

MINUTES

City of Joondalup

MINUTES OF
ORDINARY MEETING OF THE COUNCIL
OF THE CITY OF JOONDALUP
HELD IN THE COUNCIL CHAMBER, JOONDALUP CIVIC CENTRE,
BOAS AVENUE, JOONDALUP

MEETING DATE



ON TUESDAY, 18 JULY 2006



**MINUTES OF COUNCIL MEETING
HELD ON 18 JULY 2006**

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CITY OF JOONDALUP

MINUTES OF COUNCIL MEETING HELD IN THE COUNCIL CHAMBER, JOONDALUP CIVIC CENTRE, BOAS AVENUE, JOONDALUP, ON TUESDAY, 18 JULY 2006

DECLARATION OF OPENING

The Mayor declared the meeting open at 1905 hrs.

ANNOUNCEMENT OF VISITORS

Nil.

ATTENDANCES

Mayor:

T PICKARD

Councillors:

Cr K HOLLYWOOD	North Ward
Cr T McLEAN	North Ward
Cr A JACOB	North-Central Ward
Cr S MAGYAR	North-Central Ward
Cr J PARK	Central Ward
Cr G AMPHLETT	Central Ward
Cr S HART	South-East Ward
Cr B CORR	South-East Ward
Cr R FISHWICK	South Ward
Cr R CURRIE	South Ward

Officers:

Chief Executive Officer	G HUNT	<i>Absent from 1947 hrs to 1949 hrs</i>
Acting Director, Planning and Community Development	C TERELINCK	
Director, Corporate Services:	M TIDY	
Director, Infrastructure Services:	D DJULBIC	
Acting Director, Governance & Strategy:	M SMITH	
Media Advisor:	L BRENNAN	
Acting Administrative Services Co-ordinator:	L TAYLOR	
Administrative Secretary:	G KELLY	

There were 35 members of the Public and 1 member of the Press in attendance.

PUBLIC QUESTION TIME**The following questions were taken on notice at the Council meeting held on 27 June 2006:****Mr D Biron, Mullaloo:**

In the minutes of the last meeting under CJ090 - 06/06 Carine Glades Tavern – there are list of conditions required by the Council to be met by the applicant. Under condition 5 it states ‘the room must be operated so that it complies with the Environmental Protection (Noise) Regulations 1997’.

Q1(a) *What does the Council mean by ‘comply with the Environmental Protection (Noise) Regulations 1997’, when the City declines to measure any noise from voices, even screaming shouting and singing between the hours of 11pm and 4.00 am?*

A1(a) This condition of approval as it applies to the Carine Glades Tavern advises the applicants that the use of the extension must comply with the Environmental Protection (Noise) Regulations 1997. It is placed as a condition that will control noise emanating from the premises, in particular music, while the premises are in use.

Q1(b & c) *Would the Councillors please explain exactly how any measurement can be carried out at all to determine compliance with the Environmental Protection (Noise) Regulations 1997 when the CEO is of the opinion that if any excessive levels of noise as prescribed under this Act, are in fact measured by a qualified Noise Consultant and found to contain any voices that these measurements are then deemed by the City to be contaminated, and are not to be used AT ALL for any assessment purposes?*

Since neither the Environmental Protection (Noise) Regulations 1997 or the 1986 Act, according to the City, require local governments to take enforcement action against alleged offenders then would Councillors please explain what protection does condition 5 offer any local residents?

A1(b & c) Any complaint about noise emanating from the premises will be investigated on a ‘case by case’ basis. Should quantified noise measurements be required against the Environmental Protection (Noise) Regulations 1997, these will be completed by the City’s Environmental Health Officers (during office hours) or the City’s Noise Consultant (after hours) whichever is applicable. All measurements taken will be further analysed for the purpose of forming decisions about the best way to progress complaints, and any desired enforcement requirements.

Under condition 8 it similarly states ‘to demonstrate that the premises will comply with the requirements of the Environmental Protection Act 1986’

Q2(a & b) *Would the Councillors please explain exactly how any measurement can be carried out to determine any compliance with the Environmental Protection (Noise) Regulations 1997 when an officer has already stated in writing that ‘the City has not and does not intend to measure noise from voices although technically again, no exemption for this noise exists in the Regulations’?*

Since neither the Environmental Protection (Noise) Regulations 1997 or the 1986 Act, according to the City, require local governments to take enforcement action against alleged offenders then would Councillors please explain what protection does condition 8 offer any local residents?

A2(a & b) Condition 8 reads as follows:

“An on-site sound level assessment is to be undertaken upon completion and prior to the use of the proposed additions. This assessment is to be conducted by a recognised acoustic consultant, and is to demonstrate that the premises will comply with the requirements of the Environmental Protection Act 1986.

This report is to be submitted to the City of Joondalup and to be to the satisfaction of the Manager Approvals, Planning & Environmental Services;”

The intent of this condition is to ensure that the proposed additions acoustically comply with the requirements of the Environmental Protection Act 1986 and its subsidiary Regulations. This will ensure the City is honouring its duty of care by not approving an addition that may not comply with the Regulations, with respect to noise emanating from within the premises, from the outset.

Condition 9 continues as follows:

“Should the assessment report required in (8) above show that the noise levels are above the requirements of the Environmental Protection Act, the building is to be modified so that it meets the requirements of the Environmental Protection Act. Such changes will require the prior approval of the City;”

This condition further shows the City being mindful of the community with respect to the identification of potential noise emanating from the premises should the existing structure be found not to comply.

It is reiterated that should complaints be received by the City with respect to noise emanating from the Carine Glades Tavern, each will be considered on a ‘case by case’ basis.

Q2(c) *Would Councillors please explain what protection do any of these conditions of Council regarding noise control at the Carine Glades Tavern offer any affected residents without the operation of a Local Noise Policy, in light of all the above views of City Officers?*

A2(c) As stated in previous questions of Council, the Environmental Protection Act 1986 and Environmental Protection (Noise) Regulations 1997 are adequate to assess and control noise within the community.

Mr M Sideris, Mullaloo:

Q1 *Re: State Administrative Tribunal hearing – Can Council explain how a figure of 126 on-site bays has been accepted by Council, when Council resolution CJ204-08/02 only dealt with and required 160 on-site bays in order to comply with the DPS2 and Policy 7.10, which specifically requires a minimum of seventy-five percent of the 210 bays identified as necessary by officers for the development?*

- A1 The Council decision required 160 bays of which 126 were to be provided on the site and 34 off site. The report to the Council referred to the off site parking arrangements for 34 car bays, and to the proposal for 126 car bays on the site.
- Q2 *Council has informed me that 34 bays are owned by the Tavern over the road off site and form part of the required 160 on-site bays. However, the car park over the road is designated road reserve and nobody in the City owns it or controls it. Leaving aside that this is road reserve, I refer to an email from the City that \$40,000 may have been paid in 1982 to the Shire in respect to providing 34 bays on site. This involved a possible land transaction and would Council please provide:*
- (a) *the lot number which formed the exchange of titles;*
- (b) *when this exchange took place;*
- A2(a)&(b) In terms of the 34 off site bays, the situation is that the Council of the day (at some time around 1982) allowed the provision of 34 off site parking bays for the then tavern owners. The bays were constructed on the opposite side of Oceanside Promenade. The Council constructed them partly on the road reserve, with some of the accessway on the adjoining land (which forms part of Tom Simpson Park). This is a normal situation, where off site parking is provided. The 34 off site bays consequently contribute to the supply of carbays by the tavern site.
- Q2(c) *Bearing in mind that this was a cash-in-lieu payment for 50 bays taken off the 210 required by Council. Would Council please explain why no cash-in-lieu payment was sought by the City for the additional 16 bays which formed part of the 50 bay shortfall?*
- A2(c) There was never a requirement for 210 bays to be provided by the developer. Ordinarily, the DPS requirement would have been for 210 bays. However, this ordinary requirement would only apply if the demand for all the land uses were cumulative. The proponent put an argument that some of the land uses are complementary in regard to peak times of operation, and that some visitors will arrive for multiple purposes. Consequently, Council resolved to require 160 bays. This is the number of bays Council is seeking from the development.

Mrs C Wood, Craigie:

Re: Off road vehicles and motor bikes

Q1 *Can the City of Joondalup make a law prohibiting the use of vehicles in the bushland of Joondalup, at present the Ranger cannot act without a law?*

A1 The current laws appear to be adequate. They are:

Control of Vehicles (Off-Road Areas) Act and Regulations (1978) that prohibit the riding of unregistered trail bikes and off-road vehicles in non-permitted areas such as reserves within the City.

Clause 50 of the City's Parking Local Law 1998 that prohibits unauthorised vehicles from being driven or parked on any reserve other than access ways and in car parks thereon.

The difficulty is in catching the driver of a vehicle in a prohibited area, particularly when the vehicle is a dirt bike (motor bike) that can go in places where Ranger vehicles cannot.

Q2 *Would Council erect some notices to deter the use of off-road vehicles and vandalism in the bush land?*

A2 The City will assess the locations in the area of Craigie bushland, to determine the potential for signs that re-enforce the need to comply with provisions of the Control of Vehicles (Off-Road Areas) Act and Regulations (1978).

Q3 *The private road surrounding the Craigie Leisure Centre is used for drag racing, is there a law or by-law to prohibit this behaviour? This area is not in the jurisdiction of the Police Department and the Ranger cannot do anything about it either. Notices are needed to deter these activities in all bushland areas within the City of Joondalup.*

A3 It has been reported that the activities in this area at night are not limited to 'hoons' in vehicles but other matters that are of interest to the Police. These matters have been discussed with the Police who have indicated their willingness to assist. City Watch Security Patrols have also been increased in the area and they will liaise with the Police and the City's Rangers.

The following questions were submitted in writing prior to the Council meeting on 18 July 2006:

Mr Chris Baker, Joondalup:

Q1 *I refer to the Public Notice that appeared in the Saturday, 1 July 2006 edition of the West Australian newspaper advising the public that our City of Joondalup intended to purchase a block of land from LandCorp, located on the northern end of the Lakeside Joondalup Shopping Centre precinct, for the sum of \$1.7 million.*

Given our Council's recent endorsement of its latest strategic financial plan, and public statements, on behalf of our City, to the effect that our City is not flush with cash and will face serious financial challenges in the next decade, is it the CEO's view that the residents and families of our City of Joondalup will derive a greater benefit if our City spends \$1.7 million in purchasing this block of land for a car park rather than spending those funds on other needy areas?

A1 The proposal to acquire the land for parking within the CBD of Joondalup will be funded from the Strategic Asset Reserve fund. The proposition seeks to:

- (i) Secure a long-term strategic CBD site;
- (ii) In the short-term, provide much needed parking, which is important for the economic development and vitality of the CBD;
- (iii) The parking is intended to provide a long-term income stream for the City, which in turn will be used for the broader community of the City of Joondalup.

Q2 *I refer to our City's promised funding for the construction of a dedicated Rugby/Netball/Little Athletics facility at the Arena Joondalup. Can the CEO please provide ratepayers with a progress report concerning the construction of this facility?*

- A2 The City has listed in the draft budget for 2006/07 a contribution of \$710,000 towards the Rugby/Netball/Little Athletics facility at the Arena, Joondalup.
- Q3 *What steps has our City taken to recover the money owed to it by the Mullaloo Progress Association Inc? Can a report please be provided to ratepayers? If no action has been taken, given the serious financial challenges facing our City in the future, when will our City do something to recover this money e.g. even a simple letter of demand? What is the explanation for our City's apparent inaction?*
- A3 A Council decision (CJ266-12/05 refers) reduced the initial amount of \$60,000 payable by the Mullaloo Progress Association to \$10,000. An invoice has been raised against the Mullaloo Progress Association for the sum of \$10,000. Recovery of this amount will be pursued as with all other outstanding debts to the City.

Mr M Dickie, Duncraig:

- Q1 *What steps is Council taking to ensure that its Height and Scale of Buildings Policy 3-2 is explained correctly to members of the public and that applicants are not told that houses cannot extend outside the Building Threshold Envelope?*
- A1 The policy is publicly available in various forms (on the internet, information sheets etc), and staff are available during office hours to answers queries by phone or at the customer service counter.
- Q2 *Can Council explain why the processes set out in Policy 3-2 are not currently being followed, particularly in regard to:*
- (a) *assessment of applications according to the Objectives of the Policy;*
- (b) *reference of applications to Council for determination?*
- A2 Further details of specific examples of this comment need to be provided in order for the Council to provide a response.

Mr M Caiacob, Mullaloo:

All questions relate to the Mullaloo Tavern, Oceanside Promenade, and Mullaloo.

- Q1 *What fees and charges are applicable to amended Development Application drawings for a commercial development like the Mullaloo Tavern?*
- Q2 *For the development application (including amended drawings) submitted in May 2002 for the Mullaloo Tavern redevelopment, what fees and charges were applicable, what fees were imposed, were these fees reimbursed or refunded?*
- Q3 *For the development application (including amended drawings) submitted in June 2002 for the Mullaloo Tavern redevelopment, what fees and charges were applicable, what fees were imposed, were these fees reimbursed or refunded?*
- Q4 *For the development application (including amended drawings) submitted in July 2002 for the Mullaloo Tavern redevelopment, what fees and charges were applicable, what fees were imposed, were these fees reimbursed or refunded?*

- Q5 *For the development application (including amended drawings) submitted in August 2002 for the Mullaloo Tavern redevelopment, what fees and charges were applicable, what fees were imposed, were these fees reimbursed or refunded?*
- Q6 *For the building licence application (including amended drawings) submitted in June 2003 for the Mullaloo Tavern redevelopment, what fees and charges were applicable, what fees were imposed, were these fees reimbursed or refunded?*
- Q7 *For the building licence application (including amended drawings) submitted in November 2003 for the Mullaloo Tavern redevelopment, what fees and charges were applicable, what fees were imposed, were these fees reimbursed or refunded?*
- Q8 *For the building licence application (including amended drawings) submitted in December 2003 for the Mullaloo Tavern redevelopment, what fees and charges were applicable, what fees were imposed, were these fees reimbursed or refunded?*
- Q9 *For the building licence application (including amended drawings) submitted in July 2004 for the Mullaloo Tavern redevelopment, what fees and charges were applicable, what fees were imposed, were these fees reimbursed or refunded?*
- Q10 *For the building licence application (including amended drawings) submitted in August 2004 for the Mullaloo Tavern redevelopment, what fees and charges were applicable, what fees were imposed, were these fees reimbursed or refunded?*
- Q11 *For any development application or building licence application including fit out applications and the like submitted but not identified above for the Mullaloo Tavern redevelopment, what fees and charges were applicable, what fees were imposed, were these fees reimbursed or refunded?*
- Q12 *Were all levies including the training fund levy, paid in full?*
- Q13 *What is the total value of any monies, levies, fees or charges reimbursed, rebated or waived between January 2001 and July 2006 that relate to the Mullaloo Tavern redevelopment?*

A1-13 These questions will be taken on notice.

Mr S Kobelke, Sorrento:

Thank you for the Council's response regarding the Sorrento foreshore project lighting. Following the installation of the lighting to the external walls of the toilet block, I have reviewed the overall lighting around this area on two occasions. There is clearly a black spot at night to the south between the Surf Club and the toilet. The decision that no further external pole lighting is intended means that the car park in this location is dark and only metres from the entry of the toilet.

- Q1 *Will Council review the decision to install one or possibly two external pole lights in the car park area between the Surf Club and the toilet to improve amenity and any safety concerns?*

A1 The City will review the lighting requirements at this location and will include this item as part of the consultation process the City is currently undertaking with the Sorrento Surf Club on a related matter.

Mr M Sideris, Mullaloo:

- Q1 *In a recent article published in the local community newspaper it states that "Joondalup Officers have calculated that the '[Mullaloo Tavern] Hotel is short four parking bays from the original approval, but the number is not certain because not all the bays have been marked yet'. This does not appear to be a statement by the CEO nor an official media release (and published on the CoJ website) so could you please advise*
- (i) *Which City officer calculated this short fall of only 4 bays?*
 - (ii) *Did this City officer consult the other City officer who calculated the 40 bay shortfall? As stated in a legal notice in April 2006 and which is currently before the SAT?*
 - (iii) *Which City official advised the press incorrectly that this short fall was only 4 bays?,*
 - (iv) *Why was this error of fact not corrected immediately as it was not only untrue but blatantly contradicted the official letter from McLeods – the lawyers acting for the City - in which the Tavern owners were advised that because there were only 86 bays onsite they had breached their development conditions?*
 - (v) *Since this clearly represents a huge onsite shortfall of 40 bays on even the City's carparking figures would the Mayor also explain why when he was asked about this by the Community News, why he did not seize that opportunity to publicly correct the City's position and act to protect the City's legal action, as it appears his decision not to do so has now also undermined the City's legal case currently still before the SAT?*
- Q2 *Explain where specifically is the written authorisation of Council which allowed City officers in 2002 to dispense with any and all of the specified requirements of acting Policy 3.1.12 for the purposes of preparing the report to Council for the redevelopment of the Mullaloo Tavern?
Please provide reference to Council meeting and minutes?*
- Q3 *Explain why City officers did not even have to mention let alone identify all the requirements of its old cash in lieu policy 3.1.12 to Council, in order to ensure that the Council was properly informed when considering the report in 2002 for the redevelopment of the Mullaloo Tavern before they made an uninformed decision that reduced the revenue intake by the City completely contrary to their written policy?*
- Q4 *Explain how the City has allowed the Tavern to be completed with inadequate onsite car parking – a figure below even 50% (86 from 210) – and did so in full knowledge that concerned members of the community had raised the issue at the basement construction stage some 12 months prior to the building being opened with Chris O'Neill – the consultant specifically selected by the CEO at that time (as minuted in Council) to investigate this and other breaches of the development conditions?*
- Q5 *When will the CEO release the secret O'Neill report to those concerned members of the community as he promised at that time and it was completed nearly a year ago?*

- Q6 *Advise specifically if and when a reciprocal parking agreement was signed off between the owners of the Mullaloo tavern and the City of Joondalup as required by Council policy in 2002?*
- Q7 *What was specified in this reciprocal car parking agreement if it exists?*
- Q8 *Why did the city prepare a report to Council advocating the disposal of land using a policy from the Town of Vincent as opposed to using their own COJ Policy 3.1.12 in COJ 204 - 08/02?*
- Q9 *Is recommending the disposal of land at no cost in a report to Council (COJ 204 - 08/02) using a policy borrowed from another Council in preference to following the written policies of the Council of the City of Joondalup normal practice for COJ officers?*
- Q10 *When did the COJ purchase the Crown land designated road reserve on which the car park in front of the Mullaloo Surf Club is set and how much did they pay for this road reserve land?*
- Q11 *How much do the COJ pay for the use of this Crown land designated road reserve per year as a car park in front of the Mullaloo Surf Club, and to whom do they pay it?*
- Q12 *Why does the CoJ take Crown land designated road reserve into account as available for car parking for the purposes of long term planning decisions that ultimately will require the disposal of public open space to replace it when the Crown land is resumed for its designated purpose - to build road?*
- Q13 *How much Crown land designated road reserve has been assumed by the Planning Department at the City of Joondalup to be available in perpetuity for car parking and other purposes and taken into account in this way in order to facilitate new development approvals at minimum cost to private developers?*

A1-13 These questions will be taken on notice.

Mr D Biron, Mullaloo:

Re: Electronic Document Management System

- Q1 *When was the City's Electronic Document management System first introduced?*
- Q2 *What documents were automatically supposed to be entered onto this from the point of introduction?*
- Q3 *How much was budgeted and spent on this system in the years:*
2001/2
2002/3
2003/4
2004/5
- Q4 *Is it compulsory yet for all City and Council documents to be entered and stored onto this system?*

- Q5 *If not why not?*
- Q6 *Which bodies oversee and certify the standards of the City's Electronic Document management System?*
- Q7 *Are printouts from this system provided to FOI applicants?*
- Q8 *If not why not exactly?*
- Q9 *Are paper files still kept?*
- Q10 *Who keeps these and why exactly?*
- Q11 *Is there a backlog of records and documents to be transferred over?*
- Q12 *What are the City's plans to store these paper files electronically?*
- Q13 *What is the time table for this?*
- Q14 *When were reports and decisions of Council made for all the above?*
- Q15 *What policies have been approved by Council since Wanneroo Inc in regard to Electronic record management exactly and when?*
- Q16 *Are printouts from this Electronic Document Management System provided to FOI applicants to speed up processing time and reduce the costs for all parties at the outset?*
- Q17 *If not why not?*
- Q18 *Are all emails now stored automatically or not?*
- Q19 *Is it still optional for Officers to store their correspondence electronically or not?*
- Q20 *Please provide details of all policies and procedures in the City and Council covering all of the above.*
- Q21 *Is full access to the Electronic Document Management System provided to all elected members?*
- Q22 *If not why not?*

A1-22 These questions will be taken on notice.

The following questions were submitted verbally at the meeting; a summary of each question and the response given is shown below:

Mr E Burton, Kingsley:

- Q1 *Re: Extension of Woodlake Retreat to the intersection of Wanneroo Road/Kingsway and the provision of four way traffic lights.*

As indications are that the construction of the aged care facilities will commence in August of this year, I seek clarification regarding action taken to date to facilitate an early construction of the road and if the matter of a contribution by the developer has been settled?

- A1 Council has made representation to the Ministers for Environment and Planning and Transport and has followed up with additional requests to meet with the Ministers' Office pointing out the importance of having the matter addressed.

Council is working through the Woodlake Retreat Western Australian Planning Commission document, which is for the approval of the development. There is a \$50,000 contribution requirement from the owners. There are 20 individual items that the City received this afternoon in terms of the conditions and the Council has not been briefed on these yet.

The request for funding to be allocated to the extension of Woodlake Retreat is listed for consideration by Council in the draft budget papers and will go forward to the Council Meeting. The City will continue to lobby for those works to be undertaken by the various State Government agencies.

- Q2 *With regard to the total project that is a joint and integrated development of the Aged Persons facility, the extension of Woodlake Retreat and the traffic lights.*

As there is currently only one way in and the same way out, consideration has to be given to the logistics of the site. Consideration must be given to residents and developers in equal proportions.

The following matters need consideration:

- *Access to the site from Wanneroo Road during the construction period for the developer. An approach to the Main Roads Department is required;*
- *Commence construction of the extension of Woodlake Retreat from the retirement village to facilitate and provide additional parking areas for workmen etc;*
- *Limitation of loads exiting via Woodlake Retreat, as this street was built for residential traffic only and a truck and jinker full of sand could exceed 30 tonne and will damage the road;*

- *A provision for turning is required. The recent use of Grasslands Loop to back into has already been shown to damage the surrounds;*
- *Insurance is required of the Developer for damage that may occur. Not only for persons adjacent to Lot 550, but also to residents of Woodlake Retreat. Many are only four metres from the edge of the road;*
- *That the development approval contains conditions concerning insurance and parking restrictions to protect the rights of residents.*

To what extent will consideration be given to the above and like matters, to facilitate the completion of the project?

A2 This question will be taken on notice.

Mr M Dickie, Duncraig:

Q1 *Re: Council Policy – What steps is Council taking to ensure that its Height and Scale of Buildings Policy 3.2 is explained correctly to members of the public? Applicants are not told that houses cannot extend outside the building threshold envelope.*

Q2 *Can Council please explain why the processes set out in Policy 3.2 are not currently being followed, particularly in regard to the assessment of applications according to the objectives of the Policy and reference of applications to Council for determination?*

A1-2 These questions will be taken on notice.

Mr M Sideris, Mullaloo:

Q1 *With regard to the answer to my Question 2 that is in this evening's Agenda (Page x refers), I am not satisfied with the answer given and I resubmit the question accordingly:*

“Q2 Council has informed me that 34 bays are owned by the Tavern over the road off site and form part of the required 160 on-site bays. However, the car park over the road is designated road reserve and nobody in the City owns it or controls it. Leaving aside that this road reserve, I refer to an email from the City that \$40,000 may have been paid in 1982 to the Shire in respect OF CASH IN LIEU FOR NOT providing 34 bays onsite. This involved a possible land transaction and would Council please provide:

- (i) the lot number which formed the exchange of titles and*
- (ii) when this exchange took place.”*

A1 Mayor Pickard invited Mr Sideris to make an appointment to meet with him and the relevant officers to ensure the question is being interpreted correctly.

Q2 *With reference to the answers as printed on Page X at A2 (a) and (b):*

Clearly in order to provide the different answers provided, the CEO must have consulted Council papers since he refers to Council being responsible for the decision to construct these 34 bays in 1982 with part of Tom Simpson Park and part of the road reserve, and he is well noted for separating out responsibility for decisions of Council and the City.

When precisely was the decision of Council taken and approved, and in which Council (or Committee) minuted for the record, since to give the answers as printed those Council records must have been accessed by City officers?

Q3 *With reference to the answers as printed on Page XI A2 (a) and (b):*

(a) *Where precisely in the decision of Council concerning the Tavern redevelopment did Council specify by recorded resolution i.e., decision, that while they physically wrote they required 160 onsite bays, that this only meant the provisions of 126 onsite bays as the City now asserts?*

(b) *Where precisely in the decisions of Council concerning the Tavern redevelopment, did Council specify by recorded resolution or decision that they were reducing the total bays required by 50 bays and that this bay reduction did not include the 34 bays that the City now claims in writing variously were built by the Tavern or was it that they were built by the City, or was that owned by the Tavern or was that owned by the City, albeit that this is on Crown land road reserve?*

A2-3 These questions will be taken on notice.

Mrs M Zakrevsky, Mullaloo:

Q1 (a) *Regarding the monthly rent of approximately \$6,600 paid to Westfield for the "office" in the Whitford Shopping Centre, has this expense with associated costs for electricity etc. been considered as an essential expense by the Mayor and Councillors when trimming the budget?*

(b) *If it has indeed been considered essential, could the reasons and justification for the expense in renting this office space be made known to them and to the ratepayers?*

Q2 *If the Whitford Shopping Centre rented office is considered a central venue for payment of the annual rates and for information sheets:*

(a) *have the Mayor and Councillors considered alternatives that could be less expensive and more convenient for payment of the annual rates, such as through local post offices, and for information sheets to be visible and available in each library?*

(b) *will the Mayor and Councillors be notified of the lease renewal date to assist Councillors make a decision or is the lease long term and non negotiable?*

A1-2 These questions will be taken on notice.

PUBLIC STATEMENT TIME**Mr M Dickie, Duncraig:**

Mr Dickie made a statement regarding Policy 3.2 - Height and Scale of buildings within residential areas and planning processes.

Ms E Mann, Kinross:

Ms Mann gave her support to Cr Corr's motion regarding a nuclear free City and spoke in relation to past nuclear accidents.

Mr K Young:

Mr Young gave his support to Cr Corr's motion regarding a nuclear free City and spoke in relation to the dangers involved with nuclear plants.

APOLOGIES AND LEAVE OF ABSENCE

Apology - Cr Evans

Leave of absence previously approved:

Cr M John 4 July 2006 – 28 July 2006 Inclusive

CONFIRMATION OF MINUTES**C40-07/06 MINUTES OF COUNCIL MEETING, 27 JUNE 2006**

MOVED Cr Magyar, SECONDED Cr McLean that the Minutes of Council Meeting held on 27 June 2006, be confirmed as a true and correct record.

The Motion was Put and

CARRIED (11/0)

In favour of the Motion: Mayor Pickard, Crs Hollywood, McLean, Jacob, Magyar, Park, Amphlett, Hart, Corr, Fishwick and Currie

C41-07/06 MINUTES OF SPECIAL MEETING OF COUNCIL, 29 JUNE 2006

MOVED Cr Magyar, SECONDED Cr Currie that the Minutes of the Special Meeting of Council held on 29 June 2006, be confirmed as a true and correct record.

Discussion ensued in relation to the accuracy and recording of the minutes.

The Motion was Put and

CARRIED (11/0)

In favour of the Motion: Mayor Pickard, Crs Hollywood, McLean, Jacob, Magyar, Park, Amphlett, Hart, Corr, Fishwick and Currie

ANNOUNCEMENTS BY THE PRESIDING PERSON WITHOUT DISCUSSION

PLATINUM FITNESS PROGRAM

It is good to see residents making the most of the City's \$10 million investment in Craigie Leisure Centre. With the two new pools, gym and fitness studio, café and crèche, it is now one of the best in the metropolitan area.

The City also has one of the best health and fitness programs for over 50s, so successful it has been taken up by others in Perth, and even in Canada.

The City of Joondalup's GOLD fitness program was launched in 1998, and has seen thousands of people aged from 50 - 85 take part. Today the City took it to the next level, when I launched the Platinum 50+ program, making the GOLD program even better.

This is a fantastic program, heavily subsidised by the City of Joondalup and I urge all interested residents to contact Craigie Leisure Centre for details.

ECONOMIC DEVELOPMENT

The City of Joondalup has commenced a program to drive economic development in partnership with local business.

A series of Joondalup Business Forums will begin at West Coast TAFE at 7.00 am on Wednesday, 26 July 2006.

The theme is 'Joondalup – Focussing on the Future' and will include addresses by myself and Chief Executive Officer, Mr Garry Hunt. Businesses wishing to attend can contact the City.

MESSAGE STICK

It was an honour to be presented with a message stick by Aboriginal Elders at the opening ceremony for National Aboriginal and Islander Day Observance Committee (NAIDOC) Week with the theme "Respect the past - believe in the future".

The message stick will be displayed in an appropriate pride of place by the City.

WOODVALE SENIOR HIGH SCHOOL

I attended a presentation at the Woodvale Senior High School. They have recently returned from a delegation to Jinan, the City of Joondalup's Sister City. There was a delegation from Jinan Number 9 High School prior to Woodvale Senior High School's visit to China last week and the City was presented with a certificate in recognition of our support for the competition that was run at the school, which encouraged students to come up with creative ideas to present to students in Jinan. It is heartening to see the school community, specifically Woodvale High School engage in our Sister City relationship with Jinan.

TWIN CITIES

I performed my first radio interview at 89.7 Twin Cities, where I was presented with a certificate to the City of Joondalup in appreciation of the City's generous support for the local community radio station.

INDUCTION PROGRAM

At the Council meeting held on 27 June 2006 I commended the officers for the way the Elected Members' Induction Program was developed.

Elected Members have recently completed an intensive and extensive budget workshop process and I believe the residents of the City of Joondalup have a fantastic team of Councillors that lead the City. Elected Members have conducted themselves in a most honourable and decent fashion during what is an accelerated learning process and I commend each and every one of the Council members, as well as Cr Evans and Cr John who are not present this evening, for the way in which they have conducted themselves during what is an intensive Induction Program together with the budget workshops.

DECLARATIONS OF INTEREST

Disclosure of Financial Interests

A declaration under this section requires that the nature of the interest must be disclosed. Consequently a member who has made a declaration must not preside, participate in, or be present during any discussion or decision-making procedure relating to the matter the subject of the declaration. An employee is required to disclose their financial interest and if required to do so by the Council must disclose the extent of the interest. Employees are required to disclose their financial interests where they are required to present verbal or written reports to the Council. Employees are able to continue to provide advice to the Council in the decision making process if they have disclosed their interest.

Name/Position	Mr Garry Hunt – Chief Executive Officer
Item No/Subject	CJ112-07/06 - Schedule of Documents executed by means of affixing the Common Seal - [18576]
Nature of interest	Financial Interest
Extent of interest	Mr Hunt is a signatory to the Contract.

Disclosure of interest affecting impartiality

Elected members and staff are required under the Code of Conduct, in addition to declaring any financial interest, to declare any interest that may affect their impartiality in considering a matter. This declaration does not restrict any right to participate in or be present during the decision-making process. The Elected member/employee is also encouraged to disclose the nature of the interest.

Name/Position	Mr Michael Smith – Acting Director Governance & Strategy
Item No/Subject	CJ126-07/06 – Western Australian Cricket Association (WACA) – Draft Facilities Strategic Plan
Nature of interest	Interest that may affect impartiality
Extent of interest	Mr Smith is a life member of the Joondalup Districts Cricket Club, which is a member of the Western Australian Cricket Club (WACA).

IDENTIFICATION OF MATTERS FOR WHICH THE MEETING MAY SIT BEHIND CLOSED DOORS

LATE ITEM NO 1 PURCHASE OF SOUTHERN SIX LOTS IDENTIFIED WITHIN THE STRUCTURE PLAN FOR THE FORMER CSIRO SITE – [84563] [85558]

It was advised that this matter would be dealt with at the conclusion of the meeting.

PETITIONS

C42-07/06 **PETITIONS SUBMITTED TO THE COUNCIL MEETING – 18 JULY 2006**

1 PETITION OBJECTING TO THE PROPOSED REZONING OF 17 FOSTON DRIVE, DUNCRAIG – [20415]

A 10-signature petition has been received objecting to the proposed rezoning of 17 Foston Drive, Duncraig to short stay accommodation.

MOVED Cr Fishwick, SECONDED Cr Hart that the petition objecting to the proposed rezoning of 17 Foston Drive, Duncraig to short stay accommodation be RECEIVED and referred to the CEO for action.

The Motion was Put and

CARRIED (11/0)

In favour of the Motion: Mayor Pickard, Crs Hollywood, McLean, Jacob, Magyar, Park, Amphlett, Hart, Corr, Fishwick and Currie

2 PETITION SUPPORTING THE NEED FOR A CHILDCARE CENTRE AT 107 WARWICK ROAD, DUNCRAIG – [39873]

A 165-signature petition has been received supporting the need for a childcare centre at 107 Warwick Road, Duncraig.

MOVED Cr Magyar, SECONDED Cr Currie that the petition supporting the need for a childcare centre at 107 Warwick Road, Duncraig be RECEIVED and referred to the CEO for action.

The Motion was Put and

CARRIED (11/0)

In favour of the Motion: Mayor Pickard, Crs Hollywood, McLean, Jacob, Magyar, Park, Amphlett, Hart, Corr, Fishwick and Currie

3 PETITION REQUESTING PROVISION OF RECREATIONAL ACTIVITIES, BRADEN PARK, MARMION - [04519]

Cr Currie tabled a 100-signature petition from residents requesting the City to increase recreational activities at Braden Park, Marmion, to include such items as:

- 1 a tennis wall, two sided;
- 2 goal posts for practice purposes only (football and soccer);
- 3 an exercise circuit around the perimeter of the park, similar to that at Carine Open Space or Perry Lakes;
- 4 picnic tables for the use of parents etc using the park facilities

MOVED Cr Currie, SECONDED Cr Fishwick that the petition requesting the City to increase recreational activities at Braden Park, Marmion be RECEIVED and referred to the CEO for action.

The Motion was Put and

CARRIED (11/0)

In favour of the Motion: Mayor Pickard, Crs Hollywood, McLean, Jacob, Magyar, Park, Amphlett, Hart, Corr, Fishwick and Currie

CJ111 - 07/06 REGISTRATION OF VOTING DELEGATES FOR THE WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION (WALGA) ANNUAL GENERAL MEETING - 2006 - [21453]

WARD: All

RESPONSIBLE A/DIRECTOR: Mr Mike Smith
Governance and Strategy (Acting)

PURPOSE

For Council to endorse its voting delegates appointed to attend the Western Australian Local Government Association (WALGA) Annual General Meeting.

EXECUTIVE SUMMARY

The 2006 Local Government Week will be held at the Burswood Convention Centre from Saturday 5 August to Monday 7 August 2006. The statutory Annual General Meeting for the Association will be held on Sunday 6 August 2006. Member Councils having representatives attending the meeting and wanting to participate in voting on matters raised were to register their voting delegates by Friday 7 July 2006.

BACKGROUND

The Annual General Meeting of WALGA is traditionally held during the Local Government Week Conference when the majority of local governments in the State have representatives attending.

DETAILS

In order to participate in the voting on matters received at the annual general meeting, each member Council registered their voting delegates by 7 July 2006. Part 22 of WALGA's Constitution states:

"22 REPRESENTATION AND VOTING AT CONFERENCES

- 1 *Each Ordinary Member shall be entitled to be represented at any Annual Conference or Special Conference of the Association by two delegates;*
- 2 *A delegate shall be entitled to one vote at the Annual Conference or Special Conference of the Association and of which vote is to be exercised in person;*
- 3 *A delegate unable to attend any Annual Conference or Special Conference shall be entitled to cast a vote by proxy. A proxy shall be in writing and shall nominate the person in whose favour the proxy is given which person need not be a delegate. Proxy authorisations shall be delivered to the Chief Executive Officer before the commencement of the Conference at which the proxy is to be exercised and shall be signed by the delegate or by the Chief Executive Officer of the Ordinary Member which nominated the delegate;*
- 4 *Except as provided in this Constitution all matters considered at an Annual Conference or Special Conference of the Association shall be passed by a simple majority of the Ordinary Members' delegates as, being entitled to do so, by a vote in person or by a duly authorised proxy vote exercised on their behalf."*

The current City of Joondalup members of the WALGA – North Metropolitan Zone are:

Members	Deputies
Mayor Troy Pickard	Cr Sue Hart
Cr Richard Currie	Cr Michele John
Cr Steve Magyar	Cr John Park
Cr Tom McLean	Cr Kerry Hollywood

Issues and options considered:

Not applicable.

Link to Strategic Plan:

Outcomes:

The City of Joondalup is an interactive community.

- 4.3 To ensure the City responds to and communicates with the community.
- 4.33 Provide fair and transparent decision-making processes.

Legislation – Statutory Provisions:

Not Applicable.

Risk Management considerations:

If the City of Joondalup does not submit its voting members, it will not be able to vote on the matters to be debated as part of the Annual General Meeting of WALGA.

Financial/Budget Implications:

Not Applicable.

Policy Implications:

Not Applicable.

Regional Significance:

Matters considered at the 2006 WALGA Annual General Meeting relate to local government as an industry.

Sustainability Implications:

Not Applicable.

Consultation:

Not Applicable.

COMMENT

The North Metropolitan Zone Committee of WALGA, consisting of the Cities of Joondalup, Stirling and Wanneroo, is the main link the City has in considering matters relating to WALGA activities.

At the time of closing of the voting delegates, of the members of the North Metro Zone, His Worship the Mayor, Troy Pickard and Councillors Richard Currie and Tom McLean had indicated their attendance to the Annual General Meeting. Councillor Steve Magyar indicated that he would not be attending the Annual General Meeting. It is therefore suggested that His Worship the Mayor, Troy Pickard and Councillor Currie be nominated as the City's voting representatives. In the event of either His Worship the Mayor, Troy Pickard and/or Councillor Richard Currie not being able to attend the Annual General Meeting, then Councillor Tom McLean will serve as 'proxy'.

If either of the two (2) nominated voting delegates are unable to attend, proxies are able to be nominated.

ATTACHMENTS

Nil.

VOTING REQUIREMENTS

Simple Majority

MOVED Cr Magyar, SECONDED Cr Hollywood that Council:

- 1 ENDORSES His Worship the Mayor, Troy Pickard and Councillor Richard Currie as voting delegates on behalf of the City of Joondalup at the 2006 Annual General Meeting of the Western Australian Local Government Association held during Local Government Week on Sunday 6 August 2006;**
- 2 NOTES that in the event that His Worship the Mayor, Troy Pickard or Councillor Richard Currie are unable to attend as detailed in (1) above, that Councillor Tom McLean serve as 'proxy'.**

The Motion was Put and**CARRIED (11/0)**

In favour of the Motion: Mayor Pickard, Crs Hollywood, McLean, Jacob, Magyar, Park, Amphlett, Hart, Corr, Fishwick and Currie

Name/Position	Mr Garry Hunt – Chief Executive Officer
Item No/Subject	CJ112-07/06 Schedule of Documents executed by means of affixing the Common Seal - [18576]
Nature of interest	Financial Interest
Extent of Interest	Mr Hunt is a signatory to the Contract.

Chief Executive Officer left the Chamber, the time being 1947 hrs.

CJ112 - 07/06 SCHEDULE OF DOCUMENTS EXECUTED BY MEANS OF AFFIXING THE COMMON SEAL - [18576]

WARD: All

RESPONSIBLE A/DIRECTOR: Mr Mike Smith
Governance and Strategy (Acting)

CJ060711_BRF.DOC:ITEM 1

PURPOSE

To provide a listing of those documents executed by means of affixing the Common Seal for noting by the Council for the period 21 March 2006 to 27 June 2006.

EXECUTIVE SUMMARY

The City of Joondalup enters various agreements by affixing its Common Seal. The Local Government Act 1995 states that the City is a body corporate with perpetual succession and a common seal. Those documents that are executed by affixing the Common Seal are reported to the Council for information on a regular basis.

BACKGROUND

Not Applicable.

DETAILS

Document: Deed
Parties: City of Joondalup and State of WA
Description: Deed of Indemnity for use of Courthouse land for Joondalup Festival
Date: 21.03.06

Document: Copyright
Parties: City of Joondalup and Tony Pyke
Description: Recording of historical importance
Date: 12.04.06

Document: DPS Amendment
Parties: City of Joondalup and Minister for Planning and Infrastructure
Description: Amendment No 34 to DPS 2 and modification to Kinross Neighbourhood Centre Structure Plan
Date: 12.04.06

Document: DPS Amendment
Parties: City of Joondalup and Minister for Planning and Infrastructure
Description: Amendment to DPS 2 – building height controls in non-residential adjacent to the coast
Date: 12.04.06

Document: Debenture
Parties: City of Joondalup and WA Treasury
Description: Debenture document for loan funds for Sorrento Beach
Date: 12.04.06
Document: Contract
Parties: City of Joondalup and Garry Hunt, Chief Executive Officer
Description: Revised Employment Contract for CEO
Date: 19.04.06

Document: Easement
Parties: City of Joondalup, C A and J P Kemsley and E P and A W Poray-Wilczynski
Description: Partial Surrender of Easement to remove pedestrian and vehicular access rights – Lot 5 Constellation Drive, Ocean Reef
Date: 19.04.06

Document: Caveat
Parties: City of Joondalup, Simply Life Chiropractic, Michael Blair and Warren Genders
Description: Lodgement of Caveat to ensure reciprocal rights of access and parking – 7/265 Eddystone Avenue, Beldon
Date: 19.04.06

Document: Deed
Parties: City of Joondalup and Peet and Co
Description: Restrictive Covenant to limit location of vehicular access to Lots – Lot 9017 (now Lot 100) Burns Beach Road, Burns Beach
Date: 26.05.06

Document: Land Transfer
Parties: City of Joondalup and Minister for Training
Description: Deed for payment of road construction costs – 500 Kendrew Crescent, Joondalup
Date: 27.06.06

Document: Deed
Parties: City of Joondalup and City of Wanneroo
Description: Deed of Variation and Extension of Lease – part of Wanneroo Works Depot, Wanneroo Road, Ashby
Date: 27.06.06

Issues and options considered:

Not Applicable.

Link to Strategic Plan:

Some of the documents executed by affixing the common seal may have a link to the Strategic Plan on an individual basis.

Legislation – Statutory Provisions:

Sub-sections (2) and (3) of section 2.5 of the Local Government Act 1995 states:

- (2) The local government is a body corporate with perpetual succession and a common seal.
- (3) The local government has the legal capacity of a natural person.

Risk Management considerations:

Not Applicable.

Financial/Budget Implications:

Some of the documents executed by the City may have financial and budget implications.

Policy Implications:

Not Applicable.

Regional Significance:

Not Applicable.

Sustainability Implications:

Not Applicable.

Consultation:

Not Applicable.

COMMENT

The various documents have been executed by affixing the Common Seal of the City of Joondalup and are submitted to the Council for information.

ATTACHMENTS

Nil.

VOTING REQUIREMENTS

Simple Majority

MOVED Cr Jacob, SECONDED Cr Amphlett that the schedule of documents executed by means of affixing the Common Seal for the period 21 March 2006 to 27 June 2006 be NOTED.

The Motion was Put and

CARRIED (11/0)

In favour of the Motion: Mayor Pickard, Crs Hollywood, McLean, Jacob, Magyar, Park, Amphlett, Hart, Corr, Fishwick and Currie

Chief Executive Officer entered the Chamber, the time being 1949 hrs.

**CJ113 - 07/06 MINUTES OF AUDIT COMMITTEE MEETING HELD
ON 20 JUNE 2006 – [50068]**

WARD: All

**RESPONSIBLE
A/DIRECTOR:** Mr Mike Smith
Governance and Strategy (Acting)

CJ060711_BR.F.DOC:ITEM 2

PURPOSE

To submit the unconfirmed minutes of the Audit Committee to Council for information.

EXECUTIVE SUMMARY

Following the appointment of representatives to the Audit Committee, a meeting of the Committee was held on 20 June 2006.

It is recommended that Council:

- 1 *NOTES the unconfirmed Minutes of the Audit Committee meeting held on 20 June 2006, forming Attachment 1 to Report CJ113-07/06;*
- 2 *AMENDS the Audit Committee Charter forming Attachment 2 to Report CJ113-07/06 as follows:*
 - (a) *Clause 1.0 – Introduction: Deleting the words “At least three (3) of the members, and the majority of members of the committee are to be elected members;”*

(b) *Clause 4.0 – Membership: Replacing Clause 4.1 with the following words:*

“The committee will consist of eight (8) members as follows:

<i>Mayor</i>	
<i>North Ward</i>	<i>– one representative and one deputy</i>
<i>North-Central Ward</i>	<i>– one representative and one deputy</i>
<i>Central Ward</i>	<i>– one representative and one deputy</i>
<i>South-West Ward</i>	<i>– one representative and one deputy</i>
<i>South-East Ward</i>	<i>– one representative and one deputy</i>
<i>South Ward</i>	<i>– one representative and one deputy</i>
<i>One Representative</i>	<i>– external to the operations of the City of Joondalup”.</i>

BACKGROUND

The Council’s Audit Committee was established in May 2001 to oversee the internal and external Audit, Risk Management and Compliance functions of the City. The City has also employed an internal auditor since May 2002.

At its meeting held on 26 April 2006 (Item C22-04/06 refers) Council adopted the Audit Committee Charter, subject to a number of amendments.

At its meeting held on 24 May 2006 (Item JSC01-05/06 refers) Council appointed the following delegates to the Audit Committee:

	Members	Deputy Members
	Mayor T Pickard	-
North Ward	Cr T McLean	Cr K Hollywood
North-Central Ward	Cr S Magyar	Cr A Jacob
Central Ward	Cr G Amphlett	Cr J Park
South-West Ward	Cr M John	Cr M Evans
South-East Ward	Cr S Hart	Cr B Corr
South Ward	Cr R Currie	Cr R Fishwick

DETAILS

A meeting of the Audit Committee was held on 20 June 2006 to appoint the Presiding Person and Deputy Presiding Person, and to set meeting dates for the Committee. The meetings of the meeting of 20 June 2006 form Attachment 1 to this Report.

The Audit Committee Charter was adopted by Council at its meeting held on 26 April 2006 and a copy of the Charter is provided at Attachment 2 to this report.

Clause 4.1 of the Charter states as follows:

“4.1 The committee will consist of five (5) members with four (4) being elected members of the City of Joondalup and one (1) being external to the operations of the City of Joondalup.”

An amendment is required to be made to the Audit Committee Charter to reflect the current elected member representation on the Committee as resolved by Council at its meeting held on 24 May 2006, being:

Mayor	- one representative and one deputy
North Ward	- one representative and one deputy
North-Central Ward	- one representative and one deputy
Central Ward	- one representative and one deputy
South-West Ward	- one representative and one deputy
South-East Ward	- one representative and one deputy
South Ward	- one representative and one deputy

A report will be presented to the next meeting of the Audit Committee on the recruitment of the external membership of the Committee.

Issues and options considered:

As detailed in the minutes of the meeting held on 20 June 2006.

Link to Strategic Plan:

- 4.2.1 Provide efficient and effective service delivery
- 4.3.3 Provide fair and transparent decision-making processes

Legislation – Statutory Provisions:

Section 5.8 of the Local Government Act 1995 provides for a local government to establish a committee to assist Council.

Local Government Amendment Act 2004

Amendments to the Act regarding audit include the insertion of a new division 7.1A entitled “Audit Committee”. The new division deals with the establishment, membership, decision-making and duties that a local government can delegate to an Audit Committee. It also includes a new section 7.12A dealing with “Duties of local government with respect to audits”.

Local Government (Audit) Amendment Regulations 2005

Amendments have been made on several minor issues such as definitions and interpretations. The most significant change has been the inclusion of new regulation 16, which deals with the “Functions of the Audit Committee”

Risk Management considerations:

Not Applicable.

Financial/Budget Implications:

Not Applicable.

Policy Implications:

Not Applicable.

Regional Significance:

Not Applicable.

Sustainability Implications:

Not Applicable.

Consultation:

Not Applicable.

COMMENT

The unconfirmed minutes of the Audit Committee meeting held on 20 June 2006 are submitted to Council for information. The items of business that were considered by the Committee were:

- Election of presiding person and deputy presiding person;
- Setting of meeting dates.

It is recommended that the Audit Charter be amended, as outlined on Attachment 2, to reflect the revised membership of elected members and that application be sought for the one external position.

ATTACHMENTS

Attachment 1	Minutes of the Audit Committee meeting held on 20 June 2006.
Attachment 2	Audit Committee Charter, with proposed amendments.

VOTING REQUIREMENTS

Simple Majority

MOVED Cr Currie, SECONDED Cr McLean that Council:

- 1 NOTES the unconfirmed Minutes of the Audit Committee meeting held on 20 June 2006, forming Attachment 1 to Report CJ113-07/06;**
- 2 AMENDS the Audit Committee Charter as outlined on Attachment 2 to Report CJ113-07/06 as follows:**
 - (a) Clause 1.0 – Introduction: Deleting the words “At least three (3) of the members, and the majority of members of the committee are to be elected members;”**

(b) Clause 4.1 – Membership, to be amended to read as follows:**“The committee will consist of eight (8) members as follows:**

Mayor	
North Ward	– one representative and one deputy
North-Central Ward	– one representative and one deputy
Central Ward	– one representative and one deputy
South-West Ward	– one representative and one deputy
South-East Ward	– one representative and one deputy
South Ward	– one representative and one deputy
One Representative	– external to the operations of the City of Joondalup”.

The Motion was Put and**CARRIED (11/0)**

In favour of the Motion: Mayor Pickard, Crs Hollywood, McLean, Jacob, Magyar, Park, Amphlett, Hart, Corr, Fishwick and Currie

Appendix 1 refers

To access this attachment on electronic document, click here: [Attach1brf10706.pdf](#)

CJ114 - 07/06 MINUTES OF POLICY COMMITTEE MEETING HELD ON 20 JUNE 2006 – [01435]

WARD:	All
RESPONSIBLE A/DIRECTOR	Mr Mike Smith Governance and Strategy (Acting)

CJ060711_BRF.DOC:ITEM 3

PURPOSE

To submit the unconfirmed minutes of the Policy Committee to Council for information.

EXECUTIVE SUMMARY

A meeting of the Policy Committee was held on 20 June 2006.

It is recommended that Council NOTES the unconfirmed Minutes of the Policy Committee meeting held on 20 June 2006, forming Attachment 1 to Report CJ114-07/06.

BACKGROUND

Council at its meeting held on 26 April 2005 resolved to:

“ESTABLISH a Policy Committee comprising membership of the five Commissioners with the following terms of reference:

- (a) *To make recommendations to Council on the development and review of strategic (Council) policies to identify the direction of the Council;*

- (b) *To Initiate and formulate strategic (Council) policies;*
- (c) *To devise and oversee the method of development (level and manner of community consultation) for the development of strategic (Council) policies;*
- (d) *To review the Council Policy Governance Framework in order to ensure compliance with provisions of the Local Government Act 1995.”*

DETAILS

A meeting of the Policy Committee was held on 20 June 2006 to appoint the Presiding Person and Deputy Presiding Person, and to set meeting dates for the Committee. The meetings of the meeting of 20 June 2006 form Attachment 1 to this Report.

Issues and options considered:

As detailed in the minutes of the meeting held on 20 June 2006.

Link to Strategic Plan:

This item has a general connection to the Strategic Plan.

Legislation – Statutory Provisions:

Section 5.8 of the Local Government Act 1995 provides for a local government to establish a committee to assist Council.

Risk Management considerations:

Not Applicable.

Financial/Budget Implications:

Not Applicable.

Policy Implications:

The review and development of policies will align with the strategic directions established by Council and outlined in the Strategic Plan 2003 – 2008. Council's vision is to be 'A *sustainable City and community that are recognised as innovative, unique and diverse*'. The Strategic Plan was designed to reflect the themes of economic, social and environmental sustainability as well as good governance.

Regional Significance:

Not Applicable.

Sustainability Implications:

Not Applicable.

Consultation:

Not Applicable.

COMMENT

The unconfirmed Minutes of the Policy Committee meeting held on 20 June 2006 are submitted to Council for information. The items of business that were considered by the committee were:

- Election of presiding person and deputy presiding person;
- Setting of meeting dates.

ATTACHMENTS

Attachment 1 Minutes of the Policy Committee meeting held on 20 June 2006.

VOTING REQUIREMENTS

Simple majority

MOVED Cr Hart, SECONDED Cr Hollywood that Council NOTES the unconfirmed MINUTES of the Policy Committee Meeting held on 20 JUNE 2006, forming Attachment 1 to Report CJ114-07/06.

The Motion was Put and

CARRIED (11/0)

In favour of the Motion: Mayor Pickard, Crs Hollywood, McLean, Jacob, Magyar, Park, Amphlett, Hart, Corr, Fishwick and Currie

Appendix 2 refers

To access this attachment on electronic document, click here: [Attach2brf110706.pdf](#)

**CJ115 - 07/06 MINUTES OF STRATEGIC FINANCIAL
MANAGEMENT COMMITTEE MEETING HELD ON 20
JUNE 2006 – [51567]**

WARD: All

**RESPONSIBLE
A/DIRECTOR:** Mr Mike Smith
Governance and Strategy (Acting)

CJ060711_BR.F.DOC:ITEM 4

PURPOSE

To submit the unconfirmed minutes of the Strategic Financial Management Committee to Council for information.

EXECUTIVE SUMMARY

A meeting of the Strategic Financial Management Committee was held on 20 June 2006.

It is recommended that Council NOTES the unconfirmed Minutes of the Strategic Financial Management Committee meeting held on 20 June 2006, forming Attachment 1 to Report CJ115-07/06.

BACKGROUND

At its meeting held on 2 November 2004 (Item CJ249-11/04 refers) Council established the Strategic Financial Management Committee (SFMC), comprising the Joint Commissioners, with the following terms of reference:

- 1 Promote and advocate sound financial management within the City and provide advice to the Council on strategic financial management issues;
- 2 In particular advise Council on:
 - (a) How funding can be achieved for any major capital works project before the Council makes a commitment to a project;
 - (b) Levels of service delivery – determine:
 - (i) which services to be provided;
 - (ii) Standards of service. Such standard will be determined with reference to:
 - best industry practice standards where applicable;
 - internally agreed standards which will be determined with reference to local community expectations;
 - (c) Preparation of the Plan for the Future with high priority being given to ensure that the Plan is achievable in the long term;
 - (d) Alignment of the Plan for the Future to the Council's Strategic Plan;
 - (e) Consideration of public submissions to the Plan for the Future;
 - (f) Final acceptance of the Plan for the Future'
- 3 Policy development and review of policies with financial implications for the City.

DETAILS

A meeting of the Strategic Financial Management Committee was held on 20 June 2006 to appoint the Presiding Person and Deputy Presiding Person, and to set meeting dates for the Committee. The meetings of the meeting of 20 June 2006 form Attachment 1 to this Report.

Issues and options considered:

As detailed in the minutes of the meeting held on 20 June 2006.

Link to Strategic Plan:

Key Focus Area 4 - Organisational Development

- 4.1 To manage the business in a responsible and accountable manner;
- 4.1.1 Ensure financial viability and alignment to plan.

Legislation – Statutory Provisions:

In accordance with Section 2.7 of the Local Government Act 1995, included in the role of the Council is the responsibility to oversee the allocation of the local government's finances and resources.

Section 5.8 of the Local Government Act 1995 provides for a local government to establish a committee to assist the Council.

Risk Management considerations:

The main risk considerations related to the SFMC are of an economic nature and pertain principally to issues of sustainability.

Financial/Budget Implications:

The terms of reference of the SFMC include promoting and advocating sound financial advice to the Council on strategic financial management issues.

Policy Implications:

Not Applicable.

Sustainability Implications:

The terms of reference of the SFMC are consistent with establishing a sustainable financial plan for the future by advising Council on funding for capital works projects, levels of service and preparation of the Strategic Financial Plan.

Sustainability Implications:

Not Applicable.

Consultation:

Not Applicable.

COMMENT

The unconfirmed Minutes of the Strategic Financial Management Committee meeting held on 20 June 2006 are submitted to Council for information. The items of business that were considered by the committee were:

- Election of presiding person and deputy presiding person;
- Setting of meeting dates.

ATTACHMENTS

Attachment 1 Minutes of the Strategic Financial Management Committee meeting held on 20 June 2006.

VOTING REQUIREMENTS

Simple Majority

MOVED Cr Fishwick, SECONDED Cr McLean that Council NOTES the unconfirmed Minutes of the Strategic Financial Management Committee Meeting held on 20 June 2006, forming Attachment 1 to Report CJ115-07/06.

The Motion was Put and

CARRIED (11/0)

In favour of the Motion: Mayor Pickard, Crs Hollywood, McLean, Jacob, Magyar, Park, Amphlett, Hart, Corr, Fishwick and Currie

Appendix 3 refers

To access this attachment on electronic document, click here: [Attach3brf110706.pdf](#)

CJ116 - 07/06 INVITATION TO SCHOOLS – LOCAL GOVERNMENT WEEK 2006 - [02154]

WARD: All

RESPONSIBLE A/DIRECTOR: Mr Mike Smith
Governance and Strategy (Acting)

CJ060711_BRF.DOC:ITEM 5

PURPOSE

To extend an invitation to high school students within the City of Joondalup to attend the Council Meeting to be held on 8 August 2006, coinciding with Local Government Week which runs from 5 – 7 August 2006.

EXECUTIVE SUMMARY

At the ordinary meeting to Council held on 9 August 2005, 68 students from six (6) high schools were in attendance as part of Local Government Week.

It is suggested to invite a maximum of ten (10) students from each high school to attend the Council Meeting due to be held on 8 August 2006. The purpose of the invitation is to involve students in the running of Council meetings. Students will also gain knowledge of Council's decision-making process whilst also promoting the newly elected members.

The recommendation is for Council to amend the commencement time of its meeting scheduled to be held on 8 August 2006 to accommodate attendance by high school students within the City of Joondalup.

BACKGROUND

The Council at its meeting held on 28 June 2005 resolved as follows:

"That Council:

- 1 *in order to increase the profile and importance of civic issues amongst local students, INVITES Student Council members from all high schools within the district of the City of Joondalup to attend the Council meeting due to be held on Tuesday, 9 August 2005 during Local Government Week 2005;*
- 2 *REQUESTS the Chief Executive Officer to investigate the possibility of holding the Council meeting scheduled for Tuesday 9 August 2005 during school hours."*

The Council further resolved at its meeting held on 28 June 2005 as follows:

"That Council:

- 1 *AMENDS Point 2 of its resolution CJ122-06/05 of 28 June 2005 to read:

"2 In order to increase the profile and importance of civic issues amongst local students, INVITES a maximum of ten (10) students from each of the high schools within the district to attend the Council meeting due to be held on Tuesday, 9 August 2005 during Local Government Week 2005";*
- 2 *INVITES members of the Joondalup Youth Advisory Council to attend the Council meeting outlined in Point 1 above;*
- 3 *in accordance with the Local Government (Administration) Regulations 1996, AMENDS the commencement time of the Ordinary Meeting of Council scheduled to be held on Tuesday, 9 August 2005 from 7.00 pm to 12 noon;*
- 4 *in accordance with the Local Government Act 1995, GIVES local public notice of the change of meeting time as detailed in (3) above."*

The Council previously invited high school students to attend its Council Meeting held on Tuesday, 9 August 2005. The purpose of students attending the Council Meeting held during Local Government Week was to provide information/education and an opportunity to highlight the decision-making processes of local governments.

A total of 68 students and teachers attended the Council Meeting from six schools within the City of Joondalup, which included:

- Greenwood Senior High School
- Ocean Reef Senior High School
- Kinross Community College
- Padbury Senior High School
- Mater Dei College
- Woodvale Senior High School.

Each school was offered the opportunity to have one or two student representatives ask a question of the Council during Public Question Time.

Due to the excellent response and participation from the high schools within the district last year, it is proposed that an invitation again be extended to schools this year to attend the Council Meeting coinciding with Local Government Week. It is an excellent opportunity to not only promote the decision-making process of local governments, but to also promote the City's newly elected members.

DETAILS

Issues and options considered:

The options available to the Council are:

- extend an invitation to high schools to attend a meeting of the Council at either normal commencement time of 7pm, or at a revised time (will require a decision to change commencement time).
- not to invite students to a meeting of the Council.

Link to Strategic Plan:

The proposal is consistent with the following Strategic Objectives as outlined in the City's Strategic Plan 2003-2008;

- 1.1.3 Support whole-of life learning and creation of knowledge opportunities;
- 1.3 To continue to provide services that meet changing needs of a diverse and growing community; and
- 4.3 To ensure the City responds to and communicates with the City.

Legislation – Statutory Provisions:

Regulation 12 (2) of the Local Government (Administration) Regulations 1996 requires a local government to give local public notice of any change to the date, time and place of a meeting:

“12. Public notice of council or committee meetings – s.5.25(g)

- (1) *At least once each year a local government is to give local public notice of the dates on which and time and place at which –*
 - (a) *the ordinary council meetings; and*
 - (b) *the committee meetings that are required under the Act to be open to members of the public or that are proposed to be open to members of the public, are to be held in the next 12 months.*
- (2) *A Local Government is to give local public notice of any change to the date, time or place of a meeting referred to in subregulation (1).”*

This is the only statutory provision to be adhered to when considering this proposal. The Council has previously resolved its meeting schedule for 2005, any change to this would require an amendment to the original decision and appropriate advertising.

Risk Management considerations:

Nil.

Financial/Budget Implications:

Account No:	
Budget Item:	Advertising
Budget Amount:	\$500.00
YTD Amount:	\$500.00
Actual Cost:	\$500.00

Policy Implications:

No Applicable.

Regional Significance:

No Applicable.

Sustainability Implications:

Not Applicable.

Consultation:

Feedback from last year's function was positive and it was requested at that time that it be an ongoing event. When planning for the 2005 meeting it was clearly indicated by the schools that to ensure their attendance that the meeting needed to commence prior to 12 noon. Commencement time, any later than that, would cause issues with such things as transport, student after-hours activities.

COMMENT

In order to facilitate the presence of students from all high schools within the district it is preferable to change the time of the Council Meeting on Tuesday 8 August 2006 from 7.00pm to 12 noon.

Notification of this change of meeting time will require advertising in the local community newspaper and also to be displayed on the City's notice boards.

There are a total of 14 high schools and 48 primary schools within the City of Joondalup.

Due to the seating capacity of the Chamber it is suggested that invitations be restricted to ten students and two staff members from each high school. It will be left to the discretion of each school as to those students that attend, but attendance at the Council meeting should have some relevance to studies the students may be undertaking at the time e.g. political studies.

Prior to the Council meeting in August 2005, students and staff members were provided with a light lunch as well as an opportunity to meet and converse with elected members, employees and other members of the public following the meeting.

ATTACHMENTS

Nil.

VOTING REQUIREMENTS

Simple Majority

MOVED Cr Corr, SECONDED Cr McLean that Council:

- 1 INVITES a maximum of ten (10) students from each of the high schools within the district of the City of Joondalup to attend the Council meeting due to be held on Tuesday, 8 August 2006 during Local Government Week 2006;**
- 2 in accordance with the Local Government (Administration) Regulations 1996, AMENDS the commencement time of the Ordinary Meeting of Council scheduled to be held on Tuesday 8 August 2006 from 7 pm to 12 noon;**
- 3 GIVES local public notice of the change of meeting time as detailed in (2) above.**

Discussion ensued.

AMENDMENT MOVED Cr Magyar, SECONDED Cr Jacob that an additional Point 4 be added to the Motion as follows:

- “4 REQUEST the CEO to arrange a rescheduling of the ordinary meeting of Council in 2007 during Local Government Week where Council can INVITE a maximum of ten (10) students from each of the high schools within the district of the City of Joondalup to attend a Council meeting commencing at 12 noon.”**

With the approval of the meeting, the words “during Local Government Week” to be inserted after the words “in 2007”.

The Amendment was Put and

CARRIED (11/0)

In favour of the Amendment: Mayor Pickard, Crs Hollywood, McLean, Jacob, Magyar, Park, Amphlett, Hart, Corr, Fishwick and Currie

The Original Motion as amended, being:

That Council:

- 1 INVITES a maximum of ten (10) students from each of the high schools within the district of the City of Joondalup to attend the Council meeting due to be held on Tuesday, 8 August 2006 during Local Government Week 2006;**
- 2 in accordance with the Local Government (Administration) Regulations 1996, AMENDS the commencement time of the Ordinary Meeting of Council scheduled to be held on Tuesday 8 August 2006 from 7 pm to 12 noon;**

- 3 **GIVES local public notice of the change of meeting time as detailed in (2) above;**
- 4 **REQUEST the CEO to arrange a rescheduling of the ordinary meeting of Council in 2007 during Local Government Week where Council can INVITE a maximum of ten (10) students from each of the high schools within the district of the City of Joondalup to attend a Council meeting commencing at 12 noon."**

Discussion ensued.

was Put and

CARRIED (10/1)

In favour of the Motion: Mayor Pickard, Crs Hollywood, McLean, Jacob, Park, Amphlett, Hart, Corr, Fishwick and Currie **Against the Motion:** Cr Magyar

CJ117 - 07/06 FINANCIAL ACTIVITY STATEMENT FOR THE PERIOD ENDED 31 MAY 2006 – [07882]

WARD: All

RESPONSIBLE DIRECTOR: Mr Mike Tidy
Director Corporate Services

CJ060711_BRF.DOC:ITEM 6

PURPOSE

The May 2006 financial activity statement is submitted to Council to be noted.

EXECUTIVE SUMMARY

The May 2006 year to date report shows an overall variance (under spend) of \$16m when compared to the year to date revised budget approved by Council at its meeting of 21 February 2006 (CJ029-02-06).

This variance can be analysed as follows:

- The **Operating Surplus** is \$13.5m compared to a budgeted surplus of \$10.9m at the end of April 2006. The \$2.6m variance is primarily due to additional interest income and lower than budgeted expenditure in employee costs and materials and contracts. This is partially offset by reduced revenue from government grants and subsidies.
- **Capital Expenditure** is \$16.1m against the year to date budget of \$29.5m. The \$13.4m under spend is due to delays in purchasing heavy and light vehicles and in the construction of infrastructure assets and council projects.

It is recommended that Council NOTES the Financial Activity Statement for the period ended 31 May 2006 forming Attachment 1 to Report CJ117-06/07.

BACKGROUND

The Local Government (Financial Management) Regulations 1996 requires the production of financial activity statements. Council approved at the 11 October 2005 meeting to accept the monthly Financial Activity Statement according to nature and type classification.

DETAILS

The financial activity statement for the period ended 31 May 2006 is appended as Attachment A.

Issues and options considered:

Not Applicable.

Link to Strategic Plan:

Objective 4.1.1 – Ensure financial viability and alignment to plan.

Legislation – Statutory Provisions:

Section 6.4 of the Local Government Act 1995 requires a local government to prepare an annual financial report for the preceding year and such other financial reports as are prescribed.

Regulation 34(1) of the Local Government (Financial Management) Regulations 1996 as amended, requires the local government to prepare each month a statement of financial activity reporting on the sources and applications of funds as set out in the annual budget.

Risk Management considerations:

In accordance with section 6.8 of the Local Government Act 1995, a local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure is authorised in advance by an absolute majority of Council.

Financial/Budget Implications:

Refer attachment A.

Policy Implications:

All expenditure included in the Financial Activity Statement is drawn from the City's accounting records.

Regional Significance:

Not Applicable.

Sustainability Implications:

Expenditure has been incurred in accordance with budget parameters which have been structured on financial viability and sustainability principles.

Consultation:

In accordance with Section 6.2 of the Local Government Act 1995, the annual budget was prepared having regard to the Strategic Financial Plan, prepared under Section 5.56 of the Local Government Act 1995, which was made available for public comment from 21 May to 20 June 2005.

COMMENT

All expenditures included in the Financial Activity Statement are incurred in accordance with the revised 2005/06 Annual Budget or have been authorised in advance by Council where applicable.

ATTACHMENTS

Attachment A Financial Activity Statement for the period ended 31 May 2006.

VOTING REQUIREMENTS

Simple Majority

MOVED Cr Jacob, SECONDED Cr McLean that Council NOTES the Financial Activity Statement for the period ended 31 May 2006 forming Attachment 1 to Report CJ117-07/06.

The Motion was Put and

CARRIED (11/0)

In favour of the Motion: Mayor Pickard, Crs Hollywood, McLean, Jacob, Magyar, Park, Amphlett, Hart, Corr, Fishwick and Currie

Appendix 4 refers

To access this attachment on electronic document, click here: [Attach4brf110706.pdf](#)

CJ118 - 07/06 2007/2008 STATE AND NATIONAL BLACKSPOT PROGRAM – [08151]

WARD: All

RESPONSIBLE DIRECTOR: Mr Dave Djulbic
Infrastructure Services

CJ060711_BRF.DOC:ITEM 7

PURPOSE

The purpose of this report is to seek the Council's formal endorsement of projects submitted for the 2007/08 State and National Black Spot Programs.

EXECUTIVE SUMMARY

On 17 February 2006, Main Roads WA called for submissions for the 2007/08 State and National Black Spot Programs. Submissions are required by 28 July 2006. In order to meet this deadline, project submissions require formal endorsement by the Council.

A list of the proposed projects, including total project costs, possible State Black Spot Program funding and the mandatory Council one-third contributions should funding be approved, are shown on Attachment 1. The formal endorsement of the short-listed projects are supported on the basis that they may significantly improve safety of the local road network for all road users.

This report recommends that Council ENDORSES the listed projects shown on Attachment 1 to Report CJ118-07/06 for submission to the 2007/08 State and National Black Spot Programs.

BACKGROUND

In August 2000, the State Government announced a new initiative targeting black spots and road improvements around Western Australia. The program is now moving into its seventh year. The State and National Black Spot Programs are aimed at further improving road safety on local roads across Western Australia, thereby reducing the significant trauma and suffering of crash victims, family and friends.

The program targets road locations where crashes are occurring and aims to fund cost-effective and safety orientated projects by focusing on locations where the highest safety benefits and crash reductions can be achieved.

All submissions are considered on their merits and are evaluated against the criteria set by the State and National Black Spot Program Development and Management Guidelines.

The State Black Spot Program will allocate two-thirds funding towards the cost of successful projects, with the remaining one-third project cost to be met by Council. The National Black Spot Program will allocate 100% of the funding towards the cost of successful projects.

Projects are submitted under both State and National programs and can be funded from either program.

DETAILS

Issues and options considered:

On 17 February 2006, Main Roads WA called for submissions for the 2007/08 State and National Black Spot Programs. To enable the submissions to be presented to the Metropolitan Regional Road Group Technical Members meeting, the submission deadline was set for 28 July 2006.

As part of this 2007/08 program, approximately 170 eligible sites in the City of Joondalup (5 crashes in 5 years ending December 2005) were evaluated on a preliminary basis. Of these, 39 sites were subject to a more detailed assessment.

The projects are prioritised on a statewide basis, utilising an economic indicator known as the BCR (Benefit Cost Ratio). The BCR is the comparison of cost savings to the community as a result in the reduction of crashes, compared to the cost of installing a particular traffic treatment type. In simple terms, the greater the cost effectiveness, the greater the BCR value, which results in a higher project ranking. It is also noted that some of the State and National Black Spot Program funds will be allocated towards projects that have undergone a safety audit procedure. The extent of these funds is yet to be determined, however it is unlikely to be more than 20% of the program funding. Safety audits have been undertaken for various sites to take into consideration the traffic volumes and the intersection layouts.

On the basis of the detailed assessment, twenty-one sites have been short-listed. A list of the short-listed projects, including total project costs, possible State Black Spot Program funding and the mandatory Council contributions, should funding be approved, are shown on Attachment 1.

Since the inception of the State and National Black Spot Programs, the City has addressed the major black spots within its jurisdiction.

The emphasis now is on addressing conflict areas at T-intersections of local roads with arterials.

The installation of "Seagull Islands" within the median space at intersections channels vehicular movements and improves traffic safety at these locations (refer Attachment 2).

In accordance with the previous year, it is envisaged that the Minister for Transport will announce the approved projects early to mid 2007.

Link to Strategic Plan:

The projects fit into the Strategic Plan for the City by improving infrastructure. The major benefit for the community is a safer road network. The use of the State and National Black Spot programs enables the City to source grant funds in combination with its own funds. The following objectives and strategies apply:

- 1.4.2 Contribute to the protection of human health
- 3.1 To develop and maintain the City of Joondalup's assets and built environment
- 4.1.3 Develop a risk management strategy
- 4.2 To provide quality services with the best use of resources

Legislation – Statutory Provisions:

Not Applicable.

Risk Management considerations:

The State and National Black Spot Programs will assist in improving safety considerations associated with the City's local road network.

Financial/Budget Implications:

The successful funding of Black Spot projects will require Council to allocate funds in the 2007/08 Program. The grants are provided on the basis of two-thirds contribution from the State to one-third by the City. Any successful National Black Spot projects will not require any Council contribution.

An amount of \$180,000 has been listed as Council's contribution (2007/08) of the City's Five Year Capital Works - Black Spot Program. Should Council be successful in all its submissions, then a budget adjustment will be undertaken as part of the 2007/08 Draft Budget deliberations.

Policy Implications:

Not Applicable.

Regional Significance:

Not Applicable.

Sustainability Implications:

Not Applicable.

Consultation:

Not Applicable.

COMMENT

The State and National Black Spot Programs are administered by Main Roads WA and provide funding to improve the road network.

The short-listed projects shown on Attachment 1 are presented for formal endorsement by the Council. Subject to endorsement and approval for State and National Black Spot funding, the City's contribution for each successful project will be listed for funding consideration as part of the City's 2007/08 budget deliberations.

ATTACHMENTS

- Attachment 1 Proposed 2007/08 State and National Black Spot Program Project Submission List
Attachment 2 Typical "Seagull Island" Layout

VOTING REQUIREMENTS

Simple Majority

MOVED Cr Hart, SECONDED Cr Currie that Council ENDORSES the listed projects shown on Attachment 1 to Report CJ118-07/06 for submission to the 2007/08 State and National Black Spot Programs.

AMENDMENT MOVED Cr Park, SECONDED Cr Amphlett that the Motion be amended to read as follows:

"That Council:

- 1 ENDORSES the listed projects shown on Attachment 1 to Report CJ118-07/06 for submission to the 2007/08 State and National Black Spot Programs, with the exception of the proposal for traffic signals at the intersection of Whitfords Avenue and Endeavour Road to be withdrawn for further investigation;**

- 2 REQUESTS a further report on the options available to treat the intersection of Whitfords Avenue and Endeavour Road, including more detailed information on cost and operational effectiveness for each option in order that Council's preferred intersection treatment can be included as part of a future State Black Spot Program submission."**

Cr Park spoke to the Amendment.

The Amendment was Put and

CARRIED (11/0)

In favour of the Amendment: Mayor Pickard, Crs Hollywood, McLean, Jacob, Magyar, Park, Amphlett, Hart, Corr, Fishwick and Currie

The Original Motion as amended, being:

That Council:

- 1 ENDORSES the listed projects shown on Attachment 1 to Report CJ118-07/06 for submission to the 2007/08 State and National Black Spot Programs, with the exception of the proposal for traffic signals at the intersection of Whitfords Avenue and Endeavour Road to be withdrawn for further investigation;**
- 2 REQUESTS a further report on the options available to treat the intersection of Whitfords Avenue and Endeavour Road, including more detailed information on cost and operational effectiveness for each option in order that Council's preferred intersection treatment can be included as part of a future State Black Spot Program submission.**

Discussion ensued.

was Put and

CARRIED (11/0)

In favour of the Motion: Mayor Pickard, Crs Hollywood, McLean, Jacob, Magyar, Park, Amphlett, Hart, Corr, Fishwick and Currie

Appendix 5 refers

To access this attachment on electronic document, click here: [Attach5brf110706.pdf](#)

CJ119 - 07/06 TRIPARTITE AGREEMENT FOR THE UPGRADE OF THE MATERIALS RECOVERY FACILITY, WANGARA – [53119]

WARD: All

RESPONSIBLE DIRECTOR: Mr Dave Djulbic
Infrastructure Services

CJ060711_BRF.DOC:ITEM 8

PURPOSE

To seek Council's approval to enter into a new tripartite agreement with the Cities of Wanneroo, Swan and Joondalup for an upgrade of the Materials Recovery Facility (MRF) at Wangara.

EXECUTIVE SUMMARY

Council adopted the Waste Management Strategy 2005 in December 2005. One of the cornerstones of the strategy is to introduce a universal kerbside recycling system for the City in 2007. In order to achieve this it was recognised that the MRF needed an upgrade to cope with the projected tonnages being collected and its ageing condition.

The MRF is currently under a Tripartite Agreement with the Cities of Swan, Joondalup and Wanneroo and this will expire in December 2006. It is proposed to amend the current agreement to bring it up to date so the project can be implemented. A draft updated Agreement is attached and features include:

- A 5-year period commencing on or before 1 January 2007 with options to extend;
- An upfront capital contribution to modify the MRF. The total cost of the modifications is estimated to be \$3.6M split three ways;
- A capital repayment plan is incorporated in the agreement whereby \$1.2M is repaid over 5 years. However, rather than the capital being physically repaid, it is offset against the Council's obligation to meet its operational costs, therefore reflected in a lower tonnage sorting cost;
- A Senior Management Team (SMT) will oversee the operation of the agreement, handle disputes and set strategic directions for the operation of the agreement;
- A commercial land lease, payable to the City of Wanneroo, is to be included as an operating expense. This is for the approximate 23,000 m² at the Motivation Drive, Wangara currently being used for the MRF and its non-exclusive access including weighbridge;
- Operating costs will include (but not limited to) sorting costs, depreciation, lease, insurance, utilities, lease fees, composition audits, all repairs, maintenance and minor capital purchases (up to \$20,000), commodity preparation and selling costs and other items agreed by the SMT;
- City of Wanneroo will allocate to the operation as an expense, \$100,000 per year of the actual annual operating costs and distributed overheads of its Environmental Waste Services Business Unit.

It is recommended that Council:

- 1 *AGREES IN PRINCIPLE to the continuation of a joint arrangement with the Cities of Swan and Wanneroo to upgrade and operate the Wangara Material Recovery Facility.*
- 2 *AUTHORISES the Chief Executive Officer to enter into a joint agreement for the Materials Recovery Facility at Wangara with the Cities of Wanneroo and Swan in accordance with the conditions outlined in the report.*
- 3 *NOTES that the City's contribution totalling \$1.2M for the proposed upgrading of the Materials Recovery Facility at Wangara will be listed for Council's consideration as part of the 2006/07 Budget deliberations.*

BACKGROUND

During 2000 the Cities of Wanneroo, Joondalup and Swan negotiated a joint agreement to upgrade and use the City of Wanneroo's Wangara Material Recovery Facility (MRF), which was built in 1992. The capital expenditure of \$645,000 was equally funded by the three Cities and recovered progressively over a five-year period, based on the tonnes of material delivered for processing. This agreement expires 31 December 2006.

The number of tonnes processed at the MRF has grown over the period and deliveries for the last four calendar years are shown below. The table also shows predicted deliveries next year using current growth and the change to the City of Joondalup's collection system from bags to carts.

City		Tonnes 2002	Tonnes 2003	Tonnes 2004	Tonnes 2005	Est. Tonnes 2007
City Wanneroo	of	1,688	2,125	2,514	3,106	3,800
City Joondalup	of	5,563	6,275	6,487	6,095	13,600
City of Swan		5,516	6,147	6,418	6,610	8,000
Total		12,767	14,547	15,419	15,811	25,400

The current plant is operating near maximum capacity of 16,000tpa.

The current sorting contract expires in December 2006.

DETAILS

The City of Joondalup has undertaken a public consultation process in relation to the future of its recycling programme. This identified a strong interest in the provision of a kerbside recycling collection cart service to replace the current bag service. The Council resolved on 13 December 2005 that this system would be introduced during the 2006/07 financial year with collection scheduled to commence 1 January 2007. This will greatly increase the amount of recyclables that Joondalup collects and the capacity of the current MRF (16,000t) to process the available material will be exceeded (refer table above).

A review of the location of the current MRF in relation to land development proposals in Wangara indicates that it would be appropriate for the facility to remain at its current location for at least the next five years.

A review was undertaken to determine if the current facility could be economically upgraded with current sorting equipment technology to handle up to 32,000 tpa in a single shift operation. The recommendation was that the current ageing equipment be scrapped and a new plant be installed inside the current building. This is expected to require a 5-week shut down period. The option giving the lowest operational cost over a 5-year period has a capital cost estimate of \$3.6m.

Provision of \$1.2m has been included in the City's draft capital works 2006/2007 budget towards the upgrade of the MRF. The City of Joondalup has made provision for the project and discussions are continuing with the City of Swan.

A draft updated Agreement is attached and the main features include:

- 5 year period commencing on or before 1 January 2007 with options to extend;
- An upfront capital contribution to modify the MRF. The total cost of the modifications is estimated to be \$3.6M split three ways with the capital contribution being repaid over 5 years;
- A capital repayment plan is incorporated in the agreement whereby \$1.2M is repaid over 5 years. However, rather than the capital being physically repaid, it is offset against the Council's obligation to meet its operational costs, therefore reflected in a lower tonnage sorting cost;
- A Senior Management Team (SMT) will oversee the operation of the agreement, handle disputes and set strategic directions for the operation of the agreement;
- A commercial land lease, payable to the City of Wanneroo, is to be included as an operating expense. This is for the approximate 23,000 m² at the Motivation Drive, Wangara currently being used for the MRF and its non-exclusive access including weighbridge;
- Operating costs will include (but not limited to) sorting costs, depreciation, lease, insurance, utilities, lease fees, composition audits, all repairs, maintenance and minor capital purchases (up to \$20,000), commodity preparation and selling costs and other items agreed by the SMT;
- Budget agreed annually by all parties to the agreement. Should a Council object to two successive budgets, then it has the option to withdraw from the contract and forego its annual capital repayment;
- City of Wanneroo will allocate to the operation as an expense, \$100,000 of the actual annual operating costs and distributed overheads of its Environmental Waste Services Business Unit;
- Depreciation of fixed assets will be charged as an operating expense, based on straight line basis;
- All actual operating costs will be proportioned in accordance with the gross tonnes of material delivered to the facility for sorting, based on open book principles overseen by the SMT;
- The composition of each Council's deliveries shall be determined by audit of incoming loads to the satisfaction of the SMT;
- All income from the sale of sorted material will be proportioned in accordance with the estimated recoverable net tonnes of saleable material delivered to the facility;
- During the period of the contract the surplus or shortfall shall be accounted for on a quarterly basis and overseen by the SMT;
- Major Capital Works include capital purchases greater than \$20,000 and requires the agreement of all Council representatives on the SMT followed by endorsement by the City of Wanneroo if purchases are not budgeted prior to works proceeding;
- Depreciation on approved major capital purchases is amortised over the remaining period of the agreement.

Issues and options considered:

The Wangara MRF is at the end of its useful life and in need of an urgent upgrade. The MRF is operating to near or at full capacity and the proposed move of the City to increase tonnages through the introduction of recycling MGBs will result in the MRF not being able to cope.

There are two MRFs north of the river, Wangara and the Cleanaway MRF at Bayswater. The Bayswater MRF is operating to near capacity and could not cope with the Joondalup tonnages.

Link to Strategic Plan:

Review and further development of the City's Waste Management Strategy is consistent with the Strategic Plan. Under the Key Focus Area 'To care for the Environment' the City has a strategy to effectively and efficiently manage the waste by:

- Further develop and implement recycling strategies;
- Plan for the development of waste management.

Legislation – Statutory Provisions:

None for the City. The City of Wanneroo will need to determine if the Agreement constitutes a major trading undertaking, if so, then the City of Wanneroo will be required to conform the requirements under the Local Government Act 1995.

Risk Management considerations:

The cost per tonne charged is dependant on the price that is received for the commodities. A number of commodities are sold overseas and is therefore dependant on world markets. Given the resources boom and the stable prices received for commodities over the past few years, risks of not achieving the projections are considered low.

Financial/Budget Implications:

The proposed upgrade is \$3.6M and the City's share will be \$1.2M. The Universal Recycling Project is provided for in new projects and will be part of the budget deliberation for 2006/07.

Considerable work has been completed on the best options for the parties and the considered view is that the MRF needs a major upgrade rather than a maintenance upgrade previously thought adequate. The upgrade will provide for the introduction of the City's MGBs, the City of Wanneroo's growth and enough capacity for its MGB cart option if it decides to introduce MGBs as well. The City of Swan is considering its options but current indications are that it is willing to be involved.

On a conservative projection, sorting costs will be in the range \$0 to \$12 per tonne. The current Agreement has produced a sorting cost range for the City of approximately \$25 per tonne. It should be noted the MRF cost efficiencies are very dependant on the tonnes processed.

Policy Implications:

The City will be able to introduce the universal recycling cart system in 2007, implementing the commitment made in the Waste Strategy 2005.

Regional Significance:

The MRF arrangements are on the same basis as the last Tripartite Agreement. The upgrade will be automated and will employ approximately 8 people.

The MRF will provide the major sorting facility in the northern suburbs, providing employment and environmental outcomes consistent with strategic directions.

Sustainability Implications:

The adopted Waste Management Strategy is consistent with City's sustainability outcomes and will assist in achieving the City's waste diversion targets.

Consultation:

Consultation has been undertaken with senior officers from the Cities of Swan and Wanneroo.

COMMENT

The Cities will need to be able to have their recycling products processed after December 2006 when the current joint operations agreement expires. It will be more cost effective to use an upgraded sorting system at the Wangara MRF than the current plant.

The processing cost per tonne decreases with increased tonnes processed and the best option for the City of Joondalup is to continue the tripartite arrangements for the provision of a MRF.

There is a need to progress discussions on a joint agreement so that the participating Councils can finalise their positions and make appropriate provision in their budgets.

ATTACHMENTS

Attachment 1 Draft Agreement

VOTING REQUIREMENTS

Simple Majority

MOVED Cr Hart, SECONDED Cr Corr that Council:

- 1 AGREES IN PRINCIPLE to the continuation of a joint arrangement with the Cities of Swan and Wanneroo to upgrade and operate the Wangara Material Recovery Facility;**

- 2 AUTHORISES the Chief Executive Officer to enter into a joint agreement for the Materials Recovery Facility at Wangara with the Cities of Wanneroo and Swan in accordance with the conditions outlined in Report CJ119-07/06;**
- 3 NOTES that the City's contribution totalling \$1.2M for the proposed upgrading of the Materials Recovery Facility at Wangara will be listed for Council's consideration as part of the 2006/07 Budget deliberations.**

Discussion ensued.

The Motion was Put and

CARRIED (11/0)

In favour of the Motion: Mayor Pickard, Crs Hollywood, McLean, Jacob, Magyar, Park, Amphlett, Hart, Corr, Fishwick and Currie

Appendix 6 refers

To access this attachment on electronic document, click here: [Attach6brf110706.pdf](#)

CJ120 - 07/06 PROPOSED PARKING SCHEME AMENDMENT - ON-STREET PARKING LAKESIDE DRIVE, JOONDALUP – [07076] [29136]

WARD: North

RESPONSIBLE DIRECTOR: Mr Dave Djulbic
Infrastructure Services

CJ060711_BRF.DOC:ITEM 9

PURPOSE

To amend the City of Joondalup Parking Scheme by the introduction of a half hour time limit in four on-street bays in Lakeside Drive to provide opportunity for increased use by customers in support of adjacent business.

EXECUTIVE SUMMARY

The City is in receipt of a 60-signature petition for the provision of clearly identified customer on-street parking bays adjacent to the Lakeside Convenience Store, Lakeside Drive, Joondalup.

Whilst the City does not provide for identified on-street customer parking bays, it can, in accordance with the City of Joondalup parking Scheme, provide for time restricted on-street parking bays within the vicinity of the local business, achieving the desired outcome of providing opportunity for increased use of customers in support of the adjacent business.

Accordingly, it is recommended that Council AMENDS the City of Joondalup Parking Scheme, in accordance with Clause 33 of the City's Parking Local Law 1998, by the installation of a half hour parking restriction covering four (4) parking bays on the eastern side of Lakeside Drive, Joondalup, as outlined in Attachment 1 to Report CJ120-07/06, between the hours of 8.00 am to 5.30 pm Monday to Friday and from 8.00 am to 12.00 pm Saturday.

BACKGROUND

The City of Joondalup has received a 60-signature petition, requesting the provision of short-term on-street parking suitable for customers of the Lakeside Convenience Store in Lakeside Drive, Joondalup.

The development of this new business has created additional demands for short-term on-street parking within the adjacent vicinity. Parking demand, particularly during business hours, has been exacerbated by spillover of long-term parking from the nearby businesses and educational facilities.

DETAILS

Issues and options considered:

The Lakeside Convenience Store has no on-site parking facilities for customers and therefore relies on the availability of adjacent on-street facilities to meet needs for its short-term customer parking. On-street parking is available as a public facility for general use on a "first come, first served" basis.

The City does not set aside on-street parking bays to meet the needs of any one business. However, the City can, in accordance with the City of Joondalup Parking Local Law, provide for time restricted on-street parking bays within close proximity of the local business.

Link to Strategic Plan:

The recommendation in this report is supported by the following objective and strategy in the City's Strategic Plan 2003 – 2008:

Objective: 3.3 to continue to meet changing demographic needs.

Strategy: 3.3.2 integrate plans to support community and business development.

Legislation – Statutory Provisions:

The City of Joondalup Parking Local Law 1998 was made in keeping with the requirements of the Local Government Act (1995):

33 The local government may by resolution constitute, determine, vary and indicate by signs:

- (a) Prohibitions;
- (b) Regulations; and
- (c) Restrictions,

on the parking and stopping of vehicles of a specified class or classes in all roads, specified roads or specified parts of roads in the parking region at all times or at specified times, but this authority shall not be exercised in a manner inconsistent with the provisions of this local law or any other written law.

Risk Management considerations:

Not Applicable.

Financial/Budget Implications:

The cost to erect the necessary signage is approximately \$150 each, and sufficient funds exist in the operational budget for this work to occur.

Policy Implications:

Not Applicable.

Regional Significance:

Not Applicable.

Sustainability Implications:

Not Applicable.

Consultation:

The owner of the business was consulted on the provision of half hour time restricted bays, as outlined in Attachment 1, and was supportive of the proposal.

COMMENT

The requirement for on-street time restricted parking, as depicted at Attachment 1, will provide formalised parking for motorists wishing to patronise the adjacent business by ensuring that more opportunity exists for on-street parking during business hours.

ATTACHMENTS

Attachment 1 Parking Restrictions – Lakeside Drive, Joondalup

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION: That Council AMENDS the City of Joondalup Parking Scheme, in accordance with Clause 33 of the City's Parking Local Law 1998, by the installation of a half hour parking restriction covering four (4) parking bays on the eastern side of Lakeside Drive, Joondalup, as outlined in Attachment 1 to Report CJ120-07/06, between the hours of 8.00 am to 5.30 pm Monday to Friday and from 8.00 am to 12.00 pm Saturday.

MOVED Cr Hollywood, SECONDED Cr McLean that Council AMENDS the City of Joondalup's Parking Scheme, in accordance with Clause 33 of the City's Parking Local Law 1998, by the installation of a half hour parking restriction covering four (4) parking bays on the eastern side, and two (2) parking bays on the western side of Lakeside Drive, Joondalup, as outlined on Appendix 15 hereto, between the hours of 8.00 am to 8.00 pm Monday to Sunday.

Discussion ensued. A revised Plan was provided to replace that provided in the agenda – Appendix 15 refers.

The Motion was Put and

CARRIED (11/0)

In favour of the Motion: Mayor Pickard, Crs Hollywood, McLean, Jacob, Magyar, Park, Amphlett, Hart, Corr, Fishwick and Currie

Appendix 15 refers

To access this attachment on electronic document, click here: [Attach15min180706.pdf](#)

CJ121 - 07/06 METROPOLITAN REGIONAL ROAD PROGRAM 2007/2008 TO 2011/2012– [08151]

WARD: All

**RESPONSIBLE
DIRECTOR:** Mr Dave Djulbic
Infrastructure Services

CJ060711_BRF.DOC:ITEM 10

PURPOSE

This report is submitted for the consideration by Council for submission to Main Roads WA for the 2007/2008 Five Year Metropolitan Regional Road Program.

EXECUTIVE SUMMARY

Main Roads WA (MRWA) has sought submissions for the 2007/2008 to 2011/2012 Metropolitan Regional Road Program for Improvement Projects and Rehabilitation Projects.

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

This report recommends that Council:

- 1 *SUBMITS Burns Beach Road – Mitchell Freeway to Joondalup Drive for consideration for funding as part of the 2007/2008 Metropolitan Regional Road Program and as shown at Attachment 1 and 2 to Report CJ121-07/06;*
- 2 *SUBMITS the Road Rehabilitation Projects to Main Roads WA for consideration for funding as part of the 2007/2008 Metropolitan Regional Road Program as shown at Attachment 3 to Report CJ121-07/06.*

BACKGROUND

Each year, MRWA invites project submissions from local governments for funding consideration as part of the Metropolitan Regional Road Program. The program allocates funds derived from the State Road Funds to Local Government Agreement. MRWA requests detailed project submissions up to two years in advance to allow Councils to program approved projects into their Budgets with certainty of grant funding. Less detail is required for projects submitted in the following years.

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

Road Improvement Projects, which are:

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

A multi-criteria analysis, (taking into consideration road capacity, geometry, crashes, benefits and costs) is used to score and prioritise road improvement projects on urban arterial roads submitted by Councils within the metropolitan area.

Road Improvement Projects are audited, scored and approved for the first year only, 2007/08, with any projects submitted for future years beyond 2007/08 to provide MRWA with information on project proposals rather than detail and future cash flows.

Road Rehabilitation Projects

Road rehabilitation projects are those proposed for existing roads where the pavement is to be brought back to as new physical condition, e.g. resealing, reconstruction, re-sheeting and reconditioning. A one-year programme only is required for these submissions – 2007/08.

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

DETAILS

Road Improvement Projects

The proposed Road Improvement Project submitted for 2007/08 is Burns Beach Road – Mitchell Freeway to Joondalup Drive as shown on Attachment 1 and 2. This project is listed in the Major Road Construction Program in the Draft 2006/07 Five Year Capital Works Program.

This project ties in with the dualling of the section of Burns Beach Road from Marmion Avenue to the Mitchell Freeway which is planned for construction in the second half of 2006/07. The project has been re-evaluated from previous years' submissions and submitted to achieve part funding in 2007/08 and committed funding in 2008/09. It is shown

in the Major Road Construction Program of the Five Year Capital Works Program but in the 2008/09 year subject to the available funds in the metropolitan pool and how the project rates against all other submissions on a point score basis. This project (and other arterial roads) are re-evaluated on an annual basis as a result of changing traffic patterns, volumes and crashes. The five-year MRRP programme is adjusted in accordance with the results of the multi-criteria analysis and MRWA audited scoring. Construction of a dual carriageway on this section of Burns Beach Road provides increased capacity for the traffic accessing the Mitchell Freeway, safe turning movements and better facilities for buses, cyclists and pedestrians.

MRWA also requests information on future road improvement projects and these are listed at Page 2 on Attachment 1. This list provides some guidance on the future funding requirement of the MRRG program by all metropolitan Councils.

Road Rehabilitation Projects

An assessment and mechanical study was undertaken for a number of roads, which provides the technical details and recommendations to comply with the criteria for assessing projects. A review is also undertaken on other works such as the traffic management program where traffic islands are located in a red asphalt median on local distributor roads. The resurfacing component of these construction works can be funded via this program if it meets the specified criteria. The inspections, analysis, scoring and documentation were undertaken by a specialist pavement consultant. The Road Rehabilitation Program recommended for submission to MRWA for funding consideration in the 2007/08 financial year is shown at Attachment 3.

Link to Strategic Plan:

The projects fit into the Strategic Plan for the City by improving infrastructure, which leads to an improved lifestyle and an integrated transport system – Strategies 3.1.1 and 3.4.1. Under the MRRP Road Improvement Program, the dualling of arterial roads, such as Burns Beach Road, means that these million dollar plus projects can be undertaken using an external funds source, and include upgrading junction treatments, installing bus embayments and adding smooth asphalt seal to reduce traffic noise on an existing chip seal carriageway.

The extension of the Mitchell Freeway to Shenton Avenue and Burns Beach Road is tentatively scheduled within the timeframe 2006 to 2008. This project ties in with that extension and in conjunction with the dualling of Burns Beach Road from Marmion Avenue to the freeway, the City's arterial road network is well placed to accommodate the increased traffic volumes resulting from the freeway extension.

The major benefit for the community is a more efficient road network as a result of better roads and paths, reduced travel times, less crashes and easier access to facilities. Moreover, using the MRRP process in this way enables the City to construct major roads using the best combination of grant income and its own funds.

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

Legislation – Statutory Provisions:

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

Process for 2007/2008 Metropolitan Regional Road Program

- 1 Project submission to be forwarded to MRWA by 1 May 2006.
MRWA will accept submissions with later endorsement by Council.
- 2 Submissions are checked for omissions and errors in computations.
- 3 Submissions are audited:
 - Rehabilitation projects by Materials Engineering Branch, MRWA
 - Improvement projects by an independent consultant auditor
- 4 Audit queries are discussed with affected Councils.
- 5 Final audited projects are sent to MRWA for collation and priority listing based on points score.
- 6 Lists of audited projects distributed to all Councils in August 2006.
- 7 The Sub Groups of the Metropolitan Regional Road Group each have technical meetings to discuss and approve projects within the Sub Group only. The Cities of Wanneroo, Joondalup, Stirling and Town of Vincent form the North West Sub Group.
- 8 Recommendations are forwarded to the Technical Members Committee of the Metropolitan Regional Road Group. The Director Infrastructure Services from the City is the Chairman of this Technical Group which then recommends the projects to be funded across the metropolitan area to the Metropolitan Regional Road Group.
- 9 The Metropolitan Regional Road Group, which is comprised of elected representatives from metropolitan Councils, considers funding submissions in accordance with the guidelines and makes recommendations to the Advisory Committee. This committee forwards those recommendations to the Commissioner of Main Roads who in turn forwards recommendations to the Minister For Planning and Infrastructure who approves the funding.
- 10 Councils would expect advice of approval of projects during November/December 2006.

Risk Management considerations:

The City has previously received advice from MRWA, and from its own experience with Hodges Drive and other east-west arterial roads to the south, that when the Mitchell Freeway is extended to Burns Beach Road, an increase in traffic can be expected on that road. Besides connecting to the Mitchell Freeway, this section of Burns Beach Road provides easier access to Wanneroo Road and the growing urban region further to the east.

The City also benefits by reducing its financial risk as the project will be two thirds funded by the State Government as detailed at Attachment 1. The City will fund the other one third of the cost from municipal revenue.

The extension of the freeway northwards from Hodges Drive to Shenton Avenue will reduce the traffic impacts on Hodges Drive and its adjacent residents. The increased traffic will be transferred to Shenton Avenue and then to Burns Beach Road. This project provides a means of managing the impacts in the medium to longer term and provides benefits for the growing population in the region.

Financial/Budget Implications:

The successful grant funding of the road improvement project will require Council to allocate funds in the 2007/08 Capital Works Budget – Major Road Construction Program (as well as 2008/09) and Road Preservation and Resurfacing Program as shown on Attachments 1 and 3. The grants are provided on the basis of a two thirds contribution by Main Roads WA to one third by the City. The maximum annual grant for Rehabilitation Projects is \$500,000 and \$1,000,000 for Road Improvement Projects. The City's contribution is funded from the Municipal Fund for road improvement projects and the Federal Local Roads component (FLRG) of Federal Assistance Grants (FAG) for road rehabilitation projects.

Following auditing, some of the Rehabilitation Projects may not be funded in 2007/2008 and may need to be re-evaluated for submission with further projects for funding in subsequent years. It is also possible that the City may not receive funding for the Improvement Project. These circumstances occur because projects from all metropolitan councils compete for the limited funds each year. At this time, the City has received confirmation that the 2006/07 MRRG Program Fund allocation will be \$13.96M. It is anticipated to be the same amount in 2007/08 with around \$6.98M for each program. The scores of all projects are independently audited leading to some projects not achieving the required score or being below the funding cut off level for each Council or the program pool.

For the road improvement project, Burns Beach Rd – Mitchell Freeway to Joondalup Drive, the maximum grant the City can obtain in 2007/08 is \$133,333. This is because the City has a grant of \$866,667 committed for Moore Drive/Connolly Drive duplication in 2007/08. As the maximum grant per Council per year is \$1M, the difference is \$133,333. Refer to Attachment 1.

However, if the project does achieve an audited score that secures the grant of \$133,333 in 2007/08, the remaining grant amount of \$933,339 is committed for 2008/09 without a further submission by the City. This submission therefore, takes advantage of the funding commitment system and the relatively large amount of the MRRG Program allocation which in turn guarantees funding for the project. The City then budgets for its contributions in the Capital Works Program.

Policy Implications:

There are no policy implications.

Sustainability Implications:

The multi-criteria analysis of major improvement projects submitted for MRRP funding requires that Environmental, Social and Economic factors be considered. This section of Burns Beach Road has been scored using these sustainability factors.

The Environmental factors are the physical environment, visual quality and cultural and heritage issues.

- physical environmental impacts are those that may damage the area and require approvals from relevant authorities – Burns Beach Road is a designated District Distributor A Road in the Perth Metropolitan Functional Road Hierarchy published by MRWA in 1999. The road has been designed, earthworked and formed for dual carriageway construction as part of the original subdivision. The project area has been transformed from a natural physical environment to one that is man made and its impact is minimal. There will be some additional noise from increased traffic, however, this will be managed by resurfacing the existing chip seal surface, and surfacing the new carriageway, with a low noise asphalt.
- Visual quality impacts are those such as removal of bushland, reduced scenic views and altering the landscape in a negative way. As described above, the existing road has been constructed to accommodate the second carriageway. However landscaping of the medians and verges will be undertaken to ameliorate the impact of the second carriageway and additional pavement area.
- Cultural and Heritage issues are also considered in the environmental issues area. The project is within the existing road reserves created as part of a greenfields subdivisional development and therefore, there are no cultural or heritage sites in the area.

The Social factors are displacement of people, accessibility and community cohesion.

- Displacement of people deals with home and land acquisition and owners consent. The dual carriageway project is totally within existing road reserve boundaries and does not affect existing private property.
- Accessibility to and from connecting local roads is improved by providing greater carriageway capacity and the use of right turn lanes and median openings for vehicle storage while waiting to turn right.
- Community cohesion relates to land use changes and traffic patterns that improve or disrupt the community. Turning movements into and out of local roads onto busy single carriageways are a factor in many crashes in the area. The project addresses these crashes with left and right turn lanes and islands and the rear end crashes by using asphalt with anti-skid properties. As well, side swipe, rear end and u-turn crashes are totally eliminated with the construction of a median and two lanes in each direction to improve carriageway width and capacity.

Economic factors are considered on a local and regional basis and deal with accessibility to or displacement of business and increased business activity.

- At a local level the project improves accessibility to businesses by providing greater capacity to allow people to reach their destination. This includes not only local shops but also schools, Currabmine Train Station and Arena Sports Complex.
- On a regional basis, the project provides for the increased traffic and access to the Mitchell and Kwinana Freeways, the primary north south transport route in Perth; and easier access to Marmion Avenue and Wanneroo Road, the two major arterial roads in the northwest corridor. These strong transport links provide a regional improvement for business activity and business prospects.

Consultation:

The City is a member of the community consultation working group (CCWG) for the Mitchell Freeway extension to Shenton Avenue and Burns Beach Road and remains aware of both community and traffic concerns for that project and how it applies to the construction of a new carriageway on Burns Beach Road.

The City also liaises with MRWA on a technical basis on the Mitchell Freeway extension and how it impacts on the dual carriageway construction east and west of the freeway on/off ramps. This includes design and construction issues such as kerb alignments, stormwater drainage and tie-ins and staging of the works.

COMMENT

The Metropolitan Regional Road Program is administered by MRWA using well established formulae, conditions and procedures that are outlined in the State Road Funds to Local Government Agreement. The City has received grant funding in the past from the program and subject to priorities and auditing of other projects from metropolitan councils, would anticipate some funding of the project in 2007/08 leading to committed funding in 2008/09.

ATTACHMENTS

Attachment 1	Road Improvement Projects Details
Attachment 2	Locality plan
Attachment 3	Road Rehabilitation Projects Details

VOTING REQUIREMENTS

Simple Majority

MOVED Cr Jacob, SECONDED Cr McLean that Council:

- 1 SUBMITS Burns Beach Road – Mitchell Freeway to Joondalup Drive for consideration for funding as part of the 2007/2008 Metropolitan Regional Road Program and as shown at Attachments 1 and 2 to Report CJ121-07/06;**
- 2 SUBMITS the Road Rehabilitation Projects to Main Roads WA for consideration for funding as part of the 2007/2008 Metropolitan Regional Road Program as shown at Attachment 3 to Report CJ121-07/06.**

The Motion was Put and

CARRIED (11/0)

In favour of the Motion: Mayor Pickard, Crs Hollywood, McLean, Jacob, Magyar, Park, Amphlett, Hart, Corr, Fishwick and Currie

Appendix 8 refers

To access this attachment on electronic document, click here: [Attach8brf110706.pdf](#)

CJ122 - 07/06 TENDER 044-05/06 FOR TOM SIMPSON PARK LIGHTING UPGRADE – [88581]

WARD: North Central

RESPONSIBLE DIRECTOR: Mr Dave Djulbic
Infrastructure Services

CJ060711_BRF.DOC:ITEM 11

PURPOSE

This report is to seek the approval of Council to accept the tender submitted by SMB Electrical Services for Tom Simpson Park Lighting Upgrade for the City of Joondalup (Tender 044-05/06).

EXECUTIVE SUMMARY

Tenders were advertised on 15 February 2006 through statewide public notice for Tom Simpson Park Lighting Upgrade for the City of Joondalup. Tenders closed on 2 March 2006. Four submissions were received from:

- High Speed Electrics
- Longmont Group
- Shamrock Electrics
- SMB Electrical Services

It is recommended, in relation to Tender Number 044-05/06 that Council:

- 1 *ACCEPTS the tender submitted by SMB Electrical Services for the provision of services for the Tom Simpson Park Lighting Upgrade in accordance with the statement of requirements in Tender 044-05/06 for a lump sum of \$247,875 (excluding GST) with any agreed variations to be in accordance with the Schedule of Rates as outlined in attachment 1 to Report CJ122-07/06;*
- 2 *Authorises expenditure from Project No. 2346, PLR1040 – Tom Simpson Park Lighting (carry forward from 2005/06 - Municipal Fund) - \$130,000 and the reallocation of funds from Project No. 6680, STL115 - Joondalup City Centre Street Lighting (Carry forward from 2004/05) - \$80,000 and Project No. 6814, STL115 - Joondalup City Centre Street Lighting (carry forward from 2005/06) - \$60,000, up to a maximum amount of \$270,000 including contingencies, for the expenditure on this project.*

BACKGROUND

The required Works are comprised of the supply and installation of the Electrical Services to the Tom Simpson Park, Lighting Upgrade at Mullaloo as follows:

- Mobilisation and Site Establishment
- Traffic Management

- Electricity Supply
- Disconnection and Removal of Redundant Equipment
- Trenching and Backfilling and Directional Drilling
- Inspection, Testing & Commissioning
- Earthing
- Switchboards
- Relocation of Main Switchboard (Optional)
- Cabling & Access
- Lighting Installation including Installation of Luminaries
- Supply of Luminaries
- Supply of Light Poles
- Painting of Light Poles (Optional)
- Installation of Light Poles Including Concrete Footings
- Manuals and "Record" Drawings
- Maintenance During the Defects Liability Period
- Sundries - That is all minor and incidental work and materials, specified or unspecified, which are required for proper completion of the works to the true intent and meaning of the Specification and to the satisfaction of the Superintendent.

Respondents were required to submit a lump sum price for these items and, as part of their offer, a schedule of rates for potential variations.

DETAILS

Tenders were advertised on 15 February 2006 in the West Australian newspaper with the tenders closing on 2 March 2006. Four submissions were received from:

Tenderer	Tendered Price (Excluding GST) for Lump Sum Component
High Speed Electrics	\$267,115.00
Longmont Group	\$242,065.00
Shamrock Electrics	\$290,052.00
SMB Electrical Services	\$247,875.00

The first part of the tender evaluation process is to check conformance to the Compliance Criteria, in order to ensure that all essential requirements have been met. Tenders not meeting all the essential requirements are deemed to be non-conforming and are eliminated from further consideration.

All four submissions received were considered compliant and remained for further consideration.

The four submissions met all the essential requirements for the supply and installation of the Electrical Services to the Tom Simpson Park, Lighting Upgrade were therefore carried forward into the second part of the evaluation process, which involves an independent assessment of the qualitative and quantitative criteria by each member of the evaluation panel. Each member of the evaluation panel assessed the submissions individually against the selection criteria using the weightings determined during the tender planning phase. The evaluation panel then discussed their assessments, leading to their recommendation to award the tender.

Under the City's Contract Management Framework, the tender was assessed by the Evaluation panel using a weighted multi-criterion assessment system and AS 4120-1994 'Code of Tendering', ensuring compliance with *Regulation 18(4)* of the *Local Government (Functions and General) Regulations 1996*.

The Selection Criteria for Tender Number 044-05/06 is as follows:

Demonstrated Understanding of the Required Tasks

- Appreciation of the requirements
- Outline of the proposed methodology

Capacity

- A brief history of the company
- The structure of the business
- Specialised equipment used
- Local infrastructure
- Safety Management Policy

Social and Economic Effects on the Local Community

- Maintain or increase opportunities for local employment
- Maintain or increase arrangements with local service providers
- Provide value added services to the City

Demonstrated Experience in Completing Similar Projects

- Scope of work
- Similarities between those contracts and this requirement

The evaluation panel carried out the evaluation of the above submissions in accordance with the Qualitative Criteria. The offer submitted by SMB Electrical Services was assessed as representing the best offer for the City. This outweighed the fact that it was not the lowest price tender with the price difference of \$5,810, representing a variance of only 2.4% from the lowest tender offer.

Issues and options considered:

If the City does not proceed with the contract at this time, options are:

To recall Tenders with reduced scope of work to reduce cost – this is possible but is unlikely to yield a generally cheaper rate for the work as most of the machinery involved has a mobilisation/demobilisation cost which is fixed regardless of whether the work is for, say 10 metres or 100 metres. Whilst a reduced scope will reduce cost, the requirement to stage and construct a considerable part of the work for future portions means that larger cabling, conduits and new switchboards will still be required increasing the general rate and cost.

Revise the design to a lesser standard to reduce cost – this proposed design has been through a consultation process and it is not the preferred way forward to reduce the scope of works.

Not proceeding with the work is an option, however the Community has been consulted on this project and is expecting it to proceed so that an improved level of service is available for all park and community users.

Link to Strategic Plan:

This requirement is linked to the Strategic Plan in accordance with the following items:

3 City Development.

Objective 3.1

To develop and maintain the City of Joondalup's assets and built environment.

Strategy 3.1.2

Facilitate the safe design, construction and approval of all buildings and facilities within the City of Joondalup.

Strategy 3.1.3

Create and maintain parklands that incorporate nature and cultural activities accessible to residents and visitors.

Legislation – Statutory Provisions:

A statewide public tender was advertised, opened and evaluated in accordance with the *Local Government (Functions & General) Regulations 1996*, where tenders are required to be publicly invited if the consideration under a contract is, or is estimated to be, more, or worth more, than \$50,000. The consideration for this contract exceeds the Chief Executive Officer's Delegated Authority in relation to the acceptance of tenders to \$250,000.

Regulation 20 – Variation of requirements before entry into contract states as follows:

- (1) If, after it has invited tenders for the supply of goods or services and chosen a successful tenderer but before it has entered into a contract for the supply of the goods or services required, the local government wishes to make a minor variation in the goods or services required, it may, without again inviting tenders, enter into a contract with the chosen tenderer for the supply of the varied required subject to such variations in the tender as may be agreed with the tenderer.
- (2) *In sub regulation (1) “minor variation”* means a variation that the local government is satisfied is minor having regard to the total goods or services that tenderers were invited to supply.

Risk Management considerations:

It is considered that the contract will represent a low risk to the City of Joondalup, as the successful tenderer is an established locally based company with technical resources to provide the required services. The successful supplier has recently provided similar services to the City of Joondalup.

Financial/Budget Implications:

This project was approved by Council at its meeting of 28 July 2005 as part of the 2005/06 Capital Works Program. Project No 2346, PLR1040 – Tom Simpson Park Lighting, (Municipal Fund) - \$130,000. This project will now be carried forward to 2006/07.

The recommended tender price of \$247,875 from SMB Electrical Services exceeds the Budget.

However, Council has unused funds in the 2005/06 Street Lighting program due to delays with the assessment of alternative lighting fittings for City Centre trial installation.

Project No. 6680, STL115 - Joondalup City Centre Street Lighting (Carry forward from 2004/05) - \$80,000 and Project No. 6814, STL115 - Joondalup City Centre Street Lighting - \$60,000.

It is recommended that Council use these project funds for the Tom Simpson Park Lighting project to enable completion of the project to the required standard.

As well, it is recommended that the City approve an additional amount of 8.9% of the tender amount, for contingency works. Whilst a survey of all existing underground cables and conduits has been undertaken and was made available to tenderers, it is not unreasonable on a project of this scale to allow for contingent works and unseen variations.

Therefore, the funding details are:

Expenditure

Tender Price	\$247,875
<u>Recommended Project Contingency</u>	<u>\$ 22,125</u> (approx. 8.9%)
Total Project Price	\$270,000

Budget

Project No 2346, PLR1040 – Tom Simpson Park Lighting, (Municipal Fund)	\$130,000
Project No 6680, STL115 - Joondalup City Centre Street Lighting	\$ 80,000
<u>Project No 6814, STL115 - Joondalup City Centre Street Lighting</u>	<u>\$ 60,000</u>
Total Budget	\$270,000

The City has sufficient funds to undertake the works and enable completion in accordance with the plans and specification.

Approval is now sought to proceed with this project in 2006/07 prior to the adoption of the 2006/07 budget.

Policy Implications:

Not Applicable.

Regional Significance:

Not Applicable.

Sustainability Implications:

Not Applicable.

Consultation:

The community has been consulted on this project and is expecting it to proceed so that an improved level of service and a more secure environment is available for all park users.

The City met with representatives of the Mullaloo Surf Club and Mullaloo Progress Association during August 2005 to discuss the concept lighting layout. There were no major objections to the scheme and a revised concept plan was developed from these discussions for further advertising.

An accompanying letter and the revised concept plan was then sent to the 25 adjacent property owners surrounding the park as well as to the Surf Club and Progress Association in November 2005.

A large scale plan of the scheme was also on display in the foyer of the Surf Club during November 2005 so that function room and casual users and visitors to the Surf Club could comment on the lighting scheme.

Following this advertising and comment period, the City received one adverse and seven positive responses.

COMMENT

The recommended respondent achieved the highest qualitative score of 75% in the evaluation process and is an established company locally based in Joondalup. It has recently completed a couple of contracted projects for the City of Joondalup such as the Ocean Reef Harbour and the Iluka Car Park lighting upgrades. The Contractor's performance for both projects was very satisfactory. The evaluation panel considered that the selected company has the technical resources to provide the required services on a value for money basis and therefore recommends it as the preferred supplier.

ATTACHMENTS

Attachment 1	Schedule of Rates.
Attachment 2	Consultation and Scheme Plan

VOTING REQUIREMENTS

Absolute Majority

OFFICER'S RECOMMENDATION: That Council, in relation to Tender 044-05/06:

- 1 ACCEPTS the tender submitted by SMB Electrical Services for the provision of services for the Tom Simpson Park Lighting Upgrade in accordance with the statement of requirements in Tender 044-05/06 for a lump sum of \$247,875 (excluding GST) with any agreed variations to be in accordance with the Schedule of Rates as outlined in Attachment 1 to Report CJ122-07/06;

- 2 AUTHORISES expenditure from Project No. 2346, PLR1040 – Tom Simpson Park Lighting (carry forward from 2005/06 - Municipal Fund) - \$130,000 and the reallocation of funds from Project No. 6680, STL115 - Joondalup City Centre Street Lighting (Carry forward from 2004/05) - \$80,000 and Project No. 6814, STL115 - Joondalup City Centre Street Lighting (carry forward from 2005/06) - \$60,000, up to a maximum amount of \$270,000 including contingencies, for the expenditure on this project.

MOVED Cr Magyar, SECONDED Cr Jacob that Council:

1 in relation to Tender 044-05/06:

- (a) **ACCEPTS** the tender submitted by **SMB Electrical Services** for the provision of services for the **Tom Simpson Park Lighting Upgrade** in accordance with the statement of requirements in **Tender 044-05/06** for a lump sum of **\$247,875 (excluding GST)** with any agreed variations to be in accordance with the **Schedule of Rates** as outlined in **Attachment 1 to Report CJ122-07/06**;

- (b) **AUTHORISES** expenditure from Project No. 2346, PLR1040 – Tom Simpson Park Lighting (carry forward from 2005/06 - Municipal Fund) - \$130,000 and the reallocation of funds from Project No. 6680, STL115 - Joondalup City Centre Street Lighting (Carry forward from 2004/05) - \$80,000 and Project No. 6814, STL115 - Joondalup City Centre Street Lighting (carry forward from 2005/06) - \$60,000, up to a maximum amount of \$270,000 including contingencies, for the expenditure on this project;

- 2 **ENSURES** that the lights at the park and carpark at Tom Simpson Park, Mullaloo are monitored and managed in a manner to help reduce anti-social behaviour.

Discussion ensued.

The Motion was Put and

**CARRIED BY AN
ABSOLUTE MAJORITY (11/0)**

In favour of the Motion: Mayor Pickard, Crs Hollywood, McLean, Jacob, Magyar, Park, Amphlett, Hart, Corr, Fishwick and Currie

Appendix 9 refers

To access this attachment on electronic document, click here: [Attach9brf110706.pdf](#)

CJ123 - 07/06 TENDER 046-05/06 FOR THE CITY OF JOONDALUP ADMINISTRATION CENTRE AIR-CONDITIONING CHILLER REPLACEMENT – [88581]

WARD: North

RESPONSIBLE DIRECTOR: Mr Dave Djulbic
Infrastructure Services

CJ060711_BRF.DOC:ITEM 12

PURPOSE

This report is to seek the approval of Council to accept the tender submitted by Direct Engineering Services Pty Ltd for the City of Joondalup Administration Centre Air-conditioning Chiller Replacement (Tender 046-05/06).

EXECUTIVE SUMMARY

Tenders were advertised on 25 February 2006 through statewide public notice for the City of Joondalup Administration Centre Air-conditioning Chiller Replacement. Tenders closed on 22 March 2006. Three submissions were received from:

- Direct Engineering Services Pty Ltd (*DESAIR*)
- Diamond Industries Pty Ltd
- Mechanical Project Services Pty Ltd

It is recommended, in relation to Tender Number 046-05/06 that Council:

- 1 *ACCEPTS the tender submitted by Direct Engineering Services Pty Ltd for the City of Joondalup Administration Centre Air-conditioning Chiller Replacement in accordance with the statement of requirements in Tender 046-05/06 for the fixed lump sum of \$242,200 (excluding GST) for completion of services within six (6) months;*
- 2 *Authorises reallocation of funds from Project No 2295 – Lakeside Park Access Paths and lighting (carry forward from 2005/06) - \$82,200 to Project No 4251 – Chiller Replacement to cover the shortfall required for this contract.*

BACKGROUND

The City of Joondalup requires the provision of services for the replacement of old reciprocating chillers with more efficient centrifugal chillers for the Administration Centre Air-conditioning at Boas Avenue, Joondalup.

The services required are for the supply, installation, testing, commissioning, placing into service, maintenance and warranty of the Mechanical Services installation for the City of Joondalup Administration Centre Air-Conditioning Chiller Replacement.

DETAILS

Tenders were advertised on 25 February 2006 through statewide public notice for the City of Joondalup Administration Centre Air-Conditioning Chiller Replacement. Tenders closed on 22 March 2006. Three submissions were received from:

Tenderer	Tendered Price (GST Exclusive)
Direct Engineering Services Pty Ltd (<i>DESAIR</i>)	\$242,200.00
Diamond Industries Pty Ltd	\$291,000.00
Mechanical Project Services Pty Ltd	\$280,000.00

The first part of the tender evaluation process is to check conformance with the Compliance Criteria, in order to ensure that all essential requirements have been met.

One of the tenderers, Mechanical Project Services Pty Ltd, submitted an offer which did not comply with the Specification as its proposed services were to be provided by its sub-contractor in accordance with the sub-contractor's Terms and Conditions of Sale.

This Offer is deemed to be non-conforming and was not considered further.

The tenders submitted by Direct Engineering Services Pty Ltd (*DESAIR*) and Diamond Industries Pty Ltd met all the essential requirements and were carried forward into the second part of the evaluation process, which involves an independent assessment of the qualitative and quantitative criteria by each member of the Evaluation Panel. Panel members assessed each of the submissions individually against the selection criteria using the weightings determined during the tender planning phase. The Evaluation Panel then convened to submit and discuss their assessments in order to ensure that the tenderers had the capability and resources to provide the Services and to make a recommendation.

Under the City's Contract Management Framework, the tender was assessed by the Evaluation Panel using a weighted multi-criterion assessment system and AS 4120-1994 'Code of Tendering', ensuring compliance with *Regulation 18(4)* of the *Local Government (Functions and General) Regulations 1996*.

The Selection Criteria for Tender Number 046-05/06 is as follows:

Capacity

- A brief history of the company and the structure of the business
- Details of specialised equipment that will be used
- Local Infrastructure
- Safety Management Policy

Demonstrated Understanding of the Required Tasks

- Appreciation of the requirements
- Outline of the proposed methodology

Demonstrated Experience in Completing Similar Projects

- Scope of work
- Similarities between those Contracts and this requirement
- Period and dates of Contracts

Social and Economic Effects on the Local Community

- Maintain or increase opportunities for local employment;
- Maintain or increase arrangements with both Goods and Services providers within the City
- Provide value added services to the City

The evaluation panel carried out the evaluation of the above submissions in accordance with the Qualitative Criteria and concluded that the offers submitted by Direct Engineering Services Pty Ltd (*DESAIR*) represented value for money to the City.

Issues and options considered:

The existing chillers are 27 years old and only have a design life of 25 years. The risk of failure of the existing chillers will increase significantly if not replaced in the short term. The work was programmed for the 2005/06 budget and is part of the Building Asset Management Programme.

Link to Strategic Plan:

This requirement is linked to the Strategic Plan in accordance with the following items:

3 City Development.

Objective 3.1

To develop and maintain the City of Joondalup's assets and built environment.

Strategy 3.1.2

Facilitate the safe design, construction and approval of all buildings and facilities within the City of Joondalup.

Legislation – Statutory Provisions:

A statewide public tender was advertised, opened and evaluated in accordance with the *Local Government (Functions & General) Regulations 1996*, where tenders are required to be publicly invited if the consideration under a contract is, or is estimated to be, more, or worth more, than \$50,000. The consideration for this contract does not exceed the Chief Executive Officer's Delegated Authority in relation to the acceptance of tenders to \$250,000. However, reallocation of funds from Project No 2295 – Lakeside Park Access Paths and lighting -\$82,200 to Project No 4251 – Chiller Replacement to cover the shortfall required for this contract requires Council approval.

Regulation 20 – Variation of requirements before entry into contract states as follows:

- (1) If, after it has invited tenders for the supply of goods or services and chosen a successful tenderer but before it has entered into a contract for the supply of the goods or services required, the local government wishes to make a minor variation in the goods or services required, it may, without again inviting tenders, enter into a contract with the chosen tenderer for the supply of the varied required subject to such variations in the tender as may be agreed with the tenderer.

- (2) *In sub regulation (1) "minor variation"* means a variation that the local government is satisfied is minor having regard to the total goods or services that tenderers were invited to supply.

Risk Management considerations:

It is considered that awarding the contract to the recommended Respondent will represent a low risk to the City based on it being a very well established service provider with the expertise and resources to complete the required services. It is a third party accredited company to ISO9001.

Financial/Budget Implications:

The City of Joondalup is a registered business entity for GST purposes. The nett effect on the price submitted by the successful Tenderer is that the City pays GST but is able to claim an input tax credit for the amount of GST paid.

Project Code:	4251 – Chiller Replacement
	Excluding GST
Budget Amount:	\$160,000.00
Tendered Contract Price:	\$242, 200.00

There is a shortfall of \$82,200 from the budget amount.

Following a reassessment to the scope of works for Project No 2295 Lakeside Park Access Paths and lighting within the 2005-2006 Budget, \$82,200 can be carried forward from 2005/06 and reallocated to complete the Chiller Air-Conditioning Replacement project.

The cost escalation for the Administration building chiller replacement and upgrade is due to that the mechanical services industry is limited in resources associated with this type of work as they are fully engaged on other projects throughout the market place. Additionally, other issues contributing to the cost increase are:

Cost of copper worldwide has increased creating further pressure on industry and driving prices of raw materials up. One of the main metals used in Air Conditioning systems is copper and also the main conductor in all electrical systems.

The Electrical Switchboard replacement formed a major component as far as cost in the replacement of the chiller. Electrical sub-contractors have recently also been inundated with work and as a result prices have tended to increase in the market.

Marginal increases in the cost of chillers, parts and importing of these items would also have attributed to the increase in costs.

Policy Implications:

Not Applicable.

Regional Significance:

Not Applicable.

Sustainability Implications:

Not Applicable.

Consultation:

Not Applicable.

COMMENT

Direct Engineering Services achieved the highest qualitative score and was the lowest priced offer received.

Direct Engineering Services has been in the mechanical services industry since 1961 and has completed many large projects in both metropolitan and regional WA, as well as projects across Australia and overseas. The company offers a full range of skills in the field of mechanical services, specifically air conditioning, heating, refrigeration, ventilation, process cooling and medical gases. It has a well equipped office and workshop in the Malaga Industrial Estate, WA.

ATTACHMENTS

Attachment 1 Schedule of Rates.

VOTING REQUIREMENTS

Absolute Majority

MOVED Cr Corr, SECONDED Cr Park that Council in relation to Tender 046-05/06:

- 1 ACCEPTS Direct Engineering Services Pty Ltd as the successful tenderer for the City of Joondalup Administration Centre Air-conditioning Chiller Replacement in accordance with the statement of requirements in Tender 046-05/06 for the fixed lump sum of \$242,200 (excluding GST) for completion of services within six (6) months;**

- 2 AUTHORISES reallocation of funds from Project No 2295 – Lakeside Park Access Paths and lighting (carry forward from 2005/06) - \$82,200 to Project No 4251 – Chiller Replacement to cover the shortfall required for this contract;**

Discussion ensued.

The Motion was Put and

**CARRIED BY AN
ABSOLUTE MAJORITY (11/0)**

In favour of the Motion: Mayor Pickard, Crs Hollywood, McLean, Jacob, Magyar, Park, Amphlett, Hart, Corr, Fishwick and Currie

Appendix 10 refers

To access this attachment on electronic document, click here: [Attach10brf110706.pdf](#)

CJ124 - 07/06 PROPOSED CHANGE IN LAND USE FROM SHOWROOM / WAREHOUSE TO A USE NOT LISTED - VEHICLE INSPECTION CENTRE: LOT 1 (UNITS 1 & 2/77) WINTON ROAD, JOONDALUP – [83577]

WARD: North

RESPONSIBLE A/DIRECTOR: Mr Ian Cowie
Planning and Community Development (Acting)

CJ060711_BR.F.DOC:ITEM 13

PURPOSE

The purpose of this report is to request Council's determination of an application for planning approval for a change of land use from a Showroom/Warehouse to a use not listed - Vehicle Inspection Centre, Lot 1 (Units 1 & 2/77) Winton Road, Joondalup.

EXECUTIVE SUMMARY

The subject site is located on Winton Road, which is on the western side of the Central City area, within the Service Industrial Zone.

The site, which contains three commercial units, was previously approved for the purpose of a Showroom/Warehouse use. Units 1 and 2 of the three-unit development have been used as a vehicle inspection centre for several months without Council's Planning Approval.

Vehicle Inspection Centre is a use class not listed under District Planning Scheme No 2 (DPS2). However, the use is considered to be consistent with the objectives and purposes of the Service Industrial zone. It is recommended Council resolve that the proposed use is consistent with the objectives and that the proposed 'vehicle inspection centre' be considered to be a permitted land use in the Service Industrial zone.

Having established the suitability of the land use, Council is required to consider the application for planning approval. DPS2 does not prescribe a car parking standard for a Vehicle Inspection Centre. Therefore, Council is required to determine an appropriate car parking standard if it resolves to support the land use.

Although the use has been operating without Council's Planning Approval, and having regard to the preceding comments, it is recommended that:

- (a) the proposed land use be determined to be a 'P' or permitted land use in the Service Industrial Zone;
- (b) a suitable car parking standard be established for this land use; and
- (c) Planning Approval be issued for the change in land use.

BACKGROUND

Suburb/Location:	Joondalup
Applicant:	Birchgroup
Owner:	All City Property Holdings Pty Ltd
Zoning:	DPS: Service Industrial
	MRS: Urban
Site Area:	2051m ²
Structure Plan:	Not Applicable

The subject site is located at 77 Winton Road, western side of the "T" intersection with Delage Street, Joondalup (refer to Attachment 1). The western boundary of the site is the Mitchell Freeway Reserve.

The site and surrounding properties are within the Service Industrial Zone. The land area of the lot is 2051m². The site has previously been developed as three showroom/warehouse units with a combined floor area of 900m². There are 28 car parking bays servicing the three units with the change of use proposed to units 1 and 2.

A company providing pool fences and balustrades is currently using unit 3. The business comprises of a display area with examples of various fencing and balustrades, a warehouse for stock and an incidental office.

The site was originally approved for a Showroom/Warehouse use in 1989 under the City of Wanneroo Town Planning Scheme No. 1 (TPS1). A total of 28 car parking spaces were required (and provided) to satisfy the car parking requirements of TPS1.

The Royal Automobile Club of Western Australia (RAC) has used units 1 and 2 since November 2005. Nu-ford auto repair centre previously operated within these units and undertook similar activities as the proposed land use; however, historical information could not be found showing Council approval for this use.

Retrospective approval under DPS2 relates to building construction and not land use. As such, a change in land use is dealt with as a planning application for the future use of the site, even though the use has already commenced. It does not prevent the Council from taking legal action for the commencement of the use without obtaining the necessary approval.

Further, the site does not have non-conforming use rights. Non-conforming use rights exist only if the use was lawfully approved and operating, but changes to the planning controls now result in that land use being a prohibited land use.

DETAILS

The details of the proposal include the following:

- general inspection and servicing of motor vehicles for standard repairs, including tuning, filter changes, oil change, brake adjustment.
- Hours of operation are from 8.00am to 5.00pm, Monday to Friday;

- An average of six to seven staff will be employed at any one time; and
- The service centre will have a courtesy vehicle to drive customers to other locations if they do not wish to wait for their car to be serviced.

Consultation:

The application was advertised to the adjoining landowners to the north and south for comment. One response was received, being a letter stating no objection to the proposal.

Policy Implications:

Not Applicable.

Risk Management considerations:

Not Applicable.

Legislation – Statutory Provisions:

The subject site is zoned Service Industrial under DPS2. Clause 3.10 of DPS2 states:

The Service Industrial Zone is intended to provide for a wide range of business, industrial and recreational developments which the Council may consider would be inappropriate in Commercial and Business Zones and which are capable of being conducted in a manner which will prevent them being obtrusive, or detrimental to the local amenity.

The objectives of the Service Industrial Zone are to:

- accommodate a range of light industries, showrooms and warehouses, entertainment and recreational activities, and complementary business services which, by their nature, would not detrimentally affect the amenity of surrounding areas;*
- ensure that development within this zone creates an attractive façade to the street for the visual amenity of surrounding areas.*

With regard to the vehicle inspection centre being a use class not listed, Clause 3.3 of the Scheme states:

If the use of the land for a particular purpose is not specifically mentioned in the Zoning Table and cannot reasonably be determined as falling within the interpretation of one of the use categories the Council may:

- determine that the use is consistent with the objectives and purposes of the particular zone and is therefore permitted: or*
- determine that the proposed use may be consistent with the objectives and purpose of the zone and thereafter follow the procedures set down for an 'A' use in Clause 6.6.3 in considering an application for planning approval: or*
- determine that the use is not consistent with the objectives and purposes of the particular zone and is therefore not permitted.*

When considering this application for Planning Approval, Council is required to have regard to clause 6.8 of DPS2:

6.8 MATTERS TO BE CONSIDERED BY COUNCIL

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

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

Clause 4.8 of DPS2 addresses car parking requirements:

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.*

Issues and options considered:

Council is required to determine whether the proposed land use is an unlisted land use class under DPS2. If Council considers that the proposed land use is a use class not listed, Council then needs to determine whether the proposed use:

- (i) is a permitted use;
- (ii) may be consistent with the objectives and intent of the zone, and advertising of the proposal is required before a decision can be made on the development application;
or
- (iii) is a prohibited land use.

If Council determines it to be an unlisted use, the application must be determined in accordance with the permissibility of that use in the Service Industrial zone under DPS2.

Once the land use classification has been determined, Council is then required to make a determination on the application for Planning Approval. In this situation, a car parking standard needs to be established. That being the number of parking bays required for a particular land use, whether it is based on, for example, the gross floor area of the building, the number of staff members or the number of clients that can be accommodated.

Having determined the land use classification and the car parking standard, Council can then make the following decision in relation to the application for Planning Approval:

- Approve the application without conditions;
- Approved the application with conditions; or
- Refuse the application.

Link to Strategic Plan:

Council approval of the proposed use will address Strategy 3.5.2 of the Strategic Plan by assisting the facilitation of local employment opportunities.

Financial/Budget Implications:

Not Applicable.

Regional Significance:

Not Applicable.

Sustainability implications:

Not Applicable.

COMMENT

Consideration of the Permissibility of the Proposed Use

The proposed use of the land is not specifically mentioned in the Zoning Table and cannot reasonably be determined as falling within the interpretation of one of the use categories.

The two land use categories the proposed use falls closest to are 'vehicle repairs' and a 'service station'. However, it is considered the definition of both of these do not accurately reflect the proposed use.

'Vehicle repairs' are defined in DPS2 as:

land and buildings used for, or in connection with, vehicle body repairs including panel beating, spray painting, chassis reshaping, application and sanding down of vehicle body filler.

The proposed use comprises of minor mechanical repairs and the servicing of motor vehicles but does not include any vehicle body repair works. Accordingly, the proposed use does not reasonably fall within this land use category.

A 'service station' is defined in DPS2 as:

premises used for the retail sale of petroleum products and motor vehicle accessories and goods of an incidental/convenience retail nature, and for carrying out greasing, tyre repairs or minor mechanical repairs to motor vehicles, but does not include a transport depot, panel beating, spray painting, major repairs or wrecking.

The proposed use meets the portion of the definition relating to motor vehicle repairs, however it does not propose the retail sale of petroleum products. Accordingly, the proposed use does not reasonably fall within this land use category.

Based on the above, it is considered that a vehicle inspection centre is an unlisted use and is therefore subject to the provisions of clause 3.3 of DPS2.

Under clause 3.3, it is necessary for Council to determine whether:

- (i) *The application meets the objectives of Service Industrial zone and is therefore permitted; or*
- (ii) *The proposed use may be consistent with the objectives and purpose of the Service Industrial zone and can therefore be advertised for public comment in accordance with clause 6.7; or*
- (iii) *The use is not consistent with the objectives and should therefore be refused.*

The objectives of the Service Industrial zone are to:

- (a) accommodate a range of light industries, showrooms and warehouses, entertainment and recreational activities, and complementary business services which, by their nature, would not detrimentally affect the amenity of surrounding areas;
- (b) ensure that development within this zone creates an attractive façade to the street for the visual amenity of surrounding areas.

The proposed land use is considered to be consistent with the objectives and purposes of the Service Industrial zone. The land use will not generate significant noise, light, vibration, fumes or other waste products that will prejudicially affect the amenity of the area. The clause relating to the visual amenity of the development is not relevant to the proposal as no external modifications to the existing building are proposed aside from new signage.

A two week consultation period was undertaken to adjoining land owners. The City received no objections to the proposal and additionally, no complaints have been received regarding the use which has been in operation for seven months.

Car Parking

As the proposed use is not listed in DPS2 there is subsequently no specified parking requirement for a vehicle inspection centre. The subject site has 28 car parking bays with no additional bays proposed.

Under Table 2 'Car Parking Standards' of DPS2 a 'showroom' use has a parking requirement of 1 bay per 30m² of net lettable area. The showroom/warehouse in unit 3 has a floor area of 330m², which equates to a car parking requirement of 11 bays, leaving a total of 17 bays available for use by units 1 and 2.

The proposed vehicle inspection centre contains seven car hoists or service bays and will employ a maximum of seven employees. These details give a good indication of the likely intensity of the proposed land use and subsequent parking demand.

Given the above, a maximum of seven of the 17 available parking bays will be used by employees, thus leaving ten bays for use by customers. Further, as seven cars can be worked on inside the building at any one time there are effectively 17 parking spaces available for customers in addition to the seven available to employees.

The applicant has provided justification for the provision of car parking based on a comparison with other existing approved RAC vehicle inspection centres in the Perth Metropolitan Region (refer to Attachment 3). This justification compares the number of on-site parking bays to the number of vehicle service bays within the premises. The result of this comparison is that the ratio of car parking bays to service bays is higher at the subject site than at any RAC outlet in the Perth Metropolitan Region.

City officers have made six site visits to the property at different times of the day. On each occasion there have been vacant bays in the car parking area and no vehicles parked in the street. These site visits indicate that there is sufficient parking on-site to cater for the proposed use.

Car Parking Standard

Clause 4.8.2 of DPS2 requires that Council determine a car-parking standard for a use where none is specified in Table 2 of DPS2.

The analysis of other like centres suggests that the projected parking demand generated by one service bay would be three bays, consisting of one staff parking bay plus two customer bays. As one of the customer cars can be parked in the service bay there is subsequently only a requirement for two on-site parking bays for every service bay.

Accordingly, it is considered that an appropriate car-parking standard for a 'vehicle inspection centre' be the provision of two on-site parking bays per one service bay.

Number of Service Bays	Number of On-site parking bays <u>required</u> (excluding internal service bays)	Number of On-site parking bays <u>provided</u> (excluding internal service bays)
7	14	17

On the basis that an appropriate car-parking standard for a vehicle inspection centre is the provision of two parking bays for every service bay, there is sufficient on-site parking to adequately cater for the proposed use.

Conclusion

The proposed change of land use to a 'Use Not Listed – Vehicle Inspection Centre' is considered to be consistent with the objectives of the Service Industrial zone, and is therefore a permitted use. A car parking standard requiring the provision of two parking bays per service bay is considered appropriate and on this basis, the subject site has an adequate number of parking bays to cater for the parking demand the land use will generate. Accordingly, it is recommended that Council conditionally approves the application for planning approval.

The current application for planning approval is for the change in land use. It is proposed to require the applicant, through this approval, to submit an application for retrospective approval for the existing signage on the site. The application for retrospective approval for the signs can be dealt with under delegated authority.

ATTACHMENTS

Attachment 1	Locality Plan
Attachment 2	Development Plan
Attachment 3	Table identifying car parking at other sites within the metropolitan area

VOTING REQUIREMENTS

Simple Majority

MOVED Cr McLean, SECONDED Cr Hollywood that Council:

- 1 DETERMINES under Clause 3.3(a) of District Planning Scheme No 2 that:**
 - (a) Vehicle Inspection Centre is deemed to be an unlisted use;**
 - (b) The proposed use meets the objectives and purpose of the Service Industrial zone, and therefore, is a permitted land use.**
- 2 Having regard to clause 4.8.2 of the City of Joondalup District Planning Scheme No 2, DETERMINES that:**
 - (a) the car parking standard for the use 'Vehicle Inspection Centre' shall be two car parking bays per service bay;**
 - (b) the number of existing car parking bays meets the standard referred to in 2(a);**

- 3 Subject to Part 1 above, APPROVES the application for planning approval received on 29 November 2005, submitted by Birch Group on behalf of the landowner, All City Property Holdings Pty Ltd, for the proposed change of land use to the existing units one and two at Lot 91 (77) Winton Road, Joondalup, subject to any existing and proposed advertising signage being the subject of a separate application for Planning Approval.**

The Motion was Put and

CARRIED (11/0)

In favour of the Motion: Mayor Pickard, Crs Hollywood, McLean, Jacob, Magyar, Park, Amphlett, Hart, Corr, Fishwick and Currie

Appendix 11 refers

To access this attachment on electronic document, click here: [Attach11brf110706.pdf](#)

CJ125 - 07/06 STATEMENT OF PLANNING POLICY 3.1 RESIDENTIAL DESIGN CODES – [17169]

WARD: All

**RESPONSIBLE
A/DIRECTOR:** Mr Ian Cowie
Planning and Community Development (Acting)

CJ060711_BR.F.DOC:ITEM 15

PURPOSE

The purpose of this report is for Council to provide comments to the Western Australian Planning Commission on its draft amendment to the Statement of Planning Policy 3.1 - Residential Design Codes.

EXECUTIVE SUMMARY

The Residential Design Codes (R-Codes) is the primary planning control document for the assessment of applications for residential development in Western Australia. The Western Australian Planning Commission (WAPC) prepares the R-Codes, and all local governments are required to incorporate them in their Planning Schemes. The WAPC has conducted a minor review the R-Codes and an amendment to the Statement of Planning Policy 3.1 - Residential Design Codes is now proposed.

The WAPC has identified the main aspects of the proposed amendment as follows:

- Separation of the R-Codes manual and explanatory text;

- Changes to:
 - provisions relating to local planning policies;
 - the method of calculating site area of battleaxe lots;
 - provisions relating to grouped dwellings in R20 coded areas;
 - provisions relating to boundary setbacks in R20 & R25 coded areas;
 - provisions relating to excavation and fill;
 - the Design element 6.8 Privacy; and
 - provisions relating to Aged and Dependents Persons' Dwellings.

There are other minor changes proposed to the R-Codes to improve the document.

The WAPC is seeking public comments on the proposed amendments particularly in relation to the eight aspects outlined above.

A number of proposed amendments to the R-Codes are considered to be of concern to the City, while others provide appropriate improvements. The main areas where the WAPC is seeking comments are discussed within this report, while the additional issues have been addressed in a table as Attachment 2.

This report serves to inform Council of the content and issues raised through the current review of the R-Codes, and to allow an opportunity for comments to be forwarded to the WAPC. It is recommended that Council forwards a submission based on the comments and issues raised in this report and attachments.

BACKGROUND

The R-Codes provide the basis for controlling the siting and design of residential development throughout the State, and are formally adopted as a Statement of Planning Policy (SPP). A SPP is a state level policy, primarily directed towards broad general planning and facilitating coordination of planning.

The Residential Planning Codes were first introduced in 1985 and were reviewed and subsequently adopted as the Residential Design Codes (R-Codes) in 2002.

The R-Codes introduced a number of design requirements in relation to promoting attractive streetscapes, safer streets, minimising overlooking and overshadowing of neighbouring properties, and included or added provisions for aged and dependent persons dwellings, mixed use and inner city developments.

The R-Codes introduced a method of assessment whereby a development can be assessed against a set of 'acceptable development' criteria, or against a set of a 'performance criteria'. For instance, 'development' provides a straight-forward 'as-of-right' (no discretion required) method of development approval. 'Performance criteria' is a method of assessment whereby a proposed development is assessment against a set of outcome-based amenity measures and objectives.

The WAPC commenced a review of the R-Codes over two years ago, appreciating that there would be a need to review the document, and address problems that may arise during implementation, and also in response to suggested shortfalls in the current document.

DETAILS

Phase 1 of the review comprises a review of the current Statement of Planning Policy 3.1 - Residential Design Codes. Phase 1 has resulted from a consultation process with industry representatives through a series of workshops, commencing in March 2003. The consultation process undertaken by the WAPC is further outlined within Attachment 1. A number of major issues were raised at these workshops relating to:

- Local planning policies
- Element 1 Housing Design
- Element 2 Streetscape
- Element 3 Access and Parking
- Element 7 Building Height
- Element 8 Privacy
- Element 9 Design for Climate
- How the R Codes are used
- Design principles and trends not covered

The issues are described in Attachment 1. A full copy of the R-Codes document showing the proposed amendments has been placed in the Councillors' reading room.

The input from the workshops was collated and considered in relation to similar interstate residential design policies and guidelines to form the basis for the proposed amendment.

In addition to addressing issues raised over time regarding the R-Codes, the proposed amendment is aimed at minimising the need for local governments to utilise local planning policies or variations to address residential development matters.

It is noted that the numbering of parts and clauses in the existing R-Codes differs from the numbering in the draft due to existing parts being adjusted and new parts created.

Phase 2 of the review is intended to address a number of other important issues and trends that were not recognised by the R-Codes and that are beyond the scope of the Phase 1. These issues and trends relate to the following areas:

- Independent adjudication body - guidance on the provisions.
- Subdivision control under the R-Codes – appropriateness of this mechanism.
- Local Planning Policies - greater guidance.
- Residential design trends - dwellings types, setbacks and lot locations and orientations.
- Sustainable development - design for solar access and heat loads, ventilation, natural light, water-sensitive design and social spaces.
- Detailed area plans (DAPs) - shortfall between DAPs and R-Codes.
- Design for climate – to encompass regional areas.

Phase 2 is not the subject of this report. No timeframe for the implementation of Phase 2 has been determined by the WAPC at this stage.

Consultation:

The WAPC, as the author of the R-Codes, has sought public comment prior to further consideration of the draft amendment. Any public comments would be directed to the WAPC for its consideration. The closing date for submissions is 23 June 2006, however the WAPC has advised that it will accept a submission within a reasonable period after that time from the Council.

Policy Implications:

It will be necessary to review relevant City and Council town planning policies to ensure that they are cognisant of the R-Codes requirements.

Risk Management considerations:

Not Applicable.

Legislation – Statutory Provisions:

The R-Codes are a Statement Planning Policy of the WAPC that Local Governments are compelled to introduce into local Town Planning Schemes.

Link to Strategic Plan:

The City's submission on the review of the R-Codes is supported by the following objective and strategy of the City's Strategic Plan 2003-2008:

Objective 3.3 To continue to meet changing demographic needs

Strategy 3.3.1 To provide residential living choices

Financial/Budget Implications:

Not Applicable.

Regional Significance:

The R-Codes guide residential development throughout the City of Joondalup, and is therefore regionally significant.

Sustainability implications:

The R-Codes contain objectives aimed at allowing a diverse range of housing choices to meet the needs of the community, ensuring appropriate standards of amenity, and encouraging environmentally sensitive design.

COMMENT

The following comments are provided on the eight aspects of the proposed amendment on which the WAPC has particularly sought comments:

1 Separation of the R-Codes manual and explanatory text

Proposal

The existing R-Codes contain explanatory text at the start of each section that assists in clarifying the specific provisions.

The proposed amendment seeks to separate the explanatory text from the statutory part of the document to provide clarity. The change would allow the explanatory document to be amended over time to more readily clarify the purpose and intent of the provisions of the R-Codes as needed, without the need to formally review the whole document via a statutory process.

Comment

This is a desirable situation from an administrative point of view, provided that any further amendments to the statutory R-Codes provisions are appropriately reviewed and made available for public comment.

2 Changes to provisions relating to local planning policies (Clauses 5.3.1 & 5.3.2)*Proposal*

The existing R-Codes provide for Councils to prepare Local Planning Policies to address streetscape, building design and height, boundary walls and inner city housing requirements. These policies can provide alternative Acceptable Development provisions, and may also impose additional requirements on development than the R-Codes.

The proposed amendments clarify that R-Codes will prevail over any inconsistency in a pre-existing local planning policy.

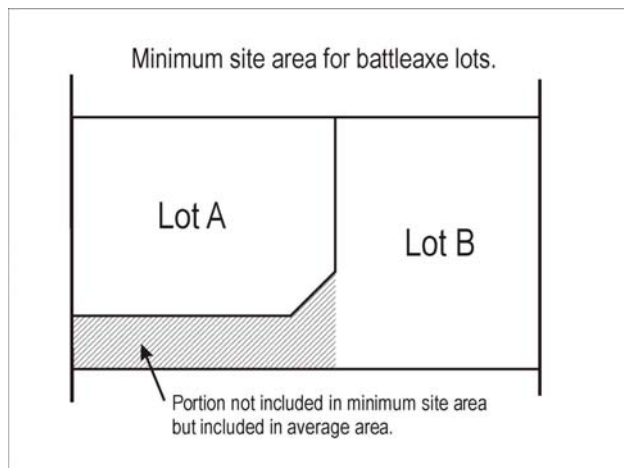
Comment

Whilst this aspect of the revised R-Codes is supported, it will be necessary for Council to review all policies relating to residential development and amend these or formulate additional policies as necessary to address any shortfalls between its policies and the R-Codes.

3 Changes to the method of calculating site area of battleaxe lots (Clause 6.1.2 A2 ii)*Proposal*

Changes are proposed to the method of calculating the minimum site area of a battleaxe lot (lots located behind another with access via an access 'leg'). In calculating the minimum site area for battleaxe lots, the 2002 R-Codes require a greater land area for a battleaxe lot than a normal lot, with the area of the access leg permitted to be a maximum of 20% of the area of the rear lot.

The proposed amendment allows the lot to be the same size as a non-battleaxe lot, however, would exclude the access leg in the land area calculation. This will create a minimum 'effective lot' area that is the same as for conventional lots fronting streets.



Comment

Assessment of the 'effective lot' area for battleaxe lots in the same manner as conventional lots fronting a street would provide consistency and, therefore, the proposed amendment has merit. However, the proposal does not allow for additional space to compensate for the sense of confinement associated with development on battleaxe lots, which was the basis for the current provision. The increased site area requirement maintains standards of amenity for this type of lot arrangement, particularly in the medium and high density coded areas (R40 and above). There is concern about the impacts of this proposal on the residential amenity provided to battleaxe lots.

4 Changes to provisions relating to grouped dwellings in R20 coded areas (Clause 6.1.3 A3 iv)

Proposal

The 'R' code is a guide to the permissible maximum density of development. For example, the R20 code generally indicates a density of 20 houses per hectare, or 1 dwelling per 500m² of land. However, there has been an historic acceptance of duplex development on lots of 900m² in the metropolitan area in areas coded R20, rather than the 1000m² that the R20 code would indicate. With the introduction of the Residential Planning Codes and then the Residential Design Codes, this concept was continued due to the widespread acceptance of this standard.

The draft amendment proposes a limitation on the time during which this requirement may continue to apply. After that time, grouped dwellings would have the same site area requirements as single houses (i.e. 1 dwelling per 500m²). The Explanatory Guidelines note this end date as until 31 October 2008.

Comment

The proposal provides a consistent approach to the R20 code and there is no objection to this limitation. A typographic error appears in the draft amendment and the end date is not correctly written.

5 Changes to provisions relating to boundary setbacks in R20 & R25 coded areas (Clause 6.3.2 A3 ii)

Proposal

The current R-Codes permit one wall of a dwelling to be a maximum of 9 metres in length and 3 metres in height on one side boundary at the R20 and R25 density codes. The draft amendment to the R-Codes would permit walls of 9 metres in length and 3 metres in height 'as-of-right' on one side boundary and the rear boundary.

In addition, the proposed amendment allows a boundary wall to a garage to be located a minimum of 4.5 metres from the front boundary as-of-right in lieu of the current standard, being an average of 6 metres (R20 area).

Comment

This amendment appears to be a response to the general decrease in lot sizes in recent years, and would allow more flexibility in siting a house, and therefore better utilisation of the lot.

The proposed amendment would enable two boundary walls to be built in the low density areas of R20 and R25, while medium and high density areas (R30 and above) would only allow one boundary wall. This would seem to be at odds with the level of amenity that should be expected in lower density areas.

The proposed amendments have implications for neighbour amenity, given that two boundary walls (one side and one rear) would be permitted as-of-right. Currently, a request for second boundary wall is routinely the subject of neighbour consultation.

In addition, the reduced setback provision for garages with a boundary wall may adversely affect the streetscape. The proposed amendments are therefore not supported.

6 Changes to provisions relating to excavation and fill (Clause 6.6.1 A1.4)

Proposal

The R-Codes currently allow a site to be filled (increase the ground level) by 0.5 metre behind the street setback line as-of-right. It is proposed to increase this allowance to 1.0 metre.

Comment

The proposed amendment does not take into account existing adjoining development and therefore enables a new dwelling or additions to an existing dwelling in an established street to be raised 1.0 metre above the existing ground level. This may have undesirable impacts on the amenity of the streetscape and adjoining neighbours. Furthermore, amenity impacts may be exacerbated by the provision of a 1.8 metre fence on top of a retaining wall at 1 metre in height, thus having a total height of 2.8 metres.

The current provisions relating to these elements are considered to be appropriate, and allow for appropriate neighbour consultation. It is suggested that the current provisions be retained.

7 Changes to Design Element 6.8 Privacy

Proposal

A 'cone of vision' is principally a measure aimed at providing visual privacy to adjoining properties. It is used to assess the boundary setback requirements for different types of rooms 0.5 metre or more above natural ground level. It provides for a level of privacy protection from windows or other openings and areas such as balconies.

The 'cone' is technically measured in relation to a conical area emanating from a defined point of reference. The draft amendment proposes to replace the term 'cone of vision' with 'horizontal plane of vision'. The horizontal plane of vision is described in the Explanatory Guidelines and its accompanying figures.

Currently, a setback distance for a 'study' is not specifically identified, and has been added to the setback requirement for bedrooms, however no definition of a study has been provided.

Comment

The change of terminology from 'cone of vision' to 'horizontal plane of vision' does not materially change how the privacy requirements are assessed. The figures provided in the Explanatory Guidelines for assessment relate to measures and angles of vision that reflect a plane and, therefore, the use of the term 'horizontal plane of vision' is appropriate.

Whilst there is no objection to including specific setback provisions for a study for privacy reasons, the setback requirement would be 4.5 metres. This setback is considered insufficient to preserve neighbour privacy, and a greater setback is suggested.

Proposal

The Performance Criteria have been altered from dot points to statements that use the terms 'minimised', 'should' and 'preferred'.

Comment

The current dot points are considered to be useful. The context of this Performance Criteria has been altered and may have the effect of reducing the degree of compliance required in assessing privacy requirements. Should a statement be preferred, it is suggested that the wording be reconsidered to provide better guidance and increase the standards required to be met.

Proposal

An additional provision requires major openings and unenclosed outdoor active habitable spaces within the horizontal plane of vision of an upper level dwelling to not over look more than 50% of the outdoor living area of a lower level dwelling in same development.

Comment

It is unclear whether 'the same development' refers to the same building or development on a lot, which could comprise a number of buildings. It appears that this clause is aimed at multiple dwelling developments (ie where one dwelling is wholly above another), however, by definition, the term 'outdoor living area' only relates to single houses and grouped dwellings. The new clause is therefore confusing in its application.

Under the current R-Codes, assessment of overlooking for each dwelling is in accordance a prescribed 'cone of vision' and setbacks from major openings such as living room windows or balconies. In the case of grouped dwellings in an R60 coded area, for example, an outdoor living area of 16m² in area could be approved, 8m² of which would be required to be private in terms of overlooking from adjoining properties. As the new provision would not facilitate residential amenity and would allow a reduced standard of privacy for developments on the same lot, it should not be included.

8 Changes to provisions relating to Aged and Dependents Persons' Dwellings

Proposal

The 2002 R-Codes enable aged or dependent dwellings to be considered where a minimum of five (5) dwellings are proposed within a single development. This provision was included to ensure that concessions provided for aged or dependent dwellings (eg reduced lot size and car parking requirements) were applied to legitimate developments.

The draft amendment removes the minimum number of dwellings in an aged or dependent persons development.

Comment

With an ageing population, the 'aging in place' concept is increasingly important. The proposed modifications would make it easier for the development of an aged persons' dwelling in an existing residential area.

Should this provision be adopted, the adequate provision of car parking and private open space is questioned with smaller developments. In addition, ensuring that aged persons' dwellings are used for that purpose is an issue that the draft R-Codes does not attempt to address. However it should be noted that the landowner, as a condition of development approval for aged or dependent persons' dwellings, is required to enter into a legal agreement to ensure at least one occupant of each proposed dwelling is a disabled or physically dependent person, or aged over 55 years, or is the surviving spouse of such a person. The legal agreement is an enforcement mechanism to control the use of aged or dependent persons' dwellings.

The term 'preference' has been incorporated in the Acceptable Development provisions, and implies the need to exercise discretion. As Acceptable Development provisions are intended to be 'as-of-right' standards, it is appropriate that this wording be removed to avoid confusion.

9 Removal of Plot Ratio Requirements in Table 1

Proposal

Column five of Table 1 within the 2002 R-Codes sets out plot ratio requirements for medium and high density development (R35 and above). This column is now proposed to be deleted.

Comment

Plot ratio is a measure of the total floor areas in relation to site area and is one way of controlling the extent of development on a site. In view of the fact that density, building height and setback requirements, together with other development provisions such as car parking and open space, in their own rights serve to limit the extent of development on a site, it is considered that plot ratio is an unnecessary measure and its removal is supported.

Other Issues

In addition to the points noted above, there are other aspects of the draft amendment that are of concern. These additional issues relate to:

- Definitions of lot types.
- Street setbacks guidance.
- Solar access provisions.
- Location and details of driveways.
- Use of non-prescriptive terms in Acceptable Development provisions.
- Cross-referencing to other legislation.
- Issues not addressed in the current R-Codes.

These issues are summarised in Attachment 2.

There are also proposed amendments that are supported, as noted below:

- Additional wording to emphasise that meeting the Acceptable Development provisions is one way of meeting the requirement, addressing the Performance Criteria being the other.
- Changes involving:
 - Removal of plot ratio requirement.
 - Changes to minimum site area per dwelling for lots up to and including density R30 for single house and grouped dwelling lots i.e. minimum and average required for both types of developments.
 - Single house & grouped dwellings now have same requirements in terms of minimum and average lot sizes, frontage and setbacks.
 - Addition of multiple dwelling development option in low density areas (R10 density and more) and medium density R30 areas, with the same minimum open space and setback provisions for grouped dwellings as single houses.
- Improved and additional explanatory figures.
- Additional explanations of the intentions of the R-Codes in the Explanatory Guidelines.

The draft amendment to the R-Codes has in part addressed issues experienced in assessing residential development applications. The changes proposed, as outlined above and in Attachment 2, are aimed at providing greater flexibility in some design elements while providing more uniformity between dwelling types in others. It is considered that all matters of concern raised be forwarded to the WAPC in a submission.

ATTACHMENTS

Attachment 1	Planning Bulletin No 77 Review of the operation of the R-Codes
Attachment 2	Schedule of technical comments

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION: That Council FORWARDS a submission to The Western Australian Planning Commission on the Statement of Planning Policy 3.1 Residential Design Codes (Draft Variation 1), based on comments and issues raised in Report CJ125-07/06 and its Attachment.

MOVED Cr Fishwick, **SECONDED** Cr Currie that Council FORWARDS a submission to the Western Australian Planning Commission on the Statement of Planning Policy 3.1 Residential Design Codes (Draft Variation 1), based on comments and issues raised in Report CJ125 – 07/06 and its attachment including the following comments in addition to those made on pages 67 and 68 of the Agenda dealing with Changes to provisions relating to excavation and fill (Clause 6.6.1 A1.4 – Fill):

“It is also noted that to permit filling of up to 1.0 metre in height as-of-right, will have increased privacy implications, as many ground floor windows would now have the opportunity to overlook neighbouring properties;

As privacy is one of the most contentious planning issues, it would be expected that there would be an increasing number of objections from adjoining landowners. Additionally the proposed increase in acceptable fill to 1.0 metre is inconsistent with Element 8 – Privacy which controls areas with a floor level of more than 0.5 metre above natural ground level.”

Discussion ensued.

AMENDMENT MOVED Cr Magyar, **SECONDED** Cr Hart that an additional Point 2 be added to the Motion as follows:

“2 *CONDUCTS an Elected Members Workshop to review “Statement of Planning Policy 3.1 – Residential Design Codes (Draft Variation 1)” and “Residential Design Codes, Explanatory Guidelines, March 2006” to assist Elected Members to develop their understanding of these planning documents.”*

The Amendment was Put and

CARRIED (11/0)

In favour of the Amendment: Mayor Pickard, Crs Hollywood, McLean, Jacob, Magyar, Park, Amphlett, Hart, Corr, Fishwick and Currie

The Original Motion as amended, being:

That Council:

1 **FORWARDS** a submission to the Western Australian Planning Commission on the Statement of Planning Policy 3.1 Residential Design Codes (Draft Variation 1), based on comments and issues raised in Report CJ125 – 07/06 and its attachment including the following comments in addition to those made on pages 67 and 68 of the Agenda dealing with Changes to provisions relating to excavation and fill (Clause 6.6.1 A1.4 – Fill):

“It is also noted that to permit filling of up to 1.0 metre in height as-of-right, will have increased privacy implications, as many ground floor windows would now have the opportunity to overlook neighbouring properties;

As privacy is one of the most contentious planning issues, it would be expected that there would be an increasing number of objections from adjoining landowners. Additionally the proposed increase in acceptable fill to 1.0 metre is inconsistent with Element 8 – Privacy which controls areas with a floor level of more than 0.5 metre above natural ground level;

- 2 CONDUCTS an Elected Members Workshop to review “Statement of Planning Policy 3.1 – Residential Design Codes (Draft Variation 1)” and “Residential Design Codes, Explanatory Guidelines, March 2006” to assist Elected Members to develop their understanding of these planning documents.

was Put and

CARRIED (11/0)

In favour of the Motion: Mayor Pickard, Crs Hollywood, McLean, Jacob, Magyar, Park, Amphlett, Hart, Corr, Fishwick and Currie

Appendix 13 refers

To access this attachment on electronic document, click here: [Attach13brf110706.pdf](#)

Disclosure of interest affecting impartiality

Name/Position	Mr Michael Smith – Acting Director Governance & Strategy
Item No/Subject	CJ126-07/06 – Western Australian Cricket Association (WACA) – Draft Facilities Strategic Plan
Nature of interest	Interest that may affect impartiality
Extent of Interest	Mr Smith is a life member of the Joondalup Districts Cricket Club, which is a member of the Western Australian Cricket Club (WACA).

CJ126 - 07/06 WESTERN AUSTRALIAN CRICKET ASSOCIATION (WACA) DRAFT FACILITIES STRATEGIC PLAN – [06182]

WARD: All

RESPONSIBLE A/DIRECTOR: Mr Ian Cowie
Planning and Community Development (Acting)

CJ060711_BRF.DOC:ITEM 16

PURPOSE

To seek Council's endorsement for the City's comments on the Western Australian Cricket Association's (WACA) Draft Facilities Strategic Plan.

EXECUTIVE SUMMARY

The WACA's Draft Facilities Strategic Plan aims to assist Local Government Authorities to effectively manage community assets and provide a systematic approach to the provision of cricket facilities.

The plan makes 23 recommendations based on research conducted with local, district and regional clubs and participants and Local Government Authorities. The City has assessed the plan and each of its recommendations, and developed comments with a local and regional perspective. These will be forwarded to the Western Australian Cricket Association for consideration in the development of their final report.

It is recommended that Council ENDORSES the City's comments on the WACA's Draft Facilities Strategic Plan forming Attachment 1 to Report CJ126-07/06.

BACKGROUND

The WACA Draft Facilities Strategic Plan is the outcome of requests made by Local Government Authorities to the Department of Sport and Recreation for a planned and systematic approach to be adopted in the provision of sports facilities in the Perth Metropolitan area. This report is one of a number of similar studies by different sports, which have either recently been undertaken or are planned for the future.

There is a growing requirement for sport to strategically plan the long-term direction of facility provision and the development of appropriate approaches towards management, community access and ongoing improvements. This is the first attempt by cricket to provide a balanced approach to planning and the report aims to assist Local Government Authorities to effectively manage community assets.

In developing this report, the WACA conducted research with local, district and regional clubs and participants through a detailed questionnaire. Local Government Authorities were consulted through a forum hosted by the Department of Sport and Recreation and via a representative working party that communicated information directly to the consultant.

The key components of the report include an overview of the organisational structure of cricket in Western Australia, a needs assessment analysing current and future facility requirements, strategic directions for facility development, a policy review and a proposed implementation plan.

DETAILS

The WACA's Draft Facilities Strategic Plan makes 23 recommendations based on the research compiled. In providing its feedback on the report, the City has elected to provide comment on the plan and address each of the recommendations.

A summary of the recommendations and the City's comments have been included as Attachment 1 - City of Joondalup's Comments on the WACA'S Draft Facilities Strategic Plan.

Issues and options considered:

In reviewing the WACA's Draft Facilities Strategic Plan, the City elected to base its comments on the benefits and impacts the plan and its recommendations will have on both the Joondalup region and the wider metropolitan area.

Link to Strategic Plan:

The City of Joondalup's Strategic Plan 2003 - 2008 identifies the following objectives and strategies that relate to the strategic planning of community facilities:

Key Focus Area 1 - Community Wellbeing

Objective 1.3

To continue to provide services that meet changing needs of a diverse and growing community.

Strategy 1.3.1

Provide leisure and recreational activities aligned to community expectations, incorporating innovative opportunities for today's environments.

Key Focus Area 1 - City Development

Objective 3.1

To develop and maintain the City of Joondalup's assets and built environment.

Strategy 3.1.1

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

In addition, the City of Joondalup's draft Community Development Plan, which is currently out for public comment, has identified the following issues, outcomes and strategies that relate directly to the strategic planning of community facilities:

Issue - Community Facilities

Outcome

Optimise equitable access and use of the City's community facilities.

Strategies

Develop a maintenance management strategy to ensure a high standard of facility provision.

Issue - Parks & Public Open Space

Outcome

Enhancement of community sport, leisure and recreational experiences through the provision of quality parks, reserves, beaches and infrastructure that are effectively managed and maintained.

Strategies

- Investigate shared use / alternative use of facilities with government, non government, community and education providers in the region;
- Investigate master planning opportunities for areas with multiple clubs and facilities provided in the one location;

Risk Management considerations:

In assessing the risks associated with the WACA's Draft Strategic Facilities Plan, it was identified that a number of the recommendations would commit the City to facility developments and upgrades over and above the current level of facility provision offered. In endorsing the City's comments on these particular recommendations, Council reduces the community's expectation of facility provision at an unsustainable level and reduces the risk of financial commitments that cannot be fulfilled.

Financial/Budget Implications:

The City's capital works program and annual budget process allocates funds for the development and improvement of parks and community facilities. The plan developed by the WACA makes recommendations that would potentially commit the City to facility developments and upgrades with extensive financial implications.

Policy Implications:

No policy implications apply.

Regional Significance:

The plan has been developed to guide the strategic development of cricket facilities across the Perth metropolitan region. However, the Council's recommendations on this report are specific to the City of Joondalup.

Sustainability Implications:

The City's ongoing capital works program and maintenance schedules for parks and community facilities are designed to ensure that the Joondalup community has access to high quality and affordable assets in the future.

Consultation:

In developing the Draft Strategic Facilities Plan, the WACA has consulted with local, district and regional cricket clubs and participants and Local Government Authorities. The City is now being asked to comment from a corporate perspective.

COMMENT

The City of Joondalup is supportive of the concept of developing strategic plans to assist sports to deliver quality services to their target markets in the future. Many of the principles addressed in the report will ensure that cricket continues to move forward in a positive direction. These include:

- The strategic approach required for facility development in WA;
- The continued commitment to provide cricket to juniors at affordable prices;
- Open lines of communication between stake holders (including Local Government Authorities);
- Joint provision or multi use of community facilities;
- Cooperation with the Education Department for the joint provision of facilities;
- Creating awareness of facility requirements for the future;
- Collaboration with other field sports to standardise season start dates; and
- The collation of policies to reduce wasted resources and develop consistency for the sport.

The response provided by the City on the draft, makes the point that the report presented represents a needs analysis more so than a strategic plan. The document alludes to many outcomes, but does not provide the necessary framework to achieve them. For the plan to be a useable document for the City, it needs to address what is specifically required by each Local Government in a clear and realistic way. In its current form the information presented requires interpretation, and this undermines the strategic planning process.

The plan creates an expectation that Local Government Authorities are the providers of all sporting facilities by presenting a hierarchy of facilities model that attempts to establish standards for different levels of play. This suggests that Local Governments should have a wide range of facilities available at varying standards to accommodate all levels of competition. The extent of the expectation from associations and clubs should be that Local Government Authorities provide suitable basic playing facilities and infrastructure. This level of provision is considered reasonable. Enhancement upon this minimum standard should only come as a result of clear planning and equitable financial contributions from stakeholders with vested interest. The report does not illustrate how this planning will occur, who will take the lead role, or how facility developments will be financed.

In addition to these comments, each specific recommendation raised in the report has been considered in Attachment 1 - the City of Joondalup's Comments on the WACA's Draft Facilities Strategic Plan. Due to size, the WACA Draft Facilities Strategic Plan has been placed in the Councillors' Reading Room for information.

ATTACHMENTS

Attachment 1 City of Joondalup's Comments on the Western Australian Cricket Association's Draft Facilities Strategic Plan

VOTING REQUIREMENTS

Simple Majority

MOVED Cr Corr, SECONDED Cr Hart that Council ENDORSES the City's comments on the Western Australian Cricket Association's Draft Facilities Strategic Plan forming Attachment 1 to Report CJ126-07/06.

The Motion was Put and

CARRIED (11/0)

In favour of the Motion: Mayor Pickard, Crs Hollywood, McLean, Jacob, Magyar, Park, Amphlett, Hart, Corr, Fishwick and Currie

Appendix 14 refers

To access this attachment on electronic document, click here: [Attach14brf110706.pdf](#)

C43-07/06 PURCHASE OF SOUTHERN SIX LOTS IDENTIFIED WITHIN THE STRUCTURE PLAN FOR THE FORMER CSIRO SITE – [84563] [85558]

WARD: South

RESPONSIBLE A/DIRECTOR: Mr Ian Cowie
Planning and Community Development (Acting)

MOVED Cr Hart, SECONDED Cr Park that consideration of purchase of southern six lots identified within the Structure Plan for the former CSIRO site be DEFERRED until immediately prior to the close of the meeting.

The Motion was Put and CARRIED (11/0)

In favour of the Motion: Mayor Pickard, Crs Hollywood, McLean, Jacob, Magyar, Park, Amphlett, Hart, Corr, Fishwick and Currie

MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

C44-07/06 NOTICE OF MOTION – CR B CORR - [61581]

In accordance with Clause 26 of Standing Orders Local Law 2005, Cr B Corr gave notice of his intention to move the following motion at the Council Meeting to be held on 27 June 2006:

“That the following policy be ADOPTED:

The City of Joondalup accepts that the transport, storage, treatment and use of radioactive substances could involve potential threats to the health and well-being of residents of the City and declares:

- 1 that approval will not be given for the building of any nuclear power stations, enrichment plants, weapons plants, or radio-active storage facilities within the City;*
- 2 that approval will not be given for the storage of uranium, nuclear waste, or other materials connected with the nuclear power industry within the City’s boundaries or transportation through the City;*
- 3 that the responsible use of radioactive material in hospitals, health facilities, and within smoke detectors is acceptable as the benefits to residents far outweigh the risks to the community at large;*
- 4 that the City of Joondalup be designated a ‘Nuclear-Free City’.”*

Cr Corr has submitted the following comments in support of his motion:

“I am concerned about the current nationwide discussions regarding nuclear power stations and nuclear waste disposal. I believe that the City should have a policy regarding this matter. I am strongly against nuclear activity within the boundaries of our City.

Countries such as France, Germany, UK, Canada, USA, Japan (and others) have been involved in nuclear power for years. The nuclear industry says it is safe (talk to people on the west coast of Scotland and Wales, and the east coast of Ireland, and you will hear stories of leukemia and other illnesses, plus the decimation of the fishing industry in the sea for miles and miles from the Sellafield nuclear plant on the west coast of England.) Such power stations are major terrorist targets and need massive protection - constantly. They did not tell us about the difficulties in de-commissioning power stations and such de-commissioning was not factored into the costs when the people were told about 'cheap safe electricity'.

Then there is the question of the storage of nuclear waste. This, of course, refers to other people's waste as we do not have any of our own. The suggestion is to bury it deep in the ground out in the bush. Remember that, until recently, miners in Tasmania felt safe underground. Then an earth tremor changed that. Australia should have learned from the results of the atomic bomb tests which laid waste large tracts of land for thousands of years."

OFFICER'S COMMENT

The District Planning Scheme 2 does not allow heavy industry of any type to establish itself within the City's jurisdiction. This includes nuclear power stations or weapons and enrichment plants.

In terms of designating the City "Nuclear Free", making such a declaration and erecting signs for its purpose has no real legal significance, but it does aid in making a strong public statement on behalf of the community about nuclear activities.

On a technical front, local governments are unable to be 'totally' nuclear free. This is because radioactive materials are used in a variety of ways in society and local governments do not have the ability to limit transportation vehicles that may be carrying radioactive materials on public roads. It could therefore be argued that for the purposes of technical correctness, the City declares itself "Nuclear Safe" as an appropriate alternative to the "Nuclear Free" declaration.

In Western Australia the nuclear free debate at the local government level has been in a state of evolution for some time. The Shire of Chapman Valley was the first local government to embark on a nuclear free initiative when it sought approval to amend its Town Planning Scheme in 1999, declaring itself as a "Nuclear Free Zone". The Minister initially refused approval on the grounds that a Council had no right to make a blanket prohibition, such as a ban on nuclear activities. The Shire of Chapman Valley subsequently referred the matter to West Australian Local Government Association in 2001 to seek advice and support on the matter.

In 2003, the new State Government chose to approve the Shire of Chapman Valley's Town Planning Scheme (TPS) amendment and as a result the Shire has now implemented a Town Planning Scheme No.2. The amendment stipulates, "Any use or development which constitutes or includes a nuclear activity is not permitted on land within the Scheme Area". 'Nuclear activity' is defined in the TPS as "the handling, production, processing, treatment, use, mining, transportation, transfer, storage or disposal of a radioactive material or a radioactive mineral; and nuclear power generation". The amendment can legally prohibit the importation of radioactive waste and prohibit the mining and exploration of uranium; however, it does not affect the mining activities of minerals and sand mining that incidentally produce low levels of radioactive material in the area. Nor does the amendment prevent the use of radioactive materials recognized for acceptable domestic, commercial and medical uses.

As a result of the Shire of Chapman Valley's success, a number of other Councils including Geraldton and Esperance have also progressed TPS amendments in relation to limiting nuclear activity. Claremont, Fremantle, Cottesloe and Chittering have also made expressions of interests to do the same but at this stage their commitments are not evident in their current TPSs.

Albany's Council has recently rejected a motion to amend its TPS to reflect the same nuclear activity stance as Chapman Valley. However, the Council has announced its intention to consider including a statement on nuclear activity in its corporate plan. This may have similar ramifications to the "Nuclear Free" declaration proposal for the City of Joondalup if this is adopted.

The Town of Kwinana, who instead of amending its TPS as other Councils have chosen, has made a declaration designating the Town as a "Nuclear Free Zone" in its 2004 policy program. Kwinana declared as its objective "...a general policy of support for nuclear free zones". Again, an assertion such as this has no legal authority, but it does reflect the wishes of the elected members to limit nuclear activity in the area.

Since 1977, 115 Australian Local Governments have declared their cities and towns as Nuclear Free Zones. These include:

Adelaide City Council	Munno Para City Council
Elizabeth City Council	Noarlunga City Council
Gawler Town Council	Port Adelaide City Council
Gosford City Council – Central Coast	Prospect City Council
Hindmarsh Town Council	St. Peters Town Council
Kensington and Norwood City Council	Sydney City Council
Melbourne City Council	Unley City Council

One other avenue that may be of interest to the City of Joondalup is the "Australian Local Government Nuclear Free Zones and Toxic Industries Secretariat". This organisation includes 21 Western Australian local governments, who as members, aim to strengthen their opposition to nuclear use by using the Secretariat as a means of organising local government responses to the issue. If the City of Joondalup should wish to reinforce a public declaration, then association with this organisation would certainly do so. Membership can either come in the form of ordinary, financial membership or associate financial membership. Ordinary financial membership would entitle the City to attend Secretariat meetings to discuss current nuclear debates affecting local governments at a cost of \$500 per annum. Associate membership costs \$20 per annum and entitles delegates to join the State Nuclear Free Zone Standing Committee with the right to speak at General Meetings, but does not entitle the member to a right to vote on motions.

The WA local governments involved in the Secretariat are:

Bassendean	Harvey
Chapman Valley	Koorda
Claremont	Mandurah
Cockburn	Mullewa
Cranbrook	Narambeen
Dardanup	Northampton
Denmark	Roebourne
Dundas	Subiaco
East Fremantle	Vincent
Fremantle	Wyalkatchem
Geraldton	

The City of Stirling resolved at its meeting held on Tuesday, 6 June 2006 as follows:

“Council Resolution

Moved Councillor Michael, Seconded Councillor Sebrechts

That the following policy be ADOPTED:

The City of Stirling accepts that the transport, storage, treatment and use of radioactive substances could involve potential threats to the health and well being of residents of the City and declares that:

- 1 Approval will not be given for the building of any nuclear power stations, enrichment plants, weapons plants, or radioactive storage facilities within the City.*
- 2 Approval will not be given for the storage of uranium, nuclear waste, nor other material connected with the nuclear power industry within the City's boundaries or transportation through the City.*
- 3 The responsible use of radioactive material in hospitals, health facilities or within smoke detectors is acceptable as the benefits to users outweigh the risks to the community at large.*
- 4 The City of Stirling be designated a 'Nuclear Free Zone'.*

The motion was put and declared CARRIED.”

MOVED Cr Corr, SECONDED Cr Magyar that the following policy be ADOPTED:

“The City of Joondalup accepts that the transport, storage, treatment and use of radioactive substances could involve potential threats to the health and well-being of residents of the City and declares:

- 1 that approval will not be given for the building of any nuclear power stations, enrichment plants, weapons plants, or radio-active storage facilities within the City;**
- 2 that approval will not be given for the storage of uranium, nuclear waste, or other materials connected with the nuclear power industry within the City's boundaries or transportation through the City;**
- 3 that the responsible use of radioactive material in hospitals, health facilities, and within smoke detectors is acceptable as the benefits to residents far outweigh the risks to the community at large;**
- 4 that the City of Joondalup be designated a ‘Nuclear-Free City’.”**

C45-07/06 EXTENSION OF TIME TO SPEAK – CR CORR - [61581, 02154, 08122]

MOVED Cr Hart, SECONDED Cr Park that the time for Cr Corr to speak be extended to ten (10) minutes in total.

The Motion was Put and

CARRIED (11/0)

In favour of the Motion: Mayor Pickard, Crs Hollywood, McLean, Jacob, Magyar, Park, Amphlett, Hart, Corr, Fishwick and Currie

AMENDMENT MOVED Cr Magyar, SECONDED Cr Park that additional Points 2, 3 and 4 be added to the Motion as follows:

- “2 *ERECTS signs at the entrances to the City stating “Welcome to Joondalup, a Nuclear-Free City;*
- 3 *SEEKS a report regarding amending the Town Planning Scheme to give legal effect to the “Nuclear-Free policy;*
- 4 *JOINS the “Australian Local Government Nuclear-Free Zones and Toxic Industries Secretariat.”*

The Amendment was Put and

LOST (5/6)

In favour of the Amendment: Crs Corr, Hart, Jacob, Magyar and Park **Against the Amendment:** Mayor Pickard, Crs Amphlett, Currie, Fishwick, Hollywood and McLean

The Motion as Moved by Cr Corr, Seconded by Cr Magyar was Put and CARRIED (6/5)

In favour of the Motion: Crs Corr, Fishwick, Hart, Hollywood, Magyar and Park **Against the Motion:** Mayor Pickard, Crs Amphlett, Currie, Jacob and McLean

C46-07/06 NOTICE OF MOTION – CR S MAGYAR - [61581, 04381]

In accordance with Clause 26 of Standing Orders Local Law 2005, Cr Magyar gave notice of his intention to move the following motion at the Council Meeting to be held on 18 July 2006:

“That Council refers the petition requesting an increase in the level of funding – Yellagonga Regional Park - C28-06/06, to the Yellagonga Regional Park Advisory Committee and the members of the Legislative Assembly for the seats of Joondalup, Wanneroo and Kingsley so that the 94-signature petition received on behalf of residents of the City of Joondalup may be acted upon by the appropriate authorities.”

OFFICER’S COMMENT

At the meeting of Council held on 6 June 2006, a 94-signature petition was received requesting Council to increase the level of funding in the 2006/07 budget towards improving the standard of facilities at Yellagonga Regional Park.

Stages 1 and 2 of the development of the Centre have been deferred pending the outcome of the study. Amounts of \$185,000 (2007/08) and \$200,000 (2008/09) have been listed for consideration in those budget years.

The City of Joondalup is now working collectively with the City of Wanneroo and Conservation and Land Management (CALM) to undertake a feasibility study on the various options available for the establishment of an Environmental Centre within the Yellagonga Regional Park, to undertake the feasibility study, an amount of \$35,000 has been included in the draft 2006/07 budget.

MOVED Cr Magyar, SECONDED Cr Jacob that Council refers the petition requesting an increase in the level of funding – Yellagonga Regional Park - C28-06/06, to the Yellagonga Regional Park Advisory Committee and the members of the Legislative Assembly for the seats of Joondalup, Wanneroo and Kingsley so that the 94-signature petition received on behalf of residents of the City of Joondalup may be acted upon by the appropriate authorities.

The Motion was Put and

CARRIED (11/0)

In favour of the Motion: Mayor Pickard, Crs Hollywood, McLean, Jacob, Magyar, Park, Amphlett, Hart, Corr, Fishwick and Currie

ANNOUNCEMENTS OF NOTICES OF MOTION FOR THE NEXT MEETING

C47-07/06 NOTICE OF MOTION – CR S HART - [61581, 22548]

In accordance with Clause 26 of Standing Orders Local Law 2005, Cr S Hart has given notice of her intention to move the following motion at the Council Meeting to be held on 8 August 2006:

- 1 *That the City of Joondalup protect the amenity and lifestyle and choices of ratepayers, electors and the community in the south east ward of the City of Joondalup, and reject Network City in its entirety in the south east ward, until there is clear and demonstrable support from electors, ratepayers and the community in that Ward, after open and transparent consultation.*
- 2 *That the City of Joondalup inform the State Government of (1) above.*

C48-07/06 MOTION TO GO BEHIND CLOSED DOORS - [02154, 08122]

MOVED Cr Hart, SECONDED Cr Magyar that in accordance with Clause 67 of the City's Standing Orders Local Law 2005 and Section 5.23 of the Local Government Act 1995, the meeting be held BEHIND CLOSED DOORS to enable consideration to be given to the purchase of land.

The Motion was Put and

CARRIED (11/0)

In favour of the Motion: Mayor Pickard, Crs Hollywood, McLean, Jacob, Magyar, Park, Amphlett, Hart, Corr, Fishwick and Currie

Members of the Public and Press left the Chamber at this point, the time being 2125 hrs.

C43-07/06 PURCHASE OF SOUTHERN SIX LOTS IDENTIFIED WITHIN THE STRUCTURE PLAN FOR THE FORMER CSIRO SITE – [84563] [85558]

WARD: South

RESPONSIBLE A/DIRECTOR: Mr Garry Hunt
Chief Executive Officer

PURPOSE

For Council to consider the purchase of the southern six lots identified within the structure plan for the former CSIRO site.

EXECUTIVE SUMMARY

This report identifies those actions which would need to be taken for Council to purchase the southern six lots. It identifies that the purchase price will be in the vicinity of \$10.4 million and recommends that Council not proceed with the purchase of the land.

BACKGROUND

Suburb/Location: Lot 61 (No. 14) Leach Street, Marmion
Applicant: Chappell & Lambert
Owner: Marmion Estates Pty Ltd
Zoning: **DPS:** Urban Development (R20)
MRS: Urban
Site Area: 2.1885 hectares
Structure Plan: Draft Marmion Structure Plan No. 9

At the Council meeting dated 29 June, Council resolved to seek an urgent report on the proposal that the City purchase the southern six lots on the former CSIRO site (page 10, Attachment 1). The area suggested for purchase is 3,641m² for use as Public Open Space.

Subsequent to the Special Council Meeting of 29 June 2006, the Chief Executive Officer contacted the developers' representatives, Satterley Property Group to ascertain their position on the proposal of the Council dated 29 June.

The response was that the owner syndicate was not interested in selling the six lots other than as part of the subdivision and that each site be sold separately after the sub divisional development was completed.

The structure plan presented to Council currently provides 10% of the site area as Public Open Space (POS). This amount of POS accords with the requirement for POS within planning policy. Further, the developer's representative confirmed at the Council meeting that the developer had no desire to provide additional POS. Consequently, for the southern six lots to be provided as POS, the City would need to purchase the lots.

DETAILS

Issues and Options considered:

Valuation of the southern six lots has been provided by a licensed valuer. The market valuation provided for the lots is \$10.4 million.

The City could:

- Accept the report's recommendation; or
- Seek the preparation of a business plan in relation to the purchase of the six lots.

The City could also seek a contribution from another sphere of Government to assist with the land purchase. However, the potential for receiving such a contribution is negligible, particularly from the State Government due to its support for increased densities in current urban areas through Network City. The Minister for Planning has previously supported the rezoning of the site based on 10% POS contribution.

Link to Strategic Plan:

Not applicable.

Legislation – Statutory Provisions:

Section 3.59 of the Local Government Act requires Council to prepare, and advertise for public comment, a business plan if it wishes to enter into a major land transaction. The value of the six lots in questions means that Council purchase of the land would be a major land transaction.

Should Council move to proceed to continue to investigate the purchase of the land, a business plan will be prepared for public advertising.

Risk Management considerations:

The decision relates principally to the opportunity cost of using City revenue to purchase the lots.

Financial/Budget Implications:

No budget provision has been made for the purchase of the lots, and acquisition of the land has not been identified in the Strategic Financial Management Plan.

While the City's valuation of the lots is \$10.4 million, should the City decide to progress with the proposal to purchase, the total purchase price could be higher. That is, the developer is under no obligation to sell to the City and the developer would likely seek another valuation which could value the lots at a greater amount.

Alternatively, the developer could ask the City to purchase the lots through an open auction process. In this scenario, the City would pay the actual market price based on public demand for the lots. This could again be higher than the valuation.

Policy Implications:

Not Applicable.

Regional Significance:

Not Applicable.

Sustainability Implications:

The purchase of the six lots for POS purposes could be considered as environmentally sustainable. However, it could equally be considered unsustainable from an urban development viewpoint, as 10% POS has already been provided on the site which is well located from an infrastructure servicing perspective located for additional dwellings.

Consultation:

Should Council wish to further consider the purchase of the subject lots, consultation on a business plan will be required as indicated previously.

COMMENT

While the purchase of the six lots for POS would meet the wishes of surrounding residents, the possible purchase price of \$10.4 million is significant. Council needs to consider whether this money could be better used for other purposes, particularly as the subject site is already providing 10% POS and there is a further portion of POS adjacent to the proposed subdivision in Cliff Street (Braden Park).

ATTACHMENTS

Attachment 1 Valuation Report.

VOTING REQUIREMENTS

Simple Majority

MOVED Cr Park, SECONDED Cr Currie that Council NOTES the report and, based on the valuation obtained, NOT PROCEED with the purchase of the six lots at the southern end of the structure plan of the former Commonwealth Scientific and Industrial Research Organisation site because of the high cost associated with the purchase.

Discussion ensued.

AMENDMENT MOVED Cr Magyar, SECONDED Cr Park that an additional Point 2 be added to the Motion as follows:

“2 the report and attachments pertaining to the purchase of the southern six lots identified within the Structure Plan for the former CSIRO site be made publicly available through the minutes of this meeting.”

The Amendment was Put and

CARRIED (11/0)

In favour of the Amendment: Mayor Pickard, Crs Hollywood, McLean, Jacob, Magyar, Park, Amphlett, Hart, Corr, Fishwick and Currie

The Original Motion as amended, being:

That:

- 1 Council NOTES the report and, based on the valuation obtained, NOT PROCEED with the purchase of the six lots at the southern end of the structure plan of the former Commonwealth Scientific and Industrial Research Organisation site because of the high cost associated with the purchase;**
- 2 the report and attachments pertaining to the purchase of the southern six lots identified within the Structure Plan for the former CSIRO site be made publicly available through the minutes of this meeting.**

was Put and

CARRIED (11/0)

In favour of the Motion: Mayor Pickard, Crs Hollywood, McLean, Jacob, Magyar, Park, Amphlett, Hart, Corr, Fishwick and Currie

Appendix 16 refers

To access this attachment on electronic document, click here: [Attach16min180706.pdf](#)

C49-07/06

MEETING TO GO TO OPEN DOORS - [02154, 08122]

MOVED Cr Magyar, SECONDED Cr Hart that the Meeting be now held with open doors, the time being 2140 hrs.

The Motion was Put and

CARRIED (11/0)

In favour of the Motion: Mayor Pickard, Crs Hollywood, McLean, Jacob, Magyar, Park, Amphlett, Hart, Corr, Fishwick and Currie

The members of the public entered the Chamber at this point, the time being 2140 hrs. In accordance with the City's Standing Orders Local Law 2005, Mayor Pickard read aloud the Motion with respect to C43-07/06 – Purchase of Southern Six Lots Identified within the Structure Plan for the former CSIRO Site.

CLOSURE

There being no further business, the Mayor declared the Meeting closed at 2146 hrs; the following Elected members being present at that time:

MAYOR T PICKARD
Cr K HOLLYWOOD
Cr T McLEAN
Cr A JACOB
Cr S MAGYAR
Cr J PARK
Cr G AMPHLETT
Cr S HART
Cr B CORR
Cr R FISHWICK
Cr R CURRIE