



**MINUTES OF COUNCIL MEETING  
HELD ON 18 FEBRUARY 2003**

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# CITY OF JOONDALUP

## MINUTES OF COUNCIL MEETING HELD IN COUNCIL CHAMBER, JOONDALUP CIVIC CENTRE, BOAS AVENUE, JOONDALUP, ON TUESDAY, 18 FEBRUARY 2003

### OPEN AND WELCOME

The Mayor declared the meeting open at 1902 hrs.

### ATTENDANCES

#### Mayor

J BOMBAK, JP

#### Elected Members:

Cr P KADAK	Lakeside Ward	<i>Absent from 2012 hrs to 2014 hrs</i>
Cr P KIMBER	Lakeside Ward	<i>Absent from 2001 hrs to 2007 hrs; and from 2104 hrs to 2105 hrs</i>
Cr D CARLOS	Marina Ward	
Cr C BAKER	Marina Ward	<i>Absent from 2105 hrs to 2106 hrs</i>
Cr J F HOLLYWOOD, JP	North Coastal Ward	
Cr A WALKER	Pinnaroo Ward	<i>Absent from 2009 hrs to 2010 hrs and from 2110 hrs to 2120 hrs</i>
Cr P ROWLANDS	Pinnaroo Ward	<i>to 2301 hrs; Absent from 2006 hrs to 2007 hrs and 2052 hrs to 2055 hrs</i>
Cr T BARNETT	South Ward	
Cr M O'BRIEN, JP	South Ward	<i>Absent from 1945 hrs to 1946 hrs</i>
Cr A L PATTERSON	South Coastal Ward	<i>to 2339 hrs; Absent from 1944 hrs to 1946 hrs; 2159 hrs to 2201 hrs; and from 2320 hrs to 2322 hrs</i>
Cr G KENWORTHY	South Coastal Ward	<i>Absent from 1942 hrs to 1944 hrs; 2035 hrs to 2036 hrs and 2309 hrs to 2313 hrs</i>
Cr J HURST	Whitfords Ward	<i>Absent from 2028 hrs to 2030 hrs</i>
Cr C MACKINTOSH	Whitfords Ward	

#### Officers:

Chief Executive Officer:	D SMITH	
Director Planning & Community Development:	C HIGHAM	<i>Absent from 2121 hrs to 2215 hrs</i>
Director, Infrastructure & Operations:	D DJULBIC	<i>Absent from 2121 hrs to 2215 hrs</i>

Director, Corporate Services and Resource Management:	P SCHNEIDER	
Manager, Marketing, Communications & Council Support:	M SMITH	<i>Absent from 2110 hrs to 2215 hrs</i>
Manager Audit and Executive Services:	K ROBINSON	<i>Absent from 2121 hrs to 2130 hrs</i>
Acting Manager, Library & Information Services:	R HARDY	
Manager Approvals Planning & Environmental Services:	C TERELINCK	
Manager Community Services:	G HALL	
Manager, Human Resources Services:	M LOADER	
Manager Assets & Commissioning:	C SMITH	
Coordinator Waste Management & Environmental Services:	P HOAR	<i>to 2034 hrs</i>
Publicity Officer:	L BRENNAN	
Committee Clerk:	J AUSTIN	
Minute Clerk:	L TAYLOR	<i>Absent from 2110 hrs to 2215 hrs</i>

There were 88 members of the Public and 2 members of the Press in attendance.

#### In Attendance

Mr Nick Manifis          Walman Software

Invited Guest - Fr Bronislaw – St Simon Peter Catholic Church

The Mayor welcomed Fr Bronislaw from St Simon Peter Catholic Church as this evening's invited guest.

Fr Bronislaw thanked Council for the opportunity of being invited to this evening's meeting. He told the meeting that he was originally from Poland and has been in Australia for eight years and has been in the Ocean Reef Parish for the last two years. Fr Bronislaw spoke about the work the Church has been doing in the last year and some activities planned for the coming year.

Fr Bronislaw opened the meeting with a prayer.

### **PUBLIC QUESTION TIME**

#### **Procedures for Public Question Time**

Mayor Bombak advised of the following revised procedures for public question time.

- A period of 15 minutes will be allocated for public question time, however Council may, by resolution, extend that period for a further period not to exceed 10 minutes.
- Each member of the public who has registered prior to the meeting will be asked to come forward and be entitled to initially ask two questions.

- It would be appreciated if, prior to the end of the meeting, a written copy of questions could be provided to an employee of the City of Joondalup.
- The person having used up their allowed number of questions will be asked to be seated - the next person on the registration list is called - the original registration list is worked through until exhausted. After that, the Mayor will call upon any other persons who did not register (people may have arrived after the meeting opened) who may wish to ask a question.
- When such people have asked their questions and, if time permits, an opportunity will be provided for those who have already asked a question to ask further questions.
- Those members of the public who have more questions to ask than the time permits may submit them in writing and a response will be provided.
- Public question time will be declared closed following the expiration of the allocated time period or where there are no further questions.

The Mayor then read the rules of public question time.

**The following questions, submitted by Mr M Caiacob, Mullaloo, were taken on notice at the Council meeting held on 17 December 2002:**

***Re: Mullaloo Concept Plan/Improvement Plan:***

*Q1 What is the strategy for Mullaloo?*

A1 There is no specific 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?*

A2 The question is not understood.

*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?*

A3 The guidelines for public submissions are detailed within Council Policy 2.3.6 – Public Submissions, which states:

*“Where the Council receives a public submission from a body of people, incorporated club, organisation, residents association etc, as a result of the public consultation process on issues confronting the City, such submission shall be regarded as one submission, UNLESS the content of that submission is individually signed with the name and address of each member/person agreeing with the content of the said submission.”*

*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?*

A4 One.

*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?*

A5 Yes.

**Re: Merrifield Place:**

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

A6 No further work has been undertaken on the Council resolution relating to this matter.

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

A7 Other matters have taken priority.

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

A8 No. Council is not considering any proposals on these lots at this time.

*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?*

A9 The City's administration is not aware of any Councillors attending the auction at Merrifield Place.

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

A10 No.

*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?*

A11 No precedent applies.

*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?*

A12 Council records do not indicate this to be the case.

**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?*



A13 The question is unclear.

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

A14 This question is unclear, there may be more than one property which is known as Lot 1 Oceanside Promenade.

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

A15 The question is unclear.

*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?*

A16 If the question relates to portion of Tom Simpson Park, then yes.

*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)*

A17 The general format when presenting minutes of Electors' meetings is to detail the actual resolution carried by the Electors, then accompany it with a professional comment by the officers (as presented in Report CJ307-12/02 for the AGM Minutes to Council on 17 December 2002). The reason for presenting the advertisement in the Community Newspaper on 27 June 2002 was to enable members of the wider community to be informed of the Council's decision in response to those resolutions carried at the electors meetings.

The answer to Mr Caiacob on 9 April 2002 referred to the fact that the resolutions from the electors meetings would not be split into separate reports but presented as a whole report.

*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?*

A18 Schedule 5 relates to places and objects having significance for the purpose of protection of the landscape or environment. An assessment of Tom Simpson Park and Geneff Park will need to be undertaken in the first instance.

*Q19 Is it open and accountable governance to refuse ratepayers' requests in regards to Lot 1 Oceanside Promenade?*

A19 Each ratepayer's request is dealt with on a case by case basis.

*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)?*

A20 The intent of advertising the responses to the Special Electors meetings was to adequately inform the wider community of the issues raised at the meetings and the responses by the Council.

*Q21 Is Council obliged to tell the truth to the rate paying public under Federal, State, Electoral and/or Local Law or policy?*

A21 The role of the Council is detailed within Section 2.7 of the Local Government Act 1995, which states:

“2.7(1) The Council:

- (a) directs and controls the local government’s affairs; and
- (b) is responsible for the performance of the local government’s functions.

(2) without limiting subsection (1), the Council is to:

- (a) oversee the allocation of the local government’s finances and resources; and
- (b) determine the local government’s policies”

**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?*

A22 At this stage, the future parking requirements for the Mullaloo Coastal Strip have not been determined. Notwithstanding this, the current parking needs would appear to be catered for in the foreseeable future.

*Q23 Does the City of Joondalup have policy, guidelines or planning regulations to limit patrols in licensed premises?*

A23 The Health Act 1911 requires local government Environmental Health Officers to administer public buildings legislation.

*Q24 What is an end of trip facility with regard to bicycle riders?*

A24 An end of trip facility is generally the provision of storage facilities. An end of trip facility for bicycle riders may include showers and bicycle lock-up facilities.

*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?*

A25 No this is not correct. Although there has been a decrease in Beldon (- 0.8%), Heathridge (- 2.4%) and Mullaloo (- 4.4%) populations, the population in Ocean Reef has grown by 1.9% and Kallaroo has grown by 0.6%.

Yes, population estimates on the website do show that there will be a decrease by 2031. These projections were based on 1996 Census and will be updated by the Ministry of Planning in 2003.

*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%.*

A26 No, there was a decrease. In 1996, 70.9% of Mullaloo households had children and in 2001, 67.5% of households had children.

*Q27 Is there any projected data for 2031 populations with regard to families with children located in Mullaloo?*

A27 No, this data is not available.

**Re: Complaints:**

*Q28 What is the intended purpose or reason for acting only on identified complainants' complaints and not on anonymous complaints?*

A28 The handling of anonymous requests for the City to take action and complaints about a Council service is at the discretion of the business unit and depends on the nature or seriousness of the request or complaint.

The City endeavours to follow up all customer requests and complaints wherever possible. Some requests or complaints will be followed up regardless of whether the customer reporting the matter has provided name and contact details.

Some business units, however, require that certain types of requests are only followed up if the person reporting the matter will provide name and contact details, whilst other requests or complaints, of a more serious nature such as where allegations are made, are dealt with only if the customer puts his/her request or concerns in writing.

If there is a major safety issue, the City will follow up regardless of whether the informant has provided contact details.

The name of the person informing the City will, however, not be disclosed to a third party even if an application is made under FOI.

*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?*

A29 Unable to answer.

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

A30 The release of personal information under the FOI Act is exempt under Clause 3(1) Schedule 1. Only details of the complaint would be released.

*Q31 Why are the Mayor, Mr D Smith, Mr F Uzaraga, Mr D Djulbic, Mr C Higham and Mr P Schneider considered Joondalup stakeholders?*

A31 The Mayor and officers detailed in the question regularly attend meetings as representatives of the City. The Chief Executive Officer, Mr Denis Smith is the Chairman of the Joondalup Stakeholders Group.

*Q32 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?*

A32 Yes. Stakeholder lists are usually developed to meet a specific need as and when required.

**The following questions from Mr Michael Caiacob are directed to Councillor Baker as indicated by Council administration's previous response.**

*Q1 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?*

*Q2 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?*

A1-2 These questions have been forwarded to Cr Baker.

**The following question, submitted by Mrs M Shore, Ocean Reef was taken on notice at the Council meeting held on 17 December 2002:**

*Q1 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?*

A1 The proposed boundary wall does not comply with the 'acceptable' development standards of the R-Codes 2002, and therefore the application has been assessed under the 'performance' standards of the R-Codes which require discretion to be exercised.

This information is outlined within the report under the heading 'Technical Detail' and is correct. The first paragraph of the report under the heading 'Comment' inadvertently indicates that the wall complies with the technical requirements of the R-Codes. This should read that the wall is assessed to comply with the 'performance' standards of the R-Codes.

Both the detail in the report and the recommendation clearly outline that performance standards are the basis for assessment and that discretion is being exercised.

**The following question, submitted by Ms C Lawson, Kallaroo, was taken on notice at the Council meeting held on 17 December 2002:**

*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 Pages 36 and 37 of the Residential Planning Codes of Western Australia (R Codes) relate to local planning policies and more specifically highlight those sections and elements of the R Codes for which local planning policies can be prepared. It is not clear from your question what the "concerns of the residents" are, therefore it is difficult to advise whether pages 36 and 37 will be of any benefit.

**The following questions were submitted by Mrs R Bowman, Kallaroo:**

*Q1 Was the recent re-zoning of Kallaroo Park related to the proposal by Hutchinson to erect the telecommunication tower?*

A1 There has been no amendment to the District Planning Scheme in relation to Kallaroo Park.

*Q2 Why were the local residents not informed of the re-zoning of Kallaroo Park?*

A2 See Q1.

*Q3 What guarantees will the Council give residents that the proposed telecommunication tower in Kallaroo Park will not damage either our families' health or us?*

A3 The applicant has stated that the proposal complies with the standards set in regard to emissions.

*Q4 What, if any, form of compensation will be provided by the Council to local residents of Kallaroo if the proposal to erect the Telecommunication tower in Kallaroo Park goes through and our properties are devalued by 10% - as suggested by local real estate agents?*

A4 There is no compensation payable.

- Q5 Which independent body is going to monitor the usage/emissions of the proposed Telecommunication tower in Kallaroo Park and where will the budget for this come from?*
- A5 The Australian Communications Authority.
- Q6 What guarantees will the Council give that additional telecommunication towers will not be erected in Kallaroo Park in the future, and that the proposed structure will not be modified/upgraded at some stage in the future?*
- A6 Any future upgrade or modification will be required to be in accordance with the provisions of the Telecommunications Act.
- Q7 Should the proposal by Hutchisons to erect their telecommunication tower in Kallaroo Park go through and be accepted by Council, how much income will the Council receive from Hutchisons as a result?*
- A7 This has not been determined at this stage.
- Q8 What price has been placed on the future health and well-being of the local residents?*
- A8 The City is unable to respond to this question
- Q9 Given the information already provided to the Council by the neighbouring suburb action groups, why has this proposal by Hutchisons to erect their telecommunication tower in Kallaroo Park been allowed to proceed as far as it has – moving the stress and onus onto a new group of individuals to object to it?*
- A9 The applicant has a right to make the appropriate application to Council for their consideration.
- Q10 As the Council already has enough information available to know that it is not an acceptable option to raise a telecommunication tower in a residential suburban zone, why was the proposal not vetoed immediately?*
- A10 An application is required to be considered in its own right, and proceed through the due process in an open and transparent manner.
- Q11 What policies or procedures do the Council have at their disposal to prevent this proposal to raise a telecommunication tower in a residential suburban zone by Hutchison Telecommunications Facility from just being indefinitely shunted from one suburb to the next?*
- A11 There are no policies or procedures that prevent an application making the appropriate application to Council for consideration.

**The following questions were submitted by T Davies, Kingsley:**

*Q1 Will Council explain why information regarding the qualifications of Mr Denis Smith is deemed confidential?*

*A1 The details of Mr Smith's qualifications are a matter between Mr Smith and the Council.*

*Q2 Will Council confirm that CEO Denis Smith has provided a copy of his professional qualifications to all Councillors?*

*A2 The CEO has provided all Councillors with details of all his professional qualifications.*

**The following questions were submitted by Mr S Magyar, Heathridge:**

*Q1 I refer to section 5.38 of the Local Government Act 1995, which states:*

*"The performance of each employee who is employed for a term of more than one year, including the CEO and each senior employee, is to be reviewed at least once in relation to every year of the employment."*

*Has this requirement of the Local Government Act been met regarding the employment of Mr. Denis Smith as the CEO of the City of Joondalup?*

*Q2 If so when?*

*Q3 If so by whom?*

*Q4 If this requirement of the Local Government Act was performed by more than one person, were any of the people involved currently serving elected members of the Council of the City of Joondalup?*

*Q5 If Elected Members were involved in the annual performance review of the CEO, did the Elected Members form a committee according to the processes detailed in sections 5.8, 5.9 and 5.10 of the Local Government Act?*

*Q6 If the CEO's annual performance review has been completed by some of the Elected Members, did Council delegate the authority to those members in accordance with the Local Government Act?*

*Q7 If Elected Members were involved in the performance review of the CEO, by what authority did the Elected Members perform the review?*

*Q8 If the authority to delegate the review the CEO's performance, as required in section 5.38 of the Local Government Act is given in a document other than the Local Government Act, then what is the name of the document that allows Elected Members to form a committee without following the processes detailed in the Local Government Act?*

- Q9 Does the document that is not the Local Government Act have any clauses or parts that detail the relationship between the Local Government Act and the other document?*
- Q10 Does this other document regarding the review of the CEO's contract state that the provisions of the Local Government Act prevail over the provisions of this other document?*
- Q11 If this other document does state that the provisions of the written law prevail over the provisions of this other document, then have the provisions of the Local Government Act been satisfied in the formation of a committee to perform the annual review the CEO's performance?*
- Q12 If the process to review of the CEO's performance appears to have not been done in accordance with the Local Government Act, has an Elected Member raised questions regarding the performance review?*
- Q13 Has that Elected Member sought the assistance of the Department of Local Government and Regional Development in determining if the process to review the CEO's performance was properly conducted?*
- Q14 Has the Council received any correspondence from the Department of Local Government and Regional Development regarding the actions of the Elected Member seeking advice regarding the review of the CEO's performance?*
- Q15 Has Council dealt with the correspondence from the Department regarding this issue?*
- Q16 If so when?*
- Q17 Did the correspondence from the Department clear the Elected Member from any wrongdoing in taking this issue to the Department?*
- Q18 Did Council at any time make any resolutions regarding this Elected Member which could be interpreted by any member of the public as reflecting adversely on the character of that elected member?*
- Q19 If the correspondence from the Department has exonerated this Elected Member will Council now consider making a resolution that will attempt to undo any damage caused by the previous resolutions of Council which may have adversely reflected on the character of that Elected Member?*
- A1-19 The annual performance review of the CEO was conducted in accordance with the terms of the contract of employment between the City of Joondalup and the CEO. Q1-19 relate to matters pertaining to the CEO's review. Such matters are considered of a confidential nature between the CEO and the City of Joondalup.



Q20 *I refer to the letter from the CEO published in the Community Newspaper dated 21<sup>st</sup> January 2003, titled "It's time the real truth came out". The CEO claimed that I have attacked certain Councillors during public question. Will the CEO provide to this meeting the dates of the meetings concerned and the names of the Councillors attacked?*

A20 No comment.

Q21 *If the CEO fails to substantiate his allegations made in the letter, will he now publicly apologise for making the false accusations?*

A21 No.

**The following questions were submitted by Mr Michael Caiacob, Mullaloo:**

*With reference to the "Executive Briefing Paper" 20/11/01 indicating that Council has developed plans to "ensure future flexibility in the development of the Surf Club" and this issue of this flier in March 2002 by a member of this Council, indicating that the "distribution was by the friends of Mullaloo Surf Club" and "Please get behind our local surf club"; and answer 22 page xi of agenda 18/02/03 being "at this stage the future parking requirements for the Mullaloo Coastal strip have not been determined. Notwithstanding this, the current parking needs would appear to be catered for in the foreseeable future".*

Q1(a) *I would like to know why the Council has not stood by its comments and actions in regard the future flexibility in car parking supply, particularly as Council has indicated in the design development drawings a possible proposed restaurant within the surf club, requiring approximately 30 to 60 car bays in close proximity.*

Q1(b) *Will Council require additional car parking in or on Lot 1 Oceanside Promenade (Tom Simpson Park) or Merrifield Place (Lots 6, 7, 8, 9, 10, 11, 29, 30, 31, 32) in the future to allow this or any flexibility in the surf clubs development?*

A1(a&b) No restaurant has been approved within the surf club building.

Q1(c) *Could under supply of car parking in the locality necessitate Council and the Tavern developers enforcing the reciprocal access parking rights under clause 4.9 of the DPS2 and excluding the public facility and beach users from parking in this car park, denying free and easy access to the foreshore?*

A1 (c) No.

Q1(d) *Does the existing Tavern enforce a reciprocal parking right, such as clause 4.9 of the DPS2 or any local parking policies or requirements?*

A1 (d) No.

**Following the justification of reciprocal parking for the Mullaloo Tavern redevelopment by using and referring to the Town of Vincent’s parking policy 3.7.1 and the receipt of a two page document (No 218559) to planning staff:**

*Q2(a) Was the complete Town of Vincent’s policy 3.7.1 faxed to the planning officers or did they receive only a covering letter and page 10 of the above fax?*

A2(a) A cover letter and page 10 of the Policy was received.

*Q2(b) Did the Council officers read and make themselves fully conversant with the requirements of the Town of Vincent’s policy 3.7.1, particularly clause 9 (i) and (ii) or did they accept only the adjustment factor table (document no 218559), as justification for the reduction of on-site parking and the use of reciprocal parking?*

A2(b) Yes, further information on the Policy was sought.

*Q2(c) Are Councillors Kadak, Kimber, Baker, Rowlands, Paterson, Kenworthy, Mackintosh, Hurst and the Mayor satisfied that:*

- *Future parking demands in the immediate and long term can be justified at Mullaloo;*
- *No substantial conflict exists in the peak operational hours of the uses for which the reciprocal parking is proposed;*
- *There is no overlap demand for parking facilities;*
- *Credited car spaces from one use to another does not exceed the excess requirement for the first use during peak operational times;*
- *The proposed change of use to a mixed use development from a tavern will comply with the reciprocal parking arrangements;*
- *The demand for parking by the uses proposed will not unreasonably coincide.*

*All as required by the Town of Vincent’s parking policy 3.7.1.*

A2(c) This questions should be directed to the individual elected members.

***The DPS2 clause 8.11.22 – Relationship of Local Planning Policies to Scheme states “local planning policy is not part of the Scheme and shall not bind Council but the Council shall have due regard to the provisions of any policy and the objectives which the policy is designed to achieve”.***

***The City of Joondalup’s Cash in Lieu of Car Parking policy 3.1.12 states “This policy APPLIES to all non-residential development in the City of Joondalup, except in the City Centre Zone, Rural, Special Rural and Special Residential Zones”.***

*Q3(a) Why didn’t the Council officers inform Council of the weight of this policy, applying to all non-residential development, whilst informing that the under DPS2 clause 4.11 cash in lieu is not considered necessary?*

*Q3(b) Are Councillors Kadak, Kimber, Baker, Rowlands, Paterson, Kenworthy, Mackintosh, Hurst and the Mayor satisfied that:*

- (i) *there is a reasonable expectation that in the immediate future there will be adequate provision for **PUBLIC** parking in the proximity of the development;*
- (ii) *if the Surf Club requires the flexibility for future uses that may include a restaurant, that there is adequate provision for parking?*
- (iii) *that the loss of \$222,500.00 in cash in lieu contributions to be used anywhere within the City of Joondalup, as per policy 3.1.12 is acceptable?*
- (iv) *That due regard has been shown with respect the DPS2 clause 18.11.2.2 prior to forfeiting \$222,500.00 to the ratepayers of the City of Joondalup?*

A3(a&b) The report provided the correct information and advice to Council in relation to the cash-in-lieu provisions.

Q4(a) *If the public are the major influencing party or stakeholder in Lot 1 Oceanside Promenade (Tom Simpson Park) why hasn't the Council followed the ratepayers motions and repeated requests to include this Lot into Tom Simpson Park proper, taking into account that Council officers did recommend this inclusion after the Special Electors meeting?*

A4(a) The Council considers various view points and pieces of information prior to making an informed decision on any matter.

Q4(b) *If each ratepayers request is dealt with on a case by case basis (Q19 page x agenda 18.2.2003) why hasn't Lot 1 Oceanside Promenade been included into Tom Simpson Park Proper, taking into account that Council officers did recommend this inclusion after the Special Electors meeting?*

A4(b) See Answer to 4(a) above.

Q4(c) *What or which part of Question 13 page ix, agenda 18.2.2003, is unclear to Council (noting that the word density has been deleted from the question after submission, density is to be inserted after the word residential)?*

A4(c) The whole question is unclear.

Q4(d) *Ref: Question 14 page ix, agenda 18.2.2003 and the reply.  
How many lot 1's Oceanside Promenade, Mullaloo does the Council think there is?*

A4(d) The City's records indicate three.

Q4(e) *Did the Chief Executive Officer of the City of Joondalup approve and sign off on the answers to the questions submitted by myself that now appear in the agenda 18.2.2003?*

A4(e) Yes.

*Q5(a) Ref: Question 31 page xii, agenda 18.2.2003. The question asks **why** these members of the Council administration staff are considered key stakeholders. Please answer the question provided in good faith.*

A5(a) The response to this question has been previously provided in good faith.

*Q5(b) May I have a copy of and will Council provide me with a copy of **ALL** stakeholders lists for and within the City of Joondalup or affecting or concerning the City of Joondalup?*

A5(b) No.

**The following question was submitted by Mr S Grech, Ocean Reef:**

*Q1 On 5<sup>th</sup> November 2002, I submitted a set of questions to the CEO re Special Council Meeting 29<sup>th</sup> October 2002. Mr Smith advised that I resubmit the questions to the Councillors concerned. I resubmitted the questions at the next Council meeting of 29<sup>th</sup> November 2002, to date I have received only one written response from Cr Walker.*

*When can I expect the other Councillors and Chairperson to reply to these questions in writing?*

“The following question was submitted by Mr S Grech, Ocean Reef:

*Q1 The following question, submitted by Mr S Grech, Ocean Reef, was taken on notice at the Council meeting held on 5 November 2002:*

*“Q1 Re: Special Council Meeting – 29 October 2002. Can you please advise if the meeting was called by those five Councillors to enable the Councillors to thoroughly vet and consider approving the hotel development plan for land situated at the intersection of Boas Avenue and Grand Boulevard, Joondalup?”*

*The response given to this question was that it would be best directed to the relevant elected members.*

Mr Grech has now resubmitted this question and states: “Under advice provided by your officer, direct this question to the five individual councillors for five individual written responses and I also request that a sixth and separate written response be provided by the chair person of that special council meeting held 29 October 2002. I further request that this matter be addressed and individual written detailed replies of no less than ½ a typed page per reply by next council meeting.”

A1 Again, this is a question to be directed to the individual elected members.

**Mrs M Macdonald, Mullaloo:**

*Q1 On 18 December 2001 I asked a question regarding the then proposed alterations to the Mullaloo Surf Club. The attachment to the Agenda stated that the plan was Stage 1 and I asked what other stages were there. The response was that "At this stage the City is not aware of any further stages for development on the site." Under Freedom of Information, I have obtained a plan that clearly shows a restaurant where the clubrooms are and the clubrooms moved to be over the gymnasium. Can the Planning Department tell me if these plans are being considered by Council as Stage 2?*

A1 No they are not.

**Ms M Moon, Greenwood:**

*Q1 Is short term and medium stay accommodation for holiday accommodation or for the purpose of living or residing?*

*Q2 What building form does short term and medium term accommodation take? Is it going to be in the form of single homes, multiple dwellings e.g., flats and units or in the form of group dwellings?*

A1-2 These questions will be taken on notice.

**Mrs S Hart, Greenwood:**

*Q1 Last year Cr Kadak and Mr Higham attended a Planning Conference in New Zealand. Last year I asked when a report would be presented to Council and was told it was on Mr Higham's desk. When will this report be presented to Council?*

A1 The report has been made available to Elected Members and is also on the City of Joondalup website.

*Q2 If Cr Patterson attends the next Planning Conference will he be required to prepare a report for Council and will ratepayers gain any benefit from his attending this conference?*

A2 This question will be taken on notice by Cr Patterson

**Ms W Heron, Sorrento:**

*Q1 Are you aware that there maybe an inaccuracy in Item No. CJ020 Retrospective Development Application for Unauthorised Patio. On Page 76 under Consultation, it says the body corporate did not consult No. 32, which is our neighbour's property, with regards to the patio. I have a letter that was sent to both of us on 6 August 2002 to inform No. 32 what was happening with our patio. On 3 August 2002 we ourselves went to No. 32, as the body corporate asked us to go and explain exactly what we were doing.*

A1 This has been noted.

**Mr J Parker, South Duncraig:**

*Q1 Re Bore in Sycamore Drive – Why has the watering truck not been seen since before Christmas despite Council’s assurances that watering would continue through January and February 2003? As a result of the poor watering the overall appearance of this once attractive entrance is very poor with dead shrubs and grass.*

A1 It is understood that watering has continued on the plants, however the grass has not been watered. It is subject to Council’s decision tonight with regarding to watering the grass.

*Q2 Residents want Council’s reassurance that this once attractive entrance will be reinstated with a new bore, fully maintained, reticulated and landscaped and when this work will commence?*

A2 This question will be taken on notice.

**Mr A Bryant, Craigie:**

*Q1 I have a recycling collection once a fortnight which is conducted by collection trucks, operated and I assume owned by the City of Wanneroo. I would like to know what arrangements are in place for reimbursement to the City of Joondalup by the City of Wanneroo. I save items for recycling for the benefit of the City of Joondalup not the City of Wanneroo?*

A1 This question will be taken on notice.

**Mr M Caiacob, Mullaloo:**

*Q1 What is the estimated cost to the City of Joondalup ratepayers over the Mullaloo Tavern redevelopment project including the following items and are these incurred costs in the best interests of the public?*

- *Cash in lieu carparking, 50 bay deficit at \$4450 per bay - \$222,500;*
- *Cost of the Special Electors Meetings No. 1 and 2;*
- *The rescind motion;*
- *Legal advice over the rescind motion, if any;*
- *Legal advice over the writ served on Council;*
- *Legal advice over the S18.2 investigation;*
- *Staff time over the same;*
- *Legal advice and representation over the liquor licence application;*
- *Staff time of the same;*
- *Legal advice and representation over the Town Planning appeal and staff time of the same;*
- *Staff time in requesting additional information;*
- *Staff time in conferences and meetings, and*
- *Staff time obtaining Freedom of Information packages for this development?*

A1 This question will be taken on notice.

**Mrs M Zakrevsky, Mullaloo:**

*Re: CJ005 – Item F535 – Section – Additional Costs in the Half Yearly Budget Review - Additional costs of \$25,000 for the Whitford City Customer Centre:*

*Q1 What is the \$25,000 additional costs to be spent on?*

A1 This item came to Council for consideration when the refurbishment of the Whitford City Customer Service Centre was presented. This is not an additional cost, it is the cost that was used to refurbish the Centre as was decided by Council last year.

*Q2 Why has the additional expense arisen, as an amount of \$41,000 in the budget already covers the lease of the Centre and the various levies and outgoings according to last year's budget?*

A2 This question has already been answered.

**Ms M Shaw, Ocean Reef:**

*Re: Mullaloo Tavern renovations and those of 12 and 14 Gloriana View, Ocean Reef*

*Q1 Would the Mayor or Councillors please explain what they hope to gain by the renovations to the above properties to the disadvantage of hundreds of existing property owners in these areas in terms of loss of privacy, light, sound and space and views for the benefit of one family.*

A1 This question will be taken on notice.

**Mrs R Bowman, Kallaroo:**

*Re: Cr Baker's motion No. 1 with the meeting between Hutchison, Mal Washer, the Mayor, Ward Councillors and representatives of the Mullaloo Community Action Group.*

*Q1 Why were the residents of the Kallaroo Park area not included in this meeting?*

A1 This question will be taken on notice.

**Ms I Burdett, Kallaroo:**

*Re: Proposed telephone tower in Kallaroo Place.*

*Q1 What are the new regulations that are mentioned in the proposal that the ACA are introducing in the second quarter of this year?*

*Q2 Why were residents only given 30 days to object to this tower?*

A1-2 These questions will be taken on notice.

**APOLOGIES AND LEAVE OF ABSENCE****C01-02/03      REQUEST FOR LEAVE OF ABSENCE - CR P KADAK - [50521]**

Cr Kadak has requested the following Leave of Absence from Council duties:

24 February 2003 to 14 March 2003 inclusive  
28 March 2003 to 17 April 2003 inclusive

**MOVED Cr Baker, SECONDED Cr Kimber that Council APPROVES the request for Leave of Absence from Cr P Kadak covering the following dates:**

**24 February 2003 to 14 March 2003 inclusive  
28 March 2003 to 17 April 2003 inclusive**

**The Motion was Put and**

**CARRIED**

**Leave of absence previously approved:**

Cr A Nixon                      8 February 2003 to 2 March 2003 inclusive

**DECLARATIONS OF FINANCIAL INTEREST/INTEREST THAT MAY AFFECT IMPARTIALITY**

*Cr Patterson declared a financial interest in Item CJ001-02/03 – Urbanism Downunder Conference, Auckland, New Zealand: 20 to 22 March 2003 due to attendance at that conference.*

*Cr O'Brien declared a financial interest in Item CJ002-02/03 – Warrant of Payments –31 December 2002 (Voucher No 44914 – Chubb Electronic Security) – as Chubb Security has taken over an FAI Extra Watch security at his residence.*

*Cr Kimber declared an interest which may affect his impartiality in Item CJ006-02/03 – Emergency Services “Levy” – Update as he is employed by the Fire & Emergency Service Authority (FESA).*

*Cr Rowlands declared an interest that may affect his impartiality in Item CJ007-02/03 – Rescinding the Awarding of Tender 012-02/02 – Lease for Part of the Civic Centre as he is an acquaintance of the lessee.*

*Mr P Schneider, Director Corporate Services and Resource Management declared an interest which may affect his impartiality in Item CJ010-02/03 – Extension of Contract 015-01/02 for the Supply of Temporary Personnel as he is a close personal friend with the Major Accounts Manager from Workskills Professionals whose contract is recommended for extension.*

*Mr D Djulbic, Director Infrastructure and Operations declared an interest which may affect his impartiality in Item CJ011-02/03 – Kingsley Bali Memorial Project as he is a member of the Kingsley Football Club.*



*Cr Hollywood stated his intention to declare an interest that may affect his impartiality in Item CJ020-02/03 – Retrospective Development Application for an Unauthorised Patio: Unit 49/160 West Coast Drive, Sorrento as he is an acquaintance of the applicants. At the Council Meeting, Cr Hollywood advised he wished to withdraw his declaration of interest.*

*Cr Kimber declared an interest which may affect his impartiality in Item CJ032-02/03 – Consideration of Submissions for the excision and re-vesting of Lilburne Reserve (Reserve 35545), Location 9853, (214) Lilburne Road, Duncraig as he is employed by the Fire & Emergency Service Authority (FESA).*

*Mr D Djulbic, Director Infrastructure and Operations declared an interest which may affect his impartiality in Item C15-02/03 - Notice of Motion No 2 – Cr J Hollywood – Wanneroo Basketball Association as a relative is a member of the Wanneroo Basketball Association.*

*Cr Kimber declared an interest which may affect his impartiality in Item C15-02/03 - Notice of Motion No 2 – Cr J Hollywood – Wanneroo Basketball Association as a family member is involved with the Wanneroo Basketball Association.*

*Mr D Smith, Chief Executive Officer declared a financial interest in Item C10-02/03 - Notice of Motion No 6 – Cr Carlos as this item deals with personal matters/contract of employment.*

*Mr D Smith, Chief Executive Officer declared a financial interest in Item C07-02/03 - Confidential Late Item No 1 – CEO’s Report – Financial Contribution to the 2Cities Internet Project as he is Vice-Chairman of the North Metro Community On-line Assoc. Inc Executive Committee.*

*Mr C Higham, Director Planning and Community Development declared a financial interest in Item C08-02/03 - Late Item No 2 – CEO’s Report – Contract of Employment – Mr Clayton Higham – Renewal of Contract as this item relates to his employment contract.*

*Mr D Smith, Chief Executive Officer declared a financial interest in Item C09-02/03 - Late Item No 3 – CEO’s Report – Chief Executive Officer’s Annual Performance Review as this item deals with personal matters/contract of employment.*

## **CONFIRMATION OF MINUTES**

**C02-02/03                    MINUTES OF COUNCIL MEETING – 17 DECEMBER 2002**

**MOVED Cr Baker, SECONDED Cr Mackintosh that the Minutes of the Council Meeting held on 17 December 2002, be confirmed as a true and correct record.**

**The Motion was Put and**

**CARRIED (13/1)**

**In favour of the Motion:** Mayor Bombak, Crs Baker, Barnett, Carlos, Hollywood, Hurst, Kadak, Kenworthy, Kimber, Mackintosh, O’Brien, Patterson and Rowlands **Against the Motion:** Cr Walker

## **ANNOUNCEMENTS BY THE MAYOR WITHOUT DISCUSSION**

### **AMBASSADOR TO ITALY**

I was pleased to welcome Australia's Ambassador to Italy, Mr Murray Cobban, on a recent visit to the City of Joondalup.

Mr Cobban remarked on the possibility of a close link or Sister City relationship with the City of Sorrento in Italy.

I told the Ambassador I believed this would be most fitting and could be time to coincide with the extensive beautification works being done by the City of Joondalup at Sorrento Beach.

Mr Cobban was keen to raise the matter with the City of Sorrento on taking up his post in Italy.

State Director of the Department of Foreign Affairs and Trade, Stephen Scott, indicated that Sorrento in Italy had already expressed an interest in a Sister City relationship.

### **AUTO PRO OPENING**

Yet another new business has opened in Joondalup, one of several in the past few weeks.

The opening of Auto Pro, Edgewater (near Bunnings) was a great chance to get to know the two local couples who have started the new business.

I wish Linda and Paul Rodda of Heathridge and Rick and Leigh Misseldine from Beldon all the best.

Auto Pro follows recent openings of Sunflowers and Hampers, Mar Mediterraneo (Pizza and Pasta) and OK Oriental Mini Mart in the Joondalup CBD.

### **EDGEWATER CRICKET**

I congratulate the people of Edgewater for a 'great day out' at Emerald Reserve, centred around a day-night cricket match against Joondalup-Kinross, which Edgewater won by 18 runs.

I attended the event with Cr Paul Kimber and it was one of the greatest community events I have ever seen and I call upon other suburbs to show the same community spirit with similar events.

### **JOONDALUP ON TV**

A documentary on Joondalup's Silver Jubilee will be aired on Channel 31 at 7.00 pm on Thursday, 27 February 2003.

I urge you to watch this informative documentary about the development of Joondalup and the City's first 25 years.

## **2002 EXCELLENCE IN RECORDS MANAGEMENT AWARD**

Now to a very pleasant duty – to present the “2002 Excellence in Records Management Award” to our Records team.

This award has been made by State and Local Government through the State Records Office for Best Practice in Records Management.

Record keeping is an enormously important part of local government and our Records team deals with 500 pieces of records per day.

Submissions for this award were evaluated against the criteria of performance and service delivery, creative leadership, improved practices and productivity gains in the management of records and the City won due to its commitment to improved record keeping during 2001/2002.

Congratulations to Co-Ordinator, Christine Robinson, Jane Scott-Malcolm, Jenita Perrera, Helen Neilson, Sam De Cruz and Linda Hughes who could not be with us this evening.

## **PETITIONS**

### **C03-02/03            PETITIONS SUBMITTED TO THE COUNCIL MEETING – 18 FEBRUARY 2003**

#### **1            PETITION OBJECTING TO PROPOSED BED & BREAKFAST DEVELOPMENT – 119 MULLALOO DRIVE, MULLALOO – [21843]**

Cr Hurst tabled a 204-signature petition (of which 49 signatures relate to areas outside the City of Joondalup boundary) from residents objecting to the proposed second storey addition to single house for bed and breakfast extension at 119 Mullaloo Drive, Mullaloo.

The petitioners give the following reasons for their objection:

- Right to privacy between residential dwellings
- Overlooking into backyard
- Effect on quality of life and residential liberty
- Noise levels

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

#### **2            PETITION OPPOSING INSTALLATION OF FOOTPATH – KENNY DRIVE, DUNCRAIG – [07780]**

A 21-signature petition has been received from Duncraig residents strongly opposing any proposed installation of a footpath in Kenny Drive, Duncraig as part of the 2003/2004 Capital Works Program – Footpath Works.

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

3 PETITION OPPOSING INSTALLATION OF FOOTPATH – JOHNSON CRESCENT, MULLALOO – [38796]

An 11-signature petition has been received from Mullaloo residents strongly opposing any proposed installation of a footpath in Johnson Crescent, Mullaloo as part of the 2003/2004 Capital Works Program – Footpath Works.

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

4 LETTER REQUESTING REMOVAL OF TREE – TARATA COURT, DUNCRAIG – [21483]

A letter containing 5-signatures has been received from residents of Tarata Court, Duncraig requesting removal of a tree located on the verge outside the interface of properties 7 and 11 Tarata Court, Duncraig.

The reasons for requesting removal are as follows:

- 1 it is an unacceptable and unnecessary hazard to both people and property;
- 2 it has and will continue to cause intermittent obstruction to the sewerage system;
- 3 it does not meet the Council's "approved species list for verge planting";
- 4 it has grown too large and is inappropriate to its immediate surroundings.

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

5 PETITION OBJECTING TO PROPOSED INSTALLATION OF FOOTPATH – GRIFFELL WAY, DUNCRAIG – [05640]

A 11-signature petition has been received from Duncraig residents objecting to the proposed installation of a footpath in Griffell Way, Duncraig as part of the 2003/2004 Capital Works Program – Footpath Works.

The petitioners give the following reasons for their objection:

- Pedestrian traffic in the proposed footpath area is very minimal.
- Children exiting Poynter Primary School use Poynter Drive or the pathway over Trigonometry Reserve.
- Do not see the non presence of the footpath as a safety issue.
- Many of the children play together on the grass verges.

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

6 PETITION REQUESTING CONSTRUCTION OF BRICK WALL, GIBSON PARK – [27176]

A 48-signature petition has been received from residents of the City of Joondalup requesting the construction of a brick wall at Gibson Park, Padbury, in order that Padbury residents and surrounding areas can make use of this for ball games and such activities as tennis practice.

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

7 PETITION REQUESTING SPECIAL MEETING OF ELECTORS – WANNEROO BASKETBALL ASSOCIATION INC – [75029 03097]

A 249-signature petition has been received from residents requesting that a special meeting of electors be held to discuss issues in relation to Wanneroo Basketball Association Inc.

In accordance with Section 5.28 of the Local Government Act 1995, a special meeting of electors has been scheduled for 7.00 pm on Thursday, 6 March 2003 to be held in the Council Chamber, Joondalup Civic Centre, Boas Avenue, Joondalup.

This petition will be referred to Office of the CEO for action.

8 PETITION REQUESTING THAT COUNCIL REMOVES AN OVERSIZED TREE ADJACENT TO 18 FELGATE PLACE, WARWICK AND REPLACE IT WITH A MORE APPROPRIATE SMALLER SPECIES – [42835]

Cr Barnett tabled a 9-signature petition from residents of the City of Joondalup requesting that Council removes the “oversize” verge tree adjacent to 18 Felgate Place, Warwick and to replace it with a smaller more appropriate species as a “moderate” sized verge tree.

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

9 PETITION REQUESTING COUNCIL’S ACCEPTANCE OF RESPONSIBILITY FOR PRUNING STREET VERGE TREES AND USING THE SAME STANDARD OF PRUNING FOR LOPPING THE EXPANSIVE GROWTH OF THE MEDIAN TREES IN ERINDALE ROAD, WARWICK – [06005]

Cr Barnett tabled a 20-signature petition from residents of the City of Joondalup requesting Council’s acceptance of responsibility for pruning Street Verge Trees as per an extract from Council’s Website.

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

10 PETITION REQUESTING THE REMOVAL OF EUCALYPT VERGE TREES – SORELL GARDENS, JOONDALUP – [48432]

Cr Kadak tabled a 25-signature petition requesting Council to remove all eucalypt trees situated in the road reserve verges in Sorell Gardens, Joondalup.

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

11 PETITION REQUESTING COUNCIL TO CONSIDER MODIFICATION TO PERIMETER ROAD AT CRAIGIE LEISURE COMPLEX AND A HOMEBASE FOR THE NORTHERN DISTRICTS CYCLING CLUB ALSO A CRITERIUM CIRCUIT AND A 250 METRE HIGH BANKED TRUCK WITHIN TREETOP AVENUE QUARRY RESERVE – [09050, 37544, 07367]

Cr O’Brien tabled a 123-signature petition asking Council to consider:

- 1 modification to the Perimeter Road at the Craigie Leisure Complex and approve the use of the Perimeter Road for Training, particularly Junior Cyclists and Club Criterium Activities.
- 2 the possibility of Craigie Leisure Complex becoming a Home Base for the Northern Districts Cycling Club.
- 3 a Criterium Circuit and a 250 metre High Banked Tract within Treetop Avenue, Edgewater Quarry Reserve.

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

12 PETITION REQUESTING CONSIDERATION ON VARIOUS INFRASTRUCTURE ISSUES IN CURRAMBINE – [09382, 00884, 00513, 10265, 70516]

Cr Hollywood tabled a 202- signature petition from the residents of the City of Joondalup requesting that Council give consideration to the following matters:

- 1 Re-landscaping, tidying up and reticulation to median strip and roundabout in Delamere Avenue;
- 2 Reticulation, new play equipment, the provision of security lighting at Santa Anna Park;
- 3 Tidying vacant land north of Woolworth's in Currambine;
- 4 Security patrols increased in the suburb of Currambine;
- 5 Traffic calming devices in Delamere Avenue and Oakland Hills Boulevard.

This petition will be referred to both Infrastructure & Operations and Planning and Community Development directorates for action.

*Cr Kenworthy left the Chamber, the time being 1942 hrs.*

**MOVED Cr Baker, SECONDED Cr Hurst that the petitions:**

- 1 objecting to the proposed second storey addition to single house for bed and breakfast extension at 119 Mullaloo Drive, Mullaloo;**
- 2 strongly opposing any proposed installation of a footpath in Kenny Drive, Duncraig as part of the 2003/2004 Capital Works Program – Footpath Works;**
- 3 strongly opposing any proposed installation in Johnson Crescent, Mullaloo as part of the 2003/2004 Capital Works Program – Footpath Works;**

- 4 requesting removal of a tree located on the verge outside the interface of properties 7 and 11 Tarata Court, Duncraig;
- 5 objecting to the proposed installation of a footpath in Griffell Way, Duncraig as part of the 2003/2004 Capital Works Program – Footpath Works;
- 6 requesting the construction of a brick wall at Gibson Park, Padbury, in order that Padbury residents and surrounding areas can make use of this for ball games and such activities as tennis practice;
- 7 requesting that a special meeting of electors be held to discuss issues in relation to Wanneroo Basketball Association Inc;
- 8 requesting that Council removes the “oversize” verge tree adjacent to 18 Felgate Place, Warwick and to replace it with a smaller more appropriate species as a “moderate” sized verge tree;
- 9 requesting Council’s acceptance of responsibility for pruning Street Verge Trees as per an extract from Council’s Website;
- 10 requesting Council remove to all eucalypt trees situated in the road reserve verges in Sorell Gardens, Joondalup;
- 11 requesting Council to consider modification to perimeter road at Craigie Leisure Complex and a Homebase for the Northern Districts Cycling Club also a Criterium Circuit and a 250 metre high banked truck within treetop Avenue Quarry Reserve;
- 12 consideration on various infrastructure issues in 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:** Mayor Bombak, Crs Baker, Barnett, Carlos, Hollywood, Hurst, Kadak, Kimber, Mackintosh, O’Brien, Patterson, Rowlands and Walker

*Cr Kenworthy entered the Chamber, the time being 1944 hrs.*

*Cr Patterson declared a financial interest in Item CJ001-02/03 – Urbanism Downunder Conference, Auckland, New Zealand: 20 to 22 March 2003 due to attendance at that conference.*

*Cr Patterson left the Chamber, the time being 1944 hrs.*

**CJ001 - 02/03      URBANISM      DOWNUNDER      CONFERENCE,  
AUCKLAND, NEW ZEALAND:      20 TO 22 MARCH  
2003 – [00427]**

**WARD - All**

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**PURPOSE**

To authorise the attendance of Cr Andrew Patterson at the Urbanism Downunder Conference 2003 in Auckland, New Zealand between 20 and 22 March 2003.

**EXECUTIVE SUMMARY**

The Urbanism Downunder Conference 2003, entitled “Transforming Cities in Australia and New Zealand” is to be held in Auckland, New Zealand between 20 and 22 March 2003.

It is recommended that Council authorises the attendance of Cr Andrew Patterson at the conference.

**BACKGROUND**

**Conference Theme**

The Urbanism Downunder Conference 2003, entitled “Transforming Cities in Australia and New Zealand” is to be held in Auckland, New Zealand between 20 and 22 March 2003.

Urbanism Downunder 2003 will harness the experiences of Australian, New Zealand and international practitioners in the art and science of transforming cities. This conference will be inter-disciplinary, illustrating the mix of professional skills essential to creating liveable towns and cities – urban design, architecture, landscape, community development and communications.

The conference is expected to attract up to 400 delegates. The following themes will be explored through keynote presentations, workshops, papers and site tour:

- Designing for change;
- Leading change;
- Profiting from good design;
- Community voices.

Further information in relation to the Conference is provided within Attachment 1 hereto.

**DETAILS**

Cr Andrew Patterson has requested approval to attend the Urbanism Downunder Conference 2003 - “Transforming Cities in Australia and New Zealand” to be held in Auckland, New Zealand between 20 and 22 March 2003.



**Policy Implications:**

Policy 2.2.13 – “Payment of Fees, Allowances and Expenses and the Provision of Facilities to the Mayor, Deputy Mayor and Councillors” states:

*“5.1 Objective*

*To detail the annual amounts and guidelines for Elected Members attendance at local, interstate and overseas conferences, seminars, lectures, courses and sister city visits. Elected Members are encouraged to attend appropriate conferences and training to enable them to be more informed and better able to fulfil their duties of office.”*

*“5.2 Annual Conference and Training Expense Allocation*

*(1) The following annual conference and training expense allocation shall be made available to elected members:*

*(a) The Mayor shall be entitled to an annual expense allocation of \$10,000; and*

*(b) All Councillors shall be entitled to an annual expense allocation of \$5,000.*

*(2) In addition to the annual expense allocation detailed in clause (1)(a) above, the Mayor shall be entitled to attend the Annual WALGA and ALGA conferences.”*

*“5.8 Guidelines for Conference Attendance*

*(5) Elected Members will only be registered for conference/training courses itemised in this policy, if the elected member has sufficient funds in their annual conference and training expense allocation to meet the costs. Where there are insufficient funds to meet cost of requested conference or training in the elected member’s conference and training allocation, Council approval must be obtained before costs are incurred.”*

*“6(1) An Elected Member may, with Council approval, attend an overseas conference.”*

*“6(4) Attendance at an overseas conference is subject to authorisation being obtained from Council prior to departure, with a specific Council resolution supporting that the conference attendance will be of benefit to the City and the Elected Member and detailing any conditions that apply.”*

**Financial Implications:**

Cr Patterson has spent \$2,033.69 of his Conference and Training Allowance. The estimated costs for Cr Patterson to attend the Conference are as follows:

Registration Fees:	\$410
Airfare:	\$1,045.55 (Economy)
Accommodation:	\$642
Incidentals:	\$750
<b>Total:</b>	<b>\$2,847</b>

*Note: The attached papers quote \$NZ. The above figures are calculated in Australian Dollars.*

Account No: 11 05 05 052 3521 0001  
Budget Amount: \$5,000  
YTD Amount: \$2,033  
Actual Cost: \$2,847

## COMMENT

Cr Patterson has requested approval to attend this Conference. Policy 2.2.13 – “Payment of Fees, Allowances and Expenses and the Provision of Facilities to the Mayor, Deputy Mayor and Councillors” encourages elected members to attend conferences and training to enable them to be more informed and better able to fulfil their duties of office.

The annual conference allocation per individual elected member runs from May to May of each year. Cr Patterson has expended \$2,033 of his conference allocation, and the estimated cost of attending the conference is \$2,847, therefore totalling \$4,880 and not exceeding the annual allocation.

Mr Sergio Famiano is a Planning Officer with the Urban Design and Policy Services team of the Approvals, Planning and Environmental Services business unit. Sergio will be on holidays in New Zealand at the time of the subject conference. Given the direct relationship between the topics to be explored at the conference and the business of the team, and that the airfare is already paid for, the City has committed to paying the registration fee and four nights’ accommodation.

## VOTING REQUIREMENTS

Simple Majority

**MOVED Cr Baker, SECONDED Cr Kenworthy that Council AUTHORISES the:**

- 1 ATTENDANCE of Cr Andrew Patterson at the Urbanism Downunder Conference 2003 – “Transforming Cities in Australia and New Zealand” to be held in Auckland, New Zealand between 20 and 22 March 2003 at a cost of \$2,847.00;**
- 2 EXPENDITURE in 1 above to be charged to Budget item Elected Members Conference and Training Allowance, Account number 11 05 05 052 3521 0001.**

**The Motion was Put and**

**CARRIED (13/0)**

**In favour of the Motion:** Mayor Bombak, Crs Baker, Barnett, Carlos, Hollywood, Hurst, Kadak, Kenworthy, Kimber, Mackintosh, O’Brien, Rowlands and Walker

*Appendix 1 refers*

*To access this attachment on electronic document, click here: [Attach1brf110203.pdf](#)*

*Cr O'Brien declared a financial interest in Item CJ002-02/03 – Warrant of Payments –31 December 2002 (Voucher No 44914 – Chubb Electronic Security) – as Chubb Security has taken over an FAI Extra Watch security at his residence.*

*Cr O'Brien left the Chamber, the time being 1945 hrs.*

## **CJ002 - 02/03      WARRANT OF PAYMENTS – 31 DECEMBER 2002 – [09882]**

**WARD - All**

### **PURPOSE**

The Warrant of Payments as at 31 December 2002 is submitted to Council for approval.

### **EXECUTIVE SUMMARY**

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

### **DETAILS**

<b>FUNDS</b>	<b>VOUCHERS</b>	<b>AMOUNT</b>
		\$           c
Municipal	000367A-000374	5,143,759.50
Director Corporate Services & Resource Management Advance Account	044492-045187	4,797,185.00
Trust Account		
	<b>TOTAL      \$</b>	<b>9,940,944.50</b>

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 December 2002, the amount was \$1,235,198.04.

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 \$ 9,940,944.50 which is to be submitted to each Elected Member on 18 February 2003 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 \$9,940,944.50 was submitted to Council on 18 February 2003.

.....  
Mayor John Bombak

### **VOTING REQUIREMENTS**

Simple Majority

**MOVED Cr Baker, SECONDED Cr Walker that Council APPROVES for payment the following vouchers, as presented in the Warrant of Payments to 31 December 2002, certified by the Mayor and Director Corporate Services & Resource Management and totalling \$9,940,944.50.**

<b>FUNDS</b>	<b>VOUCHERS</b>	<b>AMOUNT</b>
		<b>\$ c</b>
<b>Municipal</b>	<b>000367A-000374</b>	<b>5,143,759.50</b>
<b>Director Corporate Services &amp; Resource Management Advance Account</b>	<b>044492-045187</b>	<b>4,797,185.00</b>
<b>Trust Account</b>		
	<b>TOTAL \$</b>	<b>9,940,944.50</b>

**The Motion was Put and**

**CARRIED (12/0)**

**In favour of the Motion:** Mayor Bombak, Crs Baker, Barnett, Carlos, Hollywood, Hurst, Kadak, Kenworthy, Kimber, Mackintosh, Rowlands and Walker

*Appendix 2 refers*

*To access this attachment on electronic document, click here: [Attach2brf110203.pdf](#)*

*Crs Patterson and O'Brien entered the Chamber, the time being 1946 hrs.*

**C04-02/03                    COUNCIL DECISION – EN BLOC RESOLUTION NO 1**

**MOVED Cr Rowlands, SECONDED Cr Kenworthy that Council first deals with those items which it requires to consider individually, with the remainder of items to be by EN-BLOC method.**

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

**The Motion was Put and**

**CARRIED (10/4)**

**In favour of the Motion:** Mayor Bombak, Crs Barnett, Hurst, Kadak, Kenworthy, Kimber, Mackintosh, O'Brien, Patterson and Rowlands    **Against the Motion:** Crs Baker, Carlos, Hollywood and Walker

**CJ004 - 02/03                    PETITION – REQUEST FOR BORE IN SYCAMORE DRIVE, DUNCRAIG – [09562] [03076]**

**WARD -**    South Coastal

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**PURPOSE**

This report is in response to a petition submitted by Katie-Hodson Thomas, MLA for Carine on behalf of 125 residents in Duncraig. The petition from residents in various streets that link with Sycamore Drive, Duncraig (refer to Attachment 1) requests re-connection of the verge irrigation system previously supplied by the Estate Developer.

**EXECUTIVE SUMMARY**

The City was advised by the developer in July, 2002 that handover of the verge landscape in Sycamore Drive, Duncraig would be implemented during August/September, 2002.

The landscape irrigation was via a private bore located in residential property. The option for Council to continue to utilise this bore is not available as the installation has been dismantled by the developer or property owner. There are two issues to be determined:

- 1        Verge irrigation – to continue or not
- 2        If irrigation is to continue, a supply needs to be determined from an existing bore at Juniper Park or a new bore installation within the Park.

*It is recommended that Council:*

- 1        *CONSIDERS Option 2 – connection to existing bore at Juniper Park, as part of the 2002/2003 Half Year Budget Review;*
- 2        *CONTINUES to maintain the shrub areas via water tanker in the interim.*

## **BACKGROUND**

Development of the subdivision estate “Carine Glades” was undertaken in two stages by Maple Partnership (Gillon and Osborne) (refer to Attachment 2). Work commenced on the east side of Sycamore Drive and the developer irrigated the verge via a mains water supply.

The second stage on the western side of Sycamore Drive commenced in August 1997. At the time of the subdivision, the developer submitted plans requesting irrigation of the verges of Sycamore Drive, Beach Road and internal residential streets. This request was rejected in accordance with Council “Practice of the day” and the developer was advised that any system installed must be removed prior to the handover to Council. The agreed standard maintenance period was two years from completion of any landscape installation. Council approved at the time of the subdivision, a landscape plan for this subdivision and all planting was requested to be native plant species. An enhanced landscape standard was retained by the developer until August 2002 by choice.

The maintenance contractor, Urban Landscaping, contacted the City in July, 2002 and requested that Council accept responsibility as the area maintenance period had expired. The City agreed to undertake normal maintenance of the area excluding irrigation, in keeping with the originally approved conditions of subdivision, as this had been supplied from a private property bore and the supply was an agreement between the developer and the owner.

The developer was requested to advise all residents in the estate that the irrigation system would be disconnected from August/September, 2002.

Officers received requests from concerned residents in October/November 2002 as the landscaped area deteriorated. Various residents confirmed receipt of a letter from the developer but most appeared not to have not been aware of the maintenance transfer. Residents were advised that Council would undertake normal maintenance of the area but reticulation was not available from the former supply bore.

Following representation and receipt of the petition, it was evident that insufficient consultation had occurred with the local community, and it was determined that irrigation would be re-implemented by water tanker or re-establishment of the private bore connection. This was agreed to enable a report to be prepared in order that Council may give due consideration to this matter.

### **Tanker supply**

Three loads per week have been applied to maintain shrub areas only. This is currently ongoing.

### **Private Bore reconnection**

This option was discussed with the owner of Lot 722 Plumosa Mews, Duncraig. Investigation confirmed that the pumping unit and electrical supply had been dismantled prior to handover to Council and the bore hole is under paving installed during the property development. As the property is currently a rental property and is proposed for sale in January/February 2003, no further action occurred.

The petitioners request that Council provide a bore to irrigate the verges of Sycamore Drive has been investigated and the following options apply:

### **Option 1 – Provision of a new bore supply**

<b>Requirements</b>	Approval from Water and Rivers Commission	
	Approval from Western Power for an additional power supply meter from Juniper Place	Est. Cost \$3,000
	Installation of bore & pumping unit Tender Price (small unit )	Est. Cost \$15,000
	Modify existing mainline and connect to pump	Est. Cost \$5,000
	<b>Total</b>	<b>\$23,000</b>

### **Option 2 – Connection to existing bore at Juniper Park**

	Modify existing main line	Est. Cost \$15,000
	Underground boring (two locations)	Est. Cost \$5,000
	<b>Total</b>	<b>\$20,000</b>

#### **Note:**

Connection to Juniper Park requires action from Western Power to address power supply levels. There was an impact to residents in Tandy Court when the pump operated and power supply to residents property dropped significantly. This problem was recently experienced again and residents have requested Western Power implement an upgrade of the transformer that services Tandy Court and Juniper Way.

#### **COMMENT**

If irrigation is to be provided, the preferred method is via the existing bore supply in Juniper Park on the basis that a current bore licence exists and it is the least expensive option. There will be an increase in maintenance costs associated with this as the area was maintained to an enhanced standard during establishment.

Ongoing maintenance cost estimate is \$6,000 annually. Vandalism to the domestic type sprinklers will be an ongoing cost.

Should Council determine that irrigation is not appropriate, the area between the footpath and subdivision wall will require re-planting with appropriate native plant species. This work could be implemented as part of the City's Operations Services normal annual winter planting program and maintained by water truck for a period of two years. The installation of native plant species will result in the least cost impact on Council's operational budget with an initial replanting cost of \$5,000 to \$6,000 and an ongoing annual maintenance cost of approximately \$7,000 for the first two years, reducing to approximately \$3,500 once the plants become established.

Whilst the City's action to date is in keeping with Council's previous practice, it is clearly not in keeping with the current expectation of the community. Whilst specified area rating has been implemented at various localities throughout the City to fund the maintenance of landscaping to a higher standard, it is not considered administratively cost effective at this particular location due to the area in question. As no funds currently exist for this proposal, it is recommended that Option 2 – connection to an existing bore at Juniper Park estimated at \$20,000 be considered by Council as part of the 2002/2003 Half Year Review process.

## VOTING REQUIREMENTS

Simple Majority

**MOVED Cr Patterson, SECONDED Cr Kenworthy that Council:**

- 1 CONSIDERS Option 2 – connection to existing bore at Juniper Park, as part of the 2002/2003 Half Year Budget Review;**
- 2 CONTINUES to maintain the shrub areas via water tanker in the interim.**

Discussion ensued.

**The Motion was Put and**

**CARRIED (13/1)**

**In favour of the Motion:** Mayor Bombak, Crs Baker, Barnett, Carlos, Hurst, Kadak, Kenworthy, Kimber, Mackintosh, O'Brien, Patterson, Rowlands and Walker **Against the Motion:** Cr Hollywood.

*Appendix 4 refers*

*To access this attachment on electronic document, click here: [Attach4brf110203.pdf](#)*

## **CJ005 - 02/03 2002/03 HALF-YEAR BUDGET REVIEW – [11263]**

**WARD - All**

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### PURPOSE

The 2002/03 half year budget review is submitted to Council for adoption.

### EXECUTIVE SUMMARY

The 2002/03 half year budget review aims to assess the City's business and expenditures for the year to date and to recommend changes to the adopted budget for the 2002/03 year and to establish a Revised Budget for future management reporting.

Each business unit undertook the 2002/03 half year review by examining its year-to-date business plans, operations for the 2002/03 year to date and by considering the financial results as at 30 November 2002.



A synopsis of each business unit's operations has been prepared and net changes to the budget for each unit have been collated. The result shows that proposed new works can be funded from savings in operational budgets, deferrals of project expenditures or savings from projects that will not be continued.

Requests for funding includes projects previously approved by Council, additional funds for the leisure centres (\$144k) and new funds for projects such as the Kingsley memorial (\$100k) and the dual use path – Mullaloo foreshore (\$81k).

The report shows surplus funding of \$27,210 that can be used to reduce the forecast budget shortfall in 2003/04.

It is proposed that the net adjustments and budget reallocations will be made to the adopted budget and that future monthly financial reporting will be compared to the "Revised Budget."

## BACKGROUND

It is Council's practice to undertake a half-year review of the annual adopted budget to identify any shortfalls or surplus funds that are available for reallocation. This review recognises changes in the business environment that may have arisen during the previous 6 months and reassess the remaining 6 months to 30 June 2003.

All business units participated in the half-year review of the 2002/03 adopted budget. Business units undertook an extensive examination of their operating activities, capital expenditure, vehicle and plant replacement, projects and capital works using the year-to-date actual results to 30 November 2002 and a review of the forward estimates to 30 June 2003.

## DETAILS

The net position can be summarised as follows:

	<b>Surplus/(Costs)</b> <b>\$</b>
<b>Operations</b>	<b>176,778</b>
<b>Projects:</b>	
• Additional costs approved by Council	(224,677)
• Projects with savings	459,063
• Budgeted projects – requiring additional funds	(157,432)
• New projects to be approved	(161,175)
<b>Total projects</b>	<b>(84,221)</b>
<b>Capital Works:</b>	
• Deleted works	327,086
• Council approved works	(228,153)
• New works	(164,280)
<b>Total capital works</b>	<b>(65,347)</b>
<b>Net Position – Surplus/(Cost)</b>	<b>\$27,210</b>

The amounts and main reasons for available funds or additional expenditure per business unit is as follows:

<b>OPERATIONS</b>	<b>Available funds/(Costs) \$</b>	<b>Main Reasons</b>
Central Finance	30,183	Additional interest income
	62,677	Reduced interest income transferred to reserves
Office of the CEO	35,000	Consulting costs reallocated for Library review
Marketing, Communications & Council Support	(20,000)	Additional salary costs
Strategic & Corporate Planning	32,040	Salary costs – savings
Human Resources	(17,650)	Additional funding required for PayPlan
Corporate Services & Resource Mgt Admin	(13,441)	Additional recruitment costs
Assets & Commissioning	(61,108)	Salary costs / back pay / redundancy
Planning & Community Development Admin	56,000	Salary costs – savings
	5,000	Consultancy savings for Library review
Approvals, Planning & Environmental Services	197,500	Additional income relating to building activities
Community Development Services	16,613	Additional income
	(144,359)	Additional leisure centre funding
Library and Information Services	70,500	Salaries
Operations	(72,177)	Salary costs reallocated from project
<b>Operations - Net Surplus/(Cost):</b>	<b>\$ 176,778</b>	

<b>PROJECTS</b>	<b>Available funds/(costs) \$</b>	<b>Main Reasons</b>
<b>Additional costs approved by Council</b>	<b>\$</b>	
F535 - Whitfords customer centre	(25,000)	Additional costs approved by Council
F242 - HR kiosk	93,000	Project deferred for Oracle upgrade
F236 - Intranet site development	80,000	Project deleted to fund Oracle upgrade
F069 - Maximo maintenance system	87,177	Project incorporated into Oracle upgrade
F445 - Upgrade Oracle server - 2 discs	7,500	Project deleted to fund Oracle upgrade
F451 - Upgrade Oracle system	(592,354)	Reallocation of funds from other projects
F016 - Ongoing enhancements to Proclaim	20,000	Project deleted to fund Oracle upgrade
F346 - Project management methodology	20,000	Project deleted to fund Oracle upgrade
F539 - Corporate fax gateway	10,000	Project incorporated into Oracle upgrade
F342 - Corporate PC replacement	75,000	Expenditure deferred for Oracle upgrade
<b>Total</b>	<b>(224,677)</b>	
<b>Projects with savings:</b>		
F310 - Part time school liaison officer	9,626	Project will be completed with savings
F324 - Bikers community event	8,000	Project completed with anticipated savings
F356 - Community speaker forum	3,000	Project scope changed, now deferred
F425 - Self service study	20,000	Project incorporated in library review (operational costs)
F503 - Building inspections interim rates	45,000	Salary savings due to delayed project start
F116 – Parks co-ordinator	72,177	Funds reallocated to operational accounts
V142 - Disposal of surplus vehicle – 99200	28,000	Asset surplus to requirements
V147 - Disposal of surplus vehicle – 99033	24,000	Asset surplus to requirements
F060 - Community consultation	82,050	Full project funding not required this year
F103 - Community consultation needs analysis	12,000	Full project funding not required this year
F112 - Foreshore recreation strategy	25,000	Full project funding not required this year
F506 - Ocean Reef boat harbour	120,000	\$60k required for concept plan
F293 - Public web design	7,210	Savings arising from reduction in project scope
F399 - Web services architecture documentation	3,000	Savings - completed with internal resources
<b>Total</b>	<b>459,063</b>	

<b>Budgeted projects – requiring additional funds:</b>		
C101 - Kinross skate park alterations	(35,232)	Additional costs due to safety related alterations
F447 – Online documentation & templates	(21,200)	Additional costs to complete project
F426 - Occupational health and safety	(25,000)	Additional costs to meet OH&S requirements
C101 – Modifications to councillors lounge	(10,000)	Additional costs to complete works
Sorrento Duncraig Childcare Centre	(19,000)	Repairs to centre that burnt down
F350 Central Walk Signage	(47,000)	Additional funds required to provide signage
<b>Total</b>	<b>(157,432)</b>	
<b>New Projects to be approved:</b>		
Community art gallery	(40,175)	Provide the community with a much needed visual arts facility and enliven the City centre
Rewrite contract management handbook	(11,000)	Provide information, greater awareness and clarity in contract management and tendering
Asset management scoping study	(10,000)	Benchmarking, industry trends, cost benefits
Kingsley Memorial - Bali Memorial	(100,000)	Develop Kingsley memorial clubhouse
<b>Total</b>	<b>(161,175)</b>	

<b>Projects - Net Surplus/(Cost):</b>	<b>\$ (84,221)</b>	
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CAPITAL WORKS	In/(De)crease Revenue \$	(In)/Decrease Expenditure \$	Main Reasons
<b>Deleted / Reduced works</b>			
Shenton Ave bridge works	(1,900,000)	1,900,000	Project deleted – Gov’t not funding
State Black Spot – Dorchester / Warwick & Whitfords / Kingsley	(292,341)	292,341	Project deleted – to be undertaken by Main Roads
Lloyd Drive	(50,000)	100,000	Council report – CJ234-09/02
Bahama Close - storm water		45,600	Council report – CJ234-09/02
Joondalup admin centre – modify lighting		21,486	Council report – CJ194-08/02
Joondalup admin centre – 3 <sup>rd</sup> floor shade		30,000	Council report – CJ194-08/02
Goollelal Drive - island	(40,339)	40,339	Council report – CJ234-09/02 & CJ325-12/02
Beach Road – storm water		39,000	Council report – CJ234-09/02
Moolanda Blvd - storm water		36,000	Council report – CJ234-09/02
Entry statements		58,000	Prototype signs to be installed
Joondalup Performing Arts Centre		47,000	Funds reallocated to fund F350 Central Walk Signage for works in 2002/03
<b>Total - Deleted / Reduced works</b>	<b>(2,282,680)</b>	<b>2,609,766</b>	
<b>Council approved works</b>			
Joondalup admin centre – fit out		(51,486)	Council report – CJ194-08/02
Duncraig Hall – sun shades	10,660	(10,660)	Community funded part of works
State Black Spot works	353,333	(530,000)	Council report – CJ234-09/02
Transit station car park – Collier Pass	130,094	(130,094)	Council report – CJ179-07/02
Ocean Reef primary school – street parking	13,671	(13,671)	Council report – CJ325-12/02
Goollelal primary school – street parking	13,672	(13,672)	Council report – CJ325-12/02
<b>Total - Council approved works</b>	<b>521,430</b>	<b>(749,583)</b>	

<b>New works</b>			
Traffic signals – Collier Pass / Grand Blvd		(10,000)	\$10k for traffic signal design. Possible future funding from Normalisation Agreement for works - \$140k
Dual use path – Mullaloo foreshore		(81,280)	Additional funds required for works
Biodiversity links	12,500	(12,500)	Funded by Perth biodiversity program
Bute Court Kinross		(10,000)	Council report – CJ254 – 10/02
Footpath Hillarys		(5,000)	Councillor request
Lakeside pump station		(38,000)	Upgrade storage of pump station
Sycamore park reticulation		(20,000)	Connect Sycamore park to bore at Juniper park
<b>Total – New works</b>	<b>12,500</b>	<b>(176,780)</b>	
<b>Total – All works</b>	<b>(1,748,750)</b>	<b>1,683,403</b>	

<b>Capital Works - Net Surplus/(Cost)</b>		<b>\$ (65,347)</b>	
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## COMMENT

The identified funds available for distribution are largely allocated to projects that have been previously approved by Council or are required for essential matters in operations or projects.

Possible funding associated with the Normalisation Agreement has not been included within the half year review. With the exception of interest income of \$62,677 not being allocated to reserves (ie previously approved by Council to partly fund the Oracle upgrade), an amount of \$502,323 remains budgeted to be transferred to reserves at the end of the financial year.

The adopted budget included net operational funding for the Craigie leisure centre / Sorrento Duncraig and Ocean Ridge facilities of \$500k. An annual budget for these leisure centres has been prepared and additional operational funding of \$144k has been included in the half-year review. This does not include capital expenditure associated with the refurbishment of the Craigie leisure centre, which is to be funded in the 2003/04 budget.

It should be noted that allocating all funds in the half year review will not alleviate the forecast financial shortfall for the 2003/04 budget.

## NB

Please note that an extra \$47,000 for Project F350 Central Walk Signage, as discussed at the Briefing Session of 11 February 2003, has since been incorporated into the revised 2002/03 budget figures shown within this report.

## VOTING REQUIREMENTS

Absolute Majority

**MOVED Cr Baker, SECONDED Cr Mackintosh that the:**

- 1 2002/03 half year budget review be ADOPTED and future reporting be against the Revised Budget;**
- 2 net surplus of \$27,210 be used to contribute to the end of year surplus for the 2003/04 budget.**

**The Motion was Put and**

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

**In favour of the Motion:** Mayor Bombak, Crs Baker, Barnett, Carlos, Hollywood, Hurst, Kadak, Kenworthy, Kimber, Mackintosh, O'Brien, Patterson, Rowlands and Walker

*Cr Kimber declared an interest which may affect his impartiality in Item CJ006-02/03 – Emergency Services “Levy” – Update as he is employed by the Fire & Emergency Service Authority (FESA).*

*Cr Kimber left the Chamber, the time being 2001 hrs.*

**CJ006 - 02/03      EMERGENCY SERVICES “LEVY” - UPDATE –  
[21451]**

**WARD - All**

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**PURPOSE**

This report provides an update of the Emergency Services Levy legislation passed by the State Parliament on 3 December 2002 for implementation from 1 July 2003 and seeks Council's approval to remit ESL monies collected using Alternative 1.

**EXECUTIVE SUMMARY**

This report provides an update of the Emergency Services Levy legislation passed by the State Parliament on 3 December 2002 for implementation from 1 July 2003. In order to meet the requirements of the Act, this report recommends that Council:

- 1      RESCINDS Council's decision CJ432 – 12/01 item 4 to issue separate rate notices for the FESA levy;*
- 2      ELECTS the original FESA collection and payment method for remitting ESL funds to FESA for the 2003/04 year;*
- 3      REVIEWS its preferred collection and payment method for remitting ESL funds to FESA for subsequent years during the 2003/04 year.*

## BACKGROUND

The Emergency Services Levy (ESL) changes the method of raising funds for the Fire and Emergency Services Authority of WA (FESA). Under the previous funding regime the insurance industry, State Government and local governments contributed to the funding of FESA.

Council Report CJ432 – 12/01 item 4 dated 18 December 2001 detailed the impact of the ESL on Local Government. At that meeting Council resolved to:

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

The Emergency Services Levy Bill was passed by the State Parliament on 3 December 2002 and was Proclaimed in December 2002. The City had, prior to the passing of the Bill expressed its concerns in relation to this legislation to the State Government. The legislation specifically requires that the ESL be shown as a separate line item on the rate notice. Due to legislative requirements all Local Governments are required to include the FESA levy on the rate notices issued for land rates and service charges. Therefore, the motion to issue separate rate notices does not comply with legislative requirements.

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

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

The previous funding approach was considered inequitable as neither the owners of vacant land nor those who insured offshore contributed to the FESA funding. Further, it was considered inappropriate that the insurance industry was collecting funds for a State Government service. To establish equity and correct collection anomalies, a new funding approach was established following an intensive lobby by the insurance industry. An earlier attempt at the introduction of the ESL was considered in 1999/2000 however was postponed by the previous government.

The new funding arrangements provide for funding through direct grants from State Government and through the introduction of a property based charge on all property in Western Australia. The property rate (ESL) will be collected by local governments and remitted to the Fire & Emergency Services Authority within seven (7) days of the end of the month in which the fees were remitted to the City.

It is clear that the introduction of the ESL will impact local government through systems changes, data updates, additional administration and reporting processes. A new “Emergency Services Levy” will appear on all rates notices issued by the City. Properties considered to be non-rateable for general rates purposes may be levied the Emergency Services Levy. All improved property owned by the City will be subject to the ESL and will be rated according to the gross rental value of the improved properties.

The Emergency Services Levy applicable to a property is calculated with reference to the “fire service level” provided to the property, the ESL rate-in-the-dollar and the property valuation (GRV). Five service levels exist (SL1-SL5), of which only SL1 will apply to the City of Joondalup.

To assist local governments with the implementation and administration of the ESL, FESA will:

- Pay the local government a “once off” establishment fee to cover set-up, training and implementation costs
- Pay the software supplier direct for changes to the Proclaim system or for future software changes as a consequence of the changing legislative requirements
- Pay the local government a recurring administrative fee for undertaking the collection of the ESL.

Whilst the legislation intends to reduce the individual burden for the funding of the FESA, the final financial impact on the City and ratepayers is not yet known because property values for Council-owned property are not yet available.

The North Metropolitan Committee of Western Australian Local Government Association which is represented by the Cities of Joondalup, Stirling & Wanneroo together presented WALGA with a discussion paper which:

- Expressed the councils concerns in relation to the new funding and the impact to local government, and;
- Provided an alternative payment arrangement to be considered.

Notwithstanding that the full financial consequences of either payment alternative cannot be estimated at this time, the legislation requires Council to elect one of two methods of remitting ESL funds collected by local government:

- Alternative 1 - remittance to FESA of cash collected on a monthly basis
- Alternative 2 - remittance to FESA based upon a negotiated percentages of the annual amount levied in quarterly instalments.

The full financial consequences of either payment alternative cannot be estimated at this time because property values and the have not yet been provided by the Valuer General and the final ESL rate-in-the-dollar has not yet been released by the Minister. It is expected that the introduction of the ESL may also have an impact on the timing of payments by ratepayers. It is therefore proposed that the City elect to make remittances to FESA on the “cash collected on a monthly basis” and that this alternative be reviewed during 2003/04.

FESA has requested that Council's formally advise FESA of the remittance alternative selected for the 2003/04 year by 7 March 2003. If Council fails to provide a response by that date it will be deemed to have elected Alternative 1.

## **DETAILS**

### **Current funding proposal procedure**

The West Australian State Parliament has passed new legislation to enact the Emergency Services Levy with effect from 1 July 2003. This will require all local governments to charge a new "Emergency Services Levy" on all properties located within their boundaries and to pay these funds directly to the Fire and Emergency Services Authority of WA.

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

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

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

The Emergency Services Legislation was passed on the 3rd December 2002. Under the new funding arrangements, the State Government will pay the same net contribution as in 2002/03 (approximately 20% of the FESA budget). All property owners will collectively pay the remaining 80% of the FESA budget through the Emergency Services Levy. FESA will finalise its budget by 31 March each year to enable the ESL rate-in-the-dollar to be set for the following financial year.

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

Concessions currently available to pensioners and seniors through the Rates and Charges (Rebates & Deferments) Act 1992 will apply to the ESL in the same manner as the general rates and specified area rates. However, State Revenue will remit the payment directly to FESA instead of Local Government, which is the current process for rebates on general rates and specified area rates. Interest for deferred rates will be remitted directly to FESA as opposed to the current process of interest remitted to Local Government as the ESL is considered the debt of FESA.



Local Governments will be required to remit funds collected, 7 days after the end of the month of collection. Whilst Local Governments are permitted to invest all funding received for the ESL, Local Governments will more than likely be unable to take full advantage of the investment option due to the timing of the remittance to FESA.

Interest is to be charged on any ESL charge which is overdue. The Minister will establish the amount of interest applicable. Currently the interest rate for overdue ESL charges will be 11%. Local Governments are not allowed to change the interest rate as the Minister sets the percentage. Any interest levied for ESL will be paid directly to FESA, as the ESL will be the debt of FESA.

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

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

- A once off “establishment fee” (estimated \$10,000)
- A recurrent administrative fee based on a flat amount per ESL notice issued (estimated \$138,100)

The legislation provides for two alternative remittance schemes from local government to FESA. These are summarised below:

#### **Alternative 1 – FESA debt and remit funds as received – (Original alternative)**

- The ESL will be considered the debt of FESA and not that of Local Government.
- Local Governments will not be able to take full advantage of investment options due to the timing of remittances to FESA.
- Any ESL charge must be included as a separate line item on the annual rate notice issued by Local Government to the ratepayer. Under no circumstances is any Local Government allowed to levy ESL on a separate rate notice or bill.
- Manual journals will have to be processed for rebate payments.
- Interest owed on deferred ESL charges will be remitted to FESA direct.
- Interest charged on overdue ESL charges will be paid to FESA for any overdue ESL charges. As the interest will be considered a separate interest from that of council a general ledger clearing account will be set up to separate any interest charged to the ESL as this will be considered the debt of FESA.
- The amount of ESL to be collected on behalf of FESA is not yet clear and therefore no financial modelling has been undertaken
- The likely remittances by ratepayers of the ESL payment is currently uncertain. By using this remittance option Council bears no risk associated with the collection of the debt and remits to FESA only what it collects on a monthly basis.
- A disadvantage of this process is that reconciliations, remittances and reporting are to be undertaken monthly.

**Alternative 2 – Local Government debt and remit funds on a percentage basis (The Stirling model)**

- Local Governments to pay 100% of ESL in quarterly payments over a period of 12 months. The final % of collection and collection months are to be negotiated between FESA and the local government but are to be reflective of the normal remittance profile of Council rates.
- ESL will become the debt of the City and not that of FESA. Therefore all the risks associated with the debt will be transferred to the City.
- Rebate claims will be processed with funds being directly paid to Local Government.
- Interest will be paid directly to Local Government for any deferred charges.
- Interest charged to ratepayers for overdue ESL charges will go directly to Local Governments. The City will not have to create another general ledger account for ESL interest. The interest rate will still remain 11% or as instructed by the Minister.
- The amount of ESL to be collected on behalf of FESA is not yet clear and therefore no financial modelling has been undertaken.
- The likely remittances by ratepayers of the ESL payment is currently uncertain. By using this remittance option Council bears the risk associated with the collection of the debt and remits to FESA 100% of all ESL levied during the year.
- One advantage of this process is that an opportunity exists for Council to invest the ESL funds for a longer period of time and thereby to earn additional interest income to offset its administration costs. The benefit of this option will be eroded when the ESL collected more closely matches the quarterly payments to be remitted to FESA.
- Another advantage of this process is that very limited periodic reports are to be submitted to FESA.
- Disadvantages of this alternative included - complexities of determining changing remittance profiles on an annual basis adds to the complexity in negotiating payment terms with FESA as part of the annual budget process.

**Preferred remittance option**

A number of uncertainties currently exist in relation to the selection of the most appropriate remittance option. These include:

- Amount of ESL levied
- Timing of the ESL payments to Council by ratepayers
- Timing and percentage of payment by Council to FESA

In view the significant uncertainties it is more appropriate that Council NOT take on the risk of ownership of the ESL debt as described in Alternative 2. It will be possible for Council to assess both options for the second and subsequent years of operation. It is therefore recommended that Council elect to remit the ESL funds collected to FESA on a collections basis as per Alternative 1.

FESA have advised that at this point in time, no Council has confirmed that they will be proceeding with Alternative 2, i.e. local government debt and remit funds on a percentage basis (Stirling model).

## VOTING REQUIREMENTS

Absolute Majority

### Procedure for Revoking or Changing decisions of Council

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

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

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

### **MOVED Cr Baker, SECONDED Cr Carlos that Council:**

**1 RESCINDS its decision CJ432 – 12/01, viz:**

*“That Council issues separate rate notices for the FESA levy.”;*

**2 ELECTS the original FESA collection and payment method for remitting ESL funds to FESA for the 2003/04 year;**

**3 REVIEWS its preferred collection and payment method for remitting ESL funds to FESA for subsequent years during the 2003/04 year.**

Discussion ensued.

**AMENDMENT MOVED Cr O’Brien, SECONDED Cr Hurst that the words “as itemised in the report as Option No 1” be added after the word “method” in Point 2;**

**The Amendment was Put and**

**CARRIED (13/0)**

**In favour of the Amendment:** Mayor Bombak, Crs Baker, Barnett, Carlos, Hollywood, Hurst, Kadak, Kenworthy, Mackintosh, O’Brien, Patterson, Rowlands and Walker

**The Original Motion, as amended, being:**

**That Council:**

**1 RESCINDS its decision CJ432 – 12/01, viz:**

*“That Council issues separate rate notices for the FESA levy.”;*

**2 ELECTS the original FESA collection and payment method as itemised in the report as Option No 1 for remitting ESL funds to FESA for the 2003/04 year;**

### **3 REVIEWS its preferred collection and payment method for remitting ESL funds to FESA for subsequent years during the 2003/04 year.**

It was felt the issue of the FESA collection and payment method should be clearly defined within the rates notification statement.

**was Put and**

**CARRIED BY AN  
ABSOLUTE MAJORITY (12/1)**

**In favour of the Motion:** Mayor Bombak, Crs Baker, Barnett, Carlos, Hollywood, Hurst, Kadak, Kenworthy, Mackintosh, O'Brien, Rowlands and Walker **Against the Motion:** Cr Patterson.

*Cr Rowlands declared an interest that may affect his impartiality in Item CJ007-02/03 – Rescinding the Awarding of Tender 012-02/02 – Lease for Part of the Civic Centre as he is an acquaintance of the lessee.*

*Cr Rowlands left the Chamber, the time being 2006 hrs.*

*Cr Kimber entered the Chamber, the time being 2007 hrs.*

### **CJ007 - 02/03 RESCINDING THE AWARDING OF TENDER 012-01/02 – LEASE FOR PART OF THE CIVIC CENTRE – [41510]**

**WARD - Lakeside**

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#### **PURPOSE**

To rescind the awarding of Tender 012-01/02 to Fawn Holdings Pty Ltd, (trading as Spices Catering) for the occupancy of 835 square metres of the Civic Centre, presently used for functions and catering.

#### **EXECUTIVE SUMMARY**

A lease between the City of Joondalup and Fawn Holdings Pty Ltd commenced on the 1 of July 1997 and expired on the 30 June 2002.

Following a request from the Lessee for the renewal of the lease agreement, Council approved the development of a tender specification (CJ 177-06/01 refers) to enable the calling of tenders in accordance with the provisions of Section 3.58 of the Local Government Act 1995.

At the Council meeting on the 18 December 2001, (CJ431-12/01 refers) it was resolved that Council award Tender 012-01/02 to Fawn Holdings Pty Ltd. However, following protracted discussions on increased signage and variations to the conditions of tendering, Fawn Holdings withdrew their tender by letter on the 13 of December 2002, and agreed to continue to operate under the terms and conditions of the previous lease on a monthly basis, until tenders are recalled.

## **BACKGROUND**

Fawn Holdings Pty Ltd (trading as Spices Catering) leased, from the City of Joondalup, the function centre and the Chapel area in the Joondalup Civic Centre situated on Lot 507 Boas Avenue, Joondalup. The property Lease comprised the portions of the building within the areas hatched on the attached plan (refer Attachment 1). The original lease term was for a single 5-year period, which commenced 1 July 1997 and terminated on 30 June 2002. Effective 1 February 2000, a Deed of Variation was entered into to include the chapel area. This increased the leased area from 775m<sup>2</sup> to 835.45m<sup>2</sup> for the remainder of the Lease term.

At the Council meeting on the 12 June 2001, (CJ 177 06/01 refers), approval was given to develop an appropriate tender specification to enable the City to call tenders for the lease of part of the Civic Centre. Tender 012-01/02 was advertised on Saturday 8 September 2001 and closed on Thursday 27 September 2001.

Tender submissions were received from Spices Catering (registered as Fawn Holdings Pty Ltd) & B & G Chambers Pty Ltd

At the Council meeting on the 18 December 2001, (CJ431-12/01 refers) it was resolved that Council award Tender 012-01/02 to Fawn Holdings Pty Ltd.

## **DETAILS**

A lease agreement was drawn up following the awarding of Tender 012-01/02 to Fawn Holdings Pty Ltd, based on information provided in the conditions of tendering and subsequent further information provided to the City outlining rental fees offered and annual escalation percentage rates.

Fawn Holdings Pty Ltd requested that the City consider their request to improve the signage and exposure of the venue. The business plan submitted by Fawn Holdings Pty Ltd identified improved signage as being critical to increased venue turnover. However, upon satisfactory approval and erection of the signs, Fawn Holdings then requested that the conditions of tendering be altered, by deleting the requirement to pay the cost of outgoings. Fawn Holdings Pty Ltd claimed that the previous lease arrangement did not require them to pay outgoings, based on square metres occupied, and that they were not aware of this new requirement in Tender 012-01/02.

Schedule 2 (section 2.2) of the Special Conditions of the proposed new lease which was part of the tender, clearly identified the annual outgoings charge at \$30 per square metre.

The City could not delete this requirement, as the outgoings charge formed part of the conditions of Tender and could not be altered after closing of the Tender. Consequently, in a letter dated 13 December 2002, Fawn Holdings formally withdrew their tender and agreed to operate under the same terms and conditions of the previous lease on a monthly basis.

Subject to Council accepting the recommendation to rescind the awarding of Tender 012-01/02, the City plans to recall tenders for the lease of the Function Centre, in late February 2003.

**Financial Implications:**

The 2002/03 budget included \$15,000 as the expected revenue from Fawn Holdings Pty Ltd. However, as the new lease was not executed, the revenue collected by the City is based on the percentage of turnover as per the old lease which is less than the revenue expected from the new lease as shown below:

Account No:	11.30.33.362.2520.0104
Budget Item:	N/A
Budget Revenue:	\$15,000
YTD inc December Budget Revenue:	\$6,250
Actual Revenue inc. December:	\$5,695

**COMMENT**

Under the same terms and conditions of the previous lease, the City's rental income entitlement when the annual turnover is less than \$500,000 has been as follows:

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

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

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

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

<b>Financial Year</b>	<b>Annual Rental Income Received</b>	<b>Turn Over</b>
1999/2000	\$ 9,321	\$77,673
2000/2001	\$16,178	\$124,448
2001/2002	\$23,234	\$178,723
2002/2003 YTD inc. Dec	\$ 5695	\$43,808

**VOTING REQUIREMENTS**

Absolute Majority

## Procedure for Revoking or Changing decisions of Council

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

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

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

### **MOVED Cr Hurst, SECONDED Cr Mackintosh that Council:**

- 1 RESCINDS the awarding of Tender 012-01/02 to Fawn Holdings Pty Ltd trading as Spices Catering for the occupancy of 835 square metres of the Civic Centre, presently used for functions and catering;**
- 2 AUTHORISES the current lease agreements on a month to month basis until the new tender is awarded.**

**The Motion was Put and**

**CARRIED BY AN  
ABSOLUTE MAJORITY (13/0)**

**In favour of the Motion:** Mayor Bombak, Crs Baker, Barnett, Carlos, Hollywood, Hurst, Kadak, Kenworthy, Kimber, Mackintosh, O'Brien, Patterson and Walker

*Cr Rowlands entered the Chamber, the time being 2007 hrs.*

*Appendix 5 refers*

*To access this attachment on electronic document, click here: [Attach5brf110203.pdf](#)*

*Mr D Djulbic, Director Infrastructure and Operations declared an interest which may affect his impartiality in Item CJ011-02/03 – Kingsley Bali Memorial Project as he is a member of the Kingsley Football Club.*

### **CJ011 - 02/03 KINGSLEY BALI MEMORIAL PROJECT – [34534]**

**WARD - All**

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#### **PURPOSE**

To seek endorsement of the proposed Kingsley Bali Memorial Clubhouse project.

## **EXECUTIVE SUMMARY**

The widespread community support for the Bali Bombing victims and their families has provided focus on the desire of the Kingsley Senior Football Club to develop a memorial clubhouse to celebrate the life of those club members lost in the tragedy.

Significant donated contributions have been made to the project with Dale Alcock Homes, Kerry Stokes and Cox Architects amongst the major contributors.

The City has assisted the Kingsley community in progressing the development of plans for the memorial clubhouse on the Kingsley Reserve. Following a period of consultation through December 2002 and early January 2003 the representative club committees have endorsed the concept plan as presented to Council.

The project will proceed under the direction of a project control group that will oversee the design and construction of the memorial clubhouse.

The nature of this project being one driven by the Bali tragedy and the groundswell of community donations of time and materials has meant the financial implications to the City are, at this stage, difficult to assess to a high level of accuracy.

The project is now set to be rapidly developed through the first half of 2003 through the donations of time, material, labour and professional expertise from over 100 different organisations and individuals.

An integral part of the design is the refurbishment of the change rooms at the oval. These facilities are in no way suitable for any purpose and are rarely used. For this reason, Dale Alcock has been specific in limiting his level of donated contribution to the development of the memorial clubhouse only. The modifications to the middle hall are viewed by Dale Alcock as outside of the scope of his contribution and therefore subject to Council's 100% contribution. This is estimated to be \$70,000.

In order to facilitate the work on the memorial clubhouse, it is recommended to complete both components simultaneously with those companies donating their goods and services to the memorial, also having opportunity to supply the goods and services to the middle hall in order that they receive some payment for their involvement in the project.

## **BACKGROUND**

The tragedy of the terrorist bombings in Bali has profoundly impacted Australia. Within the City of Joondalup, the residents of Kingsley, and particularly the Kingsley Senior Football Club, are coming to terms with the loss of friends, family and fellow club members, 7 of whom were lost in the bombings.

The groundswell of community support for the Bali bombing victims and their families has been immense with people wanting to offer help in any way open to them. This widespread community support has provided focus on the desire of the Football Club to develop a memorial clubhouse on the Kingsley Reserve.



The City is providing support in a number of areas to the Kingsley and Joondalup communities to ensure the Kingsley Senior Football Club memorial becomes a reality. The main area of support is with Project Management assistance to coordinate the efforts of all contributors and to ensure all statutory requirements are assessed with no delay.

## **DETAILS**

The nature of the project being predominantly by donation requires extensive coordination of material and labour. Key contributions have been forthcoming from Dale Alcock of Dale Alcock Homes and Kerry Stokes through Westrac Equipment. Dale Alcock has committed to coordinating the construction of the memorial with Kerry Stokes providing all earthworks and a financial contribution amounting to 50% of the project shortfall. Cox Architecture has generously donated its design expertise and time to the project and in consultation with the Project Working Group has produced the plan being submitted to Council as Attachment 1.

The project can be identified in 2 separable portions. The first being that of the Memorial Clubhouse. This is proposed to be developed in place of one of the existing clubhouses and will comprise a main meeting hall of approximately 170sqm, outside viewing areas, bar and kitchen facilities, club storage and public toilet facilities. The bar and kitchen facilities and the public toilets will be designed such that they can be accessed from both community halls simultaneously thereby increasing the buildings utilisation and The Memorial clubhouse is proposed to be the responsibility of Dale Alcock with Council contributing \$50,000 towards the construction, waiving all statutory fees and charges, and providing administrative and project management support to the group.

The second of the separable portions is the complete refurbishment of the toilets and change-room facilities and the removal of one internal wall to increase the community hall from 120 sqm to 160 sqm. The toilets and change-rooms have been identified as being in critical need of refurbishment due to the poor design, limited size and age. Given that the proposed design accommodates new public toilets, the opportunity to increase the size of the change-rooms by including the area of the current public toilets to the design can be taken. The design will also include a new Universal Access Toilet that, during the week will accommodate the requirements of the after school child care, and on the weekend be used as the umpires change-rooms.

The project is now set to be rapidly developed through the first half of 2003 through the donations of time, material, labour and professional expertise from over 100 different organisations and individuals.

### **Statutory Provision:**

The City requires the approval of the Minister for Lands for the excision of the building area in the Kingsley Reserve. Liaison with the Department of Land Administration to achieve this has commenced.

Planning approval and building licences are also required. This is currently being coordinated through the Manager Approvals Planning and Environmental Services.

**Consultation:**

The City has assisted the Kingsley community in establishing a Project Working Group comprising at this stage principally, members of the Kingsley Senior Football Club, Dale Alcock from Dale Alcock Homes, Mike Phelan representing Kerry Stokes, Rob Schmidt from Cox Architecture and the City, through the Manager Assets and Commissioning and Manager Community Development.

The City has also undertaken consultation with all the independent clubs based at the Kingsley Reserve, principally the club committees. These include Kingsley Senior Football Club, Kingsley Junior Football Club, Kingsley Woodvale Senior Cricket Club and Kingsley Woodvale Junior Cricket Club. Following an intensive period of consultation through December 2002 and early January 2003 the representative club committees have all endorsed the concept plan as presented to Council.

The City has also been coordinating the efforts of the group developing the plans for the Kingsley Community. This group comprises Dale Alcock, Mike Phelan, the City and other consultants donating their services.

It is proposed that the project will proceed under the direction of a project control group chaired by the Manager Assets and Commissioning and comprising the President and Vice President of each of the representative clubs, Simon Quayle, coach of the Kingsley Senior Football Club, Dale Alcock, Mike Phelan, Rob Schmidt and the Manager Community Development.

This project control group will oversee the design and construction of the memorial clubhouse and will provide a two-way communication conduit between the membership of the clubs and the City.

**Financial Implications:**

The nature of this project being one driven by the Bali tragedy and the groundswell of community donations of time and materials has meant the financial implications to the City are, at this stage, difficult to assess to a high level of accuracy.

Certainly the notion of the design being lead by a palette of goods and services provided by donation is unique, therefore, resulting in a project scope that can only be costed at a high level at this early stage. As the project progresses and gaps between the donated materials and the required materials emerge, initial efforts will be made by the working group to solicit further donations to cover this gap. Failing that, there will be a requirement for the City to contribute in these areas.

The level of contribution by Kerry Stokes is at this stage the provision of all earthworks through Westrac Equipment Pty Ltd and cash contribution to cover the project shortfall to a maximum of \$50,000. It is recommended the City match this contribution.

An integral part of this design is the complete refurbishment of the change rooms at the oval as these facilities are rarely used due to the age and condition. However, Dale Alcock has been specific in limiting his level of donated contribution to the development of the memorial clubhouse only. The modifications to the middle hall are viewed by Dale Alcock as outside of the scope of his contribution and therefore subject to Council's 100% contribution. This is estimated to be \$70,000.

In order to facilitate the work on the memorial clubhouse, it is recommended to complete both components simultaneously with those companies donating their goods and services to the memorial, also having opportunity to supply the goods and services to the middle hall in order that they receive some payment for their involvement in the project.

The City has received a cost estimate on the entire project from Quantity Surveyors Ralph and Beatty Bosworth (RBB). This cost estimate is based on a market value estimate and does not account for the level of donations received and pledged from the community.

**TABLE 1 – Kingsley Memorial Project Cost Estimates**

ITEM	DESCRIPTION	COJ	Donation	COST
1	Site Preparation	\$10,000	\$10,000	\$20,000
2	Memorial club-room	\$50,000	\$343,000	\$393,000
3	Existing change-rooms refurbishment	\$64,000	0	\$64,000
4	Existing club-room refurbishment	\$20,000	0	\$20,000
5	External Works	\$6,000	\$43,270	\$49,270
6	Furniture and Equipment	0	\$45,000	\$45,000
7	Fees and charges	At cost		At cost
	<b>TOTAL COJ</b>	<b>\$150,000</b>		
	<b>TOTAL DONATION</b>		<b>\$441,270</b>	
	<b>TOTAL PROJECT</b>			<b>\$591,270</b>

It is recommended that the City contribution of \$150,000 be funded as:  
\$100,000 from the surplus identified in the mid year budget review; and  
\$50,000 allocated in the 03/04 budgets.

### VOTING REQUIREMENTS

Simple Majority

**MOVED Cr Baker, SECONDED Cr Hurst that Council:**

- 1 ENDORSES the concept plan for the Kingsley Bali Memorial Project;**
- 2 NOTES the provision of \$100,000 contribution in the 2002/03 revised budget;**
- 3 LISTS the project budget contribution of \$50,000 for consideration in the 2003/04 budget.**

Cr Kadak congratulated the staff of the City who have been involved in this project.

*Cr Walker left the Chamber, at 2009 hrs and returned at 2010 hrs.*

**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, O'Brien, Patterson, Rowlands and Walker

*Appendix 6 refers*

*To access this attachment on electronic document, click here: [Attach6brf110203.pdf](#)*

**CJ012 - 02/03      PROVISION OF PENSIONER AND MINIMUM  
PAYMENT RELATED INFORMATION – [18058]  
[27174]**

**WARD - All**

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**PURPOSE**

This report seeks Council's consideration of a request to provide detailed rates information to elected members.

**EXECUTIVE SUMMARY**

As part of the 2003/04 budget, the City undertook an analysis of its rateable properties. A high level summary provides information to assist elected members in understanding the composition of rateable properties and property owners and the distribution of properties within the City.

Crs O'Brien and Carlos have sought additional information that will assist in discussing the impact of alternative rating models with individual ratepayers. The alternative rating models include the elimination of minimum payments and possibly including the current refuse charge within the general rate.

The City's policy 2.3.4 - Provision of Information (refer attachment 1), sets the guidelines for provision of information to the public, elected members and officers of the City and considers the Freedom of Information Act 1992 and the Local Government Act 1995. The policy provides for some discretion with applications to be considered upon their individual merit. This policy was recently confirmed by Council on 3 September 2002 (CJ205-09/02 Provision for the Release of Information).

The information sought in this instance is considered to be of a personal and confidential nature and it is therefore proposed that Council considers providing the information requested.

**BACKGROUND**

As part of the 2003/04 budget, the City is undertaking an analysis of its rateable properties. A high level summary provides details such as the distribution of properties in various suburbs, type of properties, whether vacant or improved, number of minimum payment properties and number of properties owned by pensioners. This information will be provided to elected members for discussion as part of the 2003/04 budget process.

Councillors O'Brien and Carlos have in previous years indicated their concerns to provide support to the poorer ratepayers within the community and to that extent the focus has been on pensioner owned and minimum rated properties. Cr O'Brien has previously presented to elected members an alternative rating proposal which does not use a minimum payment (MP) but applies the gross rental value (GRV) to properties. This same principle may be applied to the refuse charge being included within the general rate.

Councillors O'Brien and Carlos have requested additional information which will assist elected members in discussing the implications of the alternative rating proposition with specific ratepayers. The information required will specifically identify the individual property number, house number, street address, suburb, the GRV of the property and whether the owner is an eligible pensioner according to the City's rating records. Financial modelling can then be undertaken to determine the approximate rates paid under each model.

## **DETAILS**

The City's policy 2.3.4 - Provision of Information (refer attachment 1), sets the guidelines for provision of information to the public, elected members and officers of the City and considers the Freedom of Information Act 1992 and the Local Government Act 1995. The policy provides for some discretion with applications to be considered upon their individual merit. It should be noted that this matter was recently considered by Council on 3 September 2002 (CJ205-09/02 Provision for the Release of Information).

Pursuant to section 5.92(1) of the Local Government Act 1995 (the Act), a councillor may have access to any information held by the City which is relevant to the performance of the Councillor's functions under the Act.

Should information identifying the properties the subject of pensioner and minimum payments be improperly used for a purpose unrelated to a Councillor's functions (eg electioneering), an offence could be committed under Section 5.93 of the Act which contains a penalty of \$10,000 or imprisonment for two years.

The high level summary information will be provided to all elected members as part of the 2003/04 budget deliberations, specifically in considering rating principles such as the application of minimum payments and whether to incorporate the current refuse charge into the general rate.

This information will be made available to elected members at no cost and an example is provided in attachment 2.

## **COMMENT**

If the detailed information was to be provided to elected members, the City has an obligation to remind elected members of the confidentiality and sensitivity of the information provided and the requirement to use the information only in undertaking council business.

The sensitivity of similar information was apparent when Council sold its 2001 street listing and subsequently received numerous complaints (CJ406-11/01 refers) from ratepayers.

It is considered that the high level summary provides elected members with sufficient information to assess the indicative impacts on individual properties and within particular suburbs, which can be used to demonstrate the impact of the alternative rating models.

However, if Council decides that the detailed information should be supplied to Councillors upon request, then written confirmation should be sought that the information will be used in the performance of their functions under the Act.

As the detailed information has already been collated for budget purposes, the extra cost in providing the information is minimal, ie the cost of a CD per Councillor.

## VOTING REQUIREMENTS

Simple Majority

**MOVED Cr Baker, SECONDED Cr Hurst that the detailed information be made available to Councillors upon formal written request, subject to written confirmation that it will be used in the performance of the Councillor's functions under the Local Government Act 1995 and shall not be used under any circumstances for election purposes.**

Discussion ensued.

*During discussion, Cr Kadak left the Chamber at 2012 hrs and returned at 2014 hrs.*

**The Motion was Put and**

**CARRIED (12/2)**

**In favour of the Motion:** Mayor Bombak, Crs Baker, Barnett, Carlos, Hollywood, Hurst, Kadak, Kenworthy, Kimber, Patterson, Rowlands and Walker **Against the Motion:** Crs Mackintosh and O'Brien

*Appendix 7 refers*

*To access this attachment on electronic document, click here: [Attach7brf110203.pdf](#)*

## **CJ013 - 02/03 STATE UNDERGROUND POWER PROGRAM, ROUND THREE, 2003/04 TO 2004/05 – [04396]**

**WARD -** Whitfords, South Coastal

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### PURPOSE

This report describes the current process for the City to make a submission for an underground power project as part of the recent invitation for the State Underground Power Program, Round Three for 2003/04 to 2004/05.

## EXECUTIVE SUMMARY

The State Government has a strong commitment to and a long term goal of having underground power distribution to half of Perth's households by 2010. The program is expected to produce savings on maintenance and storm damage, replace the aging infrastructure and improve civic and aesthetic facilities for the City's ratepayers.

The State Underground Power Program (SUGPP) commenced in 1996 with pilot projects and two year programs successfully implemented across the metropolitan area.

The Office of Energy has now announced that Round Three of the program will be proceeding and requested Expressions of Interest by 20 February, 2003.

The Office of Energy has now adopted a procedure of requesting Expressions of Interest (EOI) from Councils, evaluating and short listing projects, then requesting a Detailed Proposal if an EOI for an underground power project is successful. This enables Councils to submit single or multiple projects or project areas without resident surveys and other details that may be expensive to collate prior to closing dates.

The EOIs will be assessed by the Office of Energy Steering Committee by 20 March, 2003 with short listing announced on 31 March, 2003 and detailed proposals requested for submission from 4 April to 31 August, 2003. The State Government will announce successful projects in September, 2003.

The State Government including Western Power will contribute half of the funding for the program with the Local Government to arrange the remaining 50%. This City has previously resolved that its funding will be on a user pays principle and therefore funded by the property owner. It is also considered that the coastal suburbs are a priority for the improvement works.

The suburbs of Duncraig, Hillarys, Kallaroo and Mullaloo are proposed for nomination as Expressions of Interest projects.

*It is recommended that Council:*

- 1 *SUBMITS an Expression of Interest in Round 3 of the 2002/03 to 2004/05 State Underground Power Programme; and*
- 2 *NOMINATES the suburbs of Duncraig, Hillarys, Kallaroo and Mullaloo as project areas.*

## BACKGROUND

The State government has a strong commitment to and a long term goal of having underground power distribution to half of Perth's households by 2010. The program is expected to produce savings on maintenance and storm damage, replace the aging infrastructure and improve civic and aesthetic facilities for the City's ratepayers.

The State Government including Western Power will contribute half of the funding for the program with the Local Government to arrange the remaining 50%. Currently the State Government has a funding program available every two years for Major Residential Projects (MRP) in the Perth Metropolitan area. This results in a project cost of approx. \$5M, with local authorities required to arrange a contribution of \$2.5 million for each project. Generally the preference is for projects to be of discrete areas of approximately \$5 million, which equates to about 1,100 properties.

The current budget price to provide underground power and lighting systems is \$4,500 per lot.

Based on this \$4,500 budget cost/lot and with approximately 19,000 properties remaining in the City supplied by overhead power, the total cost to underground power and lighting in the City is estimated at \$85 million. With the State Government current commitment to contribute 50% of the costs, the City's contribution is \$42.6 million on present values as shown on Attachment 1 to this Report. The extent of overhead power areas across the municipality is shown on Attachment 2 to this Report.

The City has previously considered a proposal to Underground Power at its meeting of 13 March, 2001, (Report CJ065-03/01 refers) and resolved to support the principle of user pays for the 50% local government contribution. This was on the basis that those property owners in existing underground power areas paid for the service as part of the development cost for the lot. The user pays principle is also applied by most other local authorities in the metropolitan area. It was also resolved to survey ratepayers in Duncraig to determine if there was sufficient resident support to undertake an underground power project on the user pays principle.

The survey was undertaken in May 2001 and indicated that only 27% of residents were willing to pay. Report CJ246-07/01 refers.

As a result, Council resolved at its meeting of 24 July 2001, that it:

- 1 DOES NOT make an application in the 2001/02 round of the State Underground Power Programme for implementation of Underground Power throughout the City;*
- 2 UNDERTAKES a survey in the future, of ratepayers in Duncraig and the coastal suburbs from Marmion to Mullaloo, of residences to be connected to underground power on the willingness to participate and contribute to these works on a user pay principle prior to the 2003/04 round of the State Underground Power Programme;*
- 3 ADVISES the residents of Duncraig accordingly. “*

The Office of Energy has now announced that Round Three of the SUGPP will be proceeding and requested Expressions of Interest by 20 February, 2003.

## **DETAILS**

The Office of Energy has now adopted a procedure of requesting Expressions of Interest (EOI) from Councils, evaluating and short-listing projects, then requesting a Detailed Proposal if an EOI for an underground power project is successful. This enables Councils to submit single or multiple projects or project areas without resident surveys and other details that may be expensive to collate prior to closing dates.



The EOIs will be assessed by an Office of Energy Steering Committee by 20 March, 2003 with short listing announced on 31 March, 2003 and detailed proposals requested for submission from 4 April to the 31 August, 2003. The State Government will announce successful projects in September, 2003.

### **Expression of Interest**

For an EOI submission, the following factors need to be taken into consideration:

- The nominated area(s);
- The appropriate size of the project (for budget purposes local government authorities should assume an average indicative cost of \$4,500 per lot);
- The local government authority's ability and willingness to fund projects of similar size and nature;
- A brief supporting statement that includes recognition of the condition of the existing overhead power infrastructure and its level of vulnerability to storm damage including cyclonic activity; and
- Indicative community support

Projects nominated for an EOI will be evaluated through the Office of Energy. A successful EOI is then recommended to the Office of Energy Steering Committee whereupon a Detailed Proposal will be required from the local authority.

### **Detailed Proposal**

The issues to be considered as part of the Detailed Proposal stage are:

- Detailed community support;
- Proposals to raise local government authority share of finance;
- Final project boundaries and project design and cost;
- Equivalent underground power system design and cost; (i.e. equivalent to original power system without justified enhancement);
- Equivalent streetlight design and cost;
- Non-equivalent direct costs to local government authority and Western Power;
- The "cash process" – an agreed process with respect to cash calls and other issues relating to accounting management;
- "boundary" issues with other local government authorities; and
- In principle agreement approved by all parties

It is during this phase that a detailed resident survey, financial modelling and other decisions concerning additional street lighting, project management and administrative costs and consultancy fees will need to be considered. There is no rebate for costs incurred in this phase from a successful project scheme or area.

However, following the signing of an agreement for a successful scheme project, expenses can be claimed as "in kind" costs. These range from day to day project administration, enquiry administration, newsletters, accounting costs, preparation and processing of invoices and payments and reinstatement costs.

## Potential Project Areas

From the City's experience and from information provided by Western Power, the ability of the City or ratepayer to fund half the cost of the installation is an important aspect of selecting an area for nomination.

As well, the size of project area, its location in respect to the age and condition of the existing power and lighting systems and its vulnerability to storm damage are factors that need to be considered. The State Government has also commenced the construction of the Infill Sewer Scheme within the City. The overall and scheme areas and timings for Duncraig, Marmion, Sorrento and Mullaloo are listed as shown on Attachments 3 & 4. The current and proposed progress of infill sewer schemes will impact on a nominated area. Western Power has a preference for works to be separate from other major infrastructure schemes, although there would be some cost savings in reinstatements.

As a result of these factors and that Council supports the user pays principle, the following coastal suburbs are considered as suitable for nomination as Expression of Interest projects:

Duncraig	2659 lots	Two project areas
Hillarys	1468 lots	One project area
Kallaroo	1010 lots	One project area
Mullaloo	665 lots	One project area

Marmion and Sorrento, which comprise of 1310 lots, are not recommended until all infill sewer is completed by 2005.

It is likely that the relatively small section of infill sewer in Duncraig (Hamersley 19A) could be managed within the underground power project area without significant problems although this would need confirmation by Western Power.

## Consultation

At this time, because of the time scale between announcement and commencement of Round Three requests for Expressions of Interest, detailed ratepayer consultation is not possible. However, should any of the nominated project areas be successful for acceptance as a Detailed Proposal, then a resident survey would need to be undertaken providing both a consultative and feedback mechanism.

## Policy Implications

If a Proposal is successful, the City will need to determine a policy in relation to the financial modelling of the project, in particular this will include:

- charging options such as fixed services fees, GRV with a rate in the dollar, pensioner and other discounts, repayment periods, commercial premises, large and non-rateable users, Councils own facilities, and
- repayment options such as pensioner discounts, payment plans up to 5-7 years, interest charges, discounts to users opposite overhead transmission lines and existing underground power consumer connections.

The City will also need to determine if additional street lighting should be provided to meet Australian Standards and how it should be funded.

### **Financial Implications**

The costs to the City at this time are not significant. The preparation and submission of the EOI is administrative only and will be undertaken within existing staff resources.

Should a nominated EOI project proceed to a Detailed Proposal, the City will need to undertake a detailed resident survey with newsletter and questionnaires. It is estimated that this would cost approximately \$10,000 additional costs and need to be undertaken by an external agency. It is likely that the questionnaires will generate significant customer enquiries. Additional casual staff may be required to handle these enquiries.

Funds may also be required for Electrical Consultants to work out possible loads and charge rates for larger and commercial users. This is estimated to be in the order of \$10,000. These costs cannot be recouped from Western Power, however it is intended that this work and the residential survey be funded via the City's Street Lighting program. If the Detailed Proposal proceeds to an approved project, further project management costs can be claimed as in-kind costs, which form part of the project and are rebated from the project.

As part of an approved project, the opportunity to upgrade the street lighting can also be undertaken. The estimated cost for the street lighting upgrade ranges from \$100,000 for Kallaroo to \$300,000 for all of Duncraig. This cost is the responsibility of the City and an allowance can therefore be made in the 2003/04 Capital Works Program if a project is approved.

### **COMMENT**

The State Underground Power Programme addresses the retrospective installation of underground power distribution to replace overhead systems. The City has a significant area and associated cost to underground power. The City is required to contribute to 50% of the costs with the funding arrangement to be resolved between the Council and ratepayers.

It has been generally accepted throughout the metropolitan area that the Council contribution is on a user pays principle. It is considered that any submission made by the City be on a user pays principle.

The next round of the State Underground Power Programme closes on 20 February, 2003. Administered by the Office of Energy, nominations of project areas are required in the form of an Expression of Interest.

It is proposed that four suburbs be nominated for an Expression of Interest – Duncraig, Hillarys, Kallaroo and Mullaloo.

### **VOTING REQUIREMENTS**

Simple Majority

**OFFICER'S RECOMMENDATION:** That Council:

- 1 SUBMITS an Expression of Interest in Round 3 of the 2002/03 to 2004/05 State Underground Power Programme;
- 2 NOMINATES the suburbs of Duncraig, Hillarys, Kallaroo and Mullaloo as project areas for the Expression of Interest as detailed in (1) above.

**MOVED Cr Kenworthy, SECONDED Cr Patterson that Council:**

- 1 SUBMITS an Expression of Interest in Round 3 of the 2002/03 to 2004/05 State Underground Power Programme;
- 2 NOMINATES the suburbs of Duncraig, Hillarys, Kallaroo, Mullaloo, Sorrento and Marmion as project areas for the Expression of Interest as detailed in (1) above.

**The Motion was Put and****CARRIED (13/1)**

**In favour of the Motion:** Mayor Bombak, Crs Baker, Barnett, Carlos, Hollywood, Hurst, Kadak, Kenworthy, Kimber, Mackintosh, Patterson, Rowlands and Walker **Against the Motion:** Cr O'Brien

*Appendix 8 refers*

To access this attachment on electronic document, click here: [Attach8brf110203.pdf](#)

*Cr Hollywood stated his intention to declare an interest that may affect his impartiality in Item CJ020-02/03 – Retrospective Development Application for an Unauthorised Patio: Unit 49/160 West Coast Drive, Sorrento as he is an acquaintance of the applicants.*

At the Council Meeting, Cr Hollywood advised he had withdrawn his declaration of interest.

**CJ020 - 02/03      RETROSPECTIVE DEVELOPMENT APPLICATION  
FOR AN UNAUTHORISED PATIO: UNIT 49/160  
WEST COAST DRIVE, SORRENTO – [04359]**

**WARD -** South Coastal

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**PURPOSE**

The purpose of the report is to request Council's determination of an application for a patio addition that was erected without the City's approval.

**EXECUTIVE SUMMARY**

An application has been received for an unauthorised patio that measures 7.1 metres by 4.9 metres. The adjoining strata 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 Cr Kenworthy for presentation to Council for determination.

The patio has been installed inside the courtyard, which is enclosed by a 1.8 metre high masonry wall. The patio is built to essentially roof this courtyard space, making a portion of posts and pitched roof visible from the adjacent strata properties. Even though a submission was received from the adjoining strata owner, it has been assessed that the patio would not impact on the objector’s amenity. It is noted that similar structures exist in other sections of the development.

The unauthorized structure has been assessed to meet the performance standards of the Residential Design Codes 2002 (R-Codes), and on this basis, the application is recommended for approval.

## BACKGROUND

<b>Suburb/Location:</b>	Sorrento
<b>Applicant:</b>	JG and WA Heron
<b>Owner:</b>	JG and WA Heron
<b>Zoning:</b>	<b>DPS:</b> Residential R40
	<b>MRS:</b> Urban

The location of this site is shown in Attachment 1 and the details of the structure are shown in Attachment 2. The site is currently occupied by a number of two-storey grouped dwellings. Each grouped dwelling was approved under the provisions of the 1991 Residential Planning Codes, and hence was provided with a courtyard of a minimum area of 24m<sup>2</sup>. The subject courtyard is awkward in shape, as it wraps around the side of the house, providing walkway space, drying area and a courtyard area. This courtyard has been enclosed by an unauthorized patio structure. The overall size of the courtyard is 69m<sup>2</sup>.

The application was supported by the Body Corporate of the unit development. During the assessment period, a letter from the adjoining strata owner was received objecting to the structure.

## DETAILS

### Statutory Provision:

The application was received prior to 4 October 2002, being the implementation date of the new Residential Design Codes 2002, however, the application is required to be determined under the new R-Codes.

### Residential Design Codes (2002)

Under clause 3.4.2 (A2) an outdoor living area of 20m<sup>2</sup> with a minimum dimension of 4 metres is required. Pursuant to these provisions, the courtyards are “*to have at least two-thirds of the required area without any permanent roof cover*”, which is deemed to be “*acceptable development*”.

Effectively, this requires that an unroofed outdoor living area of a minimum area of 13.3m<sup>2</sup> with a minimum dimension of 4 metres is required to meet the acceptable standards.

The subject patio has been used to cover the portion of the courtyard that is regular in shape, and therefore the acceptable development standard is not achieved.

In these instances, the R-Codes permit an assessment to be undertaken pursuant to the Performance Standards of the R-Codes.

The Performance Standard applicable to this application is clause 3.4.2 (P2), as noted and addressed below:

- *An outdoor area capable of use in conjunction with a habitable room of the dwelling, and if possible, open to winter sun.*

The subject grouped dwellings courtyard is 69m<sup>2</sup> in area and is irregularly shaped. The unauthorised patio is rectangular and covers a portion of the courtyard, which is directly accessible from the dwelling. The patio generally maintains dimensions of 7.1 metres by 4.9 metres, which results in approximately 39m<sup>2</sup> of the courtyard being covered by the patio structure. This exceeds the acceptable development provisions of the R-Codes, as an uncovered outdoor living area with a 4 metre dimension is not able to be achieved.

It is noted that other portions of the courtyard remain unroofed, with the patio covering the more regular shaped portion of the outdoor living area. Adjacent portions of the courtyard such as walkways and clothes drying areas remain open. Given that the outdoor areas of the subject dwelling are capable of use in conjunction with a habitable room of the dwelling, with portion of the outdoor area also open to winter sun, it is deemed that the patio meets the Performance Criteria of the R-Codes.

#### Retrospective Planning Approval

The City is able to issue retrospective planning approvals under the provisions of Clause 6.12 of the District Planning Scheme No 2.

#### Building Code of Australia

The existing patio complies with the requirements of the Building Code of Australia. The structure is, however, required to obtain an Acknowledge of an Unauthorised Structure from the City, in lieu of a building licence, because the structure was erected without the City's consent.

#### **Applicant's justification:**

The Body Corporate has supported the structure as it complied with the overall character of the development. As additional justification, a letter of no objection was submitted from all the immediately adjoining landowners (apart from the objectors).

**Consultation:**

The application was supported by a letter from the Body Corporate outlining support for the patio in its current position, shape and form. As the representative of the owners of the strata units, the City accepts the Body Corporate approval as the owner of the site. The adjoining strata owners are disputing the Body Corporate's approval of the structure. Notwithstanding this, the City received a submission from the adjoining grouped dwelling owner, and these comments are summarised below.

The Body Corporate did not consult them with regard to the patio. They outline that the patio restricts their sky view, and that the structure is unsightly to look at whilst sitting in their courtyard. It is claimed that an officer from the City previously advised them that the structure would require modification.

**Officer Comment:**

The subject patio is of typical height and colour and is in keeping with the standard and style of development of the adjoining dwellings. It is noted that the structure does require modification to comply with the acceptable performance standards, however, the applicant has the right for the proposal to be considered under the Performance standards of the R-Codes.

**COMMENT**

The Performance Criteria in regard to the provision of outdoor living areas does not restrict the size or scale of a patio. Therefore, the only matter for consideration is the area of courtyard area that is covered by the patio.

The objection from the adjoining owners centres on the unsightliness of the patio and its restriction to sky views. It is noted that the height of the patio is in keeping with the ceiling height of the associated dwelling, and the patio is similar in size and scale to other patios within the unit complex and is not out of context in this respect.

The patio would fully comply with the acceptable standards if approximately 2.7 linear metres of the roof sheeting of the patio were removed.

Given that the patio effectively meets the Performance Criteria of the R-Codes, it is considered that the structure could be retained in its current position. The objection from the adjoining owner is acknowledged, however it is not considered that a variation to the area of courtyard permitted to be covered would have any additional impact on the adjoining strata property.

On this basis, it is recommended that Council approves the unauthorized structure, as it meets the Performance Criteria of the R-Codes.

**VOTING REQUIREMENTS**

Simple Majority

**MOVED Cr Kenworthy, SECONDED Cr Baker that Council:**

- 1 EXERCISES discretion under Clause 2.3.4 of the Residential Design Codes, and as it is considers that the outdoor living area for the subject dwelling complies with the performance Criteria of Clause 3.4.2, it is therefore appropriate in this instance;**
- 2 APPROVES the application dated 26 August 2002, submitted by JG and WA Heron, the applicants and owners, for an unauthorised patio at Unit 49/160 West Coast Drive, Sorrento, subject to all stormwater being contained and disposed of on site to the satisfaction of the City;**
- 3 ADVISES the landowner who made the submission of (1) above.**

Discussion ensued.

*During discussion, Cr Hurst left the Chamber at 2028 hrs and returned at 2030 hrs.*

**The Motion was Put and**

**CARRIED (9/5)**

**In favour of the Motion:** Crs Baker, Barnett, Hollywood, Hurst, Kenworthy, Kimber, Mackintosh, O'Brien and Rowlands **Against the Motion:** Mayor Bombak, Crs Carlos, Kadak, Patterson and Walker

*Appendices 15 & 15(a) refer*

*To access this attachment on electronic document, click here: [Attach15brf110203.pdf](#)*  
[Attach15abrf110203.pdf](#)

**CJ022 - 02/03 APPOINTMENT OF MEMBERS TO THE  
JOONDALUP YOUTH ADVISORY COUNCIL –  
[38245]**

**WARD - All**

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**PURPOSE**

The purpose of this report is present the proposed membership of the Joondalup Youth Advisory Council (YAC) for endorsement by Council.

**EXECUTIVE SUMMARY**

This report is intended to complete the selection process for the Joondalup Youth Advisory Council in 2003. As recommended by Council on 17 December 2002 in Report CJ 337 – 12/02, the report presents a proposed membership of twenty young representatives from throughout the City for appointment by Council. These representatives have been selected following an extensive selection process. The details of this selection process are outlined later in this report. The recommendation presented for the consideration of the elected members of the City of Joondalup is:



*That Council:*

1 *BY AN ABSOLUTE MAJORITY, APPOINTS the following nominees as members of the Joondalup Youth Advisory Council:*

*Existing Members*

1. *Enid Chua*
2. *Kate Sinagra*
3. *Elizabeth Benporath*
4. *Aled Cunnah*
5. *Kate Maasen*
6. *Janice Mataboni*
7. *Astrid Lee*
8. *Trent Mackay*
9. *Andrew Cameron*
10. *Katrina Welch*
11. *Annique Lynch*

*New Members*

12. *Michelle Keppel*
13. *Jake Hickman*
14. *Jessica Harlond-Kenny*
15. *Lauren Hicks*
16. *Siobhan Daly*
17. *Dean Caporn*
18. *Janet Sercombe*
19. *Matthew Pilton*
20. *Lara Hyams*

2 *Appropriately ACKNOWLEDGES all nominees who nominated for membership of the 2003 Joondalup Youth Advisory Council.*

## **BACKGROUND**

During the course of 2002, significant discussion arose within the two Youth Advisory Council's regarding the selection process of the Youth Advisory Council and the feasibility of amalgamating the two Youth Advisory Councils. Members raised issues regarding the common interests of members of both councils and the difficulty of conducting productive meetings with low attendances levels. It was decided that amalgamation of the two Youth Advisory Councils would alleviate 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 in principle. This was following a similar supportive recommendation from the Youth Affairs Advisory Committee on 6 November 2002. At this point a report was written and presented to Council on 17 December 2002.

At the meeting of 17 December 2002, the elected members of the City of Joondalup moved BY AN ABSOLUTE MAJORITY that the City of Joondalup:

- 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.

### **Selection Process**

Current members of the Youth Advisory Council undertook a review of the selection process for the Youth Advisory Council and a revised selection process was adopted. This process was designed to ensure that:

- A wide and varied promotional campaign was undertaken to ensure a pool of applicants.
- The selection panel had a clear understanding of the potential contributions that a nominee may be capable of making to the Youth Advisory Council prior to selection.
- Nominees have a basic understanding of the expectations of the Youth Advisory Council program prior to accepting a position.

With appropriate guidance from the City's Officers, four members of the Youth Advisory Council formed the selection panel and conducted the selection process for Youth Advisory Council members for 2002-2003.

The key dates and components of this process are outlined below.

### **Advertising period**

The advertising period occurred between 18 October and 13 November 2002, and involved promotion and distribution of information in the following places:

- Local High schools
- Universities and TAFEs
- Local Youth focussed organisations
- Advertisements in local paper.

### **Nomination closure**

Nominations closed on 13 November 2002, and at that point, 23 applications were received. The tenure of the current membership was examined and it was determined that (pending the outcome of Council Report CJ 377 – 12/02) nine vacancies were available on the Youth Advisory Council in 2003.

### **Application review**

The Selection Panel met to review the applications received. This panel consisted of the following current members of the Youth Advisory Council.

- Aled Cunnah
- Viet Nguyen
- Kate Sinagra
- Astrid Lee

Following this meeting the number of applicants was reduced to 18 nominees. These nominees were invited to attend a group interview.

### **Group interview**

A group of 18 nominees were invited to attend a group interview. This interview was held in the City of Joondalup Administration Building on 16 December 2002 with 16 nominees attending. Following this event, the members of the selection met to discuss and finalise the list of proposed nominees for the Joondalup Youth Advisory Council in 2003. They also selected a waiting list in the event that vacancies occur in the course of 2003. This list of nominees was submitted to council officers in early January 2003. These names were added to the current membership of the Youth Advisory Council and submitted for appointment by Council. Further details of the proposed composition of the Youth Advisory Council are listed under the “Details” subheading of this report.

It is proposed that, following the appointment of the proposed membership of the Youth Advisory Council, an Orientation camp will be conducted with the members and they will conduct their first meeting in March 2003.

### **DETAILS**

The proposed membership of the Joondalup Youth Advisory Council is listed in Table 1 below

*Table 1*

<b>Proposed Membership</b>	<b>Suburb of Residence</b>
1. Enid Chua	Kingsley
2. Kate Sinagra	Edgewater
3. Elizabeth Benporath	Hillarys
4. Aled Cunnah	Sorrento
5. Kate Maasen	Kallaroo
6. Janice Mataboni	Kingsley
7. Astrid Lee	Kingsley
8. Trent Mackay	Kingsley
9. Andrew Cameron	Greenwood
10. Katrina Welch	Duncraig
11. Annique Lynch	Joondalup
12. Michelle Keppel	Edgewater
13. Jake Hickman	Ocean Reef
14. Jessica Harlond-Kenny	Sorrento
15. Lauren Hicks	Joondalup
16. Siobhan Daly	Currambine
17. Dean Caporn	Marmion
18. Janet Sercombe	Edgewater
19. Matthew Pilton	Currambine
20. Lara Hyams	Duncraig

## Tenure

In keeping with the Terms of Reference endorsed by Council on 17 December 2002 as a part of

Report CJ 337 –12/02, all current members will serve the remaining (1) one year of their two-year term. The tenure of the new members will be (2) two years. All members will have the opportunity to reapply for a position on the Youth Advisory Council when their terms have expired.

## COMMENT

The list submitted above has resulted from a selection process that has been devised and conducted by members of the Youth Advisory Council under guidance from Council staff. The process reflects a large degree of commitment and critical thought regarding improvement of the selection process over the course of 2002. Most importantly, members have displayed ownership of the selection process and have completed it with dedication.

There are many beneficial outcomes from the revised process that have not been achieved in previous years. These include:

- Attracting more than double the required number of nomination allowing for a meaningful selection process to occur.
- Conduct of a group interview to provide the selection panel with a clear understanding of the potential contributions that a nominee may be capable of making to the Youth Advisory Council prior to selection.
- Providing nominees with a basic understanding of the expectations of the Youth Advisory Council program and an opportunity to meet other potential members and key personnel prior to accepting a position.

The fact that these outcomes have been achieved from this selection process speaks well of the young people involved in re-engineering and conducting the selection process and promises a successful year for the Youth Advisory Council program in 2003.

## VOTING REQUIREMENTS

Absolute Majority

**MOVED Cr Kadak, SECONDED Cr Baker that Council:**

**1 APPOINTS the following nominees as members of the Joondalup Youth Advisory Council:**

<b>Existing Members</b>	<b>New Members</b>
<b>1. Enid Chua</b>	<b>12. Michelle Keppel</b>
<b>2. Kate Sinagra</b>	<b>13. Jake Hickman</b>
<b>3. Elizabeth Benporath</b>	<b>14. Jessica Harlond-Kenny</b>
<b>4. Aled Cunnah</b>	<b>15. Lauren Hicks</b>
<b>5. Kate Maasen</b>	<b>16. Siobhan Daly</b>

- |                     |                    |
|---------------------|--------------------|
| 6. Janice Mattaboni | 17. Dean Caporn    |
| 7. Astrid Lee       | 18. Janet Sercombe |
| 8. Trent Mackay     | 19. Matthew Pilton |
| 9. Andrew Cameron   | 20. Lara Hyams     |
| 10. Katrina Welch   |                    |
| 11. Annique Lynch   |                    |

- 2 appropriately ACKNOWLEDGES all nominees who nominated for membership of the Joondalup Youth Advisory Council.

The Motion was Put and

CARRIED BY AN  
ABSOLUTE MAJORITY (14/0)

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

## CJ023 - 02/03 MINUTES OF THE ART COLLECTION WORKING PARTY HELD ON 10 DECEMBER 2002 – [14158]

WARD – All

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### PURPOSE

The purpose of this report is to provide Council with the unconfirmed minutes of the Art Collection Working Party held on 10 December 2002.

### EXECUTIVE SUMMARY

A meeting of the Art Collection Working Party held on 10 December 2002 and the unconfirmed minutes are submitted for noting by Council.

Amendments to the Terms of Reference are proposed and Council's endorsement of the amendments is sought.

The Working Party also considered purchase of the following artwork:

*Germ Type IV* by Mark Grey Smith

The Art Collection Working Party has recommended purchase of the artwork.

### BACKGROUND

The Art Collection has the following objectives:

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

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

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

Members of the Art Collection Working Party are:

Cr Paul Kimber, Chair

Cr Carol Mackintosh

Rie Heymans, Curator and Art Consultant

James Boyd, Coordinator Cultural Development.

## DETAILS

The minutes of the Art Collection Working Party meeting held on 10 December 2002, are included as Attachment 1.

Amendments to the Terms of Reference (Attachment 2 refers) are recommended to extend the period of appointment of members in line with the Local Government Act. These changes are highlighted in italics in Attachment 2.

The Art Collection Working Party has recommended purchase of the following artwork:

ARTIST	TITLE	MEDIUM	ART GALLERY	PRICE GST INC	PRICE GST EXC
Mark Grey Smith	Germ Type IV	Terrazzo & Resin	N/A	\$2,800	\$2,545.46
TOTAL					\$2,545.46

## Financial Implications

Funds are listed in the 20020-2003 budget for the purchase of the artworks as detailed below.

<b>Account No:</b>	11 40 44 443 6781 A007
<b>Budget Item:</b>	Art Purchases
<b>Budget Amount:</b>	\$10,000
<b>Current Balance</b>	\$ 9,300
<b>Actual Cost:</b>	\$ 2,545.46
<b>Remaining Budget:</b>	\$ 6,754.54

## COMMENT

The Consultant recommended the purchase of *Germ Type IV* by Mark Grey Smith for \$2,545.46 because:

- the work meets the Art Collection profile;
- the work is by a Western Australian artist that has established a world class sculptural practice;

- the artist is represented in various major Australian collections;
- the artist won the Award for Excellence at the 2002 Joondalup Invitation Art Award;
- the collection currently has few sculptural works represented;
- the materials used lend the work to being exhibited internally or externally.

## VOTING REQUIREMENT

Simple Majority

### **MOVED Cr Kimber, SECONDED Cr Mackintosh that Council:**

- 1 NOTES the unconfirmed minutes of the Art Collection Working Party held on 10 December 2002 forming Attachment 1 to Report CJ023-02/03;**
- 2 ENDORSES the amended Terms of Reference for the Art Collection forming Attachment 2 to Report CJ023-02/03;**
- 3 ENDORSES the purchase of the following art work for the Art Collection at the cost of \$2,545.46 from Account Number 11 40 44 443 6781 A007 – Art Purchases:**

<b>ARTIST</b>	<b>TITLE</b>	<b>MEDIUM</b>	<b>ART GALLERY</b>	<b>PRICE GST INC</b>	<b>PRICE GST EXC</b>
<b>Mark Grey Smith</b>	<b>Germ Type IV</b>	<b>Terrazzo &amp; Resin</b>	<b>N/A</b>	<b>\$2,800</b>	<b>\$2,545.46</b>
<b>TOTAL</b>					<b>\$2,545.46</b>

**The Motion was Put and**

**CARRIED (12/2)**

**In favour of the Motion:** Mayor Bombak, Crs Baker, Barnett, Hollywood, Hurst, Kadak, Kenworthy, Kimber, Mackintosh, O'Brien, Patterson and Rowlands **Against the Motion:** Crs Carlos and Walker

*Appendix 17 refers*

*To access this attachment on electronic document, click here: [Attach17brf110203.pdf](#)*

*Co-ordinator Waste Management & Environmental Services left the Chamber, the time being 2034 hrs.*

**CJ026 - 02/03      REQUEST FOR THE CLOSURE OF THE  
PEDESTRIAN ACCESSWAY BETWEEN CONIDAE  
DRIVE AND FAIRLAWN GARDENS, HEATHRIDGE  
– [88514]**

**WARD - Marina**

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**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 PAW's 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**

<b>Suburb/Location:</b>	Heathridge
<b>Applicant:</b>	All four adjoining landowners
<b>Zoning:</b>	Residential
<b>DPS:</b>	
<b>MRS:</b>	Urban
<b>Strategic Plan:</b>	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.

This report was considered by Council at its meeting of 17 December 2002 and the recommendation was that Council does not support the closure of the pedestrian accessway between Conidae Drive and Fairlawn Gardens, Heathridge. However, Council's resolution was:

*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.*

## **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 to this Report.

### **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 PAW's 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:

<b>Policy Parameters – Medium</b>	<b>Analysis Results</b>
<ul style="list-style-type: none"> <li>PAW provides a route to community facilities but not direct</li> </ul>	<ul style="list-style-type: none"> <li>This is correct</li> </ul>
<ul style="list-style-type: none"> <li>An alternative route exists but some inconvenience.</li> </ul>	<ul style="list-style-type: none"> <li>This is correct</li> </ul>
<ul style="list-style-type: none"> <li>PAW not designated as a ‘safe route to school’ or significant with regard to the bike plan.</li> </ul>	<ul style="list-style-type: none"> <li>This is correct</li> </ul>

### **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"> <li>Syringes found in adjoining properties</li> <li>Broken glass thrown over the fence into the pool</li> <li>Extra walking distance along Conidae and Ellendale to footbridge is only approximately 30 metres</li> </ul>	<ul style="list-style-type: none"> <li>Fences and footpath vandalised by graffiti</li> <li>Damage and theft to adjoining landowners properties</li> <li>Fences have been damaged due to fighting in PAW</li> <li>Footpaths on Conidae Drive and Ellendale Road – no footpath in Fairlawn Gardens</li> </ul>
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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, the evidence is that the incidents recorded by the adjoining landowners are similar to that experienced in the surrounding area. Therefore the Nuisance Assessment is rated low as per Policy 3.2.7 – Pedestrian Accessways:

<b>Policy Parameters – Low</b>	<b>Analysis Results</b>
<ul style="list-style-type: none"> <li>• Occurrence of criminal activity or antisocial behaviour similar to elsewhere in the suburb.</li> </ul>	<ul style="list-style-type: none"> <li>• This appears to be correct</li> </ul>
<ul style="list-style-type: none"> <li>• Types of offences are limited to antisocial behaviour</li> </ul>	<ul style="list-style-type: none"> <li>• Anti-social behaviour and other offences such as stealing and burglary also recorded in the vicinity</li> </ul>
<ul style="list-style-type: none"> <li>• The severity of antisocial behaviour is similar to elsewhere in the suburb</li> </ul>	<ul style="list-style-type: none"> <li>• This appears to be correct</li> </ul>

### **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:

<b>Supporters</b>		<b>Objectors</b>		<b>Neutral</b>	
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:

<b>Policy Parameters – Medium</b>	<b>Analysis Results</b>
<ul style="list-style-type: none"> <li>• Medium portion of respondents not in favour of closure (over 30%)</li> </ul>	<ul style="list-style-type: none"> <li>• Of the 41 questionnaires received, 16 (39%) objected to the closure</li> </ul>
<ul style="list-style-type: none"> <li>• Moderate level of households using the PAW</li> </ul>	<ul style="list-style-type: none"> <li>• 33 users of the PAW (80%)</li> </ul>
<ul style="list-style-type: none"> <li>• Moderate portion of users inconvenienced by closure (over 30%)</li> </ul>	<ul style="list-style-type: none"> <li>• Of the 33 users of the PAW, 51.5% advised that they would be inconvenienced by the closure.</li> </ul>

### **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 Fairlawn Gardens.

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.

### **Additional Information**

Since the deferral of this matter, further consideration has been given to measures which could alleviate any anti-social behaviour in the PAW. In this respect, it is suggested that the installation of lighting may be of benefit and could be considered in the 2003/2004 annual budget.

### **VOTING REQUIREMENTS**

Simple Majority

*Cr Kenworthy left the Chamber at 2035 hrs and returned at 2036 hrs.*

**MOVED Cr O'Brien, SECONDED Cr Mackintosh that Council:**

- 1 DOES NOT support the closure of the pedestrian accessway between Conidae Drive and Fairlawn Gardens, Heathridge;
- 2 LISTS for consideration in the 2003/04 Budget an estimated amount of \$5000 for the installation of lighting in the pedestrian accessway between Conidae Drive and Fairlawn Gardens, Heathridge.

**The Motion was Put and****LOST (1/13)**

**In favour of the Motion:** Cr O'Brien **Against the Motion:** Mayor Bombak, Crs Baker, Barnett, Carlos, Hollywood, Hurst, Kadak, Kimber, Mackintosh, Kenworthy, Patterson, Rowlands and Walker

**MOVED Cr Carlos, SECONDED Cr Baker that Council SUPPORTS the closure of the pedestrian accessway between Conidae Drive and Fairlawn Gardens, Heathridge.**

Cr Carlos gave the following reasons for his departure from the Officer's Recommendation:

- Closure of the accessway will be of benefit to local residents;
- Will reduce anti-social behaviour in the area.

**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, O'Brien, Patterson, Rowlands and Walker

*Appendix 20 refers*

*To access this attachment on electronic document, click here: [Attach20brf110203.pdf](#)*

**CJ028 - 02/03 REVIEW OF DISTRICT PLANNING SCHEME NO 2 COMMERCIAL VEHICLE CONTROL PROVISIONS – [56527] [44940] [24185]****WARD - All****PURPOSE**

Council is requested to consider the outcome of a review of District Planning Scheme No 2 (DPS2) control provisions relating to the parking of commercial vehicles within residential areas.

**EXECUTIVE SUMMARY**

In October 2001, Council requested the initiation of a review of DPS2 provisions relating to commercial vehicles, with input from the Joondalup Business Association. At that time, concern was raised in respect to the number of commercial vehicles permitted to be parked on residential property, and the possible review of the definition of a commercial vehicle to

ensure that small business operators (plumbers, electricians etc) are permitted to park utilities and panel vans at their place of residence.

Legal advice was obtained from the City's solicitors. In addition local government planning scheme provisions relating to commercial vehicles, the City's parking local laws and the model scheme text were reviewed.

In addition to Council's resolution, the definition of a commercial vehicle was also reviewed in respect to vehicles that are commercial in size, being used for recreational purposes (for example a bus converted into a mobile home and used for recreational pursuits).

The results of the review determined that no changes to Clause 4.15 and the definition of a commercial vehicle within DPS2 is warranted for the following reasons:

- The current commercial vehicle controls within DPS2 allow only one commercial vehicle to be parked on a residential property;
- The current commercial vehicle controls within DPS2 do not overly restrict the parking of a commercial vehicle used as an essential part of the lawful occupation of an occupier of a dwelling (for example an electrician/plumber's van/utility);
- The current definition and commercial vehicle controls reflect similar provisions within other local government planning schemes (Wanneroo, Swan, Canning);
- The current regulations are supported by the Joondalup Business Association, provided they continue to legally protect the interests of all parties;
- Additional restrictive provisions would unreasonably restrict the parking and use of recreational vehicles, which is considered an appropriate complimentary (incidental) landuse, upon residentially zoned land; and
- Any modification to the existing provisions would require the commitment of additional resources to administer and regulate.

As a result of the review, it is recommended that the commercial vehicle control provisions within DPS2 remain unchanged, although it is recommended that provisions be added to regulate the parking of large recreational vehicles.

## **BACKGROUND**

**Suburb/Location:** All  
**Strategic Plan:** Lifestyle Strategy 2.6 – Implement projects with focus on improving environmental, social and economic balance.

The following resolution of the 9 October 2001 Council meeting (CJ353-10/01 refers) triggered the review:

*“That a review be conducted in conjunction with the executive of the Joondalup Business Association of the definition for commercial vehicles in relation to the City of Joondalup District Planning Scheme No 2 with a further report being submitted to a future Council meeting”.*

## **DETAILS**

Clause 4.15 of DPS2 relates to commercial vehicle parking (Refer Attachment 1 that includes Clause 4.15 from DPS2, together with the scheme definition of a commercial vehicle).

The review sought to identify the following:

- The number of commercial vehicles permitted on a residential property;
- Examine the definition of commercial vehicle to ensure that small business operators (plumbers, electricians etc) are permitted to park utilities and vans at their place of residence;
- Examine the need for additional commercial vehicle parking restrictions to be incorporated into DPS2;
- Examine the need if any for a provision or definition to capture vehicles that are considered commercial in size that are used for recreational purposes (for example a bus converted into a mobile home).

### Legal Advice

The City obtained legal advice from its solicitors, whereby such advice suggested that the City's scheme provisions relating to the parking of commercial vehicles within residential areas is considered adequate and reflects similar provisions within other local government planning schemes (Wanneroo, Swan & Canning).

The legal advice also suggested that the City could consider amending its scheme to place further limitations on the parking of commercial vehicles. However, legal advice also stated that when the commercial vehicle control provisions were prepared for DPS2, concern was expressed that the provisions should not unreasonably restrict the use of recreational vehicles incidental to a residential use. In considering whether or not to amend the scheme to place further limitations on the parking of commercial vehicles the matter of policing needs to be given due consideration. In addition the City receives very few complaints and it may be more appropriate to deal with individual situations on their merit via the provisions of DPS2.

The DPS2 definition of a commercial vehicle centres around the use of the vehicle for commercial pursuits. Legal advice suggests that it would be very difficult to successfully argue that DPS2 commercial vehicle parking provisions apply to vehicles used for recreational pursuits. Essentially, if a commercial vehicle has been modified to such an extent that it can no longer be used or operate as a commercial vehicle, the commercial vehicle control provisions within DPS2 are no longer applicable.

In addition to the above, legal advice suggested that it would be difficult to define a vehicle used for recreational pursuits as a commercial vehicle under DPS2 due to the wording of the definition of a commercial vehicle and as such, the control provisions outlined within Clause 4.15 would not apply.

### Land Use

The parking of vehicles that are used for recreational purposes is an appropriate incidental landuse that can be hosted upon residentially zoned land. It is considered appropriate for a landowner to park a campervan, caravan or other similarly sized vehicle upon their property.



However, it is acknowledged that the parking of such vehicles should not unreasonably impact upon the streetscape, or upon adjoining landowners.

### Amenity

The size of a commercial vehicle is controlled through Clause 4.15(b)(iv) of DPS2. However, should the vehicle be used for recreational purposes, legal advice suggests that it is very difficult to successfully argue that the provisions within Clause 4.15 apply. However, it is considered rare for commercial vehicles, particularly larger commercial vehicles such as a bus, to be converted for recreational use and parked upon a residential lot, as any owner of such a vehicle is likely to seek to utilise the vehicle for its intended commercial purpose in order to maximise returns from their investment, and is likely to park the vehicle in a more appropriately zoned property.

The City receives very few complaints and it may be more appropriate to deal with individual situations on their merit via the provisions of DPS2. In these rare cases, the City should investigate the matter, and seek an amicable resolution between both parties. It is considered that if the vehicle is used for recreational uses only, is licensed and is parked behind the prevailing building setback line of the street, then it would not unreasonably create an adverse impact upon any adjoining landowner nor detract from the streetscape.

### **Statutory Provision:**

Section 7 of the Town Planning and Development Act 1928 (TPD Act 1928) enables Local Authorities to amend a Town Planning Scheme. The scheme amendment process is shown in Attachment 2.

### **Consultation:**

In addition to legal advice obtained, the City undertook consultation with the Joondalup Business Association as per Council's resolution. The Joondalup Business Association, in their reply correspondence, stated that they support the existing regulations provided they continue to legally protect the interests of all parties.

### **Strategic Implications:**

Council should be mindful of the ramifications that may arise as a result of modifications to its planning scheme that place additional restrictions upon a landowner's use of their land.

In considering any modification, Council must be convinced that it is in the best interests of the broader community and results in a more desirable outcome than that achieved previously.

### **COMMENT**

As a result of the review and for the reasons outlined within this report, it is determined that modifications to the City's DPS 2 commercial vehicle control provisions are not warranted. It is highlighted that the existing provisions restrict a maximum of one commercial vehicle being parked, together with flexibility to allow small business operators (plumbers, electricians etc) to park work utilities and vans at their place of residence.

If Council decides to seek modification to Clause 4.15 of DPS2, and/or amend the definition of a commercial vehicle to restrict the parking of commercially sized vehicles that have been modified for recreational purposes, such modification is unlikely to result in a more appropriate outcome and would require additional staff resources to administer and regulate. Legal advice indicates that the parking of recreational vehicles upon residentially zoned land is an appropriate complimentary (incidental) landuse that can reasonably be permitted to occur upon the land.

If Council decides to, and is subsequently successful in, amending DPS2 to put in place any additional restrictions, it is possibly unlikely that any legal action contesting the modified DPS2 provisions would be successful on the basis of a change to the commercial vehicle definition.

A landowner could and would reasonably expect to park a vehicle upon his or her property, provided that it is parked in a manner that does not unreasonably affect and impact upon the amenity of neighbours nor detract from the streetscape. In this regard, it is considered that if the vehicle is used for recreational uses only, is licensed and is parked behind the prevailing building setback line of the street, then it would not unreasonably create an adverse impact upon any adjoining landowner nor detract from the streetscape.

In order to achieve that end, a change to the DPS2 would be required to:

- 1 define a recreational vehicle, by size and likely use;
- 2 provide guidance for location of such vehicles; and
- 3 provide that an application is required where the parking of large recreational vehicles is sought, with smaller vehicles being allowed as a right without application.

## VOTING REQUIREMENTS

Simple Majority

### **MOVED Cr Kimber, SECONDED Cr Kenworthy that Council:**

- 1 NOTES the findings of the review as requested by Council's resolution at its meeting on 9 October 2001 (CJ353-10/01 refers);**
- 2 DETERMINES that as a result of the review, any modification to Clause 4.15 and the definition of a 'commercial vehicle' under District Planning Scheme No 2 that seeks to capture and impose additional restrictions upon commercial vehicle parking, including the parking of recreational vehicles on residentially zoned land, is not considered appropriate;**
- 3 DRAFTS an amendment to DPS2 to define recreational vehicles, provide parameters for assessment and allow the parking of normal-sized recreational vehicles as of right.**

Discussion ensued as to the definition of both commercial vehicles and recreational vehicles. It was advised that legal advice would be sought in relation to this issue.

*During discussion, Cr Rowlands left the Chamber at 2052 hrs and returned at 2055 hrs.*

**The Motion was Put and**

**CARRIED (12/2)**

**In favour of the Motion:** Mayor Bombak, Crs Baker, Barnett, Hollywood, Hurst, Kadak, Kenworthy, Kimber, Mackintosh, Patterson, Rowlands and Walker **Against the Motion:** Crs Carlos and O'Brien

*Appendix 21 refers*

*To access this attachment on electronic document, click here: [Attach21brf110203.pdf](#)*

## **CJ031 - 02/03 INITIATION OF AMENDMENT TO DISTRICT PLANNING SCHEME NO 2 - PROSTITUTION LANDUSE PROHIBITION – [72534]**

**WARD - All**

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### **PURPOSE**

Council is requested to defer initiation and adopting of an amendment to District Planning Scheme No 2 (DPS2) for the purposes of advertising to address Council's resolution at its meeting on 15 October 2002 and 17 December 2002 that seeks to prohibit prostitution type land use within the City of Joondalup.

### **EXECUTIVE SUMMARY**

The amendment proposes to address Council's resolution at its meeting on 15 October 2002 and 17 December 2002 that seeks to prohibit prostitution type land use within the City of Joondalup.

In order to initiate a DPS2 amendment of this significance, the consent of the state government via the Western Australian Planning Commission (WAPC) is required.

The Department of Planning and Infrastructure (DPI) suggests that the WAPC is likely to withhold its consent to permit the City's amendment to be advertised for public comment, as the provisions contained therein are not in conformity with Schedule 3 of the PCB.

The state government has released the 'Prostitution Control Bill 2002' (PCB) for public comment. The PCB is intended to provide the framework to control and regulate the prostitution industry. Comments on the PCB were sought by the Hon Minister for Police and Emergency Services until the 7 February 2003. The City of Joondalup provided a submission to the Hon Minister for her consideration on 7 February 2003 (refer Attachment 1 to this Report).

It should also be noted that the City was involved in the local government prostitution reference group that was convened by the Western Australian Local Government Association (WALGA) in order to assist in the preparation of a submission by WALGA on behalf of all local government's in Western Australia.

Part 7 and Schedule 3 of the PCB relate to town planning controls that are sought to be introduced (Attachment 2 to this Report). The proposed provisions provide for the use of land for prostitution purposes and provide a series of definitions that relate to planning controls to be introduced for the location of brothels and prostitution agency businesses.

The PCB has surfaced a range of issues (as are discussed in this report and the City's submission) and it is likely that these will need to be addressed prior to any formal adoption of the Bill. As a result, Council is requested to defer adopting the amendment for the purposes of advertising until such time as the Hon Minister for police and emergency services responds to the issues outlined within both the City's and WALGA's submissions and further consideration is given to changes to the PCB which are likely as a result of comments obtained during the consultation period.

## BACKGROUND

**Strategic Plan:** Strategy 1.4 – Maintain regular lines of communication with other levels of Government.

The following previous Council resolutions pertaining to this issue are provided in chronological order.

Council at its meeting on 15 October 2002 (CJ144-10/02 refers) resolved:

*“that Council takes the appropriate steps to amend the Text of District Planning Scheme No 2:*

- by deleting the word "should" where it twice occurs in Clause 3.11.2; and twice substitutes the word "shall" in lieu therefore; and*
- by including a definition in SCHEDULE 1 (CLAUSE 1.9) – INTERPRETATIONS: "bawdy house: has the same meaning as its reference in Sections 209 and 213 of the Criminal Code Act 1913"; and*
- TABLE 1 (CLAUSE 3.2) - THE ZONING TABLE shall include the notation under ZONES & USE CLASSES:*

*"Bawdy House [RESIDENTIAL]-X, [MIXED USE]-X, [BUSINESS]-X, [COMMERCIAL]-X, [CIVIC & CULTURAL]-X, [PRIVATE CLUBS/RECREATION]-X, [SERVICE INDUSTRIAL]-X, [SPECIAL RESIDENTIAL]-X, [RURAL]-X."*

Council at its meeting on 17 December 2002 (CJ182-12/02 refers) resolved:

- 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."*

## **DETAILS**

Part 7 and Schedule 3 of the PCB relate to town planning controls that are sought to be introduced (Attachment 2 to this Report). The proposed provisions provide for the use of land for prostitution purposes and provide a series of definitions that relate to planning controls for the location of brothels and prostitution agency businesses. The key implications of Schedule 3 is that brothels and attended prostitution agency businesses:

- Are a prohibited land use upon land zoned residential or upon land designated under a planning scheme as a residential precinct;
- Will not be allowed within 300 metres of an educational establishment, a place of worship, child care premises, community purposes premises, an hotel, upon land zoned residential and upon land designated under a planning scheme as a residential precinct;
- Will be allowed in industrial zones and precincts, excluding strategic industrial zones and precincts, including the 'Service Industrial' zone under the City's DPS2, however a planning application is required to be made and approval granted; and
- Can be approved in other zones and precincts subject to discretion of the local government, however a planning application is required to be made and approval granted.
- A self-employed sole prostitute may operate from a residential dwelling without the need to obtain local government planning approval in the form of a 'home occupation' or 'home business'; and
- Existing brothels and attended prostitution agencies will be exempted from the proposed planning provisions until such time as there is a change of ownership, the business ceases operation, the premises are altered, totally destroyed or significantly damaged.

The DPI suggests that the WAPC is likely to withhold its consent to permit the City's amendment to be advertised for public comment, as the provisions contained therein are not in conformity with Schedule 3 of the PCB.

### **Statutory Provision:**

Section 7 of the Town Planning and Development Act 1928 (TPD Act 1928) enables Local Authorities to amend a Town Planning Scheme. Section 7A1 of TPD Act 1928, requires the proposed amendment to be forwarded to the Environmental Protection Authority (EPA), to enable the EPA to conduct an assessment for environmental issues should this be considered necessary. Once comment has been received from the EPA and, provided an environmental assessment and review is not requested, the proposed amendment is required to be advertised for public comment pursuant to section 7A2 of the TPD Act 1928 and section 25 (fb) of Town Planning Scheme Regulations 1967 for 42 days, however first requires the consent of the WAPC (Attachment 3 to this Report).

**Consultation:**

The Hon Minister for Police and Emergency Services had released the draft Bill for public comment, with submissions being received until 7 February 2002. The City lodged its submission to the Hon Minister on 7 February 2002 (refer Attachment 1 to this Report).

**COMMENT**

The City's submission on the PCB opposes prostitution type land uses within the municipality, thus addressing the second resolution of Council at its meeting on 17 December 2002 (*CJ182-12/02 refers*). It strongly opposes the PCB as it effectively forces the City to incorporate into its DPS2 various provisions that allow for prostitution related land uses. The City argued that it should have the discretion to prohibit such land uses under its DPS2 if Council considers it appropriate.

If the Bill came into effect, existing town planning schemes will be read as if the provisions of the PCB are part of that scheme and if there is any inconsistency between the two, Schedule 3 within the PCB will prevail to the extent of the inconsistency. Furthermore, any new town planning scheme made after the PCB comes into operation will also have to provide for the subject land use, which is consistent with Schedule 3.

The DPI suggests that the WAPC is likely to withhold its consent to permit the City's amendment to be advertised for public comment, as the provisions contained therein are not in conformity with Schedule 3 of the PCB.

The City has prepared plans in respect to the application of the 300 metre separation figure stipulated within the PCB to ascertain potential sites for which brothels and attended prostitution agencies may be hosted (refer Attachment 4 to this Report).

As can be seen from Attachment 4 to this Report, given existing land uses that require separation of 300 metres, there is extremely limited scope for the City to entertain any planning proposal for a brothel or an attended prostitution agency office within its scheme area. Given this fact, it was argued that this adds significant weight to the City's argument in that it should be afforded the opportunity to amend its scheme to prohibit such land uses, if Council considers it appropriate.

Additionally, the PCB seeks to allow a self employed sole prostitute to operate from a residential dwelling without the need for obtaining local government planning approval in the form of a 'home occupation' or in the City's case, a 'home business' under DPS2.

For the reasons provided within the body of the report, Council is requested to defer adopting the amendment for the purposes of advertising until such time as the Hon Minister responds to the issues outlined within both the City's and WALGA's submissions and further consideration is given to changes to the PCB which are likely as a result of comments obtained during the consultation period.

**VOTING REQUIREMENTS**

Simple Majority

**MOVED Cr Mackintosh, SECONDED Cr Rowlands that Council DEFERS initiating and adopting the amendment for the purposes of advertising until the Hon Minister responds to the issues outlined within both the City's and WALGA's submissions and further consideration being given to any future revisions to the Prostitution Control Bill 2002 arising from comments obtained during the consultation period.**

Discussion ensued.

**The Motion was Put and**

**CARRIED (10/4)**

**In favour of the Motion:** Mayor Bombak, Crs Carlos, Hollywood, Hurst, Kadak, Kenworthy, Kimber, Mackintosh, Rowlands and Walker **Against the Motion:** Crs Baker, Barnett, O'Brien and Patterson

*Appendices 24 and 24(a) refer*

*To access this attachment on electronic document, click here: [Attach24agn180203.pdf](#)  
[Attach24aagn180203.pdf](#)*

*Cr Kimber declared an interest which may affect his impartiality in Item CJ032-02/03 – Consideration of Submissions for the excision and re-vesting of Lilburne Reserve (Reserve 35545), Location 9853, (214) Lilburne Road, Duncraig as he is employed by the Fire & Emergency Service Authority (FESA).*

*Cr Kimber left the Chamber, the time being 2104 hrs.*

*Cr Baker left the Chamber, the time being 2105 hrs.*

**CJ032 - 02/03      CONSIDERATION OF SUBMISSIONS FOR THE  
EXCISION AND RE-VESTING OF LILBURNE  
RESERVE (RESERVE 35545), LOCATION 9853, (214)  
LILBURNE ROAD, DUNCRAIG – [05963] [57264]**

**WARD**      Pinnaroo

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**PURPOSE**

Council is requested to consider the outcomes of advertising in respect to the excision of a 3000m<sup>2</sup> portion of Lilburne Reserve for use by the Fire and Emergency Services Authority (FESA) to construct a new fire station facility.

Council is also requested by the Department for Planning and Infrastructure (DPI) to support the following:

- The excision of 2931m<sup>2</sup> of Lilburne Reserve (Reserve 35545) and re-vesting for the purpose of a fire station; and,
- The re-vesting of the remainder of Lilburne Reserve (Reserve 35545) from 'Public Recreation' to 'Conservation'.

## EXECUTIVE SUMMARY

In August and November 2001, Council was requested to consider a proposed land exchange between the current FESA fire station site in Location 11898 (273) Hepburn Avenue, Padbury (Reserve 43210) and the City's Community Purpose site in Location 12223, (12) Blackwattle Parade, Padbury (Reserve 43717). This had been suggested as the FESA site is included in the Bush Forever Site 303 and the land swap was seen as a mechanism by which to retain the bushland on the site. Council resolved not to support the land exchange option due to significant local opposition.

Council, at its meeting on 27 November 2001, requested that the DPI determine an appropriate strategy for the provision of a fire station in the Hepburn Heights area.

Council, at its meeting on 12 February 2002 considered an application for approval to construct a fire station upon the current FESA vested site on Reserve 43210. One of Council's resolutions was to reiterate its previous request that the DPI determines an appropriate strategy for the provision of essential services in the Hepburn Heights area prior to a decision being made on this proposal.

As a result of Council's requests, DPI commissioned an independent consultant, Environmental Resource Management Australia Pty Ltd (ERM) to identify a suitable location for the facility, with a range of stakeholders being included within this decision making process. Two community based workshops were conducted on 22 and 29 July 2002, with representatives from DPI, FESA, City of Joondalup, Friends of Hepburn Heights, Friends of Lilburne Reserve, Department of Environmental Protection (DEP), Western Power and several community representatives in attendance.

DPI wrote to the City requesting that Council support the preferred site identified at the workshops which is a 3000m<sup>2</sup> portion of Lilburne Reserve, together in support of the change of vesting of the remainder of Lilburne Reserve from 'Public Recreation' to 'Conservation'.

Council, at its meeting on 15 October 2002 recommended the excision of a 3000m<sup>2</sup> portion of Lilburne Reserve and the re-vesting of the remainder of the reserve from 'Public Recreation' to 'Conservation' be advertised widely for a 60 day period, to gauge community opinion.

The proposal was advertised from 31 October 2002 to 30 December 2002. Upon closure of the advertising period, nine (9) submissions were received. Of the nine submissions received, four (4) were in support of the proposal, four (4) objected to the proposal and one (1) from the Water Corporation commented upon servicing requirements only. Some submissions raised concern in respect to loss of vegetation, devaluation of property and loss of amenity (visual and noise impacts).

It is recommended that Council considers and notes all submissions received during the advertising period and supports the request by the Department for Planning and Infrastructure (DPI) to support the excision of 2931m<sup>2</sup> of Lilburne Reserve (Reserve 35545) and re-vesting for the purpose of a fire station, and the re-vesting of the remainder of Lilburne Reserve (Reserve 35545) from 'Public Recreation' to 'Conservation'.



## BACKGROUND

**Suburb/Location:** Reserve 35545 Lilburne Reserve, Duncraig  
**Applicant:** Department for Planning and Infrastructure  
**Owner:** Crown  
**Zoning:** **DPS:** Parks and Recreation  
**MRS:** Urban  
**Strategic Plan:** Lifestyle Strategy 2.6 – Implement projects with focus on improving environmental, social and economic balance.

The following previous Council resolutions pertaining to the fire station site are provided in chronological order.

Council at its meeting on 24 July 2001 (CJ249-07/01 refers) resolved:

*“That the matter pertaining to the Proposed Land Exchange – Location 11898 (273) Hepburn Avenue, Padbury (Reserve 43210 – Fire Station Site) and Location 12223, (12) Blackwattle Parade, Padbury (reserve 43717 – Community Purpose Site) be DEFERRED pending further consideration by elected members.”*

Council at its meeting on 14 August 2001 (CJ277-08/01 refers) resolved:

*“(That Council)*

- 1. NOTES the environmental significance of Hepburn Heights Bushland;*
- 2. NOTES the social and historical significance of Hepburn Heights Bushland;*
- 3. NOTES the lack of proposed uses for the City of Joondalup Community Purpose Site, reserve 43717;*
- 4. ADVERTISES for a period of 28 days the possibility of the land swap of FESA Reserve Loc. 11898 and City of Joondalup Community Purpose site, Reserve 43717 for the purpose of consolidating the Hepburn Heights Bushland Conservation Area;*
- 5. INFORMS the residents of the Hepburn Heights Estate of the consideration of a possible land swap by means of a letter box distribution of flyers within the estate;*
- 6. COMMUNICATES this decision to Hepburn Heights Residents Association; Fire & Emergency Services Authority of Western Australia; Western Australian Planning Commission; Friends of Hepburn & Pinnaroo Bushland and The Environmental Protection Authority.*
- 7. LIAISES with the Department of Land Administration regarding the possible revocation of the Management Order on Reserve 43717;*
- 8. RECEIVES a report on the outcome of the public consultation process by the end of October 2001.”*

Council at its meeting on 27 November 2001 (CJ419-11/01 refers) resolved:

*“(That Council)*

- 1. “NOTES there is significant community opposition to the development of a fire station on the designated Fire and Emergency Services Authority site due to concern about damage to regionally significant bushland;*

2. *NOTES there is significant community opposition to the development of a fire station on the community purpose site on Blackwattle Parade due to concern about the impact on amenity of the surrounding residential area;*
3. *APPROACHES the Department of Planning and Infrastructure (DPI) to determine an appropriate strategy for the provision of these essential services (fire station and Western Power facilities) in the Hepburn Heights area.”*

Council at its meeting on 12 February 2002 (CJ027 - 02/02 refers) resolved:  
*“(That Council)*

1. *“RECOGNISES the intended purpose of the Reserve for FESA’s use;*
2. *RECOGNISES the community concern in regard to development within the Hepburn Heights bushland;*
3. *STRONGLY RECOMMENDS that the Department for Planning and Infrastructure undertakes community consultation on the proposal prior to any decision being made;*
4. *REITERATES the request that the DPI determines an appropriate strategy for the provision of essential services in the Hepburn Heights area prior to a decision being made on this proposal;*
5. *In the event that approval is granted, REQUESTS that the Western Australian Planning Commission consult the City in regard to appropriate development conditions and that the following issues be addressed:*
  - *a management plan be prepared for the operation of the fire station to ensure minimal impact on the amenity of nearby residential areas; and*
  - *detailed drawings be provided for to the City for approval for the proposed access onto Hepburn Avenue and modification of traffic islands.”*

Council at its meeting on 15 October 2002 (CJ255 - 10/02 refers) resolved:

*(That Council)*

1. *ADVISES the Department for Planning and Infrastructure that the City is advertising the excision of a 3000m<sup>2</sup> portion of Reserve 35545, Lilburne Reserve, together with the re-vesting of the remaining portion of the reserve from ‘Public Recreation’ to ‘Conservation’;*
2. *INITIATES advertising in accordance with legislative obligations pertaining to Section 20A reserves. Advertising shall be for a period of 60 days and consist of notifying all persons and/or groups who previously lodged submissions in respect to the fire station site being advised in writing (including all attendees of the workshops, together with all landowners of property adjacent to and adjoining Lilburne Reserve), a sign placed on site, and an advertisement placed in the local newspaper. In addition, it is recommended that all advertising shall include the following paragraph:*  
*“Two separate workshops were conducted on 22 and 29 July 2002 to identify a site for the construction of a fire station in the Padbury Area. The workshops involved a systematic process of identifying various site options and evaluation*

*criteria, weighting the criteria, rating the site options and identifying a top ranked site option. The outcome of the assessment of all site options is that the preferred fire station site is a 3000m<sup>2</sup> portion of Lilburne Reserve fronting Hepburn Avenue, Duncraig. In addition to the above, the re-vesting of the remainder of Lilburne Reserve from 'Public Recreation' to 'Conservation' is also supported by the Department for Planning and Infrastructure. The City of Joondalup is inviting comment from all interested persons and groups in respect to the excision and re-vesting of Lilburne Reserve. Comments in respect to the identification of other fire station sites will not be considered as the identification of the preferred site is the outcome of the two community based workshops in which a consensus was reached by all key stakeholders, including local community group representatives”;*

- 3. Upon finalisation of the advertising period, a further report tabling all submissions received during the advertising period be CONSIDERED by Council, prior to the City formally requesting excision and re-vesting of Reserve 35545 by the Department of Land Administration;*
- 4. DETERMINES the cadastral boundaries of the excision area via consultation between the City of Joondalup, FESA, DPI and the Friends of Lilburne Reserve so that disturbance and loss of remnant vegetation upon this portion of Lilburne Reserve is kept to an absolute minimum; and*
- 5. THANKS the organisers, the Department for Planning and Infrastructure, and all attendees for their considerable time and input into the process of identifying the preferred fire station site upon portion of Reserve 35545, Lilburne Reserve, Duncraig.*

## **DETAILS**

Council, at its meeting on 12 February 2002 considered an application for approval to construct a fire station upon the current FESA vested site on Reserve 43210. One of Council's resolutions was to reiterate its previous request that the DPI determines an appropriate strategy for the provision of essential services in the Hepburn Heights area prior to a decision being made on this proposal.

As a result of Council's requests, DPI commissioned an independent consultant, Environmental Resource Management Australia Pty Ltd (ERM) to identify a suitable location for the facility, with a range of stakeholders being included within this decision making process. Two community based workshops were conducted on 22 and 29 July 2002, with representatives from DPI, FESA, City of Joondalup, Friends of Hepburn Heights, Friends of Lilburne Park, Department of Environmental Protection (DEP), Western Power and several community representatives in attendance.

DPI wrote to the City requesting that Council support the preferred site identified at the workshops which is a 3000m<sup>2</sup> portion of Lilburne Reserve, together in support of the change of vesting of the remainder of Lilburne Reserve from 'Public Recreation' to 'Conservation' (refer to the location plan shown in Attachment 1).

The City wrote to DOLA seeking advice in respect to proceeding with the excision and re-vesting of the reserve as per DPI's request. DOLA, via correspondence advised that the City undertake advertising in accordance with statutory requirements.

Council, at its meeting on 15 October 2002 recommended the excision of a 3000m<sup>2</sup> portion of Lilburne Reserve and the re-vesting of the remainder of the reserve from ‘Public Recreation’ to ‘Conservation’ be advertised for a 60 day period, to gauge community opinion (refer advertising section of the report). Consultation was undertaken between FESA, DPI, the Friends of Lilburne Reserve and the City in respect to the establishment of cadastral boundaries comprising the excision area so that disturbance and loss of remnant vegetation is kept to a minimum. The site to be excised, including lot size and dimensions, is shown in attachment 2. The City has been actively seeking the finalisation of this plan to enable the matter to be considered by Council and this has finally been received.

### **Statutory Provision:**

Lilburne Reserve (Reserve 35545) was set aside pursuant to Section 20A of the Town Planning and Development Act 1928 for the designated purpose of ‘public recreation’ and in general terms it is considered in the public’s best interest that land for this purpose should remain as such. However, it is recognised there is sometimes good argument for variations to the general policy of preserving existing Section 20A reserves. The “Guidelines for the Administration of Section 20A Public Recreation Reserves” were produced by the Department of Land Administration (DOLA) to identify where such variations are considered appropriate.

Under these Guidelines, where a portion of a Section 20A reserve is to be considered for excision or disposal, it needs to be proved that such an action will not disadvantage the local community. Therefore prior to approval being granted, the City must satisfy the Minister for Lands that the proposal has been widely publicised within the locality. A sign on site is required together with an advertisement in a local newspaper and, if considered appropriate, canvassing of landowners in proximity to the subject site. Details of the level of advertising undertaken together with the results of that advertising are required to be forwarded to DOLA with any request to amend a reserve’s purpose.

### **Advertising:**

The proposal was advertised from 31 October 2002 to 30 December 2002. Advertising consisted of all adjoining/nearby landowners within a 400 metre radius of the site being notified in writing, including St Stephens school and South Padbury primary school, an advertisement placed in the Joondalup community newspaper on 31 October 2002, and a sign erected on the site facing Hepburn Avenue. Upon closure of the advertising period, nine (9) submissions were received. Of the nine submissions received, four (4) were in support of the proposal, four (4) objected to the proposal and one (1) from the Water Corporation commented upon servicing requirements only. Some submissions raised concern in respect to loss of vegetation, devaluation of property and loss of amenity, including visual and noise impacts (Refer Attachment 3 to this Report).

### **Strategic Implications:**

It should be noted that a significant portion of the locality is currently not serviced to an accepted international standard by FESA. Whilst it is acknowledged that this issue is one of significant local importance, Council should be mindful of the ramifications of FESA’s servicing inadequacies upon the wider community. It is therefore considered essential that the finalisation of the preferred fire station site, together with its construction, be progressed in a timely manner.

## COMMENT

The final workshop outcomes report identified 4 main options. These are the original FESA site, another site in the Hepburn Heights Conservation area, the Community Purpose site on Blackwattle Parade and Lilburne Reserve, Duncraig. The workshops involved all key stakeholders, including members of the local community.

A systematic process of identifying options and evaluation criteria, weighting the criteria, rating the options and identifying a top ranked option formed the basis of the final decision. The final outcome of this process was that the preferred site for a fire station is a 3000m<sup>2</sup> portion of Lilburne Reserve fronting Hepburn Avenue. In addition, the re-vesting of the remainder of Lilburne Reserve from 'Public Recreation' to 'Conservation' also formed part of the final outcome to ensure that the remainder of Lilburn Reserve and, more importantly the vegetation contained therein, is afforded a higher level of protection.

Attachment 2 to this Report shows the lot size and dimensions of the excision area, which have been finalised via consultation between the City of Joondalup, FESA, DPI and the Friends of Lilburne Reserve, to ensure that disturbance and loss of remnant vegetation upon this portion of Lilburne Reserve is kept to a minimum. The City has been awaiting the final plan thus the delays in the preparation of this report.

The proposed fire station will be screened from view by natural vegetation to be retained upon the surrounding reserve, although it will be visible on the northern elevation (facing Hepburn Avenue). Council will need to consider and the WAPC will need to approve the future development application for the station, once DOLA have formally approved the excision and re-vesting of the land for the purpose of a fire station, and the re-vesting of the remainder of Lilburne Reserve from 'Public Recreation' to 'Conservation'.

## VOTING REQUIREMENTS

Simple Majority

### **MOVED Cr Rowlands, SECONDED Cr Walker that Council:**

- 1 ADVISES the Department for Planning and Infrastructure that the City SUPPORTS the excision of a 2931m<sup>2</sup> portion of Reserve 35545, Lilburne Reserve shown in Attachment 2 to Report CJ032-02/03, together with the re-vesting of the remaining portion of the reserve from 'Public Recreation' to 'Conservation';**
- 2 PROVIDES details of the level of advertising undertaken together with the results of that advertising to the Department for Planning and Infrastructure to be forwarded to the Department of Land Administration;**
- 3 CONSIDERS and NOTES all submissions received during the advertising period as shown in Attachment 3 to Report CJ032-02/03;**
- 4 ADVISES all persons who lodged submissions during the advertising period of Council's decision accordingly;**

**5 REQUESTS that FESA and its architects include the following in formulating plans for the fire station development:**

- (a) Retention of existing vegetation (particularly large remnant trees) wherever possible upon the site, together with the provision of native landscaping along the Hepburn Avenue Elevation;**
- (b) Utilising building materials and roof finishes that are sympathetic to the existing residential built form of the locality (predominantly brick and tile construction) and the surrounding reserve; and,**
- (c) Ensure that proposed security fencing around the site is sympathetic to the surrounding reserve, constructed of materials that are graffiti and vandalism resistant and provides for adequate screening of the facility in addition to screen planting.**

**The Motion was Put and**

**CARRIED (11/1)**

**In favour of the Motion:** Mayor Bombak, Crs Barnett, Carlos, Hollywood, Hurst, Kadak, Kenworthy, Mackintosh, O'Brien, Rowlands and Walker **Against the Motion:** Cr Patterson.

*Appendix 25 refers*

*To access this attachment on electronic document, click here: [Attach25brf110203.pdf](#)*

*Cr Kimber entered the Chamber, the time being 2105 hrs.*

*Cr Baker entered the Chamber, the time being 2106 hrs.*

**C05-02/03**

**COUNCIL DECISION – EN BLOC RESOLUTION NO 1**

The following items were then moved en-bloc - CJ003-02/03, CJ008-02/03, CJ009-02/03, CJ010-02/03, CJ014-02/03, CJ015-02/03, CJ016-02/03, CJ017-02/03, CJ018-02/03, CJ019-02/03, CJ021-02/03, CJ024-02/03, CJ025-02/03, CJ027-02/03 CJ029-02/03 and CJ030-02/03.

**CJ003 - 02/03 FINANCIAL REPORT FOR THE PERIOD ENDING 31 DECEMBER 2002 – [07882]**

**WARD - All**

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**PURPOSE**

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

**EXECUTIVE SUMMARY**

The December 2002 report shows a variance of \$7.0m 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 \$24.7m compared to a budgeted operating surplus of \$21.8m at the end of December 2002, a difference of \$2.9m, 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 \$1.0m compared to budgeted expenditure of \$1.5m as at the end of December 2002, a difference of \$0.5m. 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 and deferrals in purchasing certain items of plant and equipment.
- **Capital Works** expenditure for the year to date amounted to \$4.4m against a budget of \$8.0m, an under spend of \$3.6m as at the end of December 2002. However, the City has committed expenditure through raised purchase orders of \$1.7m. In addition, works to the value of \$0.85m (Eddystone Avenue “Roads-to-Recovery” and Blackspot Traffic Signals) have been completed by MRWA but not yet invoiced. A number of projects to the value of \$0.8m ( Sorrento Beach, Craigie Leisure Centre and Mullaloo / Coastal Foreshore Works) are in the planning and approval stages and have not been able to be commenced. The Collier Pass Offstreet Carpark \$0.23m has not started due to delays in transfer of the community purpose land to the City. The impact is that expenditure has been delayed when compared to the original budget phasing.

## DETAILS

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

## VOTING REQUIREMENTS

Simple Majority

**MOVED Cr Walker, SECONDED Cr Hurst that the Financial Report for the period ending 31 December 2002 be NOTED.**

**The Motion was Put and**

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

**In favour of the Motion:** Mayor Bombak, Crs Baker, Barnett, Carlos, Hollywood, Hurst, Kadak, Kenworthy, Kimber, Mackintosh, O’Brien, Patterson, Rowlands and Walker

*Appendix 3 refers*

*To access this attachment on electronic document, click here: [Attach3agn180203.pdf](#)*

**CJ008 - 02/03 CONTRACT NOS. 008-02/03 SUPPLY OF TEMPORARY PERSONNEL; 021-01/02 HIRE OF CONTRACT LABOUR AND 015-01/02 SUPPLY OF TEMPORARY PERSONNEL - NOVATION TO OZJOBS A DIVISION OF IMP GROUP (AUSTRALIA) PTY LTD – [12518] [71511] [22529]**

**WARD - All**

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**PURPOSE**

This report seeks Council's approval for the City to novate the contract rights and duties in full for Contract No. 008-02/03 Supply of Temporary Personnel, Contract No. 021-01/02 Hire of Contract Labour and Contract No. 015-01/02 Supply of Temporary Personnel from Employment National (Administration) Pty Ltd to OzJobs a division of IMP Group (Australia) Pty Ltd.

**BACKGROUND**

The City entered into three Contracts with Employment National (Administration) Pty Ltd trading as Oz Jobs for the supply of temporary personnel for white-collar employees and contract labour for blue-collar workers. OzJobs advised the City on 12 December 2002 that IMP Group (Australia) Pty Ltd purchased Employment National's OzJobs division and the sale was completed on 20 December 2002.

Employment National (Administration) Pty Ltd trading as OzJobs has requested that the City exercise its right under the provision of sub clause 21 a) of the Contract to accept the novation of the Contract, its rights and duties in full to OzJobs a division of IMP Group (Australia) Pty Ltd.

**DETAILS**

The transfer of the service to OzJobs a division of IMP Group (Australia) Pty Ltd will enable the City to continue the service and avoid the expense of the tendering process and disruption of current temporary personnel provided under the three Contracts.

IMP Group (Australia) Pty Ltd has provided a written statement that they are prepared to maintain the level of customer service the City currently receives. The City advised OzJobs subject to Council approval that a Deed of Novation would be drawn up at the expense of IMP Group (Australia) Pty Ltd, confirmation has been received that IMP Group (Australia) Pty Ltd is prepared to proceed with the requirements of the proposed Deed of Novation.

The effect of the proposed novation is to continue to provide the services under the same contractual terms specified for each contract.



## COMMENT

A Deed of Novation will be prepared in accordance with the terms of contracts 008-02/03 Supply of Temporary Personnel, 021-01/02 Hire of Contract Labour and 015-01/02 the Supply of Temporary Personnel.

## VOTING REQUIREMENTS

Simple Majority

### **MOVED Cr Walker, SECONDED Cr Hurst that Council:**

- 1 APPROVES the Novation of the Contract Nos 008-02/03 - Supply of Temporary Personnel, 021-01/02 - Hire of Contract Labour and 015-01/02 - Supply of Temporary Personnel, to OzJobs a division of IMP Group (Australia) 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:** Mayor Bombak, Crs Baker, Barnett, Carlos, Hollywood, Hurst, Kadak, Kenworthy, Kimber, Mackintosh, O'Brien, Patterson, Rowlands and Walker

## **CJ009 - 02/03 EXTENSION OF CONTRACT OF 008-02/03 FOR THE SUPPLY OF TEMPORARY PERSONNEL FOR RECREATION FACILITIES – [22529]**

**WARD - All**

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## PURPOSE

This report recommends the extension of Contract No. 008-02/03 for the Supply of Temporary Personnel for Recreational Facilities.

## BACKGROUND

Due to RANS Management Group going into receivership in July 2002, the City put in place a number of short term arrangements including engagement of staff through external service providers. This action was necessary to bring the management of the previously contracted recreation facilities under the control of the City.

Tender number 008-02/03 was advertised through state-wide public tender on Wednesday 17 July 2002. The Contract period was for six (6) months with an option for two six-month extension periods.

This Contract was awarded by Council at its ordinary meeting of 13 August 2002. Refer report No CJ105-08/02. The Contract was awarded to Employment National (Administration) Pty Ltd trading as OzJobs.

## **DETAILS**

OzJobs has requested an extension of the Contract in accordance with Clause 28 ‘Contract Period’ of the Conditions of Contract and the existing price schedule

The Contract period of six months with two options for extension, each by a further six months, provided the City flexibility in its approach to determine the future management of the facilities and to determine appropriate action for the City to take in the long-term management of the facilities.

Employment National trading as OzJobs notified the City on 12 December 2002 that IMP Group (Australia) Pty Ltd would be purchasing Employment National’s OzJobs Division.

## **COMMENT**

OzJobs has delivered the administration of casual staff with minimal incidents and any issues, which may have arisen, have been handled effectively. The Contract has required minimal management by the City, which is a positive reflection on the service provided.

Extension of the Contract for OzJobs is subject to Council’s approval to novate the Contract the City has with Employment National (Administration) Pty Ltd trading as OzJobs to OzJobs a division of IMP Group (Australia) Pty Ltd (refer Report No CJ008-02/03 Novation 008-02/03, 015-01/02 and 021-01/02 this agenda).

## **VOTING REQUIREMENTS**

Simple Majority

### **OFFICER’S RECOMMENDATION: That Council AUTHORISES:**

- 1 the extension of Contract No 015-01/02 for the Supply of Temporary Personnel for a period of six months from 18 February 2003 to 18 August 2003 to OzJobs a division of IMP Group (Australia) Pty Ltd, subject to novating Contract No 008-02/03 to OzJobs a division of IMP Group (Australia) Pty Ltd and subject to the same terms and conditions of the Contract and the existing schedule of rates;
- 2 further extensions to a maximum of one (1) six-month extension to be granted by the City subject to satisfactory performance.

### **ADDITIONAL INFORMATION**

The recommendation to Item CJ009-02/03 incorrectly refers to Contract Number “015-01/02”

The corrected recommendation reads as follows:

**MOVED Cr Walker, SECONDED Cr Hurst that Council AUTHORISES:**

- 1 the extension of Contract No 008-02/03 for the Supply of Temporary Personnel for a period of six months from 18 February 2003 to 18 August 2003 to OzJobs a division of IMP Group (Australia) Pty Ltd, subject to novating Contract No 008-02/03 to OzJobs a division of IMP Group (Australia) Pty Ltd and subject to the same terms and conditions of the Contract and the existing schedule of rates;**
- 2 further extensions to a maximum of one (1) six-month extension to be granted by the City subject to satisfactory performance.**

**The Motion was Put and****CARRIED BY  
EN BLOC RESOLUTION NO 1 (14/0)**

**In favour of the Motion:** Mayor Bombak, Crs Baker, Barnett, Carlos, Hollywood, Hurst, Kadak, Kenworthy, Kimber, Mackintosh, O'Brien, Patterson, Rowlands and Walker

*Mr P Schneider, Director Corporate Services and Resource Management declared an interest which may affect his impartiality in Item CJ010-02/03 – Extension of Contract 015-01/02 for the Supply of Temporary Personnel as he is a close personal friend with the Major Accounts Manager from Workskills Professionals whose contract is recommended for extension.*

**CJ010 - 02/03 EXTENSION OF CONTRACT 015-01/02 FOR THE SUPPLY OF TEMPORARY PERSONNEL – [71511]****WARD - All**

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**PURPOSE**

This report recommends the extension of Contract No. 015-01/02 for the Supply of Temporary Personnel for white collar employees in the City.

**BACKGROUND**

Tender number 015-01/02 was advertised through statewide public tender on 13 October 2001. The Contract period was for twelve (12) months with an option for two twelve-month extension periods.

This Contract was awarded by Council at its ordinary meeting of 18 December 2001. Refer report no CJ426-12/01. The Contract was awarded to twelve contractors for the supply of personnel for one or more categories assigned to various Contractors: Career Pursuits; Harvey Recruitment; Hays Personnel Services; Integrated Workforce Ltd; Integrity Staffing; IPA Group Pty Ltd; Julia Ross Recruitment Ltd; Employment National trading as OzJobs; Select Appointments; Southside Personnel; Westaff (Aust) Pty Ltd and Workskills Professionals Pty Ltd.

## DETAILS

The majority of Contractors have requested an extension of the Contract in accordance with Clause 28 'Contract Period' of the Conditions of Contract and the existing price schedule, with the exception of Integrity Staffing Pty Ltd and Select Appointments. The City has not used Select Appointments since February 2001, as a result of confirmation from Dun & Bradstreet that the company is under external administration and has gone into liquidation. Employment National trading as OzJobs notified the City on 12 December 2002 that IMP Group (Australia) Pty Ltd would be purchasing Employment National's OzJobs Division.

Workskills Professional's submitted a tender on 31 October 2001 with its schedule of prices submitted as a range for its hourly rates. The schedule of hourly rates were submitted to Council as a single value for each category not the range of prices for each category submitted in their tender (refer CJ246-12/01 Attachment 1). The single rate specific to each category was accepted by Council on 18 December 2001. Workskills Professionals has charged the City at single hourly rates for the first term of the Contract. Workskills Professionals have requested that the City accept the original tendered range of hourly rates specific to the Council approved categories. The Schedule of Rates (refer Attachment 1) reflects the approved categories accepted by Council and the range of hourly rates submitted by Workskills Professionals in their original tender submission.

## COMMENT

Extension of the Contract for OzJobs is subject to Council approval to novate the Contract the City has with Employment National (Administration) Pty Ltd trading as OzJobs to OzJobs a division of IMP (Group (Australia) Pty Ltd (refer Report Number CJ008-02/03 Novation report 008-02/03, 015-01/02 & 021-01/02 this agenda)

Due to the fact that Integrity Staffing has not been utilised by the City during the first term of the Contract and Select Appointments has gone into liquidation, it is recommended that the City does not extend the term of the Contract with these organisations.

The omission of Select Appointments and Integrity Staffing will not impact on the overall performance of the Contract. The employment categories accepted by Council are nominated to more than one provider under the Contract.

Extension of the Contract is subject to satisfactory Contractor performance. Officers who deal directly with the companies provided feedback on performance and support the Contract extension of the Contractors nominated.

## VOTING REQUIREMENTS

Simple Majority

**MOVED Cr Walker, SECONDED Cr Hurst that Council:**

- 1 AUTHORISES the extension of Contract No 015-01/02 for the Supply of Temporary Personnel for a period of twelve months from 1 January 2003 to 31 December 2003 awarded to Career Pursuits, Harvey Recruitment, Hays Personnel Services (Aust) Pty Ltd, Integrated Workforce, IPA Group Pty Ltd,**

- Julia Ross Recruitment trading as Hot & Chilli, Southside Personnel and Westaff (Aust) Pty Ltd, subject to the same terms and conditions of the Contract, the existing schedule of rates and the specific categories for each Provider;**
- 2 AUTHORISES the extension of Contract No 015-01/02 for the Supply of Temporary personnel for a period of twelve months from 1 January 2003 to 31 December 2003 awarded to IMP Group (Australia) Pty Ltd subject to Council approval to novate the Contract to OzJobs a division of IMP Group (Australia) Pty Ltd subject to the same terms and conditions of the Contract, the existing schedule of rates and the specific categories;**
  - 3 AUTHORISES the extension of Contract No 015-01/02 for the Supply of Temporary personnel for a period of twelve months from 1 January 2003 to 31 December 2003 awarded to Workskills Professionals subject to the same terms and conditions of Contract and the range of hourly rates submitted by Workskills Professionals in their original tender submission against the specific categories approved by Council on 18 December 2001 (refer CJ426-12/01);**
  - 4 TERMINATES the Contract the City entered into with Integrity Staffing Pty Ltd and Select Appointments Pty Ltd;**
  - 5 APPROVES notification to the Contractors of the extension under the same terms and conditions.**

**The Motion was Put and**

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

**In favour of the Motion:** Mayor Bombak, Crs Baker, Barnett, Carlos, Hollywood, Hurst, Kadak, Kenworthy, Kimber, Mackintosh, O'Brien, Patterson, Rowlands and Walker

**CJ014 - 02/03 ALCONBURY ROAD, KINGSLEY – PETITION  
REQUESTING TRAFFIC TREATMENTS - [20892]**

**WARD - South**

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**PURPOSE**

The purpose of this report is to present the traffic assessment of Alconbury Road, Kingsley and the recommendation that traffic treatment of this road should not be supported.

**EXECUTIVE SUMMARY**

The City has received a 23-signature petition from a majority of local street residents requesting the installation of traffic calming devices to restrict traffic flow on Alconbury Road between Moolanda Boulevard and Goollelal Drive, Kingsley.

On the basis of the traffic assessment, traffic treatment of this road would have a very low priority in comparison with other roads already listed for treatment as part of the City's Five Year Capital Works Program.

Accordingly traffic treatment of Alconbury Road is not recommended for consideration at this time.

*This report recommends that Council:*

- 1 *CONSIDERS that the installation of traffic treatments on Alconbury Road, Kingsley to be a low priority project at this point in time for the 2003/04 Five Year Capital Works Program;*
- 2 *CONTINUES to support the targeting of excessive speed and antisocial driver behaviour through community involvement in the 'Community Speed Watch' Program;*
- 3 *ADVISE the petitioners accordingly.*

## **BACKGROUND**

Alconbury Road is a 7.4m wide local road linking Moolanda Boulevard and Goollelal Drive, Kingsley and provides access to approximately 170 residential properties. It also provides vehicular access for Goollelal Drive residents to shops located on Moolanda Boulevard.

As such a road of this type may reasonably be expected to carry between 1500 to 2000 vehicles per day.

In August 2002, the City received a 23-signature petition from a majority of local street residents requesting the installation of traffic calming devices to restrict traffic flow on Alconbury Road between Moolanda Boulevard and Goollelal Drive, Kingsley.

The petitioners are concerned that traffic volumes are excessive for a local road and that vehicle speeds are between 80 to 100 km/h.

The petitioners have also indicated that roundabouts are not considered to be a viable option.

In view of this a comprehensive survey and assessment of traffic flow data was carried out on Alconbury Road.

## **DETAILS**

A detailed assessment of the survey of traffic data collected over a 7-day period in August 2002 indicated that the current volume of traffic using Alconbury Road is around 1200 vehicles per day. In comparison, Moolanda Boulevard carries around 4900 vehicles per day and Goollelal Drive around 2100 vehicles per day near the junction with Alconbury Road.

The survey data indicated that the 85<sup>th</sup> percentile speed of vehicles recorded on Alconbury Road over a 24-hour period is 54 km/h. While some incidences of excessive speed were recorded during the survey late at night or early morning, the majority of vehicles travel at or below 54km/h. A graph showing individual vehicle speeds over a 24-hour period is shown on Attachment 1 to this Report.

In the five year period to December 2001, there has been one (1) vehicle crash recorded at a mid block location along Alconbury Road. During the same five year period, three (3) crashes have been recorded at the intersection of Alconbury Road with Moolanda Boulevard and one (1) at the intersection with Goollelal Drive.

#### **COMMENT**

The assessment of the traffic data collected on Alconbury Road suggests that while some isolated incidences of excessive speed may occur, the majority of motorists drive in accordance with the existing low speed, local road environment.

In addition, the current volume of traffic and crash rate may also be considered reasonable given the function of the road.

While incidences of excessive speed occurring on what is intended to be a low speed environment remain a concern, overall the available data suggests that Alconbury Road is functioning normally as a local road.

In view of this and on the basis of the traffic assessment, traffic treatment of this road would have a very low priority in comparison with other roads already listed for treatment as part of the City's Five Year Capital Works Program.

The City's focus is to traffic treat the local distributor roads that have higher traffic volume, vehicle speed and a high crash recorded history.

Currently, there exists approximately 34 kilometres of local distributor road that may require traffic treatments and the cost to traffic treat these roads is approximately \$4,000,000 to \$5,000,000 in today's prices.

The Five Year Capital Works Program reflects this strategy by endeavouring to treat these roads on a progressive basis into the future.

At this stage, the local streets such as Alconbury Road, with low traffic volumes, generally lower vehicle speeds and low crash recorded history are considered a lower priority at this point in time.

Ideally incidents of this nature should be reported directly to the Police for action, however the City together with RoadWise and Local Police have developed a program to help the community identify motorists who continue to travel in an inappropriate manner on local roads.

Council has previously supported this strategy as a way of targeting excessive speed and antisocial driver behaviour on local roads.

In view of this a brochure detailing the 'Community Speed Watch' Program may be distributed to local residents for information.

## VOTING REQUIREMENTS

Simple Majority

### **MOVED Cr Walker, SECONDED Cr Hurst that Council:**

- 1 CONSIDERS that the installation of traffic treatments on Alconbury Road, Kingsley to be a low priority project at this point in time for the 2003/04 Five Year Capital Works Program;**
- 2 CONTINUES to support the targeting of excessive speed and antisocial driver behaviour through community involvement in the ‘Community Speed Watch’ Program;**
- 3 ADVISE the petitioners accordingly.**

**The Motion was Put and**

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

**In favour of the Motion:** Mayor Bombak, Crs Baker, Barnett, Carlos, Hollywood, Hurst, Kadak, Kenworthy, Kimber, Mackintosh, O’Brien, Patterson, Rowlands and Walker

*Appendix 9 refers*

*To access this attachment on electronic document, click here: [Attach9brf110203.pdf](#)*

## **CJ015 - 02/03 PETITION REQUESTING MODIFICATION TO ELLERSDALE AVENUE, WARWICK – [02381]**

**WARD - All**

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### **PURPOSE**

The following report gives details of the existing traffic flow conditions and presents the possible future works planned along Ellersdale Avenue, Warwick for consideration.

### **EXECUTIVE SUMMARY**

In November 2002, the City received a 58-signature petition from street residents seeking the construction of traffic treatments along Ellersdale Avenue, Warwick. The petitioners are concerned with the speed at which vehicles travel along Ellersdale Avenue.

Ellersdale Avenue is one of several local roads listed for funding consideration and possible future modification as part of the City’s Five Year Capital Works Program.

Future enhancement of the existing red asphalt median along Ellersdale Avenue is currently listed in the 2003/04 year of the City’s Local Road Traffic Management Program. Subject to funding approval, similar treatments of Springvale Drive, Ballantine Road and Dorchester Avenue are also planned as part of the City’s Local Road Traffic Management and Local Road Enhancement Programs.



It is envisaged that when fully completed, the uniform treatment of these local access roads throughout Warwick may cost effectively encourage lower overall vehicle speeds and significantly improve the safety and amenity of the area for all road users.

Therefore, this report recommends that Council:

- 1 *CONSIDERS the future enhancement of Ellersdale Avenue as a high priority project in the 2003/04 Capital Works Program;*
- 2 *CONSIDERS the future enhancement of Springvale Drive, Ballantine Road and Dorchester Avenue as high priority projects in the 2003/04 Five Year Capital Works Program;*
- 3 *ADVISES the petitioners accordingly.*

## **BACKGROUND**

### **Suburb/Location:**

Ellersdale Avenue runs between Erindale Road and Ballantine Road, Warwick. It is currently classified under the Main Roads WA Metropolitan Functional Road Hierarchy as a 'local access road'.

Ellersdale Avenue has previously been identified by Council Officers as one of several 10-metre wide local distributor roads that may benefit from treatment as part of the City's proactive traffic management program.

Accordingly, future modification of Ellersdale Avenue was listed for consideration as part of the City's Five Year Capital Works – Local Road Traffic Management Program.

The proposal features enhancement of the existing red asphalt strip to include median trees and raised traffic islands similar to that on Cockman Road, Greenwood.

Essentially, the reduced carriageway width and modified road environment are intended to reduce overall vehicle speeds and improve safety for all road users along Ellersdale Avenue.

A before and after comparison of modified roads has shown that this type of treatment has been successful in reducing overall vehicle speeds by around 5-10 km/h.

It is envisaged that the low speed environment created by these modifications will be complemented by the proposed future construction of a roundabout at the intersection of Ellersdale Avenue and Dugdale Street.

In anticipation of the future treatment, the red asphalt median component of the project was completed as part of scheduled resurfacing work carried out along Ellersdale Avenue during 2000/01.

The future enhancement of the existing red asphalt median along Ellersdale Avenue is currently listed in the 2003/04 year of the City's Local Road Traffic Management Program. The proposal to construct a roundabout at Dugdale Street is also currently listed in the 2003/04 year of the City's Intersection Treatments (Major) Program.

Subject to funding approval, similar treatment of Springvale Drive, Ballantine Road and Dorchester Avenue are also listed for future consideration as part of the City's Local Road Traffic Management and Local Road Enhancement Programs.

When fully completed, the uniform treatment of local distributor roads throughout Warwick are anticipated to cost effectively encourage lower overall vehicle speeds and significantly improve the safety and amenity of the area for all road users.

The priority for these projects will be reviewed as part of the City's 2003/04 Budget process.

In a letter to petitioners from the Office of the Minister for Planning and Infrastructure, Main Roads WA have indicated that traffic treatment of Ellersdale Avenue would be the most appropriate course of action to address community concerns.

It should be also be noted Main Roads WA have advised that it has no plans to install 50km/h signage along Ellersdale Road.

Also the traffic treatment of Ellersdale Avenue will still provide for on road cyclists. At this stage no separate off road cyclist facility has been recommended as part of the Bikeplan. The upgrading of the footpath in Ellersdale Avenue to a dual use path can be listed for consideration in the future Capital Works Program.

## **DETAILS**

A detailed analysis of traffic data recorded along Ellersdale Avenue by the City in December 2002 indicated that the traffic volume ranges between 3050 vehicles per day (VPD) south of Chelsford Road and 4500 VPD south of Dugdale Street.

The 85<sup>th</sup> percentile speed of vehicles recorded on Ellersdale Avenue was between 65 and 61km/h during peak flow periods. Generally the higher vehicle speeds were recorded on the less trafficked section of Ellersdale Avenue.

In the 3-year period to December 2000 there have been twenty (20) crashes recorded along Ellersdale Avenue. Six (6) crashes have occurred at intersections, while mid-block rear end type crashes account for fourteen (14) of the crashes recorded during this period. The severity of seventeen (17) crashes has been recorded property damage only (non-medical).

Previous traffic surveys carried out by the City in 1993, 1996, 1997 and September 2002 showed comparatively similar results for both traffic volume and speed.

Overall the data suggests that Ellersdale Avenue is functioning as would be expected for a road of this type, albeit at a slightly higher operating speed.

## **Financial Implications:**

Overall enhancement of Ellersdale Avenue is currently listed for funding consideration as part of the City's Five Year Capital Works Program with a current draft budget allocation of

\$90,000 Funds of \$80,000 for construction of a roundabout is currently listed in the 2003/04 year as part of the City's Five Year Capital Works Program.

### **Strategic Implications:**

The planned enhancement of Ellersdale Avenue remains consistent with the cost-effective treatment of other local access roads throughout the municipality.

### **COMMENT**

Ellersdale Avenue is one of several local roads listed for funding consideration as part of the City's Five Year Capital Works Program.

Future enhancement of the existing red asphalt median along Ellersdale Avenue is currently listed in the 2003/04 year of the City's Local Road Traffic Management Program. Subject to funding approval, similar treatment of Springfield Drive, Ballantine Road and Dorchester Avenue are also listed for future consideration as part of the City's Local Road Traffic Management and Local Road Enhancement Programs.

When fully completed, the uniform treatment of local access roads throughout Warwick are anticipated to cost effectively encourage lower overall vehicle speeds and significantly improve the safety and amenity of the area for local residents.

More importantly, this proposal remains consistent with the treatment of all other local distributor roads throughout the municipality.

On this basis, endorsement of the future enhancement of Ellersdale Avenue is recommended for consideration as a high priority project for consideration as part of the City's 2003/04 Capital Works Program.

### **VOTING REQUIREMENT**

Simple Majority

### **MOVED Cr Walker, SECONDED Cr Hurst that Council:**

- 1 CONSIDERS the future enhancement of Ellersdale Avenue as a high priority project for the 2003/04 Capital Works Program;**
- 2 CONSIDERS the future enhancement of Springvale Drive, Ballantine Road and Dorchester Avenue as high priority projects for the 2003/04 Five Year Capital Works Program;**
- 3 ADVISES the petitioners accordingly.**

**The Motion was Put and**

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

**In favour of the Motion:** Mayor Bombak, Crs Baker, Barnett, Carlos, Hollywood, Hurst, Kadak, Kenworthy, Kimber, Mackintosh, O'Brien, Patterson, Rowlands and Walker

**CJ016 - 02/03 MINDARIE REGIONAL COUNCIL - SITE SELECTION REPORT FOR RESOURCE RECOVERY FACILITY – [03149]**

**WARD - All**

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**PURPOSE**

To gain Council endorsement for the Mindarie Regional Council's (MRC) proposed Resource Recovery Facility site at Neerabup as a result of the findings of the Mindarie Regional Council's "Resource Recovery Facility Site Selection Report – December 2002", copies of which were distributed to all Elected Members on Friday, 20 December, 2002.

**EXECUTIVE SUMMARY**

The site selection report for the Resource Recovery Facility was released for a public comment period of four weeks closing 17 January 2003.

Following the public opposition and the subsequent decision by the City of Wanneroo not to support the site at Wangara, the Mindarie Regional Council resolved to defer the site selection process until a level of understanding of resource recovery was achieved by conducting a community education and engagement campaign into the region.

An extensive community education and engagement campaign has been conducted over the last four months. The campaign introduced the concept of resource recovery and the generic technologies associated with it and the benefits.

The process for site selection involved assessing eleven sites, six of which qualified for further assessment.

Scores were set against nine criteria, developed on technical merit and from community input. Two score sheets were developed, one based on technical priorities, the other developed with community input for scenario two. In both scenarios, the Neerabup site came out as the preferred site.

The site is zoned for industrial use, is on the northern edge of the metropolitan area but still within the MRC region.

One of the criticisms of the process is that the review period was over the Christmas break. This was recognised early in the process and the Project Team developed a database of all interested parties, individuals and community leaders and copies (over 1000) will be provided to these parties. The report can also be down loaded from the MRC website.

The MRC will meet in February 2003 to decide on a site. They will be presented with a final report that will incorporate the community feedback gained during the comment period.

There are two suitable parcels of land at Neerabup, the City of Wanneroo is the landholder in the first parcel and Landcorp in the other.

Negotiations on the purchase will be held once the MRC decision is made. It will be either in the form of an option to buy or by a conditional offer. The purchase price is expected to be approximately \$4million with an additional \$1 million for services to the site.

*It is recommended that Council supports the recommendations from the Mindarie Regional Council “Resource Recovery Facility – Site Selection Report – December, 2002” in the following manner:*

- 1 The Mindarie Regional Council commence immediate negotiations with both Landcorp and City of Wanneroo regarding the purchase of either site option as identified on the plan contained in figure 3 of the “Resource Recovery Facility – Site Selection Report – December, 2002” and depicted at Attachment 1 to this report, from their existing landholdings within the Neerabup Industrial Estate, with the final choice dependant on factors such as timing, price, development and infrastructure matters;*
- 2 The Mindarie Regional Council negotiating either option to purchase or a conditional purchase of the site, with the final purchase subject to the Mindarie Regional Council obtaining environmental and town planning approvals for the Resource Recovery Facility on the site.*

## **BACKGROUND**

Following the adoption of the implementation plan for a Resource Recovery Facility (RRF) the MRC has been working on a number of fronts to ensure the plan is kept to schedule. These include an Expression of Interest process, a community education campaign, progress towards attaining environmental approvals and a site selection process inclusive of a community engagement campaign.

Previously, a report was considered by the MRC indicating that Wangara was the preferred area for a RRF site. The proposal received considerable public opposition. Following a subsequent decision by the City of Wanneroo not to support any of the nominated sites in Wangara, the MRC resolved to defer the site selection process until a better level of understanding of resource recovery was achieved by the community by conducting a community education and engagement campaign into the region.

### **Site selection and community consultation process**

The MRC recognised that people living in the communities where the placement of waste management facilities will have a high level of interest in the project and wish to influence the decision maker’s thinking on the planning process so that their concerns are listened to, understood and acted upon. In order to facilitate community engagement on the project, the MRC printed advertisements in local newspapers, sent newsletters to all households in the region, met with numerous residents’ groups and ratepayers associations, hosted public information nights and workshops, field trips to the South Western Regional Councils new Resource Recovery Facility at Canning Vale, rotated seven static displays in shopping centres and libraries throughout the region, established a website and an 1800 number hotline to provide information on the project.

By the end of November 2002, a total of 1660 people had provided comment to MRC about the proposed RRF.

In order to enable the community to influence decision makers on selecting a site, the newsletter/survey forms, and advertisements in local newspapers, asked people to comment on the proposed site selection criteria and to indicate other criteria that should be applied to the assessment of other potential sites. As a result of this process, two additional criteria were added.

A validation survey was also conducted of 400 households, half from Wanneroo and the rest from the region. The results validated the criteria and weightings derived from the two surveys mentioned above.

The process for site selection involved assessing eleven sites, five were considered to have fatal flaws and six qualified for further assessment. These are Balcatta, Beenyup, Malaga, Neerabup, Nowergup and Wangara.

Scores were set against nine criteria, developed on technical merit and from community input. Two score sheets were developed, one based on technical priorities, the other developed with community input for scenario two. In both scenarios the Neerabup site came out as the preferred site. It is zoned for industrial use, is on the northern edge of the metropolitan area but still within the MRC region. The site scored above 3 for all the criteria giving it the highest score.

The site selection methodology is extremely robust and will assist state government assessment officers in the formal assessment process to be held independently of this process.

One of the criticisms of the process is that the consultation and review period is over the Christmas break. This was recognised early in the process and the Project Team developed a database of all interested parties, individuals and community leaders and copies (over 1000) will be provided to these parties. The report can also be down loaded from the MRC website.

The report's comment period closed on 17 January 2003.

### **Stakeholder Response to Site Selection Report**

Those responses obtained to this site selection report have been analysed by consultants independent of the BSD Consultant/Meinhardt Joint Venture. Key points to note from this analysis are as follows:

- The Site assessment model was broadly accepted
- Some concern still exists over the choice of site before technology (12 submissions)
- Four submissions (from 147 received) were critical of the timing of the public review period
- Some ninety submissions oppose the Wangara site
- The preferred site – Neerabup – received 19 responses against, and 13 in favour

No comments on the process have been received since the comments closure date (17 January 2003).

In addition, the Council has received a petition with some 2110 signatures thereupon, which states as follows:

*“We the Electors of the City of Wanneroo respectfully present this petition signifying that the waste treatment facility, proposed to be located within Lot 4 Flynn Drive Industrial Park Neerabup is not acceptable and that the Mindarie Regional Council select an alternative site”*

The City of Wanneroo has provided correspondence to the Regional Council, dated 18 December 2002, which states, inter alia, that the City of Wanneroo Council resolved at its meeting on 17 December 2002 as follows:

*“That Council advise the Mindarie Regional Council that the City of Wanneroo would strongly suggest that they should select the technology for the secondary waste treatment prior to making an offer to purchase a suitable site”*

### **The Rationale for Site Before Technology**

The site has been selected ahead of technology in the project methodology for the following reasons:

- It enables the selection of the technology to be made later in the programme which will maximise the MRC's ability to gain from the emerging experience with assessing, selecting, building and operating these facilities in Australia. Since the calling of Expressions of Interest, construction of Bedminster composting plants at Canning Vale and Cairns has commenced. These facilities will be opened before the selection of technology occurs. Approval has been given to commence a new aerobic digestions facility at Eastern Creek in Sydney. Also, there is ongoing experience being gained with the existing facilities in Newcastle and Wollongong.
- The technology selection can be made after the formal environmental assessment has been completed. Any environmental concerns which emerge from that assessment will be considered and will help to ensure that the best environmental outcome is achieved.
- The site that is recommended is suitable to accommodate all of the technologies under consideration. However, particular technologies might be more suited to the site than others, on the basis of social, environmental and economical considerations. This will be taken into consideration when selecting the technology. That is the site can help select the technology.
- The selection of the technology will be made as part of the process of selecting the preferred tenderer, who will build, own and operate the Resource Recovery Facility. The conditions of environmental approval should be included in the tender documents to ensure that the contractor meets them. It is desirable to have a chosen site when considering the environmental impacts of the technologies so that the site specific impacts are adequately assessed. For these objectives to be met, it is necessary to select the site before the technology.

- It is proposed that the purchase of the site will be conditional on obtaining town planning and environmental approvals. In the unlikely event that the proposed site proves to be unsuitable from either of these perspectives for the technologies proposed, the purchase would not proceed.

### **Technology Selection**

The Mindarie Regional Council is able to demonstrate that a comprehensive process of community engagement with regard to the selection of a site for the establishment of a resource recovery facility has occurred. However, some concern remains within not only local communities but by individuals, including the local member Dian Guise MLA, about the methodology to choose a site before the identification of the technology. The Secondary Waste Treatment Facility Working Group, chaired by Councillor Treby, has considered this matter carefully, and has recognised the need to deal with these concerns about the selection of site before technology. The following strategies are proposed, in order to deal with community anxiety on this matter:

- The establishment of a Community Engagement Advisory Group, comprising representatives from the community at large within the region but, more particularly, from those local communities surrounding any potential site, for the purpose of input and advice to the community engagement process with regard to technology selection
- The potential clarification to the short list of tenderers of Councils requirements for the facility on the basis of the environmental and social parameters associated with the selected site
- The advice to all organisations on this short list for invitation to tender of ongoing developments in this regard, particularly with respect to community concerns over particular technologies

### **The way forward**

The MRC will meet in February 2003 to decide on a site. They will be presented with a final report that will incorporate the community feedback gained during the comment period.

There are two suitable parcels of land at Neerabup, the City of Wanneroo is the landholder in the first parcel and Landcorp in the other.

Negotiations on the purchase will be held once the MRC decision is made. It will be either in the form of an option to buy or by a conditional offer.

Estimated costs, at this early stage, including purchase and servicing has been set at \$4 million, an additional \$1 million has been estimated for services to the site.



In terms of the implementation plan for the project, the following timelines have been scheduled:

**Table 1 - Key milestones for the SWTF project for the MRC**

<b>Task</b>	<b>Start</b>	<b>End</b>
1 Community Consultation	Jul-02	Feb-03
2 Site Selection		Feb-03
3 Environmental Approvals	Aug-02	Sep-03
4 Prepare tender documents	Oct-03	Nov-03
5 Contractors prepare tenders	Nov-03	Jan-04
6 Evaluate tenders	Jan-04	Feb-04
7 Negotiate with successful tenderer	Feb-04	Mar-04
8 Complete land transaction	Mar-04	Apr-04
9 Development Application / Works Approval	Mar-04	Apr-04
10 Design and Construction of Facility	May-04	Jun-05
11 Facility Commissioned	Jun-05	Sep-05

## **COMMENT**

The site selection process detailed in the report has been well designed and implemented. Community opposition can always be expected with the placement of these facilities. However, at the consultation session for elected members held at the City of Wanneroo on 18 December 2002, it was recognised that the process has been transparent and robust.

The project will still require a formal environmental assessment and this will take the form of a Public Environmental Review (PER) with a six week comment period. These documents are being prepared by the BSD Project Team in conjunction with the Department of Environmental Protection (DEP).

Whilst the site selection report recommends that negotiations should commence with City of Wanneroo as its first option, due to the tight project timeframes, it is considered more appropriate to commence negotiations with both Landcorp and City of Wanneroo regarding the purchase of the site from their existing landholdings within the Neerabup industrial estate.

## **VOTING REQUIREMENTS**

Simple Majority

**MOVED Cr Walker, SECONDED Cr Hurst that Council SUPPORTS the recommendations from the Mindarie Regional Council “Resource Recovery Facility – Site Selection Report – December, 2002” in the following manner:**

- 1 the Mindarie Regional Council commence immediate negotiations with both Landcorp and City of Wanneroo regarding the purchase of either site option as identified on the plan contained in figure 3 of the “Resource Recovery Facility – Site Selection Report – December, 2002” and depicted at Attachment 1 to Report CJ016-02/03, from their existing landholdings within the Neerabup Industrial Estate, with the final choice dependant on factors such as timing, price, development and infrastructure matters;**

- 2 the Mindarie Regional Council negotiating either option to purchase or a conditional purchase of the site, with the final purchase subject to the Mindarie Regional Council obtaining environmental and town planning approvals for the Resource Recovery Facility on the site.**

**The Motion was Put and**

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

**In favour of the Motion:** Mayor Bombak, Crs Baker, Barnett, Carlos, Hollywood, Hurst, Kadak, Kenworthy, Kimber, Mackintosh, O'Brien, Patterson, Rowlands and Walker

*Appendix 11 refers*

*To access this attachment on electronic document, click here: [Attach11brf110203.pdf](#)*

**CJ017 - 02/03 CLOSE OF ADVERTISING - (OMNIBUS)  
AMENDMENT NO 14 TO DISTRICT PLANNING  
SCHEME NO 2 – [56527]**

**WARD -** North Coastal, Lakeside, South Coastal, South

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**PURPOSE**

The purpose of the report is for Council to:

- 1 Consider public submissions following advertising of Amendment 14 to the City's District Planning Scheme No.2 (DPS2);
- 2 Grant final approval to Amendment 14 with modification; and
- 3 Endorse and submit the amendment document to the Western Australian Planning Commission (WAPC) for recommendation to the Hon Minister for Planning and Infrastructure for final approval to be granted.

**EXECUTIVE SUMMARY**

Council at its meeting on 3 September 2002 (CJ224 - 09/02 refers) resolved to initiate Amendment 14 to DPS2 for the purposes of advertising for a period of 42 days. The amendment proposes the following changes:

- To rezone Part Reserve 37188 (622m<sup>2</sup>) No 170 Joondalup Drive, Edgewater from Residential R20 to Local Reserve - Parks and Recreation (Attachment 1 to this Report);
- To rezone Lot 70 (13) Alfreton Way, Duncraig from Local Reserve - Parks and Recreation to Civic and Cultural zone. (*note that it is now recommended that Council remove this proposal from the amendment*) (Attachment 2 to this Report)
- To rezone Lot 120 (57) Blackthorn Road, Greenwood from Local Reserve – Parks and Recreation to Residential R20 (Attachment 3 to this Report);
- To rezone Location 11539 (18) Third Avenue, Burns, Reserve 42216 from Residential R20 to Local Reserve – Parks and Recreation (Attachment 4 to this Report).

The amendment as advertised from 23 October to 4 December 2002. Upon closure of the advertising period, thirty three (33) submissions were received, together with a 135 signature petition relating to the proposed rezoning of Lot 70 Alfreton Way, Duncraig that was tabled at the Council meeting on 17 December 2002.

Twenty eight (28) submissions objected to the rezoning proposal for Lot 70 Alfreton Way, Duncraig, citing unknown development proposed for the site, loss of natural bushland, declining property values, increases in traffic, noise, litter, crime, anti-social behaviour, loss of privacy and amenity. All of these issues relate to future development upon the lot, and not the rezoning proposal itself, as no material change to the land will occur as a result of the proposed rezoning. However, given clear community opposition over the rezoning of this site, together with no current development intentions for the lot, it is recommended that the rezoning proposal for Lot 70 Alfreton Way, Duncraig be removed from Amendment 14. Five (5) submissions related to the rezoning proposal for Location 11539 (No. 18) Third Avenue Burns, which was supported by the local community. No submissions were received in respect to the other two sites the subject of this amendment.

It is recommended that the amendment be granted final approval with modification (removal of the rezoning proposal for Lot 70 Alfreton Way, Duncraig), endorsed and submitted to the Western Australian Planning Commission (WAPC) for recommendation to the Hon Minister for Planning and Infrastructure for final approval to be granted.

## **BACKGROUND**

Council at its meeting on 3 September 2002 (CJ224 - 09/02 refers) resolved to initiate Amendment 14 to DPS2 for the purposes of advertising for a period of 42 days. The amendment proposes the following changes:

- To rezone Part Reserve 37188 (622m<sup>2</sup>) No 170 Joondalup Drive, Edgewater from Residential R20 to Local Reserve - Parks and Recreation (Attachment 1 to this Report);
- To rezone Lot 70 (13) Alfreton Way, Duncraig from Local Reserve - Parks and Recreation to Civic and Cultural zone. (*To be removed from the amendment*) (Attachment 2 to this Report)
- To rezone Lot 120 (57) Blackthorn Road, Greenwood from Local Reserve – Parks and Recreation to Residential R20 (Attachment 3 to this Report);
- To rezone Location 11539 (18) Third Avenue, Burns, Reserve 42216 from Residential R20 to Local Reserve – Parks and Recreation (Attachment 4 to this Report).

## **DETAILS**

Crown Reserve 37188 has been zoned as a Local Reserve – Parks and Recreation since 1987 when it was vested in the then Shire of Wanneroo. Following the split of the City of Wanneroo a new Management Order was formed in May 2000 under the City of Joondalup. The subject land was zoned Residential with an R20 density coding under DPS2. The amendment seeks to amend the zoning to show the area as Local Reserve – Parks and Recreation in accordance with its status as a reserve.

Lot 70 Alfreton Way, Duncraig is a portion of freehold land owned by the City of Joondalup and acquired in 1981 as a community purpose site. The land is currently shown as ‘Local Reserve – Parks and Recreation’ on the Scheme maps and therefore was sought to be amended to enable it to be possibly developed in the future for community purposes in accordance with the Civic and Cultural zone.

Lot 120 Blackthorn Road, Greenwood is a privately owned lot currently developed for residential purposes. The subject lot was zoned Residential Development with an R20 density coding under the City’s Town Planning Scheme No 1, during the formulation of DPS 2 it was zoned Local Reserve – Parks and Recreation. The site is currently developed for residential purposes and is privately owned land, therefore the zoning should be amended accordingly.

Location 11539 (18) Third Avenue, Burns is currently shown on the Scheme maps to be zoned Residential with an R20 density coding. The land is known as Reserve 42216, a Local Reserve – Parks and Recreation. The Crown Reserve was vested in the City of Wanneroo in 1992 and following the split of the City of Wanneroo a new Management Order was formed in 2000 under the City of Joondalup. The amendment proposes to adjust the Scheme maps to show the area as a Local Reserve – Parks and Recreation in accordance with its status.

#### **Statutory Provision:**

Section 7 of the Town Planning and Development Act 1928 (TPD Act 1928) enables Local Authorities to amend a Town Planning Scheme. Section 7A1 of TPD Act 1928, requires the proposed amendment to be forwarded to the Environmental Protection Authority (EPA), to enable the EPA to conduct an assessment for environmental issues should this be considered necessary. Once comment has been received from the EPA and, provided an environmental assessment and review is not requested, the proposed amendment is required to be advertised for public comment pursuant to section 7A2 of the TPD Act 1928 and section 25 (fb) of Town Planning Scheme Regulations 1967 for 42 days.

Under provision of regulation 17 (2) of the Town Planning Regulations 1967, Council shall consider all submissions received during the advertising period. After considering all submissions the Council shall either resolve to not proceed or adopt the amendment, with or without modification and submit three copies of the amending document to the Western Australian Planning Commission (WAPC) for recommendation to the Hon Minister for Planning (refer Attachment 5 to this Report).

#### **Consultation:**

The scheme amendment was advertised from 23 October to 4 December 2002 following the adoption of the amendment by Council for advertising purposes at its meeting on 3 September 2002. Advertising consisted of a sign on each of the four sites intended to be rezoned, adjoining landowners being notified in writing, and advertisements placed in the Joondalup community newspaper on 24 October 2002 and the West Australian newspaper on 23 October 2002.

During the advertising period, a total of thirty three (33) written submissions were received, of which twenty eight (28) related to the rezoning proposal at Lot 70 Alfreton Way, Duncraig and five (5) submissions related to the rezoning proposal at Location 11539 (No. 18) Third Avenue, Burns. A 135 signature petition was also received during the advertising period objecting to the rezoning of Lot 70 Alfreton Way, Duncraig and was tabled at the Council meeting on 17 December 2002.

No submissions were received in respect to the other two sites the subject of amendment 14. The schedule of submissions is shown in Attachment 6 to this Report.

The submissions objecting to the rezoning proposal for Lot 70 Alfreton Way, Duncraig, cited unknown development proposed for the site, loss of natural bushland, declining property values, increases in traffic, noise, litter, crime, anti-social behaviour, loss of privacy and amenity. The submissions relating to the rezoning proposal for Location 11539 (No. 18) Third Avenue Burns, were in support.

## COMMENT

Amendment 14 to DPS2 will ensure that the subject lots are given their intended zoning in order that they can be developed and/or protected under DPS2.

Of the four sites to be rezoned, as a result of community consultation, the rezoning proposal for Lot 70 Alfreton Way is the most contentious. The site is owned in freehold by the City, and is separate to the reserve surrounding it. The previous City of Wanneroo/Joondalup Town Planning Scheme No 1 maps did not differentiate colour changes between privately owned/freehold lots and reserves (parks) that are owned by the Crown. Upon preparation of DPS2 maps, the whole reserve, including the portion of land in question owned by the City, was rezoned 'Local Reserve - Parks and Recreation'.

The amendment is proposed to rectify the zoning inconsistency by rezoning this portion of land, to facilitate the use for which it was originally acquired and to bring it into conformity with other similarly zoned and owned lots within the municipality.

An option identified through comments received during the advertising period is to retain the current zoning of Lot 70 Alfreton Way, Duncraig, until such time as there is a development proposal prepared for the site. This option is supported and as such, the amending documentation shall be modified to remove the rezoning proposal for Lot 70 Alfreton Way, Duncraig.

An alternative option identified during the advertising period was to amalgamate this lot into the surrounding reserve. This option would result in the City effectively losing a parcel of land it owns in freehold to the Crown. This option is not recommended, as it would severely limit the City's future options in providing a 'civic and cultural' type facility for the benefit of the community, should there be community support to such development upon the lot in the future.

Other options identified during the consultation period related to the site being a ‘special use’ or a ‘restricted use’ zone. These options are not recommended, as such zonings would significantly restrict the City’s landuse options for the land should any development be proposed in the future. Additionally, no development proposal has been identified for the site, so it would be impossible to initiate such a rezoning without first knowing what form of development and/or landuse is envisaged upon the lot.

It appears that the key community concern is the unknown nature of development proposed for the site, together with loss of native vegetation and potential adverse impacts upon residential amenity (traffic, noise, antisocial behaviour etc) that may result from such development.

Currently it is unknown what form of development may be hosted upon the lot, however any development and landuse must be closely aligned to the objective of the ‘Civic and Cultural’ zone which is, in part, ‘...to make specific provision for public facilities such as government offices, halls, theatres and art galleries’. Given the lot’s limited size, it is unlikely that any of the above examples would be able to be hosted upon the lot.

The City has no proposals or current intentions to develop this land parcel and given community opposition to the rezoning of this land parcel, it is proposed that the rezoning proposal for Lot 70 Alfreton Way, Duncraig be removed from Amendment 14.

It is recommended that Council grant final approval to Amendment 14 with modification (removal of the rezoning proposal for Lot 70 Alfreton Way, Duncraig) in order to alleviate the concerns identified by the public during the advertising period.

## VOTING REQUIREMENTS

Simple Majority

### **MOVED Cr Walker, SECONDED Cr Hurst that Council:**

- 1** pursuant to Town Planning Regulations 17 (2) **ADOPTS Amendment No 14 to the City of Joondalup District Planning Scheme No 2 subject to the following modification:**  
  
**the rezoning of Lot 70 Alfreton Way, Duncraig from ‘Parks and Recreation’ to ‘Civic and Cultural’ not be proceeded with;**
- 2** upon advice from the WAPC in regards to the modifications, **AUTHORISES the affixation of the Common Seal to, and endorses the signing of the amendment documents;**
- 3** **NOTES all submissions and the petition received during the advertising period;**
- 4** **ADVISES all persons who made submissions of Council’s decision accordingly.**

The Motion was Put and

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

**In favour of the Motion:** Mayor Bombak, Crs Baker, Barnett, Carlos, Hollywood, Hurst, Kadak, Kenworthy, Kimber, Mackintosh, O'Brien, Patterson, Rowlands and Walker

*Appendix 12 refers*

*To access this attachment on electronic document, click here: [Attach12brf110203.pdf](#)*

## **CJ018 - 02/03      CONSIDERATION OF SUBMISSION AND FINAL APPROVAL TO THE REVIEW OF UNIFORM FENCING POLICY 3.1.6 – SUBDIVISION - [00907]**

**WARD - All**

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### **PURPOSE**

Council is requested to consider the submission received during the advertising period and to consider granting final approval to the reviewed uniform fencing policy (Attachment 1).

### **EXECUTIVE SUMMARY**

The City's Uniform Fencing – Subdivision Policy, adopted in 1993, operates in recognition of the need to ensure that uniform fences do not detract from the aesthetics of the streetscape or conflict with the character of the built form. The policy operates together with District Planning Scheme No.2 (DPS2) to provide a set of principles that can be applied when subdivision applications are considered.

The visual appearance of the City and the quality of its built form and streetscapes, are equally critical factors in determining a community's character and liveability. The revised policy aims to provide a coordinated approach to processing applications for proposed and existing uniform fencing, in order to avoid repetition of present examples of unattractive and uncoordinated uniform fencing throughout the city.

The current policy is required to be reviewed as it does not adequately address current uniform fencing related issues, nor tie in with the City's Private Property Local Law 1998 provisions, particularly relating to maintenance issues. The main policy modifications include a definition section, and expansion and rationalisation of the policy statements into sections relating to additional detail in respect to the City's requirements for uniform fencing design, construction, height, landscaping and maintenance, with the modifications from the existing policy shown in Attachment 3.

Council at its meeting on 26 November 2002 resolved to adopt the reviewed draft policy for the purposes of advertising for a period of 21 days. The revised policy was advertised from 5 December 2002 to 26 December 2002. Advertising consisted of an advertisement placed in the Joondalup community newspaper on 5 and 12 December 2002, together with a notice on the City's website. Upon closure of the advertising period, one (1) submission was received (Refer Attachment 2).

It is recommended that Council notes the submission received and grants final approval to the reviewed policy.

## **BACKGROUND**

**Suburb/Location:** All

**Strategic Plan:** Lifestyle Strategy 2.2 Rejuvenate our suburbs – Enhance standards of infrastructure to meet changing community needs and expectations.

Council at its meeting on 26 November 2002 (CJ290-11/02 refers) resolved to adopt the Uniform Fencing Policy – Subdivision, as a draft policy for the purposes of advertising for a period of twenty-one (21) days for public comment.

The need for uniform fencing has increased in recent years as a result of ‘new urbanism’ subdivisional design practices favouring the use of common rear or side boundaries with major roads and highways as distinct from the use of service roads. The reasons for these practices include the lack of economy in constructing roads that serve lots on one side only, the potential for greater use of cul-de-sacs with reduced widths, the higher lot yields which can be achieved and improved neighbourhood interaction. In conventional development, solutions have also often required large setback distances and noise mounds in addition to the provision of high solid walls of uniform fencing. However, these solutions have created tracts of monotonous land and walled estates.

These urban design practices have produced long lengths of side or rear boundary fencing alongside major roads and highways that create undesirable aesthetics and streetscapes. Furthermore, the noise impact upon new homes from traffic on major roads or highways is an issue because new houses are closer to the noise source than would be the case if a service road was used.

Observation of completed subdivisions reveals that there are a number of amenity and safety problems that occur along the boundaries between private lots and public places, particularly alongside major roads.

## **DETAILS**

The current policy was required to be reviewed as it did not adequately address current uniform fencing related issues, nor tie in with the City’s Private Property Local Law 1998 provisions, particularly relating to maintenance issues. The main policy modifications include a definition section, and expansion and rationalisation of the policy statements into sections relating to additional detail in respect to the City’s requirements for uniform fencing design (greater levels of articulation now required), construction, height, complimentary landscaping and maintenance.

### **Statutory Provision:**

Clause 8.11 of DPS2 outlines the provisions with respect to the preparation of planning policies and amendments or additions to policies. Clause 8.11.3 outlines the procedures, which are required to be followed in order for a policy to become operative.



**Advertising:**

Council at its meeting on 26 November 2002 resolved to adopt the reviewed draft policy for the purposes of advertising for a period of 21 days. The revised policy was advertised from 5 December 2002 to 26 December 2002. Advertising consisted of an advertisement placed in the Joondalup community newspaper on 5 and 12 December 2002, together with a notice on the City's website. Upon closure of the advertising period, one (1) submission was received (Refer Attachment 2).

**Policy Implications:**

The implications of the proposed policy would be:

- The provision of a coordinated approach to the construction of uniform fencing in a consistent manner that is conducive to positively contributing to the streetscape and protecting the amenity of the city's residents.
- The creation of uniform fencing which will withstand use and weathering and reflects the value of the subdivision and its relationship with the city.
- Restriction of the type of building materials and finishes that can be used for the construction of uniform fencing only to those which are durable and low-maintenance.
- To allocate responsibility to various parties for the continuing upkeep and maintenance of uniform fencing as outlined within the City's Private Property Local Law 1998.

**Strategic Implications:**

The strategic implications of the revised policy would be to:

- Enhance standards of infrastructure to meet changing community needs and expectations.
- Develop initiatives and introduce incentives that encourage appropriate development.
- Facilitate the provision of key infrastructure for the city.
- Work in partnership with community, government and the private sector to create and foster community identity and pride.

**COMMENT**

In the most obvious and, potentially most obtrusive of cases, it is reasonable to expect that some action should be taken to require the provision of aesthetically attractive fences. Thus this revised policy sets out the procedure to assess the suitability of uniform fencing for given locations based on its function and setting.

The submission suggests that it is appropriate for the policy review to address an issue relating to replacement uniform fencing. This refers to current fencing being replaced with materials different to that already existing and possibly of a higher maintenance standard (ie timber fence replaced with masonry construction).

This issue is not being sought to be included within the policy, as it is already adequately covered under the City's Private Property Local Law 1998, whereby there is sufficient scope under the local law to consider applications for replacement fencing that do not match that already erected. However, such applications will require the approval of Council.

Comments made within the submission also suggested that the City should set a higher standard of estate fencing than that offered under the current policy. This issue has been addressed and is the main intention of the revised policy. Other comments suggested that the City should contribute to the upgrading of estate fencing, however the landowner is responsible for all replacement fencing costs.

It is recommended that Council notes the submission received during the advertising period and grants final approval to the reviewed policy.

## VOTING REQUIREMENTS

Simple Majority

### **MOVED Cr Walker, SECONDED Cr Hurst that Council:**

- 1 in accordance with Clause 8.11.3 of District Planning Scheme No. 2 ADOPTS the Uniform Fencing Policy – Subdivision, as per Attachment 1 to Report CJ018-02/03;**
- 2 NOTES the submission received during the consultation period as shown in Attachment 2 to Report CJ018-02/03, and ADVISES that person of Council's decision accordingly.**

**The Motion was Put and**

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

**In favour of the Motion:** Mayor Bombak, Crs Baker, Barnett, Carlos, Hollywood, Hurst, Kadak, Kenworthy, Kimber, Mackintosh, O'Brien, Patterson, Rowlands and Walker

*Appendices 13, 13(a) and 13(b) refer*

*To access this attachment on electronic document, click here: [Attach13agn180203.pdf](#)  
[Attach13aagn180203.pdf](#) [Attach13bagn180203.pdf](#)*

## **CJ019 - 02/03 DELEGATED AUTHORITY REPORT FOR THE MONTHS OF NOVEMBER AND DECEMBER 2002 – [07032]**

**WARD - All**

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### **PURPOSE**

To submit items of Delegated Authority to Council for noting.

### **EXECUTIVE SUMMARY**

This report provides a resumé of the Development Applications processed by Delegated Authority for November and December 2002 (see attachments 1 and 2 to this Report).

The total number of Development Applications determined (including Council and delegated decisions) is as follows:

Month	No	Value
November 2002	79	22,704,466
December 2002	65	\$15,828,585

The focus of the past two month's activity was on residential additions and grouped dwelling developments and includes several substantial single residential dwellings. Commercial developments included showroom/warehouse developments in the Joondalup Business Park. Dwellings are beginning to be constructed in the new village subdivision near Edith Cowan University.

## VOTING REQUIREMENTS

Simple Majority

**MOVED Cr Walker, SECONDED Cr Hurst that Council NOTES the determinations made under Delegated Authority in relation to the applications described in Report CJ019-02/03.**

**The Motion was Put and**

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

**In favour of the Motion:** Mayor Bombak, Crs Baker, Barnett, Carlos, Hollywood, Hurst, Kadak, Kenworthy, Kimber, Mackintosh, O'Brien, Patterson, Rowlands and Walker

*Appendix 14 refers*

To access this attachment on electronic document, click here: [Attach14brf110203.pdf](#)

**CJ021 - 02/03 LEISURE FACILITIES CAPITAL WORKS FUNDING  
POLICY - [83527]**

**WARD - All**

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## PURPOSE

To consider adopting the policy for Leisure Facilities Capital Works Funding (Attachment 1 to this Report)

## EXECUTIVE SUMMARY

Council at its meeting of 21 May 2002, resolved to develop a report outlining a policy for funding sport and recreation facility capital works projects in consultation with the Synthetic Grass Playing Surface Workgroup. The City's current administrative procedure for assessing funding applications is aligned to the State Government's Community Sport and Recreation

Facility Fund (CSRFF) process. By formalising a Council policy in relation to Leisure Facilities Capital Works Funding, the City's Formal Facilities Assessment Process will have clear definition and guidance to attain a sound recommendation for consideration by Council. The policy will encompass provision for all sport and recreation organisations, rather than adopting individual policies for selected sports.

It is recommended that Council adopts the policy for Leisure Facilities Capital Works Funding listed as Attachment One to this report for inclusion in Council's Policy Manual.

## **BACKGROUND**

Council at its meeting of 21 May 2002 (CJ117-05/02 refers), resolved the following:

*That Council:*

- 1 *NOTES the draft policy for the provision of synthetic grass bowling greens, as recommended by the Synthetic Grass Playing Surface Workgroup;*
- 2 *In consultation with the Synthetic Grass Playing Surface Workgroup, DEVELOPS a report outlining a policy for funding sport and recreation facility capital works projects.*

The current administrative procedure for assessing funding applications is aligned to the State Government's, Community Sport and Recreation Facility Fund (CSRFF) process. The process involves Council assessing, ranking and rating all applications received from sporting and community groups located within the City of Joondalup based on the following criteria established by the Department of Sport and Recreation:

- Well planned and needed by municipality
- Well planned and needed by applicant
- Needed by municipality, more planning required
- Needed by applicant, more planning required
- Idea has merit, more preliminary work needed
- Not recommended

Local Government bodies and legally constituted, not-for-profit sporting clubs and community groups are invited by the Department for Sport and Recreation to submit applications for funding to make modifications and additions to existing sport and recreation facilities or to construct new ones. A third of the total cost of the project may be funded by the CSRFF, with it being necessary that grants are matched by the applicant's own cash contribution to the project, with other funding bodies being sourced as required.

To assist in this process, each submission is assessed administratively via the Local Authority's Formal Facilities Assessment Process against the following Department of Sport and Recreation's key principles:

- Project justification
- Planning approach
- Community input

- Management planning
- Access and opportunity
- Design
- Financial viability
- Co-ordination; and
- Potential to increase physical activity.

## **DETAILS**

The City of Joondalup is committed to the equitable allocation of Council resources for the purpose of developing community facilities. The assessment process that organisations enter into ultimately provides a needs analysis and feasibility study that will ensure the project is well planned, managed and ultimately well used. This will then be assessed in light of other proposed projects to determine the maximum benefit for the community from Council's resources. Emphasis is placed upon Council working in partnership with the community to ensure:

- Efficient and cost effective use of Council resources.
- Efficient, streamlined and transparent decision making.
- Council resources are allocated and developed according to community need.
- Duplication of services and facilities in communities is avoided.
- Wherever possible, investigation into multiple use of existing community resources is undertaken before allocation of Council owned or managed resources.

### **Consultation:**

As per Council's resolution from 21 May 2002, a meeting was convened on Thursday 5 September 2002, to consult with the Synthetic Grass Playing Surface Workgroup regarding the Capital Works Funding Policy. This meeting endorsed that the "eligibility criteria" subject to a few elements of the policy being re-worded to achieve a better interpretation of the criteria. It was also agreed to delete storage as one of the stated projects that Council would not provide financial support for (Attachment 2).

It was suggested that a wider consultation process in relation to this funding policy needed to take place. As requested the City has consulted, by mailing the proposed policy to twelve other sport and recreation associations, clubs and leisure centres located within the City of Joondalup, seeking comments regarding the proposed policy. The organisations consulted were:

- Beaumaris Sports Association
- Warwick Recreation Association
- Mullaloo Surf Life Saving Club
- Sorrento Surf Life Saving Club
- West Perth Football Club
- Sorrento Soccer, Sports and Social Club
- Wanneroo Joondalup Tee Ball Club
- Sorrento Duncraig Junior Football Club
- Whitfords and District Cricket Club
- Ocean Ridge Cricket Club
- Joondalup Netball Association
- Arena Joondalup

Comments were received from the following organisations:

**1 Sorrento Surf Life Saving Club** - who supported the proposed policy; and

**2 Warwick Recreation Association** (see comments and actions below):

- *Comment: Eligibility Criteria 3rd dot point* – It would be highly unlikely that the constitutions of many organisations would state that “membership is not restrictive and is open to all members of the general public”. It would be appropriate to reword this criteria to state “The organisation’s constitution must not be restrictive in its membership and be open to all members of the general public”.

**Action:** This criteria has been amended to read as above.

- *Comment: Eligibility Criteria 5th dot point* – This criteria needs to be reworded as it would be highly unlikely that any insurance company would give an “open” letter of guarantee for the ongoing insurance of a facility by an organisation for a period of a lease of 15 to 20 years.

**Action:** It has be reworded to “Initial annual evidence of its ability to secure and maintain relevant insurance policies needs to be provided if the proposed facility is to be managed by the organisation. This criteria will then form part of the lease arrangement to be developed between the successful applicant and the City.”

- *Selection Criteria* – A number of the proposed selective preferences are highly subjective and need quantifying:
- *Comment: 2<sup>nd</sup> dot point* – What does a significant contribution mean? How will the City uniformly interpret this?

**Action:** It has be reworded to “Are funded by a number of sources, with the applicant body demonstrating that they will make at least a one-third contribution to the cost of the facility.”

- *Comment: 5<sup>th</sup> dot point* – Have community support. How will the City measure this?

**Action:** This will be addressed in the needs assessment section of the application.

- *Comment: 7<sup>th</sup> dot point* – Contribute to a sense of community identity. How will the City measure this? Will the use of a suburb in the organisation’s name satisfy this?

**Action:** This will be identified by the facility location and the composition of the potential users of the facility (i.e. catchment area, number of users and their respective demographics).

- *Comment: Documentation Required 4th dot point* – The documentation required is in conflict with that provided under Eligibility Criteria dot point four (a).

**Action:** Dot point 4 change to read “Previous two years audited accounts”.

- *Comment: Assessment and Approval of Grants*  
A dispute resolution system must be built into the process to ensure that the guidelines and processes are operated fairly, consistently and without bias. The dispute’s resolution process should be developed as the last process in the assessment phase.

**Action:** The Formal Assessment Group assesses, rates and ranks all applications and forwards their recommendation to Council. Council will effectively act as the arbitrator during its consideration of the applications.

### **Policy Implications:**

The policy will encompass provision for all sport and recreation organisations, rather than adopting individual policies for selected sports. Attachment One to this report details the proposed Leisure Facilities Capital Works Funding Policy.

### **COMMENT**

It is considered that the current City of Joondalup administrative procedure for assessing capital works funding applications, as part of the requirement of the State Government’s CSRFF is effective. Nevertheless, by formalising a Council policy in relation to Leisure Facilities Capital Works Funding, the City’s Formal Facilities Assessment Process will have clear definition and guidance to attain a sound recommendation for consideration of Council. The policy will encompass provision for all sport and recreation organisations, rather than adopting individual policies for selected sports.

Council may provide up to one-third funding for approved capital works projects. The remaining two-thirds funding is to be raised by the applicant. This can be achieved from sources such as:

- Applicant’s cash
- Applicant’s “in-kind” or donated material
- State Government’s Community Sport and Recreation Facilities Fund (CSRFF)

*A major outcome of the proposed policy is that it allows applicants that are unsuccessful in receiving a grant from the CSRFF to still proceed with their proposed project, following Council’s commitment to fund one-third, if the applicant agrees to fund the remaining two-thirds themselves.*

Some advantages in formalising this funding policy include:

- All clubs / organisations applying for funding will be assessed by one consistent set of criteria; and
- The City has an opportunity to work strategically with the respective club in pursuing their future direction.

## VOTING REQUIREMENTS

Simple Majority

**MOVED Cr Walker, SECONDED Cr Hurst that Council ADOPTS the policy for Leisure Facilities Capital Works Funding forming Attachment One to Report CJ021-02/03 for inclusion in Council's Policy Manual.**

**The Motion was Put and**

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

**In favour of the Motion:** Mayor Bombak, Crs Baker, Barnett, Carlos, Hollywood, Hurst, Kadak, Kenworthy, Kimber, Mackintosh, O'Brien, Patterson, Rowlands and Walker

*Appendix 16 refers*

*To access this attachment on electronic document, click here: [Attach16brf110203.pdf](#)*

**CJ024 - 02/03      MINUTES OF SENIORS ADVISORY COMMITTEE  
MEETING HELD 11 DECEMBER 2002 – [55511]**

**WARD - All**

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## PURPOSE

The purpose of this report is to provide Council with the unconfirmed minutes of the Seniors Interests Advisory Committee meeting held 11 December 2002.

## DETAILS

The unconfirmed minutes of the Seniors Interests Advisory Committee meeting held 11 December 2002 are included as Attachment 1 to this Report.

## VOTING REQUIREMENTS

Simple Majority



**MOVED Cr Walker, SECONDED Cr Hurst that Council NOTES the unconfirmed minutes of the Seniors Interests Advisory Committee meeting held 11 December 2002 forming Attachment 1 to Report CJ024-02/03.**

**The Motion was Put and**

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

**In favour of the Motion:** Mayor Bombak, Crs Baker, Barnett, Carlos, Hollywood, Hurst, Kadak, Kenworthy, Kimber, Mackintosh, O'Brien, Patterson, Rowlands and Walker

*Appendix 18 refers*

*To access this attachment on electronic document, click here: [Attach18brf110203.pdf](#)*

**CJ025 - 02/03 JOONDALUP CITY CENTRE (MULTIPLE DWELLINGS – TWELVE SINGLE BEDROOM DWELLINGS) LOTS 12, 13 AND 14 (61) CORNELL PARADE, JOONDALUP – [56532]**

**WARD - Lakeside**

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## **PURPOSE**

The purpose of this report is to request Council's determination of a development application for twelve single bedroom dwellings. A number of variations to the Residential Design Codes and the University Village Structure Plan are requested.

## **EXECUTIVE SUMMARY**

An application has been received for a two storey residential development consisting of twelve single bedroom dwellings. The proposed development is a multiple dwelling arrangement resulting from the amalgamation of three existing lots at the corner of Lakeside Drive, Deakin Gate and Cornell Parade.

Pursuant to the Residential Design Codes (R-Codes), the City may vary the minimum site area for single bedroom dwellings by one-third, effectively allowing a density bonus to be achieved. The proposal has been presented to the City following preliminary consultation with Council officers and the provision of revised plans addressing a number of initial concerns.

The current proposal aims to vary a number of provisions of the R-Codes and the provisions of the University Village Structure Plan (UVSP). Due to consideration of the implications of both the R-Codes and the UVSP for the locality, as well as the request to develop three lots in a multiple dwelling arrangement, Council is requested to determine the application. Furthermore, given that the proposal is at a corner location, a de-facto landmark site is created on a major approach route to the City Centre, and is likely to be a prominent development within the area.

Given the design and suitable location, it has been assessed that the proposal would be in keeping with the character and type of housing envisaged for the locality and is therefore recommended for approval.

## BACKGROUND

**Suburb/Location:** Corner Lakeside Drive, Deakin Gate  
and Cornell Parade, Joondalup  
**Applicant:** Metamorphica Design  
**Owner:** Dinichi Holdings Pty Ltd  
**Zoning:** **DPS:** Centre R60  
**MRS:** Central City Area

## DETAILS

### Proposal

The site is currently composed of three lots of 372 m<sup>2</sup>, 478m<sup>2</sup> and 612m<sup>2</sup> respectively which would be amalgamated to form a single site of 1462m<sup>2</sup>. The site is at the corner of Lakeside Drive, Deakin Gate and Cornell Parade near ECU, and would face onto the prime entrance road of the Campus District as well as onto Lakeside Drive.

The proposal includes:

- 12 single bedroom apartments, ranging in area from 71m<sup>2</sup> to 83m<sup>2</sup>
- 12 residents' car bays and 2 visitor car bays, all located at the rear of the site
- Vehicular access from Connell Parade
- Rear courtyards for the ground floor apartments and balconies for the upper floor apartments
- A 16m<sup>2</sup> area of communal open space
- Pedestrian access to each ground floor apartment from either Lakeside Drive or Deakin Gate

The two storey building addresses the corner of Lakeside Drive and Deakin Gate. At the corner, a porch and entrance foyer is proposed together with a front area set aside for communal open space. It is noted that a Western Power easement exists at the rear of the site.

In support of the application, the applicant has submitted a generalised written justification. It outlines that the proposed development would be in keeping with the standard of housing for the locality. The corner would address both streets and the entrance foyer would enable interaction with the street interface. The applicant outlines that each courtyard would partially be covered by the upper floors of the first floor units, however, they would still be open to receive adequate sunlight as well as shade. All units have been designed with drying facility shelves within each laundry.

The reason for the separation of courtyards to the rear and balconies to the front is due to visual privacy between the units. Landscaping would add to the visual appeal of the development. The applicant requests the location of the communal open space be to the front of the development as it is believed that the demand and need for small units for such space would be minimal.

In relation to the rear easements, the applicant has outlined that these are for Western Power services and that they have confirmed that they cannot be built on. Here a sliding gate is proposed which would only partially cover the easement when closed.

Discretion is required from Council from the following provisions:

#### Residential Design Codes 2002

- Clause 4.1.3 (Single Bedroom Dwellings) as the size of the dwellings are slightly larger than the standard requirement of 60m<sup>2</sup>.
- Clause 3.5.5 (Pedestrian Access) as the central stairwell serves four dwellings in lieu of two dwellings stipulated under the acceptable development provisions.

#### University Village Structure Plan (under DPS2)

- Setbacks variations along Deakin gate and Cornell Parade (minimum setbacks of 1m proposed in lieu of the required 1.5m)
- Entrance statements

#### **Statutory Provision:**

The subject land is located within the “Centre” Zone of District Planning Scheme No 2 (DPS2). DPS2 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 structure plan is the University Village Structure Plan.

The provisions of DPS2 enable Council to consider variations to the Scheme’s standards as outlined below.

### **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.*

*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 UVSP is generally aimed at provisions for single houses, however does not exclude grouped or multiple dwellings. Given that the current proposal is in the form of a multiple dwelling arrangement, parts of the structure plan provisions are used in their relevance (ie. land-use, plot ratio, entrance statements, fencing, building height and setbacks.), while other matters are covered by the R-Codes.

More specifically, the R-Codes have been utilised to assess the proposal on matters such as density, parking, communal open space, size of outdoor living areas, privacy and essential facilities such as storerooms. The R-Codes provide ‘acceptable development’ provisions and ‘performance criteria’. Where a proposal meets the ‘acceptable development’ provisions, those aspects are deemed to comply. Where a proposal does not comply with an ‘acceptable development’ provision, Clause 2.3.4 of the R-Codes allows assessment of the proposal under the ‘performance criteria’. Each R-Code variation is assessed in the Comment section under the performance criteria of the applicable clause/provisions.

#### **Consultation:**

The proposal was not advertised as the design of the building proposed would be in keeping with the projected standard of housing for the locality.

#### **Strategic Implications:**

This development would result from the amalgamation of 3 individual lots. It is noted that on the opposite side of Deakin Gate and in between Joondalup Drive, a precinct for larger mixed use/residential size lots are set aside. It is considered that these larger sites would likely result in apartment style developments, possibly with mixed uses on the ground floor.

It is noted that there are no provisions of the structure plan that specifically restrict the subdivision or amalgamation of properties. It is considered appropriate that each proposal be considered on its merits to allow a degree of flexibility in the type of housing provided in the precinct to meet market demand.

The existing subdivision arrangement would allow the development of up to a total of seven (7) grouped or multiple dwellings on the three separate lots. The proposed twelve (12) single dwellings therefore represent an increase in density of 4 dwellings. Although the UVCP appears to cater primarily for single houses, single bedroom dwellings utilising the allowable density bonus of the R-Codes is considered appropriate in this location due to its proximity to the university district.

It is noted that the owner of the three properties also owns three additional lots north east of the site, also along Lakeside Drive within the Structure plan area, where a further thirteen single bedroom dwelling development proposal has been received by Council. This proposal also aims to amalgamate three existing lots and at this stage is likely to be referred to Council in March 2003.

## COMMENT

A detailed assessment has been undertaken with the provisions of the UVSP and the R-Codes.

### Site area requirements/density

Clause 3.1.3 of the R-Codes permits the minimum site area of lots to be varied in the case of single bedroom dwellings, effectively reducing the standard lot size requirement of 166m<sup>2</sup> by one-third. This creates a development potential of twelve single bedroom units across the three existing lots.

Under the ‘acceptable’ criteria, the R-Codes state that single bedroom dwellings should be limited to a plot ratio area of no more than 60m<sup>2</sup>. As units vary in size from 71m<sup>2</sup> to 83m<sup>2</sup>, the size of the units must be considered under the ‘performance criteria’ provisions, being:

“Dwellings that provide limited accommodation, suitable for one or two people”

In this case, the additional size of the dwellings is attributed to generous living/dining areas, rather than rooms that could be utilised as additional bedrooms. It is considered that the dwellings would only provide accommodation for two people, and therefore meet the performance criteria.

### Setbacks

The proposal requires a number of setback relaxations, namely those to Deakin Gate and the Cornell Parade pursuant to the provisions of the UVSP.

Along Deakin Gate, the setbacks under the structure plan are prescribed to be 1.5 metres. The proposal results in setbacks, which range from 1.1 metre to 2.3 metres with the overall building setback at approximately 1.5 metres. The applicant has outlined that the variations are minor and are essential, given the shape of the lot and the need to achieve adequate parking spaces with adequate reversing areas. It is assessed that due to the scale of the proposal, the setback variations would not be detrimental to the locality or streetscape and that the variation of setbacks at an average of 1.5 metres would be appropriate in this instance.

The setback requirement from Cornell Parade is required to be 1.5 metres. The proposal aims to develop portions up to a nil setback with the majority at a 1 metre setback. This area is used for parking of the occupant’s vehicles. It is assessed that the setback variations can be supported on the basis that the lot is awkwardly shaped in this area and that the variations are required to achieve adequate parking spaces and reversing areas. It should also be noted that the roofed parking area has been designed to be in keeping with the standard of finish of the main dwellings and the street appeal of this portion of the building will have a positive impact on the streetscape.

### Parking

The provision of car bays is in accordance with the R-Codes.

The parking area is located with its access-point off the slip road on Cornell Parade. Car parking in the form of an extended garage to the corner of Deakin Gate and Cornell Parade is provided. The structure has windows in its walls to make it appear as though the garage structure were part of the residential component. This results in a reduced visual impact to

those adjacent streets. It is considered that this approach is acceptable and allows for the parking areas remain architecturally consistent with the rest of the development.

### Pedestrian Access

Clause 3.5.5 of the R-Codes states that for multiple dwelling developments, a stairwell should not serve more than two dwellings. The central stairwell of the proposed development serves four dwellings. The ‘performance criteria’ applicable to this provision states:

“Provision of safe and comfortable access for pedestrians between communal car parking areas or public streets and individual dwellings.”

It is considered that the proposal for the staircase will not detract from the ability to provide safe and comfortable pedestrian access, and hence the variation is supported.

### Entrance statements and easements

The structure plan requires a rear entrance statement for lots abutting Lakeside Drive. In order to comply with this, a large entrance arch was proposed. The City advised that this would not be necessary as the arch stood isolated from any other structures and hence did not serve any purpose. It was advised that given the circumstances of the three lot amalgamation and the location of the vehicular access point from a rear slip road, sliding security gates matching the style of boundary fencing may be more appropriate, provided that the easement would permit this to happen.

It is noted that a Western Power easement exists on the rear boundary. The applicant has verbally indicated that Western Power has supported the design. Notwithstanding, a condition on any approval issued should delete any structures over the easement area until such time as Western Power has formally agreed to any development over the easement.

### Communal open space

The R-Codes require a minimum 16m<sup>2</sup> of communal open space to be provided for the exclusive use of the occupants. It is noted that other larger complexes usually feature a pool, spa, BBQ or the like to fulfil this requirement. A small formal area of open space (approximately 16m<sup>2</sup>, without any specific facilities) has been provided on the corner of Lakeside Drive and Deakin Gate. Given the smaller scale of the proposal (12 apartments) and the fact that all the apartments have been provide with larger than required private open space areas, it is considered that the provision of the communal open space is acceptable.

### Urban Design

The UVSP does not provide any guidance or direction on the issue of urban design or form of dwellings with the structure plan area. Given that the UVAP is silent on this issue, the City is limited in the extent to which it can require substantial modifications, if those were desired.

The style features balconies and defined entry statements to the street and the plans indicate the use of contrasting palette and materials to contrast the ground and upper floors. The roof of the building utilises a mix of both flat and pitched (tiled) styles.

The design of the building is somewhat characteristic of the existing single houses and grouped dwellings along Lakeside Drive. The façade of the proposed building tends to use individual architectural treatments to break up the length of the building, and therefore to an extent, may be read as individual dwellings.

### Other Issues

A number of minor issues with the proposal will require appropriate conditions to be applied on any development approval issued. The conditions applied will ensure compliance with the appropriate standard requirements. These are:

- Provision of suitable clothes-drying areas or facilities;
- The amalgamation of the 3 lots prior to the issuance of a building licence;
- The store rooms to achieve a minimum dimension of 1.5 metres;
- Fencing is to be provided in accordance with the provisions of the structure plan;
- Any modifications to the existing boundary retaining walls (to enable pedestrian access) are to match the existing walls; and
- The kitchen window to Unit 9 to be fixed and obscured to ensure the privacy of the living area of the adjoining unit.

### **CONCLUSION**

It is considered that the proposed twelve single bedroom dwellings can be supported, as the design would be in keeping with that envisaged for the locality. The single bedroom development would also provide additional housing variety to the area, which is considered highly suitable given the location of the adjacent university.

The proposed variations outlined above are not considered to adversely affect the surrounding area, and on this basis, the proposal is recommended for approval.

### **VOTING REQUIREMENTS**

Simple Majority

### **MOVED Cr Walker, SECONDED Cr Hurst that Council:**

- 1 EXERCISES discretion under Clause 2.3.4 of the R-Codes and determines that:**
  - (a) the size of the single bedroom dwellings meets the performance criteria of Clause 4.1.3;**
  - (b) the staircase serving four dwellings meets the performance criteria of Clause 3.5.5;**

**and are therefore appropriate in this instance;**
- 2 EXERCISES discretion under Clause 4.5 of the District Planning Scheme and determines that the boundary setbacks and entry statements are appropriate in this instance;**



- 3 APPROVES the application dated 16 October 2002 and amended plans received 2002, submitted by Metamorphica Designs, on behalf of the owner(s), Dinichi Holdings, for 12 multiple dwelling single bedroom dwelling special purpose dwellings at Lots 12, 13 & 14 (61) Cornell Parade, Joondalup, subject to the following conditions:**
- (a) the amalgamation of lots 12, 13 and 14 prior to the issue of a building licence;**
  - (b) a minimum of one visitor bay shall be marked and provided for the development;**
  - (c) all bays adjacent to walls shall be a minimum width of 2.8 metres**
  - (d) the parking bay/s, driveway/s and points of ingress and egress shall be designed in accordance with the Australian Standard (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;**
  - (e) all fencing shall be as per clause C9.1 of the City North guidelines as referenced in the Campus District Structure Plan for this locality;**
  - (f) existing retaining walls shall be removed where not required due to the amalgamation. New retaining walls to match existing shall be provided to the satisfaction of the City. Retaining walls shall be modified, with matching materials, to enable pedestrian access off Lakeside Drive and Deakin Gate to the satisfaction of the City prior to the occupation of the dwellings;**
  - (g) the rear sliding gate shall be deleted from this approval. The sliding gate may only be installed if the affected service authority responsible for the easement which the gate would encroach provides an written agreement that the structure can be supported to encroach over the easement. Details shall be provided prior to the issue of a building licence;**
  - (h) a storage facility shall be provided for each dwelling and shall achieve a minimum area of 4sqm with a minimum internal dimension of 1.5m to the satisfaction of the City;**
  - (i) each dwelling is to be provided with an adequate area for clothes drying that is screened from view from adjoining roads or alternatively, each dwelling shall be provided with clothes drying facilities within the unit;**
  - (j) the lodging of detailed landscape plans, to the satisfaction of the City, for the development site and the adjoining road reserve(s) with a building licence application. For the purpose of this condition a detailed landscaping plan shall be drawn to a scale of 1:100 and show the following:**

- (i) the location and type of existing and proposed trees and shrubs within the carpark area;
  - (ii) any lawns to be established;
  - (iii) any natural landscape areas to be retained;
  - (iv) those areas to be reticulated and irrigated.
- (k) landscaping and reticulation shall be established in accordance with the approved plans prior to the development first being occupied and thereafter maintained to the satisfaction of the City;
- (l) all stormwater shall be contained and disposed of on site to the satisfaction of the City;
- (m) the driveway/crossover shall be designed and constructed to the satisfaction of the City prior to occupation of the dwellings at the applicant's expense;
- (n) any roof mounted or freestanding plant or equipment such as air conditioning units, satellite dishes or radio masts shall be located and screened so as to not be visible from beyond the boundaries of the development site;
- (o) the kitchen window of unit 10 shall be fixed with obscured glazing as marked in red on the approved plans;
- (p) submission of a construction management plan detailing phasing of construction, access, storage of materials, protection of pedestrians, footpaths and other infrastructure;
- (q) the boundary wall(s) and/or parapet wall(s) being of a clean finish and made good to the satisfaction of the City; and
- (r) should the development be staged, temporary landscaping and fencing must be installed prior to the development being occupied to the satisfaction of the city.

**Footnotes:**

The applicant is advised of the following:

- 1 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 The openings to units 8 and 9 are required to be protected in accordance with the Building Code of Australia.

- 3 The bin storage area shall be designed and constructed in accordance with the City's Local laws (sewer connection and floor design).**
- 4 The bin store is to have a pathway to enable access for residents and refuse collection.**
- 5 Compliance with the Building Code of Australia 1996 (as amended).**

**The Motion was Put and**

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

**In favour of the Motion:** Mayor Bombak, Crs Baker, Barnett, Carlos, Hollywood, Hurst, Kadak, Kenworthy, Kimber, Mackintosh, O'Brien, Patterson, Rowlands and Walker

*Appendix 19 refers*

*To access this attachment on electronic document, click here: [Attach19brf110203.pdf](#)*

**CJ027 - 02/03 ARCHITECTURAL CONSULTANCY AND DESIGN SERVICES FOR THE REFURBISHMENT OF CRAIGIE LEISURE CENTRE - TENDER NUMBER 020-02/03 – [56536]**

**WARD - All**

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**PURPOSE**

To seek approval to accept the tender submitted by James Christou and Partners Architects (JCPA) to provide the architectural consultancy and design services for the Refurbishment of Craigie Leisure Centre.

**EXECUTIVE SUMMARY**

Tender No 020-02/03 for the Architectural Consultancy Services for the Refurbishment of Craigie Leisure Centre was advertised through statewide public tender on Wednesday 4 December 2002.

It is recommended that Council:

- 1 ACCEPTS the tender from James Christou and Partners Architects, Contract No 020-02/03 for the architectural consultancy and design services for the refurbishment of Craigie Leisure Centre based on the following:*

*Lump sum Architectural Consultancy fee of \$265,000.00 (Excl GST) for Consultancy & Design services.*

- 2 *AUTHORISES the commencement of works subject to Council approval of the concept design and the project construction budget presented to Council in May/June.*
3. *NOTES the provisional sum of \$180,000 (Excl GST) subject to item 2 above for the appointment of sub consultants by James Christou and Partners. The sub-consultants will include the following disciplines:*
  - *Structural & Civil Engineering;*
  - *Electrical, Communication and Security Services;*
  - *Mechanical Services;*
  - *Fire Protection Service;*
  - *Hydraulic Services;*
  - *Water Treatment & Filtration*
  - *Acoustics Engineer*
  - *Environmental Consultant*
- 4 *AUTHORISES the execution under common seal of the contract document.*

## **BACKGROUND**

The Craigie Leisure Centre is located off Whitfords Avenue, within the suburb of Craigie. The Leisure Centre consists of a main pool, leisure pool, decommissioned outdoor pools, recreational centre and gymnasium.

The City has undertaken to investigate, and obtain funding for the refurbishment of the aquatic and gymnasium facilities at the centre. The aquatics facilities are in need of upgrading to a level that meets the community's needs and expectations and to bring the centre into line with similar competing facilities in the region.

A Request for Tender (No. 020-02/03) for Architectural Consultancy Services was advertised by the City of Joondalup in late November 2002, following which a mandatory pre-tender site inspection was held at the Leisure Centre on 11 December 2002, whereby the extent of the necessary works was demonstrated and any questions answered by way of open discussion with the respondents.

## **DETAILS**

The Tender period closed on 18 December 2002, following an approximate two-and-a-half week Tender period.

Proposals were received from:

- Peter Hunt Architect;
- Cox Architects;
- James Christou + Partners Architects.

Due to the Christmas break, the Tender proposals were opened on Wednesday 8 January 2003, where they were assessed by the Evaluation Panel consisting of:

Senior Project Officer;  
 Manager Assets & Commissioning;  
 Manager Community Development;  
 Manager Craigie Leisure Centre;  
 Darren Staunton (Consultant - Clifton Coney Stevens (WA) Pty Ltd – Project Managers).

The Tender opening and assessment process were overseen by the City of Joondalup Contracts Administrator.

Under the City's Contract Management Framework, the tenders were assessed by the evaluation committee using a weighted multi-criterion assessment system and AS 4121-1994 'code of ethics and procedures for the selection of consultants'.

As set out in the brief, the proposal assessment was undertaken in 3 stages:

- Stage 1- Assessment of contractual conditions and conflicts of interest, with complying proposals proceeding to the next stage.
- Stage 2 - Assessment of weighted criteria.
- Stage 3 - Assessment of non-weighted criteria (fees).

### **Stage 1**

All proposals were deemed to be in compliance with, and conforming to, the assessment requirements and therefore proceeded to Stage 2.

### **Stage 2**

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

<b>Selection Criteria</b>	<b>Weighting</b>
Quality Assurance	10%
Experience	30%
Key Personnel & Sub Consultants	20%
Methodology	40%

It was apparent to all members of the Team after reading the proposals that all proponents were capable contenders. The assessment matrix, identified that there was only a marginal difference in the ratings assigned to the proposals.

Given the closeness of scores, the panel agreed to invite the tenderers for interview for clarification and explanation of their submissions. As a part of the evaluation process and prior to interviews being conducted the Evaluation Team visited three sites, Kwinana (a redevelopment site), Warnbro Aquatic Centre and Melville Aquatic Centre to compare different styles of architecture.

### Stage 3

Fees and overall value for money were addressed in this stage.

JCPA architectural submission of \$265,000 included elements of consultancy work normally attributed to sub-consultants, which amounts to \$46,800.00. JCPA were requested to provide verification of their pricing breakdown with regard to these extra services in order for the selection panel to determine 'like for like' fees. The fee breakdown was subtracted from the design development, design documentation and contract documentation phases of the project to provide fees directly comparable to those received from Peter Hunt Architect and Cox Architect. These fees amounting to \$218,000 are shown in the column marked 'James Christou + Partners adjusted fees' in Table 1 below.

Table 1 below shows Architectural Consultant Fees for each project stage (Excl GST)

Table 1: LUMP SUM PRICE SCHEDULE –COMPARISON

Estimated Project Value: \$4,500,000

Estimated Construction Cost; \$3,500.00

STAGE	Cox Architects		Peter Hunt Architect		James Christou + Partners Architects		James Christou + Partners Architects (Adjusted fees)
	% OF TOTAL FEE	LUMP SUM (EXCL GST)	% OF TOTAL FEE	LUMP SUM (EXCL GST)	% OF TOTAL FEE	LUMP SUM (EXCL GST)	LUMP SUM (EXCL GST)
Concept Design	5%	\$10,000.00	15%	\$24,000.00	15%	\$40,000.00	\$40,000.00
Design Development	15%	\$30,000.00	12%	\$19,200.00	18%	\$48,000.00	\$24,800.00*
Design Documentation	15%	\$30,000.00	N/A	N/A	5%	\$14,000.00	\$5,700.00*
Contract Documentation	35%	\$69,000.00	40%	\$64,000.00	35%	\$93,000.00	\$77,700.00*
Construction Tender & Award	2%	\$4,000.00	2.5%	\$4,000.00	2%	\$5,000.00	\$5,000.00
Construction Administration	26%	\$51,000.00	30%	\$48,000.00	23%	\$60,000.00	\$60,000.00
Defects Liability Period	2%	\$4,000.00	0.5%	\$800.00	2%	\$5,000.00	\$5,000.00
<b>TOTAL LUMP SUM (Excl GST)</b>	<b>100%</b>	<b>\$198,000.00</b>	<b>100%</b>	<b>\$160,000.00</b>	<b>100%</b>	<b>\$265,000.00</b>	<b>\$218,200.00</b>
							*Adjustment -\$46,800.00
<b>Fee Percentage of Estimated Construction Cost</b>	<b>5.66%</b>		<b>4.57%</b>		<b>7.57%</b>		<b>6.23%</b>

*\*The adjustments for JCPA includes graphic design and signage (\$8,000), pool structure and finishes (\$25,000) and concrete slab details, joint design etc (\$13,800).*

*JCPA's Concept Design Fee of \$40,000 includes an allowance of \$22,000 for 4-6 week period for consultation and concept design. The evaluation team believe this fee to be an accurate allowance due to the nature of the project.*

*It should be noted that the works associated with the \$46,800 adjustment (as outlined in table 1) in the JCPA fee, will not be incurred by the City unless Council approves the concept design.*

From table above, it is appears that Peter Hunt Architects has provided the lowest Fee Proposal however the fee did not include pool finishes and detailing, pool structure design or detailing.

Further to interviews and clarification received from JCPA the above figures detail the revised Architectural Consultant Fees for each project stage (Excl GST) with the adjustments made to the JCPA fee to show a 'like for like' comparison.

After making the adjustments to the fee submissions following clarifications, the 'like for like' cost difference between Cox Architects and James Christou and Partners is \$10,200, which is considered to be minimal on a project of this nature and size.

The overall cost of sub consultant fees for Peter Hunt Architect and Cox Architects would be significantly higher than JCPA, who have included elements of the works within their own fee rather than the sub consultant, as they believe it provides a better end product for the Client and gives the Architect greater control. The total cost to the City would be similar, but the responsibility through the Architect is a superior methodology as far as the City is concerned.

James Christou demonstrated the greatest understanding of the processes required by the City to arrive at the desired outcome and demonstrated the greatest commitment to a thorough consultation process.

The above fees reflect the detailed scope of works outlined in the Tender documentation and given the value of the project (estimated to be approximately \$3.5 construction value) the fee percentages are considered higher than would normally be expected.

This is attributable to:

- the complex nature of a public aquatic facility;
- the project is an extensive refurbishment and not a new build or clean extension;
- the extent of consultation required;
- the lack of existing facility design information currently available;
- the limited expertise in Perth for such facilities – the 3 tendering firms have between them been responsible for the majority, if not all, of the public aquatic facilities built or extended in the past 10 years;

- the lack of a previous benchmark for the type of refurbishment proposed and Craigie is considered to be the first of its generation to be fully refurbished. All similar projects have been expansions or new build facilities.

Comments in relation to the fees received are:

- the Concept Design Fee from Cox Architects appears insufficient for the extent of consultation envisaged for the project;
- the Concept Design Fee from James Christou, whilst highest probably reflects the extent of consultation required and this would be viewed as a positive for the City's objectives in reaching a desirable outcome for the community;
- given the nature of the project as outlined above, it is believed the fee offered by Peter Hunt is on the low side and therefore raises concerns regarding the level of service to be provided and/or the extent of works that would be 'transferred' to their sub consultants at a later date, resulting in a larger expenditure for sub consultants;
- provision by Peter Hunt for the Defects Liability Period is inadequate and represents less than one day's service over a 12-month period. Given the nature of the facility and the project, this is considered to be insufficient.

During the post submission interview, the Consultants were invited to clarify in more detail their Fee and Proposals, from which the following key points, were noted:-

### **James Christou and Partners Architects**

Represented by James Christou

- 1 Fee is inclusive of Graphic Design and Signage (\$8,000).
- 2 Allowance in Fee for detailing the pool structure and finishes (\$25,000).
- 3 Allowance in fee for concrete slab details, joint design etc (\$13,800).
- 4 Fee is inclusive of a 4-6 week allowance for consultation and concept design (\$22,000), which the assessment panel believed to be an accurate allowance due to the nature of the project and the high number of stakeholders and user groups.
- 5 Detailed and confident explanation of the working methodology proposed by JCPA.
- 6 Nominated Water Filtration Consultant is Oceanis International Pty Ltd, a respected and well established company. Selection was based on a more competitive fee and the desire for JCPA to have direct control over issues such as pool finish selection and detailing, pool structure detailing. Oceanis' input restricted to water treatment only.
- 7 Firm and total commitment from James Christou to be the Project Designer and to have extensive personal involvement in the project from commencement through to completion.



- 8 In general, JCPA demonstrated the clearest and most concise understanding of the project requirements, and of those stipulated by the City of Joondalup.
- 9 Confirmation of a Fee adjustment was received by City of Joondalup on 17 January.

### **Cox Architects**

Represented by Rob Schmidt and Simon Freeman

- 1 Fee is inclusive of Signage and Statutory Graphics but excludes any Graphic Design works such as logos etc.
- 2 Fee excludes the pool finishes and structure detailing etc, which would be carried out by the pool sub-consultant.
- 3 Philip Cox is Eastern States based and his role throughout the concept design period was confirmed as being one of overview during his monthly visits to Perth.
- 4 Murray Etherington to lead the Concept Design and consultation phase with Rob Schmidt being the common thread through the life of the programme.
- 5 Gave the impression that concepts already provided for the Community Sport and Recreation Facility Funding Application would form the basis of the project and expressed the methodology of putting up Concept Options for the stakeholder group to review and discuss.
- 6 A philosophy of pulling out the successful elements from previous projects and using them again.
- 7 Conceded that nominated subcontractors specified in the tender submission may be difficult to contact during the project and when queried confirmed their willingness to provide alternative subcontractors. This was subsequently confirmed in their fax of 17 January 2003.
- 8 Reservations regarding the Architects' nominated team were discussed and Cox confirmed their willingness to provide alternative solutions in due course. This was subsequently confirmed in their fax dated 17 January 2003.
- 9 Fee provision of the consultation and concept design stage appears light and reflects the proposed methodology for consultation to be based on testing concept designs prepared by Cox.

### **Peter Hunt Architects**

Represented by Con Lampropoulous, Peter Hunt and Geoff Ninnes (pool consultant)

- 1 Clarified the various roles of the Architects team, with Peter Hunt having an overseeing role.
- 2 Fee included for statutory signage only, no graphics or graphic design works.

- 3 Fee did not include pool finishes and detailing, pool structure design or detailing; all of which is to be covered by their nominated sub consultant.
- 4 Methodology was based on limited consultation as Peter Hunt Architects believed that with 19 years of experience in the sector they were best placed to formulate the brief and concept design and already had some concepts identified which were explained in detail.
- 5 Methodology included input from pool sub consultant in the concept Design, signifying a high dependence on the sub consultant.

### **SUB CONSULTANT CONTINGENCY SUM**

Clifton Coney Stevens (WA) Pty Ltd, in conjunction with the selection panel, have also identified the contingency sum required for the subconsultants to complete their tasks, under the direction of the lead architect, following the approval of the concept design by Council. Detailed fees for sub consultants will be determined upon the completion of the Concept Design by the Architect. Accordingly, it is recommended that a contingency budget of \$180,000 (excl GST) be noted by Council for consideration in conjunction with the concept design and full construction budget.

The fee percentage for the entire project would subsequently amount to % which is recommended as being within an acceptable range for a complex redevelopment project of this nature.

### **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 purchasing and tendering process. However no local companies could be considered, as none of the Tenderers were local businesses.

#### **Financial Implications:**

In the Capital Works Budget for 2002/2003 monies have been set aside for the refurbishment of Craigie Leisure Centre Upgrade.

The funds are available in Project numbers:

BCW001	Craigie Leisure Centre	\$38,200
	Fitness Centre Carpet	
BCW010	Craigie Leisure Centre –	\$510,000
	Pool Shell Resurfacing	
BCW011	Craigie Leisure Centre –	\$267,000
	Pool Concourse	
BCW012	Craigie Leisure Centre –	\$135,000
	Pool Changeroom Upgrade	
BCW090	Craigie Leisure Centre –	\$52,000
	Roof Safety Equipment	
	<b>Total</b>	<b>\$1,002,200</b>

## COMMENT

In evaluating the Tender documents, the weighted matrix, the Fee Proposals, and the interviews, the Evaluation Team recommend that that James Christou and Partners Architects be nominated as the preferred consultancy due to:

- Highest rating proposal in relation to weighted criteria;
- Proposal conformance and detail;
- Understanding of the City of Joondalup's goals and objectives, and the constraints of the existing site;
- Provision for and understanding of the extent of stakeholder consultation required;
- A clearer and best suited methodology to the design process;
- Clifton Coney Steven's confidence in the company's proposal and recent track record with similar facilities.
- Overall value for money after clarification of inclusions in their base fee.

It should be noted that the works associated with the \$46,800 adjustment (as outlined in table 1) in the JCPA fee, will not be incurred by the City unless Council approves the concept design.

## VOTING REQUIREMENTS

Simple Majority

### **MOVED Cr Walker, SECONDED Cr Hurst that Council:**

- 1 ACCEPTS the tender from James Christou and Partners Architects, Contract No 020-02/03 for the architectural consultancy and design services for the refurbishment of Craigie Leisure Centre based on the lump sum architectural consultancy fee of \$265,000.00 (Excl GST) for Consultancy & Design services;**
- 2 AUTHORISES the commencement of works subject to Council approval of the concept design and the full project construction budget presented to Council in May/June;**
- 3 NOTES the provisional sum of \$180,000 (Excl GST) subject to item 2 above for the appointment of sub consultants by James Christou and Partners. The sub-consultants will include the following disciplines:**
  - **Structural & Civil Engineering;**
  - **Electrical, Communication and Security Services;**
  - **Mechanical Services;**
  - **Fire Protection Service;**

- **Hydraulic Services;**
- **Water Treatment & Filtration**
- **Acoustics Engineer**
- **Environmental Consultant**

**4 AUTHORISES the execution of the contract documents under common seal.**

**The Motion was Put and**

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

**In favour of the Motion:** Mayor Bombak, Crs Baker, Barnett, Carlos, Hollywood, Hurst, Kadak, Kenworthy, Kimber, Mackintosh, O'Brien, Patterson, Rowlands and Walker

**CJ029 - 02/03 MODIFICATIONS TO THE ILUKA STRUCTURE PLAN – [48934]**

**WARD – North Coastal**

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**PURPOSE**

The purpose of the report is for Council to consider a number of modifications to the 'Iluka Structure Plan'.

**EXECUTIVE SUMMARY**

The Iluka Structure Plan was endorsed by the Western Australian Planning Commission (WAPC) on 13 August 2002 following its adoption by Council at the meeting on 12 March 2002 (See attachment 1 for Part 1 and Figure 1 of the Iluka Structure Plan).

The City together with the consultants have prepared a number of modifications to the structure plan to include the following enhancements:

**BACKGROUND**

Changes to 'Figure 1' (Attachment 2 to this Report)

- Modify the layout of the western side of the structure plan area south of O'Mara Boulevard by re-orientating the commercial and public open space land and including laneways in the adjoining residential land which enables a better urban design outcome. This has also resulted in a number of sections being recoded R30 and a redesign of the road pattern.
- Remove the laneway in the north-west corner of the structure plan area along Burns Beach Road. The future of this land is being re-examined at this stage and there is the likely possibility that site conditions may prevent laneway type development. In addition recode the portion fronting Burns Beach Road from R20 to R30.
- Recode a stretch of land on the east side of Delgado Parade and land to the north of O'Mara Boulevard from R30 to R25.

- Removal of a laneway to the north and south of a portion of land in the centre of O'Mara Boulevard.
- Inclusion of a laneway for R30 lots north-west of Sir James McCusker Park.
- Modify the road layout for all R30 lots located north of Sir James McCusker Park and O'Mara Boulevard to reflect the subdivision proposal dated 16 October (WAPC No.120494), the subject of a report on the agenda (Attachment 3).
- Delete reference to Detailed Area Plan (DAP).

#### Changes to Part 1 'Statutory Planning' (Attachment 4 to this Report)

- Delete section 5.2 and replace with generic design guidelines for R20, R25 and R30 lots.
- Delete reference to the 'Residential Planning Codes' and replace with 'Residential Design Codes'.

It is recommended that the proposed modifications to the Iluka Structure Plan be advertised for public comment for a period of twenty-one (21) days.

#### **BACKGROUND**

<b>Suburb/Location:</b>	Iluka
<b>Applicant:</b>	Roberts Day Group
<b>Owner:</b>	The Roman Catholic Archbishop and Davidson Pty Ltd
<b>Zoning:</b>	<b>DPS:</b> Urban Development
	<b>MRS:</b> Urban
<b>Strategic Plan:</b>	Lifestyle – Strategy 2.6 Promote and enjoy lifestyles that engender Environmental, Social and Economic balance.

#### **Previous Council Decision**

At its meeting on 12 March 2002, Council adopted the following modifications to the Iluka Structure Plan as requested by the WAPC:

- Changes to Figure 1 to identify O'Mara Boulevard as a 'special street', the inclusion of additional park land north-east of the Structure Plan area, the inclusion of a road connection to Delgado Parade and the redesign of the area around Sir James McCusker park in accordance with Liveable Neighbourhoods.
- Inclusion of Road Reserve widths for streets 'AO' and 'AP' in Table 5.4 of the Iluka Structure Plan Traffic Report.
- The words 'to the Crown' being inserted between the words 'free of cost' and 'by the developer' in Section 7 – Parks and Recreation Reserves of Part 1 of the Iluka Structure Plan report.
- 16 metre wide road reserves as marked in the Iluka Structure Plan, being modified to incorporate 7-7.5 metre wide pavement widths.
- Additional footpath and dual use paths being provided, to be consistent with Liveable Neighbourhood Policy.

The Iluka Structure Plan was endorsed by the WAPC on 13 August 2002.

Since the Iluka Structure Plan has been adopted, the City together with consultants Roberts Day Group have identified a number of changes, mainly to 'Figure 1' and Part 1 'Statutory Planning'.

## **DETAIL**

Changes to 'Figure 1' (Attachment 2 to this Report)

- Modify the layout of the western side of the structure plan area south of O'Mara Boulevard by re-orientating the commercial and public open space land and including laneways in the adjoining residential land which enables a better urban design outcome. This has also resulted in a number of sections being recoded R30 and a redesign of the road pattern.
- Remove the laneway in the north-west corner of the structure plan area along Burns Beach Road. The future of this land is being re-examined at this stage and there is the likely possibility that site conditions may prevent laneway type development. In addition recode the portion fronting Burns Beach Road from R20 to R30.
- Recode a stretch of land on the east side of Delgado Parade and land to the north of O'Mara Boulevard from R30 to R25.
- Removal of a laneway to the north and south of a portion of land in the centre of O'Mara Boulevard.
- Inclusion of a laneway for R30 lots north-west of Sir James McCusker Park.
- Modify the road layout for all R30 lots located north of Sir James McCusker Park and O'Mara Boulevard to reflect the subdivision proposal dated 16 October (WAPC No.120494), the subject of a report on the agenda (Attachment 3).
- Delete reference to Detailed Area Plan (DAP).

Changes to Part 1 'Statutory Planning' (Attachment 4 to this Report)

The proposed design guidelines address a number of design issues that affect small residential lots and are considered a more appropriate alternative to the use of DAPs. The deletion of reference to the Residential Planning Codes is the result of the Gazettal of the Residential Design Codes on 4 October 2002.

Changes proposed to 'Figure 1' are a result of recent analysis of market trends in regards to commercial and residential land. It is envisaged the proposed changes will improve both vehicular and pedestrian movement and establish greater consistency in built form between commercial and residential precincts.

The proposed changes to Part 1 of the Iluka Structure Plan involve the inclusion of design guidelines under section 5.2 to address a number of design issues that affect the R25 and R30 lots (Attachment 4 to this Report) and to provide standard guidelines for R20 lots. The design guidelines will replace existing provisions that require the preparation of DAPs for all lane-way lots. The design guidelines will ensure an improved level of development, solar orientation and increased amenity.

Currently a DAP is in place for R25 and R30 lots located immediately west of Sir James McCusker Park. The DAPs are applied by way of Restrictive Covenants and are due to expire on 31 March 2003. Restrictive covenants are not considered to be a transparent planning process. At the time the restrictive covenants were being prepared it was recognized that this would be a short-term arrangement and that generic guidelines would essentially be formulated to form part of the Iluka Structure Plan, thus controlling development. The generic guidelines are generally in keeping with the restrictive covenants, however some changes have been necessary due to the adoption of the Residential Design Codes, which have replaced the Residential Planning Codes.

As the new Residential Design Codes were Gazetted on 4 October 2002 all reference to the Residential Planning Codes is to be deleted and replaced by reference to the 'Residential Design Codes'.

### **Statutory Provision:**

Under clause 9.7 of the scheme, Council may amend an agreed structure plan subject to the approval of the WAPC. Should Council determine that the modifications are satisfactory, the proposal will be advertised for public comment in accordance with clause 9.5 of the scheme.

An advertising period of not less than 21 days is prescribed for public notice of a structure plan in accordance with clause 6.7 of the District Planning Scheme.

Upon completion of advertising Council is required to review all submissions within sixty (60) days and then proceed to either refuse or adopt the modifications to the Structure Plan or resolve that the modifications to the structure plan are satisfactory with or without changes.

### **COMMENT**

The proposed modifications to Figure 1 address a number of design issues concerning the future development of commercial, public open space and residential lots on the western side of the structure plan, south of O'Mara Boulevard. The re-orientation of both commercial and public open space land and changes to the residential density and layout will improve the orderly and proper planning of the area.

Removing the laneway from R30 lots along Burns Beach Road is considered appropriate at this stage given that the site conditions may restrict the use of laneways. The redesign of land to the north of Sir James McCusker Park reflects the subdivision application proposed for the site, the subject of a report on this agenda. The majority of the remainder of the changes to Figure 1 are considered to be minor in nature and essentially provide for improved urban design outcomes.

The proposed design guidelines will replace existing standards under section 5.2 that require the preparation of DAPs. The DAPs are not favoured as they are prescriptive in nature and difficult to administer over a large area. The design guidelines are generally in keeping with the existing restrictive covenants, which are due to expire, are more flexible and ensure an improved level of development.

Given the extent of the changes proposed in this case, it is recommended that the proposed modifications to the Iluka Structure Plan be advertised for public comment for a thirty (30) day period in this instance, to include written advice to the adjoining neighbours.

## VOTING REQUIREMENTS

Simple Majority

**MOVED Cr Walker, SECONDED Cr Hurst that Council in accordance with clause 9.5 of the City of Joondalup's District Planning Scheme No 2 ADOPTS the draft modifications to the Iluka Structure Plan, as per Attachments 2 and 4 to Report CJ029-02/03, and makes it available for public comment for a period of thirty (30) days.**

**The Motion was Put and**

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

**In favour of the Motion:** Mayor Bombak, Crs Baker, Barnett, Carlos, Hollywood, Hurst, Kadak, Kenworthy, Kimber, Mackintosh, O'Brien, Patterson, Rowlands and Walker

*Appendix 22 refers*

*To access this attachment on electronic document, click here: [Attach22brf110203.pdf](#)*

**CJ030 - 02/03      PROPOSED SUBDIVISION (WAPC REFERENCE  
120494) ILUKA – [84533]**

**WARD – North Coastal**

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## PURPOSE

The purpose of this report is to consider a subdivision application bounded by Naturalist Boulevard, Delgado Parade and roads north of Sir James McCusker Park and north of O'Mara Boulevard, Iluka that modifies the road layout proposed under the Iluka Structure Plan (Attachment 1 to this Report).

## EXECUTIVE SUMMARY

Roberts Day Group has submitted a subdivision application on behalf of the Roman Catholic Archbishop of Perth and Davidson Pty Ltd for land bounded by Naturalist Boulevard, Delgado Parade and roads north of Sir James McCusker Park and north of O'Mara Boulevard, Iluka. The land is located directly north of Sir James McCusker Park and will involve the creation of 55 lots (Attachment 1 to this Report).



The proposal modifies the subdivision layout detailed in Figure 1 of the Iluka Structure Plan (Attachment 2 to this Report) by redesigning the road network and removing the ‘car park’ central to the subdivision area. At the time the Iluka Structure Plan was prepared it was recognised that detailed planning would be required to improve the subdivision layout of this section.

The proposed subdivision layout provides for more improved vehicle movement to and from the site and enhanced pedestrian movement through a more legible laneway and street design. The impact of the new subdivision layout to surrounding residential areas is expected to be minimal as the new design retains the housing interface and the same number and location of vehicle access points to Naturalist Boulevard as the previous design.

It is recommended that the Western Australian Planning Commission (WAPC) be advised that the City supports the subdivision subject to a number of conditions.

## **BACKGROUND**

<b>Suburb/Location:</b>	Iluka
<b>Applicant:</b>	Roberts Day Group
<b>Owner:</b>	Roman Catholic Archbishop of Perth and Davidson Pty Ltd
<b>Zoning:</b>	<b>DPS:</b> Urban Development Zone
	<b>MRS:</b> Urban
<b>Strategic Plan:</b>	Lifestyle – Strategy 2.6 <i>Promote and enjoy lifestyles that engender Environmental, Social and Economic balance.</i>

Roberts Day Group has prepared a subdivision application on behalf of the Roman Catholic Archbishop of Perth and Davidson Pty Ltd for land bounded by Naturalist Boulevard, Delgado Parade and roads north of Sir James McCusker Park and north of O’Mara Boulevard, Iluka. The proposal is located directly north of Sir James McCusker Park and will involve the creation of 55 lots (Attachment 1 to this Report).

The proposal was lodged with the WAPC on 16 October 2002 and referred to the City on 18 October 2002. The City on 21 November 2002 requested the WAPC that the subdivision application be deferred so a more detailed assessment of the proposal could be undertaken.

### **Previous subdivision approval**

The WAPC previously supported a subdivision application for Stage 15 Iluka (WAPC No.118063) on 27 August 2002. This includes 23 lots, which are the subject of the current application, to the north of O’Mara Boulevard as highlighted in Attachment 3 to this Report.

The proposed plan of subdivision modifies the design by servicing the lots with vehicle access via a rear laneway. This arrangement is proposed to ensure dwelling design is consistent on both sides of O’Mara Boulevard.

### **Iluka Structure Plan**

The subdivision application proposes to modify the subdivision layout detailed in Figure 1 of the Iluka Structure Plan (Attachment 2 to this Report) by redesigning the road network and removing the ‘car park’ central to the subdivision area.

At the time the Iluka Structure Plan was prepared it was recognised that the area south of O'Mara Boulevard may require more detailed planning to improve the layout of these lots. Modifications to the Iluka Structure Plan to incorporate the subdivision design may be undertaken at a later date.

## **DETAIL**

The subject land is 4.304 hectares in area bounded by Sir James McCusker park (south), Naturaliste Boulevard (east) and undeveloped land (North and west). The Iluka Structure Plan identifies the subject land as R30. The Residential Design Codes nominate a minimum lots size of 270m<sup>2</sup> and an average lot size of 300m<sup>2</sup> for R30 lots for the purpose of creating green title (freehold) lots.

### **Subdivision Design**

The subdivision application would create 55 green title lots with a minimum size of 342m<sup>2</sup> and an average lot size of 390m<sup>2</sup> for lots zoned R30. The lot sizes are in accordance with the minimum and average lot area requirements for the R30 density code as stipulated in Table One of the Residential Design Codes. The lots will be serviced by road reserves that vary from 12 metres in width where it abuts Sir James McCusker Park to 20 metres for north-south aligned roads and 25 metres for O'Mara Boulevard. All laneways proposed are 6 metres in width

The lots are regular in shape to provide for easier development in future. On-street parking bays will be provided in front of a number of lots although it is desirable that parking in the form of embayments be provided in front of all lots with rear laneway access. This may be conditioned as part of the subdivision approval. The 23 lots proposed north of O'Mara Boulevard have been provided with rear laneway access to ensure dwelling design along O'Mara Boulevard is consistent on both sides.

A retaining wall is proposed to the rear of the 9 lots north of O'Mara Boulevard fronting an east/west road located outside of the subdivision area. The retaining wall will prevent these lots from having access to the rear laneway, accordingly vehicle access will be from the east/west road, consistent with future development along that road.

The width of the east/west road reserve north of Sir James McCusker Park is required to be increased from 12 metres to 14 metres to allow for parking embayments on both sides of the road. This is required to cater for parking demands generated by park users, as well as visitors to the future dwellings, given that driveways will not form part of the design, which ordinarily accommodate visitor's vehicles.

### **Statutory Implications**

The subdivision application is not in accordance with Figure 1 of the Iluka Structure Plan. The Town Planning Delegations do not allow for City officers to determine subdivision applications that are generally inconsistent with approved Structure Plans, accordingly Council approval is required. It should be noted however that the inconsistency is minor.

## COMMENT

Those lots with rear laneway access have frontages between 12 and 14 metres. The design provides for greater surveillance of the park, ensures garages do not dominate streetscapes and traffic on frontage streets is reduced. The orientation of the lots (north/south and east/west) reflects good solar design principles.

The proposed subdivision layout maintains the same vehicle access points onto Naturaliste Boulevard as proposed previously under the Iluka Structure Plan by restricting access to O'Mara Boulevard and the east-west road immediately north of Sir James McCusker Park.

At the time the Iluka Structure Plan was prepared it was recognised that the area south of O'Mara Boulevard may require more detailed planning to improve the layout of these lots. Modifications to the Iluka Structure Plan to incorporate the subdivision design may be undertaken at a later date.

It is recommended that the WAPC be advised that the City supports the subdivision subject to a number of conditions.

## VOTING REQUIREMENTS

Simple Majority

**MOVED Cr Walker, SECONDED Cr Hurst that Council:**

- 1 ADVISES the Western Australian Planning Commission that it supports the proposed subdivision of Part Lot 8004 O'Mara Boulevard, (WAPC Ref: 120494), Iluka submitted by Roberts Day Group on behalf of The Roman Catholic Archbishop of Perth and Davidson Pty Ltd subject to the following conditions:**
  - (a) those lots not fronting an existing road being provided with frontage to a constructed subdivisional road connected by a constructed subdivisional road(s) to the local road system and such subdivisional road(s) being constructed and drained at the subdivider's cost to the specification and satisfaction of the City of Joondalup. As an alternative, the City is prepared to accept the subdivider paying to the City the cost of such works and giving an assurance to the Commission that the works will be completed within a reasonable period acceptable to the Commission;**
  - (b) street corners within the subdivision being truncated to the standard truncation of 8.5 metres;**
  - (c) the provision of a 4.5 metre truncation for lots serviced by rear laneways to ensure sight distances are met;**
  - (d) the provision of a roundabout at the intersection of O'Mara Boulevard and Delgado Parade to the specification and satisfaction of the City of Joondalup;**

- (e) the provision of adequate corner truncations and access restrictions to all roundabouts;
- (f) the reserve width of the east/west road abutting Sir James McCusker Park to be widened to 14 metres to accommodate parking embayments on both sides of the road;
- (g) the provision of temporary turn around facilities at the end of all subdivision roads, which are subject to future connections to the satisfaction of the City of Joondalup;
- (h) the provision of traffic management devices at the intersections of Naturaliste Boulevard and O'Mara Boulevard to the specification and satisfaction of the City of Joondalup;
- (i) the provision of car parking embayments within the Road Reserve adjacent to all lots with lane way access to the specification and satisfaction of the City of Joondalup;
- (j) the provision of pathways and dual use paths in accordance with the approved Structure Plan;
- (k) the land being graded and stabilised at the subdivider's cost to the specification and satisfaction of the City of Joondalup. Final Ground levels to be co-ordinated with adjacent roads and development;
- (l) the land being filled and/or drained at the subdividers cost to the specification and satisfaction of the City of Joondalup and any easements and/or reserves necessary for the implementation thereof, being provided free of cost to the City;
- (m) all retaining walls being constructed wholly within the lot they are designed to retain to the satisfaction of the City of Joondalup;
- (n) the subdivider to provide a written undertaking to the City of Joondalup stating that they will ensure that prospective purchases of lots proposed in this subdivision are notified on contracts of sale of the existence of retaining walls to the satisfaction of the City of Joondalup;
- (o) design Guidelines to be prepared for the lots to guide building layout, design, access, and ensure dwellings are orientated to surveillance the street to the satisfaction of the City of Joondalup. The design guidelines to form part of the agreed Iluka Structure Plan prior to first deposited plan being cleared;
- (p) that all laneways be designed to provide adequate turning area for service vehicles;

- (q) that all laneways be designed to provide adequate bin placement for service vehicle pick-up;
- (r) the proposed reserve shown on the plan submitted abutting the southern boundary of the subdivision area, being shown on the Deposited Plan as a “Reserve for Recreation” and vested in the Crown, under Section 20A of the Town Planning and Development Act 1928, such land to be ceded free of cost and without payment of compensation by the Crown;
- (s) a notification in the form of a Memorial to be placed on the Certificate of Title of all lots within the application area advising of the existence of a hazard or other factor, in accordance with Section 12A of the Town Planning and Development Act 1928 to the satisfaction of the City of Joondalup. The memorial is to state as follows:

*‘This lot may be affected by the retaining walls abutting or within the property. Further information in this regard can be obtained from the City of Joondalup.’*

**2 PROVIDES the following advice to the Western Australian Planning Commission in regard to the subdivision proposal:**

- (a) the City of Joondalup approval to subdivision should not be construed as an approval to development on any of the lots proposed;
- (b) with regards to Condition (m) the applicant is advised that where a retaining wall may straddle property boundaries, the use of an ‘Easement For Rights of Support’ pursuant to section 136C of the Transfer of Land Act is considered appropriate, subject to the applicant bearing all costs associated with the preparation of such an agreement, in liaison with the City of Joondalup;
- (c) in regard to condition (r) the Reserve for Recreation being included in the first Deposited Plan submitted to the City for clearance.

**The Motion was Put and**

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

**In favour of the Motion:** Mayor Bombak, Crs Baker, Barnett, Carlos, Hollywood, Hurst, Kadak, Kenworthy, Kimber, Mackintosh, O’Brien, Patterson, Rowlands and Walker

*Appendix 23 refers*

*To access this attachment on electronic document, click here: [Attach23brf110203.pdf](#)*

**REPORT OF THE CHIEF EXECUTIVE OFFICER****C06-02/03      MOTION TO GO BEHIND CLOSED DOORS**

**MOVED** Cr Hurst, **SECONDED** Cr Mackintosh that in accordance with Clause 3.2 and 5.6 of the City's Standing Orders Local Law and Section 5.23 of the Local Government Act 1995, the order of business be amended and the meeting be held behind closed doors to enable consideration to be given to the following items:

- C07-02/03      Late Item No 1 - Financial Contribution to the 2Cities Internet Project, being a matter relating to a contract;**
- C08-02/03      Late Item No 2 – Contract of Employment – Mr Clayton Higham – Renewal of Contract, being a matter affecting an employee and personal affairs of a person;**
- C09-02/03      Late Item No 3 – Chief Executive Officer's Annual Performance Review, being a matter affecting an employee and personal affairs of a person;**
- C10-02/03      Notice of Motion No 6 – Cr D Carlos, being a matter affecting an employee and personal affairs of a person.**

**The Motion was Put and**

**CARRIED (13/1)**

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

Members of the public and press left the Chamber at this point, the time being 2110 hrs.

The Meeting **ADJOURNED**, the time being 2110 hrs.

The Meeting **RESUMED BEHIND CLOSED DOORS** at 2118 hrs, the following being in attendance:

J BOMBAK, JP  
Cr P KADAK  
Cr P KIMBER  
Cr D CARLOS  
Cr C BAKER  
Cr J F HOLLYWOOD, JP  
Cr P ROWLANDS  
Cr T BARNETT  
Cr M O'BRIEN, JP  
Cr A L PATTERSON  
Cr G KENWORTHY  
Cr J HURST  
Cr C MACKINTOSH

**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 Audit and Executive Services:	K ROBINSON
Manager Human Resources Services:	M LOADER
Committee Clerk:	J AUSTIN

*Mr D Smith, Chief Executive Officer declared a financial interest in C07-02/03 Confidential Late Item No 1 – CEO’s Report – Financial Contribution to the 2Cities Internet Project as he is Vice-Chairman of the North Metro Community On-line Assoc. Inc Executive Committee.*

*Cr Walker entered the Chamber at 2120 hrs.*

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## **C07-02/03      FINANCIAL CONTRIBUTION TO THE 2CITIES INTERNET PROJECT**

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**PURPOSE**

To seek approval for a budget variation of \$25,000 to make a financial contribution to assist with the launch and operation of the 2Cities Internet Portal Gateway Project.

**EXECUTIVE SUMMARY**

The North Metro Community On-line Association Inc. referred to as the 2Cities Internet Gateway Project, has requested financial assistance of approximately \$45,000 from the Cities of Joondalup and Wanneroo. Discussion between Board Members of the 2Cities Internet Gateway Project and representatives the Cities of Joondalup and Wanneroo have agreed in principle to a contribution of \$25,000 from each City, subject to the respective Council approvals, to meet costs of the launch and ongoing management of the project. It is expected that this level of funding would be sufficient to assist the project in the establishment phase up to the end of then calendar year.

**BACKGROUND**

This matter was last considered by council at its meeting held on 18 December 2001, when it was resolved:

*“That Council:*

- 1 provides a contribution of \$36,000 for the Community Portal the North Metro Community On-line Association Inc. contingent upon the City of Wanneroo making the same grant;*

**2     *Requires that a suitable exit strategy is put in place, prior to contributing the funds, to a maximise the protection of the City's interests as outlined in Report CJ427-12/01***

The 2Cities project was conceived in late 1999. In early 2001, federal grant funds were received to employ a Business Development Manager. This person was tasked with coordinating the development of the 2Cities concept, the establishment of a self-sustainable model and the formation of the incorporated body to run the operation. The incumbent to this position commenced in February 2001 and ended in February 2002. During this time a business plan was produced for the project.

In July 2001 the North Metro Community Online Association Incorporated was formed. A proposal was also put to the Cities of Joondalup and Wanneroo regarding the future funding of the project.

In early 2002 the North Metro Community Online Association Inc. received funding from the two Cities and Edith Cowan University (ECU) to establish the 2Cities Internet Gateway project. These funds were partly used to contract Internet Business Corporation (IBC) to construct the 2Cities web site. This included the community and business aspects contained in the initial proposals put before the two Cities and Edith Cowan University.

The initial proposal indicated that the 2Cities portal would be operational by April 2002. However, after the initial Business Development Manager's position ceased in February 2002, the project was run via part-time consultancy until May 2002. This caused the project to be delayed.

Additional time delays were experienced due to redevelopment of areas within the web site that didn't meet the initial project functional specifications. An interim Business Development Manager was subsequently appointed in August 2002. This position is currently being filled through a secondment arrangement with the City of Wanneroo.

From August 2002, the main task of the Business Development Manager was to focus on the development of the website so that the product could be launched as soon as possible. In December 2002 the 2Cities website went live.

## **DETAILS**

The original grant funding for 2Cities has been substantially expended to fund the project administration and development. Whilst the revised business plan indicates potential for success, a cash injection of approximately \$45,000 is required to cover immediate funding shortages during the crucial early stages of the project. The revised Business Plan, marked "Confidential" was provided to elected members for information.

The prototype software was thoroughly tested by both the 2Cities team and by local businesses. The range of applications available through the model allow purchasers to request quotes from local suppliers in a secure environment. The model has been customised to local business conditions and has extensive applications that can benefit a diverse range of users and their requirements.



## Consultation

It is reported that Stakeholders including small business have indicated support for the launch and continuation of the 2Cities portal as an aid for small businesses within the combined Joondalup and Wanneroo region. The 2Cities message has been promoted through out the region with numerous information sessions, forum presentations, keynote addresses, training seminars, information evenings and presentations to community groups.

The Joondalup and Wanneroo Business Associations have over the past three years, supported this project for launch into the small business arena.

## Financial Implications:

Budget Account No:	11.10.11.111.4201.0001
Budget Item:	Consultancy - CEO
Budget Amount:	\$100,000
YTD Amount:	\$9,008
Actual Cost:	\$25,000
Actual Account No.	11.10.11.111.4201.F321

## Strategic Implications:

The development and implementation of the 2Cities Internet Gateway Project is in line with the City's Strategic Plan (2000-2005) and the following Key Result Areas, Strategy "2.4 *Promote the electronic community*. To achieve this we will:

- Work in partnership with community, government and the private sector to create and promote the online community on a regional basis, including facilitating education and awareness.
- Develop an interactive community portal.

## COMMENT

Discussions have been held with senior staff at both the City of Wanneroo and Joondalup and agreement in principle reached that a contribution from both Cities would secure the future of this key strategic initiative for the north-west corridor. Accordingly, it is proposed that each organisation make a contribution of \$25,000 toward the launch and ongoing management of the 2Cities project.

The previous report on this matter was quite detailed, outlining the risks that were considered to apply at the time as well as being speculative about the opportunities that could be achieved in support of the community. That report, refer CJ427-12/02, was provided to elected members for information. While progress has been made albeit slower than initially intended, the contribution provided by the City of Wanneroo in seconding an officer to administer the project plus the direct involvement of the CEOs of both City of Joondalup and City of Wanneroo provides for much greater control by both Cities and increases the prospect of success.

It is considered that this project should be supported at this time with a contribution of \$25,000 on the basis that the City expects that the project will become fully self sufficient within the next twelve months.

## VOTING REQUIREMENTS

Absolute Majority

### **MOVED Cr Barnett SECONDED Cr Rowlands that:**

- 1 Council in keeping with Section 6.8(1)(b) of the Local Government Act 1995, APPROVES the expenditure of \$25,000 as a contribution toward the launch and ongoing administration of the 2Cities Internet project, subject to the City of Wanneroo agreeing to make an equivalent contribution;**
- 2 the sum of \$25,000 be transferred from account number 11.10.11.111.4201.0001 being Consultancy within the Office of the CEO's Activity Budget to account number 11.10.11.111.4201.F321.**

**The Motion was Put and**

**CARRIED BY AN  
ABSOLUTE MAJORITY (13/1)**

**In favour of the Motion:** Mayor Bombak, Crs Mackintosh, Hurst, Kenworthy, O'Brien, Barnett, Rowlands, Walker, Hollywood, Carlos, Baker, Kadak, Kimber **Against the Motion:** Cr Patterson

*Mr C Higham, Director Planning and Community Development declared a financial interest in C08-02/03 - Late Item No 2 – CEO's Report – Contract of Employment – Mr Clayton Higham – Renewal of Contract as this item relates to his employment contract.*

*The Directors of Planning and Community Development, Infrastructure and Operations, and Corporate Services and Resource Management, and Manager Audit and Executive Services left the Chamber at this point, the time being 2121 hrs.*

## **C08-02/03 CONFIDENTIAL - CONTRACT OF EMPLOYMENT – MR C HIGHAM – RENEWAL OF CONTRACT**

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### This Item Is Confidential - Not For Publication

A full report was provided to Elected Members under separate cover.

### **MOVED Cr Baker SECONDED Cr Hurst that Council:**

- 1 through the Chief Executive Officer, formally INVITES the Director Planning and Community Development, Mr Clayton Higham, to discuss entering into a new contract of employment for a further term of five years;**

- 2 AUTHORISES the Chief Executive Officer to complete all necessary documentation with the express intent of extending Mr Higham's contract of employment from 16 December 2003 for a further term of five years;**
- 3 NOTES that the total employment costs applicable to the position be as per current package and the general terms of contract.**

**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, O'Brien, Patterson, Rowlands, Walker.

*Mr D Smith, Chief Executive Officer declared a financial interest in Item C09-02/03 - Late Item No 3 – CEO's Report – Chief Executive Officer's Annual Performance Review as this item deals with personal matters/contract of employment.*

**C09-02/03      CONFIDENTIAL -CHIEF EXECUTIVE OFFICER'S ANNUAL PERFORMANCE REVIEW**

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This Item Is Confidential - Not For Publication

A full report was provided to Elected Members under separate cover.

**MOVED Cr Mackintosh SECONDED Cr Hurst that the Confidential Report relating to the Chief Executive Officer's Annual Performance Review be NOTED.**

**The Motion was Put and**

**CARRIED (12/2)**

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

*The Manager Audit and Executive Services entered the Chamber at this point, the time being 2130 hrs.*

*Mr D Smith, Chief Executive Officer declared a financial interest in Item C10-02/03 - Notice of Motion No 6 – Cr Carlos as this item deals with personal matters/contract of employment.*

**C10-02/03      CONFIDENTIAL - NOTICE OF MOTION NO 6 – CR D CARLOS - [02154]**

This Item Is Confidential - Not For Publication

Cr Carlos has given notice of his intention to move a motion at the Council meeting to be held on Tuesday 18 February 2003; which was circulated under confidential cover.

Discussion ensued.

*Cr Patterson left the Chamber at 2159 hrs and returned at 2201 hrs.*

**MOVED Cr Baker SECONDED Cr Hurst that Cr Carlos no longer be heard in relation to his email message until he nominates the author of the message.**

**The Motion was Put and**

**CARRIED (11/3)**

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

**The Confidential Motion as Moved by Cr Carlos and Seconded by Cr Hollywood was Put and**

**LOST (2/12)**

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

**C11-02/03      MOTION TO GO TO OPEN DOORS**

**MOVED Cr Hurst, SECONDED Cr Baker that the meeting be now held with open doors, the time being 2215 hrs.**

**The Motion was Put and**

**CARRIED**

Members of the public, press and staff entered the Chamber at this point. In accordance with the City's Standing Orders Local Law, the Manager Audit and Executive Services read the Motions in relation to:

- C07-02/03      Late Item No 1 - Financial Contribution to the 2Cities Internet Project;
- C08-02/03      Late Item No 2 – Contract of Employment – Mr Clayton Higham – Renewal of Contract;
- C09-02/03      Late Item No 3 – Chief Executive Officer's Annual Performance Review;
- C10-02/03      Notice of Motion No 6 – Cr D Carlos.

**C12-02/03      SUSPENSION OF STANDING ORDERS**

**MOVED Cr Kimber, SECONDED Cr Mackintosh that in accordance with Clause 8.1 of the City's Standing Orders Local Law, as a case of urgent necessity, Clause 3.12 of the City's Standing Orders Local Law, which requires seven (7) days' prior notice in writing for a notice of motion, BE SUSPENDED in order to consider the following motion:**

***“That:***

- 1      Cr Carlos be and is hereby formally censured for his ongoing and repeated attacks on our CEO, current and former Council staff and the Mayor, and for his ongoing attempts to bring the City of Joondalup into disrepute;***
- 2      the Councillors of the City of Joondalup hereby again reaffirm their full confidence in our City's CEO and congratulate him on his many achievements including but not limited to:***

- (a) *that the City of Joondalup is one of the lowest taxing local government bodies in Western Australia;*
- (b) *for the restructuring of the City's administration resulting in substantial savings to our ratepayers;*
- (c) *his thoroughly professional administration of our City.”*

**The Motion to Suspend Standing Orders was Put and**

**CARRIED (10/4)**

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

**C13-02/03     CENSURE MOTION**

**MOVED Cr Kimber, SECONDED Cr Mackintosh that:**

- 1       Cr Carlos be and is hereby formally censured for his ongoing and repeated attacks on our CEO, current and former Council staff and the Mayor, and for his ongoing attempts to bring the City of Joondalup into disrepute;**
- 2       the Councillors of the City of Joondalup hereby again reaffirm their full confidence in our City's CEO and congratulate him on his many achievements including but not limited to:**
  - (a)     that the City of Joondalup is one of the lowest taxing local government bodies in Western Australia;**
  - (b)     for the restructuring of the City's administration resulting in substantial savings to our ratepayers;**
  - (c)     his thoroughly professional administration of our City.**

**AMENDMENT MOVED Cr Baker, SECONDED Cr Hurst that the following Point 3 be added to the Motion:**

- “3       the Council AUTHORISES the CEO to seek and obtain legal advice from Blake Dawson Waldron, Solicitors or another recognised legal firm, in relation to the allegations made by Cr Don Carlos in his Notice of Motion submitted to Council on 18 February 2003, and other media articles concerning the CEO published in the West Australian newspaper and the Community News given the significant damage being caused to the image and reputation of the City and its senior officers. That Council places an upper limit of expenditure not exceeding \$5,000.”**

Discussion ensued.

**The Amendment was Put and**

**TIED (7/7)**

**There being an equal number of votes, the Mayor exercised his casting vote and declared the Amendment** **CARRIED**

**In favour of the Amendment:** Mayor Bombak, Crs Baker, Hurst, Kenworthy, Kimber, Mackintosh, Rowlands.  
**Against the Amendment:** Crs Barnett, Carlos, Hollywood, Kadak, O'Brien, Patterson, Walker.

It was requested that each part of the motion be voted upon separately.

**MOVED Cr Kimber, SECONDED Cr Mackintosh that:**

- 1 Cr Carlos be and is hereby formally censured for his ongoing and repeated attacks on our CEO, current and former Council staff and the Mayor, and for his ongoing attempts to bring the City of Joondalup into disrepute.**

**The Motion was Put and** **TIED (7/7)**

**There being an equal number of votes, the Mayor exercised his casting vote and declared the Motion** **CARRIED**

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

**MOVED Cr Hurst, SECONDED Cr Rowlands that the Motion BE NOW PUT.**

**The Procedural Motion Was Put and** **CARRIED (12/2)**

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

**MOVED Cr Kimber, SECONDED Cr Mackintosh that:**

- 2 the Councillors of the City of Joondalup hereby again reaffirm their full confidence in our City's CEO and congratulate him on his many achievements including but not limited to:**
  - (a) that the City of Joondalup is one of the lowest taxing local government bodies in Western Australia;**
  - (b) for the restructuring of the City's administration resulting in substantial savings to our ratepayers;**
  - (c) his thoroughly professional administration of our City.**

**The Motion was Put and** **CARRIED (13/1)**

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

**The Original Motion, as amended, being:****That:**

- 1 Cr Carlos be and is hereby formally censured for his ongoing and repeated attacks on our CEO, current and former Council staff and the Mayor, and for his ongoing attempts to bring the City of Joondalup into disrepute;**
- 2 the Councillors of the City of Joondalup hereby again reaffirm their full confidence in our City's CEO and congratulate him on his many achievements including but not limited to:**
  - (a) that the City of Joondalup is one of the lowest taxing local government bodies in Western Australia;**
  - (b) for the restructuring of the City's administration resulting in substantial savings to our ratepayers;**
  - (c) his thoroughly professional administration of our City;**
- 3 the Council AUTHORISES the CEO to seek and obtain legal advice from Blake Dawson Waldron, Solicitors or another recognised legal firm, in relation to the allegations made by Cr Don Carlos in his Notice of Motion submitted to Council on 18 February 2003, and other media articles concerning the CEO published in the West Australian newspaper and the Community News given the significant damage being caused to the image and reputation of the City and its senior officers. That Council places an upper limit of expenditure not exceeding \$5,000.**

**Was Put and****CARRIED**

*Cr Rowlands left the Chamber at this point, the time being 2301 hrs.*

**MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN****C14-02/03                      NOTICE OF MOTION NO 1 – CR C BAKER**

In accordance with Clause 3.12 of the Standing Orders Local Law, Cr Chris Baker has given notice of his intention to move the following motion at the Council meeting to be held on Tuesday 18 February 2003:

*“That 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 Hutchinson 3G Australia Pty Ltd (“Hutchinson”) 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’th) and the Telecommunications (Low-impact Facilities) Determination 1997 (C’th) away*

*from its current site in Mullaloo and to a site which is acceptable to both the Mullaloo community and Hutchinson and in furtherance of this objective, the City shall convene a meeting as soon as possible with Hutchinson, Dr Mal Washer, MHR, Federal Member for Moore, the Mayor, Ward Councillors and representatives of the Mullaloo Community Action Group.”*

## **OFFICER’S COMMENT**

In response to the concerns over the City’s Telecommunications Moratorium, Council resolved at its December 2002 meeting to remove the Moratorium and replace it with a Policy Statement on Telecommunications Facilities.

The City has now received a Development Application from Hutchinson Communications for a telecommunications facility within Kallaroo Park, Mullaloo. This facility is specifically proposed to replace the facility on the Mullaloo Squash Centre. The facility would consist of a 20 metre high pole with 3 panel antennas, 2 parabolic antennas, and an equipment shelter.

The proposal commenced a 30 day public advertising period on 6 February 2003.

Given the progress on the relocation of the facilities from Mullaloo Squash Centre, it is not considered that a meeting between the parties suggested in Cr Baker’s Notice of Motion is required at this stage. The Development Application will be presented to Council following the public advertising period for consideration of the comments received during that period, and will be considered in light of the Council’s new Policy Statement.

## **VOTING REQUIREMENT**

Simple Majority

**MOVED Cr Baker, SECONDED Cr Patterson that 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 Hutchinson 3G Australia Pty Ltd (“Hutchinson”) 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’th) and the Telecommunications (Low-impact Facilities) Determination 1997 (C’th) away from its current site in Mullaloo and to a site which is acceptable to both the Mullaloo community and Hutchinson and in furtherance of this objective, the City shall convene a meeting as soon as possible with Hutchinson, Dr Mal Washer, MHR, Federal Member for Moore, the Mayor, Ward Councillors and representatives of the Mullaloo Community Action Group.**

**AMENDMENT MOVED Cr Hollywood SECONDED Cr Carlos that the following words be added to the end of the Motion:**

**“...and Tony O’Gorman, MLA, Member for Joondalup.”**

**The Amendment was Put and**

**CARRIED (11/2)**

**In favour of the Amendment:** Crs Baker, Barnett, Carlos, Hollywood, Hurst, Kadak, Kenworthy, Kimber, Mackintosh, Patterson, Walker. **Against the Amendment:** Mayor Bombak, Cr O’Brien.



**The Original Motion, as amended, being:**

**That 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 Hutchinson 3G Australia Pty Ltd (“Hutchinson”) 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’th) and the Telecommunications (Low-impact Facilities) Determination 1997 (C’th) away from its current site in Mullaloo and to a site which is acceptable to both the Mullaloo community and Hutchinson and in furtherance of this objective, the City shall convene a meeting as soon as possible with Hutchinson, Dr Mal Washer, MHR, Federal Member for Moore, the Mayor, Ward Councillors and representatives of the Mullaloo Community Action Group, and Tony O’Gorman, MLA, Member for Joondalup.**

**Was Put and****CARRIED (13/0)**

**In favour of the Motion:** Mayor Bombak, Crs Baker, Barnett, Carlos, Hollywood, Hurst, Kadak, Kenworthy, Kimber, Mackintosh, O’Brien, Patterson, Walker.

*Mr D Djulbic, Director Infrastructure and Operations declared an interest which may affect his impartiality in C15-02/03 - Notice of Motion No 2 – Cr J Hollywood – Wanneroo Basketball Association as a relative is a member of the Wanneroo Basketball Association.*

*Cr Kimber declared an interest which may affect his impartiality in Item C15-02/03 - Notice of Motion No 2 – Cr J Hollywood – Wanneroo Basketball Association as a family member is involved with the Wanneroo Basketball Association.*

**C15-02/03****NOTICE OF MOTION NO 2 – CR J HOLLYWOOD –  
WANNEROO BASKETBALL ASSOCIATION**

Cr John Hollywood has given notice of his intention to move the following motion at the Council meeting to be held on Tuesday 18 February 2003. The following elected members have indicated their support as required by Clause 4.4 of the City’s Standing Orders Local Law:

Cr D Carlos  
Cr M O’Brien  
Cr A Walker  
Cr A Nixon.

*“That Council BY AN ABSOLUTE MAJORITY, RESCINDS its decision of 17 December 2002 (Item CJ315-12/02 refers) 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.”*

**Reason for Motion:**

Cr Hollywood states that *“the reason for the rescission motion is because there are still too many legal ramifications to discuss, it is not in the best interest of the WBA and more time is needed to negotiate.”*

**OFFICER’S COMMENT**

The report on the Wanneroo Basketball Association submitted to the 17 December 2002 meeting of Council represented the position at the time.

Since that meeting, a complying notice of Motion to rescind the resolutions made by Council has effectively stopped all progress on the matter.

In addition to the Notice of Motion, the Association has arranged and submitted a petition calling for a Special Meeting of Electors to consider various demands concerning the Basketball Stadium site and wants of the Association. That meeting is to be held on Thursday 6 March 2003.

The following facts need to be understood by the various parties to this matter:

- 1 Landcorp and not the City is the owner of the land on which the Wanneroo Basketball Stadium is built.
- 2 The City has a lease with Landcorp over the site until 24 December 2007 and in turn sub leases the site to the Wanneroo Basketball Association with the approval of Landcorp, until 23 December 2007.

- 3 The City has already resolved and agreed with Landcorp not to extend the head lease it has with Landcorp beyond December 2007. The City therefore cannot extend the sub lease to the Association, beyond the period of its head lease with Landcorp.
- 4 The zoning of the site along with many other sites in the Joondalup Central Business District (CBD) has changed since the site was first leased to the City and sub leased to the Association some 21 years ago. The site is now zoned “Commercial” and is an important site for development of the CBD. The area designated for development and use of Recreational Activities in the CBD is located north of Shenton Avenue in the vicinity of the Arena.
- 5 The Association borrowed monies from various lending institutions to construct the Wanneroo Basketball Stadium. The City as guarantor of those loans and at the request of the Association refinanced the debt to extend the loan repayment period and reduce the amount repaid annually to an amount more manageable for the Association. The Association is currently in arrears by \$41,174.01 repayment of that debt to 2002/03, with a further \$169,000 due by 2007.
- 6 The Association will be required to vacate the Stadium and sub leased site on 23 December 2007. It is recognized that a suitable alternative site must be found for the Association to relocate and the City has been working to achieve this. An alternative may be for the Association to enter into a lease directly with Landcorp.
- 7 It is considered imperative that a strategic feasibility study that identifies the future needs of basketball facilities within the City and Region and the role of the Association in meeting those needs, are undertaken as a matter of urgency. Without the support of a highly credentialed independent needs and feasibility study there is virtually no chance for the Association to obtain any future funding through Community Sport Recreational Funding Facility (CSRFF).

The report on the Wanneroo Basketball Association submitted to the 17 December 2002 meeting of Council, is resubmitted for Council consideration.

## **REPORT CJ315 - 12/02 - WANNEROO BASKETBALL ASSOCIATION – [03097]**

### **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

### **RECOMMENDATION OF REPORT CJ315-12/02**

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.



## VOTING REQUIREMENT

Absolute Majority

### **Call for Support of one-third of members of the Council**

The Mayor called for support from one-third of the members of Council. Support for this Item was given by Crs Barnett, O'Brien, Walker, Hollywood and Carlos.

**MOVED Cr Hollywood, SECONDED Cr Carlos** that Council RESCINDS its decision of 17 December 2002 (Item CJ315-12/02 refers) 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.”*

Discussion ensued.

*During discussion, the following movements occurred:*

*Cr Hurst left the Chamber at 2307 hrs and returned at 2308 hrs*

*Cr Kenworthy left the Chamber at 2309 hrs and returned at 2313 hrs*

*Cr Patterson left the Chamber at 2320 hrs and returned at 2322 hrs*

*Cr Patterson left the Chamber at 2339 hrs*

**The Motion was Put and**

**LOST (5/7)**

**In favour of the Motion:** Crs Barnett, Carlos, Hollywood, O'Brien, Walker. **Against the Motion:** Mayor Bombak, Crs Baker, Hurst, Kadak, Kenworthy, Kimber, Mackintosh.

### **STANDING ORDERS LOCAL LAW – NOTICES OF MOTION**

In accordance with Section 3.12 of the City's Standing Orders Local Law, Cr G Kenworthy advised that he had been authorised, in writing, to move the following on behalf of Cr A Patterson:

- C16-02/03 - Notice of Motion No 3 – Cr A Patterson – Pedestrian Accessway, Cliff Street, Sorrento;
- C17-02/03 - Notice of Motion No 4 – Cr A Patterson – Schedule of Fees and Charges for the hire of Council Community Centres;
- C18-02/03 - Notice of Motion No 5 – Cr A Patterson

#### **C16-02/03                    NOTICE OF MOTION NO 3 – CR A PATTERSON – PEDESTRIAN ACCESSWAY, CLIFF STREET, SORRENTO**

In accordance with Clause 3.12 of the Standing Orders Local Law, Cr Andrew Patterson has given notice of his intention to move the following motion at the Council meeting to be held on Tuesday 18 February 2003:

*“That Council REQUESTS a report to be presented to the ordinary meeting of the Council to be held on 1 April 2003 on the possible options for this “pedestrian accessway” located in Cliff Street, Sorrento. One option to be examined is that of closure.”*

#### **OFFICER'S COMMENT**

Further to the presentation provided at the Strategy Session on 3 December 2002 in regard to the laneways in Sorrento and Marmion, some steps have been undertaken to progress the study, namely to highlight the issues facing the City with a project of this kind. This study will identify the options for the laneways and therefore closure of the laneway would be considered premature.

#### **VOTING REQUIREMENT**

Simple Majority

**MOVED Cr Kenworthy, SECONDED Cr O'Brien that Council REQUESTS a report to be presented to the ordinary meeting of the Council to be held on 1 April 2003 on the possible options for this “pedestrian accessway” located in Cliff Street, Sorrento. One option to be examined is that of closure.**

**The Motion was Put and**

**CARRIED (12/0)**

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

C17-02/03

**NOTICE OF MOTION NO 4 – CR A PATTERSON – SCHEDULE OF FEES AND CHARGES FOR THE HIRE OF COUNCIL COMMUNITY CENTRES – [02154, 10015]**

In accordance with Clause 3.12 of the Standing Orders Local Law, Cr Andrew Patterson has given notice of his intention to move the following motion at the Council meeting to be held on Tuesday 18 February 2003:

*“That Council REQUESTS a report to be presented to the ordinary meeting of the Council held on 1 April 2003 reviewing the schedule of Fees and charges for the hire of Council Community Centres to ensure there is equity in the application of these rates to both Not for Profit organisations and other organisations.”*

**OFFICER’S COMMENT**

The City will provide the report as requested. Preliminary work commenced in 2002 regarding an evaluation of existing usage and fee structures of community facilities by a variety of user types i.e. not-for-profit, charitable and commercial.

The City has a number of arrangements with different users of the many facilities. It is important that the approach taken regarding fees and charges is consistent across all facilities and situations.

**VOTING REQUIREMENT**

Simple Majority

**MOVED Cr Kenworthy, SECONDED Cr O’Brien** that Council REQUESTS a report to be presented to the ordinary meeting of the Council held on 1 April 2003 reviewing the schedule of Fees and charges for the hire of Council Community Centres to ensure there is equity in the application of these rates to both Not for Profit organisations and other organisations.

**The Motion was Put and**

**LOST (4/8)**

**In favour of the Motion:** Crs Barnett, Carlos, Kenworthy, O’Brien. **Against the Motion:** Mayor Bombak, Crs Baker, Hollywood, Hurst, Kadak, Kimber, Mackintosh, Walker.

C18-02/03

**NOTICE OF MOTION NO 5 – CR A PATTERSON – [40743, 02154]**

Cr Andrew Patterson has given notice of his intention to move the following motion at the Council meeting to be held on Tuesday 18 February 2003. The following elected members have indicated their support as required by Clause 4.4 of the City’s Standing Orders Local Law:

Cr D Carlos  
Cr M O’Brien  
Cr T Barnett  
Cr C Mackintosh

*“That Council:*

- 1 BY AN ABSOLUTE MAJORITY, RESCINDS its decision of 26 November 2002, being:*

*“That Council:*

- 1 DOES NOT SUPPORT the proposal for continuation of the mains water supply to Wakeley Way road island, Duncraig;*
  - 2 AGREES that the City will undertake normal maintenance in accordance with dry grass standards within the road island, in accordance with other work programs for Duncraig road islands and roundabouts;*
  - 3 ADVISES the petitioners accordingly.”*
- 2 REQUESTS a report to be presented to the ordinary meeting of the Council to be held on 11 March 2003 on the following options for the Wakeley Way road reserve:*
    - Maintain current watering regime with the aim of the road reserve being a “green” reserve with costs to be met by City of Joondalup;*
    - Brick pave the reserve;*
    - Maintain as a “dry” reserve;*
    - Any other appropriate option as suggested by residents and Councillors.*

**Reason for Motion:**

In support of this notice of motion, Cr Patterson states as follows:

“I am seeking the support of a rescission motion to enable this item to come back to the February 2003 Council meeting. This item originally came up at the November 2002 Council meeting, whereby Council supported the officer’s recommendation.

Unfortunately, the local residents were not advised as to when the item would appear on the agenda and so were unable to present their case at a briefing session so that the Council could make an informed decision after hearing all the relevant information.

Obviously, the local residents are disappointed with the lack of opportunity to present their argument and have requested that this matter be relisted for consideration at the February meeting. If a rescission motion can be secured I have listed an alternative to the recommendation so as to effect a possible compromise.

Even though, Councillors, you may be opposed to any change to the decision already made by Council, I hope you will support this rescission motion so that the residents who live around this road reserve at least have the opportunity to present their case to Council.”

## OFFICER'S COMMENT

This matter was previously considered by Council at its meeting held on 26 November, 2002 where it was resolved that:

- “1 *DOES NOT SUPPORT the proposal for continuation of the mains water supply to Wakeley Way road island, Duncraig;*
- 2 *AGREES that the City will undertake normal maintenance in accordance with dry grass standards within the road island, in accordance with other work programs for Duncraig road islands and roundabouts;*
- 3 *ADVISES the petitioners accordingly.”*

Any decision in relation to this matter would need to take the following items into consideration:

- Island area is 231 square metres
- Cost to install domestic bore and pump including power and cabinet connection approximately \$15,000
- From the outset, the developer connected to a private supply and an agreement was struck in 1997 between the developer and six of the original owners
- The owners previously maintained the area to a reticulated standard and paid for the water and power bills estimated at \$1,000 per annum
- Council at its meeting on 26 November 2002 (CJ286-11/02) resolved to maintain the island to a dry standard.
- Probably the most cost effective option would be for the City to brick pave the road island at an estimated cost of \$4,000.

## VOTING REQUIREMENT

Absolute Majority

### **Call for Support of one-third of members of the Council**

The Mayor called for support from one-third of the members of Council. Support for this Item was given by Crs Carlos, O'Brien, Barnett, Mackintosh and Walker.

**MOVED Cr Kenworthy, SECONDED Cr O'Brien that Council:**

- 1 **RESCINDS its decision of 26 November 2002 (CJ286-11/02), being:**

*“That Council:*

- 1 *DOES NOT SUPPORT the proposal for continuation of the mains water supply to Wakeley Way road island, Duncraig;*
- 2 *AGREES that the City will undertake normal maintenance in accordance with dry grass standards within the road island, in accordance with other work programs for Duncraig road islands and roundabouts;*
- 3 *ADVISES the petitioners accordingly.*

2 REQUESTS a report to be presented to the ordinary meeting of the Council to be held on 11 March 2003 on the following options for the Wakeley Way road reserve:

- maintain current watering regime with the aim of the road reserve being a “green” reserve with costs to be met by City of Joondalup;
- brick pave the reserve;
- maintain as a “dry” reserve;
- any other appropriate option as suggested by residents and Councillors.

**The Motion was Put. There being 7 votes in favour and 5 votes against, an Absolute Majority was not achieved, and the Motion was NOT CARRIED (7/5)**

**In favour of the Motion:** Crs Baker, Barnett, Kadak, Kenworthy, Mackintosh, O’Brien, Walker. **Against the Motion:** Mayor Bombak, Crs Carlos, Hollywood, Hurst, Kimber.

### DATE OF NEXT MEETING

The next meeting of the Council has been scheduled for **7.00 pm** on **TUESDAY, 11 MARCH 2003** to be held in the Council Chamber, Joondalup Civic Centre, Boas Avenue, Joondalup

### CLOSURE

There being no further business, the Mayor declared the Meeting closed at 0004 hrs; the following elected members being present at that time:

MAYOR J BOMBAK, JP  
CR P KADAK  
CR P KIMBER  
CR D CARLOS  
CR C BAKER  
CR J HOLLYWOOD, JP  
CR A WALKER  
Cr T BARNETT  
Cr M O’BRIEN, JP  
CR G KENWORTHY  
Cr J HURST  
CR C MACKINTOSH