



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, 23 APRIL 2002 AT 7.00 PM

DENIS SMITH
Chief Executive Officer
17 April 2002

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 Chambers, Joondalup Civic Centre, Boas Avenue, Joondalup on **TUESDAY, 23 APRIL 2002** commencing at **7.00 pm**.

DENIS SMITH
Chief Executive Officer
17 April 2002

Joondalup
Western Australia

AGENDA

1 OPEN AND WELCOME

Invited Guest – Mr Philip Baker, Director Church Public Affairs

2 PUBLIC QUESTION TIME

The following questions, submitted by Mr A Bryant, Craigie, were taken on notice at the Council meeting held on 9 April 2002:

Q1 I am a member of the Council Committee in respect to senior citizens that meets at night. Would it be possible for the disabled parking bays to be supplied with lights?

A1 The installation of additional lighting will be investigated.

Q2 On page 4 of tonight's agenda, Crs Hurst, Mackintosh, Walker and Carlos and the Executive Committee of Management of the Whitfords Senior Citizens Association and the Association of Independent Retirees are nominated to form part of the Project Team to negotiate the relocation of the library service. I am Vice President of the Association of Independent Retirees and have not been contacted in regard to joining that Committee.

A2 Preliminary contact was made with Councillors and other contacts who are members or associates of the Senior Citizens Group, and it was intended that a meeting be called to run through the notional proposal. The intention to make the meeting arrangements was overtaken by the Special Electors' meeting, and as a consequence of the resolution, the future of the project needs further investigation. A report will be presented to the Council during June giving an update on the status of the issue, as well as addressing the resolutions.

The following questions, submitted by Mr R de Gruchy, Sorrento, were taken on notice at the Council meeting held on 9 April 2002:

Q1 What are the corporate overheads for Craigie Leisure Centre alone?

A1 Corporate Overheads allocated to the “Activity 866 – Leisure Centres – RANS” includes all Centres managed by RANS (Craigie Leisure Centre, Sorrento/Duncraig and Ocean Ridge). The corporate overhead costs allocated to this Activity relate to the costs of managing the contract with RANS. As such, costs are not able to be isolated for Craigie Leisure Centre.

Q2 The business plan presented to Councillors prior to them taking the decision on agreeing to a ten year lease of the three leisure centres by RANS clearly shows an official opening date of March 2002. If the agreement with RANS is different to the business plan, how many Councillors are aware of that fact? I would like to be allowed to examine this agreement and accordingly I seek Council’s approval to view it in its entirety.

A2 Variations have been identified between the “Business Plan for a Major Land Transaction – The Lease of the City of Joondalup Leisure Facilities” document which was presented to Council on 19 December 2000, and the RANS Contract. The Business Plan states that the upgrade to the children’s play area and fitness facility would be completed by certain specified dates. The contract agreement between the City and RANS Management is not specific in this respect.

The RANS Management Group have completed a needs assessment study and are now progressing the development phase for the fitness centre.

The following question, submitted by Mrs M MacDonald, Mullaloo, was taken on notice at the Council meeting held on 9 April 2002:

Q1 As far as I can see, you have only stopped precinct planning in four suburbs. Your press statement indicated that there were 18 suburbs that were still subject to precinct planning. Does precinct planning still exist in respect to those 18 suburbs?

A1 The Council is not proceeding with the precinct planning exercise in any suburb in the City.

The following question, submitted by Mrs M Zakrevsky, Mullaloo, was taken on notice at the Council meeting held on 9 April 2002:

Q1 I refer to a petition that was part of the 2 April 2002 briefing session agenda under outstanding petitions. That petition requests installation of boom gates or retractable bollards for Neil Hawkins Park, Joondalup. What is the underlying reason for this request by the petitioners?

If it is the intention to keep out vehicles at all times or at certain times in Neil Hawkins Park, could Councillors give consideration to a number of other carparks where antisocial behaviours is occurring?

- A1 The petitioners refer to increasing problems occurring in the park associated with vandalism, illicit drug use, racing of motor vehicles and a general disturbance of the peace. It was requested that the park be closed to vehicular traffic after 8.00 pm each evening, with more frequent security patrols being conducted in addition to the installation of a boom gate, retractable bollards or similar devices being used in an attempt to alleviate the problem.

The City will consider these requests as they arise and the need for gates or bollards will be assessed on an individual basis.

The following questions, submitted by Ms S Hart, Greenwood, were taken on notice at the Council meeting held on 9 April 2002:

Q1 A couple of meetings ago I asked what the word 'note' meant and you told me to go home and look it up in my dictionary. Can I please ask someone to investigate that previous question as it was not recorded in the minutes and I have not received any paperwork?

A1 This question was answered at the Council meeting held on 26 February 2002 and the minutes of that meeting reflect the response accordingly. A letter was forwarded to Ms Hart advising her of the responses to all her questions from that meeting.

Q2 Can I please have an itemised account (excluding staff time) of the Greenwood, Kingsley and Mullaloo Special Electors' meetings?

A2 Costs associated with the holding of the Special Meetings of Electors held at Greenwood, Kingsley and Mullaloo are as follows:

	Greenwood	Kingsley	Mullaloo	Total
Chairs/Tables & Stage	-	1,396.00	2,434.00	3,830.00
Hire of Venue	140.80	160.00	-	300.80
Lighting	-	1,063.65	498.00	1,561.65
Security	240.45	480.90	526.70	1,248.05
Sound Recording	610.00	672.50	799.00	2,081.50
Video Recording	500.00	500.00	-	<u>-1,000.00</u>
			Total	<u>10,022.00</u>

The following question, submitted by Mr S Magyar, Heathridge, was taken on notice at the Council meeting held on 9 April 2002:

Re: Report on Mindarie Regional Council submitted to Briefing Session held 2 April 2002

Q1 If that Report was dealt with as a green paper, was the Report marked Private and Confidential and if so under what provisions of the Local Government Act?

- A1 The report was dealt with as a green paper and as permitted by clause 7.2 of the City's Standing Orders was marked confidential. As the briefing session is not a constituted meeting of the Council or of a committee that is constituted under the Local Government Act 1995, no decisions are made within this forum. Therefore the relevant sections of the Act relating to closing meetings of a committee or the Council do not relate to these forums.

The following questions, submitted by Mr M Sideris, Mullaloo, were taken on notice at the Council meeting held on 9 April 2002:

Q1 Please advise when the height restriction of three storeys for commercial zoned property sites was amended and what are they today?

- A1 There is no current building height restriction for commercially zoned land. Draft Amendment 10 includes a proposal for building height limits, however, this has not yet been adopted.

Q2 What public consultation process was used and when was it advertised?

- A2 Amendment 10 was subject to public consultation in accordance with statutory requirements, in this case, the Town Planning regulations. The amendment was advertised for 45 days, from 28 November 2001 – 9 January 2002.

Q3 When was it presented to Council?

- A3 The amendment was adopted by Council at its meeting on 23 October 2001 (CJ226-07/01).

Q4 Advise how a currently defined 'beach front shop' use can be considered as a 'mixed use village'?

- A4 The draft Centres Strategy considered a total view of the desired location and distribution of retail centres throughout the City, recognising existing sites and also planning for the future. The "Village Centre" classification for the Mullaloo Tavern site was derived from its relationship to the local area and proximity/separation from other Centres in the surrounding areas.

Q5 Provide the definition of what short-term accommodation is. A motel and a hotel and a reference to these definitions?

- A5 The Residential Planning Codes define a "dwelling" as a building used for permanent habitation by up to six people, whereas a "residential building" is defined as a building which is used for temporary accommodation by two or more people. "Motel" and "Hotel" have a separate definition in the District Planning Scheme (DPS2), as follows:

"Hotel: means any land or buildings used for the overnight accommodation of patrons and may include facilities for consumption of beverages or a restaurant, or a betting agency operated in accordance with the Totalisator Agency Betting Board Act 1960, or facilities for entertainment, but does not include a bed and breakfast facility, and which may be the subject of a hotel licence granted under the provisions of the Liquor licensing Act 1988. "

“Motel: means premises used to accommodate patrons in a manner similar to a hotel but at which special provision is made for the accommodation of patrons with motor vehicles and which does not operate with a Hotel or Limited Hotel Licence, or a Cabaret Licence or a Tavern Licence or a Special Facility Licence”

- Q6 Has any or all of these definitions been adopted by Council, and if so when?*
- A6 The definition of “Residential Building”, “Dwelling”, “Motel” and “Hotel” are a part of District Planning Scheme No.2 (DPS2). DPS2 was adopted in November 2000.
- Q7 Why, under the District Planning Scheme No.2, a residential zoned site is subjected to more stringent planning requirements than a commercial site?*
- A7 Development standards differ for different zonings. There are requirements that apply to a commercial site that would not be applicable to a residential site. The planning intentions for commercially zoned land are quite different to residential zoned land, and the development standards in the Scheme reflect this.
- Q8 Advise why in the planning scheme there is no distinction or consideration given to differences in a commercial site in a defined business/commercial/industrial area and when it is adjoining to a residential area?*
- A8 The Scheme sets out setback requirements for non-residential buildings which are similar to those applied for residential buildings (particularly when the residential buildings are substantial in bulk).
- Q9 When did the Mullaloo Precinct Plan not become a precinct plan?*
- A9 The Council’s view has been that the Mullaloo Concept Plan is a project of small scale, with easily identified design objectives, compared to the precinct plan which focused on generating employment and major issues associated with revitalisation of district centres.

The following question, submitted by Mr K Zakrevsky, Mullaloo, were taken on notice at the Council meeting held on 9 April 2002:

- Q1 Relating to my earlier question regarding the Whitford Library - Page 5 “should negotiations result in the library being relocated into the shopping centre it is Council’s intention that that part of the building which would be vacated, shall be subject to refurbishment”. At the meeting it was specifically related to the library that there would be full discussion with the public and all costs be presented. Why was this information not provided to the Councillors in order that they may debate the issue?*
- A1 The information was provided in an attachment to the Agenda item, and the Agenda item made clear reference to the detailed resolutions passed at the Special Electors’ meeting.

3 APOLOGIES AND LEAVE OF ABSENCE

Leave of absence previously approved:

Cr Mackintosh	25 March – 19 April 2002
Cr P Kadak	3 April – 24 May 2002
Cr T Barnett	20 April – 28 April 2002
Cr A Patterson	8 May – 13 May 2002

Apology - Cr Kimber

4 DECLARATIONS OF FINANCIAL INTEREST/INTEREST THAT MAY AFFECT IMPARTIALITY

Cr O'Brien stated his intention to declare a financial interest in Item CJ087-04/02 – Warrant of Payments (Voucher No 38576 Chubb Security Australia Pty Ltd) – 31 March 2002 as Chubb Security has taken over an FAI Extra Watch security at his residence.

Cr Hollywood stated his intention to declare a financial interest in Item CJ087-04/02 – Warrant of Payments (Voucher No 38339) – 31 March 2002 this being refund of a cross-over deposit.

5 CONFIRMATION OF MINUTES

MINUTES OF COUNCIL MEETING, 9 APRIL 2002

RECOMMENDATION

That the Minutes of the Council Meeting held on 9 April 2002 be confirmed as a true and correct record.

6 ANNOUNCEMENTS BY THE MAYOR WITHOUT DISCUSSION

7 PETITIONS

PETITION IN RELATION TO NEW SQUASH CENTRE – MARMION SQUASH CLUB – [22209 02730]

A 123-signature petition has been received from the Mullaloo Squash Centre signed by users of the centre with reference to the following questions:

- 1 do you believe the government should use ratepayers money to build a new squash centre for an individual club, which would have a damaging effect on the two centres within a close proximity, when numbers clearly show that all players could easily be absorbed within the remaining two centres of Mullaloo and North Beach; or

- 2 Should the \$900,000 be used to promote squash, which would benefit all 32 clubs in WA and the sport as a whole?

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

8 REPORTS

CJ085 – 04/02 SCHEDULE OF DOCUMENTS EXECUTED BY MEANS OF AFFIXING THE COMMON SEAL - [15876]

WARD - All

CJ020416_BRF.DOC:ITEM 1

PURPOSE

To provide a listing of those documents executed by affixing the Common Seal for noting by Council.

EXECUTIVE SUMMARY

The following is a list of documents sealed under the Common Seal of the City of Joondalup from 12.03.02 to 19.03.02, not previously listed.

Document:	Agreement
Parties:	City of Joondalup and W P C Parker
Description:	S70A Ancillary Accommodation – 5 Blight Court, Kingsley
Date:	12.03.02
Document:	Lease
Parties:	City of Joondalup and Silver Chain Nursing Association
Description:	Kingsley Community Centre, 11 Moolanda Boulevard, Kingsley
Date:	12.03.02
Document:	Copyright
Parties:	City of Joondalup and Wendy Kargi
Description:	Recording of historical importance – Wendy Kargi
Date:	14.03.02
Document:	Legal Consent
Parties:	City of Joondalup and Department of Land Administration (DOLA)
Description:	Modification easement Lot 1 Brechin Court, Duncraig
Date:	14.03.02
Document:	Copyright
Parties:	City of Joondalup and Janet McKenzie
Description:	Recording of historical importance – Janet McKenzie
Date:	19.03.02
Document:	Lease
Parties:	City of Joondalup and Minister for Education
Description:	Marmion and Duncraig Pre-Primary Centres
Date:	19.03.02

Document: Copyright
Parties: City of Joondalup and Graham Glick
Description: Recording of historical importance – Graham Glick
Date: 19.03.02

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

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

CJ086 – 04/02 REVIEW OF CORPORATE CODE OF CONDUCT - [09358]

WARD - All

CJ020416_BRF.DOC:ITEM 2

PURPOSE

To review the Corporate Code of Conduct.

SUMMARY

The Local Government Act 1995 requires all local governments to have in place a code of conduct that sets various standards to be observed by elected members, committee members and employees. The Local Government Act requires that each local government review its code of conduct within 12 months of its ordinary elections. With the recent City's ordinary election being held in May 2001, it is now opportune for the review to be performed.

In order to perform the review, input was sought from applicable stakeholders, along with comparisons with similar documents from similar organisations. The review proposes some changes to the current code in order to provide a more complete document for those affected by its operation.

BACKGROUND

The Local Government Act 1995 (the Act) was introduced on 1 July 1996. An intended result with the introduction of the new Act was to allow for greater accountability of local governments to their communities. As a result of this, the Act requires every local government to prepare and adopt a code of conduct to be observed by elected members, committee members and employees.

A local government is to review its code of conduct within 12 months of each ordinary election and make such changes to the code of conduct, as it considers appropriate. The last ordinary election for the City was held in May 2001. The former City of Wanneroo first adopted a code of conduct in April 1997, that code was subsequently adopted by the new City of Joondalup and has been reviewed in accordance with the legislation.

DETAILS

Section 5.103 of the Act states:

- 1 Every local government is to prepare and adopt a code of conduct to be observed by council members, committee members and employees.
- 2 A local government is to review its code of conduct within 12 months after each ordinary elections day and make such changes to the code, as it considers appropriate.

- 3 Regulations may prescribe the content of, and matters in relation to, codes of conduct and any code of conduct or provision of a code of conduct applying to a local government is of effect only to the extent to which it is not inconsistent with regulations.

Regulations 34B and 34C of the Local Government (Administration) Regulations 1996 are the relevant regulations referred to in section 5.103(3). These regulations require a code of conduct to cover such issues as:

- Procedures for the acceptance of token gifts or acts of hospitality;
- Requirement to disclose at a Council or Committee meeting ‘interests’ that may affect impartiality (this requirement has been included in the revised set of standing orders local law that is currently being advertised).

The intent of the code is to provide a framework for behaviour that must be observed to ensure that, in the best interests of the local community and the public generally, the highest ethical standards are practised by elected members and employees of the City of Joondalup.

As a result of the legislative requirement to review the current code of conduct of conduct, input was sought from elected members and senior employees of the City. The review also included research into other similar documents from other organisations, which included the Code of Ethics developed by the Public Sector Standards Commission.

The revised draft copy of the code of conduct is attached for information, with the altered sections highlighted in italics.

The main changes to the document relate to:

- Rewrite of the introduction;
- Inclusion/rewrite of Values and Ethical Principles;
- Inclusion of relationships between elected members and employees;
- Inclusion of appointments to external committees;
- Inclusion of defamation clause;
- Further explanation on communication and public relations; and
- Additional section relating ‘Whistleblower’ protection.

COMMENT/FUNDING

The review has not suggested major changes to the existing code of conduct; it has merely attempted to refine the document to better guide those affected by the code for good public administration.

Since the introduction of the requirement for local governments to adopt codes of conduct, there have been a number of concerns raised within the industry regarding the lack of ‘teeth’ the codes have in order to deal with breaches of the code.

It is interesting to note that as a result of these industry concerns and to make the code legally enforceable by way of a penalty for non-compliance would; the City of Perth has incorporated the enforceable provisions of the code into a local law. This proposal by the City of Perth is to ensure that where the standards of behaviour expected by the code of conduct are not met, then appropriate penalties are enforced. The City of Nedlands has also enabled penalties for breaches of its Code of Conduct by linking it to its Standing Orders Local Law. Under the current situation within the industry, codes of conduct across the industry contain minimal (if any) penalty provisions.

The code does not override or affect the legislation applicable to local government, but merely provides a framework of expected behaviour. The proposed revised code of conduct is submitted for the Council's consideration.

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That:

- 1 the City's Code of Conduct, as amended and forming Attachment 1 to Report CJ086-04/02 be ADOPTED by Council;**
- 2 a further review of the Code of Conduct be PERFORMED, paying particular attention to the ability to include penalty provisions for breaches of the Code.**

Appendix 1 refers.

To access this attachment on electronic document, click here: [attach1brf160402.pdf](#)

Cr O'Brien stated his intention to declare a financial interest in Item CJ087-04/02 – Warrant of Payments (Voucher No 38576 Chubb Security Australia Pty Ltd) –31 March 2002 as Chubb Security has taken over an FAI Extra Watch security at his residence.

Cr Hollywood stated his intention to declare a financial interest in Item CJ087-04/02 – Warrant of Payments (Voucher No 38339) – 31 March 2002 being refund of a cross-over deposit.

CJ087 – 04/02 WARRANT OF PAYMENTS - 31 MARCH 2002 – [09882]

WARD - All

CJ020416_BRF.DOC:ITEM 3

PURPOSE

The Warrant of Payments as at 31 March 2002 is submitted to Council to be noted.

EXECUTIVE SUMMARY

This report details the cheques drawn on the funds during the month of March 2002. It seeks Council's approval for the payment of the March 2002 accounts.

DETAILS

FUNDS	VOUCHERS	AMOUNT
		\$ c
Director Resource Management Advance Account	038305-038879	4,897,247.29
Municipal	000302A-000309	7,150,002.34
	TOTAL	\$ 12,047,249.63

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 March 2002, the amount was \$635,136.01

The cheque register is appended as Attachment A to this Report.

CERTIFICATE OF THE DIRECTOR RESOURCE MANAGEMENT

This warrant of accounts to be passed for payment, covering vouchers numbered as indicated and totalling \$12,047,249.63 which is to be submitted to each Councillor on 23 April 2002 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.

ALEXANDER SCOTT
Manager Financial Services

J B TURKINGTON
Director Corporate Services & Resource Management

CERTIFICATE OF MAYOR

I hereby certify that this warrant of payments covering vouchers numbered as indicated and totalling \$12,047,249.63 submitted to Council on 23 April 2002 is recommended for payment.

.....
Mayor John Bombak

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Council APPROVES for payment the following vouchers, as presented in the Warrant of Payments to 31 March 2002, certified by the Mayor and Director Corporate Services & Resource Management and totalling \$12,047,249.63.

FUNDS	VOUCHERS	AMOUNT
		\$ c
Director Resource Management Advance Account	038305-038879	4,897,247.29
Municipal	000302A-000309	7,150,002.34
	TOTAL \$	12,047,249.63

Appendix 2 refers.

To access this attachment on electronic document, click here: [attach2brf160402.pdf](#)

CJ088 – 04/02 FINANCIAL REPORT FOR THE PERIOD ENDING 31 MARCH 2002 – [07882]

WARD - All

CJ020416_BRF.DOC:ITEM 4

PURPOSE

The March 2002 financial report is submitted to Council for noting.

EXECUTIVE SUMMARY

The March 2002 report shows a variance of \$4.6m when compared to the Revised Annual Budget for the year to date. This variance reflects differences attributable to the timing of revenue and expenditure and does not represent net savings for the year.

This variance can be analysed as follows-

- The **Operating** position shows an Operating surplus of \$1.9m to budget at the end of March 2002 due to revenue received in arrears of \$0.2m and the underspending in Labour and Materials & Contracts of \$2.1m.
- **Capital Expenditure** for the year-to-date is \$0.8m and is below the year-to-date budget of \$1.1m, a variance of \$0.3m at the end of March 2002.
- **Capital Works** expenditure for the year-to-date amounted to \$6.3m against a year-to-date budget of \$8.7m, a variance of \$2.4m at the end of March 2002. However, the City has committed expenditure through raised purchase orders of \$2.49m. A number of high value projects, including the Council depot land and design (\$3.2m), Currambine community centre construction (\$0.9m), and Collier Pass road works (\$0.6m) may not be commenced in the financial year.

DETAILS

The financial report for the period ending 31 March 2002 is appended as Attachment A to this Report.

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That the Financial Report for the nine month period ending 31 March 2002 be NOTED.

Appendix 3 refers

To access this attachment on electronic document, click here: [attach3brf160402.pdf](#)

CJ089 – 04/02 TENDER NO. 029-01/02 CONSTRUCTION OF A ROUNDABOUT AT INTERSECTION OF HODGES DRIVE & CONSTELLATION DRIVE, OCEAN REEF – [51521]

WARD - Marina

CJ020416_BRF.DOC:ITEM 5

PURPOSE

To seek approval for the acceptance of Pavement Technology Ltd as the successful tenderer for Tender Number 029-01/02 – Construction of a roundabout – Intersection of Hodges Drive and Constellation Drive, Ocean Reef.

EXECUTIVE SUMMARY

As part of the 2001/2002 Capital Works Program (Black Spot Projects Program), Total Budget funds of \$200,000 were listed for the construction of a single lane roundabout at the intersection of Hodges Drive and Constellation Drive in Ocean Reef.

The \$200,000 was in accordance with the State Blackspot Funding arrangement, one third City of Joondalup contribution two-thirds contribution from State Government.

This roundabout is anticipated to improve traffic flow and enhance traffic safety at this intersection.

In order to meet the Capital Works construction timeframe this project has been programmed for construction by an external Civil Engineering Contractor. Accordingly a public tender was advertised on Saturday 9 March 2002 and closed on Wednesday 27 March 2002.

The tenders have been evaluated and it is recommended that Pavement Technology Ltd be considered as the successful tenderer for a total lump sum price of \$186,842. plus GST (including Provisional sum of \$51,034.70).

The tender price is within the Budget allocation of \$200,000 for this project.

BACKGROUND

As part of the 2001/2002 Capital Works Program (Black Spot Projects Program), Council has listed the construction of a single lane roundabout at the intersection of Hodges Drive and Constellation Drive in Ocean Reef. This project was successful in gaining State Black Spot funding for 2001/2002 subject to the funding arrangement, one-third City of Joondalup contribution (\$66,667) to two-thirds contribution from State Government (\$133,333).

This roundabout is anticipated to improve traffic flow and enhance traffic safety at this intersection.

The design layout is shown on Attachment 1 of this Report.

In order to meet the Capital Works construction timeframe this project has been programmed for construction by an external Civil Engineering Contractor.

Accordingly a public tender was advertised on Saturday 9 March 2002 and closed on Wednesday 27 March 2002.

DETAILS

At the close of tenders, four tenders had been received from the following Civil Engineering Contractors.

Tenderer	Locality	Price Offered
Pavement Technology Ltd	Canning Vale	\$186,842.00
Works Infrastructure Pty Ltd	Redcliffe	\$217,885.00
Densford Pty Ltd	Osborne Park	\$269,860.00
Malavoca Pty Ltd	Welshpool	\$272,695.50

The tender prices above do not include GST.

The lowest tender price includes provisional sums of \$51,034.70

Under the City's Contract Management Framework, the tenders were assessed using a weighted multi-criterion assessment system based on the following selection criteria as specified in the Tender Information Document (TID).

- Lump Sum Price
- Construction methodology and Safety Management Policy
- Construction Programme
- Previous experience in carrying out similar works
- Tenderers Resources
- Contract approach including Quality Management Policy

POLICY 2.4.6 – PURCHASING GOODS AND SERVICES

The City's Policy on Purchasing Goods and Services encourages the participation of local business in the purchasing and tendering process, however no local companies were able to be considered as none of the tenderers were local businesses.

TENDER EVALUATION

By applying the above evaluation method, it is recommended that Pavement Technology Ltd be awarded the tender for the lump sum price of \$186,842.00 (including Provisional sums of \$51,034.70) excluding GST.

The lowest priced tenderer has met all the tender criteria and is experienced in this type of work, accordingly they were considered by the TEC as the best value submission.

Financial Implications:

Account No:	Project No.6311	Project No.6319	
Budget Item:	Black Spot Projects	Black Spot Projects	
Budget Amount:	Municipal	State Black Spot	Total
	\$66,667	\$133,333	\$200,000
Contract Amount:			\$ 186,842.00

The recommended tenderer's price is within the budget allocation for this project.

On this basis it is recommended that Pavement Technology Ltd be awarded the tender for the lump sum price of \$186,842.00 exclusive of GST. (including Provisional sums of \$51,034.70).

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Council:

- 1 ACCEPTS the tender from Pavement Technology Ltd for Contract 029-01/02 - Construction of a Roundabout – Intersection of Hodges Drive and Constellation Drive, Ocean Reef for the lump sum price of \$186,842 exclusive of GST;**
- 2 AUTHORISES the signing of contract documents.**

Appendix 4 refers.

To access this attachment on electronic document, click here: [attach4brf160402.pdf](#)

CJ090 – 04/02 DELEGATED AUTHORITY REPORT – [07032]**WARD - All**

CJ020416_BRF.DOC:ITEM 6

PURPOSE

To submit items of Delegated Authority to Council for noting.

EXECUTIVE SUMMARY

This report provides a resumé of the Development Applications processed by Delegated Authority from 1 to 31 March 2002.

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Council NOTES the determinations made under Delegated Authority in relation to the applications described in Report CJ090-04/02.

Appendix 5 refers.

To access this attachment on electronic document, click here: [Attach5brf160402.pdf](#)

**CJ091 – 04/02 KINROSS NEIGHBOURHOOD CENTRE
STRUCTURE PLAN – PORTION OF LOT 9000 -
CORNER SELKIRK AND CONNOLLY DRIVES,
KINROSS – [20514]**

WARD – North Coastal

CJ020416_BRF.DOC:ITEM 7

PURPOSE

The Kinross Neighbourhood Centre Structure Plan is brought before Council for consideration of final adoption in accordance with Part 9 of the City's District Planning Scheme No. 2 (DPS 2)

EXECUTIVE SUMMARY

The Structure Plan has been prepared to determine the overall detailed land use and form of development within the Centre (Attachment 1). The subject land is divided into three land use areas being, Residential, Civic and Cultural and Commercial. Specific objectives and criteria are proposed to guide the rationale and framework for future subdivision and development of the land. Refer to Attachment 2 of this Report.

The Structure Plan was considered by Council at its meeting on 12 February 2002 where it was resolved to adopt it for the purposes of advertising for public comment. Nine (9) submissions were received, including seven (7) from government agencies.

The Department of Transport (DOT) recommended that bus bays be provided on Selkirk Drive adjacent to the Centre's entrance.

Objections were raised to the Structure Plan in the two submissions from members of the local community. Objections were raised on the grounds that the Centre would detrimentally affect the amenity of the surrounding residential area.

The subject site is already zoned for commercial, business, civic and cultural and residential purposes. The Structure Plan does not propose any additional land uses, it simply proposes to relocate the existing land use zones on the site to enable the Centre to be redesigned. The amenity impact is unlikely to be increased as a result.

It is recommended that Council resolves that the Kinross Neighbourhood Centre Structure Plan is satisfactory subject to minor modifications (addition of bus bays on Selkirk Drive) and submits it to the Western Australian Planning Commission for adoption and certification.

BACKGROUND

Suburb/Location:	Kinross
Applicant:	Taylor Burrell on behalf of Peet & Co
Owner:	Burns Beach Management Pty Ltd

Zoning: **DPS:** Residential (R40), Business (R20), Commercial (R20), Civic and Cultural (R20)
 MRS: Urban

Strategic Plan: Key Result Area – Lifestyle
 Strategy 2.1 – Rejuvenate our suburbs
 Strategy 2.3 – Foster opportunities for cultural development and involvement
 Strategy 2.5 – Work with the community and key organisations to enhance safety and security
 Strategy 2.7 – Encourage provision of a range of innovative and quality facilities, services and recreational activities which achieve the physical, social, cultural and intellectual well-being of the community, both locally and regionally.
 Key Result Area – Economic Vitality
 Strategy 3.1 – Establish alliances with key stakeholders to identify opportunities to encourage and promote economic growth.

Site History

A concept plan was prepared in 1993 by Hames Sharley, in consultation with the City, for the development of the Kinross Neighbourhood Centre. The existing zoning of the site reflects that plan.

Rationale

The applicant advises that the previously endorsed concept plan no longer reflects contemporary design principles ('main street principles'), and places the Neighbourhood Centre in a location with poor exposure to the 'movement economy' (ie traffic along Connolly Drive). The applicant advises that there is a need for the Centre to be relocated and redesigned in order to improve its viability, and that this in turn will better guarantee an acceptable level of shopping service for the community.

Amendment No. 11

Amendment No 11 to the City's DPS 2 proposes to rezone the subject site from the 'Residential', 'Business', 'Commercial' and 'Civic and Cultural' zones to the 'Centre' zone and to remove the Residential Density coding.

The Centre Zone is intended to accommodate existing and proposed business centres varying in size from small neighbourhood centres to large multi-purpose regional centres and provides for the coordinated planning and development of these centres where the Council considers that an Agreed Structure Plan is necessary.

Under the Centre Zone, no subdivision and development is permitted, unless a Structure Plan is prepared and adopted in accordance with Part 9 of the Scheme, and the proposed subdivision and development is in accordance with that Structure Plan.

Previous Council Decisions

Amendment No. 11 to the City's DPS 2 was considered at Council's meeting on t 12 February 2002 (CJ023-02/02) where it was resolved to finally adopt it without modification. The Amendment is currently being considered by the WAPC.

The Kinross Neighbourhood Centre Structure Plan was also considered at Council's meeting on the 12 February 2002 (CJ024-02/02) where it was resolved to adopt it for the purposes of advertising for public comment.

DETAILS

Statutory Provision:

Part 9 of the City's DPS 2 relates to the preparation and adoption of Structure Plans. Clause 9.6 state that the Council shall consider all submissions received and within sixty (60) days of the date or the latest date specified in the notice given under clause 9.5 shall do one or other of the following:

- (a) refuse to adopt the Structure Plan;
- (b) resolve that the Structure Plan is satisfactory with or without modifications which the Council may require the proponent to make and submit three copies to the Commission for adoption and certification in the form illustrated in Schedule 8 to this Report.

Consultation:

The Structure Plan was advertised for public comment for a period of twenty eight (28) days (21 February – 21 March 2002).

Policy Implications:

City of Joondalup's Centres Strategy (adopted as Council Policy)

The City's Centres Strategy sets out the City's desired approach to the distribution, size and nature of Centres within the City of Joondalup.

The City's Centres Strategy identifies the subject Centre as a Village Centre. With respect to Village Centres, the Centres Strategy recommends that:

- The Council progressively include Village Centres and peripheral areas, about 100 metres wide, in a 'Centre' zone in the Town Planning Scheme as structure plans are approved.
- The Council consider any proposals for expansion of a Centre or the establishment of mixed business in peripheral areas in the context of an approved structure plan based on 'main street principles'.

WAPC's Statement of Planning Policy No. 9 – Metropolitan Centres Policy Statement for the Perth Metropolitan Region

The principal purpose of the policy is to provide a broad regional planning framework to coordinate the location and development of retail and commercial activities in the metropolitan region. It is mainly concerned with the location, distribution and broad design criteria for the development of commercial activities at the regional and district level. Local Planning Strategies prepared by local governments will provide more detailed guidance for planning and development control at the local level.

Strategic Implications:

The redesign and relocation of the Kinross Neighbourhood Centre will increase its exposure and ensure that it reflects current urban design principles, thereby having economic and lifestyle benefits.

COMMENT

The Structure Plan was advertised for a period of twenty eight (28) days (21 February-21 March 2002) during which time nine (9) submissions were received. Seven (7) of these submissions were received from government agencies and two (2) were received from members of the local community. The submissions have been summarised and addressed in Attachment 3 to this Report.

No objection was raised to the Structure Plan from government agencies however the DOT recommended that bus bays be provided on Selkirk Drive adjacent to the Centre's entrance and that the existing bus stops be relocated accordingly. The provision of bus bays will reduce the amount of on-street parking however there is considered to be sufficient land for parking on site. It is recommended that the Structure Plan be modified to include provision for bus bays to be provided on Selkirk Drive in the vicinity of the Centre to ensure its maximum accessibility by public transport.

Objections were raised to the Structure Plan in the two (2) submissions received from members of the local community. Objections were raised on the grounds that the Centre would detrimentally affect the amenity of the surrounding residential area. However, the subject site is already zoned for commercial, business, civic and cultural, and residential purposes. The Structure Plan does not propose any additional land uses, it simply proposes to relocate the existing land use zones on the site to enable the centre to be redesigned. The impact on amenity is unlikely to be increased as a result.

The Structure Plan requires on-street parking to be provided on Selkirk Drive and these are shown on the development and illustrative plans. The configuration and number of these bays may vary once a detailed assessment has been undertaken. It is therefore recommended that this provision be modified to refer to these being provided to the satisfaction of the City.

The existing zoning of the site reflects a concept plan which was prepared for the Centre in 1993 by Hames Sharley. The Centre is also identified in the City's Centres Strategy, and the Structure Plan reflects the longstanding intention to facilitate development of the Kinross Neighbourhood Centre.

There is currently no commercial land within the eastern section of Kinross. Commercial land is considered desirable to service the local community.

The redesign and relocation of the Kinross Neighbourhood Centres will increase its exposure and ensure that it reflects current urban design principles, thereby having economic and lifestyle benefits.

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Council:

- 1 Pursuant to Clause 9.6 of the City of Joondalup District Planning Scheme No. 2, RESOLVES that the Kinross Neighbourhood Centre Structure Plan is satisfactory subject to the following modifications and submits it to the Western Australian Planning Commission for adoption and certification:**
 - (a) Inserting the following new provision 6.1.2 xx as follows:**

“Bus bays shall be provided on Selkirk Drive in the vicinity of the Centre and existing bus stops on Selkirk Drive shall be relocated where necessary in accordance with the Department of Transport’s requirements and to the City’s satisfaction.”
 - (b) Provision 6.1.2 xix being modified to read as follows:**

“On-street parking shall be provided along Selkirk Drive to the satisfaction of the City and may be credited to the Commercial Centre’s parking requirement.”
- 2 Subject to certification of the Structure Plan by the Western Australian Planning Commission, ADOPTS the Kinross Neighbourhood Centre Structure Plan as an Agreed Structure Plan and authorises the affixation of the Common Seal to, and the signing of, the Structure Plan documents.**

Appendices 6, 6a & 6b refer

To access this attachment on electronic document, click here: [attach6brf160402.pdf](#)

[attach6abrf160402.pdf](#)

[Attach6bbrf160402.pdf](#)

**CJ092 – 04/02 PROPOSED 56 MULTIPLE DWELLINGS AND TWO
COMMERCIAL UNITS AT LOT 502 & 503 (105)
GRAND BOULEVARD CNR HAMPTON COURT &
SHENTON AVENUE, JOONDALUP – [75469]**

WARD - Lakeside

CJ020416_BRF.DOC:ITEM 8

PURPOSE

The development proposal is referred to Council for determination due to the plot ratio discretion requested and the significance of the landmark development site at the corner of Grand Boulevard, corner Hampton Court and Shenton Avenue

EXECUTIVE SUMMARY

An application has been received for a 2/3-storey building which also includes a basement level, consisting of 56 multiple dwellings and 2 commercial units. The units include 1, 2 and 3 bedroom units.

The proposal was discussed at a recent Council briefing session, and this proposal represents a major variation to the plans presented at that time.

Council discretion is sought in this instance as the proposal exceeds the plot ratio requirement by a minor amount.

The proposed development presents an interesting urban façade, along Grand Boulevard and Shenton Avenue. The development is considered appropriate for the location and compatible with the surrounding land uses, which includes the Joondalup Health Campus. Traffic and pedestrian issues associated with the proposal have been adequately addressed. The proposal provides for adequate communal open space, car parking for residents and the public, pedestrian footpaths, landscaping and fencing. The variation in relation to the plot ratio requirement is considered within acceptable limits and it is recommended that Council exercises discretion under District Planning Scheme No 2 to vary the plot ratio requirement. Approval is therefore recommended.

BACKGROUND

Suburb/Location: Lots 502 & 503 (105) Grand Boulevard corner of Shenton Avenue and Hampton Court, Joondalup

Applicant: Prestige Developments

Owner: TRG Properties Pty Ltd

Zoning: **DPS:** Centre

MRS: Central City Area

The subject lot forms part of a recently subdivided piece of land to the west of the Joondalup Health Campus. The subject land slopes slightly in a south-north direction with one of the lots being serviced by a right-of-way (ROW). A Western Power sub-station is located adjacent to the Shenton Avenue frontage.

The lots are a significant landmark along the northern approach to the City Centre (along Grand Boulevard).

On 6 March 2002 all elected members were notified of the original proposal for 58 multiple dwellings and 2 commercial units at the above site. The proposal was presented at the Council Briefing Session on 19 March 2002 for further discussion. The proposal was considered to be acceptable in terms of scale and design and appropriate for the location. It was also determined at the Briefing Session that the matter could be dealt with under delegation authorised by the Council to the Director Planning & Community Development in consultation with the Mayor. Notwithstanding, the proposal has now been revised and accordingly, the proposal is presented for Council's consideration.

Two (2) units from the original 58 multiple units have now been deleted from the revised proposal that were to be placed over the adjoining Wester Power site. The applicant is currently negotiating with Western Power to construct the 2 additional units over the Western Power site. However, due to time constraints, the applicant/owner has decided to provide a revised plan of 56 multiple dwellings and 2 commercial units, which is the subject of this report.

The proposal was considered under delegation on 27 March 2002. The proposal was not determined as it was modified from the proposal shown to elected members at the Briefing Session on 19 March 2002.

The revised proposal of 56 multiple dwellings and 2 commercial units has now been referred to Council for determination at the request of the applicant/owners.

DETAILS

Proposal and Discretion Sought

The site is located at the corner of Grand Boulevard, Shenton Avenue and Hampton Court in Joondalup. The site falls within the City North precinct within the Joondalup City Centre where one of the preferred uses is residential and commercial. Development within this area is subject to the provision of the Joondalup District Planning Scheme No 2 (DPS2) and the Joondalup City Centre Development Plan and Manual (JCCDPM).

The proposal consists of the following elements:

- 56 multiple dwellings and 2 commercial units within a 3-storey building and a basement level consisting of a combination of 1, 2 and 3 bedroom units. The 2 residential units above the Western Power substation site have been deleted at this stage, pending further discussion with Western Power. The building is to be brick and tile with the ground floor units of non load-bearing walls which can be removed at a later stage should there be a need for commercial tenancies.
- The proposed density is R-152 under the R-Codes.
- A total of 71 carbays has been provided on site.
- All pedestrian access is off Grand Boulevard, Hampton Court and Shenton Avenue with all vehicle access to the site off Hampton Court only.
- The proposal incorporates communal open space in the form of a swimming pool and gymnasium and also includes balconies and a verandah for both commercial units which encroach into the footpath area.

The plot ratio which applies to the above two lots is 1.0m. The applicant is requesting a variation to the maximum plot ratio to be increased from 1.0m to 1.08m. The applicant has provided the following summarised information in support of the overall proposal:

- The plot ratio is less than the recently approved Nottingham development in Joondalup which had a plot ratio of 1.15m.
- Adequate car parking is provided in compliance with the required car parking standard for city centre uses.
- Commercial units have been provided with pedestrian shelters.
- The development is brick and tile with “classical” and “Victorian” elements.
- Communal open space is provided in the form of a swimming pool and a gymnasium.
- This is a quality development which would encourage more people to live in the City.

Statutory Provision:

Clause 4.5 of DPS2 allows discretion to be exercised to vary the plot ratio from 1.0m to 1.08m where it is considered that variation would be appropriate, having due regard for the amenity of the occupiers/users or landowners in the locality, future development of the locality, the merits of the proposal and orderly and proper planning principles.

COMMENT

Plot Ratio

The proposed plot ratio of 1.08 is considered a minor increase to the maximum plot ratio of 1.0 permitted within the City North precinct and is supported on that basis. The proposal has basically complied with all other statutory requirements, except for the plot ratio requirement.

Residential Density

There is currently no stated residential density for the general City uses on the subject lots. The proposed 56 multiple dwellings are equivalent to an R-Code density of R-152. The above density is higher than most of the recent residential developments in City North as well as the Central Business District where the developments around the R-100 to R-130 density mark have been approved. The proposed density of R-152 is considered acceptable for the above site in its current form in terms of number of units, size, design and height of buildings. It furthermore encourages more residential development within the City centre which may in turn contribute to a multiplying effect for other related businesses in the area.

Urban Design

The current proposal is a combination of residential and commercial development. The lots front onto Grand Boulevard, Shenton Avenue and Hampton Court and adjoins the Joondalup Health Campus and should in time provide opportunity for conversion to commercial uses for the ground floor units, when demand arises.

It is to be noted that the elevation facing Shenton Avenue could have been better designed if the Western Power site was included in the current proposal. It is, however, acknowledged that as the Western Power site is on a different title, the City does not have the legal right to impose control conditions on a third party.

Setbacks and Car Parking

The proposed setbacks are in accordance with the residential development requirements for City North which includes nil front, side and rear setback. The maximum height of buildings in this area is 3-storeys, however, under exceptional circumstances, higher developments may be considered.

Car Parking Table Based on DPS2 Requirements

Current Use	Car Parking Provisions	No of Bays Required	No of Bays Provided
(2) Commercial units - 88m ²	1 carbay per 30m ²	3	4
56 multiple units	1 bay per multiple unit	56	67
Totals		59	71

One disabled carbay has been provided for the public within the lot. Three verge carbays have also been proposed by the owners at their cost. Secured car parking is provided for the residential units. The applicant has also provided two carbays for some of the residential units.

Environmental Health Requirements

Ventilation for the undercroft carpark is to be in compliance with Australian Standards. A noise consultant's report is to be submitted for all installations, activities and processes to the satisfaction of the City. Particular areas of concern are mechanical services and noise associated with the swimming pool, gymnasium and ventilation of the car park.

Adequate bin storage areas have been provided in accordance with the Council's Health Local Laws. The applicant has, however, been advised of the concerns relating to the distance to the bin area from the furthest residential unit. The applicant is requested to provide adequate fencing and toilet facilities for the public swimming pool, in accordance with the relevant state legislation.

Conclusion

The above proposal is considered to have satisfied DPS2 and the JCCDPM in terms of objectives, urban design, car parking and preferred uses within this precinct. The proposal achieves the continuous urban wall effect along Grand Boulevard, Shenton Avenue and Hampton Court. The proposal is indicative of the continued interest and confidence in the provision of inner city housing and commercial mixed use developments within the Joondalup City Centre. The proposal will increase the residential population within the city centre and also maintain the flexibility of future ground floor commercial opportunities. The development is compatible with the surrounding land uses including the provision of safe vehicular and pedestrian movement. On balance, the proposed variation to the plot ratio requirement is considered reasonable for the above development and approval is therefore recommended for the reasons stated in the report.

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Council:

- 1 EXERCISES discretion in relation to Clause 4.5 of District Planning Scheme No 2 and determines that:**
 - (a) The variation of the plot ratio from 1.0m to 1.08m is appropriate in this instance;**

- 2 APPROVES the application dated 6 February 2002 and revised plans received on 25 March 2002 submitted by Prestige Developments on behalf of the owner TRG Properties Pty Ltd and the application dated 11 April 2002 submitted by Western Power Corporation for 56 multiple dwellings and 2 commercial units at Lots 502, 503 and 857 (105) Grand Boulevard, corner Shenton Avenue and Hampton Court, Joondalup 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) and AS 2890.5 (on street parking). 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;**
 - (b) One (1) disabled carparking bay located convenient to the building entrance and with a minimum width of 3.2 metres, to be provided to the satisfaction of the City. Provision must also be made for disabled access and facilities in accordance with the Australian Standard for Design for Access and Mobility (AS 1428.1);**
 - (c) Lots 502 and 503 to be amalgamated into a single lot to the satisfaction of the Manager Approvals, Planning and Environmental Services;**
 - (d) All stormwater to be discharged 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;**
 - (e) The driveway/s and crossover/s to be designed and constructed to the satisfaction of the City before occupation of development;**
 - (f) Car bay grades are generally not to exceed 6% and disabled car bay/s are to have a maximum grade of 2.5%;**

- (g) The footpath treatment in the adjoining road reserve to be continued to the property boundary to match the existing paving and at a grade of 2% rising from the kerbline, prior to the development first being occupied;**
- (h) Any roof mounted or free standing 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;**
- (i) Should the development be staged, temporary landscaping and fencing must be installed prior to the development being occupied to the satisfaction of the City;**
- (j) Submission of a Construction Management Plan detailing phasing of construction, access, storage of materials, protection of pedestrians, footpaths and other infrastructure;**
- (k) All fencing to be designed and constructed in accordance with the attached extract from the Joondalup City Centre Plan and Manual and thereafter be maintained to the satisfaction of the City;**
- (l) 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;**
- (m) No obscure or reflective glazing being used in the dwellings facing onto Grand Boulevard;**
- (n) The boundary wall(s) and/or parapet wall(s) being of a clean finish and made good to the satisfaction of the City;**
- (o) Future residents being notified in writing by the proponent that the City North Precinct is planned to become a vibrant and bustling city centre comprising a mix of land uses where street level activity may occur of an intensity not normally associated with a traditional suburban residential environment;**
- (p) The submission of an acoustic consultant's report demonstrating to the satisfaction of the City that the proposed development is capable of containing all noise emissions in accordance with the Environmental Protection Act;**
- (q) Details marked in red on the approved plans;**

- (r) 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;
- (s) 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.
- (t) The façade of the Western Power substation on Lot 857 being upgraded to the satisfaction of the Manager Approvals, Planning & Environmental Services.

Footnotes:

- (i) You are advised that plans submitted for a Building Licence must show the full width of the verge and any street furniture, traffic islands, statutory services, road gullies, crossovers on the opposite side of the road, the existing site levels, design levels of all proposed development and including levels on top of the kerb at the crossover.
- (ii) A Mechanical Services Plan, signed by a suitably qualified Mechanical Services Engineer
- (iii) to certify that any mechanical ventilation particularly for the undercroft carparking complies with AS1668.2.
- (iv) With respect to (c) above, the amalgamation of lots is to be created and new titles issued prior to lodgment of a building licence.
- (v) A separate application being made to the City for approval to commence development and sign licence prior to the installation of any advertising signage.
- (vi) For the purposes of this approval the car parking ratio was calculated based upon one carbay per multiple dwelling and 1 carbay per 30 m² of commercial floor space.
- (vii) Compliance with the Building Code of Australia provisions for access and facilities for people with disabilities may not discharge an owner's or developer's liability under the Commonwealth Disability Discrimination Act (DDA). The Human Rights and Equal Opportunities Commission has developed guidelines to assist owners and developers in designing developments which may satisfy the requirements of the DDA. Copies of the guidelines may be obtained from the Disabilities Services Commission, 53 Ord Street, West Perth, telephone 9426 9200.

- (viii) Applicant is advised that plans and specification for public swimming pool to be submitted to the Executive Director Public Health for approval.**
- (ix) Compliance with BCA requirements.**
- (x) It is recommended that an additional bin storage area be provided for residents living furthest from the proposed bin storage area.**

Appendices 7 & 7a refers

*To access this attachment on electronic document, click here: [attach7brf160402.pdf](#)
[Attach7abrf160402.pdf](#)*

REPORT OF THE CHIEF EXECUTIVE OFFICER**CJ093 – 04/02 ESTABLISHMENT OF 2002/03 BUDGET COMMITTEE - [76514 13020 55055]****PURPOSE**

To seek Council's approval on the establishment of a Budget Committee to oversee the development of the Draft 2002-2003 Budget and Principal Activities Plan

EXECUTIVE SUMMARY

This report recommends that Council:-

- establishes a Budget Committee to oversee the development of the Draft 2002-2003 Budget and Principal Activities Plan;
- appoints all Elected Members as representatives of the Budget Committee; and
- sets a quorum for the Budget Committee of 8 members

BACKGROUND

In accordance with the practice adopted last year (CJ192-06/01) it is proposed to establish a Budget Committee to oversee the compilation of the 2002/03 Draft Budget and Principal Activities Plan. This mechanism is considered the most appropriate to familiarise Elected Members with the various budget components. This would enable Councillors to make budgetary decisions in a formalised manner with motions being moved and seconded in order for issues to be voted upon. The Committee's recommendations would in turn be forwarded to Council for further consideration and final adoption.

DETAILS

The provisions of the Local Government Act 1995 enable a Committee to be established comprising of 3 or more persons. As was the case last year the Committee could be established comprising of all elected members.

The Local Government Act 1995 only requires that those committees with delegated powers be opened to the public. It is envisaged that the proposed committee will not be delegated any decision making ability, and merely make recommendations to the Council.

Local Government (Administration) Regulation 1996, No 11 details the following is to be the contents of a meeting of a Council or Committee:

- “(a) the names of the members present at a meeting;
- (b) where a member enters or leaves the meeting during the course of a meeting, the time of entry or departure, as the case requires, in the chronological sequence of the business of the meeting;
- (c) details of each motion moved at the meeting, the mover and the outcome of the motion;
- (d) details of each decision made at the meeting;
- (da) written reasons for each decision made at the meeting that is significantly different from the relevant written recommendation of a committee or an employee as defined in Section 5.70 (but not a decision to only note the matter or to return the recommendation for further consideration);
- (e) a summary of each question raised by members of the public at the meeting and a summary of the response to the question; (where appropriate)
- (f) in relation to each disclosure made under Section 5.65 and 5.70 in relation to the meeting, where the extent of the interest has also been disclosed, the extent of the interest.”

It is important to note that prior to submitting a recommendation to the Council, a motion by the Committee must be moved and seconded (if appropriate) and then duly voted upon. This will give a clear indication of the proposed committee recommendation to the Council.

VOTING REQUIREMENTS

Absolute Majority

RECOMMENDATION

That Council, BY AN ABSOLUTE MAJORITY:

- 1 ESTABLISHES a Budget Committee to oversee the development of the Draft 2002-2003 Budget and Principal Activities Plan;**
- 2 APPOINTS the following representatives to the Budget Committee:**

**Mayor J Bombak, JP
Cr P Kadak
Cr P Kimber
Cr D S Carlos
Cr C Baker
Cr A Nixon**

Cr J F Hollywood, JP
Cr A Walker
Cr P Rowlands
Cr T Barnett
Cr M O'Brien, JP
Cr A L Patterson
Cr G Kenworthy
Cr J Hurst
Cr C Mackintosh

3 SETS a quorum for the Budget Committee of 8 members.

9 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

NOTICE OF MOTION NO 1 - CR C MACKINTOSH

In accordance with Clause 3.12 of the Standing Orders Local Law, Cr C Mackintosh has given notice of her intention to move the following motion at the Council meeting to be held on Tuesday 23 April 2002:

“That Council considers amending Policy 2.2.8 “Legal Representation for Present and Former Elected Members and Staff of the City” to enable the “relevant person” defined therein to receive from the Council assistance against the costs of being involved in instituting and conducting legal proceedings for the tort or civil wrong known as Defamation arising from the carrying out of the official responsibilities or terms of employment of the relevant person and that all such assistance be approved by the Councillors of the City on a case by case basis.

OFFICER’S COMMENT

It should be noted that the current policy relates solely to defending proceedings rather than initiating proceedings.

Defamatory Word

Words are defamatory of a person if they have a tendency to cause that person to be lowered in the estimation of others.

Words are not defamatory unless the person defamed is sufficiently identified.

However, there are circumstances where the law recognises that a person can be identified by particular individuals having knowledge of extrinsic facts. Extrinsic facts are those which would enable a person knowing those facts to identify the person defamed.

Defences

Truth is an absolute defence. This means that a person is not liable for defamation regardless of how damaging the statements published, provided the person can establish the truth of what was published.

The law recognises that in certain circumstances, a person who makes a defamatory statement is not liable if a defence of qualified privilege can be established. Qualified privilege is generally only available in circumstances where the defamatory statement is made in the discharge of some public or private duty, whether legal or moral, provided it is communicated to a person who has a reciprocal interest or duty in receiving the statement.

The defence of qualified privilege is lost if the person who made the defamatory statement does so with malice, does not have a genuine belief in the truth of the statement, or publishes the statement in a form which is excessive.

The City

It has been held in New South Wales that an elected governmental body such as a local authority may not institute proceedings for defamation, but this of course does not preclude individual councillors or officers from commencing proceedings.

It is considered that the City should not fund civil actions initiated by elected members or employees.

If individuals choose to pursue an action for defamation and they are able to substantiate the complaint, the Courts can provide the appropriate remedies available at law.

NOTICE OF MOTION NO 2 - CR A WALKER

In accordance with Clause 3.12 of the Standing Orders Local Law, Cr Alison Walker has given notice of her intention to move the following motion at the Council meeting to be held on Tuesday 23 April 2002:

“That Council:

- 1 supports the right of its electors to participate in the decision making processes of Council by petitioning for a special electors meeting with the signature of 100 electors as detailed in the current Local Government Act, section 5.28;*
- 2 writes to the Minister for Local Government and informs him of Council decision not to support changing section 5.28 of the Local Government Act 1995.”*

OFFICER’S COMMENTS

The Council at its meeting held on 9 April 2002 agreed that where notices of motion are submitted to the Council for consideration, an officer’s report be included. The Department of Local Government supports this business process.

Statutory Provision:

Section 5.28 of the Local Government Act 1995 states:

1. A special meeting of the electors of a district is to be held on the request of not less than –
 - (a) 100 electors or 5% of the number of electors – whichever is the lesser number;
 - or
 - (b) 1/3 of the number of council members.
2. The request is to specify the matters to be discussed at the meeting and the form or content of the request is to be in the prescribed form in accordance with regulations.
3. The request is to be sent to the Mayor or President.
4. A special meeting is to be held on a day selected by the Mayor or President but not more than 35 days after the day on which he or she received the request.

Since the split of the former City of Wanneroo on 1 July 1998, the City of Joondalup has held 11 special electors meetings:

Date of special electors meeting	No. of electors who signed petition requesting special electors meeting	Those present who signed attendance sheet	Nature of Request
14.9.98	182	28	The proposed cancellation of a portion of Reserve 30958 and 31016 Greenwood Primary School, Greenwood
2.11.98	220	117	To discuss the approval of a Mosque on location 12888 (64) Walter Padbury Boulevard, Padbury
24.11.98	197	3	Former Greenwood Primary School site. Failure of Report CJ213-10/98 to adequately address the resolutions of the Special Meeting of Electors held 14.9.98
8.3.99	141	108	As the one above
14.6.99	131	64	Structure Plan and implementation Study for Hillarys Boat Harbour

20.11.00	Request from Crs S Magyar, J Hollywood, D Carlos, A Walker & A Nixon (in accordance with section 5.28 (1)(b))	13	Future directions of the management of the City of Joondalup leisure services
11.7.01	121	62	Badrick Street issues
7.02.02	127	1103	Precinct Planning – Greenwood etc
11.02.02	172	1438	Precinct Planning – Kingsley
18.03.03	324	500	Tom Simpson Park issues, Mullaloo
25.03.02	197	115	Whitford Senior Citizens Centre and relocation of Whitford Library

Strategic Implications:

The City throughout its Strategic Plan makes statements that it will encourage public participation throughout the decision-making process.

COMMENT

The City has approximately 100,000 electors, which equates to the second largest local government within Western Australia. The 5% only applies to those local governments whose total number of electors does not exceed 2,000 in number.

Of the approximate 144 local governments within Western Australia, there are 67 local governments whose total electors exceed 2,000 electors where the 5% would not be applicable and would only require 100 electors to sign a petition requesting a special electors meeting. These figures reveal for example that the number within the Shire of Northampton requesting a special electors meeting is the same number as required within the City of Joondalup.

The cost for the City to convene special electors meeting varies depending on location. The cost for special electors meeting to be held within the Council Chamber would be minimal as the entire infrastructure is in place. However, where the meeting is convened outside the Council Chamber, costs increase due to the need to arrange the use of various infrastructures (sound recording equipment, lighting, hire of venue etc.).

The City strongly encourages public participation but is mindful that the Mayor and Councillors have been elected to the office of 'elected member' to represent the electors of the City and make decisions where required. It is evident from the figures of previous special electors meetings that the number of electors signing the petition compared to the number of electors attending the special electors meeting varies considerably.

While it is acknowledged and supported that the role of local government is to serve the electors of its district and to involve them in the decision-making process, the City needs to be aware that its decisions are to be made for the benefit of the entire City.

The City supports the ability for special electors meetings to be held, however the current requirements of the Act appear to be inconsistent across the industry in relation to the number of electors required to request a special electors meeting. It maybe more appropriate that the number of electors required to convene a special electors meeting be based on a percentage of the total number of electors per local government and that no ‘lesser’ amount be offered. This would mean that the number of electors required to request a special meeting of electors would be consistent for all local governments.

Due to the fact that the motion has been submitted by an elected member under ‘Notices of which previous motion has been given’, standing orders do not allow for a new motion to be put, therefore no recommendation has been made. However if the motion is moved and seconded the motion maybe duly amended.

NOTICE OF MOTION NO 3 - CR WALKER

In accordance with Clause 3.12 of the Standing Orders Local Law, Cr Alison Walker has given notice of her intention to move the following motion at the Council meeting to be held on Tuesday 23 April 2002:

“That Council commences the process to request the Minister for Lands to re-classify the bushland portion of Craigie Open Space to an class A nature reserve with the management order with the City of Joondalup.”

OFFICER’S COMMENT

The subject site is identified as Site 303 in Bush Forever (formerly Bush Plan) a document that aims to fulfil the government’s commitment to prepare a strategic plan for the conservation of bushland on the Swan Coastal Plain of the Perth Metropolitan Region. Bush Forever is a policy position of the government that aims to guide future decision-making and to protect and manage Bush Forever Sites through implementation mechanisms.

In response, in May 1999, the Joint Commissioners resolved to investigate the future areas for use and conservation within the Craigie Open Space Reserve having regard to the existing functions, and natural assets and the future needs of the community.

The City engaged Ecoscape to prepare a study with the objective “to investigate land use options taking into consideration economic, social and environmental issues.”

At the Council meeting of 13 November 2001, it was resolved to advertise the document for a period of 42 days. The comment period was intended to close on 3 January 2002 however was extended for one (1) month. At the close of the advertising period, 12 submissions were received. The majority of the submissions support no further clearing of the site. In response to the issues raised, the authors of submissions are to be invited to workshop their views with City officer; following which the study will be considered by Council.

The Department of Land Administration advises that it is important the City carefully considers the implications of creating ‘A’ Class reserves. ‘A’ Class provides the greatest degree of protection for reserved lands, however, it does inhibit management given the lengthy administrative processes if any amendments are necessary. Amendments are required to be advertised for public comment and tabled before Parliament. The City currently has management orders over the subject site.

In light of the degree of management and control over the site currently and Craigie Open Space Study yet to be considered by Council, it is premature to proceed with a proposal to change the class of the reserve to ‘A’.

The land comprising Craigie Open Space is Reserve 38362, Location 10463 (29L) Britannia Way, Craigie and Reserve 32858, Locations 8889 and 12649, (751) Whitfords Avenue, Craigie. The City manages both reserves with Reserve 38362 being managed for the purpose of Public Recreation and Reserve 32858 being managed for the purpose of Recreation with power to lease. The land area of each reserve is 0.8886ha and 54.5500ha respectively. Craigie Leisure Centre and a skate park facility have been developed on the land and are located on Reserve 32858, Location 8889.

Suburb/Location:	Craigie Locations 8889 and 12649
Zoning:	DPS: Regional Reserve - Parks and Recreation
	MRS: Regional Reserve - Parks and Recreation Location 10463
	DPS: Local Reserve - Parks and Recreation
	MRS: Urban
Strategic Plan:	Lifestyle – Strategy 2.6 Promote and enjoy lifestyles that engender environmental, social and economic balance

Current Proposal or Issue

In accordance with Clause 3.12 of the Standing Orders Local Law, Cr Alison Walker has given notice of her intention to move the following motion at the Council meeting to be held on Tuesday 23 April 2002:

“That Council commences the process to request the Minister for Lands to re-classify the bushland portion of Craigie Open Space to an Class ‘A’ nature reserve with the management order with the City of Joondalup.”

Bush Forever

The subject site is identified as Site 303 in Bush Forever (formerly Bush Plan), a document that aims to fulfil the government’s commitment to prepare a strategic plan for the conservation of bushland on the Swan Coastal Plain of the Perth Metropolitan Region. Bush Forever is a policy position of the government that aims to guide future decision-making and to protect and manage Bush Forever Sites through implementation mechanisms.

The land has been formally assessed and listed in Bush Forever, recognising its major value as an area which forms part of a northern bush and heath land corridor comprising Hepburn Heights, Pinnaroo, Craigie and Woodvale. Craigie Open Space contains areas of Tuart-Jarrah-Banksia woodland not present in many conservation reserves, and also a Quindalup dune system.

Bush Forever states that the boundaries of the areas to be protected may require further on site verification and confirmation. Subsequent formal proposals will be considered through the normal decision making process.

Craigie Open Space Study

In conjunction with the development of the final recommendations of the Bush Plan, the Joint Commissioners in May 1999 resolved to investigate the future areas for use and conservation within the Craigie Open Space Reserve having regard to the existing uses and functions of the Reserve, its natural assets and the future needs of the community.

The City engaged Ecoscape to prepare a study for Craigie Open Space. The brief was prepared and the objective of the study was set as follows, “to investigate land use options taking into consideration economic, social and environmental issues.”

At the Council meeting of 13 November 2001 it was resolved to advertise the document for a period of 42 days. The comment period closed on 3 January 2002, however, was extended for a further one (1) month. At the close of the advertising period 12 submissions were received. The majority of the submissions support no further clearing of the site. The study is yet to be considered by Council.

Statutory Provisions

Part 4 of the Land Administration Act (1997) deals with classification and management of reserves.

To reclassify Craigie Open Space as an ‘A’ Class reserve, a submission justifying the request is made to DOLA. DOLA then considers the matter and if in agreement requests the Minister for Lands to approve the reclassification. If DOLA opposes the proposal or disagrees with some particular element, it will liaise with the City accordingly.

If DOLA supports such the request, it is recommended that prior to it obtaining the Minister’s approval, the City conducts a full referral process and the proposed amendment advertised for public comment (30 days). It is also recommended that after the initial request to DOLA to ascertain its support in principle, any formal request to DOLA be supported by a Council resolution.

DOLA advises that it is important the City carefully considers the implications of creating 'A' Class reserves. 'A' Class provides the greatest degree of protection for reserved lands, however, it does inhibit management given the lengthy administrative process if any amendments are necessary. Amendments are required to be advertised for public comment and tabled before Parliament.

The subject site is identified in Bush Forever which is a policy position of the government that aims to guide future decision-making and to protect and manage Bush Forever Sites through implementation mechanisms. In addition the majority of the site is reserved Park and Recreation under the Metropolitan Region Scheme, the purpose being to set aside land for parks and recreation. The City also manages the site for recreation purposes through management orders.

In light of the above which demonstrates that there is a degree of management and control over the site currently and given the fact the Craigie Open Space Study is yet to be considered by Council, it is premature to proceed with a proposal to change the class of the reserve to 'A'.

10 DATE OF NEXT MEETING

The next meeting of Council has been scheduled for **7.00 pm on Tuesday, 21 May 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

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QUESTION

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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](#)