



**MINUTES OF COUNCIL MEETING
HELD ON 17 DECEMBER 2002**

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CITY OF JOONDALUP

MINUTES OF COUNCIL MEETING HELD IN COUNCIL CHAMBER, JOONDALUP CIVIC CENTRE, BOAS AVENUE, JOONDALUP, ON TUESDAY, 17 DECEMBER 2002

OPEN AND WELCOME

The Deputy Mayor declared the meeting open at 1900 hrs.

ATTENDANCES

Mayor

J BOMBAK, JP *From 2101 hrs*

Elected Members:

Cr P KADAK	Lakeside Ward	<i>Absent from 2211 to 2217 hrs</i>
Cr P KIMBER	Lakeside Ward	<i>Absent from 2209 to 2210 hrs</i>
Cr D CARLOS	Marina Ward	<i>To 2341 hrs.</i>
Cr C BAKER	Marina Ward	<i>Absent from 2034 to 2035 hrs; from 2216 to 2218 hrs; and from 2240 to 2241 hrs</i>
Cr A NIXON	North Coastal Ward	
Cr J F HOLLYWOOD, JP	North Coastal Ward	<i>To 2337 hrs.</i>
Cr A WALKER	Pinnaroo Ward	<i>From 1902 hrs; Absent from 2007 to 2029 hrs; from 2209 to 2211 hrs; and from 2241 to 2250 hrs.</i>
Cr P ROWLANDS	Pinnaroo Ward	<i>Absent from 1948 to 1950 hrs; from 2030 to 2033 hrs; and from 2250 to 2251 hrs</i>
Cr T BARNETT	South Ward	
Cr M O'BRIEN, JP	South Ward	<i>Absent from 1937 to 1950 hrs; from 2002 to 2029 hrs; and from 2207 to 2208 hrs</i>
Cr A L PATTERSON	South Coastal Ward	<i>To 2319 hrs; Absent from 2030 to 2034 hrs</i>
Cr G KENWORTHY	South Coastal Ward	<i>To 2342 hrs; Absent from 1955 to 1957 hrs; from 2101 to 2104 hrs; from 2216 to 2218 hrs; from 2240 to 2242 hrs; and from 2322 to 2323 hrs.</i>
Cr J HURST	Whitfords Ward	<i>Absent from 2259 to 2301 hrs</i>
Cr C MACKINTOSH	Whitfords Ward	<i>Absent from 2240 to 2242 hrs.</i>

Officers:

Chief Executive Officer:	D SMITH
Director Planning & Community Development:	C HIGHAM
Director, Infrastructure & Operations:	D DJULBIC
Director, Corporate Services and Resource Management:	P SCHNEIDER
Manager, Marketing, Communications & Council Support:	M SMITH

Manager Audit and Executive Services:	K ROBINSON
Acting Manager, Library & Information Services:	R HARDY
Manager Infrastructure Management:	P PIKOR
Manager Approvals Planning & Environmental Services:	C TERELINCK
Manager Information Services:	K SYME
Manager Assets & Commissioning:	C SMITH
Publicity Officer:	L BRENNAN
Committee Clerk:	J AUSTIN
Minute Clerk:	L TAYLOR

There were 67 members of the Public and 1 member of the Press in attendance.

Cr Walker entered the Chamber at 1902 hrs.

In Attendance

Mr Nick Manifis Walman Software

Invited Guest Members of Joondalup North & South Youth Advisory Councils

The Deputy Mayor welcomed the Members of the Youth Advisory Council as this evening's invited guests.

Mr Viet Nguyen of the Youth Advisory Council thanked Council for the opportunity to attend this evening and informed the meeting of the roles, future plans and achievements of the Youth Advisory Council.

Mr Nguyen commenced the meeting with a prayer.

PUBLIC QUESTION TIME

Statement by Deputy Mayor

The Deputy Mayor informed the meeting that she would be Presiding Person this evening as the Mayor had a previous engagement.

The Deputy Mayor made the following statement:

“Council allows public question time at each Council Meeting, as the Presiding Person tonight I will be responsible for providing the following:

- *To accept or reject the question;*
- *To nominate a member of the Council or an officer to answer the question;*
- *To determine that any complex questions can be taken on notice.*

The following rules shall apply to Public 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 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 member of the public is making a statement they may bring it to the attention of the meeting;*
- *Tonight's Public Question Time shall be restricted to 15 minutes with a maximum of two questions per person.*

Council has before it a very large agenda with many items of significance and it is imperative that Council concentrates on dealing with the business before it. I will not, under any circumstances, accept questions relating to the Chief Executive Officer's contract of employment, performance review or qualifications. Such matters are of a confidential matter between the City and the Chief Executive Officer and have been the subject of extensive media coverage and correspondence between the Chief Executive Officer and elected members."

The following questions, submitted by Mrs M Zakrevsky, Mullaloo were taken on notice at the Annual General Meeting of Electors held on 11 November 2002:

Q1 Page 9 Performance Measures – City of Joondalup Annual Report 2002: As the City is 'benchmarking and tracking to improve services and facilities' my questions relate to the outsourced service of Mobile Security Patrols which ranked third last at 74% for 2001/2002:

Q1(a) What are the key performance indicators:

A1(a) The key performance indicators and their measurements form Appendix 26 hereto. To access this attachment on electronic document, click here: [Attach26agn171202.pdf](#)

Q1(b) Are they stipulated in the contract?

A1(b) Yes

Q1(c) How are they measured?

A1(c) The measurements are detailed in Appendix 26.

Q1(d) How many times have calls concerning antisocial behaviour in Korella Park car park, and the beach car parks in Mullaloo been recorded?

- A1(d) Korella Park : 4
Mullaloo Beach Car Parks : 6

These records are from the inception of the ProClaim Action Request System for the City which was introduced in 2000.

- Q1(e) What number of patrols (or %) operate in daylight hours and how many (or %) operate after dark?*

- A1(e) Six patrol officers (one per patrolling zone) operate during the day, and six patrol officers (one per patrolling zone) operate after dark. In addition, there is an additional officer for the Joondalup CBD between 8pm and 5am Thursday, Friday and Saturday nights.

- Q1(f) Of the 4,000 resident calls for assistance referred to on Page 25, what number or percentage were after dark?*

- A1(f) A number of sample months from the past year were reported on to give an example of the percentage of incidents attended at night:

September 2001 – 56% of all calls were received at night.

March 2002 – 66% of all operational jobs attended were at night

June 2002 – 61% of all operational jobs attended were at night

- Q1(g) What is the programme to reduce antisocial behaviour for known trouble spots?*

- A1(g) The City of Joondalup has a number of initiatives or services that may be employed to reduce anti social behaviour for known trouble spots Any programme to reduce anti social behaviour for known trouble spots is developed in close consultation with the Police, other relevant agencies and, where appropriate, community interest groups such as Safer WA and Neighbourhood Watch.

- Q1(h) What steps is Council taking to improve the effectiveness of the service provider and thereby raise the level of satisfaction?*

- A1(h) The level of satisfaction reported in the annual report 2001/2002 is not a true indicator of the performance of the contract for the provision of mobile security patrols, as the contract was in place for only half of the reporting period.

The contract for the provision of community security patrol services for the City of Joondalup is a performance based contract. The specifications of the contract were based upon the key outcomes for the service, developed when the service was incepted.

- Q1(i) Does Council review and itself analyse the information submitted by the provider “City Watch”?*

A1(i) Yes the Council reviews and analyses the information provided by City Watch.

A monthly report on the service detailing the results achieved for each of the key outcomes in addition to a breakdown of incidents attended is submitted by the contractor to the City.

Q2 Trouble spots appear to have a definite pattern of the time they are targeted repeatedly, yet there appears to be no emphasis by the security patrol providers to anticipate, monitor and report to police the undesirable activity. Can this please be addressed?

A2 There are a number of systems in place to ensure that the Police are aware of the issues that the City of Joondalup City Watch Service attends. All reports from the City Watch Service are forwarded electronically to the Joondalup District Police Office on a daily basis. They are then saved into the Police database, allowing the reports to be searched upon by any Police Officer. The reports are also forwarded daily to the Officer in Charge of each Police Station within the district. In addition, the Joondalup Police Incident Management Unit, City of Joondalup staff and representatives from the contractor meet on a monthly basis to discuss issues and events in the area for the purposes of targeting patrols.

As the City Watch Service is based upon random patrols within each patrolling zone, we rely on residents to contact us to attend should an incident arise that we can assist with. These reports assist the service to deal with the issue at the time, and also enable the service to focus the times of the patrols to be more effective.

The following questions, submitted by Mr Ron de Gruchy, Sorrento, were taken on notice at the Annual General Meeting of Electors held on 11 November 2002:

Q1 Did the cost of consultants increase this year?

A1 No. The actual consultancy costs for the 2001/02-year was \$ 859,135 and for the 2000/01-year was \$ 1,155,693.

Q2 The Financial Report for the Year ending 30 June 2002 indicated a final balance of \$5 million surplus (Item CJ210-09/02 refers, submitted to Council on 3 September 2002), although on page 3 of the Financial Statements only a surplus of \$3.6 million is shown.

A2 Item CJ210-09/02 refers to the Monthly Financial Report for the month ending 30 June 2002. This report shows that the budgeted change in net assets resulting from operations is \$5,002,831. The report also shows the YTD Actual change in net assets resulting from operations as \$861,226 (INCLUSIVE of Transfers to and from Reserves). When excluding net transfers to and from Reserves of \$2,801,755, this amount is \$ 3,662,980.

The Annual Financial Statements shows the change in net assets resulting from operations as \$ 3,662,980 (EXCLUSIVE of Transfers to and from Reserves). The net transfers to and from Reserves totalling \$2,801,755 are shown at page 5 of the Financial Statements.

Q3 There is a variance of \$8.6 million between the adopted budget for 2002 and the actual budget in relation to cash at the end of the financial year – Page 46 of the Annual Report refers.

A3 The Statement of Cash Flows for the year ended 30 June 2002 (page 43) shows the cash receipts and payments made during the year.

The variance referred to is the difference between the Budgeted and Actual “cash at the end of the financial year”. The main reasons for the additional cash on hand of \$8,692,518 is that the City made savings on operating costs, deferred expenditures, or did not complete or commence major capital works which have been carried forward to 2002/2003. The major differences between the budget and actuals items are as follows:

Net Operating Activities (Savings)	\$ 1,009,719
Purchase of Artworks	\$ 1,420
Purchase of Furniture/Computers	\$ 407,161
Purchase of Vehicles and Plant (net)	\$ 222,158
Construction of Infrastructure Assets	<u>\$ 7,052,060</u>
Total difference	<u>\$ 8,692,518</u>

Q4 Recently the State Treasurer referred to senior executives being prone to store reserves of cash in ‘jam jars’ and was quite critical of this practice. Would the City of Joondalup review its policy of maintaining fifteen separate reserve accounts, totalling over \$16 million, some of which date back 13 years?

A4 The Local Government Act 1995 provides that where a local government wishes to set aside money for use for a purpose in a future financial year, it is to establish and maintain a reserve account for each such purpose.

The Financial Statements for the year ended 30 June 2002 show the amounts held in various Reserves and transactions to and from those Reserves during the year.

The 2001/2002 and 2002/03 budgets further describe the nature, purpose and amounts held in various Reserves. Council as part of the annual budget process considers the future requirements for each reserve.

The following questions, submitted by Mrs M Macdonald, Mullaloo, were taken on notice at the Annual General Meeting of Electors held on 11 November 2002:

Q1 I notice that the Mayor in the Video referred to stakeholders and ratepayers. Stakeholders are referred to within various development projects, yet the ratepayer stakeholder is not included. Can you give me clarification of what is considered to be a stakeholder?

A1 A list of the Joondalup Stakeholders Group forms Appendix 27 hereto.
To access this attachment on electronic document, click here: [Attach27agn171202.pdf](#)

Q2 In October I contacted Mr Higham and asked to be supplied with various documents relating to the results of design briefs which had been given to various consultants for Sorrento in June 2001 and Mullaloo in November 2001. A week later a member of Mr Higham's staff telephoned me who suggested that I obtain the documents via the Freedom of Information Act. I did this and today received a package but the reports were not there, the reason given that: "Kline Consulting was contacted to provide advice on the concept design from a traffic safety point of view and a safety audit of the concept design. This was done for Mullaloo based on the revised draft concept plan by way of meetings and discussions with Planning Officer, Brett Woodgush, and sketch drawings. There were no requirements for a written report to be produced as the reporting was done verbally and via sketch drawing. A similar exercise was undertaken for the Sorrento Concept Plan around the Plaza area"

It is my understanding that Council made a resolution to take these two original plans to design stage. Part of that process was to issue design briefs to various consultants. Are we led to believe that there are no requirements for written reports when you issue a consultancy? Why were there no written reports? Is it normal to talk about traffic safety and safety audit from the point of view of a verbal report when one is preparing a plan which is going out to the public for consultation?

A2 The reporting requirements for individual consultancies are set on a needs basis, related to individual project or task needs.

There was no written report in this case because the preliminary information was provided on a sketch plan which was used as a source in the formative stages of developing the concept plan. The contractor was engaged to provide expertise and contribute to discussion and development of the concept that has been subsequently advertised.

The City does not have a strategy for Mullaloo, except the proposals that have been advertised and are well known in the community.

Q3 At what stage is the review of the Centres Strategy?

A3 The question is answered in Question 4 below, ie the review of the strategy is on hold pending further work by the Department of Planning and Infrastructure.

Q4 Originally it was noted that Council would wait until the Department for Planning and Infrastructure had made a decision regarding floor space areas. Is this still the situation?

A4 Yes, see 3 above.

Q5 In relation to the publication "Desk of the CEO" which is circulated on the internet to all staff members and delivered in hard copy to some staff members, is it normal practice for an employer to circulate political information and propaganda to its staff? Could this be perceived as undue pressure?

A5 The Desk of the CEO is an internal publication which conveys various information that is relevant to elected members and members of the administration. Whilst some of this information may be of a political nature, such a practice is not considered undue pressure.

The following questions, submitted by Ms M Moon, Greenwood, were taken on notice at the Annual General Meeting of Electors held on 11 November 2002:

Q1 When was Precinct Action Planning revoked as a working document?

A1 Precinct Action Planning is not “a working document”, it was a label used to describe concepts and ideas on a range of contemporary urban design possibilities and options that could be considered in the City’s neighbourhoods. The process was halted in 2001.

Q2 Is there one or more local commercial strategies endorsed by the WA Planning Commission, if so what are they?

A2 The Western Australian Planning Commission endorses many commercial strategies for local governments.

Q3 When an adopted master plan is forwarded to WA Planning Commission for endorsement, does it go for endorsement as a local commercial strategy?

A3 The question is not fully understood. A master plan and local commercial strategy are not necessarily related.

Q4 Before it goes to Council, does the Mullaloo Preliminary Concept Plan have to reach an agreed concept stage, as did the Greenwood Concept Plan?

A4 It is unclear what the question means. The Mullaloo Concept Plan was advertised earlier this year, and a report will be prepared for Council’s consideration on the matter.

Q5 As stated this evening, Precinct Planning has been scrapped in the City of Joondalup. As Concept Planning is a stage of Precinct Planning as identified in the working document, does this mean Mullaloo and Sorrento Precinct Plans have already stopped as well?

A5 The question is not fully understood as the terminology used in the question is confusing. There is no formal link between the processes questioned, and the terms are used to describe a variety of approaches used by planners and Councils to provide an indication of planning intentions that are being considered or evaluated.

Mullaloo and Sorrento are projects that were commenced prior to Precinct Action Planning, and the projects are continuing.

The following request was submitted by Mr N Gannon, Sorrento to the Annual General Meeting of Electors held on 11 November 2002:

Q1 Mr Gannon requested that copies of the video shown at the Annual General Meeting of Electors held on 11 November 2002 be made available to those people who attended that meeting.

A1 In order to keep costs to a minimum, the Annual Report and Video for 2001/2002 can be viewed at the City's web site at www.joondalup.wa.gov.au.

The following questions, submitted by Ms C Woodmass, Kingsley, were taken on notice at the Annual General Meeting of Electors held on 11 November 2002:

Q1 In the video seen earlier in the evening, the Mayor stated the biggest challenge for the City was to protect the environment. (Ms Woodmass read from an article appearing in the Sunday Times dated 10 November 2002 in relation to high density housing developments and comments from Planning Minister, Ms A McTeirnan)

In light of both the newspaper article, and precinct planning which occurred in Kingsley earlier this year, what is the City of Joondalup going to do to ensure that these issues do not happen within the City of Joondalup?

A1 Any further planning initiatives would be considered by the Council and judged on their merits at the time.

Q2 Where is the boundary between the City of Joondalup and Wanneroo Road on the Wanneroo Road intersection as it appears that the City of Joondalup lights have been installed within the City of Wanneroo after the City of Wanneroo sign stating 'Welcome to the City of Wanneroo'.

A2 The Municipal boundary is on the northern property line along Whitfords Avenue and on the western property boundary along Wanneroo Road, south to Beach Road. The City of Wanneroo sign is just within the City of Joondalup boundary, however no action has been initiated for relocation as the guidelines recommend information signage be 40 – 60 metres from the junction. To achieve this the sign must be within the City of Joondalup. Given that it is for traffic heading east into the City of Wanneroo it is considered that no further action is necessary.

Q3 How much was the City of Joondalup charged to install these yellow lights around the City?

A3 Council allocated \$60,000 in its Capital Works Program 2001/2002 for installation of City logos to specific locations.

- Arterial road junctions – 16
- City Centre – 12
- Cost per unit - \$1,690 supply and installation
- Western Power connection for arterial roads only - \$750

28 @ \$1,690	=	\$47,320
16 @ \$750	=	\$12,000
Total Cost	=	\$59,320

Q4 What is the purpose of a Special Electors meeting given that motions carried at previous Special Electors' meetings appear to have been ignored by Council, for example the meeting in relation to Mullaloo?

A4 Section 5.27 of the Local Government Act 1995 requires every local government to convene an annual general meeting of its electors once every financial year. Regulation 15 of the Local Government (Administration) Regulations 1996 states:

“(15) For the purposes of Section 5.27(3), the matters to be discussed at a general electors' meeting are, firstly, the contents of the annual report for the previous financial year and then any other general business.”

Section 5.28 of the Local Government Act 1995 requires a local government to hold a special electors' meeting when requested to by:

- 100 electors or 5% of the number of electors, whichever is the lesser, or;
- one third of the number of Council members.

The purpose of a special electors' meeting is that detailed within the specified request.

The following question, submitted by Ms S Hart, Greenwood, was taken on notice at the Annual General Meeting of Electors held on 11 November 2002:

Q1 In relation to verbal reports obtained from the consultants, can I please have a costing of all consultants' fees in connection with the Mullaloo Concept Plan? With respect to verbal reports, can it be indicated alongside in brackets.

A1 The consultancies who were employed for the project and were referred to at the AGM of Electors are listed below:

1	Tabec Consulting	\$3,147
2	Klyne Consulting	\$1,615

The following questions, submitted by Mr M Sideris, Mullaloo, were taken on notice at the Annual General Meeting of Electors held on 11 November 2002:

Q1 Earlier this year, I raised the issue of the Orange Hutchison mobile tower being erected next to a pre-primary school and the City being pro-active in developing a City wide map indicating safer sites for the placement of communication towers within the City of Joondalup so that the various communication networks would be able to be given a guideline to enable them to roll out their various communication network or upgrades. What is the current status of this?

Q2 The Tower Action Group previously got support not only from the Mayor, but also Councillors. Why is the Action Group now being denied any assistance in the provision of even a local area map so it can go and do its own homework in its discussions with Orange Hutchison.

A1&2 The City is not aware of any denial of such a request. A map is being produced by the City, of the location of telecommunications facilities within the City.

The following questions, submitted by Mr V Cusack, Kingsley, were taken on notice at the Annual General Meeting of Electors held on 11 November 2002:

Q1 What is the total dollar loss to the City of Joondalup resulting from the decision to outsource the management of the three leisure centres to RANS?

A1 Council took back the management of the three leisure centres from the RANS Management on 12 July 2002. As this process is still in progress it is not possible to provide final costs at this time.

Q2 Why were other Councils not subjected to time constraints to comment on proposed amendments to the Local Government Act?

A2 Communication from the WA Local Government Association (WALGA) addressed to all Councils was received by the City of 8 October 2002 advising that the Department of Local Government and Regional Development has recently released a document outlining the proposed amendments to the Local Government Act 1995. The advice from WALGA was that it was given a fortnight to review the proposed amendments and respond. All elected members were invited to provide comments on the proposed amendments. The City subsequently made a submission on 18 October 2002. As the communication was to all Councils advising of the fortnight timeframe, it can only be assumed that the timeframe was applicable to all Councils.

The following questions, submitted by Mr M Caiacob, Mullaloo, were taken on notice at the Annual General Meeting of Electors held on 11 November 2002:

Q1 Can Cr Baker of the Marina Ward indicate why his Motion No 2, part (b) as per the Notice of Motion to the Council meeting held on 11 June 2002 was not raised as a Motion?

Q2 Can Cr Baker of the Marina Ward indicate why he did not raise another motion in regard to Lot 1 Oceanside Promenade once the general public had brought to his attention that the motions relating to Lot 1 Oceanside Promenade had not been raised?

A1-2 As these questions are directed to Cr Baker, they cannot be responded to by the Administration and should be directed to Cr Baker.

Q3 If Lot 1 Oceanside Promenade is not to be incorporated into Tom Simpson Park proper, can the City of Joondalup provide an explanation as to what land use it requires for Lot 1 Oceanside Promenade, Mullaloo in the future.

- A3 Lot 1 Oceanside Promenade is identified under the City of Joondalup District Planning Scheme No.2 as a Local Reserve - Parks and Recreation. Its land use is determined by the zone which clearly sets it aside for Parks and Recreation.

The following question, submitted by Mr N Gannon, Sorrento, was taken on notice at the Annual General Meeting of Electors held on 11 November 2002:

Q1 Will this Council take steps to have the Local Government Act amended so that the ratepayers at the AGM can put forward substantial motions which will be acted upon?

- A1 A decision along similar intent was carried at the Annual General Meeting of Electors held on 11 November 2002 and will be duly considered by the Council.

The following questions, submitted by Mr A Taylor, Kingsley, were taken on notice at the Council meeting held on 26 November 2002:

Q1 Will Council consider giving all former City of Wanneroo memorabilia to the City of Wanneroo and get on with the job of providing good government to the ratepayers of the City of Joondalup that elected you?

- A1 All former City of Wanneroo memorabilia represents the history of the entire district of the former City of Wanneroo and belongs equally to the two new Cities of Joondalup and Wanneroo. It was the Commissioners' intent that these items be managed and shared by both Cities and that is the current position of the City of Joondalup.

Q2 Several months ago I reported to Council that a concrete kerb had been smashed by a semi-trailer doing work on the CALM dual use paths around Lake Goollelal. When is the kerb on the corner of Verdun Lane and Meadowlark Way, Kingsley to be repaired and replaced please?

- A2 The initial report by Mr Taylor was received by the City and the matter was referred to CALM Regional Park Office as the damage occurred during construction of a dual use path in Yellagonga Regional Park, Kingsley.

CALM had extended negotiations with the contractor involved and the repairs to the kerb remained incomplete. The City has undertaken the repair and will recoup the cost for the remedial works from CALM.

The following questions, submitted by Mr S Grech, Ocean Reef, were taken on notice at the Council meeting held on 26 November 2002:

I refer to Council's decision in its last meeting to pay for the cost of bringing some children from Cue to Joondalup for a holiday, and I ask:

Q1 Why are these children just being housed in a local caravan park as opposed to, for example, the Joondalup Resort Hotel? Don't they deserve better?

- A1 The group from Cue was accommodated at the Sunset Coast Accommodation and Conference Centre in Marmion. Dormitory style accommodation needed to be provided to ensure adequate supervision of the 12 students by the 4 adults that were accompanying them on this trip.
- Q2 *Why was there not any proper community consultation prior to Council making its decision on this issue?*
- A2 Conducting consultation would have considerably increased the costs associated with this project. As only positive benefits for both communities were predicted it was not considered that this project was significant enough to require community consultation.
- Q3 *What measures are in place to ensure that Councillors claiming for child minding expenses when attending meetings of Council business are properly claimed. Will the City publish a report detailing such payments since the Council Election of May 2001?*
- A3 The Council has adopted a policy that sets guidelines for what and when expenses may be claimed. The responsibility is for the individual elected member to declare that the expenses they seek to be reimbursed is in accordance with the established guidelines. There has been no request to prepare such a report.

The following questions, submitted by Ms J Gollant, Duncraig, were taken on notice at the Council meeting held on 26 November 2002:

- Q1 *We believe the Mayor and members of Council are aware of community concern over the Hutchinson Mobile Phone Tower at the Duncraig Shopping Centre in Marri Road. Could you please explain Council's position on this matter?*
- A1 The City has requested Hutchison that it not install the facility and consult with the community. However, as the Telecommunication Act is enacted as Federal Legislation, the City cannot prevent low impact facilities from being installed. The Council ensures that carriers are fully aware of the Council's views and concerns regarding telecommunication infrastructure.
- Q2 *We understand that the City of Joondalup has put a moratorium in place relating to mobile phone towers. Could you please explain the exact nature of the moratorium and specify whether there are any circumstances in which it could be lifted?*
- A2 Due to the concern of the community in regard to the issues surrounding telecommunications facilities, Council at its September 2000 meeting resolved to place a Moratorium on further telecommunication facilities within the City of Joondalup, whether high or low impact. The decision to lift the Moratorium rests with Council. However, it is noted that the Moratorium cannot prevent the installation of low impact facilities, or prevent a carrier submitting a development application to the City for the consideration of a high impact facility. The Council would, however, be guided by its Moratorium when considering the application.

Q3 Could Council please explain why Percy Doyle Reserve is not a suitable alternative site for the Hutchinson Mobile Phone Tower proposed for the Duncraig Shopping Centre?

A3 Percy Doyle Reserve was the site of a proposed mobile phone tower in 2000, and was the subject of significant public opposition.

Q4 We are aware that City of Joondalup and Paul Pearson from Hutchinson's have been in negotiation over an alternative mobile phone tower site than that proposed at the Mullaloo Squash Courts. Could you please explain what is delaying a resolution to this process?

A4 There has been no negotiation over an alternative phone tower site.

Q5 Could you please explain the role of Council in regard to "community sensitive" areas as outlined in the most recent Australian Communications Industry document with regards to the positioning of mobile phone towers? (The document is called the Deployment of Radio Communications Infrastructure Code.)

A5 The role of Council in regard to 'community sensitive' areas is not specifically outlined in the document. This question is best addressed to the Australian Communications Authority.

Q6 Re: Mobile Phone Tower, Duncraig - Can the definition of the term 'moratorium' as used by Council be defined and the document or policy in which the term was originally devised also be available, as the term 'moratorium' seems to be used on a number of different contexts on this issue?

A6 The Council does not have a definition of the term Moratorium. The Australian Oxford Dictionary defines a Moratorium as 'temporary prohibition or suspension (of an activity)'. The resolution on 12 September 2000 states that Council:

"PLACES a moratorium on the installation of further telecommunication facilities, whether low or high impact, throughout the City of Joondalup.

and

SEEKS urgent discussions with the local Federal Members of Parliament with a view to approaching the Federal Minister for Telecommunications to further review the legislation, taking into account the communities' concerns regarding:

- the rights of individuals over placement of communication facilities;*
- radiation levels and the lack of supporting medical evidence over the potential impact of such radiation."*

Q7 As the Federal Government legislation on low impact towers overrides any Council jurisdiction, what in fact is the Council's moratorium, does it actually have any weight, any presence whatsoever? If the Federal Government can be used as an argument to say that the Council does not have any say, then what indeed is the place of the moratorium within this law?

A7 Due to the Federal Legislation, the Moratorium cannot be used to prevent low impact telecommunications facilities occurring, or prevent a carrier pursuing a planning application for a high impact facility. The Moratorium does, however, clearly outline the Council's stance on the issue of telecommunications facilities and can be used as grounds for refusal of infrastructure, which is other than "low impact". Council's stance through the Moratorium is one that equally applies to all communities within Joondalup. The validity of this approach could also be tested by a planning appeal against such a determination.

The following questions, submitted by Mr V Parin, Sorrento, were taken on notice at the Council meeting held on 26 November 2002:

Q1 In relation to the Briefing Session, in Mr Brislin's submission he stated that the Minister had sacked the Council over Mr Parin's house, is this correct?

A1 An inquiry was launched into the operations of the former City of Wanneroo in November 1997. Part of the inquiry required the panel to inquire into the handling by the Council of the former City of Wanneroo of a development application for Lot 560 Manakoora Rise, Sorrento. Following the investigations, the members of the inquiry panel recommended that the Council of the former City of Wanneroo be reinstated. The district of the former City of Wanneroo was abolished by a Governor's Order in July 1998.

The following questions, submitted by Mr M Sideris, Mullaloo, were taken on notice at the Council meeting held on 26 November 2002:

Q1 Can you please advise if the City of Joondalup provides community funding to the Sunset Coast Tourism Association and if so, how much and what community funding project was identified within their application?

A1 In 2002/03 the City of Joondalup has provided a total of \$20,000 (excluding GST) to the Sunset Coast Tourism Association (SCTA) under the Economic Development component of the Community Funding Program. Of this amount, \$15,000 comprises a strategic alliance involving the SCTA membership and the ECU School of Marketing and Tourism in which the latter will use the membership base of the SCTA to develop regular monthly statistics on the economic impact of the Sunset Coast tourism industry.

Within the funding, another \$5,000 has been provided to the SCTA to:

- update the Sunset Coast Tourism map and guide (which the City also distributes to its visitors and new residents; and
- Expand the Sunset Coast Tourism website (www.sunsetcoast.com.au).

Q2 With regard to the publicly promoted Sunset Coast Tourist Forum being held tomorrow, is the event being sponsored by the City of Joondalup and if so is the City financially sponsoring it and by how much.

A2 Yes, the City has sponsored the event to the value of \$1,650 (including GST).

The following questions, submitted by Mr D Johnson, Carine, were taken on notice at the Council meeting held on 26 November 2002:

Q1 We believe that Council is aware of a community concern over the Hutchinson Mobile Phone Tower at the Duncraig Shopping Centre in Marri Road. Could you please explain the Council's position on this matter?

A1 The City has requested Hutchison that it not install the facility and consult with the community. However, as the Telecommunication Act is enacted as Federal Legislation, the City cannot prevent low impact facilities from being installed. The Council ensures that carriers are fully aware of the Council's views and concerns regarding telecommunication infrastructure.

Q2 Why did Newcastle's Councillors reject an Optus tower which was classed as low impact when they found that emission levels at Lampton High School were a thousand times below the Australian standard, yet the Duncraig emissions are only 307 times below the Australian standard?

A2 This information is not known.

The following questions, submitted by Ms I McCoach, Duncraig, were taken on notice at the Council meeting held on 26 November 2002:

Q1 Is the mobile phone tower that is above the Duncraig shopping centre the original tower that was planned to be located at Percy Doyle Reserve?

A1 This is not known as both applications were lodged independently by One-Tel.

The following questions, submitted by Ms S Hart, Greenwood, were taken on notice at the Council meeting held on 26 November 2002:

Q1 Can Council please provide total administrative costs including all staff time that has been taken up in the preparation of reports and/or meetings involving the disputed mayoral chain?

A1 No.

The following questions were submitted by Ms M Moon, Greenwood:

Q1 Is the Sorrento Redevelopment Landscape Plan on the agenda tonight a stage of the Sorrento Precinct Concept Plan?

A1 No.

- Q2 If yes, why is it being addressed on its own and how did it get to masterplan stage on its own? Precinct plan to bring whole concept to Masterplan Stage!!*
- A2 Not applicable.
- Q3 Has the Sorrento Beach Redevelopment Plan on the Agenda tonight followed the guidelines for the preparation, form and content of:*
- (a) Local Commercial Strategy ?*
 - (b) Local Planning Strategy ?*
 - (c) Local Planning Policy?*
 - (d) Local Housing Strategy?*
 - (e) Structure Plan?*
 - (f) Centre Plan ?*
- A3 No.
- Q4 What guidelines, criteria and policies were used in the development of this plan?*
- A4 Further clarification is required for a response to be given.
- Q5 Were all the submissions received by the due date for closure of submissions.*
- A5 No.
- Q6 If no how many were received after the due date. Were they submitted for or against the proposal. How many for and how many against?*
- A6 Four were received after the due date. Three supported the proposal and one was against certain aspects of the proposed development
- Q7 What is the City of Joondalup's policy on late submissions.*
- A7 Council has no policy on late submissions, however the City has accepted late submissions provided sufficient time exists to incorporate them into a report to Council.
- Q8 As Precinct Planning is scrapped in the City of Joondalup, what is the status of the Sorrento Concept Plan(Local Area Plan)?*
- A8 The Sorrento Concept Plan does not form part of the Precinct Planning process.
- Q9 Is there a draft local commercial strategy for Sorrento, is there a local commercial strategy for Sorrento? Are either of these or both of these adopted? Endorsed? Could a copy please be given to Councillors and public at the public meeting.*
- A9 Policy 3.2.8 – Centres Strategy is an adopted Council policy and includes Sorrento.

Q10 Could a copy of the strategy/s that identify the Sorrento Beach Precinct and or area for improvement or re-development or landscaping please be supplied to Councillors and made available to public at meeting of Council. Including Policies and strategy maps detailing policies and proposals.

A10 The Sorrento Beach Redevelopment Plan has been advertised and is posted in the Council Chamber foyer. The plan has also been attached to reports for the Councillors information.

Q11 Is there a framework for a structure plan showing zones and proposed zones and zoning? Can this please be made available to Councillors and public.

A11 No there is not a generic framework.

Q12 What will the masterplan be recommended to be considered and endorsed as to the WAPC? As approval and comment has only been sought for a concept? Masterplan of what?

(a) Local Commercial Strategy?

(b) Local Planning Strategy?

(c) Local Planning Policy?

(d) Local Housing Strategy?

(e) Structure Plan?

(f) Centre Plan?

(g) something not mentioned above.

Can the Councillors and public please be informed before a decision is made on 17-12-02. As all the above have requirements and guidelines to adhere to and must be advertised to the public as per DPS2 and Centres Strategy and WAPC.

A12 Your questions are unclear. The application does not constitute a strategy or policy as named at (a) to (f) above, as it is in fact a development application. Please note that the WAPC are the determining authority for the development application.

The following questions were submitted by Mr M Caiacob, Mullaloo:

Re: Mullaloo Concept Plan/Improvement Plan:

Q1 What is the strategy for Mullaloo?

Q2 Does the City of Joondalup have a redevelopment policy or an improvement policy as required by the Local Commercial Strategy, under criteria policy?

Q3 For a public submission content to be recognised as an individual submission it must be individually signed and addressed. Does it apply that an individual submission must be individually signed and addressed?

Q4 When the City of Joondalup mails or delivers questionnaires to residents in an area, how many questionnaires are intended to be delivered to each rateable property?

Q5 Can questionnaires that are delivered, mailed or issued to an area, for the specifically designed purpose and use of that area, be additionally obtained from Council?

Re: Merrifield Place:

Q6 What is the status of the report in regards to the ten lots in Merrifield Place?

Q7 Why has it taken from 18 March 2002 until December to prepare a report to Council regarding the ten lots?

Q8 Has Council advised the recent new owner of Merrifield Place that Council may wish to build on the ten lots at Merrifield Place?

Q9 Did Councillors who attended the auction in Merrifield Place advise the prospective purchasers or agents that Council may wish to obtain benefit from the ten lots opposite?

Q10 Did Council advise the prospective purchasers or agents that Council may wish to obtain benefit from the ten lots opposite the auction site?

Q11 Prior to finalising the report, will Council be using the development under construction at the southern end of Merrifield Place as a precedent for development on the ten lots?

Q12 I was under the impression that State Government agencies had indicated previously that no development was to take place on the western side of the closest road to the Ocean, eg beach houses at Trigg Island. Is this correct?

Re: Lot 1 Oceanside Promenade:

Q13 The Mullaloo Beach Local Area Plan draft recommends an increase in residential for those properties awaiting development. Which properties are awaiting redevelopment and who are the stakeholders?

Q14 Is Lot 1 Oceanside Promenade one of these properties awaiting redevelopment?

Q15 Which major stakeholder has interest in Lot 1 Oceanside Promenade?

Q16 Being a public place, does the City of Joondalup consider the ratepayers of the City as the major influencing party or stakeholder in Lot 1 Oceanside Promenade?

Q17 Why, when the Council had previously indicated that it did not intend to split up the resolutions that have been passed at a Special Electors meeting, did the Council split the motions and resolutions in the advertising of the Electors meeting outcomes as well as in the Council meeting dealing with Cr Baker's Motion No 2? (Ref: questions asked 9 April 2002 by M Caiacob and reply given; Community Newspaper 27 June 2002; Minutes of Meeting 11 June 2002)

- Q18 Has the City of Joondalup further investigated the suggestions that additional sites, such as Tom Simpson Park and Geneff Park, be added to or included in Schedule 5 of DPS2, since the first inquiry at Council meeting of 9 April 2002?*
- Q19 Is it open and accountable governance to refuse ratepayers' requests in regards to Lot 1 Oceanside Promenade?*
- Q20 Does Council consider the advertising of the Special Electors meeting motions to be open and accountable governance in regards to the deletion of Motion 2 (from the Electors meeting) and its inclusion into Motion No 1 (in the Community News)?*
- Q21 Is Council obliged to tell the truth to the rate paying public under Federal, State, Electoral and/or Local Law or policy?*

Re: General:

- Q22 With Mullaloo foreshore areas linked to the immediate and more regional catchment areas of Perth and the projected traffic flow to the present is approx 10780 cars, an increase of 3400 cars in 45 months (2.7 cars per day), what is the Council's projections for future parking requirements for the Mullaloo coastal strip?*
- Q23 Does the City of Joondalup have policy, guidelines or planning regulations to limit patrols in licensed premises?*
- Q24 What is an end of trip facility with regard to bicycle riders?*
- Q25 The City of Joondalup web site indicates that the statistics for the suburbs Kallaroo, Mullaloo, Ocean Reef, Beldon and Heathridge show there is a decrease in population growth between the 1996 census and the 2001 census and this is also expressed in the population estimates to 2031. Is this correct?*
- Q26 Is it correct that between the 1996 census and the 2001 census there was an increase in families with children in Mullaloo from 60% to 67.5%.*
- Q27 Is there any projected data for 2031 populations with regard to families with children located in Mullaloo?*

Re: Complaints:

- Q28 What is the intended purpose or reason for acting only on identified complainants' complaints and not on anonymous complaints?*
- Q29 On enquiring about the disappearing signage for the Mullaloo Special Electors Meeting (September 2002) I was told by the relevant section's secretary that the Director for that section had taken an anonymous complaint regarding the signage. Is this correct?*

Q30 If it is not correct, can the complainant's details be accessed via the Freedom of Information Act?

A1-30 These questions will be taken on notice.

The following questions were submitted by Ms C Woodmass, Kingsley:

Q1 What formal university qualifications does the CEO have, from which educational institute and when did he obtain them?

Q2 Did the CEO provide copies of certificates obtained for his qualifications, when he applied for the position and if not, will he do so now?

Q3 I asked the above questions in the last Council meeting and they were disallowed, I am asking them for the reason states above, ie I expect that the City and the CEO would like to clear up the issues surrounding the CEO's qualifications. If disallowed again can the Mayor please give an explanation as to why they are disallowed?

A1-3 The Mayor has advised that in accordance with his previous public statements, Mr Smith has provided details of his qualifications to the Mayor's satisfaction. Mr Smith has also provided by way of a confidential memorandum to all Councillors, details of all qualifications he holds.

Matters pertaining to Mr Smith's employment or provisions of his employment contract with the City are strictly confidential between the CEO and the Council.

Any matters pertaining to Mr Smith's employment or his contract of employment will not be the subject of debate with members of the public. Mr Smith has rights and such must be respected by all members of the Council and the public.

This matter is now closed and will not be debated further.

Q4 Can you explain why these questions did not appear in the minutes of the last meeting.

A4 The questions were ruled out of order and therefore not included in the minutes.

The following questions were submitted by Mr G Moon, Greenwood:

Re: The Sorrento Beach Development Plan.

Q1 Is it correct to say that the 2 petitions containing 52 signatures were received before the Sorrento Beach Redevelopment Public Exhibition?

A1 The petitions were received prior to the Exhibition period. The petitions came from the Sorrento Sunset Estate and Sorrento Beach Resort. These petitioners were consulted separately by Council Officers along with the Sorrento Surf Lifesaving Club, as they were the directly affected properties to the proposal. Their petitions were then lodged to the City. As their submissions directly related to the same plan that was on public exhibition, these were included as part of the overall response to the public comment period.

It is also noted that some submissions both for and against the beach redevelopment proposal were received after the exhibition period and were also included in the consideration of this matter.

Q2 Is it also then correct to say the total number of submissions received for the Sorrento Beach Redevelopment Public Exhibition was 78 submissions?

A1 No (refer to A1)

Q3 Is it also then correct to say the total number of Sorrento Beach Redevelopment Public Exhibition Comments FOR was 7 not 59?

A3 No (refer to A1)

Q4 Is it also correct to say only 4 out of 78 submissions supported large grass areas?

A4 Only 4 made specific mention of supporting large grassed areas, the majority supported the proposal in its entirety without being specific on any individual aspect of the project.

Q5 17 and 14 respectively opposed the grass areas and the destruction of dunes and natural vegetation, could you please explain to me and the Councillors why surrendering such a tiny area of grass in the most Northern Corner is the only recommendation from the officers when 16 opposed to the boardwalk connecting the groyne initiated its removal from the plan?

A5 In relation to the extent of grassed area, it is noted in the body of the report that sufficient licensed bore capacity exists within the bore at Geneff Park to service all options before Council. However, with respect to sand drift control concerns and safe movement of pedestrians, it is considered by the designers that the option depicted at Attachment 4 satisfactorily addresses these matters and still allows for a reduction in the amount of grassed area.

Q6 Can the officers recommending a decision being made on looking at the appalling maps on attachment 3 and 4 honestly say they expect a decision to be made based on these most unprofessional offerings after major changes have been made?

A6 It should be noted that the plans depicted on Attachments 2 through to 4 of the report are reductions of larger plans. The full size plans have been presented to Council.

Q6(a) Are these plans being sent to the WAPC along with Attachment 2 (with its unreadable legend)?

A6(a) The full size plans endorsed by Council will be sent to WA Planning Commission as an amendment to the original plan submitted for Development Approval.

Q6(b) If these are the quality products on offer to our Councillors and the public and full of enough detail to go to design stage, could we have these forwarded to WAPC with the recommendation please?

A6(b) Refer to A6(a)

Q7 Why wasn't a response made to the comment: Sorrento foreshore areas, commercial areas & recreational facilities need to be incorporated as a whole and then selective areas of that masterplan redeveloped into stages? This is exactly what is supposed to happen and is called orderly planning with requirements and guidelines and strategies to make sure this occurs! Will this submission be included to WAPC along with the rest?

A7 The Sorrento Surf Lifesaving Club redevelopment proposal was not intended to be part of the beach redevelopment works and has subsequently been removed from the plan and the overall proposal.

Q8 Will the original submissions be sent along with recommendation to WAPC?

A8 All public submissions will be referred to the WA Planning Commission.

Q8(a) Will it be noted to WAPC that the 56 signatures on the petitions were submitted before the Sorrento Beach Redevelopment Public Exhibition?

A8(a) All submissions will be brought to the attention of the WA Planning Commission.

The following questions were submitted by Mrs M Macdonald, Mullaloo:

Re: Agenda items referring to plans for Mullaloo Beach and Sorrento Beach:

The Plans were commenced under a planning process known as Precinct Planning in response to the then Strategic Plan, Strategy 2.1. We are told that Council is now responding to Strategy 2.2 which is similar to 2.1.

Given the above statement the following questions refer to the process that Council is using:

Q1 When did Council make a resolution to cease the Precinct Planning Process for Mullaloo and Sorrento? If the Resolution exists what was its date? (Cr Baker's motion 12 February 2002 covered only Warwick, Kingsley, Greenwood and Woodvale).

A1 No specific resolution was made in relation to Mullaloo and Sorrento.

Q2 If the planning process known as Precinct Planning no longer exists for Mullaloo and Sorrento could Council identify what planning process they are using for example, is it a process under a Local Area Strategy, a Housing Strategy, a Centre Plan, a Commercial Strategy, a Structure Plan?

A2 None of the above. The Mullaloo Beach Project Preliminary Concept Plan is a plan that seeks to upgrade Mullaloo Beach and Tom Simpson Park. It is not a formal document or plan under the City's District Planning Scheme No.2.

Q3 *As the name of the plan identifies the current stage of the process, can you identify that stage? The report tonight has named this plan a Preliminary Concept Plan, a Concept Plan, and Improvement plan? Which of the above is the correct name for the plan?*

A3 The plan released for public comment was the Mullaloo Beach Project Preliminary Concept Plan. Given the amount of work undertaken on this plan thus far, and given comments made by the public during the consultation period, it was considered appropriate that the word 'preliminary' be deleted from the title of the plan. Accordingly the current name of the plan is the Mullaloo Beach Project Concept Plan.

The Preliminary Concept plan for Mullaloo was a drawing over an aerial photograph. As the plan before council tonight is a reproduction of that plan with statements can Council please clarify the following points?

Q4 *There was no path in the plan 18 March 2002 showing a bike path below the escarpment, this was in the original plan put before council on 11 September 2001? Did the CEO confirm that the only plan for Mullaloo being considered was the one of the 18 March 2002?*

A4 This question requires clarification. Further work was been undertaken in respect to the path network, with the preferred option shown in attachment 4.

Q5 *Is the dual use path along the west side of Oceanside Promenade still being considered or are the highlighted paths on Appendix 4 the only paths being considered?*

A5 Yes, both, amongst others as outlined within the report.

Q6 *The report refers to safety and traffic issues. As there has been no traffic or safety report provided with this plan please state how these statements were formulated and from which documents? Could the traffic and safety report be made available to councillors and the public before the meeting?*

A6 This question requires clarification. Preliminary safety audit comments were provided by the consultant traffic engineer as part of previous work on the plan and professional advice was obtained from the City's engineers.

Q7 *Will ratepayers be able to comment on the next stage, presumable master plan for Mullaloo, when it is completed?*

A7 It is not anticipated that further comment will be sought.

- Q8 \$200,000 was listed in the City's five year capital works program for construction of road works for Oceanside Promenade. Where is this listed? Last year this was a budget proposal for 2002/03 where is it now?*
- A8 The City's current 2002/2003 capital works program lists Oceanside Promenade road works in the 2003/2004 year.
- Q9 In the current plan are there any more car bays proposed?*
- A9 The plan does not provide such detail. Rationalisation of existing parking areas to accommodate more bays may occur as a result of detailed design.
- Q10 Is the grassed area now known as Tom Simpson Park to be preserved ? Is the plan still pursuing the right to use the grassed area over the road reserve for car parking? Or any other use? The road carriage way is not being included in the grassed area that is going to design stage and can be used for car parking. Is this correct? There was no clear and demonstrable support for this at any time. Is this correct? This plan has not taken into account the wishes of the public. Is this correct?*
- A10 The grassed area in the road reserve is intended to be preserved, as far as is possible. No car parking of this area is proposed. No other use is proposed, other than the 'commuter' type path that is envisaged to run adjacent to the western carriageway of Oceanside Promenade.
- Q11 As there is no detail about what is to be included in this plan what are Councillors being asked to approve? Are these plans meant to confuse Councillors and ratepayers?*
- A11 Council is asked to consider all design elements except design element 31 as stated in the Council resolution.

The following questions were submitted by Mr G Lawson, Kallaroo:

Re: CJ333-12/02: Proposed Single House (Including Wall on Boundary) Lot 151 (16) Montague Way, Kallaroo:

- Q1 In an article on Page 25 of the Wanneroo Times dated 5 November 2002, which refers to the implementation of the new Residential Design Codes titled "Fly in Ointment seen over parapet walls". The Mayor, John Bombak, is quoted as saying "It is disappointing that developers can now build parapet walls on boundaries without adjoining neighbours' comments. This could lead to the City being accused of not acting in the best interest of adjoining property owners. It is one area the WA Planning Commission could look at amending. I have asked our planning staff for comment on this aspect of the new codes to pass along to the Commission for review".*

Has the Mayor received any comments from the Planning staff, what were the comments and have the comments been passed along to the Commission for review?

A1 The Mayor participated in a seminar initiated by the City on the new Residential Design Codes. The Mayor made similar comments at this seminar and these comments were noted by the panel members responsible for the ongoing review of the Codes.

Q2 *In the new R-Codes, on Pages 36 and 57 there are recommendations that Council may adopt Local Planning Policies to cover additional controls over the building of walls on the boundary which may be detrimental to adjoining neighbours.*

Has the Council considered the preparation and implementation of a Local Planning Policy to cover stricter controls over building walls on the boundary? If so, when will this policy be implemented and will the Council defer consideration of Items CJ332-12/02 and CJ333-12/02 until after the Local Planning Policy is in place?

A2 The Council has not considered the preparation of such a policy.

The following questions were submitted by Mr M Caiacob, Mullaloo:

Q1 *Why are the Mayor, Mr D Smith, Mr F Uzaraga, Mr D Djulbic, Mr C Higham and Mr P Schneider considered Joondalup stakeholders?*

Q2 *Is there any other stakeholders lists for the City of Joondalup eg., key stakeholders, sports stakeholders, industrial stakeholders, commercial stakeholders, individual suburb stakeholders (ie., Mullaloo Stakeholders Group, Sorrento Stakeholders List) etc?*

A1-2 These questions will be taken on notice.

The following questions are directed to Councillor Baker as indicated by Council administration's previous response.

Q3 *Can Cr Baker, Marina Ward indicate why his motion No. 2 Part (B), as per Notice of Motion to the Council Meeting held 11 June 2002 not raised as a motion?*

Q4 *Can Cr Baker, Marina Ward indicated why he did not raise another motion in regard to Lot 1 Oceanside Promenade once the general public had brought to his attention that the motion relating to Lot 1 Oceanside Promenade had not been raised?*

A3-4 These questions will be taken on notice.

Mr S Magyar, Heathridge

Q1 *Will the public question time for this meeting be conducted in accordance with the Local Government Administration Regulations, Clause 7, Subsection 3?*

A1 Council has already read out how public question time will be conducted tonight.

Q2 Why at the meeting of 26 November 2002, was public question time not conducted in accordance with Local Government Administration Regulation Clause 7, Subsection 3?

A2 That is not the opinion of the presiding person.

Mrs M Macdonald, Mullaloo:

Q1 Re: Answers to my questions that are part of the Agenda: Can you tell me whether or not precinct planning has ceased with respect to Mullaloo and Sorrento?

A1 Precinct planning started in Mullaloo and Sorrento with focus groups and the process was tested when Council moved to Greenwood, Woodvale, Kingsley etc. It was referred to as precinct action planning and it was this that Council ceased through its resolution. There has been no specific resolution in relation to precinct planning but no further work has been done on precinct planning.

Q2 When the second preliminary Mullaloo Concept Plan was put out for publication on 18 March 2002 it was under the heading of Precinct Planning with a file number attached to it. On the agenda tonight the file number of precinct planning has been dropped. What has happened between 18 March 2002 and tonight to warrant dropping the precinct planning file number from this particular plan and was this something that went before Council or is this something that has happened under delegated authority?

A2 The item before Council tonight is a discreet project looking at the improvement of the beach front.

Mrs M Shore, Ocean Reef:

Q1 Has the City of Joondalup or the West Australian Planning Commission held workshops to inform Councillors in regard to the new R Codes and the requirements of discretionary approval as required by Clause 234 parts 1 and 5?

A1 Yes there has been a number of seminars held over the last six months, most recently one with the building industry which some Councillors and the Mayor attended.

Q2 Re: 12 & 14 Gloriana View - If the parapet wall complies with the technical requirements of the R Codes, why is discretion being used to approve this application?

A2 This question will be taken on notice.

Mr J Parker, Duncraig:

Q1 Re: Reticulation in Sycamore Drive, Duncraig – If the developer Maple Partnership Gillon and Osboine advised the Council approximately two years ago of their intention to terminate their maintenance of reticulation, why has it taken this long for Council to take action and for residents to present a petition?

A1 Four years ago the development had certain conditions placed on it and once the developer hands it over the reticulation for that particular piece of road reserve will not continue. Whilst Council was aware of it, the actual time of handover was not clear two years ago. The City is currently in the process of undertaking some watering of that particular part of the road reserve using water trucks and is negotiating with the property owner where the pump exists on private land. It is hoped to negotiate within the next week or two that the watering will revert to the private pump.

Administration will be presenting a report to Council on the various options early next year for Council to make a decision on the long-term strategy.

Q2 *If Council is watering three times a week, will this continue through January 2003 because a letter from Cr Patterson mentions that this watering will take place only in December 2002 and February 2003.*

A2 The intention is to keep watering that particular reserve until the matter has come before Council and a decision is made on the long-term strategy.

Ms C Lawson, Kallaroo

Q1 *Items CJ332-12/02 and CJ333-12/02 concerning parapet walls of adjoining properties – Will Council undertake to prepare a local planning policy as recommended in the R Codes pages 36 and 37 to address the concerns of existing residents?*

A1 This question will be taken on notice.

Q2 *How can Council take a question on notice when the matter is to be decided upon tonight?*

A2 It is a decision of Council that certain questions may need to be taken on notice.

Mr K Petburg, Currambine

Q1 *When will Council change the parking law for commercial or large vehicles in a residential area?*

A1 A draft report was considered by Council at a briefing session and there was some concerns raised about what might be achieved with proposed changes to the commercial parking provisions in the scheme. It was resolved to seek further legal advice on enforcement issues and to come back to Council as soon as possible.

APOLOGIES AND LEAVE OF ABSENCE

Late attendance: Mayor Bombak. Cr Rowlands

C167-12/02 REQUEST FOR LEAVE OF ABSENCE - CR A NIXON

Cr Nixon has requested Leave of Absence from Council duties from:

3 January to 14 January 2003 inclusive;
8 February to 2 March 2003 inclusive.

MOVED Cr Kadak, SECONDED Cr Kimber that Council APPROVES the request for Leave of Absence from Cr A Nixon from:

- **3 January to 14 January 2003 inclusive;**
- **8 February to 2 March 2003 inclusive.**

The Motion was Put and

CARRIED (13/0)

In favour of the Motion: Crs Baker, Barnett, Carlos, Hollywood, Hurst, Kadak, Kenworthy, Kimber, Mackintosh, Nixon, O'Brien, Patterson, Walker.

DECLARATIONS OF FINANCIAL INTEREST/INTEREST THAT MAY AFFECT IMPARTIALITY

Cr O'Brien declared a financial interest in Item CJ319-12/02 – Warrant of Payments – 30 November 2002 (Voucher No 44282 – Chubb Electronic Security and Voucher No 44294 – Chubb Protective Services P/L) – as Chubb Security has taken over an FAI Extra Watch security at his residence.

Cr O'Brien declared a financial interest in C173-12/02 – West Australian Newspaper – Comments Allegedly made by Cr Walker as he has had dealings with Chan Galic, Barristers and Solicitors.

Cr Walker declared a financial interest in C173-12/02 – West Australian Newspaper – Comments Allegedly made by Cr Walker – as this matter affected her personally.

Cr Kimber declared an interest which affected impartiality in CJ315-12/02 - Wanneroo Basketball Association as a family member is involved with the Wanneroo Basketball Association.

The Chief Executive Officer, Mr Denis Smith, declared an interest which may affect his impartiality in C181-12/02 – Notice of Motion No 1 – Cr A Nixon as the matter related to him personally.

C168-12/02 CONFIRMATION OF MINUTES – 26 NOVEMBER 2002

MOVED Cr Baker, SECONDED Cr Kadak that the Minutes of the Council Meeting held on Tuesday, 26 November 2002 be confirmed as a true and correct record.

The Motion was Put and

CARRIED (13/0)

In favour of the Motion: Crs Baker, Barnett, Carlos, Hollywood, Hurst, Kadak, Kenworthy, Kimber, Mackintosh, Nixon, O'Brien, Patterson, Walker.

ANNOUNCEMENTS BY THE DEPUTY MAYOR WITHOUT DISCUSSION

WELCOME

Welcome all, to this final Council meeting for the City of Joondalup for the Year 2002.

It has been a year of many achievements.

Chief Executive Officer, Denis Smith in his first year has made great progress, streamlining the City's administration into a business operation. Denis is performing excellently, and we congratulate him on his efforts.

Under his guidance, the City is continuing its push to establish Joondalup as a premier "Learning City".

The new buildings of Edith Cowan University and the Police Academy (a total of \$300 million of building approvals) are testimony to success.

It has been a great 25th Silver Jubilee year for Joondalup.

The celebrations of that event with former Premier, Sir Charles Court were outstanding. As we work on two big visionary projects, the Performing Arts Centre and Ocean Reef Boat Harbour, it is fantastic to reflect how far we have come in a quarter of a century.

If we all work together, just imagine how much we can achieve in the next 25 years.

RECESS DATES

From this evening, Council will be in recess until 11 February 2003.

Best wishes for this Christmas and New Year season and thank you for your attendance and participation over the past 12 months.

KINGSLEY MEMORIAL CLUBHOUSE

Residents of the City of Joondalup, the residents of Kingsley, and particularly the Kingsley Senior Football Club, are still coming to terms with the loss of family, friends and fellow club members.

The groundswell of community support for the victims and their families has been immense.

Hundreds have offered help with a memorial clubhouse to celebrate the lives of Kingsley Football Club members lost in the Bali bombings.

The City of Joondalup is providing support in a number of areas to the Kingsley and Joondalup communities to ensure the memorial becomes a reality.

The co-ordination of the thousands of offers of material and labour is essential.

Key contributions are coming from Dale Alcock Homes, Kerry Stokes of the Seven Network, Cox Architecture and over 100 different organisations and individuals.

The project is now set to be rapidly developed through the first half of 2003.

The City will continue to provide support to this project that is proving a great focus for uniting the community in a time of tragedy.

This Christmas, may our thoughts be with those who have lost loved ones in the atrocity, and may we be vigilant, without paranoia, in our efforts to prevent this ever happening again.

C169-12/02**PETITIONS****1 PETITION OBJECTING TO PROPOSED REZONING/SUBSEQUENT FUTURE DEVELOPMENT – LOT 70 ALFRETON WAY, DUNCRAIG – [56527]**

A 135-signature petition has been received from residents of the City of Joondalup objecting to any rezoning considerations at Lot 70 Alfreton Way, Duncraig by the City on the following grounds:

- 1 unnecessary destruction of urban virgin bushland;
- 2 increase in pedestrian and vehicular traffic in the immediate local and surrounding areas;
- 3 foreseeable damage to government and residential property through anti-social and criminal behaviour;
- 4 increase in anti-social activities both during day and night hours.

2 PETITION SEEKING PROVISION OF BORE, SYCAMORE DRIVE, DUNCRAIG – [09562] [03076]

A 155-signature petition has been received from Katie Hodson-Thomas, MLA – Member for Carine, on behalf of residents of the City of Joondalup seeking provision of a bore in Sycamore Drive Duncraig, to water the trees and lawn that was previously reticulated from a bore on a block of land that is now in the hands of a private property owner.

3 PETITION REQUESTING INSTALLATION OF FOOTPATH – LANDOR GARDENS, WOODVALE – [03179]

An 18-signature petition has been received from residents of Landor Gardens requesting the installation of a footpath on the verge of Chichester Park abutting Land Gardens, Woodvale.

This petition will be referred to Infrastructure and Operations for action.

4 PETITION OBJECTING TO PROPOSED FOOTPATH INSTALLATION, CYANE WAY, CURRAMBINE - [23915]

Cr Nixon tabled a 9-signature petition on behalf of Currambine residents strongly objecting to any proposed installation of a footpath in Cyane Way, Currambine.

This petition will be referred to Infrastructure and Operations for action.

MOVED Cr Kadak, SECONDED Cr Baker that the petitions:

- 1 **objecting to any rezoning considerations at Lot 70 Alfreton Way, Duncraig;**
- 2 **seeking provision of a bore in Sycamore Drive Duncraig, to water the trees and lawn that was previously reticulated from a bore on a block of land that is now in the hands of a private property owner;**
- 3 **requesting the installation of a footpath on the verge of Chichester Park abutting Land Gardens, Woodvale;**
- 4 **strongly objecting to any proposed installation of a footpath in Cyane Way, Currambine;**

be received and referred to the appropriate Business Units for action.

The Motion was Put and

CARRIED (13/0)

In favour of the Motion: Crs Baker, Barnett, Carlos, Hollywood, Hurst, Kadak, Kenworthy, Kimber, Mackintosh, Nixon, O'Brien, Patterson, Walker.

C170-12/02

AMENDMENT TO ORDER OF BUSINESS

MOVED Cr Baker, SECONDED Cr Patterson that in accordance with Clause 3.2 of the City's Standing Orders Local Law the Order of Business for this evening's meeting be altered to allow the following items to be considered at this point.

- **C171-12/02: Notice of Motion No 3 - Cr Baker;**
- **C172-12/02: Late Item 4 - Telecommunication Facilities Statement of Policy; and**
- **C173-12/02: Late Item No 5 - West Australian Newspaper – Comments allegedly made by Cr Walker.**

Cr O'Brien advised he would be declaring a financial interest in C173-12/02 – West Australian Newspaper – Comments Allegedly made by Cr Walker as he has had dealings with Chan Galic, Barristers and Solicitors.

Cr O'Brien left the Chamber at this point, the time being 1937 hrs.

The Motion was Put and

CARRIED (9/3)

In favour of the Motion: Crs Baker, Barnett, Hurst, Kadak, Kenworthy, Kimber, Mackintosh, Nixon, Patterson.
Against the Motion: Crs Carlos, Hollywood, Walker.

C171-12/02 NOTICE OF MOTION NO 3 – CR C BAKER – [02129, 02154]

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 17 December 2002:

“That:

- 1 the City of Joondalup forthwith does all things necessary and within its legislative or non-legislative competence to encourage, assist and where appropriate give all necessary approvals to allow Hutchison 3G Australia Pty Limited (“Hutchison”) to relocate its low impact mobile telecommunications installation erected under the sole authority of and pursuant to the provisions of the Federal Government’s Telecommunications Act 1997 (C’t) and the Telecommunications (Low-Impact Facilities) Determination 1997 (C’t) away from the Duncraig Primary School and to a site which is acceptable to both the Duncraig Community and Hutchison;*
- 2 in furtherance of this objective, the City shall convene a meeting as soon as possible with Hutchison, Dr Mal Washer, MHR, Federal Member for Moore, Mrs Katie Hodson-Thomas, MLA, State Member for Carine, the Mayor, Ward Councillors and representatives of the Duncraig Residents Action Group”.*

OFFICER’S COMMENT

At its meeting on 12 September 2000, Council resolved to:

- “1 ADVISE the applicant that in view of the strong concern expressed by the community over the unknown effect of radiation emissions from the mobile communication facilities, it is not prepared to enter into a Lease Agreement for the proposed sites.*
- 2 ADVISE the application that it does not support the installation and use of additional telecommunication facilities at the proposed sites.*
- 3 PLACE a moratorium on the installation of further telecommunication facilities, whether low or high impact, throughout the City of Joondalup.*
- 4 SEEK urgent discussions with the local Federal Members of Parliament with a view to approaching the Federal Minister for Telecommunications to further review the legislation, taking into account the communities’ concerns regarding:*
 - (a) the rights of individuals over placement of communication facilities;*
 - (b) radiation levels and the lack of supporting medical evidence over the potential impact of such radiation.”*

A feature of the moratorium is that it applies equally to all communities within the City of Joondalup. Prior to the resolution, the Council had received numerous requests for telecommunication facilities, most of them being objected to by the local community. The proposal for a tower on Percy Doyle Reserve drew a large community reaction, resulting in a number of petitions totalling over 1,000 signatories being received. The City still receives many requests from telecommunication carriers throughout the City.

Whatever course of action the Council takes, it is important that there is consistency across the whole municipality and that everyone is given equal opportunity to comment on suggested alternative locations.

The facility at the Duncraig Shopping Centre is “low impact” as defined under the *Telecommunications (Low Impact Facilities) Determination Act 1997*. Under the provisions of this *Act*, Hutchison 3G Australia P/L could relocate this facility without reference to the Council or the need for Council’s approval. If Hutchison requires a facility, which is other than low impact, then they could make a Planning Application to the Council. There is nothing in the Council’s Moratorium resolution that would prevent such an application being made for consideration and/or determination by the Council.

In order to ensure a better understanding of Council’s position on this issue and to clarify the process, the following Policy Statement is suggested as a replacement for the Moratorium.

Policy Statement - Telecommunication Facilities

- 1 The City recognises that it is bound by the Federal legislation relating to telecommunication facilities and that it has no jurisdiction over the location or installation of “low impact” facilities as defined under the *Telecommunications (Low-Impact Facilities) Determination Act 1997*.
- 2 The City, as a general rule, does not support the installation or location of telecommunication facilities, particularly in the vicinity of schools, childcare establishments, hospitals and general residential areas.
- 3 The City recognises the right of land owners/applicants to make applications for planning approval for telecommunication facilities deemed to be other than low impact under the *Telecommunications Act*, and acknowledges its obligation to make a recommendation to the WAPC or determine the application in its own right.
- 4 Having received a Development Application for a telecommunication facility, the City will advertise the proposal for a 60-day period and consult with the local community surrounding the proposed site. Owners and occupiers of property within a radius of 500m will be advised in writing, at the cost of the applicant, and afforded an opportunity to make comment to the Council prior to the matter being considered at a Council meeting.
- 5 In making a recommendation to the WAPC or determining the application the Council will have regard to:

- the comments and concerns of the local community,
- the merits of the particular proposal
- compliance with the industry code of practice,
- compliance with matters required to be considered under the District Planning Scheme, and
- the general concerns of the Council regarding the potential effects of telecommunication facilities referred to in point 2 above.

VOTING REQUIREMENT

Simple Majority

NOTE: Item C171-12/02 – Notice of Motion No 3 – Cr Baker and Item C172-12/02 Telecommunication Facilities Statement of Policy WERE CONSIDERED AS ONE ITEM. See Item C172-12/02 below

C172-12/02 TELECOMMUNICATION FACILITIES STATEMENT OF POLICY

WARD - All

PURPOSE

To allow the Council to consider an alternative policy to the current moratorium on telecommunication facilities.

EXECUTIVE SUMMARY

In response to a development application for telecommunication facilities within the City and the strong concern expressed by the community over the unknown effect of radiation emissions from mobile telecommunication facilities, the Council, at its meeting of 12 September 2000, resolved to put a moratorium in place on the further installation and use of additional of additional telecommunication facilities throughout the City.

The moratorium has had little effect on the placement of low impact facilities as defined under the Federal legislation, but appears to have had some effect on the placement of other than low impact facilities throughout the City. There is a perception held by the community and by the telecommunication facility carriers that the moratorium is restricting the ability of carriers to make planning applications to the City for other than low impact facilities.

In view of this perception and the need for Council to clarify its position and process that it would undertake for such applications is recommended that the moratorium be lifted and a Policy Statement be put in its place.

BACKGROUND

At its meeting on 12 September 2000 the Council resolved:

- 1 ADVISES the application that in view of the strong concern expressed by the community over the unknown effect of radiation emissions from the mobile communication facilities, it is not prepared to enter into a Lease Agreement for the proposed sites.
- 2 ADVISES the application that it does not support the installation and use of additional telecommunication facilities at the proposed sites.
- 3 PLACES a moratorium on the installation of further telecommunication facilities, whether low or high impact, throughout the City of Joondalup.
- 4 SEEKS urgent discussions with the local Federal Members of Parliament with a view to approaching the Federal Minister for Telecommunications to further review the legislation, taking into account the communities' concerns regarding:
 - (i) the rights of individuals over placement of communication facilities;
 - (ii) radiation levels and the lack of supporting medical evidence over the potential impact of such radiation.

In the past the Council has received numerous applications for telecommunication facilities and an application received by OneTel for a slim line pole tower on Percy Doyle Reserve, drew a large community reaction resulting in a number of petitions totalling over 1,000 signatories being received.

DETAILS

It is proposed that the Council's moratorium be rescinded and replaced with a Policy Statement on Telecommunication Facilities. The purpose of the Policy Statement is to make it clear where the City stands in relation to the Federal Government legislation on Telecommunication Facilities. The Statement (Attachment 1) is proposed to make it clear that the City, as a general rule, does not support the installation of telecommunication facilities, particularly in the vicinity of schools, childcare establishments, hospitals and general residential areas. The Statement also recognises the right for applications for planning approval to be made to the City and acknowledges the City's obligation to make recommendations or determine the application in its own right.

The Policy Statement also sets out how the City should deal with development applications in terms of the public consultation. While consultation period of 60 days would ultimately be desirable, this is not possible because of the need for the Council to determine an application within 60 days. Clause 6.5.1 of the *District Planning Scheme* states that the applicant or proponent may deem the application to be refused where the Council has not conveyed a decision determining the application to the applicant or proponent within 60 days of the

receipt of the application. While obtaining written advice from the applicant or proponent may extend this period, it is desirable that the Council generally deal with these matters in the 60-day period. As a consequence, a 30-day maximum consultation period is considered appropriate.

The Policy Statement also sets out the matters which Council would have regard to in determining an application or making a recommendation to the WA Planning Commission.

COMMENT

There is a perception within the community that the Council's moratorium on telecommunication facilities is preventing development applications from carriers being made and consequently forcing them into a position of constructing low impact facilities. The moratorium does not inhibit the lodging of development applications, however, it does have a significant bearing on the way a development application is considered. It is believed that it would be in the Council's interest to clarify this position and to clearly state where the Council stands in relation to telecommunication facilities, the receipt of development applications, the process through which the development applications would be taken and the matters to which Council would have regard when making recommendation to the WA Planning Commission or determining the application in its own right.

It is therefore recommended that Council rescind Clause 3 of its resolution on 12 September 2000 and replace it with the Policy Statement Telecommunication Facilities (Attachment 1).

VOTING REQUIREMENTS

Absolute Majority

OFFICER'S RECOMMENDATION That Council:

1 BY AN ABSOLUTE MAJORITY, RESCINDS Clause 3 Of Resolution Cj229-09/00 of its Meeting held on 12 September 2000, Viz: *“Places A Moratorium On The Installation Of Further Telecommunication Facilities With A Low Or High Impact Throughout The City Of Joondalup”*; And

2 REPLACES it with the following Policy Statement Telecommunication Facilities:

“POLICY STATEMENT - TELECOMMUNICATION FACILITIES

1 The City recognises that it is bound by the Federal legislation relating to telecommunication facilities and that it has no jurisdiction over the location or installation of “low impact” facilities as defined under the *Telecommunications (Low-Impact Facilities) Determination Act 1997*.

2 The City, as a general rule, does not support the installation or location of telecommunication facilities, particularly in the vicinity of schools, childcare establishments, hospitals and general residential areas.

- 3 The City recognises the right of land owners/applicants to make applications for planning approval for telecommunication facilities deemed to be other than low impact under the *Telecommunications Act*, and acknowledges its obligation to make a recommendation to the WAPC or determine the application in its own right.
- 4 Having received a Development Application for a telecommunication facility, the City will advertise the proposal for a 30-day period and consult with the local community surrounding the proposed site. Owners and occupiers of property within a radius of 500m will be advised in writing, at the cost of the applicant, and afforded an opportunity to make comment to the Council prior to the matter being considered at a Council meeting.
- 5 In making a recommendation to the WAPC or determining the application the Council will have regard to;
 - (a) the comments and concerns of the local community,
 - (b) the merits of the particular proposal
 - (c) compliance with the industry code of practice,
 - (d) compliance with matters required to be considered under the District Planning Scheme, and
 - (e) the general concerns of the Council regarding the potential effects of telecommunication facilities referred to in point 2 above.”

MOVED Cr Baker, SECONDED Cr Patterson that:

- 1 the City of Joondalup forthwith does all things necessary and within its legislative or non-legislative competence to encourage, assist and where appropriate give all necessary approvals to allow Hutchison 3G Australia Pty Limited (“Hutchison”) to relocate its low impact mobile telecommunications installation erected under the sole authority of and pursuant to the provisions of the Federal Government’s Telecommunications Act 1997 (C’t’h) and the Telecommunications (Low-Impact Facilities) Determination 1997 (C’t’h) away from the Duncraig Primary School and to a site which is acceptable to both the Duncraig Community and Hutchison;
- 2 in furtherance of this objective, the City shall convene a meeting as soon as possible with Hutchison, Dr Mal Washer, MHR, Federal Member for Moore, Mrs Katie Hodson-Thomas, MLA, State Member for Carine, the Mayor, Ward Councillors and representatives of the Duncraig Residents Action Group.

AMENDMENT MOVED Cr Patterson, SECONDED Cr Carlos that the Motion be amended as follows:

- 1 Points 1 and 2 of the Motion be DELETED and REPLACED with:

“1 Council BY AN ABSOLUTE MAJORITY, RESCINDS Clause 3 of Resolution CJ229-09/00 of its Meeting held on 12 September 2000, Viz: *“places a moratorium on the installation of further telecommunication facilities with a low or high impact throughout the City of Joondalup”*; and

- 2 REPLACES it with the following Policy Statement Telecommunication Facilities:**

“POLICY STATEMENT - TELECOMMUNICATION FACILITIES

- 1 The City recognises that it is bound by the Federal legislation relating to telecommunication facilities and that it has no jurisdiction over the location or installation of “low impact” facilities as defined under the *Telecommunications (Low-Impact Facilities) Determination Act 1997*.**
- 2 The City, as a general rule, does not support the installation or location of telecommunication facilities, particularly in the vicinity of schools, childcare establishments, hospitals and general residential areas.**
- 3 The City recognises the right of land owners/applicants to make applications for planning approval for telecommunication facilities deemed to be other than low impact under the *Telecommunications Act*, and acknowledges its obligation to make a recommendation to the WAPC or determine the application in its own right.**
- 4 Having received a Development Application for a telecommunication facility, the City will advertise the proposal for a 30-day period and consult with the local community surrounding the proposed site. Owners and occupiers of property within a radius of 500m will be advised in writing, at the cost of the applicant, and afforded an opportunity to make comment to the Council prior to the matter being considered at a Council meeting.**
- 5 In making a recommendation to the WAPC or determining the application the Council will have regard to;**
 - (a) the comments and concerns of the local community,**
 - (b) the merits of the particular proposal**
 - (c) compliance with the industry code of practice,**
 - (d) compliance with matters required to be considered under the District Planning Scheme, and**
 - (e) the general concerns of the Council regarding the potential effects of telecommunication facilities referred to in point 2 above.”**

- 2 Points 3 and 4 be INCLUDED as follows:**

- “3 the City of Joondalup invites Hutchison to lodge a planning application for the relocation of the low impact mobile telecommunications installation from its current location at the Duncraig Shopping Centre to the Sorrento Tennis Club, located at Percy Doyle Reserve, Duncraig;**

- 4 **this application is to meet the guidelines outlined in the aforementioned policy statement Telecommunication Facilities.”**

Discussion ensued.

During discussion:

Cr Rowlands left the Chamber at 1948 hrs and returned at 1950 hrs;

Cr O’Brien entered the Chamber at 1950 hrs;

Cr Kenworthy left the Chamber at 1955 hrs and returned at 1957 hrs.

The Amendment was Put and

CARRIED (14/0)

In favour of the Amendment: Crs Baker, Barnett, Carlos, Hollywood, Hurst, Kadak, Kenworthy, Kimber, Mackintosh, Nixon, O’Brien, Patterson, Rowlands, Walker.

The Motion, as amended, being:

That:

- 1 **Council, RESCINDS Clause 3 of Resolution CJ229-09/00 of its Meeting held on 12 September 2000, Viz: “places a moratorium on the installation of further telecommunication facilities with a low or high impact throughout the City of Joondalup”; and**
- 2 **REPLACES it with the following Policy Statement Telecommunication Facilities:**

“POLICY STATEMENT - TELECOMMUNICATION FACILITIES

- 1 **The City recognises that it is bound by the Federal legislation relating to telecommunication facilities and that it has no jurisdiction over the location or installation of “low impact” facilities as defined under the *Telecommunications (Low-Impact Facilities) Determination Act 1997*.**
- 2 **The City, as a general rule, does not support the installation or location of telecommunication facilities, particularly in the vicinity of schools, childcare establishments, hospitals and general residential areas.**
- 3 **The City recognises the right of land owners/applicants to make applications for planning approval for telecommunication facilities deemed to be other than low impact under the *Telecommunications Act*, and acknowledges its obligation to make a recommendation to the WAPC or determine the application in its own right.**

- 4 Having received a Development Application for a telecommunication facility, the City will advertise the proposal for a 30-day period and consult with the local community surrounding the proposed site. Owners and occupiers of property within a radius of 500m will be advised in writing, at the cost of the applicant, and afforded an opportunity to make comment to the Council prior to the matter being considered at a Council meeting.
- 5 In making a recommendation to the WAPC or determining the application the Council will have regard to;
- (a) the comments and concerns of the local community,
 - (b) the merits of the particular proposal
 - (c) compliance with the industry code of practice,
 - (d) compliance with matters required to be considered under the District Planning Scheme, and
 - (e) the general concerns of the Council regarding the potential effects of telecommunication facilities referred to in point 2 above.”
- 3 the City of Joondalup invites Hutchison to lodge a planning application for the relocation of the low impact mobile telecommunications installation from its current location at the Duncraig Shopping Centre to the Sorrento Tennis Club, located at Percy Doyle Reserve, Duncraig;
- 4 this application is to meet the guidelines outlined in the aforementioned policy statement Telecommunication Facilities.

Was Put and

**CARRIED BY AN
ABSOLUTE MAJORITY (14/0)**

In favour of the Motion: Crs Baker, Barnett, Carlos, Hollywood, Hurst, Kadak, Kenworthy, Kimber, Mackintosh, Nixon, O'Brien, Patterson, Rowlands, Walker.

Cr O'Brien declared a financial interest in C173-12/02 – West Australian Newspaper – Comments Allegedly made by Cr Walker as he has had dealings with Chan Galic, Barristers and Solicitors.

Cr O'Brien left the Chamber at this point, the time being 2002 hrs.

**C173-12/02 WEST AUSTRALIAN NEWSPAPER – COMMENTS
ALLEGEDLY MADE BY CR WALKER**

DETAILS

This Item Is Confidential - Not For Publication

A full report has been provided to Elected Members under separate cover.

MOVED Cr Baker SECONDED Cr Kimber that the City of Joondalup hereby resolves not to provide any financial contribution in respect of any legal fees incurred by Cr Allison Walker in defending any future writ of summons seeking damages for defamation, issued by any former member of the South Perth Council, including the Mayor, in relation to her defamatory comments in the West Australian newspaper on 11 December 2002.

Cr Walker declared a financial interest in C173-12/02 – West Australian Newspaper – Comments Allegedly made by Cr Walker – as this matter affected her personally.

Cr Walker left the Chamber at this point, the time being 2007 hrs.

Discussion ensued.

AMENDMENT MOVED Cr Kadak, SECONDED Cr Mackintosh that the following Point 2 be added to the Motion:

“2 Chan Galic, Barristers and Solicitors acting on behalf of former members of the City of South Perth be advised that the comments allegedly made by Cr Walker and published in the West Australian newspaper on Wednesday 11 December 2002 have not been made in any official capacity and have not been sanctioned or authorised by the City.”

The Amendment was Put and

CARRIED (9/3)

In favour of the Amendment: Crs Baker, Barnett, Hurst, Kadak, Kenworthy, Kimber, Mackintosh, Patterson, Rowlands. **Against the Amendment:** Crs Carlos, Hollywood, Nixon.

The Original Motion, as amended, being:

That:

- 1 the City of Joondalup hereby resolves not to provide any financial contribution in respect of any legal fees incurred by Cr Allison Walker in defending any future writ of summons seeking damages for defamation, issued by any former member of the South Perth Council, including the Mayor, in relation to her defamatory comments in the West Australian newspaper on 11 December 2002;**
- 2 Chan Galic, Barristers and Solicitors acting on behalf of former members of the City of South Perth be advised that the comments allegedly made by Cr Walker and published in the West Australian newspaper on Wednesday 11 December 2002 have not been made in any official capacity and have not been sanctioned or authorised by the City.**

Was Put and

CARRIED (10/2)

In favour of the Motion: Crs Baker, Barnett, Hurst, Kadak, Kenworthy, Kimber, Mackintosh, Nixon, Patterson, Rowlands. **Against the Motion:** Crs Carlos, Hollywood.

C174-12/02 RESUMPTION OF ORDER OF BUSINESS

MOVED Cr Kimber SECONDED Cr Kadak that the meeting revert back to the normal order of the agenda.

The Motion was Put and

CARRIED

Crs O'Brien and Walker entered the Chamber at this point, the time being 2029 hrs.

C175-12/02 COUNCIL DECISION – EN BLOC RESOLUTION NO 1

It was requested that items be moved en bloc. Discussion ensued as to which items could be considered en bloc.

During discussion:

Cr Rowlands left the Chamber at 2030 hrs and returned at 2033 hrs;

Cr Patterson left the Chamber at 2030 hrs and returned at 2034 hrs;

Cr Baker left the Chamber at 2034 hrs and returned at 2035 hrs.

MOVED Cr Rowlands, SECONDED Cr Walker that Items CJ308-12/02, CJ311-12/02, CJ312-12/02, CJ314-12/02, CJ317-12/02, CJ320-12/02, CJ321-12/02, CJ324-12/02, CJ326-12/02, CJ327-12/02, CJ328-12/02, CJ330-12/02, CJ331-12/02, CJ334-12/02, CJ335-12/02, and CJ338-12/02 be dealt with by the En-bloc method.

The Motion was Put and

**CARRIED BY
EN BLOC RESOLUTION NO 1 (14/0)**

In favour of the Motion: Crs Baker, Barnett, Carlos, Hollywood, Hurst, Kadak, Kenworthy, Kimber, Mackintosh, Nixon, O'Brien, Patterson, Rowlands, Walker.

CJ308 - 12/02 ACTING CHIEF EXECUTIVE OFFICER – [27464]

WARD - All

PURPOSE

To appoint an Acting Chief Executive Officer.

EXECUTIVE SUMMARY

The Chief Executive Officer will be on annual leave from 23 December 2002 through to 3 January 2003 inclusive. During this period it is recommended that Mr Clayton Higham, Director Planning and Community Development be appointed Acting Chief Executive Officer.

DETAILS

It is normal practice that when the Chief Executive Officer is on extended annual leave, a Director is appointed in his absence to act in the Chief Executive Officer position for statutory requirements.

The Director Planning and Community Development has a number of years experience in senior management and it is recommended that he be appointed Acting Chief Executive Officer for this period.

VOTING REQUIREMENTS

Simple Majority

MOVED Cr Rowlands, SECONDED Cr Walker that APPOINTS the Director, Planning and Community Development, Mr Clayton Higham, to be the Acting Chief Executive Officer from 23 December 2002 through to 3 January 2003 inclusive, while the Chief Executive Officer is on annual leave.

The Motion was Put and

**CARRIED BY
EN BLOC RESOLUTION NO 1 (14/0)**

In favour of the Motion: Crs Baker, Barnett, Carlos, Hollywood, Hurst, Kadak, Kenworthy, Kimber, Mackintosh, Nixon, O'Brien, Patterson, Rowlands, Walker.

**CJ311 - 12/02 SUBMISSION ON STATE SUSTAINABILITY
STRATEGY – [00906]**

WARD - All

PURPOSE

To seek Council's endorsement of a submission to the Department of Premier and Cabinet on the State's draft Sustainability Strategy.

EXECUTIVE SUMMARY

The State Government's draft sustainability strategy "*Focus on the Future: The Western Australian State Sustainability Strategy: Consultation draft*" was released by the Hon Dr Geoff Gallop MLA, Premier of Western Australia, for a four month public comment (closing 10 January 2003). The City of Joondalup Council, at its meeting held on 5 November 2002, endorsed the City to develop a submission on the draft Sustainability Strategy.

In response to an invitation from the Department of Premier and Cabinet's Sustainability Policy Unit to make a submission on the State Government's draft Sustainability Strategy, the City has developed a submission, as shown at Attachment A to this Report.

The submission (Attachment A) is based on the City's review of the draft sustainability strategy, and the City's innovative sustainability initiatives that have been recognised as best practice in the recent 2002 Western Australian Local Government Awards. The City's submission provides comments on the 230 page draft State Sustainability strategy, which includes 248 proposed action items.

This report recommends that Council:

- 1 *ENDORSES the City of Joondalup submission on the State Government's draft sustainability strategy "Focus on the Future, The Western Australian State Sustainability Strategy, Consultation Draft";*
- 2 *FORWARDS the submission to the Department of Premier and Cabinet by the close of the public consultation period (10 January 2003) and THANKS the Department of Premier and Cabinet (Sustainability Policy Unit) for the opportunity to provide the submission;*
- 3 *FORWARDS the submission to the Western Australian Local Government Association for information;*
- 4 *LIAISES with the Department of Premier and Cabinet regarding the City's Best Practice innovation award "The City of Joondalup's Approach Towards a Sustainable Future by Council Leadership, Education and Participation", to ensure that the City's sustainability initiatives are recognised by the State Government and that opportunities for collaborative sustainability initiatives are investigated.*

BACKGROUND

The Department of Premier and Cabinet has invited submissions on the Western Australian State Government's draft Sustainability Strategy. The Government's Sustainability Policy Unit will accept submissions until 10 January 2003.

An administrative review of the draft Sustainability Strategy has been undertaken, and a submission developed (Attachment A refers).

The State Government's draft Sustainability Strategy has been developed based on the State's consultation paper and the extensive public input which was received during the public comment period. In December 2001, the Sustainability Policy Unit released a consultation paper entitled "*Focus on the Future: Opportunities for Sustainability in Western Australia*", and written submissions on the consultation paper were invited. Council endorsed the City's submission on the State Government's consultation paper, as part of the development of the "Focus on the Future" sustainability strategy. The City of Joondalup Council, at its meeting held on 9 April 2002, made the following resolutions;

That Council:

- 1 *ENDORSES the City of Joondalup's submission on the State Government's proposed Sustainability Strategy as shown at Attachment 1 to Report CJ077-04/02;*

- 2 *FORWARDS the submission to the Department of the Premier and Cabinet (Sustainability Policy Unit) and THANKS the Department of Premier and Cabinet (Sustainability Policy Unit) for the opportunity to provide the submission;*
- 3 *INVITES representatives from the Sustainability Policy Unit to brief Council on the development of the State Government's Sustainability Strategy; and*
- 4 *NOTES that the submission is for discussion purposes only and in no way binds or influences future Council decision-making with regard to social, environmental and economic planning.*

(Report CJ077 – 04/02 refers).

The City's submission on the consultation paper is available on the City's web site, at; http://living.joondalup.wa.gov.au/BUOrgnStrategic/sustainability/revise/living_services_sustainability_statestrategy.asp

DETAILS

A copy of the City's submission is shown at Attachment A.

Statutory Provision:

The State Government has indicated that the final State Sustainability strategy will be available early in 2003 and will be implemented over the next five to ten years.

Consultation:

The City of Joondalup's submission on the State Government's draft Sustainability Strategy has been developed based on administrative review and comment on the draft strategy.

Policy Implications:

Council's endorsement of the City of Joondalup's submission on the State's proposed Sustainability Strategy is consistent with, and provides a practical application of the City of Joondalup Environmental Sustainability Policy 2.6.4.

Financial Implications:

Whilst the draft State Government Sustainability Strategy does not itemise financial, resource and budget requirements for the strategy's implementation, the State Government has proposed that a detailed implementation plan be developed. The proposed implementation plan will specify the overall institutional arrangements for implementation, who will be responsible for implementing each action, the allocation of resources to the strategy and the time frames for implementation. This presents an opportunity for the City to lobby the State Government to allocate suitable resources to assist local government sustainability initiatives.

Strategic Implications:

The City's submission on the State Government's draft sustainability strategy is in accordance with the City's Strategic Plan (2000-2005) and the following Key Result Areas;

“Leadership

Strategy 1.1, Fulfil and maintain a regional coordinating role. This will be achieved by; Facilitate economic, environmental and social development at a regional level.

Lifestyle

Strategy 2.6, Promote and enjoy lifestyles that engender environmental, social and economic balance and sustainability. To achieve this we will... ..implement projects with focus on improving environmental, social and economic balance”.

COMMENT

The City of Joondalup submission on the sustainability consultation paper, which was submitted in March 2002 to the Department of the Premier and Cabinet, was featured in the City’s nomination to the WALGA Best Practice in Local Government awards. The City of Joondalup won a Best Practice in Local Government award (innovation category) at this year’s WALGA awards, for its winning entry entitled **“The City of Joondalup’s Approach Towards a Sustainable Future by Council Leadership, Education and Participation”**. The City’s entry to the WALGA awards highlighted the key goal of sustainable development which is to achieve outcomes that are economically viable, environmentally responsible and socially sound. The City’s sustainability initiatives include:

- Submission to the WA State Sustainability Strategy
- Environmental, Social and Economic Sustainability Policy
- Community Funding; Environmental and Sustainable Development Fund
- Adoption of corporate and community greenhouse gas emission reduction targets
- Sustainability Education and Promotions
- 2002 Environmental Challenge School Programme
- World Environment Day Celebrations
- “Envirocare” information brochures
- Environmental and Sustainability Advisory Committee
- Sustainability Web Site
- “Sustainability Online” internet guide
- Earth Charter and the Strategic Planning Process
- Cities for Climate Protection Program
- Sustainability Publications

The innovation category was particularly competitive, with 67 nominations received and several Councils winning best practice awards.

Many of the above sustainability initiatives already achieved by the City of Joondalup have been identified in the State sustainability strategy as action items. For example, action item 1.29 refers to the development of an internet based “sustainability online” one stop shop for sustainability information. The City of Joondalup’s sustainability web site is already one of the most advanced sustainability web sites produced by a WA local government. The City’s web site includes the “Sustainability Online” internet guide, which coincidentally is the same name as that proposed by the State Government action item 1.29. A sample of City of Joondalup sustainability achievements related to proposed State Government sustainability strategy action items are summarised below;

State Government Sustainability strategy action items	City of Joondalup sustainability achievements and initiatives
Action item 1.4 Sustainability policy in agencies.	City of Joondalup Environmental, Social and Economic Sustainability Policy 2.6.4
Action item 1.29 “Sustainability Online” web site	City of Joondalup sustainability web site and “Sustainability Online” internet guide
Action 1.30 Annual Sustainability Awards	City of Joondalup World Environment Day 2002 Environmental Challenge awards for schools
Action item 2.18 Government greenhouse gas reduction activities	City of Joondalup Council endorsed greenhouse gas emission reduction targets (20% by 2010).
Action item 5.27 Partnerships on sustainability education (eg with local government)	City of Joondalup Environmental Challenge 2002 education programme and World Environment Day celebrations. EnviroCare brochures.
Action item 5.28 Support to community groups for school based projects	City of Joondalup Environmental and Sustainable Development community funding programme.

Given that the City of Joondalup has already achieved several sustainability initiatives which are compatible with the State Government sustainability strategy action items, the City is presented with an opportunity to profile and highlight the City’s sustainability initiatives with the State Government. Based on this opportunity, it is proposed that the City liaises with Department of Premier and Cabinet regarding the City’s sustainability initiatives and achievements.

The State Government’s sustainability strategy is regarded as a key approach towards enhancing the environmental, social and economic sustainability of Western Australia during the next five to tens years. The sustainability strategy is also the first such strategy created by a State Government in Australia. As a result, the strategy is attracting significant national and international attention. The City of Joondalup is in a prime position to contribute towards the development of sustainability within the City, and also to make significant input into the State sustainability strategy, via the City’s submission. It is therefore in the interests of the City to strongly position itself to maximise sustainability benefits for Council and the community. The recent WALGA best practice award for the City of Joondalup sustainability initiatives demonstrates the recognition afforded to the City for its leadership approach regarding environmental, social and economic sustainability.

VOTING REQUIREMENTS

Simple Majority

MOVED Cr Rowlands, SECONDED Cr Walker that Council:

- 1 ENDORSES the City of Joondalup submission on the State Government’s draft Sustainability Strategy “Focus on the Future, The Western Australian State Sustainability Strategy, Consultation Draft”;**

- 2 **FORWARDS** the submission to the Department of Premier and Cabinet by the close of the public consultation period (10 January 2003) and **THANKS** the Department of the Premier and Cabinet (Sustainability Policy Unit) for the opportunity to provide the submission;
- 3 **FORWARDS** the submission to the Western Australian Local Government Association for information;
- 4 **LIAISES** with the Department of Premier and Cabinet regarding the City's Best Practice Innovation award "The City of Joondalup's Approach Towards a Sustainable Future by Council Leadership, Education and Participation", to ensure that the City's sustainability initiatives are recognised by the State Government and that opportunities for collaborative sustainability initiatives are investigated.

The Motion was Put and

**CARRIED BY
EN BLOC RESOLUTION NO 1 (14/0)**

In favour of the Motion: Crs Baker, Barnett, Carlos, Hollywood, Hurst, Kadak, Kenworthy, Kimber, Mackintosh, Nixon, O'Brien, Patterson, Rowlands, Walker.

Appendix 4 refers

To access this attachment on electronic document, click here: [Attach4brf101202.pdf](#)

**CJ312 - 12/02 ECOTOURISM – A WORLD OF DIFFERENCE –
CAIRNS INTERNATIONAL CONFERENCE
OCTOBER 2002 – [09557] [94330]**

WARD - All

PURPOSE

The purpose for this report is to present an overview of the key findings from the International Ecotourism Conference held in Cairns Queensland Australia on 21-25 October 2002, which was attended by His Worship the Mayor, J Bombak JP and the Manager Strategic and Corporate Planning.

EXECUTIVE SUMMARY

The City of Joondalup's draft Strategic Plan proposes the development of tourism as an industry for economic development of the City. The United Nations proclaimed 2002 as the International Year of Ecotourism and the City participated in one of its events – the Cairns International Conference in October 2002.

The key highlights from the Conference are shown at Attachment A and in general focused on:

- Outcomes achieved from the International Year of Ecotourism.
- Defining Ecotourism and its associated sustainable principles.
- The need to develop public private partnerships.
- The need for a whole of government approach to sustainable tourism.
- The need for quality assured programs, training, standards and regulation across the industry.
- Selected case studies from around the world highlighting the successes and practicalities of this industry.

The City of Joondalup can gain valuable insights from the Cairns Conference and can use this information to advise its own process in developing its potential to become a known tourist destination.

The key issues for the City will be:

- Developing and sustaining relationships on a regional level.
- Gaining support and involvement from the State and Federal Government agencies.
- Gaining local community support through effective consultation.
- Engaging and gaining support from the private sector.
- Focus on developing the necessary infrastructure and services required to support Ecotourism.
- Focus on Research and Development inputs through increased funding and support.

The statistics indicate that Australia earns 70 billion dollars per year from its Tourism industry, with Western Australia earning 4 billion and Queensland earning 15 billion. Ecotourism as a strategy can offer many benefits to the City of Joondalup, including a growing and sustainable industry.

More recently the City participated in the Sunset Coast Tourism Conference that indicated the existing regional tourism industry was ready to be involved in growing tourism for regional growth, and the State Government also indicated its support to regional tourism development. In summary the time appears right on all levels to move forward and develop Tourism – Ecotourism strategy.

This report therefore recommends that Council:

- 1 *NOTES this report and its Attachment A;*
- 2 *AUTHORISES the development of a Tourism - Ecotourism Strategy for the City of Joondalup;*
- 3 *LISTS for consideration in the draft 2003/2004 budget funding for research and development of the Tourism - Ecotourism Strategy and actions plans;*

- 4 *AUTHORISES the development of partnerships, networks and alliances with the Federal and State Government, other local Governments and City of Joondalup and regional stakeholders to enhance and progress the development of Tourism - Ecotourism as a key industry for the City.*

BACKGROUND

The City of Joondalup recently undertook a review of its Strategic Plan. The draft Plan is now at its public consultation stage and outlines an objective “To develop and promote the City as a tourist attraction”. In order to achieve this objective a strategy proposed is to create an “eco-tourism strategy”.

This strategic objective supports the development of “Eco-tourism” as a key sustainable niche industry that can underpin the future economic, social and environmental developmental needs of the community of the City of Joondalup along with the education and technology industry.

The United Nations proclaimed 2002 as the International Year of Ecotourism (IYE). This allowed for an extensive global review of the history, growth, issues and successes of the industry. In formulating its future direction for the City of Joondalup it was opportune for City officials to attend the final event on the calendar for the IYE. This was the Cairns Ecotourism Conference held on 21 -25 October 2002. His Worship the Mayor, John Bombak JP and the Manager Strategic and Corporate Planning attended the event to gather as much information as possible on the Ecotourism industry.

DETAILS

The full details of the Cairns Ecotourism Conference 2002 are outlined in Attachment A.

The key highlights of the conference focused on:

- 1 The Recent History of Ecotourism
- 2 What is Ecotourism
- 3 Triple Bottom Line Principles of Ecotourism
- 4 The Nature of Tourism
- 5 The Importance of Tourism
- 6 The Requirements for Successful Ecotourism
- 7 Developing a Plan for Ecotourism
- 8 Ecotourism Principles and Practices
- 9 Developing Partnerships

- 10 Training and Developing the Industry
- 11 Assessing Natural and Cultural Tourism Sites
- 12 Case Studies Presented at Cairns Ecotourism Conference
- 13 Case studies from Australia
 - (a) Our Gold Coast – the preferred tourism future
 - (b) Binna Burra Mountain Lodge
 - (c) Skyrail – Cairns Australia
- 14 Case Studies from around the World
 - (a) Chalalan Lodge – Bolivia
 - (b) Uno Eco Park - Brazil
- 15 Case Studies from Western Australia
 - (a) Rottnest Island

COMMENT

The Cairns conference has highlighted many of the pros and cons associated with the Ecotourism industry. Overall the benefits far outweigh the costs if the strategies are in place and supported by all stakeholders, being government at all levels, operators, local community, institutions and the consumers.

The City of Joondalup will need to develop its own vision for Ecotourism and then work in close liaison with the State Government to create all the associated links and networks required to create sustainable Ecotourism industry. When considering the potential the City of Joondalup has to take advantage of this market opportunity, we will need to be prepared to develop a flexible risk-management ethos and be committed to developing partnerships. Without these key ingredients the strategies will not be successful.

Some of the identifiable key Ecotourism opportunities for the City may include:

- The coastal foreshore strip including Sorrento, Hillary's, Mullaloo and Ocean Reef
- Marmion Marine Park
- Yellagonga Regional Park
- Craigie Open Space
- The Learning City Precinct and the Joondalup City Centre attractions
- Prospective Environmental Centre sites – Luisini's Winery and Lot 1 Yellagonga regional Park
- Recreational Abalone and Fishing opportunities

- Proposed Marine Research and Education Facility at Hillarys

These Ecotourism opportunities will need strong linkages through access plans that could include an innovative local area transport system that links east to west. A full review of infrastructure requirements is imperative to create a sustainable Ecotourism industry.

The opportunity to become an accommodation, hospitality and education centre has strong realisable potential, particularly now that the TAFE and ECU Hospitality schools and the Police Academy will be co-located in Joondalup. The key will be to attract and market the City as a hub for accommodation and catering to all niche markets from budget travellers to 5 star travellers seeking an eco and educational experience and also to attract international students. The City could promote itself as the starting point from which ecotourists see the City as a springboard to other Ecotourism destinations throughout the region and State. The City will need to develop some iconic events that showcase the City on a regular basis to international and interstate travellers.

The City will need to place focus on its operational areas to ensure its pivotal role in developing the industry. For example the Libraries may be able to play a key role in providing travellers with information and guidance which will enable our libraries to take on new and more challenging roles, focused on the provision of customer services that support the information age and Ecotourism. In fact all business units throughout the City will need to focus on supporting the principles of sustainable development to grow Ecotourism as a key industry for the City.

The greatest challenge for the City will be in establishing partnerships and encouraging the State government to place full emphasis on the development of Ecotourism as has occurred in the Queensland model. The lobbying of government will need to be relayed in a compelling strategy if the City is to fully realise its Ecotourism vision.

Benefits

In summarising the benefits the City can derive from a successful sustainable Ecotourism industry for the city, the following are achievable:

- Increase economic activity creating employment opportunities
- Small business development and growth opportunities
- A healthy and protected natural environment
- An enriched cultural heritage
- An educated and interactive community
- Complementary to the Learning City strategy
- Provides new funding opportunities such as Global Conservation Funding
- Provide opportunities for recognition of the City through international awards such as the World Legacy Awards that honours organisations that have made significant contribution to promoting the principles of sustainable tourism.
- Opportunities for volunteerism to grow and flourish as outlined at the Cairns Conference

Financial Implications

The following list indicates the resources the City may consider appropriate to adequately fund and support the development of an Ecotourism Strategy and Action Plan.

Human Resource Requirements:

- Manager part time
- Tourism Development Officer

Research and Development Costs:

- Ecotourism Visioning and Master planning
- Ecotourism Attraction and Entertainment Concept Planning
- Strategic Industry and Regional Planning
- Ecotourism Policy and Planning
- Environmental Economic and Social Impact studies

Detailed costings of needs will need to be undertaken prior to final acceptance of a strategy proposal. It is anticipated that human resources requirements could be incorporated in existing positions within the City.

Issues

In summary some of the key issues for Ecotourism arising from the Cairns conference were:

- Accessibility to natural and cultural heritage sites;
- Involvement of host communities;
- Involvement of the Indigenous community in Ecotourism will require extensive development.
- Climate Change policy over the next 5 years will effect core business in the quest for providing sustainable growth and conservation of resources and will have many operators looking towards energy substitution like renewable energy.
- Establishing and maintaining successful partnership approaches.
- A study undertaken on Visitors' experiences found that respondents reacted very positively to the experience of Environmental Management practices in Ecotourism accommodation, however the results indicated that careful consideration should be paid to the implementation of some environmental options, such as the absence of bar fridges, bathrooms, and hair dryers or irons.
- It is worth noting that respondents' beliefs about the effectiveness of the environment and associated management practices were significantly associated with the evaluation of the influence of environmental management practices on their enjoyment.

Other issues the City will need to consider include:

- Developing and sustaining relationships on a regional level.
- Gaining support and involvement from the State and Federal Government agencies.
- Gaining local community support through effective consultation.
- Engaging and gaining support from the private sector.
- Focus on developing the necessary infrastructure and services required to support Ecotourism.
- Focus on Research and Development inputs through increased funding and support.

On balance, Ecotourism as a strategy offers many desirable benefits to the City of Joondalup and the opportunities to learn from numerous Ecotourism experiences around the world was presented at the Cairns International Conference. The conference will provide benchmarking opportunities and gives direction to the process of developing an Ecotourism strategy for the City of Joondalup that has linkages to the community and to the region.

Recent Developments for the City of Joondalup

On 27 November 2002, the City sponsored a regional tourism conference co-ordinated by the Sunset Coast Tourism Association. The Conference brought together Federal and State Government, Local Government, Local business and Tourist operators together at the Joondalup Resort to focus on how the region could develop its tourism potential.

The conference enabled awareness raising of the tourism potential along the Sunset Coast and the need to work in partnership to maximise opportunities. The Minister for Tourism, Joe Hockey attended and spoke of the need to raise the awareness of the Sunset Coast as a recognisable brand name similar to what has occurred in Queensland with the Sunshine and Gold Coast Regions becoming world-renowned tourist destinations.

Following the Sunset Coast Conference a City Officer has made contact with the State Department for Tourism and has received favourable advice that the Department would be extremely keen to partner with the City to assist in the development of a Tourism strategy for our region.

MOVED Cr Rowlands, SECONDED Cr Walker that Council:

- 1 NOTES this report and its Attachment A to Report CJ312-12/02;**
- 2 AUTHORISES the development of a Tourism - Ecotourism Strategy for the City of Joondalup;**
- 3 LISTS for consideration in the draft 2003/2004 budget funding for research and development of the Tourism - Ecotourism Strategy and actions plans;**
- 4 AUTHORISES the development of partnerships, networks and alliances with the Federal and State Government, other local Governments and City of Joondalup and regional stakeholders to enhance and progress the development of Tourism - Ecotourism as a key industry for the City.**

The Motion was Put and

**CARRIED BY
EN BLOC RESOLUTION NO 1 (14/0)**

In favour of the Motion: Crs Baker, Barnett, Carlos, Hollywood, Hurst, Kadak, Kenworthy, Kimber, Mackintosh, Nixon, O'Brien, Patterson, Rowlands, Walker.

Appendix 5 refers

To access this attachment on electronic document, click here: [Attach5brf101202.pdf](#)

CJ314 - 12/02 CONSULTANCY SERVICE - PROGRAMME AND PROJECT MANAGEMENT CONSULTANCY SERVICES TENDER NUMBER 012-02/03

WARD - All

PURPOSE

To seek approval to appoint Clifton Coney Stevens (WA) Pty Ltd to provide Programme and Project Management Consultancy Services to the City of Joondalup for a period of up to five years, subject to periodic review and satisfactory performance.

BACKGROUND

On 19 August 2002, the Executive Management Team endorsed a consultancy brief and authorised the advertisement of a tender for Programme and Project Management Consultancy Services. The City advertised Request For Tender (RFT) number 012-02/03 on Saturday 9 November 2002 seeking submissions from suitably qualified organisations to provide specialist support and assistance in the delivery of corporate and capital projects.

A two-envelope tender process was adopted. The first envelope was to contain the submission addressing the weighted criteria determined during the tender planning phase. The second envelope was to contain the proposed fee schedule.

This process was adopted to enable submissions to be evaluated firstly using the information provided in the submission against the following criteria to determine which tender provided the City with best value for money:

a) Weighted Criteria

- Company Structure and Experience – Organisational structure, management capability, demonstrated commitment to delivery of best practice services and demonstrated experience in the last three years of providing services to the public sector of a similar nature to those described in the RFT document, on time and to a professional standard.
- Personal Qualifications and Experience – Relevant skills, qualifications and experience and knowledge of key personnel nominated to provide the required services to the City. Demonstrate through examples of projects and description of the individual's role and responsibilities. Proposed role and responsibility of Key Personnel. Provide names and contact details of referees for Key Personnel. Provide examples of strategic studies, major public project initiatives, partnerships, outsourcing of works.
- Method – Proposed service delivery methodology including systems and processes that will be applied to ensure the delivery of service on time, on cost and to the appropriate quality standards and applicable to the public sector requirements.
- Proposed Strategy – Proposed strategy to resource the consultancy now and in the long term including reference to availability of nominated team members, backup arrangements and retention of client knowledge within the term.

- Information Processing – Demonstrated understanding and application of processes for collection, recording and dissemination of information/knowledge including transfer to the City’s electronic format. Demonstrated commitment to customer service and communication. Provide quality system accreditation AS/NZS ISO 9001-2000.

b) Non Weighted Criteria

Following assessment of submissions against the weighted criteria, the submissions could then be assessed against the non-weighted criteria of fees and value for money to further determine the order of merit.

DETAILS

The Tender closed on Tuesday 26 November 2002. The following organisations responded to the Tender:

- 1 Evans & Peck Pty Ltd;
- 2 Clifton Coney Stevens (WA) Pty Ltd;
- 3 Worley Infrastructure Pty Ltd;
- 4 BSD Consultants Pty Ltd;
- 5 Wildshore Pty Ltd, trading as Thomson Marquis Project Management;
- 6 Ove Arup Pty Ltd;
- 7 Davina Holdings Pty Ltd, trading as Benchmark Projects;
- 8 Sinclair Knight Merz Pty Limited;
- 9 APP (WA) Pty Ltd.

Evaluation

An Evaluation Team was established in accordance with the City’s contract management framework, AS 4120-1994 ‘Code of ethics and procedures for the selection of consultants’ and AS4120-1994 ‘Code of Tendering’.

Each member of the Evaluation Team assessed the Tenderers’ first envelope individually against the selection criteria using the weightings determined during the tender planning phase. The Evaluation Team then convened to reach a consensus score for each submission, leading to a ranking of each submission in order of merit.

The Evaluation Team shortlisted to three organisations based on the weighted criteria. The three shortlisted organisations were as follows:

- Clifton Coney Stevens (WA) Pty Ltd
- APP (WA) Pty Ltd
- Ove Arup Pty Ltd

Following the shortlisting process, the second envelopes of the shortlisted candidates containing the proposed fee schedules were opened to verify pricing information. The remaining candidates’ envelopes were opened to record pricing information as per the requirements of the Local Government Act.

The fee proposals were required to include:

- An hourly rate schedule for all categories of personnel to be employed, with indications of the role each nominated person/category would undertake; and
- A fee scale curve reflecting any variance in fee percentages across a range of total construction project work values up to \$30 million (above \$30 million with the same percentage to apply as per \$30 million). The fee percentage was to cover all project management consulting services and be applied to the total value of works carried out, including the value of associated consultant appointments and also include full allowance for the necessary coordination and direction of other consultants, client liaison and in-house management of Project Management Services required by the Brief. The fee scale curves were derived from the hourly rate schedule.

It was difficult to accurately assess the comparative fee schedules as not all tenderers submitted prices based on full project management services. On the premise that the fee schedules were based on submitted hourly rates, it can be seen from the table below that the difference in price was not considerable and the Evaluation Team was able to focus on the level of services, skills and experience to be provided.

The hourly rates for the top three ranked Tenderers are as follows:

	Clifton Coney Stevens (WA) Pty Ltd	APP (WA) Pty Ltd	Ove Arup Pty Ltd
	Hourly Rate \$ (excluding GST)	Hourly Rate \$ (excluding GST)	Hourly Rate \$ (excluding GST)
Project Director	155.00	120.00	165.00
Senior Project Manager	140.00	120.00 to 150.00	140.00 to 150.00
Project Manager	110.00	105.00	75.00 to 90.00

Evaluation Results

The Evaluation Team determined that the top three Tenderers, Clifton Coney Stevens (WA) Pty Ltd, APP (WA) Pty Ltd and Ove Arup Pty Ltd, should be interviewed in order to seek further clarification on each response to the weighted criteria and in particular, to clarify the level of service associated with the fee curves submitted.

All Tenderers demonstrated an appreciation and understanding of the tasks required and the capacity to provide project management consultancy services. However the Evaluation Team considered that Clifton Coney Stevens (WA) Pty Ltd were the only Tenderer who clearly demonstrated, both in their submission and at interview, that they could provide all of the services contained within the tender document with a high level of experience and expertise, particularly at programme management level in keeping with the schedule of fees submitted.

At interview both APP (WA) Pty Ltd and Ove Arup Pty Ltd confirmed an intention to utilise Eastern States and/or Overseas representatives for certain specialist areas that the Evaluation Team considered important to the success of the contract.

Clifton Coney Stevens (WA) Pty Ltd demonstrated a significant and superior local resource base and capability that could be immediately mobilised for City of Joondalup projects. The experience base offered in the submission was most directly aligned with the significant corporate and capital projects the City seeks to progress over the coming five year period.

Following the interviews, the Evaluation Team confirmed the ranking of Clifton Coney Stevens (WA) Pty Ltd as the preferred tenderer. Reference checks were conducted and these confirmed the high level of expertise and service provided by Clifton Coney Stevens (WA) Pty Ltd.

Financial Implications

In respect of corporate projects, project management fees subject to this report will be fully capitalised within each corporate project. Traditionally these fees would be paid to a number of different professionals, for example under a construction project such as the city depot, project management and superintendency fees would normally be paid to the project architect. However, it is contemporary practice to separately employ a project manager, who also takes on the role of construction superintendent, to ensure full impartiality in decision-making and management.

In the City depot example, with a construction budget of \$5 million and a delivery period of two years (incorporating design and construction), the estimated project management fees would be in the order of \$100,000.00, which includes full project and design team management, construction superintendency and twelve months defects liability management.

With a number of corporate projects active, the majority of programme management activities will be incorporated in the project management deliverables and included in the corporate project fees. Any additional programme management activities would be charged on an hourly basis as per the fee table.

COMMENT

It is considered essential that the City engage the services of professional project managers in view of the expertise and experience such organisations can contribute to the timely delivery of the City's capital and corporate projects. The same level of skills and expertise is not available as a single internal resource.

It is recommended that the City appoint Clifton Coney Stevens (WA) Pty Ltd to provide the Programme and Project Management Consultancy Services.

Under the terms of the RFT, the Contract will not provide exclusivity to the selected Project Manager and the City reserves the right to appoint other Project Managers to undertake works in its absolute discretion at anytime in conjunction with or without the works being delivered by the Project Manager.

The duration of the Contract will be for an initial period of eighteen months with options to extend up to a period of five years. Any extensions will be awarded based on performance.

A formal review will be conducted every six months to ensure that the requirements of the negotiated Service Level Agreement have been met. Based on the outcome of each review a reduction or extension in increments of six-month periods will be deducted or extended to the Contract period.

The Programme and Project Management Consultancy Services Contract is vitally important to support corporate projects such as the Works Depot, Joondalup Regional Performing Arts Centre and Ocean Reef Development.

Clifton Coney Stevens (WA) Pty Ltd is a specialist Project and Development Management organisation with significant experience in both small and large-scale projects and the Evaluation Team considers they are best suited to the needs of the City of Joondalup.

VOTING REQUIREMENTS

Simple Majority

MOVED Cr Rowlands, SECONDED Cr Walker that Council ACCEPTS the tender from Clifton Coney Stevens (WA) Pty Ltd to provide Programme and Project Management Consultancy Services to the City of Joondalup for a period of up to five years based on the hourly rates schedule detailed in Report CJ314-12/02.

The Motion was Put and

**CARRIED BY
EN BLOC RESOLUTION NO 1 (14/0)**

In favour of the Motion: Crs Baker, Barnett, Carlos, Hollywood, Hurst, Kadak, Kenworthy, Kimber, Mackintosh, Nixon, O'Brien, Patterson, Rowlands, Walker.

**CJ317 - 12/02 GRAFFITI CONTROL SERVICES FOR
INFRASTRUCTURE 032-00/01 - NOVATION TO
TRILLION HOLDINGS & SPACIA HOLDINGS
TRADING AS KLEENIT PTY LTD – [52151]**

WARD - All

PURPOSE

This report seeks Council's approval for the City to novate the contracts rights and duties in full for the Supply of Graffiti Control Services for Infrastructure (032-00/01) from Kleenit Pty Ltd to Trillion Holdings & Spacia Holdings trading as Kleenit Pty Ltd.

BACKGROUND

The City entered into a contract with Kleenit Pty Ltd for the supply of graffiti control services, following the outcome of public tendering in December 2000. On 7 November 2002, Kleenit Pty Ltd advised the City that they were selling their business and settlement and

handover to the new owners would be effective from 25 November 2002. Kleenit Pty Ltd has requested that the City exercise its rights under the provision of sub Clause 17.1 of the Contract to accept the novation of the contract, its rights and duties in full to Trillion Holdings & Spacia Holdings trading as Kleenit Pty Ltd.

DETAILS

The transfer of the service to Trillion Holdings & Spacia Holdings trading as Kleenit Pty Ltd will enable the City to continue the service and avoid the expense of the tendering process. The current contractor has provided a written undertaking that they will be supporting the new owners to ensure a smooth transition over a period of three (3) months. The City requested a written guarantee from the new owner that the current level of service would be maintained for the remaining period of the Contract in accordance with the selection criteria and the existing terms and conditions. The City advised the current Contractor subject to Council approval that a Deed of Novation would be drawn up at the expense of the new owners. The City has received the written guarantee that the current level of service would be maintained and confirmation that the new owner is prepared to proceed with the requirements of the proposed Deed of Novation.

The effect of the proposed novation is to continue the supply of the services under the same contractual terms until February 2003 with the option of one further twelve-month extension.

COMMENT

A Deed of Novation will be prepared in accordance with the Terms of the Contract.

VOTING REQUIREMENTS

Simple Majority

MOVED Cr Rowlands, SECONDED Cr Walker that Council:

- 1 APPROVES the novation of the Contract for the Supply of Graffiti Control Services to the City Infrastructure from Kleenit Pty Ltd to Trillion Holdings & Spacia Holdings trading as Kleenit Pty Ltd;**
- 2 AUTHORISES the development of a Deed of Novation;**
- 3 AUTHORISES the execution of the Deed of Novation under common seal.**

The Motion was Put and

**CARRIED BY
EN BLOC RESOLUTION NO 1 (14/0)**

In favour of the Motion: Crs Baker, Barnett, Carlos, Hollywood, Hurst, Kadak, Kenworthy, Kimber, Mackintosh, Nixon, O'Brien, Patterson, Rowlands, Walker.

CJ320 - 12/02 FINANCIAL REPORT FOR THE PERIOD ENDING 30 NOVEMBER 2002 – [07882]

WARD – All

PURPOSE

The November 2002 financial report is submitted to Council to be noted.

EXECUTIVE SUMMARY

The November 2002 report shows a variance of \$5.2m when compared to the budget for the year to date.

This variance can be analysed as follows-

- The **Operating** position shows an actual operating surplus of \$28.8m compared to a budgeted operating surplus of \$26.2m at the end of November 2002, a difference of \$2.6m, due mainly to additional funding for parking at Collier Pass, surplus fees and charges revenue and an underspend in materials and contracts for the year to date.
- **Capital Expenditure** for the year to date is \$0.7m compared to budgeted expenditure of \$1.1m as at the end of November 2002, a difference of \$0.4m. This is due mainly to vehicle purchases that have been delayed to procure new model vehicles that will result in a better long-term changeover to the City and due to delays in purchasing certain items of plant and equipment.
- **Capital Works** expenditure for the year to date amounted to \$3.7m against a budget of \$5.9m, an under spend of \$2.2m as at the end of November 2002. However, the City has committed expenditure through raised purchase orders of \$2m.

DETAILS

The financial report for the period ending 30 November 2002 is appended as Attachment A to this Report.

VOTING REQUIREMENTS

Simple Majority

MOVED Cr Rowlands, SECONDED Cr Walker that the Financial Report for the period ending 30 November 2002 be NOTED.

The Motion was Put and

**CARRIED BY
EN BLOC RESOLUTION NO 1 (14/0)**

In favour of the Motion: Crs Baker, Barnett, Carlos, Hollywood, Hurst, Kadak, Kenworthy, Kimber, Mackintosh, Nixon, O'Brien, Patterson, Rowlands, Walker.

Appendix 25 refers

To access this attachment on electronic document, click here: [Attach25brf101202.pdf](#)

**CJ321 - 12/02 TENDER NO 017-02/03 - UPGRADE OF THE
FINANCIAL MANAGEMENT AND ASSET
MAINTENANCE SYSTEMS – [74534]**

WARD - All

PURPOSE

The purpose of this report is to seek Council's endorsement to upgrade the current hybrid Oracle Financials and Maximo maintenance management systems into a single integrated Oracle e-business environment, to accept the tenders associated with the upgrade and to approve the source of funds required to complete the project.

EXECUTIVE SUMMARY

The City of Joondalup currently uses the Oracle Financials system for financial management and the Maximo system for asset maintenance. The software versions implemented at the City for these systems are now at the end of their life cycle and need to be either upgraded to the latest software versions or the systems completely replaced. As the versions implemented will become unsupported by their respective vendors at the end of the 2002/03 financial year, there is some urgency in adopting an upgrade strategy. This urgency is due to the business continuity risks associated with operating a non-supported system for critical financial management and asset maintenance business processes.

As well as ensuring continuity of technical support and access to enhanced business functionality, the recommended upgrade will provide key software capabilities which are highly supportive of objectives identified within the City's Strategic Plan.

As a result of a process of evaluation of viable upgrade options it is recommended that the City move from the current hybrid Oracle/Maximo environment to a single integrated Oracle E-Business solution. This option involves replacing the Maximo maintenance management system with the new Oracle asset maintenance module (Oracle eAM) and at the same time upgrading the other existing Oracle components to include e-business and internet based functionality. Business benefits would then be obtainable from being able to build on the underlying system capabilities in the areas of e-business, self-service procurement, and web portal technology, all of which are aligned to the City's Strategic Plan. This constitutes an increase in scope and in system capability over what was originally estimated for 2002/03 budget purposes.

There is a window of opportunity to take advantage of the investment already made in the installed base of software and experience by an extended upgrade of the existing corporate systems that takes advantage of internet and e-business technologies while the City is in a position to obtain favourable terms for software pricing and consulting services. The total estimated savings from these favourable terms is \$394,507.

The process of evaluating and deciding on the recommended upgrade option was undertaken by a team comprising representatives from the main stakeholder business units. The recommendation of the evaluation team was unanimous. The findings and recommendation of the evaluation team were presented to, and endorsed by, the Information Technology Advisory Committee (ITAC) and also the Executive Management Team (EMT).

The option to upgrade to this fully integrated Oracle system is recommended because it is the option with the lowest risk, least overall cost, the most flow-on benefits to the City, and the most supportive of stated corporate strategies. The recommended upgrade also provides the best value for money.

Overall project funding requested for the recommended upgrade is \$837,354. While this is greater than the amount originally requested in the 2002/03 budget, the additional investment is considered justified when balanced against the long term benefits that it enables.

In recognition of the high priority of the recommended upgrade relative to other corporate projects, it has been determined that the City can entirely fund the \$837,354 project cost from the 2002/03 budget through a combination of cost savings, consolidation and deferred spending.

BACKGROUND

In May 1998 Ernst & Young presented an Information Technology Strategic Directions report to the former City of Wanneroo.

The report referred to a number of significant IT challenges that were facing the organisation at the time, in particular they were:

- The potential Council split and the need to ensure the smooth transition from one large Council to two Councils.
- The need to decommission the mainframe computer system due to the hardware and supporting system software being non-Year 2000 compliant.
- Replacement of applications software due to its age, lack of vendor support and more significantly being non-Year 2000 compliant.

Following the Ernst & Young report the City set about replacing its existing mainframe with a robust, open, client server environment and went to tender for new corporate financial and maintenance management systems. After an extensive tender process, it was found that no one software vendor could supply a single integrated solution and Council again went to tender and ultimately chose two “best of breed” solutions in Oracle Financials and Maximo maintenance management systems (which utilised the Oracle database) to become one hybrid system.

The total outlay for the project was \$1.7m of which the Cities of Joondalup and Wanneroo split the costs 50/50.

DETAILS

Since the initial implementation on 1 July 1999 there has been no significant expenditure on either the Oracle or Maximo systems, apart from annual software maintenance fees, totalling \$437k over four years. These fees are charged at industry norms of 22% per annum of the software purchase price. In recognition that the systems were becoming outdated due to the lack of upgrading since implementation, a provision of \$340,000 was made in the 2002/03 budget to achieve an upgrade which maintained vendor support for the system together with some minor improvements. A further sum of \$190,000 was also required to be set aside to complete the upgrade in 2003/04.

Also included in the 2002/03 budget was \$80,000 for development of an intranet site which will not be required if the proposal proceeds, as the upgraded system will offer this capacity.

Since adoption of the 2002/03 Budget the following developments have occurred in relation to the City's financial and asset maintenance software:-

- 1 Oracle has released its own "asset maintenance" module, eAM to the market.
- 2 The City has been offered an incentive to become an early adopter of eAM. This consists of a 70% discount off list price together with 15 days of specialist maintenance consulting services at no charge with a value of \$394,507.
- 3 Oracle and MRO (the supplier of Maximo) are no longer close partners, which will create increasing difficulty in interfacing the products as the two companies become aggressive competitors.
- 4 The latest version of Oracle software will allow the City to take advantage of internet and e-business technologies.
- 5 Oracle has confirmed that it will no longer provide support for the version of its financial software currently used by the City, after 30 June 2003.

As part of the management of the overall corporate upgrade project by Information Management, a review of the business outcomes required from the upgrade project and re-assessment of feasible upgrade paths was undertaken to determine which upgrade option would provide the greatest level of benefits to the City. The options investigated broadly consisted of:

- do nothing;
- a complete system change-out (replacement with a totally new suite of programs);
- a move to shared services; or
- upgrade to the existing systems

An evaluation of these options is outlined below:

Do Nothing

If nothing is done the systems will become completely unsupported by the vendors at the end of the current financial year. Apart from forfeiting the benefits that were paid for with \$437,607 of annual software licence maintenance payments made since 1999,

it would leave the City with corporate systems that will require complete replacement and the inability to make any meaningful business process improvements. For example, the current software pre-dates internet connectivity, so it is simply not capable of executing the corporate Portal strategy.

This is not considered a viable option.

Total Change Out

It would be possible to change out the existing corporate systems and replace them with new systems that may be perceived to be 'lower cost'. The two main reasons for not recommending this are the actual costs involved in performing the change-out and the disruption to the organisation that this would bring.

An indicative estimate of replacing the current corporate systems with software from other vendors that provides equivalent functionality as the current systems is at least \$850,000. This cost does not include the additional indirect costs caused by the disruption to the organisation during the replacement process and the inefficiencies in processes while learning the totally new systems, loss of intellectual property and associated retraining costs.

It also does not include any costs required for functionality exceeding the current system capability. For example, it does not include any provision for services such as web portals or e-business. Without these additional components the systems will still be incapable of executing corporate strategies of e-business or web portals. The additional cost to add a basic portal service (software only) starts from minimum of \$140,000. The cost of additional software and hardware required to provide the ability to execute a community portal and electronic business transactions as specified in the Strategic Plan in a completely new system environment would require significant further investment.

The resulting system would also retain the architectural limitations of the current systems by being a collection of discrete applications interfaced together rather than a fully integrated solution.

Shared Services

This option involves moving corporate systems to be based on a shared services model. The difficulty in accurately assessing the costs, risks, and benefits of this option is in determining what the form and scope of the shared service model would ultimately take.

At this point in time a full shared services only option does not appear feasible, ie the City of Stirling is proceeding with its IT systems replacement project and has expressed no interest in shared services. Likewise, the City of Wanneroo is currently assessing its strategic IT directions and is not well positioned to participate in a shared services exercise.

The solution recommended in this report (upgrade option b) does not preclude a move to a shared services model at a later stage. The architecture and the system is inherently scalable such that it could potentially become the basis for a future shared service, regardless of whether these systems are managed by the City or a third party.

Upgrade

Two upgrade scenarios were considered in detail:-

- (a) Retain the current Oracle/Maximo hybrid - this option is considered risky in that Oracle and MRO (the suppliers of Maximo) are no longer close partners and in the future there would be increasing difficulty in interfacing the products as the two applications drift apart and in obtaining cooperative support from two hostile competing companies.

This option would perpetuate the current duplication of internal and external support requirements.

It should be noted that in order to gain a similar level of functionality as outlined in option b, costs would not be dissimilar to those detailed later in this report for the recommended option.

- (b) Move to a single integrated architecture - this option involves a move from the current hybrid Oracle/Maximo environment. It entails replacing the Maximo maintenance management system with the new Asset maintenance functions (Oracle eAM) now available for the Oracle system and at the same time upgrading the other existing Oracle components in version 10.7 to include the e-business and internet based functionality now available in version 11i.

Upgrading to a single integrated architecture was considered the preferred option. Once the existing systems are brought up to an appropriate standard by this recommended upgrade, regular maintenance should ensure that the systems remain viable in the medium term. The City has acquired experience in the use of Oracle systems and is a better position now than it was four years ago in being able to make decisions on how to advantageously apply Oracle to processes within the organisation.

The process of evaluating and deciding on the recommended upgrade option was undertaken by a team with representatives from the main stakeholder business units, i.e. Infrastructure Management, Assets & Commissioning, Information Management, and Financial Services. The unanimous recommendation of the evaluation team was to upgrade to the integrated Oracle solution because it is the option with the greatest ongoing benefits to the organisation. The findings and recommendation of the evaluation team were presented to, and endorsed by, the Information Technology Advisory Committee (ITAC) and also the Executive Management Team (EMT).

Independent review of the evaluation process was sought from the Gartner Group (the premier global IT advisory company), who confirmed the team findings and described the outcomes as “a sound strategy”.

The advantages and disadvantages of the recommended options are listed below:-

Advantages

- Business process improvements from Self-Service Purchasing.
 - (a) By allowing purchasing to be devolved down to the end-user, cycle time in the procurement process can be reduced. The self-service process is subject to system enforced approval processes that apply the relevant financial controls and limits. The added advantage of these system enforced controls (“workflow”) is that they ensure consistency of their application, compliance with policy, reduction of errors due to interpretation of the rules and reduction of processing delays.
 - (b) Implementation of Self-Service purchasing has flow-on benefits by freeing purchasing staff from intervening or manually processing the majority of purchase requisitions. This will allow purchasing staff to direct their efforts towards value adding activities such as contract negotiation and management to ensure better prices for goods/services to be purchased and the analysis of procurement patterns to obtain the information necessary to negotiate better pricing arrangements.
 - (c) The Self-Service procurement process is designed to work with internal or external catalogues. Proper implementation of internal catalogues will allow greater control over purchases, ultimately leading to lower costs from being able to negotiate better supplier arrangements. External catalogues are synonymous with Internet procurement and E-Commerce. The value-add to the organisation is in the potential to further streamline procurement using e-commerce.
- Business process improvements from integrated asset maintenance (Oracle eAM)
 - (a) The asset maintenance system is fully integrated with the self-service procurement process so that material requisitions or purchases can be created from within the maintenance task. This means that the maintenance worker does not need to go to another system to purchase or requisition materials and that the benefits from self service procurement flow on to maintenance. This procurement integration also allows planned maintenance tasks to draw on purchasing catalogues and automatically order materials required for a task.
 - (b) The maintenance system is fully integrated with the financial processes so that all planned and actual maintenance costs are captured and validated within the maintenance system with consistent accounting treatment.
 - (c) The asset maintenance system can be linked to capital works projects to assist the creation of maintainable assets from the product of capital works.

- (d) The asset maintenance plans and history are stored within the same shared corporate database as finance and procurement. This enables all of the related information from maintenance, finance and procurement to be combined and reported on in a single consistent manner.
 - (e) The asset maintenance system uses the same security and workflow as the rest of the Oracle E-Business system. This means that work requests and approvals use the same common electronic approval processes as finance and procurement.
- Business process improvements from Self-Service Timesheet entry
 - (a) Self-service functions extend to time capture – i.e. timesheets. The recommended upgrade option includes timesheet products that allow for entry of labour and equipment usage information directly into the system. This information is validated immediately, e.g. labour hours can only be recorded against valid current maintenance tasks so that the information is entered correctly the first time every time. This will allow the reduction of time spent in re-entering information from paper timesheets into the computer system. Being integrated with the rest of the system, errors can be captured and corrected at time of entry, further reducing rework. The accounting treatment of the costs is also immediate and applied consistently so that staff do not need to remember account codes for the different types of work as the system will determine this allocation based on set rules.
 - (b) Time and labour data entered into the integrated timesheet system is immediately available to the rest of the system, reducing the time lag between the time capture and being able to see the results in financial reports. Currently time and labour data is entered in batches, not as the work is performed.
 - Capability to integrate operational information, such as maintenance activities and geographical information system (GIS). For example, the ability to select a location on a map (which may be displayed on the Internet) and have the list of current and planned maintenance work for that geographic location. This is something the City can not currently do within the systems. The recommended upgrade option is supportive of the COJ Spatial Data Management Plan.
 - Simplification of the systems architecture. The flow-on effects of reducing systems complexity and increasing systems integration are:
 - (a) Reduction in support effort required, or put another way, the ability to provide an improved level of support within existing resource constraints.
 - (b) An increase in system reliability and reduction in likelihood of errors or data corruption.

- (c) Higher quality of information by having access to a single consistent shared view of corporate data which in turn will lead to more strategic management decision making.
- Provides the pre-requisite underlying capability to enable the execution of corporate strategies that are related to or dependant on information technology (specifically, strategies 2.4 Promote the Electronic Community and 4.3 Maximise the Benefits from Information Technology).
 - There is a value-added component in the Oracle solution by virtue of the underlying technology, eg web portal software, which is the cornerstone of a strategic approach to introduce web based services and e-business services in support of the City's activities.
 - Only need to manage one software vendor with an integrated system.
 - Allows the City to obtain favourable terms for software pricing and consulting services to a value of \$394,507.

Disadvantages

- The recommended option to upgrade is not without risk, but the risks involved are, on the whole, known measured risks that can be managed because the upgrade builds upon the existing base of intellectual property and experience in the current system. The other options are of higher risk, primarily due to the lack of definition available for the alternatives.
- The adoption of the relatively new software, ie Oracle eAM however, this is mitigated by several factors. Oracle eAM is built upon other modules, such as Procurement, that have been around for some time. While the City would be an early adopter of the software, they would not be the first site to implement the module, and several other large organisations have selected the software and will be implementing it, notably the Wesfarmers Group. Local reference sites have been contacted to provide a measure of comfort. Oracle themselves are a major player in the software industry, second only to Microsoft, with a significant local presence (~50 staff).
- Some current year projects will need to be rescaled and/or deferred in order to reallocate funds to finance the upgrade project, ie HR/Payroll Systems - Self Serve for Staff and the Corporate PC Replacement Programme (originally budgeted to purchase 100 PC's, now suggesting purchasing 60 PC's thereby deferring the balance of purchases into 2003/04)
- Cost of project is higher than allowed in the original budget however, the scope of the project and benefits obtained are significantly improved.
- Possible disruption to operations as staff acquaint themselves with the new Oracle maintenance management module.

As can be seen from the above, the advantages of the recommended option far outweigh the disadvantages.

Cost of Upgrade

Following the evaluation of the options it was decided to call tenders in order to determine the full extent of upgrade costs, which also required a hardware component for a computer processor and disk storage.

The results of the tenders are as follows:-

(a) Software

Prior to the evaluation process an independent consultant determined after scanning the market that Oracle Corporation was the only organisation with the required skills and resources to implement the recommended upgrade. The involvement of a single implementation partner also lowers the overall project risk. A fixed price closed tender for the supply of software and implementation services was issued to Oracle Corporation, to which they have responded.

Oracle's tendered price for the software upgrade was:-

Implementation (consultancy)	\$451,200
Software Licences	\$221,055
Software Maintenance (additional)	\$36,684
Total Tender	<u>\$708,939</u>

Based on an internal project risk assessment, it is recommended that a contingency of 5% of the implementation component be allowed for the project, ie \$22,560.

Software licences listed above include the following significant components:-

- \$104,000 for the new asset maintenance software (Oracle eAM) that replaces Maximo
- \$2,000 for Timesheet entry software (Oracle Time & Labor)
- \$107,000 for improved or upgraded modules that enable Internet and Web based services.

(b) Hardware

A competitive invitation to quote based on the D.O.I.T. panel contract arrangements was issued to local hardware vendors for the computer hardware required by the project. Three conforming responses were received and evaluated against the selection criteria of price, product availability, ability to deliver to schedule, and quality of maintenance support. The three responses were:-

<u>Vendor</u>	<u>Base Price</u>
IPEX	\$101,858.35
CSC	\$96,107.59
Alphawest	\$114,518.00

The recommended hardware vendor is IPEX. While they did not tender the lowest price, they best met the qualitative criteria of ability to deliver and support service. The tender also included prices on spare parts and additional disk storage. Details of the equipment tender are appended in Attachment 1.

The overall external costs of the recommended upgrade proposal are therefore:-

Software	\$708,393
Hardware	\$105,855
sub total	<u>\$814,794</u>
Project Contingency	\$22,560
Total External Project Cost	<u>\$837,354</u>

The costs involved in the recommended upgrade are not typical of a simple upgrade (i.e. one that does not take on any significant enhancements and has a low consulting requirement) because it represents not a minor update, but a step change in the potential capability of the systems. In this single upgrade project the City would be funding:

- Complete replacement of the hardware rather than a modest capacity upgrade
- Purchase of new software licenses for the underlying e-business technology
- Purchase of a replacement asset maintenance system
- Purchase of consulting to essentially re-implement the systems

For the next few years it is envisaged that only incremental consulting costs and incremental hardware capacity improvements will be required to apply upgrades and implement additional services to the system to keep the system in step with business initiatives and business growth.

Funding of Upgrade

The overall funding requirement for the upgrade proposal is \$837,354 as outlined above.

A large portion of the required funding (\$639,677) has been identified as being able to be sourced from within the current budgeted projects for Corporate Services and Resource Management.

Of this amount, \$419,677 is already set aside in the 2002/03 budget for Oracle and Maximo upgrades and Stage 1 of the Intranet Portal Project, which will be acquired as part of the recommended upgrade. The remaining \$220,000 could come from a reallocation/reprioritisation of nominated projects and other permanent savings (refer Table 1).

Other sources of funding have also been identified from Operating Revenue and Reserve surpluses (refer Table 1).

Table 1 - Source of Funds Required for Upgrade

<i>Funding Sources</i>	<i>Budgeted Expense \$</i>	<i>Revised Requirements \$</i>	<i>Reallocation of Costs \$</i>
(a) <u>Upgrade related project costs and other permanent savings from Corporate Services and Resource Management</u>			
F236 Intranet Site Development	80,000	0	80,000
F069 Maximo Maintenance System	87,177	0	87,177
F445 Upgrade Oracle Server - 2 Disks	7,500	0	7,500
F451 Upgrade Oracle/Maximo Financial System	245,000	0	245,000
F016 Ongoing Enhancements to Proclaim	42,000	22,000	20,000
F346 Implement a Project Management Methodology	20,000	0	20,000
F539 Corporate Fax Gateway	35,000	25,000	10,000
	516,677	47,000	469,677
(b) <u>Funds reallocated/deferred from current projects in Corporate Services & Resource Management</u>			
F242 HR/Payroll Systems - Self Serve for Staff	95,000	0	95,000
F342 Corporate PC Replacement Program	246,500	171,500	75,000
	341,500	171,500	170,000
TOTAL AVAILABLE FROM CORPORATE SERVICES AND RESOURCE MANAGEMENT	858,177	218,500	639,677
(c) <u>Other Income/Sources of Funds</u>			
Additional Fees - Building Licences	0	50,000	50,000
Additional Fees - Scheme Amendment Applications	0	25,000	25,000
Income from Disposal of 2 x Surplus Vehicles	30,000	0	30,000
Application of Interest Accruing on Reserves	565,000	502,323	62,677
Additional Interest on Municipal Funds	0	30,000	30,000
TOTAL OTHER SOURCES OF FUNDS	595,000	607,323	197,677
TOTAL AVAILABLE FUNDING			837,354

COMMENT

The option to upgrade to a fully integrated Oracle solution is recommended as it contains the lowest risk, is supportive of corporate strategies, provides the City with the best platform for flow-on benefits and represents the greatest value for money investment.

The item is being brought to Council at this point in time in order to take advantage of the preferential pricing for Oracle eAM. In addition, both the existing Oracle and Maximo applications will not be supported by their respective vendors beyond 30 June 2003. As a result, all rights to support and problem solving will cease after this time. If unaddressed the systems will become an increasing burden, unable to adapt to meet changing business needs and at some stage will need to be completely replaced.

It is envisaged that, subject to Council approval of the recommended upgrade and funding proposals, the system will go live at the start of the 2003/04 financial year and will coincide with a planned restructure of the current chart of accounts. This timing will cause the least disruption to the day to day operations of the organisation and the least amount of conversion issues caused by transactions occurring post 30 June 2003.

VOTING REQUIREMENTS

Simple Majority

MOVED Cr Rowlands, SECONDED Cr Walker that Council:

- 1 ENDORSES the strategy to upgrade to the Oracle 11i E-Business system, including Oracle eAM for asset maintenance;**
- 2 ACCEPTS Oracle Corporation's tender for the supply of software and implementation services to the value of \$708,939;**
- 3 ACCEPTS IPEX Pty Ltd's quotation for the supply and installation of computer hardware to the value of \$101,858, which is a prerequisite for this project;**
- 4 APPROVES a project contingency of \$22,560;**
- 5 NOTES the over expenditure of \$592,354 in project item F451 Upgrade Oracle/Maximo Financial System and approves the following funding sources;**

Funding Sources	Reallocation of Costs \$
F236 Intranet Site Development	80,000
F069 Maximo Maintenance System	87,177
F445 Upgrade Oracle Server - 2 Disks	7,500
F016 Ongoing Enhancements to Proclaim	20,000
F346 Implement a Project Management Methodology	20,000
F539 Corporate Fax Gateway	10,000
F242 HR/Payroll Systems - Self Serve for Staff	95,000
F342 Corporate PC Replacement Program	75,000
Additional Fees - Building Licences	50,000
Additional Fees - Scheme Amendment Applications	25,000
Income from Disposal of 2 x Surplus Vehicles	30,000
Application of Interest Accruing on Reserves	62,677
Additional Interest on Municipal Funds	30,000
TOTAL	\$592,354

The Motion was Put and

**CARRIED BY
EN BLOC RESOLUTION NO 1 (14/0)**

In favour of the Motion: Crs Baker, Barnett, Carlos, Hollywood, Hurst, Kadak, Kenworthy, Kimber, Mackintosh, Nixon, O'Brien, Patterson, Rowlands, Walker.

Appendix 9 refers

To access this attachment on electronic document, click here: [Attach9brf101202.pdf](#)

CJ324 - 12/02 TENDER NO 016-02/03 - CONSTRUCTION OF CONNOLLY COMMUNITY CENTRE – [23108]

WARD - Marina

PURPOSE

To seek approval for the acceptance of the tender submitted by Dalcon Construction Pty Ltd for Tender No 016-02/03 – Construction of Connolly Community Centre.

EXECUTIVE SUMMARY

Tenders for contract 016-02/03 to construct the Connolly Community Centre were advertised on Saturday, 4 November 2002 and closed on Friday, 22 November 2002.

It has been determined that the best value for the City of Joondalup can be achieved by accepting the tender of \$474,436 from Dalcon Construction Pty Ltd for the construction of the Connolly Community Centre.

This report recommends that Council:

- 1 *ACCEPTS the tender from Dalcon Construction Pty Ltd, Contract No. 016-02/03 for the construction of the Connolly Community Centre for the lump sum price of \$474,436 exclusive of GST; and*
- 2 *AUTHORISES the signing of contract documents.*

BACKGROUND

As part of the 2001/02 and 2002/03 Building Capital Works, total budget funds of \$473,757 were listed for the construction of the Connolly Community Centre. The funds are made up of \$223,757 from the City of Joondalup and a contribution of \$250,000 from the Connolly Residents Association. In addition, it was also proposed to seek funding for furniture and equipment from the Lotteries Commission.

The proposal for construction of the Connolly Community Centre has been the subject of previous reports to Council, Items CJ140-12/01 and CJ303-11/00 refer.

Council at its meeting held on 18 December 2001 resolved in part to:

“Endorse that consideration be given at the mid year budget review to the provision of funding support for the development of a community facility at Connolly, based on a design, to an amount of \$223,757.”

At the meeting of 12 February 2002, Council approved the half yearly budget review allocation of \$65,875 towards the construction of the Connolly Facility.

Also included in the City’s 2002/03 Budget is an allocation of \$157,882 for the Connolly Community Facility. Together with the \$65,875 previously allocated, the sum set aside by the City for the Connolly Community Facility totals \$223,757 as indicated in the report to Council of 18 December 2001.

The remaining funds for the facility of \$250,000 were to come from the State Government (Landcorp) on behalf of the Connolly Residents Association. Landcorp has forwarded the amount of \$250,000 to the City and a grant is proposed to be sought from the Lotteries Commission to cover fit out costs.

A detailed application is being forwarded to the Lotteries Commission for funding for furniture, playground equipment, air conditioning and ancillary fit out items. It is expected that the outcome of this application will be known in April, 2003.

Building Design

The proposed Community Centre is to be located on Lot 404 Glenelg Place (corner of Hodges Drive and Country Club Boulevard). A number of car parking bays have already been constructed on site and the road reserve of Glenelg Place is also being used for car parking.

The proposed plan for the Connolly Community Centre included a foyer and hall, a meeting room, kitchen, storage areas and toilets. The design layout of the building is shown on Attachment 1. The internal area of the designed building is 280 square metres (excluding verandah areas) which is similar in size to the original layout.

Project Group

A project group, including representation of the Connolly Residents Association, was formed to expedite the project and to oversee the design of the centre.

It was agreed to include in the tender as separate costed items, a number of possible inclusions being:

- Fully ducted ventilation system to the cleaners store and amenities
- Air conditioning
- Cabling for data outlets
- Alarm system
- Boundary and security fencing
- Additional landscaping allowance
- Car park lighting

Provision was also made to provide suitable disabled parking bays within the existing car park area.

It is to be noted that a total of some 40 car parking bays are already provided on the Glenelg Place road reserve and community site. Additional car parking spaces are not required at this stage.

DETAILS

Seven tenders were received:

Tenderer	Locality	Total Cost
Dalcon Construction Pty Ltd	East Victoria Park	\$497,480
Lakis Construction Pty Ltd	Malaga	\$498,550
PS Structures	Nedlands	\$516,496
Southdown Construction	Applecross	\$519,403
Pacific Building Company	Balcatta	\$539,333
Brodun Construction	Woodvale	\$544,312.91
Building Workshop	West Perth	\$545,465

The tender prices do not include GST.

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. In compliance with the Trades Practices Act 1974 and the National Competition Policy, the policy states that no price preference be given on account of the supplier being local. It is noted that Brodun Construction tendered for this contract but its price was above the lowest recommended tenderer.

Tender Recommendation

The tenders have been evaluated and it has been recommended that the best value for the City of Joondalup can be achieved by accepting the tender from Dalcon Construction Pty Ltd.

Due to the budget constraints, it was mutually agreed with the Community representative that the air conditioning, a perimeter fence at the southern boundary and allowance for blinds, would be excluded from the contract. The air conditioning and window treatments will be included in the Lotteries Commission Grant application. The amount for the air conditioning allowed in the lowest tender from Dalcon Construction is \$12,307.

The revised tender amount is \$474,436 and includes provisional sums of \$48,550. It is prudent to provide an allowance for these provisional and contingency works due to the site constraints and minor variations to the building.

Financial Implications:

The funds available in Projects 4126 and 4145 are:

City of Joondalup	\$223,757
Connolly Residents Association	\$250,000
Total Funds Available	\$473,757
LESS Tender from Dalcon Construction Pty Ltd	\$474,436

Whilst there is a shortfall of \$679, this amount will be adjusted within the provisional sum.

The Architectural Consultancy fees for the project will be charged to the Infrastructure Management Operating Consultancy account.

Program of Works

The tender from Dalcon Construction indicates a 16 week construction period. Subject to all approvals, it is proposed to commence the project on site in the middle of January, 2003.

Development Approval

Development Approval has been granted under the City's District Planning Scheme No. 2 and the Metropolitan Region Scheme

Connolly Residents Association approval

Written approval has been received from the President of the Connolly Residents Association for the contribution of \$250,000 to be expended for the construction of the building on a matching basis. Council's contribution will match the Association's contribution when the design fees are taken into consideration.

VOTING REQUIREMENTS

Simple Majority

MOVED Cr Rowlands, SECONDED Cr Walker that Council:

- 1 ACCEPTS the tender from Dalcon Construction Pty Ltd, Contract No. 016-02/03 for the construction of the Connolly Community Centre for the lump sum price of \$474,436 exclusive of GST;**
- 2 AUTHORISES the signing of contract documents**

The Motion was Put and

**CARRIED BY
EN BLOC RESOLUTION NO 1 (14/0)**

In favour of the Motion: Crs Baker, Barnett, Carlos, Hollywood, Hurst, Kadak, Kenworthy, Kimber, Mackintosh, Nixon, O'Brien, Patterson, Rowlands, Walker.

Appendix 11 refers

To access this attachment on electronic document, click here: [Attach11brf101202.pdf](#)

CJ326 - 12/02 JOONDALUP COASTAL FORESHORE NATURAL AREAS MANAGEMENT PLAN – [04048]

WARD - All

PURPOSE

This Report is submitted for Council to consider the recommendations contained in the recently completed Joondalup Coastal Foreshore Natural Areas Management Plan and to seek endorsement to the process of advertising the operational Management Plan for a public comment period.

EXECUTIVE SUMMARY

In November 2001, environmental consultants Ecoscape (Australia) Pty Ltd were commissioned by the City to undertake a study of the vegetation condition occurring in the coastal reserves between Burns Beach Road, in the North and to Beach Road in the South, and to suggest an operational management framework to preserve and enhance the conservation value of the native coastal vegetation.

Consultation was undertaken with Joondalup Community Coast Care Forum Representatives, the Conservation Advisory Committee and Government Departments during preparation of the report. The Stage one of the Scope of Works required the consultant to undertake a review of existing Coastal Management Plans and liaise direct with the Department of Planning and Infrastructure, who recently released the Draft Report Status of Coastal Planning in W.A. 2001/2002.

The report provides Council with a current status benchmark and a summary of work required to maintain or improve the existing vegetation.

It is recommended that the Council:

- 1 *ENDORSES the Joondalup Coastal Foreshore Natural Areas Management Plan to be advertised for a 60 day public comment period, and that copies of the document be made available on council's web page and at all council libraries and customer service centres during this public comment period;*
- 2 *AUTHORISES distribution of copies of the document to representatives of the City of Joondalup Conservation Advisory Committee and Joondalup Community Coast Care Forum;*

- 3 *REFERS the implementation of the initial restoration works to the Conservation Advisory Committee for consideration in keeping with the directions set within the Joondalup Coastal Foreshore Natural Areas Management Plan and funds allocated within Council's 2002/2003 budget totalling \$150,000;*
- 4 *LISTS for consideration as part of the 2003/2004 budget deliberations, future funding levels for the staged approach to managing the City's coastal foreshore natural areas.*

BACKGROUND

The foreshore area is crown land and managed by the City for recreational purposes.

The City of Joondalup is responsible for the management of over 14 kilometres of coastal reserve that abuts urban development; the total area of these reserves is in excess of 239 Ha. A large proportion of these coastal reserves fall within the Bush Forever Site 325. The 2 km foreshore area North of Burns Beach was excluded until adjoining development proposal is resolved.

The natural vegetation occurring in the City's coast reserves is under increasing pressure from urban development and increased usage patterns. Historically, stock grazing, frequent fires, weed invasion and unrestricted beach access by pedestrians and vehicles have seriously degraded the native plant cover of the dunes which has led to sand blow outs that threaten the infrastructure of roads, pathways and car parks.

Over the last 15 years the City has been successful in repairing and revegetating many coastal dunes and these endeavours have been received well by the public. There has been a growing expectation from various community groups represented by the Community Coast Care Forum that Council should increase its expenditure on the conservation and management of the coastal reserves. This expectation has been proportional to the public interest in natural area conservation in the City of Joondalup as a whole.

This interest is being reflected by the increased patronage of the City's conservation reserves, the coastal dual use pathway and the number of friends groups that have evolved to support Council in its management objectives within these natural areas.

DETAILS

The Joondalup Coastal Foreshore Natural Areas Management Plan was commissioned to produce the following outcomes:

- Provide a detailed report on best practice maintenance practices for Coastal Foreshore Management.
- Provide a cost estimate structure to identify various levels of maintenance.
- Indicate future options to achieve best practice maintenance structure and anticipated expenditure requirements.

Ecoscope undertook a detailed vegetation condition mapping exercise of the study area. This will allow Council to pinpoint precisely the areas of native vegetation that require remedial work.

The consultant as part of the study undertook a comparative study of the coastal maintenance activities of other local authorities including the City of Stirling, City of Wanneroo and the Town of Cambridge. The study also looked at a range of other coastal issues including fire management, disease management, feral animal control and pedestrian issues.

The initial consultation process involves representatives of various community groups e.g. Joondalup Community Coast Care Forum, Conservation Advisory Committee, CALM and Department of Agriculture. It is now proposed that the document be made available to the wider community and interested organisations. Council has received many requests for copies of the document from local authorities with foreshore areas.

Cost Estimates for Rehabilitation

Cost estimates for the required rehabilitation of the Joondalup Coastal Foreshore are based on standard rates per square metre for labour, plants, weed control, mulching, brushing and other resources. The estimates are based on the work being undertaken by bushland regeneration companies undertaking the work at market rates, the use, of volunteer labour, would reduce the figures by approximately fifty percent.

The table of figures representing estimated dunal rehabilitation costing summary are contained within the management study, copies of which are provided for each Councillor

FUNDING

Current expenditure for foreshore maintenance works.

2002/2003 Capital Works Foreshore and Natural Areas

2041	Various Limestone Cliffs	\$1,500
2076	Burns Beach Access Paths	\$17,625
2154	Dune Stabilisation - Mullaloo	\$5,126
2172	Various Foreshores Fencing and stabilising	\$44,000
2174	Mullaloo Foreshore Dual Use Paths	\$36,720
2174	Coastal Foreshore Restoration	\$150,000
	Total	\$254,971

(2174 Coastal Foreshore Restoration Funding specifically applies to this study.)

2002/2003 Operational Maintenance Funds:

Burns Beach South Foreshore	\$5,653
Hillarys Beach Foreshore	\$21,063
Hillarys Animal Beach Foreshore	\$32,536
Whitfords Beach Foreshore	\$15,296
Marmion Beach Foreshore	\$9,990

Mullaloo North Foreshore	\$8,900
Mullaloo South Foreshore	\$8,110
Ocean Reef North Foreshore	\$4,097
Ocean Reef South Foreshore	\$14,540
Total	\$120,185

These maintenance accounts cover general access paths, beach cleaning, rubbish removal, fencing repairs minor verge restorations and signage.

Grand Total	\$375,156
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COMMENTS

The next undertaking will be to finalise a project plan for the Budget Funding \$150,000 committed by Council for 2002/2003. It is anticipated that the initial works will commence in April 2003 and be completed by 1 July 2003. Additionally an application has been lodged for grant funding consideration in the Perth Biodiversity Project. Funding support totalling \$25,000.00 has been requested. The \$25,000 Grant Funding application was been identified for additional weed control and community works.

In very broad terms, the report suggests that initial restoration efforts should be directed to those areas of fair to good condition within the area of very good to excellent condition with the intention of embellishing and improving the extent of the pristine areas.

In finalising the implementation plan in relation to the \$150,000 allocated within the City's 2002/2003 budget, it is suggested that this matter be referred to the Conservation Advisory Committee for determination in keeping with the directions set within the Joondalup Coastal Foreshore Natural Areas Management Plan.

Preservation of the coastal foreshore vegetation is an essential component in managing the remaining indigenous vegetation within the City boundaries. The 5-year program proposed by Ecoscape is ambitious and the project could be viewed as ongoing, subject to funding, environmental factors and community expectations.

Council's current expenditure for Coastal Foreshore Maintenance is significantly lower than maintenance expenditure applied to Dry Parks, Reticulated Parks or Bushland Conservation areas. Comparison with reticulated expenditure may be unrealistic as the public utilisation and expectation is difficult to compare.

Comparison with Dry Park Maintenance and Bushland Conservation provide an indication of current expenditures.

Example:

▪ 2002/2003 Dry Park Maintenance	Area 100.98 Ha	\$637,237
▪ Conservation Bushland Maintenance	Area 175.27 Ha	\$247,325
▪ Foreshore Maintenance	Area 239 Ha	\$120,185

This expenditure variation has been discussed by the Conservation Advisory Committee Representatives and this Management Plan provides Council with a basis for future funding allocations. There are various locations within the foreshore that are excluded within this calculation e.g. Tom Simpson Park, Iluka Foreshore. These areas were also excluded from the Coastal Foreshore Natural Areas Management Plan study as they are reticulated open spaces.

It is noted that the \$150,000 contained in the Capital Works Program for foreshore maintenance works is not included in the above foreshore maintenance expenses totalling \$120,185. Grant funding applications will be lodged where possible to supplement funds allocated by Council.

VOTING REQUIREMENTS

Simple Majority

MOVED Cr Rowlands, SECONDED Cr Walker that Council:

- 1 ENDORSES the Joondalup Coastal Foreshore Natural Areas Management Plan to be advertised for a 60 day public comment period, and that copies of the document be made available on Council's web page and at all Council libraries and customer service centres during this public comment period;**
- 2 AUTHORISES distribution of copies of the document to representatives of the City of Joondalup Conservation Advisory Committee and Joondalup Community Coast Care Forum;**
- 3 REFERS the implementation of the initial restoration works to the Conservation Advisory Committee for consideration in keeping with the directions set within the Joondalup Coastal Foreshore Natural Areas Management Plan and funds allocated within Council's 2002/2003 budget totalling \$150,000;**
- 4 LISTS for consideration as part of the 2003/2004 budget deliberations, future funding levels for the staged approach to managing the City's coastal foreshore natural areas.**

The Motion was Put and

**CARRIED BY
EN BLOC RESOLUTION NO 1 (14/0)**

In favour of the Motion: Crs Baker, Barnett, Carlos, Hollywood, Hurst, Kadak, Kenworthy, Kimber, Mackintosh, Nixon, O'Brien, Patterson, Rowlands, Walker.

CJ327 - 12/02 LAKE GOOLLELAL DRAINAGE OUTFALL 21 – PROPOSED TREATMENT – [03435] [04469]

WARD - South

PURPOSE

The purpose is to seek approval in principle for a proposed stormwater treatment strategy for Drainage Outfall 21 into Lake Goollelal.

EXECUTIVE SUMMARY

The Yellagonga Regional Park includes the wetlands of Lake Goollelal and Lake Joondalup.

The City of Joondalup is responsible for 4 stormwater drainage pipe outlets which discharge directly into Lake Goollelal. These direct discharge outfalls pose potential environmental concerns and a pilot treatment strategy has been developed for one of the outfalls to minimise the impact of the stormwater discharging into the lake. This report recommends the following:

That Council ENDORSES IN PRINCIPLE the proposed strategy and concept design to upgrade the existing stormwater Drainage Outfall Number 21 into Lake Goollelal.

BACKGROUND

Yellagonga Regional Park (YRP) includes the wetlands of Lake Joondalup, Lake Goollelal and the Beenyup and Walluburnup Swamps.

The major land use surrounding the park is residential. These residential areas utilise the traditional stormwater runoff where stormwater is collected from roads and piped by drains to the discharge point. As urbanisation has developed adjacent to the wetlands, the lakes being low points in the catchment are areas for the discharge of stormwater.

It is recognised that urbanisation is a significant factor affecting the water quality of wetlands receiving runoff. Contaminants collecting on roads within residential areas form the major source of pollutants in urban runoff. Stormwater discharge to wetlands of road runoff containing this significant nutrient load is recognised as one of the major threats to wetland water quality.

Reports indicate that research undertaken in assessing the pollution levels within stormwater runoff from catchments within the Perth metropolitan area verifies that drainage waters contain a significant loading of nutrients, especially phosphorus. The majority of phosphorus contained within stormwater runoff is associated with particulate matter. Sedimentation treatment is therefore recognised as an important method in the removal of phosphorus from stormwater drainage.

DETAILS

Previous drainage investigations indicate that 32 outlets discharge stormwater directly or indirectly into the lakes of Yellagonga Regional Park. Of these outfalls, the City of Wanneroo was responsible for 11 outlets discharging directly to the lakes and seven indirectly, a total of 18 outlets. The City of Joondalup is responsible for 11 outlets with 4 currently discharging directly into Lake Goollelal. Three indirect discharge outfalls are the joint responsibility of both of the Cities.

Consulting Engineers, Connell Wagner were commissioned by the City to assist with stormwater drainage management planning and impact assessments for existing outfalls into Lake Goollelal. Initially, the emphasis is on Outfall Number 21 which represents a mixture of commercial and residential development. The outfall is situated on the western foreshore of Lake Goollelal in the suburb of Kingsley. The location of the outfalls are shown on Attachment 1.

Outfall 21

The catchment area is approximately 38 ha with the impervious road reserves and commercial development making up 14%. The stormwater is discharged from this catchment through a pipe drainage system that has a 900 mm diameter outlet into Lake Goollelal.

Potential major sources of pollutants identified within this catchment are:

- Commercial (shops, fast food, etc) – gross pollutants
- Petrol Station – hydrocarbons
- Residential (houses, parks, reserves) – nutrients & sediments
- Road Reserves – heavy metals & oils

The treatment proposed for this catchment includes upstream sub-catchment improvements at:

- Illawong Way Park – a gross pollutant and soakage system
- Legana Avenue Park – gross pollutant traps and sedimentation basin
- Bindaree Park (prior to the outfall discharge into the lake) – gross pollutant trap and sedimentation/nutrient stripping basin

These conceptual treatments are shown on Attachment 2.

As part of the implementation of the project, it is proposed to undertake testing of the water quality to determine the effectiveness of the various treatments.

COMMENT

The proposed treatment for Outfall No. 21 is to maximise pollutant retention and groundwater recharge utilising physical screening treatments and sedimentation and filtration techniques.

The proposed concept treatment has been discussed with both CALM and the Waters and Rivers Commission. Both of these authorities have indicated preliminary support for the proposed treatment.

The proposal has also been presented to the City's Environmental and Sustainability Advisory Committee at its meeting on 21 November 2002. This Committee resolved to support in principle the proposed strategy and concept design.

A presentation has also been made to some members of the Friends of Yellagonga who have also generally indicated support for the proposal.

As part of the 2002/2003 Capital Works program, funds of \$112,000 have been allocated for the stormwater upgrade. A firm cost estimate of the treatment will be undertaken on finalisation of the detailed design.

Program of Works

It is proposed that Community Consultation on the proposed treatment for Outfall 21 will be undertaken in January and February 2003 prior to detailed design and documentation. Subject to all approvals, it is proposed that the work will commence in May 2003.

VOTING REQUIREMENTS

Simple Majority

MOVED Cr Rowlands, SECONDED Cr Walker that Council ENDORSES IN PRINCIPLE the proposed strategy and concept design to upgrade the existing stormwater drainage Outfall Number 21 into Lake Goollelal.

The Motion was Put and

**CARRIED BY
EN BLOC RESOLUTION NO 1 (14/0)**

In favour of the Motion: Crs Baker, Barnett, Carlos, Hollywood, Hurst, Kadak, Kenworthy, Kimber, Mackintosh, Nixon, O'Brien, Patterson, Rowlands, Walker.

Appendix 13 refers

To access this attachment on electronic document, click here: [Attach13brf101202.pdf](#)

**CJ328 - 12/02 REVOCATION OF STRUCTURE PLAN NO 25 –
OCEAN REEF – [30661]**

WARD - Marina

PURPOSE

Council is requested to consider the revocation of the Ocean Reef Structure Plan (No.25). The structure plan in question relates to development requirements for land that has been fully built upon and as such, is no longer relevant (Attachments 1).

EXECUTIVE SUMMARY

A review of the City's structure plans was undertaken, primarily as a result of the gazettal of the Residential Design Codes of Western Australia on 4 October 2002, which are a statement of planning policy.

The area which the Ocean Reef Structure Plan relates to has been fully built upon and as such, is no longer required.

It is therefore recommended that the Ocean Reef Structure Plan be revoked and public notice of the revocation be given in accordance with clause 9.5 of District Planning Scheme No 2 (DPS2).

BACKGROUND

At its meeting on 24 August 1999, Council resolved to endorse the Ocean Reef Structure Plan and submit it to the Western Australian Planning Commission (WAPC) for adoption and certification.

The WAPC adopted the Structure Plan on 26 November 1999. The structure plan provides guidelines on the following design elements:

- Dwelling orientation;
- Access;
- Setbacks;
- Site coverage; and
- Fencing.

DETAILS

Statutory Provision:

Clause 9.7 of DPS2 relates to the amendment or revocation of an agreed Structure Plan. It requires that should an agreed structure plan be revoked, public notice shall be given in accordance with clause 9.5 of the Scheme. Clause 9.5 outlines a number of conditions relating to public notice and makes reference to clause 6.7, which requires:

- Notice of rescission to be advertised one or more times in a newspaper circulating in the district; and
- Give notice to ratepayers likely to be affected by the rescission of the structure plan.

Provisions under clause 9.5 of DPS2 relate to consideration, amendment and revocation of Structure Plans. The provision requires public notice to be issued to affected residents and invite them to make submissions on the proposal. In this instance, the proposal is to revoke a Structure Plan that has served its purpose and is no longer required. Accordingly, it is considered that a public notice advising that the Structure Plan is to be revoked is sufficient. The public notice will include contact details to enable ratepayers to contact the City for further information.

COMMENT

The Ocean Reef Structure Plan imposes development/design requirements and standards upon land that has been fully built upon and has therefore served its purpose.

CONCLUSION

The Ocean Reef Structure Plan is to be revoked, as it is no longer considered relevant. Removal of this Structure Plan will result in more relevant and up to date information being provided by the City to its customers.

In the event that an extension is proposed to an existing building or a lot is redeveloped the Residential Design Codes and DPS2 contain sufficient development provisions to ensure the proposal is assessed in an orderly and proper manner.

VOTING REQUIREMENTS

Simple Majority

MOVED Cr Rowlands, SECONDED Cr Walker that Council:

- 1 REVOKES the Ocean Reef Structure Plan (No 25);**
- 2 ADVERTISES the revocation of the Ocean Reef Structure Plan (No.25) in the Joondalup Community Newspaper for two (2) consecutive weeks and notifies landowners that the structure plan affects.**

The Motion was Put and

**CARRIED BY
EN BLOC RESOLUTION NO 1 (14/0)**

In favour of the Motion: Crs Baker, Barnett, Carlos, Hollywood, Hurst, Kadak, Kenworthy, Kimber, Mackintosh, Nixon, O'Brien, Patterson, Rowlands, Walker.

Appendix 14 refers

To access this attachment on electronic document, click here: [Attach14brf101202.pdf](#)

**CJ330 - 12/02 PROPOSED THREE STOREY DEVELOPMENT
COMPRISING OF 19 MULTIPLE DWELLINGS
(RESIDENTIAL APARTMENTS) AND 2
OFFICE/COMMERCIAL UNITS: LOT 37 & 38
PLAISTOW STREET, CORNER GRAND
BOULEVARD, JOONDALUP – [36359]**

WARD - Lakeside

PURPOSE

The proposal is referred to Council for determination. The proposal seeks a minor variation to the standard plot ratio requirement.

EXECUTIVE SUMMARY

An application has been received for 19 multiple dwellings (residential units) and 2 office/commercial suites. The proposal is three storeys in height within the City North district of the City Centre. The proposal also includes provision for 44 under cover parking bays. The development will be over two separate lots, however, presents as a continuous built form to Grand Boulevard. It will be a requirement that the lot be amalgamated prior to the issue of a building licence.

The concept has been developed in liaison with staff over several months and is now in accordance with the relevant requirements and provisions for the area other than plot ratio.

The proposal is viewed as a significant opportunity for the City to continue to fulfil its planning and development objectives for the area.

The variation sought to plot ratio is minor and will not have any detrimental impact on the adjoining or surrounding areas.

BACKGROUND

Suburb/Location:	Lot 37 & 38 Plaistow Street, Joondalup
Applicant:	Zvonko & Marija Relota
Owner:	Crescent Bay Pty Ltd
Zoning:	DPS: Centre
	MRS: Central City Area

The proposal is over two adjoining lots, being Lots 37 and 38 Plaistow Street. Lot 38 is 860m² and Lot 37 is 1370m².

DETAILS

Proposal

The proposal is for a three storey mixed use building with a primary frontage to Grand Boulevard and secondary frontages to Plaistow Street and Putney Place. The proposal comprises of the following residential and commercial / office units:

Unit type	Average area per Unit (m ²)	Number of Units
2 bedroom	92.5	15
3 bedroom	114	4
Office/Commercial	88	2
	Total	21

The proposal also includes:

- Provision for 44 under cover (carports) parking bays.
- 21 storerooms averaging 3m² in area.
- Landscaping to the adjoining road verge to Grand Boulevard.

Statutory Requirements

The subject land is located within the “Centre” Zone of DPS2. DPS2, itself, does not contain specific land use or development control provisions for the Centre zone. Instead, the Scheme requires development to be in accordance with an approved Structure Plan. In this case the relevant approved Structure Plan is the Joondalup City Centre Development Plan and Manual (JCCDPM).

As outlined above, the proposal incorporates a variation to the standard plot ratio requirement of the JCCDPM. The plan stipulates a maximum plot ratio of 1.0. The plot ratio proposed is 1.19.

Provisions of the Scheme enable Council to consider such a variation. These provisions include:

4.5 VARIATIONS TO SITE AND DEVELOPMENT STANDARDS AND REQUIREMENTS

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

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

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

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

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

In exercising discretion under clause 4.5, the considerations listed under clause 6.8 are particularly relevant:

6.8 MATTERS TO BE CONSIDERED BY COUNCIL

6.8.1 *The Council when considering an application for Planning Approval shall have due regard to the following:*

- (a) *interests of orderly and proper planning and the preservation of the amenity of the relevant locality;*
- (b) *any relevant submissions by the applicant;*
- (c) *any Agreed Structure Plan prepared under the provisions of Part 9 of the Scheme;*
- (d) *any planning policy of the Council adopted under the provisions of clause 8.11;*
- (e) *any other matter which under the provisions of the Scheme the Council is required to have due regard;*
- (f) *any policy of the Commission or its predecessors or successors or any planning policy adopted by the Government of the State of Western Australia;*
- (g) *any relevant proposed new town planning scheme of the Council or amendment or proposed Metropolitan Region Scheme Amendment insofar as they can be regarded as seriously entertained planning proposals;*
- (h) *the comments or wishes of any public or municipal authority received as part of the submission process;*

- (i) *the comments or wishes of any objectors to or supporters of the application;*
- (j) *any previous decision made by the Council in circumstances which are sufficiently similar for the previous decision to be relevant as a precedent, provided that the Council shall not be bound by such precedent; and*
- (k) *any other matter which in the opinion of the Council is relevant.*

The variation to plot ratio and the requirements of the JCCDPM are discussed in detail below.

Clause 4.8 allows the City to consider appropriate car parking standards for all types of developments within the City as follows:

4.8 CAR PARKING STANDARDS

4.8.1 *The design of off-street parking areas including parking for disabled shall be in accordance with Australian Standards AS 2890.1 or AS 2890.2 as amended from time to time. Car parking areas shall be constructed and maintained to the satisfaction of the Council.*

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

Advertising

Advertising is considered unnecessary on the grounds that the proposal is in accordance with the requirements applicable for the location. Similarly the proposal is regarded as entirely consistent with surrounding development in the greater City North area.

COMMENT

Joondalup City Centre Development Plan and Manual (JCCDPM)

The subject land is located within the “City North” district of the JCCDPM (hereafter referred to as the plan). The plan outlines all the relevant built form and land use requirements for the subject land.

The requirements of the plan are discussed as follows:

Site planning

Land use and character

The site is located within the “General City” land use area. Mixed use development incorporating residential and office development is identified as the preferred use on the site.

The proposal is in accordance with this aspect of the plan.

Plot ratio

The plan stipulates a maximum plot ratio of 1.0. The plot ratio proposed is 1.19. It is recommended that the plot ratio variation be allowed for the following reasons:

- a) the development complies with all other requirements of the plan;
- b) the impact on adjoining residential properties to the east is minimized given that building bulk is predominantly orientated to Grand Boulevard to the west;
- c) if the carports are excluded from the plot ratio calculations the proposal would comply, and
- d) the development will be complementary in bulk and scale terms with the building to the south.

It is noteworthy that in the areas designated “Mixed Use” in City North the residential component of development proposals does not count towards the plot ratio calculation.

It is recommended that the variation is consistent with the requirements of clause 4.5 and 6.8 outlined above.

Density

There are now no specific residential density requirements in the General City land use area of City North. Suffice to note, the proposed density is equivalent to R-85.

Car parking

The JCCDPM does not provide car parking standards.

Clause 4.8 of DPS2 provides that Council can determine car parking standards deemed to be appropriate to the use and area of a proposed development. The car parking ratios of a minimum of 1 car parking bay per residential unit and 1 bay per 25m² of net commercial floor area have been consistently applied throughout the city.

In total there is a requirement for 25 bays. The proposal makes provision for 44 bays.

Setbacks and heights

The maximum height limit is three storeys. The proposal complies with this requirement.

The proposal complies with the setback requirements.

Building Envelope

Design in context

In relation to design in context, the plan states:

“The richness and character of the street space should be achieved through the variety of the individual buildings. The integrity of the streetscape requires some consistency in the form and rhythm of building frontages.”

The design is consistent with the above philosophy for the following reasons:

- (a) The building is proposed to be three storeys with a nil setback for its entire frontage to Grand Boulevard. The frontage to Grand Boulevard is approximately 50 metres in length. The proposal will be consistent with the height and form of adjoining buildings and substantially complete the pattern of development established in this section of the Boulevard.
- (b) The portions of the building to Plaistow Street and Putney Place are prominent and have been designed to articulate (or accentuate) the corners of the building. Once-again the building will have a nil setback to the street corners and address the corners formally through use of openings and windows. To a large extent the corners of the building are accentuated further given the crescent shape of the lot. The applicant has attempted to further articulate the corners from the balance of the building through the use of colours / materials and pilasters.
- (c) The applicants have submitted a colour palette that seeks to contrast different elements of the façade, further contributing to a sense of visual interest in the façade of the building. The facades are proposed to face brickwork with contrasting colours to highlight openings and levels.

The proposal complies with the requirements of the plan.

Street frontage

The design of the street frontage is an important component of development in the City Centre. The plan states:

All buildings with street frontage are integral to the public environment. Their form and appearance are key elements in creating street environments that are attractive and comfortable for people to use.

Entrance

The plan requires entrances to be clearly identifiable and accessible from the street. Three common entrance lobbies are proposed off Grande Boulevard. The lobbies are highlighted in the façade through decorative plaster elements and roof parapets.

The proposal complies with this requirement of the plan.

Ground floor façade

For mixed-use development the plan states that at least 50% of the ground floor façade should be glazed with the horizontal dimension comprising 75% of the width of the facade. The intent of the requirement is to enable visual interaction with the street and promote a “pedestrian friendly” environment.

The proposal complies with this requirement of the plan.

Levels

The policy requires habitable ground floor levels to be at or near finished pedestrian paving level. A key objective of the requirement is to allow “ease of access and contribute to the animation of the street”. This requirement is important in recreating a traditional street setting that is clearly becoming part of the emerging character of the greater Joondalup City Centre.

All ground finished floor levels are within 250mm of the adjoining pavement level. The proposal complies with this requirement of the plan.

Pedestrian Shelter

For non-residential developments, the plan requires awnings to be constructed over entrances to provide all weather protection. The plans indicate awnings to the ground floor office components.

The plans comply with this requirement of the plan.

Details

Overlooking

Internally the plan seeks to prevent overlooking into both outdoor and indoor open space. The units have been designed so as to prevent overlooking into such spaces.

There are distant views to the rear yards of adjoining properties to the east. Overlooking, however, is not assessed as an issue for the following reasons:

- (a) there is a 24 metre separation between the windows and rear yards (the proposal would comply with the standard requirements of the plan); and
- (b) the subject rear yards incorporate some screening measures timber trellis, pergolas and lattice work.

Landscaping and open space

Landscaping

The plans make provision for a 1 metre landscaping strip abutting the development within the Grand Boulevard road reserve. The landscaping may be acceptable subject to it being sufficiently low scale so as to not detract from the exposure of the building to the street. A condition has been recommended to this effect.

Open space

There are no specific open space requirements for residential units in the General City land use precinct. Nevertheless, the requirements of the Residential Design Codes may be used as a guide in assessing the residential components of mixed-use development.

Each ground floor residential unit is provided with 16m² of courtyard space and every upper level unit with 10m² of balcony space. The units would comply with the balcony space requirements in the Residential Design Codes for multiple dwellings.

For areas coded R-80, the Codes require a minimum open space area of 60%. The proposal provides approximately 27%. In order to assess the appropriateness of the open space provided, it is necessary to examine the likely open space requirements of the units proposed.

The proposed units are akin to inner city apartments, where there is likely to be limited resident expectation for onsite open space as a component of amenity. Essentially residents will “trade off” onsite open space for proximity to the range of recreational, entertainment and other lifestyle facilities provided within walking distance of the development.

Section 4.3 of the new Residential Design Codes recognises the characteristics of inner city apartments and states:

The concept of amenity for inner city living is different from that for suburban living. While all residents have a need and desire for the fundamentals of light, air, space and privacy, this differs between suburban and inner – city localities. In suburban areas – the main focus of the Codes – a major source of the amenity is the space that surrounds the locality and the dwellings. In the inner city, it is equally likely to be the external facilities, and the opportunities and choices these bring that create the amenity.

In the case of inner city apartments, the Codes state that open space provision should be in accordance with the likely needs of residents. Taking into account the proximity of facilities and amenities and the provision of private balcony space per unit, the provision of open space is sufficient to provide a satisfactory level of amenity for residents.

Other Issues

Health & Building Requirements

All health related issues have been assessed and it is considered that these issues can be appropriately addressed at the building licence stage.

The Building section has advised that the finished ground floor levels will need to be no greater than 50mm above adjoining pavement level in order to comply with universal access requirements. A condition has been recommended to address this issue.

Signage

No detail regarding signs has been provided as part of the application and it will be a condition that planning approval is obtained for any future signs.

CONCLUSION

With the exception of plot ratio, the proposed development complies with the requirements of the JCCDPM.

Given the exposure of the site to Grand Boulevard it is of critical importance that the development is of a high standard. The development incorporates the core requirements of Council’s policies, namely nil setback to the street, active street frontages and façades that address the corners to Plaistow Street and Putney Place. The development will be consistent with the emerging character of the area.

The proposed variation to plot ratio is supported on the grounds that it will have negligible impact upon the amenity of adjoining residential properties. Furthermore, the variation enables the development to contribute to the planning and urban design objectives of the area, namely the creation of a prominent development to this section of Grand Boulevard.

The proposal is viewed as a significant opportunity for the City to continue to fulfil its planning and development objectives for the area.

VOTING REQUIREMENTS

Simple Majority

MOVED Cr Rowlands, SECONDED Cr Walker that Council:

- 1 EXERCISES discretion under clause 4.5 and 4.8 of the District Planning Scheme No 2 as it is considered that a plot ratio of 1.19 is appropriate in this instance;**
- 2 APPROVES the application dated 16 October 2002 (amended plans received 13 November 2002) submitted by David Donaldson Architectural Drafting on behalf of the owner(s), Mr Z. Relota, for 19 multiple dwelling units and 2 office/commercial suites at Lots 37 and 38 Plaistow Street (Corner 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 Carparking (AS2890.1) 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) 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;**
 - (c) the driveways and crossovers to be designed and constructed to the satisfaction of the City before occupation of development;**
 - (d) car bay grades are generally not to exceed 6%;**
 - (e) the footpath treatment in the adjoining road reserve to match the existing paving and at a grade of 2% rising from the kerblines, prior to the development first being occupied;**
 - (f) 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;**

- (g) each dwelling to be provided with an adequate area for clothes drying that is screened from view from adjoining roads or alternatively to be provided with clothes drying facilities within the unit;
- (h) should the development be staged, temporary landscaping and fencing must be installed prior to the development being occupied to the satisfaction of the City;
- (i) submission of a Construction Management Plan detailing phasing of construction, access, storage of materials, protection of pedestrians, footpaths and other infrastructure;
- (j) 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;
- (k) suitably screened bin storage areas are to be provided prior to the development first being occupied, in locations approved. Such areas 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;
- (l) all boundary walls and parapet walls being of a clean finish and made good to the satisfaction of the City;
- (m) 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;
- (n) the lodging of detailed landscape plans, to the satisfaction of the City, for the development site and the adjoining road verges with the Building Licence Application. For the purpose of this condition a detailed landscaping plan shall be drawn to a scale of 1:100. All details relating to paving and treatment of verges, including tactile paving, to be shown on the landscaping plans;
- (o) all ground floor finished levels shall not exceed 50 mm above or below the height level of the adjoining footpath;
- (p) lots 37 and 38 to be amalgamated prior to issue of a building license; and
- (q) landscaping, reticulation and all verge treatment is to be established at the applicants expense in accordance with the approved plans prior to the development first being occupied and thereafter maintained to the satisfaction of the City.

Footnotes:**The applicant is advised of the following:**

- (i) **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 to certify that any mechanical ventilation particularly for the undercroft car parking complies with AS1668.2;**
- (iii) **A separate application being made to the City for approval to commence development and sign licence prior to the installation of any advertising signage;**
- (iv) **Applicant is advised that plans and specification for public swimming pool to be submitted to the Executive Director Public Health for approval;**
- (v) **Compliance with BCA requirements;**
- (vi) **In relation to (n) the following is required to fulfil the requirements of the condition:**
 - (a) **Details of species and reticulation;**
 - (b) **Species to be “low scale” and not exceed 1 metre in height.**
- (vii) **Condition (o) has been imposed in order to enable disabled access in the event that residential units are developed for commercial uses.**
- (viii) **Conversion of the residential units for commercial use will require submission of a separate application for planning approval and Council’s consent thereof.**

The Motion was Put and**CARRIED BY
EN BLOC RESOLUTION NO 1 (14/0)****In favour of the Motion:** Crs Baker, Barnett, Carlos, Hollywood, Hurst, Kadak, Kenworthy, Kimber, Mackintosh, Nixon, O’Brien, Patterson, Rowlands, Walker.*Appendix 16 refers**To access this attachment on electronic document, click here: [Attach16brf101202.pdf](#)*

CJ331 - 12/02 PROPOSED ACCESS ROAD FROM GRAND BOULEVARD, LANDSCAPING AND CAR PARKING FOR JOONDALUP TAFE: PART LOT 476D KENDREW CRESCENT, JOONDALUP - [011875]

WARD - Lakeside

PURPOSE

The proposal is referred to Council as the subject site is highly prominent having substantial frontage to Grand Boulevard being a primary access route into the Joondalup City Centre.

EXECUTIVE SUMMARY

An application has been received for an access road onto Grand Boulevard, landscaping and parking for 118 car parking bays for the Joondalup College of TAFE. The access road is intended to provide a primary entry point into the campus and entry statement.

The concept has been developed in liaison with staff over several months and is now in accordance with the relevant requirements and provisions for the area, and approval is recommended.

BACKGROUND

Suburb/Location:	Part Lot 476D Grand Boulevard, Joondalup City Centre
Applicant:	Peter Hunt Architect on behalf of Joondalup Campus West Coast College of TAFE
Owner:	Landcorp
Zoning:	DPS: Centre
	MRS: Central City Area

DETAILS

Proposal

The proposal includes the following:

- (a) Installation of new access onto Grand Boulevard to allow left in and left out movement to and from the College;
- (b) The construction of an additional 118 bays (including two disabled bays) to service projected expansion in student numbers for 2003 and beyond (this is located adjoining Lakeside Drive); and
- (c) Cutting the existing ground levels by up to three metres in order to provide for future development and carparking adjoining Grand Boulevard.

The proposal does not include any buildings or structures.

Public Consultation

No advertising of the proposal is considered necessary as no discretionary approval is being sought. The proposed development will not have any negative impact on adjoining or surrounding properties, as the proposal is incidental to the existing TAFE College.

Statutory Requirements

The subject land is located within the “Centre” Zone of DPS2. DPS2 itself does not contain specific land use or development control provisions for the Centre zone. Instead, the Scheme requires development to be in accordance with an approved Structure Plan. In this case the relevant approved Structure Plan is the Joondalup City Centre Development Plan and Manual (JCCDPM). Comment in relation to the specific requirements of the JCCDPM is outlined below.

COMMENT

Joondalup City Centre Development Plan and Manual (JCCDPM)

The subject land is located within the “Campus” district of the JCCDPM (hereafter referred to as the “plan”). The plan broadly outlines the relevant built form and land use requirements for the land. The plan requires development on Grand Boulevard to be guided by the provisions outlined for the “Central Business” district. The plan identifies the frontage to Grand Boulevard as suitable for “Central Business” uses. Given that the proposal does not include any structures or buildings, the requirements of the plan are not relevant in this case.

The proposed car parking area, adjoining Lakeside Drive, is similarly located within the “Campus” district of the plan. The plan in this part of the Campus District does not provide any guidance in relation to future development other than that preferred development should be related to educational uses.

Site works re-contouring

Between the parking area and Grand Boulevard the plans incorporate substantial site works or re-contouring that involve cutting the existing natural ground level down by up-to 3 metres. The finished ground levels will be equivalent to those along Grand Boulevard.

The applicants argue that the re-contouring will reconcile the ground levels of the site with the adjoining paving levels to Grand Boulevard, thereby enabling the future southern expansion of the City Centre along Grand Boulevard. To this end, the plans delineate indicative building “footprints” along the Grand Boulevard frontage in relation to the accessway and proposed parking areas. In the interim, the area will be landscaped.

The plan seeks to promote the development of commercial and retail uses along the Grand Boulevard frontage of the site to connect with the Central Business District to the north. A key requirement is for development in the area to reflect the patterns of built form already established in the City Centre. For instance the development should form a “hard edge” along

this frontage and provide opportunity for activity and interaction for pedestrians. The proposed finished ground levels may facilitate future development along Grand Boulevard consistent with the requirements of the plan. The case put by the applicant in relation to levels has merit, although there are a number of issues that are discussed further below.

Car parking

As outlined above, the application proposes car parking areas to accommodate approximately 180 bays to the Grand Boulevard frontage. The parking areas will be setback from Grand Boulevard by approximately 40 metres. A key principle of the plan is for large parking areas to be screened from major access routes. This is an important requirement in terms of preventing the “unsightly” impact of car-parking areas upon the immediate urban environment and from major roads. As explained above, the applicants have outlined future development between the car parking areas and Grand Boulevard thereby fulfilling the requirements of the plan.

Nevertheless, there is currently no time frame specified for the development of the land adjoining Grand Boulevard as indicatively shown in the proposal. It is of concern that there may be some considerable delay between the completion of the car park and the development of the area (adjoining Grand Boulevard) resulting in an “eyesore”, notwithstanding the intent of the applicant to landscape the area in the interim. The visual impact of the car parking areas may be accentuated given that the finished levels are intended to be elevated or above Grand Boulevard.

Presently there is a significant area of remnant vegetation between the Boulevard and proposed car-parking areas that may otherwise significantly screen the parking areas to the east. The proposed site works would result in this area being cleared and re-contoured. The interim retention of this area may provide an important screening function until required for development. It is recommended that the site works, other than to accommodate the access road and parking areas, not be approved as part of this application. The applicants have verbally agreed to this approach.

The proposed 118 bays to the Lakeside Drive frontage will form a continuation of the existing parking facility in this area. As outlined above there are no specific development requirements in this area. The car parking area may be supported subject to appropriate landscaping of the setback area to Lakeside Drive.

Access onto Grand Boulevard

Access onto Grand Boulevard has been previously discussed with Council officers who referred the matter to Uloth and Associates – Consultants in Traffic Engineering and Transport Planning. The consultants subsequently advised that additional access onto Grand Boulevard could be supported subject to the following:

- (a) the new access road being constructed 130 metres south of Collier Pass; and
- (b) movement being limited to left in and left out.

The proposed access road is in compliance with the above requirements.

The City has conducted an engineering assessment of the proposed access road indicates that the proposal can be supported, subject to the following:

- (a) the proposed access road is to be located 130 metres to the south of Collier Pass;
- (b) the access shall be limited to that providing left in – left out access only;
- (c) a deceleration lane is to be provided; and
- (d) an acceleration lane will not be required.

With the exception of point (d) the proposal complies with the above requirements. It is recommended that any approval be subject to the submission of a satisfactory detailed design of the above (Points a-c).

The JCCDPM or plan is silent on the issue of an access road from Grand Boulevard to the TAFE college. Nevertheless, the access road could be supported on planning and urban design grounds. The road will create an entry statement to the College from Grand Boulevard and in the long term contribute to visual variety and interest along this vacant section of the Boulevard.

Proposed hospitality and performing arts facilities

Representatives of the TAFE have held preliminary discussions with Council staff in relation to a future hospitality and performing arts facility on the subject land. The discussions have not progressed beyond a preliminary stage. In any case it is unlikely that the approval of this application would prejudice the future planning for such facilities.

Consideration of a future performing arts and hospitality facility would need to be considered formally via an application for planning approval. In the absence of such applications Council is obliged to determine the current application on its merits and in accordance with the relevant policies outlined above.

CONCLUSION

Two significant issues emerge from the assessment of this application. Firstly, the appropriateness in terms of traffic safety of allowing an additional access point onto Grand Boulevard and secondly the merits of the re-contouring of the site adjoining Grand Boulevard.

In relation to the first issue the proposal has been assessed as complying with traffic engineering standards.

In regard to the second issue, the proposed re-contouring along the entire frontage to Grand Boulevard may facilitate the future development of this area consistent with the requirements of the JCCDPM. Nevertheless, it is of some concern that there is no known program for the commencement of development adjoining Grand Boulevard. It is recommended that all the re-contouring, other than that required to accommodate the access road and parking, be deleted from this approval.

VOTING REQUIREMENTS

Simple Majority

MOVED Cr Rowlands, SECONDED Cr Walker that Council:

- 1 APPROVES the application dated 7 October 2002 submitted by Peter Hunt Architect on behalf of the owner(s) – Joondalup TAFE, for an access road on Grand Boulevard, landscaping and 118 car parking bays at 35 Kendrew Terrace (corner 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 Carparking (AS2890.1). Design details of the parking areas are to be submitted to the satisfaction of the City prior to the commencement of works. Such areas are to be constructed, drained, marked and thereafter maintained to the satisfaction of the City;**
 - (b) all stormwater to be discharged to the satisfaction of the City. Details of the proposed stormwater drainage system are to be submitted and be approved by the City prior to the commencement of construction;**
 - (c) driveways and crossovers to be designed and constructed to the satisfaction of the City before occupation of development;**
 - (d) car bay grades are generally not to exceed 6% and disabled bays shall not exceed 2.5%;**
 - (e) should the development be staged, temporary landscaping and fencing must be installed prior to the development being occupied to the satisfaction of the City;**
 - (f) submission of a Construction Management Plan detailing phasing of construction, access, storage of materials, protection of pedestrians, footpaths and other infrastructure;**
 - (g) 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;**
 - (h) the lodging of detailed landscape plans, to the satisfaction of the City, for the development site and the adjoining road verges including setback area to Lakeside Drive (adjoining car park) prior to the commencement of works. For the purpose of this condition a detailed landscaping plan shall be drawn to a scale of 1:100. All details relating to paving and treatment of verges, including tactile paving, to be shown on the landscaping plans;**
 - (i) landscaping, reticulation and all verge treatment is to be established at the applicants expense in accordance with the approved plans prior to the development first being occupied and thereafter maintained to the satisfaction of the City;**

- (j) the proposed earthworks as marked in red on the approved plan are deleted from this approval;
- (k) the lodging of a detailed plan of the proposed intersection for the access road with Grand Boulevard to the satisfaction of the City prior to commencement of works; and
- (l) the indicative building outlines adjacent to Grand Boulevard do not form part of this approval.

Footnotes:

- 1 The applicant is reminded of their obligation to comply with the requirements of the Environmental Protection Act in relation to dust control.
- 2 The proposed water feature is to be designed and constructed to prevent the breeding of phorodimae and mosquitoes.
- 3 All storm water sumps are to be designed as self flushing.
- 4 In relation to condition (k) the following is required to fulfil the requirements of the condition:
 - (a) the proposed access road is to be located 130 metres to the south of Collier Pass,
 - (b) the access shall be limited to that providing left in – left out access only,
 - (c) a deceleration lane is to be provided, and
 - (d) an acceleration lane will not be required.

The Motion was Put and

**CARRIED BY
EN BLOC RESOLUTION NO 1 (14/0)**

In favour of the Motion: Crs Baker, Barnett, Carlos, Hollywood, Hurst, Kadak, Kenworthy, Kimber, Mackintosh, Nixon, O'Brien, Patterson, Rowlands, Walker.

Appendix 17 refers

To access this attachment on electronic document, click here: [Attach17brf101202.pdf](#)

**CJ334 - 12/02 PROPOSED MARINE RESEARCH AND EDUCATION
FACILITY, AT NORTHERN SECTION OF HILLARYS
BOAT HARBOUR, HILLARYS - [01081]**

WARD - Whitfords

PURPOSE

To consider and make a recommendation on a development application for a proposed Department of Fisheries (DOF) Marine Research and Education Facility, which is proposed to

be developed on the northern section of Hillarys Boat Harbour (HBH) car park, immediately south of Northside Drive, Hillarys.

EXECUTIVE SUMMARY

An application has been received for a marine research and educational facility at the above location. The proposal is for a two storey complex aligned from east to west. The facility includes various training and research laboratories, tank facilities, aquariums and features a small educational facility, which will be subsidiary to the Aquarium of WA (AQWA) complex at the southern end of HBH.

The determination of the proposal rests with the Western Australian Planning Commission (WAPC), however, Council is able to provide its comments on the application

The development is a \$15M dollar project, which will have significant contributions to the HBH environment. It is considered beneficial to create additional facilities within the City that focus on the Marine environment and are therefore considered appropriate to locate at HBH.

It is considered that the scale and form of the building is appropriate. Car parking will be provided around the development, which will increase the overall parking provision within the HBH area. Approval is recommended for the proposal.

BACKGROUND

Suburb/Location:

Applicant:	Department of Fisheries WA
Owner:	Department of Planning and Infrastructure
Zoning:	DPS: Metropolitan Region Scheme Reserve
	MRS: Parks and Recreation Reserve

In 1991 the City of Wanneroo prepared and adopted a foreshore management plan for the Whitfords node, north of Hillarys Boat Harbour. The development site is directly south of this management plan area. It is considered that the development proposal is in keeping with the intent of this management plan and that the application can be considered, as it would not have any impacts on these provisions. Furthermore, the management plan identified that this land does not include any significant remnant vegetation apart from a sand dune, which will be retained by the realignment of Northside Drive and boundary of HBH itself. Hence this area is planned to be the location for the relocation of Northside Drive, forming part of this application.

An approval for a similar proposal was granted by the WAPC in May 2000. The current proposal is essentially a renewal of the previous approval, which expired in May 2002. The current application proposes minor changes to the siting of the building.

The majority of development issues have already been addressed in the previous application and therefore reference is made to the City's assessment report to the Joint Commissioners on 7 December 1999 and the subsequent conditional approval of the WAPC dated 26 May 2000.

The previously approved design was not implemented due to further modifications in the parking, traffic circulation design and siting of the building. Furthermore additional parking studies were initiated which are included in a later section of this report.

On 16 May 2002, the Minister for Planning outlined that the Government were prepared to support the re-application in principle, provided that a further 35 public car bays were provided to alleviate parking problems.

Of particular relevance is the October Draft 1999 Structure Plan & Implementation Strategy for Hillarys Boat Harbour. This working paper acknowledged the project and the site, consultation and conceptual designs, which were part of a draft structure plan for the locality.

DETAILS

Current Proposal

The attachments provide details of the floor plans and elevations, which it is noted, have not been altered since the 2000 approval. A further attachment outlines the siting modifications of the proposal on the lease site.

The proposal consists of:

- A two storey marine research and educational facility
- Lease area of 1 hectare for the proposed development site
- Modifications to parking numbers, layout and circulation
- Kiosk
- Northern realignment of Northside Drive

The proposed development is located south of Northside Drive and within the northern portion of the HBH carpark area. An underground pipeline will be constructed to deliver fresh seawater to the facility, which will also form the basis of a new fishing platform adjacent to the northern groyne of the harbour. The proposal includes the total re-line marking and reconfiguration of the existing parking areas, introduction of additional pedestrian paths and reconstruction of access and distributor roads to better manage boat trailers and vehicle movements for this precinct of HBH.

Statutory Provision

As the development site is located within a Metropolitan Region Scheme Reserve, the City of Joondalup may make comments to the WAPC, however the final decision rests with the WAPC. As the proposed development is sited on land that is not zoned under DPS2 and is rather located on a MRS Reserve, the City's DPS2 does not apply, due to the land being under WAPC control, although DPS2 is used as a guide to assess the application.

Consultation

The proposed development was advertised for three consecutive weeks in the local newspaper (Wanneroo Times) between 22 October and 18 November 2002. Three (3) signs advising the public of the proposal were erected at strategic locations making them visible to passing traffic near HBH and on the development site itself.

During this period, a total of two written responses were received which are considered below. The application was also supported by a consultation schedule submitted by DOF. This outlines that consultation initiated in May 1999 had resulted in a Development Approval in May 2000 and that further detailed consultation between DOF, the WAPC and Council representatives had been held following this for the current proposal.

Peter Webb (Peter D Webb and Associates 2/19 York Street, Subiaco on behalf of Skycorp Investments Pty Ltd)

Mr Webb states that the date of the extent of public advertising on the advertising signs does not correspond with that in the local newspaper (ie signs advise that advertising closes on 8 November, newspaper advises 18 November as the closing date). Mr Webb claims that this will impact on the consultation process as it does not allow sufficient time for members of the public to lodge submissions. Requests the advertising period to be extended.

Mr Webb outlines that there is a general lack of parking for HBH as the original parking provisions were calculated only for the Quay, Underwater World and the residential apartments. These calculations did not include public facilities, which attract tourism/visitors such as the beaches, lawn areas, ferry and water park facilities. Commercial developments are now suffering due to lack of parking for the public areas and therefore it is the state government's responsibility to provide suitable car parking for public areas beyond commercial establishments. Mr Webb states that the success of HBH had exceeded everyone's expectations as visitor numbers projected in 1986 were grossly under those that were actually visiting the facility in 1998/99 (ie. 4 million in lieu of 1 million visitors). This created the need to review HBH in terms of its management, which was addressed in the Draft Structure Plan and Implementation Strategy. This report recognised that existing leases were greater than envisaged and that the land available for future expansion was a diminishing resource.

According to the Draft Structure Plan and Implementation Strategy, future development would need to take into consideration that adequate parking provisions were achieved, however that limited space was available. The report also went on to outline that parking at a rate of 8 bays per 100sqm or cash in lieu was inappropriate. The document considered and supported the proposal in principle despite the amount of parking demands it would require. Mr Webb claims that this is inconsistent with other matters in the document relating to parking matters.

Mr Webb outlines that the Fisheries proposal aims to justify the loss of parking for the 1 hectare site. He states that given the footprint and lease area it results in 330 car bays being lost, and together with the parking demand it would result in, total around 600 bays. Relocation of the ferry terminal would further complicate this.

Officer's Comment

It is acknowledged that a slight error occurred in that the advertising period displayed on the signs erected on site compared to the information provided in the local newspaper was conflicting. The signs outlined that advertising for the proposal closed on 8 November, when it should have been 18 November 2002 as outlined in the newspaper. Notwithstanding this, it is assessed that the advertising period was sufficient given that the signs were not removed until after the 18 November and that any submissions received have been included in the report regardless of their submission

date. Furthermore, the advertising in the newspaper covered this aspect as it informed a wider catchment than the signs erected on site.

With regard to parking shortages, it is acknowledged that these are prime concerns and that the basis of the previous approval, which accepted a certain number of bays should be used as a basis. The Minister has required a further 35 bays to be provided, which can be conditioned on the approval. If and when the ferry terminal were to relocate to the precinct of the northern portion of HBH, the options of decked car parking can be further considered. This option has already been considered and has been stated to be a potential solution to the limited floorspace of parking.

Jon and Vicki Bell (3 Malloway Court, Sorrento)

Mr and Mrs Bell request a 3 metre wide path to be provided north of the northern marina groyne for improved access to use this beach for surf skis, canoes, sailboards and catamarans. Mr and Mrs Bell outline that they would not require a specific boat ramp for vehicle access and that such a pedestrian path would be ideal to improve access to this area of ocean is well sheltered and therefore is used by sailing clubs and also the adjacent cadets facility.

Officer's Comment

Standard conditions requiring pedestrian paths and bicycle paths would adequately cover this. An advice note may be imposed outlining consideration of an access path to the northern beach adjacent to the northern groyne of HBH, which could form part of realignments of Northside Drive and ancillary pathways.

Strategic Implications:

It is determined that the proposal will be a major benefit to the strategic function of the Harbour in that the redevelopment of the northern harbour section will increase the diversity, link and interaction with the already established southern portions. As the existing marine research facility at Waterman Beach will be effectively replaced by this purpose-built facility, it will strengthen the strategic marine-based focus of the Marina and Harbour activities.

Although the facility will be largely research based, it does include an educational component, where the public, schools and tours can be educated regarding marine related matters. This has been outlined to be subsidiary to the existing AQWA building at the southern portion of HBH. The location of the facility has undergone detailed consideration of a number of alternative sites within the metropolitan area, and the subject location was determined the best site due to its minimal impact to existing dunes and infrastructure. Further to its ideal location in obtaining fresh seawater that will be required for the research component of the facility.

HBH has been successful in promoting tourism to the coast, and has enabled its marine based location and environment to become an ancillary reason to its success. This has been strengthened by the existence of AQWA (formerly Underwater World), which has featured a tourism-based precinct in which marine biology, study and research has been made available to the public. More specific research and educational facilities have previously been limited at HBH and specifically at the AQWA complex. This development proposal would provide a further marine based link to HBH overall as well as being ancillary to AQWA, thus linking the northern car park of HBH with the southern marina.

Parking is a prime consideration and such concerns have been raised previously. The development of the northern portion of HBH should alleviate pressure on the southern portion of the Harbour by encouraging visitors to utilise the northern car park, adjacent to the new Fisheries development, and allow them to walk via new pedestrian pathways to the southern precinct of HBH.

COMMENTS

Building design and character

The building has been designed to reflect the character and scale of the existing harbour building and will be complementary to existing facilities and buildings. The scale of the building is simple and traditional in that the pitched roof style of development that characterises the Hillarys Maine buildings is replicated. It is noted that the floor plans of the building have not been altered since the 2000 Development Approval and only the location/siting of the development has been modified.

Siting – amended design

The siting of the building has been modified since the 2000 Development Approval. A plan was lodged shifting the building eastwards by approximately fifteen metres towards Whitfords Avenue. This enabled the realignment of Northside Drive to result in a smoother curve, whilst allowing previously approved boat wash-down and de-rigging bays to be provided to the west of the building. This plan was advertised to the public.

Further to the advertised plan, a subsequent revision in terms of the siting has occurred. In the context of the proposal the change is minor, in that the building has been shifted eastwards by a further six metres. It was considered that this change would not adversely impact on the amenity or on any matters raised by the public. Therefore, it was determined that the latest siting revision would not require the proposal to be re-advertised. This change also results in modified traffic circulation and parking provisions, which are assessed in the following sections of the report.

Parking

Public car parking

There are currently various public car bays in the carpark adjacent to Whitfords Avenue that is just due north of the main round-a-bout entrance to HBH. The consultant's report outlines that staff parking based on 160 employees at an occupancy rate of 65% would result in 104 car bays being required. It states that during weekends, only 5% of staff would be present, resulting in only 8 car bays being required. The 2000 proposal was assessed and conditioned to provide a total number of car bays, which included staff, visitor parking, and the parking demands for school excursions and committee meetings to result in a total of 140 bays, further to those already existing in the carpark adjacent to Whitfords Avenue. It is noted that of the total 140 bays, 105 were required to be public bays and 35 bays were set aside for staff inside the Fisheries compound itself.

The latest proposal under instructions from the Minister has separated the total parking requirement of 140 bays from the 2000 approval and has rather required 140 public bays to be provided further to any Fisheries bays within the Fisheries compound. Various extensions/modifications to the existing car park are planned throughout the northern precinct to achieve the 140 bays which are now required. These modifications result in 156 bays being provided which is in excess of the 140 bays required. These bays are also additional to those, which already exist in the carpark in the portion adjacent to Whitfords Avenue.

The revised plans have outlined that this element has been addressed satisfactorily in that excessive parking is provided and hence a condition requiring the minimum number of bays shall again be imposed.

Boat/Trailer parking

As previously outlined the development is sited on land, which is not zoned under DPS2, and although controlled by the WAPC, DPS2 is used as a guide to determine parking requirements. Therefore, car and boat/trailer parking from the City's perspective has been calculated at one bay per 30m² of net leasable area. Given that there is 6434.5m² of net leasable area, a car and boat/trailer parking requirement of 214 bays results. Notwithstanding this, the WAPC has previously agreed that 243 car and boat/trailer bays including three disabled boat/trailer bays would be deemed to be acceptable.

The revised siting of the building has changed the provisions of car and boat/trailer parking to the previous 2000 approval. Currently, a total of 286 car and boat/trailer bays are available in the northern carpark area where the lease and siting of the building is proposed. Eight of these are utilised by a storage compound. The WAPC's previous Development Approval required 243 car and boat/trailer bays to be provided (including three disabled bays). Given the building and 1 hectare lease area will result in significant numbers of car and boat/trailer bays to be lost (203 bays would remain), some alternative options have been considered in order to provide sufficient levels of car and boat/trailer parking on the site. This will be achieved by the modification of islands at the end of each rows of bays, and re-line marking existing car and boat/trailer bays which are excessive in width. (Bays, which are 3.3 metres wide, will create additional bays once re-line marked to 2.8 metres in accordance with Australian Standards).

The latest revision of the building location of the car park results in 243 car and boat/trailer bays being provided, including three disabled bays. Given that additional bays are created via the re-line marking and modifications to islands, it is assessed that the parking provisions have been provided in excess of the City's requirements and that the minimum amount stated by the Commission should again be imposed by a condition on the Development Approval for consistency.

Parking Table

	Public Parking	Car and boat/trailer parking	Fisheries Compound	Total
Existing car park	Various public bays in southern carpark adjacent to Whitfords Avenue	286	N/A	286

26 May 2000 Approval	105 public bays	Retention of 243 bays required as per approval	Proposal for 6 restricted trailer bays and 35 car bays	243 public trailer bays, 140 public car bays of which 105 are public and 6 restricted trailer and 35 car bays in Fisheries' compound
2002 Proposal	105 bays required as per 2000 approval, further to an additional 35 bays as required by the Minister for Planning. Total requirement is 140 public bays.	243 bays retained	Proposal for 6 restricted trailer bays and 19 car bays	243 public trailer bays, 156 public car bays. Also 6 restricted trailer and 19 car bays in Fisheries compound

The above table demonstrates that a total of 159 public cars bays are provided although only 140 are required further to the 243 trailer bays being retained. The proposal exceeds the parking requirements and could be supported on this consideration.

Traffic management/road realignments

The revised plan has altered the layout of the facility, which has also affected the traffic flow and circulation of cars with and without trailers/boats. The revised design generally allows greater flexibility towards future road modifications near the boat ramps and hence this aspect is supported. There are some concerns regarding the location and design of a number of access junctions/intersections, in that they are not be ideal in their functioning as they could create traffic congestion. This refers to the north-south leg of Northside Drive, and the intersections/access points with the carpark adjacent to Whitfords Avenue. It is considered that an advice note on the referral to the WAPC can address this and the design can then be modified to overcome such concerns.

Lighting, Landscaping & Pedestrian Facilities

The revised site plan of the facility and the overall upgrade of the northern car park precinct has been designed to increase pedestrian paths and flow across the car park site, linking to existing paths connecting the southern HBH precinct, and this includes additional shade trees. The proposal has been assessed to be sufficient to meet the City's requirements, however, notwithstanding this, a condition is recommended requiring lighting and shade trees to be provided prior to the occupancy of the building to increase the amenity and security of pedestrians in a general manner. This would ensure that those facilities are provided in the short term, rather than in the long term.

Environmental considerations

A number of environmental concerns, have been addressed in the previous Development Approval. Specifically, this included the development of an underground pipeline to extract seawater for the research component of the facility. The pipeline will extract seawater from the ocean adjacent to the northern groyne, which will form part of a new fishing platform constructed by reclamation. Here excess seawater will also be discharged following research in the Fisheries labs. The outflow of seawater has been described to not be significantly different in terms of nutrients to the intake water as the primary purpose is to hold fish in a natural oceanic environment similar to existing facilities like that at AQWA. A Development Approval condition previously covered this aspect of the development, and it would be likely that this would be replicated by the WAPC following consultation with the EPA.

The development site also covers part of a Bush Forever site where the realignment of Northside Drive and the HBH boundary are proposed to also retain a significant sand dune. The site will cover parts of Bush Forever site 325 and this has previously been supported subject to conditions. This would be further assessed by the WAPC. A condition dealing with rehabilitation of disturbed areas was imposed previously, and the WAPC has advised that it would be likely that a similar condition would again be imposed.

The proposal in its context would also be likely to result in an assessment by the Environmental Protection Authority. This would be initiated by the WAPC, following the provision of Council's comments on the application and as such does not require further investigation at this stage.

Implications on the Hillarys Structure Plan (Harbour Rise)

The original concept in 1999 involved consultation with the Hillarys Structure Plan developers. This matter has not been revisited as the design is essentially similar, in that only the siting of the building has changed. Therefore, it is considered that there would not be any impact on the Structure Plan principles.

Advertisements and directional signage

Details of signage and directional signage have not been submitted as part of the formal Development Application. The consultant's assessment states that directional signage to better manage traffic flow and circulation of cars and cars with boats/trailers is required. This is considered to be necessary and fundamental to the proper functioning of the facility and therefore a condition shall be imposed outlining that this is to be provided prior to the occupancy of the new facility.

Miscellaneous

Aspects such as external fencing and levels are minor matters in the scale of the proposal and will be subject to appropriate conditions as part of the referral to the WAPC.

Under Council's previous recommendation of approval, a contribution towards the construction of a roundabout at Whitfords Ave/Northside Drive was required. It is noted that this roundabout has now been constructed and therefore no such requirement would be applicable to this application.

CONCLUSION

The current application is largely similar to the previous approval although the siting of the building has altered. It is considered appropriate that the development be supported subject to conditions similar to the previous approval, ensuring that parking facilities and public facilities and amenities such as directional signage, footpaths, landscaping and lighting are provided.

The proposed facility will provide a first class marine research centre in an appropriate location, and will also see appropriate car parking facilities within the HBH area, which will be of particular benefit to weekend users of the area. An appropriate condition can be requested to ensure that the minimum 140 public car bays as well as 243 car and boat/trailer bays be provided notwithstanding the parking provisions contained within the Fisheries' compound shall be imposed, even though excessive parking provisions are made.

VOTING REQUIREMENTS

Simple Majority

MOVED Cr Rowlands, SECONDED Cr Walker that Council:

- 1 REFERS the application dated 27 September 2002 (including revised plans SK01G) submitted by Department of Fisheries for a marine research and educational facility at Hillarys Boat Harbour, Hillarys, to the Western Australian Planning Commission with a recommendation of APPROVAL, subject to the following conditions:**
 - (a) the minimum provision of 243 public car and boat/trailer bays (including three disabled bays) and a further 140 public car parking bays, which shall be available to the public, to the satisfaction of the City and shall be provided prior to the occupancy of the new building. This requirement shall be additional to any further bays available within the Fisheries compound;**
 - (b) the provision of appropriate directional signage, lighting, seating and rubbish collections facilities to the specifications of the City, at the applicant's expense at strategic locations in and around the site, prior to occupation of the building. Details shall be submitted for approval prior to the issue of a building licence;**
 - (c) the provisions of appropriate pedestrian and cyclist access network paths, to the satisfaction of the City at the applicants expense prior to the occupancy of the building;**
 - (d) all stormwater drainage shall be contained within the application area, ensuring protection of the dunal conservation areas to the satisfaction of the City;**

- (e) 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;
 - (f) submission of a Construction Management Plan detailing phasing of construction, access, storage and delivery of materials, protection of pedestrians, footpaths and other infrastructure as well as protection of parking areas for utilisation of the public, to the satisfaction of the City prior to commencement of development. Should the development be staged, temporary landscaping and fencing must be installed prior to the development being occupied to the satisfaction of the City;
 - (g) the lodging of detailed landscape plan surrounding the Fisheries WA building further to landscaped medians, shade trees to the car park and new car parking areas. All details relating to paving and treatment of footpaths, including tactile paving, shall be shown on the landscaping plans. The landscaping shall be planted prior to occupancy of the building and shall then be maintained to the satisfaction of the City;
 - (h) the level of the building being as low as practical to natural ground levels to the satisfaction of the City;
- 2 REFERS the public submissions to the Western Australian Planning Commission for its consideration.

Footnotes:

The Commission is advised of the following:

- (i) In relation to Condition 1, the Commission is advised that 156 public car bays are provided whilst only 140 bays are required. As the proposal exceeds the parking requirements, a condition for the minimum shall be imposed as in Condition 1.
- (ii) Any future extensions, additions or modifications altering the external appearance or location of any of the buildings/structures shall form part of a separate planning application.
- (iii) A separate application being made to the City for Approval to Commence Development and sign licence prior to the installation of any advertising signage.
- (iv) The development shall comply with the relevant sections of the Health Act, regulations and Local Laws in particular the Food Hygiene Regulations.
- (v) All plant and equipment shall be acoustically designed to ensure the development complies with the Department of Environmental Protection Noise Regulations.

- (vi) **The City considers the four-way intersection off Northside Drive serving the car parks to the east and west to not be ideal, together with their proximity to driveways. In relation to the car park adjacent to the Cadets' building the proximity to the boat ramps is also not ideal. The Commission is also advised to consider the width of the access south-east of the proposed building as this is less than 6 metres.**
- (vii) **The two disabled bays on plan SK01F have not been included on the latest plan SK01G. These should be included so as to provide adequate provision of parking for people with disabilities.**
- (viii) **In relation to Condition (c) the Commission is advised to consider a further pedestrian access path to the northern beach adjacent to the northern groyne of Hillarys Boat Harbour.**

The Motion was Put and

**CARRIED BY
EN BLOC RESOLUTION NO 1 (14/0)**

In favour of the Motion: Crs Baker, Barnett, Carlos, Hollywood, Hurst, Kadak, Kenworthy, Kimber, Mackintosh, Nixon, O'Brien, Patterson, Rowlands, Walker.

Appendix 20 refers

To access this attachment on electronic document, click here: [Attach20brf101202.pdf](#)

**CJ335 - 12/02 PROPOSED AMENDMENT NO 1062/33A –
INCORPORATION OF RETROSPECTIVE
APPROVAL PROVISIONS INTO THE
METROPOLITAN REGION SCHEME TEXT -
[17535]**

WARD - All

PURPOSE

The purpose of the report is for Council to consider an amendment proposed to the Metropolitan Region Scheme Text (MRST) to allow for retrospective planning approval to be issued for development that has already commenced or carried out.

EXECUTIVE SUMMARY

The Western Australian Planning Commission (WAPC) has recently initiated an amendment to the MRST to allow for retrospective planning approval to be issued for development that has already commenced or carried out.

It is proposed that clause 30(4) of the MRST be amended by inserting the following additional clauses:

- “(5) *The Commission may grant its approval under subclause (1) for development already commenced or carried out.*
- (6) *Subclause (5) does not affect the operation of–*
- (a) *clauses 10, 13 and 18 in respect of development for which approval has not been granted or in respect to development carried out prior to the grant of approval; or*
- (b) *sections 42, 43 and 43A of the Scheme Act in respect to development for which approval has not been granted.*
- (7) *Development which was unlawfully commenced is not rendered lawful by the occurrence of any subsequent event except the granting of approval under the subclause (1) for the development.*
- (8) *The continuation of development unlawfully commenced is taken to be lawful upon the grant of approval for development”.*

The WAPC is seeking Council’s comments on the proposed amendment. It should be noted that many other local government town planning schemes including the District Planning Scheme No.2 (DPS2), together with the Model Scheme Text (MST), contain similar retrospective approval clauses.

No planning objections are raised to the proposed MRST amendment, as it will enable the WAPC to issue retrospective planning approvals to that development which would in normal circumstances be determined by it.

BACKGROUND

Suburb/Location: All
Strategic Plan: Lifestyle – Strategy 2.6
 Promote and enjoy lifestyles that engender Environmental, Social and Economic balance.

DETAIL

Amendment Proposal

The WAPC has recently initiated an amendment to the MRST to allow for retrospective planning approval to be issued for development that has already commenced or carried out.

It is proposed that the MRST be amended by inserting the following additional clauses after clause 30(4):

- “(5) *The Commission may grant its approval under subclause (1) for development already commenced or carried out.*

- (6) *Subclause (5) does not affect the operation of–*
- (a) *clauses 10, 13 and 18 in respect of development for which approval has not been granted or in respect to development carried out prior to the grant of approval; or*
 - (b) *sections 42, 43 and 43A of the Scheme Act in respect to development for which approval has not been granted.*
- (7) *Development which was unlawfully commenced is not rendered lawful by the occurrence of any subsequent event except the granting of approval under the subclause (1) for the development.*
- (8) *The continuation of development unlawfully commenced is taken to be lawful upon the grant of approval for development”.*

These provisions will apply to those planning applications which would in normal circumstances be determined by the WAPC under the MRST. An example of this is development on land reserved under the MRS for Public Purposes, versus planning applications determined by the City such as grouped and multiple dwellings.

Statutory Provision:

The Metropolitan Region Town Planning Scheme Act (Section 33A) provides the process for an amendment not constituting a substantial alteration to the MRS. Any proposal to modify the MRS must be advertised for a period of two months during which landowners directly affected are contacted by letter. The public is also informed by advertisements in local and statewide newspapers.

At the end of the submission period the WAPC consider all submissions and decide whether to alter the amendment or proceed with the original proposal. A recommendation is then made to the Hon Minister for Planning for final approval.

Advertising and Summary

The WAPC has sought public comment on the amendment proposal via advertisements in *The Government Gazette* on Friday, 15 November 2002 and *The West Australian* newspaper on Saturday 16 November 2002.

Formal submissions are invited and must be lodged by Friday, 31 January 2003. The City has advised the WAPC that a formal response will be forwarded once the Council has considered the matter.

COMMENT

There is currently no power under the MRST to allow for retrospective planning approval to be issued for development that has already commenced or carried out. Development can only be approved prior to its commencement and, in some circumstances, during the course of carrying it out, but not subsequent to its completion.

The situation can arise where a developer omits to apply for development approval or completes a development that is not entirely in accordance with the development (planning) approval. In the absence of specific provisions, the WAPC can either take no action or enforce against the development as being illegal.

A similar situation applied to local government schemes prior to the introduction of the MST. Clause 8.4 of the MST introduces provisions enabling a local government to grant retrospective development (planning) approval.

The retrospective approval provisions of the MST are now incorporated into several schemes, including the City's DPS2, and appears to be working well. Additionally, the WAPC advises that at least one local government has previously requested the inclusion of retrospective approval provisions in the MRST to correspond with the MST. It has been confirmed that the City, via correspondence dated 8 February 1999, made this request.

Such provisions are of value in enabling approval to be granted to an otherwise acceptable development, which has been carried out without formal approval, or at variance to the issued development (planning) approval. This would overcome the need for enforcement action, via costly court proceedings.

Retrospective approval provisions do not imply that approval will be granted, but rather an individual can be given the opportunity to apply for retrospective planning approval to be issued for development that has already commenced or carried out.

No planning objections are raised to the proposed MRST amendment, as it will enable the WAPC to issue retrospective planning approvals to development which would in normal circumstances be determined by it. Further there are similar retrospective planning approval provisions in DPS2.

VOTING REQUIREMENTS

Simple Majority

MOVED Cr Rowlands, SECONDED Cr Walker that Council ADVISES the Western Australian Planning Commission that the alterations to the Metropolitan Region Scheme Text proposed in Amendment No 1062/33A are supported.

The Motion was Put and

**CARRIED BY
EN BLOC RESOLUTION NO 1 (14/0)**

In favour of the Motion: Crs Baker, Barnett, Carlos, Hollywood, Hurst, Kadak, Kenworthy, Kimber, Mackintosh, Nixon, O'Brien, Patterson, Rowlands, Walker.

CJ338 - 12/02 PROPOSED NEW STRUCTURES FOR CRIME PREVENTION IN WESTERN AUSTRALIA

WARD - All

PURPOSE

The purpose of this report is to consider:

- The report released by the Office of Crime Prevention titled “New Structures for Crime Prevention in Western Australia”; and
- An associated draft partnership agreement for State and Local Government involvement in crime prevention developed by the Office of Crime Prevention in conjunction with the Western Australian Local Government Association (WALGA).

EXECUTIVE SUMMARY

In 1998 the State Government established the Safer WA initiative as a way of developing “local solutions to local problems”. This initiative, along with other structures of crime prevention within Western Australia has been reviewed by the Office of Crime Prevention in the recently released report “New Structures for Crime Prevention in Western Australia”, which is currently open for comment.

The purposes of the review were to:

- Identify the needs and priorities for the delivery of crime prevention in Western Australia; and
- Determine the most effective model for delivering crime prevention in Western Australia.

This was done in conjunction with reviewing the role of both State and Local Government Agencies in crime prevention.

The needs identification process, proposed a new model (Detailed in Attachment A) to essentially replace the current Safer WA structure. The new structure sees crime prevention co-ordinated and facilitated at a local level by Local Government. Local Government would be responsible for identifying community needs, co-ordinating community involvement and developing local crime prevention plans. State agency accountability for the process would be established through local service level agreements. A draft partnership (Attached as Attachment B) would formalise this arrangement. The draft partnership agreement does state that the responsibility of the state government is to “provide funds to support Local Government crime prevention planning and initiatives”, however the nature of the funding is not detailed.

The strategic direction of the proposed new structures of crime prevention in Western Australia does not appear to differ from the current strategic direction for the City of Joondalup. Despite this, the increased responsibilities detailed in this role would have a staffing implication and significantly increase the scope of the Safer Community Program.

At this stage, the outline of the model does not contain sufficient information for the City of Joondalup to make a clear determination upon the impact of the proposal. Specifically, the main areas that require clarification relate to on-going responsibilities and funding. Without this information the City cannot make an informed comment on the structure proposed by the report.

Therefore, it is proposed that the City of Joondalup seeks clarification from the Office of Crime Prevention on these issues, with Council updated through the Desk of the CEO and a further Council report as information becomes available.

This position is also reflected in the minutes of the North Metropolitan Zone Committee Meeting where clarification was also sought, in addition to an extended timeframe (March 2003), and for WALGA to convene a forum of interested Local Governments.

BACKGROUND

In 1998 the State Government established the Safer WA initiative for a four-year period as a new approach to crime prevention. The model was based upon a whole of government commitment to the goals of Safer WA, community involvement and “local solutions to local problems”.

Safer WA has three main goals – preventing crime, reducing crime and addressing the causes of crime. Safer WA District Committees replaced the former Community Policing Committees that had been in operation around the state. A number of suburb committees were later developed underneath the District Committees as part of the Safer WA structure.

The committees comprise of community members, representatives from Government Departments such as Local Police, Department of Community Development, Department of Education, Department of Justice, Department of Health, Department of Housing, representatives from Local Government and representatives from other community interest groups such as Neighbourhood Watch.

Safer WA has been funded to date, in three funding streams with a total of \$3.2 million available annually. In the first of these streams, a pool of \$1 million annually was available to Local Government crime prevention programmes, with a maximum of \$40,000 per funded program. The second stream was for small grants of up to \$500, replacing the Police Offices Plate Fund. The final stream was available to any community group, Safer WA Committee, or Local Government wishing to make a submission through its District Safer WA Committee, for a grant totalling no more than \$50,000. If the grant submission was supported by the District Committee it then passed to a further funding panel for consideration. Of the \$3.2 million dollars available annually in Safer WA funds – it is estimated that over \$8 million dollars worth of submissions are made. The current Safer WA model has been supported mainly by volunteers, with minimal administrative support.

A Legislative Assembly Select Committee on Crime Prevention reported to the Western Australian Parliament in September 1999. One of the recommendations of the report was “that the Government should establish an Office of Crime Prevention”. This recommendation was not implemented until it became an election promise of the Gallop Government. The Office was subsequently formed with the inception of the Gallop Government, with the first task to review Structures for Crime Prevention in Western Australia, including Safer WA.

This was completed with extensive consultation with stakeholders at a number of levels.

The report entitled “New Structures for Crime Prevention for Western Australia : Report of the Review of the Structure for Crime Prevention in Western Australia” was released on 18 October 2002 for public comment. The City of Joondalup attended a briefing on the report on 26 October 2002, for the Safer WA Executive, and attended a Local Government Officers briefing on 31 October 2002. A briefing for Mayors was held on the 20 November and attended by Councillor Paul Kimber.

The report details the results and recommendations for a new structure from the review which has an increased and formalised role for local government. The executive summary for the report is attached as Attachment A. There is also a draft partnership agreement referred to within the report which has been developed by the Office of Crime Prevention and WALGA. The draft partnership agreement entitled “Partnership Agreement on Crime Prevention and Community Safety is attached as Attachment B.

The City of Joondalup and all other Local Governments have been given the opportunity to comment on the proposed recommendations and partnership agreement.

DETAILS

The purposes of the review report were to:

- 1 Identify the needs and priorities for the delivery of crime prevention in Western Australia
- 2 Determine the most effective model for delivering crime prevention throughout Western Australia
- 3 Assess the involvement of State Government Agencies, and
- 4 Assess the participation of Local Government and the community

To identify the needs and priorities, a number of surveys (114), interviews (30) and workshops (26) were conducted by the Office of Crime Prevention.

The needs, themes and issues from this consultation were identified as being:

- The structure is complex, requiring clarification of roles and responsibilities;
- The development of strategies to engage with minority groups in the community;
- The elimination of duplication of effort and competition between parts of the structure;
- Renaming the crime prevention program to more accurately reflect its objectives;
- Greater opportunities for direct comment on crime prevention issues;
- Formation on Local Government boundaries for local groupings on crime prevention;
- Provision of information that is relevant to local areas to assist planning
- Realistic resources to carry out local crime prevention plans;
- Improved consultation and communication on broader crime prevention;
- An ability for Government agencies to formally share information;
- High level Government representation to facilitate effective decision making;
- Formal planning, setting of targets, objectives and measures;
- Commitment to capacity building through skills and competency training;
- Dedicated resources for planning, implementation and measuring;
- A State wide crime prevention strategy.

As a result of identifying these needs, the new proposed model was developed (Detailed in Attachment A to this Report). The structure would replace the existing Safer WA structure, and is facilitated and co-ordinated at a local level by local government. The draft partnership agreement (Attachment B to this Report) would formalise this arrangement.

The purpose stated in the draft agreement is to form a partnership approach to crime prevention and community safety in Western Australia.

The document has the objectives of:

- Acknowledgement that the State has prime responsibility for crime prevention;
- Acknowledge to important role Local Government has to play in the area of crime prevention and community safety;
- Identify opportunities and partnerships to enhance community safety and security;
- Develop effective lines of communication and consultation between State and Local Government; and
- Promote and facilitate the development and implementation of crime prevention plans for local communities.

The strategies upon which the agreement is based are:

- That crime prevention plans are to be integral to the Local Government planning approach; and
- That State Government agency accountability is to be established through local service agreements.

The responsibilities for Local Government under the draft agreement are as follows:

- To support, co-ordinate and administer local crime prevention partnerships.
- To support and facilitate the development and implementation of local crime prevention plans.
- To ensure that local crime prevention plans are consistent with the overall crime prevention strategy.
- To engage and involve the local community, State Government agencies and non-government organisations in local crime prevention partnerships.
- To build the community's capacity to participate in crime prevention partnerships.
- To adopt evidence-based decision making processes that target the areas of greatest need
- To have a commitment to monitoring and evaluation.
- To share information and experiences between Local Governments and with the State Government.

Financial Implications:

Financial implications are unknown at this stage, however, should the recommendations of the report be implemented it has the potential to change the Safer Community Program, and therefore have an increased staffing requirement for the City.

Strategic Implications:

The City of Joondalup is committed to “work with the community and key organisations to enhance safety and security”, under Strategy 2.5 of the strategic plan.

COMMENT

The City of Joondalup Safer Community Program is committed to providing a holistic approach to creating a safer community for residents and visitors to the City. The program works in partnership with the Police, other government agencies and the community under four core program areas of:

- City Watch
- Graffiti Control
- Urban Design
- Partnerships.

Given this, the overarching strategic approach taken by the Office of Crime Prevention in this report does not appear to conflict with the current direction taken in the Safer Community Program, and indeed may offer the opportunity to have better information with which to direct priorities and committed partnerships with State Government agencies.

However, whilst the strategic direction of the report seems in line with the strategic objectives of the City to work with the community and key organisations to enhance safety and security, it proposes a role for Local Government which lacks definition and information on funding.

The main issues requiring clarification from the report are:

- What does the Office of Crime Prevention define as Crime Prevention?

Local Government has traditionally focussed upon early intervention and lower level issues such as anti-social behaviour. Local Government does not currently have the capacity to take up functions that are currently the role of Police and other state agencies and any changes to this would have a dramatic impact on shifting priorities and roles.

- What will be the administrative burden upon Local Government?

Local Government needs to establish who will be responsible for the development, establishment and implementation of Local Crime Prevention Plans and regular updating of these plans, as well as the administrative responsibility for the establishment and operation of local crime prevention committees, volunteer management, grant applications and acquittals and partnership accountability with other agencies.

- What level of funding will be available?

As part of the draft partnership agreement, a State Government responsibility is to provide funds to support Local Government crime prevention planning and initiatives. The only further detail in the current documentation is an indication that a Local Crime Prevention

Plan will be the first step in accessing funding. To make an assessment on whether Local Government will be involved and support the proposed model, information needs to be forthcoming on whether funding will be seed funding or ongoing, and if it will extend to cover the additional staff time required to implement and support this structure.

- Is there a long term funding commitment?

The proposed draft partnership agreement is for an initial term of one year, with subsequent reviews every three years. An expectation will develop in the community about City of Joondalup involvement in the crime prevention structure if it is initially implemented. Therefore, a commitment to long term funding of this partnerships agreement would be required to support this structure.

- What type of transition will be facilitated?

A risk for Local Government is that if the State transfers the co-ordination of Safer WA initiatives to Local Government without a clear understanding of the community that the current Safer WA structure is being disbanded, the community may perceive that Local Government is disbanding Safer WA, and there may be a public outcry.

- What will happen to the other crime prevention initiatives that belong currently to Safer WA?

Will there be a requirement for Local Government to take on responsibility for programs such as Safety House and Neighbourhood Watch, and if so what provisions for funding and administration have been made?

- Will Local Government retain the autonomy to determine its own crime prevention priorities?

A previous WALGA and City of Joondalup policy paper asserted that Local Government should always have the autonomy to determine crime prevention strategies and priorities individually. The proposed draft agreement states that it is a responsibility of the Local Government to “ensure that local crime prevention plans are consistent with the State Crime Prevention Strategy”. How will this dichotomy be managed, or will the State direct the priorities of Local Government under this arrangement?

- Who will be accountable for the funding of the program, and how will the outcomes be measured?

The City of Joondalup is committed to providing a Safer Community for residents and visitors to the City. The new proposed structures of crime prevention for Western Australia could offer a strategic opportunity to be provided with information to clearly direct priorities, be the agency best placed to determine the needs of the area and to work within this new model to facilitate better partnerships and outcomes for our community.

The Office of Crime Prevention has stated that the purpose of this new model is not to delegate or abrogate Crime Prevention responsibilities to Local Government. This is also reiterated in the partnership agreement where it is stated under the objectives that; “ the State Government has primary responsibility for law enforcement, crime prevention and community safety”.

Despite this, there is a risk that the responsibility for crime prevention will be devolved to Local Government without sufficient or ongoing funding. There are also risks that autonomy to determine local priorities will be lost.

Given this, it is recommended that the City of Joondalup authorises the Chief Executive Officer to request clarification from the Office of Crime Prevention so that the impact of the proposed structures for crime prevention can be assessed. Any further information will be reported to council as it becomes available.

This position is in line with other Local Government Authorities currently considering this matter. Following a report to the North Metropolitan Zone Committee Meeting, considered at the meeting of 28 November 2002, it was resolved:

- 1 *That the Western Australian Local Government Association seek clarification from the state government in the definitions, roles and boundaries applicable to the proposed crime prevention structures referred to in the draft report.*
- 2 *That the Western Australian Local Government Association seeks an extension of time until March 2003, to respond to the draft report in a representative manner with its member councils.*
- 3 *That the Western Australian Local Government Association convenes a forum of interested Local Governments to further assess the impact of these recommendations on resources and outcomes for Local Government.*

VOTING REQUIREMENTS

Simple Majority

MOVED Cr Rowlands, SECONDED Cr Walker that Council:

- 1 **ACKNOWLEDGES** the report “New Structures for Crime Prevention in Western Australia”;
- 2 **AUTHORISES** the Chief Executive Officer to continue discussions and seek clarification from the Office of Crime Prevention in relation to the impact of the proposed changes in structure;
- 3 **AUTHORISES** the Chief Executive Officer to submit a formal comment to the Office of Crime Prevention stating that the City of Joondalup cannot support the proposed new structure until detailed clarification is provided;
- 4 **NOTES** that Council will be advised as the matter progresses both through Desk of the CEO reports and a further report to Council;
- 5 **NOTES** the resolution of the North Metropolitan Zone Committee Meeting of 28 November 2002 on this matter;
- 6 **CONTINUES** dialogue and close association with Western Australian Local Government Association (WALGA) and other Councils to ensure a combined response to the State Government on this issue.

The Motion was Put and

**CARRIED BY
EN BLOC RESOLUTION NO 1 (14/0)**

In favour of the Motion: Crs Baker, Barnett, Carlos, Hollywood, Hurst, Kadak, Kenworthy, Kimber, Mackintosh, Nixon, O'Brien, Patterson, Rowlands, Walker.

Appendix 23 refers

To access this attachment on electronic document, click here: [Attach23brf101202.pdf](#)

CJ306 - 12/02 REVIEW OF THE LOCAL GOVERNMENT ACT 1995 - AMENDMENT BILL NO 3 - [00561] [24182] [89533]

WARD - All

PURPOSE

To allow Council the opportunity to comment on the proposed amendments to the Local Government Act 1995.

EXECUTIVE SUMMARY

The Minister for Local Government and Regional Development has advised of proposed amendments to the Local Government Act 1995, and through the Western Australian Local Government Association (WALGA) seeks comment from local governments.

The initial request for submissions was limited to a two week period in October 2002, however through concerns expressed, the Minister has extended the consultation period to the end of February 2003.

This report presents the proposed amendments, along with comments by WALGA (to be considered by the State Council and the City on 4 December 2002).

BACKGROUND

The Minister for Local Government and Regional Development advised through the Department of Local Government and Regional Development of his intention to amend the Local Government Act 1995.

Many of the proposed amendments are as a result of the consultation in 1999 and 2000 with some additional ones that have been included by the Government.

The Western Australian Local Government Association (WALGA) sought comment from local government in order to prepare a co-ordinated response back to the Minister.

The Association was only granted two weeks to review the document and present its views. As a result of the tight timeframe, elected members were requested to provide any comments on the proposed amendments in order for the City's response to be furnished back to WALGA by 18 October 2002.

In dialogue with WALGA, the City expressed its concern with the limited time allowed to comment on the amendments.

DETAILS

Since the City's submission, WALGA has advised that the Minister has now agreed to extend the consultation period and has indicated that the Bill will now not proceed until the end of February 2003. This extension was as a result of various concerns being raised, strongly advocating for an extension in the consultation period.

There is no specific statutory provision, however any amendment to legislation requires to be passed by both Houses of Parliament.

Strategic Implications:

Leadership

Take a leadership role, initiate, facilitate and promote leading-edge projects and best practices which deliver significant benefits to the community.

To achieve this, we will initiate improvements in legislation.

COMMENT

The submission is presented to the Council for consideration, along with comments provided on the proposed amendments. Some additional comments are suggested with other sections of the Act.

VOTING REQUIREMENTS

Simple Majority

ADDITIONAL INFORMATION

Correspondence has been received from the WA Local Government Association, stating that a number of Councils have enquired about the current status of the Review of the Local Government Act.

WALGA advises that the matter was considered at the State Council Meeting on 4 December following input from members and the Association Zones. WALGA has now provided the attached Infopage, (Appendix 30 refers) which provides details of amendments to Points 11, 58 and 64, together with seven additional issues which are to be submitted to the Department for inclusion in the current review.

OFFICER'S RECOMMENDATION That Council:

- 1 ENDORSES the submission in relation to amendments proposed under the review of the Local Government Act 1995 forming Attachment 1 to Report CJ306-12/02;

- 2 FORWARDS the submission to Western Australian Local Government Association (WALGA) for consideration.

MOVED Cr O'Brien, SECONDED Cr Carlos that Council:

- 1 ENDORSES the submission in relation to amendments proposed under the review of the Local Government Act 1995 forming Attachment 1 to Report CJ306-12/02;
- 2 FORWARDS the submission to Western Australian State Government and to the Local Government Association (WALGA for its information);
- 3 SUBMITS that the State Government should repeal Section 6.35 of the Local Government Act 1995 or cap the amount to a maximum of \$75.00, thereby creating property tax (Rates) relief for POORER PEOPLE, SELF FUNDED RETIREES and PENSIONERS, in Western Australia.

Discussion ensued.

The Motion was Put and

LOST (6/8)

In favour of the Motion: Crs Barnett, Carlos, Hollywood, Nixon, O'Brien, Walker. **Against the Motion:** Crs Baker, Hurst, Kadak, Kenworthy, Kimber, Mackintosh, Patterson, Rowlands.

MOVED Cr Kadak, SECONDED Cr Baker that Council:

- 1 **ENDORSES the submission in relation to amendments proposed under the review of the Local Government Act 1995 forming Attachment 1 to Report CJ306-12/02;**
- 2 **FORWARDS the submission to Western Australian Local Government Association (WALGA) for consideration.**

The Motion was Put and

CARRIED (10/4)

In favour of the Motion: Crs Baker, Barnett, Hurst, Kadak, Kenworthy, Kimber, Mackintosh, O'Brien, Patterson, Rowlands. **Against the Motion:** Crs Carlos, Hollywood, Nixon, Walker.

Appendices 1 and 30 refer

To access this attachment on electronic document, click here: [Attach1brf101202.pdf](#)

[Attach30min171202.pdf](#)

Cr Kenworthy left the Chamber at this point, the time being 2101 hrs.

*Mayor Bombak entered the Chamber and **ASSUMED** the Chair, the time being 2101 hrs.*

Cr Kenworthy entered the Chamber at this point, the time being 2104 hrs.

CJ307 - 12/02 ANNUAL GENERAL MEETING OF ELECTORS – [74530]

WARD - All

PURPOSE

To give consideration to the decisions made at the Annual General Meeting of Electors held on 11 November 2002.

EXECUTIVE SUMMARY

The City's Annual General meeting of Electors was held on 11 November 2002 in accordance with Section 5.27 of the Local Government Act 1995. The Act requires that all decisions made at an Electors' Meeting if practicable are to be considered at the next ordinary meeting of Council. This report details each of the motions passed at the Electors' Meeting and provides comments and a suggested response to each matter raised.

BACKGROUND

The City's Annual General Meeting of Electors was held on 11 November 2002 in accordance with Section 5.27 of the Local Government Act 1995. The meeting was attended by approximately 30 members of the public, with a total of eleven (11) motions passed at the meeting. The minutes of that meeting form Attachment 1 hereto.

It should be noted that the response to Mr de Gruchy (Question 4, Page 6 of the Minutes of the AGM) inadvertently referred to the 2000/01 awards and not the 2001/02 awards. Furthermore, it needs to be acknowledged that there was a considerable amount of effort made by the entire organisation in receiving the award.

Decisions made by electors at an Electors' Meeting are the recommendations of those electors present, on the matters discussed and considered at the meeting. Like recommendations made at Council committee meetings, they are not binding on the Council. However, the Council must consider them.

DETAILS

Statutory provision

Section 5.33 of the Local Government Act 1995 detailed below covers this matter:

“Decisions made at Electors’ Meetings

- 5.33 (1) *All decisions made at an Electors’ Meeting are to be considered by the Council at the next ordinary council meeting or, if this is not practicable –*
- (a) *at the first ordinary council meeting after that meeting; or*
 - (b) *at a special meeting called for that purpose,*

whichever happens first.

- (2) If at a meeting of the Council a local government makes a decision in response to a decision made at an Electors' Meeting, the reasons for the decision are to be recorded in the minutes of the Council Meeting.”

The motions passed at the Annual General Meeting of Electors are set out in *italics* followed by a comment and suggested course of action as to how each matter should be dealt with.

MOTION 1

MOVED Steve Magyar, 31 Drummer Way, Heathridge, SECONDED Ken Zakrevsky, 49 Korella Street, Mullaloo that We the Electors of the City of Joondalup REQUEST Council to make the following changes to public question time in the interests of increasing public participation in council decision-making processes and to increase the accountability of Council to the local community:

- 1 *that ratepayers must be allowed to make short statements during question time or alternatively a specified time be set aside at each question time for short statements;*
- 2 *that the second public question time be included in the agenda for all ordinary meetings of Council;*
- 3 *that a second public question time be included at the end of special meetings of Council;*
- 4 *that during the second public question time, the Chairperson of the meeting directs the Mover of the motion to be the first person to attempt to answer the question asked by the public.*

The Motion was Put and

CARRIED UNANIMOUSLY

OFFICER'S COMMENT

The City's current Standing Orders Local Law does not permit members of the public to make statements during public question time.

Clause 3.2 of the City's Standing Orders Local Law permits the Council, by resolution, to alter its order of business at an ordinary meeting of the Council. Clause 2.2 of the Standing Orders states that the order of business at any special meeting of the Council shall be in the order in which business stands in the notice thereof. Section 5.5 of the Local Government Act 1995 requires the CEO to convene ordinary and special meetings of the Council by giving notice to each member.

The current Regulations to the Local Government Act 1995, Standing Orders Local Law and Rules for Public Question Time state that the presiding person is to be responsible for the procedures relating to public question time. It is appropriate that the presiding person has the role to direct a question to the relevant person.

The Council attempted to review its Standing Orders Local Law, however final consideration of that document did not achieve the required majority as stipulated by the Local Government Act 1995. It is however considered that there are some shortcomings of the current Standing Orders and an urgent review is proposed. A report is to be presented to the next meeting of the Standing Orders Review Committee.

RECOMMENDED RESPONSE

It is recommended that Motion 1 of the Annual General Meeting of Electors held on 11 November 2002 be considered as part of the further review of the City's Standing Orders Local Law.

MOTION 2

MOVED Steve Magyar, 31 Drummer Way, Heathridge, SECONDED Vincent Cusack, 2 Renegade Way, Kingsley that We the Electors of the City of Joondalup REQUEST Council to reactivate the search facilities previously available to the public in the Council's website so that the public may search minutes and agendas to be kept better informed of the Council's decisions.

The Motion was Put and

CARRIED UNANIMOUSLY

OFFICER'S COMMENT

No change has been made to the functionality of the City's website. An indexing search feature was unavailable for a period (approximately late September to early November) when the City moved to a new server, however this was recently corrected. A full site search of all web documents, including Council agendas and minutes, is available using the search button on the top menu bar. A search option specifically for agendas and minutes is available on the 'Meetings' page; this has been tested and is working as expected.

RECOMMENDED RESPONSE

It is recommended that, as the full site search facility is available on the City's web page, the Council takes no further action in relation to Motion 2 of the Annual General Meeting of Electors held on 11 November 2002.

MOTION 3

MOVED Steve Magyar, 31 Drummer Way, Heathridge, SECONDED Ken Zakrevsky, 49 Korella Street, Mullaloo that We the Electors of the City of Joondalup REQUEST Council to ensure that all committee minutes are forwarded to Council for noting even if there is no further action required by Council for that particular committee.

The Motion was Put and

CARRIED UNANIMOUSLY

OFFICER'S COMMENT

Prior to March 2002, the practice was to forward all Minutes of Council committees to the Council for inspection or consideration of any recommendation the Committee may have resolved.

At the ordinary meeting of the Council held on 12 March 2002 (Item CJ050-03/02 refers), it was resolved that:

- “1 *only minutes of those committee meetings where a recommendation is required to be submitted to the Council for consideration shall be included as part of the Agenda for an Ordinary Meeting of Council;*
- 2 *Council makes the Minutes and Agenda for each committee available at both the front counter of Council offices and the City’s libraries;*
- 3 *Council CREATES a suitable location on the City’s web page where Committee Minutes and Agendas may be easily accessible to ratepayers, electors, stakeholders and residents;*
- 4 *a committee by decision at that Committee meeting may forward its minutes to Council for consideration.”*

There is no statutory requirement for the Minutes of a Committee meeting to be submitted to the Council.

Section 5.8 of the Local Government Act 1995 states that the Council may establish committees (comprising various persons as detailed by section 5.9) to assist the Council in its decision making process. When establishing a committee, the Council may delegate to it certain powers and allow it to discharge certain duties.

Section 5.22 of the Local Government Act 1995 states:

- 1 *“The person presiding at a meeting of a Council or committee is to cause minutes to be kept of the meeting’s proceedings;*
- 2 *The minutes of a meeting of a Council or a committee are to be submitted to the next ordinary meeting of the Council or the committee, as the case requires, for confirmation;*
- 3 *The person presiding at the meeting at which the minutes are confirmed is to sign the minutes and certify the confirmation.”*

The Local Government (Administration) Regulations requires minutes of a committee to be produced within 5 business days from the holding of the meeting. The legislation does not require minutes of committee meetings to be forwarded to the Council.

RECOMMENDED RESPONSE

It is recommended that, in relation to Motion 3, Council amends its decision of 12 March 2002 and has all minutes of Committees presented for consideration.

MOTION 4

MOVED Steve Magyar, 31 Drummer Way, Heathridge, SECONDED Ken Zakrevsky, 49 Korella Street, Mullaloo that We the electors of the City of Joondalup REQUEST Council to introduce a policy that the attendance of any Councillor, senior staff member or business unit manager at any conference or convention paid for by the City for that person to attend, be reported to Council within three months of the attendance at the conference or convention. The report must inform Council of the potential of using the knowledge gained at the conference for the benefit of the City.

The Motion was Put and

CARRIED

OFFICER'S COMMENT

The Council at its ordinary meeting held on 18 December 2001 adopted a revised policy for payment of fees, allowances and expenses and the provision of facilities to the Mayor, Deputy Mayor and Councillors. In accordance with the role of the CEO as stipulated by the Local Government Act, any request for attendance at a conference is submitted to the CEO for consideration.

In essence the revised policy provided flexibility to elected members to attend conferences relevant to their duties within a prescribed limit within the requirement for approval of the Council.

The definition of conference would be quite varied, and the need to report on every conference attended may be quite burdensome. In an effort to more clearly define the requirement it is suggested that a report be prepared for attendance at any interstate or overseas conference that is paid for by the City. Where required, staff will report on conferences direct to the CEO.

RECOMMENDED RESPONSE

It is recommended that, in relation to Motion 4 of the Annual General Meeting held on 11 November 2002, a further report be submitted to Council, preparing a policy statement requiring an elected member to present a report following attendance at any overseas or interstate conference/seminar where registration costs are met by the City.

MOTION 5

MOVED Michael Caiacob, 7 Rowan Place, Mullaloo, SECONDED Mitch Sideris, 12 Page Drive, Mullaloo that Council:

- 1 AGREES and RESOLVES to incorporate Lot 1 Oceanside Promenade, Mullaloo into Tom Simpson Park proper and makes any necessary changes to the status and zoning of the land within three months of this meeting;*

- 2 *NOTES and RESOLVES to act upon the wishes, requirements and desires of the residents of Mullaloo, the electors of the City of Joondalup and the people of Perth in regards to Lot 1 Oceanside Promenade, Mullaloo as indicated by the public at the Special Meeting of Electors of 18 March 2002 and 20 September 2002;*
- 3 *NOTES and RESOLVES to act upon the Council officer's recommendations as stated in the report to Council on the Special Meeting of Electors on 18 March 2002 to incorporate Lot 1 Oceanside Promenade into Tom Simpson Park proper.*

The Motion was Put and

CARRIED

OFFICER'S COMMENT

The subject site is identified as a local reserve "Parks and Recreation" under the City of Joondalup District Planning Scheme No 2. Given this, it is considered that no changes are required to the status and zoning of the land as requested. The planning status of the land provides control and guidelines as to land use. The permitted use of the land is in keeping with the Parks and Recreation status under the DPS, and this is aligned with the intent of the electors' resolution. The report on the Special Electors' meeting did not recommend that the lot be incorporated into the park, in the report no comment was made on this point, for reasons expressed above regarding use and future use.

RECOMMENDED RESPONSE

It is recommended that no further action be taken in relation to Motion 5 of the Annual General Meeting of Electors held on 11 November 2002.

MOTION 6

MOVED Steve Magyar, 31 Drummer Way, Heathridge, SECONDED Ken Zakrevsky, 49 Korella Street, Mullaloo that We the electors of the City of Joondalup STRONGLY RECOMMEND that Council undertakes to establish the Committee system.

The Motion was Put and

CARRIED

OFFICER'S COMMENT

The Council sets its meeting dates generally in May of each year. The Local Government Act 1995 allows for local governments to establish committees to assist in its decision making process, with Committees being able to comprise various different persons. Detailed reports have been presented to the Council on numerous occasions, evaluating the various decision making process options.

RECOMMENDED RESPONSE

It is recommended that, in relation to Motion 6 of the Annual General Meeting of Electors held on 11 November 2002, Council RETAINS its existing decision making process.

MOTION 7

MOVED Monique Moon, 6 Carew Place, Greenwood, SECONDED Michael Caiacob, 7 Rowan Place, Mullaloo that Council:

- 1 ACKNOWLEDGES the landowners of the City of Joondalup as major stakeholders and as such are recognised as key stakeholders/investors in the City of Joondalup, the newest City in Australia; both by name and development and add the landowners/major stakeholders to the key stakeholder list;*
- 2 AGREES and RESOLVES to supply all the information made available to other key stakeholders at key stakeholder meetings and forums regarding plans to districts or district structure plans, local area plans, local structure plans, centre structure plans and centre plans to major stakeholders;*
- 3 AGREES and RESOLVES to extend an invitation to all landowners, to all future key stakeholders forums, meetings and the like regarding the future development of the City of Joondalup and supplying landowners with all written information forwarded to other key stakeholders on future development plans;*
- 4 MAKES available tapes and videos to interested landowners of the key stakeholder meetings and present them with the outcomes.*

The Motion was Put and

CARRIED

OFFICER'S COMMENT

Following a number of public workshops held to review the City's community consultation strategies, a public consultation policy is currently being developed. The policy will address the most appropriate form of community consultation for various types of Council initiatives.

It is anticipated that the report will be presented to Council for consideration in early 2003.

It is also noted that the Strategic Plan 2000-2005 defines "stakeholder" as "individuals and organisations who have an impact on the strategic direction and decision-making processes of the City of Joondalup".

RECOMMENDED RESPONSE

It is recommended that, in relation to Motion 7 of the Annual General Meeting of Electors held on 11 November 2002, Council advises that a public consultation policy is currently being prepared which will address the issues associated with the City's communication processes.

MOTION 8

MOVED Sue Hart, 24 Mamo Place, Greenwood, SECONDED Ken Zakrevsky, 49 Korella Street, Mullaloo that motions put forward this evening be acted on more than just being noted.

The Motion was Put and

CARRIED

OFFICER'S COMMENT

The Local Government Act 1995 requires all decisions made at an electors' meeting to be considered by the Council. If at a meeting of the Council, the City makes a decision in response to a decision made at an electors' meeting, the reasons for the decision are to be recorded in the Minutes of the Council meeting. It is suggested that each decision made at any electors' meeting be duly considered by the Council on an individual basis and an appropriate response be made. It is believed that a recommendation requiring the Council to 'note' the contents of a report, minutes, submission, etc, is acceptable practice and is currently used throughout the local government industry.

RECOMMENDED RESPONSE

It is recommended that, in relation to Motion 8 of the Annual General Meeting of Electors held on 11 November 2002, Council conforms with Section 5.33 of the Local Government Act 1995 by duly considering each decision made at any electors meeting and responds accordingly.

MOTION 9

MOVED Noal Gannon, 79 Clontarf Street, Sorrento SECONDED Mitch Sideris, 12 Page Drive, Mullaloo that Council TAKES ACTION to have the Local Government Act changed so that any substantial motions of any kind passed by the ratepayers under the Local Government Act be acted upon.

The Motion was Put and

CARRIED

OFFICER'S COMMENT

Section 5.33 of the Local Government Act 1995 requires the Council to consider the decision(s) made at an electors' meeting. Where the Council makes a decision in response to any of these decisions, it must provide reasons.

The essence of sound and solid decision-making is a well structured agenda, sound professional advice and constructive debate. A well functioning local government is an excellent example of the elected body and the supporting administration working together. The elected body and the administration come together at meetings of the Council when elected members use their knowledge and experience and the advice of the staff to make decisions that are of great importance to those they serve.

It is appreciated that decisions made at electors' meetings may not be on available information, or sound advice. It is important that decisions that may affect the entire district are subject to proper process.

RECOMMENDED RESPONSE

It is recommended that, in relation to Motion 9 of the Annual General Meeting of Electors held on 11 November 2002, Council DOES NOT support any change to the Local Government Act 1995 that any motions carried at electors' meetings be acted upon or binding to the City.

MOTION 10

MOVED Steve Magyar, 31 Drummer Way, Heathridge SECONDED Ken Zakrevsky, 49 Korella Street, Mullaloo that we, the electors of the City of Joondalup call upon Council to obtain a report from officers regarding the proposed amendments to the Local Government Act, and for Council itself to then make a decision as to whether it supports or does not support the various amendments, and feedback to be provided to the Government.

AMENDMENT MOVED Mitch Sideris, 12 Page Drive, Mullaloo SECONDED Vincent Cusack, 2 Renegade Way, Kingsley that the Motion be amended by the inclusion after "...proposed amendments to the Local Government Act" of the words "...such report to include a copy of the submission made by the City's administration to the Local Government Association"

The Amendment was Put and

CARRIED

The Original Motion, as amended, being:

That we, the electors of the City of Joondalup call upon Council to obtain a report from officers regarding the proposed amendments to the Local Government Act, such report to include a copy of the submission made by the City's administration to the Local Government Association, and for Council itself to then make a decision as to whether it supports or does not support the various amendments, and feedback to be provided to the Government.

Was Put and

CARRIED

OFFICER'S COMMENT

The initial timeframe provided by the Department of Local Government and Regional Development was a fortnight. All elected members were invited to submit comments on the proposed amendments, with the City making a submission on 18 October 2002.

As a result of a number of concerns expressed by the local government industry, including the City of Joondalup, at the limited time available to comment on the proposed amendments, the Minister has agreed to extend the consultation to February 2003. Therefore a report is included on the agenda for the ordinary meeting of Council scheduled for 17 December 2002.

RECOMMENDED RESPONSE

It is recommended that, in relation to Motion 10 of the Annual General Meeting of Electors held on 11 November 2002, that Council gives consideration to Report “Review of the Local Government Act 1995 – Amendment Bill No 3” submitted to the Council meeting scheduled for 17 December 2002.

MOTION 11

MOVED Sue Hart, 24 Mamo Place, Greenwood SECONDED Michael Caiacob, 7 Rowan Place, Mullaloo that ratepayers and electors are informed what is happening to Amendment No 10 and what part of the Centres Strategy has been removed.

The Motion was Put and

CARRIED

OFFICER’S COMMENT

The Centres Strategy has not been amended. However, the Council has resolved to review the Centres Strategy in the near future, pending the WAPC survey of Nett Leasable Areas in the Perth Metropolitan area. Amendment 10 is currently with the Department of Planning and Infrastructure awaiting assessment and determination, for further consideration by the Minister for Planning. The Council’s consideration of the issue has been conducted in Council meetings and the results have been minuted and are available to the public for information.

RECOMMENDED RESPONSE

It is recommended that, in relation to Motion 11 of the Annual General Meeting of Electors held on 11 November 2002, the information above be forwarded to Ms Hart and Mr Caiacob, being the Mover and Seconder to the Motion.

VOTING REQUIREMENTS

Absolute Majority

MOVED Cr Baker, SECONDED Cr Kimber that:

- 1 the Minutes of the Annual General Meeting of Electors held on Monday 11 November 2002, forming Attachment 1 to Report CJ307-12/02, be NOTED;**
- 2 in response to the Motions raised at the Annual General Meeting of Electors held on Monday 11 November 2002:**
 - (a) Motion 1 be considered as part of the further review of the City’s Standing Orders Local Law;**
 - (b) as the full site search facility is available on the City’s web page, Council TAKES NO FURTHER ACTION in relation to Motion 2;**

- (c) in relation to Motion 3, Council REVOKES its decision CJ050-03/02 of 12 March 2002, viz:

- “1 only minutes of those committee meetings where a recommendation is required to be submitted to the Council for consideration shall be included as part of the Agenda for an Ordinary Meeting of Council;*
- 2 Council makes the Minutes and Agenda for each committee available at both the front counter of Council offices and the City’s libraries;*
- 3 Council CREATES a suitable location on the City’s web page where Committee Minutes and Agendas may be easily accessible to ratepayers, electors, stakeholders and residents;*
- 4 a committee by decision at that Committee meeting may forward its minutes to Council for consideration.”*

And REPLACES it with:

“That Minutes of all Council-created Committees be submitted to an ordinary meeting of the Council for consideration”;

- (d) in relation to Motion 4, a further report be submitted to Council, preparing a policy statement requiring an elected member to present a report following attendance at any overseas or interstate conference/seminar where registration costs are met by the City;
- (e) no further action be taken in relation to Motion 5;
- (f) in relation to Motion 6, Council RETAINS its existing decision making process;
- (g) in relation to Motion 7, Council ADVISES that a public consultation policy is currently being prepared which will address the issues associated with the City’s communication processes;
- (h) in relation to Motion 8, Council CONFORMS with Section 5.33 of the Local Government Act 1995 by duly considering each decision made at any electors meeting and responds accordingly;
- (i) in relation to Motion 9, Council DOES NOT support any change to the Local Government Act 1995 that any motions carried at electors’ meetings be acted upon or binding to the City;
- (j) in relation to Motion 10, Council gives consideration to Report “Review of the Local Government Act 1995 – Amendment Bill No 3” submitted to the Council meeting scheduled for 17 December 2002;

- (k) in relation to Motion 11, the Mover and Seconder to the Motion be advised of the current situation regarding Amendment No 10 and the Centres Strategy.

AMENDMENT MOVED Cr O'Brien SECONDED Cr Carlos that Points 2(f) and 2(k) of the Motion be amended as follows:

- “2(f) in relation to Motion 6, Council RETAINS its existing decision making process until the first meeting of Council after the May 2003 Council Election;
- 2(k) in relation to Motion 11, the Mover and Seconder to the Motion be advised of the current situation regarding Amendment No 10 and the Centres Strategy and Council undertakes to expedite a general review of the District Planning Scheme No 2., Council’s Commercial and Residential Strategy and Policy along with Community Consultation.”

Discussion ensued.

The Amendment was Put and

CARRIED (9/6)

In favour of the Amendment: Crs Baker, Barnett, Carlos, Hollywood, Nixon, O'Brien, Patterson, Rowlands, Walker. Against the Amendment: Mayor Bombak, Crs Hurst, Kadak, Kenworthy, Kimber, Mackintosh.

The Original Motion, as amended, being:

That:

- 1 the Minutes of the Annual General Meeting of Electors held on Monday 11 November 2002, forming Attachment 1 to Report CJ307-12/02, be NOTED;
- 2 in response to the Motions raised at the Annual General Meeting of Electors held on Monday 11 November 2002:
 - (a) Motion 1 be considered as part of the further review of the City’s Standing Orders Local Law;
 - (b) as the full site search facility is available on the City’s web page, Council TAKES NO FURTHER ACTION in relation to Motion 2;
 - (c) in relation to Motion 3, Council REVOKES its decision CJ050-03/02 of 12 March 2002, viz:
 - “1 only minutes of those committee meetings where a recommendation is required to be submitted to the Council for consideration shall be included as part of the Agenda for an Ordinary Meeting of Council;
 - 2 Council makes the Minutes and Agenda for each committee available at both the front counter of Council offices and the City’s libraries;

- 3 *Council CREATES a suitable location on the City's web page where Committee Minutes and Agendas may be easily accessible to ratepayers, electors, stakeholders and residents;*
- 4 *a committee by decision at that Committee meeting may forward its minutes to Council for consideration."*

And REPLACES it with:

"That Minutes of all Council-created Committees be submitted to an ordinary meeting of the Council for consideration";

- (d) **in relation to Motion 4, a further report be submitted to Council, preparing a policy statement requiring an elected member to present a report following attendance at any overseas or interstate conference/seminar where registration costs are met by the City;**
- (e) **no further action be taken in relation to Motion 5;**
- (f) **in relation to Motion 6, Council RETAINS its existing decision making process until the first meeting of Council after the May 2003 Council Election;**
- (g) **in relation to Motion 7, Council ADVISES that a public consultation policy is currently being prepared which will address the issues associated with the City's communication processes;**
- (h) **in relation to Motion 8, Council CONFORMS with Section 5.33 of the Local Government Act 1995 by duly considering each decision made at any electors meeting and responds accordingly;**
- (i) **in relation to Motion 9, Council DOES NOT support any change to the Local Government Act 1995 that any motions carried at electors' meetings be acted upon or binding to the City;**
- (j) **in relation to Motion 10, Council gives consideration to Report "Review of the Local Government Act 1995 – Amendment Bill No 3" submitted to the Council meeting scheduled for 17 December 2002;**
- (k) **in relation to Motion 11, the Mover and Seconder to the Motion be advised of the current situation regarding Amendment No 10 and the Centres Strategy, and Council undertakes to expedite a general review of the District Planning Scheme No 2., Council's Commercial and Residential Strategy and Policy along with Community Consultation.**

Was Put and

**CARRIED BY AN
ABSOLUTE MAJORITY (14/1)**

In favour of the Motion: Mayor Bombak, Crs Baker, Barnett, Carlos, Hollywood, Hurst, Kadak, Kenworthy, Mackintosh, Nixon, O'Brien, Patterson, Rowlands, Walker. **Against the Motion:** Cr Kimber.

Appendix 2 refers

To access this attachment on electronic document, click here: [Attach2brf101202.pdf](#)

CJ309 - 12/02 VACANCIES - WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION - COMMITTEE VACANCIES – [02011]

WARD - All

PURPOSE

To note the resignation of Council's delegate on the Community Housing Standing Committee and to call for nominations for various committees of the Western Australian Local Government Association.

EXECUTIVE SUMMARY

The Western Australian Local Government Association (WALGA) has invited member Councils to submit nominations to various committees.

This report invites nominations from elected member and officer representatives with experience, knowledge and an interest in the relevant issues.

It is recommended that Council notes the resignation of its delegate, Cr Allison Walker, from the Community Housing Standing Committee.

BACKGROUND

The Western Australian Local Government Association has invited member Council to submit nominations to the following committees:

- Local Government Self Insurance Schemes Board;
- Community Housing Standing Committee.

Nominations are invited from elected member and officer representatives with experience, knowledge and an interest in the relevant issues.

Nominations for all vacancies close on Wednesday 15 January 2003.

Nominations must ensure that the Selection Criteria are addressed in full. Appointments are conditional on the understanding that nominees and delegates will resign when their entitlement terminates – that is, they are no longer elected members or serving officers of Local Government. This ensures that the Local Government representative is always active in Local Government as an elected member or serving officer.

Details of the vacancies and Nominations Forms can be found at the Policy section of the WALGA website at: <http://www.walga.asn.au/policy/committees>.

DETAILS**1 LOCAL GOVERNMENT SELF INSURANCE SCHEMES BOARD (2 Elected Members; 2 Serving Officers)**

Selection Criteria:	<p><u>Elected Members (2 positions):</u></p> <p><u>Essential</u></p> <ul style="list-style-type: none"> • To be a current elected member of a Local Government that is a member of the Municipal Liability, WorkCare and Property Self Insurance Schemes; • Significant experience as an elected member of a Local Government; • Ability to understand insurance and risk management concepts and procedures; • Commitment to a cooperative self-management approach to Local Government liability and workers compensation risks; • Availability of the applicant to undertake the responsibility; • Demonstrated interest in the position; • Capacity of the applicant to represent the interests of Local Government and the Association. <p><u>Desirable</u></p> <ul style="list-style-type: none"> • Prior experience as a Director on the previous Schemes Board or a board governing a similar major commercial operation will be well regarded. <p><i>Consideration will be given in the selection process to achieving a balance between country and metropolitan shareholder interests on the Board.</i></p> <p><u>Serving Officers (2 positions):</u></p> <p><u>Essential</u></p> <ul style="list-style-type: none"> • To be a current serving officer of a Local Government that is a member of the Municipal Liability, WorkCare and Property Self Insurance Schemes; • Relevant skills, knowledge and practical experience in insurance/risk management in relation to liability and workers compensation within Local Government and/or relevant skills, knowledge and practical experience in organisational management/financial management; • Commitment to a cooperative self-management approach to Local Government liability and workers compensation risks; • Availability of the applicant to undertake the responsibility; • Demonstrated interest in the position; • Capacity of the applicant to represent the interests of Local Government and the Association. <p><i>Consideration will be given in the selection process to achieving a balance between country and metropolitan shareholder interests on the Board.</i></p>
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<p>Background information:</p>	<p>The vision for the Local Government Self Insurance Schemes Board is:</p> <p><i>“Municipal Liability/WorkCare/Property Schemes will create benefits for all Western Australian Local Governments by providing a comprehensive insurance service which is grounded on the principles of effective risk management and cost stabilisation.</i></p> <p><i>We will achieve this vision by:</i></p> <ul style="list-style-type: none"> • <i>High participation by member Local Government in the Schemes;</i> • <i>Meeting members’ needs through dynamic, innovative self insurance Schemes which are market leaders in value and service;</i> • <i>Building long term, mutually beneficial relationships with our suppliers and service providers;</i> • <i>Fostering support and the fulfilment of responsibilities by management and staff of the Scheme Manager;</i> • <i>Being proactive in minimising risks and preventing workplace accidents through effective planning and excellent risk management;</i> • <i>Effective rehabilitation of Local Government employees affected by workplace injuries;</i> • <i>Overriding aim to reduce claims;</i> • <i>Prudent investments that maximise returns to the Schemes;</i> • <i>Being a responsible and conscientious corporate citizen.”</i> <p>Under the delegation of the State Council, the Board’s primary function is to govern the successful operation of the Schemes through the Scheme Manager (Jardine Lloyd Thompson) to achieve this objective.</p> <p>The Board is responsible for defining the policy and setting the overall strategic direction of the Schemes. It is not responsible for running the business of the Schemes or for managing the contractual relationship between the Association and the Scheme Manager.</p> <p>Without intending to limit the general role of the Board, the broad functions and responsibilities delegated to the Board by State Council include:</p> <ul style="list-style-type: none"> • Providing the overall strategic direction of the Schemes; • Recommending appointment of the Scheme Manager to State Council; • Monitoring/evaluating Scheme Manager performance; • Monitoring the financial performance of the Schemes; • Ensuring compliance of the Schemes with the law; • The proper management of risk; • Communicating between the Scheme Manager and Stakeholders.
<p>Term:</p>	<p>2 vacancies for 3 year terms to 1 February 2006. 1 vacancy for 2 year term to 1 February 2005. 1 vacancy for 1 year term to 1 February 2004.</p> <p>All terms commence on appointment.</p>

Meetings:	Meetings are held monthly on a Thursday, usually from 2pm, at Local Government Insurance Services Boardroom, 1 st floor, Local Government House, 15 Altona Street, West Perth, for a duration of three hours.
Meeting Fee:	Directors fee of \$8,000 pa (paid in quarterly instalments) plus superannuation. Plus travel allowance.
Committee Membership:	The Committee will have representation from: <ul style="list-style-type: none"> • Shareholder members (2 elected members) • Shareholder members (2 serving officers) • Invited member (finance/accounting/actuarial) • Invited member (insurance/risk management) • Invited member (board/business management) • President, WA Local Government Association • Chief Executive Officer, WA Local Government Association.

2 COMMUNITY HOUSING STANDING COMMITTEE (Member)

Selection Criteria:	<ul style="list-style-type: none"> • To be a current elected member/serving officer; • Availability of the applicant to undertake the responsibility; • Relevant skills in the area; • Demonstrated interest in the position; • Capacity of the applicant to represent the interest of Local Government and the Association; • Relevant experience and qualifications that are applicable to the position.
Background information:	<ul style="list-style-type: none"> • The Community Housing Standing Committee (CHSC) is one of three standing committees established under the Terms of Reference of the Housing Advisory Committee (HAC). The role of the CHSC is to identify and develop strategic policy designed to support the growth and viability of the community housing system in WA. Strategic policy developed by the CHSC is recommended to the HAC for discussion and adoption. • HAC is an independent advisory body to the Minister for Housing and Works and the Department of Housing and Works. HAC, through its Chairperson, may make direct submissions to the Minister and the Director General of the Department of Housing and Works. • As a Standing Committee the CHSC will, through the HAC: <ul style="list-style-type: none"> • Advise the Minister for Housing and Works and DG of the Department of Housing and Works on community housing, policy, priority housing needs, research proposals, and program initiatives; • Through consultation, take a lead role in the development, and monitor the implementation, of the WA Community Housing Strategic Plan, including: strategies to address unmet housing needs, program initiatives, program guidelines, and current and new funding

	<p>mechanisms;</p> <ul style="list-style-type: none"> • Participate in relevant debates at a State and National level.
Term:	The term of appointment is dependant upon the availability and commitment of the individual and commences upon appointment.
Meetings:	Meetings are held bi-monthly or as determined, at 99 Plain Street, East Perth.
Meeting Fee:	\$110.
Committee Membership:	<p>The Committee will have representation from:</p> <ul style="list-style-type: none"> • Shelter WA (Chairman) • Community Housing Coalition of WA; • Department of Housing and Works, Manager Community Housing; • Federation of Housing Collectives; • Indigenous Housing Provider; • Regional Housing Association Network; • WA Local Government Association; • Women’s Refugee Group; • Youth Accommodation Coalition; • People with Disabilities.

VOTING REQUIREMENTS

Simple Majority

OFFICER’S RECOMMENDATION That Council:

- 1 NOTES the resignation of Cr Allison Walker from the Community Housing Standing Committee;
- 2 CALLS for nominations for:
 - the Local Government Self Insurance Schemes Board;
 - the Community Housing Standing Committee.

NOTE: No decision was made in relation to Item CJ309-12/02 – Vacancies – Western Australian Local Government Association – Committee vacancies.

CJ310 - 12/02 JOONDALUP REGIONAL PERFORMING ARTS CENTRE – PROPOSAL TO PROGRESS PROJECT TO THE NEXT STAGE – [14977] [07019]

WARD - All

PURPOSE

To recommend that the Council notes the report provided by Arts Consultants Graham Walne & Peter Alexander and agrees to progress the Joondalup Regional Performing Arts Centre project to the next stage.

EXECUTIVE SUMMARY

In September 2001, Council endorsed the report by consultants Australian Pacific Projects (APP) that recommended that the Joondalup Regional Performing Arts Centre should be built in two stages and would cost approximately \$46 million to construct.

Being unsuccessful in procuring partnership in capital funding from either the State government or other stakeholders, the City considered it appropriate to test the APP study and commissioned arts consultants Graham Walne and Peter Alexander to assist in determining the technical, spatial and financial management requirements to be addressed in the development of the Joondalup Regional Performing Arts Centre (JRPAC). The consultants were also requested to identify potential sites and partners.

The arts consultants' final report contains 13 recommendations for actions that, in their view, should be undertaken in order to progress the JRPAC project.

It is recommended that Council:

- 1 *NOTES the final report provided by Arts Consultants Graham Walne & Peter Alexander on The Resourcing Study for The Joondalup Regional Performing Arts Centre*
- 2 *AGREES IN PRINCIPLE to the progression of the JRPAC project, including identifying:*
 - (a) *the TAFE land adjacent to Central Park and facing Grand Boulevard as the preferred site; and*
 - (b) *establishing the size of the JRPAC to be a 500 seat dance/drama theatre plus small studio theatre with rehearsal rooms and studios as per the configuration described in Option 2 within Table One of the Consultant's report.*

3 *As a matter of priority:*

- (a) *Undertakes a social and economic development impact study;*
- (b) *Commissions a design study which will enable potential contributors to better visualise how and where their contribution will be realised; and*
- (c) *Initiates high level liaison for the JRPAC with key stakeholders – TAFE and others involved in the potential for co-locating with international hospitality training centre on the TAFE site; and Edith Cowan University, Handa Foundation, the Lotteries Commission and other State Government Agencies in relation to funding support.*

BACKGROUND

In March 2001, Australian Pacific Projects, who were commissioned by the City to undertake a study on the feasibility of constructing a performing arts facility in Joondalup, provided their final report to the City.

On 25 September 2001, it was resolved inter alia that Council:

- “1. ACCEPTS the Feasibility Study for the establishment of Performing Arts facilities within the City of Joondalup prepared by Australian Pacific Projects (APP Projects);
2. FORMALLY ADVISES the Ministry for Culture and the Arts of the Feasibility Study findings and advises it wishes to enter into negotiations for capital funding with a view of making a formal submission to the State and Federal Governments for capital funding”
(CJ 325-09/01 refers)

The APP report recommended that the Joondalup Regional Performing Arts Centre (JRPAC) should be built in two stages and would cost approximately \$46 million to construct. In order to procure funding, the City approached the State Government and other stakeholders for partnership in capital costs. The City was unsuccessful in procuring any funds from stakeholders, and the State Government indicated that it would not consider the project in this term of government.

In view of the outcome of meetings with the various State Government departments and other stakeholders, the City considered it appropriate to reconsider and test the APP study and commissioned arts consultants, Graham Walne and Peter Alexander, to assist in determining the technical, spatial and financial management requirements to be addressed in the development of the JRPAC. The consultants were also requested to identify potential sites and partners.

DETAILS

Arts Consultants G Walne and P Alexander completed their consultancy “Joondalup Regional Performing Arts Centre – Resourcing Study” (Attachment A) and presented their final report to the Joondalup Regional Performing Arts Steering Committee meeting on 18 November 2002. This report contains 13 recommendations for actions that, in their view, should be undertaken in order to progress the JRPAC project.

The Consultants recommend that:

- 1 The nomenclature of any eventual ‘lyric-theatre / concert hall’ be changed to ‘larger venue’ in order that the pejorative nature of the former can be removed from the considerations. This does not mean that the larger (or medium scale) venue would be unable to stage either concerts or lyric theatre but it does mean that the form of the venue would more properly emerge out of the needs of the users rather than the other way around. This recommendation also applies to the nomenclature ‘performing arts’ if broader community uses gain strength, especially that involving small meetings, civic events, conferences and conventions. The consultants note that many facilities have benefited from ‘naming’ competitions held in the local community.
- 2 The project be separated into two, one for the medium 500 seat venue and the smaller 200 seat flexible studio with the ancillary spaces and the other addressing the needs of the larger venue. This would enable the strengths and weaknesses of each to be more clearly seen. As has been mentioned earlier this would also enable a clearer focus of users on each without harmful competition. The need for and viability of a larger venue, irrespective of size and type, should be tested at regular intervals but initially it is unlikely that this should be within the next five to ten years and should be related both to the developments in the northern suburbs and the outcomes of the State’s Capital Arts Budget which will not come on stream until well into this period.
- 3 The needs of the users of a larger space, in the region of the capacities mentioned in this and earlier studies, namely 800 to 1500 seats, are provided in the medium term through modest investment into the large space planned by the Joondalup Arena or that being considered by ECU. The consultants recommend that a study should be carried out in conjunction with Arena Joondalup and/or ECU to assess the feasibility of this proposal and to provide costs for works additional to those currently planned which will improve the staging, flexibility and acoustics in such a manner that larger capacity events can be presented for awards ceremonies, popular music concerts and, dependent upon the staging requirements, visiting productions.
- 4 The consultants’ preferred site is the TAFE land adjacent to Central Park and facing Grand Boulevard, there is some 24,000 square metres vacant at present, and the possibility of acquiring a part of this site in exchange for other land adjacent to the TAFE campus appears high.
- 5 The second preference for siting is in a single location on ECU land adjacent the corner of Grand Boulevard and Collier Pass, with the third preference being the car park between Lotteries House and Boas St, adjacent to the hotel development site on the corner of Boas St and Grand Boulevard.
- 6 Current indicative total capital funding from other than City sources are identified in Table One (on page 8 of the Consultants’ report).

In considering the options in Table 1 it may be useful to clarify that Option 2 costs more than Options 3 and 4 because it has two theatres, Options 3 and 4 only have 1. In addition Option 2 has more and larger rehearsal and public spaces than Options 3 and 4.

Option 4 uses the new facility at Hale School, as an example of value for money although it would require some enlargement to meet the City's needs, hence an increase in the capital estimate. This option is provided to assist the City appreciate what could be achieved in the event that the available capital from all sources is severely restricted.

The consultants recommend Option 2 as the most suitable model but Option 2 still needs the City to find an additional \$14.5 M on top of its existing planned contribution. Thus, the consultants have added option 4 as a more affordable option if the burden of finance fell almost totally on the City. Option 4 would not preclude the City adding other facilities later but would certainly address the core of the community's needs.

These outlines of what physical form the venue(s) should take should be used as guidance for all options and adjusted accordingly. These provide a sense, a snapshot of the main issues.

The Consultants further recommend that:

- 7 The City should as a matter of urgency undertake a Social and Economic Development Impact Study, based on the Stage 1 JRPAC preferred in this Report and on the multi-purpose use community facility envisaged in this Report.
- 8 The City to commission a design study, which will enable potential funders to better visualize how and where their contribution will be realised. In this study, significant steps in obtaining support are unlikely to be made until a site is chosen.
- 9 The City should initiate high level liaison on JRPAC with key stakeholders – TAFE and others involved in the potential for co-locating with International Hospitality Training Centre on the TAFE site – ECU – Handa Foundation – and the Lotteries Commission in relation to capital funding support – and State Government agencies in relation to capital funding support
- 10 The results of the Social and Economic Development Impact Study to be the focus of formal submissions to State Government Ministers identified in this Report, and the Premier, for capital funding support for JRPAC.
- 11 The City initiates specific consultations with Handa Foundation and the Lotteries Commission to involve them at an early stage in the JRPAC project planning and development stages.
- 12 The City to consider its preparedness, subject to City held land availability, to enter into arrangements for JRPAC to be constructed and funded through residential/commercial land exchange arrangements with private developers/builders – and the legal requirements it would have for such an arrangement.
- 13 Against this background the City should consider, at an appropriate time, the creation of a private company to operate the JRPAC, and that Board membership issues and formal legal arrangements with major stakeholders be along the lines outlined above.

A key recommendation is that the JRPAC should be a 500-seat dance/drama theatre and a 200-seat small theatre complex containing rehearsal rooms and studios.

The table below, extracted from the Consultants' report, details two configurations for the JRPAC. However, the consultants recommend that a smaller facility is more realistic as procurement of capital funding from other sources will not prove as difficult as it had been for the larger venue. Therefore the 500-seat dance/drama theatre plus 200 seat smaller venue is the preferred size of the JRPAC.

	Facilities	Total needed \$M	Possible Capital from City by 2005/6 \$M	Possible capital from all others \$M	Shortfall \$M
1	1500 seat concert hall / lyric theatre plus 500 seat dance / drama theatre, small studio theatre, rehearsal rooms and studios (all as per APP report)	46	6	3.5	36.5
2	500 seat dance/drama theatre, small studio theatre with rehearsal rooms and studios (all as per APP report minus the 1500 seat concert hall / lyric theatre)	24	6	3.5	14.5

COMMENT

It is proposed that Council agree in principle to the progression of the JRPAC as per the configuration detailed in Option 2 within the Table and also endorse the immediate actioning of recommendations 7, 8 and 9 as detailed above.

It is to be noted that the remaining recommendations will be considered as part of the JRPAC project plan and a report on proposed future actions will be provided to Council at an appropriate time.

Strategic Plan:

The City's Strategic Plan recognises the importance of Lifestyle as well as cultural development in enabling Joondalup to become a viable alternative to Perth CBD. Through Strategies 2.2 and 2.3, the City will "Facilitate the development of the Joondalup City Centre; and Foster opportunities for cultural development and involvement."

VOTING REQUIREMENTS

Simple Majority

MOVED Cr Kadak, SECONDED Cr Kimber that Council:

- 1 NOTES the final report provided by Arts Consultants Graham Walne & Peter Alexander on The Resourcing Study for the Joondalup Regional Performing Arts Centre;**
- 2 AGREES IN PRINCIPLE to the progression of the Joondalup Regional Performing Arts Centre project including:**
 - (a) identifying the TAFE land adjacent to Central Park and facing Grand Boulevard as the preferred site;**
 - (b) establishing the size of the JRPAC to be a 500 seat dance/drama theatre plus small studio theatre with rehearsal rooms and studios as per the configuration described in Option 2 within Table One of the Consultant's report;**
- 3 As a matter of priority:**
 - (a) undertakes a social and economic development impact study;**
 - (b) commissions a design study which will enable potential funders to better visualize how and where their contribution will be realised;**
 - (c) initiates high level liaison for the JRPAC with key stakeholders – TAFE and others involved in the potential for co-locating with international hospitality training centre on the TAFE site; and Edith Cowan University, Handa Foundation, the Lotteries Commission and other State Government Agencies in relation to funding support.**

The Motion was Put and

CARRIED (13/2)

In favour of the Motion: Mayor Bombak, Crs Baker, Barnett, Carlos, Hollywood, Hurst, Kadak, Kenworthy, Kimber, Mackintosh, Patterson, Rowlands, Walker. **Against the Motion:** Crs Nixon, O'Brien.

Appendix 3 refers

To access this attachment on electronic document, click here: [Attach3brf101202.pdf](#)

CJ313 - 12/02 THE LEARNING CITY PROJECT – [11014]

WARD - All

PURPOSE

To update Council on the Joondalup Learning City Project's progress for calendar year 2002 and to seek Council's endorsement of broad project objectives for the remainder of financial year 2002/03.

EXECUTIVE SUMMARY

The development of Joondalup as a Learning City is a key element of the City of Joondalup's Strategic Plan.

During the 2002 calendar year, milestones towards the development of the Learning City concept included:

1. Active participation by the City on the Joondalup Learning Precinct Board to cement the Precinct's role as a core of the broader Learning City. This role also achieved significant 'wins' for Joondalup including securing the City Centre as the location of a dedicated hospitality training facility to replace the Carine TAFE campus' catering unit.
2. Consultation with a broader range of stakeholders through the establishment of a Learning City Reference Group and the hosting of key workshops to flesh out key concepts and outcomes to underpin the Joondalup Learning City.
3. Consultation with the broader Joondalup community through outlining key elements of the Learning City concept including at the Education Week Breakfast of October 2002 and the summer edition of Council News.

This report in part outlines to Council the achievements to date of the project. It also seeks Council's endorsement of the concept of progressing the Joondalup Learning city as a registered non-profit association.

BACKGROUND

Strategy 3.3 of the "Economic Vitality" key result area of the City's Strategic Plan 2000-2005 states that the City will:

"Develop and implement the concept of Joondalup as a Learning City as a means of integrating the economic, social and cultural development of the City."

In order to progress this concept the City, during 2002:

4. Sought and succeeded in gaining ex-officio status on the Joondalup Learning Precinct (JLP) Board (involving representatives from ECU, West Coast College of TAFE and the WA Police Academy) to secure the JLP's active participation as an active 'core' stakeholder to the Learning City.
5. Established a Joondalup Learning City Reference Group from a broad set of stakeholders related to all aspects of 'lifelong learning', as well as host a major workshop to flesh out the Learning City concept.
6. Promote key elements of the Learning City concept to a broader audience of educators, parents as well as the broader community consultation through Joondalup Council News.

The next stage of the Learning City concept will involve the establishment of a non-profit organisation as a formalised vehicle to facilitate a range of partnerships under the Learning City including:

7. The facilitation and promotion of lifelong learning partnerships involving all stakeholders as a key rationale underpinning the Learning City concept.
8. The brokering of shared services and resource planning among the institutional members of the Learning City.
9. Facilitating sustainable employment and business development opportunities, including the development of strategic alliances between the education, tourism and hospitality, and health and medical services sectors.

Progressing the Learning City as a registered non-profit organisation was given endorsement by the October 2002 meetings of the Joondalup Learning Precinct Board and the Learning City Reference Group.

The Council's endorsement is sought to progress the next stages of the project under a more formalised process of negotiation and collaboration for a broad-ranging set of stakeholders under the Learning City as a registered non-profit association.

Strategy 3.3 of the "Economic Vitality" key result area of the City's Strategic Plan 2000-2005 states that the City will:

"Develop and implement the concept of Joondalup as a Learning City as a means of integrating the economic, social and cultural development of the City."

DETAILS

The development of the Learning City concept accelerated during 2002 with a range of initiatives and consultations taking place in conjunction with the City of Joondalup's participation of the Joondalup Learning Precinct Board (JLP). The JLP was established through a series of Memoranda of Understanding between the respective institutions and the City of Joondalup's ex-officio membership of this Board is formalised through a letter of invitation from the Chair of the Board.

A key achievement of the Learning Precinct/City partnership was a the preparation of a joint submission, involving Edith Cowan University and West Coast College under the coordination of the City of Joondalup, for the location of a dedicated hospitality training facility in the Joondalup City centre.

In late November, State Cabinet affirmed the report of the Committee of inquiry recommending the location of the facility in Joondalup. Work on the facility is expected to commence in 2003.

Another milestone anticipated in the Learning City project includes the re-location of Edith Cowan University's main campus to Joondalup, including the presence of the institution's Chancellery and key central decision-making apparatus from Churchlands. Moreover, in 2002, the JLP Board was chaired by the WA Police Academy while in 2003, this position will rotate to Edith Cowan University.

2003 will shape up as a vitally important year for both the Learning City and for the City of Joondalup's management of its relationship with the city centre's emergent 'learning' industry. The establishment and coordination of the Learning City is one means by which the City can achieve its Strategy objectives of "integrating [its] economic, social and cultural development".

Consultation:

The City has undertaken or continues to be involved in consultation with a range of stakeholders over the project. These have included:

10. The Chief Executive Officer and Economic Development Coordinator being invited to be ex-officio members of the Joondalup Learning Precinct Board (representing the collaborative efforts of ECU, West Coast College and the WA Police Academy) during calendar year 2002 under the Chair of the WA Police Academy. A similar invitation will be extended for 2003 under the Chair of Edith Cowan University.
11. The CEO and Economic Development Coordinator's participation in the Strategic Planning workshop of the Joondalup Learning Precinct Board in March 2002, which, among other issues sought to elaborate on the Precinct's role within the Joondalup Learning City.
12. A Learning City Workshop in May 2002 involving over 50 representatives of relevant stakeholders (including members of the Joondalup Learning Precinct) and a follow-up workshop in June 2006 to flesh out the broad principles of the Joondalup Learning City concept.
13. The CEO's presentation of the Learning City concept at the Joondalup District Education Week breakfast of 23 October 2002, to an audience of over 300 principals, teachers and invited guests. An article of this event and the Learning City concept was also published on the 26 October edition of the Wanneroo Times.
14. A feature article on the Learning City concept in the Summer Edition of Council News distributed in December 2002.
15. A feature on the Learning City project in the "School Connections" booklet produced for the City's community education program for 2003.

In order to refine the Learning City concept, the City also formed a Learning City Reference Group, which, participated, particularly in the workshops organised in mid 2002. A more workable Learning City Interim Board was formed from members of the Reference Group in September 2002:

16. To further progress the Learning City as an registered non-profit association under the Incorporated Associations Act;
17. To provide a more formalised vehicle for negotiating and facilitating initiatives among the broad range of stakeholders involved in the project;
18. To provide further advice to the City of Joondalup in its coordination during the development phase of the Learning City.

Policy Implications:

The establishment of a registered non-profit association is currently being pursued as a mechanism for ‘joined-up’ governance involving partners that vary in their level of local organisational autonomy. Legally separable from its institutional membership base the association can provide basic administrative services, including management of membership subscriptions.

An established executive governance process and financial accountability requirements of an association will comprise a framework through which priorities for partnerships may be deliberated, specific Learning City projects may be initiated, and joint (financial) resources may be marshalled.

A non-profit organisational form provides a basis for medium-to-long-term financial self-sufficiency from the current ‘seed funding’ provided for the project by the City of Joondalup. It is envisioned that as a self-sustaining organisational form, the long-term financial underpinning of the Learning City will include direct subscription by its membership base, in-kind contribution from members and other stakeholders, fund-raising activities as well as grants funding from other sources.

An advantage of a registered non-profit organisational form is its capacity to apply for grant funding from sources that otherwise exclude educational institutions, government agencies or commercial enterprises. As such, the Learning City project is so designed as to readily collaborate with State or Federal Government agencies seeking to pilot new and emergent forms of local partnerships and social governance initiatives broadly related to lifelong learning.

Strategic Implications:

The work plan for the part-time Learning City Coordinator will include:

19. Facilitating the negotiation and finalisation of the Learning City association’s constitution, including arranging for the election of the organisation’s inaugural Board members;
20. Facilitate the work of a range of working groups that have been established under the Interim Learning City Board, including marketing, resource sharing, business development, Lifelong Learning partnerships.
21. Coordinate the development and implementation of market research for the Learning City, including the pooling of available research from the partner institutions on Lifelong Learning needs in the North West Metropolitan region.
22. The development of the organisation’s sustainable business plan, including the levying of membership subscriptions and sources of additional funding in the medium-to-longer term.

VOTING REQUIREMENTS

Simple Majority

MOVED Cr Kadak, SECONDED Cr Kimber that Council ENDORSES the concept of progressing the Joondalup Learning City as a registered non-profit association.

AMENDMENT MOVED Cr O'Brien SECONDED Cr Carlos that the following Point 2 be added to the Motion:

“2 supports the State Government funded North Metropolitan Region Local Learning and Employment Partnership pilot project concentrating on the 15 to 19 year old age group.”

Discussion ensued.

The Amendment was Put and

LOST (6/9)

In favour of the Amendment: Crs Barnett, Carlos, Hollywood, Nixon, O'Brien, Walker. **Against the Amendment:** Mayor Bombak, Crs Baker, Hurst, Kadak, Kenworthy, Kimber, Mackintosh, Patterson, Rowlands.

The Motion as Moved by Cr Kadak and Seconded by Cr Kimber was Put and

CARRIED (15/0)

In favour of the Motion: Mayor Bombak, Crs Baker, Barnett, Carlos, Hollywood, Hurst, Kadak, Kenworthy, Kimber, Mackintosh, Nixon, O'Brien, Patterson, Rowlands, Walker.

Cr Kimber declared an interest which affected is impartiality in CJ315-12/02 - Wanneroo Basketball Association as a family member is involved with the Wanneroo Basketball Association.

CJ315 - 12/02 WANNEROO BASKETBALL ASSOCIATION – [03097]

WARD - Lakeside

PURPOSE

To advise Council on the status of discussions held with the Wanneroo Basketball Association including their requests for:

- (a) Recognition of their community role performed in the district; and
- (b) Support and assistance in relocating to an alternative venue.

EXECUTIVE SUMMARY

Representatives of the Wanneroo Basketball Association (the Association) and the City have held ongoing discussions concerning issues associated with the current Basketball Stadium, lease arrangements and the Association's need to relocate to an alternative venue. In a recent meeting held on 21 November 2002, the Association sought to clarify its position with the City and the level of support, both financial and human resources, which it may expect to receive from the City in relocating to an alternative venue.

As part of the Draft Normalisation Agreement between LandCorp and the City, the lease of the land where the Wanneroo Basketball Stadium is located has been set to expire on 23 December 2007. This will require the Association to relocate so the site can revert back to LandCorp. A separate report on the Draft Normalisation Agreement is listed for consideration at the Council meeting to be held on 17 December 2002.

Construction of the southern carriageway of Collier Pass has highlighted the fact that the approved subdivision of the area has resulted in the road reserves of Collier Pass, Wise Street and Clarke Crescent encroaching into the original land area leased by the City of Joondalup from LandCorp and sub-leased by the Association for the Wanneroo Basketball Stadium. The Wanneroo Basketball Stadium is located on the new lot 701 created by the subdivision. Lot 701 is different in shape and larger than the original area leased by the Association. A portion of the Association building falls outside of the new lot and in the Collier Pass road reserve.

It is recommended that general support sought by the Association be given subject to further qualification and agreement on specific requests when these are made.

BACKGROUND

Site and Lease Arrangements

The original site owned by LandCorp and referred to as Part Swan Location 3324, had an area of 1.5019 hectares and was accessed from Joondalup Drive by an access road immediately north of the site.

The site was leased by the former City of Wanneroo on 24 December 1982, for a period of 20 years with two (2) options of five (5) years to extend at a peppercorn rental. The site was sub-leased to the Basketball Association for the 20 year period to enable construction of the existing Basketball Stadium building. The options are exercised if the Lessee (City of Joondalup) exercises its options with LandCorp, then the Sub lessee may also exercise a similar option, subject to giving notice prior to expiration of each term. The City has taken up the first of the 2 x 5 year options to extend the head lease to 24 December 2007 and is working through the various issues with the parties involved in order to reach agreement on the revised lease area before formally extending the sub-lease to the Association. The lease to the Association would therefore expire on 23 December 2007. The City has indicated it will not be taking up the second of the five year options. The site will then revert back to LandCorp as part of the Normalisation Agreement.

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 funds (\$0.54m) for the second carriageway in Collier Pass. These funds would be forfeited if the site is not handed over as agreed. The impact of this proposal is that alternative arrangements for the Association needs must be made, prior to expiration of the lease in December 2007.

It was expected that the State Government would be approached for assistance to relocate the Basketball Association in addition to resources provided by the Association and any assistance from the City.

Finances

The Former City of Wanneroo was guarantor for loans provided to the Association for construction of its Basketball Stadium. In 1987 the City agreed to pay the existing Association loans and restructure the debt so that the Association repaid the City rather than the former lenders. The Wanneroo Wolves have an existing financial commitment to the City of Joondalup that is to be repaid to the City as a lease payment. The value of the amount outstanding to the City is \$210,174 being arrears currently of \$41,174.01 (\$3,174.01 from 2001/02 and \$38,000 2002/03) and \$169,000 of the loans to be repaid in future years and to be completed in 2007.

Previous Consideration

Council considered this matter on 18 December 2001 (CJ428-12/01 refers) as part of the Normalisation Agreement, and at that time Council resolved in part:

“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 included 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;
- 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.”

Deputation to the Minister for Planning & Infrastructure

Following Council’s resolution of 18 December 2001, a letter was forwarded to the Minister for Planning and Infrastructure advising that Council had resolved that prior to signing the Joondalup Normalisation and Completion Agreement it would seek a deputation to the Minister to discuss the Agreement and related issues. The letter outlined the relevant issues, specifically the relocation of the Wanneroo District Basketball Association and the establishment of a Regional Performing Arts Complex.

The deputation took place on 4 April 2002 with Council represented by Mayor John Bombak and Denis Smith, CEO, and the following additional people in attendance:

Mr Peter Van Gent	Minister’s office
Mr Ross Holt	CEO, LandCorp
Mr Tony O’Gorman	Member for Joondalup

The items were discussed and a summary of the Wanneroo District Basketball Association matter is as follows:

The Minister was requested to give consideration to Government funding to assist in the relocation of the facilities. The Minister indicated that she would require further information on the following:

- Usage of the existing facility;
- Details of the Club's membership;
- Financial Position;
- The Club's view on joint usage of sporting facilities

The Minister indicated this information would be examined prior to giving further consideration to the request. The Minister delegated the task of providing a report on the above information to Mr Tony O'Gorman MLA.

Response by Minister for Planning & Infrastructure

On 12 July 2002, a letter was received from the Minister for Planning and Infrastructure regarding the Joondalup Normalisation Agreement. The Minister's response is summarised as follows:

On the relocation of the Basketball facility, it was noted that Council clearly understood the need for all future options for provision of these facilities to be fully considered, including the scope for the basketball group to join with other sporting bodies to enable their needs to be jointly met on a more economic basis. It was also noted that the option of the Arena had been canvassed at the meeting on 4 April 2002 and it was suggested that Council might wish to discuss further with the Western Australian Sports Centre Trust.

In terms of the capacity of the Government to provide assistance outside existing programs for the relocation of this group, the Minister regretted that the budget position prevented this being contemplated.

Status – Wanneroo Districts Basketball Association

Mr Tony O'Gorman MLA Report

On 27 August 2002, the City made contact with Mr Tony O'Gorman regarding the status of his report to the Minister for Planning and Infrastructure on the Wanneroo Districts Basketball Association. It was advised that, despite repeated requests, the Association had failed to provide him with the complete information originally requested on 5 April 2002. Mr O'Gorman advised that he would instruct the Association that if his office did not receive the information by 29 August 2002, a report would be prepared on that date for submission to the Minister based on Mr O'Gorman's findings and incomplete information. Mr O'Gorman indicated that a copy of this report was also to be made available to the City.

DETAILS

At the meeting held on 21 November 2002, between representatives of the Association and the City, the Association sought the following outcomes:

- “1 The Wanneroo Basketball Association would like his Worship the Mayor to support and acknowledge the community role the Association has carried out in the district;
- 2 If this cannot be made, then the Association would like to be given the opportunity to commence further discussions with Council officers to determine how best we can solve this matter;
- 3 Given that the Wanneroo Basketball Association needs to vacate the current stadium in either 2005 or 2007, we seek the support of His Worship the Mayor, along with the relevant officers of the City of Joondalup to work closely with officers of the association to assist us to relocate;
- 4 The Wanneroo Basketball Association anticipates that the City of Joondalup will offer to assist in the necessary planning process. That assistance would be expected to take the form of human and financial resources, provided by the Council;
- 5 The Wanneroo Basketball Association would like to know the level of financial assistance expected to be offered and if this is not currently budgeted for, whether His Worship the Mayor would advocate on our behalf to ensure this request is incorporated into the City’s Capital Works Program/Forward Estimates;
- 6 The Wanneroo Basketball Association would like His Worship the Mayor to recommend to his fellow Councillors that they consider financial assistance to assist the Association in its relocation and to plan for this by incorporating the financial assistance required into the City’s Strategic Plan.”

COMMENT

The development of a new regional basketball facility and the development of the sport in general is a state level function.

However, it is considered important that the City work in partnership with the Wanneroo Basketball Association in a planned and coordinated fashion that will achieve relocation of the Association to another venue that is capable of meeting the established needs of basketball that are provided by the Association. To determine those needs it is imperative that a strategic feasibility study that identifies future needs and opportunities available to the Association is undertaken as a matter of priority. Without the support of a highly credentialed independent needs and feasibility study and report there is virtually no chance for the Association to obtain any future CSRFF funding.

It is appreciated that several basketball facilities have been built in the City over the past ten years and it is likely that the sport will need additional facilities with the student population of the City expected to grow to some 25,000 when the various educational institutions are at their capacity.

It is also important that the Association embrace the concept of partnership and be prepared to contribute financially and work with the City to achieve a positive outcome for all parties. When the opportunity to participate in the Community Sport and Recreation Funding Facility for joint funding from CSRFF, the City and the Association to carry out the feasibility study in October this year, the Association indicated that although it supported the study, it was unable to contribute to the cost.

Correspondence received from the Association on 4 December 2002, indicated that they now want to participate in the CSRFF Grants recently considered by Council (Item CJ256 – 10/02 refers). It is noted that the Association did not make any financial commitment to a 1/3 contribution of the cost of the proposed feasibility study. Funding by CSRFF is usually subject to a 1/3 contribution from the sporting club, Council and CSRFF. Subsequent enquiries with the Department of Sport and Recreation indicated that applications for the 2003/04 Financial Year Funding closed on 31 October 2002 and no further applications would be considered.

VOTING REQUIREMENTS

Simple Majority

MOVED Cr Kimber, SECONDED Cr Mackintosh that:

- 1 the City acknowledges the contribution made by the Wanneroo Wolves Basketball Association to the Joondalup and Wanneroo Communities over a period in excess of 20 years;**
- 2 the Wanneroo Basketball Association be advised that the City:**
 - (a) is prepared to assist the Association in planning to develop and relocate to alternative premises;**
 - (b) considers it imperative that a strategic feasibility study be undertaken as a matter of priority to assist in determining the future needs and opportunities available to the Association;**
 - (c) is prepared to jointly fund the strategic feasibility study up to a maximum contribution of \$15,000 or 50% whichever is the lesser;**
 - (d) in the event the Association is agreeable to the commissioning and joint funding of the strategic feasibility study then the City is prepared, following detailed analysis of the study's findings, to further consider providing additional support in relocating the Association.**
- 3 the City approaches the Ministry of Sport and Recreation, the WA Sports Centre Trust and the Wanneroo Basketball Association to partnership with the City for funding assistance and/or participation in a strategic feasibility study.**

MOVED Cr O'Brien, SECONDED Cr Carlos that Item CJ315-12/02 be DEFERRED pending further discussions between Council and the Basketball Association.

Mayor Bombak advised he could not accept a Motion to defer as it was not an amendment to the Motion under consideration.

AMENDMENT MOVED Cr Baker, SECONDED Cr Kadak that the following Point 2(e) be added to the Motion:

“2(e) will approach the State Government (LandCorp) and ask that the State Government gift the land to the Wanneroo Basketball Association;”

Discussion ensued.

MOVED Cr O'Brien, SECONDED Cr Nixon that, in accordance with Clause 5.4 of the City's Standing Orders Local Law, the Motion LIE ON THE TABLE.

Mayor Bombak advised that an Amendment was currently under debate and ruled he could not accept this procedural motion at this point.

The Amendment as Moved by Cr Baker, Seconded by Cr Kadak, was Put and CARRIED (14/1)

MOVED Cr O'Brien, SECONDED Cr Carlos that, in accordance with Clause 5.4 of the City's Standing Orders Local Law, the Motion LIE ON THE TABLE.

The Procedural Motion was Put and LOST (7/8)

In favour of the Procedural Motion: Crs Barnett, Carlos, Hollywood, Nixon, O'Brien, Patterson, Walker. **Against the Procedural Motion:** Mayor Bombak, Crs Baker, Hurst, Kadak, Kenworthy, Kimber, Mackintosh, Rowlands.

2ND AMENDMENT MOVED Cr O'Brien that Points 2(a) and (2(c) of the Motion be amended as follows:

“2 the Wanneroo Basketball Association be advised that the City:

- (a) is prepared to assist the Association in planning to develop and relocate to alternative premises and/or the extension of the Basketball Facility in the current location;
- (c) is prepared to jointly fund the strategic feasibility study up to a maximum contribution of \$20,000.”

Mayor Bombak advised that Council had previously resolved not to extend the lease of the facility and ruled he could not accept this Amendment.

Discussion ensued.

The Manager Audit and Executive Services outlined correspondence received from Dwyer Durack, Lawyers dated 17 December 2002.

Breach of Standing Orders Local Law

Following the refusal of Cr Hollywood to resume his seat when requested, Mayor Bombak, in accordance with Clause 4.1.15 of the City's Standing Orders Local Law, directed that Cr Hollywood not be recognised by the Chair and take no further part in the meeting, with the exception of casting his vote.

Discussion continued.

The Original Motion, as amended, being:

That:

- 1 the City acknowledges the contribution made by the Wanneroo Wolves Basketball Association to the Joondalup and Wanneroo Communities over a period in excess of 20 years;**
- 2 the Wanneroo Basketball Association be advised that the City:**
 - (a) is prepared to assist the Association in planning to develop and relocate to alternative premises;**
 - (b) considers it imperative that a strategic feasibility study be undertaken as a matter of priority to assist in determining the future needs and opportunities available to the Association;**
 - (c) is prepared to jointly fund the strategic feasibility study up to a maximum contribution of \$15,000 or 50% whichever is the lesser;**
 - (d) in the event the Association is agreeable to the commissioning and joint funding of the strategic feasibility study then the City is prepared, following detailed analysis of the study's findings, to further consider providing additional support in relocating the Association;**
 - (e) will approach the State Government (LandCorp) and ask that the State Government gift the land to the Wanneroo Basketball Association;**
- 3 the City approaches the Ministry of Sport and Recreation, the WA Sports Centre Trust and the Wanneroo Basketball Association to partnership with the City for funding assistance and/or participation in a strategic feasibility study.**

Was Put and

CARRIED (11/4)

In favour of the Motion: Mayor Bombak, Crs Baker, Barnett, Hurst, Kadak, Kenworthy, Kimber, Mackintosh, Patterson, Rowlands, Walker. **Against the Motion:** Crs Carlos, Hollywood, Nixon, O'Brien.

CJ316 - 12/02 JOONDALUP NORMALISATION AGREEMENT – [08126] [00358]

WARD - Lakeside

PURPOSE

To provide Council with an update on the current status of the Joondalup Normalisation Agreement and seek approval for finalisation.

EXECUTIVE SUMMARY

This report provides details of the actions undertaken in relation to the Joondalup Normalisation Agreement. The key events can be summarised as follows:

- A deputation to the Minister for Planning and Infrastructure on 4 April 2002 with Council represented by Mayor John Bombak and Denis Smith, CEO, to discuss the Wanneroo Basketball Association, Joondalup Regional Performing Arts Complex and Major Drainage Issues.
- A letter received from the Minister for Planning and Infrastructure on 12 July 2002 regarding the Joondalup Normalisation Agreement. The letter advised the Minister considered the matters relating to the Wanneroo Basketball Association and Joondalup Regional Performing Arts Complex closed.
- A report to the Minister on the Wanneroo Basketball Association prepared by Mr Tony O’Gorman regarding the following the following:
 - Usage of the existing facility;
 - Details of the Club’s membership;
 - Financial Position;
 - The Club’s view on joint usage of sporting facilities
- Correspondence between the City of Joondalup and LandCorp regarding an original agreement in the late 1980’s to transfer the basketball stadium site to the City. The outcome was that LandCorp believed historically there were many undertakings made by both JDC/LandCorp and the City of Wanneroo/City of Joondalup that were superseded by evolution of planning and negotiation over the years.

BACKGROUND

At its meeting held on 18 December 2001, Council considered a report on the Normalisation Agreement, which provided an overview of LandCorp’s involvement in the establishment of the City of Joondalup and negotiations that have taken place to reach a Normalisation Agreement between the City of Wanneroo/City of Joondalup and the State Government dating back to 1995 (CJ428-12/01 refers). Various discussions were held in September and October 2001 with former Mayors, Shire Presidents and Councillors of the City of Wanneroo to ensure an accurate understanding of the history of outstanding items. This information was incorporated into the report.

Copies of CJ428-12/01, the Memorandum of Agreement between LandCorp and the City of Joondalup and Annexures A and B are attached.

The report noted that, notwithstanding the Agreement document had been jointly prepared by Council and LandCorp, there were 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. These concerns are summarised as follows:

- The Basketball Stadium site is owned by LandCorp and leased to the City who sub-leases 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 options are exercised if the Lessee (City of Joondalup) exercises its options with LandCorp, then the Sub lessee may also exercise a similar option, subject to giving notice prior to expiration of each term. The first option has been exercised, expiring in 2007. The Basketball Association was seeking the granting of the second option which if granted would expire in 2012.

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.

The report recommended that assistance to relocate the Basketball Stadium be raised with the State Government.

- The provision of performing arts facilities was 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 was proposed that the City meet with the Minister for Planning and Infrastructure to clarify these issues prior to executing the Agreement.

It was resolved as follows:

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 included 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 SUBJECT to those referred to in Point 2 being SATISFIED with the outcome of the deputation to the Minister for Planning and Infrastructure referred to in Point 1;
- 6 ESTABLISHES 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.

DETAILS

Deputation to the Minister for Planning & Infrastructure

Following Council’s resolution of 18 December 2001, a letter was forwarded to the Minister for Planning and Infrastructure advising that Council had resolved that prior to signing the Joondalup Normalisation and Completion Agreement it would seek a deputation to the Minister to discuss the Agreement and related issues. The letter outlined the relevant issues, specifically the relocation of the Wanneroo District Basketball Association and the establishment of a Regional Performing Arts Complex.

On 25 March 2002, a further letter was sent to the Minister requesting that in addition to the previously nominated matters, drainage matters be discussed at the deputation. The drainage matters related to design criteria for the retention and discharge of stormwater for the Joondalup CBD, City North and adjoining residential areas.

The deputation took place on 4 April 2002 with Council represented by Mayor John Bombak and Denis Smith, CEO, and the following additional people in attendance:

Mr Peter Van Gent	Minister’s office
Mr Ross Holt	CEO, LandCorp
Mr Tony O’Gorman	Member for Joondalup

The three items discussed were:

1. Wanneroo District Basketball Association

The Minister was requested to give consideration to Government funding to assist in the relocation of the facilities. The Minister indicated that she would require further information on the following:

- Usage of the existing facility;
- Details of the Club's membership;
- Financial Position;
- The Club's view on joint usage of sporting facilities

The Minister indicated this information would be examined prior to giving further consideration to the request. The Minister delegated the task of providing a report on the above information to Mr Tony O'Gorman.

2. Joondalup Regional Performing Arts Complex

The Minister drew Council's representatives' attention to correspondence from the Minister for Lands, Hon George Cash on 7 January 1994, to the City of Wanneroo's letter of 20 December 1994, and to the Minister for Lands' undated response to that letter (reference attached).

The Minister indicated that, in her view, the Government had met all its responsibilities other than the road infrastructure projects that had been agreed to. The Minister also indicated that the letter from the City of Wanneroo clearly outlined the Council's agreement to the Terms of Reference between the City of Wanneroo and the West Australian Land Authority. The Minister's undated letter to the City of Wanneroo confirmed ".....the City of Wanneroo's agreement to the land exchanges and other matters constituting the full settlement of any outstanding Government commitment to your Council."

The Minister considered this matter closed, but agreed that Council should continue to seek Government support for the Regional Performing Arts Centre as a matter outside the Terms of Reference of the Normalisation Agreement.

3. Major Drainage Issues

Discussion also took place on drainage matters relating to design criteria for the retention and discharge of stormwater from the Joondalup CBD, City North and adjoining residential areas. It was agreed that the City would liaise directly with LandCorp and supply further details pertaining to specific issues, in particular the Joondalup Golf Course area, which acts as a detention for major storms.

A report on the deputation was included in the 12 April 2002 edition of the Desk of the CEO.

Subsequent to the deputation, a letter was received from LandCorp, providing background to a number of matters that arose at the meeting with the Minister. These are summarised as follows:

- Joondalup South Business Park – the City had expressed an interest in acquiring a portion of this land from LandCorp for the purposes of a Works Depot. The letter advised that access issues and the scope for a bridge connection to the adjoining land were briefly discussed and the options were being progressed. The letter also advised that in round figures the land was valued at between \$3m and \$3.5m and development costs were in the order of \$0.6m. They would also be looking at possible crossings over the railway portal adjacent to Joondalup Drive.

- Drainage Issues – The General Manager, Urban Operations of LandCorp had spoken to the Director Infrastructure & Operations of City of Joondalup regarding the drainage issues in the Joondalup Golf Course. The letter advised that a further meeting had been scheduled between LandCorp and the City of Joondalup on 18 April 2002.
- Lot 6 – identified for a possible transfer to the City of Joondalup in lieu of part of the cash payment agreed as part of the Infrastructure Agreement. The letter noted that the land is currently encumbered by way of a caveat in favour of the City of Joondalup relating to parking. The letter suggested it would be worthwhile to discuss whether there is merit in pursuing this option and the appropriate approach to take to the site valuation.

Response by Minister for Planning & Infrastructure

On 12 July 2002, a letter was received from the Minister for Planning and Infrastructure regarding the Joondalup Normalisation Agreement. The Minister's response is summarised as follows:

- On the relocation of the Basketball facility, it was noted that Council clearly understood the need for all future options for provision of these facilities to be fully considered, including the scope for the basketball group to join with other sporting bodies to enable their needs to be jointly met on a more economic basis. It was also noted that the option of the Arena had been canvassed at the meeting on 4 April 2002 and it was suggested that Council may wish to discuss further with the Western Australian Sports Centre Trust.
In terms of the capacity of the Government to provide assistance outside existing programs for the relocation of this group, the Minister regretted that the budget position prevented this being contemplated.
- In relation to the Regional Performing Arts Complex, the Minister stated that it was never anticipated by the State that this infrastructure would all be provided as part of the project development. In terms of claimed LandCorp obligations to provide financial support to this initiative, and as discussed at the meeting on 4 April 2002, the Minister stated that previous arrangements negotiated by the State Government with the City and finalised in 1994, represented the effective closure of past commitments made by the Lawrence Government. The Minister encouraged the Council to continue to work with the Minister and Ministry of the Arts in regard to the capacity of the State to assist.
- Regarding the drainage issue, the Minister noted that LandCorp had undertaken to progress consideration of this matter with the City of Joondalup's Engineering staff. The Minister stated that the Minister believed this matter could be considered outside the Normalisation Agreement.

The Minister advised in her letter of 12 July 2002, that the State Government was keen to progress finalisation of the Normalisation Agreement and requested advice on the likely timing of the signing of the Agreement.

COMMENT

Status – Wanneroo Districts Basketball Association

Mr Tony O’Gorman MLA Report

On 27 August 2002, the City made contact with Mr Tony O’Gorman regarding the status of his report to the Minister for Planning and Infrastructure on the Wanneroo Districts Basketball Association. It was advised that, despite repeated requests, the Association had failed to provide him with the complete information originally requested on 5 April 2002. Mr O’Gorman advised that he would instruct the Association that if his office did not receive the information by 29 August 2002, a report would be prepared on that date for submission to the Minister based on Mr O’Gorman’s findings and incomplete information. Mr O’Gorman indicated that a copy of this report would also be made available to the City.

Stadium Site

During research undertaken to provide support for the finalisation of the Normalisation Agreement between the City of Joondalup and the State Government, some documents dating back to the late 1980’s were located that referred to discussions between the Joondalup Development Corporation and the City of Wanneroo relating to the transfer of land occupied by the Wanneroo Basketball Association Stadium to the City.

On retrieving all available records from the City’s archives, many other documents supporting an agreement between the Joondalup Development Corporation and the City of Wanneroo to transfer the land to the City were found.

The key events can be summarised as follows:

- In April 1987 the Joondalup Development Corporation (JDC) advised the City of Wanneroo its Board had resolved to either transfer to the City the land occupied by the Basketball Stadium site or vest the land in the City for recreation purposes.
- In March 1988 the JDC confirmed that the Corporation was prepared to transfer the land to the City in fee simple for nil consideration.
- An application was submitted by the JDC to the State Planning Commission in April 1988 to subdivide the land in order to transfer the Basketball Stadium site to the City of Wanneroo (SPC reference 75850).
- The State Planning Commission gave conditional approval on 22 August 1988. Conditions of approval were outlined, including a condition agreed between the City and the JDC that the proposed lot be transferred in fee simple, free of cost, to the Local Authority.
- On 9 December 1988 the City instructed McKimmie Jamieson & Partners to re-survey the site and provided a copy of the State Planning Commission conditional approval.

- McKimmie Jamieson & Partners wrote to the City on 6 February 1989 confirming the instruction had been terminated by the City until a later date due to a number of issues, the key ones being as follows:
 - There was a problem with setbacks on the eastern boundary and possibly on the northern boundary as that boundary fronting onto the proposed road would probably be deemed to the front of the lot;
 - In early January (1989) Elizabeth Baron from the JDC informed McKimmie Jamieson & Partners that the Corporation did not want the creation of the lot and road to proceed and the whole usage of the land within the proposed City Centre was subject to review, especially in light of the proposal to route a rail type rapid transit system to somewhere within the proposed development.
- On 7 August 1989 the JDC wrote to the City of Wanneroo requesting removal of the City's Caveat on the Basketball Stadium site in order for the Corporation to gain title. The letter noted the request was in accordance with the agreement given by the City on 16 March 1988 to cooperate with any amendments required on the basis that the Basketball Stadium site be transferred to the City. The Caveat was subsequently removed on 6 November 1989.

For reasons not documented, the subdivision application originally lodged in 1988 did not proceed. A new subdivision application including the Basketball Stadium site was submitted in 1993 with no reference to the previous conditions. According to the City's records, the second subdivision application was completed in 1995.

On 7 October 2002, The City of Joondalup wrote to the Chief Executive Officer of LandCorp providing copies of all available documentation.

A response was received from LandCorp on 20 November 2002. The letter noted that when the JDC commitment was made to transfer the stadium land to the City of Wanneroo, the stadium land was adjacent to the site proposed for a sports complex. The revised Hames Sharley structure plan resulted in a relocation of the proposed sports facilities to north of Shenton Avenue where the Arena is now situated. The Hames Sharley structure plan was approved by the City of Wanneroo on 3 May 1990 subject to a number of conditions, none of which were related to basketball facilities.

The letter suggested that historically there were many undertakings made by both JDC/LandCorp and the City of Wanneroo/City of Joondalup that were superseded by evolution of planning and negotiation over the years. It was recognised that the City had a disadvantage due to discontinuity with personnel over this time, but LandCorp was confident the draft agreement reached was a fair reflection of past discussions and no historical undertakings lay unresolved.

It was requested that the agreement now be finalised.

A separate report relating to the Wanneroo Basketball Association is also listed for consideration on this issue.

Status – Regional Performing Arts Complex

After developing a brief in conjunction with Glen Robinson, Consultant Capital Planning from the Department of Culture and the Arts, the City distributed a consultants brief for the facilitation of workshops for the Joondalup Regional Performing Arts Centre. The stated objective was to determine participants' expectations in terms of form and management of the JRPAC, and to identify support from key figures or organisations that could positively influence the JRPAC project. The consultancy was awarded to Graham Walne International Arts Consultant on 23 May 2002.

A meeting was held between the consultants and the Chief Executive Officer on 20 June 2002 where direction was provided in order for the appropriate approach to be taken at meetings with stakeholders and potential partners. The City provided a list of stakeholders and users to the consultant and the City sent an introductory letter to all stakeholders and users advising the consultants' appointment and requesting assistance with the planned contact.

A meeting was held on 6 September 2002 between the City and Graham Walne International Arts Consultant to enable the consultants to present their findings in relation to their discussions with key stakeholders of the Regional Performing Arts Centre. In attendance on behalf of the City were the Mayor, Chief Executive Officer and Directors, Manager Strategic & Corporate Planning, Cultural Development Coordinator and Research Officer Strategic & Corporate Planning. An interim report was tabled by the consultants, making recommendations regarding the following:

- 1 Size, location and funding
- 2 Use of Economic and Social Impact study as basis of funding applications
- 3 Potential partners

A presentation on the final report was made to the Joondalup Regional Performing Arts Centre (JRPAC) Steering Committee and interested councillors on 18 November 2002.

A separate report is also listed for consideration by Council.

Status – Drainage Issues

A meeting was held on 18 April 2002 between the General Manager Urban Operations of LandCorp and the City's Director Infrastructure and Operations relating to the Golf Course drainage issue.

A letter dated 19 April 2002 was sent to LandCorp by the City confirming the major points of discussion at the meeting, and given that LandCorp's predecessor, the JDC, was responsible for the design and construction of the drainage system, it was requested that LandCorp investigate the following issues:

- 1 Is the drainage system operating in accordance with the original design?
- 2 What responsibility does the former owner and developer of the Golf Course have for the current position?

3 How might the periodic flooding be addressed?

While LandCorp have acknowledged receipt of this letter, the City has received no further feedback.

Conclusion

While solutions for the relocation of the Basketball Association and funding for the Regional Performing Arts Complex continue to be pursued by the City of Joondalup, it is clear that the State Government does not consider these issues to be related to the finalisation of the Joondalup Normalisation Agreement. If this view is accepted, it is recommended that the City proceed with signing of the Normalisation Agreement.

VOTING REQUIREMENTS

Simple Majority

MOVED Cr Kimber, SECONDED Cr Kadak that Council:

- 1 ENDORSES the finalisation of the Normalisation Agreement between LandCorp and the City of Joondalup as per the attached Memorandum of Agreement and Annexures A and B to Report CJ316-12/02;**
- 2 ACCEPTS the cash contribution by LandCorp to the City of Joondalup of \$5.24 million represents the final contribution by LandCorp for future works by the City of Joondalup;**
- 3 AUTHORISES the preparation of the necessary documents to give effect to the Agreement;**
- 4 AUTHORISES the signing and affixation of the Common Seal;**
- 5 AUTHORISES the Chief Executive Officer to negotiate with LandCorp for either cash contribution, or partial cash and partial in-kind contribution by way of the transfer of land owned by LandCorp to the City either for the purpose of housing the City of Joondalup's planned Works Depot, or the transfer of Lot 6 Lawley Court.**

Discussion ensued.

The Motion was Put and

CARRIED (9/6)

In favour of the Motion: Mayor Bombak, Crs Baker, Hurst, Kadak, Kenworthy, Kimber, Mackintosh, Patterson, Rowlands. **Against the Motion:** Crs Barnett, Carlos, Hollywood, Nixon, O'Brien, Walker.

Appendix 7 refers

To access this attachment on electronic document, click here: [Attach7brf101202.pdf](#)

CJ318 - 12/02 2003/04 BUDGET - HIGH LEVEL REVIEW – [66533]**WARD - All**

PURPOSE

This report provides a high level overview of the 2003/04-budget timetable, revised 5-year financial projections and 2003/04 budget forecast. Council direction on key financial parameters prior to the preparation of the 2003/04 budget is sought.

EXECUTIVE SUMMARY

The City is currently preparing for the development of the 2003/04 budget. Internal staff training to develop the budgets commences in December 2002. Meetings with the 2003/04 Budget Committee are expected to commence in March 2003 with an in-principle budget adoption targeted for late April 2003.

The 5-year financial projections included in this report are based upon the 2002/03 Principal Activities Plan and incorporates subsequent estimates in the economic environment.

Current projections indicate substantial funding shortfalls in all years. In order to achieve a balanced budget in 2003/04 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 2003/04 budget is sought, a number of factors will impact upon achieving the budget within the timeframe. These include:

- Introduction of the Emergency Services “Levy” – The Emergency Services Levy (ESL) legislation is expected to be passed in early 2003 for implementation on 1 July 2003. This process requires property values for Council owned property to be supplied by the Valuer General’s Office. The Minister will declare the 2003/04 ESL rate-in-the-dollar before 10 May 2003;
- Calculation of Surplus / Deficit – if budget completion is required before the completion of the financial year, the Surplus / Deficit will need to be estimated.

This report recommends 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 2003/04 budget.

BACKGROUND

The 2002/03 Principal Activities Plan documents Council’s future direction and is supported by the 5-year financial plan. The plan indicated a balanced budget for 2002/03, a shortfall in 2003/04 and in following years.

Interest Rates	5.5%	4.8%	4.8%	5%	5%	5%
Total Population	157,431	160,580	163,580	167,067	170,048	173,082
Growth in properties	400	400	400	400	400	400
Rate increases	3.5%	CPI	CPI	CPI	CPI	CPI

Inflation: future inflation estimates are made internally with reference to the economic forecasts available from time to time.

Internal savings: In an attempt to reduce waste and promote efficiencies, during the last 2 years, business units were required to reduce operational expenditures (2001/02 to a nil increase and 2002/03 to reduce by at least 1%). Future efficiencies are expected to be factored into business processes and therefore into unit budgeting.

Salary and wages: The City entered into EBA agreements with all staff and negotiated salary packaging with directors and managers. The forecast salary and wages increases for the next 2 years are in accordance with the EBA.

Staff establishment: the current staff establishment be maintained unless changed with approval of the CEO or as a consequence of approved projects.

Interest rates: Long term bond rates remain low whilst short term interest rates are uncertain but are expected to remain low in the current world financial environment. Future interest rates are estimated to remain fairly consistent.

Total Population: The estimated population increase is relevant to the amount of general purpose funding received by the City. (This is currently \$13.78 per head of population)

Growth In Properties: Growth refers to the number of newly created properties (subdivisions) and number of properties developed during the relevant year. The City is largely developed and therefore a small but consistent number of future developments are anticipated. Interim rates are collected on the value of properties developed during the year.

Rate increases: The increase in general rates is forecast to be consistent with CPI. During the last 6 years general rates have not kept up with inflation and Council increased its general rates by 9.5% whilst the Consumer Price Index increased by 13.93% during the same period. It is suggested that general rates continue to increase by an amount comparable to CPI to maintain purchasing power.

Using the budget parameters as per Table 1 above, the forecast financial results are as per Table 2.

Table 2 – Budget estimates

	Actual 2002/03 \$k	Year 1 2003/04 \$k	Year 2 2004/05 \$k	Year 3 2005/06 \$k	Year 4 2006/07 \$k	Year 5 2007/08 \$k
Net financial (Shortfall) Budget meeting 7 May 2002	(1,762)	(3,296)	(2,213)	(3,362)	(3,636)	N/a
Net financial Surplus (Shortfall) Budget meeting 5 June 2002	248	(4,166)	(2,451)	(3,589)	(2,591)	N/a
Net financial (Shortfall) Based on 02/03 adopted budget	Balanced	(5,078)	(1,261)	(2,213)	(2,560)	TBA

Specific budget considerations to be reviewed as part of the budget process

It is imperative that the 2003/04 budget be made in the context of achieving long term sustainable financial stability and therefore the 2003/04 budget will address a number of matters including:

- Reviewing the “operational” costs of the City
- Identifying strategies to achieve cost efficiencies and savings
- Developing a long term rating framework including – future rate increases / minimums / pensioners / support of the financially disadvantaged in the City
- Developing a sustainable capital works, capital replacement and maintenance programme
- Reviewing the purpose and process of funding through reserves (including for buildings and IT infrastructure)
- Developing external funding sources
- Increasing grant funding

COMMENT

The financial forecasts shown at Table 1 and 2 indicate a budget shortfall in each of the future years.

	Year 1 2003/04 \$k	Year 2 2004/05 \$k	Year 3 2005/06 \$k	Year 4 2006/07 \$k	Year 5 2007/08 \$k
Net financial (Shortfall) Based on 02/03 adopted budget	(5,078)	(1,261)	(2,213)	(2,560)	TBA

The above projections indicate that in order to achieve a balanced budget in 2003/04, increases in total rates collected together with savings or deferment of expenditure in operations, 5-year capital works programme and proposals are required.

The Strategic Planning Cycle will be followed for preparation of the 2003/04 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.

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

Whilst the early preparation of the 2003/04 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 2003/04 year. Note that a NIL usable carry forward balance has been included in these forecasts. Factors that will impact the timing of the budget include:

- 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 2003 and requires property values for council owned improved properties and the 2003/04 ESL rate-in-the-dollar. Note that the Minister will declare the 2003/04 ESL rate-in-the-dollar before 10 May 2003;
- Calculation of Surplus / Deficit – if budget completion is required before the completion of the financial year, the Surplus / Deficit will need to be estimated

VOTING REQUIREMENTS

Absolute Majority

OFFICER’S RECOMMENDATION That Council:

- 1 BY AN ABSOLUTE MAJORITY, ESTABLISHES the 2003/04 Budget Committee to oversee the development of the Draft 2003-2004 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;
- 4 ADOPTS the following key assumptions to enable the development of the 2003/04 budget and 2003/04 5-year financial plan;

	Year 1 2003/04 \$K	Year 2 2004/05 \$K	Year 3 2005/06 \$K	Year 4 2006/07 \$K	Year 5 2007/08 \$K
			Revaluation Year		
Inflation	3%	3%	3%	3%	3%
Salary & Wage increases	4%	5%	3%	3%	3%
Interest Rates	4.8%	4.8%	5%	5%	5%
Total Population	160,580	163,580	167,067	170,048	173,082
Growth in Properties	400	400	400	400	400
Rate Increases	CPI	CPI	CPI	CPI	CPI

- 5 REVIEWS rates levied together with savings or deferment of expenditure in operations, capital works and proposals.

MOVED Cr O'Brien, SECONDED Cr Carlos that Council:

- 1 BY AN ABSOLUTE MAJORITY, ESTABLISHES the 2003/04 Budget Committee to oversee the development of the Draft 2003-2004 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 and meets in the Council Chamber as a Committee of the Whole of Council with open doors, in the interests of open and accountable Municipal Government, except where Section 5.23 (2) of the Local government Act 1995 becomes applicable to a particular Committee Agenda Item;
- 4 CONSIDERS the following possibilities to enable the development of a draft 2003/04 budget and 2003/04 5-year financial plan;

	Year 1 2003/04 \$K	Year 2 2004/05 \$K	Year 3 2005/06 \$K	Year 4 2006/07 \$K	Year 5 2007/08 \$K
			Revaluation Year		
Inflation	3%	3%	3%	3%	3%
Salary & Wage increases	4%	5%	3%	3%	3%
Interest Rates	4.8%	4.8%	5%	5%	5%
Total Population	160,580	163,580	167,067	170,048	173,082
Growth in Properties	400	400	400	400	400
Rate Movement Neutrality	ZERO	ZERO	ZERO	ZERO	ZERO

- 5 REVIEWS rates levied together with savings or deferment of expenditure in operations, capital works and proposals.

Discussion ensued.

The Motion was Put and

LOST (6/9)

In favour of the Motion: Crs Barnett, Carlos, Hollywood, Nixon, O'Brien, Walker. **Against the Motion:** Mayor Bombak, Crs Baker, Hurst, Kadak, Kenworthy, Kimber, Mackintosh, Patterson, Rowlands.

MOVED Cr Kadak, SECONDED Cr Baker that Council:

- 1 **ESTABLISHES the 2003/04 Budget Committee to oversee the development of the Draft 2003-2004 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;**

- 4 **ADOPTS the following key assumptions to enable the development of the 2003/04 budget and 2003/04 5-year financial plan;**

	Year 1 2003/04 \$K	Year 2 2004/05 \$K	Year 3 2005/06 \$K	Year 4 2006/07 \$K	Year 5 2007/08 \$K
			Revaluation Year		
Inflation	3%	3%	3%	3%	3%
Salary & Wage increases	4%	5%	3%	3%	3%
Interest Rates	4.8%	4.8%	5%	5%	5%
Total Population	160,580	163,580	167,067	170,048	173,082
Growth in Properties	400	400	400	400	400
Rate Increases	CPI	CPI	CPI	CPI	CPI

5 **REVIEWS rates levied together with savings or deferment of expenditure in operations, capital works and proposals.**

Discussion ensued.

The Motion was Put and

**CARRIED BY AN
ABSOLUTE MAJORITY (11/4)**

In favour of the Motion: Mayor Bombak, Crs Baker, Hurst, Kadak, Kenworthy, Kimber, Mackintosh, Nixon, Patterson, Rowlands, Walker. **Against the Motion:** Crs Carlos, Barnett, Hollywood, O'Brien.

Cr O'Brien declared a financial interest in Item CJ319-12/02 – Warrant of Payments – 30 November 2002 (Voucher No 44282 – Chubb Electronic Security and Voucher No 44294 – Chubb Protective Services P/L) – as Chubb Security has taken over an FAI Extra Watch security at his residence.

Cr O'Brien left the Chamber, the time being 2207 hrs.

CJ319 - 12/02 WARRANT OF PAYMENTS – 30 NOVEMBER 2002 – [09882]

WARD - All

PURPOSE

The Warrant of Payments as at 30 November 2002 is submitted to Council for approval.

EXECUTIVE SUMMARY

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

DETAILS

FUNDS	VOUCHERS	AMOUNT
		\$ c
Municipal	000361-000367	9,505,432.76
Director Corporate Services & Resource Management Advance Account	043635-044491	5,985,684.44
Trust Account		
	TOTAL \$	15,491,117.20

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 2002, the amount was \$862,599.96.

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

CERTIFICATE OF THE DIRECTOR OF CORPORATE SERVICES & RESOURCE MANAGEMENT

This warrant of accounts to be passed for payment, covering vouchers numbered as indicated and totalling \$ 15,491,117.20 which is to be submitted to each Elected Member on 17 December 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.

PETER SCHNEIDER
Director Corporate Services & Resource Management

CERTIFICATE OF MAYOR

I hereby certify that this warrant of payments covering vouchers numbered as indicated and totalling \$15,491,117.20 was submitted to Council on 17 December 2002.

.....
Mayor John Bombak

VOTING REQUIREMENTS

Simple Majority

MOVED Cr Patterson, SECONDED Cr Kenworthy that Council APPROVES for payment the following vouchers, as presented in the Warrant of Payments to 30 November 2002, certified by the Mayor and Director Corporate Services & Resource Management and totalling \$15,491,117.20.

FUNDS	VOUCHERS	AMOUNT
		\$ c
Municipal	000361-000367	9,505,432.76
Director Corporate Services & Resource Management Advance Account	043635-044491	5,985,684.44
Trust Account		
	TOTAL \$	15,491,117.20

The Motion was Put and

CARRIED (14/0)

In favour of the Motion: Mayor Bombak, Crs Baker, Barnett, Carlos, Hollywood, Hurst, Kadak, Kenworthy, Kimber, Mackintosh, Nixon, Patterson, Rowlands, Walker.

Appendix 8 refers

To access this attachment on electronic document, click here: [Attach8brf101202.pdf](#)

Cr O'Brien entered the Chamber, the time being 2208 hrs.

CJ323 - 12/02 SORRENTO BEACH DEVELOPMENT CONCEPT PLAN – [05071]

WARD - South Coastal

PURPOSE

To report on the outcome of the advertising process and seek Council's recommendation on an amended plan.

EXECUTIVE SUMMARY

Council resolved at its September 2002 meeting to endorse the development application for Sorrento Beach, and release the plan for a 30 day public exhibition period.

One hundred and thirty (130) submissions were received indicating both support and opposition to the project. All submissions have been assessed and it is proposed that modifications be made to the concept plan as a result of the assessment of the submissions.

Two modified plans have been prepared for consideration and are detailed at Attachments 3 and 4 to this report. Both plans are the same, except for the extent of grass proposed at the northern end of the project. Both plans take into account the assessment of the public submissions however Council will be asked to recommend and approve the extent of grass/natural dune which is appropriate at the northern end of the project.

It is noted that the Sorrento Beach Surf Lifesaving Club highlighted specific concerns with the original concept plan. City representatives have since met with the Surf Club Executive and alleviated any concerns regarding the project by making changes to the concept plan. The amendments are reflected on both of the amended plans presented for consideration by Council.

It is recommended that Council:

- 1 ENDORSES the modified development proposal for the Sorrento Beach Concept Plan as outlined in the Connell Wagner/Plan E plan at Attachment 4 of this report;*

- 2 *REFERS the amended development proposal to the Western Australian Planning Commission with a recommendation of APPROVAL, 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) unless otherwise specified by this approval. Such areas are to be constructed, drained, marked and thereafter maintained to the satisfaction of the City.*
 - (b) *Disabled car parking bay(s) to be conveniently located, and with a minimum width of 3.2 metres, to be provided to the satisfaction of the City.*
 - (c) *Any new toilet facilities are required to be connected to deep sewer.*
 - (d) *Entry and access points to be subject to further detailed design and safety audit.*
- 3 *REFERS the public submissions to the Western Australian Planning Commission for its consideration*
- 4 *RELEASES the plan for a public information period of 30 days to be displayed at the Sorrento Surf Life Saving Club, the City's Libraries, Customer Service Centres and the City's web site;*
- 5 *ENDORSES the project designer, in consultation with the Sorrento Surf Life Saving Club Executive, to complete the detailed design phase of the Sorrento Beach Redevelopment project in keeping with the conceptual plan depicted at Attachment 4;*
- 6 *ENDORSES the removal of the central groyne subject to the necessary investigations and approvals being obtained from the Department of Planning and Infrastructure supporting this proposal to proceed.*

BACKGROUND

At the Council meeting held on 3 September 2002, it was resolved in part that Council:

- 1 *ENDORSES the Development Application for the Sorrento Beach Redevelopment and Landscape Master Plan (landscaping works, parking areas and beach rehabilitation) as outlined in Connell Wagner / Plan E Submission as Attachment 2 to the Report CJ221 – 09/02.*
- 2 *RELEASES the plan for a public exhibition period of 30 days;*
- 3 *NOTES that the proposal will be forwarded to the Department of Planning and Infrastructure for determination;*

Consultation:

The concept plan was advertised for a period of 30 days, from 17 September 2002 until 17 October 2002.

Advertising included:

- A letter to residents within 800m of the site.
- A letter to Marmion/Duncraig/Sorrento Progress and Ratepayer Associations
- Letter to the Manager, Hillarys Boat Harbour (DPI) and Centre Manager, Hillarys Boat Harbour.
- A notice in the Wanneroo Times (17 September)
- A notice in the Joondalup Times (19 September)
- Plans displayed at Sorrento Surf Lifesaving Club, Sorrento Plaza Shopping Centre and on the dual use path adjacent Sorrento beach.
- Plans displayed on the City's website.
- Plans were available at the City's Libraries and Customer Service Centres
- A public information evening was also held at the Sorrento Beach Surf Lifesaving Club on 10 October 2002.

DETAILS

Statutory Provision:

Applicant	:	City of Joondalup
Owner	:	Crown
Zoning	:	Metropolitan Region Scheme – Parks & Recreation

Due to the planning reservation status of the land, the determining authority for the application will be the Western Australian Planning Commission (WAPC), on advice from the Department of Planning and Infrastructure (DPI). Comments from various other authorities, including the City, are sought as part of that process.

A total of 130 submissions were received and the general issues and frequency of responses are detailed in Attachment 1, including the designer's comments to each submission.

As a result of the comments made during the advertising period, the concept plan has been reassessed and the following modifications to the exhibited plan (Attachment 2) are proposed:

- Reduce the grassed area at the northern extremity of the development by enlarging the dunal vegetation area
- The Surf Club relocation proposal to be removed from the plan
- Upgrade and possible relocation of existing toilet block to a more central location with provision of first aid and equipment room contained within the building for lifesaving purposes.
- Upgrade the beach control accessway to accommodate emergency services access from the car park through to the beach front
- Remove timber bridge accessing groyne and fishing platform from plan

Other suggestions which were made by the Sorrento Surf Life Saving Club Executive require further investigations and approval by the Department of Planning and Infrastructure (DPI) and have not been included on the amended plans at this stage include:

- The total removal of the central groyne for the purposes of improving beach safety and overall amenity
- Investigate possible emergency beach access via Hillarys Boat Harbour

As a result of these modifications two plans have been prepared for Council's consideration. Both plans are similar except for extent of grass proposed at the northern end of the project. Both plans take into account the assessment of the public submissions, however Council will need to determine and approve the extent of grass/natural dune, which is appropriate at the northern end of the project. It is also noted that the Sorrento Beach Surf Life Saving Club highlighted specific concerns with the original concept plan. City representatives have since met with the Surf Club Executive and addressed the concerns regarding the project by making the abovementioned changes to the original concept plan. These amendments are reflected on both of the amended plans depicted at Attachments 3 and 4.

COMMENT

Whilst both plans at Attachments 3 and 4 take into account the assessment of public submissions and are similar in nature, they differ in relation to the extent of grass proposed at the northern end of the project.

Many submissions have expressed concern over the amount of grassed area being provided in these times of water shortages and restrictions. In reviewing this matter, the major concerns that require addressing at this location are sand drift control and pedestrian movement between the marine harbour and the beach.

In relation to extent of grassed area, sufficient bore capacity exists within the licensed bore at Geneff Park to service all options before Council. However, with respect to sand drift control concerns and safe movement of pedestrians, it is considered that the option depicted at Attachment 4 satisfactorily addresses these items and still allows a reduction in the amount of grassed area. This option is therefore recommended for approval.

As there have been some amendments to the original displayed concept plan, it is recommended that the adopted amended plan be displayed to the public for a 30 day period for information purposes only.

VOTING REQUIREMENTS

Simple Majority

MOVED Cr Patterson, SECONDED Cr Kenworthy that Council:

- 1 ENDORSES the modified development proposal for the Sorrento Beach Concept Plan as outlined in the Connell Wagner/Plan E plan forming Attachment 4 to Report CJ323-12/02;**

- 2 REFERS the amended development proposal to the Western Australian Planning Commission with a recommendation of APPROVAL, 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) unless otherwise specified by this approval. Such areas are to be constructed, drained, marked and thereafter maintained to the satisfaction of the City;**
 - (b) disabled car parking bay(s) to be conveniently located, and with a minimum width of 3.2 metres, to be provided to the satisfaction of the City;**
 - (c) any new toilet facilities are required to be connected to deep sewer;**
 - (d) entry and access points to be subject to further detailed design and safety audit;**
- 3 REFERS the public submissions to the Western Australian Planning Commission for its consideration;**
- 4 RELEASES the plan for a public information period of 30 days to be displayed at the Sorrento Surf Life Saving Club, the City’s Libraries, Customer Service Centres and the City’s web site;**
- 5 ENDORSES the project designer, in consultation with the Sorrento Surf Life Saving Club Executive, to complete the detailed design phase of the Sorrento Beach Redevelopment project in keeping with the conceptual plan depicted at Attachment 4 to Report CJ323-12/02;**
- 6 ENDORSES the removal of the central groyne subject to the necessary investigations and approvals being obtained from the Department of Planning and Infrastructure supporting this proposal to proceed.**

AMENDMENT MOVED Cr O’Brien that Point 3 of the Motion be amended as follows:

- “3 REFERS the public submissions to the Western Australian Planning Commission for its consideration including any further written public comment received during the 30 day public information period;”

There being no Secunder, the Amendment

LAPSED

Discussion ensued in relation to the Motion.

During discussion:

Cr Kimber left the Chamber at 2209 hrs and returned at 2210 hrs;

Cr Walker left the Chamber at 2209 hrs and returned at 2211 hrs;

Cr Kadak left the Chamber at 2211 hrs.

The Motion was Put and

CARRIED (11/3)

In favour of the Motion: Mayor Bombak, Crs Baker, Barnett, Hurst, Kenworthy, Kimber, Mackintosh, Nixon, O'Brien, Patterson, Rowlands. **Against the Motion:** Crs Hollywood, Walker, Carlos

Appendix 10 refers

To access this attachment on electronic document, click here: [Attach10brf101202.pdf](#)

Crs Baker and Kenworthy left the Chamber at this point, the time being 2216 hrs.

**CJ329 - 12/02 PROPOSED JOONDALUP CITY HOTEL
DEVELOPMENT: LOT 510 (5) DAVIDSON
TERRACE, JOONDALUP – [13250]**

WARD - Lakeside

PURPOSE

The development proposal is referred to Council for determination due to minor variations to the plot ratio and setback requirements.

EXECUTIVE SUMMARY

An application has been received for a 2 storey hotel, consisting of 30 rooms with bathrooms. The hotel includes an office, reception area and laundry facilities, however does not include bar or restaurants facilities. The concept is to provide budget accommodation in the heart of the City, therefore enabling clients to make use of the City's plentiful supply of restaurant and entertainment facilities.

The lot is located within the Central Business District and is earmarked for "General City Uses" under the JCCDPM. Preferred uses for this site include accommodation, therefore the proposed hotel is considered suitable for the area.

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

The subject site is situated on the corner of Shenton Avenue and Davidson Terrace and the façade adequately addresses both street frontages. Also, the materials and design will blend in with the adjoining property and the area in general. Furthermore, the height is consistent with the JCCDPM and surrounding development in the area.

The variations in relation to the plot ratio and setback requirements are considered acceptable and will not have any detrimental impact on the surrounding area. It is therefore recommended Council exercises discretion under District Planning Scheme No 2 (DPS2) to vary the plot ratio and setback requirements and approve the proposal.

BACKGROUND

Suburb/Location: Lot 510 (5) Davidson Terrace, corner of Shenton Avenue, Joondalup.
Applicant: edesign (Ed Downsborough)
Owner: Mimi Miu-Kuen Ferguson
Zoning: DPS: Centre
MRS: Central City Area

The subject site slopes slightly in a south-north direction, with a difference of approximately 1.5 metres from the rear of the property to Shenton Avenue. The subject land is serviced by a right-of-way (ROW).

On 30 May 1996, the City conditionally approved a proposal for 5 five commercial units on the subject land. The proposal included a shortfall of 2 bays, and the City approved the provision of cash-lieu for the car parking deficit. However, the proposed development never eventuated, and the building licence was cancelled on 22 August 2000.

DETAILS

Proposal

The site is located on the corner of Shenton Avenue and Davidson Terrace in Joondalup. The lot is located within the Central Business District and is earmarked for “General City Uses” under the JCCDPM.

The proposal consists of the following elements:

- 2 storeys in height
- 30 hotel bedrooms, including 2 rooms for people with disabilities
- Laundry and linen storage
- An office (10m²)
- Reception area.
- A total of 13 bays have been provided, including two disabled bays, and the applicant wishes to pay cash-in-lieu for 3 more bays
- Vehicular access is from Davidson terrace, via the right-of-way.

The proposed hotel does not include the provision of dining facilities and is for accommodation purposes only. The hotel will operate via an automatic teller machine (ATM), which enables clients to book themselves into vacant rooms by inserting their credit cards into the ATM. This facility will also enable management to dock money for any damages incurred during the clients stay. The applicant advised that a duty manager will be available on a 24-hour basis.

Discretion is sought for a variation to the plot ratio and setback requirements.

Statutory Provision:

Clause 4.5 of DPS2 allows discretion to be exercised to vary the plot ratio plot and setback requirements of the JCCDPM.

The relevant clause is as follows:

4.5 VARIATIONS TO SITE AND DEVELOPMENT STANDARDS AND REQUIREMENTS

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

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

- (a) consult the affected parties by following one or more of the provisions for advertising uses pursuant to clause 6.7; and*
- (b) have regard to any expressed views prior to making its decision to grant the variation.*

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

- (a) approval of the proposed development would be appropriate having regard to the criteria set out in Clause 6.8; and*

The non-compliance will not have any adverse effect upon the occupiers or users of the development or the inhabitants of the locality or upon the likely future development of the locality.

6.8 MATTERS TO BE CONSIDERED BY COUNCIL

6.8.1 The Council when considering an application for Planning Approval shall have due regard to the following:

- (l) interests of orderly and proper planning and the preservation of the amenity of the relevant locality;*
- (m) any relevant submissions by the applicant;*
- (n) any Agreed Structure Plan prepared under the provisions of Part 9 of the Scheme;*
- (o) any planning policy of the Council adopted under the provisions of clause 8.11;*

- (p) *any other matter which under the provisions of the Scheme the Council is required to have due regard;*
- (q) *any policy of the Commission or its predecessors or successors or any planning policy adopted by the Government of the State of Western Australia;*
- (r) *any relevant proposed new town planning scheme of the Council or amendment or proposed Metropolitan Region Scheme Amendment insofar as they can be regarded as seriously entertained planning proposals;*
- (s) *the comments or wishes of any public or municipal authority received as part of the submission process;*
- (t) *the comments or wishes of any objectors to or supporters of the application;*
- (u) *any previous decision made by the Council in circumstances which are sufficiently similar for the previous decision to be relevant as a precedent, provided that the Council shall not be bound by such precedent; and*
- (v) *any other matter which in the opinion of the Council is relevant.*

Clause 4.8 allows the City to consider appropriate car parking standards for all types of developments within the City as follows:

4.8 CAR PARKING STANDARDS

4.8.1 *The design of off-street parking areas including parking for disabled shall be in accordance with Australian Standards AS 2890.1 or AS 2890.2 as amended from time to time. Car parking areas shall be constructed and maintained to the satisfaction of the Council.*

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

Council may permit the payment of cash-in-lieu of car parking in accordance with clause 4.11 of DPS2.

The relevant Clause of DPS2 is as follows:

4.11 CAR PARKING – CASH IN LIEU OR STAGING

4.11.1 The Council may permit car parking to be provided in stages subject to the developer setting aside for future development for parking the total required area of land and entering into an agreement to satisfactorily complete all the remaining stages when requested to do so by the Council.

4.11.2 Council may accept a cash payment in lieu of the provision of any required land for parking subject to being satisfied that there is adequate provision for car parking or a reasonable expectation in the immediate future that there will be adequate provision for public car parking in the proximity of the proposed development.

4.11.3 The cash payment shall be calculated having regard to the estimated cost of construction of the parking area or areas suitable for the proposed development and includes the value, as estimated by the Council, of that area of land which would have had to be provided to meet the car parking requirements specified by the Scheme. The cash payment may be discounted and may be payable in such manner as the Council shall from time to time determine.

4.11.4 Any cash payment received by the Council pursuant to this clause shall be paid into appropriate funds to be used to provide public carparks in the locality as deemed appropriate by Council.

Council resolved at its 9 October 2001 meeting resolved the cash payment in lieu of the provision of on-site parking, applicable to development in the Joondalup City Centre Central Business District to be \$8,100 per parking bay.

Consultation

Public consultation was not undertaken as the development is unlikely to affect any owners or occupiers in the general locality or adjoining the site.

COMMENT

Plot ratio

The plot ratio that applies to the land is 1.0. In the Central Business District, the plot ratio for this type of use is measured in terms of gross floor area (GFA). The proposed plot ratio is 1.02, which represents an additional floor space of 24 sqm.

Council has previously approved plot ratio variations up to 1.15 for the Nottinghill development, and 1.08 for a 2 storey development on the corner of Grand Boulevard and Shenton Avenue. The proposed plot ratio will not have any adverse impact on surrounding properties and the variation is therefore supported.

Setbacks and Height Requirements

The JCCDPM requires nil front setbacks to the street for developments in the Central Business District. The proposed hotel addresses the street and basically complies with the above requirement, except for approximately 350mm of each room, which is stepped back in order to provide a square building for ease of construction.

The setback variation is minor and is considered to be in keeping with the area, as the adjoining property has been designed in a similar way and steps back slightly from the front boundary. Given this, and that Council has previously approved greater variations to setback requirements in the City Centre, approval is recommended.

Additionally, it should be noted that the applicant advised that landscaping will be provided to fill the spaces between the boundary line and the building setback area. Therefore, the proposed development will appear to maintain a continuous urban edge. The proposed variation will not have an adverse impact on the amenity of the adjoining or surrounding properties, and it is therefore considered appropriate that Council exercise discretion in this regard.

The JCCDPM specifies a height limit of 13.5 metres above the mid point of the street boundary at natural ground level, and 10 metres along Davidson Terrace. The proposal falls well within these height requirements.

Car Parking

The JCCDPM does not provide car parking standards.

Clause 4.8 of DPS2 provides that Council can determine car parking standards deemed to be appropriate to the use and area of a proposed development. The car parking ratios below are considered to be appropriate, as such standards have been consistently applied throughout the city.

Car Parking Table

Use	Parking Standard	No of Bays required	No of Bays Provided
Hotel Rooms	1 bay per 2 rooms (30 rooms)	15	13
Office	1 bay per 30 m ² GFA (Office 10m ²)	1	
Total		16	13 + cash in lieu for 3 bays.

The proposal includes a deficit of 3 carbays. The applicant advised that the prospective landowners wish to pay cash-in-lieu of car parking for 3 bays. Under clause 4.11 of DPS2, Council may accept a cash payment in lieu of the provision of on-site parking in certain circumstances.

Given that 81.2% of the car parking requirement has been satisfied, and that a public car park is located at the rear of the subject land, cash-in-lieu of car parking is considered appropriate in this instance.

It is therefore recommended that, in accordance with Clause 4.8, Council determines the provision of car parking as outlined above, and in accordance with Clause 4.11 allows the payment of cash-in-lieu for 3 car bays.

Other JCCDPM Considerations

Ground floor windows will be glazed and will generally be clear float glass in bedroom windows and clear laminated glass to the windows and foyer doors.

Sunhoods have also been provided on the north and west elevations to provide summer shade. The sunhoods and front canopy have a clearance of 2.75 meters, and the canopy meets the minimum 2 metre width requirement under the JCCDPM. Additionally, the windows are recessed on the western elevation to help prevent sun penetration.

The JCCDPM recommends that continuous awnings should be provided in the Central Business District to provide for pedestrian shelter. However, the subject land abuts residential properties and is not within the heart of the City's retail precinct. Given that this area is not a busy pedestrian thoroughfare, continuous awnings are not considered necessary.

The proposal includes a major opening on the upper storey to bedroom 29. The window abuts a right-of-way and a vacant block to the south.. Given the 6 metre width of the ROW, there is not considered to be any issue in terms of overlooking this property.

Health, Building, Engineering, Landscaping Requirements

Adequate bin storage areas and screening have been provided in accordance with the Council's Health Local Laws. Also, sufficient sight lines have been provided from the right-of-way onto Davidson Terrace.

Landscaping and verge treatments have not been shown on the proposed plans. However, an appropriate condition will be imposed on any approval issued.

All other Health, Building and Engineering requirements will be addressed through conditions of approval.

Urban Design

The proposal has been designed to interface with Davidson Terrace and Shenton Avenue. The corner has been adequately addressed with an entry statement and canopy. The façade will be painted in pre-cast concrete panels with recessed grooves and the roof tiles will be black or charcoal. The proposed design and colour of the hotel will blend in with the adjoining property and the area generally.

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.

Although variations to the plot ratio and setback requirements are sought, the variations are minor and will not have any adverse impact on the adjoining and surrounding properties. Approval is therefore recommended.

VOTING REQUIREMENTS

Simple Majority

Cr Kadak entered the Chamber at this point, the time being 2217 hrs.

MOVED Cr Kimber, SECONDED Cr Mackintosh that Council:

1 EXERCISES discretion in relation to clause 4.5 District Planning Scheme No 2 and the Joondalup City Centre Development Plan and Manual and determines that:

- (a) a setback variation of 350mm in lieu of nil, and;**
- (b) a plot ratio variation of 1.02 in lieu of 1.0**

is appropriate in this instance;

2 APPROVES the application dated 17 October 2002 and revised plans received on 12 October 2002 submitted by edesign on behalf of the owners, Mimi Miu-Kuen Ferguson for a 30 bed Hotel at Lot 510 (5) Davidson Avenue, 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 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;**
- (b) 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;**
- (c) 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. Alternatively, the system can be connected into the existing road drainage system. A connection point has been provided for this purpose. 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;**
- (d) one (1) disabled car parking 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 and in compliance with the Building Code of Australia. 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);**
- (e) car bay grades are generally not to exceed 6% and disabled car bay/s are to have a maximum grade of 2.5%;**
- (f) provide means of preventing vehicles in bays 1 to 6 from hitting the parapet wall on the adjoining property;**

- (g) the provision of 16 on-site car parking bays;
- (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) 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;
- (j) suitably screened bin storage areas are to be provided prior to the development first being occupied, in the location as shown 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;
- (k) no obscure or reflective glazing being used in the ground level units facing Shenton Avenue and Davidson Terrace;
- (l) all boundary walls and parapet walls being of a clean finish and made good to the satisfaction of the City;
- (m) existing verge trees to be maintained;
- (n) the lodging of detailed landscape plans, to the satisfaction of the City (see attached information sheet), for the development site and the adjoining road verges 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 details:
 - (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.
- (o) landscaping, reticulation and all verge treatment is 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;
- (p) a separate application being made to the City for Approval to Commence Development for the air conditioning units;
- (q) should the development be staged, temporary landscaping and fencing must be installed prior to the development being occupied to the satisfaction of the City;
- (r) the external walls of the development on the ground floor shall be treated with a graffiti repellent coating to the satisfaction of the City.

Footnotes:

- 1** 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;
- 2** A separate application being made to the City for Approval to Commence Development and a Sign Licence prior to the installation of any advertising signage;
- 3** With reference to condition (g), the City agrees to accept cash-in-lieu of car parking for a maximum of 3 car parking bays. The cash value that will be accepted for each parking bay is \$8 100, which is the sum of construction cost and the land component. Cash-in-lieu of car parking will contribute towards a fund for the Council to meet future parking demand within the locality.
- 4** With reference to condition (n), please note that all paving is required to match existing pavers and paving patterns.
- 5** You are reminded that this is a Planning Approval only and does not obviate the responsibility of the developer to comply with all relevant building, health and engineering requirements.
- 6** Applicant shall provide adequate natural light and ventilation to all rooms in accordance with the B.C.A.
- 7** All WCs and laundry shall be provided with mechanical ventilation in accordance with the Sewerage (Lighting, Ventilation and Construction) Regulations and AS1668.2.
- 8** Floors to all wet areas shall be suitably surfaced and grade evenly to a floor waste.
- 9** The applicant shall comply with the requirements of the Health Act 1911.
- 10** The applicant is advised that you have an obligation to comply with the Environmental Protection Act 1986.
- 11** Applicant to comply with the requirements of the City of Joondalup Health Local Laws 1999 with regards to Part 7, Lodging Houses. Particular attention is drawn to the requirements for a keeper/manager residing continuously in the lodging house, dining facilities, and kitchen facilities in accordance with the Health (Food Hygiene) Regulations 1993.

The Motion was Put and

CARRIED (13/0)

In favour of the Motion: Mayor Bombak, Crs Barnett, Carlos, Hollywood, Hurst, Kadak, Kimber, Mackintosh, Nixon, O'Brien, Patterson, Rowlands, Walker.

Appendix 15 refers

To access this attachment on electronic document, click here: [Attach15brf101202.pdf](#)

Crs Baker and Kenworthy entered the Chamber at this point, the time being 2218 hrs.

CJ322 - 12/02 CONSERVATION ADVISORY COMMITTEE – ADDITIONAL COMMITTEE MEMBERS – [47999] [12168]

WARD - All

PURPOSE

This report recommends that Council endorse the nomination of Mr D Millan and Mr B Fitzsimmons as members of Council's Conservation Advisory Committee and Ms D Lullfitz as a Deputy to Mr B Fitzsimmons.

EXECUTIVE SUMMARY

That Council:

- 1 *ENDORSES the nomination of Mr Daniel Millan and Mr Barry Fitzsimmons to the membership of the Conservation Advisory Committee;*
- 2 *ENDORSES the nomination of Ms Dot Lullfitz to deputise for Mr B. Fitzsimmons in his absence from the Conservation Advisory Committee.*

BACKGROUND

The Conservation Advisory Committee comprises of Councillors, Council Staff, Community representatives with specialist knowledge and representatives from each Friends Group or their Deputy. The objectives of the committee are:

- To liaise with community groups and the general public to promote the importance of conservation and rehabilitation of bushland and the natural environment;
- To provide technical and practical advice on management plans and implementation of conservation strategies within the City of Joondalup;
- To promote the importance of conservation bio-diversity and the rehabilitation of bushland and the natural environment.

**CJ325 - 12/02 TENDER NUMBER 019-02/03 – CONSTRUCTION OF
ON-STREET PARKING AND ROAD MODIFICATION
AT VARIOUS SCHOOLS – [56519]**

WARD – Marina, South

PURPOSE

To seek approval for the acceptance of the tender submitted by Mako Civil Pty Ltd for Tender Number 019-02/03 - Construction of On-Street Parking and Road Modifications at Various Schools.

EXECUTIVE SUMMARY

As part of the 2002/03 Capital Works Program, Council has listed construction of on-street parking embayments and minor road modifications adjacent to schools. These projects are anticipated to improve safety for all road users by formalising parent parking and pedestrian access adjacent to schools.

In order to meet the Capital Works Construction timeframe, these projects have been programmed for construction by an appropriate external Civil Engineering Contractor. Accordingly, a public tender was advertised and subsequently closed on 27 November, 2002.

The Tender Evaluation Committee (TEC) has evaluated the tenders and recommends that Mako Civil Pty Ltd be considered as the successful tenderer. However, as the tender price of \$229,543 is in excess of the available funds of \$202,000, additional funding will be required.

The Education Department has agreed to jointly fund the shortfall of \$27,343. Therefore, in accordance with its written commitment for the 2002/2003 financial year, the Education Department will be invoiced for an amount of \$103,671.50 prior to commencement of these works.

It is proposed to allocate the City's additional amount of \$13,671.50 from savings achieved within another nearby traffic project.

It is recommended that Council:

- 1 *AUTHORISES, BY AN ABSOLUTE MAJORITY, in accordance with Section 6.8(1) of the Local Government Act 1995, re-allocation of \$13,671.50 from Project Number 6427 Local Road Traffic Management Goollelal Drive to Project Number 6408 Goollelal Primary School Street Parking;*
- 2 *ACCEPTS the Tender from Mako Civil Pty Ltd for Contract No. 019-02/03 for the Supply and Construction of On-Street Parking and Road Modifications at Various Schools for the lump sum price of \$229,543 exclusive of GST;*
- 3 *AUTHORISES the contract documents to be executed.*

BACKGROUND

As part of the 2002/03 Capital Work Program, Council has listed construction of on-street parking embayments and minor road modifications adjacent to various schools. These high profile projects are anticipated to improve safety for all road users by formalising parent parking adjacent to schools.

Funding priority is currently given to schools that have actively participated in a recognised Road Safety and Parking Program in the last twelve months. However, final priority for funding of short-listed schools is subject to a 50% joint funding arrangement with the Education Department.

As part of the City's 2002/03 Capital Works Program, the Education Department agreed to jointly fund an amount of \$90,000 to projects at the following schools;

- Creaney Primary School – Kingsley Drive & Creaney Drive, Kingsley
- Goollelal Primary School – Cadogan Street, Kingsley
- Ocean Reef Primary School – Venturi Drive, Ocean Reef

In addition, carry forward funding of \$22,200 (including \$11,100 from the Education Department) is available from the various schools Street Parking Program.

In order to meet the 2002/03 Capital Works Construction timeframe, these projects have been programmed for construction by an external Civil Engineering Contractor during the January 2003 school holidays.

Accordingly a public tender was advertised and subsequently closed on 27 November, 2002.

DETAILS

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

	Location	Creaney Primary School	Goollelal Primary School	Ocean Reef Primary School	Total
Mako Civil Pty Ltd	Maddington	\$85,615	\$62,593	\$91,335	\$229,543
Pavement Technology	Canning Vale	\$137,853	\$93,442	\$130,539	\$361,183
Aarde Constructions	Burswood	\$136,058	\$95,434	\$133,737	\$365,229

The tender prices above do not include GST. The lowest tender price from Mako Civil Pty Ltd includes provisional sums of \$36,820.

All conforming tenders were evaluated by the Tender Evaluation Committee (TEC) using a weighted multi-criterion assessment system based on the following selection criteria as specified in the Tender Information Document.

- Lump Sum Price
- Construction Program with milestones/deliverables
- Construction Methodology and Safety Management
- Tenderer's Resources & Previous experience with similar tasks
- Quality Management and Safety Management Policy

By applying the above evaluation method, the TEC recommend that subject to additional funds being available that Mako Civil Pty Ltd be awarded the tender for the lump sum price of \$229,543.

Policy 2.4.6 – Purchasing Goods and Services

The City's Policy on Purchasing Goods and Services encourages the participation of local businesses in the purchase and tendering process. In compliance with the Trades Practices Act 1974 and the National Competition Policy, the policy states that no price preference be given on account of the supplier being local. It is noted that no local companies tendered for this contract

Financial Implications:

Account No:	Project No. 6407, 6408, 6409, 6298	
Budget Item:	Capital – Traffic Management – Various Schools street parking	
Budget Amount:	Education Department	\$101,100
	Municipal	\$101,100
	Total	\$202,200
LESS Tender from Mako Civil Pty Ltd		\$229,543

As shown, insufficient funds are available to proceed with the awarding of the contract.

The Education Department has agreed to jointly fund the shortfall of \$27,343. It is proposed to fund the City's shortfall of \$13,671.50 from surplus funds available from the Local Road Traffic Management Project 6427 Goollelal Drive which was recently completed.

COMMENT

While these tender prices may reflect the current market rate, they are in excess of what had been allocated in the budget.

However, the Education Department has agreed to fund 50% of the additional cost of \$27,343.

In view of this, the additional funding required to complete the works to the anticipated standard is strongly supported

Experience has shown that projects of this type which form an integral part of each school road safety and parking strategy, may significantly improve safety, traffic flow and pedestrian access at each school.

On this basis, it is recommended that Mako Civil Pty Ltd be awarded the tender for the lump sum price of \$229,543 exclusive of GST.

VOTING REQUIREMENTS

Absolute Majority

MOVED Cr Hurst, SECONDED Cr Kenworthy that Council:

- 1 AUTHORISES, in accordance with Section 6.8(1) of the Local Government Act 1995, re-allocation of \$13,671.50 from Project Number 6427 Local Road Traffic Management Goollelal Drive to Project Number 6408 Goollelal Primary School Street Parking;**
- 2 ACCEPTS the Tender from Mako Civil Pty Ltd for Contract No. 019-02/03 for the Supply and Construction of On-Street Parking and Road Modifications at Various Schools for the lump sum price of \$229,543 exclusive of GST;**
- 3 AUTHORISES the contract documents to be executed.**

The Motion was Put and

**CARRIED BY AN
ABSOLUTE MAJORITY (15/0)**

In favour of the Motion: Mayor Bombak, Crs Baker, Barnett, Carlos, Hollywood, Hurst, Kadak, Kenworthy, Kimber, Mackintosh, Nixon, O'Brien, Patterson, Rowlands, Walker.

Appendix 12 refers

To access this attachment on electronic document, click here: [Attach12brf101202.pdf](#)

**CJ332 - 12/02 PROPOSED PATIO ADDITION TO A SINGLE HOUSE
(INCLUDING WALL ON BOUNDARY): 12
GLORIANA VIEW, OCEAN REEF - [02904]**

WARD - Marina

PURPOSE

The purpose of the report is to request Council's determination of an application for a patio addition, which includes a wall on the boundary.

EXECUTIVE SUMMARY

An application has been received to extend a patio to the common boundary forming a 13.5 metre long parapet wall, which would be 2.2 metres in height. The adjoining neighbour has lodged an objection to the proposal.

In accordance with the Notice of Delegation, this application was considered under Delegated Authority, however, was 'called in' by a Councillor for presentation to Council for determination.

It is evident that the majority of the proposed parapet wall will not be visible from the adjoining property due to the existing dividing fence, lattice screening and dense landscaping. It is concluded that the parapet wall would not detrimentally affect the adjoining neighbour. On this basis, the application is recommended for approval, subject to the existing dividing fence and lattice screening being retained.

BACKGROUND

Suburb/Location:	Gloriana View, Ocean Reef
Applicant:	Susan M Baker
Owner:	Susan M Baker
Zoning:	DPS: Residential R20
	MRS: Urban

The location of this site and development plans is shown in attachments to this report. The site is currently occupied by a single storey dwelling that is undergoing renovations including second storey additions, which have been approved under a prior Building Licence Application. The site is wedge shaped and has a 30.3 metre frontage decreasing towards the rear. The site has an area of 807m².

An application was received to extend an existing patio to the north-western boundary and construct a 13.5 metre long 2.2 metre high masonry parapet wall along the common boundary with the northern neighbour. The existing boundary fence had been improved with a lattice privacy screen. The City contacted the adjoining neighbour on 7 October 2002 and commenced a formal two-week advertising period.

The City subsequently received a letter (dated 21 October 2002) from the adjoining neighbour stating her objection and requesting that the wall be relocated away from the boundary.

DETAILS

Technical detail

The affected boundary is the north western boundary for the subject site and the south eastern boundary for the adjoining property, being Lot 380 (14) Gloriana View, Ocean Reef. The entrance to the neighbouring dwelling is along the western elevation of the dwelling, facing onto Gloriana View. The parapet wall would form part of a portion of the lot's south eastern boundary.

The height of the proposed wall on the boundary is 2.2m calculated from the brick wall detail on the plans submitted. The floor levels between the two properties in the subject development area are similar. It is also noted that a 1.8 metre brick boundary wall was approved by the City, forming part of the renovations and second storey additions.

Statutory Provision:

The application was received prior to 4 October 2002 being the implementation date of the new Residential Design Codes 2002, however is required to be determined under the new Codes. The provisions of the previous Residential Planning Codes 1991 are applied to note any differences between the new and previous Codes.

1991 R-Codes (1991)

Clause 1.5.8(f) of the R-Codes allows Council to consider parapet walls not exceeding 2.5 metres in average height and 3.5 metre maximum height up to 2/3 of the length of any common boundary. The parapet wall is proposed to extend 13.5 metre along the 41.4 metre common boundary, which is under the 2/3 length limit, and hence would otherwise comply. However, under clause 1.5.10 of the R-Codes 1991, Council is required to have regard for any submissions received during the 14-day advertising period.

Residential Design Codes (2002)

Under clause 3.3.2 (A 2) (ii) of the new codes “*any wall not higher than 3.0 metres with an average of 2.7 metres up to 9.0 metres in length up to one side boundary*” is deemed to be “*acceptable development*” (i.e. as a right).

The proposed parapet wall has a height of 2.2 metres from the assumed natural ground level. If the parapet wall was restricted to a length of 9 metres, no planning approval would have been required. Given the wall is proposed to be 13.5 metres in length, assessment is required under the ‘Performance Standards’ of the Codes.

The Performance Standards applicable to this application is clause 3.3.2 (P2) , as noted and addressed below:

- Make Efficient use of space

It is determined that the extension to the existing patio will permit the side area of the house to be utilised as an area for outdoor living, maximising the space available to the occupants of the dwelling.

- Enhance privacy

It is assessed that the construction of a parapet wall will better separate the two dwellings, hence significantly increasing the privacy between the two neighbours.

- Otherwise enhance the amenity of the development

As per the two points above, the patio extension will enhance the privacy of the two neighbours by providing better privacy and utilisation of space.

- Not have any significant adverse impacts on the amenity of the adjoining property

Given that the applicants have outlined that the existing dividing fence and privacy screening will be retained, it is assessed that the impact of the parapet wall will not have any adverse impact on this adjoining owner, as their fencing and privacy improvements together with dense vegetation would screen the wall adequately, not making it visible to the objecting neighbour.

- Ensure that sun to major openings to habitable rooms and outdoor living areas of the adjoining property is not restricted.

Given the wall is single storey in height and built up to the southern boundary of the adjoining property, the existing setback between the fence and adjoining house would not restrict light to those areas and windows.

Consultation

The proposal was advertised to the adjoining north-western adjoining property owner (No 14 Gloriana View) and an objection was received from this owner highlighting the following issues:

- Requests the existing boundary fence, which is in good condition to remain. It was paid for by herself and includes lattice screening that was recommended and approved by Council. This element increases privacy and also keeps out overflow stormwater that 12 Gloriana View has been subjected to on numerous occasions.

Comment

The applicant has agreed to retain the existing boundary fence and lattice screening. A standard condition would be applied to any approval issued requiring that stormwater be contained on the subject site.

- Requests additional drainage to be installed and any damage to her fence to be at the applicant's expense.

Comment

Any damage to the fence would be required to be repaired by the applicant at their cost. See above comment in regard to stormwater.

- The new brick wall is required to be setback one metre according to the City's officer's, therefore it should not be constructed on the boundary, and should be setback one metre.

Comment

The City's officers advised that the normal setback of the structure would be 1.5 metres. Notwithstanding this, Council can consider variations to the normal setbacks and this application seeks this consideration.

- States that the applicant’s family is very “boisterous”, and as the area will be used as an area of congregation that is only 4 feet from her boundary, she believes that a large three point loud speaker system would be placed there.

Comment

The location of the patio is not the issue being considered. The patio could be located in the area proposed with or without a parapet wall.

COMMENT

The proposed parapet wall complies with the technical requirements of the R-Codes, however, must be considered in light of the objection from the adjoining owner.

The height of the existing dividing fence and screen lattice is staggered along the common boundary. The height in the vicinity of the proposed parapet wall ranges from 2.47 metres to 1.8 metres. The point where the fence is 1.8 metres high is covered by a hedge which creates dense screening to approximately 2.3 metres in height.

The majority of the proposed wall would not be visible from the adjoining neighbour’s property, given the height of the existing fence and lattice screening. The remaining 2 metre length of the proposed wall where no lattice screening occurs would be obscured by dense vegetation. The applicant has agreed to retain the existing fence and lattice screening, while the vegetation is on the adjoining property and therefore would also remain. It is not considered that there will be any additional noise implications from the location of the proposed wall, versus a wall setback 1.0 metre from the boundary, or an open sided patio.

It is not considered that there will be any adverse impact on the adjoining property as a result of the parapet wall, and therefore approval is recommended.

VOTING REQUIREMENTS

Simple Majority

MOVED Cr Rowlands, SECONDED Cr Baker that Council:

- 1 EXERCISES discretion in accordance with Clause 2.3.4 of the Residential Design Codes 2002 and determines that a boundary wall of 13.5m in length and 2.2m in height meets the performance criteria outlined in Clause 3.3.2;**
- 2 APPROVES the application dated 18 September 2002 submitted by Susan Baker, the applicant and owner, for a patio addition with a parapet wall on the boundary on Lot 381 (12) Gloriana View, Ocean Reef, subject to the following conditions:**
 - (a) the parapet wall shall be fully contained on site and be limited to 2.2 metres in height and shall be of face brick finish to the satisfaction of the City;**

- (b) the parapet wall shall be constructed to enable the existing boundary fence and lattice screening to remain. Any damage to the existing fence or lattice screening shall be repaired at the owner's cost, to the satisfaction of the City;
- (c) all stormwater shall be retained and disposed of on site to the satisfaction of the City;

3 ADVISES the submitter of (1) above.

Footnotes

- 1 The applicant is advised that any polycarbonate roof sheeting shall be setback a minimum of 900 mm from the common boundary in accordance with 3.7.1.10 of the Building Code of Australia 1996.
- 2 The applicant is advised that light and ventilation to the meals, kitchen and dining room shall be maintained in accordance with parts 3.8.4 and 3.8.5 of the Building Code of Australia 1996.

Discussion ensued.

MOVED Cr Hurst SECONDED Cr Baker that the Motion be now Put.

The Procedural Motion was Put and

CARRIED (9/6)

In favour of the Procedural Motion: Mayor Bombak, Crs Baker, Hurst, Kadak, Kenworthy, Kimber, Mackintosh, Patterson, Rowlands. **Against the Procedural Motion:** Crs Barnett, Carlos, Hollywood, Nixon, O'Brien, Walker.

The Motion as Moved by Cr Rowlands and Seconded by Cr Baker was Put and

CARRIED (10/5)

In favour of the Motion: Mayor Bombak, Crs Baker, Hurst, Kadak, Kenworthy, Kimber, Mackintosh, O'Brien, Patterson, Rowlands. **Against the Motion:** Crs Barnett, Carlos, Hollywood, Nixon, Walker.

Appendix 18 refers

To access this attachment on electronic document, click here: [Attach18brf101202.pdf](#)

CJ333 - 12/02 PROPOSED SINGLE HOUSE (INCLUDING WALL ON BOUNDARY): LOT 151 (16) MONTAGUE WAY, KALLAROO - [42750]

WARD Whitfords

PURPOSE

The purpose of this report is to request Council's determination of an application for a single house, which includes a wall on the boundary.

EXECUTIVE SUMMARY

An application has been received for a double storey house. The proposal includes a wall on the boundary being one side of the double garage, and does not comply with the privacy provisions of the Residential Design Codes 2002 (RDC) in regard to the southern side of the balcony. An objection to the proposed wall on the boundary was received from the adjoining property owner.

The proposal was amended on a number of occasions, with the latest amended plans dated 17 October 2002. The amendments were intended to bring the proposal into compliance with the "acceptable development" under the RDC.

In accordance with the Notice of Delegation, this application was initially considered under Delegated Authority where it was deferred for presentation to Council for determination. The proposal was subsequently considered at a meeting of Council on 5 November 2002, where it was deferred to allow the adjoining neighbour an opportunity provide comment on the amended plans dated 17 October 2002.

It is recommended that the proposal be approved subject to:

- the top of the wall on the boundary be reduced by 62mm to be at a finished level of 13.17 (2.7m high calculated from the natural ground level of 10.47) and
- the being balcony screened along its southern elevation to comply with the 'acceptable development' criteria of the RDC.

BACKGROUND

Suburb/Location: Montague Way, Kallaroo
Applicant: James and Linda Duff
Owner: James and Linda Duff
Zoning: DPS: Residential, Density Code R20
MRS: Urban

The location of this site and development plans are shown in attachments to this report. The site is vacant, and is a 'wedge' shaped block, with a street frontage of 7.12 metres, increasing to a width of 18.59 metres at the rear. The subject site is 514m² in area.

The applicant contacted the affected neighbours on 29 June 2002, with plans showing a proposed dwelling at a finished floor level of 11.186 and the garages at a floor level of 11.100. The applicant submitted plans that had been signed by the owners of lot 278 (2) Lane Cove, Kallaroo. The adjoining owners signature was subject to the following comments:

- *We would prefer the proposed garage parapet wall not be built along the boundary because of negative visual impact and overshadowing during winter months, and recommend that the parapet wall be setback 300mm –600mm;*
- *All rainwater from roof of the garage to be disposed of on Lot 151;*
- *Proposed Finished Floor Levels (FFL) to be reduced if possible, but not increased;*
- *The existing boundary fence has been used to retain fill on Lot 151 for the full length of the boundary and requires a property retaining wall to be constructed.*

The wall on the boundary is 6.99m in length.

Since the receipt of the application, the finished floor level of the garage has been amended several times in an attempt to reduce the wall height. The latest amendment includes a reduction of the finished floor level of the garage (to 10.56) and separating the ceiling level of the garage from the slab of the upper level of the remainder of the dwelling. As a result of these amendments, the height of the wall on the boundary is 2.672m measured from the finished floor level of the garage.

The relative level of the adjoining house and garden is 10.31, and the estimated level of the adjoining property at the common boundary varies from 10.76 to 10.54.

The proposal was initially considered under Delegated Authority. It was subsequently deferred for presentation to Council for determination where it was considered at a meeting of Council on 5 November 2002. The proposal was deferred to allow the adjoining neighbour an opportunity to provide comment on the amended plans dated 17 October 2002.

Following the City's amended position in regards to the assessment of current applications, the proposal is being assessed under the provisions of the Residential Design Codes.

DETAILS

Technical detail

Wall on the boundary

The affected boundary is the southern boundary for the subject site and the northern boundary for the adjoining property, Lot 278 (2) Lane Cove. The entrance to the neighbouring dwelling is along the eastern elevation of the dwelling, facing into a private front yard with solid fencing along the northern, eastern and southern side of the front garden. The parapet wall is in full view on entering the front garden from its southern boundary to get to the entrance of the dwelling.

The height of the proposed wall on the boundary is shown on the plans as being 2.414m calculated from the finished floor level of the dwelling. The finished floor level of the garage is 256mm (3 courses) below that of the dwelling. The total height of the wall measures from the finished floor level of the garage and is therefore 2672mm.

In the absence of spot levels, it has been assumed that the natural ground level on the boundary between the two properties is at the base of the existing timberlap fence, which is deemed to be 1800mm in height. Of this fence 1730mm is visible above the ground level when viewed from neighbouring property and 1.560m when viewed from the subject site. The natural ground level therefore is considered to be 1800mm calculated from the top of the fence, 70mm below the ground level of the adjoining property and 240mm below the ground level of the subject site.

The following dimensions apply in relation to the adjoining property:

The finished floor level of the adjoining house and garden	10.31
There is a garden bed along the common boundary on the neighbouring property with a raised level of 230mm - FFL =	10.54
Height of fence on adjoining property	1730mm
Assumed natural ground level (70mm minus 10.54)	10.47
Finished Floor level of proposed garage	10.56
Level difference between FFL of garage and assumed natural ground level	90mm
Height of wall from FFL of garage (2.414 from house FFL plus 3 courses = 258mm)	2672mm
Height of proposed parapet wall from assumed natural ground level	2762mm
Height of proposed parapet wall from ground level of adjoining property	2692mm
Portion of Wall visible over fence from neighbouring property 2692 minus 1730 (height of fence)	962mm

Statutory Provision:

The application was received prior to 4 October 2002 being the implementation date of the new RDC. The proposal was initially considered under the Residential Planning Codes (R-Codes) 1991, however is now required to be considered under the provisions of the RDC.

Under the R-Codes (1991) the wall on the boundary required the City to exercise discretion.

Residential Design Codes (2002)

The revised R-Codes came into effect on 4 October 2002.

Wall on the boundary

Under Clause 3.3.2 (A 2) (ii) of the new codes “*any wall not higher than 3.0 metres with an average of 2.7 metres up to 9.0 metres in length up to one side boundary*” is deemed to be “*acceptable development*” (i.e. as a right).

The proposed parapet wall has a height of 2.762m from the assumed natural ground level. With a condition requiring that the wall be reduced by a further 62mm the proposed wall will fall within the parameters of “acceptable development” and can be considered to be ‘as a right’ under the new codes.

Privacy Provision

The relevant provision in the RDC is Clause 3.8.1 A1(i) and (ii). These provisions are deemed to be ‘acceptable development’ standards in regard to privacy and overlooking. This clause requires that:

Major openings to habitable spaces or their equivalent which have a floor level of more than 0.5m above natural ground level and are positioned so as to overlook any part of any other residential property behind its street setback line, to comply at least with one of the following:

- (i) *are setback, in direct line of sight within the cone of vision, from the boundary a minimum of:*
 - *4.5m in case of bedrooms;*
 - *6.0m in case of other habitable rooms other than bedrooms; and*
 - *7.5m in case of unenclosed outdoor active habitable spaces (balconies, decks verandahs and the like); or*
- (ii) *are provided with permanent vertical screening to restrict views within the cone of vision from any major opening of an active habitable space*

The 7.5m cone of vision from the southern side of the upper floor balcony extends over the boundary into Lot 278 (2) Lane Cove.

If a form of screening were to be provided to prevent the cone of vision from the southern side of the balcony from extending into the neighbouring property, the proposal would comply with the provisions of the RDC.

Consultation

The adjoining owners provided a letter of objection to the wall on the boundary to the City on 9 August 2002 highlighting the following issues:

- 1 Overshadowing: At a height of approximately 1400mm above the existing timberlap fence the proposed wall will overshadow a portion of the front garden of the adjoining property which will be more severe in winter.

Comment: While there will be overshadowing of the front garden which will, the amount of overshadowing is within the limits prescribed under the provisions of the R-Codes and Residential Design Codes.

- 2 Levels: The subject site is higher than the adjoining property and therefore the parapet wall would have a greater negative impact on the adjoining property.

Comment: The subject site is higher lying than the adjoining block largely due to fill currently on the subject lot. The proposed finished floor level of the garage is 90mm higher than the assumed natural ground level on the boundary between the properties.

- 3 Orientation: The proposed wall is located along the northern boundary of the adjoining property, which has implications for solar orientation.

Comment: See 1 above.

- 4 Visual: The proposed wall faces the main entry of the adjoining property, and a wall of the length and height as proposed would have a negative visual impact on the neighbouring property.

Comment: The extent of visual impact on the adjoining property is directly linked to the height of the parapet wall.

- 5 Noise: The proposed wall on the boundary is for a double garage. The master bedroom of the adjoining property is located closest to the proposed wall, and adjoining owners have raised concerns about the impact of noise from the garage on their bedroom.

Comment: The impact of the noise from the garage would not vary significantly with an alternative siting of the garage at a setback of 1m or as a carport.

Following the Council meeting on 5 November 2002, the adjoining owners have provided further comments. After confirming receipt of plans, the letter notes a change in the footprint of the proposed dwelling, increase in length of wall on the boundary and an increase in the length of the upper level from the previous design. The adjoining owner considers that each of these changes has a detrimental effect. The following is a summary of the comments received in regard to the wall on the boundary:

- The height of the wall as shown on the plan will be at a level of 13.232 which is 2.922m above the stated ground level of the garden on the adjoining property.

Comment: It is recommended that the height be reduced by 62mm to a ground level of 13.17 to be brought into compliance with the requirements of the RDC.

- The proposed wall with those dimensions will still create a massive “visual intrusion” and “overshadowing” of the garden and bedroom window, which is contrary to the objectives of clause 1.2 of the Residential Planning Codes 1991 which includes “minimising overshadowing ... and visual intrusion”.

Comment: The proposal is required to be considered under the Residential Design Codes where a wall with a average height of 2.7m and a maximum length of 9m is permitted as an as of right.

- The adjoining neighbour requests that the wall be relocated 600mm from the boundary fence.

Comment: When reduced in height to 2.7m, the wall on the boundary complies with the provisions of the RDC and would be permitted as of right.

No comment was sought from the adjoining neighbour in regard to the issue of privacy and overlooking as it is considered appropriate that the proposal be amended in this regard to be brought into compliance with the RDC.

COMMENT

The proposal complies with all other aspects of the District Planning Scheme, policy and City requirements except in relation to the wall on the boundary and the privacy provisions of the RDC.

Wall on the boundary

As outlined in the calculations above, the proposed wall will be 962mm higher than the existing dividing fence on the common boundary. If the height of the wall is reduced by a further 62mm the proposal will comply with the ‘acceptable development’ standard of the RDC and would be permitted without any comment from the adjoining owner.

The minimum ceiling height under the Building Codes of Australia is 2.1m. The current ceiling height of the garage is 2.473m.

There is scope to reduce the height of the wall by 62mm so that the top of the wall is at a finished level of 13.17 (2.7m high calculated from the assumed natural ground level of 10.47).

Given that it is possible to reduce the height of the proposal so that the wall on the boundary complies with the provision for ‘acceptable development’ under the RDC it is recommended that the proposal be approved subject to a condition that the wall on the boundary be reduced in height so that the finished level of the top of the wall is a relative height of 13.17.

Privacy provisions

The privacy issue can be addressed by providing a form of screening to the balcony or by amending the roof structure of the garage so that the view of the adjoining property is obstructed. A condition requiring compliance with the RDC in this regard is therefore recommended.

Other aspects raised with the RDC

When assessing the proposal under the Residential Design Codes one further aspect that is not considered under the R-Codes arose, being Clause 3.2.8: Garage Doors in relation to Streetscape.

Clause 3.2.8 states that:

“Acceptable development”

“Where a garage is located in front of within one metres of the building, a garage door (or garage wall where a garage is aligned parallel to the street) facing the primary street is not to occupy more than 50 percent of the frontage at the setback line as viewed from the street. This may be increased to 60 percent where an upper floor or balcony extends for the full width of the garage and the entrance to the dwelling is clearly visible from the primary street”.

“Performance Criteria”

The proportion of frontage and building façade occupied by garages limited so as not to detract from the streetscape”

In this instance the balcony addresses the street and the entrance of the dwelling is visible from the primary street. The garage door occupies 54.54% and is deemed to comply in this regard.

VOTING REQUIREMENTS

Simple Majority

MOVED Cr Hurst, SECONDED Cr Kenworthy that Council:

- 1 APPROVES the application dated 2 August 2002 and amended plans dated 17 October 2002, submitted by James and Linda Duff, the applicants and owners, for a single house including a wall on the boundary at Lot 151 (16) Montague Way, Kallaroo, subject to:**
 - (a) the wall on the boundary be reduced in height by a further 62mm so that the finished level at the top of the wall is at a relative level of 13.17;**
 - (b) the wall on the boundary being of a clean finish and made good to the satisfaction of the City;**
 - (c) screening is to be provided to the southern elevation of the upper floor balcony to ensure that the cone of vision is in accordance with the ‘acceptable development’ provisions under Clause 3.8.1 of the Residential Design Codes;**
- 2 NOTES that the proposal will comply with the Residential Design Codes 2002 when conditions (a) and (c) are met;**
- 3 ADVISES the landowner who made the submission of (1) above.**

AMENDMENT MOVED Cr Walker SECONDED Cr Carlos that the following Point 1(d) be included in the Motion:

“(d) The proposed dwelling be relocated to achieve a minimum setback of 9m from the south eastern corner of the front boundary of the property as indicated in red on the approved plan, in order to comply with Clause 3.2.8 A8 of the Residential Design Codes and also to provide for visual impact on the neighbouring property.”

Discussion ensued.

The Amendment was Put and

CARRIED (12/3)

In favour of the Amendment: Mayor Bombak, Crs Baker, Barnett, Carlos, Kadak, Kenworthy, Kimber, Mackintosh, Nixon, O’Brien, Patterson, Walker. **Against the Amendment:** Crs Hollywood, Hurst, Rowlands.

The Original Motion, as amended, being:

That Council:

- 1 APPROVES the application dated 2 August 2002 and amended plans dated 17 October 2002, submitted by James and Linda Duff, the applicants and owners, for a single house including a wall on the boundary at Lot 151 (16) Montague Way, Kallaroo, subject to:**
 - (a) the wall on the boundary be reduced in height by a further 62mm so that the finished level at the top of the wall is at a relative level of 13.17;**
 - (b) the wall on the boundary being of a clean finish and made good to the satisfaction of the City;**
 - (c) screening is to be provided to the southern elevation of the upper floor balcony to ensure that the cone of vision is in accordance with the ‘acceptable development’ provisions under Clause 3.8.1 of the Residential Design Codes;**
 - (d) the proposed dwelling be relocated to achieve a minimum setback of 9m from the south eastern corner of the front boundary of the property as indicated in red on the approved plan, in order to comply with Clause 3.2.8 A8 of the Residential Design Codes and also to provide for visual impact on the neighbouring property;**
- 2 NOTES that the proposal will comply with the Residential Design Codes 2002 when conditions (a) and (c) are met;**

3 ADVISES the landowner who made the submission of (1) above.**Was Put and****CARRIED (15/0)**

In favour of the Motion: Mayor Bombak, Crs Baker, Barnett, Carlos, Hollywood, Hurst, Kadak, Kenworthy, Kimber, Mackintosh, Nixon, O'Brien, Patterson, Rowlands, Walker.

Appendix 19 refers

To access this attachment on electronic document, click here: [Attach19brf101202.pdf](#)

CJ336 - 12/02 REQUEST FOR THE CLOSURE OF THE PEDESTRIAN ACCESSWAY BETWEEN CONIDAE DRIVE AND FAIRLAWN GARDENS, HEATHRIDGE - [88514]

WARD - Marina

PURPOSE

The purpose of this report is for Council to consider the closure of the pedestrian accessway (PAW) between Conidae Drive and Fairlawn Gardens, Heathridge. See Attachment 1 to this report.

EXECUTIVE SUMMARY

The City has received a request for closure of the subject PAW from the four adjoining landowners. Justification for this request is repeated incidents of vandalism and anti-social behaviour taking place within the PAW. Also if closure is supported, for anyone that uses the PAW to access Edgewater railway station, the extra walking distance is considered minimal.

The City's Pedestrian Accessway Policy provides parameters for evaluation of the request for closure. This evaluation is composed of three parts, Assessing Urban Design, Nuisance Impact and Community Impact. The assessments are rated as low, medium or high and a recommendation made whether to support closure or not.

The Urban Design Assessment determines the importance of the PAW in the pedestrian movement network by analysing the impact closure would have on access to local community facilities within 400 metres. The Nuisance Impact Assessment assesses any evidence and information to determine the degree of anti-social behaviour being experienced and the Community Impact Assessment examines the information provided by surrounding residents to determine the PAWs level of use.

In this case, the Urban Design Assessment, Nuisance Impact Assessment and Community Impact Assessment are all rated as medium, low and medium respectively. Based on these ratings, the proposal accords with Case 5 of the Pedestrian Accessway Policy, therefore it is recommended that the closure of the PAW between Conidae Drive and Fairlawn Gardens, Heathridge not be supported.

BACKGROUND

Suburb/Location:	Heathridge
Applicant:	All four adjoining landowners
Zoning:	DPS: Residential
	MRS: Urban
Strategic Plan:	Lifestyle – Strategy 2.6 Promote and enjoy lifestyles that engender environmental, social and economic balance

In June 1998, the City received an application for closure from adjoining landowners to another PAW in Fairlawn Gardens, which linked Crawley Grove. Adjoining landowners advised the City that since the development of Edgewater railway station in 1993, there has been increased pedestrian movement through the PAW. During the summer months some users of the late train service to Edgewater regularly caused adjoining landowners disruption, which resulted in their loss of security and quality of life.

At the meeting of 24 November 1998, the Joint Commissioners resolved to support the closure of the PAW between Fairlawn Gardens and Crawley Grove, Heathridge. Report No. CJ263-11/98 refers.

DETAILS

Current Proposal or Issue

All four adjoining landowners support the closure of the PAW. The request for closure is based on incidents of vandalism and anti-social behaviour that adjoining landowners advised are associated with the PAW. Also if closure is supported, for anyone that uses the PAW to access Edgewater railway station, the extra walking distance is considered minimal.

The Water Corporation has service infrastructure within the PAW that requires modification and three adjoining landowners have agreed to meet the modification costs and conditions and acquire the land within the PAW if closure is supported.

Site Inspection

The site inspection revealed a clean PAW and vision through it was good although there are no light poles. There was some evidence of graffiti on the footpath and the City's u-rails. During the inspection an adjoining landowner advised that some fence panels had been damaged and therefore replaced recently and the graffiti that occurred regularly had been freshly painted over. Four people were seen to use the PAW during the inspection. See Attachment 2.

PAW Closure Process

A request can be made to close a PAW from an adjoining landowner and the City's Pedestrian Accessway Policy helps guide the process of evaluation. From the outset, the City must have some indication that some or all of the adjoining landowners are prepared to acquire the land within the PAW and pay all the associated costs and meet any necessary conditions. As part of the process, the service authorities are asked to provide details of any service plant that

may be within the PAW that would be affected by the proposed closure and if it can be modified or removed to accommodate the request.

Prior to DOLA considering closure of a PAW it is necessary for the Department for Planning and Infrastructure (DPI) to support closure. As per the City's Pedestrian Accessway Policy, the City seeks the DPI's view but this is done only if Council supports an application. If the DPI does support the proposal then DOLA is requested to close the PAW. The final decision on a request for closure of a PAW rests with the Minister for Planning and Infrastructure.

Consultation

Consultation was by way of a notification sign at each end of the PAW for a period of thirty days from 9 August 2002 until 8 September 2002 and a questionnaire forwarded to residents living within a 400-metre radius of the subject PAW. Attachment Nos. 3 and 4 summarise the information from the returned questionnaires in relation to this application.

Policy Implications

This City's Pedestrian Accessway Policy has been prepared in accordance with clause 8.11 of the City of Joondalup's District Planning Scheme No 2, which allows Council to prepare policies relating to planning or development within the scheme area. The Policy provides guidance on the inclusion and design of PAWs in new subdivisions and assessment criteria for the closure of PAWs.

As part of the City's Pedestrian Accessway Policy, when closure of a PAW is requested, formal evaluation of the application is conducted. This evaluation is composed of three parts, Assessing Urban Design, Nuisance Impact and Community Impact. The assessments are rated and a recommendation made whether to support closure or not. Where points in the ratings do not match exactly with the assessment results, comments supporting the chosen rating will be provided in italics.

The Urban Design Assessment determines the importance of the PAW in the pedestrian movement network by analysing the impact closure would have on homes that are accessible within 400 metres to local community facilities. The Nuisance Impact Assessment assesses any evidence and information to determine the degree of anti-social behaviour being experienced and the Community Impact Assessment considers the information provided from the surrounding residents to determine the PAWs level of use.

COMMENT

Assessment and Reasons for Recommendation:

Urban Design Assessment

The subject PAW assists with access to Edgewater Railway Station and links to another PAW in Day Place, Heathridge. It is not part of the "Safe Routes to School" programme or significant with regard to the City's Bike Plan.

An 800-metre walking distance is considered acceptable as a walking distance for accessing facilities such as railways or bus stations. If the subject PAW is closed, approximately seven properties fall outside of the 800-metre radius.

Of the 33 users of the PAW, 17 advised they would be inconvenienced if closure is supported. Based on the above information, a medium rating is considered the most appropriate as Policy 3.2.7 states:

Policy Parameters – Medium	Analysis Results
<ul style="list-style-type: none"> PAW provides a route to community facilities but not direct 	<ul style="list-style-type: none"> This is correct
<ul style="list-style-type: none"> An alternative route exists but some inconvenience. 	<ul style="list-style-type: none"> This is correct
<ul style="list-style-type: none"> PAW not designated as a 'safe route to school' or significant with regard to the bike plan. 	<ul style="list-style-type: none"> This is correct

Nuisance Impact Assessment

The Nuisance Impact Assessment is carried out by investigating any reported anti-social behaviour. The landowners of the four adjoining properties to the subject PAW support the proposed closure. Justification for closure is based on:

<ul style="list-style-type: none"> Syringes found in adjoining properties Broken glass thrown over the fence into the pool Extra walking distance along Conidae and Ellendale to footbridge is only approximately 30 metres 	<ul style="list-style-type: none"> Fences and footpath vandalised by graffiti Damage and theft to adjoining landowners properties Fences have been damaged due to fighting in PAW Footpaths on Conidae Drive and Ellendale Road – no footpath in Fairlawn Gardens
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Police and City Watch Information

A check of police records that covered a period of 22 months from 1 January 2001, revealed 2 police reports specifically relating to the PAW. One was a complaint about graffiti damage and the other was from an adjoining landowner placing on record the theft of a small garden ornament. The police reported that the adjoining landowner advised that he had recovered his property and therefore other than wishing the theft to be recorded by police, did not request any further action.

In the same 22-month period, police recorded 5 anti-social complaints involving surroundings streets and during a period of 10 months up to November 2002, 23 other offences were recorded for this vicinity. However, there is no evidence to suggest that they are as a result of the PAW.

Extra City Watch patrols that were undertaken in the vicinity of the subject PAW did not produce any incidence of note of an anti-social nature.

Of the 33 users of the subject PAW, 22 had not witnessed any anti-social behaviour and with regard to witnessing vandalism 16 had not witnessed any. Incidents recorded by users of the PAW were graffiti, rubbish and broken glass and fence damage. One supporter had seen syringes.

Based on the foregoing, there is no real evidence to suggest that the incidents recorded by the adjoining landowners are of a higher level than anywhere else in the surrounding area.

Therefore the Nuisance Assessment is rated low as per Policy 3.2.7 – Pedestrian Accessways:

Policy Parameters – Low	Analysis Results
<ul style="list-style-type: none"> • Occurrence of criminal activity or antisocial behaviour similar to elsewhere in the suburb. 	<ul style="list-style-type: none"> • This appears to be correct
<ul style="list-style-type: none"> • Types of offences are limited to antisocial behaviour 	<ul style="list-style-type: none"> • Anti-social behaviour and other offences such as stealing and burglary also recorded in the vicinity
<ul style="list-style-type: none"> • The severity of antisocial behaviour is similar to elsewhere in the suburb 	<ul style="list-style-type: none"> • This appears to be correct

Community Impact Assessment

The proposal was advertised for thirty days from 8 August 2002 to 9 September 2002 by way of a notification sign at each end of the PAW and questionnaires were forwarded to residents living within a 400-metre radius. Of the 41 questionnaires returned, the overall response with regard to the support, objection or indifference to the closure was:

Supporters	Objectors	Neutral
Users of the PAW 12	Users of the PAW 16	Users of the PAW 5
Non users of the PAW 6	Non- users of the PAW 0	Non users of the PAW 2
Total Supporting 18	Total Objecting 16	Total Neutrals 7

The Community Impact Assessment is undertaken to obtain information about the PAWs level of use and Attachment No 4 to this report indicates the reasons for use, and frequency of use for the 33 users of the PAW that returned the questionnaires. This PAW appears to be used mainly for accessing public transport and for exercise/social reasons and on a daily basis. The Community Impact Assessment is rated as medium, as under Policy 3.2.7 it is stated:

Policy Parameters – Medium	Analysis Results
<ul style="list-style-type: none"> • Medium portion of respondents not in favour of closure (over 30%) 	<ul style="list-style-type: none"> • Of the 41 questionnaires received, 16 (39%) objected to the closure
<ul style="list-style-type: none"> • Moderate level of households using the PAW 	<ul style="list-style-type: none"> • 33 users of the PAW (80%)
<ul style="list-style-type: none"> • Moderate portion of users inconvenienced by closure (over 30%) 	<ul style="list-style-type: none"> • Of the 33 users of the PAW, 51.5% advised that they would be inconvenienced by the closure.

Final Assessment

The subject PAW is considered to aid access to Edgewater railway station and is well used daily. Commuting for work and/or education commitments is likely to involve the PAW being used ten times in a week by many commuters. This needs to be given due consideration as closure of the PAW will affect access to public transport.

Supporters to the closure suggest that the alternative routes to the station inconveniences users marginally. In addition, the streets they would use have the benefit of lighting. If closure is supported, the decrease in pedestrian movement through the area would benefit residents that endure noisy night time users. Some supporters advised that they considered the PAW to be a quick escape route for youths that cause trouble in the area.

Information provided in the returned questionnaires by users indicated that although there was an alternative route, it was considered to be too long. Examination of Attachment 1 indicates the extra walking distance for objectors that use the PAW to and from the railway and/or to the footbridge to the shopping area.

Four objectors have advised that they are elderly and if the PAW is closed it would make a significant difference to their travelling arrangements due to Ellendale Drive being uphill from the railway station. For some it meant they would have to consider not using the train especially when carrying shopping. A further objector that has a knee disability also advised that closure of the PAW would impact on her access to the train station. Attachment 5 comprises a photograph of Ellendale Drive and Fairlawn Gardens for Council's consideration. Ellendale Drive is an uphill walk from the station however, it does have footpath unlike Conidae Drive.

Users of the PAW have noted some anti-social behaviour pertaining to the PAW, which is mainly graffiti and broken glass however there is not any real evidence to suggest that the level of anti-social behaviour and vandalism associated with the PAW is excessive compared to that taking place in the area overall.

The result of each assessment is detailed below:

- Urban Design Medium
- Nuisance Impact Low
- Community Impact Medium

In accordance with Policy 3.2.7 – Pedestrian Accessways, the final assessment equates to a Case 5, which states that closure is not supported where urban design assessment for the PAW is considered of medium importance and both nuisance is considered medium or low and use is medium. Therefore it is recommended that the application to close the PAW between Conidae Drive and Fairlawn Gardens not be supported.

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION That Council DOES NOT SUPPORT the closure of the pedestrian accessway between Conidae Drive and Fairlawn Gardens, Heathridge.

MOVED Cr Carlos, **SECONDED** Cr Baker that the application for closure of the pedestrian accessway between Conidae Drive and Fairlawn Gardens, Heathridge be **DEFERRED** to the next meeting of Council to allow residents to present a deputation to Council.

The Motion was Put and

CARRIED (14/1)

In favour of the Motion: Mayor Bombak, Crs Baker, Barnett, Carlos, Hollywood, Hurst, Kadak, Kenworthy, Kimber, Nixon, O'Brien, Patterson, Rowlands, Walker. **Against the Motion:** Cr Mackintosh.

Appendix 21 refers

To access this attachment on electronic document, click here: [Attach21brf101202.pdf](#)

CJ337 - 12/02 AMENDMENT TO TERMS OF REFERENCE - YOUTH ADVISORY COUNCIL – [38245]

WARD - All

PURPOSE

The purpose of this report is to propose amendments to the Terms of Reference and the operation of the City's two Youth Advisory Councils. The major change proposed within this report is the proposal to amalgamate the two existing Youth Advisory Councils into a single Youth Advisory Council. The intention of these changes is to improve the ability of the Youth Advisory Council to represent the needs of the youth population of the City of Joondalup

EXECUTIVE SUMMARY

Members of the Youth Advisory Councils have recently discussed the possibility of merging the City's two existing Youth Advisory Councils into one representative body. The rationale for this proposed change is to streamline the operation of the Youth Advisory Council and to facilitate its role as an advisory body for youth policy in the City of Joondalup.

This report presents an amended version of the Youth Advisory Council Terms of Reference for endorsement by the elected members of the City of Joondalup. The proposed recommendation is that Council **BY AN ABSOLUTE MAJORITY:**

- 1 DISBANDS the Youth Advisory Council – Joondalup North;
- 2 DISBANDS the Youth Advisory Council – Joondalup South;

- 3 ESTABLISHES the Joondalup Youth Advisory Council to advise Council on any issues of importance to the youth population of the City of Joondalup;
- 4 CALLS for nominations for twenty (20) positions on the Joondalup Youth Advisory Council;
- 5 SETS the quorum of the Joondalup Youth Advisory Council at 10 members;
- 6 ENDORSES the revised Terms of Reference for the Joondalup Youth Advisory Council which forms Attachment 1 to Report CJ337-12/02.

BACKGROUND

At the Joint Commissioners meeting held on 22 December 1998, it was resolved to;

- 1 ENDORSE in principle the Youth in Government Program as put forward in Report CJ298-12/98;
- 2 DISBAND the Junior Council in its current form and replace it with the Junior Council Program as put forward in Report CJ298-12/98.

The main objectives of the Youth in Government project are:

- To provide an opportunity for young people throughout the City of Joondalup to raise, discuss and advocate on issues that are of significance to them.
- To provide opportunities for young people to learn about and participate in the decision making process of all levels of Government.
- to implement a meaningful and effective youth advisory council structure that is accessible to the wider youth community.

The Youth in Government program has operated for four years in the City of Joondalup. Initially the program comprised of:

- the development of two Youth Advisory Councils;
- a revised Junior Council residential program;
- participation in State Youth Parliament;

However, following a review of the Junior Council residential program in 2000, this component of the Youth Advisory Council program was discontinued

From this point, the program consisted of two major components that were coordinated by the Youth Project Officer. These components included the;

- Ongoing facilitation and coordination of the City's two Youth Advisory Councils and
- Participation in the annual YMCA State Youth Parliament.

The role of the Youth Advisory Council is to;

- Provide a meaningful opportunity for young people to express the needs and views of the youth population.
- Foster the development of an array of skills and qualities including leadership and self-esteem.
- Foster an image of young people as positive contributors to their community.

Participants are currently divided into two Youth Advisory Councils that represent the North and South regions of the City. These councils meet monthly to discuss issues of importance to young people and to plan events and programs for the benefit of young people in the City of Joondalup.

There are a number of opportunities for members to represent the City in other forums of youth participation including the recent National Conference for Young People and the Youth Affairs Advisory Committee.

In the course of the last four years, in excess of seventy young people have participated in the Youth Advisory Council program and have successfully completed a number of projects for young people.

Recently the Youth Advisory Councils have considered a number of changes to the Youth Advisory Council program. The purpose of these potential changes is to improve the representative ability of the Youth Advisory Council and to maximise the potential of the councils to influence the City's strategic direction in regard to youth policy.

At the Ordinary Council meeting of 24 July 2001, Council established, by absolute majority, a Strategic Advisory Committee – Youth Affairs. Information regarding this committee is contained in Report CJ - 245 – 07/01. This committee was subsequently re-named as the Youth Affairs Advisory Committee (YAAC) and comprises a membership of;

- Three Councillors
- Four Youth Advisory Council Members
- Manager- Community Development Services
- Coordinator – Community Services

It provides a forum for discussion of youth issues and policy between the Youth Advisory Council and the elected members.

At the meeting of the YAAC held on 6 November 2002, discussions regarding potential changes to the Youth Advisory Council structure were conducted and the membership resolved to:

- 1) *Support the proposal to amalgamate the City's two Youth Advisory Councils into one Council pending the agreement of the Youth Advisory Council at their next meeting.*

This resolution was taken to the joint meeting of the City's two Youth Advisory Councils held on the 20 November 2002. The motion was supported at that meeting and the amendments to the Terms of Reference that are outlined below are a result of that discussion.

DETAILS

The amended version of the Terms of Reference for the Youth Advisory Councils forms Attachment 1 of this report. The changes proposed in this amended version are designed to maximise the effectiveness of the Youth Advisory Council as an advisory body to Council in the area of Youth Affairs.

The proposed changes to the Terms of Reference include:

- Merging the existing North and South Youth Advisory Councils into one Youth Advisory Council with a membership of 20 young people. This change will maximise the membership and motivation of Youth Advisory Council members and reduce the input needed to adequately resource and coordinate the activities of the Youth Advisory Council.
- Revising the language of the Terms of Reference to reflect the true role and function of the Youth Advisory Council as an advisory body on youth affairs, to the Youth Affairs Advisory Committee, City Staff and the Elected Members of the City of Joondalup.

A number of minor changes are also made to ensure that the Terms of Reference reflects the current operation of the Youth Advisory Council effectively. These changes include;

- Ensuring the current process of agenda setting for the Youth Advisory Council is clearly detailed in the Terms of Reference.
- Ensuring the current process of allocating key positions on the Youth Advisory Council is detailed clearly in the Terms of Reference.
- Ensuring that the existence and role of internal documents such the “Charter of Expectations” is recorded in the Terms of Reference. Documents such as this are written by members of the Youth Advisory Council as a tool to detail and self-monitor the conduct of Youth Advisory Council members.

Consultation:

Members of the Youth Advisory Council initiated the discussion on this issue. This discussion was formalised at the joint meeting of the Youth Advisory Council held on Wednesday 20 November 2002 where the proposal was supported. This was following a similar supportive motion from the Youth Affairs Advisory Committee on 6 November 2002.

COMMENT

The changes that are proposed in the amended Terms of Reference for the Youth Advisory Council are intended to maximise the potential of the Youth Advisory Council to function as an advisory body in the area of youth affairs in the City of Joondalup. The changes will allow City officers to facilitate the strategic integration of the Youth Advisory Council into program and policy development for young people within the City. If this integration can be achieved, it will result in a more meaningful and motivating experience for young participants of the Youth Advisory Council program.

The changes also refine the Terms of Reference and ensure that they adequately reflect the current role and operation of the Youth Advisory Council. For this reason the amended document should serve as an excellent document to guide the operation of the Youth Advisory Council for the coming year.

VOTING REQUIREMENTS

Absolute Majority

MOVED Cr Kadak, SECONDED Cr Baker that Council:

- 1 DISBANDS the Youth Advisory Council – Joondalup North;**
- 2 DISBANDS the Youth Advisory Council – Joondalup South;**
- 3 ESTABLISHES the Joondalup Youth Advisory Council to advise Council on any issues of importance to the youth population of the City of Joondalup;**
- 4 CALLS for nominations for twenty (20) positions on the Joondalup Youth Advisory Council;**
- 5 SETS the quorum of the Joondalup Youth Advisory Council at 10 members;**
- 6 ENDORSES the revised Terms of Reference for the Joondalup Youth Advisory Council which forms Attachment 1 to Report CJ337-12/02.**

Cr Kadak spoke on the Motion.

The Motion was Put and

**CARRIED BY AN
ABSOLUTE MAJORITY (15/0)**

In favour of the Motion: Mayor Bombak, Crs Baker, Barnett, Carlos, Hollywood, Hurst, Kadak, Kenworthy, Kimber, Mackintosh, Nixon, O'Brien, Patterson, Rowlands, Walker.

Appendix 22 refers

To access this attachment on electronic document, click here: [Attach22brf101202.pdf](#)

CJ339 - 12/02 RESPONSE TO PUBLIC COMMENTS ON THE MULLALOO BEACH PROJECT PRELIMINARY CONCEPT PLAN – [48840]

WARD - Whitfords

PURPOSE

Council is requested to consider the outcomes of public consultation in respect to the Mullaloo beach project preliminary concept plan (refer Attachment 1). Council is also requested to consider adoption of the plan in order for the elements to be designed in detail, prioritised, costed and phased.

Given the amount of work undertaken on the plan so far the word ‘preliminary’ has been removed from the title block of the plan shown in Attachment 5.

EXECUTIVE SUMMARY

In May 2001 Council resolved that the plan be redrafted by taking into account the concerns raised in the submissions and the community consulted on the reviewed plan. In September 2001 this was rescinded and Council requested a further report detailing relative priorities, indicative costings and phasing of the elements on the Mullaloo Beach Project Concept Plan. In March 2002 Council resolved to undertake further community consultation in respect to the redrafted plan.

The community was invited to comment on the revised plan during a consultation period from 26 March to 10 May 2002. Upon closure of the consultation period, thirty one (31) individual submissions were received, 56 standard forms (15 of these were modified) and two petitions (116, 117). Later, a 503 signature petition was received outside of the consultation period. (Refer Attachment 3 – Schedule of Submissions). The community was generally supportive of most of the 32 various design elements outlined on the revised plan.

In general, the majority of the submissions received were supportive of the elements shown on the revised plan. However, there generally is opposition to element 31 that seeks to rationalise existing parallel parking within the Mullaloo Drive road reserve to 90 degree parking. It is recommended that all elements remain on the plan, except element 31 relating to parking modifications within the Mullaloo Drive road reserve. Many of the comments and suggestions made are specific in nature and can be considered when formulating best practice detailed design outcomes.

The Mullaloo beach improvement plan has also incorporated the resolutions of Council as a result of the Special Electors Meeting held on the 18th March 2002.

It is recommended that Council supports and adopts the Mullaloo beach project preliminary concept plan shown in attachment 1 and matters to be addressed at the detailed design phase of the project as per attachments 4 and 5, with the exception of design element 31. Council is also requested to adopt a resolution requiring that a further report be presented to it that provides detailed design, priorities, costing and phasing of the elements of the plan, having regard to the specific detailed comments and suggestions made by the public within their submissions.

BACKGROUND

Suburb/Location: Mullaloo Beach Foreshore, including Tom Simpson Park
Applicant: N/A
Owner: City of Joondalup & Crown (Vested - City of Joondalup)
Zoning: **DPS:** Parks & Recreation
MRS: Parks and Recreation
Strategic Plan: Lifestyle Strategy 2.2 Rejuvenate our suburbs - Enhance standards of infrastructure to meet changing community needs and expectations.

A comprehensive list of Council resolutions pertaining to the Mullaloo beach improvement plan are provided in chronological order at Attachment 2. The following aim to highlight the situation thus far.

Council at its meeting on 22 May 2001 (CJ159-05/01 refers) resolved ('that the plan be'):

- 1 *redrafted by taking into account all the concerns raised in the submissions received from the public;*
- 2 *resubmitted to the community, and local interest groups for further review and consultation;*
- 3 *resubmitted to Council for review.*

Council at its meeting on 11 September 2001 (CJ315-09/01 refers) resolved:

“(That Council)

1. *RESCINDS its resolution CJ159-05/01 of 22 May 2001, being:
"that the draft Mullaloo Concept Plan be:
 1. *redrafted by taking into account all the concerns raised in the submissions received from the public;*
 2. *resubmitted to the community, and local interest groups for further review and consultation;*
 3. *resubmitted to Council for review."**
2. *NOTES the submissions received regarding the Mullaloo Concept Plan;*
3. *NOTES the significant public concern expressed regarding the proposed overspill parking in areas either side of Northshore Drive;*
4. *NOTES that there are a number of unresolved issues relating to the Council owned lots located to the west of Merrifield Place;*
5. *NOTES that the Mullaloo Concept Plan, modified by the deletion of the elements noted in 3 and 4 above, be used as a basis for further design, costing and evaluation, and for discussion purposes regarding the ongoing development of the area;*
6. *REQUIRES a further report detailing relative priorities, indicative costings and phasing of the elements in the Mullaloo Concept Plan paying specific attention to the points raised by detailed consultation with key community groups and others, particularly the need to ensure that there is no reduction in the recreational functionality and nett area of the useable surface of Tom Simpson Park proper”.*

Council at its meeting on 12 March 2002 (CJ29-03/02 refers) resolved:

“(That Council)

1. *NOTES that a preliminary revised Concept Plan has been prepared;*

2. *ENDORSES placing the preliminary revised Concept Plan on public exhibition for a period of six (6) weeks;*
3. *will give further consideration to the Plan following the community consultation period, having regard to the comments received and the detailed report on costings and priorities”.*

DETAILS

Attachment 1 is the advertised Mullaloo beach project preliminary concept plan. It is based on a combination of traffic movement, pedestrian safety and landscape architectural issues and advice, having regard to the previously expressed community comments and expectations.

A range of passive and semi-active facilities are proposed, with an overall intention to offer the widest possible cross-section of the community the best possible “Beach Experience”. The focus of the concept is to provide a minimal impact solution that reflects an enhancement of the existing character and facilities that Mullaloo beach offers whilst ensuring that strict environmental considerations such as retention, protection and rehabilitation of the existing foreshore vegetation and ongoing landscape management practices are maintained. The intention is to build-upon the existing character that the beach precinct offers without impacting on the overall amenity and quality of the environment. Each element of the plan has been numbered, with each corresponding element expanded upon as follows:

- 1 The construction of a new roundabout at the intersection of Iluka Drive to ensure safer, more legible and separated vehicular and pedestrian access into the existing car parking area, to slow traffic along Oceanside Promenade and ensure that pedestrian/cyclists are afforded safe access to the Tom Simpson Park and Mullaloo beach. Additionally, the construction of the Mullaloo beach precinct entry statement feature and signage is proposed;
- 2 Noting Iluka Avenue as a local traffic only road;
- 3 Closure of existing vehicular access to the existing car parking area on Oceanside Promenade;
- 4 Planting additional vegetation in existing islands within the existing car parking area;
- 5 Construction of a promenade type pathway along the western side of the existing car parking area to segregate vehicular and pedestrian access, thus minimizing vehicle/pedestrian conflicts;
- 6 Provide fencing along existing beach access path leading from the car parking area.
- 7 Provide a dedicated pedestrian crossing (Node) across the trafficable area of the car park, together with interpretive signage;
- 8 Construction of pedestrian pathways as shown on the plan to form a continuous link from the crossing outlined above to the new roundabout;

- 9 The existing car park access closed and replaced with lawn;
- 10 Provision of a bus embayment on the eastern side of Oceanside Promenade;
- 11 Construction of a dual use path along the western side of Oceanside Promenade, following the carriageway alignment;
- 12 Existing playground to remain and provided with new shade structure and seating;
- 13 The existing toilet block being retained, with the construction of a paved plaza around the toilet block;
- 14 Rationalise existing uncontrolled beach access paths with defined paths, together with fencing to protect and assist rehabilitation of foreshore vegetation;
- 15 New shaded seating area;
- 16 New shelter at the intersection of the beach access path;
- 17 Rationalise the location of existing shelters and bbqs so that they are closer to the beach promenade pathway, thus opening up the grassed area for active recreational pursuits;
- 18 Construction of a new beach promenade pathway that will protect the edge of the primary dune system along its western side and ensure the flow of pedestrians into designated and controlled beach access paths, not over the primary dune system;
- 19 Noting Marjorie Street as a local traffic only road;
- 20 Provision of new Mullaloo beach precinct light poles along the central median of Oceanside Promenade from the new northern roundabout to the southern roundabout;
- 21 Provision of a bus embayment on the western side of Oceanside Promenade;
- 22 Provision of a pedestrian prioritised crossing point across Oceanside Promenade;
- 23 The existing playground being increased in size and range of function;
- 24 Planting shade trees in existing islands within the existing car parking area;
- 25 New shaded seating areas;
- 26 The construction of a new paved plaza around the surf club, together with rationalisation of beach access to rehabilitate the primary dune system;
- 27 Rationalise the existing beach access path with a defined path, together with interpretive signage and fencing to protect and assist rehabilitation of the primary dune system;

- 28 Protect this section of the primary dune system from uncontrolled access with the provision of fencing and to also rehabilitate foreshore vegetation to assist stabilisation;
- 29 Construction of a pathway to protect the edge of the primary dune system along its western side and ensure the flow of pedestrians into the designated and controlled beach access path, not over the primary dune system. Also to provide a link to Merrifield Place;
- 30 Low groundcover and shrub planting to act as a buffer to adjoining residential properties;
- 31 Existing parallel parking option to create 90 degree angle parking (*this element to be deleted from the plan*); and
- 32 Construction of the Mullaloo beach entry statement feature and signage within existing roundabout.

Special Electors Meeting Issues

The Mullaloo beach improvement plan has incorporated the resolutions of Council as a result of the Special Electors Meeting held in March in that:

- The advertised plan replaces the former plan and ensures that no relocation of the central car park to the grassed area and no additional car park on the grassed area, however the advertised plan does not contain a design element that seeks to include the grassed area currently on the unused road reserve into Tom Simpson Park proper, which may be pursued as a separate process in the future once a detailed road carriageway design is finalised for this section of Oceanside Promenade;
- Submissions made during the consultation period have been carefully considered. Design element 31 (Mullaloo Drive parking modifications) has been deleted from the plan as there was no clear or demonstrable community support for this design option;
- Specific requests for improvements to services and facilities in the park area may be considered during the detailed design phase of the project. Given the finalisation of the 2002-2003 budget, such considerations need to be carried forward to the half year budget review or incorporated into the 2003/2004 Capital Works Program;
- The resolution requesting the provision of surf club access for boats and emergency services, heliport evacuation area and disabled parking facility close to the beach will be incorporated into the detailed design phase of the project, however the heliport evacuation area is not shown on the advertised plan.
- The resolution seeking to improve the area by providing playground equipment for pre-school children, upgrading the playground, provide shade over the equipment, installing better lighting, bbqs and upgrading toilet facilities are components of the Mullaloo beach improvement plan.

Consultation

Significant community consultation has been undertaken on several occasions for the Mullaloo beach improvement plan. The latest round of community consultation occurred on 26 March to 10 May 2002, whereby the community was invited to comment, via an advertisement placed in the Wanneroo Times (26 March 2002) and Joondalup (28 March 2002) community newspapers.

Upon closure of the consultation period, thirty one (31) individual submissions were received, 56 standard forms (15 of these were modified) and three petitions (116, 117 and 503 signatures), with the 503 signature petition being received outside of the consultation period. (Refer Attachment 3).

In general, the majority of the submissions received were supportive of the elements shown on the revised plan. However, there generally is opposition to element 31 that seeks to rationalise existing parallel parking along the Mullaloo Drive road reserve to 90 degree parking. It is recommended that all elements remain on the plan, except element 31 relating to parking modifications within Mullaloo Drive. Many of the comments and suggestions made are specific in nature, however, can be considered when formulating best practice detailed design outcomes.

As a result of the comments received during the consultation period, attachment 5 has been prepared to highlight additional matters to be addressed at the detailed design phase of the project.

It should be noted that the plan does not seek to reduce the grassed area of Tom Simpson Park, nor natural foreshore vegetation. The plan presents a range of elements and once these elements are agreed upon they will be designed in detail and accurately costed.

Strategic Implications

The recreational use of this area is expected to increase in the future, by local residents, those residing within the City of Joondalup and those from the remainder of the Perth metropolitan area. Like many other similar beach nodes along the west coast, the popularity of these recreational areas is also increasing, which in turn places additional pressure upon facilities provided within such recreational areas. Mullaloo beach is recognised as one of the City's, if not Perth's, premiere beaches and as such, the upgrading of the area is seen to be of vital importance so that it shall continue to remain as a much sought after and cherished place to recreate.

Additionally, this project will compliment the upgrade project for Sorrento beach, whereby both are regionally significant facilities and as such, are able to share the demands placed upon them by the general public.

Financial Implications

The following items are listed within the City's five-year capital works program;

2002/2003

- Dual use path across Tom Simpson park: \$36,720
- Mullaloo beach project stage 1: \$71, 000 (works are dual use path and retaining walls)
- Tom Simpson Park: Provision of shelters and seating: \$30,000

2003/2004

- Mullaloo Beach project Stage 2: \$413,000 (enhancements to Tom Simpson park)
- Oceanside Promenade \$200,000 - Construction of roadworks associated with Mullaloo Beach improvement plan.

NOTE: These figures are required to be revised once detailed design, priorities, costing and phasing of the elements of the plan are completed, and referred back to Council for endorsement.

COMMENT

Beach Promenade Path Design

As part of the 2002/2003 Capital Works Program \$107,720 has been allocated for the construction of a dual use path through Tom Simpson Park, Mullaloo. Connell Wagner Engineers were engaged to review the path location and three options were proposed and costed.

Of the three options, option 1 was chosen as the preferred design option addressing the existing undesirable level differences and maximising the improvement of the park (refer attachment 4). This option requires the construction of retaining walls and fill. The design will achieve the following outcomes:-

- The dual use path maintains a relatively constant level and enables ocean views for the full length of the path;
- Direct access (particularly for the disabled) is provided to the northern toilet block, which would otherwise have been isolated;
- Provides a protected grassed picnic area with an opportunity for tree planting which will not compromise existing ocean views;
- The lowest path provides a physical barrier between proposed grassed area and revegetation of the dune system; and
- Eliminates an area of public concern in respect to the toilet block and low lying surrounds, which is prone to undesirable antisocial activity as no passive surveillance of this public space currently exists;

Extra funding will be required for the preferred design option, with the estimated cost being \$189,000. It is anticipated that the monetary shortfall of \$81,280 may be addressed during the half-year budget review or incorporated within the 2003/2004 Capital Works Program.

It is recommended that Council endorse the preferred path alignment option as per attachment 4.

Design Elements

The revised improvement plan contains thirty-two (32) various elements as listed in the ‘details’ section of this report. Each of the following elements have been grouped into common themes, expanded upon and followed by comments in italics;

Traffic, new roundabout, carriageway treatments and access - No. 1, 2, 3, 9 & 19

These elements seek to rationalise and improve vehicular and pedestrian access and safety, to limit use of Iluka Avenue and Marjorie Street to local traffic only and to close the existing car park access resulting from the provision of the new roundabout. The submissions generally support this, however there was concern in respect to potential increased traffic through local roads. Furthermore, comments obtained from the public suggest that a traffic study should be undertaken that takes into consideration the effect the changes will have on the whole of Mullaloo. Additionally, there was strong support for raised brick paved pavements, islands and other traffic calming treatments in order to reduce vehicle speed along this section of Oceanside Promenade to 40 km/h and to provide independent and safer pedestrian crossing locations. It was also suggested that this section of Oceanside Promenade be realigned to eliminate the bend.

It is considered that whilst the new roundabout will improve access and safety for drivers, passengers and pedestrians, it is not envisaged that significant increases in vehicle movements along Iluka Avenue and surrounding streets will result, as access already exists. Additionally, experience suggests that this is generally due to local traffic, with visitors’ vehicles from other outlying suburbs primarily accessing the area via main roads (Oceanside Promenade, Northshore Drive and Mullaloo Drive). A possible option within the detailed design phase of the project is to provide ‘local traffic only’ signage and undertake vehicle monitoring along these local roads, to ascertain the level of through traffic. It is not recommended that a traffic study be undertaken, as increases in patron numbers is likely to occur throughout all similar facilities along the coast as the population increases over time. Provision of the roundabout, together with boulevard type roadway treatments and dedicated pedestrian access points on Oceanside Promenade will reduce vehicle speed. The realignment of Oceanside Parade to eliminate the bend is not a design element on the advertised plan, however some consideration to making minor adjustments to the alignment was given as a result of preliminary discussions with the consultant traffic engineer and will be examined further at the detailed design phase of the project.

Dual use paths, beach and other pedestrian access - No. 5, 6, 7, 8, 11, 14, 22, 27 & 29

These elements seek to rationalise and improve pedestrian and cyclist movement to, from and within the site and also to improve beach access to assist rehabilitation of foreshore vegetation. Public comments on these elements are mixed, though are generally supportive of the overall intent to improve access. However there was concern in respect to the provision of a ‘high speed commuter’ path along the western side of Oceanside Promenade, together with the preference for the extension of the existing path and not to dedicate it as a pedestrian only path (only one path).

It is considered that segregation of path users is necessary, particularly when paths converge into a highly utilised area such as Tom Simpson Park. The new commuter path is to ensure commuter cyclists, who generally travel at a higher speed, do not adversely impact upon other cyclists, pedestrians and general users of the reserve. The location of this path is hoped to be within the existing Oceanside Promenade road carriageway, however is subject to engineering design during the design phase of the project. The grassed area between the existing bollards and the road carriageway is not being utilised for recreational purposes, and is effectively non usable space in that it is too close to the road for children to safely play and too close to be planted with vegetation as vehicular sight lines need to be retained. The City has designed its preferred configuration of the beach promenade pathways and access nodes (Design elements 16 and 18), which is shown in Attachment 4. This design is generally in sympathy with the comments made by the community.

Playground equipment, bbq, seating, shelters & lighting – No.12, 15, 16, 17, 18, 20 and 23

These elements seek to rationalise and improve facilities and lighting in the area. Public comments on these elements are generally supportive of the overall intent to improve the level of facilities and lighting. However, some comments received suggested that no shelters, including the beach shelter node be provided on the edge of the park as user's views would be restricted. Additionally, requests for upgrading in lighting, drink fountains, BBQ, stretching equipment for athletes and provision of pre-school age children's play equipment were common.

It is considered that many of the suggestions provided by the public can be accommodated, however the type of play equipment, drinking fountain, BBQ's etc shall be identified once the plan is finalised and a follow up costing report presented to a future meeting of Council for its consideration. It is recommended that the beach access node, together with all other shelters on the perimeter of the park be retained as shown on the plan, as they are generally open in nature. During the detailed design phase, the intention is to relocate some existing shelters, and provide additional shelters closer to the perimeter to free up the central grassed area to make it more usable for children's play (kite flying etc), which is free of obstructions. Lighting to be provided should meet Australian standards and no light shall overspill into residential lots across the road.

Bus Embayments – No. 10 & 21

These elements seek to rationalise and improve existing bus stops on both the east and west of Oceanside Promenade. Public comment on these elements are generally supportive, however, some comments suggested that no embayment be provided on the eastern side and that the current location south of the tavern be retained. Public comments suggested that the western embayment be relocated to the southern car park.

The provision of embayment bus bays is important to ensure pedestrian safety and the maintenance of traffic flows. Advice obtained from Transperth suggested that the current Mullaloo bus stops are timed stops (the bus remains at the stop to maintain on schedule for the remainder of the route). Transperth therefore has a preference for embayment bays to be provided.

Foreshore rehabilitation and other landscaping No. 4, 14, 24, 25, 28 and 30

These elements seek to rehabilitate and protect the existing natural environment and to complement the existing landscaping through the provision of complementary planting to improve shade and aesthetics. Public comment was supportive of this overarching intent, however some comments suggested that existing landscaping is satisfactory.

The provision of shade trees within both parking areas, together with complimentary landscape planting will vastly improve the area. Further landscaping details (exact location, species, number etc) are required to be identified and costed, with the results being provided within a subsequent Council report, however the City's intention is to ensure that any loss of ocean views is kept to an absolute minimum.

Signage, parking, entry features and others 13, 26, 31, 32 and 33

These elements seek to improve the way in which the area will be utilised, viewed and understood by users, together with a 90-degree parking option along Mullaloo Drive. Public comment is generally supportive, however the proposed change from parallel to 90-degree parking along Mullaloo Drive was generally not supported, however a revised 45-degree proposal was presented.

The revised 45-degree proposal along Mullaloo Drive is not acceptable, as it will create increased vehicle conflict points directly upon Mullaloo Drive, which is unacceptable from a traffic safety perspective due to high traffic volumes. It is recommended that this component of the plan be removed.

CONCLUSION

Considerable effort has been given in considering and addressing comments received in respect to the 32 design elements comprising the Mullaloo Beach Project Preliminary Concept Plan. Given the amount of work undertaken on the plan so far the word 'preliminary' has been removed from the title block of the plan shown in Attachment 5.

Many of the suggestions and ideas made by the public during the consultation period were detailed in nature and are worthy of being considered during the detailed design phase of the project (for example the observation deck over the existing toilet block, provision of drinking fountains and provision of athlete stretching equipment, together with play equipment for very young children). Additionally, given clear community opposition to design element 31 which sought to rationalise existing car parking within the Mullaloo Drive road reserve, this design element is to be removed.

The beach promenade paths have been refined and beach access rationalised (design elements 16 and 18) (Attachment 4). The redesign was generally based on comments received during the consultation period. The redesign also seeks to remove current safety and access problems, particularly around the existing toilet block, which were identified as key community concerns.

It is therefore recommended that Council supports and adopts the Mullaloo beach project preliminary concept plan shown in attachment 1 and matters to be addressed at the detailed design phase of the project as per attachments 4 and 5, with the exception of design element 31 so that each design element can be further designed and costed. Council is also requested to consider and adopt the preferred design layout for the beachside promenade pathways (comprising elements 16 and 18), so that further detailed design work and funding can proceed.

VOTING REQUIREMENTS

Simple Majority

MOVED Cr Mackintosh, SECONDED Cr Kenworthy that Council:

- 1 SUPPORTS and ADOPTS the Mullaloo beach project preliminary concept plan shown in Attachment 1 to Report CJ339-12/02 and matters to be addressed at the detailed design phase of the project as per Attachments 4 and 5 to Report CJ339-12/02, with the exception of design element 31 (Mullaloo Drive road reserve carpark reconfiguration);**
- 2 SUPPORTS and ADOPTS the preferred design layout for the beachside promenade pathways as shown in Attachment 4 to Report CJ339-12/02 and the budget shortfall being considered at the 6 month review period;**
- 3 REQUIRES a further report detailing priorities, costing and phasing of the elements comprising the Mullaloo Beach Project Concept Plan to be presented to Council for further consideration, having regard to the detailed comments and suggestions made by the public during the consultation period.**

Discussion ensued.

MOVED Cr O'Brien that Item CJ339-12/02 be DEFERRED.

Mayor Bombak advised he could not accept a Motion to defer as it was not an amendment to the Motion under consideration.

**The Motion as Moved by Cr Mackintosh, Seconded by Cr Kenworthy was Put and
CARRIED (11/4)**

In favour of the Motion: Mayor Bombak, Crs Baker, Barnett, Hurst, Kadak, Kenworthy, Kimber, Mackintosh, Nixon, Patterson, Rowlands. **Against the Motion:** Crs Carlos, Hollywood, O'Brien, Walker.

Appendices 24 & 24 (a) refer

To access this attachment on electronic document, click here: [Attach24brf101202.pdf](#)
[Attach24abrf101202.pdf](#)

C176-12/02 MOTION TO GO BEHIND CLOSED DOORS

MOVED Cr Kadak, SECONDED Cr Hurst that in accordance with clause 5.6 of the City's Standing Orders Local Law the meeting be held behind closed doors to enable consideration to be given to C177-12/02 – Confidential Information, being a matter relating to legal advice, the time being 2240 hrs.

The Motion was Put and

CARRIED

Members of the public and press left the Chamber at this point, the time being 2240 hrs.

Crs Mackintosh, Baker and Kenworthy left the Chamber at this point, the time being 2240 hrs.

Cr Walker declared a financial interest in C177-12/02 – Confidential Information – as this matter affected her personally.

Cr Walker left the Chamber at this point, the time being 2241 hrs.

Cr Baker entered the Chamber at this point, the time being 2241 hrs.

REPORT OF THE CHIEF EXECUTIVE OFFICER**C177-12/02 CONFIDENTIAL INFORMATION – [78515]****DETAILS****This Item Is Confidential - Not For Publication**

A full report has been provided to Elected Members under separate cover.

Crs Kenworthy and Mackintosh entered the Chamber at this point, the time being 2242 hrs.

MOVED Cr Kadak, SECONDED Cr Carlos that the Report of the Chief Executive Officer in relation to the disclosure of confidential information be NOTED.

Discussion ensued.

The Motion was Put and

CARRIED (14/0)

In favour of the Motion: Mayor Bombak, Crs Baker, Barnett, Carlos, Hollywood, Hurst, Kadak, Kenworthy, Kimber, Mackintosh, Nixon, O'Brien, Patterson, Rowlands.

C178-12/02 RESUMPTION OF STANDING ORDERS

MOVED Cr Kadak, SECONDED Cr Kimber that Standing Orders be RESUMED and the meeting be held with the doors open, the time being 2250 hrs.

The Motion was Put and

CARRIED

Members of the public and press entered the Chamber, the time being 2250 hrs. In accordance with the City's Standing Orders Local Law, the Chief Executive Officer read the Motion in relation to Confidential Report C177-12/02 – Confidential Information.

Cr Rowlands left the Chamber at this point, the time being 2250 hrs.

Cr Walker entered the Chamber at this point, the time being 2250 hrs.

**C179-12/02 MINUTES OF AUDIT COMMITTEE MEETING HELD
16 DECEMBER 2002 - [50068]**

WARD - All

PURPOSE

To submit the Minutes of the Audit Committee to Council for noting, and for endorsement of the Committee's recommendations.

EXECUTIVE SUMMARY

A meeting of the Audit Committee was held on Monday 16 December 2002 to give consideration to:

- Audit Plan Development
- Payroll Function Audit
- Accounts Payable Audit
- Occupational Safety & Health Audit
- Elected Members Expenses – Training & Childcare

DETAILS

A meeting of the Audit Committee was held on Monday 16 December 2002 to give consideration to:

- Audit Plan Development
- Payroll Function Audit
- Accounts Payable Audit
- Occupational Safety & Health Audit
- Elected Members Expenses – Training & Childcare

With the exception of the item relating to ‘Elected Members Expenses – Training and Childcare’, the reports were for noting by the Committee.

In relation to the item on elected member expenses, the Committee resolved to recommend an alternative course of action to that proposed by the Administration.

VOTING REQUIREMENTS

Simple Majority

MOVED Cr Baker, SECONDED Cr Mackintosh that Council:

- 1 NOTES the Minutes of the Audit Committee held on Monday 16 December 2002 and forming Attachment 1 to Report C179-12/02;**
- 2 UNDERTAKES an annual audit of expenses incurred by all elected members;**
- 3 DIRECTS the Chief Executive Officer to inquire into and conduct a thorough audit in respect of all child care or child minding expenses claimed by and paid to Cr Walker since her election to Council and that at the conclusion of the audit, a report be presented to the Audit Committee detailing:**
 - (a) the dates, amounts claimed by and amounts paid to Cr Walker as aforesaid;**
 - (b) and exhibiting any documentary evidence (in original or copy form) of all amounts claimed by and amounts paid to Cr Walker as aforesaid (including but not limited to all claim forms, receipts and other writings) issued by or to her on her behalf;**
 - (c) the identity of the person or persons who allegedly provided the child care services on behalf of Cr Walker on each such occasion;**
 - (d) any changes in the pattern, frequency or quantum of any such expense claims made by Cr Walker after the introduction of the current Council policy concerning the reimbursement of expenses incurred by Councillors by way of child care fees;**
- 4 DIRECTS the Chief Executive Officer to also inquire into and report to the Audit Committee as to whether there is any evidence indicating a potential that any of the said child care expenses reimbursed to Cr Walker were inappropriately claimed by her and/or paid to her in circumstances where Cr Walker may have engaged the services of her husband or her children to supervise her other children, or may not have engaged the services of any child care worker or any person at all.**

AMENDMENT MOVED Cr Carlos SECONDED Cr Nixon that Points 3 and 4 of the Motion be DELETED.

Discussion ensued.

During discussion:

Cr Rowlands entered the Chamber at 2251 hrs;

Cr Hurst left the Chamber at 2259 hrs and returned at 2301 hrs.

The Amendment was Put and

CARRIED (9/6)

In favour of the Amendment: Crs Barnett, Carlos, Hollywood, Hurst, Kadak, Nixon, O'Brien, Patterson, Walker. **Against the Amendment:** Mayor Bombak, Crs Baker, Kenworthy, Kimber, Mackintosh, Rowlands.

The Original Motion, as amended, being:

That Council:

- 1 NOTES the Minutes of the Audit Committee held on Monday 16 December 2002 and forming Attachment 1 to Report C179-12/02;**
- 2 UNDERTAKES an annual audit of expenses incurred by all elected members.**

Was Put and

CARRIED (14/1)

In favour of the Motion: Mayor Bombak, Crs Baker, Barnett, Carlos, Hollywood, Hurst, Kadak, Kenworthy, Kimber, Mackintosh, Nixon, O'Brien, Rowlands, Walker. **Against the Motion:** Cr Patterson.

Appendix 28 refers

To access this attachment on electronic document, click here: [Attach28min171202.pdf](#)

C180-12/02 MINUTES OF THE STANDING ORDERS REVIEW COMMITTEE HELD ON 16 DECEMBER 2002 – [01122, 02154, 23184, 08122, 09358, 01369, 05885]

WARD - All

PURPOSE

To submit the Minutes of the Standing Orders Review Committee to Council for noting, and for endorsement of the Committee's recommendations.

EXECUTIVE SUMMARY

A meeting of the Standing Orders Review Committee was held on Monday 16 December 2002 to give consideration to:

- Review of Public Question Time at Council Meetings and Briefing Sessions;
- Review of Corporate Code of Conduct;
- Review of Standing Orders Local Law.

This report recommends that Council endorses the recommendations made by the Standing Orders Review Committee in relation to the above matters.

DETAILS

At its meeting held on Monday 16 December 2002, the Standing Orders Review Committee gave consideration to the following issues:

- Review of Public Question Time at Council Meetings and Briefing Sessions;
- Review of Corporate Code of Conduct;
- Review of Standing Orders Local Law.

COMMENT

The Committee was in agreement with the recommendations presented and requested that a report be presented to the Council meeting scheduled for 17 December 2002. The recommendations of the Standing Orders Review Committee are now submitted for endorsement by Council.

VOTING REQUIREMENTS

Simple Majority

MOVED Cr Baker, SECONDED Cr Kimber that Council:

- 1 NOTES the minutes of the Standing Orders Review Committee held on Monday 16 December 2002 and forming Attachment 1 to Item C180-12/02;**
- 2 ADOPTS the following revised procedure relating to public question time at Council meetings and Briefing Sessions that are open to the public:**

“Introduction

Public question time is provided at meetings of the Council or briefing sessions that are open to the public.

Public question time is not a public forum for debate or making public statements. The time is limited to asking of questions and receiving responses. This procedure is designed to assist the conduct of public question time and provide a fair and equitable opportunity for members of the public who wish to ask a question. Public question time is not to be used by elected members. Members of the Council are encouraged to use other opportunities to obtain information.

Questions must relate to the ordinary business of the City of Joondalup or the purpose of the special meeting.

Prior to the Meeting/Briefing Session

To enable prompt and detailed responses to questions, members of the public are encouraged to lodge questions in writing to the Committee Clerk by close of business on the Friday prior to the Council meeting or Briefing Session at which the answer is required. Answers to those questions received within that time frame, where practicable, will be provided in hard copy form at that meeting.

At the Meeting/Briefing Session

A register will be provided for those persons wanting to ask questions to enter their name, and the order of registration will be the order in which persons will be invited to ask their questions.

Public question time will be limited to the legislative minimum of fifteen (15) minutes and may be extended by resolution of the Council, but the extension of time is not to exceed ten (10) minutes in total. Public question time will be limited to two (2) questions per member of the public. When all people who wish to do so have asked their two (2) questions, the presiding member may, if time permits, provide an opportunity for those who have already asked their two (2) questions to ask further questions.

During public question time at the meeting, each member of the public wanting to ask questions will be required to provide a written form of their question(s) to a Council employee.

Where the number of required questions exceeds the number able to be asked, the member of the public may submit the unasked questions to the Council, where they would be ‘taken on notice’ and a written response provided.

The procedure to ask a public question during the meeting is as follows:

- **persons are requested to come forward in the order they registered;**
- **give their name and address;**
- **read out their question;**
- **before or during the meeting each person is requested to provide a written form of their question to a designated Council employee;**
- **the person having used up their allowed number of questions or time is asked by the presiding member if they have more questions; if they do then the presiding member notes the request and places them at the end of the queue; the person resumes their seat in the gallery;**
- **the next person on the registration list is called;**

- the original registration list is worked through until exhausted; after that the presiding member calls upon any other persons who did not register if they have a question (people may have arrived after the meeting opened);
- when such people have asked their questions the presiding member may, if time permits, provide an opportunity for those who have already asked a question to ask further questions;
- public question time is declared closed following the expiration of the allocated time period or where there are no further questions.

The Mayor or presiding member shall decide to:

- Accept or reject the question and his/her decision is final;
- Nominate a member of the Council and/or Council employee to respond to the question;

Due to the complexity of the question, it be taken on notice with a written response provided as soon as possible, and included in the agenda of the next briefing session or Council meeting, whichever applicable.

The following rules apply to public 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 in good faith and are not to be framed in such a way as to reflect adversely or be defamatory on a particular Elected Member or Council employee;*
- *where a response has been provided to a question asked by a member of the public, and where that response, in the opinion of the presiding person, adequately deals with the question, there is no obligation to further justify the response;*
- *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.*

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

Disclaimer

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

- 3 ADOPTS the City’s Code of Conduct, as amended, forming Attachment 2 to Item C180-12/02;**
- 4 URGENTLY reviews its Standing Orders Local Law.**

The Motion was Put and

CARRIED (14/1)

In favour of the Motion: Mayor Bombak, Crs Baker, Barnett, Carlos, Hurst, Kadak, Kenworthy, Kimber, Mackintosh, Nixon, O’Brien, Patterson, Rowlands, Walker. **Against the Motion:** Cr Hollywood.

Appendices 29 and 29a refer.

To access this attachment on electronic document, click here: [Attach29min171202.pdf](#)

[Attach29amin171202.pdf](#)

Cr Patterson left the Chamber at this point, the time being 2319 hrs.

MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

The Chief Executive Officer, Mr Denis Smith, declared an interest which may affect his impartiality in C181-12/02 – Notice of Motion No 1 – Cr A Nixon as the matter related to him personally.

C181-12/02

NOTICE OF MOTION NO 1 – CR ANDREW NIXON

In accordance with Clause 3.12 of the Standing Orders Local Law, Cr Andrew Nixon has given notice of his intention to move the following motion at the Council meeting to be held on Tuesday 17 December 2002:

“That the elected Council of the City of Joondalup hereby declare their strong support for and full confidence in Mr Denis Smith and his dedicated attitude, work ethic and values to the City of Joondalup.

Cr Nixon submitted the following reason in support of his Motion:

“Denis Smith has shown himself to be an asset to the City since his appointment, an appointment which occurred as a result of a lengthy and thorough recruitment process.”

VOTING REQUIREMENT

Simple Majority

MOVED Cr Nixon, SECONDED Cr Baker that the elected Council of the City of Joondalup hereby declare their strong support for and full confidence in Mr Denis Smith and his dedicated attitude, work ethic and values to the City of Joondalup.

Discussion ensued.

During discussion:

Cr Kenworthy left the Chamber at 2322 hrs and returned at 2323 hrs;

Cr Hollywood left the Chamber at 2337 hrs.

The Motion was Put and

CARRIED (12/1)

In favour of the Motion: Mayor Bombak, Crs Baker, Barnett, Hurst, Kadak, Kenworthy, Kimber, Mackintosh, Nixon, O'Brien, Rowlands, Walker. **Against the Motion:** Cr Carlos.

C182-12/02

NOTICE OF MOTION NO 2 - CR MIKE O'BRIEN

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 17 December 2002:

"That Council Officers are required to take immediate steps to progress the amendment to District Planning Scheme No 2 regarding the "PROHIBITION OF BAWDY HOUSE ACTIVITIES" decided by Full Council (C144-10/02) Tuesday 19th October 2002; and

further that a submission be immediately prepared and dispatched, opposing any State Government Bill that would take away from the City of Joondalup, its capacity "TO PROHIBIT BAWDY HOUSE ACTIVITY ANYWHERE WITHIN THE JOONDALUP CITY BOUNDARIES."

Reason for proposed motion:

Cr O'Brien states that the reason for the Motion are that :

No adverse comments have been received by Council regarding its well publicised, 19th October 2002 Decision.

The public will have further opportunity for comment during the advertising phase.

The State Minister Roberts has indicated that she is proposing a reform of Law that would take away the "RIGHT OF A MUNICIPALITY TO PROHIBIT SUCH A LAND USE," by having a NEW STATE QUANGO structured in such a manner that it could "OVERRIDE" this City Council and INSTALL BAWDY HOUSES in our family friendly City.

The Queensland Legislation hasn't worked and to mirror similar legislation here, is an "obnoxious immoral assault" on Western Australian Family Lifestyles.

OFFICER'S COMMENT

It is noted that the meeting was held on 15 October 2002 (C144-10/02 refers), and not 19 October 2002 as outlined within Cr O'Brien's Notice of Motion.

Information is currently being collected on the Scheme amendment process to facilitate the preparation of an informed report for the Council's consideration. Staff are working to have the report on the matter ready for the next available meeting (18 February 2003).

Finalisation of that process would also be dependent on subsequent consultation and statutory processes involving State Government agencies which would ordinarily require approximately 11 months to complete. Advice from the Department of Planning and Infrastructure indicates that following a Council determination to amend its Scheme, consent to advertise the amendment would be required from the WAPC.

The State Government green paper was released for public comment on Thursday 5 December 2002. Comments can be made until 7 February 2003. It is envisaged that the City will review the document and prepare a submission (on the bill) in respect to the proposal. This can be achieved by communicating a draft paper to Councillors by the Desk of the CEO and email, then forwarding a submission on the basis of that process.

VOTING REQUIREMENT

Simple Majority

MOVED Cr O'Brien, SECONDED Cr Baker:

- 1 that Council Officers are required to take immediate steps to progress the amendment to District Planning Scheme No 2 regarding the "PROHIBITION OF BAWDY HOUSE ACTIVITIES" decided by Full Council (C144-10/02) Tuesday 19th October 2002; and**
- 2 further that a submission be immediately prepared and dispatched, opposing any State Government Bill that would take away from the City of Joondalup, its capacity "TO PROHIBIT BAWDY HOUSE ACTIVITY ANYWHERE WITHIN THE JOONDALUP CITY BOUNDARIES."**

Discussion ensued.

During discussion:

Cr Carlos left the Chamber at 2341 hrs;

Cr Kenworthy left the Chamber at 2342 hrs.

MOVED Cr Hurst SECONDED Cr Mackintosh that the Motion be now Put.

The Procedural Motion was Put and

CARRIED (11/0)

In favour of the Procedural Motion: Mayor Bombak, Crs Baker, Barnett, Hurst, Kadak, Kimber, Mackintosh, Nixon, O'Brien, Rowlands, Walker.

The Motion as Moved Cr O'Brien, Seconded Cr Baker was Put and CARRIED (7/4)

In favour of the Motion: Crs Baker, Hurst, Kimber, Mackintosh, Nixon, O'Brien, Walker. **Against the Motion:** Mayor Bombak, Crs Barnett, Kadak, Rowlands.

Personal Explanation

Mayor Bombak advised he could not support Item C182-12/02 - Notice of Motion – Cr M O'Brien - in its current form due to the fact there was no comprehensive report accompanying the Notice of Motion and because of the impending legislation.

C171-12/02 NOTICE OF MOTION NO 3 – CR C BAKER – [02129, 02154]

This item was considered earlier in the meeting.

DATE OF NEXT MEETING

The next meeting of the Council has been scheduled for **7.00 pm** on **TUESDAY, 18 FEBRUARY 2003** to be held in the Council Chamber, Joondalup Civic Centre, Boas Avenue, Joondalup

CHRISTMAS WISHES

Mayor Bombak wished everyone a Happy Christmas and a safe and prosperous New Year.

CLOSURE

There being no further business, the Mayor declared the Meeting closed at 2400 hrs; the following elected members being present at that time:

MAYOR J BOMBAK, JP
CR P KADAK
CR P KIMBER
CR C BAKER
CR A NIXON
CR J HOLLYWOOD, JP
CR A WALKER
Cr T BARNETT
Cr M O'BRIEN, JP
Cr J HURST
CR C MACKINTOSH