



City of
Joondalup

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, 18 DECEMBER 2001 AT 7.00 PM.

DENIS SMITH
Chief Executive Officer
12 December 2001

PUBLIC QUESTION TIME

Council allows for public question time at each Council meeting or Briefing Session which is opened to the public. Questions must relate to the ordinary business of the City of Joondalup or the purpose of the Special Meeting, as appropriate.

The Mayor or the presiding person is responsible for the procedures and conduct of the public question time.

To enable prompt and detailed responses to questions, members of the public are requested to lodge questions in writing to the Committee Clerk two (2) days prior to the Council meeting or Briefing Session at which the answer is required. Answers to those questions received within that time frame will be provided in hard copy form at that meeting.

Those questions that are to be asked at the meeting are requested to be submitted in writing and placed in the 'question tray' prior to the commencement of the meeting. Those questions submitted in writing will be read aloud by the Chief Executive Officer and answers provided where possible. Verbal questions may be asked by members of the public and the period of time for verbal questions will be a minimum of fifteen (15) minutes.

The Mayor or presiding person shall decide to:

- *accept or reject the question;*
- *nominate a member of the Council and/or officer to answer the question; or*
- *determine that any complex question which requires research shall be taken on notice with a response provided as soon as possible and included in the agenda for the next ordinary meeting of the Council.*

The following rules apply to question time:

- *question time is not to be used by a member of the public to make a statement or express a personal opinion.*
- *questions should properly relate to Council business.*
- *question time shall not be used to require an Elected Member or an officer to make a personal explanation.*
- *questions should be asked politely and are not to be framed in such a way as to reflect adversely on a particular Elected Member or officer;*
- *where an elected member is of the opinion that the question is not relevant to the business of the City of Joondalup or that a member of the public is making a statement, they may bring it to the attention of the meeting.*

DEPUTATION SESSIONS

Elected Members will conduct an informal session on the same day as the meeting of the Council in Conference Room 1, Joondalup Civic Centre, Boas Avenue, Joondalup, commencing at 5.00 pm where members of the public may present deputations by appointment only. (Please note that deputation requests are to be received by no later than 4.00 pm on the Friday prior to a Council meeting.)

A time period of fifteen (15) minutes is set aside for each deputation, with five (5) minutes for Elected Members' questions. Deputation sessions are open to the public.

- * *Any queries on the agenda, please contact Council Support Services on 9400 4369.*

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CITY OF JOONDALUP

Notice is hereby given that an Ordinary Meeting of Council will be held in the Council Chamber, Joondalup Civic Centre, Boas Avenue, Joondalup on **TUESDAY, 18 DECEMBER 2001** commencing at **7.00 pm**.

DENIS SMITH
Chief Executive Officer
12 December 2001

Joondalup
Western Australia

AGENDA

- 1 **OPEN AND WELCOME**
- 2 **APOLOGIES AND LEAVE OF ABSENCE**
- 3 **PUBLIC QUESTION TIME**

The following questions, submitted by Mr M Sideris, Mullaloo were taken on notice at the Council Meeting held on 27 November 2001:

Q1 With regard to the provision of Security and Patrol Service by NGR, could you provide me with a fully costed GST amount?

A1 The lump sum price for the contract including GST is \$1,744,583.50. This is made up from \$1,585,985.00 plus \$158,598.50 GST. As previously stated the GST is claimed back.

Q2 Can you provide me with a complete breakdown of the total cost of the services (anticipated, estimated or otherwise) including administration costs or otherwise?

A2 The provision of Security and Patrol Services is a performance based Contract (No. 004-01/02) for a lump sum price. The breakdown of total costs for the service was provided by NGS as Commercial in Confidence as part of the tender process and as such the City will not release this detail.

The following questions, submitted by Mr R Phillips, on behalf of Fire and Emergency Services were taken on notice at the Council Meeting held on 27 November 2001:

- Q1 It has taken five months to provide tonight's recommendation of two notes and what is little more than a referral to another State Government agency. Why during that time has not one City of Joondalup Councillor formally approached FESA to discuss this item?*
- A1 This matter has taken a considerable time because it has involved compiling information from a number of sources and conducting an extensive public consultation program. Council staff have discussed various issues relating to this matter with FESA representatives on a number of occasions, and extensive briefing to Councillors has occurred during this period, providing adequate opportunity for relevant information to be available.
- Q2 CJ419-11/01: Why did the Mayor decline FESA's deputation request of 26 November 2001, knowing that FESA had only received on that day notification from the City that this item was to be included in tonight's meeting?*
- A2 In order to ensure all elected members are provided with adequate notification of approved deputations, it is requested that all deputation requests be submitted to the Mayor by 4.00 pm on the Friday prior to when the deputation is required. The advertisement placed in the local paper advising the public of the upcoming Council meeting clearly details this requirement. Mr Phillips' request for a deputation was not received until late afternoon on Monday 26 November 2001, and it was therefore refused. The agenda papers for the Council meeting held on 27 November 2001 were distributed to Council members at 5.00 pm on Wednesday 21 November 2001, and were also available on the City's Website at this time. Hard copy documents were available to members of the public on Thursday 22 November 2001.

The following question, submitted by Mr S Magyar, Heathridge was taken on notice at the Council Meeting held on 27 November 2001:

- Q1 Are there any local government regulations regarding the availability of any information or documents made available to Councillors for any meetings? If so, how does it affect the issue of a 'green' paper?*
- A1 The Local Government Act 1995 requires that all electors are provided with at least 72 hours' notice for an ordinary meeting of the Council. The CEO is required to provide information to the Council to ensure informed decisions are made. Such information is generally contained within the agenda, with the notice, however there are occasions where late or additional information is required to be presented. There is no provision within the legislation that requires that elected members be furnished the information within a certain time period.

The following questions, submitted by Mr R Eves, Currambine were taken on notice at the Council Meeting held on 27 November 2001:

Q1 Regarding the development of Lot 302 Currambine Boulevard, Currambine for a three storey, 20-unit high-density development. Have the Ward Councillors been made aware of this application and is it intended to be approved under delegated authority?

A1 The proposed development is the subject of a report to be presented to the Council on 18 December 2001. The report is provided to all Councillors for consideration prior to making a decision on the application. It is not proposed to consider this application under delegated authority.

Q2 How is the land zoned and under what density is it allowed?

A2 The land is zoned Residential, with a density coding of R80. The zoning was applied in recognition of state planning policies requiring that a mix of housing densities, and particularly medium and higher residential densities be provided where land is in close proximity to major public transport linkages.

The R80 density allows a theoretical maximum of 8 dwellings per 1000m² of land area, dependent on the design of the development, and satisfaction of a range of development standards (including setbacks and open space requirements).

The following question, submitted by Mrs A Stein, Padbury was taken on notice at the Council Meeting held on 27 November 2001:

Q1 What is the reason for the Council not supporting a service road to be put into Gibson Avenue?

A1 The City last collected traffic data along Gibson Avenue in September 2000.

At that time, a detailed analysis of traffic flow data showed that while some incidences of excessive speed occurred during non-peak times, the majority of vehicles were recorded travelling below 60km/h. The data also indicated that traffic volumes have remained well within acceptable limits since 1993.

Overall, the data suggested that Gibson Avenue was functioning normally as a local distributor road.

On this basis and given that Gibson Avenue has been traffic treated in the past, additional treatment of Gibson Avenue is considered to have a low priority in comparison with other roads throughout the municipality.

Notwithstanding, enhancement of the current red asphalt median to include trees and additional raised traffic islands is currently listed in year two of the City's Five-Year Capital Works Program.

It is anticipated that when fully complete, treatment of this road will further reduce overall vehicle speeds and supplement the new 50km/h speed limit (1st Dec 2001).

The following question, submitted by Mr Nick Devine, Director of Operations, Fire and Emergency Services was taken on notice at the Council Meeting held on 27 November 2001:

Q1 CJ419-11/01: Are you aware that the suburbs of Sorrento, Hillarys, Kallaroo and the majority of Mullaloo fall outside of the seven minute standard of fire cover response time?

A1 If Fire and Emergency Services advise that the suburbs of Sorrento, Hillarys, Kallaroo and the majority of Mullaloo fall outside the seven minute standard of fire cover response time, it is assumed that this is the case. It is anticipated that the resolution to this matter will result in a fire station site that will enable adequate fire cover response times to these suburbs.

The following question, submitted by Mr R Henderson, Padbury was taken on notice at the Council Meeting held on 27 November 2001:

Q1 CJ419-11/01: The report on the submissions did not include some important points, one being that it appears that it was not brought out that there is no proposed or desired alternative use for the community purpose site coming from the objectors to the use of it as a fire station. Is Council aware that that is the case?

A1 Council endeavours to set aside sites for future community purposes. Generally, community needs do not become evident until sometime after localities become developed. Having these sites available provides the Council with appropriate options for providing services in response to community needs as and when these arise. It is not unusual at a particular point in time for there to be no detailed plan for a particular community purpose site as is the case with the Blackwattle Parade site.

The following question, submitted by Mr D Davies, Connolly was taken on notice at the Council Meeting held on 27 November 2001:

Q1 CJ406-11/01 and CJ407-11/01: The Freedom of Information Act does not allow personal information to be provided by local government yet the City is selling information. Can you define 'personal information'?

A1 The Freedom of Information (FOI) Act defines 'personal information' as "*information or an opinion, whether true or not, and whether recorded in a material form or not, about an individual, whether living or dead:*

(a) whose identity is apparent or can reasonably be ascertained from the information or opinion; or

(b) who can be identified by reference to an identification number or other identifying particular such as a fingerprint, retina or body sample."

It should not be automatically assumed that the FOI Act does not restrict all access to personal information. As a rule, the limit on restriction of personal

information is decided on an application by application basis, with the FOI Act providing certain exemptions to the restrictions.

Section 3(3) of the FOI Act states:

“Nothing in this Act is intended to prevent or discourage the publication of information, or the amendment of personal information, other than under this Act if that can properly be done or is permitted or required by law to be done”

In summary, if information is accessible under legislation by members of the public, this is to be complied with. The Local Government Act 1995 requires local government to give public access to the rate record, and also requires it to supply a copy of the rate record if requested to do so.

4 DECLARATIONS OF FINANCIAL INTEREST/INTEREST THAT MAY AFFECT IMPARTIALITY

Mr John Turkington, Director Resource Management stated his intention to declare an interest in Item CJ444-12/01- Antisocial Driver Behaviour – Melaleuca Drive, Greenwood. as he owns a property in Melaleuca Drive.

Cr O'Brien stated his intention to declare a financial interest in Item CJ430-12/01 – Warrant of Payments for the Period ending 30 November 2001 as Chubb Security has taken over an FAI Extra Watch security at his residence.

Cr Kimber stated his intention to declare a financial interest in Item CJ432-12/01 – Emergency Services Levy – Update, as he is employed by the Fire and Emergency Services Authority.

Director Infrastructure Management stated his intention to declare an interest which may affect his impartiality in Item CJ442-12/01 – Proposed Parking Prohibitions – Creaney Primary School as his children attend this school.

Cr Baker stated his intention to declare an interest which may affect his impartiality in Item CJ449-12/01 – Alterations to Mullaloo Surf Club, Oceansider Promenade, Mullaloo, as he is a member of the Mullaloo Surf Club.

Cr Patterson stated his intention to declare a financial interest in Item CJ435-12/01 – Request for Caretaker Occupation by Silver Chain Nursing Association of the Kingsley Community Centre, 11 Moolanda Boulevard, Kingsley as his employer has submitted an offer to purchase the property.

5 CONFIRMATION OF MINUTES

MINUTES OF COUNCIL MEETING, 27 NOVEMBER 2001

RECOMMENDATION

That the Minutes of the Council Meeting held on 27 November 2001 be confirmed as a true and correct record.

6 ANNOUNCEMENTS BY THE MAYOR WITHOUT DISCUSSION

7 PETITIONS

- 1 PETITION STRONGLY OPPOSING DEVELOPMENT OF 20 THREE-STOREY UNITS, LOT 302 (41) CURRAMBINE BOULEVARD, CURRAMBINE – [42892]

A 94-signature petition has been received from residents of the City of Joondalup strongly opposed to the development of 20 three-storey units at Lot 302 (41) Currambine Boulevard, Currambine.

The petitioners state that on original release and sale of the land in question, the brochures clearly indicated six individual residential lots numbered 481 – 486 and request that the land is rezoned to its original plan of six single residential lots.

This petition will be referred to Planning and Development for action.

- 2 PETITION IN SUPPORT OF DEVELOPMENT OF 20 THREE-STOREY UNITS, LOT 302 (41) CURRAMBINE BOULEVARD, CURRAMBINE – [42892]

A 92-signature petition has been received from residents of the City of Joondalup in support of the development of 20 three-storey units at Lot 302 (41) Currambine Boulevard, Currambine.

This petition will be referred to Planning and Development for action.

- 3 PETITION OBJECTING TO INSTALLATION OF GOAL POST – RUTHERGLEN PARK, KINROSS – [40500]

A 13-signature petition has been received from residents of Rutherglen Circle and surrounding area, protesting at the recent installation of a goal post in the nearby park.

The petitioners state that games of soccer played in the park cause noise and disturbance to nearby gardens, and further state that an accumulation of rubbish, including broken bottles, presents a danger to children and pets.

This petition will be referred to Infrastructure Management/Operations Services for action.

8 REPORTS

CJ420 - 12/01 AMENDMENT LOCAL LAW 2001 - [05885 00432]**WARD – All**

CJ011211_BRF.DOC:ITEM 1

SUMMARY

This report provides details of the progress reached in the review of the proposed “City of Joondalup Amendment Local Law 2001” and the actions necessary in the second stage to finalise the adoption of the local law.

The proposed City of Joondalup Amendment Local Law 2001 was made to overcome difficulties identified in the application of various local laws. Amendments were also required due to changes in prevailing legislation such as the new Road Traffic Code 2000. The Road Traffic Code 2000 was developed in an attempt to apply a nationally consistent approach to road rules throughout Australia’s states and territories. The provisions of the Road Traffic Code 2000 have necessitated significant changes to the City’s Parking Local Law.

Local Law Adoption

The first stage of adopting the proposed Amendment Local Law 2001 was reached at the ordinary Council meeting on 25 September 2001, when the following summary was read aloud:

“The purpose of this local law is to amend various clauses in the Parking, Private Property, Animals, Local Government and Public Property, Health and Bushfire Prevention and Control Local Laws to ensure information is current with prevailing legislation and better clarify the requirements of the local laws.

The effect of the Amendment Local Law 2001 is to provide local laws that are clear in their intent, support other legislation and meet the needs of the community and Council.”

Advertising and Comment Received

In keeping with the requirements of Section 3.12 of the Local Government Act 1995, the proposal to adopt the Amendment Local Law 2001 was advertised for a six-week comment period, which closed on Monday, 12 November 2001.

The City received one submission commenting on the proposed local law at the end of the advertising period.

The submission was from Mrs M Zakrevsky relating to the proposed amendment of clause 46 of the Animals Local Law 1999 for the Keeping of Cats and the number of cats that may be kept at any premises. The detail of the submission and assessment of matters raised have been included under the “DETAILS” section of this report. The proposed amendment has the effect of clarifying the number of cats to be kept per property rather than per person.

BACKGROUND

This matter was considered at the ordinary meeting of Council held on 25 September 2001 (Item CJ319-09/01 refers). The report submitted to that meeting outlined the process to be followed by local governments in accordance with the Local Government Act 1995, for creating and reviewing local laws. At that meeting, it was subsequently resolved:

“That Council, in accordance with Section 3.12 of the Local Government Act 1995, APPROVES the advertising of the proposed Local Law, “City of Joondalup Amendment Local Law 2001”, in order to seek public comment.”

DETAILS

Advertising

In accordance with section 3.12 (3) and (3a) of the Local Government Act 1995, state-wide and local public notice was given of the proposed adoption of the City of Joondalup Amendment Local Law 2001, in The West Australian newspaper on 29 September 2001 and in the Wanneroo Community News on 2 October 2001. The advertisements invited public comment from the community and provided the opportunity to be informed and obtain a copy of the proposed local law. Copies of the notice were also displayed on the public notice boards at the Administration Centre, the City’s libraries, the Whitfords Customer Service Centre and on the City’s Internet site. Copies of the local law were also made available for the public, from these locations.

Public Comment

At the close of the six-week public comment period, one submission had been received from Mrs M Zakrevsky of Mullaloo in relation to the proposed amendment to existing clause clarifying the number of cats that may be kept per property.

- a) **Comment Details and Assessment**
- b) **Mrs M Zakrevsky**
- c) **Comment**

The submission received from Mrs M Zakrevsky dated 1 November 2001 sought further consideration of the proposed amendments to the City’s Animals Local Law, relating to clause 45(1) Keeping of Cats. The following two points were made:

1. The City should consider amending the number of cats to “no more than two cats over the age of 3 months to be kept on that property”. Mrs Zakrevsky indicated that this would be similar to the restrictions placed on dogs, namely two and additionally would reduce the nuisance factor to private property and the killing of wildlife.

a) Assessment

The existing clause 45(1) Keeping of Cats under the existing Animals Local Law 1999 states:

45 (1) *Subject to clause (2) and (3), a person shall not keep more than 3 cats over the age of three months*

The local law as it stands does not restrict the number of cats per property but per person. This could allow for numerous cats to be kept if more than one person was occupying the property.

The proposed amendment to the above clause is required to clarify the intent of the local law that a maximum of three cats are to be kept per property. This clarification is required to assist officers in controlling the number of cats per property and the number of cats within the district.

2. “All cats should be sterilised unless registered for breeding purposes by a bona fide breeder.” Mrs Zakrevsky indicated her support for sterilising cats and considered such a provision would assist in the control of cat numbers to prevent cats becoming a feral animal such as rabbits and foxes.

b) Assessment

The Council at its meeting on 23 October 2001 were advised that Urban Animal Management Committee has begun to consider issues other than the management of dogs, and has developed an Urban Animal Action Plan for Cats that will assist the City in the care and control of cats (Report CJ358-10/01 refers).

The Urban Animal Action Plan - Cats focuses on three key areas as follows:

- Partnerships
- Management Strategies
- Education Strategies

The Action Plan emphasises the need for community education strategies to encourage responsible cat ownership and also identifies strategies to ensure that an appropriate legislative framework is established to facilitate effective control and management of cats.

The Action Plan also notes that in Western Australia, there is no Cat legislation as is the case for dogs. The Committee considered that before consideration is given to establishing local laws to control cats in the City, it would be much more effective, and have less chance of a public backlash, if the WA State Government introduced similar laws. The State government has considered cat legislation but has not followed through with any decisive actions or recommendations at this time. However, it is envisaged that a general type of Cat Act will be considered by parliament in the future. As cat control is an issue concerning all local authorities, it is considered that the State Government should address cat control in a State Act before any significant local law provisions are made.

In view of the assessment made on the submission from Mrs M Zakrevsky and the work being done by the Urban Animal Management Committee, it is proposed not to make any amendment to the document that was approved by Council for public comment.

Health Local Law

The section of the proposed Amendment Local Law 2001 relating to Health, requires the express approval of the Executive Director of Public Health. Without this endorsement of consent on the local law document, it will not be published in the Government Gazette and therefore would not become local law. The proposed amendments to the City's Health Local Law have been discussed with the appropriate Health Department representative to ensure there are no objections. Copies of the Amendment Local Law 2001 will be sent to the Executive Director Public Health for his endorsement upon approval by Council.

Action to Progress Local Law

The following actions are required to progress the proposed Amendment Local Law 2001 to local law stage in accordance with Sections 3.12 and 3.15 of the Local Government Act 1995.

The relevant sections are:

- “3.12 (4) After the last day for submissions, the local government is to consider any submissions made and may make the local law* as proposed or make a local law* that is not significantly different from what was proposed.

* *Special majority required.*

- (5) After making the local law, the local government is to publish it in the *Gazette* and give a copy of it to the Minister and, if another Minister administers the Act under which the local law is proposed to be made, to that other Minister.
- (6) After the local law has been published in the *Gazette* the local government is to give statewide public notice -
- (a) stating the title of the local law;
 - (b) summarising the purpose and effect of the local law (specifying the day on which it comes into operation); and
 - (c) advising that copies of the local law may be inspected or obtained from the local government's office.
- (7) The Minister may give directions to local governments requiring them to provide to the Parliament copies of local laws they have made and any explanatory or other material relating to them.

Local laws to be publicised

- 3.15 A local government is to take reasonable steps to ensure that the inhabitants of the district are informed of the purpose and effect of all of its local laws.”

Other Considerations

In progressing the proposed local law to the final stages, consideration must be given to Section 3.13 of the Local Government Act 1995 which states:

“Procedure where significant change in proposal

3.13 If during the procedure for making a proposed local law the local government decides to make a local law that would be significantly different from what it first proposed, the local government is to recommence the procedure.”

As it is not proposed to amend the document that was approved and advertised for public comment, this section is not relevant on this occasion.

Action By Others

The following actions will be taken to complete the review and adoption process of the local law:

- the local law will be tabled in parliament by Parliamentary Council;
- review of the local law by the Joint Standing Committee On Delegated Legislation. The review of all delegated legislation by this committee is in accordance with section 42 of the Interpretation Act 1984.

It has become standard practice that ten copies of the local law together with an Explanatory Memorandum and details of any submissions be forwarded to the Joint Standing Committee On Delegated Legislation, to assist in their review of the local laws.

COMMENT/FUNDING

No alteration or amendment has been made to the proposed Amendment Local Law 2001 document that was approved by Council for public comment at the ordinary meeting of Council on the 25 September 2001. It is therefore recommended that the Amendment Local Law 2001, be adopted.

RECOMMENDATION

That Council:

- 1 BY A SPECIAL MAJORITY, in accordance with Section 3.12 of the Local Government Act 1995, ADOPTS the proposed local law as per Attachment 1 to Report CJ420-12/01, as the “City of Joondalup Amendment Local Law 2001”;**
- 2 APPROVES progression of the remaining actions to finalise the local law in accordance with Sections 3.12 and 3.15 of the Local Government Act 1995.**

Appendix 1 refers

To access this attachment on electronic document, click here: [attach1agn181201.pdf](#)

CJ421 - 12/01 REGIONAL PURCHASING POLICY REVIEW - [37863]**WARD** - All

CJ011211_GRN.DOC:ITEM 1

SUMMARY

This report outlines the review of the Regional Purchasing Policy and the City's Corporate Purchasing Procedures. It recommends the adoption of a revised Policy titled Purchasing Goods and Services.

BACKGROUND

At its meeting on 12 June 2001 (C46-06/01 refers) Council resolved that:

- 1** *Council REVIEWS its current "Buy Local" Policy ("the Review") to ensure in so far as it is reasonably practicable, the application of the following criteria in the purchase of all of the goods and services required by our City of Joondalup:*
 - (a)** *that local businesses located in the City of Joondalup are given preferential treatment, provided the price is competitive;*
 - (b)** *thereafter, businesses located in the City of Wanneroo;*
- 2** *the Review be conducted in conjunction with the local Joondalup Business Association Inc and Business Enterprise Centre;*
- 3** *the outcomes of the Review be submitted in a redrafted policy, to be included in a report to Council ("the new Policy");*
- 4** *Council decides whether to accept, reject or vary the new policy;*
- 5** *if accepted by Council, the new policy be then reviewed by the Australian Competition and Consumer Commission to ensure that it complies with National Competition Policy before it is implemented by Council;*
- 6** *where a product or service cannot be obtained in the City of Joondalup it be noted and referred to the Joondalup Business Association for follow up.*

DETAILS

On 12 June 2001, Council resolved to review the "Buy Local" Policy. The "Buy Local Policy Review Team" (Team) was formed for this purpose and included four administration staff members and two representatives of the Joondalup Business Association (Inc) (JBA). The Team met on several occasions and resolved that the City's Purchasing Procedures be included in the review as these are the 'operational' documents used by staff.

Both documents have since been reviewed extensively internally and further consultation has occurred with the JBA prior to finalising the Policy at Attachment 1 and the Procedure at Attachment 2.

Major changes to the Policy include:

- Renaming of the Policy.
- Focusing on the City of Joondalup and not the City of Wanneroo (COW), but the COW and City of Stirling are mentioned as part of the region.
- Introduction of a Preamble.
- A clearer and stronger objective still focusing on economic development and value for money.
- A statement that lists some of the City's initiatives to support and assist local business, and provides local suppliers with options to seek business with the City.
- Clear definition of terms such as, 'Local Business' and 'The Region', under Interpretations.
- Addition of 'Application of the Policy' to ensure that staff can easily understand their responsibilities under the Policy.

COMMENT/FUNDING

The proposed Policy and Procedure was a joint effort by all team members. Team members were given opportunities to have input and agreed with the Policy and Procedure produced. All valid comments have been incorporated where necessary and appropriate. JBA representatives have been consulted after any amendments were made to ensure that they agreed with the amendments.

Both documents seek to ensure that businesses with the City of Joondalup are given opportunities to provide quotations on the City's requirements. They do not seek to provide preferential pricing treatment for those businesses.

The Policy was reviewed by the City's Solicitor for comment. He advised that the Policy does not conflict with the Act or the Regulations, however he did recommend that a paragraph be inserted clarifying that when the City invites tender or quotes that no price preference will be given to local suppliers. In accordance with Regulation 4A, a local government intending to give a regional price preference may only do so if the local government is based outside the metropolitan area.

RECOMMENDATION**That Council:**

- 1 ACCEPTS the amended Policy 2.4.6 – Purchasing Goods and Services forming Attachment 1 to Report CJ421-12/01, in place of the current Policy 2.4.6 – Regional Purchasing Policy;**
- 2 REFERS the new policy to the Australian Competition and Consumer Commission (ACCC) for comment prior to referral back to Council for adoption.**

Appendices 19(a) and 19(b) refer

To access this attachment on electronic document, click here: [Attach19aagn111201.pdf](#)

[Attach19bagn181201.pdf](#)

CJ422 - 12/01 ELECTED MEMBER FEES, ALLOWANCES AND REIMBURSEMENT OF EXPENSES – [27122]

WARD – All

SUMMARY

The purpose of this report is to outline and seek adoption of a proposed single policy titled “Payment of Fees, Allowances and Expenses and the Provision of facilities to the Mayor, Deputy Mayor and Councillors”. The proposed policy has been developed in a booklet format, combining the information from several previous policies relating to fees, expenses, allowances, conferences, travel and equipment that is provided to Elected Members. All information has been reviewed and represents an all inclusive single elected member policy, broadening the type of expenses that may be claimed.

The proposed policy document is attached.

BACKGROUND

The Audit Committee supported by Council has sought to clarify some elected member expense claims and related matters that have been under consideration for some time. A comprehensive report titled “Elected Member Allowances, Fees and Reimbursement of Expenses” was considered by the Audit Committee at its meeting held on 17 September 2001. That report compared the processes applied to allowances and expense reimbursements by several local governments of similar size and recommended adoption of an all inclusive expense reimbursement limit for each elected member.

Following consideration of the matter by Council at its meeting held on 9 October, 2001 the report was referred back to the Audit Committee for further consideration and review of relevant policies”. A review of the relevant policies has been undertaken and those policies have been combined into a single policy document .

DETAILS

The general principles that have been applied to this review of elected members allowances, fees and reimbursement of expenses are as follows:

- Once agreed by Council, allowances permitted under the Local Government Act 1995 do not require substantiation and may simply be paid with out further reference to Council provided the total allowance amount is not exceeded.
- Setting a Conference and Training Expense Allocation and clarifying the type of conferences that may be attended and detailing all other matters associated with conference and training attendance;

- Setting an expense reimbursement limit that compares favourably with other similar size local governments, for each elected member to self manage and including other credible and appropriate means of controlling expenses;
- Broadening the type of expenses that can be reimbursed to elected members;
- The need to substantiate all expenses claimed by elected members for reimbursement with original copies of invoices and receipts provided. Original tax invoices and receipts will be required and retained for claiming back of GST that has been paid. Expense records will be credited with the refund and only the net expense amount will apply in such instances;
- The need for expenses that are outside the policy, but claimed by elected members for expense reimbursement, to be approved by Council;

Elected Member Related Policies

The current policies that relate to elected member support, allowances, fees and reimbursement of expenses are:

- 2.2.1 Issue and Return of Council Related Equipment to Elected Members
- 2.2.2 Elected Member Training
- 2.2.3 Travel/Accommodation - Elected Members and Staff
- 2.2.10 Elected Members Attendance Fees
- 2.2.12 Members of Council - Reimbursement of Expenses

The provisions of each of these policies has been included in the proposed single all inclusive policy. In several instances the information has been amended to better meet the needs of elected members. The above policies will need to be rescinded by Council if the proposed policy is adopted.

Structure and Content

The proposed policy document is divided into 7 Parts and is supported by relevant extracts from the Local Government Act 1995 and Local Government (Administration) Regulations 1996. The combination of all elected member policies relating to entitlements and expenses, into one policy and booklet type document is similar to what has been applied at Warringah Council.

A short summary of what is covered by each of Part of the proposed policy document is outlined under the Part Heading as follows:

PART 1 - PRELIMINARY

The preliminary information details the title, proposed commencement date, that the policy has been developed and complies with the relevant sections of the Local Government Act 1995 and Regulations under that Act.

PART 2 – PROVISION OF FACILITIES

This Part details much of what is currently provided by way of facilities to elected members and clarifies the provision of other matters that have been previously raised.

The provision of facilities in this Part is on the clear understanding that what is provided will not be used for election purposes.

PART 3 – ISSUE AND RETURN OF COUNCIL EQUIPMENT

The provisions included in this part were previously covered by policy “2.2.1 Issue and Return of Council Related Equipment to Elected Members”. Clarification has been made on some aspects of what is provided, but the content in this Part remains substantially the same as what applied under the previous policy, 2.2.1.

PART 4 – PAYMENT OF FEES AND ALLOWANCES

This Part sets out the type and value of fees and allowances that may be paid to Elected Members in keeping with relevant legislation and decisions of Council. Conditions of payment have been added to what otherwise previously applied. The conditions of payment include an expectation that Elected Members will attend meetings, carry out other Council responsibilities and take responsibility for any taxation liability.

Fees and allowances would be reviewed at the Ordinary Council Meeting following each bi annual election.

PART 5 - ATTENDANCE AT CONFERENCES AND TRAINING WITHIN AUSTRALIA

Conference and training attendance and associated matters are covered in this Part. The current policies “2.2.2 Elected Member Training” and “2.2.3 Travel/Accommodation - Elected Members and Staff” as these relate to Elected Members have been included in this Part.

A annual conference and training expense allocation for all Elected Members has been included together with a definition of “Conferences and Training” and what conferences and training may be attended. The approval process has been streamlined to a large degree and provisions have been added to cover and clarify Council’s position on conference attendance by accompanying persons.

Guidelines for conference and training attendance have been added.

PART 6 - ATTENDANCE AT OVERSEAS CONFERENCES

This Part has been added to facilitate Elected Members attendance at an overseas conference within each Elected Members' Expense Allocation, by permitting unexpended funds to be carried forward to the next expense period. The process by which this may be achieved is also included in the policy.

PART 7 – REIMBURSEMENT OF EXPENSES

This Part is divided into three main sections “Child Care” and “Travel” and “Other Specified Expenses”. It is proposed that payment of child care and travel will not form part of the expense allocation limit applicable for general expenses that may be claimed by Elected Member. The terms under which child care will be paid have been clarified and the need to provide receipts has been applied where reimbursement claimed is outside the applicable Regulations.

It is proposed that travel will be treated similar to child care with costs incurred being reimbursed provided they are substantiated on the appropriate claim form and receipts provided where appropriate.

Other Specified Expenses will be subject to an expense limit of \$500 per expense period. The type of expenses that may be claimed has been expanded. Much of the policy 2.2.13 Members of Council - Reimbursement of Expenses has been included within this Part.

COMMENT

Proposed Inclusive Policy

The proposed inclusive policy, “Payment of Fees, Allowances and Expenses and Provision of Facilities to the Mayor, Deputy Mayor and Councillors” has combined all previous single subject policies relating to Elected Members, into a single document. It is considered that this approach has significant advantages for Elected Members in that they will be able to review all policy matters relating to entitlements and expenses in a single document.

RECOMMENDATION

That Council:

- 1 Council ADOPTS the proposed policy, “Payment of Fees, Allowances and Expenses and Provision of Facilities to the Mayor, Deputy Mayor and Councillors” as detailed in the document and attached to Report CJ422-12/01 and to come into operation in May 2002;**
- 2 Council DELETES the following policies considered no longer necessary as a result of adopting the proposed policy, “Payment of Fees, Allowances and Expenses and Provision of Facilities to the Mayor, Deputy Mayor and Councillors”:**

Policy 2.2.1	Issue and Return of Council Related Equipment to Elected Members
Policy 2.2 2	Elected Member Training
Policy 2.2 3	Travel/Accommodation – Elected Members and Staff
Policy 2.2 10	Elected Member - Attendance Fees
Policy 2.2 12	Elected Member – reimbursement of Expenses.

- 3 Council APPROVES the principles outlined in the proposed policy, “Payment of Fees, Allowances and Expenses and Provision of Facilities to the Mayor, Deputy Mayor and Councillors” as the guiding principles by which Elected Member entitlements and expenses shall be administered until the policy comes into effect in May 2002.**

Appendix 23 refers.

To access this attachment on electronic document, click here: [Attach23agn181201.pdf](#)

s:\elected members\expense reimbursement\expense report 4.doc

CJ423 - 12/01 SCHEDULE OF DOCUMENTS EXECUTED BY MEANS OF AFFIXING THE COMMON SEAL - [15876]

WARD - All

CJ011211_BRF.DOC:ITEM 2

SUMMARY

The following is a list of documents sealed under the Common Seal of the City of Joondalup from 4.10.01 to 26.11.01, not previously listed:

- | | |
|--------------|---|
| Document: | Agreement |
| Parties: | City of Joondalup/Ministry of Transport/Water Corporation |
| Description: | Vesting of the Ocean Reef Boat Launching Facility |
| Date: | 4.10.01 |
| | |
| Document: | Contract |
| Parties: | City of Joondalup/Acri Pty Ltd (Home Chef WA)/Community Vision |
| Description: | Deed of Novation – Supply and Delivery of Meals Services from City of Joondalup to Community Vision |
| Date: | 8.10.01 |
| | |
| Document: | Copyright |
| Parties: | City of Joondalup, City of Wanneroo and S Hamilton |
| Description: | Important Oral History Recording for Local Studies Collection |
| Date: | 11.10.01 |
| | |
| Document: | Copyright |
| Parties: | City of Joondalup, City of Wanneroo and M Russell |
| Description: | Important Oral History Recording for Local Studies Collection |
| Date: | 12.10.01 |
| | |
| Document: | Legal Deed |
| Parties: | City of Joondalup and J R and S McCrudden |
| Description: | Right of Carriageway (Lot 75 (5) Brachin Court, Duncraig – Proposed new Lots 1 and 2) |
| Date: | 19.10.01 |
| | |
| Document: | Contract |
| Parties: | City of Joondalup and Asteranch P/L trading as Cleensweep |
| Description: | 006-01/02 – Supply of Kerbside Recycle Collection Service in City of Joondalup |
| Date: | 01.11.01 |
| | |
| Document: | Copyright |
| Parties: | City of Joondalup, City of Wanneroo and Tina Lord |
| Description: | Important Oral History Recording for Local Studies Collection |
| Date: | 14.11.01 |

- Document: Copyright
Parties: City of Joondalup, City of Wanneroo and Beryl Williams
Description: Important Oral History Recording for Local Studies Collection
Date: 14.11.01
- Document: Copyright
Parties: City of Joondalup, City of Wanneroo and Fr Patrick M Boyle
Description: Important Oral History Recording for Local Studies Collection
Date: 14.11.01
- Document: Agreement
Parties: City of Joondalup
Description: District Town Planning Scheme No 2 – Amendment 9
Date: 19.11.01
- Document: Agreement
Parties: City of Joondalup and Roman Catholic Archbishop of Perth
Description: Creation of Easement – Lot 1000 Petersborough Drive, Currambine – WAPC Ref 111862
Date: 19.11.01
- Document: Statement of Compliance
Parties: City of Joondalup and Commonwealth Department of Family and Community Services
Description: Commonwealth Emergency Relief Program – City of Joondalup Financial Counselling Service
Date: 19.11.01
- Document: Copyright
Parties: City of Joondalup, City of Wanneroo and Dorothy Darch
Description: Important Oral History Recording for Local Studies Collection
Date: 21.11.01
- Document: Contract
Parties: City of Joondalup/Future Systems/Big Splash Events
Description: Organisation and Operation of the Joondalup Weekend Markets
Date: 26.11.01

RECOMMENDATION

That the Schedule of Documents executed by means of affixing the Common Seal be NOTED.

CJ424 - 12/01 CHIEF EXECUTIVE OFFICER - CONFERENCE ATTENDANCE – [39386]**WARD – All**

CJ011211_BRF.DOC:ITEM 3

SUMMARY

During the next calendar year there will be a number of conferences of direct relevance to local government and local government CEOs which the Council would benefit by the CEO's attendance. In May 2002 a two-day international best practice symposium will held followed by the LGMA National Congress.

BACKGROUND

In a joint venture with the Local Government Managers' Australia's international affiliates in the United States (ICMA) and New Zealand (SOLGM) a two day international best practice symposium will be held immediately prior to the LGMA National Congress. The symposium will showcase international best practice using case studies from across Australia, the United States and Europe.

The symposium will be followed by the LGMA National Congress which is the premier conference for the local government industry and attracts speakers and delegates from all over Australia and overseas.

DETAILS

It is considered that the CEO's attendance at the international symposium and the National Congress will be of benefit to the City. Attendance at the symposium and conference will enable the CEO to meet with some leading local governments and discuss initiatives that have been recognised as international best practice. It is therefore recommended that the Council authorise his attendance.

It should be noted that the CEO also has a commitment to maintaining his professional development through his membership of the Australian Local Government CEO's Association. Members of the Association meet quarterly to discuss issues of relevance to local government CEOs. The CEO's contract provides for his attendance at these meetings.

COMMENT/FUNDING

An amount of \$7,500 has been allocated in the 2001/02 Budget "CEO – Conference Expenses" to cover the cost associated with the CEO attending conferences.

RECOMMENDATION

That Council AUTHORISES the:

- 1 Chief Executive Officer to attend the LGMA International Symposium and National Congress to be held in Melbourne at an estimated cost of \$5,000;**
- 2 expenditure in 1 above to be charged to Budget Item “CEO – Conferences” account number 11.10.11.111.3302.0001.**

CJ425 - 12/01 MINUTES OF THE OCEAN REEF DEVELOPMENT COMMITTEE MEETING - 14 NOVEMBER 2001 – [04171]

WARD - Marina

CJ011211_BRF.DOC:ITEM 4

SUMMARY

The Ocean Reef Development Committee held a meeting on 14 November 2001. The unconfirmed minutes of this meeting are submitted for the Council's noting.

DETAILS

Adrian Fini, Chief Executive Officer and Brett Draffen, Director Development from Mirvac Fini were invited to address the Committee on the Mirvac Fini Group and advise on options that the City could consider to proceed the Ocean Reef Development.

It was agreed that a Planning Workshop be held with the Council and key stakeholders such as Water Corporation, Transport, Ministry for Planning and Infrastructure and the Department of Environmental Protection to set objectives, guiding principles and goals for the Ocean Reef site.

RECOMMENDATION

That Council NOTES:

- 1 the unconfirmed Minutes of the Ocean Reef Development Committee held on 14 November 2001, forming Attachment 1 to Report CJ425-12/01;**
- 2 that a Planning Workshop be held with the Council and key stakeholders to develop the objectives, guiding principles and goals for the Ocean Reef site.**

Appendix 18 refers

To access this attachment on electronic document, click here: [Attach18brf111201.pdf](#)

CJ426 - 12/01 TENDER NO 015-01/02 - SUPPLY OF TEMPORARY PERSONNEL – [71511]**WARD - All**

CJ011211_BRF.DOC:ITEM 5

SUMMARY

The City of Joondalup invited tenders for the Supply of Temporary Personnel, in accordance with the Conditions of Tendering and Contract, through a statewide public notice on 13 October 2001.

Twenty-two tenders were received in the tender box at the time of tender opening on 31 October 2001. These were Active Selection, Career Pursuits, Choice One Pty Ltd, Drake Australia Pty Ltd, Genesis Recruitment Pty Ltd, Harvey Recruitment Australia, Hays Personnel Services (Aust) Pty Ltd, Integrated Workforce Ltd, Integrity Staffing Pty Ltd, IPA Group Pty Ltd, Julia Ross Recruitment Ltd, Venus Corporation T/A LO-GO Appointments, Lois Wood, Employment National Ltd T/A Oz Jobs, Select Appointments Pty Ltd, Clearwater Corporate Services Pty Ltd T/A Shelton Partners, Southside Personnel, Talent International Pty Ltd, Crestline Pty Ltd T/A Temps & Co, TMP World-wide, Weststaff (Aust) Pty Ltd and Workskills Professionals Pty Ltd.

The valid tenders were evaluated in accordance with the Condition of Tendering. Active Selection did not comply with the tender requirements. It lacked details, did not address the selection criteria and on this basis, was declared non-compliant. Two late tenders were also received from Bell Personnel and Lyncroft Consulting (Slade). They were not considered for evaluation due to legal restraints.

Following the process of evaluation, it is recommended that:

1. A Panel of tenderers as detailed in Attachment 1 and 2 be accepted for the price schedule for specific categories for a one-year period commencing January 2002, with an option for an extension for a further 2 x 12 months, subject to Council's approval;
2. The City rejects the tenders received from Bell Personnel and Lyncroft Consulting because they were late and Active Selection because they were non-compliant; and.
3. Authorises the signing of contract documents.

BACKGROUND

The City of Joondalup has a need from time to time to fill positions, or to cope with peak workload requirements, on a temporary basis. The reason for placing staff on a temporary basis includes but not limited to incumbents taking leave or other operational reasons. It is not possible on occasions to fill the positions from within the City's own workforce.

The City currently spends about \$268,000 on the payment of services for temporary personnel recruited from various agencies. To assist with the City's labour requirements and to meet variable workloads across the organisation, a panel of Contractors has been considered to be the most cost-effective solution.

LO-GO Appointments is currently under a separate contract (No 050-99/00) with the City for Supply of Temporary Personnel for the work related to blue-collar employees for Operations Services and the scope of which is not included with the current tender (No 015-01/02).

It is proposed that the Panel of Contractors will provide a total service on the placement of temporary staff. The prices quoted include all statutory provisions including workers compensation, superannuation, leave loading, all leave and travel. Essentially the City only pays for the work done on an hourly rate. The current industrial instruments that regulate wages and salary will not affect the Schedule of Rates under this contract. The proposed supply of temporary personnel include Clerical and Administrative staff, Planning Officers, Accounting staff, Rates Clerks, Policy Officers, Youth and Community Service Workers, Library officers, IT staff, Environmental Health officers and others as listed under the Attachments.

The main emphasis will be on providing temporary staff in a timely manner to meet the operational needs of the business units.

Contract Term

The Contract term will initially be for one year, with an annual performance review. It will also have the ability to extend the contract for a further 2 x 12 month periods, subject to satisfactory performance as determined by the City.

Such extension of the contract is not an automatic right for the Contractors. It shall be in accordance with the same terms and conditions, including the Schedule of Rates or with negotiated price adjustments not exceeding the changes in CPI (as published by the Australian Bureau of Statistics) for the last 12 months. Any lower value shall be at the discretion of and be negotiated by the Principal.

The Contractor shall notify the Principal in writing at least 90 days prior to the expiry of this contract expressing its intention to be considered for renewal of the Contract.

Contract Non-Exclusivity

The Panel of Contractors aims to cover most of the classes of white-collar employees and will be used under Guidelines developed by the Human Resources Services Unit in consultation with the Manager Contract Management.

The Contract does not provide exclusivity to any contractor selected under the Panel and the City reserves the right to appoint other Contractors to provide temporary personnel if required to do so. This may occur when the proposed Panel of Contractors fails to provide the required skill of personnel within the timeframe.

DETAILS

A public invitation from competent service providers for the Supply of Temporary Personnel was called. The advertisement was published in *The West Australian* on 13th October 2001 and closed on 31 October 2001 at 3.00pm. A total of fifty-six companies received tender documents from either the City's reception desk or Council's web site. Some of the companies visited the City in order to familiarize themselves with the layout of the organisation. A number of tenderers contacted the City on issues that required clarification. E-mail, facsimile or telephone responded to all queries. At the close of submissions on Tuesday, 31 October 2001, twenty-two tenders were received.

At the time of tender box opening, tenders were received from:

Active Selection	Lois Wood
Patricia Tassell T/A Career Pursuits	Employment National Ltd T/A Oz Jobs
Choice One Pty Ltd	Select Appointments Pty Ltd
Drake Australia Pty Ltd	Clearwater Corporate Services Pty Ltd T/A Shelton Partners
Genesis Recruitment Pty Ltd	Southside Personnel
Harvey Recruitment Australia	Talent International Pty Ltd
Hays Personnel Services (Aust) Pty Ltd	Crestline Pty Ltd T/A Temps & Co Recruiters Australia (MRA)
Integrated Workforce Ltd T/A Integrated Group	TMP World-wide
Integrity Staffing Pty Ltd	Weststaff (Aust) Pty Ltd T/A Weststaff
IPA Group Pty Ltd T/A IPA Personnel	Workskills Professionals Pty Ltd
Julia Ross Recruitment Ltd T/A Julia Ross Hot and Chilli	
Venus Corporation T/A LO-GO Appointments	

Two late tenders were received from Bell Personnel and Lyncroft Consulting (Slade) and could not be assessed under the provision of *Local Government (Functions & General) Regulations 1996*.

The tender submitted by Active Selection did not address the selection criteria, lacked sufficient details, did not comply with the Conditions of Tendering and as a consequence declared non-compliant. The Tender Evaluation Committee did not consider this tender in the evaluation process.

The prices of each category of temporary personnel as submitted by the tenderers are provided under Attachment 2 and the prices of the category of temporary personnel are listed under Attachment 1.

Tender Evaluation Method

The Conditions of Tendering specified that all tenders would be assessed against the pre-determined selection criteria. These selection criteria comprised a set of quantitative and qualitative criteria in the Tender Information Document. In evaluating the tenders and subject to the Conditions of Tendering, the City took into consideration the following criteria:

1. Price and other information provided under the Schedule of Rates.
2. Demonstrated previous experience in supplying Temporary Personnel Services.
3. Demonstrated capacity to meet the requirements of the Contract.
4. References.
5. Methodology.
6. Encouragement of Local Economy.

Under the City's Contract Management Framework and AS4120, an evaluation committee using a multi-criterion assessment system assessed tenders. Each of the above criteria for the tenders submitted was evaluated accordingly.

Evaluation Results

An evaluation committee evaluated each of the conforming tenders against the selection criteria. This criterion effectively falls into two discrete parts, namely: "price" and "quality".

Prior to the Tender Evaluation Committee meeting agreement was reached on the value of the weightings for each criteria.. These weightings remained unaltered throughout the evaluation process, thereby maintaining the integrity of the tender evaluation process.

The tender received from Active Selection did not contain the relevant details as stipulated under the Conditions of Tendering. It was declared non-conformant and accordingly was not assessed.

It was the committee's findings that the tenderers as described in Attachment 1 were the best suppliers

COMMENT/FUNDING

The Supply of Temporary Personnel for white-collar employees in the City is approximately \$268,000 for the current financial period.

The use of a Panel of Contractors has benefits through:

- Reduced fee costs and tendering charges;
- Insurance, Superannuation, leave, leave loading, workers compensation and all expenses are included under the Schedule of Rates;
- Development of a partnership relationship;
- Provision of specialist expertise and resources to meet specific projects;
- Compliance with legislative requirements;
- Better risk management;
- Controlled application of temporary personnel;
- Multiple choice to obtain temporary personnel including non-exclusivity;
- Fixed price over 12 months.

The price schedules of the recommended tenderers are provided under Attachment 2. Career Pursuits and Oz Jobs are situated within the City of Joondalup.

RECOMMENDATION

That Council:

- 1 ACCEPTS a Panel of tenderers as per Attachment 1 to Report CJ426-12/01, for the price schedule for specific categories for a one-year period commencing January 2002, with an option for an extension for a further 2 x 12 months, subject to Council's approval;**
- 2 REJECTS tenders received from Bell Personnel and Lyncroft Consulting as late tenders and Active Selection as non-conformant.**

Appendix 2 refers

To access this attachment on electronic document, click here: [Attach2AGN181201.pdf](#)

CJ427 - 12/01 2CITIES INTERNET GATEWAY PROJECT – REQUEST FOR FUNDING – [34002]

WARD - All.

CJ011211_BRF.DOC:ITEM 6

SUMMARY

The City has received a request for funds of \$36,000 from the North Metro Community On-line Association Inc. (NMCOA). The City of Wanneroo has also been asked to contribute \$36,000.

The funds would be utilised to implement Internet portal software so that a single point of access to community groups and business can be developed for the region, comprising the Cities of Joondalup and Wanneroo.

The project is not without significant benefits and risks. However, a suitable exit strategy will, in the event of failure go some way to protecting the City's interests.

It is proposed that the City contributes funds, subject to the development and agreement to an exit strategy.

BACKGROUND

The 2Cities Internet project is a joint initiative of the Cities of Joondalup and Wanneroo, the Joondalup and Wanneroo Business Associations, West Coast College and Edith Cowan University.

An independent Incorporated Association, North Metro Community On-line Association Inc. (NMCOA) has been established by the parties to develop and promote the use of Information Technology for communication, between community, business and government in the Joondalup/Wanneroo region. In April 2001, Council considered a report on membership of the NMCOA and appointed the Chief Executive Officer (Item CJ108 04/01 refers). The membership of the NMCOA Committee is:

Acting Chairman	Chief Executive Officer, City of Wanneroo	Mr C Johnson
Acting Vice Chairman	Chief Executive Officer, City of Joondalup	Mr D Smith
Secretary	Wanneroo Business Association	Mr B Fawcett
Treasurer	Joondalup Business Association	Mr R Poliwka
Member	Edith Cowan University	Mr J Murray
Member	Business Enterprise Centre	Mr G Hawke

Community Internet Portal

The objective of the Internet community portal is to provide a single point of access for community groups and organisations in the region.

It will be targeted at providing resources for the people to allow them to create information and knowledge (content) and share it with others.

The various sections of the Community Web will mirror the components of the actual community. These are schools, religious groups, seniors groups, individuals, resident associations, teachers, students, parents and children. Each will be provided a free place on the web and information about the community shared. This could include location, weather, attractions, history, news, coming events etc.

The Community Web has the added responsibility of delivering information about the use of the medium itself so that it is simple for all members of the community to understand, and use the World Wide Web.

Services provided by the Community Web are projected to include:

- Community Web Site.
- Community History Base.
- Community listing (clubs, associations, etc.)
- Community page or site (for larger clubs and associations).
- Photo gallery.
- Virtual tours.
- Regional maps.
- Web Based Calendars.
- Low Cost e-mail Access.
- Free Web Pages.
- Seniors Outreach Program.
- Comprehensive and Affordable Training.
- Free Chat Groups, Newsgroups, Bulletin Boards.

It will also provide easy links to business services that are regularly required by community members such as jobs guide, real estate, industrial land availability, auto purchase, entertainment guide, domestic help, places to stay, places to drive, places to shop, services guide etc.

Business

There are a number of elements to the business development package. There are:

- Training;
- Regional Electronic Marketplace;
- Business Listings database.

Training

The NMCOA has recently attracted a grant from the Small Business Development Corporation to engage a training officer for a period of 12 months. The training is targeted at introducing business to the benefit of Information Technology and will, in its latter stage, focus on setting up business process to streamline business operations using the information technology.

Regional Economic Marketplace

An objective of the initiative is to develop a sustainable business model and to assist in this, it is proposed to establish a Regional Electronic Marketplace (REM). This facility will be used to develop Business-to-Business (B2B), Business-to-Government (B2G) transactions in the region.

It is believed that the establishment of a regional REM will be a major factor in promoting economic growth to the benefit of the region.

The development and implementation of the REM is a relatively costly exercise. The NMCOA has sought a funding grant from the National office for the Information Economy (NOIE). It is estimated that a grant of \$150,000 is required to provide the software and technical support required.

Business Listing Database

This will establish a list of active businesses in the region as well as invite business to establish on or link their web site to the community portal.

DETAILS

The North Metropolitan Community Online Association (NMCOA) is seeking to develop the region as a “Smart Community” by establishing a self-sustaining and independent body within the Joondalup/Wanneroo region, which will promote the use of Internet technologies to develop increased communication and interaction between community, business and government.

The concept is built upon the notion of the “village pump” where community and commerce came together at a common point to share information. In a similar way the project seeks to provide inexpensive access for communities, groups and individuals to utilise the 2Cities portal. This will then form a ready market for B2G.

Internet Gateway Project

The implementation of the Internet gateway or Regional Portal project will rely upon funding from the stakeholders. The Association has written to the City advising:

“The 2Cities project development team is now making final deliberations regarding the selection of a vendor to create the platform from which the 2Cities portal will be delivered. The future development of the project is therefore contingent on securing the seed capital funding outlined in our request to the City. We therefore now formally seek a commitment from the City for \$36,000 to allow a contract to be negotiated with the selected vendor.”

A similar request has also been communicated to the City of Wanneroo.”

The City of Wanneroo has allowed cash contribution of \$36,000 for the community portal segment of the project in its 2001-2002 budget. It has advised the Association it views the project as a regional initiative in conjunction with the City of Joondalup and that its contribution is contingent on the same being confirmed by the City of Joondalup. The City of

Wanneroo also requires that prior to the release of funds, there is a suitable exit strategy in place to reduce the on-going liability for the City, should the project fail.

Regional Economic Marketplace

The NMCOA sought a grant of \$174,500 from the National Office for Information Economy (NOIE) through its Information Technology Online (ITOL) grants programme to enable it to establish the Regional Electronic Marketplace. Advice received is that the application was unsuccessful. However the decision is currently being reviewed.

Project Viability

There are a number of elements to consider concerning the viability of the 2Cities project. These include:

- Finance
- Competition
- The City of Joondalup web site.

Finance

The Association is requesting a grant of \$36,000 from the City.

There is uncertainty about the sustainability of the portal project. Research indicates that there are very few, if any, self-sustaining community portal projects anywhere. Many rely upon grants to remain in business.

An objective of the Association has been to develop a business plan that makes the project self-sustaining. The plan relies heavily upon grant support in the developmental stages and the plan expects to develop operational funding from membership fees and advertising to sustain the project in the longer term. The business plan is relatively untested. However, anecdotal evidence from the “mysouthwest” portal suggests it has been successful in meeting its operational expenses from sale of membership and advertising. How well this may translate to this project is unknown.

The Association is also seeking funds from the Lotteries Commission for the development of the Community Portal. The objective of this funding will be to consult with Community Groups, develop a database of Community Groups and provide resources and training. The results of this grant funding application will be known in the new year.

Competition

There is no direct competition to the community portal, that is, there is not another “Not for Profit” Community Portal established in the Cities of Joondalup and Wanneroo Region.

However, there are elements of the Portal Project that may or will compete. For example, sites like Yahoo provide many of the functions that are proposed in the 2Cities project portal. Other providers may become competitors. Telstra has been developing community portal software, albeit to date it has not been established in the local market.

City of Joondalup Web Site

The City's web site is a leading Local Government site. It offers a range of information and is becoming more interactive. Currently, members of the public can access the site:

- a wide range of Council information - e.g. minutes, corporate documents, how to, FAQ, service descriptions, etc.
- and make rates payment
- targeted service & information provision to significant community sectors - e.g. Tourists, Businesses, Residents, Youth, etc.
- dynamic & interactive database-driven service delivery - e.g. online tenders, jobs, community information, business directory
- e-mail direct services - e.g. New Book Alert Service, Community Events Notification, Overdue Book notice, etc.

Expansion of the site envisages:

- expanded e-democracy functions to enhance the ability of the community to participate in the decision-making process - e.g. online polling, discussion groups, online surveys, etc.
- introduction of mobile services - e.g. search property database from mobile phone, etc.
- use of e-procurement facilities - e.g. integrate Oracle functionality into electronic marketplaces, use of online business directory info, etc.
- development of more business-unit/council-specific web applications as needed to provide highly customised solutions at low cost

The City of Joondalup websites provide arguably a higher level of functionality than any other local government authority in WA. This is due to the ability of Online Services to react to localised situations quickly, providing specific solutions to match organisational needs.

The site also draws upon the Cities extensive database, including the City's community database.

Risks

There are a number of risks including the following:

The Association Ceases to Operate

In the event the Association ceases to operate, the distribution of the Associations assets will be subject to the decision of its Committee of management. Its assets will include the portal software. The ownership could be granted to the City in whole or part to protect the City's grant.

Duplication of Effort

There are some aspects of the portal project that may duplicate the City's efforts. This includes the establishment of the Community Database, where the Association proposes to establish a community database and the City of Joondalup already has a significant database.

The City and the Association could work together and share resources.

Project Management

The most significant risk is that of maintaining the development of the Association. Funding for the Associations Business Development Manager ceases at the end of February 2002. The implementation of the Portal is expected to take 12 – 16 weeks commencing in December (subject to the City agreeing to the \$36,000 grant). The Association proposes that the project will “go live” in March/April 2000. Income derived from Advertising and Membership will fund the operating expense. The lack of project management during this period is the area of greatest risk. The Association will need to address this issue. However, from discussions with the Business Development Manager there is obviously great enthusiasm and drive to implement the project, even to the extent of working unpaid.

Untested Model

The Association's proposal for a community portal is relatively untested. There is great interest in whether it will be successful, especially in the becoming self sustaining as there are few if any self sustaining community portals anywhere. The Association has developed a Business Plan which indicated it can be successful. However, there are aspects that are unknown. For example, the speed and degree to which the community groups will take up membership of the portal and an income stream established.

COMMENT/FUNDING

The City, in its 2001/02 budget, allocated \$25,000 towards the Community Portal project. This falls \$11,000 short of the request. Council can decide to authorise over expenditure or it may wish to review the additional funding in its half-yearly budget review in the New Year.

Account No:	11.20.21.211.4615.F321
Budget Item:	Regional Portal Project – 2 Cities
Budget Amount:	\$25,000
Actual Cost:	\$36,000

The \$36,000 requested by the NMCOA is essential to the ongoing development and success of the Associations objectives of using online communication technologies for community development through the portal. If the City is unable to fund the request it is highly likely the project will be wound up.

The project is innovative in that it seeks to provide a platform that allows a single entry point to community and business organisations in the region. Further, it also seeks to be self-sustaining financially, something that many portals seek to achieve but is elusive.

There are risks if the City chooses to fund the project, and there are opportunities. The City could choose to protect its investment by establishing an exit strategy should the portal project fail. The exit strategy could require the transfer of assets and data to the City. The City of Wanneroo has agreed to fund the Association on a similar basis. Further negotiation would be necessary, prior to a final commitment.

RECOMMENDATION

That Council:

- 1 BY AN ABSOLUTE MAJORITY provides a contribution of \$36,000 for the Community Portal the North Metro Community On-line Association Inc contingent upon the City of Wanneroo making the same grant;**
- 2 REQUIRES that a suitable exit strategy is put in place, prior to contributing the funds, to maximise the protection of the City's interests as outlined in Report CJ427-12/01.**

CJ428 - 12/01 JOONDALUP INFRASTRUCTURE AGREEMENT – CITY OF JOONDALUP AND LANDCORP (WESTERN AUSTRALIAN LAND AUTHORITY) - [08126] [00358]

WARD - Lakeside

CJ011211_GRN.DOC:ITEM 5

SUMMARY

The development of Joondalup began in 1976, when State Government enacted the Joondalup Centre Act (1976) and established the Joondalup Development Commission (JDC). More recently the Western Australian Land Authority (WALA) trading as LandCorp, have had responsibility for promoting, co-ordinating and securing the development of the Joondalup Centre.

During this period there has been close co-operation between JDC and now LandCorp in undertaking this task. The process of handing the responsibility to the City began some years ago when in 1995 a review was commissioned by LandCorp. As a result, a number of items were identified as being outstanding or falling short of what might be expected. Those items still outstanding have been incorporated into a Scope of Works plan and an agreement negotiated that allows LandCorp's role in establishing Joondalup to be transferred to the City. In arriving at the items to be incorporated into the agreement, discussions have been held with a number of former Shire Presidents, Mayors, Councillors and officers to confirm the items. The agreement provides for LandCorp to complete certain works and funds to be transferred to the City for it to carry out other works. It is recommended that the Council seeks a deputation to the Minister for Planning and Infrastructure, to discuss matters relating to the relocation of the basketball stadium and assistance for the Regional Performing Arts Complex, and that the agreement be formalised between the City and LandCorp.

BACKGROUND

In 1970, the Corridor Plan formed the basis of regional planning in Perth. In 1990, Metroplan replaced the Corridor Plan as the guiding Plan for the future growth of the Perth Metropolitan area. Metroplan further cemented the role of Joondalup as a Strategic Regional Centre providing major employment and an important focus for community activity. It also established a hierarchy of retail and commercial centres throughout the metropolitan area, which further identified Joondalup's role as the retail, commercial, economic and employment centre of the north-west corridor.

In 1976, the Joondalup Centre Act established the Joondalup Development Corporation (JDC). Its objectives were *"to promote, co-ordinate and secure as soon as practicable the laying out and development of the Joondalup Centre in accordance with the Act and proposals in that behalf under this Act"*.

The Act required the preparation of a plan for the phased development of the Joondalup Centre. The plan, and any subsequent changes to it required the approval of the Minister. The JDC was required to comply with all the necessary Local Government and State Government planning requirements.

JDC was responsible for 1,428 ha of which they owned 1,100 ha. JDC developed the residential areas of Connolly, Joondalup and the Business Park and the CBD. Development of Joondalup's infrastructure was funded from the profits of land sales.

In 1992, the functions of the JDC were incorporated into the Western Australian Land Authority (WALA). WALA, now trading as LandCorp was to "continue the development of the Joondalup Centre".

In 1995 LandCorp commissioned a 'Joondalup Review'.

The objects were:

- Review relevant legislation and planning documents;
- Provide a synopsis of issues encountered to date;
- Provide succinct recommendations for future implementation of planning initiatives;
- Provide a Scope of Works Plan to form the basis for discussion and negotiation between LandCorp, the Ministry for Planning and the City of Wanneroo.

In 1996 the then City of Wanneroo responded with a report entitled "*Response to the Joondalup Review July 1996*".

The City's position was that the draft Scope of Works provided in the review fell "*far short of what may be reasonably expected, in terms of infrastructure and other facility provision to be undertaken by LandCorp*".

The City defined a list of matters under the following headings:

- A Roads and Bridges
- B Streetscape
- C Pedestrian – Cycle Network
- D Public Open Space and Street Verges and Medians
- E Traffic Signals
- F Drainage
- G Car Parking
- H The Arena
- I Civic and Cultural Facilities
- J Artworks
- K Environment Centre
- L Helipad

Some 50 items were scheduled under these categories. These items have formed the basis of negotiations between the City and LandCorp since 1996 to the present day.

In 1998, following a Ministerial Review of WALA's functions, the functions of LandCorp, as specified were amended to '*complete the development of the Joondalup Centre*'.

Normalisation

The basis for the Normalisation Agreement is that the Regional Centre has operationally and perceptually transformed from a development project to an established and credible centre. That is, the City has all the basic infrastructure in place and a critical mass of development and occupation so as to generate sufficient rates to sustain the operation of the City through the local authority.

The acceptance of this, subject to agreed conditions, will result in LandCorp's commitment to Joondalup being concluded.

All Councillors were invited to a workshop held on 9 August 2001 to workshop the Joondalup Infrastructure and Normalisation Agreement. It was attended by the Mayor and Councillors Kadak, Kimber and Mackintosh.

DETAILS

The City of Wanneroo Report "*Response to the Joondalup Review July 1996*" was a comprehensive review of commitments made by JDC and LandCorp. It reviewed the role, legislation, reports, meetings held with Government, correspondence, Hansard etc. It identified the items that were outstanding and has been the basis for negotiations since that time.

Recently, in taking up this matter, a methodology was developed to provide a foundation by which the items could be resolved.

Methodology

The way items (of which there were 50) have been dealt with during the negotiations has been:

1. If the item has been constructed/provided it was deleted from the list, i.e. the helipad site has been provided at Alcar Park.
2. If the item will be the subject of a requirement as part of the normal subdivision process the item was deleted on the basis it would be considered as part of that subdivision approval and process. An example might be provision of a road bridge over the rail line in the precinct south of Hodges Drive and West of Joondalup Drive.
3. If there was no dispute about its requirement as part of the Joondalup Infrastructure it was included.
4. If there was a dispute about the need for that infrastructure item, or the level of provision, it was resolved based on appropriate reports. For example, the type and location of pedestrian crossings was subject to a review of Pedestrian and Cycle Network Crossings by Planning and Traffic Management consultants.
5. There were reasonable grounds for insisting on the provision.

All 50 items have been addressed in this way.

Finalisation of Negotiation Process

In February 1999, it was agreed that the negotiations should be concluded as soon as practicable. It was agreed that the Chief Executive Officers of LandCorp and the City would meet to finalise the agreement, followed by presentations to the Board and Council for ratification of the Agreement.

In September 1999, a letter of claim was forwarded to LandCorp. The letter was in two parts. Part 1 dealt with infrastructure items, as identified in the list of matters. Part 2 sought funding for a range of items including:

- Development of Lot 1, Cnr Lakeside and Joondalup Drives.
- Development of Central Park.
- Joondalup Performing Arts Theatre Centre.
- Lake Joondalup Walk Trail.

As a result of this letter negotiations stalled. LandCorp officers advised the additional items raised in Part 2 were outside of their brief to deal with.

Subsequently, in a bid to move forward, negotiations at officer level continued on Part 1 items.

Meetings with Former Presidents, Mayors and Senior Officers

As part of the review process discussions were held in 1999 with the former Directors of Town Planning and Technical Services who had involvement in the development of Joondalup over a period exceeding twenty years.

In October 2001, further discussions were held with the following:

Name	Period on Council		Comment
	Shire of Wanneroo	City of Wanneroo	
26 September 2001			
Mr B Cooper	1984 – 1985	1995 – 1990	Mayor 1997-1998 Mayor 1989 – 1990 Served on the JDC Board
Mr G Major		1986 – 1998	Mayor 1993 – 1994
3 October 2001			
Mr N Trandos	1961 – 1966 1970 – 1985	1985 – 1988	Shire President 1984 – 1985 Mayor 1985 - 1986
Cr M O'Brien	1977 – 1985	1985 – 1986	Shire President 1981 – 1982
Mr J Turley	1978 – 1984		Served on the JDC Board
Mr A Dammers		1989 - 1997	Mayor 1995 – 1997 Served on the JDC & LandCorp Board

Councillors P Kimber and P Kadak attended the meeting on 26 September 2001 and Councillor Kadak attended the meeting on 3 October 2001.

The consensus of these discussions was:

- There was a strong expectation that under the Joondalup Centre Act (1976) provision would be made for hard infrastructure and soft infrastructure such as cultural facilities. However, when the functions of the Joondalup Development Corporation were absorbed into the Western Australian Land Authority the range of facilities were largely narrowed to hard infrastructure items such as roads.
- With respect to the infrastructure items the list appeared comprehensive and no further items were suggested.
- A strong push should be made at the political level to achieve the provision of soft infrastructure and in particular funding for the Performing Arts facilities. This should be a separate exercise to that relating to the 50 identified items.
- The matter of public consultation on the Joondalup Normalisation and Completion agreement was considered inappropriate for a number of reasons including:
 - It is a complex issue;
 - Knowledge of background information was necessary in order to make a meaningful comment;
 - Need to give the Government the opportunity of responding before involving the public.

Details

The further discussions have addressed Part 1 items, that is the provision of those matters referred to in the *Response to Joondalup Review*.

A Scope of Works plan is attached that outlines the agreements with respect to physical infrastructure. It indicates:

- Works to be completed by LandCorp. These include transfer of land for car parking;
- Construction works valued at \$1.52m including the construction of Lakeside Drive from Kendrew Crescent to Joondalup Drive;
- A financial contribution of \$5.24m to the City of Joondalup for works including:
 - Second carriageway earthworks on Lakeside Drive;
 - Second carriageway road bridge at Lawley Crescent;
 - Various paved pathways and dual use paths;
 - Pedestrian crossings and traffic lights;

See Attachment A for the Scope of Works Plan and Attachment B for the costings.

These agreements are found in the following documents that have been circulated to Councillors under separate cover on 2 November 2001.

- Joondalup Normalisation and Completion Agreement;
- Joondalup Centre Plan – Completion 2001 Modification;
- Joondalup Centre Plan Review;
- Joondalup Centre Review of Pedestrian and Cycle Network Crossings;

No agreement has been reached with respect to those items in Part 2 of Council's letter of claim. These are briefly discussed below.

- Development of Lot 1, Cnr Lakeside and Joondalup Drives.

Lot 1 was not part of the JDC or LandCorp land holding and is currently the subject of the CALM draft Yellagonga Park Management Plan.

The Cities claim was on the basis that the land was a "gateway" site into the City and it could serve as a passive recreation site for residents in City North.

- Development Central Park

Central Park is an important element in the City CBD providing a green passive park in what is developing into a hard Urban development. Its use will be somewhat akin to the Supreme Court Gardens in the City of Perth.

Plans for the park's development were completed in 1994 and Stage 1 was completed 1996.

LandCorp has committed funds in the agreement for a review of the Park plans and states that the next stages of development are a responsibility of the City.

- Joondalup Performing Arts Theatre Centre

LandCorp has assisted in the planning for the Performing Arts Theatre contributing jointly with the City to the Report *Joondalup – a Cultural Plan*, and providing land (2.3 ha) being the site the Library, the Civic Centre and the temporary car park is located upon.

The City sought a further \$10m contribution to "*overcome the economic malaise that currently pervades this part of Joondalup*".

- Lake Joondalup Walk Trail

This claim was for funding (\$200,000) the walk trail along the edge of Lake Joondalup to an asphalt standard between Joondalup Drive (north) and north Edgewater.

The response in November 1999 from LandCorp was it was reviewing the Joondalup “Plan” in the terms of its legislation. In summary, its role is to plan for, but not necessarily implement the proposals. During discussions with LandCorp officers this view has been consistently put and appears to be supported by the WALA legislation. This area is one that the City could pursue in any final negotiations between the Mayor and Chairman of the LandCorp Board, or alternatively at a political level as suggested by the former Councillor, Presidents and Mayors group.

Normalisation Agreement

In summary, the draft Normalisation Agreement provides for -

An agreed scope of works, shown on a plan and schedule, whereby LandCorp undertakes:

- To complete the works shown by the dates shown on the plan;
- To make payment in cash or equivalent, to the City in lieu of the items shown, and to the amount shown on the plan;
- To transfer land to the City as shown on the plan;

and for the City to take on the responsibility for the on-going development of the City.

COMMENT/FUNDING

Financial Matters

The list of Joondalup Infrastructure items in the *Normalisation and Completion Agreement* and shown on the Scope of Works plan totals \$11.17 million in value as follows:

Work Already Done	Work Planned by LandCorp	LandCorp Cash Contribution (for Future Works by the City)	Total
\$4.41m	\$1.52m	\$5.24m	\$11.17m

The estimates of cost have been prepared by LandCorp and agreed by the City. The cash contribution could be met by cash or in kind contributions such as land.

Funds or assets received from this Agreement should be transferred into a special reserve established to undertake the proposed works and services in the Joondalup City Centre.

Completion and Normalisation Agreement

In addition to the physical infrastructure, agreements have been reached that the City:

- Acknowledges that the Scope of Works Plan attached to the Normalisation and Completion Agreement is the same as that attached to the *Joondalup Centre Plan – Completion 2001 Modifications*;
 - This plan is a requirement under the WALA Act and is designed to satisfy those obligations.
- Will accept the transfer of land:
 - Various sites for car parking;
 - Lot 9 McLarty Drive in order to create a frontage and access to future decked car-parking stations over the railway cutting. It should also be noted the Lot will be used in respect to parking credits or other benefits will be agreed subject to valuation.
- Will address caveats:
 - Provides that the caveats relating to Lot 6 Lawley Court and the Basketball Stadium site remain in place until the issues relating to those sites are addressed.
- Agrees to accept transfer of Lot 6 Lawley Court as an offset to payment for future works subject to negotiation and agreement of valuation.
- Will not impose conditions on future subdivisions by LandCorp where those items or subdivisions have been specifically addressed in the agreement;
- Will use its best endeavours to execute an agreement with Westrail on Air Rights to enable future decked parking stations over the rail line.
 - Will arrange agreements for the transfer from LandCorp to the City of the logos and street furniture design.
 - This requires agreements to be finalized and is currently in progress.
- Will make no further claim for artworks, historical records and photographs.
 - LandCorp has agreed to provide historical records such as plans and photographs that LandCorp no longer requires, subject to the State Records procedures.
- Will accept at no cost the freehold transfer of 3,000m² on Collier Pass;
 - The 3,000m² was identified as land due to the City a result of subdivision activity affecting the administration centre's site. Negotiations have resulted in the site being located in a strategic location.

- Will terminate its sub-lease to the Wanneroo Basketball Association by 2007.
 - The basketball stadium site is owned by LandCorp and is leased to the City who sublease it to the Wanneroo District Basketball Association (Inc). The lease provides for a 20 year term, expiring 2002, with two options of 5 years to extend. The option is exercised if the Lessee, City of Joondalup, exercises its options, then the Sub-lessee may also exercise a similar option, subject to giving Notice prior to the expiration of each term.

The first option has been exercised, expiring in 2007. The Association is seeking the granting of the second option which if granted would expire in 2012. The Association owes the City \$245,000 (June 2001) and the payment plan provides for the Association to clear its debt I June 2007.

The Wanneroo Basketball Association has acknowledged that an alternative site for the basketball stadium needs to be found.

The Normalisation Agreement proposes that the City enters into a deed requiring the City to give up the land in 2007. LandCorp would in return provide the funds (\$0.54m) for the second carriageway in Collier Pass. These funds would be forfeited if the site was not handed over as agreed. The impact of this proposal is that alternative arrangements for the Stadium would need to be made, prior to 2007.

It is worth noting that the basketball stadium site was initially established by JDC and was to be part of the sports complex. However, subsequent planning located the sports complex at its current site at the Arena and the original sports centre site became the commercial and shopping centre site, thus leaving the Basketball Stadium in an inappropriate location.

Assistance to relocate the basketball stadium should be raised with the State Government.

- Will accept responsibility for the marketing of the City Centre.
 - During the establishment of Joondalup, LandCorp carried out marketing to promote the Joondalup City Centre. The marketing was used to raise awareness about Joondalup and to promote land sales in the centre.

The Joondalup Normalisation and Completion Agreement provides a formal handover of responsibility from LandCorp to the City.

The Agreement provides for LandCorp to undertake certain works and provides funds to the City to undertake other infrastructure works in the future. In addition, the Agreement transfers land to the City for car parking and other purposes.

The funds will be held in reserve and will provide a source of funds to be used on infrastructure development in the Joondalup CBD.

Meeting with the State Government

Since the inception of the development there has been a major State Government instrumentality directly involved in the planning and provision of infrastructure in the Joondalup CBD.

The Agreement recognizes that the City has reached the point of being a credible and functioning centre and will see the City take on the role of providing the infrastructure that has previously been provided by JDC or LandCorp. Accordingly, the proposed Completion and Normalisation Agreement which provides the transfer of funds and assets to undertake certain works in the future, is a significant event in the on-going development of Joondalup.

Notwithstanding the Agreement has been jointly prepared, there are still some concerns about design standards, replacement of the Basketball Stadium and the Government's commitment to Joondalup, and in particular the provision of performing arts facilities.

The latter issue was also of particular concern to the former Presidents and Mayors group who expected that the creation of the City would indicate the provision of a Performing Arts Complex. Accordingly, it is proposed that the City meet with the Minister for Planning and Infrastructure to clarify these issues prior to executing the Agreement.

RECOMMENDATION

That Council:

- 1 prior to the endorsement of the Joondalup Normalisation and Completion Agreement, SEEKS A DEPUTATION to the Minister for Planning and Infrastructure to discuss the proposed Agreement and related issues including design issues, the relocation of the Basketball Stadium site and assistance for the Regional Performing Arts Centre;**
- 2 NOMINATES the Mayor, Lakeside Ward Councillors, Chief Executive Officer and appropriate staff to attend the Deputation;**
- 3 ACKNOWLEDGES the Scope of Works plan attached to the Joondalup Normalisation and Completion Agreement is the same as that attached to the Joondalup Centre Plan – Completion 2001 Modification;**
- 4 AUTHORISES the preparation of the necessary documents to give effect to the Agreement;**
- 5 AUTHORISES the signing and affixation of the Common Seal;**
- 6 ESTABLISHES BY AN ABSOLUTE MAJORITY pursuant to the provisions of Section 6.11 of the Local Government Act 1995, a reserve account entitled “Joondalup Centre Infrastructure” for the purpose of undertaking infrastructure works in the Joondalup City Centre;**

7 ADVISES the Wanneroo Basketball Association (Inc) that the City:

- (a) will not exercise its option to extend the lease to 2012 and that the Association will need to vacate the Collier Pass premises in 2007;**
- (b) will provide assistance to the Association in its endeavours to establish alternative accommodation.**

Appendices 22(a) and 22(b) refer

To access this attachment on electronic document, click here: [Attach22aagn181201.pdf](#)

[Attach22bagn181201.pdf](#)

**CJ429 - 12/01 FINANCIAL REPORT FOR THE PERIOD ENDING 30
NOVEMBER 2001 - [07882]****WARD - All**

CJ011211_BRF.DOC:ITEM 7

SUMMARY

The financial report for the month ending 30 November 2001 is appended as Attachment A.

The November 2001 report is the fourth financial report for the 2001/2002 year. The report shows a variance of **\$3.2m** when compared to the Adopted Budget for the year to date. The above variance describes differences attributable to the timing of revenue and expenditure and does not reflect net savings for the year. The half-year financial review will identify net savings available for re-distribution.

This variance can be analysed as follows:

- The Operating position shows an operating surplus of **\$2.3m** to budget at the end of November 2001 due to revenue received in advance of **\$1.1m** and the major underspending is in Materials & Contracts of **\$1.2m**.
- Capital Expenditure for the year-to-date is **\$0.3m** and is slightly below the year-to-date budget of **\$0.4m**, a variance of **\$0.1m** at the end of November 2001.
- Capital Works expenditure for the year-to-date amounted to **\$3.6m** against a year-to-date budget of **\$4.4**, a variance of **\$0.8m** at the end of November 2001. However, the City has committed expenditure through raised purchase orders of \$1.15m.

RECOMMENDATION

That the Financial Report for the month Ended 30 November 2001 be NOTED.

Appendix 3 refers

To access this attachment on electronic document, click here: [Attach3AGN181201.pdf](#)

Cr O'Brien stated his intention to declare a financial interest in Item CJ430-12/01 – Warrant of Payments for the Period ending 30 November 2001 as Chubb Security has taken over an FAI Extra Watch security at his residence.

CJ430 - 12/01 WARRANT OF PAYMENTS FOR THE PERIOD ENDING 30 NOVEMBER 2001 – [09882]

WARD – All

CJ011211_BRF.DOC:ITEM 8

SUMMARY

This report details the cheques drawn on the funds during the month of November 2001. It seeks Council's approval for the payment of the November 2001 accounts.

BACKGROUND

FUNDS	VOUCHERS	AMOUNT
		\$ c
Director Resource Management Advance Account	035534-036352	5,477,713.15
Municipal	000286A-000292	8,182,163.05
	TOTAL \$	13,659,876.20

The difference in total between the Municipal and Director of Resource Management Advance Account is attributable to the direct debits by the Commonwealth Bank for bank charges, credit card charges, investments and dishonoured cheques being processed through the Municipal Fund.

It is a requirement pursuant to the provisions of Regulation 13(4) of the Local Government (Financial Management) Regulations 1996 that the total of all other outstanding accounts received but not paid, be presented to Council. At the close of November 2001, the amount was \$619,073.63

The cheque register is appended as Attachment A.

CERTIFICATE OF THE DIRECTOR RESOURCE MANAGEMENT

This warrant of accounts to be passed for payment, covering vouchers numbered as indicated and totalling \$13,659,876.20 which is to be submitted to each Councillor on 18 December 2001 has been checked and is fully supported by vouchers and invoices which are submitted herewith and which have been duly certified as to the receipt of goods and the rendition of services and as to prices, computations and casting and the amounts shown are due for payment.

RHONDA HARDY
Manager Accounting Services

J B TURKINGTON
Director Resource Management

CERTIFICATE OF MAYOR

I hereby certify that this warrant of payments covering vouchers numbered as indicated and totalling \$13,659,876.20 submitted to Council on 18 December 2001 is recommended for payment.

.....
 Mayor John Bombak

RECOMMENDATION

That Council **APPROVES** for payment the following vouchers, as presented in the Warrant of Payments to 30 November 2001, certified by the Mayor and Director of Resource Management and totalling \$13,659,876.20.

FUNDS	VOUCHERS	AMOUNT
		\$ c
Director Resource Management Advance Account	035534-036352	5,477,713.15
Municipal	000286A-000292	8,182,163.05
	TOTAL	\$ 13,659,876.20

Appendix 4 refers

To access this attachment on electronic document, click here: [Attach4Aagn181201.pdf](#)

**CJ431 - 12/01 TENDER 012-01/02 LEASE FOR PART OF THE
CIVIC CENTRE - [41510]****WARD** - Lakeside

CJ011211_BRF.DOC:ITEM 9

SUMMARY

The City has a current lease with Fawn Holdings Pty Ltd, (trading as Spices Catering), for the occupancy of 835 square metres of the Civic Centre, presently used for functions and catering. The current lease commenced on 1 July 1997 and will expire on 30 June 2002.

Following a request from the Lessee for the renewal of the lease agreement, Council approved the development of a tender specification (CJ177-06/01 refers) to enable the calling of tenders in accordance with the provisions of Section 3.58 of the Local Government Act 1995.

This report provides details of tenders received in relation to Tender 012-01/02 and recommends that Council enters into a 5 + 5 year lease agreement with Fawn Holdings Pty Ltd (trading as Spices Catering) as per the conditions of tendering, the tender submission and subsequent information provided to the City.

The tender submitted by Spices Catering offered a minimum of \$15,000 per annum, or 5% of the gross turnover if the annual turnover exceeded \$300,000, plus \$30 per square metre for out goings, for the first year of term. Thereafter rental and outgoings have annual incremental increases. Goods and Services tax (GST) is to be added to both the annual rental cost and the outgoings charge.

BACKGROUND

Fawn Holdings Pty Ltd (trading as Spices Catering) leases, from the City of Joondalup, the function centre and the Chapel area in the Joondalup Civic Centre situated on Lot 507 Boas Avenue, Joondalup. The property Lease is comprised of the portions of the building within the areas hatched on the attached plan (refer Attachment 1). The current lease is for a single 5 year term which commenced 1 July 1997 and will terminate on 30 June 2002. Effective 1 February 2000, a Deed of Variation was entered into to include the chapel area. This increased the leased area from 775m² to 835.45m² for the remainder of the Lease term.

At the Council meeting on the 12 June 2001, (CJ177 06/01 refers) it was resolved that Council:

1. *“DEVELOPS an appropriate tender specification to enable the City to call tenders in accordance with the provisions of Section 3.58 of the Local Government Act 1995 for the Lease of the Joondalup Civic Function Centre and Chapel area;*

2. *NOTIFIES the current Lessee, Fawn Holdings Pty Ltd, of Council's intention to advertise the catering contract by public tender;*
3. *ENTERS into negotiations with Fawn Holdings Pty Ltd to develop a business continuity plan to provide a solution to the bookings received beyond the expiration date while the tender process is being undertaken."*

Tender 012-01/02 was advertised on Saturday 8 September 2001 and closed on Thursday 27 September 2001. A compulsory inspection of the area to be leased was arranged for Monday the 17 September 2001. Representatives from the following organisations attended the inspection:

- RANS Management Group Pty Ltd.
- Chef Excel
- B & G Chambers Pty Ltd. trading as Caters for Taste
- Fawn Holdings Pty Ltd. trading as Spices Catering

DETAILS

Tender submissions were received from the following:

- Spices Catering registered as Fawn Holdings Pty Ltd
- B & G Chambers Pty Ltd

The nature of the proposed business proposed by Spices Catering is for a function and wedding centre and B & G Chambers has proposed to use the leased premises for food & beverage catering and function room hire. The nature of the proposed use for the new lease is identical to the present use of the premises.

Background of Tenderers

Fawn Holdings Pty Ltd was incorporated on the 15 January 1988 and Spices Catering was registered on the 23 March 1994. The management structure of Spices Catering indicates that Mr. Bob Chambers is the current venue manager operating from the leased area of the Civic Centre. He has been the venue manager since the commencement of the current lease and is identified as such in the tender submission for the future lease.

B & G Chambers Pty Ltd was incorporated on the 4 February 1998 and is the trustee for the Bob Chambers Family Trust which was formed on the 9 February 1998.

Evaluation Committee

The submissions were evaluated by a Tender Evaluation Committee, comprising the Manager Contract Management, Asset Controller and Property Officer.

Each tender was evaluated against seven selection criteria as listed in the conditions of tendering and the outcomes were as follows:

1 Value for money demonstrated by a competitive rental offer**Spices Catering**

Spices Catering tendered 5% of the gross turnover as annual rental for the first year of term. Clarification was requested from Spices Catering to determine if the additional information provided in the tender submission indicated that \$300,000, including GST, was to be a minimum annual turnover amount. Confirmation was received that this was the case and the City would be guaranteed a minimum of \$15,000 per annum plus GST.

The lease schedule provided for a minimum per annum rental increase of 5%, or the Consumer Price Index (all groups) if it is higher, and a 2 % escalation on out-goings. Spices Catering has offered a superior rental increase, on the 5% of gross turnover if the annual turn-over exceeds \$300,000, by raising the rate in increments of 0.5% to 5.5% in the second year of term and so on, to a maximum of 10%. This equates to an actual increase of 10% in the second year decreasing to 5.6% in the last year of term, if the turnover exceeds \$300,000.

The minimum rental increase would be applied if the turnover were less than \$300,000 per annum.

B & G Chambers Pty Ltd

B & G Chambers Pty Ltd. has offered \$12,500 plus GST, for the first year of term. The annual escalation would be as per the lease schedule previously described.

The evaluation committee considered the tender from Spices Catering would offer the City higher financial returns than the tender from B & G Chambers Pty Ltd.

2 Nature of the proposed business to be carried out in the leased premises

Both tender submissions stated that the leased premises would be used for catering and as a function centre, hence were considered by the evaluation committee as equal on this criterion.

3 Lessee's demonstrated ability to promote the City and local businesses.

The two tenderers are closely linked together in the operation of the Civic Function Centre. Bob Chambers has been the venue manager for Spices Catering since July 1997. It was difficult to identify the party directly responsible for the promotion of the City and local business. Spices Catering through its Group Financial Controller-Development Consultant, would seem to be better placed to develop the marketing and planning strategies on a macro level and the venue manager being responsible for the implementation at a local level.

Both tenderers are involved in the growth of local business through the development of Joondalup as a regional centre. Bob Chambers serves on the executive committee for the Joondalup Business Association (Inc) of which Spices Catering is also a member. It is considered that both tenderers have actively promoted the City and local business as evidenced by a steady growth in turnover for the Function Centre and a list of clients that includes a number of local clubs, schools and government organisations.

The evaluation committee considered both tenderers to be equal on this criterion.

4 Demonstrated value to the local community and meeting the community's expectation from the venue and proposed usage.

Both tenderers provided identical information addressing this criterion. The information included favourable testimonials and references from a variety of organisations for which catering was undertaken by Spicers Catering and Bob Chambers. The testimonials included positive community comments on the venue and the quality of service provided by both the tenderers.

The evaluation committee considered both tenderers to be equal on this criterion

5 Demonstrated sound management structure, in built audit and client management demonstrated by dedicated accounts manager to deal with the City, service structure, preference to City in having the first right to have the facility available for usage and reporting relationship

The organisational structures as supplied by both tenderers shows that the venue manager is responsible for the following:

- Sales and marketing
- Food & beverage services
- Venue management
- Contract support

The Spices Catering management structure, included in the tender submission, revealed that Spices Catering will manage the lease and Bob Chambers would continue as the dedicated venue and account manager. Spices Catering has over all venue management responsibility through its team of senior personnel. The team includes a Managing Director, Group Financial Controller-Company Development Consultant, General Manager, Operations Manager and the Group Sales Manager.

B & G Chambers Pty Ltd. has Bob and Gill Chambers as Company Directors. Bob Chambers is the Managing Director and would be the dedicated venue and account manager. He would have total responsibility for all matters relating to the lease agreement and management of the venue.

Both tenderers have indicated that they are willing to give the City preferential booking rights at the Function Centre.

A statement was made in the tender submission from Spices Catering, that the marketing plan is very much dependent on improving venue exposure. Spices claimed that it has advised the city on numerous occasions that one of the major impediments to further growth in the volume of business from the venue is the lack of signage and overall external venue exposure. Spices has requested that this issue be addressed at the earliest opportunity.

The evaluation committee noted the comprehensive management structure and the impressive qualifications and experience of the senior personnel within Spices Catering compared to the smaller structure and in house support within B & G Chambers Pty Ltd. However, it should be noted that Bob Chambers has been the focal point of contact during the period since the commencement of the existing lease and has been instrumental in the development and success of the venue.

The evaluation committee considered that the management and service structure of Spices Catering to be superior to that of B & G Chambers Pty Ltd., hence rated Spices Catering above B & G Chambers on this criterion.

6 Demonstrated financial capability and marketing plan

Certified Practising Accountants Waugh, Woodgate & Miller of Midland, provided financial statements on the Spices group and the Bob Chambers Family Trust. Net assets for the Spices group were given as \$1,011,700 for the year ended 30/06/2001, compared to \$28,364 for Bob Chambers Family Trust.

Both tenders indicated that a marketing plan would be submitted within an acceptable time period after the awarding of the tender. It is part of the recommendation of this report that the marketing plan is provided within 60 days of awarding the tender.

On the basis of financial capability only, the evaluation committee rated Spices Catering superior to B & G Chambers Pty Ltd. on this criterion.

7 Demonstrated experience and skill level in field of application.

The Spices Group claims to be the largest locally owned and managed venue and special events hospitality business in Western Australia. It served 2.5 million people at 3,500 functions in Perth last year.

The group provides food and beverage to a number of major organisations throughout Perth and is exclusive venue caterer to the following:-

- Western Australian Trotting Association at Gloucester Park - crowd capacity 25,000
- Royal Freshwater Bay Yacht Club - crowd capacity 700
- Royal Agricultural Society of WA at the Claremont Show grounds - crowd capacity 90,000
- Fremantle Port Authority in the Overseas Passenger Terminal - crowd capacity 1,000.
- Burswood on Swan Function Centre - crowd capacity 450.
- Quit Motorplex - crowd capacity 10,000
- WA Sporting Car Club at the Barbagello Raceway - crowd capacity 25,000

Spices' skill level has been recognized by the industry, as evidenced by its many nominations in the Restaurant & Catering Industry Awards. They were the award winner in 1998 of the Event Caterer of the year at the WACA and has been nominated as a finalist for 2001 in the following categories:-

- Caterer of the Year – Gloucester Park
- Caterer of the Year – WACA
- Event Caterer of the Year – Barbagallo Raceway
- Function Coordinator of the Year – Dave Brockbank
- Function Chef of the Year – Preston Anderson

Bob Chambers has operated from the Civic Function Centre since July 1997 and as exclusive caterer to the Saint George Hotel, Innaloo, since September 2000. He is extremely well respected in the industry and has many years of experience in function catering. He has been instrumental in the development and success of the venue since starting the venue from humble beginnings in July 1997 and has built up the turnover from zero prior to 1997 to approximately \$100,000 in the last financial year.

Both tenderers are considered experienced and capable of providing high standard functions and catering services from the Civic Function Centre. However, because of its larger skills base in its senior personnel team, the evaluation committee rated Spices Catering superior to B & G Chambers Pty Ltd. on this criterion.

COMMENT/FUNDING

Pursuant to the current Lease Agreement the City's rental income entitlement when the annual turnover is less than \$500,000 is as follows:

- Year 1 – 1/7/1997 to 30/6/1998 – 9% of turnover;
- Year 2 – 1/7/1998 to 30/6/1999 – 11% of turnover;
- Year 3 – 1/7/1999 to 30/6/2000 – 12% of turnover;
- Year 4 – 1/7/2000 to 30/6/2001 – 13% of turnover;
- Year 5 – 1/7/2001 to 30/6/2002 – 13% of turnover

GST does not apply, as the existing lease was entered into prior to December 1998 without an option to review the rental.

When the turnover exceeds \$500,000 the City's rental income entitlement is 15% of the annual turnover.

The table below indicates the rental income received from Spices Catering over the last two years.

Financial Year	Annual Rental Income Received	Turn Over
1999/2000	\$ 9,321	\$77,673
2000/2001	\$16,178	\$124,448
2001/2002 YTD	\$7,153.73 (July-Oct)	\$55,028.73 (July – Oct)

Spices Catering has provided revenue projections indicating an average growth of 7.4% from the 2002/2003 financial year to the 2011/2012 financial year.

To ensure that the City can verify that the correct annual rental was charged, the Lease will specify that Fawn Holdings Pty Ltd. will supply the City with an audited financial report, verifying the financial year turn-over figures for the Civic Function Centre, within 60 days from the financial year end.

Based on Spices projected growth as per the lease schedule, the expected financial return to the City would be as follows:

FINANCIAL YEAR	ANNUAL RENTAL(excluding GST)
2002/3	\$15,000
2003/4	\$18,150
2004/5	\$21,622
2005/6	\$25,180
2006/7	\$29,205
2007/8	\$33,575
2008/9	\$38,321
2009/10	\$43,322
2010/11	\$48,622
2011/12	\$54,198
TOTAL	\$327,194

RECOMMENDATION

That Council:

- ACCEPTS** the tender as submitted by Fawn Holdings Pty Ltd (trading as Spices Catering) for the lease of the function and chapel areas of the Joondalup Civic Centre commencing 1 July 2002 under the terms and conditions as described in conditions of tendering (Tender 012-01/02), and subsequent information provided by the City, the details of which are:

(a) **Rental and Outgoings**

Minimum rental to be \$15,000 per annum plus GST or 5% of the gross turnover if the annual turnover exceeds \$300,000 plus \$30 per square metre for outgoings for the first year of the term. Thereafter, if the turnover exceeds \$300,000 annual escalations are in increments of 0.5% on the rental rate and 2% on the outgoings. If the annual turnover is below \$300,000 the annual escalations would be:

Rental

The higher of the Consumer Price Index (all groups) or 5%.

Outgoings

2%

(b) **Terms and Conditions**

(i) **Term 5 years with a 5 year option to renew;**

(ii) **Fawn Holdings Pty Ltd supplying the City with an audited financial report verifying the financial year turnover figures for the function and chapel areas within 30 days from the end of the financial year;**

2 APPROVES the City and Fawn Holdings Pty Ltd (trading as Spices Catering) executing the appropriate lease agreement under common seal;

3 without impacting the lease and within 60 days of tender acceptance SEEKS a further report addressing the request for improved signage and exposure of the venue.

Appendix 5 refers

To access this attachment on electronic document, click here: [Attach5agn181201.pdf](#)

Cr Kimber stated his intention to declare a financial interest in Item CJ432-12/01 – Emergency Services Levy – Update, as he is employed by the Fire and Emergency Services Authority.

CJ432 - 12/01 EMERGENCY SERVICES “LEVY” – UPDATE – [21451]

WARD - All

CJ011211_BRF.DOC:ITEM 10

SUMMARY

This report provides an overview of the Emergency Services Levy legislation due to be implemented from 1 July 2002.

The Emergency Services Levy (ESL) aims to change the method of funding for the Fire and Emergency Services Authority of WA. Under the previous funding regime the insurance industry, State Government and local governments contributed to the funding of FESA as follows:

- Insurance Premiums – 75%
- State Government – 12.5%
- Local Government – 12.5%

The new funding arrangements provide for funding through direct grants from State Government and through the introduction of a property based charge on all property in Western Australia. The property rate (ESL) will be collected by local governments and remitted to the Fire & Emergency Services Authority.

It is clear that the introduction of the ESL will impact local government through systems changes, data updates, additional administration and reporting processes. A new “Emergency Services Levy” will appear on all rates notices based upon an ESL rate-in-the-dollar, the property valuation (GRV) and the service level provided to the area. Five service levels exist (SL1-SL5).

All improved property owned by the City will be subject to the ESL.

The City will receive a “once off” establishment fee and a recurring administrative fee for undertaking the collection of the ESL. The final financial impact on the City and ratepayers is not yet known as property values for Council-owned property have yet to be received.

This report recommends that Council:

- Notes the introduction of the Emergency Services Levy
- Prepares for the introduction of the Emergency Services Levy to be effective 1 July 2002 in accordance with legislative requirements
- Expresses its concern that it would appear that the administration of this “levy” is another example of devolution of State Government responsibilities to local government without adequate resourcing and compensation.

BACKGROUND

The Emergency Services Levy aims to change the method of raising funds for the Fire and Emergency Services Authority of WA. Under the previous funding regime the insurance industry, State Government and local governments contributed to the funding of FESA. As follows:

- Insurance Premiums – 75%
- State Government – 12.5%
- Local Government – 12.5%

The previous funding approach was considered inequitable as owners of vacant land nor those who insured offshore did not contribute to the FESA funding. Further, it was inappropriate that the insurance industry was collecting funds for a State Government service. To establish equity and correct collection anomalies, a new funding approach was established following an intensive lobby by the insurance industry. An earlier attempt at the introduction of the ESL was considered in 1999/2000 however was postponed by the previous government.

The Emergency Services Levy legislation has not yet been enacted but is expected to be passed in early 2002.

While discussions have been undertaken between FESA and the local government industry at a strategic level and a manual covering operational issues has been developed, the full financial impact to local governments, the City and its ratepayers is not yet available as valuations for Council-owned properties and the ESL rate-in-the dollar have not yet been provided.

DETAILS

Introduction of the new Emergency Services Levy

The West Australian State Government will introduce new legislation to enact the Emergency Services Levy (ESL) with effect from 1 July 2002. This will require all local governments including the City of Joondalup to charge a new “Emergency Services Levy” on all properties located within their boundaries and to pay these funds directly to the Fire and Emergency Services Authority of WA (FESA).

The Fire and Emergency Services Authority of WA currently provides the following emergency services:

- The Career Fire Service
- Volunteer Fire Brigade
- Bush Fire Brigade
- State Emergency Services

Current funding for the operating cost of the Fire and Emergency Services is through insurance policy holders in WA (contributing 75%), State Government through general revenues (contributing 12.5%) and local governments through general rates (contributing 12.5%). The current collection method has a number of inequities and the State Government has consequently pursued the ESL.

The Emergency Services Legislation is expected to be passed in early 2002. Under the new funding arrangements, the State Government will pay the same net contribution as in 2001/02 (approximately 20% of the FESA budget). All property owners will collectively pay the remaining 80% of the FESA budget through the Emergency Services Levy. FESA will finalise its budget by 31 March each year to enable the ESL rate-in-the-dollar to be set for the following financial year.

Each property in WA will be classified according to the level of service provided by FESA within its area. Five Service Levels (SL) exist, each attracting a differing proportion of the general ESL rate-in-the-dollar. All properties located within the City of Joondalup are classified as SL1 (properties located within the existing Metropolitan and Rockingham Fire District). SL1 properties attract 100% of the ESL rate-in-the-dollar. The same ESL will apply to all property, regardless of property use. The ESL will apply to Council improved properties only. Vacant land owned by local government will not be subject to the ESL as this was considered to introduce additional complexity and inequities in the collection of the ESL.

The Minister will declare by 10 May each year, the ESL rate-in-the-dollar for the following financial year and will advise each local government in writing.

In return for raising and collecting the ESL, all participating local governments will be paid:

- A once off “establishment fee”
- A recurrent administrative fee based on a flat amount per ESL notice issued.

Impacts to the City of Joondalup

The major impacts arising from the implementation of the ESL are as follows:

- Removal of current annual contribution of approximately \$754,000 per annum which is currently collected from general rates
- Future insurance premiums will not include the Fire Services Levy of approximately \$50,000. This currently applies to Industrial Special Risks, Motor Vehicle and Construction Risks insurance premiums.
- Undertake systems and data changes:
- Proclaim system changes to enable rating using the GRV
- Proclaim system changes to enable interest to accrue separately on outstanding ESL balances
- Update database to ensure that all Council owned properties have a GRV
- Update payment allocation hierarchy
- No discounts apply to the early payment of the ESL
- Development of a reporting process to provide aged analysis and ESL amounts paid
- Include ESL on annual and interim rates notice for ALL properties
- Prepare rates notices to include ESL for properties owned by the City of Joondalup
- Remit to FESA payment of ESL paid according to an agreed schedule
- Receive income for collecting ESL:
- Once off establishment fee
- Recurring administrative fee

- The City will incur ESL charges for each improved property it owns. Funding of these costs will be ultimately through general rates. Consequently expenditure will increase, however there will be a reduction of approximately \$754,000 representing the current payment to the FESA
- Interest accrues on unpaid balances
- The City is required to make all reasonable efforts to collect the outstanding balances
- Report to the Fire and Emergency Services Authority of WA on various finance related matters
- Undertake an annual audit of the ESL administration to be signed off by the local government
- Property valuations for ESL are not able to be phased. This will mean that the Proclaim system will be required to retain additional data fields and use different calculation methods to calculate the ESL
- Undertake extensive advertising to avoid confusion and to ensure that the ESL is not seen as a local government charge
- As the Rates & Charges (Rebates & Deferments) Act 1992 applies to the ESL, additional administrative processes will occur to calculate and collect pensioner rebates and concessions.

Impacts on Ratepayers

The ESL will impact on ratepayers in the following areas:

- No fire and emergency levy payable on insurance premiums
- ESL is charged on all property including vacant land
- Multiple owners will be jointly and severally liable for the ESL
- ESL is proportional to the period the property is owned
- Payments of the ESL may be made in accordance with the City's rates payment options, including instalment options
- Early payment discounts will not apply to the ESL
- Interest will accrue on outstanding balances
- The ESL is a charge against the property
- Confusion in relation to the ESL
- As the Rates & Charges (Rebates & Deferments) Act 1992 applies to the ESL, pensioner rebates and concessions will be available to approved ratepayers.

COMMENT/FUNDING

The introduction of the ESL is yet another example of the devolution of State Government responsibilities to local government without adequate resourcing and compensation.

WAMA, LGMA and various local governments have vigorously debated with FESA and the Minister the collection of the ESL. It is understood that Office of State Revenue has offered to collect the ESL through the Land Tax collection processes, however this proposal does not have the support of FESA.

Other impacts include:

- Council currently contributes approximately \$754,000 per annum to directly fund FESA. Payment is currently made quarterly. This will be replaced by the payment of the ESL.
- Current insurance premiums include a fire service levy component of approximately \$50,000 per annum. This currently applies to Industrial Special Risks, Motor Vehicle and Construction Risks insurance premiums. Under the new scheme this will represent a saving.
- The introduction of the ESL will mean that ratepayers will incur an additional Emergency Services Levy based upon the property value (GRV). Consequently those with a higher valued property will pay more than lower valued properties.
- The Minister will declare by 10 May each year, a rate-in-the-dollar for the following financial year.
- Council will have obligations to collect, remit and report on the collections of the ESL. Systems changes are required to ensure that all properties have the relevant rate-in-the-dollar and that interest is separately charged on outstanding balances.
- An annual audit report is to be submitted to FESA confirming that the administrative processes of the ESL have been met. This will need to be undertaken by the external auditor and will lead to an increase in audit fees.
- Council will incur ESL on improved property it owns ie. pavilions, toilet blocks, etc.

The full financial impacts of the ESL have not yet been able to be ascertained until:

- the legislation is passed
- the ESL rate-in-the-dollar has been declared
- Valuations are supplied by the VGO for all Council owned properties.

RECOMMENDATION

That Council:

- 1 NOTES the introduction of the Emergency Services Levy;**
- 2 PREPARES for the introduction of the Emergency Services Levy to be effective 1 July 2002 in accordance with legislative requirements;**
- 3 EXPRESSES its concern to FESA that the administration of this levy is another example of devolution of State Government responsibilities to local government without adequate resourcing and compensation.**

CJ433 - 12/01 INDUSTRIAL SPECIAL RISKS, MOTOR VEHICLES AND PLANT AND ANCILLARY INSURANCES FOR 2002/2003 – [05581]

WARD - All

CJ011211_BRF.DOC:ITEM 11

SUMMARY

Council at its 26 June 2001 meeting resolved that in future years insurance tenders for the ensuing years be placed before Council by 30 April. To comply with this the City recently sought advice from insurance broker Municipal Insurance Broking Services (MIBS) as to the feasibility of receiving tenders and quotes for its annual renewal of insurance policies in March of each year to enable due and adequate time for decision making. In essence this time frame brings forward the tendering and quote process by 3 months in order to meet Council's request to have more time to decide on insurance outcomes. The City would be seeking tenders in relation to renewal of its insurance tender for Industrial Special Risks, Motor Vehicle/Plant and quotes for its ancillary insurance policies.

MIBS has provided a comprehensive response to the City's request and has indicated that some significant issues will arise as a consequence of seeking tenders and quotes three months earlier than previously.

This report outlines each of the issues and recommends in view of the significant impacts of calling tenders early that Council revokes its previous decision on this matter and seeks tendering and quotations for 2002/03 insurance in May 2002.

BACKGROUND

Council at its meeting on 26 June 2001, it resolved (CJ200-06/01 refers) that in future insurance tenders be placed before the Council by 30 April prior to the commencement of the new financial year:

"RECEIVES future reports in relation to Industrial Special Risks and Motor Vehicles/Plant and Ancillary insurances by no later than the last Council meeting in April of each year."

Municipal Insurance Broking Services (MIBS) has been notified of the City's request to proceed earlier to seek tenders for the City's insurance cover for Industrial Special Risks (Property) and Motor Vehicle/Plant and also seek quotes for the City's following ancillary lines of insurance:

- Construction Risks
- Fidelity Guarantee
- Personal Accident and Travel
- General Property
- Councillors and Officers Liability

DETAILS

Municipal Insurance Broking Services (MIBS) reply to the City's request indicates potential pitfalls in seeking early tenders. The details are:

1. Insurers quotations are usually only valid for 28 days therefore any quotations received would need to be re-tendered if the cover is not placed with the successful underwriter before the expiration date of 28 days. Further, all quotations are subject to review at inception (30 June) on the actual claims experience for the year. A three month lead time therefore lends itself to the likelihood of significant variations in the quoted price if a major claim is submitted following the quotation
2. Most insurers' reinsurance treaties are renewed on 31 December 2001. The cost of these facilities drive the premiums for the 2002 year. Consequently, MIBS does not see any real advantage in an early tender and given the likelihood of variation on actual claims experience (see note 1) it is not a course of action it would recommend.
3. There are a limited number of insurers which write Local Government business in Australia. In Western Australia, currently only four insurers have been prepared to compete for local government business. Of these it is anticipated that two insurers will withdraw from the local government market prior to 30 June 2002. The remaining two, maybe reluctant to tender three months prior to expiry date of the 30 June.
4. In the renewal period for the 2001/2002 financial year the insurance market was expected to rise by 25% to 35% and this was borne out in individual quotations leading up to the full marketing and tender campaign MIBS completed in June 2001.

The MIBS campaign resulted in an average increase 15% (range of 9% to 25%) which was a very successful outcome.

The events of this year (HIH collapse, the Independent Insurance Co collapse and the World Trade Centre attack all in addition to a number of natural disasters) have created a high degree of stress and uncertainty in the global insurance market. There is an expectation that the reinsurance price (see note 2) will rise substantially as a consequence of these events.

5. Due to the current and expected future state of the insurance market the Local Government Self Insurance Schemes are endeavouring to create a self insurance property (Industrial Special Risks) scheme for local governments in Western Australia, similar to that which operates in other states of Australia. The purpose of this scheme is to provide a comprehensive product which can protect local governments from the insurance market and hopefully a substantial reduction in premium. It is anticipated that this scheme will be available in May 2001 ready for the commencement of the 2002/2003 financial year. Such a scheme can only be viable however if all local governments in Western Australia agree to join.

COMMENT/FUNDING

Municipal Insurance Broking Service (MIBS) represents a majority of the Local Governments in Western Australia.

If the City were to defer seeking insurance cover until May 2002 it would ensure:

- a more competitive price as MIBS would market the City's insurances in conjunction with other local governments
- that if Local Government Self Insurance Schemes were successful in establishing a self insurance scheme for ISR then the City would benefit financially

In addition, recent world events have had a major effect on global insurance markets which will lead to large increases in insurance premiums in the future. If the City were to tender early it would lose the price advantage of the economies of scale created through "bulk" tendering.

In view of the above it would seem appropriate that the Council rescinds its June 2001 decision to have insurance tenders placed before it by 30 April each year. It would be more beneficial to defer seeking tenders and quotations for the City's insurance cover until May of each year and a report be placed before Council in June each year.

Further, the opportunity to join the proposed self insurance property (ISR) pool scheme for local governments with its cost efficiencies would be lost.

Call for support of one-third of members of the Council

The Local Government Act 1995, under regulations prescribed to deal with Section 5.25 (e), lays down the following procedure for dealing with revoking or changing decisions made at Council or Committee meetings:

If a decision has been made at a Council meeting, then any motion to revoke or change the decision must be supported by at least one-third of the number of officers (whether vacant or not) of members of the Council.

If supported by one-third of the members, then any decision to revoke a resolution of the Council is required to be passed by an Absolute Majority.

Prior to giving consideration to the following recommendation, elected members are required to give the **support of one-third of their members**, and such support is to be recorded in the minutes of this meeting.

RECOMMENDATION**That Council:**

- 1 RESCINDS, BY AN ABSOLUTE MAJORITY, Point (8) of Resolution CJ200-06/01 dated 26 June 2001, viz:**

"RECEIVES future reports in relation to Industrial Special Risks and Motor Vehicles/Plant and Ancillary insurances by no later than the last Council meeting in April of each year";

- 2 REQUESTS a report from Local Government Self Insurance Schemes on its proposal for a self insurance property scheme (ISR).**

CJ434 - 12/01 BUDGET 2002/03 HIGH LEVEL REVIEW - [76514]**WARD** - All

CJ011211_GRN.DOC:ITEM 3

SUMMARY

This report provides a high level overview of the revised 5-year financial projections and 2002/03 budget forecast and requires Council direction on key financial parameters prior to the preparation of the 2002/03 annual budget.

The 5-year financial projections are based upon the 2001/02 Principal Activities Plan and incorporates changes that have occurred in the economic environment since the preparation of that plan.

Current projections indicate that in order to achieve a balanced budget in 2002/03 and in coming years, increases in total rates collected together with savings or deferment of expenditure in operations, 5-year capital works programme and proposals are required.

Whilst the early preparation of the 2002/03 budget is sought, a number of factors will impact upon achieving the budget within the timeframe. These include:

- 2002/03 revaluations – new property values are to be provided by the Valuer General's Office and the property database is to be updated;
- Phasing – implementation and testing of the software changes. Development of rates models using phased values;
- Planning process – completion of the review of the strategic plan, development of business plans, 5-year capital works programme and proposals;
- Introduction of the Emergency Services "Levy" – The Emergency Services Levy legislation is expected to be passed in early 2002 for implementation on 1 July 2002. This process requires property values for Council owned property to be supplied by the Valuer General's Office. The Minister will declare the 2002/03 ESL rate-in-the-dollar before 10 May 2002;
- Calculation of Surplus / Deficit – if budget completion is required before the completion of the financial year, the Surplus / Deficit will need to be estimated;
- Complete Organisation Review – the 2002/03 budget should be prepared using the revised organisational structure.

It is recommended that Council:

- provides guidance on key financial parameters identified within this report to enable the annual budget to be prepared;
- reviews increases in total rates levied together with savings or deferment of expenditure in operations, capital works and proposals as part of the preparation of the 2002/03 budget.

BACKGROUND

The 2001/02 Principal Activities Plan documents Council's future direction and is supported by the 5-year financial plan. The plan indicated a balanced budget for 2001/02, a shortfall in 2002/03 and surpluses in following years.

The 5-year financial plan has been revised to take account of changes arising from the general economic, external and internal environment and provides a high level overview to assist in the longer term financial planning and in the development of the 2002/03 budget.

The preparation of the 2002/03 financial plan will be based on key assumptions detailed within this report. Council's confirmation of the assumptions is sought, together with directions on changes in Rates, Fees & Charges and operational costs.

A review of the adopted 5-year Capital Works programme and Proposals programme is recommended. Expenditure within these programmes are largely discretionary unless specifically tied to funding.

Care should be taken when forecasting changes to the rate-in-the-dollar as 2002/03 is a year when the values of all properties will be reassessed. Consequently it will not be possible to have a uniform rate increase across the rating sectors or even within sectors.

Council has also expressed an interest in modelling the effect of phasing-in valuations over the 3-year period as permitted pursuant to the provisions of Section 6.31 and Schedule 6.1 of the Local Government Act 1995. Software changes have been requested to enable these models to be undertaken.

DETAILS

Financial Forecasts

The 2001/02 Principal Activities Plan incorporated the following key assumptions:

Table 1 – 2001/02 – 5-year Financial Plan (details per Attachment A)

2001/02 Financial Plan	Revaluation year				Revaluation year
	2001/02	2002/03	2003/04	2004/05	2005/06
Inflation	2%	2%	2%	2%	2%
Internal Savings	(1%)	(1%)	(1%)	(1%)	(1%)
Salary & Wages increases	3%	3%	3%	3%	3%
Interest Rates	5.5%	5.5%	5.5%	5.5%	5.5%
Growth in number of properties	400	400	400	400	400
Total Population	157,431	160,580	163,580	167,067	170,048
Rates increase (total rates levied)	0%	4.5%	3%	3%	3%
Asset Sales			\$5.000m		
Carried Forward Surplus (untied)	\$3.021m				
Capital Works Expenditure	\$18.085m	\$16.172m	\$19.931m	\$29.650m	\$26.966m
Proposals Expenditure	\$2.525m	\$4.981m	\$2.741m	\$1.852m	\$1.482m
Resulting budget position: (Shortfall) / Surplus	\$0m	(\$2.554)m	\$6.977m	\$3.476m	\$5.924m

A number of changes in the external and internal factors have occurred since the development of the 2001/02 5-year financial plan and the revised financial plan incorporates the following revised assumptions:

External environmental factors:

- General economic outlook
- Inflation expectations
- Decreases in interest rates
- Regional growth in development and population

Internal factors:

- Expected savings to be achieved (cost absorption)
- Increases in fees and charges
- Increases in salary and wages
- Changes arising from the 2001/02 half year budget review have not been included in this forecast

As a consequence of these changes, a revised financial forecast has been prepared using revised assumptions. The revised financial forecast shown at Table 2 indicates a deteriorated financial position when incorporating the changed assumptions. It must be noted that the 2002/03 rates revenues are estimated to increase by 4.5% and that no untied carry forward balances are forecast.

Table 2 – Revised 5-year Financial Forecast (details per Attachment B)

Revised Financial Forecast	Revaluation year			Revaluation year	
	2001/02	2002/03	2003/04	2004/05	2005/06
Inflation	2%	3.5%	3.5%	3.5%	3.5%
Internal Savings	(1%)	(1%)	(1%)	(1%)	(1%)
Salary & Wages increases	3%	4%	4%	4%	4%
Interest Rates	5.5%	4.5%	5.0%	5.0%	5.0%
Growth in number of properties	400	400	400	400	400
Total Population	157,431	160,580	163,580	167,067	170,048
Rates increase (total rates levied)	0%	4.5%	3%	3%	3%
Asset Sales			\$5,000m		
Carried Forward Surplus (untied)	\$3,021m				
Capital Works Expenditure	\$18.085m	\$16.172m	\$19.931m	\$29.650m	\$26.966m
Proposals Expenditure	\$2.525m	\$4.981m	\$2.741m	\$1.852m	\$1.482m
Resulting budget position: (Shortfall) / Surplus	\$0m	(\$3.336)m	\$5.878m	\$1.905m	\$3.855m
Net change from previous forecast	N/A	(\$0.782)m	(\$1.099)m	(\$1.571)m	(\$2.069)m

Financial Parameters to be Decided

In order to prepare the 2002/03 budget and the 2002/03 financial forecast to include the additional 2006/07 year, Council is requested to provide guidance on the following budget assumptions:

Revised Financial Forecast	<i>Revaluation year</i>			<i>Revaluation year</i>	
	2002/03	2003/04	2004/05	2005/06	2006/07
Inflation	3.5%	3.5%	3.5%	3.5%	3.5%
Internal Savings	(1%)	(1%)	(1%)	(1%)	(1%)
Salary & Wages increases	4%	4%	4%	4%	4%
Interest Rates	4.5%	5.0%	5.0%	5.0%	5.0%
Growth in number of properties	400	400	400	400	400
Rates increase (total rates levied)	4.5%	3%	3%	3%	3%

COMMENT/FUNDING

The financial forecasts shown at Table 1 and 2 indicate a budget shortfall in 2002/03 and surpluses thereafter. Changes in key assumptions which have occurred since the preparation of the 2001/02 financial forecast have resulted in deterioration across all years. The effect of these changes are cumulative.

Revised Financial Forecast	2002/03	2003/04	2004/05	2005/06
Resulting budget position: (Shortfall) / Surplus	(\$3.336)m	\$5.878m	\$1.905m	\$3.855m

The above projections indicate that in order to achieve a balanced budget in 2002/03, increases in total rates collected together with savings or deferment of expenditure in operations, 5-year capital works programme and proposals are required.

Assumptions relating to key projects – acquisition of a depot, building a performing arts centre and funding through asset sales remain as per previous estimates.

Care should be taken when forecasting changes in the rate-in-the-dollar as 2002/03 is a revaluation year and as the Valuer General's Office has yet to provide valuations, it is too early to predict movements.

In addition, Council has expressed an interest in the phasing-in of valuations, which will be an additional task to be undertaken prior to Council assessment.

When considering a rate increase, the following factors must be recognised:

Impact of the 2002/03 revaluation.

Properties within the City's boundaries will be revalued prior to 1 July 2002. It is anticipated that the total values for rating purposes within the City will increase as a consequence of the revaluation. The % increase when comparing individual properties will not be uniform. As a result, the rate in the dollar will not be the same to achieve the total rates levied of \$40m.

Impact on Interim Rates

Interim rates levied during the year arise from changes to property valuations during the year. Whilst the rate-in-the-dollar remains constant during the year, the total rates collected will be higher as a consequence of natural growth in valuations through building activity, subdivisions etc.

The Strategic Planning Cycle will be followed for preparation of the 2002/03 business plans and budget. Through this process the Strategic Plan is reviewed and individual business plans are prepared prior to commencing the annual budget (or resourcing) process. This process aims to ensure that business plans are aligned to meeting the strategic aims of the organisation.

Whilst the early preparation of the 2002/03 budget is sought, a number of factors will impact upon achieving the budget within the timeframe. It must be noted that inherent risks are associated with estimating the available surplus/deficit available to be carried forward for the 2002/03 year. Factors that will impact the timing of the budget include:

- Revaluation – New property values are to be provided by the Valuer General and processed into to City’s database;
- Phasing – implementation and testing of the software changes. Development of rates models using phased values;
- Planning process – completion of the review of the strategic plan, development of business plans, 5-year capital works programme and proposals;
- Introduction of the Emergency Services “Levy” – This legislation is expected to be passed in early 2002 and requires property values for council owned improved properties and the 2002/03 ESL rate-in-the-dollar. Note that the Minister will declare the 2002/03 ESL rate-in-the-dollar before 10 May 2002;
- Calculation of Surplus / Deficit – if budget completion is required before the completion of the financial year, the Surplus / Deficit will need to be estimated;
- Complete Organisation Review – the 2002/03 budget should be prepared using the revised organisational structure.

RECOMMENDATION

That Council:

- 1 **CONFIRMS** the following key assumptions to enable the development of the 2002/03 budget and 2002/03 5-year financial plan;

	<i>Revaluation year</i>			<i>Revaluation year</i>	
	2002/03	2003/04	2004/05	2005/06	2006/07
Revised Financial Forecast	3.5%	3.5%	3.5%	3.5%	3.5%
Inflation	3.5%	3.5%	3.5%	3.5%	3.5%
Internal Savings	(1%)	(1%)	(1%)	(1%)	(1%)
Salary & Wages increases	4%	4%	4%	4%	4%
Interest Rates	4.5%	5.0%	5.0%	5.0%	5.0%
Growth in number of properties	400	400	400	400	400
Rates increase (total rates levied)	4.5%	3%	3%	3%	3%

- 2 as part of the 2002/03 budget preparations, REVIEWS increases in total rates levied together with savings or deferment of expenditure in operations, capital works and proposals.**

Appendices 20(a) and 20(b) refer

To access this attachment on electronic document, click here: [Attach20aagn181201.pdf](#)

[Attach20bagn181201.pdf](#)

v:\reports\2001\rm0124.doc

Cr Patterson stated his intention to declare a financial interest in Item CJ435-12/01 – Request for Caretaker Occupation by Silver Chain Nursing Association of the Kingsley Community Centre, 11 Moolanda Boulevard, Kingsley as his employer has submitted an offer to purchase the property.

**CJ435 - 12/01 REQUEST FOR CARETAKER OCCUPATION BY
SILVER CHAIN NURSING ASSOCIATION (INC) OF
THE KINGSLEY COMMUNITY CENTRE, 11
MOOLANDA BOULEVARD KINGSLEY - [00067]**

WARD - South

CJ011211_GRN.DOC:ITEM 4

SUMMARY

The Kingsley Community Centre has been vacant since the City of Wanneroo ceased occupation in February, 2001. The site has since been the centre of several investigations and feasibility studies in order to determine the best possible long term option for the site. It is anticipated that the long-term options will be presented to Council in the new year.

The Silver Chain Nursing Association (Inc.) has applied for a short term licence to occupy the premises (including 50 parking bays) in a caretaking role until the long term future of the site is determined. Advice received from the City's solicitors, Watts and Woodhouse indicates that a short term lease would be appropriate as the Association will have exclusivity of tenure.

The Kingsley Community Centre is currently zoned for "Civic and Cultural" purposes, the City's solicitor has advised that The Silver Chain is a charitable organisation and hence the zoning would be appropriate for its occupation

Silver Chain is a not for profit organisation providing specialist interdisciplinary palliative care to patients with active, progressive terminal illness needing ongoing management and support. Negotiations to date have indicated that Silver Chain would like to take tenancy with rental being applied under Council's policy 2.4 - Financial Planning – Lease fees – clause 2: The Standard lease fee is set as the equivalent of 1% current capital replacement cost per annum, being in this case \$14,000 per annum.

Generally, the City has an obligation to the community to maximise its return on its assets, however, it would be considered reasonable on this occasion for the City to apply a market value and then provide a donation to reflect the short term nature of the lease.

This report recommends a short-term lease to the Silver Chain Nursing Association (Inc.) subject to:

- 1 Council approval to a lease agreement being entered into with the Silver Chain Nursing Association (Inc.) for the Kingsley Community centre at 11 Moolanda Boulevard Kingsley;
- 2 Council approval to the lease being negotiated under the following key heads of agreement:

Purpose:	Nursing Administration and Community Activities
Lease Term:	12 months, with one option to renew for a further 12 months
Commencement Date:	1 January 2002
Lease Fee:	\$70,000 per annum – reflecting a donation of \$95,480 on the commercial value of this property.
Notice:	After the initial 12-month term, either party may terminate the Lease by giving 4 months written notice 4 months notice by either party of intention not to exercise the option to renew for the second 12-month term
Tenant:	Responsible for outgoings.
Annual Escalations:	linked to CPI (Perth Index)

all other terms and conditions to be applied as per the standard lease agreement;

- 3 Advises the other interested parties of the temporary interim leasing arrangement pending a decision on the future use of the property.

BACKGROUND

The City owns freehold title to Lot 549 on Plan 15222 and being the whole of the land comprised in Certificate of Title Volume 1711 Folio 647 and is known as 11 Moolanda Boulevard, Kingsley. The area is 10,000m². It was purchased on 13 December, 1985 in order to accommodate the construction of the current building known as the Kingsley Community Centre. The former City of Wanneroo sold freehold land in Girrawheen to accommodate the associated costs. The zoning of this land is for a cultural and civic purpose.

Resulting from the split of the former City of Wanneroo, the Kingsley Community Centre was allocated as an asset to the City of Joondalup. It was leased to the new City of Wanneroo and utilised as temporary office accommodation for staff pending the building of its new Administration Centre in Wanneroo. The City of Wanneroo was charged a discounted commercial rental of \$70,000 per annum set by the Commissioners at that time.

The lease expired in February 2001 and the future use of the property has, since that time, been the subject of a number of investigations and feasibility studies

A private Valuer Ferguson Fforde was commissioned in May 2001 to investigate the valuations for various development options for the property. The property was also evaluated by the Enquiry by Design project team in July 2001 for the Precinct Planning Programme, leading to a feasibility report from Syme Marmion & Co in November 2001. This report will present development options showing various planning outcomes and estimated returns from investments.

The Community Centre building has not been occupied since February 2001 and hence the building is at risk of vandal damage. To minimise this risk of vandalism, and as the most appropriate use of the facility may take some considerable time to determine, it is recommended that a 'Caretaker Tenant' be permitted to occupy the building for 12 months under a short term lease agreement at a similar discounted fee to that charged to the City of Wanneroo.

The Silver Chain Nursing Association (Inc.) has approached the City with regards to seeking alternative administration accommodation for its Northern Services. The Silver Chain currently leases premises in Osborne Park for which it is paying approximately \$60,000 per annum. This lease will expire on 31 January 2002. The Silver Chain has advised that it is required to give formal notice to the lessor of its intention to renew or cease its existing lease arrangement by 4 December 2001.

The Silver Chain is seeking to reduce its overheads by acquiring a cheaper premises and in the long term intends to consolidate its Wanneroo and Osborne Park Services. The Kingsley site would be an appropriate long-term option for the organisation.

Occupation would be until a decision is made on the future of the site. The Silver Chain Association (Inc.) would accept an annually renewable lease, for a period of 12-24 months, subject to a 4-month notice of intention not to renew.

DETAILS

Lease Issues

The Silver Chain lease area would comprise of a total of 1,182 square metres with access to 50 on-site car-parking bays. The lease area is shown hatched on Attachment A.

Following a verbal inquiry from The Silver Chain Association (Inc.) on 11 September, 2001 and a number of subsequent inspections of the premises, on 26 October, 2001 the Association lodged a written application for a short term tenancy of the premises for the purpose of an administrative centre and community activities. This request was forwarded to the City's solicitors who has subsequently advised that a short-term lease would be appropriate as the Association would have exclusivity of tenure.

The solicitor further advised that due to the charitable nature of the organisation, a lease to The Silver Chain Nursing Association (Inc.) would be an exempt disposition under Regulation 30 of the *Local Government (Functions and General) Regulations 1996*. Thus, in this instance compliance with Section 3.58 the *Local Government Act 1995* would not be required.

Long Term Future

The City is currently involved in various investigations to determine the future long-term potential of this property for lease or sale. The City has engaged consultants to undertake feasibility studies and they will be presented to Council as long-term options in early 2002.

Given the complexities of the Kingsley site the investigations have taken considerable time to effect and are briefly outlined as follows:

- 1 Ferguson Fforde, a private valuer, was commissioned in May 2001 to investigate the valuations for various development options for the property. This report provided market valuations for the sale of the property as a whole lot and also by separate portions. Lease options were also considered and factored into the report.

It is envisaged that it would require Council at least a minimum of 12 months to effect this option.

2. The property is currently being evaluated by the Enquiry by Design project team for the Precinct Planning Programme. The design team has identified the Kingsley site as being appropriate for a mixed-use redesign. A feasibility of the design presented by the Enquiry team is being undertaken by Syme Marmion & Co. This feasibility report was received in late November 2001 and is currently being evaluated by staff. This report will present development options showing various planning outcomes with differing zoning and the expected return from the development of a mixed-use precinct.

It is also envisaged that a development of this nature would also require a minimum of 12 – 24 months to effect.

Furthermore, interest has already been indicated from various parties for acquisition of the subject property.

The interested parties are as follows:

- Freemasons of WA
- Uniting Church
- Brightwater Care Group
- Silver Chain Nursing Association (Inc)

Short Term Future

The Silver Chain Nursing Association (Inc) has made a submission to the City seeking a short term tenancy of the Kingsley premises. The Association requires alternative office accommodation to that presently used in Karrinyup in an effort to reduce its overheads. The lease agreement would specify the purpose as nursing administration and community activities.

Should it be agreed that the Silver Chain Nursing Association (Inc.) occupies the building on a caretaker basis for a short-term tenancy it would be recommended subject to:

1. The Lease term being for 12 months, with one option to renew for a further 12 months, commencing 1 January 2002.
2. The rental be based on market valuation at \$110 per square metre per annum. Based on the building area of 1182 square metres this equates to \$130,020 plus outgoings \$35,460. Due to the charitable and community nature of the service and the short term nature of the tenancy it is recommended that the rental be set at \$70,000, reflecting a donation of \$95,480.
3. Following the initial 12 month term, either party may terminate the Lease with 4' months written notice
4. 4 months' notice by either party of intention not to exercise the option to renew for the second 12 month term.

Should Council accede to The Silver Chain Association (Inc) request to grant a short term lease agreement, it is proposed as a matter of courtesy to advise the other interested parties of the temporary interim arrangement pending a decision on the long-future use of the property.

COMMENT/FUNDING

As the investigations relating to the future use of this property could take some considerable time to develop and crystallise, the following are short-term options:-

Commercial Leasing Rental

The Valuer General's Office has provided a drive-by rental value on 16 February 2001 as follows:

Building Number	1002
Area (sq. metres)	1182
Age in years	11
Replacement Cost	\$1,474,068
Rent per sq. metre	\$130
Rent Annual	\$153,660
Outgoings per sq. metre	\$30
Outgoings annual	\$35,460
TOTAL RENT AS PER VGO	\$189,120

Private Valuer Ferguson Fforde provided a current market valuation on 8 May 2001 as follows:

Building Number	1002
Area (sq. metres)	1182
Age in years	11
Replacement Cost	\$1,474,068
Rent per sq. metre	\$110
Rent Annual	\$130,020
Outgoings per sq. metre	\$30
Outgoings annual	\$35,460
TOTAL RENT AS PER FERGUSON FFORDE	\$165,480

Should Council require a commercial rental from these premises then it would be recommended that the most recent private valuation be applied of \$130,020 plus \$35,460 for outgoings.

It should be noted that under such a Commercial arrangement the standard lease period would be 5 years with an option of another five-year term. As the City would want to implement development or sale of the property within the next two years, this period is considered too lengthy and consequently this option is considered inappropriate.

Furthermore, the land is currently zoned Civic and Cultural, and should the premises be allocated for commercial use then the City would need to re-zone the area for that purpose. Rezoning of this site would also require considerable time to effect.

Commercial Rental less Donation

Advice received from the City's solicitor indicates that clause 3 of its Constitution indicates that the objects of The Silver Chain Association are charitable. The Association, however is a large organisation with a operating budget of \$80 million, employs 2,500 staff and has vehicle fleet of 530 light fleet.

Given the need for the City to maximise its return to its ratepayers it is considered appropriate to apply a commercial rental and allocate an amount that would reflect a donation to the Association. The rental amount recommended is \$70,000 per annum, thus reflecting a donation to the Association of \$95,480.

This option would not require the land to be rezoned

Community Type Lease Rental

Pursuant to the City's Policy 2.4 - The basis for calculating subsidised Community rentals is at annual rental of 1% of building replacement cost. The estimated building cost to replace the Kingsley Community Centre is estimated at \$1,400,000. Consequently the calculated subsidised Community rental figure is \$14,000 per annum.

This is the option preferred by the Association given its aim is to reduce overhead costs in favour of increased service delivery. The City does not have funding available to subsidise the Association to this level and is therefore not recommending this as the preferred option.

The initial outlay costs associated with the short-term tenancy would be in the range of \$3000 to \$5000. This would include re-keying costs, air-conditioning start up costs, cleaning, gardening and other general maintenance. A recent property inspection report undertaken by the City indicates that the property has no major issues in regard to start up, including the air conditioning system which has a useful life remaining of up to 3 years.

Some minor vandalism has occurred to the site by way of roof damage and water draining onto the carpet. These issues have since been attended to, however it highlighted the need for the City to maintain the value of the property by allowing occupancy and simultaneously providing a caretaking role until the long term future is determined.

The Silver Chain on the 26 November 2001 met with the City to express its interest in this site. The Silver Chain was advised that Council would be addressing the request at its meeting of 18 December 2001 and that no commitment can be given in regard to this matter until Council resolves.

RECOMMENDATION

That Council:

- 1 APPROVES a lease agreement being entered into with the Silver Chain Nursing Association (Inc.) for the Kingsley Community centre at 11 Moolanda Boulevard Kingsley;**

2 APPROVES the lease being negotiated under the following key heads of agreement:

Purpose: Nursing Administration and Community Activities

Lease Term: 12 months, with one option to renew for a further 12 months

Commencement Date: 1 January 2002

Lease Fee: Set at \$70,000 per annum – reflecting a donation of \$95,480 on the commercial value of this property.

Notice: After the initial 12-month term, either party may terminate the Lease by giving 4 months written notice
And 4 months notice by either party of intention not to exercise the option to renew for the second 12-month term.

Tenant: Responsible for outgoings.

Annual Escalations: linked to CPI (Perth Index)

all other terms and conditions to be applied as per the standard lease agreement;

3 ADVISES the other interested parties of the temporary interim leasing arrangement pending a decision on the future use of the property.

Appendix 21 refers

To access this attachment on electronic document, click here: [Attach21agn181201.pdf](#)

CJ436 - 12/01 KINGSLEY OCCASIONAL CARE SERVICE - TRANSFER OF SPONSORSHIP TO COMMUNITY VISION INCORPORATED – [00067]

WARD - South

CJ011211_BRF.DOC:ITEM 12

SUMMARY

Recently the City of Joondalup has received an approach from the Board of Community Vision Inc indicating an interest in taking over sponsorship of the Kingsley Occasional Care Service. The City of Joondalup currently operates the Occasional Child Care Service one day per week at a present loss of \$1,272.

The Kingsley Occasional Care Service was not part of the original transfer of community services to Community Vision Inc. as it was determined that this service was not financially viable and therefore would have been a liability on the new organisation.

Community Vision Inc. is now eager to operate the Kingsley Occasional Care Service and retain the current venue with a commitment to promoting and building the service to meet the ongoing needs of the community.

In line with the future directions for Community Services outlined in various reports to Council (Reports CJ201-08/00, CJ367-12/00, CJ368-12/00 and CJ245-07/00 refer), this report recommends the transfer of the City's Kingsley Occasional Care to Community Vision Inc.

BACKGROUND

The City of Joondalup has received a letter dated 22 October 2001 from the Board of Community Vision Inc seeking the opportunity for the City to transfer the Kingsley Occasional Care Service to the Community Vision Inc. management. Community Vision has recently reviewed the staffing of their Toy Library and Playgroups and has identified a number of staffing hours that were not fully utilised. When faced with this situation the management of Community Vision realised they could take one of two options:

- either reduce the under-utilised staffing hours via redundancy; or
- add value to their current services by increasing the duties of existing staff.

As both the Toy Library and Playgroups coordinated by Community Vision operate from the same centre as the Occasional Care Service, Community Vision decided that it could use these identified hours to manage the Occasional Care Service at no additional cost to their existing operations.

The Kingsley Occasional Care Service is situated in Moolanda Boulevard in Kingsley and was established in 1990 to provide respite care for parents of children with special needs. The focus on children with special needs has diminished and the service has been altered to offer occasional care for up to 15 children aged 0 to 6 years every Tuesday between 9am and 4pm, a total of seven (7) hours per week.

The aims of the service are as follows:

- To provide sessional childcare so parents have the opportunity to attend appointments, participate in leisure activities or enjoy a break.
- To offer a quality program that provides children with a variety of interesting play activities that will meet and enhance their individual needs.
- To promote a trusting and non-threatening environment.
- To provide children with a chance to meet and socialise with other children.

On 19 December 2000, Council approved the establishment of a new community based service delivery organisation called Community Vision Incorporated and concurrently, the transfer of a number of community services to Community Vision Inc.. This transfer took effect from 1 July 2001 (Report CJ 368-12/00 refers).

The Kingsley Occasional Care Service was not part of the original transfer of community services to Community Vision Inc. as it was determined that this service was not financially viable and therefore would have been a liability on the new organisation. Since then Community Vision has evaluated the support services to the Family Day Care Scheme and found under utilised staff hours that could be transferred to operating the Occasional Care Service. In doing this they will maintain the centre at a viable level because there will be no additional costs to their existing operations. In the meantime bookings in the centre have been steadily increasing from 40% to 62% utilisation.

Community Vision Inc. has now been operating for a period of four and half months and has established staffing levels to meet the requirements of the service without incurring additional costs. The Community Vision Inc. Board is confident that a transfer of management will not result in any loss of service or disadvantage to current users. In fact, Community Vision Inc. plans to promote the facility with the intention of increasing utilisation and viability. They have allocated a substantial amount in their budget for the purpose of providing better signage, community advertising and media coverage in order to publicise the service. The City presently has no plans to allocate additional funds towards the promotion of the one day a week service it provides. Discussions with Community Vision staff have indicated that they will offer occasional care places to their 70 Family Day Care Scheme Carers to use for respite and this too will increase utilisation.

DETAILS

Funding

The State Government Department for Community Development (formerly the Department for Family and Children's Services) provides an annual operating grant of \$6,630, paid in quarterly instalments, to the City for the Kingsley Occasional Care Service. It has been established through discussions with personnel from the Joondalup Office of the Department

for Community Development that this amount could be transferred to Community Vision Inc. as the organisation meets their criteria of a 'preferred service provider'.

Currently, the fees that apply to parents booking care in this centre is an hourly rate of \$5.00 or \$30.00 for a 7-hour session. The fees are scaled when there is more than one child in the family however, apart from that, there are no subsidies offered to parents who access this service.

After Government funding and revenue collected from fees, the City of Joondalup budgeted to meet the funding shortfall this financial year. The budgeted total income for the service was \$17,630; total expenditure was \$18,902 thus requiring a contribution of \$1,272. To date this financial year the Kingsley Occasional Care Service has earned only 50% of the expected fee revenue. If this trend continues the predicted shortfall will be \$6,772.

This level of support is likely to be an ongoing commitment by the City of Joondalup as bookings in the Kingsley Occasional Care Service are unpredictable and full utilisation is not guaranteed.

Consultation

Following the receipt of the 'expression of interest' from Community Vision Inc., informal discussions which took place with the fourteen (14) families who use Kingsley Occasional Care Service indicated that as long as the service remains open for their use they are agreeable to an alternative community based organisation operating the centre.

Transfer of Staff Provisions

The current child care workers are employed either as City of Joondalup casual employees or through an agency called Career Pursuits. Therefore, there are no financial obligations on the City to meet staff entitlements.

Transfer of Assets

All assets for the program were transferred to Community Vision Inc. in July 2001 in addition to the Family Day Care Scheme Playgroup Support and Toy Library. This means no assets exist in conjunction with the Kingsley Occasional Care Service.

Council's 5-year Capital Works Program includes an item of \$15,000 for 2001/2002 works schedule to upgrade the children's outdoor play space at the Kingsley site. This amount is required to modify the playground equipment to meet the safety standards required in the Australian Standards – Children's Playgrounds. The commitment to completing this upgrade will stand as the grounds do not form part of the leased area and therefore remain the responsibility of the City of Joondalup.

Lease

Community Vision Inc. holds the lease on the building in Kingsley based on a term of twelve (12) months with a further twelve (12) month option. To date the Kingsley Occasional Child Care Service operated by the City of Joondalup has been sharing space and equipment when the program runs one day per week. The Lessee, in accordance with the lease provisions is responsible for the repairs and maintenance of the building.

Benefits to Council

- Council will no longer be responsible for direct service provision and can focus on new community development initiatives;
- Increasing financial support for the program due to lower utilisation will cease when the program is transferred.

Date of Transfer

It is anticipated that Community Vision Inc. could successfully assume the management of this service for the commencement of the new school year 2002.

RECOMMENDATION**That Council:**

- 1 APPROVES the transfer of sponsorship of the Kingsley Occasional Child Care Service to Community Vision Incorporated with effect from 4 February 2002;**
- 2 NOTIFIES the State Department of Community Development of the City's intention to transfer Kingsley Occasional Care Service to Community Vision Inc.**

CJ437 - 12/01 STRATEGIC ADVISORY COMMITTEE - SENIORS INTERESTS – [55511]

WARD - All

CJ011211_BRF.DOC:ITEM 13

SUMMARY

A meeting of the Strategic Advisory Committee - Seniors Interests was held on Wednesday 28 November 2001. The unconfirmed minutes of this meeting are submitted for noting by Council.

BACKGROUND

At the Ordinary Council Meeting of 25 September 2001, Council approved to elect an Occasional Seniors Advisory Committee of elected members and community people representing groups with seniors in their membership. At the Ordinary Council Meeting of 9 October 2001 Council approved the establishment of a Strategic Advisory Committee - Seniors Interests comprising:

- Two Elected Members;
- One representative from the Department for Community Development/Office of Seniors Interests;
- Two representatives from commercial or not for profit organisations that provide services to seniors in the City;
- Two members of the community who do not represent any particular group or organisation but whom have an interest in Seniors issues;
- Manager Community and Health Services; and
- Manager Leisure and Ranger Services.

DETAILS

The unconfirmed minutes of the meeting of the Strategic Advisory Committee - Seniors Interests held on Wednesday 28 November 2001 in Conference Room 3 are included as Attachment 1.

Members reviewed the draft Terms of Reference for the Strategic Advisory Committee - Seniors Interests and made the following amendments for recommendation to Council:

"2 MEMBERSHIP

The committee shall consist of the following members.

1. Two Elected Members;
2. One representative from the Department for Community Development/Office of Seniors Interests;
3. One representative from Community Vision;
4. Two representatives from commercial or not for profit organisations that provide services to seniors in the City;

5. Two members of the community who do not represent any particular group or organisation but whom have an interest in Seniors issues;
6. Manager Community and Health Services; and
7. Manager Leisure and Ranger Services."

Be replaced with:

"2 MEMBERSHIP

The committee shall consist of the following members.

1. Three Elected Members;
2. One representative from the Department for Community Development/Office of Seniors Interests;
3. One representative from Community Vision Inc;
4. Two representatives from commercial or not for profit organisations that provide services to seniors in the City;
5. Two members of the community who do not represent any particular group or organisation by whom have an interest in Seniors issues;
6. Manager Community and Health Services; and
7. Manager Leisure and Ranger Services."
8. A representative as a deputy for the commercial or not for profit organisations that provide services to seniors in the City;
9. A representative as a deputy for the community who do not represent any particular group or organisation but whom have an interest in seniors issues."

The Committee received applications for the commercial or not for profit organisations and the community who do not represent any particular group or organisation. A secret ballot was carried out and the following nominations were accepted for referral to Council for approval: Commercial or Not for Profit:

- Pamela Richardson - Australian Property Institute WA
- Mitch Pratt - Association of Independent Retirees Inc
- Audrey Poole - Australian Red Cross (Deputy)

Community Who do not Represent any Particular Group:

- Jane Heikema
- Kevan Rowe
- Kevin Housom (Deputy)

The Committee requested that the amount of \$ 102,500 as listed in the 2001/2002 budget for Capital Works in senior's facilities in the City, be referred to the Council for approval for work to commence.

RECOMMENDATION**That Council:**

- 1 NOTES the unconfirmed minutes of the Strategic Advisory Committee - Seniors Interests held on 28 November 2001 forming Attachment 1 to Report CJ437-12/01;**
- 2 ADOPTS the amended Terms of Reference for the Strategic Advisory Committee - Seniors Interests forming Attachment 2 to Report CJ437-12/01;**
- 3 APPROVES BY AN ABSOLUTE MAJORITY the appointment of the following representatives:**
 - Commercial or Not For Profit Organisations:**
 - Pamela Richardson - Australian Property Institute WA
 - Mitch Pratt - Association of Independent Retirees, Inc.
 - Audrey Poole - Australian Red Cross (Deputy)
 - Community who do not represent any particular Group or Organisation:**
 - Jane Heikema
 - Kevan Rowe
 - Kevin Housom (Deputy)
- 4 CONSIDERS the Committee's request that the amount of \$102,500 as listed in the 2001/2002 budget for Capital Works in seniors facilities in the City, be approved for work to commence.**

Appendix 6 refers

To access this attachment on electronic document, click here: [attach6aagn181201.pdf](#)

[attach6bagn181201.pdf](#)

CJ438 - 12/01 MINUTES OF JOONDALUP YOUTH ADVISORY COUNCIL MEETINGS – NOVEMBER 2001 – [38245]**WARD - All**

CJ011211_BRF.DOC:ITEM 14

SUMMARY

Meetings of the Joondalup North and South Youth Advisory Councils were held on 19 and 21 November 2001. The unconfirmed minutes of these meetings are submitted for noting by Council.

DETAILS

The unconfirmed minutes of the meeting of the Joondalup North Youth Advisory Council held on 19 November 2001 in Committee room 3 are included as Attachment 1.

The unconfirmed minutes of the meeting of the Joondalup South Youth Advisory Council held on 21 November 2001 in Committee room 3 are included as Attachment 2.

No action is required from these minutes.

RECOMMENDATION

That Council NOTES the unconfirmed minutes of the:

- 1 Joondalup North Youth Advisory Council meeting held on 19 November 2001 forming Attachment 1 to Report CJ438-12/01;**
- 2 Joondalup South Youth Advisory Council meeting held on 21 November 2001 forming Attachment 2 to this Report CJ438-12/01.**

Appendix 7 refers

To access this attachment on electronic document, click here: [Attach7agn181201.pdf](#)

CJ439 - 12/01 ART COLLECTION WORKING PARTY – [14148]**WARD - All**

CJ011211_BRF.DOC:ITEM 15

SUMMARY

At the meeting of the Art Collection Working Party held on 18 October 2001, it was recommended by the City's Curator and Art Consultant Rie Heymans that the purchase of the following artwork be made:

Untitled "Adam", (2001) Enamel on Handcut MDF by Bevan Honey, \$1,160.

The Working Party agreed to defer any decision to purchase the artwork *Untitled "Adam"* by Bevan Honey until it could be viewed in the location where it would be permanently installed. The Art Collection Working Party has viewed the work in its recommended location in Joondalup Library and recommends that Council purchase the art work.

BACKGROUND

The Art Collection has the following objectives:

- To support contemporary Western Australian Art and Artists
- To provide the citizens of the City of Joondalup access to high quality visual art within the boundaries of the region.

The profile of the collection is to establish a collection of good quality artwork by contemporary Western Australian artists with a second priority of having a regional focus.

Artworks over the value of \$1000 are required to be considered by the Art Collection Working Party for acquisition for the City's collection.

Members of the Art Collection Working Party are:

Cr Paul Kimber, Chair
Cr Carol Mackintosh
Rie Heymans, Curator and Art Consultant
James Boyd, Coordinator Cultural Development.

DETAILS

At the meeting of the Art Collection Working Party held on 18 October 2001, Rie Heymans, Curator and Art Consultant, recommended the purchase of the following artwork:

Untitled "Adam", (2001) Enamel on Handcut MDF by Bevan Honey, \$1,160.

The Committee agreed to defer any decision to purchase the artwork *Untitled "Adam"* by Bevan Honey until it could be viewed in the location where it would be permanently installed. The Working Party has now viewed the artwork in position in Joondalup Library and has agreed that it would be a worthy addition to the City's Art Collection.

The Art Collection Working Party recommends of the following artwork:

ARTIST	TITLE	MEDIUM	ART GALLERY	PRICE
Bevan Honey	Untitled 'Adam'	Handcut MDF	Invitation Art Award	\$1,160

COMMENT/FUNDING

Rie Heymans recommended the purchase of the artwork by Bevan Honey because the work:

- was awarded the Joondalup Resort Award for Excellence in the 2001 Invitation Art Award.
- will complement the other artworks in the collection
- is very witty and its subject matter is extremely Australian
- reflects lifestyle values of the Joondalup community
- is a colourful and exciting "pop art" artwork created by a well respected young artist.

Funds are listed in the 2001-2002 budget for the purchase of the artwork as detailed below.

Account No:	11 80 82 871 6899 A007
Budget Item:	Asset Clearing Account for the Purchase of Artifacts & Artworks at Cost
Budget Amount:	\$7007.27
Actual Cost:	\$1,160
Remaining Budget:	\$5,847.27

RECOMMENDATION

That Council PURCHASES the following artwork for the Art Collection at a cost of \$1,160 from Account Number 11 80 82 871 6899 A007 – Asset Clearing:

ARTIST	TITLE	MEDIUM	ART GALLERY	PRICE
Bevan Honey	Untitled 'Adam'	Handcut MDF	Invitation Art Award	\$1,160

CJ440 - 12/01 LEISURE CENTRES STRATEGIC MANAGEMENT GROUP – [09050]

WARD - All

CJ011211_BRF.DOC:ITEM 16

SUMMARY

The first meeting of the Leisure Centre Strategic Management Group was held on 11 October 2001. As this group is an external Committee, the minutes of this meeting are submitted solely for information purposes. (Attachment One refers)

The financial and business reports from RANS Management Group for Craigie, Ocean Ridge and Sorrento Duncraig Leisure Centres to the end of September 2001 have been received and are included as attachment three for noting by Council.

BACKGROUND

At its meeting held on 11 November 2000, Council resolved to lease the operational management of the City's leisure centres to RANS Management Group, and appointed two elected members to the Leisure Centres Strategic Management Group.

The terms of reference for the Leisure Centres Strategic Management Group have been developed in conjunction with RANS (Attachment Two refers). The objectives for the Reference Group are as follows:

- To discuss the preparation and contents of the annual Leisure Centres Strategic Plan.
- To receive and consider the final draft of the annual Leisure Centres Strategic Plan for presentation to Council with recommendation for adoption.
- To consider proposed amendments and increases to the schedule of fees and charges for the use of the three leisure centres where the proposal presents a variation from those adjustments as permitted by the lease agreement.
- To review financial and other performance measures of the leisure centres and to keep Council apprised of performance against the business plan for the centres.
- To discuss and make recommendations to Council on policies applicable to the operation of the City's leisure centres.
- To assess facility improvement and major maintenance proposals for the leisure centres and make recommendations to Council for approval and on funding contributions.
- To provide direction to the City and RANS based on strategies identified and developed by the Leisure Centre Strategic Management Group to deliver consistent and cohesive leisure services to the community.
- To consider the future development of the leisure services within the City.
- To consider proposals for leisure initiatives and programs that reflect a whole of City approach to leisure services.
- To ensure that the local community continues to perceive the leisure centres as facilities offering services provided by the City of Joondalup.

Council's representatives on the Leisure Centre Strategic Management Group are Cr Patterson and Cr O'Brien together with the City's Director Community Development and Manager Leisure and Ranger Services.

DETAILS

The first meeting of the Leisure Centre Strategic Management Group was held 11 October 2001. As this group is an external Committee, the minutes of this meeting are submitted solely for information purposes (Attachment One refers).

Finance and Business Performance Reports

The financial and business performance reports to the end of September 2001, were tabled at the meeting and are included as attachment three.

RANS Management Group reported that the leisure centres were not at this stage performing to its original expectations, however, the performance of the centres is starting to improve and it was anticipated that budget expectations would be achieved once the two capital projects, currently being planned, were implemented and operational. RANS notes that it was continuing to develop its knowledge of the marketplace and once this was more complete it would also have a beneficial impact on the performance of the centres.

RANS advised that it had purchased \$150,000 of cardio fitness equipment for Craigie Leisure Centre and had transferred some of the old equipment to Sorrento Duncraig Leisure Centre. The introduction of new equipment has been well received by patrons at both centres. This equipment is in addition to commitments made by RANS in its tender submission in relation to capital projects.

COMMENT/FUNDING

The City has funds listed in five year capital works programme for the 2002/03 financial year, the resurfacing of the pool shell at Craigie Leisure Centre for the levelling of the pool concourse and upgrading of the changerooms.

- | | |
|----------------------------------|-----------|
| • Resurfacing of pool shell | \$450,000 |
| • Levelling of pool concourse | \$250,000 |
| • Refurbishment pool changerooms | \$ 53,500 |

Preliminary consultation regarding the condition of the pool shell is being sought from Nannes Fong and Partners Aquatic Engineers.

Costing and details of any proposal to upgrade the pool at Craigie Leisure Centre have not yet been undertaken and would be required before consideration by Council. Ideally, this project would be undertaken at the same time that RANS undertakes their first capital project, which is proposed to be an extension to the fitness centre. The undertaking of the two projects simultaneously ideally would limit the inconvenience to the centres patrons. Given the scale of the project, the need for detailed documentation and the fact that no funds are available for the project until the 2002/2003 Financial Year. It is considered that the earliest that the City could consider undertaking this project would be March/April 2003.

RECOMMENDATION**That Council:**

- 1** NOTES the unconfirmed minutes of the meeting of the Leisure Centre Strategic Management Group held 11 October 2001 forming Attachment One to Report CJ440-12/01;
- 2** NOTES the financial and business performance reports to the end of September 2001 for Craigie, Ocean Ridge and Sorrento Duncraig Leisure Centres forming Attachment Three to Report CJ440-12/01.

Appendix 8 refers

To access this attachment on electronic document, click here: [Attach8.agn181201pdf.pdf](#)

CJ441 - 12/01 LIBRARY STRATEGIC VISIONING STUDY TOUR – [25110]

WARD - All

CJ011211_BRF.DOC:ITEM 17

SUMMARY

The City of Joondalup Library and Information Service (JLIS) is in the process of developing new strategic directions for the service. Earlier this year interviews were held with consultants who registered interest in undertaking a Visioning project. The interviews were not successful in identifying a company capable of developing the type of vision which would place Council's service at the cutting edge of innovative customer service. It was subsequently considered that an overseas study tour by the Manager, Library and Information Services might provide a better option.

Council approved \$15,000 to fund the study tour in the 2001/2002 budget subject to a report providing further information to a Briefing Session . This report outlines the background, purpose and proposed sites to be visited in a strategic visioning study tour of libraries in England, Scandinavia and Singapore and recommends approval for the Manager, Library and Information Services to undertake a Strategic Visioning Study tour in the England, Scandinavia and Singapore

BACKGROUND

The first JLIS strategic plan concluded in December 2000. Council's library service, recognised as amongst the leaders in public library service both at state and national level, needs to develop new strategic directions in order to continue to move forward from the Information Age into the Knowledge Age and to meet community needs and expectations.

The new strategic planning process commenced with two consultancy projects undertaken by Library Consultancy Services in 1999 and 2000. The projects assessed the feasibility of developing a range of innovative new services, which could generate some financial return to Council and reviewed the structure of the business unit to accommodate future service requirements. A range of new services has been implemented following the first consultancy. The recommendations on the structure consultancy are to be considered as part of the broader strategic planning project.

Following the consultancies it became evident a visioning exercise was required to ensure strategic documentation developed considered future directions beyond traditional library services in order to reflect a more dynamic role in community development. In January 2001 the City advertised an invitation for Registration of Interest for a low budget consultancy. The project brief was to facilitate the development of a dynamic and strategic forward vision, which would place the Library and Information Service at the cutting edge of innovative customer service in terms of the new information age, and beyond.

DETAILS

Visioning Consultancy

Three consultant groups registered an interest in undertaking the visioning exercise and were interviewed. Unfortunately it was considered that none of the submissions demonstrated sufficient innovation to produce the type of vision to achieve the desired direction for the library service. The type of processes proposed by the consultants was inward looking and did not go beyond the normal processes and could therefore only result in a standard strategic plan.

The interview panel discussed the strengths and weaknesses of the consultant submissions. It was considered that the necessary planning skills were already available in-house. As Joondalup is among the leaders in the provision of public library services in Australia there is limited access to information on emerging trends and models of innovative, cutting edge service delivery to challenge the planning process. It was further considered that as the consultant quotes ranged from \$9,500 to \$12,500, excluding any additional costs to Council related to staff participation in the process, a better outcome might be for the Manager Library and Information Services to undertake an overseas study tour to gain such information. It was acknowledged that Australia generally follows leading overseas trends by about 3 years. Not only does this provide the opportunity to foresee impending trends and service demands but it can provide valuable lessons on successes and failures elsewhere. One such example could be as to whether a reactive service change such as extending opening hours to respond to apparent customer demand does in fact increase usage.

At the budget meeting of Council held on 18 July 2001 a new initiative submission for \$15,000 to fund a study tour was considered by Council. The following motion was carried:

MOVED Cr Hurst SECONDED Cr Walker that it be recommended that:

- 1 the item ‘Library Strategic Visioning Study Tour’ progress for INCLUSION in the 2001/02 budget documentation; and***
- 2 a report providing further information be presented to a Briefing Session to enable elected members to make an informed decision.***

The Motion was Put and

CARRIED

Study tour itinerary

Investigations to date have identified several potential destinations, which are considered to provide leading edge public library services. The Manager, Library and Information Services, has also been offered some valuable introductions.

Scandinavia

Helsinki, Finland is noted for exploiting technology to enhance public library loan services. Branch libraries include a cable book library featuring an Internet, learning and access centre, the new “Information Gas Station” and Viikki Library which co-operates with the science library of the Helsinki University. Vuosaari, Töölö and Kallio branch libraries are also recommended

(Introduction: Ms Maija Berndsson, Director Helsinki Public libraries winner of the inaugural Bill Gates Access Award 2000. The award included a one million dollars prize to spend on technology)

Eindhoven, the Netherlands, is noted for its use of a large interactive video screen and interactive catalogue to direct patrons to the library collection. The catalogue uses a combination of maps and video to facilitate specific item location.

(Introduction: Mr Henk Das, Library Manager, Eindhoven Public Library)

Copenhagen, Denmark. features a new national library is highly recommended for design and innovation.

(Introduction: Mr. Mogens BrabrandJensen Director, Danish Library Centre)

Mr Jens Thorhauge, Director Danish National Library Authority, Copenhagen)

Aarhus, is the second largest city in Denmark and is noted for innovative exploitation of IT.

(Introduction: Mr Rolf Hapel, Director, Municipal Libraries)

Mr Niels Mark, State and University Library)

Malmo, Sweden includes innovations such as the implementation of conveyor belts and robotic automation

Norrkoping, Sweden where Swedish libraries play a much more integral role in community development such as community groups using the library to broadcast and produce community newsletters.

(Introduction: Mr Connie Ang, Norrkoping City Library.)

England

The English government has a policy on Social Inclusion. The government vision is for the public library to be at the very heart of the communities they serve to ensure equitable access to the widest possible range of information, knowledge and services and support lifelong learning for everyone.

Trafford, Greater Manchester offers 24 hour self service library loans 7 days a week from facilities attached to sports centres. It is recommended as a small scale good example of multi-service provision from the one council building.

Sutton, Greater London is the only public library service in England to receive a double three star excellence rating for its service. Probably the best example of an all round service in the country. Special features include income generation, work with special groups and performance management.

(Introduction: Mr Trevor Knight, Executive Head of Library, Heritage and Registration)

Croydon, South East London is known for innovation in the IT field.

(Introduction: Ms Adie Scott Manager Library Services)

Essex, East London is the most innovative of country library systems. Strengths include staff training, IT developments and Children Services.

(Introduction: Ms Margaret Green County Librarian)

Birmingham, Midlands Centre for the Child represents an interesting concept of delivery of children's services extending beyond a children's library to include childcare information and other advice agencies which operate from the same building.

(Introduction: Fay Davis and Jan Nicholas)

Singapore

The Singaporean Government has an agenda to make the community IT literate. This is reflected in the level of financial support. Each floor of the regional libraries has a theme such as Lifestyle. Cultural events are incorporated into library activities. One main branch library on Orchard Road specifically caters to the 18-35 age group with a different focus on resources and live entertainment. Singapore makes excellent use of self-service facilities.

(Introduction: Ms Stephanie Tan, Executive, International and Community Relations, National Library Board)

It was initially proposed to include the United States in the study tour and to coincide with the American Library Association Conference in Phoenix in April 2002 followed by a proposed 7-8 day study tour by Australian librarians. This part of the proposal has been withdrawn due to recent international events.

It is now intended the study tour take place in April 2002.

COMMENT/FUNDING

The study tour costs will be dependent on the final schedule. Nerida Clifford, Manager Library and Information Services, has sought possible alternative funding through an Edith Cowan Western Australian Women's Fellowship 2001 grant application. Although she was successful in being short listed for interview the grant was awarded to a women's fertility project.

The 2001/2002 Council budget included \$15,000 to fund the study tour. CAMS have provided travel agent contacts, including Qantas, to achieve the best travel discount rates. Based on Qantas estimates travel and accommodation costs will be approximately \$12,000. An additional \$2,500 is required to cover 25 days daily allowance. The current estimated total cost to Council is likely to be in vicinity of \$14,500.

Research into potential grant funding will continue until the end of the year.

Funding for the Conference is available as follows:

Account No:	11-80-95-951-3302-F3331
Budget Item:	Conference Expenses
Budget Amount:	\$1000

Account No:	11-80-95-951-3630-F3331
Budget Item:	Rental/Hire of Accommodation
Budget Amount:	\$6500

Account No: 11-80-95-951-4901-F3331
Budget Item: Travel Expenses/Parking/Public Transport/Taxi Fees
Budget Amount: \$7500

RECOMMENDATION

That Council:

- 1 APPROVES the Manager Library and Information Services to undertake a Library Strategic Visioning Study tour in England, Scandinavia and Singapore at an estimated cost of \$15,000;**
- 2 APPROVES the expenditure in (1) to be charged to Budget Item No 11-80-95-951-3302-0001 – Conference Expenses, 11-80-95-951-3630-0001 – Rental/Hire of Accommodation and 11-80-95-951-4901-0001 – Travel Expenses/Parking/Public Transport/Taxi Fees.**

Director Infrastructure Management stated his intention to declare an interest which may affect his impartiality in Item CJ442-12/01 – Proposed Parking Prohibitions – Creaney Primary School as his children attend this school.

CJ442 - 12/01 PROPOSED PARKING PROHIBITIONS - CREANEY PRIMARY SCHOOL, KINGSLEY - [20181]

WARD – South

CJ011211_BRF.DOC:ITEM 18

SUMMARY

Creaney Primary School is seeking to restrict parking along Creaney Drive, Kingsley to alleviate parking congestion problems associated with parent parking. As the parking restrictions form part of an overall Road Safety and Parking Strategy for this school, the implementation of the parking restriction on this road is recommended.

BACKGROUND

Road Safety and parking at Creaney Primary School has been a concern to the school and the local community for some time.

In the past, parent parking around the school has been regulated by a number of different parking restrictions. Some of these restrictions are ineffective and outdated. Attachment 1 shows the type and extent of the existing restrictions.

More recently, the City has been working with Creaney Primary School Road Safety Committee and RoadWise to identify and implement a comprehensive road safety and parking strategy at this school. The school's Road Safety Committee has actively encouraged parents to drop-off and pick-up students from car parks adjacent to the school and requested to avoid using the non-school side of Creaney Drive for parking.

However, the school is concerned that despite its attempt to discourage this practice, parent parking on the residential side of Creaney Drive during school peak times restricts normal traffic flow and makes it hazardous for students to cross Creaney Drive. While this creates a desirable low speed environment, it invariably leads to driver and parent frustration and a reduced level of pedestrian safety.

On this basis, the school's Road Safety Committee is seeking to restrict parking on the non school side of Creaney Drive, Kingsley.

DETAILS

The type and extent of the proposed parking restriction is shown at Attachment 2.

The "NO STOPPING" restriction will be delineated by a continuous yellow edge line. This type of restriction has been used effectively at other schools within the City. It is also

proposed to review the existing 'NO STANDING ON VERGE' restriction as the City's Local Laws do not permit verge parking without permission of the adjacent landowner.

A copy of the proposal was circulated to the affected properties for comment. Of those residents notified, 2 of 6 responded and supported the strategy to restrict parking in Creaney Drive.

COMMENT

The proposal to restrict parking on the residential side of Creaney Drive between Kingsley Drive and Forest Hill Drive will regulate parent parking, maintain the general traffic flow at all times and therefore increase the level of safety and access during school peak times for all road users.

The car parks adjacent to the school currently provide a well used alternative drop-off and pick-up area for parents. The school side of Creaney Drive also currently provides limited parking for parent motorists to drop-off and pick-up students.

As the proposal forms an integral part of the overall road safety and parking strategy for this school, the implementation of parking restrictions in Creaney Drive is supported.

RECOMMENDATION

That Council:

- 1 AMENDS the existing parking restrictions to include NO STOPPING for Creaney Drive as shown on Attachment 2 to Report CJ442-12/01;**
- 2 ADVISES Creaney Primary School and affected residents accordingly.**

Appendix 9 refers

To access this attachment on electronic document, click here: [Attach9grn181201.pdf](#)

**CJ443 - 12/01 TENDER NUMBER 019–01/02 - SHENTON AVENUE:
DUAL CARRIAGEWAY ROADWORKS – [02998 04115
07056 86512]**

WARD – Lakeside/ Marina/ North Coastal

CJ011211_BRF.DOC:ITEM 19

SUMMARY

Tenders were advertised state-wide for the provision of construction services for the Shenton Avenue dual carriageway roadworks from Marmion Avenue through to Joondalup Drive.

Following evaluation of the tenders, it is recommended to accept the lump sum priced tender submitted by R.J. Vincent and Company.

It is also noted that City's request to the Minister for Planning and Infrastructure for special funding assistance to enable the Shenton Avenue Rail Tunnel extension works to proceed has been rejected. Consequently it is recommended that the City requests the Minister to include this rail tunnel extension works as part of future extension of the Mitchell Freeway to Shenton Avenue.

BACKGROUND

The City of Joondalup has been successful in obtaining grant funding from Main Roads WA for the construction of a dual carriageway in Shenton Avenue from Marmion Avenue through to Joondalup Drive as part of the 2001/2002 and 2002/2003 Metropolitan Regional Road Program. This State Government funding program allows for a two third contribution from the State on the basis that the Local Government contributes one third. The funding assistance any one Council can receive per annum is a \$1,000,000 grant from the State provided Council contributes \$500,000.

The City has included in its 2001/2002 Five Year Capital Works Program under Major Road Construction, the following allocations:

Year	Project Name	Funding sources		Total Funds
		MRRP	Municipal	
2001/2002	Shenton Avenue	\$1,000,000	\$650,000	\$1,650,000
2002/2003	Shenton Avenue	\$1,000,000	\$590,000	\$1,590,000
Total Project Funds		\$2,000,000	\$1,240,000	\$3,240,000

This Shenton Avenue project will enable the City to meet the increasing regional and local traffic demands for the municipality and Joondalup City Centre including the proposed extension of the Freeway from Hodges Drive through to Shenton Avenue, scheduled to occur between 2004 to 2006. However, to enable the full extent of the proposed dualling works to occur and the construction of a roundabout at Pontiac Way to service the Arena and the Joondalup Business Park, the extension of the existing railway tunnel under Shenton Avenue is required.

In order for this to occur, Council resolved at its meeting of 28 November 2000 to make a written submission to the then Minister for Transport for funding assistance totalling \$1.9M for the extension of the Shenton Avenue Rail Tunnel.

The City has sought special funding assistance on the basis that it is not normal practice for a local authority to fund the cost of a tunnel or bridge structure that has regional significance in both the road and rail network. The existing NSTS Railway infrastructure was fully funded by the State Government.

The Minister for Planning and Infrastructure's advisor has recently responded indicating that there currently are no funds available that could be utilised for the Tunnel extension works. (This advice is shown at Attachment 1)

As a result of this advice, an alternative design was prepared involving a "mini-dual" over the existing rail tunnel adjacent to Pontiac Way, as shown on Attachment 2. This option allows for a dual carriageway (with narrow median island) adjacent to Pontiac Way. However, a roundabout cannot be constructed at this location until the tunnel extension works is completed.

Until that time, access into Pontiac Way will remain as the existing junction configuration of left in – left out access only.

It is recognised how important the roundabout at Pontiac Way is both to the Arena/Baptist College and the Joondalup Business Park. Therefore it is recommended that the City write to the Minister of Planning and Infrastructure expressing disappointment at the lack of funding for the tunnel extension works, and requests that the Minister place a high priority to include these works (tunnel extension and roundabout construction) as part of the future Mitchell Freeway extension project from Hodges Drive through to Shenton Avenue.

DETAILS

Due to the scope of works involved with this project, tenders were advertised during November 2001 and closed on Tuesday, 27 November, 2001.

Twelve (12) tenders were submitted as detailed in the table below:

1	2	3	4	5	6
Contractor Name	Location	Lump Sum Price (Part 1)	Lump Sum Price (Part 2)	Lump Sum Price (Parts 1 + 2)	Lump Sum Price (Parts 1 + 2) Including alternative Asphalt Option
R.J. Vincent	Balcatta	\$1,436,961.00	\$495,740.00	\$1,932,701.00	\$2,033,939.00
Marsh Civil	Maddington	\$1,595,833.30	\$579,537.44	\$2,175,370.74	\$2,326,797.74

Brierty Contractors	Maddington	\$1,765,375.00	\$531,761.00	\$2,297,136.00	\$2,366,429.00
ATA Construction	Oakford	\$1,645,835.71	\$575,120.38	\$2,220,956.09	\$2,380,792.10
Ertech	Wangara	\$1,681,844.10	\$627,454.02	\$2,309,298.12	\$2,456,122.10
Malavoca	Welshpool	\$1,724,191.00	\$644,372.00	\$2,368,563.00	\$2,470,997.00
Goldfields Contractors Works	Bayswater	\$1,841,031.00	\$530,682.00	\$2,371,713.00	\$2,485,163.00
Infrastructure	Redcliffe	\$1,774,336.58	\$618,798.78	\$2,393,135.36	\$2,546,804.86
Densford Civil Construction	Osborne Park	\$1,769,014.00	\$654,453.20	\$2,423,467.20	\$2,584,079.82
Georgiou Group	Malaga	\$1,741,596.00	\$775,648.27	2,517,244.27	\$2,634,620.57
Highway Construction	Cottesloe	\$1,982,092.20	\$647,357.30	\$2,629,449.50	\$2,750,194.94
Advanteeing Civil Engineers	Leederville	\$2,067,454.94	\$636,279.00	\$2,703,733.94	\$2,908,582.69

All prices are exclusive of GST.

The Lump Sum price for Stage 2 was documented as a separable portion (Part 2) in the tender.

Alternative prices were also submitted for the inclusion of a higher skid resistance Stone Mastic Asphalt as an alternative to the standard Dense Graded Asphalt.

The decision on using this alternative asphalt wearing course would be subject to further satisfactory assessment of the Stone Mastic Asphalt option by Infrastructure Management Services.

Under the City's Contract Management Framework, tenders were assessed by an evaluation committee incorporating a weighted multi-criterion assessment system.

For Tender No 019 – 01/02, the tender evaluation criteria set out in the Conditions of Tendering were.

- Lump Sum Price Schedule
- Construction methodology and Safety Management Policy
- Construction programme with milestones / deliverables
- Tenderer's previous experience in carrying out similar works
- Tender's Resources
- Financial Ability
- Contract approach including Quality Management Policy

Following this evaluation of qualitative and quantitative selection criteria, the lowest priced tender submitted by R.J. Vincent has been ranked as the preferred tender.

RJ Vincent has proposed the following as the subcontractors :

- ◆ Wolfe Civil for Stormwater Drainage
- ◆ A Class Pavers for Brick Paving,
- ◆ Stoneridge for Limestone Walls,
- ◆ Faulkner Welding for Guard Rails.

Following the tender evaluation meeting the City has requested RJ Vincent to clarify the prices in view of an arithmetic error of the order of \$7,500 was discovered in its bid, reconfirmation on the time frame and the name of the proposed subcontractor for Stone Mastic Asphalt Construction. RJ Vincent has confirmed the price and has accepted the error in calculation without changing the lump sum price. It has reconfirmed the project time as 17 weeks for Part 1 and 8 weeks for Part 2, and proposed Boral Asphalt as its Stone Mastic Asphalt Contractor.

COMMENT/FUNDING

The Shenton Avenue project from Marmion Avenue to Joondalup Drive as shown on Attachment 3 is proposed to be funded through MRRP grants and Municipal funds over the 2001/2002 and 2002/2003 financial years. The Shenton Avenue project has been allocated MRRP funding of \$2M over the 2001/2003 financial years.

Recent advice from Main Roads WA has confirmed that a total grant funding of \$1,380,000 will be available in the 2001/2002 financial year and the balance of \$620,000 in the 2002/2003 financial year for this project.

As the funding is over two financial years, the tender has been structured so that only a maximum amount of \$1.5M can be expended prior to 30 June 2002. The second stage works will only proceed following Council's approval of Municipal funding of \$590,000 in the 2002/2003 Budget.

In summary, the funding is as follows:

Project Revenue:

The total project funds available 2001/2002	\$2,030,000
The total project funds available 2002/2003	\$1,210,000
Total project funds	\$3,240,000

Project Expenditure

Project design and contract administration costs	\$ 324,000
Landscaping costs	\$ 200,000
Future Freeway and Tunnel extension pavement accommodation works	\$ 682,061
Contract lump sum price (RJ Vincent & Co.)	\$2,033,939
Total project expenditure	\$3,240,000

As can be seen from the above project revenue/expenditure statement, sufficient funds exist for this contract to proceed.

It is noted that the project expenditure allows for future freeway and tunnel extension pavement accommodation works which totals the outstanding project funds available, and subject to actual project expenditures may require approval from the Metropolitan Regional Road Group to be expended as part of future works.

RECOMMENDATION

That Council:

- 1 ACCEPTS Tender No. 019 01/02 from RJ Vincent for the lump sum price of \$2,033,939.00 exclusive of GST, for the construction of Shenton Avenue Dual Carriageway Roadworks subject to:**
 - (a) funds being approved in the 2002/2003 Council Budget for Stage 2 works (separable portion Part 2 within the contract);**
 - (b) final assessment of Stone Mastic Asphalt option by Infrastructure Management Services;**
- 2 AUTHORISES the execution of the Contract under common seal;**
- 3 WRITES to the Minister for Planning and Infrastructure expressing disappointment at the lack of current funds available for the extension to the Shenton Avenue Rail Tunnel;**
- 4 REQUESTS the Minister for Planning and Infrastructure to include as a high priority, the Shenton Avenue Rail Tunnel extension works and construction of roundabout at Pontiac Way as part of the future Mitchell Freeway extension project, from Hodges Drive through to Shenton Avenue.**

Appendix 10 refers

To access this attachment on electronic document, click here: [Attach10grn181201.pdf](#)

Mr John Turkington, Director Resource Management stated his intention to declare an interest in Item CJ444-12/01- Antisocial Driver Behaviour – Melaleuca Drive, Greenwood. as he owns a property in Melaleuca Drive.

CJ444 - 12/01 ANTISOCIAL DRIVER BEHAVIOUR - MELALEUCA DRIVE, GREENWOOD – [19486]

WARD – South

CJ011211_BRF.DOC:ITEM 20

SUMMARY

A 14-signature petition has been received from Greenwood residents seeking modification to a bend in Melaleuca Drive to address antisocial driver behaviour at this location.

A cost effective physical treatment of the bend with a landscaped central island and centre line delineation may address these concerns in Melaleuca Drive and can be listed for consideration in the half year Budget Review . The City's 'Community Speed Watch' Program may also provide a long term cost effective solution by specifically targeting excessive speed and antisocial driver behaviour.

BACKGROUND

Melaleuca Drive is a 7.4m wide local street in Greenwood. Like the majority of the surrounding local road network, it has been designed in accordance with subdivisional standards of the time to create a low speed, local road environment. A key feature of the low speed environment and a major departure from previous 'grid' style subdivision layouts is the use of 90 degree bends to encourage lower overall vehicles speeds.

The existing traffic data for Melaleuca Drive suggests that the majority of motorists are local road users and travel in accordance with the low speed environment (well below 50km/h).

DETAILS

A 14-signature petition has been received from Greenwood residents seeking modification to a bend in Melaleuca Drive to address antisocial driver behaviour at this location.

The petitioners have requested that Council give consideration to reducing the width of the bend to reduce the incidents of 'burnouts' at this location. The petitioners have also requested that the road centreline be delineated to indicate the 'correct' side of the road.

Generally, antisocial driver behaviour tends to occur at locations where the road layout is more conducive to these types of activities. Typically these type of incidences occur at, but are not limited to, road intersections where the additional width of the road provides a comfort zone for inexperienced antisocial motorists to perform their activities. Generally, only two or three local motorists are responsible for these types of incidents.

In this instance, the additional width created by the 'eyebrow' to facilitate residential access adjacent to the bend in the road provides a similar attractant to local hooligans. It is considered that physical treatment options may reduce the likelihood of these types of incidents by reducing the road width.

Essentially, the treatments aim to reduce the width of the 'eyebrow' without significantly modifying the road geometry, which may inadvertently lead to driver confusion.

Option 1, as shown on Attachment 1, features provision of a 'raised' stenciled brick paved asphalt section. The raised pavement within the 'eyebrow', separated by mountable kerb and stenciled asphalt may increase the skid resistance and deter antisocial driver behaviour. This option would not directly affect access. The preliminary estimated cost of this treatment is between \$20-25,000.

Option 2, as shown on Attachment 2, is essentially the same as Option 1, with the addition of a raised central landscaped island to similarly deter antisocial driver behaviour. The addition of a raised island will need to be carefully designed to minimise property access. The preliminary estimated cost of this treatment is between \$25-30,000.

Another option, shown as Option 3 on Attachment 3, is the installation of a central landscaped island in the 'eyebrow' with a flush kerb to delineate the road corner. This is estimated to cost \$5,000.

While motorists are required to 'Keep Left' by law, consideration may be given to installation of a double barrier (centre line) as an interim treatment should corner cutting remain a concern. Approval of this treatment would be subject to Main Roads WA assessment.

Modern road safety practice has shown that more significant gains may be achieved from promoting safer road user behaviour in conjunction with traditional engineering treatments and traffic solutions.

While Council has traditionally focused on engineering and traffic management as a means to modifying driver behaviour, experience has shown that targeting of motorists responsible for antisocial driver behaviour is far more (cost) effective than modification and or treatment of an existing road alignment.

Additionally, targeting of these motorists may have a greater effect on reducing antisocial driver behaviour on an area wide basis, rather than simply transferring the problem to an adjacent or nearby street.

The 'Community Speed Watch' Program has been developed specifically to assist local communities identify the small number of motorist responsible for antisocial driver behaviour and thereby reduce incidences of excessive speed and antisocial driver behaviour on local roads.

A 'Community Speed Watch' Brochure, provides local street residents with the opportunity to record offending vehicle and motorists details which then may be forwarded on to the Police Service for action.

While the success of the program relies on local street residents, it is a community-based program that promotes local residents to take greater ownership of the problem rather than simply transferring total responsibility onto Council. Similar community based programs are operational in other local areas and have the support of Local Councils to help reduce antisocial driver behaviour.

The program compliments the existing City Watch, Safer Community and Neighbourhood Watch Programs to actively encourage local residents to take ownership of their local streets.

COMMENT/FUNDING

While increasing incidences of antisocial driver behaviour are a concern, experience has shown that engineering treatments are generally ineffective in modifying driver behaviour in motorists that drive with little or no regard for their social and or legal responsibilities.

In this context, any commitment to engineering treatment options should be carefully considered.

The City already has in place a significant 'City Watch' service, aimed at reducing all facets of antisocial behaviour through providing an additional surveillance 'presence' in the community.

The 'Community Speed Watch' Program provides an ideal opportunity for the City to specifically target excessive speed and antisocial driver behaviour on our local roads.

City Watch Officers may even be used as an additional resource to assist street residents and the Police to identify these motorists through involvement in the 'Community Speed Watch' Program.

In view of this, endorsement of the 'Community Speed Watch' Program and reporting of antisocial driver behaviour to reduce these type of incidences occurring on Melaleuca Drive is recommended for consideration.

In the interim, consideration may be given to installation of a double barrier (centre line) should corner cutting remain a concern. Approval of this treatment would be subject to Main Roads WA assessment.

In the meantime, Council may also wish to consider modification of the 'eyebrow' as a long-term strategy that may be applied uniformly on an area wide needs basis. Treatment of all 'eyebrows' to the standard of a raised pavement with central landscaping island has merit. However, this treatment is estimated to cost in the order of \$30,000. Currently no budget funding has been allocated for this work. An alternative cost effective option is the installation of a central landscaped island in the eyebrow. The estimated cost of \$5,000 for this treatment can be considered as part of the half year Budget Review.

RECOMMENDATION**That Council:**

- 1 SUPPORTS the targeting of excessive vehicle speed and antisocial driver behaviour through community involvement in the “Community Speed Watch” program;**
- 2 FORWARDS a request to Main Roads WA to consider centre-line delineation of the bend in Melaleuca Drive;**
- 3 LISTS for consideration in the half year Budget Review, funding for the Option 3 treatment of the bend with a central landscaped island;**
- 4 ADVISES petitioners accordingly.**

Appendix 11 refers

To access this attachment on electronic document, click here: [Attach11grn181201.pdf](#)

**CJ445 - 12/01 TENDER NO. 016-01/02 - LANDSCAPING
MAINTENANCE AT HARBOUR RISE ESTATE,
HILLARYS – [88511]**

WARD - Whitfords.

CJ011211_BRF.DOC:ITEM 21

SUMMARY

Tenders for landscape maintenance at Harbour Rise Estate, Hillarys were advertised during November 2001.

This tender incorporates the Specified Area Rating areas within the estate that have been transferred to the City of Joondalup as from July 2001, as part of the development process.

Previously the landscape maintenance has been undertaken by a contractor, and co-ordinated via the sub-division developer Estates Development Pty Ltd in conjunction with establishment.

The City received four tenders. This report recommends the tender be awarded to Russell Landscaping based on the selection criteria Clause 3.3 of the contract document for the consideration of fixed price schedule for the period of 12 months commencing 1st January 2002 with the option to extend it for 2x12 months subject to Council's approval.

Russell Landscaping are the current contractor undertaking the landscape maintenance.

BACKGROUND

Tenders were advertised Wednesday 24 October 2001, and four (4) tenders were received:

- | | |
|--------------------------|-----------|
| 1. Landscape Development | Kwinana |
| 2. Manicured Lawns | Wanneroo |
| 3. Turfmaster | Bayswater |
| 4. Russell Landscaping | Carabooda |

This tender encompasses the Specified Area Rating implemented by Council in Report number CJ202-06/01, Harbour Rise Estate Hillarys - Consideration of the implications to introduce Specified Area Rating, dated 26 June 2001.

Harbour Rise Estate Hillarys has been maintained by the developer, Estates Development for two (2) years in accordance with the agreed maintenance duration period following establishment. Russell Landscaping have undertaken all landscape maintenance works for the developer and therefore have a good understanding of the works involved.

Tender Assessment

The scope of works involves:

1. Maintenance of enhanced landscape areas of road verges, entry statements, road medians, traffic islands and designated roundabouts.
2. Public Open Space
Leeward Park, Hillarys

The areas are identified within the Schedule of Rates, Areas 1 – 3, and within these areas, specified functions apply.

The tender documentation provides a breakdown of these into areas of turf (M²), Gardens Beds (M²) specific to the locations eg: Park or road verges. This breakdown is to provide tenderers with specific areas to facilitate submission of a Schedule of Rates.

The selection criteria of the tenders were:

1. Price (demonstrated by lump sum price and schedule of rates) and other information provided under the Schedule of Rate.
2. Demonstrated ability to meet the requirements of the Contract
3. Demonstrated previous experience in the provision of Landscape Maintenance Services
4. Safety management
5. Demonstrated Resources
6. Value for money to local community

The tenders received were of a high quality although the Schedule of Rates reflected a significant variation in prices. See Attachment 1

The lowest tender price was submitted by Russell Landscaping and it's rates were lower for all designated areas.

Evaluation based on the overall assessment of the qualitative and quantitative criteria also rated Russell Landscaping as the best tenderer.

There are no sub-contractors listed for the tender submitted by Russell Landscaping.

COMMENT/FUNDING

The Schedule of Rates submitted as Attachment 2, encompasses all works listed in the Scope of Works.

Items specifically retained by the City of Joondalup and deleted from the tender are:

1. Western Power, operating costs.
2. Plant replacements.
3. Reticulation parts.

These items will be actioned via Operations Services annual maintenance.

Harbour Rise Estate Specified Area Rating was implemented in June 2001 and meetings with the residents' committee and developer are progressing satisfactorily.

The City will co-ordinate this contract until the Residents Association becomes established and aware of the procedures required to supervise the Contract. See Attachment 3 Process Flowchart.

In summary the Revenue/Expenditure statements are as follows:

Revenue:

Specified Area Rating Residents contribution			\$40,200
Council's Operational Budget	Medians & verges	\$10,150	
	Public Open Space	\$16,650	\$26,800
	Total Revenue		<u>\$67,000</u>

Expenditure:

Tender price Russell Landscaping

Schedule 1 – 3		\$25,155
Schedule 2 sheet 4 of 4		
Calculation based on rate per hectare		<u>\$ 7,435</u>
	sub total	<u>\$32,590</u>

Operations Services expenses additional to landscape maintenance contract:

Western Power		\$12,000
Plants		3,600
Reticulation parts		8,000
Pathway repairs/restoration		2,000
Contingency		<u>5,000</u>
	sub total	<u>\$30,600</u>
	Total Expenditure	<u>\$63,190</u>

As can be seen from the above revenue expenditure statement, sufficient funds exist for this contract to proceed.

The maintenance costs associated with the Harbour Rise Estate Specified Area Rating should remain relatively constant for the period 2002 – 2003. The next stage of public open space and median landscape is listed for transfer to the City of Joondalup in August 2003.

Account No:	11 60 72 721 4615 2151
Budget Item:	Harbour Rise Estate Hillarys
Budget Amount:	\$16,650 – Leewood Park maintenance
	\$40,200 – SAR contribution
	\$10,150 – Medians and verge maintenance

RECOMMENDATION

That Council:

- 1 ACCEPTS the tender submitted by Russell Landscaping as per the Schedule of Rates forming Attachment 2 to Report CJ445-12/01 for maintenance and landscape services for the Harbour Rise Estate, Hillarys, in accordance with the Conditions of Tendering, for a period of 12 months from 1 January 2002 to 31 December 2002 with an option to extend it for 2 x 12 months subject to Council's approval;**
- 2 AUTHORISES execution of the contract.**

Appendix 12 refers

To access this attachment on electronic document, click here: [Attach12grn181201.pdf](#)

**CJ446 - 12/01 CONSERVATION ADVISORY COMMITTEE -
MINUTES OF MEETING – [12168]****WARD - All**

CJ011211_BRF_DOC:ITEM 22

SUMMARY

A meeting of the Conservation Advisory Committee was held on 28 November 2001 and the minutes of the meeting are submitted for noting by Council.

DETAILS

The unconfirmed minutes of the Conservation Advisory Committee meeting held on 28 November 2001 are included as Attachment 1.

Minutes of the Joondalup Community Coast Care Forum Inc meeting and the Yellagonga Catchment Group Meeting are attached, as per the Terms of Reference. The minutes of the Yellagonga Regional Park Community Advisory Committee are not available at this stage.

RECOMMENDATION**That Council:**

- 1 NOTES the unconfirmed minutes of the Conservation Advisory Committee meeting held on 28 November 2001 forming Attachment 1 to Report CJ446-12/01;**
- 2 ACCEPTS the resignation from Mr David Hancock and thanks him for his involvement with the Conservation Advisory Committee;**
- 3 AMENDS the quorum of the Conservation Advisory Committee to six members.**

Appendix 13 refers

To access this attachment on electronic document, click here: [Attach13grn181201.pdf](#)

CJ447 - 12/01 PROPOSED 20 MULTIPLE DWELLINGS REQUIRING VARIATIONS TO POLICY 3.1.9 (HEIGHT AND SCALE OF BUILDINGS WITHIN A RESIDENTIAL AREA) AND FRONT AND SIDE SETBACKS: LOT 48 (41) CURRAMBINE BOULEVARD, CURRAMBINE - [42892]

WARD - North Coastal

CJ011211_BRF.DOC:ITEM 23

SUMMARY

An application has been received for a three storey multiple dwelling development consisting of 20 apartments at Lot 48 (41) Currambine Boulevard, Currambine.

Council discretion is sought in this instance as the proposal:

- Exceeds the building height envelope in the Height and Scale of Buildings within a Residential Area Policy 3.1.9
- Requires front and side setback variations to the Residential Planning Codes (R-Codes)

The proposed multiple dwellings create an interesting urban façade which is achieved by reducing the street setback to a minimum of 1.5 metres in lieu of the standard 9 metre front setback. The multiple dwellings have been designed to address the street by way of windows, balconies and open fencing which provide natural surveillance to the street and surrounding areas. The design also provides for ample and adequate communal open space, good pedestrian footpaths with complementary landscaping and fencing.

The proposal has been advertised and submissions have raised issues in regard to the lot being developed for multiple dwellings instead of single houses (which is apparently contrary to marketing advice provided when the lots were first sold), potential increase in traffic, visitor and tenant car parking, access off Currambine Boulevard, devaluation of properties and the excessive height of proposal.

Having regard to the submissions received, the irregular shape of the lot, constraints of a rear Right of Way (ROW), R-80 density and close proximity to public transport, the planning variations proposed are appropriate for the style, scale and density of the development and are therefore considered to be reasonable. It is therefore recommended that Council exercise discretion under District Planning Scheme No 2 (DPS2) and the R-Codes to vary the requirements and approval is recommended.

BACKGROUND

Lot	48
Street Address	41 Currambine Boulevard, Currambine
Applicant	Ausiasia Design Consultants
Land Owner	Firstland Investment Pty Ltd
MRS Zoning	Urban
DPS2 Zoning	Residential R-80
Permissibility of Use	Multiple Dwelling 'D' Use

Lot Area	2770m ² (includes 215m ² of proposed ROW)
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The subject lot is an irregular shaped block with an area of 2770m². A 2.5 metre wide unconstructed Right of Way (ROW) abuts the north side of the land, and the remaining lot boundaries front public streets (as shown on the attached plan). The lot is a vacant site and slopes gently in an east/west direction. The Currambine Railway Station is located to the east of the site, while single residential development is located opposite the site.

DETAILS

Proposal and Discretion Sought

The subject lot is one of the larger super lots designated for high residential density in this precinct. The subject land is zoned R-80, which can allow up to 8 dwellings/1000m² of land. The proposal is for two, 3 storey blocks of 3 bedroom multiple dwellings. The design incorporates part of the communal open space to be provided at ground level beneath Block A. The multiple dwellings have been designed with various features to address the street such as windows, Juliet balconies and open fencing.

The total height of the buildings from natural ground level is 10.4 metres. The maximum height permitted in Policy 3.1.9 is 8.5 metres. The proposal exceeds Policy 3.1.9 by 1.9 metres.

The applicant has also requested a front setback variation of 1.5 metres in lieu of 9 metres and a nil side setback in lieu of 1.5 metres (for the stores).

The applicant has provided the following comments in support of the proposal:

“A total of 34 car bays has been provided in lieu of 31 carbays with provision of 525m² of communal open space in lieu of 510 m²”

The lot being narrow at one end and wider at the other is an irregular shaped block. As we have to give 2.5 metres to the rear ROW, this places further constraints on the setback requirements. By bringing the building forward it will enhance the amenity and streetscape character of the surroundings, looking down the street of Currambine Boulevard towards the train station. These units are lower than the railway track and with the station at one side, it will further build the character of the street. However, being an R-80 site, the irregular shape of the block, providing a 2.5 metre Right of Way at the other end and fulfilling all other requirements, it gives us a lot of constraints on the required setbacks. This development will be landscaped inside and all around the street reserve, which will further enhance the street. This development will build investor confidence in Currambine in the form of high density development close to public transport. The greater number of units that can be built on the land would help increase the usage of public transport and less usage of public car parks at the station and city, which is in line with the Government’s objective of a cleaner environment.”

Right of Way

The subject site has an unconstructed ROW 2.5 metres wide at the rear of the block (north side) which was created as part of the subdivision of the area. When the remaining lot to the rear of the subject site is developed, there is a requirement (applied at the subdivision approval stage) for the rear landowners to cede a further 2.5 metres of land for the remaining width of ROW. This will create a combined ROW width of 5 metres allowing rear access to the adjoining lots. The above proposal has been designed to gain vehicle access to the ROW when it is fully established and constructed. The cost of construction will be borne by the respective landowners abutting the subject ROW. For the current proposal, the main access to the development is via Currambine Boulevard with a temporary access/crossover off Sunlander Drive. Once the ROW has been fully constructed, the temporary access off Sunlander will be closed and the verge reinstated at the applicant's cost.

Advertising

The proposal was advertised to adjoining and nearby landowners for a period of 14 days in respect to the development and the variations requested. A sign was also placed on the property during the advertising period. At the end of the submission period, on 29 November 2001, 4 individual and one (1) petition (94 signatures) submissions objecting to the proposal had been received. One (1) letter of non objection was received. The concerns raised within the objections have been summarised (in part) as follows:

- When the area was marketed as "Currambine Central", Lots 481 to 486 Currambine Boulevard, which is now amalgamated, as Lot 48, were shown as single residential lots.
- Additional increase in traffic to the area. No access was to be allowed onto Currambine Boulevard from the above site as all access was to be through the rear ROW.
- Head light glare onto properties on the opposite side of Currambine Boulevard.
- Since 38 carbays (sic: should be 34) are being provided on site, the question raised is whether visitors will be parking at the train station carpark.
- Loss in value of adjoining properties.
- Introductions of high density living in the area as most houses in the area are single storey.
- Preference for owner occupier dwellings. The current proposal could result in a rental slum.
- Excessive height of proposal.

The submissions (in entirety) are attached to the report for Councillors' information.

Relevant Legislation

In respect to Policy 3.1.9 the Council is required to consider the height and bulk of buildings proposed and its likely impact on the amenity and streetscape of the area.

Clause 1.7 of the R-Codes allows Council to vary setbacks provided amenity issues under Clause 1.2 of the R-Codes are being satisfied.

COMMENT

The concerns raised by the objectors is acknowledged and discussed as follows:

Residential lots being converted to a Single Large Lot

Initial planning for the area included it in the Residential Development Zone (TPS1) and the R80 Code area, and identified this lot, and the area across the road, as a mixed use 'mainstreet' local centre. The landowners did not see this fitting with their business or the market, and sold the two sites un-subdivided. Subsequent applications were made to subdivide the site to maximise lot production, but these did not contribute to the function of the site. The site was then amalgamated to form a single lot prior to sale to the current owners - Firstland Investments Pty Ltd.

Traffic and Access Restrictions to Currambine Boulevard

The proposed increase in traffic is within acceptable limits. There is no access restriction from the above lot onto Currambine Boulevard. The rear ROW is an additional alternative access for the above lot and any other future lots abutting the above site. The issue of headlight glare is noted.

Car Parking

The proposal provides adequate car parking in accordance with the R-Code requirements. A total of 34 carbays are provided in lieu of the required provision of 31 carbays, which also include visitor car parking within the lot.

Devaluation of Properties

Property values are generally not a landuse planning issue.

Opposed to High Density and Multi-Storey Development

The R-80 density was incorporated into DPS2 in accordance with the Department of Planning and Infrastructure (previously Ministry of Planning) Policy D1.6 relating to development near Metropolitan Rail Stations. The density coding was advertised from Town Planning Scheme No 1 to District Planning Scheme No 2 in 1997 and adopted under DPS2. The higher density applicable to the above site was not an issue at that time.

Multiple dwellings are a "D" use under DPS2 and are a use not permitted unless approved by Council.

Building height levels are discussed below. The aspects of the multiple dwelling proposal requiring consideration of variations are as follows:

Height & Scale of Buildings Within a Residential Area Policy 3.1.9

The multiple dwellings proposed exceed the Policy on all sides. The maximum height difference between the Policy (8.5 metres) and the development is 1.9 metres.

While the majority of homes in the immediate area are single storey, the subject lot is zoned Residential with a high density coding of R-80. There is an expectation by the owners that the only viable way to develop the lot at the R-80 density is for a multiple storey development. To achieve the full development potential and other requirements such as open space, communal open space and car parking, a 3 storey development has been designed. Policy 3.1.9 is not a statute, but is a mechanism to guide Council in the determination of applications. Council has discretion to vary the Policy where the variation is unlikely to affect adjoining owners.

The development is considered to be compatible when compared with the existing Currambine Railway Station in terms of height, scale and bulk. The development is also somewhat reduced in bulk as the building is broken into two portions, separated by the car park.

Front and Side Setback

A minimum 1.5 metre front setback is proposed in lieu of 9 metres. The majority of the development is setback in excess of 4.5 metres. Given the shape of the lot, if the development was designed with a 9 metre front setback, the area within this setback would be dominated by car parking spaces only. By bringing the development closer to the street, while still incorporating front courtyards, it is considered that the development will enhance the amenity and overall streetscape. There will also be greater security provided to the pedestrian footpath connecting to the Currambine Railway Station along Currambine Avenue by the dwellings overlooking that path. Open fencing has also been provided to compliment the overall development.

The side (secondary) street setback of nil in lieu of 1.5 metres for the bin storage areas is supported as they are single storey and are considered convenient locations for the purpose of bin/rubbish removal from the site. The impact of the nil setback is considered to be minimal.

Clause 1.5.7 of the R-Codes allows for variations to setbacks provided that Clause 1.2 below is satisfied. The front and side setbacks in this particular instance are supported as the relevant matters under Clause 1.2 below are satisfied.

- The proposal encourages a denser and wider range of dwelling;
- The proposal provides adequate level of privacy, daylight, sunshine and safety to dwellings;
- Provides adequate car parking, access, storage and drying facilities;
- There is no overshadowing, however, there may be some visual intrusion by way of overlooking into the adjoining rear lots, which is expected of multi-storey developments;
- The City has not received submissions of objections from the adjoining landowners; and
- The proposal would not affect the existing streetscape as it is a separate super lot separated by two streets.

Vehicle Parking

From the table below, it is clear that adequate and sufficient car parking is provided for within the site in relation to the number of units provided for. The car parking design and layout has made provision for future access to the rear ROW.

Use	Parking Provision	No of Bays Required	No of Bays Provided
Multiple dwelling	0.35 bays per unit (@ 0.35 x 20)	7	
	0.015 bays per m ² of plot ratio ie (0.015 x 20 x 79.50)	24	
Total includes visitor Car Parking		31	34
Surplus	34 – 31 = 3 Bays		

Conclusion

The comments raised are reflective of the expectations of existing landowners that the remaining vacant lots would be developed as single houses and the concerns of the potential impact of multi-storey developments proposed. The subject site and the surrounding area were designated as a “High Density” precinct with a R 80 density under the R-Codes in 1990, by the WAPC.

Although the Height and Scale of Buildings policy has been adopted for most of the City's residential areas (excluding structure plan areas), it does not reasonably allow developments at such a high density to reach their development potential. A series of three storey buildings are required to reach the potential R80 density on this site.

Under DPS2, the above site and the immediate area has been designated for higher than normal residential density, taking into account proximity to public transport and the Western Australian Planning Commission Policy relating to higher densities within close proximity to major transportation networks (Currabine Railway Station). When individual residential lots are amalgamated, in most cases, the lot is developed to its maximum potential and in this case for multiple dwellings. The irregular shape of the lot, including constraints such as rear ROW, has resulted in non-compliance with the required setbacks of the R-Codes and Policy 3.1.9 in terms of height and scale. The height restriction of 8.5m in Policy 3.1.9 was generally intended to control the height of mainly 2 storey residential developments. In high density sites as above, where the development is multi-storey, exceedence of the building height requirement is to be expected.

While it is acknowledged that the setback variations requested are greater than normal, there are more advantages to be achieved by bringing the development closer to the front boundary to interact with the street thereby contributing to the general amenity of the area. Development of this site is also effectively separated from adjoining land by the surrounding streets and future right of way.

On balance, the proposed variations are considered reasonable for the development proposed and approval is therefore recommended.

RECOMMENDATION**That Council:**

- 1 EXERCISES discretion in relation to Policy 3.1.9 – Height and Scale of Buildings within a Residential Area and under Clause 1.5.7 of the Residential Planning Codes 1991 and determines that:**
 - (a) the extent the multiple dwelling exceeds the building height threshold envelope; and
 - (b) the front and side setback variations;are appropriate in this instance;

- 2 APPROVES the application and revised plans dated 25 October 2001 submitted by Ausiasia Design Consultants on behalf of the owners, Firstland Investment Pty Ltd, for 20 Multiple Dwellings at Lot 48 (41) Currumbine Boulevard, Currumbine subject to the following conditions:**
 - (a) the parking bay/s, driveway/s and points of ingress and egress to be designed in accordance with the Australian Standard for Offstreet Carparking (AS2890). Such areas are to be constructed, drained, marked and thereafter maintained to the satisfaction of the City prior to the development first being occupied. These works are to be done as part of the building programme;

Car parking bays are to be 5.4 metres long and a minimum of 2.5 metres wide. End bays are to be 2.8 metres wide and end bays in a blind aisle are to be 3.5 metres wide;
 - (b) all stormwater must be contained on-site to the satisfaction of the City;
 - (c) Right of Way (2.5 metre width) construction cost to be borne by owners of above site;
 - (d) access from the development to the Right of Way to be provided once the adjoining lots to the rear have been subdivided and ROW ceded;
 - (e) the temporary crossover off Sunlander Drive to be removed and verge reinstated at owner's cost upon completion of the Right of Way;
 - (f) the lodging of detailed landscape plans, to the satisfaction of the City, for the development site and the adjoining road verge(s) with the Building Licence Application. For the purpose of this condition, a detailed landscaping plan shall be drawn to a scale of 1:100 and show the following:
 - (i) the location and type of existing and proposed trees and shrubs within the carpark area;
 - (ii) any lawns to be established;

- (iii) any natural landscape areas to be retained; and
- (iv) those areas to be reticulated or irrigated.
- (g) landscaping and reticulation to be established in accordance with the approved plans prior to the development first being occupied and thereafter maintained to the satisfaction of the City;
- (h) all existing crossovers not removed being closed, kerblines reinstated, stabilised and landscaped to the satisfaction of the Manager Approval Services prior to development being first occupied;
- (i) submission of a Construction Management Plan detailing phasing of construction, access, storage of materials, protection of pedestrians, footpaths and other infrastructure;
- (j) the boundary wall(s) and/or parapet wall(s) being of a clean finish and made good to the satisfaction of the City;
- (k) a suitably screened bin storage area is to be provided prior to the development first being occupied, in the location on the approved plans. Such an area must be constructed with a concrete floor, graded to a 100mm industrial floor waste gully connected to sewer and be provided with a hose cock.

Footnotes

- (a) Applicant should design at least one bin store area to enable the storage of a commercial bulk refuse bin;
- (b) All internal laundries, bathroom and toilets are to be mechanically exhaust ventilated and the ventilation flumed directly to external air;
- (c) Applicant is to submit building plans and specifications of a Form 2;
- (d) Applicant is to comply with the Health Act, Regulations and the City's Local Laws.

Appendix 14 refers

To access this attachment on electronic document, click here: [attach14agn181201.pdf](#)

CJ448 - 12/01 PROPOSED MIXED USE DEVELOPMENT: LOT 504 (93) GRAND BOULEVARD, JOONDALUP - [73469]

WARD - Lakeside

CJ011211_BRF.DOC:ITEM 24

SUMMARY

An application has been received to construct a mixed use development comprising of 4 multiple dwellings, 4 single bedroom dwellings and 5 commercial tenancies.

The subject property is designated for General City Use under the Joondalup City Centre Development Plan and Manual (JCCDPM) and has an R-60 density coding. The applicant is seeking a density bonus for the provision of single bedroom dwellings and discretion to use 4 of the 5 commercial tenancies on an interim basis for residential purposes. This will result in a variation of the density provision under the Development Plan and Manual.

The proposal is consistent with similar proposals approved in the City Centre. The development also offers flexibility of land use and the potential to evolve with the City Centre towards the intended function of the City North area. It is therefore recommended that this proposal be supported.

BACKGROUND

Lot No	Lot 504
Street Address	93 Grand Boulevard Joondalup
Applicant	John McQuade
MRS Zoning	Urban
DPS 2 Zoning	City Centre
Lot Area	1219m ²

The subject site forms part of the City North precinct and is situated in a prominent position fronting onto Grand Boulevard with Hampton Road as the secondary frontage. The Health Campus is located to the east of the subject site.

DETAILS

Proposal and Discretion Sought

The proposal is for a 3 storey complex comprising 4 multi-bedroom dwellings, 4 single bedroom dwellings and 5 commercial tenancies. Four of the commercial tenancies are earmarked for short to medium term residential use, due to prevailing market conditions. The development is proposed to be built with a nil setback along all street boundaries, and a

parapet wall along the northern boundary. Vehicle access to the development is from the Right of Way to the rear of the lot. The development includes 23 bays for on-site car parking, comprising 11 car bays, of which one bay is for disabled persons, 4 double garages and 4 single garages. (Please refer to attached site plan for details)

Council's discretion is sought in the following areas:

- Density bonus for the single bedroom dwellings
- Interim use of the commercial tenancies for residential purposes at a density of approximately R-98.5 in lieu of R-60

Relevant Legislation

Residential Planning Codes (R-Codes):

As the proposal includes a residential component it is subject to the Residential Planning Codes (R-Codes).

Clause 5.2 of the R-Codes stipulates provisions for Special Purpose Dwellings as follows:

“In the case of single bedroom dwellings the number of dwellings permitted may, at the discretion of Council, be up to 50% greater than provided for by the Code applying to the site.”

Structure Plan

The site is part of the Joondalup City Centre. In terms of District Planning Scheme No 2, this area is subject to the provisions of a structure plan being the Joondalup City Centre Development Plan and Manual. The property is designated for General City Uses, which has the following specific requirements:

Land Use	Preferred Uses: Office, Retail, Accommodation, Residential, Leisure and Entertainment, Cultural Facilities, Community Facilities and Medical Suites
Plot Ratio	Maximum plot ratio of 1.0
Car Parking	Residential only: 2 bays per unit Residential & Non-residential Mix: 1 bay per 30m ² for the non-residential component 1 bay per dwelling
Setbacks	Front: 0 metres Side and Rear: In accordance with the Building Code of Australia
Heights	Max three storeys. In exceptional circumstances higher development may be considered. Roof spaces can be utilised to provide additional accommodation

COMMENT

The subject site fronts onto Grand Boulevard and is currently vacant. It is part of a portion of land between Grand Boulevard and the Health Campus that was recently subdivided into 11 properties. All eleven properties are still vacant, although a planning approval has been issued for Lot 506 which is located north of the subject site for a medical centre for

neurologists. This development comprises of three storeys with an overall height of approximately 9 metres.

There have also been a number of informal discussions with prospective applicants for a mixed use development on the two properties to the south of the subject site Lots 503 and 504. This development is proposed to have three storeys as well as undercroft car parking. No application has been received to date.

The subject site is in a prominent position on the corner of Grand Boulevard and Hampton Road. The scale of the proposal complements the scale of the development of the hospital to the east of the subject site.

The proposed development complies with the requirements of the Structure Plan with the exception of density. A greater density is proposed as a density bonus for single bedroom units, and the interim use of 4 of the 5 commercial units for residential purposes is sought.

Density Bonus

Under the City of Joondalup Development Plan and Manual, the applicable density coding is R-60 which requires a minimum area of 166.6m² per unit. The density allowance available for single bedroom units in the R-Codes reduce the minimum size per unit to 111.06m². With an area of 1219m² the subject site has the development potential to accommodate 7 multi-bedroom units or 10 single bedroom units (utilising the density bonus), or a mix of the two. The proposal for 4 multi-bedroom units and 4 single bedroom units requires a total land area of 1110.44m². This is an optimal mix to maximise development potential and is equivalent to an R65 density coding.

The proposal serves to provide a variety of housing types and maximises the development potential of the property, both of which are desirable particularly for a City Centre area.

It is recommended that discretion is exercised and the 50% density bonus in regard to the single bedroom dwellings is appropriate.

Interim Use of Commercial Tenancies for Residential Purposes

It is proposed that four of the five commercial units be used for residential purposes. The development with the density bonus for the one-bedroom units and the interim use of the four commercial units for residential purposes equates to a density of R-98.5.

DPS2 allows discretion to be exercised to allow for the proposed increase in density.

Developments at a density of R-100 have been permitted in the other development plan areas, particularly the City Centre area with the exercise of the Council's discretion. The City Centre Plan and Manual calls for R-60 coding in that location. The Council has also supported an increase in density to R-100 on a development on Lots 63 and 64 in the City North area along Grand Boulevard north of the subject site to enable the interim use of commercial space for residential purposes.

Under the development plan, the subject site is earmarked for General City purposes, where more than purely residential uses are permitted. In the current economic climate the demand for commercial space is limited. There is therefore a tendency among developers to develop the residential component only. A development that provides for the long-term potential of the property is therefore welcomed, and to prevent the creation of vacant commercial space, the interim use of the ground floor units for residential purposes has merit.

Car Parking

As it is proposed that only four of the five commercial units are to be used for residential purposes in the interim, the proposal always remains a mixed-use development. The car parking requirements are as follows:

Long term Use:	8 Residential units: 5 Commercial Units (315 m ² area)	8 bays 11 bays
	TOTAL	19 bays
Interim Use:	12 Residential Units 1 Commercial Unit (90m ² area)	12 bays 3 bays
	TOTAL	15 bays

In either instance a car bay for disabled persons is required to be provided on site.

The proposal includes 23 bays, which includes 1 bay for disabled persons. For both the long term and interim use scenarios, the on-site parking provided is in excess of the requirements of the JCCDPM.

Conclusion

It is considered that the proposed development will be a positive addition to the City Centre. The residential component will include a range of dwelling types, and allows for future commercial opportunities within four of the ground floor units. The interim increase in residential density is in line with the City Centre environment and is supported.

RECOMMENDATION

That Council:

- 1 EXERCISES discretion under Clause 4.5 of the City of Joondalup District Planning Scheme No 2 and determines that:**
 - (a) the 50% density bonus for the single bedroom dwelling increasing the number of dwellings permissible from 7 to 8 equivalent to R-65;**
 - (b) the interim use of 4 commercial units for residential purposes increasing the number of units from 8 to 12 equivalent to R-98.5 is appropriate in this instance;**

- 2 APPROVES** the application submitted by John McQuade, dated 22 October 2001, on behalf of the owner, Gilspan Pty Ltd, for a mixed use development with an interim use of 4 of the commercial units for residential purposes on Lot 504 (93) Grand Boulevard, Joondalup subject to the following conditions:
- (a) the parking bays, driveways and points of ingress and egress to be designed in accordance with the Australian Standard for Offstreet Car Parking (AS2890). Such areas are to be constructed, drained, marked and thereafter maintained to the satisfaction of the City, prior to the development first being occupied. These works are to be done as part of the building programme. Car parking bays are to be 5.4 metres long and a minimum of 2.5 metres wide. End bays are to be 2.8 metres wide and end bays in a blind aisle are to be 3.5 metres wide. The disabled bay is required to be 3.5 metres in width. Car bay grades are generally not to exceed 6% and the disabled car bay is required to have a maximum grade of 2.5%;
 - (b) an on-site stormwater drainage system with the capacity to contain a 1:100 year storm of a 24 hour duration is to be provided prior to the development first being occupied and thereafter maintained to the satisfaction of the City. The proposed stormwater drainage system is required to be shown on the Building Licence submission and be approved by the City prior to the commencement of construction;
 - (c) the footpath treatment in the adjoining road reserve to be continued to the front of the building in a design with a finished floor level that matches the existing paving and at a grade of 2% rising from the kerbline, prior to the development first being occupied;
 - (d) any roof mounted or freestanding plant or equipment such as air conditioning units, satellite dishes or radio masts to be located and screened so as not to be visible from beyond the boundaries of the development site;
 - (e) any fencing to be designed and constructed in accordance with the attached extract from the Joondalup City Centre Development Plan and Manual and thereafter be maintained to the satisfaction of the City;
 - (f) each dwelling shall be provided with an adequate area for clothes drying that is screened from view or alternatively be provided with clothes drying facilities within the unit;
 - (g) a bin store area to be provided on site to the satisfaction of the City;
 - (h) the garden area to the east of Unit 11 adjacent carbays 1-8 to be landscaped to the satisfaction of the City;
 - (i) the gate of the residential bin store is to open inwards;

- (j) pedestrian shelter with a minimum width of 2 metres and a minimum ground clearance of 2.75 metres to be provided at the entrance to the commercial unit; and
- (k) the floor levels of garages 4, 6 and 7 and carbay 11 to be graded evenly to allow a gradual transition.

Footnotes

- 1 Development shall comply with the Sewerage (Lighting, Ventilation and Construction) Regulations 1971;
- 2 Mechanical ventilation to WCs and laundries to be flumed to external air in accordance with the Sewerage (Lighting, Ventilation and Construction) Regulations 1971;
- 3 Floors shall grade evenly to an approved floor waste outlet in all wet areas;
- 4 The bin storage area shall be provided with a concrete floor graded to a 100mm industrial floor waste gully connected to sewer and provided with a hose cock;
- 5 Conversion of the ground floor units for commercial purposes requires the provision of:
 - access for persons with disabilities
 - toilets facilities for persons with disabilities
 - fire separation between the commercial and residential component of this development.

Appendix 15 refers

To access this attachment on electronic document, click here: [attach15agn181201.pdf](#)

Cr Baker stated his intention to declare an interest which may affect his impartiality in Item CJ449-12/01 – Alterations to Mullaloo Surf Club, Oceansider Promenade, Mullaloo, as he is a member of the Mullaloo Surf Club.

CJ449 - 12/01 ALTERATIONS TO MULLALOO SURF CLUB, OCEANSIDE PROMENADE MULLALOO – [02364]

WARD - Whitfords

CJ011211_BRF.DOC:ITEM 25

SUMMARY

The purpose of this report is to consider the issues associated with proposed alterations to the Mullaloo Surf Club. These issues relate to the City's role as the custodian of the asset, its responsibilities as the planning authority and the integration of the proposal with any future plans for the immediate area.

The proposal is to expand the building in a southerly direction, to extend the lower floor undercroft area. The additional building footprint will be occupied by the boat store (at beach level). The concrete roof of the boat store would be used for trailer storage (accessible from the existing carparking area). Internal alterations are also proposed to improve the wet areas and range of facilities that are on offer.

The proposal for the redevelopment of the surf club, aligned with the sensitive use of foreshore Reserve N^o 20561 and other possible future developments, would improve the focus of activities in the area.

The proposal is intended to be funded by the Council, the Lotteries Commission and by cash and in kind contributions made by the Surf Club. A Council contribution of \$120,000 would form part of a \$390,000 total development cost.

The current lease to the Mullaloo Surf Life Saving Club is for the building only (see Attachment 1). Accordingly, any extension to the building for the purpose of the Club will require a Deed of Variation to amend the lease area when the new lease area is known. A further Report to Council will need to be submitted at that time.

On balance, it is recommended that the town planning application be advertised for public comment, and that the proposed funding arrangements be noted.

BACKGROUND

The Mullaloo Surf Club is one of the largest in Australia, providing an invaluable community service to all City of Joondalup residents. The building was initially constructed in the mid 1960's, with the most recent renovations occurring in 1991. Since this development, membership has steadily increased and currently numbers approximately 1400 people. The club administration has identified that the existing facility is struggling to cope with the needs of its members and of the general public.

The club applied successfully to Lotteries for a grant to upgrade the existing facilities. The \$150,000 grant was a one off payment, following an unsuccessful CSRFF application. As a result of this commitment, Council resolved at its meeting on 24 October 2001 to allocate funds in the capital works budget to assist in the redevelopment of the Mullaloo Surf Club Building.

Precinct plans have been developed for this area including the surf club building and Tom Simpson Park. The proposals were developed as a catalyst for community input, in response to growing interest in the rejuvenation of local district centres throughout the City. Mullaloo was chosen as one of two pilot project areas for conducting the planning exercise. The objectives of the plan included:

- Initiatives to incorporate the use of Tom Simpson Park and the club facilities.
- Further developments on the club site, and
- Increased public access in and around the surf club area to enable improved community utilisation of the area.

Despite the precinct plans not being finalised or adopted by the Council at this stage, these initiatives have been considered in aspects of the planning procedure. Allowances have been made in the current design for future developments in line with the objectives of the plan.

Town Planning

The town planning application requires determination by the Western Australian Planning Commission (WAPC). The land is reserved under the Metropolitan Region Scheme as a Regional Parks and Recreation Reserve. In this circumstance, comments are provided by the local authority to 'feed' into the process of determination.

Technically, the District Planning Scheme does not prescribe planning standards for development. The plans have been examined for Building Code and Environmental Health compliance.

There is an ongoing issue with parking, which is subject to high demand at peak times. Demand derives from a combination of activity at the surf club, tavern and park use and prevailing weather. This is to be addressed in detail as part of the precinct plan. For the purpose of this proposal, the Club has indicated no increase in numbers and hence the existing parking demand scenario is likely to apply.

There is a question as to whether the plans should be presented for further public comment, prior to town planning recommendations being developed. Advertising is not mandatory under the provisions of District Planning Scheme No 2.

The precinct plan was scrutinised by individuals and interest groups at length as a result of an advertising campaign that commenced in December 2000. The precinct plan advertising strategy included a public submission period of 9 weeks, supported by:

- letter drop to residents in the vicinity
- open day on site,
- display of concept plan on site, for the duration
- meetings with surf club
- invitations to other groups to meet
- resultant additional consultation with key interest groups

Comments regarding the process were mixed. The Council subsequently resolved that a modified concept plan be used as a basis for design, costing and evaluation, and that a further report detailing priorities, indicative costings and timing be submitted.

Lease

The Mullaloo Surf Life Saving Club currently have a lease from the City for the building only. Details are as follows:

- Lease Area - Portion of Reserve 20561 (building footprint only).
- Term - 21 years, from 1 January, 1987 to 31 December, 2007.
- Annual Rent - ONE DOLLAR (\$1.00).
- Outgoings - Responsible for all outgoings.
- Insurance - Responsible for building insurance, public risk insurance and workers compensation.
- Maintenance - Responsible for internal building maintenance only.

As the current lease covers the building footprint only, any extensions to the building will require a Deed of Variation to amend the lease area when the new lease area is known. It is recommended that a further report to Council to be submitted at that time.

DETAILS

The preferred plan for the Mullaloo Surf Club project has been developed following consultation with the City (in recognition of its role as the custodian of the Council asset) and members of the club's board. The club's membership has reached a level where the existing facility is now unable to meet its operational and community service needs. The development proposal is to refurbish internal areas within the club, add a new deck area to the south and west of the existing building and to construct a new boat shed with additional storage areas.

Design & Division of Labour

The Mullaloo Surf Club has agreed to a sketch plan for the redevelopment of the building. This is shown on Attachment 2. As a result of the club's capital and in-kind commitment towards the project, a quantity surveyor was contracted to assist in finalising the division of labour. This has enabled development to be split into two separate projects. The City's project involves all structural elements of the work including:

- Construction of a new boat shed (including new storage areas).
- Raising the roof of the lower level in order to construct a suspended slab floor for an upper terraced area.
- Increased forecourt area behind the retaining wall holding the frontal dune.

The City's project will be offered for tender with specifications regarding quality control highlighted in the tender documentation.

The Club's project involves the internal refurbishment and alterations to the building. This will involve:

- Fit out of the gymnasium area.
- Alterations of existing toilets and changeroom facilities.
- Redesign of club bar area
- Construction of a club trophy room

Town Planning Considerations

The external alterations are within an under-used part of the park that offers no realistic use as a contributor to enjoyment of this park or the Surf Club. The Club have informally stored items in this section, as the need has arisen.

Various constraints have resulted in the proposal put forward. Constraints over encroachment onto the beach area, and associated maintenance issues, have led to the proposal to extend southwards, in lieu of moving into the beach. The lack of deep sewerage reticulation also necessitated that the proposal limit the capacity of the building to the current occupancy levels

The use of the Surf Club and park are significantly interlinked, due to a number of aspects, including:

- 1 peak usage of land at similar times;
- 2 peak parking demand at similar times;
- 3 take up of reserve land used for passive recreation by the Surf Club expansion;
- 4 location of the Club adjacent to a key linking pathway to the beach area.

With the above in mind, the alterations have been proposed in an area which is arguably the least attractive, most under utilised portion of Tom Simpson Park. The area was identified as having potential for appropriate use in the draft Concept Plan in recognition of its current state. The proposed design enables this area to be used as a preferred option, if the proposed enhancements to club facilities are to be allowed.

The design has also been developed in consultation with the City's officers, in an effort to capture the potential for future connection of Club and park activities, appropriate linkage to the beach, and prospective future uses to be determined.

As the status of the Concept Plan is not confirmed, it is recommended that the planning application be advertised for public comment for a period of 21 days, and that comments received be considered by the Council at its next available meeting.

COMMENT/FUNDING

The total cost of the proposed redevelopment of the Mullaloo Surf Club is \$390,000. This comprises \$150,000 allocated by the Lotteries Commission to Surf Lifesaving WA for facility improvements. The City has \$120,000 in the 2001/2002 capital works budget and the club will contribute \$120,000 in the form of capital and in-kind support.

The Lotteries grant is conditional placing the club on a deadline to commence works during the 2001/2002 financial year. In this case, funding status necessitates that the approval timeframe be condensed as much as is possible. Under the circumstances, it is proposed to refer the application to the Western Australian Planning Commission for processing and to reserve an opportunity to provide comment after the conduct of a concise advertising period of say 14 days. This is proposed in recognition of the balance of:

- 1 Recorded interest in the future of the area.
- 2 The recency of the precinct planning work and associated public consultation.

RECOMMENDATION

That Council:

- 1 **CONSIDERS** the Development Application for the Mullaloo Surf Club, Oceanside Promenade, Mullaloo in the following terms:
 - (a) **ENDORSES** the Development Application (in its capacity as the land owner/custodian of the site) to proceed for the purpose of evaluation and to gauge public comment;
 - (b) **ALLOWS** a period of 21 days to provide an opportunity for public comment on the Development Application;
 - (c) **COMMITTS** to reconsidering the matter at its meeting on 12 February 2002;
- 2 **ENDORSES** the expenditure of \$390,000 comprising of \$150,000 from the Lotteries Commission, \$120,000 from the City of Joondalup and \$120,000 in the form of capital and in-kind sponsorship by the club in its capacity as landowner;
- 3 **NOTES** that (due to town planning status) the Development Application is subject to planning determination by the Western Australian Planning Commission;
- 4 **REQUIRES** a further report outlining the details of the Deed of Variation to the current lease.

Appendix 17 refers

To access this attachment on electronic document, click here: [Attach17grn181201.pdf](#)

**CJ450 - 12/01 REVIEW OF THE DRAFT RESIDENTIAL DESIGN
CODES (R-CODES) - [08570] [17169]****WARD** - All

CJ011211_GRN.DOC:ITEM 7

SUMMARY

The Western Australian Planning Commission (WAPC) established the Residential Planning Codes (R Codes) Review Committee in July 1999 to oversee the review of the R Codes.

During the preparation of the draft review document, workshops were held with some industry stakeholders (including Local Council officers) to examine problems and experiences with the current R Codes.

Council considered a report on the review of the draft R Codes at its meeting of 27 February 2001. In accordance with the resolution the report was forwarded to the Review Committee requesting a response to the issues raised for further consideration.

In view of the extent of the changes proposed arising from the submissions, a further opportunity for comment is being provided until 21 December 2001. The draft R Codes have been revised to give greater recognition to local differences, make them more user friendly and ensure that the provisions are applicable to the majority of residential developments.

It is recommended that Council endorses this report as its submission and forwards it to the WAPC.

BACKGROUND

A report on the review of the R-Codes was considered at the 27 February 2001 Council meeting where it was resolved as follows:

- 1 *endorses the objectives of the proposed residential design codes;***
- 2 *raises its concern at the likely impact of the codes, in regard to the complexity of standards and the costs and time delays which may result from its implementation;***
- 3 *raises its strong concern that the codes would reduce the opportunities for the adoption of a local planning policy to address local needs;***
- 4 *offers to provide further input to the review process in good faith;***
- 5 *records its appreciation for the substantial work undertaken to date and for the opportunity to be represented at technical meetings and forums associated with the review;***
- 6 *forwards this submission to the review team and requests a response to the issues raised for further consideration by the Council;***

- 7 *raises its concern that the proposed codes do not take sufficient cognisance of community expectations in regard to public consultation, and the adoption of a transparent robust development approval process.*

DETAILS

The R-Codes were released for public comment initially in October 2000 until 28 February 2001. In view of the extent of the changes proposed arising from the submissions, a further opportunity for comment is being provided until 21 December 2001. The draft R Codes have been revised to give greater recognition to local differences, make them more user friendly and ensure that the provisions are applicable to the majority of residential developments.

In addition the WAPC proposes various changes to its policy titled 'Residential Subdivision Policy DC 2.2' and proposes to amend Section 20(5) of the Town Planning and Development Act 1928 to withdraw the discretion for the WAPC to determine subdivision applications contrary to town planning scheme provisions.

COMMENTS

Below is a summary of the main issues raised in the previous report considered by Council at its meeting of 27 February 2001. Included under the heading 'Review' are the relevant comments in relation to the further review of the draft R Codes. In some instances the matters raised in the Council report have been addressed, however a number of the matters have not been addressed. These will be highlighted in the conclusion.

Local Planning Policies

The new Codes suggest that the Codes take precedence over Local Planning Policies. This raises concerns over the status of Council's existing policies and the degree to which the Codes will complement adopted local laws, Town Planning Scheme provisions and structure plans.

Review

A new section has been added that outlines the issues for which Local Planning Policies can be prepared. In addition it is stated that Council may designate Special Control Areas under its scheme that cover issues such as setbacks, building heights, roof pitches, street fencing and external appearance.

The Codes Documents

The documentation is very long and detailed and needs to be simplified as much as possible prior to adoption to aid understanding for professionals and lay persons alike.

Local government experience, gained by many years of administering the R Codes, has revealed a number of issues that are likely to emerge with any new standard. In short, any new Code needs to be:

- easily understood
- logically presented
- provided with performance parameters where discretion is given
- adaptable in order to take into account legitimate local planning objectives
- robust, so as to stand alone without the need for the development of complimentary manuals
- responsive to the needs and concerns of local communities

The definition section of the new Codes is generally an improvement over that contained in the old Codes. There is room for further simplification in regard to the following terms:

- (a) The definition of wall and clarification as to whether this includes a boundary wall; and
- (b) The terms used to describe a house and extra accommodation on a lot need to be revisited. For example the R-Codes includes the terms dwelling, ancillary accommodation, ancillary dwelling and single bedroom dwelling, with some of those being defined. The rationale for this division should be revisited with the aim of simplifying the terminology and clarifying planning intentions for each type of accommodation.

Review

The definition for wall has been modified to read as follows:

‘Part of a constructed building *comprising solid building material (added)* and including closures to verandahs to balconies.’

This definition does not clarify whether this includes a boundary wall.

With respect to accommodation ancillary dwelling has been deleted and minor modification made to the definition of ancillary accommodation.

Housing Density

Concern is expressed concerning the manner of handling amenity impacts upon inner city residential occupiers, given the potential for amenity intrusion upon residential amenity expectations.

The relevance of plot ratio is also questioned, given that it is proposed to add sophistication to the new Codes, by altering open space requirements and introducing building bulk and height controls. This matter requires further investigation.

The proposed relaxation of land area requirements for dwelling density for some codings may be a concern regarding the impact on the desired density and form of development upon discrete areas in some local governments.

The City's experience indicates that the labelling of certain Codes as low density (eg R 30, where potentially 3 dwellings per 1000m² of land could be developed) does not correlate with community perception as being equivalent to low density.

Review

Table 1 being the General Site Requirements table has been modified and R30 is now identified as Medium Density. Further the provisions relating to limitation on the bulk of the upper floors has been deleted.

Streetscape

The streetscape objectives are commended in terms of amenity benefits. However, the specific provisions (ie the number of habitable windows facing streets, the percentage of frontage occupied by garage doors, garages to be setback behind the main face of the building, etc) may cause significant numbers of applications to have processing time extended by modifying plans or Council assessment processes.

These types of provisions appear to lead people to design customised houses, whereas the vast majority of housing construction in WA (something over 85%?) comes from higher volume housing suppliers, many of whom provide a range of standard plans to the market. The intent is, however, well placed and, if successfully implemented, over time could dramatically improve impacts on the streetscape and the potential for greater social interaction and reduced crime within the street.

Review

Reduction in front setback in R30 from 6 metres to 4 metres. Reduction of garage setbacks from 5 metres to 4.5 metres.

In order to provide for better streetscape certain restrictive development standards have been deleted which now allows for paving in the front setback and greater flexibility on the location of front doors.

Boundary Setbacks

The deletion of requirements for homes to have rear setbacks is acknowledged, along with the principles of solar access for open space areas. However, it is anticipated that there will be community concern over the increased emphasis on flexibility of this standard and the resultant loss of surety for existing residents and near neighbours of new developments.

The definitions applicable to this section should be refined to reflect:

- (a) the difference between the wall of a house on a boundary and a retaining wall. The latter when built on a boundary has the potential to cause overlooking and amenity impact problems, with built impact amplified by the placement of a boundary fence atop the retaining wall; and

- (b) the measurement of setbacks to discrete storeys of a building. The proposed definition of wall height does not appear to reflect the opportunity for measuring (reduced) setbacks to ground floors of buildings.

The proposed standards will allow boundary walls to 2.4m in height without the opportunity for reference to affected neighbours. The side setback table should be amended to include further explanation (eg “up to 9m”, and “9m to 16m”). There is concern that the setback standards may be complicated and/or superseded by the privacy requirements (presented in a separate section of the new Codes). The implementation of “cones of vision” from living room windows, with variable standards depending on the types of living rooms, and the natural fall of the land and other circumstances, appears to make it less certain as to what standards are applicable. This is likely to be problematic where the City is attempting to issue timely decisions and legible, understandable advice.

Review

Table 1 – General Site Requirements now includes rear setbacks.

Retaining walls are to be treated in the same way as building walls for the purpose of setbacks.

The setback table has been formulated into two tables, one dealing with walls with no major openings and the other with walls with major openings. Both tables list the length of walls starting with less than 9 metres with increments of one up to 20 then 25 and ending with ‘over 30’.

Detail has been added stating that Council may adopt a Local Planning Policy to vary the provisions in respect of boundary walls to require less or more exacting standards or require consultation with adjoining neighbours as a prerequisite.

Open Space

There is a concern that the new Codes propose to require multiple dwelling developers to have landscape plans certified by landscape architects who are members of The Australian Institute of Landscape Architects. Local government usually has sufficient expertise to assess such plans. Plans should be mandatory, but not necessarily required from such sources.

Typically, most local government planning concern relates to the maintenance of open space areas rather than clearance at planning approval stage and the impact on screening open vistas and beautification.

Review

The outdoor solar access requirement has been deleted and a provision in regards to the requirement for open space to be accessible from living areas has been introduced.

Reference to certification of Landscape Plans by a professional member of the Australian Institute of Landscape Architects has been deleted.

Access and Car parking

The formulas appear to be quite technical with numbers of car spaces required being dependent upon floor area for different types of dwellings. If this could be simplified, it would make the Codes easier to interpret and (probably) comply with.

Provisions regarding complementary use for car parking on mixed use sites and the potential for allowing car parking off-site (at Council's discretion) are a welcome inclusion.

Review

No changes proposed.

Site Levels, Building Height and Bulk

The new Codes propose to place controls over the extent of ground level changes prior to development. The provisions fit with the objective of retaining the prevailing ground levels for vacant land, particularly in the case of new subdivisions, where bulk earthworks are usually completed to enable the sale of flat "benched" sites.

The provisions include requirements for cut/fill within front setbacks or within 0.5m of a common boundary.

If a uniform control is proposed, it should acknowledge the potential impact of bulk earthworks where they are more than 0.5m from a common boundary. The new Codes require further work in this area.

The City of Joondalup does not have a policy on cut and fill per se at present and relies upon its height and bulk of buildings policy and retaining walls policy to guide development in a form which is sympathetic to the natural lie of the land and surrounding development.

The proposed height and bulk controls are an effective adaptation of many local policies adopted by Councils, particularly in metropolitan Perth. The proposal is, however, inconsistent with the definition section of the new Codes. The definition is quite specific, whereas the example shown, with interpolating natural ground levels on a sloping site, is inconsistent with the previous text. It is agreed that reasonable interpretations need to be available under the new Codes, however, this needs to be written into the Code more clearly if it is desired.

The City's current height and bulk of buildings policy provides a more sophisticated measure than that shown in the new Codes, by taking into account the height and distance from side boundaries as guide to assessment.

Review

No change proposed to site works section. Bulk section deleted from Building Height and Bulk also the codes allow for the preparation of local planning policies for this provision.

Privacy

This section raises many concerns. It is proposed to add a new section to the Codes, involving the calculation of “cones of privacy”. These are essentially diagrammatic indications of the extent of panoramic views that can be had over neighbouring properties. Desirable distances for major openings facing each other on adjoining lots are established and the drafting of the Codes appears to give these provisions priority over the core setback requirements.

The anticipated problems are these:

- (a) When an applicant lodges plans in a new subdivision, how are the cones calculated without plans for the neighbouring site having been submitted?
- (b) What happens if the neighbour lodges plans at the same time?
- (c) Which applicant has priority and can have his or her house approved without the obligation to consider the neighbours plans?
- (d) How will the general public respond to having to detail small sectional drawings to demonstrate cones of privacy and what cost will it add to documentation with builders and time taken for assessment?

There is a comment raised in this section concerning the preservation of views and the desire to maintain views as they form part of amenity. The resulting question is, how do you balance a person’s right to develop, where views would be affected even if a proposal conformed to all core requirements of the new Codes?

It is suggested that above queries need to be addressed satisfactorily before the Council supports this part of the new Codes.

Review

Proposed to delete the acoustic privacy section.

Design for Climate

The inclusion of this section is an asset to the Codes and will hopefully promote the knowledge and benefits of sensibly orienting buildings and open spaces to the broader community.

The old Codes included a basic limitation on the amount of overshadowing that is permissible. The new Codes include a sliding scale as to the amount of overshadowing allowed, depending on the likely density of an area. The notes provided with this section could perhaps be retained in the Codes to promote thought on this aspect of design.

These provisions are supported.

Review

The section relating to solar access on site has been deleted.

Incidental Development

This section proposes a set of standardised controls over the location and size of outbuildings (sheds, patios etc). Such policies have traditionally formed a standard part of the range of local policies adopted by Councils.

The inclusion of these matters is supported, as it may simplify the regulation and knowledge as to local government requirements for the development of such structures. It is, however, suggested that the maximum size of outbuildings be adjusted to take into account the various range of lot sizes throughout the metropolitan area. For example, 2000m² lots are often capable of containing larger outbuildings than the 60m² maximum proposed without impacting on neighbourhood amenity, whereas a 60m² outbuilding in Joondalup's City North could have a substantially greater impact.

Review

Details have been altered to read, "do not exceed 60 sqm in area or 10% in aggregate of the site area, whichever is the lesser. This allows for the size of outbuildings to be relative to the size of the block.

Approval Processes

The new Codes propose a process whereby applicants would determine whether a proposal would meet standards or where Council's discretion is required to approve a proposal.

If discretion is required, then a new approval process has been proposed. The process is separate from the requirement to obtain planning approval under the District Town Planning Scheme.

The process raises the following questions:

- (a) How will the new Codes mesh with the need to obtain planning approval for single houses under the City's District Planning Scheme No. 2, in cases where discretion is sought?
- (b) How will the requirement for self-certification (by applicants) simplify approval processes and reduce approval timeframes when it will introduce a requirement for a third stream of approval before a development commences?
- (c) Who arbitrates in cases where a local authority disagrees with the results of self-certification by applicants?
- (d) Reducing public comment will be construed as a move away from transparent approval processes. How is it proposed to argue this principle with local communities?
- (e) The City of Joondalup currently has a process in place for the lodgement of Building Licences directly, where an applicant is of the view that Planning Discretion is not required. Can the new Codes be varied so that the City is not forced to impose a new process on applicants?

Review

A new section has been included on the approval process to clarify where formal approval is required and where local planning policies may be prepared. The Codes have been drafted to provide, via the “deemed to comply” Acceptable Development, a straightforward pathway to approval. Where a Council refuses such an application an appeal may be lodged according to the provisions of the Town Planning and Development Act.

Special Purpose Dwellings

The Codes propose to allow single houses to be accompanied by new types of additional accommodation in the following forms:

- (a) Ancillary accommodation – may include extra rooms (possibly detached) for the use of the extended family;
- (b) Aged or dependent persons dwellings – when built in a group, caters for those members of the family requiring additional support; and
- (c) Single bedroom dwellings – cater for small households (which are becoming more prevalent as typical household size reduces).

The draft proposes that ancillary accommodation can only be approved where a lot is not large enough to contain 2 grouped dwellings. This aim is not reflected in the performance provisions of the document and its objective is unclear or not stated in the draft.

The draft should make a clear connection between land use and potential for subdivision, as it is often not appropriate to allow title division of granny flats, etc due to siting access servicing and the provision of private open space on the site.

Review

The points raised have not been addressed. However a maximum floor area of 60sqm has been introduced for ancillary accommodation.

Mixed Use Development and Inner City Housing

The statements and objectives shown in the draft are:

- (a) To encourage mixed use development as a viable form of accommodation;
- (b) To maximise land use efficiency and promote density as an attractive option; and
- (c) To promote a harmonious mix of uses.

Many of the detailed objectives and statements made in the draft are common to the provisions of the City’s Joondalup City Centre Development Plan and Manual which has the status of a structure plan under DPS 2.

The question arises concerning the status of the City’s structure plan in the event that the R-Codes are adopted. In addition, the Codes’ “cones of vision” should be assessed for correlation with the setback standards proposed for these types of land use.

Otherwise the objectives are considered as very appropriate for the Joondalup City Centre area.

Review

Under the acceptable development section of the Inner City Housing Requirements detail has been added as follows: “subject to the provisions of a Local Planning Policy or Special Control Area. The Code provisions are intended to be supplemented by Local Planning Policies or scheme provisions for particular precincts or area to address matters in the Codes that unsuited to local conditions. Where no such policies or provisions exist, the Codes provisions take effect by default.

Additional Changes Proposed

In addition the WAPC seeks comment on the following:

- Proposal to amend Section 20(5) of the Town Planning and Development Act to withdraw the discretion for the WAPC to determine subdivision applications contrary to town planning schemes.

This proposal is acceptable, as it would bring a greater level of certainty to town planning schemes.

- Since October 1999 it has been Western Power policy for all areas to be served and connected to underground power. It is therefore proposed to amend Clause 3.9 – Underground Power – to delete the exemption for subdivisions of less than four lots to be served and connected to underground power.

No objections are raised to this proposal.

- It is proposed to replace the provisions of its policy relating to Attached Housing with a requirement that proposals to subdivide land to create two or more lots of less than 350sqm should be submitted with information regarding the arrangement of proposed building fences, driveways and other development on the land to enable the relationship between the subdivisions and development to be assessed. The WAPC may require that the building be constructed to plate height prior to granting final approval.

It is currently standard practice for development applications to be submitted and approved where lots of 350sqm or less are proposed to be created, with the exception of the City Centre. However in the majority of these cases the applicant submits a proposal that meets the development requirements, however it is not a realistic proposal, that is it is not a proposal that is eventually constructed. Accordingly the ability to withhold titles until the building is constructed to plate height is supported.

In regards to the City Centre the Joondalup City Centre Development Plan and Manual has appropriate guidelines and provisions to guide development. It is not anticipated that this requirement applies to cases where there are specific provisions that adequately guide development. As an example City North consists of some lots less than 350 sqm, given that adequate provisions exist in the Joondalup City Centre Development Plan and Manual a development application was not required to be submitted with lot creation.

- It is proposed to delete the provisions relating to a 10 per cent reduction in the minimum and average lot sizes as specified in the R-Codes and to apply a policy whereby the WAPC will only exercise its discretion to approve subdivision below the prescribed site area where: the variation only applies to one lot in the subdivision; is numerically minor (less than 5%); and is demonstrated by the applicant to have a beneficial outcome for the community.

This proposal is acceptable as application of the variation has lowered the bar, as it has become a new minimum and thus undermined the R-codes and town planning schemes.

- As a result of the further review Table 1 – General Site Requirements of the R-Codes now proposes a new column with respect to the minimum site area for rear battleaxe lots.

Current WAPC policy is for the minimum effective lot size to exclude the area of the battleaxe leg but the calculation of the average lot size may include the battleaxe leg. Also for lots coded R25 and above the effective lot area is 400sqm. The WAPC propose to apply the battleaxe provisions of the R-Codes as set out in Table 1 this is acceptable as the table now provides a specific figure for each of the codes. The only criticism is that the justification with respect to the method used has not been provided.

COMMENT

In regards to the matters in the Draft R Codes it is acknowledged that a number of policies will be required to be reviewed and/or prepared to address certain issues. It is anticipated that these will be adopted by June 2002. Following is a list of matters that have not been addressed via the further review of the Draft R Codes:

- The Codes Documents – The document is considered to be very long and detailed and needs to be simplified as much as possible prior to adoption to aid understanding for professional and lay persons alike including ease of implementation.
- Housing Density – Previously the issue of plot ratio was questioned, this issue forms part of Table 1 of the R Codes, however the provisions relating to the limiting the bulk of the upper floor area has been deleted.
- Boundary Setbacks – The definitions have not been modified to reflect the difference between the wall of a house on a boundary and a retaining wall. The latter when built on a boundary has the potential to cause overlooking and amenity impact problems, with built impact amplified by the placement of a boundary fence atop the retaining wall; and the measurement of setbacks to discrete storeys of a building. The proposed definition of wall height does not appear to reflect the opportunity for measuring (reduced) setbacks to ground floors of buildings.
- Access and Car parking – Previously the formula was identified as being technical – number of car spaces required being dependent upon floor area for different types of dwellings. If this could be simplified, it would make the Codes easier to interpret and (probably) comply with. There are no changes proposed in relation to this.

- Site Levels, Building Height and Bulk – Previously it was identified that the definition is quite specific, whereas the example shown, with interpolating natural ground levels on a sloping site, is inconsistent with the previous text. It is agreed that reasonable interpretations need to be available under the new Codes, however, this needs to be written into the Code more clearly if it is desired.
- Privacy – Issues have been raised in regard to the calculation of “cones of privacy” and the preservation and maintenance of views. These matters have not been addressed.
- Special Purpose Dwelling – As highlighted previously the Draft R Codes do not make a clear connection between land use and potential for subdivision as it is not often appropriate to allow the creation of new titles for granny flats, etc due to siting access servicing and the provision of private open space on the site.

RECOMMENDATION

That Council:

- 1 ENDORSES the comments made in Report CJ450-12/01 in relation to the Review of the Draft Residential Design Codes (R-Codes);**
- 2 FORWARDS this Report to the Western Australian Planning Commission Residential Planning Codes (R Codes) Review Committee as its submission and requests a response to the issues raised for further consideration by the Council.**

CJ451 - 12/01 REQUEST TO CLOSE PORTION OF MERRIFIELD PLACE, MULLALOO - [00292 27885]**WARD - Whitfords**

CJ011211_BRF.DOC:ITEM 26

SUMMARY

The owners of Lot 3 (2) Merrifield Place, Mullaloo wish to purchase a portion of the road reserve that adjoins their property, with the balance portion being amalgamated into the adjoining North Node foreshore (Reserve No. 39497), see Attachment 1. They state that this action will prevent the anti-social behaviour they endure by youths who congregate in the area in their vehicles. The owners of Lot 3 have made previous applications for closure of this portion of Merrifield Place road reserve.

The Joint Commissioners supported this application previously and the Department of Land Administration (DOLA) was requested to formally close the road. DOLA received a traffic movement concern raised by an objector and therefore asked the City to reconsider its decision. The Joint Commissioners rescinded their previous resolution of support by absolute majority, and resolved not to support the closure of the subject portion of road.

The applicants have since written a number of letters reiterating the anti-social problems that still take place and have requested that the matter be dealt with to their satisfaction. A report with regard to the current application was prepared for a Council meeting in April 2001 but was withdrawn from the agenda as it was determined that further investigation was required into the area of Mullaloo in which Merrifield Place was included. The applicant was made aware of this but has again requested a decision be made on this matter.

This portion of road is not required and if it was disposed of may assist with the anti-social behaviour being experienced. It is therefore recommended that Council rescinds the Joint Commissioners' decision of 10 November 1998 to not support closure of the portion of Merrifield Place road reserve adjoining Lot 3 (2) Merrifield Place, Mullaloo and agrees by an absolute majority, to support this application.

BACKGROUND**Previous Council Decisions**

The application to close the subject portion of Merrifield Place was first considered by Council at its meeting of 25 September 1996 (TS248-09/96 refers) and the grounds put forward for closure by the applicants were numerous and various incidents of anti-social behaviour. Council resolved to list for consideration in the 1997/1998 Capital Works Forward Plan, modifications to the subject portion of road reserve including kerbing, bollards and pine branching and installation of 'No Parking Anytime' signs.

The applicants became concerned with the time frame of the proposed works and further requested the portion of road to be closed. At its meeting of 23 December 1997 (DP323-12/97 refers) the Joint Commissioners supported public advertising of this proposal and agreed in principle to the closure. Closure was proposed to amalgamate half of the land into the adjoining reserve and the applicants purchasing the remaining half.

The proposal was advertised for public comment and four objections were received. These objections expressed the following concerns:

- that the addition of the land with the adjoining property will give the applicants the potential to construct an additional unit on their property when it has sewer connection;
- closure would restrict access to the North Nodes foreshore;
- closure would add to traffic and parking congestion in Merrifield Place;
- objection that a local resident had designed his house to take advantage of the outlook over the reserve and this outlook would be lost if the applicant built a wall around the additional land or built another unit on the property.

The Joint Commissioners at their meeting on 21 April 1998 considered the submissions and resolved to agree to the road closure and DOLA was advised of the Commissioners resolution and requested to seek the Minister for Land's approval.

DOLA received several objections to the road closure from residents who had not objected during the advertising period undertaken by the City. DOLA advised that there was little substance in most of the complaints, however it had received one objection concerning the use of the subject road reserve as a space in which to reverse and manoeuvre an articulated truck before it leaves Merrifield Place. DOLA considered this to be a valid concern and requested the City to review the proposed closure. City staff inspected the subject area with regard to the traffic movement concerns raised and the outcome was that closure would not have an adverse impact on traffic in Merrifield Place. There are many similar cul-de-sacs within the municipality which function satisfactorily and that a portion of road of this nature is not necessary to accommodate the movement of articulated trucks.

A further report was submitted to the Joint Commissioners on 10 November 1998 (CJ240-11/98 refers) with the recommendation that the Joint Commissioners advise DOLA that they still support the application and do not consider that closure of the subject portion of Merrifield Place, Mullaloo will impact on traffic movement in the area. However, the Joint Commissioners rescinded its previous resolution of 28 April 1998, by absolute majority, and resolved not to support the application and DOLA was advised accordingly.

DETAILS

Current Proposal or Issue

In September 2000, the applicant wrote to the City advising that a fire had been started at the end of the subject portion of road on the reserve close to his garage and again requested that the road be closed. Past complaints referred to the number of vehicles parked opposite their property, whose occupants caused noise, dumped rubbish, used foul language, lit fires and caused fights. It was therefore decided to advertise the proposal once again for public comment, and prepare a report for Council.

Originally, the applicants wished to purchase approximately 130m² of the road reserve but during the advertising period discovered that this would not allow them to turn their vehicle into their existing garage and therefore reviewed their request to accommodate this. The proposed land area required is therefore approximately 161m². (See Attachment 2). If this proposal is supported the applicants have stated that they propose to build a wall on the new boundary of the property.

The provisions of Section 58 of the Land Administration Act 1997, state that a local government may request the Minister for Lands (now the Minister for Planning and Infrastructure) to close a road permanently, provided the proposal has been advertised for a period of not less than 35 days and that Council has considered any submissions received during that period. The proposal must also be referred to the Department of Planning and Infrastructure for its comments and the service authorities to ascertain if any service plant would be affected by the proposed closure.

Referral Process

The initial application had the support of the former Ministry for Planning, now the Department of Planning and Infrastructure, and the only affected service was a Western Power stay pole that can be relocated at cost. The applicant has agreed to pay all associated costs with regard to this proposed closure.

Advertising Period

During the required thirty-five day advertising period, two submissions of objection were received, only one of the objectors lives in the vicinity as shown on Attachment 1. Points raised were:

- other residents to not have the opportunity to increase lot sizes and profit from subdivision when deep sewerage is connected;
- support sets an undesirable precedent and contributes nothing to the average ratepayer; merely benefiting one resident;
- the road provides access to the adjacent bushland, which could be beneficial in an emergency such as a bush fire;
- if Lot 3 acquire the land, it would have subdivision potential, adding residential pressure on the node area;
- the general public should know the amount DOLA would set for the land before a Council decision is made.

The report with regard to this request was prepared for a Council meeting in April 2001, but was withdrawn from the agenda as it was determined that further investigation was needed for the area of Mullaloo that included Merrifield Place. The applicant was informed of this decision, but has on a number of occasions contacted the City requesting a Council decision be made on his application.

COMMENTS

The applicants have for many years complained that this small portion of road reserve contributes towards anti-social behaviour and vandalism as youths congregate there in their vehicles, disregarding the existing parking prohibitions, and causing general disturbance. They have advised that if their application is supported, and the subject area of road reserve is closed, it will greatly assist with the problems they experience.

The concern raised that the general public should be aware of the land valuation before a Council decision is made, this process is not in the City's control. If a road is closed and a portion of the land amalgamated with the adjoining privately owned property, it will be sold to the owners at a price determined by the Minister for Planning and Infrastructure by consultation with the Valuer General's Office (VGO). The price set will be based on a current market valuation and will take into consideration the duplex potential when sewer is available. Generally, DOLA does not request the VGO to value land involved with applications of this nature without a Council resolution of support being provided.

In respect of the objection concerning emergency access, direct access to the reserve in an emergency situation is obviously the most beneficial however, not always possible. If this application is supported for closure, there is adequate access from Merrifield Place in an emergency situation such as a bush fire

Assessment and Reasons for Recommendation

This road reserve serves no purpose in its present state other than allowing the owners of Lot 3 access to their garage. This access will continue if this proposal is supported, and approximately 161m² portion of the road is amalgamated with the applicants' property. If the balance portion of road reserve is amalgamated into the adjoining North Nodes foreshore, vehicular access for the public will be denied altogether to this area and this action may deal with most of the complaints by the applicant. It is recommended the request be supported and Council request the Minister for Planning and Infrastructure to close portion of Merrifield Place adjoining Lot 3 (2) Merrifield Place, Mullaloo.

Call for support of one-third of members of the Council

The Local Government Act 1995, under regulations prescribed to deal with Section 5.25 (e), lays down the following procedure for dealing with revoking or changing decisions made at Council or Committee meetings:

If a decision has been made at a Council meeting, then any motion to revoke or change the decision must be supported by at least one-third of the number of officers (whether vacant or not) of members of the Council.

If supported by one-third of the members, then any decision to revoke a resolution of the Council is required to be passed by an Absolute Majority.

Prior to giving consideration to the following recommendation, elected members are required to give the **support of one-third of their members**, and such support is to be recorded in the minutes of this meeting.

RECOMMENDATION**That Council:**

- 1 RESCINDS, BY AN ABSOLUTE MAJORITY, Point 2 of Resolution CJ240-11/98 of the Joint Commissioners' decision of 10 November 1998, viz:**

“do not support the closure of Merrifield Place road reserve adjoining Lot 3 Merrifield Place, Mullaloo”;

- 2 AGREES to the closure of the road reserve adjoining Lot 3 (2) Merrifield Place, Mullaloo and the subsequent disposal of approximately 161m² of the land to the adjoining property and the balance of the road reserve being amalgamated with Reserve 39497 (North Nodes Foreshore);**
- 3 REQUESTS the Minister for Planning and Infrastructure to close the portion of Merrifield Place road reserve adjoining Lot 3 (2) Merrifield Place, Mullaloo in accordance with Section 58 of the Land Administration Act 1997.**

Appendix 16 refers

To access this attachment on electronic document, click here: [Attach16grm181201.pdf](#)

REPORT OF THE CHIEF EXECUTIVE OFFICER**9 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN****NOTICE OF MOTION – CR M O'BRIEN – [38634]**

In accordance with Clause 3.12 of the Standing Orders Local Law, Cr Mike O'Brien has given notice of his intention to move the following motion at the Council meeting to be held on Tuesday 18 December 2001:

“That Council SEEKS to have the issues associated with the custodianship of the Former City of Wanneroo’s Regionally Significant Memorabilia Item, the Former Mayoral Chain, mediated by an Independent Magistrate from the Joondalup Court acting as an Independent Conciliator.”

NOTICE OF MOTION – CR J HOLLYWOOD – [38634]

In accordance with Clause 3.12 of the Standing Orders Local Law, Cr John Hollywood has given notice of his intention to move the following motion at the Council meeting to be held on Tuesday 18 December 2001:

“That the City of Joondalup GIFTS to the City of Wanneroo the former City of Wanneroo Mayoral chain as a gesture of the City’s goodwill and token of friendship.”

NOTICE OF MOTION – CR A WALKER

In accordance with Clause 3.12 of the Standing Orders Local Law, Cr Allison Walker has given notice of her intention to move the following motion at the Council meeting to be held on Tuesday 18 December 2001:

“That, in relation to the contracts for the management of the City’s leisure Centres through RANS and the provision of the City Watch Program through NGS:

- 1 details of all contract variations and missed performance targets be circulated to elected members for information;*
- 2 monthly performance reports be placed in the Councillors’ reading room for information;*
- 3 details of any customer satisfaction surveys be circulated to all elected members;*
- 4 the CEO implement processes and procedures to ensure strict compliance of the agreed terms of the contract.”*

NOTICE OF MOTION – CR D CARLOS

In accordance with Clause 3.12 of the Standing Orders Local Law, Cr Don Carlos has given notice of his intention to move the following motion at the Council meeting to be held on Tuesday 18 December 2001:

“That the Association of Independent Retirees Inc will provide to the Council unaddressed stamped envelopes to which Council will affix the name and address labels of those people who applied for the rates rebate as a result of legislation which was approved by the State Government in June 2001.”

NOTICE OF MOTION – CR C BAKER – VERGE ENHANCEMENT/BEAUTIFICATION AWARDS – [07963]

In accordance with Clause 3.12 of the Standing Orders Local Law, Cr Chris Baker has given notice of his intention to move the following motion at the Council meeting to be held on Tuesday 18 December 2001:

“That:

- 1 Council develops a policy to introduce an annual “Verge Enhancement Beautification Competition” to encourage and reward the owners or occupiers of residential properties within the City of Joondalup to beautify and enhance Council verges located adjacent to their homes with verge enhancements conforming with Council’s policy concerning such enhancements;*
- 2 the said policy offer prizes in each Ward of the City of Joondalup in the following suggested categories:*
 - (a) best corner verge;*
 - (b) best new verge enhancement of a verge located adjacent to a residential block built within the last 12 months;*
 - (c) best verge (simpliciter); and*
 - (d) most improved verge and corner verge;*
- 3 the prizes for the aforementioned categories of awards could include:*
 - (a) a waiver or refund of Council rates for the following year; or*
 - (b) some other alternative appropriate indirect financial or non-financial reward.”*

10 DATE OF NEXT MEETING

The next meeting of the Council has been scheduled for **7.00 pm** on **TUESDAY, 12 FEBRUARY 2002** to be held in the Council Chamber, Joondalup Civic Centre, Boas Avenue, Joondalup

11 CLOSURE

DECLARATION OF INTEREST FORM, CLICK HERE: [declofininterestsept2001.pdf](#)



City of
Joondalup

QUESTION TO MEETING OF COUNCIL

NAME

ADDRESS

QUESTION

Please place this form in the tray provided at the meeting or post to:

The Chief Executive Officer
City of Joondalup
P O Box 21
Joondalup WA 6919

NOTE Council is not obliged to respond to a question that does not relate to a matter affecting the municipality.

Questions at a Special Meeting of Council must relate to the stated purpose of the meeting.

FOR SEATING PLAN OF THE COUNCIL CHAMBER, CLICK HERE: [Seatplan.pdf](#)