement 55 points worth of actions from the Water Campaign™ action cards by 2015;

Community To implement 50 points worth of actions from the Water Campaign™ action cards by 2020;

- 2 NOTES that the City has achieved Milestone 1 and will be recognised for this in a future ICLEI awards event;**
- 3 NOTES that this endorsement fulfils the requirements of Milestone 2 of the Water Campaign™ program.**

The Motion was Put and CARRIED (12/0) by En Bloc Resolution following consideration of Item CJ118-05/09, Page 123 refers.

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

CJ104-05/09 ANNUAL PLAN QUARTERLY PROGRESS REPORT FOR THE PERIOD 1 JANUARY – 31 MARCH 2009 - [20560]

WARD: All

RESPONSIBLE DIRECTOR: Mr Jamie Parry
Governance and Strategy

PURPOSE

To present the Annual Plan Quarterly Progress Report for the period 1 January – 31 March 2009.

EXECUTIVE SUMMARY

The Annual Plan Quarterly Progress Report provides information on the progress of projects and programs documented in the Annual Plan 2008-2009. The Annual Plan Quarterly Progress Report for the period 1 January – 31 March 2009 is shown as Attachment 1 to this Report.

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

It is recommended that Council RECEIVES the:

- 1 *Annual Plan Quarterly Progress Report for the period 1 January – 31 March 2009 forming Attachment 1 to Report CJ104-05/09;*
- 2 *Capital Works Overview Report for the period 1 January – 31 March 2009 forming Attachment 2 to Report CJ104-05/09.*

BACKGROUND

The City's Corporate Reporting Framework, endorsed by Council, requires the development of an Annual Plan and the provision of reports against the Annual Plan on a quarterly basis.

DETAILS

Issues and options considered:

The 2008-2009 Annual Plan contains a brief description of the key projects and programs that the City intends to deliver in the 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 for this quarter are the shaded sections of Attachment 1.

Link to Strategic Plan:

This item has a general link to the Strategic Plan through the Key Focus Area – Leadership and Governance.

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 communication, and access to information for its stakeholders.

Regional Significance:

Not Applicable.

Sustainability Implications:

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

Consultation:

Not Applicable.

COMMENT

The Annual Plan Quarterly Progress Report is supplemented by a detailed report on progress of the Capital Works Program.

The majority of project milestones have been met for the January to March quarter. A number of significant projects were advanced this quarter including the Jinan Sister City Relationship, the completion of the Resource Recovery Facility, delivery of the Joondalup Festival and a number of key City events, the Aquatic Expansion Project at Craigie Leisure Centre, and the installation of video surveillance cameras in the Joondalup City Centre.

ATTACHMENTS

- | | |
|--------------|---|
| Attachment 1 | Annual Plan Quarterly Progress Report for the period 1 January – 31 March 2009. |
| Attachment 2 | Capital Works Overview Report for the period 1 January – 31 March 2009. |

VOTING REQUIREMENTS

Simple Majority

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

- 1 Annual Plan Quarterly Progress Report for the period 1 January – 31 March 2009 forming Attachment 1 to Report CJ104-05/09;**
- 2 Capital Works Overview Report for the period 1 January – 31 March 2009 forming Attachment 2 to Report CJ104-05/09.**

The Motion was Put and CARRIED (12/0) by En Bloc Resolution following consideration of Item CJ118-05/09, Page 123 refers.

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

Appendix 4 refers

To access this attachment on electronic document, click here: [Attach4brf120509.pdf](#)

CJ105-05/09 LOCAL GOVERNMENT TIMEFRAME FOR REFORM STAGES 2 - 4 - [08144, 51577, 00033, 01139]

WARD: All

RESPONSIBLE DIRECTOR: Mr Jamie Parry
Governance and Strategy

PURPOSE/EXECUTIVE SUMMARY

For Council to give consideration to the Local Government Reform Timeframes for Stages 2 – 4 for Reform Submissions to the Minister for Local Government.

BACKGROUND

In February 2009, the Minister for Local Government; Heritage; Citizenship and Multicultural Interests, the Hon John Castrilli MLA, announced the State Government's package of local government reform strategies. These strategies were aimed at achieving greater capacity for local governments to better plan, manage and deliver services to their communities with a focus on social, environmental and economic sustainability.

The principal strategies are voluntary structural reform, with the main objective to reduce the number of local governments across the State, and reduce the total number of Elected Members to between six and nine.

The Minister established a Steering Committee to coordinate the review. The Steering Committee has issued a set of guidelines to assist local governments through the reform process. The first step in the process was to complete and submit the reform checklist by the end of April 2009. This task has been completed.

A report providing an update on the Local Government Structural Reform was presented to Council at its meetings held on 17 March 2009 (Item CJ074-03/09 refers) and 21 April 2009 (Item CJ078-04/09 refers).

At the 17 March 2009 meeting, Council resolved to:

- “1 *NOTE the progress report relating to Local Government Reform Strategies;*
- 2 *REQUEST that the Local Government Reform Checklist be submitted for consideration at the April 2009 Council meeting prior to forwarding to the Local Government Reform Steering Committee;*
- 3 *REQUEST that the CEO ascertains the views of other local governments and WALGA, in mounting a campaign to highlight the contribution of various government departments and agencies in adding to the delay in processing applications for various development approvals.”*

At the 21 April 2009 meeting, Council resolved to:

- “1 *AUTHORISE the Chief Executive Officer to forward the Local Government Reform Checklist 2009 forming Attachment 1 to Report CJ078-04/09 to the Local Government Reform Steering Committee;*
- 2 *NOTE that the Chief Executive Officer will submit a detailed report to the Council meeting to be held on 19 May 2009 on Stages 2 - 4 of the Timeframe for Reform Submissions to the Minister.”*

DETAILS

Issues and options considered:

The Minister requested that the completed checklist be returned to the Steering Committee by 30 April 2009, which has been undertaken. The checklist will be considered by the Local Government Reform Steering Committee in its deliberations.

Link to Strategic Plan:

This item has a general connection to the Strategic Plan.

Legislation – Statutory Provisions:

The Local Government Act 1995 sets out the requirements when a local government wishes to amend its boundaries and Elected Member representation and the role of the Local Government Advisory Board.

The language used in the guidelines is clearly voluntary. The Minister, through the CEO of the Department of Local Government and Regional Development (the Department), may require the City to provide the information requested by exercising powers under Section 8.2 of the Local Government Act 1995, but to date there is no suggestion that this power has or will be exercised.

On this basis, there does not appear any statutory obligation to complete the tasks leading to the submission of a Reform Submission, however, it is considered to be a useful exercise to demonstrate the Council's commitment to reform.

Risk Management considerations:

There are a number of risks involved if the Council does not comply with the guidelines:

- The CEO of the Department may request various information in accordance with Section 8.2 of the Local Government Act 1995;
- Other local governments may undertake a review which may impact on the City of Joondalup without it being involved in the process.
- The State Government may through legislation undertake structural reform of local government.

Legal advice circulating within the industry has cautioned local governments if they choose not to undertake a review.

Financial/Budget Implications:

There are no specific budgetary funds to undertake the review, nor for any boundary adjustments. Nominal costs will be incurred with the community consultation exercise required. A major concern expressed by the WA Local Government Association (WALGA) is the issue relating to who is responsible for the costs associated with any structural reform.

Individual local governments may be eligible for initial payments of up to \$10,000 to assist with tasks associated with the development of their reform submission.

Policy Implications:

Not Applicable.

Regional Significance:

Structural reform has significant implications for the region.

Sustainability Implications:

It has been acknowledged through the industry via WALGA's Systemic Sustainability Study (SSS Report) that the current structure of local government needs to be reviewed to ensure it is sustainable.

Consultation:

Stage 2 requires community consultation, which will be undertaken in accordance with the City's guidelines on public participation/consultation.

COMMENT

The checklist was designed to provide local governments with the opportunity to assess their current situation in a number of key areas. The City was able to respond favourably to the majority of questions in the Stage 1 Checklist and is well placed in terms of strategic planning, financial planning, asset management, organisational capacity, community consultation, community and political advocacy, planning for changing demographic needs, and natural resource management.

The CEO now submits to the Council a series of proposals on how matters outlined in Stages 2 - 4, as outlined below, might be progressed, which are outlined in more detail in the attachment to this Report.

Stage 2 April/May 2009	Stage 3 May/June 2009	Stage 4 June/July 2009
<ul style="list-style-type: none"> ▪ Project team established (2-3 members from each local government). ▪ Project team meets as required to determine preferred amalgamation structure. ▪ Project team to determine appropriate Elected Member representation and methods for ensuring appropriate community representation. ▪ Project team to consider local government regional grouping. ▪ Seek State Government funding assistance as necessary for preparing Reform Submissions. ▪ If required, consultant/facilitator engaged. ▪ Community consultation undertaken within each affected local government and comments recorded. 	<ul style="list-style-type: none"> ▪ Project team develops Reform Submission to include: <ul style="list-style-type: none"> ○ Preferred amalgamation structure or other types of boundary adjustments; ○ Number of elected members; and/or ○ Regional grouping; and ○ Transition timeline, including timeframe and estimated additional transition costs. 	<ul style="list-style-type: none"> ▪ Project team finalises Reform Submission and circulates to affected local governments. ▪ Each Council passes a resolution to proceed based on the findings of the Submission. ▪ Each Council agrees to identify a date the amalgamation is to take effect. ▪ Each Council is to agree to a date at which Elected Member numbers will be reduced.

ATTACHMENTS

Attachment 1 City of Joondalup Local Government Reform Checklist for Stages 2 – 4.

VOTING REQUIREMENTS

Simple Majority

MOVED Cr Amphlett, SECONDED Cr Young that Council:

- 1 **ENDORSES** Report CJ105-05/09 dated 19 May 2009 on Stages 2 - 4 of the Timeframe for the City of Joondalup Reform Submission to the Minister for Local Government;
- 2 **APPOINTS** the Mayor, Deputy Mayor, Chief Executive Officer and Director Governance and Strategy to form the City of Joondalup Project Team required as a Task of Stage 2 of the Reform Guidelines.

The Motion was Put and CARRIED (12/0) by En Bloc Resolution following consideration of Item CJ118-05/09, Page 123 refers.

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

Appendix 5 refers

To access this attachment on electronic document, click here: [Attach5brf120509.pdf](#)

CJ106-05/09 LIST OF PAYMENTS MADE DURING THE MONTH OF MARCH 2009 - [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 March 2009 to note.

EXECUTIVE SUMMARY

This report presents the list of payments made under delegated authority during the month of March 2009 totalling \$12,187,917.88.

It is recommended that Council NOTES the CEO's list of accounts for March 2009 paid under delegated authority in accordance with regulation 13 (1) of the Local Government (Financial Management) Regulations in Attachments A, B and C to Report CJ106-05/09, totalling \$12,187,917.88.

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 March 2009. 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 83594- 83785 and EF 5193 - 5657 Net of cancelled payments	\$9,386,219.61
	Vouchers 517A - 519A & 523A - 524A	\$2,777,572.20
Trust Account	Cheques 202645 - 202693 Net of cancelled payments	\$24,126.07
Total		\$12,187,917.88

Issues and Options Considered:

Not Applicable.

Link to Strategic Plan:

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

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 2008/9 Annual Budget as adopted by Council at its meeting of 22 July 2008 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:

Not Applicable.

COMMENT

All Municipal Fund expenditure included in the list of payments is in accordance with the 2008/9 Annual Budget as adopted by Council at its meeting of 22 July 2008 or has been authorised in advance by Council where applicable.

ATTACHMENTS

Attachment A CEO's Delegated Municipal Payment List for the month of March 2009
Attachment B CEO's Delegated Trust Payment List for the month of March 2009
Attachment C Municipal and Trust Fund Vouchers for the month of March 2009

VOTING REQUIREMENTS

Simple Majority

MOVED Cr Amphlett, **SECONDED** Cr Young that Council **NOTES** the CEO'S list of accounts for March 2009 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 CJ106-05/09, totalling \$12,187,917.88.

The Motion was Put and **CARRIED (12/0)** by En Bloc Resolution following consideration of Item CJ118-05/09, Page 123 refers.

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

Appendix 6 refers

To access this attachment on electronic document, click here: [Attach6brf120509.pdf](#)

CJ107-05/09 FINANCIAL ACTIVITY STATEMENT FOR THE PERIOD ENDED 31 MARCH 2009 - [07882]

WARD: All
RESPONSIBLE DIRECTOR: Mr Mike Tidy
Corporate Services

PURPOSE

The March 2009 Financial Activity Statement is submitted to Council to be noted.

EXECUTIVE SUMMARY

Council adopted the Mid Year Budget Review for the 2008/09 Financial Year at its Meeting held on 17th March – CJ055-03/09. The figures in this report are compared to the Revised Budget figures.

The March 2009 year to date report shows an overall increase in surplus from operations and capital of \$6,600K when compared to the 2008-2009 Revised Budget.

This variance can be summarised as follows:

- The **Operating** surplus is \$2,146K above budget made up of higher Revenue of \$529K and lower operating expenditure of \$1,617K.

Revenue was below budget from Fees & Charges by \$(218)K and Grants & Subsidies by \$(133)K and was above budget by \$594K from Investment Earnings and \$170K from Rates.

The adverse variance in Fees and Charges is caused mainly by a significant fall in the number and value of planning and building applications received, in addition to parking fees that are still under budget after earlier delays in implementation \$(119)k.

The operating expenditure variance arose principally from underspending on Materials and Contracts of \$1,670K, mainly due to timing of Contributions and Donations \$395K and Public Relations, Advertising and Promotions \$261K.

Further details of the operating variances are contained in the notes attached to this report.

- The **Capital Revenue and Expenditure** deficit is \$4,516K below budget made up of a deficit of Revenue of \$(159)K and under expenditure of \$4,675K.

Capital Expenditure on projects and works was lower than expected in the budget by \$4,689K mainly due to delays in works schedules offset by Vehicle and Plant replacements \$(94)K.

Further details of the capital variances are contained in the notes attached to this Report.

It is recommended that Council NOTES the Financial Activity Statement for the period ended 31 March 2009 forming Attachment A to this Report.

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 March 2009 is appended as Attachment A.

Link to Strategic Plan:

Objective 1.3 – To lead and manage the City effectively.

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 source and application 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 revised budget parameters, which have been structured on financial viability and sustainability principles.

Consultation:

In accordance with Section 6.2 of the Local Government Act 1995, the annual budget was prepared having regard to the Strategic Financial Plan, prepared under Section 5.56 of the Local Government Act 1995, which was made available for public comment.

COMMENT

All expenditures included in the Financial Activity Statement are incurred in accordance with the revised 2008-09 Annual Budget or have been authorised in advance by Council where applicable.

ATTACHMENTS

Attachment A Financial Activity Statement for the period ended 31 March 2009.

VOTING REQUIREMENTS

Simple Majority

MOVED Cr Amphlett, **SECONDED** Cr Young that Council **NOTES** the Financial Activity Statement for the period ended 31 March 2009 forming Attachment A to Report CJ107-05/09.

The Motion was Put and CARRIED (12/0) by En Bloc Resolution following consideration of Item CJ118-05/09, Page 123 refers.

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

Appendix 7 refers

To access this attachment on electronic document, click here: [Attach7brf120509.pdf](#)

CJ108-05/09 TENDER 002/09 PROVISION OF GRAFFITI CONTROL SERVICES - [68622]

This Item was dealt with later in the meeting, preceding – Announcements of Notice of Motion for the Next Meeting, Page 142 refers.

CJ109-05/09 TENDER 003/09 PROVISION OF BULK RUBBISH AND GREEN WASTE COLLECTIONS - [68624]

WARD: All

RESPONSIBLE DIRECTOR: Mr Mike Tidy
Corporate Services

PURPOSE

To seek the approval of Council to accept the Tender submitted by the City of Wanneroo (Alternative 1) for the Provision of Bulk Rubbish and Green Waste Collections (Tender 003/09).

EXECUTIVE SUMMARY

Tenders were advertised on 28 February 2009 through state wide public notice for the provision of Bulk Rubbish and Green Waste Collections. Tenders closed on 20 March 2009. Four (4) Submissions were received from:

- City of Wanneroo (Conforming Tender);
- City of Wanneroo (Alternatives 1 and 2)
- Alvito Pty Ltd t/a Incredible Bulk; and
- Transpacific Cleanaway Pty Ltd.

The submission from the City of Wanneroo (Alternative 1) represents best value to the City. The City of Wanneroo is a well established organisation with demonstrated capacity, skills and experience in providing waste management services for local residents and submitted the lowest priced compliant offer. It operates its own Waste Services Unit which is fully equipped and resourced with a dedicated Customer Service Centre to provide the bulk rubbish and green waste collections services. It also operates its own Greens Recycling Facility in Wangara and its Waste and Fleet Services have accredited Quality Management System to ISO9001. The City of Wanneroo creates significant local employment and provides considerable opportunities for local businesses with resultant commercial and community benefits.

It is recommended that Council ACCEPTS the Tender submitted by the City of Wanneroo (Alternative 1) for the provision of Bulk Rubbish and Green Waste Collections for a five (5) year period in accordance with the statement of requirements as specified in Tender 003/09 for Option 1 nine (9) monthly rolling schedule collections at the submitted schedule of rates.

BACKGROUND

The City requires the provision of services to undertake bulk rubbish and clean green waste collections for residents within City of Joondalup and convey and discharge the contents at the nominated refuse disposal site(s). Bulk rubbish and clean green waste collection currently services each property at least every 9 months as part of a rolling schedule.

To provide the City greater flexibility in its bulk refuse collections, three pricing options were requested in the Tender document. These were:

- Option 1:** One (1) collection and delivery of clean green waste and rubbish every nine (9) months (The City's current service level).
- Option 2:** Two (2) collections and deliveries of clean green waste and rubbish per year on a six (6) monthly schedule.
- Option 3:** One (1) collection and delivery of clean green waste and rubbish in the first half of the year and a second collection and delivery of clean green waste only in the second half of the year.

The City currently has a Service Level Agreement with the City of Wanneroo to undertake bulk rubbish and clean green waste collections, which is due to expire on 30 June 2009.

DETAILS

Tenders were advertised on 28 February 2009 through state wide public notice for the provision of Bulk Rubbish and Green Waste Collections. Tenders closed on 20 March 2009. Four (4) Submissions were received from:

- City of Wanneroo (Conforming Tender);
- City of Wanneroo (Alternatives 1 and 2)
- Alvito Pty Ltd t/a Incredible Bulk; and
- Transpacific Cleanaway Pty Ltd.

Evaluation Criteria

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

Qualitative Criteria		Weighting
1	Capacity	50%
2	Demonstrated Understanding of the Required Tasks	25%
3	Demonstrated Experience in Completing Similar Projects	20%
4	Social and economic effects on the local community	5%

Evaluation Panel

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

Tender Submissions

A summary of the Tender submissions is provided in Attachment 1.

To provide an estimated expenditure over a twelve (12) month period the projected total tonnages of bulk refuse collected, based on historical data, equating to approximately 5,000 tonnes of green clean waste and 11,750 tonnes of rubbish, and the rates offered per tonne for these items have been used. A comparison of the total annual estimated expenditure for Options 1, 2 and 3 over the 5 year period calculated with escalation based on annual 3.7% CPI increase is provided in Attachment 2.

Evaluation Summary

The Offer from Transpacific Cleanaway Pty Ltd contained numerous departures from the City's conditions of Contract and is considered an Alternative Offer. In accordance with Clause 4.9 of the conditions of tendering, Alternative Offers are required to be submitted with a Conforming Offer. Transpacific Cleanaway Pty Ltd did not submit a Conforming Offer. The departures consisted of:

- Transpacific Cleanaway Pty Ltd could only offer rates for Option 1 subject to minimum tonnage quantities.
- The Offer is subject to a quarterly adjustment (annual requested) based on a volatile rise and fall formula.
- Rates for late presentations and special collections would be subject to negotiation (fixed price requested).

These departures represent a significant commercial and financial risk to the City. Clause 4.9 of the conditions of tendering provides:

4.9 ALTERNATIVE OFFERS

An Alternative Offer shall be accompanied by a Conforming Offer.

Definition of an Alternative Offer:

An Offer that proposes qualification, conditions, terms, specification, materials, workmanship or any other thing not conforming to the detail specified in the Request Document.

Alternative Offers shall be clearly marked "ALTERNATIVE OFFER" and shall include a fully detailed description and state clearly the manner in which it differs from the specified requirement.

The City in its absolute discretion may reject any Alternative Offer.

In accordance with Clause 4.9 the offer from Transpacific Cleanaway Pty Ltd was rejected.

The City of Wanneroo submitted three Offers, one conforming Offer meeting all the City's tendered requirements and two alternative Offers. These were based upon the following:

Alternative 1: Proposed an earlier collection start time of 6.20am from 7.00am. This was considered a minor departure from the specification and provided significant savings to the City.

Alternative 2: Was based upon a cost plus basis as opposed to fixed rates. The plus to the City of Wanneroo would be 5%. The cost model supplied incorporated salaries and wages, plant, materials and corporate cascade costs. This option is based upon unknown quantities and the City would be subject to considerable financial risk. On this basis the Offer was rejected in accordance with Clause 4.9 and was not considered further.

Respondent	Evaluation Score	Price (Option 1)	Price (Option 2)	Price (Option 3)	Qualitative Rank
City of Wanneroo (Conforming Offer)	93%	\$11,371,834	\$12,167,232	\$17,891,684	1
City of Wanneroo (Alternative 1)	93%	\$10,617,921	\$11,361,013	\$16,705,197	1
Alvito Pty Ltd t/a Incredible Bulk	76%	\$13,527,162	\$13,527,162	\$17,430,522	2
Transpacific Cleanaway Pty Ltd	Alternative Offer rejected in accordance with Clause 4.9, not considered further.				
City of Wanneroo (Alternative 2)	Alternative Offer rejected in accordance with Clause 4.9, not considered further				

Issues and options considered:

The City called for two additional options for the collection of bulk rubbish and green waste in addition to its current arrangements to allow for the flexibility of changing the service in the future. At this stage however, it is not proposed to change the service level and option 1 is intended to be the service provided.

Link to Strategic Plan:

2. The Natural Environment.

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

Strategy 2.1.6 The City implements strategies and projects that reduce the amount of waste which requires disposal.

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.

Risk Management considerations:

Should the Contract not proceed, the risk to the City will be high as bulk rubbish and clean green waste collections is a major service provided by the City for its residents and without it, serious litter, illegal dumping will occur.

It is considered that the Contract will represent a low risk to the City as the recommended Respondent is well-established organisation and it owns and maintains its own Waste Services Unit which is fully equipped with specialized equipment for waste collection and resourced with a dedicated Customer Service Centre to provide the bulk rubbish and clean green waste collection services.

Financial/Budget Implications:

Current Year Budget Allocation for this Contract	Projected Expenditure on these Services to 30 June 2009	Projected Expenditure on these Services in first 12 Months of Contract if Accepted	Projected Expenditure on these Services over the Life of the Contract if Accepted
\$1,901,463	\$1,190,062.00 (1 Jul-08 to 28-Feb-09)	\$1,972,145 (Option 1)	\$10,617,921 (Option 1)
	\$700,000 (Estimated) (1-Mar-09 to 30-Jun-09)	\$2,110,165 (Option 2)	\$11,361,013 (Option 2)
		\$3,102,780 (Option 3)	\$16,705,197 (Option 3)

During the last financial year 2007/08, the City incurred \$1,901,463 for bulk rubbish and clean green waste collections.

The projected expenditure on these Services is subject to change and dependent on the quantity and type of requirements throughout the Contract period. Based on historical and known requirements, it is estimated that the expenditure over the Contract period will be in the order of \$10,617,921 for Option 1 nine (9) monthly rolling schedule collections.

The City will review annually if there is a requirement for an increased level of service, to switch to Option 2 six (6) monthly schedule collections or Option 3 one (1) collection annually for bulk rubbish and clean green waste plus one (1) other collection annually for clean green waste only. The probability to switch to Option 2 is relatively high given the popularity of the service, while Option 3 is unlikely to occur in the foreseeable future.

Policy Implications:

Not Applicable.

Regional Significance:

Not Applicable.

Sustainability Implications:

Bulk Rubbish and Green Waste Collections is an integral component of the City's Waste Management Strategy. Green waste is diverted from landfill and is recycled into mulch used by the City and the community.

Consultation:

Not Applicable.

COMMENT

The Offer representing best value to the City is that as submitted by the City of Wanneroo (Alternative 1) for Options 1, 2 and 3 at the submitted schedule of rates. The City of Wanneroo scored the highest qualitative assessment at 93% and was the lowest priced compliant offer received. The City of Wanneroo owns and maintains its own Waste Services Unit which is well established, fully equipped with specialized equipment for waste collection and resourced with a dedicated Customer Service Centre to provide the bulk rubbish and clean green waste collections services. The Unit also operates its own Greens Recycling Facility in Wangara, which is the nominated facility in the Request for disposal of clean green waste. Its Waste and Fleet Services have accredited Quality Management System to ISO9001.

ATTACHMENTS

Attachment 1	Summary of Tender Submissions
Attachment	Price Evaluation

VOTING REQUIREMENTS

Simple Majority

MOVED Cr Norman, SECONDED Cr Corr that Council ACCEPTS the Tender submitted by the City Of Wanneroo (Alternative 1) for the provision of Bulk Rubbish and Green Waste Collections for a five (5) year period in accordance with the statement of requirements as specified in Tender 003/09 for Option 1 nine (9) monthly rolling schedule collections at the submitted schedule of rates.

The Motion was Put and

CARRIED (12/0)

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

Appendix 9 refers

To access this attachment on electronic document, click here: [Attach9brf120509.pdf](#)

Disclosure of Financial Interest

Name/Position	Cr Michele Rosano
Item No/Subject	CJ110-05/09 – Tender 005/09 – Construction of a Dual Use Path Upgrade – West Coast Drive
Nature of interest	Financial
Extent of Interest	Cr Rosano resides in close proximity to West Coast Drive

Disclosure of interest affecting impartiality

Name/Position	Cr Mike Norman
Item No/Subject	CJ110-05/09 - Tender 005/09 – Construction of a Dual use Path Upgrade – West Coast Drive
Nature of interest	Interest that may affect impartiality
Extent of Interest	Cr Norman is Co-ordinator of the Friends of Sorrento Beach and Chairman of the Joondalup Community Coastal Care Forum and has commented on the project in these capacities

Cr Rosano left the Chamber at 2018 hrs.

CJ110-05/09 TENDER 005/09 CONSTRUCTION OF A DUAL USE PATH UPGRADE - WEST COAST DRIVE - [51625]

WARD: South & South West

RESPONSIBLE DIRECTOR: Mr Mike Tidy
Corporate Services

PURPOSE

To seek the approval of Council to accept the Tender submitted by Downer EDI Works Pty Ltd for the Construction of a Dual Use Path Upgrade – West Coast Drive (Tender 005/09).

EXECUTIVE SUMMARY

Tenders were advertised on 4 April 2009 through state wide public notice for the Construction of a Dual Use Path Upgrade – West Coast Drive. Tenders closed on 28 April 2009. Five (5) Submissions were received from:

- JMS Civil & Mining (Aust) Pty Ltd;
- Mako Civil Pty Ltd;
- Environmental Industries Pty Ltd & Curnow (WA) Pty Ltd;
- VDM Earthmoving Contractors Pty Ltd T/as Malavoca; and
- Downer EDI Works Pty Ltd.

The submission from Downer EDI Works Pty Ltd represents best value to the City and is the lowest priced compliant Tender. The evaluation panel has confidence in their ability to complete the works in the required timeframe and they demonstrated more than sufficient resources, a comprehensive understanding of the requirements and significant experience in completing projects of a similar nature.

It is recommended that Council ACCEPTS the Tender submitted by Downer EDI Works Pty Ltd for the Construction of a Dual Use Path Upgrade – West Coast Drive in accordance with the statement of requirements as specified in Tender 005/09 for the fixed lump sum of

\$2,650,336.51 (GST Exclusive) for completion of the works within eleven (11) weeks from issue of the letter of acceptance.

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 1.8 km. The path is in high demand for public recreation activities such as walking, running and cycling.

The City identified the upgrading of the path between Beach Road, Marmion and The Plaza, Sorrento as a priority initially in the 2006/2007 Capital Works programme. The 2008/2009 Capital Works programme included provision for the final design works and construction phase. Council considered the project at its meeting on 15 July 2008 (CJ131-07/08) and identified a number of issues to be addressed. Council subsequently approved a final design on 16 December 2008 (CJ278-12/08) which addressed these issues and provides an enhanced environment for all the users of this section of the coastal pathway.

The upgrade works include the construction of limestone retaining walls, upgrading of the dual use path and pathway lighting, installation of shade structures, balustrades, new beach accesses and street furniture.

DETAILS

Tenders were advertised on 4 April 2009 through state wide public notice for the Construction of a Dual Use Path Upgrade – West Coast Drive. Tenders closed on 28 April 2009. Five (5) Submissions were received from:

- JMS Civil & Mining (Aust) Pty Ltd;
- Mako Civil Pty Ltd;
- Environmental Industries Pty Ltd & Curnow (WA) Pty Ltd;
- VDM Earthmoving Contractors Pty Ltd T/as Malavoca; and
- Downer EDI Works Pty Ltd.

Evaluation Criteria

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

Qualitative Criteria		Weighting
1	Demonstrated experience in completing similar projects	35%
2	Capacity	30%
3	Demonstrated understanding of the required tasks	30%
4	Social and economic effects on the local community	5%

Evaluation Panel

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

Tender Submissions

A summary of the Tender submissions is provided in Attachment 1.

This Contract is for a fixed lump sum with completion of the works within eleven (11) weeks from issue of the letter of acceptance.

Evaluation Summary

Respondent	Evaluation Score	Price	Qualitative Rank
Downer EDI Works Pty Ltd	85%	\$2,650,336.51	1
VDM Earthmoving Contractors Pty Ltd T/as Malavoca	72%	\$3,789,696.61	2
Mako Civil Pty Ltd	67.6%	\$4,288,190.00	3
JMS Mining & Civil (Aust) Pty Ltd	66.9%	\$4,117,080.00	4
Environmental Industries Pty Ltd T/as Curnow (WA) Pty Ltd	63.2%	\$6,137,191.66	5

Issues and options considered:

The upgrade of the West Coast Dual Use Path was identified as a priority in the City's Capital Works programme. The City does not have the internal resources to supply the required services and as such requires an appropriate external service provider.

Link to Strategic Plan:

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

- 4 The Built Environment
- Objective 4.2 To progress a range of innovative and high quality urban development projects within the City.
- Strategy 4.2.6 The City implements, and if necessary, refines its Capital Works Program.
- 5 Community Wellbeing
- Objective 5.2 To facilitate healthy lifestyles within the community.
- Strategy 5.2.1 The City provides high quality recreation facilities and programs.

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.

Risk Management considerations:

Should the contract not proceed, the risk to the City will be high as the City has listed the project as a priority in the Capital Works programme and the community has expectations of the project being completed by June 2010.

It is considered that the Contract will represent a low risk to the City as the recommended Tenderer is a well-established company with significant industry experience and the capacity to complete the works within the required timeframe.

Financial/Budget Implications:

Current Year Budget Allocation for this Contract	Projected Expenditure on these Services to 30 June 2009	Projected Expenditure on these Services in first 12 Months of Contract if Accepted	Projected Expenditure on these Services over the Life of the Contract if Accepted
\$2,223,000 (this is the project budget of which the tender is the major part)	Due to the lateness of the commencement of the project, little if any funds will be expended in 2008/09 and the budgeted funds will be carried forward	\$2,650,336.51	\$2,650,336.51

The total project cost was estimated to be \$4,250,000 with the \$2,223,000 in 2008/09 being the first stage and the balance to be completed in 2009/10 as a second stage. It should be noted that this tender does not constitute the entire project and there are additional works to be undertaken separately. These will be approximately \$657,000. Projected project savings will be \$943,000. As the second stage in 2009/10 was intended to be funded by loan these savings will be reflected as a reduced loan borrowing requirement in the 2009/10 budget.

Policy Implications:

Not Applicable.

Regional Significance:

Not Applicable.

Sustainability Implications:

The preservation of dunes and dune vegetation was considered in the public consultation process with input by representatives from the Joondalup Community Coast Care Forum. The outcome of this process was taken into consideration in the final detailed design and specification.

The lighting proposed as part of the tendered works will be low power consumption long life luminaires. Separate from the tender the City will be installing drainage gross pollutant traps as part of the project to manage and improve the quality of the water from stormwater outfall.

Consultation:

The City has consulted with the community during the public consultation process. The feedback from this was considered by Council at the ordinary meeting of 20 November 2007 (CJ235-11/07 refers) with a number of key elements incorporated into the final design.

COMMENT

The submission from Downer EDI Works Pty Ltd represents best value to the City and is the lowest priced compliant Tender. The evaluation panel has confidence in their ability to complete the works in the required timeframe and they demonstrated more than sufficient resources, a comprehensive understanding of the requirements and significant experience in completing projects of a similar nature. Given that the Tender from Downer EDI Works Pty Ltd was substantially less than the next tenderer, the evaluation panel made enquiries to satisfy itself that the tendered submission covered every aspect of the Tender. The evaluation panel is satisfied that this is the case.

The attached summary of Tender submissions includes the location of each of the Tenderers.

ATTACHMENTS

Attachment 1 Summary of Tender Submissions
Attachment 2 Map of West Coast Drive Dual Use Path Upgrade Project

VOTING REQUIREMENTS

Simple Majority

MOVED Cr Fishwick, SECONDED Cr Norman that Council ACCEPTS the Tender submitted by Downer EDI Works Pty Ltd For The Construction of a Dual Use Path Upgrade – West Coast Drive in accordance with the statement of requirements as specified in Tender 005/09 for the fixed lump sum of \$2,650,336.51 (GST Exclusive) for completion of the works within eleven (11) weeks from issue of the letter of acceptance.

Discussion ensued

The Motion was Put and

CARRIED (11/0)

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

Cr Rosano entered the Chamber at 2025 hrs.

Appendix 17 refers

To access this attachment on electronic document, click here: [Attach17agn190509.pdf](#)

CJ111-05/09 PROPOSED NEW PARKING SCHEME - JOONDALUP CITY NORTH - [07190] [57618]

WARD: North

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

PURPOSE

To consider the consultation feedback provided by residents, businesses and the wider community in relation to proposed changes to parking in Joondalup City North.

EXECUTIVE SUMMARY

At its meeting on 17 March 2009 Council agreed to seek public comment in relation to a proposed new parking scheme for Joondalup City North, Report CJ057-03/09.

The proposed major changes to the existing parking arrangements are:

- The introduction of resident and visitor parking areas in the residential streets in the southern section of City North to assist in maintaining the amenity for residents;
- The introduction of two hour timed parking on McLarty Avenue, north of Shenton Avenue and on Plaistow Street to assist in maintaining the amenity for residents and to assist with bay turnover for local businesses;
- Amending the angled parking on Pimlico Place to two hour timed parking to assist with bay turn over for local businesses;
- Creating two hour timed parking in the cul-de-sacs of Mooregate Court and Putney Place.

This recommendation calls for the Parking Scheme – Joondalup City North Plan 2, dated 4 March 2009 as shown on Attachment 2 to Report CJ057-03/09 to be adopted.

BACKGROUND

The Report CJ057-03/09 to Council in March 2009 identified that there were two principal issues driving parking problems in the southern area of City North. Since the introduction of paid parking some drivers have opted to use the on-street parking in the residential streets in Joondalup City North, immediately north of Shenton Avenue, for commuter parking.

The recent introduction of paid parking in Joondalup Hospital (Hospital) visitor car parks has also increased the level of parking in this area. Many of the Hospital visitors and staff are using the on-street parking in residential and commercial areas of Joondalup City North surrounding the Hospital to facilitate their long term parking requirements. This has impacted on the ability for residents, their visitors and customers of commercial premises to access the limited parking facilities in these streets. The main area impacted by these issues is from Shenton Avenue north to Plaistow Street.

DETAILS

Issues and options considered:

The report proposed changes to the Parking Scheme with the intention to:

- Manage on-street parking for people living in the designated areas of Joondalup City North to balance residential, commercial and other parking demands.
- Provide some support for residents and their visitors with the ability to park in close vicinity to their homes.
- Support business operations and development in Joondalup City North by encouraging high turnover of parking bays closest to businesses.
- Provide for the safety of pedestrian and vehicle movement.
- Encourage people wanting commuter parking to park in long term parking facilities provided by the City for this purpose.
- Achieve best utilisation of all public parking facilities managed by the City.

Link to Strategic Plan:

Objective:

To encourage the development of the Joondalup CBD.

Strategy:

3.1.5 The City implements its CBD Parking Strategy.

Legislation – Statutory Provisions:

The City of Joondalup Parking Local Law (1998) was made in keeping with the requirements of Section 3.12 of the Local Government Act (1995), Procedure for making local laws.

Clause 33 of the Parking Local law applies:

Establishing and Amending the Parking Scheme

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, or specified roads or specified parts of roads in the parking region at all times 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.

Risk Management considerations:

If the proposed scheme amendments are not introduced, there is a risk that further development potential and community amenity in City North could be harmed.

Financial/Budget Implications:

Signage relating to the proposed changes can be accommodated within the current budget allocations.

Policy Implications:

The proposed parking scheme is consistent with the City's Parking Strategy and the Resident/Visitor Parking Permits Policy for Joondalup City Centre.

Regional Significance:

Not Applicable.

Sustainability Implications:

Not Applicable.

Consultation:

The City invited comment in relation to the proposed changes by conducting a letter drop to residents and businesses in the affected area and also to the wider community through general advertising. Feedback was sought by completing a survey form with the option of returning either a hard copy or completing a form on-line on the City's website. A consultation period of 30 days closed on Friday 24 April 2009.

A letter drop to 379 properties was made and the City received surveys back in both hard copy and on-line. Respondents were asked to indicate their support or otherwise for permit parking for residents, the proposed parking restrictions in nominated streets as well as being offered the opportunity to make comments. Respondents were not required to respond to every question. In the responses 113 identified themselves as residents, 11 as business owners and one (1) as other. A summary of the questions responded to is in the table below.

Response	Support for Resident Permit Parking	Support for Parking Restrictions in Specific Streets					
		McLarty Avenue	Plaiستow Street	Putney Place	Mooregate Court	Pimlico Place	Regents Park Rd
Supported	103	53	53	60	57	30	22
Not Supported	8	19	23	20	22	13	9
Neutral	6	34	28	26	30	28	4
Total	117	106	104	106	109	71	35

There was an 88% level of support for permit parking for residents and only 7% opposed. The parking restrictions proposed in specific streets were also well supported with the high level of neutral responses attributed to respondents not affected by issues in that street. Those specifically opposed to restrictions ranged from 18% for McLarty Avenue to 26% for Regents Park Rd.

COMMENT

There are provisions in the existing City Policy 7-23 Resident/Visitor Parking Permit for the Joondalup City Centre to enable the proposed parking scheme to be implemented in Joondalup City North. On the basis of the responses from the consultation and the support for the proposed changes it is recommended that the proposed parking scheme for Joondalup City North be implemented.

ATTACHMENTS

Attachment 1	Existing Parking Scheme - Joondalup City Centre (North) 12/03/09
Attachment 2	Proposed Parking Scheme - Joondalup City Centre (North) 12/03/09
Attachment 3	Joondalup City North Comparison of Existing and Proposed Restrictions

VOTING REQUIREMENTS

Simple Majority

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

- 1** **ADOPTS** the proposed Parking Scheme – Joondalup City Centre (North), 12 March 2009 as shown on Attachment 2 to Report CJ111-05/09;
- 2** **APPROVES** the application of Policy 7-23 Resident/Visitor Parking Permit for the Joondalup City Centre to the Parking Scheme - Joondalup City Centre (North) as in 1 above.

The Motion was Put and

CARRIED (11/1)

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

Appendix 10 refers

To access this attachment on electronic document, click here: [Attach10brf120509.pdf](#)

CJ112-05/09 LOCAL GOVERNMENT RATING OF LAND USED FOR CHARITABLE PURPOSES - [00104] [60514] [00033]

WARD:	All
RESPONSIBLE DIRECTOR:	Mr Mike Tidy Corporate Services

PURPOSE

To consider a response to the West Australian Local Government Association (WALGA) North Metropolitan Zone Committee regarding its request to seek its members' views on a change to the Charitable Rating Exemption provisions within the Local Government Act 1995.

EXECUTIVE SUMMARY

The North Metropolitan Zone Committee has sought member Councils views on a report tabled by the City of Stirling proposing to seek the support of the West Australian Local Government Association (WALGA) to lobby the State Government for a change to the Charitable Rating Exemption provisions within the Local Government Act 1995.

Council has previously considered the issues of the rating of charitable organisations and the application of section 6.26(2)(g) of the Local Government Act 1995 in November 2006. There have been no changes to legislation since then and the issues remain.

It is recommended that Council ADVISES WALGA North Metropolitan Zone Committee:

- 1 *of the City's position in relation to the rating of charitable organisations and Section 6.26(2)(g) of the Local Government Act as expressed in its previous resolution CJ215-11/06 and that a copy of that resolution be provided to the Committee;*
- 2 *that the City of Stirling's proposal to request WALGA to lobby the State Government for change in relation to the rating of charitable organisations and Section 6.26(2)(g) of the Local Government Act is supported so long as that change is in line with the City's position expressed in its previous resolution CJ215-11/06.*

BACKGROUND

At the WALGA North Metropolitan Zone Committee held on 26 March 2009 a report was submitted by the City of Stirling entitled 'Local Government Act Rating Exemptions for Charitable Purposes – Section 6.26(2)(G) of the Local Government Act 1995' (Attachment 1 refers).

It was resolved:

"That consideration of this matter be DEFERRED to enable views to be provided by Member Councils."

The report from the City of Stirling raises both general and specific concerns in relation to the application of rating exemptions under the provisions of Section 6.26(2)(g) of the Local Government Act (the Act).

The report also highlights the Local Government Advisory Board "Inquiry into the Operation of Section 6.26(2)(g) of the Local Government Act 1995 – rating of land used for charitable purposes" (the Inquiry). The inquiry in 2006/07 considered a range of issues impacted by that section of the Act and made a number of recommendations. The then Minister for Local Government and Regional Development proposed a number of strategies to implement the recommendations of the Local Government Advisory Board and sought comment from Local Governments in regard to the proposed strategies. City of Joondalup considered the issues included in the inquiry and made a submission setting out its views (Report CJ215-11/06 refers and a copy of the response to the Minister is at Attachment 2). Subsequently, however the Government of the day decided not to proceed with any amendments to the Act.

DETAILS

The issues raised by the City of Stirling in its report to WALGA North Metropolitan Zone Committee are largely the same as those previously identified in the Inquiry and the then Minister's proposed strategies.

There were eight strategies proposed which are summarised as follows together with the City of Joondalup's response as per its resolution CJ215-11/06:

Strategy 1

Independent Living Units (ILU) owned and operated by religious, charitable and other not-for-profit organisations (NFPO) are to be rated if the accommodation is not subsidised. The nature and level of the subsidy will be prescribed in the Local Government Act 1995 Regulations.

These arrangements are to apply to ILUs in villages established after 1 July 2007 and, from 1 July 2015, to all retirement villages. Existing leaseholders will not be rated while they hold their lease.

City of Joondalup Response CJ215-11/06

This proposal is not supported in its current form as there is no current definition of "subsidised" which is crucial to considering the impact of this proposal and the phasing in of rating effectively amounts to a retrospective change.

Strategy 2

Religious, charitable and other NFPOs providing aged care services and receiving care subsidies in accordance with the Aged Care Act 1997 (Commonwealth) are to be exempted from rates. This may require an amendment to the Act and/or Regulations.

City of Joondalup Response CJ215-11/06

This proposal is not supported in its current form as a number of facilities will not qualify for these types of subsidies but are still considered to be providing charitable services.

Strategy 3

Land held by NFPO community housing providers and used for crisis accommodation or housing for people with a disability should be exempt from being rated. This may require an amendment to the Act and/or Regulations.

City of Joondalup Response CJ215-11/06

The proposal is generally supported however there needs to be very clear definitions around the notions of crisis accommodation and housing for people with a disability.

Strategy 4

Request the Local Government Advisory Board to undertake further work to determine how to isolate the types of community housing that should be rated without negatively impacting upon –

- occupiers of this housing that are financial disadvantaged
- community housing providers

City of Joondalup Response CJ215-11/06

The request to undertake further work is supported and the key issues in relation to determining any form of exemption are around clear definitions and guidelines on which a local government can make an assessment and clear provisions requiring

applicants requesting an exemption to supply information that enables the assessment to be done.

Strategy 5

The Act and/or regulations to be amended to address the following matters in relation to vacant land –

- vacant land that is held for use as a charitable purpose in the future is exempt from rates
- the owner of the vacant land seeking an exemption is to provide information to the relevant local government that is sufficient for it to be able to satisfy itself of the future land use intended
- if the land is not eventually used for charitable purpose, back rates are to be paid to compensate for the time that it was previously exempted. Back rating is to extend back for a period not exceeding 15 years from the time a decision is made that an exemption is not appropriate.

City of Joondalup Response CJ215-11/06

The strategy as proposed is not supported but an alternative proposal that is supported is that an owner of vacant land be required to declare their intention to use it for a charitable purpose in the future, however pay rates annually on the vacant land until the charitable purpose is established at which point they become entitled to a refund of the rates paid.

Strategy 6

That the Act and/or Regulations be amended to prescribe that incidental and ancillary non charitable land uses do not jeopardise the overall dominant charitable purpose of a property.

City of Joondalup Response CJ215-11/06

It has already been established that incidental and ancillary non charitable land uses do not jeopardise the overall dominant charitable purpose of a property despite the fact that it is not spelt out in the current legislation. The issue really is not that this type of use should not jeopardise the overall dominant use but the question of the quantum of what constitutes incidental and ancillary. Any proposal that could define the quantum of incidental and ancillary is supported.

Strategy 7

That the Act and/or Regulations be amended to clarify that it is possible to rate part of a property, if that part is clearly non charitable and not incidental or ancillary to a dominant charitable purpose.

City of Joondalup Response CJ215-11/06

The proposal is supported but while it is acknowledged that in some cases there are non charitable uses there are instances where these are operated as part of the facility with proceeds being fed into the overall operation eg small coffee shops, and not with profits being taken by a commercial operator and this proposal should not enable operations in these circumstances to be rated.

Strategy 8

That the Act and/or Regulations be amended so that organisations seeking a rate exemption are required to provide local governments with the relevant information to allow it to make a considered decision about whether land is being used for a charitable purpose.

City of Joondalup Response CJ215-11/06

This proposal is strongly supported particularly if the regulations also provide guidelines as to the type of information that is required to be provided. This is an area that causes great difficulty for the City in its current assessments of applications for exemptions from rates. It is not unusual for the City to be challenged as to why information needs to be provided or the type of information that is requested to be provided.

In addition to specific responses to the strategies Council resolved that:

- “2 *That the Minister be urged to give serious consideration to a whole of State approach to the issue of rating exemptions for land used for charitable purposes, such that individual local governments are not unfairly burdened due to the amount of land within their local government area that is used for charitable purposes. There should be equity and fairness in rating or exemption of these types of facilities in the same way that there is a whole of State approach to the provision of rebates and deferrals for pensioners.*
- 3 *WALGA be advised of this response and in relation to point 2 be urged to advocate to the State Government the need for a whole of state approach to the issue of exemptions for land used for charitable purposes.”*

Issues and options considered:

There are two options to providing feedback to WALGA North Metropolitan Zone Committee in relation to the City of Stirling's report.

Option 1 – Consider again the issues of Rates Exemptions and Section 6.26(2)(g) of the Act

This is essentially going back and re-evaluating all of the issues and determining what the City's position is in relation to these. There have been no changes in the relevant legislation and the issues remain unchanged since this matter was last considered. Re-evaluating is not supported.

Option 2 – Advise WALGA North Metropolitan Zone Committee of the City's Current Position as per Resolution CJ215-11/06

There is an established City position on these issues in relation to the legislation neither of which have changed. Part of that position also included WALGA being requested to advocate to the State Government a whole of State approach. It is recommended that WALGA North Metropolitan Zone Committee be advised of the City's current position and that it supports WALGA being requested to lobby the State Government for change to the charitable rating exemption provisions in line with this position.

Link to Strategic Plan:

Key focus area: leadership and governance

1.3 Objective: To lead and manage the City effectively

Legislation – Statutory Provisions:

The Local Government Act 1995 section 6.26(2)(g).

Risk Management considerations:

Not Applicable.

Financial/Budget Implications:

There are implications for the City's rate revenue with regard to how section 6.26(2)(g) of the Act is currently interpreted and applied and future implications if there are any changes.

Policy Implications:

Not Applicable.

Regional Significance:

All Local Governments in the region are equally impacted by the issues regarding section 6.26(2)(g) of the Act.

Sustainability Implications:

There are issues of long term financial sustainability with the increasing burden of rate exemptions needing to be met by the remaining members of the rate paying community. This will become increasingly difficult to manage in the long term if each local government is required to carry the burden of all of the rate exemptions within their local government area.

Consultation:

A workshop with Elected Members was conducted prior to Council considering and determining its current position at its meeting in November 2006.

COMMENT

Given that the issues of rating charitable organisations and the application of section 6.26(2)(g) of the Act have not changed since the Council last considered this matter it is considered that the City's current adopted position adequately addresses the issues raised by the City of Stirling at WALGA North Metropolitan Zone Committee.

ATTACHMENTS

- | | |
|--------------|---|
| Attachment 1 | Extract of WALGA North Metropolitan Zone Minutes - Local Government Act Rating Exemptions for Charitable Purposes – Section 6.26(2)(G) of the Local Government Act 1995 |
| Attachment 2 | Copy of Response to Minister in relation to Proposed Strategies to Address Rating Exemption Issues |

VOTING REQUIREMENTS

Simple Majority

MOVED Cr Amphlett, SECONDED Cr Young that Council that Council ADVISES Western Australian Local Government Association North Metropolitan Zone Committee:

- 1 of the City's position in relation to the rating of charitable organisations and Section 6.26(2)(g) of the Local Government Act as expressed in its previous resolution CJ215-11/06 and that a copy of that resolution be provided to the Committee;**
- 2 that the City of Stirling's proposal to request WALGA to lobby the State Government for change in relation to the rating of charitable organisations and Section 6.26(2)(g) of the Local Government Act is supported so long as that change is in line with the City's position expressed in its previous resolution CJ215-11/06.**

The Motion was Put and CARRIED (12/0) by En Bloc Resolution following consideration of Item CJ118-05/09, Page 123 refers.

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

Appendix 11 refers

To access this attachment on electronic document, click here: [Attach11brf120509.pdf](#)

CJ113-05/09 PROPOSAL FOR LEVYING DIFFERENTIAL RATES FOR THE 2009/10 FINANCIAL YEAR AND OTHER BUDGET MATTERS - [48084] [66610]

WARD: All

RESPONSIBLE DIRECTOR: Mr Mike Tidy
Corporate Services

PURPOSE

For Council to consider a proposal for the setting of differential rates for the Draft Budget for the 2009/10 Financial Year and also to consider the rates incentive scheme for early payment.

EXECUTIVE SUMMARY

The City implemented differential rating for 2008/09 to address the distortions created by the revaluation that was effective from 1 July 2008. As part of the process for the 2009/10 budget it is proposed to continue with differential rating along the same lines as for 2008/09.

It is also proposed to continue with the major prize draw introduced in 2008/09 based on Council providing two new vehicles as a promotion and encouragement for early payment in addition to the City's commercial rate incentive scheme sponsors.

The recommendation is that the proposed differential rates be advertised and public submissions, sought in accordance with section 6.36 of the Local Government Act 1995 (the Act).

BACKGROUND

To set the rates for its budget, Council determines the total rate revenue it needs and sets a rate in the dollar that will generate that revenue. The individual property valuations determine what proportion of the total rate requirements are met by each property owner. This proportion will change when a valuation changes.

A revaluation of all property applied in 2008/09 which saw residential property values increase significantly more than commercial and industrial property values. To counteract the effect of this, differential rates were introduced with the differential set with a higher rate in the dollar for commercial and industrial properties to maintain the distribution of the rate burden between residential, commercial and industrial to that existing prior to the revaluation. In addition a separate differential on vacant commercial and industrial land was applied that was twice the rate for the lowest differential to encourage the development of this land.

The revaluation undertaken by the Valuer General occurs every three years.

DETAILS

Differential Rates

Section 6.33 of the Act makes provision for the City to be able to levy differentials based on a number of criteria.

- “(1) A local government may impose differential general rates according to any, or a combination, of the following characteristics —
- (a) the purpose for which the land is zoned under a local planning scheme in force under the Planning and Development Act 2005;
 - (b) the predominant purpose for which the land is held or used as determined by the local government;
 - (c) whether or not the land is vacant land; or
 - (d) any other characteristic or combination of characteristics prescribed.”

The City has applied its differential rates based on (b) the predominant use as well as (c) in relation to vacant commercial and industrial properties.

There are approximately 29 currently vacant commercial and industrial properties within the City of Joondalup.

The City is keen to promote and encourage the development of vacant commercial and industrial land. This can be done through a number of positive initiatives and in this regard the City makes a significant contribution to encourage and promote economic development. It can also be done by actively discouraging the holding of vacant and undeveloped land.

In respect of the latter a higher differential rate imposed on vacant land than the rate applicable for improved land acts as an inducement to develop vacant land. Section 6.33 of the Act permits Council to levy differentials such that the highest is no more than twice the lowest differential. Any greater difference in differentials requires Ministerial approval.

The higher rate for vacant land in 2008/09 did not lead to any significant negative feedback from affected ratepayers. In terms of its impact in encouraging development it will be a couple of more years before this can be determined because of the long lead time to get developments up.

Rates Incentive Scheme

In 2008/09 the City changed its rates incentive program deleting a discount that had previously been in place and replacing it with two City purchased cars as major prizes in addition to the traditional sponsor supplied prizes. The City made a strong promotional point of focussing on green, environmentally friendly, fuel efficient vehicles to support its environmental initiatives.

The two car major prize initiative was well received by ratepayers. In terms of the impact on rate collection, payments were marginally less in the first few months compared to previous years, however, this recovered later and the City is currently experiencing the highest level of rate collection for many years.

Issues and options considered:

There are several broad approaches for how the City might apply a rate increase for the 2009/10 budget.

Rate in the Dollar

There are three basic options for determining how the rate in the dollar may be set.

Option 1 – Do not Differentially Rate and Revert to a General Rate as Prior to 2008/09

The differential rate was introduced in 2008/09 to compensate for the distortions caused by higher residential valuation increases compared to commercial and industrial valuation increases.

Those valuations remain in place for three years and therefore reverting back to a general rate would re-introduce those distortions ie a significant increase in the rate burden falling on residential property owners and a reduction to commercial and industrial property owners.

This option is not recommended.

Option 2 – Apply a Differential Rate but Re-assess What They Should Be

There needs to be a key driver or basis for setting a differential rate. In 2008/09 this was to ensure that in total terms the proportion of rate revenue derived from residential property, commercial property and industrial property for 2008/09 was the same as the proportions that applied in 2007/08. Applying a higher differential rate for vacant commercial and industrial property was introduced on the basis of discouraging the holding of property in a vacant or undeveloped state.

At this stage there is nothing that has come out of the differential rating in 2008/09 that could be considered a key driver for re-assessing the basis for the differentials.

This option is not recommended.

Option 3 – Apply a Differential Rate as a Percentage Based on the Differentials Set in 2008/09

In the absence of any key driver for re-assessing the basis for the differentials using the 2008/09 differentials and applying a percentage increase is considered the most appropriate approach to determining the rates in the dollar for the Draft 2009/10 Budget.

This is the recommended option.

Minimum Payments

There are two options.

Option 1 – Re-Assess the Setting of Minimum Payments

The Act provides that a local government may set a minimum payment but provides no guidance as to what this might be or how it might be determined. In essence it is whatever the local government may determine. The general philosophy is that every ratepayer should make a reasonable contribution to the services and facilities that a local government provides. There is no requirement for the local government to justify or substantiate the minimum payment although there is a statutory limit prohibiting a minimum being set so high that more than 50% of properties would be on the minimum.

The minimum payment that the City has been applying each year has not been based on any formula or criteria but simply represents what the City has determined is reasonable as a minimum payment. For 2008/09 only 21.4% of properties are on the minimum. The 2008/09 minimum payment amount of \$593 is middle of the road by way of comparison to other local governments. The minimum payment for residential improved rates (accounts for the bulk of all rating) in 2008/09 for major metropolitan Local Governments is shown in the table below.

Local Government	Residential Improved Minimum Payment 2008/09 \$
City of Canning	422
City of Perth	480
City of Melville	545
City of Bayswater	567
City of Rockingham	570
City of Joondalup	593
City of Swan	600
City of Stirling	610
City of Belmont	615
City of South Perth	620
City of Gosnells	659
City of Mandurah	686
City of Armadale	735
*City of Fremantle	785
*City of Wanneroo	835

**Minimum rate includes rubbish charge*

In the absence of any specific guidelines and given that the City of Joondalup's minimum payment is well within industry norms this option is not recommended.

Option 2 – Apply Increases in Line with the Increases in the Rate in the Dollar

With the comments in option 1 in mind applying a percentage increase to the already established minimum payments provides the most consistent and equitable approach and is the recommended option.

Draft 2009/10 Budget Rate Revenue Requirement

The Draft 2009/10 Budget is in the final stages of preparation. Several workshops have been held with elected members and a draft overall position considered that reflects a budget with a minor surplus based on the broad criteria that was outlined. A summary of the overall position is set out below:

Current Draft 2009/2010 Budget Position

Operating Revenue (excluding Rates)	\$35.037m
Plus Capital Revenue	\$14.314m
Plus Operating Adjustments for Depreciation etc	\$16.972m
Plus Net Funding and Transfers	<u>\$ 1.470m</u>
	\$67.793m
Less Operating Expenditure	(\$101.572m)
Less Capital Expenditure	<u>(\$ 29.979m)</u>
	(\$63.758m)
Plus Surplus Brought Forward (estimated)	\$ 0.534m
Less Surplus Carried Forward	<u>(\$ 0.072m)</u>
Rate Setting Statement Deficit to be made up from Rates	(\$63.296m)

This represents a:

Residential Rate Increase of	3% (1% is equal to \$630k)
Commercial and Industrial Improved Rate Increase of	5%

The total rate revenue requirement of \$63.296m is proposed to be made up by a 3% rate increase on the residential differential and 5% on the commercial and industrial differential. The percentage increases are based on the respective differentials set in 2008/09. It should be noted that the differential for vacant commercial and industrial property is slightly less than twice the improved commercial and industrial rate and less than a 5% increase because as the highest differential it cannot be more than twice the lowest. The lowest differential is not the improved commercial and industrial rate but the residential rate.

The overall estimated rate revenue allowed for in the draft budget as it is summarised above was based on the criteria that the rate increase should take account of the current economic environment.

Link to Strategic Plan:

Leadership in Governance

- 1.3 To lead and manage the City effectively.
 - 1.3.2 The City maintains a long-term Strategic Financial Plan which is reviewed regularly.
 - 1.3.3 The City develops and implements a wide variety of Plans which benefit the community socially, economically and environmentally.

Economic Prosperity and Growth

- 3.1 To encourage the development of the Joondalup CBD.

3.1.2 The City facilitates opportunities for development in the CBD through promotion, the provision of information, the identification of suitable opportunities for development and the implementation of supportive planning provisions, including the development and implementation of a new Structure Plan for the CBD (see Strategy 5.1.2).

3.1.4 The City attracts and grows office-based professional service industries within the CBD.

Legislation – Statutory Provisions:

The Local Government Act 1995 Section 6.33 sets out the provisions in relation to differential rating. The City is able to apply separate rates in the dollar for different categories of properties based on zoning, land use and whether they are improved or unimproved.

Section 6.36 of the Act requires that if the City is going to apply differential rating it must advertise the differentials it intends to apply with local public notice for a minimum 21 days and invite submissions in relation to the proposed differentials. The City is then required to consider any submissions received and may make a final resolution in relation to the setting of the rates in the dollar and the adoption of the budget.

Section 6.36 of the Act also requires that a document be made available for inspection by electors and ratepayers that describes the objects of, and reasons for, each proposed rate and minimum payment (Attachment 1 refers).

Risk Management considerations:

Provided the statutory provisions are complied with there are no risk management issues for applying a differential rate.

Financial/Budget Implications:

The application of differential rating is about apportioning the rate revenue derived between different categories of property owners. There are no budget implications from just applying differential rating. The City could derive exactly the same total revenue by applying a general rate to all categories of property. The intention with proposing a differential rate however is to maintain the proportion of rate revenue derived from each property category of residential, commercial and industrial.

Policy Implications:

Not Applicable.

Regional Significance:

Not Applicable.

Sustainability Implications:

Not Applicable.

Consultation:

The proposed differential rating has been discussed at a number of budget workshops during February, March and April 2009 with Elected Members and the Executive Management Team. The recommendations of this report reflect the feedback from those discussions.

As referred to under Statutory Requirements if the recommendation is adopted the proposed differential rates will be advertised and public submissions sought. An advertisement could be placed in the West Australian, local newspapers as well as notice boards and the website in time for a closing date of public submissions of Monday 15 June 2009.

COMMENT

It is recommended that the City base its rate increases on option 3 with a differential rate applying to each property category based on the differentials set in 2008/09 with:

- A 3% increase for improved and vacant residential property
- A 5% increase for improved commercial and industrial
- A rate on vacant commercial and industrial property that is twice the lowest differential rate
- An increase in the minimum payment for all residential property of 3% and all commercial and industrial property of 5%

It is also proposed that the City continue in 2009/10 with the rates incentive scheme with the major prizes being two City purchased vehicles.

ATTACHMENTS

Attachment 1 Objects of and Reasons for each Proposed Rate and Minimum Payment

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION:

That Council in relation to the Draft Budget for the 2009/10 Financial Year:

- 1 APPLIES differential rates for rating and in accordance with section 6.36 of the Local Government Act 1995 advertises and seeks public submissions in relation to the following proposed differential rates and minimums:

	Rate in \$	Minimum Payment
<u>General Rate - GRV</u>		\$
Residential Vacant	0.056234	611
Residential Improved	0.056234	611
Commercial Improved	0.066273	623
Commercial Not Improved	0.112468	623
Industrial Improved	0.062330	623
Industrial Not Improved	0.112468	623
<u>General Rate - UV</u>		
Residential	0.00659	611
Rural	0.00656	611

- 2 OFFERS a rates incentive scheme for early payment of rates comprising, in addition to the City's commercial sponsorship prizes, two cars to be purchased by the City to be offered as prizes subject to the gross total value of the vehicles not to exceed \$75,000 and the vehicles to be green, environmentally friendly, fuel efficient vehicles that support and promote the City's environmental initiatives;
- 3 REQUESTS a further report be presented to a Special Meeting of Council to consider:
- (a) any public submissions in relation to the proposed differential rates;
 - (b) the adoption of the Budget for the 2009/10 Financial Year after the close of public submissions.

Director Infrastructure Services left the Chamber at 2027 hrs.

MOVED Cr Fishwick, SECONDED Cr Corr that Council in relation to the Draft Budget for the 2009/10 Financial Year:

- 1 APPLIES differential rates for rating and in accordance with section 6.36 of the Local Government Act 1995 advertises and seeks public submissions in relation to the following proposed differential rates and minimums:

	Rate in \$	Minimum Payment
<u>General Rate - GRV</u>		\$
Residential Vacant	0.056234	611
Residential Improved	0.056234	593
Commercial Improved	0.066273	623
Commercial Not Improved	0.112468	623
Industrial Improved	0.062330	623
Industrial Not Improved	0.112468	623
<u>General Rate - UV</u>		
Residential	0.00659	611
Rural	0.00656	611

- 2 OFFERS a rates incentive scheme for early payment of rates comprising, in addition to the City's commercial sponsorship prizes, two cars to be purchased by the City to be offered as prizes subject to the gross total value of the vehicles not to exceed \$75,000 and the vehicles to be green, environmentally friendly, fuel efficient vehicles that support and promote the City's environmental initiatives;
- 3 REQUESTS a further report be presented to a Special Meeting of Council to consider:
- (a) any public submissions in relation to the proposed differential rates;
 - (b) the adoption of the Budget for the 2009/10 Financial Year after the close of public submissions.

Discussion ensued

The Motion was Put and**LOST (4/8)**

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

Director Infrastructure Services entered the Chamber at 2029 hrs.

MOVED Mayor Pickard, SECONDED Cr Hollywood that Council in relation to the Draft Budget for the 2009/10 Financial Year:

- 1 APPLIES differential rates for rating and in accordance with section 6.36 of the Local Government Act 1995 advertises and seeks public submissions in relation to the following proposed differential rates and minimums:**

	Rate in \$	Minimum Payment
General Rate - GRV		\$
Residential Vacant	0.056234	611
Residential Improved	0.056234	611
Commercial Improved	0.066273	623
Commercial Not Improved	0.112468	623
Industrial Improved	0.062330	623
Industrial Not Improved	0.112468	623
General Rate - UV		
Residential	0.00659	611
Rural	0.00656	611

- 2 OFFERS a rates incentive scheme for early payment of rates comprising, in addition to the City's commercial sponsorship prizes, two cars to be purchased by the City to be offered as prizes subject to the gross total value of the vehicles not to exceed \$75,000 and the vehicles to be green, environmentally friendly, fuel efficient vehicles that support and promote the City's environmental initiatives;**
- 3 REQUESTS a further report be presented to a Special Meeting of Council to consider:**
- (a) any public submissions in relation to the proposed differential rates;**
 - (b) the adoption of the Budget for the 2009/10 Financial Year after the close of public submissions.**

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

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

Appendix 18 refers

To access this attachment on electronic document, click here: [Attach18agn190509.pdf](#)

CJ114-05/09 EXTENSION TO PARKING PROHIBITIONS - DOVERIDGE DRIVE, DUNCRAIG - [09708]

WARD South

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

PURPOSE

To amend the City of Joondalup Parking Scheme along Doveridge Drive, Duncraig.

EXECUTIVE SUMMARY

Doveridge Drive is a local access road connected to Glengarry Drive in Duncraig (Attachment 1 refers). It partly runs parallel to the Mitchell Freeway and is in close proximity to Greenwood Train Station.

Council at its Ordinary Meeting of 16 December 2008 resolved:

“That Council REQUESTS a report from the Chief Executive Officer on extending the 2 hour parking restrictions on the eastern side of Doveridge Drive, Duncraig to a position adjacent to the intersection of Winster Close.”

Results from field investigations and community consultation confirmed that all day commuter parking currently exists along the eastern verge of Doveridge Drive, Duncraig. In order for the City to address the community concerns, the proposed parking scheme for Doveridge Drive provides a long term solution to inappropriate parking.

It is recommended that Council APPROVES the:

- 1 installation of ‘NO PARKING 7am-6pm Mon-Fri CARRIAGEWAY OR VERGE’ signs along the eastern side of Doveridge Drive, Duncraig as shown on Attachment 3 to Report CJ114-05/09;*
- 2 installation of a ‘NO PARKING 7am-6pm Mon-Fri CARRIAGEWAY’ signs along the western side of Doveridge Drive, Duncraig as shown on Attachment 3 to Report CJ114-05/09;*
- 3 amendment to the existing parking restriction on the southern side of Doveridge Drive, Duncraig to include ‘NO STOPPING CARRIAGEWAY OR VERGE 8am-9am & 3pm-4pm Mon-Fri’ as shown on Attachment 3 to Report CJ114-05/09.*

BACKGROUND

In early 2007 the City responded to a request from St Stephens School to alleviate parking congestion along Doveridge Drive associated with commuter overflow parking from the Greenwood train station. As a result of these concerns Council at its meeting on 27 February 2007, resolved the following:

“Council 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 two (2) hour parking restriction covering the carriageway or verge along the southern boundary of St Stephens School on Doveridge Drive, Duncraig. The proposed hours of restriction will be from 7:00am to 6:00pm Monday to Friday as shown in Attachment 1 to Report CJ017-02/07”

This parking restriction is shown in Attachment 2 of this Report.

DETAILS

The City received a request from a resident in Doveridge Drive, Duncraig, for Council to consider extending the parking restrictions on the eastern side of Doveridge Drive further south, to improve the amenity of the street. The problem is caused by train commuters who park all day in the unrestricted section of Doveridge Drive, adjacent to the Freeway, south of the current two hour parking restrictions. This has impacted on the verge area which has deteriorated due to constant traffic.

The current (2) two hour parking prohibition between 7.00am and 6.00pm school days restricts vehicles from parking on the verge area adjacent to St Stephens School. This restriction was required to reduce the congestion caused by parked vehicles, restrict commuter parking, maintain the general traffic flow at all times and therefore increase the level of safety during school peak times.

As a result of the increased demand on public transport, the volume of commuter parking on the verge south of the current restriction has increased dramatically. A site visit also confirmed that it would be more appropriate for the City to install a no parking restriction along the carriageway or verge south of the current restriction rather than extend the current (2) two hour restriction.

The proposal to restrict parking along Doveridge Drive as per Attachment 1, will assist in improving the amenity of the street, maintain the general traffic flow and relocate the commuters to parking facilities provided at the Greenwood Train Station.

The Council should also be mindful that by extending the current parking prohibition on the eastern side of Doveridge Drive only, and excluding a restriction on the residential side of the street, will not provide for a long term solution to the parking congestion.

As part of any amendment to the scheme, the inclusion of a ‘No Parking’ restriction along the residential side of the street will be necessary to prevent commuters from relocating and parking legally, adjacent to residential properties.

It would be recommended that a ‘No Parking’ restriction complements the recommended restriction on the eastern side of Doveridge Drive, but only applies to the carriageway during the hours of 7am and 6pm. This would allow residents to park outside their own properties on the verge, without incurring a penalty.

Consideration should also be given to amending the existing parking scheme signage ‘NO STOPPING VERGE ONLY 8am to 9am and 3pm to 4pm Monday to Friday’ to include the wording ‘OR CARRIAGEWAY’ on the southern side of Doveridge Drive, Duncraig, adjacent to St Stephens School. The inclusion of the carriageway to this restriction will assist in alleviating parking congestion during school peak times and improve pedestrian safety at this location.

Link to Strategic Plan:

The consideration of parking prohibition schemes is consistent with the following objectives and strategies from the City of Joondalup's Strategic Plan 2008-2011:

2.2 OBJECTIVE: To engage proactively with the community and other relevant organisations in the preservation of the City's natural environmental assets.

2.2.4 The City will promote and support sustainable transport opportunities.

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.

Risk Management considerations:

Not Applicable.

Financial/Budget Implications:

The cost to erect the necessary signage is approximately \$2400. 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:

Owners of properties in the area were consulted in order to determine the effectiveness of the current Parking Restrictions. Correspondence and consultation feedback forms were sent to twenty three residents in order to determine whether they would support the extension of the current parking prohibitions at this location.

The City received six responses as a result of the consultation process, which represents a twenty six percent response rate. Of the six responses received, five residents supported the inclusion of an additional restriction to improve the amenity of the area and address commuter parking along the unrestricted section of Doveridge Drive, adjacent to the Freeway south of the current two hour parking restrictions. One resident did not support the extension of the current parking restrictions until the completion of the planned upgrade of parking facilities at the Greenwood Train Station. The resident suggested that the commuters are parking at this location through necessity rather than convenience.

COMMENT

The proposal to restrict parking along Doveridge Drive as per Attachment 3, will assist in improving the amenity of the street, maintain the general traffic flow and relocate the commuters to parking facilities provided at the Greenwood Train Station.

ATTACHMENTS

Attachment 1	Aerial Photo of site location
Attachment 2	Existing Parking Restrictions – Doveridge Drive, Duncraig
Attachment 3	Proposed Parking Restrictions – Doveridge Drive, Duncraig

VOTING REQUIREMENTS

Simple Majority

MOVED Cr Amphlett, SECONDED Cr Young that Council APPROVES the:

- 1 installation of 'NO PARKING 7am-6pm Mon-Fri CARRIAGEWAY OR VERGE' signs along the eastern side of Doveridge Drive, Duncraig, as shown in Attachment 3 to Report CJ114-05/09;**
- 2 installation of a 'NO PARKING 7am-6pm Mon-Fri CARRIAGEWAY' signs along the western side of Doveridge Drive, Duncraig, as shown in Attachment 3 to Report CJ114-05/09;**
- 3 amendment to the existing parking restriction on the southern side of Doveridge Drive, Duncraig, to include 'NO STOPPING CARRIAGEWAY OR VERGE 8am-9am & 3pm-4pm Mon-Fri' as shown in Attachment 3 to Report CJ114-05/09.**

The Motion was Put and CARRIED (12/0) by En Bloc Resolution following consideration of Item CJ118-05/09, Page 123 refers.

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

Appendix 12 refers

To access this attachment on electronic document, click here: [Attach12brf120509.pdf](#)

CJ115-05/09 MONTHLY TOWN PLANNING DELEGATED AUTHORITY REPORT, DEVELOPMENT AND SUBDIVISION APPLICATIONS – MARCH 2009 - [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 2 yearly basis, or as required. All decisions made by staff, acting under delegated authority as permitted under the delegation notice, are reported to Council on a monthly basis.

This report identifies:

- 1 Development Applications and Residential Design Codes Applications; and
- 2 Subdivision Applications

determined by those staff members with Delegated Authority powers during March 2009. (see Attachments 1, and 2 respectively).

BACKGROUND

The District Planning Scheme No 2 requires that delegation be reviewed 2 yearly, unless a greater or lesser period is specified by Council. Council, at its meeting of 13 May 2008 considered and adopted the most recent Town Planning Delegation for the period to 17 July 2009.

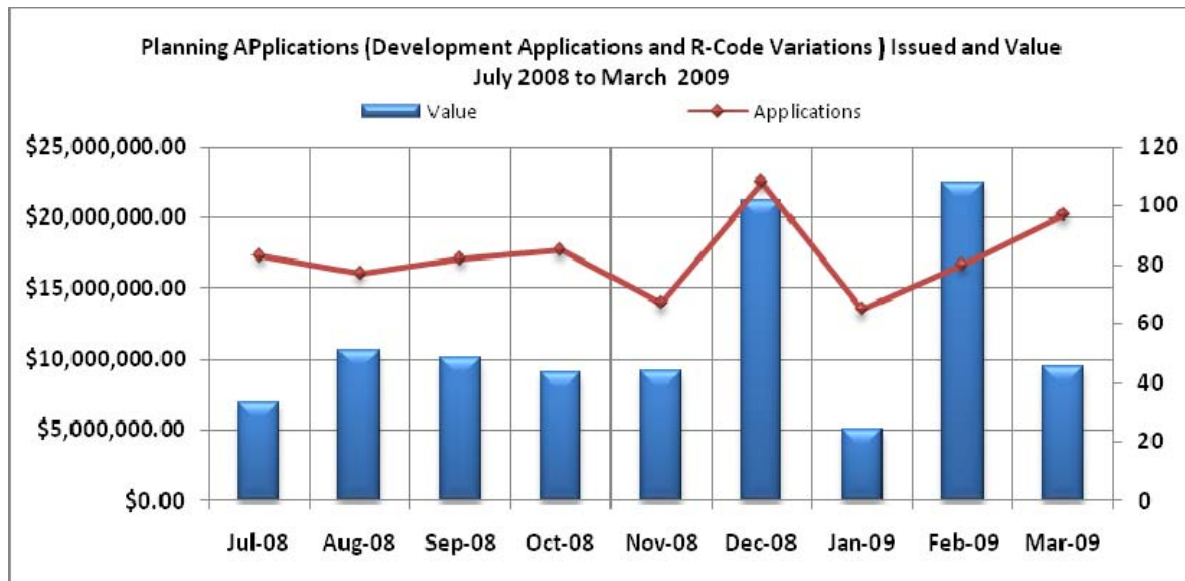
DETAILS

The number of planning and subdivision applications determined for the period of March 2009 under delegated authority are shown below:

Approvals Determined Under Delegated Authority – March 2009

Type of Approval	Number	Value (\$)
Planning Applications (Development Applications & R-Codes Variations)	97	\$ 9,502,600

The number of development applications received during the period for March 2009 was 120. (This figure does not include any applications that may become the subject of an R-Code Variation as part of the Building Licence process).



Subdivision Approvals Processed Under Delegated Authority From 1 March to 31 March 2009

Type of Approval	Number	Potential new Lots
Subdivision Applications	4	4
Strata Subdivision Applications	7	15

The above subdivision applications may include amalgamation and boundary realignments which may not result in any additional lots.

Link to Strategic Plan:

Key Focus Area: The Built Environment

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

The strategic plan also 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, any relevant Policy and/or the District Planning Scheme.

Of the 97 development applications determined during March 2009, consultation was undertaken for 35 of those applications. Of the 11 subdivision applications determined during March 2009, 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 March 2009 – Decisions - Planning Applications (Development Applications & R-Codes Variations)
Attachment 2 March 2009 - Subdivision Applications Processed

VOTING REQUIREMENTS

Simple Majority

MOVED Cr Amphlett, SECONDED Cr Young that Council NOTES the Determinations made under Delegated Authority in relation to the:

- 1 development applications and R-Codes variations described in Report CJ115-05/09 during March 2009;**
- 2 subdivision applications described in Report CJ115-05/09 during March 2009.**

The Motion was Put and CARRIED (12/0) by En Bloc Resolution following consideration of Item CJ118-05/09, Page 123 refers.

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

Appendix 13 refers

To access this attachment on electronic document, click here: [Attach13brf120509.pdf](#)

**CJ116-05/09 PROPOSED OUTBUILDING ADDITION TO
GLENGARRY HOSPITAL – LOT 412 (53)
ARNISDALE ROAD, DUNCRAIG - [05796]**

WARD: South

**RESPONSIBLE Mr Clayton Higham
DIRECTOR:** Planning and Community Development

PURPOSE

To request Council's determination for an application for Planning Approval for a proposed outbuilding addition at Glengarry Hospital, located at Lot 412 (49) Arnisdale Road, Duncraig.

EXECUTIVE SUMMARY

An application for Planning Approval has been received for an outbuilding to be constructed on the Glengarry Hospital site. The outbuilding is located to the east of the site and complies with all the requirements of the City of Joondalup District Planning Scheme No.2 (DPS2), except for the side setback to the eastern boundary.

The existing use, Hospital, was approved under the provisions of the City of Wanneroo Town Planning Scheme No.1 (TPS1). The subject land is zoned 'Private Clubs/Recreation' under the City's District Planning Scheme No.2 (DPS2). Hospital is an 'X' or prohibited use in the 'Private Clubs/Recreation' zone. However, the site can continue to be used for such a purpose having regard to the non-conforming use provisions of DPS2.

The proposal satisfies the provisions of Part 7 of DPS2- Non-Conforming Uses and will not affect any adjoining or surrounding properties or the Arnisdale Road streetscape. Consequently, it is recommended that the application for Planning Approval be approved.

BACKGROUND

Suburb/Location:	Lot 412 (53) Arnisdale Road, Duncraig
Applicant:	Kalmar Factory Direct
Owner:	Hadasseh Pty LTD
Zoning:	DPS: Private Clubs/ Recreation
	MRS: Urban
Site Area:	8778m ²
Structure Plan:	Not Applicable

The subject site is bounded by Culloden Road (northern boundary), the Glengarry Medical Centre and Glengarry Shopping Centre (western boundary), Glengarry Retirement Village (eastern boundary) and Arnisdale Road (southern boundary). The main entrance to the site is located off Arnisdale Road, Duncraig.

DETAILS

The applicant proposes to erect an outbuilding adjacent to the eastern boundary.

The outbuilding will be 3.05m in width and 6.1m in length and a maximum height of 2.1m. The outbuilding will be constructed from steel products with the walls being coloured 'Classic Cream' and the roof sheeting being Zinalume. There are no proposed changes to the existing ground level.

The proposed development complies with all the relevant requirements with the exception of the 1 metre setback in lieu of 3 metres to the eastern side boundary.

The proposal does not affect on-site car parking or landscaping provisions.

The applicant has stated the outbuilding is required to store excess physiotherapy equipment such as walking frames, crutches and bed cradles. It is not proposed to store linen, electrical equipment or food.

Issues and options considered:

Council has the discretion to:

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

Link to Strategic Plan:

Not Applicable.

Legislation – Statutory Provisions:

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 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.*

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*

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 in so far 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.*

7.2 Extensions and changes to a non-conforming use:

7.2.1 *A person shall not alter or extend a non-conforming use or erect, alter or extend a building used in conjunction with a non-conforming use or change the use of land from a non-conforming use to another non-conforming use without first having applied for and obtained planning approval under the Scheme.*

7.2.2 *An application for planning approval under this clause shall be advertised in accordance with clause 6.7.1.*

7.2.3 *Where an application is for a change of use from an existing non-conforming use to another non-conforming use, the Council shall not grant its planning approval unless the proposed use is:*

- (a) *substantially less detrimental to the amenity of the locality than the existing non-conforming use; and*
- (b) *in the opinion of the Council is closer to the intended purpose of the zone.*

Risk Management considerations:

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

Financial/Budget Implications:

Not Applicable.

Policy Implications:

Not Applicable.

Regional Significance:

Not Applicable.

Sustainability Implications:

Not Applicable.

Consultation:

As the location of the outbuilding complies with the front and rear setback requirements and will be screened from view from the street by the existing mature vegetation the application was only advertised to the landowners of Lot 5 (49) Arnisdale Road due to the reduced side setback of the outbuilding to the eastern side boundary.

Advertising occurred by way of a letter to the landowner for a period of 14 days from 24 February 2009 to 9 March 2009.

No submission was received.

COMMENT

Under DPS2, the required side setback for non residential buildings is 3 metres. The applicant is proposing a side setback of 1m to the eastern boundary.

The proposed outbuilding will be screened from view from the adjacent property and street by the existing mature vegetation established along the northern and eastern boundaries. The existing hospital and bin store will screen the outbuilding from view from the western and southern boundaries.

Having regard to the:

- distance that the proposed structure is located from Arnisdale Road; and
- screening provided by the existing buildings and vegetation on site;

it is considered that the proposed setback variation will not have a detrimental impact on any adjoining properties or the amenity of the area. As such, it is recommended that the proposed variation be supported.

Conclusion

The proposed development is considered to be relatively small in size. The location of the outbuilding will not be readily visible from either Culloden Road or Arnisdale Road and will not adversely impact on any adjoining or surrounding properties, or the streetscape.

In light of the above, it is recommended that the application be approved, subject to conditions.

ATTACHMENTS

Attachment 1 Aerial Plan
Attachment 2 Development Plans

VOTING REQUIREMENTS

Simple Majority

MOVED Cr Amphlett, SECONDED Cr Young that Council:

- 1 EXERCISES discretion under Clause 4.5.1 of the District Planning Scheme No.2 and determines that the side setback of 1 metre in lieu of 3 metres to the eastern boundary is appropriate in this instance;**

- 2 APPROVES the application for Planning Approval dated 9 February 2009 submitted by Kalmar Factory Direct as the applicant on behalf of the owners Hadasseh Pty Ltd for an outbuilding addition to the existing Glengarry Hospital on 53 Arnisdale Road, Duncraig, subject to the following conditions:**
 - (a) this approval relates only to the proposed outbuilding, as indicated on the approved plans. It does not relate to any other development on this lot;**

 - (b) all stormwater is to be discharged to the satisfaction of the Manager Planning Approvals and Environmental Services. 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;**

 - (c) the colours and materials of the proposed outbuilding shall match the existing hospital buildings where practicable, to the satisfaction of the Manager Planning Approvals and Environmental Services;**

 - (d) The roof surface being treated to the satisfaction of the Manager Planning, Approvals & Environmental Services if it is determined by the Manager that glare from the completed development has a significant adverse affect on the amenity of adjoining or nearby neighbours.**

The Motion was Put and CARRIED (12/0) by En Bloc Resolution following consideration of Item CJ118-05/09, Page 123 refers.

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

Appendix 14 refers

To access this attachment on electronic document, click here: [Attach14brf120509.pdf](#)

CJ117-05/09 PROPOSED STORE ROOM ADDITION TO 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 a proposed store room addition to a two storey officer development at Lot 50 (58) Constellation Drive, Ocean Reef.

EXECUTIVE SUMMARY

In November 2007 Council approved a two storey office development with a setback of nil to the rear and south-eastern (side) boundary (CJ250-11/07 refers). The current application proposes a further extension to the development with the addition of a store to the rear, as well as minor modifications to the internal layout, building façade and proposed landscaping.

The proposed development generally complies with the requirements of the District Planning Scheme No.2 (DPS2) with the exception of the setbacks to the north-eastern (rear) boundary and overall site landscaping.

The proposal is consistent with the objectives of DPS2 and is appropriate for the site. It is recommended that the application be approved subject to conditions.

BACKGROUND

Suburb/Location: Lot 50 (58) Constellation Drive, Ocean Reef
Applicant: Seacrest Homes
Owner: John Paul Kemsley & Corinne Anna Kemsley
Zoning: **DPS:** Commercial
MRS: Urban
Site Area: 900m²
Structure Plan: Not Applicable

The 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 located 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 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. A restrictive covenant over lot 51 requires the site to be used for residential purposes only.

In November 2007, Council resolved to approve a two storey development for the subject site. This development included a boundary wall to the south-eastern (side) boundary, and to the rear boundary. This approval was subject to a number of conditions, including requirements for the boundary walls to be articulated in a suitable manner, to ensure that the walls do not have an adverse impact on the visual amenity of the adjoining owners. Construction of this development has recently commenced.

DETAILS

The proposed development is for the addition of a store room to the rear of the approved development. This addition will result in a further setback variation to the rear boundary. Minor modifications have also been made to the internal layout of the building, the building façade, and to the proposed landscaping.

The development plans are provided in Attachment 2.

The table below sets out the development standards and requirements of the City's DPS2 and areas of compliance and non-compliance.

Standard	Required	Approved 2007	Proposed 2009	Complies
Front Setback (Constellation Drive)	9.0m	14.2m	13.7m (minimum)	Yes
Side Setback (north-western boundary)	3.0m	11.5m (minimum)	11.85m	Yes
Side Setback (south-eastern boundary)	3.0m	Nil	Nil	No (not subject of this application)
Rear Setback	6.0m	Nil and 2.5m	Nil	No
Landscaping	8%	8%	7.1%	No
	3m landscaping strip adjoining car parking areas adjacent to the street	3.0m	3.0m	Yes
Car parking	1 per 30m ² NLA	17 bays provided (15 bays required)	17 bays provided (10 bays required)	Yes

Issues and options considered:

Council has the discretion to:

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

Link to Strategic Plan:

The proposal is consistent with objective 4.1 of the City of Joondalup Strategic Plan 2008-2011 – to ensure high quality urban development within the City.

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.”

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

4.5 VARIATIONS TO SITE AND DEVELOPMENT STANDARDS AND REQUIREMENTS

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

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

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

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

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

4.7 Building Setbacks for Non Residential Buildings

4.7.1 Unless otherwise specified for in Part 3 of the Scheme, buildings shall 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*

4.12 Landscaping requirements for non-residential buildings

4.12.1 A minimum of 8% of the area of a development site shall be designed, developed and maintained as landscaping to a standard satisfactory to the Council. In addition the road verge adjacent to the lot shall be landscaped and maintained in a clean and tidy condition to the satisfaction of the Council.

4.12.2 When a proposed development includes a car parking area abutting a street, an area no less than 3 metres wide within the lot along all street boundaries shall be designed, developed and maintained as landscaping to a standard satisfactory to the Council. This landscaped area shall be included in the minimum 8% of the area of the total development site referred to in the previous sub clause.

The matters listed under Clause 6.8 require consideration:

6.8 MATTERS TO BE CONSIDERED BY COUNCIL

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

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

Risk Management considerations:

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

Financial/Budget Implications:

Not Applicable.

Policy Implications:

Not Applicable.

Regional Significance:

Not Applicable.

Sustainability Implications:

Not Applicable.

Consultation:

DPS2 does not require advertising to be carried out for a permitted land use. At the time the previous application was considered, comments were provided from the land owner of Lot 51. The site has since been developed with four grouped dwellings on-site. A letter was sent to the individual owners of the grouped dwellings allowing comments to be submitted up to the 10 March 2009. There were no responses received.

COMMENT

Council previously approved an application for a two storey office on the subject site which included construction to the side and rear boundary. The current proposal is to add a store-room to the rear of the development. The store room is proposed to be accessed from inside the building. The plans for the proposed development also indicate that minor changes have been made to the internal layout of the building, and to the building façade. These minor alterations would not generally require further planning approval. However, the modifications to the façade have resulted in the loss of a small amount of the on-site landscaping, and as such that variation must also be considered by Council.

Boundary Setback Variation

Clause 4.7 of DPS2 requires a 6 metre setback to the rear boundary. Council previously approved a nil setback to the side and rear boundary, however the addition of a store to the rear will result in the length of the boundary wall at the rear being increased, albeit at a lesser height than the approved boundary wall.

The rear north-eastern boundary abuts the vehicle access leg for two units on the adjoining property. Both units 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 addition to the rear boundary is 4.5 metres long and 1.8m in height as measured from the existing ground level at the boundary of the subject lot and lot 51.

The modification to include an enclosed store to the rear of the development is considered acceptable as the adjoining dwellings will not be adversely impacted by way of overshadowing or bulk from the addition. Furthermore, it is considered that the development will increase privacy for the rear grouped dwellings on Lot 51.

Building Materials

The office development was previously proposed to be constructed of concrete panels. Conditions of approval require the walls to be suitably articulated to reduce any adverse visual impact by way of building bulk. The development has since been constructed of brickwork which will be rendered. The applicant is still required to provide articulation in accordance with the conditions of the previous approval, to reduce the impact of building bulk.

Landscaping Variation

Clause 4.12 of DPS2 requires a development site for a non-residential building to provide a minimum of 8% of the area of the site as landscaping. Furthermore, where a proposed development has a car park abutting a street there is requirement for a minimum 3 metre wide landscaping strip between the car park and the street.

The change to the external façade has modified the proposed on-site landscaping. The development includes landscaping of 7.1% of the site, with the majority of this being a 3 metre strip between the verge and car park, with some landscaping also being provided around the office development and to the rear of the site. The landscaping also includes tree wells in the car parking area at a rate of approximately 1 tree well per 3 bays. This ensures that adequate shade trees are provided in the car parking area to satisfy the requirements of DPS2.

This is considered appropriate as the landscaping provided is mainly to the front between the verge and the car park, and around the proposed building. This ensures that an attractive setting for the development is provided and contributes to the desired streetscape.

Conclusion

The proposed store room addition and minor modifications to the office development complies with all requirements of DPS2 other than the rear setback variation, and landscaping requirements. Council has previously supported the setback variation to the side and rear boundary.

As outlined above, it is considered that the variations will not have a detrimental impact on any adjoining or surrounding properties, or the amenity of the area. As such, it is recommended that the proposed variations be supported and that the application is approved.

ATTACHMENTS

Attachment 1	Location & Zoning Plans
Attachment 2	Development Plans
Attachment 3	Previously Approved Plans

VOTING REQUIREMENTS

Simple Majority

Cr Diaz left the Chamber at 2040 hrs.

MOVED Cr Young, SECONDED Cr Hollywood that Council:

- 1 **EXERCISES** discretion under clause 4.5 of the District Planning Scheme No.2 and determines that:
 - (a) Rear setback of nil in lieu of 6 metres
 - (b) Landscaping provision of 7.1% in lieu of 8%are appropriate in this instance;
- 2 **APPROVES** the application for Planning Approval dated 6 February 2009 submitted by Seacrest Homes, the applicant, on behalf of the owners, John Paul and Corrine Anna Kemsley for Offices at Lot 50 (58) Constellation Drive, Ocean Reef, subject to the following conditions:
 - (a) The applicant shall submit amended landscaping plans for the development site. For the purpose of this condition the 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 development first being occupied and thereafter maintained to the satisfaction of the Manager Planning, Approvals & Environmental Services;
 - (b) The boundary wall 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 clean finish to the satisfaction of the Manager Planning, Approvals & Environmental Services;
- 3 **ADVISES** the applicant that this approval is for the addition of a store-room and minor internal and façade changes only, and that all conditions of approval DA07/0615 must also be adhered to.

The Motion was Put and

CARRIED (10/1)

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

Cr Diaz entered the Chamber at 2042 hrs.

Appendix 15 refers

To access this attachment on electronic document, click here: [Attach15brf120509.pdf](#)

CJ118-05/09 MINUTES OF THE MEETING OF THE SENIORS INTERESTS ADVISORY COMMITTEE HELD ON 1 APRIL 2009 – [55511]

WARD: All

RESPONSIBLE DIRECTOR: Mr Clayton Higham
Planning and Community Development

PURPOSE

To submit the unconfirmed minutes of the Seniors Interests Advisory Committee (SIAC) to Council for noting and endorsement of the recommendations contained therein.

EXECUTIVE SUMMARY

A meeting of the Seniors Interests Advisory Committee was held on 1 April 2009.

The items of business that were considered by the Committee were:

- | | |
|--------|---|
| Item 1 | Public Transport in the City of Joondalup |
| Item 2 | City of Joondalup Community Transport Program |

It is recommended that Council:

- 1 *NOTES the unconfirmed minutes of the Seniors Interests Advisory Committee held on 1 April 2009 forming Attachment 1 to Report CJ118-05/09;*
- 2 *PROVIDES a report on the City's Policy on Bus Shelters to the Seniors Interests Advisory Committee;*
- 3 *INVESTIGATES the anomaly in providing the services of the City's Community Transport Program to Jacaranda Lodge, Wanneroo;*
- 4 *INVESTIGATES the viability and need for a third bus for the Community Transport Program.*

BACKGROUND

The SIAC was established for the benefit of exchanging views with residents of the City and providing advice on matters related to an ageing population and the need for community input into the Seniors Plan, the Strategic Plan and other matters that impact upon seniors.

DETAILS

Issues and options considered:

The Motions moved at the Seniors Interests Advisory Committee meeting on 1 April 2009 are shown below, together with officer's comments.

1 Public Transport in the City of Joondalup

The following Motion was carried:

“That the Seniors Interest Advisory Committee:

- 1 *NOTES the information provided in the Report on Public Transport in the City;*
- 2 *REQUESTS a report on the City’s Policy on Bus Shelters.”*

Officer’s Comments

The metropolitan bus and train services operated in Joondalup are an important part of supporting the accessibility of the City’s infrastructure. Parking at train stations for seniors has been highlighted as a concern as it is difficult to find available bays during the day. Encouraging seniors to utilise bus services feeding into train stations is an important strategy to overcome this challenge.

Using public transport for the first time can be daunting, especially given media reporting of anti-social behaviour in the transport system. Promotion of the Transperth ‘Get on Board’ public education program will be important for older people who have lost their licence and have never accessed public transport.

The provision for free public transport for Seniors from 9am-3.30pm Monday to Friday, all day Saturday, Sunday and Public holiday is an important development which will encourage an increase in the use of public transport for seniors.

Provision of sufficient seating shelter at bus stops is important for the City to monitor and maintain because of the link between the provision of local infrastructure and the utilisation of public transport, particularly by seniors.

2 City of Joondalup Community Transport Program

The following Motion was carried:

“That the Seniors Interest Advisory Committee:

- 1 *NOTES the information provided in the Report on the Community Transport Program;*
- 2 *REQUESTS Council to investigate the anomaly in providing the services of the City’s Community Transport Program to Jacaranda Lodge, Wanneroo;*
- 3 *REQUESTS the City to investigate the viability and need for a third bus for the Community Transport Program.”*

Officer’s Comments

The City currently provides the Community Transport service for Barridale and Jacaranda Lodges. While the two lodges were originally part of Wanneroo, Barridale is now located within the City of Joondalup and Jacaranda is located within the City of Wanneroo. The service provided by the City to Jacaranda Lodge is on a weekly basis and there is a fee charged for the service. There is an agreement that exists for the City’s provision of this service and if the Council endorses the recommendation from SIAC, the agreement will be reviewed as part of a future report for SIAC.

Aside from the service for Jacaranda Lodge all new requests for community transport received from City of Wanneroo residents are referred to the City of Wanneroo.

The Community Transport Program provides contact with the broader community and services to people who would otherwise be at risk of social isolation. With an ageing population the demand for the Community Transport service will increase and it is timely to investigate the viability and need for the expansion of this Program.

Link to Strategic Plan:

The Seniors Interests Advisory Committee is linked to the Strategic Plan through the following objectives:

- To develop, provide and promote a diverse range of lifelong learning opportunities.
- To meet the cultural needs and values of the community.
- To continue to provide services that meet changing needs of a diverse and growing Community.
- To work with the community to enhance safety and security in a healthy environment.
- To continue to meet changing demographic needs.
- 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:

The existing policies that are deemed to have the most impact on seniors are:

- Access and Inclusion (access to community facilities and public space: overcoming barriers that could prevent participation in community activities)
- Rates (reduced rates for seniors)
- Fees and Charges (reduced fees for seniors for some services)
- Use of community facilities (accommodation provided free of charge to seniors groups under the “subsidised use” policy).

Regional Significance:

The Seniors Interests Advisory Committee is a locally focussed group established by Council to represent and advocate for the needs of seniors within the City of Joondalup.

Sustainability Implications:

Not Applicable.

Consultation:

Not Applicable.

COMMENT

Not Applicable.

ATTACHMENTS

Attachment 1 Minutes of the Seniors Interests Advisory Committee meeting held on
1 April 2009

VOTING REQUIREMENTS

Simple Majority

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

- 1 **NOTES** the unconfirmed minutes of the Seniors Interests Advisory Committee held on 1 April 2009 forming Attachment 1 to Report CJ118-05/09;
- 2 **PROVIDES** a report on the City's Policy on Bus Shelters to the Seniors Interests Advisory Committee;
- 3 **INVESTIGATES** the anomaly in providing the services of the City's Community Transport Program to Jacaranda Lodge, Wanneroo;
- 4 **INVESTIGATES** the viability and need for a third bus for the Community Transport Program.

The Motion was Put and

CARRIED (12/0)

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

Appendix 16 refers

To access this attachment on electronic document, click here: [Attach16brf120509.pdf](#)

C32-05/09 COUNCIL DECISION – EN BLOC RESOLUTION

MOVED Cr Amphlett, **SECONDED** Cr Young that pursuant to the Standing Orders Local Law 2005 – Clause 48 - Adoption Of Recommendations En Bloc, Council Adopts Items CJ098-05/09, CJ100-05/09, CJ103-05/09, CJ104-05/09, CJ105-05/09, CJ106-05/09, CJ107-05/09, CJ112-05/09, CJ114-05/09, CJ115-05/09 and CJ116-05/09.

The Motion was Put and

CARRIED (12/0)

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

REPORT OF THE CHIEF EXECUTIVE OFFICER**Disclosure of interest affecting impartiality**

Name/Position	Cr Michele Rosano
Item No/Subject	CJ119-05/09 - Report on Code of Conduct Complaint
Nature of interest	Interest that may affect impartiality
Extent of Interest	The Code of Conduct complaint was made by Cr Rosano

CJ119-05/09 REPORT ON CODE OF CONDUCT COMPLAINT - [09358] [74617]

WARD: All

RESPONSIBLE DIRECTOR: Mr Garry Hunt
Office of CEO

PURPOSE

To consider the investigation report on the complaint lodged by Cr Michele Rosano (nee John) against Cr Brian Corr under the Code of Conduct.

EXECUTIVE SUMMARY

Cr Rosano lodged a complaint about Cr Corr, alleging he had breached sections 2(d); 2(f); 2(g); 3.3; 3.4(e); and 3.4(g) of the City's Code of Conduct. The Chief Executive Officer is the designated Complaints Officer and is charged with investigating Code of Conduct complaints. The investigation found that two breaches were substantiated. The Code of Conduct requires the investigation report on the complaint to be presented to Council.

BACKGROUND

Cr Corr submitted a letter to the Community Newspaper, *Joondalup Times* that was published on 3 June 2008. The comments in the letter related to the decision-making in relation to Item CJ081-05/08 'Sacred Heart College, Sorrento - Auditorium and classroom additions including canteen: Lot 16 (15) Hocking Parade, Sorrento', which was tabled at the Ordinary Council Meeting on 13 May 2008.

On 4 July 2008, Cr Rosano wrote to the City complaining about the letter.

DETAILS**Issues and options considered:**

Cr Rosano alleged that Cr Corr's statements:

- (i) constitute public adverse reflection upon Council's decision in relation to item CJ081-05/08 'Sacred Heart College, Sorrento - Auditorium and classroom additions including canteen: Lot 16 (15) Hocking Parade, Sorrento';
- (ii) cast aspersions on Cr Rosano's character and good judgment; and
- (iii) inappropriately suggest that the public ought to have had an opportunity to comment on an amendment motion Cr Rosano moved in relation to item CJ081-05/08.

The complaint alleges breaches of the following clauses of the Code of Conduct:

<p>Clause 2 (d)</p> <p>The local community and the public in general are entitled to expect that the following general principles should be used to guide council members ... in their behaviours: (d) avoid damage to the reputation of the City of Joondalup.</p>
<p>Clause 2 (f)</p> <p>The local community and the public in general are entitled to expect that the following general principles should be used to guide council members ... in their behaviours: (f) base decisions on relevant and factually correct information.</p>
<p>Clause 2 (g)</p> <p>The local community and the public in general are entitled to expect that the following general principles should be used to guide council members ... of the City of Joondalup in their behaviours: (g) treat others with respect and fairness.</p>
<p>Clause 3.3</p> <p>Council members ... shall not take advantage of their positions to improperly disadvantage or cause detriment to the local government or any other person.</p>
<p>Clause 3.4 (e)</p> <p>Council members ... shall:</p> <p>(e) make no allegations which are improper or derogatory (unless true and in the public interest) and refrain from any form of conduct in the performance of their official or professional duties, which may cause or is likely to cause any reasonable person unwarranted offence or embarrassment.</p>
<p>Clause 3.4 (g)</p> <p>Council members ... shall:</p> <p>(g) act in accordance with their obligations of fidelity to the Council and not publicly reflect adversely upon any decision of the Council or the Executive Management Group.</p>

The complaint has been investigated and the Chief Executive Officer's findings are that the letter:

- did not meet the standard of behaviour set out in sub-section 2(d) of the Code of Conduct; and
- breached sections 3.3 and 3.4(g) of the Code of Conduct.

Both the complainant and Cr Corr have been notified of the outcome.

Section 8 of the Code of Conduct requires a report on a complaint about an Elected Member to be presented to Council.

Link to Strategic Plan:

Objective 1.1 provides that the City ensures that the processes of local governance are carried out in a manner that is ethical, transparent and accountable.

Legislation – Statutory Provisions:

Section 5.103 *Local Government Act 1995*. Codes of conduct

- (1) Every local government is to prepare or adopt a code of conduct to be observed by council members, committee members and employees.

A procedure has been developed for investigating Code of Conduct complaints, which provides that outcomes are reported to the Council.

Risk Management considerations:

Breaches of the Code of Conduct bring reputational risk to the City.

Financial/Budget Implications:

Not Applicable.

Policy Implications:

Council Policy 4-1 Code of Conduct.

Regional Significance:

Not Applicable.

Sustainability Implications:

Not Applicable.

Consultation:

The complainant was consulted about the complaint and the person the subject of the complaint was invited to make submissions in response to the allegations.

COMMENT

Not Applicable.

ATTACHMENTS

Attachment 1 Investigation Report

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION: That Council NOTES the Investigation Report on the Code of Conduct Complaint made by Cr Michele Rosano (Nee John) about Cr Brian Corr.

MOVED Cr Corr, SECONDED Cr Macdonald that Council NOTES:

- 1 the Investigation Report on the Code of Conduct Complaint made by Cr Michele Rosano (Nee John) about Cr Brian Corr;
- 2 that, of the seven complaints made, five are not upheld, two are upheld, one of which is contested by Cr Corr.

Discussion ensued

The Motion was Put and

LOST (3/9)

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

MOVED Mayor Pickard, SECONDED Cr Amphlett that Council NOTES the Investigation Report on the Code of Conduct Complaint made by Cr Michele Rosano (Nee John) about Cr Brian Corr.

The Motion was Put and

CARRIED (12/0)

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

Appendix 1 refers

To access this attachment on electronic document, click here: [Attach1brf120509.pdf](#)

CJ120-05/09 USE OF GLASS DRINKING CONTAINERS IN LICENSED PREMISES AND LIQUOR OUTLETS - [66581] [04103]

WARD: All

RESPONSIBLE DIRECTOR: Mr Jamie Parry
Governance and Strategy

PURPOSE / EXECUTIVE SUMMARY

For Council to consider referring a proposal to the WALGA North Metropolitan Zone Committee (NMZC) to identify strategies for local governments to work with the hospitality industry to better manage glass in both licensed premises and liquor outlets. It is recommended that the proposal include the development of a best-practice guide to encourage better management of glass in licensed premises and liquor outlets.

BACKGROUND

Research conducted by the City has identified that local governments both interstate and internationally have sought to introduce regulations and non-regulatory strategies for reducing incidences of glass-related assaults, injuries and litter.

Strategies adopted by other local governments include:

- By-laws to ban the use of glass drinking containers in licensed premises (international);
- Self-regulated Liquor Accords that provide best-management practices for ensuring safety in licensed premises; and
- Restrictions imposed on liquor licences to require alternative drinking containers to glass after certain times during trading hours.

DETAILS

Preliminary research has been conducted by the City in relation to the issue of glass-related assaults, injuries and litter. However, given that the issue permeates local government boundaries and affects the hospitality industry as a whole, it was considered that there would be merit in referring the matter to the WALGA NMZC for its consideration.

Issues and Options Considered:

Option 1: Refer the proposal to identify strategies for local governments to work with the hospitality industry to better manage glass in licensed premises to the WALGA NMZC

- Should this option be pursued, any report to the WALGA NMZC should propose that WALGA undertake research on the issue and approach the Australian Hotels Association (AHA) to develop a best-practice guide to encourage better management of glass within licensed premises. It is proposed that the guidelines also address limiting the sale of alcohol served in glass containers after a designated time, and potentially limit the sale of alcohol in glass bottles after a designated time.

Option 2: For the City to undertake research on the issue at a local-level and develop strategies for reducing the incidence of glass-related assaults, injuries and litter

- This Option is not recommended given that this issue transcends local government borders and will potentially involve numerous stakeholders across a number of industries.

Option 3: Do not seek to address the issue of glass-related assaults, injuries and litter

- It is at the discretion of Council to determine whether this issue is something that the City should be looking to address. Should Council not wish to be involved in this issue, the matter will neither be referred to the WALGA NMZC, nor to the City to continue researching.

Link to Strategic Plan:

Not applicable.

Legislation – Statutory Provisions:

Not Applicable.

Risk Management Considerations:

Not Applicable.

Financial/Budget Implications:

Not Applicable.

Policy Implications:

Should Council choose to adopt either Option 1 or 2, the outcomes of research undertaken may require the development of a City Policy.

Regional Significance:

This report recommends that the issue of glass-related assaults, injuries and litter be referred to the WALGA NMZC for consideration at a regional level.

Sustainability Implications:

Not Applicable.

Consultation:

Not Applicable.

COMMENT

Not Applicable.

ATTACHMENTS

Nil.

VOTING REQUIREMENTS

Simple Majority

MOVED Mayor Pickard, SECONDED Cr Rosano that Council ADOPTS Option 1, namely, refer the proposal to identify strategies for local governments to work with the hospitality industry to better manage glass in licensed premises and liquor outlets to the WALGA North Metropolitan Zone Committee.

Discussion ensued

The Motion was Put and

CARRIED (12/0)

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

CJ121-05/09 DISALLOWANCE OF LOCAL GOVERNMENT AND PUBLIC PROPERTY AMENDMENT LOCAL LAW (NO.2) 2008 – [22513] [23180] [04028]

WARD: All

RESPONSIBLE DIRECTOR: Mr Jamie Parry
Governance and Strategy

PURPOSE/EXECUTIVE SUMMARY

For Council to consider feedback received from the Joint Standing Committee on Delegated Legislation (JSCDL) advising of its intention to recommend disallowance to Parliament of the City's *Local Government and Public Property Amendment Local Law (No.2) 2008*.

The JSCDL is of the preliminary view that the \$500 penalty for an owner failing to remove a shopping trolley within 3 hours of having been notified by the City is "invalid on the grounds of unreasonableness".

In light of the JSCDL's view, it is recommended that Council requests the Chief Executive Officer to respond to the Committee, indicating the City's intention not to oppose the Committee's recommendation for disallowance.

BACKGROUND

In December 2008, Council resolved to adopt the City's *Local Government and Public Property Amendment Local Law (No.2) 2008*. The Amendment sought to increase the penalty for shopping trolley owners who fail to remove a shopping trolley found left in a public place within 3 hours of having been notified by the City from \$100 to \$500.

The City's justification for introducing the Amendment Local Law was to provide greater deterrence, encourage retailers to implement more effective trolley management processes and consequently reduce incidences of abandoned shopping trolleys within the community.

Throughout the consultation and adoption process, large retailers and their associations provided significant opposition to the City's Amendment Local Law, believing that it was unreasonable and unjustified.

Despite such significant opposition, Council decided to adopt the Amendment Local Law and progress the matter to the JSCDL for its consideration.

DETAILS

The function of the JSCDL is to scrutinise legislation made by spheres of government, other than Parliament, to which Parliament has delegated its law-making powers to. In its consideration, the Committee may inquire whether the legal instrument meets the following criteria:

- (a) is authorised or contemplated by the empowering enactment;
- (b) has an adverse effect on existing rights, interests or legitimate expectations beyond giving effect to a purpose authorised or contemplated by the empowering enactment;

- (c) ousts or modifies the rules of fairness;
- (d) deprives a person aggrieved by a decision of the ability to obtain review of the merits of that decision to seek judicial review;
- (e) imposes terms and conditions regulating any review that would be likely to cause the review to be illusory or impracticable; or
- (f) contains provisions that, for any reason, would be more appropriately contained in an Act.

In considering the City's *Local Government and Public Property Amendment Local Law (No.2) 2008*, the Committee took the view that the \$500 penalty contained within the Amendment was "disproportionate to the offence and that the Parliament never intended that the power to create offences and prescribe penalties in section 3.10 of the *Local Government Act 1995* would authorise such a local law."

Notwithstanding this position, the JSCDL has invited the City to respond to its preliminary view and provide additional justification for the increase in the penalty should the City choose to.

The deadline for receiving a response is **4pm, Friday, 29 May 2009.**

Issues and options considered:

Option 1: Request the CEO to respond to JSCDL, indicating that the City will not oppose the Committee's recommendation to disallow the Amendment Local Law.

This option is recommended given the quantity of information the City has already provided the Committee to justify a penalty increase. The City is of the view that there would be little value in providing any additional information to the Committee and that it is likely that the Committee will recommend disallowance of the Amendment Local Law regardless.

Option 2: Request the CEO to respond to the JSCDL, indicating the City's opposition the Committee's recommendation and provide additional information to justify the City's position.

This option is not recommended as there is very little additional information the City can provide the Committee with that has not already been considered.

Option 3: Do not respond to the JSCDL.

Should Council pursue this option, the JSCDL will progress its recommendation to disallow the Amendment Local Law to Parliament based on its current preliminary view.

Link to Strategic Plan:

Not applicable.

Legislation – Statutory Provisions:

Local Government and Public Property Amendment Local Law (No.2) 2008
Local Government Act 1995

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

Should the City's *Local Government and Public Property Amendment Local Law (No.2) 2008* be disallowed by Parliament, the City will be required to notify residents via a local notice and affected businesses via direct correspondence.

ATTACHMENTS

Nil.

VOTING REQUIREMENTS

Simple Majority.

MOVED Cr Fishwick, SECONDED Cr Rosano that Council REQUESTS the CEO to respond to the Joint Standing Committee on Delegated Legislation, indicating the City's intention not to oppose the Committee's recommendation for disallowance of the City's Local Government and Public Property Amendment Local Law (No.2) 2008.

Discussion ensued

The Motion was Put and

CARRIED (12/0)

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

MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**C33-05/09 NOTICE OF MOTION NO 1 – CR GEOFF AMPHLETT – CAFÉ/RESTAURANT FACILITIES - [09095] [00434] [29610]**

In accordance with Clause 26 of 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 19 May 2009:

“That:

- 1 *Council REQUESTS a report from the Chief Executive Officer identifying opportunities and options for development of café/restaurant facilities on land owned or managed by the City as part of a review of the provision of coastal facilities within the City;***
- 2 *the report gives consideration to facilities which may include the Whitfords Nodes, Mullaloo Beach and Burns Beach, amongst others.”***

OFFICER’S COMMENT

A report can be prepared.

Preliminary research on increasing revenue stream options available to the City was initiated during the 2008 calendar year. Asset rationalisation and development of land owned or managed by the City have been encompassed within the identified options.

MOVED Cr Amphlett, SECONDED Cr Hollywood that:

- 1 *Council REQUESTS a report from the Chief Executive Officer identifying opportunities and options for development of café/restaurant facilities on land owned or managed by the City as part of a review of the provision of coastal facilities within the City;***
- 2 *the report gives consideration to facilities which may include the Whitfords Nodes, Mullaloo Beach and Burns Beach, amongst others.***

Discussion ensued

The Motion was Put and

CARRIED (12/0)

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

Disclosure of Interest Affecting Impartiality

Name/Position	Cr Marie Macdonald
Item No/Subject	C34-05/09 - Notice of Motion No 2 – Cr Sue Hart – Request to Cease Legal Proceedings Pending Presentation of a Report – Unauthorised Spraying of Korella Park
Nature of interest	Interest that may affect impartiality
Extent of Interest	Cr Macdonald is the Treasurer of the Joondalup Community Coast Care Forum and Member of a Friends Group

Name/Position	Cr Mike Norman
Item No/Subject	C34-05/09 - Notice of Motion No 2 – Cr Sue Hart – Request to Cease Legal Proceedings Pending Presentation of a Report – Unauthorised Spraying of Korella Park
Nature of interest	Interest that may affect impartiality
Extent of Interest	Cr Norman as Chairman of the Joondalup Coastal Care Forum has commented on the Alleged Mis-use of Grant.

C34-05/09 NOTICE OF MOTION NO 2 – CR SUE HART – REQUEST TO CEASE LEGAL PROCEEDINGS PENDING PRESENTATION OF A REPORT - [07377] [33409]

In accordance with Clause 26 of Standing Orders Local Law 2005, Cr Sue Hart has given notice of her intention to move the following motion at the Council Meeting to be held on Tuesday 19 May 2009:

“That Council REQUESTS the Chief Executive Officer to instruct the City’s lawyers, Jackson McDonald to cease all legal prosecution proceedings against the coordinator, Friends of Korella Park Mullaloo, on matters relating to “Alleged illegal spraying incident Korella Park Mullaloo” until such time as a report has been prepared for and presented to Council.”

Reason for Motion

Cr Hart submitted the following comments in support of her Notice of Motion:

“For Council to obtain all facts relating to the above matter before the City uses ratepayer funds to initiate legal proceedings.

That Council explores all opportunities for mediation rather than litigation.

That the City continues its good working relationship with its various individual volunteers and groups.

For Council to have the opportunity to express any reservation it may have, by the City initiating legal proceedings against a recognised long standing community volunteer.”

OFFICER’S COMMENT

Information will be circulated to Elected Members under separate cover – confidential Appendix 21 refers.

MOVED Cr Hart, SECONDED Cr Macdonald that Council REQUESTS the Chief Executive Officer to instruct the City's lawyers, Jackson McDonald to cease all legal prosecution proceedings against the coordinator, Friends Of Korella Park Mullaloo, on matters relating to "Alleged illegal spraying incident Korella Park Mullaloo" until such time as a report has been prepared for and presented to Council.

C35-05/09 EXTENSION OF TIME TO SPEAK – [65597]

MOVED Cr Rosano, SECONDED Cr Corr that Cr Hart be permitted an extension of time to speak for a further five (5) minutes.

The Motion to Extend was Put and

CARRIED (12/0)

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

AMENDMENT MOVED Cr Macdonald, SECONDED Cr Hart that an additional point be added to the Motion as follows:

“ the City identify the facts of the incident that gave rise to the engagement of lawyers and the protocols used in assessing that there had been a breach of the local law.”

PROCEDURAL MOTION

C36-0/09 CONSIDERATION OF MOTION TO GO BEHIND CLOSED DOORS - [02154]

MOVED Cr Young, SECONDED Cr McLean that:

- 1 in accordance with clause 67 of the City's Standing Orders Local Law 2005 and Section 5.23 of the Local Government Act 1995, this meeting of the Council be held behind closed doors to discuss the Notice Of Motion No 2 – Cr Sue Hart – Request to cease legal proceedings pending presentation of a report, as it relates to the personal affairs of persons;
- 2 the following employees be permitted to remain in the Chamber while the meeting is sitting behind closed doors as detailed in (1) above:
 - Chief Executive Officer, Mr Garry Hunt
 - Director Infrastructure Services, Mr Martyn Glover
 - Director Governance and Strategy, Mr Jamie Parry
 - Manager Governance and Marketing, Mr Mike Smith
 - Administrative Services Coordinator, Ms Janet Foster

The Motion was Put and

LOST (5/7)

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

The Amendment was Put and

TIED (6/6)

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

There being an equal number of votes, the Presiding Person exercised his casting vote and declared the Motion **LOST**

Discussion continued

C37-05/09 **EXTENSION OF TIME TO SPEAK – [65597]**

MOVED Cr Hart, SECONDED Cr Rosano that Cr Norman be permitted an extension of time to speak for a further five (5) minutes.

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

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

AMENDMENT MOVED Cr Norman that the words “and operator of the Biara Conservation Services” be included after the word “Mullaloo” in the motion.

Mayor Pickard ruled the amendment out of order in accordance with Clause 49 of the City's Standing Orders Local Law 2005 - Motions (1), which states that “A member proposing a primary motion or amendment must state its substance before addressing the meeting and if so required by the presiding person must put the motion or amendment in writing”.

Discussion continued

AMENDMENT MOVED Cr Corr, SECONDED Cr Macdonald that the Motion be amended as follows:

- The words “for consideration” be added to the end of the motion;
- The inclusion of the words “and the operator to Biara Conservation Services” after the word “Mullaloo” in the motion.

The Amendment was Put and **TIED (6/6)**

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

There being an equal number of votes, the Presiding Person exercised his casting vote and declared the Motion **LOST**

Discussion continued

The Motion as Moved by Cr Hart and Seconded by Cr Macdonald was Put and **CARRIED (7/5)**

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

Appendix 21 – Confidential – Provided in official Minute Book Only.

Disclosure of Interest Affecting Impartiality

Name/Position	Cr Marie Macdonald
Item No/Subject	C38-05/09 - Notice of Motion No 3 – Cr Marie Macdonald – Request for Additional Information to be released during the public consultation period for the Ocean Reef Marina Development
Nature of interest	Interest that may affect impartiality
Extent of Interest	Cr Macdonald resides in Mullaloo and may be affected by adverse consequences of the development of Ocean Reef Marina

C38-05/09 NOTICE OF MOTION NO 3 – CR MARIE MACDONALD – REQUEST FOR ADDITIONAL INFORMATION TO BE RELEASED DURING THE PUBLIC CONSULTATION PERIOD FOR THE OCEAN REEF MARINA DEVELOPMENT – [07303, 04171]

In accordance with Clause 26 of the Standing Orders Local Law 2005, Cr Marie Macdonald has given notice of her intention to move the following Motion at the Council meeting to be held on Tuesday, 19 May 2009:

“That Council REQUESTS that the following further information be made available to the public during the public consultation period for the Ocean Reef Marina Development:

- 1 A plan showing the impact of the development on the coastal view shed;***
- 2 The Worley Parsons sediment and shoreline analysis January 2009;***
- 3 Details of preliminary costing of the Marina as detailed on Plan 7 including the artificial reef;***
- 4 Details of the structure of proposed Joint Venture Partners and divisions of responsibility.”***

Reason for Motion

Cr Macdonald submitted the following comments in support of her Notice of Motion:

“The above items were not on the list of items to be released as part of the public comment period.

I believe that these matters would be necessary for anyone to review a project as large as the one proposed.

Coastal view shed is important to those people who currently have views of the ocean. If the Council is proposing a development which may have an impact on ratepayers’ views then it should show them what their outlook is likely to be.

We have two reports on flushing being released and only one on sediment and shoreline analysis. I believe that sediment and shoreline analysis is a major issue in this development and ratepayers should be able to read both reports.

The process could not have progressed this far without consideration of the cost of the project or the means by which it is to be funded. Council and ratepayers should

be aware of the preliminary costing and proposed funding arrangements in order for them to make an informed decision.”

OFFICER'S COMMENT

- 1 Visual impact plans that address the coastal view shed have not been prepared. This detailed work will be undertaken as a component of the next phase of environmental/engineering studies and will form part of the Structure Plan and approvals process. The scope of this work would involve preparing a visual impact assessment of the site (for the Council endorsed concept plan following community consultation) in accordance with WAPC policy. A cross section of the site has been released and is available to the public (via the City's website) and Elected Members (via the City's website and contained within the reports folder in the Councillors Reading room).
- 2 This report (dated 23 January 2009) was withdrawn by Worley Parsons following recognition by them that the conclusions required reassessment and review. As a result Worley Parsons issued an updated report dated 2 April 2009 (available via the City's website and in the Councillors Reading Room). The submission in April 2009 of the Worley Parsons Ocean Reef Marina Coastal Sediment Transport Assessment supersedes the January 2009 report which is no longer valid.
- 3 There has been no detailed financial costing of Concept Plan 7 (which includes the artificial reef). High level costings were estimated on Concept Plan 5 that was in most parts similar to Concept Plan 7. These costs were estimated and were of an indicative nature as a means to determining any fatal flaws based on the return that could be received for the residential component. It is intended that detailed financial assessment, as a component of engineering analysis and preparation of the Business Case, will be undertaken in the next phase of the project.
- 4 At this point in time the City has not prepared a Business Case. The Business Case will examine the structure of any joint venture arrangements (including areas of responsibility). It is intended that as the project proceeds forward issues such as a Memorandum of Understanding with the key stakeholders will be thoroughly examined.

MOVED Cr Macdonald, SECONDED Cr Hart that Council REQUESTS that the following further information be made available to the public during the public consultation period for the Ocean Reef Marina Development:

- 1 **A Plan Showing the Impact of the Development on the Coastal View Shed;**
- 2 **The Worley Parsons sediment and shoreline analysis January 2009;**
- 3 **Details of preliminary costing of the Marina as detailed on Plan 7 including the artificial reef;**
- 4 **Details of the structure of proposed Joint Venture Partners and divisions of responsibility.**

AMENDMENT MOVED Cr Corr, Seconded Cr Hart that the Motion be amended as follows:

- Addition of the words “or sketch” after the word “Plan” in Point 1;
- Addition of a Point 5 to read as follows:
“that the risk assessment analysis December 2008 be released to the public”;
- Addition of a Point 6 to read as follows:
“carparking calculations January 2009 be released to the public”.

Discussion ensued. During discussion Cr Diaz left the Chamber at 2230 hrs and returned at 2231 hrs.

The Amendment was Put and

LOST (5/7)

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

Discussion continued

The Motion as Moved by Cr Macdonald and Seconded by Cr Hart was Put and

LOST (5/7)

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

LATE ITEMS

C39-05/09 APPOINTMENT OF A DEPUTY MEMBER – SPECIAL MEETING OF THE MINDARIE REGIONAL COUNCIL TO BE HELD ON 28 MAY 2009 - [03149]

WARD: All

RESPONSIBLE DIRECTOR: Mr Garry Hunt
Office of the CEO

PURPOSE / EXECUTIVE SUMMARY

For the Council to give consideration to appointing an Elected Member to deputise for Cr Russ Fishwick at the Special Meeting of the Mindarie Regional Council to be held on Thursday, 28 May 2009.

BACKGROUND

The Mindarie Regional Council was established to perform designated functions in connection with waste treatment and disposal. It comprises the following local governments:

- City of Joondalup;
- City of Perth;
- City of Stirling;
- City of Wanneroo;
- Town of Vincent;
- Town of Victoria Park
- Town of Cambridge

Each local government is represented on the Regional Council, with the City of Joondalup being represented by Councillors Russ Fishwick and Kerry Hollywood. The Regional Council meets bi-monthly, with its next ordinary Council meeting scheduled to be held on Thursday, 2 July 2009.

DETAILS

A Special Meeting of the Regional Council has been convened for Thursday, 28 May 2009.

Cr Fishwick is scheduled to be on Leave of Absence from 23 to 31 May 2009 inclusive and will be unable to attend the Special Meeting of the Mindarie Regional Council.

Legal advice has been received which indicated that there is no power for member Councils to appoint permanent deputies to the Regional Council. The Council needs to appoint a person to act in place of the member on each occasion when the member could not attend.

Issues and options considered:

The options available to the Council are to:

- agree to appoint another Elected Member to act in the place of Councillor Russ Fishwick during his absence; or
- not agree to appoint another member.

Link to Strategic Plan:

Not Applicable.

Legislation – Statutory Provisions:

The legislation, which is constraining the appointment of deputies, is the *Interpretation Act 1984*.

Section 52(1) and (2) of the *Interpretation Act 1984* states:

- (1) Where a written law confers a power or imposes a duty upon a person to make an appointment to an office or position, including an acting appointment, the person having such a power or duty shall also have the power –
 - (b) (Where the person appointed is) expected to become unable, for any other cause to perform the functions of such office or position, to appoint a person to act temporarily in place of the person so appointed during the period of suspension or other inability but a person shall not be appointed to so act temporarily unless he is eligible and qualified to be appointed to the office or position;
 - (c) To specify the period for which any person appointed in exercise of such a power or duty shall hold his appointment.
- (2) For the purposes of subsection (1)(b), “cause” includes:
 - (a) Illness;
 - (b) Temporary absence from the State; and
 - (c) Conflict of interest.

The key provisions, which create problems for the appointment of deputies, are the word 'unable' in subsection 1(b) and the requirement to specify the period of appointment in subsection 1(c).

Risk Management considerations:

The risk to the City of Joondalup is that if another Elected Member is not appointed to represent the City in the absence of Councillor Russ Fishwick, then the City will not be fully represented and therefore not have its allocated voting rights on matters before the Regional Council.

Financial/Budget Implications:

Not Applicable.

Policy Implications:

Not Applicable.

Regional Significance:

Not Applicable.

Sustainability Implications:

Not Applicable.

Consultation:

Not applicable.

COMMENT

It is requested that the Council gives consideration to nominating an Elected Member to deputise for Cr Russ Fishwick during his period of absence.

ATTACHMENTS

Nil.

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION:

That Council:

- 1 due to the absence of Cr Russ Fishwick, and in accordance with the provisions of Section 52 of the Interpretation Act 1984, GIVES CONSIDERATION to nominating an Elected Member to deputise for Cr Russ Fishwick at the Special Meeting of the Mindarie Regional Council scheduled to be held on Thursday, 28 May 2009;
- 2 ADVISES the Mindarie Park Regional Council of the decision in (1) above.

MOVED Cr Fishwick, SECONDED Cr Hollywood that Council:

- 1** due to the absence of Cr Russ Fishwick, and in accordance with the provisions of Section 52 of the Interpretation Act 1984, **NOMINATES Cr Geoff Amphlett to deputise for Cr Russ Fishwick at the Special Meeting of the Mindarie Regional Council scheduled to be held on Thursday, 28 May 2009;**
- 2** **ADVISES the Mindarie Park Regional Council of the decision in (1) above.**

The Motion was Put and

CARRIED (12/0)

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

C40-05/09 SPECIAL MEETING OF ELECTORS HELD ON MONDAY 18 MAY 2009 – [37544]

This Item was dealt with earlier in the meeting, following Item C31-05/09 – Consideration to Change Order of Business, Page 11 refers.

C41-05/09 EDGEWATER QUARRY DEVELOPMENT - REPORT ON FEEDBACK FROM COMMUNITY CONSULTATION – [37544]

This Item was dealt with earlier in the meeting, following Item C40-05/09 –Special Meeting of Electors held on Monday 18 May 2009, Page 15 refers.

Cr Hart left the Chamber at 2251 hrs.

C42-0/09 MOTION TO GO BEHIND CLOSED DOORS - [02154]

MOVED Cr Young, SECONDED Cr Amphlett that:

- 1** in accordance with Section 5.23 of the Local Government Act 1995 and clause 67 of the City's Standing Orders Local Law 2005 the meeting of the Council held on 19 May 2009 sit behind closed doors to discuss Item CJ108-05/09 Tender 002/09 Provision of Graffiti Control Services, being a matter relating to a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting;
- 2** the following employees be permitted to remain in the Chamber while the meeting is sitting behind closed doors as detailed in (1) above:
 - Chief Executive Officer, Mr Garry Hunt
 - Director Governance and Strategy, Mr Jamie Parry
 - Director Corporate Services, Mr Mike Tidy
 - Director Infrastructure Services, Mr Martyn Glover
 - Administrative Services Coordinator, Ms Janet Foster

The Motion was Put and**CARRIED (11/0)**

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

Members of staff (with the exception of the Chief Executive Officer, Director Corporate Services, Director Governance and Strategy, Director Infrastructure Services and Administrative Services Coordinator) and members of the public and press left the Chamber at this point, the time being 2252 hrs.

CJ108-05/09 TENDER 002/09 PROVISION OF GRAFFITI CONTROL SERVICES - [68622]

WARD: All

RESPONSIBLE DIRECTOR: Mr Mike Tidy
Corporate Services

PURPOSE

To seek the approval of Council to accept the Tender submitted by Dalecoast Pty Ltd T/as Graffiti Systems Australia for the Provision of Graffiti Control Services (Tender 002/09).

EXECUTIVE SUMMARY

Tenders were advertised on 7 March 2009 through state wide public notice for the Provision of Graffiti Control Services. Tenders closed on 24 March 2009. Eight (8) Submissions were received from:

- Top That! Executive Cleaning Services;
- Dalecoast Pty Ltd T/as Graffiti Systems Australia;
- West Aus Graffiti Removal;
- The Trustee for Mesics Drilling Trust T/as Quick Smart Enviro Clean;
- JVR Surface Cleaning;
- FCT Surface Cleaning;
- Rolluka Nominees Pty Ltd T/as Kleenit; and
- Graffiti Force Pty Ltd.

Respondents were requested to submit pricing based on two options. Option A comprised a straight schedule of rates for various types of graffiti removal. Option B comprised a schedule of rates with a performance based penalty/bonus to promote graffiti removal within specific target timeframes.

The submission from Dalecoast Pty Ltd T/as Graffiti Systems Australia based on Option B represents best value to the City and is the lowest priced compliant Tender. They demonstrated a comprehensive understanding of the City's requirements, have significant experience in providing similar services to the City and other local governments and have sufficient capacity to meet the City's graffiti removal completion timeframes.

It is recommended that Council ACCEPTS the Tender submitted by Dalecoast Pty Ltd T/as Graffiti Systems Australia for Option B for the Provision of Graffiti Control Services for an initial three (3) year period with an option to extend to a maximum of five (5) years inclusive of extensions in accordance with the statement of requirements as specified in Tender 002/09 at the submitted schedule of rates.

BACKGROUND

The City has a requirement for the provision of graffiti control services principally to:

- (a) Remove graffiti by chemical, high pressure water and other methods where safe and suitable to the surface type and graffiti medium (eg. aerosol paint);
- (b) 'Paint out' or covering of graffiti with another coating type suitable to the surface material and graffiti medium (eg. marker pen).

Graffiti is to be removed from various locations as required including privately owned residential and commercial property as well as City owned and controlled property.

The City had a Contract with Dalecoast Pty Ltd T/as Graffiti Systems Australia for Graffiti Control Services which expired on 31 March 2009. The Contractor has been providing the services on an interim basis until a new Contract is put in place.

DETAILS

Tenders were advertised on 7 March 2009 through state wide public notice for the Provision of Graffiti Control Services. Tenders closed on 24 March 2009. Eight (8) Submissions were received from:

- Top That! Executive Cleaning Services;
- Dalecoast Pty Ltd T/as Graffiti Systems Australia;
- West Aus Graffiti Removal;
- The Trustee for Mesics Drilling Trust T/as Quick Smart Enviro Clean;
- JVR Surface Cleaning;
- FCT Surface Cleaning;
- Rolluka Nominees Pty Ltd T/as Kleenit; and
- Graffiti Force Pty Ltd.

Evaluation Criteria

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

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

Evaluation Panel

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

Tender Submissions

A summary of the Tender submissions is provided in Attachment 1 (including where each of the tenderers is located) and a calculation of the comparative pricing of each of the submissions for both options is provided at Attachment 2.

To calculate the comparative pricing the m² of graffiti removed in the City for the twelve months to March 2009 and the rates submitted by each Tenderer for removal Monday to Friday between 6.00am and 6.00pm were used. To allow for the current increasing trend in the incidence of graffiti a 10% increase on the twelve month quantity was also factored into the calculation.

A base cost was calculated for year one and the costs for years' two to five were calculated on an average CPI increase of 3.5% compounded. In the case of Option B two calculations were undertaken; one showing the lowest cost based on targets never being met and penalties applying for every month and the other showing the highest cost based on targets always being met and bonuses applying for every month.

It should be noted that these costs are indicative and used for tender evaluation purposes only. Future actual costs will vary based on demand and subject to change in accordance with the operational needs of the City.

Evaluation Summary

The Tender submitted by Top That! Executive Cleaning Services did not address any qualitative criteria and only offered graffiti paint-out. As a result, the Tender was unable to be evaluated and was deemed non-compliant.

Respondent	Evaluation Score	Option A Price Ranking	Option B Price Ranking	Qualitative Rank
Dalecoast Pty Ltd T/as Graffiti Systems Australia	85.5%	1	1	1
Rolluka Nominees Pty Ltd T/as Kleenit	85.2%	2	2	2
Graffiti Force Pty Ltd	75.1%	4	3	3
FCT Surface Cleaning	59.2%	6	7	4
West Aus Graffiti Removal	50.7%	3	5	5
JVR Surface Cleaning	44%	5	4	6
The Trustee for Mesics Drilling Trust T/as Quick Smart Enviro Clean	35%	7	6	7
Top That! Executive Cleaning Services	Non-compliant, not assessed further			

Issues and options considered:

Graffiti Control Services are required to remove or 'paint out' graffiti throughout the City. The City does not have the internal resources to supply the required services and as such requires an appropriate external service provider.

The Tender was advertised with two pricing options. Option A comprised a straight schedule of rates for various types of graffiti removal. Option B comprised a schedule of rates with a performance based penalty/bonus to promote graffiti removal within specific target timeframes. Removing graffiti quickly is essential to deterring graffiti being reapplied and meeting the desired timeframes for graffiti removal is a focus of contract performance. Offering a performance based contract is considered to be a way of promoting this.

To receive a bonus under Option B the Contractor must achieve the required graffiti removal completion timeframes for a minimum of 85% of total graffiti report numbers for a minimum of nine (9) months within the twelve (12) month Contract period. If this is achieved the bonus is 5% of the total amount previously invoiced by the Contractor for the months in which the 85% target was met. The bonus is calculated and paid at the conclusion of the twelve (12) month period Contract period.

Conversely a penalty under Option B will be applied where the Contractor does not meet the required minimum 85% target for six (6) or more months within the twelve (12) month Contract period. In this situation a penalty of 5% will be applied to the total invoiced amount for all of the months in that twelve (12) month period in which the eighty five (85%) target was not achieved. The penalty is calculated at the conclusion of the twelve (12) month Contract period and deducted from outstanding and/or future invoices.

Link to Strategic Plan:

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

- 4. The Built Environment
- Objective 4.2 To progress a range of innovative and high quality urban development projects within the City.
- Strategy 4.2.8 The City provides an effective service for eradicating graffiti from City-owned and privately-owned buildings.

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.

Risk Management considerations:

Should the contract not proceed, the risk to the City will be high as the City does not have the internal resources to meet the service levels expected by the community for the timely removal of graffiti. Untreated graffiti has been linked to the prevalence of other types of crime and has the potential to negatively affect crime levels and reduce the community's satisfaction with the appearance of their local area.

It is considered that the Contract will represent a low risk to the City as the recommended Tenderer is a well-established company with significant industry experience and the capacity to meet the required graffiti removal completion timeframes.

Financial/Budget Implications:

Current Year Budget Allocation for this Contract	Projected Expenditure on these Services to 30 June 2009	Projected Expenditure on these Services in first 12 Months of Contract if Accepted	Projected Expenditure on these Services over the Life of the Contract if Accepted
\$800,000	\$650,252 (1-Jul-08 to 31-Mar-09) \$144,500 (1-Apr-09 to 31-May-09) \$21,768 (new Contract)	\$261,218	\$1,400,774

The projected expenditure on these Services is subject to change and dependent on the quantity and type of requirements throughout the Contract period. Based on historical and known requirements, it is estimated that the expenditure over the Contract period will be in the order of \$1,400,774. This represents a significant reduction in the rates for graffiti removal that the City has been paying over the last 18 months. Despite the reduction in rates there are significant risks in estimating graffiti removal expenditure because the driver is volume. Although a notional escalation in volume of 10% has been used in the calculations the 2009/10 budget will include a buffer to ensure there are adequate funds.

Policy Implications:

Not Applicable.

Regional Significance:

Not Applicable.

Sustainability Implications:

Not Applicable.

Consultation:

Not Applicable.

COMMENT

The evaluation panel carried out the evaluation of the Submissions in accordance with the Qualitative Criteria in a fair and equitable manner and concluded that the Offer representing best value to the City is that as submitted by Dalecoast Pty Ltd T/as Graffiti Systems Australia.

Graffiti Systems Australia achieved the top qualitative assessment of 85.5% and was also ranked first in price for both Options A and B. They are an established organisation with considerable experience in providing similar services to other local governments including the Cities of Wanneroo, Swan and Subiaco as well as being the City's current service provider. They demonstrated a comprehensive understanding of the City's requirements and have sufficient capacity to meet the City's volume of work.

The price submitted by Graffiti Systems Australia for Option B (the performance based option) is higher than for Option A. The higher cost of Option B in the first year of the Contract with the maximum bonus applied is estimated to be \$6,620. Over five years, this difference is estimated to be \$37,580. While option B has a small increased cost to the City, the Contractor has an incentive to meet the City's graffiti removal completion timeframes and the City has the comfort of knowing that if they are not met there will be a lower cost to the City.

The price submitted by Graffiti Systems Australia for Option B is the recommended option.

ATTACHMENTS

Attachment 1 Summary of Tender Submissions
Attachment 2 Price Assessment

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION: That Council ACCEPTS the Tender submitted by Dalecoast Pty Ltd T/As Graffiti Systems Australia for Option B for the provision of Graffiti Control Services for an initial three (3) year period with an option to extend to a maximum of five (5) years inclusive of extensions in accordance with the statement of requirements as specified in Tender 002/09 at the submitted schedule of rates.

MOVED Mayor Pickard, SECONDED Cr Rosano that Council REFERS Tender 002/09 for the provision of Graffiti Control Services to the Chief Executive Officer to conduct a review of the tender evaluation process undertaken, and report back to the Council at its June 2009 meeting.

The Motion was Put and

CARRIED (11/0)

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

C43-05/09

MEETING TO GO TO OPEN DOORS - [29610] [02154]

MOVED Cr Amphlett, SECONDED Cr Corr that in accordance with clause 67 of the City of Joondalup's Standing Orders Local Law 2005, the Meeting of Council be held with open doors, the time being 2257 hrs.

The Motion was Put and

CARRIED (11/0)

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

Members of staff entered the Chamber at 2257 hrs. No members of the public or press were present.

In accordance with the City's Standing Orders Local Law 2005, Mayor Pickard read aloud the motion in relation to Item CJ108-05/09 – Tender 002/09 Provision of Graffiti Control Services.

Appendix 8 refers

To access this attachment on electronic document, click here: [Attach8agn190509.pdf](#)

ANNOUNCEMENTS OF NOTICES OF MOTION FOR THE NEXT MEETING

Nil.

CLOSURE

There being no further business, the Mayor declared the Meeting closed at 2259 hrs; the following Elected Members being present at that time:

MAYOR T PICKARD
Cr K HOLLYWOOD
Cr T McLEAN
Cr T YOUNG
Cr M MACDONALD
Cr G AMPHLETT
Cr B CORR
Cr M ROSANO
Cr M NORMAN
Cr R FISHWICK
Cr F DIAZ



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

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

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

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

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

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



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

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

QUESTIONS

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Please submit this form at the meeting or:

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

Please note that:

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



**STATEMENT TO BE MADE AT
BRIEFING SESSION/COUNCIL MEETING**

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

STATEMENT

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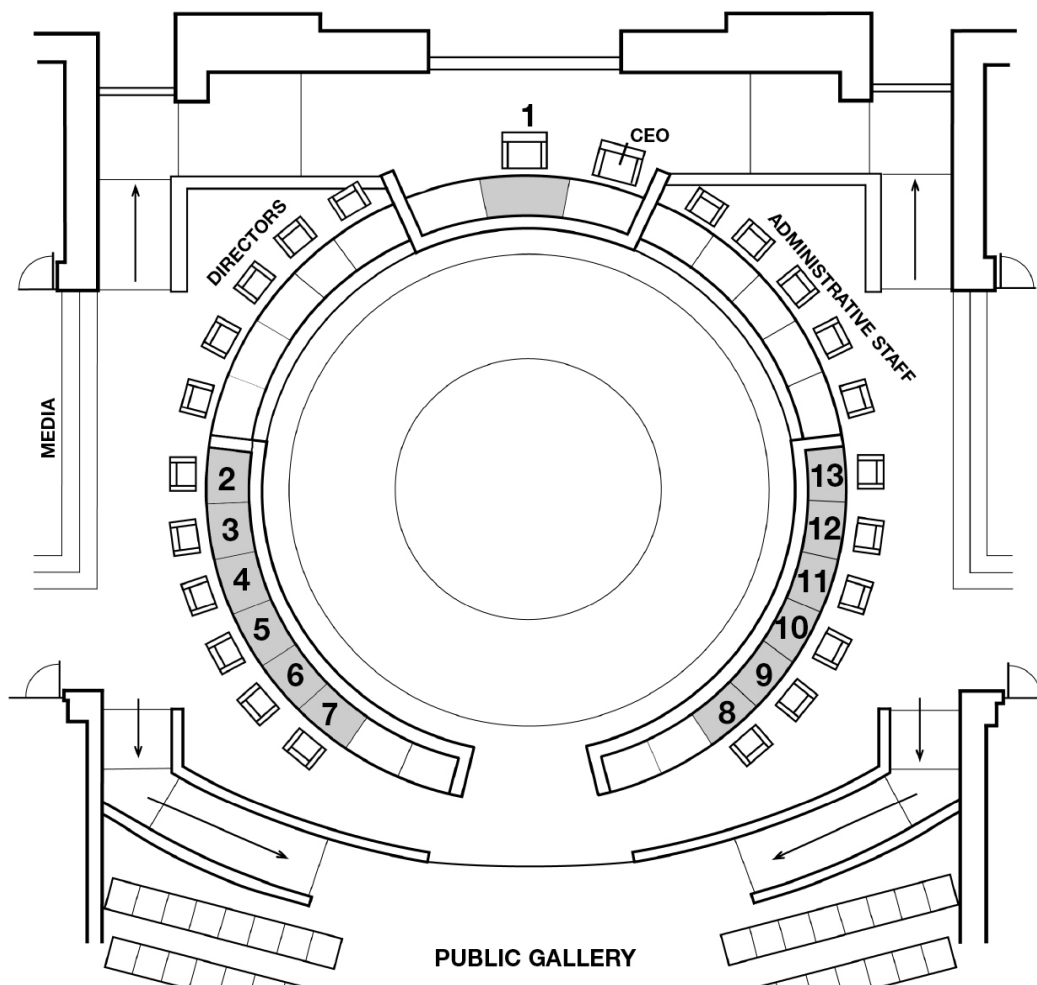
Please submit this form at the meeting or:

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Please note that:

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

Council Chamber – Seating Diagram



Mayor

1 His Worship the Mayor, Troy Pickard (Term expires 10/09)

North Ward

- 2 Cr Kerry Hollywood (Term expires 10/09)
- 3 Cr Tom McLean (Term expires 10/11)

North-Central Ward

- 4 VACANT
- 5 Cr Trona Young (Term expires 10/11)

Central Ward

- 6 Cr Marie Macdonald (Term expires 10/09)
- 7 Cr Geoff Amphlett (Term expires 10/11)

South-West Ward

- 8 Cr Michele Rosano (Term expires 10/09)
- 9 Cr Mike Norman (Term expires 10/11)

South-East Ward

- 10 Cr Sue Hart (Term expires 10/09)
- 11 Cr Brian Corr (Term expires 10/11)

South Ward

- 12 Cr Russ Fishwick (Term expires 10/09)
- 13 Cr Fiona Diaz (Term expires 10/11)