

# agenda

## Ordinary Meeting of Council

NOTICE IS HEREBY GIVEN THAT THE NEXT  
ORDINARY MEETING OF THE COUNCIL  
OF THE CITY OF JOONDALUP WILL BE HELD IN  
THE COUNCIL CHAMBER, JOONDALUP CIVIC CENTRE,  
BOAS AVENUE, JOONDALUP

**ON TUESDAY, 19 FEBRUARY 2013**

**COMMENCING AT 7.00pm**

**GARRY HUNT**  
Chief Executive Officer  
**15 February 2013**

[www.joondalup.wa.gov.au](http://www.joondalup.wa.gov.au)

#### **PUBLIC QUESTION TIME**

Members of the public are  
requested to lodge questions in  
writing by 9.00am on  
Monday, 18 February 2013

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

#### **QUESTIONS TO**

[council.questions@joondalup.wa.gov.au](mailto:council.questions@joondalup.wa.gov.au)

PO Box 21 Joondalup WA 6919

[www.joondalup.wa.gov.au](http://www.joondalup.wa.gov.au)

## PROCEDURES FOR PUBLIC QUESTION TIME

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

### Questions asked verbally

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

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

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

- 1 Only City of Joondalup residents and/or ratepayers may submit questions to the City in writing.
- 2 Questions submitted to an ordinary Council meeting can relate to matters that affect the operations of the City of Joondalup. Questions submitted to a Special Meeting of the Council must relate to the purpose for which the meeting has been called.
- 3 The City will accept a maximum of five written questions per City of Joondalup resident/ratepayer. To ensure equality and consistency, each part of a multi-part question will be treated as a question in its own right.
- 4 Questions lodged by 9.00am on the day immediately prior to the scheduled Council meeting will be responded to, where possible, at the Council meeting. These questions, and their responses, will be distributed to Elected Members and made available to the public in written form at the meeting.
- 5 The Presiding Member shall decide to accept or reject any written question and his/her decision is final. Where there is any concern about a question being offensive, defamatory or the like, the Mayor will make a determination in relation to the question. Questions determined as offensive, defamatory or the like will not be published. Where the Presiding Member rules questions to be out of order, an announcement to this effect will be made at the meeting, including the reason(s) for the decision.
- 6 The Presiding Member may rule questions out of order where they are substantially the same as questions previously submitted and responded to.
- 7 Written questions unable to be responded to at the Council meeting will be taken on notice. In this case, a written response will be provided as soon as possible and included on the agenda of the next Council meeting.
- 8 A person who submits written questions may also ask questions at a Council meeting and questions asked verbally may be different to those submitted in writing.
- 9 Questions and any response will be summarised and included in the minutes of the Council meeting.

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

#### **DISCLAIMER**

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

### **PROCEDURES FOR PUBLIC STATEMENT TIME**

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

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

## CODE OF CONDUCT

The Code recognises these ethical values and professional behaviours that support the principles of:

Respect for persons - this principle requires that we treat other people as individuals with rights that should be honoured and defended, and should empower them to claim their rights if they are unable to do so for themselves. It is our respect for the rights of others that qualifies us as members of a community, not simply as individuals with rights, but also with duties and responsibilities to other persons.

Justice - this principle requires that we treat people fairly, without discrimination, and with rules that apply equally to all. Justice ensures that opportunities and social benefits are shared equally among individuals, and with equitable outcomes for disadvantaged groups.

Beneficence - this principle requires that we should do good, and not harm, to others. It also requires that the strong have a duty of care to the weak, dependent and vulnerable. Beneficence expresses the requirement that we should do for others what we would like to do for ourselves.

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

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#### **LATE ITEMS / ADDITIONAL INFORMATION**

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

[Additional Information190213.pdf](#)

## CITY OF JOONDALUP

Notice is hereby given that a Meeting of the Council will be held in the Council Chamber, Joondalup Civic Centre, Boas Avenue, Joondalup on **Tuesday, 19 February 2013** commencing at **7.00pm**.

GARRY HUNT  
Chief Executive Officer  
15 February 2013

Joondalup  
Western Australia

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### VISION

*“A global City: bold, creative and prosperous.”*

### PRIMARY VALUES

- Transparent.
- Accountable.
- Honest.
- Ethical.
- Respectful.
- Sustainable.
- Professional.

### DISTINGUISHING VALUES

#### **Bold**

We will make courageous decisions for the benefit of our community and future generations.

#### **Ambitious**

We will lead with strength and conviction to achieve our vision for the City.

#### **Innovative**

We will learn and adapt for changing circumstances to ensure we are always one step ahead.

#### **Enterprising**

We will undertake ventures that forge new directions for business and the local community.

#### **Prosperous**

We will ensure our City benefits from a thriving economy built on local commercial success.

#### **Compassionate**

We will act with empathy and understanding of our community's needs and ambitions.

# AGENDA

Note: Members of the public are advised that prior to the opening of the Council meeting, Mayor Pickard will say a Prayer.

## 1 DECLARATION OF OPENING AND ANNOUNCEMENT OF VISITORS

## 2 PUBLIC QUESTION TIME

The following questions were taken on notice at the Annual General Meeting of Electors held on 4 December 2012:

**Mr M Sideris, Mullaloo:**

Q1 *Can the Auditor explain the process that was used when they did their audit of the City's financial records?*

Q2 *Did the Auditor check the credit card transactions and verify that those accounts have been properly substantiated by appropriate dockets and invoices and fully documented what those goods and services were?*

A1-2 The City's Auditor has provided the following response:

*"Please refer to the audit report for the City of Joondalup dated 25 September 2012.*

*An extract from this report is referred to below.*

*An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial report. The procedures selected depend on the auditor's judgement, including the assessment of the risks of material misstatement of the financial report, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the entity's preparation and fair presentation of the financial report in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the entity's internal control. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of accounting estimates made by the Council, as well as evaluating the overall presentation of the financial report.*

*We performed the procedures to assess whether in all material respects the financial report presents fairly, in accordance with the Local Government Act 1995 Part 6 and Australian Accounting Standards (including the Australian Accounting Interpretations), a view which is consistent with our understanding of the City of Joondalup's financial position and of their performance."*

Re: CJ216-10/12 – 2011-12 Annual Financial Report

Q3 The report indicates that there was a budget operating surplus of \$1.2 million. Can I have an explanation for this?

A3 Mayor Pickard advised this question may need to be taken on notice, however he would ask the Director Corporate Services to respond. The Director Corporate Services advised Report CJ216-10/12 provides an explanation of how the surplus was arrived at and there were a number of variations in both revenues and expenses and he would be more than happy to document that in a written response.

Subsequent to the Annual General Meeting held on 4 December 2012, and as indicated by the Director Corporate Services at that time, a written response has since been provided to Mr Sideris.

#### **Mrs R Fleming, Ocean Reef:**

Q1 When will the Management Plan be made available to the public?

A2 The Skate Park Facility Management Plan was noted by Council at its August 2012 meeting (CJ147-08/12 refers) and can be viewed on the City's website under Minutes and Agendas. A copy can also be obtained by contacting the City on 9400-4200.

### **3 PUBLIC STATEMENT TIME**

### **4 APOLOGIES AND LEAVE OF ABSENCE**

#### **REQUESTS FOR LEAVE OF ABSENCE – CRS PHILIPPA TAYLOR, TERESA RITCHIE AND GEOFF AMPHLETT - [102280]**

Cr Philippa Taylor has requested Leave of Absence from Council duties covering the period 19 February to 10 March 2013 inclusive.

Cr Teresa Ritchie has requested Leave of Absence from Council duties covering the period 5 March to 12 March 2013 inclusive.

Cr Geoff Amphlett has requested Leave of Absence from Council duties covering the period 16 March to 24 March 2013 inclusive.

#### **RECOMMENDATION**

**That Council APPROVES the Requests for Leave of Absence from Council duties covering the following dates:**

<b>1</b>	<b>Cr Philippa Taylor</b>	<b>19 February to 10 March 2013 inclusive.</b>
<b>2</b>	<b>Cr Teresa Ritchie</b>	<b>5 March to 12 March 2013 inclusive.</b>
<b>3</b>	<b>Cr Geoff Amphlett</b>	<b>16 March to 24 March 2013 inclusive.</b>

**5 CONFIRMATION OF MINUTES**MINUTES OF COUNCIL MEETING HELD 11 DECEMBER 2012**RECOMMENDATION**

**That the Minutes of the Council Meeting held on 11 December 2012 be confirmed as a true and correct record.**

**6 ANNOUNCEMENTS BY THE PRESIDING PERSON WITHOUT DISCUSSION****7 DECLARATIONS OF INTEREST****Disclosures of Financial Interest**

Nil.

**Disclosures of interest affecting impartiality**

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

<b>Name/Position</b>	<b>Cr Michael Norman.</b>
<b>Item No/Subject</b>	CJ004-02/13 - City of Joondalup Pathogen Management Plan
<b>Nature of interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	Cr Norman is the Chairman of the Joondalup Community Coastcare Forum who put in a submission in relation to the Pathogen Management Plan.

**8 IDENTIFICATION OF MATTERS FOR WHICH THE MEETING MAY SIT BEHIND CLOSED DOORS****9 PETITIONS**

**10 REPORTS****CJ001-02/13 DEVELOPMENT, CODE VARIATION AND SUBDIVISION APPLICATIONS - NOVEMBER AND DECEMBER 2012**

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

**PURPOSE**

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

**EXECUTIVE SUMMARY**

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

The purpose of delegation of certain powers by Council, in addition to other town planning matters, is to facilitate timely processing of development applications, Residential Design Codes applications and subdivision applications. The framework for the delegation of those powers is set out in resolutions adopted by Council and is reviewed on a two yearly basis, or as required. All decisions made by staff, acting under delegated authority as permitted under the delegation notice, are reported to Council on a monthly basis.

This report identifies the following applications determined by the administration with delegated authority powers during November and December 2012 (Attachments 1, 2 and 3 refer):

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

## BACKGROUND

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

## DETAILS

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

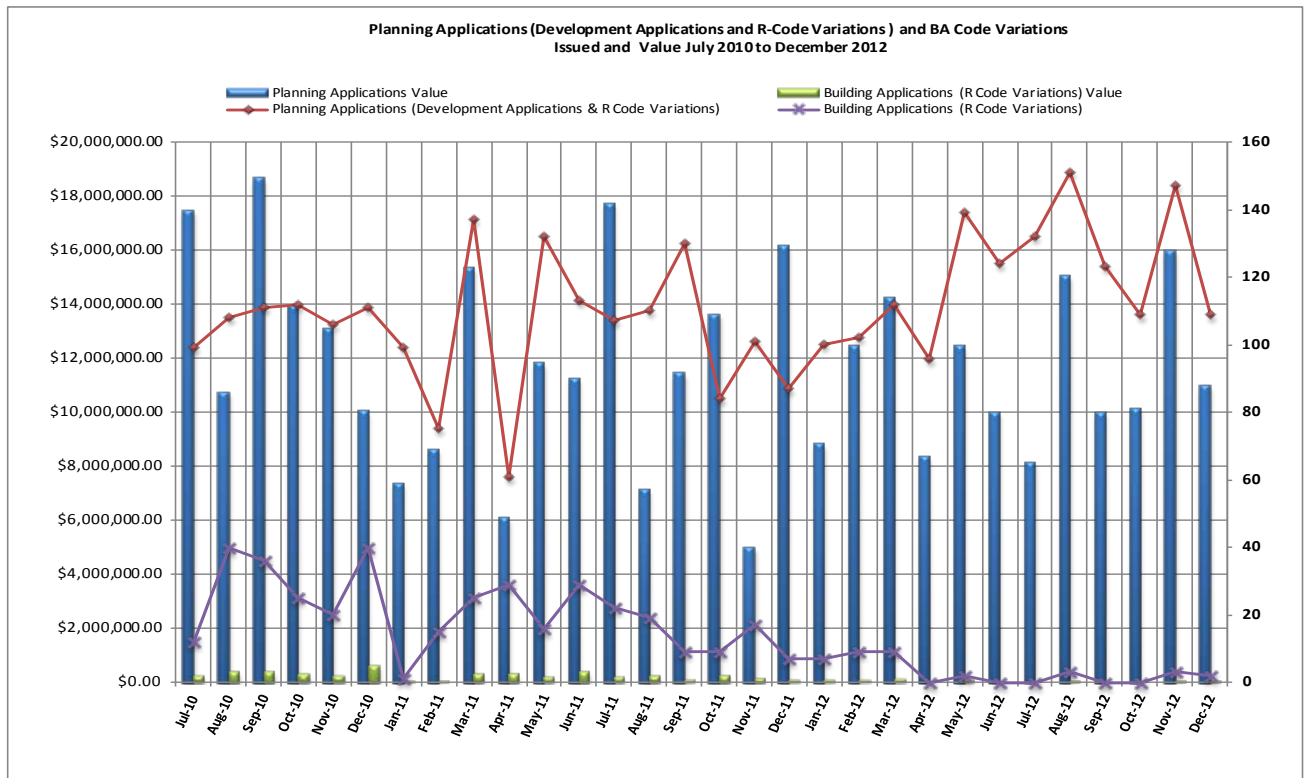
<b>Approvals determined under delegated authority – November and December 2012</b>		
<b>Type of Approval</b>	<b>Number</b>	<b>Value (\$)</b>
Planning applications (development applications and R-Codes applications)	256	\$ 26,998,193
Building applications (R – Codes applications)	5	\$ 51,884
<b>TOTAL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

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

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

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





**Subdivision approvals processed under delegated authority  
for November and December 2012**

Type of approval	Number	Potential additional new lots
Subdivision applications	4	10
Strata subdivision applications	7	7

**Issues and options considered**

Not applicable.

**Legislation / Strategic Community Plan / policy implications**

**Legislation**

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

**Strategic Community Plan**

**Key theme**

Quality Urban Environment.

**Objective**

Quality built outcomes.

**Strategic initiative**

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

**Policy**

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

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

### **Risk management considerations**

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

### **Financial/budget implications**

A total of 261 applications were determined for the months of November and December with a total amount of \$102,471 received as application fees.

All figures quoted in this report are exclusive of GST.

### **Regional significance**

Not applicable.

### **Sustainability implications**

Not applicable.

### **Consultation**

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

Of the 256 development applications determined during November and December 2012 consultation was undertaken for 136 of those applications. Applications for Residential Design Codes as part of building applications are required to include comments from adjoining landowners. Where these comments are not provided, the application will become the subject of a planning application (R Codes application). The eleven subdivision applications processed during November and December 2012 were not advertised for public comment.

### **COMMENT**

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

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

## **VOTING REQUIREMENTS**

Simple Majority.

## **RECOMMENDATION**

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

- 1 development applications and R-Codes applications described in Attachment 1 to Report CJ001-02/13 during November and December 2012;**
- 2 subdivision applications described in Attachment 2 to Report CJ001-02/13 during November and December 2012;**
- 3 Building Code applications described in Attachment 3 to Report CJ001-02/13 during November and December 2012.**

*Appendix 1 refers*

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

**CJ002-02/13      NOMINATION OF LOCAL GOVERNMENT MEMBERS  
TO THE NORTH-WEST METROPOLITAN JOINT  
DEVELOPMENT ASSESSMENT PANEL**

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

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**PURPOSE**

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

**EXECUTIVE SUMMARY**

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

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

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

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

## BACKGROUND

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

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

The JDAP consists of the following members:

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

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

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

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

## DETAILS

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

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

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

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

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

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

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

### **Issues and options considered**

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

### **Legislation / Strategic Community Plan / policy implications**

<b>Legislation</b>	<i>Planning and Development Act 2005. Planning and Development (Development Assessment Panels) Regulations 2011.</i>
<b>Strategic Community Plan</b>	
<b>Key theme</b>	Quality Urban Environment.
<b>Objective</b>	Quality built outcomes.
<b>Strategic initiative</b>	Buildings and landscaping is suitable for the immediate environment and reflect community values.
<b>Policy</b>	Not applicable.

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

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

### **25. JDAP members**

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

- (2) *In subregulation (1)(a) —*

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

- (3) *The specialist members must be appointed in writing by the Minister.*
- (4) *Regulation 37 applies to the appointment of specialist members.*

## **26. JDAP local government member register**

- (1) *The Minister must cause to be established and maintained a register of local government members of JDAPs.*
- (2) *Subject to subregulation (4), the register must include the names of two members of the council of each local government of a district for which a JDAP is established.*
- (3) *Whenever it is necessary to include a member of a council of a local government on a local government register under subregulation (2), the Minister must —*
- (a) *in writing, request the local government to nominate a member of the council of the local government for inclusion on the register; and*
  - (b) *unless subregulation (4) applies, include on the register the name of the person nominated.*
- (4) *If, within 40 days after the date on which the Minister makes a request under subregulation (3) or such longer period as the Minister may allow, the local government fails to nominate a person for inclusion on the local government register in accordance with the request, the Minister may include on the register as a representative of the local government a person who —*
- (a) *is an eligible voter of the district of the local government; and*
  - (b) *the Minister considers has relevant knowledge or experience that will enable that person to represent the interests of the local community of that district.*
- (5) *For the purposes of subregulation (4)(a) a person is an eligible voter of a district if that person is eligible under the Local Government Act 1995 section 4.29 or 4.30 to be enrolled to vote at elections for the district.*

## **28. Alternate members**

- (1) *The Minister may, in writing, appoint —*
- (a) *an alternate member for any person appointed under regulation 23(1)(a);*
  - (b) *an alternate member for any person included on the local government register under regulation 26; and*
  - (c) *such number of persons eligible to be appointed as specialist members as the Minister considers necessary to form a pool of alternate members for specialist members.*
- (2) *Regulation 24 applies in relation to an appointment under subregulation (1)(a).*

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

**29. Term of office**

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

**31. Fees and allowances for DAP members**

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



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

### **32. Casual vacancies**

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

**Risk management considerations**

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

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

**Financial/budget implications**

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

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

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

**Regional significance**

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

**Sustainability implications**

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

**Consultation**

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

**COMMENT**

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

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

**VOTING REQUIREMENTS**

Simple Majority.

**RECOMMENDATION****That Council:**

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

## **CJ003-02/13      PROPOSED CHANGE OF USE FROM OFFICE TO CONSULTING ROOMS AT LOT 107 (473) BEACH ROAD, DUNCRAIG**

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

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### **PURPOSE**

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

### **EXECUTIVE SUMMARY**

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

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

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

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

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

## BACKGROUND

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

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

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

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

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

At its meeting held on 11 December 2012 (CJ268-12/12 refers), Council granted its consent to initiate Amendment 65 (omnibus amendment) to DPS2 for the purpose of public advertising. Included in this amendment are proposed modifications to car parking standards for the land uses Office and Showroom from one car bay for 30m<sup>2</sup> of net lettable area (NLA) to one car bay per 50m<sup>2</sup> NLA. The omnibus amendment is considered to be a 'seriously entertained planning proposal' and has been given due regard in the assessment of this application.

## DETAILS

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

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

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

### Car parking

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

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

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

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

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

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

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

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

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

## Issues and options considered

Council has the discretion to:

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

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

## Legislation / Strategic Community Plan / policy implications

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

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

### 4.8 *Car Parking Standards*

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

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

### 6.8 *Matters to be considered by Council*

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

- (g) *Any relevant proposed new town planning scheme of the Council or amendment or proposed Metropolitan Region Scheme Amendment insofar as they can be regarded as seriously entertained planning proposals;*
- (h) *The comments or wishes of any public or municipal authority received as part of the submission process;*
- (i) *The comments or wishes of any objectors to or supporters of the application;*
- (j) *Any previous decision made by the Council in circumstances which are sufficiently similar for the previous decision to be relevant as a precedent, provided that the Council shall not be bound by such precedent; and*
- (k) *Any other matter which in the opinion of the Council is relevant.*

**Strategic Community Plan**

**Key Theme:** Quality Urban Environment.

**Objective:** Quality built outcomes.

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

**Policy** Not applicable.

**Risk Management Considerations:**

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

**Financial/Budget Implications:**

The applicant has paid fees of \$278 (excluding GST) for the assessment of the application.

**Regional Significance:**

Not applicable.

**Sustainability Implications:**

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

**Consultation**

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



## COMMENT

### Land Use

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

### Car Parking

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

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

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

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

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

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

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

### **Conclusion**

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

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

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

### **VOTING REQUIREMENTS**

Simple Majority.

### **RECOMMENDATION**

#### **That Council:**

- 1 EXERCISES discretion under Clauses 4.5.1 and 4.8.2 of the *City of Joondalup District Planning Scheme No. 2* and determines that the car parking provision of 22 bays in lieu of 41 bays is appropriate in this instance;**
- 2 APPROVES the application for planning approval dated 11 December 2012, submitted by Phillipa M. Mazzoni, on behalf of the owners, Violet Beauregarde Pty Ltd, for a Consulting Rooms (Change of use from Office) at Lot 107 (473) Beach Road, Duncraig, subject to the following condition:**
  - 2.1 This decision constitutes planning approval only and is valid for a period of two years from the date of the decision letter. If the subject development is not substantially commenced within the two year period, the approval shall lapse and be of no further effect.**

*Appendix 2 refers*

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

**Disclosures of interest affecting impartiality**

<b>Name/Position</b>	<b>Cr Michael Norman.</b>
<b>Item No/Subject</b>	CJ004-02/13 - City of Joondalup Pathogen Management Plan
<b>Nature of interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	Cr Norman is the Chairman of the Joondalup Community Coastcare Forum who put in a submission in relation to the Pathogen Management Plan.

## CJ004-02/13      CITY OF JOONDALUP PATHOGEN MANAGEMENT PLAN

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

**PURPOSE**

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

**EXECUTIVE SUMMARY**

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

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

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

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

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

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

## **BACKGROUND**

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

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

The Pathogen Management Plan includes the following:

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

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

## **DETAILS**

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

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

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

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

**Legislation / Strategic Community Plan / policy implications**

<b>Legislation</b>	Not applicable.
<b>Strategic Community Plan</b>	
<b>Key theme</b>	The Natural Environment.
<b>Objective</b>	Environmental resilience.
<b>Strategic initiative</b>	Identify and respond to environmental risks and vulnerabilities.
<b>Policy</b>	Sustainability Policy.

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

**Risk management considerations**

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

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

**Financial/budget implications**

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

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

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

**Regional significance**

Not applicable.

**Sustainability implications**

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

## Consultation

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

## COMMENT

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

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

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

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

## VOTING REQUIREMENTS

Simple Majority.

## RECOMMENDATION

**That Council ENDORSES the Pathogen Management Plan forming Attachment 1 to Report CJ004-02/13.**

*Appendix 3 refers*

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

## **CJ005-02/13 MINUTES OF THE ANNUAL GENERAL MEETING OF ELECTORS HELD ON TUESDAY, 4 DECEMBER 2012**

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

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### **PURPOSE**

For Council to note the Minutes of the Annual General Meeting of Electors held on 4 December 2012 and to give consideration to the motions carried at that meeting.

### **EXECUTIVE SUMMARY**

The Annual General Meeting of Electors of the City of Joondalup was held on 4 December 2012 in accordance with Section 5.27 of the *Local Government Act 1995* (the Act). Section 5.33(1) of the Act requires that all decisions made at an Electors' Meeting if practicable are to be considered at the next Ordinary Meeting of Council.

### **BACKGROUND**

The City's Annual General Meeting of Electors was held on 4 December 2012 in accordance with Section 5.27 of the *Local Government Act 1995*. The meeting was attended by 34 members of the public, with a total of six motions carried at the meeting.

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

### **DETAILS**

#### **Issues and options considered**

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

**MOTION NO. 1**

**MOVED Dr M Apthorpe, 69 Bacchante Circle, Ocean Reef, SECONDED Ms S Boylan, 52 Key West Drive, Mullaloo that the City of Joondalup change from herbicide spraying to hydrothermal weed control on all public paths and verges, beach access ways, playgrounds, parks, car parks and median strips.**

**Officer's comment**

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

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

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

It was resolved at this meeting that Council:

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

**Officer's recommendation**

*The Council NOTES:*

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



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

## **MOTION NO. 2**

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

### **Officer's comment**

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

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

### **Officer's recommendation**

*That Council:*

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

## **MOTION NO. 3**

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

### **Officer's comment**

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

Officer's recommendation

*That Council NOTES:*

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

**MOTION NO. 4**

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

Officer's comment

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

*"A person who is a council member must not:*

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

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

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

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

Officer's recommendation

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

**MOTION NO. 5**

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

Officer's comment

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

Officer's recommendation

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

**MOTION NO. 6**

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

Officer's comment

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

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

Officer's recommendation

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

**MOTION NO. 7**

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

**Officer's comment**

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

**Officer's recommendation**

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

**MOTION NO. 8**

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

**Officer's comment**

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

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

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

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

**Officer's recommendation**

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

**Legislation / Strategic Community Plan / policy implications****Legislation**

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

**Decisions made at Electors' Meetings**

- 5.33 (1) *All decisions made at an Electors' Meeting are to be considered by the Council at the next ordinary council meeting or, if this is not practicable –*

- (a) *at the first ordinary council meeting after that meeting; or*
- (b) *at a special meeting called for that purpose, whichever happens first.*
- (2) *If at a meeting of the Council a local government makes a decision in response to a decision made at an Electors' Meeting, the reasons for the decision are to be recorded in the minutes of the Council Meeting.*

**Strategic Community Plan**

**Key theme** Governance and Leadership.

**Objective** Active democracy.

**Strategic initiative** Optimise opportunities for the community to access and participate in decision-making processes.

**Policy** Not applicable.

**Risk management considerations**

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

**Financial/budget implications**

Not applicable.

**Regional significance**

Not applicable.

**Sustainability implications**

Not applicable.

**COMMENT**

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

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

## VOTING REQUIREMENTS

Simple Majority.

## RECOMMENDATION

That Council:

- 1 **NOTES** the Minutes of the Annual General Meeting of Electors held on 4 December 2012 forming Attachment 1 to Report CJ005-02/13;
- 2 In relation to Motion No. 1 carried at the Annual General Meeting of Electors **NOTES**:
  - 2.1 the outcomes of the use of Hydrothermal weed control has been previously reported to Council at its meeting held on 15 December 2009 (CJ282-12/09 refers);
  - 2.2 the City will **CONTINUE** to investigate techniques and technologies to reduce the City's reliance on herbicides for the control of weeds;
- 3 In relation to Motion No. 2 carried at the Annual General Meeting of Electors:
  - 3.1 **NOTES** the Skate Park Facility Management Plan provides a framework for a co-ordinated approach to the management of the City's skate parks, including Mirror Park skate park and the management of inherent risks associated with skate park facilities including the potential for personal injury, anti-social behaviour, noise, graffiti, vandalism and infrastructure failure;
  - 3.2 **NOTES** no further consultation on the adopted Skate Park Facility Management Plan will be undertaken at this stage;
  - 3.3 **REQUESTS** that a review of the implementation of the Skate Park Facility Management Plan as it relates to the Mirror Park skate park be undertaken one year after commencement of operation of the skate park;
- 4 In relation to Motion No. 3 carried at the Annual General Meeting of Electors **NOTES**:
  - 4.1 initial studies have been undertaken to assess the potential impacts of the Ocean Reef Marina and climate change on the Mullaloo Beach;
  - 4.2 further studies will be initiated, including climate change and sea level variation as part of the ongoing work involved in compilation of the Project Structure Plan for the Ocean Reef Marina Project;
- 5 In relation to Motion No. 4 carried at the Annual General Meeting of Electors **NOTES** Elected Members and employees are made aware of their obligations, responsibilities and separation of powers through existing induction programs for Elected Members and employees and through the City's Governance Framework;

- 6 In relation to Motion No. 5 carried at the Annual General Meeting of Electors NOTES that the City has installed no stopping signs adjacent to Mirror Park skate park and that the City will monitor the area and take all necessary enforcement action as required;
- 7 In relation to Motion No. 6 carried at the Annual General Meeting of Electors NOTES City officers already provide patrols along the whole Joondalup foreshore on designated abalone fishing days, to control illegal parking activity and illegal dune access to abalone fishing areas;
- 8 In relation to Motion No. 7 carried at the Annual General Meeting of Electors NOTES that the stage has been repaired and the carpet replaced in Rob Baddock Hall, Kallaroo;
- 9 In relation to Motion No. 8 carried at the Annual General Meeting of Electors DECLINES to accede to the request for a review of the costs associated with the Elected Members Strategic Workshop held at Abbey Beach Resort, Busselton.

*Appendix 4 refers*

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

**CJ006-02/13 EXECUTION OF DOCUMENTS**

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

**PURPOSE**

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

**EXECUTIVE SUMMARY**

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

*It is recommended that Council NOTES the Schedule of Documents covering the period 27 November 2012 to 8 January 2013, executed by means of affixing the Common Seal, as detailed in Attachment 1 to Report CJ006-02/13.*

**DETAILS**

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

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

**Issues and options considered**

Not applicable.



**Legislation / Strategic Community Plan / policy implications**

**Legislation** *Local Government Act 1995.*

**Strategic Community Plan**

**Key theme** Governance and Leadership.

**Objective** Corporate capacity.

**Strategic initiative** Not applicable.

**Policy** Not applicable.

**Risk management considerations**

Not applicable.

**Financial/budget implications**

Not applicable.

**Regional significance**

Not applicable.

**Sustainability implications**

Not applicable.

**Consultation**

Not applicable.

**COMMENT**

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

**VOTING REQUIREMENTS**

Simple Majority.

**RECOMMENDATION**

**That Council NOTES the Schedule of Documents covering the period 27 November 2012 to 8 January 2013, executed by means of affixing the Common Seal, as detailed in Attachment 1 to Report CJ006-02/13.**

*Appendix 5 refers*

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

**CJ007-02/13 MINUTES OF EXTERNAL COMMITTEES**

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

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**PURPOSE**

For Council to note the minutes of various external committees.

**EXECUTIVE SUMMARY**

The following minutes are provided:

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

**DETAILS**

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

**Local Emergency Management Committee - 1 November 2012**

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

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

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

### **WALGA North Metropolitan Zone Committee - 29 November 2012**

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

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

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

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

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

*"That Council:*

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

### **Mindarie Regional Council – 6 December 2012**

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

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

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

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

It was resolved by Mindarie Regional Council as follows:

*"That Council:*

- A That in accordance with part 2 clause 10 of the Local Government (Administration) Regulations 1996 Councillors Bissett, Newton, Gray and Withers supported that Council reconsider parts 3a.,3c. and 3e. of Item 4 – "City of Stirling Withdrawal" as resolved by Council at its meeting on 28 March 2012, which reads as follows:*

- "3 The City of Stirling be advised that the MRC is prepared to negotiate an agreement for its withdrawal pursuant to section 699 of the Local Government Act 1960 on the basis that the City of Stirling:*

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

*from current accumulated Mindarie Regional Council funds;*

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

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

*C That:*

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

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

## **Tamala Park Regional Council – 13 December 2012**

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

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

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

### **9.13 Stage 2B Design Guidelines, Incentives and Sales Process**

It was resolved by Tamala Park Regional Council as follows:

*“That Council:*

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

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

#### 9.15 Public Transport Initiatives Strategy

It was resolved by Tamala Park Regional Council as follows:

*“That Council:*

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

#### 9.19 Built Form and Demonstration Housing Strategy

It was resolved by Tamala Park Regional Council as follows:

*“That Council:*

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

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

#### 9.20 Stage 5 Civil Construction and External Sewer

It was resolved by Tamala Park Regional Council as follows:

*"That Council:*

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

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

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

It was resolved by Tamala Park Regional Council as follows:

*“That Council:*

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

9.23 Stage 4 Builders Allocation Lots Tender – Late Item

It was resolved by Tamala Park Regional Council as follows:

*“That Council:*

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



#### 9.24 Marmion Avenue Intersection Construction Contract – Late Item

It was resolved by Tamala Park Regional Council as follows:

*“That Council:*

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

#### **Legislation / Strategic Community Plan / policy implications**

**Legislation** Not applicable.

#### **Strategic Community Plan**

**Key theme** Not applicable.

**Objective** Not applicable.

**Strategic initiative** Not applicable.

**Policy** Not applicable.

#### **Risk management considerations**

Not applicable.

#### **Financial/budget implications**

Not applicable.

#### **Regional significance**

Not applicable.

#### **Sustainability implications**

Not applicable.

#### **Consultation**

Not applicable.

**VOTING REQUIREMENTS**

Simple Majority.

**RECOMMENDATION**

That Council NOTES the minutes of the:

- 1 Local Emergency Management Committee meeting held on 1 November 2012 forming Attachment 1 to Report CJ007-02/13;
- 2 WALGA North Metropolitan Zone Committee meeting held on 29 November 2012 forming Attachment 2 to Report CJ007-02/13;
- 3 Mindarie Regional Council meeting held on 6 December 2012 forming Attachment 3 to Report CJ007-02/13;
- 4 Tamala Park Regional Council meeting held on 13 December 2012 forming Attachment 4 to Report CJ007-02/13.

*Appendix refers*

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

## **CJ008-02/13      ANNUAL PLAN QUARTERLY PROGRESS REPORT FOR THE PERIOD 1 OCTOBER 2012 - 31 DECEMBER 2012**

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

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### **PURPOSE**

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

### **EXECUTIVE SUMMARY**

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

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

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

*It is recommended that Council RECEIVES the:*

- 1      Annual Plan Quarterly Progress Report for the period 1 October – 31 December 2012, forming Attachment 1 to Report CJ008-02/13;*
- 2      Capital Works Quarterly Report for the period 1 October – 31 December 2012, forming Attachment 2 to Report CJ008-02/13.*

## BACKGROUND

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

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

## DETAILS

### Issues and options considered

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

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

The 2012-2013 Annual Plan contains a brief description of the key projects and programs that the City proposes to deliver in the 2012-2013 financial year. Milestones are set for the key projects and programs to be delivered in each quarter.

The Quarterly Progress Report provides information on progress against the milestones and a commentary is provided against each milestone.

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

### Legislation / Strategic Community Plan / policy implications

#### Legislation

The *Local Government Act 1995* provides a framework for the operations of Local Governments in Western Australia.

Section 1.3 (2) states:

*This Act is intended to result in:*

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

**Strategic Community Plan**

<b>Key Theme</b>	Governance and Leadership.
<b>Objective</b>	Corporate capacity.
<b>Strategic Initiative</b>	Demonstrate accountability through robust reporting that is relevant and easily accessible by the community.
<b>Policy</b>	In accordance with City Policy - Communications - the Council recognises and acknowledges the importance of consistent, clear communications and access to information for its stakeholders.

**Risk management considerations**

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

**Financial/budget implications**

All projects and programs in the Annual Plan 2012-2013 have been included in the 2012-2013 Budget.

**Regional significance**

Not applicable.

**Sustainability implications**

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

**Consultation**

Not applicable.

**COMMENT**

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

A detailed report on progress of the Capital Works Program has been included with the Annual Plan Quarterly Progress Report. This Report provides an overview of progress against all of the projects and programs in the 2012-2013 Capital Works Program.

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

**VOTING REQUIREMENTS**

Simple Majority.

**RECOMMENDATION**

**That Council RECEIVES the:**

- 1      Annual Plan Quarterly Progress Report for the period 1 October – 31 December 2012, forming Attachment 1 to Report CJ008-02/13;**
- 2      Capital Works Quarterly Report for the period 1 October – 31 December 2012, forming Attachment 2 to Report CJ008-02/13.**

*Appendix 6 refers*

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

**CJ009-02/13      REQUEST TO ADVERTISE NEW PARKING LOCAL LAW 2013**

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

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**PURPOSE**

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

**EXECUTIVE SUMMARY**

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

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

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

*It is recommended that Council:*

- 1      *MAKES the proposed City of Joondalup Parking Local Law 2013 as detailed in Attachment 1 to Report CJ009-02/13 for the purposes of public advertising;*
- 2      *ADVERTISES the proposed City of Joondalup Parking Local Law 2013 in accordance with section 3.12 (3)(a) of the Local Government Act 1995;*
- 3      *FORWARDS a copy of the proposed City of Joondalup Parking Local Law 2013 to the Minister for Local Government in accordance with section 3.12 (3)(b) of the Local Government Act 1995;*
- 4      *REQUESTS the Chief Executive Officer prepare a further report at the conclusion of the public advertising period to enable the Council to consider any submissions made.*

## BACKGROUND

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

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

## DETAILS

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

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

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

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

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

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

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



### Key changes

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

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

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

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

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

## Issues and options considered

### Option 1

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

This option is recommended.

### Option 2

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

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

### Option 3

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

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

## Legislation / Strategic Community Plan / policy implications

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

## Risk management considerations

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

## Financial/budget implications

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

**Regional significance**

Not applicable.

**Sustainability implications**

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

**Consultation**

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

**COMMENT**

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

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

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

**VOTING REQUIREMENTS**

Simple Majority.

**RECOMMENDATION****That Council:**

- 1**      **MAKES** the proposed *City of Joondalup Parking Local Law 2013* as detailed in Attachment 1 to Report CJ009-02/13 for the purpose of public advertising;
- 2**      **ADVERTISES** the proposed *City of Joondalup Parking Local Law 2013* in accordance with section 3.12 (3)(a) of the *Local Government Act 1995*;
- 3**      **FORWARDS** a copy of the proposed *City of Joondalup Parking Local Law 2013* to the Minister for Local Government in accordance with section 3.12 (3)(b) of the *Local Government Act 1995*;
- 4**      **REQUESTS** the Chief Executive Officer prepare a further report at the conclusion of the public advertising period to enable the Council to consider any submissions made.

*Appendix 7 refers*

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

## CJ010-02/13 LIST OF PAYMENTS MADE DURING THE MONTH OF NOVEMBER 2012

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

### PURPOSE

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

### EXECUTIVE SUMMARY

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

*It is recommended that Council NOTES the Chief Executive Officer's list of accounts for November 2012 paid under delegated authority in accordance with regulation 13(1) of the Local Government (Financial Management) Regulations 1996 in Attachments 1, 2 and 3 to Report CJ010-02/13, totalling \$12,885,560.69.*

### BACKGROUND

Council has delegated to the Chief Executive Officer the exercise of its power to make payments from the City's Municipal and Trust funds. In accordance with Regulation 13 of the *Local Government (Financial Management) Regulations 1996* a list of accounts paid by the Chief Executive Officer is to be provided to Council, where such delegation is made.

### DETAILS

The table below summarises the payments drawn on the funds during the month of November 2012. Lists detailing the payments made are appended as Attachments 1 and 2. The vouchers for the month are appended as Attachment 3.

FUNDS	DETAILS	AMOUNT
Municipal Account	Municipal Cheques & EFT Payments 94175 - 94440 & EF027851 - EF028584 Net of cancelled payments	\$8,809,144.42
	Vouchers 1051A - 1052A & 1055A - 1062A	\$4,031,994.68
Trust Account	Trust Cheques 205261 - 205339 Net of cancelled payments	\$44,421.59
<b>Total</b>		<b>\$12,885,560.69</b>

### Issues and options considered

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

### Legislation / Strategic Community Plan / policy implications

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

### Strategic Community Plan

**Key theme** Financial Sustainability.

**Objective** Effective management.

**Strategic Initiative** Not applicable.

**Policy** Not applicable.

### Risk management considerations

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

### Financial/budget implications

All expenditure from the Municipal Fund was included in the annual budget as adopted or revised by Council.

### Regional significance

Not applicable.

**Sustainability implications**

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

**Consultation**

Not applicable.

**COMMENT**

All Municipal Fund expenditure included in the list of payments is incurred in accordance with the 2012-13 Annual Budget as adopted and revised by Council at its meeting held on 10 July 2012 (JSC04-07/12 refers) or has been authorised in advance by the Mayor or by resolution of Council as applicable.

**VOTING REQUIREMENTS**

Simple Majority.

**RECOMMENDATION**

**That Council NOTES the Chief Executive Officer's list of accounts for November 2012 paid under Delegated Authority in accordance with Regulation 13(1) of the Local Government (Financial Management) Regulations 1996 forming Attachments 1, 2 and 3 to Report CJ010-02/13, totalling \$12,885,560.69.**

*Appendix 8 refers*

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

**CJ011-02/13 LIST OF PAYMENTS MADE DURING THE MONTH OF DECEMBER 2012**

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

**PURPOSE**

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

**EXECUTIVE SUMMARY**

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

*It is recommended that Council NOTES the Chief Executive Officer's list of accounts for December 2012 paid under delegated authority in accordance with regulation 13(1) of the Local Government (Financial Management) Regulations 1996 in Attachments 1, 2 and 3 to Report CJ011-02/13, totalling \$16,251,208.28.*

**BACKGROUND**

Council has delegated to the Chief Executive Officer the exercise of its power to make payments from the City's Municipal and Trust funds. In accordance with Regulation 13 of the *Local Government (Financial Management) Regulations 1996* a list of accounts paid by the Chief Executive Officer is to be provided to Council, where such delegation is made.



## DETAILS

The table below summarises the payments drawn on the funds during the month of December 2012. Lists detailing the payments made are appended as Attachments 1 and 2. The vouchers for the month are appended as Attachment 3.

FUNDS	DETAILS	AMOUNT
Municipal Account	Municipal Cheques & EFT Payments	\$12,014,184.52
	94441 – 94677 & EF028585 – EF029136	
	Net of cancelled payments	\$4,190,099.36
	Vouchers 1064A – 1071A	
Trust Account	Trust Cheques 205340 – 205436 Net of cancelled payments	\$46,924.40
<b>Total</b>		\$16,251,208.28

## Issues and options considered

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

## Legislation / Strategic Community Plan / policy implications

### Legislation

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

### Strategic Community Plan

**Key theme** Financial Sustainability.

**Objective** Effective management.

**Strategic Initiative** Not applicable.

**Policy** Not applicable.

### Risk management considerations

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

**Financial/budget implications**

All expenditure from the Municipal Fund was included in the annual budget as adopted or revised by Council.

**Regional significance**

Not applicable.

**Sustainability implications**

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

**Consultation**

Not applicable.

**COMMENT**

All Municipal Fund expenditure included in the list of payments is incurred in accordance with the 2012-13 Annual Budget as adopted and revised by Council at its meeting held on 10 July 2012 (JSC04-07/12 refers) or has been authorised in advance by the Mayor or by resolution of Council as applicable.

**VOTING REQUIREMENTS**

Simple Majority.

**RECOMMENDATION**

**That Council NOTES the Chief Executive Officer's list of accounts for December 2012 paid under Delegated Authority in accordance with Regulation 13(1) of the Local Government (Financial Management) Regulations 1996 forming Attachments 1, 2 and 3 to Report CJ011-02/13, totalling \$16,251,208.28.**

*Appendix 9 refers*

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

## **CJ012-02/13      FINANCIAL ACTIVITY STATEMENT FOR THE PERIOD ENDED 30 NOVEMBER 2012**

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

### **PURPOSE**

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

### **EXECUTIVE SUMMARY**

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

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

The variance can be summarised as follows:

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

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

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

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

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

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

*It is recommended that Council NOTES the Financial Activity Statement for the period ended 30 November 2012 forming Attachment 1 to Report CJ012-02/13.*

## **BACKGROUND**

The *Local Government (Financial Management) Regulations 1996* requires a monthly Financial Activity Statement. At its meeting held on 11 October 2005 (CJ211-10/05 refers), Council resolved to accept the monthly Financial Activity Statement according to nature and type classification.

## **DETAILS**

### **Issues and options considered:**

The Financial Activity Statement for the period ended 30 November 2012 is attached as Attachment 1.

### **Legislation/Strategic Community Plan/Policy Implications**

**Legislation** Section 6.4 of the *Local Government Act 1995* requires a local government to prepare an annual financial report for the preceding year and such other financial reports as are prescribed.

Regulation 34(1) of the *Local Government (Financial Management) Regulations 1996* as amended requires the local government to prepare each month a statement of financial activity reporting on the source and application of funds as set out in the annual budget.

### **Strategic Community Plan**

**Key Themes** Financial Sustainability.

**Objective** Effective management.

**Policy** Not applicable.

### **Risk management considerations**

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

### **Financial/Budget implications**

Not applicable.

**Regional significance**

Not applicable.

**Sustainability implications**

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

**Consultation**

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

**COMMENT**

All expenditures included in the Financial Activity Statement are incurred in accordance with the provisions of the 2012-13 Adopted Budget or have been authorised in advance by Council where applicable.

**VOTING REQUIREMENTS**

Simple Majority.

**RECOMMENDATION**

**That Council NOTES the Financial Activity Statement for the period ended 30 November 2012 forming Attachment 1 to Report CJ012-02/13.**

*Appendix 10 refers*

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

## **CJ013-02/13      FINANCIAL ACTIVITY STATEMENT FOR THE PERIOD ENDED 31 DECEMBER 2012**

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

### **PURPOSE**

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

### **EXECUTIVE SUMMARY**

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

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

The variance can be summarised as follows:

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

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

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

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

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

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

*It is recommended that Council NOTES the Financial Activity Statement for the period ended 31 December 2012 forming Attachment 1 to Report CJ013-02/13.*

## **BACKGROUND**

The *Local Government (Financial Management) Regulations 1996* requires a monthly Financial Activity Statement. At its meeting held on 11 October 2005 (CJ211-10/05 refers), Council resolved to accept the monthly Financial Activity Statement according to nature and type classification.

## **DETAILS**

### **Issues and options considered**

The Financial Activity Statement for the period ended 31 December 2012 is appended as Attachment 1.

### **Legislation / Strategic Community Plan / policy implications**

#### **Legislation**

Section 6.4 of the *Local Government Act 1995* requires a local government to prepare an annual financial report for the preceding year and such other financial reports as are prescribed.

Regulation 34(1) of the *Local Government (Financial Management) Regulations 1996* as amended requires the local government to prepare each month a statement of financial activity reporting on the source and application of funds as set out in the annual budget.

#### **Strategic Community Plan**

**Key theme** Financial Sustainability.

**Objective** Effective management.

**Strategic initiative** Not applicable.

**Policy** Not applicable.

#### **Risk management considerations**

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

**Financial/budget implications**

Not applicable.

**Regional significance**

Not applicable.

**Sustainability implications**

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

**Consultation**

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

**COMMENT**

All expenditures included in the Financial Activity Statement are incurred in accordance with the provisions of the 2012-13 Adopted Budget or have been authorised in advance by Council where applicable.

**VOTING REQUIREMENTS**

Simple Majority.

**RECOMMENDATION**

**That Council NOTES the Financial Activity Statement for the period ended 31 December 2012 forming Attachment 1 to Report CJ013-02/13.**

*Appendix 11 refers*

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



## **CJ014-02/13      TENDER 031/12 - SUPPLY AND INSTALLATION OF IRRIGATION SYSTEMS AT MAWSON AND HILLARYS PARKS**

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

### **PURPOSE**

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

### **EXECUTIVE SUMMARY**

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

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

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

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

## **BACKGROUND**

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

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

## **DETAILS**

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

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

### **Tender Submissions**

Five submissions were received from:

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

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

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

### **Evaluation Panel**

The evaluation panel comprised of three members:

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

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

### **Compliance Assessment**

The following offers received were assessed as fully compliant:

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

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

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

### **Qualitative Assessment**

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

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

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

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

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

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

### **Price Assessment**

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

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

### Evaluation Summary

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

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

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

### Issues and options considered

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

### Legislation / Strategic Community Plan / policy implications

#### Legislation

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

#### Strategic Community Plan

##### Key theme

Quality Urban Environment.

##### Objective

Quality open spaces.

##### Strategic initiative

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

##### Policy

Reserves, Parks and Recreation Grounds.

### Risk management considerations

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

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

### Financial/budget implications

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

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

### Regional significance

Not applicable.

### Sustainability implications

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

### Consultation

Not applicable.

### COMMENT

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

### VOTING REQUIREMENTS

Simple Majority.

### RECOMMENDATION

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

*Appendix 12 refers*

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

**CJ015-02/13      TENDER 034/12 - CIVIL WORKS FOR HODGES DRIVE CARRIAGEWAY DUPLICATION**

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

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**PURPOSE**

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

**EXECUTIVE SUMMARY**

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

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

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

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

## **BACKGROUND**

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

## **DETAILS**

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

### **Tender Submissions**

Six submissions were received from:

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

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

### **Evaluation Panel**

The evaluation panel comprised of four members:

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

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

### **Compliance Assessment**

The following offers were assessed as compliant:

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

The following offer was assessed as partially compliant:

- VDM Construction Pty Ltd (alternative offer).

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

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

### Qualitative Assessment

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

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

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

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

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

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

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



### Price Assessment

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

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

### Evaluation Summary

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

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

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

### Issues and options considered

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

**Legislation / Strategic Community Plan / policy implications****Legislation**

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

**Strategic Community Plan****Key theme**

Quality Urban Environment.

**Objective**

Integrated spaces.

**Strategic initiative**

Provide for diverse transport options that promote enhanced connectivity.

**Policy**

Not applicable.

**Risk management considerations**

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

It is considered that the contract will represent a low risk to the City as the recommended tenderer is a well-established company with significant industry experience and has the capacity to complete the works for the City within the required 17 week timeframe.

**Financial/budget implications**

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

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

All amounts quoted in this report are exclusive of GST.

**Regional significance**

Not applicable.

**Sustainability implications**

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

**Consultation**

Not applicable.

**COMMENT**

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

**VOTING REQUIREMENTS**

Simple Majority.

**RECOMMENDATION**

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

*Appendix 13 refers*

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

**CJ016-02/13      REVIEW OF FINANCIAL ASSISTANCE GRANTS**

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

**PURPOSE**

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

**EXECUTIVE SUMMARY**

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

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

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

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

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

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

## BACKGROUND

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

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

### Allocation received by the City

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

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

Table 1 – Financial Assistance Grants to the City

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

#1 Ranking relates to all Local Government within Western Australia

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

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

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

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

## DETAILS

### Who Allocates the FAGs?

The FAGs are allocated in a two stage process:

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

### How Does the CGC Allocate to each of the States?

The FAGs comprise of two elements, allocated as follows:

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

### National Principles – *Local Government (Financial Assistance) Act 1995*

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

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

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

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

### Grants awarded to the City of Joondalup

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

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

### General Purpose Grant – ‘horizontal equalisation’ / 12 disabilities

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

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

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

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

### **Issues and options considered**

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

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

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

Comments are:

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



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

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

#### Tied or Untied (Question 8)

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

Comments are:

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

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

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

There are three possible responses posed in the survey:

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

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

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

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

Comments are:

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

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

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

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

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

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

Any other comments (Question 13)

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

**Legislation / Strategic Community Plan / policy implications**

**Legislation** *Local Government (Financial Assistance) Act 1995.*

**Strategic Community Plan**

**Key theme** Financial Sustainability.

**Objective** Financial diversity.

**Strategic initiative** Position the City to align with State and Federal Government priorities to increase eligibility for grant funding.

**Policy** Not applicable.

**Risk management considerations**

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

**Financial/budget implications**Impacts on 20 Year Strategic Financial Plan (SFP)

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

**Regional significance**

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

**Sustainability implications**

Not applicable.

**Consultation**

Not applicable.

**COMMENT**

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

## **VOTING REQUIREMENTS**

Simple Majority.

## **RECOMMENDATION**

**That Council ENDORSES the completed Western Australian Local Government Association Survey on Financial Assistance Grants forming Attachment 2 to Report CJ016-02/13.**

*Appendix 14 refers*

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

## **CJ017-02/13      APPOINTMENT OF REPRESENTATIVE TO THE JOONDALUP PERFORMING ARTS AND CULTURAL FACILITY – STEERING COMMITTEE**

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

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### **PURPOSE**

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

### **BACKGROUND**

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

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

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

#### Members

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

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

A maximum of two external individuals with specialist expertise:

Mr Alastair Bryant

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

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

## DETAILS

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

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

## Issues and options considered

Council can either:

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

## Legislation / Strategic Community Plan / policy implications

**Legislation** *Local Government Act 1995*

### Strategic Community Plan

**Key theme** Governance and Leadership.

**Objective** Strong leadership.

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



**Policy** Not applicable.

**Risk management considerations**

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

**Financial/budget implications**

Not applicable.

**Regional significance**

Not applicable.

**Sustainability implications**

Not applicable.

**Consultation**

Not applicable.

**COMMENT**

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

**VOTING REQUIREMENTS**

Absolute Majority.

**RECOMMENDATION**

**That Council:**

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

## REPORTS - CAPITALS WORKS COMMITTEE

### CJ018-02/13      BROADBEACH AND FLINDERS PARK ADDITIONAL WORKS

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

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#### PURPOSE

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

#### EXECUTIVE SUMMARY

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

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

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

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

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

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

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

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

*It is recommended that Council APPROVES the:*

- 1 route for a 2.1 metre concrete path to connect Broadbeach and Flinders Parks as shown in Attachment 3 to Report CJ018-02/13;*
- 2 listing of the installation of the path and lighting to replace the Flinders Park Community Centre refurbishment in the draft 2014-15 Capital Works Program;*
- 3 listing of the Flinders Park Community Centre refurbishment in the draft 2017-18 Capital Works Program;*
- 4 listing of the Broadbeach and Flinders Park remedial lake works in the draft 2014-15 Capital Works Program.*

## **BACKGROUND**

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

The parks currently contain many features, as described below:

Broadbeach Park (north):

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

Flinders Park (centre and south):

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

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

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

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

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

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

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

## DETAILS

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

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

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

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

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

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

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

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

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

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

The following table provides a breakdown of the estimated costs.

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

## Issues and options considered

### Option 1

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

This is the recommended option.

### Option 2

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

This option is not recommended.

**Legislation / Strategic Community Plan / policy implications**

**Legislation** Not applicable.

**Strategic Community Plan**

**Key theme** Community Wellbeing.

**Objective** Quality facilities.

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

**Policy** Not applicable.

**Risk management considerations**

Not applicable.

**Financial/Budget implications**Path Network and lighting

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

Remedial actions for lakes

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

All figures quoted in this report are exclusive of GST.

**Regional significance**

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

**Sustainability implications**

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

**Consultation**

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

**COMMENT**

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

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

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

**VOTING REQUIREMENTS**

Simple Majority.

**COMMITTEE RECOMMENDATION**

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

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



**RECOMMENDATION**

**That Council APPROVES the:**

- 1 route for a 2.1 metre concrete path to connect Broadbeach and Flinders Parks as shown in Attachment 3 to Report CJ018-02/13;**
- 2 listing of the installation of the path and lighting to replace the Flinders Park Community Centre refurbishment in draft 2014-15 Capital Works Program;**
- 3 listing of the Flinders Park Community Centre refurbishment in the draft 2017-18 Capital Works Program;**
- 4 listing of the Broadbeach and Flinders Park remedial lake works in the draft 2014-15 Capital Works Program.**

*Appendix 15 refers*

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

**CJ019-02/13      DELAMERE PARK ADDITIONAL FUNDING****WARD:** North**RESPONSIBLE  
DIRECTOR:** Mr Nico Claassen  
Infrastructure Services**FILE NUMBER:** 102496, 88565**ATTACHMENTS:**  
Attachment 1 Delamere Park Final Landscape Plan and Sections  
Attachment 2 Approved Delamere Park Draft Concept Plan  
Attachment 3 Currambine Community Centre Consultation Brochure**AUTHORITY / DISCRETION** Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

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**PURPOSE**

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

**EXECUTIVE SUMMARY**

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

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

*It is recommended that Council APPROVES:*

- 1 *listing of \$1,660,756 additional funding for consideration in the 2013-14 Capital Works Program for construction of Delamere Park;*
- 2 *proceeding to community consultation of the current landscape plan, as detailed in Attachment 1 to Report CJ019-02/13.*

## BACKGROUND

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

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

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

Council agreed, in part to:

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

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

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

## DETAILS

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

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

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

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

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

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

#### Soft/hard landscaping and Irrigation Works

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

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

#### Car Park Construction

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

### Power, Lighting and CCTV

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

### Re-Vegetation

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

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

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

### **Issues and options considered**

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

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

### **Risk management considerations**

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

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

## Financial/budget implications

Summary of Cost Estimates:

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

## Regional significance

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

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

## Sustainability implications

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

## Consultation

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

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

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

## COMMENT

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

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

## **VOTING REQUIREMENTS**

Simple Majority.

## **COMMITTEE RECOMMENDATION**

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

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

## **RECOMMENDATION**

### **That Council APPROVES:**

- 1 listing of \$1,660,756 additional funding for consideration in the 2013-14 Capital Works Program for construction of Delamere Park;**
- 2 proceeding to community consultation of the current landscape plan as detailed in Attachment 1 to Report CJ019-02/13.**

*Appendix 16 refers*

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

## REPORTS - ART COLLECTION AND ADVISORY COMMITTEE

### CJ020-02/13 COMMUNITY INVITATION ART AWARD

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Mike Tidy Corporate Services
<b>FILE NUMBER</b>	35613, 101515
<b>ATTACHMENTS</b>	Attachment 1 Terms and Conditions of Entry
<b>AUTHORITY / DISCRETION</b>	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

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#### PURPOSE

For Council to consider options for further development of the City of Joondalup's Invitation Art Award 2013 onwards.

#### EXECUTIVE SUMMARY

The 2012 City of Joondalup Invitation Art Award (IAA) was an acquisitive art award that was open to leading Western Australian artists and has been held since 1998. At its meeting held on 20 November 2012 (CJ249-11/12 refers), Council resolved to make some changes to its IAA as follows:

- Be renamed the Community Invitation Art Award (CIAA).
- Eligibility to the CIAA be limited to City of Joondalup residents or a member of the Joondalup Community Art Association.
- Implement an artistic direction to focus on exhibiting more work by fewer artists.
- Selection and judging panels comprise independent art professionals.

The Council decision of 20 November 2012 also sought more information on art categories for the CIAA along with including a Community Education Program as part of the award.

#### BACKGROUND

At its meeting held on 17 April 2012 (CJ066-04/12 refers), Council resolved in part:

“4 In relation to the report on the City of Joondalup Invitation Art Award:

4.2 REQUESTS a future report be presented to the Art Collection and Advisory Committee on potential options for the Invitation Art Award.”



The City of Joondalup Invitation Art Award is an acquisitive art award and exhibition that entered its 15<sup>th</sup> year in 2012.

The award aimed to recognise the practice of prominent Western Australian artists and to provide the Joondalup community with an opportunity to engage with contemporary visual art. It offered one of the largest acquisitive cash prizes in local government in Western Australia (\$15,000 – prize pool \$18,000). The winning artwork was acquired and became part of the City's art collection.

The award categories for the Invitation Art Award were:

- Acquisitive Award \$15,000
- Award for Excellence \$ 1,000
- Celebrating Joondalup Award \$ 1,000
- Popular Choice Award \$ 1,000

Discretionary Judges' Commendation Awards were also issued and were in the form of a certificate and did not include a cash prize.

The following Cities offer the following prizes for their premier art exhibition:

- City of Perth - \$20,000 – acquisitive award, (prize pool of \$25,000).
- City of Stirling - \$5,000 - acquisitive award, (prize pool of \$11,000).
- City of Fremantle - \$15,000 - acquisitive award, (prize pool of \$20,000).
- City of Vincent - \$6,000 - acquisitive award, (prize pool of \$10,200).
- City of Greater Geraldton - \$20,000 - CGG Award for Excellence, (prize pool of \$45,000).
- City of Albany - \$25,000 - acquisitive award, (prize pool of \$27,000).
- City of Swan - \$12,000 (prize pool of \$16,000).

The City of Fremantle is a specialised print award open only to professional artists. The Cities of Perth, Greater Geraldton, Albany and Swan are mixed media awards and also only open to professional artists.

The Cities of Vincent and Stirling are community awards open to professional and non-professional artists.

The City's Invitation Art Award was traditionally held in October of each year at the Lakeside Joondalup Shopping City. The City called for initial expressions of interest from artists, attracting approximately 90 entries annually. From the entries received, an independent selection panel compiled a shortlist of approximately 30 artists and these artists received an invitation to exhibit. A separate independent panel of expert judges review the exhibition and make awards.

The exhibition began with an opening function followed by a public exhibition period. Although all exhibited artworks were for sale, with the City taking a percentage of commission on any sales, the exhibition's importance as a cultural contribution to the City of Joondalup was its primary interest.

At its meeting held on 20 November 2012 (CJ249-11/12 refers), Council resolved:

*"That Council AMENDS the Invitation Art Award to better reflect the aspiration of the local art community to include the following elements commencing in 2013:*

*The Invitation Art Award be RENAMED the Community Invitation Art Award:*

- 1 eligibility to the Community Invitation Art Award be restricted to the City of Joondalup residents or a member of the Joondalup Community Art Association;*
- 2 selection of the artists be by an external selection committee and awarded by an external judging panel;*
- 3 an artistic direction be implemented to focus on exhibiting multiple work by fewer artists;*
- 4 a possible alternative venue for the Community Invitation Art Award be investigated and reported back to the Art Collection and Advisory Committee; and*
- 5 a further report be submitted to the Art Collection and Advisory Committee outlining the terms, conditions, award categories and potential community education program for the Community Invitation Art Award.”*

## **DETAILS**

### **Issues and options considered**

The following options are suggested for the CIAA in regards to the decision of the Council made at its November 2012 meeting:

#### The Invitation Art Award be renamed the CIAA

This change has been reflected in the Terms and Conditions as attached to this report (Attachment 1 refers). It is however recommended that the exhibition be renamed back to the Invitation Art Award to avoid confusion among artists in relation to the Community Art Exhibition.

#### Eligibility to the Community Invitation Art Award be restricted to the City of Joondalup residents or a member of the Joondalup Community Art Association (JCAA)

This change has been reflected in the Terms and Conditions as attached to this report (Attachment 1 refers).

It is proposed with the change of eligibility criteria for professional artists to exhibit that the CIAA be a non-acquisitive art award.

When the City's art collection was assessed in December 2007, the valuer's comments noted that the City has a significant contemporary art collection of excellent financial and cultural value. Overall, selections have been made in order to build a coherent collection of high artistic and financial value.

With the CIAA having more of a local focus this may lead to the quality of work not being at the levels as it was in the past as per the City's IAA. If the CIAA is an acquisitive award, those winner works may weaken the overall value of the City's collection.

### Award Categories

It is proposed that the following award categories apply to the CIAA:

- Overall Award \$5,000 - This award is non-acquisitive and awarded to the overall winner.
- Award for Excellence \$1,000 - This award is non-acquisitive and will be awarded to a work of excellence.
- Popular Choice Award \$1,000 - This award is non-acquisitive and will be awarded to the work that receives the most votes in the public voting ballot.

The proposed reduction in the award amounts is based on the fact that the change in Terms and Conditions for the CIAA will now likely limit the range of professional expression of interest able to exhibit.

Each exhibiting artist will only be eligible to claim either the Overall Award or the Award for Excellence.

The Community Invitation Art Award will also feature a voluntary category that all artists are eligible to enter but which will not affect their eligibility for either the Overall Award or the Award for Excellence:

- Celebrating Joondalup \$1,000 - This prize will be awarded to a work that is based on Joondalup content or context. This is a voluntary category and any work nominated for the award category will be judged on artistic merit and by the extent to which it relates to and represents the City of Joondalup. Artists must outline on the Artwork Details Form how the work relates to the City of Joondalup.

In the event that there are many works worthy of merit, in addition to the above mentioned prizes, the judging panel may award up to three discretionary Judges' Commendation Awards. These awards take the form of a certificate and do not include a cash prize.

### Selection of the artists be by an external selection committee and awarded by an external judging panel

The CIAA requires the expertise of an external selection committee and an external judging panel. Both panels are appointed by the City.

It is proposed to appoint three art industry experts to serve as the selection panel who will oversee the artist selection process, which takes place seven months before the event. A further three art industry experts will be engaged for the judging of the CIAA.

No representative of the City should serve on either the selection and/or the judging panels and the City has the right not to accept any artwork as part of the exhibition.

### An artistic direction is implemented to focus on exhibiting multiple works by fewer artists

This option would focus on exhibiting multiple works by fewer artists to achieve greater depth of presentation.

By displaying a series of works by each selected artist this option would also provide the audience with a clearer understanding of each artist's practice and would enhance the general public's understanding of contemporary visual art.

### Possible Alternative Venue for the Community Invitation Art Award

The investigation of a possible venue for the CIAA will be subject to a further report to the ACAC. Due to no alternative venue being determined at this stage, it is proposed to host the 2013 CIAA at the Lakeside Joondalup Shopping City from 26 October 2013 to 15 November 2013.

### Implementation of a Community Education Program

Contemporary art is often seen to only appeal to a select group of art world insiders. The Community Education Program would focus on finding ways to connect members of the general public with contemporary visual art.

The program could include a series of conversations and events organised by the City and would present discussions between artists, art historians, curators, critics, directors, dealers and the general public. The program would draw on the distinctions and affinities between socially engaged artistic, curatorial, writing and administrative practices in the region.

It is suggested with the change of focus from the IAA to the CIAA, that such a program be deferred pending a review of the inaugural CIAA to gauge the level of artist work exhibited.

### **Legislation / Strategic Community Plan / policy implications**

#### **Legislation**

The moral rights section of the *Copyright Act 1968* (Commonwealth) states that individual creators have the right not to have their work treated in a 'derogatory' way, such as distorting, mutilating, modifying, altering, or removing the artistic work, without the creator's knowledge and consent. This would include a prohibition on professional handling or displaying of artwork without the artist's consent.

#### **Strategic Community Plan**

##### **Key theme**

Community Wellbeing.

##### **Objective**

Cultural development.

##### **Strategic initiative**

- Establish a significant cultural facility with the capacity to attract world-class visual and performing arts events.
- Invest in publicly accessible visual art that will present a culturally-enriched environment.
- Actively engage event promoters to host iconic, cultural and sporting events within the City.
- Promote local opportunities for arts development.

##### **Policy**

The City's Art and Memorabilia Collection Policy.

### **Risk management considerations**

The following risks may result in the change of the criteria on eligibility for entry into the CIAA:

- The quality of artists invited to exhibit may not be as high as previously for the IAA, given the available artists are restricted to local City of Joondalup residents, or members of the Joondalup Community Arts Association.
- The prestige of the City's visual arts program, in particular art awards may be lowered.
- The ability to attract leading art professionals to serve on the selection and/or judging panels may be lessened.
- The selection panel may be of the opinion that there are inadequate artists to be selected to exhibit.
- If the CIAA is an acquisitive art award (not recommended), then unsuitable art may be included as part of the City's art collection which is of lesser value.

### **Financial/budget implications**

**Account No:** 442 C1020 6232 0000  
**Budget Item:** Invitation Art Award - Capital  
**Budget Amount:** \$15,000  
**Amount Spent To Date:** \$15,000  
**Proposed Cost:** Not applicable  
**Balance:** \$0

**Account No:** 442 C1021 6232 0000  
**Budget Item:** Purchase of Artworks - Capital  
**Budget Amount:** \$15,000  
**Amount Spent To Date:** \$ 3,440  
**Proposed Cost:** Not applicable  
**Balance:** \$11,560

**Account No:** 442 A4403 4006 0000  
**Budget Item:** Invitation Art Award - Operating  
**Budget Amount:** \$41,480  
**Amount Spent To Date:** \$33,881  
**Proposed Cost:** Not applicable  
**Balance:** \$ 7,599

All figures quoted in this report are exclusive of GST.

The proposed changes in the value of the awards will see a saving of \$10,000 comparing the IAA to the CIAA.

### **Regional significance**

The change in focus from the previous IAA to the CIAA will greatly reduce the regional significance of the art exhibition.

### **Sustainability implications**

Contemporary art provides physical and educational enhancement of a locality and provides a catalyst for public discussion about current social, economic and environmental issues. Through creating more regular points of interest and interaction with contemporary arts the local community could possibly enjoy leading contemporary art all the year round. This would enhance the relevance of the City's cultural identity for the local community and would increase the value of the City's cultural resources.

## Consultation

Not applicable.

## COMMENT

There are risks in relation to the change of the CIAA, these include:

- maintaining the quality of the work submitted from a limited number of local artists
- potential confusion with the similarly named Community Art Exhibition
- the ability to meet the global aspirations of the Joondalup Strategic Community Plan 2012 – 2022.

It should be noted also that restricting the award to members of the JCAA will exclude members of the Wanneroo Art Society, the Pastel Society of WA and the North Coast Art Club who are not residents unless they join the JCAA.

## VOTING REQUIREMENTS

Simple Majority.

## COMMITTEE RECOMMENDATION

The Committee recommendation to the Council for this report (as detailed below) was resolved by the Art Collection and Advisory Committee at its meeting held on 11 February 2013.

The original recommendation as presented by City officers to the Committee is as follows:

*“That Council:*

- 1 *AGREES to amend its decision of 20 November 2012 (CJ249-11/12 refers) to rename the Community Invitation Art Award to the Invitation Art Award;*
- 2 *NOTES the terms and conditions for the Art Award to include the name change as detailed in Part 1 above;*
- 3 *AGREES to hold the Invitation Art Award opening 26 October 2013 and closing to 15 November 2013, at Joondalup Lakeside Shopping City;*
- 4 *AGREES that the Invitation Art Award:*
  - 4.1 *focus on exhibiting multiple works by fewer artists to achieve greater depth of presentation;*
  - 4.2 *be a non-acquisitive art award with the following award categories:*
    - 4.2.1 *Overall Award \$5,000 (non-acquisitive);*
    - 4.2.2 *Award for Excellence \$1,000 (non-acquisitive);*

- 4.2.3 *Popular Choice Award \$1,000 - This award is non-acquisitive and will be awarded to the work that receives the most votes in the public voting ballot;*
- 4.2.4 *Celebrating Joondalup \$1,000 - This prize will be awarded to a work that is based on Joondalup content or context. This is a voluntary category and any work nominated for the award category will be judged on artistic merit and by the extent to which it relates to and represents the City of Joondalup;*
- 5 *AGREES that each exhibiting artist will only be eligible to claim either the Overall Award or the Award for Excellence as detailed in Part 4.2 above;*
- 6 *AGREES that those artists selected to exhibit and the award winners be chosen by the independent panels comprising art industry experts, with the panels being appointed by the City;*
- 7 *AGREES that no member of the Council or City is to be a member of the selection and/or judging panels as part of the Invitation Art Award as detailed in Part 6 above;*
- 8 *DEFERS the implementation of a Community Education Program as part of the Invitation Art Award until a review of the Invitation Art Award occurs in 2013."*

The Committee's subsequent recommendation to Council is as follows (changes identified):

*That Council:*

- ~~1 AGREES to amend its decision of 20 November 2012 (CJ249-11/12 refers) to rename the Community Invitation Art Award to the Invitation Art Award;~~
- ~~2 NOTES the terms and conditions for the Art Award to include the name change as detailed in Part 1 above;~~
- 3 *AGREES to hold the Community Invitation Art Award opening 26 October 2013 and closing to 15 November 2013, at Joondalup Lakeside Shopping City;*
- 4 *AGREES that the Community Invitation Art Award:*
  - 4.1 *focus on exhibiting multiple works by fewer artists to achieve greater depth of presentation;*
  - 4.2 *comprise of the following award categories:*
    - 4.2.1 *Overall Award \$7,000 (acquisitive);*
    - 4.2.2 *Overall Runner-Up Award \$2,000 (non acquisitive);*
    - 4.2.3 *Award for Excellence \$2,000 (non-acquisitive);*
    - 4.2.4 *Popular Choice Award \$2,000 - This award is non-acquisitive and will be awarded to the work that receives the most votes in the public voting ballot;*

- 4.2.5 *Celebrating Joondalup \$2,000 – This award is non-acquisitive and will be awarded to a work that is based on Joondalup content or context. This is a voluntary category and any work nominated for the award category will be judged on artistic merit and by the extent to which it relates to and represents the City of Joondalup;*
- 5 *AGREES that each exhibiting artist will only be eligible to claim either the Overall Award, Overall Runner-Up Award or the Award for Excellence as detailed in Part 2.2 above;*
- 6 *AGREES that those artists selected to exhibit and the award winners be chosen by the independent panels comprising art industry experts, with the panels being appointed by the City;*
- 7 *AGREES that no member of the Council or City is to be a member of the selection and/or judging panels as part of the Community Invitation Art Award as detailed in Part 4 above;*
- 8 *DEFERS the implementation of a Community Education Program as part of the Community Invitation Art Award until a review of the Community Invitation Art Award occurs in 2013.*

## RECOMMENDATION

### That Council:

- 1 **AGREES to hold the Community Invitation Art Award opening 26 October 2013 and closing to 15 November 2013, at Joondalup Lakeside Shopping City;**
- 2 **AGREES that the Community Invitation Art Award:**
- 2.1 **focus on exhibiting multiple works by fewer artists to achieve greater depth of presentation;**
- 2.2 **comprise of the following award categories:**
- 2.2.1 **Overall Award \$7,000 (acquisitive);**
- 2.2.2 **Overall Runner-Up Award \$2,000 (non acquisitive);**
- 2.2.3 **Award for Excellence \$2,000 (non-acquisitive);**
- 2.2.4 **Popular Choice Award \$2,000 - This award is non-acquisitive and will be awarded to the work that receives the most votes in the public voting ballot;**
- 2.2.5 **Celebrating Joondalup \$2,000 – This award is non-acquisitive and will be awarded to a work that is based on Joondalup content or context. This is a voluntary category and any work nominated for the award category will be judged on artistic merit and by the extent to which it relates to and represents the City of Joondalup;**
- 3 **AGREES that each exhibiting artist will only be eligible to claim either the Overall Award, Overall Runner-Up Award or the Award for Excellence as detailed in Part 2.2 above;**



- 4 **AGREES** that those artists selected to exhibit and the award winners be chosen by the independent panels comprising art industry experts, with the panels being appointed by the City;
- 5 **AGREES** that no member of the Council or City is to be a member of the selection and/or judging panels as part of the Community Invitation Art Award as detailed in Part 4 above;
- 6 **DEFERS** the implementation of a Community Education Program as part of the Community Invitation Art Award until a review of the Community Invitation Art Award occurs in 2013.

*Appendix 17 refers*

*To access this attachment on electronic document, click here: [Attach17agn190213.pdf](#)*

**CJ021-02/13 COMMISSIONING OF ARTWORK**

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Mike Tidy Corporate Services
<b>FILE NUMBER</b>	35613, 101515
<b>ATTACHMENTS</b>	Nil.
<b>AUTHORITY / DISCRETION</b>	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

**PURPOSE**

For Council to endorse the completion of the City of Joondalup's artwork commission over a two year period to the value of \$30,000, with an option to invite an international or national artist to undertake the commission through an arts residency.

**EXECUTIVE SUMMARY**

On an annual basis, the City of Joondalup undertakes an artwork commission, documenting and capturing the iconic landmarks and people who represent the City of Joondalup. The value of this commission is \$15,000. Two artwork commissions are currently underway:

- Tony Windberg (2011-12), due to complete in June 2013.
- Lindsay Harris (2012-13), commencing the contractual phase, to complete in 2013-14.

This report recommends an alternative commissioning model for the commissioning of artwork for the 2013-14 and 2014-15 commissioning period. This would involve commissioning an artwork to the value of \$30,000 every two years to encourage a greater level of engagement by the artist with the place, people, culture and history of Joondalup. The value commission would also attract high profile artists currently out of acquisition range.

A further option proposes an alternative but not exclusive method of facilitating this commission by inviting an international artist to undertake an arts residency in the City of Joondalup, developing an artwork commission that documents and captures the iconic landmarks and people who represent the City of Joondalup to a total value of \$30,000 (residency expenses and commission).

**BACKGROUND**

The City's art collection comprises over 200 artworks, with a primary focus on the work of Western Australian contemporary artists. Artworks span a wide range of media. Over half of the collection is comprised of paintings, with the remainder of the collection comprised of sculpture, drawings, ceramics, print works, photographs, textiles and glasswork.

At its meeting held on 19 April 2011 (CJ064-04/11 refers), Council resolved as follows:

- “1 AGREES to commission on an annual basis various artworks depicting iconic landmarks within the City of Joondalup; and*
- 2 LISTS for consideration in the 2011/12 budget, an amount of \$15,000 (excluding GST) for the commissioning of artworks depicting iconic landmarks within the City of Joondalup.”*

Council's resolution in April 2011, agreed to the annual commissioning of 'special purpose' artworks. A budget of \$15,000 was adopted in the 2011-12 Budget for this purpose.

In April 2012, Council resolved as follows (CJ066-04/12 refers):

*“That Council, in relation to the Commissioning of Artwork 2011/12 SELECTS Tony Windberg to complete the artwork commission with a contract value not to exceed \$15,000.”*

Contemporary Western Australian artist Tony Windberg is currently undertaking the inaugural City of Joondalup Visual Art Commission, due for completion in 2013.

At its meeting held on 20 November 2012 (CJ246-11/12 refers) Council resolved that it:

- “1 SELECTS Lindsay Harris to complete the artwork commission with a contract value not to exceed \$15,000;*
- 2 REQUESTS a further report examining alternative visual art commission models including:*
  - 2.1 Completion of the artwork commission over a two year period to the value of \$30,000; and*
  - 2.2 Inviting an international or national artist to undertake an arts residency in the City of Joondalup, developing an artwork commission documenting and capturing the iconic landmarks and people who represent the City of Joondalup, to the value of \$30,000.”*

## **DETAILS**

There is a significant number of high quality Western Australian artists already represented in the art collection in the price bracket of \$15,000. Engaging international or national artists or a higher profiled Western Australian artist would serve to enhance the scope and breadth of the collection.

The City of Joondalup artwork commission is currently run on an annual basis. Artists suitable to undertake the commission have been identified by the City, based on the following selection criteria:

- Level of engagement the artist proposed to have with Joondalup in creating the work (engagement with place, people, culture, history).
- The link of the commissioned work and the artist to the City's existing art collection (including the capacity of the City to appropriately house, display, conserve and manage the artwork).

- Artists' professional standing.
- Price, in relation to the City's commissioning budget of \$15,000.
- Long term investment potential.
- Availability of artist to complete the commission within the current financial year.

Only professional Western Australian artists or artists who predominately practise in Western Australia were considered.

### **Issues and options considered**

#### Option 1: \$30,000 Artwork Commission over two years

Commissioning is a highly intensive process in terms of management, approval processes, and completion timeline by artists. This report recommends the completion of the City of Joondalup's artwork commission, over a two year period to the value of \$30,000 in an attempt to streamline the process.

An art commission totalling \$30,000, spanning a two year period, would enable:

- additional time for the artist to undertake research and produce the artwork
- increase the quality of the artistic outcome
- artists to consider further options in the size and scale of the artworks produced (for example proposing a series of artworks)
- a higher profile artist (up to the value of \$30,000), currently out of the reach of the current acquisition budget, could be engaged
- genuine engagement with the community by the artist can occur and develop over time
- contribute to building and capturing a sense of place
- the completion of the two current artwork commissions from the 2011-12 and 2012-13 period, before commencing another with time for reflection and evaluation.

The preceding financial year would be dedicated to artist research, artist selection, contract discussions and preliminary artistic research.

The process in order to engage a suitable artist would be to regularly review and maintain an understanding of those artists operating within the local, national and international arts industry. This will be done by attending collections, galleries and exhibitions, while viewing contemporary art websites, publications and associations.

Funds would be listed as a capital item in the budget every second year, starting 2014-15 and used to commission the artwork.

#### Option 2: International/National Artwork Residency Commission

Artistic residencies are commonplace across the world when an artist is invited to research and undertake artistic work in a location that is not their usual environment. Residency models vary greatly, including outcome based residencies, where the artist is paid a fee to produce work, to free studio space for research, to artists paying fees to an organisation to use their resources and facilities. Artists in residence can reside in a location for a period of time, ranging from weeks to months. Accommodation and studio space is often supplied to the artist, with transport, living and material budgets allocated.

Artistic residencies provide a time of reflection, research, presentation and/or production. They also allow an individual to explore his/her practice within another community, meeting new people, using new materials, experiencing life in a new location. Art residencies emphasise the importance of meaningful and multi-layered cultural exchange and immersion in another culture. Sometimes residents become quite involved in a community - giving presentations, workshops, or collaborating with local residents. At other times, they are quite secluded, with ample time to focus and investigate their own practice.

The residency model proposed for the City of Joondalup is as follows:

- Hosting a selected international or national artist in the City of Joondalup for a set period of time.
- During this time, the artist would explore the City of Joondalup developing an artwork commission documenting and capturing the iconic landmarks and people who represent the City of Joondalup.
- The artist would engage with the City's art collection and members of the Art Collection and Advisory Committee in a process that reflects current commissioning practice.
- The artist would engage with the local community and the local arts community, potentially running workshops, talks or creative/interactive projects.
- The artwork commission fee paid to the artist would be \$20,000.
- The reserve of \$10,000 would be used to cover residency expenses of the artist - for accommodation, flights, per diem and transport.
- The artist may opt to use the time within the City of Joondalup to build a portfolio of ideas to be submitted for approval in the detailed concept response. On approval of the concept, completion of the artwork can be remote.

An artwork residency commission with an international or national artist would enable:

- a significant link to Joondalup 2022, the Strategic Community Plan 2012-2022
- genuine and focused engagement between the artist, community and landscape
- the artist to approach the City of Joondalup without preconceptions or pre-knowledge of what the City, Western Australia, the people and landscape is like
- the spirit of exploration and discovery would be reflected in the artwork - culminating in a work based on experience and genuine interaction
- cultural and social benefits the community through hands on engagement
- a recognition that the City supports a significant migrant population.

#### Proposed budget

Artist in residency expenses	\$10,000
Flights	
Accommodation	
Transport	
Materials	
Per diem/ meal allowance	
Artist fees for community workshops	
Studio hire	
Visual artwork commission	\$20,000
<b>Total</b>	<b><u>\$30,000</u></b>

### Selection Process

It is recommended that the artists considered for the artwork residency commission follow the same selection criteria and process as is currently set, with an option to widen the call to national and international artists.

Following current procedure, artists would be put forward for the artwork residency commission or artwork commission (at \$30,000) to be selected by the Art Collection and Advisory Committee.

### **Legislation / Strategic Community Plan / policy implications**

#### **Strategic Community Plan**

**Key Theme** Community Wellbeing.

**Objective:** Cultural development.

**Strategic initiatives:** Invest in publicly accessible visual art that will present a culturally-enriched environment.

Promote local opportunities for arts development.

**Policy** The City's Art and Memorabilia Collection Policy.

#### **Risk management considerations**

Not applicable.

#### **Financial/budget implications**

Not applicable.

There are no current budget implications as the Council has resolved to commit \$15,000 per annum to commission relevant artwork. The proposal is that the combined funds be allocated every two years.

#### **Regional significance**

The City's Art Collection, including its public art, archives and memorabilia, plays an important part in shaping and developing a sense of community.

The on-going provision of an accessible and high calibre art collection is integral to the cultural development and vibrancy of the City of Joondalup region and to best practice standards for the development of the visual arts in local government.

#### **Sustainability implications**

The commissioning of special purpose artworks has positive social sustainability implications. Artworks that reflect the City of Joondalup in content or context would enhance the relevance of the City's art collection for the local community and would increase the value of the City's cultural resources. Works that reflect the City of Joondalup would also provide a historical perspective in years to come.

**Consultation**

Not applicable.

**COMMENT**

By extending the commissioning period to two years and a maximum value of \$30,000, there is every expectation that the quality of the outcome from the commissioning process will improve. Exercising an option from time to time to host an international or national arts residency increases the pool of available artists and thereby ensures sustainability of quality outcomes.

It is proposed that if the recommendation to proceed with an arts residency over the next two years is approved, that a report will be presented to the ACAC evaluating the residency.

**VOTING REQUIREMENTS**

Simple Majority.

**COMMITTEE RECOMMENDATION**

The Committee recommendation to the Council for this report (as detailed below) was resolved by the Art Collection and Advisory Committee at its meeting held on 11 February 2013.

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

**RECOMMENDATION****That Council:**

- 1      ENDORSES the completion of the artwork commission to the value of \$30,000;**
- 2      AGREES to invite an international or national artist to undertake an arts residency in the City of Joondalup, developing an artwork commission that documents and captures the iconic landmarks and people who represent the City of Joondalup;**
- 3      NOTES the arts residency detailed in Part 2 above will be completed by 2014-15.**

**11 REPORT OF THE CHIEF EXECUTIVE OFFICER****CJ022-02/13 MID YEAR REVIEW OF THE ANNUAL BUDGET FOR THE 2012-13 FINANCIAL YEAR**

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Mike Tidy Corporate Services
<b>FILE NUMBER</b>	102102, 101515
<b>ATTACHMENTS</b>	Attachment 1 Mid Year Review of Annual Budget for the 2012-13 Financial Year
<b>AUTHORITY / DISCRETION</b>	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

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**PURPOSE**

For Council to consider and adopt the mid year review of the annual budget for the 2012-13 financial year.

**EXECUTIVE SUMMARY**

The review of the 2012-13 annual budget has been completed. In addition to variations to existing budget allocations a number of new proposals have been identified and included in the revised budget. The projected overall budget surplus at 30 June 2013, after taking account of the new proposals is nil compared to an original budget surplus of \$99,280. The major areas of variance are:

- **Operations** - after adjustments for non-cash movements, the surplus from operations will be \$561,818 more than budget. This is attributable mainly to increased revenues for government grants and subsidies of \$52,352, contributions, reimbursements and donations of \$237,283, fees and charges of \$654,897, interest earnings of \$1,250,184 and other revenue of \$16,167 as well as reduced expenditure on insurance of \$58,548, utilities of \$41,974 and interest expenses of \$9,624. This is offset by increased expenditure for employee costs of \$326,136 and materials and contracts of \$1,438,592.
- **Capital Revenue** from grants and contributions will be \$117,370 more than budget.
- **Capital Expenditure** has increased overall by \$510,732. Capital projects are below budget by \$592,273 while capital works and motor vehicle replacements are over budget by \$1,031,817 and by \$71,188 respectively.



- **Surplus Carried Forward** from 2011-12 was \$998,430 more than budgeted. This was made up of higher than expected operating surplus of \$1,894,620 and reduced capital expenditure of \$2,973,420 offset by reduced capital revenue of \$988,639 and reduced funding requirements of \$2,880,972.
- **Reserve Transfers** - net draw down on reserves has decreased by a net amount of \$1,266,166 due principally to additional transfers to reserve for capital works proposed to be carried forward to 2013-14 of \$2,488,825, offset by additional transfers of \$526,992 and \$356,930 from the carry forward and waste management reserves respectively, as well as lower interest earnings on invested reserve funds \$425,387.

*It is recommended that Council:*

- 1 *BY AN ABSOLUTE MAJORITY APPROVES the transfer of \$55,310 from the Parking Facility Reserve to enable the provision of City Centre Planter Boxes;*
- 2 *BY AN ABSOLUTE MAJORITY APPROVES the transfer of \$502,625 to the Capital Works Carried Forward Reserve as additional funding to provide for the Delamere Park Development in 2013-14;*
- 3 *BY AN ABSOLUTE MAJORITY APPROVES the Mid Year Review of the budget for the 2012-13 financial year;*
- 4 *in accordance with regulation 33A of the Local Government (Financial Management) Regulations 1996 PROVIDES a copy of the 2012-13 annual budget review and determination to the Department of Local Government.*

## **BACKGROUND**

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

## **DETAILS**

### **Issues and options considered**

The budget review has comprised:

- a review of the adopted budget and an assessment of actual projected results against that budget.
- consideration of any issues not provided for in the adopted budget that may need to be addressed.

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

The focus in this review has been on ensuring there is operational capacity to deliver the services and budget programs as set out in the adopted 2012-13 Budget and to accommodate events and issues that have arisen since budget adoption.

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

#### Surplus Carried Forward from 2011-12

The actual surplus brought forward from 2011-12 exceeded the budget estimate by \$998,430. This was made up of higher than expected operating surplus of \$1,894,620 and reduced capital expenditure of \$2,973,420 offset by reduced capital revenue of \$988,639 and reduced funding requirements of \$2,880,972.

#### Fees and Charges

The increase in revenue of \$654,897 is primarily due to increased pool admissions of \$205,000 and increased enrolments for the Learn to Swim program of \$163,000, as well as increased on and off-street parking revenue of \$136,000. Other variances are spread across a number of other accounts and include both increases and reductions.

#### Interest earnings

The increase in revenue of \$1,250,184 is mainly due to higher volumes of funds being invested despite the average return on investment declining in line with lower interest rates. The higher volume of funds available for investment is attributable to expenditure on capital projects being slower than budgeted.

#### Materials and Contracts

Materials and Contracts expenditure has increased by \$1,438,592.

The increase includes \$415,000 in waste recycling costs at the Materials Recovery Facility which is partially offset by increased revenue from the sale of recyclable materials, \$215,000 to maintain irrigation infrastructure across various parks, \$177,000 for street lighting maintenance, increased lease charges of \$158,000 for the Works Operations Centre and \$277,000 consultancy expenditure on various key projects.

Other variances are spread across numerous other accounts and include both increases as well as reductions.

#### Reserve Transfers

There will be a number of capital works projects that will not be completed by 30 June 2013 for which unspent funds will need to be carried forward to the Capital Works Carried Forward Reserve for 2013-14. The amount expected to be carried forward is estimated to be \$2,488,825. This includes \$650,000 for Admiral Park facilities mini makeover and an additional \$502,625 for the Delamere Park development, both listed below under new proposals included in the mid year budget review.

Provision has been included in the mid year budget review to transfer \$55,310 from the Parking Facility Reserve. This is to fund the provision of planter boxes in the City Centre which was originally intended to be completed in 2011-12.

### New Proposals Included in Mid Year Budget Review

As part of the mid year budget review, in addition to variations to existing budgeted items a number of new proposals were considered to address issues that have arisen since the adoption of the original budget. The following have been incorporated into the midyear budget review as at Attachment 1 and are reflected in the projected end of year financial position.

### New Projects

• Refurbish toilets and change rooms at Sorrento Bowling Club	\$110,000
• Outdoor exercise equipment at Flinders Park	\$50,000
• Iluka Foreshore Park drinking fountain	\$8,000
• Glengarry Park drinking fountain	\$8,000
• Lexcen Park drinking fountain plus dog friendly drink dispenser	\$8,000
• Beldon Park umpire change rooms	\$25,000
• Cyber Bullying Program	\$10,000
• Central Park Memorial Anzac Project	\$13,000
• Brookmount Ramble western kerb and turning circle	\$50,000
• A park bench at Harman Park Sorrento	\$2,000
• A sign for Clare Park in Sorrento	\$2,000
• Hillarys Primary School – extend "kiss and ride" area and install pedestrian island at corner	\$17,000
• Installation of safety barrier at corner of Connolly Drive and Sussex Street, Currambine	\$20,000
• Lighting for MacNaughton Park car park, Kinross	\$5,000
• Improvements to roundabout landscaping at Burns Beach roundabout	\$10,000
• Admiral Park Facilities mini makeover	\$650,000

### Additional Allocation to the Capital Works Carried Forward Reserve

• Delamere Park Development	\$502,625
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In addition to the above the intended location of an existing 2012-13 Budgeted Parks Equipment Project for outdoor adult exercise equipment, \$50,000, was considered. This is now proposed to be located in Connolly.

### **Legislation / Strategic Community Plan / policy implications**

#### **Legislation**

Regulation 33A of the *Local Government (Financial Management) Regulations 1996*, requires the local government to carry out a review of its annual budget between 1 January and 31 March each year as follows:

#### *“33A Review of budget*

- (1) Between 1 January and 31 March in each year a local government is to carry out a review of its annual budget for that year.*
- (2) Within 30 days after the review of the annual budget of a local government is carried out it is to be submitted to the council.*

- (3) *A council is to consider a review submitted to it and is to determine\* whether or not to adopt the review, any parts of the review or any recommendations made in the review.*

*\* Absolute majority required*

- (4) *Within 30 days after a council has made a determination, a copy of the review and determination is to be provided to the Department.”*

### **Strategic Community Plan**

**Key theme** Financial Sustainability.

**Objective** Effective management.

**Strategic initiative** Manage assets and liabilities through a planned, long-term approach.

**Policy** Not applicable.

### **Risk management considerations**

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

### **Financial/budget implications**

The anticipated budget surplus is \$0. Further financial details are set out in Attachment 1.

The Rate Setting Statement in Attachment 1 includes year to date actuals to the end of December 2012. While the year to date surplus appears to be significant, the majority of the surplus is driven by timing differences, not savings and the Statement does not include any reserve transfers.

### **Regional significance**

Not applicable.

### **Sustainability implications**

Budget parameters are structured based on financial viability and sustainability principles.

### **Consultation**

Extensive internal consultation with the executive and all business units has been undertaken and a mid year budget review workshop conducted with the Elected Members to prepare the revised budget.

## COMMENT

Council is required to consider the budget review submitted to it (regulation 33A of the *Local Government (Financial Management) Regulations 1996*) and make a determination in relation to the outcomes and recommendations.

## VOTING REQUIREMENTS

Absolute Majority.

## RECOMMENDATION

**That Council:**

- 1 BY AN ABSOLUTE MAJORITY APPROVES the transfer of \$55,310 from the Parking Facility Reserve to enable the provision of City Centre Planter Boxes;**
- 2 BY AN ABSOLUTE MAJORITY APPROVES the transfer of \$502,625 to the Capital Works Carried Forward Reserve as additional funding to provide for the Delamere Park Development in 2013-14;**
- 3 BY AN ABSOLUTE MAJORITY APPROVES the Mid Year Review of the budget for the 2012-13 financial year;**
- 4 in accordance with regulation 33A of the *Local Government (Financial Management) Regulations 1996* PROVIDES a copy of the 2012-13 annual budget review and determination to the Department of Local Government.**

*Appendix 18 refers*

To access this attachment on electronic document, click here: [Attach18agn190213.pdf](#)

**12 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN****NOTICE OF MOTION – CR JOHN CHESTER – SECURITY LIGHTING - [02154, 08122]**

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

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

**Reasons for Motion**

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

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

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

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

**Officer’s Comment**

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

**13 ANNOUNCEMENTS OF NOTICES OF MOTION FOR THE NEXT MEETING****14 CLOSURE**



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

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

<b>Name/ Position</b>	
<b>Meeting Date</b>	
<b>Item No/ Subject</b>	
<b>Nature of Interest</b>	Financial Interest * Proximity Interest* Interest that may affect impartiality* <div style="text-align: right;"><i>* Delete where not applicable</i></div>
<b>Extent of Interest</b>	
<b>Signature</b>	
<b>Date</b>	

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](mailto: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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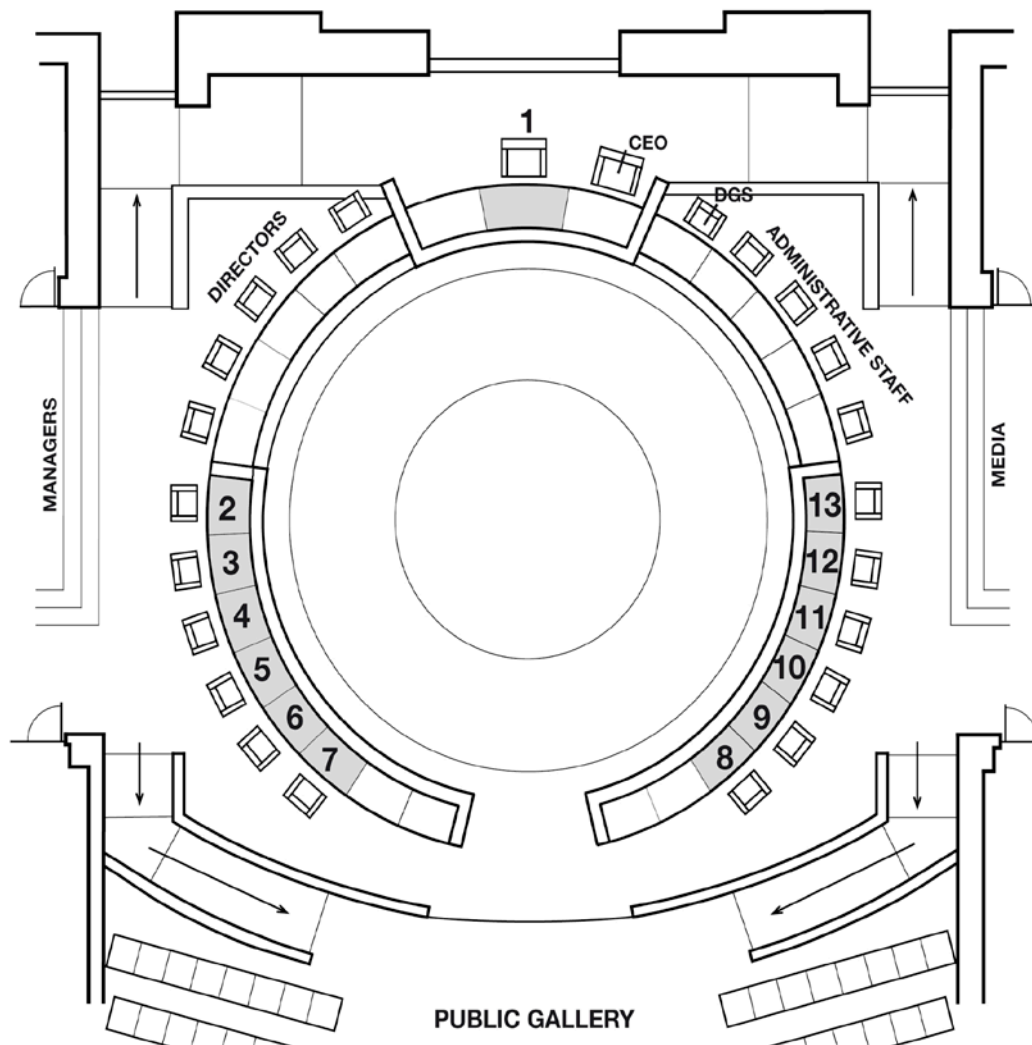
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**Please note that:**

- 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 Chambers – Seating Diagram



### Mayor

1 His Worship the Mayor, Troy Pickard (Term expires 10/13)

### North Ward

- 2 Cr Kerry Hollywood (Term expires 10/13)
- 3 Cr Tom McLean, JP (Term expires 10/15)

### North-Central Ward

- 4 Cr Philippa Taylor (Term expires 10/13)
- 5 Cr Sam Thomas (Term expires 10/15)

### Central Ward

- 6 Cr Liam Gobbert (Term expires 10/13)
- 7 Cr Geoff Amphlett, JP (Term expires 10/15)

### South-West Ward

- 8 Cr Christine Hamilton-Prime (Term expires 10/13)
- 9 Cr Mike Norman (Term expires 10/15)

### South-East Ward

- 10 Cr John Chester (Term expires 10/13)
- 11 Cr Brian Corr (Term expires 10/15)

### South Ward

- 12 Cr Russ Fishwick (Term expires 10/13)
- 13 Cr Teresa Ritchie (Term expires 10/15)