



*City of*  
**Joondalup**

**NOTICE IS HEREBY GIVEN THAT THE NEXT  
ORDINARY MEETING OF THE JOINT COMMISSIONERS  
OF THE CITY OF JOONDALUP  
WILL BE HELD IN THE COUNCIL CHAMBER, JOONDALUP CIVIC CENTRE,  
BOAS AVENUE, JOONDALUP  
ON TUESDAY, 17 FEBRUARY 2004 AT 7.00 pm**

**DENIS SMITH  
Chief Executive Officer  
11 February 2004**

***PUBLIC QUESTION TIME***

*As adopted by Council on the 17 December 2002*

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.

### **Second Public Question Time**

Clause 3.2 of the Standing Orders Local Law allows the Council to alter its order of business, which may include a second period of public question time.

Where the Council resolves to include a second period of public question time, an additional period of 15 minutes will be allowed.

**This time is allocated to permit members of the public to ask questions on decisions made at the meeting.**

### **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.

## **CODE OF CONDUCT**

The Code recognises these ethical values and professional behaviours that support the principles of:

**Respect for persons** - this principle requires that we treat other people as individuals with rights that should be honoured and defended, and should empower them to claim their rights if they are unable to do so for themselves. It is our respect for the rights of others that qualifies us as members of a community, not simply as individuals with rights, but also with duties and responsibilities to other persons.

**Justice** - this principle requires that we treat people fairly, without discrimination, and with rules that apply equally to all. Justice ensures that opportunities and social benefits are shared equally among individuals, and with equitable outcomes for disadvantaged groups.

**Beneficence** - this principle requires that we should do good, and not harm, to others. It also requires that the strong have a duty of care to the weak, dependent and vulnerable. Beneficence expresses the requirement that we should do for others what we would like to do for ourselves.

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

## TABLE OF CONTENTS

### Page No:

1	OPEN AND WELCOME .....	ix
2	PUBLIC QUESTION TIME.....	ix
3	APOLOGIES AND LEAVE OF ABSENCE .....	xxi
4	DECLARATION OF FINANCIAL INTEREST/INTEREST THAT MAY AFFECT IMPARTIALITY .....	xxii
5	CONFIRMATION OF MINUTES.....	xxiv
6	ANNOUNCEMENTS BY THE CHAIRMAN WITHOUT DISCUSSION.....	xxv
7	PETITIONS.....	xxv
8	REPORTS .....	xxvi
CJ001 - 02/04	SCHEDULE OF DOCUMENTS EXECUTED BY MEANS OF AFFIXING THE COMMON SEAL - [15876] .....	1
CJ002 - 02/04	APPOINTMENT OF REPRESENTATIVES TO COMMITTEES – [02153, 00046] .....	7
CJ003 - 02/04	SETTING OF MEETING DATES - 2004 – [08122] .....	12
CJ004 - 02/04	ANNUAL GENERAL MEETING OF ELECTORS HELD ON MONDAY 17 NOVEMBER 2003.....	15
CJ005 - 02/04	SPECIAL MEETING OF ELECTORS HELD ON 10 DECEMBER 2003 .....	23
CJ006 - 02/04	MINUTES OF SUSTAINABILITY ADVISORY COMMITTEE, 18 DECEMBER 2003 – [00906] .....	27
CJ007 - 02/04	INVITATION TO FURTHER FORMALISE FRIENDLY RELATIONS WITH JINAN IN SHANDONG PROVINCE, CHINA – [52469] [11014] .....	29
CJ008 - 02/04	JOONDALUP BUSINESS ASSOCIATION’S REQUEST FOR A SERVICE AGREEMENT SUPPORTING THE NORTH WEST METROPOLITAN BUSINESS ENTERPRISE CENTRE (BEC) – SMALL BUSINESS FUNDING PROJECT FOR THREE YEARS COMMENCING 1 JULY 2004 – [03082] [53469].....	36
CJ009 - 02/04	PROPOSAL TO UNDERTAKE COMMUNITY CONSULTATION ON THE EXTENSION OF OCEAN REEF ROAD – [07131] [02154] .....	45
CJ010 - 02/04	DRAFT COMMUNITY CONSULTATION POLICY & GUIDELINES – [75521].....	57
CJ011 - 02/04	PROPOSAL TO UNDERTAKE COMMUNITY CONSULTATION ON THE MERIT OF IMPOSING A MINIMUM PAYMENT FOR THE 2004-2005 FINANCIAL YEAR – [75521] .....	62
CJ012 - 02/04	2003/04 HALF YEAR BUDGET REVIEW – [61548].....	69

CJ013 - 02/04	2004/05 BUDGET - HIGH LEVEL REVIEW – [66533] .....	77
CJ014 - 02/04	WARRANT OF PAYMENTS – 31 DECEMBER 2003 – [09882].....	83
CJ015 - 02/04	FINANCIAL REPORT FOR THE PERIOD ENDING 30 NOVEMBER 2003 – [07882]	86
CJ016 - 02/04	FINANCIAL REPORT FOR THE PERIOD ENDING 31 DECEMBER 2003 – [07882]	87
CJ017 - 02/04	TENDER NUMBER 019-03/04 SUPPLY, DELIVERY AND INSTALLATION OF A STORAGE MANAGEMENT SYSTEM – [74550].....	89
CJ018-02/04	TENDER NUMBER 028-03/04 – SUPPLY OF TEMPORARY PERSONNEL SERVICES – [27555] .....	95
CJ019- 02/04	DELEGATED AUTHORITY REPORT FOR THE MONTHS OF NOVEMBER AND DECEMBER 2003 – [07032] .....	99
CJ020 - 02/04	SUBDIVISION REFERRALS PROCESSED 1 NOVEMBER - 31 DECEMBER 2003 – 05961].....	100
CJ021 - 02/04	HILLARYS BOAT HARBOUR STRUCTURE PLAN AND IMPLEMENTATION STRATEGY – [23094] .....	102
CJ022 - 02/04	DRAFT POLICY - BUILDINGS SET BACK FROM THE BOUNDARY - ADDITIONAL ACCEPTABLE DEVELOPMENT PROVISIONS – CLAUSE 3.3.1 OF THE RESIDENTIAL DESIGN CODES 2002 – [51553].....	114
CJ023 - 02/04	DRAFT POLICY - BUILDINGS ON BOUNDARIES - ALTERNATIVE PERFORMANCE CRITERIA - CLAUSE 3.3.2 OF THE RESIDENTIAL DESIGN CODES 2002 – [52553].....	117
CJ024 - 02/04	CLOSURE OF ADVERTISING - REVIEW OF POLICY 3.1.3 – ALFRESCO DINING – [03360] .....	121
CJ025 - 02/04	REVIEW OF POLICY 3.2.7 – PEDESTRIAN ACCESSWAYS – [57155].....	124
CJ026 - 02/04	CLOSE OF ADVERTISING FOR AMENDMENT NO 1 TO DISTRICT PLANNING SCHEME NO 2 – LOT 3 (5) TRAPPERS DRIVE, WOODVALE – [55070] .....	128
CJ027 - 02/04	CLOSE OF ADVERTISING – AMENDMENT NO 12 TO DISTRICT PLANNING SCHEME NO 2 - PROPOSED REZONING - LOT 63 (30) AND A PORTION OF LOT 62 (38) HOCKING ROAD, KINGSLEY – [475523] [13021] [21456] .....	135
CJ028 - 02/04	CLOSE OF ADVERTISING - PROPOSED AMENDMENT NO 16 TO DISTRICT PLANNING SCHEME NO 2 - REZONING, CODING AND RESERVING OF VARIOUS PARCELS OF LAND – [50539].....	141
CJ029 - 02/04	CLOSURE OF ADVERTISING - PROPOSED AMENDMENT NO 19 TO DISTRICT PLANNING SCHEME NO. 2 (PROPOSED REZONING) & STRUCTURE PLAN - LOTS 742 AND 743 CARIDEAN STREET & ADMIRAL GROVE, HEATHRIDGE – [31540] [54548].....	144
CJ030 - 02/04	SINGLE HOUSE (RETROSPECTIVE APPROVAL FOR PATIO WITH FRONT AND SECONDARY STREET SETBACK VARIATIONS): LOT 161 (25) LONG REEF PLACE, HILLARYS – [47391] .....	149
CJ031 - 02/04	PROPOSED SINGLE HOUSE (GARAGE ADDITION) LOT 564 (3) MANDARA COURT, DUNCRAIG – [73085] .....	154

<b>CJ032 - 02/04</b>	<b>APPLICATION FOR THE CLOSURE OF THE PEDESTRIAN ACCESSWAY BETWEEN BEN CLOSE AND EDDYSTONE AVENUE, CRAIGIE – [82540]</b> .....	162
<b>CJ033 - 02/04</b>	<b>REQUEST FOR RECONSIDERATION - CLOSURE OF THE PEDESTRIAN ACCESSWAY BETWEEN CONIDAE DRIVE AND FAIRLAWN GARDENS, HEATHRIDGE – [88514]</b> .....	169
<b>CJ034 - 02/04</b>	<b>ACCESS AND INCLUSION PLAN 2004 –2008 (FORMERLY DISABILITY SERVICES PLAN) – [05190]</b> .....	174
<b>CJ035 - 02/04</b>	<b>MINUTES AND RECOMMENDED CHANGES TO THE TERMS OF REFERENCE FOR THE SENIORS INTEREST ADVISORY COMMITTEE – [55511]</b> .....	179
<b>CJ036 - 02/04</b>	<b>KINGSLEY AMATEUR FOOTBALL CLUB - FEE STRUCTURE – [34534]</b> .....	183
<b>CJ037 - 02/04</b>	<b>JUNIOR AND DISABLED SPORT AND RECREATION REPRESENTATIVE DONATIONS – [08032]</b> .....	187
<b>9</b>	<b>REPORT OF THE CHIEF EXECUTIVE OFFICER</b> .....	191
<b>CJ38-02/04</b>	<b>CONFIDENTIAL - REQUEST FOR APPOINTMENT OF COMMISSIONERS TO CONDUCT CEO’S PERFORMANCE REVIEW - [95357]</b> .....	191
<b>10</b>	<b>MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN</b> .....	192
	<b>NOTICE OF MOTION – CMR A DRAKE-BROCKMAN - PROPOSAL TO UNDERTAKE COMMUNITY CONSULTATION ON THE EXTENSION OF OCEAN REEF ROAD – [07131]</b> .....	192
<b>ITEM 1</b>	<b>CONFIDENTIAL – ITEMS OUTSTANDING FROM SPECIAL MEETING OF COUNCIL HELD ON 25 NOVEMBER 2003 AND 3 DECEMBER 2003</b> .....	195
<b>ITEM 2</b>	<b>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]</b> .....	196
<b>ITEM 3</b>	<b>CONFIDENTIAL - NOTICE OF MOTION – CR J HOLLYWOOD - STANDING COMMITTEE ON PUBLIC ADMINISTRATION AND FINANCE - LEGAL EXPENSES – [24549, 00561, 58527, 70544]</b> .....	197
<b>ITEM 4</b>	<b>CONFIDENTIAL – NOTICE OF MOTION – CR J HOLLYWOOD – REQUEST FOR VARIATION TO CHIEF EXECUTIVE OFFICER’S CONTRACT OF EMPLOYMENT</b> .....	198
<b>ITEM 5</b>	<b>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]</b> .....	199
<b>ITEM 6</b>	<b>CONFIDENTIAL - NOTICE OF MOTION – CR C BAKER - STANDING COMMITTEE ON PUBLIC ADMINISTRATION AND FINANCE - LEGAL EXPENSES – [24549, 00561, 58527, 70544]</b> .....	200

<b>ITEM 7</b>	<b>CONFIDENTIAL – NOTICE OF MOTION – CR C BAKER – REQUEST FOR VARIATION TO CHIEF EXECUTIVE OFFICER’S CONTRACT OF EMPLOYMENT .....</b>	<b>201</b>
<b>ITEM 8</b>	<b>CONFIDENTIAL - NOTICE OF MOTION – MAYOR D CARLOS - REFUND OF CEO CORPORATE CREDIT CARD EXPENDITURE .....</b>	<b>202</b>
<b>ITEM 9</b>	<b>CONFIDENTIAL – NOTICE OF MOTION – MAYOR D CARLOS – COUNCIL CREDIT CARDS .....</b>	<b>203</b>
<b>ITEM 10</b>	<b>CONFIDENTIAL – NOTICE OF MOTION – MAYOR D CARLOS – TELEPHONE ACCOUNTS .....</b>	<b>204</b>
<b>ITEM 11</b>	<b>CONFIDENTIAL – NOTICE OF MOTION – MAYOR D CARLOS – INFORMATION ON CEO SALARY PACKAGE.....</b>	<b>205</b>
<b>ITEM 12</b>	<b>CONFIDENTIAL – NOTICE OF MOTION – MAYOR D CARLOS – SALARY PACKAGES – EXECUTIVE AND BUSINESS MANAGERS.....</b>	<b>206</b>
<b>ITEM 13</b>	<b>CONFIDENTIAL – NOTICE OF MOTION – MAYOR D CARLOS – EXPENDITURE BY FORMER MAYOR.....</b>	<b>207</b>
<b>ITEM 14</b>	<b>CONFIDENTIAL - NOTICE OF MOTION – MAYOR D CARLOS – STAFF SALARY INFORMATION.....</b>	<b>208</b>
<b>ITEM 15</b>	<b>CONFIDENTIAL – NOTICE OF MOTION – CR J GOLLANT –BREACH OF CODE OF CONDUCT.....</b>	<b>209</b>
<b>ITEM 16</b>	<b>CONFIDENTIAL – NOTICE OF MOTION – CR P KIMBER – BREACH OF CODE OF CONDUCT.....</b>	<b>210</b>
<b>ITEM 17</b>	<b>CONFIDENTIAL – NOTICE OF MOTION – CR J HOLLYWOOD – THAT THE MINISTER EXERCISE HIS POWER TO SUSPEND THE COUNCIL .....</b>	<b>211</b>
<b>ITEM 18</b>	<b>CONFIDENTIAL – NOTICE OF MOTION – CR J HOLLYWOOD – IN RELATION TO THE BEHAVIOUR OF CR HART .....</b>	<b>212</b>
 <b>11</b>	 <b>DATE OF NEXT MEETING.....</b>	 <b>213</b>
<b>12</b>	<b>CLOSURE .....</b>	<b>213</b>



# CITY OF JOONDALUP

Notice is hereby given that an Ordinary Meeting of the Joint Commissioners will be held in the Council Chamber, Joondalup Civic Centre, Boas Avenue, Joondalup on **TUESDAY, 17 FEBRUARY 2004** commencing at **7.00 pm**.

DENIS SMITH  
Chief Executive Officer  
11 February 2004

Joondalup  
Western Australia

## AGENDA

- 1 OPEN AND WELCOME
- 2 PUBLIC QUESTION TIME

**The following questions, submitted by Mr M Sideris, Mullaloo, were taken on notice at the Annual General Meeting of Electors held on 17 November 2003:**

*Q1 On 30 September 2003, I asked a question relating to fringe benefit tax and was told it was deferred because there was a rescission motion placed before the Council. I repeat the question "Has Council now determined whether the payment of expenses to the CEO encompassed FBT and does the CEO's contract provide for payment of FBT?" The response was – The City sought advice from Deloittes, and the advice received based on information provided to them was that the FBT was reduced to zero.*

*I wish to ask the Auditor how the payment of FBT was reduced to zero?*

A1 The matter was referred to Deloittes' tax experts, not to its auditing experts. The matter was on issues to do with employment contracts. There is an otherwise deductible rule which says that if it is deductible to the person, then there is no FBT payable on it, and that was the advice the City was acting on that suggested no FBT. There is an FBT liability but it is reduced to zero due to the otherwise deductible rule.

*Q2 Is GST applicable?*

A2 The City's auditor has confirmed that GST is applicable on legal fees and the City is entitled to claim an input tax credit on the amount of the GST.

- Q3 To Director, Corporate Services and Resource Management - Did you sight the appropriate form from the CEO declaring that the FBT was reduced to zero? I understand the ATO publishes a series of requirements and it is required that the CEO records and publishes that and submits it to the Office ie to you, so that you can then forward it through and deal with the matter correctly.*
- A3 Not at this time. Forms confirming that legal fees would be deductible to the CEO if he had incurred them will be required when the City completes its FBT return for the year ended 31 March 2004 during April 2004. The City has received independent advice from Deloitte Tax Services confirming the deductible nature of the expenditure.
- Q4 Regarding the payments to Blake Dawson Waldron for legal expenses, did the CEO incur that expense, or did the City incur that expense?*
- A4 The CEO incurred the expense.
- Q5 Can you direct me in this Annual Report where you indicate compliance with Clause 7 of the National Competition Policy, which is that you indicate in this report how you did comply with the provisions last year and how you intend to comply with the provisions next year?*
- A5 The 2002/2003 Annual Report did not reference the City's compliance with the National Competition Policy. Administration is aware of this requirement under Clause 7 of the National Competition Policy and will include the notice of compliance in future Annual Reports.

**The following question, submitted by Mr V Cusack, President, South Ward Ratepayers and Electors Association was taken on notice at the Annual General Meeting of Electors held on 17 November 2003:**

- Q1 Did Council's solicitors inform this Council of the existence and content of Clause 15 of the CEO's Contract of Employment at any time during their brief to the elected Council. If not, why not?*
- A1 All elected members who were on the Council at the time when the Council decided to employ Mr Smith were provided with a copy of the City's employment contract with Mr Smith.
- Minter Ellison provided a legal opinion on the implications of Clause 15 in November 2003. That advice was presented in a confidential report to Council at its meeting of 11 November 2003.

**The following question, submitted by Ms M Macdonald, Mullaloo was taken on notice at the Annual General Meeting of Electors held on 17 November 2003:**

- Q1 Under what authority were these credit cards paid? As an Accountant, I would have expected some sort of policy/authority on which to physically pay these amounts. I would expect the Auditors would be looking at these issues. How in fact were these payments authorised, if not through the contract that you are referring to?*

- A1 The City issued corporate credit cards to the mayor and senior employees. Corporate credit cards are only used for the purchasing of goods and services on behalf of the City of Joondalup. All purchases are in accordance with budgeted provisions. The Corporate Procedures Manual "5.6 Corporate Procedure - Use of Credit / Charge Cards" provides guidelines for the use of credit cards.

At its meeting of 2 December 2003 Council considered a report (CJ271-12/03 Corporate Credit Cards) and due to a number of inconsistencies between established practice and the appropriate corporate procedure, recommended that the Audit Committee examines the use of all corporate credit cards and how they are processed, approved and documented. The following Motion was put and carried unanimously -

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

At the same meeting Council also considered and carried unanimously Notice of Motion No. 4 - Cr L Prospero - Use of Corporate Credit Cards -

"That the CEO be requested to prepare a detailed report for consideration by the Audit Committee on the use of all City of Joondalup corporate credit cards from December 1999."

The above examination and report will address concerns raised in relation to corporate credit cards.

**The following questions, submitted by Mr N Gannon, were taken on notice at the Council meeting held on 2 December 2003:**

*Q1 I refer to what has become known as 'the Smith Saga'. Re: CEO Matters – On numerous occasions this Council and the CEO have requested legal advice from Minter Ellison and Blake Dawson Waldron respectively. How was this advice requested, orally or in writing? If orally who made the request? If in writing, who authored the request and were copies given to all or any Councillors?*

- A1 Requests for legal advice have been made both orally and in writing by various officers of this Council, including the Director Planning and Community Development, and Manager Human Resources and Manager Audit and Executive Services.

*Q2 How was the advice received, orally or in writing? If orally, who received the advice? If written, were all or any Councillors given a copy?*

- A2 Written requests have been authorised by various officers, including the Director Planning and Community Development, Manager Human Resources and Manager Audit and Executive Services. Written and oral advice has been received by various officers, including those previously nominated. Legal advice has been provided to elected members both in writing and orally.

*Q3 Have Minter Ellison or Blake Dawson Waldron submitted accounts for payment for advice and attendance previously given to Council or the CEO on this matter?*

A3 Yes.

*Q4 Have any of these accounts been paid by Council or has any reimbursement been given to the CEO in the event he may have paid some accounts himself?*

A4 Yes.

**The following questions, submitted by Ms M Moon, Greenwood, were taken on notice at the Meeting of Joint Commissioners held on 16 December 2003:**

*Re: CJ307-12/03 – Close of Advertising for Amendment No 1 to District Planning Scheme No 2 – Lot 3 (5) Trappers Drive, Woodvale.*

*Q1 Does expansion refer to the expansion of the*

- (a) shopping centre*
- (b) Centre (As per Centres Strategy)*
- (c) Or Lot 6*

A1 The meaning of the question is unclear, however, the amendment is for the purpose of accommodating the expansion of the Action supermarket, which is situated on Lot 6.

*Q2 (a) Does the 6632m2 retail floor area recorded in 1997 relate to retail floor space solely on Lot 6?*

A2(a) No, it relates to all land zoned Commercial and commercial uses on land not zoned commercial but adjacent to the commercial zoned parcel of land.

*Q2 (b) Or did the retail floor space figure of 6632m2 recorded in 1977 relate to all lots within the greater shopping complex?*

A2(b) Refer to response above.

*Q3 The City's centre policy is currently under review as inaccurate figures were used when transposing them from the 1977 survey and the city was waiting on the new 2002/2003 figures before reviewing the policy.*

*(a) Why are the old figures then being used in the assessment of this application?*

*(b) As the new figures are available to the City,*

- (i) why are they not in the report and*
- (ii) why are they not being referred to? (Available to the public for \$63.00)*

- A3 The new DPI figures have been purchased by the City and will be used in comparison with the data provided in the previous report.
- Q4 Is this site an identified centre locality by the city of Joondalup and WAPC?*
- A4 It is not certain what is meant by the term “centre locality”, however the site does form part of an area of land zoned for use as one of the commercial centres in Woodvale.
- Q5 Why isn't Clause 3.7 referred to in the report?*
- A5 The report subject matter is in reference to a proposal to change the City's District Planning Scheme, and it is not an application for assessment of a development application under the terms of the existing DPS. Therefore the proposal is not lodged for evaluation under the terms of the existing DPS.
- Q6 Lot 3 is not an existing shopping or business centre or existing retail or commercial area and there is no structure plan adopted by the Council or WAPC which enables the retail floor space to be varied from 5500m2.*
- Why is Lot 3 not being appropriately rezoned to Centre Zone and a structure plan applied as per DPS2 Clause 3.7.3 and 3.11 inclusive and our local centres strategy which requires a small town centre to have a structure plan and be reclassified?*
- A6 Retail floor space caps apply only to ‘Commercial’ or ‘Centre’ zoned land. Lot 3 is zoned ‘Civic and Cultural’. The application proposes incorporating part of Lot 3 into the Commercial zone, and it would be subject to a revised floorspace cap for the lot. The planning intention for the remainder of Lot 3 is for the land to be Civic and Cultural, as indicated on the DPS maps. The future use of the remainder of Lot 3 has not been determined, but is projected to be Civic and Commercial, as indicated by the zoning of the land.
- Q7 Why is there not a copy of the Local Centres Strategy , Metropolitan Centres Strategy, Amendment 10 and reference to Clause 3.7.1 -.2 -.3 in the report? (as this is the City's planning framework)*
- A7 It is important to understand that this report is in regards to the consideration of submissions after advertising, versus the initiation of the Amendment. Reference has been made in previous reports on the subject and in part in the most recent report to Clause 3.7 the centres strategy and the metropolitan centres strategy and Amendment 10.
- Q8 In Attachment 5 the figures on the map do not correspond with those of the survey as the DPS2 is more current than the survey which is correct? (Lot 6 being represented as below 5500 at 4400)*
- A8 The figures on the map relate to the restrictive covenants that are currently in place which restrict the retail floorspace.

*Q9 (a) Does the existing shopping centre on Lot 6 Whitfords Ave expand over any other lot currently?*

A9(a) The Action Supermarket and related shops are located on Lot 6. Other facilities such as the petrol station and liquor outlet, and Red Rooster stores are on separate lots.

*Q9 (b) If yes is there a separate NLA specified for those lots or does the NLA of lot 6 expand with the Shopping Centre?*

A9(b) Currently Schedule 3 of District Planning Scheme No 2 specifies a net lettable area for Lot 6 only.

*Q10 Why does the report state that the needs of the community are considered to be commercial considerations outside of the City's control? When as a small town centre a structure plan is required to control the centre with input from the community city and developer?*

A10 The report advises that some submissions received from the public have asked for such services as a post office garden centre and aged care facilities in the expanded centre. In response, the report advises that the choice of commercial tenants is a commercial consideration outside the City's control.

*Q11 The report states the City's Centres Strategy allows for retail floor expansion upon Lot 6. I believe this to be incorrect. Is it not true that the Centres strategy allows for the reclassification to Small Town Centre and the retail net lettable area for the Centre being up to 10 000 m2 not solely Lot 6 with all lot owners signing there agreement of the structure plan?*

A11 The centres Strategy identifies Woodvale as a Small Town Centre with a maximum retail net lettable area of 10000m<sup>2</sup>, and does not state which specific lots should have floor space limits, within the overall 10000m<sup>2</sup> amount. Given that the site currently provides less than 10000m<sup>2</sup> of retail NLA floor space, then, under the Commercial strategy terms, there is potential to grow the centre.

*Q12 Will the Commissioners have a copy of the existing legal agreement applicable to the land and the new further legal agreement with respect to the proposed expansion of the shopping centre?*

A12 Copies of the legal agreement have been made available to the Commissioners.

*Q13 As there is no mention of parking:*

*(a) could the current and proposed DPS2 parking requirements and*

A13(a) These matters will be considered at the development application stage.

*Q13 (b) the current and proposed available parking on site for the greater shopping complex and medical centre be given.*

A13(b) Refer to response above.

*Q13 (c) Is there a resolution of Council or the Commissioners to vary the standards of the DPS2 parking requirements for the current centre or proposed expansion.*

A13(c) Refer to response above.

*Q13 (d) If no, then how is a legal agreement concerning parking being entered into?*

Q13(d) The intention with a proposed legal agreement concerning parking is a further detail which seeks to achieve the following aims:

- Provision of high quality pedestrian access links to the adjacent retirement village
- Upgrading the mall entry from the north side
- Improving connections to the library and community centre
- (each of these matters were discussed in Council Report CJ097 – 04/03)

**The following questions addressed to Chairman of Commissioners were submitted by Mr Ron Privilege, Edgewater:**

*Q1 I refer to the submission to the Upper House Inquiry by Minter Ellison Lawyers concerning the CEO issue prepared by Mr Neil Douglas, the Lawyer who conducted the Local Government Inquiry into the City of Cockburn. Given that this submission clearly and definitively states that suspended Mayor Carlos has breached his statutory duties under the Local Government Act on many occasions, what action, if any, do you propose to take and if you propose to take no action, why?*

A1 Matters relating to the CEO are currently being dealt with by the Commissioners (refer Special Council Meeting held on 11 December 2003).

At this stage, it is inappropriate for the Commissioners to make any comment regarding the CEO issue as the Commissioners are in the process of obtaining independent advice.

Once all information is to hand, a resolution will be dealt with and the community will be advised accordingly.

*Q2 I refer to the recent allegations that suspended Mayor Carlos used his Council funded Gold Credit Card to pay for a return airfare for Cr Hart from Canberra to Joondalup so that she could attend the last Council meeting of the City of Joondalup. Given that Cr Hart's trip was paid for by the City by way of a return airfare, who from the City authorized this additional expenditure by the Mayor? Will you refer this matter to the Crime and Corruption Commission?*

A2 This matter is to be investigated by the Audit Committee.

- Q3 I refer to the resolution of Commissioners late last year to the effect that the Commissioner has agreed to seek further legal advice on the CEO issue. Why do you say that the advice the City has received to date has not been independent? Haven't you read the legal advice from the QC published in the West Australian newspaper several weeks ago? Are you alleging that the West's advice was not independent?*
- A3 See Answer 1 above.
- Q4 I refer to the on-going issue concerning the CEO. You will recall that the Minister suspended the Councillors because they could not resolve the issue. Given that it has been well over a month since you were appointed to resolve the issue, and you haven't, shouldn't you also be suspended using the same logic that the Minister apparently used when he decided to suspend the Council?*
- A4 See Answer 1 above.
- Q5 I refer to your recent statement in the Wanneroo Times to the effect that you were seeking a speedy resolution of the CEO issue and that you had an open mind on the issue. Can you please define for me what you mean by a "resolution" is and isn't it the case that the only resolution you have been instructed to seek by the Minister is the dismissal of Denis Smith and if not, why were the Councillors of the City of Joondalup suspended by the Minister?*
- A5 See Answer 1 above.
- Q6 I refer to my previous questions to Commissioner Drake-Brockman regarding the need for the perception of political independence in the process concerning the appointment of the Commissioner. Are you aware that the principal of the Law Firm that you have engaged to prepare a fifth opinion on the CEO issue is a member of the WA Labour Lawyers Society? Are you aware that Commissioner Drake-Brockman is or has previously been a member of the WA Labour Lawyers Society? Given the above matters, can you understand the public's cynicism about the alleged "independence" of your Commissioner Drake-Brockmans's appointment and the appointment of the Lawyers to prepare a fifth "independent" legal opinion on the CEO issue?*
- A6 See Answer 1 above.
- Q7 I refer to recent local media reports regarding the threatening behaviour exhibited by members of the public towards Cr Kimber in the secure Councillors carpark. I ask as follows:*
- (a) *Has the City or the CEO received a complaint about that matter?*
- (b) *Has this matter been investigated? If not, why not?*
- (c) *Do you condone this behaviour?*
- A7 This matter will be taken on notice.



- Q8 I refer to the public disquiet in the lead up to the suspension of the Councillors of the City of Joondalup concerning Council's refusal to publicly disclose its brief to lawyers and legal advice regarding the CEO issue. Given the public disquiet on this aspect of the issue, will you please now confirm that you will disclose to ratepayers copies of any briefs to the City's lawyers regarding the CEO issue the legal advice received in response? If not, why not?*
- A7 This matter will be taken on notice.
- Q9 I refer to the on-going CEO issue and to the alleged public disquiet regarding the suspended Councillors discussing the CEO issue behind closed doors. Is it the position of the Commissioners that they will ensure that all discussions and debates concerning the CEO issue will be debated in open Chambers, and not behind closed doors i.e. contrary to the Local Government Act?*
- A9 See Answer 1 above.
- Q10 I refer to the practice of all Councils in the State of Western Australia to discuss and debate Employment Contracts behind closed doors. You would be aware that this was the practice of the suspended Councillors of the City of Joondalup, the former City of Wanneroo, the current City of Wanneroo and the Cities of Belmont, Stirling and Broome to name but a few. Given these matters, do you and your fellow Commissioners propose to set a new precedent in Local Government Law in this State and debate all issues regarding the CEO's Contract and any other Contract of Employment involving a current or future staff member, in open doors, in the full public eye? If not, cannot you see the manifestly overwhelming hypocrisy of the Minister's decision to suspend the Councillors of the City of Joondalup?*
- A10 See Answer 1 above.
- Q11 I understand that as part and parcel of Council policy, suspended Councillors are required to return all Council issued property. If that is the case, can you please advise as to why the suspended Mayor of the City of Joondalup is still driving around in his personal vehicle with the City of Joondalup owned plate inscribed "COJ 001"? Are there different rules that apply to the suspended Councillors and the suspended Mayor?*
- A11 Mr Don Carlos has returned his number place, COJ No 1.
- Q12 Can each of you please tell ratepayers about the nature and extent of your previous experience as elected Councillors of any local government authority within the State of Western Australia, the Commonwealth of Australia, or elsewhere?*
- A12 This is considered unnecessary.

*Q13 I refer to suspended Mayor Carlos's recent media statement to the effect that at your last Council meeting, you achieved what he had been trying to achieve for twelve months i.e. to obtain yet another legal opinion regarding Denis Smith. Are you aware that in truth, the issue of yet another legal opinion was only canvassed by suspended Mayor Carlos seven days prior to the Councillors of the City of Joondalup being suspended and in view of this, will you contact suspended Mayor Carlos to retract his statement and ask him to tell the truth in the media?*

A13 This matter will be taken on notice.

*Q14 I refer to the well orchestrated campaign against the majority of the City of Joondalup Councillors by the Mayor's supporters in the public gallery over the last twelve months or so. Will you table a document advising ratepayers as to the names of all ratepayers you have met with since being appointed and if not, why not? If your reason for not doing so is because you are concerned about open and accountable Government, how can you explain this inconsistency?*

A14 No.

*Q15 Are you aware that the media campaign against the suspended Councillors of the City of Joondalup was directed from the offices of Tony O'Gorman, Labour MLA for Joondalup, and Ken Travis, Labour MLC for the North Metropolitan Region. If so, have you told the Minister this?*

A15 No.

*Q16 Why is it that to date, when agenda items come up for debate in open Council, there is hardly any debate at all? How can ratepayers be satisfied that Council agenda items are being fully debated in circumstances where there is little or no debate at all? Where is the rigorous scrutiny of agenda items?*

A16 The Commissioners give due regard to all agenda items.

*Q17 In the interest of open and accountable local government and sound financial management, will you ask each Commissioner to table a monthly report advising as to the hours they work on City of Joondalup business to justify their annual salary paid for by the ratepayers of the City of Joondalup?*

A17 No.

**The following questions addressed to Chairman of Commissioners were submitted by Cr Carol Mackintosh (presently suspended) of Kallaroo on behalf of residents of Whitford Ward:**

*I refer to the recent Supreme Court litigation involving the City of Joondalup and the Mullaloo progress Association Inc and confirm that this Association failed in its endeavours to overturn the City of Joondalup's approval for the much needed redevelopment of the local Mullaloo Tavern.*

*However, since the City has incurred considerable costs in defending this appeal, can you please advise Ratepayers:*

*Q1(a) Whether the City will seek to recover those costs from the Association?*

A1(a) The Council's solicitors are working towards cost recovery from the Association this time.

*Q1(b) In the event that the Association is insolvent or Bankrupt, that you will seek to recover those costs from the Executive Members of that Association and other key persons responsible?*

A1(b) The City has not determined future courses of action, and would rely heavily on its legal advice in regard to this matter.

*I refer to the ongoing litigation in the Supreme Court between our City's CEO, our suspended Mayor, Mr. Carlos, and the City of Joondalup.*

*Can you please provide Ratepayers with a brief report concerning:*

*Q2(a) The current state of the Supreme Court proceedings?*

*Q2(b) Whether, as suspended Mayor Carlos has often stated, "any good Lawyer worth his salt would have this written and thrown out in 5 minutes"?*

*Q2(c) Whether the Writ has been thrown out in accordance with suspended Mayor Carlos's legal advice or whether the proceedings are in fact continuing?*

*Q2(d) Has Mr. Carlos filed his defence?*

A2(a-d) Matters relating to the CEO are currently being dealt with by the Commissioners.

At this stage, it is inappropriate for the Commissioners to make any comment regarding the CEO issue as the Commissioners are in the process of obtaining independent advice.

Once all information is to hand, a resolution will be dealt with and the community will be advised accordingly.

*I refer to the Report prepared by Mr. Neil Douglas of Minter Ellison Lawyers concerning the CEO issue, which Report was submitted to the Legislative Council late last year.*

*Given that:*

*Q3(a) Mr Douglas is the Local Government Partner in that Law Firm and reputedly this State's leading Local Government Lawyer and the fact that he was the person appointed by the Government to inquire into the City of Cockburn and the King Edward Memorial Hospital's high infant child*

*morbidity rate, can you please advise as to what action, if any, the Commissioners are taking in respect of Mr. Douglas's findings that suspended Mayor Carlos breached his statutory duties under the Local Government Act 1995 and several Council Resolutions?*

A3(a) This question will be taken on notice.

Q3(b) *Do you agree with Heathridge resident Mr. Magyar when he states that "the Mayor has acted with integrity"?*

Q3(c) *Can you please explain how a person can breach statutory duties and Council resolutions and yet act with integrity?*

A3(b-c) It is not considered appropriate to comment on these matters.

*I refer to the public statements by suspended Mayor Carlos prior to him being suspended late last year to the effect that the CEO had stolen up to \$120,000 from Ratepayers by misusing his Council issued Credit Card.*

*Can you please advise as follows:*

Q4(a) *Has a forensic audit of the CEO's Credit Card been effected?*

Q4(b) *If so, what are the findings of the forensic audit?*

Q4(c) *Can you please advise Ratepayers as to how much money the CEO has stolen from Ratepayers, to the nearest \$10,000, as per Councillor Carlos's Statement of facts.*

A4(a-c) These questions relate to an investigation that is currently under way and as such it is not considered appropriate to comment at this point in time.

*I refer to the appointment of yourself and your fellow Commissioners by the Minister for Local Government to resolve the CEO issue on the basis that the Councillors and Mayor had allegedly failed to resolve it.*

*Given that after receiving five legal opinions, the Council resolved not to summarily dismiss Denis Smith, and the apparent urgency of the matter, can you please advise as follows:*

Q5(a) *When will you be dismissing the CEO?*

Q5(b) *Will you be paying him any monies by way of a payout?*

Q5(c) *Why is it taking so long for this matter to be resolved when, to quote the suspended Mayor "the CEO is a fraudster and thief" .... "he has stolen money from Ratepayers" ..... "he should be summarily dismissed without any payment"?*

A5(a-c) See Answer 2 above.

*Q6 Can you please advise Ratepayers as to when the Director General of Local Government will be publishing her Report concerning the recent Governance Review Inquiry into the City of Joondalup?*

A6 This question will be taken on notice.

*Q7 Why is it taking so long for this Report to be published?*

A7 This question will be taken on notice.

*Q8 Is it a case where the Minister and / or the Director General is / are vetting or editing the Report prior to it being release to Ratepayers?*

A8 This question would need to be directed to the Minister and Director General.

**The following questions were submitted by Cr Chris Baker (suspended):**

*My question is addressed to the Chairman of Commissioners. I refer to the ongoing legal advice provided to the City by Mr Neil Douglas, Local Government Lawyer and Partner of the Law firm, Minter Ellison.*

*I also refer to suspended Councillor and Deputy Mayor Hollywood's public statements (prior to being suspended) to the effect that:*

- 1 Mr Neil Douglas is corrupt;*
- 2 he does not trust him;*
- 3 Mr Neil Douglas is under investigation by another local government authority.*

*Given the above matters, can you please advise as follows:*

*Q1 Do you agree with suspended Deputy Mayor Hollywood's comments regarding the character of Mr Neil Douglas?*

A1 No.

*Q2 If so, why is the City continuing to engage the services of an allegedly corrupt lawyer to represent its best interests in the Supreme Court proceedings involving the CEO and suspended Mayor Carlos?*

A2 Not applicable.

**3 APOLOGIES AND LEAVE OF ABSENCE**

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

*Director, Corporate Services and Resource Management stated his intention to declare an interest that may affect his impartiality in Item No CJ018-02/04 – Tender Number 028-03/04 – Supply of Temporary Personnel Services, as Mr Schneider is a close personal friend with Account Manager of one of the tenderers.*

*Chief Executive Officer stated his intention to declare a financial interest in Item CJ38-02/04 – Confidential – Request for Appointment of Commissioners to conduct CEO's Performance Review as the matter relates to CEO's Contract of Employment and associated matters, including cost of legal advice.*

*Chief Executive Officer stated his intention to declare a financial interest in Item 1 - Confidential – Items Outstanding from Special Meeting of Council held on 25 November 2003 and 3 December 2003 as the matter relates to CEO's Contract of Employment and associated matters, including cost of legal advice.*

*Chief Executive Officer stated his intention to declare a financial interest in Item 2 - 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 as the matter relates to CEO's Contract of Employment and associated matters, including cost of legal advice.*

*Chief Executive Officer stated his intention to declare a financial interest in Item 3 - Confidential - Notice of Motion – Cr J Hollywood - Standing Committee on Public Administration and Finance - Legal Expenses as the matter relates to CEO's Contract of Employment and associated matters, including cost of legal advice.*

*Chief Executive Officer stated his intention to declare a financial interest in Item 4 - Confidential – Notice of Motion – Cr J Hollywood – Request for Variation to Chief Executive Officer's Contract of Employment as the matter relates to CEO's Contract of Employment and associated matters, including cost of legal advice.*

*Chief Executive Officer stated his intention to declare a financial interest in Item 5 - 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 as the matter relates to CEO's Contract of Employment and associated matters, including cost of legal advice.*

*Chief Executive Officer stated his intention to declare a financial interest in Item 6 - Confidential - Notice of motion – Cr C Baker - Standing Committee on Public Administration and Finance - Legal Expenses as the matter relates to CEO's Contract of Employment and associated matters, including cost of legal advice.*

*Chief Executive Officer stated his intention to declare a financial interest in Item 7 - Confidential – Notice of Motion – Cr C Baker – Request for Variation to Chief Executive Officer's Contract of Employment as the matter relates to CEO's Contract of Employment and associated matters, including cost of legal advice.*

*Chief Executive Officer stated his intention to declare a financial interest in Item 8 - Confidential - Notice of Motion – Mayor D Carlos - Refund of CEO Corporate Credit Card Expenditure as the matter relates to CEO's Contract of Employment and associated matters, including cost of legal advice.*

*Chief Executive Officer stated his intention to declare a financial interest in Item 9 - Confidential - Notice of Motion – Mayor D Carlos – Council Credit Cards as the matter relates to CEO's Contract of Employment and associated matters, including cost of legal advice.*

*Chief Executive Officer stated his intention to declare a financial interest in Item 10 - Confidential - Notice of Motion – Mayor D Carlos – Telephone Accounts as the matter relates to CEO's Contract of Employment and associated matters, including cost of legal advice.*

*Chief Executive Officer stated his intention to declare a financial interest in Item 11 - Confidential - Notice of Motion – Mayor D Carlos – Information on CEO Salary Package as the matter relates to CEO's Contract of Employment and associated matters, including cost of legal advice.*

*Chief Executive Officer stated his intention to declare a financial interest in Item 12 – Confidential – Notice of Motion – Mayor D Carlos – Salary Packages – Executive and Business Managers as the matter relates to CEO's Contract of Employment and associated matters, including cost of legal advice.*

*Chief Executive Officer stated his intention to declare a financial interest in Item 14 – Confidential – Notice of Motion – Mayor D Carlos – Staff Salary Information as the matter relates to CEO's Contract of Employment and associated matters, including cost of legal advice.*

*Chief Executive Officer stated his intention to declare a financial interest in Item 15 – Confidential – Notice of Motion – Cr J Gallant – Breach of Code of Conduct as the matter relates to CEO's Contract of Employment and associated matters, including cost of legal advice.*

*Chief Executive Officer stated his intention to declare a financial interest in Item 16 – Confidential – Notice of Motion – Cr P Kimber – Breach of Code of Conduct as the matter relates to CEO's Contract of Employment and associated matters, including cost of legal advice.*

*Chief Executive Officer stated his intention to declare a financial interest in Item 18 – Confidential – Notice of Motion – Cr J Hollywood – in relation to the behaviour of Cr Hart as the matter relates to CEO's Contract of Employment and associated matters, including cost of legal advice.*

**5 CONFIRMATION OF MINUTES**

**MINUTES OF COUNCIL MEETING, 02 DECEMBER 2003**

At the Meeting of the Joint Commissioners held on 16 December 2003, it was resolved that:

*“confirmation of the Minutes of the Council Meeting held on 2 December 2003 be DEFERRED until the next ordinary Meeting of the Joint Commissioners scheduled to be held on 17 February 2004 pending verification of concerns raised by a ratepayer.”*

**RECOMMENDATION**

**That the Minutes of the Council Meeting held on 2 December 2003 be confirmed as a true and correct record, subject to the following correction:**

**Page 7 – Questions submitted by Mr Noal Gannon Sorrento:**

**Question 1 to be amended to read:**

*“Q1 I refer to what has become known as ‘the Smith Saga’. Re: CEO Matters – On numerous occasions this Council and the CEO have requested legal advice from Minter Ellison and Blake Dawson Waldron respectively. How was this advice requested, orally or in writing? If orally who made the request? If in writing, who authored the request and were copies given to all or any Councillors?”*

**MINUTES OF MEETING OF JOINT COMMISSIONERS, 16 DECEMBER 2003**

**RECOMMENDATION**

**That the Minutes of the Meeting of Joint Commissioners held on 16 December 2003 be confirmed as a true and correct record, subject to the following correction:**

**Page 131 – Rescission Motion relating to the use of Lot 9 Unit 16 (7) Delage Street, Joondalup**

**Correction required to remove the names of the Mover (shown as Cmr Smith) and the Seconder (shown as Cmr Anderson) and to leave these areas blank.**

**Explanation of correction**

The motion was not moved at the 16 December 2003 meeting, but was continued from the meeting of 24 June 2003, where a decision was made that the motion lie on the table.



It is noted from the minutes of the meeting of 24 June 2003 that the motion to lie on the table was not properly moved and seconded by the Council, however as the motion was lost at the meeting held on 16 December 2003, the Commissioners are of the view that this deficiency in procedure is not of concern.

**6 ANNOUNCEMENTS BY THE CHAIRMAN WITHOUT DISCUSSION**

**7 PETITIONS**

**1 PETITION IN RELATION TO PROPOSED OCEAN REEF ROAD CONSTRUCTION – [07131]**

A 9-signature petition has been received from Ocean Reef residents in relation to the City’s proposal to construct the remaining portion of Ocean Reef Road between Hodges Drive and Shenton Avenue.

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

**2 PETITION REQUESTING SPECIAL MEETING OF ELECTORS – INSTALLATION OF PHONE TOWER BY HUTCHISON TELECOM, KALLAROO PARK – [09188] [75029]**

A 108-signature petition has been received from residents of the City of Joondalup requesting that a Special Meeting of Electors be held to consider five motions relating to the application by Hutchison Telecom to erect a phone tower in Kallaroo Park.

In accordance with Section 5.28 of the Local Government Act 1995, a Special Meeting of Electors has been scheduled for Monday 23 February 2004 commencing at 7.00 pm.

**3 PETITION IN RELATION TO MAINTENANCE OF VERGES, PRIORITY PARKING AND REMOVAL OF EXISTING TREES, PLAISTOW STREET JOONDALUP – [02030]**

A 21-signature petition has been received from residents of Plaistow Street, Joondalup in relation to the following issues:

- Responsibility for the maintenance of verges on the corner of Grand Boulevard and Plaistow Street;
- Assurances that residents will have priority for street parking;
- Request for removal of existing trees and replacement with more “inner city” suitable species.

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

4 PETITION OBJECTING TO LOCATION OF TELECOMMUNICATION TOWER IN KALLAROO PARK – [09188]

A petition containing 2,944 signatures has been received from residents of the City of Joondalup objecting to the locating of a telecommunication tower in Kallaroo Park.

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

5 PETITION REQUESTING DETERRENTS TO ANTI-SOCIAL BEHAVIOUR – CALENDONIA PARK, CURRAMBINE – [16970] [21936]

A 15-signature petition has been received from Currambine residents requesting the following in an attempt to curb anti-social behaviour occurring in Calendonia Park, Currambine:

- a boom gate to be installed at the carpark entrance similar to one that is located at Seacrest Park in Sorrento with the same system where City Watch open and close the gate on their routine patrols;
- continual on-going surveillance by the City of Joondalup City Watch Patrol;
- adequate update on the co-existing lighting in the carpark;
- a major clean up of the carpark and surrounding bushland and fencing to be put up adjacent to the toilet block, to stop people from the carpark trespassing on private properties.

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

6 PETITION RAISING CONCERNS IN RELATION TO THE PROPOSED EXTENSION OF OCEAN REEF ROAD – [07131]

A 16-signature petition has been received from residents of Ocean Reef raising concerns in relation to the proposed plans for the extension of Ocean Reef Road, as well as offering four options for consideration.

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

## 8 REPORTS

**CJ001 - 02/04 SCHEDULE OF DOCUMENTS EXECUTED BY MEANS OF AFFIXING THE COMMON SEAL - [15876]****WARD - All****PURPOSE**

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

Document: Management Statement  
Parties: City of Joondalup and Police and Nurses Credit Society  
Description: Strata Management Statement – Notification of access and drainage easement – 82 Reid Promenade, Joondalup  
Date: 23.10.03

Document: Caveat  
Parties: City of Joondalup  
Description: Withdrawal of Caveat – 82 Reid Promenade, Joondalup  
Date: 23.10.03

Document: S70A  
Parties: City of Joondalup, S Cooper and G Daley  
Description: Notification on Title – 26 Fleetwing Heights, Ocean Reef – ancillary accommodation  
Date: 03.11.03

Document: Lease  
Parties: City of Joondalup and S and T Greenwood  
Description: Notification on Title – 6 Dee Why Grove, Kallaroo – ancillary accommodation  
Date: 03.11.03

Document: Lease  
Parties: City of Joondalup, Kinross Football Club and Joondalup/Kinross Cricket Club  
Description: Lease Agreement – portion of Windemere Park  
Date: 04.11.03

Document: Contract  
Parties: City of Joondalup and Christou Nominees  
Description: Execution of Contract 001-03/04 – Design Consultancy  
Date: 04.11.03

Document: Contract  
Parties: City of Joondalup and Wintergreene Drilling Contractors  
Description: Execution of Contract 008-03/04 – drilling, development and testing of bores  
Date: 04.11.03

- Document: Settlement Deed  
Parties: City of Joondalup and Cara Lynne Hursthouse  
Description: Deed of Surrender – Craigie Leisure Centre Kiosk  
Date: 01.12.03
- Document: Plan  
Parties: City of Joondalup and WA Planning Commission (WAPC)  
Description: Certification of Agreed Structure Plan 26 - Iluka  
Date: 01.12.03
- Document: Caveat  
Parties: City of Joondalup and Tricity Holdings  
Description: Withdrawal of Caveat – Lots 604, 605 and 606 Regents Park Road, Joondalup  
Date: 01.12.03
- Document: Copyright  
Parties: City of Joondalup and Peter Craig  
Description: Recording of historical importance  
Date: 02.12.03
- Document: Copyright  
Parties: City of Joondalup and Valerie Bell  
Description: Recording of historical importance  
Date: 02.12.03
- Document: Easement/Restrictive Covenant  
Parties: City of Joondalup, Roman Catholic Archbishop of Perth and Davidson P/L  
Description: Restrictive Covenant and Deed of Easement – Deposited Plan 38804  
Date: 02.12.03
- Document: DPS Amendment  
Parties: City of Joondalup  
Description: Amendment No 18 – Recreational Vehicle Control provisions  
Date: 02.12.03
- Document: Easement  
Parties: City of Joondalup, WA Concept Development Services and C M Champion  
Description: Extinguishment of Easement – Deposited Plan 37937  
Date: 02.12.03
- Document: Deed  
Parties: City of Joondalup and Wanneroo Basketball Association (WBA)  
Description: Deed to Write-off Debt to the City by the WBA  
Date: 02.12.03

- Document: Agreement  
Parties: City of Joondalup and Foodland Property Holdings  
Description: Development Agreement for proposed expansion of Woodvale Boulevard Shopping Centre, Lot 6 Whitfords Avenue  
Date: 02.12.03
- Document: Caveat  
Parties: City of Joondalup, M Spargo and S and C Zencich  
Description: Temporary Withdrawal of Caveat – Lot 1 on Survey Strata Plan 43739  
Date: 02.12.03
- Document: S70A  
Parties: City of Joondalup and M and S Shannon  
Description: Notification under Section 70A – ancillary accommodation – 6 Fife Gardens, Ocean Reef  
Date: 02.12.03
- Document: Easement  
Parties: City of Joondalup and Professional Funds Mgt Pty Ltd  
Description: Easement in Gross: Lot 621 Eddystone Avenue, Edgewater  
Date: 12.12.03
- Document: DPS Amendment  
Parties: City of Joondalup  
Description: Amendment 17 to DPS2 – rezoning of 52 Marri Road, Duncraig  
Date: 12.12.03
- Document: Copyright  
Parties: City of Joondalup and Julia Alcock  
Description: Recording of historical importance  
Date: 12.12.03
- Document: Copyright  
Parties: City of Joondalup and Brian Richardson  
Description: Recording of historical importance  
Date: 12.12.03
- Document: Caveat  
Parties: City of Joondalup and Energym Pty Ltd  
Description: Withdrawal of Caveat over Lot 950 (18) Dugdale Street, Warwick  
Date: 12.12.03
- Document: Lease  
Parties: City of Joondalup and Mullaloo Kindergarten  
Description: Lease documentation – Mullaloo Kindergarten, 27 Koorana Road, Mullaloo  
Date: 12.12.03

- Document: Contract  
Parties: City of Joondalup and Russell Landscaping  
Description: Extension to Contract 016-01/02 – Maintenance and Landscaping – Harbour Rise  
Date: 12.12.03
- Document: Deed  
Parties: City of Joondalup and Community Vision  
Description: Deed of Release indemnifying City of Joondalup from any future claims  
Date: 19.12.03
- Document: Contract  
Parties: City of Joondalup, Rocla P/L and Wembley Cement  
Description: Execution of Contract 013-03/04 – Supply and delivery of delivery of stormwater drainage pipes and fittings  
Date: 19.12.03
- Document: Covenant  
Parties: City of Joondalup and WALA  
Description: Restrictive Covenant over Lots 302-310, 300, 301, 324, 325, 326, 343, 344, 345, 346, 347, 334-377 and 311-314 Grand Boulevard, Joondalup  
Date: 19.12.03
- Document: Contract  
Parties: City of Joondalup and Conquest Earthworks  
Description: Execution of Contract – Tender No 007-03/04 – General maintenance of Stormwater Sumps  
Date: 23.12.03
- Document: Contract  
Parties: City of Joondalup and Tapps Contracting  
Description: Execution of Contract – Tender No 009-03/04 – Laying of brickpavers within City of Joondalup  
Date: 23.12.03
- Document: Contract  
Parties: City of Joondalup and Western Irrigation  
Description: Execution of Contract – Tender 005-03/04 – Supply and maintenance of borehole pumps and vertical lineshaft turbine pumps  
Date: 23.12.03
- Document: Contract  
Parties: City of Joondalup and Starbound Holdings P/L  
Description: Execution of Contract No 023-03/04 – Supply and installation of play equipment components for parks  
Date: 08/01/04

- Document: S70A  
Parties: City of Joondalup and Michael and Rachel Read  
Description: Notification under Section 70A – ancillary accommodation – 30 Scaddan Street, Duncraig  
Date: 08.01.04
- Document: Contract  
Parties: City of Joondalup and Sanpoint (Custom Irrigation)  
Description: Execution of Contract 006-03/04 – Supply of PVC pipes, fittings and sprinklers  
Date: 08.01.04
- Document: Deed  
Parties: City of Joondalup and commonwealth of Australia  
Description: Funding Agreement for 2004 Joondalup Festival  
Date: 08.01.04
- Document: Contract  
Parties: City of Joondalup and Sulo MGB Australia  
Description: Execution of Contract 004-03/04 – Supply of mobile garbage bins  
Date: 09.01.04
- Document: Contract  
Parties: City of Joondalup and Asteranch P/L  
Description: Execution of Contract 010-03/04 – Drainage gully maintenance cleaning  
Date: 09.01.04
- Document: Contract  
Parties: City of Joondalup and Laupgala P/L (Hugall and Hoile)  
Description: Execution of Contract 006(A)-03/04 – Supply and delivery of PVC pipes  
Date: 09.01.04
- Document: Contract  
Parties: City of Joondalup and Ralph Beattie Bosworth  
Description: Execution of Contract 014-03/04 – Quantity Surveyor consultancy services  
Date: 09.01.04
- Document: Structure Plan  
Parties: City of Joondalup WA Planning Commission  
Description: Certification of modified Structure Plan for Woodlake Retreat (Lot 550 – 24 – Woodlake Retreat, Kingsley)  
Date: 14.01.04
- Document: Land Transfer  
Parties: City of Joondalup  
Description: Transfer of parking sites from LandCorp to City of Joondalup – ref Normalisation Agreement  
Date: 14.01.04

Document: Contract  
Parties: City of Joondalup and Rocla Pty Ltd  
Description: Execution of Contract No 013-03/04 – Supply and delivery of precast stormwater pipes and fittings  
Date: 14.01.04

Document: Lease  
Parties: Variation of Clauses 1, 2 and 3 of Leave due to redevelopment of Whitford Shopping Centre  
Description: City of Joondalup, Perpetual Trustee Co and DB Real Estate Aust  
Date: 21.01.04

Document: Agreement  
Parties: City of Joondalup and Department for Community Development  
Description: Service Agreement re Joondalup Financial Counselling Service  
Date: 21.01.04

Document: Agreement  
Parties: City of Joondalup and Healthway  
Description: Sponsorship Agreement 2004/5/6 – Summer Events Program  
Date: 21.01.04

## **ATTACHMENTS**

Nil

## **VOTING REQUIREMENTS**

Simple Majority

## **RECOMMENDATION**

**That the schedule of documents executed by means of affixing the Common Seal be NOTED.**



## **CJ002 - 02/04      APPOINTMENT OF REPRESENTATIVES TO COMMITTEES – [02153, 00046]**

**WARD - All**

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### **PURPOSE**

To give consideration to the appointment of representatives to various internal and external committees.

### **EXECUTIVE SUMMARY**

Following the appointment of Joint Commissioners on 5 December 2003, consideration is required to be given to the appointment of representatives to various internal and external committees to which elected members were appointed.

### **BACKGROUND**

Following the May 2003 election, the Council established various committees to advise it on specific matters. Such committees have no delegated power. The rules of the Local Government Act 1995 apply to these Council-created committees regarding calling and recording of meetings, and appointment of representatives to these committees must be made by Council and passed by an absolute majority.

At that time, Council also appointed representatives to committees created by external organisations. Council may nominate representatives to such external committees by a simple majority.

### **DETAILS**

On 5 December 2003, the Minister for Local Government, Hon Tom Stephens announced the suspension of the City of Joondalup Council and the appointment of five Commissioners. Consideration is therefore required to be given to the appointment of replacement representatives to various internal and external committees to which elected members were appointed.

A review of committee membership has been undertaken.

This report recommends replacement representatives to both internal and external committees. It is further recommended that certain committees be disbanded at this time. Those committees which are recommended to be disbanded are elected member only committees and it is considered appropriate that any decisions required to be made can be adequately addressed by the submission of a report to Council.

**COMMENT**

At the meeting of the Seniors Interest Advisory Committee held on 19 November 2003, recommendations were made to alter the membership of the committee. In order to adequately address the issues, a separate report will be submitted to the Joint Commissioners.

**ATTACHMENTS**

Nil

**VOTING REQUIREMENTS**

Absolute Majority

**RECOMMENDATION**

**That the Joint Commissioners:**

**1 BY AN ABSOLUTE MAJORITY APPOINT delegates and SET the quorum for the following Committees:**

**(a) Audit Committee:**

**3 Commissioners**

**Quorum: 2**

**(b) CBD Enhancement Project Steering Committee:**

**Chairman of Commissioners, Cmr J Paterson,  
Mr D Curry, President of the Joondalup Business Association  
Ms M Horgan, Representative of the Perth Area Consultative Committee  
– Small Business and Economic Development  
Mr Brett Dorney, Regional Employment Co-ordinator of the Department  
of Training (North Metro Employment Office)  
Mr Denis Godley, Manager of the North Metropolitan Business  
Enterprise Centre (BEC)  
Mr Andrew Cameron, Youth Advisory Council representative**

**Quorum: 3**

**(c) Conservation Advisory Committee:**

<b>M Zakrevsky, Community representative</b>	<b><i>1<sup>st</sup> Deputy</i></b>	<b><i>2<sup>nd</sup> Deputy</i></b>
<b>R Henderson, Community representative</b>	<b>K McKenzie</b>	<b>W Woods</b>
<b>J Brundrett, Community representative</b>	<b>T Morald</b>	<b>-</b>
	<b>K Clarke</b>	<b>-</b>

<b>R McElroy, Community representative</b>	-	-
<b>J Wood, Community representative</b>	<b>C Wood</b>	-
<b>D Pike, Community representative -</b>	-	-
<b>M Norman, Community representative</b>	-	-
<b>S Magyar, Community representative</b>	-	-
<b>Mr D Millan, Community representative</b>	-	-
<b>Mr B Fitzsimmons, Community representative</b>	<b>Ms D Lullfitz</b>	-

**Quorum: 5**

**(d) Joondalup Eisteddfod Working Party:**

**Mr G Major, Community representative**  
**Ms F Muir, Community Representative**  
**Mr A True, Community Representative**  
**Ms R Morrison, Community Representative**  
**Mrs J Ruscoe, Community Representative**  
**Mr C Latham, Community Representative**

**Quorum: 3**

**(e) Sustainability Advisory Committee:**

**Commissioner M Anderson**  
**Mr D Wake, Community representative**  
**Mr V Cusack, Community representative**  
**Mr W Carstairs, Community representative**  
**Mr S Magyar, Community representative**  
**Mr G Down, Community representative**  
**Adrienne Kinnear, Edith Cowan University**  
**Marilyn Horgan, Executive Officer Perth Area Consultative Committee;**  
**Martin Brueckner, Edith Cowan University Lecturer;**  
**Ute Goeft, Phd Candidate, Edith Cowan University;**  
**Dawn Atkin, Research Officer, Department of Education and Training;**  
**Paul Gerrans, School of Accounting, Finance and Economics at Edith Cowan University;**  
**Sherry Saggars, Associate Professor and Director, Centre for Social Research, Edith Cowan University**

**Quorum: 7**

**2 BY AN ABSOLUTE MAJORITY, DISBAND the following Committees:**

**Art Collection Working Party;**  
**Budget Committee 2003/2004;**  
**Dry Parks, Median and Verge Committee;**  
**House Committee;**  
**Joondalup Festival and Summer Events Committee;**  
**Joondalup Regional Performing Arts Facility Steering Committee;**

**Ocean Reef Development Committee;**  
**Policy Manual Review Committee;**  
**Quarry Park Development Committee;**  
**Standing Orders Review Committee;**  
**Urban Animal Management Advisory Committee;**  
**Wheeled Sports Committee;**  
**Youth Affairs Advisory Committee.**

**3 NOMINATE the following representatives to external committees:**

**(a) Business and Community Directory Working Group:**

**Manager Marketing Communications and Council Support;**

**(b) Coastal Management Advisory Committee:**

**Conservation Officer;**

**(c) Community Board of Advice (Joondalup Health Campus)**

**Chief Executive Officer;**

**(d) Joondalup Business Association:**

**Chairman of Commissioners, Cmr J Paterson;**

**(e) Local Emergency Management Committee:**

**Manager Operations Services  
Senior Ranger, Ranger Services;**

**(f) Local Government Association of WA – North Metropolitan Zone:**

**Commissioner S Smith  
Chief Executive Officer  
Director Corporate Services and Resource Management  
Manager Audit and Executive Services**

**(g) Local Learning and Employment Project:**

**Manager Strategic and Sustainable Development**

**(h) Luisini Heritage Project Steering Committee:**

**Manager Strategic and Sustainable Development;**

**(i) Mindarie Regional Council:**

**Commissioner A Fox  
Commissioner S Smith;**

- (j) **North Metropolitan Region Recreation Advisory Committee:**  
**Manager Community Development Services;**
  - (k) **North West District Planning Committee:**  
**1 Commissioner;**
  - (l) **North West Metropolitan Business Enterprise Centre Committee of Management:**  
**Commissioner M Anderson**  
**Manager Strategic and Sustainable Development**
  - (m) **North West Metropolitan District Emergency Management Committee:**  
**Manager Operations Services**  
**Senior Ranger, Ranger Services;**
  - (n) **North Western Metropolitan Regional Road Sub-Group:**  
**Director Infrastructure and Operations**  
**Manager Infrastructure Management and Ranger Services – deputy**
  - (o) **Safer WA Joondalup Committee:**  
**Coordinator Community Development**
  - (p) **Warwick Leisure Centre and Churches of Christ Management Committee:**  
**Manager Community Development Services;**
  - (q) **Yellagonga Catchment Group Inc:**  
**Coordinator Health and Environmental Services;**
  - (r) **Yellagonga Regional Park Community Advisory Committee:**  
**Conservation Officer;**
- 4 DO NOT retain representation on the following external committees:**
- (a) **Whitford Community Ratepayers and Recreation Association;**
  - (b) **Kingsley Woodvale Community and Recreation Association;**
- 5 NOTE that a separate report will be submitted outlining recommended changes to the Seniors Interest Advisory Committee.**

**CJ003 - 02/04      SETTING OF MEETING DATES - 2004 – [08122]****WARD - All****PURPOSE**

To set Council's meeting dates for the 2004 calendar year.

**EXECUTIVE SUMMARY**

At the Special Meeting of Council held on 12 May 2003, Council resolved to maintain the 'rolling' three weekly cycle of meetings and accordingly set its meeting dates for the period May 2003 to April 2004.

Following the appointment of the Joint Commissioners, an amendment is proposed to the meeting dates to enable the Strategy Session to be held at the conclusion of the Briefing Session. It is further recommended that meeting dates for the remainder of the calendar year be set.

**BACKGROUND**

At its meeting held on 26 March 2002, Council reviewed its decision-making process and adopted the following 'rolling' three weekly cycle of meetings, with the Council recessing for the Christmas/New Year period:

- Week 1: Strategy Session commencing at 6pm on the 1<sup>st</sup> Tuesday;
- Week 2: Briefing Session commencing at 6.00 pm on the 2<sup>nd</sup> Tuesday.  
Deputation sessions held at the commencement of Briefing Sessions;
- Week 3: Council meeting commencing at 7pm on the 3<sup>rd</sup> Tuesday.

At the Special Meeting of Council held on 12 May 2003, Council resolved to maintain the 'rolling' three weekly cycle of meetings and accordingly set its meeting dates for the period May 2003 to April 2004 as follows:

Strategy Sessions To be held at 6.00 pm in Conference Room 1	Briefing Session To be held at 6.00 pm in Conference Room 1	Council Meetings To be held at 7.00 pm in the Council Chamber
Tuesday 13 May 2003	Tuesday 20 May 2003	Tuesday 27 May 2003
Tuesday 3 June 2003	Tuesday 10 June 2003	Tuesday 17 June 2003
Tuesday 24 June 2003	Tuesday 1 July 2003	Tuesday 8 July 2003
Tuesday 15 July 2003	Tuesday 22 July 2003	Tuesday 29 July 2003
Tuesday 5 August 2003	Tuesday 12 August 2003	Tuesday 19 August 2003
Tuesday 26 August 2003	Tuesday 2 September 2003	Tuesday 9 September 2003
Tuesday 16 September 2003	Tuesday 23 September 2003	Tuesday 30 September 2003

Tuesday 7 October 2003	Tuesday 14 October 2003	Tuesday 21 October 2003
Tuesday 28 October 2003	Tuesday 4 November 2003	Tuesday 11 November 2003
Tuesday 18 November 2003	Tuesday 25 November 2003	Tuesday 2 December 2003
Tuesday 9 December 2003 – commencing at the conclusion of the Briefing Session	Tuesday 9 December 2003	Tuesday 16 December 2003
- January 2004 – Council Recess		
Tuesday 3 February 2004	Tuesday 10 February 2004	Tuesday 17 February 2004
Tuesday 24 February 2004	Tuesday 2 March 2004	Tuesday 9 March 2004
Tuesday 16 March 2004	Tuesday 23 March 2004	Tuesday 30 March 2004
Tuesday 6 April 2004	Tuesday 20 April 2004	Tuesday 27 April 2004

## DETAILS

On 5 December 2003, the City of Joondalup Council was suspended and five Commissioners appointed.

In order to streamline the meeting cycle and provide for greater efficiency, the Chairman of Commissioners has requested that an amendment be made to the meeting dates to allow the Strategy Session to be held on the second week of the cycle, immediately following the Briefing Session. It is recommended that the 'rolling' three weekly meeting cycle be amended as follows:

- Week 1: No meeting scheduled.
- Week 2: Briefing Session commencing at 6.30 pm on the 2<sup>nd</sup> Tuesday.  
Deputation sessions are held at the commencement of Briefing Sessions.  
Strategy Session commencing at the conclusion of the Briefing Session;
- Week 3: Council meeting commencing at 7pm on the 3<sup>rd</sup> Tuesday.

This change will not affect members of the public as Strategy Sessions are not open to the public.

It is considered appropriate at this time to set the meeting dates for the remainder of the calendar year, with Council recessing in January 2005.

## COMMENT

In accordance with the Local Government Act 1995, it is necessary for a local government to give local public notice of its ordinary meeting dates for the next 12 months. A local government is also required to give local public notice of any change to its meetings.

## ATTACHMENTS

Nil

**VOTING REQUIREMENTS**

Simple Majority

**RECOMMENDATION****That the Joint Commissioners:****1 AMEND the 'rolling' three weekly meeting cycle as follows:****Week 1: No meeting.**

**Week 2: Briefing Session commencing at 6.30 pm (Open to the public).  
Deputation sessions held at the commencement of Briefing Sessions.  
Strategy Session commencing at the conclusion of the Briefing Session (Closed to the public);**

**Week 3: Council meeting commencing at 7.00 pm (Open to the public).****2 SET the following meeting dates for the City of Joondalup to be held at the Joondalup Civic Centre, Boas Avenue, Joondalup:**

<b>Briefing Session COMMENCING AT 6.30 PM - AND - STRATEGY SESSION COMMENCING AT THE CONCLUSION OF THE BRIEFING SESSION  VENUE: CONFERENCE ROOM 1</b>	<b>Council Meetings COMMENCING AT 7.00 PM  VENUE: COUNCIL CHAMBER</b>
<b>Tuesday 2 March 2004</b>	<b>Tuesday 9 March 2004</b>
<b>Tuesday 23 March 2004</b>	<b>Tuesday 30 March 2004</b>
<b>Tuesday 20 April 2004</b>	<b>Tuesday 27 April 2004</b>
<b>Tuesday 11 May 2004</b>	<b>Tuesday 18 May 2004</b>
<b>Tuesday 1 June 2004</b>	<b>Tuesday 8 June 2004</b>
<b>Tuesday 22 June 2004</b>	<b>Tuesday 29 June 2004</b>
<b>Tuesday 13 July 2004</b>	<b>Tuesday 20 July 2004</b>
<b>Tuesday 3 August 2004</b>	<b>Tuesday 10 August 2004</b>
<b>Tuesday 24 August 2004</b>	<b>Tuesday 31 August 2004</b>
<b>Tuesday 14 September 2004</b>	<b>Tuesday 21 September 2004</b>
<b>Tuesday 5 October 2004</b>	<b>Tuesday 12 October 2004</b>
<b>Tuesday 26 October 2004</b>	<b>Tuesday 2 November 2004</b>
<b>Tuesday 16 November 2004</b>	<b>Tuesday 23 November 2004</b>
<b>Tuesday 7 December 2004</b>	<b>Tuesday 14 December 2004</b>
<b>January 2005 – Council recess</b>	

**3 in accordance with the Local Government Act 1995, GIVE local public notice of the meeting dates as detailed in (2) above.**



## **CJ004 - 02/04 ANNUAL GENERAL MEETING OF ELECTORS HELD ON MONDAY 17 NOVEMBER 2003**

**WARD - All**

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### **PURPOSE**

To give consideration to motions moved at the Annual General Meeting of Electors held on 17 November 2003.

### **EXECUTIVE SUMMARY**

The City's Annual General meeting of Electors was held on 17 November 2003 and, in accordance with the requirements of the Local Government Act 1995, a report was submitted to the Council meeting held on 16 December 2003. At that meeting, the Joint Commissioners requested a further report on Motions Nos 4, 6, 7, 11, 12, 13 and 16 raised at the AGM of Electors.

This report provides comments and recommendations in relation to Motions Nos 4, 6, 7, 11, 12, 13 and 16.

### **BACKGROUND**

The City's Annual General meeting of Electors was held on 17 November 2003 in accordance with Section 5.27 of the Local Government Act 1995.

Section 5.33(1) of the Act requires that all decisions made at an Electors' Meeting if practicable are to be considered at the next ordinary meeting of Council. Accordingly, a report was submitted to the Council meeting held on 16 December 2003 (Item C274-12/03 refers) where it was resolved to:

- 1 *NOTE the Minutes of the Annual General Meeting of Electors held on 17 November 2003 forming Attachment 1 to Report C274-12/03;*
- 2 *NOTE that Motions relating to the contract of employment of the CEO and related matters will be considered as part of the review to be undertaken by Deloitte and advice to be sought from independent Lawyer Fiocco's Lawyers and Senior Counsel;*
- 3 *REQUEST a further report be submitted providing commenting on the Motions Nos 4, 6, 7, 11, 12, 13 and 16 carried at the Annual General Meeting of Electors held on 17 November 2003.*

## **DETAILS**

Motions Nos 4, 6, 7, 11, 12, 13 and 16 passed at the Annual General Meeting of Electors are set out in *italics* followed by a comment and suggested course of action as to how each matter should be dealt with.

### **MOTION NO 4 – DUAL USE PATH/PEDESTRIAN ACCESS TO BEACHES**

*MOVED Dr Marjorie Apthorpe, 69 Bacchante Circle, Ocean Reef, SECONDED Michael Norman, 8 Stockdale Avenue, Sorrento that Council:*

- 1 IMMEDIATELY builds two east/west combined fire breaks, vehicle and pedestrian access tracks to connect the suburb of Iluka to the coastal dual-use path;*
- 2 reopens pedestrian access to beaches now fenced off in Ocean Reef by re-establishing and upgrading the informal access tracks to a reasonable standard for public safety.*

*The Motion was Put and*

*CARRIED*

### **OFFICER'S COMMENT**

Installation of the East/West firebreaks/dual use path was considered by the City's Conservation Advisory Committee following the Annual General Meeting and it was the recommendation of the Committee that installation of one firebreak/dual use path be negotiated with the Developer. It is anticipated that the facility will be installed during February/March 2004. Installation of the proposed second firebreak is deferred pending further investigation.

All unauthorised tracks were closed off to address public safety concerns associated with the coastal limestone cliff formations and conservation concerns associated with the preservation of the coastal corridor natural areas.

### **RECOMMENDED RESPONSE**

**It is recommended that the Joint Commissioners:**

- 1 note that installation of one firebreak/dual use path is to be installed during February/March 2004;**
- 2 note that all unauthorised tracks were closed to address public safety and conservation concerns;**
- 3 take no further action in relation to Motion 4 of the Annual General Meeting of Electors held on 17 November 2003**

**MOTION NO 6 – ADOPTION OF ANNUAL REPORT**

*MOVED Mitch Sideris, 12 Page Drive, Mullaloo, SECONDED Steve Magyar, 31 Drummer Way, Heathridge that We the electors of the City of Joondalup REFUSE to accept this Annual Report on the basis of its lack of professionalism and incompleteness as a document representing what has occurred in the past in the City of Joondalup and what is proposed to occur in the future within the City of Joondalup.*

*The Motion was Put and*

*CARRIED*

**OFFICER'S COMMENT**

The Local Government Act 1995, and related Administration Regulations, stipulate that the annual report be presented to a general meeting of the electors for discussion. There is no requirement for electors to accept or refuse the annual report.

Section 5.54 of the Local Government Act 1995 states:

“... the annual report for a financial year is to be accepted by the local government no later than 31 December after that financial year”.

The City of Joondalup Council complied with this section by unanimously carrying a motion at the meeting of 21 October 2003, to accept the 2002/03 Annual Report and Financial Reports of the City of Joondalup forming Attachments 1 and 2 to Report CJ234-10/03.

**RECOMMENDED RESPONSE**

**It is recommended that the Joint Commissioners:**

- 1 note that the 2002/03 Annual Report was accepted by the Council at its meeting of 21 October 2003, in accordance with the requirements of the Local Government Act 1995;**
- 2 take no further action in relation to Motion 6 of the Annual General Meeting of Electors held on 17 November 2003.**

**MOTION NO 7 – KINGSLEY FOOTBALL CLUB RENTAL**

*MOVED Keith Pearce, 19 Kilarney Heights, Mullaloo, SECONDED Cr Mike O'Brien that the City of Joondalup GIVES consideration to charging a relatively low rent to the Kingsley Football Club for the next few years.*

*The Motion was Put and*

*CARRIED UNANIMOUSLY*

**OFFICER'S COMMENT**

A report will be presented to Council at its meeting to be held on 17 February 2004.

**RECOMMENDED RESPONSE**

**That it be noted that a separate report will be submitted to the Joint Commissioners in relation to Kingsley Football Club.**

**MOTION NO 11 – TOM SIMPSON PARK**

*MOVED Graeme Hunt, 3 Page Drive, Mullaloo, SECONDED Mitch Sideris, President, Mullaloo Progress Association, Mullaloo that the:*

- 1 City officers responsible for security instruct our patrol services to conduct a more serious pattern of patrols along the beach front, particularly in regard to Tom Simpson Park and other areas;*
- 2 lighting in Tom Simpson Park and park area, Lot 1 Oceanside Promenade, Mullaloo be improved.*

*The Motion was Put and*

*CARRIED UNANIMOUSLY*

**OFFICER'S COMMENT**

Tom Simpson Park was randomly patrolled during November 2003 a total of 70 times, encompassing 418 minutes patrolling time. These patrols were carried out over a 24 hour period at random times, as this structure of patrolling has been identified as the best form of deterrent for antisocial behaviour and crime. It has been identified that the majority of incidents at Tom Simpson Park occur on Thursday, Friday and Saturday nights, increasing during summer months, with additional patrolling instigated during these times.

The development of Tom Simpson Park is currently being considered by the City to determine the extent of upgrading required. Lighting is one essential component that is under review and will be addressed as part of the overall redevelopment of the park.

**RECOMMENDED RESPONSE**

**It is recommended that the Joint Commissioners:**

- 1 note that sufficient patrols are in place along the beach front;**
- 2 note that lighting within Tom Simpson Park is currently under review and will be addressed as part of the overall development of the park;**
- 3 take no further action in relation to Motion 11 of the Annual General Meeting of Electors held on 17 November 2003.**

**MOTION NO 12 – MAINTENANCE OF ASSETS**

*MOVED Marilyn Zakrevsky, 49 Korella Street, Mullaloo, SECONDED Dr Marjorie Apthorpe, 22 Bacchante Circle, Ocean Reef that the maintenance of assets that ratepayers use be given highest priority and non-essential items like expensive entry statements and Christmas dinner parties be scrapped.*

*The Motion was Put and*

*CARRIED UNANIMOUSLY*

### **OFFICER'S COMMENT**

At its meeting of 2 December 2003, Council considered Notice of Motion No. 1 - Cr C Baker - City of Joondalup Christmas Party - 2004 and Thereafter, where it was resolved that:-

- 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;*
- 6 *such other matters recommended by Council.*

Preliminary budgets are drafted taking into account the needs of the City's various stakeholders.

Asset maintenance and capital items such as entry statements are listed for consideration and approval by Council as part of their annual budget deliberations.

### **RECOMMENDED RESPONSE**

**It is recommended that Motion No. 12 of the Annual General Meeting of Electors held on 17 November 2003 be noted and that draft annual budgets continue to be formulated taking into account decisions of Council and the needs of the City's various stakeholders.**

### **MOTION NO 13 – INTRODUCTION OF STANDING COMMITTEES**

*MOVED Ken Zakrevsky, 49 Korella Street, Mullaloo, SECONDED Marie Macdonald, 5 Mair Place, Mullaloo that the ratepayers and electors insist that:*

- 1 *Council introduces as from 1 February 2004, the committee system covering the three Directorates, namely:*

*Corporate Services and Resource Management  
Planning and Community Development  
Infrastructure and Operations*

*This was initially to be introduced after the six month Briefing Session trial;*

- 2 *the Mayor to be automatically ex officio on every committee and attends such committee meetings as his other duties permit;*
- 3 *the Councillors elected to those committees will attend such, and failure to attend committee meetings without Leave of Absence will automatically be subject to the same terms as laid down in the Local Government Act 1995 in relation to attendance and necessity for Leave of Absence for Council meetings.*

*The Motion was Put and*

*CARRIED UNANIMOUSLY*

### **OFFICER'S COMMENT**

This matter has been previously addressed on numerous occasions and it is recommended that the existing practice be retained.

### **RECOMMENDED RESPONSE**

**It is recommended that the Joint Commissioners:**

- 1 **retain the existing meeting cycle;**
- 2 **take no further action in relation to Motion 13 of the Annual General Meeting of Electors held on 17 November 2003.**

### **MOTION NO 16 – WARRANT OF PAYMENTS**

*MOVED Mitch Sideris, 12 Page Drive, Mullaloo, SECONDED Vincent Cusack, President, South Ward Ratepayers and Electors Association that all documents, all Warrants of Payments that are made available to Councillors including corporate card details are relisted and go back at least two years and fully expand every item detailed within that particular cheque number.*

*The Motion was Put and*

*CARRIED UNANIMOUSLY*

### **OFFICER'S COMMENT**

At its meeting of 2 December 2003 Council considered a report (CJ271-12/03 Corporate Credit Cards) recommending that the Audit Committee examines the use of all corporate credit cards and how they are processed, approved and documented. The following Motion was put and carried unanimously -

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

At the same meeting Council also considered and carried unanimously Notice of Motion No. 4 - Cr L Prospero - Use of Corporate Credit Cards -

"That the CEO be requested to prepare a detailed report for consideration by the Audit Committee on the use of all City of Joondalup corporate credit cards from December 1999."

The above examination and report will address matters raised in relation to corporate credit cards.

### **RECOMMENDED RESPONSE**

**It is recommended that Motion No. 16 of the Annual General Meeting of Electors held on 17 November 2003 be considered by the Audit Committee as part of their examination into the use of all corporate credit cards and how they are processed, approved and documented.**

### **COMMENT**

Decisions made by electors at an Electors' Meeting are the recommendations of those electors present, on the matters discussed and considered at the meeting. As with recommendations made at Council committee meetings, they are not binding on the Council, however, the Council must consider them.

Section 5.33(2) of the Local Government Act 1995 states:

5.33 (2) *If at a meeting of the Council a local government makes a decision in response to a decision made at an Electors' Meeting, the reasons for the decision are to be recorded in the minutes of the Council Meeting.*

### **ATTACHMENTS**

Nil

### **VOTING REQUIREMENTS**

Simple Majority

### **RECOMMENDATION**

**That the Joint Commissioners:**

**1 in relation to Motion 4 of the Annual General Meeting of Electors held on 17 November 2003:**

**(a) NOTE that installation of one firebreak/dual use path is to be installed during February/March 2004;**

- (b) **NOTE that all unauthorised tracks were closed to address public safety and conservation concerns;**
  - (c) **TAKE no further action in relation to Motion 4;**
- 2 in relation to Motion 6 of the Annual General Meeting of Electors held on 17 November 2003:**
  - (a) **NOTE that the 2002/03 Annual Report was accepted by the Council at its meeting of 21 October 2003, in accordance with the requirements of the Local Government Act 1995;**
  - (b) **TAKE no further action in relation to Motion 6;**
- 3 in relation to Motion 7 of the Annual General Meeting of Electors held on 17 November 2003, NOTE that a separate report will be submitted to the Joint Commissioners in relation to Kingsley Football Club;**
- 4 in relation to Motion 11 of the Annual General Meeting of Electors held on 17 November 2003:**
  - (a) **NOTE that sufficient patrols are in place along the beach front;**
  - (b) **NOTE that lighting within Tom Simpson Park is currently under review and will be addressed as part of the overall development of the park;**
  - (c) **TAKE no further action in relation to Motion 11;**
- 5 NOTE Motion 12 of the Annual General Meeting of Electors held on 17 November 2003 and that draft annual budgets continue to be formulated taking into account decisions of Council and the needs of the City's various stakeholders;**
- 6 in relation to Motion 13 of the Annual General Meeting of Electors held on 17 November 2003:**
  - (a) **RETAIN the existing meeting cycle;**
  - (b) **TAKE no further action in relation to Motion 13;**
- 7 in relation to Motion 16 of the Annual General Meeting of Electors held on 17 November 2003, REFER the matter to the Audit Committee for consideration as part of their examination into the use of all corporate credit cards and how they are processed, approved and documented.**



## **CJ005 - 02/04 SPECIAL MEETING OF ELECTORS HELD ON 10 DECEMBER 2003**

**WARD** - Whitfords

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### **PURPOSE**

To submit the Minutes of the Special Meeting of Electors held on 10 December 2003 to Council for consideration.

### **EXECUTIVE SUMMARY**

As requested by the electors of the City of Joondalup, a special meeting of electors was held on 10 December 2003 at Whitford Senior Citizens Hall, Hillarys.

In accordance with the Local Government Act 1995, any decisions made at a special meeting of electors are required to be considered by the Council at either an ordinary or special meeting of the Council.

### **BACKGROUND**

A 168-signature petition was received from residents of the City of Joondalup, to consider the following motions:

- 1 That this meeting of Electors calls upon the City of Joondalup's Councillors to reaffirm Council's previous decisions (Page 23 Minutes Full Council 26 February 2002) [Item CJ043-02/02 Refer] and (Page 24-25 Minutes Full Council 9 April 2002) [Item CJ073-04/02 Refer] "guaranteeing permanency of use by Seniors of the Whitford Seniors Centre".
- 2 This meeting of Electors calls upon the Councillors, to refrain from treating Seniors in the City of Joondalup as second-class citizens.
- 3 This meeting calls upon the Councillors of the City of Joondalup, to reinstate the maintenance of the Seniors Centre, with refurbishment, phased in, if necessary, over future budgets, in order to bridge the neglect by the previous City of Wanneroo and the Commissioners.
- 4 Any other business in order brought forward by the Electors present at the Electors' meeting.

### **DETAILS**

In accordance with the provisions of the Local Government Act 1995, a Special Meeting of Electors was held at 7.00 pm on Wednesday 10 December 2003 at Whitford Senior Citizens Hall, cnr Banks and Marmion Avenues, Hillarys.

There were approximately 107 members of the public in attendance. The minutes of the meeting are attached - Appendix 1 refers.

At the Special Meeting of Electors the following Motion was put:

MOVED Mr Colin Stokes, President of Whitford Senior Citizens Centre SECONDED Mrs June Broxton, 60 Giles Avenue, Padbury that:

- 1 this meeting of Electors calls upon the City of Joondalup's Commissioners to reaffirm Council's previous decisions (Page 23 Minutes Full Council 26 February 2002) [Item CJ043-02/02 Refer] and (Page 24-25 Minutes Full Council 9 April 2002) [Item CJ073-04/02 Refer] "guaranteeing permanency of use by Seniors of the Whitford Seniors Centre".
- 2 this meeting of Electors calls upon the Commissioners, to refrain from treating Seniors in the City of Joondalup as second-class citizens.
- 3 this meeting calls upon the Commissioners of the City of Joondalup, to reinstate the maintenance of the Seniors Centre, with refurbishment, phased in, if necessary, over future budgets, in order to bridge the neglect by the previous City of Wanneroo and the Commissioners.

The Motion was Put and

CARRIED UNANIMOUSLY

### **Statutory Provision:**

Any decisions made at electors' meeting are required to be considered by the Council. Section 5.33 of the Local Government Act 1995 states those decisions are required to be considered by the Council at the next ordinary meeting of the Council. Where that is not practicable then at the first ordinary Council meeting after that meeting or a special meeting of the Council called for that purpose; whichever happens first.

Section 5.33 further states that if at a meeting of the Council a local government makes a decision in response to a decision made at an electors' meeting, the reasons for the decision are to be recorded in the minutes of the Council meeting.

### **COMMENT**

Representatives of the City who addressed the Special Electors meeting held on Wednesday 10 December 2003, dealt with the issues raised in the first agenda item of the meeting. Members at the meeting were reassured that the Whitfords Seniors Centre would continue to be used for the purpose for which it was intended. The minutes document the City's reassurance that there are no plans to undertake any projects regarding the site on which the Senior Citizen's Centre is located.

The City values all citizens in the community. In its Strategic Plan 2003 to 2008 the City makes a commitment to the community through the following value statements –

- We will acknowledge community and individual opinions
- We will respect community and individual contributions
- We will respond to changing community needs
- We will promote an sense of community spirit and ownership

The City actively promotes the optimum wellbeing of senior citizens in the community through the following on-going committees, programs and actions.

- The Seniors Interests Advisory Committee – a committee of 15 community people who represent the needs of seniors. This committee has been operational since 2002 and instrumental in a number of significant strategies for seniors such as the Seniors Expo held at local shopping centres during Seniors Week
- The development and Council-endorsement of the Seniors Master Plan and the Seniors Action Plan, which will provide strategic direction for meeting the diverse and changing needs of seniors for the next five years
- The publication and distribution of a Directory of services specifically for seniors and people with disabilities.
- The Community Transport Program, which provides excursions and transport to shopping centres and Senior Citizens clubs for seniors who experience difficulty in using public transport
- The Growing Old Living Dangerously (GOLD) Program, which is a recreation program designed specifically for seniors
- The Seniors Circle Program offered throughout the City's libraries
- The City's Joondalup Volunteer Centre – which both encourages the involvement of and provides services to seniors in the community
- The Subsidised Use Program– which is the provision of all the City's community buildings at no charge to seniors groups.

With regard to the issue on maintenance and capital improvements, the City has provision in the current approved budget for maintenance and cleaning works in relation to the Whitfords Senior Citizens Centre.

The City is also implementing improvements to property management practices whereby it is now undertaking regular inspections (6 monthly) of all Council owned and operated buildings. This process serves to keep the Council more informed as to the condition of all premises, but also to provide the opportunity for more regular contact between the user groups and the Council. At these inspections, Council officers discuss additional building requirements with the users and use this information to form the basis of maintenance and improvement programs for the annual budget. In addition to this, Council officers will consult with the management committee of the Whitfords Seniors Group to determine future maintenance, cleaning and capital works requirements that will then be listed for consideration in the 2004/05 budget.

#### **ATTACHMENTS – *Appendix 1 refers (See Appendices at rear of agenda)***

Attachment 1                      Minutes of the Special Meeting of Electors held on 10 December 2003.

## VOTING REQUIREMENTS

Simple Majority

## RECOMMENDATION

**That the Joint Commissioners:**

- 1 NOTE the minutes of the Special Meeting of Electors held on 10 December 2003 at Whitford Senior Citizens Centre, Hillarys, forming Attachment 1 to Report CJ005-02/04;**
- 2 ACKNOWLEDGE the commitment by the City of Joondalup to the optimum well being of senior citizens in the community through its Strategic Plan and a range of committees, programs and actions;**
- 3 NOTE that a maintenance and capital improvement program will be developed in consultation with the seniors group and listed for consideration in the 2004/05 budget;**
- 4 NOTE that currently budgeted cleaning and maintenance work will continue.**

*Appendix 1 refers*

To access this attachment on electronic document, click here: [attach1brf100204.pdf](#)

## **CJ006 - 02/04 MINUTES OF SUSTAINABILITY ADVISORY COMMITTEE, 18 DECEMBER 2003 – [00906]**

**WARD - All**

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### **PURPOSE**

The unconfirmed minutes of the Sustainability Advisory Committee meeting held on 18 December 2003 are submitted for adoption by Council.

### **EXECUTIVE SUMMARY**

The Sustainability Advisory Committee (SAC) met on 18 December 2003. This was the first meeting following the appointment of seven new committee members and focused on introductions of new members to the committee, the aims and role of the committee and discussions on background information related to sustainability at the City of Joondalup.

Other major issues relate to the introduction of the Local Government Amendment Bill 2003 and changes to Western Australia's Local Government Act that relate to sustainability.

*This report recommends that the Joint Commissioners:*

- 1 *NOTE the unconfirmed minutes of the Sustainability Advisory Committee meeting held on 18 December 2003, forming Attachment 1 to this Report;*
- 2 *ADVISE the Committee that the membership is restricted to those representatives appointed by resolution of Council.*

### **DETAILS**

The minutes of the Sustainability Advisory Committee meeting, held on 18 December 2003 are provided as Attachment 1.

#### **Strategic Implications:**

Nil.

#### **Sustainability Implications:**

The changes to the Local Government Act will have significant implications to the City and will provide a strategic framework in which to guide the progress of the SAC and the City. Decision making will require the consideration of social, economic and environmental matters that are consistent with the State Sustainability Strategy.

While the heading 'Sustainability Implications' has recently been included in the template for council report items, further work will be required to ensure amendments to the Local Government Act are fully addressed.

**COMMENT**

Seven new members have been appointed to the SAC. This was the first meeting following their appointment and discussions focused on introductions of new members to the committee, the aims and role of the committee and discussions on background information related to sustainability at the City of Joondalup.

At the meeting, Steve Magyar requested information regarding the possibility of the committee allowing suspended Councillor Sue Hart to continue to attend SAC meetings as an observer. Council officers have advised that membership to committees is restricted by a resolution of Council and is not a decision making body, hence it would not be appropriate to have a permanent observer and therefore should not accept the request from Councillor Hart.

Discussions also related to the introduction of the Local Government Amendment bill 2003 into the State's Legislative Council and changes to Western Australia's Local Government Act. There are over 80 changes to the Local Government Act and of particular relevance to the committee is that Council should integrate social, economic and environmental considerations into their decision, consistent with the State Sustainability Strategy and the insertion of the following subsection into Part 4 – Other amendments, S15, Section 1.3, which reads as follows:

*(3) In carrying out its functions a local government is to endeavour to meet the needs of current and future generations through an integration of environmental protection, social advancement and economic prosperity.*

**ATTACHMENTS - Appendix 2 refers (See Appendices at rear of agenda)**

Attachment 1	Minutes 18 December 2003.
Attachment 2	Extract from the Local Government Amendment Bill 2003.
Attachment 3	Extract of account of Legislative Council meeting held on 3 December 2003 related to the Local Government Amendment Bill 2003.
Attachment 4	Media Statement released 4 December 2003 by the Minister for Local Government the Hon. Tom Stephens MLC.

**VOTING REQUIREMENTS**

Simple Majority

**RECOMMENDATION****That the Joint Commissioners:**

- 1 NOTE the unconfirmed minutes of the Sustainability Advisory Committee meeting held on 18 December 2003, forming Attachment 1 to Report CJ006-02/04;**
- 2 ADVISE the Committee that the membership is restricted to those representatives appointed by resolution of Council.**

*Appendix 2 refers*

*To access this attachment on electronic document, click here: [attach2brf100204.pdf](#)*

**CJ007 - 02/04 INVITATION TO FURTHER FORMALISE FRIENDLY RELATIONS WITH JINAN IN SHANDONG PROVINCE, CHINA – [52469] [11014]**

**WARD - All**

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**PURPOSE**

For Council to consider an invitation for the City of Joondalup to lead a delegation to Jinan, in Shandong Province China, to sign a formal protocol of friendly relations as part of a developing relationship between the two cities.

**EXECUTIVE SUMMARY**

Jinan is the capital city of Shandong Province on China's rapidly growing east coast and is strategically located as a transport hub between Beijing and Shanghai. A developing relationship between Jinan and Joondalup has been brokered through Edith Cowan University (ECU) as a means to access the Chinese market for the export of its educational services.

To date, the Jinan Municipal People's Government has sent two official delegations to Joondalup while Joondalup has reciprocated with a visit to Jinan in September 2001 by former Mayor John Bombak in the company of ECU staff. These visits have occurred with the signing of various memoranda of "friendship" and "friendly talks".

More recently, the Jinan Municipal People's Government has advised that its relationship with Joondalup has been given formal approval by the Chinese Friendship Association with Foreign Countries. Accordingly the City of Joondalup has been invited to lead a delegation to Jinan for the signing of a memorandum of "friendly relations" between the two cities.

A developing relationship with Jinan can and is being used by the City of Joondalup to leverage access by members of the Joondalup Learning Precinct (particularly ECU and the West Coast College of TAFE) into the Chinese marketplace for their educational services.

*This reports recommends that the Joint Commissioners:*

- 1 ACCEPTS the invitation by the Municipal People's Government of Jinan for the Chair of the Commission of the City of Joondalup to lead a delegation to Jinan in order to continue the relationship established over the last several years between the two cities.*
- 2 AUTHORISES the Chairman of Commissioners to hold formal discussions to negotiate an appropriate date for the delegation with the City's key stakeholders and the Jinan People's Municipal Government.*
- 3 ADVISES the Municipal People's Government of Jinan that travel and accommodation costs would be borne by each delegate and/or their representative organisation.*

- 4 *LISTS for consideration in 2004/05 budget process the costs of the Chairman's travel and accommodation to Jinan as well as the associated costs of hosting an inbound delegation (excluding their accommodation and airfare costs) during the 2004/05 financial year from Jinan.*

## **BACKGROUND**

Jinan municipality covers an area of 8,227 square kilometres (Metropolitan Perth is 7,044 square kilometres in area by comparison) with an urban population of 2.4 million and a total population of 5.34 million. The municipality encompasses one City, five urban districts and four counties. If a ranking were to be given to its status Jinan's closest actual equivalent in Australia would be the (Greater) Brisbane City Council in Queensland. Shandong is a province on the economically thriving (south) eastern seaboard that is also strategically located as a (rail) transport hub between Beijing (to the north) and Shanghai (to the south), China's two foremost urban-industrial regions.

The developing relationship between Jinan and Joondalup has been a partnership brokered by the International Institute of Business and Technology (IIBT) headed by Dr Glen Watkins, a former academic and director of the commercial arm of the Faculty of Business ECU. The relationship between Jinan and Joondalup comprises part of a broader aim of marketing the Joondalup Learning Precinct's educational services in the rapidly growing Chinese marketplace. The role played by the City of Joondalup in this relationship also facilitated the delivery of ECU Master of Business Administration (MBA) upgrade courses in China for officials employed by the Jinan Municipal People's Government.

### **Exchange Activities between Jinan and Joondalup to Date**

The Jinan Municipal People's Parliament sent four delegates to visit ECU and was also given a formal reception by the City of Joondalup on 29 June 2000. During the visit, the Jinan delegation, led by Ms Wang Baoling, Vice Chairman of the Standing Committee of the Jinan People's Congress presented the City of Joondalup with a Memorandum of Understanding (MOU), which Council subsequently approved on 25 July 2000 (Item CJ183 07/00). The MOU reads as follows:

- 1 *Actively promote friendly relations between two cities, strengthen the understanding and friendship, and eventually lead to establish friendly relations at matured time;*
- 2 *Strengthen the co-operation in the area of economy, science and technology, education, culture and tourism between the two cities. The two cities will help each other and provide convenience to each other;*
- 3 *Exchange of delegations of government and business are encouraged. The city government will arrange invitations for each other side accordingly and make necessary arrangements; and*
- 4 *The formal communication should be through the foreign affairs office or international relations office between the two cities.*

The June 2000 delegation from Jinan was reciprocated by Joondalup when Mayor John Bombak accepted an invitation to attend the Jinan Autumn Trade Fair on 21-26 September 2001. The Mayor and Mrs Bombak (Mrs Bombak's expenses were met privately), were accompanied by Associate Professor Yvonne Melotte representing ECU, Mr David Xu, China Adviser, and Dr Glenn Watkins, Chairman and Managing Director of IIBT.



During the September 2001 visit, Mayor Bombak and delegation were received at four formal receptions by:

- Mr Sun Shuyi, Chinese Communist Party Secretary, Municipality of Jinan;
- Mr Sun Changyin, Chairman, Jinan Committee of Peoples' Political Consultative Conference;
- Mr Xie Yutang, Mayor of Jinan; and
- Mr Xu Huadong, Vice-Mayor of Jinan.

On 11 January 2002, a return delegation led by Mr Sun Changyin, Chairman of the Jinan Municipal People's Consultative Committee led a nine-strong delegation to Joondalup leading to the signing of a "Memorandum of Friendly Talks" (Attachment A).

## **DETAILS**

### **Chinese Friendship Association Approval for Jinan and Joondalup Relationship**

On 27 September 2003, Mr Li Zhongxue, the Director of the Jinan Foreign Affairs Office faxed Mayor Carlos to advise that the Chinese Friendship Association with Foreign Countries had formally approved the formalisation of "friendly relations" between Jinan and Joondalup. Furthermore, an invitation has been extended for Joondalup to reciprocate with a 7-8 person delegation to Jinan to sign a formal protocol to "establish friendly relationships" between the two cities (Attachment B). From an Australian perspective, such memoranda have the status of a 'gentlemen's agreement' without legal or contractual obligations.

From the perspective of a Chinese municipal government such as Jinan, the signing of formal protocols for friendly relations provides additional prestige in their efforts to develop economically through international linkages, exports and the attraction of foreign investment. The existence of a formal relationship with an international partner has an additional benefit of facilitating relevant documentation and approvals and resources (from provincial and national level officials) for municipal level officials to travel overseas. In the case of current relationships, a formal invitation from Joondalup would assist in Jinan officials gaining the required administrative approvals to travel outside of China.

### **Invitation to Joondalup to send a delegation to Jinan – Implication for the City of Joondalup.**

The current invitation for Joondalup to send a delegation to Jinan stems from the fact that while two official delegations have visited from Jinan, Joondalup has reciprocated with only one visit to date. However, if the City of Joondalup were to maximise the benefits of this outbound delegation, such an exercise would need to involve participation by senior executives of its Joondalup Learning City partners and broader Stakeholder Group representing key interests in the Joondalup City centre.

The official status of such a delegation would enable Joondalup's Learning City partners to access key Chinese municipal government officials, including education and training officials who may be able to influence the overseas destinations of municipal employees, colleges and schools under their administrative control. The delegation as an important local event in Jinan would also have the desirable effect of promoting the "Joondalup Learning City" in this important market for overseas students.

Jinan's invitation for a broad ranging delegation beyond education also provides additional opportunities for the City of Joondalup's key stakeholders to promote its exportable services. Those sectors well positioned to benefit from leveraging Joondalup's education export links include tourism (represented by the Sunset Coast Tourism Association and/or the Joondalup Golf Resort) and health with the Joondalup Health Campus being the key stakeholder.

### **Statutory Provision:**

Section 2.5 of the Local Government Act 1995 is the statutory basis on which the City is created as a body corporate and Section 2.5 (3) stipulates that:

*“(3) The local government has the legal capacity of a natural person.”*

### **Consultation:**

Informal discussions have also taken place at senior levels with the City of Joondalup's key stakeholders regarding the invitation and possible delegation to Jinan.

Consultation has been held at Officer level with Dr Glenn Watkins and Mr David Xu from the IIBT regarding the Jinan perspective on the relationship.

Discussion with the IIBT also focussed on the protocols regarding such delegations, particularly on the offer in the Fax of 1 October 2003 by Jinan to bear the costs of the delegation. IIBT advised that in a case of an outbound delegation led by the City of Joondalup each of the delegations should bear the costs of their own airfare and accommodation while in China.

### **Policy Implications:**

Part 6 - “Attendance at Overseas Conferences” - of the City of Joondalup Policy Manual stipulates that:

- (1) An Elected Member may, with Council approval, attend an overseas conference.*
- (2) An elected member may attend an overseas conference if the elected member has sufficient funds in their annual conference and training expense allocation to meet the costs. Where there are insufficient funds to meet the cost of the registered overseas conference or training in the elected member's conference and training allocation, Council approval must be obtained before costs are incurred.*
- (3) Attendance at an overseas conference is subject to authorisation being obtained from Council prior to departure, with a specific Council resolution supporting that the conference attendance will be of benefit to the City and the Elected Member and detailing any conditions that may apply.*

Part 7 - “Report” - of the City of Joondalup Policy Manual stipulates that:

*Upon attendance at any interstate or overseas conference, seminar or training session as detailed within this policy, where registration and other associated costs are met by the City of Joondalup, the attending elected member shall be required to prepare a report on their attendance and benefits, to be circulated to all members of the Council.*

Part 5.2 - "Annual Conference and Training Expense Allocation" – of the City of Joondalup Policy Manual stipulates that:

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

Part 5.4 – "Approval Process" of the City of Joondalup Policy Manual stipulates that:

*(1) Elected Members may be nominated and authorised to attend conferences and training by:*

*(a) The Council through a resolution passed at a Council Meeting;*

*(b) The CEO acting within delegated authority.*

Part 5.6 – "Payments of Conference and Training Costs" – of the City of Joondalup Policy Manual stipulates additional items relating to the attendance of conferences including:

- (2) Booking Arrangements – to be through the Office of the Chief Executive;
- (3) Registration;
- (4) Accommodation;
- (5) Conference Travel – including Business Class standard for air travel; and
- (6) Daily Allowance – Payments and Reimbursements.

### **Financial Implications:**

In 2002/03, \$15,000 was set aside for the Jinan-Joondalup relationship and this was left largely unspent due to Jinan awaiting formal approval for the relationship. In the current 2003/04 financial year, there is no budget item allocated to the servicing of the Joondalup-Jinan relationship.

This report recommends that Council lists for consideration in 2004/05 budget process, the costs of the Chairman's travel and accommodation costs to Jinan. Council may also seek additional amount to host a return delegation from Jinan during the 2004/05 financial year.

### **Strategic Implications:**

The promotion of Joondalup's education, as well as health, tourism and other business opportunities in the context of a representative delegation from the City's key stakeholders to Jinan is consistent with the City's Strategic Plan 2003-08.

The Strategic Plan 2003-2008, under key focus area 1 "Community Wellbeing: outlines the following sought outcome:

"The City of Joondalup is recognised globally as a community that values and facilitates Lifelong Learning."

The City's objective pursuant to the above outcome in its 2003-08 Strategic Plan is:

"1.1 To develop, provide and promote a diverse range of lifelong learning opportunities.

The Strategies supporting this sought outcome in the Strategic Plan (2003-2008) are as follows:

- 1.1.1 To continue development of the City of Joondalup as a Learning City: plan for student growth.
- 1.1.2 Continue learning precincts and the development of relationships with local stakeholders and service providers.
- 1.1.3 Support whole-of-life learning and creation of knowledge opportunities.”

### **Sustainability Implications:**

The delegation will further develop Joondalup’s image at the international level as a location for the provision of education services to overseas students. This in turn will generate additional employment opportunities for local residents in direct and indirect services to overseas students. This initiative provides further opportunities for the City to expand its sustainability ‘clean’ industries such as education, tourism and health and well-being. The further expansion of the region’s overseas student education further enhances Joondalup’s social and cultural diversity.

### **COMMENT**

The fax to Mayor Carlos dated 1 October 2003 (Attachment B) advised that the Chinese Friendship Association with Foreign Countries had formally approved the relationship between Jinan and Joondalup. The establishment of national-level imprimatur to this relationship provides additional prestige and official stature for the promotion of Joondalup as a “Learning City” for further developing the Chinese market for its export of education services.

Jinan’s invitation for a broad ranging delegation beyond education also provides additional opportunities for the Joondalup region to promote its exportable services. Those sectors well positioned to benefit from leveraging Joondalup’s education export links include tourism (represented by the Sunset Coast Tourism Association and/or the Joondalup Golf Resort) and health with the Joondalup Health Campus being the key stakeholder.

The fax dated 1 October 2003 also made the offer for Jinan to bear the cost of the delegation. It is most likely that an offer has been made by Jinan to cover the cost of the delegation’s accommodation while staying in Jinan. Further discussion was held with IIBT regarding this aspects of the invitation and it was strongly recommended that the outbound delegation from Joondalup meets it own airfare as well as accommodation costs.

It was suggested that a Municipal People’s Government in China is structured such that it is able to direct (Municipal People Government-owned hotels) and subsidise, as a single entity, the accommodation cost of an inbound delegation such as one from Joondalup. This arrangement could not be reciprocated by the City of Joondalup should an inbound delegation from Jinan visit Joondalup in the future.

For example, while the benefits gained from an inbound delegation would be shared by a range of Joondalup’s key stakeholders, it would be more difficult to apportion the financial costs of an inbound delegation should there be future visits from Jinan. This difficulty may

be compounded should a future delegation comprise more delegates than the 7-8 nominated by Jinan from Joondalup in 2004. Furthermore previous delegations between Jinan and Joondalup have paid for their own accommodation, and this principle should be continued protocol.

### **ATTACHMENTS - *Appendix 3 refers (See Appendices at rear of agenda)***

Attachment A “Memorandum of Friendly Talks”, signed on 11 January 2002 when a delegation led by Mr Sun Changyin, Chairman of the Jinan Municipal People’s Consultative Committee visited Joondalup.

Attachment B Fax from Mr Li Zhongxue, to Mayor Carlos dated 1 October 2003:

- Advising that the Chinese Friendship Association with Foreign Countries has formally approved the establishment of a formalised relationship between Jinan and Joondalup;
- Inviting the City of Joondalup to head a 7-8 person delegation to visit Jinan to sign a formal protocol on for the establishment of friendly relations between the two cities; and
- Advising that the cost of the delegation from Joondalup will be borne by Jinan.

### **VOTING REQUIREMENTS**

Simple Majority

### **RECOMMENDATION**

**That the Joint Commissioners:**

- 1 ACCEPT the invitation and acknowledge the previous relations by the Municipal People’s Government of Jinan for the Chairman of the Commissioners of the City of Joondalup to lead a delegation to Jinan;**
- 2 AUTHORISE the Chairman of Commissioners to commence formal discussions to negotiate an appropriate date for the delegation with the City’s key stakeholders and the Jinan People’s Municipal Government;**
- 3 ADVISE the Municipal People’s Government that travel and accommodation costs would be borne by each delegate and/or their representative organisation;**
- 4 LISTS for consideration in 2004/05 budget process the costs of the Chairman’s travel and accommodation to Jinan as well as the associated costs of hosting an inbound delegation (excluding their accommodation and airfare costs) during the 2004/05 financial year from Jinan.**

*Appendix 3 refers*

*To access this attachment on electronic document, click here: [attach3brf100204.pdf](#)*

**CJ008 - 02/04 JOONDALUP BUSINESS ASSOCIATION'S REQUEST FOR A SERVICE AGREEMENT SUPPORTING THE NORTH WEST METROPOLITAN BUSINESS ENTERPRISE CENTRE (BEC) – SMALL BUSINESS FUNDING PROJECT FOR THREE YEARS COMMENCING 1 JULY 2004 – [03082] [53469]**

**WARD - All**

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**PURPOSE**

For Council to consider a second three-year service agreement between the Joondalup Business Association (JBA) and the City of Joondalup in the provision of Business Enterprise Centre (BEC) services to facilitate business and employment growth in the North West Metropolitan Region over the financial years 2004/05 to 2006/07.

**EXECUTIVE SUMMARY**

During its meeting of 12 February 2002, Council (Item CJ008 - 02/02) voted to approve funding assistance for the North West Metropolitan Business Enterprise Centre (BEC) in the form of a three-year Service Agreement. The amount approved by Council was \$50,000 per annum for financial years 2002/03 to 2003/04 indexed to the consumer price index (CPI).

The Joondalup Business Association (JBA), as the body corporate managing the North West Metropolitan Business Enterprise Centre (BEC) has proposed that the City consider the next three-year arrangement commencing 1 July 2004. The proposal requests \$55,000 per year indexed from Council for the provision of business services to the community that meet the agreed performance standards. It is proposed that Council agrees to a renewed three-year service agreement.

*This report recommends that the Joint Commissioners:*

- 1 *CONSIDER the provision of a grant of \$55,000 per annum for financial years 2004/05 to 2006/07 to the Joondalup Business Association (JBA) in their provision of services to regional businesses under the Business Enterprise Centre (BEC) Project;*
- 2 *AGREE the key performance indicators be developed and reported for the project that encompass but are not limited to the following:*
  - (a) *New clients*
  - (b) *New business start-ups*
  - (c) *Full-time & casual jobs created;*
  - (d) *Casual enquiries*
  - (e) *Client assists;*

- 3 *AUTHORISE that the key performance indicators outlined in 2 above be provided on a quarterly basis that provides number of clients serviced that are based:*
  - (a) *Within the City of Joondalup*
  - (b) *Within the City of Wanneroo*
  - (c) *Elsewhere in Metropolitan Perth or Western Australia;*
- 4 *AGREE that an additional condition for the 2004/05 to 2006/07 Service Agreement with the JBA for the provision of BEC services include the submitting of an audited statement of BEC activities that are separate from audited Joondalup Business Association (JBA) financial statements;*
- 5 *LIST for consideration for 2004/05, 2005/06 and 2006/07 budget proposals for funding the Joondalup Business Association (JBA) for an amount totalling \$55,000 per annum indexed to the prevailing Consumer Price Index (CPI);*
- 6 *AUTHORISE the signing of a Service Agreement between the City of Joondalup and the North West Metro Business Enterprise Centre for a period of three years commencing in the financial year 2004/05;*

## **BACKGROUND**

During its meeting of 12 February 2002, Council CJ008 - 02/02 voted to approve funding assistance for the North West Metropolitan Business Enterprise Centre (BEC) in the form of a three-year Service Agreement. The amount approved by Council was \$50,000 per annum for financial years 2001/02 to 2003/04 indexed to the consumer price index (CPI). The motion carried by Council was as follows:

*That Council, subject to funding in the half-yearly Budget Review for 2001/02:*

- 1 *NOMINATES Councillor C Baker and Deputies Councillors P Kadak and C Mackintosh to the North West Metropolitan Business Enterprise Centre Committee of Management;*
- 2 *APPROVES the allocation of \$50,000 per annum (plus GST and indexed to CPI) for a period of three years commencing in the financial year 2001/2002 subject those funds being directed to Business Enterprise Centre activities within the City of Joondalup;*
- 3 *AUTHORISES the signing of a Service Agreement between the City of Joondalup and the North West Metro Business Enterprise Centre for a period of three years commencing in the financial year 2001/02.*

This report presents for Council's consideration a proposal from the Joondalup Business Association (JBA) for a new 3-year funding agreement to supersede the current 2001/02 to 2003/04 Service Agreement for the provision of Business Enterprise Centre services to businesses in the North West Metropolitan region of Perth.

**Strategic Plan:**

The activities of the BEC are consistent with the focus areas of the City's Strategic Plan 2003-08. Under its "City Development" key focus area seeks the following outcomes:

*"The City of Joondalup is recognised for investment and business development opportunities."*

The objectives (3.5) of the component of the Strategic Plan are:

*"To provide and maintain sustainable economic development"*

Strategies that are pursued to achieve the above objectives include:

*3.5.1 Develop partnerships with stakeholders to foster business development opportunities.*

*3.5.2 Assist the facilitation of local employment opportunities.*

**DETAILS****Business Enterprise Centres in Western Australia**

The WA Government's Small Business Development Corporation (SBDC) supports a network of 37 Business Enterprise Centres (BEC). Each centre has a management committee with representatives from business, public sector organisations and local government in support of the BEC Manager.

The Business Enterprise Centres (BEC) offer free assistance and support to new and existing businesses through the following services:

- Free practical business assistance
- Referral to specialist advisers (accountants, lawyers, etc.)
- Assistance through the maze of government departments and regulations
- Business workshops
- Business information
- Problem solving.

In Metropolitan Perth, a sponsorship agreement between a Business Enterprise Centre and the Small Business Development Corporation totals \$60,000 per annum negotiated over a three-year funding period. Table 1 below provides selected indicators for client servicing by Business Enterprise Centres across Western Australia in 2002/03 as reported by the Small Business Development Corporation (SBDC).

<b>Table 1: Key BEC Statistics 2002/03*</b>	<b>New Clients</b>	<b>Casual Enquiries</b>	<b>Client Assists</b>	<b>New Business Starts</b>	<b>Part-Time Jobs</b>	<b>Full-Time Jobs</b>
Belmont BEC	1,035	23,075	6,611	215	630	315
Coastal BEC (Fremantle)	497	1,466	576	158	63	118
Gosnells-Armadale BEC	426	1,327	904	45	13	47
Malaga BEC	566	1,418	745	98	41	91



<b>North West Metro BEC (Joondalup)</b>	<b>364</b>	<b>2,784</b>	<b>420</b>	<b>182</b>	<b>175</b>	<b>312</b>
Rockingham BEC	225	642	295	115	49	122
South East Metro BEC (Welshpool)	181	1,161	524	50	10	33
Stirling BEC (Balcatta)	439	6,905	1,031	66	24	96
Subiaco BEC	651	4,387	730	228	118	168
Swan Region BEC (Midland)	780	12,295	1,311	225	250	1,137
<b>All BEC in WA</b>	<b>9,258</b>	<b>87,629</b>	<b>27,511</b>	<b>2,183</b>	<b>2,002</b>	<b>3,526</b>

(\* The SBDC notes that these statistics should not be used to compare the performance of individual BECs given they are raw statistics and do not take into account the wide variations in the operations of each BEC)

In addition to operational grants amounting to \$2.428 million from the State Government, the BEC network also attracted support from Local Government with a contribution totalling \$220,572 in 2002/03. Local Government support for the BECs in Metropolitan Perth during 2002/03 are highlighted in Table 2 below.

<b>Table 2: Local Government Support for BECs in Metropolitan Perth 2002/03</b>	<b>Cash (Excl GST)</b>	<b>In Kind</b>
Belmont BEC	\$40,000	\$1,500
Coastal BEC (Fremantle)	\$13,000	
Gosnells-Armadale BEC	\$24,000	
Malaga BEC		
<i>North West Metro BEC (Joondalup)</i>	<i>\$50,000</i>	
Rockingham BEC	\$30,000	
South East Metro BEC (Welshpool)	\$9,750	
Stirling BEC (Balcatta)	\$25,000	
Subiaco BEC	\$10,000	
Swan Region BEC (Midland)	\$18,822	\$2,500
<b>Total Metropolitan Perth</b>	<b>\$220,572</b>	<b>\$4,000</b>
Total Regional LGA Contribution to BECs	\$199,785	\$124,229

### **Joondalup Business Association (JBA) and the North West Metro BEC**

The Joondalup Business Association (JBA) is and continues to be the sponsoring organisation for the North West Metro Business Enterprise Centre (BEC). As an incorporated body (A1006411U), the JBA has 240 members who are situated within or operate business activities within the North West Metropolitan region.

The North West Metro Business Enterprise Centre, unlike the other BECs in Western Australia is a service managed by the Joondalup Business Association (JBA) as the legal entity under a three-year sponsor agreement (2001/02 to 2003/04) with the Small Business Development Corporation. Similarly, the JBA has a current three-year service agreement (2001/02 to 2003/04) with the City of Joondalup in the provision of BEC Services for small businesses in the North Metropolitan region of Perth.

Table 3 below outlines key performance indicators published by the SBDC on the North West Metropolitan Business Enterprise Centre for the last three financial years.

<b>Table 3: Key North West Metro BEC Performance Statistics 2000/01 to 2002/03</b>						
	<b>New Clients</b>	<b>Casual Enquiries</b>	<b>Client Assists</b>	<b>New Business Starts</b>	<b>Part-Time Jobs</b>	<b>Full-Time Jobs</b>
2000/01	427	1,835	673	148	40	82
2001/02	329	3,320	803	121	30	62
2002/03	364	2,782	420	182	175	312

The service agreement between the City of Joondalup and the JBA for the provision of BEC services to small business extends to a range of other partnerships in support of small business. Table 4 below itemises the key grant, donation and sponsorship arrangements that the City has entered into with the Joondalup Business Association over the previous three financial years. The City of Joondalup is also a financial member of the Joondalup Business Association.

<b>Table 4</b>	<b>City of Joondalup Grants, Donation &amp; Sponsorship to the Joondalup Business Association (2000/01 to 2002/03)</b>	<b>Amount (GST Inclusive)</b>
Jul-00	City's Membership Renewal of JBA	\$192.50
Jul-00	Grant Service Agreement with North West Metro Business Enterprise Centre.	\$27,500
Aug-00	Small Business Awards sponsorship	\$2,200
Apr-01	Funding Grant Scheme (for Business Survey)	\$35,420
Jun-01	Advertising Community Directory \$16,000 – & Membership renewal 01/02 \$192.50	\$16,193
	Direct payment to Printer for Joondalup Business Directory (to Market Creations)	\$32,000
	Other Miscellaneous Payments	\$192
	<b>Total for 2000/01</b>	<b>\$113,698</b>
Jul-01	Advertising for Community Vision (in JBA Business Directory)	\$1,650
Aug-01	Advertising in Joondalup Business and Community Directory \$17,600 – GST Adjustment \$1,600	\$19,200
Nov-01	Business Awards sponsorship 2002	\$2,500
Mar-02	<i>BEC Service Agreement First Payment</i>	<i>\$55,000</i>
	Direct payment to Printer for Joondalup Business Directory (to Market Creations)	\$32,000
	Other Miscellaneous Payments	\$445
	<b>Total for 2001/02</b>	<b>\$110,795</b>
Aug-02	Business Awards sponsorship 2003	\$2,750
Oct-02	JBA Golf Day Registration Fees	\$370
Oct-02	JBA Golf Day Sponsorship	\$150

Mar-03	<i>BEC Service Agreement Second Payment</i>	\$55,000
Oct-03	Joondalup Business Community Directory	\$35,200
Aug-03	Joondalup Business Community Directory Advertising	\$8,338
	Sponsorship of JBA Business Networking Event	\$2,800
	Other Miscellaneous Payments	\$2,985
	<b>Total for 2002/03</b>	<b>\$107,593</b>

### **The Business Enterprise Centre Project (2004/05 to 2006/07)**

The funding for the third and final payment for BEC services has just concluded and it is proposed that a new service agreement be negotiated with the Joondalup Business Association for BEC Services for 2004/05 to 2006/07. The proposed Business Enterprise Centre Project has the following objectives:

- 1 To maximise the creation of employment opportunities by facilitating the establishment of new business start ups within the North West Metropolitan Region.
- 2 To encourage and facilitate the development and broadening of the economic base within the North West Metropolitan Region.

The strategies that would be implemented to achieve the above objectives are as follows:

- 1 Provide facilitation resources and guidance for prospective new businesses proprietors in marketing, business planning, finance, market research, trade information, regulations, licensing and a full range of business improvement services.
- 2 Support new business starters with a range of practical resources and facilities including seminars, library facilities, computer facilities, provision of Small Business Smart Business Training Vouchers and referral to appropriate professional services.
- 3 To facilitate and coordinate the conduct of training and development courses, seminars and workshops for small business in the region.
- 4 To facilitate and administer the Small Business Mentoring Scheme in the region.

The outcomes expected for the Business Enterprise Centre Project include increased economic activity generated through the development of new businesses and the creation of new employment as the result of newly established and expanding enterprises.

Key performance indicators proposed for the project include the number of:

- 1 New clients
- 2 New business start-ups
- 3 Full-time & casual jobs created

4 Casual enquiries

5 Client assists.

The estimated annual cost of the Business Enterprise Centre project is \$160,200 with a requested contribution of \$55,000 per annum from the City. The total annual budget schedule for the project is as follows:

<b>Table 5: Proposed Annual Budget for BEC Project</b>	<b>SBDC</b>	<b>JBA</b>	<b>COJ</b>	<b>Generated Revenue</b>	<b>TOTAL</b>
Facilitator and administrative Office for approximately 3,000 contacts.	\$54,600		\$45,000		\$99,600
Direct Operating Expenses	\$5,000		\$5,000	\$8,000	\$18,600
Occupancy Costs	\$4,400	\$13,000	\$3,000	\$16,000	\$36,400
Vehicle Costs			\$2,000	\$3,600	\$5,600
<b>TOTAL</b>	<b>\$64,000</b>	<b>\$13,000</b>	<b>\$55,000</b>	<b>\$28,200</b>	<b>\$160,200</b>

#### **Statutory Provision:**

Section 2.5 of the Local Government Act 1995 is the statutory basis on which the City is created as a body corporate and Section 2.5 (3) stipulates that:

*“(3) The local government has the legal capacity of a natural person.”*

#### **Consultation:**

Discussion has taken place between staff of the City, Board and staff members of the Joondalup Business Association/North Metro BEC on the proposal. The BEC Committee of Management is keen to secure future funding in order to maintain current service levels.

#### **Policy Implications:**

A service agreement is a contractual agreement between two partners which defines the funding and other arrangements which shall be provided in return for the provision of specific services within a stated timeframe.

The City does not have a specific policy on this proposed Service Agreement arrangement with the Joondalup Business Association. By way of illustration, the City does have a number of other such service agreements with other not-for-profit associations. These include:

- The provision, by Surf Life Saving WA of midweek beach lifeguard patrol services totalling 2,235 hours between 1 December 2003 and Friday 5 March 2004 at the cost of \$57,000; and
- The management of the Warwick Community Centre by the Warwick Church of Christ to the value of \$45,000 per annum.

**Financial Implications:**

This proposal has no impact on the current City of Joondalup budgetary process nor the upcoming mid-year budget review. This item pertains to the City's budgetary commitment in the coming three financial years beginning 2004/05 to 2006/07.

**COMMENT**

- 1 The proposed service agreement between the City of Joondalup and the Joondalup Business Association is consistent with and supports the City's Strategic Plan 2002-08. Small business is the largest source of current and future employment growth in a region that still experience a low level of employment self-sufficiency.
- 2 A partnership between the City of Joondalup and the SBDC in support of a common resource in the North West Metro BEC represents a value-for-money investment in support of both additional business development and local employment in Joondalup.
- 3 It is also recommended that the 2004/05 to 2006/07 agreement be structured in a manner consistent with the Sponsorship Agreement between the Small Business Development Corporation (SBDC) and each of the Business Enterprise Centres in Western Australia.
- 4 Key features of this SBDC sponsor agreement include the submission of an audited report that pertains to BEC activities, including the auditing of the methods by which client and performance statistics are collected and recorded.
- 5 In the case of the North Metropolitan Business Enterprise Centre, an audited statement of BEC activities that are separate from audited Joondalup Business Association (JBA) financial statements should also comprise key elements of the 2004/05 to 2006/07 Service Agreements.
- 6 The adopting a set of financial and reporting standards already established by the SBDC (including a network of other Metro Perth BECs for relative comparison) represents further value-for-money in terms of its support for small business and employment growth by not having to duplicate another similar service from the 'ground up'.
- 7 Finally, as the North West Metropolitan Region of Perth comprises an area extending beyond the boundaries of the City of Joondalup, it is also recommended that the North Metropolitan Business Enterprise Centre:
  - Disaggregate its key performance indicators to display the number of clients that it services that are from the City of Joondalup;
  - 
  - Provides these additional indicators on a quarterly basis.

**ATTACHMENTS - *Appendix 4 refers (See Appendices at rear of agenda)***

Attachment A            Submission from the Joondalup Business Association.

## VOTING REQUIREMENTS

Simple Majority

## RECOMMENDATION

**That the Joint Commissioners:**

- 1 CONSIDER the provision of a grant of \$55,000 per annum for financial years 2004/05 to 2006/07 to the Joondalup Business Association (JBA) in their provision of services to regional businesses under the Business Enterprise Centre (BEC) Project;**
- 2 AGREE the key performance indicators be developed and reported for the project that encompass but are not limited to the following:**
  - (a) New clients**
  - (b) New business start-ups**
  - (c) Full-time & casual jobs created;**
  - (d) Casual enquiries**
  - (e) Client assists;**
- 3 AUTHORISE that the key performance indicators outlined in 2 above be provided on a quarterly basis that provides number of clients serviced that are based:**
  - (a) Within the City of Joondalup**
  - (b) Within the City of Wanneroo**
  - (c) Elsewhere in Metropolitan Perth or Western Australia;**
- 4 AGREE that an additional condition for the 2004/05 to 2006/07 Service Agreement with the JBA for the provision of BEC services include the submitting of an audited statement of BEC activities that are separate from audited Joondalup Business Association (JBA) financial statements;**
- 5 LIST for consideration for 2004/05, 2005/06 and 2006/07 budget proposals for funding the Joondalup Business Association (JBA) for an amount totalling \$55,000 per annum indexed to the prevailing Consumer Price Index (CPI);**
- 6 AUTHORISE the signing of a Service Agreement between the City of Joondalup and the North West Metro Business Enterprise Centre for a period of three years commencing in the financial year 2004/05.**

*Appendix 4 refers*

*To access this attachment on electronic document, click here:* [attach4brf100204.pdf](#)

## **CJ009 - 02/04 PROPOSAL TO UNDERTAKE COMMUNITY CONSULTATION ON THE EXTENSION OF OCEAN REEF ROAD – [07131] [02154]**

**WARD** - Marina

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### **PURPOSE**

To recommend a community consultation process with an estimate of the associated costs with respect to the proposed extension of Ocean Reef Road project.

### **EXECUTIVE SUMMARY**

At its meeting of 11 November 2003 Council, rescinded its previous resolution to fast track the construction of the final section of Ocean reef Road and resolved that the extension of the Road shall be deferred until further consultation is undertaken with the community. This resolution was made in response to concerns about the perceived lack of community consultation raised by the Ocean Reef Coastal Stakeholders Group.

The resolution to consult explicitly requires the consultation process be driven by a working party involving the Ocean Reef Coastal Stakeholders group. The process proposed in this report is based on best practice principles of consultation, using the Consulting Citizens Guidelines developed by the State Government and has incorporated information gathered by the working party.

The process will explore existing levels of community understanding and awareness of the issue, provide further opportunities for raising community awareness and for information sharing between all those affected by the likely outcome. It is anticipated that the process, which uses scenario-planning workshops, will result in informed community consultation and an outcome that is acceptable to all parties.

The consultation process recommended has been developed following extensive discussions with the Ocean Reef Coastal Stakeholders (ORCS) and the Ocean Reef Action Group (ORAG), two key stakeholder groups that have emerged concerning the issue. ORCS reports that it comprises 200 people living in close proximity to the proposed road and surrounding areas. Representatives of the ORAG advise the City that their members live on the roads currently taking the traffic that would use the proposed road. ORAG membership numbers have not been reported at this stage, but representatives have indicated that their supporters are numerous.

*The report recommends that the Joint Commissioners:*

- 1 ENDORSE the use of multi-methods for consultation on the proposed extension to Ocean Reef Road which include:*

#### *PHASE A*

- Focus Groups*
- Community Information session*

*PHASE B (if required)*

- *Community workshops*
- *Self-reporting undertaken by the City's administration.*

- 2 *APPROVE a budget allocation of \$14,000 for Phase A*
- 3 *DIRECT that a further report be presented to Council at the conclusion of Phase A*
- 4 *NOTE the budget allocations made in 2003/2004 Half Year Budget Review, of \$50,000 for Consultation and \$15,000 for a traffic study.*

## **BACKGROUND**

During the course of 2003, Council requested officers to produce a report that would provide a way to fast track the final section of Ocean Reef Road to be constructed. Prior to this direction there had been no plans or budget set aside in Council's five year capital works program to undertake this work. Funding would be required to undertake such a project and to this end Council Officers negotiated a solution by way of transferring obligations with the developers.

In September 2003, Council considered a report (CJ218-09/03 refers) on the proposed extension of Ocean Reef Road and resolved to: -

- 1 *AGREE in principle to the City and the subdivision land owners being the Roman Catholic Archbishop of Perth, together with Davidson Pty Ltd, transferring their respective road construction obligations for Ocean Reef Road and Burns Beach Road, subject to an agreement being drawn up to the satisfaction of the Chief Executive Officer and the respective subdivision land owners;*
- 2 *AUTHORISE the contribution of \$140,216.57 to the subdivision land owners being the Roman Catholic Archbishop of Perth, together with Davidson Pty Ltd to fulfil the road construction transfer obligations for Ocean Reef Road."*

A deputation from the Ocean Reef Coastal Stakeholders Group was received at the briefing session of Council on 4 November 2003. The deputation raised concerns over the lack of community consultation on the proposal negotiated between Council and the Developer over Ocean Reef Road. The negotiations related to the transfer of obligations in order to enable the immediate completion of the final section of Ocean Reef Road joining Hodges Drive to Shenton Avenue to be completed.

The Ocean Reef Coastal Stakeholders Group, formed as a direct consequence of the road proposal, expressed the view that many local residents wanted to be engaged in a participative process in order to enable the community to understand all issues and assess all the alternatives for this section of road development. They raised a number of concerns in relation to public safety and amenity and they indicated that they were representative of the Ocean Reef Community.



In response to these concerns Council, at its meeting of 11 November 2003, rescinded the previous resolution and resolved: -

- 1 *That the further extension of Ocean Reef Road be DEFERRED pending further community consultation with Ocean Reef residents;*
- 2 *That for the purposes of giving effect to the further community consultation provided for in paragraph 1 hereof:*
  - 2.1 *A Community Consultation Working Party shall be established comprising of the Marina Ward Councillors, plus one (1) North Coastal Ward Councillor and one (1) Whitfords Ward Councillor, a suitable Council Officer and a least five representatives from the Ocean Reef Coastal Stakeholders Group;*
  - 2.2. *The Council and the Community Consultation Working Party shall initiate a public consultation period of not less than 60 days and use a 'best practice' model of stakeholder consultation and management agreed upon by the said Working Party eg. The Charettes model being the recommended approach by the W.A. Department of Premier and Cabinet;*
  - 2.3. *The Council shall consult with a range of public sector authorities and other organisations in order to seek important information to assist in the decision-making in this matter eg. Dept. Main Roads;*
  - 2.4. *That the Working Party prepares a report and recommendations to Council at the conclusion of the Community consultation process;*
  - 2.5. *That at the completion of the community consultation process, Council's decision have due regard to the recommendations in the said report from the Community Consultation conducted as aforesaid."*

Following the adoption of this rescission motion, an officer was requested to convene meetings of the Working Party (referred to in 2.1 of the motion) and to collect all relevant information in relation to the issue. The Working Party was not officially convened due to the suspension of the Council, however discussions with the Council officer and community were undertaken.

### **Overview of stakeholders within the Ocean Reef Community**

#### **a) Ocean Reef Coastal Stakeholders Group**

During the month of November and December 2003 the Manager Strategic and Sustainable Development was instructed to facilitate information gathering and sharing sessions with three representatives from the Ocean Reef Coastal Stakeholders Group in accordance with the resolution of Council. ORCS reports that it comprises 200 people living in close proximity to the proposed road and surrounding areas. These meetings were held over three consecutive weeks.

In summary the information gathered from these meeting include:

- A detailed listing of all the issues identified by the Ocean Reef Coastal Stakeholders Group as needing consideration within the framework of the consultative process.
- A set of guiding principles that the Ocean Reef Coastal Stakeholders Group viewed as critical to the consultative process.
- Ensure objectivity to the process – by appointment of an expert independent facilitator.
- A listing of the desirable skills and qualities that the Ocean Reef Coastal Stakeholders Group believe any appointed facilitator to the consultative process should demonstrate prior to any appointment being made.
- A listing of all stakeholders considered critical to the consultative process
- An overview of the components required to make an effective consultative process

The recommendations of this report incorporate the information gathered from these meetings.

#### **b) Ocean Reef Action Group**

During the course of the information gathering stage the Manager Strategic and Sustainable Development received an invitation to attend a session with the Ocean Reef Action Group, another community group with an interest in the Ocean Reef Road extension. This group was also formed as a consequence of the Ocean Reef Road extension proposal. Representatives of ORAG advise the City that their members live on the roads currently taking the traffic that would use the proposed road. ORAG membership numbers have not been reported at this stage, but representatives have indicated that their supporters are numerous. The Manager attended an evening session with the group on 2 December 2003 and was presented with a submission from the group.

In summary the Ocean Reef Action Group have expressed an alternative view to that of the Ocean Reef Stakeholders Group and have made their case for the immediate implementation of the proposed road extension in accordance with Council's objectives, plans and budgets.

#### **c) General**

Council Officers have received many calls from individuals expressing views in opposition and support of the road proposal. Council officers do not know whether these individuals are associated with the Ocean Reef Action Group or the Ocean Reef Stakeholders Group.

It has not been ascertained exactly how many people support the two stakeholder groups, however it has been indicated that up to 200 people are members of the Ocean Reef Coastal Stakeholders Group.

### **DETAILS**

A proposed consultation methodology has been developed taking into account Council's resolution and the information gathered by the working group. The methodology references the State Governments Consulting Citizens guides– "Planning for Success" best practice

guidelines. The guides were developed by the Citizens and Civic Unit of the Department of Premier and Cabinet and have recently been incorporated into the State Sustainability Strategy whereby it is recommended that all agencies of government adopt the guidelines. The guides emphasize that a key step in any consultation process is the risk assessment.

### **Risk Assessment**

The step involves considering the level of risk of creating community outrage through the use of inappropriate consultation processes. Using inappropriate methods undermines the consultation process and can generate greater outrage in the community.

According to the State's guidelines, high risk is indicated where there is potential for negative social and environmental impacts. The submissions received from the various stakeholder groups indicate negative aspects will arise if the road is built and also if the road is not built or delayed. Evidence to date indicates the Ocean Reef Community is polarized on this issue and thus the consultative process must involve the local community by providing opportunities for them to discuss what is likely to be a complex, value laden issue and by ensuring that any information provided to assist them in those discussions is clear, unbiased and helpful to them.

Given the background to this issue it is necessary to ensure objectivity to the process in order to ensure Community's perception of value is not compromised. To this end an independent expert facilitator will be appointed to design and facilitate the process, in partnership with Council Officers to allow for transfers of learning.

### **Purpose and scope of consultation**

The first step in the process is the identification of the purpose and scope of the consultation to be undertaken.

The purpose of the Ocean Reef Road consultative process is:

- To ensure the City responds to and communicates with the community through providing effective and clear community consultation, providing accessible information and fair and transparent decision-making processes;
- To provide an opportunity to fully explore all the options and alternatives to this significant Council project to ensure the best outcome is achieved for all parties involved.

The Council resolution explicitly enables the community to explore all possible scenarios regarding the road development issue. The consultation process will elicit and enable responses to key questions that need to be answered. It is likely that the design of the process, which the expert facilitator will advise upon, will provide answers to question which may include:

- Should the road go through?
- If the response is yes then the following questions need to be explored:

- What standard are you prepared to accept, i.e., full standard in 5 to 10 year timeframe?
  - Rural standard in the short term?
  - A phased in approach with rural standard constructed in the short term, with the full standard being completed in the medium to long term (5 to 10 years)?
- If the response is no then what are the alternative options for the area?

The scope of consultation will extend to all ratepayers of the City of Joondalup given their direct financial interest in how the City spends its money, and will have a primary focus area consisting of Ocean Reef residents and adjoining suburbs. Other key stakeholders as identified will be within scope. The stakeholders that have been identified during the information gathering phase, viewed by community as important to the process, are listed as follows:

#### Primary Stakeholders:

- Ocean Reef Coastal Stakeholders Group
- Ocean Reef Action group
- Residents – adjoining the proposed road
- Residents along routes to proposed road (Resolute Way)
- Residents of Ocean Reef in general
- Local business owners of Ocean Reef
- Schools
- Church Groups
- Sporting Groups

#### Other Stakeholders:

- Residents in adjoining suburbs (Iluka, Kallaroo, Burns Beach)
- All other Ratepayers of City of Joondalup (including those unaware)
- Users of the Area

#### Government:

- Local Government – City of Joondalup
- Main Road Dept
- CALM
- Department of Planning and Infrastructure
- WA Planning Commission
- Public Transport Authority
- Department of Environmental Protection (Bush Forever)
- Environmental Protection Authority
- Police and Emergency Services

#### Community Groups:

- Coast Care
- Friends Groups

## **The Proposed Consultation Process**

It is proposed that the process be divided into two distinct phases. Phase A will consist of qualitative research that will enable the City to gauge the level of participation that is likely to be required in order to proceed with Phase B.

### **PHASE A:**

#### **1 Explore Community Perceptions**

The second step is to determine what the target audience – the community – understands about the issue, in this case the impact of the extension to Ocean Reef Road.

This first component to the consultative process will involve qualitative research using two focus groups made up of people mirroring the demographics of the City's current population. One group will be formed from the total Joondalup population and the other from the residents of Ocean Reef and adjoining suburbs. Analysis of the data provided by the focus groups will inform the process as to the level of understanding and awareness of the issue and provide for targeted education of the wider community on the matter.

The second component of the process is to gather relevant views of other key stakeholders. It will be important at this stage for key stakeholders such as government agencies and community organisations to be contacted by Council officers to gauge their level of awareness and interest and also their level of preparedness to become involved in this process.

On completion of the focus group work and gathering other stakeholder views, useful and pertinent information can then be disseminated in order to empower community to fully understand the pros and cons of any decision they may reach.

#### **2 Inform and Educate Community**

Once information on the level of awareness to this matter has been established it is necessary to provide information to community so that the level of awareness is raised and all stakeholders will have the same information. Community presentations will provide a forum for the community to present their views as well as other key stakeholders such as government agencies who can provide technical knowledge in relation to matters such as environmental, safety and lifestyle impacts.

It is estimated that two community information sessions may be required and should be scheduled at times convenient to community. Those parties wishing to give their presentations will be invited formally to do so. The City will also seek comment from Government and community group stakeholders particularly where gaps in information were identified through the focus group process. At this point we are unaware of the numbers of community members who wish to be informed and should numbers be low, then one community session may only be required.

### **3 Report Back to Council**

Following the completion of the focus group work and the community information session a report will be prepared to Council advising them of the findings and making further recommendation in relation to phase B of the process.

#### **PHASE B:**

##### **1 Community Workshops – Exploring All Alternatives**

The next step in the process is to bring all the stakeholders together who have taken on board a consistent level of information to determine what are all the other alternatives or possibilities there may be for the Ocean Reef Road issue that may not yet have been considered during the awareness raising phase of the process.

This stage of dialogue may require up to two community workshops of up to three hours that enable community to create many alternatives for the project through a creative thinking process that will consider all factors and take on board all peoples views and formulate as many design alternatives for this stretch of road as can be imagined. It is also worth considering that some people's views will be for a no road option and this view will also be fairly considered at this stage of the process.

##### **2 Community Workshops - Scenario Planning**

The next stage of the process will be to review all the alternatives and options created from the design stage and to develop scenarios around each option that clearly identifies the pros and cons of each scenario. This phase of consultation enables community to determine which of their created alternatives has feasibility and through this process will eliminate many of the options so that only a few preferred options evolve. This may also require up to two workshops of 3 hours duration.

##### **3 Community Recommendation**

Upon determining a few preferred options for Ocean Reef Road the next stage will be to for community to come to final agreement on one preferred option. In order to achieve this outcome it is proposed that the City will embark on an extensive promotional campaign to ensure broader community are aware of the preferred options and have reasonable time to provide their comments and choice for one option.

The City has the capability to undertake self-reporting via opinion polling for this stage of the process. The City can utilise its online voting facility through its website. Polling for the preferred option can also occur through voting forms distributed via newspaper advertisements and also through the City's customer service outlets including our libraries, Leisure centres and Customer Service centres. Displays will be developed and serviced in all our key shopping centres in order to collect the maximum number of views for final determination of the preferred option.

All submissions would be checked against the City's rates database ratepayers property or the electoral role and any duplications of submission or non enrolled persons will not be accepted in the final analysis thus ensuring a one say per person system prevails.

## PROJECT IMPLEMENTATION PLAN

Costs associated with the completion of this work are indicative and detailed in the table below:

Process steps	Details and Cost Component	Expected completion dates and Responsibility
Council Approval gained for Consultation process	Council report finalised	17 February 2004 Council Officer
Council Officer engages external facilitator	Brief prepared and distributed Facilitator appointed	28 February 2004 Council Officer

### Phase A

<b>Explore Community Perceptions</b> Conduct qualitative research into community perceptions on the road development issue	<b>Focus Group Research</b> 2 focus groups of property owners including recruitment, gratuity, report and presentation to Council @\$3500 per group  Cost at \$7,000	31 March 2004  Facilitator
<b>Other stakeholder perceptions</b>	Gather views from Government agencies and key community groups in-house	31 March 2004  Council Officers
<b>Inform and Educate</b>	<b>Presentation sessions to community from stakeholders.</b>  Two sessions with community to present findings of in-depth interviews and to give presentation from key stakeholders where major knowledge gaps have been identified.  Presentations from resident stakeholder groups to provide opportunity to present their views to the broader public.	30 April 2004  Facilitator and Council

	Advertising/Publicity - \$4000 Venue Hire set up \$2000 Presenters costs \$1000 Cost at \$7,000	Officer
<b>Report to Council</b>	To report back to Council the findings from the explore educate and inform phase and to provide recommendation in relation to phase b	31 May 2004  Council Officer

### Phase B (Dependent on Outcomes of Phase A)

Consultation Options	<b>A</b>	Design community workshops to explore and create all possible alternatives for the road issue: -  Two community workshops Advertising Venue hire and set up Facilitation  Cost \$10,000	15 May 2004  Facilitator and Council Officer
	<b>B</b>	Scenario Planning and analysis of options Two workshops Venue hire Facilitation  Cost at \$7,000	31 May 2004  Facilitator and Council Officer
	<b>C</b>	Self-report – opinion polling Staff time in developing questions to be put to target audience ----- Staff time in creating online facility for responses ----- Staff time in processing results and providing final analysis Advertising and Promotion  Cost \$14,000	30 June 2004  Council Officer
Project Completion		Report to Council	July 2004
<b>Phase A</b>		\$14,000	
<b>Phase B (if required)</b>		\$31,000	
<b>Total Estimated Budget</b>		<b>\$45,000</b>	



## **Financial Implications**

It should be noted that in December 2003 a proposed budget of \$50,000 was listed for consideration in the 2003/2004 half year budget review, along with another \$15,000 to conduct a traffic study.

This report offers a revised budge proposal, but it should be noted that the final costings will still largely depend on the findings from Phase A of the process: At this point it is anticipated that the process outlined will cost as follows:

Phase A - \$14,000

Phase B - \$31,000

Total Estimated Cost if all phases and processes are undertaken is \$45,000

## **COMMENT**

The Ocean Reef Road extension has been the subject of a number of Council motions and rescission motions. There is significant community interest about the issue and a degree of polarisation between the two main stakeholder groups, the Ocean Reef Stakeholders Group and the Ocean Reef Action Group.

In order for Council to reach an informed decision on the proposed extension of Ocean Reef Road effective community consultation is necessary. The consultation process recommended in this report has been developed following extensive discussions with the Ocean Reef Stakeholders Group and the Ocean Reef Action Group and presents Council with the opportunity to engage with the community in order to make a final determination.

All information gathered during the consultation process will be presented to Council for a final decision on the Ocean Reef Road extension.

## **ATTACHMENTS**

Nil

## **VOTING REQUIREMENTS**

Simple Majority

**RECOMMENDATION**

**That the Joint Commissioners:**

- 1 ENDORSE the use of multi-methods for consultation on the proposed extension to Ocean Reef Road which include:**

**PHASE A**

- Focus Groups**
- Community Information session**

**PHASE B (if required)**

- Community workshops**
- Self-reporting undertaken by the City's administration;**

- 2 APPROVE a budget allocation of \$14,000 for Phase A;**
- 3 DIRECT that a further report be presented to Council at the conclusion of Phase A;**
- 4 NOTE the budget allocations made in 2003/2004 Half Year Budget Review, of \$50,000 for Consultation and \$15,000 for a traffic study.**

## **CJ010 - 02/04      DRAFT COMMUNITY CONSULTATION POLICY & GUIDELINES – [75521]**

**WARD - All**

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### **PURPOSE**

To provide Council with details of feedback received on the City's draft Community Consultation Policy 2.6.3 and the associated guidelines developed to support this draft Policy.

### **EXECUTIVE SUMMARY**

The Community Consultation Guidelines project was undertaken in response to questions raised during public question time on 13 November 2001, concerning the matter of community consultation (Item CJ033 – 02/02 refers). The City's community, staff and elected members were involved in the process undertaken to develop community consultation guidelines through workshops and surveys.

Draft Community Consultation Guidelines were presented to Senior Management on 13 September 2002 at which officers from the Strategic & Corporate Planning Unit were directed to further develop the Guidelines in conjunction with other Business Units. Following this, it was decided that the City's existing Public Participation Policy 2.6.3 that was issued in July 1999, would be reviewed and this resulted in the production of a draft Community Consultation Policy.

When the draft Policy and associated Guidelines were presented at the Council meeting on 29 April 2003 for endorsement, Council decided to defer consideration until the May 2003 elections (Item CJ077 - 04/03 refers).

After the elections, Council endorsed the recommendation of the newly established Policy Manual Review Committee that any decision would be deferred until Dr Christina Gillgren from the Office of the Premier and Cabinet had made a presentation to the Committee on the State Government's "*Consulting Citizens*" series (Attachment 2 to Report CJ213-09/03 refers).

Public comments were invited on the City's draft Community Consultation Policy and associated guidelines as per Council decision made in June 2002 ((C79-06/02 refers). The majority of respondents were of the view that the Public Participation Policy 2.6.3 should not be replaced by the draft Community Consultation Policy, and believed that the City should adopt the "*Consulting Citizens*" series published by the Department of the Premier and Cabinet.

*It is recommended that the Joint Commissioners:*

- 1      RETAIN the current Public Participation Policy 2.6.3; and*
- 2      ADOPT the WA State Government's "Consulting Citizens" series as the City of Joondalup's guidelines for consulting with the community.*

## BACKGROUND

The Community Consultation Guidelines project was undertaken in response to questions raised during public question time on 13 November 2001, concerning the matter of community consultation and a subsequent resolution made on 12 February 2002 that Council:

*“Establishes a comprehensive community consultation process for any future community precinct planning for any suburb in the City of Joondalup before releasing any precinct action plan papers.”*

(Item CJ033 – 02/02 refers.)

The City’s community, staff and elected members were involved in the process of developing community consultation guidelines through participation in workshops, online discussion and online surveys, which were undertaken in May and June 2002.

On 13 September 2002, draft Community Consultation Guidelines were presented through a workshop to Senior Management where it was decided that more work on the Guidelines was required.

Officers from the Strategic & Corporate Planning Unit undertook further development of the Guidelines in conjunction with other Business Units. It was also decided that the City’s existing Public Participation Policy 2.6.3 that was issued in July 1999 (CJ213-06/99 refers), would be reviewed and this resulted in the production of a draft Community Consultation Policy. On 29 April 2003, both the draft Community Consultation policy and associated guidelines were presented to seek Council endorsement as part of the overall review of the Corporate Policy Manual. It was resolved that:

*“Council DEFERS consideration of the review until after the May 2003 elections.”*

(Item CJ077 - 04/03 refers).

Following the May elections, on 29 July 2003 a Policy Manual Review Committee of Council was established to *“review the City’s corporate policy manual and make recommendations to the Council on amendments to existing policies or the adoption of new policies.”*

At its meeting of 30 September 2003 Council endorsed this Committee’s recommendation that Council defers consideration of:

*“Policy 2.6.3 Public Participation and the adoption of a replacement Policy 2.6.3 – Community Consultation pending the presentation to the Policy Manual Review Committee by Dr Christina Gillgren, Director Citizens and Civics Unit at the Office of the Premier and Cabinet.”*

(Attachment 2 to Report CJ213-09/03 refers).

### Strategic Plan:

#### *Strategies:*

*4.3.1 – Provide effective and clear community consultation*

*4.3.2 - Provide accessible community information*

*4.3.3 Provide fair and transparent decision-making processes*

## DETAILS

To ensure that the community, staff and elected members were involved in the development of community consultation guidelines, the following process was used:

DATE	DETAIL
7 & 14 May 2002	Advertise opportunities for the community to participate in workshops, online discussion, online survey and/or City's survey hotline.
29 May 2002	Conduct workshop at Joondalup Resort.
June 2002	Evaluate all feedback received.
3 July 2002	Conduct first workshop to provide feedback on the results, and develop models for community consultation.
13 August 2002	Conduct second workshop to provide feedback on the results, and develop models for community consultation.
13 September 2002	Draft Guidelines presented to Senior Management. Senior Management directs that further development is required.
September 2002 to February 2003	Review Public Participation Policy 2.6.3 results in production of new draft Community Consultation Policy & associated Guidelines.
29 April 2003	Seek Council endorsement of draft Community Consultation Policy & Guidelines as part of overall review of the Corporate Policy Manual. Council defers consideration until after the May 2003 elections (CJ077 - 04/03 refers).
July 2003	Decision to invite comments on draft Policy & Guidelines
12 August 2003	Advertise draft Community Consultation Policy & Guidelines available, for a period of sixty days, to provide opportunities for feedback.
18 September 2003	Council defers consideration of the adoption the draft Community Consultation Policy pending the presentation to the Policy Manual Review Committee by Dr Christina Gillgren, Director Citizens and Civics Unit at the Office of the Premier and Cabinet (Item CJ213-09/03 refers).
13 October 2003	Period for comment closes.
14 October 2003 to 4 November 2003	Evaluate all feedback received.
17 December 2003	Report to Council deferred until February 2004.

### Consultation:

At the meeting on 11 June 2002 Council carried a motion that once the guidelines had been developed, there would be further opportunity for public feedback (C79-06/02 refers). Accordingly, in August 2003, the draft Consultation Policy and associated Guidelines were made available for a period of sixty to enable the public to provide feedback.

### Policy Implications:

If Council accepts the recommendation that the Public Participation Policy 2.6.3 be retained there is a requirement under this policy that the City develop a Public Participation Strategy, and work on the strategy development will be a priority action. Upon completion the strategy will be referred to Council for endorsement.

**Financial Implications:**

Business units will be required to incorporate community consultation into their business plans and budgets.

**COMMENT**

The draft Community Consultation Policy and guidelines were made available for a period of sixty days (from 12 August 2003 – 13 October 2003) for people to make submissions.

The majority of respondents were of the view that the Public Participation Policy 2.6.3 should not be replaced by the draft Community Consultation Policy, and believed that the City should adopt “*Consulting Citizens*” series published by the Department of the Premier and Cabinet as its guide for community consultation.

The WA State Sustainability Strategy encourages all sectors of government to make use of the “*Consulting Citizens*” series to promote effective public consultation and active citizenship. The guides focus on best practice in risk management in public participation. Dr Christina Gillgren from the Citizens and Civics Unit, Office of the Premier and Cabinet, has overseen development of these guides. On 18 November 2003, Dr Gillgren made a presentation at the Strategy Session of Council outlining the benefits of consultation. She also provided details on how the “*Consulting Citizens*” series could be used for effective community consultation.

Notwithstanding the impetus for community consultation now being placed upon Local Government authorities through the Local Government Act and more recently the State Sustainability Strategy it should be noted that the City of Joondalup has actively consulted the community on a range of issues in the past.

Examples of consultative practices include:

- For public access way closures and in relation to community interest proposals the City will seek the views of a wider audience, through writing to persons within a suitable radius (subjectively defined). For example, the City has written to 800 people regarding the Kallaroo phone tower proposal, and sought a similar amount of feedback on Sorrento redevelopment and other such proposals. The City also seeks comment by newspaper advertising for this order of proposals.
- Where regulations change, the City has started to inform the community as to the impacts of changes and budget for that resourcing effort. For example in the draft 04-05 budget the City’s is anticipating a re-education campaign for pool owners (related to new rules for late 05-06), which will involve dialogue with our 16,000 pool owners.
- On matters related to health, the City seeks comment where proposals may draw interest. For example the noise management strategy for the area that has been developed requires the City to liaise with nearby landowners by survey and direct dialogue. This exercise in itself generates approximately 3000 invitations to contact the Environmental Health team on an annual basis.

**ATTACHMENTS - *Appendix 5 refers (See Appendices at rear of agenda)***

Attachment A	Current Public Participation Policy 2.6.3
Attachment B	Draft Community Consultation Policy
Attachment C	Analysis of feedback
Attachment D	Consulting Citizens - Planning for Success (Office of the Premier & Cabinet)
Attachment E	Consulting Citizens - A Resource Guide (Office of the Premier & Cabinet)

**VOTING REQUIREMENTS**

Simple Majority

**RECOMMENDATION****That the Joint Commissioners:**

- 1      RETAIN the current Public Participation Policy 2.6.3;**
- 2      ADOPT the WA State Government's "Consulting Citizens" series as the City of Joondalup's guidelines for consulting with the community.**

*Appendix 5 refers*

To access this attachment on electronic document, click here: [attach5brf100204.pdf](#)

**CJ011 - 02/04 PROPOSAL TO UNDERTAKE COMMUNITY CONSULTATION ON THE MERIT OF IMPOSING A MINIMUM PAYMENT FOR THE 2004-2005 FINANCIAL YEAR – [75521]**

**WARD - All**

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**PURPOSE**

To provide Council with a consultation methodology for determining public opinion as to the merits of imposing a minimum payment for 2004-2005. Estimated costings of the consultation methodology are also provided.

**EXECUTIVE SUMMARY**

This report provides Council with a proposed process for undertaking community consultation on the issue of the minimum rate payment. Council resolved on 24 June 2003 to undertake consultation with the community over the next 12 months as to the merits of imposing a minimum payment for the 2004/2005 year.

In order for Council to reach an informed decision on the issue of the minimum payment proposal effective community consultation is necessary. The consultation process recommended in this report has been developed by application of the Consulting Citizens Guidelines and will provide Council with the opportunity to engage fully with community in order to make a final determination

This report recommends that the Joint Commissioners:

- 1 Endorse the use of multi-methods for consultation on minimum payment which include:
  - Focus Groups
  - In depth Interviews
  - Self-reporting undertaken by the City's administration.
- 2 Note a budget allocation of \$34,000 to conduct the consultation has been allocated in the 2003/2004 half year budget review.

**BACKGROUND**

At the Budget Committee meeting held on 12 June 2003 it was recommended that Council:

- 1 *Does not impose a general minimum payment for the 2003/04 year.*
- 2 *Imposes a separate refuse charge for the 2003/04 year.*
- 3 *In accordance with the provisions of Section 6.33 of the Local Government Act 1995 a separate rating group be created for vacant land.*



The Budget Committee recommendations were individually considered by Council at its meeting of 24 June 2003. The decision on recommendation 1 was moved by Cr O'Brien and carried by Council.

At the Council meeting held on 8 July 2003 Cr Mackintosh gave notice of her intention to move the following motion:

*"That Council:*

*Rescinds by an absolute majority its decision of 24 June 2003 by deleting clause 1 as follows:*

- 1 Does not impose a general minimum payment for the 2003/04 year.*
- 2 Agrees to impose a minimum payment for the 2003/04 year."*

This was carried by Council with an amendment by Cr Baker that Council:

- 3 Consults with the community over the next 12 months as to the merits of imposing a minimum payment for the 2004/05 year."*

At the special meeting of Council held on 5 August 2003 to adopt the budget, the issue of minimum payments was again raised resulting in Cr O'Brien moving to delete the minimum payment. His amendment was however lost when put to the vote.

## **DETAILS**

The proposed consultation methodology has been developed with reference to the State Governments Consulting Citizens – Planning for Success guidelines.

### **Purpose and scope of consultation**

The first step in the process is the identification of the purpose and scope of the consultation to be undertaken. Council has requested that the issue of minimum payments be explored through consultation to determine the merit and level of community support for changing the existing distribution of the rate by removing the minimum payment.

The scope of the consultation will impact on all ratepayers financially, however the level of impact will be marginal for the majority of ratepayers and significant to a minority.

### **Target audience**

The second step is to determine what the target audience – the community – understands about the issue; in this case the impact of redistributing the City's rate revenue by removal of the minimum payment.

This process will involve qualitative research using focus groups made up of people mirroring the demographics of the City's current population. Analysis of the data provided by the focus groups will inform the process for educating the wider community on the matter and empower them to fully understand the pros and cons of any decision they may reach.

### **Residential property Owners Focus Groups**

It is proposed that 3 focus groups be conducted to obtain information from a broad cross section of the community, with the composition of groups detailed below.

- 1 Young couples/ singles/ families aged 20-35 years (8-10 participants)
- 2 Established families aged 35-55 years (8-10 participants)
- 3 Retirees and pensioners aged 55 years and over (8-10 participants)

Given the nature of the study, all participants would be required to be residential property owners within the City of Joondalup. All participants will be recruited randomly by telephone and offered a small gratuity payment (usually around \$40) to compensate for time and travel expenses.

Each focus group will run for approximately 1 1/2 hours, and be held in various locations within the community.

The cost of conducting three focus groups including recruitment, gratuity, report and presentation to Council @\$3500 per group would equate to \$10,500.

### **In-depth Interviews with Commercial and Industrial sectors**

Given that the minimum payment is also of specific interest to the commercial and industrial sectors of the community, it is proposed that a series of in-depth interviews be conducted with these groups.

In depth interviews are recommended for the commercial and industrial community (as opposed to focus groups), as they are conducted on a one-on-one, face-to-face basis, allowing for the discussion of more sensitive or commercial information that may not be appropriate to disclose in a group environment.

For this study, a series of ten interviews with the commercial sector and ten interviews with the industrial sector (divided proportionately between those who currently pay the minimum payment and those who don't) is suggested, a total of twenty interviews across the City.

All participants would be recruited at random by telephone and in-depth interviews conducted for approximately one hour at a time and at a place suitable for participants. The cost of the in-depth interviews would be \$11,500.

### **Risk Management**

The third step involves considering the level of risk of creating community outrage with respect to the issue through the use of inappropriate consultation processes. Using inappropriate methods undermines the consultation process and can generate greater outrage in the community.

According to the State's guidelines, high risk is indicated where there is potential for negative social and environmental impacts. The potential for a decision on the minimum payment to have an impact on many ratepayers and in particular our commercial sector indicates a high risk. Given that this is the case, the consultative process must involve the local community by providing opportunities for them to discuss what is likely to be a complex, value laden issue and by ensuring that any information provided to assist them in those discussions is clear, unbiased and helpful to them.

### **Consultation Methodologies**

The fourth step involves the decision on the method of consultation. There are a number of options:

- Community Focus groups
- In depth Interviews with Commercial and Industrial sector
- Self-reporting using online surveys or tear off strips from the local newspaper
- A targeted telephone survey of a representative sample of the City's population
- A referendum

There are pros and cons with all the methods.

### **Focus Groups**

The use of a focus group will not be statistically valid given that the numbers involved are low (usually between 8-10) however it is useful for exploring and identifying issues that can inform the wider consultative process. Focus groups can be a positive experience of engagement with the City and allows for a brainstorming of ideas and issues to be raised. Focus groups will be highly focused and must have clear outcomes.

### **In-depth Interviews**

The use of in-depth interviews for the commercial and industrial sector will ensure that this group's issues are explored and identified. Again the numbers involved are low and hence the results will not be statistically valid however will provide indicative information to the City to ensure we have identified potential issues from this group and can address those issues in the broader consultative process.

### **Self-reporting**

Whilst this method traditionally does not always yield a representative sample of the population, the City's recent levels of success in achieving input from the community have in fact yielded a representative number of responses – over 1000. This has occurred as a result of growing public familiarity with the method of consultation. Further, analysis of the "yes/no" responses will be a straightforward process without the cost of consultancy fees for undertaking the consultation and analysing the results.

### **Targeted telephone surveys**

This method involves the selection and subsequent engagement of market research consultants with the necessary technology to undertake the consultation and analyse the results. Estimated costs of conducting a targeted telephone survey are approximately \$23,000. Though the responses received will be a representative sample, public confidence in this discreet method of consultation is not high at this time.

### **Referendum**

Given the political nature of the matter, a referendum of the local population would be an alternative methodology. It is a very public process, and one that is understood by most people. Whilst this generates opportunities for debate on the matter in the public arena, ultimately, the majority will accept the results as credible. The City has successfully used referenda in the past to resolve politically difficult issues such as rate levies for security services. However, the costs of holding a referendum are extensive and on the last occasion the bill for postage and advertising came to approximately \$95,000. As one third of the cost was attributed to postage at that time, costs could be reduced by providing an online facility for voting.

A referendum can be conducted under the Local Government (Election) Regulations 1997. This legislation allows for the result of the referendum to be binding or non-binding – depending on the decision of the Council at the time.

### **Communication Strategy**

Once the consultation process has been decided, the fifth step is to develop a communication strategy that informs the community on:

- The purpose and scope of the consultation and
- How they can take part in the process
- What their information will be used for – in this case to inform Council's decision on the matter.

The data from the focus groups will provide the best way of articulating the matter to the wider population as a significant proportion of the community will not be aware of the minimum payment or how the change proposed may affect them. This step involves the use of channels for mass communication such as the local press, radio stations, mailouts. The community will need to understand the issue and how they can participate. Estimated costs of advertising are approximately \$10,000.

**FINANCIAL IMPLICATIONS**

Costs associated with the completion of this work are detailed in the table below.

<b>Process steps</b>	<b>Cost Component</b>	<b>Total</b>	
<b>Target audience perceptions</b> Conduct qualitative research into community perceptions regarding minimum payment.	<b>Focus Group Research</b> 3 focus groups of residential property owners including recruitment, gratuity, report and presentation to Council @\$3500 per group	<b>\$10,500 plus GST</b>	
<b>In-depth Interviews</b> Commercial and Industrial sector including recruitment, gratuity and presentation to Council <ul style="list-style-type: none"> <li>- With lists of business at minimum payment supplied by Council</li> <li>- Without lists supplied by Council</li> </ul>		<b>\$11,500 plus GST</b> <b>\$11,800 plus GST</b>	
<b>Consultation options</b>	<b>A</b>	<b>Self-report</b> Staff time in developing questions to be put to target audience (2hrs) Staff time in creating online facility for responses(4 hours) Staff time in processing results and providing final analysis (16 hrs)  Advertising	<b>In kind cost</b> <b>Estimated at \$1200</b>    <b>\$10,000</b>
	<b>B</b>	Telephone Survey Scoping/ Review/ Questionnaire Development/ Liaison	\$2880
		Survey administration and coding	\$9900
		Data analysis and reporting	\$9588
		<b>Total</b>	<b>\$22 368 plus GST</b>
	<b>C</b>	<b>Referendum</b> Postage @\$0.50c per person @100,000 residents.	\$50,000.00
		Advertising in community news	\$10,000.00
		<b>Total</b>	<b>\$60,000.00 plus GST</b>

## **Study Timing**

It is anticipated that the project would take approximately 8-10 weeks to complete, including qualitative research. The project would commence in March 2004 and be completed by May 2004.

## **COMMENT**

For Council to reach an informed decision on the minimum payment proposal, public consultation is necessary. This report has recommended that focus groups, in-depth interviews and a general community survey will yield the necessary information for such a decision to be made. However, in the event that Council requires further direction from the community, the additional options for consultation - a telephone survey or a referendum - have been identified and costed accordingly.

It is therefore recommended that \$34,000 is committed to the consultation process at this stage, and that consideration be given to allowing further expenditure of up to \$82,000 for conducting a telephone survey or a referendum at a later date if required. If this requirement is determined then a proposal would be listed for consideration in the 2004-2005 budget process.

## **ATTACHMENTS**

Nil

## **VOTING REQUIREMENTS**

Simple Majority

## **RECOMMENDATION**

**That the Joint Commissioners:**

- 1 ENDORSE the use of multi-methods for consultation on minimum payment which include:**
  - Focus Groups**
  - In depth Interviews**
  - Self-reporting undertaken by the City's administration;**
  
- 2 NOTE a budget allocation of \$34,000 to conduct the consultation has been allocated in the 2003/2004 half year budget review.**

**CJ012 - 02/04 2003/04 HALF YEAR BUDGET REVIEW – [61548]****WARD - All**

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**PURPOSE**

The purpose of this report is for the Commissioners to consider and endorse the 2003/04 half year budget changes proposed and to establish a Revised Budget.

**EXECUTIVE SUMMARY**

The 2003/04 half year budget review aims to assess the City's business and expenditures for the year to date, to recommend changes to the adopted budget for the 2003/04 year and to establish a Revised Budget for future management reporting.

Each business unit undertook the 2003/04 half year review by examining its year-to-date business plans, operations for the 2003/04 year to date and by considering the financial results as at 30 November 2003.

A synopsis of each business unit's operations was prepared and net changes to the budget for each unit were collated. The result has identified surplus funding of \$231,596 and shows that proposed new works can be funded from savings in operational budgets, deferrals of project expenditures or savings from projects that will not be continued.

*It is recommended that the Joint Commissioners:*

- 1 Note the current available surplus funds of \$231,596 to contribute to the end of year surplus;*
- 2 Approve the establishment of a revised budget to include the half year budget adjustments;*
- 3 Confirm that monthly financial reporting be measured against the revised budget.*

**DETAILS**

The processes and systems to undertake the half-year review are well established and extensive staff training was available. Business unit managers were requested to complete a descriptive summary of their business unit operations and to complete financial information to assist in the update of the Oracle systems and to develop the Revised Budget.

A number of uncertainties still remain and these are highlighted and discussed below.

The net financial position can be summarised as follows:

	<b>Net funds available for reallocation \$</b>	<b>Additional funds (required) \$</b>
Operations		(188,615)
Projects:		
• Projects with savings	135,300	
• Projects with additional funds required	243,461	(192,550)
• Projects to be deferred		(111,000)
• New projects to be approved		
Corporate Projects:		
• Corporate projects with savings	15,000	
• Corporate projects with additional funds required	35,000	(15,000)
• Corporate projects to be deferred		
Capital Works:		
• Capital works to be deleted	45,000	
• Capital works to be deferred	310,000	
• Allocation of funds to specific projects	-	
• Capital works previously approved	-	
• Additional / new works		(45,000)
<b>Sub-Total</b>	<b>783,761</b>	<b>(552,165)</b>

**Net funds available (excluding uncertainties)                      \$ 231,596**

CONTINGENCIES NOT INCLUDED IN THE HALF YEAR REVIEW:

- Legal Fees – State Government Inquiry following the suspension of Council
- WBA building maintenance
- CEO related matters
- Jinan City relationship

The amounts and main reasons for available funds or additional expenditure are as follows:

<b>OPERATIONS</b>	Available funds / (Costs) \$	<b>Main Reasons</b>
Central Finance	633,900	Additional Interim Rate Income associated with major shopping centre developments (\$150k) Deposits from prior years - brought to account (145k) Additional rating related income – (\$130k) Write-back “burning costs”



<b>OPERATIONS</b>	Available funds / (Costs) \$	<b>Main Reasons</b>
		Insurance Premiums (\$251k) Write-back from provisions - Community Vision \$44k)
Governance	5,000	
Office of the CEO	(325,000)	Legal fees
Marketing, Communications & Council Support	(36,000)	Additional salary costs associated with overtime
Strategic & Corporate Planning	17,000	Savings - employment costs
Corporate Services & Resource Mgt Admin	5,000	
Financial Services	20,445	Savings - IT consultancy costs
Assets & Commissioning	(22,964)	Reduced Grant Income
Information Management	(41,911)	Additional salary costs
Planning & Community Development Admin	10,000	
Approvals, Planning & Environmental Services	(87,000)	Legal fees. Costs in relation to Appeals Process Changes
Community Development Services	(190,085)	Additional costs – Community Vision (\$150k), Replace staff on extended sick leave (\$40k)
Library and Information Services	(200,000)	Additional costs - Library restructure
Infrastructure Management	23,000	Salary Savings
<b>Net savings from Operations</b>	<b>(\$188,615)</b>	

<b>PROJECTS</b>	Available funds / (costs) \$	<b>Main Reasons</b>
<b>Projects with savings:</b>		
J015 Oracle Upgrade Phase 2	20,000	Additional costs to undertake further system changes
J024 Corporate PC Replacement Program	20,000	Decrease in amount of equipment to be replaced
F132 Joondalup City Centre Vision and Management	45,000	Funds no longer required
F707 Promotion of the 2003 Rugby World Cup	13,000	Project completed with savings
F450 Web Services Development	300	Project completed with savings
F002 Purchase of Equipment For Elected Members	5,000	Project completed with savings
F626 Procurement Training / Consultation	5,000	Project completed with savings
J025 Further Development of the Proclaim	5,000	Project completed with savings
F229 Midge Strategy (88)	7,000	Project completed with savings
F451 Upgrade Oracle/Maximo Financial System	7,000	Project completed with savings

<b>PROJECTS</b>	<b>Available funds / (costs) \$</b>	<b>Main Reasons</b>
F706 Appointment of Health Technical Assistant	8,000	Project completed with savings
<b>Sub-total</b>	<b>135,300</b>	
<b>Projects with additional funds required:</b>		
F503 Building Inspectors (Interim Rates)	10,000 (150,000)	Labour savings – building inspectors In-house inspections on target however, the project is not generating the budgeted level of revenue in interim rates due to a backlog at the Valuer General's Office and other factors
F616 Meningococcal C School Vaccination	(17,600)	Income below budget
J033 Network Infrastructure Upgrades	(14,200)	Additional costs to complete project
A009 Public Art Project	(10,000)	Additional costs to complete project
F589 Asset Management Scoping Study	(6,500)	Additional costs to complete project
A007 Art Purchases	(4,250)	Additional costs to complete project
<b>Sub-total</b>	<b>(192,550)</b>	
<b>Projects to be deferred:</b>		
F678 Whitfords Sea Rescue Boat Replacement	80,000	Funds not required until 2004/05
J029 Contract Management System	48,000	Funds not required until 2004/05
F654 District Planning Scheme No.2 - Scheme Review	45,000	Insufficient resources to complete project within this year
M028 Craigie Leisure Centre – Gymnasium	43,461	Costs not required at this time
P086 Vibromax Turf Wicket Roller	27,000	Plant no longer required
<b>Sub-total</b>	<b>243,461</b>	
<b>New Projects To Be Approved:</b>		
F720 Additional Planning Officer	(12,000)	To allow improved workload distribution
F675 Office Modifications	(15,000)	Assets & Commissioning area
F721 Ocean Reef Rd Extensions	(50,000)	Community consultation / input
Minimum Payment Survey	(34,000)	Community consultation / input
<b>Sub-total</b>	<b>(111,000)</b>	
<b>Net saving from existing Projects:</b>	<b>\$ 75,211</b>	
<b>CORPORATE PROJECTS</b>	<b>Available funds / (costs) \$</b>	<b>Main Reasons</b>
<b>Corporate projects with savings:</b>		
F676 - Reward & Recognition	15,000	Funds not required

<b>Corporate projects requiring additional funds:</b>		
F371 - CBD Enhancement promotions officer	(15000)	Research Officer
<b>Corporate projects to be deferred:</b>		
F364 – Student scholarship program	35,000	Project deferred until 2004/05
<b>Net funding required for Corporate Projects:</b>	<b>\$ 35,000</b>	

<b>CAPITAL WORKS</b>	In (de)crease Revenue \$	(In) decrease Expenditure \$	<b>Main Reasons</b>
Capital works to be deleted:			
2264 Verge Enhance-Pilot Heathridge		20,000	Project not identified (Dry parks committee recommendations)
6426 Woodvale Dr - Island-Res 02/03	(66,400)	66,400	Project completed
4156 Burns Beach Toilets – Upgrade		25,000	Sewer connection to be considered as part of overall subdivision development
<b>Sub-Total (net)</b>		<b>45,000</b>	
<b>Capital works to be deferred:</b>			
4183 Elcar Park - Skateboard Park		110,000	Project concept not finalised – re budget 2004/05
4194 Iluka F/Shore – Toilets		200,000	Project deferred as public consultation to be undertaken in March / May 2004
<b>Sub-Total (net)</b>		<b>310,000</b>	

<b>Allocation of funds to specific projects:</b>			
6586 Waterford Dr-Flinders Campbell		(3,528)	Reallocate funds to specific project
6587 Granadilla Davallia/Poynter		(19,707)	Reallocate funds to specific project
6576 Road Preservation - Asphalt		23,235	Reallocate funds to specific project
4148 Var' Senior Citizen Centres		8,000	Reallocate funds to specific project

Forrest Reserve Change rooms Roofing		(8,000)	Reallocate funds to specific project
4156 Burns Beach Toilets – Upgrade		7,000	Reallocate funds to specific project
Mullaloo Surf Club Wall Fence		(7,000)	Reallocate funds to specific project
<b>Sub-Total (net)</b>		<b>0</b>	
<b>Capital works previously approved:</b>			
6588 Waterford Flinders /Campbell	7,056	(7,056)	2/3 Grant funded project
6589 Granadilla Davallia-Poynter	39,415	(39,415)	2/3 Grant funded project
RDC103 MRRP 03/05 Joondalup Drive	354,172	(354,172)	Fully funded works
<b>Sub-Total (net)</b>		<b>0</b>	
<b>Additional / new works:</b>			
4170 Kingsley Memorial Hall		(15,000)	Project approved requires additional funds
Volante Elbow, Retaining Wall		(15,000)	Urgent repairs needed to retaining wall
Traffic Study, Constellation Drive		(15,000)	Network traffic model in the event of Ocean Reef Road extension not continue
<b>Sub-Total (net)</b>		<b>(45,000)</b>	
<b>Capital Works - Net additional (costs)</b>		<b>\$ 310,000</b>	

Contingencies not included in the half-year review:

- Legal Fees – State Government Inquiry – following suspension of the Elected Members
- WBA Building Maintenance
- CEO related matters
- Jinan City Relationship

<b>New Projects Not Approved</b>		
F722 Records Management Officer (Building Licenses)	(41,000)	Records management audit recommendation
BU 107 Laneway Study – Marmion / Sorrento	(45,000)	Audit of traffic, lighting & safety

Trailwood Drive, Woodvale	(16,000)	Pave existing verge to provide informal parking – commuters, Whitford train station
Connolly Community Facility	(6000)	Fencing rear of building to minimise graffiti / control access through centre
Prince Regent Park - BBQ Facility	(8,000)	Provision of facility for park users
Ellersdale Avenue Retirement Units	(5,000)	Pedestrian islands to improve crossing
<b>Total</b>	<b>(121,000)</b>	

## COMMENT

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

The half-year review indicates that net funds of \$231,596 are available for redistribution if the City aims to maintain a “balanced budget” approach for the 2003/04 financial year in isolation. It is suggested that the identified surplus be maintained and offset against 2004/05 budget requirements, subject to the need to utilise all or part of them against the contingencies identified within this report.

In accordance with Regulation 34 of the Local Government (Financial Management) Regulations 1996 a local government is to prepare monthly financial reports in such form as the local government considers to be appropriate. Historically the City's monthly financial reports have been compared against the half year revised budget figures (for the second half) once approved by Council.

## ATTACHMENTS

Nil

## VOTING REQUIREMENTS

Simple Majority

## **RECOMMENDATION**

### **That the Joint Commissioners:**

- 1 NOTE the current available surplus funds of \$231,596 to contribute to the end of year surplus;**
- 2 APPROVE the establishment of a revised budget to include the half year budget adjustments;**
- 3 CONFIRM that monthly financial reporting be measured against the revised budget.**

**CJ013 - 02/04 2004/05 BUDGET - HIGH LEVEL REVIEW – [66533]**

WARD - All

**PURPOSE**

This report provides a high level overview of the 2004/05 budget timetable, revised 5-year financial projections and 2004/05 budget forecast. The Joint Commissioners' direction is sought on key financial parameters to enable planning of the preliminary draft 2004/05 budget.

**EXECUTIVE SUMMARY**

The City is currently preparing for the development of the preliminary draft 2004/05 budget. Internal staff training to develop the budgets commenced in December 2003. Meetings with the 2004/05 Budget Committee are expected to commence in March 2004 with an in-principle budget adoption targeted for May 2004.

The 5-year financial projections included in this report are based upon the 2003/04 Principal Activities Plan and incorporates subsequent estimates in the economic environment.

**2003/04 projections indicate substantial funding shortfalls in all years which need to be addressed as part of the budget deliberations.**

If completion of the 2004/05 budget is required before the end of the current financial year, then the 2003/04 surplus/deficit will need to be estimated.

This report recommends that the Joint Commissioners:

- ESTABLISH the 2004/05 Budget Committee to oversee the development of the draft 2004/5 budget and 5-year financial plan
- APPOINT all Commissioners to the Budget Committee
- SET a quorum for the Budget Committee of 3 members
- ADOPT the following key assumptions to enable the development of the 2004/05 budget and the five-year financial plan.

	<b>Forecast Year 1</b>	<b>Forecast Year 2</b>	<b>Forecast Year 3</b>	<b>Forecast Year 4</b>
	2004/05	2005/06	2006/07	2007/08
		Revaluation		
Inflation	2.5%	2.5%	2.75%	2.25%
Salary & Wage Increases	3%	3%	3%	3%
Interest Rates	5.25%	5.5%	5.5%	5.5%
Total Population	163,580	167,067	170,048	173,082
Growth In Properties	400	400	400	300
Rate Increases	4%	4%	4%	4%

## **BACKGROUND**

The 5-year financial plan (based on the Adopted 2003/04 Budget) included changes arising from the general economic, external and internal environment. This high level overview assists in the long term financial planning of the City and development of the 2004/05 budget.

The five-year plan (table 1) indicated a balanced budget for 2003/04, a shortfall in 2004/05 and in following years.

The preparation of the 2004/05 five year financial plan will be based on key assumptions detailed within this report. The Commissioner's confirmation of the assumptions is sought, together with directions on changes in rates, fees & charges and operational costs.

A review of the forward projections for Proposals, 5-year Capital Works and Corporate Projects programme is recommended. Expenditure within these programmes is primarily discretionary in nature, unless specifically tied to funding.

The impact of a number of financial contingencies were not included in the 2003/04 5 year forecast due to a range of inherent uncertainties. These include:

- Full costing of the Ocean Reef Development
- Long-term asset replacement strategy to encompass future building and other asset replacements
- Revised operational financial performance of the Craigie Leisure Centre
- Impacts arising from the 2003/04 half year budget review.

## **DETAILS**

### 5 year financial plan (based on Adopted 2003/04 Budget).

During the preparation of the 2003/04 budget, various 5-year financial forecasts were presented to the Budget Committee (adjusted in line with progressive budget refinements). These forecasts indicated future financial shortfalls and recommended that budget decisions be made in the context of future affordability.

Clearly a useable carry forward surplus (which represents under spending/project deferment/cost savings or unexpected income) is able to shelter rate increases and if all expenditure and works are completed as budgeted, such surpluses cannot be relied upon for future funding. Therefore, no usable carry forward surpluses were included in future financial year forecasts (ie balanced budget).



**Table 1 – 2003/04 Five Year Financial Forecast**

The forecast results shown in Table 1 below were produced using the 5-year forecasting model.

	<b>Actual</b>	<b>Forecast Year 1</b>	<b>Forecast Year 2</b>	<b>Forecast Year 3</b>	<b>Forecast Year 4</b>
	2003/04	2004/05	2005/06	2006/07	2007/08
	\$k	\$k	\$k	\$k	\$k
Net financial surplus (shortfall) Adopted Budget 24 July 2003	Balanced	(7,317)	(5,751)	(4,795)	(13,445)

**Table 2 – 2004/05 Budget Guidelines (Assumptions)**

The following is a summary of the economic assumptions to be used in compiling the preliminary draft 2004/05 budget and forward financial forecasts.

	<b>Actual</b>	<b>Budget Year 1</b>	<b>Forecast Year 2</b>	<b>Forecast Year 3</b>	<b>Forecast Year 4</b>
	2003/04	2004/05	2005/06	2006/07	2007/08
			Revaluation Year		
Inflation	3.00%	2.5%	2.5%	2.75%	2.25%
Internal Savings	Implicit in budget development				
Salary & Wage Increases	4%	3%	3%	3%	3%
Staff Establishment (Full Time Equivalent) (FTE)	440	440	440	440	440
Interest Rates	5.38%	5.25%	5.5%	5.5%	5.5%
Total Population	156,964	163,580	167,067	170,048	173,082
Growth In Properties	400	400	400	400	300
Rate Increases	4%	4%	4%	4%	4%

Inflation: (Consumer Price Index “CPI”). Future inflation estimates have been provided by Grove Financial Services.

Internal savings: Efficiencies in future years are expected to be factored into business processes and therefore into unit budgeting.

Salary and wages: The City entered into EBA agreements with all staff and negotiated salary packaging with directors and managers. The forecast salary and wages for 2004/05 are in accordance with the EBA. Future period increases are made with reference to the CPI and internal estimates.

Staff establishment: The current staff establishment is maintained unless changed with approval of the CEO or as a consequence of approved projects.

Interest rates: Interest rate estimates have been provided by Grove Financial Services.

Total Population: The estimated population increase is relevant to the amount of general purpose funding received by the City. (The 2003/04 general purpose per capita payment is \$15.95) Increases in population are made with reference to information provided by the WA grants commission.

Growth In Properties: Growth refers to the number of newly created properties (subdivisions) and number of properties developed during the relevant year. The City is largely developed and therefore a small but consistent number of future developments are anticipated. Interim rates are collected on the value of properties developed during the year.

Rate increases: It is suggested that future increases in general rates are comparable to CPI, as a minimum, to maintain purchasing power. The Consumer Price Index has increased by 18.5% during the last five years whilst the City, at the same time, has increased its rates by only 9.5%. This has put significant pressure on the ability to set aside reserves for capital refurbishment and replacement of community facilities, which will be quantified as part of the Asset Management strategy, hence the need to increase rates as show in table 2.

### **Specific budget considerations to be reviewed as part of the budget process**

It is imperative that the 2004/05 budget be made in the context of achieving long term sustainable financial stability and therefore the budget will address a number of matters including:

- Reviewing the “operational” costs of the City
- Identifying strategies to achieve cost efficiencies and savings
- Developing a long term strategic rating model including – future rate increases / minimums / pensioners.
- Developing a sustainable maintenance, capital replacement and capital works programme
- Reviewing the purpose and process of funding through reserves (including for buildings and IT infrastructure)
- Developing external funding sources
- Increasing grant funding
- Assess the need for future borrowings and asset sales

### **COMMENT**

The preliminary financial forecasts shown at Table 1 indicate a budget shortfall in each of the future years.

**These projections indicate substantial funding shortfalls in future years which need to be addressed. This may require increases in total rates collected together with savings or deferment of expenditure in operations, proposals and the 5-year capital works programme or the need for borrowings, etc.**

The Strategic Planning Cycle will be followed for preparation of the 2004/05 business plans and budget. Through this process the Strategic Plan is reviewed and individual business plans are prepared prior to commencing the annual budget (or resourcing) process. This process aims to ensure that business plans are aligned with the broad strategic aims of the organisation.

Assumptions relating to key corporate projects will be reviewed, i.e. acquisition of a depot, building a performing arts centre and funding remain as per previous estimates. No borrowings have been factored in.

Whilst the early preparation of the 2004/05 budget is sought, a number of factors will impact upon achieving the budget completion within the required timeframe. It must be noted that inherent risks are associated with estimating the available surplus/deficit available to be carried forward for the 2004/05 year. Note that for the sake of conservatism, a NIL usable carry forward balance has been included in the 2003/04 forecasts.

Factors that will impact upon the timing of the budget include:

- Public consultation regarding Minimum Payments
- Calculation of Surplus/Deficit – if budget completion is required before the completion of the financial year, the Surplus/Deficit will need to be estimated

## ATTACHMENTS

Nil

## VOTING REQUIREMENTS

Absolute Majority

## RECOMMENDATION

**That the Joint Commissioners:**

- 1 BY AN ABSOLUTE MAJORITY ESTABLISH the 2004/05 Budget Committee to oversee the development of the draft 2004/5 budget and 5-year financial plan;**
- 2 APPOINT the following representatives to the Budget Committee:**  
**Chairman of Commissioners John Paterson**  
**Commissioner Allan Drake-Brockman**  
**Commissioner Michael Anderson**  
**Commissioner Anne Fox**  
**Commissioner Steve Smith;**
- 3 SET a quorum for the Budget Committee of 3 members;**

**4 ADOPT the following key assumptions to enable the development of the 2004/05 budget and the five-year financial plan.**

	<b>Budget Year 1</b>	<b>Forecast Year 2</b>	<b>Forecast Year 3</b>	<b>Forecast Year 4</b>
	<b>2004/05</b>	<b>2005/06</b>	<b>2006/07</b>	<b>2007/08</b>
		<b>Revaluation Year</b>		
<b>Inflation</b>	<b>2.5%</b>	<b>2.5%</b>	<b>2.75%</b>	<b>2.25%</b>
<b>Salary &amp; Wage Increases</b>	<b>3%</b>	<b>3%</b>	<b>3%</b>	<b>3%</b>
<b>Interest Rates</b>	<b>5.25%</b>	<b>5.5%</b>	<b>5.5%</b>	<b>5.5%</b>
<b>Total Population</b>	<b>163,580</b>	<b>167,067</b>	<b>170,048</b>	<b>173,082</b>
<b>Growth In Properties</b>	<b>400</b>	<b>400</b>	<b>400</b>	<b>300</b>
<b>Rate Increases</b>	<b>4%</b>	<b>4%</b>	<b>4%</b>	<b>4%</b>

## CJ014 - 02/04      **WARRANT OF PAYMENTS – 31 DECEMBER 2003 – [09882]**

**WARD - All**

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### **PURPOSE**

The Warrant of Payments as at 31 December 2003 is submitted to the Joint Commissioners for approval.

### **EXECUTIVE SUMMARY**

This report details the cheques drawn on the funds during the month of December 2003. It seeks approval by the Joint Commissioners for the payment of the December 2003 accounts.

### **DETAILS**

<b>FUNDS</b>		<b>AMOUNT</b>
Director Corporate Services & Resource Management Advance Account	EFT 2 - 12 060491 – 061163	\$6,075,338.68
Municipal	000456-000462 452A	\$14,776,192.39
Trust Account	Nil	Nil
	<b>TOTAL</b>	<b>\$20,851,531.07</b>

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.

This warrant does not include vouchers for credit card payments for the months of November 2003 and December 2003 as all information required to process these accounts had not been received at the time of preparing this report. These items will appear in the Warrant of Payments – January 2004.

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 the Joint Commissioners. At the close of December 2003, the amount was \$1,952,161.21. 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 \$20,851,531.07 which is to be submitted to the Joint Commissioners on 17 February 2004 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 CHAIRMAN OF COMMISSIONERS**

I hereby certify that this warrant of payments covering vouchers numbered as indicated and totalling \$20,851,531.07 was submitted to the Joint Commissioners on 10 February 2004.

.....  
JOHN PATERSON  
Chairman of Commissioners

***ATTACHMENTS - Appendix 6 refers (See Appendices at rear of agenda)***

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

**VOTING REQUIREMENTS**

Simple Majority

**RECOMMENDATION**

**That the Joint Commissioners APPROVE for payment the following vouchers, as presented in the Warrant of Payments to 31 December 2003, certified by the Chairman of Commissioners and Director Corporate Services & Resource Management and totalling \$20,851,531.07.**

<b>FUNDS</b>		<b>AMOUNT</b>
<b>Director Corporate Services &amp; Resource Management Advance Account</b>	<b>EFT 2 - 12 060491 - 061163</b>	<b>\$6,075,338.68</b>
<b>Municipal</b>	<b>000456-000462 452A</b>	<b>\$14,776,192.39</b>
<b>Trust Account</b>	<b>Nil</b>	<b>Nil</b>
	<b>TOTAL</b>	<b>\$20,851,531.07</b>

*Appendix 6 refers*

To access this attachment on electronic document, click here: [attach6brf100204.pdf](#)

## **CJ015 - 02/04 FINANCIAL REPORT FOR THE PERIOD ENDING 30 NOVEMBER 2003 – [07882]**

**WARD - All**

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### **PURPOSE**

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

### **EXECUTIVE SUMMARY**

The November 2003 year to date report shows an overall variance of \$8.8m when compared to budget.

This variance can be analysed as follows:

- The **Operating** position (Change in Net Assets Before Reserve Transfers) shows a surplus of \$29.6m compared to a budget of \$29.2m at the end of November 2003. The \$0.4m variance is primarily a result of:
  - Surplus funds in relation to workers compensation insurance provision, and
  - Deposits held on the balance sheet relating to previous years capital works that are no longer required and therefore brought to account as revenue.
- **Capital Expenditure** is \$0.5m compared to a budget of \$1.3m at the end of November 2003, an under spend of \$0.8m. This is a timing variance in purchasing computer hardware and light vehicles.
- **Capital Works and Corporate Projects** expenditure is \$2.0m against a budget of \$9.6m, an under spend of \$7.6m at the end of November 2003. This is a timing variance of which \$5.2m relates to the phasing of Corporate Projects.

### **DETAILS**

The financial report for the period ending 30 November 2003 is appended as Attachment A.

### **ATTACHMENTS - *Appendix 7 refers (See Appendices at rear of agenda)***

Attachment 1            Financial Report for the period ending 30 November 2003.

### **VOTING REQUIREMENTS**

Simple Majority

### **RECOMMENDATION**

**That the Financial Report for the period ending 30 November 2003 be NOTED.**

*Appendix 7 refers*

*To access this attachment on electronic document, click here: [attach7brf10204.pdf](#)*



## **CJ016 - 02/04      FINANCIAL REPORT FOR THE PERIOD ENDING 31 DECEMBER 2003 – [07882]**

**WARD - All**

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### **PURPOSE**

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

### **EXECUTIVE SUMMARY**

The December 2003 year to date report shows an overall variance of \$9.6m when compared to budget.

This variance can be analysed as follows:

- The **Operating** position (Change in Net Assets Before Reserve Transfers) shows a surplus of \$25.7m compared to a budget of \$24.4m at the end of December 2003. The \$1.3m variance is primarily a result of:
  - Surplus provisions brought to account as revenue, and
  - The timing of expenditure associated with proposals that will be delayed until the 2004/05 financial year.
- **Capital Expenditure** is \$0.9m compared to a budget of \$1.7m at the end of December 2003, an under spend of \$0.8m. This is a timing variance due primarily to supplier delays for light vehicles and mobile plant.
- **Capital Works and Corporate Projects** expenditure is \$3.4m against a budget of \$10.9m, an under spend of \$7.5m at the end of December 2003. This is a timing variance of which \$5.3m relates to Corporate Projects. The majority of the under spend has been committed however.

The 2003/04 half year budget review has been completed and a report recommending the establishment of a Revised Budget has been prepared for Council's consideration in February 2004.

### **DETAILS**

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

**ATTACHMENTS - *Appendix 8 refers (See Appendices at rear of agenda)***

Attachment 1              Financial Report for the month ending 31 December 2003.

## **VOTING REQUIREMENTS**

Simple Majority

## **RECOMMENDATION**

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

*Appendix 8 refers*

*To access this attachment on electronic document, click here: [attach8brf100204.pdf](#)*

**CJ017 - 02/04 TENDER NUMBER 019-03/04 SUPPLY, DELIVERY AND INSTALLATION OF A STORAGE MANAGEMENT SYSTEM – [74550]**

**WARD - All**

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**PURPOSE**

To seek Council approval to decline to accept all tenders submitted for the Supply, Delivery and installation of a Storage Management System for Tender Number 019-03/04.

**EXECUTIVE SUMMARY**

At present disk storage on the City's computer network resides on individual servers and cannot be shared across the network which is inefficient and difficult to manage.

Tenders were advertised on 8 October 2003 through statewide public tender for the Supply, Delivery and Installation of a Storage Management System to enable the pooling of disk storage capacity. Tenders closed on 23 October 2003. Five submissions were received from: Alpha West Pty Ltd (two submissions), Volante Systems, XSI Data Solutions and Stott & Hoare Investments.

It was originally recommended that Council:

*DECLINES to accept any tender received for the Supply, Delivery and Installation of a Storage Management System under Part 4 Clause 18(5) of the Local Government (F&G) Regulations 1996.*

The amended recommendation is as follows:

*That the Joint Commissioners:*

- 1 DECLINE to accept any tender received for the Supply, Delivery and Installation of a Storage Management System under Part 4 Clause 18(5) of the Local Government (F&G) Regulations 1996;*
- 2 DELEGATE to the Chief Executive Officer the authority to award a contract subject to the value of the purchase being within the current budget allocation of \$205,800.*

**BACKGROUND**

At present disk storage on the City's computer network resides on individual servers and cannot be shared across the network. This results in a situation where individual servers need to be upgraded to respond to continued growth in data storage needs. Most organisations and a growing number of local governments now utilise networked storage technologies to pool disk storage capacity and achieve cost efficiencies in acquiring and managing disk storage.

The scope of this tender is to supply and install a central networked system of disk storage and tape backup for the City's computer systems. This will provide a central pool of disk storage that can be used to accommodate the immediate demands for extra storage for the document management system and email system. Without an upgrade to the storage system, which was identified and included in the 2003/2004 budget, the City's document management system will run out of storage space within six months. The current tape backup system, which was purchased over four years ago, will also be at full capacity within six months and needs to be replaced.

As well as meeting the immediate needs for disk and tape storage, the new system will provide a more cost effective and efficient means of acquiring and managing the City's computer storage for all computer systems over the next three years.

## **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
- Demonstrated project management processes
- Comprehensive implementation plan
- Demonstrated skills of implementation team

### **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
- Financial Capacity
- Risk Assessment
- Compliance with tender requirements
- Extent of local support
- Service response options offered
- Contractors stock levels and availability
- Value added services

**Quality of Storage Management System:**

- Conformity to specification
- Quality and specification of components
- Flexibility of architecture
- Expandability / scalability
- Reliability
- Ease of deployment
- Certified solution
- Value added features
- Quality systems used in manufacture / assembly
- Warranties offered
- Product Life Expectancy
- Product Lifecycle
- Product development

**Capabilities of Storage Management Software:**

- Clear support for the consumer/administrator relationship
- Manages across all or most layers in the application to disk/tape stack
- Provides a single, universal pool of information for all layers and modules
- Provides higher levels of intelligence in informing or controlling across the entire storage area
- Automates functions across the entire storage area

**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 Australia community
- Infrastructure / Office / Staff / Suppliers / Sub Contractors within the City of Joondalup
- Sustainability / Efficiency / Environmental

**Tendered Price/s:**

- The price to supply the specified goods or services, licensing, training
- Schedule of rates for additional goods or services, variations and disbursements
- Discounts, settlement terms

Clarification was sought from all tenderers to assist in the tender assessment process. The assessment panel determined that none of the tenders had satisfactorily met the technical requirements of the tender specification for the Storage Management System and accordingly it is recommended that none of the tenders be accepted.

**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:** 1.3830.4501.0001.J033  
**Budget Item:** Network Infrastructure Upgrades  
**Budget Amount:** \$205,800

**COMMENT**

All 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'.*

In accordance with *Part 4 Clause 11 (2)* of the *Local Government (F&G) Regulations 1996*

*'Tenders do not have to be publicly invited according to the requirements of the Part if—*

*'within the last 6 months-*

- (i) the local government has, according to the requirements of this Part, publicly invited tenders for the supply of the goods or services but no tender was submitted that met the tender specification'.*

In accordance with the preceding clause the City is at liberty to negotiate with a selected supplier for the Supply, Delivery and Installation of a Storage Management System. The formal approval to proceed with the purchase of a Storage Management System, resulting from such negotiations, will be the subject of a future report to Council.

### **Recommendation submitted to Council Meeting 16 December 2003**

*That Council DECLINES to accept any tender received for the Supply, Delivery and Installation of a Storage Management System under Part 4 Clause 18(5) of the Local Government (F&G) Regulations 1996.*

### **ADDITIONAL INFORMATION**

At the Council Meeting on 16 December 2003 the Commissioners requested further information in relation to the internal processes to be used when tenders are declined.

The request for tender comprehensively detailed the minimum technical requirements of the Storage Management System. None of the tenderers offered a system that met all the specified technical requirements of the request for tender. Clarification, sought from all tenderers, confirmed that they are all capable of supplying a system that will fully meet the specified technical requirements however tendered prices would have changed. Prices changed after tenders have formally closed are treated as late tenders and therefore cannot be accepted.

In accordance with *Part 4 Clause 11 (2) of the Local Government (Functions & General) Regulations 1996* the City does not have to publicly invite tenders and can negotiate with a selected supplier for the Supply, Delivery and Installation of a Storage Management System where within the last six months, tenders were publicly invited but no tender was submitted that met the tender specifications.

The top two ranked tenderers from the assessment Alpha West Pty Ltd and Stott & Hoare Investments both offered similar Hitachi systems that came closest to meeting the specified requirements. The Hitachi system was also identified as being the most compatible system in relation to existing systems and overall was assessed as the best value for money system. The third ranked tenderer was Alpha West's second submission offering a different branded system.

It is proposed that the top two ranked organisations be asked to prepare submissions that meet all the technical requirements of the tender specification. Their submissions will then be assessed Under the City's Contract Management Framework and a recommendation will be presented for approval to proceed with the purchase of a Storage Management System.

Previously the awarding of a contract was to be submitted to Council for approval however as two months have now been lost due to a decision being deferred, six weeks being required to obtain new submissions and evaluate them, a lead time for supply and installation of at least two months and the current tape backup system likely to be at full capacity within four months, the need to replace the system is becoming a matter of urgency. As the value of the contract will exceed the current delegation to the Chief Executive Officer of \$100,000 it is also recommended that delegation to the Chief Executive Officer to award a contract within the budget allocation be approved.

## **ATTACHMENTS**

Nil

## **VOTING REQUIREMENTS**

Absolute Majority

## **RECOMMENDATION**

**That the Joint Commissioners BY AN ABSOLUTE MAJORITY:**

- 1      DECLINE to accept any tender received for the Supply, Delivery and Installation of a Storage Management System under Part 4 Clause 18(5) of the Local Government (F&G) Regulations 1996;**
  
- 2      DELEGATE to the Chief Executive Officer the authority to award a contract subject to the value of the purchase being within the current budget allocation of \$205,800.**



*Director, Corporate Services and Resource Management stated his intention to declare an interest that may affect his impartiality in Item No CJ018-02/04 – Tender Number 028-03/04 – Supply of Temporary Personnel Services, as Mr Schneider is a close personal friend with Account Manager of one of the tenderers.*

## **CJ018-02/04      TENDER NUMBER 028-03/04 – SUPPLY OF TEMPORARY PERSONNEL SERVICES – [27555]**

**WARD - All**

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### **PURPOSE**

To seek approval of the Joint Commissioners to accept the tender submitted by IPA Personnel Pty Ltd and Select Australasia Pty Ltd for the Supply of Temporary Personnel Services in accordance with the Schedule of Rates for Tender number 028-03/04, for a maximum period of three years, subject to annual review and satisfactory performance.

### **EXECUTIVE SUMMARY**

Tenders were advertised on 14 January 2004 through statewide public tender for the Supply of Temporary Personnel Services. Tenders closed on 28 January 2004. Sixteen submissions were received from: IPA Personnel Pty Ltd; Select Australasia Pty Ltd; Focused Recruitment Pty Ltd; Benchmark Recruitment (WA) Pty Ltd; MHS Group Pty Ltd; Hays Personnel Services; Drake Australia Pty Ltd; Integrated Group; Julia Ross Recruitment; Skilled Engineering Ltd; Interstate Enterprises; Lo-Go Appointments; Forstaff Group; Yellow Dog Recruitment Pty Ltd; Manpower Services (Australia) Pty Ltd and Workskills Professionals.

It is recommended that the Joint Commissioners:

*Accept the tenders from IPA Personnel Pty Ltd and Select Australasia Pty Ltd for the Supply of Temporary Personnel Services in accordance with the Schedule of Rates for Tender number 028-03/04, for a maximum period of three years, subject to annual review and satisfactory performance.*

### **BACKGROUND**

The City has contracts in place for the Supply of Contract Labour 021-01/02, the Supply of Temporary Personnel 015-01/02 and the Supply of Temporary Personnel for Recreation Facilities 008-02/03.

The contract for Supply of Temporary Personnel 015-01/02 was awarded to a panel of ten organisations with differing categories. The contract for the Supply of Contract Labour 021-01/02 supplies casual labour for Operations Services. The contract for the Supply of Temporary Personnel for Recreation Facilities 008-02/03 supplies casual labour for the City's leisure centres.

Under the existing terms of the above contracts it states “*The Service Provider or its sub contractor shall not without prior written approval of the City assign or novate the Agreement or any part thereof or any benefit or moneys or interest thereunder.*” Two Services Providers failed to comply with this clause, as a result they were under default, this in turn affected the categories within the contracts for the Supply of Temporary Personnel 015-01/02 and the Supply of Contract Labour 021-01/02. The Service Providers for contracts 021-01/02 Supply of Contract Labour and 015-01/02 Supply of Temporary Personnel were provided forty-five days written notification advising of the City’s intention to commence a fresh tender process and termination by convenience under clause 30 “Termination of Agreement”, effective 14 March 2004.

Contract 008-02/03 for the Supply of Temporary Personnel for Recreation Facilities with IMP Group known as Forstaff Australia as from 21<sup>st</sup> November 2003, expires on 18 February 2004 with no provision for extension. The approximate fortnightly value of the Contract 008-02/03 for the Supply of Temporary Personnel for Recreation Facilities is as follows: Craigie Leisure Centre \$45,000, Sorrento Duncraig Leisure Centre \$10,000 and Ocean Ridge Leisure Centre \$5,000, a total of \$60,000 (includes GST). The approximate number of casual personnel employed at the Leisure Centres is 140.

## **DETAILS**

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

### **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;
- 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;
- Procedures and processes for allocating temporary personnel including verification of applicant;
- Recruitment process for the selection of personnel;
- Measures/procedures taken against personnel who do not perform;
- Problem solving;
- Processes to monitor temporary personnel performance;
- What measures are in place to ensure confidentiality is not breached by temporary personnel during or after the assignment;
- Follow up customer satisfaction.

**Beneficial Effects of Tender/Local Content:**

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

**Tendered Price/s:**

- Schedule of Rates for services;
- % Discounts, settlement terms

Hays Personnel submitted an Alternative Tender. Under the terms of the Conditions of Tender, Clause 1.8.8 'Alternative Tenders', "All alternative tenders shall be accompanied by a conforming Tender". The alternative tender submitted by Hays Personnel was not accompanied with a conforming Tender and offered qualification, conditions and terms not conforming to the tender requirements. The tender submitted by Hays Personnel therefore was not able to be considered for evaluation.

During the evaluation process clarification was sought from each tenderer requesting further details on the hourly rates submitted. The clarification sought, ensured that the evaluation of prices were measured equally.

The price schedule of the tender was divided into categories as follows: MEU Award, Local Government Officers Award, Building Trades 1968, Children Services Award and the Award Free Market Rates for Leisure Centre Personnel

For evaluation purposes, the price schedules were calculated as separate categories as follows, MEU Award, Local Government Officers Award, Building Trades 1968, Children Services Award and the Award Free Market Rates. The qualitative criteria percentage scores and quantitative percentage scores for each award were totalled resulting in a ranking for each Award.

As a result of the overall ranking IPA Personnel Pty Ltd ranked first and Select Australasia Pty Ltd ranked second. Due to the volatility of the industry, the evaluation team formed a consensus of having two Service Providers due to the number and diversification of casual personnel required by the City, this ensures a wider choice and creates competition.

IPA Personnel Pty Ltd and Select Australasia Pty Ltd fully complied with all requirements under the tender and have been identified as the favourable tenders to deliver the services under the contract and are the recommended 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 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; of the tenders received, IPA Personnel Pty Ltd has a branch located within the boundaries of the City of Joondalup.

#### **COMMENT**

Subject to the approval of the Joint Commissioners, the Contract will commence from 22 February 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.

Contract 008-02/03 for the Supply of Temporary Personnel for Recreation Facilities expires on 18 February 2004. The fortnightly expenditure in this area exceeds the requirements under Part 4 of the *Local Government (F&G) Regulations 1996*, which states:

*'Tenders are to be publicly invited according to the requirements of this Part before a local government enters into a contract for another person to supply goods or services if the consideration under the contract is, or is expected to be, or worth more, than \$50,000 unless subregulation (2) states otherwise'*

If Contract 008-02/03 for the Supply of Temporary Personnel for Recreation Facilities continues for more than one and a half weeks after its expiry, the City is contravening the requirements of this Part under the *Local Government (F&G) Regulations 1996*. It is therefore imperative that tender number 028-03/04 be awarded without delay.

#### **ATTACHMENTS - Appendix 27 refers (See Appendices at rear of agenda)**

Attachment 1            Price Schedule: - IPA Personnel Pty Ltd  
Attachment 2            Price Schedule: - Select Australasia Pty Ltd

#### **VOTING REQUIREMENTS**

Simple Majority

#### **RECOMMENDATION**

**That the Joint Commissioners ACCEPT the tenders from IPA Personnel Pty Ltd and Select Australasia Pty Ltd for the Supply of Temporary Personnel Services in accordance with the Schedule of Rates forming Attachment 1 to Report CJ018-02/04 for Tender Number 028-03/04, for a maximum period of three years, subject to annual review and satisfactory performance.**

*Appendix 27 refers*

To access this attachment on electronic document, click here: [attach27brf100204.pdf](#)  
V:\Reports\Council\2004\rm0407.doc

## **CJ019- 02/04 DELEGATED AUTHORITY REPORT FOR THE MONTHS OF NOVEMBER AND DECEMBER 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 during November and December 2003 (see Attachments 1 and 2).

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

<b>Month</b>	<b>No</b>	<b>Value (\$)</b>
November 2003	52	3,975,868
December 2003	84	6,546,981

The December approval figure of 84 applications reflects the high customer demand for approvals to be issued prior to the Christmas period. A high number of development applications were received during the December period, with 67 applications lodged.

### **ATTACHMENTS - *Appendix 9 refers (See Appendices at rear of agenda)***

Attachment 1            November Development Approvals  
Attachment 2            December Development Approvals

### **VOTING REQUIREMENTS**

Simple Majority

### **RECOMMENDATION**

**That the Joint Commissioners NOTE the determinations made under Delegated Authority in relation to the applications described in Report CJ019-02/04.**

To access this attachment on electronic document, click here:[attach9brf100204.pdf](#)

*Appendix 9 refers*

**CJ020 - 02/04 SUBDIVISION REFERRALS PROCESSED 1  
NOVEMBER - 31 DECEMBER 2003 – 05961]**

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

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**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 November – 31 December 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 10 city centre lots, 4 additional residential lots and 7 strata residential lots. The average processing time taken was 18 days. Two applications were deferred.

**Ref: SU123912 – 8 Kochia Court, Heathridge**

This application was deferred pending receipt of additional information to enable the City to undertake a detailed assessment in accordance with the Residential Design Codes 2002.

**Ref: SU123537.01 – 92 Cook Avenue, Hillarys**

This application was deferred for the following reasons:

- 1 The proposed subdivision does not comply with the City of Joondalup District Planning Scheme No.2 by reason of its zoning. The subject land is currently reserved as a Local Reserve – Public Use: Primary School.
- 2 The subject land forms part of a larger area, which requires comprehensive planning. The Structure Plan for the area is in the process of being prepared. Approval of the subdivision would be premature and prejudice the overall planning of the area.

**ATTACHMENTS - *Appendix 10 refers (See Appendices at rear of agenda)***

Attachment 1            Schedule of Subdivision Referrals

## VOTING REQUIREMENTS

Simple Majority

## RECOMMENDATION

**That the Joint Commissioners NOTE the action taken by the subdivision control unit in relation to the applications described in Report CJ020-02/04.**

*Appendix 10 refers*

*To access this attachment on electronic document, click here: [attach10brf100204.pdf](#)*

## **CJ021 - 02/04 HILLARYS BOAT HARBOUR STRUCTURE PLAN AND IMPLEMENTATION STRATEGY – [23094]**

**WARD** - Whitfords

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### **PURPOSE**

This report outlines the main issues and seeks the Joint Commissioners' endorsement to enable the Western Australian Planning Commission (WAPC) to advertise the Structure plan. It should be noted that the Structure Plan is not intended to be adopted as a statutory plan, but endorsed as a *guide* to future development.

### **EXECUTIVE SUMMARY**

The WAPC has identified the need for a Structure Plan to be prepared for the Hillarys Boat Harbour (HBH) area. The original Master Plan was drawn up in the early 1980s and has guided development until recently. Access and parking pressures on the area result in a new plan being necessary to control future development in an orderly manner.

The Draft Structure Plan and Implementation Strategy was advertised for six weeks during November and December 1999 and following consideration of the submissions received the final HBH Structure Plan and Implementation Strategy was formulated.

This report makes various recommendations in response to the Structure Plan as follows:

- The adoption by the City of a car parking policy is not supported, as the WAPC is the determining authority;
- Community consultation in regard to the southbound egress point from Southside Drive into West Coast Drive is imperative prior to any works commencing;
- Further expansion of the HBH is not supported as it is considered that the HBH is already fully developed, and any additional development will impact significantly upon the amenity the space offers and there is the opportunity to accommodate the growth north of the HBH.
- The recommendation for decked parking is also not supported in view of the negative impact that such a parking facility would have upon the HBH.
- 

The strategy also nominates the City as the responsible authority for a number of strategic recommendations and precinct actions. It is considered that, as the City is only a facilitator in the process, the allocation of resources towards this is a low priority.

In light of the time that has lapsed since the draft Structure Plan and Implementation Strategy was advertised it is recommended that the WAPC advertise the final draft structure plan for a period of 60 days.

The Structure Plan and Implementation Strategy is generally supported as a basis for the WAPC to guide development in the future.



## BACKGROUND

- Location:** Reserve Nos; 27732, 39197, 40802 and 20561 West Coast Highway
- Owner:** Crown Land – Department for Planning & Infrastructure and City of Joondalup
- Zoning:** DPS 2: MRS Parks and Recreation, Other Regional Roads  
MRS: Parks and Recreation, Other Regional Roads
- Strategic Plan:**
- 1.2 To meet the cultural need and values of the community
  - 1.3 To continue to provide services that meet changing needs of a diverse and growing community
  - 3.1 To develop and maintain the City of Joondalup’s assets and built environment
  - 3.2 To develop and promote the City of Joondalup as a tourist attraction

At the meeting of 16 December 2003, the Joint Commissioners resolved that:

***“consideration of the Hillarys Boat Harbour Structure Plan and Implementation Strategy be DEFERRED until the next meeting of the Joint Commissioners scheduled to be held on 17 February 2004.”***

The resolution to defer came about as a result of a late submission from the Department for Planning and Infrastructure’s HBH manager, Don Froome. Insufficient time was available for the Joint Commissioners and the City’s officers to consider the content of this submission and, therefore, whether the recommendation needed to be amended.

HBH was constructed in the mid 1980s on reclaimed land as a tourist and boating facility to support the 1987 defence of the Americas Cup. It comprises Crown Reserves, vested in and managed by the then Department of Transport (DoT) and the City. The original Master Plan was prepared for DoT in the early 1980s. This provided for the construction of the HBH and its associated facilities and a range of commercial, recreational, tourist, club and maritime activities approved on leases of varying periods from the Minister of Transport.

Pressure on the facilities has increased immensely, with the area acting as a magnet for marine-related, tourist and commercial activities.

### Draft Structure Plan

In July 1999 the then Ministry for Planning, jointly with the then DoT and the City commissioned consultants led by Chris Antill to prepare a Structure Plan and Implementation Strategy. The cost for the employment of consultants and preparation of the Plan and Strategy was split equally between the three authorities. The study area includes all of the land contained within the harbour reserve, together with the Whitfords Nodes to the north and the section of Sorrento Beach immediately south of the harbour (Attachment 1).

The draft Structure Plan and Implementation Strategy was to address the following:

- *The limited ability to provide further car parking.* There are few vacant areas on which to provide further car parking. A 1998 parking survey for the WAPC found that there are parking and access problems on peak days.

- *The capacity of vehicle entries/exits.* There is only one exit for the southern car park and exit delays in summer are frequent. A new southern entry was added in late 1998, but resident objection precluded it also operating as an exit.
- *Pressure on maintenance of public access.* There were pressures to extend lease areas or obtain new leases on unleased land used for public recreation, access and car parking.
- *Maintaining the quality of visitor experience.* The HBH receives some 4 million visitors per annum and increased parking and development has the potential to undermine its character.
- *Existing vacant lease sites.* There are two major vacant lease sites and some guidance was required as to development potential.

The consultants developed three options for the HBH, which were advertised for public comment from 2 November 1999 till 10 December 1999:

- Option 1 – Consolidation: No further development and better management of existing resources.
- Option 2 – Diversification of uses: Allow further development of off peak uses and in less developed areas and limited expansion within existing lease areas.
- Option 3 – Moderate growth: Allow further commercial expansion within existing lease areas in association with possible decked car parking in longer term, and new southern exit.

The Steering Committee, comprising representatives of the DPI and the City supported a modification of Option 2 and 3 in the final draft Structure Plan and Implementation Strategy, in part in acknowledgement of existing leases.

### **Previous Council Decisions**

At the meeting of 11 May 1999 the Joint Commissioners authorised the participation in the preparation of a Structure Plan and Implementation Study for HBH with the WAPC and the DoT, subject to:

- 1 The boundary of the study area being extended northwards to include the land between the ocean and Whitfords Avenue up to the entrance to the Ern Halliday Recreation Centre;
- 2 The study paying particular regard to public safety, security, pedestrian and vehicular access and comment from the proposed public meeting.

At its meeting of 26 September 2000, Council resolved to advise the WAPC that the Structure Plan and Implementation Strategy is generally supported as a basis to guide development in the future with the following key modifications and comments made:

- The provision for further commercial development of the seabed leases is not supported as council considers that the facility is fully developed already and additional development will exacerbate the existing situation with parking and access;
- The relocation of the ferry service and associated facilities is supported;
- The responsibility for car parking should not extend to the city. The WAPC is the responsible authority and accordingly the city is not required to adopt a car parking policy for the HBH;

- Without further investigation it is unlikely that a southbound egress point from southside drive into west coast drive would be supported as it may unnecessarily disrupt the traffic flow;
- Recommendations relating to the monitoring of marine waste collection facilities should read “provide a marine waste collection facility in a suitable location and hard stand area for cleaning of boat hulls. Hard stand areas and car parking should also have appropriately designed sediment traps and oil and grease traps”.
- Recommendation being reworded as follows: ‘review the “Hillarys beach – Hillarys park foreshore management plan (1991)”, in particular, public safety and security, pedestrian access, integration with the HBH, location and extent of car parking adjacent to HBH without compromising the conservation and recreation values of the reserve, including ongoing maintenance of the coastal environment.’
- Recommends to the WAPC that reserve 40802 as recognised under Perth’s bushplan be given the highest protection possible by changing the management order to classify reserve 40802 as an a class reserve as recommended in the HBH draft structure plan, recommendation lt2.

### **Further Studies**

The Department for Planning and Infrastructure (DPI) commissioned three separate studies. The first study, prepared by Sinclair Knight Mertz (*Hillarys Boat Harbour Parking Study*, May 2002) sought to establish current car parking usage at the HBH and project the current supply and demand of car/boat trailer bays for up to 15 years. The study provides a foundation for evaluating future proposals at the Harbour, through establishing parking ratios by land-use and identifying peak parking times.

The second study is the *Hillarys Boat Harbour Traffic Study and Concept Design*, 2003 prepared by Uloth and Associates. This study makes recommendations on how best to improve parking, access and amenity at the HBH, specifically how to ease the vehicular traffic congestion on peak days, provide better traffic flows around the HBH, provide clearly defined pedestrian and cycle routes into and past the HBH, and improve access for people with disabilities. The study includes investigations and concept designs for the existing internal and external road networks, a new south access to the HBH, pedestrian and cycle networks, and improvements to car parking layouts.

The third study is the *Landscape Masterplan Report*, December 2002, prepared by Plan E. The scope of the report was to establish a clear direction for future internal upgrades to the HBH in terms of themes, planting/landscaping, pedestrian and cycle movements, signage, lighting and furniture.

Recommendations of the three reports have been incorporated within this final draft Structure Plan.

### **DETAILS**

The Study area includes all of the land contained within the harbour reserve, together with Whitfords Nodes to the north and the section of Sorrento Beach immediately south of the harbour (Attachment 1). The Study addresses, among other issues, the statutory basis for planning and development control of the area.

The Draft Structure Plan and Implementation Strategy were advertised for six weeks during November and December 1999, and following consideration of the submissions received the Structure Plan and Implementation strategy was formulated. The WAPC considered and noted the consultants' final report and resolved to refer the report to the City and the then DoT for comment prior to its further consideration as a guide to development. Council at its meeting of 26 September 2000 resolved to advise the WAPC that the Structure Plan and Implementation Strategy is generally supported as a basis to guide development in the future. However, this was subject to a number of matters including that it did not support further commercial development of the seabed leases, or the southern exit unless further investigation was done to ensure that the proposed exit did not disrupt traffic flow.

The final draft Structure Plan and Implementation Strategy report contains:

- General objectives for 10 year development;
- Strategic recommendations in relation to 11 key issues identified during the preparation stages of the Structure plan;
- Precinct objectives for the four precincts (Attachment 2), comprising a strategic development statement, objectives and actions for each precinct;
- Responsibilities and priorities for implementation of strategic recommendations and precinct actions (Attachment 3); and
- Element 1 design, planning and car parking guidance.

Below is a summary of the strategic recommendations for each (11) of the key issues:

- Land Use and Development  
Minimise conflict between competing land uses by identifying precincts with specific land use functions.
- Marine Functions  
Ensure that HBH continues to function as one of the leading maritime facilities serving the northern coastal strip of Perth. To achieve this it needs to be recognised that HBH has an optimum capacity beyond which other appropriate sites need to be identified elsewhere within the corridor.
- Public Access  
Ensure that public access at the harbours edge is not compromised or in any way restricted by future development. Improve and investigate the pedestrian and cyclist movement system both to and within the HBH. Recognise the function of the eastern beach precinct as public areas and ensure future development proposals do not impede public accessibility and amenity.
- Car Parking  
Adopt a car parking policy to ensure that appropriate provision is made for on-site car parking for all future developments. Maintain a schedule of car parking allocations. Rearrange and improve management of existing car parking areas, including relocation of the ferry terminal and allocation of all day parking for ferry patrons. Introduce a parking management system, including parking restrictions in the southern precinct, and an appropriate signage system at entrances to the HBH to provide up-to-date information for visitors regarding car parking availability.

- Traffic Management  
Encourage higher car occupancy arrivals when promoting special events. Investigate improvements to service provision and marketing of public transport as an alternative mode of transport to and from HBH. Construct a new south access to the HBH as an extension of the existing east-west section of Southside Drive. Modify the Hepburn Avenue approach to the Whitfords Avenue/West Coast Drive/Hepburn Avenue roundabout, in the long term, to provide a shared left/through lane and a shared through right lane.
- Urban Design  
Maintain the existing scale of development at HBH. Ensure new development and extensions to existing buildings do not have an adverse impact on the quality of the environment and public spaces in and around HBH. Design a new landscape concept to provide a stronger setting and binding theme for the HBH, to enhance the maritime character of the HBH.
- Safety and Security  
Prepare and adopt a public safety and security strategy, ensure landscaping of the public domain does not adversely restrict visibility or create spaces, which are conducive to antisocial behaviour and ensure adequate lighting.
- Infrastructure  
Monitor the need for a sewage reception facility for marine vessels.
- Environmental Management  
Consider the recommendations contained within the Hillarys Beach – Hillarys Park Foreshore Management Plan (1991), create a compatible interface between the HBH and the boundary to the Whitfords Nodes. Prevent development including car parks, roads and additional public recreation infrastructure, within the Whitfords Nodes reserve. Undertake an environmental compliance audit to understand the source of possible pollutants to receiving waters and develop management and monitoring procedures to address any non-compliance issues.
- Marketing  
Ensure the DPI, as the ‘owner’ of HBH, continues to be ultimately responsible for approving the promotion of special events and that any marketing strategies adopted adequately addresses car parking and access issues; including public transport promotion. Promote HBH as a multi purpose public facility with due emphasis on maritime aspects and services to the boating industry to ensure maritime uses retain a profile in the public’s perception of the HBH.
- Land Tenure  
Reclassify Reserve 40802 from ‘C’ to ‘A’ class, vested in the City. Ensure reserves 27732 and 20501 to the south of HBH are appropriately vested and classified. Set aside and separately reserve land identified for public access and recreation. Maintain appropriate vesting of the HBH land and seabed to reflect its intended purpose.

Each of the four precincts (Attachment 2) has a distinct character and function setting it apart from the other precincts. The objectives of the four precincts are as follows:

Northern Precinct

Objective – To reinforce the northern precinct’s role for maritime and aquatic services, with ancillary commercial and public facilities.

Southern Precinct

Objective – To maintain the southern precinct as a major tourist and commercial node at HBH. To accommodate appropriate building expansions within the capacity of the HBH to provide vehicle access, car parking and pedestrian movement systems and to improve vehicle access/egress, pedestrian movement, car parking and public areas.

Eastern Beach Precinct

Objective – To maintain and improve the eastern precinct as a public recreation area, with clearly defined pedestrian links, and to support a range of appropriate recreation uses, provided these do not detract from the amenity of the precinct and public access through the precinct.

North and South of HBH.

Objective – To enhance the use and management of the adjacent beach areas for public recreation and conservation uses.

Attachment 3 provides a list of the strategic recommendations and precinct actions that are proposed to be the responsibility or joint responsibility of the City and achieved within the 10-year timeframe of the Structure Plan.

**Relevant Legislation:**

The Structure Plan is not a statutory document but as it is prepared and adopted by the relevant authorities it will serve as a guide in the exercise of statutory powers.

Under the Metropolitan Region Scheme the WAPC is the development control authority for the area. The DPI, as the vesting authority manages the maritime and harbour functions of the HBH, subleases land to commercial operators and markets and manages the general operations of the area, including access roads, car parking, public open space and special events. Development applications are submitted to the DPI Harbour Manager and lodged with the City. The City then considers the application and refers it to the DPI with recommendations to the WAPC for determination.

**Consultation:**

A total of 152 submissions was received within the six-week public advertising period, ending 10 December 1999. A further 18 submissions were received by 19 December 1999. The report prepared by Chris Antill Planning & Urban Design provides the following:

The major issues and majority views expressed were:

- Opposition to the proposed jetty extension and “splitting of the beach” that would result from this;
- Existing parking and access/egress problems need to be addressed before any further development is undertaken;

- Strong opposition to any further commercial development being permitted. Opposition to HBH becoming a shopping centre. High support for Option 1 (“Consolidation”).
- Commercial development over the water (i.e. Sorrento Quay seabed lease area) should not be permitted, as it would ruin spacious character for the HBH.

Secondary issues and majority views expressed were:

- Opposition to the Fisheries Department development (since constructed) as it would result in a loss of car parking, and its use is not appropriate in the HBH;
- Opposition to existing/new market stalls;
- Public accesses are being crowded with development and signage, and must be cleared away to allow unimpeded public access;
- Decked car parking is not supported.

Other main issues were:

- Some opposition to the proposed southern road exit;
- Some opposition to removing the “for sale” boats from their present site;
- Public security after dark is considered poor and requires addressing;
- Better/safer pedestrian access across West Coast Drive is supported;
- Better public transport to HBH is supported;
- A need was identified for more/better/cleaner public toilets associated with the public beach.

### **Financial Implications:**

At this stage the financial implications of those strategic recommendations and precinct actions that the City has been allocated the responsible authority for have not been determined. Furthermore it is considered that, as the City is only a facilitator in the process the allocation of resources towards this is a low priority.

### **COMMENT**

The final draft Structure Plan and Implementation Strategy addresses most of the concerns in relation to parking, access and the ferry jetty extension, however there are matters previously resolved by Council as documented under ‘previous Council decisions’ that have not been addressed, and these matters are included below.

### **Issues**

#### Relocation of Ferry Services

There was some opposition in the submissions to the proposal to provide a new jetty link from the eastern beach. The proposal is intended to achieve the relocation of the Rottneest ferry ticket office and larger charter boat operations to the northern precinct and the integration of the ferry service with improved public bus and private car park access. The extension is supported, as it would locate ferry parking in the northern car park, make this car park more accessible to the southern commercial precinct, and provide a pedestrian evacuation route from Sorrento Quay.

### Interface with Whitfords Nodes

The strategic development statement intends to improve the interface of the foreshore reserve with improved lighting and pedestrian links, increased surveillance and management. This is proposed to be actioned via the review of the Hillarys Beach – Hillarys Park Foreshore Management Plan (1991).

### Beach Area Preservation

The objectives for the eastern beach precinct are to maintain and improve the eastern precinct as a public recreation area, with clearly defined pedestrian links and to support a range of appropriate recreation uses, provided these do not detract from the amenity of the precinct and public access through the precinct. The strategic recommendation is to set aside the area for public access and recreation, vested in the Minister for Transport to ensure long-term protection for public use.

### Southern Access

It is recommended that prior to any works being undertaken in regards to the provision of a southbound egress point from Southside Drive into West Coast Drive that community consultation be undertaken.

### Parking Management

Strategic recommendation CP1 requires the adoption of a car parking policy. Element 1 of the strategy provides a car parking policy and it is stated that this should be adopted by the City and DPI as a policy guide which can be used in the assessment and determination of development applications. The WAPC is the development control authority for the area and the City is a referral body. Given that the decision-making lies with the WAPC it is not necessary for the City to either prepare or adopt a car parking policy.

In addition while parking standards are proposed to be applied to further development, in reality there is little room available to accommodate associated further above ground car parking. The proposal to construct a decked above ground car park has been replaced with investigation of options for decked parking, including provision for partly below ground. In view, however, of the negative impact that such parking facility would have upon the HBH and the understanding of the surrounding residential landowners that this form of development would not occur, it is recommended that CP6 be deleted.

### Environmental

The recommendation under the heading of infrastructure refers to monitoring of the need for a sewage reception facility for marine vessels. It is recommended that this be reworded and a new action be added for the northern precinct as follows, "Provide a marine waste collection facility in a suitable location, hard stand area for cleaning of boat hulls. Hard stand areas and car parking should also have appropriately designed sediment traps and oil and grease traps".

The Structure Plan does not appear to address the issue of noise and its impact on the surrounding predominantly residential areas. It is recommended that general wording be included in the Structure Plan in regards assessment of noise in the northern precinct (Marine related activities) and eastern beach precinct (Great Escape).



### Expansion of HBH

Action SPA21 states that further development of vacant land within existing lease areas, including seabed leases may be considered provided adequate car parking is provided, design guidelines area adhered to, and the new southern access road is provided onto West Coast Drive. Further land and seabed adjustments to existing leases will only be considered where it can be demonstrated that it will add value and provide an overall benefit and not adversely impact on the use and amenity. It is considered that the HBH is already fully developed and any additional development will impact significantly upon the amenity the space offers. Further, there is the opportunity to accommodate the growth north of the HBH.

### Implications for the City

Attachment 3 identifies the City as the responsible agency, in some cases jointly with the DPI, for a number of actions and recommendations. This has resource implications for the City. As the City has only a facilitating role (the decision making role rests with the WAPC), the recommendations and actions are not considered to be high priorities for the allocation of the City's resources.

### **Additional Comments**

Don Froome, the Department for Planning and Infrastructure's HBH manager made a submission in which he disagreed with four items in the recommendation of the report to the December 2003 meeting relating to decked car parking, sewage reception and marine waste facilities, and disallowing any further commercial development of the HBH. He took the view that the City should not categorically oppose any future commercial development of HBH, and subsequently the possibility of decked car parking, but rather be open to the possibility. Furthermore, he considered that hard stand areas for cleaning of boat hulls was unnecessary in light of the present contractual arrangements.

In relation to future commercial development and decked car parking, the City remains firmly of the view that this could not be accommodated without significant negative impacts on HBH. In relation to the requirement for the provision of hard stand areas, this is a known environmental health standard requirement which should be enforced.

### **Assessment and Reasons for Recommendation**

A Structure Plan and Implementation Strategy for HBH is considered important for the provision of an orderly context for the ongoing development of one of the City of Joondalup's main attractions. It will address the current situation and the development of HBH and the surrounding areas over the next 10 years.

The Structure Plan contains a series of recommendations relating to the various functions of the HBH, and the Implementation Strategy provides guidance as to how these recommendations should be fulfilled.

In light of the time that has lapsed since the draft Structure Plan and Implementation Strategy was advertised it is recommended that the WAPC advertise the *final* draft structure plan for a period of 60 days.

The Structure Plan and Implementation Strategy is generally supported as a basis to guide development in the future subject to a number of modifications and inclusions.

**ATTACHMENTS - *Appendix 11 refers (See Appendices at rear of agenda)***

Attachment 1	Site Plan
Attachment 2	Precincts
Attachment 3	Recommendations and Precinct Actions

**VOTING REQUIREMENTS**

Simple Majority

**RECOMMENDATION**

**That the Joint Commissioners ADVISE the Western Australian Planning Commission that the Structure Plan and Implementation Strategy is generally supported as a basis to guide development in the future subject to the following:**

- 1 The final draft Hillarys Boat Harbour Structure Plan and Implementation Strategy being advertised for a period of 60 days;**
- 2 With respect to recommendation TM3-Construct a new south access to the Harbour as an extension of the existing east-west section of Southside Drive, detail being added as follows, “A community consultation exercise is to be undertaken in relation to these works”;**
- 3 The proposal to construct decked car parking is not supported. Accordingly recommendation CP6-Investigate the option of providing a (low scale, partly below ground) decked car park, should be deleted;**
- 4 Recommendations INF1-Monitor the need for a sewage reception facility for marine vessels, being reworded as follows “Provide a marine waste collection facility in a suitable location and hard stand area for cleaning of boat hulls. Hard stand areas and car parking should also have appropriately designed sediment traps and oil and grease traps”;**
- 5 Add a new action NPA16 as follows, “Provide a marine waste collection facility in a suitable location and hard stand area for cleaning of boat hulls. Hard stand areas and car parking should also have appropriately designed sediment traps and oil and grease traps”;**
- 6 Provisions for further commercial development of the Hillarys Boat Harbour is not supported as the facility is fully developed already and additional development will exacerbate the existing problems;**
- 7 The recommendations and actions for which the City of Joondalup has been allocated a responsible agent are not considered to be high priorities for the allocation of the City’s resources;**

- 8 General wording being included in regard to the assessment of noise in the northern and eastern beach precincts; and**
- 9 The responsibility for recommendation CP1-Adopt a Car Parking Policy to ensure the appropriate provision of on-site car parking, for all future development proposals, should not extend to the City. The Western Australian Planning Commission is the responsible authority and accordingly the City is not required to adopt a car parking policy for the boat harbour.**

*Appendix 11 refers*

*To access this attachment on electronic document, click here: [attach11brf102004.pdf](#)*

**CJ022 - 02/04 DRAFT POLICY - BUILDINGS SET BACK FROM THE BOUNDARY - ADDITIONAL ACCEPTABLE DEVELOPMENT PROVISIONS – CLAUSE 3.3.1 OF THE RESIDENTIAL DESIGN CODES 2002 – [51553]**

**WARD - All**

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**PURPOSE**

The purpose of this report is for the Joint Commissioners to consider a new planning policy, “Buildings Set Back from the Boundary – Additional Acceptable Development Provisions – Clause 3.3.1 of the Residential Design Codes 2002”(Attachment 1 refers) for the purpose of advertising.

**EXECUTIVE SUMMARY**

The Residential Design Codes (the Codes) are the basis for controlling the siting and design of residential development throughout Western Australia. They enable applicants to either submit an application that complies with “as of right” provisions (Acceptable Development) or to address designated performance criteria. Setbacks from boundaries are one of the issues addressed. However, no definition of a boundary is provided, resulting in differences in the way that certain types of residential development are assessed. This results in inequitable scenarios and may also compromise residential amenity.

In order to address this issue, it is proposed to add “as of right” provisions (Acceptable Development) to Clause 3.1.1 Buildings Set Back from the Boundary by way of a planning policy that would relate to buildings on survey strata lots without common property (classified as Single Houses under the Codes) and grouped dwelling developments on strata lots. These additional Acceptable Development Provisions would then provide a consistent approach to the assessment of all residential development applications and the assessment of residential amenity issues such as privacy and overshadowing.

*It is recommended that the Joint Commissioners, in accordance with clause 8.11 of the City of Joondalup’s District Planning Scheme No 2, adopt the policy ‘Building Set Back from the Boundary – Alternative Performance Criteria – Clause 3.3.1 of the Residential Design Codes 2002’ as per Attachment 1 to this Report as a draft policy for advertising for a period of 21 days for public comment.*

**BACKGROUND**

The Residential Design Codes (the Codes) were adopted by the Western Australian Planning Commission (WAPC) on 1 October 2002 as the basis for controlling the siting and design of residential development throughout Western Australia. The Codes replaced and expand upon the 1991 Residential Planning Codes (the R- Codes), largely as a response to changes in residential design and development and community concerns, as well as to increase the focus

on sustainability provisions. They enable applicants to either submit an application that complies.

The Codes, however, do not enable a consistent approach with respect to some types of subdivisions due to the lack of a definition of a “boundary” and, therefore, the assessment of residential amenity issues such as privacy and overshadowing are assessed inequitably for these forms of residential development.

## **DETAIL**

Clause 3.3.1 Buildings Set Back from the Boundary of the Codes relates to boundary setback provisions, with the exclusion of street setbacks. The objective of Clause 3.3.1 is to ensure the adequate provision of direct sun and ventilation for buildings and to ameliorate the impacts of building bulk, interference with privacy, and overshadowing on adjoining properties. The Codes do not, however, provide a definition for a “boundary”. The WAPC has subsequently advised (via its ‘R-Codes Advice Notes – R-Codes Frequently Asked Questions (FAQ) – Volume 1, Issue 6, June 2003’) that the setback requirements of the Codes relate to green title lot boundaries and do not apply to survey strata or strata lots.

The Acceptable Development provisions of this Clause make no provision for the setback of buildings on survey strata lots without common property (classified as single houses under the Codes) and grouped dwelling developments on properties where survey strata or strata lot boundaries exist. This being the case, since survey strata boundaries are not considered to be boundaries for the purposes of assessing building setbacks under the Codes, none of the subclauses of Clause 3.3.1 A1) are applicable and, therefore, the objectives of this Clause are not addressed in these circumstances.

Clauses 2.6.1 and 2.6.2 of the Codes enable Councils to adopt local planning policies that are consistent with the provisions of the Codes to address local requirements. Such Policies may be designed to augment the Codes for aspects of residential development not provided for in the Codes and to clarify alternative Acceptable Development provisions to meet the Performance Criteria.

### **Statutory Implications:**

Clause 8.11 of District Planning Scheme No 2 (DPS2) outlines the provisions with respect to the preparation of planning policies and amendments.

Having prepared the policy, Council is required to advertise it by way of a notice published once a week for two consecutive weeks in a local newspaper, giving notice where the draft policy may be inspected. The specified period for advertising should be not less than twenty one (21) days.

### **Sustainability Implications:**

The proposed policy has no economic, social or environmental impacts and therefore has no implications in terms of sustainability.

## COMMENT

Stratas and survey stratas are increasingly common forms of subdivision. The residential impacts of the resulting built forms on these types of lots have not, however, been fully addressed by the Codes due to the absence of any definition of a “boundary”.

In accordance with Clauses 2.6.1 and 2.6.2 of the Codes which enable local authorities to formulate appropriate policies, this policy has been expressly formulated to provide additional Acceptable Development provisions under Clause 3.3.1 of the Codes – Buildings Set Back from the Boundary to address the inconsistencies resulting from the lack of a boundary definition to ensure that residential amenity issues such as privacy and overshadowing are assessed equitably for all residential development.

In view of the above, it is recommended that the draft policy be adopted for the purpose of advertising.

## ATTACHMENTS - *Appendix 12 refers (See Appendices at rear of agenda)*

Attachment 1            Draft Policy

## VOTING REQUIREMENTS

Simple Majority

## RECOMMENDATION

**That the Joint Commissioners, in accordance with clause 8.11 of the City of Joondalup’s District Planning Scheme No 2, ADOPT the policy “Building Set Back from the Boundary – Alternative Performance Criteria – Clause 3.3.1 of the Residential Design Codes 2002” as per Attachment 1 to Report CJ022-02/04 as a draft policy for advertising for a period of 21 days for public comment.**

*Appendix 12 refers*

*To access this attachment on electronic document, click here: [attach12brf100204.pdf](#)*

**CJ023 - 02/04 DRAFT POLICY - BUILDINGS ON BOUNDARIES - ALTERNATIVE PERFORMANCE CRITERIA - CLAUSE 3.3.2 OF THE RESIDENTIAL DESIGN CODES 2002 – [52553]**

**WARD - All**

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**PURPOSE**

The purpose of this report is for the Joint Commissioners to consider a new planning policy, “Buildings on Boundaries – Alternative Performance Criteria – Clause 3.3.2 of the Residential Design Codes 2002” (Attachment 1 refers) for the purpose of advertising.

**EXECUTIVE SUMMARY**

The Residential Design Codes 2002 (the Codes) are the basis for controlling the siting and design of residential development throughout Western Australia. They enable applicants to either submit an application that complies with “as of right” provisions (Acceptable Development) or to address designated performance criteria. Setbacks from boundaries are one of the issues addressed, including buildings on boundaries.

It is relatively common for portions of residential development within the City to be built up to a boundary, particularly in the case of buildings ancillary to the dwelling such as sheds and garages. In addition, these walls may be located at the front of dwellings, within the front setback area and forward of the dwelling. The “as of right” provisions (Acceptable Development) of Clause 3.3.2 Buildings on Boundary enables one wall to be built up to a boundary, with limitations. A significant number of shed and garage applications do not meet the Acceptable Development provisions of the Codes and therefore need to be assessed under the Performance Criteria through the planning approval process.

The City and its customers would benefit from a mechanism being put in place which recognises these types of development as being acceptable aside from the Acceptable Development provisions, subject to the support of the adjoining landowners.

*It is recommended that the Joint Commissioners in accordance with clause 8.11 of the City of Joondalup’s District Planning Scheme No 2, adopt the policy ‘Building on Boundaries – Additional Performance Criteria - Clause 3.3.2 of the Residential Design Codes 2002’ as per attachment 1 to this Report as a draft policy for advertising for a period of 21 days for public comment.*

**BACKGROUND**

The Residential Planning Codes 1991 (the R-Codes) were replaced on 1 October 2002 by the Residential Design Codes 2002 (the Codes) as the basis for controlling the siting and design of residential development throughout Western Australia. The Codes enable applicants to either submit an application that complies with “as of right” provisions (Acceptable Development) or to address designated performance criteria. Irrespective of this opportunity,

the Codes are to some extent more onerous than the R-Codes with respect to the additional factors that need to be addressed by an applicant, in particular in relation to the extent of overlooking and overshadowing of adjoining properties. A revision of existing policies, or the creation of new policies, relating to some aspects of the Codes is warranted and may assist with the approval process by improving understanding and shortening the duration for processing of applications to the City.

## DETAILS

Any more than one wall built up to a boundary, or walls that are longer and higher than walls that are approvable “as of right” are required to be assessed under the Performance Criteria therefore requiring a Development Approval. The Codes do not therefore facilitate the approval process for simple structures such as sheds that are often located in the corner of rear yards. In addition, single house (single dwelling) applications that comply with the Acceptable Development provisions are dealt with via a Building Licence. If Performance Criteria are applied, a Development Application is required and the proposal can no longer be dealt with solely through the Building Licence process.

Boundary walls are commonly thought to be parapet walls with walls that extend beyond the point at which the roof meets the wall, however Clause 3.3.2 Buildings on Boundary of the Codes, in referring to buildings up to boundaries other than the street boundary, notes the following:

### “Boundary Wall – Notes

The term “up to a boundary” means either on the boundary or any point closer than 0.75m between the boundary and the setback provided by Table 1, Table 2 and Figure 2 and Figure 3.”

The Acceptable Development provisions of Clause 3.3.2 enable one wall to be built up to a boundary behind the front setback line in a number of situations, including the following relevant situations (*italicised*):

- (i) *Where the wall abuts an existing or simultaneously constructed wall of similar or greater dimension; or*
- (ii) *In areas coded R20 and R25, walls not higher than 3 metres with an average of 2.7 metres up to 9 metres in length up to one side boundary; or*
- (iii) *In areas coded R30 and higher, walls not higher than 3.5m with an average of 3m for 2/3 the length of the balance of the boundary behind the front setback, to one side boundary.*

The Codes specifically recognise inner city housing as a form of development with different requirements and, subsequently, Clause 3.3.2 sets out specific Acceptable Development boundary wall provisions for this form of development. Similarly, mixed use development is likewise recognised as being different and is treated separately in another part of the Codes. It is therefore not intended that the proposed policy provisions will relate to either of these categories.



The draft policy enables such applications to be expedited by way of an adopted policy, which sets out standards for walls that do not meet the “as of right” (Acceptable Development) provisions for Single House and Grouped Dwelling developments yet are considered by the City to be acceptable. There are three points of consideration in terms of the impact of such walls on residential amenity, as follows:

- (a) The extent to which such walls could be approved within the front (primary street) setback area;
- (b) The acceptable height of such walls; and
- (c) The acceptable length of such walls.

The extent to which development intruding into the setback area is considered to be acceptable has been based on the previous 1991 Residential Planning Codes (the Codes), inline with existing development, and includes a limitation on the wall height. This reflects the current situation on a significant number of properties at this time, particularly in relation to sheds and garages, and customer expectations. The minimum allowable setback of 3 metres under the Acceptable Development provisions of the Codes is reflected in the draft policy.

Low walls such as shed walls usually have minimal impact on adjoining properties, especially given that side and rear fences are at least 1.8 metres high. Habitable rooms need a minimum wall height of 2.1 metres. No limitation on the extent of walls with a minimum wall height of 2 metres has been proposed for these reasons.

The Codes recognise walls 3.5 metre or less in height as being single storey for the purposes of setback assessments. This height is therefore reflected in the draft policy. The lengths of walls in the proposed policy are based on the provisions of the R-Codes since these generally reflect the existing built form in the City and public demand. Reference to averaging of wall heights is not considered to be necessary since averaging could result in portions of walls well in excess of 3.5 metres in highly visible locations and adversely impact on the streetscape and adjoining properties. Notwithstanding this, the Codes provide direction in relation to the calculation of wall height for developments with skillion, curved or irregular shaped roofs.

Clauses 2.6.1 and 2.6.2 of the Codes enable Councils to adopt local planning policies that are consistent with the provisions of the Codes to address local requirements. Such Policies may be designed to augment the Codes for aspects of residential development not provided for in the Codes, to clarify alternative Acceptable Development provisions to meet the Performance Criteria.

Since the policy proposes criteria that are not contained in the Codes and therefore are not common knowledge, the support of the adjoining landowners should be required when assessing applications under the proposed Alternative Performance Criteria.

### **Statutory Implications:**

Clause 8.11 of District Planning Scheme No 2 (DPS2) outlines the provisions with respect to the preparation of planning policies and amendments.

Having prepared the policy, Council is required to advertise it by way of a notice published once a week for two consecutive weeks in a local newspaper, giving notice where the draft policy may be inspected. The specified period for advertising should be not less than twenty one (21) days.

### **Sustainability Implications:**

The proposed policy has no economic or social impacts and therefore has no implications in terms of sustainability. There may be some environmental implications in relation to penetration of sunlight and ventilation on the subject and adjoining properties. However, the Codes address these issues separately and any application would need to comply with these requirements such that any impacts would be minimal.

### **COMMENT**

The draft policy recognises the existing acceptable built form in the City in line with the current public demand. It will facilitate the approval process and provide more certainty to applicants and the City alike, particularly in relation to minor developments such as sheds.

Since the policy proposes criteria that are not contained in the (current) Codes, and therefore are not common knowledge, the support of the adjoining landowners should be required when assessing applications under the proposed Alternative Performance Criteria.

In view of the above, it is recommended that the draft policy be adopted for the purposes of advertising.

### **ATTACHMENTS - *Appendix 13 refers (See Appendices at rear of agenda)***

Attachment 1            Draft Policy

### **VOTING REQUIREMENTS**

Simple Majority

### **RECOMMENDATION**

**That the Joint Commissioners, in accordance with clause 8.11 of the City of Joondalup's District Planning Scheme No 2, ADOPT the policy "Building on Boundaries – Additional Performance Criteria - Clause 3.3.2 of the Residential Design Codes 2002" as per attachment 1 to Report CJ023-02/04 as a draft policy for advertising for a period of 21 days for public comment.**

*Appendix 13 refers*

To access this attachment on electronic document, click here: [attach13brf100204.pdf](#)

## **CJ024 - 02/04 CLOSURE OF ADVERTISING - REVIEW OF POLICY 3.1.3 – ALFRESCO DINING – [03360]**

**WARD - All**

### **PURPOSE**

The purpose of this report is for the Joint Commissioners to consider public submissions following advertising of amendments to Policy 3.1.3 ‘Alfresco Dining’ (Attachment 1 refers).

### **EXECUTIVE SUMMARY**

Council adopted the proposed changes to Policy 3.1.3 ‘Alfresco Dining’ (Attachment 2) at its meeting on 11 November 2003, and recommended that the policy be advertised for public comment for a period of twenty-one (21) days, commencing on 20 November 2003 (CJ259-11/03).

The two (2) submissions received during the public consultation period have suggested that consideration should be given to ensure the policy adequately addresses issues concerning pedestrian and disabled access to and around alfresco dining areas. The policy ensures alfresco dining areas are designed to accommodate disabled access in addition to maintaining clearways so pedestrian access can remain uninhibited. As part of the changes to the policy, a number of diagrams were introduced to demonstrate these standards. Accordingly, the suggestions made have been considered in the policy.

The changes proposed will ensure that alfresco dining areas are better designed to consider the needs of the broader community and ensure improvement in appearance of adjoining properties and the street in general. Accordingly it is recommended that the changes to the policy be adopted as per attachment 2.

### **BACKGROUND**

<b>Suburb/Location:</b>	All
<b>Applicant:</b>	City of Joondalup
<b>Owner:</b>	City of Joondalup
<b>Zoning:</b>	DPS: N/A
	MRS: N/A
<b>Strategic Plan:</b>	Lifestyle – Strategy 2.6 Promote and enjoy lifestyles that engender Environmental, Social and Economic balance.

#### Previous Council Decision:

At its meeting on 11 November 2003, Council resolved to adopt the proposed changes to Policy 3.1.3 ‘Alfresco Dining’ for public comment for a period of 21 days, commencing on 20 November 2003 (CJ259-11/03).

## DETAIL

The Alfresco Dining Policy provides guidance by setting out requirements to operate an alfresco area and establishes guidelines for their location and approval. The policy is supported by the 'Trading in Public Places' local law, which sets up regulatory standards associated with alfresco areas. Together they are the tools to assess applications and issue licenses for alfresco dining.

Whilst the policy is performing satisfactorily, the following amendments are proposed to streamline the requirements (Attachment 1):

- Delete clauses that are deemed ineffective or covered by the local laws relating to alfresco dining;
- Introduce standards that ensure alfresco dining areas improve the amenity of adjoining properties and the street in general by encouraging the use of decorative pot plants, chairs and tables of an appropriate style;
- Modify the requirements for public liability insurance cover;
- Group the planning approval requirements under one heading;
- Ensure that thoroughfares remain clear;
- Ensure the removal of all furniture after operating hours, which will improve the safety and management of alfresco dining areas; and
- Ensure minimum standards in relation to the establishment of demarcation/barriers.

### Consultation:

The changes proposed to Policy 3.1.3 'Alfresco Dining' were advertised for public comment for a twenty-one (21) day period, commencing on 20 November 2003. An advertisement was placed in the local newspaper on 20 November and 4 & 9 December 2003 respectively.

Two (2) submissions were received. One submission makes a suggestion that consideration should be given to ensure pedestrian movement is not inhibited at the expense of the alfresco area. The other submission requests that the policy give due consideration to pedestrian access in and around alfresco areas to ensure people who are blind and vision impaired are not denied access (See attachment 3).

### STATUTORY IMPLICATIONS:

Clause 8.11 of District Planning Scheme No 2 (DPS2) outlines the provisions with respect to the preparation of planning policies and amendments.

Having advertised the draft policy for twenty one (21) days, the Joint Commissioners shall review the draft policy in light of any submission made and shall then resolve either to finally adopt the draft policy with or without modification, or not to proceed with the draft policy.

### COMMENT

The Policy sets out the requirements to operate an alfresco area, by way of establishing guidelines for locating alfresco dining area and establishes relevant approval requirements. The policy is supported by the 'Trading in Public Places' local law adopted in 1999 which sets up regulatory standards associated with alfresco dining such as license restrictions and

application, requirements for outdoor dining license, terms and validity as well as responsibility of licenses and cancellation.

The two (2) submissions received during the public consultation period have suggested that consideration should be given to ensure the policy adequately addresses issues concerning pedestrian access to and around alfresco dining areas, in particular for those people who are disabled. The policy sets out, through provisions 2, 7 and 9, a number of standards that ensure alfresco dining areas are designed to accommodate disabled access in addition to maintaining clearways so pedestrian access can remain uninhibited. A number of diagrams that have been introduced into the policy as part of the review demonstrate these standards. Accordingly, the suggestions made have been well considered in the policy.

The amendments address the presentation of alfresco dining areas ensuring that such areas are presented in a way that enhances the amenity of adjoining properties. The deletion of clauses covered by the local law and changes to requirements for public liability insurance cover will streamline the policy and ensure that it is updated to accord with current practices.

Other amendments relate to formatting such as grouping planning requirements under one heading to simplify the policy, while the inclusion of standards ensuring that thoroughfares remain clear and all furniture is removed outside of operating hours will improve safety and management of alfresco dining areas.

The changes proposed will improve the administration of the policy, ensure that alfresco dining areas are better designed to consider the needs of the broader community and ensure improvement in appearance to adjoining properties and the street in general. Accordingly it is recommended that the changes to the policy be adopted as per attachment 2.

#### **ATTACHMENTS - *Appendix 14 refers (See Appendices at rear of agenda)***

Attachment 1	Policy 3.1.3 – Alfresco Dining ( <del>Planning</del> ) Joondalup City Centre
Attachment 2	Policy 3.1.3 – Alfresco Dining – Joondalup City Centre

#### **VOTING REQUIREMENTS**

Simple Majority

#### **RECOMMENDATION**

##### **That the Joint Commissioners:**

- 1 in accordance with clause 8.11 of the City of Joondalup's District Planning Scheme No 2 ADOPT the amended policy 'Alfresco Dining' as per Attachment 2 to Report CJ024-02/04;**
- 2 NOTE the submissions received;**
- 3 ADVISE the submitters of the Joint Commissioners' decision.**

*Appendix 14 refers*

To access this attachment on electronic document, click here: [attach14brf100204.pdf](#)

V:\devserv\REPORTS\REPORTS 2004\020409sf.docalfresco dining policy Feb04

## **CJ025 - 02/04      REVIEW OF POLICY 3.2.7 – PEDESTRIAN ACCESSWAYS – [57155]**

**WARD - All**

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### **PURPOSE**

The purpose of this report is for the Joint Commissioners to consider amendments to Policy 3.2.7 'Pedestrian Accessways' (Attachment 1 refers) for the purpose of advertising.

### **EXECUTIVE SUMMARY**

Council adopted the City's 'Pedestrian Accessways Policy' in April 2001. The policy has been successful from the point of view of providing guidance on the creation of Pedestrian Accessways (PAWs) in new subdivisions, development adjoining existing PAWs and the assessment of PAW closure requests. The policy has not been reviewed since it was adopted and needs to be to ensure that it is properly maintained and updated in keeping with current practices.

Amendments are required to clarify the policy by making a number of minor text changes. Further changes are also proposed as a result of recommendations made by the Western Australian Planning Commission (WAPC) in its publication of 'Planning Bulletin 57 – closure of Pedestrian Accessways – Planning Considerations' and to ensure the policy is consistent with District Planning Scheme No 2 (DPS2).

The changes proposed involve increasing the preferred minimum width of PAWs in new subdivisions from 5 metres to 8 metres to align with policy prescribed by the WAPC, and removing the section requiring Detailed Area Plans (DAPs) to be prepared for development adjacent to PAWs as these cannot be enforced by DPS2. Additionally, a number of modifications have been made to clarify urban design issues in circumstances where redevelopment and/or subdivision occurs on land adjoining a PAW.

Further changes have been made to reflect the proper referral sequence of the PAW closure process to the Department for Planning and Infrastructure (DPI) and include a new statement regarding reconsideration of the decisions made by Council and the WAPC.

It is recommended that the amendments to the policy as per Attachment 2 be adopted for the purpose of advertising.

### **BACKGROUND**

<b>Suburb/Location:</b>	All
<b>Applicant:</b>	City of Joondalup
<b>Owner:</b>	City of Joondalup
<b>Zoning:</b>	<b>DPS:</b> N/A
	<b>MRS:</b> N/A

**Strategic Plan:** Strategy 3.1.1  
Plan the timely design, development, upgrade and maintenance of the City's infrastructure.

The Pedestrian Accessways Policy was adopted by Council in April 2001.

In May 2003 the WAPC published Planning Bulletin 57 'Closure of Pedestrian Accessways – Planning Considerations' that outlines the criteria that Local Authorities should use when considering an application to close a PAW. It should be noted that the details of the Commission's Bulletin were based largely on the City's policy. The City's policy has not been reviewed since it was adopted and needs to be to ensure that it is properly maintained and updated in keeping with current practices.

## **DETAIL**

The Pedestrian Accessways Policy provides guidance in the following:

- Provision of PAWs in new subdivisions
- Closure of PAWs; and
- Alternatives to closing PAWs.

The policy ensures that assessment of new or closure of existing PAWs is provided on a case-by-case basis, with the merit of each application being determined by an assessment based on the needs of the community as a whole and sound urban design and planning principles.

### Current Proposal or Issue

It is considered that the policy is performing satisfactorily, however, amendments are required to make the policy clearer to the reader by making a number of minor text changes and by including new statements as a result of publication of the 'Planning Bulletin 57'. In addition, a number of changes are proposed to ensure the policy is consistent with DPS2 and contemporary urban design principles. The policy is divided into 4 sections (Policy Statements), minor changes are proposed to each section, with the change to policy statement 3 being typographical.

Accordingly under 'Policy Statement No 1' it is proposed to change the minimum width of PAWs in new subdivisions from 5 metres to 8 metres to align this provision with that prescribed by Planning Bulletin No 9 published by the WAPC in 1995. The increased width will allow for the PAW to accommodate lighting, street chairs and trees.

It is also proposed to remove the statement requiring Detailed Area Plans (DAPs) to be prepared to guide development that is adjacent to PAWs in new subdivision areas. The preparation of DAPs is a requirement of the WAPC policy 'Liveable Neighbourhoods – Guide to Subdivision Design', however the DPS2 has no provisions that allow for the creation of DAPs. Accordingly the detailed design of PAWs and the subsequent development adjacent to it can be accommodated through structure plans in the case of new subdivision areas and considered at the subdivision and/or development stage in cases where redevelopment occurs adjacent to existing PAWs. An additional diagram has also been included that details the style of fencing to be provided adjacent to PAWs.

Under 'Policy Statement No 2' statement (e) has been modified to reflect the proper referral sequence of the PAW closure to the DPI, which is to follow after Council has made a decision in favour of closure as opposed to prior to Council considering the proposal. This reflects current practice. Additionally, a new section has been introduced in regard to requests for reconsideration. This is required as a result of Planning Bulletin 57 that sets out the conditions and circumstances where the Council may request the WAPC to reconsider its decision. The section also introduces provisions that stipulate when new applications can be made once a final decision has been determined.

Furthermore 'Policy Statement No 4' has been modified to make reference to 'State Government and Utility Agencies' as opposed to 'Advertising Procedures', as both matters are dealt with separately with the later undertaken as part of the 'Community Assessment'. Modifications have also been made to ensure 'State Government and Utility Agencies' are referred a copy of the PAW closure after the application has been received and prescribed fees have been paid.

### Statutory Implications

Clause 8.11 of District Planning Scheme No 2 (DPS2) outlines the provisions with respect to the preparation of planning policies and amendments.

Council having prepared and adopted the policy shall advertise it by way of a notice published once a week for two consecutive weeks in a local newspaper giving notice where the draft policy may be inspected. The specified period for advertising should be not less than twenty one (21) days.

### **COMMENT**

The review of the PAW Policy ensures that the standards for the creation of PAWs in new subdivisions and redevelopment/subdivision adjacent to PAWs are also updated in keeping with contemporary urban design practices. The review ensures that the procedures and standards for the assessment of PAW closures are updated in accordance with current practices.

Increasing the width of PAWs in new subdivisions will allow for improved amenity and surveillance over PAWs and will align this policy standard with current practice prescribed by the WAPC.

The removal of provisions that require the preparation of DAPs ensures that the policy is aligned with DPS2.

The modifications proposed to section (e) of 'Policy Statement No 2' and 'Policy Statement No 4' will bring the policy in line with current practices and procedures.

The introduction of provisions that set out the procedures for a request for reconsideration of the decision will bring the policy in line with standards prescribed by the WAPC. The provisions will also provide clarity to both Council and the community in circumstances where requests for reconsideration can be made.



In view of the above it is recommended that the amendments to the policy be adopted for the purpose of advertising.

**ATTACHMENTS - *Appendix 15 refers (See Appendices at rear of agenda)***

Attachment 1            Public Access Ways  
Attachment 2            Draft Policy

**VOTING REQUIREMENTS**

Simple Majority

**RECOMMENDATION**

**That the Joint Commissioners in accordance with clause 8.11 of the City of Joondalup's District Planning Scheme No 2 ADOPT the amended policy 'Pedestrian Accessways' as per Attachment 2 to Report CJ025-02/04 as a draft policy for advertising for a period of 21 days for public comment.**

*Appendix 15 refers*

To access this attachment on electronic document, click here: [attach15brf100204.pdf](#)

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**CJ026 - 02/04      CLOSE OF ADVERTISING FOR AMENDMENT NO 1  
TO DISTRICT PLANNING SCHEME NO 2 – LOT 3 (5)  
TRAPPERS DRIVE, WOODVALE – [55070]**

**WARD** - Lakeside

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**PURPOSE**

The purpose of this report is for the Joint Commissioners to:

- 1 Consider public submissions following advertising of Amendment 1 to the City's District Planning Scheme No 2 (DPS2);
- 2 Consider granting final approval to Amendment 1 without modification;
- 3 Endorse and submit the amendment document to the Hon Minister for Planning and Infrastructure for final approval to be granted; and
- 4 Support additional resolutions that seek to address issues contained within several submissions received following advertising of Amendment 1.

**EXECUTIVE SUMMARY**

The purpose of the amendment is to facilitate the expansion of the existing shopping centre on Lot 6 Whitfords Avenue, Woodvale. The expansion is partially over Lot 3 Trappers Drive, which is owned by the City (Attachment 2 refers).

The amendment was advertised from 16 July to 27 August 2003, and upon closure of the advertising period, twenty one (21) submissions were received. Ten (10) submissions received supported the proposal, three (3) submissions from servicing authorities raised no objection to the proposal and the remaining eight (8) submissions either raised concerns or did not support the proposal (Attachment 4 refers).

The nature of the concerns and objections primarily related to the potential exacerbation of noise, vehicle movements and antisocial behaviour associated with the proposed expansion of the shopping centre. Other objections suggested the need for a post office, aged care facility and a garden centre. A submission also raised concerns with respect to the increase in retail floor space for Lot 6 and that any retail floor space increases should be shared equally across all lots comprising the shopping centre.

The proposed expansion of the shopping centre has been designed in order to assist in minimising the creation of noise, vehicle movements and antisocial behaviour. The imposition of conditions at the future development approval stage, together with continued security patrols of Lot 3 are also envisaged to assist in minimising the impact of these issues upon adjoining landowners in particular. The City's Centres Strategy allows for retail floor space expansion upon Lot 6.

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. A recommendation is also made to address an issue contained within a submission received following advertising of Amendment 1.

## BACKGROUND

At the meeting of 16 December 2003 the Joint Commissioners resolved that:

*“consideration of the Close of Advertising for Amendment No 1 to District Planning Scheme No 2 – Lot 3 (5) Trappers Drive, Woodvale be DEFERRED until the next Meeting of the Joint Commissioners scheduled to be held on 17 February 2004, and Commissioners be given a full briefing on this issue at the Briefing Session to be held on 10 February 2004.”*

**Suburb/Location:** Lot 3 (No 5) Trappers Drive, Woodvale  
**Applicant:** FAL Pty Ltd  
**Owner:** City of Joondalup  
**Zoning:** **DPS:** Civic and Cultural  
**MRS:** Urban  
**Strategic Plan:** 3.1.2 - Facilitate the safe design, construction and approval of all buildings and facilities within the City of Joondalup.

Council at its meeting on 15 October 2002 (CJ258 – 10/02 refers) resolved to execute a contract of sale for the 354m<sup>2</sup> portion of Lot 3 Trappers Drive, Woodvale. Council also resolved to reject FAL’s request to purchase the remainder of Lot 3, however, resolved to enter into negotiations with FAL for a lease for the use of the car park.

Council at its meeting on 29 April 2003 (CJ097 - 04/03 refers) resolved to adopt Amendment 1 to DPS2 for the purposes of advertising. Council also resolved that the applicant submit concept plans for the proposed shopping centre expansion, to modify an existing legal agreement applicable to the land and to enter into a further legal agreement with respect to the proposed expansion of the shopping centre.

## DETAILS

### Location

Lot 3 Trappers Drive is located approximately 280 metres north of the intersection of Trappers Drive and Whitfords Avenue in Woodvale (Attachment 1 refers). The Woodvale Boulevard Shopping Centre (Lot 6 Whitfords Ave) and Woodvale Medical Centre (Lot 7 Trappers Drive) abut the southern boundary of Lot 3 whilst the Timberside (aged persons) Villas (Lot 500 Timberlane Drive) abuts the western boundary of Lot 3. Several residential lots abut the northern boundary of Lot 3 (Attachment 1 refers).

### Existing Zoning, Development & Landuse

Lot 3 Trappers Drive is zoned ‘Civic and Cultural’ under DPS2 and is occupied by the Woodvale library, a community care centre and associated car parking areas. A portion of the land in its south western corner remains vacant.

The Woodvale Boulevard Shopping Centre (Lot 6 Whitfords Avenue) is zoned 'Commercial' under DPS2. Schedule 3 of DPS2 restricts the retail net lettable area of Lot 6 Trappers Drive, Woodvale to 5500m<sup>2</sup>. The Department for Planning and Infrastructure (DPI) surveyed the shopping centre on Lot 6 Whitfords Avenue in 1997 and recorded a retail floor area of 6632m<sup>2</sup>. The DPI has recently finalised the 2001/2002 survey, with this survey data being used as part of a future review of the City's Centres Strategy.

The Woodvale Medical Centre site (Lot 7 Trappers Drive) is also zoned 'Commercial' under DPS2. The Timberside (aged person) Villas (Lot 500 Timberlane Drive) site is zoned 'Residential' and is coded R40 whilst the residential lots to the north of the subject property are zoned 'Residential' and are coded R20 under the City's DPS2 (Attachment 1 refers).

## **Proposal**

Amendment 1 to DPS2 proposes to amend DPS2 as follows:

- (1) Rezoning a 354m<sup>2</sup> portion of Lot 3 Trappers Drive Woodvale from 'Civic and Cultural' to 'Commercial'; and
- (2) Modifying Schedule 3 (Commercial and Centre Zones) of the Scheme Text by increasing the maximum retail net lettable area for the Woodvale Boulevard centre at Lot 6 (931) Whitfords Avenue from 5500m<sup>2</sup> to 7632m<sup>2</sup>."

The purpose of the amendment is to facilitate the proposed northerly expansion (~1000m<sup>2</sup>) of the existing shopping centre on Lot 6 Whitfords Avenue, with the indicative site plan of the proposed expansion shown in Attachment 2. It is proposed to expand the Action supermarket over a portion of Lot 3 Trappers Drive, Woodvale, however, an amendment to DPS2 is required for the following reasons;

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

Schedule 3 of DPS2 specifies a maximum retail net lettable area of 5500m<sup>2</sup>, however, the 1997 DPI survey indicates that the centre has currently 6632m<sup>2</sup> in net lettable area. The proposed expansion would result in a total retail floor area for the shopping centre being approximately 7632m<sup>2</sup> or in excess of the floor space limit by 2132m<sup>2</sup>. The existing centre already exceeds the limit by approximately 1132m<sup>2</sup>.

## Legal Agreements

A legal agreement was entered into by Foodland Property Holdings Pty Ltd and the City of Wanneroo on 14 May 1992, whereby Foodland Property Holdings Pty Ltd agreed not to build or create any shopping building complex on Lot 6 Whitfords Avenue which would provide a gross leasable retail floor space of more than 4,990m<sup>2</sup>. The agreement also makes reference to reciprocal parking and access arrangements between all lots within the greater shopping complex.

The above legal agreement is yet to be amended as required under the City's previous resolution at its meeting on 29 April 2003. Council is therefore requested to rescind part 2 of its resolution at its meeting on 29 April 2003 (CJ097 – 04/03 refers), and replace that resolution with an amended resolution that requires the amended agreement to be executed prior to the Hon Minister granting final approval to the amendment.

The proponent has entered into a second legal agreement with the City of Joondalup to ensure the development incorporates the development requirements outlined in point 3 of Council's resolution of 29 April 2003 (CJ097 - 04/03 refers) and any other requirement deemed necessary at the completion of advertising. The agreement was prepared at the applicant's expense to the satisfaction of the City and has been subsequently executed by FAL and is in the process of being executed by the City of Joondalup.

### **Statutory Provision:**

The Town Planning Regulations 1967 set out the procedure for amendments to a Town Planning Scheme. The procedure is summarised within Attachment 3 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 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 16 July to 27 August 2003. Advertising was in the form of a sign erected on site, adjoining landowners and service authorities being notified in writing and advertisements placed in the West Australian (16 July 2003) and the Joondalup Community (17 July 2003) Newspapers.

A total of twenty one (21) submissions were received during the advertising period. Ten (10) submissions supported the proposal, three (3) submissions from servicing authorities raised no objection to the proposal and the remaining eight (8) submissions either raised concerns or did not support the proposal (refer Attachment 4 - schedule of submissions).

The nature of the concerns and objections primarily related to the exacerbation of noise, vehicle movements and antisocial behaviour associated with the proposed expansion of the existing shopping centre. Other objections suggested the need for a post office, aged care facility and a garden centre. A submission also raised concerns with respect to the increase in retail floor space for Lot 6 and that any retail floor space increases should be shared equally across all lots comprising the shopping centre.

### **COMMENT**

Comments contained within several submissions related to noise and antisocial behaviour already experienced at the shopping centre, together with the exacerbation of noise and anti-social behaviour as a result of the proposed expansion. The proposed expansion of the shopping centre has been designed in order to significantly minimise both existing and

perceived noise and antisocial behaviour problems through rationalisation of the delivery area, provision of car park lighting, landscaping, improved access from the adjoining retirement village and a new northern entrance to the existing shopping centre that allows for passive surveillance and visibility of the land at the rear of the existing shopping centre (Attachment 2 refers).

The City has received several action requests with respect to antisocial behaviour, dangerous driving and noise. This has resulted in several patrols being undertaken, and in many instances, patrols being repeatedly undertaken several times each day/night. It should be noted that the frequency of action requests received for this area have progressively reduced since 2001. Under the City Watch contract, patrols of the City's community facilities are required. The patrolling of private property, including commercial facilities such as shopping centres, is not undertaken as this is the responsibility of the individual landowner. However, patrols would be undertaken of private property if invited to do so and with the landowner present.

Notwithstanding the above, significant patrols are currently undertaken of the Woodvale library and community centre upon Lot 3 that immediately adjoins the shopping centre and this will continue in order to assist in minimising the instances of anti-social behaviour occurring in the area, particularly at night, through increased surveillance.

Several submissions raised concerns with respect to noise emanating from the loading area and bin collection associated with the shopping centre, particularly during the early hours of the morning and late at night. These problems are envisaged to be minimised through rationalisation of the delivery area, together with the imposition of various conditions upon the future development approval for the proposed extension of the shopping centre. Furthermore, the City's records indicate that very few complaints have been received previously with respect to early morning/late evening deliveries. However, the applicable legislation with respect to noise is the Environmental Protection (Noise) Regulations 1997, whereby deliveries and rubbish removal is permitted between the hours of 7am and 7pm Monday to Saturday.

A submission received from the landowner of Lot 11 questioned the City's ability to approve additional retail floor space upon Lot 6. The submission also requested that the current restrictive covenant limiting retail floor space upon Lot 11 be removed, together with a comment with respect to the equal allocation of additional retail floor space for Lots 6, 8, 9, 10 and 11 as shown in Attachment 5.

The City's Centres Strategy provides for retail floor space expansion upon Lot 6. The 'Business' zoning of Lot 11 does not generally allow for any retail floor space, however, Amendment 10 to DPS2 introduced provisions into the scheme where limited retail floor space can be considered upon 'Business' zoned lots.

In order to address the concern with respect to equality of retail floor space allocation and possible expansion across all lots, a Council resolution is proposed that seeks to request that the landowners of Lots 1, 6, 7, 8, 9 and 10 provide the City with current floor plans and retail floor space (NLA/m<sup>2</sup>) areas for existing development upon each of these lots, together with the above landowners advising the City of their future intention with respect to retail floor space expansion.

Upon receipt of this information, the City intends to review the information with the view to possibly initiating a separate amendment to DPS2 in order to allocate the retail floor areas to these lots in Schedule 3 (Commercial and Centre Zones : Retail Nett Lettable Area) of DPS2. This process will allow the existing restrictive covenants limiting retail floor space on these lots to be lifted, including the restriction upon Lot 11.

Further to the above, any possible expansion of retail floor space across these lots in the future needs to be carefully assessed against the City's DPS2 and centres strategy in a holistic manner through detailed research and consultation between the City and all landowners of lots zoned 'Commercial'.

### Other Issues

Several submissions also raised the issue of the shopping centre being provided with a post office, garden centre and aged care facilities. The provision of such landuses is a commercial consideration, outside the City's control. Finally, a submission raised concern with respect to property devaluation, which is not considered a relevant town planning related consideration.

### **CONCLUSION**

The proposed expansion of the shopping centre has been designed in order to address many of the issues raised during the advertising period with respect to noise, vehicle movements and antisocial behaviour associated with the existing shopping centre. Furthermore, the imposition of conditions at the future development approval stage, together with continued security patrolling of the area is envisaged to assist in addressing and minimising the affect these issues have upon the local community, particularly those residents of the adjoining retirement village.

One legal agreement has been signed by FAL and is in the process of being signed by the City of Joondalup that relates to providing the City with a commitment to proceed with the proposed shopping centre expansion in accordance with the submitted concept plan. The other is yet to be finalised and as such, Council is requested to rescind part 2 of its resolution at its meeting on 29 April 2003 and replace that resolution with an amended resolution that requires this agreement to be executed prior to the Hon Minister for Planning and Infrastructure granting final approval to the amendment.

It is therefore recommended Council resolves that Amendment 1 to DPS2 be granted final approval without modification.

### **ATTACHMENTS - *Appendix 16 refers (See Appendices at rear of agenda)***

Attachment 1	Rezoning Location Plan
Attachment 2	Indicative Woodvale Boulevard Shopping Centre Expansion Site Plan
Attachment 3	Scheme Amendment Process Flowchart
Attachment 4	Schedule of Submissions
Attachment 5	Existing Retail Floor space Allocation Plan

## VOTING REQUIREMENTS

Absolute Majority

## RECOMMENDATION

**That the Joint Commissioners:**

- 1 RESCIND BY AN ABSOLUTE MAJORITY that part of Point 2 of Council's resolution of 29 April 2003 to report CJ097 – 04/03, viz;**

*“ADVISE the proponent to arrange for a legal agreement, dated 14 May 1992, between Foodland Property Holdings Pty Ltd and the City of Wanneroo and other parties, with respect to Lot 6 Whitfords Avenue, Woodvale, to be modified during the advertising period, to enable the proposed expansion of the supermarket to occur. The legal document shall be modified at the proponent's expense to the satisfaction of the City.”*

**And replace the above resolution with the following amended wording:**

**“ADVISE the proponent to arrange for a legal agreement, dated 14 May 1992, between Foodland Property Holdings Pty Ltd and the City of Wanneroo and other parties, with respect to Lot 6 Whitfords Avenue, Woodvale, to be modified prior to the Hon Minister for Planning and Infrastructure's final approval being granted to Amendment 1, to enable the proposed expansion of the supermarket to occur. The legal document shall be modified at the proponent's expense to the satisfaction of the City.”**

- 2 pursuant to Town Planning Regulations 17 (2) ADOPT Amendment 1 to the City of Joondalup District Planning Scheme No 2 without modification;**
- 3 AUTHORISE the affixation of the Common Seal to, and endorse the signing of, the amendment documents;**
- 4 NOTE all submissions received during the advertising period;**
- 5 ADVISE all persons who made submissions of Council's decision accordingly;**
- 6 REQUEST that the landowners of Lots 1, 6, 7, 8, 9 and 10 Trappers Drive/Whitfords Avenue, Woodvale provide the City with current floor plans and retail floor space (NLAm<sup>2</sup>) figures for existing development upon each of the abovementioned lots, together with the above landowners advising the City of their future intention with respect to retail floor space expansion so that the City can undertake a review of retail floor space allocation with the view to including these lots in Schedule 3 of District Planning Scheme No 2. Upon finalisation of this, the restrictive covenant on Lots 6, 8, 9 10 and 11 will be lifted.**

*Appendix 16 refers*

*To access this attachment on electronic document, click here: [attach16brf100203.log](#)*



**CJ027 - 02/04      CLOSE OF ADVERTISING – AMENDMENT NO 12  
TO DISTRICT PLANNING SCHEME NO 2 -  
PROPOSED REZONING - LOT 63 (30) AND A  
PORTION OF LOT 62 (38) HOCKING ROAD,  
KINGSLEY – [475523] [13021] [21456]**

**WARD -** South

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**PURPOSE**

The Joint Commissioners are requested to consider a modification to part four (4) of Council's resolution of 11 June 2002 to Report CJ135-06/02 and the adoption of Amendment No 12 to District Planning Scheme No 2 following closure of the advertising period.

**EXECUTIVE SUMMARY**

BSD Consultants on behalf of Meath Care (Inc.) have requested an amendment to the City of Joondalup District Planning Scheme No 2 (DPS2) to rezone Lot 63 Hocking Road, Kingsley, from the 'Rural – Additional Use (Fresh Fruit and Vegetables Market & Incidental Shop – Sales & Storage Area not exceeding 400m<sup>2</sup>)' zone to 'Residential' and zoning a portion of Lot 62 Hocking Road, Kingsley (currently unzoned) to 'Residential'. The Amendment proposes to apply a density code of R20 to Lot 63 and the portion of Lot 62 (Attachments 1 & 2 refer) to facilitate the proposed development of an aged care facility on the subject land.

The amendment was adopted by Council at its meeting on 11 June 2002 and the resolution modified at its meeting on 24 June 2003 due to a complimentary amendment to the Metropolitan Region Scheme (MRS) being finalised. The amendment was advertised for public comment for a 42-day period which closed on 20 August 2003. No objections were received during the advertising period.

It is recommended that the Joint Commissioners rescind part four (4) of Council's resolution of 11 June 2002 and replace it with advice stating that the matters of the road interface and environmental audit be resolved prior to final endorsement of the amendment and that Amendment No 12 to DPS2 be adopted for the purposes of rezoning the land to 'Residential' with a density code of 'R20'. It is also recommended that advice be sought from the DPI as to the subdivision process undertaken to excise the portion of Lot 62 Hocking Road, in order to clarify why the City was not consulted in this instance.

**BACKGROUND**

**Proposal**

The rezoning is being sought to facilitate the development of aged persons' dwellings and facilities. The development is intended to include Independent Living Units, a Parkinson's Centre, a Special Dementia Care Facility, an Assisted Living Area, an Easy Care Facility, a

Residents Clubhouse, a Hydrotherapy Unit and a Gym Complex. The proposed use may at the discretion of the Joint Commissioners, be approved within a 'Residential' zone.

### **Previous Council Decision**

At its meeting on 11 June 2002 Council adopted the amendment to DPS2 and resolved to seek the Western Australian Planning Commission's (WAPC's) consent to advertise. The land was subject to an MRS amendment (Amendment No 1037/33 North West District Omnibus No 5), which proposed to transfer the subject portion of Lot 62 and Lot 63 from the Parks and Recreation Reservation and Rural zone respectively, to the urban zone. The resolution required the MRS amendment to be gazetted before adopting the amendment for final approval. On 14 January 2003 the MRS amendment was gazetted.

At its meeting of 24 June 2003, Council resolved to modify part of its resolution of 11 June 2002 as a result of the gazettal of Amendment No 1037/33 to the MRS. The modifications did not affect the intent of Council's previous resolution and simply removed reference to the subject portion of Lot 62 being reserved for Parks and Recreation under the MRS (the land is now zoned Urban under the MRS). As a result of the MRS amendment, the land now remains unzoned under the City's DPS2.

### **DETAILS**

#### **Relevant Legislation:**

Under the provisions of section 17 (2) of the Town Planning Regulations 1967, Council shall consider all submissions received during the advertising period. After considering all submissions the Council shall either resolve not to proceed or adopt the amendment with or without modification and submit three copies to the WAPC for adoption and certification (Attachment 4).

#### **Consultation:**

The proposed DPS2 Amendment No 12 was advertised for public comment for a 42-day period, which closed on 20 August 2003. The amendment was advertised to the landowners immediately surrounding the site and no submissions were received.

A number of service authorities were also consulted in accordance with Council's resolution (Attachment 3 refers). No objections were raised, however, it should be noted that the lots are not connected to reticulated sewer and the Water Corporation have advised that connection to sewer will be at the cost of the developer. In addition, Telstra has advised that existing services will need to be protected during development of the site.

It is considered suitable that the above matters be dealt with at the development approval stage and are not required to be addressed as part of the amendment process.

## COMMENT

Part four (4) of Council's resolution of 11 June 2002 states that the Council would not be prepared to adopt the amendment for final approval until:

- a) *the amendment to the MRS has been gazetted;*
- b) *the subject portion of Lot 62 has been subdivided from the remainder of Lot 62 and a road interface has been provided along the boundary of the subject land with the Yellagonga Regional Park;*
- c) *an environmental audit has been undertaken on the subject portion of Lot 62 to determine whether it is contaminated from any existing or past land uses on or adjoining the site.*

The amendment to the MRS has been gazetted. However, points (b) and (c) have not been satisfied and Council has been requested by the DPI to finalise the amendment.

The DPI has advised that the subdivision of Lot 62 has occurred. The City has some concern that the DPI did not involve the City in the subdivision process given that the resolution required the issue of the road interface to be addressed at that stage. The City is now in a position whereby the road interface and site contamination issues remain outstanding.

Points (b) and (c) of part 4 of the resolution are still considered to be significant, however, because of the urgency in dealing with the amendment at the request of the DPI, it is recommended that part 4 of the resolution be rescinded and that the Minister and DPI be advised that these issues be provided prior to final endorsement of the amendment.

It is also recommended that clarification be sought from the DPI as to the subdivision process undertaken and the reasons why the City was not involved in the process given the importance of it in relation to the amendment.

In considering the amendment, the outstanding issues and following advice received from the DPI and EPA should be noted.

### Department for Planning & Infrastructure Advice (DPI)

In its recent correspondence, the DPI have advised the City that a new road between the subject land and the Yellagonga Regional Park is now no longer considered to be necessary for the following reasons:

- 1 The initial proposal to close a portion of Hocking Road is now no longer proposed therefore Mooro Street to the west of the site, connecting Hocking Road to Whitfords Avenue will remain.
- 2 The issue of the interface between the future development of Lot 62 and the Yellagonga Regional Park can be dealt with at the development approval stage through such measures as open fencing and orientation of dwellings to overlook the park.

The DPI previously advised that a road interface should be provided between the subject land and the Yellagonga Regional Park to ensure that the boundary is clearly demarcated and to provide passive surveillance of the park. The current advice is therefore contrary to this.

In response to advice received from the Environmental Protection Authority (EPA) the resolution of Council also required that *'an environmental audit be undertaken on the subject portion of Lot 62 to determine whether it is contaminated from any existing or past land uses on or adjoining the land.'* The DPI has advised the City that it considers that this issue can be dealt with at the development approval stage.

#### Environmental Protection Authority (EPA)

In its advice the EPA strongly recommended that a road act as an interface between any future development on Lot 62 and the Yellagonga Regional Park in order to ensure that any off-site impacts to the park are minimised.

In response to the DPI's request to not provide the road interface the City sought further comment from the EPA. The EPA repeated its original advice strongly recommending its requirement. The EPA also makes reference to the Yellagonga Regional Park Management Plan which recommends that a roadway be constructed between any urban development and the park.

In response to the DPI's position relating to the requirement for an environmental audit to assess possible site contamination, the City requested further advice from the EPA. The City asked the EPA whether it was felt that the site contamination issue should be dealt with as part of the amendment process bearing in mind that the subdivision process had already occurred. The EPA advised that further investigation should be required by the WAPC as part of the amendment process in order to determine the extent and severity of contamination. They advise that should the WAPC choose not to remediate the site prior to it being created and sold, a memorial should be placed on the title stating the extent and severity of site contamination.

Based on a preliminary site investigation of Lot 62 the City asked the EPA for an indication as to the likely severity of contamination. The EPA advised that the Land and Water Quality Branch consider that the contamination within Lot 62 would be manageable as it would most likely be restricted to the top 0.5-1m of the soil profile.

#### Road Interface

The requirement for a road interface has been further assessed based on the DPI's request for it not to be provided.

It is recognised that the closure of a portion of Hocking Road and Mooro Street is now unlikely and therefore less importance is placed on the need for a road to be provided to connect Whitfords Avenue and Hocking Road at this stage. However, the road interface was also considered important (based on advice by the DPI), as a means of clearly demarcating the boundary of the subject land with the Yellagonga Regional Park and to provide passive surveillance over the park.

A road interface in the form of a cul-de-sac would enable good access to the future development of the aged care facility and will take pressure off Hocking Road as a main point of egress. This is considered an important safety aspect. In addition, the road will provide an opportunity to improve surveillance over the park and to minimise any off-site impacts in accordance with the advice provided by the EPA.

Should the proposed development not go ahead as planned then a road in this location would provide suitable access to individual residential lots.

The road, or some other suitable interface, is still considered to be important and should be provided by the WAPC as the current landowners.

### Site Contamination

Based on the advice of the EPA, the issue of site contamination is considered to be significant. Should the matter not be dealt with prior to the amendment being adopted then the issue will be left to the future landowner to resolve. It is considered the responsibility of the current landowners (WAPC) to address the issues as part of the amendment process.

Should it be determined that the matter can be dealt with at the development approval stage then it is recommended that a memorial be placed on the title to advise any future purchaser of the land that the issue will need to be addressed.

### **Assessment and Reasons for Recommendation**

The amendment will enable the subject land to be zoned appropriately for residential development and for the proposed development of an aged care facility.

It is recommended that the Joint Commissioners rescind part four (4) of Council's resolution of 11 June 2002 and replace it with advice stating that the matters of the road interface and environmental audit be resolved prior to final endorsement of the amendment and that Amendment No 12 to DPS2 be adopted for the purposes of rezoning the land to 'Residential' with a density code of 'R20'. It is also recommended that advice be sought from the DPI as to the subdivision process undertaken to excise the portion of Lot 62 Hocking Road, in order to clarify why the City was not consulted in this instance.

### **ATTACHMENTS - *Appendix 17 refers (See Appendices at rear of agenda)***

Attachment 1	Proposed rezoning
Attachment 2	Proposed R-Coding
Attachment 3	Schedule of Submissions
Attachment 4	Scheme Amendment Process Flowchart

### **VOTING REQUIREMENTS**

Simple Majority

## **RECOMMENDATION**

### **That the Joint Commissioners:**

- 1 ADVISE the Department for Planning and Infrastructure and the Minister for Planning and Infrastructure, that prior to endorsement of the amendment documents:**
  - (a) A road (cul-de-sac) or some other suitable public interface be provided along the boundary of the subject land with the Yellagonga Regional Park;**
  - (b) An environmental audit be undertaken on the subject portion of Lot 62 to determine whether it is contaminated from any existing or past land uses on or adjoining the land and necessary remediation works be undertaken;**
- 2 Pursuant to Town Planning Regulations 17 (2) ADOPT Amendment No.12 to the City of Joondalup District Planning Scheme No 2 without modification;**
- 3 NOTE the submissions received;**
- 4 AUTHORISE the affixation of the common seal to, and endorse the signing of, the amendment documents;**
- 5 SEEK the advice of the Department for Planning and Infrastructure as to the subdivision process undertaken to excise the unzoned portion of Lot 62 Hocking Road, Kingsley.**

*Appendix 17 refers*

*To access this attachment on electronic document, click here: [attach17brf100204.pdf](#)*

**CJ028 - 02/04 CLOSE OF ADVERTISING - PROPOSED AMENDMENT NO 16 TO DISTRICT PLANNING SCHEME NO 2 - REZONING, CODING AND RESERVING OF VARIOUS PARCELS OF LAND – [50539]**

**WARD - All**

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**PURPOSE**

The purpose of this report is for the Joint Commissioners to adopt Amendment No 16 to District Planning Scheme No 2 (DPS 2) further to the close of advertising.

**EXECUTIVE SUMMARY**

Council, at its meeting on 29 July 2003, resolved to adopt Amendment No 16 to DPS 2 for the purpose of zoning, reserving and coding various parcels of land within the City to bring into compliance with Metropolitan Region Scheme (MRS) Amendment (Amendment No 1037/33 North West Districts Omnibus (No 5)). The Amendment was advertised for a period of 42 days which closed on 26 November 2003. Whilst four submissions were received during the advertising period, none were of objection.

It is recommended that the Joint Commissioners adopt Amendment No 16 to DPS 2 without modification.

**BACKGROUND**

Amendment No 16 involves the zoning, reserving and coding various parcels of land within the City to bring district Planning Scheme No 2 (DPS 2) into compliance with Metropolitan Region Scheme (MRS) Amendment (Amendment No 1037/33 North West Districts Omnibus (No 5)). For ease of reference, it comprises four proposals grouped as sub-sets to distinguish the differences between the proposals, as detailed in the following section.

**DETAIL**

Proposal 1

Rezoning of Lot 71 Woodvale Drive, Woodvale and a portion of Woodvale Drive from 'Rural' to 'Residential', and the application of density codes of R25 to Lot 71 and R20 to the portion of Woodvale Drive (Attachment 2 pages 1 and 2). Lot 71 is currently used for residential purposes.

### Proposal 2

Rationalisation of the Joondalup City Centre zone to match the existing subdivision patterns and, therefore, existing cadastral boundaries (Attachments 1 & 2- page 3).

### Proposal 3

Rationalisation of a portion of Joondalup Drive (“Other Regional Roads”) at its intersection with Hodges Drive/Grand Boulevard, Shenton Avenue and Moore Drive (Attachments 1 & 2 – pages 4 & 5). This proposal involves six properties that are affected by the road reservation being more extensive than the current alignment of Joondalup Drive, and land that is no longer required to be reserved as land for future road widening purposes. The properties affected by these reservations are proposed to be zoned and coded in accordance with the zoning and density coding that exists on the balance of the affected lots.

### Proposal 4

Rationalisation of Moore Drive and Burns Beach Road (“Other Regional Roads”) including the intersection of the latter with Marmion Avenue, to bring these road reservations into line with the existing subdivision patterns and, therefore, cadastral boundaries (Attachments 1 & 2 – pages 6-9). The properties affected by these reservations are proposed to be zoned and coded, or reserved, in accordance with the zoning and density coding that exists on the balance of the affected lots.

### **Relevant Legislation**

Under Section 17 (2) of the Town Planning Regulations 1967, Council shall consider all submissions received during the advertising period (Attachment 4). After consideration of all submission, the Council shall either resolve to not proceed or to adopt the amendment, with or without modification, and to submit three copies to the Western Australian Planning Commission for final adoption and endorsement.

### **Advertising Summary**

Amendment No 16 was advertised for public comment for a period of 42 days which closed on 26 November 2003. Four submissions were received, all from servicing authorities and raising no objection to the proposed amendment (Attachment 3). Main Roads WA, however, requested conditions be imposed with regard to the subject portion of Marmion Avenue in relation to earthworks, stormwater drainage and vehicular access. These issues are appropriately addressed at either the subdivision or development stages as standard conditions, and therefore have no effect on the amendment process.

### **COMMENT**

The proposed rezoning and coding of Lot 71 Woodvale Drive, Woodvale which forms a part of Amendment No 16 will assist in providing greater housing choice in the area. The other proposals contained within the amendment ensure that the City’s DPS 2 accords with the zonings and reservations within the MRS. In addition, the subject amendment is in accordance with the City’s Strategic Plan.

It is recommended that Amendment No 16 be adopted without modification.



**ATTACHMENTS - *Appendix 18 refers (See Appendices at rear of agenda)***

Attachment 1	Table of Amendment Proposals
Attachment 2	Plans of Amendment Proposals
Attachment 3	Schedule of Submissions
Attachment 4	Flowchart – Scheme Amendment Process

**VOTING REQUIREMENTS**

Simple Majority

**RECOMMENDATION**

**That the Joint Commissioners:**

- 1 Pursuant to Town Planning Regulations 17 (2) ADOPT Amendment No 16 to the City of Joondalup District Planning Scheme No 2 without modification;**
- 2 NOTE the submissions received;**
- 3 AUTHORISE the affixation of the common seal to, and endorse the signing of the amendment documents.**

*Appendix 18 refers*

*To access this attachment on electronic document, click here: [attach18brf100204.pdf](#)*

**CJ029 - 02/04 CLOSURE OF ADVERTISING - PROPOSED AMENDMENT NO 19 TO DISTRICT PLANNING SCHEME NO. 2 (PROPOSED REZONING) & STRUCTURE PLAN - LOTS 742 AND 743 CARIDEAN STREET & ADMIRAL GROVE, HEATHRIDGE – [31540] [54548]**

**WARD - Marina**

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**PURPOSE**

The purpose of this report is for the Joint Commissioners to consider public submissions following advertising of the Structure Plan and Amendment No 19 to District Planning Scheme No 2 (DPS2) for Lots 742 and 743 Caridean Street and Admiral Grove, Heathridge (Attachment 1 refers).

**EXECUTIVE SUMMARY**

Council adopted the proposed Structure Plan (Attachment 1 refers) and Amendment No.19 to DPS2 (Attachment 2 refers) for Lots 742 and 743 Caridean Street and Admiral Grove, Heathridge at its meeting on 30 September 2003, and recommended that both the structure plan and amendment be advertised for public comment for a period of 42 days, concluding on 24 December 2003 (CJ204-09/03 refers).

Nineteen (19) submissions and one (1) late submission were received with each responding in general to both the amendment and the structure plan. All submissions are in favour of the proposed amendment and structure plan (Attachment 5 refers).

The rezoning and structure plan will facilitate the future construction of twelve ‘Aged Person’s Dwellings’ on Lot 743 and thirteen ‘Single Bedroom Dwellings’ on Lot 742 (Attachment 1 refers). The subject site is suited to ‘Special Purpose’ dwellings as it is located in close proximity to public transport, open space and community facilities. The proximity of the residential development to the Heathridge Shopping Centre would also benefit the adjoining centre by providing surveillance and additional patronage. It is anticipated that the Heathridge Shopping Centre will receive an injection of ‘new life’ as a result of the adjoining residential development creating demand for retail services.

In light of its merits and community support for the proposal, it is recommended that the proposed Amendment No.19 to DPS2 and Structure Plan for Lots 742 and 743 Caridean Street and Admiral Grove, Heathridge be adopted.

## BACKGROUND

<b>Suburb/Location:</b>	Lots 742 and 743 Caridean Street & Admiral Grove, Heathridge		
<b>Applicant:</b>	Koltasz Smith on behalf of the Department of Housing and Works and Isador Pty Ltd.		
<b>Owner:</b>	Isador group (Lot 742) and Department of Housing and Works (Lot 743)		
<b>Zoning:</b>	<b>DPS:</b>	Business	
	<b>MRS:</b>	Urban	
<b>Coding:</b>	R20		
<b>Strategic Plan:</b>	Strategy 2.1 – Rejuvenate our suburbs. Strategy 2.6 – Promote and enjoy lifestyles that engender Environmental, Social and Economic balance.		

### Previous Council Decision

At its meeting on 30 September 2003, Council resolved to adopt the proposed Amendment No.19 to DPS2 and proposed Structure Plan for Lots 742 and 743 Caridean Street and Admiral Grove, Heathridge for public comment for a period of 42 days, concluding on 24 December 2003 (CJ204-09/03 refers).

## DETAILS

### Proposal

#### Amendment No 19

Amendment No.19 to DPS2 proposes to rezone Lots 742 and 743 Caridean Street and Admiral Grove, Heathridge from 'Business' zone to 'Centre' zone and uncode the land (Attachment 2). It is intended that the land be developed for the purpose of 'Aged Person's Dwellings' and 'Single Bedroom Dwellings'. A structure plan is also proposed concurrently with the amendment to facilitate this development.

#### Structure Plan

The structure plan consists of two parts, the first being the 'Statutory Planning Section' that sets out the objectives and the criteria that determine the overall detailed landuse and form of development upon each lot (Attachment 1 refers). The criteria addresses building height, car parking, building setbacks from primary and secondary frontages, site coverage and building materials to ensure the development is of high built form quality.

More specifically part one of the structure plan addresses the following issues:

- The development orientation for both Lots 742 and 743 towards the adjoining centre (Lot 741 Caridean Street) and towards both Caridean Street and Admiral Grove to encourage surveillance and improved built form interface between the proposed development and both the existing centre and surrounding residential area.

- The requirement for a legal agreement for pedestrian access between Lots 742 and 743.
- Strata title of individual lots not being permitted until construction has reached plate height.

The second component is the 'Explanatory Report', which is the supporting documentation to part one. It includes the following:

- Identification of landuse areas;
- Rationale for the design philosophy;
- Relationship of proposed development to surrounding landuses;
- Movement, access and parking arrangements;
- Services; and
- Implementation.

### **Consultation:**

Amendment No.19 to DPS2 and the Structure Plan were advertised for public comment for a forty-two (42) day period, which closed on 24 December 2003. One sign was erected along Caridean Street, with a second sign erected along Admiral Grove and an advertisement placed in the Western Australian on the 12 November 2003 and the local newspaper on 13 November 2003. Nineteen (19) submissions and one (1) late submission were received with each responding in general to both the amendment and the structure plan. All submissions are in favour of the proposed amendment and structure plan (Attachment 5 refers).

### **Statutory Provision:**

#### Amendment No 19

Section 7 of the Town Planning and Development Act 1928 (TPD Act 1928) together with Town Planning Regulations 1967 enable Local Authorities to amend a Town Planning Scheme and sets out the process to be followed (Attachment 4 refers).

Following public consultation, the Joint Commissioner's are required to consider the submissions then proceed to either refuse to adopt the amendment or resolve that the amendment is satisfactory with or without changes.

#### Structure Plan

In accordance with Clause 9.5 of DPS2, Council has adopted the proposed structure plan and advertised it for public comment. Upon completion of the advertising period, the joint Commissioner's are required to review all submissions within sixty (60) days then proceed to either refuse to adopt the structure plan or resolve that the structure plan is satisfactory with or without changes.

### **Strategic Implications:**

The rezoning and structure plan will facilitate the development of 'Aged Person's Dwellings' and 'Single Bedroom Dwellings'. The development will address the needs of the ageing population and changing demographics that warrants the creation of special purpose dwellings. The development will also assist in rejuvenating the area. This accords with Strategy 2.1 'Rejuvenate our Suburbs' of the City's strategic plan.

## COMMENT

All submissions received during the public consultation period were in favour of the proposed amendment and structure plan. The following is a summary of the comments received:

- The proposed development will improve the area and business for the adjoining centre;
- The proposed development will provide alternative accommodation for people over the age of 55 that do not wish to move away from the area;
- The location of the proposed development is suited to the area because of the close proximity of shopping and public transport;
- The proposed development will increase patronage to the adjoining centre; and
- Residential development is welcomed in place of commercial development as the surrounding area is well serviced with the latter.

The Department of Housing and Works has advised that the demand for ‘Aged Person’ and ‘Single Bedroom’ dwellings is high in Heathridge given most dwellings in the surrounding locality consist of traditional housing (3 to 4 bedrooms and 2 bathrooms). Further, the subject site is suited to ‘Special Purpose – Aged Person’s and Single Bedroom dwellings’ as it is located in close proximity to public transport, open space and community facilities. The proximity of the residential development to the Heathridge Shopping Centre would also benefit the adjoining centre by injecting new life, providing surveillance and additional patronage.

In light of its merits and community support for the proposal, it is recommended that the proposed Amendment No.19 to DPS2 and Structure Plan for Lots 742 and 743 Caridean Street and Admiral Grove, Heathridge be adopted.

## **ATTACHMENTS - *Appendix 19 refers (See Appendices at rear of agenda)***

Attachment 1	Caridean Street (Heathridge) Structure Plan.
Attachment 2	District Planning Scheme No 2 amendment No 19.
Attachment 3	Site Plan for lots 742 and 743 Caridean Street & Admiral Grove, Heathridge.
Attachment 4	Scheme Amendment Process.
Attachment 5	Schedule of submissions for both the amendment and the structure plan.

## VOTING REQUIREMENTS

Simple Majority

## **RECOMMENDATION**

### **That the Joint Commissioners:**

- 1 In accordance with clause 9.7 of the City of Joondalup's District Planning Scheme No 2 RESOLVE that the Caridean Street (Heathridge) Heathridge Structure Plan as per Attachment 1 to Report CJ029-02/04 be adopted and submitted to the Western Australian Planning Commission for adoption and certification;**
- 2 Subject to certification of the Caridean Street (Heathridge) Structure Plan by the Western Australian Planning Commission, ADOPT the Heathridge Structure Plan as an Agreed Structure Plan and authorise the signing and sealing of the Structure Plan documents;**
- 3 In pursuance of Town Planning Regulations 17 (2) ADOPT Amendment No 19 to the City of Joondalup District Planning Scheme No 2 without modifications for the purpose of rezoning Lots 742 and 743 Caridean Street and Admiral Grove, Heathridge, from the 'Business' zone to the 'Centre' zone and uncoding the same;**
- 4 AUTHORISE the affixation of the Common Seal to, and endorse the signing of, the amendment documents;**
- 5 NOTE the submissions received;**
- 6 ADVISE the submitters of the Joint Commissioners' decision.**

*Appendix 19 refers*

*To access this attachment on electronic document, click here: [attach19brf100204.pdf](#)*

**CJ030 - 02/04 SINGLE HOUSE (RETROSPECTIVE APPROVAL FOR PATIO WITH FRONT AND SECONDARY STREET SETBACK VARIATIONS): LOT 161 (25) LONG REEF PLACE, HILLARYS – [47391]**

**WARD** - Whitfords

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**PURPOSE**

The purpose of the report is to request the Joint Commissioners' 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 the intent 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 owners be requested to remove the structure within 30 days of the date of the Council's decision.

**BACKGROUND**

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

The location of this site is shown in Attachment 1 and the details of the structure are shown in Attachment 2. The site is currently 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

<b>R-Code Standard</b>	<b>Acceptable Development Standard</b>	<b>Provided</b>
Front Setback	6 metres, 3metre 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
<ul style="list-style-type: none"> <li>• One letter of no objection received.</li> </ul>	<ul style="list-style-type: none"> <li>• Noted.</li> </ul>

**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 - Appendix 20 refers (See Appendices at rear of agenda)**

Attachment 1	Location Plan (electronic)
Attachment 2	Plans of Proposal (hard copy)

**VOTING REQUIREMENTS**

Simple Majority

**RECOMMENDATION**

**That the Joint Commissioners REFUSE 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 20 refers*

*To access this attachment on electronic document, click here: [attach20brf100203.pdf](#)*

**CJ031 - 02/04      PROPOSED SINGLE HOUSE (GARAGE ADDITION)  
LOT 564 (3) MANDARA COURT, DUNCRAIG –  
[73085]**

**WARD -** South Coastal

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**PURPOSE**

The purpose of this report is to request the Joint Commissioners' determination for a garage addition to an existing dwelling. The proposal incorporates a number of variations and the City has received objections to the proposal.

**EXECUTIVE SUMMARY**

The application is for the addition of a side loading garage and storage area to an existing single house.

The proposed addition is to be located in the front setback area of the lot resulting in the front setback variations.

The application was 'called in' by Councillor Gollant for determination by Council, in accordance with the provisions of the Notice of Delegation.

The addition protrudes outside of the building threshold envelope. To obtain access to the garage, much of the front garden will be used for a driveway.

Due to its location, the proposed development has the potential to impact on the streetscape. The garage design presents a street façade that includes windows to the street and matches the existing street façade of the dwelling.

It is concluded that the proposal will have a positive impact on the streetscape, and it is therefore recommended for approval.

**BACKGROUND**

At the meeting of 16 December 2003, the Joint Commissioners resolved that:

***“the application for a proposed single house (garage addition) Lot 564 (3) Mandara Court, Duncraig be DEFERRED until the next meeting of Joint Commissioners scheduled to be held on 17 February 2004 pending a site inspection by Commissioners and Council officers.”***

Council officers completed all site visits and took photographic images prior to this report and opportunity has been given for commissioners to undertake site inspections since 17 December 2003.

**Suburb/Location:** Lot 564 (3) Mandara Court, Duncraig  
**Applicant:** Grazia Ricciardo, Joseph Ricciardo  
**Owner:** Grazia Ricciardo  
**Zoning:** **DPS:** Residential  
**MRS:** Urban

The subject site is located in a R20 residential area and is 938m<sup>2</sup> in area. The lot is located along the northern side of Mandara Court and adjoins a corner block along its western boundary. The existing development is a double storey dwelling, and includes a tennis court and swimming pool. A double garage and a tandem garage for 2 vehicles provide car parking within the existing dwelling for four vehicles.

Development within the area is subject of the provisions of the City of Joondalup District Planning Scheme No 2 (DPS2) and the Residential Design Codes 2002.

A location plan is Attachment 1 and the plans are Attachment 2.

## **DETAILS**

The proposed addition is approximately 46m<sup>2</sup>, and the existing dwelling is approximately 340m<sup>2</sup>.

As the side boundary is at an angle to the dwelling, the length of the proposed garage varies from 6 metres at the wall adjoining the dwelling to 8 metres on the elevation closest to the street.

Currently a solid wall 1.8 metres in height exists along the front boundary screening the area where the garage is proposed. The verge is well landscaped with a number of oak trees, lawn and flowering plants.

As the proposed addition will result in the front wall being removed for the extent of the addition, the proposed addition will result in additional front landscaping being visible from the street.

Judging from conversations with the neighbours, the applicant appears to be a lover of vintage cars. There appears to be regular early morning weekend activity associated with the cars, including meetings, which attract other vehicle enthusiasts, and the neighbours are concerned about the noise.

### **Statutory Provision:**

#### Residential Design Codes 2002 (R-Codes)

Clause 2.3.1 to 2.3.4 of the Residential Design Codes provide for the approval process under the Codes, where Clause 2.3.4 specifically allows for the exercise of discretion.

The relevant clauses of the R-Codes are as follows:

### **2.3.4 Exercise of Discretion**

- (1) Where Codes Approval is required the applicant shall make an application in accordance with the form set out in Appendix 1 to the Codes to the Council for approval. Subject to clause 2.3.4(2) and (3) the Council is to exercise its discretion in considering provided in the Codes.
- (2) ***Discretion shall be exercised having regard to the following considerations:***
  - (i) *the stated purpose and aims of the Scheme;*
  - (ii) *the provisions of Parts 2,3 and 4 of the Codes, as appropriate;*
  - (iii) *the Performance Criterion or Criteria in the context of the R-coding for the locality that correspond to the relevant provision;*
  - (iv) *the explanatory text of the Codes that corresponds to the relevant provision; any Local Planning Strategy incorporated into the Scheme;*
  - (v) *a provision of a Local Planning Policy pursuant to the Codes and complying with sub-clause (5) below; and*
  - (vi) *orderly and proper planning.*
- (3) A Council shall not vary the minimum or average site area per dwelling requirements set out in Table 1 except as provided in the Codes or in the Scheme.
- (4) A Council shall not refuse to grant approval to an application in respect of any matter where the application complies with the relevant Acceptable Development provisions, local planning policy and relevant provisions of the Scheme.
- (5) For the purpose of the Codes, a local planning policy will be a relevant consideration in the exercise of discretion where the Policy:
  - (i) is specifically sanctioned by a provision of the Codes; and
  - (ii) is not inconsistent with the Codes.

The performance criteria of the clauses for which variations are sought are as follows:

#### **3.2.1 Setback of Buildings Generally**

P1 Buildings set back an appropriate distance to ensure that they:

- contribute to the desired streetscape;
- provide adequate privacy and open space for dwellings; and
- allow safety clearances from easements for essential service corridors.

#### **3.3.2 Buildings on Boundary**

P2 Buildings built up to boundaries other than the street boundary where it is desirable to do so in order to:

- make effective use of space; or
- enhance privacy; or
- otherwise enhance the amenity of the development; and

- not have any significant adverse effect on the amenity of the adjoining property; and
- ensure that direct sun to major openings to habitable rooms and outdoor living areas of adjoining properties is not restricted.

#### Development Standards under the R-Codes/Council Policy

The proposal seeks the following variations to the applicable development standards.

- A front setback of a minimum of 1.5 metres in lieu of 3 metres
- An average front setback of approximately 5 metres in lieu of an average of 6metres.
- A boundary wall setback 5.1m from the front boundary, in lieu of 6m
- A portion of the garage also exceeds the Building Height Envelope established under Council Policy 3.1.9.

#### Applicant's Justification

The applicant has advised that:

- The additional garage is required to house the vehicle of the daughter, who will be getting her driving licence this year.
- The area where the proposed garage will be located is currently a large grassed area that is not being used and watering this area is considered to be a waste.

In regard to the proposed variations, the applicant states:

- Streetscape

*Currently there is a screen wall with hedges. We would propose that these hedges be replaced and planted against the new building and that the verge continue to be lush green lawn and trees as present.*

- Building Setbacks

*We are proposing a 1.5 metre front setback at the closest point so that 2 car access can be obtained. In working out our average setback we come to the average of 5950mm – 50mm short of the 6 metre average required. We would hope that Council would consider this with high regard.*

- Buildings on Boundary

*As you have already received, owners affected by the boundary wall have already given written consent. In addition the left-hand boundary where the parapet is proposed is some 6 metres away from the neighbour's home. This is our neighbour's rear yard.*

*The right-hand boundary has a limestone high wall housing a tennis court so there is no detrimental effect on any neighbour.*

**Consultation:**

The proposal was advertised in writing to 9 nearby owners, allowing a comment period of 14 days.

A total of five responses was received, being 1 objection and 4 non-objections. However, further correspondence was subsequently from one of the submitters of the non-objection, stating that there is a number of concerns.

The objection is on the following grounds:

<b>Objection</b>	<b>Officer Comment</b>
The existing front screen wall is not accurately shown on the plans.	The location of the screen wall appears to be accurately depicted, however, the architectural indentations of the wall are not shown.
The proposal will dramatically change the streetscape by the bulk of the addition on the boundary and the removal of the existing screen wall.	It is agreed that the streetscape will be changed by the removal of the existing screen wall. However, it is considered that this will have a positive impact on the streetscape, as blank screen walls generally do not contribute to an attractive streetscape. The area in front of the proposed garage can be landscaped, and the elevation of the garage will match that of the existing dwelling. It is also noted that due to the angle of the front boundary, the 1.5m front setback only occurs for a portion of the garage, not the total frontage.
The daughter's car is currently being housed in one of the existing garages.	Noted. However is not relevant in considering the proposed variations to the R-Code standards

The concerns are as follows :

<b>Concerns</b>	<b>Officer Comment</b>
Any removal of the boundary wall will significantly change the existing character of the street	It is agreed that the streetscape will be changed by the removal of the existing screen wall. However, it is considered that this will have a positive impact on the streetscape, as blank screen walls generally do not contribute to an attractive streetscape. The area in front of the proposed garage can be landscaped, and the elevation of the garage will match that of the existing dwelling. It is also noted that due to the angle of the front boundary, the 1.5m front setback only occurs for a portion of the garage, not the total frontage.



Some concerns regarding so many vehicles in a small court area	There is no legislation that limits the number of garages that can be permitted in conjunction with a dwelling.
We understand that the mini car is at present successfully housed in one of their garages.	Noted

In summary, the neighbours' main issue appears to be that an additional garage will serve to intensify the weekend activities. This issue is, however, not directly related to the proposed garage, and any issues in regard to the activities on the site including noise concerns would be investigated separately should complaints be received from the adjoining owners.

## COMMENT

### Minimum front setback of 1.5m in lieu of 3m

The current dwelling has a front setback of a minimum of 5 metres. With the addition of the proposed garage, a minimum front setback ranges from 1.5 metres to 3.4 metres, due to the relatively severe angle of the front boundary. Approximately 5m<sup>2</sup> of the garage, which is effectively only the south-eastern corner of the garage, is forward of the 3 metre line. The area for which discretion is sought is considered minimal in relation to the overall development.

The elevation of the proposed garage includes windows facing the street and a pitched roof. This ensures that the garage will match the style of the existing dwelling. This façade can be considered to be an improvement to the existing blank front wall, and is therefore expected to contribute positively to the streetscape.

### 5 m Average Front Setback in lieu of 6m Average

The house currently exceeds the front 6 metre average setback by approximately 11m<sup>2</sup>.

With the addition of the garage, the front setback average is exceeded by approximately 44m<sup>2</sup>, which in this instance is equivalent to a front setback variation of approximately 5 metres.

However, with the removal of the front fence (a brick wall) for the extent of the addition, more landscaping area facing the street will be available. Despite an increase in the front setback variation, the proposed addition is likely to provide a greater sense of openness than currently exists due to the fence modification, which in turn will have a positive impact on the streetscape.

It is considered that the proposal meets the performance criteria under clause 3.2.1 of the Residential Design Codes and the variation of the average front setback is therefore supported.

### Boundary wall setback 5.1m from the front boundary, in lieu of 6m

An existing structure on the adjoining property is located with a setback of 2.5 metres from Mandara Court. The proposed boundary wall setback 5.1 metres, considered to be minimal in this context, and will therefore not have any detrimental impact on the streetscape.

It is considered that the proposal meets the performance criteria under clause 3.3.2 of the Residential Design Codes and is therefore supported.

#### Exceeding the Building Threshold Envelope under Policy 3.1.9

The proposal exceeds the building threshold envelope at the boundary, with the gable end parapet wall and roof pitch exceeding by a maximum of 1 metre (see Attachment 2).

The wall will be obscured from view by the garage structure on the adjoining property, and as such the protrusion of the envelope will not be noticeable. The affected adjoining owner has no objection to the proposal. It is therefore not expected to have a negative impact on the amenity of the adjoining property.

#### Conclusion

Although the proposed addition includes a number of variations, each is supported, and it is therefore considered that the proposal will not have a negative impact on the streetscape. The proposal is recommended for approval.

#### **ATTACHMENTS - *Appendix 21 refers (See Appendices at rear of agenda)***

Attachment 1	Location plan
Attachment 2	Development plans

#### **VOTING REQUIREMENTS**

Simple Majority

#### **RECOMMENDATION**

##### **That the Joint Commissioners:**

- 1 EXERCISE discretion under clause 2.3.4 of the Residential Design Codes 2002 and determine that the performance criteria under clauses 3.2.1, 3.3.2 and 3.5.4 of the Codes have been met and therefore:**
  - (a) a variation of the minimum and average front setback requirements;**
  - (b) a parapet wall within the front setback area;**
  - (b) the proposed crossover width;****are appropriate in this instance;**

- 2 DETERMINE the proposal exceeding the Building Height Envelope under Policy 3.1.9 is appropriate in this instance;**
- 3 APPROVE the application dated 21 August 2003 submitted by Grazier Ricciardo and Joseph Ricciardo, the applicants and owners, for a garage and store addition on Lot 564 (3) Mandara Court, Duncraig, subject to the following conditions:**
- (a) the material and finishes of the proposed addition shall complement the existing development on site;**
  - (b) the parapet wall being of clean finish and made good to the satisfaction of the City;**
  - (c) the landscaping of the area between the front elevation of the addition and the street boundary to be in accordance with the landscaping plan submitted, and established within 30 days of the completion of the garage to the satisfaction of the City;**
  - (d) no street trees to be removed.**

*Appendix 21 refers*

*To access this attachment on electronic document, click here: [attach21brf100204.pdf](#)*

**CJ032 - 02/04 APPLICATION FOR THE CLOSURE OF THE PEDESTRIAN ACCESSWAY BETWEEN BEN CLOSE AND EDDYSTONE AVENUE, CRAIGIE – [82540]**

**WARD - Pinnaroo**

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**PURPOSE**

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

**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**

At the meeting of 16 December 2003 the Joint Commissioners resolved that:

*“the application for the closure of the pedestrian accessway between Ben Close and Eddystone Avenue, Craigie be DEFERRED until the next meeting of Joint Commissioners scheduled to be held on 17 February 2004.”*

<b>Suburb/Location:</b>	Craigie
<b>Zoning:</b>	<b>DPS:</b> Residential
	<b>MRS:</b> Urban
<b>Strategic Plan:</b>	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 (ie 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:

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

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.

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

Community Impact Assessment

The proposal was advertised for thirty days from 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	<b>18 Users</b>
Non users of the PAW 11	Non-users of the PAW 1	Non users of the PAW 31	<b>43 Non-users</b>
<b>Total Supporting 15</b>	<b>Total Objecting 11</b>	<b>Total Neutrals 35</b>	<b>61</b>

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:



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

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

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

### 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 - *Appendix 22 refers (See Appendices at rear of agenda)***

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

#### **VOTING REQUIREMENTS**

Simply Majority

#### **RECOMMENDATION**

**That the Joint Commissioners:**

- 1       DO NOT support the closure of the pedestrian accessway between Ben Close and Eddystone Avenue, Craigie;**
- 2       ADVISE 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 22 refers*

To access this attachment on electronic document, click here: [attach22brf100204.pdf](#)

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**CJ033 - 02/04      REQUEST FOR RECONSIDERATION - CLOSURE OF  
THE PEDESTRIAN ACCESSWAY BETWEEN  
CONIDAE DRIVE AND FAIRLAWN GARDENS,  
HEATHRIDGE – [88514]**

**WARD** - Marina

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**PURPOSE**

The purpose of this report is for the Joint Commissioners to consider two letters submitted by landowners seeking the City's co-operation by requesting the Western Australian Planning Commission (WAPC) to reconsider its decision not to support the closure of a pedestrian access way (PAW) between Conidae Drive and Fairlawn Gardens, Heathridge. (See Attachment 1 to this report).

**EXECUTIVE SUMMARY**

At its meeting on 26 February 2003, Council considered a request to close a PAW between Conidae Drive and Fairlawn Gardens, Heathridge and resolved in favour of its closure (Attachment 1 refers).

The WAPC considered Council's determination and made a decision on 16 May 2003 in favour of the PAW to remain open for the following reasons:

- 1 It is considered that the PAW forms part of the strategic pedestrian/cyclist network and area;
- 2 Closure would have an adverse impact on the level of access to Edgewater Railway Station and the local recreation reserve; and
- 3 Alternative routes do not provide suitable or direct alternative access.

The City has recently received letters from two landowners abutting the PAW seeking the City's co-operation by requesting the WAPC to reconsider its decision to leave the PAW open. The request was justified for the following reasons:

- The suburb of Heathridge has changed and the PAW is no longer significant to the pedestrian and cyclist network.
- Council has supported closure of this PAW and others in the area.
- Alternative routes are well serviced by pathways and lighting and do not result in a significantly greater walking distance.
- Anti-social behaviour has occurred as a result of the PAW and this has increased since the development of the Edgewater train station.

A letter received from the Minister for Planning and Infrastructure (the Minister) on 20 January 2004 acknowledged the concerns raised and included a request that the City review its assessment of the proposal.

The issues raised have been largely addressed by the PAW assessment detailed in the report to Council on 26 February 2003 (CJ026-02/03 refers).

In the absence of any 'new' information that would suggest a re-assessment is required, it is recommended that the Joint Commissioners do not proceed to request the WAPC to reverse its decision.

## BACKGROUND

<b>Suburb/Location:</b>	Heathridge
<b>Applicant:</b>	Two adjoining landowners
<b>Zoning:</b>	<b>DPS:</b> Residential
	<b>MRS:</b> Urban
<b>Strategic Plan:</b>	No relevant objective/strategy within the Strategic Plan

A request for the closure of the pedestrian access way (PAW) between Conidae Drive and Fairlawn Gardens, Heathridge was considered by Council at its meeting on 26 February 2003. The report recommendation was that Council does not support closure of the pedestrian accessway between Conidae Drive and Fairlawn Gardens, Heathridge (CJ026-02/03 refers), however, Council at its meeting made the following decision:

*Support the Closure of the pedestrian access way between Conidae Drive and Fairlawn Gardens, Heathridge for the following reasons:*

- 1 *Closure of the access way will be of benefit to local residents;*
- 2 *Will reduce anti-social behaviour in the area.*

The WAPC considered Council's determination and made a decision on 16 May 2003 in favour of retaining the PAW for the following reasons:

- 1 *It is considered that the PAW forms part of the strategic pedestrian/cyclist network and area;*
- 2 *Closure would have an adverse impact on the level of access to Edgewater Railway 3 Station and the local recreation reserve; and*
- 3 *Alternative routes do not provide suitable or direct alternative access.*

## DETAILS

### Current Proposal or Issue

The City has received letters from two landowners abutting the PAW seeking the City's co-operation by requesting the WAPC to reconsider its decision in favour of retaining the PAW. The submissions are summarised as follows:

#### Submission 1

The submission addresses each point raised by the WAPC:

*It is considered that the PAW forms part of the strategic pedestrian/cyclist network.*

- The PAW formed part of the pedestrian and cyclist network when Heathridge was first developed, however the suburb has changed since that time.
- A PAW between Fairlawn Gardens and Crawley Grove was closed in November 1998, therefore this would have an adverse impact on the pedestrian and cycle network. Council agreed to the closure of this PAW.

*Closure would have an adverse impact on the level of access to Edgewater Railway Station and the local recreation reserve.*

- The additional distance to Edgewater Train Station is approximately 30 metres via Conidae Drive and Ellendale Drive.
- Both Conidae Drive and Ellendale Drive provide a good footpath and lighting contrary to the PAW, which has very poor lighting. Poor lighting especially in the cul de sac lead to anti-social behaviour.
- The local recreational reserve is some distance away from the PAW.

*Alternative routes do not provide suitable or direct alternative access.*

- Alternative routes via Conidae Drive and Ellendale Drive are suitable as it provides a footpath and good lighting compared to the PAW.
- Fairlawn Gardens has been targeted for break-ins and anti-social behaviour, which are as a result of the PAW.
- The City of Joondalup supports the request to close the PAW.

### *Submission 2*

The submission raises a number of general comments in relation to the PAW. They are summarised as follows:

- At the time Heathridge was being developed there was no indication of any intention to build a railway adjacent to the Mitchell Freeway.
- The development of the 'Ocean Reef' train station has resulted in an increase in the level of anti-social behaviour as a result of an increased number of persons using the PAW.

Furthermore a letter was received from the Minister on 20 January 2004 acknowledging the concerns that have been raised in the two submissions. The Minister has requested that the City review the assessment of the proposal in accordance with process in Planning Bulletin '57' and then submit the application to the DPI, should it consider it desirable to proceed.

### **PAW Closure Process**

In circumstances where a Local Authority supports the closure of a PAW, but the proposal is not supported by the WAPC, the Local Authority may request the WAPC to reconsider its decision as detailed in 'Planning Bulletin 57' published in May 2003.

## COMMENT

The PAW assessment is detailed in Council's report considered at its meeting on 26 February 2003 (CJ026-02/03 refers). The issues raised in both submissions have, for a large part, been addressed by the assessment and therefore do not represent any 'new information' for consideration.

The results of the PAW assessment concluded that the PAW formed an important part of the local pedestrian and cycle network on a whole providing access to Edgewater Railway Station and links to other PAW in Day Place, Heathridge. Consequently, closure of the PAW will affect pedestrian movement by increasing walking/cycle distances. Although advocates in favour of closing the PAW suggest that the increased distance would be small, 17 out of the 33 residents surveyed who use the PAW indicated that closure of the PAW would cause an inconvenience.

In regard to comments made towards the closure of the PAW between Fairlawn Gardens and Crawley Grove in November 1998, this application was considered in absence of the current policy and it is difficult to compare the assessment of this PAW with that of the current proposal which has been assessed with the guidance of a policy. It should be noted, however, that closure of the subject PAW, together with the PAW between Fairlawn Gardens and Crawley Grove that is already closed, would increase walking distances in the immediate region. This situation would be exacerbated should more PAWs in the immediate area be closed in future.

Comments made in relation to alternative routes have been considered previously under the 'urban design' assessment. While it is true that there are alternative routes well serviced by street lights and path ways such as the route suggested along Conidae Drive and Ellendale Drive, residents against closure of the PAW indicated that the alternative routes were too long and would cause greater inconvenience due to Ellendale Drive being uphill from the railway station. This was a particular concern for four elderly residents, who indicated that the added inconvenience would deter them from using the train especially when carrying shopping. A fifth resident constrained by a disability indicated also that they would be inconvenienced. As poor lighting around the PAW is a major concern for residents in favour of closing the PAW, an opportunity exists to examine options to improve lighting in the PAW as an alternative to closure.

Comments made in relation to the PAW contributing to anti-social behaviour have been considered previously under the 'nuisance impact' assessment. Whilst it is alleged the PAW has contributed significantly to anti-social behaviour in the area, the 'nuisance' assessment supported by the information obtained from the Local Police Department and City Watch have indicated that there is no evidence to suggest that occurrence of criminal activity or anti-social behaviour is higher than elsewhere in the suburb or as a result of the 'Ocean Reef Train Station' nearby.

In accordance with Policy 3.2.7 'Pedestrian Access Ways' the 'urban design', 'nuisance impact' and 'community impact' assessments are considered together so a final decision can be made. The results of each assessment undertaken previously were as follows:

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

In accordance with Policy 3.2.7 'Pedestrian Access Ways', the final assessment equated to a Case 5, which states that closure is not supported where urban design assessment for the PAW is considered of medium importance and both nuisance is considered medium or low and use is medium.

In relation to the Minister's letter, the City is satisfied that in the absence of any new information being provided that would suggest that the original assessment be reviewed, it is recommended that the Joint Commissioners do not proceed to request the WAPC to reverse its decision for the PAW to remain open.

### **ATTACHMENTS - *Appendix 23 refers (See Appendices at rear of agenda)***

Attachment 1            Site plan and photographs taken of the PAW.

### **VOTING REQUIREMENTS**

Simple Majority

### **RECOMMENDATION**

#### **That the Joint Commissioners:**

- 1        DETERMINE that there is no new information that would justify requesting the Western Australian Planning Commission to reconsider its decision for the Pedestrian Assessway between Conidae Drive and Fairlawn Gardens, Heathridge to remain open;**
- 2        in light of the Western Australian Planning Commission's decision to retain the Pedestrian Accessway, INVESTIGATE the option to have lighting installed in the Pedestrian Accessway to improve safety and security.**

*Appendix 23 refers*

*To access this attachment on electronic document, click here: [attach23brf102004.pdf](#)*

**CJ034 - 02/04 ACCESS AND INCLUSION PLAN 2004 –2008  
(FORMERLY DISABILITY SERVICES PLAN) –  
[05190]**

**WARD - All**

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**PURPOSE**

To submit the Access and Inclusion Plan 2004 – 2008 (formerly Disability Services Plan) to Council for endorsement.

**EXECUTIVE SUMMARY**

Sanderson-Green, a company specializing in Disability Service Plan reviews for local government, were contracted to undertake a review of the City's Disability Service Plan in November 2002. As part of this review they were required to submit a draft plan taking into account findings from the review.

The City was required to finalise the draft plan submitted by the consultants, however the project was delayed due to staff changes and an organisational restructure. Finalising the plan included adding, updating and modifying the actions, timelines, resources and Business Unit responsibilities.

The new plan will now be referred to as the "Access and Inclusion Plan 2004 – 2008," as recommended in the review of the Disability Services Act.

The City will be required to incorporate recommendations and new legislation arising from the State Government Review of the Disability Services Act. The slow progress of this review indicates the legislation is unlikely to be adopted by parliament until 2005. Recommendations in this review have been considered in the City's new Access and Inclusion Plan 2004 – 2008.

*It is recommend that the Joint Commissioners ENDORSE the Access and Inclusion Plan 2004 – 2008*

**BACKGROUND**

Under the State Disability Services Act (1993), local governments are required to develop disability access plans to ensure people with disabilities can access Council services and facilities. Council's also have responsibilities under the Commonwealth Disability Discrimination Act (1992).

Sanderson-Green were contracted to review the City's Disability Services Plan.

The first phase was to review compliance with the City's current Disability Services Plan and to develop a new Disability Services Plan incorporating best practice, training requirements and resourcing requirements – both human and financial.



## Review Findings

The results of the “Disabilities Services Plan Community Consultation and Review Report” conducted by Sanderson and Green (Attachment 1 refers) are contained under the following headings:

- Physical access
- Information dissemination
- Services
- Staff attitudes and knowledge
- Complaints

From their research, the consultants developed a draft Disability Access and Inclusion Plan, which incorporates best practice, staff recommendations, training requirements and some resourcing requirements.

### **Strategic Plan:**

The City’s strategic plan includes the outcome to provide social opportunities that meet community needs. The objective to achieve this is to continue to provide services that meet the changing needs of a diverse and growing community, with the strategy to provide quality-of-life opportunities for all community members. A priority for 2003/04 includes reviewing and implementing actions from the Disability Services Plan Review.

## **DETAILS**

The Access and Inclusion Plan 2004 - 2008 has taken on board the following recommendations from the review of the Disability Service Plan conducted by consultant’s Sanderson and Green:

- All staff that will be involved in implementing the Disability Access and Inclusion Plan to receive Disability Awareness training. This will include the Business Unit Managers and Councillors.
- That a qualified person be designated as a “Disability Access and Inclusion Officer “ and is in an accessible and high profile office in the City’s Administration Building.
- The Disability Service Plan (Disability Access and Inclusion Plan) is written into the Strategic Plan.
- Recommendations from the review of the Disability Service Act are incorporated into the Plan as they are passed through Parliament.

Feedback from staff and professional bodies within the Community Services and Disability profession suggested that the following recommendation be investigated further:

- That a Disability Access and Inclusion Advisory Committee be established to act as a direct consultation point and to maintain the relevance of the plan. (Cockburn City has a model that could be considered best practice).

The local government officers coordinating Disability Service Planning (North and East Metro Zones) believe there could be alternatives to the above consultation strategy and would like to explore this matter, and provide recommendations in 2004. This action has been written into the Access and Inclusion Plan 2004 - 2008.

Whilst incorporating the aforementioned recommendations the new plan will continue to strive to achieve the following outcomes:

- Existing functions, facilities and services are adapted to meet the needs of people with a disability.
- Access to buildings and facilities are improved.
- Information about functions, facilities and services is provided in formats, which meet the communication requirements of people with a disability.
- Staff awareness of the needs of people with a disability and skills in delivering advice and services are improved.
- Opportunities for people with a disability to participate in public consultation, grievous mechanisms and decision-making processes are provided.

### **Consultation:**

Sanderson-Green were contracted to undertake a review of the City's Disability Plan in November 2002 and this included various methods of consultation. To finalise the Access and Inclusion Plan 2004 - 2008, further consultation was undertaken by Community Development Services. Methods of consultation are detailed as follows:

#### Community Consultation (by Sanderson-Green)

Questionnaires were made available at public venues throughout the City and to organisations that provide services for people with disabilities. An online questionnaire was also developed for input through the Internet. An advertising campaign was conducted in community newspapers and through posters advertising the consultation. The public was provided with options for returning completed questionnaires through access to collection boxes and/or reply paid envelopes.

A total of 1452 residents of the City gave direct or indirect feedback to contribute to the review. Of this 1452, 102 people gave direct information about issues and access within the City of Joondalup and service providers/interest groups represented approximately 1350 people with disabilities living or using services in the City.

The Australian Bureau of Statistics 2001 Census (used at the time of this study) has shown that 20% of people living in the City of Joondalup will have a disability. This equates to approximately 29,653 residents. The questionnaire therefore captured approximately 5% of the total population of people living with a disability in the City of Joondalup.

#### Community Consultation (by Community Development Services)

The completed Access and Inclusion Plan 2004 – 2008 (Attachment 2) was circulated for public comment in December 2003. Advertisements were placed in the newspaper and copies of the plan and a small survey were available online and at all City of Joondalup Libraries and Recreation Centres. No comments were received.

Staff Consultation (by Sanderson and Green)

A total of 40 staff gave direct input into the review. At the outset, the staff identified to contribute to the review included Business Unit Managers and officers nominated by them to take part. Consultation took place at individual and group meetings and a staff forum.

Initially the Business Unit Managers were introduced to the review of the Disability Services Plan as a whole group at a Business Unit Managers meeting in August 2002. Times were then organised for them to meet the consultants individually or with key staff from their areas. Considerable difficulties were experienced in accessing some of the Business Unit Managers, which delayed completion of the consultation process by approximately 8 weeks. However once meetings took place valuable information was obtained.

Two staff forums were scheduled but then cancelled, as nominations for staff attendees were not forthcoming. A third forum was organised and on this occasion fourteen staff attended.

Staff Consultation (by Community Development Services)

Community Development Services updated and modified the draft plan submitted by the consultants and added timelines, resources and business unit responsibilities. Meetings were held with all Business Units and feedback from key professionals and professional bodies within the industry were sought.

The completed Access and Inclusion Plan 2004 – 2008 was submitted to the Business Unit Managers on the 10 November 2003 and the Executive Management Team on the 17 November 2003 to gain their endorsement. Implementations of specific actions within the Plan are in the main, the responsibility of Business Unit Managers within each Directorate. Recognition of this responsibility will be reflected in annual business plans and budgets (where extra resources are required).

**Financial Implications:**

<b>Account No:</b>	Project No F484
<b>Budget Amount:</b>	\$1500
<b>YTD Amount:</b>	\$1027
<b>Actual Cost:</b>	\$1500

**COMMENT**

It is important to note that the City of Joondalup Access and Inclusion Plan 2004 – 2008 has incorporated issues that affect a wider cross section of the community. Actions and tasks refer to people with needs for access and inclusion rather than people with a disability. This will accommodate the needs of other groups within the community who are facing the same needs, for example, seniors, parents with prams and those from culturally and linguistically diverse backgrounds. This direction is not intended to diminish the needs of people with a disability rather to embrace the need to ensure an accessible and inclusive community for everyone. The “Access and Inclusion” title has also been recommended in the recent review of the Act.

**ATTACHMENTS - *Appendix 24 refers (See Appendices at rear of agenda)***

Attachment 1            Access and Inclusion Plan 2004 – 2008

**VOTING REQUIREMENTS**

Simple Majority

**RECOMMENDATION**

**That the Joint Commissioners ENDORSE the Access and Inclusion Plan 2004 – 2008 forming Attachment 1 to Report CJ034-02/04.**

*Appendix 24 refers*

*To access this attachment on electronic document, click here: [attach24brf100204.pdf](#)*

**CJ035 - 02/04 MINUTES AND RECOMMENDED CHANGES TO THE TERMS OF REFERENCE FOR THE SENIORS INTEREST ADVISORY COMMITTEE – [55511]**

**WARD - All**

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**PURPOSE**

To note the unconfirmed minutes of the Seniors Interest Advisory Committee and recommend the adoption of the amended Terms of Reference.

**EXECUTIVE SUMMARY**

A meeting of the Seniors Interest Advisory Committee was held on Wednesday 19 November 2003. The unconfirmed minutes of this meeting are submitted for noting by Council (Attachment 1 refers).

At this meeting the committee proposed changes to the Terms of Reference. This includes:

- The addition of a representative from organisations that provide accommodation for seniors,
- Removal of the Deputies from the Terms of Reference and increasing the membership to four instead of three, commercial, not for profit and community representatives.

As a result of the appointment of Commissioners to the City of Joondalup and following discussions with the Joint Commissioners regarding Council Committees it is proposed that the Manager Community Development Services also be removed from the Terms of Reference.

**BACKGROUND**

At the Ordinary Council Meeting of 25 September 2001, Council approved to elect an Occasional Seniors Advisory Committee of elected members and community people representing groups with seniors in their membership.

After receiving nominations for this committee, Council approved the establishment of the Strategic Advisory Committee – Seniors Interests at its Ordinary Council Meeting on the 9 October 2001.

It is important to note that at the Ordinary Council Meeting on 3 September 2002, a decision was made to remove the words “Strategic Advisory” from all Council Committees and the name was changed to the Seniors Interest Advisory Committee.

## DETAILS

The unconfirmed minutes of the meeting of the Seniors Interest Advisory Committee held on Wednesday 19 November 2003, are included as Attachment 1.

At the 19 November 2003 meeting, members reviewed the Terms of Reference for the Seniors Interest Advisory Committee and made amendments. These amendments include:

- The addition of a representative from organisations that provide accommodation for seniors,
- Removal of the Deputies from the Terms of Reference and increasing the membership to four instead of three, commercial, not for profit and community representatives.

Following the suspension of the Council and the appointment of Joint Commissioners in December 2003, the membership of the committee has been reviewed. It is recommended that no appointments be made to replace the three elected member representatives, and the Manager Community Development Services be removed from the membership.

Taking into consideration all of the aforementioned changes, the current membership of the Seniors Interest Advisory Committee as follows:

## MEMBERSHIP

The committee shall consist of the following members.

1. Three Elected Members;
2. One representative from the Department for Community Development – Office of Seniors Interests;
3. One representative from Community Vision;
4. Three representatives from commercial or not-for-profit organisations that provided services to seniors in the City;
5. Three members of the community who do not represent any particular group or organisation but whom have an interest in seniors issues;
6. Manager Community Development Services or nominated representative;
7. A representative as a deputy for the commercial or not-for-profit organisation that provides services to seniors in the City; and
8. A representative as a deputy for the community who do not represent any particular group or organisation but who have an interest in seniors issues.

needs to be replaced with:

## MEMBERSHIP

The committee shall consist of the following members.

1. One representative from the Department for Community Development – Office of Seniors Interests;
2. One representative from Community Vision;

3. Four representatives from commercial or not-for-profit organisations that provide services to seniors in the City;
4. Four members of the community who do not represent any particular group or organisation but whom have an interest in seniors issues;
5. One representative from organisations that provide accommodation for seniors

## **COMMENT**

The recommendations to modify the Terms of Reference were raised for consideration by members of the Seniors Interest Advisory Committee. The committee felt it needed to broaden its representation to include a representative from senior's accommodation and that as the Deputies attend most meetings to maintain continuity, they should have voting rights when decisions are made.

The recommendations should be supported, as they will provide beneficial outcomes for the City of Joondalup in setting strategic direction for seniors into the future.

With the removal of Deputies from the membership it is recommended that Mr Robert Kinloch (Deputy Industry Representative) be appointed as an Industry Representative. There is currently no Deputy Community Representative.

The committee has found it difficult to maintain a representative from the Department for Community Development due to staff changes and role definition issues at the organisation. The position is currently vacant and a new representative is still being sought.

The new position "representative for seniors' accommodation" and the vacant Community Representative are required to be advertised in the near future.

Council appoints all members and the membership of this committee is reviewed annually. The next review is scheduled for June 2003.

## **ATTACHMENTS - *Appendix 25 refers (See Appendices at rear of agenda)***

- |              |  |
|--------------|--|
| Attachment 1 | Minutes of the Seniors Interest Advisory Committee Meeting<br>19 November 2003 |
| Attachment 2 | Revised Terms of Reference   |

## **VOTING REQUIREMENTS**

Absolute Majority

**RECOMMENDATION****That the Joint Commissioners:**

- 1 NOTE the unconfirmed minutes of the Seniors Interest Advisory Committee held on Wednesday 19 November 2003 forming Attachment 1 to Report CJ035-02/04;**
- 2 BY AN ABSOLUTE MAJORITY APPOINT the following representatives to the Seniors Interest Advisory Committee:**
  - Lucy Morris Community Vision**
  - Vacant Department Community Development**
  - Allyn Bryant Industry Representative**
  - Audrey Poole Industry Representative**
  - Diane Davies White Industry Representative**
  - Robert Kinloch Industry Representative**
  - Margaret March Community Representative**
  - Kevan Rowe Community Representative**
  - Arthur Thorstensen Community Representative**
  - Vacant Community Representative**
  - Vacant Seniors Accommodation Representative**
- 3 SET a quorum for the Seniors Interest Advisory Committee of six members;**
- 4 ADOPT the amended Terms of Reference for the Seniors Interest Advisory Committee forming Attachment 2 to Report CJ035-02/04.**

*Appendix 25 refers*

*To access this attachment on electronic document, click here: [attach25brf100204.pdf](#)*



**CJ036 - 02/04      KINGSLEY AMATEUR FOOTBALL CLUB - FEE  
STRUCTURE – [34534]**

**WARD -**    South

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**PURPOSE**

To address the written request made by the Kingsley Amateur Football Club for a reduced hire charge for the use of the new clubroom facility at Kingsley Park.

**EXECUTIVE SUMMARY**

The City has received a number of representations from the Kingsley Amateur Football Club regarding the hire fee charged to the club for usage of the Kingsley Clubroom facilities.

Council, at its meeting of 9 September 2003 (Item CJ207-09/03 refers), set the charges for the hire of the new Kingsley facilities with a resolution to:

*“Maintain the current hire charges for the Kingsley Clubroom facility, as per the Council resolved 2003/04 budget”.*

This means that the Kingsley Amateur Football Club is paying a ‘regular community hire rate’ of \$17.35 per hour for utilising the Kingsley Clubroom facility. The level of fees and charges were retained at the same rate as set for the original building that was on the site. The recommendation for this report is:

*That Council ENDORSES the maintenance of a per hour hire rate, as per the Council’s ‘Schedule of Fees and Charges’, to the Kingsley Amateur Football Club until the recommendation from the Property Management Working Group regarding tenure agreements with sporting clubs is finalised by a Council resolution.*

**BACKGROUND**

Electors, at the City of Joondalup’s Annual General Meeting of Electors of 17 November 2003, resolved that the City of Joondalup give consideration to charging a relatively low rent to the Kingsley Amateur Football Club for the next few years for use of the new Kingsley Clubroom facility.

At its meeting of 9 September 2003 (Item CJ207-09/03 refers), Council resolved to establish the hire charges for the new Kingsley Clubroom facility at the same rate as the old facility. This rate is as per the 2003/04 fees and charges schedule which was for a significantly lesser building than the one now in place. It needs to be noted that the new sports facility is comparable to the Fleur Freame facility at McDonald Park, Padbury. The regular community hire rate for the Fleur Freame facility, as a comparable option, is \$20.30 per hour. The circumstances surrounding the development of the Kingsley facility meant that an immediate increase in hire charges was not considered.

Income generated from the hire of community facilities contributes in part to costs incurred by the City for services, cleaning, maintenance and insurance of community facilities.

## DETAILS

The City's Property Management Working Group's (PMWG) has been established with objectives to co-ordinate current lease/licence and property matters relating to City owned and controlled property. The working group will formulate a policy for property related matters to ensure consistency and timely action. The City does have a number of existing agreements with sporting and community groups that include:

- Leases: Lessee's have exclusive tenure of a facility as well as being responsible for operational costs such as rates and taxes, power consumption, building and garden maintenance and rubbish collection;
- Licence to Occupy: Licencee's are given a designated time period for use of a facility during their particular season and are not responsible for the operational costs. Licence arrangements between clubs and the City were historically developed when the clubs involved contributed to the development of the facilities that they use.

It should be noted that Council has no policy with regards to providing reduced rental to sporting clubs who contribute to the building of facilities. It is seen as essential that any policy relating to this sort of arrangement be part of the work completed by the Property Management Working Group.

The PMWG is currently developing a policy in relation to how the City deals with existing licence agreements once they expire as well as procedures to establish ongoing tenure agreements with sporting and community groups across all of the City's facilities. The Kingsley Amateur Football Club is one of a number of community groups whose issues will be considered as part of this process.

It is envisaged that the rationale for future tenure agreements will be based on a consistent fee across the City's facility portfolio, regardless of the club's previous contributions (whether cash, donated materials and /or volunteer labour). The objective of the current Council Policy 2.4.3 - "Setting Fees and Charges" (see below) was established on a predetermined cost / recovery basis, and as such the City does not profit from the received revenue:

*"To establish a fair and equitable fee structure on a user contributes basis which reflects actual costs for goods and services provided by council and takes into account the City's objectives and community obligations".*

Hire charges referred to in this policy encompass halls, community rooms and sporting or recreation venues that are hired for a specific period. The existing Council schedule of fees and charges are determined by a facility's available room space to hire, in conjunction with the type of event / function requested.

**Policy Implications:**

As previously stated, the City's PMWG has been established with objectives to co-ordinate current lease/licence and property matters relating to City owned and controlled property and to formulate policy for property related matters to ensure consistency and timely action. The PMWG is currently developing a new policy in relation to the above matters as well as procedures to establish tenure agreements across the City's facilities.

**COMMENT**

As a result of the redeveloped Kingsley Clubrooms, it is considered that the Kingsley Amateur Football Club now have a new facility and an opportunity to potentially increase their club's revenue source by utilising it more effectively. It is proposed that the Kingsley Amateur Football Club will continue to pay the same hire rate for the new facility as it paid when the club utilised the previous Kingsley clubroom facility. The setting of a precedent regarding one particular tenure agreement prior to the new policy on tenure agreements being endorsed by Council would be detrimental to the whole purpose of having one consistent policy.

It has not been the City's practice, since 1996, to extend the terms of tenure if a club contributes to the further development of a facility. This has been evident via the guidelines / agreements of the Community Sport and Recreation Facility Fund process and the current Council Policy 4.1.3 "Leisure Facilities Capital Works Funding".

Contrary to the Kingsley Amateur Football Club's perception that new clubrooms would lie idle if the Club could not afford the rental charge, the City believes the Club's usage would remain the same in line with the previous few year's requirements despite the better facility.

As previously stated in this report a working group is currently developing a policy in relation to property leasing and licensing matters and the need to standardise the documents. The standardisation of the tenancy documents and their relevant fees and charges will enable the City to fulfil its responsibility to:

- Obtain the best possible return from its assets.
- Provide uniformity and rationalisation in fee calculations.
- Enable the formula and expectations of the City to be known by all existing and future organisations seeking a tenancy agreement from a City premise.

As some leases and licences are due to expire an opportunity does currently exist to create a transparent and more equitable system which will benefit the community and the City, to ensure that community groups and clubs continue to exist, and the City continues to support the community.

Therefore it is not advisable introduce a variation to the existing process prior to the proposed standardisation documents being fully researched, documented and endorsed.

## **ATTACHMENTS**

Nil

## **VOTING REQUIREMENTS**

Simple Majority

## **RECOMMENDATION**

**That the Joint Commissioners:**

- 1 ENDORSE the maintenance of a per hour hire rate, as per Council's 'Schedule of Fees and Charges', to the Kingsley Amateur Football Club until the recommendation from the Property Management Working Group regarding tenure agreements with sporting clubs and community groups is finalised by a Council resolution;**
- 2 CONSIDER the request by the Kingsley Football Club once the standard tenancy documents have been endorsed by Council.**

**CJ037 - 02/04 JUNIOR AND DISABLED SPORT AND RECREATION REPRESENTATIVE DONATIONS – [08032]****WARD - All****PURPOSE**

To consider adopting the reviewed guidelines as policy for Junior and Disabled Sport and Recreation Representative Donations (Attachment 1 refers) for inclusion in The City of Joondalup's Policy Manual. Further, to consider an increase the 2004/2005 budget for the donations from \$12,000 to \$14,000 to counteract the change in the donation amount to a flat rate of \$100 to all successful applicants.

**EXECUTIVE SUMMARY**

The City of Joondalup currently follows a set of guidelines (Attachment 2 refers) to provide financial assistance to young people (18 years and under) or persons with a disability of any age, who are selected to represent the state or nation in interstate or overseas sporting competitions. The donations are designed to assist with the financial burdens associated with the travel expenses resulting from selection in representative teams. Grants of \$50 are offered to those eligible individuals chosen for interstate competition and \$100 for overseas competitions.

A number of recommended changes are suggested to the current guidelines, which include:

- Donations to be presented to individuals travelling intrastate (outside Perth metropolitan area);
- No more than one application from any individual to be approved in a financial year;
- The introduction of a Request Form (Attachment 3) to supplement an individual writing a letter;
- To increase the 2004/2005 budget from \$12,000 to \$14,000 and to distribute one set donation to the value of \$100 to all successful applicants;
- The guidelines being adopted as policy in the City of Joondalup's Policy Manual.

*It is recommended that the Joint Commissioners:*

- 1 ADOPT, the proposed Junior and Disabled Sport and Recreation Donations Policy;*
- 2 APPROVE the change from the distribution of the donations from \$50 for interstate competitions and \$100 for international competitions, to a flat \$100 donation to all successful applicants;*
- 3 CONSIDER the increase in the 2004/2005 budget to an absolute maximum of \$14,000.*

## **BACKGROUND**

The City of Joondalup provides financial assistance to young people (18 years and under) or a person with a disability of any age, who are selected to represent the state or nation in interstate or overseas sporting competitions. The donations are designed to assist with the financial burdens associated with the travel expenses resulting from their selection. Grants of \$50 are offered to those young people chosen for interstate competition and \$100 for overseas competitions.

People wishing to access the donations, are required to apply in writing with supporting documentation from the relevant governing body/association. All applicants must reside within the City of Joondalup and can only apply once every 12 months. Donations are made out to the governing body/association, who in turn forward the cheque to the individuals concerned. This procedure has been followed to ensure a comprehensive auditing process. Last financial year, the City of Joondalup provided donations to young and disabled people to the value of \$7,300.

In 2002, the Council adopted a change in the procedure, which included disabled athletes, of all ages, to be eligible to access the sport and recreation representative donations if their selection involved interstate or overseas travel commitments. The West Australian Disabled Sports Association reported that less than 12% of the disabled population were involved in beneficial physical activity. There was a high level of unmet need in regards to disabled sports with funding issues at the forefront of these barriers. The City had a number of policies that provided support for young people and the elderly (Subsidised Use), however very few had specific allowances for people with disabilities. A Council decision was made in 2001, to amend the guidelines for the sporting assistance scheme to incorporate disabled athletes, of all ages, who are selected for state/national representation.

There are many costs involved when travelling with a state or national team. These costs can be quite overwhelming and may include airfares, uniform, food, accommodation, team registration, coaches and managers fees. The City is proposing to increase the donations from \$50 for interstate competition and \$100 for overseas competitions to a \$100 donation to all successful applicants. The previous budgets for 2001/2002 and 2002/2003 were \$12,000 however, \$9,200 and \$7,300 were spent respectively. Approximately 86% was distributed as \$50 donations with 14% as \$100 donations. Based on the figures as proposed, the City would have spent a total of \$13,578 in the 2002/2003 financial year. Therefore it is proposed that the budget for 2004/2005 be increased to a maximum of \$14,000 to cover a standard \$100 donation to all successful applicants.

The Western Australian State Government has made a commitment to increase physical activity levels through out the state by 5% over ten years. Whilst providing donations for representative selection will not directly impact on increases in physical activity, opportunities for individuals to compete at elite levels will foster the development of positive role models to encourage those people not currently participating, to become involved.

## DETAILS

The City presently has a procedure for “Junior and Disabled Sport and Recreation Representative Donations” which provides guidelines as to how support should be distributed to juniors and people with disabilities to travel when selected in State or National teams. In 2002 the Council adopted a change in the procedure, which included disabled athletes, of all ages, to be eligible to access the donations.

The Junior and Disabled Sport and Recreation Representative Donations aim to enhance the opportunity for young or disabled individuals within the City to participate in elite sport or recreation competitions. These guidelines have been reviewed with the following changes outlined below.

### Recommended Changes

- The inclusion of donations presented to individuals travelling intrastate (outside Perth metropolitan area).

State and national sport and recreation competitions occur within the regions of Western Australia. To compete at this level requires a high level of expense and the expense of travelling outside of the Perth Metropolitan Region can be just as overwhelming for young athletes and their families as if they were to travel interstate. It is recommended that the inclusion of the criteria will increase the opportunity for young and/or disabled individuals to participate in elite competitions.

- No more than one application from any individual is approved in a financial year.

This recommendation allows the alignment of processing the donations with the City’s financial budget. In previous years applications have been considered on a calendar year rather than financial year basis.

- The introduction of a Request Form.

A request form has been created with an information sheet (Attachment 4) to be sent to an individual enquiring about the donations. It is recommended the individual complete the request form rather than submitting a letter addressed to the City. The request form is simple and more efficient for the individual to complete and submit. It also allows clarity and consistency of the information received by the City of Joondalup. It enables the City to gain information that may be relevant for future analysis.

- To increase the 2004/2005 budget from \$12,000 to \$14,000 and to distribute one set donation to the value of \$100 to all successful applicants.
- Convert the Guidelines to Policy.

This will enable effective and efficient management of Council resources and to assist staff and Council to achieve an equitable decision making process. It will also enable the Community to be clear and aware of the reasoning behind the decision.

## COMMENT

The City of Joondalup receives a large number of requests for financial assistance from local young and/or disabled individuals seeking support to participate in state or national sport or recreation competitions.

To ensure that the process is clear for both the Council and the Community changes to the guidelines have been recommended. These changes, which include the recommendation of the Guidelines to be adopted as Policy, streamline the process creating accuracy, efficiency and simplicity for both the applicant and the Council.

The increase in budget also enables a flat rate of \$100 donation to be distributed. The City felt there was a need to increase this as a result of increased expenses related to the selection of state or national representation in a sport or recreation team.

The City of Joondalup's goal is to support the pathways of the community by providing Junior and Disabled Sport and Recreation Representative Donations.

## ATTACHMENTS - *Appendix 26 refers (See Appendices at rear of agenda)*

Attachment 1	Junior and Disabled Sport and Recreation Representatives Policy
Attachment 2	Junior and Disabled Sport and Recreation Representatives Guidelines
Attachment 3	Request Form
Attachment 4	Information Sheet

## VOTING REQUIREMENTS

Simple Majority

## RECOMMENDATION

### **That the Joint Commissioners:**

- 1 ADOPT the Junior and Disabled Sport and Recreation Donations Policy forming Attachment 1 to Report CJ037-02/04;**
- 2 APPROVE the change from the distribution of the donations from \$50 for interstate competitions and \$100 for international competitions, to a flat \$100 donation to all successful applicants;**
- 3 CONSIDER the increase in the 2004/2005 budget to an absolute maximum of \$14,000.**

*Appendix 26 refers*

To access this attachment on electronic document, click here: [attach26brf100204.pdf](#)



**9 REPORT OF THE CHIEF EXECUTIVE OFFICER**

*Chief Executive Officer stated his intention to declare a financial interest in Item CJ38-02/04 – Confidential – Request for Appointment of Commissioners to conduct CEO's Performance Review as the matter relates to CEO's Contract of Employment and associated matters, including cost of legal advice.*

**CJ38-02/04                    CONFIDENTIAL - REQUEST FOR APPOINTMENT  
OF COMMISSIONERS TO CONDUCT CEO'S  
PERFORMANCE REVIEW - [95357]**

**WARD - All**

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This Item Is Confidential - Not For Publication

A full report will be provided to Joint Commissioners under separate cover.

**10 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN****NOTICE OF MOTION – CMR A DRAKE-BROCKMAN - PROPOSAL TO UNDERTAKE COMMUNITY CONSULTATION ON THE EXTENSION OF OCEAN REEF ROAD – [07131]**

Cmr Allan Drake-Brockman has given notice of his intention to move the following motion at the Meeting of Joint Commissioners to be held on Tuesday 17 February 2004. The following Commissioners have indicated their support as required by Clause 4.4 of the City's Standing Orders Local Law:

Cmr Allan Drake-Brockman  
Cmr John Paterson

*“That the Joint Commissioners BY AN ABSOLUTE MAJORITY RESCIND IN PART the decision of Council of the City of Joondalup made at its meeting held on 11 November 2003, being CJ229-11/03 viz:*

- “1 that the further extension of Ocean Reef Road be DEFERRED pending further community consultation with Ocean Reef residents;*
- 2 that for the purposes of giving effect to the further community consultation provided for in paragraph 1 hereof:*
  - 2.1 a Community Consultation Working Party shall be established comprising of the Marina Ward Councillors, plus one (1) North Coastal Ward Councillor and one (1) Whitfords Ward Councillor, a suitable Council Officer and a least five representatives from the Ocean Reef Coastal Stakeholders Group;*
  - 2.2 the Council and the Community Consultation Working Party shall initiate a public consultation period of not less than 60 days and use a 'best practice' model of stakeholder consultation and management agreed upon by the said Working Party eg. The Charettes model being the recommended approach by the W.A. Department of Premier and Cabinet;*
  - 2.3 the Council shall consult with a range of public sector authorities and other organisations in order to seek important information to assist in the decision making in this matter eg. Dept. Main Roads;*

- 2.4 *that the Working Party prepare a report and recommendations to Council at the conclusion of the Community consultation process;*
- 2.5 *that at the completion of the community consultation process, Council's decision have due regard to the recommendations in the said report from the Community Consultation conducted as aforesaid."*

*And be REPLACED with the following Motion:*

*"That the Joint Commissioners:*

- 1 *APPROVE a programme of consultation to be undertaken with key stakeholders on the detailed design of the extension of Ocean Reef Road from Hodges Drive through to Shenton Avenue;*
- 2 *NOTE that the consultation costs shall not exceed \$14,000;*
- 3 *NOTE that the key stakeholder group shall include representation from residents whose property abuts that section of Ocean Reef Road to be constructed, and equal representation from the Ocean Reef Stakeholders Group and the Ocean Reef Action Group;*
- 4 *LIST for consideration in the 2004/05 Five Year Capital Works Program the full project construction budget."*

**Reasons for Motion:**

Cmr Drake-Brockman has submitted the following in support of his Notice of Motion.

"It is considered that the proposal to spend \$50,000 on a community consultation exercise is excessive and given the consultation should be limited to the design aspects associated with the extension of the road, a more modest community consultation programme should be conducted by the Joint Commissioners.

It is also considered important that the City not establish unrealistic expectations of residents in terms of this important link road not proceeding."

**VOTING REQUIREMENT**

Absolute Majority

## **OFFICER'S COMMENT**

Commissioners are referred to Report CJ009-02/04 – Proposal To Undertake Community Consultation On The Extension Of Ocean Reef Road – and reiterate the officer's comment that this project has been subject of a number of Council motions and rescission motions.

There is significant community interest about this matter and a degree of polarisation between the two main stakeholder groups, the Ocean Reef Stakeholders Group and the Ocean Reef Action Group.

The staged consultation process recommended in the report is considered the appropriate way forward to address the current concerns.

Following the completion of stage one a decision can be made by the Council whether to progress to stage two or commence the detail design phase in consultation with the key stakeholders.

*Chief Executive Officer stated his intention to declare a financial interest in Item 1 - Confidential – Items Outstanding from Special Meeting of Council held on 25 November 2003 and 3 December 2003 as the matter relates to CEO's Contract of Employment and associated matters, including cost of legal advice.*

**ITEM 1            CONFIDENTIAL – ITEMS OUTSTANDING FROM SPECIAL MEETING OF COUNCIL HELD ON 25 NOVEMBER 2003 AND 3 DECEMBER 2003**

This Item Is Confidential - Not For Publication

A full report will be provided to the Joint Commissioners under separate cover.

*Chief Executive Officer stated his intention to declare a financial interest in Item 2 - 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 as the matter relates to CEO's Contract of Employment and associated matters, including cost of legal advice.*

**ITEM 2      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 the Joint Commissioners under separate cover.

*Chief Executive Officer stated his intention to declare a financial interest in Item 3 - Confidential - Notice of Motion – Cr J Hollywood - Standing Committee on Public Administration and Finance - Legal Expenses as the matter relates to CEO's Contract of Employment and associated matters, including cost of legal advice.*

**ITEM 3      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 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 the Joint Commissioners under separate cover.

*Chief Executive Officer stated his intention to declare a financial interest in Item 4 - Confidential – Notice of Motion – Cr J Hollywood – Request for Variation to Chief Executive Officer’s Contract of Employment as the matter relates to CEO’s Contract of Employment and associated matters, including cost of legal advice.*

**ITEM 4      CONFIDENTIAL – NOTICE OF MOTION – CR J HOLLYWOOD – REQUEST FOR VARIATION TO CHIEF EXECUTIVE OFFICER’S CONTRACT OF EMPLOYMENT**

Cr John Hollywood gave 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 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 the Joint Commissioners under separate cover.



*Chief Executive Officer stated his intention to declare a financial interest in Item 5 - 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 as the matter relates to CEO's Contract of Employment and associated matters, including cost of legal advice.*

**ITEM 5      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 gave 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 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 the Joint Commissioners under separate cover.

*Chief Executive Officer stated his intention to declare a financial interest in Item 6 - Confidential - Notice of motion – Cr C Baker - Standing Committee on Public Administration and Finance - Legal Expenses as the matter relates to CEO's Contract of Employment and associated matters, including cost of legal advice.*

**ITEM 6      CONFIDENTIAL - NOTICE OF MOTION – CR C BAKER - STANDING COMMITTEE ON PUBLIC ADMINISTRATION AND FINANCE - LEGAL EXPENSES – [24549, 00561, 58527, 70544]**

Cr Chris Baker gave 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 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 the Joint Commissioners under separate cover.

*Chief Executive Officer stated his intention to declare a financial interest in Item 7 - Confidential – Notice of Motion – Cr C Baker – Request for Variation to Chief Executive Officer’s Contract of Employment as the matter relates to CEO’s Contract of Employment and associated matters, including cost of legal advice.*

**ITEM 7      CONFIDENTIAL – NOTICE OF MOTION – CR C  
BAKER – REQUEST FOR VARIATION TO CHIEF  
EXECUTIVE OFFICER’S CONTRACT OF  
EMPLOYMENT**

Cr C Baker gave 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 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 the Joint Commissioners under separate cover.

*Chief Executive Officer stated his intention to declare a financial interest in Item 8 - Confidential - Notice of Motion – Mayor D Carlos - Refund of CEO Corporate Credit Card Expenditure as the matter relates to CEO's Contract of Employment and associated matters, including cost of legal advice.*

**ITEM 8            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 the Joint Commissioners under separate cover.

*Chief Executive Officer stated his intention to declare a financial interest in Item 9 - Confidential - Notice of Motion – Mayor D Carlos – Council Credit Cards as the matter relates to CEO’s Contract of Employment and associated matters, including cost of legal advice.*

**ITEM 9            CONFIDENTIAL – NOTICE OF MOTION – MAYOR D CARLOS – COUNCIL CREDIT CARDS**

This Item Is Confidential - Not For Publication

A full report will be provided to the Joint Commissioners under separate cover.

*Chief Executive Officer stated his intention to declare a financial interest in Item 10 - Confidential - Notice of Motion – Mayor D Carlos – Telephone Accounts as the matter relates to CEO’s Contract of Employment and associated matters, including cost of legal advice.*

**ITEM 10      CONFIDENTIAL – NOTICE OF MOTION – MAYOR D CARLOS – TELEPHONE ACCOUNTS**

This Item Is Confidential - Not For Publication

A full report will be provided to the Joint Commissioners under separate cover.

*Chief Executive Officer stated his intention to declare a financial interest in Item 11 - Confidential - Notice of Motion – Mayor D Carlos – Information on CEO Salary Package as the matter relates to CEO’s Contract of Employment and associated matters, including cost of legal advice.*

**ITEM 11      CONFIDENTIAL – NOTICE OF MOTION – MAYOR D CARLOS – INFORMATION ON CEO SALARY PACKAGE**

This Item Is Confidential - Not For Publication

A full report will be provided to the Joint Commissioners under separate cover.

*Chief Executive Officer stated his intention to declare a financial interest in Item 12 – Confidential – Notice of Motion – Mayor D Carlos – Salary Packages – Executive and Business Managers as the matter relates to CEO's Contract of Employment and associated matters, including cost of legal advice.*

**ITEM 12      CONFIDENTIAL – NOTICE OF MOTION – MAYOR D CARLOS – SALARY PACKAGES – EXECUTIVE AND BUSINESS MANAGERS**

This Item Is Confidential - Not For Publication

A full report will be provided to the Joint Commissioners under separate cover.



**ITEM 13      CONFIDENTIAL – NOTICE OF MOTION – MAYOR D  
CARLOS – EXPENDITURE BY FORMER MAYOR**

This Item Is Confidential - Not For Publication

A full report will be provided to the Joint Commissioners under separate cover.

*Chief Executive Officer stated his intention to declare a financial interest in Item 14 – Confidential – Notice of Motion – Mayor D Carlos – Staff Salary Information as the matter relates to CEO’s Contract of Employment and associated matters, including cost of legal advice.*

**ITEM 14      CONFIDENTIAL - NOTICE OF MOTION – MAYOR D CARLOS – STAFF SALARY INFORMATION**

This Item Is Confidential - Not For Publication

A full report will be provided to the Joint Commissioners under separate cover.

*Chief Executive Officer stated his intention to declare a financial interest in Item 15 – Confidential – Notice of Motion – Cr J Gallant – Breach of Code of Conduct as the matter relates to CEO's Contract of Employment and associated matters, including cost of legal advice.*

**ITEM 15      CONFIDENTIAL – NOTICE OF MOTION – CR J  
GOLLANT –BREACH OF CODE OF CONDUCT**

This Item Is Confidential - Not For Publication

A full report will be provided to the Joint Commissioners under separate cover.

*Chief Executive Officer stated his intention to declare a financial interest in Item 16 – Confidential – Notice of Motion – Cr P Kimber – Breach of Code of Conduct as the matter relates to CEO's Contract of Employment and associated matters, including cost of legal advice.*

**ITEM 16      CONFIDENTIAL – NOTICE OF MOTION – CR P  
KIMBER – BREACH OF CODE OF CONDUCT**

This Item Is Confidential - Not For Publication

A full report will be provided to the Joint Commissioners under separate cover.

**ITEM 17      CONFIDENTIAL – NOTICE OF MOTION – CR J  
HOLLYWOOD – THAT THE MINISTER EXERCISE HIS  
POWER TO SUSPEND THE COUNCIL**

This Item Is Confidential - Not For Publication

A full report will be provided to the Joint Commissioners under separate cover.

*Chief Executive Officer stated his intention to declare a financial interest in Item 18 – Confidential – Notice of Motion – Cr J Hollywood – in relation to the behaviour of Cr Hart as the matter relates to CEO's Contract of Employment and associated matters, including cost of legal advice.*

**ITEM 18      CONFIDENTIAL – NOTICE OF MOTION – CR J  
HOLLYWOOD – IN RELATION TO THE BEHAVIOUR  
OF CR HART**

This Item Is Confidential - Not For Publication

A full report will be provided to the Joint Commissioners under separate cover.

**11 DATE OF NEXT MEETING**

The next meeting of the Council has been scheduled for **7.00 pm** on **TUESDAY, 9 MARCH 2004** to be held in the Council Chamber, Joondalup Civic Centre, Boas Avenue, Joondalup

**12 CLOSURE**

**DECLARATION OF INTEREST FORM, CLICK HERE: [declofininterestsept2001.pdf](#)**





**QUESTION TO BRIEFING SESSION/ COUNCIL MEETING**

**NAME** \_\_\_\_\_

**ADDRESS** \_\_\_\_\_

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**QUESTIONS**

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Please submit this form at the meeting or post to:

The Chief Executive Officer, City of Joondalup, P O Box 21, Joondalup WA 6919

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

**FOR SEATING PLAN OF THE COUNCIL CHAMBER, CLICK HERE: [seatplan cmrs 2004.pdf](#)**