



**MINUTES OF MEETING OF JOINT COMMISSIONERS
HELD ON 21 SEPTEMBER 2004**

TABLE OF CONTENTS

No:	Item	Page
	OPEN AND WELCOME	1
	ATTENDANCES	1
	PUBLIC QUESTION TIME	2
	APOLOGIES AND LEAVE OF ABSENCE	19
	DECLARATION OF FINANCIAL INTEREST/INTEREST THAT MAY AFFECT IMPARTIALITY	19
	CONFIRMATION OF MINUTES	
C57-09/04	MINUTES OF MEETING OF JOINT COMMISSIONERS, 31 AUGUST 2004	20
C58-09/04	MINUTES OF SPECIAL MEETING OF COUNCIL, 10 SEPTEMBER 2004	20
	ANNOUNCEMENTS BY THE CHAIRMAN WITHOUT DISCUSSION	
	MUNICIPAL INSURANCE	20
	HISTORIC MEETING	21
	DEPOT PLANS	21
	JINAN SUCCESS	21
	MAKING COMMUNITIES SAFER	21
C59-09/04	PETITIONS	
	PETITION REQUESTING AN INVESTIGATION INTO THE OPERATION OF A HOME BUSINESS AT 151 TIMBERLANE DRIVE, WOODVALE – [75464].....	22
	PETITION OBJECTING TO NOISE LEVELS EMANATING FROM A PROPERTY IN CUTTLE COURT, MULLALOO – [23805].....	22
	PETITION REGISTERING OBJECTION TO THE SINGLE ACCESS PROVIDED AT WOODLAND RETREAT DEVELOPMENT, KINGSLEY FOR TRAFFIC BOTH INTO AND OUT OF THE AREA – [42442] [39466] [76534].....	22
	PETITION REQUESTING COUNCIL TO REPLACE	

EXISTING PLAY EQUIPMENT AND PARK FURNITURE AND RETICULATE AT HILLWOOD PARK, WARWICK – [03496].....	22
PETITION REQUESTING COUNCIL TO TAKE IMMEDIATE ACTION TO ENSURE THAT A ROUNDABOUT IS CONSTRUCTED ON THE INTERSECTION OF KINROSS AND CONNOLLY DRIVE, KINROSS – [00135] [09189].....	23

REPORTS

CJ207 - 09/04	SCHEDULE OF DOCUMENTS EXECUTED BY MEANS OF AFFIXING THE COMMON SEAL – [15876]	23
CJ208 - 09/04	DATE OF FUTURE LOCAL GOVERNMENT ELECTIONS - THIRD SATURDAY IN OCTOBER – [03011]	25
CJ209 - 09/04	MINUTES OF SUSTAINABILITY ADVISORY COMMITTEE - 2 SEPTEMBER 2004 – [00906].....	27
CJ210 - 09/04	APPLICATION FOR PAYMENT OF LEGAL EXPENSES RELATING TO THE INQUIRY – [01173] [72559]	33
CJ211 - 09/04	TENDER NUMBER 001-04/05 CONSTRUCTION OF STORMWATER DRAINAGE IMPROVEMENTS IN BAHAMA CLOSE SORRENTO – [78562]	36
CJ212 - 09/04	NORTHERN CORRIDOR RECOVERY GROUP PARTNERING AGREEMENT FOR THE PROVISION OF MUTUAL AID FOR RECOVERY DURING EMERGENCIES – [33514].....	40
CJ213 - 09/04	PROPOSED PARKING PROHIBITIONS - POYNTER AND BEAUMARIS PRIMARY SCHOOLS – [09564] [08671] [00672] [05640] [36666]	43
CJ214 - 09/04	STORM WATER DRAINAGE DISCHARGE INTO NATURAL AREA RESERVES – [12168].....	46
CJ215 - 09/04	MINUTES OF THE CONSERVATION ADVISORY COMMITTEE OF 28 JULY 2004 – [12168].....	49
CJ216 - 09/04	PROPOSED MIXED USE DEVELOPMENT (3 OFFICES AND 12 RESIDENTIAL UNITS) LOT 344 (22) GRAND BOULEVARD, CNR HAMMERSMITH COURT, JOONDALUP – [74558]	53
CJ217 - 09/04	PROPOSED ADDITIONS TO WHITFORD CITY SHOPPING CENTRE - LOT 501 (470) WHITFORDS AVENUE, HILLARYS – [00081]	62
CJ218 - 09/04	PROPOSED RETAINING WALLS (INCLUDING SIDE SETBACK VARIATIONS AND IMPORTATION OF FILL IN EXCESS OF 500MM) – LOT 11415 NO 17 SECOND AVENUE, BURNS BEACH – [00077]....	65
CJ219 - 09/04	HOME BUSINESS CATEGORY TWO RENEWAL (REPAIR OF PLASTIC CRATES) LOT 130 (2) JANTHINA CRESCENT HEATHRIDGE – [85186]	71
CJ220 - 09/04	MINUTES OF THE SENIORS INTERESTS ADVISORY COMMITTEE MEETING HELD ON 18 AUGUST 2004 – [55511].....	79
CJ221 - 09/04	MINUTES OF THE JOONDALUP YOUTH ADVISORY COUNCIL MEETING – 18 AUGUST 2004 – [38245].....	80
CJ222 - 09/04	STREETSIDE BENCHES PROPOSED SETTLEMENT –[45612] [45924]	82

	REPORT OF THE ACTING CHIEF EXECUTIVE OFFICER	
C60-09/04	APPLICATION FOR PAYMENT OF LEGAL EXPENSES FOR A FORMER EMPLOYEE RELATING TO THE INQUIRY – [01173, 72559].....	83
C61-09/04	TENDER NUMBER 013-04/05 CONSULTANCY SERVICES TO ASSIST THE RECRUITMENT AND APPOINTMENT PROCESS FOR A CHIEF EXECUTIVE OFFICER – [88564].....	86
	MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN	90
	DATE OF NEXT MEETING	91
	CLOSURE	91

CITY OF JOONDALUP

**MINUTES OF COUNCIL MEETING HELD IN COUNCIL CHAMBER,
JOONDALUP CIVIC CENTRE, BOAS AVENUE, JOONDALUP, ON TUESDAY,
21 SEPTEMBER 2004**

OPEN AND WELCOME

The Chairman declared the meeting open at 1900 hrs.

ATTENDANCES

CMR J PATERSON – Chairman
CMR P CLOUGH – Deputy Chairman
CMR M ANDERSON
CMR A FOX
CMR S SMITH *Absent from 2005 hrs to 2007 hrs*

Officers:

Acting Chief Executive Officer:	C HIGHAM
Director, Corporate Services and Resource Management:	P SCHNEIDER
Director, Infrastructure & Operations:	D DJULBIC
Acting Director, Planning and Community Development:	G HALL
Manager Audit and Executive Services:	K ROBINSON
Manager, Marketing Communications & Council Support:	M SMITH
Manager, Approvals Planning and Environmental Services:	C TERELINCK
Manager, Operations Services	D CLUNING
Media Advisor:	L BRENNAN
Committee Clerk:	J HARRISON
Minute Clerk:	G KELLY

There were 26 members of the Public and 2 members of the Press in attendance.

PUBLIC QUESTION TIME

The following questions, submitted by Ms S Hart, Greenwood, were taken on notice at the Meeting of Joint Commissioners held on 31 August 2004.

Q1 Would Commissioners please put a motion forward that every report has included in it how much of ratepayers' money has been spent on legal advice relating to any issue to do with that report?

A1 That is a matter for the Commissioners to decide. However, Commissioners may request such information at the time reports are prepared.

Q2 In light of the report in today's Community News, Page 3 regarding crime prevention I seem to recall a study commissioned by the State Government and funded, in part, by the City of Joondalup for around \$10,000 in 2001 or 2002. Can Council confirm that a study was undertaken and that the City of Joondalup received a copy of this report? Was a copy of this report provided to Councillors and could a copy be made available to ratepayers?

A2 A report Crime and Security Safety Study for the City of Joondalup was undertaken in 1999/2000 by the Matrix Consulting Group and the Behavioural Science Investigative Consultancy.

The study was part funded by the City of Joondalup at a cost of \$6,250, with the Department of Local Government and the Safer WA Programme also contributing funds.

A copy of the report has now been forwarded to the City's Joondalup library so that it can be available to the public.

A copy of the document has been forwarded to Ms Hart for her information.

The following question, submitted by Ms M Moon, Greenwood, was taken on notice at the Meeting of Joint Commissioners held on 31 August 2004.

Q1 At point (b) would the Joondalup City Centre Development Plan and Manual Structure Plan No 1 be adopted and signed and sealed in the form illustrated in Schedule 8 for the purpose of becoming the Agreed Structure Plan over the Structure Plan area?

A1 It is assumed that this question refers to item 2 of the Recommendation of Item CJ199-08/04. It should be noted that the Joondalup City Centre Development Plan and Manual (JCCDPM) is currently an Agreed Structure Plan. At the time the JCCDPM was prepared there were no provisions/processes that required the Western Australian Planning Commission to approve of the structure plan in the form illustrated in Schedule 8 of either the former Town Planning Scheme No 1 or current District Planning Scheme No 2.

The following question, submitted by Mr T Thorp, Sorrento, was taken on notice at the Meeting of Joint Commissioners held on 31 August 2004.

Q1 Re: Ratepayer Initiated Referendums – Can Council under the Local Government Act 1995 bring into being a law setting up such a process, if not, why not?

A1 The Council could under the provisions of the Local Government Act 1995, (the Act) make a local law to manage the process of Ratepayer Initiated Referendums, provided it is not inconsistent with the Act or any other written law.

The following questions, submitted by Ms J Hughes, Warwick, were taken on notice at the Meeting of Joint Commissioners held on 31 August 2004.

Q1 Is it not so, that as a matter of procedure, Councils must refer any development application which abuts a regional reserve to the Department of Planning and Infrastructure prior to a Council making a decision?

A1 Referral to the Department of Planning and Infrastructure is not required in all cases, however the application for the Meath Care development was referred as required in this case to the Western Australian Planning Commission.

Q2 Has the Meath Care multi-storey development that abuts Yellagonga Regional Park been forward on the Department of Planning and Infrastructure?

(a) If not, when will you?

(b) If so, have you received any response?

If you have, what was the response?

A2 The development proposal was referred to the Western Australian Planning Commission (WAPC) on 30 July 2004. A response from the WAPC was received on 12 August 2004, indicating that there are no road widening requirements that affect the subject site.

Re: Answer 3 to Question 3 (Meeting 10 August 2004)

Q3 Do the Commissioners believe that this was adequately answered? I am sure that the City of Joondalup does not boast four-storey development of 16.5m tall buildings in residentially zoned areas in such abundance that they are unable to be tracked or estimated and publicly answered. I would resubmit this question for answering.

A3 The City does not keep records of the height of all developments in the City. The question has been answered with the best knowledge available at this time. It is possible that there may be buildings that could be regarded or appear as four storeys in height in the Residential Zone of the City. For example, steeply sloping sites may have a dwelling that includes undercroft levels and therefore appear as four storeys.

Re: Answer 5 to Question 5 (Meeting 10 August 2004)

Q4(a) Was the traffic study that was undertaken and lodged with the development application undertaken in relation to the development here in Hocking Road or in relation to a nursing home in the Eastern States?

A4(a) The traffic report submitted was prepared by Shawmac Consulting Engineers, a locally based firm. The report was contained within the development application documents, and refers to the proposed aged care development, Kingsley.

Q4(b) When the question was asked whether a traffic management study was undertaken I was not just referring to the entry and exit driveways of the development site. Has a traffic management strategy been submitted taking into account the total impact on the management and flow of traffic on the surrounding residents and streets in relation to this service delivery development?

A4(b) The traffic report submitted contains statements that the total traffic generated from the site is predicted to be less than if the site were developed as single residential dwellings, and also that the impact on the external road network should be negligible.

Q4(c) When are the traffic treatments being carried out on Wanneroo Road to close the access across the median given present access to Hocking Road and the proposed development?

A4(c) Wanneroo Road is under the control of the Main Roads Department. The City is not aware of any current plans to close the Wanneroo Road median access to Hocking Road.

Q5 Is the total lot size of the entire development 2.44ha 1.59 ha Lot 63 and .9 ha for lot 62?

A5 From the dimensions indicated on the submitted plans, the total lot area of the subject site is approximately 2.63ha. Part Lot 62 is approximately 1.09ha, while Lot 63 is approximately 1.54ha.

Q5(a) Have Administration omitted to also factor in the development of the Clubrooms the semi care three-storey building and the four-storey full care unit being developed on the same site?

A5(a) All of the facilities listed in the question have been included in the City's consideration.

Q6 How many square metres is taken up by the four-storey development, by the three-storey development and the clubroom development, driveways, service areas and general outdoor buffer areas between buildings?

A6 The footprint of the aged care facility is proposed to be 1,946 m² in area, the assisted living facility is proposed to be 1,930 m² in area, and the clubrooms 200 m² in area.

Q6(a) What is the average size lot for the independent living units?

A6(a) The average lot size required for aged persons dwellings at a density of R20 is 333.3m².

Q7 In view of the fact that the City of Joondalup does not have a public consultation policy, is Council aware of the difficulty experienced by residents to have a proper understanding as to how they can function and interrelate to their local government on issues that relate directly to their lifestyle and amenity?

A7 The City believes in involving its community in its decision-making. The City does have a Public Participation Policy (2.6.3) with the objective of outlining the City's commitment to actively involve the community in Council's planning, development and service delivery activities.

Q7(a) Does Council consider the public participation policy is an internal policy document that does not encompass the requirement or need for the community to have a formal opportunity to be fully informed about a proponents proposal relating to a development that impacts directly on the surrounding amenity and lifestyle in residents lives?

A7(a) The Public Participation Policy is not an internal policy. It was developed to ensure that the community is fully involved in decisions that affect it. The policy defines public participation as:

“The provision of opportunities for the public to be involved in a range of issues affecting their communities and lifestyles. Such opportunities would enable the public to provide information, ideas and opinions on plans, proposals, policies and services; partner the City in working towards specific objectives; or actively contribute to physical works (eg. Environmental projects.)”

Q7(b) When will the City of Joondalup seriously look at creating a consultation policy that will be available to the public to give them some confidence that they are a legitimate part of the decision making processes?

A7(b) In August 2003, the City made a proposal to replace the current Public Participation Policy with a Community Consultation Policy. The draft Community Consultation Policy and associated guidelines were made available for a period of sixty days to enable members of the community to make submissions. Most respondents were of the view that the Public Participation Policy 2.6.3 should not be replaced by the draft Community Consultation Policy, and believed that the City should adopt “Consulting Citizens” series published by the Department of the Premier and Cabinet as its guide for community consultation.

At their meeting on 17 February 2004, the Joint Commissioners agreed to:

- 1 Retain the current Public Participation Policy 2.6.3;
- 2 Conduct an evaluation of the Community Consultation conducted on Ocean Reef Road extension using the Evaluation Guidelines contained in the WA State Government ‘Consulting Citizens’ Guidelines”

A further report will be provided to Council following the evaluation of the community consultation process applied to the Ocean Reef Road extension.

Re: Answer 13 of Question 13 (Meeting 10 August 2004)

Q8 Is it to be understood that only 13 residents were formally consulted regarding the multi-storey development at Hocking Road?

A8 Individual letters were sent out to residents that had either an adjoining or affected property within the vicinity of the proposed development. The letter advises of the development proposal and property details and was sent to 13 properties.

Q8(b) Is it to be understood that these 13 residents were unaware of the true size and bulk of the multi-storey development and were reliant on the former report that lead residents to believe that it was a single storey development unless they were able to travel to one of Council's chosen venues to view any further documentation?

A8(b) Plans and documents of the proposed development were available for viewing at the City's Administration Office and the Whitford Customer Service Centre, which outlined the proposal, including the elevations of the buildings. These plans demonstrated the proposed size and bulk of the buildings. Due to the size of the documents and copyright restrictions, it is not possible to send these documents to individual residents.

Q9 Re: CJ195-08/04 Council's Meeting Cycle

The removal of public question time from briefings is not consistent with open and accountable government. If the public are able to attend there should also be an opportunity for the public to receive clarification of issues raised at the briefing.

If public question time was to be placed at the end of the briefing session giving the public the opportunity to ask questions that are relevant to the agenda and any issues that may need to be clarified from discussion or questions raised during the briefing by the Administration to the Commissioners or Elected Members. This would alleviate any confusions or misunderstandings during the Briefing Session giving rise to open government and unmistakably the added burden of question time in the following Ordinary Meeting of Council.

Would Council consider adopting this strategy to maintain an open channel of communication between the community and their Elected Members/Commissioners?

A9 The Commissioners have resolved that Public Question Time shall be held at the commencement of Briefing Sessions. Any further consideration of this matter should be progressed on the basis of a total review of the processes that the public can use to provide information to the Commissioners/elected members, in order to implement that which delivers the best outcomes for the City.

The following question, submitted by Mrs M Zakrevsky, Mullaloo, was taken on notice at the Special Meeting of Council held on 10 September 2004:

Q1 Can monetary consideration be given to the ratepayers in the event that they may be called upon to give evidence?

A1 The situation may be open for the City to fund a ratepayer's legal representation before the Inquiry under Section 3.1 of the Act where the ratepayer has been issued with a summons to appear before the Inquiry and if it could be shown that doing so would be for the good government of persons in the district. Any application would need to be assessed on a case by case basis.

The following questions were submitted by Mrs S Hart, Greenwood:

CJ217 - 09/04 - Proposed Additions to Whitford City Shopping Centre – Lot 501 (470) Whitfords Avenue, Hillarys

Q1 What is the current NLA of the Whitford City Shopping Centre Lot 501 (470) Whitfords Avenue, Hillarys?

A1 The current NLA is 65 603m².

Q2 What is the current Retail NLA of the Whitford City Shopping Centre (Lot 501) Whitfords Avenue, Hillary for all use classes falling under the Planning Land Use Category 5 Shop/Retail by WASLUC?

A2 The current retail NLA is 48 780m².

Q3 Are the four Drive Through Food Outlets included in the NLA of the Whitford Shopping Centre, Lot 501 (470) Whitfords Avenue, Hillarys?

A3 Yes

Q3(a) If the answer to Q3 is no, how many parking bays under the DPS2 are required for these four Drive Through Food Outlets? Not the standard, but the figure/amount of bays required under the standard, for these four established Drive Through Food Outlets.

A3(a) N/A

Q4 Are the four Drive Through Food Outlets included in the Retail NLA of the Whitfords Shopping Centre, Lot 501 (470) Whitfords Avenue, Hillarys?

A4 Yes

Q4(a) If the answer to 4 is no, what is the Retail NLA of the 4 Drive Through Food Outlets?

A4(a) N/A

- Q5 Is the Endeavour Business Centre on this site included in the NLA for the Whitford City Shopping Centre, Lot 501 (470) Whitfords Avenue, Hillarys?*
- A5 Endeavour House is included within NLA.
- Q5(a) If the answer to Q5 is no, what is the NLA for the Endeavour Business Centre?*
- A5(a) N/A
- Q5(b) How many car bays are required (not the standard) for the Endeavour Business Centre?*
- A5(b) The car parking for Whitfords Shopping Centre is calculated on the basis of all development on site including Endeavour House.
- Q5(c) What is the Retail NLA for the Endeavour Business Centre?*
- A5(c) The Endeavour business centre does not contain uses that would be included within retail NLA.
- Q6 Is the Service Station included in the NLA for the Whitford City Shopping Centre, Lot 501 (470) Whitfords Avenue, Hillarys?*
- A6 Yes
- Q6(a) If the answer to Q6 is no, what is the NLA for the Service Station?*
- A6(a) N/A
- Q6(b) How many car bays (not the standard) are required for the service station?*
- A6(b) See answer to question 5 (b).
- Q7 Are the Take Away Food outlets within the Whitfords City Shopping Centre included in the NLA for the Whitfords Shopping Centre, Whitford City Shopping Centre, Lot 501 (470) Whitfords Avenue, Hillarys ?*
- A7 Yes
- Q7(a) If the answer to Q7 is no, what is the NLA for the Take Away Food outlets?*
- A7(a) N/A
- Q7(b) What is the retail NLA of the Take Away Food Outlets if not included in the overall Retail NLA?*
- A7(b) N/A

Q7(c) How many car bays (not the standard) are required for the Take Away Food Outlets?

A7(c) See answer to question 5 (b).

Q8 Is the Tavern Included in the NLA for the Whitford City Shopping Centre, Lot 501 (470) Whitfords Avenue, Hillarys ?

A8 Yes

Q8(a) If the answer to Q8 is no, what is the NLA for the tavern?

A8(a) N/A

Q8(b) How many car bays (not the standard) are required for the tavern?

A8(b) See answer to question 5 (b).

Q9 Are the Health Club and the Swimming Pool (State Swim) included in the NLA for the Whitford City Shopping Centre, Lot 501 (470) Whitfords Avenue, Hillarys?

A9 The health club is included within the NLA.

Q9(a) If the answer to Q9 is no, what is the NLA for the Health Club and the Swimming Pool?

A9(a) N/A

Q9(b) How many car bays (not the standard) are required for the Health Club and Swimming Pool?

A9(b) See answer to question 5 (b).

Q10 Are there any other Use Classes on the Whitford City Shopping Centre Site, Lot 501 (470) Whitfords Avenue, Hillarys that are not included in the NLA for the Whitford City Shopping Centre?

A10 No.

Q10(a) If yes, what are their NLA? (E.g. Community Centre)

A10(a) N/A

Q10 (b) How many car bays (not the Standard) do they require?

A10 (b) N/A

- Q11 What is the total number of car bays required for all the current use classes on the Whitford City Shopping Centre Site, Lot 501 (470) Whitfords Avenue, Hillarys?*
- A11 As defined within the report 3 749 bays are required for Whitfords City Shopping Centre.
- Q12 What is the current number of car bays provided on the whole of the Whitford City Shopping Centre Site, Lot 501 {407} Whitfords Avenue, Hillarys?*
- A12 3 857 bays
- Q13 Why were no figures included in the report to the Commissioners, - NLA areas, Retail NLA, number of car bays?*
- A13 Relevant details are provided within the report. The figures requested are as follows:
- Total NLA (including the proposal): 65 603m²
Total Retail NLA (including the proposal): 49, 922m²
Total car bays available on site: 3, 857
Required amount of car bays including this application: 3, 749.
- Q14 Would it be valuable, for the Commissioners to make an informed decision, and accountability to ratepayers, for staff to present a full report which includes NLA, retail NLA, parking bay requirements and actual parking bay numbers, in a very straight forward and precise table?*
- A14 It is believed that the relevant information pertaining to the floorspace and car parking calculations is provided within the report.

The following questions were submitted by Ms M Moon, Greenwood

Re: CJ217 – 09/04. No information is available to the Commissioners yet they are being recommended to approve 3749 parking bays.

- Q1 Do the 3749 parking bays comply with the requirement of Table 2 (Clause DPS2) for the Whitford Shopping Centre (Regional Centre)?*
- A1 It is assumed the question is querying whether or not the number of car parking bays provided complies with the relevant standard for Shopping Centres as defined within table 2. In response to this the number of bays provided on site meets the requirements of table 2. This is detailed with the report.
- Q2 Are the Commissioners determining a standard other than that under table 2 DPS2 for parking by approving a minimum of 3749 parking bays?*
- A2 No

Q3(a) Are there any developments on-site, which are not included in the NLA for the Whitford City Shopping Centre?

A3(a) No

Q3(b) If yes how many parking bays are required on-site for these other developments under Table 2 (Clause 4.8) Car Parking Standard DPS2?

A3(b) N/A

Q4 Could the figures to complete the table below please be provided?

Location - Lot 501 (470) Whitfords Avenue, Hillarys	NLA	Parking Bays REQUIRED under Table 2 (Clause 4.8) Car Parking Standard DPS2	Current number of on-site parking bays (exact figure)	Proposed number of on-site parking bays
Use Classes not included in Whitford Shopping Centre NLA	?	?	Verified?	?
Whitford City Shopping Centre	?	?	Verified?	3749 (Recommendation)

A4 All use classes within the subject property are included within the NLA. The other figures required are contained within the report.

Q4(a) Does the Whitford City Shopping Centre have a Centre Plan?

Q4(b) If yes, is it endorsed by the WAPC?

Q4(c) If yes, why doesn't it form part of the report?

A4(a-c) It is assumed that this question refers to Centre Plans under Policy 4.2. The Whitfords Shopping Centre does not have a Centre Plan. However, the City Centres Strategy has been approved by the WAPC to guide development at the local level.

Q5(a) Does the City of Joondalup have a Local Planning Strategy endorsed by the WAPC?

Q5(b) If yes, what is the title and no. of the Local Planning Strategy?

Q5(c) If yes, why doesn't it form part of the report?

A5(a-c) The City's Centres Strategy has been approved by the WAPC to guide development at the local level. The formal title of the document is Policy 3.2.8 Centres Strategy and its requirements are detailed within the report.

Q6 Why hasn't the City prepared Centre Plans for Whitford and Warwick as required for existing and new regional centres under Policy 4.2? (Listed under statutory provisions in the report.)

A6 The City's Centre Strategy has been approved by the WAPC to guide development at the local level in accordance with Policy 4.2.

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

Q1 Has the City of Joondalup and Council considered the effects the proposed works depot will have on the Centre Zone of the JCCDPM (structure plan 1).

A1 Yes. The City is currently assessing a structure plan application over the entire vacant landholding, which includes the proposed depot site. This area is already identified as the 'Southern Business' District within the JCCDPM and shall include development standards for future development of the site, including the depot site.

Q2 Has the City of Joondalup and Council considered the possibility of the required amendments to the JCCDPM, being refused by the Council.

A2 Yes, however, the City expects that the proposed structure plan for the 'Southern Business' District will assist the City to assess and grant approval to future development within this area.

- *I was unable to attend the Special Meeting of Council on Friday 10-09-2004 and as such seek clarification on the following points.*

Q3(a) The second motion raised states in point 4 "in addition to the legal assistance provided in 1 above, employees continue to have access to Policy 2.2.8;" Does this mean that an employee of the City is afforded unlimited or additional funding for legal representation in addition to Policy 2.2.8 whilst Elected Members of the Governing Council of the entity of the City of Joondalup are restricted to Policy 2.2.8. funding?

A3(a) No. Employees will only have access to legal representation from the City where they have acted within the scope of their functions and duties. If it is considered that an employee may not have acted within the scope of her or his functions and duties, then the employee may make an application pursuant to Policy 2.2.8. Failure to allow access to alternative legal representation pursuant to the policy would mean that an employee would have no recourse to legal representation before the Inquiry. The two forms of legal representation cannot be concurrent.

Q3(b)(i) If McLeod's have acted for the entity of the City of Joondalup previously and now represents the staff at the Inquiry has a conflict of interest arisen?

A3(b)(i) No. A conflict of interest has not arisen as the interests of the City that McLeod's sought to represent and that of the staff corresponded. Should the interests of an individual employee conflict with that of the collective employees represented by McLeod's, provision has been made for that employee to seek alternative representation pursuant to Policy 2.2.8.

Q3(b)(ii) If not , what are the reasons ?

A3(b)(ii) See A3(b)(i) above. A conflict of interest would only have occurred if the interests of the City and the interests of the collective employees conflicted.

Q4 With regard the Southern public Carpark in Tom Simpson Park, Mullaloo - As shown in the attached photos – Appendix 15 refers - unable to cope with public carparking demand on 11th & 19th Sept 2004, I ask the City if it can advise me as to whether any building license plans approved or under consideration, for the Mullaloo Tavern, cater for 160 carbays as per Councils conditional approval resolution of the CJ204?

A4 The southern car park at Tom Simpson Park is the usual preferred choice for visitors to the park, and is often the first car park to fill up. There is a large car park abutting the North side of the Park, which also provides substantial numbers of car bays for park visitors.

As to the tavern redevelopment, the report to the Council (CJ204- 08/02) clearly indicates that 34 bays are provided off site. The approval resolution makes reference to the approval being in accordance with specific plans that were lodged. Those plans clearly show the number of parking bays that were proposed on the tavern site.

Appendix 15 refers.

To access this attachment on electronic document, click here: [Attach15min210904.pdf](#)

The following questions were submitted by Mr C Baker, Connolly:

Q1 My question is addressed to the Chairman of Commissioners. I refer to the recent announcement by the former Minister for Local Government that the State Government has now agreed to fund the said Minister's Inquiry into the City of Joondalup.

Given that several suspended Councillors, including the suspended Mayor (but excluding myself), have sought and obtained funding from the City for their legal representation during the Inquiry, does the State Government's said promise of funding include the costs of such legal representation or does the State Government expect local ratepayers to pay for these expenses?

A1 No indication has been provided by the Minister in relation to whether the State Government would fund the legal representation costs of suspended elected members. It is suggested that Cr Baker (Suspended) refer the matter directly to the State Government for clarification.

Q2 My question is addressed to the Chairman of Commissioners. I refer to the State Government's proposal to construct a pedestrian tunnel linking the Joondalup Business Park with the suburb of Connolly as part and parcel of the proposed further extension of the Mitchell Freeway north from Hodges Drive. Can you please confirm that the City of Joondalup will use its best endeavours to stop the construction of the Government's planned tunnel and have it replaced with the usual pedestrian overpass?

A2 The City has had discussions with Main Roads WA (MRWA) project officers and consultants in relation to this matter, at which time it was highlighted that the City's preferred option is a suitably designed pedestrian overpass rather than an underpass to address security and antisocial behaviour concerns. This position will be reiterated to MRWA as part of ongoing discussions.

The following question, submitted by Mrs M Macdonald, Mullaloo, was taken on notice at the Briefing Session held on 14 September 2004:

Q1 Re: Item 10 Proposed additions to Whitford City Shopping Centre: The last sentence on Page 36 of the agenda states "The policy also promotes the maintenance of the metropolitan centres hierarchy as defined in Policy 4.2". Shouldn't this say ".. as defined in Clause 1.4.2 of the Centres Strategy"?

A1 The report has been checked and no changes are required to the Policy Implications wording. The Metropolitan Centres Policy (a policy of the Western Australian Planning Commission) is known as Policy 4.2 in the Western Australian Planning Commissions policy index.

The following questions, submitted by Mr M Sideris, Mullaloo, were taken on notice at the Briefing Session held on 14 September 2004:

Re: Mixed Use Development, City Centre:

Q1 Table on Page 31 makes reference to one additional disabled bay. Is this for the residential component or the commercial component? If it is for the commercial component, can one commercial bay be used for the disabled bay?

A1 The disabled bay is for the Commercial part of the development.

Q2 Re: Item 10 Proposed additions to Whitford City Shopping Centre: I note that the report refers to a quantity of parking bays. The change of use has no alteration to the number of bays provided. The report does not show a breakdown of the retail component and the non-retail component and what impact a change of use will have on that mix of car parking.

A2 The reference to Policy 4.2 is correct. The writer of the report was attempting to demonstrate the link between the Centre Policy and the Metropolitan Centre Policy Statement. i.e. that the Metropolitan Centre Strategy sets the hierarchy and that our Centres Policy reflects and reinforces the hierarchy.

The proposal is unlikely to cause any noticeable increase in traffic to the site and there are enough car parking bays to accommodate the proposal.

The following question, submitted by Mr S Magyar, Heathridge, was taken on notice at the Briefing Session held on 14 September 2004:

Q1 Re: Item 10 Proposed additions to Whitford City Shopping Centre: Are there any requirements for a shopping centre owner to point out that persons parking in disabled bays then have to use the lifts?

A1 No, there are no obligations upon the owner to do this.

Mr I Self, Ocean Reef:

Q1 Re: Carparking on Ocean Reef Road Extension – The points for consideration at the community consultation include putting carparking on the eastern side of the road reserve and noted under this is: “Eastern side will require crossing points for pedestrians and therefore a safety implication with crossing the road to get to the beach reserve.” As there are no shops, cafes or anything else on the eastern side I can see no reason to put our children’s lives at risk other than to please a few people that would like the road a few metres from their property. As the Council, by their own admission, states this poses a safety issue, can we be assured that this will not be allowed to happen?

A1 It is premature to make any statements at this stage. Council needs, as part of the consultation process, to take into account all issues and concerns and then address them through a desired solution which takes into account all the safety standards.

Q2 I do not think Council should build black spots and then put them right afterwards. It should never have been considered as an option in the first place if it is unsafe and Council has admitted that it is unsafe.

A2 Council does not create black spots. Any design solution would take into account the current standards and safety conditions. Council would not promote any unsafe situation in any design solution.

Q3 Re: Ocean Reef Road – Council on explaining its timeframes stated: “Reporting to Council, calling for tenders if required.” Surely, if this road were going to be built tenders would have to be obtained. Does “if required” mean that this road may not be constructed?

A3 There was an agreement between Council, the developer and contractor that the developer’s contractor would construct the road, thereby negating the need to go through a tender process. If that does not occur then Council has to abide by the tender regulations and go through a public tender process.

Response by Cmr Paterson: It is the Commissioners’ intention, supported by a motion, that the road will be built. Council is going through the design process.

Ms J Hughes, Warwick:

I would like to table a petition of 74 signatures from residents from Hillview Road, Warwick relating to their local park:

- *the high incidents of graffiti. Council has a 24 hour removal process I would like to see put into effect;*
- *the state of the play equipment and park furniture which has safety issues;*
- *the state of the grass and prickly coverings which needs reticulation to make the park usable in the summer months;*
- *the high incidence of unruly behaviour and antisocial drinking at night. I would like Council to have security patrols in the area at night.*

Q1 Mrs Irene Blair, 20 Garrong Close, Edgewater is concerned about the size of the verge and its required upkeep. This area is densely covered in vegetation and Mrs Blair is unable to financially undertake the required works to make it safe before the fire season. Mrs Blair is asking the City of Joondalup's assistance with this matter.

A1 Council will investigate the matter.

Q2 At what stage in the development process has the Aegis Woodlake Retreat Nursing Home reached with the City of Joondalup and will plans be available to the public for viewing?

A2 This question will be taken on notice.

Mr M Sideris, Mullaloo (President of the Mullaloo Progress Association):

Q1 Can Council please advise what the current status is regarding the Mullaloo Beach building currently under construction, bearing in mind it does not meet either the building licence or development application conditions?

A1 Council staff have been monitoring the development of the building works in comparison to the approved building licence. A notice has been served on the builders today for departures from the approved drawings. This process will be followed through.

Q2 In the West Australia on Saturday, 18 September 2004 the tavern developers have advertised that they intend to lease areas of office, retail and restaurant and I quote: "Which can be divided into smaller tenancies if required." Has the intended change of use being given approval by the City and will this have any impact on the on-site staff levels and hence on the on-site parking provision requirements for this development?

A2 There has been no applications to the City to reallocate the approved land uses in that development. If there is an intention to do so, planning applications would be required and the issues that Mr Sideris raises would need to be assessed as part of that process.

Mr T Thorp, Sorrento:

Re: Question asked on 31 August 2004 regarding ratepayer initiated referendums, I received a reply from Council stating: "Council could, under the provisions of the Local Government Act 1995, make a local law to manage the process of ratepayers initiated referendums provided it is not inconsistent with the Act or any other written law."

Q1 Could Council please confirm if it would be consistent with the Act or any written law?

Q2 What steps would ratepayers have to take in order to initiate the ratepayer initiated referenda?

Q3 Could Council please provide me with relevant information or material to enable me to proceed with this matter?

A1-3 These questions will be taken on notice.

Mr K Young, Woodvale:

I would like to table a petition from 75 residents from Kinross who have raised a serious traffic problem at the intersection of Kinross and Connolly Drives. This is in the 2005 budget to consider a roundabout, but for the people of Kinross this is too far away.

Q1 Can Council consider bringing forward the works on the roundabout?

A1 Council will investigate the matter and report back to the Commissioners accordingly.

Mrs M Zakrevsky, Mullaloo:

Q1 Re: Item 7 – Petition No. 2 – Why has the house number, that is clearly stated in the petition heading and in the body of the petition, detailing the extremely loud noise levels and other antisocial behaviour over a period of four years been omitted? This omission reflects adversely on each property owner in Cuttle Court, whereas, in fact, the problem emanates from the owner residents of one property being 1 Cuttle Court, Mullaloo.

A1 This question will be taken on notice.

Q2 Re: Paragraph 3 in the Petition – It states: "We believe the City of Joondalup has been sadly lacking in following up these complaints and taking action against the residents of this house even when neighbours have rung the City the next day and made official complaints."

How does the City of Joondalup keep records of complaints when the property is anonymous and does this anonymity also apply to this particular property being 1 Cuttle Court in the Rates Department?

A2 The issues relating to this particular property are recorded in the reports that are made by City Watch and they are also recorded in Council's Proclaim Action Request Module. Answers have been sent to those petitioners within the last few days. The property is 1 Cuttle Court and there is no deliberate attempt to say that it is any other property.

Mr K Zakrevsky, Mullaloo:

Q1 Re: Item 7 - Petition No. 2 – With reference to the City of Joondalup's Noise Fact Sheet by Approvals, Planning and Environmental Services. This Advice sheet refers to restricted times for use of power tools, construction site noises, intruder alarms, pool pumps, air conditioners and loud music.

Why are there no directions of procedures for complaints other than providing an EPA web site address with a disclaimer that: "The City takes no responsibility or liability for the contents of services offered via such third party online services"?

A1 The noise monitoring aspects of the City's operations are extremely complex and the best way to get advice is direct from Council's Environmental Health officers. The Environmental Health officers will contact Mr Zakrevsky directly.

Q2 People are frustrated, confused and annoyed because there is no procedure available on how to go about making a complaint that is going to be taken note of, registered and acted upon. If Council is printing a fact sheet, can the full details of the procedures for making a complaint be on it?

A2 There is a process for registering noise complaints, it is a statutory process and Council has designated officers that are trained in administering that particular process.

Q3 When will the City of Joondalup take action, such as confiscating the outdoor karaoke and stereo equipment at 1 Cuttle Court, Mullaloo? Are these antisocial occupants going to be able to continue for another four years to prevent the neighbourhood from getting any sleep till dawn?

A1 This question will be taken on notice.

Mrs M Papworth, Ocean Reef:

Q1 When the City has a workshop for the Ocean Reef extension could rooms be used in Council offices and not pay for a function room?

A1 *Response by Cmr Paterson:* The Acting Chief Executive Officer will investigate this request.

Q2 Re: Car parks at Ocean Reef Road – I am astonished that Council is thinking of putting a car park on the wrong side of the road, as all other car parks along the ocean front have car parks are on the right side of the road.

A2 This question will be taken on notice.

Mr S Magyar, Heathridge:

Q1 Re: Item CJ210-09/04 – Application for Legal Expenses from suspended Councillor Tim Brewer. I refer to Clause 3 of the policy. Are the officers satisfied that suspended Councillor Brewer’s application fully complies with all matters listed under Clause 3 of the policy?

A1 The particular attributes of that are addressed in the report. Recommendation 2 also requires a declaration in accordance with that particular clause of the policy.

Q2 Re: Process for selecting the new CEO for the City of Joondalup and I refer to the report of the Standing Committee on Public Administration Finance in relation to the Local Government Act 1995, Report No. 6, December 2003 and in that report Recommendation No. 11 where the Committee recommended that all West Australian Local Governments should note and endeavour to implement the recommendations of the New South Wales Independent Commission against Corruption Report on the investigation into Mr Glen Oakley’s use of false academic qualifications and that they be noted in the guidelines developed for employment of Local Government Chief Executive Officers.

Has the City of Joondalup obtained a copy of that New South Wales Commission against Corruption Report and to what extent has the City ensured that their processes and the consultants that they use for the process will follow the recommendation of the independent Commission against Corruption Report?

A2 There is a recommendation from the Chief Executive Officer’s Selection Committee tonight dealing with the appointment of consultants to assist in the recruitment process. The City has a copy of that report and will refer that document together with others to the successful recruitment consultants for their information.

APOLOGIES AND LEAVE OF ABSENCE

Nil

DECLARATIONS OF FINANCIAL INTEREST/INTEREST THAT MAY AFFECT IMPARTIALITY

Cmr Fox declared an interest that may affect her impartiality in Item CJ211-09/04 - Tender Number 001-04/05 Construction of Stormwater Drainage Improvements in Bahama Close Sorrento, as her daughter attends Sacred Heart College.

Acting Chief Executive Officer, Mr Clayton Higham, declared a financial interest in C60-09/04 – Application for payment of legal expenses for a former employee relating to the Inquiry as he is a potential applicant for funding under Policy 2.2.8.

Manager Audit and Executive Services, Mr Kevin Robinson, declared a financial interest in C60-09/04 – Application for payment of legal expenses for a former employee relating to the Inquiry as he is a potential applicant for funding under Policy 2.2.8.

Director Infrastructure and Operations, Mr David Djulbic, declared a financial interest in C60-09/04 – Application for payment of legal expenses for a former employee relating to the Inquiry as he is a potential applicant for funding under Policy 2.2.8.

Director Corporate Services and Resource Management, Mr Peter Schneider declared a financial interest in C60-09/04 – Application for payment of legal expenses for a former employee relating to the Inquiry as he potentially may have to place a similar request before Council in the future if called before the Inquiry.

Acting Chief Executive Officer, Mr Clayton Higham, declared a financial interest in C61-09/04 – Tender Number 013-04/05 Consultancy Services to assist the recruitment and appointment process for a Chief Executive Officer, as he is currently Acting Chief Executive Officer.

Cmdr Smith declared a conflict of interest in C61-09/04 – Tender Number 013-04/05 Consultancy Services to assist the recruitment and appointment process for a Chief Executive Officer as she has worked with one of the tenderers. Cmdr Smith stated this was not a financial interest, however she would leave the Chamber when this matter is discussed.

CONFIRMATION OF MINUTES

C57-09/04 **MINUTES OF MEETING OF JOINT COMMISSIONERS, 31 AUGUST 2004**

MOVED Cmdr Smith, SECONDED Cmdr Anderson that the Minutes of the Meeting of Joint Commissioners held on 31 August 2004 be confirmed as a true and correct record.

The Motion was Put and

CARRIED UNANIMOUSLY (5/0)

C58-09/04 **MINUTES OF SPECIAL MEETING OF COUNCIL, 10 SEPTEMBER 2004**

MOVED Cmdr Smith, SECONDED Cmdr Anderson that the Minutes of the Special Meeting of Council held on 10 September 2004 be confirmed as a true and correct record.

The Motion was Put and

CARRIED UNANIMOUSLY (5/0)

ANNOUNCEMENTS BY THE CHAIRMAN WITHOUT DISCUSSION

MUNICIPAL INSURANCE

I am pleased to announce that the City's Insurer, the Municipal Liability Scheme, has approved a financial contribution towards the City's legal costs relating to actions instituted by Denis Smith.

At a Special Meeting of Council in February 2004, the Commissioners resolved to apply for a contribution to the amount of \$90,000 the City paid the former Chief Executive Officer.

This amount, recommended by the City's lawyers, was in settlement of a Supreme Court action and the threatened defamation action against the City and former Mayor, Don Carlos.

Under the terms of the Agreement, the contribution to be paid to the City by the Municipal Liability Scheme must remain confidential, but I am able to describe it as "a favourable amount" for the City. Very good news.

HISTORIC MEETING

I hope that a new era of cooperation between the Cities of Joondalup and Wanneroo is about to begin after an historic meeting last Thursday between the Commissioners and the Chief Executive Officers, the Mayor and a large number of Councillors from Wanneroo.

It was an opportunity to share thoughts on a number of important issues, ranging from economic growth of the corridor to joint services in facilities like libraries.

A real spirit of cooperation and partnership was displayed and it was agreed to progress memorabilia issues over the next few weeks.

It was the first time the two Cities had met formally on this level and the prospects are very encouraging.

DEPOT PLANS

Following requests from ratepayers, the City has agreed to extend the period for submissions on the advertised business plan for the proposed Works Depot until 12 October 2004.

JINAN SUCCESS

I'm very much looking forward to a breakfast meeting and "debrief" tomorrow of the twelve City stakeholders who joined me on the recent delegation to Jinan in China.

These included Senior Executives from Edith Cowan University, TAFE, the police, Health Campus and business and the contacts we have made will be invaluable as the "Sister City" relationship continues to blossom.

Jinan will reciprocate with a delegation of about 12 to Joondalup in November with the prospect of further delegations in 2005. There are some 20,000 Chinese students that come to Australia each year and only 4% come to Western Australia. There is an enormous opportunity to enlarge on these figures alone.

MAKING COMMUNITIES SAFER

Congratulations to officers of the Cities of Joondalup and Wanneroo whose work on a Regional Emergency Plan in case of natural disaster has won a prestigious State award.

Chairman of the State Emergency Management Committee, Police Commissioner Karl O'Callaghan announced the two Cities as the winner of the *Pre-disaster Category – Local Government* for their "All West Australians Reducing Emergencies" (AWARE) Project.

The two Cities conducted emergency risk management for the region to identify and analyse risks and are now in the running for the national awards in Canberra in November.

It is very good to see officers of the Cities of Wanneroo and Joondalup working together in this. Congratulations to all involved.

I would like to thank Operations Manager, Dennis Cluning, Chief Ranger, Paul Hrovatin and Aware Coordinator, John Clark for their efforts and call forward Dennis Cluning to receive the award.

PETITIONS

C59-09/04 PETITIONS SUBMITTED TO THE COUNCIL MEETING – 21 SEPTEMBER 2004

1 PETITION REQUESTING AN INVESTIGATION INTO THE OPERATION OF A HOME BUSINESS AT 151 TIMBERLANE DRIVE, WOODVALE – [75464]

A 118-signature petition has been received requesting that the City of Joondalup investigates and rejects the Home Business Category 2 Licence Application for 151 Timberlane Drive, Woodvale.

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

2 PETITION OBJECTING TO NOISE LEVELS EMANATING FROM A PROPERTY IN CUTTLE COURT, MULLALOO – [23805]

A 13-signature petition has been received from Mullaloo residents in relation to noise levels emanating from a property in Cuttle Court, Mullaloo.

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

3 PETITION REGISTERING OBJECTION TO THE SINGLE ACCESS PROVIDED AT WOODLAND RETREAT DEVELOPMENT, KINGSLEY FOR TRAFFIC BOTH INTO AND OUT OF THE AREA – [42442] [39466] [76534]

A 66-signature petition has been received from residents of Kingsley registering their objection to the single access provided at Woodland Retreat Development for traffic both into and out of the area.

The petitioners request the City of Joondalup not to approve any more plans for the area and to work with Main Roads WA to resolve this issue as a matter of urgency.

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

4 PETITION REQUESTING COUNCIL TO REPLACE EXISTING PLAY EQUIPMENT AND PARK FURNITURE AND RETICULATE AT HILLWOOD PARK, WARWICK – [03496]

A 74-signature petition has been received requesting that the City of Joondalup replace existing play equipment and park furniture and reticulate at Hillwood Park, Warwick.

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

5 PETITION REQUESTING COUNCIL TO TAKE IMMEDIATE ACTION TO ENSURE THAT A ROUNDABOUT IS CONSTRUCTED ON THE INTERSECTION OF KINROSS AND CONNOLLY DRIVE, KINROSS – [00135] [09189]

A 76-signature petition has been received requesting Council to take immediate action to ensure that a roundabout is constructed on the intersection of Kinross and Connolly Drive, Kinross as the current situation causes traffic problems especially during school drop off and pick ups.

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

CJ207 - 09/041 SCHEDULE OF DOCUMENTS EXECUTED BY MEANS OF AFFIXING THE COMMON SEAL – [15876]

WARD - All

CJ040914_BRFD0C:ITEM 1

PURPOSE

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

Document: Amendment
Parties: City of Joondalup
Description: Final adoption of Scheme Amendment No 21 – Portion of Lot 9016 Burns Beach Road - Rezoning
Date: 27.07.04

Document: Agreement
Parties: City of Joondalup and Family and Community Services
Description: Funding Agreement for Youth Activities Services/Family Liaison Worker
Date: 27.07.04

Document: Caveat
Parties: City of Joondalup and Silkchime P/L
Description: Withdrawal of Caveat – Lots 946, 956 and 965 Ellersdale Avenue, Warwick
Date: 05.08.04

Document: Application
Parties: City of Joondalup and Department for Community Development
Description: Preferred Service Provider Application for City of Joondalup
Financial Counselling Service
Date: 05.08.04

Document: Caveat
Parties: City of Joondalup and Kapinkoff Nominees P/L
Description: Withdrawal of Caveat – Lot 2 Trappers Drive, Woodvale
Date: 05.08.04

Document: Contract
Parties: City of Joondalup and Australian Air-conditioning Services
Description: Execution of Contract No 045-03/04 – Mechanical Services
Preventative Maintenance
Date: 05.08.04

Document: Contract
Parties: City of Joondalup and Coastal Sweeping Services
Description: Execution of Contract No 045-03/04 – Sweeping or urban and
arterial roads
Date: 05.08.04

Document: Contract
Parties: City of Joondalup and Wearmasters P/L t/as Road and Traffic
Services
Description: Execution of Contract No 044-03/04 – Provision of pavement
marking services
Date: 10.08.04

Document: Agreement
Parties: City of Joondalup and R T and R C Holdings P/L
Description: Licence Agreement to operate Joondalup Reception Centre – 1.8.04
to 31.7.05
Date: 19.08.04

ATTACHMENTS

Nil

VOTING REQUIREMENTS

Simple Majority

MOVED Cmr Anderson, SECONDED Cmr Clough that the schedule of documents executed by means of affixing the Common Seal for the period 21 July 2004 to 19 August 2004 be NOTED.

The Motion was Put and

CARRIED UNANIMOUSLY (5/0)

**CJ208 - 09/04 DATE OF FUTURE LOCAL GOVERNMENT
ELECTIONS - THIRD SATURDAY IN OCTOBER –
[03011]**

WARD - All

CJ040914_BRFD0C:ITEM 2

PURPOSE

This report is to ascertain if the City supports a change of the Election Day to the third Saturday in October every two years.

EXECUTIVE SUMMARY

The Western Australian Local Government Association (WALGA) has surveyed member councils to determine the level of support for a change of date for holding the biennial local government elections, from May to October. WALGA received responses from over 100 member Councils and whilst there was not a specific date indicated it was clear from the consultation that over 60 Councils supported a broad change to the September/October period.

WALGA is now asking member Councils if they support a change of Election Day to the third Saturday in October every two years, and has requested that a response be provided by Friday 15 October 2004.

It is recommended that the Joint Commissioners support the proposed change in biennial election date from May to October.

BACKGROUND

Report CJ097-05/04 Date of Future Biennial Local Government Elections was presented at the ordinary Council meeting of 18 May 2004, where the following motion was carried:

“That the Joint Commissioners SUPPORT in principle a change in the date for holding of biennial local government elections from May to September/October.”

The City of Joondalup was instrumental in seeking the date change and progressed this through the North Metropolitan Zone Committee of WALGA.

DETAILS

Statutory Provision:

Section 4.7 of the Local Government Act 1995, titled “Ordinary elections day usually the first Saturday in May”, outlines the date on which ordinary elections are to be held. Any change in the election date would require an amendment to section 4.7.

Financial Implications:

Under the current arrangements with the State Electoral Commission those Councils that opt to use the State Electoral Commission to manage their biennial elections with postal voting, may split the cost of the election across successive budgets. With the preferred change from May to October clarification was sought and agreement given that the State Electoral Commission will continue to permit local governments to split the costs over two budget years.

COMMENT

The City of Joondalup was instrumental in seeking the date change of local government elections from May to October. This action followed the State Government's announcement of its intention to change the Terms of Office of State Parliamentarians to four years and hold the State elections on the third Saturday of February.

The proposed change of Election Day for local government to the third Saturday in October every two years, was deemed necessary as the conflicting times of both the State and local government elections would have overlapped. This would have caused a significant challenge to the State Electoral Commission to manage all elections on those years when State elections were also held.

Other considerations were taken into account when making the decision to seek the change in election date to October. Positive outcomes from the change would be that newly elected members of Councils have more time to settle into their role, be able to undertake training and be better prepared in what is required of their office, especially when the budget process is to be undertaken. A change to this legislation has the potential to affect all local governments throughout the State in different ways. Each local government will be assessing the likely impact from its own perspectives.

Possible Implementation

As this matter is still in the consultation stage and an amendment to the Local Government Act 1995 would be necessary if the proposed date change is supported, it is envisaged that the earliest implementation time would be for the 2007 biennial local government elections.

ATTACHMENTS

Nil

VOTING REQUIREMENTS

Simple majority

MOVED Cmr Anderson, SECONDED Cmr Fox that the Joint Commissioners support a change in the date for holding of Biennial Local Government Elections from May to October.

Discussion ensued.

The Motion was Put and

CARRIED UNANIMOUSLY (5/0)

CJ209 - 09/04 MINUTES OF SUSTAINABILITY ADVISORY COMMITTEE - 2 SEPTEMBER 2004 – [00906]

WARD - All

CJ040914_BRFD0C:ITEM 3

PURPOSE

The unconfirmed minutes of the Sustainability Advisory Committee meeting held on 2 September 2004 are submitted for noting by Council.

EXECUTIVE SUMMARY

The Sustainability Advisory Committee (SAC) met on 2 September 2004. Several items of Business were discussed including an overview of the Community Funding Round II 2003/04 (Sustainability Category), the first meeting of the Joondalup Energy Team (JET), recruitment for a new Sustainability Advisory Committee (SAC) member, the new home energy audit program, and the outcomes of the previous SAC workshop.

Several issues were raised in regards to the advisory role of the SAC. The SAC indicated that it would like greater involvement with sustainability projects and to be made aware of significant issues under consideration by Council to incorporate the Committee's expertise and experience.

The Committee recommended that the requirements for quorum as detailed within the Committee's Terms of Reference (Attachment 2) be changed.

It is the view of officers that slight amendments to quorum requirements are necessary to provide greater clarity to Committee members on quorum requirements and to reflect requirements of the Local Government Act.

This report recommends that the Joint Commissioners:

- 1 *NOTE the unconfirmed minutes of the Sustainability Advisory Committee meeting held on 2 September 2004, forming Attachment 1 to Report CJ209-09/04;*
- 2 *ACCEPT the resignation of Mr Paul Gerrans from the Sustainability Advisory Committee and thank him for his contribution to the Committee;*

- 3 *AMEND the Sustainability Advisory Committee's Terms of Reference (Section 5.4) to read "A quorum shall be 50% of the number of offices (whether vacant or not) of members of the Committee";*
- 4 *REQUEST a report be prepared by Council officers on the Community Funding (Sustainable Development Category) guidelines and ideas to increase grant applications.*

DETAIL

The minutes of the Sustainability Advisory Committee meeting, held on 2 September 2004 are provided at Attachment 1.

ITEM 1 COMMUNITY FUNDING RECIPIENTS CEREMONY (SUSTAINABLE DEVELOPMENT CATEGORY)

The Community Funding – Sustainable Development category recipients were presented with cheques as a result of successful funding applications for Round II 2003/04. Representatives attended the ceremony from the City of Joondalup, Padbury Primary School, Mullaloo Heights Primary and Malubillai Wildlife Carers Network.

The Sustainability Advisory Committee requested that Mr Reay provide the Committee with a report outlining the guidelines for the Community Funding (Sustainable Development Category) Round I 2004/05 and proposed ideas to promote and increase grant applications.

ITEM 2 JOONDALUP ENERGY TEAM HOLDS FIRST MEETING

A report on the proposed establishment of the Joondalup Energy Team (JET) was presented at the Business Unit Manager's meeting on 25 May 2004. Upon approval, the JET was established consisting of key staff from relevant business units who would be able to provide direct input in to the feasibility and practicality of implementing actions identified in the Greenhouse Action Plan (Cities for Climate Protection). JET was established to develop and implement predominately internal actions designed to reduce energy use, reduce resource wastage and improve awareness of global warming and related environmental issues.

ITEM 3 RECRUITMENT OF A NEW MEMBER FOR THE SUSTAINABILITY ADVISORY COMMITTEE UPON THE RESIGNATION OF MR PAUL GERRANS

The City received a resignation letter dated 6 July 2004 from SAC member Mr Paul Gerrans advising that he is unable to continue as a member of SAC due to increased teaching commitments from July 2004.

The resignation of Mr Paul Gerrans opens up a vacancy on the SAC. The City plans to advertise and fill this vacancy with an appropriate community member with knowledge or experience in sustainable economic development. The Committee agreed to accept the resignation of Mr Gerrans.

As a result of the resignation of Mr Gerrans, and in an effort to enable a quorum to be reached until this position is filled, the Committee moved the following recommendation for Council consideration:

“The Terms of Reference (Section 5.4) is amended to read” “A quorum will be 50% of the current Committee members being present”.

Officer Comment

Section 5.19 of the Local Government Act 1995 (the Act) states that the quorum of a meeting of a committee is at least 50% of the number of offices (whether vacant or not) of the committee. Whilst Section 5.15 of the Act allows the Council to reduce the number of offices of committee members required for a quorum, this is not supported as a long-term option. In the event that the Committee experiences ongoing difficulties in achieving a quorum, it is recommended that the membership of the Committee be reviewed.

It is the view of officers that the Committee recommendation to amend quorum requirements within the Terms of Reference (Attachment 2) is not supported.

It is however recommended that a slight amendment is necessary. The requirements of quorum within the current Terms of Reference are 50% (7) Committee members being present. It is recommended that this should be amended to read:

“A quorum shall be 50% of the number of offices (whether vacant or not) of members of the Committee”.

The proposed changes are reflected in Attachment 2 (Section 5.4). It is the officer’s opinion that this will provide greater clarity to Committee members on quorum requirements.

ITEM 4 HOME ENERGY AUDIT PROJECT (ECO HOUSE)

The City is currently investigating a Home Energy Audit project entitled ECO HOUSE designed to equip residents within the City with the skills and knowledge to reduce their ecological impact.

This project is envisaged to include an audit, implementation and review stages with residents developing an action plan in conjunction with a suitably qualified contractor. This contractor will provide the complete audit process including consultation, selection of participants, and the reporting of tasks during the project.

ITEM 5 WORKSHOP OUTCOMES AND FUTURE PROGRESS

The Sustainability Advisory Committee (SAC) developed a set of high priority objectives and actions during a visioning workshop conducted on 10 June 2004. A draft SAC work plan was developed to progress objectives and high priority actions. A further informal workshop was held on 12 August 2004 to review the draft work plan and make amendments.

The Sustainability Advisory Committee (SAC) is now positioned to progress strongly when the new work plan is completed. The work plan will be designed to clearly identify the roles and responsibilities, tasks and strategic direction of the Committee in support of the City’s Strategic Plan 2003 - 2008.

ATTACHMENTS

Attachment 1 Unconfirmed minutes of the sustainability advisory committee meeting held on 2 September 2004.

Attachment 2 Current Terms of Reference for the Sustainability Advisory Committee.

VOTING REQUIREMENTS

Absolute Majority

OFFICER’S RECOMMENDATION: That the Joint Commissioners:

- 1 NOTE the unconfirmed minutes of the Sustainability Advisory Committee meeting held on 2 September 2004, forming Attachment 1 to Report CJ209-09/04;
- 2 ACCEPT BY AN ABSOLUTE MAJORITY the resignation of Mr Paul Gerrans from the Sustainability Advisory Committee and thank him for his contribution to the Committee;
- 3 AMEND the Sustainability Advisory Committee’s Terms of Reference (Section 5.4) to read: “A quorum shall be 50% of the number of offices (whether vacant or not) of members of the Committee”;
- 4 REQUEST a report be prepared by Council officers on the Community Funding (Sustainable Development Category) guidelines and ideas to increase grant applications

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

- 1 NOTE the unconfirmed minutes of the Sustainability Advisory Committee meeting held on 2 September 2004, forming Attachment 1 to Report CJ209-09/04;
- 2 ACCEPT the resignation of Mr Paul Gerrans from the Sustainability Advisory Committee and thank him for his contribution to the Committee;
- 3 AMEND the Sustainability Advisory Committee’s Terms of Reference (Section 5.4) to read: “A quorum shall be 50% of the number of offices (whether vacant or not) of members of the Committee”;
- 4 AMEND the Sustainability Advisory Committee’s Terms of Reference Section 4.2 to read:

 “4.2 To provide advice to Council on items referred to the Committee from the City of Joondalup Council or administration”;

5 AMEND the Sustainability Advisory Committee’s Terms of Reference Section 4.1 to read:

“4.1 To recommend to the City of Joondalup Council on relevant policies which are to be made available to the Sustainability Advisory Committee for advice and appropriate courses of action which promotes sustainability which is (1) environmentally responsible, (2) socially sound and (3) economically viable.”

6 REQUEST a report be prepared by Council officers on the Community Funding (Sustainable Development Category) guidelines and ideas to increase grant applications.

Cmr Anderson spoke in support of the Motion. The Acting Chief Executive Officer raised concern at changes being made to the Terms of Reference without the submission of an officer’s report to the Committee.

1st AMENDMENT MOVED Cmr Smith, SECONDED Cmr Clough that the Motion be AMENDED by the addition of the following points:

7 REQUEST the Acting Chief Executive Officer to provide a report on suitable protocols on a method and criteria for matters to be referred to the Sustainability Advisory Committee under the Objectives in its Terms of Reference and whether it is appropriate for such protocols to be included in the Terms of Reference under Clause 5 – Management;

8 SUPPORT the concept of the City subscribing to the Sustainability Indicators Network.

Cmr Smith spoke in support of the Amendment.

The 1st Amendment was Put and

CARRIED (5/0)

Discussion ensued on the original Motion.

2nd AMENDMENT MOVED Cmr Smith, SECONDED Cmr Anderson that the first sentence of Point 5 of the Motion be amended to read:

“5 *REQUEST a report be prepared by Council officers on a possible amendment to the Sustainability Advisory Committee’s Terms of Reference Section 4.1 to read:*”

The 2nd Amendment was Put and

CARRIED (5/0)

The Original Motion, as amended, being:

That the Joint Commissioners:

- 1 NOTE the unconfirmed minutes of the Sustainability Advisory Committee meeting held on 2 September 2004, forming Attachment 1 to Report CJ209-09/04;**
- 2 ACCEPT the resignation of Mr Paul Gerrans from the Sustainability Advisory Committee and thank him for his contribution to the Committee;**
- 3 AMEND the Sustainability Advisory Committee’s Terms of Reference (Section 5.4) to read: “A quorum shall be 50% of the number of offices (whether vacant or not) of members of the Committee”;**
- 4 AMEND the Sustainability Advisory Committee’s Terms of Reference Section 4.2 to read:

“4.2 To provide advice to Council on items referred to the Committee from the City of Joondalup Council or administration”;**
- 5 REQUEST a report be prepared by Council officers on a possible amendment to the Sustainability Advisory Committee’s Terms of Reference Section 4.1 to read:

“4.1 To recommend to the City of Joondalup Council on relevant policies which are to be made available to the Sustainability Advisory Committee for advice and appropriate courses of action which promotes sustainability which is (1) environmentally responsible, (2) socially sound and (3) economically viable.”**
- 6 REQUEST a report be prepared by Council officers on the Community Funding (Sustainable Development Category) guidelines and ideas to increase grant applications;**
- 7 REQUEST the Acting Chief Executive Officer to provide a report on suitable protocols on a method and criteria for matters to be referred to the Sustainability Advisory Committee under the Objectives in its Terms of Reference and whether it is appropriate for such protocols to be included in the Terms of Reference under Clause 5 – Management;**
- 8 SUPPORT the concept of the City subscribing to the Sustainability Indicators Network.**

Was Put and

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

Appendix 1 refers.

To access this attachment on electronic document, click here: [Attach1brf140904.pdf](#)

CJ210 - 09/04 APPLICATION FOR PAYMENT OF LEGAL EXPENSES RELATING TO THE INQUIRY – [01173] [72559]

WARD - All

PURPOSE

For the Joint Commissioners to consider the operation of *Policy 2.2.8 Legal Representation for Elected Members and Employees* in respect of the application for funding assistance that has been made by Cr Tim Brewer (suspended).

EXECUTIVE SUMMARY

The report discusses the application of *Policy 2.2.8 Legal Representation for Elected Members and Employees* in relation to a suspended Elected Member availing himself of the policy with regard to the Inquiry. (A copy of *Policy 2.2.8 Legal Representation for Elected Members and Employees* is attached to this report and marked Attachment 1.)

The recommendation in relation to the application is for the application to be supported.

BACKGROUND

The Joint Commissioners at the Council Meeting held on 29 June 2004 adopted *Policy 2.2.8 Legal Representation for Elected Members and Employees*.

On 20 July 2004, the Joint Commissioners approved funding for suspended and former Elected Members, and a former employee.

On 31 August 2004, the Joint Commissioners approved funding for a current employee in relation to legal representation costs for the Inquiry.

An application has been received by a suspended Elected Member in relation to the forthcoming inquiry into the City.

DETAILS

Statutory Provision:

The Policy does apply to the Inquiry, indeed expressly stating under the definition of ‘Legal Proceedings’ that these may be civil, criminal or investigative (including an inquiry under any written law). This reference to any written law applies equally to the creation of inquiry bodies made pursuant to the *Local Government Act 1995* and the *Royal Commissions Act 1968*.

Policy Implications:

Policy No 2.2.8 Legal Representation for Elected Members and Employees.

COMMENT

Under section 3.1 of the *LGA 1995*, the general function of a local government is to provide for the good governance of persons in the district.

The City should only pay the legal expenses of suspended elected members and employees if the payment can be justified as being for the good government of persons in the City's district.

The policy relating to the legal representation for elected members and employees allows, in appropriate circumstances, for the City to pay for the legal representation costs of an individual elected member or employee.

The City has received an application from Cr Tim Brewer (suspended).

In terms of payment criteria, the legal representation costs must relate to a matter that arises from the performance of the Elected Member's functions, the costs must be in respect of legal proceedings that have been or may be commenced, and in performing the functions to which the legal representation relates, the Elected Member must have acted in good faith, and must not have acted unlawfully or in a way that constitutes improper conduct.

1 Cr Brewer (Suspended)

An application was received on 30 August 2004 for funding for legal representation from Cr Brewer (suspended). He has expressed the view that he wishes to appoint Michael Hardy from Hardy Bowen Lawyers to represent him before the Inquiry.

The application for legal representation funding conforms to the requirements of subclause 3.2(a) and (b) of the Policy.

In assessing the application, the first criterion has been met namely that the legal representation costs relate to a matter that arises from the performance of Cr Brewer's (suspended) functions as an elected member.

The terms of reference of the Inquiry suggest the decision-making processes of Council will be investigated as they relate to the appointment, retention and cessation of the former CEO, and the operations of Council during that time.

The second criterion requires that the costs be in respect of legal proceedings. As mentioned, the Inquiry comes within the application of Policy 2.2.8.

The third requirement states that an elected member must have acted in good faith, and must not have acted unlawfully or in a way that constitutes improper conduct. The assessment of this criterion is difficult as it deals with issues that will be addressed as part of the Inquiry process. Nevertheless, for the purposes of assessing this criterion, Cr Brewer (suspended) has stated that to the best of his knowledge he has abided by the conditions set out in the City's Policy 2.2.8. Furthermore, should an adverse finding be made against him by the Inquiry,

clause 7 of the policy allows for the City to reclaim the funds paid to him. The requirement of subclause 3.2(c) and 3.3 will be captured in the declaration nevertheless.

On the discussion above, it is the recommendation that the application for legal funding up to \$5,000 be approved. The amount is exclusive of GST. Payment will be made either in the form of reimbursement to the suspended elected member on presentation of an official tax invoice, or direct payment to the appointed legal firm on presentation of an official tax invoice.

Financial Implications:

The funds to be derived from the Inquiry Account.

ATTACHMENTS

- | | |
|--------------|---|
| Attachment 1 | Policy No 2.2.8 - Legal Representation for Elected Members and Employees. |
| Attachment 2 | Application made by Cr Tim Brewer (suspended) dated 30 August 2004. |

VOTING REQUIREMENTS

Simple Majority

MOVED Cmr Clough, SECONDED Cmr Fox that the Joint Commissioners:

- 1 in accordance with Policy 2.2.8 – Legal Representation for Elected Members and Employees APPROVE the request for assistance for legal funding made by:**
 - (a) Tim Brewer for the forthcoming Inquiry into the City of Joondalup to the maximum amount of \$5,000;**
- 2 NOTE that funding in 1 above is conditional on Cr Brewer (suspended), in accordance with clause 3.3(a), (b) and (c) of Policy 2.2.8 supplying to the City, a signed statement that he:**
 - (a) has read, and understands, the terms of this Policy;**
 - (b) acknowledges that any approval of Legal Representation Costs is conditional on the repayment provisions of clause 7 and any other conditions to which the approval is subject;**
 - (c) undertakes to repay to the City any Legal Representation Costs in accordance with the provisions of clause 7; and**
 - (d) has to the best of his knowledge acted in good faith, not acted unlawfully or in any way that constitutes improper conduct in relation to the matter to which the application relates.**
- 3 CHARGE the expenditure in 1 above to the City of Joondalup Inquiry Account.**

The Motion was Put and

CARRIED UNANIMOUSLY (5/0)

Appendix 12 refers.

To access this attachment on electronic document, click here: [Attach12agn140904.pdf](#)

Comr Fox declared an interest that may affect her impartiality in Item CJ211-09/04 - Tender Number 001-04/05 Construction of Stormwater Drainage Improvements in Bahama Close Sorrento, as her daughter attends Sacred Heart College.

**CJ211 - 09/04 TENDER NUMBER 001-04/05 CONSTRUCTION OF
STORMWATER DRAINAGE IMPROVEMENTS IN
BAHAMA CLOSE SORRENTO – [78562]**

WARD - All

CJ040914_BRFD0C:ITEM 1

PURPOSE

To seek the approval of the Joint Commissioners to choose the tender submitted by Densford Pty Ltd for the Construction of Stormwater Drainage Improvements in Bahama Close Sorrento.

EXECUTIVE SUMMARY

Tenders were advertised on 21 July 2004 through statewide public tender for the Construction of Stormwater Drainage Improvements in Bahama Close, Sorrento, (Number 001-04/05). Tenders closed on 5 August 2004. Three submissions were received from Works Infrastructure, Densford Pty Ltd and Mako Civil Pty Ltd.

It is recommended, in relation to Tender Number 001-04/05 for the Construction of Stormwater Drainage Improvements in Bahama Close Sorrento, that the Joint Commissioners:

- 1 *CHOOSE Densford Pty Ltd as the successful tenderer for the Stormwater Drainage Improvements in Bahama Close Sorrento (Tender No. 001-04/05) for a lump sum price of \$102,344 excluding GST;*
- 2 *AUTHORISE the Acting Chief Executive Officer (CEO), on behalf of the City, to enter into a contract with Densford Pty Ltd in accordance with the tender submitted by Densford Pty Ltd, subject to any minor variations that may be agreed between the CEO and Densford Pty Ltd.*

BACKGROUND

After a significant storm in June 2003 the stone pitched embankment at the end of Bahama Close, Sorrento was damaged by stormwater overflowing from the road and over the embankment into the adjacent Sacred Heart College property. The existing pipe system was unable to cope with the intensity of the storm.

The existing drainage pipe is located within an easement along the southern boundary of 12 Bahama Close and discharges into a drainage sump at the rear of the property. Due to the proximity of the house and a retaining wall situated along the southern boundary of the property, it would be extremely difficult to upgrade the existing pipe without risking damage to the house.

As an alternative the City's Officers successfully negotiated a solution with Sacred Heart College to allow the City to construct a replacement stormwater drainage pipe through their property. The location of the drainage line is shown on Attachment 1.

The required modifications to the drainage system were subsequently designed and tendered, and three submissions were received.

DETAILS

Three tender submissions were received from: Works Infrastructure, Densford Pty Ltd and Mako Civil Pty Ltd.

The first part of the tender assessment was the Conformance Audit Meeting. The purpose of this meeting is to ensure that all essential requirements have been met. Tenders not meeting all the essential criteria are deemed to be non-conforming and are eliminated from consideration. Additionally, other criteria that is not mandatory is assessed and if not met the City may eliminate the tender from consideration. The extent of non-compliance in this section would determine if the tender was further considered.

The second part of the evaluation process involved an independent assessment by each team member of the qualitative criteria. 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 then convened to submit and discuss their assessments.

All tenders were deemed conforming and 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'.

The Selection Criteria for Tender number 001-04/05 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 other clients.
- Level of Understanding of tender documents and work required.
- Written References from past and present clients.

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
- Equipment and Staff Resources available
- Percentage of Operational Capacity represented by this work
- Compliance with tender requirements – insurances, licenses, site inspections etc
- Quality Systems
- Occupational Health and Safety Management System and Track Record
- Construction Programme
- 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
- Infrastructure/Office/Staff/Suppliers/Sub-Contractors within the City of Joondalup
- Value Added items offered by tenderer
- Sustainability/Efficiency/Environmental

Methodology

Tenderers were requested to outline the proposed methodology for each aspect of the work. Information was to include but not be limited to the following:

- Description of all construction activities, protection of property from damage and minimisation of nuisance within the school grounds and in Bahama Close during the works.
- Construction of a new deep manhole, protection of nearby services, extent of cul-de-sac to be excavated for construction and traffic management to be employed.
- Construction of embankment and in particular compaction of embankment fill
- Construction of pipe under the limestone wall. The excavation of the pipe under the limestone wall into the basin may expose the school grounds to flooding from out of the drainage sump - describe how this risk would be managed?
- The works may be impacted by storms during construction - how would this be managed?

Tendered Price/s:

- The Lump Sum price Schedule to supply the specified services
- Discounts, settlement terms

Densford Pty Ltd submitted a tender that fully demonstrated its ability to provide the construction works required. The tender submitted by Densford Pty Ltd ranked highest in the evaluation assessment and accordingly is 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 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; none of the tenderers are located within the City of Joondalup.

FINANCIAL IMPLICATIONS

Funds have been allocated in the 2004/05 Capital Works Budget for the required drainage works in Bahama Close.

Account No:	6662
Budget Item:	Bahama Close, Sorrento – Main Drainage Line Relocation
Budget Amount:	\$ 120,000
YTD Amount:	\$ Nil
Actual Cost:	\$ 102,344 (excluding GST)

COMMENT

All of the companies that submitted tenders have the necessary experience, resources and expertise to undertake the stormwater drainage improvements in Bahama, Close Sorrento. The low number of submissions received reflects the state of the current market.

The tender submitted by Densford Pty Ltd ranked highest in the evaluation assessment and accordingly is the recommended tenderer.

The price of \$102,344 submitted by Densford Pty Ltd was also the lowest, and was within the pre tender cost estimate. This is considered acceptable given the current market conditions.

Additionally, Densford Pty Ltd demonstrated their understanding of the requirements for traffic management, flooding contingencies, correct backfilling procedure to the embankment, restoration works, and liaison with Sacred Heart College.

Densford Pty Ltd has confirmed their ability to complete all works within the required six-week contract period, and demonstrated their ability to provide the construction works required.

ATTACHMENTS

Attachment 1 Bahama Close Drainage Improvements

VOTING REQUIREMENTS

Simple Majority.

MOVED Cmr Anderson SECONDED Cmr Clough that, in relation to Tender Number 001-04/05 for the construction of stormwater drainage improvements in Bahama Close Sorrento, the Joint Commissioners:

- 1 CHOOSE Densford Pty Ltd as the successful tenderer for the Stormwater Drainage Improvements in Bahama Close Sorrento (Tender No. 001-04/05) for a lump sum price of \$102,344 excluding GST;**
- 2 AUTHORISE the Acting Chief Executive Officer on behalf of the City, to enter into a contract with Densford Pty Ltd in accordance with the tender submitted by Densford Pty Ltd, subject to any minor variations that may be agreed between the Acting Chief Executive Officer and Densford Pty Ltd.**

The Motion was Put and

CARRIED UNANIMOUSLY (5/0)

Appendix 2 refers.

To access this attachment on electronic document, click here: [Attach2brf140904.pdf](#)

CJ212 - 09/04 NORTHERN CORRIDOR RECOVERY GROUP PARTNERING AGREEMENT FOR THE PROVISION OF MUTUAL AID FOR RECOVERY DURING EMERGENCIES – [33514]

WARD - All

CJ040914_BRFD0C:ITEM 5

PURPOSE

This paper provides an overview of the proposed Draft Partnering Agreement for the Provision of Mutual Aid for Recovery during Emergencies. This agreement has been prepared by the Metropolitan North and East Recovery Group incorporating the City of Wanneroo, City of Joondalup, City of Stirling, City of Bayswater, City of Swan, Town of Bassendean and Shire of Mundaring.

EXECUTIVE SUMMARY

In March 2004 the Executive Management Team endorsed further discussion in regard to development of a Mutual Aid Agreement for Local Governments within the Northern Corridor. Preparation of the Draft Mutual Aid Agreement /Partnering Agreement is now complete and is submitted for consideration by the Joint Commissioners.

It is recommended that the Commissioners:

- 1 *ENDORSE the Metropolitan North and East Recovery Group Partnering Agreement forming Attachment 1 to Report CJ212-09/04 for Provision of Mutual Aid for Recovery during Emergencies;*
- 2 *LIST as part of the 2004/2005 half year budget review considerations the creation of an emergency management account with an allocation of \$1,000.*

BACKGROUND

Representatives from various agencies representing Hazard Management Units and Emergency Management Committees have met on various occasions to discuss the benefits and disadvantages for developing a ‘Memorandum of Understanding’ or ‘Mutual Aid Agreement’ in regard to recovery from a significant emergency situation incorporating all local government authorities within the Northern Corridor.

Assistance may be required for recovery of an affected community where the local authority is unable to meet the community demands and expectations. Aid requested may involve a large team with specific equipment e.g. construction crew or a small specialised unit e.g. Health Officers. Mutual Aid Agreements have been initiated for Emergency Response Assistance relating to bush fires in outer metropolitan local governments. It has proposed that a similar agreement be investigated for recovery assistance between local authorities and the current document has been developed.

A Mutual Aid Agreement may also include a central database comprising the pooled resources of the combined Local Government Agencies, capable or being accessed in the event of an emergency.

DETAILS

The Northern Corridor Recovery Planning Group has met formally on four occasions to extensively review the proposed “Partnering Agreement” previously referred to as Mutual Aid Agreement. Issues of concerns surrounding insurance of employees were referred to the Municipal Workcare for comment and the following information was received:

Question

Are Employees covered for Workers Compensation when outside the Council boundary?

Answer

The general answer will be yes, as the Act stated the injury must be during the course of the employment or as directed by the employer. In this case workers will probably be directed by one of Council's emergency group representatives and supervised by a Council employee. There may be other scenarios as far as who will direct the workers etc and this would have to be taken into consideration.

As far as Common Law is concerned, if another Council is deemed negligent following an accident then Council may be responsible. As the Municipal Workcare scheme has all Councils as members, the workers should be covered from all angles, i.e. Workers Compensation and Common Law. There are a lot of grey areas in Workers Compensation and each claim is assessed on its own merits.

Question

Who pays?

Answer

Initially the costs are carried by the individual municipality. Any significant event would escalate to State Emergency and the conditions of State Emergency Management Advisory Committee Policy Statement No: 13. Funding for Multi – Agency Emergencies (see Attachment 2 - Policy Statement No: 13).

COMMENT

Emergency Management Procedures are currently being reviewed for both Incident Management by Hazard Agencies and Recovery Management by Local Government. Preparation of this Partnering Agreement (refer Attachment 1) is considered a unique opportunity for municipalities to develop cohesive approach to Recovery Management.

Employee knowledge and understanding is a major concern as training is an essential component for any Recovery team.

The Partnering objectives and expectations encompass a variety of concerns identified by the Local Government Representatives and Representatives for Western Australia Police Force, F.E.S.A. and Department of Community Development (D.C.D) during the group meetings.

The City of Joondalup has a minor role at present, as the main area of concern is bush fire. Given the growth of the community and people's expectations, the City must be prepared should an incident occur.

FUNDING

It is proposed that an account for Emergency Management be created during the 2004/05 mid year Budget Review with a fund allocation of \$1,000. This account would primarily be for administration and meeting costs associated with the City's administration of Recovery Management.

ATTACHMENTS

Attachment 1 Partnering Agreement.

Attachment 2 State Emergency Management Advisory Committee, Policy Statement No: 13, Funding for Multi-Agency Emergencies.

VOTING REQUIREMENTS

Simple majority

MOVED Cmr Clough, SECONDED Cmr Anderson that the Joint Commissioners:

- 1 ENDORSE the Metropolitan North and East Recovery Group Partnering Agreement forming Attachment 1 to Report CJ212-09/04 for Provision of Mutual Aid for Recovery during Emergencies;**
- 2 LIST as part of the 2004/2005 half year budget review considerations the creation of an Emergency Management Account with an allocation of \$1,000.**

The Motion was Put and

CARRIED UNANIMOUSLY (5/0)

Appendix 3 refers.

To access this attachment on electronic document, click here: [Attach3brf140904.pdf](#)

CJ213 - 09/04 PROPOSED PARKING PROHIBITIONS - POYNTER AND BEAUMARIS PRIMARY SCHOOLS – [09564] [08671] [00672] [05640] [36666]

WARD - All

CJ040914_BRFD0C:ITEM 6

PURPOSE

The purpose of this report is to present a parking strategy to address concerns in relation to parent parking at the Poynter and Beaumaris Primary Schools.

EXECUTIVE SUMMARY

The Poynter and Beaumaris Primary Schools are seeking to restrict parking on roads adjacent to the respective schools to alleviate parking congestion problems associated with parent parking. As the parking restrictions form part of an overall Road Safety and Parking strategy for their schools, the implementation of the parking restriction on roads adjacent to the schools is presented for consideration.

It is recommended that the Joint Commissioners:

- 1 *AMEND the existing 'No Parking' restriction on the west side of Beaumaris Boulevard to 'No Stopping', as shown in Attachment 1 to Report CJ213-09/04;*
- 2 *APPROVE the installation of 'No Stopping' on Beaumaris Boulevard and Santiago Parkway adjacent to the Beaumaris Primary School, as shown in Attachments 2 and 3 of Report CJ213-09/04;*
- 3 *APPROVE the installation of 'No Stopping' on Poynter Drive adjacent to the Poynter Primary School, as shown in Attachment 4 to Report CJ213-09/04;*
- 4 *ADVISE each school and affected residents accordingly.*

BACKGROUND

Road safety and parking at Poynter and Beaumaris Primary Schools have been a concern to each school and the local community for some time. These schools have recently expressed their concerns at parking congestion problems on roads adjacent to each school.

The City has been concurrently working with each school's Road Safety Committee and RoadWise to implement a comprehensive road safety and parking strategy at the school.

As part of this strategy, each school's Road Safety Committee has requested that parking restriction be implemented to roads adjacent to the schools.

DETAILS

The schools are concerned that parent parking on both sides of the roads adjacent to the schools during school peak times, restricts normal traffic flow and making it hazardous for pedestrians and other road users.

In view of this, each school's Road Safety Committee has requested that consideration be given to restrict parking on roads around the schools. Generally, a 'NO STOPPING' restriction would be the most appropriate to reduce the congestion caused by parked vehicles, maintain the general traffic flow at all times and therefore increase the level of safety during school peak times. It is envisaged that a 'NO STOPPING' restriction be delineated by a continuous yellow edge line. This type of parking restriction delineation has been used very successfully at other schools within the City.

The extent of the proposed parking restrictions is shown on Attachments 1, 2 and 3 for Beaumaris Primary School and Attachment 4 for Poynter Primary School.

CONSULTATION

In each instance, a copy of the proposal was also circulated to adjacent landowners and each school for comment. No negative responses were received, however the Deputy Principal of Beaumaris Primary School requested that the existing 'No Parking' restriction on the non-school side of Beaumaris Boulevard be removed and replaced with 'NO STOPPING' carriageway or verge restriction complemented by a continuous yellow line. This request has been included within the overall proposal.

COMMENT

At each school, the existing on-street parking embayments provide formalised parking for parent motorists to drop-off and pick-up students. The on-going commitment to each school's Road Safety and Parking strategy will be achieved through an educational package to students and through the school's newsletters. The proposal to restrict parking on the roads, as shown on the attachments, will regulate parent parking, maintain the general traffic flow at all times and therefore increase the level of safety and access during school peak times.

As the parking restriction proposals form an integral part of the overall road safety and parking strategy for each of these schools, the implementation of parking restrictions, as shown on the attachments, is supported.

ATTACHMENTS

Attachment 1	Beaumaris Boulevard Existing Parking Restrictions
Attachments 2 & 3	Beaumaris Primary School Proposed Parking Restrictions
Attachment 4	Poynter Primary School Proposed Parking Restrictions

VOTING REQUIREMENTS

Simple Majority

MOVED Cmr Clough, SECONDED Cmr ANDERSON THAT the Joint Commissioners:

- 1 AMEND the existing 'No Parking' restriction on the west side of Beaumaris Boulevard to 'No Stopping', as shown in Attachment 1 to Report CJ213-09/04;**
- 2 APPROVE the installation of 'No Stopping' on Beaumaris Boulevard and Santiago Parkway adjacent to the Beaumaris Primary School, as shown in Attachments 2 and 3 of Report CJ213-09/04;**
- 3 APPROVE the installation of 'No Stopping' on Poynter Drive adjacent to the Poynter Primary School, as shown in Attachment 4 to Report CJ213-09/04;**
- 4 ADVISE each school and affected residents accordingly.**

The Motion was Put and

CARRIED UNANIMOUSLY (5/0)

Appendix 4 refers.

To access this attachment on electronic document, click here: [Attach4brf140904.pdf](#)

CJ214 - 09/04 STORM WATER DRAINAGE DISCHARGE INTO NATURAL AREA RESERVES – [12168]

WARD - All

CJ040914_BRFD0C:ITEM 7

PURPOSE

To resubmit a motion passed at the 22 October 2003 meeting of the Conservation Advisory Committee before the Joint Commissioners for further consideration.

EXECUTIVE SUMMARY

At the 16 December 2003 Council meeting the Joint Commissioners resolved that a report be prepared with further information regarding a motion passed by the Conservation Advisory Committee at its October 2003 meeting.

The Conservation and Advisory Committee passed a motion that opposed the allowance of storm water drainage into natural area reserves and requested that the City refer this to all parties as part of the subdivision application process.

The disposal and management of storm water within the confines of a development site is generally a condition of subdivision approval. In adopting the Conservation Advisory Committee's motion, Council's position on this environmental issue would be reinforced and this would be in accordance with sustainability principles contained within the City's Strategic Plan. However, as part of the subdivision process the City can only make recommendations to the Western Australian Planning Commission and does not have the authority to impose them.

It is recommended that the Joint Commissioners:

- 1 ADOPT Policy 5.4.3 – Preventing of Stormwater Discharge into Natural Bushland Areas forming Attachment 1 to Report CJ214-09/04;*
- 2 REFER Policy 5.4.3 – Preventing of Stormwater Discharge into Natural Bushland Areas to the Western Australian Planning Commission as part of the subdivision responses.*

BACKGROUND

At the 27 August 2003 meeting of the Conservation Advisory Committee representatives from Beaumaris Land Sales Ltd conducted a presentation to gain support from the Committee to allow Beaumaris Land Sales Ltd to construct a drainage swale within the coastal foreshore reserve on Burns Beach road. The purpose of this swale was to drain away excess storm water from the Iluka subdivision.

Committee members felt that Council managed reserves containing native vegetation were inappropriate areas to dispose of drainage water. The Committee's reasoning was that storm water would contain contaminants such as weed seeds, nutrients and plant diseases that could harm the vegetation and biological integrity of the reserve. The following motion was passed:

“That any future sub divisional development proposals be rejected by Council if they contain drainage plans that allow drainage water to enter natural area reserves managed by Council. It is considered that allowing drainage water to be emptied into bushland and coastal reserves is not compatible with sustainability principles contained in the City's Strategic Plan.”

At the Council Meeting of 21 October 2003 Council noted the above motion. At a subsequent meeting of the Conservation Advisory Committee on 22 October 2003, the Committee voiced concern that Council had not adopted the motion and that it had only been noted. The committee then carried the following motion:

“That the motion passed at the August Meeting of the Conservation Advisory Committee opposing the allowance of drainage water from developments into natural area reserves be enclosed as an attachment to the subdivision application on referral to all parties prior to planning approval.”

This new motion was contained in the Minutes of the Conservation Advisory Committee that went before the Joint Commissioners at the meeting of 16 December 2003. The Joint Commissioners requested that the new motion be referred to the Chief Executive Officer for consideration, with a further report being submitted to the Joint Commissioners.

DETAIL

The disposal of storm water into natural areas (bushland) is considered to be detrimental to the bio-diversity of the bushland and is not viewed as a sustainable practice. In natural bushland areas where historically this practice has occurred the bushland has major weed and disease problems with raised nutrient levels and gross pollutants that have found their way into the bushland via drainage pipes. Grass weeds that proliferate around these drainage outfalls pose a serious fire hazard when the grass dries out in the summer months.

Council has a number of drainage outfalls into parks with shallow grassed basins with no bushland in the vicinity, this design allows drainage water to recharge the ground water and does not pose an environmental threat to natural biodiversity.

The disposal of drainage water within the property perimeter is a condition of subdivision approval. However, there are circumstances where drainage water has been allowed to be discharged onto grassed reserves, but the practice of putting new outfalls into bushland should be discouraged. The newer technologies such as the use of centrifuge gross pollutant traps and filter sumps do not reduce the likelihood of diseases such as dieback entering pristine native bushland and the subsequent damage such diseases cause.

The Conservation Advisory Committee's motion has been developed into a policy to be attached as advice on subdivision responses from the City to the Western Australian Planning Commission when appropriate, to reinforce the City's view that natural areas under its management should be afforded protection wherever possible.

The disposal of stormwater from properties is addressed as a condition of subdivision, details of which are generally provided at the development application stage. Such drainage would be required to be contained on site and not discharged into the adjoining properties or reserves, however there are occasions where it is in the interests of the City when drainage into the latter could be supported (but not in the case of bushland reserves). The Committee's Motion could be attached as advice on the subdivision responses from the City to the Western Australian Planning Commission. Since the City is itself only one of the referral authorities in this process, it would not be possible to provide this advice to other authorities that have input in the subdivision process.

Sustainability Implications

The protection of the City's natural areas is an implicit component of the City's sustainability strategies. The reduction of storm water inflow into bushland reserves is seen as an integral component of biodiversity protection.

COMMENT

It is considered appropriate that the motion passed by the Conservation Advisory Committee at the 22 October 2003 meeting be developed as a policy and be forwarded to the Western Australian Planning Commission as part of the City's responses on subdivision applications.

ATTACHMENTS

Attachment 1 Policy 5.4.3 – Preventing of Stormwater Discharge into Natural Bushland Areas

VOTING REQUIREMENTS

Simple majority

OFFICER'S RECOMMENDATION: That the Joint Commissioners:

- 1 ADOPT Policy 5.4.3 – Preventing of Stormwater Discharge into Natural Bushland Areas forming Attachment 1 to Report CJ214-09/04;
- 2 REFER Policy 5.4.3 – Preventing of Stormwater Discharge into Natural Bushland Areas to the Western Australian Planning Commission as part of the subdivision responses.

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

- 1 **ADOPT Policy 5.4.3 – Preventing of Stormwater Discharge into Natural Bushland Areas forming Attachment 1 to Report CJ214-09/04, subject to the words "*in principle*" in the Statement being replaced with the words "*as a matter of policy*";**
- 2 **REFER Policy 5.4.3 – Preventing of Stormwater Discharge into Natural Bushland Areas to the Western Australian Planning Commission as part of the subdivision responses;**

3 REFER Policy 5.4.3 to the Conservation Advisory Committee for comment and further report if necessary through the minutes of that Committee.

Cmr Smith spoke in support of the motion.

The Motion was Put and

CARRIED UNANIMOUSLY (5/0)

Appendix 13 refers.

To access this attachment on electronic document, click here: [Attach13agn210904.pdf](#)

CJ215 - 09/04 MINUTES OF THE CONSERVATION ADVISORY COMMITTEE OF 28 JULY 2004 – [12168]

WARD - All

CJ040914_BRFD0C:ITEM 8

PURPOSE

The unconfirmed Minutes of the Conservation Advisory Committee Meeting held on 28 July 2004 are submitted for noting by Council.

EXECUTIVE SUMMARY

The Conservation Advisory Committee Meeting held on 28 July 2004 discussed a number of conservation matters within the City of Joondalup. The Committee addressed a range of issues including Japanese Pepper Tree mapping and control, the proposed Conservation Advisory Committee's Strategic Planning Workshop and Fusilade herbicide application in bushland areas.

It is recommended that the Joint Commissioners NOTE:

- 1 the unconfirmed Minutes of the Conservation Advisory Committee Meeting held on 28 July 2004 forming Attachment 1 to Report CJ215-09/04;*
- 2 the Conservation Advisory Committee's request to be involved in the process of setting the Biodiversity Sustainability Indicators for the City of Joondalup;*
- 3 the request of the Conservation Advisory Committee that future maintenance, including spraying works in bushland areas, be undertaken by suitably experienced bushland regeneration personnel;*
- 4 that the City is currently preparing a bushland regeneration tender to be advertised during September 2004;*
- 5 that the City is currently preparing a business case in relation to the establishment of a bush regeneration team as part of the 2005/2006 Draft Budget deliberations;*

- 6 *that future biodiversity works undertaken within natural areas will be under the control of suitably experienced bushland regenerators.*

DETAILS

A meeting of the Conservation Advisory Committee (CAC) was held on 28 July 2004, and the minutes of the meeting are provided as Attachment 1

The main points of discussion are as follows:

CAC Strategic Planning Workshop:

Members discussed the forthcoming CAC Strategic Planning Workshop and expressed their desire to develop initiatives for the future direction of the Committee, and also be involved in the development of Biodiversity Sustainability Indicators for the City.

Officer's Comment:

It is noted that the Strategic Planning Workshop for the CAC is scheduled to be held during September 2004, at which time members will be given the opportunity to develop initiatives for the future direction of that Committee.

It is also noted that the opportunity will exist as part of the development of the Strategic Biodiversity Plan for the CAC to develop indicators for the City's natural areas.

Japanese Pepper Trees Mapping and Control:

The Committee expressed its gratitude for Council's proactive stance in controlling the exotic woody weed (tree) known as the Japanese Pepper tree which if not controlled will have a detrimental impact on the natural vegetation.

Officer's Comment:

It is noted that all the known Japanese Pepper trees growing in the coastal reserve have been treated with herbicide and the majority of trees in other bushland reserves have also been treated.

Fusilade Herbicide Application within Bushland Reserves:

The application of the grass killing herbicide Fusilade in the City's bushland reserves was discussed in detail. Committee members consider that the control of weeds in bushland is best dealt with by bushland regenerators as part of an integrated multi faceted approach rather than being reliant on a single herbicide spray contract.

The Committee requested that future broad acre spraying in bushland areas not continue, and that a separate contract be developed for natural areas, seeking the services of specialised bushland regenerators.

Officer's Comment:

As the Committee members are aware, the use of a general spray contractor for Fusilade application has been decreasing, and there has been a subsequent increase in the work undertaken by bushland regenerators within the City's natural areas over the last three years.

City officers are currently finalising the tender documentation for suitably experienced bushland regenerators to undertake the necessary works within the City's natural areas. It is anticipated that this tender will be advertised during September 2004.

At the same time officers are preparing a business case looking at the feasibility of the City to establish an in-house bush regeneration team as part of the 2005/06 Draft Budget deliberations to assist in maintaining the City's natural areas as part of the multi faceted approach.

It is also noted that in parallel with the bushland regeneration tender, future maintenance works within the City's natural areas shall only be undertaken by suitably experienced bushland regenerators, and this includes broad acre spraying within these areas.

As can be determined from the above actions taken by officers, the City has moved forward with respect to the application of broad acre weed spraying activities in bushland areas. Consequently, it is not considered appropriate from an operational or contractual perspective for the Joint Commissioners to endorse the Conservation Advisory Committee's suggested resolution, however, it is recommended that the actions taken be noted only at this stage.

ATTACHMENTS

Attachment 1 Conservation Advisory Committee Minutes 28/07/2004

VOTING REQUIREMENTS

Simple majority.

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

- 1 the unconfirmed Minutes of the Conservation Advisory Committee Meeting held on 28 July 2004 forming Attachment 1 to Report CJ215-09/04;**
- 2 the Conservation Advisory Committee's request to be involved in the process of setting the Biodiversity Sustainability Indicators for the City of Joondalup;**
- 3 the request of the Conservation Advisory Committee that future maintenance, including spraying works in bushland areas, be undertaken by suitably experienced bushland regeneration personnel;**
- 4 that the City is currently preparing a bushland regeneration tender to be advertised during September 2004;**
- 5 that the City is currently preparing a business case in relation to the establishment of a bush regeneration team as part of the 2005/2006 Draft Budget deliberations;**
- 6 that future biodiversity works undertaken within natural areas will be under the control of suitably experienced bushland regenerators.**

Cmr Anderson spoke on issues in relation to herbicide spraying and commended officers for their action to preserve native bushland.

AMENDMENT MOVED Cmr Smith SECONDED Cmr Anderson that Points 2 and 3 of the Motion be amended as follows:

- “2 ENDORSE the Conservation Advisory Committee *being* involved in the process of setting the Biodiversity Sustainability Indicators for the City of Joondalup”**
- “3 ENDORSE the Conservation Advisory Committee’s *view* that future maintenance, including spraying works in bushland areas, be undertaken by suitably experienced bushland regeneration personnel”.**

Cmrs Smith and Anderson spoke in support of the Amendment.

The Amendment was Put and

CARRIED (5/0)

The Original Motion, as amended, being:

That the Joint Commissioners:

- 1 NOTE the unconfirmed Minutes of the Conservation Advisory Committee Meeting held on 28 July 2004 forming Attachment 1 to Report CJ215-09/04;**
- 2 ENDORSE the Conservation Advisory Committee being involved in the process of setting the Biodiversity Sustainability Indicators for the City of Joondalup;**
- 3 ENDORSE the Conservation Advisory Committee’s view that future maintenance, including spraying works in bushland areas, be undertaken by suitably experienced bushland regeneration personnel;**
- 4 NOTE that the City is currently preparing a bushland regeneration tender to be advertised during September 2004;**
- 5 NOTE that the City is currently preparing a business case in relation to the establishment of a bush regeneration team as part of the 2005/2006 Draft Budget deliberations;**
- 6 NOTE that future biodiversity works undertaken within natural areas will be under the control of suitably experienced bushland regenerators.**

Was Put and

CARRIED UNANIMOUSLY (5/0)

Appendix 5 refers.

To access this attachment on electronic document, click here: [Attach5brf140904.pdf](#)

CJ216 - 09/04 PROPOSED MIXED USE DEVELOPMENT (3 OFFICES AND 12 RESIDENTIAL UNITS) LOT 344 (22) GRAND BOULEVARD, CNR HAMMERSMITH COURT, JOONDALUP – [74558]

WARD - Lakeside

CJ040914_BRFD0C:ITEM 9

PURPOSE

To request the Joint Commissioners' determination of an application for a mixed use development in the City North Precinct of the City Centre.

EXECUTIVE SUMMARY

An application has been received for a development in City North for offices and residential uses. Overall the proposal comprises 90m² of office space (3 offices) and 779.6m² for residential purposes (12 units). The proposed height of the building is 3 storeys, measuring 10.8 metres from the ground level to the top of the roof. Given that the development comprises of multiple levels, the total floor space (869.6m²) is able to exceed the lot area (819m²).

The density, height and urban form of the development is compatible with the overall City Centre environment.

Discretion is sought under the City's District Planning Scheme 2 (DPS2) and the Residential Design Codes (R-Codes) in regard to the plot ratio, extent of glazing and the minimum areas for storerooms and balconies.

The discretions requested are considered to satisfy the objectives of the R-Codes and DPS2. Given that the development will contribute to the desired character of the City Centre area and is compatible with other developments in the vicinity, the proposed development is supported.

BACKGROUND

Suburb/Location: Lot 344 (22) Grand Boulevard, cnr Hammersmith Court, Joondalup
Applicant: Steve Griffiths
Owner: SGMS Pty Ltd
Zoning: **DPS:** Centre
MRS: Central City Area

The proposed Lot 344 (currently vacant) is 819m² in area and falls within the 'City North' area of the Joondalup City Centre, where it is designated for "General City Use." The preferred uses are residential, retail, office, accommodation, leisure and entertainment, cultural facilities, community facilities and medical suites.

DETAILS

The proposed development includes the following features:

- A mixed use development consisting of 12 residential units and 3 office units;
- The ground level consists of residential and office units;
- The height of the building is three storeys (10.8 metres);
- The total number of car parking bays provided is 15 including one disabled car parking bay.
- Service, vehicle access and car parking is provided from the rear laneway;
- The upper level residential are accessed via two flights of stairs located at the rear of the building;
- The office units address the street frontages with nil setbacks from Grand Boulevard and Hammersmith Court.
- Balconies and stores have been provided for the residential units; and
- The office tenancy frontages include pedestrian shelter awnings that extend over the road reserve.

Statutory Provision:

Development within this area is controlled by the provisions of the District Planning Scheme No. 2, the Joondalup City Centre Development Manual (JCCDPM) and the R-Codes.

District Planning Scheme No 2

The site is zoned “Centre” under DPS2.

When determining this application Clauses 4.2.4, 4.5, 4.8 and 6.8 of the DPS2 are relevant:

4.2.4 Subject to clause 4.2.5, the Residential Planning Code density applicable to land within the Scheme Area shall be determined by reference to the legend shown on the Residential Density Codes maps which form part of this Scheme.

Unless otherwise specified on the map the R20 density code applies unless the Council determines that a higher code should apply.

4.5 Variations to Site and Development Standards and Requirements.

4.5.1 Except for development in respect of which the Residential Planning Codes apply and the requirements set out in Clauses 3.7.3 and 3.11.5, if a development is the subject of an application for planning approval and does not comply with a standard or requirement prescribed under the Scheme, the Council may, notwithstanding that non-compliance, approve the application unconditionally or subject to such conditions as the Council thinks fit.

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

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

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

- (a) *approval of the proposed development would be appropriate having regard to the criteria set out in Clause 6.8; and*
- (b) *the non-compliance will not have any adverse effect upon the occupiers or users of the development or the inhabitants of the locality or upon the likely future development of the locality.*

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. Where development is not specified in Table 2 the Council shall determine the parking standard. The Council may also determine that a general car parking standard shall apply irrespective of the development proposed in cases where it considers this to be appropriate.*

6.8 *Matters to be Considered by Council*

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

- (a) *interests of orderly and proper planning and the preservation of the amenity of the relevant locality;*
- (b) *any relevant submissions by the applicant;*
- (c) *any Agreed Structure Plan prepared under the provisions of Part 9 of the Scheme;*
- (d) *any planning policy of the Council adopted under the provisions of clause 8.11;*
- (e) *any other matter which under the provisions of the Scheme, the Council is required to have due regard;*
- (f) *any policy of the Commission or its predecessors or successors or any planning policy adopted by the Government of the State of Western Australia;*
- (g) *any relevant proposed new town planning scheme of the Council or amendment or proposed Metropolitan Region Scheme Amendment insofar as they can be regarded as seriously entertained planning proposals;*
- (h) *the comments or wishes of any public or municipal authority received as part of the submission process;*

- (i) *the comments or wishes of any objectors to or supporters of the application;*
- (j) *any previous decision made by the Council in circumstances which are sufficiently similar for the previous decision to be relevant as a precedent, provided that the Council shall not be bound by such precedent; and any other matter which in the opinion of the Council is relevant.*

Residential Design Codes (R-Codes)

The provisions of the R-Codes apply in regard to all residential development.

Clause 2.3.4 of the R-Codes allows for the exercise of discretion, which shall be exercised having regard to the clause 2.3.4 (2) of the R-Codes as follows:

“2.3.4(2) Discretion shall be exercised having regard to the following considerations:

- (i) *the stated purpose and aims of the Scheme;*
- (ii) *the provisions of Parts 2,3 and 4 of the Codes as appropriate;*
- (iii) *the Performance Criterion of Criteria in the contest of the R-Coding for the locality that correspond to the relevant provision;*
- (iv) *the explanatory text of the Codes that corresponds to the relevant provision;*
- (v) *any Local Planning Strategy incorporated into the Scheme;*
- (vi) *the provision of a Local Planning Policy pursuant the Codes and complying with sub-clause (5) below; and*
- (iv) *orderly and proper planning.*

Development Standards Table

The following table summarises the development details:

Standard	Required	Provided
Front Setback	0m	0m
Side/Rear Setbacks	As per Building Code of Australia	0m
Plot Ratio	1.0	1.08 (Residential-0.95, Commercial-0.13)
Height	3 storeys max	3 storeys
Storerooms	1 per dwelling, 4m ² area	1 per dwelling, 2m ² area
Balconies	1 per dwelling 10m ² area	1 per dwelling, 8m ² -10m ²

Consultation:

The proposal has not been advertised, as the form of the development is that expected in the City Centre.

Strategic Implications:

It is likely that this mixed use development proposal will contribute to meeting the projected demand for housing and commercial space for the increasing population of the City of Joondalup. The commercial space will encourage residents to interact with their neighbourhood and localise commercial opportunities as opposed to deviating to alternative commercial centres. The relatively high density of the development will contribute and assist in supporting the local economy.

COMMENT

The development will integrate well with the character of the City Centre. Together with the proposed developments recently approved by the Joint Commissioners at the lots across the road (Lots 325, 343 and 342), the proposal will create urban walls along Grand Boulevard and part of Hammersmith Court, which is expected to contribute to the civic design goals for the City. The impact of this development on any of the adjacent residential/commercial areas is likely to be minimal.

The overall design of development provides a three storey ‘urban wall’ along the road frontages with a tower element on the corner. Along Hammersmith Court there are covered parking spaces, which create a sense of urban wall.

The glazed office fronts and pedestrian shelter will ensure that active frontages will face the streets and will help to bring life into the public spaces adjacent to the building.

Land use

As the proposal provides for both residential dwellings and office space, the proposed uses comply with the general city land use for which the lot has been earmarked under the JCCDPM.

The proposal provides three (3) office tenancies of different configurations. In this form the office space is flexible enough, in the future, to accommodate the permitted uses under the JCCDPM including retail, entertainment and restaurant/café.

The twelve (12) residential dwellings are consistent in size and offer two bedrooms per unit, which reflects the type of residences desirable within a central area.

Residential Density

The JCCDPM does not specify residential densities for the ‘general city’ precinct of City North. Clause 4.2.4 of the DPS2 specifies that unless otherwise specified on the map an R-20 density applies unless Council determines that a higher coding is justified. The proposal has an equivalent density of R-147.

It is recommended that the Joint Commissioners determine that the proposed density at R-147 is considered to be appropriate given that the site is in a prominent location within the City, where higher densities are appropriate and are encouraged by the principles of the JCCDPM

Plot Ratio

For “General City Use” the JCCPDM requires that the development have a maximum plot ratio of 1.0. The plot ratio for the residential component is 0.95 and for the commercial component is 0.13. The overall plot ratio is therefore 1.08.

It is considered that the required plot ratio of 1.0 is counter-productive to the development of an appropriate style building that achieves the form expected, and desirable (for example a 3 storey building), within the City Centre. Given that the proposed development complies with the majority of other development standards, in particular car parking, it is not considered that the site would be over-developed at the proposed plot ratio.

The plot ratio of the office development is considered to be appropriate as it integrates with other existing developments in the area. The development maximises the potential of this land, which is seen as highly desirable, given that the adjoining area is due for development in the near future. From the City’s perspective, it will add value to the City Centre by having quality offices and creating employment opportunities. Moreover the office areas provided may in future accommodate other permitted uses under the JCCDPM including retail, entertainment, and restaurant/café.

Car Parking

The JCCDPM does not specify car parking standards for this precinct.

Clause 4.8 of DPS2 provides that where no parking standards are provided, a car parking standard is to be determined. The car parking ratios below are considered to be appropriate and have been consistently applied to developments throughout the City.

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

Use	Parking Provision	No of Bays Required	No of Bays Provided
Commercial	1 bay per 30m ² GFA (90 ÷ 30)	3	3
Residential Units	1 bay per residential unit	12	12
Total		15	15 bays are provided (including one disabled bay)

From the above table it is noted that the development complies with the parking requirements.

Glazing/Awnings

JCCDPM requires that at least 50% of the area on ground level façade shall be glazed and the horizontal dimension of the glazing shall comprise 75% of the total building frontage for uses other than residential. The building complies with this requirement along Grand Boulevard, however, along Hammersmith Court the area and horizontal dimension are 33.6% and 49% respectively. This is due to the fact that the Hammersmith Court frontage is characterised by residential dwellings and it would be expected that some degree of privacy be maintained between the living areas and the street. It is not considered that this variation will have an adverse impact on the streetscape

The awnings within the road reserve provide shelter for the pedestrian path along the full frontage of the office tenancies including the corner. However, the awning does not extend along the residential component along Hammersmith Court. This is considered acceptable given that the residential component serves a different function from the commercial spaces. In addition, the Hammersmith Court frontage is a secondary street and does not demand pedestrian shelter to the same degree that Grand Boulevard does.

Storerooms

Clause 3.10.3 of the Residential Design Codes requires an enclosed, lockable storage area, constructed in a design and material matching the dwelling, with a minimum dimension of 1.5 metres with an internal area of at least 4m² for each multiple dwelling.

The storerooms provided are 2m² in area and have a minimum internal dimension of 1.2 metres. This is considered a minor variation and it is deemed to comply with the Performance Criteria of Clause 3.10.3 of the Residential Design Codes as the storerooms are proportionate to the size of the dwellings provided. They are considered adequate to the needs of the residents and are without detriment to the amenity of the locality.

Balconies

Clause 3.4.3 of the Residential Design Codes requires each multiple dwelling to be provided with a balcony with a minimum area of 10m² and minimum dimension of 2 metres. The applicant has provided a balcony with a minimum dimension of 2 metres and area of 8m² for all balconies excluding units 4,8, and 13, which measure 10m², 9m² and 9m² respectively.

The variations are considered minor as the balconies are proportionate to the size of the dwellings proposed, provide a useable area of open space, and are accessible from a habitable room.

Conclusion

It is considered that the development will provide accommodation and office facilities to meet the future demands of the growing City Centre. It will be characteristic of the development already approved in the immediate area and will add value to the City Centre.

The density, glazing and areas of the storerooms are also considered appropriate in this instance, and it is therefore recommended that the development be approved, subject to appropriate conditions.

It is therefore recommended that, in accordance with Clause 4.5 of DPS2 and having regard to the criteria of Clause 6.8, the Joint Commissioners determine that the proposed plot ratio for the office space is appropriate as the built form integrates with the surrounding areas and will not have an adverse effect upon the occupiers of the development or on the locality

ATTACHMENTS

Attachment 1	Location/Site Plan
Attachment 2	Development Plan

VOTING REQUIREMENTS

Simple Majority

MOVED Cmr Anderson SECONDED Cmr Fox that the Joint Commissioners:

- 1 EXERCISE discretion under clauses 4.2.4, 4.5, 4.8.2 of the District Planning Scheme No. 2 and determine that:**
 - (a) Plot Ratio for the development of 1.08 in lieu of 1.0;**
 - (b) The area and horizontal dimension of the glazing along Hammersmith Court being 33.6% and 49% in lieu of 50% and 75% respectively;**
 - (c) The development having a density of R-147;**
 - (d) The parking standards of 1 bay per 30m² of commercial space and 1 bay per residential unit;**

are appropriate in this instance;
- 2 EXERCISE discretion under Clause 2.3.4 of the R-Codes and determine that the performance criteria of Clause 3.10.3 has been met and that the internal areas of twelve storerooms with an area of 2m² and a minimum internal dimension of 1.2 metres are appropriate in this instance;**
- 3 EXERCISE discretion under Clause 2.3.4 of the R-Codes and determine that the performance criteria of Clause 3.4.3 have been met and that the area eleven balconies with an area varying from 8m² to 9m² is appropriate in this instance;**
- 4 APPROVE the application dated 25 March 2004 submitted by Steve Griffiths for a mixed use development comprising 3 offices and 12 residential units on Lot 344, No 22 Grand Boulevard cnr Hammersmith Court, Joondalup, subject to the following conditions;**
 - (a) Any roof mounted or free standing plant or equipment such as air conditioning units, satellite dishes and radio masts to be designed and located so not to be visible from the primary street;**
 - (b) No obscure or reflective glazing being used for the commercial units fronting onto public spaces and road reserves;**

- (c) All boundary walls and parapet walls being of a clean finish and made good to the satisfaction of the City;
- (d) All fencing to be designed and constructed in accordance with the attached extract from the Joondalup City Centre Development Plan and Manual and thereafter be maintained to the satisfaction of the City;
- (e) One car parking space is to be allocated to each commercial unit;
- (f) Sufficient vehicle reversing area to be provided to car bay 8 to the satisfaction of the City;
- (g) The bin area shall be provided with dedicated pedestrian access path, separate from any adjacent car bay.

Footnote:

- 1 A separate application is to be made to the City for Approval to Commence Development and sign licence prior to the installation of any advertising signage;
- 2 It is advised that the City will not support the erection of telecommunications infrastructure on any part of the proposed building;
- 3 The parking bays, driveways and points of ingress and egress to be designed in accordance with the Australian Standard for Off-Street Car parking (AS2890). Such areas are to be constructed, drained and marked and thereafter maintained to the satisfaction to the satisfaction of the City prior to the development first being occupied. These works are to be done as part of the building programme;
- 4 An on-site stormwater drainage system with the capacity to contain a 1:100 year of a 24-hour duration is to be provided prior to the development first being occupied and thereafter maintained to the satisfaction of the City. The proposed storm water drainage system is required to be shown on the Building Licence submission and be approved by the City prior to the commencement of construction.

The Motion was Put and

CARRIED UNANIMOUSLY (5/0)

Appendix 6 refers.

To access this attachment on electronic document, click here: [Attach6brf140904.pdf](#)

**CJ217 - 09/04 PROPOSED ADDITIONS TO WHITFORD CITY
SHOPPING CENTRE - LOT 501 (470) WHITFORDS
AVENUE, HILLARYS – [00081]**

WARD - Whitfords

CJ040914_BRFD0C:ITEM 10

PURPOSE

To request the Joint Commissioners to determine the development application for an addition to the Whitford City Shopping Centre.

EXECUTIVE SUMMARY

The applicant has proposed a new ‘mini-major’ store on an upper level of the existing shopping centre. The upper level of the centre currently comprises seven offices surrounding an open courtyard, as well as the centre management office, toilets and retail space occupied by Lincraft.

The application has been called in by a Commissioner for determination by the Joint Commissioners.

The applicant proposes to enclose an existing courtyard and amalgamate the existing office suites to create a tenancy of 1,142m², with an existing ground tenancy to form a main entry and access to the upper level. This brings the total retail floorspace addition to 1,142m² and a total floorspace for the ‘mini major’ to 1,257m².

The net retail floorspace proposed complies with the requirements of City’s Policy 3.2.8 ‘Centres Strategy’, District Planning Scheme No 2 (DPS2) and the Western Australian Planning (WAPC) Commission Policy 4.2 Metropolitan Centres Policy Statement for the Perth Metropolitan Region (Policy 4.2). The changes to the building being mostly on the interior are unlikely to impact on surrounding properties. As the development complies with statutory requirements and will not impact on the amenity of the area, the proposal is recommended for approval.

BACKGROUND

Suburb/Location: Lot 501 (470) Whitfords Avenue Hillarys
Applicant: Ken Bownes Design Management
Owner: DB Real Estate Australia Ltd
Zoning: **DPS:** Commercial
 MRS: Centre

On 7 December 1999, Council approved an application for major alterations and additions to Whitford City Shopping Centre comprising two new malls, with one running parallel to the East-West mall and the other running through the site of the previous location of the Woolworths store and connecting into a new village square on the Whitfords Avenue side of the site. The existing Woolworths store was to be relocated and two new mini-major stores

were to be included. New entrances were provided from the northeast and from the west side of the building. The total retail floor space approved was increased from 37,697m² retail net lettable area (NLA) to 49,601m².

On 26 September 2000, Council approved a modified application where the retail floor space would be reduced from 49,601m² previously approved, to 48,537m² and a decked parking area was proposed on the northeast corner of the site.

A further modified proposal was approved for the site in 2001. This approval brought retail NLA floor space to 48,459m². These additions have now been completed. In addition to this, there have been small additions to retail NLA with the development of Red Rooster and Woolworths Petrol, increasing retail NLA by approximately 250m², to 48,780m².

DETAILS

The applicant has proposed a new mini major store ('JB Hifi) on the upper level of the shopping centre. The upper level of the centre currently comprises seven offices surrounding an open courtyard, as well as the centre management office, toilets and retail space occupied by Lincraft.

The proposal is to enclose the existing courtyard and amalgamate the existing office suites to create a tenancy of 1,142m² with an existing ground tenancy of 115m² to form a main entry. This brings the total retail floor space to 1,257m². Building works will be internal to the Centre with the exception of a new roofline and bricking up of the windows on the upper level balcony above the current National Australia Bank.

Statutory Provision:

Whitford City is classified as a Regional Centre under Policy 4.2 and is subject to its development control provisions. Referral to the WAPC is not required, as the development does not exceed the 50,000m² retail NLA maximum defined by Policy 4.2 and DPS2.

The shopping centre abuts Whitfords Avenue and Marmion Avenue, which are respectively 'Other Regional' and 'Primary Regional' Roads under the Metropolitan Region Scheme. Both roads are classified as Category 1 roads, however referral to the WAPC is not required as the development does not encroach onto these road reservations, no new access points into the shopping centre are proposed and the addition is ancillary to the existing use.

Consultation:

Public consultation was not required in accordance with DPS2. A 'Shop' is classified as a 'P' (permitted) use within the Commercial Zone and does not require advertising as part of the assessment process. Moreover, as the proposed addition is internal within the shopping centre, it is not considered that the proposal will impact on the surrounding properties.

Policy Implications:

The City's Policy 3.2.8 Centres Strategy applies to the subject site. The Policy promotes the maintenance of Whitford City Shopping Centre as a significant regional node offering community focus by providing a mix of retail, office, leisure, entertainment, recreational and community facilities. The policy also promotes the maintenance of the metropolitan centres hierarchy as defined in Policy 4.2.

The Policy further reinforces the restriction of the Whitford City Shopping Centre to 50,000m² retail net lettable area in accordance with regional guidelines.

COMMENT

Retail Floor space

To date with the latest development of the Centre, the floorspace was calculated to be 48,780m² retail NLA, which is under the 50 000m² retail NLA maximum. The new proposal will add an additional 1,142 m² retail NLA and according to the applicant will bring the total retail NLA to 49,922m². Should the proposal be approved, it is appropriate to apply a condition to ensure that the retail NLA cap of 50,000 m² is not exceeded.

Parking and Traffic

The application indicates that 3,857 car parking bays have been provided within the shopping centre. With this addition, DPS2 requires the provision of 3,749 bays, and therefore the provision of car parking complies with the required standards. No changes to the car parking layout are proposed by this application.

It is expected that the proposal will not generate any significant increase in traffic beyond that which can be accommodated by the existing road systems and access points.

Impact on Adjoining Properties

Due to the location of the addition and the scope of the works, mostly on the interior, it is highly unlikely that the proposal will impact on the adjoining residential properties. Furthermore, the residential properties adjoining the area of the proposal exhibit a great degree of separation for the shopping centre. A condition can be applied to any approval issued for the small exterior additions to the building to complement the existing building.

Overall, the proposal addition meets all requirements and thus approval is recommended.

ATTACHMENTS

Attachment 1	Locality Plan
Attachment 2	Site Plan
Attachment 3	Proposed floor plan
Attachment 4	Elevations

VOTING REQUIREMENTS

Simple majority

MOVED Cmr Clough SECONDED Cmr Anderson that the Joint Commissioners APPROVE the proposed addition to Whitford City Shopping Centre on Lot 501 (470) Whitfords Avenue, Hillarys, subject to:

- 1 Net lettable retail floor space shall not exceed 50,000m²;**
- 2 The exterior finishes of the proposed development are to complement the existing building. Details of building finishes are to be submitted to and approved by the City, prior to the issuance of a Building Licence;**
- 3 A minimum of 3,749 car parking bays are to be provided.**

The Motion was Put and

CARRIED UNANIMOUSLY (5/0)

Appendix 7 refers.

To access this attachment on electronic document, click here: [Attach7brf140904.pdf](#)

CJ218 - 09/04 PROPOSED RETAINING WALLS (INCLUDING SIDE SETBACK VARIATIONS AND IMPORTATION OF FILL IN EXCESS OF 500MM) – LOT 11415 NO 17 SECOND AVENUE, BURNS BEACH – [00077]

WARD - North Coastal

CJ040914_BRFD0C:ITEM 11

PURPOSE

To request the Joint Commissioners' determination of an application for the importation of fill in excess of 500mm and four retaining walls to a residential site.

EXECUTIVE SUMMARY

An application has been received for approval of fill in excess of 500mm and retaining walls proposed on all four boundaries of the lot.

The application has been called in by a Commissioner for determination by the Joint Commissioners

The applicant seeks to establish retaining walls on all boundaries of the vacant site in order to improve the available ocean views.

Whilst there is a change in grade across the lot, the fall is minor, manageable and should not present any additional difficulties when constructing a dwelling in a manner that is sympathetic to the natural contours of the site.

It is considered that the retaining walls are not justified on planning grounds and do not comply with the performance criteria of the R-Codes. The proposal is therefore recommended for refusal.

BACKGROUND

Suburb/Location: 17 Second Avenue, Burns Beach
Applicant: Donna Marie Rosato and Ricky Rosato
Owner: Donna Marie Rosato and Ricky Rosato
Zoning: **DPS:** Residential R20
MRS: Urban

The location of the site is shown in Attachment 1 and is located in Second Avenue. The site is currently developed with a single storey fibro house. The owner wishes the City to consider four retaining walls at each lot boundary in order to build up the land and to then secure ocean views from a future new residence.

DETAILS

The proposal is for retaining walls at each lot boundary, which range in height from 890mm to 1.73 metres above natural ground level. Each wall is proposed to be flush with its respective lot boundary with the exception of the western wall, which requires a setback due to a nearby sewer easement.

Installing the retaining walls will raise the site levels when compared to those of the street. Currently, the lot has a fall in excess of 1.0 metre from the street to the rear of the property. It is proposed to install a 1.8 metre high fence on top of the retaining walls, which will result in a height ranging from 3.53 metres to 1.03 metres at various points along the walls.

A portion of the retaining wall is proposed to abut the eastern lot boundary (front boundary), which will range in height from 890mm to 1.2 metres.

Under the Performance Criteria of the Residential Design Codes (R-Codes), retaining walls should maintain the natural appearance of the site. It is not considered that the proposed retaining walls achieve this, as the effect of the walls is to raise the ground level of the whole site.

As seen from the street, the impact of the front retaining wall is minimal as it occupies a very small portion of the lot frontage. The retaining walls to the rear and sides of the property represent a considerable impact upon the adjoining properties. With a fence height of 1.8 metres on top of the retaining walls, the effective height of the walls from the adjoining side would be as high as 3.53 metres at various points. The retaining wall on the southern side may also disrupt direct access to sunlight for the lot that shares that boundary.

The applicants have stated their desire is to maximise ocean views. However, to approve this development would create an undesirable precedent and lend weight to other home owners within the area who may wish to reproduce this kind of development in order to maximise their views also.

Statutory Provision:

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

6.8 MATTERS TO BE CONSIDERED BY COUNCIL

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

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

Residential Design Codes 2002 (R Codes)

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

The Performance Criteria for Clause 3.6.2 of the R-Codes states:

“Retaining walls designed or setback to minimise the impact on adjoining property”

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

Development Standards under the R-Codes 2002

Proposal	Acceptable Development Standard – Required Setback from boundary	Provided
Southern Retaining Wall	1.8m	Nil
Northern Retaining Wall	1.5m	Nil
Western Retaining Wall	1.0m	Nil

Since the eastern retaining wall does not adjoin any common boundaries and instead abuts the verge, the retaining wall setback requirements do not apply. Instead, the excavation or fill provisions of clause 3.6.1 apply when assessing this aspect.

The performance criteria for this clause states:

“Development that retains the visual impression of the natural level of a site, as seen from the street or other public place, or from an adjoining property.”

Proposal	Acceptable Development Standard	Provided
Fill within the front setback area	500mm max	1.2 m
Front Fence	1.2m	1.2 m

Applicant’s Justification

The applicant has provided the following justification for the proposal:

“The existing property is a single storey asbestos dwelling with a single garage attached along the southern side. The existing dwelling will in time be removed (demolished or re-stumped) and the intention of the Building Licence is to level the block to 22.25 (current residence pad finished floor level is 22.13). In my opinion this has no discernable impact on the streetscape as the existing residence will remain in-situ, unaffected as a consequence of the plans being approved, the retaining walls being installed and filled.

As the property is located on a high point of Second Avenue, it has rear ocean views at the existing residence’s current finished floor level. There is a strong desire to retain and not abnegate these views even though from ground level these views may be lost if/when the western adjoining neighbour obstructs these with a multi storey construction. To mitigate any potential loss of views from the ground level, the plan is to maximise the rear ocean views from a potential second storey.

In time, all surrounding lots will be redeveloped with these developments also being designed to address/capitalise on ocean views. Overlooking and privacy issues will therefore be mitigated over time as the locality undergoes redevelopment (i.e. ocean orientation of habitable rooms/decks thus turning their backs on development behind).

The FFL sought creates the need for retaining walls, this is sympathetic to the adjoining street level, current FFL of the existing house and given the constraints caused by the natural topography of the land together with the configuration of the lot and the overall subdivision design of the locality, the design takes all these constraints into consideration in order to minimise the impact on the three adjoining owners.”

Consultation:

The proposal was not advertised, as letters indicating consent from all the adjoining property owners were provided as part of the application.

COMMENT

It appears from the applicant’s justification that the main motivation for the proposal is to obtain ocean views.

The southern side of the front setback area is proposed to be filled to a maximum height of 1.2 metres and minimum of 890mm. The R-Codes acceptable development standards stipulate that filling behind a setback line should not be more than 500mm above natural ground level.

The amount of discretion requested is significant in light of the potential impact on the adjoining properties and the precedent it will set. The effect of the proposal is to artificially raise the level of the block. This is contrary to the natural grades of the adjoining properties.

The applicant was contacted by the City’s Planning Department was informed that their proposal was not likely to be supported and it was recommended that an alternative and less detrimental proposal be submitted to the City. The applicant then requested that the matter be referred to the next available Delegated Authority Meeting in any case, as the original proposal may still be approved.

It is not considered that the proposed retaining walls comply with the performance criteria of the R-Codes. Fill within the site is required to retain the visual impression of the site. That is, any fill should retain the visual impression of that slope.

The retaining walls to the rear and side of the property represent a considerable impact upon the adjoining properties. With a fence height of 1.8 metres on top of the retaining walls, the effective height of the walls from the adjoining side would vary between 2.8 metres and 3.53 metres. The retaining wall on the southern side will also disrupt direct access to sunlight for the lot that shares the boundary.

Whilst there is a change in grade across the lot, the fall is minor, manageable and should not present any particular difficulties when constructing a dwelling.

It is also noted that when a dwelling is constructed on the site, for the purposes of implementing the Building Height Policy, the ground levels will be calculated from the ground levels before the construction of retaining walls. Any benefit from the proposed retaining walls in terms of views is therefore questionable.

The applicant's desire to maximise ocean views is not considered a justifiable planning consideration. It is reasonable to assume that redevelopment of the locality will occur as many of the nearby dwellings are old fibro houses in relatively poor condition. To approve this development would create an undesirable precedent and lend weight to other homeowners' desires to reproduce this type of development in order to maximise their views also.

It is considered that the proposed retaining walls do not comply with the performance criteria of the R-Codes, and are not required in order to construct a dwelling on the site. The proposal is therefore recommended for refusal.

ATTACHMENTS

Attachment 1 Location Plan
Attachment 2 Development Plans

VOTING REQUIREMENTS

Simple Majority

MOVED Cmr Smith SECONDED Cmr Fox that the Joint Commissioners REFUSE the Development Application submitted by Donna Marie Rosato and Ricky Rosato, the owners, for approval of retaining walls on Lot 11415 (17) Second Avenue, Burns Beach, for the following reasons:

- 1 The development would be contrary to the proper and orderly planning of the locality;**
- 2 The development does not comply with the performance criteria of clause 3.6.2 of the Residential Design Codes 2002 in terms of the retaining wall length and height and would adversely impact the amenity of the adjoining properties;**
- 3 The development does not comply with the performance criteria of clause 3.6.1 of the Residential Design Codes 2002 in terms of importation of fill within the front setback area and would not retain the visual impression of the natural level of the site;**
- 4 Approval of the development would set an undesirable precedent for similar development within the locality.**

The Motion was Put and

CARRIED UNANIMOUSLY (5/0)

Appendix 8 refers.

To access this attachment on electronic document, click here: [Attach8brf140904.pdf](#)

V:\devserv\reports\reports2004\090405am

**CJ219 - 09/04 HOME BUSINESS CATEGORY TWO RENEWAL
(REPAIR OF PLASTIC CRATES) LOT 130 (2)
JANTHINA CRESCENT HEATHRIDGE – [85186]**

WARD - All

CJ040914_BRFD0C:ITEM 12

PURPOSE

For the Joint Commissioners to consider the renewal of a Home Business Category 2 (repair of plastic crates).

EXECUTIVE SUMMARY

The City has received an application for a renewal of a Home Business Category 2 (repair of plastic crates). The original application for a Home Business was approved on 6 June 2002 and subsequently renewed on 29 July 2003. With the previous application for renewal (2003) the City's Officers prepared a report recommending that the application be considered for refusal based on amenity grounds. The Council considered this report and resolved to approve the application. The 12 month approval period of the renewal has now expired and an application to renew the activity has been received.

The City has previously received ongoing complaints relating to the fumes and noise associated with the operations of the business. The City's officers have continued to liaise with a complainant during the 2003 and 2004 approval period.

The renewal of this Home Business was advertised for public comment for a period of 14 days to surrounding landowners. As a result of the advertising, five responses were received, one objecting to the proposal.

There have been ongoing concerns from neighbours throughout the history of the business regarding odours and emissions from welding of the plastic crates. The City Officers have attended the site and have detected odours emanating from the activity.

It is recommended that the application to renew the Home Business be refused due to the adverse effect the business has on the amenity of the neighbourhood.

BACKGROUND

Suburb/Location: Lot 130 (2) Janthina Crescent Heathridge
Applicant: DM Kimberley
Owner: DM & DG Kimberley
Zoning: **DPS:** Residential R20
MRS: Urban

BACKGROUND

In December 2001, the City received a letter from a Councillor on behalf of an anonymous resident informing the City of an unauthorised Home Business at the abovementioned property. The City's Officers acted on the letter (by contacting the applicant), and an application for a Home Business was subsequently received.

The application for the Home Business Category 2 (repair of plastic crates) was considered under Delegated Authority on 7 March 2002 where it was refused. The applicant lodged an appeal to the Minister for Planning against this decision. It was, however, negotiated that the City would consider a new application, with additional supporting information.

The City subsequently received another Development Application with the additional supporting information. This application was considered under Delegated Authority on 6 June 2002 where the application was approved subject to conditions, including a condition that the business be renewed on an annual basis.

Given the on-going complaints in regard to the home business, the application for the renewal of the business was referred to the meeting of Council held on 29 July 2003 for determination. The City's Officers prepared a report recommending that the application be considered for refusal based on amenity grounds. The Council considered this report and resolved to approve the application for a further 12 month period. The 12 month approval period of the renewal has now expired and an application to renew the activity has been received.

DETAILS

The proposed home business renewal is for the repair of plastic crates using an electric heat gun. The repair process involves welding a plastic component to an existing crate for reinforcement or removing the broken section of the crate with a hand saw and then using a heat gun to weld a patch over the damaged area. The business has been operating in an aluminium garage, which is located at the side of the property.

Approximately eighty (80) to one hundred (100) crates are repaired every week. The business operates two days a week on average, however, the days vary Monday to Friday from 9am to 1.30pm.

The applicant works for her husband's company. Crates are delivered to the subject site twice a week via her husband's vehicle between the hours of 3pm and 5pm and are transferred to the shed or vehicle via a trolley. Deliveries are carried out within the husband's normal working hours, to ensure there is no increase in traffic in the area.

Statutory Provision:

District Planning Scheme No 2 (DPS2)

A Home Business Category 2 is a 'D' use in a Residential area. A 'D' use means:

"A use class that is not permitted, but to which the Council may grant its approval after following the procedures laid down by subclause 6.6.2".

Clause 6.6.2 requires that the Council in exercising discretion to approve or refuse an application, shall have regard to the provisions of Clause 6.8.

The relevant Clauses are outlined in Attachment 2

DPS2 defines a Home Business as:

Home Business – Category 2: means an occupation carried on in a dwelling or on land around a dwelling by a resident of the dwelling which:

- (a) *does not entail the retail sale, outdoor display or hire of goods of any nature;*
- (b) *does not cause injury to or prejudicially affect the amenity of the neighbourhood;*
- (c) *does not detract from the residential appearance of the dwelling house or domestic outbuilding;*
- (d) *entails the employment of no more than 1 person not a member of the occupier's household;*
- (e) *does not occupy an area greater than 30m². Council may permit an area greater than 30m² where it is considered that the scale of the business is limited by other factors and the increase in floorspace will not have a detrimental effect on the amenity of the surrounding areas;*
- (f) *does not have more than one advertisement sign and the sign displayed does not exceed 0.2m² in area;*
- (g) *will not result in the requirement for a greater number of parking facilities than normally reserved for a single dwelling, and will not result in a substantial increase in the amount of vehicular traffic in the vicinity;*
- (h) *does not involve the servicing or repair for gain of motor vehicles; and*
- (i) *does not entail the presence, parking and garaging of a vehicle of more than 3.5 tonnes tare weight.*

Policy 3.1.11 - Home Business

The objective of Policy 3.1.11 Home Business is to establish guidelines for the exercise of Council's discretion when assessing Home Business uses. The most relevant sections of the policy that are applicable to the proposal have been outlined below.

The aim of the policy is to:

- (a) *To maintain residential areas as primarily a place to live, not primarily a place to work whilst recognizing that working from home is an expanding area of employment, and a significant contributor to local employment;*
- (b) *To protect the amenity and character of residential areas by ensuring that potential impacts associated with home business such as noise, traffic, pollution, people and advertising signs are minimised and adequately controlled;*
- (c) *To enhance the effectiveness of Council's decision making through consultation with interested parties;*
- (d) *To provide a measure of the extent of the home business to ensure that it does not dominate the use of the land nor be so large or intensive that it changes the residential character of the neighbourhood;*
- (e) *To guide the location of home business proposals to minimise any impact on the amenity and character of residential locations.*

The policy includes guidelines relating to the operation of the business. The following guidelines of the policy are most relevant to this application:

For the purpose of this policy, amenity refers to all factors that combine to form the character of the area to residents and passers-by and shall include the present and likely future amenity. In determining whether a proposed home business is likely to detrimentally affect the amenity of the neighbourhood, the following factors will be considered:

- (i) emission of noise, vibration, smell, fumes, vapour, steam, soot, ash, dust, grit, oil, waste water or waste products;*
- (ii) hours of operation;*
- (iii) number of customers visiting the premises;*
- (iv) traffic likely to be generated;*
- (v) additional parking requirements created by the proposed home business;*
- (vi) storage of harmful or poisonous chemicals,*
- (vii) compliance with the management plan;*
- (viii) compliance with the requirements set out by the Town Planning Scheme provisions;*
- (ix) public submissions and/or complaints by adjoining owners.*

When determining an application, the Council:

- (i) may limit the number of hours and/or days of operation of a home business proposal where it is deemed necessary to protect the amenity of the surrounding area;*
- (ii) elect to grant an initial term of approval of twelve (12) months. In some instances where it is considered appropriate, a longer period may be considered. The applicant is to seek renewals thereafter to effect the continuance of the home occupation.*

Community Consultation

In considering any variations to the required standards, Council will carry out community consultation as part of the decision making process. Concerns of adjoining owners will be considered as a relevant factor in the assessment of applications for planning approval.

Applicant's Justification

The applicant has not provided any justification for the current renewal application, however, the following statement was provided in the 2003 application (summarized):

- No aspects of the home business have changed since the last approval.*
- The Worksafe Officer has advised that odours generated would be quite small and should not be detected at neighbouring properties.*
- The information provided by Worksafe, Material Safety Data Sheet and the plastic supplier confirm that it is unlikely that odours and fumes will affect adjoining properties.*
- It is apparent that odours and toxicity only becomes an issue in the event of burning of plastic. However, it needs to be clearly understood that the operation does not involve burning but melting of plastic.*

- *The adjoining neighbour has been resident at that property for the past 7 years that the business has been operating, and no concerns have been raised in the past.*
- *The neighbours have made complaints to the City regarding offensive odours. The City's Officers have conducted a number of site inspections and only on the last of those occasions the officer concerned noticed any odour.*
- *The City's Environmental Health Officer arranged for a representative of the Department of Environmental Protection to view the operation. The representative was satisfied that there was nothing of a harmful or toxic nature in the gas created through the welding of the crates. In respect to the odour, it is understood that he commented that this was akin to a 'cooking smell' which should not provide any reasonable cause for complaint.*
- *Recommendations were made to install a hood and extraction fan and to ensure that the shed door remains shut whilst carrying out repairs. The hood and fan have been installed to the specifications outlined. The fan outlet is on the part of the shed roof which slopes away from the neighbour which should also assist.*
- *The nature of the proposed activity is such that it would not cause injury to or prejudicially affect the amenity of the neighbourhood.*

Consultation:

The proposal was advertised in writing to nine (9) adjoining and nearby landowners. The comment period was 14 days in accordance with DPS2. From this consultation, five submissions were received, with only one objection. The objections are summarised below:

Objection	Officer Comment
The Material Safety Data Sheet (MSDS) on HDPE (Polyethylene Homopolymer) indicates that if inhaled, this material may cause nausea and irritation of the upper respiratory tract	Noted. The MSDS confirms these assertions.
Environmental Health Officers have detected odour from the welding inside my house	Noted. Officers have detected odours from the adjoining property.
Worksafe advised Council fumes should not be of any sufficient quantity to be detected in neighbouring premises.	Noted.
Council should put the health and welfare of their residents first.	Noted. Health and welfare of residents is a primary concern in considering an application.
The resale value of my property may be affected by the welding crate business being conducted in such close proximity to my kitchen and dining room windows.	Noted. It is difficult to assess what effect the Home Business would have on property values.

The objector makes other statements regarding advice previously received from the Department of Environmental Protection (DEP) and Worksafe. These statements allude to possible health effects from the welding on surrounding properties. With respect to these comments, advice from the DEP and Worksafe have been considered when assessing the renewal application and previous application.

COMMENT

The original application for a Home Business was approved on 6 June 2002. Council, at its meeting on 29 July 2003 approved the first renewal of the Home Business subject to conditions. As a condition of Planning Approval required the applicant to renew the approval within twelve months, an application has been received for renewal.

Suitability of Home Business in Residential Zone (Clause 3.4)

Pursuant to the Scheme, the Residential Zone is intended primarily for residential development in an environment where high standards of amenity and safety predominate to ensure the health and welfare of the population.

Since the latest approval of the Home Business in July 2003 the City's officers have continued to liaise with a complainant. Prior to the approval in 2003 there were ongoing complaints regarding fumes emanating from the subject property.

Discretionary Uses (Clause 6.8.2)

In accordance with clause 6.8.2 of the City of Joondalup's Scheme, the Council when considering whether or not to approve a 'D' (a use class that is not permitted, but to which Council may grant its approval after following procedures laid down in sub clause 6.6.2) use application shall have due regard to the nature of the proposed use and its relationship to the use of other land within the locality and the preservation of the amenity of the relevant locality. Although the nature of the Home Business is considered to be small scale, it is not considered to be compatible and congruent in a residential area and may be more appropriately located in a Service Industrial Zone.

Compliance with Home Business Category 2 Definition (Clause 1.9)

A Home Business Category 2 may operate, provided that it does not cause injury to or prejudicially affect the amenity of the neighbourhood.

The City's Home Business Policy specifically outlines that, in determining whether a proposed Home Business is likely to detrimentally affect the amenity of the neighbourhood, the emission of noise, smells and fumes must be considered. If it is considered that smells and fumes will cause a nuisance to surrounding properties then refusal should be considered.

The Policy also states that the concerns of adjoining owners will be considered as a relevant factor in the assessment of applications for planning approval. Given the on-going objection the City has received relating to smells and fumes associated with the business, the Joint Commissions could consider refusing the proposal. However, comments received from adjoining landowners are not a referendum to how the proposal should be determined, rather they are community input into the planning process and should be given due regard if relevant planning concerns exist.

Policy 3.1.11 Home Business

The rationale of issuing a Home Business Approval for a limited period of twelve months is to enable the City to reassess the business after a twelve-month period to ensure that the proposal is operating in accordance with its Planning Approval.

Environmental Health Implications

Odours

Worksafe previously advised that the odours created from heat welding of high-density polyethylene homopolymer (HDPE) would be quite small and should not be detected by adjoining neighbours. The rationale behind this was that the repairing of crates involves heating without reaching a temperature that will cause the crate to burn if carried out correctly.

However, Worksafe also advised that burning HDPE may affect the operator and sufficient ventilation should be provided. Natural ventilation would suffice and external openings should be left open during operations.

Health Risks

Worksafe advised that the risks associated with heating HDPE are low. A Material Safety Data Sheet outlined that HDPE is not expected to be harmful if inhaled, however, if this material is heated, the fumes may be unpleasant and produce nausea and irritation of the upper respiratory tract.

Noise

The welding gun and the loading and unloading of crates from the vehicle generate noise. The applicant was required to comply with the Environmental Protection (Noise) Regulations 1997. On 24 April 2002, a site inspection was conducted by the City's Environmental Health Officer to measure the level of noise produced by the business.

The Sound Level Measurement Report revealed that the proposed business complies with the Environmental Protection (Noise) Regulations 1997 during the hours of 0700 – 1900 Monday to Saturday.

Environmental Health Considerations

Previously (2003) the City had received complaints regarding odour derived from the plastic crate welding business. In response to the complaints, the City's Environmental Health Officer attended the site and detected an odour commonly associated with burning plastic.

The complaint was referred to the Department of Environmental Protection (DEP) for further investigation and the inspector's results were:

"I found that there was an unpleasant odour that was not particularly strong but quite possibly unacceptable in a residential area, especially to sensitive individuals."

I recommend that a ventilation system be installed with a hood over the work area in order to dilute the air being emitted. A hood and fan similar to those used over stoves and hot plates for household use should be sufficient. The hood should be mounted as low as practicable without interfering with the work being carried out. If possible the air should be directed away from the complainant's house."

The recommended works were carried out by the applicant, however, further complaints were received that the odours were still evident. Given that the complaint in regard to the emission of odour from the welding activity has been substantiated, concern is raised over the suitability of the activity in a residential area.

The Commissioners, in considering the renewal of the Home Business, should consider the effects of the business on the adjoining properties and surrounding locality. It needs to be considered if the business is appropriate within the Residential Zone and if any odours usually not present in this zone are acceptable.

In this particular case, given the objection received from the adjoining neighbour, the information available from the City's Environmental Health Officers and the representative from the DEP, the business is not considered appropriate in a residential area and is considered to have had an adverse affect on the neighbourhood.

It is therefore recommended that application for the renewal of the Home Business not be supported.

ATTACHMENTS

Attachment 1	Locality Plan
Attachment 2	Site Plan

VOTING REQUIREMENTS

Simple majority.

MOVED Cmr Smith SECONDED Cmr Fox that the Joint Commissioners REFUSE the proposed renewal of Home Business Category 2 (Repair of Plastic Crates) at Lot 130 (2) Janthina Crescent, Heathridge for the following reasons:

- 1 The proposal is contrary to the principle of orderly and proper planning of the area;**
- 2 The proposal does not conform to the definition of a Home Business under District Planning Scheme No 2, as the business is likely to affect the residential amenity of the area;**
- 3 The Home Business is not considered compatible with the intent of the Residential Zone and would undermine the intent of the Zone;**

4 The proposed activity is likely to have an adverse affect on the amenity of the area which is contrary to Policy 3.1.1 Home Business.

Cmrs Smith and Anderson spoke in support of the motion.

The Motion was Put and

CARRIED UNANIMOUSLY (5/0)

Appendix 9 refers.

To access this attachment on electronic document, click here: [Attach9brf140904.pdf](#)

**CJ220 - 09/04 MINUTES OF THE SENIORS INTERESTS
ADVISORY COMMITTEE MEETING HELD ON 18
AUGUST 2004 – [55511]**

WARD - All

CJ040914_BRFD0C:ITEM 13

PURPOSE

To note the unconfirmed minutes of the Seniors Interest Advisory Committee meeting held Wednesday, 18 August 2004.

EXECUTIVE SUMMARY

A meeting of the Seniors Interest Advisory Committee was held on Wednesday, 18 August 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, 18 August 2004 forming Attachment 1 to Report CJ220-09/04.

DETAILS

Subsequent to the visioning session at the last Seniors Interests Advisory Committee meeting, all members agreed to research, consult with seniors and then present on a variety of strategic topics at future committee meetings. These topics include:

- Strategies of the two main political parties with regards to aged care and seniors,
- Latest trends, demographics etc with regards to seniors in the Joondalup area and review the Seniors Plan,
- Latest issues, information and trends with regards to Physical Activity and seniors,
- Latest issues and trends with regards to diet, eating and obesity and seniors,
- The future of employment for seniors over the next 20-30 years.

ATTACHMENTS

Attachment 1 Minutes of the Seniors Interest Advisory Committee Meeting
18 August 2004

VOTING REQUIREMENTS

Simple Majority

MOVED Cmr Smith SECONDED Cmr Clough that the Joint Commissioners NOTE the unconfirmed Minutes of the Seniors Interest Advisory Committee held on Wednesday, 18 August 2004 forming Attachment 1 to Report CJ220-09/04.

Cmr Smith referred to the presentations to be made to the Committee, particularly in relation to diet and physical activity, and asked that Commissioners be advised of the outcomes and possible policy direction from these issues that the Committee might present to the Joint Commissioners. The Acting Director Planning and Community Development advised these comments will be reported to the Committee.

The Motion was Put and

CARRIED UNANIMOUSLY (5/0)

Appendix 10 refers.

To access this attachment on electronic document, click here: [Attach10brf140904.pdf](#)

CJ221 - 09/04 MINUTES OF THE JOONDALUP YOUTH ADVISORY COUNCIL MEETING – 18 AUGUST 2004 – [38245]

WARD - All

CJ040914_BRFD0C:ITEM 14

PURPOSE

The purpose of this report is to present the unconfirmed minutes of the August Joondalup Youth Advisory Council meeting for noting by Commissioners.

EXECUTIVE SUMMARY

The Joondalup Youth Advisory Council met on 18 August 2004. The unconfirmed minutes of this meeting are attached for the attention of Commissioners. The recommendation is:

That the Joint Commissioners NOTE the unconfirmed minutes of the Joondalup Youth Advisory Council meeting held on 18 August 2004 forming Attachment 1 to Report CJ221-09/04.

DETAILS

The unconfirmed minutes of this meeting held on 18 August 2004 are attached for the attention of Commissioners.

During this meeting members discussed two particularly relevant agenda items. The first of these items involved an emerging opportunity for community funding. The second item involved “Crime and Safety” particularly in regards to the issue of youth curfews.

Recommendations originating from these discussions are expected in future meetings.

COMMENT

The business of this meeting included the nomination of Michael Blanchard to the CBD Enhancement Committee. Michael will attend future meetings as a representative of the Youth Advisory Council and will provide a valuable youth perspective to the business of this committee.

The issue of community funding is considered operational at this point in time and will be pursued in consultation with appropriate Council staff.

Members recognised that the issue of council policy regarding “youth curfews” required further research and informed debate before the committee could reach a consensus position on this issue. A recommendation on this issue is expected from future meetings and will be presented to Commissioners for their input and possible endorsement.

ATTACHMENTS

Attachment 1 Unconfirmed Minutes of the Joondalup Youth Advisory Council

VOTING REQUIREMENTS

Simple majority

MOVED Cmr Fox SECONDED Cmr Anderson that the Joint Commissioners NOTE the unconfirmed Minutes of the Joondalup Youth Advisory Council Meeting held on 18 August 2004 forming Attachment 1 To Report CJ221-09/04.

The Motion was Put and

CARRIED UNANIMOUSLY (5/0)

Appendix 11 refers.

To access this attachment on electronic document, click here: [Attach11brf140904.pdf](#)

**CJ222 - 09/04 STREETSIDE BENCHES PROPOSED SETTLEMENT
–[45612] [45924]****WARD - All**

This Item Is Confidential - Not For Publication

A full report was provided to the Joint Commissioners under separate cover.

MOVED Cmr Smith SECONDED Cmr Anderson that the Joint Commissioners:

- 1 ENDORSE the finalisation of the Deed of Settlement and Compromise and Licence Agreement between the City of Joondalup and Streetside Advertising as per Attachments 1 and 2 to Report CJ222-09/04;**
- 2 AUTHORISE the Chairman of Commissioners and the Acting CEO to sign the Deed of Settlement and Compromise and Licence Agreement, as per Attachments 1 and 2 to Report CJ222-09/04, on behalf of the City and to affix the common seal of the City to the Deed of Settlement and Compromise and Licence Agreement between the City of Joondalup and Streetside Advertising, as per Attachments 1 and 2 to Report CJ222-09/04;**
- 3 NOTE that any decision to resolve this matter with Streetside Advertising must be jointly approved by the City of Joondalup and the City of Wanneroo in accordance with Governor’s Joondalup and Wanneroo Order 1998.**

The Motion was Put and**CARRIED UNANIMOUSLY (5/0)****REPORT OF THE ACTING CHIEF EXECUTIVE OFFICER**

Acting Chief Executive Officer, Mr Clayton Higham, declared a financial interest in C60-09/04 – Application for payment of legal expenses for a former employee relating to the Inquiry as he is a potential applicant for funding under Policy 2.2.8.

Manager Audit and Executive Services, Mr Kevin Robinson, declared a financial interest in C60-09/04 – Application for payment of legal expenses for a former employee relating to the Inquiry as he is a potential applicant for funding under Policy 2.2.8.

Director Infrastructure and Operations, Mr David Djulbic, declared a financial interest in C60-09/04 – Application for payment of legal expenses for a former employee relating to the Inquiry as he is a potential applicant for funding under Policy 2.2.8.

Director Corporate Services and Resource Management, Mr Peter Schneider declared a financial interest in C60-09/04 – Application for payment of legal expenses for a former employee relating to the Inquiry as he potentially may have to place a similar request before Council in the future if called before the Inquiry.

C60-09/04 APPLICATION FOR PAYMENT OF LEGAL EXPENSES FOR A FORMER EMPLOYEE RELATING TO THE INQUIRY – [01173, 72559]

WARD - All

PURPOSE

For the Joint Commissioners to consider the operation of *Policy 2.2.8 Legal Representation for Elected Members and Employees* in respect of the application for funding assistance that has been made by Ms Monica Juricev, former Human Resources Consultant (Projects).

EXECUTIVE SUMMARY

The report discusses the application of *Policy 2.2.8 Legal Representation for Elected Members and Employees* in relation to a former employee availing herself of the policy with regard to the Inquiry. (A copy of *Policy 2.2.8 Legal Representation for Elected Members and Employees* is attached to this report and marked Attachment 1.)

Request for funding pursuant to Policy 2.2.8 has been received from a former employee of the City. The recommendation in relation to the application is for the application to be supported.

The Acting Chief Executive Officer and the Manager Audit and Executive Services have declared an interest in this matter due to the fact that they are being called to give evidence before the Inquiry.

BACKGROUND

The Joint Commissioners at the Council Meeting held on 29 June 2004 adopted *Policy 2.2.8 Legal Representation for Elected Members and Employees*.

On 20 July 2004, the Joint Commissioners approved funding for suspended and former Elected Members, and a former employee.

On 31 August 2004, the Joint Commissioners approved funding for a current employee in relation to legal representation costs for the Inquiry.

An application has been received by a former employee in relation to the forthcoming inquiry into the City.

DETAILS

Statutory Provision:

The Policy does apply to the Inquiry, indeed expressly stating under the definition of 'Legal Proceedings' that these may be civil, criminal or investigative (including an inquiry under any written law). This reference to any written law applies equally to the creation of inquiry bodies made pursuant to the *Local Government Act 1995* and the *Royal Commissions Act 1968*.

The Policy also applies to former employees as they are included in the definition of ‘Elected Member or Employee’

Policy Implications:

Policy No 2.2.8 Legal Representation for Elected Members and Employees.

COMMENT

Legal Representation for Elected Members and Employees

Under section 3.1 of the *LGA 1995*, the general function of a local government is to provide for the good governance of persons in the district.

The City should only pay the legal expenses of suspended elected members and employees if the payment can be justified as being for the good government of persons in the City’s district.

The policy relating to the legal representation for elected members and employees allows, in appropriate circumstances, for the City to pay for the legal representation costs of an individual elected member or employee.

The City has received an application from Ms Monica Juricev a former employee of the City.

In terms of payment criteria, the legal representation costs must relate to a matter that arises from the performance of the former employee’s functions, the costs must be in respect of legal proceedings that have been or may be commenced, and in performing the functions to which the legal representation relates, the former employee must have acted in good faith, and must not have acted unlawfully or in a way that constitutes improper conduct.

1 Application by Ms Juricev

An application was received on 30 September 2004 for funding for legal representation from Ms Monica Juricev. She has not appointed legal representatives, having received notification of the summons late last week. Ms Juricev has been summonsed by the Inquiry to appear at the Inquiry Hearing.

The application for legal representation funding conforms to the requirements of subclauses 3.2 and 3.3(a), (b) and (c) of Policy 2.2.8.

In assessing the application, the first payment criterion has been met namely that the legal representation costs relate to a matter that arises from the performance of Ms Juricev’s former function as Human Resources Consultant (Projects).

The second criterion requires that the costs be in respect of legal proceedings. As mentioned, the Inquiry comes within the application of Policy 2.2.8.

The third requirement states that a former employee must have acted in good faith, and must not have acted unlawfully or in a way that constitutes improper conduct. The assessment of this criterion is difficult as it deals with issues that will be addressed as part of the Inquiry process. For the purposes of assessing this criterion, Ms Juricev has given an undertaking that she acted in good faith at all times. Furthermore, should an adverse finding be made against her by the Inquiry, clause 7 of the policy allows for the City to reclaim the costs paid to her.

On the discussion above, it is the recommendation that the application for legal funding up to \$5,000 be approved. The amount is exclusive of GST. Payment will be made either in the form of reimbursement to the former employee on presentation of an official tax invoice, or direct payment to the appointed legal firm on presentation of an official tax invoice.

Should an adverse finding be made against Ms Juricev the Policy allows for the City to reclaim the monies it has funded.

FUNDING

The funds to be derived from the Inquiry Account.

ATTACHMENTS

Attachment 1 Policy No 2.2.8 - Legal Representation for Elected Members and Employees

Attachment 2 Request for Legal Assistance made by Ms Monica Juricev

VOTING REQUIREMENTS

Simple Majority

MOVED Cmr Anderson SECONDED Cmr Clough that the Joint Commissioners:

- 1 in accordance with Policy 2.2.8 – Legal Representation for Elected Members and Employees APPROVE the request for assistance for legal funding made by:**
 - (a) Monica Juricev for the forthcoming Inquiry into the City of Joondalup to the maximum amount of \$5,000;**

- 2 NOTE that Ms Juricev has made an undertaking in accordance with clause 3.3(a), (b) and (c) of Policy 2.2.8 supplying to the City a signed statement that she:**
 - (a) has read, and understood, the terms of this Policy;**
 - (b) acknowledges that any approval of Legal Representation Costs is conditional on the repayment provisions of clause 7 and any other conditions to which the approval is subject;**
 - (c) undertakes to repay to the City any Legal Representation Costs in accordance with the provisions of clause 7;**

3 CHARGE the expenditure in 1 above to the City of Joondalup Inquiry Account.**The Motion was Put and****CARRIED UNANIMOUSLY (5/0)**

Appendix 14 refers.

To access this attachment on electronic document, click here: [Attach14min210904.pdf](#)

Acting Chief Executive Officer, Mr Clayton Higham, declared a financial interest in C61-09/04 – Tender Number 013-04/05 Consultancy Services to assist the recruitment and appointment process for a Chief Executive Officer, as he is currently Acting Chief Executive Officer.

Cmr Smith declared a conflict of interest in C61-09/04 – Tender Number 013-04/05 Consultancy Services to assist the recruitment and appointment process for a Chief Executive Officer as she has worked with one of the tenderers. Cmr Smith stated this was not a financial interest, however she would leave the Chamber when this matter is discussed.

Cmr Smith left the Chamber at this point, the time being 2005 hrs.

C61-09/04 TENDER NUMBER 013-04/05 CONSULTANCY SERVICES TO ASSIST THE RECRUITMENT AND APPOINTMENT PROCESS FOR A CHIEF EXECUTIVE OFFICER – [88564]**WARD - All**

PURPOSE

To recommend the Joint Commissioners choose the tender submitted by Beilby Corporation Pty Ltd for a lump sum price of \$22,000.00 excluding GST.

EXECUTIVE SUMMARY

An Expression of Interest (EOI) (Number 004-04/05) requested, through statewide public advertisement on 24 July 2004 to assist in the selection process of a Chief Executive Officer EOI(s) closed on 10 August 2004.

Six submissions were received from:

- Beilby Corporation Pty Ltd;
- Westaff Consulting Group;
- Forstaff Group;
- Chandler Macleod Group;
- Tanner Menzies; and
- Hudson Global Resources (Aust) Pty Ltd.

It was recommended in relation to the EOI Number 004-04/05 for the Consultancy Service to Assist in the Recruitment Process of a Chief Executive Officer that the Acting Chief Executive Officer:

- 1 *LIST Beilby Corporation Pty Ltd; Westaff Consulting Group and Forstaff Group as acceptable tenderers; and*
- 2 *INVITE the acceptable tenderers to submit a tender, to provide Consultancy Services to Assist in the Recruitment Process of a Chief Executive Officer.*

The recommendation was accepted by the Acting Chief Executive Officer on 27 August 2004.

Three acceptable tenderers, Beilby Corporation Pty Ltd; Westaff Consulting Group; and Forstaff Group were invited on 27 August 2004 through a closed tender process to submit a tender for a Consultancy Service to assist in the selection process of a Chief Executive Officer.

Tenders closed on Friday 10 September 2004. Three submissions were received from Beilby Corporation Pty Ltd; Westaff Consulting Group; and Forstaff Group.

A meeting of the CEO Selection Committee was held on Tuesday 21 September 2004, where it was agreed that it be recommended that, in relation to Tender Number 013-04/05 for the Consultancy Service to Assist the Recruitment and Appointment Process for a Chief Executive Officer, the Joint Commissioners:

- 1 *CHOOSE Beilby Corporation Pty Ltd as the successful tenderer for the Consultancy Service to Assist the Recruitment and Appointment Process for a Chief Executive Officer (Tender No. 013-04/05) for a lump sum price of \$22,00.00 excluding GST; and*
- 2 *AUTHORISE the Acting Chief Executive Officer (CEO), on behalf of the City, to enter into a contract with Beilby Corporation Pty Ltd in accordance with the tender submitted by Beilby Corporation Pty Ltd, subject to variations that may be agreed between the CEO and Beilby Corporation Pty Ltd.*

BACKGROUND

A CEO Selection Committee has been appointed comprising the City's Joint Commissioners to facilitate the process.

The City has taken steps to ensure that the process involved to appoint a new Chief Executive Officer is in line with best practice standards and in a manner that complies with local government legislation.

The CEO Selection Committee determined that a recruitment consultant should be appointed to assist the recruitment and selection of a new Chief Executive Officer.

Following an Expression of Interest (EOI Number 004-04/05), a Request for Tender (RFT) process was undertaken with three tenderers, being Beilby Corporation, Westaff Consulting Group and Forstaff Group on 27 August 2004 with a closing date of 10 September 2004 (Tender number 013-04/05).

The specification for the Request for Tender was as follows:

Scope

The Scope of the contract is for the recruitment and selection of a new Chief Executive Officer. A Committee has been appointed comprising the City's Joint Commissioners to facilitate the process.

The process to appoint a new Chief Executive Officer will be in line with best practice standards and comply with all relevant legislation including the Local Government Act 1995.

City's Responsibilities

The City is undertaking the majority of the scoping for the Chief Executive Officer's role, position description, and remuneration package and employment contract.

Consultant's Responsibilities

Prior to commencement of the services, the Consultant will be required to liaise with the Principal to obtain the position description, key performance indicators, remuneration package details and draft employment contract. The Consultant shall also liaise with the City on:

- Application of the methodology;
- Delivery of agreed methodology in a timely manner; and
- Establishment of deliverables and protocols.

The Consultant will act in the capacity of adviser to the Committee and provide recruitment expertise on an as-needs basis. This is likely to include the requirement to make presentations to the Committee on the shortlisting process and the shortlisted candidates, as well as attendance at Council meetings where a decision of Council relates to the Consultant's work.

The Committee will conduct the interviews, with the appointment of the successful candidate for the Chief Executive Officer position subject to a resolution of Council.

DETAILS

The first part of the tender assessment was the Conformance Audit Meeting. The purpose of this meeting was to ensure that the tenders submitted have met all essential requirements. Tenders not meeting criteria considered essential are deemed to be non-conforming and are eliminated from consideration. Additionally, other criteria that is not mandatory is assessed and if not met the City may eliminate the tender from consideration. The extent of non-compliance in this section would determine if the tender was further considered.

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

The second part of the evaluation process involved an independent assessment by each team member of the qualitative criteria. Each member of the Evaluation Panel assessed the Tender submissions individually against the selection criteria. The Evaluation Panel then convened to submit and discuss their assessments. Tenderer interviews were also conducted with all three tenderers in order to clarify any questions relating to the respective submissions.

The Selection Criteria for Tender number 013-04/05 was as follows:

Performance and Experience of Tenderer in completing similar projects:

- Relevant Industry Experience, including details of similar services undertaken. Tenderers shall submit a Detailed Schedule of Previous Experience on similar and/or relevant projects. Details of previous projects should include:
- Past examples of recruitment of CEO positions in local government and/or other CEO positions in the public or private sector.
- Past Record of Performance and Achievement with a local government or large public or private sector organisation.
- Written References from past and present clients

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

- Qualifications, Skills and Experience of Key Personnel
- Details of personnel to perform the Consultancy
- Equipment and Staff Resources available

Beneficial Effects of RFT / Local Content:

- The Potential Social and Economic Effect of the RFT on the City of Joondalup community
- The Potential Social and Economic Effect of the RFT on the West Australian community
- Value Added items offered by Tenderer.

Methodology

Tenderers should:

- Detail recruitment procedures and process for the selection of personnel, including estimation of number of hours work for each stage.
- Where psychological and/or psychometric testing is proposed, advise which type will be used
- Detail processes for the verification of applicants
- Debriefing procedures and processes

Quoted Price/s:

- The Lump Sum Price to Supply the services;
- Discounts, settlement terms

Statutory Provision:

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

Financial Implications:

Account No:	1.1110.4201.0001.F823
Budget Item:	Recruitment of the Chief Executive Officer
Budget Amount:	\$40,000.00
YTD Amount:	\$0.00
Actual Cost:	\$40,000.00

COMMENT

The successful Respondent will be required to enter into a Confidentiality Deed of Agreement and Contract with the City, both of which formed part of the Request for Tender Document.

ATTACHMENTS

Nil

VOTING REQUIREMENTS

Simple Majority.

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

- 1 CHOOSE Beilby Corporation Pty Ltd as the successful tenderer for the Consultancy Service to Assist the Recruitment and Appointment Process for a Chief Executive Officer (Tender No. 013-04/05) for a lump sum price of \$22,000.00 excluding GST; and**
- 2 AUTHORISE the Acting Chief Executive Officer (CEO), on behalf of the City, to enter into a contract with Beilby Corporation Pty Ltd in accordance with the tender submitted by Beilby Corporation Pty Ltd, subject to variations that may be agreed between the CEO and Beilby Corporation Pty Ltd.**

The Motion was Put and

CARRIED UNANIMOUSLY (4/0)

Cmr Smith entered the Chamber at this point, the time being 2007 hrs.

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, 12 OCTOBER 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 2008 hrs; the following Commissioners being present at that time:

CMR J PATERSON
CMR P CLOUGH
CMR M ANDERSON
CMR A FOX
CMR S SMITH