



**MINUTES OF MEETING OF JOINT COMMISSIONERS  
HELD ON 27 APRIL 2004**

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# CITY OF JOONDALUP

## MINUTES OF MEETING OF JOINT COMMISSIONERS HELD IN COUNCIL CHAMBER, JOONDALUP CIVIC CENTRE, BOAS AVENUE, JOONDALUP, ON TUESDAY, 27 APRIL 2004

### OPEN AND WELCOME

The Chairman declared the meeting open at 1900 hrs.

### ATTENDANCES

#### Elected Members:

CMR J PATERSON – Chairman  
CMR A DRAKE-BROCKMAN – Deputy Chairman  
CMR M ANDERSON  
CMR A FOX  
CMR S SMITH

#### Officers:

Acting Chief Executive Officer:	C HIGHAM	<i>Absent from 1955 hrs to 2006 hrs</i>
Acting Director, Planning & Community Development:	C TERELINCK	
Director, Corporate Services and Resource Management:	P SCHNEIDER	
Director, Infrastructure & Operations:	D DJULBIC	
Manager Audit and Executive Services:	K ROBINSON	
Manager, Marketing Communications & Council Support:	B ROMANCHUK	
Manager, Human Resources:	M LOADER	
Media Advisor:	L BRENNAN	
Committee Clerk:	J HARRISON	
Minute Clerk:	L TAYLOR	

There were 31 members of the Public and 1 member of the Press in attendance.

## PUBLIC QUESTION TIME

**The following question, submitted by Mr R Privilege, Edgewater was taken on notice at the Meeting of Joint Commissioners held on 30 March 2004.**

*Q1 What is the opportunity cost to the ratepayers of the City of Joondalup of the large payout to the previous CEO, Mr Denis Smith, plus the cost of appointing an Acting CEO, the costs associated with the appointment of an employee to fill the Acting CEO's position and the cost of getting the legal opinions from Fiocco lawyers and Harry Dixon QC? I estimate the total amount to be in the vicinity of \$900,000, that would attract a very good rate of interest for the benefit of the City of Joondalup ratepayers.*

A1 These costs are still being finalised.

**The following questions, submitted by Mr N Gannon were taken on notice at the Meeting of Joint Commissioners held on 30 March 2004.**

*Q1 The Minutes of the Council Meeting of 9 March 2004 show that the City "has had informal discussions with representatives of the Satterley Property Group" regarding the rezoning of Lot 61 Leach Street, Marmion which is better known as the CSIRO site. When did these discussions take place and who represented the City of Joondalup?*

A1 Messrs Nigel Satterley and Tony Arias of the Satterley Group addressed Commissioners regarding a proposal to rezone and subsequently subdivide the site at the strategy session on 9 December 2003. Commissioners J Paterson, A Drake-Brockman, M Anderson, A Fox and S Smith were in attendance, together with officers D Smith, D Djulbic, C Higham, P Schneider and C Terelinck. The purpose of their presentation was to inform Commissioners of their intentions for development of the site in the event the City could expect to receive calls concerning the matter, and also in order to gauge acceptance of the proposal.

*Q2 During these discussions, was any comfort given to the Satterley Property Group which influenced their courageous decision to pay \$8.6 million for this land early in December 2003? Particularly as the land was then and still is zoned as a local reserve parks and recreation under the City of Joondalup's District Planning Scheme No.2?*

A2 By the time of the meeting, the Satterley Group had already purchased the land.

**The following question, submitted by Mr S Magyar, Heathridge was taken on notice at the Meeting of Joint Commissioners held on 30 March 2004.**

*Q1 Re: Cheques to Hugall and Hoile, Joondalup - \$60,000 approximately – where was that money applied, purely on parks or was it applied to verges and median strips?*

A1 These payments were for parts and equipment for work carried out at various parks, verges and median strips within the City of Joondalup.

**The following question, submitted by Mr A Bryant, Craigie was taken on notice at the Meeting of Joint Commissioners held on 30 March 2004.**

*Q1 On 25 February 2004 Chairman Paterson was paid \$4,358.77, \$4,000 on 27 February 2004 and another \$4,000 paid by electric funds transfer on the same day. Why was Chairman Paterson paid over \$12,000 in two days? It is acknowledged that one of these payments, payment No. 66 on 27 February 2004 for \$4,000 was cancelled.*

A1 Details of payments are as follows -

\$4,358.77 on 25 February 2004 - January allowance plus expenses  
\$4,000.00 on 27 February 2004 - February allowance  
\$4,000.00 on 27 February 2004 (Item 66) - was offset in the cancelled cheque section of the Warrant of Payment

The Chairman was paid a total of \$8,358.77.

**The following question, submitted by Mr K Zakrevsky, Mullaloo was taken on notice at the Meeting of Joint Commissioners held on 30 March 2004.**

*Q1 How much did the City lose in total dollars by outsourcing the management of the three leisure centres to RANS?*

A1 A separate letter has been sent to Mr Zakrevsky in response to this question.

**The following questions were submitted by Mrs C Mackintosh, Kallaroo:**

*I refer to the Warrant of Payments, February 2004, where it is stated that (suspended) Cr Hart has been issued a cheque for \$2084.03. Upon my enquiries, I have been advised that this cheque is for expenses covering child care, travel and other minor expenses.*

*Given that all suspended Councillors received their last cheques in December 2003 (sitting fee of \$500 plus telecommunication allowance of \$166) can you please provide answers to the following questions:*

*Q1 What portion of the \$2084.03 cheque, issued to (suspended) Cr Hart in February 2004, covers child-care?*

A1 \$1280.

*Q2 What is the covering period for this child-care re-imburement?*

A2 23/10/03 to 3/12/03

*Q3 Were receipts obtained? What format did these receipts take?*

A3 Yes. Signed receipts were submitted.

*Q4 What were the "travel and other minor expenses" covered by this cheque? Please provide a summary.*

A4 As per policy the following was claimed:

\$ 17.60 Refund for vehicle licence plate return  
\$ 65.40 dry-cleaning while at conference  
\$721.03 travelling expenses.

*Q4 Please provide details of child-care expenses claimed by all (suspended) Councillors during the period May 2003-December 2003?*

A4 This information is provided in the Council report "Reimbursement of Elected Members Expenses" submitted to the meeting of 27 April 2004.

*Q5 Please provide details of "other expenses" claimed by all (suspended) Councillors during the period May 2003- December 2003.*

A5 This information is provided in the Council report "Reimbursement of Elected Members Expenses" submitted to the meeting of 27 April 2004.

*Q6 Given my understanding that child care reimbursement is claimed at the rate of \$10 per hour, and that Cr Hart was attending an eastern states conference during November 2003; can it please be explained how child-care expenses (part of \$2084.03 claim) could be amassed?*

A6 The claim covers a six week period, of which three days were spent at the Conference.

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

*Re: The approval given under delegated authority on 22 January 2004. Lot 495, 165 Grand Boulevard.*

***Residential Density***

*There have been 3 approvals given to this lot.*

*7/12/1999 Exercising discretion under Section 5.9 of City of Joondalup's TPS1 Commissioners gave approval to 'increase to the residential density from R100B to R136'.*

*25 & 29/10/2002 exercising discretion under Section 4.5 of City of Joondalup's DPS2 Councillors gave approval for 'a residential density of R129'.*

*2/12/2003 the agenda's recommendation made no determination on residential density it just granted approval to the development. However the report refers to R179 for the site as being appropriate as discretion had previously been given to allow other densities on the site and there were no specific residential density requirements in the general City area of the CBD. There was no mention of the section of the Scheme or structure plan which, allowed discretion to be used.*

22/1/2004 exercising the ability to determine density under Section 4.2.4 of the City of Joondalup's the Director of Planning and Community Development in consultation with the Chairman of Commissioners or his nominee gave approval to " that a higher density code in this instance R198 should apply to the general City component of the lot'.

The R code map within the DPS2 states that the density for this lot is as per Structure plan. Plan 3 of the structure plan states that the R density of the site is R60. An amendment to the Structure plan allows that R100B density can be applied to those sites, which are considered landmark sites.

Given the above please answer the following questions.

- Q1 Explain the discrepancies in the approach of the three approvals?
- Q2 Explain how Section 4.5 of DPS2 could be used to vary density when Part 4 relates to general development requirements only and cannot be used for development in respect of which Residential Planning Codes apply?
- Q3 Explain how 4.5 can be used to vary a structure plan requirement?
- Q4 Given that 100B is the maximum residential development allowed for the whole of the CBD on what basis did planners contemplate higher densities and R198 in particular?
- Q5 What is the residential density of the whole site given that planners state that there were two densities applying to the site and it is inappropriate to apply an R code to only part of the site? Multiple dwellings are determined by the total area of the lot divided by the number of dwellings?
- Q6 What effect will the overdevelopment of this site and other sites have on the supply of car parking in the CBD and how will it affect the overall strategy of the structure plan?
- Q7 How can residential densities be varied without an amendment to the Scheme as the only discretion given to densities within the scheme is the ability to determine where no R code is designated under Section 4.2.4?
- Q8 This site has an R Code R60 and in addition in two previous approvals an R code have been determined for it. Are we to believe that on this site R coding can be determined as many times as planners feel fit?
- Q9 When an R code is determined for a site why hasn't the scheme or Structure plan been amended to have the determination take effect?
- Q10 The density for this site is R60. An Amendment allowed for landmark sites to have a density R100B. Where is the amendment that changed Plan 3 density Map to un-coded?
- Q11 It appears that planners have determined that the Use class General City uses does not have a R Code density. Isn't it the land which is coded and is statutory and not the use class?



***Residential building***

- Q12 Why was the developer made to change the description of 7 units and call them short stay apartments, residential building when it was clearly against its wishes?*
- Q13 A residential building is to accommodate groups of unrelated people. What groups of people will be accommodated in this Residential Building and how many people will be allowed to stay there?*
- Q14 As there is no definition of short stay apartments how long is short stay? Are they for holidays? For instance, at Sorrento the length of short stay was determined.*
- Q15 How will this Building be regulated to ensure that these units are not used as permanent dwellings?*
- Q16 There was no mention of the residential building being registered as a lodging house. Why not? What local health laws will apply to them?*
- Q17 Were these units included in the calculation of residential density?*
- Q18 Is the City anticipating a scheme amendment as suggested by the Applicant, so that the short term units will be able to be used as permanent residences and if so why? What does the amendment consist of and will the community be afforded an opportunity to comment on it?*
- Q19 Normally a change of use would be a new development application. Why wasn't one provided in this instance? The Application was dated 10/9/03.*

***Structure Plans***

*The obvious many variations to the Structure plan in the CBD highlights the uncertainty existing in the City of Joondalup for residents with respect to density and development standards.*

- Q20 What certainty is there for the residents surrounding the Cook Avenue development that the Structure plan there will deliver the expected residential density?*
- Q21 Does the City have the ability to vary a Structure Plan without an Amendment to the Structure plan being approved by WAPC?*
- Q22 What section of the JCCDPM allows variation to residential density and development standards laid down in the structure plan?*
- Q23 Why isn't this structure plan on the internet along with other structure plans?*

***Delegated Authority***

- Q24 This approval of the development was before Council for determination. Why?*
- Q25 Given that there needed to be a reason for the application to be put before the meeting how was that reason able to be negated?*
- Q26 The delegated authority manual does not have a clause that allows an approval before Council to be taken back and dealt with under delegated authority. If this is an incorrect statement, indicate that clause of the delegated authority manual that allows this to occur?*
- Q27 Whose decision was it to deal with this approval under delegated authority?*

***Discretion***

- Q28 What determines whether discretion sought will be given?*
- Q29 Once having given discretion does that automatically set a precedent that any developer can rely on?*
- Q30 If discretion is given on haphazard fashion what value do development standards and R codes have?*
- Q31 What is the City getting in exchange for giving up its development standards and allowing high residential density at Boas Avenue?*

A1-31 Due to their complex nature, these questions will be taken on notice.

**The following questions were submitted by Mr M O'Brien, Warwick:**

**Questions addressed to the Acting CEO, Commissioners Allan Drake-Brockman, Michael Anderson and Stephanie Smith.**

- Q1 Is the Agenda for the Special Meeting of the Commissioners, for Tuesday 11<sup>th</sup> December 2003 displayed on the Council Website a correct text?*
- A1 Yes.
- Q2 Does Item 3. on the Published Agenda for the 11.12.2004 abovementioned meeting have an Item Declarations of Interest?*
- A2 Yes.
- Q3 Do the Minutes that appear on the City's website purport to record the proceedings of the Special Commissioners Meeting held on 11<sup>th</sup> December 2003?*
- A3 Yes.

- Q4 Have the Minutes of the 11<sup>th</sup> December Special Meeting of the Commissioners, as displayed on the City's website been "confirmed as a true and correct record"?*
- A4 Yes.
- Q5 If the Minutes referred to in Question 4. have been confirmed, what date and reference refers to their confirmation?*
- A5 Item C272-12/03 of 16 December 2003.
- Q6 Is it a fact, that Commissioner Drake-Brockman declared an interest in Item JSC88-12/03, then "Seconded the Motion", failed to vacate the Chamber and is effectively recorded as one of the Five Commissioners voting in favour of the Motion?*
- A6 Cmr Drake-Brockman declared an interest in JSC88-12/03 as he is a member of the legal profession. Commissioners, Elected Members, Committee Members or Employees are encouraged to disclose any interest, where they believe that the public may have a perception that their impartiality may come into question. The disclosure of such an interest does not affect the ability of such persons to discuss or vote on the matter. Such an interest is not a "financial interest" under the Act. Cmr Drake-Brockman seconded the motion and voted in favour of the motion. Commissioner Drake-Brockman dealt with the matter impartially.
- Q7 Is it a fact that Elected Members who vote on an issue, in which they have declared an interest, (unless it is an exempted interest, or an interest in common with all or a substantial proportion of electors) disqualify themselves from continuing as an Elected Member?*
- A7 Given the answer to question 6 this question is irrelevant, inappropriate and out of order.
- Q8 Do the matters in which a Commissioner has an interest, exempt a Commissioner, from being disqualified in the same manner as an elected member would in similar circumstances?*
- A8 See the answer to Question 7.
- Q9 Will you as Acting CEO be referring the matter mentioned in Question 6 above, to the Director of Local Government in order to check if the action by Commissioner Drake-Brockman amounts to a possible disqualification?*
- A9 No and see the answer to Question 7.
- Q10 Do the Minutes of the Special Meeting of the Commissioners convened on 16<sup>th</sup> February 2004 and continued on 12<sup>th</sup> March 2004, as currently posted on the City's Website contain the correct text of the Minutes of the Meeting as confirmed by a subsequent Meeting?*

A10 At the Council meeting held on 30 March 2004, the Minutes of the Special Meeting held on 16 February 2004 and 12 March 2004 were confirmed, subject to the following amendment:

Page 9 - Item C15-03/04: Point 2 (b): the word “*approved*” be amended to read “*recommended*”

This amendment has been made to the official Minute Book, however it is not practice to amend previously issued copies of the minutes.

Q11 *If the Text as displayed on the City’s Website relating to C15-03/04 is correct, the following questions are raised for answers by the Learned Commissioner Drake-Brockman the Mover of the Motion:*

(a) *In item (C15-03/04) 2 (b) the words appear “.....\$90,000.00 as approved by Neil Douglas of Minter Ellison,....” when did Neil Douglas receive “delegated authority” to “approve” such a matter?*

A11(a) See A10 above and it should be noted that at all times Neil Douglas of Minter Ellison was only providing legal advice to the City and was not exercising any “delegated authority”.

(b) *Was the text for the Motion in 2 (b) drafted by Fiocco’s Lawyers associate Sarah Burke, John Fiocco, or Commissioner Drake-Brockman?*

A11(b) All matters associated with the Deed of settlement between the City and Mr Denis Smith were dealt with by the Joint Commissioners on advice from Fiocco Lawyers.

(c) *In Item (C15-03/04) 2 (e)(iii) the “conditions” require “the CEO dismisses the Supreme Court action.....” when did a CEO of a Municipal Government in Western Australia acquire the Power to “dismiss” an action commenced in the Western Australian Supreme Court?*

A11(c) See A11(b) above and it should be noted that the Supreme Court action was an action brought by Denis Smith in his private personal capacity.

(d) *Was the text for the Motion in 2 (e)(iii) drafted by Fiocco’s Lawyers associate Sarah Burke, John Fiocco, or Commissioner Drake-Brockman?*

A11(d) See A11(b) above.

Q12 *If the Text as displayed on the City’s Website relating to C24-03/04 is correct, the following questions are raised for answers by Commissioner Anderson the Mover of the Motion and its Seconder Commissioner Smith:*

*the Motion raises the proposition of the payment of a substantial amount ratepayers money;*

- i. without the benefit of any findings of the Ford Inquiry;*
- ii. does not nominate the City's account number from which payment was intended;*
- iii. does not identify the processes and from which reserve account the moneys are to issue;*

*What prior advice was sought from the City's Treasury Officers prior to the Drafting of the Text of Motion C24-03/04 in order to draft text that quoted correct account numbers and would have identified procedures for dealing with reserve account funds?*

A12 Commissioners sought preliminary advice on whether reserves could be utilised in the event of a payout to the CEO being required.

Q13 *If the Matter requires remedy by retrospective Notice of Motion, when will the Commissioners be addressing the issue?*

A13 At the appropriate time.

Q14 *When will an answer be furnished to the 2<sup>nd</sup> Question I asked at the Commencement of the Special Meeting of the Commissioners on 16<sup>th</sup> February 2004 regardless of the "opinion" expressed by Commissioner Paterson at the time?*

A14 This question was deemed inappropriate and no further response will be given.

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

**Re: Item CJ089-04/04:**

***The campus district structure plan states in clause 3 Plot Ratio is to be in accordance with R-60 residential density.***

***and***

***The new clause added into the report (following the same question at the briefing session ) does not clarify the situation.***

Q1(a) *How is it possible after structure plan endorsement and subdivisional approval, that a density of R-60 is not be compatible with the stated Maximum plot ration of 0.65 and 0.70 as noted in the report, as these **are** the requirements of table 1 of the R-Codes ?*

Q1(b) *What plot ratio are developments achieving in the campus district presently?*

**Re: Item CJ089-04/04:**

Q2(a) *Why does the proposed plot ratio definition only refer to residential/ commercial uses and does not refer to **DWELLINGS**?*

*Q2(b) Does this mean there will be no plot ratio for Dwellings ?*

***One purpose of the R-Codes is to ensure that new developments incorporate adequate standards of amenity and the DPS-2 defines amenity as being "all those factors which combine to form the character of the area to residents and passers by and shall include the present and likely future amenity."***

*Q3(a) Why is the City of Joondalup removing the minimum assurance of basic existing and future amenity by voiding the R-Codes from new developments within new and existing residential areas and developments therein?*

*Q3(b) What assessment criteria is the City of Joondalup's planning department using to assure existing and future amenity when the R-Code are being dispensed with on new residential development ?*

***The R-Codes note that;***

***"Some dwelling types - notably those characterised as residential buildings in town planning schemes - will probably require separate development provisions in a scheme."***

*Q4 When will the existing residents and ratepayers of this Municipality be afforded the protection of their existing and future amenity and certainty by the introduction of development provisions for residential development characterised as residential buildings as well as multiple dwellings below R-35?*

***The R-Codes state in clause 1.1.1 Purpose of the Codes, that "the Codes are approved by the Governor and gazetted ." "As such they (new R-Codes) will require all residential development to conform to the Codes.***

*Q5 Why is the stated purpose of the R-codes not adhered to by the City , having no developmental provisions for such residential development as:*

- *Multiple dwellings in R30 or less.*
- *Grouped dwellings not situated on the ground.*
- *Serviced apartments.*
- *Short stay apartments.*
- *Medium stay apartments.*
- *Long stay apartments.*
- *Extended stay residential.*
- *Residential buildings.*
- *commercial / residential development*

*Q6 Does the City have:*

- (a) A local housing policy.*
- (b) A local commercial policy.*
- (c) A local conservation strategy.*

*as complementary documents to the DPS-2 forming the Local Planning Framework for decision making on land use and development?*

*Q7 Why is there no delegated authority item listings in this agenda, considering that Delegated Authority is exercised monthly and it has been more than one month since the previous listing of February 2004 in CJ070-03/03, leaving one month for the reporting process?*

*When will those listings be available for viewing by the public?*

A1-7 These questions will be taken on notice.

**The following questions were submitted by Mrs M Zakrevsky, Mullaloo:**

*Re: CJ075-04/04 - Reimbursement of Elected Members Expenses May 2003 - 5 December 2003 [27122]*

*Q1 Please provide details related to the first column in Appendix 3 – Conference/Training Expenses for each Councillor for the period May to December 2003:*

- (i) names of conferences, place, duration, dates and all associated costs such as accommodation;*
- (ii) training – name of courses, place, duration, dates and costs, and all associated costs such as accommodation, meals and travel if applicable and itemized;*

*Q2 Please provide details related to the fifth column in Appendix 3 – Travel Expenses for each Councillor for the period May of December 2003, itemizing how these costs have been arrived at, such as:*

- (i) Air travel;*
- (ii) Car hire;*
- (iii) Car kms and @ how much per km;*
- (iv) Fuel costs;*
- (v) Vehicle servicing/detailing costs.*

A1-2 These questions require a detailed response to be prepared and as such will be taken on notice.

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

*Q1 What is a residential/commercial unit?*

*Q2 What is a commercial/residential unit?*

*Q3 What is the planning definition for a commercial unit?*

*Q4 What is the planning definition for a residential unit?*

*Q5 What is the planning definition for a unit? (A block of units?)*

- Q6 Is a residential building a residential use or commercial use or non-residential use?*
- Q7 Are short stay or short term accommodations a residential use or commercial use or non-residential use?*
- Q8 Are medium stay or medium term accommodations a residential use or commercial use or non-residential use?*
- Q9 Are long stay or long term accommodations a residential use or commercial use or non-residential use?*
- A1-9 These questions were received on 27 April 2004. These questions require a detailed response to be prepared and as such will be taken on notice.

**The following questions were submitted by Mr D Biron, Mullaloo:**

- Q1 I would like to receive a clear and unambiguous written statement from those appointed by the Minister to restore good governance to the City of Joondalup as to exactly what comprises the constantly changing local 4 parties a year exemption policy, which apparently completely overrides the WA State Environmental Protection (Noise) Regulations 1997.*

*The latest version I have is that all residents of the City of Joondalup are entitled to hold parties 365 days of the year, and that they can last all day and all night or as long as they like unless a complainant i.e. ratepayer can:*

- A. supply readings from a suitably approved sound consultant for an unknown number of occasions – the officers of the council will not state how many breaches are required to override Joondalup City Council's policy and nor to date have the Commissioners in private correspondence but clearly it is well over 4 occasions because under the City's 4 party per year policy we have subsequently been informed of the other local party exemptions from the State's noise regulations like the "family gathering" and the weekly "one off party".*
- B. clearly demonstrates that the above regulations have been clearly and measurably breached by an unknown margin of decibels which do not in any way relate to those specified in the above 1997 noise regulations, but again which neither the very good officers of the council or the commissioners care to reveal to me*
- C. and that these readings have to be taken continually and repeatedly over an unknown period of time, on the same date/occasion, again despite what it says in the above regulations, and again which neither the very talented officers or the commissioners of the City of Joondalup care to reveal to me*
- D. and that these readings can only be taken if the noise heard inside a ratepayers home with all doors and windows closed – security shutters down - including newly installed double glazing – is musical in origin, and that shouting, swearing, singing, screaming, banging, and any other noise you can think off, regardless of the time of day are all exempt from any consideration of noise nuisance – despite*



*what it says in the above 1997 regulations. (This is a matter of fact because the City of Joondalup will not allow their noise consultant to attend anything but music – not even television or radio voices – well not for me anyway but then they email the noise consultant specifically not to attend parties next door to me that they know about in advance anyway!)*

*Since the City of Joondalup advised me on 27<sup>th</sup> August 2003 that the noise consultant was available to measure all noise, the City of Joondalup's noise policy seems to have changed considerably but then way back in March 2003 I was told that if the (noise) levels exceed the provisions of the Environmental Protection (noise) regulations, that the city would consider appropriate formal action. Now apparently even exceeding these levels at any time is not the City's policy but rather it is the unknown amount of decibels by which these legal noise levels have to be exceeded by which is an issue for the City before it considers taking any action, and for how long on each occasion/date that these legal noise limits are exceeded for.*

*Furthermore the oft stated up to 4 parties a year policy cannot be held to be true otherwise it would be up to 4 parties a year and the City would not keep coming up with other types of party exemption from the state's noise laws – like the weekly one off party routine, because every second of every day is a one off isn't it!*

*Since the City's noise policy lacks any certainty of operation does not bear any relations to the state's laws on noise nuisance and is constantly being rewritten and reinterpreted by the outstanding officers at the City of Joondalup, I would like the Commissioners to provide some much needed clarification on the total lack of control of noise in the City because at the moment it appears that controls are only applied according to who you know at the City of Joondalup, whether you work for the City of Joondalup, and whether you are popular with the City of Joondalup.*

*I think some of the most salient points I would like clarified are:*

*(i) How many parties is up to 4 parties a year and how many types of party exemption from this number are there?*

A1(i) Whilst operating within the relevant legislation on noise, the City must take into account noise which is considered to be a normal part of living in a suburban area. Provision is allowed for entertaining friends and family on occasions.

Q1(ii) *What are these exemptions and why say up to 4 if that is not the policy?*

A1(ii) Working within the legislation on noise, the City needs to consider many different factors to deem a noise unreasonable. In this regard, the City considers the following when assessing reports of noise:

the nature and duration of the noise emissions, the frequency of similar noise emissions from the same source (or a source under the control of the same person or persons) and the time of day at which the noise is emitted and considers whether the noise unreasonably interferes with the health, welfare, convenience, comfort or amenity of any person.

- Q1(iii) What is meant by year because according to the City of Joondalup it is most certainly not a continual 365 day period?*
- A1(iii) A year is a period of 365 days, eg 1 January 2004-31 December 2004.
- Q1(iv) Are the levels stated in the 1997 noise regulations really only indicative as currently stated by the City of Joondalup?*
- A1(iv) This question is unclear.
- Q1(v) Where does it state in the 1997 noise regulations that only music noise emitted in contravention of the standards prescribed therein can constitute a nuisance as stated by the City of Joondalup?*
- A1(v) This is not stated in the regulations.
- Q1(vi) How long should ratepayers have to put up with continual intrusive noise in their homes – two hours a day? Three hours a day? According to my correspondence the City officers currently seem to think that up to 16 hours a day is acceptable? Well Mullanoo is an urban area not a suburban area according to the City of Joondalup.*
- A1(vi) Acceptable duration of noise is dependent upon the type of noise. For example for musical instruments the practice of one hour is acceptable. For the use of specified equipment, up to 2 hours a day is acceptable. On a construction site, up to 12 hours a day may be acceptable.
- Q1(vii) What do the Commissioners think that ‘the noise unreasonably interferes with health, welfare, convenience, comfort or amenity of the occupier making the complaint’ as contained in the above 1997 noise regulations really means, because according to the officers of the City of Joondalup as revealed above it CLEARLY means nothing?*
- A1(vii) Unreasonable noise is defined under Section 3 (3) of the Environmental Protection Act 1998.
- Q1(viii) Why does the City routinely refuse to reveal to affected ratepayers all the results obtained by the sound consultant when the City allows them to attend.*
- A1(viii) The sound consultant provides a report for the City’s use. The City is not obliged to provide copies of these reports.
- Q1(ix) Why is the City Watch service expected to monitor noise without any equipment, like handheld noise meters, and just how is that done when they refuse to enter the affected ratepayer’s home? Most of them do it by sitting in their cars in the street some 50 metres away listening to their radio with the window half down. Do they even have hearing tests as part of the recruitment selection because many of them appear deaf? This is a serious question.*

A1(ix) In accordance with the Environmental Protection (Noise) Regulations 1997 only authorised officers, eg Environmental Health Officers or an acoustic consultant, can confirm noise levels with specific equipment. City Watch Officers may attend a property in the first instance and report their findings to Environmental Health Officers.

Q2 *Having attended the demonstrations and meetings in support of those protesting against the proposed telecommunication towers at Kallaroo Park I was pleased to note that the proposal this time was rejected. However I was more than curious about the two reasons put forward by the Council to justify this populist decision by the politically appointed Commissioners.*

*I quote a. “the negative impact on the amenity of the surrounding area, due to its location within close proximity to a residential area” and b. “a negative impact on the visual amenity of the surrounding area”.*

*Having been told by the City of Joondalup that I have no right to any amenity expect for that detailed in the R-Codes (privacy) I found these reasons very illuminating, obviously because the City’s planners clearly make different decisions not on the facts of the issue in hand but on just who is involved and what they stand to gain or lose. Clearly all those affected by the new Coles development on the corner of Flinders Avenue/Waterford Drive have lost much of their amenity due to exactly those reasons given in a. and b. I personally was told very clearly and repeatedly that I had no rights to any visual amenity, that the R-Codes didn’t apply to me, and that the fact that I couldn’t breathe clean air in my own home was irrelevant because that wasn’t prescribed anywhere in the planning legislation.*

*In fact only recently Mr Paterson while extolling the virtues of breathing in wood smoke to me as opposed to the smell of smokeless coal, similarly stated that all of these were irrelevant because the only important thing in the planning laws in my case was the height of the chimney, not my amenity let alone any visual amenity.*

*Since the very knowledgeable Ms Smith has over the last few meetings requested both patience and trust from those few ratepayers still attending the meetings of the new regime regarding the ‘certainly’ of new scheme developments, I still consider that the only certainty surrounding the City’s planning department is that it will make the decisions it wants, unless the ratepayers involved have enough money to stop them, and if they don’t, they can expect legal action to be taken against them, as in the case of the Mullaloo Tavern (pursuing special costs) and absolutely no support from the politically appointed Commissioners.*

*Accordingly I would like to see proper policy of amenity, defined at length after full consultation with the community, bound by vote at full Council that is properly applied in every planning decision taken within the City of Joondalup. If Ms Smith is serious about introducing certainty into the operations of the City’s planning department then I call on her directly to support this request. Obviously it would*

*be unfair to expect her to do this now, so while she considers this request, I would like to request a full and detailed explanation of what amenity all residential ratepayers within the newly defined urban area of Mullaloo are supposed to possess in terms of off planning legislation decisions taken by the City of Joondalup.*

A2 It is unclear what is meant by “the newly defined urban area of Mullaloo”. Aspects of planning are governed by the District Planning Scheme No 2 and the Residential Design Codes and relate to all suburbs in the City.

Q3 *Having directly suffered from the process of delegated authority which dominates the operation of Joondalup City Council Planning Department I would like to ask a number of questions relating to its irresponsible and dubious operation.*

- (a) *Since we were told that delegated authority had been granted simply because a building licence was issued and that its very issue covered it under the 2002 R-codes as far as Joondalup City was concerned, regardless of what the 2002 R-codes said or what the Council’s own planning information sheets stated were the requirements of the 2002 R-codes, would all the Commissioners please confirm in writing that such decisions are (i.e. you pay the fee and that’s it)*
- i. legal*
  - ii. responsible and*
  - iii. common*

A3(a) No decision has been made under delegated authority in relation to 14 or 16 The Grange, Mullaloo which it is presumed is the context of this question.

Q3(b) *Regardless of the answers, if any, the Commissioners provide to a. (The Commissioners have failed to provide us with any written answers relating to the operation of the 2002 R-codes in the City of Joondalup in private correspondence) I would like to request a clear, simple explanation of just how delegated authority works in the City of Joondalup Planning Department with relation to the 2002 R-codes. I would like attached for information the sample letters used by the City dealing explicitly with the process of consultation with neighbours as specified as part of the approval process in the code, as well as those parts of the City’s procedure manual dealing with the 2002 R-codes as part of the written answer.*

A3(b) Notice of Delegation is available in the City’s Delegated Authority Manual which is available on the City’s website.

Q3(c) *Where does visual amenity fit in here?*

A3(c) The context of this question is unclear.

Q3(d) *I would like to request details of all previous council guidelines and reports dealing with the process of delegated authority in Joondalup’s Planning Department, and any documents dealing with just how low – to explicitly what officer level – delegated authority went in that department up to December 2003. It would be useful if the Commissioners would include as part of their answer just how the requirements of the 2002 R-Codes have been met and exercised by the City following the new requirements of the revised Mullaloo Tavern development*

*plans, to reassure the community just how delegated authority has been responsibly and properly used in the City of Joondalup to date.*

A3(d) This is covered within the Delegated Authority Manual.

Whilst every endeavour has been made to respond to the various issues raised, it is considered more prudent in future that questions requiring extensive and detailed information will be responded directly in the appropriate manner.

**The following questions were submitted by Mrs C Biron, Mullaloo:**

*Q1 Further to your evasive response as regards the availability of a procedure manual for the City of Joondalup's internal ranger service, I would have thought a straight answer would have been appropriate especially noting your claims of good governance.*

*Is it available to ratepayers or not? If it is not, as previously requested give me a clear answer as to why not!*

*I note your clear statement that I am also not allowed to view a procedure manual for another local service that I am forced to pay for but is consistently rude and obnoxious towards us, i.e. the City Watch Service and which you have persistently refused to investigate although you constantly use it against us.*

*Clearly your behaviour over this matter breaches the City's Code of Conduct governed by the principles of Justice and Beneficence.*

A1 Procedures are in place for various Ranger related activities, eg parking, bush fire inspections, abandoned vehicles, signage control, dog attacks. These procedures are kept electronically and are periodically reviewed. Copies of specific procedures can be made available to the public upon request.

*Q2 Accordingly I would like to be informed on what legal basis you the Commissioners are refusing to provide both these documents to an affected ratepayer forced to pay for the provision of these "secret" local government services.*

*I presume that both these documents are available under the Freedom of Information Act and that because they should be in the public domain there can be no charge for them.*

A2 See A1 above.

*Q3 Are both documents available under the Freedom of Information Act?*

A3 An assessment under the FOI Act has not been undertaken.

*Q4 If not, why not?*

A4 See A3 above.

*Q5 Will the City of Joondalup as usual attempt to flaunt the State's Freedom of Information Act and seem to improperly impose charges for these manuals if they even exist?*

A5 No.

**Mr M Caiacob, Mullaloo:**

*Q1 Re: CJ089-04/04 – The Campus District – What plot ratio are developments currently achieving in the Campus District?*

A1 This question will be taken on notice.

*Q2 One purpose of the R Codes is to ensure that new developments incorporate adequate standards of amenity and the DPS2 defines amenity as being “all those factors which combine to form the character of the area to residents and passers by and shall include the present and likely future amenity.”*

*(a) Why is the City of Joondalup removing the minimum assurance of the basic existing and future amenity by voiding the R Codes from new developments within our new and existing residential areas?*

A2 (a) That is not occurring.

*(b) What assessment criteria is the City of Joondalup using to assure existing and future amenity when the R-Codes are not applicable on new residential development?*

A2 (b) This part of the question will be taken on notice.

**Mr S Kobelke, Sorrento:**

*Q1 Re: Clause 2.3.4 of the DPS2 – Has any consultation occurred between the CSIRO, its consultants or relevant State Government departments/agencies and the City of Joondalup with respect to the CSIRO Marmion site?*

A1 No formal consultation.

*Q2 Re: Clause 2.3.4.3 of the DPS2 – If Council is to impose development standards and requirements similar to those on zoned land why are structure plans being prepared for this site to vary standards and requirements from those on zoned land?*

A2 It is not possible to comment as those details have not been assessed as yet.

**Mr L Ghersinich, Marmion:**

*Q1 Re: Lot 61 Cliff Street, Marmion - If structure plans are being prepared, what zone has been stipulated by Council for comparison by officers?*

A1 The application is being assessed at the moment. It is an application for rezoning, that is at a very early stage and it is not possible to comment on details as the intentions are not fully understood at this stage.

*Q2 Has the City of Joondalup being given the opportunity other than by public tender to purchase the CSIRO site in Marmion between 2000 and 2003?*

A2 No the City has not been involved in any discussions regarding this.

**Mr W Cohen, Marmion:**

*Q1 Re: CSIRO site – Has the City of Joondalup or its predecessors made any agreement with the CSIRO for development of the site during the time the DPS2 was being prepared?*

A1 The Scheme was prepared over an approximate twenty year period; certainly in the last five years the answer is no.

*Q2 Does the City of Joondalup have any obligation under the Town Planning and Development Act 1928, the Metropolitan Scheme Text, the DPS2 or any other legislation or regulation to pay compensation to the land owners if rezoning is refused by Council?*

A2 This question will be taken on notice.

**Mr M Sideris, President of Mullaloo Progress Association:**

*Q1 Can you advise me why the Mullaloo Progress Association has to wait until 1 June 2004 for a meeting with the Commissioners even though it has now been brought to the attention of all Commissioners that the Mullaloo Brief Tavern Redevelopment building licence approval has not complied with the development application requirements as passed by this Council, has breached the text provisions of the DPS2 even though the Chairman of Commissioners has stated publicly that he is quite happy to meet on any occasion with community groups?*

A1 *Response by Chairman Paterson* - The Commissioners make themselves available at a reasonable time, we ask Administration to organise times when we are available to have sessions with community groups. Your group has been on that list and we ask those groups to put in writing what they wish to discuss and you are in the process of doing that.

*Q2 On 17 and 24 June 2004 Council passed a resolution that:*

- “1 All dealings between the City of Joondalup and Rennet Pty Ltd are suspended forthwith until final determinations are concluded in proceedings which relate in any manner to the site at 10 Oceanside Promenade, Mullaloo and/or which are before the Town Planning Appeals Tribunal and/or the Inquiry by the Minister for Planning and Infrastructure under the provisions of Section 18.2 of the Town Planning and Development Act 1928 and/or the Supreme Court of Western Australia Matter CIV 1285 of 2003 and/or any actions or other proceedings relating to the said site; and*
- 2 the suspension includes dealings by the Elected Members and employees of the City of Joondalup; and*
- 3 this determination by the Council be communicated to Rennet Pty Ltd’s solicitors by Council’s solicitors Watts and Woodhouse; and*
- 4 while the suspension as Stay of Proceedings is in place, nothing shall prevent Rennet’s solicitors communicating with Watts and Woodhouse while Watts and Woodhouse are acting on instructions for and on behalf of the City of Joondalup in regard to the current proposed development on the aforementioned site and/or any new development or building application that Rennet Pty Ltd or any other persons may propose for the site.”*

*Can you please advise me why Administration has ignored such direction as well as to how they can use some level of delegated authority to approve and to further amend the requirements of a development approval dealing with such matters as car parking provisions, dual direction car parking ramps, acoustic reports and nett lettable area?*

**A2** Most of those issues were the subject of planning applications. Council sought to discontinue negotiations while legal action was afoot but the details of those issues will be taken on notice.

**Ms S Hart, Greenwood:**

*Q1 Re: CJ090-04/04 – It was brought up at the Briefing Session and I did ask the question if staff were aware that this Structure Plan is not fully developed. There is still one vacant block, are staff aware of that?*

**A1** Council has rechecked the records and provided advice to Commissioners today, building licences have been granted for all lots, but it is correct that one of those lots is not developed as yet.

*Q2 The land opposite in Ellersdale Road is being redeveloped, what is the zoning and also for the vacant block next door between that redevelopment and Centrelink. Has the City had any application for either of those lots?*

**A2** This question will be taken on notice.



**Ms M Macdonald, Mullaloo:**

*Q1 We are encouraged to put question in early. A week ago I put in a series of questions that you have in your agenda tonight which have been taken on notice due to them being of a complex nature. Given that these questions relate to a decision that officers made under delegated authority should not the answers to these questions be freely available?*

A1 The Administration has been inundated with questions and staff have endeavoured to answer as many questions as possible. It is desirable to answer all questions by the Council Meeting. Unfortunately some questions have been put aside because of the complexity of those questions and the City will endeavour to get those questions answered.

*Q2 Will my questions be appearing in the Minutes?*

A2 *Response by Chairman Paterson:* I notice that you have asked 31 questions, it is reasonable for staff to take a bit of time to answer them, they will be inserted into the minutes.

*Q3 Re: CJ089-04/04 – This includes an amendment to car parking requirements in the Joondalup CBD and City North. At the last meeting Report CJ068 contained this statement:*

*“The City’s Parking Strategy was endorsed after the JCCDPM and supersedes the car parking requirements stipulated within the latter.” Tonight’s agenda states that currently there are no car parking requirements for the CBD or City North within the JCCDPM. What is the status of the City’s Car Parking Strategy and does it form part of the statutory requirements of the Structure Plan known as JCCDPM and has it been approved by WAPC?*

A3 The Parking Strategy is a working document, it does not have force and effect as a statutory instrument but it is something that has been relied on. The intention tonight is to incorporate some of those relevant provisions into the Structure Plan for the City centre and then it will have that force and effect.

**Mr N Gannon, Sorrento:**

*Re: CSIRO site in Marmion*

*Q1 Other than the Satterley Group were any other representations or inquiries received by Council or staff regarding the rezoning of this site?*

A1 The land was available for open tender and the City received many enquiries about the sale.

*Q2 In particular did the previous CEO leave behind any file notes or other material which could be examined in connection to this matter?*

A2 This question will be taken on notice.

*Q3 In answer to my question asked on 30 March 2004 it was stated the only meeting held with the Satterley Group regarding this site was on 9 December 2003 which incidentally was behind closed doors. Before the date of that meeting the Satterley Group had already been party to the purchase of the land despite the current zoning of Local Reserve Parks and Gardens. Would it be reasonable to state that under the principle of caveat emptor (let the buyer beware) the Satterley Group or associates would have no reason to claim redress from the City of Joondalup if a rezoning of this site to residential did not take place?*

A3 This question will be taken on notice.

**Mr L Prospero, Edgewater:**

*Q1 I called for a report late last year regarding street lighting within the City. Can you tell me if the investigation has started?*

A1 It is being treated as part of the budget process and it is included for consideration by the Commissioners.

*Q2 Is the City looking at undergrounding the power given that some of the suburbs are having problems with their overhead wires due to the deterioration of the infrastructure of Western Power?*

A2 When the next round of the programme comes on board, which is believed to be one or two years away with Western Power, the City will make application again for underground power in various locations.

**The following question was submitted by Mr E Cohen, Marmion:**

*Q1 Sir Charles Court has told us that details of the conditions applied by the then government at the time of the handover of Lot 61 Leach Street, Marmion to the CSIRO should be 'readily available'. Can the City of Joondalup find out what these conditions were?*

A1 This question will be taken on notice.

**APOLOGIES AND LEAVE OF ABSENCE**

Nil.

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

Acting Chief Executive Officer, Mr Clayton Higham, declared a financial interest in Item C28-04/04 – Minutes of Committee to Appoint an Acting Chief Executive Officer – 15 April 2004 and 20-21 April 2004 as he is the recommended candidate for the position.

Acting Chief Executive Officer, Mr Clayton Higham, declared a financial interest in Item C29-04/04 – Appointment of Acting CEO as he is the recommended candidate for the position.

**CONFIRMATION OF MINUTES**

**C26-04/04**                **MINUTES OF MEETING OF JOINT COMMISSIONERS, 30 MARCH 2004**

**MOVED** Cmr Anderson, **SECONDED** Cmr Fox that the Minutes of the Meeting of Joint Commissioners held on 30 March 2004, be confirmed as a true and correct record.

**The Motion was Put and**

**CARRIED UNANIMOUSLY (5/0)**

**ANNOUNCEMENTS BY THE CHAIRMAN WITHOUT DISCUSSION****MEETING WITH MINISTER FOR THE ENVIRONMENT**

Since the last Meeting of Joint Commissioners on 30 March 2004, I chaired a meeting in the Civic building with the Federal Minister for the Environment and Heritage, the Hon David Kemp, MP.

**NEW ART GALLERY**

The City of Joondalup has a new Community Art Gallery, which I was pleased to officially open on 5 April 2004.

With the catchy name of ‘Blend (er)’, the gallery in Central Walk will add life to the Joondalup CBD.

The City has made an investment in establishing the venue and leasing the property and estimates it will contribute approximately \$150,000 over the next three years.

**POLICE ACADEMY**

On 23 April 2004, I assisted at the Police Academy Graduation, which was an outstanding event.

**CONGRATULATIONS FALCONS!**

It was a busy weekend. On Saturday, 24 April 2004, I attended the 10<sup>th</sup> anniversary function of the West Perth Football Club. West Perth are now trading as the Joondalup Falcons.

I congratulate the Club on what it has achieved in the last ten years.

**ANZAC DAY**

On Sunday, 25 April 2004, in conjunction with Commissioner Anderson, I attended the Dawn Service at the Wanneroo War Memorial and had the honour of laying a wreath.

The Dawn Service was an outstanding success and very well organised.

## CITIZENSHIP CEREMONIES

I have officiated at two Citizenship Ceremonies, with approximately 75 residents at each ceremony becoming Australians.

## PETITIONS

### **C27-04/04      PETITIONS SUBMITTED TO THE COUNCIL MEETING – 27 APRIL 2004**

#### PETITION REQUESTING MODIFICATION TO ROAD – SPINAWAY STREET, CRAIGIE – [02648]

An 86-signature petition has been received from Craigie residents requesting modification to the curved road area of Spinaway Street to the north west corner of the school oval.

The petitioners state this area of road is unsafe and needs to be modified to ensure the safety of those using the area.

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

**It was resolved that the petition requesting modification to the curved road area of Spinaway Street, Craigie to the north west corner of the school oval be received and referred to Infrastructure and Operations for action.**

### **CJ073 - 04/04      SCHEDULE OF DOCUMENTS EXECUTED BY MEANS OF AFFIXING THE COMMON SEAL - [15876]**

**WARD - All**

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## PURPOSE

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

Document:                      Contract  
Parties:                              City of Joondalup and Select Australasia P/L  
Description:                      Agreement for supply of temporary personnel services  
Date:                                      18.03.04

Document:                      Lease  
Parties:                              City of Joondalup, Hock San Yap, Choo Hiong Tiong, Lin TE-Hsen and Lin Lee Wen-Yen  
Description:                      Lease documentation for Community Art Gallery, Units 4, 5 and 6 (48) Central Walk, Joondalup  
Date:                                      18.03.04

Document: S70A  
Parties: City of Joondalup and Judith Browning  
Description: Notification under Section 70A – Ancillary Accommodation – 353 Warwick  
Date: 18.03.04

Document: S70A  
Parties: City of Joondalup and Sheila Moss  
Description: Notification under Section 70A – Ancillary Accommodation – 8A Monk Glade, Ocean Reef  
Date: 18.03.04

Document: Caveat  
Parties: City of Joondalup  
Description: Withdrawal of Caveat – Cash in Lieu of Parking – Lots 41 and 42 on Strata Plan 41025  
Date: 18.03.04

Document: S70A  
Parties: City of Joondalup and Vinci and Sons  
Description: Notification under Section 70A – Provision of Uniform fencing abutting POS – Lot 501 on Plan 40003  
Date: 22.03.04

Document: Covenant  
Parties: City of Joondalup and Vinci and Sons  
Description: Restrictive Covenant to ensure reciprocal rights of access – Lots 501, 502, 503, 504, 505, 506 and 507 on Plan 40003  
Date: 22.03.04

Document: Easement  
Parties: City of Joondalup and Vinci and Sons  
Description: Section 136C – Easement to allow access and maintenance of right of way – Lots 501 – 507 on Plan 40003  
Date: 22.03.04

Document: Deed  
Parties: City of Joondalup/Roman Catholic Archbishop of Perth and WAPC  
Description: Deed of Restrictive Covenant – Deposited Plan 36888 – transferring Lot 1514 to City of Joondalup for community facilities  
Date: 31.03.04

Document: Section 70A  
Parties: City of Joondalup and Peet and Co  
Description: Notification on Title – land may be affected by future retaining walls – Lot 200 Kinross Drive, Kinross  
Date: 31.03.04

## ATTACHMENTS

Nil

## VOTING REQUIREMENTS

Simple Majority

**MOVED Cmr Fox, SECONDED Cmr Anderson that the Schedule of Documents executed by means of affixing the Common Seal be NOTED.**

**The Motion was Put and**

**CARRIED UNANIMOUSLY (5/0)**

**CJ074 - 04/04      REVIEW OF CORPORATE CODE OF CONDUCT -  
[09358]**

**WARD - All**

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## PURPOSE

To review the Corporate Code of Conduct.

## EXECUTIVE SUMMARY

The Local Government Act 1995 requires all local governments to have in place a code of conduct that sets various standards to be observed by elected members, committee members and employees. The Local Government Act requires that each local government review its code of conduct within 12 months of its ordinary elections.

With the City's ordinary election being held in May 2003, a review of the Code of Conduct is required to be undertaken no later than the end of April 2004. It is recommended that the Joint Commissioners review the Code of Conduct in accordance with the requirements of the Local Government Act 1995 and give further consideration to the document following the outcome of the Governance Review.

## BACKGROUND

The Local Government Act 1995 requires every local government to prepare and adopt a code of conduct to be observed by elected members, committee members and employees.

A local government is to review its code of conduct within 12 months of each ordinary election and make such changes to the code of conduct, as it considers appropriate.

The last review of the Code of Conduct was undertaken on 17 December 2002, where the following changes were made to the document:

- Rewrite of the introduction;
- Inclusion/rewrite of Values and Ethical Principles;
- Inclusion of relationships between elected members and employees;
- Inclusion of appointments to external committees;
- Inclusion of defamation clause;
- Further explanation on communication and public relations; and
- Additional section relating ‘Whistleblower’ protection.

## **DETAILS**

The intent of the code is to provide a framework for behaviour that must be observed to ensure that, in the best interests of the local community and the public generally, the highest ethical standards are practised by elected members and employees of the City of Joondalup.

### **Statutory Provision:**

Section 5.103 of the Act states:

- 1 Every local government is to prepare and adopt a code of conduct to be observed by council members, committee members and employees.
- 2 A local government is to review its code of conduct within 12 months after each ordinary elections day and make such changes to the code, as it considers appropriate.
- 3 Regulations may prescribe the content of, and matters in relation to, codes of conduct and any code of conduct or provision of a code of conduct applying to a local government is of effect only to the extent to which it is not inconsistent with regulations.

Regulations 34B and 34C of the Local Government (Administration) Regulations 1996 are the relevant regulations referred to in section 5.103(3). These regulations require a code of conduct to cover such issues as:

- Procedures for the acceptance of token gifts or acts of hospitality;
- Requirement to disclose at a Council or Committee meeting ‘interests’ that may affect impartiality.

With the City’s ordinary election being held in May 2003, a review of the Code of Conduct is required to be undertaken no later than the end of April 2004.

## **COMMENT**

It was hoped that the review of the Code of Conduct could be undertaken with the benefit of the comments that the Governance Review may have made in relation to the document. The time constraint that the review of the Code of Conduct be undertaken by no later than the end of April 2004 has not allowed the review to await the outcome of the Governance Review.

It is however intended that following the release of the Governance Review a further review of the Code of Conduct be undertaken. Any proposed amendments from the Governance Review will be highlighted within the Code of Conduct and a further report submitted to the Joint Commissioners for consideration.

It should be noted that a minor amendment has been made to the attached Code of Conduct to reflect that the Anti-Corruption Commission Act 1988 has been replaced by the Corruption and Crime Commission Act 2003.

## ATTACHMENTS

Attachment 1                      Code of Conduct

## VOTING REQUIREMENTS

Simple Majority

**MOVED Cmr Anderson, SECONDED Cmr Smith that the Joint Commissioners:**

- 1        in accordance with the requirements of Section 5.103 the Local Government Act 1995 RETAIN the existing Code of Conduct;**
- 2        GIVE further consideration to reviewing the Code of Conduct following the outcome of the Governance Review.**

**The Motion was Put and**

**CARRIED UNANIMOUSLY (5/0)**

*Appendix 1 refers*

*To access this attachment on electronic document, click here: [Attach1agn270404.pdf](#)*

## **CJ075 - 04/04        REIMBURSEMENT    OF    ELECTED    MEMBERS EXPENSES MAY 2003 - 5 DECEMBER 2003 – [27122]**

**WARD - All**

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## PURPOSE

To provide an account of allowances and expenses incurred by and paid to each Councillor from May 2003 to 5 December 2003.

## EXECUTIVE SUMMARY

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



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

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

## **BACKGROUND**

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

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

## **DETAILS**

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

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

The first report was presented to Council on 1 April 2003. This report covers the period since the Policy for Payment of Fees, Allowances and Expenses and Provision of Facilities to the Mayor, Deputy Mayor and Councillors commenced for the new Council that was elected on the 3 May 2003. Attachment 1 shows all allowances and expenses reimbursed to the Councillors May 2003 to 5 December 2003.

## ATTACHMENTS

Attachment 1 Councillor Expenses May 2003 to 5 December 2003

## VOTING REQUIREMENTS

Simple Majority

**OFFICER'S RECOMMENDATION:** That the Joint Commissioners NOTE the information in relation to reimbursements of Elected Members' allowances and expenses May 2003 to 5 December 2003 as contained in Attachment 1 to Report CJ075-04/04.

**MOVED Cmr Smith, SECONDED Cmr Drake-Brockman that the CEO review alternative methods of summarising information related to Elected Members' expenses, possibly in the Annual Report.**

Discussion ensued.

**The Motion was Put and**

**CARRIED UNANIMOUSLY (5/0)**

*Appendix 3 refers*

*To access this attachment on electronic document, click here: [Attach3brf200404.pdf](#)*

## **CJ076 - 04/04 JOONDALUP REGIONAL PERFORMING ARTS CENTRE - PROJECT STATUS AND FUTURE ACTIONS [14977]**

**WARD - All**

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## PURPOSE

To provide an update on the status of the Joondalup Regional Performing Arts Centre project and recommend future actions.

## EXECUTIVE SUMMARY

The Joondalup Regional Performing Arts Centre (JRPAC) project has made significant progress in the last 12 months. It is considered timely to review the project to take into account other developments in the performing arts field since the Walne & Alexander Resourcing study was endorsed by Council in December 2002.

This report outlines the actions taken to date and recommends future actions to ensure the JRPAC remains realistically achievable and aligned with community needs.

It is recommended that the Joint Commissioners:

- 1 Note the finalisation of a Contract of Sale with the Department of Education and Training (DET) for the purchase by the City of a 7919 square metre site from DET for the construction of the Joondalup Regional Performing Arts Centre, for final consideration of \$578,171.65;
- 2 Authorise the preparation and execution of the necessary documents by the Acting CEO to give effect to the Contract of Sale;
- 3 Endorse:
  - (a) That a review of the endorsed concept design be undertaken to ensure the JRPAC remains appropriate to the region and is affordable for the City;
  - (b) That this review will commence once details of the State Government's new performing arts centre are published;
- 4 Endorse that the Social and Economic Development Impact Study be deferred until a review of the endorsed concept design has taken place;
- 5 Request that a landscape plan and costing be developed to enable landscaping of the "great lawn" area identified in the preferred concept design, adjacent to the JRPAC, to be listed for consideration in the budget for the 2004/2005 financial year;
- 6 Agree to contribute 50% of the construction costs of a new entrance road to the TAFE site off Grand Boulevard, up to and including the proposed roundabout, estimated to \$385,000 in accordance with Development Application Number 124632 – Kendrew Crescent Joondalup;
- 7 Authorise the preparation and execution of the necessary documents by the A/CEO to give effect to the road construction agreement.

## **DETAILS**

Recent actions on the JRPAC project to date include:

- A preferred site (TAFE) and building configuration (500 seat plus 200 seat) selected and endorsed by Council in December 2002 (CJ310-12/02 refers);
- Co-location discussions on the JRPAC and the Hospitality Training Centre (HTC) and negotiations for a 8150 sqm parcel of land with the Department of Education and Training and West Coast College of TAFE Joondalup undertaken;
- Council endorsement of a concept design developed by Jones Coulter Young in April 2003 (CJ56-04/03 refers);
- A Parking and access investigation report undertaken by Transcore;
- An Indicative cost estimate of the JRPAC concept design commissioned through Ralph Beattie Bosworth;
- Council approval of finalisation of a Contract of Sale for the TAFE site for the amount of \$595,000 in September 2003 (CJ224-09/03 refers).

### **Finalisation of Contract of Sale**

A confidential report was presented at the Council Meeting of 30 September 2003 recommending acquisition of land for the proposed JRPAC (CJ224-09/03 refers). Council resolved to:

- “1 Note the successful negotiations between the City and the Department of Education and Training (DET) for the purchase by the City of an 8150 square metre site from DET for the construction of the Joondalup Regional Performing Arts Centre;
- 2 Endorse the A/CEO to finalise the contract of sale for the site, based on the Valuer General’s Office Valuation Report, for a final consideration of \$595,000;
- 3 Request the Administration to urgently undertake the process to modify that land previously set aside for the JRPAC within the area bounded by Boas Avenue, Central Walk, Central Park and Lakeside Drive.”

Since Council’s resolution, ongoing discussions have been held with the Department of Education and Training (DET) in relation to a Contract of Sale for the parcel of land on the West Coast College of TAFE Joondalup Campus. Following agreement on the terms and Ministerial approval of the sale, a Contract of Sale has been drafted.

The Subdivision plan has been created, copied to the City for information and the subdivision application has been lodged with the WA Planning Commission (WAPC). Meeting the Conditions of Subdivision will be the City’s cost as per the original valuation report.

The proposed area for the JRPAC lot will now be 7919sqm as a result of a requirement to adjust the boundary line by 2.6 metres to accommodate the proposed new access road to both the JRPAC and the Hospitality Training Centre (from 8150sqm previously endorsed by Council – CJ224-09/03 refers).

This slight reduction in area will not impact on the City’s ability to construct the JRPAC and the draft Contract of Sale contains a clause providing a square metre rate calculation in the event of an increase or decrease to the 8150sqm lot size originally negotiated. The reduction of 231sqm to the area will therefore result in a reduction in purchase price of \$16,828.35, to \$578,171.65.

DET has advised that the Crown Solicitors office has approved the draft Contract of Sale document and they can now proceed to contract execution.

It is recommended that the City prepare the final Contract of Sale documents for execution with the DET, for the purchase by the City of a 7919 square metre site from DET for the construction of the Joondalup Regional Performing Arts Centre, for final consideration of \$578,171.65.

### **Concept Design**

While the site is well in hand, there have been a number of announcements in the last few months that may have an impact on the current endorsed concept design of the JRPAC.

These include:

- A State Government proposal for a new performing arts venue in Perth, in part to replace the Playhouse Theatre, on which the City has made a submission;
- A proposal by Multiplex on the refurbishment of the Entertainment Centre, which may include Performing Arts spaces;
- A decision by the City of Perth to build a new performing arts facility to attract outdoor performances, with a stage to be built on the northern side of the Esplanade Reserve. Work to be completed around the facility will include the provision of a portable roof, infrastructure for power, lighting, sound and water which once installed, will allow events to be staged without temporary facilities having to be brought on to the site.

When the Walne & Alexander resourcing study was undertaken to determine the size and scope of the JRPAC, there was no replacement venue planned for the Playhouse Theatre. With the State Government proposal and other announcements, a review of the concept design may be timely to ensure that the JRPAC concept remains appropriate to the region and complementary, rather than competitive to any other facilities throughout the State and the Perth metropolitan region.

The indicative cost estimate obtained from Ralph Beattie Bosworth based on the current concept design indicates the project would cost \$26.9 million (excluding GST and including a cost escalation only to September 2005). This sum does not include provision for parking, which, if fully provided for by the City, has been costed in the order of a further \$9.0 million in the event that basement parking is required on site. This is outside the cost range Council originally anticipated, being a figure of \$16 to \$24 million outlined in the Walne & Alexander resourcing study.

Given the significant capital commitments Council is facing for other projects, a concept design review would also provide the opportunity to scale back the cost of the JRPAC to a more affordable model.

It is therefore recommended that a review of the concept design be undertaken to ensure the JRPAC remains appropriate to the region and is affordable for the City. However, this review should not take place until details of the State Government's new performing arts centre are published.

### **Social & Economic Development Impact Study**

At its meeting of 17 December 2002, Council resolved in part:

“3 As a matter of priority:

- (a) Undertakes a Social and Economic Development Impact Study;”  
(CJ310-12/02 refers)

A Social and Economic Development Impact Study brief was subsequently commissioned from Graham Walne & Peter Alexander. However, the JRPAC Project team agreed that the study should not be undertaken until the TAFE site had been secured.

While this has now occurred, it may not be appropriate to undertake the study before a review of the preferred concept design has been completed, as changes to the form and capacity of the JRPAC will impact on the study outcomes.

It is therefore recommended that the Social and Economic Development Impact Study be deferred until a review of the preferred concept design has taken place.

### **Modify land use from “Civic” to “General City Uses”**

At its meeting of 30 September 2003, Council resolved in part:

“3 Requests the Administration to urgently undertake the process to modify that land previously set aside for the JRPAC within the area bounded by Boas Avenue, Central Walk, Central Park and Lakeside Drive identified as “Civic” in the Central Business District to “General City Uses”.”

(CJ224-09/03 refers)

Investigations have been undertaken by the Approvals, Planning & Environmental Services business unit and will be the subject of a future council report.

### **Forward Landscaping**

It is recommended that forward landscaping of the “Great Lawn” area identified in the preferred concept design, adjacent to the JRPAC, be listed for consideration to be carried out in the 2004/2005 financial year. This area does not need to be impacted by any concept design review and its early development will assist in:

- Educating the community about the site of the future JRPAC;
- Facilitating new outdoor performances;
- Opening up the vista to the Hospitality Training Centre, due for completion mid 2005;
- Activating the street front on Grand Boulevard.

To enable the forward landscaping to occur, it is recommended that a landscape plan and costing be developed, to be listed for consideration in the budget for the 2004/2005 financial year.

### **Contribution to construction of Access Road**

Following discussions with DET, the City accepted in principle proposed arrangements to share costs on a 50% basis with DET on the construction of a new entrance road to the TAFE site off Grand Boulevard, up to and including the proposed roundabout, to CBD standard.

The in principle arrangement is outlined as follows:

- DET provide the land required for the road up to and including the proposed roundabout at no cost to the City;
- DET contribute 50% of construction costs of the road up to and including the proposed roundabout;

- The City contributes the remaining 50% of construction costs of the road up to and including the proposed roundabout;
- The road up to and including the proposed roundabout becomes a public road; and
- The City is solely responsible for ongoing maintenance of the road, associated landscaping and services.

The new entrance road will provide access to the JRPAC site and facilitate a proposal for a shared loading area between the JRPAC and the Hospitality Training Centre. It will also enable the opportunity to create an activated street front to Grand Boulevard incorporated into the JRPAC design, consistent with the City's planning principles espoused in the City Centre Masterplan.

The access road is included in the Subdivision Application submitted to the WA Planning Commission (Application Number 124632 – Kendrew Crescent Joondalup).

A preliminary cost estimate has been obtained, which currently estimates the cost to the City as \$385,000, representing a 50% contribution.

It is recommended that the City now formally agree to these arrangements and execute the necessary documents to give effect to the agreement.

#### **Financial Implications:**

<b>Account No:</b>	F662
<b>Budget Item:</b>	Joondalup Regional Performing Arts Centre
<b>Budget Amount:</b>	\$1,142,180
<b>YTD Amount:</b>	\$29,993
<b>Forecast Actual Cost:</b>	\$1,142,180

It is likely that the JRPAC budget for 2003/2004 of \$1.14 million will be largely expended on the site acquisition and associated costs, although these amounts may need to be carried forward to the 2004/2005 financial year, dependant on the timing of funds transfer.

#### **Strategic Implications:**

The Joondalup Regional Performing Arts Centre project is aligned to the following strategic objectives outlined in the City's Strategic Plan 2003-2008:

- Objective 1.1 - To develop, provide and promote a diverse range of lifelong learning opportunities
- Objective 1.2 - To meet the cultural needs and values of the community
- Objective 3.1 - To develop and maintain the City of Joondalup's assets and built environment

- Objective 3.2 - To develop and promote the City of Joondalup as a tourist attraction
- Objective 3.5 - To provide and maintain sustainable economic development

## ATTACHMENTS

Nil

## VOTING REQUIREMENTS

Simple Majority

### **MOVED Cmr Fox, that the Joint Commissioners:**

- 1 NOTE the finalisation of a Contract of Sale with the Department of Education and Training (DET) for the purchase by the City of a 7919 square metre site from DET for the construction of the Joondalup Regional Performing Arts Centre, for final consideration of \$578,171.65;
- 2 AUTHORISE the preparation and execution of the necessary documents by the Acting CEO to give effect to the Contract of Sale;
- 3 ENDORSE:
  - (a) that a review of the endorsed concept design be undertaken to ensure the JRPAC remains appropriate to the region and is affordable for the City;
  - (b) that this review will commence once details of the State Government's new performing arts centre are published;
- 4 ENDORSE that the Social and Economic Development Impact Study be deferred until a review of the endorsed concept design has taken place;
- 5 REQUEST that a landscape plan and costing be developed to enable landscaping of the "great lawn" area identified in the preferred concept design, adjacent to the JRPAC, to be listed for consideration in the budget for the 2004/2005 financial year;
- 6 AGREE to contribute 50% of the construction costs of a new entrance road to the TAFE site off Grand Boulevard, up to and including the proposed roundabout, estimated to \$385,000 in accordance with Development Application Number 124632 – Kendrew Crescent Joondalup;
- 7 AUTHORISE the preparation and execution of the necessary documents by the Acting CEO to give effect to the road construction agreement.

Cmr Fox advised it had not been her intention to move the Officer's Recommendation, but to put forward an alternative motion.

**There being NO SECONDER, the Motion**

**LAPSED**



**MOVED Cmr Fox, SECONDED Cmr Anderson that the Joint Commissioners:**

- 1 NOTE the finalisation of a Contract of Sale with the Department of Education and Training (DET) for the purchase by the City of a 7919 square metre site from DET for the construction of the Joondalup Regional Performing Arts Centre, for final consideration of \$578,171.65;**
- 2 AUTHORISE the preparation and execution of the necessary documents by the Acting CEO to give effect to the Contract of Sale;**
- 3 ENDORSE that a review of the performing arts concept including the social and economic development impact be undertaken to ensure the JRPAC meets the region’s needs and is affordable for the City;**
- 4 REQUEST that a landscape plan and costing be developed to enable landscaping of the “great lawn” area identified in the preferred concept design, adjacent to the JRPAC, to be listed for consideration in the budget for the 2004/2005 financial year;**
- 5 AGREE to contribute 50% of the construction costs of a new entrance road to the TAFE site off Grand Boulevard, up to and including the proposed roundabout, estimated to \$385,000 in accordance with Development Application Number 124632 – Kendrew Crescent Joondalup;**
- 6 AUTHORISE the preparation and execution of the necessary documents by the Acting CEO to give effect to the road construction agreement.**

Discussion ensued.

**AMENDMENT MOVED Cmr Smith, SECONDED Cmr Drake-Brockman that the words “for the construction of the Joondalup Regional Performing Arts Centre” be deleted in Point 1.**

Discussion ensued.

Cmr Smith, with the approval of Cmr Drake-Brockman as Seconder, advised she wished to have her Amendment **WITHDRAWN**

**AMENDMENT MOVED Cmr Smith, SECONDED Cmr Drake-Brockman that the words “for the construction of the Joondalup Regional Performing Arts Centre” be deleted in Point 1 and replaced with the words “for the purpose of a cultural facility”.**

Discussion ensued.

**The Amendment was Put and**

**CARRIED (4/1)**

**In favour of the Motion:** Cmr Paterson, Drake-Brockman, Smith and Anderson **Against the Motion:** Cmr Fox

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

**That the Joint Commissioners:**

- 1 NOTE the finalisation of a Contract of Sale with the Department of Education and Training (DET) for the purchase by the City of a 7919 square metre site from DET for the purpose of a cultural facility, for final consideration of \$578,171.65;**
- 2 AUTHORISE the preparation and execution of the necessary documents by the Acting CEO to give effect to the Contract of Sale;**
- 3 ENDORSE that a review of the performing arts concept including the social and economic development impact be undertaken to ensure the JRPAC meets the region's needs and is affordable for the City;**
- 4 REQUEST that a landscape plan and costing be developed to enable landscaping of the "great lawn" area identified in the preferred concept design, adjacent to the JRPAC, to be listed for consideration in the budget for the 2004/2005 financial year;**
- 5 AGREE to contribute 50% of the construction costs of a new entrance road to the TAFE site off Grand Boulevard, up to and including the proposed roundabout, estimated to \$385,000 in accordance with Development Application Number 124632 – Kendrew Crescent Joondalup;**
- 6 AUTHORISE the preparation and execution of the necessary documents by the Acting CEO to give effect to the road construction agreement.**

**was Put and**

**CARRIED (5/0)**

**CJ077 - 04/04 MINUTES OF SUSTAINABILITY ADVISORY COMMITTEE - 18 MARCH 2004 – [00906]**

**WARD - All**

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## **PURPOSE**

The unconfirmed minutes of the Sustainability Advisory Committee (SAC) meeting held on 18th March 2004 are submitted for noting by the Joint Commissioners.

## **EXECUTIVE SUMMARY**

Due to the suspension of Councillors in late 2003, the Committee was required to appoint a new Chairperson as this role was previously filled by Cr Tim Brewer. Ms M Horgan was elected unopposed and appointed as the chairperson.

The main focus of the meeting was to undertake a planning workshop to develop a strategic direction for SAC in line with the Strategic Plan. The workshop formed the first of two phases. Key staff were invited to attend the workshop in order to assist in this process.

*This report recommends that Council NOTES the unconfirmed minutes of the Sustainability Advisory Committee meeting held on 18 March 2004, shown at Attachment 1 to this Report.*

## **DETAILS**

The minutes of the Sustainability Advisory Committee meeting held on Thursday 18 March 2004 are provided at Attachment 1.

### **Financial Implications:**

Nil.

### **Strategic Implications:**

The SAC planning workshop aims to identify a clear role and strategic direction for the committee in line with the City's Strategic Plan. The strategic implications will be determined following the second phase in the planning workshop. These implications will be presented in the final SAC planning workshop report to Council.

## **COMMENT**

The workshop process was facilitated by an external facilitator to help identify a strategic direction for the committee in line with the time frame and four Key Focus Areas of the City's Strategic Plan.

Workshop participants discussed of the four Key Focus Areas of the City's Strategic Plan and associated impacts as follows:

- Community Well-being (social impacts);
- Caring for the Environment (environmental impacts);
- City Development (economic impacts); and
- Organizational Development (governance).

These Key Focus Areas were discussed in further detail in terms of 'development of our preferred future', and the drivers and constraints in achieving the intended outcomes of each key focus area outlined above.

The outcomes of the workshop will be finalized following the final Phase 2 of the planning workshop.

## **ATTACHMENTS**

Attachment 1            Unconfirmed SAC minutes - 18 March 2004.

## **VOTING REQUIREMENTS**

Simple Majority

**MOVED Cmr Anderson, SECONDED Cmr Smith that the Joint Commissioners NOTE the unconfirmed minutes of the Sustainability Advisory Committee meeting held on 18 March 2004, shown at Attachment 1 to Report CJ077-04/04.**

**The Motion was Put and**

**CARRIED UNANIMOUSLY (5/0)**

*Appendix 4 refers*

*To access this attachment on electronic document, click here: [Attach4brf200404.pdf](#)*

**CJ078 - 04/04      CBD    ENHANCEMENT    PROJECT    STEERING  
COMMITTEE    AND    THE    CITY'S    LINKS    WITH  
EDITH COWAN UNIVERSITY (ECU) – [53469]**

**WARD - All**

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**PURPOSE**

At the meeting on 30 March 2004 the Joint Commissioners requested additional information regarding the work of the CBD Enhancement Project Steering Committee and the City's links with Edith Cowan University (ECU).

**EXECUTIVE SUMMARY**

At their meeting on 30 March 2004 the Joint Commissioners resolved in relation to CJ055-03/04:

*MOVED Cmr Smith, SECONDED Cmr Drake-Brockman that the Joint Commissioners:*

- 1      NOTE the confirmed minutes of the CBD Enhancement Project Steering Committee meeting held on 8 December 2003, shown at Attachment 1 to Report CJ055-03/04;*
- 2      NOTE the unconfirmed minutes of the CBD Enhancement Project Steering Committee meeting held on 25 February 2004, shown at Attachment 2 to Report CJ055-03/04;*
- 3      DEFER consideration of the request for additional funding of \$20,000 so that Council can receive additional information on the work of the CBD Enhancement Committee and the City's links with Edith Cowan University.*

This report recommends that the Joint Commissioners:

- 1      NOTE the further information provided;*
- 2      NOTE that the request for additional funding has been withdrawn from being listed in the 2004/05 draft budget.*

## BACKGROUND

The City of Joondalup in 2001 was invited to participate as an ex-officio member to the Joondalup Learning Precinct Board.

The Board was formed to develop collaboration between ECU, WA Police Academy and West Coast College of TAFE with the objective to develop opportunities arising from the unique co-location of these learning institutions. The collaborations achieved to date include:

- Opportunities for sharing resources both physical and human
- Opportunities for joint marketing and promotional activities
- Opportunities for developing learning pathways
- Opportunities for joint project development including research
- Opportunities for international growth markets

In achieving its goals many collaborations have been achieved and continue to be developed.

The City of Joondalup, through the development of partnership effort, has recognised opportunities that pursue the achievement of our Strategic Plan. These strategies include:

- 1.1.1 Continue the development of the City of Joondalup as a Learning City – plan for student growth
- 1.1.2 Continue the development of learning precincts and relationships with local stakeholders and service providers
- 1.1.3 Support whole of life learning and creation of knowledge opportunities
- 3.5.1 Develop partnerships with stakeholders to foster business development opportunities
- 3.5.2 Assist the facilitation of local employment opportunities

In achieving these strategies the City has undertaken a number of collaborations through its two corporate projects:

- Learning City Project
- Support for Small Business Project

The Support for Small Business Project deploys a strategy called the CBD Enhancement Project.

The Project was formed in 2001/02, with funding secured from the Department of Transport and Regional Services (DOTARS) through its Regional Assistance Programme (RAP) that funded the project for 12 months.

Council resolved to form a Committee of Council to oversee the development of this project and its associated funding agreements. The project has the objective to support the growth and development of Joondalup's CBD through structured program delivery partnerships, facilitating joint marketing and promotional activities, providing necessary infrastructure requirements and ongoing monitoring of growth of the CBD.

In October 2003, the CBD Enhancement Project Steering Committee requested that a sub group be formed to review the direction of the CBD Enhancement Project, given that the external funding had been finalised and acquitted, and the Committee needed to reviews it terms of reference and future direction. The Committee considered that the CBD Enhancement project had achieved success with its objectives and needed to be sustained through the development of a long term strategy.

The Sub Group's findings and recommendations would be used to provide direction to the Committee on how the project can take a more strategic view of the Joondalup CBD in order to provide greater assurance that the efforts being directed to the project will have long term sustainable benefits for the City Centre.

The Sub Group reported back to the Committee in December 2003 with a recommendation that the City needed to undertake research to gather data, information and evidence that would underpin the future directions and decisions required to maximize growth of the CBD.

The research needed to advise the City on the current social and economic drivers by looking closely at interrelated connections of supply and demand within the City and its surrounds. Furthermore it needed to provide evidence about the current spending habits of the local community and to understand where they currently spend their disposable income and what is required to redirect spending back to the Joondalup CBD. The methodology would require community consultation with both the business sector and community along with extensive literature reviews on a national and global scale to consider what factors were drivers and constraints in the growth of other regional centres across the world. In essence the subgroup was looking at a significant applied research project.

Officers were requested by the Committee to pursue the research direction through our Learning Precinct relationship and to report back to the Committee with a proposal for undertaking such research.

A budget proposal for \$30,000 was estimated and placed into the December 2003 mid-year review process to enable funding to the project if approved.

In February 2004, an ECU presentation and proposal was submitted for consideration to the CBD Enhancement Project Steering Committee. The budget presented by ECU included a City of Joondalup cash contribution of \$49,850. The Committee supported the proposal and requested that the additional funding be sought through the 2004/05 budget process. A further budget proposal was included into the 2004/05 budget process for another \$20,000 and this was noted in the minutes of the CBD Enhancement Project Steering Committee.

The ECU proposal allows for all research to be shared across all industry partners to the research project. ECU in this case will share its research findings across relevant tertiary and professional journals as applicable. The City of Joondalup may wish to share the findings with other Local Governments also wishing to identify innovative strategies to develop their own central business districts.

Full details of the ECU Industry Collaboration Scheme guidelines are shown as Attachment A to this Report.

## **DETAILS**

The officers of the City have, in light of the questions and concerns raised by Council, had subsequent discussions with ECU to seek information relating to the proposal. ECU have reviewed their proposal and have agreed to scale back some components of the study. The component to be scaled back is the survey of all businesses in the City of Joondalup. The survey was designed to capture details of the total business population. The researchers at ECU have advised that the study can still be significantly valid if a representative sample of 2,000 is taken as opposed to the original total population of 5,000. ECU have assured the quality of the study would not be jeopardised by the reduction of surveys undertaken.

The revised proposal is shown as Attachment B to this Report.

The matter was raised at the CBD Enhancement Project Steering Committee meeting on 7 April 2004 and the following unconfirmed minutes should be noted which supports the intent of the revised proposal from ECU.

### **Item 7.1 ECU Research Proposal for Joondalup CBD**

Ms Hardy outlined the background information to this item including summarising the presentation made at the last Committee meeting and a brief background on the CBD Enhancement Project. It was noted that the minutes of the last meeting of this Committee (25 February 2004) were sent to the meeting of Joint Commissioners on 30 March 2004 and that the ECU Research Proposal recommendation from this Committee was deferred pending further investigation. Following this deferral, ECU was notified in order to discuss the issues raised by Council.

ECU advised that the scope of the proposal could easily be modified and reduced in order to accommodate budget considerations. A new proposal was received from ECU on Friday 2 April 2004.

Mr Higham noted the Local Government Act regulations that needed to be adhered to when entering into collaboration agreements with third parties.

Cmr Paterson questioned the ownership of the project and whether it was an equal partnership with ECU due to the contributions in the original proposal not being the same. Cmr Paterson noted that an equal contribution from the City and ECU would be fairer on a collaboration of this nature. Cmr Paterson noted the Joint Commissioners querying of the proposal at the meeting of Joint Commissioners on 30 March 2004.

Mr Curry noted the need for a strategic plan for the Joondalup CBD and that any research proposal should not be scaled back so much that it becomes invalid.

It was agreed that the City administration would provide an update at the next Committee meeting.

### **Financial Implications:**

The City of Joondalup cash contribution to the revised research proposal is now set at \$26,000. This can be funded from the 2003/04 approved budget.

### **COMMENT**

The recommendation made in CJ 055-03/04 for the Joint Commissioners to note that a budget allocation has been listed for consideration in the 2004/05 budget through the CBD Enhancement Project proposal (F371) for an amount of \$20,000 will be withdrawn from the budget process.

The total project cost will now be \$58,500, which is made up of a grant of \$26,000 from ECU, a cash contribution of \$26,000 and a \$6,500 ‘in-kind’ contribution from the City of Joondalup.

Part 4, section 11 (f) ‘Tenders for providing goods and services’, (s3.57) of the Local Government (Functions and General) Regulations 1996 states “the local government has good reason to believe that, because of the unique nature of the goods or services required or for any other reason, it is unlikely that there is more than one potential supplier”. Given that ECU is making a 50% grant contribution to this project, it is considered that the City of Joondalup is exempt from tender regulations under this section.

### **ATTACHMENTS**

Attachment A	Edith Cowan University – ECU – Industry Collaboration Scheme
Attachment B	Proposal – Strategic Directions for the CBD Enhancement Project Steering Committee – An Economic Development Research Proposal

### **VOTING REQUIREMENTS**

Simple Majority

### **MOVED Cmr Smith, SECONDED Cmr Anderson that the Joint Commissioners:**

- 1 NOTE the further information provided regarding the role of the CBD Enhancement Project Steering Committee and the City’s links to Edith Cowan University;**
- 2 NOTE that the request for additional funding of \$20,000 has been withdrawn from being listed in the 2004/05 draft budget.**

The Motion was Put and

**CARRIED UNANIMOUSLY (5/0)**

*Appendix 5 refers*

*To access this attachment on electronic document, click here: [Attach5brf200404.pdf](#)*



**CJ079 - 04/04      WARRANT OF PAYMENTS 31 MARCH 2004 – [09882]****WARD - All****PURPOSE**

The Warrant of Payments as at 31 March 2004 is submitted to the Joint Commissioners for approval.

**EXECUTIVE SUMMARY**

This report details the cheques drawn on the funds during the month of March 2004. It seeks approval by the Joint Commissioners for the payment of the March 2004 accounts.

<b>FUNDS</b>	<b>DETAILS</b>	<b>AMOUNT</b>
Director Corporate Services & Resource Management Advance Account	62593 – 63271 EFT 69 – 91	\$8,141,929.11
Municipal	000477-000484 1A-2A-3A	\$9,661,580.85
Trust Account	Nil	Nil
	<b>TOTAL</b>	<b>\$17,803,509.96</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.

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 March 2004, the amount was **\$1,306,873.57**. The cheque register is appended as Attachments 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 **\$17,803,509.96** which is to be submitted to the Joint Commissioners on 27 April 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 **\$17,803,509.96** was submitted to the Joint Commissioners on 27 April 2004.

.....  
 JOHN PATERSON  
 Chairman of Commissioners

**ATTACHMENTS**

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

**VOTING REQUIREMENTS**

Simple Majority

**MOVED Cmr Anderson, SECONDED Cmr Fox that the Joint Commissioners APPROVE for payment the following vouchers, as presented in the Warrant of Payments to 31 March 2004, certified by the Chairman of Commissioners and Director Corporate Services & Resource Management and totalling \$17,803,509.96.**

<b>FUNDS</b>	<b>DETAILS</b>	<b>AMOUNT</b>
<b>Director Corporate Services &amp; Resource Management Advance Account</b>	<b>62593 – 63271 EFT 69 – 91</b>	<b>\$8,141,929.11</b>
<b>Municipal</b>	<b>000477-000484 1A-2A</b>	<b>\$9,661,580.85</b>
<b>Trust Account</b>	<b>Nil</b>	<b>Nil</b>
	<b>TOTAL</b>	<b>\$17,803,509.96</b>

**The Motion was Put and**

**CARRIED UNANIMOUSLY (5/0)**

*Appendix 6 refers*

*To access this attachment on electronic document, click here: [Attach6brf200404.pdf](#)*

**CJ080 - 04/04 TENDER NUMBER 027-03/04 CONSTRUCTION OF A DUAL USE PATH, RETAINING WALLS & ASSOCIATED WORKS; TOM SIMPSON PARK MULLALOO – [54554]**

**WARD - All**

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**PURPOSE**

To seek the approval of the Joint Commissioners to accept the tender submitted by Mako Civil Pty Ltd for the Construction of a Dual Use Path, Retaining Walls & Associated Works; Tom Simpson Park Mullaloo.

**EXECUTIVE SUMMARY**

Tenders were advertised on Wednesday 18 February 2004 through statewide public tender for the Construction of a Dual Use Path, Retaining Walls & Associated Works; Tom Simpson Park Mullaloo. Tenders closed on Thursday 4 March 2004. Three submissions were received from: Mako Civil Pty Ltd, D.V.H. Industries Pty Ltd and Dalcon Construction Pty Ltd.

It is recommended that the Joint Commissioners:

- 1 *ACCEPT Tender Number 027-03/04 for the construction of a Dual Use Path; Retaining Walls and Associated Works; Tom Simpson Park Mullaloo, from Mako Civil Pty Ltd for a lump sum price of \$296,361.30 exclusive of GST;*
- 2 *AUTHORISE by AN ABSOLUTE MAJORITY in accordance with Section 6.8(1) of the Local Government Act 1995, reallocation of \$12,000 from Whitfords Foreshore Works and Restoration Project No. 2227 to Mullaloo Foreshore Dual Use Path Project No. 2174*

**BACKGROUND**

Council resolved at its meeting of 16 December 2003 (Item CJ310-12/03 refers) to:

- 1 *CONSIDER and ADOPT Stage 1 works comprising the beachside promenade dual use path and associated retaining walls shown in Attachment 2 to Report CJ310-12/03;*
- 2 *NOTE that works will commence for the construction of the dual use path and retaining walls under the current budget;*
- 3 *NOTE that a further report on subsequent stages will be provided to the Joint Commissioners in early 2004.*

During recent budget deliberations in 2003-2004, funding was reduced for this project. As a result, the project will be undertaken in three stages.

Stage 1 involves the construction of the beachside promenade dual use path and associated retaining walls, with current budget funds of \$285,000, with the location and design being in accordance with Council's previous resolution of December 2002 (CJ339-12/02 refers). It should be noted that in regard to 3 above, estimates for further works will be considered as part of the 2004/05 budget process. Subject to agreement to that expenditure, the detailed report would be subject to further analysis by the Joint Commissioners and interested stakeholders.'

## **DETAILS**

Three tenders were received from:

- Dalcon Construction	\$376,125.00
- D.V.H. Contracting	\$299,761.00
- Mako Civil	\$296,361.30

The tender lump sum prices do not include GST.

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

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.

The Selection Criteria for this tender was as follows:

### **Resources and Experience of Tenderer in providing similar services:**

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

### **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.
- Quality Systems.

- Compliance with tender requirements, insurances, licenses, site inspections etc.
- Quality Systems.
- Occupational Health and Safety Management System and Track Record.
- Time required to Deliver/Complete contract.
- Management Methodology.
- Post Contract Services offered.

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

- The Potential Social and Economic Effect of the tender on the City of Joondalup community.
- The potential Social and Economic Effect of the tender on the West Australian Community.
- Infrastructure/Office/Staff/Suppliers/Subcontractors within the City of Joondalup
- Value added items offered by the tenderer
- Sustainability/Efficiency/Environmental

**Methodology:**

Tenderers should

- detail the procedures and process they intend to use to achieve the requirements of the Specification.
- provide an outline of the provisional works program.

**Tendered Price/s:**

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

**Statutory Provision:**

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

**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; DVH Industries Pty Ltd was the only tenderer located within the boundaries of the City of Joondalup.

**Financial Implications:**

Funds of \$285,000 have been allocated in this years Budget in Project Nos. 2174 and 2176 for the construction of these works.

The lowest tender price is in excess of the available funds. In order to complete the project, it is proposed to use \$12,000 of funds that are available in the 2002/03 Carry Forward Projects.

Whitfords Foreshore Works and Restoration Project number 2227, was a carry forward project from 2002/2003 involving restoration planting and fencing at Whitfords Beach foreshore and was undertaken during June to August, 2003. It is noted that a significant cost saving was achieved by use of volunteer labour. Works are now completed and these funds are available to carry out other works associated with foreshore protection and improvement works.

Project No:	2174		
Budget Item:	Mullaloo Foreshore Dual Use Path		
Budget Amount:	\$214,000		
YTD Amount:	\$0		
Project No:	2176		
Budget Item:	Mullaloo Beach Project		
Budget Amount:	\$71,000		
YTD Amount:	\$0		
			<b>\$285,000</b>
Carry Forward	2227		
Project No:			
Budget Item:	Whitfords Foreshore Works and Restoration		
Budget Amount:	\$25,000		
YTD Amount:	\$6,000		
<b>Additional funds</b>		<b>\$12,000</b>	
<b>Total available funds</b>			<b>\$297,000</b>
<b>Tender Price:</b>			<b>\$296,361.30</b>

### Sustainability Implications:

The works at Mullaloo Beach incorporate the construction of an incomplete section of Coastal Dual Use Path across Tom Simpson Park. This dual use path delivers a link for both cyclists and pedestrians and also protects the foreshore dune system by rationalisation of beach access paths.

Once this project is complete the City intends to enhance the area by creating a Waterwise Dune Garden, which will further protect the foreshore dune system.

### COMMENT

Mako Civil Pty Ltd demonstrated that they have a full understanding of the scope of the project. Mako Civil Pty Ltd demonstrated that they have the experience to complete this project satisfactorily and are recommended as the preferred contractor.

**ATTACHMENTS**

Nil

**VOTING REQUIREMENTS**

Absolute Majority

**MOVED Cmr Anderson, SECONDED Cmr Smith that the Joint Commissioners:**

- 1 ACCEPT Tender Number 027-03/04 for the construction of a Dual Use Path; Retaining Walls and Associated Works; Tom Simpson Park Mullaloo, from Mako Civil Pty Ltd for a lump sum price of \$296,361.30 exclusive of GST;**
- 2 AUTHORISE in accordance with Section 6.8(1) of the Local Government Act 1995, reallocation of \$12,000 from Whitfords Foreshore Works and Restoration Project No. 2227 to Mullaloo Foreshore Dual Use Path Project No. 2174.**

**The Motion was Put and**

**CARRIED BY AN  
ABSOLUTE MAJORITY (5/0)**

**CJ081 - 04/04 TENDER 031-03/04 SUPPLY OF TRAFFIC  
MANAGEMENT AND CONTROL SERVICES –  
[65556]**

**WARD - All**

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**PURPOSE**

To seek the approval of the Joint Commissioners to accept the tender submitted by WARP Pty Ltd for the Supply of Traffic Management and Control Services in accordance with the Schedule of Rates (as outlined in Attachment 1) for Tender number 031-03/04, for an initial period of twelve (12) months with the option to extend subject to satisfactory performance reviews for a maximum period of three years.

**EXECUTIVE SUMMARY**

Tenders were advertised on Wednesday 18 February 2004 through statewide public tender for the Supply of Traffic Management and Control Services. Tenders closed on Thursday 4 March 2004. Three submissions were received from: WARP Pty Ltd, Roadwise Traffic Control and Carrington Traffic Services.

*It is recommended that the Joint Commissioners ACCEPT the Tender Number 031-03/04 for the Supply of Traffic Management Control Services from WARP Pty Ltd, in accordance with the Schedule of Rates (as outlined in Attachment 1 to this Report) for an initial period of twelve (12) months commencing on 3 May 2004 to 2 May 2005, with the option to extend, subject to satisfactory annual performance reviews. The total duration of the contract shall not exceed three years.*

## **BACKGROUND**

All major capital works within road reserves require suitable traffic management plans. Operations Services manages traffic control for minor works, however where major projects are carried out by Operational Services e.g. Hepburn Glengarry roundabout and Grand Boulevard Redevelopment more complex traffic control is necessary.

The City currently does not have the expertise or resources to provide traffic management plans or complex traffic management control for major works. The requirement for approved traffic management plans and accredited traffic control is a mandatory requirement under Australian Standard 1742.3-2002 'Manual of Uniform Traffic Control Devices, Part 3-Traffic Control Devices for Works on Roads'.

### **Financial Implications:**

Expenditure is a component of the approved project within the City's Capital Works Budget as authorised by Council.

## **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 4120-1994 'Code of tendering'.

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.

The Selection Criteria for this tender was as follows:

### **Resources and Experience of Tenderer in providing similar services:**

- Relevant Industry Experience, including details of providing similar supply. Tenderers shall submit a Detailed Schedule of previous experience on similar and/or relevant projects. Details should include:
  - 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 electronic pricing schedules.



**Levels of Service as determined by the Capability/Competence of Tenderer to provide the services required:**

- Company Structure.
- Qualifications, Skills and Experience of Key Personnel including registration, training and experience.
- Equipment and Staff Resources available.
- Percentage of Operational Capacity represented by this work.
- Financial Capacity.
- Compliance with tender requirements – insurances, licenses etc.
- Quality Systems.
- Occupational Health and Safety Management System and Track Record.
- Post Contract Services offered.

**Methodology:**

- Tenderers should detail the procedures and process they intend to use to achieve the requirements of the Specification.

**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 the services, variations and disbursements.

Under Part 4 of the *Local Government (F&G) Regulations 1996* Clause 18 (4a) ‘To assist the local government in deciding which tender would be most advantageous to it to accept a tenderer may be requested to clarify the information provided in the tender’.

Two Tenderers omitted to fully complete the price schedule. Clarification was sought from all tenderers on the Schedule of Rates and as a result of the clarification, prices were submitted after the tender closing time and date.

Previous legal advice has supported the decision of the evaluation team to reject the tenders, based on new prices being submitted after the tender closing time and date.

As a result of the new prices submitted after tender closing time and date and during the evaluation of tenders, those tenders are classified as late tenders as stated under:

- Under Part 4 of the *Local Government (F&G) Regulations 1996* Clause 18 (2) ‘A tender that is submitted at a place and within the time, specified in the invitation for tenders but that fails to comply with any other requirement specified in the invitation may be rejected without considering the merits of the tender’.

The tenders submitted by Carringtons Traffic Services and Roadwise Traffic Control were deemed non-conforming.

The tender submitted by WARP Pty Ltd was extremely competitive in both quality and price. WARP Pty Ltd demonstrated that they have the capability of delivering the service required by the City and the ability to provide best value for money based on the selection criteria and their schedule of rates and as such are the recommended tenderer.

### **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 will exceed the Chief Executive Officer's Delegated Authority limit of \$100,000 for the acceptance of tenders.

### **Policy 2.5.7 Purchasing Goods and Services**

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

### **COMMENT**

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

Subject to Council approval, the Contract will commence from 3 May 2004 to 2 May 2005 for an initial period of twelve (12) with the option to extend. The contract extension will be subject to annual performance reviews to ensure that the requirements of the Contract have been met. The duration of the contract will not exceed three (3) years. Subject to a satisfactory outcome of each review an extension in increments of twelve-month periods will be made within the three-year term.

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

### **ATTACHMENTS**

Attachment 1            Schedule of Rates

### **VOTING REQUIREMENTS**

Simple Majority

**OFFICER'S RECOMMENDATION:** That the Joint Commissioners ACCEPT the Tender Number 031-03/04 for the Supply of Traffic Management Control Services from WARP Pty Ltd, in accordance with the Schedule of Rates, as outlined in Attachment 1 to Report CJ081-04/04 for an initial period of twelve (12) months commencing on 3 May 2004 to 2 May 2005, with the option to extend, subject to satisfactory annual performance reviews. The total duration of the contract shall not exceed three years.

### **ADDITIONAL INFORMATION**

Tenders were advertised on Wednesday 18 February 2004 through statewide public tender for the Supply of Traffic Management and Control Services. Tenders closed on Thursday 4 March 2004. Three submissions were received from: WARP Pty Ltd, Roadwise Traffic Control and Carrington Traffic Services.

Tenders were evaluated on Friday 19 March 2004. The Evaluation Team consisted of Technical Officer - Engineering, Operations Coordinator and Coordinator Contracts and Purchasing.

The recommendation prepared for the Council meeting of 27 April 2004 recommended WARP Pty Ltd as the preferred tenderer. The tenders submitted by Roadwise Traffic Control and Carrington Traffic Services were deemed non-conforming by the evaluation team. Roadwise Traffic Control and Carrington Traffic Services did not provide the information requested in the tender, i.e. the price schedule did not provide prices as requested and as a result could not be measured in the evaluation like with like.

As a result of this recommendation Roadwise Traffic Control and Carrington Traffic Services have challenged the tendering process. The City received the challenges late Thursday 22 April 2004 and early Friday 23 April 2004 leaving no opportunity to obtain legal advice on the contents of the challenge. Whilst the City is confident that the process undertaken on this tender is comprehensive and in accordance with all guidelines, policy and Australian Standards, it would be preferable that the exact contents, allegations and threats made in the two letters of complaint be fully addressed prior to Council making recommendations on the report.

The City's lawyers, Minter Ellison, were contacted and all documentation in relation to this tender was couriered to them on Friday afternoon 23 April 2004 for review.

Due to the lateness of the allegations made by the tenderers and insufficient time prior to the Council meeting for the City's lawyers to provide meaningful advice and meet with the evaluation team, it is recommended in the best interests of the City to defer the Council recommendation on Item CJ081-04/04 for tender number 031-03/04 for the Supply of Traffic Management and Control Services.

The Director Infrastructure and Operations has been consulted and no objections have been raised with the deferral recommendation.

**MOVED Cmr Anderson, SECONDED Cmr Fox that consideration of Tender Number 031-03/04 – Traffic Management and Control Services be DEFERRED.**

**The Motion was Put and**

**CARRIED UNANIMOUSLY (5/0)**

*Appendix 7 refers*

*To access this attachment on electronic document, click here: [Attach7brf200404.pdf](#)*

**CJ082 - 04/04 TENDER NUMBER 033-03/04 TRAFFIC SIGNAL  
INSTALLATION – GRAND BOULEVARD AND  
COLLIER PASS JOONDALUP – [72556]**

**WARD - Lakeside**

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**PURPOSE**

To seek the approval of the Joint Commissioners to accept the tender submitted by Downer Engineering Pty Ltd for the Installation of Traffic Signals at the Intersection of Grand Boulevard and Collier Pass Joondalup, Tender Number 033-03/04, for a lump sum price of one hundred and twenty thousand one hundred and thirty five dollars (\$120,135.00) excluding GST.

**EXECUTIVE SUMMARY**

Tenders were advertised on 18 February 2004 through statewide public tender for the Installation of Traffic Signals at the Intersection of Grand Boulevard and Collier Pass Joondalup. Tenders closed on 4 March 2004. One submission was received from Downer Engineering Pty Ltd.

It is recommended that the Joint Commissioners ACCEPT the tender submitted by Downer Engineering Pty Ltd for the Installation of Traffic Signals at the Intersection of Grand Boulevard and Collier Pass Joondalup, Tender Number 033-03/04, for a lump sum price of One Hundred and Twenty Thousand One Hundred and Thirty Five Dollars (\$120,135.00) exclusive of GST.

**BACKGROUND**

The installation of traffic signals at the intersection of Grand Boulevard and Collier Pass was identified in the Regional Traffic Study for Joondalup City Centre. Funding for these traffic signals is identified in the Joondalup Normalisation Agreement. Traffic volumes on both Grand Boulevard and Collier Pass have increased to a level where traffic signals are now required to control this intersection. In recent years the intersection has also become a major crossing point for students commuting to Edith Cowan University and TAFE from the Joondalup rail and bus station. The installation of traffic signals will create a controlled and safe environment for both vehicular and pedestrian movements.

## **DETAILS**

Under the City's Contract Management Framework, the tender was 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 submission individually against the selection criteria using the weightings determined during the tender planning phase. The Evaluation Team convened to submit and discuss their assessments, leading to a ranking of each submission in an order of merit.

The Selection Criteria for this tender was as follows:

### **Resources and Experience of Tenderer in providing similar services:**

- Relevant Industry Experience, including details of providing similar supply. Tenderers shall submit a Detailed Schedule of previous experience on similar and/or relevant projects.
- Past Record of Performance and Achievement with a local government.
- Past Record of Performance and Achievement with other clients.
- Level of Understanding of tender documents and work required.
- References from past and present clients.

### **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
- Compliance with tender requirements – insurances, licenses etc
- Quality Systems
- Occupational Health and Safety Management System and Track Record
- Time required to Deliver/Complete contract
- Post Contract Services offered

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

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

**Methodology:**

- The procedures and process they intend to use to achieve the requirements of the Specification
- Provide an outline of the provisional works program

**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.

**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 exceeds the Chief Executive Officer's Delegated Authority limit of \$100,000 for the acceptance of tenders.

**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; the tenderer's business is not located in Joondalup.

**FINANCIAL IMPLICATIONS**

<b>Account No:</b>	6522
<b>Budget Item:</b>	Traffic Management (Intersection Treatments, Major)
<b>Budget Amount/Reserve funds:</b>	\$150,000

Tender submitted by Downer Engineering Pty Ltd : \$120,135

**COMMENT**

The tender submitted by Downer Engineering Pty Ltd was assessed and determined to be an acceptable tenderer and it is recommended to accept their tender.

**ATTACHMENTS**

Nil

**VOTING REQUIREMENTS**

Simple Majority

**MOVED Cmr Anderson, SECONDED Cmr Fox that the Joint Commissioners ACCEPT the tender submitted by Downer Engineering Pty Ltd for the Installation of Traffic Signals at the Intersection of Grand Boulevard and Collier Pass Joondalup, Tender Number 033-03/04, for a lump sum price of One Hundred and Twenty Thousand One Hundred and Thirty Five Dollars (\$120,135.00) exclusive of GST.**

**The Motion was Put and**

**CARRIED UNANIMOUSLY (5/0)**

## **CJ083 - 04/04 MINUTES OF THE CONSERVATION ADVISORY COMMITTEE OF 24 MARCH 2004 – [12168]**

**WARD - All**

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### **PURPOSE**

The unconfirmed Minutes of the Conservation Advisory Committee Meeting held on 24 March 2004 are submitted for noting by Council.

### **EXECUTIVE SUMMARY**

The Conservation Advisory Committee meeting held on the 24 March 2004 discussed a range of conservation matters within the City of Joondalup. The Committee discussed issues including regional natural area linkages and the Adopt a Bushland/Coastline Program.

*It is recommended that the Joint Commissioners NOTE the unconfirmed Minutes of the Conservation Advisory Committee held on 24 March 2004.*

### **BACKGROUND**

The Conservation Advisory Committee is a Council Committee which advises Council on matters pertaining to conservation and nature areas management.

The Committee comprises representatives of bushland friends groups, community members with a special knowledge of natural resource management and Council staff. The Committee meets on a monthly basis.

### **DETAILS**

A meeting of the Conservation Advisory Committee was held on 24 March 2004 and the minutes of this meeting are provided as Attachment 1.

The following matters were considered:

Regional Natural Area Linkages

Icon Flora and Fauna Species

The Terms of Reference for the Conservation Advisory Committee

The Adopt a Bushland / Coastline Programme

## COMMENT

It is recommended that the Joint Commissioners note the unconfirmed Minutes of the 24 March 2004 meeting of the Conservation Advisory Committee.

## ATTACHMENTS

Attachment 1 Conservation Advisory Committee Minutes 24/03/04

## VOTING REQUIREMENTS

Simple Majority

**MOVED Cmr Anderson, SECONDED Cmr Drake-Brockman that the Joint Commissioners NOTE the unconfirmed Minutes of the Conservation Advisory Committee held on the 24 March 2004 forming Attachment 1 to Report CJ083-04/04.**

**The Motion was Put and**

**CARRIED UNANIMOUSLY (5/0)**

*Appendix 8 refers*

*To access this attachment on electronic document, click here: [Attach8brf200404.pdf](#)*

**CJ084 - 04/04 PROPOSED WAREHOUSE EXTENSION - LOT 708  
(10) ONSLOW PLACE, JOONDALUP – [21897]**

**WARD - Lakeside**

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## PURPOSE

The purpose of the report is to request the Joint Commissioners' determination of a development application for a warehouse extension and for a request to reduce the required amount of cash in lieu of car parking, resulting from a car parking shortfall for that proposed warehouse extension.

## EXECUTIVE SUMMARY

An application has been received for approval of warehouse extensions to an existing furniture showroom. A car parking shortfall of 13 bays will be generated by the proposed addition.

A cash payment of \$105 300 has been calculated as the amount required to be borne by the applicant in lieu of the car parking requirement. The applicant considers this excessive and is instead willing to pay a reduced sum of \$52 650.



The request to reduce the required amount of cash to be provided in lieu of car parking must be assessed with regard to the Joondalup City Centre Public Parking Strategy (Parking Strategy) adopted by Council in 2002.

For the strategy to work effectively, the monies received from cash in lieu payments are to be quarantined for future public parking purposes such as Parking Stations P10 and P11 located nearby. To agree to a reduced amount would undermine the Parking Strategy and hinder the ability of the City to provide car parking facilities when required in the future.

The request for a reduced cash in lieu payment is not be supported when considering the intent of the Parking Strategy.

## **BACKGROUND**

**Suburb/Location:** Joondalup  
**Applicant:** Joondalup Nominees Pty Ltd  
**Owner:** Joondalup Nominees Pty Ltd  
**Zoning:** **DPS:** Centre  
**MRS:** Central City Area  
**Strategic Plan:** Joondalup City Centre Structure Plan

## **DETAILS**

The subject site is located within the Western Business precinct of the City Centre.

The proposal is for a warehouse extension to an existing showroom that results in a car parking shortfall of 13 car bays.

The proposal includes nil setbacks to its northern and eastern side boundaries and increases the Net Leasable Area (NLA) by 220m<sup>2</sup>, from 1226m<sup>2</sup> to 1446m<sup>2</sup>. The car parking shortfall results from the consumption of several bays by the additions and the increase in NLA which requires additional bays at a rate of one bay for every 50m<sup>2</sup> of floor area.

A cash in lieu contribution of \$105 300 is required for a shortfall of 13 car-parking bays. The applicant requests that an amount of \$52 650 (a 50% reduction) be considered.

### **Statutory Provision:**

#### District Planning Scheme No 2 (DPS2)

DPS2 outlines that cash in lieu of parking may be considered, as follows:

#### *4.8 Car Parking Standards*

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

4.8.2 *The number of on-site car parking bays to be provided for specified development shall be in accordance with Table 2. The Council shall determine the parking standard. The Council may also determine that a general car parking standard shall apply irrespective of the development proposed in cases where it considers this to be appropriate*

#### 4.11 Car Parking – Cash in Lieu or Staging

4.11.1 *The Council may permit car parking to be provided in stages subject to the developer setting aside for future development for parking the total required area of land and entering into an agreement to satisfactorily complete all the remaining stages when requested to do so by the Council.*

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

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

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

As the Joondalup City Centre Development Plan and Manual (JCCDPM) does not stipulate car parking standards, the required parking ratio for the warehouse addition was calculated by reference to the DPS2 standard for warehouse development, being 1 bay per 50m<sup>2</sup> of floor area.

#### Joondalup City Centre Public Parking Strategy ('Parking Strategy')

Council resolved to adopt the Joondalup City Centre Public Parking Strategy on 12 February 2002, which has several underlying principles;

- 4 *provide up to fifty percent (50%) of parking in the Joondalup CBD strategy area in the long term as public parking under the control of the City of Joondalup;*
- 5 *ensure that the provision of public parking is efficient and cost effective to the City.*

- 6 *minimise financial risk to the City arising from the provision and management of parking in the Joondalup CBD.*
- 7 *use monies received from cash in lieu of providing parking in the CBD only for the purchase of land for or the development of parking facilities for the Joondalup CBD.*

*Where a developer decides to provide a lesser number of parking bays than is required in a development, the option is available under District Planning Scheme No 2, for a cash payment to be made for each parking bay that is not provided. Any cash in lieu must be quarantined for parking purposes. **This provision should not be relaxed or varied for City Centre development because the funds are essential for the construction of future multi level parking facilities in the CBD.***

Future parking stations are identified by the Parking Strategy on Barron Place and Clarke Crescent.

At the same Council meeting, it was resolved that the cash payment in lieu of the provision of on-site parking within the City Centre would be \$8 100 per parking bay.

#### Applicant's Justification

The applicant's justification is summarised below:

- *The proposed extension is to be used for storage purposes only and is not to be used for the retail of goods. It will therefore not result in additional customer parking.*
- *Between the hours of 6am and 8pm, only a small number of vehicles are present at the site at any given time. The existing showroom car parking situation is more than adequate to accommodate business needs and is seldom full. Additional car bays are available both along Onslow Place and Clarke Crescent. Many customers also commute to the property via the train station or park at other locations within the city centre.*
- *The applicant also frequents the area daily and has found (in his opinion) that the property never has more than five to ten cars parked on-site at any one time. Several patrons who visit the premises also park at other nearby stores and walk to the Furniture Bazaar.*

The above justification has some merit, particularly as the addition will only be used for warehouse purposes. Random inspections of the site by Council officers indicate that, currently, there is excess capacity within the car park to service the furniture showroom.

While the concept of informal reciprocal use of other nearby parking areas is acknowledged, given the lack of formal arrangements, the parking provision for each site needs to be calculated on a site by site basis.

#### **Consultation:**

The proposal was advertised to nearby landowners for a period of 14 days as part of the development application process. The advertising extended to the property owners adjoining and opposite the subject lot. One submission was received, as follows:

Submission	Technical Comment
An adjacent property owner has stated that they have ‘no objection to the development proposal provided the same discretion is granted to us in our upcoming development...’	The submission highlights the issue of precedent that may be set for other requests to reduce cash in lieu payments.

## COMMENT

### **Development Standards (Under DPS2) And The Joondalup City Centre Development Plan And Manual**

The proposal complies with all DPS2 and JCCDPM requirements with the exception of the car parking requirements.

The car parking shortfall of 13 bays results from the consumption of already existing bays by virtue of the proposed warehouse additions and an overall increase in NLA.

In accordance with clause 4.11.2, Council may accept cash in lieu of car parking. It has been practice that City Centre development be permitted to provide cash in lieu of parking for up to 50% of the required amount of on-site parking. This is on the basis of the provision of the current and future provision of public car parking.

In this instance, on-street parking is available to meet the immediate needs of the commercial development in the area, with the Parking Strategy identifying 2 public car parks in the medium term. The acceptance of cash in lieu of car parking is therefore considered appropriate for the subject development proposal.

The request for a reduced cash in lieu payment is considered significant in light of the intent of the Joondalup City Centre Public Parking Strategy and the undesirable precedent that it would create. Several nearby lots remain undeveloped and imposing the prescribed car parking standards and cash in lieu provisions of DPS2 and the Parking Strategy upon future developments may well be problematic.

It is also reasonable to assume that traffic volumes and car parking demand will increase as the area develops to its full potential. The proposed car parking stations (P10 & P11) will assist in satisfying future demand.

For the Parking Strategy to work effectively, the monies received from cash in lieu payments must be quarantined for future parking purposes such as Parking Stations P10 and P11 located nearby on Barron Place and Clarke Crescent. This provision should not be relaxed or varied for City Centre Development as the funds are essential for the construction of future multi level parking facilities in the CBD. To agree to a reduced amount would undermine the Parking Strategy and hinder the ability of the City to provide car parking facilities when required in the future.

It is noted that reductions in the required amount of cash in lieu of car parking have not been made for any development previously.

While some of the assertions made by the applicant have some merit, the request for a reduced cash in lieu payment cannot be supported when considering the intent of the Parking Strategy. The proposed warehouse addition is therefore recommended for approval, however, the request for a reduction in the cash in lieu of parking payment, is not supported.

## **ATTACHMENTS**

Attachment 1            Location Plan  
Attachment 2            Plans of Proposal

## **VOTING REQUIREMENTS**

Simple Majority

**MOVED Cmr Drake-Brockman, SECONDED Cmr Anderson that the Joint Commissioners:**

- 1        REFUSE the applicant's request for a reduction in the amount of cash in lieu payment from \$105 300 to \$52 650;**
- 2        APPROVE the application submitted by Joondalup Nominees Pty Ltd, the applicant and owner, for approval of a warehouse addition to the existing showroom on Lot 708 (10) Onslow Road, Joondalup, subject to the following conditions:**
  - (a)     the parking bays, driveways and points of ingress and egress to be designed in accordance with Australian Standard for Off-street Car Parking (AS2890). Such areas are to be constructed, drained, marked and thereafter maintained to the satisfaction of the City. These works are to be done as part of the building programme;**
  - (b)     all stormwater must be contained on-site to the satisfaction of the City;**
  - (c)     the provision of 46 car bays to be provided on-site.**

## **FOOTNOTE:**

- 1        In regard to Condition 2(c), cash in lieu payment will be accepted in regard to the shortfall of 13 car bays.**

**The cash value that will be accepted for each parking bay is the sum of the construction cost and land component. The sum for \$8 100 per parking bay has been adopted for this purpose.**

**Cash in lieu of car parking will contribute towards a fund for the Council to meet future parking demand within the locality.**

**The Motion was Put and**

**CARRIED UNANIMOUSLY (5/0)**

*Appendix 9 refers*

*To access this attachment on electronic document, click here: [Attach9brf200404.pdf](#)*

## **CJ085 - 04/04 CLOSE OF ADVERTISING - 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 public submissions following advertising of amendments to Policy 3.2.7 ‘Pedestrian Accessways’ (Attachment 1 refers), and adopt the policy.

### **EXECUTIVE SUMMARY**

Council adopted the proposed changes to Policy 3.2.7 ‘Pedestrian Accessways’ at its meeting on 17 February 2004 and recommended that the policy be advertised for public comment for a period of twenty-one (21) days, commencing on 26 February 2004 (CJ025-02/04 refers). The modifications are detailed in Attachment 1.

The four (4) submissions received during the public consultation period all object to the closing of any pedestrian accessway (PAW) that is linked to Poseidon Park, Heathridge. The request is unrelated to the review of the policy, which proposes a number of changes to ensure standards for the creation of PAWs in new subdivisions are in keeping with contemporary urban design practices and standards for the assessment of PAW closures are updated in accordance with current practices. Accordingly, the submissions do not affect the outcome of the policy review.

It is therefore recommended that the changes to the policy be adopted as per Attachment 2.

### **BACKGROUND**

**Suburb/Location:** All  
**Applicant:** City of Joondalup  
**Owner:** City of Joondalup

**Zoning:**        **DPS:** N/A

**MRS:** N/A

**Strategic Plan:**     Strategy 3.1.1

                          Plan the timely design, development, upgrade and maintenance of the City's infrastructure.

Previous Council Decision:

At its meeting on 17 February 2004, Council resolved to adopt the proposed changes to Policy 3.2.7 'Pedestrian Accessways' for public comment for a period of 21 days, commencing on 26 February 2004 (CJ025-02/04 refers).

## **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.

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' published by the Western Australian Planning Commission (WAPC). The planning bulletin outlines the criteria that local authorities should use when considering an application to close a PAW.

In addition, a number of changes are proposed to ensure the policy is consistent with the City's District Planning Scheme No.2 (DPS2) and contemporary urban design principles. The policy is divided into 4 sections (Policy Statements) and minor changes are proposed to each section, with the change to policy statement 3 being typographical. The modifications proposed are detailed in Attachment 1.

## **Consultation**

The changes proposed to Policy 3.2.7 'Pedestrian Accessways' were advertised for public comment for a twenty-one (21) day period, commencing on 26 February 2004 and included an advertisement being placed in the local newspaper.

Four (4) submissions were received, all of which object to any proposal to close PAWs that link to Poseidon Park, Heathridge. The submissions state that PAWs provide an important access route for local residents to reach sporting facilities in the park and public transport services (Attachment 3 refers).

## **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 resolve to either finally adopt the draft policy with or without modification, or not to proceed with the draft policy.

## **COMMENT**

The policy has been reviewed to ensure that it is properly maintained and updated in keeping with current practice.

The four (4) submissions received during the public consultation object to any proposal to close any PAW that is directly linked to Poseidon Park, Heathridge. This request is unrelated to the review process of the policy, which proposes a number of changes to the policy to ensure that it is properly maintained and updated in keeping with current practices, and is considered a separate issue. The request is acknowledged.

The proposed amendments to the policy address a number of standards that impact on the creation of PAWs in new subdivisions and redevelopment/subdivision adjacent to PAWs to ensure that they are up to date with contemporary urban design 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 District Planning Scheme No.2 (DPS2).

Other amendments include modifying section (e) of ‘Policy Statement No 2’ and ‘Policy Statement No 4’ to bring the policy into 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 into 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.

The changes proposed as a result of the review will ensure that the policy is in keeping with current practices. Accordingly, it is recommended that the changes to the policy be adopted as per Attachment 2.

## **ATTACHMENTS**

Attachment 1	Public Access Ways
Attachment 2	Draft Policy
Attachment 3	Schedule of submissions

## **VOTING REQUIREMENTS**

Simple Majority



**MOVED Cmr Fox, SECONDED Cmr Drake-Brockman 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 3.2.7 - 'Pedestrian Accessways' as per Attachment 2 to Report CJ085-04/04;**
- 2 NOTE the submissions received;**
- 3 ADVISE the submitters of the Joint Commissioners' decision.**

**The Motion was Put and**

**CARRIED UNANIMOUSLY (5/0)**

*Appendix 10 refers*

*To access this attachment on electronic document, click here: [Attach10brf200404.pdf](#)*

**CJ086 - 04/04 CLOSE OF ADVERTISING – “BUILDINGS SET BACK FROM THE BOUNDARY POLICY 3.1.14: 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 to advise the Joint Commissioners that closure of advertising on the draft policy “Buildings Set Back from the Boundary Policy 3.1.14: Additional Acceptable Development Provisions – Clause 3.3.1 of the Residential Design Codes 2002” has occurred and consequently request the Joint Commissioners to adopt the policy with a minor modification.

**EXECUTIVE SUMMARY**

The Joint Commissioners, at their meeting on 17 February 2004, considered the draft policy ‘Building Set Back from the Boundary Policy 3.1.14: Additional Acceptable Development Provisions – Clause 3.3.1 of the Residential Design Codes 2002’ for the purposes of advertising for public comment, for a period of 21 days.

Advertising closed on 18 March 2004 and no submissions were received.

One minor modification to the draft policy is considered necessary for clarity. This proposed modification does not alter the intent or purpose of the policy and it is recommended that the Joint Commissioners adopt the policy with a minor modification.

## **BACKGROUND**

The Residential Design Codes (R 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 2002 R Codes replaced and expand upon the Residential Planning Codes (1991 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.

The R 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 R 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 R 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 R 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 R 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 R Codes enable Councils to adopt local planning policies that are consistent with the provisions of the Codes to address local requirements. This policy presented for approval has been designed under these provisions to augment the R 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.

Under the provision of Clause 8.11.3 of District Planning Scheme No 2 (DPS2), Council shall consider all submissions received during the advertising period. After considering all submissions, Council is required to finally adopt the policy with or without modification, or not proceed. Following final adoption, notification is required by way of publication once in a local newspaper circulating within the City. The Council determines whether further consultation is required in the event of a draft policy being modified.

**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 R Code, this policy has been expressly formulated to provide additional Acceptable Development provisions under Clause 3.3.1 of the R Codes – Buildings Set Back from the Boundary. It addresses the inconsistencies in the R Codes and ensures that residential amenity issues such as privacy and overshadowing are assessed equitably for all residential development.

One minor modification to the draft policy is considered necessary to avoid any confusion. This modification simply clarifies that, where an approval for grouped dwellings has been granted by the City and is current, the policy does not apply. This takes into account the situation whereby grouped dwellings are approved in the absence of a strata or survey strata subdivision approval being in place and, therefore, these boundaries have not been created for the purposes of assessment under the policy.

This modification to the advertised policy is minor in nature and does not alter the purpose of the policy. A further advertising period is therefore considered unnecessary on this occasion. In view of this and the lack of submissions, it is recommended that the draft policy be adopted with the minor modification.

**ATTACHMENTS**

Attachment 1            Policy 3.1.14

**VOTING REQUIREMENTS**

Simple Majority

**MOVED Cmr Anderson, SECONDED Cmr Drake-Brockman 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 3.1.14: Alternative Performance Criteria – Clause 3.3.1 of the Residential Design Codes 2002” with modification, as per Attachment 1 to Report CJ086-04/04.**

**The Motion was Put and**

**CARRIED UNANIMOUSLY (5/0)**

*Appendix 11 refer*

*To access this attachment on electronic document, click here: [Attach11brf200404.pdf](#)*

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**CJ087 - 04/04      PROPOSED MINOR MODIFICATIONS TO KINROSS  
NEIGHBOURHOOD CENTRE STRUCTURE PLAN  
NO 2 – [20514]**

**WARD** - North Coastal

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**PURPOSE**

The purpose of this report is for the Joint Commissioners to consider minor modifications to the development provisions of the Kinross Neighbourhood Centre Structure Plan No 2 and adopt the Structure Plan with modifications for the purposes of advertising.

**EXECUTIVE SUMMARY**

A Structure Plan outlines the development requirements for a particular parcel of land. A review of all of the City's Structure Plans is currently being undertaken to ensure compliance with the Residential Design Codes (R Codes) and to address any issues of concern with respect to the operation of the Structure Plans.

The Kinross Neighbourhood Centre Structure Plan affects the portion of land on the corner of Selkirk Drive and Connolly Drive, Kinross.

The proposed modifications relate to a number of changes to the development provisions which will correct current anomalies, provide further clarification to development provisions, and delete development provisions that are now no longer required.

It is recommended that the proposed modifications to the Kinross Neighbourhood Centre Structure Plan be adopted so that the draft modified Structure Plan can be advertised for public comment.

**BACKGROUND**

The Kinross Neighbourhood Centre Structure Plan was adopted as an Agreed Structure Plan under Part 9 of the City's District Planning Scheme No 2 (DPS2) on 1 October 2003.

No developments have been constructed or approved on the lots affected by this Structure Plan.

**DETAILS**

The proposed modifications can be divided into those that affect the Residential Land Use Area of the Structure Plan and administrative text changes affecting the Structure Plan as a whole.

## Residential Land Use Area

A number of modifications are proposed to the development provisions for the Residential Land Use Area contained within the Structure Plan.

- **Setbacks**

Clause 6.3.2 (iv) refers to front setback requirements and states that portions of buildings containing habitable rooms may be set back to a minimum of 3 metres from the front property boundary. It is recommended that this development provision be modified to permit any portion of the building (excluding the carport or garage), to be setback at 3 metres from the front property boundary. This modification is proposed to enable small areas of non-habitable rooms such as bathrooms, to be incorporated into the design of the dwelling without having to request that these small sections be set back further than the rest of the dwelling.

Clause 6.3.2 (v) requires that garages and carports be setback 5 metres from the front property boundary. On review of the Structure Plan and consideration of the relatively small lot sizes within the Residential Land Use Area (approximately 300-400m<sup>2</sup>), it is recommended that setbacks to garages and carports be permitted to a minimum of 3.5 metres provided that the garage or carport is at least 0.5 metres behind the front wall of the main dwelling. This provision will ensure that the streetscape is not dominated by garages and carports whilst permitting a more lenient setback for the development of the subject lots.

Clause 6.3.2 (ix) allows for nil setbacks to the side boundaries, with a 5 metre setback from the front boundary and a 6 metre setback from the rear boundary. It is proposed to modify the development provision to reduce the front setback distance to 3 metres. This reduction in the setback will encourage a two storey element to the front of the dwellings which will enhance the streetscape appearance.

- **Parapet Walls**

A new development provision is proposed for inclusion in the Structure Plan to ensure that parapet walls are finished in a manner that matches the rest of the dwelling, unless it can be clearly demonstrated that the adjoining dwelling will be constructed with walls of the same height and scale so as not to leave any areas of exposed parapet wall. This will ensure that the streetscape is not detrimentally affected by large areas of untreated parapet wall.

- **Height**

A new development provision is proposed for inclusion in the Structure Plan to clarify the maximum allowable height limit. The current Structure Plan refers to a maximum height limit of 2 storeys, however, it is recommended that a specific maximum wall height limit of 6 metres be stated to provide further clarity.

Further, as a result of specifying a height limit for the Structure Plan area it is recommended that a new development provision be included in the Structure Plan to state that Policy 3.1.9 “Height and Scale of Buildings within a Residential Area” shall not apply.

- Residential Design Codes

A new development provision is proposed for inclusion in the Structure Plan that will permit balconies and windows on the upper level facing to the front and rear only. This development provision is proposed as a means of controlling overlooking into adjoining properties to ensure that the privacy of adjoining properties is maintained. It is noted that this development provision has been used successfully in other areas within the City such as the Lakeside District.

Reference to Element 8 of the Residential Design Codes (R Codes) in the Structure Plan, which provides development provisions to control privacy, would therefore need to be excluded from the Structure Plan.

Furthermore, Element 9 of the R Codes, which controls the degree of overshadowing, needs to be excluded from the Structure Plan on the basis that some degree of overshadowing on these small lot sizes (approximately 300 – 400m<sup>2</sup>) is considered to be acceptable.

- Roof Pitch

A rewording of the current provision in regard to roof pitch is proposed for inclusion in the Structure Plan. Clause 6.3.2 (x) refers to “45% pitched roofing”. The current wording has been written incorrectly and should refer to a 45 ‘degree’ pitched roof rather than the written 45 ‘percent’. It is recommended that the roof pitch requirement be reduced to a minimum pitch of 25 degrees. The reason for this proposed modification is that a pitch of 45 degrees is considered to be very restrictive and will significantly add to the cost of developments on these lots. In addition, the proposed pitch of 25 degrees is considered to be steep enough to create the intended urban design outcome for this area.

- Dual Use Paths

The deletion of development provisions in relation to dual use paths is recommended within the Structure Plan. Two of the current development provisions (clause 6.3.2 (vi) and (vii)) contained within the Structure Plan relate to the construction of dual use paths along Selkirk Drive, MacNaughton Crescent and the internal residential road. In accordance with the approved subdivision for this area the dual use paths have now been constructed and therefore the two development provisions are now no longer required to be included within the Structure Plan.

### Administrative Text Changes

The Structure Plan refers to the Residential Planning Codes (1991) rather than to the Residential Design Codes (R Codes). The R Codes (2002) have now superseded the 1991 Codes and it is therefore recommended that all references to the Residential Planning Codes be replaced with the words ‘Residential Design Codes’. This change is administrative only and will not change the purpose or intent of the detailed development provisions.

Clause 5.0 ‘Residential Density Coding’ of the Structure Plan refers to land within the Centre Zone being developed in accordance with the Residential Planning Codes. The wording is required to be modified to state that the land is to be developed in accordance with the R Codes and in addition, it is recommended that the clause be strengthened to state that the area shall be developed in accordance with the Acceptable Development provisions of the R Codes.

By referring to the Acceptable Development provisions of the R Codes as opposed to the R Codes in general, it is clear what will or will not be supported. If it is not clearly stated that the area shall be developed in accordance with the Acceptable Development provisions, an application may be made based on the Performance Criteria of the R Codes which leaves the application process open to a greater degree of discretion and may mean that the intentions of the Structure Plan are not met and the City will not see the development of this area in the intended way.

### **Statutory Provision:**

Under clause 9.7 of DPS2, Council may amend an Agreed Structure Plan subject to the approval of the WAPC. Should Council determine that the amendments/modifications to the Structure Plan are satisfactory, the proposal shall be advertised for public comment in accordance with clause 9.5 of DPS2.

### **Consultation:**

In accordance with clause 9.4 of DPS2 it is recommended that the proposed modifications be adopted and advertised for a period of 28 days.

### **COMMENT**

It is recommended that the proposed modifications to the Kinross Neighbourhood Centre Structure Plan be adopted so that the draft modified Structure Plan can be advertised for public comment.

### **ATTACHMENTS**

Attachment 1 – Kinross Neighbourhood Centre Structure Plan

Attachment 2 – Modified Residential Land Use Area Development Provisions

## VOTING REQUIREMENTS

Simple Majority

**MOVED Cmr Anderson, SECONDED Cmr Drake-Brockman that the Joint Commissioners:**

- 1 Pursuant to clause 9.7 of the City of Joondalup District Planning Scheme No 2 RESOLVE to adopt the following modifications to the Kinross Neighbourhood Centre Structure Plan No 2:**
  - (a) replace the development provisions in clause 6.3 Residential Land Use Area with the development provisions as detailed in Attachment 2 to Report CJ087-04/04;**
  - (b) modify clause 5.0 Residential Density Coding, to read:**

**Residential land within the Centre Zone shall be developed in accordance with the Acceptable Development provisions of the Residential Design Codes of Western Australia, as given effect by clause 4.2 of the Scheme, unless otherwise provided for by the specific requirements in this Structure Plan. The enclosed Plan 2: ‘Coding Map’ indicates the Residential Density Codes that apply to the subject land, pursuant to clause 4.2.5 of the Scheme.**
  - (c) delete all references to the “Residential Planning Codes” and replace with the words “Residential Design Codes.”**
- 2 pursuant to clause 9.4 of the City of Joondalup District Planning Scheme No 2 ADOPT the draft modifications to the Kinross Neighbourhood Centre Structure Plan and make it available for public comment for a period of 28 days.**

**The Motion was Put and**

**CARRIED UNANIMOUSLY (5/0)**

*Appendix 12 refers*

*To access this attachment on electronic document, click here: [Attach12brf200404.pdf](#)*



**CJ088 - 04/04      PROPOSED MODIFICATIONS TO CURRAMBINE  
STRUCTURE PLAN NO 14 – DELETION OF THE  
RESIDENTIAL MIXED USE PRECINCT AND  
REPLACEMENT WITH A SMALL LOT  
RESIDENTIAL PRECINCT AND MINOR  
MODIFICATIONS TO THE DEVELOPMENT  
PROVISIONS – [11160]**

**WARD -** North Coastal

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**PURPOSE**

The purpose of this report is for the Joint Commissioners to consider modifications to the development provisions outlined in the Currambine Structure Plan No 14 and to adopt the modifications for the purposes of advertising.

**EXECUTIVE SUMMARY**

A Structure Plan outlines the development requirements for a particular parcel of land. A review of all of the City's Structure Plans is currently being undertaken to ensure compliance with the Residential Design Codes (R Codes) and to address any issues of concern with respect to the operation of the Structure Plans.

The Currambine Structure Plan relates to the land located to the east of Connolly Drive, Currambine, affecting lots located on Connolly Drive, De Crillon Way, Marriot Turn, Miramere Boulevard, Paddington Avenue, Normandy Place, Continental Boulevard, Kowloon Corner, Palace Way and Chandela Loop.

The proposed modifications to the Currambine Structure Plan include the deletion of the Residential Mixed Use Precinct and replacement with a Small Lot Residential Precinct, modifications to the development provisions of the Residential Precinct and a number of minor modifications to the existing development provisions.

It is recommended that the proposed modifications to the Currambine Structure Plan be adopted and advertised for public comment. Further consideration needs, however, to be given to the provision of retail land uses for the locality in relation to the City's Policy 3.2.8 - Centres Strategy and retail floorspace allocations across the City, as noted in Schedule 3 of DPS2. It is recommended that a separate report address these issues at a later date.

**BACKGROUND**

The Currambine Structure Plan was adopted as an Agreed Structure Plan under Part 9 of the City's District Planning Scheme No 2 (DPS2) on 21 May 2002.

Many of the lots within the Structure Plan area have been developed, however, the majority of the lots within the Residential Mixed Use Precinct remain undeveloped. In addition, a report on the adequacy of the Currambine Structure Plan in relation to the Residential and Mixed Use and its applicability to the future of the area was requested at the Council meeting on 30 March 2004 when an application for a child care centre was approved.

The proposed modifications are intended to provide clearer guidelines for the development of Residential Mixed Use Precinct at this time. Further consideration needs to be given to the provision of retail land uses for the locality in relation to the City's Policy 3.2.8 - Centres Strategy and retail floorspace allocations across the City, as noted in Schedule 3 of DPS2. A separate report will address these issues at a later date.

## **DETAILS**

### Deletion of the Residential Mixed Use Precinct

This report proposes to modify the Structure Plan by deleting the Residential Mixed Use Precinct and replacing it with a Small Lot Residential Precinct. The modification is proposed due to the inability of the lots to be developed for commercial purposes. The intent of the Residential Mixed Use Precinct was to allow for a mix of residential and commercial uses. However, the gradients of the land that resulted from the subdivision of these lots by Landcorp as then owners of the land, coupled with the relatively small lot sizes, does not allow access onto these lots and parking spaces for people with disabilities to be provided. As a result, commercial developments are unable to comply with the provisions of the Building Code of Australia and cannot be approved either at this time or with any possible future conversion of a residential building. In addition, access to the northern-most lots that interface with the Commercial Centre Precinct (two lots only on Ascot Way) is not possible due to the existing extensive retaining walls that were constructed at this time between these lots to address drainage issues.

The City therefore is unable to approve the development of any commercial use on the lots in line with the objectives of the Structure Plan and can only approve residential development. This is causing considerable confusion amongst landowners and prospective purchasers. Moreover, the provisions of the Structure Plan are misleading for landowners and also for officers of the City dealing with the assessment of applications. It is therefore recommended that the Residential Mixed Use Precinct be removed in order to alleviate any confusion as to what uses can be supported on the lots within this area.

With regard to the northern-most lots that interface with the Commercial Centre Precinct (two lots only on Ascot Way), extensive retaining walls were constructed between these lots to address drainage issues.

### Replacement with the Small Lot Residential Precinct

The deletion of the Residential Mixed Use Precinct requires the formulation of a new set of development provisions to guide the future development of the affected lots. The modification proposes a new Small Lot Residential Precinct with proposed development provisions that are similar to those permitted under the current Residential Mixed Use Precinct and therefore any proposed applications shall be dealt with in a consistent manner to those that have already been approved.

- **Setbacks**

A provision has been included in the proposed Small Lot Residential Precinct to permit nil setbacks to the side boundaries.

Where developers wish to set the dwelling back from the boundary a minimum setback of 1 metre will be required. The 1 metre setback takes into consideration the Acceptable Development provisions of the R Codes and the requirements of the Building Code of Australia whilst also ensuring adequate space for maintenance on the building.

- **Site Cover and Plot Ratio**

Currently there is no development provision to stipulate a permitted site cover for the Residential Mixed Use Precinct. It is recommended that the site cover for the Small Lot Residential Precinct be permitted at 70% to be consistent with the site cover permitted for the Residential Precinct. The development of these lots can be adequately controlled through the site coverage, height and setback provisions as specified and therefore it is not considered necessary to include a plot ratio provision.

- **Residential Design Codes**

A new development provision is proposed for inclusion in the Structure Plan to exclude Element 8 and Element 9 of the R Codes. Element 8 provides development provisions to control privacy and overlooking and Element 9 controls the degree of overshadowing caused by the development of new dwellings. The reason for this proposed modification is that the Structure Plan was written prior to the gazettal of the 2002 R Codes which introduced these two Elements and, as such, it is recommended that these Elements should not apply to the Structure Plan area.

In addition, the proposed development provision to permit windows facing the front or rear of the dwelling only, is considered to be sufficient to ensure that the privacy of adjoining properties is maintained. The subject lots are also relatively small (approximately 350–450m<sup>2</sup>) and currently nil setbacks to side boundaries are permitted. As such, it is accepted that there will be a degree of overshadowing to adjoining properties.

### Modifications to the Residential Precinct

- **Setbacks**

It is recommended that clause 5.4.3 (f) to the Residential Precinct be deleted. The clause states that no garages are permitted forward of the building line. This means that the garage must be set back behind the front wall of the dwelling no matter how far back the dwelling is constructed from the front boundary. This particular provision was not in the original Structure Plan and

there is some uncertainty as to why it was introduced. Due to the fact that many garages were permitted with a minimum setback distance of 3 metres prior to the introduction of this clause, applications received since proposing garages to be built with similar setbacks have been supported. The clause therefore serves no purpose and it is recommended that it be deleted.

- Plot Ratio

It is recommended that the plot ratio development provision for the Residential Precinct be deleted. The plot ratio requirement has had no impact upon the development of lots within this area and is not a provision required under the R Codes for single houses and is therefore deemed to be unnecessary. In addition, development of the lots can be adequately controlled through the site coverage, height and setback provisions.

- Residential Design Codes

In the same way that certain Elements of the R Codes are recommended to be excluded from the development provisions for the Small Lots Residential Precinct, it is also recommended that Element 9 to do with overshadowing, be excluded for lots within the Residential Precinct. By excluding Element 9 the City can ensure that development of the lots can continue to be assessed and developed in the same manner. Given the larger lot sizes (approximately 500–600m<sup>2</sup>) within the Residential Precinct, it is not considered necessary to exclude Element 8 to do with overlooking and privacy, from the development provisions in the same way as it is recommended to be excluded for lots within the proposed Small Lot Residential Precinct.

### Administrative Text Changes

The Structure Plan was written when the Residential Planning Codes (1991) were in effect. The R Codes (2002) have now superseded the 1991 Codes and it is therefore recommended that all references to the 'Residential Planning Codes' be replaced with the words 'Residential Design Codes.' This change is administrative only and will not change the purpose or intent of the detailed development provisions.

### **Statutory Provision:**

Under clause 9.7 of DPS2, Council may amend an Agreed Structure Plan subject to the approval of the WAPC. Should Council determine that the amendments/modifications to the Structure Plan are satisfactory, the proposal shall be advertised for public comment in accordance with clause 9.7.

Upon completion of advertising Council is required to review all submissions within sixty (60) days and then proceed to either refuse to adopt the modifications to the Structure Plan, or resolve that the modifications to the Structure Plan are satisfactory with or without changes.

## COMMENT

A Commercial Centre Precinct comprising two large lots on Ascot Way exists in the Currambine Structure Plan. Uses permitted within this Precinct are the same as those approvable in accordance with a Commercial zone in DPS2. The subject lots are identified in Schedule 3: Commercial and Centre Zones of DPS2 as having a retail net lettable area of 3000m<sup>2</sup>, and are also identified as a Village Centre in the City's Policy 3.2.8 - Centres Strategy that recognises a hierarchy of retail centres throughout the City.

A development application was nevertheless approved for a child care centre on these lots at the Council meeting on 30 March 2004 (CJ069-4/3 refers). A child care centre is a "D" use under DPS2, a use that requires public advertising and Council approval. The provisions of the Commercial Centre Precinct do not specify that the nature of the allowable commercial uses should be retail to facilitate either the objectives of the Precinct or the Centre Strategy for these lots.

Furthermore, because the subdivision of these lots resulted in the construction of extensive retaining walls at the rear of these lots (between the northern-most lots in the Residential Mixed Use Precinct), a number of provisions of the Commercial Centre Precinct could not be met with any development of these lots, including the child care centre. A report on the adequacy of the Currambine Structure Plan (Residential and Mixed Use) and its applicability to the future of the area was therefore requested by Council when the child care centre application was considered.

Further consideration needs yet, however, to be given to the provision of retail land uses for the locality in relation to the City's Policy 3.2.8 - Centres Strategy and retail floorspace allocations across the City, as noted in Schedule 3 of DPS2. These matters are important irrespective of whether the child care centre development does or does not proceed. A separate report will address these issues at a later date.

It is recommended that the proposed modifications to the Currambine Structure Plan be adopted and advertised for public comment.

## ATTACHMENTS

Attachment 1	Currambine Structure Plan No 14
Attachment 2	Small Lot Residential Precinct – Development Provisions
Attachment 3	Modified Part 1 Structure Plan Map

## VOTING REQUIREMENTS

Simple Majority

## OFFICER'S RECOMMENDATION: That:

- 1 the Joint Commissioners pursuant to clause 9.7 of the City of Joondalup District Planning Scheme No 2 RESOLVE to adopt the following modifications to the Currambine Structure Plan No 14:

- (a) delete clause 5.3 Residential Mixed Use Precinct and replace with the Small Lot Residential Precinct and the development provisions as detailed in Attachment 2 to Report CJ088-04/04;
  - (b) delete reference to the Residential Mixed Use Precinct from clause 1.0 and replace with Small Lot Residential Precinct;
  - (c) amend the Part 1 Structure Plan Map by deleting the Residential Mixed Use Precinct and replacing with the Small Lot Residential Precinct in accordance with Attachment 3 to Report CJ088-04/04;
  - (d) delete clause 5.4.3 (f) relating to garage setbacks;
  - (e) add a new clause 5.4.3 (f) to read:  
  
Element 9 (Design for Climate) of the Residential Design Codes shall not apply;
  - (f) delete clause 5.4.3 (e) relating to plot ratio;
  - (g) delete all references to the Residential Planning Codes within the Structure Plan and replace with the words ‘Residential Design Codes.’
- 2 the Joint Commissioners pursuant to clause 9.4 of the City of Joondalup District Planning Scheme No 2 ADOPT the draft modifications to the Currambine Structure Plan and make it available for public comment for a period of 28 days;
  - 3 a separate report giving further consideration to the provision of retail land uses for the Currambine locality in relation to the City’s POLICY 3.2.8 - Centres Strategy, and retail floorspace allocations across the City, as noted in Schedule 3 of DPS2, be prepared.

**MOVED Cmr Smith, SECONDED Cmr Drake-Brockman that:**

- 1 **the Joint Commissioners pursuant to clause 9.7 of the City of Joondalup District Planning Scheme No 2 RESOLVE to adopt the following modifications to the Currambine Structure Plan No 14:**
  - (a) **delete clause 5.3 Residential Mixed Use Precinct and replace with the Small Lot Residential Precinct and the development provisions as detailed in Attachment 2 to Report CJ088-04/04;**
  - (b) **delete reference to the Residential Mixed Use Precinct from clause 1.0 and replace with Small Lot Residential Precinct;**
  - (c) **amend the Part 1 Structure Plan Map by deleting the Residential Mixed Use Precinct and replacing with the Small Lot Residential Precinct in accordance with Attachment 3 to Report CJ088-04/04;**

- (d) delete clause 5.4.3 (f) relating to garage setbacks;
  - (e) add a new clause 5.4.3 (f) to read:  
**Element 9 (Design for Climate) of the Residential Design Codes shall not apply;**
  - (f) delete clause 5.4.3 (e) relating to plot ratio;
  - (g) delete all references to the Residential Planning Codes within the Structure Plan and replace with the words ‘Residential Design Codes.’
- 2 the Joint Commissioners pursuant to clause 9.4 of the City of Joondalup District Planning Scheme No 2 ADOPT the draft modifications to the Currambine Structure Plan and make it available for public comment for a period of 28 days;
  - 3 a separate report giving further consideration to the provision of retail land uses for the Currambine locality in relation to the City’s POLICY 3.2.8 - Centres Strategy, and retail floorspace allocations across the City, as noted in Schedule 3 of DPS2, be prepared;
  - 4 the landowners within the Structure Plan area be advised of the proposed changes in writing at the time of commencement of the advertising period, to afford an opportunity for enquiry and comment by them in regard to the proposed changes to the Structure Plan.

Cmr Smith spoke to the Motion.

**The Motion was Put and**

**CARRIED UNANIMOUSLY (5/0)**

*Appendix 13 refers*

*To access this attachment on electronic document, click here [Attach13brf200404.pdf](#)*

**CJ089 - 04/04 PROPOSED MODIFICATIONS TO JOONDALUP CITY CENTRE DEVELOPMENT PLAN AND MANUAL STRUCTURE PLAN NO 1 - CITY NORTH, CENTRAL BUSINESS, LAKESIDE AND CAMPUS DISTRICTS – [00152]**

**WARD - Lakeside**

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**PURPOSE**

The purpose of this report is for the Joint Commissioners to consider minor modifications to the development provisions for the Joondalup City Centre Development Plan and Manual (JCCDPM). The modifications will address anomalies between the JCCDPM and the

Residential Design Codes (R Codes), and further clarify the development provisions for lots within the City North, Central Business, Campus and Lakeside Districts within the JCCDPM.

## **EXECUTIVE SUMMARY**

A Structure Plan outlines the development requirements for a particular parcel of land. A review of all of the City's Structure Plans is currently being undertaken to ensure compliance with the R Codes and to address any issues of concern with respect to the operation of the structure plans.

The JCCDPM relates to land within the Joondalup City Centre, in the area bounded by Joondalup Drive and Lakeside Drive.

The modifications proposed relate to plot ratio provisions, car parking and general administrative text changes to bring the provisions of the JCCDPM up to date with the current R Code requirements and to remove some anomalies. It is recommended that the proposed modifications be adopted so that they can be submitted to the Western Australian Planning Commission (WAPC) for final adoption and certification.

The proposed modifications are considered to be of a minor nature and as such it is recommended that advertising of the proposed modifications be waived.

## **BACKGROUND**

The JCCDPM was adopted as an Agreed Structure Plan under Part 9 of the City of Wanneroo's Town Planning Scheme No 1 in April 1994. The Structure Plan is currently deemed to be an Agreed Structure Plan under the City of Joondalup District Planning Scheme No 2 (DPS2).

The JCCDPM is arranged into a number of Districts (Attachment 1) and the Districts that are the subject of this report are City North, Central Business, Campus and Lakeside Districts. City North District is located to the north of Shenton Avenue, between Joondalup Drive and Lakeside Drive; the Central Business District lies to the south of Shenton Avenue, north of Joondalup Drive and between the railway line and Lakeside Drive; the Campus District comprises the land to the south of the Central Business District (south of Collier Pass) between Joondalup Drive and Lakeside Drive. The Lakeside District is comprised of residential land to the east of Lakeside Drive abutting the Regional Park.

## **DETAILS**

The proposed modifications can be divided into matters relating to plot ratio, car parking and general administrative text changes.

### Plot Ratio

Section A2 of the City North District section of the JCCDPM refers to plot ratio provisions. Section A2 does not include a definition for plot ratio and therefore it is left open to interpretation as to what should be included or excluded from the calculated area. A definition needs to be included in this section to ensure that a consistent approach to the assessment of plot ratio is taken. The following definition is proposed:



*“Plot ratio shall be determined as the ratio of the gross total of the areas of all floors of the buildings on a site to the area of land within the site boundaries. For this purpose, such areas shall include the area of any walls, but not include the area of lift shafts, stairs or stair landings common to two or more residential/commercial units, machinery, air-conditioning and equipment rooms, non-habitable space that is wholly below natural ground level, areas used exclusively for the parking of wheeled vehicles at or below natural ground level, lobbies or amenities areas common to more than one residential/commercial unit, or balconies or verandahs open on at least two sides.”*

Furthermore, in order to provide consistency in the assessment of plot ratio throughout the Districts covered by the JCCDPM, it is proposed to include the same plot ratio definition for the Central Business District and Campus District, as for the City North District.

A plot ratio is only set out in the JCCDPM for Mixed Use/Residential lots in the Campus District but no plot ratio for Residential lots. The R Codes provisions therefore have to be used which state a maximum plot ratio of 0.65 for single houses and grouped dwellings and 0.70 for multiple dwellings applies to lots within the Campus District.

Residential lots within the Campus District are subject to an R60 density coding, the measure of the number of dwellings that can be accommodated per hectare of land area. However, the maximum plot ratio and the density of the residential lots in the Campus District are not compatible. As it stands, compliant developments cannot achieve the maximum plot ratio set out in the R Codes because of the allocated density. This report proposes to modify the Campus District provisions to state that the plot ratio requirements of the R Codes shall not apply. Not only will this allow for development to achieve the density intended for this area but it will also provide consistency with the development provisions for City North, Central Business and Lakeside Districts, where plot ratio does not apply for residential developments.

### Car Parking

There are currently no car parking requirements for the Central Business District and City North District included within the JCCDPM. However, the City has been applying standard car parking requirements based on the DPS2 provisions detailed in Table 2 – Car Parking Standards and the City’s Joondalup City Centre Public Parking Strategy (the Strategy), to all applications submitted for approval. This report proposes to formalise the car parking requirements imposed by modifying the JCCDPM to include them.

The Strategy includes a parking provision for general city uses within the City Centre. Under the JCCDPM general city uses are commercial in nature and as such it is recommended that the provision stated in the Strategy of one bay per 30m<sup>2</sup> be adopted for commercial uses within the JCCDPM. The City has been using this car parking standard informally in the assessment of its applications and as such it is deemed to be appropriate.

The car parking standards for hotel uses under DPS2 are one bay per bedroom plus one bay per 3m<sup>2</sup> drinking area plus one bay per 5m<sup>2</sup> for seating area. The requirements under the Strategy are one bay per three rooms and one bay per 30m<sup>2</sup> of net lettable area for commercial uses. The requirements under DPS2 are general for the whole of the City of Joondalup whereas the Strategy refers specifically to the City Centre area and, as such, it is recommended that the parking provisions detailed in the Strategy be adopted for hotel uses within the JCCDPM.

It is recommended that the following parking provisions apply to uses within the Central Business District and City North District in accordance with the Strategy, the DPS2 and the R Codes:

<i>Residential dwelling:</i>	<i>2 bays per dwelling</i>
<i>Single Bedroom Dwelling:</i>	<i>1 bay per dwelling</i>
<i>Aged/Dependent Persons's Dwelling:</i>	<i>1 bay per dwelling</i>
<i>Residential Mixed Use:</i>	<i>1 bay per 30M<sup>2</sup> Net Lettable Area (Commercial) and 1 bay per dwelling</i>
<i>Commercial:</i>	<i>1 bay per 30M<sup>2</sup> Net Lettable Area</i>
<i>Hotels:</i>	<i>1 bay per 3 bedrooms plus 1 bay per 30M<sup>2</sup> of Net Lettable Area for commercial uses.</i>
<i>Warehouse:</i>	<i>1 bay per 50m<sup>2</sup> Net Lettable Area</i>

The current car parking requirements for the Lakeside District and the Campus District refer to the requirements stipulated in the Residential Planning Codes (1991). The Residential Planning Codes were superseded by the R Codes in 2002. However, rather than simply update the relevant sections within the Lakeside District and Campus District to refer to the requirements of the R Codes, it is considered more consistent to stipulate specific car parking requirements in the same way that requirements are to be stipulated for the Central Business District and City North District.

As such it is recommended that the following car parking requirements be included for the Lakeside District:

<i>Residential Dwelling:</i>	<i>2 bays per dwelling</i>
<i>Single Bedroom Dwelling:</i>	<i>1 bay per dwelling</i>
<i>Aged/Dependent Persons' Dwellings:</i>	<i>1 bay per dwelling</i>

It is recommended that the following car parking requirements be included for the Campus District:

<i>Residential Dwelling:</i>	<i>2 bays per dwelling</i>
<i>Single Bedroom Dwelling:</i>	<i>1 bay per dwelling</i>
<i>Aged/Dependent Persons' Dwelling:</i>	<i>1 bay per dwelling</i>
<i>Residential Mixed Use:</i>	<i>1 bay per 30M<sup>2</sup> Net Lettable Area (commercial) and 1 bay per dwelling</i>

### Administrative Text Changes

The JCCDPM was written when the Residential Planning Codes (1991) were in effect. The R Codes (2002) have now superseded the 1991 Codes and it is therefore recommended that all references to the ‘Residential Planning Codes’ be replaced with the words ‘Residential Design Codes’. This change is administrative only and will not change the purpose or intent of the detailed development provisions.

### **Statutory Provision:**

Under clause 9.7 of DPS2, Council may amend an Agreed Structure Plan subject to the approval of the WAPC. Should Council determine that the amendments/modifications to the Structure Plan are satisfactory, the proposal shall be advertised for public comment in accordance with clause 9.5 of DPS2.

However, under clause 9.7, if the amendments/modifications are considered to be of a minor nature such as not to materially alter the intent of the Agreed Structure Plan or cause any significant detriment to land abutting the Structure Plan area, the requirement for public notification may be waived.

### **Consultation:**

The proposed modifications are considered to be of a minor nature because they do not alter the current practice or assessment of applications or alter the intent of the JCCDPM. As such, it is recommended that the requirement to advertise the proposal be waived in accordance with clause 9.7 of DPS2.

### **COMMENT**

The proposed modifications to the JCCDPM are considered to be necessary in order to provide further clarification and remove current anomalies to the existing development provisions for the JCCDPM.

The Strategy that has been used as the basis for the car parking requirement for hotels in the City Centre supports principles of sustainability because it recognises that the Joondalup City Centre was designed and developed to achieve a long term objective of a high level of public transport use, pedestrian and cyclist activity. This objective encourages the use of alternatives to the use of private vehicles. Moreover, the type and intensity of buildings in the City Centre are reflective of any city centre that is the focus of commercial and associated activities that attract significant numbers of people. However, it is inappropriate to facilitate the same degree of public car parking as other commercial areas such as shopping centres or service industry areas. This would require substantial areas of land that would be in direct conflict with the compactness and walkability of the Joondalup City Centre, in turn affecting its vibrancy.

It is recommended that the proposed modifications to the development provisions be adopted so that they can be submitted to the WAPC for final adoption and certification. The proposed modifications are considered to be of a minor nature and as such it is recommended that advertising of the proposed modifications be waived.

## ATTACHMENTS

Attachment 1 – Plan of JCCDPM Districts

## VOTING REQUIREMENTS

Simple Majority

### **OFFICER'S RECOMMENDATION:** That the Joint Commissioners:

- 1 Pursuant to clause 9.7 of the City of Joondalup District Planning Scheme No 2 RESOLVE that advertising of the Joondalup City Centre Development Plan and Manual be waived given that the modifications proposed are minor;
- 2 Pursuant to clause 9.7 of the City of Joondalup District Planning Scheme No 2 RESOLVE that the following modifications to the Joondalup City Centre Development Plan and Manual be adopted and submitted to the Western Australian Planning Commission for adoption and certification:

- (a) Add a clause A2.5 to A2 Plot Ratio for the City North District, to read:

#### Measuring Plot Ratio

Plot ratio shall be determined as the ratio of the gross total of the areas of all floors of the buildings on a site to the area of land within the site boundaries. For this purpose, such areas shall include the area of any walls, but not include the area of lift shafts, stairs or stair landings common to two or more residential/commercial units, machinery, air-conditioning and equipment rooms, non-habitable space that is wholly below natural ground level, areas used exclusively for the parking of wheeled vehicles at or below natural ground level, lobbies or amenities areas common to more than one residential/commercial unit, or balconies or verandahs open on at least two sides.

- (b) Replace the text in clause A2.2 Measuring Plot Ratio for the Central Business District, to read:

Plot ratio shall be determined as the ratio of the gross total of the areas of all floors of the buildings on a site to the area of land within the site boundaries. For this purpose, such areas shall include the area of any walls, but not include the area of lift shafts, stairs or stair landings common to two or more residential/commercial units, machinery, air-conditioning and equipment rooms, non-habitable space that is wholly below natural ground level, areas used exclusively for the parking of wheeled vehicles at or below natural ground level, lobbies or amenities areas common to more than one residential/commercial unit, or balconies or verandahs open on at least two sides.

- (c) Add to the text in clause 2.0 Plot Ratio for the Campus District, to read:

#### Measuring Plot Ratio

Plot ratio shall be determined as the ratio of the gross total of the areas of all floors of the buildings on a site to the area of land within the site boundaries. For this purpose, such areas shall include the area of any walls, but not include the area of lift shafts, stairs or stair landings common to two or more residential/commercial units, machinery, air-conditioning and equipment rooms, non-habitable space that is wholly below natural ground level, areas used exclusively for the parking of wheeled vehicles at or below natural ground level, lobbies or amenities areas common to more than one residential/commercial unit, or balconies or verandahs open on at least two sides.

The plot ratio requirements set out in the Residential Design Codes shall not apply to the Residential component of any development.

- 3 Add a clause A3.1 to A3 Car Parking for the Central Business District and City North District, to read:

#### A3.1 Car Parking Requirements:

Residential dwelling:	2 bays per dwelling
Single Bedroom Dwelling:	1 bay per dwelling
Aged/Dependent Persons's Dwelling:	1 bay per dwelling
Residential Mixed Use:	1 bay per 30M <sup>2</sup> Net Lettable Area (Commercial) and 1 bay per dwelling
Commercial:	1 bay per 30M <sup>2</sup> Net Lettable Area
Hotels:	1 bay per 3 bedrooms plus 1 bay per 30M <sup>2</sup> for any other commercial space accessible by the public
Warehouse:	1 bay per 50M <sup>2</sup> Net Lettable Area

- 4 Modify clause A3.1 for Lakeside to read:

#### Car Parking Requirements:

Residential Dwelling:	2 bays per dwelling
Single Bedroom Dwelling:	1 bay per dwelling
Aged/Dependent Persons' Dwellings:	1 bay per dwelling

- 5 Delete the following text from clause 3.0 Car Parking for the Campus District:

*“Car parking for residential development to be provided in accordance with the Residential Planning Codes.”*

And replace with:

Car Parking Requirements:

Residential Dwelling:	2 bays per dwelling
Single Bedroom Dwelling:	1 bay per dwelling
Aged/Dependent Persons' Dwelling:	1 bay per dwelling
Residential Mixed Use:	1 bay per 30M <sup>2</sup> Net Lettable Area (Commercial) and 1 bay per dwelling

- 6 Delete all references to the “Residential Planning Codes” within the JCCDPM and replace with the words “Residential Design Codes.”

### **ADDITIONAL INFORMATION**

At the Briefing Session held on Tuesday 20 April 2004, Mr M Caiacob raised the following question in relation to Item CJ089-04/04 - Proposed Modifications to Joondalup City Centre Development Plan and Manual Structure Plan No 1 – City North, Central Business, Lakeside and Campus District.

A commitment was given that this question would be responded to prior to this evening's Council meeting. Accordingly, this information is provided for Commissioners' consideration.

*Q1 If the maximum plot ratio in the Campus Development is 0.65 for single and grouped and 0.70 for multiple dwellings in accordance with the R-Codes and Joondalup City Centre Development Plan and Manual, and the Residential lots have a density code of R60, how is the density and maximum plot ratio not compatible? As these are the requirements in Table 1 of the R-Codes?*

A1 Plot ratio is the measure of floor space over all floors of a building whilst density is the measure of the number of dwellings allowable per hectare of land.

The maximum plot ratios of 0.65 for single and grouped dwellings and 0.70 for multiple dwellings are those prescribed by the Residential Planning Codes (R Codes), as is stated in this report.

The maximum plot ratios that are allowable under the R Codes and the density of the residential lots in the Campus District are not compatible because building on these lots is constrained by the other development requirements such as open space, setbacks and car parking. The development standards effectively limit the total extent of development and therefore Plot Ratio does not assist in regulating development on the small lots.

**MOVED Cmr Smith, SECONDED Cmr Anderson that the Joint Commissioners:**

- 1 Pursuant to clause 9.7 of the City of Joondalup District Planning Scheme No 2 RESOLVE that the following modifications to the Joondalup City Centre Development Plan and Manual be adopted and submitted to the Western Australian Planning Commission for adoption and certification:**

- (a) **Add a clause A2.5 to A2 Plot Ratio for the City North District, to read:**

**Measuring Plot Ratio**

Plot ratio shall be determined as the ratio of the gross total of the areas of all floors of the buildings on a site to the area of land within the site boundaries. For this purpose, such areas shall include the area of any walls, but not include the area of lift shafts, stairs or stair landings common to two or more residential/commercial units, machinery, air-conditioning and equipment rooms, non-habitable space that is wholly below natural ground level, areas used exclusively for the parking of wheeled vehicles at or below natural ground level, lobbies or amenities areas common to more than one residential/commercial unit, or balconies or verandahs open on at least two sides.

- (b) **Replace the text in clause A2.2 Measuring Plot Ratio for the Central Business District, to read:**

Plot ratio shall be determined as the ratio of the gross total of the areas of all floors of the buildings on a site to the area of land within the site boundaries. For this purpose, such areas shall include the area of any walls, but not include the area of lift shafts, stairs or stair landings common to two or more residential/commercial units, machinery, air-conditioning and equipment rooms, non-habitable space that is wholly below natural ground level, areas used exclusively for the parking of wheeled vehicles at or below natural ground level, lobbies or amenities areas common to more than one residential/commercial unit, or balconies or verandahs open on at least two sides.

- (c) **Add to the text in clause 2.0 Plot Ratio for the Campus District, to read:**

**Measuring Plot Ratio**

Plot ratio shall be determined as the ratio of the gross total of the areas of all floors of the buildings on a site to the area of land within the site boundaries. For this purpose, such areas shall include the area of any walls, but not include the area of lift shafts, stairs or stair landings common to two or more residential/commercial units, machinery, air-conditioning and equipment rooms, non-habitable space that is wholly below natural ground level, areas used exclusively for the parking of wheeled vehicles at or below natural ground level, lobbies or amenities areas common to more than one residential/commercial unit, or balconies or verandahs open on at least two sides.

The plot ratio requirements set out in the Residential Design Codes shall not apply to the Residential component of any development.

- (d) **Add a clause A3.1 to A3 Car Parking for the Central Business District and City North District, to read:**

**A3.1 Car Parking Requirements:**

<b>Residential dwelling:</b>	<b>2 bays per dwelling</b>
<b>Single Bedroom Dwelling:</b>	<b>1 bay per dwelling</b>
<b>Aged/Dependent Persons' Dwelling:</b>	<b>1 bay per dwelling</b>
<b>Residential Mixed Use:</b>	<b>1 bay per 30M<sup>2</sup> Net Lettable Area (Commercial) and 1 bay per dwelling</b>
<b>Commercial:</b>	<b>1 bay per 30M<sup>2</sup> Net Lettable Area</b>
<b>Hotels:</b>	<b>1 bay per 3 bedrooms plus 1 bay per 30M<sup>2</sup> for any other commercial space accessible by the public</b>
<b>Warehouse:</b>	<b>1 bay per 50M<sup>2</sup> Net Lettable Area</b>

- (e) **Modify clause A3.1 for Lakeside to read:**

**Car Parking Requirements:**

<b>Residential Dwelling:</b>	<b>2 bays per dwelling</b>
<b>Single Bedroom Dwelling:</b>	<b>1 bay per dwelling</b>
<b>Aged/Dependent Persons' Dwellings:</b>	<b>1 bay per dwelling</b>

- (f) **Delete the following text from clause 3.0 Car Parking for the Campus District:**

*“Car parking for residential development to be provided in accordance with the Residential Planning Codes.”*

**And replace with:**

**Car Parking Requirements:**

<b>Residential Dwelling:</b>	<b>2 bays per dwelling</b>
<b>Single Bedroom Dwelling:</b>	<b>1 bay per dwelling</b>
<b>Aged/Dependent Persons' Dwelling:</b>	<b>1 bay per dwelling</b>
<b>Residential Mixed Use:</b>	<b>1 bay per 30M<sup>2</sup> Net Lettable Area (Commercial) and 1 bay per dwelling</b>

- (g) **Delete all references to the “Residential Planning Codes” within the JCCDPM and replace with the words “Residential Design Codes”;**



- 2** pursuant to Clause 9.4 the City of Joondalup District Planning Scheme No 2 **ADOPT** the draft modifications to the Joondalup City Centre Development Plan and Manual and make it available for public comment for a period of 28 days and request the CEO to ensure that advertisements clearly indicate to members of the public the impact of the proposed changes.

Discussion ensued.

**The Motion was Put and**

**CARRIED UNANIMOUSLY (5/0)**

*Appendix 14 refers*

*To access this attachment on electronic document, click here: [Attach14brf200404.pdf](#)*

**CJ090 - 04/04      REVOCATION OF WARWICK STRUCTURE PLAN  
NO 24 – [03162]**

**WARD** - South

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**PURPOSE**

The Joint Commissioners are requested to consider the revocation of the Warwick Structure Plan (No 24). The Structure Plan outlines development requirements for land that has now been fully developed and, as such, the Structure Plan is no longer required.

**EXECUTIVE SUMMARY**

A Structure Plan outlines the development requirements for a particular parcel of land.

The Warwick Structure Plan applies to the residential land along the southern portion of Ellersdale Avenue, Warwick. Following a review of the Structure Plan it has been identified that the affected land has been fully developed and the Structure Plan has therefore been implemented.

A Structure Plan can be revoked once the area of land it applies to has been fully developed. It is therefore recommended that the Warwick Structure Plan be revoked and public notice of the revocation be given in accordance with clause 9.5 of District Planning Scheme No 2 (DPS2) in order to notify those landowners affected by it.

**BACKGROUND**

At its meeting on 13 April 1999, Council resolved to adopt the Warwick Structure Plan and submit it to the Western Australian Planning Commission (WAPC) for adoption and certification. The Structure Plan applies to the residential lots along the southern portion of Ellersdale Avenue, Warwick.

The WAPC adopted and certified the Structure Plan on 21 June 1999.

## DETAILS

### Statutory Provision:

Clause 9.7 of DPS2 relates to the amendment or revocation of an Agreed Structure Plan. It requires that public notice of the revocation be given in accordance with clause 9.5 of DPS2 which refers to clause 6.7 and requires that the revocation be advertised one or more times in a newspaper circulating in the district, and that the landowners likely to be affected by the revocation of the Structure Plan be formally notified.

### COMMENT

The Warwick Structure Plan is proposed to be revoked following the development of dwellings on all of the lots within the Structure Plan area. Should an application be received that proposes additions or alterations to an existing residence, the application will be assessed using the requirements of the R Codes and DPS2. The provisions of the R Codes and DPS2 are applied to residential development in areas not covered by the provisions of a Structure Plan and are considered to be sufficient to ensure that future development within the area covered by the Structure Plan is appropriately controlled.

It is recommended that the Warwick Structure Plan be revoked and public notice of the revocation be given in accordance with clause 9.5 of District Planning Scheme No 2 (DPS2), in order to notify those landowners affected by it.

### ATTACHMENTS

Attachment 1            Warwick Structure Plan

### VOTING REQUIREMENTS

Simple Majority

**MOVED Cmr Anderson, SECONDED Cmr Drake-Brockman that the Joint Commissioners:**

- 1        REVOKE the Warwick Structure Plan No 24 forming Attachment 1 to Report CJ090-04/04;**
- 2        ADVERTISE the revocation of the Warwick Structure Plan (No 24) in the Joondalup Community Newspaper for two (2) consecutive weeks and notify the landowners affected by the Structure Plan.**

Cmr Smith referred to a question from the public gallery earlier in the meeting in relation to the vacant lot. Cmr Smith queried the time-frame surrounding the approval given in respect of the building licence and the process required should the building licence lapse.

Acting Director, Planning and Community Development advised the building licence was issued some time ago and is valid for a two year period. Should the licence lapse, a fresh application would be assessed having regard to what has happened in the area, the planning history of the area and the built form of the remainder of the Structure Plan area.

**The Motion was Put and**

**CARRIED UNANIMOUSLY (5/0)**

*Appendix 15 refers*

*To access this attachment on electronic document, click here: [Attach15brf200404.pdf](#)*

**CJ091 - 04/04 DISCONTINUANCE OF PROPOSED AMENDMENT NO 15 TO DISTRICT PLANNING SCHEME NO 2 - PROSTITUTION ('BAWDY HOUSE') LAND USE PROHIBITION – [72534]**

**WARD - All**

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**PURPOSE**

The Joint Commissioners are requested to note advice contained within correspondence received from the Office of the Minister for Planning and Infrastructure with respect to the City's proposed Amendment No 15 to District Planning Scheme No 2 (DPS2) that seeks to prohibit prostitution ('bawdy house') type land uses within the City of Joondalup. As a result of that advice, the Joint Commissioners are requested to resolve to discontinue the proposed amendment.

**EXECUTIVE SUMMARY**

Council at its meeting on 18 February 2003 (CJ031 – 02/03 refers) resolved to defer initiation and adoption of Amendment No15 to DPS2 for the purposes of advertising until the Minister responded to the issues outlined within both the City's and WALGA's submissions, together with further consideration being given to any future revisions to the Prostitution Control Bill 2002 arising from comments obtained during the consultation period.

Council, however, at its meeting on 11 March 2003 (C30-03/03 refers) resolved to rescind its resolution at its meeting on 18 February 2003 and resolved to initiate the amendment for the purposes of advertising.

Since that time, the City has been awaiting the Western Australian Planning Commission's (WAPC) formal written consent to advertise the amendment as required under Section 7 of the Town Planning and Development Act 1928.

Correspondence prepared with advice obtained from the Crown Solicitors Office (CSO) dated 2 February 2004 has been received from the Office of the Minister for Planning and Infrastructure. Within this correspondence it is noted that the WAPC has recommended that the proposed amendment be refused as it is considered that the keeping of premises for prostitution is prohibited under the Criminal Code and Police Act and therefore ultra vires the Town Planning and Development Act.

It is recommended that the Joint Commissioners note the Office of the Minister's comments and that proposed Amendment No 15 to DPS2 not proceed.

## **BACKGROUND**

This Amendment addresses Council's resolutions at its meetings on 15 October 2002 and 17 December 2002 that sought to prohibit prostitution ('bawdy house') type land uses within the City of Joondalup.

In order for Council to initiate an amendment to DPS2, consent of the State government via the Western Australian Planning Commission (WAPC) is required.

The Department of Planning and Infrastructure (DPI) at the time of the previous report to Council suggested that the WAPC is likely to withhold its consent to permit the proposed amendment to be advertised for public comment because the provisions contained therein were not in conformity with Schedule 3 of the Prostitution Control Bill 2002 (PCB) which was released for public comment. The PCB was intended to provide the framework to control and regulate the prostitution industry. Comments on the PCB were sought by the Hon Minister for Police and Emergency Services until the 7 February 2003 and the City of Joondalup provided a submission.

The City was also involved in the Local Government Prostitution Reference Group that was convened by the Western Australian Local Government Association (WALGA) in order to assist in the preparation of a submission by WALGA on behalf of all local governments in Western Australia.

The most recent resolution of Council at its meeting on 11 March 2003 (C30-03/03 refers) is as follows:

*That Council:*

*1 In pursuance of Section 7 of the Town Planning and Development Act 1928 AMENDS the City of Joondalup District Planning Scheme No.2 for the purpose of:*

- (i) including the following definition within Schedule 1 (Clause 1.9) – Interpretations: "bawdy house": has the same meaning as its reference in Sections 209 and 213 of the Criminal Code Act 1913".*
- (ii) including the following notations in Table 1 (clause 3.2) – The Zoning Table: " Use Class - Bawdy House", "X" in the following zones, Residential, Mixed Use, Business, Commercial, Civic and Cultural, Private Clubs/Recreation, Service Industrial, Special Residential and Rural;*

- 2 *ADOPTS the Amendment as suitable for the purposes of referring the amendment to the Western Australian Planning Commission;*
- 3 *proceeds immediately to advertise the proposed amendment for a period of 42 days in preparation for forwarding the same to the WAPC”.*

Correspondence prepared with advice obtained from the Crown Solicitors Office (CSO) dated 2 February 2004 has been received from the Office of the Minister for Planning and Infrastructure. Within this correspondence, the WAPC has recommended that the proposed amendment be refused as it is considered that the keeping of premises for prostitution is prohibited under the Criminal Code and Police Act and therefore ultra vires the Town Planning and Development Act. However, the letter did state that the Minister was sympathetic to the intent of the amendment and of the Council and would therefore provide the Council with the opportunity to comment on the advice provided by the CSO.

## **DETAILS**

The WAPC has recommended to the Office of the Minister that the amendment be refused as it is considered that the keeping of premises for prostitution is prohibited under the Criminal Code and Police Act and therefore ultra vires the Town Planning and Development Act 1928 (TPD Act 1928). Consequently, the Office of the Minister has reiterated this advice within its correspondence to the City dated 2 February 2004.

The CSO advice contained within the correspondence from the Office of the Minister stated that a prohibition on the use of premises for the purposes of prostitution (either through the zoning table or a provision prohibiting development for the purpose of prostitution) prima facie falls within the scope of section 6(1) and the 1<sup>st</sup> schedule of the TPD Act 1928. However, as the Criminal Code and the Police Act already prohibit the keeping of premises for the purpose of prostitution, any amendment to a town planning scheme to prohibit the use of premises for prostitution would be neither necessary nor convenient, and therefore ultra vires the TPD Act 1928.

The CSO further advised that beyond the issue of legality, it is arguably inappropriate as a matter of overall public policy for local governments to seek to use their own town planning schemes to give piecemeal effect to reforms contained within proposed legislation that is not yet fully considered and passed by Parliament.

### **Statutory Provision:**

Section 7 of the Town Planning and Development Act 1928 (TPD Act 1928) enables local authorities to amend a town planning scheme. Section 7A1 of TPD Act 1928, requires the proposed amendment to be forwarded to the Environmental Protection Authority (EPA), to enable the EPA to conduct an assessment for environmental issues should this be considered necessary. Once comment has been received from the EPA and, provided an environmental assessment and review is not requested, the proposed amendment is required to be advertised for public comment pursuant to section 7A2 of the TPD Act 1928 and section 25(fb) of Town Planning Scheme Regulations 1967 for 42 days. The consent of the WAPC (Attachment 1 to this Report) is however, required.

**Consultation:**

The Hon Minister for Police and Emergency Services released the draft Bill for public comment, with submissions being received until 7 February 2003. The City lodged its submission to the Hon Minister on 7 February 2003.

The WAPC has not provided its consent to the City to advertise Amendment 15, and as such, the amendment has not been advertised.

**COMMENT**

The Minister's comments outlined within the Details section of this report were based upon advice obtained from the CSO. The advice states that the WAPC has recommended that the amendment be refused, based upon the CSO's legal advice.

However, the Minister, through her offer for the City to comment on the CSO's advice, is essentially providing the City with an opportunity to seek its own legal advice on the matter. It is unlikely that legal advice obtained by the City will be contrary to that provided to the Minister's Office by the CSO. Should the City seek to obtain its own legal advice, the cost of such advice is expected to be significant, particularly as such advice traverses several acts such as the Police Act, Criminal Code and the Town Planning and Development Act.

Given that the State government's proposed PCB was unable to progress through Parliament, the level of importance in proceeding with this amendment appears to have reduced. The City accepts the CSO's legal advice, has no further comment with respect to that advice and recommends discontinuing the progression of Amendment 15 to DPS2.

**ATTACHMENTS**

Attachment 1            Scheme Amendment Assessment Process Flowchart

**VOTING REQUIREMENTS**

Simple Majority

**MOVED Cmr Smith, SECONDED Cmr Drake-Brockman that the Joint Commissioners:**

- 1        NOTE the Office of the Minister for Planning and Infrastructure's comments contained within its correspondence to the City dated 2 February 2004 with respect to Amendment 15 to District Planning Scheme No 2;**
- 2        ADVISE the Minister for Planning and Infrastructure that the City does not wish to obtain its own legal advice in respect to the matter and has no further comment with respect to the advice provided by the Crown Solicitor's Office;**

**3 ADVISE the Minister for Planning and Infrastructure that the City RESOLVES to DISCONTINUE the progression of Amendment No 15 to the City's District Planning Scheme No 2.**

The Motion was Put and

CARRIED UNANIMOUSLY (5/0)

*Appendix 16 refers*

To access this attachment on electronic document, click here: [Attach16brf200404.pdf](#)

**CJ092 - 04/04 SUBDIVISION REFERRALS PROCESSED 1 – 31 MARCH 2004 – [05961]**

**WARD -** Whitfords, Marina, Lakeside, South Coast, Pinnaroo

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**PURPOSE**

The purpose of this report is to advise the Joint Commissioners of subdivision referrals received by the City for processing in the period 1- 31 March 2004.

**EXECUTIVE SUMMARY**

Attachment 1 is a schedule of the Subdivision Referrals processed by Urban Design and Policy from 1 – 31 March 2004. 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 4 city centre lots and 2 strata residential lots. The average processing time taken was 15 days. Three applications were not supported, and 2 applications were deferred. These applications are as follows:

**Ref: SU124525– 2 Grenville Avenue, Sorrento**

This application was deferred for the following reason:

- 1 A development application must be submitted to, and determined by, the City of Joondalup for the existing retaining wall between proposed Lot 1 and 2. The subdivision proposal will create a situation where the setback from the existing retaining wall to the proposed new lot boundary results in non compliance with the acceptable development provision 3.6.2 A2 of the Residential Design Codes of Western Australia 2002.

**Ref: SU185-04 – 7 Mina Court, Duncraig**

This application was not supported for the following reasons:

- 1 The City is not supportive of the proposed 22m<sup>2</sup> of common property. The City only supports the creation of common property where it is necessary to allow for vehicle access to be obtained and shared by two or more survey strata lots or for other legitimate purposes.
- 2 The City does not have delegated authority to support the variation to the average lot size requirement of 450m<sup>2</sup> sought under this application as required under the Residential Design Codes of Western Australia 2002, despite the application meeting the 5% variation requirement.

**Ref: SU131-04 – 4 Drakes Walk, Sorrento**

This application was not supported for the following reasons:

- 1 The City is not supportive of the proposed 1m<sup>2</sup> of common property. The City only supports the creation of common property where it is necessary to allow for vehicle access to be obtained and shared by two or more survey strata lots or for other legitimate purposes.

**Ref: SU124616 – 40 Stillwater Way, Edgewater**

This application was not supported for the following reasons:

- 1 The proposed subdivision does not comply with WAPC policy DC2.2 (Residential Subdivision) with respect to the following Clauses;
  - (a) Clause 3.6.5 – minimum lot size. The proposed rear battle-axe lot does not achieve the required 540m<sup>2</sup> minimum lot size requirement under the R20 density code set out in Clause 3.1.2 and Column 4 of Table 1 of the Residential Design Codes of WA 2002.
  - (b) Clause 3.6.7 – battle-axe width. The proposed rear battle-axe access leg is 3 metres wide and does not achieve the required 4 metre wide battle-axe width.

**Ref: SU124598 – 7 West View Boulevard, Mullaloo**

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

**ATTACHMENTS**

Attachment 1            Schedule of Subdivision Referrals

**VOTING REQUIREMENTS**

Simple Majority



**MOVED Cmr Anderson, SECONDED Cmr Drake-Brockman that the Joint Commissioners NOTE the action taken by the subdivision control unit in relation to the applications described in Report CJ092-04/04.**

**The Motion was Put and**

**CARRIED UNANIMOUSLY (5/0)**

*Appendix 17 refers*

*To access this attachment on electronic document, click here: [Attach17brf200404.pdf](#)*

**CJ093 - 04/04      SORRENTO DUNCRAIG AND OCEAN RIDGE  
LEISURE CENTRES OPERATIONS AND  
MANAGEMENT REVIEW RECOMMENDATIONS –  
[03034] [04185]**

**WARD - All**

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**PURPOSE**

To brief Council on the Sorrento Duncraig Leisure Centre and Ocean Ridge Leisure Centre Operations and Management Review process and outcomes that were developed by CCS Strategic Management.

To recommend to Council the preferred operations and management model for the Sorrento Duncraig Leisure Centre and Ocean Ridge Leisure Centre.

**EXECUTIVE SUMMARY**

At the Special Council Meeting on Tuesday 9 July 2002, Council requested the Chief Executive Officer to prepare a detailed report on the viability of the management and operations of the Sorrento/Duncraig and Ocean Ridge leisure centres. This report details the actions and outcomes of this request from Council.

CCS Strategic Management (CCS) were appointed by the City to undertake an Operation and Management Analysis of the Sorrento Duncraig and Ocean Ridge Leisure Centres. The objective of this project was to investigate current management practices and performance, to identify future management and operational models and to make comparisons between the performance of these centres and similar facilities throughout the metropolitan area.

The key findings of the CCS study (Attachment 1 refers) are as follows:

- The operating deficit of the centres (around \$90,000 per annum per centre) is considered within the industry standards for similar facilities.
- Attendance levels at the centres (Sorrento Duncraig Leisure Centre 65,000 and Ocean Ridge Leisure Centre 31,000) are in line with similar centres in the metropolitan area.
- The range of programs and services offered from the centres has not changed in the last 10 years.

- The centres require refurbishment to improve the facilities' relevance to current demands.
- There is an established need for the facilities and services offered at the centres by current users.
- The centres' facilities and services are not well promoted and recognised in the broader community.
- Metropolitan Councils are tending to demolish and replace, extend and upgrade or redeploy the small community centres for alternative purposes.
- There is potential to expand the range of activities, attendance numbers and programs on offer from the centres through an aggressive and focussed marketing campaign in conjunction with a focussed operational and change management process.

The CCS study identified a variety of management and operation options, presenting the advantages and disadvantages of each option. The options that were presented included:

- Doing nothing
- Aggressive on-site management
- Caretaker style management
- Outsourced service provision
- Contract management
- Change of purpose
- Demolishing and rebuilding the facilities
- Redeployment to an alternative use (leasing of facilities)

*(NB: Aggressive onsite management can be defined as making the facilities as commercially viable as possible without losing sight of the need to provide a service to the community.)*

The two short-term management options that have been developed further in this report are the leasing of facilities and aggressive on-site management. These options provided the greatest potential savings in operations or continued service to the community. The advantages and disadvantages of these options are detailed further in the report.

- A copy of the full CCS report was forwarded to the Commissioners prior to the Strategy Session on Tuesday 9 March 2004.

*It is recommended that the Joint Commissioners:*

- 1 *NOTE the Management and Operations report on Sorrento Duncraig and Ocean Ridge Leisure Centres as presented by CCS Strategic Management;*
- 2 *ENDORSE the proposal for the City to retain management and operations of Sorrento Duncraig and Ocean Ridge Leisure Centre;*
- 3 *NOTE that this arrangement be reviewed as part of the proposed Leisure Plan to be developed by the City.*

## BACKGROUND

On 21 May 2001 the City entered into a Management Agreement with RANS Management Group for the management of the City's three leisure centres. On 12 June 2002 RANS Management Group appointed Administrators and the City subsequently resumed management of the three leisure centres on 13 July 2002, these being Craigie, Sorrento Duncraig and Ocean Ridge Leisure Centres. As part of the resolution to assume the management of the leisure centres Council requested that an investigation be undertaken into the ongoing structure and operation of the Ocean Ridge and Sorrento Duncraig Leisure Centres.

CCS Strategic Management (CCS) was appointed to undertake an operations and management analysis of Sorrento Duncraig and Ocean Ridge Leisure Centres, to investigate current management practices and performance. A part of the study was to identify future management and operational models and to make comparisons between the performance of these centres and similar facilities throughout the metropolitan area

To assess the centres' current performance and to develop the future recommendations of the centres' management and operation models, CCS undertook client meetings, tours of facilities, and a collection of operations data from five similar centres located in Perth. Extensive stakeholder consultation was undertaken with staff, user groups, potential user groups and the community.

### Consultation Process

Three separate surveys of current and potential users of the leisure centres were conducted. The surveys aimed at capturing the views of those who hire the centre to conduct their own programs (Hirer Survey), those who live in the immediate catchment area for each centre (Nearby Resident Survey) and those who participated in activities at the centre (User Survey).

The survey methods included face-to-face interviews, telephone interviews, plus questionnaires, which were distributed at the centre and to the broader community by mail. The results of the surveys clearly highlighted that customers and users of the facility were satisfied with the level of service they received yet believed the facility required upgrades to improve their safety and comfort levels.

### *Hirer Survey*

A sample of 23 hirers was surveyed, the results of the *hirers survey* can be summarised as:

- Participants had a high level of satisfaction with the friendliness and helpfulness of staff at both centres.
- One in eleven hirers at Ocean Ridge Leisure Centre are commercial and two of the twelve hirers at Sorrento Duncraig Leisure Centre are commercial. (Commercial being those who conduct their business from the facility.)
- Fees payable to the City were generally seen as average or very low.
- There was a consistent comment about the need for the centres to be upgraded and modernised.

The hirers identified some needs for improvement to the centres as follows:

- Improved lighting to the car parks.

- Air-conditioning to the centres.
- Improved lighting to the sports hall.
- Improved décor, specifically making the centres lighter and brighter.
- Modernised toilet and change room facilities.
- Re-open the kiosk facilities to provide a service to patrons.
- There were a number of comments that the centres were largely unknown and that publicity should be improved.

In summary, the hirers of the facilities were satisfied with the service and cost of hire for the facilities, although there was a highlighted need to improve the facilities and the promotion of the centres.

### ***Residents Survey***

A randomly selected sample of 500 residences within a 5km catchment radius of each centre was mailed a survey form. There were 306 responses related to Sorrento Duncraig Leisure Centre and 176 for Ocean Ridge Leisure Centre.

The results of the residents' survey can be summarised as:

- More than 80% of respondents to the resident survey were not current users.
- The primary activity participated in at each centre was fitness, however due to the survey being conducted during the school holidays there were no leisure courses programmed.
- If current users are considered to be those who have attended within the last quarter, then about 80% of respondents at Sorrento Duncraig and 90% at Ocean Ridge were non-current.
- The comment that regularly accompanied the 'never attended' response was that they did not know it existed or didn't know what was on offer.

In summary the residents' survey highlighted that the majority of the surrounding population did not attend the leisure centres, however, when they did attend it was for a fitness activity. The survey again highlighted that the exposure and promotion of the centres in the community was poor.

### ***User Survey***

The user survey sampled 127 participants and highlighted fitness activities and badminton as the main activities participated in at the centres. A true reflection on the leisure courses participation rates was not available due to the timing of survey being during the school holiday period when these activities are not conducted.

- The highest number of users (top 2 categories) at Sorrento Duncraig is in the 45-64 age bracket compared with the 25-44 age bracket for Ocean Ridge.
- At Sorrento Duncraig more than 70% of users are aged over 45 whilst at Ocean Ridge this group represents only 40% of users.
- 90% of participants travelled to the centres by car, with 70% of participants travelling alone.
- The quality of management and the services offered to patrons is seen as good to very good.

In summary the user survey highlighted strong participation rates in fitness and badminton activities with the majority of users being 25–64 years of age. There was a high satisfaction level of the management and services offered at the centre by participants.

## COMMENT

The results of the survey confirm that there is a strong market at each centre for fitness and badminton activities in addition to the leisure courses, which due to the timing of the survey, were not well represented. The surveys also highlighted that exposure of the centres' facilities, services and programs within the community have been poor. Whilst the centres had very low participation rates from the surrounding community their overall attendances are considered in line with industry averages, highlighting that the majority of users may travel from outside the 5km radius of the survey to attend the centre.

### *Long Term Strategy*

Current utilisation levels and financial performance of the Centres do not provide a sustainable business case for their long-term ongoing operation if continued in the current manner. Socially the centres are providing limited services to a small population and financially the centres are heavily subsidised costing the City approximately \$90,000 per annum each.

The CCS study highlighted many alternative options for the use of both facilities. However the scope of the study did not include undertaking a needs assessment to determine the community's leisure needs. This has meant that the options of maintaining, redeveloping or demolishing the buildings are hard to assess and would be based on assumption rather than demonstrated needs. Undertaking a needs assessment was always seen as being a second stage to the project.

For example, to demolish a building should be a result of limited community need for the facility or appropriate alternative facilities that could adequately cater for current demand. The redevelopment, rationalisation or rebuilding of a facility should be based on improving facilities so they are relevant to the whole community and can meet present and future expressed needs. Consideration would also need to be given to the findings of the review of the City of Joondalup's services and the objectives and strategies outlined in the Library Development Plan.

The proposed long-term strategy for reviewing the role and relevance of the leisure centres is to incorporate their future role in the development of a leisure plan for the City of Joondalup. A leisure plan would detail the City of Joondalup's future strategic directions in the provision of leisure services, funding, facilities and policies for the next 5-7 years. As part of developing the leisure plan, a leisure and recreation 'needs assessment' would be undertaken in the City of Joondalup to develop a holistic review of the community's expressed leisure needs and what is currently being provided in the community.

For the two leisure centres the leisure plan will provide the evidence that either;

- Supports their role in meeting community needs. Providing evidence to suggest the centres current format and service provision can remain unchanged as it meets the needs of the community.

- Highlights the community's expressed needs that are not being serviced at the Centres, which may mean redeveloping or rebuilding the facilities to meet these needs. This may also include master planning the centres with other local facilities to accommodate for broader sections of the community i.e. combining library, community centres and senior citizen centres into one facility.
- Highlights that there is limited demand for the services and facilities, which may mean redeployment to alternative use or demolition of the facilities.

### ***Short Term Future***

A range of management options were investigated as part of the project brief to identify possible alternatives that may offer an improved performance or alternative use of the centres. Whilst each option was based on sound methodology it would be hard for the City to make an informed long term decision on the Centres without having a leisure and recreation strategic plan that incorporated assessing the whole communities needs. On this basis the management options presented were reviewed in terms of providing the best options for the next 2-3 years. A total of eight different options were presented.

- Doing nothing
- Aggressive on-site management
- Caretaker style management
- Outsourced service provision
- Contract management
- Change of purpose
- Demolishing and rebuilding the facilities
- Redeployment to an alternative use (leasing of facilities)

In reviewing the options presented in the report it was important to be conscious of the effect that major change in management would have on the customers of the facility. To ensure the review process of each option was fair and equitable the social, financial and environmental impact of each option was considered. Of the ten options presented, two clear options that potentially present the most substantial benefits to the City in the short term were considered.

### ***Option 1 Redeployment to an alternative use***

This option investigated the potential of the facilities to cater for the alternative purposes other than recreation and leisure activities. This proposal is based on leasing the facilities to other organisations, providing services or programs to the community. The benefit of this type of arrangement is that City would not have to have an active role within the centres and could allow another agency to determine the services provided. This would mean less staff employed by the City of Joondalup and a decreased deficit in operations. If this option were pursued the City would lose control in the function, role and services of the centre. Many long-term users are likely to be displaced without any clear alternative accommodation being available within the City of Joondalup. Whilst the market place has not been fully tested, the report highlighted one alternative use for each centre.

For Sorrento Duncraig Leisure Centre there was an expression of interest from the Northern Districts Gymnastics Club to develop the centre into a specialist gymnastics facility. This club is well established and operating from a commercial facility in Balcatta.

For Ocean Ridge Leisure Centre there was an expression of interest from Community Vision Inc (CVI). The proposal considered the possibility of moving CVI from the City of Joondalup premises to Ocean Ridge Leisure Centre. This would involve a retrofit of the current premises to meet their specific needs. CVI would continue to provide its current range of services albeit at a new location. As suggested by CCS a large move of CVI would require detailed research, to ensure the Ocean Ridge Leisure Centre's location, size and function could adequately accommodate its needs. It would also mean the function of CVI's current premises would require review to determine another alternative use. The cost of retrofitting Ocean Ridge Leisure Centre is also unknown. Similar to the Sorrento Duncraig Leisure Centre proposal, CVI would use the majority of facilities, resulting in the exclusion of many long-term customers of the centre.

Both options would have a large impact on the community.

***Financial impacts:***

The option of leasing to external organisations such Community Vision and Northern Districts Gymnastics Association were presented in the report, however these are not fully costed, tested and accurate models. The financial estimates that were made in the report were based on many assumptions. Each leasing option that has been presented has made the assumption that if the centres were leased to the identified external organisations;

- The City would have no associated expenses and would receive approximately \$20,000 per annum in revenue.
- The City would not have to fund any future capital upgrades on the Sorrento Duncraig facility
- That the capital set up fee to accommodate Community Vision Inc at the Ocean Ridge facility would be limited \$300,000.
- The City would not be responsible for any ongoing operational costs to maintain the facilities
- That the many community groups currently using the centres could be easily relocated to other facilities within the City.

Without having stronger financial figures and a clearer understanding of the communities expressed needs the assumptions could prove to be misleading.

There is a demonstrated localised centre based need for each of the leisure centres in the community. Whilst their relevance and population they service has diminished in recent years, a strategic and proactive management approach focussed on developing new programs and services to meet the community's needs would result in improved attendances and improved revenue in the centres' operations in the short term. The key will be to selectively target certain market segments in such a way as to create a point of distinction from other centres, and to fiercely promote the services offered by the centres.

### ***Option 2 Aggressive on-site Council Management***

This option takes the view that the centres do serve a community purpose, are necessary to meet the changing needs of the community. It also suggests they can be effective and efficient community resources, if the community actually knew of their existence and the services were relevant to the community.

The strategy proposed would maintain on-site management but would dramatically change the way the centres are managed and marketed. The key will be to selectively target certain market segments in such a way as to create a point of distinction from other centres, and to fiercely promote the services offered by the centres. This option reinforces the view that you cannot expect a different result whilst you keep doing the same thing. Alternatively, if you are not happy with the current performance and role of the centres then you must change what happens there.

This strategy would see the two centres serve as satellite centres to Craigie Leisure Centre. The structure would ensure a consistent approach is applied in servicing the community and ensuring economies of scale between all facilities in resourcing staffing, marketing and programming initiatives.

This option is considered to provide the greatest potential short-term benefit to the City of Joondalup and the community. Whilst this option would still set up the centres to cater and specialise for certain sections of the community, it would do so with minimal impact to the current customer base and without excluding the broader community. This option would also mean management of the centre would strive to improve the centres' operation deficit whilst increasing the community's use of the facilities. As stated in the report, there is a demonstrated need for the facilities in the community, yet there has been an apparent lack of change and focus on the community's needs by previous management, resulting in the centres not meeting their full potential.

### ***Staffing***

The changes proposed within this report will have no impact upon existing staffing levels. All staff needed to provide administration to the facilities are already in place. The main administration and programming will come from the Craigie Leisure Centre which we are establishing as a central hub for the administration of all centres. The staff needed to provide programmes are engaged on casual contracts on an as needs basis. No additional costs will be incurred through the recommendations as presented.

### **SUMMARY**

The Sorrento Duncraig and Ocean Ridge Leisure Centres have served the community for the past 30 years and 20 years respectively. During this time the centres established themselves as providers of fitness, term program (leisure) and badminton activities. Whilst the centres are established providers of a core range of leisure services, the centres have not adapted to the changing environments and demographics of their community and as such the centres' relevance to and use by the community has decreased.



Most recently the centres have been through major management change with the appointment and subsequent demise of the RANS Management Group. This process has had an impact on the management of the centres resulting in their operations becoming very insular, with no direction or focus on meeting the needs of the community.

Each centre still attracts a core of regular customers who have typically attended the centres for many years and are satisfied with the standard of programs and services provided.

The proposed long-term strategy for reviewing the role and relevance of the leisure centres is to incorporate their future role in the development of a leisure plan for the City of Joondalup. A leisure plan would detail the City of Joondalup's future strategic directions in the provision of leisure services, funding, facilities and policies for the next 5-7 years.

Management of the facilities by the City is the option recommended as it provides the greatest potential for community access to the facilities whilst providing a broad range of programs and services that are specifically targeted to sections of the community, to meet their expressed needs. The proposal also means long term loyal customers will not be dislocated from the centres. The centres' operations would be strategically aligned to the City of Joondalup through their 'satellite' association with Craigie Leisure Centre. The implementation of a strategic business focus in conjunction with an improved marketing campaign would see the centres' performance and community utilisation improve. This improvement would be to a level acceptable to the community and City during the short term whilst the long-term future can be directly linked to outcome of the Community Services leisure plan.

## ATTACHMENTS

Attachment 1                      Operations and Management Analysis Sorrento Duncraig and Ocean Ridge Leisure Centres  
Final Report – Prepared by CCS Strategic Management

## VOTING REQUIREMENTS

Simple Majority

**MOVED Cmr Smith, SECONDED Cmr Fox that the Joint Commissioners:**

- 1        NOTE the Management and Operations report on Sorrento Duncraig and Ocean Ridge Leisure Centres as presented by CCS Strategic Management forming Attachment 1 to Report CJ093-04/04;**
- 2        ENDORSE the proposal for the City to retain management and operations of Sorrento Duncraig and Ocean Ridge Leisure Centres;**

**3 NOTE that this arrangement be reviewed as part of the proposed Leisure Plan to be developed by the City.**

Cmr Smith spoke to the Motion and acknowledged the amount of work that had been undertaken in relation to this issue.

**The Motion was Put and**

**CARRIED UNANIMOUSLY (5/0)**

*Appendix 18 refers*

*To access this attachment on electronic document, click here: [Attach18Sbrf200404.pdf](#)*

**CJ094 - 04/04 SPORTS DEVELOPMENT PROGRAM - 2004 FUNDING ROUND – [58536]**

**WARD - All**

**PURPOSE**

The purpose of this report is to provide information and make recommendations on the Sports Development Program funding for the 2003/04, financial year in accordance with the program's policy and guidelines.

**EXECUTIVE SUMMARY**

The Sports Development Program aims to assist not for profit and incorporated, local district sporting clubs with programs, projects and events that facilitate the development of sport and enhance its delivery to City of Joondalup residents. District sporting clubs are defined as clubs likely to offer participants a direct sporting pathway to elite or representative participation in any chosen sport.

The Sports Development Program will assist sporting clubs to ensure that they are able to commence or maintain sporting or club development initiatives. This funding program is a supplement to important sponsorship funds, which are hard to source for clubs at this level. The program aims to ensure that the City, like any corporate sponsor, receives appropriate recognition for its investment in a particular sporting entity.

Table 1 is a summary of the applicants' funding requests, all subject to the completion of a formal "Funding and Sponsorship Agreement" between the respective clubs and the City of Joondalup:

**TABLE 1**

<b>Organisation</b>	<b>Project</b>	<b>Total Cost \$</b>	<b>Club Funding \$</b>	<b>Requested COJ Funding \$</b>	<b>Recommended COJ Funding \$</b>
West Perth Football Club	Facility Rent Relief & Football Development Program	20,000	N/A	20,000	17,125

Wanneroo Basketball Association	Basketball Development Program	34,025	14,025	20,000	17,750
ECU Joondalup Soccer Club	Director of Football & Academy Coaching	54,545	34,545	20,000	13,000
Sorrento Soccer, Sports & Social Club	Technical Director – Youth Development	29,500	10,700	18,800	12,125
<b>TOTALS</b>		<b>\$138,070</b>	<b>\$59,270</b>	<b>\$78,800</b>	<b>\$60,000</b>

It is recommended that the Joint Commissioners:

- 1 *APPROVE a \$17,125 financial contribution, divided into \$15,000 for facility rent relief and \$2,125 for holiday and school programs, for the West Perth Football Club, subject to the signing of a Funding and Sponsorship Agreement between the West Perth Football Club and the City of Joondalup;*
- 2 *APPROVE a \$17,750 financial contribution for a basketball development programme for the Wanneroo Basketball Association, subject to the signing of a Funding and Sponsorship Agreement between the Wanneroo Basketball Association and the City of Joondalup;*
- 3 *APPROVE a \$13,000 financial contribution for a Director of Football and Academy Coaching for the ECU Joondalup Soccer Club, subject to the signing of a Funding and Sponsorship Agreement between the ECU Joondalup Soccer Club and the City of Joondalup; and*
- 4 *APPROVE a \$12,125 financial contribution for a Technical Director, Youth Development for the Sorrento Soccer, Sports and Social Club, subject to the signing of a Funding and Sponsorship Agreement between the Sorrento Soccer, Sports and Social Club and the City of Joondalup.*

## **BACKGROUND**

Council, throughout the year, receives ongoing requests from numerous sporting groups for financial assistance. As a result of one particular request, Council resolved to establish a sporting club support scheme whereby assistance can upon application be made available to clubs located within the City of Joondalup in lieu of individual sponsorship support (item CJ136-06/06 refers). An allocation of \$60,000 has now been included within the 2003/2004 budget for the continuation of the Sports Development Program.

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

This policy encompasses the following priorities:

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

### **Definitions**

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

*Junior Participants* – 18 years and under.

*Senior Participants* – 19 Years And Over.

### **Who Is Eligible?**

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

Sporting clubs must be:

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

### **What projects are available for funding?**

Consideration will be given to the following:

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

**Council will not fund the following:**

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

**What are the conditions of Funding?**

- All applications must include a full financial history and future budget projections for the next 2 years to highlight how the funds will contribute to the self-sufficiency of the club.
- Clubs are not eligible to apply to the Sports Development Program the following year after a successful application.
- The maximum funding available to an individual club is \$20,000 in any one year.
- For funds received, clubs are required to recognise the support provided by the City of Joondalup, as specified in the Council report and according to the level of funding offered (refer Sport Development Program application at Attachment 1).
- The club is to supply a full report and acquittal of the funds received by the time stipulated in the funding agreement.

**DETAILS**

The Sports Development Program was advertised, via Expressions of Interests (EOI), in the local newspaper on the 18 and 20 November 2003. An information package, which contained the Sports Development Program guidelines and EOI forms, was also available electronically via the City's website. Additionally, thirteen potential district level applicants (listed below) were sent the EOI information package for their consideration.

- Sorrento Soccer Club
- ECU Joondalup Soccer Club
- West Perth Football Club
- Joondalup Giants Rugby League Club
- Joondalup Brothers Rugby Union Football Club
- Wanneroo Lacrosse Club
- Wanneroo Basketball Association
- Perth Outlaws Softball Club
- Mullaloo Surf Life Saving Club
- Sorrento Tennis Club
- Greenwood Tennis Club
- Ocean Ridge Tennis Club
- Kingsley Tennis Club

EOI's are designed for the City to monitor and provide feedback as to what proposed club projects are likely to be developed with the use of financial assistance. In doing so this will save valuable resources, such as time and energy, from the potential applicants perspective regarding the continuance of their project. The City of Joondalup received four EOI's by the closing date of 09 December 2003, which were assessed (internally by officers) and invited to apply for financial assistance through the Sports Development Program.

From the four EOI's, four full applications then were received by the closing date of 28 January 2004 and assessed by an assessment panel consisting of the following:

Alistair Edwards, Department of Sport and Recreation  
Samantha Noall, WA Sports Federation  
Wayne Grimes, Recreation Development Officer

The assessment criteria are based on the written funding applications and the individual interviews with the assessment panel. These two processes enable the applicants to demonstrate how their projects / programs meet the guidelines for funding, including the impact on the local sporting community and the establishment of sport development pathways for particular sports. The assessment panel maintained a consistent approach when allocating funds to the respective applications. It was considered that essential costs of programs, such as coaching, umpiring and specific equipment, be recommended for funding as illustrated in the below table. Table 2 outlines how the distribution of the funding was established. All applications were scrutinised as the final grant allocation was based upon the various component costs:

- **Program / Clinic:** high priority component resulting in the development of sport pathways and encourages community participation;
- **Coaching / Instruction:** high priority component encompassing the sport development ethos;
- **Umpiring:** high priority component resulting an increased knowledge and understanding of the sport;
- **Specific Equipment:** medium priority component encompassing the sport development ethos. 50% of the requested costs were funded (this amount was reduced in ECU Joondalup Soccer Club's application as the requested amount was considered high when compared to the other applicants);
- **Venue Hire:** Venue hire for programs is seen as an essential cost that occurs in the delivery of the program (West Perth Football Club was funded on the basis of an In Principle Agreement);
- **Administration & Advertising:** low priority component as it is an operation cost for the club to account for. Advertising is recognised a being important but because the aim of the Sport Development Program is to assist existing memberships / networks, the panel believed that this was a non-essential cost;
- **Clothing:** low priority component as clothing was regarded as an addition, non-essential expense of the program;
- **Food & Beverages:** low priority component and was regarded as an addition, non-essential expense of the program;

**TABLE 2**

<b>Costs</b>	<b>West Perth Football Club</b>	<b>Wanneroo Basketball Assoc</b>	<b>ECU Joondalup Soccer Club</b>	<b>Sorrento Soccer, Sport &amp; Social Club</b>
Program / Clinics	0	\$14,950	\$8,000	0
Coaching/Instruction	\$1,250	\$2,800	\$4,000	\$12,000
Umpiring	\$250	0	0	0
Venue Hire	\$15,000	0	0	0
Specific Equipment	\$625	0	\$1,000	\$125
Administration	0	0	0	0
Advertising	0	0	0	0
Clothing	0	0	0	0
Food & Beverage	0	0	0	0
<b>TOTAL</b>	<b>\$17,125</b>	<b>\$17,750</b>	<b>\$13,000</b>	<b>\$12,125</b>

**Financial Implications:**

Table 3 is a summary of the four applicants' projects as well as the current 2003/04 financial year budget allocation status:

**TABLE 3**

<b>Organisation</b>	<b>Project</b>	<b>Total Cost \$</b>	<b>Club Funding \$</b>	<b>Requested COJ Funding \$</b>	<b>Recommended COJ Funding \$</b>
West Perth Football Club	Facility Rent Relief & Football Development Program	20,000	N/A	20,000	17,125
Wanneroo Basketball Association	Basketball Development Program	34,025	14,025	20,000	17,750
ECU Joondalup Soccer Club	Director of Football & Academy Coaching	54,545	34,545	20,000	13,000
Sorrento Soccer, Sports & Social Club	Technical Director – Youth Development	29,500	10,700	18,800	12,125
<b>TOTALS</b>		<b>\$138,070</b>	<b>\$59,270</b>	<b>\$78,800</b>	<b>\$60,000</b>

**Account No:** 1.4530.4403.0001.9999  
**Budget Amount:** \$60,000  
**YTD Amount:** \$ NIL  
**Actual Cost:** \$60,000

Details of the four applications for assessment are:

## **Project 1**

### **West Perth Football Club – Facility Rent Relief and Football Development Program**

West Perth Football Club (WPFC) applied for and was successful in receiving a \$20,000 financial contribution in last year's round of the Sport Development Program. An In Principle Agreement between the City of Joondalup, Western Australian Sports Centre Trust (Arena Joondalup) and WPFC, regarding the Club's long-term tenure arrangements at Arena Joondalup, was established in 2003. As part of this agreement, a commitment was made to provide \$30,000 for rent relief to WPFC to be split between 2003 and 2004. An outcome of this agreement permitted WPFC to apply for consecutive rounds of funding (2003 and 2004 only) in the Sports Development Program, contrary to one of the conditions of funding, "Clubs are not eligible to apply to the Sports Development Program the following year after a successful application".

As with any sponsorship agreement, it is important that all parties meet their respective obligations. In 2003, the City believes that it met its Sports Development Program obligation by providing financial support to WPFC. As part of this agreement, WPFC have a commitment to change the club name to "Joondalup Falcons". If, at the Club's Extraordinary General Meeting scheduled for 1 April 2004, the members resolve not to adopt a change of name, a variation to the sponsorship agreement would need to be the subject of a Council resolution.

This year's requested financial contribution will assist WPFC with their proposed rental agreement restructure with the WA Sports Centre Trust (WASCT), located at Arena Joondalup. This will enable WPFC to be domiciled in a first class facility within the heart of the Joondalup community, which will be considered a centre for football excellence. It will allow the Club to maintain and strengthen its existing relationship with WASCT, local schools (both senior and primary), community based junior football clubs and the City of Joondalup.

WPFC believes that by remaining at the Arena, it will be able to continue to maintain its high profile and encourage participation in the sport of Australian Rules Football by providing clear, structured talent and participation pathways for children. This would be achieved with the provision of school football programs and holiday clinics designed to cater for approximately 500 juniors, 950 Auskick participants, 8 junior clubs, 5 amateur clubs and 175 WPFC development squad junior players.

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

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



The total cost of this project is \$20,000, with the club requesting a \$20,000 financial contribution from the City. The assessment panel supported this project and recommend funding of \$17,125 for rental assistance, umpiring and instructor costs and 50% of the requested equipment costs (refer below Table 4) as the project was considered:

to directly increase the participation levels in the sport;

to develop pathways for local sports people to achieve the highest possible level of competition; and

to assist the club, on a short-term basis, to meet potentially restrictive recurrent funding costs.

It is believed that this project can still be implemented and run successfully, even though the requested funding was not fully realised.

**TABLE 4**

<b>Item</b>	<b>Organisation's Contribution</b>	<b>Other Contributions</b>	<b>Requested Council Contribution</b>	<b>Total Cost</b>	<b>Recommended Council Contribution</b>
Rental Assistance	\$0	\$0	\$15,000	\$15,000	\$15,000
Junior development program	\$0	Nil	See Below	See Below	See Below
- Equipment			\$1,250		625
-Facilities hire			\$250		0
-Umpiring costs			\$250		\$250
-Instructor costs			\$1,250		\$1,250
-Uniform costs			\$1,000		0
- Food costs			\$750		0
- Speakers			\$250		0
<b>TOTALS</b>	<b>\$0</b>	<b>\$0</b>	<b>\$20,000</b>	<b>\$20,000</b>	<b>\$17,125</b>

Funding is divided into \$15,000 for rent relief and \$2,125 for holiday and school programs. Funding is subject to the signing of a funding and sponsorship agreement between the West Perth Football Club and the City of Joondalup (COJ) and will be forwarded after evidence that all prior funding obligations are met. The sponsorship agreement expands on last year's Sports Development Program's obligations including, but not limited to, WPFC (at their own expense) agreeing to:

- Media release and photo with the Mayor, elected member or Commissioner;
- City of Joondalup (COJ) logo on playing jumper of all WPFC players (Seniors, Reserves & Colts) for 2004, 2005 & 2006 seasons;
- COJ logo on playing shorts of all WPFC players (Seniors, Reserves & Colts) for 2004, 2005 & 2006 seasons;
- 2 x perimeter fence signage (6m x 1m panel) at Arena oval (on boundary, behind goals - location in view of TV) for 2004, 2005 & 2006 seasons;
- Website acknowledgement as sponsor with link;

- COJ logo in WPFC’s 2004, 2005 & 2006 Annual report;
- COJ logo in WPFC’s 2004, 2005 & 2006 Falcons Flyer newsletters (5 editions per season);
- Sponsorship acknowledgment for all 2004 and 2005 holiday clinics & school programs;
- COJ logo on all promotional material for the above holiday clinics & school programs.

## **Project 2**

### **Wanneroo Basketball Association – Basketball Development Programme**

This development programme aims to increase interest and participation in basketball within the City of Joondalup, while establishing sustainable programmes for the ongoing development of the sport at the grass roots and elite level within the region. The programme is designed to increase presence in the school systems by training individual teachers in basic basketball coaching techniques to increase school level participation in the sport. The programme also aims at working in conjunction with school groups to promote activities for students at school, on pupil free days and school holiday clinics. Wanneroo Basketball Association will be providing qualified coaches, on casual employment, to oversee and supervise the above-mentioned sessions / clinics. The programme also accounts for the cost of accredited coaching courses and additional equipment and advertising / promotion of these programs within the community. It will involve raising the skill levels of coaches to enhance training and development of players and incorporates high profile basketballers from the Perth Wildcats and Perth Lynx teams to promote the sport.

As part of this application Wanneroo Basketball Association have offered the City naming rights to their Women’s State Basketball League team, to be known as the “Joondalup City Wolves”.

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

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

The total cost of this project is \$34,025, with the club requesting a \$20,000 financial contribution from the City. The assessment panel supported this project and recommend funding of \$17,750 for school holiday and development programs as well as pupil free day basketball clinics (refer below Table 5) as the project was considered:

a new initiative and can be seen to enhance the sports community profile;

to directly increase the participation levels in the sport; and

to develop pathways for local sports people to achieve the highest possible level of competition.

Even though Wanneroo Basketball Association’s requested funding was not fully recommended, it was considered that this project could still be commenced and successfully completed.

**TABLE 5**

<b>Item</b>	<b>Organisation's Contribution</b>	<b>Other Contributions</b>	<b>Requested Council Contribution</b>	<b>Total Cost</b>	<b>Recommended Council Contribution</b>
Pupil free day clinics	\$1,000	\$1,500	\$4,500	\$7,000	\$4,500
School development program	\$2,000	Nil	\$7,000	\$9,000	\$7,000
School holiday camps	\$1,000	\$2,000	\$3,450	\$6,450	\$3,450
Coaching courses	\$1,000	\$1,000	\$2,800	\$4,800	\$2,800
Advertising costs	\$150	\$100	\$2,250	\$2,500	0
Administration costs	\$1,500	0	0	\$1,500	0
Equipment costs	0	\$1,900	0	\$1,900	0
Clothing costs	\$875	0	0	\$875	0
<b>TOTALS</b>	<b>\$7,525</b>	<b>\$6,500</b>	<b>\$20,000</b>	<b>\$34,025</b>	<b>\$17,750</b>

Funding will be subject to the signing of a funding and sponsorship agreement between the Wanneroo Basketball Association (WBA) and the City of Joondalup (COJ). The sponsorship agreement to include, but not limited to, the WBA (at their own expense) agreeing to:

- Media release and photo with the Mayor, elected member or Commissioner;
- City of Joondalup (COJ) naming sponsor rights of the WSBL team to be known as Joondalup City Wolves for 2004 & 2005 seasons;
- Acknowledge COJ as a major sponsor in the SBL home games programmes for 2004 & 2005 seasons;
- Announce COJ during SBL home games (including TV media presentation);
- Two sponsor seats available, with COJ signage, for COJ representatives, at all SBL home games for 2004 & 2005 seasons;
- Four tickets available, for COJ representatives, for end of the year SBL/ WABL presentation for 2004 & 2005 seasons;
- 2 COJ signs - 2m x 1.2m on court one basket frames for 2004 & 2005 seasons;
- Website acknowledgement as sponsor with link for 2004 & 2005 seasons;
- COJ name and logo on:
  - Letterheads, Development Programmes, all posters and advertising material;
  - End of the year SBL/WABL booklet for 2004 & 2005 seasons;
  - All clothing polo/shirts for coaches involved in the programme for 2004 & 2005 seasons;
  - All T/Shirts for School Holidays Camps and Pupil Free days for 2004 & 2005 seasons.

### **Project 3**

#### **ECU Joondalup Soccer Club – Director of Football and Academy Coaching**

With the appointment of a Director of Football and Academy Coaching, ECU Joondalup Soccer Club aims to develop and sustain existing club players by organising special elite coaching clinics as a pathway to attain future Premier League and State players. The Club will also reach out into the wider community by approaching local schools, youth centres and student bodies to participate in soccer clinics, coaching sessions and tournaments. Invitations will also be offered to teaching staff and youth leaders, within the City of Joondalup, to participate in basic soccer skill coaching sessions aiming to promote the sport of soccer and the awareness of the Club and its activities. This program incorporates the costs of providing qualified coaches on casual employment, additional equipment, administration costs and advertising / promotion of the school, community and club based programs. After a successful application and due to the resources (human and equipment) and procedures made available to the Club, this project after the initial year of operation will be self-sustainable. It will also assist the Club to achieve their long-term on and off the field goals.

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

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

The total cost of this project is \$54,545, with the club requesting a \$20,000 financial contribution from the City. The assessment panel supported this project and recommend funding of \$13,000 for soccer clinics, school development costs, coaching costs and equipment costs (refer below Table 6) as the project was considered:

a new coaching appointment where evidence of the Club's continued commitment to coaching development is provided;  
 a new initiative and can be seen to enhance the sports community profile;  
 to directly increase the participation levels in the sport; and  
 to develop pathways for local sports people to achieve the highest possible level of competition.

ECU Joondalup Soccer Club have advised that this project would be initiated this season, even if their requested funding was not fully available.

**TABLE 6**

<b>Item</b>	<b>Organisation's Contribution</b>	<b>Other Contributions</b>	<b>Requested Council Contribution</b>	<b>Total Cost</b>	<b>Recommended Council Contribution</b>
Coaching	\$6,000	\$4,000	\$4,000	\$14,000	\$4,000
Clinics	\$4,400	\$3,000	\$2,000	\$9,400	\$2,000
School visits	\$3,000	\$2,275	\$6,000	\$11,275	\$6,000

Equipment costs	\$1,480	\$3,000	\$3,000	\$7,480	\$1,000
Advertising costs	\$1,540	0	\$1,000	\$2,540	0
Facilities costs	\$3,850	\$2,000	\$4,000	\$9,850	0
<b>TOTALS</b>	<b>\$20,270</b>	<b>\$14,275</b>	<b>\$20,000</b>	<b>\$54,545</b>	<b>\$13,000</b>

Funding will be subject to the signing of a funding and sponsorship agreement between the ECU Joondalup Soccer Club and the City of Joondalup (COJ). The sponsorship agreement to include, but not limited to, the Club (at their own expense) agreeing to:

- Media release and photo with the Mayor, elected member or Commissioner;
- City of Joondalup (COJ) logo on playing shirt of every player of the three semi-professional teams (Seniors, Reserves & U/18's for every competitive match) for 2004 & 2005 seasons;
- COJ name and logo (in colour) displayed on a perimeter sign (approx. 2m by 1m) on side of No.1 pitch;
- COJ name, logo and message within every issue of the match day program for 2004 & 2005 seasons;
- Sponsorship acknowledgment for all 2004 & 2005 holiday clinics & school programs;
- COJ logo on all promotional material for the above holiday clinics & school programs;
- Website acknowledgement as sponsor with link for 2004 & 2005 seasons;
- COJ logo in ECUJSC's 2004 & 2005 Annual report.

#### **Project 4**

##### **Sorrento Soccer, Sports and Social Club – Technical Director, Youth Development**

This project aims to appoint a full-time Director of Youth Development to progress and improve the quality of the Sorrento Soccer, Sports and Social Club's (SSSSC) coaches and players. It will maximise the development and identification opportunities for talented players to reach their full potential through a high quality, sustainable coaching structure, consisting of informative, educational and enjoyable soccer lessons and training sessions. These sessions will concentrate on skills such as ball control, tactics and positional sense, knowledge of rules and player conduct and awareness of diet, health and career paths. The creation of this position will also enhance existing relationships with neighbouring junior soccer clubs and schools, such as Woodvale Senior High School, by conducting specialised soccer coaching sessions. The Club have strategies in place, such as existing sponsorship campaigns and a plan to realign surplus operational funds into the continuation of this position.

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

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

The total cost of this project is \$29,500, with the club requesting an \$18,800 financial contribution from the City. The assessment panel supported this project and recommend funding of \$12,125 for Technical Director payments and 50% of the requested equipment costs (refer below Table 7) as the project was considered:

- a similar program compared with ECU Joondalup Soccer Club's, and as such similar funding is recommended;
- a new coaching appointment where evidence of the Club's continued commitment to coaching development is provided;
- to directly increase the participation levels in the sport; and
- to develop pathways for local sports people to achieve the highest possible level of competition.
- Sorrento Soccer Club have indicated that this project would still be started even if they were requested funding was not fully recommended. If this were the case, the program would run on a slightly smaller scale than what was planned. For example the Club could either reduce the number of hours worked per month by the Technical Director, or reduce the potential number of teams / players that would have benefited by the program.

**TABLE 7**

<b>Item</b>	<b>Organisation's Contribution</b>	<b>Other Contributions</b>	<b>Requested Council Contribution</b>	<b>Total Cost</b>	<b>Recommended Council Contribution</b>
Technical Director payment	\$9,400	0	\$18,800	\$28,200	\$12,000
Equipment costs	\$250	0	0	\$250	125
Soccer kit	\$300	0	0	\$300	0
Office consumables	\$100	0	0	\$100	0
Insurance	\$650	0	0	\$650	0
<b>TOTALS</b>	<b>\$10,700</b>	<b>\$0</b>	<b>\$18,800</b>	<b>\$29,500</b>	<b>\$12,125</b>

Funding is subject to the signing of a funding and sponsorship agreement between the Sorrento Soccer, Sports and Social Club and the City of Joondalup (COJ). The sponsorship agreement to include, but not limited to, SSSSC (at their own expense) agreeing to:

- Media release and photo with the Mayor, elected member or Commissioner;
- City of Joondalup (COJ) logo on back of playing shirt of every player of the three semi-professional teams (Seniors, Reserves & U/18's for every competitive match) for 2004 & 2005 seasons;

- COJ name and logo (in colour) displayed on a perimeter sign (approx. 2m by 1m) on side of No.1 pitch;
- COJ name, logo and message (in black & white) within every issue of the match day program for 2004 & 2005 seasons;
- COJ name, logo and message (in colour) on a A1 size poster/board wall mounted within the club house for 2004 & 2005 seasons;
- COJ name and logo (in colour) on Club Letterheads;
- Website acknowledgement as sponsor with link for 2004 & 2005 seasons;
- COJ logo in SSSSC's 2004 & 2005 Annual report;
- Make available representatives of SSSSC, especially the Director of Youth Development, for utilisation in any appropriate COJ activities, promotions or similar.

## COMMENT

The Sport Development Program has provision for \$60,000 to be allocated to successful applicants and the assessment panel considers the benefits of each funding request compared to other applications. Funding allocations are recommended on individual merit from the stated program outcomes and sponsorship exposure offered to the City. Although some applicants will not receive their full requested financial contribution, it was considered that all the projects / programs could still be implemented and run successfully.

The justification of the allocation of funds to the respective applicants is based on the written funding applications and the individual interviews with the assessment panel. These two processes enable the applicants to demonstrate how their projects / programs meet the guidelines for funding, including the impact on the local sporting community and the establishment of sport development pathways for particular sports. The changes from the amounts requested from some groups to the actual funding allocations are disproportional in their approach. The amounts recommended resulted from the level of funding available and the quality of application and its perceived benefits to both the sports and the City.

The allocation to West Perth Football Club consists of a \$15,000 rent relief contribution and funding of \$2,125 for a Football Development Program. A second instalment of \$15,000 represents a previous commitment as part of the In Principle Agreement to maintain WPFC's long-term tenure arrangements at the Arena. The \$2,125 contribution towards the Football Development Program is justified by the previously stated quantifiable community participation (500 juniors, 950 Auskick participants, 8 junior clubs, 5 amateur clubs and 175 WPFC development squad junior players). The \$2,125 contribution is regarded as good value for money for the City in terms of exposure and community awareness.

The basketball proposal offers the City some excellent programs and sponsorship opportunities, with the City effectively being instrumental in assisting the Wanneroo Basketball Association to become more self sufficient whilst providing the community with some healthy alternatives to "day care" in the form of student free day camps.

Finally, as the two soccer programs were considered very comparable in nature, the sponsorship conditions and allocation of funds are also similar.

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

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

The Sports Development Program policy provides that decisions regarding funding applications are final and will not be reconsidered during the financial year in which the applications is made.

## ATTACHMENTS

Attachment 1            Sports Development Program 2003 – 2004

## VOTING REQUIREMENTS

Simple Majority

**MOVED Cmr Smith, SECONDED Cmr Anderson that the Joint Commissioners APPROVE a:**

- 1        \$17,125 financial contribution, divided into \$15,000 for facility rent relief and \$2,125 for holiday and school programs, for the West Perth Football Club, subject to the signing of a Funding and Sponsorship Agreement between the West Perth Football Club and the City of Joondalup;**
- 2        \$17,750 financial contribution for a basketball development programme for the Wanneroo Basketball Association, subject to the signing of a Funding and Sponsorship Agreement between the Wanneroo Basketball Association and the City of Joondalup;**
- 3        \$13,000 financial contribution for a Director of Football and Academy Coaching for the ECU Joondalup Soccer Club, subject to the signing of a Funding and Sponsorship Agreement between the ECU Joondalup Soccer Club and the City of Joondalup;**



- 4 \$12,125 financial contribution for a Technical Director, Youth Development for the Sorrento Soccer, Sports and Social Club, subject to the signing of a Funding and Sponsorship Agreement between the Sorrento Soccer, Sports and Social Club and the City of Joondalup.**

Cmr Smith spoke to the Motion.

**The Motion was Put and**

**CARRIED UNANIMOUSLY (5/0)**

*Appendix 19 refers*

*To access this attachment on electronic document, click here: [Attach19brf200404.pdf](#)*

**CJ095 - 04/04 MINUTES OF THE SENIORS INTERESTS  
ADVISORY COMMITTEE HELD ON WEDNESDAY  
17 MARCH 2004 – [55511]**

**WARD - All**

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**PURPOSE**

To note the unconfirmed minutes of the Seniors Interest Advisory Committee meeting held Wednesday, 17 March 2004.

**EXECUTIVE SUMMARY**

A meeting of the Seniors Interest Advisory Committee was held on Wednesday, 17 March 2004. The unconfirmed minutes of this meeting are submitted for noting by Council.

*It is recommended that the Joint Commissioners NOTE the unconfirmed minutes of the Seniors Interest Advisory Committee held on Wednesday, 17 March 2004 forming Attachment 1 to this Report.*

**DETAILS**

The unconfirmed minutes of the meeting of the Seniors Interest Advisory Committee held on Wednesday, 17 March 2004 are included as Attachment 1.

**ATTACHMENTS**

Attachment 1 Minutes of the Seniors Interest Advisory Committee Meeting - 17 March 2004

**VOTING REQUIREMENTS**

Simple Majority

**OFFICER'S RECOMMENDATION:** That the Joint Commissioners NOTE the unconfirmed minutes of the Seniors Interest Advisory Committee held on Wednesday, 17 March 2004 forming Attachment 1 to Report CJ095-04/04.

**MOVED Cmr Smith, SECONDED Cmr Anderson that the:**

- 1 Joint Commissioners NOTE the unconfirmed minutes of the Seniors Interest Advisory Committee held on Wednesday, 17 March 2004 forming Attachment 1 to Report CJ095-04/04;**
- 2 Terms of Reference for the Seniors Interests Advisory Committee be reviewed in order to reiterate the need for the Committee to take a strategic rather than an operational position with regards to matters relating to seniors in the community.**

Discussion ensued.

**The Motion was Put and**

**CARRIED UNANIMOUSLY (5/0)**

*Appendix 20 refers*

*To access this attachment on electronic document, click here: [Attach20brf200404.pdf](#)*

Acting Chief Executive Officer, Mr Clayton Higham, declared a financial interest in Item C28-04/04 – Minutes of Committee to Appoint an Acting Chief Executive Officer – 15 April 2004 and 20-21 April 2004 as he is the recommended candidate for the position.

Acting Chief Executive Officer, Mr Clayton Higham left the Chamber at this point, the time being 1955 hrs.

**C28-04/04 MINUTES OF COMMITTEE TO APPOINT AN ACTING CHIEF EXECUTIVE OFFICER – 15 APRIL 2004 AND 20-21 APRIL 2004 - [20006] [96276]**

**WARD - All**

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## **PURPOSE**

For the Joint Commissioners to note the minutes of the Committee to Appoint an Acting Chief Executive Officer at its meetings held on 15 April 2004 and 20/21 April 2004.

## **EXECUTIVE SUMMARY**

Meetings of the Committee to Appoint an Acting Chief Executive Officer were held on 15 April 2004 and 20/21 April 2004 and the minutes are attached for noting. (Attachments 1 and 2 Refer).

## ATTACHMENTS

- Attachment 1 - Minutes of the Committee to Appoint an Acting Chief Executive Officer held on 15 April 2004  
Attachment 2 - Minutes of the Committee to Appoint An Acting Chief Executive Officer held on 20/21 April 2004

## VOTING REQUIREMENTS

Simple Majority

**MOVED Cmr Anderson, SECONDED Cmr Smith that the Joint Commissioners:**

- 1 NOTE the confirmed minutes of the meeting of the Committee to Appoint an Acting Chief Executive Officer held on 15 April 2004 forming Attachment 1 to Report C28-04/04;**
- 2 NOTE the unconfirmed minutes of the meeting of the Committee to Appoint an Acting Chief Executive Officer held on 20/21 April 2004 forming Attachment 2 to Report C28-04/04.**

**The Motion was Put and**

**CARRIED UNANIMOUSLY (5/0)**

*Appendices 21 and 21(a) refer*

*To access this attachment on electronic document, click here: [Attach21min270404.pdf](#)  
[Attach21amin270404.pdf](#)*

Acting Chief Executive Officer, Mr Clayton Higham, declared a financial interest in Item C29-04/04 – Appointment of Acting CEO as he is the recommended candidate for the position.

**C29-04/04 APPOINTMENT OF AN ACTING CEO - [20006]  
[96276]**

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## PURPOSE

The purpose of this report is to appoint an acting CEO until such time as a new CEO is appointed.

## EXECUTIVE SUMMARY

At the Council meeting held on 12<sup>th</sup> March 2004 the Joint Commissioners resolved to:

*APPOINT, as an interim measure for a short period of time, Mr Clayton Higham, Director of Planning and Community Development, as Acting CEO following the resignation of the CEO until arrangements are made for the Council to appoint an Acting CEO.*

A further Council meeting held on 30<sup>th</sup> March resolved to:

*AUTHORISE the Manager of Human Resources to seek applications from members of the Executive Management Team to fill the position of Acting CEO on an interim basis;*

*AUTHORISE the Manager of Human Resources to submit the applications to the Joint Commissioners, who will form the Appointment Committee and make a recommendation to Council on the appointment.*

## **BACKGROUND**

As a result of the above resolutions the HR Manager wrote to all members of the executive management team inviting them to submit an application for the position of acting CEO. Two Directors responded in writing advising the HR Manager that they did not wish to apply for the acting position. At the close of the period one application was received from the Acting CEO, Mr Clayton Higham and a copy of his application was sent to all Commissioners on Wednesday 7 April 2004 under separate cover.

## **DETAILS**

As a result of Mr Higham's application, two meetings of the Appointment Committee were held. (Minutes are attached). A number of matters were discussed at these meetings including the term, total remuneration cost and performance measures.

### **Term**

It is expected that the acting CEO will prepare an implementation plan (for the Joint Commissioners for approval) to begin the recruitment process of a new CEO in the next few weeks. This recruitment process will take approximately six months to complete and the acting CEO's period of contract needs to take this into consideration. Therefore the Committee recommended that the period for the contract be for 6 months to 26<sup>th</sup> October 2004, with an option to extend, should the new CEO not commence duties by that time.

### **Total Remuneration Cost**

One of the issues for discussion at Committee level was the Total Remuneration Cost ("TEC"). This TEC advice was received from three reputable organisations, viz; Mercer Cullen Egan Dell ("Mercers"), the Australian Institute of Management ("AIM") and the Western Australian Local Government Association ("WALGA"). It was determined that the mid point of \$207,620 pa as provided by Mercers be adopted as well as a further amount to compensate for the work expected for the Panel Inquiry. The Committee recommends a TEC of \$215,000 pa.

### **Performance Measures**

Pursuant to sec 5.39 of the Act, the acting CEO's fixed term contract must be in accordance with specific provisions. One of these provisions is the performance review process for the purpose of an annual increment. It was essentially agreed that there were a number of

indicators to be reached. These include delivering the annual budget, overseeing the Panel Inquiry, reviewing policies and procedures, maintaining key strategic relationships and managing the corporate projects. At this stage no objectives have been agreed to. However the Committee envisaged that further meetings would be held with Mr Higham to reach agreement on the objectives, time frames and expectations.

## COMMENT

The Appointment Committee met a number of occasions and deliberated on several key issues. The Committee reached agreement on the terms and conditions for the Acting CEO.

## VOTING REQUIREMENTS

Simple Majority

**OFFICER'S RECOMMENDATION:** That the Joint Commissioners:

- 1 APPOINT Mr Clayton Higham as the Acting CEO for a term of six months at an annual equivalent total remuneration package of \$215,000;
- 2 AGREE for the purposes of the Local Government Act 1995 that the expiry date of the contract will be 26 October 2004;
- 3 APPROVE Mr Higham being reimbursed at the same pro rata total remuneration level in (1) above for the period since 15 March 2004 whilst he has been Acting CEO to the commencement of his 6-month term in (1) above;
- 4 AGREE that Mr Higham retain his substantive position as Director Planning and Community Development during his period of Acting CEO;
- 5 AUTHORISE Mr Higham's existing contract in his substantive position of Director Planning and Community Development being extended by the term of his acting appointments as CEO;
- 6 AGREE that performance will be measured using the following criteria:
  - Delivering the annual Budget
  - Overseeing the Panel Inquiry
  - Reviewing policies and procedures
  - Maintaining key strategic relationships
  - Managing corporate projects
- 7 AGREE that objectives will be developed in consultation with the acting CEO and Commissioners at a future date;
- 8 AUTHORISE the preparation and execution of all necessary documentation to give effect to the decision in (1) to (7) and otherwise in accordance with the Local Government Act 1995.

**MOVED Cmr Smith, SECONDED Cmr Drake-Brockman that the Joint Commissioners:**

- 1 APPOINT Mr Clayton Higham as the Acting CEO for a term of six months at an annual equivalent total remuneration package of \$215,000;**
- 2 AGREE for the purposes of the Local Government Act 1995 that the expiry date of the contract will be 26 October 2004;**
- 3 APPROVE Mr Higham being reimbursed at the same pro rata total remuneration level in (1) above for the period since 15 March 2004 whilst he has been Acting CEO to the commencement of his 6-month term in (1) above;**
- 4 AGREE that Mr Higham retain his substantive position as Director Planning and Community Development during his period of Acting CEO;**
- 5 AUTHORISE Mr Higham's existing contract in his substantive position of Director Planning and Community Development being extended by the term of his acting appointments as CEO;**
- 6 AGREE that performance will be measured using the following criteria:**
  - Delivering the annual Budget**
  - Overseeing the City's responsibilities in relation to the Panel Inquiry**
  - Reviewing policies and procedures**
  - Maintaining key strategic relationships**
  - Managing corporate projects**
- 7 AGREE that objectives will be developed in consultation with the acting CEO and Commissioners at a future date;**
- 8 AUTHORISE the preparation and execution of all necessary documentation to give effect to the decision in (1) to (7) and otherwise in accordance with the Local Government Act 1995.**

Discussion ensued.

**The Motion was Put and**

**CARRIED UNANIMOUSLY (5/0)**

Acting Chief Executive Officer, Mr Clayton Higham entered the Chamber at this point, the time being 2006 hrs.

#### **REPORT OF THE ACTING CHIEF EXECUTIVE OFFICER**

Nil.

#### **MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

Nil.

### **DATE OF NEXT MEETING**

The next meeting of the Council has been scheduled for **7.00 pm** on **TUESDAY, 18 MAY 2004** to be held in the Council Chamber, Joondalup Civic Centre, Boas Avenue, Joondalup.

### **CLOSURE**

There being no further business, the Chairman declared the Meeting closed at 2007 hrs; the following Commissioners being present at that time:

CMR J PATERSON  
CMR A DRAKE-BROCKMAN  
CMR M ANDERSON  
CMR A FOX  
CMR S SMITH