



**MINUTES OF COUNCIL MEETING
HELD ON 29 APRIL 2003**

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CITY OF JOONDALUP

MINUTES OF COUNCIL MEETING HELD IN COUNCIL CHAMBER, JOONDALUP CIVIC CENTRE, BOAS AVENUE, JOONDALUP, ON TUESDAY, 29 APRIL 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	
Cr P KIMBER	Lakeside Ward	
Cr D CARLOS	Marina Ward	<i>Absent from 1913 hrs to 1922 hrs; and from 2008 hrs to 2011 hrs</i>
Cr C BAKER	Marina Ward	<i>Absent from 2012 hrs to 2013 hrs; and from 2053 hrs to 2056 hrs</i>
Cr A NIXON	North Coastal Ward	<i>Absent from 2119 hrs to 2121 hrs</i>
Cr J F HOLLYWOOD, JP	North Coastal Ward	<i>Absent from 2144 hrs to 2201 hrs</i>
Cr A WALKER	Pinnaroo Ward	
Cr P ROWLANDS	Pinnaroo Ward	<i>from 1935 hrs</i>
Cr T BARNETT	South Ward	
Cr M O'BRIEN, JP	South Ward	<i>Absent from 2009 hrs to 2010 hrs</i>
Cr A L PATTERSON	South Coastal Ward	<i>to 2206 hrs; Absent from 2120 hrs to 2122 hrs</i>
Cr G KENWORTHY	South Coastal Ward	<i>to 2205 hrs</i>
Cr J HURST	Whitfords Ward	
Cr C MACKINTOSH	Whitfords Ward	

Officers:

Chief Executive Officer:	D SMITH
Acting Director Planning & Community Development:	C TERELINCK
Director, Infrastructure & Operations:	D DJULBIC
Director, Corporate Services and Resource Management:	P SCHNEIDER
Manager, Marketing, Communications & Council Support:	M SMITH
Manager Audit and Executive Services:	K ROBINSON
Acting Manager, Library & Information Services:	R HARDY
Manager Community Services:	G HALL

Manager Assets & Commissioning:	C SMITH
Publicity Officer:	L BRENNAN
Committee Clerk:	J AUSTIN
Minute Clerk:	L TAYLOR

There were 59 members of the Public and 2 members of the Press in attendance.

In Attendance

Mr Nick Manifis - Walman Software *to 2043 hrs*

Invited Guest - Fr David Wood, Rector, Joondalup Anglican Church

The Mayor welcomed Fr David Wood, Rector, Joondalup Anglican Church as this evening's invited guest.

Fr Wood advised he moved to Perth approximately 10 years ago from Melbourne (where he had lived for 40 years) firstly holding the position as Rector of Christ Church, Claremont and secondly Canon of St George's Cathedral until 1999.

Fr Wood spent five months overseas on both long service and study leave, completing a book which was published in London last year. On his return to Perth, Cr Wood was responsible for the Joondalup parish and also became Chaplain at Edith Cowan University, Joondalup and Mt Lawley campuses.

2004 marks the 25th year of Fr Wood's ordination into the priesthood.

The Anglican Church in Joondalup plans to contribute to the flourishing of the community in ways that make it more human than it already is.

Fr Wood opened the meeting with a prayer.

Cr Carlos left the Chamber, the time being 1913 hrs.

PUBLIC QUESTION TIME

The following question, submitted by Ms M Shaw, Ocean Reef, was taken on notice at the Council meeting held on 1 April 2003:

Q1 In relation to the property next to my property. Who gave the owner permission to build an 8 ft wall on the boundary opposite my window on the south side, when there is already a 6ft lattice fence built to Council's design and requirements?

A1 A patio, including a 2.2 high wall, was approved by Council at its meeting held on 17 December 2002. The patio is currently under construction in accordance with the approved plans.

The following question, submitted by Ms D Jones, Duncraig, was taken on notice at the Council meeting held on 1 April 2003:

Q1 Re: Wakeley Way Neighbourhood square. Why as ratepayers are we not being given the opportunity to explore our options? We request the rescission motion be passed tonight to allow this to occur.

A1 Notice of Motion is yet to be considered by Council, and ratepayers concerns will be taken on board by the Councillors in their deliberations.

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

Now that it has been confirmed in Parliament, (Legislative Council 10 April 2003) ABC Radio (11 April 2003) and the Joondalup Community Newspaper (17 April 2003) that the Department of Local Government is conducting an investigation regarding the qualifications of our CEO, Mr Denis Smith, his appointment and related matters. And in the interest, spirit and true meaning of “open and accountable government”, will this Council now provide the following details to its ratepayers?

Q1 What university qualifications were listed on Mr Smith’s CV, as provided to the City, during the selection process for the appointment of our CEO?

Q2 Will Mr Denis Smith provide full copies of all his qualifications and especially his professional university qualifications to the public?

Q3 Will Mayor Bombak confirm that he has cited Mr Smith’s qualifications and that they do indeed match the qualifications listed on his CV, as provided to the City?

Q4 If the CEO’s qualifications do not match those listed on his CV and Mr Smith does not have the qualifications he claimed to have had during the selection process, what action will this Council take to resolve this very serious matter?

A1-4 No. The Minister for Housing and Works, Local Government and Regional Development has advised in writing on 29 April 2003 that in terms of the following: “I am advised by my Department of Local Government and Regional Development that it **is not** investigating the qualifications of the City of Joondalup’s CEO”.

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

Q1 At the Council meeting 09 10 2001 in response to a question (Q10) by a Mr. N Gannon of Sorrento the ratepayers were advised a complete breakdown of the CEO’s remuneration package and now a result of receiving an annual increase will you kindly advise the same level of breakdown. Namely:

- 1. The salary cash component*
- 2. The motor vehicle component*
- 3. Employer Superannuating contribution*
- 4. Fringe Benefits*

5. *Also confirm that the City continues to provide install operate and maintain at the City's expense:*

(a) a telephone/answering/fax machine at the CEO's home for business or private use

(b) a computer plus access from home to the City's network

(c) that the City shall meet the CEO's reasonable expenses necessary to maintain his professional qualifications.

A1 Mr Smith (as with all Directors and Managers) is employed under a total employment cost regime. In accordance with Council resolution of 18 February 2003, the total remuneration package applicable from 1 November is \$236,920 that comprises the superannuation levy and \$16,000 motor vehicle allowance.

There are no other changes to the CEO's contract provisions.

The following questions were submitted by Mr S Grech, Ocean Reef:

Q1 My question is addressed to the CEO: I refer to the "public question time flyer" that was distributed throughout the City of Joondalup on Thursday last week and ask: Is the CEO aware as to whether any of the mayoral candidates named in the flyer have answered the questions contained in the same and if not, when can the City's ratepayers expect to receive answers to these questions, or has an attempt been made to gag these questions being asked and therefore answered?

A1 The CEO is not aware. The second part of the question should be directed to the individual candidates.

Q2 My question is directed to the CEO. I refer to the questions asked in the "public question time" flyer. When will these important questions be answered by the persons to whom they are directed? How can the City ratepayers compel these people to answer these questions and why are ratepayers being essentially gagged?

A2 See A1 above.

Q3 My question is directed to the CEO. Are you aware as to whether the resident of 31 Drummer Way Heathridge has responded to the Heathridge Verge Enhancement Scheme survey form aimed at improving Heathridge's Verges ?

A3 A number of submissions have been received from various residents within the Heathridge locality. The nominated closing date for submissions is 30 April, 2003.

Q4 My question is directed to the CEO: Can the CEO confirm that it is a serious offence under the Local Government Act for a Councillor to fail to disclose a financial interest in a matter to be discussed at a Council meeting?

A4 Yes. Section 5.65 of the Local Government Act 1995 refers, which states:

“5.65:

(1) *A member who has an interest in any matter to be discussed at a Council or committee meeting that will be attended by the member must disclose the nature of the interest:*

(a) *in a written notice given to the CEO before the meeting; or*

(b) *at the meeting immediately before the matter is discussed.*

Penalty: \$10,000 or imprisonment for 2 years.

(2) *It is a defence to a prosecution under this section if the member proves that he or she did not know –*

(a) *that he or she had an interest in the matter; or*

(b) *that the matter in which he or she had an interest would be discussed at the meeting.*

(3) *This section does not apply to a person who is a member of a committee referred to in section 5.9(2)(f).”*

Q5 *I refer to the application to construct a 20 meter Mobile Phone Tower by Hutchinson in Kallaroo. Residents and local Ratepayers have voiced their opinion to disapprove construction of this tower.*

Will Council listen to its residents and ratepayers and refuse to approve this tower because it is so close to homes and schools?

A5 The proximity of the tower to people’s homes is a major issue and was identified both in the report and in the draft recommendation to refuse the application. The motion is currently “lying on the table”.

The following question was submitted by Mr R Phillips, Currambine:

Q1 *I refer to Department of Local Government and Regional Development publication “Information for Candidates”, in particular Section 2.4.1 “Disclosure of Interest Affecting Impartiality” which states:*

“In addition to financial interests, Councillors must declare interests which the community may perceive would affect their ability to act with impartiality. Interests which commonly fall within this definition are when a Councillors is a member of a group.”

Would candidates named in Local Government Election Campaign Material, as team members, who are elected as Councillors, be required to declare an interest of their association as a team member?

A1 The Local Government (Administration) Regulations 1996 requires the City's Code of Conduct to contain the requirement that an elected member is to disclose any interest that would give rise to a reasonable belief that the impartiality of the person having the interest would be adversely affected, but does not include a financial interest (Section 5.60).

The reference to the term 'group' is generally referred to as a community group, sporting organisation. Where an elected member is a member of that body, which has a matter to be determined by the Council, then that member should declare an interest that may affect their impartiality (assuming it is not a financial interest). Unless the 'election team' as referred to in the question has a matter before Council, then no declaration by any elected member is required. The decision to disclose any interest is that of the individual.

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

Re: CJ 086-04/03 Mullaloo Surf Club , Deed Of Variation , Alterations To Clubhouse

Q1 Please refer to Attachment 1 which refers to the lease area as you were advised in CJ045-02/02 and Attachment 2 which refers to your appendix 8 of CJ086-04.03.

I am puzzled why the lease areas vary between the two reports and the two attached drawings. The lease area according to the lease agreement is the footprint of the building. The report is asking for an increase in building footprint of 311 square metres. The new boat storage area has an area of 246.615 square metres. Other than that the building footprint has not altered excepting 4.12 square metres for the new gymnasium at the lower level.

Where has the additional 64.385 square metres come from?

Front entry 6.55 square metre.

Front staff entry 1.32 square metres.

Side staff entry .91 square metres.

Side entry ramp @ 42.91 square metres.

Rear wall recesses 12.36 square metres.

Total 64.05 square metres (Scaled).

Report CJ449-12/01 stated "any extension to the building for the purpose of the club will require a deed variation to amend the lease area when the new lease area is known". Report CJ086-04/03 states that the works were complete on 13 February 2003. The only extensions to the existing club house is the new boat storage area of 246.615 square metres and possibly 4.12 square metres at the gymnasium.

Why are these areas that have been previously included in the lease area, again being included in the new lease area? Why has the side entry ramp been included in the new lease area when previously not included in the original lease area?

Why are these areas that have not been affected by the additions and alteration works to the Surf Club (CJ045-02/02) being requested as additional lease area?

Why are Council Officers asking Councillors to approve an additional 64.385 square metres on this lease and why doesn't the report explain to Councillors what they are actually approving apart from the new boat storage area?

What is this additional lease area for in the future?

Who was the Council Officer responsible for this report and information?

Questions have previously been asked regarding Council's future plans for the surf club and the reply was that there was none at this stage. So why is there an increase in area. An area of 10 metres by 6.4 metres would possibly make a small coffee shop.

Could you please ask the above questions of the Council officers, and satisfy yourselves before approving this deed variation as failure to provide Councillors with all relevant information within reports was a major issue for the Wanneroo Royal Commission.

- A1 The 311m² encompasses the new boat storage area of 246m² as well as the area of overhang of the original building and the rubbish bin area which were not included in the original lease area of 916m² approximately. Please see attached diagonally marked areas on Attachment 2.

Re: CJ093-04/03 – Dual Use Path and Retaining Walls at Tom Simpson Park, Mullaloo:

- Q2 *The report recommends that the construction of the dual use path, retaining walls and associated works at Tom Simpson Park, Mullaloo be incorporated in the corporate project, Mullaloo Beach.*

I have previously asked at Council meeting 17 December 2002 "what is the strategy for Mullaloo?" (Strategy as per Collins English Dictionary – 'a plan'). The reply was "There is no specific strategy for Mullaloo". If there is no specific strategy for Mullaloo, what is the corporate project for Mullaloo Beach?

- A2 The corporate project for Mullaloo beach is as described in the Council agenda and minutes of the 17 December 2002 meeting.

- Q3 *Why are the public not aware of this Corporate Project, where is the public participation under Policy 2.6.3, where is the community consultation process, what other planning requirements are needed to develop a Corporate Project?*

- A3 The project has been widely advertised and has evolved with input from the community in a manner which is consistent with Council policy. The extent of awareness and response is described in the agenda mentioned above. Other evidence of public awareness is shown in reports (that are publicly available) in various Council minutes, the details of which can be provided on request.

- Q4 *I trust that all Councillors have been educated as to the planning use and importance of a corporate project. If so, why haven't the public been advised and consulted. If not, why are the Council officers asking Councillors to carry forward costs to a process they don't understand?*

A4 Labelling the project as a corporate project reflects the shared work within the Council that has been conducted and is required to progress the plan to fruition. The identification exercise was undertaken with Councillors in June 2002 to gain an appreciation of the scope and number of various significant projects that Council has identified.

Q5 Could a Councillor or all Councillors request that the corporate project and all other plans relating to Council's involvement in the Mullaloo area be unveiled before the public and ratepayers immediately.

A5 The plan for the Mullaloo beach area, including the adjoining road has been unveiled at each stage of its refinement, and has been subject of public interest and comment throughout the evolution of the design.

Appendices 30 and 30(a) refer

*To access this attachment on electronic document, click here: [Attach30min290403.pdf](#)
[Attach30amin290403.pdf](#)*

Mr S Grech, Ocean Reef:

Q1 This question is addressed to the CEO: Can the CEO confirm that it is a serious offence under the Local Government Act 1995 for a Councillor to fail to disclose a financial interest in a matter to be discussed at a Council meeting?

A1 Yes. There has been a question that has been asked of a similar nature to that within the questions that have been answered. Reference is also made in the answer to the prescribed section of the Local Government Act 1995 under section 5.65 and that section has been repeated in the answer to that question.

Q2 This question is addressed to the CEO: I refer to the application to construct a 20 metre mobile telephone tower by Hutchison in Kallaroo. Residents and local ratepayers have voiced their opinion to disapprove construction of this tower. Will Council listen to its residents and ratepayers and refuse to approve this tower as it is so close to homes and schools?

A2 There has been a question of a similar nature also submitted. There has been a formal answer prepared. The answer is to the effect that the proximity of the tower to peoples' homes is a major issue and was identified both in the report and in the draft recommendations to refuse the application and the motion is currently lying on the table.

Mrs Susan Baker, Ocean Reef:

Q1 Why does it appear that the Council acts on complaints by a few ratepayers who are quite apparent to be compulsive whingers and why is our money being spent on a small minority of people? Has there been a cost analysis done regarding such, and does the Council keep a ledger of such amounts of complaint?

A1 This question will be taken on notice.

Q2 Has the CEO had time to investigate a formal complaint which I lodged on 21 November 2002 in relation to Cr Carlos's actions with regard to a parapet wall at 12 Gloriana View, Ocean Reef? Cr Carlos in making the wall go to a full Council vote cost us money and also the ratepayers unnecessary costs without any explanation.

A2 This question will be taken on notice.

Mr M Caiacob, Mullaloo:

Q1 The existing lease area for the Mullaloo Surf Club is the footprint of the building, not the building overhang. Why has the ramp entry alcove and kiosk recesses been included in the new lease area?

A1 This question will be taken on notice.

Q2 Have the Councillors viewed the existing lease documents for the Mullaloo Surf Club?

A2 This question will be taken on notice.

Ms M Moon, Greenwood:

Q1 Why are the officers advising Councillors to use Clause 4.5 DPS No 2 discretion in Item CJ096-04/03 when Clause 4.5 is specific that it excludes development where the R Codes apply?

A1 The provisions come from the Structure Plan which forms part of the Planning Scheme, hence that recommendation.

Q2 It is specifically said in the agenda (CJ096-04/03) that these are required under the R Codes.

A2 Some of the discretions that are requested are under the R Codes and some are under the Planning Scheme, hence the breakup of the recommendation which will be noted when the Item is considered.

Mr S Magyar, Heathridge:

Q1 I refer to a media release from the Minister for Local Government and Regional Development put out today in which he states:

“Mr Stephens said he has also written to the Joondalup Mayor, Mr John Bombak, over recent complaints raised about the qualifications of the City's Chief Executive Officer.”

The Minister today advised Mr Bombak while the Department of Local Government and Regional Development was not investigating the issue of the qualifications of the CEO, the department was examining concerns about the process used by the Council for selection and appointment of the CEO. Could you inform this Chamber as to whether you have received this letter and if so, what are the concerns that the Minister has conveyed to you?

A2 The letter was received late this afternoon and has not yet been analysed.

Q2 *I refer to the minutes of the meeting of 18 February 2003, page 168 where it states:*

“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.”

Mr Mayor, I also refer to a letter published in the Wanneroo Times on the 13 March 2003, the author purported to be Cr Chris Baker, which stated “Cr Carlos was not gagged, he was censured.”

Could you inform the house as to what action this Council will take against Cr Baker for putting out what appears to be a quite misleading and probably extremely false statement?

A2 *Response by Cr Baker:* The motion that was before the Council was headed with the words “Censure Motion”. The substantive motion was in fact a censure motion.

Cr Carlos entered the Chamber, the time being 1922 hrs.

APOLOGIES AND LEAVE OF ABSENCE

C49-04/03 REQUEST FOR LEAVE OF ABSENCE - CR C MACKINTOSH **- [50521]**

Cr C Mackintosh has requested Leave of Absence from Council duties for the period 13 May 2003 to 3 June 2003 inclusive.

MOVED Cr Baker, SECONDED Cr Hurst that Council APPROVES the request from Cr C Mackintosh for Leave of Absence from Council duties for the period 13 May 2003 to 3 June 2003 inclusive.

The Motion was Put and

CARRIED

DECLARATIONS OF FINANCIAL INTEREST/INTEREST THAT MAY AFFECT IMPARTIALITY

Cr O'Brien declared a financial interest in Item CJ084-04/03 – Warrant of Payments –31 March 2003 (Voucher No 47161 – Chubb Electronic Security) – as Chubb Security has taken over an FAI Extra Watch security at his residence.

Mayor Bombak declared an interest that may affect his impartiality in Item CJ090-04/03 – Iluka Sports Complex – Grounds Maintenance Standard as he is a patron of the Joondalup Cricket Club.

Cr Baker declared an interest that may affect his impartiality in Item CJ090-04/03 – Iluka Sports Complex – Grounds Maintenance Standard as he is a member and patron of the Joondalup Brothers Rugby Union Football Club.

Cr Hollywood declared an interest that may affect his impartiality in Item CJ090-04/03 – Iluka Sports Complex – Grounds Maintenance Standard as he is a member of the bowling club at the Beaumaris Sports Club.

Cr Baker declared a financial interest in Item CJ092-04/03 – Tender 027-92/03 Grand Boulevard and Reid Promenade Traffic Redevelopment as he owns shares in a company which owns property near the subject intersection.

Director, Infrastructure and Operations declared an interest that may affect his impartiality in Item CJ101-04/03 – Proposed Cancellation of a Portion of Kingsley Reserve, Reserve 38081, Location 10361, (72) Kingsley Drive, Kingsley for the purpose of Creating a Reserve for Clubrooms as he is a member of Kingsley Junior Football Club.

Cr Baker declared a financial interest in Item C55-04/03 – Status Report on the Joondalup Regional Performing Arts Centre Project as the centre will be located in close proximity to his business premises.

Director, Infrastructure and Operations declared an interest that may affect his impartiality in Item C56-04/03 – Wanneroo Basketball Association – Proposed Write Off of Debt to Council as a relative of Mr Djulbic's is a member of the Wanneroo Basketball Association.

Chief Executive Officer, Mr D Smith, declared a financial interest in Item C64-04/03 – Legal Expenses – Blake Dawson Waldron as this item relates to costs associated in the CEO obtaining legal advice.

Cr Hollywood declared a financial interest in Item C65-04/03 – Potential Breach of Standing Orders, Code of Conduct and the Local Government Act 1995, Cr J Hollywood – Not for Publication as this was a matter concerning Cr Hollywood personally.

CONFIRMATION OF MINUTES**C50-04/03****MINUTES OF COUNCIL MEETING – 1 APRIL 2003**

MOVED Cr Baker, SECONDED Cr Kimber that the Minutes of the Council Meeting held on 1 April 2003 be confirmed as a true and correct record.

The Motion was Put and**CARRIED (14/0)**

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

ANNOUNCEMENTS BY THE MAYOR WITHOUT DISCUSSION**LEST WE FORGET**

I was honoured to speak at the commemoration of the 88th ANZAC Day at the Joondalup War Memorial Dawn Service.

Hundreds gathered to show their respects to those who sacrificed their lives for our freedom.

The Anzac legend was born as the sun came over the horizon on 25th April 1915; Anzac forces fighting a doomed campaign against the Turks, costing some 8000 Australian lives.

In defeat, these troops forged a national identity – one built on virtues and values, like courage, mateship and honour.

They make us who we are today – Australians.
Lest we Forget.

CENTENARY MEDAL

It is with a great deal of pleasure that I announce that Cr Carol Mackintosh has been awarded the WA Centenary Medal for services to the community, especially through local government.

I am sure you will all join me in congratulating Cr Mackintosh on this outstanding achievement.

APOLOGY

After discussions with the Sorrento Soccer Sports and Social Club, I would like to sincerely apologise for any concern my inadvertent comments may have caused.

Having read the Community News of 13 March 2003 and the points outlined in the Club's letter, I unreservedly apologise for any concern my comments may have caused members of the Club.

THANKS COUNCILLORS

This evening's meeting marks the final official duties of two outstanding Councillors, Deputy Mayor, Judith Hurst and Lakeside Ward Councillor, Paul Kadak.

Both Judi and Paul have contributed many hours to the efficient running of the City of Joondalup, adding a mixture of balance, creativity and youth.

I thank my Deputy Mayor for those occasions when she has stood in for me in my official capacity.

Also, I thank Councillor Kadak for his hard work and fresh ideas, particularly in the portfolios of youth and the performing arts, and both Councillors for their work on the Joondalup Festival.

Both Cr Hurst and Cr Kadak, who is furthering his television career in Sydney, have decided not to renominate for the Local Government Elections, now in full swing, and I am sure you will agree they will be sorely missed.

Once again, thank you and the best of luck to all those Councillors who have renominated for the opportunity to serve our residents and our City.

Cr Rowlands entered the Chamber, the time being 1935 hrs.

PERSONAL STATEMENT – CR HURST

In accordance with Clause 4.5 of the City's Standing Orders Local Law, Cr Hurst made the following personal statement:

“Mr Mayor, Councillors and members of the public. Tonight is my last Council meeting and like Cr Kadak I have chosen to retire from Council, at least for this election.

Life as a Councillor over the past few years has been interesting and varied. It's had its ups and downs. Times when I have gained great satisfaction from helping someone, and other times when I have been in a no-win situation and needing the wisdom of Solomon.

Being a Councillor is certainly not an easy job but I have learnt much from Council; I have met many people over the time and I have enjoyed participating in the decision making process for our community. Throughout my time on Council I have had every assistance from the dedicated and knowledgeable City of Joondalup staff and I very much appreciate their assistance in helping me perform my job. The ratepayers are very well served by our excellent CEO and his very professional staff. Thank you.

Our Mayor, as you know, is standing for re-election and I wish him well in this. John, in my opinion, has always tried to deal fairly with the many groups who have issues that come before Council since his election, and all sorts of community groups, clubs, businesses, churches and charities testify to the willingness that he attends their function and helps them in the community work in which they are engaged.

During my time on Council I have tried to serve the ratepayers of the City of Joondalup to the best of my ability. I have always voted for what I consider the best solution to any given situation and in the last two years as Deputy Mayor I have tried to bring common sense to sometimes emotive situations or volatile people. I guess I only have one thought to pass onto those Councillors continuing in Council and to all prospective Councillors – I would like to remind you of the old football saying “play the ball and not the man”. Think about the issue that is in front of you, rather than the personalities involved in the issue. I realise this isn’t always easy but most Councillors have taken on the job for the right reasons and I commend the time and effort that they have put into a very demanding job. I wish you all every success in creating the future for the ratepayers of the City of Joondalup.

Many thanks to everyone.”

PERSONAL STATEMENT – CR KADAK

In accordance with Clause 4.5 of the City’s Standing Orders Local Law, Cr Kadak made the following personal statement:

“Looking back over almost four years as a Councillor for the City of Joondalup, one thing is for sure – we have presided over some extraordinary change. We have seen our City confirmed as WA’s leading Council, begun the work on major projects like the Performing Arts Centre, Ocean Reef Boat Harbour, the Council depot, secondary waste treatment, and Craigie Leisure Centre redevelopment.

Our City Centre has literally reached for the sky with dozens of landmark buildings approved and created. We have established new systems for funding parks and sporting groups. City Watch has been made to work better. Our major festival has grown to new levels. We have reformed and restructured, selected a new CEO and challenged old ideas about how we do what we do, and remained one of the lowest taxing municipalities in the process. Following the Bali bombing, in our community’s darkest hour, it was our City to the fore, there to help with counselling, the Candlelight Vigil and now the Kingsley Memorial Clubrooms.

But there have been lighter moments – who can forget Prime Minister Howard referring to us as “Jondalooop” during his visit here and singer Debra Conway remarking at a free concert down in Hillarys “Joondalup – sounds like a kind of yoghurt”.

Those of us elected in 1999 began this City of Joondalup’s history of democracy. We are a Council elected largely on a platform of a fresh start to our new City and for my part a pledge simply of good, fair and honest representation, and I believe I have delivered. I am proud of what we have achieved and my role in it; the creation of the Youth Affairs Advisory Committee which gets our young people and Councillors around the same table. It has for example laid the groundwork for a City of Joondalup scholarship scheme that will reward not just academic excellence but the talents and skills in a wide range of endeavours. Working closely with our Youth Advisory Council, who are more focused and more involved in becoming an effective voice for the youngest citizens of our City. Working with small business and getting the Joondalup Community and Business Directory off the ground. Presenting the petition which started the real fight for the Shenton Avenue rail tunnel extension. This Council is now better focused on business in the Joondalup CBD, promoting and encouraging success for local enterprise.

As Chairman of the Joondalup Regional Performing Arts Centre Committee I look back on 3½ years fighting for a real commitment to that project, speaking out for the cultural aspirations of our community, sensible financial planning and boosting our role as a regional centre, and thanks to those majority of Councillors around this Chamber with true vision, we have a plan, we have a site and a real direction forward.

As Chairman of the Joondalup Festival, along with Cr Hurst, it has been a privilege to see that event grow in just a few short years to be one of the country's leading community festival events, attracting around 100,000 people to our City Centre; so successful we now attract more sponsorship dollars than the Council itself invests.

Woodvale has safer streets thanks to the Council work redesigning problem intersections and tackling speeding drivers. Woodvale residents will hopefully soon have a shopping centre upgrade with better parking and safer access while still having plenty of room for a new community facility, and our innovative Hype programme in Woodvale has been there for local youth at risk.

Edgewater has gone from having the smallest area of reticulated parklands in the City per capita to a much more equal standing with other suburbs. Residents there are now involved in a new kind of park design which will rejuvenate a neglected park while preserving remnant bushland. Edgewater has a new residents group, whose creation has been fostered by myself and Cr Kimber and launched with a great 25th birthday party for their whole community.

In Joondalup we have tackled the local issue of building site rubbish, including blitzes on belligerent builders as well as easing inner City parking troubles with new bays, new enforcement, and a strategy to cope with future demands. And you may have noticed Joondalup remains home to the mighty Joondalup Falcons – and now that the State Government has finally come to the party, Joondalup's own Wolves Basketball Team can again be secure in a family of sports which thrive in our City.

I am glad to have played my part in all of these things and am buoyed by a largely positive feeling in the community, reflected perhaps in its current election campaign being dominated it seems by generic issues and generic promises.

I have not enjoyed witnessing the decay in personal relations between various elected members and it is disappointing to see that for some it seems politics has overtaken purpose. This is a time when people need to believe in their government and their leaders like never before and trust in their good intentions and professionalism.

I retire now by my own choice as my career takes me to Sydney but this will always be my home town and I will continue to be a Joondalup ratepayer and no matter where I go I will be an ambassador, advocate and enthusiast for our City.

To all at the City of Joondalup, CEO, Directors and staff, thank you for the chance to work with a group of talented and dedicated professionals. Our achievements reflect your efforts.

To the electors of Lakeside Ward, thank you for the humbling opportunity to represent the community I have lived in almost all my life, and to those in the community I have been directly associated with, thank you for sharing your passion as we work together to make a difference. And thank you to all of my colleagues around this Chamber.

We may not have agreed on all things, but when I have argued against you it has been with respect and when we have all stood united it has been testament to the positive power of local government. To all of those who after Saturday have the privilege of serving in this place, take good care of the City and its community – they deserve your very best. Thank you.”

PETITIONS

C51-04/03 PETITIONS SUBMITTED TO THE COUNCIL MEETING – 29 APRIL 2003

1 PETITION IN RELATION TO SWIMMING POOL, CRAIGIE LEISURE CENTRE – [09050]

A 33-signature petition has been received in relation to the Craigie Leisure Centre requesting Council give consideration to the installation of an 8 lane, 50m heated swimming pool which meets competition standards at Craigie Leisure Centre.

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

2 PETITION IN RELATION TO DRAFT WOODLAKE RETREAT STRUCTURE PLAN – [76534] [11513]

Cr Barnett submitted a 51-signature petition from electors in Woodlake Retreat requesting Council to:

- 1 reject the Draft Woodlake Retreat Structure Plan for an aged care facility;
- 2 reject any application for a commercial enterprise on Lot 550 which is situated within the residential area of Water View Estate, encompassing Woodlake Retreat, Grasslands Loop and Prime Lifestyle Retirement Village;
- 3 reject any application for a commercial enterprise on Lot 550 which uses the residential streets of Woodlake Retreat and Grasslands Loop as a thoroughfare for Commercial Traffic.

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

3 PETITION SEEKING SUPPORT TO UPGRADE AND RESTORE GENEFF PARK, SORRENTO – [28200]

Cr Patterson submitted a 99-signature petition from residents of Sorrento seeking Council’s support and earliest action in upgrading and restoring Geneff Park, Sorrento.

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

4 PETITION IN RELATION TO COMPLAINTS LODGED BY MR SAM GRECH – [41636] [38535]

Cr Kimber submitted a 6-signature petition from electors and Councillors of the City of Joondalup requesting that Council:

- 1 complains to the Minister for Local Government, the Honourable Tom Stephens MLC and the Director General of the Department of Local Government, Ms Cheryl Gwilliam regarding the untenable delays in investigating the complaint of Mr Sam Grech, Ocean Reef resident and local Justice of the Peace in respect of his complaint dated 1 December 2002 in which he formally complained about the alleged non-disclosure by Councillors Carlos, Walker and Hollywood in respect to their financial interests in Motions before Council;
- 2 notes the contents of the said complaint from the Justice of the Peace;
- 3 Notes the response from the Minister for Local Government dated 2 December 2002 (file reference 1-7884) in which the Minister's office advised that the complaint had been referred to the Department of Local Government for an investigation;
- 4 also notes the further letter in response from the Department of Local Government dated 17 December 2003 signed by the Senior Investigations Officer of that Department (their reference investigation number 356/02) that the matter is still being assessed due to the Departments being allocated to higher priorities;
- 5 notes that under the Local Government Act 1995 (as amended) a Councillor who has wrongly failed to disclose a financial interest in a matter to be discussed before Council or who having disclosed that interest remains in the Council chambers and participates in the debate is liable to be convicted and fined the sum of \$10,000 or imprisoned for 2 years.

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

MOVED Cr Baker, SECONDED Cr Rowlands that the petition:

- 1 **requesting Council give consideration to the installation of an 8 lane, 50m heated swimming pool which meets competition standards at Craigie Leisure Centre;**
- 2 **in relation to draft Woodlake Retreat Structure Plan;**
- 3 **in relation to upgrading and restoring of Geneff Park, Sorrento;**
- 4 **in relation to complaints lodged by Mr Sam Grech;**

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

The Motion was Put and

CARRIED (10/5)

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

C52-04/03 COUNCIL DECISION – EN BLOC RESOLUTION NO 1

MOVED Cr Rowlands, SECONDED Cr Kimber 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

**CJ077 - 04/03 REVIEW OF CORPORATE POLICY MANUAL -
[07032, 26176, 13399]**

WARD - All

PURPOSE

To review and make the necessary changes to the City's Policy Manual.

EXECUTIVE SUMMARY

In accordance with past practice, a review has been undertaken of the Policy Manual, the last review being approved by Council on 11 June 2002.

This report details suggested changes to the Policy Manual which requires consideration by the Council.

BACKGROUND

There is no requirement under the Local Government Act 1995 for a Local Government to review its policies, however it is good practice that the policies of the Council are reviewed regularly to ensure they reflect the current focus and strategic direction of the Council.

The last review of the Policy Manual was submitted to Council for adoption on 11 June 2002 (Item CJ121-06/02 refers).

DETAILS

A review has been undertaken of the City's Policy Manual and the following amendments are submitted for approval. The amended policy documents, showing the proposed revisions, form Attachment 1 hereto.

Policy	Nature of Change Required
2.1.5 - Selective Voluntary Severance	Change to calculations within Statement.
2.2.5 - Council Chamber - Use of	Policy to include reference to Special Electors' meetings.
2.2.6 - Recording of Proceedings	Change to policy title from "Council and Electors' Meetings – Electronic Sound Recording". Policy to include clause relating to various recording devices.
2.2.7 - Acknowledgement of Service - Elected Members	Increase to amount of gift.
2.2.13 - Payment of Fees, Allowances and Expenses and the provision of facilities to the Mayor, Deputy Mayor and Councillors	Various changes to Sections: <ul style="list-style-type: none"> • 3.2 • 3.4 • 3.7 • 4.2 • 4.3 • 4.4 • 4.5 • 5.6(6) • 5.8 • 6 • 7 • 8
2.3.2 - Communications	Change to include reference to Director
2.3.3 – Use of Common Seal and the Signatories for Contract Execution	Policy Statement to include reference to Section 9.49 of the Local Government Act 1995.
2.3.5 - Online Services	Various modifications required throughout policy.
2.4.1 - Accounting Policy	Various modifications required throughout policy. Director Planning and Community Development to be included as signatory to accounts.
2.4.2 - Investment Policy	Various amendments required throughout policy.

2.5.1 – Commercial Usage of Beachfront and Beach Reserves	Amendment of rename Section 2.5 to “Assets and Commissioning”.
2.5.2 – Procurement of Council Buildings	Amendment of rename Section 2.5 to “Assets and Commissioning”.
2.5.3 – Council Vehicles – Mayor and Council Officers	Amendment of rename Section 2.5 to “Assets and Commissioning”.
2.5.4 – Official Vehicles – Use of	Amendment of rename Section 2.5 to “Assets and Commissioning”.
2.5.5 - Consent to Alter Council Leased Premises	Amendment of rename Section 2.5 to “Assets and Commissioning”. Change to Statement.
2.5.6 – Disposal of Surplus Personal Computers	Amendment of rename Section 2.5 to “Assets and Commissioning”.
2.5.7 - Purchasing Goods and Services	Amendment to renumber policy to fall within Section 2.5 “Assets and Commissioning”.
2.6.3 – Community Consultation	<p>The City has a commitment to actively involve the community in Council’s planning, development and service delivery activities.</p> <p>Accordingly, Policy 2.6.3 – Public Participation, which was issued in July 1999 (CJ213-06/99 refers), has been reviewed and requires to be placed by Policy 2.6.3 – Community Consultation.</p> <p>“Consulting Our Community – A handbook to guide staff” supports this new policy. Through the guidelines, the City aims to:</p> <ul style="list-style-type: none"> ▪ Enhance planning, provision, management and evaluation of services; and ▪ Increase accountability and openness to our community. <p>The guidelines are to become an internal working operational document. The guidelines will be available for Council perusal, with a copy to be located in the reading room.</p> <p>It is recommended that Council deletes Policy 2.6.3 - Public Participation and adopts the replacement Policy 2.6.3 – Community Consultation.</p>

3.1.1 - Child Care Centres	Deletion of advertising sign requirements as this is governed by Signs Local Law.
3.1.5 - Nomenclature - Public Facilities	Various amendments required.
3.2.5 - Design Guidelines for Waterview Estate, Kingsley	Various amendments required.
3.2.7 - Pedestrian Accessways	Various amendments required.
4.2.2 - Public Online Service Provisions	Change to policy title from “Online Service Provision”.
5.1.1 - Waste Management	Deletion of part of Section 2 – Recycling.
5.5.1 - Burning of Garden Refuse and Cleared Vegetation	Amendment to renumber policy to fall within Section 5.5 – Ranger Services. Change to dates for burning garden refuse.

COMMENT

The suggested changes that are detailed within this report require adoption by the Council. This review will ensure that the Council has a Policy Manual that reflects the focus of the elected Council. This manual will continue to be reviewed, with items submitted to the Council where necessary. An annual review will continue to occur.

VOTING REQUIREMENTS

Simple Majority

OFFICER’S RECOMMENDATION: That Council:

- 1 DELETES Policy 2.6.3 Public Participation and ADOPTS replacement Policy 2.6.3 – Community Consultation as detailed in Attachment 1 to Report CJ077-04/03;
- 2 AMENDS the following Policies as detailed in Attachment 1 to Report CJ077-04/03:
 - 2.1.5 - Selective Voluntary Severance
 - 2.2.5 - Council Chamber - Use of
 - 2.2.6 - Recording of Proceedings
 - 2.2.7 - Acknowledgement of Service - Elected Members
 - 2.2.13 - Payment of Fees, Allowances and Expenses and the provision of facilities to the Mayor, Deputy Mayor and Councillors
 - 2.3.2 - Communications

- 2.3.3 – Use of Common Seal and the Signatories for Contract Execution
- 2.3.5 - Online Services
- 2.4.1 - Accounting Policy
- 2.4.2 - Investment Policy
- 2.5.1 – Commercial Usage of Beachfront and Beach Reserves
- 2.5.2 – Procurement of Council Buildings
- 2.5.3 – Council Vehicles – Mayor and Council Officers
- 2.5.4 – Official Vehicles – Use of
- 2.5.5 - Consent to Alter Council Leased Premises
- 2.5.6 – Disposal of Surplus Personal Computers
- 2.5.7 - Purchasing Goods and Services
- 3.1.1 - Child Care Centres
- 3.1.5 - Nomenclature - Public Facilities
- 3.2.5 - Design Guidelines for Waterview Estate, Kingsley
- 3.2.7 - Pedestrian Accessways
- 4.2.2 - Public Online Service Provisions
- 5.1.1 - Waste Management
- 5.5.1 - Burning of Garden Refuse and Cleared Vegetation

MOVED Cr Hollywood, SECONDED Cr Carlos that Council DEFERS consideration of the review of the Corporate Policy Manual until after the May 2003 elections.

Discussion ensued, in respect to both replacement of vehicles and mileage rates payable.

Following a request from Mayor Bombak, Cr Hollywood withdrew inappropriate remarks he had made.

The Motion was Put and

CARRIED (8/7)

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

Appendix 1 refers

To access this attachment on electronic document, click here: [Attach1brf150403.pdf](#)
[Attach1brf150403.pdf](#)

CJ078 - 04/03 REVIEW OF THE CORPORATE DELEGATED AUTHORITY MANUAL - [07032]

WARD - All

PURPOSE

To review and make the necessary changes to the City's Delegated Authority Manual.

EXECUTIVE SUMMARY

The Local Government Act 1995 requires that, at least once each financial year the delegator reviews its delegations. The Council last reviewed its delegations in June 2002 to meet the legislative requirements.

This report details the suggested changes to the Delegated Authority Manual, which require consideration by Council.

BACKGROUND

The Local Government Act 1995 requires the delegator (in most cases either the Local Government or the Chief Executive Officer) to review each of its delegations at least once each financial year. The review of the Delegated Authority Manual for the last financial year was submitted to the Council meeting held on 11 June 2002 (Item CJ122-06/02 refers).

DETAILS

A review has been undertaken of the City's Delegated Authority Manual. An explanation of the proposed changes is provided on Attachment 1 hereto. Attachment 2 to this Report hereto gives the relevant pages of the Delegated Authority Manual, with revisions marked.

COMMENT

As previously stated, the Local Government Act 1995 requires each delegator to review its delegations at least once every financial year. As required by the Act, the Chief Executive Officer has also reviewed his delegations and made the necessary amendments.

The suggested changes that are detailed within this report require adoption by the Council. This review will ensure that the Council has a Delegated Authority Manual that reflects the focus of the elected Council. This manual will continue to be reviewed, with items submitted to the Council where necessary. An annual review will continue to occur.

VOTING REQUIREMENTS

Absolute Majority

MOVED Cr Kadak, SECONDED Cr Kimber that Council:

- 1 REVIEWS its delegations in accordance with the Local Government Act 1995;**
- 2 AMENDS the Delegated Authority Manual as outlined on Attachment 2 to Report CJ078-04/03.**

The Motion was Put and

**CARRIED BY AN
ABSOLUTE MAJORITY (14/1)**

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

Appendix 2 refers

To access this attachment on electronic document, click here: [Attach2brf150403.pdf](#)

Cr Carlos left the Chamber, the time being 2008 hrs.

CJ079 - 04/03 REIMBURSEMENT OF COUNCILLORS' ALLOWANCES AND EXPENSES - [27122]

WARD All

PURPOSE

To provide an account of allowances and expenses incurred by and paid to each Councillor for the period between May 2002 and March 2003.

EXECUTIVE SUMMARY

The reimbursement of elected members expenses is subject to Council's policy and a signed claim form declaring that the information provided in support of the claim is true and correct.

The underlying principle that applies to payment of various allowances and reimbursement of expenses incurred whilst performing duties as an elected member is:

“to enable any eligible member of the community to be elected and carry out the duties and responsibilities of their elected office, without being financially disadvantaged for doing so.”

BACKGROUND

Following an extensive review of what allowances and reimbursement of expenses are permissible under the Local Government Act 1995 (the Act) and Regulations under the Act, Council at its meeting held on 18 December 2001, adopted a comprehensive policy known as “Policy for Payment of Fees, Allowances and Expenses and Provision of Facilities to the Mayor, Deputy Mayor and Councillors”.

This policy has applied from the first Saturday in May 2002 to coincide with elections and future new Councils. The policy sets out the amount of allowances that can be paid and reimbursement of expenses that can be claimed. It should be noted that the Act and Regulations under the Act do not limit the amount that can be reimbursed for travelling and child minding expenses.

DETAILS

At the ordinary Council meeting held on 11 March 2003, the following resolution was passed:

- “1 The Chief Executive Officer cause to be published in all future Agendas of Ordinary Council meetings, a detailed report concerning expenses and allowances incurred by/paid to each Councillor and paid for/reimbursed by the City of Joondalup including, but not limited to, the following expenses and allowances:
- 1.1 Expenses incurred by each Councillor on Conference and Training
 - 1.2 Expenses ostensibly incurred by each Councillor on Travel and Childcare
 - 1.3 Allowances paid to each Councillor by way of the communication allowance and the “sitting” or “meeting” attendance fee; and
 - 1.4 Other expenses incurred by each Councillor
- 2 The first such report also include a summary of all such expenses and allowances incurred by/paid to each Councillor since the date of their election to Council; and
- 3 At the foot of each report there be a recommendation to note each such report there be a recommendation to note each such report”.

The first report was presented to Council on 1 April 2003. This report covers the period since the Policy for Payment of Fees, Allowances and Expenses and Provision of Facilities to the Mayor, Deputy Mayor and Councillors commenced. Attachment 1 shows all allowances and expenses reimbursed to the Councillors May 2002 to March 2003.

VOTING REQUIREMENTS

Simple Majority

MOVED Cr Kimber, SECONDED Cr Baker that Council NOTES the reimbursement of Councillors’ allowances and expenses forming Attachment 1 to Report CJ079-04/03.

Discussion ensued.

The Motion was Put and

CARRIED (12/2)

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

Appendix 3 refers

To access this attachment on electronic document, click here: [Attach3brf150403.pdf](#)

Cr O'Brien declared a financial interest in Item CJ084-04/03 – Warrant of Payments –31 March 2003 (Voucher No 47161 – 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 2009 hrs.

CJ084 - 04/03 WARRANT OF PAYMENTS – 31 MARCH 2003 - [09882]

WARD - All

PURPOSE

The Warrant of Payments as at 31 March 2003 is submitted to Council for approval.

EXECUTIVE SUMMARY

This report details the cheques drawn on the funds during the month of March 2003. It seeks Council's approval for the payment of the March 2003 accounts.

DETAILS

FUNDS	VOUCHERS	AMOUNT
		\$ c
Municipal	000385A-000395	6,039036.78
Director Corporate Services & Resource Management Advance Account	046661-047430	5,329729.14
Trust Account	-	-
	TOTAL \$	11,368,765.92

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

It is a requirement pursuant to the provisions of Regulation 13(4) of the Local Government (Financial Management) Regulations 1996 that the total of all other outstanding accounts received but not paid, be presented to Council. At the close of March 2003, the amount was \$497,782.54.

The cheque register is appended as Attachment A.

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 \$11,368,765.92 which is to be submitted to each Elected Member on 29 April 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 \$11,368,765.92 was submitted to Council on 1 April 2003

.....
Mayor John Bombak

VOTING REQUIREMENTS

Simple Majority

MOVED Cr Kimber, SECONDED Cr Baker that Council APPROVES for payment the following vouchers, as presented in the Warrant of Payments to 31 March 2003, certified by the Mayor and Director Corporate Services & Resource Management and totalling \$11,368,765.92.

FUNDS	VOUCHERS	AMOUNT
		\$ c
Municipal	000385A-000395	6,039,036.78
Director Corporate Services & Resource Management Advance Account	046661-047430	5,329,729.14
Trust Account		
	TOTAL \$	11,368,765.92

The Motion was Put and

CARRIED (13/0)

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

Appendices 6 and 6(a) refer

To access this attachment on electronic document, click here: [Attach6brf150403.pdf](#)

Cr O'Brien entered the Chamber, the time being 2010 hrs.

**CJ086 - 04/03 MULLALOO SURF CLUB - DEED OF VARIATION -
ALTERATIONS TO CLUBHOUSE - [02364]****WARD - All**

PURPOSE

The purpose of this report is to provide Council with further information regarding the Deed of Variation (Attachment 2 refers) to the lease for the Mullaloo Surf Club which formed part of the Original Motion put and carried at its meeting of 18-19 December 2001.

EXECUTIVE SUMMARY

Alterations to the Mullaloo Surf Club as previously approved were completed on 13 February 2003 and as such a Deed of Variation to the lease, details of which were requested in the Council Meeting of 18-19 December 2001, has been prepared by Watts & Woodhouse on behalf of the City of Joondalup and is ready for execution by the City of Joondalup and the Mullaloo Surf Club.

The Deed of Variation encompasses the additional area of 311 square meters (Attachment 1 refers) and brings this area within the terms and conditions of the existing lease which did not previously provide for the additional area.

BACKGROUND

Suburb/Location: Tom Simpson Reserve, Mullaloo
Applicant: Mullaloo Surf Club
Owner: Crown, with management order to the City of Joondalup
Zoning: DPS: Parks and Recreation Reserve
MRS: Parks and Recreation Reserve

During 2001/02 approved Building Capital Works, of \$390,000 were listed for construction of alterations and extensions to the Mullaloo Surf Life Saving Club building on Foreshore Reserve 20561, Mullaloo. The funds were made up of \$120,000 from the City of Joondalup and contributions of \$150,000 from the Lotteries Commission, and \$120,000 made up of capital and in-kind sponsorship from the Mullaloo Surf Life Saving Club.

The proposal for alterations to the Mullaloo Surf Life Saving Club has been the subject of previous reports to Council (FJ449-12/01 and CJ045-02/02 refers).

The proposal was to expand the existing building in a southerly direction, to extend the lower floor undercroft area, and the Deed of Variation relates to this area. The additional building footprint was required as a boat store (at beach level). The concrete roof of the boat store was to be used for trailer storage (accessible from the existing car parking area). Internal alterations were also proposed to improve the wet areas and range of facilities that are on offer.

All previously approved works were completed during February 2003.

Council at its meeting of 18-19 December 2001 resolved:

“That Council:

1. CONSIDERS the Development Application for the Mullaloo Surf Club, Oceanside Promenade, Mullaloo in the following terms:
 - (a) ENDORSES the Development Application (in its capacity as custodian of the site) to proceed for the purpose of evaluation and to gauge public comment;
 - (b) ALLOWS a period of 21 days to provide an opportunity for public comment on the Development Application;
 - (c) COMMITS to reconsidering the matter at its meeting on 12 February 2002;
2. ENDORSES the expenditure of \$390,000 comprising of \$150,000 from the Lotteries Commission, \$120,000 from the City of Joondalup and \$120,000 in the form of capital and in-kind sponsorship by the club in its capacity as lessee;
3. NOTES that (due to town planning status) the Development Application is subject to planning determination by the Western Australian Planning Commission;
4. REQUIRES a further report outlining the details of the Deed of Variation to the current lease.”

DETAILS

The existing lease commenced in 1987 and includes the following terms and conditions:

Lease Area:	Portion of Reserve 20561 (building footprint only)
Term:	21 years from 1 January 1987 to 31 December 2007
Annual Rent:	One Dollar (\$1.00)
Outgoings:	Lessee responsible for all outgoings
Insurance:	Lessee responsible for building insurance, public risk insurance and workers compensation
Maintenance:	Lessee responsible for internal building maintenance only.

The Deed of Variation encompasses an additional area of 311 square meters, and brings this area within the terms and conditions of the existing lease. The existing lease covers an area of 916 square meters and the Deed of Variation adds 311 square meters to this, bringing the total lease area to 1227 square meters (rounded) as set out in Attachment 1.

COMMENT

The approved additions to the Mullaloo Surf Club were completed on 13 February 2003 and the area is being utilised. The Deed of Variation is required to legally formalise this situation.

VOTING REQUIREMENTS

Simple Majority

MOVED Cr Baker, SECONDED Cr Rowlands that Council NOTES the Deed of Variation between the City of Joondalup and Mullaloo Surf Lifesaving Club in relation to alterations to the clubhouse.

The Motion was Put and

CARRIED (14/0)

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

Appendices 8 and 8(a) refer

*To access this attachment on electronic document, click here: [Attach8brf150403.pdf](#)
[Attach8abrf150403.pdf](#)*

Cr Carlos entered the Chamber, the time being 2011 hrs.

Mayor Bombak declared an interest that may affect his impartiality in Item CJ090-04/03 – Iluka Sports Complex – Grounds Maintenance Standard as he is a patron of the Joondalup Cricket Club.

Cr Baker declared an interest that may affect his impartiality in Item CJ090-04/03 – Iluka Sports Complex – Grounds Maintenance Standard as he is a member and patron of the Joondalup Brothers Rugby Union Football Club.

Cr Hollywood declared an interest that may affect his impartiality in Item CJ090-04/03 – Iluka Sports Complex – Grounds Maintenance Standard as he is a member of the bowling club at the Beaumaris Sports Club.

**CJ090 - 04/03 ILUKA SPORTS COMPLEX - GROUNDS
 MAINTENANCE STANDARD - [28189]**

WARD - All

PURPOSE

This report identifies for Council the fundamental issues of maintenance standards and funding for consideration regards Iluka District Open Space and the user group expectations.

EXECUTIVE SUMMARY

Currently Council has budgeted \$46,971 for the 2002/2003 maintenance budget for grounds maintenance for the Iluka District Open Space. The existing turf cricket wickets and bowling greens are maintained by the clubs at no cost to Council.

Council at its ordinary meeting of 3 September 2002 resolved to establish a working party involving two Councillors, members of the Beaumaris Sports Association, representatives of affiliated clubs and Council officers. This group has met on two occasions and this report provides summary of options discussed.

It is recommended that Council:

- 1 ACKNOWLEDGES the concerns expressed by the Beaumaris Sports Association and lists for consideration as part of the 2003/2004 Draft Budget deliberations an increase in budget allocation for maintenance of the Iluka District Open Space to \$80,000, utilising the scope of work and specification document as outlined at Attachment 2 as the target service levels to achieve, subject to a ground management strategy which recognises the venue as a premier facility ensuring that the level of sporting use is commensurate with the capacity of the playing surface to sustain the proposed level of usage, and recognises the status of the ground as public open space for the recreation needs of the community;**
- 2 Subject to Council adopting the increased levels of funding for maintenance purposes as part of the 2003/2004 Budget deliberations, LIAISES with representatives of the Beaumaris Sports Association on a bi monthly basis to monitor the progress during 2003/2004 year and to submit a recommendation to Council following the twelve month trial regarding the ongoing maintenance standards and responsibilities.**

BACKGROUND

The sporting groups that utilise the Iluka District Open Space have recently voiced concerns regarding the condition of the playing grounds and the standards that are required of a regional sporting facility. The Beaumaris Sports Association and the affiliated clubs have expressed interest in taking over responsibility for the maintenance of the grounds by way of an annual contract and wish to make arrangements for the development of an agreement for their future management.

At its meeting on Tuesday 3 September 2002, Council considered a request for funding from the Joondalup Districts Cricket Club (CJ222 – 09/02 refers) to help offset the maintenance costs of the turf wicket facilities at the Iluka District Open Space. The officer's recommendation to Council indicated the City's preference to negotiate with the Beaumaris Sports Association as opposed to a single club and that any management and maintenance agreement be for an ongoing period, as opposed to a six-month term. (See attached Minutes of Meetings).

Council resolved to establish a working party involving all interested member groups from the Beaumaris Sports Association, to consider the needs of the Iluka District Open Space. The working party comprised two nominated Councillors, members of the Beaumaris Sport Association, representatives of affiliated clubs and Council officers:

Cr Chris Baker	Councillor Marina Ward
Cr John Hollywood	Councillor North Coastal Ward
Mr Tony Wight	Joondalup Lakers Hockey Club
Mr Max Goldenburg	Joondalup Districts Cricket Club
Mr Bob Eagles	Beaumaris Bowling Club
Mr Kevin Russell	Joondalup Brothers Rugby Union Football Club
Mr John Higgins	Heathridge Soccer Club
Mr Graeme Hall	Manager Community Development Services (City of Joondalup)
Mr Craig Johnson	Recreation Officer (City of Joondalup)

The opinion of the Beaumaris Sports Association is that the current standard of the playing fields at the Iluka District Open Space does not meet the requirements of a regional sporting facility. The grounds are heavily utilised throughout both summer and winter seasons, and a sound ground management strategy is necessary to maintain and improve the turf conditions.

DETAILS

Iluka District Open Space accommodate the following mix of sports.

Joondalup District Cricket Club

Two turf and associated practice facilities (summer sport).

Joondalup Lakers Hockey Club

Four hockey fields (winter sports).

Joondalup Brothers Rugby Union Football Club

One rugby oval (winter sports).

Heathridge Soccer Club

One oval (shared with rugby) - (winter sports).

Beaumaris Bowling Club

Three greens constructed (all year).

One green unconstructed.

This represents a high level of year round usage and it is therefore essential for a comprehensive grounds maintenance program to sustain these utilisation levels. The mixture of small ball sports e.g. hockey cricket with large ball sports e.g. rugby and soccer creates difficulty for grounds maintenance.

Ground Maintenance Options

The various ground maintenance options are listed below for Council's consideration:

1 **Total contract via annual or specified period tender.**

This is the Beaumaris Sports Association preferred option and the scope of works was prepared by officers (Refer Attachment 2), reviewed by the Beaumaris Sports Association and club representatives in preparation, for Council's consideration. (See Attachment 1 for costings).

2 **Part Council – Part tender. Council to undertake designated functions e.g. reticulation as identified in Draft Scope of Works.**

This option was discussed during preparation of the scope of works document as various functions would be retained by Council e.g. reticulation, waste removal, power expenditure and lighting. (See attachment 2).

Items to be contracted out involved mowing, weed control, fertilising and turf maintenance, (aeration and verti mowing). Of these items Council currently has annual tenders for weed control and fertilising. Co ordination of maintenance programs to meet the Beaumaris Sports Association expectations due to the mix of work processes involved.

3 **Council enhanced standard via additional budget allocation.**

This option would involve Council employees undertaking the normal work processes and utilise additional annual contract process to achieve the standards requested by Beaumaris Sports Association. The additional funding required has been estimated and the total expenditure is linked to the Beaumaris Sports Association standards expectations.

The actual annual cost will increase from approximately \$50,000 to \$80,000 as depicted at Attachment 1 under Officers Recommendation. This option requires a joint approach by Beaumaris Sports Association and Council to achieve an agreed oval standard. A 12-month trial would enable the parties to initiate enhancement and evaluate results.

4 **Council normal standard, current budget allocation.**

Current maintenance standards be retained. Council may incur additional maintenance costs due to heavy utilisation as occurred in 2000/2001 financial year.

COMMENT

The major factor common to all options is the mix of sports type. The requirements and impacts of large ball winter sport will remain an issue of concern at the District Open Space. The sports transition period summer to winter, winter to summer will result in conflicting requirements that must be resolved within the Beaumaris Sports Association. It is anticipated that the Beaumaris Sports Association will have responsibility for grounds allocation and its support will be essential in achieving the desired results.

At this early stage and due to the complexities of maintaining sports fields that have a major mix in sporting activities, it is considered that Option 3 is the most appropriate whereby for a twelve month trial period, Council can maintain the ovals and work closely with the Beaumaris Sports Association to achieve a better understanding of what is involved in achieving the enhanced standard from a management and cost perspective. At the end of the twelve month trial, the City in partnership with the Beaumaris Sports Association, can review the arrangements to determine the overall effectiveness of the program.

FUNDING

Additional funding can be listed in the City's annual maintenance 2003/2004 draft budget submissions for Council's deliberations.

VOTING REQUIREMENTS

Simple Majority

MOVED Cr Hollywood, SECONDED Cr Rowlands that Council:

- 1 ACKNOWLEDGES the concerns expressed by the Beaumaris Sports Association and lists for consideration as part of the 2003/2004 Draft Budget deliberations an increase in budget allocation for maintenance of the Iluka District Open Space to \$80,000, utilising the scope of work and specification document as outlined at Attachment 2 to Report CJ090-04/03 as the target service levels to achieve, subject to a ground management strategy which recognises the venue as a premier facility ensuring that the level of sporting use is commensurate with the capacity of the playing surface to sustain the proposed level of usage, and recognises the status of the ground as public open space for the recreation needs of the community ;**
- 2 subject to Council adopting the increased levels of funding for maintenance purposes as part of the 2003/2004 budget deliberations, liaises with representatives of the Beaumaris Sports Association on a bi-monthly basis to monitor the progress during 2003/2004 year and to submit a recommendation to Council following the twelve month trial regarding the ongoing maintenance standards and responsibilities.**

The Motion was Put and

CARRIED (15/0)

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

Appendices 12 and 29 refer

To access this attachment on electronic document, click here: [Attach12brf150403.pdf](#)
[Attach29agn290403.pdf](#)

Cr Baker declared a financial interest in Item CJ092-04/03 – Tender 027-92/03 Grand Boulevard and Reid Promenade Traffic Redevelopment as he own shares in a company which owns property near the subject intersection.

Cr Baker left the Chamber, the time being 2012 hrs.

**CJ092 - 04/03 TENDER 027-02/03 GRAND BOULEVARD AND REID
PROMENADE TRAFFIC REDEVELOPMENT -
[59498]**

WARD - Lakeside

PURPOSE

To seek approval for the City to carry out the construction of the Grand Boulevard and Reid Promenade Traffic Redevelopment Project as a Carry Forward Project into the 2003/04 Financial Year.

EXECUTIVE SUMMARY

Council, at its meeting on 12 February 2002 (CJ021 – 02/02 refers), endorsed the concept designs for parking and traffic circulation for the Central Business Districts, including Grand Boulevard (Boas Avenue to Shenton Avenue) and Reid Promenade.

Tenders were invited through a statewide public advertisement for the Grand Boulevard and Reid Promenade Redevelopment on Saturday 22 February 2003. Tenders closed on Wednesday 12 March 2003. One submission was received from Mako Civil Pty Ltd. Subsequently Mako Civil Pty Ltd formally withdrew its tender.

The result of this and other recent tendered projects has highlighted the fact that the market place is extremely busy and the costs received also reflect this environment. To re-tender this project would not be considered beneficial with this current market. The City's Operations Unit has agreed to carry out construction of this project between June 2003 – August 2003, following completion of their current Capital Works commitments. This would entail that the project is carried forward into 2003/04 financial year. It has been estimated that the total cost for this project can be carried out within the allocated budget of \$302,500.

This report recommends that Council rejects all tenders received for Tender No. 027-02/03, Grand Boulevard and Reid Promenade Traffic Redevelopment and endorses the City's Operations Services Unit to carry out the construction of these works as a carry forward project into the 2003/04 financial year.

BACKGROUND

The Joondalup City Centre Parking Strategy including concept designs, was approved by Council at its meeting on 12 February, 2002 (Report CJ021-02/02 refers). The approved concept for Grand Boulevard (Boas Avenue to Shenton Avenue) is to narrow the dual carriageway to single lanes in each direction, utilising the kerbside traffic lanes as car parking bays.

The provision of 45-degree angle parking bays on Reid Promenade was also approved, which would provide additional parking in this area.

DETAILS

Tenders were invited through a state wide public advertisement for the Grand Boulevard and Reid Promenade Redevelopment on Saturday 22 February, 2003. Tenders closed on Wednesday 12 March, 2003. One submission was received from Mako Civil Pty Ltd. Subsequently Mako Civil Pty Ltd formally withdrew its tender, due to pending and current work commitments.

The Tender submitted by Mako Civil Pty Ltd was \$365,705. Budget allocation for the Construction component of this project is \$280,000.

Financial Implications:

Account Number	Project No 6455	Project No 6456	Total Project Funds Available
Budget Amount			\$302,500
Estimated Construction Cost			\$280,000
Design Costs			<u>\$ 22,500</u>
Estimated Total Cost of the project			\$302,500

COMMENT

The City has invited tenders for the Grand Boulevard and Reid Promenade Traffic Redevelopment. A tender was submitted by Mako Civil Projects for \$365,705 and this was then subsequently withdrawn.

The result of this and other recent tendered projects have highlighted the fact that the market place is extremely busy and the costs received also reflect this environment. To re-tender this project would not be considered beneficial with this current market.

The City's Operations unit can carry out the construction of this project for the budget allocation of \$280,000, however this can only be carried out in June 2003-August 2003 following completion of their current Capital Works commitments.

VOTING REQUIREMENTS

Simple Majority

MOVED Cr Kadak, SECONDED Cr Kimber that Council REJECTS all tenders received for Tender No 027-02/03 - Grand Boulevard and Reid Promenade Traffic Redevelopment and ENDORSES the City's Operations Services Unit to carry out the construction of these works as a carry forward project into the 2003/04 financial year.

The Motion was Put and

CARRIED (14/0)

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

Appendix 14 refers

To access this attachment on electronic document, click here: [Attach14brf150403.pdf](#)

Cr Baker entered the Chamber, the time being 2013 hrs.

CJ096 - 04/03 JOONDALUP CITY CENTRE (GROUPED DWELLINGS – THIRTEEN SINGLE BEDROOM DWELLINGS) LOTS 32, 33 AND 34 (47) LAKESIDE DRIVE, JOONDALUP - [83534]

WARD - Lakeside

PURPOSE

The purpose of this report is to request Council's determination of a development application for thirteen 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 split level residential development consisting of thirteen single bedroom dwellings. The proposed development is a grouped dwelling arrangement resulting from the amalgamation of three existing lots along Lakeside Drive.

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 grouped dwelling arrangement, Council is requested to determine the application.

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:	Lakeside Drive, Joondalup
Applicant:	Metamorphica Design
Owner:	Ritzking Pty Ltd
Zoning: DPS:	Centre R60
MRS:	Central City Area

The site is currently composed of three lots of 514m², 501m² and 503m² respectively which would be amalgamated to form a single site of 1518m². The site fronts Lakeside Drive, and backs onto Cornell Parade (Attachment 1 refers).

The development proposal includes:

- 13 single bedroom apartments, ranging in area from 71m² to 89m²;
- Two storey development fronting onto Lakeside Drive and single storey development onto Cornell Parade, due to the topography of the sites;
- Undercroft parking area accessed off Cornell Parade with a single ramp entry/exit;
- Fourteen residents' car bays and four visitor car bays;
- Courtyards for the single storey apartments and courtyards and balconies for the two storey apartments; and
- Pedestrian access to each ground floor apartment from either Lakeside Drive or Cornell Parade

The development plans are shown at Attachment 2.

The portion of the building that addresses Lakeside Drive is two storey, while the portion of building that fronts Cornell Parade is single storey. This is due to the slope of the lot as the natural level adjacent to Lakeside Drive is approximately one storey lower than the rear street level at Cornell Parade. Therefore the floor level of the single storey structures facing Cornell Parade intercept the first floor level of the buildings addressing Lakeside Drive, with the undercroft car park below. This undercroft car parking area is accessed off a single ramp from Cornell Parade. The applicant has provided a photograph of similar developments in the eastern states to illustrate this concept (Attachment 3).

Existing subdivision retaining walls fronting onto Lakeside Drive would serve as pedestrian entries to all two storey units fronting onto that street. From Cornell Parade each of the single storey units has its own entrance porch, together with a vehicular ramp to the centre of the development that would serve the undercroft car parking area. In the location of this access ramp is drainage SEP junction pit. This structure could be relocated and a condition may be imposed to reflect this. It is further noted that other easements exist on the site along Cornell Parade.

In support of the application, the applicant has submitted a generalised written justification. This outlines that the proposed development would be in keeping with the standard of housing for the locality. Both the single and two storey buildings would address the streets and the entrance foyers would further increase the interaction with the street interface. All units have been designed with drying facility shelves within each laundry. Landscaping would add to the visual appeal of the development.

Discretion is required from Council for 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 60m².
- Side setback variations (1.2 metres and 1.166 metres in lieu of 1.5 metres)
- Size of courtyards (some have dimensions less than 4 metres)

University Village Structure Plan (under DPS2)

- Setbacks variations along Cornell Parade (minimum setbacks of nil proposed in lieu of the required 1.5m)

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 (Clauses 4.5 and 6.8) enable Council to consider variations to the Scheme’s standards. These Clauses are outlined in Attachment 4.

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 grouped dwelling arrangement, parts of the structure plan provisions are used where relevant (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, 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 other parts of the University Village comprise a precinct for larger mixed use/residential size lots. 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 eight (8) grouped or multiple dwellings on the three separate lots. The proposed thirteen (13) single dwellings therefore represent an increase in density of 5 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 south of the site, at the corner of Lakeside Drive, Cornell Parade and Deakin Gate. This site was the subject of a similar development proposal (for 12 single bedroom dwellings), which Council approved in February 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 166m² by one-third. This creates a development potential of thirteen 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 60m². As units vary in size from 71m² to 89m², 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 the north and south (side boundaries) pursuant to the R-Codes. A rear setback variation is also proposed which results in a variation to the UVSP.

The north and south side setbacks pursuant to the R-Codes are prescribed to be 1.5 metres. The proposal results in setbacks, which range from 1.166 metres to 1.22 metres. The applicant has outlined that the variations are minor and are essential, given the design of each of the thirteen single bedroom units. 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 is minor and is thus considered appropriate in this instance. It is also noted that these setbacks have been assessed not to affect the amenity of adjoining properties.

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 is proposed to be the pedestrian entry point to the rear dwellings facing Cornell Parade. It is noted that a vehicular access ramp is proposed to the centre of the site leading to the undercroft parking area below the internal courtyard spaces. The pedestrian access points (porches) would be adjacent to rear garages/carports of the adjoining properties. It is considered that the setback variations are appropriate as the setbacks were aimed to provide sight lines for reversing vehicles and that these would not affect the amenity of the adjoining properties. Sight truncations may be conditioned to allow a continuity of the general streetscape.

Parking

The provision of car bays is in accordance with the R-Codes.

The parking area is proposed to be located in an undercroft area accessed from Cornell Parade, by a single entry/exit ramp. Currently a Council drainage pit is located in this area. A condition on any development approval would require that the pit be modified/relocated at the applicant's expense to the satisfaction of the City.

It is considered that a single access ramp/crossover point serving the 13 units is more appropriate in managing traffic and improving the visual appeal of the development from Cornell Parade, as interactive residential frontages would dominate this elevation, rather than garages/carport as is likely for adjacent lots.

Courtyards

The R-Codes require a minimum dimension of a courtyard to be 4 metres. Two of the dwellings do not achieve this dimension, however, the overall area of the courtyard exceeds the minimum area required of 16 sqm, with the proposed courtyards being at least 21 sqm in area.

The Performance Criteria of the R-Codes requires:

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

In this instance, the courtyards provide a useable, regular shaped area of private space, and the minor variation is supported.

Entrance statements and easements

The Structure Plan requires a rear entrance statement for lots abutting Lakeside Drive. Given that the proposal has dwellings that address Cornell Parade, the need for an entry statement to provide visual relief to the streetscape is unnecessary in this instance. Notwithstanding, an entry statement over the access ramp is proposed.

It is noted that two Western Power easements exist 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.

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 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;
- Amalgamation of the 3 lots prior to the issuance of a building licence;
- 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
- Appropriate stormwater management.

CONCLUSION

It is considered that the proposed thirteen 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 Kimber, SECONDED Cr Kadak 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 provision of courtyards meets the performance criteria of Clause 3.4.2****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 are appropriate in this instance;**
- 3 APPROVES the application dated 6 December 2002 and amended plans received 7 March 2003, submitted by Metamorphica Designs, on behalf of the owner(s), Ritzking Pty Ltd, for 13 grouped dwelling single bedroom special purpose dwellings at Lots 32, 33 and 34 (47) Lakeside Drive, Joondalup, subject to the following conditions:**
 - (a) the amalgamation of lots 32, 33 and 34 prior to the issue of a building licence;**
 - (b) a minimum of four visitor bays 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) car parking bays are to be 5.4 metres long and a minimum of 2.5 metres wide. End bays are to be 2.8 metres wide and end bays in a blind aisle are to be 3.5 metres wide;**
 - (f) car bay grades are generally not to exceed 6% and disabled car bay/s are to have a maximum grade of 2.5%;**
 - (g) 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;**
 - (h) 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 to the satisfaction of the City prior to the occupation of the Dwellings;**

- (i) any structures covering easements on the subject lots shall be deleted from this approval. The structures may only be installed if the affected service authority responsible for the easement provides a 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;
- (j) the lodging of detailed landscape plans satisfying matters addressed in clause 3.4.5 (A5) of the Residential Design Codes 2002, 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 car park 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. The drainage SEP junction pit will be required to be modified an/or relocated at the applicants expense to the satisfaction of the City;
- (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;
- (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;

- (s) 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;
- (t) 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;

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 and crossovers on the opposite side of the road.
- 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 shall consist of a concrete floor grading to an industrial waste connected to sewer and shall include the provision of a hose cock for washing.
- 4 The bin store is to have a pathway to enable access for residents and refuse collection. The applicant is advised that residents will be responsible for placing their bins on the Cornell Parade verge on collection days.
- 5 The proposal is to comply with the Building Code of Australia 1996 (as amended).
- 6 The undercroft car park shall be provided with ventilation in accordance with AS1668.2. The development shall comply with the natural light and ventilation requirements of the Building Code of Australia 1996.
- 7 The development shall comply with the Sewerage (Light, Ventilation and Construction) Regulations 1971.
- 8 Floors to wet areas shall be suitably surfaced and shall grade evenly to a floor waste.
- 9 Applicant will be required to submit an acoustic consultants report for the development demonstrating compliance with the Environmental Protection (Noise Regulations) 1997. To this regard your attention is drawn to the car park mechanical exhaust system other plant or equipment.
- 10 The applicant is advised that at the strata titling stage of the development, that common property shall include the front walkways adjacent to Lakeside Drive.

- 11 In relation to Condition l), the applicant is advised that the stormwater disposal system should cater for a 20 year short duration storm as a minimum. It should be noted that if the soakwells are to be located within the undercroft car park, additional measures should be considered to prevent potential flooding of the residential units. It is recommended the services of a Hydraulic Consultant be sought. Full details are to be submitted to the satisfaction of the City with the Building Application.**
- 12 In relation to Condition m) the applicant is advised that a new crossover may not be required as the verge is currently trafficable.**

The Motion was Put and

CARRIED (13/2)

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

Appendix 17 refers

To access this attachment on electronic document, click here: [Attach17brf150403.pdf](#)

**CJ100 - 04/03 REQUEST TO CLOSE PORTION OF A SECTION OF
0.1 METRE WIDE PEDESTRIAN ACCESSWAY ON
LOT 19 (22) HALLIDAY GROVE, HILLARYS -
[35796] [32779]**

WARD - Whitfords

PURPOSE

The purpose of this report is for Council to rescind a previous decision and consider the closure of a portion of 0.1 metre wide pedestrian accessway (PAW) on Lot 19 (22) Halliday Grove, Hillarys. (Attachments 1 and 2 refer).

EXECUTIVE SUMMARY

At their meeting of 23 November 1999, the then Joint Commissioners considered an application submitted by Koltasz Smith and Partners on behalf of the owners of Lot 18 (45), Lot 19 (22) and Lot 25 (2) Halliday Grove, Hillarys (Item No CJ417-11/99 refers). The application was for closure of sections of 0.1 metre wide PAWs at various locations on the above lots. A 0.1 metre wide PAW is placed on property boundaries in certain locations in order to prevent vehicle access at that point for traffic safety reasons. The reason for closure was to facilitate dwelling design and to provide some of the proposed new lots with legal street frontage.

Since the Joint Commissioners resolution of 23 November 1999, development of Lot 19 has been redesigned and the owner has advised the City that due to this, only one section of the 0.1 metre wide PAW is now required to be closed. For good order's sake and to provide DOLA with a Council resolution that correctly reflects the portion of PAW to be closed, Council is requested to rescind point two of the Joint Commissioner's resolution of 23 November 2003 and support closure of only one 9.5 metre section of 0.1 metre wide PAW as shown on Attachment 2.

BACKGROUND

Suburb/Location:	Hillarys
Applicant:	Frank LeFaucher
Owner:	Delkara Pty Ltd
Zoning:	DPS: Residential
	MRS: Urban
Strategic Plan:	Lifestyle – Strategy 2.6 Promote and enjoy lifestyles that engender environmental, social and economic balance

The Western Australian Planning Commission (WAPC) granted approval for the subdivision of Pt Lot M1362 Flinders Avenue, Hillarys on 13 July 1997 incorporating the 0.1 metre wide PAWs to prohibit vehicular access to Flinders Avenue. Four grouped dwelling sites were approved as part of the subdivision, namely Lots 7, 18, 19 and 25. It was proposed that Lot 19 be further subdivided into eight single residential lots.

The Joint Commissioners considered the application to close sections of 0.1 metre wide PAWs on Lots 18, 19 and 25 at its meeting of 23 November 1999. Based on the intent at that time to further subdivide Lot 19, the request was for closure of a 5.5 metre length of the 0.1 wide PAW on proposed Lot 1 and closure of a 4 metre length of 0.1 wide PAW on proposed Lot 2. Proposed Lots 5, 6 and 7 would only have had vehicular access from a right of carriageway within the proposed development and therefore for these proposed lots, a legal frontage to a dedicated road was necessary. The applicants therefore requested that one-metre lengths of the 0.1 metre wide PAWs be closed on proposed Lots 5, 6 and 7 abutting Flinders Avenue to facilitate a legal frontage to a dedicated road. (See Attachment 3 to this report).

Therefore the Joint Commissioners resolution was:

- 1 *DO NOT SUPPORT* the application by Koltasz Smith and Partners on behalf of the owners of Lot 18 Halliday Grove, Hillarys to close a one-metre strip on proposed new Lot 1 and a one-metre strip on proposed new Lot 2 due to these proposed lots already having legal access to a dedicated road;
- 2 *SUPPORT* the application submitted by Koltasz Smith and Partners on behalf of the owners of Lots 19 and 25 Halliday Grove, Hillarys to close six sections of the 0.1 metre wide pedestrian accessway at the locations as indicated on Attachments 2 and 3 to Report CJ417-11/99;
- 3 *REQUEST* the Department of Land Administration to formally close the sections of 0.1 pedestrian accessway as indicated on Attachments 2 and 3 to Report CJ417-11/99 and amalgamate them into the road reserve.

DETAILS

The Joint Commissioners considered the application to close five portions of 0.1 metre wide PAW on Lot 19 Halliday Grove, Hillarys on 23 November 1999. The request was for closure of a 5.5 metre length of 0.1 metre wide PAW on proposed Lot 1, closure of a 4 metre length of 0.1 PAW on proposed Lot 2 and closure of three one metre lengths of 0.1 metre wide PAW on proposed Lots 5, 6 and 7, at the locations as indicated on Attachment 3.

The original intention to further subdivide lot 19 into eight freehold lots no longer applies and the site is currently being developed as a grouped dwelling which means that Lot 19 overall will have a legal frontage to Halliday Grove, Hillarys. This makes it unnecessary to close the three one metre sections of 0.1 metre wide PAW as previously requested on proposed lots 5, 6 and 7. The design of the development on Lot 19 now only requires closure of one 9.5 metre length of 0.1 wide PAW shown on Attachment 2, as the developer still requires vehicular access at this location.

Statutory Provision:

The Department of Land Administration (DOLA) requires Local Governments to follow standard PAW closure procedures in respect of 0.1 metre wide PAWs and these actions were taken prior to the Joint Commissioners considering the application on 23 November 1999.

COMMENT

Point 2 of the Joint Commissioner's previous resolution stated:

- 2 SUPPORT the application submitted by Koltasz Smith and Partners on behalf of the owners of Lots 19 and 25 Halliday Grove, Hillarys to close six sections of the 0.1 metre wide pedestrian accessway at the locations as indicated on Attachments 2 and 3 to Report CJ417-11/99;

The six sections referred to in point 2 above are the five indicated on Lot 19 as shown on Attachment 3 and the one section on Lot 25 as shown on Attachment 4. In respect of Lot 25, this land has since been developed and the one metre long portion of the 0.1 metre wide PAW has been closed in the position requested as shown on Attachment 4 to this report, thus providing the lot with the necessary legal street frontage to a dedicated road (Flinders Avenue).

The current request concerns Lot 19 only and has been brought about by the fact that part of the Joint Commissioners resolution in respect of Report CJ417-11/99 no longer applies. Lot 19 (22) Halliday Grove will remain as one property and will not be subdivided into eight separate lots. A built strata is being considered for the site and therefore Halliday Grove is considered the legal frontage to the overall development. Closure of the 9.5 metre length of 0.1 wide PAW as shown on Attachment 2 is requested to allow the creation of driveways at that location.

The City's request to DOLA in respect to supporting closure of sections of 0.1 metre wide PAWs on Lot 19 should reflect what is correct and there is no longer a need for closure of the three one-metre lengths of 0.1 wide PAW on the Flinders Avenue boundary.

It is therefore recommended that Council rescinds as below point two of its resolution of 23 November 1999 to Report CJ417-11/99 and supports closure of only one 9.5 metre length of the 0.1 metre wide PAW on Lot 19 (22) Halliday Grove, Hillarys at the location as shown on Attachment 2.

VOTING REQUIREMENTS

Absolute Majority

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

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

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

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

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

MOVED Cr Hurst, SECONDED Cr Mackintosh that Council:

- 1 RESCINDS that part of Point two of its resolution of 23 November 1999 to Report CJ417-11/99, as it pertains to Lot 19 Halliday Grove, Hillarys viz:**

“SUPPORT the application submitted by Koltasz Smith and Partners on behalf of the owners of Lots 19 and 25 Halliday Grove, Hillarys to close six sections of the 0.1 metre wide pedestrian accessway at the locations as indicated on Attachments 2 and 3 to Report CJ417-11/99;”

- 2 SUPPORTS closure of one 9.5 metre length of the 0.1 metre wide PAW on Lot 19 (22) Halliday Grove, Hillarys at the location as shown on Attachment 1 to Report CJ100-04/03;**
- 3 ACKNOWLEDGES that closure of the one-metre length of 0.1 wide PAW on Lot 25 has been actioned as per the Joint Commissioner's resolution of 23 November 1999.**

The Motion was Put and

**CARRIED BY AN
ABSOLUTE MAJORITY (14/1)**

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

Appendix 20 refers

To access this attachment on electronic document, click here: [Attach20brf150403.pdf](#)

CJ105 - 04/03 SPORT DEVELOPMENT PROGRAM - 2003 FUNDING ROUND - [58536]

WARD - All

PURPOSE

The purpose of this report is to provide information and make recommendations on the provision of Sport Development Program funding for the 2002/03, financial year in accordance with the Sport Development Program's policy and guidelines.

EXECUTIVE SUMMARY

This is the City of Joondalup's inaugural funding round for its Sport Development Program, after Council endorsed the City's Sport Development Program policy on 24 September 2002 (Item CJ240-09/02 refers). The program aims to financially assist not for profit and incorporated, local district sporting clubs with programs, projects and events that facilitate the development of sport and enhance its delivery to City of Joondalup residents. These types of sporting clubs are likely to offer participants a direct sporting pathway to elite or representative participation in any chosen sport.

The Sports Development Program will make short term cash injections into sporting clubs to ensure that they are able to commence or maintain sporting or club development initiatives. This funding program may be seen as a supplement to sponsorship funds, which are often hard to source for clubs at this district level. The program also aims to clearly ensure that the City receives appropriate recognition of its investment in a particular sporting entity.

The following is a summary of the four applicant's requested funding, all subject to the completion of a formal "Funding and Sponsorship Agreement", at Attachment 1, between the respective clubs and the City of Joondalup:

Organisation	Project	Total Cost \$	Club Funding \$	Requested CoJ Funding \$	Recommended CoJ Funding \$
Sorrento Surf Life Saving Club	Club Development Camp	10,000	5,000	5,000	5,000
West Perth Football Club	Facility Rent Relief	20,000	N/A	20,000	20,000
ECU Joondalup Hockey Club	Coaching & Development Program	31,694	12,796	18,898	18,000
Joondalup Districts Cricket Club	Purchase of New Cricket Roller	22,654.50	5,000	17,654.50	17,000
TOTALS		\$84,348.50	\$22,796	\$61,552.50	\$60,000

BACKGROUND

At its meeting of 11 June 2002, Council considered a request for sponsorship from the West Perth Football Club (Item CJ136-06/06 refers). Council resolved instead to establish a sporting club support scheme whereby assistance can, upon application, be made available to clubs located within the City of Joondalup in lieu of individual sponsorship support. As a result, \$60,000 has been allocated within the 2002/2003 budget for the initiation of the Sport's Development Program.

At its meeting of 24 September 2002, Council endorsed the City of Joondalup's Sport Development Program policy aimed at financially assisting local district sporting clubs with programs, projects and events that facilitate the development of sport and enhance its delivery to City of Joondalup residents (Report CJ240-09/02 refers).

This policy encompasses the following priorities:

- 1 To support local district sporting clubs in the creation and implementation of Sports Development Planning.
- 2 To assist local district sporting clubs to enhance the delivery of sport within the City of Joondalup to all local residents.
- 3 To promote community based sport, through the growth of developmental programs initiated and conducted by local district sporting clubs.
- 4 To ensure the success of local district sporting clubs through the establishment of identified pathways for local junior talent development.

Definitions

District Sporting Clubs – are clubs that play at or are aspiring towards the highest level of competition in their chosen sport. The club must provide a pathway leading to elite level participation.

Junior Participants – 18 years and under.

Senior Participants – 19 Years And Over.

Who Is Eligible?

Sporting clubs that have a regional representation and who compete in district league competitions are eligible to apply to the Sports Development Program. Sporting clubs must be:

- Not-for-profit.
- Incorporated (under the provisions of the Association's Incorporation's Act 1987).
- Located within the City of Joondalup.
- Representative at both Junior and Senior level.

What projects are available for funding?

Consideration will be given to the following;

- Projects/programs and events that are considered new initiatives and that can be seen to enhance the sports community profile.

- Projects/programs and events that include or aim to develop partnerships within the community.
- Projects/programs and events that directly increase the participation levels in the sport.
- Projects/programs and events that are supported by and clearly fit within the Sport Development Plans of the State Sporting Association.
- Projects/programs and events that develop pathways for local sports people to achieve the highest possible level of competition.
- Projects where alternative sources of State Government Funding are not available.
- Projects that assist clubs, on a short term basis, to meet potentially restrictive recurrent funding costs.
- New short term coaching appointments (1 year) where evidence of the club's continued commitment to coaching development is provided.
- Projects that provide replacement sponsorship income for a one year period.

Council will not fund the following:

- Projects covered under the Community Sport & Recreation Facilities Fund (CSRFF). Such projects include the construction and extension of sporting facilities.
- Retrospective deficit funding (to repay cash shortfalls)
- For profit organisations
- Individuals
- Tours or travel costs resulting from overseas or interstate competitions.
- Payments for contracted players.
- Clubs that have received funding through the City of Joondalup's Community Funding Program.

What are the conditions of Funding?

- All applications must include a full financial history and future budget projections for the next 2 years to highlight how the funds will contribute to the self-sufficiency of the club.
- Clubs are not eligible to apply to the Sports Development Program the following year after a successful application.
- The maximum funding available to an individual club is \$20,000 in any one year.
- For funds received, clubs are required to recognise the support provided by the City of Joondalup, as specified in the Council report and according to the level of funding offered.
- The club is to supply a full report and acquittal of the funds received by the time stipulated in the funding agreement.

DETAILS

The Sports Development Program was advertised, via Expressions of Interests (EOI), in the local newspaper on the 5th and 12th of December 2002. An information package, which contained the Sports Development Program guidelines and EOI forms, was also available electronically via the City's website. Additionally, sixteen potential applicants (listed below) were sent the EOI information package for their consideration.

Sorrento Soccer Club
 ECU Joondalup Soccer Club
 West Perth Football Club
 Joondalup Giants Rugby League Club
 Joondalup Brothers Rugby Union Football Club
 ECU Joondalup Hockey Club
 Wanneroo Lacrosse Club
 Wanneroo Basketball Association
 Joondalup Districts Cricket Club
 Whitford and Districts Cricket Club
 Ocean Ridge Cricket Club
 Perth Outlaws Softball Club
 Sorrento Surf Life Saving Club
 Mullaloo Surf Life Saving Club
 Sorrento Tennis Club
 Greenwood Tennis Club

The City of Joondalup received five EOI's by the closing date of 16 January 2003, which were assessed (internally by City of Joondalup officers) and invited to apply for financial assistance through the Sports Development Program. EOI's are designed for the City to monitor and provide feedback as to what proposed club projects are likely to be developed with the use of financial assistance. In doing so this will save valuable resources, such as time and energy, from the potential applicants perspective regarding the continuance of their project. From the five EOI's, four full applications then were received by the closing date of 5 March 2003 (Whitford and District Cricket Club opting not to proceed with an application) and assessed by an assessment panel consisting of the following:

Graeme Hall, Manager Community Development Services (Chairperson)
 Jo Davies, Department of Sport and Recreation
 Samantha Noall, WA Sports Federation

Wayne Grimes, Recreation Development Officer (Facilitator). As facilitator, Wayne played no part in the decision making process. He also declared an interest, as he is a member of ECU Joondalup Hockey Club.

Financial Implications:

The following is a summary of the four applicant's projects as well as the current 2002/03 financial year budget allocation status:

Organisation	Project	Total Cost \$	Club Funding \$	Requested CoJ Funding \$	Recommended CoJ Funding \$
Sorrento Surf Life Saving Club	Club Development Camp	10,000	5,000	5,000	5,000
West Perth Football Club	Facility Rent Relief	20,000	N/A	20,000	20,000
ECU Joondalup Hockey Club	Coaching & Development Program	31,694	12,796	18,898	18,000
Joondalup Districts Cricket Club	Purchase of New Cricket Roller	22,654.50	5,000	17,654.50	17,000
TOTALS		\$84,348.50	\$22,796	\$61,552.50	\$60,000

Account No:	11.40.44.453.4403.0001
Budget Amount:	\$60,000
YTD Amount:	\$ NIL
Actual Cost:	\$60,000

Details of the four applications for assessment are:

Project 1

Sorrento Surf Life Saving Club – Club Development Camp

The Development Camp is directed at the cadet members of the club (under 14 to under 21), with the aim of creating a team environment within these age groups, focusing on developing lifesaving and leadership skills. It is believed this will assist in greater membership retention, as members move from the junior to senior ranks of surf lifesaving. This will make a larger and stronger senior competitive base, enabling increased patrolling membership and lifesaving skills to provide a more comprehensive lifesaving service to the users of Sorrento Beach.

This application meets all the eligibility criteria of the Sport Development Program including:

- Regional representation;
- Not-for-profit;
- Incorporated (under the provisions of the Association's Incorporation's Act 1987);
- Located within the City of Joondalup; and
- Representative at both Junior and Senior level.

Additionally, the project was considered:

- a new initiative and was seen to enhance the sports community profile;
- to directly increase the participation levels in the sport; and
- to develop pathways for local sports people to achieve the highest possible level of competition.

The total cost of this project is \$10,000, with the club contributing \$5,000 and requesting a \$5,000 financial contribution from the City. The assessment panel fully supported this project and recommend full funding subject to the signing of a funding and sponsorship agreement between the Sorrento Surf Life Saving Club and the City of Joondalup (CoJ). The sponsorship agreement to include, but not limited to, the Club providing the City:

- Media release and photo with the Mayor or Elected Member;
- CoJ logo on a competition Surf Boat;
- Website acknowledgement as sponsor with link;
- Acknowledgement in Club's Annual Report;
- CoJ logo on all club publications (i.e. newsletters @ 850 members x 4 editions per season);
- CoJ included in title of Development Camp;
- CoJ logo on all Development Camp clothing e.g. shirts and hats;
- Acknowledgement in Development Camp written material provided to participants (approx 130) and parents.

Project 2

West Perth Football Club – Facility Rent Relief

The requested financial contribution will assist the West Perth Football Club (WPFC) with their proposed rental agreement restructure with the Western Australian Sports Centre Trust (WASCT), located at Arena Joondalup. This will enable the Club to be domiciled in a first class facility within the heart of the Joondalup community, which will be considered a centre for football excellence. It will allow the Club to maintain and strengthen its existing relationship with WASCT, local schools (both senior and primary), community based junior football clubs and the City of Joondalup. The Club believes that by remaining at the Arena, it will be able to continue to maintain its high profile and encourage participation in the sport of Australian Rules Football by providing clear, structured talent and participation pathways for children. This would be achieved with the provision of school football programs and holiday clinics.

This application meets all the eligibility criteria of the Sport Development Program including:

- Regional representation and competes in at least a district league competition;
- Not-for-profit;
- Incorporated (under the provisions of the Association's Incorporation's Act 1987);
- Located within the City of Joondalup; and
- Representative at both Junior and Senior level.

Additionally, the project was considered:

- to directly increase the participation levels in the sport;
- to develop pathways for local sports people to achieve the highest possible level of competition; and
- to assist the club, on a short term basis, to meet potentially restrictive recurrent funding costs.

The total cost of this project is \$20,000, with the club requesting a \$20,000 financial contribution from the City. The assessment panel supported this project and recommend full funding, divided however into \$15,000 for rent relief and \$5,000 for holiday and school programs. Funding is subject to the signing of a funding and sponsorship agreement between the West Perth Football Club and the City of Joondalup (CoJ). The sponsorship agreement to include, but not limited to, the Club providing the City:

- Club name change to "Joondalup Falcons";
- Media release and photo with the Mayor or Elected Member;
- CoJ logo on playing shorts of all WPFC players (Seniors, Reserves & Colts) for 2004 and 2005 season;
- 2 x perimeter fence signage (6m x 1m panel) at Arena oval (on boundary, behind goals - location in view of TV) for 2004 & 2005 season;
- Website acknowledgement as sponsor with link;
- CoJ logo in WPFC's 2003 and 2004 Annual report & Falcons Flyer newsletter;
- Sponsorship acknowledgment for all 2003 and 2004 holiday clinics & school programs;
- CoJ logo on all promotional material for the above holiday clinics & school programs.

Project 3

ECU Joondalup Hockey Club – Coaching and Development Program

The Coaching and Development Program aims to develop hockey pathways to achieve the highest possible level of competition, for both the men's and women's divisions, through remunerating specialist coaches, training on synthetic turf facilities and by ensuring sufficient training aids / equipment is available for practice drills. The program also aims to maintain a safe and hazard free hockey environment by updating goalie equipment and rejuvenating club-owned hockey goals located at the Iluka Sports Complex.

This application meets all the eligibility criteria of the Sport Development Program including:

- Regional representation and competes in at least a district league competition;
- Not-for-profit;
- Incorporated (under the provisions of the Association's Incorporation's Act 1987);
- Located within the City of Joondalup; and
- Representative at both Junior and Senior level.

Additionally, the project was considered:

- to directly increase the participation levels in the sport;
- to develop pathways for local sports people to achieve the highest possible level of competition; and
- to assist with new short term coaching appointments (1 year) where evidence of the club's continued commitment to coaching development is provided.

The total cost of this project is \$31,694, with the club contributing \$12,796 and requesting an \$18,898 financial contribution from the City. The assessment panel fully supported this project and recommend funding of \$18,000 subject to the signing of a funding and sponsorship agreement between the ECU Joondalup Hockey Club and the City of Joondalup (CoJ). The sponsorship agreement to include, but not limited to, the Club providing the City:

- Media release and photo with the Mayor or Elected Member;
- CoJ logo on all existing and new playing shorts / skirts for whole club (approx 260 players);
- Club Bulletin acknowledgements for 2003 and 2004 season (produced weekly during season – 20 editions);
- Website acknowledgement as sponsor with link;
- Ground signage (2m x 1m) at Iluka hockey field;
- Complimentary entry for the 2003 and 2004 season, for 2 people, to all the 1B men's team home games at the Arena;
- Invitation to Annual Award Dinner for 2 guests;
- Invitation to Sponsor Recognition Function for 2 guests.

Project 4

Joondalup Districts Cricket Club – Purchase of New Cricket Roller

The purchase of a new cricket roller will replace the Club's existing second hand roller that is at the end of its working life. The provision and maintenance of quality turf pitches for training and matches is fundamental for the development of cricketers in the district and to encourage their elevation to higher achievements in the sport. As the Joondalup Districts

Cricket Club is the only Western Australian Cricket Association (WACA) based club located within the City of Joondalup, it acts as the vehicle for the youth to aspire to play cricket at a state and international level.

This application meets all the eligibility criteria of the Sport Development Program including:

- Regional representation and competes in at least a district league competition;
- Not-for-profit;
- Incorporated (under the provisions of the Association's Incorporation's Act 1987);
- Located within the City of Joondalup; and
- Representative at both Junior and Senior level.

Additionally, the project was considered:

- to be supported by and clearly fit within the Sport Development Plans of the State Sporting Association;
- to develop pathways for local sports people to achieve the highest possible level of competition; and
- to assist the club, on a short term basis, to meet potentially restrictive recurrent funding costs.

The total cost of this project is \$22,654.50, with the club contributing \$5,000 and requesting a \$17,654.50 financial contribution from the City. The assessment panel fully supported this project and recommend funding of \$17,000 subject to the signing of a funding and sponsorship agreement between the Joondalup Districts Cricket Club and the City of Joondalup (CoJ). The sponsorship agreement to include, but not limited to, the Club providing the City:

- Media release and photo with the Mayor or Elected Member;
- CoJ logo on new roller;
- CoJ logo on all existing and new playing shirts (approx 130) and new club casual shirts;
- Ground signage – CoJ logo on back of sightscreens x 2;
- CoJ logo on footer of all club stationary;
- CoJ logo to be on the stumps used at all home games;
- Acknowledgement on Club's notice board at Beaumaris Sports Association clubroom.

COMMENT

The Sports Development Program offers support to clubs in areas that are operational and often prohibitive to club development under normal circumstances. To this end, the City would be looking at providing vital financial support to local sporting clubs to ensure that they are able to continue their development. This funding program may be seen as a supplement to sponsorship funds, which are often hard for clubs to source. The program aims to clearly ensure that the City receives appropriate recognition of their contribution to a particular sporting entity. The extent of the support is up to \$20,000 in any one year and the level of recognition to the City may vary accordingly.

In accordance with the provisions of the Sports Development Program policy and guidelines, all applicants will be advised as to the outcomes of their applications. Successful applicants are required to suitably acknowledge the financial support provided by the City. The nature of such acknowledgement will be negotiated with each successful applicant as part of the process of drafting the required funding agreements. Successful applicants will also be

required to enter into sponsorship agreements with the City (refer Attachment 1) for funds allocated under the Sports Development Program and the City will register the grants allocated.

The Sports Development Program policy provides that decisions regarding funding applications are final and will not be reconsidered during the financial year in which the applications is made. Arrangements will be made for the Mayor or his delegate to personally present local district sporting clubs with their cheques.

VOTING REQUIREMENTS

Simple Majority

MOVED Cr Kadak, SECONDED Cr Kimber that Council:

- 1 APPROVES a \$5,000 financial contribution for a club development camp for the Sorrento Surf Life Saving Club, subject to the signing of a Funding and Sponsorship Agreement between the Sorrento Surf Life Saving Club and the City of Joondalup;**
- 2 APPROVES a \$20,000 financial contribution, divided into \$15,000 for facility rent relief and \$5,000 for holiday and school programs, for the West Perth Football Club, subject to the signing of a Funding and Sponsorship Agreement between the West Perth Football Club and the City of Joondalup;**
- 3 APPROVES an \$18,000 financial contribution for a coaching and development program for the ECU Joondalup Hockey Club, subject to the signing of a Funding and Sponsorship Agreement between the ECU Joondalup Hockey Club and the City of Joondalup;**
- 4 APPROVES a \$17,000 financial contribution for the purchase of a new cricket roller for the Joondalup Districts Cricket Club, subject to the signing of a Funding and Sponsorship Agreement between the Joondalup Districts Cricket Club and the City of Joondalup.**

Discussion ensued, with a question being raised in relation to funding and a possible change of name for the West Perth Football Club.

Following a request from Mayor Bombak, Cr Hollywood withdrew inappropriate remarks he had made.

The Motion was Put and

CARRIED (15/0)

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

Appendix 25 refers

To access this attachment on electronic document, click here: [Attach25brf150403.pdf](#)

**CJ106 - 04/03 BOND FOR HIRE OF COMMUNITY FACILITIES -
[29110]****WARD - All**

PURPOSE

To adopt, on an on-going basis, an increased bond of \$500 for all functions at all community facilities in order to address public concern with the use of these facilities.

EXECUTIVE SUMMARY

This report aims to retain on an on-going basis, the Council's resolution from its meeting of 3 September 2002, (Item CJ219-09/02 refers), to increase the bond from \$300 to \$500 for all functions at all community facilities for a six-month trial period.

This report recommends that Council maintains and incorporates the increased bond of \$500 for all functions at all community facilities into the schedule of fees and charges.

BACKGROUND

The City had been receiving complaints regarding anti-social behaviour in the areas close to the City's community buildings particularly following parties for young people. Council, at its meeting of 3 September 2002, (considered Item CJ219-09/02) "Hire of Community Facilities". The aim of this report was to review the hire of community facilities within the City of Joondalup for functions. In order to manage the situation of community facilities being used inappropriately, it was considered that the recommendation from this report, *"that Council increase the bond, from \$300 to \$500, for all functions at all community facilities for a six-month trial period"*, would minimise concerns being expressed by members of the community.

DETAILS

The hire of community facilities for functions, especially 18th and 21st birthday parties, has in some instances in the past resulted in anti-social behaviour outside the facilities in surrounding parks and streets. By not permitting the use of community facilities for the purpose of functions like 18th to 21st birthdays, the City, as interpreted from the Equal Opportunity Act, may be regarded as acting in a discriminatory fashion towards these potential hirers. Therefore, it was considered (Item CJ219-09/02 refers) that the best way to manage and minimise anti-social behaviour attributed to such functions was to increase the initial bond for all birthday parties, in line with other local authorities' procedures. All potential casual functions will continue to be allocated the requested facilities, unless permanent hirers have prior bookings.

COMMENT

During the six-month trial period, the City has received fewer instances of anti-social behaviour associated with functions in community facilities. Due to this reason and the past acceptable feedback from other City of Joondalup business units in relation to function bookings, it is recommended to permanently extend the six-month trial period to incorporate a \$500 bond for all functions. Accordingly, a \$500 facility hire bond for casual bookings has been included for consideration within the draft 2003/04 budget.

VOTING REQUIREMENTS

Simple Majority

MOVED Cr Rowlands, SECONDED Cr Kimber that Council MAINTAINS and incorporates the increased bond of \$500 for all functions at all community facilities into the schedule of fees and charges.

Discussion ensued.

The Motion was Put and

CARRIED (15/0)

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

C53-04/03

COUNCIL DECISION – EN BLOC RESOLUTION NO 1

The following Items were then moved en-bloc – CJ080-04/03, CJ081-04/03, CJ082-04/03, CJ083-04/03, CJ085-04/03, CJ087-04/03, CJ088-04/03, CJ089-04/03, CJ091-04/03, CJ093-04/03, CJ094-04/03, CJ095-04/03, CJ097-04/03, CJ098-04/03, CJ099-04/03, CJ101-04/03, CJ102-04/03, CJ103-04/03 and CJ104-04/03.

**CJ080 - 04/03 REFERENDUM – ENTITLEMENT TO THE
PRESIDENCY, WA LOCAL GOVERNMENT
ASSOCIATION - [00033]**

WARD - All

PURPOSE

To seek a determination from Council on the entitlement to the Presidency of the Western Australian Local Government Association (the Association), being by rotation between the country and metropolitan constituencies or based on the merit principle of best person for the job.

EXECUTIVE SUMMARY

Correspondence has been received together with a referendum ballot paper, from the Association advising of a referendum being held to determine the process of selection for the office of President of the Association. Two options are to be voted on by member local governments, being either a rotation between the country and metropolitan constituencies or on a merit basis of the best person for the job.

Since its formation and operation as the Single Local Government Association in the State in June 2000, the office of President has been performed on a rotation basis alternating between a country and metropolitan representative.

BACKGROUND

WALGA was formed as the Single Association of Local Government in the State, by the amalgamation of members of the Local Government Association, the Shire Councils Association and the Country Urban Councils Association. The Single Association represents all one hundred and forty three (143) member local governments in the State. At the time of forming the Single Association, the matter of selection of the President of the Association either on a rotation basis between the country and metropolitan constituencies or on a merit basis of, the best person for the job, was deferred for a decision by referendum of members to be held prior to August 2002.

In the interim two years, the office of President was performed on a rotation basis with Cr Ian Mickle, former President of the West Australian Municipal Association completing his term of office as inaugural president in August 2002. Cr Clive Robartson was elected President for a term of two years expiring in August 2004.

If the vote supports rotation of the president, the WALGA constitution must be amended.

DETAILS

A non exhaustive list of advantages of the two methods of determining the office of President of WALGA has been provided by WALGA and is outlined below:

“Rotation of President:

- Promotes equity between constituencies by ensuring that the entitlement to President of the Association rotates between each constituency every second term; and
- Injects ‘new Blood’ into the leadership of the Association.

Merit Based Determination:

- Accords with the Associations merit-based selection policy and reflects the best practice principles of effective corporate governance;
- Allows a representative to serve consecutive terms as President where he or she retains the confidence of the State Council; and
- Improves the stability of leadership and increases the capacity for a President to implement his or her strategic vision for the Association.”

The outcome of the referendum will be determined by an absolute majority vote of the 143 member councils. With that decision having been made on the process, the State Council of WALGA comprising 24 members will elect a person to the office of WALGA President.

COMMENT

In the interests of having a strong effective Local Government Association recognised and respected as the peak local government body in the State, it is considered that the method of determining the office of President and leader of the Association be the merit principle of best person for the job. It is recommended that Council vote accordingly.

VOTING REQUIREMENTS

Simple Majority

MOVED Cr Kadak, SECONDED Cr Rowlands that Council EXERCISES the referendum vote on behalf of Council, in support of determining the office of president of WALGA on the merit principle of best person for the job.

The Motion was Put and

**CARRIED BY
EN BLOC RESOLUTION NO 1 (15/0)**

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

**CJ081 - 04/03 REVIEW OF THE LOCAL GOVERNMENT ACT 1995,
REGULATIONS - [71542] [68542] [69542] [70542]**

WARD - All

PURPOSE

To allow Council the opportunity to comment on the proposed amendments to the Local Government Act 1995, Regulations.

EXECUTIVE SUMMARY

The Department for Local Government and Regional Development has advised of proposed amendments to the Local Government Act 1995, Regulations and through the Western Australian Local Government Association (WALGA) seeks comment from local governments.

Submissions have been requested to be returned to WALGA by 28 April 2003 to be forwarded to the Department by 30 April 2003.

This report presents the proposed amendments, the City's comments along with comments by WALGA on the proposed amendments.

BACKGROUND

The Department of Local Government and Regional Development have advised of its intention to amend the Local Government Act 1995, Regulations. Many of the issues are of an administrative nature.

Comments by local governments are required to be forwarded to WALGA by 28 April 2003 for submission to the Department of Local Government and Regional Development by 30 April 2003.

DETAILS

The proposed amendments to the Regulations relate to:

- Local Government Functions and General
- Local Government Elections
- Local Government Administration
- Local Government Financial Management
- Local Government Constitutional

WALGA has also requested local governments to comment on two additional issues:

- Increase in meeting fees and allowances; and
- The development of a mechanism to allow automatic review of dollar amounts in the regulations.

Strategic Implications:

Leadership

Take a leadership role, initiate, facilitate and promote leading-edge projects and best practices which deliver significant benefits to the community.

To achieve this, we will initiate improvements in legislation.

COMMENT

The submission is presented to the Council for consideration, along with comments provided on the proposed amendments. Some additional comments are suggested to other regulations.

VOTING REQUIREMENTS

Simple Majority

MOVED Cr Kadak, SECONDED Cr Rowlands that Council:

- 1 ENDORSES the submission in relation to amendments proposed under the review of the Local Government Act 1995, Regulations forming Attachment 1 to Report CJ081-04/03;**
- 2 FORWARDS the submission to Western Australian Local Government Association (WALGA) for consideration.**

The Motion was Put and

**CARRIED BY
EN BLOC RESOLUTION NO 1 (15/0)**

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

Appendix 4 refers

To access this attachment on electronic document, click here: [Attach4brf150403.pdf](#)

CJ082 - 04/03 VACANCIES - WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION - COMMITTEE VACANCIES – [02011]

WARD - All

PURPOSE

To call for nominations for various committees of the Western Australian Local Government Association.

EXECUTIVE SUMMARY

The Western Australian Local Government Association (WALGA) has invited member Councils to submit nominations to various committees.

This report invites nominations from elected member and officer representatives with experience, knowledge and an interest in the relevant issues.

DETAIL

The Western Australian Local Government Association has invited member Council to submit nominations to the following committees:

- Fire and Emergency Services Authority Board - 1 member
- Visitor Centre Association of WA Executive Committee - 1 Deputy Metropolitan Member

- Community, Affordable and Sustainable Housing Standing Committee - 1 member and 1 deputy member
- Department of Justice Advisory Council - 1 member
- FESA Emergency Services Levy Capital Grants Committees:
 - Bush Fire Brigade Capital Grants Committee – 3 Members;
 - State Emergency Service Capital Grants Committee – 3 Members.

Nominations are invited from elected member and officer representatives with experience, knowledge and an interest in the relevant issues.

Full details of the vacancies and nomination process are provided at Attachment 1 hereto.

Nominations for all vacancies close on Wednesday 14 May 2003.

Nominations must ensure that the Selection Criteria are addressed in full. Appointments are conditional on the understanding that nominees and delegates will resign when their entitlement terminates – that is, they are no longer elected members or serving officers of Local Government. This ensures that the Local Government representative is always active in Local Government as an elected member or serving officer.

Details of the vacancies and Nominations Forms can be found at the Policy section of the WALGA website at: <http://www.walga.asn.au/policy/committees>.

VOTING REQUIREMENTS

Simple Majority

ADDITIONAL INFORMATION

Correspondence has now been received from the WA Local Government Association seeking nominations for appointment to the Local Government Grants Commission.

Full details of the vacancy to the Local Government Grants Commission is provided on Attachment 1 hereto. Nominations for this vacancy close on Wednesday 14 May 2003.

MOVED Cr Kadak, SECONDED Cr Rowlands that Council NOTES that no nomination has been made in relation to the WALGA Committee vacancies.

The Motion was Put and

**CARRIED BY
EN BLOC RESOLUTION NO 1 (15/0)**

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

Appendices 5 and 31 refer

To access this attachment on electronic document, click here: [Attach5brf150403.pdf](#)
[Attach31min290403.pdf](#)

**CJ083 - 04/03 MINUTES OF HOUSE COMMITTEE MEETING
HELD 10 APRIL 2003 - [59064] [47999]**

WARD - All

PURPOSE

To submit the Minutes of the House Committee to Council for noting, and for endorsement of the Committee's recommendations.

EXECUTIVE SUMMARY

A meeting of the House Committee was held on Thursday, 10 April 2003 to give consideration to:

- Modifications to the Councillors' bar area and provision of appropriate stools
- Feedback on Council Christmas Function 2002

DETAILS

A meeting of the House Committee was held on Thursday, 10 April 2003 to give consideration to:

- Modifications to the Councillors' bar area and provision of appropriate stools
- Feedback on Council Christmas Function 2002

VOTING REQUIREMENTS

Simple Majority

MOVED Cr Kadak, SECONDED Cr Rowlands that Council:

- 1 NOTES the Minutes of the House Committee held on Thursday, 10 April 2003 forming Attachment 1 to Report CJ083-04/03;**
- 2 AGREES to expenditure at a total cost of \$8,690, being for addition to bar top, foot rail and provision of six bar stools in the Councillors lounge area; such expenditure to be charged to Project - Capital Works – C101.**

The Motion was Put and

**CARRIED BY
EN BLOC RESOLUTION NO 1 (15/0)**

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

Appendix 28 refers

To access this attachment on electronic document, click here: [Attach28agn290403.pdf](#)

CJ085 - 04/03 FINANCIAL REPORT FOR THE PERIOD ENDING 31 MARCH 2003 - [07882]

WARD - All

PURPOSE

The March 2003 financial report is submitted to Council to be noted.

EXECUTIVE SUMMARY

The March 2003 report shows a variance of \$9.5m 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 \$12.8m compared to a budgeted operating surplus of \$8.8m at the end of March 2003, a difference of \$4.0m, due mainly to the early receipt of state government road grants and an underspend in materials and contracts and employee costs for the year to date.
- **Capital Expenditure** for the year to date is \$1.4m compared to budgeted expenditure of \$2.2m as at the end of March 2003, a difference of \$0.8m. This is due mainly to computer equipment required for the Oracle upgrade to be paid for in April 2003, and the purchase of some computer equipment (mainly replacement computers) that has been directed to operating expenditure, as it was less than the required \$2,000 for capitalisation. In addition, the purchase of some vehicles has been delayed due to supply difficulties.
- **Capital Works** expenditure for the year to date amounted to \$7.1m against a budget of \$11.8m, an under spend of \$4.7m as at the end of March 2003. However, the City has committed expenditure through raised purchase orders of \$2.5m. It is estimated that capital works of \$11.9m will be incomplete and will be carried forward at 30 June 2003. These works consist mainly of the depot project, Currambine community centre, Sorrento beach, Craigie leisure centre and Shenton Ave road works.

DETAILS

The financial report for the period ending 31 March 2003 is appended as Attachment A

VOTING REQUIREMENTS

Simple Majority

MOVED Cr Kadak, SECONDED Cr Rowlands that the Financial Report for the period ending 31 March 2003 be NOTED.

The Motion was Put and

**CARRIED BY
EN BLOC RESOLUTION NO 1 (15/0)**

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

Appendix 7 refers

To access this attachment on electronic document, click here: [Attach7brf150403.pdf](#)

**CJ087 - 04/03 TENDER NUMBER 023-02/03 - SUPPLY AND
DELIVERY OF STATIONERY - [82539]**

WARD - All

PURPOSE

To seek Council approval to accept the tender submitted by Corporate Express Australia for the Supply and Delivery of Stationery to the City in accordance with the Schedule of Rates for Tender number 023-02/03, for a maximum period of three years, subject to annual review and satisfactory performance.

EXECUTIVE SUMMARY

Tenders were advertised on 8 February 2003 through statewide public tender for the Supply and Delivery of Stationery. Tenders closed on 25 February 2003. Five submissions were received from the following: Office Tools, Statewide Office Supplies, Corporate Express Australia, National 1 Limited and Boise Cascade. Two submissions received were not evaluated, as one failed to provide the required documentation and as a result was considered non-conforming and the other was received after the tender closing time.

It is recommended that Council:

Accepts the tender from Corporate Express Australia for the Supply and Delivery of Stationery in accordance with the schedule of rates and subject to annual performance reviews for a maximum period of three years commencing on 5 May 2003 to 4 May 2006.

BACKGROUND

For the past three years the City has purchased its Stationery from Corporate Express through State Government common use agreements. On review, the City determined that the advertising of a tender would allow the rationalisation of suppliers, lowering the administrative burden and record keeping as well as allowing all potential suppliers to tender, including local suppliers. The scope of this tender includes general stationery, paper, and various printed stationery. The City spent approximately \$110,000 for the supply and delivery of stationery, including paper during the 2002 calendar year.

DETAILS

Under the City's Contract Management Framework and the Code of Tendering AS 4120-1994, the tenders were assessed by an evaluation committee using a weighted multi-criterion assessment system.

The selection criteria required Tenderers to specifically address the following:

1. Schedule of Prices
2. Demonstrated ability to provide usage and expenditure information and report against performance measures (samples to be provided).
3. Ability to provide electronic price schedules.
4. Tenderers' resources and experience. How the service will be of benefit to the local community in terms of local employment within the City.
5. Tenderers' ability to provide all items listed under the Schedule of Rates, subject to satisfactory pricing and / or value for money.
6. Innovative approach to meet the City's requirements. The City is currently upgrading its purchasing system from Oracle version 10.7 to version 11.5 and would be interested in exploring internet catalogues that are Open Buying on the Internet (OBI) compliant with the Contractor. This criteria was included as OBI is a commonly accepted standard for transmitting and receiving catalogue information over the internet and aligns with the technology direction of the City's purchasing systems.

For evaluation purposes, Office Tools, Statewide Office Supplies and Corporate Express Australia were assessed based on the information provided in each submission. Corporate Express ranked first on both the qualitative criteria, and the quantitative criteria, which also gave it the number one ranking overall.

Policy 2.4.6. Purchasing Goods and Services

The City's Policy on purchasing goods and services encourages local business in the purchasing and tendering process. Of the tenders received by the City, Statewide Office Supplies is located in Joondalup.

Statutory Provision:

The statewide public tender was advertised, opened and evaluated in accordance with the *Local Government (F&G) Regulation 1996*. Advertising this tender also ensures compliance with the *Local Government (F&G) Regulation 1996*, where tenders are required to be publicly invited if the consideration under a contract is expected to be or worth more than \$50,000. The expected consideration for this contract is expected to exceed the Chief Executive Officer's Delegated Authority in relation to the acceptance of tenders of \$100,000.

COMMENT

As a part of contract management processes, the City will regularly review / monitor the Contractor's performance and service quality to ensure services meet the City's standards.

The Contract will commence from 5 May 2003 for a maximum period of three years subject to satisfactory annual performance reviews. A formal review will be conducted every twelve months to ensure that the requirements of the Contract have been met. Subject to the outcome of each review an extension in increments of twelve-month periods will be extended within the three-year term.

Corporate Express Australia has offered competitive pricing in this tender when compared to a sample of items in the State Government Common Use Agreement. This tender also provided local suppliers the opportunity to tender.

Corporate Express Australia completed the Schedule of Rates and demonstrated that it has the ability to provide best value for money based on the selection criteria and the outcome of the tender evaluation.

VOTING REQUIREMENTS

Simple Majority

MOVED Cr Kadak, SECONDED Cr Rowlands that Council ACCEPTS the tender from Corporate Express for the Supply and Delivery of Stationery in accordance with the Schedule of Rates forming Attachment 1 to Report CJ087-04/03 and subject to annual performance reviews for a maximum period of three years commencing on 5 May 2003 to 4 May 2006.

The Motion was Put and

**CARRIED BY
EN BLOC RESOLUTION NO 1 (15/0)**

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

Appendix 9 refers

To access this attachment on electronic document, click here: [Attach9brf150403.pdf](#)

CJ088 - 04/03 TENDER NUMBER 024-02/03 - SUPPLY AND DELIVERY OF CLEANING SUPPLIES - [83539]**WARD - All**

PURPOSE

To seek Council approval to accept the tender submitted by Statewide Cleaning Supplies for the Supply and Delivery of Cleaning Supplies to the City in accordance with the Schedule of Rates for Tender number 024-02/03, for a maximum period of three years, subject to annual review and satisfactory performance.

EXECUTIVE SUMMARY

Tenders were advertised on 8 February 2003 through statewide public tender for the Supply and Delivery of Cleaning Supplies. Tenders closed on 25 February 2003. Nine submissions were received from the following: Bunzl, Statewide Cleaning Supplies, Ross Industries, Dyson's Packaging, Statewide Office Supplies, Tiger Tek, Peerless Emulsion, Boise Cascade and Cospak. Two submissions received were not evaluated as one failed to provide the required documentation and as a result was considered non-conforming and the other was received after the tender closing time.

It is recommended that Council:

Accepts the tender from Statewide Cleaning Supplies for the Supply and Delivery of Cleaning Supplies in accordance with the schedule of rates and subject to annual performance reviews for a maximum period of three years commencing on 5 May 2003.

BACKGROUND

For the past three years the City has purchased its Cleaning Supplies from several different companies including Statewide Cleaning Supplies, Dyson's Packaging, and VCS Products. On review, the City determined that the advertising of a tender would allow the rationalisation of suppliers, lowering the administrative burden and record keeping as well as allowing all potential suppliers to tender, including local suppliers. The scope of this tender includes cleaning supplies and washroom paper products. The City spent approximately \$55,000 for the supply and delivery of cleaning supplies from the above suppliers during the 2002 calendar year.

DETAILS

Under the City's Contract Management Framework and the Code of Tendering AS 4120-1994, the tenders were assessed by an evaluation committee using a weighted multi-criterion assessment system.

The selection criteria required Tenderers to specifically address the following:

1. Schedule of Prices
2. Demonstrated ability to provide usage and expenditure information and report against performance measures (samples to be provided).
3. Ability to provide electronic price schedules.
4. Tenderers' resources and experience. How the service will be of benefit to the local community in terms of local employment within the City.
5. Tenderers' ability to provide all items listed under the Schedule of Rates, subject to satisfactory pricing and / or value for money.
6. Innovative approach to meet the City's requirements. The City is currently upgrading its purchasing system from Oracle version 10.7 to version 11.5 and would be interested in exploring internet catalogues that are Open Buying on the Internet (OBI) compliant with the Contractor. This criteria was included as OBI is a commonly accepted standard for transmitting and receiving catalogue information over the internet and aligns with the technology direction of the City's purchasing systems.

For evaluation purposes, Bunzl, Statewide Cleaning Supplies, Ross Industries, Dyson's Packaging, Tiger Tek, Statewide Office Supplies and Cospak were assessed based on the information provided in each submission. Where suppliers did not submit prices for certain items, an average from prices submitted by other suppliers was used to balance the evaluation. Statewide Cleaning Supplies ranked first on the qualitative criteria, and also provided competitive pricing, ranking third on the quantitative criteria which allowed it to rank first overall.

Policy 2.4.6. Purchasing Goods and Services

The City's Policy on purchasing goods and services encourages local business in the purchasing and tendering process. Of the tenders received by the City, Statewide Office Supplies is located in Joondalup.

Statutory Provision:

The statewide public tender was advertised, opened and evaluated in accordance with the *Local Government (F&G) Regulation 1996*. Advertising this tender also ensures compliance with the *Local Government (F&G) Regulation 1996*, where tenders are required to be publicly invited if the consideration under a contract is expected to be or worth more than \$50,000. The expected consideration for this contract is expected to exceed the Chief Executive Officer's Delegated Authority in relation to the acceptance of tenders of \$100,000.

COMMENT

As a part of contract management processes, the City will regularly review / monitor the Contractor's performance and service quality to ensure services meet the City's standards.

The Contract will commence from 5 May 2003 for a maximum period of three years subject to satisfactory annual performance reviews. A formal review will be conducted every twelve months to ensure that the requirements of the Contract have been met. Subject to the outcome of each review an extension in increments of twelve-month periods will be extended within the three-year term.

Statewide Cleaning Supplies completed the Schedule of Rates and demonstrated that it has the ability to provide best value for money based on the selection criteria and the outcome of the tender evaluation.

VOTING REQUIREMENTS

Simple Majority

MOVED Cr Kadak, SECONDED Cr Rowlands that Council ACCEPTS the tender from Statewide Cleaning Supplies for the Supply and Delivery of Cleaning Supplies in accordance with the Schedule of Rates forming Attachment 1 to Report CJ088-04/03 and subject to annual performance reviews for a maximum period of three years commencing on 5 May 2003.

The Motion was Put and

**CARRIED BY
EN BLOC RESOLUTION NO 1 (15/0)**

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

Appendix 10 refers

To access this attachment on electronic document, click here: [Attach10brf150403.pdf](#)

CJ089 - 04/03 TENDER NUMBER 025-02/03 - SUPPLY AND DELIVERY OF WORKWEAR AND PERSONAL PROTECTIVE EQUIPMENT - [84539]

WARD - All

PURPOSE

To seek Council approval to accept the tender submitted by Totally Workwear for the Supply and Delivery of Workwear and Personal Protective Equipment (PPE) to the City in accordance with the Schedule of Rates for Tender number 025-02/03, for a maximum period of three years, subject to annual review and satisfactory performance.

EXECUTIVE SUMMARY

Tenders were advertised on 8 February 2003 through statewide public tender for the Supply and Delivery of Workwear and PPE. Tenders closed on 25 February 2003. Ten submissions were received from the following: Pacific Safety Wear, Protector Safety Supply, King Gee, Heatley Sales, Totally Workwear, Kalgoorlie Mining Works, Sling Rig, Ross Industries, Hagemeyer Electrical Group, and Tiger Tek.

It is recommended that Council:

Accepts the tender from Totally Workwear for the Supply and Delivery of Workwear and PPE in accordance with the schedule of rates and subject to annual performance reviews for a maximum period of three years commencing on 5 May 2003 to 4 May 2006.

BACKGROUND

The City has purchased its Workwear and PPE from Pacific Brands Apparel, Totally Workwear, and Alsafe Safety Industries. On review, the City determined that the advertising of a tender would allow the rationalisation of suppliers, lowering the administrative burden and record keeping as well as allowing all potential suppliers to tender, including local suppliers. The scope of this tender includes workwear and personal protective equipment. The City spent approximately \$70,000 for the supply and delivery of Workwear and PPE during the 2002 calendar year.

DETAILS

Under the City's Contract Management Framework and the Code of Tendering AS 4120-1994, the tenders were assessed by an evaluation committee using a weighted multi-criterion assessment system.

The selection criteria required Tenderers to specifically address the following:

1. Schedule of Prices
2. Demonstrated ability to provide usage and expenditure information and report against performance measures (samples to be provided).
3. Ability to provide electronic price schedules.
4. Tenderers' resources and experience. How the service will be of benefit to the local community in terms of local employment within the City.
5. Tenderers' ability to provide all items listed under the Schedule of Rates, subject to satisfactory pricing and / or value for money.

6. Innovative approach to meet the City's requirements. The City is currently upgrading its purchasing system from Oracle version 10.7 to version 11.5 and would be interested in exploring internet catalogues that are Open Buying on the Internet (OBI) compliant with the Contractor. This criteria was included as OBI is a commonly accepted standard for transmitting and receiving catalogue information over the internet and aligns with the technology direction of the City's purchasing systems.

For evaluation purposes, Pacific Safety Wear, Protector Safety Supply, King Gee, Heatley Sales, Totally Workwear, Kalgoorlie Mining Works, Sling Rig, Ross Industries, Hagemeyer Electrical Group, and Tiger Tek were assessed based on the information provided in each submission. Where suppliers did not submit prices for certain items, an average from prices submitted by other suppliers was used to balance the evaluation. Totally Workwear ranked first on the qualitative criteria, and also provided competitive pricing ranking third on the quantitative criteria, allowing Totally Workwear to rank first overall.

Policy 2.4.6. Purchasing Goods and Services

The City's Policy on purchasing goods and services encourages local business in the purchasing and tendering process; of the tenders received, Totally Workwear is located in Joondalup.

Statutory Provision:

The statewide public tender was advertised, opened and evaluated in accordance with the *Local Government (F&G) Regulation 1996*. Advertising this tender also ensures compliance with the *Local Government (F&G) Regulation 1996*, where tenders are required to be publicly invited if the consideration under a contract is expected to be or worth more than \$50,000. The expected consideration for this contract is expected to exceed the Chief Executive Officer's Delegated Authority in relation to the acceptance of tenders of \$100,000.

COMMENT

As a part of contract management processes, the City will regularly review / monitor the Contractor's performance and service quality to ensure services meet the City's standards.

The Contract will commence from 5 May 2003 for a maximum period of three years subject to satisfactory annual performance reviews. A formal review will be conducted every twelve months to ensure that the requirements of the Contract have been met. Subject to the outcome of each review an extension in increments of twelve-month periods will be extended within the three-year term.

Totally Workwear completed the Schedule of Rates and demonstrated that it has the ability to provide best value for money based on the selection criteria and the outcome of the tender evaluation.

VOTING REQUIREMENTS

Simple Majority

MOVED Cr Kadak, SECONDED Cr Rowlands that Council ACCEPTS the tender from Totally Workwear for the Supply and Delivery of Workwear and PPE in accordance with the Schedule of Rates forming Attachment 1 to Report CJ089-04/03 and subject to annual performance reviews for a maximum period of three years commencing on 5 May 2003.

The Motion was Put and

**CARRIED BY
EN BLOC RESOLUTION NO 1 (15/0)**

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

Appendix 11 refers

To access this attachment on electronic document, click here: [Attach11brf150403.pdf](#)

**CJ091 - 04/03 METROPOLITAN REGIONAL ROAD PROGRAM
2004/2005 TO 2008/2009 - [06759]**

WARD - All

PURPOSE

This report outlines information about projects to be submitted to Main Roads WA for the 2004/05 Metropolitan Regional Road Program.

EXECUTIVE SUMMARY

Main Roads WA has sought submissions for the 2004/2005 to 2008/2009 Metropolitan Regional Road Program for Improvement Projects and Rehabilitation Projects.

This report outlines the guidelines for the assessment of roadworks and recommends projects for consideration by the Metropolitan Regional Road Group.

This report recommends that Council:

- 1 SUBMITS Joondalup Drive – Lakeside Drive to east of Burns Beach Road (City boundary) for consideration for funding as part of the 2004/2005 – 2008/2009 Metropolitan Regional Road Program and as shown at Attachment 1 and Attachment 2;**
- 2 SUBMITS the Road Rehabilitation Projects to Main Roads WA for consideration for funding as part of the 2004/2005 – 2008/2009 Metropolitan Regional Road Program as shown at Attachment 3 to this report.**

BACKGROUND

Each year, Main Roads WA (MRWA) invites project submissions for consideration as part of the Metropolitan Regional Road Program. Main Roads WA requests project submissions up to two years in advance to allow Councils to program approved projects into their Budgets with certainty of grant funding.

The project types are separated into two categories as outlined below:

Road Improvement Projects

Improvement projects are:

- (a) those which would involve upgrading of an existing road to a higher standard than currently exists, i.e. pavement widening, new overtaking lanes, traffic control measures, etc.;
- (b) new works where a road pavement does not currently exist at the proposed standard, e.g. dual carriageway or new carriageway construction.

A multi-criteria analysis, (taking into consideration road capacity, geometry, accidents, benefits and costs) will be used to prioritise road improvement projects on urban arterial roads within the metropolitan area.

Road Improvement Projects are audited, scored and approved for the first year only (2004/05) with any projects submitted for future years beyond 2004/05 to provide MRWA with information only on possible projects and cash flows.

Road Rehabilitation Projects

Road rehabilitation projects are those proposed for existing roads where the pavement is to be brought back to as new physical condition, e.g. resealing, reconstruction, re-sheeting and reconditioning. A one year programme only is required for submissions – 2004/05.

The distribution of the MRRP funds is based on 50% of the pool to Improvement Projects and 50% to Rehabilitation Projects. A limit of around \$1 million per Council per year has been set for Improvement Projects and \$500,000 for Rehabilitation Projects. Funding approval is based on Council's contribution of at least a third to each project.

Strategic Plan

These projects fall under the Key Focus Area of City Development and the Objective to develop and maintain the City of Joondalup's assets and built environment (3.1).

DETAILS

Road Improvement Projects

The proposed Road Improvement Project for 2004/05 is Joondalup Drive – Lakeside Drive to Burns Beach Road East (City Boundary) as detailed on Attachment 1 and shown at Attachment 2.

This project was submitted in the 2003/2004 MRRP program but did not qualify for a grant because the fund pool was reduced. It has been resubmitted for the 2004/05 program

This project is in accordance with the Major Road Construction Program in the Draft 2003/04 Five Year Capital Works Program. All other projects shown in the Major Road Construction Program in the Five Year Capital Works Program will be evaluated and submitted for future MRRP submissions. These projects and other roads are re-evaluated on an annual basis and the five year MRRP programme adjusted in accordance with the results of the multi-criteria analysis.

Road Rehabilitation Projects – 2003/2004

A road rehabilitation and mechanical study has been undertaken for a number of roads, which provides technical details and recommendations to comply with the criteria for assessing projects. A review is also undertaken on other works such as the traffic management program where traffic islands are located in a red asphalt median on local distributor roads. The resurfacing component of these construction works can be funded via this program if it meets the specified criteria. This work is undertaken by a specialist pavement Consultant for analysis and scoring. The Road Rehabilitation Program recommended for submission to Main Roads WA for funding considerations in the 2004/05 financial year is shown at Attachment 3.

Statutory Provisions

The funds for these programs come from the State Road Funds to Local Government Agreement. There are no statutory provisions applicable to the funds application but there are procedural requirements as outlined below:

Process for 2003/2004 Metropolitan Regional Road Program

- 1 Project submission to be forwarded to Main Roads WA by 1 May 2003
- 2 Submissions are checked for omissions and errors in computations
- 3 Submissions are audited:
 - Rehabilitation projects by Material Engineering Branch, Main Roads WA
 - Improvement projects by an independent consultant auditor
- 4 Audit queries are discussed with affected Councils
- 5 Final audited projects are sent to Main Roads WA for collation and priority listing based on points score
- 6 Lists of audited projects distributed to all Councils in August 2003
- 7 The Sub Groups of the Metropolitan Regional Road Group each have technical meetings to discuss and approve projects within the Sub Group only. The Cities of Wanneroo, Joondalup, Stirling and Town of Vincent form the North West Sub Group.
- 8 Recommendations are forwarded to the Technical Members Metropolitan Regional Road Group. The Director Infrastructure & Operations from the City is a member of this Technical Group which then recommends the projects to be funded across the metropolitan area to the Metropolitan Regional Road Group.
- 9 The Metropolitan Regional Road Group considers funding submissions in accordance with the guidelines and makes recommendations to the Advisory Committee
- 10 Councils would expect advice of approval of projects during November/December 2003.

Policy Implications

There are no policy implications.

Financial Implications

The successful grant funding of the road improvement project will require Council to allocate funds in the 2004/05 Capital Works Program – Major Road Construction. The grants are provided on the basis of a two thirds contribution by Main Roads WA to one third by the City. The maximum annual grant for Rehabilitation Projects is \$500,000 and \$1,000,000 for Road Improvement Projects. These projects are funded on a 2/3 contribution by Main Roads WA to 1/3 by the City. The City's contribution is funded from the Federal Local Roads component of Federal Assistance Grants (FAG). Following auditing, some of the Rehabilitation Projects may not be funded in 2004/2005 and will need to be re-evaluated for submission with further projects for funding in subsequent years. It is also possible that the City may not receive funding for the Improvement Project. These circumstances occur because projects from all metropolitan Councils compete for the limited funds each year – approximately \$13.43M for the total pool and \$6.715M for each program. The scores of all projects are rigorously audited leading to some projects not achieving the points scores and being below the funding cut off level for each Council or the program pool.

Strategic Implications

The projects fit into the Strategic Plan for the City by improving infrastructure which leads to an improved lifestyle. Under the Road Improvement Program, the dualling of arterial roads such as Joondalup Drive means that these million dollar plus projects can be undertaken using an external funds source, and include upgrading junction treatments, installing bus embayments and adding smooth asphalt seal to reduce traffic noise on an existing chip seal carriageway. These projects are also timed to fit in with major developments such as the Mitchell Freeway extension. The major benefit for the community is a more efficient road network as a result of better roads and paths, reduced travel times, less crashes and easier access to facilities.

For Road Rehabilitation projects, roads can be resurfaced using an external funds source that can offset the prohibitive cost on arterial, major and local distributor roads. These treatments prolong the life of the road pavement by resurfacing when it is most beneficial to do so rather than waiting until the pavement fails which may require more expensive reconstruction.

COMMENT

The Metropolitan Regional Road Program is administered by Main Roads WA using well established formulae, conditions and procedures that are outlined in State Road Funds to Local Government Agreement. The City has received grant funding in the past from the program and subject to priorities and auditing of other projects across the metropolitan area, expects to receive funding for the projects nominated this year.

VOTING REQUIREMENTS

Simple Majority

MOVED Cr Kadak, SECONDED Cr Rowlands that Council:

- 1 SUBMITS Joondalup Drive – Lakeside Drive to east of Burns Beach Road (City boundary) for consideration for funding as part of the 2004/2005 – 2008/2009 Metropolitan Regional Road Program and as shown at Attachment 1 and Attachment 2 to Report CJ091-04/03;**
- 2 SUBMITS the Road Rehabilitation Projects to Main Roads WA for consideration for funding as part of the 2004/2005 – 2008/2009 Metropolitan Regional Road Program as shown at Attachment 3 to Report CJ091-04/03.**

The Motion was Put and**CARRIED BY
EN BLOC RESOLUTION NO 1 (15/0)****In favour of the Motion:** Mayor Bombak, Crs Baker, Barnett, Carlos, Hollywood, Hurst, Kadak, Kenworthy, Kimber, Mackintosh, Nixon, O'Brien, Patterson, Rowlands and Walker*Appendix 13 refers**To access this attachment on electronic document, click here: [Attach13brf150403.pdf](#)***CJ093 - 04/03 TENDER NO. 030-02/03 CONSTRUCTION OF A DUAL USE PATH, RETAINING WALLS & ASSOCIATED WORKS AT TOM SIMPSON PARK, MULLALOO - [54540]****WARD -** Whitfords

PURPOSE

To seek approval to reject all tenders received for the Construction of a Dual Use Path, Retaining Walls and Associated Works in Tom Simpson Park, Mullaloo.

EXECUTIVE SUMMARY

As part of the 2002/2003 Budget, Council approved in the Capital Works Program the construction of a dual use path link in Tom Simpson Park, Mullaloo.

In December 2002 Council adopted the preferred design layout, for the beachside promenade pathway in Tom Simpson Park, Mullaloo.

Tenders were advertised through a statewide public tender for the Construction of a Dual Use Path, Retaining Walls and Associated Works in Tom Simpson Park Mullaloo on Saturday 22 February 2003. Tenders closed on Wednesday 12 March 2003 and four submissions were received. All the tender prices were in excess of the available funds and the lowest tenderer's price was \$44,633 more than allocated funds.

The result of this and other recently tendered projects has highlighted the fact that the market place is extremely busy and the costs received also reflect this environment.

Based on the current market, the allocated funds for this project of \$189,000 are insufficient to construct this project. It is recommended that this project should be incorporated into the Mullaloo Beach Corporate Project for 2003/2004. It is envisaged that the City would get better value for money with the ‘economy of scale’ associated with the delivery of a larger project.

It is recommended that Council:

- 1 REJECTS all tenders received for Tender No. 030-02/03, Construction of a Dual Use Path, Retaining Walls and Associated Works in Tom Simpson Park, Mullaloo;
- 2 APPROVES the construction of a Dual Use Path, Retaining Walls and Associated Works at Tom Simpson Park, Mullaloo as a Carry Forward Project into the 2003/04 Financial Year and to be incorporated in the Corporate Project: Mullaloo Beach.

BACKGROUND

Suburb/Location: Tom Simpson Park
Applicant: N/A
Owner City of Joondalup & Crown (Vested – City of Joondalup)
Zoning **DPS:** Parks & Recreation
MRS: Parks & Recreation
Strategic Plan: City Development 3.1.1, Plan the timely design, development, upgrade and maintenance of the City’s infrastructure.

As part of the 2002/2003 Capital Works Program the construction of a dual use path link through Tom Simpson Park was approved. Connell Wagner Engineers were engaged to review the path location and three options were proposed and costed.

At its meeting on 17 December, 2002 Council adopted the preferred design layout.

DETAILS

Four tenders were received:

DME Contractors	\$305,868.00
Works Infrastructure	\$301,626.00
Mako Civil Pty Ltd	\$233,633.20
WA Earthmoving	\$250,363.00

The tender prices do not include GST.

Statutory Provision:

The statewide public tender was advertised, opened and evaluated in accordance with the *Local Government (F&G) Regulation 1996*.

Financial Implications:

Account No:	Project number 2174 Project number 2176
Budget Item:	Dual Use Path – Mullaloo Foreshore - \$118,000 Mullaloo Beach Project Stage 1 - \$71,000
Budget Amount:	\$189,000
YTD Amount:	\$0
Actual Cost:	\$0

The lowest tender price of \$233,633 is in excess of the available funds allocated for this project.

COMMENT

The result of this and other recent tendered projects have highlighted the fact that the market place is extremely busy and the costs received also reflect this environment.

Based on the tenders submitted, the allocated funds for this project of \$189,000 are insufficient to construct this project. It is recommended that this project should be incorporated into the Mullaloo Beach Corporate Project for 2003/2004. It is envisaged that the City would get better value for money with the 'economy of scale' associated with the delivery of a larger project.

VOTING REQUIREMENTS

Simple Majority

MOVED Cr Kadak, SECONDED Cr Rowlands that Council:

- 1 REJECTS all tenders received for Tender No 030-02/03 - construction of a dual use path, retaining walls and associated works in Tom Simpson Park, Mullaloo;**
- 2 APPROVES the construction of a dual use path, retaining walls and associated works at Tom Simpson Park, Mullaloo as a Carry Forward Project into the 2003/04 financial year and to be incorporated in the Corporate Project: Mullaloo Beach.**

The Motion was Put and

**CARRIED BY
EN BLOC RESOLUTION NO 1 (15/0)**

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

**CJ094 - 04/03 MINUTES OF THE CONSERVATION ADVISORY
COMMITTEE OF 26 FEBRUARY, 2003 - [12168]**

WARD - All

PURPOSE

The Minutes of the Conservation Advisory Committee meeting, held on 26 February 2003 are submitted for adoption by Council.

EXECUTIVE SUMMARY

The main issue emanating from this meeting for Council's consideration was the motion for the City to produce a Local Bio-Diversity Plan for all our natural areas not captured with the Coastal Management Plan.

This report recommends that Council:

- 1 NOTES the Minutes of the Conservation Advisory Committee held on 26 February 2003 forming Attachment 1 to this Report;**
- 2 LISTS for the 2003/2004 Draft Budget considerations, an amount totalling \$30,000 to produce a Local Bio-diversity Plan in accordance with the guidelines produced by the Perth Bio-diversity Project. The aim of the Bio-Diversity Plan is to prioritise the protection and management of remnant bushland in areas managed by the City of Joondalup;**
- 3 ENSURES the Local Bio-Diversity Plan is developed concurrent to and in alignment with the proposed overarching of the City's Sustainability Plan.**

BACKGROUND

The Conservation Advisory Committee held on the 26 February 2003 discussed a range of items regarding conservation matters within the City.

This report recommends that the Minutes of the Conservation Advisory Committee be noted by Council and the following recommendation be adopted.

Bushland Strategic Management Plan

The following motion was carried:

That Council produce a Local Bio-diversity Plan in accordance with the guidelines produced by the Perth Bio-diversity Project. The aim of the Bio-diversity Plan is to prioritise the protection and the management of the remnant bushland in areas managed by the City of Joondalup.

COMMENT

The City through its Strategic Plan (2003-2008) identified a strong commitment to ensure that it aligns itself to the principles of sustainable development.

In achieving this vision, the City will, during 2003-2004, develop an overarching Macro “Sustainability Plan” that will bring together all the facets of sustainable development and deliver action plans that will operationalise the City’s vision for a sustainable community.

The Local Bio-Diversity Plan as proposed by this report, will be a component of the Macro Sustainability Plan and it is envisaged that both these plans are developed concurrently to ensure they achieve complementary outcomes.

The City of Joondalup currently has over 150 dry parks. Many of these parks have a remnant bushland component that is native vegetation that existed prior to the development of the parkland. Other parks within the City are partially reticulated with part of the area comprising of bushland.

The City’s adoption of the Joondalup Coastal Foreshore Natural Areas Management Plan has received a very positive response from the community and is seen by state government agencies and other local government bodies as the way forward in the management of coastal native vegetation.

The Conservation Advisory Committee has requested that a study similar in nature to the recent coastal study be undertaken to evaluate and recommend remnant strategies to manage the City’s bushland (not including coastal and areas contained in conservation reserves). Remnant bushland within the City is under threat from weed invasion, fire, rubbish dumping and unfettered access issues. The condition of many of these bushland areas is declining rapidly.

A study to evaluate, categorise and detail costs for future management (as was contained in the coastal study) would be of great value for future management decisions to be made by the City. It is recommended that if a study of this nature were commissioned by Council that the study is undertaken by outside consultants.

FUNDING

The cost of producing a management study for the City’s remnant bushland areas would be approximately \$30,000 and could be listed for Council consideration as part of the 2003/2004 budget deliberations.

VOTING REQUIREMENTS

Simple Majority

MOVED Cr Kadak, SECONDED Cr Rowlands that Council:

- 1 NOTES the Minutes of the Conservation Advisory Committee held on 26 February 2003 forming Attachment 1 to Report CJ094-04/03;**
- 2 LISTS for the 2003/2004 Draft Budget considerations, an amount totalling \$30,000 to produce a Local Bio-diversity Plan in accordance with the guidelines produced by the Perth Bio-diversity Project. The aim of the Bio-Diversity Plan is to prioritise the protection and management of remnant bushland in areas managed by the City of Joondalup;**
- 3 ENSURES the Local Bio-Diversity Plan is developed concurrent to and in alignment with the proposed overarching of the City's Sustainability Plan.**

The Motion was Put and

**CARRIED BY
EN BLOC RESOLUTION NO 1 (15/0)**

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

Appendix 15 refers

To access this attachment on electronic document, click here: [Attach15brf150403.pdf](#)

**CJ095 - 04/03 MODIFICATION TO HILLARYS STRUCTURE PLAN
- [16047]**

WARD - Whitford

PURPOSE

The purpose of the report is for Council to consider a number of modifications to the 'Hillarys Structure Plan' following the Western Australian Planning Commission (WAPC) decision to adopt the structure plan modifications subject to a number of additional changes (Attachment 1 refers).

EXECUTIVE SUMMARY

Council adopted a number of modifications to the Hillarys Structure Plan at its meeting on 23 July 2002 (CJ182-07/02 refers). The WAPC adopted the structure plan on 4 March 2003 subject to a number of additional modifications and resolved as follows:

- 1 The structure plan being advertised pursuant to Clause 9.5 of the City of Joondalup District Planning Scheme No.2; and
- 2 A schedule of submissions being forwarded to the WAPC for its consideration.

The additional modifications requested by the WAPC include deleting all reference to the ‘Residential Planning Codes – 1991 (R Codes)’, replacing with ‘Residential Design Codes – 2002 (Design Codes)’ and to insert a provision into the structure plan that ensures minimum design for climate standards are met (Attachment 1 refers). The latter change seeks to modify Clause 3.9.1 of the Design Codes, which requires no more than 25% of an adjacent lot to be in shadow on 21 June. This modification to the structure plan aims to align the provision with that of the R Codes, which required no more than 50 % of an adjacent lot to be in shadow on 21 June.

At Council’s meeting on 23 July 2002 a recommendation was made to waive the need for public comment pursuant to clause 9.4 of District Planning Scheme No 2 as the modifications were minor. Given that the additional change includes the modification of Clause 3.9.1 of the Design Codes, the WAPC has requested public consultation be undertaken.

It is recommended that the proposed modifications to the Hillarys Structure Plan be advertised for public comment for a period of twenty-one (21) days.

BACKGROUND

Suburb/Location:	Hillarys
Applicant:	Taylor Burrell
Owner:	Paltara Pty Ltd
Zoning:	DPS: Urban Development
	MRS: Urban
Strategic Plan:	<u>Lifestyle – Strategy 2.6</u> Promote and enjoy lifestyles that engender Environmental, Social and Economic balance.

Previous Council Decision

At its meeting in July 2002, Council resolved to support modifications to the Hillarys Structure Plan and to waive public advertising as the proposed modifications were considered to be minor.

The modifications were in response to a conditional approval of subdivision (WAPC No 117754) that resulted in the creation of 19 freehold lots that are relatively smaller in area and narrower in width than the prevailing lots in the ‘General Residential Precinct’ (Attachment 2 refers).

Unlike the ‘Small Residential Precinct’ the development provisions for ‘General Residential Precinct’ do not permit zero lot setback to any lot boundaries except in the case of strata title lots where zero lot boundary setbacks are permitted in accordance with the R Codes. This is because the General Residential Precinct generally contains standard sized lots (600m² and above) that offer flexibility in design due to a relatively large building envelope, meaning that building configuration is relatively less affected by setback requirements.

The lots included within the subdivision application (WAPC Ref: 117754) were originally intended for grouped dwelling development, whereby buildings may be generally constructed with nil setbacks from each other. These lots have been created in freehold form and therefore nil setbacks along extensive sections of side boundaries are not permitted under the current provisions.

It was considered at the time that the modifications would bring the development provisions for small lots in the ‘General Residential Precinct’ into conformity with those provided for the ‘Small Residential Precinct’ and make the best use of available space and maximise the design potential of each small lot.

WAPC Decision

The modifications to the Hillarys Structure Plan was adopted by the WAPC on 4 March 2003 subject to a number of additional modifications and resolved as follows:

- 1 The structure plan being advertised pursuant to Clause 9.5 of the City of Joondalup District Planning Scheme No.2; and
- 2 A schedule of submissions being forwarded to the WAPC for its consideration.

DETAIL

Proposal or Issue

The proposed modifications to the Hillarys Structure Plan are a result of the Gazettal of the Design Codes on 4 October 2002 that replaced the R Codes of 1991. All references to the R Codes within the Hillarys Structure Plan including all references to specific clauses are to be replaced by reference to the Design Codes.

Clause 1.7.2 of the R Codes sought to prevent new developments from depriving adjacent lots of sunlight. This was achieved by ensuring that new development did not place any more than 50% of an adjacent lot in shadow at noon on 21 June.

However with Gazettal of the Design Codes, the R Codes were superceded. Clause 3.9.1 of the Design Codes requires a more demanding overshadow requirement to be met with no more than 25% of an adjacent lot to be in shadow at noon on 21 June as opposed to 50% under the R Codes.

At the time the subdivision proposal was approved by the WAPC to create smaller lots in the ‘General Residential Precinct’ (27 March 2002) the proponent’s ‘expectation’ was that the provisions of the R Codes would apply to these lots.

Part 2.6 of the Design Codes provides scope for variations to a number of various provisions, however the overshadowing provisions contained within Clause 3.9.1 of the Design Codes is precluded. Accordingly, Clause 9.3 and Schedule 7 of DPS2 is being used to vary this requirement via the structure plan. Structure plans adopted under Part 9 of DPS2 operate as if they were DPS2 provisions.

Whilst the WAPC has indicated its preference that the City amends the Hillarys Structure Plan to reflect Clause 3.9.1 of the Design Codes, it recognises that in this instance there are sufficient grounds to consider modifying the overshadowing provisions of the Design Codes (2002), given approval of the subdivision proposal and the timing of which the amendment to the Hillarys Structure Plan was initiated with respect to the review of R Codes.

Statutory Provision:

Clause 9.6.3 of DPS2 outlines the Commission's consideration of the structure plan. Under clause 9.6.3 (c) if the Commission requires modifications to the structure plan the proponent shall make the modifications with the Council and resubmit the structure plan for consideration under Clause 9.4.

Under clause 9.4, advertising of the structure plan may be required in accordance with provisions of clause 9.5. After considering the proposed modifications Council then proceeds to either refuse to adopt the modifications to the structure plan or resolve that the modifications to the structure plan are satisfactory with or without changes.

COMMENT

Assessment and Reasons for Recommendation

The modifications are in recognition of the new Design Codes, which supercede the R Codes.

The introduction of the modification requiring overshadowing to be no more than 50% of an adjacent lot is in keeping with both previous development standards outlined under the R Codes and community expectations in regard to dwelling construction on small lots within the Harbour Rise structure plan area.

The proposed modifications to the Hillarys Structure Plan are required to be advertised in accordance with Clause 9.5 of DPS2 as they include changes to standards under the new Design Codes.

VOTING REQUIREMENTS

Simple Majority

MOVED Cr Kadak, SECONDED Cr Rowlands 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 Hillarys Structure Plan, as per Attachment 1 to Report CJ095-04/03, and makes it available for public comment for a period of twenty one (21) days.

The Motion was Put and

**CARRIED BY
EN BLOC RESOLUTION NO 1 (15/0)**

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

Appendices 16 and 16(a) refer

*To access this attachment on electronic document, click here: [Attach16brf150403.pdf](#)
[Attach16abrf150403.pdf](#)*

**CJ097 - 04/03 PROPOSED AMENDMENT NO 1 TO DISTRICT
PLANNING SCHEME NO 2 – LOT 3 (5) TRAPPERS
DRIVE, WOODVALE - [55070]**

WARD - Lakeside

PURPOSE

The purpose of this report is to seek Council's determination to grant consent to advertise amendment No 1 to District Planning Scheme No 2 (DPS2).

EXECUTIVE SUMMARY

The reason for the amendment is to facilitate the expansion of the existing supermarket on Lot 6 Whitfords Avenue. The expansion is partially over Lot 3 Trappers Drive that is owned by the City.

Council at its meeting on 15 October 2002 resolved to offer to dispose of 354m² of Lot 3 Trappers Drive, Woodvale, this was conditional upon rezoning the 354m² portion of Lot 3 Trappers Drive. Council also resolved to enter into negotiation with FAL for a lease for the use of the carpark.

It is recommended that Council amend DPS2 to facilitate the proposed expansion of the existing supermarket on Lot 6 Whitfords Avenue and adopt the amendment as suitable for the purpose of advertising.

BACKGROUND

Lot No	Lot 3 Trappers Drive, Woodvale
Street Address	5 Trappers Drive, Woodvale
Land Owner	City of Joondalup
MRS Zoning	Urban
TPS Zoning	Civic and Cultural
Land Use	Library and Community Care Centre
Lot Area	1.5006ha

Site History

The following events are considered relevant to the background of this proposal:

Late 1990: Lot 3 Trappers Drive was created and ceded to the City free of cost for community purposes as a condition of subdivision.

14 May 1992: A legal agreement was entered into by Foodland Property Holdings Pty Ltd and the City of Wanneroo, whereby Foodland Property Holdings Pty Ltd agreed not to build or create any shopping building/complex on Lot 6 Whitfords Avenue which would provide a gross leasable retail floorspace of more than 4,440m².

1997 – 99: Numerous approaches by Foodland Australia Limited to the City to purchase portion of lot 3 Trappers Drive in order to facilitate the expansion of the existing Action supermarket.

12 June 2001: Council resolved the following:

1. ***Council ADVISES Foodland Australia Limited (FAL) that if it wishes to pursue the purchase of Lot 3 (5) Trappers Drive, Woodvale, then in order for the Council to comply with Section 3.58 of the Local Government Act, 1995, a formal offer should be made for the Council's consideration;***
2. ***Should an offer be made by FAL as detailed in (1) above, then at no stage should such action be construed as the Council being under any obligation to accept an offer on the land in question.***

15 October 2002: Following the above recommendation, a formal offer to purchase the property was lodged by FAL. Council subsequently resolved the following:

1. ***AUTHORISES the Mayor and CEO to execute a contract for the sale of a 354m² portion of Lot 3(5) Trappers Drive, Woodvale to Foodland Property Holdings Pty Ltd (FAL) for a minimum amount as specified in Report CJ258-10/02 in accordance with the relevant provisions of the Local Government Act and Town Planning Regulations conditional upon:***
 - (a) ***rezoning of the 354m² portion of land to accommodate the use and additional floor space;***
 - (b) ***subdivision and amalgamation of the 354m² portion into lot 6;***
 - (c) ***the proponent meeting all costs involved;***
 - (d) ***the proponent agreeing to proceed with an approved development for the `extension of the shopping centre and associated parking area which includes landscaped parking facilities, modified vehicle access arrangements, upgrades the northern mall entry, provides a covered walkway between the shopping centre and adjoining retirement village, improves the pedestrian connections between the community centre, the library and the shopping centre, and undertakes measures to reduce noise, odours and the outlook of unsightly areas from the shopping centre;***
 - (e) ***a comprehensive consultation process being undertaken by the City advising the community of the proposed sale and lease of Council property and of the details of the proposed development having regard to (d) above;***
 - (f) ***the contract of sale being prepared by the City's solicitor and to the City's satisfaction prior to its execution.***

- 2 ***REJECTS the Foodland Property Holdings Pty Ltd (FAL) request to purchase the remainder of the site;***
- 3 ***ENTERS into negotiation with Foodland Property Holdings Pty Ltd (FAL) for a lease for the use of the carpark.***

DETAILS

Location

Lot 3 Trappers Drive is located approximately 280 metres north of the intersection of Trappers Drive and Whitfords Avenue in Woodvale (Attachments 1 and 2).

The Woodvale Boulevard Shopping Centre (Lot 6 Whitfords Ave) and Woodvale Medical Centre (Lot 7 Trappers Drive) abuts the southern boundary of Lot 3 whilst the Timberside (aged persons) Villas (Lot 500 Timberlane Drive) abuts the western boundary of Lot 3. Several residential lots abut the northern boundary of Lot 3.

Existing Zoning, Development & Landuse

Lot 3 Trappers Drive is zoned “Civic and Cultural” under DPS2 and is occupied by the Woodvale Library, a Community Care Centre and associated car parking areas. A portion of the land in its south western corner remains vacant.

The Woodvale Boulevard Shopping Centre (Lot 6 Whitfords Avenue) is zoned Commercial under DPS 2. Schedule 3 of DPS 2 restricts the retail net lettable area Lot 6 Trappers Drive to 5500m².

The Department for Planning and Infrastructure (DPI) surveyed the shopping centre on Lot 6 Whitfords Avenue in 1997 and recorded a retail floor area of 6632m². The DPI is currently conducting a new survey, which is proposed to be used in the review of the City’s Centres Strategy.

The Woodvale Medical Centre site (Lot 7 Trappers Drive) is also zoned Commercial under DPS2. The Timberside (aged person) Villas (Lot 500 Timberlane Drive) site is zoned Residential and is coded R40 whilst the residential lots to the north of the subject property are zoned Residential and are coded R20 under the City’s DPS2.

Proposal

The proponents describe the proposal as follows:

“Specifically, it is proposed to amend DPS 2 as follows:

- (1) *Rezoning a 354m² portion of Lot 3 Trappers Drive Woodvale from ‘Civic and Cultural’ to ‘Commercial’.*
- (2) *Modifying Schedule 3 (Commercial and Centre Zones) of the Scheme Text by increasing the maximum retail net lettable area for the Woodvale Boulevard centre at Lot 6 (931) Whitfords Avenue from 5500m² to 6500m².”*

Attachment 3 shows existing & proposed development on Lot 3 Trappers Drive and highlights the area subject to rezoning.

The purpose of the amendment is to facilitate the proposed northerly expansion (~1000m²) of the existing Action supermarket on Lot 6 Whitfords Avenue. It is proposed to expand the supermarket over a portion of lot 3 Trappers Drive. In two respects, the supermarket expansion cannot be considered without an amendment to DPS2.

Firstly, Lot 3 Trappers Drive is zoned “Civic and Cultural”. In the Civic and Cultural zone, the proposed expansion could not be permitted, as a ‘shop’ (use class for a supermarket) is a prohibited (X) use. The subject portion of Lot 3 Trappers Drive therefore requires rezoning to “Commercial” wherein a ‘shop’ is a permitted use (P).

Secondly, Schedule 3 of DPS2 specifies a maximum retail net lettable area of 5500m², however the 1997 DPI survey indicates that the centre is currently 6632m² net lettable area. The proposed expansion would result in a total retail floor area for the shopping centre of approximately 7632m² or in excess of the floor space limit by 2132m². The existing centre already exceeds the limit by approximately 1132m².

Justification provided by the proponent

In support of the proposal the proponent states:

- (a) The proposed increase in floor area is well within the 10000m² maximum nett lettable area under policy 3.2.8 – Centres Strategy.
- (b) Based upon retail demand analysis of the area, the centre could accommodate a larger supermarket facility.
- (c) The existing supermarket is too small to offer and present, in a contemporary format, all reasonably available product lines. The expansion of the existing supermarket is proposed to address this issue and enable the provision of an improved retail service to the community.
- (d) The development will provide additional landscaped parking facilities, modify vehicular access arrangements, improve the northern mall entry, provide a covered walkway between the shopping centre and adjoining retirement village, and improve pedestrian connections between the community centre, library and shopping centre. The development will also incorporate noise and odour reduction measures and incorporate some redesign to prevent outlook onto unsightly areas. These proposals attempt to overcome several amenity and operational issues and to better integrate the shopping centre with the adjoining community and residential uses.

The points raised in support of the proposal will be examined below.

Relevant Legislation

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 (refer Attachment 4)

One of the criteria of advertising an amendment without the WAPC's consent is that the Amendment is consistent with any Statement of Planning Policy prepared under Section 5AA of the Act. The WAPC's Statement of Planning Policy No 9 is such a policy. As will be explained below, the proposal may be inconsistent with this policy in which case the WAPC's consent to advertise the amendment is required.

Relevant Policies

The Western Australian Planning Commission (WAPC)'s Statement of Planning Policy No 9 – Metropolitan Centres Policy Statement for the Perth Metropolitan Area (MCPSPMA)

The purpose of the WAPC's Statement of Planning Policy No 9 – Metropolitan Centres Policy Statement for the Perth Metropolitan Region (MCPSPMA) is to provide a broad regional planning framework to coordinate the location and development of retail and commercial activities in the metropolitan region. A key guideline of the MCPSPMA is the control of retail floor space. Retail or shopping centres are assigned maximum floor areas in the interests of protecting adjoining amenity and the viability of the centres themselves. Centres, for example, can be described as "neighbourhood", "district" or "strategic" centres.

The Woodvale Boulevard Shopping Centre is not identified as a District Centre in the MCPSPMA. Accordingly, the centre could be assumed to be a Neighbourhood Centre. The recommended floor area for neighbourhood centres is 5000m².

The Western Australian Planning Commission's (WAPC) approval would be required if the centre exceeded 5000m² of net lettable area unless the size of the centre was consistent with a strategy approved by the WAPC.

City of Joondalup Centres Strategy

The City's Centres Strategy fulfills the purpose of a local planning strategy and Council resolved to modify and adopt the Centres Strategy as a planning policy at its meeting on the 28 November 2000. However, it should be noted that at the meeting of 23 July 2002 Council resolved to review the City of Joondalup's Centres Strategy and Policy 3.2.8 – Centres Strategy.

The Woodvale Boulevard Shopping Centre is classified as a Small Town Centre. The primary function of a Small Town Centre is to provide weekly retail, service and community facilities. The types of retail facilities appropriate for Small Town Centres include: minor discount department stores, supermarkets, speciality stores and convenience stores. A maximum floorspace of 10,000m² has been specified for the Woodvale Boulevard Shopping Centre in Policy 3.2.8 – Centres Strategy.

The Strategy concludes:

“Implicit in the above statements is that expansion of commercial uses (of which retailing as defined in the Metropolitan Centres Policy (1999) is only a part) is a primary objective of this strategy and must be encouraged at all levels of the shopping centre hierarchy.”

“The basis for this recommended strategy is that the Council should be positive and proactive towards expanding the retail and commercial base in the City as a primary means of generating employment.”

Legal Agreement

A legal agreement was entered into by Foodland Property Holdings Pty Ltd and the City of Wanneroo on the 14 May 1992, whereby Foodland Property Holdings Pty Ltd agreed not to build or create any shopping building complex on Lot 6 Whitfords Avenue which would provide a gross leasable retail floorspace of more than 4,990m². The agreement also makes reference to reciprocal parking arrangements between all lot owners within the greater Woodvale Shopping complex.

The legal agreement will need to be amended, at the proponent’s expense, to reflect the proposal prior to finalisation of the amendment.

COMMENT

MCPSPMA, City of Joondalup Centres Strategy and DPS2

Under the MCPSPMA, the centre is equivalent to a neighbourhood centre and accordingly the aggregate floor area should not exceed 5000m². Nevertheless, the MCPSPMA clearly states that proposals in excess of the above floorspace guide may be supported subject to sufficient justification being provided. A key consideration for the WAPC is whether such a proposal would be consistent with the requirements of a relevant local planning strategy or commercial strategy.

The proposal complies with all requirements of Policy 3.2.8 – Centres Strategy. The expansion of the supermarket use is consistent with the primary function of small town centres as defined in the policy. Furthermore, the proposal would result in the centre having a total net retail floor area of approximately 763 m², which is well within the floor space limit of 10000m² cited in the strategy.

In light of Council’s resolution to review the City of Joondalup Centres Strategy and Policy 3.2.8 – Centres Strategy it is recommended that Schedule 3 be amended to allow up-to 7650m² of net retail floor area on the subject centre site as opposed to 10000m² as cited in the strategy. Any further changes to schedule 3 should be as a result of the review.

It is also noted that Clause 3.7.3 of DPS2 provides for the floorspace figures contained within Schedule 3 to be varied by an Agreed Structure Plan for the centre locality. There is no Agreed Structure Plan for the subject centre.

Other Issues

Excision of portion lot 3 (community purpose site)

It is reiterated that Council's resolution of 15 October 2002 above, provides FAL with conditional support for the disposal of portion of Lot 3 subject to completion of this amendment and other matters as cited above.

Council was previously advised that should the subject portion of Lot 3 be disposed of, there would still be sufficient land for the construction of a community hall on the site. In addition, the site is under utilised and the development concept may provide an opportunity to address some amenity issues detailed below.

Amenity and Traffic Management

The proponent is aware of the potential concerns of residents from the adjoining Timberside (aged persons) Villas and proposes to take several measures to reduce the impact of the proposed expansion. These measures include:

- (a) addition of parapet 'noise baffles' to substantially reduce the existing noise from rooftop refrigeration units on the western side of the supermarket;
- (b) installation of a new cool room for waste storage, also on the western side of the supermarket, to eliminate rubbish odours;
- (c) Provision of a new screen wall to the fruit/vegetable preparation area and box store near the northern mall entry.

In addition, the proponent has previously provided a detailed assessment of traffic, access and parking arrangements in relation to the proposed supermarket extension. The recommended traffic, access and parking system incorporates the following key elements:

- (a) the existing driveway between the shopping centre and the library would be modified to a one-way exit permitting left turn out only at Trappers Drive (reduced width allows construction of a new footpath). This also means that a portion of Council land will now be required for use by service vehicles, accordingly arrangements would need to be made with the proponent in this regard.
- (b) two-way traffic flow would be maintained on the driveway between the community centre and northern property boundary, with provision of a right turn auxiliary lane at its junction with Trappers Drive in order to better facilitate right turns into this driveway from Trappers Drive north;
- (c) Additional pedestrian/cyclist facilities and improved pedestrian and cyclist connections between the shopping centre, retirement village, community centre, library and medical centre.

As per 1 (d) of Council's previous recommendation (15 October 2002), the proponent should submit a concept plan of the proposed supermarket extension. The plans should make provision for the following: landscaped parking facilities, modified vehicle access arrangements, upgrades to the northern mall entry, provision of a covered walkway between

the shopping centre and adjoining retirement village, enhanced pedestrian connections between the community centre, the library and the shopping centre, and provides details/measures to reduce noise, odours and the outlook of unsightly areas from the shopping centre. The plans shall be advertised in association with the amendment for the purpose of information.

At the completion of the advertising period, the proponent should be required to enter into a legal agreement with the City to ensure that development will proceed and will fulfill obligations to protect the amenity of the area, particularly in relation to noise and traffic management.

CONCLUSION

The reason for the amendment is to facilitate the expansion of the existing supermarket on Lot 6 Whitfords Avenue. The expansion is proposed to occur over land owned by Council being Lot 3 Trappers Drive, Woodvale.

Council at its meeting on 15 October 2002 resolved to offer to dispose of 354m² of Lot 3 and negotiate a lease for car parking to Foodland Australia subject to conditions. One of these conditions required the rezoning of the portion of Lot 3 Trappers Drive.

As previously noted in this report the proposed expansion (1000m²) to the centre would result in the total floor area further exceeding the current floorspace limitations within Schedule 3 of DPS2 (ie 550 m²). The proposed expansion would, however be within the floorspace limits of Council's Centres Strategy (1000m²).

Given the Council's commitment to review the Centres Strategy, which would include the floorspace figures within Schedule 3 of DPS2, an option open to Council is to not proceed with the rezoning and wait for the outcome of the review.

On the other hand, if the Council wishes to progress the matter in accordance with its resolution of 15 October 2002 then there are two options available.

The first is to proceed with an Agreed Structure Plan for the centre as this provides for the floorspace figures contained within Schedule 3 to be varied. However, given the extent of development on the site, the minor increase in the floor space and the descriptive Council resolution of 15 October 2002 referring to future development requirements, this option will not add significant value and would add an additional process as well as time delays, thus it is not recommended.

The second option is to amend Schedule 3 of DPS2. To ensure that this option, if pursued, does not compromise any future review of the Centres Strategy it is recommended that the change to Schedule 3 of DPS2 occur only to the extent necessary to accommodate the proposed expanded floorspace. That is, an additional 1000m² to the existing floorspace figure (as provided by DPI) of 6632m² (say 6650m²).

Consistent with Council's previous resolution, it is recommended that the proponent provide concept plans of the supermarket expansion during the advertising stage of the amendment. The plans will assist the community in fully appreciating the issues associated with the proposal. During the advertising period, the proponent should be required to enter into a legal agreement with the City to ensure that development will proceed and will fulfill obligations to protect the amenity of the area, particularly in relation to noise and traffic management.

It is recommended that Council proceeds to advertise Amendment No 1 to facilitate the proposed expansion of the existing supermarket on Lot 6 Whitfords Avenue.

VOTING REQUIREMENT

Simple Majority

MOVED Cr Kadak, SECONDED Cr Rowlands that Council:

- 1 in pursuance of Section 7 of the Town Planning and Development Act 1928:**
 - (a) AMENDS the City of Joondalup’s District Planning Scheme No 2 for the purpose of:**
 - (i) rezoning a 354m² portion of Lot 3 Trappers Drive, Woodvale, from ‘Civic and Cultural’ to ‘Commercial’ as indicated on Attachment 2 to Report CJ097-04/03;**
 - (ii) modifying Schedule 3 (Commercial and Centre Zones) by adding “Portion of Lot 3 Trappers Drive (subject to rezoning under Amendment No 1 to the Scheme)” under the column headed ‘Description of Centre and Commercial Zone’ adjacent to Woodvale (Woodvale Boulevard);**
 - (iii) modifying Schedule 3 (Commercial and Centre Zones) by increasing the maximum retail net lettable area under the column headed ‘NLA(m²)’ for WOODVALE (Woodvale Boulevard) - Lot 6 Whitfords Avenue from 5500m² to , 7650m²;**
 - (b) ADOPTS Amendment No 1 accordingly for the purpose of advertising;**
- 2 ADVISES the proponent to arrange for the legal agreement, dated 14 May 1992, between Foodland Property Holdings Pty Ltd and the City of Wanneroo and other parties, with respect to Lot 6 Whitfords Avenue, Woodvale, to be modified during the advertising period, to enable the proposed expansion of the supermarket to occur. The legal document shall be modified at the proponent’s expense to the satisfaction of the City;**
- 3 Prior to the commencement of advertising, the proponent shall submit a concept plan of the proposed supermarket extension. The plans shall make provision for the following: landscaped parking facilities, modified vehicle access arrangements, upgrades to the northern mall entry, provision of a covered walkway between the shopping centre and adjoining retirement village, enhanced pedestrian connections between the community centre, the library and the shopping centre, and provides details/measures to reduce noise, odours and the outlook of unsightly areas from the shopping centre. The plans shall be advertised in association with the amendment for the purposes of information;**

- 4 During the advertising period, the proponent shall enter into a legal agreement with the City of Joondalup to proceed with the development incorporating the development requirements outlined in point 3 above and any other requirement deemed necessary at the completion of advertising. The agreement shall be prepared at the applicant's expense to the satisfaction of the City prior to final adoption by the City of Joondalup.**

The Motion was Put and

**CARRIED BY
EN BLOC RESOLUTION NO 1 (15/0)**

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

Appendix 26 refers

To access this attachment on electronic document, click here: [Attach26agn290403.pdf](#)

**CJ098 - 04/03 CLOSE OF ADVERTISING - AMENDMENT NO 13 TO
DISTRICT PLANNING SCHEME NO 2 - LOT 99 (4)
HOCKING ROAD KINGSLEY - [50526]**

WARD - South

PURPOSE

The purpose of the report is for Council to:

1. Consider public submissions following advertising of Amendment 13 to the City's District Planning Scheme No 2 (DPS2);
2. Consider granting final approval to Amendment 13; and
3. Endorse and submit the amendment document to the Hon Minister for Planning and Infrastructure for final approval to be granted.

EXECUTIVE SUMMARY

Council at its meeting on 23 July 2002 (CJ183–07/02 refers) resolved to initiate Amendment 13 to DPS2 for the purposes of advertising, and resolved to advise not to be willing to adopt the Amendment for final approval until:

- the rezoning of the property under the Metropolitan Region Scheme (MRS) from 'Rural' the 'Urban' has been finalised; and
- the traffic impact statement had been assessed.

Upon finalisation of the MRS amendment on 14 January 2003 the proposal was advertised for a period of 42 days from 29 January 2003 to 12 March 2003. The amendment proposes to:

- rezone Lot 99 (4) Hocking Road, Kingsley (1.1572ha) from ‘Private Clubs/Recreation’ to ‘Business’. Refer to Attachments 1 and 2 to this report.

Upon closure of the advertising period, nine (9) submissions were received. (Refer Attachment 8). Seven (7) of the submissions were comments from service providers and government agencies, one (1) submission is from the owners of the adjoining caravan park and one (1) submission from a ratepayer.

The seven (7) submissions can be considered to be statements of no objection, while the other two (2) are deemed to be objections to the proposal as they raise concerns regarding the future use of the subject site if the proposed zoning is approved.

After the closing date for advertising, the City was also presented with two petitions of 31 and 66 signatures each on 1 April 2003, urging the Council not to support the proposed amendment until a number of issues have been taken into consideration.

It is recommended that the amendment be granted final approval, 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

Suburb/Location:	Lot 99 (4) Hocking Road, Kingsley
Applicant:	Mitchell Goff and Associates
Owner:	Hostyle Pty Ltd
Zoning:	DPS: Private Clubs/Recreation
	MRS: Urban
Strategic Plan:	<i>Key Result Area - Lifestyle</i> <u>Strategy 2.1</u> – Rejuvenate our suburbs <u>Strategy 2.6</u> – Promote and enjoy lifestyles that engender environmental, social and economic balance and sustainability. <u>Strategy 2.7</u> – Encourage provision of a range of innovative and quality facilities, services and recreational activities, which achieve the physical, social, cultural and intellectual wellbeing of the community, both locally and regionally.

Previous Council Decisions

Council at its meeting on 23 July 2002 (CJ183–07/02 refers) resolved to initiate Amendment 13 to DPS2 for the purpose of advertising and referral to a number of government agencies. It also resolved to advise it is not willing to adopt the Amendment for final approval until the rezoning of the property under the MRS from ‘Rural’ to ‘Urban’ has been gazetted and the traffic impact statement had been assessed.

Council at its 26 February 2002 meeting (CJ041-02/02 refers) considered Amendment No 1037/33 North West District Omnibus (No 5) to the MRS. The Amendment proposed, amongst other things, to transfer a portion of Lot 62 and Lots 63, 98 and 99 Hocking Road, Kingsley, from the ‘Parks and Recreation’ reservation and ‘Rural’ zone to ‘Urban’ zone. Council resolved at this meeting to support the proposed changes. The MRS Omnibus amendment was gazetted on 14 January 2003.

DETAILS

The subject land is located on the corner of Whitfords Avenue and Wanneroo Road in the northeastern section of Kingsley (Attachment 1 refers). The land to the north of Whitfords Avenue forms part of the Yellagonga Regional Park, whilst the land to the east of Wanneroo Road falls within the City of Wanneroo’s boundaries and forms part of the Wangara Industrial Area. The land is bounded by Hocking Road and a special residential estate to the south and by the Cherokee Village Caravan Park to the west. The land to the west of the Caravan Park (Lot 63 Hocking Road) is currently used as market garden and associated retail outlet, however, it is proposed along with a portion of Lot 62 Hocking Road to be rezoned to facilitate an aged persons’ development. The land to the west of Lot 62 Hocking Road forms part of the Yellagonga Regional Park.

Land Use & History

Lot 99 Hocking Road has been developed with a large building and associated carparking area, which was previously used as an indoor recreation centre and place of public worship. Refer to Attachment 3 to this Report. The City’s records indicate that the former use of the site attracted numerous complaints (predominantly noise related) from the occupants of the adjoining Cherokee Village Caravan Park. The building is currently vacant.

Access to the site is obtained from an existing crossover on Hocking Road, which lies adjacent to the boundary of Lot 98 Hocking Road (the Cherokee Village Caravan Park). (Attachment 3 refers).

A right of carriageway easement exists over Lot 98 Hocking Road in favour of the proprietors of Lot 99 Hocking Road, however, this is not currently utilised. (Refer to Attachment 4). The deed of easement was made on 17 June 1982 between the proprietors of Lots 98 and 99 Hocking Road. The deed states that the right of carriageway over the affected land shall not be relinquished, released or in any way surrendered without the approval in writing of the City first being obtained.

DETAILS

Private Clubs/Recreation Zone and Business Zone

The subject land is proposed to be rezoned from ‘Private Clubs/Recreation’ to ‘Business’ under DPS2.

The objective of the ‘Private Clubs/Recreation’ zone is to accommodate uses such as private golf clubs, private educational, institutional and recreational activities.

The uses, which are or may be permitted under the ‘Private Clubs/Recreation’ zone, are outlined in Attachment 5 to this Report.

The objectives of the ‘Business’ zone are as follows:

“3.6.1 The Business Zone is intended to accommodate wholesaling, retail warehouses, showrooms and trade and professional services and small scale complementary and incidental retailing uses, as well as providing for retail and commercial businesses which require large areas such as bulky goods and category/theme based retail outlets that provide for the needs of the community but which due to their nature are generally not appropriate to or cannot be accommodated in a commercial area.

The objectives of the Business Zone are to:

- (a) provide for retail and commercial businesses, which require large areas such as bulky goods and category/theme based retail outlets as well as complementary business services;*
- (b) ensure that development within this zone creates an attractive façade to the street for the visual amenity of surrounding areas.”*

The uses, which are or may be permitted under the ‘Business’ zone, are outlined in Attachment 6 to this report.

Access & Traffic Implications

The subject land has frontage to Whitfords Avenue, Wanneroo Road and Hocking Road, however, no access is permitted or is desirable to/from Whitfords Avenue or Wanneroo Road. As outlined above, access to the site is obtained from an existing crossover on Hocking Road, which lies adjacent to the boundary of Lot 98 Hocking Road (the Cherokee Village Caravan Park).

Whilst a specific land use is not proposed for the land, the applicants advise that traffic volumes are likely to be in the vicinity of 2000-3000 v.p.d. This advice is based on a traffic impact assessment provided as part of the proposal.

Main Roads WA advise that a grade separated crossing is intended for the intersection of Whitfords Avenue/Wanneroo Road due to high traffic forecasts and that the median strip on Wanneroo Road is intended to be extended so as to prevent right hand turns into Hocking Road. These traffic management proposals will further restrict access to the site. Main Roads WA had advised the applicants in writing that they have no objections to the proposal who in turn furnished the City with a copy of the letter.

Department of Planning & Infrastructure (DPI) Comments

The explanatory report for Amendment No 1037/33 North West District Omnibus (No 5) to the MRS stated with respect to the land:

- Lot 99 Hocking Road, Kingsley, does not contain any regionally significant vegetation or wetlands, can be connected to major services and the land given the surrounding land uses, is no longer suitable for rural uses.
- Given the land's constrained access arrangements, proximity of the land to the Yellagonga Regional Park, its location on a visually prominent corner and the adjoining special residential subdivision, land uses, which are low traffic generators and have a high visual amenity, would be suitable.
- It is anticipated that a draft structure plan will be formulated for the area, in consultation with the DPI, the City of Joondalup, Main Roads WA and CALM.

Statutory Provision

The Town Planning Regulations 1967 set out the procedure for amendments to a Town Planning Scheme. The procedure is summarised as Attachment 7 to this report.

Under provision of regulation 17(2) of the Regulations, Council shall consider all submissions received during the advertising period. After considering all submissions, the Council shall either resolve to not proceed with the amendment or adopt the amendment, with or without modifications and submit three copies of the amending document to the WAPC for recommendation to the Hon Minister for Planning.

Consultation:

The scheme amendment was advertised from 29 January 2003 to 12 March 2003, following the adoption of the amendment by Council for advertising purposes at its meeting on 23 July 2002 and the finalisation of the MRS Omnibus Amendment on 14 January 2003.

Advertising was in the form of two signs on site, adjoining landowners being notified in writing and advertisements placed in the West Australian (29 January 2003) and the Joondalup Community Newspaper (30 January 2003). One sign was placed in the north-eastern corner of the site facing the intersection of Wanneroo Road and Whitfords Avenue and the other along the southern boundary of the site facing Hocking Road, while fourteen (14) adjoining neighbours and eight (8) government agencies being notified in writing.

A total of nine (9) submissions and two (2) petitions of 31 and 66 signatures each were received. (Refer Attachment 8). The two (2) petitions were received on 1 April 2003, 20 days after the closing date for advertising.

Seven (7) of the submissions were statements of no objection from service providers and government agencies and many included comments. The remaining two submissions and the petitions were from private individuals being the owners and occupiers of the caravan park, property owners of adjoining residential properties and other ratepayers. Both the two submissions and the petitions are deemed to be objections to the proposed rezoning.

The main point in the submission from the owners of the caravan park is to alert the City to the fact that the park has a large number of permanent residents, and that any land use permitted on the subject site should be compatible with the residential nature of the caravan park. Uses that generate *“a lot of noise, pollution or anti-social behaviour would not be compatible with the caravan park”*.

The other submission cautions against the proposed rezoning until detailed information regarding the proposed development is available. The submission requires Council to provide detailed information regarding the proposed land use and to consider the proposal in the light of community sentiment, traffic and environmental issues and includes a complaint regarding the lack of detailed information provided by Council officers in relation to the proposed rezoning. Similar sentiment is echoed in the petitions.

COMMENT

The concern arising from the public comment received is the potential use of the subject site and its compatibility with the existing surrounding land uses, which are considered to be largely residential in nature.

Much of the concern is a direct result that the proposal is for a rezoning to a zoning category, which allows for a number of uses, as opposed to a specific use. Rezoning to zoning categories is a standard practice. Not only does this practice streamline the administrative process, but also provides a measure of flexibility in the land use potential of a property.

Potential land uses

The effect of the proposed amendment will be that the subject site can be used for a wider range of land uses, both as permitted and discretionary uses. Under the current zoning there are 5 'permitted' uses and 40 'discretionary' uses whereas the proposed zoning will allow for 22 'permitted' uses and 47 'discretionary' uses.

The proposed zoning is more commercial/business orientated than the existing zoning in that:

- (a) a number of business uses (eg Convenience Store, Beauty parlour, Hairdresser, Restaurant and Take Away Food Outlet) that are 'discretionary' uses under the current zoning are upgraded to be 'permitted' uses under the proposed zoning; and
- (b) a number of additional business uses (eg Bank, Consulting Rooms, Corner Store, Costume Hire, Garden Centre, Medical Centre, Office, Showroom, Veterinary Consulting Rooms etc) (demarcated with an * on Attachment 6) are included in the proposed 'Business' zoning either as permitted or discretionary uses.

While the uses that are listed under (a) above can be deemed to be uses for which the site can potentially already be used, the uses listed under (b) represent the wider scope of the proposed zoning.

Compatibility with Residential Land Use

Many 'business' zone properties throughout the City of Joondalup are located alongside residential properties. A few examples being Glengarry Hospital and Waldecks Nursery, which shows that the 'Business' zone can be compatible with the 'Residential' zone.

Prior to the property being developed for any of the uses available under the 'business' zone, the City is required to grant development approval, where any potentially adverse impacts on adjoining properties can be addressed by means of design solutions.

Traffic Impact Assessment

The Traffic Impact Statement submitted in support of the application examines the existing traffic flow on the road network surrounding the subject site, available crash data for the area, potential land uses that would be permitted with the proposed rezoning and their expected trip generation based on floor space of the existing development and established trip generation rates. The report concludes that additional traffic volumes generated in a worst-case scenario (using the site for showroom/warehouse purposes) would still be well within the capacities of the local road network, especially when it also considered that there would be a percentage of trips that are pass-by trips (already on the local road network).

The City evaluated the report and concurs with its findings that the additional volumes generated by a development on the site as a result of the proposed rezoning are acceptable.

CONCLUSION

The existing zoning no longer meets the developers' expectations for the property, given its high level of visibility as a result of its location on an intersection of two major access routes.

Properties with a 'business' zoning are located alongside 'residential' properties throughout the City of Joondalup without detrimental impact on the residential uses, while the traffic impact study has illustrated that a proposed rezoning of the property to 'business' would not result in traffic generation beyond the capacity of existing road network. The proposal also does not have any adverse environmental impact on the Yellagonga Regional Park.

The proposed rezoning will allow the use of the subject site to be maximised. While it is not expected that the proposed rezoning will have any adverse impact on the surrounding area, any amenity issues that may arise with a future land use can be addressed through design solutions via the planning approval process. The rezoning is therefore considered to be appropriate and it is recommended that the application be supported.

VOTING REQUIREMENTS

Simple Majority

MOVED Cr Kadak, SECONDED Cr Rowlands that Council:

- 1 Pursuant to Town Planning Regulations 17(2) ADOPTS Amendment No 13 to the City of Joondalup District Planning Scheme No 2;**
- 2 AUTHORISES the affixation of the Common Seal to, and endorses the signing of the amendment documents;**
- 3 NOTES all submissions and petitions received during the advertising period;**
- 4 ADVISES all persons who made submissions and the petitions of Council's decision accordingly.**

The Motion was Put and

**CARRIED BY
EN BLOC RESOLUTION NO 1 (15/0)**

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

Appendix 18 refers

To access this attachment on electronic document, click here: [Attach18brf150403.pdf](#)

**CJ099 - 04/03 PROPOSED AMENDMENT NO 17 TO DISTRICT
PLANNING SCHEME NO 2 – LOCATION 13649 (52)
MARRI ROAD, DUNCRAIG (REZONING FROM
BUSINESS R20 TO RESIDENTIAL R40) - [41927]**

WARD - South Coastal

PURPOSE

The proposed amendment is brought before Council for consideration and consent to advertise in accordance with the provisions of District Planning Scheme No 2 (DPS2) and Section 7 of the Town Planning and Development Act 1928 (TPD Act 1928).

EXECUTIVE SUMMARY

The subject land is currently zoned 'Business' under DPS2, with a R20 residential density code. A locality plan is shown in attachment 2. The amendment is proposed in order to rezone the land to 'Residential' and recode to R40 to facilitate the future construction of five (5) grouped dwellings upon the site (refer Attachment 1 – indicative development plan).

The proposal, pursuant to Section 7 of the Town Planning and Development Act 1928 (TPD Act 1928), is required to be advertised for public comment.

Given the justification for the proposed amendment contained within the comments section of this report, it is recommended that the amendment is satisfactory for the purposes of advertising for a period of forty-two (42) days.

BACKGROUND

Suburb/Location:	Loc 13648 (52) Marri Road, Duncraig
Applicant:	Taylor Burrell Town Planning and Design
Owner:	Alfonso Pelliccione & Sakar Pty Ltd
Zoning:	DPS: Business
	MRS: Urban
Coding:	R20
Strategic Plan:	Strategy 2.1 – Rejuvenate our suburbs.

Amendment 804 to the City's previous Town Planning Scheme No 1 rezoned the land from 'Public Use – Local Reserve' to 'Mixed Business'. This amendment was primarily a result of budgetary constraints that required the State Government to encourage the Education Department, through individual schools, to review their land holdings with a view to possible land rationalisation and disposal. The amendment was granted final approval by the Hon Minister for Planning and gazetted on 10 July 1998.

Upon finalisation of the City's DPS2, the land was zoned 'Business' in order for the zoning of the land to be closely aligned to its previous zoning of 'Mixed Business', as the 'Mixed Business' zone was to be replaced by the 'Business' zone under DPS2.

Council at its meeting on 23 July 2002 resolved to undertake a review of its 'Centres Strategy'. This review is currently being undertaken and is expected to be finalised as part of the City's review of DPS2.

DETAILS

The amendment applies to the land described as Loc 13649, Marri Road, Duncraig (refer locality plan shown in Attachment 2). The amendment is sought to facilitate the future construction of five (5) grouped dwellings upon the site. Each grouped dwelling is expected to be of two-storey construction, with courtyard areas and habitable rooms addressing the adjoining primary school in order to provide increased security of the adjoining site through passive surveillance.

The amendment shall determine the residential landuse and density of development upon the lot. The envisaged development scenario is included within the amendment document, shown in Attachment 1. It is expected that any future residential development upon the land will be assessed against the Residential Design Codes of Western Australia 2002, DPS2 and any applicable local planning policy adopted under DPS2.

In considering the proposed amendment and the possible future grouped residential dwelling development upon the land, several issues were identified and are as follows:

- Provision of uniform fencing which is visually permeable along the lots interface with the primary school site (required as a condition of development/subdivision approval during those respective processes);
- Ensuring future dwellings (habitable rooms) and associated courtyards address the primary school site to increase passive surveillance and security of the primary school and surrounds;
- Acknowledging and addressing existing vehicular access constraints to the site from Marri Road as identified during the previous amendment process (Amendment 804);
- Exploring potential reciprocal use and widening of the existing rear service laneway in order to secure vehicular access to each proposed dwelling via potential rear garage configuration;
- Providing increased security, useability and gentrification of the existing rear service laneway adjoining the site, for the benefit of both landowners.

It should be noted that other planning processes are required to be undertaken upon finalisation of the amendment process. This includes the subdivision/survey strata title process to create each of the five (5) proposed lots, the planning (development) application approval process and the building license approval process.

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 (refer Attachment 3).

Once advertising is completed, any submissions received are assessed and a final report presented to Council. Should the resolution be favourable, a recommendation is then made to the Department for Planning and Infrastructure for final determination.

Consultation:

Consultation will be undertaken for a period of 42 days following the adoption of the amendment by Council for advertising purposes, with advertising consisting of all adjoining landowners being notified in writing, a sign erected on site and a notice placed in the Joondalup Community Newspaper. It is suggested that the landowner and all tenants within the Duncraig shopping centre, together with the Education Department, Duncraig primary school and child care centre opposite the site, be notified in writing of the proposal.

Correspondence was sent to the property manager appointed by the shopping centre landowner on 4 March 2002 advising of the proposed amendment and requesting their comment with respect to the extension the access arrangement to include a larger portion of the rear service laneway, to ensure legal vehicular access to possible rear garages for each of the five (5) grouped dwellings. A response was received on 25 March 2002 stating that whilst the owners of the adjoining shopping centre site are not opposed to the rezoning of the site, they are opposed to the sharing of the laneway and do not wish to encumber its land Title.

It is apparent that the applicant is also not overly supportive of the City's preferred rear garage design option for the site. The applicant has a preference for an internal driveway configuration. As the shopping centre landowner does not agree to the preferred shared use and extension of the access arrangement, the City's preferred option can't proceed.

Strategic Implications:

Council should be mindful that approval of the amendment for advertising purposes does not constitute final approval to the rezoning, nor approval to future subdivision/strata titling, development or building license approval over the site.

The proposed amendment represents an opportunity to ensure greater passive surveillance and increased security of the adjoining primary school site and shopping centre, thus minimising potential adverse antisocial impacts (vandalism, theft, graffiti etc) upon those places.

COMMENT

Justification

The amendment is proposed by the applicant due to several reasons, these being;

- No interest in purchasing the site by the owners of Duncraig Village Shopping Centre at the time of sale;
- Tenancy vacancies in the existing Duncraig Shopping Centre;
- Lack of perceived demand for additional retail floorspace;
- The existing Duncraig Village Shopping Centre has a retail floorspace of 3329m² Council's Centres Policy requires that any expansion of a Village Centre over 3000m² must be justified in terms of demand. Given the first two points listed there does not appear to be the demand for additional floorspace;
- The provision of medium density residential development adjacent to a Village Centre is one of the essential elements under Liveable Neighbourhoods;
- The site's limited road frontage and inability to address the existing shopping centre makes it undesirable for commercial purposes;
- Medium density residential use would not impact on the level of amenity currently enjoyed in the immediate area.

The above grounds for justification of the proposed amendment are supported. Schedule 3 the City's DPS2 states that the maximum Retail Net Lettable Area (NLA) of the Duncraig Shopping Centre is 3000m², whereby the existing NLA of the shopping centre is 3329m². Additionally, the City's policy 3.2.8 – Centres Strategy states that the Duncraig Shopping centre is a village centre, whereby an increase of its retail NLA could be considered up to 4500m². Generally village centres over 3,000 m² or expansion to over this figure will not be supported unless it can be shown there is a need and that the proposed expansion will be based on 'mainstreet' shopping principles. Given the existing vacant tenancies, it is suggested that there is insufficient need to expand the shopping centre. Furthermore, given the current configuration of the shopping centre, there is extremely limited scope to base any future expansion upon 'mainstreet' shopping principles.

Council at its meeting on 23 July 2002 resolved to undertake a review of its 'Centres Strategy'. This review is currently being undertaken and is expected to be finalised as part of the City's review of DPS2.

The proposed amendment will facilitate residential development upon the subject lot thus increasing passive surveillance and security of both the adjoining primary school and shopping centre that may assist to reduce antisocial behaviour that is known to occur at schools and shopping centres, particularly after hours. It is also suggested that residents within future residential dwellings upon the subject land will help assist the commercial viability of the shopping centre and existing high level of service and community infrastructure within the locality.

Future Development Scenarios

Whilst the indicative design for future development upon the land as shown within attachment 1 has no statutory effect, it is important for the City to clearly articulate its expectations with respect to the future orientation of each dwelling, together with vehicular access arrangements.

Two distinct design options have been identified over the site. One option suggests vehicular access be obtained from the existing rear service laneway. In order to facilitate this option, the shopping centre landowner's consent is required to enter into a legal agreement to facilitate legal vehicular access. This option makes best use of the land, has potential to gentrify the currently unsightly rear service laneway, and will assist in the rationalisation of uncontrolled/unstructured car parking within the rear service laneway. However, it is crucial that the shopping centre landowner agree to the sharing of its laneway to facilitate this design option.

The other design option requires an internal roadway to be constructed abutting the school. It is generally desirable to have a road interface between private and public land (the public realm). This option would be in conformity with the City's policy 3.2.6 – Subdivision and Development Adjoining Areas of Public Open Space.

As the shopping centre landowners do not agree to the use of their rear service laneway and subsequent extension of the vehicular access arrangement, the rear service laneway access option can't proceed.

In any event, any future subdivision and development upon the lot is required to comply with the provisions of the City's policy 3.2.6 - Subdivision and Development Adjoining Areas of Public Space. This will ensure that any future subdivision and development issues relating to the facilitation of passive surveillance of public areas (in this case the Duncraig Primary School) are adequately addressed.

It is recommended that the resolution articulates the following design parameters required to facilitate sound urban design and development outcomes for future subdivision and development upon the site;

- The landowner shall modify the existing vehicular crossover and portion of the rear service laneway adjoining the subject lot to facilitate two-way traffic movement to the subject lot and to maintain one-way operation of the rear service laneway. Future vehicular access from this crossover and portion of the rear service laneway into the subject lot will need to be carefully designed to ensure appropriate vehicular access/egress is provided to the subject lots to the satisfaction of the City of Joondalup.
- Both the applicant and the landowner are advised that in addition to the provisions of the City's DPS2, Residential Design Codes 2002 and WAPC policy DC2.2 – Residential Subdivision, any future subdivision and development of the subject lot must comply with the provisions of the City's policy 3.2.6 - Subdivision and Development Adjoining Areas of Public Space.

Legal Agreement – Vehicular Access

Given existing traffic engineering and topographical constraints that do not allow separate vehicular access to the subject lot from Marri Road, a legal agreement is required to ensure vehicular access is legally available to the site from the gazetted public road network.

The owner of the subject lot, the shopping centre landowner and the City will be required to enter into a legal agreement to ensure reciprocal rights of access over portion of the shopping centre landowners land in order to provide legal vehicular access to future residential development over the subject lot. This will be required prior to Councils consideration of the amendment after advertising, and articulated through an individual Council resolution.

VOTING REQUIREMENTS

Simple Majority

MOVED Cr Kadak, SECONDED Cr Rowlands that Council:

- 1 in pursuance of Section 7 of the Town Planning and Development Act 1928, AMENDS the City of Joondalup’s District Planning Scheme No 2 for the purpose of rezoning Location 13649 (SN 52) Marri Road, Duncraig from ‘Business’ to ‘Residential’, with a residential density code change from ‘R20’ to ‘R40’;**
- 2 ADOPTS the amendment as suitable for the purpose of advertising for a period of 42 days;**
- 3 ADVISES the owner of the subject lot, being No. 52 (Loc 13649) Marri Road, Duncraig and the shopping centre landowner, being No. 50 (Lot 703) Marri Road, Duncraig that a legal agreement shall be entered into with the City to ensure reciprocal rights of access over portion of the shopping centre landowners land in order to provide legal vehicular access to future residential development over the subject lot. This will be required prior to Council’s consideration of the amendment after advertising, as the subject lot can not obtain its own gazetted road frontage to Marri Road due to traffic engineering constraints primarily caused by existing topography;**
- 4 ADVISES both the applicant and the landowner of the following matters required to facilitate sound urban design and development outcomes for future subdivision and development upon the site;**
 - (a) the landowner shall modify the existing vehicular crossover and portion of the rear service laneway adjoining the subject lot to facilitate two-way traffic movement to the subject lot and to maintain one-way operation of the rear service laneway. Future vehicular access from this crossover and portion of the rear service laneway into the subject lot will need to be carefully designed to ensure appropriate vehicular access/egress is provided to the subject lot to the satisfaction of the City of Joondalup;**

- (b) both the applicant and the landowner are advised that in addition to the provisions of the City’s DPS2, Residential Design Codes 2002 and WAPC policy DC2.2 – Residential Subdivision, any future subdivision and development of the subject lot must comply with the provisions of the City’s policy 3.2.6 - Subdivision and Development Adjoining Areas of Public Space.**

The Motion was Put and

**CARRIED BY
EN BLOC RESOLUTION NO 1 (15/0)**

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

Appendix 19 refers

To access this attachment on electronic document, click here: [Attach19brf150403.pdf](#)

Director, Infrastructure and Operations declared an interest that may affect his impartiality in Item CJ101-04/03 – Proposed Cancellation of a Portion of Kingsley Reserve, Reserve 38081, Location 10361, (72) Kingsley Drive, Kingsley for the purpose of Creating a Reserve for Clubrooms as he is a member of Kingsley Junior Football Club.

**CJ101 - 04/03 PROPOSED CANCELLATION OF A PORTION OF
KINGSLEY RESERVE, RESERVE 38081, LOCATION
10361, (72) KINGSLEY DRIVE, KINGSLEY FOR THE
PURPOSE OF CREATING A RESERVE FOR
CLUBROOMS - [34534]**

WARD - South

PURPOSE

The purpose of this report is for Council to consider the cancellation of a portion of Reserve 38081, Location 10361 (72) Kingsley Drive, Kingsley in order that a further reserve can be created for the purpose of “Clubrooms.”

EXECUTIVE SUMMARY

The tragedy of the terrorist bombings in Bali on 12 October 2002 impacted profoundly on the City of Joondalup, the residents of Kingsley, and particularly the Kingsley Senior Football Club, which lost seven of its club members. There has been widespread community support offered to the club, the outcome of which has been a proposal to develop a memorial clubhouse on Kingsley Reserve. Council endorsed the concept plan for the Kingsley Bali Memorial Clubroom project at its meeting of 18 February 2003 (Item No CJ011-02/03 refers).

Kingsley Reserve is Crown land managed by the City with a management order issued by the Department of Land Administration (DOLA) for the purpose of public recreation. In order to comply with *DOLA's Guidelines for the Administration of Section 20A "Public Recreation" Reserves*, (Guidelines) an excision of the clubroom development site should take place and a new reserve be created for that specific purpose.

As per DOLA's requirements in its Guidelines, the proposal was referred to the service authorities and the Department for Planning and Infrastructure (DPI), as well as being advertised for public comment for thirty days. No objections have been raised to this proposal. It is therefore recommended that approximately 953m² be cancelled from Kingsley Reserve, Reserve 38081, Location 10261 (72) Kingsley Drive, Kingsley and a new reserve created for the purpose of "Clubrooms."

BACKGROUND

At its meeting of 18 February 2003, Council's endorsement was requested for the Kingsley Bali Memorial Clubhouse Project. Council was provided with information with regard to the community's support related to the tragic loss of Kingsley Senior Football Club members in the Bali terrorist attack on 12 October 2002. The most appropriate outcome was considered to be the development of clubrooms in memory of the club members lost in the Bali terrorist attack.

Council therefore resolved that it:

- 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.

Suburb/Location:	Kingsley Reserve
Applicant:	City of Joondalup
Owner:	Crown
Zoning:	DPS: Local Reserve - Parks and Recreation
	MRS: Urban
Strategic Plan:	Lifestyle – Strategy 2.6 Promote and enjoy lifestyles that engender environmental, social and economic balance

DETAILS

Kingsley Reserve was created as a condition of subdivision in accordance with Section 20A of the Town Planning and Development Act 1928 and set aside for the purpose of public recreation with a management order in favour of the City. The reserve is 5.9105ha in size, bounded by Kingsley Drive to the west, Creaney Primary School to the north and Creaney Drive to the east. The reserve's southern boundary abuts a vacant civic and cultural zoned site and a drainage sump. (See Attachment 1 to this report).

As per Council's resolution of 18 February 2003 (Item No CJ011-02/03 refers), it is proposed that a memorial clubhouse be developed on Kingsley Reserve. There is an existing clubroom building on Kingsley Reserve, which is the approximate location of the proposed new development. (See Attachment 2 to this report). It is intended that the existing clubrooms will be demolished to accommodate the new development.

Statutory Provision:

Under DOLA's Cabinet approved Guidelines for the Administration of Section 20A "Public Recreation" Reserves, it is stated that *'as power to lease cannot be given over Public Recreation reserves, small excisions may be agreed which would provide reserved sites complementary to the use of the reserve, these to be vested in the local government with power to lease. Such sites may primarily be used for club buildings needing to be adjacent to large playing fields....'*

To facilitate leasing arrangements of clubrooms is not the only reason that cancellations of portions of reserves should take place. It also needs to be considered that if a Local Government holds a management order for the reserve, then it should reflect the correct purpose. If a portion of a public recreation reserve is used as a clubroom, then strictly speaking, the purpose of that land is no longer public recreation. Cancellation of that portion of the reserve to allow the creation of a new reserve for the specific purpose of "clubrooms" is appropriate.

Proposals for amendments to Section 20A public recreation reserves are also to be forwarded to the DPI to obtain its support, as this is required by DOLA.

Referral Process

To comply with DOLA's Guidelines, the City referred the matter to the service authorities to ascertain if there was any service infrastructure that would be affected by the proposal. Western Power, AlintaGas and the Water Corporation advised that there was not any plant that would be affected and therefore did not object to the proposal. Telstra also did not raise any objections although it stated that it had plant in the general area of the proposed clubroom site and recommended that investigation be made at the time of any site works to ensure Telstra's plant is physically located.

The DPI is also required to support any amendments to Section 20A reserves. The DPI advised that it is prepared to support the excision of the subject land for its intended new purpose.

Consultation:

Any amendments to Section 20A Public Recreation Reserves must be advertised for public comment. This proposal was advertised by a notice in a local newspaper and by erecting two signs on site for a thirty-day period. During the advertising period, which ran from 20 February 2003 and 22 March 2003, there were no public submissions.

Information provided at the time of the advertising period indicated that the proposed area to be cancelled would be in the region of 350m² and this is the area that was advertised as being required. As a preliminary survey has now been carried out, the actual area required is 953m².

COMMENT

Council endorsed the concept plan for the Kingsley Bali Memorial Clubroom project at its meeting of 18 February 2003 (Item No CJ011-02/03 refers). It is proposed that the memorial clubrooms be developed in the approximate location of the existing clubroom site, with the existing clubroom building being demolished. The proposed area is 953m², which is greater than that originally advertised for public comment. (See Attachment 3 to this report).

Although Kingsley Reserve is managed by the City on behalf of the Crown, DOLA does need to formally approve amendments to Section 20A reserves. The development of clubrooms on a public recreation reserve may be agreed to by DOLA, as a clubroom use is considered complementary to the reserves purpose of public recreation, however, DOLA requires that excision of the clubroom site be undertaken, and a new reserve created for that specific purpose.

The purpose of the land intended for the memorial clubroom development will no longer be public recreation and it is therefore intended to excise the subject portion and request DOLA to issue a new management order for the purpose of “clubrooms” for that portion.

VOTING REQUIREMENTS

Simple Majority

MOVED Cr Kadak, SECONDED Cr Rowlands that Council:

- 1 SUPPORTS the cancellation of approximately 953M² of Kingsley Reserve in the location as shown on Attachment 3 to Report CJ101-04/03 in order to create a separate reserve for the purpose of “clubrooms”;**
- 2 REQUESTS the Department of Land Administration to commence its formal actions as soon as possible.**

The Motion was Put and

**CARRIED BY
EN BLOC RESOLUTION NO 1 (15/0)**

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

Appendix 21 refers

To access this attachment on electronic document, click here: [Attach21brf150403.pdf](#)

CJ102 - 04/03 DELEGATED AUTHORITY REPORT FOR THE MONTH OF JANUARY 2003 - [07032]**WARD - All**

EXECUTIVE SUMMARY

This report provides a resumé of the Development Applications processed by Delegated Authority for March 2003 (see Attachment 1).

The total number of Development Applications determined (including Council and delegated decisions) is as follows:

Month	No	Value (\$)
March 2003	71	9,202,132

The number of Development Applications received for March was 80 which compares to 66 applications for March 2002.

VOTING REQUIREMENTS

Simple Majority

MOVED Cr Kadak, SECONDED Cr Rowlands that Council NOTES the determinations made under Delegated Authority in relation to the applications described in Report CJ102-04/03.

The Motion was Put and**CARRIED BY
EN BLOC RESOLUTION NO 1 (15/0)**

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

Appendix 22 refers

To access this attachment on electronic document, click here: [Attach22brf150403.pdf](#)

CJ103 - 04/03 SUBDIVISION REFERRALS PROCESSED 1
FEBRUARY – 31 MARCH 2003 - [05961]

WARD - All

PURPOSE

The purpose of this report is to advise Council of subdivision referrals received by the City for processing.

EXECUTIVE SUMMARY

Attachment 1 is a schedule of the Subdivision Referrals processed by Urban Design and Policy from 1 February – 31 March 2003. Applications were dealt with in terms of the delegation of subdivision control powers by the Chief Executive Officer (DP247-10/97 and DP10-01/98).

DETAILS

The subdivision applications processed will enable the potential creation of 8 additional residential lots and 22 strata residential lots. The average processing time taken was 18 days.

Three applications were not supported and one application was deferred.

VOTING REQUIREMENTS

Simple Majority

MOVED Cr Kadak, SECONDED Cr Rowlands that Council NOTES the action taken by the Subdivision Control Unit in relation to the application described in Report CJ103-04/03.

The Motion was Put and

**CARRIED BY
EN BLOC RESOLUTION NO 1 (15/0)**

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

Appendix 23 refers

To access this attachment on electronic document, click here: [Attach23brf150403.pdf](#)

**CJ104 - 04/03 MINUTES OF THE SENIORS INTEREST ADVISORY
COMMITTEE – WEDNESDAY 12 FEBRUARY 2003 -
[55511]**

WARD - All

PURPOSE

To submit the Minutes of the Seniors Interest Advisory Committee meeting held on 12 February 2003 to Council for endorsement.

SUMMARY

A meeting of the Seniors Interest Advisory Council was held on Wednesday, 12 February 2003 and the minutes of the meeting are submitted for noting by Council.

DETAILS

The minutes of the Senior Interest Advisory Committee held on 12 February 2003 at the City of Joondalup are included as Attachment 1.

No action is required from these minutes.

VOTING REQUIREMENT

Simple Majority

MOVED Cr Kadak, SECONDED Cr Rowlands that Council NOTES the minutes of the Senior Interest Advisory Committee Meeting held 12 February 2003, forming Attachment 1 to Report CJ104-04/03.

The Motion was Put and

**CARRIED BY
EN BLOC RESOLUTION NO 1 (15/0)**

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

Appendix 24 refers

To access this attachment on electronic document, click here: [Attach24brf150403.pdf](#)

REPORT OF THE CHIEF EXECUTIVE OFFICER**C54-04/03 TENDER NUMBER 032-02/03 SORRENTO BEACH
REDEVELOPMENT - [13541]****WARD -** South Coastal

PURPOSE

To seek Council approval to reject all tenders received for Tender Number 032-02/03 Sorrento Beach Redevelopment and commence a new tender process.

EXECUTIVE SUMMARY

As a part of the 2002/2003 Budget, Council approved funds for the first stage of the Sorrento Beach Redevelopment project to commence. At the meeting of 17 December 2002 (CJ 323-12/02 refers), Council endorsed the modified development proposal for the Sorrento Beach Concept Plan.

Tenders were advertised on 15 March 2003 for the Sorrento Beach Redevelopment through statewide public tender. Tenders closed on 9 April 2003. Two tenders were received after the tender closing time and therefore were not considered. Two submissions were received from Advantearing Civil Engineers and Georgiou Group Pty Ltd that were determined non-conforming.

It is recommended that Council REJECTS all the tenders received for Tender Number 032-02/03 Sorrento Beach Redevelopment and commence a new tender process.

BACKGROUND

Council approved on 17 December 2002 (CJ323 – 12/02 refers), Sorrento Beach Development Concept Plan.

- 1 ENDORSES the modified development proposal for the Sorrento Beach Concept Plan as outlined in the Connell Wagner/Plan E plan at Attachment 4 of this report.
- 2 REFERS the amended development proposal to the Western Australian Planning Commission with a recommendation of APPROVAL, subject to the following conditions:
 - (a) The parking bay(s), driveway(s) and points of ingress and egress to be designed in accordance with the Australian Standards for Offstreet Parking (AS2890) unless otherwise specified by this approval. Such areas are to be constructed, drained, marked and thereafter maintained to the satisfaction of the City.
 - (b) Disabled car parking bay(s) to be conveniently located, and with a minimum width of 3.2 metres, to be provided to the satisfaction of the City.

- (c) Any new toilet facilities are required to be connected to deep sewer.
- (d) Entry and access points to be the subject to further detailed design and safety audit.
- 3 REFERS the public submissions to the Western Australian Planning Commission for its consideration.
- 4 RELEASES the plan for a public information period of 30 days to be displayed at the Sorrento Surf Lifesaving Club, the City's Libraries, Customer Service Centres and City's web site.
- 5 ENDORSES the project designer, in consultation with the Sorrento Surf Lifesaving Club Executive, to complete the detailed design phase of the Sorrento Beach Redevelopment project in keeping with the conceptual plan depicted at Attachment 4.
- 6 ENDORSES the removal of the central groyne subject to the necessary investigations and approvals being obtained from the Department for Planning and Infrastructure supporting this proposal to proceed.

DETAILS

Under the City's Contract Management Framework and the Code of Tendering AS 4120-1994, the tenders were assessed by an evaluation committee using a weighted multi-criterion assessment system.

The selection criteria required Tenderers to specifically address the following:

- Lump sum price
- Construction programme with milestones;
- Tenderer's Resources (skilled manpower available to service the Contract, organisation chart, resumes of key personnel to be dedicated for the proposed Works);
- Tenderers previous experience in carrying out similar works;
- Quality Management Policy and Safety Management Policy.

The submissions received from Advantearing Civil Engineers and Georgiou Group Pty Ltd failed to provide all the required information specified in the tender document in that they did not contain completed price schedules. Clarification was sought from Advantearing Civil Engineers due to apparent omissions in their price summary.

The submission received from Georgiou Group Pty Ltd contained a number of errors that would have altered the Lump Sum Price. Clarification was not sought from Georgiou Group Pty Ltd due to the obvious nature of the errors.

After final assessment and consideration of the clarification, the evaluation team determined that both tenders received were non-conforming and should be rejected.

Policy 2.4.6. Purchasing Goods and Services

The City's Policy on purchasing goods and services encourages local business in the purchasing and tendering process; no submissions were received from local businesses.

Statutory Provision:

The statewide public tender was advertised, opened and evaluated in accordance with the *Local Government (F&G) Regulation 1996*

COMMENT

The City's solicitors advice was sought in relation to what options were available to Council to progress this matter in the most appropriate manner. Their advice concluded that:

“ In our view, the most prudent way forward for the City in this matter would be for the City to reject both the Advantearing and the Giorgio Group tenders (and the tenders lodged out of time) and commence a fresh tender process. Doing so will reduce the risk of legal proceedings being commenced against the City because all parties will have an equal opportunity to lodge a tender in accordance with the terms and specifications of the new RFT ”.

MOVED Cr Kenworthy, SECONDED Cr Patterson that Council REJECTS all the tenders received for Tender Number 032-02/03 Sorrento Beach Redevelopment and commence a new tender process.

AMENDMENT MOVED Cr Hollywood, SECONDED Cr Carlos that the words “and commence a new tender process” be DELETED from the motion.

Discussion ensued.

The Amendment was Put and

LOST (3/12)

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

The Motion as Moved by Cr Kenworthy and Seconded by Cr Patterson was Put and

CARRIED (12/3)

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

**C55-04/03 LANDFILL GAS AND POWER LEASE - TAMALA
PARK - [03149] [1196]****WARD - All****PURPOSE**

To seek endorsement of the Mindarie Regional Council (MRC) entering into a lease with Landfill Gas and Power to extract gas from landfill at Tamala Park.

EXECUTIVE SUMMARY

The Mindarie Regional Council is entering into a contract with Landfill Gas and Power to extract gas from the landfill in order to comply with its operating approvals. The MRC have sought the endorsement of member Councils for their actions taken to date over this matter.

BACKGROUND

Suburb/Location: Tamala Park, City of Wanneroo

Applicant: Landfill Gas and Power

Owner:

1. City of Joondalup
2. City of Stirling
3. City of Wanneroo
4. City of Perth
5. Town of Vincent
6. Town of Victoria Park; and
7. Town of Cambridge

At its ordinary meeting held on 30 August 2002, the Mindarie Regional Council (MRC) adopted the following resolution:

“That the Council endorse the draft Business Plan for Management of landfill gas”.

DETAILS

On 3 February 2003, a letter was received from the Chief Executive Officer of the Mindarie Regional Council requesting that the City, as part owner of Tamala Park land, endorses the Landfill Gas and Power proposal. An extract of the letter is as follows:

“The MRC is entering into a contract with Landfill Gas and power to extract gas from the landfill in order to comply with its operating approvals. The extracted gas will be used to generate green electricity for distribution by Western Power Corporation’s assets. This will generate income for both Landfill Gas and Power and Council.

This matter was considered by the owners at its meeting held on 9 December 2002. The outcome was that each member Council will ratify the decision to endorse the MRC's action to enter into the contract. With the pending completion of Stage One south landfill within the next two weeks, it is important that this matter be dealt with by your Council at its earliest meeting in 2003.

The MRC is wanting to sign a contract with Landfill Gas and Power by mid February 2003 and written endorsement from your Council by then would be appreciated.

Land Details

Tamala Park is described as Lot 118 on Plan 28300 and is held jointly in Certificates of Title by the Cities of Joondalup, Stirling, Wanneroo, Perth, and Towns of Vincent, Victoria Park and Cambridge.

The area to be leased is located within the Tamala Park Landfill site approximately 375m in from its Marmion Avenue Frontage and 500m in from its southern boundary. The proposed leased area is approximately 85m x 55m. This area is currently zoned Public Open Space (Special Purpose).

Statutory Provision

As all leasing actions affect Leases which are for a term greater than ten years and comprises only portion of a Lot, the approval of the Planning Commission is required under the provisions of Section 20 of the *Town Planning and Development Act, 1928*.

Financial Implications

The City of Joondalup is a joint owner of the subject land.

The Landfill Gas Management System will be installed, operated and maintained at no cost to the Mindarie Regional Council. The proposal will result in an additional revenue stream for the Mindarie Regional Council via royalties from the sale of “green” electricity generated from Landfill Gas and lease fees for the land based on 3% of electricity sales revenue and 50% of renewable Energy Certificate sales.

Strategic Implications

The leasing applications will not impinge on the City's five year Strategic Plan.

COMMENT

As requested by the Mindarie Regional Council, it is recommended that the Council endorses the Mindarie Regional Council's action to enter into a contract with Landfill Gas and Power to extract gas from the Tamala Park landfill.

VOTING REQUIREMENTS

Simple Majority

MOVED Cr Kadak, SECONDED Cr Walker that Council:

- 1 ENDORSES the Mindarie Regional Council's action to enter into a contract with Landfill Gas and Power to extract gas from the Tamala Park landfill at the abovementioned location;**
- 2 ADVISES the Mindarie Regional Council of its resolution.**

The Motion was Put and

CARRIED (15/0)

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

Cr Baker declared a financial interest in C55-04/03 – Status Report on the Joondalup Regional Performing Arts Centre Project as the centre will be located in close proximity to his business premises.

Cr Baker left the Chamber, the time being 2053 hrs.

C56-04/03 STATUS REPORT ON THE JOONDALUP REGIONAL PERFORMING ARTS CENTRE PROJECT - [14977] [07019]

WARD - All

PURPOSE

To request Council authorise the Chief Executive Officer to enter into negotiations for purchase of the preferred site for the Joondalup Regional Performing Arts Centre (JRPAC).

EXECUTIVE SUMMARY

On 17 December 2002, Council agreed in principle to identify the TAFE land adjacent to Central Park and facing Grand Boulevard as the preferred site for the JRPAC.

A Letter of Understanding was signed by the City, West Coast College of TAFE and the Department of Education & Training, agreeing to enter into negotiations to locate the proposed JRPAC on or adjacent to that portion of land occupied by West Coast College of TAFE Joondalup Campus. The land is currently vested in the Minister for Training and fronts Grand Boulevard. The purpose of the proposed negotiations is to maximise the benefits to all parties of co-location with the planned West Coast College of TAFE Hospitality Training Centre.

The three parties have discussed several master planning options and Option 11, as outlined in Attachment B, is the preferred option for co-location of the JRPAC and the West Coast College of TAFE Hospitality Centre.

It is recommended that Council:

1. ENDORSES Option 11, as outlined in Attachment B, as the preferred option
2. DIRECTS the City to approach the Valuer General's Office for a valuation of the preferred site for the JRPAC, as outlined in Option 11; and
3. AUTHORISES the Chief Executive Officer to enter into negotiations with the Department of Education & Training and West Coast College of TAFE for purchase of the land required for the JRPAC.

BACKGROUND

At the Council meeting on 17 December 2002, a progress report on the JRPAC was provided to Council recommending, interalia, that Council

- 1 *AGREES IN PRINCIPLE to the progression of the JRPAC project, including identifying:*
 - (a) *the TAFE land adjacent to Central Park and facing Grand Boulevard as the preferred site; and*
- 2 *As a matter of priority:*
 - (a) *Initiates high-level liaison for the JRPAC with key stakeholders – TAFE and others involved in the potential for co-locating with international hospitality training centre on the TAFE site; and Edith Cowan University, Handa Foundation, the Lotteries Commission and other State Government Agencies in relation to funding support.*

The recommendations were Put & Carried

(CJ310 - 12/02 refers)

Strategic Plan (2003-2008):

Strategy 1.2.2 "The City will create cultural facilities."

DETAILS

The table below details key actions that have been undertaken since the meeting of Council on 17 December 2002.

DATE	ACTION	OUTCOME
January 2003	City commences discussions with Department of Education & Training and West Coast College of TAFE over acquisition of land at TAFE site and co-location with Hospitality Training Centre	Department of Education & Training, West Coast College of TAFE and the City of Joondalup sign joint Letter of Understanding, agreeing to enter into negotiations with the aim of co-locating the JRPAC and the Hospitality Training Centre on TAFE land.
February 2003	Commissioning of Jones Coulter Young for Concept Design	City commission Jones Coulter Young (JCY) in partnership with the Department of Education & Training to develop a concept design for the JRPAC, and master plan for both the JRPAC and the Hospitality Training Centre.
February 2003	Commissioning of Transcore Pty Ltd to conduct a Parking and Access investigation in relation to the JRPAC on TAFE site	Final report received on 10 March 2003, and is currently being assessed.
March 2003	JCY Present Option 11 to the City.	Option 11 agreed to by City, TAFE & Department of Training as the preferred option

Letter of Understanding

In March 2003, a Letter of Understanding (LOU) was signed between the City, West Coast College of TAFE & the Department of Education & Training (Attachment A).

The LOU states the intention of all parties to enter into negotiations to locate the JRPAC on or adjacent to that portion of land occupied by West Coast College of TAFE. The land is currently vested in the Minister for Training and fronts Grand Boulevard. The purpose of the negotiations is to maximise the benefits to all parties of co-location with the planned TAFE Hospitality Centre. The LOU also states that master planning issues, options for fair and reasonable compensation for land transfers, opportunities for joint facilities and services and management and operational issues will be resolved by all parties concerned.

Concept design and master plan for the JRPAC & TAFE Hospitality Centre

Eleven design options for the JRPAC and TAFE Hospitality Centre have been issued by JCY since February 2003. These options have been revised on the basis of discussions with the City, the Department of Education & Training and TAFE. The latest option, Option 11 (Attachment B) was presented to the City on 10 April 2003.

Negotiations for land

Under Option 11 of the master plan, the JRPAC will front on to Grand Boulevard and will require approximately 8,200 m² of land, excluding car parking.

It is proposed that the City approach the Valuer General's Office for a valuation of the land and then enter into negotiations with the Department of Education & Training and West Coast College of TAFE for purchase of the site.

COMMENT

On 24 March 2003, the State Cabinet met at the City of Joondalup. The Chief Executive Officer made a presentation on the JRPAC and proposed co-location of the JRPAC with the TAFE Hospitality Training Centre. The presentation was well received.

Officers of the City, West Coast College of TAFE and the Department of Education & Training are supportive of Option 11 and are willing to enter into negotiations for land acquisition.

VOTING REQUIREMENTS

Simple Majority

MOVED Cr Kadak, SECONDED Cr Kimber that Council:

- 1 ENDORSES Option 11, as outlined in Attachment B to Report C56-04/03, as the preferred option;**
- 2 DIRECTS the City to approach the Valuer General's Office for a valuation of the preferred site for the Joondalup Regional Performing Arts Centre (JRPAC), as outlined in Option 11; and**
- 3 AUTHORISES the Chief Executive Officer to enter into negotiations with the Department of Training and West Coast College of TAFE for purchase of the land required for the JRPAC.**

The Motion was Put and

CARRIED (13/1)

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

Appendix 32 refers

To access this attachment on electronic document, click here: [Attach32min290304.pdf](#)

Director, Infrastructure and Operations declared an interest that may affect his impartiality in Item C56-04/03 – Wanneroo Basketball Association – Proposed Write Off of Debt to Council as a relative of Mr Djulbic's is a member of the Wanneroo Basketball Association.

**C57-04/03 WANNEROO BASKETBALL ASSOCIATION -
PROPOSED WRITE OFF OF DEBT TO COUNCIL -
[03097]**

WARD - Lakeside

PURPOSE

To reconsider the issues associated with the Wanneroo Basketball Association Inc (the Club) debt to the City as a result of the Club not fully complying with the 45-day time limit associated with the provision of audited financial statement.

EXECUTIVE SUMMARY

Council at its meeting held on 11 March 2003, considered several motions relating to the Wanneroo Basketball Association, as a matter of urgent necessity. (Item C22 – 03/03 refers) While several amendments were made to the original motions proposed, the Council resolved as follows:

- “1 subject to and conditional upon the Wanneroo Basketball Association Inc ("the Club") (being an important and well-managed local sporting club" providing to the City audited financial reports for the calendar years ending in December of 2000, 2001 and 2002, within forty five (45) days of the date of this Motion is passed, the City will:
- (a) thereupon forgive and forever release the debt allegedly owed by the Club to the city under a deed of variation entered into between the former City of Wanneroo ("the former city"), the City and the Club in 1987 ("the deed of variation")
 - (b) thereupon waive the payment of any payments required under the deed of variation; and
 - (c) thereupon waive the payment of all future rental payments falling due and payable under the terms of the sub-lease entered into between the former city and the Club ("the sub-lease").”

The Club provided the City with audited financial reports for the calendar years ending 31 December 1999, 2000 and 2001, on 1 April 2003. The 2002 Audited financial statements were however submitted on 28 April 2003. The deadline for the submission of the 2002 statements as imposed by the Council resolution of 11 March 2003 was 25 April 2003.

Given the minor area of non-compliance and the issues associated with public holidays legal advice was sought as to whether the submission of the 2002 audited statements on 28 April 2003 satisfied the Council decision. In summary the advice states that the provisions of the Interpretation Act 1984 will not apply to extend the 45-day period.

As a result it is necessary for the Council to reconsider the issue.

BACKGROUND

Resolutions - Council Meeting - 11 March 2003.

Council at its meeting held on 11 March 2003, the next ordinary meeting following the Special Meeting of Electors, considered several motions relating to the Wanneroo Basketball Association as a matter of urgent necessity. (Item C22 – 03/03 refers) While several amendments were made to the original motions proposed, the Council resolved as follows:

- “1 subject to and conditional upon the Wanneroo Basketball Association Inc ("the Club") (being an important and well-managed local sporting club)" providing to the City audited financial reports for the calendar years ending in December of 2000, 2001 and 2002, within forty five (45) days of the date of this Motion is passed, the City will:
 - (a) thereupon forgive and forever release the debt allegedly owed by the Club to the city under a deed of variation entered into between the former City of Wanneroo ("the former city"), the City and the Club in 1987 ("the deed of variation")
 - (b) thereupon waive the payment of any payments required under the deed of variation; and
 - (c) thereupon waive the payment of all future rental payments falling due and payable under the terms of the sub-lease entered into between the former city and the Club ("the sub-lease").
- 2 the Mayor, CEO, interested Councillors and other officers of the City (as the City and the Club considers appropriate) and the Club's Committee, convene a meeting within thirty (30) days of the date this Motion is passed, with a view to entering into negotiations for a variation of the terms of the Sub-Lease including, but not limited to:
 - (a) the City permitting additional uses at the Joondalup basketball Stadium ("the Stadium") by the Club, including for example, other sporting activities such as indoor soccer, netball, aerobics and indoor bowling;
 - (b) and the City assuming responsibility for general maintenance and several aspects of the stadium including, but not limited to, the stadium grounds, surrounds and building;
- 3 the Council amends its decision of 17 December 2002 and agrees to fund the strategic feasibility study at an estimated maximum cost of \$30,000;
- 4 in the interests of fairness and equity, the City hereby calls upon the State Government, being the owner of the land where the Stadium is situated, to reciprocate and match, on a dollar for dollar basis with the City, the savings to this local premier sporting Club occasioned by the important initiatives of the City, set out in paragraph 1 hereof;

- 5 that in relation to sub-paragraph 7(a) of the Council Resolution CJ428-12/01 dated the 18 and 19 December 2001 (which provided that the City advise the Club that the City will not consent to the exercise of the Club's option under the terms of the Sub-Lease to extend the Term or duration of the Sub-Lease to 2012 and required the Club to vacate the Basketball Stadium in December 2007) the City hereby agrees to vary the same by adding the condition at the end thereof "subject to and conditional upon the Club being satisfied with arrangements then in place for the accommodation of the Club."

Resolutions – Council Meeting – 1 April 2003

Following the Special Electors Meeting on 6 March 2003 and the decisions of Council in respect of the Association on 11 March 2003 a further report was submitted to Council on 1 April relating to the 6 resolutions that were passed at the Special Electors Meeting.

At that meeting the recommendation from the Administration included that the Council reaffirm its decision of 11 March 2003 to write off the Association's debt subject to certain conditions. It should be noted that the Council in determining the matter resolved that the conditions proposed by the Administration were not appropriate and that the debt should be written off in accordance with its decision of 11 March 2003.

COMMENT

It is considered that Council now has several options that it could apply to this situation. These include:

- 1 Reconsider the matter of the Club's debt to Council and write it off without further condition; or
- 2 Reconsider the matter and write off the debt subject to:
 - (a) a deed of agreement between the City and the Wanneroo Basketball Association Inc. outlining the details of what is proposed by the resolution; and
 - (b) the Wanneroo Basketball Association Inc. in return for the City writing off the Association's debt to the City, forgives and thereupon forever releases the City from any claim whatsoever the Association may have on the City relating to the area of land as initially leased and amended from time to time, and including the stadium building.

It must also be recognised that such action will most likely be seen as setting a precedent for other clubs and associations that the City deals with and supports in provision of funds. It could also be expected that they will want to be treated similarly to the Wanneroo Basketball Association if they find themselves in financial difficulties. It is considered important that the previously applied and encouraged position of Council providing assistance to clubs and associations on a contribution/partnership basis be reaffirmed and that the City should closely examine the level of financial commitment it is prepared to provide for such organisations that are in financial difficulties in the future.

It is therefore recommended that:

- (a) a policy be prepared for consideration by Council along the lines that it shall not in future act as a lending authority for any sporting club or other external organisation or provide any guarantee for any loan raised by any sporting club or association; and
- (b) it be confirmed that the actions taken in relation to the Wanneroo Basketball Association Inc. are a one off and do not set a precedent in the way any other clubs and associations should expect to be treated by the City in the future.

VOTING REQUIREMENTS

Absolute Majority

Cr Baker entered the Chamber, the time being 2056 hrs.

MOVED Cr Kimber, SECONDED Cr Kadak that:

- 1 Council AGREES to write off the Wanneroo Basketball Associations Inc debt and other payments detailed in Council’s resolution 1 (a) (b) and (c) of item number “C23 – 03/03 Resolution of Wanneroo Basketball Association inc.” subject to:**
 - (a) a deed of agreement between the City and the Wanneroo Basketball Association Inc. outlining the details of what is proposed by the resolution;**
 - (b) the Wanneroo Basketball Association Inc. in return for the City writing off the Association’s debt to the City, forgives and thereupon forever releases the City from any claim whatsoever the Association may have on the City relating to the area of land as initially leased and amended from time to time, and including the stadium building;**
- 2 Council REQUESTS a report be prepared on the appropriateness or otherwise of the City adopting a policy that it shall not in future act as a lending authority for any sporting club or other external organisation or provide any guarantee for any loan raised by any sporting club or association;**
- 3 the actions taken in relation to the Wanneroo Basketball Association Inc. in writing off its outstanding debt to the Council are a one off and do not set a precedent in the way other clubs and associations should expect to be treated by the City in the future.**

1ST AMENDMENT MOVED Cr O’Brien, SECONDED Cr Patterson that Points 2 and 3 of the motion be DELETED.

The 1st Amendment was Put and

LOST (7/8)

In favour of the Amendment: Crs Barnett, Carlos, Hollywood, Nixon, O’Brien, Patterson and Walker

Against the Amendment: Mayor Bombak, Crs Baker, Hurst, Kadak, Kenworthy, Kimber, Mackintosh, and Rowlands

2ND AMENDMENT MOVED Cr Carlos, SECONDED Cr Walker that:

- 1 Council AGREES to write off the Wanneroo Basketball Associations Inc debt and other payments detailed in Council's resolution 1 (a) (b) and (c) of item number "C23 – 03/03 Resolution of Wanneroo Basketball Association inc." and the date for submission of the audit report be extended to 29 April 2003;
- 2 Council REQUESTS a report be prepared on the appropriateness or otherwise of the City adopting a policy that it shall not in future act as a lending authority for any sporting club or other external organisation or provide any guarantee for any loan raised by any sporting club or association;
- 3 the actions taken in relation to the Wanneroo Basketball Association Inc. in writing off its outstanding debt to the Council are a one off and do not set a precedent in the way other clubs and associations should expect to be treated by the City in the future.

The 2nd Amendment was Put and**LOST (7/8)****In favour of the Amendment:** Crs Barnett, Carlos, Hollywood, Nixon, O'Brien, Patterson and Walker**Against the Amendment:** Mayor Bombak, Crs Baker, Hurst, Kadak, Kenworthy, Kimber, Mackintosh, and Rowlands**MOVED Cr Hurst, SECONDED Cr Mackintosh that the Motion be now PUT.****The Procedural Motion was Put and****CARRIED (12/3)****In favour of the Procedural Motion:** Mayor Bombak, Crs Carlos, Hollywood, Hurst, Kadak, Kenworthy, Kimber, Mackintosh, Nixon, Patterson, Rowlands and Walker**Against the Procedural Motion:** Crs Baker, Barnett and O'Brien**The Motion as Moved by Cr Kimber and Seconded by Cr Kadak was Put and****CARRIED (11/4)****In favour of the Motion:** Mayor Bombak, Crs Baker, Carlos, Hollywood, Hurst, Kadak, Kenworthy, Kimber, Nixon, Rowlands and Walker**Against the Motion:** Crs Barnett, Mackintosh, O'Brien and Patterson

MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

C58-04/03 MOTION TO LIE ON THE TABLE - MOBILE TELECOMMUNICATION FACILITY (20 METRE SLIMLINE MONOPOLE AND EQUIPMENT) AT KALLAROO PARK, BOUNDED BY MARMION AVENUE, KALLAROO PLACE, MULLALOO DRIVE & CATENARY COURT, MULLALOO (DA03/0040) – [09188]

WARD - Whitfords

At the Council meeting held on 1 April 2003 the following motion was moved in relation to Item CJ068-04/03:

MOVED Cr Mackintosh, SECONDED Cr Rowlands that Council REFUSES the application dated 10 January 2003 for a Mobile Telecommunication Facility at Kallaroo Park, bounded by Marmion Avenue, Kallaroo Place, Mullaloo Drive and Catenary Court, for the following reason:

- 1 the proposed Mobile Telecommunications Facility is likely to have a negative impact on the amenity of the surrounding area, due to its location within close proximity to a residential area;**
- 2 the proposed Mobile Telecommunications Facility is likely to have a negative impact on the visual amenity of the surrounding area.**

The following procedural motion was then moved:

MOVED Cr O'Brien, SECONDED Cr Carlos that, in accordance with Clause 5.4 of the City's Standing Orders Local Law, the following Motion Lie on the Table:

“MOVED Cr Mackintosh, SECONDED Cr Rowlands that Council REFUSES the application dated 10 January 2003 for a Mobile Telecommunication Facility at Kallaroo Park, bounded by Marmion Avenue, Kallaroo Place, Mullaloo Drive and Catenary Court, for the following reason:

- 1 the proposed Mobile Telecommunications Facility is likely to have a negative impact on the amenity of the surrounding area, due to its location within close proximity to a residential area;***
- 2 the proposed Mobile Telecommunications Facility is likely to have a negative impact on the visual amenity of the surrounding area.”***

The Motion to Lie on the Table was Put and

CARRIED (10/3)

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

Standing Orders Local Law, Clause 5.4 – The Motion Lie on the Table:

Clause 5.4 states:

If a motion that the motion lie on the table is carried debate on that motion shall not be resumed until a motion has been passed to take the motion from the table.

On a motion for the laying of the motion on the table being carried, a record shall be taken of all those who have spoken on the motion under debate and they shall not be permitted to speak on any resumption of the debate on that motion, but this does not deprive the mover of the motion of the right of reply.

(Note: The Minutes of the Council meeting held on 1 April 2003 recorded that no member spoke on the Motion Moved by Cr Mackintosh and seconded by Cr Rowlands.)

Any motion that was subject to a resolution that the motion lie on the table and not dealt with subsequently at the same meeting, shall be included in the agenda for the next ordinary meeting.

A member moving the taking of the motion from the table shall be entitled to speak first upon the resumption of the debate thereon.

Prior to any debate occurring on this item, a motion is required to be carried to take the motion from the table.

Item CJ068-04/03 is reproduced below:

CJ068-04/03 - MOBILE TELECOMMUNICATION FACILITY (20 METRE SLIMLINE MONOPOLE AND EQUIPMENT) AT KALLAROO PARK, BOUNDED BY MARMION AVENUE, KALLAROO PLACE, MULLALOO DRIVE & CATENARY COURT, MULLALOO

PURPOSE

To report the outcome of public advertising and request Council to determine the Development Application for the proposed Hutchison Mobile Telecommunication Facility (MTF) in Kallaroo Park, bounded by Marmion Avenue, Kallaroo Place, Mullaloo Drive and Catenary Court.

EXECUTIVE SUMMARY

An application has been received for a 20 metre slimline monopole containing 3 panel antennae and 2 parabolic antennae, and an equipment shelter. The above site is surrounded by residential land. The applicant, Hutchison Telecoms, proposes to relocate its existing MTF from the Mullaloo Squash Courts at Karoona Road, Mullaloo to the above site due to community concern.

The above use is a “use not listed” as determined under Clause 3.3 in District Planning Scheme No 2 (DPS2) and has been advertised for public comment.

Public awareness has been high in relation to the proposal as evidenced by the number of submissions received in regard to the proposal. The major reasons cited for opposition were the potential adverse health impact, visual blight, loss in property values and the restricted access to the reserve.

Community support for the proposal was on the basis that the health of children at the adjoining kindergarten to the Mullaloo Squash Courts would be protected and existing poor mobile phone coverage would be improved as a result of the relocation of the facility to Kallaroo Park.

The proposal represents an opportunity for the Council to consider whether the proposed MTF at Kallaroo Park location is in a more appropriate location than the current Mullaloo Squash Courts site at Karoona Road, Mullaloo.

It is recommended that Council not support the above MTF due to its proximity to a residential area, the reduction in visual amenity, and large community opposition to the proposal.

BACKGROUND

Suburb/Location: Kallaroo Park, bounded by Marmion Avenue, Kallaroo Place, Mullaloo Drive and Catenary Court
Applicant: Hutchison Telecoms
Owner: City of Joondalup
Zoning: **DPS:** Parks and Recreation.
MRS: Urban

On 12 September 2000, the City resolved to place a moratorium on future MTFs. The moratorium was lifted by Council on 17 December 2002 and replaced with a Policy Statement in relation to MTFs.

Under the Telecommunication Act 1997 (as amended) and the Telecommunication (Low Impact Facilities) determination 1997, the proposal is defined as a “High Impact” facility and requires the submission of a development application for determination by the local authority.

DETAILS

The proposed MTF is part of the Hutchison Telecoms’ 3G network in the Metropolitan Region. The proposal consists of a 20 metre high slimline monopole. Attached are 3 panel antennae, each 1.9m long, 2 parabolic antennae with a 0.6m diameter and an equipment shelter 3 metres x 2.5 metres within a 1.8 metre high security fence (Attachments 1 and 2).

The MTF is to be setback approximately 3.6metres from Marmion Avenue and 57 metres from Kallaroo Place, Mullaloo. The monopole is a steel pole and the equipment shelter is colorbond. No colours for the structures have been nominated at this stage.

The MTF has been categorised as a “use not listed” in DPS2. The facility is proposed to be located in Kallaroo Park, which is a Section 20A Reserve (not a Crown Reserve). Should the proposal be approved, Hutchison will be required to excise the land from the reserve and then enter into a lease arrangement with the City of Joondalup.

Applicant’s submission

The applicant has provided the following summarised information to support the application:

- The above site has been chosen to achieve the required network coverage and the matters taken into consideration include radio coverage, low impact and co-location opportunities, surrounding land uses, planning, environmental and heritage considerations and facility construction and treatments.
- The facility has been designed to facilitate establishment by other carriers if required and alleviate the need for more facilities closer to residential and other areas. The height requirements of those carriers are not, however, dependent on the future carriers’ needs. The proposed facility is an alternative solution to facilitate the community’s aspiration to relocate the low impact MTF from Mullaloo Squash Centre to an alternative location. From a land use perspective, this is considered to be minimal.
- The MTF is located in a relatively isolated location on the reserve. The proposal from a land use perspective is considered minimal. It is located in a reserve in comparison to the existing low impact facility located at the Mullaloo Squash Courts at Koorana Road. The antennae have been attached in a manner to reduce the visual intrusiveness and bulk.
- The proposal will comply with the relevant Australian Standards in relation to exposure to electromagnetic fields, as provided in the independent report submitted.
- The proposal is consistent with the orderly and proper planning of the locality. And as such, approval is requested. Hutchison Telecoms will not appeal against the decision of the City if the proposal was adversely determined.

Public Consultation

The MTF proposal has been advertised for a period of 30 days, pursuant to Clauses 6.6 and 6.7 of DPS2 and Council’s Policy Statement on MTF. The proposal was advertised as follows:

- Written notification of landowners within 500 metres of the proposed MTF
- An advertisement in the local community newspaper
- The erection of 3 signs on-site.

While the landowners of all properties within a 500 metre radius of the proposal were contacted in writing, the residents of those properties were inadvertently not directly contacted (approximately 100 residents)

However, given the widespread advertising of the proposal, including several signs on the site, a notice in the local newspaper, various media reports, and local action groups, it is likely that awareness of the proposal is very high in the local community.

Further, it is unlikely that, given the response rate and the relatively small number of residents not directly contacted, that the balance of numbers for and against the proposal would not be markedly affected. It is also noted that the 4 petitions received (a total of 955 signatures) are likely to compass many local residents who may not be owner/occupiers.

A total of 125 individual submissions and 4 petitions containing 16, 881, 19 and 39 signatures respectively objecting to the proposal were received.

A total of 18 individual submissions in support of the proposal were received.

The main reasons submitted by supporters are as follows:

- The location meets the Council's Policy Statement on Telecommunication Facilities;
- It is a better location than the current Mullaloo Squash Courts at Koorana Road, Mullaloo, which is close to a pre-primary, primary school and childcare facility. To reject the proposal would be a poor outcome for children who spend a lot of time around the Mullaloo Squash Courts Centre. The City needs to weigh the impact between groups least affected;
- The proposed site is not within 300 metres of a school or other facility where children congregate;
- The 20 metres height would mean that the structure does not have the sight related issues associated with the MTF at the Mullaloo Squash Courts;
- The proposal is considered not to reduce land values;
- Poor coverage is currently being experienced in the Kallaroo area. Hopefully this would be rectified by the MTF.

Others matters raised were whether the structure was able to accommodate other carriers and that the Water Corporation easement is not affected by the proposal. If this were not the case, other carriers who are also introducing 3G facilities would revert to low impact sites.

The main issues and concerns raised in the objections are as follows:

- The serious health and safety risk associated with EME emissions. No proof is submitted that EME are safe;
- The proposal is an eyesore and would be visually intrusive;
- The proposal would restrict the usage of the park and the park should be retained for what is was intended for;
- The proposal is too close to residential houses;
- The possible interference with TV reception;
- The devaluation in property prices.

Other matters raised in the objections were that the MTF be relocated in an industrial area, that the proposal not be determined prior to the new guidelines being introduced this year, that the length of adverting is inadequate and that the same consideration be given to residents, similar to the consideration given to affected groups at the Mullaloo Squash Courts.

The applicant has submitted the following additional information in response to the concerns raised in the objections:

- As per advice supplied to Councils by the Department of Health WA, there is no evidence of health effects from Mobile Base Stations. An independent EME report has also been provided to Council, which shows that Hutchison is complying with the ACA standards;
- Please refer to photo montages supplied to Council illustrating that the location of the site within the reserve will ensure that it does not impact on the use of the reserve;
- Facilities of this nature are located within the metro area to provide a service to residents and being located near housing is not uncommon;
- The facility will not interfere with TV reception;
- There is no evidence of devaluation of property located near MTF. This is not a planning consideration;
- The closest industrial area is in Joondalup. The coverage from a Hutchison MTF is approx 1-2 km depending on terrain. Therefore locating a site in the industrial area would not provide the required coverage to residents in Mullaloo;
- This proposal is for a Development Application. The new guidelines registered by the Australian Communications Authority (ACA) start on 10 April and apply to Low Impact facilities only, which do not require council planning approval. This facility does require council planning approval.
- Due to community, Council and Federal requests, Hutchison has agreed to look at alternative sites to provide coverage to the residents of Mullaloo.
- The applicant believes the best solution is Kallaroo Park, not only for Hutchison but for the community as well.

Statutory Provision:

The application has been submitted in accordance with Clause 6.1 of DPS2. The City is required to have due regard to the requirements stated in Clause 6.8.1 of DPS2 (Attachment 3 to this Report).

Policy Implications:

Consideration being given in relation to the Policy Statement on Telecommunication facilities adopted by Council on 17 December 2002 (attachment 4), which states in part:

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

In making a recommendation to the WAPC or determining the application the Council will have regard to;

- (a) *the comments and concerns of the local community;*
- (b) *the merits of the particular proposal;*
- (c) *compliance with the industry code of practice;*
- (d) *compliance with matters required to be considered under the District Planning Scheme, and*
- (e) *the general concerns of the Council regarding the potential effects of telecommunication facilities referred to in point 2 above.”*

Australian Communication Industry Forum (ACIF) - Proposed Industry Code “Deployment of Radio Communications Infrastructure”

The aim of the Code is to deal with the concerns of the community about risk associated with electromagnetic radiation and allowing greater participation in decision making by Local Council’s and the public. The code requires carriers to undertake the following:

- The submission of written procedures for site selection;
- To improve the notification and community consultation procedures;
- To design and operate base stations to minimise electromagnetic emissions;
- The develop an internal complaints handling procedure; and
- The submission of EMR emission reports as required by the Federal Government.

The above code is to come into operation on 10 April 2003.

COMMENT

The various issues raised during the advertising period are discussed below.

Visual Impact/Location.

The location selected is one of the lowest areas within the reserve close to residential houses. The applicants have sought to integrate the 20 metre height slimline pole to blend in with the natural vegetation. While the MTF proposed is considered to be one of the least visually intrusive structures when compared to other MTF facilities in and outside the City, the proposed tower will have a clear visual impact on the area.

The site for the MTF is within 50 metres of a residential area.

While the monopole will be visible form Kallaroo Place and Marmion Avenue, the site selected seems to be acceptable in terms of location away from sensitive uses, with the exception of residential houses. The design of the monopole, together with the antennae attached to the facility contributes to the reduction in the overall bulk of the facility. The monopole will be structurally built to accommodate other carriers’ antennae. However, as stated in the applicant’s submission, this may or may nor result in an addition to the height of the structure.

This creates some uncertainty, which could result in the facility increasing in size and increasing the visual impact on neighbouring residential properties. The close proximity of the proposed tower to residential land compounds the visual impact and such impact is of concern.

To minimise the visual impact of the structure, it is recommended that, if approved, the monopole be painted white or green and the equipment shed be painted green.

Effects on Property Values/TV Reception

There is no known published data to link property values to MTF. Further, property values are not a planning consideration. Television reception is not a matter that can be controlled by the City.

Use of Reserve

The choice of the location was one undertaken by Hutchison Telecoms. The area to be taken up by the MTF is relatively small in size and is in a secluded location and will be fenced off for safety reasons. There are numerous examples of MTF on reserves in the metropolitan area and this has not deterred the public from using the reserves for various activities.

If it was approved it would be recommended that the cable and access route to the MTF compound be realigned to retain the existing trees and conceal the compound. The applicant and Hutchison will also be required to liaise directly with the Water Corporation to ensure that the proposal does not have an impact on the Water Corporation easement.

Health matters

The main community concern is the adverse long-term health risk associated with MTF as a result of electromagnetic emissions.

International and national scientific studies conclude that there is no substantiated evidence to suggest that living near a mobile telephone tower causes adverse health effects. It is a mandatory requirement for all telecommunications carriers to comply with the Australian Safety Standards set by the Australian Community Authority (ACA). The Radiation Frequency (RF) limits are established by the Australian Radiation Protection and Nuclear Safety Agency (ARPANSA) and are some of the most stringent in the world.

Notwithstanding these comments there is, however, a divergence of scientific opinion from independent studies into the health impacts associated with MTF which suggest the opposite to the above findings. This means siting the MTF away from residential areas and other sensitive users such as schools until there is conclusive scientific evidence to the contrary that there are no health risk.

“Mobile phones communicate with the network base stations via radio waves, which are also called electromagnetic energy (EME). EME is the term that describes many different forms of energy including light, infrared, microwaves and radio waves. While they are all forms of EME, they operate at different frequencies and are different from each other. EME is measured in microwatt per square centimetre. A microwatt is one millionth of a watt. The current limit for general public exposure in Australia is 200 microwatt per square centimetre. The submitted RF EME analysis report states that “the worst case EME level at any distance from the antennae is 0.09021 microwatts per square centimetre or 11085 times below the national safety limit of 200 microwatts per square centimetre”.

Conclusion.

Today's society demands high quality mobile phone services. To satisfy this demand, MTFs are required within the urban environment and in suburb specific sites.

Notwithstanding, each application is required to be considered on its merits on planning grounds.

Hutchison has stated in the application that the proposed site is required to meet their network coverage for their 3G coverage. Hutchison has also stated that if the above proposal was not granted approval, they would not appeal the determination, but would have to revert to retaining the existing facility at the Mullaloo Squash Courts at Karoona Road, Mullaloo. As a "low impact" facility under the Federal Government's legislation the City has no powers to prevent the continued use of the existing facility should Hutchison chooses to take this course of action.

While it would be ideal not to have a MTF in any residential area, the City needs to consider whether the existing facility at the Mullaloo Squash Courts at Karoona Road, Mullaloo, or the current proposal at Kallaroo Park has a lesser impact as well as considering the other benefits to the community. The nearest residential properties at Catenary Court are approximately 50 metres away from the MTF.

The technical evidence submitted by the applicant clearly demonstrates that the RF EME levels from the MTF are well below mandatory standards. The issue of compliance with the health standards is a matter to be monitored and administered by the relevant Federal Health Agency.

Notwithstanding the planning issues discussed above, there has been a large negative response to this proposal from the surrounding community. Clearly the proposed location of the MTF adjacent to residential properties is of concern.

Having considered the proposal in accordance with Clause 6.8.1 and associated documents, it is recommended that the proposal be not be supported as it is considered that the site is unsuitable due to its proximity to residential dwellings, and will have a negative impact on the visual amenity of the area.

VOTING REQUIREMENTS

Simple Majority

Recommendation as submitted to the Council meeting held on 1 April 2003:

That Council REFUSES the application dated 10 January 2003 for a Mobile Telecommunication Facility at Kallaroo Park, bounded by Marmion Avenue, Kallaroo Place, Mullaloo Drive and Catenary Court, for the following reason:

- 1 the proposed Mobile Telecommunications Facility is likely to have a negative impact on the amenity of the surrounding area, due to its location within close proximity to a residential area;
- 2 the proposed Mobile Telecommunications Facility is likely to have a negative impact on the visual amenity of the surrounding area.

MOVED Cr Mackintosh, SECONDED Cr Baker that the Motion be taken from the Table.

Manager, Marketing, Communications and Council Support gave an explanation as to the process to be followed in relation to this Motion.

The Motion was Put and

CARRIED (15/0)

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

MOVED Cr Mackintosh, SECONDED Cr Rowlands that Council REFUSES the application dated 10 January 2003 for a Mobile Telecommunication Facility at Kallaroo Park, bounded by Marmion Avenue, Kallaroo Place, Mullaloo Drive and Catenary Court, for the following reason:

- 1 the proposed Mobile Telecommunications Facility is likely to have a negative impact on the amenity of the surrounding area, due to its location within close proximity to a residential area;**
- 2 the proposed Mobile Telecommunications Facility is likely to have a negative impact on the visual amenity of the surrounding area.**

Discussion ensued.

The Motion was Put and

CARRIED (15/0)

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

Appendix 27 refers

To access this attachment on electronic document, click here: [Attach27brf150403.pdf](#)

C59-04/03 **NOTICE OF MOTION NO 1 – CR P KIMBER – PROVISION OF PENSIONER AND MINIMUM PAYMENT RELATED INFORMATION – [18058, 27174]**

Cr Paul Kimber gave notice of his intention to move the following motion at the Council meeting to be held on Tuesday 11 March 2003. Council did not consider this item at its meetings held on 11 March 2003 and 1 April 2003 and it is therefore resubmitted for consideration at the Council meeting to be held on 29 April 2003.

The following elected members have indicated their support as required by Clause 4.4 of the City's Standing Orders Local Law:

Cr P Kimber
Cr P Kadak
Cr C Baker
Cr C Mackintosh
Cr G Kenworthy

“That:

1 Council BY AN ABSOLUTE MAJORITY, RESCINDS its decision of 18 February 2003 (Item CJ012-02/03 refers), viz:

“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.”

2 the detailed information regarding provision of pensioner and minimum payment related information NOT be made available to Councillors upon any formal request until after the May 2003 Local Government Elections.”

Reason for Motion:

Cr Kimber provided the following comment in support of his Motion:

“To ensure probity and proper conduct of intended applicants or nominees of the City of Joondalup Local Government Elections May 2003, we the applicants seek to ensure that this information not be released to proposed or duly nominated candidates or current elected members until after the May 2003 Local Government Elections.”

OFFICER'S COMMENT

Item CJ012-02/03, submitted to the Council meeting held on 18 February 2003, is reproduced for elected members' information.

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

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.

Officer's Recommendation as submitted to Council on 18 February 2003:

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.

VOTING REQUIREMENT

Absolute Majority

MOVED Cr Kimber, SECONDED Cr Baker that Council:**1 RESCINDS its decision of 18 February 2003 (Item CJ012-02/03 refers), viz:**

“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.”

2 the detailed information regarding provision of pensioner and minimum payment related information NOT be made available to Councillors upon any formal request until after the May 2003 Local Government Elections.”**The Motion was Put and****CARRIED BY AN
ABSOLUTE MAJORITY (13/2)**

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

C60-04/03**NOTICE OF MOTION NO 2 – CR A PATTERSON -
WAKELEY WAY, DUNCRAIG NEIGHBOURHOOD
SQUARE MAINTENANCE – [40743, 02154]**

Cr Andrew Patterson gave notice of his intention to move the following motion at the Council meeting to be held on Tuesday 1 April 2003. Council did not consider this item at its meeting on 1 April 2003 and it is therefore resubmitted for consideration at the Council meeting to be held on 29 April 2003.

The following elected members indicated their support as required by Clause 4.4 of the City's Standing Orders Local Law:

Cr P Rowlands
Cr G Kenworthy
Cr M O'Brien
Cr A Walker
Cr C Baker
Cr D Carlos
Cr P Kadak

“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 29 April 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 1 April 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 1 April 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

Cr Patterson advised he wished to have his Notice of Motion

WITHDRAWN

C61-04/03

NOTICE OF MOTION NO 3 – CR C BAKER – ENACTMENT OF LOCAL LAWS – MOBILE PHONE TOWERS

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 29 April 2003:

“That:

- 1 *The City of Joondalup instructs its solicitors to conduct a comprehensive Review (“the Review”) of the powers of the City of Joondalup, under the Local Government Act of 1995, the Town Planning and Development Act 1928 or any other statute, to enact new Local Laws or to amend any existing Local Laws to prevent or discourage the owners of any land situated in the City of Joondalup from entering into Licence or Lease Agreements in respect of the whole or part of their Land, or any improvements constructed on their land, with Mobile Phone Tower Service Operators and their Sub-Contractors in respect of the installation of Mobile Phone Towers on any such land, without the prior written consent of the City of Joondalup and the approval of the community likely to be adversely affected;*

2 *the Review be the subject of a report to Council for Council's consideration.*”

Reason for Motion:

Cr Baker provided the following comment in support of his Motion:

“You will recall that a similarly worded motion was defeated at the Council meeting held on 1 April 2003.

Since that Council meeting, I have been literally inundated with emails, telephone calls and faxes from residents of Kallaroo and Mullaloo who expressed their complete bewilderment as to why the majority of Councillors had point blank refused to review its Local Laws on this issue.

One such resident put it to me in the basis that it seemed morally wrong that Council was paying for Councillors to travel to New Zealand and Sweden for Council related conferences, and spending thousands of dollars on Councillor expenses (Child care, travel etc) and refreshments, in circumstances where the majority of Councillors weren't even prepared to consider obtaining legal advice as to whether the City of Joondalup did have the capacity to make new Local Laws to prevent or discourage the owners of land (not mobile phone tower service operators) entering into agreements for the use of their land for mobile phone towers.

I have received preliminary advice from Senior Counsel that it is possible for the City of Joondalup to enact new Laws as per the form of words used in the Motion set out above. These new Laws will not attack the Mobile Phone Tower Service Operators. If they purported to do so, they would be constitutionally invalid. The motion does not propose that we will do this. The motion proposes that we will enact new Laws to affect the owners of land in the City of Joondalup who attempt to enter into arrangements for the provision of the whole or part of the land for the purposes of erecting Mobile Phone Service Towers. Can you please appreciate that there is a difference between the two.

This matter is becoming increasingly urgent. I am concerned that some Councillors seem to be sitting on their hand and writing off the whole issue as being a Federal issue and hence beyond our control. This issue is not beyond our control just yet. I will not accept that it is beyond our control until such time as our solicitors have conducted the Review referred to in the Motion and prepared a report for our timely consideration. I think it is inappropriate to adopt a defeatist attitude prior to that point in time.

Council has engaged a QC to fight the Mullaloo “Progress” Association's endeavours in the Supreme Court to stop the much needed redevelopment of the run down Mullaloo Tavern. Where are our priorities?

I urge Council to support this motion. This issue is a very important issue in the community and I respectfully submit that it deserves priority over other issues.”

OFFICER'S COMMENT

Preliminary evidence on this motion has been sought from the City's solicitor. In essence the solicitor advises that it is highly unlikely that it would be possible to have a local law which effectively prevented a telecommunications provider from exercising their rights under the Telecommunications Act.

Under the Telecommunications Act, subject to giving Council notice, a telecommunications provider can establish a low impact facility without Council approval. These low impact facilities can be erected on property with, or without, the owner's agreement. While the owner can object to the proposed installation, the Telecommunications Industry Ombudsman would make the decision in respect of the proposal. There is no requirement for any agreement or licence to be established between the telecommunication provider and the owner of the land.

In these circumstances, even if a local law could be established to prevent an owner entering into an agreement, the effect would be minimal given the rights of the facility provider under the Federal Legislation.

It is therefore recommended that the comprehensive review proposed in the Notice of Motion not proceed.

VOTING REQUIREMENT

Simple Majority

Cr Nixon left the Chamber, the time being 2119 hrs.

Cr Patterson left the Chamber, the time being 2120 hrs.

MOVED Cr Baker, SECONDED Cr O'Brien that:

- 1 the City of Joondalup instructs its solicitors to conduct a comprehensive Review ("the Review") of the powers of the City of Joondalup, under the Local Government Act of 1995, the Town Planning and Development Act 1928 or any other statute, to enact new Local Laws or to amend any existing Local Laws to prevent or discourage the owners of any land situated in the City of Joondalup from entering into Licence or Lease Agreements in respect of the whole or part of their Land, or any improvements constructed on their land, with Mobile Phone Tower Service Operators and their Sub-Contractors in respect of the installation of Mobile Phone Towers on any such land, without the prior written consent of the City of Joondalup and the approval of the community likely to be adversely affected;**
- 2 the Review be the subject of a report to Council for Council's consideration.**

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

C62-04/03

NOTICE OF MOTION – CR M O'BRIEN – RESCISSION OF USE APPROVAL FOR A THERAPEUTIC MASSAGE CENTRE, LOT 9 UNIT 16 (7) DELAGE STREET, JOONDALUP ex (TP107-05/96)

Cr Mike O'Brien has given notice of his intention to move the following motion at the Council meeting to be held on Tuesday 29 April 2003. The following elected members have indicated their support as required by Clause 4.4 of the City's Standing Orders Local Law:

Cr M O'Brien
Cr C Baker
Cr C Mackintosh
Cr T Barnett
Cr A Patterson

“That Council BY AN ABSOLUTE MAJORITY, REVOKES and RESCINDS the former City of Wanneroo decision of 29 May 1996, Item TP107-05/96 refers, viz:

“That Council approves the application submitted by Artist Holdings Pty Ltd in respect of the use of Lot 9 unit 16 (7) Delage Street, Joondalup, for the provision of medical and sport related massages subject to:

- 1 There being a maximum of four masseuses working in the subject unit at any one time;*
- 2 Standard and appropriate conditions.”*

and substitutes in lieu therefore;

“That Council:

- 1 Takes into account the claim by the Hon Tony O’Gorman MLA, Member for Joondalup that “Bawdy House Activities,” contrary to Sections 209 & 213 of the Western Australian Criminal Code are allegedly occurring at Unit 16, 7 Delage St, Joondalup, and finds that evidence provided in Mr O’Gorman’s allegation, is of important weighting and is “on the balance of probabilities” a true fact;*
- 2 in light of the credit given to Mr O’Gorman’s allegation Council, having revoked and rescinded TP107-05/96, advises Ross Douglas Fraser, of 1B Saltbush Court, WICKHAM WA 6720, the Registered Proprietor, of (Unit) Lot 16 on Strata Plan 29376 Vol 2123 Folio 938 that the Approval TP107 – 05/96 granted to Artist Holdings Pty Ltd ACN 009 314 765 ABN 89 009 314 765 UNDER EXTERNAL ADMINISTRATION (LIQUIDATOR APPOINTED) has been revoked and rescinded, and that the current Unit Use does not comply, as a permitted land use, pursuant to Council’s District Planning Scheme No 2.;*
- 3 advises Leila Elaine Neilson, of 4 Addingham Court, CRAIGIE WA 6025, Director and Company Secretary, of Chadstone Pty Ltd ACN 103 565 617 ABN 15 103 565 617 (formerly LEILA’S [Reg. No 0243333G]), Principal Place of Business, Unit 16, 7 Delage Street, JOONDALUP WA 6027, Registered Office, Sergio D’Orazio & Associates, 20 Ballot Way, BALCATTWA WA 6021 that the land use approval for Unit 16, 7 Delage Street, JOONDALUP, granted to Artist Holdings Pty Ltd by the former City of Wanneroo ref. TP107-05/96 has been revoked and rescinded;*
- 4 advises Vincent Leonard Rossi and Cornelia Alida Rossi of 10 Moline Court, CHURCHLANDS WA 6018, Directors of Artist Holdings Pty Ltd, ACN 009 314 765 ABN 89 009 314 765 that the land use approval for Unit 16, 7 Delage Street, JOONDALUP, granted to Artist Holdings Pty Ltd by the former City of Wanneroo ref. TP107-05/96 has been revoked and rescinded.*

Reason for Motion:

Cr O'Brien provided the following in support of the above Motion:

- 1 There is no evidence that the former City of Wanneroo Councillors in Decision TP107-05/96 approved "Bawdy House Activities" as a Land Use under City of Wanneroo's Town Planning Scheme No 1.
- 2 The proprietary company Artist Holdings Pty Ltd as a proprietary company is, according to ASIC Listings, now under External Administration (liquidator appointed) and it seems is no longer a Proprietary Company trading with an interest in Unit 16, 7 Delage Street, Joondalup.
- 3 The City of Joondalup has by its decision in October 2002 decided that "Bawdy House Activities" are not an acceptable Land Use within the boundaries of the Municipality.
- 4 The evidence of the Claim by the Hon Tony O'Gorman MLA, Member for Joondalup, that "Bawdy House Activities" are occurring at Unit 16, 7 Delage Street, Joondalup is "on the balance of probabilities" evidence of enough weight, for Council's Decision to revoke and rescind the former City of Wanneroo decision of approval to Artist Holdings Pty Ltd.
- 5 Council further reinforced its 15th October 2002 decision, by a unanimous decision on Tuesday 11th March 2003 to prohibit "Bawdy House Activities" as a Land Use in the Municipality, and subsequent to EPA consideration, intends to advertise the amendment to District Planning Scheme No 2. as a Community Consultation, process for 42 days.

Officer's Comments

Following the receipt of the notice of motion as submitted by Cr O'Brien, legal advice was sought regarding the City's power to revoke a previously issued planning approval. It is confirmed by the legal advice that the City does not have power under District Planning Scheme No. 2 to revoke a planning approval. The one exception, which is irrelevant for current purposes, is Clause 6.10.2 which provides that an owner may make an application to revoke a planning approval prior to the commencement of the development, the subject of the approval. It is therefore advised that in accordance with 3.12 of the City's Standing Orders Local Law it would be reasonable for the chairperson to rule the notice of motion out of order as it is reasonable to believe such a decision is beyond jurisdiction of the Council.

VOTING REQUIREMENT

Absolute Majority

Cr O'Brien advised that as a result of an email he had received, he would not proceed to move the Notice of Motion this evening. Mayor Bombak advised that on legal advice received he could not accept the Motion and ruled it out of order.

For the benefit of elected members, Mayor Bombak read aloud legal advice received and advised he would not accept any further debate on the issue.

Cr Nixon entered the Chamber, the time being 2121 hrs.

Cr Patterson entered the Chamber, the time being 2122 hrs.

C63-04/03 ADJOURNMENT OF MEETING – [02154] [08122]

MOVED Cr Rowlands, SECONDED Cr Hurst that in accordance with clause 5.1 of the City's standing orders local law, the meeting be adjourned for a period of five (5) minutes, the time being 2123 hrs.

The Motion was Put and

CARRIED

The meeting RESUMED, the time being 2132 hrs. All elected members were present at this point.

C64-04/03 MOTION TO GO BEHIND CLOSED DOORS

MOVED Cr Mackintosh, SECONDED Cr Baker that in accordance with clause 5.6 of the City's Standing Orders Local Law and Section 5.23 of the Local Government Act 1995, the meeting be held behind closed doors to enable consideration to be given to:

CJ107-04/03 Site Acquisition – Joondalup Works Depot being a matter relating of a contract to be entered into;

C65-04/03 Legal Expenses – Blake Dawson Waldron being a matter relating to legal advice;

C66-04/03 Potential Breach of Standing Orders, Code of Conduct and the Local Government Act 1995, Cr J Hollywood – Not for Publication being a matter relating to legal advice which may be obtained;

the time being 2132 hrs.

Cr Hollywood requested that Item C65-04/03 be discussed in an open forum and not Behind Closed Doors. Mayor Bombak advised he could not accept this.

The Motion was Put and

CARRIED (11/4)

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

Members of the public and press left the Chamber at this point, the time being 2132 hrs.

**CJ107 - 04/03 SITE ACQUISITION - JOONDALUP WORKS DEPOT
- [80513]**

WARD - All

This Item Is Confidential - Not For Publication

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

MOVED Cr Kenworthy, SECONDED Cr Rowlands that Council:

- 1 CONDITIONALLY ACCEPTS the offer from LandCorp for the City to purchase a fully serviced site of 4.0 hectares for an amount of \$2.8 million dollars subject to the following conditions:**
 - (a) Landcorp undertakes all subdivision works and approvals;**
 - (b) LandCorp meets all costs of subdivision including the provision of access to the proposed lot via a traffic bridge over the current rail reserve and as detailed in the City of Joondalup Works Depot Project Plan (refer Attachment 1);**
 - (c) the City undertakes, at its own cost, due diligence in the form of a Geotechnical Survey, Environmental site analysis (including flora and fauna) and a review of potential site contamination to verify the site is not fatally flawed for development by such issues;**
 - (d) LandCorp provides a range of subdivision services of sufficient capacity for the development of a municipal works depot with further specific details to be agreed to by our respective Engineers;**
 - (e) LandCorp agrees to the relocation of the existing high voltage power line to the proposed lot boundary adjacent to, or contained within, the Freeway Reserve, and that LandCorp and the City undertake the relocation jointly. The City confirms that it will bear the cost of such a realignment apportioned to the proposed lot;**
 - (f) the final contract of sale and land value be in accordance with the requirements of the Local Government Act 1995 and reasonable conditions imposed by Landcorp;**
- 2 AUTHORISES the Chief Executive Officer to negotiate the finalisation of the Contract of Sale with Landcorp.**

The Motion was Put and

**CARRIED BY AN
ABSOLUTE MAJORITY (15/0)**

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

Appendix 33 refers

To access this attachment on electronic document, click here: [Attach33min290403.pdf](#)

Chief Executive Officer, Mr D Smith, declared a financial interest in Item C64-04/03 – Legal Expenses – Blake Dawson Waldron as this item relates to costs associated in the CEO obtaining legal advice.

**C65-04/03 CONFIDENTIAL - LEGAL EXPENSES - BLAKE
DAWSON WALDRON - [95357] [20006]**

WARD - All

This Item Is Confidential - Not For Publication

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

MOVED Cr Rowlands, SECONDED Cr Kenworthy that:

- 1 Council AUTHORISES the payment of an additional amount of \$6,109.32 excluding GST associated with the Chief Executive Officer obtaining legal advice from Blake Dawson Waldron;**
- 2 the expenditure in (1) above be charged to budget item 11.10.11.4201.0001**

The Motion was Put and

CARRIED (12/3)

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

Cr Hollywood declared a financial interest in Item C65-04/03 – Potential Breach of Standing Orders, Code of Conduct and the Local Government Act 1995, Cr J Hollywood – Not for Publication as this was a matter concerning Cr Hollywood personally.

Cr Hollywood left the Chamber, the time being 2144 hrs.

C66-04/03 POTENTIAL BREACH OF STANDING ORDERS, CODE OF CONDUCT AND THE LOCAL GOVERNMENT ACT 1995, CR J HOLLYWOOD - NOT FOR PUBLICATION - [38535] [53558] [02154] [08122] [42750]

WARD - All

This Item Is Confidential - Not For Publication

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

OFFICER'S RECOMMENDATION: That Council GIVES consideration to the alleged potential breach by Cr John Hollywood of the City's Standing Orders Local Law, Code of Conduct and the Local Government Act 1995.

MOVED Cr Carlos, SECONDED Cr Nixon that Council AGREES to take no further action in relation to the alleged potential breach by Cr John Hollywood of the City's Standing Orders Local Law, Code of Conduct and the Local Government Act 1995.

The Motion was Put and

CARRIED (8/6)

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

PERSONAL STATEMENT – CR P KIMBER

In accordance with Clause 4.5 of the City's Standing Orders Local Law, Cr Kimber made the following personal statement:

“I agree Cr Hollywood did openly declare that he released confidential and private information that was privy to all Councillors. However Mr Mayor, having been involved in the legal system for a long time, as our learned JPs and lawyers in this room would know that you do not get second chances with the most heinous of misdemeanours. Whether you get caught for stealing a chocolate from Coles, you get charged with stealing and you may have made an honest mistake and the like.

Mr Mayor, I know that the Chief Executive Officer is compelled to provide evidence to the Anti-Corruption Commission on an annual basis of breaches of the City's Standing Orders and Local Laws and this is one of those occasions. As it was said in Cr Baker's summing up, Mr Mayor we look like idiots if we don't be seen to be doing something about it, or is doing nothing about it, condoning it.

Mr Mayor my personal statement is:

I urge Councillors from this day forward to demonstrate more leadership and more onerous care with what you say and what you do and instead of listening with your own mind, listen to everyone. Thank you, Mr Mayor.”

PERSONAL STATEMENT – CR C BAKER

In accordance with Clause 4.5 of the City’s Standing Orders Local Law, Cr Baker made the following personal statement:

“I could not support the motion for the reasons I mentioned. There have been several allegations of very serious breaches of the Local Government Act 1995 in recent months. Some of the breaches, of course, are clearly cut and dried, Mr Mayor; very serious breaches and nothing is happening.

What’s the point in having legislation Mr Mayor? Cr Hollywood has said that it was an error of judgment. In other cases, Councillors were told at the time they voted they had a direct financial interest by any definition of the motion. They remained in the Chamber and voted. How can they say they are mistaken? But nonetheless, they are not being investigated according to the Director General of Local Government.

Once again, some very difficult questions need to be asked and stated in Parliament. I suspect there has been a great deal of political interference in these other matters. As I say, what’s the point of having a Local Government Act Mr Mayor. It is like saying you have robbed a bank, but you are sorry.”

PERSONAL STATEMENT – MAYOR J BOMBAK

In accordance with Clause 4.5 of the City’s Standing Orders Local Law, Mayor Bombak made the following personal statement:

“Councillors we have legal advice from Minter Ellison, one of the top lawyers in Western Australia. How often in the past have I heard other local government authorities being criticised for not taking their legal advice. I think this is another example.

I think a lot more will become of this. However, that is down the track and I think today through not supporting our legal advice, I think it is a sorry day.”

PERSONAL STATEMENT – CR G KENWORTHY

In accordance with Clause 4.5 of the City’s Standing Orders Local Law, Cr Kenworthy made the following personal statement:

“I actually voted incorrectly on this particular issue. However, the vote has been cast so we must go with it. However, I support the fact that I believe it is an unacceptable situation that people such as Cr Hollywood should be doing the things that he is doing (and we just talked about it) and as Cr Baker has also said, there are other people in this Chamber who are

making statements or doing things that are unacceptable. I personally believe that we in Joondalup are leaving ourselves wide open to further investigation and quite frankly, this Council needs to think very seriously about where it is heading and look closely at these issues. I believe that something needs to be done about this and I do not know at this stage exactly how we go about it. We need to be looking very closely at these sorts of issues.”

C67-04/03 MOTION TO GO TO OPEN DOORS

MOVED Cr Walker, SECONDED Cr Mackintosh that the meeting be now held with open doors, the time being 2159 hrs.

The Motion was Put and

CARRIED (14/0)

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

Members of the public and press entered the Chamber at this point. In accordance with the City’s Standing Orders Local Law, the Manager, Audit & Executive Services read the motions in relation to the following:

- CJ107-04/03 Site Acquisition – Joondalup Works Depot
- C64-04/03 Legal Expenses – Blake Dawson Waldron
- C65-04/03 Potential Breach of Standing Orders, Code of Conduct and the Local Government Act 1995, Cr J Hollywood – Not for Publication

Cr Hollywood entered the Chamber, the time being 2201 hrs.

C68-04/03 REQUEST FOR SECOND PUBLIC QUESTION TIME – [01122 02154]

MOVED Cr Carlos, SECONDED Cr Walker that, in accordance with Clause 3.2 of the City’s Standing Orders Local Law, a second public question time be permitted prior to the close of this evening’s meeting in order that members of the public may ask questions in relation to decisions made at this meeting.

The motion was Put and

CARRIED (11/4)

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

Cr Kenworthy left the Chamber, the time being 2205 hrs.

Cr Patterson left the Chamber, the time being 2206 hrs.

SECOND PUBLIC QUESTION TIME

Mr M Caiacob, Mullaloo.

- *Mr Caiacob raised a question in relation to comments made earlier in the meeting regarding Mullaloo Surf Club. This question was ruled out of order.*

DATE OF NEXT MEETING

To be determined

CLOSURE

There being no further business, the Mayor declared the Meeting closed at 2207 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 A NIXON
CR J HOLLYWOOD, JP
CR A WALKER
CR P ROWLANDS
Cr T BARNETT
Cr M O'BRIEN, JP
CR J HURST
CR C MACKINTOSH