



City of
Joondalup

DRAFT AGENDA

FOR ELECTED MEMBERS'

BRIEFING SESSION

TUESDAY, 25 NOVEMBER 2003

PUBLIC QUESTION TIME

Public question time is provided at meetings of the Council or briefing sessions that are open to the public.

Public question time is not a public forum for debate or making public statements. The time is limited to asking of questions and receiving responses. This procedure is designed to assist the conduct of public question time and provide a fair and equitable opportunity for members of the public who wish to ask a question. Public question time is not to be used by elected members. Members of the Council are encouraged to use other opportunities to obtain information.

Questions must relate to the ordinary business of the City of Joondalup or the purpose of the special meeting.

Prior to the Meeting/Briefing Session

To enable prompt and detailed responses to questions, members of the public are encouraged to lodge questions in writing to the Committee Clerk by close of business on the Friday prior to the Council meeting or Briefing Session at which the answer is required. Answers to those questions received within that time frame, where practicable, will be provided in hard copy form at that meeting.

At the Meeting/Briefing Session

A register will be provided for those persons wanting to ask questions to enter their name, and the order of registration will be the order in which persons will be invited to ask their questions.

Public question time will be limited to the legislative minimum of fifteen (15) minutes and may be extended by resolution of the Council, but the extension of time is not to exceed ten (10) minutes in total. Public question time will be limited to two (2) questions per member of the public. When all people who wish to do so have asked their two (2) questions, the presiding member may, if time permits, provide an opportunity for those who have already asked their two (2) questions to ask further questions.

During public question time at the meeting, each member of the public wanting to ask questions will be required to provide a written form of their question(s) to a Council employee.

Where the number of required questions exceeds the number able to be asked, the member of the public may submit the unasked questions to the Council, where they would be 'taken on notice' and a written response provided.

The procedure to ask a public question during the meeting is as follows:

- persons are requested to come forward in the order they registered;
- give their name and address;
- read out their question;
- before or during the meeting each person is requested to provide a written form of their question to a designated Council employee;
- the person having used up their allowed number of questions or time is asked by the presiding member if they have more questions; if they do then the presiding member notes the request and places them at the end of the queue; the person resumes their seat in the gallery;
- the next person on the registration list is called;
- the original registration list is worked through until exhausted; after that the presiding member calls upon any other persons who did not register if they have a question (people may have arrived after the meeting opened);
- when such people have asked their questions the presiding member may, if time permits, provide an opportunity for those who have already asked a question to ask further questions;
- public question time is declared closed following the expiration of the allocated time period or where there are no further questions.

The Mayor or presiding member shall decide to:

- Accept or reject the question and his/her decision is final;
- Nominate a member of the Council and/or Council employee to respond to the question;
- Due to the complexity of the question, it be taken on notice with a written response provided as soon as possible, and included in the agenda of the next briefing session or Council meeting, whichever applicable.

The following rules apply to public question time:

- *question time is not to be used by a member of the public to make a statement or express a personal opinion;*
- *questions should properly relate to Council business;*
- *question time shall not be used to require an Elected Member or an officer to make a personal explanation;*
- *questions should be asked politely in good faith and are not to be framed in such a way as to reflect adversely or be defamatory on a particular Elected Member or Council employee;*
- *where a response has been provided to a question asked by a member of the public, and where that response, in the opinion of the presiding person, adequately deals with the question, there is no obligation to further justify the response;*
- *where an elected member is of the opinion that the question is not relevant to the business of the City of Joondalup or that a member of the public is making a statement, they may bring it to the attention of the meeting.*

It is not intended that question time should be used as a means to obtain information that would not be made available if it was sought from the City's records under Section 5.94 of the Local Government Act 1995 or the Freedom of Information (FOI) Act 1992. Where the response to a question(s) would require a substantial commitment of the City's resources, the Chief Executive Officer (CEO) will determine that it is an unreasonable impost upon the City and refuse to provide it. The CEO will advise the member of the public that the information may be sought in accordance with the FOI Act 1992.

Disclaimer

Responses to questions not put in writing are provided in good faith and as such, should not be relied upon as being either complete or comprehensive.

DEPUTATION SESSIONS

Elected Members will conduct an informal session on the same day as the Briefing Session in Conference Room 1, Joondalup Civic Centre, Boas Avenue, Joondalup, commencing at 6.00 pm where members of the public may present deputations by appointment only. (Please note that deputation requests are to be received by no later than 4.00 pm on the Monday prior to a Briefing Session.)

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

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

CITY OF JOONDALUP – BRIEFING SESSION

to be held in Conference Room 1, Joondalup Civic Centre, Boas Avenue, Joondalup on
TUESDAY, 25 NOVEMBER 2003 commencing at **6.00 pm**

ORDER OF BUSINESS

1 OPEN AND WELCOME

2 PUBLIC QUESTION TIME

The following questions were submitted by Mr S Magyar, Heathridge to the Briefing Session held on 3 November 2003:

Q1 Late Item – Policy Review Committee Meeting: Can I be provided with the proposed changes to Policy 5.4.2 – Stormwater Drainage into Wetlands?

A1 This information will be provided to Mr Magyar.

Q2 Notice of Motion Cr C Baker – Extension of Ocean Reef Road: Has Council formally signed an agreement with the development?

A2 No.

Q3 Did the costs given in the previous report include costs for roundabouts at the corner of Hodges Drive/Ocean Reef Road and Resolute Drive/Ocean Reef Road?

A3 No.

The following questions were submitted by Mr S Caverson, Ocean Reef to the Briefing Session held on 3 November 2003:

Q1 I am concerned at the extension of Ocean Reef Road and would like speed humps installed to slow traffic speeds.

A1 The City is aware of this concern, which was expressed at the meeting held this week.

The following questions were submitted by Mr B Talevski, Ocean Reef to the Briefing Session held on 3 November 2003:

Mr Talevski stated that Ocean Reef Road extension is required in order to reduce traffic on Constellation Drive.

3 DEPUTATIONS

4 APOLOGIES AND LEAVE OF ABSENCE

Leave of absence previously approved:

Cr P Kimber	26 November – 1 December 2003 inclusive
Cr G Kenworthy	28 November – 31 December 2003 inclusive
Cr A Nixon	1 December – 5 December 2003 inclusive
Cr C Baker	17 December – 15 January 2004 inclusive

5 DECLARATIONS OF FINANCIAL INTEREST/INTEREST THAT MAY AFFECT IMPARTIALITY

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ITEM 1 PROPOSED CITY OF JOONDALUP STANDING ORDERS AMENDMENT LOCAL LAW 2003 – [25548] [08122] [76541] [05885]

WARD - All

Summary of Purpose and Effect (to be read aloud at the Council Meeting)

The first action in the process to adopt a new local law requires a summary of the purpose and effect to be read aloud by the Mayor. The summary is as follows:

“The purpose of this local law is to:

amend the former City of Wanneroo Standing Orders Local Law 1997, carried over to the City of Joondalup on its creation on 1 July 1998.

The effect of the City of Joondalup Standing Orders Amendment Local Law 2003 will:

Permit better management and implementation of Council’s decision making process by enabling all notices of motion for revocation of Council decisions to be considered at the next qualifying meeting.”

PURPOSE

The purpose of this report is to outline a proposed amendment to the City’s Standing Orders Local Law 1997 which aims to better support the decision making and implementation process of Council and obtain approval to advertise seeking public comment as part of the adoption process.

EXECUTIVE SUMMARY

The proposed amendment to the City’s Standing Orders Local Law 1997 involves deleting the current clause 4.4. Revocation Motions and substitution of it with a revised new clause. The intent of the proposed new clause is to provide support for Council’s decision making and decision implementation process. This would be achieved by enabling all notices of motion to revoke a decision of Council, to be considered at the next qualifying meeting

The first part of the process that must be followed to adopt the proposed amendment to the Standing Orders Local Law is in accordance with section 3.12 of the Local Government Act 1995 (The Act). The first part involves:

- *reading aloud the purpose and intent of the proposed local law, at the meeting*
- *the giving of statewide and local public notice that the local government proposes to make a local law. Matters to be included in that notice:*
 - (i) *the purpose and effect of the local law;*

- (ii) *advice that copies of the proposed local law can be obtained from the local government;*
- (iii) *inviting submissions/public comment for six weeks after giving the notice.*

This process is outlined in full in the Detail section of this report.

BACKGROUND

A major responsibility of local governments is to provide good government for their community. This responsibility requires local governments to have in place sound processes to make and implement decisions on matters that are the business of the Council. The formal process of decision making, which is carried out in the meetings of Council, is subject to the City's Standing Orders Local Law 1997. The Standing Orders Local Law sets out the rules of debate and meeting management that have to be followed by elected members during their meetings.

The City's current Standing Orders Local Law was carried over from the former City of Wanneroo when the new local governments of City of Joondalup and then Shire of Wanneroo were created on 1 July 1998. Since then, the City has endeavoured to develop its own Standing Orders Local Law to overcome several areas of concern, apply a format that is easier to read and understand and which is more in keeping with industry best practice. The proposed new Standing Orders Local Law previously considered by Council did not achieved the necessary Special Majority vote required for its adoption.

A revised Standing Orders Local Law is currently being prepared in conjunction with the City's solicitor and will be progressed to Council through the Standing Orders Review Committee.

DETAILS

One of the major concerns with Council's current decision making process is the apparent ease with which implementation of Council decisions can be delayed under the provisions of the City's current Standing Orders, clause 4.4 Revocation Motions. The concern with the current clause is that it allows one third of elected members to prevent the implementation of a decision made by the majority of elected members.

To address this matter, legal advice was obtained to draft the proposed amendment (See attachment 1) that takes the form of a separate Amendment Local Law.

Local Law Making Procedure

The procedure to amend a local law is the same as that required for making a local law.

Section 3.12 of the Local Government Act 1995, details the procedure that a local government must follow when making a local law. The details relating to the first stage of making a local law are:

- “ **3.12** (1) In making a local law a local government is to follow the procedure described in this section, in the sequence it is described.

- (2) At a Council meeting the person presiding is to read aloud, or cause to be read aloud, a summary of the purpose and effect of the proposed local law.
- (3) The local government is to -
 - (a) give statewide and local public notice stating that -
 - (i) the local government proposes to make a local law the purpose and effect of which is summarised in the notice;
 - (ii) a copy of the proposed local law may be inspected or obtained at any place specified in the notice; and
 - (iii) submissions about the proposed local law may be made to the local government before a day to be specified in the notice, being a day not less than 6 weeks after the notice is first given.
 - (b) as soon as the notice is given, give a copy of the proposed local law and a copy of the notice to the Minister and, if another Minister administers the Act under which the proposed local law is proposed to be made, to that other Minister, and
 - (c) provide a copy of the proposed local law, in accordance with the notice, to any person requesting it.
- (4) After the last day for submissions, the local government is to consider any submissions made and may make the local law* as proposed or make a local law * that is not significantly different from what was proposed.

**Special Majority Required ”*

COMMENT

It is recommended that the proposed local law (Attachment 1) be advertised in accordance with section 3.12 of the Local Government Act 1995, in order to seek public comment. On completion of the public comment period, a further report will be provided to Council with details of any public comment received and to progress adoption of the proposed amendment.

ATTACHMENTS

Attachment 1 Proposed City of Joondalup Standing Orders Amendment Local Law 2003.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council, in accordance with section 3.12 of the Local Government Act 1995, APPROVES the advertising of the proposed local law, “City of Joondalup Standing Orders Amendment Local Law 2003”, in order to seek public comment.

Appendix 1 refers

To access this attachment on electronic document, click here: [Attach1brf251103.pdf](#)

ITEM 2 BUSINESS & COMMUNITY DIRECTORY PARTNERSHIP PROPOSAL – JOONDALUP BUSINESS ASSOCIATION – [03082]

WARD - All

PURPOSE

The purpose of this report is to consider the continued partnership between the City of Joondalup and the Joondalup Business Association to produce the 2004/2005 Business and Community Directory.

EXECUTIVE SUMMARY

The Business & Community Directories produced over the past three years with financial support from the City of Joondalup have been a success, being both well accepted by business and the community, as well as providing the JBA with a potential fund-raising media.

The 2003/04 Directory saw vast improvements in design and quality which, coupled with future improvements and a wider distribution network in future years, could enable the City, local businesses and community groups to expand their profile outside the City's boundaries, bringing increased economic benefits to the region.

This report recommends that the City continues its financial support to the value of \$40,000 (plus GST) for the 2004/05 Business and Community Directory subject to the following terms and conditions:

- 1 the City being allocated appropriate space for information pertaining to Council services (currently this is 16 full A4 pages) with the Community front and inside cover as per 2003/04,
- 2 the City having two representatives on the working party for the production of the Directory,
- 3 the City allocated editorial space and photograph for a joint message from the Mayor and JBA President at the front of both sides of the Directory should it remain with the two cover design,
- 4 the JBA commit to continuing to develop and improve the directory's content and its appeal to a wider audience including identification of new markets and extended distribution channels within the community for the directory,
- 5 the print-run of the Directory is increased to allow for wider distribution, and for the City to be provided a minimum of 6,500 copies for use in new resident welcome & citizenship packs, libraries, recreation centres and customer service centres, and
- 6 continued inclusion of Community organisation/groups listings as supplied by the City.

BACKGROUND

In the past three years the City of Joondalup and the Joondalup Business Association jointly produced annual Business and Community Directories. The City contributed \$32,000 (plus GST) per annum to the project, including distribution to households and local businesses within the City of Joondalup and additional copies provided to the City for general promotions and inclusion in new resident ‘welcome packs’.

For the 2003/04 annual directory, the City contributed an additional \$6,500 from existing promotional and advertising budgets to secure the cover and inside cover advertising space to ensure it was financially feasible to convert the Directory to the new ‘double sided’ format and ensure the City’s and Community Information achieved a higher profile within the document.

The City has included in each edition; 16 full colour gloss pages of Council information, services and facilities; approximately 10 pages of Community Listings provided by the City; and editorial in the form of a joint message from the Mayor and JBA President. In addition, two representatives of the City have formed part of the working party for the Directory.

Prior to this project in 1999/2000 the City produced its own quality, 40 page dedicated Council Services Directory with full editorial control at a cost of \$32 000.

The support of these JBA annual Directories was considered beneficial as it allowed the City to demonstrate strong support for the business community by taking a leadership role in the economic vitality of the region. Funds previously allocated to the production of a dedicated Council Services Directory were redirected toward the joint project with the JBA.

A working party consisting of representatives from the Joondalup Business Association, a representative from the City’s Marketing Services Team and a representative from the Elected Members were responsible for developing the content and design of the Directory. As members of the working party, the City was able to ensure that the end product was one that was professionally presented as well as a useful reference for residents.

DETAILS

The JBA has invited the City to continue its participation in the 2004/2005 directory, by subscription for advertising space, one cover and inside cover for an amount of \$40,000 (plus GST). This amount represents the value of both the pages previously utilised for Council & Community information and the costs associated with improved cover design and directory format.

Research was undertaken by the City following distribution of the Directory in October and November 2003 as part of an overall City Communication research project. The results of the survey indicated a positive reaction to the directory.

- Awareness of the directory was 82% (extremely high)
- Readership/Usage of directory 49% (well above average)
- 56% rated directory as ‘Very useful’ (above average percentage)

Financial Implications:

Account No:	1 0510 3720 0102 9999
Budget Item:	Governance Corporate Costs, Printing
Budget Amount:	\$118,000.00
YTD Amount:	\$49,165.00
Actual Cost:	\$26,207.60

Funds are available within existing approved budgets for 2003/2004.

COMMENT

This is the fourth year that the Directory will be produced by the JBA. The research undertaken by the City has indicated that the product is strong and that there is demand and expectation within the community for such a product.

It is envisaged that continuing participation from the City will assist in further improvement of the content and distribution of future editions of the Community Directory. Options for consideration by Council are as follows with Officer's recommendation being Option 1 for the following reasons:

- Feedback received from the Research undertaken by the City, including 300 telephone interviews, indicating that the directory in its new format has above average awareness, usage and satisfaction levels.
- All residents interviewed during in-depth interviews had retained the document in their homes with their mainstream White & Yellow Page books.
- The City received more queries with regards distribution of the 2003/04 Directory than in previous years, again highlighting an increased usage and demand of the directory.
- The City's participation enhances promotion of the Directory into the business sector, making the product as a whole more viable.
- The level of financial contribution in Option 1 ensures the professionalism of the Directory, in particular the Community component, being maintained to the current level with pages allocated for City Services / Facilities as well as Community Services in general.

It is viewed to be most effective, from both cost and communications perspectives, to continue with this joint publication. To maximise the benefit of this publication it is recommended that the City proceed with Option 1 as outlined below.

Option 1

Provide a financial contribution of \$40,000 (plus GST) to the Joondalup Business Association, in accordance with the City's contribution in the past two years and additional funding provided to improve format and usability, to produce a Business & Community Directory for 2004/05, subject to the following revised terms and conditions:

- 1 the City being allocated appropriate space for information pertaining to Council services (currently this is 16 full A4 pages) with the Community front and inside cover as per 2003/04;
- 2 the City having two representatives on the working party for the production of the Directory;

- 3 the City allocated editorial space and photograph for a joint message from the Mayor and JBA President at the front of both sides of the Directory should it remain with the two cover design;
- 4 the JBA commit to continuing to develop and improve the directory's content and its appeal to a wider audience including identification of new markets and extended distribution channels within the community for the directory;
- 5 the print-run of the Directory is suitably increased to allow for wider distribution, and for the City to be provided a minimum of 6,500 copies for use in new resident welcome and citizenship packs, libraries, recreation centres and customer service centres, and
- 6 continued inclusion of Community organisation/groups listings as supplied by the City.

Option 2

To retain level of funding as per previous years without improvements to the publication and with the requirement of the Joondalup Business Association to supply the City with a minimum number of 3,000 copies.

ATTACHMENTS

Nil.

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Council AGREES to contribute an amount of \$40,000 (plus GST) to the Joondalup Business Association towards the production of the 2004/05 edition of the Joondalup Business and Community Directory with following terms and conditions:

- 1 the City being allocated appropriate space for information pertaining to Council services (currently this is 16 full A4 pages) with the Community front and inside cover as per 2003/04;**
- 2 the City having two representatives on the working party for the production of the Directory;**
- 3 the City allocated editorial space and photograph for a joint message from the Mayor and JBA President at the front of both sides of the Directory;**
- 4 the JBA commit to continuing to develop and improve the directory's content and its appeal to a wider audience including identification of new markets and extended distribution channels within the community for the directory;**
- 5 the print-run of the Directory is suitably increased to allow for wider distribution, and for the City to be provided a minimum of 6,500 copies for use in new resident**

welcome & citizenship packs, libraries, recreation centres and customer service centres, and

- 6 continued inclusion of Community organisation/groups listings as supplied by the City.**

ITEM 3 WARRANT OF PAYMENTS – 31 OCTOBER 2003 – [09882]**WARD - All****PURPOSE**

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

EXECUTIVE SUMMARY

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

DETAILS

FUNDS		AMOUNT
Municipal	000439A - 000448	\$10,931,880.08
Director Corporate Services & Resource Management Advance Account	058927 – 059730	\$10,738,136.55
Trust Account	000022	\$31.95
	TOTAL	\$21,670,048.58

The difference in total between the Municipal and Director of Corporate Services & 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 October 2003, the amount was \$1,053,903.95

The cheque register is appended as Attachment A & B

CERTIFICATE OF THE DIRECTOR OF CORPORATE SERVICES & RESOURCE MANAGEMENT

This warrant of payments to be passed for payment, covering vouchers numbered as indicated and totalling \$21,670,048.58 which is to be submitted to each Elected Member on 2 December 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 costing 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 \$21,670,048.58 was submitted to Council on 2 December 2003

.....

Mayor Don Carlos

ATTACHMENTS

Attachment A Warrant of Payments for Month of October
Attachment B Municipal Fund Vouchers

VOTING REQUIREMENTS

Simple majority.

RECOMMENDATION

That Council APPROVES for payment the following vouchers, as presented in the Warrant of Payments to 31 October 2003, certified by the Mayor and Director Corporate Services & Resource Management and totalling \$21,670,048.58.

FUNDS	VOUCHERS	AMOUNT
Municipal	000439A - 000448	\$10,931,880.08
Director Corporate Services & Resource Management Advance Account	058927 – 059730	\$10,738,136.55
Trust Account	000022	\$31.95
	TOTAL	\$21,670,048.58

Appendix 2 refers

To access this attachment on electronic document, click here: [Attach2brf251103.pdf](#)

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ITEM 4 FINANCIAL REPORT FOR THE PERIOD ENDING 31 OCTOBER 2003 – [07882]

WARD - All

PURPOSE

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

EXECUTIVE SUMMARY

The October 2003 year to date report shows an overall variance of \$8.4m when compared to budget.

This variance can be analysed as follows:

- The **Operating** position shows a surplus of \$32.8m compared to a budget of \$32.2m at the end of October 2003. The variance of \$0.6m is due primarily to an under spend in materials & contracts and utilities.
- **Capital Expenditure** is \$0.2m compared to a budget of \$1.3m at the end of October 2003, an under spend of \$1.1m. This is a timing variance due to delays in purchasing computer hardware and vehicles.
- **Capital Works** expenditure is \$1.6m against a budget of \$8.3m, an under spend of \$6.7m at the end of October 2003. This is a timing variance of which \$5.0m relates to delays in Corporate Projects.

DETAILS

The financial report for the period ending 31 October 2003 is appended as Attachment A to this Report.

ATTACHMENTS

Financial Report for the period ending 31 October 2003.

VOTING REQUIREMENTS

Simple majority.

RECOMMENDATION

That the Financial Report for the period ending 31 October 2003 be NOTED.

Appendix 3 refers

To access this attachment on electronic document, click here: [Attach3brf251103.pdf](#)

ITEM 5 CORPORATE CREDIT CARDS – [18049] [59174]

WARD - All

PURPOSE

The purpose of this report is for Council to approve a review of procedures associated with the use of corporate credit cards.

EXECUTIVE SUMMARY

- The City has issued corporate credit cards to the Mayor and seven staff members.
- The cards have been issued for business related purposes and their use is covered in a corporate procedure manual.
- Established practice and employment contracts are not necessarily fully aligned with the procedure manual.
- An opportunity exists to review the procedure relating to corporate credit cards and to address any anomalies and shortcomings.

It is recommended that the Audit Committee examines the use of all corporate credit cards and how they are processed, approved and documented.

BACKGROUND

On 10 November 2003 the Mayor, via email, directed the Chief Executive Officer and Director Corporate Services & Resource Management to have staff provide him with a summary by month of all expenses incurred by the CEO since commencement of his employment with the City.

The Mayor also made reference to the fact that he had not approved any payments of corporate credit cards held by the CEO since being elected to the position of Mayor and eluded to the fact that the CEO may be in breach of his contract.

In addition to the above the issue of corporate credit cards was raised at the Annual General Meeting of Electors held on 17 November 2003.

DETAILS

Corporate credit cards have been in use at the City dating back to the pre-split days of the City of Wanneroo.

Corporate credit cards are issued to the Mayor and senior employees in order to pay for immediate business expenses where it is inappropriate or not possible to use the City's regular financial systems.

Cards have been issued to the Mayor, CEO, Directors, Purchasing Officers (x2) and Council Steward.

A report setting out guidelines covering the use of corporate credit cards, was originally considered and adopted by the Audit Committee in 2001 (see attachment 1).

Minor modifications have since been incorporated into the Corporate Procedures Manual (see attachment 2).

It would appear however, that established practice differs in some cases to the guidelines outlined in the procedure manual. Additionally, the CEO and Directors have clauses in their employment contracts which may be at odds with the procedure manual and actual practices employed by the credit card providers, i.e. Commonwealth Bank.

COMMENT

Whilst there is no suggestion that credit cards are being used inappropriately, there is obviously room to review current procedures and practices to consolidate and address any anomalies and shortcomings. It is therefore recommended that this matter be referred to the Audit Committee for further consideration.

ATTACHMENTS

- | | |
|--------------|---|
| Attachment 1 | Report for Audit Committee 12 April 2001 - Corporate Procedure - Use of Credit/Charge Cards |
| Attachment 2 | Corporate Procedure 5.6 – Use of Credit/Charge Cards |

VOTING REQUIREMENTS

Simple majority.

RECOMMENDATION

That the Audit Committee EXAMINES the use of all corporate credit cards and how they are processed, approved and documented.

Appendix 24 refers

To access this attachment on electronic document, click here: [Attach24brf251103.pdf](#)

ITEM 6 LOCAL GOVERNMENT (FINANCIAL ASSISTANCE) ACT 1995 - GRANT ALLOCATIONS – [04468] [42002]

WARD - All

PURPOSE

To consider a request from the Mayor for a submission to be prepared for the Minister for Local Government and Regional Development on the process and methodology used by the WA Local Government Grants Commission. The submission would highlight certain anomalies in the allocation of grants that favour certain councils with high mining properties and that does not recognise the City of Joondalup sufficiently as providing regional amenities.

EXECUTIVE SUMMARY

The Mayor recently held discussions with the Minister for Local Government and Regional Development in relation to the allocation of general purpose grants and advised the Minister that the grants allocation process has anomalies in favour of certain councils with high mining properties and that the process does not recognise the City of Joondalup sufficiently as providing regional amenities.

The Local Government (Financial Assistance) Act 1995 provides for the determination of the total national grant figure, the allocation of the funds to each State and the conditions governing the payment of money to the States for distribution to local governments.

The Commonwealth Grants Commission reviewed the Local Government (Financial Assistance) Act 1995 in 2000/01. The grant allocation process is considered to be comprehensive and complex and the City of Joondalup provided a submission to the Commission in August 2001 which broadly supported the grant allocation principles and methodology.

The City of Joondalup is one of 26 metropolitan local governments receiving a minimum per capita grant allocation of \$15.95. Only three metropolitan local governments do not receive minimum grant payments – Armadale, Kalamunda and Mundaring. By example 3 regional local governments receive grant allocations of \$95 - \$300 per capita.

The State Government entered into agreements in relation to certain mining tenements whereby those operations were exempt from general rates, however are subject to royalty payments directly to the State Governments. The Shires of Collie, East Pilbara and Port Hedland are examples of local governments that are unable to rate significant mining tenements and which do not receive royalty payments, however do receive significant general purpose grant allocations.

The views expressed by the Mayor are not consistent with those conveyed by Council in its submission to the Grants Commission in August 2001 however, there may be merit in grants for Councils in mining communities if it has the potential to redistribute funds to metropolitan Councils.

RECOMMENDATION

That Council endorses a submission to the Minister for Local Government and Regional Development which highlights the issues associated with grant allocation calculations pertaining to local governments in mining communities.

BACKGROUND

In late October 2003 the Mayor attended a luncheon with Minister Stephens and raised an issue in relation to the Western Australian Local Government Grants Commission (WALGGC).

The issue relates to the Mayor's belief that the City is being disadvantaged by the current grant calculation formula, which favours some local governments in mining communities. From his experience in the mining industry the Mayor is aware that some mining companies have implemented practices which have resulted in minimisation of their rates liability.

The process and methodology used by the WALGGC for grant determination purposes was detailed in a confidential report to Council dated 12 June 2001. Attachment A refers.

In summary, the Local Government (Financial Assistance) Act 1995 provides for the determination of the total national grant figure, the allocation of the funds to each State and the conditions governing the payment of money to the States for distribution to local governments.

The WALGGC makes recommendation to the State Minister for the Local Government on the distribution of financial assistance grants to local governments. Once accepted by the State Minister, the recommendation is referred to the Federal Minister for Local Government for approval.

The Commonwealth Grants Commission undertook a review of the Local Government (Financial Assistance) Act 1995 during 2000/01. The City of Joondalup made its submission in August 2001.

DETAILS

The allocation of grants are required by the Commonwealth legislation to be made in accordance with National Principles. The general purpose funding is comprised of two pools – local road component and an equalisation component.

- The *Asset Preservation Model* has been accepted by the Associations of Local Government as a rational and equitable method of allocating funds for road preservation. The model assesses the average annual cost to local government of maintaining its road networks and recognises the existing road assets of each local government and regional differences in the cost of maintenance. The total funding provided available does not meet the assessed costs of preserving the assets.
- The *Balanced Budget Method* is used by the Commonwealth to establish the amount of funding (known as the Equalisation requirement) required for each local government. This involves assessing the revenue raising capacity and assessing the expenditure needs of each local government with reference to various “standards”. Local governments with “assessed revenues” greater than “assessed expenditure” do not qualify for grant funding. The minimum grant provision of \$15.95 per capita applied for the 2003/04 year.

Revenues and Expenditures assessed by the Commission are determined using “standards” across the State. Standards are based on a variety of criteria ranging from simple averages to complex statistical regression analyses. Disability factors (sound economic or physical characteristics), which affect a local government’s ability to provide services or to raise revenue, are also used.

Due to the implementation of the principle of equalisation in Commission formulas, the trend in recent years has been for larger, more urban councils to experience declining grants and smaller rural local governments to experience increasing grants.

The Commonwealth Grants Commission undertook a review of the Local Government (Financial Assistance) Act 1995 during 2000/01.

In its submission to the Commonwealth Grants Commission in August 2001, the City:

- noted that the Review did not address the interstate distribution of general purpose and local roads grants nor the quantum of funds made available under the Act
- contends that the principle of horizontal equalisation across all local governments in Australia would not be achieved without reviewing the allocation of funding between to the states
- believes that as far as is possible the WALGGC is meeting the objectives of section 3(2) of the Local Government (Financial Assistance) Act 1995
- believes that the National Principles (guidelines for the distribution of Commonwealth financial assistance to local governments) are appropriate and achieved through the operations of the WALGGC
- Considers that fiscal equalisation is an honourable ideal that should be attempted and that equalisation can only be a relevant objective is the quantum of funding made available is thoroughly reviewed
- Considers the complexity of the balanced budget methodology adopted by the WALGGC to distribute general purpose funding to be both its strength and weakness. Whilst the complexity of the methodology is difficult to “come to grips with” the methodology recognises the diversity of local governments within Western Australia.
- The WALGGC grant methodology incorporates disability factors that recognise the specific needs of local governments
- The WALGGC operates with considerable transparency and provides full details of its grant determination process following the release of grants allocations each year.

The Mayor considers that certain local governments which have large mining tenements are unfairly advantaged by the grants allocation methodology which is to the detriment of other local governments. In particular, the mining companies concerned do not pay general rates to the local government however they do pay royalties to the State Government. If a portion of the royalty funding was to be allocated directly to the relevant local government, those local governments would have a lower weighting with a resulting impact on the redistribution of grant funds to all other local governments.

By example, the grant allocations for 2003/04 were as follows:

Local Government	Population	2003-04 Equalisation Funding Component	
		(Total \$)	\$ per capita
Collie	10,301	\$ 1,157,165	\$ 112.34
East Pilbara	6,380	\$ 1,915,075	\$ 300.17
Joondalup	156,964	\$ 2,503,892	\$ 15.95
Port Hedland	13,356	\$ 1,273,371	\$ 95.34

(Source. Local Government (Financial Assistance) Act 1995 – 2003-04 Final Grant Allocations)

The Shire of Collie, Shire of East Pilbara and Shire of Port Hedland have several major resource operations on mining tenements owned and operated by organisations such as BHP, Mt Newman Mining, the State Government Collie Power Station and others. Whilst these entities are subject to residential rates as applicable, they have entered into specific agreements with the State Government exempting the mining tenements from general rates. It is understood that those agreements, several of which are covered by specific Acts of Parliament, were to encourage development in these remote regions. It is also understood that the mining companies pay significant royalties to the State Government.

The Mayor considers that the City of Joondalup is unfairly disadvantaged as it provides regional amenities and in particular is developing a number of large regional infrastructure projects to the benefit of the region, including – Craigie Leisure Centre, Ocean Reef Boat Harbour, Performing Arts Centre, Mullaloo Beach, Sorrento Beach, Learning City. These regional facilities however are overwhelmingly funded by the ratepayers of the City.

COMMENT

Council's submission to the Commonwealth Grants Commission broadly supported the Asset Preservation and Balanced Budget Methodology. The models are comprehensive and complex and the methodology was reviewed by the Commonwealth in 2000/01.

The collection of royalties and non rating of certain mining tenements and operations are subject to long standing individual agreements and under statute between the State Government and the relevant organisation and the City of Joondalup is unable to comment on those agreements.

The compensation for non-rating of the mining tenements and the redistribution of royalty payments from State Government to the individual local governments are matters for discussion between those entities.

It is not possible to determine whether the diversion of royalty payments from State Government to local government is possible or whether this would result in changes to the assessment of the annual grant allocations.

Whilst the grant allocation models are comprehensive and complex, the State and Commonwealth does provide specific funding for major infrastructure projects. It is unclear whether the inclusion of additional weighting for such regional factors would result in an increase in grant funding to the City of Joondalup using the existing models.

There may be merit in making the Minister for Local Government and Regional Development aware of the situation relating to rating issues associated within mining communities, if it

potentially results in a fairer allocation to metropolitan councils providing regional type infrastructure as outlined above.

ATTACHMENTS

Attachment A WA Local Government Grants Commission – Allocations – 12 June 2001

VOTING REQUIREMENTS

Simple majority.

RECOMMENDATION

That Council ENDORSES a submission to the Minister for Local Government and Regional Development which highlights the issues associated with grant allocation calculations pertaining to local governments in mining communities.

Appendix 25 refers

To access this attachment on electronic document, click here: [Attach25brf251103.pdf](#)

ITEM 7 TENDER 004-03/04 – THE SUPPLY OF MOBILE GARBAGE BINS AND/OR THE PROVISION OF STORAGE, DELIVERY AND REPAIR OF MOBILE GARBAGE BINS – [57542]**WARD - All**

PURPOSE

To seek Council approval to accept the tender submitted by Sulo MGB Australia P/L for the Supply and Delivery of Mobile Garbage Bins (MGBs) in accordance with the Schedule of Rates for Tender number 004-03/04, for a maximum period of two years, subject to annual review and satisfactory performance and to decline to accept any tender received for the Provision of Storage, Delivery and Repair of Mobile Garbage Bins.

EXECUTIVE SUMMARY

Tenders were advertised on 6 August 2003 through statewide public tender for the Supply and Delivery of Mobile Garbage Bins (MGBs) and/or the Provision of Storage, Delivery and Repair of Mobile Garbage Bins. Tenders closed on 21 August 2003. Three tenders were received for the supply of MGBs and three for the storage, delivery and repair of MGBs.

The City of Joondalup's MGBs supply contract expires in December 2003. The City of Wanneroo currently provides storage, delivery and repair services on an as required basis.

It is recommended that Council:

- 1 *ACCEPTS the tender from Sulo MGB Australia Pty Ltd contract number 004-03/04 for Option one for the supply of mobile garbage bins in accordance with the schedule of rates;*
- 2 *DECLINES to accept any tender for Option two for the provision of storage, delivery and repairs of mobile garbage bins, tender number 004-03/04.*

BACKGROUND

As part of its waste management services the City of Joondalup provides the supply of Mobile Garbage Bins (MGBs) to residents and is responsible for delivery, maintenance and replacement from time to time. Under the current Service Level Agreement between two Cities, the City of Joondalup is responsible for the supply of MGBs and the City of Wanneroo provides for the storage, delivery and repair at the City's request.

Strategic Plan:

No implication for the Strategic Plan.

DETAILS

The advertisement was placed in the West Australian on Wednesday 6 August 2003 and closed 21 August 2003. Tenders were received from the following companies:

Option 1 Supply and Storage of MGBs

- Sulo MGB Australia P/L with its registered office in Somersby, New South Wales;
- Brickwood Pty Ltd with its registered office in Melbourne, Victoria; and
- Asteranch P/L (Clean Sweep) with its registered office in Bellevue, Western Australia.

Under the City's Contract Management Framework, the tenders were assessed by the Evaluation Team using a weighted multi-criterion assessment system and AS 4121-1994 'code of ethics and procedures for the selection of consultants'.

Each member of the Evaluation Team assessed the Tender submissions individually against the selection criteria using the weightings determined during the tender planning phase. The Evaluation Team convened to submit and discuss their assessments, leading to a ranking of each submission in an order of merit.

The Selection Criteria for this tender was as follows:

Levels of Service as determined by the Capability/Competence of Tenderer to perform the work required:

- Company Structure
- Qualifications, Skills and Experience of Key Personnel
- Equipment and Staff Resources available
- Percentage of Operational Capacity represented by this work
- Occupational Health and Safety Management System and Track Record
- Bins Suit One Arm Lifting Systems
- Bins Carry Load of 80kgs
- Bins meet AS 1535 for Colourant
- At Least 10 Years Manufacturing Warranty

Performance and Experience of Tenderer in completing similar projects:

- Relevant Industry Experience, including details of similar work undertaken. Tenderers shall submit a Detailed Schedule of Previous Experience on similar and/or relevant projects. Details of previous projects should include, but not necessarily limited to, description, location, original and final contract/construction amounts, date, duration, client, role on project (e.g. head consultant, project manager, etc)
- Level of Understanding of tender documents and work required
- References from past and present clients

Beneficial Effects of Tender/Local Content:

- The Potential Social and Economic Effect of the tender on the City of Joondalup community
- The Potential Social and Economic Effect of the tender on the West Australian community
- Infrastructure/Office/Staff/Suppliers/Sub-Contractors within the City of Joondalup
- Recycled Plastic Content

Tendered Price/s:

- The Price to Supply the specified services
- Schedule of Rates for additional services, variations and disbursements
- Discounts, settlement terms

Recycling Content in MGBs

In the previous tender it was recommended that the City adopt the Brickwood tender considering their MGB is made with a percentage post consumer plastic, these plastics are the ones recycled by the sorting plant e.g. milk and other plastic beverage containers. The Government at the time was promoting the concept of ‘Close the Loop’ recycling as a purchasing policy and organisations providing this outcome should be supported. In order to support this fledgling post consumer recycled plastic market, the City weighted the previous tender to support this concept. Subsequently, the Brickwood tender was accepted.

Since this time, other bin providers have increased their percentage of recyclable plastics in their MGBs and while MGB manufacturers other than Brickwood cannot recycle post consumer plastics, the recycled content in their MGB have risen to around 30%. The recycling component is usually made up from old MGBs.

The recommended tenderer uses an acceptable 30% of recycled material in the MGB and components.

Overall the tender submitted Sulo Pty Ltd rated the highest tender in relation to the advertised selection criteria.

Option 2 Storage, Delivery and Repair Service

The received tenders were evaluated 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 specification was not detailed enough in the requirements for customer service to enable tenderers to submit offers that met all the requirements of the City.

The tenders were assessed in accordance with *Regulation 18(4)* of the *Local Government (Functions & General) 1996* which states:

‘Tenders that have not been rejected under sub regulation (1), (2), or (3) are to be assessed by the local government by means of a written evaluation of the extent to which each tender satisfies the criteria for deciding which tender to accept’.

Under the *Local Government (F&G) Regulations 1996* ‘Choice of Tender’ Clause 5 states:

“The local government may decline to accept any tender”.

In summary, although the tenders are technically complying, the City cannot comparatively assess them due insufficient information in regards to the requirements for customer service being provided in the tender specification. The City may decline to accept the tenders on this basis.

The current arrangement whereby the City of Wanneroo provides the service on an as requested basis as part of its Service Agreement for the Supply of Domestic Refuse Collection Services will continue. This agreement is required to be reviewed over the next few months.

Policy 2.5.7 Purchasing Goods and Services

The City's Policy on purchasing goods and services encourages local business in the purchasing and tendering process. None of the tenders for the supply of MGBs were received from local businesses.

Statutory Provision:

Requirements to provide the service under the Health Act 1911

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.

Policy Implications:

None

Financial Implications:

Supply of MGBs

Account No:	6510 4503 0001 9999
Budget Item:	Plant and equipment purchase minor
Budget Amount:	\$167,750
Actual Cost:	\$116,290

COMMENT

The tender submitted by Sulo Pty Ltd for Option one for the supply of MGBs was identified as the most favourable tender for the Council to accept and is accordingly the recommended tenderer. The term of the contract is for an initial period of twelve (12) months with the option to extend for a further twelve (12) month period based on performance. The total aggregated duration of the Contract period shall not exceed two (2) years

To ensure fairness and equality in the tender process, it is proposed that the City decline to accept any tender for Option two for the storage, delivery and repair of MGBs. The current arrangement whereby the City of Wanneroo provides the service on an as requested basis as part of its Service Agreement for the Supply of Domestic Refuse Collection Services will continue. This agreement is required to be reviewed over the next few months.

ATTACHMENTS

Attachment 1 Schedule of rates option one Sulo Pty. Ltd.

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Council:

- 1 ACCEPTS the tender from Sulo MGB Australia Pty Ltd contract number 004-03/04 for Option one for the supply of mobile garbage bins in accordance with the schedule of rates;**
- 2 DECLINES to accept any tender for Option two for the provision of storage, delivery and repairs of mobile garbage bins, tender number 004-03/04.**

Appendix 4 refers

To access this attachment on electronic document, click here: [Attach4brf251103.pdf](#)

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ITEM 8 TENDER NUMBER 013-03/04 SUPPLY AND DELIVERY OF PRECAST STORMWATER DRAINAGE PIPES AND FITTINGS – [17548]

WARD - All

PURPOSE

To seek Council approval to accept the tenders submitted by Rocla Pipeline Products and Wembley Cement for the Supply and Delivery of Precast Stormwater Drainage Pipes and Fittings in accordance with the Schedule of Rates for Tender number 013-03/04, for a maximum period of three years, subject to annual review and satisfactory performance.

EXECUTIVE SUMMARY

Tenders were advertised on 17 September 2003 through statewide public tender for the Supply and Delivery of Precast Stormwater Drainage Pipes and Fittings. Tenders closed on 9 October 2003. Four submissions were received from: Rocla Pipeline Products, Icon Industries Pty Ltd, Ready Mix Holdings Pty Ltd and Wembley Cement.

It is recommended that Council ACCEPTS the tenders from Wembley Cement and Rocla Pipeline Products for the Supply and Delivery of Precast Stormwater Drainage Pipes and Fittings in accordance with the schedule of rates (as outlined in Attachments 1 and 2 to this Report) and subject to annual performance reviews for a maximum period of three years commencing on 1 January 2004 to 31 December 2006.

BACKGROUND

Advertising this tender 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.

DETAILS

Under the City's Contract Management Framework, the tenders were assessed by the Evaluation Team using a weighted multi-criterion assessment system and AS 4121-1994 'code of ethics and procedures for the selection of consultants'.

Each member of the Evaluation Team assessed the Tender submissions individually against the selection criteria using the weightings determined during the tender planning phase. The Evaluation Team convened to submit and discuss their assessments, leading to a ranking of each submission in an order of merit.

The Selection Criteria for this tender was as follows:

Resources and Experience of Tenderer in providing similar services:

- Relevant Industry Experience, including details of providing similar supply. Tenderers shall submit a Detailed Schedule of previous experience on similar and/or relevant projects.
- Past Record of Performance and Achievement with a Local Government.

- Past Record of Performance and Achievement with other clients.
- Level of Understanding of tender documents and work required.
- References from past and present clients.
- Ability to provide usage and expenditure information.
- Ability to provide electronic pricing schedules

Levels of Service as determined by the Capability/Competence of Tenderer to perform the work required:

- Company Structure
- Qualifications, Skills and Experience of Key Personnel
- Equipment and Staff Resources available

Beneficial Effects of Tender/Local Content:

- The Potential Social and Economic Effect of the tender on the City of Joondalup community

Tendered Price/s:

- The Price to supply the specified goods or services
- Schedule of Rates for additional goods or services, variations and disbursements
- Discounts, settlement terms

No tenderer priced all the required products listed in the Schedule of Rates. Accordingly it is recommended to award the contract to two tenderers who between them is able to supply all the required products. The two tenderers Rocla Pipeline Products and Wembley Cement were the top two ranked tenderers.

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.

Policy 2.5.7. Purchasing Goods and Services

The City's Policy on purchasing goods and services encourages local business in the purchasing and tendering process; none of the tenders received were from organisations located in Joondalup.

Financial Implications:

Expenditure is in accordance with the Operations Services annual Maintenance and Capital Works Budgets as authorised by Council.

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.

Subject to Council approval, the Contract will commence from 1 January 2004 for a maximum period of three years, subject to satisfactory annual performance reviews. A Contract 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 awarded to a maximum, comprising a three-year term.

Between them, Wembley Cement and Rocla Pipeline Products are able to supply all the required items on the Schedule of Rates and demonstrated that they have the ability to provide best value for money based on the selection criteria and the outcome of the tender evaluation.

Extracts from the schedules of rates have been provided under Attachments 1 and 2.

ATTACHMENTS

Attachments 1 and 2 Schedule of Rates extracts

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Council ACCEPTS the tenders from Wembley Cement and Rocla Pipeline Products for the Supply and Delivery of Precast Stormwater Drainage Pipes and Fittings in accordance with the schedule of rates (as outlined in Attachments 1 and 2 to this Report) and subject to annual performance reviews for a maximum period of three years commencing on 1 January 2004 to 31 December 2006.

Appendix 5 refers

To access this attachment on electronic document, click here: [Attach5brf251103.pdf](#)

ITEM 9 TENDER NUMBER 014-03/04 – QUANTITY SURVEYOR CONSULTANCY SERVICES – [69548]

WARD - All

PURPOSE

To seek approval to accept the tender submitted by Ralph Beattie Bosworth Pty Ltd to provide Quantity Surveyor Consultancy Services to the City for a period of three (3) years in accordance with the Price Schedule (refer Attachment 1).

EXECUTIVE SUMMARY

Tender No 014-03/04 for the provision of Quantity Surveyor Consultancy Services was advertised through statewide public tender on Wednesday 20 August 2003 and closed on Thursday 4 September 2003.

It is recommended That Council ACCEPTS the tender from Ralph Beattie Bosworth Pty Ltd, Contract No 014-03/04 for the provision of Quantity Surveyor Consultancy Services to the City for a period of three (3) years in accordance with the Price Schedule forming Attachment 1 to this Report.

BACKGROUND

To assist the City in the proper planning and management of capital projects the use a Quantity Surveyor is essential. On a number of occasions in the past tenders have been called only to find after they close that sufficient funds have not been allocated for the specified works to proceed. The use of a Quantity Surveyor will ensure more certainty as to market costs for capital works prior to inviting tenders by providing:

- Cost estimates for proposed works;
- Detailed cost plans;
- Price schedules;
- Cash flow forecasts;
- Detail Bill of Materials (quantities);
- Assist in development of construction program; and
- Certification of completed works.

The services will also be utilised in developing business cases and for initial project planning where accurate estimates will help the City in the decision making process. The services of the Quantity Surveyor may also be used for the monitoring of capital works expenditure.

Additionally, a number of corporate projects are now at the stage where the services of a Quantity Surveyor are required; such as the New Works Depot. The services are an integral part of the design process in ensuring designs are consistent with budget allocations and to highlight potential shortfalls early in the process.

A Request for Tender (No. 014-03/04) for the provision of Quantity Surveyor Consultancy Services was advertised by the City of Joondalup on Wednesday 20 August 2003.

DETAILS

The Tender period closed on Thursday 4 September 2003. Six (6) tenders were received from:

- Ralph Beattie Bosworth Pty Ltd;
- Currie & Brown
- Rider Hunt WA Pty Ltd;
- Davis Langdon Australia;
- WT Partnership Aust. Pty Ltd; and
- RAR & P Nominees Pty Ltd.

Under the City's Contract Management Framework, the tenders were assessed by the Evaluation Team using a weighted multi-criterion assessment system and AS 4121-1994 'code of ethics and procedures for the selection of consultants'.

Each member of the Evaluation Team assessed the Tender submissions individually against the selection criteria using the weightings determined during the tender planning phase. The Evaluation Team convened to submit and discuss their assessments, leading to a ranking of each submission in an order of merit.

The Selection Criteria for this tender was as follows:

Levels of Service as determined by the Capability/Competence of Tenderer to perform the work required:

- Company Structure
- Qualifications, Skills and Experience of Key Personnel who will be involved in this contract
- Equipment and Staff Resources available
- Financial Capacity
- Compliance with tender requirements – insurances, licenses etc
- Quality Systems

Performance and Experience of Tenderer in completing similar projects:

- Relevant Industry Experience, including details of similar work undertaken. Tenderers shall submit a Detailed Schedule of Previous Experience on similar and/or relevant contracts.
- Past Record of Performance and Achievement with Local Government organisations
- Past Record of Performance and Achievement with other clients
- References from past and present clients

Beneficial Effects of Tender/Local Content:

- The Potential Social and Economic Effect of the tender on the City of Joondalup community
- The Potential Social and Economic Effect of the tender on the West Australian community
- Infrastructure/Office/Staff/Suppliers/Sub-Contractors within the City of Joondalup
- Value Added items offered by tenderer

Contract Methodology:

- Detail the procedures and process you intend to use to achieve the requirements of the Specification.
- Highlight key points of difference offered by your firm.

Overall the quality of the submissions received was high and the price schedules competitive. It was clear to the Evaluation Team that the submission offered by Ralph Beattie Bosworth Pty Ltd was the most favourable to the City based on their demonstrated understanding of the requirements of the contract and their competitive Price Schedule to provide the required services (Attachment 1 – Price Schedule).

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.

POLICY 2.5.7 PURCHASING GOODS AND SERVICES

The City's policy on purchasing goods and services encourages the participation of local businesses in the purchasing and tendering process. None of the Tenderers were local businesses.

Financial Implications:

Funds required for this contract are available in various capital budgets on a per project basis. The fees for appointment can be based either on hourly rates listed in the Price Schedule or a lump sum fee in line with the fee percentages in the Price Schedule. The lump sum fee will be based on the value of the works such as the construction cost of a building and will be confirmed prior to the commencement of the consultancy work.

COMMENT

In evaluating the Tender documents, the weighted matrix and the Price Schedules, the Evaluation Team recommends that Ralph Beattie Bosworth Pty Ltd be nominated as the preferred consultancy due to:

- Highest rating proposal in relation to the selection criteria;
- A competitive Price Schedule;
- Proposal conformance and detail;
- Demonstrated understanding of the City of Joondalup's requirements; and
- A clearer and best suited methodology process.

ATTACHMENTS

Attachment 1 Price Schedule

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Council ACCEPTS the tender from Ralph Beattie Bosworth Pty Ltd, Contract No 014-03/04 for the provision of Quantity Surveyor Consultancy Services to the City for a period of three (3) years in accordance with the Price Schedule forming Attachment 1 to this Report.

Appendix 6 refers

To access this attachment on electronic document, click here: [Attach6brf251103.pdf](#)

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ITEM 10 TENDER NUMBER 017-03/04 SUPPLY AND DELIVERY OF DESKTOP AND NOTEBOOK COMPUTERS – [21550]

WARD - All

PURPOSE

To seek Council approval to accept the tender submitted by ComputerCORP Pty Ltd for the Supply and Delivery of Desktop and Notebook Computers in accordance with the Schedule of Rates for Tender number 017-03/04, for a maximum period of three years, subject to annual review and satisfactory performance.

EXECUTIVE SUMMARY

Tenders were advertised on 24 September 2003 through statewide public tender for the Supply and Delivery of Desktop and Notebook Computers. Tenders closed on 9 October 2003. Eleven submissions were received from: Abacus Computer Technology, CDM, Command-A-Com Pty Ltd, ComputerCORP Pty Ltd (Including White Box Submission), Dell Corp Pty Ltd, JH Computer Services, PT Computer Professionals, Thames Computer Group, TPG and WJ Moncrieff Pty Ltd.

It is recommended that Council:

- 1 *ACCEPTS the tender from ComputerCORP Pty Ltd for the Supply & Delivery of Desktop and Notebook Computers in accordance with the schedule of rates (as outlined in Attachment 1 to this Report) and subject to annual performance reviews for a maximum period of three years commencing on 15 December 2003 to 14 December 2006;*
- 2 *AUTHORISES the execution of the contract documents under common seal.*

BACKGROUND

The City's personal and notebook computers are currently replaced under a three-year rolling replacement program. Under this program up to one third of PC's are replaced each year. This is based on the IT industry standard of three years useful life for a PC in a business environment.

The rolling nature of the PC replacement program is designed to keep the City's inventory of PC's at an appropriate standard to operate the necessary corporate systems, to keep all equipment current and under full warranty, and also to spread funding needs over multiple years.

For the 2003/2004 financial years 134 Personal computers and 13 Notebook computers have been scheduled for replacement.

DETAILS

Under the City's Contract Management Framework, the tenders were assessed by the Evaluation Team using a weighted multi-criterion assessment system and AS 4121-1994 'code of ethics and procedures for the selection of consultants'.

Each member of the Evaluation Team assessed the Tender submissions individually against the selection criteria using the weightings determined during the tender planning phase. The Evaluation Team convened to submit and discuss their assessments, leading to a ranking of each submission in an order of merit.

The Selection Criteria for this tender was as follows:

Performance and Experience of Tenderer in providing similar services:

- Past record of Performance and Achievement with other clients
- Level of understanding of tender documents and work required
- References from past and present clients
- Service capability for size of contract
- Service response options offered
- Contractors stock levels and availability

Levels of Service as determined by the Capability/Competence of Tenderer to perform the work required:

- Company Structure
- Qualifications, Skills and experience of Management capability
- Equipment and Staff resources available.
- Percentage of Operational Capacity represented by this work.
- Financial Capacity
- Risk Assessment
- Compliance with tender requirements
- Post Contract Services offered
- Extent of Local Support

Beneficial Effects of Tender/Local Content:

- The Potential Social and Economic Effect of the tender on the City of Joondalup community
- The Potential Social and Economic Effect of the tender on the West Australian community
- Infrastructure / Office / Staff / Suppliers / Sub Contractors within the City of Joondalup
- Sustainability / Efficiency / Environmental

Quality of equipment and services offered

- Qualifications, Skills and experience of Technicians
- Quality systems
- Customer service
- Value added items and services offered
- Warranties offered
- Uniformity of components for specific batch of order
- Product Lifecycle
- Proven performance of goods offered
- Turn around time for products under repair

- Maintenance call logging

Tendered Price/s:

- The Price to supply the specified goods or services
- Schedule of Rates for additional goods or services, variations and disbursements
- Discounts, settlement terms

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 to \$100,000.

Policy 2.5.7 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, none of the Tenderers were located in Joondalup.

Financial Implications:

Account No: 1.3840.4501.0001.J024
Budget Item: Corporate PC Replacement Program
Budget Amount: \$300,000

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.

Subject to Council approval, the Contract will commence from 15 December 2003 for a maximum period of three years, subject to satisfactory annual performance reviews. A Contract 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 awarded to a maximum, comprising a three-year term.

ComputerCORP Pty Ltd completed the Schedule of Rates and demonstrated that they have the ability to provide best value for money based on the selection criteria and the outcome of the tender evaluation.

ATTACHMENTS

Attachment 1 Schedule of Rates extract

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION**That Council:**

- 1 ACCEPTS the tender from ComputerCORP Pty Ltd for the Supply & Delivery of Desktop and Notebook Computers in accordance with the schedule of rates (as outlined in Attachment 1 to this Report) and subject to annual performance reviews for a maximum period of three years commencing on 15 December 2003 to 14 December 2006;**
- 2 AUTHORISES the execution of the contract documents under common seal.**

Appendix 7 refers

To access this attachment on electronic document, click here: [Attach7brf251103.pdf](#)

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ITEM 11 METROPOLITAN REGIONAL ROAD PROGRAM 2003/2004 TO 2004/2005 – [06759] [06056]

WARD - All

PURPOSE

This report outlines information about projects submitted to Main Roads WA for the 2003/2004 to 2004/05 Metropolitan Regional Road Program and recent developments in funding the dual carriageway construction of Joondalup Drive from Lakeside Drive to the City Boundary.

EXECUTIVE SUMMARY

Main Roads WA sought submissions for the 2003/2004 & 2004/2005 Metropolitan Regional Road Program for Improvement Projects and Rehabilitation Projects in May 2002 and 2003. Some previously approved 2003/04 projects have now been delayed due to forecast cost overruns and environmental approvals. As a result, additional funds have become available that affect the City's submission of the dualling of Joondalup Drive, Lakeside Drive to Eastern Boundary, Joondalup.

This report outlines recent developments to the funding of roadworks for those years and recommends a course of action for Council to bring forward the construction of Joondalup Drive, subject to a commitment that the City will fund its component of the project in the 2004/05 Capital Works Program.

This report recommends that Council:

- 1 *ENDORSES the Metropolitan Regional Road Program (MRRP) project for the construction of the second carriageway of Joondalup Drive - Lakeside Drive to east of Burns Beach Road roundabout (City Boundary), as shown in Attachment 1 and Attachment 2 to this Report;*
- 2 *NOTES that the total project budget is \$2,031,260 in which the State Government contributes two thirds to the City's one third in accordance with the following funding arrangements as outlined in the table below:*

<i>Year</i>	<i>City contribution</i>	<i>State Govt. contribution via the MRRP program</i>	<i>Total</i>
<i>2003/2004</i>	<i>0</i>	<i>\$354,172</i>	<i>\$354,172</i>
<i>2004/2005</i>	<i>\$677,088</i>	<i>\$1,000,000</i>	<i>\$1,677,088</i>
<i>Total</i>	<i>\$677,088</i>	<i>\$1,354,172</i>	<i>\$2,031,260</i>

- 3 *COMMITTS to including within the 2004/05 Capital Works Budget an amount totalling \$677,088 in order that the funding arrangements outlined in clause two of this recommendation can be enacted.*

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 12 months in advance to allow Councils to program approved projects into their Budgets with certainty of grant funding.

In May 2002, the City submitted the dualling of Joondalup Drive, Lakeside Drive to Eastern Boundary as an Improvement Project in the 2003/04 Metropolitan Regional Road Program. The State Government reduced funding of the whole MRRP program for that year and the project did not receive a grant.

The project was submitted again in May 2003 for the 2004/05 Metropolitan Regional Road Program with a construction cost of \$2,031,260.

All projects are submitted to a Metropolitan Regional Road Group Members Committee comprised of elected representatives (Councillors), technical members (City Engineers) and Main Roads representatives. This committee reviews projects and schedules and makes recommendations to the State Road Funds to Local Government Advisory Committee which in turn reports to the Minister of Transport to confirm funding of nominated projects.

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

The Road Improvement Project submitted by the City for the 2003/2004 and 2004/05 Metropolitan Regional Road Program was Joondalup Drive – Lakeside Drive to Burns Beach Road East (City Boundary) as detailed on Attachment 1.

Some previously approved 2003/04 projects have now been delayed due to forecast cost overruns and environmental and other approvals. As a result, additional funds have become available that affect the City's 2003/04 and 2004/05 submission of the dualling of Joondalup Drive.

The Metropolitan Regional Road Group Members Committee has now recommended that projects that cannot be delivered because of extensive delays and construction has not commenced, will lose funding and that amount be returned to the MRRP pool. This has worked to the City's advantage as it has recommended that a portion of the returned funding be expended on Joondalup Drive.

This now means that the project will receive MRRP grant funding of \$354,172 in 2003/04 and will be committed to a grant of \$1,000,000 in 2004/05. Refer to Attachment 2 to see costing details. However, the City needs to confirm its commitment to funding the 2004/05 component of the project in the 2004/2005 Capital Works Program. The amount of \$677,088 will be listed in the 2004/05 year of the Major Road Construction Program as part of the Draft 2004/2005 Five Year Capital Works Budget.

The 2003/04 grant funding of \$354,172 will be used for design and documentation of the project and construction activities clear of the existing pavement to minimise traffic control

costs such as clearing, earthworks and stormwater installation. The project will be constructed by contract and be timed to coincide with the end of the 2003/04 and start of the 2004/05 financial years to ensure continuity of funding for contract payments.

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 for grant recoup and acquittal of the funds.

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. Therefore, the project split of \$1,354,176 MRRP funding and \$677,088 City funding is not negotiable but is highly favourable to the City. Because the State Government is trying to reduce the backlog of funding to stalled or cancelled projects it has advanced \$354,172 in the first year of the project (2003/04) without a contribution from the City and expects the City's full contribution of \$677,088 in 2004/05. The project is not listed at this time in the 2003/04 Five Year Capital Works Program because information as recent as 2 months ago suggested that funding would more than likely occur in 2005/06. And even then, it would still be subject to prioritisation and competition with many other similar projects across the metropolitan area.

This project will now be listed in the Major Road Construction Program in the Draft 2004/05 Five Year Capital Works Budget with committed MRRP funding in 2004/05.

Strategic Implications

The projects fit into the Strategic Plan for the City by improving infrastructure which leads to an improved lifestyle. Under the MRRP program, the dualling of multi-million dollar arterial road projects such as Joondalup Drive, 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. The major benefit for the community is a more efficient road network, reduced travel times, less crashes and easier access to facilities.

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, eg Shenton Avenue dualling - Marmion Avenue to Joondalup Drive. Given the financial constraints on the City's capital works program (including corporate projects) and that the State Government has cut back on funding the MRRP program, it is rare opportunity to construct the project 2 years ahead of schedule and mitigate the traffic problems and safety considerations on this section of road.

It is recommended that Council approve the funding arrangements detailed on Attachment 2 and agree to the commitment to fund its component of the project cost in 2004/05.

ATTACHMENTS

Attachment 1 Map of the Road Improvement Project
Attachment 2 Costing details of the Road Improvement Project

VOTING REQUIREMENTS

Simple majority

RECOMMENDATION

That Council:

- 1 **ENDORSES** the Metropolitan Regional Road Program (MRRP) project for the construction of the second carriageway of Joondalup Drive - Lakeside Drive to east of Burns Beach Road roundabout (City Boundary), as shown in Attachment 1 and Attachment 2 to this Report;
- 2 **NOTES** that the total project budget is \$2,031,260 in which the State Government contributes two thirds to the City's one third in accordance with the following funding arrangements as outlined in the table below:

Year	City contribution	State Govt. contribution via the MRRP program	Total
2003/2004	0	\$354,172	\$354,172
2004/2005	\$677,088	\$1,000,000	\$1,677,088
Total	\$677,088	\$1,354,172	\$2,031,260

- 3 **COMMITTS** to including within the 2004/05 Capital Works budget an amount totalling \$677,088 in order that the funding arrangements outlined in clause two of this recommendation can be enacted.

Appendix 8 refers

To access this attachment on electronic document, click here: [Attach8brf251103.pdf](#)

ITEM 12 CLOSE OF ADVERTISING - AMENDMENT NO 17 TO DISTRICT PLANNING SCHEME NO 2 – LOCATION 13649 (52) MARRI ROAD, DUNCRAIG (REZONING FROM BUSINESS R20 TO RESIDENTIAL R40) – [29540] [41927]

WARD - South Coastal

PURPOSE

The purpose of this report is for Council to:

- 1 Consider public submissions following advertising of Amendment 17 to the City's District Planning Scheme No 2 (DPS2);
- 2 Rescind point 3 and 4(a) of its resolution of 29 April 2003 to report CJ099 – 04/03 relating to the requirements associated with shared vehicular access arrangements with the adjoining Duncraig Shopping Centre site;
- 3 Consider granting final approval to Amendment 17 without modification; and
- 4 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 29 April 2003 (CJ099 – 04/03 refers) resolved to initiate Amendment 17 to DPS2 for the purposes of advertising.

Upon closure of the advertising period, six (6) submissions were received (refer Attachment 3). Five (5) of the submissions were comments from service providers and government agencies and one (1) from the manager of the Ampol Service Station in Marri Road.

Of the six (6) submissions, five (5) are considered to be statements of non-objection and one (1) submission did raise concerns regarding the traffic implications at the entry to the subject site if the proposed amendment is approved.

Council is requested to consider a revision to the proposed vehicular access arrangements to the subject lot, with the rationale behind the review outlined within the 'comment' section of this report.

It is recommended that the amendment be granted final approval without modification, endorsed and submitted to the Hon Minister for Planning and Infrastructure for final approval to be granted.

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 3.3.1 – Provide residential living choices.

Previous Council Decisions

Council at its meeting on 29 April 2003 (CJ099 – 04/03 refers) resolved;

- 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.

DETAILS

The amendment applies to the land described as Loc 13649, Marri Road, Duncraig (refer 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 through passive surveillance (refer Attachment 1).

The amendment determines the zoning and density and thus guides future development upon the lot. It should be noted that other planning processes are required to be undertaken upon

finalisation of the amendment process. This includes the planning (development) application approval process and the building licence approval process.

Statutory Provision:

The Town Planning Regulations 1967 set out the procedure for amendments to a Town Planning Scheme. The procedure is summarised within Attachment 4 to this report.

Under provision 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 to submit three copies of the amendment document to the WAPC for recommendation to the Hon Minister for Planning and Infrastructure to grant final approval.

Consultation:

The scheme amendment was advertised from 11 June 2003 to 23 July 2003. Advertising was in the form of a sign erected on site, adjoining landowners being notified in writing and advertisements placed in the West Australian (11 June 2003) and the Joondalup Community Newspaper (12 June 2003).

A total of six (6) submissions was received during the advertising period (refer Attachment 3 - schedule of submissions). Five (5) of the submissions were comments from service providers and government agencies and one (1) from the manager of the Ampol Service Station in Marri Road, who is also a local resident (refer attachment 3).

Of the six (6) submissions, five (5) did not raise any objection and one (1) submission raised concerns regarding the traffic implications at the entry to the subject site if the proposed amendment is approved.

A separate vehicular access point directly onto Marri Road is now intended for the subject lot and as such, the submission that raised concern with respect to traffic implications caused by the shared use of the existing service driveway and crossover associated with the shopping centre is no longer relevant.

It should be noted that the shopping centre landowner did not lodge a submission during the advertising period yet did write to the City prior to the advertising period commencing, stating that whilst they had no objection to the proposed amendment, the landowner did not support the sharing of their rear service laneway nor the shopping centre lot being encumbered with a legal agreement as a result of the shared access arrangement.

Strategic Implications:

The proposal is sympathetic to objective 3.3 of the City's Strategic Plan 2003-2008 that seeks to 'continue to meet changing demographic needs'. Strategy 3.3.1 is also relevant in that the proposal seeks to 'provide residential living choices' through an increase in the residential density applicable to the land.

COMMENT

Vehicular Access Review

At the applicant's request, the City reviewed the existing traffic engineering and topographical constraints that previously did not allow separate vehicular access to the subject lot from Marri Road. As a result of the review, it is now considered acceptable that the subject lot obtain its own vehicular access directly onto Marri Road in the vicinity of the lots western boundary, and not via the existing service driveway associated with the shopping centre which was proposed previously (refer attachment 1). The rationale behind the City's decision to reconsider the vehicular access situation and allow the subject lot to obtain its own vehicular access point directly onto Marri Road is as follows;

- Commercial development and landuses previously envisaged for the subject lot are no longer proposed and as such, significantly less vehicular movement is expected to be generated by the proposed residential development and landuse upon the lot;
- The shopping centre landowner has advised the City that it does not support their lot being encumbered with a legal agreement with respect to shared vehicular access; and
- The proposed vehicular access point directly onto Marri Road in the vicinity of the lot's western boundary meets the required engineering and traffic safety/vehicular sightline standards.

Therefore, Council is required to rescind point 3 and 4(a) of its resolution of 29 April 2003 to report CJ099 – 04/03 as both related to the shared vehicular access arrangement between the subject lot and the adjoining shopping centre lot that is no longer required.

The location and configuration of the separate vehicular access point onto Marri Road shall be assessed against the provisions of the Residential Design Codes of Western Australia 2002 during the planning (development) application approval process for future residential development upon the subject lot.

ATTACHMENTS

Attachment 1	Revised indicative development plan
Attachment 2	Site plan
Attachment 3	Schedule of Submissions
Attachment 4	Scheme Amendment process flowchart

VOTING REQUIREMENTS

Absolute Majority

RECOMMENDATION

That Council:

- 1 BY AN ABSOLUTE MAJORITY RESCINDS that part of point 3 and 4(a) of its resolution of 29 April 2003 to report CJ099–04/03, viz”**

“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 landowner’s 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 cannot obtain its own gazetted road frontage to Marri Road due to traffic engineering constraints primarily caused by existing topography; and

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”;**
- 2 Pursuant to Town Planning Regulations 17 (2) ADOPTS Amendment No 17 to the City of Joondalup District Planning Scheme No 2 without modification;**
- 3 AUTHORISES the affixation of the Common Seal to, and endorses the signing of, the amendment documents;**
- 4 NOTES all submissions received during the advertising period;**
- 5 ADVISES all persons who made submissions of Council’s decision accordingly.**

Appendix 9 refers

To access this attachment on electronic document, click here: [Attach9brf251103.pdf](#)

ITEM 13 DETAILED DESIGN OUTCOMES AND PROPOSED DEVELOPMENT APPLICATION FOR THE MULLALOO BEACH PROJECT CONCEPT PLAN – [48840]

WARD - Whitford

PURPOSE

Council is requested to consider the outcomes of detailed design undertaken for the Mullaloo Beach Project Concept Plan (MBPCP) to enable a development application to be lodged with the Department for Planning and Infrastructure (DPI) for its approval.

Council is also requested to note the intention to finalise tendering arrangements for the dual use (beachside promenade) path and associated retaining walls.

Finally, Council is requested to list further stages of the project for budget consideration in future years.

EXECUTIVE SUMMARY

Many of the comments and suggestions made during the consultation period, including resolutions of Council as a result of the Special Electors Meeting held on the 18th March 2002 and at its meeting on 17 December 2002, were specific in nature and have been incorporated into the detailed design undertaken for the MBPCP.

During recent budget deliberations, funding has been reduced for this project in 2003-2004. As a result, the project will need to be undertaken in parts, whereby three discrete stages are proposed for the project.

Stage 1 seeks to construct the dual use (beachside promenade) path and associated retaining walls (representing design elements 5 & 18 on the MBPCP shown in Attachment 2) using current budget funds of \$285,000, with the location and design being in accordance with Council's previous resolution of December 2002 and shown in Attachment 3. The tender document shall include an option with respect to the use of either mass limestone or reinforced earth technology for the retaining walls.

Stage 2 seeks to carry out works shown in Attachment 1 (representing design elements 6, 12 to 17 and 23 to 30 of the MBPCP shown in Attachment 2), together with additional concepts arising from detailed design shown in Attachments 1 and 4.

Stage 3 seeks to carry out all other outstanding design elements (predominantly those relating to Oceanside Promenade road carriageway and northern car parking area) as per the MBPCP shown in Attachment 2. Stage 3 works are subject to further detailed design, Council and DPI approval.

It is therefore recommended that Council considers and adopts the outcomes of further detailed design undertaken for the MBPCP and endorses the detailed design and concepts shown in Attachments 1 and 4. The proposal can then be submitted to the DPI for approval and once approved, that Council notes the intention to finalise tendering arrangements for stages 1 and 2.

Council would also need to consider if the project is to proceed through allocation of sufficient funds during the 2004-2005 budget process for future stages 2 and 3.

BACKGROUND

Suburb/Location:	Mullaloo Beach Foreshore, including Tom Simpson Park
Applicant:	N/A
Owner:	City of Joondalup & Crown (Vested – City of Joondalup)
Zoning: DPS:	Lot 1 – Local Reserves “Parks & Recreation”; Reserve 32074 - MRS Reserves ‘Parks and Recreation’
MRS:	Lot 1 – Urban; Reserve 32074 - “Parks & Recreation”
Strategic Plan:	<p>1.3.1 - Provide leisure and recreational activities aligned to community expectations, incorporating innovative opportunities for today’s environment.</p> <p>3.1.1 - Plan the timely design, development, upgrade and maintenance of the City’s infrastructure.</p> <p>3.1.2 - Facilitate the safe design, construction and approval of all buildings and facilities within the City of Joondalup.</p> <p>3.1.3 - Create and maintain parklands that incorporate nature and cultural activities accessible to residents and visitors</p>

- May 2001 - Council resolved that the MBPCP be redrafted by taking into account the concerns raised in the submissions and the community consulted on the reviewed plan. In September 2001 this resolution was rescinded and Council requested a further report detailing relative priorities, indicative costings and phasing of the elements on the MBPCP.
- March 2002 - Council resolved to undertake further community consultation in respect to the redrafted plan. The community was invited to comment on the revised plan during a consultation period from March to May 2002. The community was generally supportive of most of the 32 design elements outlined on the revised plan, however, there generally was opposition to element 31 that sought to rationalise existing parallel parking within the Mullaloo Drive road reserve to 90 degree parking and as such, this design element was subsequently removed from the MBPCP.
- December 2002 - Council resolved to support and adopt the MBPCP and matters to be addressed at the detailed design phase of the project. Council also supported and adopted the preferred design layout for the beachside promenade pathways and the budget shortfall being considered at the 6 month capital works budget review period. Finally, Council required a further report that details priorities, costing and phasing of the MBPCP to be presented to Council for further consideration, having regard to the detailed comments and suggestions made by the public during the consultation period.

DETAILS

Design Elements

Each element of the MBPCP is numbered from 1 to 32, however, element number 31 was removed from the MBPCP by Council at its meeting in December 2002 and as such, a total of 31 design elements remain. Each design element is listed in table form within attachment 5,

with a description of the element, a comment/timeframe and estimated cost provided as required by Council's resolution in December 2002.

Each of the elements have been grouped into common themes, expanded upon as a result of further detailed design undertaken and followed by comments as a result of detailed design in italics;

Traffic, New Roundabout, Carriageway Treatments and Access - No. 1, 2, 3, 9 & 19

These elements seek to rationalise and improve vehicular and pedestrian access and safety, to limit use of Iluka Avenue and Marjorie Street to local traffic only and to close the existing car park access resulting from the provision of the new roundabout.

As a result of technical advice received by the City during the detailed design phase of the project, it is now considered desirable to undertake further detailed design of these design elements in conjunction with each other. Each of the elements are co-dependant from a traffic engineering and design formulation perspective and therefore need to be developed in a holistic manner. It is therefore recommended that these design elements remain on the MBPCP, however, finalisation is deferred pending additional detailed design as part of stage 3 of the project.

Dual Use Paths, Beach and other Pedestrian Access - No. 5, 6, 7, 8, 11, 14, 22, 27 & 29

These elements seek to rationalise and improve pedestrian and cyclist movement to, from and within the site and also to improve beach access to assist rehabilitation of foreshore vegetation.

The City has designed and finalised the location of the beach promenade pathway and access nodes (Elements 5 and 18 on the MBPCP), with the location shown in Attachment 3. The location and design represents the preferred location and design supported and adopted by Council at its meeting in December 2002. The design is in sympathy with the comments made by the community during the consultation period. Elements 5 and 18 shall comprise stage 1, as the City has current budget funds available to commence construction upon approval of Council, the DPI and finalisation of the tendering process. A second path closest to the beach that runs parallel to the beachside promenade path and shown in Attachment 3 is not included within stage 1 and is not shown on the landscape concept plan, however, is proposed to be included within stage 2.

Playground Equipment, BBQ, Seating, Shelters & Lighting – No.12, 15, 16, 17, 18, 20 and 23

These elements seek to rationalise and improve facilities and lighting in the area.

Many of the suggestions provided by the public have been accommodated into the landscape concept plan shown in Attachment 1 and concepts shown in Attachment 4. The detailed design seeks to create a range of landscape areas to provide various passive and semi-active uses including rationalisation of furniture items to ensure that useable open lawn areas, BBQ facilities, shelters and other facilities are appropriately located, with additional items including beach volleyball and exercise equipment.

Family shelters are focused around existing play areas, with large group shelters around semi-active recreation spaces. Upgrading of existing playgrounds includes shade structures, seating nooks and both renovated and new play equipment. Existing shelters & BBQs are proposed to be removed and replaced with new shelters & BBQs as the detailed design phase

identified that the existing shelters & BBQs are dilapidated, past their design life and if retained, will require more intensive maintenance thus increasing maintenance costs for the City over the long term. It is considered desirable for new shelters & BBQs to be provided which are similar in design to those approved for the Sorrento Beach Project (but not identical), in order to create a design theme for the City's beachside parks, whilst creating a separate identity for Mullaloo beach and minimise long term maintenance costs.

Lighting of the park is proposed to consist of overhead-style lighting upon 4 to 6 metre high poles and flood lighting for beach access paths is also proposed, particularly to the existing northern toilet block.

Bus Embayments – No 10 & 21

These elements seek to rationalise and improve existing bus stops on both the east and west of Oceanside Promenade. Comments suggested that the western embayment be relocated to the southern car park.

Refer comments in Traffic, New Roundabout, Carriageway Treatments and Access - No. 1, 2, 3, 9 & 19 above

Foreshore Rehabilitation and other Landscaping No 4, 14, 24, 25, 28 and 30

These elements seek to rehabilitate and protect the existing natural environment and to complement the existing landscaping through the provision of complementary planting to improve shade and aesthetics.

The provision of shade trees within the southern parking area, together with complementary landscape planting throughout the park will vastly improve the area. The plan seeks to retain and enhance existing lawn areas, together with the retention, protection and rehabilitation of dunal vegetation to ensure that foredune areas are retained and remain in a stable condition. Protection of the existing vegetation is sought to minimise demolition disturbance and maintenance of the new works. The design also seeks to increase shade and protection from the elements in all seasons and protect users from wind and sun using earth forms, shade shelters and intermittent tree planting. Vegetation species selected are all native and have been chosen to be limited in height as to not adversely affect ocean views, with native trees such as Peppermints, Rottnest Teatree and Coastal Moort being a maximum of 4-6 metres in height (except for four Illawarra Flame Trees proposed in front of the surf club building which shall grow to a maximum height of 12 metres).

Signage, Parking, Entry Features and Others 13, 26 and 32

These elements seek to improve the way in which the area will be utilised, viewed and understood by users.

Refer comments in Traffic, New Roundabout, Carriageway Treatments and Access - No 1, 2, 3, 9 & 19 above. Entry signage is proposed (location shown in Attachment 1) which is envisaged to provide visual assistance to users of the park, together with information with respect to traffic movement direction, dune revegetation & rehabilitation, beach safety and use disclaimer information.

Other Concepts

Beach volleyball, exercise equipment and other additional concepts arising from detailed design shown in Attachment 1 are considered desirable with many of these concepts being incorporated into the detailed design through comments and suggestions contained within public submissions received by the City during the advertising period in March to May 2002. These additional concepts form an integral component of the overall detailed design and should be considered in future budget deliberations for stage 2.

Statutory Provision:

Under the Metropolitan Region Scheme (MRS), clause 10 states that no development of land within the metropolitan region shall be commenced or continued without the approval of the responsible authority except as otherwise provided within the MRS. Parts II and III of the MRS set out the requirements for approval in relation to the development of land reserved and zoned under the MRS respectively.

With respect to reserved land (Reserve 32074, being the land to the north of the entry/exit road to the surf club), clause 13 of the MRS reiterates the general obligation to obtain approval for any development on land reserved under the MRS. With respect to zoned land (Lot 1, being the land to the south of the entry/exit road to the surf club), clause 24 of the MRS deals with the requirement for approval in respect of land zoned under the MRS. The works on Reserve 32074 and Lot 1 are not exempt from requiring a planning approval.

In this case, as development is proposed upon both parcels of land, the City must seek and obtain the WAPC's approval prior to commencement of works.

Consultation:

Significant community consultation has been undertaken on several occasions for the MBPCP. The latest round of community consultation occurred in March to May 2002, whereby the community was invited to comment, via an advertisement placed in the Wanneroo Times and Joondalup Community Newspapers during March 2002.

At the closure of the consultation period, a total of thirty one (31) individual submissions were received, 56 standard forms (15 of these were modified) and three petitions (116, 117 and 503 signatures), with the 503 signature petition being received outside of the consultation period.

In general, the majority of the submissions received were supportive of the elements shown on the advertised version of the MBPCP. However, there was general opposition to element 31 that sought to rationalise existing parallel parking along the Mullaloo Drive road reserve to 90 degree parking. As a result, this design element was subsequently removed from the MBPCP that was subsequently supported and adopted by Council at its meeting in December 2002.

Many of the comments and suggestions made during the consultation period were specific in nature and have been incorporated into the detailed design (Attachment 1). It should be noted that the plan does not seek to reduce the grassed area of Tom Simpson Park and natural foreshore vegetation.

Financial Implications:

Account No:	2174: Mullaloo Foreshore Dual Use Path: \$214,000 2176: Mullaloo Beach Project: \$71,000
Budget Item:	Corporate Project
Budget Amount:	\$285,000 in total
YTD Amount:	\$
Actual Cost:	\$

Strategic Implications:

The recreational use of this area is expected to increase in the future, by local residents, those residing within the City of Joondalup and those from the remainder of the Perth metropolitan area. Like many other similar beach nodes along the west coast, the popularity of these recreational areas is also increasing, which in turn places additional pressure upon facilities provided within such recreational areas.

Mullaloo beach is recognised as one of the City's premiere beaches and as such, the upgrading of the area is seen to be of vital importance so that it continues to remain a popular place to recreate.

Additionally, this project will compliment the Sorrento beach project, whereby both are significant facilities capable of sharing the demands placed upon them by the general public.

Sustainability Implications:

Native vegetation is to be used to ensure a high success rate and to maintain habitat for native fauna in the area. Consideration has been given to species that allow good visibility from the road or other public areas and maintain existing ocean views and vistas. New planting areas will incorporate matting to avoid wind and water erosion.

Materials proposed are envisaged to be aesthetically pleasing and in keeping with the existing built and natural environment, with the use of locally sourced materials/contractors where practicable. Signage erected will help educate visitors with respect to dune revegetation and rehabilitation and beach safety. This is also a good opportunity to incorporate signage that reflects the types of plants found in the coastal dunes, their adaptation and high tolerance to the coastal environment and the important habitat they provide for bird species common to the area.

COMMENT

In light of the allocated budget funds of \$285,000 in this financial year the project will need to be undertaken in parts, whereby three discrete stages are proposed as follows;

Stage 1 Construction of dual use (beachside promenade) path and associated retaining walls (representing design elements 5 & 18 on the MBPCP) using current budget funds of \$285,000, with the location and design being in accordance with Council's previous resolution of December 2002 and shown in Attachment 3. The path is comprised of red bitumen, line marked and ranges in width from 3.5 to 4.5 metres for the section of the path that abuts the northern car park. Stage 1 is subject to Council and DPI approval. The tender document shall include an option with respect to the use of

either mass limestone or reinforced earth technology for the retaining walls and the envisaged completion date is May 2004.

- Stage 2 Carry out works shown in Attachment 1 (representing design elements 6, 12 to 17 and 23 to 30 on the MBPCP as they relate to the park and foreshore areas only), together with additional concepts arising from the detailed design phase shown in Attachments 1 and 4. Stage 2 is subject to Council and DPI approval. Stage 2 works are also subject to sufficient funding allocation through future budget processes in 2004-2005 and preparation of tendering documents and as such, an envisaged completion date cannot be provided at this time as it is linked to budget availability. The total estimated cost of the detailed design shown in Attachment 1 is approximately \$750,000 (excluding beach volleyball courts and exercise equipment).
- Stage 3 Represents design elements relating to Oceanside Promenade road carriageway and northern car parking area. Stage 3 works are subject to further detailed design, Council and DPI approval and sufficient funding allocation through future budget processes and as such, envisaged costing and completion date cannot be provided at this time as it is linked to budget availability.

The landscape concept plan (Attachment 1) represents a graphic response to public comments and previous Council deliberations for the MBPCP that was endorsed by Council at its meeting on 17 December 2002. In essence, the detailed design is proposed to be used as a blueprint for the City to upgrade the area in a coordinated and staged manner.

A range of passive and semi-active facilities are proposed, with an overall intention to offer the widest possible cross-section of the community the best possible “Beach Experience”. The focus of the MBPCP and landscape concept plan is to provide a minimal impact solution that reflects an enhancement of the existing character and facilities that Mullaloo beach offers. The focus is also to ensure strict environmental considerations such as retention, protection and rehabilitation of the existing foreshore vegetation and ongoing landscape management practices are maintained. The intention is to build-upon the existing character that the beach precinct offers without impacting on the overall amenity and quality of the environment.

The estimated cost (GST inclusive) of the design elements of the MBPCP that represent stage 2 and contained within attachment 5 is \$291,060, however this figure relates to the indicative cost of materials only.

The total estimated cost of the detailed design shown in Attachment 1, which includes concepts in addition to those tabled in Attachment 5, together with items such as site establishment, soil preparation, construction and planting costs, mulch, fertilisers, irrigation and general lighting is approximately \$750,000 in today’s terms, excluding beach volleyball courts and exercise equipment.

All figures provided above are at October 2003 prices and are provided for general information, with further costing detail being provided during the future budget process.

ATTACHMENTS

Attachment 1	Landscape concept plan (October 2003).
Attachment 2	Approved Mullaloo Beach Project Concept Plan (March 2002).
Attachment 3	Location of dual use (beachside promenade) path (October 2003).
Attachment 4	Concept Images (October 2003).
Attachment 5	MBPCP design elements table.

VOTING REQUIREMENTS

Simple majority

RECOMMENDATION

That Council:

- 1 ENDORSES the detailed design and concepts shown in Attachments 1 and 4 to this Report;**
- 2 NOTES that works will commence for the construction of the Dual Use Path and retaining walls under the current budget;**
- 3 LISTS for consideration a budget amount of \$750,000 for Stage 2 proposals in the 2004/05 budget;**
- 4 NOTES that Stage 3 works (Oceanside Promenade) will be listed for consideration in a future subsequent budget.**

Appendix 10 refers

To access this attachment on electronic document, click here: [Attach10brf251103.pdf](#)

ITEM 14 PROPOSED MIXED USE DEVELOPMENT (COMMERCIAL AND RESIDENTIAL UNITS) AT LOT 495 (167) GRAND BOULEVARD, CNR BOAS AVENUE, JOONDALUP – [37738]

WARD - Lakeside

PURPOSE

The development proposal is referred to Council for determination as it is a significant development within the Joondalup City Centre. Discretion is also sought in relation to the height of the building.

EXECUTIVE SUMMARY

An application has been received for a 4 storey building (ground level plus 3 storeys) comprising 600m² of commercial space and 61 residential units at Lot 495 (167) Grand Boulevard, Joondalup.

Discretion is sought in regard to the height of the building, which exceeds the desirable height prescribed by the Joondalup City Centre Development Plan and Manual (JCCDPM).

The development represents a significant development for the City Centre. The site is ideally located in terms of its close proximity to all the facilities available in the City, and is compatible with the City Centre environment. The proposal represents a landmark, creating an urban wall with active interfaces on three frontages.

Council has approved a number of different proposals for this site over the past few years. The foreshadowed hotel development is no longer proceeding.

Traffic, pedestrian movements, car parking and aesthetic design elements have been adequately addressed by the design. There is a car-parking shortfall of 11 bays. The applicant has advised that the developer is seeking to pay cash in lieu for the shortfall.

Given that the subject site is a prominent corner in the City, the variation for the height of the building is supported. It is recommended that Council exercises discretion under District Planning Scheme No 2 (DPS2) and approves the proposal.

BACKGROUND

Suburb/Location:	Lot 495 (165) Grand Boulevard/Cnr Boas Avenue Joondalup
Applicant:	Cameron, Chisholm and Nicol
Owner:	Kyme Holdings Pty Ltd
Zoning:	DPS: Centre
	MRS: Central City Area

The above site is located on the southeast corner of Grand Boulevard and Boas Avenue, Joondalup. The site falls within the Central Business District within the Joondalup City Centre zone where the preferred uses are office, retail, accommodation, residential, leisure and

entertainment, cultural facilities, commercial service facilities, medical suites, Council administration, civic centre, law courts and police facilities.

Development within the area is subject to the provisions of City of Joondalup District Planning Scheme No 2 (DPS2) and the JCCDPM.

The subject lot is 3014m² and has been subdivided from a larger original lot (9363m²) to the south that accommodates the Madison Apartment complex. It was a requirement of the subdivision that an easement for vehicle access along Grand Boulevard be created that straddles both properties. Vehicle access to the proposal is via the easement.

DETAILS

The proposal includes the following features:

- A four level building with tower elements on the north-western and north-eastern corner of the building.
- Ground floor commercial tenancies providing active frontages along Grand Boulevard, Boas Avenue and Central Walk 600m² of commercial space, made up of three areas, each of which can be divided into smaller tenancies depending on demand.
- Three levels of residential dwellings comprising 61 units (21 one bedroom units, 35 two bedroom units, and 5 three bedroom units)
- All on-site car parking (75 bays) is provided on the ground level. The proposal results in a shortfall in car parking for which the developer intends to pay cash in lieu.
- 66 bays are provided for the residential component (5 bays are in a tandem arrangement), and 9 bays for the commercial component (including 1 disabled bay, and 3 bays in a tandem arrangement).
- Service access for the commercial units is via the car parking area on the ground level.
- Two entrance foyers are located on the ground floor to serve the residential units.
- Lift access is provided to all units except 6 units on the first and second floor, which are walk-ups.
- Each unit is provided with a sizeable balcony and a store located either on the ground floor or on the balcony of the unit.
- A roof garden, barbeque area and gymnasium are contained within the tower element on the north-western corner of the building.

Statutory Provision:

Clause 4.5 of DPS2 allows discretion to be exercised to allow a variation in regard to the restrictions applicable to the height of the proposal along Grand Boulevard, Boas Avenue and Central Walk.

The relevant clause is as follows:

4.5 Variations to Site and Development Standards and Requirements

4.5.1 Except for development in respect of which the Residential Planning Codes apply and the requirements set out in Clauses 3.7.3 and 3.11.5, if a development is the subject of an application for planning approval and does not comply with a standard or

requirement prescribed under the Scheme, the Council may, notwithstanding that non-compliance, approve the application unconditionally or subject to such conditions as the Council thinks fit.

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

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

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

- (a) approval of the proposed development would be appropriate having regard to the criteria set out in Clause 6.8; and*

The non-compliance will not have any adverse affect upon the occupiers or users of the development or the inhabitants of the locality or upon the likely future development of the locality

In exercising discretion under Clause 4.5, the criteria under Clause 6.8 are as follows:

6.8 Matters to be Considered by Council

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

- (a) interests of orderly and proper planning and the preservation of the amenity of the relevant locality;*
- (b) any relevant submissions by the applicant;*
- (c) any Agreed Structure Plan prepared under the provisions of Part 9 of the Scheme;*
- (d) any planning policy of the Council adopted under the provisions of clause 8.11;*
- (e) any other matter which under the provisions of the Scheme the Council is required to have due regard;*
- (f) any policy of the Commission or its predecessors or successors or any planning policy adopted by the Government of the State of Western Australia;*

- (g) *any relevant proposed new town planning scheme of the Council or amendment or proposed Metropolitan Region Scheme Amendment insofar as they can be regarded as seriously entertained planning proposals;*
- (h) *the comments or wishes of any public or municipal authority received as part of the submission process;*
- (i) *the comments or wishes of any objectors to or supporters of the application;*
- (j) *any previous decision made by the Council in circumstances which are sufficiently similar for the previous decision to be relevant as a precedent, provided that the Council shall not be bound by such precedent; and*
- (k) *any other matter which in the opinion of the Council is relevant.*

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

4.8 Car Parking Standards

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

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

Clause 4.11.2, 4.11.3 and 4.11.4 of DPS2 allow Council to accept the payment of cash in lieu of the provision of on-site parking. The clauses are as follows:

4.11.2 *Council may accept a cash payment in lieu of the provisions of any required land for parking subject to being satisfied that there is adequate provision for car parking or a reasonable expectation in the immediate future that there will be adequate provision for public car parking in the proximity of the proposed development.*

4.11.3 *The cash payment shall be calculated having regard to the estimated cost of construction of the parking area or areas suitable for the proposed development and includes the value, as estimated by the Council, of that area of land which would have had to be provided to meet the car parking requirements specified by the Scheme. The cash payment may be discounted and may be payable in such manner as the council shall from time to time determine.*

4.11.4 *Any cash payment received by the Council pursuant to this clause shall be paid into appropriate funds to be used to provide public car parks in the localities deemed appropriate by Council.*

In the City Centre the current rate is \$8,100 per bay.

COMMENT:**Residential Density**

There are no specific residential density requirements in the general city area of the CBD. Initially, a density of R60 applied to all areas affected by the JCCDPM. Subsequently, this was amended to allow a density of R100 for landmark sites. Discretion to higher densities was exercised in regard to all the previous proposals approved for this site. The last approved proposal allowed a density of approximately R145. The proposed density at R179 is considered to be appropriate given that the site is in a prominent location within the city, where high densities are appropriate. The density of the Madison complex is approximately R143, and R159 for the development at 17 Davidson Terrace, Joondalup.

Plot Ratio

A plot ratio of 2.5 applies to the site. Given that only the commercial floorspace is counted toward plot ratio (in this case 600m² of commercial floorspace), the proposal complies with the plot ratio limitations.

Setbacks and Heights

The proposed 'nil' setbacks to Boas Avenue, Grand Boulevard and Central Walk are in accordance with the development requirements for the CBD.

Council's discretion is required in respect to the height of the building facing Grand Boulevard, Boas Avenue and Central Walk. The JCCDPM specifies a maximum height of 13.5 metres along Grand Boulevard and Boas Avenue and a maximum permitted height along Central Walk of 10 metres. Beyond this limit, it is a requirement that the building be recessed along a 60-degree recession plane.

The proposed height of the elevations varies from 14.1 to 14.8 metres (to eaves height) and 16.5 metres (to top of ridge on the tower elements) along Central Walk and Boas Avenue and 15 metres (to eaves height) and 17.4 metres (to top of the tower element) along Grand Boulevard.

The height restrictions were included in the JCCDPM in order to control potential adverse environmental impact upon street spaces from the building form.

However, the subject site is a landmark in the City Centre, and the additional height of the building is considered to contribute to providing a City Centre feel and identity for the CBD. It is also very similar to the height of the Madison complex that borders onto the proposed development along its southern boundary.

The previously approved hotel on the site was also granted a variation to the building height. That particular building was in the order of approximately 18 metres (to eaves height) and approximately 24 metres (to the top of the tower) in height.

It is not considered that the additional height of the building will have any negative impact on the surrounding area, and will in fact have a positive contribution to the CBD. Therefore, a variation of the provisions of the JCCDPM under Clause 4.5 of DPS2 is considered appropriate.

Car Parking

The JCCDPM does not provide carparking standards.

Clause 4.8 of DPS2 provides that Council can determine car parking standards deemed to be appropriate to the use and area of a proposed development. The car parking ratios below are considered to be appropriate for the following reasons:

- The standards have been consistently applied throughout the City, and
- The standards were applied with all the previous approvals that have been granted on this site.

It is recommended the Council exercises discretion under clause 4.8 of DPS2 and applies the following car parking ratios.

Car Parking Table

Use	Parking Provision	No. of Bays Required	No. of Bays Provided	Comment
Commercial	1 bay per 30m ² GFA (600 ÷ 30)	20	9 (8 plus 1 disabled bay)	11 bays shortfall
Residential Units	1 bay per unit 61 apartments x 1	61	66	Oversupply of 5 bays. However 5 bays are in tandem and must be allocated to the same dwelling
Total		81	75	

From the above table it is noted that there is an 11 bay shortfall in the allocation of commercial bays.

The applicant has stated that they are willing to pay for 6 bays cash in lieu. This is on the basis that Council is requested to accept that the oversupply of 5 residential bays can be credited to the undersupply of 11 commercial bays, thereby leaving a shortfall (for cash in lieu purposes) of 6 bays.

In support, the applicant states:

“...our research indicates the requirement of 2 bays for a 3 bedroom dwelling to be essential. In addition our research shows the 8 bays for the commercial space will be accepted by the end user. Accordingly we will not reallocate the residential bays.

We can reduce the parking shortfall by reducing the amount of commercial area. However, we have been encouraged not to do this and to maximise the commercial frontage to Boas Ave and Grand Boulevard.

We would like it to be acknowledged that we are providing a total of 75 car bays. The requirement of parking for the total development is 81 bays. We propose to pay parking in lieu based on a total short fall of 6 parking bays.”

Clause 4.11.3 of DPS2 allows Council to consider a discount in the cash payment required under the cash in lieu provisions. The circumstances of when a discount will be considered is not outlined in DPS2.

While the applicant's request does not alter the actual on-site provision of car bays, and the development per se will not be affected, the following points are made:

- The purpose of the cash in lieu provisions for the City Centre is to provide a fund for Council to provide public car parking within the City Centre.
- The City would lose \$40,500 in cash in lieu contributions if the applicant's proposal is accepted by Council.
- The City has not previously granted dispensation to the required provision of cash in lieu payment, and has applied the cash in lieu provision consistently.
- Council's acceptance of the request may set a precedent for future requests on other developments, given that cash in lieu for parking is not uncommon in the City Centre.

It is considered appropriate that 11 bays cash in lieu be required.

Signage

The only detail that is provided in regard to signs at this stage is the lettering on the tower elements, which is considered to be appropriate. Planning approval will be required for any further signage.

Urban Design

The proposal has been designed to interface with Grand Boulevard, Boas Avenue and Central Walk, as well as complement the Madison Complex along its southern boundary. The subject lot is in a prominent location within the city. The commercial space at street level and the balconies facing onto the street will provide the active frontage required in a city centre. The street façades will include the use of brick, adding visual quality to the development.

The corners of the building have been 'articulated' by the use of tower elements, thereby enhancing the visual prominence of the site. Identifiable entrances and pedestrian shelters have also been provided in accordance with the objectives of the JCCDPM.

Overall, the building is functional and meets the design requirements of the JCCDPM.

Conclusion

The proposed development is deemed to comply and satisfy the objectives, urban design criteria, car parking, setbacks and use within DPS2 and the JCCDPM.

The development is considered a landmark development by virtue of its height. It will serve to strengthen the identity of the area as a city centre, without having an adverse impact upon the surrounding areas. The variation to the JCCPM to allow the additional height of the building is supported, and approval is therefore recommended.

ATTACHMENTS

Attachment 1	Site Plan
Attachment 2	Development Plan

VOTING REQUIREMENTS

Simple majority

RECOMMENDATION

That Council:

- 1 **EXERCISES discretion in relation to clause 4.5 and 4.8 of District Planning Scheme No 2 and the Joondalup City Centre Development Plan and Manual and determines that:**
 - (a) **a relaxation of the height requirements for buildings facing Grand Boulevard, Boas and Central Walk in recognition of the significance of the site, whereby the height and visibility of buildings facing the streets will create a visually attractive and interesting streetscape, is appropriate in this instance;**
- 2 **In accordance with the provisions of Clause 4.11 of the District Planning Scheme No 2, ACCEPTS the provision of the payment of cash in lieu of the provision of 11 onsite car bays;**
- 3 **APPROVES the application dated 10 September 2003 and revised plans received on 28 October 2003 and 4 November 2003 submitted by Cameron, Chisholm & Nicol Architects Pty Ltd on behalf of the owners, Kyme Holdings for a mixed use development comprising of 61 multiple dwellings and 600m² commercial space at Lot 495 (165) Grand Boulevard/Cnr Boas Avenue, Joondalup, subject to the following conditions:**
 - (a) **On-site parking for 81 car bays to be provided;**
 - (b) **The parking bays, driveways and points of ingress and egress to be designed in accordance with the Australian Standard for Offstreet Carparking (AS2890) and AS 2890.5 (on street parking). Such areas are to be constructed, drained, marked and thereafter maintained to the satisfaction of the City prior to the development first being occupied. These works are to be done as part of the building programme;**
 - (c) **All stormwater to be discharged to the satisfaction of the City. The proposed stormwater drainage system is required to be shown on the Building Licence submission and be approved by the City prior to the commencement of construction;**
 - (d) **The driveways and crossovers to be designed and constructed to the satisfaction of the City before occupation of development;**

- (e) Car bay grades are generally not to exceed 6% and disabled car bay/s are to have a maximum grade of 2.5%;
- (f) The footpath treatment in the adjoining road reserve to be continued to the property boundary to match the existing paving and paving pattern and at a grade of 2% rising from the kerblines, prior to the development first being occupied;
- (g) The continuous pedestrian shelter to be provided along Grand Boulevard, Boas Avenue and Central Walk;
- (h) The entrances to the foyers for the residential units to have a clear identity;
- (i) All pedestrian shelter and awnings to be a minimum width of 2 metres and a minimum ceiling height of 2.75 metres;
- (j) Any roof mounted or free standing plant or equipment such as air conditioning units, satellite dishes or radio masts to be located and screened so as not to be visible from beyond the boundaries of the development site;
- (k) Each multiple dwelling to be provided with an adequate area for clothes drying that is screened from view from Grand Boulevard, Boas Avenue and Central Walk or alternatively to be provided with clothes drying facilities within the unit;
- (l) In the event that the development is staged, temporary landscaping and fencing must be installed prior to the development being occupied to the satisfaction of the City;
- (m) Submission of a Construction Management Plan detailing phasing of construction, access, storage of materials, protection of pedestrians, footpaths and other infrastructure;
- (n) All fencing to be designed and constructed in accordance with the attached extract from the Joondalup City Centre Plan and Manual and thereafter be maintained to the satisfaction of the City;
- (o) The bin storage area, as shown on the approved plans is required to be provided for a minimum of 23 bins, is to be provided prior to the development first being occupied, in the location as shown on the approved plans. Such an area must be constructed with a concrete floor, graded to a 100mm industrial floor waste gully connected to sewer and be provided with a hose cock;
- (p) No obscure or reflective glazing being used in the ground level commercial units facing Grand Boulevard, Boas Avenue and Central Walk;
- (q) All boundary walls and parapet walls being of a clean finish and made good to the satisfaction of the City;
- (r) Future residents being notified in writing by the proponent that this lot is located in the City Centre area which is planned to become a vibrant and bustling city centre comprising a mix of land uses where street level activity

may occur of an intensity not normally associated with a traditional suburban residential environment;

- (s) The submission of an acoustic consultant's report demonstrating to the satisfaction of the City that the proposed development is capable of containing all noise emissions in accordance with the Environmental Protection Act;
- (t) Suitable capping is to be provided to the satisfaction of the City along the western and eastern elevation so that any gap between the existing wall on the adjoining development common property boundary and the proposed southern wall of this development is closed. The capping is to be painted to match the development.

Footnotes:

- (i) With regard to condition (a) please be advised that cash in lieu payment will be accepted in regard to the shortfall of 11 car bays.
- (ii) You are advised that plans submitted for a Building Licence must show the full width of the verge and any street furniture, traffic islands, statutory services, road gullies, crossovers on the opposite side of the road, the existing site levels, design levels of all proposed development and include levels on top of the kerb at the crossover;
- (iii) A Mechanical Services Plan, signed by a suitably qualified Mechanical Services Engineer to certify that any mechanical ventilation complies with relevant legislation;
- (iv) A separate application being made to the City for Approval to Commence Development and sign licence prior to the installation of any advertising signage;
- (v) Compliance with the Building Code of Australia provisions for access and facilities for people with disabilities may not discharge an owner's or developer's liability under the Commonwealth Disability Discrimination Act (DDA). The Human Rights and Equal Opportunities Commission has developed guidelines to assist owners and developers in designing developments, which may satisfy the requirements of the DDA. Copies of the guidelines may be obtained from the Disabilities Services Commission, 53 Ord Street, West Perth, telephone 9426 9200;
- (vi) Compliance with BCA requirements;

Appendix 11 refers

To access this attachment on electronic document, click here: [Attach11brf251103.pdf](#)

ITEM 15 ANNUAL LICENCE RENEWAL: MOBILE VENDING SERVICE – [56047]

WARD - All

PURPOSE

The purpose of this report is to obtain Council's determination regarding an application renewal of an annual licence for a mobile vending service under the Trading in Public Places Local Law.

EXECUTIVE SUMMARY

The applicant, Mr Grant Spivey - owner of Safe Sun, herein referred to as "the Applicant", has submitted two separate proposals on 6 October 2003 for renewal of an annual Trading in Public Places Licence.

The applications are for:

- Renewal of the existing licence;
- Extension of the existing licence.

The City has investigated the applicant's previous annual licences approved under the conditions of Policy 2.5.1 - Commercial Usage of Beachfront and Beach Reserves Policy.

What has been occurring to date is that previous approvals have been provided to the applicant which are outside the policy. The policy guidelines are specific on the products that can be sold under the licence agreement. It is the range of products that the applicant has been granted permission to sell that has contravened the intent of the policy. It is for this reason that what would normally be a straightforward administrative licence approval is on this occasion being forwarded to Council for consideration.

It is recommended that Council:

- 1 approves the licence renewal from the Applicant to operate a mobile service to beachgoers from the breakwater north of Hillarys Beach Park, including Hillarys Beach Park (Whitfords Nodes), to Ocean Reef Boat Harbour, excluding an area 500m north and 500m south of the Mullaloo Beach Kiosk subject to the compliance with the City's Commercial Usage of Beachfront and Beach Reserves Policy and the Trading in Public Places Local Law;*
- 2 notes that the licence term is for 12 months only, terminating on 03/12/04;*
- 3 endorses the applicant being advised that the City's position regarding commercial traders being permitted onto the beaches is subject to ongoing review and that the situation may be subject to change.*

BACKGROUND

Policy

The provision of commercial activities on the City's beaches has generated considerable interest from commercial operators to conduct a range of businesses on the beachfront. To assist in management of commercial activities, the City has over the years developed several policies on this matter.

Policy 2.5.1 - Commercial Usage of Beachfront and Beach Reserves Policy (Attachment 1) was last amended in July 1999. The City needs to ensure control on these activities to conserve the usability and the quality of the City's beach's as these are critical factors in determining a community's character and livability. The Policy Review Committee will review the current policy as part of this process.

The whole policy is attached to the report with the most relevant section being outlined below:

1 “GENERAL

(b) Types of Commercial Activity

- i. In general, the types of commercial activity, which will be considered by the City, are the provision of a mobile vending service supplying cool drinks, ice creams and sunscreen.”*

History of the Applicant

The City has issued an annual licence to the applicant for the years 1999 to 2002. The initial licence issued was to sell cancer society approved *sunscreen and hats, cold drinks and wrapped ice cream from the breakwater north of Hillarys Beach Park to 200m south of the kiosk at Mullaloo Surf Life Saving Club and 200m north of the Kiosk to Ocean Reef Boat Harbour*. All further licence renewals have been extensions of this initial licence.

The service is presently delivered on the beach utilising a 4x4 motorcycle and a purpose built refrigerated trailer with recycling containers attached. The refrigerated trailer and equipment has Council approval as a food storage trailer.

All the Applicant's annual licences approved by the City from 2000-2002 were granted outside of the conditions in Policy 2.5.1 - Commercial Usage of Beachfront and Beach Reserves Policy. The Following table outlines the approved annual licence extensions and discrepancies.

Year	Licence Extensions	Policy and Local Law
1999	- Breakwater north of Hillarys Beach Park to 200m south of the kiosk at Mullaloo Surf Life Saving Club - 200m north of the Kiosk to Ocean Reef Boat Harbour.	- Refer to the Trading in Public Places Local Law Section 33(2)(b). The Licensee shall not attempt to trade within 500m of the Mullaloo Surf Life Saving Club Kiosk - Refer to 2 of the Policy
2000	- As per 1999 licence - Extended to the sale of potato chips and sunglasses	- Refer to 1(b) i of the Policy
2001	- As per 1999 licence - Extended to the sale of sandwiches and fruit salad	- Refer to 1(b) i of the Policy
2002	- As per 1999 licence - Extended onto Hillarys Beach Park	- Refer to 4 of the Policy - Refer to the Trading in Public Places Local Law Section 33(2)(b)

DETAILS

Licence Renewal

The applicant has submitted two separate proposals on 6 October 2003 for renewal of an annual Trading in Public Places Licence.

Application A

The Applicant wishes to continue with his existing licence:

- Trading on the beach from the breakwater north of Hillarys Beach Park to Ocean Reef Boat Harbour (Attachment 5).
- Promoting sun safety selling sunscreen, hats, sunglasses, zinc, cool drinks, ice cream, potato chips and chocolate bars.

Application B

The Applicant wishes to extend his existing licence to include:

- Trading south onto Hillarys Beach Park.
- The sale of pre-prepared salads, sandwiches, coffee and steamed hotdogs.

The Applicant has been advised in correspondence from the City that the second proposal to increase items for sale do not comply with the current policy.

Health and Environmental Services Considerations

Officers have advised that approval of the applicant's requests can occur subject to the applicant demonstrating that the mobile vending service complies with Health (Food Hygiene) Regulations and all proposed food and drink must be pre-packaged by a reputable source.

Consultation:

Extensive internal consultation occurred with the contacts listed below.

- Manager Community Development Services
- Acting Manager Community Development Services
- Coordinator Health & Environmental Services
- Environmental Health Officer
- Community Education Coordinator
- Senior Project Officer
- Administration Team Leader
- Administration Secretary
- Manager Operations Services
- Human Resources Consultant

Policy Implications:

Proposed Licences

The Applicant has submitted two applications for licence renewal. Application A seeks to renew the licence to operate as a vendor of sun protection products, food and drink.

Application B seeks to extend trade to include the sale of salads, coffee, sandwiches and hotdogs.

Both Applications A and B request conditions that are outside of the City's Policy. The Applicant is seeking to operate the business from the breakwater north of Hillarys Beach Park with the inclusion of the Park, to Ocean Reef Boat Harbour. The Applicant also seeks to sell food products that are not listed in the Policy.

COMMENT

Licence Review

The review identified that the Applicants past licence approvals were not strictly in keeping with the City's current policy and the trading in Public Places Local Law. The approvals had extended the types of goods that could be sold by the applicant to the public. By extending the list of goods that could be sold the Officers have been providing permission to the Applicant to trade outside of the Councils policy.

In relation to the two present proposals received from the applicant, Officers support the issue of annual licences to trade on the beach in keeping with current Commercial Usage of Beachfront and Beach Reserves Policy and the Trading in Public Places Local Laws.

Role of Polices and Local laws

Council Policies and Local Laws play an integral role in providing an expected environment predominantly for the community to participate in recreation and leisure activities. To extend

the licence beyond the policy is not considered necessary. The beach is a recreation reserve and needs to be treated as a place available for the community to carry out leisure activities without the pressures of having unnecessary commercial ventures operating.

Monopoly Position

The City's Trading in Public Places Local Law requires that mobile vendors do not operate within 500 metres of established business that sell the same goods. To do otherwise would undermine the Surf Life Saving Clubs potential to add to their revenue that is vital in supporting their important role in promoting beach safety and are major providers of Community Service. It is important to recognise that the Surf Life Saving Clubs position is quite different from other traders along the beach who operate for their personal gain.

Other traders

The City's designated Dog Beach is serviced from the car park by a Dog Wash Service and occasionally a mobile trader. Other areas adjacent the coastal roads have mobile soft serve ice cream vendors. Beach management issues as a whole are currently being reviewed and it is envisaged that part of the ongoing review will involve consultation with the community.

It is likely that the services provided to the public by mobile vendors that operate along the coast will be included as part of this general review and as part of the review being done by the Policy Review Committee. This may have significant effect on the current policy.

It is therefore recommended that the applicants Trading in Public Places Licence be renewed subject to the goods being offered for sale and the locations are subject to Policy 2.5.1 – Commercial Usage of Beachfront and Beach Reserves and the applicant being restricted to operate within 500 metres of the Sorrento and Mullaloo Surf Lifesaving Kiosks, as outlined in the City's trading in Public Local Law.

ATTACHMENTS

Attachment 1	Policy 2.5.1 – Commercial Usage of Beachfront and Beach Reserves
Attachment 5	Foreshore Trading Map

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Council:

- 1 **APPROVES** the licence renewal from Mr Grant Spivey, Safe Sun, to operate a mobile service to beachgoers from the breakwater north of Hillarys Beach Park, with the inclusion of the Park, to Ocean Reef Boat Harbour, excluding an area 500m north and 500m south of the Mullaloo Beach Kiosk subject to compliance with the City's Commercial Usage of Beachfront and Beach Reserves Policy and the Trading in Public Places Local Law;
- 2 **NOTES** that the licence term is for 12 months only, terminating on 03/12/04;
- 3 **ENDORSES** the applicant being advised that the City's position regarding commercial traders being permitted onto the beaches is subject to ongoing review and that the situation may be subject to change.

Appendix 12 refers

To access this attachment on electronic document, click here: [Attach12brf251103.pdf](#)

ITEM 16 SINGLE HOUSE (RETROSPECTIVE APPROVAL FOR PATIO WITH FRONT AND SECONDARY STREET SETBACK VARIATIONS): LOT 161 (25) LONG REEF PLACE, HILLARYS – [47391]

WARD - Whitfords Ward

PURPOSE

The purpose of the report is to request Council's determination of an application for the retrospective approval of a patio, which does not comply with the provisions of the Residential Design Codes (R-Codes) and exceeds the provisions of the City's Height and Scale of Buildings Policy 3.1.9.

EXECUTIVE SUMMARY

An application has been received for the retrospective approval of a patio to the front boundary and corner truncation of the existing corner lot, which comprises a two storey dwelling. The subject site is flat and is bounded by Long Reef Place and Founders Lane, however also fronts onto Whitfords Avenue, which runs parallel to Founders Lane. The patio has been erected to the front boundary and corner truncation of the lot, by extending a previously approved front wall to support it.

The application was advertised to the surrounding landowners and no objections were received. The application was referred to the City's delegated authority meeting on 16 October 2003 with a recommendation of refusal, however, is now referred to Council as no determination was reached at that meeting.

The locality is not characterised by development with nil setbacks to the front or secondary street boundaries and it is therefore considered that the visual impact of the patio would be detrimental to the streetscape.

The application has been assessed according to the performance standards of the R-Codes and is recommended for refusal due to its negative impact upon the streetscape. Furthermore, it is recommended that the structure be removed within 30 days of the date of the decision.

BACKGROUND

Suburb/Location:	Long Reef Place, Hillarys
Applicant:	JC James
Owner:	JC James
Zoning:	DPS: Residential R20
	MRS: Urban

The location of this site is shown in Attachment 1 and the details of the structure are shown in Attachment 2. The site is currently developed with a two storey dwelling. The owner wishes the City to consider leaving the patio in its current location to provide roof cover and privacy to the front area of the lot, which is occupied by a swimming pool.

DETAILS

The proposal is for the retrospective approval of a patio, which was erected without approval of the City. The patio has been installed to the front part and corner truncation of the corner lot. The patio has a frontage onto Founders Lane of 4.9 metres in length, and 6.6 metres in length to the corner of Founders Lane and Long Reef Place. It is 2.7 metres wide and has a total height of 2.8 metres.

The patio has been installed on top of a previously approved front fence, which has been raised to support the unauthorised patio.

Statutory Provision:

District Planning Scheme No 2 (DPS2)

Clause 6.6.2 of DPS2 requires that the Council, in exercising its discretion to approve or refuse an application, has regard to the provisions of Clause 6.8 as follows:

6.8 Matters to be considered by Council

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

- (a) interests of orderly and proper planning and the preservation of the amenity of the relevant locality;*
- (b) any relevant submissions by the applicant;*
- (c) any agreed Structure Plan prepared under the provisions of Part 9 of the Scheme;*
- (d) any planning policy of the Council adopted under the provisions of clause 8.11;*
- (e) any other matter for which, under the provisions of the Scheme, the Council is required to have due regard;*
- (f) any policy of the Commission or its predecessors or successors or any planning policy adopted by the Government of the State of Western Australia;*
- (g) any relevant proposed new town planning scheme of the Council or amendment or proposed Metropolitan Region Scheme Amendment insofar as they can be regarded as seriously entertained planning proposals;*
- (h) the comments or wishes of any public or municipal authority received as part of the submission process;*
- (i) the comments or wishes of any objectors to or supporters of the application;*
- (j) any previous decision made by the Council in circumstances which are sufficiently similar for the previous decision to be relevant as a precedent, provided that the Council shall not be bound by such precedent; and*
- (k) any other matter which in the opinion of the Council is relevant.*

Residential Design Codes 2002

Developments that are in compliance with the acceptable development provisions of the R-Codes, do not require planning approval, or the exercise of discretion. When a development varies from the acceptable development provisions of the R-Codes, the variations can be considered pursuant to the 'performance criteria'.

Clause 2.3.4 of the R-Codes permits Council to vary the provisions of the Codes if it is determined that the variations comply with the ‘performance criteria’ of the R-Codes.

The intent of the relevant ‘performance criteria’ of the R-Codes is to make sure that buildings are setback appropriate distances from boundaries to ensure they contribute to the desired streetscape, and minimise the impacts to adjoining landowners.

Development Standards under R-Codes 2002

R-Code Standard	Acceptable Development Standard	Provided
Front Setback	6 metres, 3 metre minimum	Nil
Secondary street setback (corner truncation)	1.5 metres	Nil

The application requires the following discretion to the development standards:

- 1 Front setback of the patio at nil in lieu of 6.0 metres and 3 metre minimum;
- 2 The side (secondary street) setback of the patio at nil in lieu of 1.5 metres, and in addition;
- 3 The portion of the building exceeding the building height envelope pursuant to policy 3.1.9 (outlined below)

Policy Implications:

The City’s Policy 3.1.9 “Height and Scale of Buildings within a Residential Area” provides guidance for the height and scale of proposed dwelling. The envelope starts at a 3 metre setback from the front and a 1.5 metre setback from the secondary street.

The unauthorised patio is single storey and would normally comply with the policy depending on the topography and location. In this instance, as the patio is located to the front of the lot, it exceeds into the 3 metre and 1.5 metre areas of the building envelope.

Applicant’s Justification

The applicant has stated that (in his opinion) the addition is complementary to the existing dwelling in terms of visual appearance, materials and colours, and that it consists of a very high standard of construction. The applicant has also outlined that the patio is in keeping with the style of the dwelling and that it forms part of a pre-existing fence. The applicant has provided landscaping and reticulation on the verge at his expense to improve the look of the dwelling from the streetscape. The patio would provide additional shelter and privacy.

Consultation:

The proposal was advertised to nearby landowners for a period of 14 days. The advertising extended to the property owners adjoining and adjacent the subject lot.

Submission	Technical Comment
• One letter of no objection received.	• Noted.

COMMENT

Development Standards (under DPS2/R-Codes)

The amount of discretion requested is considered significant in light of the potential impact on the streetscape in this location. The additional bulk of the patio to the front portion of the lot, via solid roofing and a raised front wall is not considered appropriate within this locality which is generally characterised by open-style fencing. The area is not characterised by nil setbacks to front or secondary street boundaries.

The unauthorised structure is clearly visible from the street and is considered not to contribute to the desired streetscape of the area, being generally open in nature. The ‘performance criteria’ of the R-Codes are therefore considered not to have been met.

Having taken into consideration the interests of the locality and the amenity of the residents, the statement by the applicant, provisions of DPS2 and the R-Codes, it is recommended that the application be refused. The structure is located in the exact position that the development standards are designed to prohibit and as such it is not appropriate in this location. In addition, the unauthorised structure is required to be removed within 30 days of the notification to the applicant.

ATTACHMENTS

Attachment 1	Location Plan
Attachment 2	Plans of Proposal

VOTING REQUIREMENTS

Simple majority.

RECOMMENDATION

That Council REFUSES the application submitted by JC James, the applicant and owner, for retrospective approval of a patio to the existing dwelling on Lot 161 (25) Long Reef Place, Hillarys, for the following reasons:

- 1 The proposal would be contrary to the proper and orderly planning of the locality;**
- 2 The building exceeds the City’s Policy 3.1.9 Height and Scale within a residential area;**
- 3 The proposal is uncharacteristic for the locality, and the nil setback with the street setback area is likely to have a negative visual impact on the area;**
- 4 The development does not comply with clause 3.2.1 of the Residential Design Codes 2002 in terms of front and secondary street setback requirements.**

Footnote(s):

The applicant is advised that all unauthorised structures be removed within 30 days of the date of this decision. Furthermore, the applicant is advised that the structure could be replaced by shade sails, subject to the approval of a building licence from the City.

Appendix 13 refers

To access this attachment on electronic document, click here: [Attach13brf251103.pdf](#)

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ITEM 17 APPLICATION FOR THE CLOSURE OF THE PEDESTRIAN ACCESSWAY BETWEEN BEN CLOSE AND EDDYSTONE AVENUE, CRAIGIE – [82540]

WARD - Pinnaroo

PURPOSE

The purpose of this report is for Council to consider the closure of the pedestrian accessway (PAW) between Ben Close and Eddystone Avenue, Craigie (refer Attachment 1).

EXECUTIVE SUMMARY

The City has received a request for closure of the subject PAW from an adjoining landowner with three other adjoining landowners supporting the application. The justification for closure is repeated incidents of unwanted nuisances activities, anti-social behaviour and crime reduction.

The City's Pedestrian Accessway Policy provides parameters for evaluation of the request for closure. This evaluation is composed of three parts, Assessing Urban Design, Nuisance Impact and Community Impact. The assessments are rated as low, medium or high and a recommendation made whether to support or not support closure.

The 'Urban Design Assessment' determines the importance of the PAW in the pedestrian movement network by analysing the impact that closure would have on access to local community facilities within 400 metres. The 'Nuisance Impact Assessment' assesses any evidence and information to determine the degree of anti-social behaviour being experienced, and the 'Community Impact Assessment' examines the information provided by surrounding residents to determine the level of use of the PAW.

In this case, the Urban Design Assessment, Nuisance Impact Assessment and Community Impact Assessment are all rated as medium, low and medium respectively. Based on these ratings, the proposal accords with 'Case 5' of the 'Pedestrian Accessway Policy' which states that closure is not supported where urban design assessment of the PAW is considered of medium importance and both nuisance is considered to be medium or low importance and use is considered to be medium in importance. Therefore, it is recommended that the closure of the PAW between Ben Close and Eddystone Avenue, Craigie not be supported.

BACKGROUND

Suburb/Location:	Craigie
Zoning:	DPS: Residential
	MRS: Urban
Strategic Plan:	No relevant objective/strategy within Strategic Plan

DETAILS

Current Proposal or Issue

The request for closure is based on repeated incidents of unwanted nuisance activities, anti-social behaviour such as break-ins, graffiti, noise, loitering and burglaries that adjoining landowners/occupiers consider are associated with the PAW. It is also alleged that there are alternative routes available, should the PAW be closed.

All four adjoining landowners support the closure of the PAW and agree in writing to acquire the land and meet any costs and conditions associated with closure.

Site Inspection

A site inspection revealed that vision through the PAW is good, providing clear sight lines. Apart from some damage visible to part of the fence, the general condition of the PAW appears satisfactory. At the time of the inspection there were only a few places where some graffiti was visible and there was little rubbish. Some graffiti was visible on a ‘cubby-house’ that adjoins the PAW fencing on the north side. (See attachment 2 to this report).

PAW Closure Process

A request can be made to close a PAW by an adjoining landowner. The City’s Pedestrian Accessway Policy guides the process of evaluation. From the outset, the City must have some indication that some or all of the adjoining landowners are prepared to acquire the land within the PAW, pay all the associated costs and meet any necessary conditions. As part of the process, the service authorities are asked to provide details of any service plant (Water Corporation sewer mains etc) that may be within the PAW that would be affected by the proposed closure and if it can be modified or removed to accommodate the request.

Prior to the Department of Land Information (DLI) considering closure of a PAW, it is necessary for the Department for Planning and Infrastructure (DPI) to support closure. As per the City’s Pedestrian Accessway Policy, the City seeks the DPI’s view, however, this is done only if Council supports closure of the PAW. If the DPI does support the proposal then the DLI is requested to formally close the PAW. The final decision on a request for closure of a PAW rests with the Minister for Planning and Infrastructure.

Consultation

The proposal was advertised for thirty days from 3 September 2003 to 3 October 2003 by way of a notification sign at each end of the PAW and questionnaires forwarded to residents living within a 400-metre radius. Attachments 3 and 4 summarise the information from the returned questionnaires in relation to this application. A total of 61 questionnaires were returned.

Policy Implications

The City’s Pedestrian Accessway Policy has been prepared in accordance with clause 8.11 of the City of Joondalup’s District Planning Scheme No 2, which allows Council to prepare policies relating to planning or development within the scheme area. The Policy provides guidance on the inclusion and design of PAWs in new subdivisions and assessment criteria for the closure of PAWs.

As part of the City's Pedestrian Accessway Policy, when closure of a PAW is requested, formal evaluation of the application is conducted. This evaluation is composed of three parts, Assessing Urban Design, Nuisance Impact and Community Impact. The assessments are rated and a recommendation made whether to support or not support closure. Where points in the ratings do not match exactly with the assessment results, comments supporting the chosen rating will be provided in italics.

The Urban Design Assessment determines the importance of the PAW in the pedestrian movement network by analysing the impact that closure would have on homes that are accessible within 400 metres of local community facilities. The Nuisance Impact Assessment assesses any evidence and information to determine the degree of anti-social behaviour being experienced and the Community Impact Assessment considers the information provided from the surrounding residents to determine the level of use of the PAW.

COMMENT

Assessment and Reasons for Recommendation

Urban Design Assessment

From information received in the returned questionnaires, the subject PAW is primarily used to access community facilities such as public transport, Craigie Primary and Senior High School, Craigie Plaza shopping centre and local parks, with its main use being for exercise/social reasons and access to Craigie Plaza.

If the subject PAW is closed, the walking distance to these facilities does not appear to increase significantly, however, residents in Ben Close and Eddystone Avenue who are in close proximity to the PAW are likely to be the most inconvenienced as a result of closure. The main alternative route would appear to be via Eddystone Avenue and comments by some users, particularly those who reside within Ben Close, indicate that this alternative route is considered unsuitable. Reasons provided are that it increases the walking distance and as a result is inconvenient for school children in particular. The PAW appears to be used as a safe route by students of Craigie Primary School and possibly Craigie Senior High School due to the close proximity of guard-controlled crossings on Eddystone Avenue to the North and South of Ben Close. The PAW is currently not part of the Bikeplan route. It should be noted that some of the alternative routes are via other PAWs (i.e. PAW between Eddystone Avenue and Parmelia Way).

Although there are alternative routes for users, 10 of the 18 users (56%) advised they would be inconvenienced if closure were supported. Should this PAW and others in the immediate area be closed, walking distances are expected to increase significantly.

Comments in Returned Questionnaires

Based on the foregoing, a Medium rating appears the most appropriate:

Policy Parameters – Medium	Analysis Results
<ul style="list-style-type: none"> • PAW provides a route to community facilities but not direct 	<ul style="list-style-type: none"> • This is supported
<ul style="list-style-type: none"> • An alternative route exists but some inconvenience. 	<ul style="list-style-type: none"> • This is supported
<ul style="list-style-type: none"> • PAW appears to be used as a ‘safe route to school’, however is not significant with regard to the bike plan. 	<ul style="list-style-type: none"> • This is supported

Nuisance Impact Assessment

The Nuisance Impact Assessment is carried out by investigating any reported anti-social behaviour. Justification provided is summarised as follows:

- The PAW leads nowhere and there are alternative routes for pedestrian movement through the area.
- Closure of the PAW will ‘quieten down’ the streets due to less pedestrian movement and noise.
- There are ‘too many’ PAWs in Craigie, by removing unnecessary PAWs it will improve (modernise) the suburb.
- Closing the PAW will reduce crime and eliminate loitering, graffiti and drug use.
- The PAW may be linked to a number of criminal activities in the area such as break-ins, burglaries and anti-social behavior.

Police Information

Police information provided for properties in Ben Close and Eddystone Avenue (within close proximity to the PAW) covered a period from January 2002 to September 2003. The following criminal activities were recorded:

- Reported burglary – (Jan 2002).
- Complaint towards suspicious persons in a vehicle parked outside (March 2002).
- Complaint against noisy party – (April 2002).
- Witness a theft by people in a vehicle – (April 2003).
- Complaint against youth loitering around streets – (Sept 2002).
- Break-in – (Feb 2003)
- Complaint against vandalism – (March 2003).

Police reports indicate that it is difficult to determine if the PAW is a contributing factor in these complaints. The problems encountered above do not appear to suggest that criminal activity or anti-social behaviour in and around the area of the PAW is any higher than other areas within the suburb.

Comments in Returned Questionnaires

Of the 18 users of the subject PAW, 3 had witnessed anti-social behaviour and 8 had noticed vandalism. One submission noted witnessing anti-social behaviour with youths kicking fences,

adorning fences with graffiti and breaking glass in the PAW. Six submissions provided comments about noticing vandalism along the PAW such as, graffiti, and leaving rubbish, (broken bottles and syringes).

Based on the foregoing, it appears that the incidents noted by the adjoining landowners are similar to those experienced in the surrounding area. Therefore the Nuisance Impact Assessment is rated low as per Policy 3.2.7 – Pedestrian Accessways.

Policy Parameters – Low	Analysis Results
<ul style="list-style-type: none"> • Occurrence of criminal activity or antisocial behaviour similar to elsewhere in the suburb. 	<ul style="list-style-type: none"> • This appears to be correct
<ul style="list-style-type: none"> • Types of offences are limited to antisocial behaviour 	<ul style="list-style-type: none"> • This appears to be correct, however some higher-order criminal activity has been witnessed (i.e break-ins and burglary). • Difficult to determine if the PAW has directly contributed to the offences committed.
<ul style="list-style-type: none"> • The severity of antisocial behaviour is similar to elsewhere in the suburb 	<ul style="list-style-type: none"> • This appears to be correct

Community Impact Assessment

The proposal was advertised for thirty days from 3 September 2003 to 3 October 2003 by way of a notification sign at each end of the PAW and questionnaires forwarded to residents living within a 400-metre radius. Of the 61 questionnaires returned, the overall response with regard to the support, objection or indifference to the closure is:

Supporters	Objectors	Neutral	Totals
Users of the PAW 4	Users of the PAW 10	Users of the PAW 4	18 Users
Non users of the PAW 11	Non- users of the PAW 1	Non users of the PAW 31	43 Non- users
Total Supporting 15	Total Objecting 11	Total Neutrals 35	61

Attachment 4 to this report indicates the most common use of the PAW is for exercise/social reasons and to gain access to Craigie Plaza shopping centre, with access to parks, school and public transport also being significant.

The Community Impact Assessment falls between a medium to low rating, however, medium appears more appropriate and generally satisfies the criteria stipulated under Policy 3.2.7 as it states:

Policy Parameters – Medium	Analysis Results
<ul style="list-style-type: none"> • Medium portion of respondents not in favour of closure (over 30%) 	<ul style="list-style-type: none"> • <i>Of the 61 respondents, 11 (approximately 18%) are not in favour of closure).</i>
<ul style="list-style-type: none"> • Moderate level of households using the PAW 	<ul style="list-style-type: none"> • <i>Of the 61 questionnaires received, 18 (approximately 30%) residents/families use the PAW</i>
<ul style="list-style-type: none"> • Moderate portion of users inconvenienced by closure of the PAW (30-50%) 	<ul style="list-style-type: none"> • <i>Of the 18 users, 10 (approximately 56%) advised they would be inconvenienced by closure</i>

As a comparison, the following table is a list of criteria under the ‘low’ heading of Policy 3.2.7;

Policy Parameters – Low	Analysis Results
<ul style="list-style-type: none"> • High number of residents in favour of closure over (75%) 	<ul style="list-style-type: none"> • <i>Of the 61 respondents, 15 (approximately 24%) support closure.</i>
<ul style="list-style-type: none"> • Low number of households using the PAW 	<ul style="list-style-type: none"> • <i>Of the 61 questionnaires received, 18 (approximately 30%) residents/families use the PAW</i>
<ul style="list-style-type: none"> • Few users inconvenienced by closure (less than 30%) 	<ul style="list-style-type: none"> • <i>Of the 18 users, 10 (approximately 56%) advised they would be inconvenienced by closure</i>

Overall Assessment

Residents in support of closure have commented that the PAW is unsafe and its closure will improve security. One submission was in favour of closing this PAW but not to other PAWs in the immediate vicinity. Another submission raised similar concerns outlined in the ‘Nuisance Assessment’ section of this report.

Three residents who wished to remain neutral passed comments in their returned questionnaires, with one expressing that closure of the PAW would cause great inconvenience, resulting in longer walking distance to shops, and may exacerbated their heart problem. Another resident acknowledged the usefulness of the PAW in helping people to access public transport, whilst a third resident identified that there were alternative routes if the PAW were closed.

Comments from some of the residents who are against closure include provision for a safe and convenient pedestrian route and its closure will result in longer walking distances to shops and community facilities. Some objectors considered that closing the PAW would inconvenience school children that use the PAW as a ‘safe route’ to school, while other objectors have raised the long-term implications of closing the PAW, such as longer walking distances and the temptation to close more PAWs, which would exacerbate the situation by making walking distances longer and potentially unsafe. One resident expressed that the PAW was included in the subdivision originally for the benefit of the local community and residents who purchased

properties adjoining them did so in the understanding that they provided a use and benefit to the community.

Alternative routes, especially Eddystone Avenue via Allambia Drive may not be suitable for younger children, due to traffic safety concerns. Based on the information in the returned questionnaires, on balance, the PAW does appear to be an overall asset to the local community.

The result of each assessment is detailed below:

- Urban Design Medium
- Nuisance Impact Low
- Community Impact Medium

In accordance with Policy 3.2.7 – Pedestrian Accessways, the final assessment equates to a Case 5, which states that closure is not supported where Urban Design Assessment for the PAW is considered of medium importance since both nuisance is considered to be medium or low importance and use is considered to be medium in importance. Therefore, it is recommended that the application to close the PAW between Ben Close and Eddystone Avenue, Craigie not be supported.

ATTACHMENTS

Attachment 1	Site Plan
Attachment 2	Photographs of PAW
Attachment 3 & 4	Summarised information of returned questionnaires

VOTING REQUIREMENTS

Simply majority

RECOMMENDATION

That Council:

- 1 DOES NOT support the closure of the pedestrian accessway between Ben Close and Eddystone Avenue, Craigie;**
- 2 ADVISES the adjoining landowners of the pedestrian accessway and landowners within Ben Close and Eddystone Avenue (within close proximity either side of the PAW along Eddystone Avenue) of Council's decision.**

Appendix 14 refers

To access this attachment on electronic document, click here: [Attach14brf251103.pdf](#)

ITEM 18 REQUEST FOR CLOSURE AND SUBSEQUENT PURCHASE OF A 40M² PORTION OF LACEPEDE DRIVE (ROAD RESERVE) ADJOINING LOT 851 (68) LACEPEDE DRIVE, SORRENTO – [69416] [13030]

WARD - South Coastal

PURPOSE

The purpose of this report is for Council to consider a request for the closure of approximately 40m² of undeveloped road reserve land immediately adjacent to Lot 851 (68) Lacepede Drive, Sorrento (Attachment 1).

EXECUTIVE SUMMARY

An application has been received from a representative of the owners of Lot 851 (68) Lacepede Drive, Sorrento to close approximately 40m² of Lacepede Drive, Sorrento that abuts their property. The applicants have advised the City that inclusion of this land area into their property will facilitate increased aesthetics of the property.

The land area of Lot 851 is 830m² and contains an existing single storey brick and tile dwelling. The subject road reserve/verge area does not have any designated future purpose, however has been maintained to a high standard by the landowner of Lot 851. Approval of this request will not facilitate increased development potential of the lot for grouped dwelling (duplex) development.

During the advertising period, four (4) submissions were forwarded to the City objecting to the proposal. The main points raised were in relation to the establishment of a precedent and road safety concerns.

Whilst it may be considered desirable for the landowner to formally acquire this portion of road reserve that has been maintained and improved to a high standard, the argument presented by the applicant that such an acquisition will improve the aesthetics of the property is not considered a valid town planning related argument, as improvement to aesthetics of the front verge has already occurred without formal acquisition of the land.

Furthermore, approval to this request is likely to create an undesirable precedent with respect to other future road closure requests. This undesirable precedent is likely to adversely impact upon the City's ability to refuse any future road closure application, particularly with respect to future applications that create a greater impact upon road and pedestrian safety, manoeuvrability and/or residential amenity than that proposed under this particular application. It is therefore recommended that the proposed road closure not be supported.

BACKGROUND

Suburb/Location:	Lot 851 (No 68) Lacepede Drive, Sorrento
Applicant:	Ms Julie Della C/- People In Property
Owner:	N & R Oancea
Zoning:	DPS: Residential
	MRS: Urban
Strategic Plan:	No Relevant objectives/strategies

The applicant has advised the City that the landowner seeks the acquisition of the road reserve land to aesthetically improve his property. The landowner believes that some users of the adjoining Seacrest Park cut across the driveway and lawn area of his property. However, investigation suggests that if this 'short cut' is occurring, it is upon the road reserve land and not upon the landowner's private property. The landowner also advised that if they are successful in obtaining portion of the road reserve, the landowners intend to correct the fence line in order to minimise park users cutting across the land sought to be acquired.

DETAILS

Current Proposal or Issue

A representative of the owners of Lot 851 (68) Lacepede Drive, Sorrento contacted the City requesting the closure and subsequent purchase of approximately 40m² of Lacepede Drive (Attachment 1). Following preliminary assessment, the request was forwarded to service authorities and the DPI for comment.

Road Closure Process

A request can be made to close a portion of road reserve and amalgamate that land into an adjoining property. Service authorities are requested to provide details of any service plant that is within the road reserve sought to be amalgamated and, if such infrastructure exists, the cost of relocation. All costs and conditions associated with service plant modification are to be met by the applicant if closure is the outcome.

The proposal is also forwarded to the Department for Planning and Infrastructure (DPI) for comment. If the service authorities and the DPI do not raise any objections and the applicants have agreed to meet all associated costs and conditions, then the application can be advertised for public comment.

If Council supports a road closure application, all relevant documentation is forwarded to Department of Land Information (DLI) with a request to formally close the road. The Minister for Planning and Infrastructure makes the final decision on whether or not closure takes place.

Statutory Provision:

Under Section 58 of the Land Administration Act 1997, closure of a portion of road is required to be advertised for 35 days by way of a notice in a local newspaper. Any objections received during the advertising period are to be considered by Council and if the closure is supported, all associated submissions are to be forwarded to the DLI. The DLI also requires other supporting documentation to be provided such as confirmation that the DPI has not objected to the proposal.

The DLI determines the purchase price to apply, arranges any easements and survey requirements and undertakes conveyancing. The purchase price is fixed by DLI in consultation with the Valuer General and is usually the unimproved market value of the land.

Consultation:

Comments were sought from the DPI and the service authorities and the DPI advised it did not object stating that the portion of the road to be closed forms part of the front garden area of Lot 851 and that closure will not negatively impact upon the street reserve or amenity of the area.

Telstra, Western Power and AlintaGas do not have any objections to the proposal, as they do not have plant in the area that would be affected. Water Corporation has objected as it does have plant in the area that requires modification at cost. The owners of Lot 851 have agreed to meet all costs and conditions associated with this proposal.

The public advertising period took place between 24 July 2003 and 28 August 2003. A newspaper notice was placed within the Joondalup Community Newspaper on 24 July 2003, a sign was placed on site and letters were forwarded to the residents immediately surrounding and opposite Lot 851 Lacepede Drive, Sorrento.

At the close of advertising, four (4) objections were received. The main points raised were with respect to the establishment of a precedent and road safety concerns. Other comments suggested that the landowner, upon purchasing the property, should have been fully aware of the alignment of Lacepede Drive and its verge, and the boundaries of the property and narrowing of the verge could make the carriageway less safe. There were also suggestions that no one in the community will benefit from the proposal other than the landowner of Lot 851 (68) Lacepede Drive, Sorrento, that the rules and regulations are there to be adhered to, why should this landowner be treated differently and finally, the loss of symmetry with respect to the built form, particularly with respect to garages (Attachment 2).

The issues raised by the objectors relating to traffic safety and loss of amenity cannot be substantiated, as no development or physical changes are proposed upon the portion of land to be closed, thus causing or creating an adverse effect upon road safety or residential amenity.

However, other issues raised by objectors, particularly those with respect to an undesirable precedent being created, are issues that Council has raised previously and this requires to be addressed.

Policy Implications:

Whilst the City does not currently have a defined road reserve closure policy, the Department of Land Information (DLI), formerly the Department of Land Administration (DOLA) has processes and guidelines to assist in the assessment of such road reserve closures.

A draft 'Preservation of Public Reserves Policy' was prepared and considered by Council at its meeting on 27 November 2001 and was adopted for public consultation purposes. The policy ensures that public reserves are protected and maintained to a standard that makes them safe, and practical for community use, whilst recognising that in some circumstances there are good arguments to consider alternative proposals for public reserves that may provide a benefit to the community. The policy applied to all public reserves in the City except pedestrian accessways, which have a separate defined policy.

Due to community concerns at the time relating to reserves being developed, which was not the objective of the policy, it was not proceeded with.

COMMENT

Assessment and Reasons for Recommendation

The Council should be made aware that the proposal, if supported, is unlikely to create any adverse impact upon vehicle or pedestrian manoeuvrability and road safety, nor create any adverse impacts with respect to residential amenity loss, as no development is proposed upon the portion of land.

Whilst the proposal is unlikely to adversely impact upon, nor detrimentally affect road and pedestrian safety, manoeuvrability or residential amenity, the issues relating to an undesirable precedent being created, together with the proposal not according with community expectations, are issues that need to be addressed.

In considering this request, the comments made in submissions need to be carefully considered. A comment raised during the advertising period stated that the proposal should not be supported unless very strong evidence can be presented demonstrating that it is in the public interest, public safety, and of benefit to the local community collectively. The proposal will not benefit the local community collectively, could be viewed as being not in the public's best interest and is likely to set an undesirable precedent for other landowners to request similar road reserve closures.

This undesirable precedent is likely to adversely impact upon the City's ability to refuse any future road closure application, particularly with respect to future applications that create a greater impact upon road and pedestrian safety, manoeuvrability and/or residential amenity than that proposed under this particular application.

The applicant has not provided any town planning related grounds in order for the City to justify support of the application. Furthermore, no evidence has been presented to suggest that people using Seacrest Park are 'cutting across' the land and in doing so, damaging any lawn and landscaping that the landowner has planted in the area subject to closure.

Based on the above arguments it is recommended that the proposal not be supported.

ATTACHMENTS

Attachment 1	Site Plan
Attachment 2	Schedule of Submissions

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Council:

- 1 DOES NOT SUPPORT the closure of 40m² of the undeveloped road reserve adjoining Lot 851 (68) Lacepede Drive, Sorrento for the following reasons;**
 - (a) The proposal is not in the local community’s best interest and will not benefit the local community collectively;**
 - (b) The proposal, if supported, is likely to create an undesirable precedent that is likely to adversely impact upon the City’s ability to refuse any future road closure application that may create a greater impact upon road and pedestrian safety, manoeuvrability and/or residential amenity than that created under this proposal;**
 - (c) The proposal does not constitute proper and orderly planning for the locality.**
- 2 COMMUNICATES its decision and reasons for the decision to the applicant, the landowner, all persons who made submissions during the advertising period and the Department for Planning & Infrastructure.**

Appendix 15 refers

To access this attachment on electronic document, click here: [Attach15brf251103.pdf](#)

ITEM 19 DELEGATED AUTHORITY REPORT FOR THE MONTH OF OCTOBER 2003 – [07032]

WARD - All

PURPOSE

To submit items of Delegated Authority to Council for noting.

EXECUTIVE SUMMARY

This report provides a resumé of the Development Applications processed by Delegated Authority for October 2003 (see attachment 1).

The total number of Development Applications determined (including Council and delegated decisions) is as follows:

Month	No	Value (\$)
October 2003	89	18,847,767

ATTACHMENTS

Attachment 1 Development Approvals processed

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council NOTES the determinations made under Delegated Authority in relation to the applications described in this Report.

Appendix 16 refers

To access this attachment on electronic document, click here: [Attach16brf251103.pdf](#)

ITEM 20 SUBDIVISION REFERRALS PROCESSED 1 - 31 OCTOBER 2003 – [05961]

WARD - North Coastal, South Coastal, Whitfords, Marina, Lakeside

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– 31 October 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 3 additional residential lots and 2 strata residential lots. The average processing time taken was 21 days. Four applications were deferred and five applications were not supported.

Ref: SU123028 – 499 Burns Beach Road, Iluka

This application was deferred as the subdivision plan is not in accordance with the agreed Structure Plan.

Ref: SU1028-03 – 27 Eucalypt Court, Duncraig

Ref: SU534-03.01 – 8 Ranford Way, Hillarys

Ref: SU803-03.01 – 15 Woodswallow Close, Joondalup

These applications were not supported as they sought to retain existing dwellings and, given the lot boundary configuration proposed, would subsequently render the existing development non-compliant with the acceptable development provisions of the Residential Design Codes. The City has advised the WAPC of its intention to prepare a policy in relation to setbacks to boundaries for strata and survey strata subdivisions in order to address the situation.

Ref: SU123217 – 110 Shenton Avenue, Joondalup

This application was deferred as the proposal is considered premature in light of a number of changes requested to the adjoining subdivision proposal (WAPC No.123218) that may impact this subdivision proposal. It is also contrary to the Joondalup City Centre Structure Plan and therefore District Planning Scheme No.2 provisions 3.11.2.

Ref: SU123218 – 110 Shenton Avenue, Joondalup

This application was deferred as the proposal is considered premature in light of a number of issues that need to be resolved that concern the following:

- 1 re-examination and re-design of the subdivision layout;
- 2 reconsideration of the public open space and drainage layout;
- 3 survey plan showing the location of trees worthy of retention
- 4 additional matters concerning the Joondalup City Centre Structure Plan

The subdivision proposal is also contrary to the Joondalup City Centre Structure Plan and therefore District Planning Scheme No.2 provisions 3.11.2.

Ref: SU1078-03 – 5 Eastleigh Loop, Currabine

This application was not supported as the proposed subdivision does not comply with the WAPC's policy DC1.6 in that it does not achieve/encourage the key policy objectives/requirements.

Ref: SU123225 – 1 Princeville Tor, Connolly

This application was deferred, however, the amended plan was subsequently supported.

Ref: SU123378 – 12 Ardtalla Court, Duncraig

This application was not supported as the proposed configuration of the vacant lot is likely to create development and dwelling design constraints requiring significant variations to various acceptable development provisions of the Residential Design Codes of Western Australia.

ATTACHMENTS

Attachment 1 Schedule of Subdivision Referrals

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Council NOTES the action taken by the subdivision control unit in relation to the applications described in this Report.

Appendix 17 refers

To access this attachment on electronic document, click here: [Attach17brf251103.pdf](#)

ITEM 21 COMMUNITY FUNDING PROGRAM 2003-2004 GRANTS ALLOCATIONS - FIRST FUNDING ROUND – [23542] [24542]

WARD - All

PURPOSE

The purpose of this report is to provide information and make recommendations on the provision of Community Funding Program grants for the 2003/2004 financial year in accordance with the Community Funding Program's policy and guidelines.

EXECUTIVE SUMMARY

The City's Community Funding Program came into operation on 1 July 1999. The Program has been developed to provide financial assistance to not-for-profit and other eligible organisations. It is intended that support be offered to a range of community development initiatives consistent with the City's strategic objectives.

Funds will assist organisations and community groups to conduct projects, events and activities in the areas of community services provision, sport and recreation development, sustainable development and culture and the arts development.

This is the fifth consecutive financial year in which the Community Funding Program has been administered. The Program was first introduced in July 1999. If the recommendations in this report are adopted by Council this would mean that, to date, Council has allocated a total of 226 grants through the Program to organisations and community groups in the City of Joondalup to the value of \$458,285.

It is recommended that Council:

- 1 *APPROVES the grants recommended for approval under the City of Joondalup's Community Funding Program's first funding round for the financial year 2003/2004 as detailed in this Report;*
- 2 *ACKNOWLEDGES and thanks those members of the community who participated on the various assessment panels.*

BACKGROUND

At the Council meeting of 22 December 1998, the City's Community Funding Policy was first adopted to take effect from 1 July 1999, and a further report was sought detailing the initial funding guidelines for each funding category of the Policy (Report CJ286-1298 refers).

At the Council meetings of 14 September 1999 and 26 September 2000, the Community Funding Program Guidelines for the 1999/2000 and 2000/2001 financial years were noted (Reports CJ304-09/99 and CJ252-09/00 refer) and various amendments were made to the Community Funding Policy (Reports CJ303-09/99 and CJ247-09/00 refer).

At the Council meeting of 11 September 2001, further amendments were made to the Community Funding Policy (Report CJ298-09/01 refers). A background report and a copy of the program's guidelines for the 2001/02 financial year were provided to Elected Members at the Briefing Session held on 4 September 2001.

At the Council meeting of 19 August 2003, further amendments were made to the Community Funding Policy (Report CJ193-08/03 refers). A background report and a copy of the program's guidelines for the 2003/04 financial year were provided to Elected Members at the Briefing Session held on 12 August 2003.

Together, the Policy and Guidelines form the City's Community Funding Program, a program which has been developed to enable the City to provide financial assistance to eligible not-for-profit organisations in support of a range of community development initiatives consistent with the City's strategic objectives.

The overall objective of the Community Funding Program is to provide a framework for the provision of targeted funding, which meets Council's strategic objectives in facilitating community development, in partnership with the community. Overall, the Community Funding Program aims to support the strategic objectives of the City in the areas of sport and recreation development, culture and arts development, economic development, environment development and provision of community services.

Eligible projects, events and activities include:

- Capital projects and items;
- One-off projects, activities or events;
- Seeding grants for projects, activities or events that can demonstrate independent viability after an appropriate period;
- Projects, activities or events where all other potential sources of funding have been exhausted or are not available.

Council will not fund the following:

- Deficit funding – for organisations which are experiencing a shortfall in cash revenue or anticipated revenue;
- Recurrent salaries and recurrent operational costs;
- Proposals where alternative sources of funding are available;
- More than one request for funding in any financial year;
- Individuals, unless they are sponsored by an eligible organisation and are residents of the City;
- Government or quasi-government agencies, with the exception of schools;
- Projects considered part of a school's normal curriculum;
- For profit organisations.

The program has four major fund categories as follows:

- Community Services Fund
- Culture and the Arts Development Fund
- Sustainable Development Fund
- Sport and Recreation Development Fund

Each of these fund categories has its own specific strategic objectives. In accordance with the Community Funding Policy, guidelines specific to each fund have been developed for the current financial year.

The program provides the framework for various common funding guidelines, eligibility criteria and accountability requirements that have been applied across the organisation to assess all applications for funding under the program. Applications are assessed against the following criteria:

- All eligibility criteria for funding are met;
- The application supports the mission statement, values and strategic direction of Council;
- The application addresses the funding objectives and identified priorities of the relevant fund category;
- Value for money;
- Demonstrated need;
- Community support either in cash or kind;
- Appropriate accountability processes being in place;
- Inclusion of all relevant documentation; and
- Compliance with Council's Community Funding Program Policy and Guidelines.

DETAILS

The Community Funding Program was advertised locally on 28 August 2003 and 4 September 2003 in the local newspapers. The closing date for applications was 8 October 2003.

An information package, which contained the Community Funding Program guidelines and application forms, was posted or emailed to organisations and community groups on request. The information package was also available electronically via the City's Website.

A Community Funding Program workshop was conducted on 25 September 2003. A number of one to one meetings were also held between Council officers and representatives from various organisations and community groups who had expressed an interest in receiving assistance to complete the application forms or obtain additional information about the program.

Each application received was assessed against the generic eligibility and assessment criteria together with the specific funding objectives and priorities for the 2003/2004 financial year, as contained in the Community Funding Program guidelines.

Assessment panels, consisting of Council Officers and external community members, were established as follows:

Community Services Fund

Julie Eaton	Acting Manager Community Development Services - Facilitator
Christine McCallum	Area Co-ordinator Disability Services Commission
Mary-Anne Jackson	Department for Community Development
Kevan Rowe	Representative from the City's Seniors Interests Advisory Committee

Culture and the Arts Development Fund

Natalie Maiden	Arts Project Officer - Facilitator
James Nerver	Arts Production & The Boulevard Venue Manager
Trish Schuttler	Community Art Gallery & Invitation Art Award Volunteer
Andrea Stimson	Artist Agent and teacher at St Stephens

Sport and Recreation Development Fund

Kristy Strange	Recreation Development Officer - Facilitator
Mandy Carpenter	President of Wanneroo/Joondalup Teeball Club
Warren Nell	President of Whitfords Amateur Football Club
Katherine Pavlenko Butlers	President of Just for Fun Playgroup
Wayne Grimes	Recreation Development Officer, Community Development Services

Sustainable Development Fund

Fabian Uzarga	Sustainable Development Officer - Facilitator
Scott Favacho	Senior Environmental Health Officer
Will Carstairs	Community Representative, Sustainability Advisory Committee
Vincent Cusack	Community Representative, Sustainability Advisory Committee

The Community Funding Program Guidelines for 2003/2004 and Policy 4.1.1 - Community Funding are included as Attachments 2 and 3. The objectives and funding priorities for each fund category for the 2003/2004 financial year are detailed in these attachments.

Financial Implications:

In the 2003/2004 financial year there is a total of \$96,000 available for distribution.

Community Services Fund	\$22,000
Culture and the Arts Development Fund	\$22,000
Sport and Recreation Development Fund	\$22,000
Sustainable Development Fund	\$30,000

Attachment 1 includes a full listing of all applications received and applications recommended for full or partial funding. A number of applications have been recommended for approval subject to the applicants agreeing to meet certain conditions of funding.

All funds recommended for allocation are inclusive of GST. Attachment 1 to this report also includes a column for the amount of funding recommended exclusive of GST. The inclusion of this extra column reflects the true cost to the City, as the GST component of grants awarded to organisations which are registered for GST with the Australian Taxation Office (ATO) are able to be reclaimed from the ATO by the City.

The following chart shows a profile of the funding arrangements for each fund category:

	Funds available in 2003/2004 Financial Year	Funding Requested Including GST	Funding Recommended Including GST (Excluding GST)	Balance of Funds Remaining
Community Services Fund 1 4410 4420 0001 9999	\$22,000	\$60,242.70	\$22,000.00 (\$20,136.36)	\$1,863.64
Culture & the Arts Development Fund 1 4430 4420 0001 A011	\$22,000	\$41,054.85	\$21,948.00 (\$20,938.91)	\$1,061.09
Sustainable Development Fund 1 2130 4420 0001 9999	\$30,000	\$18,452.00	\$12,697.00 (\$11,542.73)	\$18457.27
Sport & Recreation Development Fund 1 4530 4420 0001 9999	\$22,000	\$26,915.45	\$6,452.25 (\$6,092.95)	\$15,907.05
TOTAL	\$96,000	\$146,665.00	\$63,097.25 (\$58,710.95)	\$37,289.05

The following chart provides a profile of the number of applications processed:

	Applications Received	Applications Received for Funding <=\$2,500	Applications Received for Funding >\$2,500	Applications Recommended for Full or Partial Funding	Applications referred to Formal Facilities Assessment Process
Community Services Fund	14	9	5	8	0
Culture & the Arts Development Fund	15	13	2	11	0
Sport & Recreation Development Fund	6	4	2	3	0
Sustainable Development Fund	6	4	2	4	0
TOTAL	41	30	11	26	0

Applications from the following 26 organisations have been recommended for funding:

- Challenge Brass Band Inc
- Community Vision Inc in partnership with Disability in the Arts, Disadvantage in the Arts Australia (DADAA)
- Connolly Rainbow Toy Library
- Continence Advisory Service
- Currambine Primary School.
- Duncraig Senior High School
- Joondalup Encore Theatre Society
- Joondalup Youth Support Services JYSS
- Kira Inc Parent Body
- Lakeside Christian Church

- Montessori School (Kingsley).
- Mullaloo Beach Primary School.
- North Coast Triathlon Club
- Northcity Christian Centre
- Nyool Jar Aboriginal Corporation
- Open House Friendship Group (Sponsored by Warwick Church of Christ)
- Padbury Education and Child Care Centre
- Peter Cowan Writers Centre
- Priority Television Network Inc
- Sunset Coast Tourism Association.
- Swan and Flippers Inc
- Teens Unlimited (Sponsored by Community Vision Inc)
- The Homestead
- The Salvation Army Heathridge
- The West Coast Warblers - Joondalup Primary School
- Warwick Church of Christ

COMMENT

In accordance with the provisions of the Community Funding Policy and Guidelines, all applicants will be advised as to the outcomes of their applications. Successful applicants will be required to enter into contractual agreements with the City for funds allocated under the Community Funding Program and the City will register the grants allocated. Successful applicants are also 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.

The Community Funding Policy provides that decisions regarding funding applications are final and will not be reconsidered during the financial year in which the application is made.

Should the recommendations in this report be adopted by Council, this will mean that since the introduction of the City's Community Funding Program a total of 226 grants have been allocated by the City under this program to organisations and community groups with a total value of \$458,285 as follows:

1999/2000	41 organisations	\$62,638
2000/2001	61 organisations	\$130,876
2001/2002	53 organisations	\$92,806
2002/2003	45 organisations	\$105,568
2003/2004	26 organisations	\$63,097

The assistance and advice provided by members of the community who voluntarily participated on the various assessment panels has been invaluable. It is recommended that their contributions be acknowledged by Council.

Arrangements will be made for the Mayor or his delegate to personally present organisations and community groups with their cheques.

ATTACHMENTS

Attachment 1 Community Funding Applications

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council:

- 1 **APPROVES** the grants recommended for approval under the City of Joondalup's Community Funding Program's first funding round for the financial year 2003/2004 as detailed in Attachment 1 to this report;
- 2 **ACKNOWLEDGES** and thanks those members of the community who participated on the various assessment panels.

Appendix 18 refers

To access this attachment on electronic document, click here: [Attach18brf251103.pdf](#)

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ITEM 22 MINUTES OF THE SENIORS INTERESTS ADVISORY COMMITTEE MEETING - WEDNESDAY, 15 OCTOBER 2003 – [55511]

WARD - All

PURPOSE

The purpose of this report is to submit to Council the unconfirmed minutes of the meeting of the Seniors Interests Advisory Committee held on Wednesday, 15 October 2003.

EXECUTIVE SUMMARY

A meeting of the Seniors Interests Advisory Committee was held on Wednesday, 15 October 2003. The unconfirmed minutes of the meeting are submitted for noting by Council.

It is recommended that Council notes the unconfirmed minutes of the Seniors Interests Advisory Committee meeting held Wednesday, 15 October 2003 forming Attachment 1 to this report.

DETAILS

The Minutes of the Seniors Interests Advisory Committee held on 15 October 2003 at the City of Joondalup are included as Attachment 1 to this Report.

At the meeting it was agreed that the Terms of Reference be amended to allow a vacancy to be advertised for the recruitment of a person who could represent the issues regarding accommodation for seniors. The amended Terms of Reference will be presented to Council at a future meeting.

ATTACHMENTS

Attachment 1 Minutes of the Seniors Interests Advisory Committee Meeting held 15 October 2003.

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Council NOTES the unconfirmed minutes of the Seniors Interests Advisory Committee meeting held Wednesday, 15 October 2003 forming Attachment 1 to this Report.

Appendix 19 refers

To access this attachment on electronic document, click here: [Attach19brf251103.pdf](#)

ITEM 23 WHEELED SPORTS COMMITTEE MINUTES – [09010]**WARD - All**

PURPOSE

A meeting of the Wheeled Sports Committee was held on 13 August 2003 and the unconfirmed minutes are submitted for noting by Council (Attachment 1 refers).

EXECUTIVE SUMMARY

A meeting of the Wheeled Sports Committee was held on 13 August 2003 and the unconfirmed minutes are submitted for noting by Council (Attachment 1 refers).

The Committee has recommended to Council the following:

- 1 That the draft Terms of Reference for the Wheeled Sports Committee be amended to confirm that the term of appointment is until the next Council election. (Attachment 2 refers); and
- 2 To endorse the Wheeled Sports Committee Draft Terms of Reference.

DETAILS

The unconfirmed minutes of the Wheeled Sports Committee meeting held 13 August 2003 are included as Attachment 1.

Actions to be undertaken as outlined in the meeting minutes include; that the Manager Community Development Services, the Recreation Development Officer and Cr Kimber commence discussions with Arena management regarding a potential future regional skatepark to be located at the Arena.

ATTACHMENTS

- | | |
|--------------|--|
| Attachment 1 | Minutes of Wheeled Sports Committee meeting held 13 August 2003. |
| Attachment 2 | Wheeled Sports Committee Draft Terms of Reference. |

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION**That Council:**

- 1 NOTES the unconfirmed minutes of the Wheeled Sports Committee meeting held on 13 August 2003 forming Attachment 1 to the report;**
- 2 ENDORSES the Wheeled Sports Committee Draft Terms of Reference forming Attachment 2 to the report.**

Appendix 20 refers

To access this attachment on electronic document, click here: [Attach20brf251103.pdf](#)

ITEM 24 MINUTES JOONDALUP EISTEDDFOD WORKING PARTY – 9 OCTOBER 2003 – [50027]

WARD - All

PURPOSE

The purpose of this report is to submit to Council the unconfirmed minutes of the meeting of the Joondalup Eisteddfod Working Party held on 9 October 2003.

EXECUTIVE SUMMARY

The unconfirmed minutes of the Joondalup Eisteddfod Working Party meeting held on 9 October 2003 are included as Attachment 1.

It is recommended that Council NOTES the unconfirmed Minutes of the Joondalup Eisteddfod Working Party held on 9 October 2003 forming Attachment 1 to this Report.

DETAILS

The unconfirmed minutes of the Joondalup Eisteddfod Working Party meeting held on 9 October 2003 are included as Attachment 1. Most matters arising at the meeting were of an administration nature and would be handled by the City's administration.

A letter of invitation to an Eisteddfod Society Conference in Cowra, NSW was received. A representative from the Joondalup Eisteddfod has been invited each year. The Committee recognises the importance of the event and hopes to send a representative (preferably the Eisteddfod Coordinator or Chairperson) with a view to hosting the event in Joondalup in the future.

The Arts Project Officer is to investigate funding from the Council for a delegate to be sent to the Eisteddfod Society Conference in 2004.

The Committee recommended that the Selection Panel for the appointment of a new Eisteddfod Coordinator include the Chairman of the Eisteddfod Committee.

The Committee agreed that the position of Eisteddfod Coordinator be review and re-classified prior to the advertising of the position.

ATTACHMENTS

Attachment 1 Minutes of the Joondalup Eisteddfod Working Party meeting held on 9 October 2003.

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Council NOTES the unconfirmed Minutes of the Joondalup Eisteddfod Working Party held on 9 October 2003 forming Attachment 1 to this Report.

Appendix 21 refers

To access this attachment on electronic document, click here: [Attach21brf251103.pdf](#)

ITEM 25 MINUTES JOONDALUP FESTIVAL AND SUMMER EVENTS COMMITTEE – 4 NOVEMBER 2003 – [78527]

WARD - All

PURPOSE

The purpose of this report is to submit to Council the unconfirmed minutes of the meeting of the Joondalup Festival and Summer Events Committee held on 4 November 2003.

EXECUTIVE SUMMARY

The unconfirmed minutes of the Joondalup Festival and Summer Events Committee held on 4 November 2003 are included as Attachment 1.

It is recommended that Council NOTES the unconfirmed Minutes of the Joondalup Festival and Summer Events Committee held on 4 November 2003 forming Attachment 1 to this Report.

DETAILS

The unconfirmed minutes of the Joondalup Festival and Summer Events Committee held on 4 November 2003 are included as Attachment 1. All matters arising at the meeting were of an administration nature and would be handled by the City's administration.

Perth International Arts Festival

No suitable Perth International Arts Festival event has been secured for 2004. It was agreed that \$15,000 - \$20,000 would be used from a budget of \$35,000 to secure the Food & Wine Festival and that the remaining funds should be returned in the mid-budget review for reallocation. It was noted that funds to secure the Food & Wine Festival would be a good investment if the Food & Wine Festival could be developed into a stand-alone event in the future.

MOVED Cr L Prospero SECONDED Cr T Brewer that \$15,000 - \$20,000 be set aside to offset increased costs associated with the Food and Wine Festival and that the remaining is returned for reallocation in the mid-budget review.

ATTACHMENTS

Attachment 1 Minutes of the Joondalup Festival and Summer Events Committee held on 4 November 2003.

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Council NOTES the unconfirmed Minutes of the Joondalup Festival and Summer Events Committee held on 4 November 2003 forming Attachment 1 to this Report.

Appendix 22 refers

To access this attachment on electronic document, click here: [Attach22brf251103.pdf](#)

ITEM 26 MINUTES OF THE ART COLLECTION WORKING PARTY – 6 NOVEMBER 2003 – [14158]

WARD - All

PURPOSE

The purpose of this report is to submit to Council the unconfirmed minutes of the meeting of the Art Collection Working Party held 6 November 2003.

EXECUTIVE SUMMARY

A meeting of the Art Collection Working Party held on 6 November 2003 and the unconfirmed minutes are submitted for noting by Council.

It is recommended that Council:

- 1 *NOTES the minutes of the Art Collection Working Party held on 6 November 2003*
- 2 *APPROVES the purchase of the following art work for the Art Collection at the cost of \$4363.63 from Account Number 1 4430 6781 0001 A007 – Art Purchases:*

ARTIST	TITLE	MEDIUM	ART GALLERY	PRICE GST INC	PRICE GST EXC
<i>Julie Dowling</i>	<i>Old Girl</i>	<i>Acrylic, Red Ochre & Plastic on Canvas</i>	<i>Artplace</i>	<i>\$4,800</i>	<i>\$ 4,363.63</i>
TOTAL				<i>\$4,800</i>	<i>\$ 4,363.63</i>

BACKGROUND

The Art Collection has the following objectives:

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

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

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

Members of the Art Collection Working Party are:

Cr Paul Kimber, Chair

Cr Janine Gollant

Belinda Cobby, Curator

James Boyd, Coordinator Cultural Development.

DETAILS

The minutes of the Art Collection Working Party meeting held on 6 November 2003 are included as Attachment 1. The Art Collection Working Party has recommended purchase of the following artwork:

ARTIST	TITLE	MEDIUM	ART GALLERY	PRICE GST INC	PRICE GST EXC
Julie Dowling	<i>Old Girl</i>	Acrylic, Red Ochre & Plastic on Canvas	Artplace	\$4,800	\$ 4363.63
TOTAL				\$4,800	\$ 4363.63

Financial Implications

Funds for the purchase of the artworks are as detailed below.

Account No: 1 4430 6781 0001 A007

Budget Item: Art Purchases

Budget Amount: \$10,000

Current Balance: \$5,863.64

Actual Cost: \$4,363.63

Remaining Budget: \$ 909.01

COMMENT

The Curator recommended the purchase of the following artworks for the reasons stated:

Old Girl, (2003) Acrylic, Red Ochre & Plastic on Canvas by Julie Dowling for \$4,800 (inc GST).

- the work meets the Art Collection profile
- This is a beautiful artwork by an outstanding Nyoongar artist, whose work would be a valuable asset to the City of Joondalup Art Collection.
- Julie Dowling is represented in major National and State collections and is considered a highly collectible artist (voted “the most Collectible Artist” in 2001 by the Art Collector magazine).

ATTACHMENTS

Attachment 1 Minutes of the Art Collection Working Party meeting held on 6 November 2003

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION**That Council:**

- 1 NOTES the unconfirmed minutes of the Art Collection Working Party held on 6 November 2003;**
- 2 APPROVES the purchase of the following art work for the Art Collection at the cost of \$4363.63 from Account Number 1 4430 6781 0001 A007 – Art Purchases:**

ARTIST	TITLE	MEDIUM	ART GALLERY	PRICE GST INC	PRICE GST EXC
Julie Dowling	<i>Old Girl</i>	Acrylic, Red Ochre & Plastic on Canvas	Artplace	\$4,800	\$ 4363.63
TOTAL				\$4,800	\$ 4363.63

Appendix 23 refers

To access this attachment on electronic document, click here: [Attach23brf251103.pdf](#)

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7 REPORT OF THE CHIEF EXECUTIVE OFFICER

**ITEM 27 REQUEST FOR MAYOR'S INCOMING AND OUTGOING
TELEPHONE ACCOUNTS FOR MOBILE, HOME, OFFICE
AND FACSIMILE**

Report to be provided by the Chief Executive Officer.

8 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

NOTICE OF MOTION NO 1 – CR C BAKER – CITY OF JOONDALUP CHRISTMAS PARTY – 2004 AND THEREAFTER

In accordance with Clause 3.12 of the Standing Orders Local Law, Cr C Baker has given notice of his intention to move the following motion at the Council meeting to be held on 2 December 2003:

That the City of Joondalup continues to host a Christmas function, in each year, to be structured as follows:

- 1 The function is to be a community function with the invited guests being members of all charitable, not for profit incorporated associations, organisations and groups within the City, including but not limited to sporting Clubs, P & Cs, P & Fs, cultural and civic leaders, seniors groups etc;*
- 2 That the function take the format of an open air BBQ and be conducted at a suitable venue such as Neil Hawkins Park Joondalup or Central Park Joondalup with entertainment for young children, families and seniors alike;*
- 3 That the total cost of the function be capped at \$5,000 (all inclusive);*
- 4 That there be no complimentary alcoholic beverages provided by the City (i.e. BYO);*
- 5 That the numbers for the function be capped to slot in with the total costing mentioned above; and*
- 6 Such other matters recommended by Council.*

OFFICER'S COMMENT

To date, the House Committee has prepared recommendations to Council in regard to the format, invitation list and budget for the Council Christmas functions. Once approved by Council, Administration has carried out the recommended actions.

In keeping with this practice, Administration recommend that Council directs the House Committee to report back to Council, at the 9 March 2004 meeting, on the option of holding a Christmas function as outlined in the Notice of Motion by Councillor Baker.

VOTING REQUIREMENTS

Simple Majority

**NOTICE OF MOTION NO 2 – CR C BAKER – CITY OF JOONDALUP
CHRISTMAS PARTY – INVITED GUESTS**

In accordance with Clause 3.12 of the Standing Orders Local Law, Cr C Baker has given notice of his intention to move the following motion at the Council meeting to be held on 2 December 2003:

“That as a matter of protocol, effective from and including this year’s Christmas Party, all former Mayors (and their partners) of the City of Joondalup be extended a cordial invitation to attend the Annual City of Joondalup Christmas function, whatever form that function may take.”

OFFICER’S COMMENT

In consultation with the House Committee Chairperson, Administration has researched the protocols of other cities, being Stirling, Swan and Wanneroo. None of these cities issue invitations to previous Mayors or elected members for Council Christmas Dinners and/or Major Civic Functions.

It is also noted that a previous decision of Council outlined this year’s invitation list for the Christmas Dinner and those invitations have been sent. The event is in a few days time, which will make it very difficult for any additional guests to attend with such extremely short notice.

VOTING REQUIREMENT

Simple majority

**NOTICE OF MOTION NO 3 – MAYOR D CARLOS – CHRISTMAS HAMPERS
– GIFT TO ELECTED MEMBERS**

In accordance with Clause 3.12 of the Standing Orders Local Law, Mayor Carlos has given notice of his intention to move the following motion at the Council meeting to be held on 2 December 2003:

That all former and current elected members be requested to refund to the City the cost of providing them with a Christmas Hamper in 2001 and 2002.

OFFICER'S COMMENT

The following information is submitted for Council's consideration in relation to the requirements for disclosure, and possible request for refund, of Christmas Hampers previously received from the City of Joondalup.

Section 5.63 of the *Local Government Act* specifies a number of interests that elected members are not required to disclose. One such interest is 'a prescribed interest' (Section 5.63(1)(h) LGA). Regulation 21 of the *Local Government (Administration) Regulation 1996* lists a number of interests which constitute prescribed interests for the purposes of section 5.63(1)(h) of the LGA. Among those interests is that provided by Regulation 21(f)(iii):

'an interest relating to a gift that can be accepted by a relevant person in accordance with a code of conduct to be observed by the relevant person.'

Under the City's Code of Conduct, elected members may accept token gifts with an estimated value of less than \$200. There is nothing in the Code of Conduct to suggest that it is confined to token gifts provided by individuals or organisations other than the City itself.

Accordingly, a token gift of an estimated value of less than \$200 provided by the City to elected members would appear to be exempt from the disclosure requirements of the Act. It follows that there was no requirement for elected members to disclose an interest in relation to the motion regarding Christmas hampers.

There does not appear to be a legal requirement for elected members, past or present, to refund the value of received Christmas Hampers. Any refund would be on a voluntary basis.

It should be noted that it was understood that the Christmas Hampers were originally given as a token of appreciation to the elected members' families. The meeting demands placed on elected members result in significant time away from their families throughout the year, and the Christmas Hampers were meant as a thank you to families for their support.

VOTING REQUIREMENT

Simple majority

**ITEM 1 CONFIDENTIAL - NOTICE OF MOTION – CR J HOLLYWOOD -
LEGAL ADVICE ON PUBLIC COMMENTS RELATING TO THE
STANDING COMMITTEE ON PUBLIC ADMINISTRATION AND
FINANCE, AND CHIEF EXECUTIVE OFFICER EMPLOYMENT
RELATED MATTERS – [70544]**

Cr John Hollywood gave notice of his intention to move the following motion at the Council meeting to be held on Tuesday 11 November 2003. At the Council meeting held on 11 November 2003 this notice of motion was not moved by Cr Hollywood.

The following elected members have indicated their support as required by Clause 4.4 of the City's Standing Orders Local Law:

Cr J Hollywood
Cr A Walker
Cr S Hart
Cr M Caiacob
Mayor Don Carlos

This Item Is Confidential - Not For Publication

A full report will be provided to Elected Members under separate cover.

**ITEM 2 CONFIDENTIAL - NOTICE OF MOTION – CR J HOLLYWOOD -
STANDING COMMITTEE ON PUBLIC ADMINISTRATION AND
FINANCE - LEGAL EXPENSES – [24549, 00561, 58527, 70544]**

Cr John Hollywood gave notice of his intention to move the following motion at the Council meeting to be held on Tuesday 11 November 2003. At the Council meeting held on 11 November 2003 this notice of motion was not moved by Cr Hollywood.

The following elected members have indicated their support as required by Clause 4.4 of the City's Standing Orders Local Law:

Cr J Hollywood
Cr A Walker
Cr S Hart
Cr M Caiacob
Mayor Don Carlos

This Item Is Confidential - Not For Publication

A full report will be provided to Elected Members under separate cover.

**ITEM 3 CONFIDENTIAL – NOTICE OF MOTION – CR J HOLLYWOOD –
REQUEST FOR VARIATION TO CHIEF EXECUTIVE OFFICER’S
CONTRACT OF EMPLOYMENT**

Cr John Hollywood has given notice of his intention to move the following motion at the Council meeting to be held on Tuesday 2 December 2003. The following elected members have indicated their support as required by Clause 4.4 of the City’s Standing Orders Local Law:

Cr J Hollywood
Cr A Walker
Cr S Hart
Cr M Caiacob
Mayor Don Carlos

This Item Is Confidential - Not For Publication

A full report will be provided to Elected Members under separate cover.

**ITEM 4 CONFIDENTIAL - NOTICE OF MOTION – CR C BAKER - LEGAL
ADVICE ON PUBLIC COMMENTS RELATING TO THE STANDING
COMMITTEE ON PUBLIC ADMINISTRATION AND FINANCE, AND
CHIEF EXECUTIVE OFFICER EMPLOYMENT RELATED MATTERS
– [70544]**

Cr Chris Baker has given notice of his intention to move the following motion at the Council meeting to be held on Tuesday 2 December 2003. The following elected members have indicated their support as required by Clause 4.4 of the City's Standing Orders Local Law:

Cr C Baker
Cr J Gollant
Cr G Kenworthy
Cr C Mackintosh
Cr M O'Brien

This Item Is Confidential - Not For Publication

A full report will be provided to Elected Members under separate cover.

**ITEM 5 CONFIDENTIAL - NOTICE OF MOTION – CR C BAKER -
STANDING COMMITTEE ON PUBLIC ADMINISTRATION AND
FINANCE - LEGAL EXPENSES – [24549, 00561, 58527, 70544]**

Cr Chris Baker has given notice of his intention to move the following motion at the Council meeting to be held on Tuesday 2 December 2003. The following elected members have indicated their support as required by Clause 4.4 of the City's Standing Orders Local Law:

Cr C Baker
Cr J Gollant
Cr G Kenworthy
Cr C Mackintosh
Cr M O'Brien

This Item Is Confidential - Not For Publication

A full report will be provided to Elected Members under separate cover.

ITEM 6 **CONFIDENTIAL – NOTICE OF MOTION – CR C BAKER – REQUEST FOR VARIATION TO CHIEF EXECUTIVE OFFICER’S CONTRACT OF EMPLOYMENT**

Cr C Baker has given notice of his intention to move the following motion at the Council meeting to be held on Tuesday 2 December 2003. The following elected members have indicated their support as required by Clause 4.4 of the City’s Standing Orders Local Law:

Cr C Baker
Cr J Gollant
Cr G Kenworthy
Cr C Mackintosh
Cr M O’Brien

This Item Is Confidential - Not For Publication

A full report will be provided to Elected Members under separate cover.

**ITEM 7 CONFIDENTIAL - NOTICE OF MOTION – MAYOR D CARLOS -
REFUND OF CEO CORPORATE CREDIT CARD EXPENDITURE**

This Item Is Confidential - Not For Publication

A full report will be provided to Elected Members under separate cover.

MOTION TO LIE ON THE TABLE NO 1 - 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)

At the Council meeting held on 24 June 2003 the following motion was moved:

MOVED Cr Hollywood SECONDED Cr O'Brien that in accordance with Clause 5.4 of the City's Standing Orders Local Law, the following Motion Lie on the Table:

“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, BALCATT 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.”*

The Motion to Lie on the Table was Put and **CARRIED BY EN
BLOC RESOLUTION NO 2 (10/1)**

*In favour of the Motion: Mayor Carlos, Crs Caiacob, Mackintosh, Gollant, O'Brien,
Brewer, Kimber, Prospero, Walker, and Hollywood Against the Motion: Cr Baker*

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 24 June 2003 recorded that no member spoke on the Notice of Motion submitted by Cr O'Brien)

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.

The Notice of Motion and the reasons for this motion as submitted by Cr O'Brien, are reproduced below:

Cr Mike O'Brien gave notice of his intention to move the following motion at the Council meeting to be held on Tuesday 29 April 2003. Council did not consider this item at its meetings held on 29 April 2003 and 27 May 2003 and it is therefore resubmitted for consideration at the Council meeting to be held on 17 June 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 15 October 2002 decision, by a unanimous decision on Tuesday 11 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

MOTION TO LIE ON THE TABLE NO 2 – MEDIA ACCESS TO MATTERS OF PUBLIC INTEREST

At the Special Council meeting held on 9 November 2003 the following motion was moved:

MOVED Cr Kimber SECONDED Cr Rowlands that the following Motion, as amended, LIE ON THE TABLE, pending the submission of a report to Council:

“MOVED Cr Caiacob SECONDED Cr Walker that Council:

- 1 ACKNOWLEDGES the important role of strong investigative journalism in maintaining a vibrant democracy;
- 2 ACKNOWLEDGES the public’s right to be informed of matters of public interest by strong investigative journalism;
- 3 ENCOURAGES the CEO and Mayor to maintain a good public image for the City by always being available to the media regarding all issues, when duly authorised to do so by the democratically elected members of our Council;
- 4 provided that the press is acting within the Code of Ethics of the Australian Press Council.”

The Motion to Lie on the Table was Put and CARRIED (10/5)

In favour of the Motion: Crs Mackintosh, Gollant, Kenworthy, O’Brien, Rowlands, Nixon, Brewer, Baker, Kimber and Prospero. Against the Motion: Mayor Carlos, Crs Caiacob, Hart, Walker and Hollywood.

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 Special Meeting of Council held on 9 November 2003 recorded that:

- *No member spoke on the 1st amendment as Moved by Cr O’Brien and Seconded by Cr Kimber;*
- *Crs Baker, Caiacob, Kimber and Walker spoke on the 2nd amendment as Moved by Crs Baker and Seconded by Cr Kimber;*
- *Crs Caiacob, Kenworthy and Hollywood spoke on the motion as Moved by Cr Caiacob and Seconded by Cr Walker.)*

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.

OFFICER’S COMMENT

A report will be prepared and submitted to Council on the matters raised in the motion moved by Cr Caiacob and seconded by Cr Walker.

9 DATE OF NEXT MEETING

The next meeting of the Council has been scheduled for **7.00 pm** on **16 December 2003** to be held in the Council Chamber, Joondalup Civic Centre, Boas Avenue, Joondalup

10 CLOSURE

BUSINESS OUTSTANDING FROM PREVIOUS MEETINGS**OFFICE OF THE CEO**

ANNUAL GENERAL MEETING OF ELECTORS – ex CJ307-12/02

- 2(a) Motion 1 (*requesting Council to make the various changes to public question time*) be considered as part of the further review of the City's Standing Orders Local Law:

Status: A further review of the Standing Orders Local Law is being undertaken and will be referred to the Standing Orders Review Committee in the near future.

WANNEROO BASKETBALL ASSOCIATION – PROPOSED WRITE OFF OF DEBT TO COUNCIL – ex C57-04/03

“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;

Status: Report will be prepared in due course.

MOTION TO LIE ON THE TABLE NO 4 – MEETING OF THE POLICY MANUAL REVIEW COMMITTEE HELD ON 26 AUGUST 2003 – ex C212-09/03

“3 UNDERTAKES a further review of Policies:

- 2.2.8 Legal Representation for Present and Former Elected Members and Staff of the City;
- 2.3.3 Use of Common Seal and the Signatories for Contract Execution;
- 2.3.4 Provision of Information.

Status: A further review of the above policies is being undertaken and will be referred to the Policy Manual Review Committee in the near future.

STRATEGIC AND SUSTAINABLE DEVELOPMENT

DEVELOPMENT OF A COUNTRY TOWN RELATIONSHIP - ex CJ278-11/02

“that Council DEFERS any decision to enter into a city-country sister City relationship until further analysis can be undertaken.”

Status: A report will be submitted to the December Strategy meeting.

CORPORATE SERVICES & RESOURCE MANAGEMENT

MAYORAL VEHICLE – ex CJ140-06/03

“2 the cost effectiveness of the decision in recommendation 2 above be REVIEWED in six months.”

Status: A review will be undertaken during December.

PLANNING & COMMUNITY DEVELOPMENT

INITIATION OF AMENDMENT TO DISTRICT PLANNING SCHEME NO 2 – PROSTITUTION LANDUSE PROHIBITION – ex CJ031-02/03

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

Status: The Western Australian Planning Commission (WAPC) has verbally advised that advice has recently been received from Crown Law. The WAPC will provide written advice to the City shortly.

NOTICE OF MOTION NO 4 – CR M CAIACOB – LOT 1 OCEANSIDE PROMENADE, MULLALOO ex C83-05/03

“that Council AGREES and RESOLVES to incorporate Lot 1 Oceanside Promenade, Mullaloo into Tom Simpson Park reserve proper and makes any and all necessary changes to the status and zoning of the land as per the Council Officers recommendation in CJ118-05/02.”

“that consideration of the Notice of Motion - Cr M Caiacob – Lot 1 Oceanside Promenade, Mullaloo be DEFERRED pending submission of a report.”

Status: A report will be prepared in due course.

COMMUNITY DEVELOPMENT**PROPOSED NEW STRUCTURES FOR CRIME PREVENTION IN WESTERN AUSTRALIA– ex CJ338-12/02**

“4 NOTES that Council will be advised as the matter progresses both through Desk of the CEO reports and a further report to Council”

Comment: The structures of crime prevention within Western Australia has recently been reviewed by the Office of Crime Prevention. At the Safer WA Annual General Meeting conducted on 25 October 2003 it was announced that a new proposed model has been developed to essentially replace the current Safer WA structure. The new structure would begin in April 2004 and sees crime prevention coordinated and facilitated at a local level by Local Government. Local Government would be responsible for identifying community needs, co-coordinating community involvement and developing local crime prevention plans. Local community safety partnerships are to be established to implement the local crime prevention plan, which is to be facilitated by local government.

At this stage, the outline of the model does not contain sufficient information for the City of Joondalup to make a clear determination on the impact of the proposal. A community engagement team is being developed by the office of crime prevention to visit local government and volunteers to discuss the new structures in more depth.

A Report will be presented to Council when sufficient information is available.

RANS MANAGEMENT GROUP - ex JSC5-07/02

“requests the CEO to prepare a detailed report on the viability of the management and operation of the Sorrento/Duncraig and Ocean Ridge leisure centres;

Status: The brief was developed and quotes sought from consultants. The closing date for quotes was 30 January 2003. CCS Strategic Management Consultant has been engaged to prepare a feasibility report. A report is due to be presented to Council on December 2003.

OUTSTANDING PETITIONS

<p>A 34-signature petition has been received from Sorrento residents requesting the City to undertake the following works:</p> <ul style="list-style-type: none"> ▪ Close Raleigh Road at junction of Frobisher Avenue (western side) ▪ Create left turn only from Raleigh Road on to West Coast Drive <p>Comment: An investigation will be carried out and a report will be submitted to Council in due course.</p>	<p>8 July 2003</p> <p>Director Infrastructure and Operations</p>
<p>A 55-signature petition has been received from Kingsley residents in relation to excessive traffic speed and antisocial driver behaviour in Benbullen Boulevarde, Kingsley.</p> <p>Comment: A report will be submitted to Council once investigations and consultation with residents have been completed.</p>	<p>19 August 2003 and 9 September 2003</p> <p>Directors, Infrastructure & Operations/Planning & Community Development</p>
<p>A 45-signature petition requesting the City of Joondalup carry out a full investigation of parking and traffic in the area surrounding Duncraig Primary School, specifically Marri Road and Roche Road, Duncraig.</p> <p>Comment: Investigations will be carried out and a report submitted to Council.</p>	<p>9 September 2003</p> <p>Director Infrastructure and Operations & Director Planning and Community Development</p>
<p>A 24-signature petition has been received from Ocean Reef residents expressing concern at the proposed Ocean Reef Road extension, and identifying five specific recommendations for improvement.</p> <p>Comment: This matter will be subject to community consultation.</p>	<p>11 November 2003</p> <p>Director Infrastructure and Operations</p>
<p>Cr Hollywood tabled a 120-signature petition from residents of the City of Joondalup requesting that the City continue with plans to extend Ocean Reed Road through to Shenton Avenue.</p> <p>Comment: This matter will be subject to community consultation.</p>	<p>11 November 2003</p> <p>Director Infrastructure and Operations</p>

<p>A 168-signature petition has been received from residents of the City of Joondalup requesting that a Special Meeting of Electors be held to discuss guaranteeing permanency of use by Seniors of the Whitford Seniors Centre.</p> <p>In accordance with Section 5.28 of the Local Government Act 1995, a special meeting of electors will be arranged.</p> <p>Comment: In accordance with Section 5.28 of the Local Government Act 1995, a special meeting of electors will be held at 7.00 pm on Wednesday 10 December 2003 at Whitford Senior Citizens Hall, Cnr Banks and Marmion Avenues, Hillarys.</p>	<p>11 November 2003</p> <p>Office of the CEO</p>						
<p>Crs Mackintosh and Walker tabled petitions of 41-signatures and 36-signatures respectively from Hillarys residents opposing the proposed illumination of the Coles sign on Lot 715 (110) Flinders Avenue, Hillarys.</p> <p>Comment: Objections taken into consideration in assessing the proposal. The City imposed a condition not permitting the signage on the western & southern faces to be illuminated. This condition is being appealed by the applicant.</p>	<p>11 November 2003</p> <p>Director Planning and Community Development</p>						
<p>Petitions have been tabled by elected members on behalf of residents of the City of Joondalup opposing the proposed installation of a telecommunications facility at Lot 715 (110) Flinders Avenue, Hillarys as follows:</p> <table data-bbox="300 1317 986 1424"> <tr> <td>Cr Mackintosh</td> <td>86 and 37 signature petition</td> </tr> <tr> <td>Cr Walker</td> <td>42-signature petition</td> </tr> <tr> <td>Cr Caiacob</td> <td>7-signature petition</td> </tr> </table> <p>Comment: The City has reiterated its strong objection to Hutchison Telecoms for the proposal and all petitions have been forwarded to Hutchison Telecoms.</p>	Cr Mackintosh	86 and 37 signature petition	Cr Walker	42-signature petition	Cr Caiacob	7-signature petition	<p>11 November 2003</p> <p>Director Planning and Community Development</p>
Cr Mackintosh	86 and 37 signature petition						
Cr Walker	42-signature petition						
Cr Caiacob	7-signature petition						
<p>Cr Mackintosh tabled a 25-signature petition from Kallaroo residents opposing on safety grounds, the proposed site (Batavia Place) for the location of a carpark for the Pre-Primary at Springfield Primary School, Bridgewater Drive, Kallaroo.</p> <p>Comment: This matter is being handled by the Education Department and the City will liaise with them on this issue.</p>	<p>11 November 2003</p> <p>Director Infrastructure and Operations</p>						

REPORTS/PRESENTATIONS REQUESTED AT BRIEFING SESSIONS

	DATE OF REQUEST - REFERRED TO -
<p>Cr Kimber requested a report, as soon as practicable, on the:</p> <ul style="list-style-type: none"> • Number of public questions asked (over the last three years); • Number of questions requiring investigation; • Amount of staff hours required to respond to questions; • Cost per individual to the City of Joondalup and its ratepayers; • Benefits to the ratepayers of the questions asked by: <ul style="list-style-type: none"> • Mr Ron De Gruchy; • Mr S Magyar; • Mr D Davies; • Mr M Sideris; • Mr V Cusack; • Ms S Hart (prior to election) • Mr M Caiacob (prior to election) • Mr K Zakrevsky; • Ms M Moon; • Ms K Woodmass; • Mr S Grech; • Mrs M Mc Donald. 	<p>22 July 2003</p> <p>Office of the CEO/Manager Marketing Communications & Council Support</p>