



MINUTES OF COUNCIL MEETING  
HELD ON 27 FEBRUARY 2001

INDEX

No:	Item	Page
	<b>OPEN AND WELCOME</b>	<b>1</b>
	<b>ATTENDANCES</b>	<b>1</b>
	<b>APOLOGIES AND LEAVE OF ABSENCE</b>	<b>2</b>
	<b>PUBLIC QUESTION TIME</b>	<b>2</b>
<b>C03-02/01</b>	<b>REQUEST FOR SECOND PUBLIC QUESTION TIME</b>	<b>10</b>
	<b>DECLARATIONS OF FINANCIAL\NON FINANCIAL INTEREST</b>	<b>12</b>
<b>C04-02/01</b>	<b>CONFIRMATION OF MINUTES</b>	<b>13</b>
	MINUTES OF COUNCIL MEETING HELD ON 13 FEBRUARY 2001	
	<b>ANNOUNCEMENTS BY THE MAYOR WITHOUT DISCUSSION</b>	<b>13</b>
	KEEPING RESIDENTS INFORMED	13
	LOCAL GOVERNMENT GRANTS COMMISSION	13
	SCHOOL SECURITY TOURS	13
	“WORN OUT WORN ART” SCHOOLS PROJECT	14
	DEBORAH CONWAY	14
	<b>PETITIONS</b>	<b>14</b>
<b>C05-02/01</b>	<b>HALF YEAR BUDGET REVIEW – 31 DECEMBER 2000</b>	<b>15</b>
	<b>FINANCE AND COMMUNITY DEVELOPMENT</b>	
CJ030 - 02/01	REFERENDUM 2001 - [55262].....	20
CJ031 - 02/01	VACANCIES - WESTERN AUSTRALIAN MUNICIPAL ASSOCIATION - VARIOUS COMMITTEES - [02011].....	24
CJ032 - 02/01	WARRANT OF PAYMENTS FOR THE PERIOD ENDING 31 JANUARY 2001 - [09882].....	28
CJ033 - 02/01	FINANCIAL REPORT FOR THE PERIOD ENDING 31 JANUARY 2001 - [07882].....	29
CJ034 - 02/01	DRAFT STRATEGIC PLAN 2000 – 2005 - [52143].....	30

CJ035 - 02/01	BUSINESS PLAN FOR TRANSFER OF VESTING - THE GROYNES AND BREAKWATER, OCEAN REEF - [04171].....	34
CJ036 - 02/01	COMMUNITY PORTAL PROJECT - [45954] .....	36
CJ037 - 02/01	TENDER 072-99/00 - OPERATIONAL MANAGEMENT AND LEASE, CITY OF JOONDALUP LEISURE CENTRES - [46492].....	39
CJ038 - 02/01	WANNEROO DISTRICT BASKETBALL ASSOCIATION - UNRESTRICTED / SPECIAL FACILITIES LIQUOR LICENCE - [03097] [58166].....	58
CJ039 - 02/01	RENEWAL OF LEASES - MARMION, DUNCRAIG AND CRAIGIE PRE-SCHOOLS - [27459] [42723] [11921].....	62

### **INFRASTRUCTURE MANAGEMENT**

CJ040 - 02/01	MINDARIE REGIONAL COUNCIL - CITY OF STIRLING'S PROPOSAL TO ACCEPT ATLAS' SECONDARY TREATMENT RESIDUE TO TAMALA PARK AT NO CHARGE - [41196].....	64
CJ041 - 02/01	STATE BLACK SPOT PROGRAM SUBMISSIONS - 2001/02 -[09480] 70	
CJ042 - 02/01	TENDER NO. 029-00/01 - SUPPLY OF ENGINEERING DESIGN SERVICES - [50143].....	72
CJ043 - 02/01	TENDER NUMBER 033-00/01 SUPPLY & APPLICATION OF CRACK SEALANT - [53151].....	76

### **PLANNING AND DEVELOPMENT**

CJ044 - 02/01	PROPOSED AMENDMENT NO 5 TO DISTRICT PLANNING SCHEME NO.2 - TO REZONE A PORTION OF HEPBURN AVENUE ABUTTING PT LOT 158 HEPBURN AVENUE, SORRENTO FROM OTHER REGIONAL ROAD RESERVATION TO URBAN DEVELOPMENT ZONE - [58188].....	78
CJ045 - 02/01	PROPOSED AMENDMENT NO. 6 TO DISTRICT PLANNING SCHEME NO. 2 - PORTION OF LOT 7 (21) ENDEAVOUR ROAD, HILLARYS - [52159].....	81
CJ046 - 02/01	PROPOSED SINGLE HOUSE (INCLUDING HEIGHT IN EXCESS OF BUILDING HEIGHT AND BULK POLICY): LOT 65 (16) VOLANTE ELBOW, OCEAN REEF - [37326].....	83
CJ047 - 02/01	REQUEST FOR CANCELLATION AND SUBSEQUENT PURCHASE OF PORTIONS OF RESERVE 33747 : MINCHIN RESERVE, PADBURY - [41156].....	88
CJ048 - 02/01	DELEGATED AUTHORITY REPORT - [07032] .....	92
CJ049 - 02/01	SUBDIVISION REFERRALS PROCESSED 30 NOVEMBER 2000 – 31 JANUARY 2001 - [05961] .....	92
CJ050 - 02/01	REVIEW OF NEW DRAFT RESIDENTIAL DESIGN CODES - [08570] [17169].....	93
CJ051 - 02/01	PRECINCT PLANNING PROGRAM – IDENTIFICATION OF CENTRE PRIORITIES - [46597] .....	104
CJ052 - 02/01	LIVEABLE NEIGHBOURHOODS – [10400] .....	108

<b>C06-02/01</b>	<b>MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN</b> NOTICE OF MOTION – CR DON CARLOS – [40958, 02154, 08122, 27456] .....	116
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<b>C07-02/01</b>	<b>MOTION TO GO BEHIND CLOSED DOORS AND TO ADJOURN</b>	
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C08-02/01	RECONVENE MEETING BEHIND CLOSED DOORS	117
CJ053 - 02/01	CONFIDENTIAL REPORT - PROSECUTION – CITY OF JOONDALUP VS PARIN: LOT 560 (3) MANAKOORA RISE, SORRENTO - [05034] [06034] [07034].....	118
	REPORT OF THE CHIEF EXECUTIVE	
C09-02/01	CHIEF EXECUTIVE OFFICER’S ANNUAL REVIEW AND CONTRACT EXTENSION	119
	DATE OF NEXT MEETING	120
	SECOND PUBLIC QUESTION TIME	120
	CLOSURE	121

# CITY OF JOONDALUP

MINUTES OF COUNCIL MEETING HELD IN COUNCIL CHAMBER,  
JOONDALUP CIVIC CENTRE, BOAS AVENUE, JOONDALUP, ON TUESDAY,  
27 FEBRUARY 2001

## OPEN AND WELCOME

The Mayor declared the meeting open at 1900 hrs.

## ATTENDANCES

### Mayor:

J BOMBAK, JP

### Elected Members:

CR P KADAK	Lakeside Ward	
Cr L A EWEN-CHAPPELL	Lakeside Ward	<i>Absent from 2240 hrs to 2246 hrs</i>
Cr D S CARLOS	Marina Ward	
Cr S P MAGYAR	Marina Ward	
Cr A NIXON	North Coastal Ward	<i>Absent from 2029 hrs to 2030 hrs</i>
Cr J F HOLLYWOOD, JP	North Coastal Ward	
Cr A A WALKER	Pinnaroo Ward	
Cr P ROWLANDS	Pinnaroo Ward	<i>from 1735 hrs to 2355 hrs</i>
Cr T BARNETT	South Ward	
Cr A W WIGHT, JP	South Ward	<i>Absent from 2038 hrs to 2039 hrs; 2205 hrs to 2208 hrs; and 2240 hrs to 2246 hrs</i>
Cr A L PATTERSON	South Coastal Wards	<i>to 2355 hrs; Absent from 2045 hrs to 2048 hrs; and from 2208 hrs to 2209 hrs.</i>
Cr G KENWORTHY	South Coastal Ward	<i>to 2355 hrs; Absent from 2035 hrs to 2037 hrs.</i>
Cr J A HURST	Whitfords Ward	
Cr C MACKINTOSH	Whitfords Ward	<i>Absent from 2125 hrs to 2129 hrs</i>

Officers:

Chief Executive Officer:	L O DELAHAUNTY	<i>Absent from 2303 to 2355 hrs</i>
Director, Resource Management:	J TURKINGTON	
Director, Planning & Development:	C HIGHAM	<i>Absent from 2256 to 2355 hrs</i>
Director, Infrastructure Management:	D DJULBIC	<i>Absent from 2256 to 2355 hrs</i>
Director, Community Development:	C HALL	<i>Absent from 2200 to 2205 hr and from 2256 to 2355 hrs</i>
Executive Manager, Strategic Planning:	R FISCHER	<i>Absent from 2256 to 2355 hrs</i>
Manager, Executive Services:	K ROBINSON	<i>Absent from 2256 to 2355 hrs</i>
Manager, Council Support Services:	M SMITH	<i>Absent from 2256 to 2355 hrs</i>
Manager, Organisation & Strategic Development:	J KIRTON	<i>to 2150 hrs</i>
Manager, Leisure & Ranger Services:	M STANTON	<i>Absent from 2256 to 2355 hrs</i>
Publicity Officer:	L BRENNAN	<i>Absent from 2256 to 2355 hrs</i>
Committee Clerk:	J AUSTIN	<i>Absent from 2256 to 2355 hrs</i>
Minute Clerk:	L TAYLOR	<i>Absent from 2256 to 2355 hrs</i>

In Attendance

Mr Tony O’Gorman, MLA – Member for Joondalup

The Mayor welcomed Mr Tony O’Gorman, MLA – newly elected Member for Joondalup as tonight’s invited guest.

Mr O’Gorman expressed his thanks at the opportunity of attending this evening’s meeting. He advised he was a long time resident of the City of Joondalup, having lived here since emigration from Ireland in 1981. Mr O’Gorman said his role was to represent the residents and the City of Joondalup with matters relating to the State Government. He was proud to say that he was present tonight with a group of Councillors who have been democratically elected, and hoped to work with the Mayor and Councillors to advance Joondalup within the State.

APOLOGIES AND LEAVE OF ABSENCE

Late Apology: Cr Rowlands

There were 40 members of the Public and 1 member of the Press in attendance.

PUBLIC QUESTION TIME

The following questions were submitted by Mr V Cusack of Kingsley:

Q1 Why did Council choose not to answer the second part of my question number 5 for meeting 13 February 2001 and I quote:

“If so, why should this consideration only apply to commercial properties and not to ordinary ratepayers who have also spent large amounts on security systems and alarms or indeed pensioners who may be less able to pay?”

- (a) *Is this not another example of the total disregard for ‘ordinary’ ratepayers?*
- (b) *Can Council please provide a detailed answer now?*

A1 The answer to your Q5 for the meeting of 13 February 2001, was considered to have adequately addressed all aspects of the question.

Council did not disregard “ ‘ordinary’ ratepayers”.

The City’s Safer Communities Program funded by the Property Surveillance and Security Service Charge consists mainly of property surveillance together with initiatives aimed at minimising crime.

How residential or commercial property owners choose to secure their property is a matter of choice. For those that install security systems and alarms, it is their choice similar to insuring against property theft. The main difference between commercial properties, shopping centres such as Whitfords City, and residential properties that have alarms, is that few if any residential properties supplement the alarms with regular security patrols where as large commercial centres generally do. This aspect was covered in the answer provided.

Q2 *In relation to the two choices which Council had, for funding the “Safer Community Programme - security patrols”, ie from General Rates or under Section 6.38 and Regulation 54 (d):*

- (a) *Were the Councillors made fully aware of the different payment options and in particular the impact of the “flat tax” on pensioners and the less well off?*
- (b) *Were the Councillors made fully aware of the tax break given to the larger property and commercial owners by choosing the “flat tax” method in preference to the land valuation - proportional tax method?*
- (c) *If so can the Councillors’ please explain to the ratepayers the precise reason (s) for choosing the “flat tax” method?*

A2 Councillors who were members of the Rates Working Party extensively examined various methods of raising revenue applicable under the current legislation. This included understanding the impacts and outcomes of each system or process that could be applied.

At its meeting held on 27 June 2000, Council considered the report “CJ153 – 06/00 Rates Working Group – Report on Findings –[49653].” This report and the attachment provided information on the Rates Working Group deliberations and recommendations for adoption of guiding principles to be applied in preparation of the 2000/2001 Budget. In progressing consideration of the report, Council worked through all recommendations resolving its position on each. The following extract from the Minutes relates to the security charge.

“MOVED Cr Carlos, SECONDED Cr Magyar that Council ADOPTS the following as ‘guiding principles’ for the 2000/01 rating year:

- 1    **the security charge be continued with funding to be via a universally applied charge as permitted by S6.38 of the Local Government Act 1995 and Regulation 54 of the Local Government (Financial Management) Regulations 1996; and**
- 2    **a submission be compiled to the Minister for Local Government, WAMA and the Local Government Department with a view to broadening the powers of the Act in relation to the expenditure of funds raised from the Security Charge.”**

This resolution was carried on a vote of: 13 for, 1 against and there was 1 Councillor absent.

It is therefore concluded that Council members were suitably and well informed before the vote to impose the property surveillance and security charge was taken.

The flat tax method equates to the user pays principle and the perceived fairness that is associated with this principle is that households gain similar benefits as is the case with Council’s Refuse Charge.

There is nothing in the legislation to prevent a local government offering a discount on a service charge for pensioners or other worthy cases.

Q3    *In the 1999/2000 Budget “Statement of Cash Flows” see minutes for 31.08.99 & 07.09.99:*

- (a)    *Can Council please provide a detailed breakdown of the services charges estimating a total of 5,956,001 dollars for 1999/2000?*
- (b)    *What were those service charges for?*
- (c)    *What section of the Act was used to apply those service charges?*

A3    (a)    The figures quoted are from the Cash Flow Statement so recognition must be made of the opening and closing balances of trade debtors and accrued income. That position is:

Domestic Refuse Charge	50,900 x \$113 =	\$5,751,700
New bin levy		<u>24,430</u>
Sub total		\$5,776,130
+ Trade Debtors		137,071
+ Accrued Income		<u>42,800</u>
		\$5,956,001
		=====

(b) Domestic Refuse Charge and new bin levy.

(c) Section 112A Health Act 1911

*Q4 In the answer to my question 3 b) 13 February 2001, quote “ it (the council) is providing the service to the land in the district”.*

*(a) Does council agree that it is applying a much broader interpretation than the original intent of the legislation? Eg “the service must be provided to the land upon which it is proposed to levy the service charge”*

*(b) If council does not agree that it is applying a much broader interpretation than the original intent of the legislation, could it please provide the ratepayers with its definition of “upon”, so at least we can all read from the same text?*

**A4** All legislation, but particularly new legislation, is open to interpretation and the interpretation applied by Council under current legislation is considered correct. Council did not have input into the framing of this legislation, the reason for it or knowledge of its original intent.

Council applied an interpretation it considered was appropriate to the legislation and this has been supported in legal advice and more recently by the Department of Local Government.

The interpretation by Council is consistent with the user pays principle in that it requires a self supporting budget which contains in detail all of the costs which contribute to the provision of the service. The following are good examples of this point.

Elements of a Bushfire Brigade Service permitted under the legislation include the following costs:

- Administration
- Chief Fire Control Officer
- Maintenance of equipment
- Fire Break Inspections
- Hire of Plant
- Fire Fighting
- Insurance
- Training
- Subscriptions, to name a few.

Similarly, the elements of a Refuse Disposal Charge include the following costs:

- Administration
- Employee Salaries & Wages
- Landfill Site Management
- Health Compliance Inspection Service
- Vehicle Operation
- Equipment Operation
- Vehicle & Equipment Replacement
- Tipping Fees, again to name a few.



Why would the Property Surveillance and Security not be treated the same?

Based on the Council's interpretation, the service is provided to the land upon which the service is levied. The word "upon" should not be taken out of context and an explanation may be best outlined as follows: ie The service is provided to the land and the charge is levied against that land. This is considered to be the case with Council's "Property surveillance and security charge"

**The following questions were submitted by Mr V Cusack of Kingsley:**

*Q1 It appears to be increasingly difficult to get direct honest accurate answers to my questions. For example, in your answer to question 1 as printed in the agenda you state " The answer to your Q5 for the meeting of 13 February 2001, was considered to have adequately addressed all aspects of the question". It continues, Council did not disregard "'ordinary' ratepayers". Here is your answer:*

*"The Council accepts that the comments of the CEO reported in The West Australian on 20 December 2000, were part of the statement made by the CEO on this matter. The CEO advised that commercial properties such as the Whitfords City Shopping Centre would contribute approximately \$51, 797 if the cost of the service was raised through general rates. This would equate to a large cost subsidy of providing the service without the equivalent service provision. In addition to security systems and alarms, Whitfords City shopping Centre already employed security guards and would not receive a greater service than other property owners".*

- a) Can you please demonstrate to the ratepayers where precisely you have referred to ordinary ratepayers who may have spent large amounts on security systems and alarms or indeed pensioners who may be less able to pay, in the above answer?
- b) In reference to the "service provision" above, can you please provide to the ratepayers a detailed account of the actual service provision provided by the security patrols, to each of their properties?
- c) In the second part of your answer to question 1 for 27 February 2001, you mention the word 'choice' twice. Can you please explain where precisely the compulsory 27 dollar, charge, fits in to the free market principles of individual freedom and choice?

**A1** Your statement implying that you have not received "direct honest accurate" answers to your questions is in our view incorrect. To the contrary, it is considered that the information provided, adequately addresses the questions you have raised. The administration has also attempted to meet with you and others, in an endeavour to clarify issues you are concerned with, but you have not wanted to take this opportunity.

The following answers address the matters you have raised:

- a) The answer used the term "other property owners" who may have installed security systems, as being a matter of choice for the individual. This is similar to the case of Whitfords City Shopping Centre and how that centre, as advised by the Centre management, supplements its security systems with guards at a cost of approximately \$600,000 per year.

- b) The service provided to each property is a highly visible security and surveillance operation. Other proactive initiatives undertaken by the Council are considered to have immeasurable benefits for all properties.
- c) You have taken this out of context. The reference to the word “choice” was in relation to how an individual chooses to secure their property. This is different to Council considering a matter and deciding through the budget deliberations, to continue the property surveillance and security service charge. Council members are elected to represent the community and make decisions on their behalf, which has occurred in this case.

*Q2 The answer to question two as provided to me and printed in the agenda for 27 February is not an adequate answer and is also misleading, as this was not the motion passed to “impose the property surveillance and security charge”. At the special meeting on 2 August the motion to impose the security charge failed to receive an absolute majority and was therefore not carried.*

*Amazingly, on 8 August, just six days later the motion reappeared as part of a late item Chief Executive Officer’s Report and was dealt with without public notification. The Councillors were placed under enormous pressure to pass the recommended security charge motion, as it was part of the overall budget. At this meeting the motion did achieve an absolute majority.*

*This brief summary of events does not support your conclusion that the Councillors were suitably and well informed before the vote to “impose” the property surveillance and security charge was taken. Or when you used the words Council members did you mean the administration rather than the Councillors were well informed?*

*As such, I wish to resubmit my questions and this time with respect, I specifically request the Mayor and each Councillor to provide answers to the ratepayers, on the following:*

*In relation to the two choices which Council had, for funding the “Safer Community Programme - security patrols”, ie from General Rates or under Section 6.38 and Regulation 54 (d)*

- a) Were the Councillors made fully aware of the different payment options and in particular the impact of the “flat tax” on pensioners and the less well off?*
- b) Were the Councillors made fully aware of the tax break given to the larger property and commercial owners by choosing the “flat tax” method in preference to the land valuation - proportional tax method?*
- c) If so can the Councillor’s please explain to the ratepayers the precise reason (s) for choosing the flat tax method?*

*A2 As there has not been sufficient time to co-ordinate a response from the Mayor and each Councillor as requested by you, the questions will be taken on notice.*

*It is however important to clarify some of the issues raised in this question.*

*The term “Council members” is accepted in local government as referring to the elected representatives.*

As indicated from the questions you repeated above, you did not ask about the motion passed to “impose the property surveillance and security charge” and therefore that information was not addressed in the response.

The answer provided, related to the meeting of 27 June 2000, the report of the “Rates Working Group” to Council and how that report and each recommendation was considered and progressed through the Council meeting. As indicated in that answer, the guiding principle of applying a charge was decided at this time and the budget preparation was progressed on this basis. As you so rightly point out, the motion to impose the property surveillance and security charge was passed on 8 August 2000, some six weeks later. In addition to the detailed report provided and discussion at Council on the various matters considered by the Rates Working Group, there was six Budget Workshops held for all Council Members and ample opportunity during that six weeks period, for Council Members to clarify any issues they may have had concerning charges and rating systems.

The answer to your question was considered to be appropriate.

**The following questions were submitted by Mr M Baird of Duncraig:**

*Q1 The present criteria 2 for dry park reticulation is vague and apparently open to a very broad interpretation. A basic benchmark would be evidence of play equipment, public interest in the maintenance and upkeep of the park, public access in the form of walkways and parking, etc. A number of parks currently listed for reticulation have none of these indicators of usage.*

*Can the Council establish and implement a fair and consistent method for evaluating ‘community utilisation’ for the dry park development programme?*

**A1** Community utilisation was included in the assessment checklist by Councillors when reviewing the current program’s criteria and priorities. All parks were evaluated as either high, medium or low usage.

*Q2 The potential linking of Macaulay, Strathaven and Kilrenny parks for reticulation via the Netherby footbridge, was to be considered by the Dry Parks and Median/Verge Committee. Why was this never done, and why were Strathaven and Kilrenny parks not even on the tour itinerary of the Committee?*

**A2** Not all parks were visited on the dry parks tour due to the number of parks involved. It was considered that the parks visited (approximately 60) gave a good representative sample of dry parks within the City to enable Councillors to assess the current program criteria and priorities.

*Q3 Play equipment seems to be dispensed and located without regard to community demand or practicality.*

*•can a rational, open and accountable criteria be established and the Council look at upgrading equipment in the parks with a historical record of play equipment usage and request? There are parks with play equipment 20 years old which are not being upgraded. It seems fair that areas which have been paying rates for over 25 years should be upgraded and newer areas wait their turn, rather than scoring the new standard equipment unrequested.*

- *can play equipment be located in shade areas?*

*Have a look at Waldecks Nursery play area in Wanneroo Road, Kingsley, for the benchmark.*

A3 Play equipment is assessed on a needs basis. Council initiated a Five Year Capital Works Program in 2000/2001, which includes playground replacements. It is the intention of this program to continuously monitor and replace play equipment on an as needed basis. Play equipment is located during a site inspection and shade is one item of the site inspection process to be considered as well as other items such as public safety, existing infrastructure and nearby residents.

Q4 *A request for a rubbish bin for Macaulay Park was to be referred to Council's Environmental Waste Services for attention in June 1998. When can a bin be provided?*

A4 A bin will be installed in Macaulay Park during March.

Q5 *The costing of over \$47,000 for the extension of reticulation in Marri Park and to Wanbrow Park is about double the real cost, based on the per hectare costing of \$9,500 and the recent Tenders 086-99/00 and 103-99/00 for horizontal drilling and components. The Marri Park segment totals 10 Hunter 141 36S sprinklers (\$600) connected by 150m of PVC pipe. The Wanbrow Park area is a straightforward .47 hectares. And the linkage involves 6 driveways (maximum 40 metres of horizontal drilling) and an uncomplicated 360 metres of connecting PVC pipe to an existing bore and control box.*

- *Will the Council investigate why such over-costing is occurring?*
- *Will the Council look at reintroducing independent tenders for such work in order to assess best value for money?*

A5 Restoration works at the northern end of Marri Park are currently in progress and final costings are not yet known. Operations Services currently operates through a tender for the supply of reticulation materials, under road boring and plant hire, ie. trenching. Labour costs are via Council employees.

It is noted that the dry parks program is based on budget estimates only. Any project under expenditures will carry over to the next highest ranked project within the program.

Current expenditure at Wanbrow Park is \$33,600. Project variance of \$14,544.

Q6 *Can the Grenfell and Macaulay Avenue sections of the cycleway be completed? Neither of these streets has even rudimentary footpaths and the proposed Hepburn rail station will add to the traffic.*

A6 Grenfell and Macaulay Avenue cycleways will be inspected and listed for Budget consideration, if appropriate. Main Roads & Transport will undertake access to the proposed Greenwood Station as part of the project.

**C03-02/01      REQUEST FOR SECOND PUBLIC QUESTION TIME**

Cr Magyar called a point of order in that Clause 2.4 of the City's Standing Orders Local Law states that a further 15-minute segment of public question time is allowed at the end of each Council meeting to permit the public to ask questions on decisions made at that meeting. Cr Magyar asked for confirmation that this evening's meeting would be held in accordance with Standing Orders and that a 15-minute public question time would be allowed at the end of the meeting. Cr Magyar referred to Section 18 of the Interpretations Acts and did not consider that the Chief Executive Officer could claim that, because the Section of Standing Orders is not written in mandatory terms, this Council could decide not to have something which should be a guaranteed right to the public.

The Chief Executive Officer advised that following the last meeting of Council, a legal opinion was sought which supported the ruling given at that meeting, and this information had been provided to elected members via the "Desk of the CEO" publication on 23 February 2001. The Chief Executive Officer stated it was appreciated that Cr Magyar had not been in agreement with this interpretation, and had referred to the Interpretations Act and provided details in this regard. These details had also been submitted to the City's solicitor who advises that Section 3.2 of Standing Orders does allow Council to alter its listed order of business.

Cr Magyar stated he had reservations at the quality of legal advice received, as it was contrary to the Interpretations Act. Mayor Bombak therefore suggested that a further legal opinion should be sought to check the validity of the information provided by the Chief Executive Officer. Cr Magyar was in agreement that independent advice be sought.

Mayor Bombak ruled that this was not a point of order.

**MOVED Cr Magyar, SECONDED Cr Carlos that this meeting allow a second public question time as detailed in Clauses 2.4 and 3.2 of the City's Standing Orders Local Law.**

**The Motion was Put and**

**TIED**

**There being an equal number of votes, the Mayor exercised his casting vote and declared the Motion**

**CARRIED**

**Mr Mark Charlton, Ocean Reef:**

*Q1      Regarding the proposed development on Lot 65 (16) Volante Elbow, Ocean Reef, does the Council consider an eight-car underground car park of approximately 360 square metres to be reasonable for a single residential development on a level 735 square metre block?*

*A1      The car park for this development is larger than you would normally find in residential developments but is permissible within the Residential Planning Codes. There is no limit within the Codes for that number of parking bays.*

*Q2      What will the Council do if the property on Lot 65 is subsequently found to be used for a purpose other than that allowed for a single residential dwelling?*

- A2 The District Planning Scheme No 2 has provisions which allow Council to take action for any illegal or unauthorised use of the building.
- Q3 Can the Council guarantee that the extensive excavation work associated with the proposed construction of Lot 65 will not compromise the structural integrity of the neighbouring properties?*
- A3 The Council simply issues the building licence. Where there is excavation which is within three metres of an adjoining building, it is for the owner to notify the adjoining owner and give 35 days notice. The adjoining owner has an opportunity to agree or disagree with the owner on the method of construction and excavation and underpinning that is to be used. It is between the owner and the adjoining owner to resolve those matters. The Local Government Act provides for that process and if there is disagreement between the two owners, then the matter goes to referees who are established under the Local Government Act.
- Q4 With the proposed building on Lot 65 being totally out of scale with the other houses in the street, has appropriate consideration been given to the streetscape character?*
- A4 That aspect is addressed in the report. It is acknowledged it is a large building, and when juxtaposed against the immediately adjoining houses it is large, but the Residential Planning Codes permit that development and say that if it meets the provisions of those Codes it is deemed to have met the amenity requirements.
- Q5 Does Council consider its building regulations to adequately protect the community and neighbouring property owners from the consequences of such antisocially proportioned developments as that proposed on Lot 65?*
- A5 This relates to the previous answer, in that Council is given the Residential Planning Codes by the State Government to apply to its residential areas and this building does meet the requirements of those Codes.
- Q6 Does the Council believe that the approval and sanction of such development as proposed at Lot 65 is consistent with its proposed vision statement of “a place where people have a strong community spirit and sense of belonging; create a place where people choose to live and achieve equity and fairness in all we do, focusing on the needs of the community and striving for continuous improvement”?*
- A6 The difficulty is that there is a set of guidelines which are applied equal across the board. While it is accepted that the house is large, should the adjoining neighbour want to rebuild, the same rules would apply to that neighbour.
- Q7 At Lot 65, does the Council consider ten windows overlooking the property to the north and six windows overlooking the property to the east to be acceptable?*
- A7 The Residential Planning Codes are required to be applied, and they clearly state that if those Codes have been met the amenity provision has been complied with. It is interesting to note that the Residential Planning Codes are currently under review and one aspect of the review is to try and include some overlooking and privacy requirements, but these are not in the current requirements.

**Mr M Sideris, Mullaloo:**

*Q1 CJ30-02/01: The report uses the term “it was decided not to produce a “for and against” case for the referendum”. Can you advise who decided this, especially when one considers that on 12 September when this item was debated by Council the elected members decided to hold a referendum and gave clear instructions to the administration to produce a professional, independent for and against case in relation to the security charge.*

A1 The report that was submitted to the Council, and was debated at the Briefing Session, was based on advice from the State Electoral Commission and the independent expert.

*Q2 So the Electoral Commission and an independent consultation made that decision?*

A2 The report is submitted for consideration by Council. Whatever action is to be taken will be decided at tonight’s meeting.

*Q3 Who decided not to present a for and against case? Can I have the names?*

A3 A collection of officers working with the Electoral Office, and the advice received from the experts, had recommended that in the report. I am not in a position to name the officers. The report is presented by the administration for consideration by Council.

*Q4 CJ42-02/01- Consultancy Services: Could you provide me with a copy of the selection criteria and a copy of the Chairman of Tender Selection Committee’s report dealing with the results of that selection process?*

A4 This question was taken on notice.

**Mr T O’Brien, Padbury:**

*Q1 Is the community kindergarten going to be specifically given extra funding to cover costs of maintenance or in relation to, say, the operation of the Cities of Stirling, Bassendean and Canning, where they support, promote and maintain their buildings in a better system than the City of Joondalup has done in the past? Our kindergartens are lacking the attention that they need.*

A1 The issues raised are complex. It may be more appropriate for the Director Community Development to meet with Mr O’Brien and work through his concerns and report back to Council.

- *Mr O’Brien advised that he and several members of the Kindergarten Association would accept this offer.*

**DECLARATIONS OF FINANCIAL\NON FINANCIAL INTEREST**

Nil

## **CONFIRMATION OF MINUTES**

### **C04-02/01      MINUTES OF COUNCIL MEETING – 13 FEBRUARY 2001**

**MOVED** Cr Ewen-Chappell, **SECONDED** Cr Patterson that the Minutes of the Council Meeting held on 13 February 2001, be confirmed as a true and correct record.

**The Motion was Put and`**

**CARRIED**

## **ANNOUNCEMENTS BY THE MAYOR WITHOUT DISCUSSION**

### **KEEPING RESIDENTS INFORMED**

The City has produced more than 60 “Fact” sheets to provide information to residents on the City’s services, programs and events.

The fact sheets cover such topics as local laws, Rangers, City Watch, health services, building approvals and the Joondalup Festival.

They have been written in layman’s terms with a consistent corporate design and a unique colour assigned to each activity.

The fact sheets are available through libraries, customer service centres at Whitfords and Council’s administration building and will soon be available on the internet.

### **LOCAL GOVERNMENT GRANTS COMMISSION**

The Western Australian Local Government Grants Commission will be conducting a public hearing at the City of Joondalup at 11.00 am on Monday 19 March 2001.

Its purpose is to examine the determining factors for grants to local governments.

The Commission invites any interested person or organisation to make submissions.

### **SCHOOL SECURITY TOURS**

The City has begun its campaign to visit all our 45 schools to introduce City Watch Officers and Rangers.

They are speaking to students about any safety and security problems they may be having at the school.

These school tours will also promote the Education 2001 program and further develop channels of communication between the City and its schools.

This is one of the successful proactive initiatives covered under the security surveillance program run by the Council.



## **“WORN OUT WORN ART” SCHOOLS PROJECT**

Young people have been invited to become involved in the 2001 Joondalup Festival by participating in the smarter than smoking wearable art workshops.

A selection of the wearable artworks will be paraded in the “Recyclarama” finale, a highlight of the Joondalup Festival on the evening of Sunday, 25 March 2001. The finale will be followed by a fireworks display.

These wearable artworks will be created in the Worn Out Worn Art Workshops that began on Saturday 17 February 2001 at the Ocean Ridge Leisure Centre and will run for five weeks leading up to the Festival.

*Cr Rowlands entered the Chamber at this point, the time being 1935 hrs.*

## **DEBORAH CONWAY**

The highlight of the City’s summer concert series, Deborah Conway and her band, the City of Women, was held at Mawson Park, Hillarys on Saturday, 17 February 2001.

Deborah Conway performed the *Best of Deborah Conway* and the show was enjoyed by an audience of about 3,500.

Thanks to the SES, City Rangers and City Watch Officers for helping with the traffic and ensuring everyone had a great time.

## **PETITIONS**

### **PETITIONS SUBMITTED TO THE COUNCIL MEETING – 27 FEBRUARY 2001**

#### **PETITION OBJECTING TO COUNCIL’S PROPOSAL TO LOCATE A DOG PLAY AREA ON GRANADILLA PARK, DUNCRAIG - [01646] [44818]**

A 33-signature petition has been received from Duncraig residents objecting to Council’s proposal to locate a dog play area on Granadilla Park, Duncraig.

The petitioners state this would add to existing problems in relation to dogs in the park.

This petition will be referred to Community Development for action.

**It was resolved that the petition objecting to Council’s proposal to locate a dog play area on Granadilla Park, Duncraig be received and referred to the appropriate Business Unit for action.**

**MOVED Cr Patterson, SECONDED Cr Kenworthy that the normal order of the agenda be altered to allow Item C05-02/01 “Half Yearly Budget Review – 31 December 2000” from the Chief Executive Officer’s Report to be considered at this point.**

Mayor Bombak pointed out that contained within the Chief Executive Officer’s report was a confidential item in relation to the Chief Executive Officer’s contract and suggested that only the item concerning the Half Yearly Budget Review be considered at this time.

Cr Patterson, with the approval of Cr Kenworthy was in agreement with this suggestion.

**The Motion was Put and**

**CARRIED**

**C05–02/01            HALF YEAR BUDGET REVIEW - 31 DECEMBER  
2000 - [36287]**

**WARD - All**

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**SUMMARY**

This Report covers the Half-Year Budget Review - 31 December 2000, undertaken by the City of Joondalup.

A Councillors' workshop was held on Wednesday, 21 February 2001, to discuss the Half-Year Budget Review, the net available funds and new funding requests.

Gross available funds of \$963.1k were identified and new funding requests of \$219.0k were proposed. The workshop recommended that the remaining funds (\$744,100) after funding the proposed new projects, be retained for projects to be considered in conjunction with the formulation of the 2001/2002 budget.

**DETAILS**

The City of Joondalup undertook a Half-Year Budget Review as at 31 December 2000.

The purpose of this review was to:

- review the various elements of the City's 2000/2001 budget and performance on a year-to-date basis
- identify any surplus funds to undertake additional works
- identify new projects which have emerged since 1 July 2000

Business units reviewed the Operating, Capital Works and Project components of each Activity to identify whether the funds allocated as budgeted would still be required and if the projects remain valid.

Officers of the City undertook the review that encompassed an analysis and projection of performance in the areas of:

- Operating Activities
- Capital Works
- Strategic Initiatives

The results of the half-year review are summarised as follows:

<b>Identified funds arising from additional revenue and savings:</b>	<b>\$000's</b>
Operating Activities – Additional Interest Earnings	\$ 250.0
Operating Activities - Other Revenue and Savings	\$ 199.8
Capital Works	\$ 43.5
<b>Strategic Initiatives</b>	<b>\$ 469.8</b>
<b>Total Additional Revenue and Savings Identified</b>	<b>\$ 963.1</b>

Officers identified a number of New Funding Requests, which have been submitted for Council's consideration. These are to be funded from the available funds arising from the half-year review.

<b>New Funding Requests - Capital Works:</b>	
Collier Pass Footpath, south side – Parking and footpaths	\$ 7.0
Camberwarra Primary School – Parking and footpaths	\$ 15.0
Goolellal Drive – Road Resurfacing	\$ 70.5
<b>Total New Funding Requests - Capital Works</b>	<b>\$ 92.5</b>

<b>New Funding Requests – Initiatives:</b>	
Accounting Services	
- Systems enhancements – Self Funded Retirees	\$ 10.0
- Systems enhancements – Valuation Phasing	\$ 10.0
Leisure Services	
- Assistance to Sporting Clubs	\$ 15.0
- Security Monitoring System	\$ 3.0
Community Health	
- Additional PC Podiatry Services	\$ 4.0
- Accommodation of new organization	\$ 75.5
- Integrated School Program	\$ 3.0
Libraries	
- Telephone Headsets	\$ 2.5
- Surveillance Camera	\$ 3.5
<b>Total New Funding Requests – Initiatives</b>	<b>\$126.5</b>

In summary, the overall position is as follows:

	<u>\$ 000's</u>
Total Additional Revenue and Savings Identified	\$ 963.1
Less:	
Total New Funding Requests - Capital Works	(\$ 92.5)
Total New Funding Requests – Initiatives	<u>(\$ 126.5)</u>
Total New Funding Requests	<u>(\$ 219.0)</u>
<b>Net Funds available</b>	<b><u>\$ 744.1</u></b>

A Councillors' workshop was held on Wednesday, 21 February 2001, to discuss the Half-Year Budget Review, the net available funds and new funding requests.

Gross available funds of \$963.1k have been identified and new funding requests of \$219.0k proposed. The workshop recommended that the remaining funds (\$744,100), after funding the proposed Capital and Strategic Initiative requests, be retained for projects to be considered in conjunction with the formulation of the 2001/2002 budget.

Full details of the Half-Yearly Budget Review – 31 December 2000 are contained in Attachment A.

**OFFICER’S RECOMMENDATION: That Council:**

- 1
- BY AN ABSOLUTE MAJORITY, in accordance with the provisions of Section 6.8(1) of the Local Government Act 1995 AMENDS the 2000/2001 Budget to effect the funding of new initiatives and projects as detailed in Attachment A of this Report;
- 2
- RETAINS the remaining funds of \$744,100 for projects to be considered in conjunction with the formulation of the 2001/2002 Budget.

Chief Executive Officer gave an overview of the half yearly budget review workshops and the savings that have been identified.

Cr Patterson moved the following motion as one. During discussion on the matter, it was requested that each part of the motion be voted upon separately.

**MOVED Cr Patterson, SECONDED Cr Kenworthy that Council:**

- 1
- in accordance with the provisions of S6.8(1) of the Local Government Act 1995 AMENDS the 2000/2001 budget to effect the funding of new initiatives and projects as detailed in Attachment A to Report C05–02/01.

The Motion was Put and

CARRIED BY AN  
ABSOLUTE MAJORITY

It was requested that the votes of all members present be recorded:

- In favour of the Motion:
- Mayor Bombak, Crs Mackintosh, Hurst, Kenworthy, Patterson, Wight, Barnett, Rowlands, Walker, Nixon, Magyar, Carlos, Ewen-Chappell and Kadak
- Against the Motion:
- Cr Hollywood

**MOVED Cr Patterson, SECONDED Cr Kenworthy that Council:**

- 2
- REDUCES the Security Charge by 50% for the 2001/2002 financial year. That is, to \$13.50 per rateable property.

Discussion ensued.

The Motion was Put and

LOST

It was requested that the votes of all members present be recorded:

In favour of the Motion: Crs Kenworthy, Patterson and Nixon

Against the Motion: Mayor Bombak, Crs Mackintosh, Hurst, Wight, Barnett, Rowlands, Walker, Hollywood, Magyar, Carlos, Ewen-Chappell and Kadak

**MOVED Cr Patterson, SECONDED Cr Kenworthy that:**

3 the Security Charge is abolished completely in the 2002/2003 financial year.

Discussion ensued.

**The Motion was Put and**

**LOST**

It was requested that the votes of all members present be recorded:

In favour of the Motion: Crs Kenworthy, Patterson, Wight and Barnett

Against the Motion: Mayor Bombak, Crs Mackintosh, Hurst, Rowlands, Walker, Hollywood, Nixon, Magyar, Carlos, Ewen-Chappell and Kadak

**MOVED Cr Patterson, SECONDED Cr Kenworthy that:**

4 if the administration continues to manage the finances of Council in an effective and efficient manner and succeeds in producing further savings in the second half of this financial year, the Security Charge will be completely abolished for the 2001/2002 financial year.

Discussion ensued.

**The Motion was Put and**

**LOST**

It was requested that the votes of all members present be recorded:

In favour of the Motion: Crs Kenworthy, Patterson and Barnett

Against the Motion: Mayor Bombak, Crs Mackintosh, Hurst, Wight, Rowlands, Walker, Hollywood, Nixon, Magyar, Carlos, Ewen-Chappell and Kadak

**MOVED Cr Patterson, SECONDED Cr Kenworthy that:**

5 there is no increase in rates to achieve the abolition of the Security Charge.

Discussion ensued.

**The Motion was Put and**

**LOST**

It was requested that the votes of all members present be recorded:

In favour of the Motion: Crs Kenworthy, Patterson and Barnett

Against the Motion: Mayor Bombak, Crs Mackintosh, Hurst, Wight, Rowlands, Walker, Hollywood, Nixon, Magyar, Carlos, Ewen-Chappell and Kadak

**MOVED Cr Patterson, SECONDED Cr Kenworthy that:**

6 the matter be referred to a Budget workshop for a thorough financial analysis to ensure that the abolition of the Security Charge is equitable and fair for all ratepayers.

Discussion ensued.

**The Motion was Put and**

**LOST**

It was requested that the votes of all members present be recorded:

In favour of the Motion: Crs Kenworthy, Patterson, Wight and Barnett

Against the Motion: Mayor Bombak, Crs Mackintosh, Hurst, Rowlands, Walker, Hollywood, Nixon, Magyar, Carlos, Ewen-Chappell and Kadak

Cr Patterson foreshadowed that he would be presenting these amendments by way of a formal Notice of Motion to the next Council meeting, scheduled to be held on 13 March 2001.

**MOVED Cr Kadak, SECONDED Cr Ewen-Chappell that Council RETAINS the remaining funds of \$744,100 for projects to be considered in conjunction with the formulation of the 2001/2002 Budget.**

**The Motion was Put and**

**CARRIED**

It was requested that the votes of all members present be recorded:

In favour of the Motion: Mayor Bombak, Crs Mackintosh, Hurst, Wight, Rowlands, Walker, Hollywood, Nixon, Magyar, Carlos, Ewen-Chappell and Kadak

Against the Motion: Crs Barnett, Patterson and Kenworthy

*Appendix 21 refers*

*To access this attachment on electronic document, click here: [Attach21min270201.pdf](#)*

The Mayor reverted back to the normal order of the agenda at this point.

**FINANCE AND COMMUNITY DEVELOPMENT****CJ030 - 02/01      REFERENDUM 2001 - [55262]****WARD - All**

CJ010220\_BRF.DOC:ITEM 1

**SUMMARY**

The City is required to provide the Western Australian Electoral Commission with an Information Sheet and associated Question or Questions on the forthcoming Community Security Patrol Service Referendum. A draft Information Sheet and draft Referendum Question has been prepared, and is attached for the Council's consideration.

**BACKGROUND**

At the 12 September 2000 Council Meeting, it was resolved to:

*'Endorse a review of the CityWatch Service in order to determine community views prior to the end of the financial year by: conducting a referendum of electors during the May 2001 election for the City'.*

It was subsequently resolved at the 28 November 2000 Council Meeting:

*'that Council requests a further report be submitted to Council in February 2001 to seek approval of the statement and provide further information on the schedule of events for advertising and publicity dates in the lead up to the May 2001 Council election and referendum'.*

**DETAILS**

The two issues which have caused some debate in the public arena are whether the community wishes for the City to continue providing a Community Security Patrol Service, and whether the community is willing to pay for the provision of the Community Security Patrol Service, through an annual charge. The Council will need to determine whether it wishes to canvas community opinion on both issues or whether it only wants to ask about continuation of the Community Security Patrol Service.

An Information Sheet and Question have been prepared on the basis that the Council canvases community opinion only on the issue of continuing the Community Security Patrol Service. Should the Council desire, the Information Sheet and Question can be amended to also canvas community opinion on whether they wish to pay for the service through an annual charge.

The funding of any Council service is generally determined by the Council during its formation of the annual budget.

## **Information Sheet**

A draft Information Sheet and Referendum Question on the forthcoming Community Security Patrol Service Referendum has been prepared for the Council's consideration.

The Information Sheet and Referendum Question has been independently reviewed and prepared by Dr Russell, Head of the School of Communications at Curtin University of Technology. Dr Russell drafted the Information Sheet to ensure that the wording and question was not biased, misleading or emotive, or likely to cause debate or criticism from members of the community. It was prepared to ensure that the information provided was able to be read and understood by all members of the public, and that there was sufficient information provided so that everyone will be able to make a qualified and informed decision on the question asked.

The Information Sheet explains why the City is conducting a referendum and provides background details on the current Community Security Patrol Service. The Information Sheet also contains the Referendum Question.

It was decided not to provide a For and Against argument on the Information Sheet for a number of reasons. It would be very difficult to provide definitive and concise arguments for the For and Against cases, and attempting to do so would provide members of the community with the ability to criticise the arguments contained, as the arguments are very subjective in nature. Such arguments may only serve to distract and undermine the purpose of the Referendum.

Providing only factual information on the Community Security Patrol Service will ensure that there can be no criticisms as to the contents of the Information Sheet prior to and after the Referendum. It is also better to keep the information concise and pertinent on the Sheet, so as not to make it confusing for the members of the community, or discourage them from voting.

Another reason for not providing a For and Against argument is that the security charge is a decision of the Council, and it would not be in the Council's interest to appear divided on this issue.

Should the Council wish to put a For and Against argument in the public arena to assist the community in making an informed decision, this can be done through the Council News or Wanneroo Times in the weeks prior to the Referendum.

The City of Perth's recent Referendum on the Gay and Lesbian Pride Parade did not provide a For and Against argument on the Information Sheet. Their question was 'Should the City of Perth support the staging of the Gay and Lesbian Pride Parade?'

## **Western Australian Electoral Commission**

The draft Information Sheet has been forwarded to the Western Australian Electoral Commission for comment. Initial indications are that the Information Sheet contains all the information required for a person to make an informed decision, and that there does not appear to be a need for a For and Against argument.

The Commissioner of the Western Australian Electoral Commission will have the final discretion to sign off on the Information Sheet and Referendum Question. The final date for providing the Information Sheet and Question to the Commission is 22 March 2001. The



Information Sheet and Question will be included in the May 2001 postal voting election package.

### **Question**

The draft question proposed to which they is only a Yes and No answer is:

*Do you want the City of Joondalup to continue providing a Community Security Patrol Service?*

It was decided to limit the Referendum to one question, so as to encourage the community to vote, and not confuse potential voters. Should the Council wish to canvas community opinion on the funding of the Community Security Patrol Service, it could also pose the question

*‘Are you willing to pay for the provision of the Community Security Patrol Service, through an annual charge?’*

Because a Referendum Question must be framed towards a Yes or No response, the City is unable to ask the simpler Question

*‘Would you prefer to pay for the Community Security Patrol Service through either the General Rate > or Annual Charge >?’*

### **Association of Independent Retirees Inc.**

On 3 February 2001, the City received a letter from the Perth, Northern Suburbs Branch of the Association of Independent Retirees. The Association’s letter raised two questions: Does the provision of security patrols within the City prevent or reduce crime? and How should the costs of such provision be funded, as a levy or as a charge on the general rate? The Association wished for the Council to know that it would like the issue of funding as a second referendum question. As mentioned previously, the funding of any Council service is generally determined by the Council during its formation of the annual budget. The Council also has the ability to offer a discount to pensioners on service charges imposed.

### **Referendum Outcome**

The Council may also wish to make a decision prior to the Election as to whether it wishes the result of the Referendum to be binding and at what percentage result this would be, and whether this would be dependent on a minimum number of people voting in the Referendum. The Council may prefer to use the Referendum as a general guide to the feeling of the community. Whichever way the Council determines, information can be included in the Information Sheet and media publications on whether the Referendum result is binding.

The City is one of six Councils that has joined the Department of Local Government in commissioning an evaluation study to examine the impact of security patrols on crime prevention. This study will commence in March 2001 and should be completed by May 2001. The results of this study will also assist the Council in determining the benefits of security patrols.

Information Campaign

An Information Campaign on the Community Security Patrol Service Referendum has been prepared by Marketing Services, and is based on communication channels previously used by the Council. The Mayor and Chief Executive Officer will sign off any information e.g. adverts prior to its release, which is published in any other form than the attached Information Sheet. All published information will also be included in the Desk of the CEO to keep the Council informed.

COMMENT/FUNDING

It is anticipated that the information campaign expenditure of approximately \$12,000 can be covered in the existing 2000/01 Governance Budget.

Provisions for the Referendum expenditure associated with the Western Australian Electoral Commission have been made in the 2000/01 Budget, but the Council should bear in mind that if there is more than one question asked, the fee payable to the Commission will rise in accordance with the number of questions asked.

OFFICER’S RECOMMENDATION: That Council ENDORSES the:

- 1Information Sheet shown as Attachment 1 to Report CJ030-02/01, subject to the final approval of the Commissioner of the Western Australian Electoral Commission;
- 2Referendum Question, subject to the final approval of the Commissioner of the Western Australian Electoral Commission:  
  
“Do you want the City of Joondalup to continue providing a Community Security Patrol Service?”
- 3Information Campaign shown as Attachment 2 to Report CJ030-02/01.

MOVED Cr Magyar, SECONDED Cr Ewen-Chappell that Council ENDORSES the:

- 1Information Sheet shown as Appendix 22 hereto, subject to the final approval of the Commissioner of the Western Australian Electoral Commission;
- 2Referendum Questions, subject to the final approval of the Commissioner of the Western Australian Electoral Commission:

(a) “Do you want the City of Joondalup to continue providing a Community Security Patrol Service?  
YesNo ”

(b) “Would you prefer to pay for the Community Security Patrol Service through:  
a flat Service Charge ? OR General Rates

(c) “Do you agree to part of the Community Security Patrol Service Charge being used to fund crime reduction programs other than the actual Community Security Patrols?  
YesNo

- 3Information Campaign shown as Appendix 23 hereto;
- 4advising electors that the referendum can only be considered binding on the Council if more than half of the electors vote in this referendum.

Discussion ensued. Cr Hurst raised her concerns at the lack of information provided to the ratepayers in respect to the impact on general rates if the security service was not funded through a separate charge.

Manager, Executive Services gave an overview of the original advice received from the Western Australian Electoral Commission.

Cr Magyar, with the approval of Cr Ewen-Chappell agreed to his Motion being Withdrawn in order that this issue may be deferred to address the concerns raised by Cr Hurst, and to include as part of the Information process a copy of the examples of the effects of the rates as calculated by Mr M O’Brien

**MOVED Cr Magyar, SECONDED Cr Ewen-Chappell that the Motion be withdrawn.**

The Motion to Withdraw the Original Motion was Put and

CARRIED

**MOVED Cr Kadak, SECONDED Cr Hurst that the matter pertaining to the Referendum 2001 be DEFERRED in order that the following matters may be further considered by elected members:**

- the questions to be included in the Referendum;
- the Information Campaign statement;
- financial aspects.

The Motion was Put and

CARRIED

*Appendices 1(a), 1(b), 22 and 23 refer*

*To access these attachments on electronic document, click here:* [Attach1abrf200201.pdf](#)  
[Attach1bbrf200201.pdf](#) [Attach22min270201.pdf](#) [Attach23min270201.pdf](#)

CJ031 - 02/01

VACANCIES - WESTERN AUSTRALIAN  
MUNICIPAL ASSOCIATION - VARIOUS  
COMMITTEES - [02011]

WARD - All

SUMMARY

The Western Australian Municipal Association (WAMA) has invited member Council to submit nominations to various committees.

Nominations are invited from elected member and officer representatives with experience, knowledge and an interest in the relevant issues.

Nominations for all vacancies close on Thursday 22 March 2001 at 4.00 pm.

## **DETAILS**

The Western Australian Municipal Association has invited member Council to submit nominations to the following committees:

- Western Australian Tourism Commission's Metropolitan Marketing Advisory Council
- Aged Care Planning Advisory Committee
- Planning Fees Arbitration Panel
- Control of Vehicles (Off Road Areas) Act Advisory Committee.

Nominations are invited from elected member and officer representatives with experience, knowledge and an interest in the relevant issues.

**Nominations for all vacancies close on Thursday 22 March 2001 at 4.00 pm.**

Appointments are conditional on the understanding that nominees and delegates will resign when their entitlement terminates – that is, they are no longer elected members or serving officers of Local Government. This ensures that the WAMA representative is always active in Local Government as an elected member or serving officer.

Details of this vacancy can also be found at the Interaction section of the WAMA website at: <http://www.wama.wa.gov.au/interaction/index.html>.

### **1 WESTERN AUSTRALIAN TOURISM COMMISSION'S METROPOLITAN MARKETING ADVISORY COUNCIL – WAMA Member**

Nominations are invited from an elected member or serving officer experienced in or with a knowledge/interest in tourism issues and strategies.

The Advisory Council will ensure that the Commission receives industry advice and input into marketing issues impacting on metropolitan tourism in Western Australia, and to plan and prioritise metropolitan tourism infrastructure and product development needs.

The term will commence on appointment for a period of two years. Meetings are held at the WA Tourism Commission, 6<sup>th</sup> floor, 16 St George's Terrace, Perth. Meeting date, time and duration to be advised.

**There is no meeting fee.**

The Advisory Council membership will comprise:

- WA Tourism Commission Commissioner
- Metropolitan Tourism Association
- General Manager and Partnering Manager of the WATC Strategic Business Development division
- Perth Tourism Development Manager

- WA Municipal Association
- Department of Conservation and Land Management

## **2 AGED CARE PLANNING ADVISORY COMMITTEE – WAMA Member**

Nominations are invited from an elected member or serving officer experienced in or with a knowledge/interest in aged care issues.

The Committee will:

- identify community needs, including the needs of particular groups nominated by the Committee;
- rank the identified needs in priority order;
- consider the types of care that should be provided in particular regions;
- consider the most appropriate proportion of places for the different groups of people.

The term will commence upon appointment for a period of two years. Meetings are held at the Department of Health and Aged Care, 152-158 St George's Terrace, Perth. Meetings are held twice yearly; the day and time of meetings is to be advised.

**There is no meeting fee, however travel expenses will be reimbursed for non-metropolitan representatives.**

The Committee membership will comprise:

- Aged care industry;
- Indigenous groups;
- Ethnic groups;
- WA Municipal Association;
- Commonwealth Department of Health and Aged Care.

## **3 PLANNING FEES ARBITRATION PANEL – WAMA Member and Deputy Member.**

Nominations are invited from an elected member or serving officer experienced in or with a knowledge of the Town Planning (Local Government Planning Fees) Regulations 2000.

The function of the Panel is to determine disputes referred to it regarding amounts payable for or in relation to services provided pursuant to a request for:

- a Town Planning scheme amendment; or
- adoption of a structure plan provided by the applicant.

The term will commence upon appointment for a period of two years. Meeting location will be advised, but will be in the metropolitan area. Meetings are held as required and run for a duration of 2-3 hours.

**There is no meeting fee; however travel costs are paid.**

The Committee membership comprises:

- WA Planning Commission;
- Royal Australian Planning Institute;
- Industry Planning Groups;
- WA Municipal Association representative.

**4 CONTROL OF VEHICLES (OFF ROAD AREAS) ACT ADVISORY COMMITTEE – CSCA Member and Deputy Member; LGA Member and Deputy Member.**

Nominations are invited from an elected member experienced in or with a knowledge of the Control of Vehicles (Off Road Areas) Act. Nominations must be from those local governments which have coverage of all or part of the Off Road Vehicles Act.

The Committee will provide advice and recommendations to the Minister for Local Government on policies and proposals relating to the Control of Vehicles (Off Road Areas) Act.

The term will commence upon appointment for a period of two years. Meetings are held at the Department of Local Government, 32 St George's Terrace, Perth. Meetings are usually held three times a year on a Wednesday or Thursday at 2.00 pm, for a duration of 2-3 hours.

**There is a meeting fee of \$108 per day; \$76 per half day, plus travel at usual Public Service rates.**

The Committee membership comprises:

- Minister for the Environment representative;
- Country Shire Councils' Association representative;
- Local Government Association representative;
- Motorcycling Australia WA (Inc) representative;
- WA Beach Buggy Association (Inc) representative;
- WA Association of Four Wheel Drive Clubs (Inc) representative.

*Cr Nixon left the Chamber, the time being 2029 hrs.*

Cr Magyar nominated Cr Kadak.

Cr Patterson nominated Cr Kenworthy.

**MOVED Cr Patterson, SECONDED Cr Magyar that Council NOMINATES Crs P Kadak and G Kenworthy for consideration of appointment to the Western Australian Tourism Commission Metropolitan Marketing Advisory Council.**

**The Motion was Put and**

**CARRIED**

CJ032 - 02/01

WARRANT OF PAYMENTS FOR THE PERIOD  
ENDING 31 JANUARY 2001 - [09882]

WARD - All

CJ010220\_BRF.DOC:ITEM 3

SUMMARY

This report details the cheques drawn on the funds during the month of January 2001. It seeks Council’s approval for the payment of the January 2001 accounts.

BACKGROUND

FUNDS	VOUCHERS	AMOUNT
		\$ c
Director Resource Management Advance Account	028234-028926	6,091,551.09
Municipal	000241-000245	6,091,551.09
TOTAL		\$ 12,183,102.18

It is a requirement pursuant to the provisions of Regulation 13(4) of the Local Government (Financial Management) Regulations 1996 that the total of all other outstanding accounts received but not paid, be presented to Council. At the close of January 2001, the amount was \$417,409.52

The cheque register is appended as Attachment A.

CERTIFICATE OF THE DIRECTOR RESOURCE MANAGEMENT

This warrant of accounts to be passed for payment, covering vouchers numbered as indicated and totalling \$12,183,102.18 which is to be submitted to each Councillor on 27 February 2001 has been checked and is fully supported by vouchers and invoices which are submitted herewith and which have been duly certified as to the receipt of goods and the rendition of services and as to prices, computations and casting and the amounts shown are due for payment.

RHONDA HARDY  
Manager Accounting Services

J B TURKINGTON  
Director Resource Management

CERTIFICATE OF MAYOR

I hereby certify that this warrant of payments covering vouchers numbered as indicated and totalling \$12,183,102.18 submitted to Council on 27 February 2001 is recommended for payment.

.....  
Mayor John Bombak

**MOVED Cr Magyar, SECONDED Cr Mackintosh that Council APPROVES for payment the following vouchers, as presented in the Warrant of Payments to 31 January 2001, certified by the Mayor and Director of Resource Management and totalling \$12,183,102.18.**

FUNDS	VOUCHERS	AMOUNT
		\$ c
Director Resource Management Advance Account	028234-028926	6,091,551.09
Municipal	000241-000245	6,091,551.09
	TOTAL \$	12,183,102.18

The Motion was Put and

CARRIED

Appendix 2 refers

To access this attachment on electronic document, click here: [Attach2abrf200201.pdf](#)

CJ033 - 02/01

FINANCIAL REPORT FOR THE PERIOD ENDING 31 JANUARY 2001 - [07882]

WARD - All

CJ010220\_BRF.DOC:ITEM 4

SUMMARY

The monthly financial report for the period ending 31 January 2001 is appended as Attachment A.

The January report is the seventh financial report for the 2000/2001 financial year. The report shows a variance of **\$6.5m** when compared to budget for the year to date. This variance can be analyzed as follows:

- Operating Budgets shows a variance of **\$4.1m** at the end of the month as compared to budget due to underspending in Employee Costs of **\$1.2m** and Materials & Contracts of **\$3.2m**.
- Capital Expenditure Budgets shows a variance of **\$1.0m** at the end of the month as compared to budget primarily due to purchases of Computer and Communication Equipment and Plant & Light Fleet that had not been undertaken by the end of the month.



- Capital Works Budgets show a variance of **\$1.4m** at the end of the month as compared to budget. However, the City has currently committed expenditure of approximately **\$1.4m**. Inclusion of this committed expenditure indicates that the Capital Works Program compares favourably against YTD budget.

Note that a half-year Budget review has been undertaken in which funds of \$963,100 have been identified as available for re-distribution. This review will be discussed at an Elected Members workshop.

**MOVED Cr Magyar, SECONDED Cr Walker that the Financial Report for the Period Ended 31 January 2001 be NOTED.**

**The Motion was Put and**

**CARRIED**

*Appendix 3 refers*

*To access this attachment on electronic document, click here: [Attach3brf200201.pdf](#)*

**CJ034 - 02/01      DRAFT STRATEGIC PLAN 2000 – 2005 - [52143]**

**WARD - All**

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CJ010220\_BRF.DOC:ITEM 5

## **SUMMARY**

A review of the City's first Strategic Plan has been undertaken following consultation with the community and key stakeholders. The new draft Plan covers the period 2000 – 2005 and provides an outline of the future direction for the City, what the City wants to achieve, how the City intends to achieve it and how the performance will be measured. The Strategic Plan is one of the primary sources the City uses in all its planning and budgeting processes and activities. This Report recommends that the attached draft Strategic Plan 2000 - 2005 be endorsed for release to the community for final comment prior to it being approved for printing and distribution.

## **BACKGROUND**

In October 2000, as an initial step, Council held a workshop session to review the existing Strategic Plan, which resulted in a number of changes to strengthen and enhance the focus and direction of the draft Strategic Plan 2000 – 2005.

Community consultation is a very important element in the review of the City's Strategic Plan and two workshops, one for the southern suburbs and one for the northern suburbs, were arranged to ensure community issues and comments were obtained for consideration. The workshops were advertised in the Wanneroo Times and over 350 letters were sent to Residents Associations, community and other groups in the City to encourage their participation in the workshops and to also seek their comments on the Plan. In addition an opportunity was made available for the community to provide feedback on the Plan via the City's Web site.

The two workshops were held on:

- Tuesday 5 December 2000, twenty-seven members of the public including residents and community groups from the southern suburbs attended the Sorrento Community Hall meeting.
- Thursday 7 December 2000, the second community consultation session occurred involving the northern suburbs with twenty-one people attending the meeting at the Joondalup Library.

The views of the business sector were sought on the draft Plan via a mailout to members of the Joondalup Business Associations as a session scheduled for Wednesday 6 December 2000 was cancelled due to no acceptances. A workshop session was held with the Stakeholder Group on 30 November 2000. The Stakeholder Group, Chaired by the Chief Executive Officer, includes the senior management from the health, services, tourism, education, retail sectors and the Business Association. The comments received from the session related to the area of Economic Vitality, the Mission and Vision statements.

## **DETAILS**

Extensive comments were received from the community sessions and Stakeholder Group. The community sessions sought clarification on a number of matters, definitions on some of the terms and wording in the Plan and examples of particular strategies.

The issues raised by the community and stakeholders are outlined in Attachment 1.

There appeared to be general support from the community sessions for the vision of the Plan and thrust of the directions and strategies.

All comments were critically analysed and debated by Council representatives and the Executive at a workshop held on 3 February 2001. The northern and southern community groups both raised the issue of a need for a new Key Result Area of Environmental Sustainability. In addressing this issue at the workshop it was considered and agreed that environmental matters were important, however it did not warrant a separate Key Result Area as it was of the opinion that environmental sustainability is an important component of every aspect of the Strategic Plan, and is integral to each individual Key Result Area.

Also a large number of the comments received from the community workshops were issues of an operational level which will be addressed in the action plans (or projects) arising from the strategies. To address some of these issues it was agreed to include a list of other relevant documents that individuals could source to gain information on specific projects and plans that could relate specifically to their suburb.

The draft Strategic Plan 2000 –2005 has been prepared as a result of the community comments and Council workshops. (Attachment 2 refers). It is recommended the Draft Plan be distributed, for a period of one month, for final community comment before Council's consideration for adoption at the meeting on 10 April 2001. It is proposed that the period for final community comment be advertised in the community paper and via the City's Web page. The draft Strategic Plan will also be sent to the participants of the community workshops and Stakeholder meeting for their comment.

**COMMENT/FUNDING**

An amount has been included in the operating budget of the Organisation and Strategic Development Business Unit for the printing and distribution of the Strategic Plan once all comments have been received and reviewed by Council.

Account No: 112022213720  
Budget Item: Printing  
Budget Amount: \$5,000

*Cr Nixon entered the Chamber, the time being 2030 hrs.*

*Cr Kenworthy left the Chamber at 2035 hrs and returned at 2037 hrs.*

*Cr Wight left the Chamber at 2038 hrs and returned at 2039 hrs.*

**OFFICER'S RECOMMENDATION:** That Council APPROVES the draft Strategic Plan 2000-2005 for release to the community for comment for a period of 30 days.

**MOVED Cr Magyar, SECONDED Cr Carlos that Council:**

**1 APPROVES the draft Strategic Plan 2001-2005 for release to the community for comment for a period of 30 days subject to the following changes:**

- (a) the mission of the City of Joondalup “To develop partnerships to enhance growth, economic vitality and diversity of lifestyle, through leadership” is replaced with “To demonstrate leadership in creating partnerships to develop an ecologically sustainable economy with vitality and diversity of lifestyle.”**
- (b) the Draft Strategic Plan to include a section detailing a Strengths, Weakness, Opportunities and Threats analyses;**
- (c) the Key Result Areas to include indicators of “Ecological Sustainability” and “Genuine Progress Indicators”;**
- (d) the Draft Strategic Plan to include a section to state that the City of Joondalup will attempt to be the first West Australian local government to use Triple Bottom Line Accounting principles or methods.**

Cr Kadak moved the following Amendment as one. During discussion on the matter, it was requested that each part of the motion would be voted upon separately.

**AMENDMENT MOVED Cr Kadak, SECONDED Cr Walker that Council:**

**1 APPROVES the draft Strategic Plan 2001-2005 for release to the community for comment for a period of 30 days.**

Discussion ensued

**The Amendment was Put and**

**CARRIED**

**AMENDMENT MOVED Cr Kadak, SECONDED Cr Walker** that Council:

- 2        AMENDS the Draft Strategic Plan 2001 - 2005 to include the following change:
- (a)

the mission of the City of Joondalup “To develop partnerships to enhance growth, economic vitality and diversity of lifestyle, through leadership” is replaced with “To demonstrate leadership in creating partnerships to develop an ecologically sustainable economy with vitality and diversity of lifestyle.”

Discussion ensued.

The Amendment was Put and

LOST

**AMENDMENT MOVED Cr Kadak, SECONDED Cr Walker** that Council:

- 2        AMENDS the Draft Strategic Plan 2001 - 2005 to include the following change:
- (b)

the Draft Strategic Plan to include a section detailing a Strengths, Weakness, Opportunities and Threats analyses;

Discussion ensued.

The Amendment was Put and

LOST

**AMENDMENT MOVED Cr Kadak, SECONDED Cr Walker** that Council:

- 2        AMENDS the Draft Strategic Plan 2001 - 2005 to include the following change:
- (c)

the Key Result Areas to include indicators of “Ecological Sustainability” and “Genuine Progress Indicators”;

Discussion ensued.

The Amendment was Put and

LOST

**AMENDMENT MOVED Cr Kadak, SECONDED Cr Walker** that Council:

- 2        AMENDS the Draft Strategic Plan 2001 - 2005 to include the following change:
- (d)

the Draft Strategic Plan to include a section to state that the City of Joondalup will attempt to be the first West Australian local government to use Triple Bottom Line Accounting principles or methods.

Discussion ensued.

The Amendment was Put and

LOST

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

**That Council APPROVES the draft Strategic Plan 2001-2005 for release to the community for comment for a period of 30 days.**

**was Put and**

**CARRIED**

*Appendices 17(a) and 17(b) refer*

*To access this attachment on electronic document, click here:*     [Attach17aag270201.pdf](#)  
[Attach17bbrf200201.pdf](#)

*Cr Patterson left the Chamber, the time being 2045 hrs.*

**CJ035 - 02/01     BUSINESS PLAN FOR TRANSFER OF VESTING -  
THE GROYNES AND BREAKWATER, OCEAN REEF  
- [04171]**

**WARD - Marina**

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CJ010220\_BRF.DOC:ITEM 6

## **SUMMARY**

At its meeting on 13 February 2001, Council considered a report (CJ005-02/01 refers), on the requirements of complying with section 3.59 of the Local Government Act 1995 in relation to the transfer of vesting of the Ocean Reef boat launching facility (groynes) from the Water Corporation and Department of Transport to the City. The report provided advice received from the City's solicitor and the Department of Local Government, that there was no statutory obligation under section 3.59 for the City to prepare a business plan before entering into the vesting transfer arrangement.

At the meeting Council resolved:

**“that the matter relating to vesting arrangements for the Ocean Reef Boat Launching Facility be DEFERRED to the next meeting of Council scheduled to be held on 27 February 2001 in order that a business plan may be presented for consideration by elected members.”**

A Business Plan has been prepared on the transfer of vesting of the Groynes and breakwater at Ocean Reef for consideration by Council. (Attachment A refers.)

The Council should be aware that it will be necessary to prepare and publicly advertise a business plan under sections 3.59 of the Local Government Act when the master plan is complete and proposed development of lot 1029 and adjacent land at Ocean Reef is being considered.

**BACKGROUND**

There has been one briefing and two reports to Council concerning the proposed transfer of vesting of the facilities at Ocean Reef to the City:

- Council Briefing for Report CJ335-11/00 – PowerPoint presentation.
- Deed regarding the vesting of the Ocean Reef Boat Harbour launching facilities and groynes with the City of Joondalup, 28 November 2000. (Item CJ335-11/00 refers.)
- Ocean Reef boat launching facility – Report on applicability of section 3.59 to vesting arrangements, 13 February 2001. (Item CJ005-02/01 refers.)

As requested by Council at its meeting of 13 February 2001, a Business Plan has been prepared for consideration.

**COMMENT/FUNDING**

As stated in the Business Plan there are costs associated with the transfer of vesting of the groynes to the City. The M P Rogers study, which was finalised in February 2000, provided a preliminary analysis and costing of maintenance works, identified as a result of the inspection report. (Item CJ335-11/00 refers).

Based on the Rogers study and details from the Department of Transport, the estimated maintenance cost for the groynes and breakwater are:

- \$1000 -\$3000 each year for ongoing maintenance;
- \$290,000 in year 5 for re-armouring of groyne;
- \$50,000 every 5 years for major maintenance;
- \$40,000 - \$80,000 per dredging operation every 2 years, however if the breakwater is extended, which would be undertaken by Department of Transport, then dredging is required possibly every 10 years.

For costing purposes a 20 year cycle has been used to calculate the average cost per year the City would need to budget, based on the above figures:

\$ 3,000	Maintenance
\$14,500	Re-armouring (\$290,000/20 years)
\$10,000	Groyne repairs (\$50,000/5 years)
<u>\$ 8,000</u>	Dredging (\$80,000/10 years)
<u>\$35,500</u>	

The Department of Transport confirmed that they have not been required to do any maintenance, re-armouring or repairs on the main breakwater over the life of the facility (20 plus years) and they consider the facilities are in a sound condition.

Possible sources of income to the City to cover these costs are:

\$25,600	Car/boat trailer parking
<u>\$10,000</u>	Commercial leases
<u>\$35,600</u>	

Income from the commercial leases would not be realised until planning development approval was obtained and premises built and in this case the City would need to budget for such funding in the interim.

*Cr Patterson entered the Chamber, the time being 2048 hrs.*

**MOVED Cr Rowlands, SECONDED Cr Patterson that Council NOTES the Business Plan for the transfer of vesting of the Groynes and Breakwater at Ocean Reef forming Attachment 1 to Report CJ035-02/01.**

Cr Carlos requested that all costs associated with this issue are appropriately reflected within this report.

Executive Manager, Strategic Planning advised the business plan dealt with the groynes and pointed out that land behind the groynes did not form part of the business plan or the proposed revesting.

Costs associated with the M P Rogers study have been included.

The Motion was Put and

CARRIED

*Appendix 19 refers*

*To access this attachment on electronic document, click here: [Attach19brf200201.pdf](#)*

CJ036 - 02/01

COMMUNITY PORTAL PROJECT - [45954]

**WARD - All**

CJ010220\_BRF.DOC:ITEM 7

**SUMMARY**

The City has been pursuing the establishment of an on-line community portal. The Steering Group, made up of key leaders from Business, Education and Local Government in the Joondalup Wanneroo Region propose the establishment of an Incorporated Association to take a leadership role in promoting the connection, provision and use of information communication technology (ICT) in the region. ICT will be used to promote community and business development, encourage a sense of community and provide services for all sectors of the community. It is proposed the City becomes a foundation member of the North Metro Community On-line Association.

## **BACKGROUND**

In 1999 the City commenced investigation into the establishment of an on-line community portal. The general purpose was to provide services, encourage training adoption and use of on-line technology and provide a platform for business to business, customer to business, business to customer transactions, and development, using information technology.

The City established a working group comprising representatives from Edith Cowan University, North West Metro Business Enterprise Centre, Department of Commerce and Trade, City of Wanneroo and representatives from the District Education Office, to develop the concepts and plans for implementation.

In July 2000 an on-line steering group was established comprising of senior officers from the organisations on the working group previously mentioned and in addition, representatives from Department of Contract and Management Services, the Wanneroo and Joondalup Business Associations.

The steering group has developed the project and proposes the establishment of an Incorporated Association to develop and implement the project.

Funding for the project thus far has been limited to a grant of \$90,000 from the Regional Assistance Program (RAP) and minor contributions from the representative organisations. The grant funds, held by the Joondalup Business Association, provide for the appointment of a Business Development Manager. This position has been advertised and the appointment is pending the establishment of the Incorporated Association.

## **DETAILS**

### **Project Scope**

The Joondalup/Wanneroo Internet Portal is proposed to provide a single point of entry for the Joondalup/Wanneroo regional area. It will provide a comprehensive resource that will enhance the provision of community services, be a vehicle for community development, encourage the use of the Internet for business to business transactions and become a prime distribution network for local news and information.

The development of this project has been a partnership effort involving:

- City of Joondalup;
- City of Wanneroo;
- Joondalup Business Association Inc;
- Wanneroo Business Association Inc;
- North West Metro Business Enterprise Centre;
- Edith Cowan University;
- Department of Commerce and Trade;
- Department of Contract and Management Services;
- Satterley Property Group.



## Financial Information

Funding support for the project has been successfully sought from the Regional Assistance Program (RAP). A \$90,000 grant has been provided and is held by the Joondalup Business Association. The funds are primarily for the appointment of a Business Development Manager and the establishment costs of the organisation. Both Cities are requested to contribute \$5,000 each under the grant proposal towards the project.

There are a number of portal projects in Western Australia, 'Albany Gateway', 'My South West' etc. These have been consulted in the business planning. A key issue facing portal projects around the world is sustainability. The steering working group has scoped the business plan requirements, and will continue to work on the funding options for the project. Opportunities exist for major telecommunications companies to become involved.

## Organisational Structure

The project has a wide range of partners. To capture the opportunities this partnership base offers and to manage the project, the steering group has determined that the establishment of an Incorporated Association will best meet the objectives for the project. Rules of the Association have been prepared and they propose that the following organisations are foundation members.

- City of Joondalup;
- City of Wanneroo;
- Edith Cowan University;
- North West Metro Business Enterprise Centre;
- Joondalup Business Association Inc;
- Wanneroo Business Association Inc;
- State Government.

The name of the organisation will be North Metro Community On-line Association Inc. The papers for Incorporation have been prepared.

The objects of the Association are:

- (a) take a leadership role in promoting and enabling the connection, provision and use of information communication technology in the region;
- (b) create and or promote the use of information communication technology as a vehicle for community and business development;
- (c) create a sense of community that is safe, inclusive, which encourages diversity and a sense of belonging through the use of information communication technology;
- (d) develop a diverse range of services through information communication technology that is inclusive and to the benefit of the region; and
- (e) promote the development of information communication technology based services for all sectors of the community.

The pursuit of the objects will provide the community and the City with the opportunities a regional portal has to offer.

The agreement of the City to be a foundation member is sought. This would entitle the City to appoint one member to the committee of management. This would ensure that the City's interests are addressed at the Association.

## **COMMENT/FUNDING**

The regional on-line portal project has wide support from the Business, Education and Local Government sectors in the Joondalup/Wanneroo region. It has the potential to create economic development opportunities, influence community development and deliver services. The objects of the proposed Association will ensure that all sectors of the community are provided for.

This is an important stage for the City to take in partnership with other leaders in the Cities of Joondalup and Wanneroo in promoting Information Technology and achieving the benefits it has to offer.

Account No:	11.20.21.212.4402.D851
Budget Item:	On-line Projects
Budget Amount:	\$5,000

Funds are available for the project.

## **MOVED Cr Magyar, SECONDED Cr Nixon that Council AGREES:**

- 1 that the City of Joondalup becomes a foundation member of the North Metro Community On-line Association Inc;**
- 2 to contribute \$5,000 under the grant proposal to assist with the funding of the On-line Association development.**

**The Motion was Put and**

**CARRIED**

**CJ037 - 02/01 TENDER 072-99/00 - OPERATIONAL MANAGEMENT AND LEASE, CITY OF JOONDALUP LEISURE CENTRES - [46492]**

**WARD - All**

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CJ010220\_BRF.DOC:ITEM 8

## **SUMMARY**

Council at its meeting 27 November 2000 resolved to award the lease to RANS Management Group for five plus five years for the operational management and Lease of the City's Leisure Centres subject to confirmation being obtained that awarding the lease will not be in contravention of Section 3.59 of the Local Government Act and sections 18 and 46 of the Land Administration Act 1997, should those sections apply.

At the meeting of Council on 19 December 2000, Council resolved to endorse the business plan for the lease of the City's leisure centres for the purposes of seeking public comment on the plan and approved its advertisement.

Six submissions were received from individuals and one from an organisation in relation to either the business plan and or the proposed disposition of land by way of lease for Reserve No's. 32380, 32858, 34330 being the land on which Sorrento Duncraig, Craigie and Ocean Ridge Leisure Centres are located. Submissions closed for the business plan on 2 February 2001 and for the proposed disposition of land on 9 February 2001.

All submissions are objecting to the proposed lease of the centres and raise numerous issues, all of which have been addressed in this report. Many of the points made in the submissions focus on the land transfer and subsequent land title matters. The Department of Land Administration (DOLA) has indicated that the details are correct and satisfactory. The final signed and sealed lease between RANS and the City must go to the Minister of Lands for endorsement prior to stamping.

The other issues, principally relating to the contract, are addressed in the deed of agreement. Comments to that effect are also included in the body of this report. Where issues have been raised they have been addressed. Those requiring action or amendment to the agreement have been effected. The only issue remaining is one of differing philosophical viewpoints, which cannot be resolved in this process.

Sections 3.58 and 3.59 of the Local Government Act have now been complied with. Advice has been received that the lease does not contravene Sections 18 and 46 of the Lands Administration Act.

A rigorous and exhaustive review process has been conducted. The market test of the leisure centre demonstrates that the proposed lease will be beneficial to the city and the customers of the leisure centres. It is considered that none of the submissions have demonstrated any reason that would change this position. It is considered that Council should proceed with the proposed lease as it will be the most advantageous outcome to the City and the customers of the leisure centres.

The issue of compliance with the Local Government Act and other regulations has now been satisfied with confirmation from DOLA and the Department of Local Government that all is in order. There are now no legal or administrative obstacles to awarding the tender to RANS.

This report also considers the motions carried at the Annual General Meeting of Electors held in December 2000 in relation to this matter. Council at its meeting on 13 February 2001 resolved to form a Committee to review the motions carried at the Annual General Meeting of Electors held in December 2000. This Committee meets on Thursday 22 February 2001.

## **BACKGROUND**

At the meeting of Council on 27 November 2000 Council resolved in relation to the tender for the operational management and lease for the City's leisure centres as follows:

- 1      DECLINES all previous tenders for Tender 72-99/00, Operational Management and Lease of the City's Leisure Centres;**

- 2 AWARDS the Lease to RANS Management Group for five plus five years for the operational management and Lease of the City's Leisure Centres in accordance with the negotiated terms and conditions as outlined in Report CJ 290-10/00 and Report CJ 337-11/00;**
- 3 AUTHORISES the execution of the Lease from 1 February 2001 for a period of 5+5 years for the Management and Lease of City of Joondalup Leisure Centres under the common seal;**
- 4 by ABSOLUTE MAJORITY pursuant to the provisions of Section 6.11(1) of the Local Government Act 1995 CREATES a new Reserve Account titled Leisure Centre Capital Improvements for the purpose of Capital Improvements to the City's Leisure Centres operated by RANS Management Group; and**
- 5 NOMINATES Crs Carlos and Wight as representatives to the Leisure Centre Strategic Management Group.**
- 6 as detailed in (2) above awards the lease to RANS, SUBJECT to confirmation being obtained that awarding the lease will not be in contravention of Section 3.59 of the Local Government act and sections 18 and 46 of the Land Administration Act 1997, should those sections apply.**

(Report CJ337 - 11/00 refers)

Advice was subsequently obtained from Council's solicitors and DOLA in relation to item 6 of the resolution.

Legal advice received indicated that the lease of the leisure centres constitutes a major land transaction under section 3.59 (1) of the Act, as the benefits accruing to the City exceed \$500,000 in value. Advice received also indicated that the lease is considering a disposition of property and therefore, by virtue of section 3.58 of the Act requires statewide public notice of the Council's intention to lease the land. Section 3.59 required the preparation of a business plan for the land transaction and similar advertising requirements.

Advice has been received from DOLA indicating that the requirements of the Land Administration Act are being adequately complied with by the City. It has advised that endorsement of the Ministerial approval of the lease will be required following Council's execution of the document and request it be forwarded in due course for approval by the Minister prior to it being stamped by the State Revenue Department.

At the meeting of Council on 19 December 2000, Council resolved in relation to the business plan for the lease of the City's leisure centres as follows:

- 1 ENDORSES the business plan for the lease of the City's three Leisure Centres as contained in the revised Attachment One to Report CJ365-12/00 for the purposes of seeking public comment on the plan.**
- 2 AUTHORISES in accordance with the provisions of Sections 3.58 and 3.59 of the Local Government Act 1995 the advertising of the Business Plan for the lease of the City's three Leisure Centres and the intention of the City to lease the Leisure Centres to RANS Management Group in the local community newspapers known as the Wanneroo and Joondalup Community."**

- 3     CONSIDERS a report on the Motion from the Annual General Meeting of Electors relating to the proposed lease of the Leisure Centres to be listed for consideration at the Council meeting to be held in February 2001 in conjunction with the outcome of the public consultation period of the Business Plan.**
- 4     INFORMS RANS Management Group of the current situation, including the resolutions of the Annual General Meeting of Electors.**
- 5     REVIEWS legal advice received on this item relating to Tender 072-99/00 - Operational Management and Lease – City of Joondalup Leisure Centres.**
- 6     included in the advertisement detailed in (2) above, is reference that further information relating to this matter is available in Council Reports CJ252-07/99, CJ290-10/00, CJ337-11/00 and CJ338-11/00.**

(Report CJ365 - 12/00 refers)

## **DETAILS**

### **Submission process**

The Business Plan was advertised statewide in the West Australian newspaper on 21 December 2000 and also in the Wanneroo Times on 26 December 2000 and Joondalup Community Times on 11 January 2001. The notice was placed on the City's public notice board and in the Leisure Centres and Libraries. The Business Plan and relevant Council reports were also available for perusal on the City's website. Submissions closed on Friday 2 February 2001.

The notification for the proposed disposition of property was advertised in the Joondalup Community Times on 18 January 2001 and Wanneroo Community Times on 16 January 2001 and in the West Australian on 23 January 2001 and 25 January 2001. The notice was placed on the City's public notice board and in the Libraries. Submissions closed Friday 9 February 2001.

The notification for the proposed disposition of property was originally advertised to close 2 February 2001 in the Joondalup and Wanneroo newspapers and then in the West Australian to close 6 February 2001 and 9 February 2001. The advertisement had to be advertised state wide and required 14 clear days to the close of submissions to comply with Section 3.58 of the Local Government Act. Errors had been made initially in relation to the closing date of the advertisement and the changes to the closing date were necessary to comply with the Local Government Act. The net effect was that the public had a total of three week and three days rather than just the two weeks period specified in the Local Government Act to make a submission in relation to the proposed disposition of property.

Legal advice has been received that the amendments to the change in the closing date for submissions for the notification for the proposed disposition of property comply with section 3.58 of the Local Government Act.

There were eight requests for copies of the business plan and in total seven submissions were received. Only Mrs Wood made separate submissions. Mullaloo Progress Association and Mr Gannon made submissions that addressed both the business plan and the disposition of

property. All other submissions were in relation to the business plan only. Submissions were received from the following individuals and groups.

	Business Plan (s3.59)	Disposition of Property (s3.58)
Mullaloo Progress Association (Mr Sideris)	✓	✓
Mr V Cusack	✓	✗
Mr R De Gruchy	✓	✗
Mrs C Wood	✓	✓
Mr G Zakrevsky	✓	✗
Mr N Gannon	✓	✓

Copies of the submissions have been forwarded to elected members.

Issues Raised

All submissions received failed to address the primary issue of the business plan and the notification of the proposed disposition of property, that is, the issuing of a land lease. The submissions focused on the philosophical question of outsourcing versus in house management and queried various operational matters. Under normal circumstances, section 3.59 of the Local Government Act does not apply to this type of proposal. It is understood that it was never intended to apply to a situation where the operational management of a leisure centre is being tendered.

The following issues were raised in the submissions. Many issues have been previously raised in correspondence or in public question time at Council and have been answered. Each issue has been considered and commented upon.

Issue	Response
Adequacy of Business Plan	<p>Advised by Department for Local Government that the Business Plan meets the legal requirements of Section 3.59 of Local Government Act. The Business Plan needed to emphasise the accessibility and affordability impacts the proposal has on the community so that there can be a balanced assessment and understanding by the community.</p> <p>The additional documentation available with the Business Plan provided sufficient detail to address all other aspects that could be expected to be included in a business plan.</p>
Availability of lease agreement	<p>Copies of the lease agreement were available to prospective tenderers for \$500. Members of the public who wished to view the agreement could do so by arrangement. Because of commercial confidentiality it was necessary to manage access to the lease agreement in this manner.</p>

Definition of land areas and Land Title at the Centres including the Kiosk at Sorrento Duncraig Leisure Centre	<p>The legal description of the land was provided in the business plan and the definition of the land that will be subject to lease has been approved by Department of Land Administration.</p> <p>The proposed lease area at Craigie Leisure Centre is part of Craigie Open Space. Management of the rest of the open space rests with the relevant authorities not with the lessee of Craigie Leisure Centre.</p>
Outsourcing of Centres - philosophical arguments against the current proposal	This is a philosophical issue. The market testing of the leisure centres demonstrated that engaging an external management contractor to manage the operations of the leisure centres would be beneficial.
Basis for calculating Estimated Rental Return to the City	The base rent of \$1,655,000 payable over the life of the lease is guaranteed irrespective of attendance numbers. The percentage rent payable to Council is subject to the gross revenue received by RANS.
Capital Contribution by RANS to construct an extension to the Fitness Centre and develop a soft Play area. Any requirement for Council to contribute to project	<p>The capital contribution by RANS is not subject to Council making an additional contribution for these proposals and Council would not be responsible for any budget shortfall.</p> <p>A report to Council on 28 November 2000 outlined the proposed timeframe for the development of these facilities. (Item CJ337 refers)</p> <p>It was agreed that RANS would, subject to the conduct of market research proving the nature of the projects nominated to be most suitable, commit contractually to the following:</p>

	<p>Project 1:      Expansion of the Health and Fitness Centre at Craigie Leisure Centre</p> <p>Value:          \$1,000,000</p> <p>Timing:        Planning and development April 2001 to August 2001</p> <p>                     Construction September 2001 to February 2002</p> <p><b>Operating and Official Opening    March 2002</b></p> <p>Date determined on a 1 February 2001 commencement</p> <p>Project 2:      Development of a Soft Play Area at Craigie Leisure Centre</p> <p>Value:          \$180,000</p> <p>Timing:        Planning and development November 2001 to March 2002</p> <p>                     Construction April 2002 to June 2002</p>
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	<p><b>Operating and Official Opening July 2002</b></p> <p>Date determined on a 1 February 2001 commencement</p> <p><b>NB</b> These dates were determined based on a 1 February 2001 commencement and any adjustment to that date may result in changes to these dates.</p> <p>No plans have been submitted to Council. Any proposal must obtain all necessary statutory approvals.</p> <p>Should RANS decide that alternative facilities should be built rather than an extension to the Fitness Centre and a Soft Toy area then it is necessary for Council to consider such proposals in good faith. This is the intention of the requirement that Council's consent for any such proposal should not be unreasonably withheld.</p>
<p>Free use Junior, Seniors and other community groups at Leisure Centres</p>	<p>Council has been subsidising groups such as ratepayer associations, junior and senior use of leisure centres and other community facilities for many years. It is estimated that the subsidy for the leisure centres will be \$101,000 in the first year of the lease. This figure was included in the lease agreement.</p> <p>The subsidy of these groups for use of leisure facilities has been included in a donation account in the Recreation Development Activity area for a number of years. There is no additional cost to Council from making payment for this to RANS.</p>
<p>Lease requirements for lessee to upkeep and maintain Centres in good condition</p>	<p>RANS will be responsible for the maintenance, repair and replacement of every part of the Centres including all lighting and electrical installations, plant and equipment, and all drainage and septic systems and all other fixtures and fittings in good, substantial and tenantable repair.</p> <p>The lease does not impose an obligation upon RANS to do any work of a structural nature except for several exceptions including acts of negligence by the lessee.</p> <p>The lessee is required to maintain the shell of any swimming pool to the extent of ensuring that normal regular preventative maintenance is carried out.</p> <p>The City has made a commitment to contributing as a minimum sum the base rent payable by RANS for the purpose of capital improvements to the facilities.</p>



Performance Bond and options for termination of Lease Agreement	<p>There is a performance Bond of \$184,000 required to be lodged.</p> <p>The lease requires that the bond can either be paid into a call savings account with a bank or building society in the name of the City or alternatively, RANS may deliver an irrevocable and unconditional bank guarantee to secure payment of the bond.</p> <p>If RANS do not meet the requirements of the lease then the City could terminate the lease.</p>
Protection for the City from any financial loss incurred by RANS	There is no financial risk to Council. RANS are committed to payment of a base rent and a percentage rent. Council is not liable for any operating costs of the three centres.
Skateboard ramp - Craigie Leisure Centre	The lease area at Craigie Leisure Centre does not include the skate area that will continue to be managed by Council. A five year plan for the development of skate facilities in the City will shortly be presented to Council
Guarantees of financial Return to Council from leasing the Centres.	The base rental component of the financial return is guaranteed otherwise RANS will be in default of the lease. The anticipated total rental return is based on RANS's tender submission, which was evaluated by the Tender Evaluation Committee.
Potential Sponsorship Arrangements	<p>RANS cannot enter into any agreement or arrangement for sponsorship by a third party without the prior approval in writing (approval shall not be unreasonably withheld) by Council on conditions that are not inconsistent with RANS's obligations under the lease.</p> <p>RANS has not provided a list of prospective sponsors at this stage as it would be premature.</p>
Capital Contributions by Council to capital improvement at the Leisure Centres	In the report to Council on 28 November 2000 it was advised that it was proposed to include in the lease agreement that the capital contribution by Council as a minimum sum, be the base rental paid to Council by RANS for the purpose of capital improvements to the facilities. Expenditure of this sum is to be subject to Council approval following presentation of a strategic and capital improvement plan prepared by RANS each year, generally in the month of February. Requests for expenditure beyond the base rental sum committed each year are to be considered on their merits and the return to Council and the community.

Savings in City's Corporate Overheads that may be realised	<p>It is anticipated that within the City's leisure centre budget with RANS managing the facilities, the City's corporate overheads will reduce from \$214,417 to approximately \$45,000 per annum.</p> <p>These are savings at the Centre level. Corporately not all of these costs may be saved. As a result, they have not been included in the anticipated savings to Council over a ten year period from RANS managing the facilities on Council's behalf.</p> <p>There may be additional corporate costs attributable to the operation of Centres or due to the loss of economies of scale potential savings at the corporate level may not be realised.</p>
Schedule of Fees proposed by RANS	<p>The proposed fees schedule has been compared to other similar facilities in the Perth metropolitan area. The proposed fees move the charges towards the higher end of what is currently being charged in the market place for leisure centres but would not be the highest. The fees will not increase beyond the usual consumer price index increase made by Council until the extensions to the Fitness Centre at Craigie Leisure Centre were complete.</p> <p>Fees at Ocean Ridge and Sorrento Duncraig Leisure Centre will only increase as follows:</p> <ul style="list-style-type: none"> <li>• On 1 July 2002 RANS to adjust the fees at Sorrento Duncraig and Ocean Ridge Leisure Centres by a maximum of 5% in accordance with the Lease specification and tender submission; and</li> <li>• On 1 July 2003, and annually thereafter, RANS would adjust the fees and charges at all centres by a maximum of 5% if CPI were less than 5% or by the CPI increase if greater than 5%.</li> </ul> <p>Council is obliged under National Competition Policy to not subsidise facilities by offering reduced fees for facilities and services that are also provided by the private sector.</p>
LifeZone Marketing Strategy	<p>LifeZone is an initiative of the City of Joondalup and has been registered as a trademark with the Commonwealth Register of Trademarks and can therefore be used.</p>
Operating Turnover Projections	<p>RANS has indicated it will conduct the following initiatives to improve the financial performance of the Centres:</p> <ul style="list-style-type: none"> <li>• All current facility programming will be continued and reviewed for suitability and viability on an ongoing basis. RANS have stated that it is in Council's and RANS best interests to keep all existing users at the facilities satisfied in the transition period;</li> </ul>

	<ul style="list-style-type: none"> <li>• It is RANS programming policy to programme available space with centre based programmes and then to offer the remaining facility space and time to external hirers. The exception to this is when an external hirer or provider can offer a specialist or unique service that is not offered, or not viable as an in house programme;</li> <li>• Optimum use of facilities will be reviewed on the following criteria: <ul style="list-style-type: none"> <li>• Programmes offered providing users with the broadest range of options;</li> <li>• Prioritised time usage, to ensure maximised profitability;</li> <li>• Marketing support and promotional effort required;</li> <li>• Efficient use of human resources;</li> <li>• Administrative support and systems for programmes required; and</li> <li>• Current attendance levels and perceived potential of programmes</li> </ul> </li> <li>• A high degree of importance will be placed on researching the market</li> <li>• Introduction of the following programmes: <ul style="list-style-type: none"> <li>• RANS generic programmes;</li> <li>• School swim programmes and intensive programmes to develop school market;</li> <li>• Fitswim programmes for those wishing to swim for fun but improve techniques;</li> <li>• Family fun days;</li> <li>• Expand swim school programme;</li> <li>• Latest group fitness and health classes including spinning, pilates and fitball;</li> <li>• Packaged birthday parties and bookings; and</li> <li>• Capitalise on Olympic sports popularity.</li> </ul> </li> </ul>
Lease provisions - Major Maintenance resulting in closure of Centre	<p>The lease agreement provides that should the premises as a whole be closed or at least 50% of the public areas of all buildings on the premises are closed to the public the base rent (but not the percentage rent) shall be reduced by the percentage decrease if any, between the percentage rent payable during that period and the percentage rent payable during the equivalent period of the previous year of the term, or, if there is no previous year of the term, then the period of the same length immediately preceding the closure.</p>

<p>Outsourcing and its alignment with Business Unit and Principal Activity Plan objectives</p>	<p>The objectives of the Leisure Services Business Unit and the activities proposed in the Principal Activities Plan are considered to be consistent with outsourced management.</p> <p><b>Lifestyle:</b> Ensure that a diverse range of high quality, affordable and accessible leisure opportunities exist that address individual, family and community development needs of residents and visitors to the City</p> <p>The proposed lease arrangements facilitate this objective</p> <p><b>Economic Vitality:</b> Contribute to the enhancement of quality of life through economic development of the region</p> <p>Improved performance and opportunities in the leisure centres will assist economic development in the region</p> <p><b>Organisational Culture:</b> To exceed customer expectations in every facet of the provision and conduct of leisure programmes</p> <p>RANS tender submission demonstrates a commitment to realising this objective</p> <p><b>Organisational Culture:</b> To continuously develop and improve policies, procedures, structures and work practices</p> <p>The market test of the leisure centres demonstrated that outsourcing the operational management of the leisure centres would be beneficial to customers and the City.</p> <p><b>Leadership:</b> To enhance the development of the community by improving the co-ordination and development of linkages within the community, meeting the needs of individuals, family and groups from within the community through the effective management of roles and responsibilities between internal and external organisations and localities</p> <p>Outsourcing the operational management of the leisure centres will facilitate leisure services staff being able to take on a more developmental role with the community.</p>
<p>Accuracy of Percentage rental figures in advertisement notifying the proposed disposition of property</p>	<p>The percentage rent figures as advertised in the notification for the proposed disposition of property were incorrect. Unfortunately a transposition error occurred in this one column of figures. The advertised total for the percentage rent was \$537,848, the correct figure based on the advice of the Valuer General is \$696,592.</p>

	Legal advice has been received that the advertising of the incorrect percentage rent figure does not effect the notice's compliance with the Local Government Act and that there is no requirement to readvertise. The Act does not require the City to arrive at estimates or forecasts of the percentage rent which might be payable for inclusion in the notice required under section 3.58 of the Local Government Act.
Business Plan not advertised at the Leisure Centres	Notice of the Business Plan was advertised at the three leisure centres although this is not a requirement under section 3.59 of the Local Government Act.
Lease of Craigie Leisure Centre Carpark not advertised at Craigie Leisure Centre	Notice of the Business Plan was advertised at the three leisure centres although this is not a requirement under section 3.59 of the Local Government Act.
Inclusion of Craigie Leisure Centre Carpark in lease area	Carparks at Sorrento Duncraig and Ocean Ridge Leisure Centre are used by groups using other facilities in the area such as parks and libraries and it was unreasonable for RANS to be responsible for any issues arising from their use. The carpark at Craigie Leisure Centre was included in the lease as it was considered that it would better enable the operator to control issues such as security in the carpark. The lease will provide for common use of the carpark to ensure access for the kiosk operator, the City and its agents.
Access and insurance of shared walls with kiosk at Craigie Leisure Centre	<p>The lease will provide access to the Kiosk Operators through the area leased by RANS at Craigie Leisure Centre.</p> <p>Insurance of shared walls with the kiosk is not an issue covered under the lease. The City will continue to insure the structure of the building, which includes any shared walls. RANS is required to pay on demand for any excess payable on any claim in respect to the City's industrial special risks policy. Each lessee will be responsible for any maintenance issues relating to their side of any shared wall.</p>
Inclusion of land at Craigie Open Space and in lease area at Craigie Leisure Centre in Bush Forever (formerly Bushplan)	The former Minister for the Environment has advised that management of Craigie Leisure Centre is a matter for the City and would not want to get involved in that decision. It has also been confirmed that any proposals to extend the Leisure Centre that may include a vegetated area, where it is considered to have some existing level of protection, within the lease area at Craigie Leisure Centre will need to be referred to the Ministry for Planning for consideration at the time. The Department of Environmental Protection may then be asked to comment.

Applicability of Section 5.56 of City of Joondalup Principal Activities Plan	RANS are required to fulfil its requirements and obligations under the lease. There are conditions in the lease relating to meeting the anticipated needs of user groups as expressed in community surveys and providing a balanced service to the community. These conditions relate to section 5.56 of the Principal Activities Plan.
History of maintenance and upkeep of Craigie Leisure Centre	<p>Craigie Leisure Centre, when built, was a leading leisure facility because of the innovative design and facilities for the time. Since then there have been other leisure facilities constructed that have learnt from the design of Craigie Leisure Centre and similar facilities and improved on the design and range of leisure opportunities available. Further capital improvements and innovations are required if Craigie Leisure Centre is to be again seen as a premier leisure facility in the State of West Australia.</p> <p>The Leisure Centres have been properly maintained. As previously advised by memorandum to elected members funds that have been expended on the Centres in the last four years for capital improvements, furniture and equipment totals \$706,601.</p> <p>Funds are listed in the annual budget each year for maintenance. Maintenance at the Centre is included in the rental charge to each Centre.</p>
Expected financial effects	<p>It is estimated that the City will realise savings of approximately \$2.4M. The base rental income will be used for capital improvements. Using the base rental in this manner means that ratepayers will not have to fully fund any further capital improvements at the Centres.</p> <p>The assertion in one of the submissions that the City is already transferring \$400,000 per annum out of Craigie Leisure Centre is incorrect. This amount relates to the rent charged against the Centre and shows up as an expense in the Centre's budget. Its impact is reflected in the deficit being incurred by the Centre's operation and hence being subsidised by the ratepayers.</p>
Expected effects on other persons	Being competitive in the market place does not mean the Centres will have a highly competitive atmosphere. The intent is to facilitate the Centres being able to be very attractive to potential participants to use the available facilities so that the centres compete successfully in the market place in attracting people to the Centres.
Development of Craigie Leisure Centre / Wanneroo Water World	Craigie Leisure Centre commenced operations as Wanneroo Water World and the original aquatic hall was incorporated into the dry side of the leisure centre. The Centre has been operating in one form or another since 1988.

Overflow carparking - Craigie Leisure Centre and its impact on Craigie Open Space	Craigie Leisure Centre has adequate carparking. There have been no ongoing incidents, to the knowledge of staff, of Centre patrons parking their vehicles in the bush area of the carpark. The site where the skate park is located was originally planned and part developed for carparking but has not been required.
Ramifications of a merger of RANS with another entity	The lease prevents RANS from assigning the lease or subletting any part of the Centres without Council approval.
Lack of Community Consultation	There has been widespread publicity in the local press regarding the proposed lease of the leisure centres over an 18 month period as outlined in Attachment One to this report.
Programming of Centres, impact on existing user groups	RANS are required to honour existing booking and membership arrangements for a twelve month period.
Original funding arrangements for construction of the Centres which included Government grants	The Centres remain the property of the City. There are numerous examples of leased facilities that have received a grant from the Community Sport and Recreation Facilities Fund (CSRFF). The Ministry for Sport and Recreation Way2Go has no objection to leisure centres that have received funds through (CSRFF) being managed by a management contractor.
Proposal to initially lease one Centre only	This approach was considered and rejected as it was considered that Council would get the best possible outcome by combining all three centres into the one lease.
Opposition to privatisation of Community Centres	Currently, there are no proposals to outsource the management of the community centres.
Future employment of Leisure Centre staff by RANS	RANS are not required under the lease to employ any or all existing leisure centre staff. Leisure Centre staff will be encouraged to apply for jobs with RANS and RANS have previously indicated that all existing staff who apply for positions will be interviewed. Training has been organised to assist staff with preparing resumes and interview techniques to ensure they have the best possible chance of obtaining employment with RANS.
Due Diligence of RANS operation	There has been an extensive due diligence process conducted by the Tender Evaluation Committee to ascertain the financial and operational standing of RANS. RANS are a financially viable and successful company which is a leader in the field of leisure centre management.
Development of Craigie Open Space	There is concern that further development of Craigie Leisure Centre will be detrimental to Craigie Open Space. The extensions suggested by RANS will not be extensive in scale and will need to be approved by Council and other relevant authorities. RANS will be unable to develop any facilities outside of the lease area at Craigie Leisure Centre.

	There has been a number of proposals over the years to develop recreation facilities at Craigie Open Space. All proposals have lapsed due to concerns relating to the environmental impact of the projects on Craigie Open Space.
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**Legal Advice Received**

A review of the legal advice received by the City relating to Tender 072-99/00 - Operational Management and Lease, City of Joondalup Leisure Centres has been conducted.

The City’s solicitors were required to review the specifications for the tender for the operational management and lease of the leisure centres and to prepare a lease for Council. Representatives from Watts and Woodhouse participated in numerous meetings providing advice on the many issues that required addressing in the specifications and the lease.

An extensive review process was conducted of the lease and specifications by the City’s solicitors before tender. The City’s solicitors also reviewed aspects of reports and recommendations to Council following the conclusion of the tender evaluation on this matter.

Advice has also been sought from Clayton Utz regarding the provisions of the Local Government Act and tender regulations, and Mallesons and the Chamber of Commerce and Industry on industrial relations matter relating to transmission of business issues.

**Annual General Meeting of Electors**

A number of resolutions were passed at the Annual General Meeting of Electors held in December 2000 concerning the proposed lease of the leisure centres. These resolutions and comments in response are detailed below.

*MOVED Mrs Wood, SECONDED Mr de Gruchy that the Motion CJ337-11/00 - Operational Management and Lease, City of Joondalup Leisure Centres be RESCINDED and that the matter be referred to:*

- 1
- the Minister for Local Government for a ruling;*
- 2
- the Minister for the Environment for a ruling;*
- 3
- the Minister for Lands for a ruling;*
- 4
- the Minister for Planning for a ruling;*
- 5
- the Australian Securities and Investments Commission regarding RANS’ eligibility in Western Australia.*

The Motion was Put and

CARRIED

A Council decision cannot be rescinded once acted upon. A Council decision can also not be rescinded by Electors at an Annual General Meeting.



The Council is currently inviting public comments on the Business Plan for the leasing of the three leisure centres Craigie, Sorrento/Duncraig and Ocean Ridge. The closing date for submissions on the Business Plan is 2 February 2001. The Council has also given public notice of its proposal to dispose of the three leisure centres by a lease. The closing date for submissions is 9 February 2001.

Officers have been liaising with the Departments of Land Administration and Local Government concerning the proposed lease of the City's leisure centres to RANS Management Group. The Department of Land Administration has approved in principle the lease agreement for the leisure centres and the lease when ready will be submitted to the Minister for Lands for endorsement.

Legal advice has been received that the lease does not contravene Sections 18 and 46 of the Lands Administration Act.

The Department of Local Government has advised that the business plan for the proposed lease of the leisure centre meets the requirements of the Local Government Act 1995.

Only leases on reserves, which exceed 10 years, require the approval of the Minister for Planning under Section 20 of the Town Planning Act. Bushplan does not apply to buildings. The Ministry of Planning has advised that it has an interest in the area only if the area is vegetated and there are proposals to clear the vegetated land.

The Department of Environmental Protection has advised that it would only become involved in this type of matter if it if it was referred to it by the Ministry for Planning.

The Australian Securities and Investments Commission have advised that RANS Management Group are registered with the Commission and are able to trade anywhere within Australia.

Council at its meeting 7 February 2001 formed a Committee to review the motions carried at the Annual General Meeting of Electors held in December 2000. This Committee meets Thursday 22 February 2001.

## **COMMENT/FUNDING**

It is considered that the questions, philosophical perspectives and other matters raised in the submissions have been properly addressed in this report. The requirements under the Local Government Act in relation to the Business Plan have been complied with and all other relevant legislative requirements addressed.

Council at its meeting on 27 November 2000 resolved to award the Lease to RANS Management Group for five plus five years for the operational management and lease of the City's Leisure Centres in accordance with the negotiated terms and conditions as outlined in Report CJ 290-10/00 and Report CJ 337-11/00 subject to confirmation being obtained that awarding the lease will not be in contravention of Section 3.59 of the Local Government act and sections 18 and 46 of the Land Administration Act 1997, should those sections apply.

Sections 3.58 and 3.59 of the Local Government Act have now been complied with. Advice has been received that the lease does not contravene Sections 18 and 46 of the Lands Administration Act. A rigorous and exhaustive review process has been conducted. The market test of the leisure centres demonstrates that the proposed lease will be beneficial to the

City and the customers of the leisure centres. It is considered that none of the submissions have demonstrated any reason that would change this position.

Under section 3.58 of the Local Government Act, Council is required to consider any submissions and to record in the minutes of the meeting its decision and reasons for its decision.

Under section 3.59 of the Local Government Act, Council is required to consider any submission and, if it is resolved to proceed with the undertaking as proposed, to decide by an absolute majority.

**OFFICER'S RECOMMENDATION:** That Council:

- 1 in accordance with the provisions of section 3.58 and 3.59 of the Local Government Act 1995 RECEIVES the submissions made in relation to the proposed disposition by means of lease of Reserve No's 32380, 32858, 34330;
- 2 having considered the submissions made in relation to the proposed disposition by means of lease of Reserve No's 32380, 32858, 34330 in accordance with the provisions of section 3.58 and 3.59 of the Local Government Act 1995 BY AN ABSOLUTE MAJORITY PROCEEDS to grant the Lease to RANS Management Group for five plus five years for the operational management and Lease of the City's Leisure Centres in accordance with the negotiated terms and conditions as outlined in Report CJ290-10/00 and Report CJ 337-11/00;
- 3 NOTES that in accordance with section 3.58 of the Local Government Act 1995 its reason for proceeding with the lease is that it considers the lease of the leisure centres to RANS Management Group will provide the most advantageous outcome to the City and the customers of the leisure centres;
- 4 AUTHORISES the execution of the Lease from the earliest possible date after 30 April 2001 for a period of 5+5 years for the Management and Lease of City of Joondalup Leisure Centres under the common seal;
- 5 NOTES that a report on the Annual General Meeting of Electors held in December 2000 was presented to Council at its meeting of 13 February 2001;
- 6 NOTES that a review of the legal advice received in relation to Tender 072-99/00 has been conducted;
- 7 CONFIRMS its nomination of Crs Carlos and Wight as representatives to the Leisure Centre Strategic Management Group; and
- 8 CONFIRMS BY AN ABSOLUTE MAJORITY, pursuant to the provisions of Section 6.11(1) of the Local Government Act 1995, the creation of a new Reserve Account titled Leisure Centre Capital Improvements for the purpose of Capital Improvements to the City's Leisure Centres operated by RANS Management Group.

Cr Carlos moved the following motion as one. During discussion on the matter, it was requested that each part of the motion be voted upon separately.

**MOVED Cr Carlos, SECONDED Cr Magyar** That Council:

- 1
- having considered the submissions by ratepayers and the submissions made in relation to the proposed disposition by means of lease of Reserves No's 32380, 32858, 34330 in accordance with the provisions of section 3.58 and 3.59 of the Local Government Act 1995, DOES NOT PROCEED to grant a Lease to RANS Management Group;

Discussion ensued. Cr Patterson referred to both the Incorporations Act and the Associations Act and queried the legal implications in relation to the Motion proposed by Cr Carlos and suggested advice be sought prior to any consideration being given.

*During discussion, Cr Mackintosh left the Chamber at 2125 hrs and returned at 2129 hrs.*

Cr Patterson advised that, should the proposed motion be carried, he wished to foreshadow an additional Point 5 as follows:

- 5
- That Council AGREES to idemnify Crs Patterson and Kenworthy against any financial liabilities or loss incurred under the operations of the City of Joondalup Leisure Centres.*

Cr Magyar sought clarification as to whether the City had received written approval from the Minister to assign, sell, transfer or otherwise deal with the interest in these reserves.

Cr Magyar requested his name be recorded indicating that he did not vote to act in an illegal manner.

Director, Community Development advised written advice had been received from the Department of Land Management dated 21 December 2000 as follows:

*“Addressed to Director Community Development*

*City of Joondalup Leisure Centres – Proposed Lease Agreement with RANS Management*

*I refer to your letter of 6 December 2000 regarding the above proposed lease over three reserves in the City of Joondalup. Pursuant to a delegation by the Hon Minister for Lands under Section 9 of the Land Administration Act 1997, consent of the Hon Minister is granted under Section 18 of the Land Administration Act to the lease.*

*Please submit a stamped executed copy of the lease document for the endorsement of consent.”*

**The Motion was Put and**

**LOST**

It was requested that the votes of all members present be recorded:

In favour of the Motion:	Mayor Bombak, Crs Carlos, Magyar, Nixon, Hollywood, Walker and Rowlands
Against the Motion:	Crs Mackintosh, Hurst, Kenworthy, Patterson, Wight, Barnett, Ewen-Chappell and Kadak

**MOVED Cr Hurst, SECONDED Cr Patterson that the following Points 2, 3 and 4 of the Motion be WITHDRAWN, being:**

“That Council:

- 2 NOTES that a report on the Annual General Meeting of Electors held in December 2000 was presented to Council at its meeting of 13 February 2001;
- 3 APPOINTS a Manager who has sole responsibility for Managing the City of Joondalup Leisure Centres and this Manager reports to the Chairman of a Committee titled "Leisure Centre Strategic Management Group";
- 4 CONFIRMS its nomination of Crs Carlos and Wight as representatives to the Leisure Centre Strategic Management Group.”

**The Motion to Withdraw Points 2, 3 and 4 was Put and**

**CARRIED**

**MOVED Cr Wight, SECONDED Cr Barnett that Council:**

- 1 in accordance with the provisions of section 3.58 and 3.59 of the Local Government Act 1995 RECEIVES the submissions made in relation to the proposed disposition by means of lease of Reserve No's 32380, 32858, 34330;
- 2 having considered the submissions made in relation to the proposed disposition by means of lease of Reserve No's 32380, 32858, 34330 in accordance with the provisions of section 3.58 and 3.59 of the Local Government Act 1995 PROCEEDS to grant the Lease to RANS Management Group for five plus five years for the operational management and Lease of the City's Leisure Centres in accordance with the negotiated terms and conditions as outlined in Report CJ290-10/00 and Report CJ 337-11/00;
- 3 NOTES that in accordance with section 3.58 of the Local Government Act 1995 its reason for proceeding with the lease is that it considers the lease of the leisure centres to RANS Management Group will provide the most advantageous outcome to the City and the customers of the leisure centres;
- 4 AUTHORISES the execution of the Lease from the earliest possible date after 30 April 2001 for a period of 5+5 years for the Management and Lease of City of Joondalup Leisure Centres under the common seal;
- 5 NOTES that a report on the Annual General Meeting of Electors held in December 2000 was presented to Council at its meeting of 13 February 2001;
- 6 NOTES that a review of the legal advice received in relation to Tender 072-99/00 has been conducted;
- 7 CONFIRMS its nomination of Crs Carlos and Wight as representatives to the Leisure Centre Strategic Management Group; and

8           **CONFIRMS, pursuant to the provisions of Section 6.11(1) of the Local Government Act 1995, the creation of a new Reserve Account titled Leisure Centre Capital Improvements for the purpose of Capital Improvements to the City's Leisure Centres operated by RANS Management Group.**

Cr Magyar raised concerns in relation to compliance with Section 18 of the Land Administration Act

The Motion was Put and

CARRIED BY AN  
ABSOLUTE MAJORITY

It was requested that the votes of all members present be recorded:

In favour of the Motion:	Crs Mackintosh, Hurst, Kenworthy, Patterson, Wight, Barnett, Ewen-Chappell and Kadak
Against the Motion:	Mayor Bombak, Crs Rowlands, Walker, Nixon, Magyar, Carlos and Hollywood

Appendix 20 refers

To access this attachment on electronic document, click here: [Attach20brf200201.pdf](#)

Manager, Organisation & Strategic Development left the Chamber, the time being 2150 hrs.

**CJ038 - 02/01      WANNEROO            DISTRICT            BASKETBALL  
ASSOCIATION - UNRESTRICTED / SPECIAL  
FACILITIES LIQUOR LICENCE - [03097] [58166]**

**WARD - All**

CJ010220\_BRF.DOC:ITEM 9

**SUMMARY**

Wanneroo District Basketball Association (WDBA) has requested support from the City for its application to the Office of Racing, Gaming and Liquor to upgrade its existing Restricted Liquor Licence to an Unrestricted Club Liquor Licence, for its premises at the Joondalup Basketball Stadium.

The intent of the request is to improve the Association’s financial viability to assist in trading out of its current financial difficulties, which includes having fallen behind on its lease payments to the City. It is understood that the Association’s overall financial position is precarious and that it has to be mindful of the legal ramifications if it continues to trade and is unable to meet its debts.

Wanneroo District Basketball Association does not have long term accommodation available to it at its current stadium at Collier Park with its sub lease with the City ending in 2002. The City leases the land from LandCorp with its lease ending in 2002, with two five year options.

The first option has been exercised by the City on behalf of the Association. At the conclusion of the lease, the land will be redeveloped by LandCorp, and the Basketball Association will need to secure a "home" to ensure that the sport of basketball continues as a major participation sport in the Joondalup region.

It is important to note that the issuing of an unrestricted liquor licence may affect the viability of commercial businesses in the area.

As the request for an unrestricted liquor licence poses a number of issues concerning the long term future of basketball in the region, and may impact on the viability of other businesses in the region, it is considered that the Lakeside Ward Councillors and officers nominated by the Chief Executive Officer meet with Wanneroo District Basketball Association to discuss its proposal and future plans, with a further report be presented to Council by April 2001.

## **BACKGROUND**

### **Liquor Licence**

Any application for an unrestricted liquor licence must be referred to Council for consideration in accordance with Council Policy 4.3.3. (Attachment one refers)

In accordance with the Liquor Licensing Act 1988, an applicant for a Club Licence must ensure that the facility adheres to the Health Act 1911 (Section 39) and does not contravene any Planning matters (Section 40).

To trade with a Club Licence, the applicant needs to have exclusive tenure of the facility. The Office of Racing, Gaming and Liquor has advised that this can only occur if the applicant possesses a lease on the facility. Wanneroo District Basketball Association has held a lease with the City since 1982 for premises located at the Joondalup Basketball Stadium (380 Joondalup Dr, Joondalup).

The major difference between an unrestricted liquor licence and a Club Restricted Liquor Licence is the ability to sell packaged liquor.

If support is given to upgrade from a Club Restricted Liquor Licence, the City, as the lessor of the facility, will provide the applicant with a letter of support to the Office of Racing, Gaming and Liquor and a copy of the lease informing the Office that the applicant will have exclusive tenure of the facility. Other information provided by Council includes copies of site and floor plans of the facility.

### **Wanneroo District Basketball Association**

#### **Lease Arrangements**

The former City of Wanneroo leased the property in Collier Pass from LandCorp and sub leased the land to Wanneroo District Basketball Association for its premises at the Joondalup Basketball Stadium from LandCorp.

The lease with LandCorp contains an option to renew for two additional five year terms, providing there is no breach in covenants. These options are exercisable by the Lessee. The first five year option has been exercised by the City on behalf of Wanneroo District Basketball Association (Item CS272-09/97 refers).

Exercising this option to renew has extended Council's lease with LandCorp to 24 December 2007, and, if the second option is exercised, to 24 December 2012.

### Financial Arrangements

Wanneroo District Basketball Association obtained a self-supporting loan for \$275,000 in 1982 to build the complex. Wanneroo District Basketball Association experienced financial difficulties and as a consequence the former City of Wanneroo in 1987 refinanced the debt over a 20-year term. The former City of Wanneroo repaid this loan in full and the balance of the Wanneroo District Basketball Association's debt is covered by a lease agreement with the City that matures on 23/12/2002. This debt was allocated to City of Joondalup in the division of assets determination by the Joint Commissioners.

The Club subsequently has had a history of cash flow problems and at a meeting in January 2000 between the Association's Administrator, President & the City's Debtors Controller, Wanneroo District Basketball Association offered a repayment schedule. The schedule was to pay all current lease payments as well as clear 40% of the total arrears of \$18,300 over the next twelve month period ending December 2000.

Since the repayment schedule was agreed, the operations of the Association have been taken over by the Board of Directors, and the repayment schedule has not been adhered to. In August 2000, the City requested that the Board of Directors produce financial evidence as to the Club's viability and how they were intending to pay back their lease arrears. The financial statements produced showed that the Club was in a serious financial difficulty.

In response to the financial issues raised from the City's investigations into the outstanding arrears, Wanneroo District Basketball Association convened a strategic planning group to provide the Association with a robust plan to rebuild the economic viability of the Association. The plan included a submission to seek Council support for an extension of its liquor licence to an unrestricted licence with the purpose of increasing sponsorship and sales revenue in order to meet its financial obligations to the City in particular. The Association has not yet provided the City with a written copy of its Strategic Plan

### Future Plans

Discussions have been held with Wanneroo District Basketball Association concerning its long term future, as at the completion of the lease period the land on which the stadium is located will be resumed by LandCorp for commercial development. Wanneroo District Basketball Association has also been assessing potential sites for a basketball stadium and has held discussions with ARENA Joondalup.

## **DETAILS**

The issuing of the Section 39 Certificate of Local Health Authority and a Section 40 Certificate of Local Planning Authority has been investigated and approved.

A legal opinion on whether the lease purpose will accommodate an unrestricted liquor licence as part of a basketball stadium has confirmed that the lease will accommodate an unrestricted liquor licence.

The Joondalup Basketball Stadium meets the requirements set out in Policy 4.3.3 regarding the Storage and Consumption of Alcohol at Community Facilities and Reserves. The Association has indicated that the existing storage area is adequate and will not require any extensions to the building.

As part of the Liquor Licencing assessment process, the local community is consulted by the Office of Racing, Gaming and Liquor to ascertain its views on the proposal.

## **COMMENT/FUNDING**

The intent of the Wanneroo District Basketball Association's request is to improve the Associations financial viability and trade out of its current financial difficulties.

Wanneroo District Basketball Association has again fallen behind on its lease payments to the City. It is understood that the Association's overall financial position is precarious and that it has to be mindful of the legal ramifications if it continues to trade and is unable to meet its debts.

Wanneroo District Basketball Association does not have long term accommodation available to it at its current stadium at Collier Park with the initial lease ending in 2002 and subject to the City exercising the second option the sub lease could end at the latest in 2012. At the conclusion of the lease, the land will be redeveloped by LandCorp and the Association will need to secured a "home" to ensure that the sport of basketball continues as a major participation sport in the Joondalup region.

At its meeting in September 1997, Council resolved to commence discussions with Wanneroo Basketball Association and LandCorp to identify possible sites for a new basketball stadium and funding options (Item CS272-09/97 refers).

Discussions have taken place and the Association has been encouraged to meet with management from the ARENA Joondalup to discuss the possible relocation of the Association to the ARENA. The future use of the Collier Pass site has been discussed with LandCorp and has been included in the issues being addressed with LandCorp as part of its final settlement with the City.

Wanneroo District Basketball Association has been assessing potential sites for a basketball stadium and has held discussions with ARENA Joondalup.

It should be noted that a potential scenario is that Wanneroo District Basketball Association will seek to relocate to the ARENA and develop a four court complex which it would then manage under a lease arrangement. Funding arrangements for such a development would be along the lines of one third from the Association, one third from the City and one third through the Community Sport and Recreation Facilities Fund. An approximate cost of such a facility could be \$4.5M.

It is debatable, in light of the financial situation of Wanneroo District Basketball Association, whether it would be able to fund its contribution and maintain a financially viable operation. This needs to be fully explored.

There are a number of other liquor outlets in and around the Joondalup Central Business District. While Council cannot consider this proposal on the impact that additional competition may have on existing businesses, Council does have a role to play in the



economic development of the region. Given the other issues involved, it is considered that before Council considers supporting the proposed unrestricted liquor licence for Wanneroo District Basketball Association a meeting be arranged with the Lakeside Ward Councillors and officers nominated by the Chief Executive Officer to discuss its proposal and future plans and a further report be then presented to Council.

**MOVED Cr Ewen-Chappell, SECONDED Cr Patterson that Council AUTHORISES the Lakeside Ward Councillors and officers nominated by the Chief Executive Officer to meet with representatives from Wanneroo District Basketball Association to discuss the Association's proposed unrestricted liquor licence and future plans with a further report to be submitted to Council by April 2001.**

**The Motion was Put and**

**CARRIED**

*Appendix 4 refers*

*To access this attachment on electronic document, click here: [Attach4brf200201.pdf](#)*

**CJ039 - 02/01      RENEWAL OF LEASES - MARMION, DUNCRAIG  
AND CRAIGIE PRE-SCHOOLS   -   [27459] [42723]  
[11921]**

**WARD - South Coastal and Pinnaroo**

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CJ010220\_BRF.DOC:ITEM 10

## **SUMMARY**

The former City of Wanneroo leased purpose built buildings to the Education Department of Western Australia for a number of years to provide venues for early childhood education.

Leases for the Marmion, Duncraig and Craigie Pre-Schools have expired, but the Education Department has continued to pay rent thereby indicating the Department's continuing requirement for the premises.

In view of the continued occupation, the City recently negotiated new leases to formalise the arrangements between the organisations. It is recommended that the leases be renewed by Council subject to the conditions outlined in this report.

## **BACKGROUND**

The former City of Wanneroo purpose built early childhood venues to meet the needs of local people over a period of years in line with regional development. Currently there are nine such venues within the City. Four are leased by community organisations and the Education Department leases the remaining five.

DETAILS

The leases at Marmion, Duncraig and Craigie Pre-Schools have expired and, as the Education Department’s requirement for these buildings is continuing, new leases have been negotiated.

LEASE TABLE

Lease	City of Joondalup File Ref	Property	Commercial Rent P/A	Community Rent P/A	Current Rent P/A	New Negotiated Rent P/A	New Term	Negotiated increase P/A
Lea019	42723	Marmion Pre-School	\$30,940	\$2,252	\$1,200	\$3,000	5yrs	5%
Lea021	27459	Duncraig Pre-School	\$33,630	\$2,234	\$1,130	\$3,000	5yrs	5%
Lea033	11921	Craigie Pre-School	\$34,190	\$2,268	\$1,250	\$3,000	5yrs	5%

The Marmion Pre-School is situated on “Infant Health Clinic, Kindergarten & Children’s Playground” Reserve N<sup>o</sup> 29740 with a Management Order in the name of the City with power to lease for 21 years. Accordingly, any lease of premises on this reserve will require the approval of the Minister for Lands as provided in Section 18 of the Land Administration Act.

Both Duncraig and Craigie Pre-Schools are situated on land held in freehold by the City and therefore no approval by the Minister for Lands is necessary for these leases.

CURRENT USEAGE

Property	Useage
Marmion Pre-School	Children – Monday, Tuesday, Thursday, Friday from 8.30 – 3.30pm. Staff 5 days per week.
Duncraig Pre-School	Children Monday, Tuesday, Thursday and Friday from 8.30am – 3.30pm. Staff 5 days per week.
Craigie Pre-School	Children – Monday, Tuesday, Wednesday, Friday 8am – 12.30pm. Staff Monday and Thursdays until 2pm.

RENT INCREASES

On enquiry with the Education Department regarding rental payments it was evident that payments to the former City of Wanneroo had fallen well behind payments made to other local government authorities for the use of purpose built early childhood buildings. Currently both the Cities of Stirling and Canning charge the Education Department \$2,000 per annum and the City of Stirling is currently renegotiating for a 200% increase. Further, the Local Governments of Stirling, Canning, Bayswater, Belmont, Gosnells, Nedlands and Wanneroo also charge annual escalations in the rental payments to keep pace with CPI.

Therefore, a proposal to increase rental payments in line with current practice in other local government areas was negotiated. While this increase does not reflect the true lettable value of these buildings, the City’s ongoing support for early childhood education in the community is demonstrated.

**OWNERSHIP OF BUILDINGS AND IMPROVEMENTS**

The lease provides that at the expiration of the term the lessee is to yield up to the City the demised premises and all buildings, improvements, fixtures and fittings in good and tenantable repair. The lease does not provide for the payment of any consideration or compensation by the City in respect of those buildings, improvements, fixtures and fittings.

**MOVED Cr Ewen-Chappell, SECONDED Cr Mackintosh that Council APPROVES renewing leases with the Minister for Education for the Marmion, Duncraig and Craigie Pre-Schools subject to:**

- 1 each Pre-School lease being for a period of 5 years commencing 1 January, 2001 with no options to renew;**
- 2 each Pre-School leased be for a rental of \$3,000 per annum with escalations of 5% per annum;**
- 3 the Minister for Lands granting approval to the Marmion Pre-School lease;**
- 4 the signing and affixing of the Common Seal to the lease documents for the Marmion, Duncraig and Craigie Pre-Schools.**

Cr Hollywood queried the category of the National Competition Policy applicable to this issue.

**The Motion was Put and**

**CARRIED**

<b>INFRASTRUCTURE MANAGEMENT</b>
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**CJ040 - 02/01 MINDARIE REGIONAL COUNCIL - CITY OF STIRLING'S PROPOSAL TO ACCEPT ATLAS' SECONDARY TREATMENT RESIDUE TO TAMALA PARK AT NO CHARGE - [41196]**

**WARD - All**

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CJ010220\_BRF.DOC:ITEM 11

**SUMMARY**

The City of Stirling has submitted a proposal to the Mindarie Regional Council to landfill the residue from the secondary waste treatment process at no charge. The Atlas Group contracts to the City of Stirling for the disposal of its rubbish and prior to April 1999 they were processing this waste into soil improvement products characterised by a 70% diversion from landfill. The residue, in the form of baled inorganic matter was disposed at the Atlas landfill at the rear of the processing plant, Alexander Drive, Mirrabooka. After April 1999, approval to dispose of the baled residue was withdrawn by the Department of Environmental

Protection and the processing of waste was discontinued. Since this time, the City of Stirling through their contractors Atlas, have been disposing of their rubbish into Tamala Park.

The reason for the request to accept the bales at no charge is that the City of Stirling claims it is paying a gate charge of \$65 per tonne to process the waste. It is adamant that it will not pay any more as it is contributing to the waste diversion from landfill more than any other Council in the region. Atlas will not pay the cost to dispose of the bales at Tamala Park although it has indicated it will pay for the transport and handling of the bales at Tamala Park.

The City of Stirling proposal indicates that there are a number of benefits for the Mindarie Regional Council and in particular the member Councils. Of particular importance to the City of Joondalup is the ability to investigate the merits of a single bin collection system, with the potential major benefits to all member Councils. The City of Joondalup has in its strategy to trial the single bin system with the City of Stirling and Atlas. If the bales are not accepted into Tamala Park the opportunity will be lost. This will significantly impact on the options City of Joondalup will have with regard to its waste collections systems for any waste treatment options City of Joondalup may wish to become involved in.

Studies completed on the subject show:

For Mindarie Regional Council:

- The ability to demonstrate to others, particularly the State Government, a commitment to higher order plans such as the Waste 2020, via support to a secondary treatment initiative;
- The ability to demonstrate to others, particularly the State Government, further commitment to secondary treatment, and thus, further establish its case for a Stage Two landfill approval;
- The ability to create additional time for utilisation of stage one whilst implementing other initiatives such as the approval for Stage two landfill;

For member Councils:

The ability to significantly reduce the likelihood of member councils requirements to dispose of waste elsewhere for an interim period, at an associated cost penalty (this is because the City of Stirling waste going to Tamala Park will fill the stage one at a faster rate than if the waste was being processed by Atlas with a diversion rate of 70%, given that the approved stage one has an estimated 3.5 years left).

It is recommended that the City of Joondalup support the City of Stirling proposal in accordance with the Mindarie Regional Council resolution.

## **BACKGROUND**

The Mindarie Regional Council at its meeting held on 14 December 2000 resolved as follows:

That the Mindarie Regional Council:

- Note that work completed by the independent investigation team in regard to the City of Stirling proposal
- Approve the City of Stirling proposal, as follows

- That any baled waste from Atlas treatment be disposed to Tamala Park at nil cost per tonne
- That Atlas be required to demonstrate an appropriate authentication process for the composition of bales
- That Atlas manage disposal of bales at Tamala Park
- That the arrangement be confined to either the expiry of the Stage One Landfill or two years, whichever is the lesser
- Approve this modified proposal subject to approval by each Member Council of the Mindarie Regional Council
- Note that acceptance of this proposal by Mindarie Regional Council, and Member Councils, is demonstrated level of commitment to secondary treatment, as required by Minister for the Environment.

The Regional Council has been given legal advice to gain individual member Council consent to accept the bales at no charge.

The City of Stirling was an inaugural member of the Mindarie Regional Council, and is one of four landowners of that land comprising Lot 17 at Tamala Park. The City of Stirling is currently represented by four Councillors on the Mindarie Regional Council; the City of Joondalup has two.

Prior to April 1999, the City of Stirling had disposed of its domestic waste via contractual arrangements with the Atlas organisation. This disposal was characterised by the diversion of in excess of 70% of this waste from landfill. The Atlas process involved the separation of recyclable material from the organic stream and then processing the waste into compost for use as a broad acre soil improver. A number of factors resulted in the Atlas organisation being unable to deliver this service from April 1999. In the wake of this development, the City of Stirling adopted contingency arrangements.

These contingency arrangements included the subsequent disposal of City of Stirling domestic waste to Tamala Park. Concurrently, a number of initiatives were developed to resolve those issues, which had precluded the ongoing use of the Atlas facility. These initiatives included the commissioning of Mr Harry Morgan to consider the factors, and provide recommendations to the Minister for the Environment.

The work by Mr Morgan was completed in June 2000, and his recommendations are currently under consideration by the Minister for the Environment.

The City of Stirling is currently examining options for the continued disposal of its domestic waste, as a concurrent activity with the consideration of the Morgan Report by the Minister for the Environment. As part of this examination, the City of Stirling has developed a proposal for the continued disposal of some waste to Tamala Park. This proposal has been provided in writing to the Mindarie Regional Council, and is included as Attachment One to this Item. The City of Stirling has also provided a copy of this correspondence to the Chief Executives of member Councils for their consideration.

The Mindarie Regional Council at its meeting held on 19 October 2000, resolved to accept the City of Stirling's proposal for the disposal of residue bale waste from the Atlas process to Tamala Park at nil cost, to hold an independent investigation into the proposal and consider it at the next meeting. Also, note the legal opinion for individual member Councils to accept this proposal.

The administration has conducted further investigations, in conjunction with an independent investigative team comprising the following:

- Mr Graham McHarrie and Mr David Menarry, from Deloitte Touche Tohmatsu
- Mr Hendry Young, from Sinclair Knight Merz

## **DETAILS**

### **Tamala Park - City of Stirling Usage**

- The City of Stirling commenced the disposal of the majority of its domestic waste to Tamala Park in April 1999. Mindarie Regional Council subsequently approved the disposal of this waste to Tamala Park at member rates ie \$17.00 per tonne, including the landfill levy of \$3.00 per tonne.

The City of Stirling disposed of 90,000 tonnes of waste to Tamala Park in 1999/2000

This data demonstrates that the City of Stirling is disposing some 1730 tonnes of waste to the Mindarie Regional Council's Tamala Park landfill per week. This represents, approximately 27 per cent of the Council's total waste disposal to landfill.

### **The Morgan Report**

Some key recommendations of the Morgan Report submitted to the Minister for the Environment in June 2000 are as follows:

- That approvals be provided to the Atlas organisation for the recommencement of operations.
- That Atlas be directed to dispose of any residue from its waste treatment processes, packaged in bale form, to sites other than their facility at Malaga.

It is apparent from various sources that it is unlikely that the residue bales from the Atlas process can be disposed to locations other than a Class Two Landfill ie Tamala Park. This is due to the fact that some doubt remains regarding the appropriate classification of this material ie whether the material is Class One (inert building material type waste) or Class Two waste (household putrescible type waste). The City of Stirling has initiated discussions with the Mindarie Regional Council in terms of the potential disposal of this bail material to Tamala Park, this is addressed in the City of Stirling proposal.

### **The City of Stirling Proposal**

The City of Stirling proposal, provided previously, is that the Mindarie Regional Council allows the residue bales from the Atlas process to be disposed to Tamala Park at no charge.

The City of Stirling has suggested that this proposal has advantages for both the City and the Regional Council as follows:

- Acceptance of the proposal would allow the City of Stirling to recommence operations using the Atlas process, at an acceptable cost to the City, and in a manner which is consistent with the maximum diversion of waste from landfill.

- The proposal would provide the Mindarie Regional Council with a reduced demand on available airspace for landfill, particularly within the Stage One area, and subsequent flexibility, in terms of extended life of this Stage One area, as well as the ability to provide this airspace for other customers.

### **Legal Issues**

The City's solicitor has provided some guidance on the City of Stirling proposal, and these are as follows:

- That any approval to the specific proposal should be provided not only by the Regional Council but also by individual member Councils, on the basis that such an approval would, potentially, be outside the existing Constitution Agreement.
- That any modified proposal eg. payment for disposal of bales at anything less than member rates ie \$17.00 per tonne would also require member Council approval.

### **The Independent investigation**

An independent investigation team comprising representatives from Deloitte Touche Tohmatsu and Sinclair Knight Merz was appointed with a set of criteria for an assessment of the proposal.

Key points to note are as follows:

- There is a negative impact for the Mindarie Regional Council because of the revenue foregone by accepting Atlas bales at no charge. However, this impact is considerably lessened when apportionment to the member councils. (In simplistic terms, the cost impact in today's prices is 20,000 tonnes @ \$17 per tonne which equates to \$340,000 per annum). It is important to note this cannot be considered in isolation because of the dot points below;
- Member councils would benefit from acceptance of the proposal because of an additional six months waste disposal at Tamala Park would be created, rather than the 'worst case' scenario (i.e. running out of space because of the extra volumes from the City of Stirling and then a subsequent need to dispose of waste elsewhere at \$42.00 per tonne plus transport).
- That City of Stirling would not benefit, in financial terms, from acceptance of the proposal. They will be paying \$65 per tonne to process the waste through Atlas.

### **Strategic Issues**

The Mindarie Regional Council has an approved Strategic Plan, developed with respect to a Regional Waste Management Plan, and is currently finalising a Master Plan for the Tamala Park site, as well as progressing investigations into Secondary Treatment.

Any decision regarding the City of Stirling proposal should be with due reference to these strategic initiatives.

## **An Evaluation of the Proposal**

The City of Stirling proposal is consistent with those directions set by the State Government, namely, the reduction of waste for disposal to landfill. This direction is reinforced in the draft WASTE 2020 documentation. Mindarie Regional Council acceptance of the proposal would provide a clear demonstration of support for State Government Strategy (benefit).

The City of Stirling proposal is compatible with those plans previously approved by the Mindarie Regional Council. The proposal would enable a reduction in the rate of usage of existing landfill space, and provide the Council with additional time in which to introduce not only Secondary Treatment but also any additional landfill. Moreover, the Mindarie Regional Council acceptance of the proposal is likely to improve the likelihood of smooth approval to the Stage Two landfill, on the basis of further demonstrated commitment to secondary treatment (benefit).

The City of Stirling proposal is workable, from an operational perspective, in terms of the disposal of any residue bales. Atlas has demonstrated to the independent investigation team that a quality system for authentication of bale content is in place. Moreover, Atlas will manage the bales at Tamala Park.

The proposal will create a negative impact for the Mindarie Regional Council.

## **Cost – Benefits Summary**

The Mindarie Regional Council has the opportunity to obtain the following benefits through acceptance of the City of Stirling proposal:

- The ability to demonstrate to others, particularly the State Government, a commitment to higher order plans such as WASTE 2020, via support to a secondary treatment initiative;
- The ability to demonstrate, to the State Government, further commitment to secondary treatment, and, thus, further establish its case for Stage Two landfill approval;
- The ability to create additional time for utilisation of Stage One landfill whilst implementing other initiatives such as Stage Two landfill and secondary treatment;
- The ability to reduce the likelihood of member Council requirements to dispose of waste elsewhere, albeit for an interim period, at an associated cost penalty;
- The potential to fill the extra space created at commercial tipping rates which could potentially reduce the cost impact of the proposal for the Regional Council.

**MOVED Cr Patterson, SECONDED Cr Kenworthy that Council APPROVES the City of Stirling proposal, as follows:**

- 1 that any baled waste from Atlas treatment be disposed to Tamala Park at nil cost per tonne;**
- 2 that Atlas be required to demonstrate an appropriate authentication process for the composition of bales;**
- 3 that Atlas manage disposal of bales at Tamala Park;**



- 4 that the arrangement be confined to either the expiry of the Stage One landfill or two years, whichever is the lesser;
- 5 notes that the acceptance of this proposal by the Mindarie Regional Council, and member Councils, is a demonstrated advanced level of commitment to secondary waste treatment, as required by the Minister for the Environment.

**The Motion was Put and**

**CARRIED**

*Appendix 18 refers*

*To access this attachment on electronic document, click here: [Attach18brf200201.pdf](#)*

## **CJ041 - 02/01 STATE BLACK SPOT PROGRAM SUBMISSIONS - 2001/02 - [09480]**

**WARD - All**

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CJ010220\_BRF.DOC:ITEM 12

### **SUMMARY**

Main Roads WA has advised that submissions for the 2001/02 State Black Spot Program close at the end of February 2001. All submissions are considered on their merits and are evaluated against the criteria set by the Main Roads WA State Black Spot Program Development and Management Guidelines.

The following report details the submission process, proposals and possible funding implications for the City.

### **BACKGROUND**

In August 2000, the State Government announced a new initiative to improve road safety, targeting black spots and road improvements around Western Australia.

The State Black Spot Program is aimed at further improving road safety across Western Australia thereby reducing the significant trauma and suffering by crash victims, family and friends.

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

The program is structured in two parts and evaluated and managed independently. Main Roads is responsible for the overall administration of the State Black Spot Program.

Proposals for treatments on National Highways, State Highways and Main Roads will be evaluated and managed by Main Roads.

Proposals for treatments on Local Roads will be evaluated through the Regional Road Groups in association with local RoadWise officers and managed by the State Road Funds to Local Government Advisory Committee through those groups.

Similarly approvals of projects for the State Black Spot Program will take place within the relevant management authorities.

For Highways and Main Roads the recommending body will be either the Executive Director Urban Roads or the Executive Director Rural Roads. The Commissioner Main Roads will approve the program.

For Local Roads, Regional Road Groups will recommend the proposals for treatment while the program will be approved by the State Road Funds to Local Government Advisory Committee.

Following this the recommended program will be forwarded to the Road Safety Council for information and comment. Main Roads will make a formal presentation of the approved programs to the Road Safety Council.

Submissions for the 2001/02 State Black Spot Program close at the end of February 2001. All submissions are considered on their merits and are evaluated against the criteria set by the Main Roads WA State Black Spot Program Development and Management Guidelines.

The minimum eligibility crash criterion for intersections is an average of 1 crash per year over 5 years. The crash period is 5 years from 1995 to 1999 for the 2001/02 program.

The State Black Spot Program will allocate 2/3<sup>rd</sup> funding of the successful project cost with the remaining 1/3<sup>rd</sup> cost (mandatory) to be met by Council.

It is envisaged that the Minister for Transport will announce the approved projects in April 2001.

## **DETAILS**

To assist with preparation of submissions for State Black Spot Funding, a data disk including potentially eligible sites (2 crashes or more) and Crash Benefit Cost Analysis Software were forwarded to the City by Main Roads WA.

Subsequently, 177 sites were evaluated, with projects that had an estimated Benefit Cost Ratio (BCR) value of 1 or greater, considered appropriate for submission.

On the basis of this assessment, eleven (11) sites are recommended for submission as part of the 2001/2002 State Black Spot Program.

A comprehensive list of projects, total project costs, possible State Black Spot Program funding and the mandatory Council contributions should funding be approved are shown on Attachment 1.

## **COMMENT/FUNDING**

In order to meet the mandatory funding criteria, successfully approved projects will require a 1/3<sup>rd</sup> funding contribution from Council.

On this basis, each successful project will need to be listed for funding consideration as part of the City's upcoming 2001/02 budget deliberations.

To ensure that the estimated expenditure for 2001/02 does not increase, it is proposed to fund successful projects through the existing Traffic Management Regional Road Junction Program. The existing Five-Year Capital Works Program currently lists a \$520,000 allocation to Regional Road junctions in 2001/02.

While it is unlikely that all projects submitted will be successful given the limited funding available, the maximum contribution that Council may be liable for if all the submitted projects were successful would be \$456,667.

Subject to approval, each successful project contribution (1/3<sup>rd</sup>) may be funded through this program with any remaining funds allocated to the highest priority Regional Road Junction projects as appropriate.

It should also be noted that as the majority of projects have previously been listed within the City's existing Five-Year Capital Works Program, if successful, projects will ultimately result in an actual 2/3<sup>rd</sup> reduction (cost saving) in future proposed expenditure of Municipal funds.

In view of this, the projects shown listed on attachment are recommended for submission to the 2001/02 State Black Spot Program for funding consideration.

Council will be notified of the successful projects following the Ministers announcement as part of the forthcoming 2001/2002 budget process.

**MOVED Cr Ewen-Chappell, SECONDED Cr Kenworthy that Council:**

- 1 ENDORSES the submission of projects shown on Attachment 1 to Report CJ041-02/01 for consideration as part of the 2001/02 State Black Spot Program;**
- 2 AGREES to consider as a high priority 1/3<sup>rd</sup> funding of successful State Black Spot projects as part of the 2001/02 budget deliberations.**

**The Motion was Put and**

**CARRIED**

*Appendix 5 refers. To access this attachment on electronic document, click here:*  
[Attach5brf200201.pdf](#)

**CJ042 - 02/01 TENDER NO. 029-00/01 - SUPPLY OF ENGINEERING DESIGN SERVICES - [50143]**

**WARD - All**

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CJ010220\_BRF.DOC:ITEM 13

## **SUMMARY**

The City has invited tenders for the design, documentation, contract administration and site supervision for the construction of civil projects in the Capital Works programme.

All tenders submitted were evaluated and it is recommended that the tender submitted by Connell Wagner be accepted for a three year period with an option for an extension for a further two years, subject to Council's approval.

## **BACKGROUND**

The City of Joondalup undertakes a Civil Capital Works Programme of approximately \$10 to \$12 million per annum. To assist with the delivery of these works supplementary design, and for specific projects, tender documentation and contract superintendence services are required. Consultants have been invited to provide these services through a contract.

It is proposed that the Consultant will provide a total service on the design, (also tender documentation and contract superintendence as required) to the City to meet the delivery of the nominated Capital Works projects within the required targets. The proposed services to be provided include Road and Drainage Design, Traffic Management Schemes, Pedestrian and Cyclist facilities, Street Lighting, structural design for Underpasses, retaining walls, Landscaping and traffic signals services.

The main emphasis will be on the Forwards Works Programme to achieve a 12-month's lead time prior to construction. This will enable projects to be fully designed, costed and programmed for construction to meet Council's and other State and Federal authorities time frames in relation to project execution requirements.

### **Contract Term**

The Contract term will be up to three years with an annual performance review and with the ability for an extension of up to a further two years subject to satisfactory performance as determined by the City.

### **Contract non exclusivity**

The Contract will not provide exclusivity and the City reserves the right to appoint other Consultants to undertake these works.

### **Consultancy Works Scope**

To maintain flexibility on the use of outsourcing or using in house resources and allowing for budgets to be varied, no minimum amount of work is guaranteed to the Consultant in the Contract.

## **DETAILS**

A public invitation from competent Consultants for the design, documentation, contract administration and site supervision of civil projects was carried out. The advertisement was published in the West Australian on 11 November 2000.

At the close of submissions on Tuesday, 28 November 2000, thirteen tenders were received.

The proposed contract is based on a schedule of fixed percentage price of the actual project cost.

Tenders were received from:

Alan McLean Engineering Pty Ltd  
Ove Arup and Partners  
BSD Consultants  
CCD Australia  
Connell Wagner Pty Ltd  
David Porter Consulting Engineer  
Gutteridge Haskins and Davey Pty Ltd  
Halpern Glick Maunsell  
Prospero Civic and Cadd Designs  
Road West  
Sinclair Knight Merz  
Wood and Grieve Engineers  
Worley Engineers

### **Tender Evaluation Method**

The conditions of tendering specified that all tenders would be assessed against the following criteria:

- a) Price for the Services offered inclusive of disbursements for the production of designs, drawings & fee schedule
- b) Tenderer's demonstrated ability to carry consultancy so that on a short notice to rectify a site problem and incorporate into the design
- c) Tenderer's Resources (example of specialised Consultants if any required to undertake this Contract, manpower available to service this Contract, organisation chart, resumes of key personnel available and to be dedicated for the proposed Works)
- d) Tenderer's previous experience in carrying out similar works
- e) Suitability of timing
- f) Tenderer's References
- g) Evidence of financial capacity to perform the contract
- h) Customers services & communication

Under the City's Contract Management Framework and AS4120, tenders were assessed by an evaluation committee using a multi-criterion assessment system. Each of the above criteria for the tenders submitted was evaluated accordingly.

A list of Consultants was selected to present their approach in detail to a selection panel to undertake, based on briefs, various nominated model projects (An arterial road, a traffic management and a drainage scheme). This would then allow for the Consultants to demonstrate their understanding of the process, the range of experience needed for the various projects, likely fee costs and project timing.

### **Evaluation results**

Each respective tender was evaluated by an evaluation committee against the selection criteria.

Based on this initial evaluation, the following firms were invited to provide a presentation on their approach to the model projects to clarify the tenders:

BSD Consultants  
Connell Wagner Pty Ltd  
Gutteridge Haskins and Davey Pty Ltd  
Sinclair Knight Merz

Subsequently, these firms made a 1-½ hr presentation on the model projects (Shenton Avenue dual carriageway and NST Rail Bridge extension, Glengarry Drive Traffic Management Scheme and Moolanda Boulevard Drainage project) to a selection panel of Council officers.

Based on the overall criteria, Connell Wagner was evaluated as the best tenderer to provide the Design Consultancy.

## **COMMENT/FUNDING**

The design and project construction contracts of the City is approximately \$13 to \$14 million for the current financial period.

To assist in the delivery of these projects, supplementary design and contract supervision is sourced from various consulting engineers. Some of these projects require specialist expertise in the field of structural design, electrical (street lighting and traffic signals) geotechnical and Landscaping/Streetscape. The current total design fee cost of these projects is in the order of \$160,000 per annum.

For each project three quotes are obtained (or tenders called where fees are likely to be above \$50,000) to provide the consultancy service. This process involves large administration and time components to process the project. Also the outsourced projects generally relate to the Capital Works approved in the Annual Budget. The current focus is more on an immediate delivery of projects rather than at a strategic level.

Some of the major funding sources of the City's works are from both State and Federal programmes (MRRP and Black Spot). These programmes require projects to be submitted well in advance of the actual construction with funding recoups to be certified and expended usually within specified programme years. This has previously limited some applications for funding due to commitments to the existing programme. There is also less opportunity to carry forward works. The advanced design of these projects ensure that accurate budget provision can be made, all design issues addressed such as servicing co-ordination prior to construction and the works programmed to meeting specified timeframes.

Also, as the funding availability varies from each year due to the ranking of projects based on nominated criteria, the use of supplementary design services to assist core staff matches the availability of funding. This also provides Council with the flexibility to change its programmes in accordance with its Strategic Plan without impacting on its own staff and day labour resources.

The use of a preferred consultancy also has benefits through:

- reduced fee costs and tendering charges
- streamlined process to commission
- development of a partnership relationship
- provision of specialist expertise and resources to meet specific projects or one-off demands (that can be sourced from across Australia)
- opportunity for staff exchange and development

- access to awareness of interstate and international developments and innovations

Funding for the consultancy fees for the projects can be either direct from the project funds or for the Forward Planning Works from general consultancy allocation in the Operational Budget.

Of the consultants interviewed, Connell Wagner Pty Ltd submitted the lowest schedule of prices. (Refer to Attachment 1)

**MOVED Cr Patterson, SECONDED Cr Kenworthy that Council:**

- 1      **ACCEPTS Tender No. 029-00/01 from Connell Wagner Pty Ltd for supply of Engineering Design Services in accordance with the Schedule of Rates as shown on Attachment 1to Report CJ042-02/01 for a three year period, with an option to extend for a further two years, subject to Council’s approval;**
- 2      **AUTHORISES the signing of contract documents.**

The Motion was Put and

CARRIED

*Appendix 6 refers*

*To access this attachment on electronic document, click here: [Attach6brf200201.pdf](#)*

**CJ043 - 02/01      TENDER      NUMBER      033-00/01      SUPPLY      &  
APPLICATION OF CRACK SEALANT - [53151]**

**WARD - All**

CJ010220\_BRF.DOC:ITEM 14

**SUMMARY**

Tenders were advertised statewide for Supply & Maintenance of Crack Sealant, in accordance with the Conditions of Tendering supplied. Tenders closed on 19 December 2000. The contract is a lump sum priced, fixed time contract.

Four tenders were received as follows:-

Pioneer Road Services Pty Ltd, Hazelmere	(\$31,350)
Asphaltech Pty Ltd, Malaga	(\$84,990)
Australian Sealcoating Pty Ltd	(\$73,074)
Warrmax Road Repairs, Dandenong, Victoria	(\$43,500)

This report recommends acceptance of the tender in accordance with the price schedule submitted by Pioneer Road Services Pty Ltd, in accordance with the Conditions of Tender.

The lowest tenderer, Pioneer Road Services Pty Ltd, has previously undertaken this type of work for the City of Joondalup.

## DETAILS

Warrmax Road Repairs undertook this type of work for the City during 1999/2000. Pioneer Road Services Pty Ltd held the previous contract during 1996 to 1999.

All the above tenderers have successfully undertaken road sealing works for the City. Therefore, the lowest price becomes the determining factor.

The price submitted by Asphaltech Pty Ltd is high as it is proposed to sub-contract the work to Australian Sealcoating Pty Ltd.

The price of \$31,350, submitted by Pioneer Road Services Pty Ltd, is in accordance with the Schedule and all the roads listed are priced individually (refer Attachment 1).

The crack sealing program is undertaken over a specific timeframe to coincide with optimum weather conditions.

Crack sealing is a preliminary for road resurfacing and therefore an essential component of asset maintenance.

It is recommended that Pioneer Road Services Pty Ltd be awarded the contract, for completion by 30 June 2001.

## COMMENT/FUNDING

Crack sealing is funded via Operations Services Engineering Maintenance account. Crack sealing requires specific estimates for each road and the program will be scheduled to match the budget allocation.

The prices submitted represent a 2% increase on the 1999/2000 rates.

## **MOVED Cr Wight, SECONDED Cr Mackintosh that Council:**

- 1 ACCEPTS the lump sum priced, fixed time tender submitted by Pioneer Road Services Pty Ltd as per the Price Schedule shown as Attachment 1 to Report CJ043-02/01 for Tender No 033-00/01 Supply & Application of Crack Sealant, in accordance with the Conditions of Tender, for completion by 30 June 2001;**
- 2 AUTHORISES signing of the contract documents.**

**The Motion was Put and**

**CARRIED**

*Appendix 7 refers*

*To access this attachment on electronic document, click here: [Attach7brf200201.pdf](#)*



**PLANNING AND DEVELOPMENT****CJ044 - 02/01 PROPOSED AMENDMENT NO 5 TO DISTRICT PLANNING SCHEME NO.2 - TO REZONE A PORTION OF HEPBURN AVENUE ABUTTING PT LOT 158 HEPBURN AVENUE, SORRENTO FROM OTHER REGIONAL ROAD RESERVATION TO URBAN DEVELOPMENT ZONE - [58188]****WARD** - South Coastal

CJ010220\_BRF.DOC:ITEM 15

**SUMMARY**

Taylor Burrell Town Planning and Design, on behalf of Estates Development Company has requested an amendment to the City of Joondalup District Planning Scheme No.2 (DPS2) to rezone a portion of Hepburn Avenue abutting Pt Lot 158 Hepburn Avenue, Hillarys from Other Regional Roads Reservation to Urban Development Zone (attachment 1).

Council previously supported Amendment 840 for the same under Town Planning Scheme No.1 (TPS1), (CJ188-05/99). Amendment 840 has been held in abeyance pending the finalisation of Metropolitan Regional Scheme (MRS) Omnibus Amendment No.4 that proposed to amend the subject land from Other Regional Roads Reservation to Urban Zone.

DPS2 was gazetted on 28 November 2000 prior to the MRS Omnibus Amendment No.4 being finalised, (gazetted on 18 December 2000). Therefore Amendment No.840 cannot proceed as TPS1 has been revoked and a new amendment to DPS2 is required.

An approval for subdivision has recently been granted by the WAPC (28 December 2000). In accordance with Part 4 of the Metropolitan regional Scheme Act 1959 (MRS Act 1959) the City of Joondalup is required to amend its scheme to be consistent with the zoning under the MRS.

It is recommended that the Council initiate and adopt Amendment No.5 to DPS2 to rezone a portion of Hepburn Avenue abutting Pt Lot 158 Hepburn Avenue, Hillarys from Other Regional Roads Reservation to Urban Development Zone.

**BACKGROUND**

Taylor Burrell Town Planning and Design on behalf of Estates Development Company requested an amendment to rezone a portion of Hepburn Avenue abutting Pt Lot 158 Hepburn Avenue, Sorrento from Important Regional Roads reservation to Urban Development Zone under Town Planning Scheme No.1 (Amendment 840).

The amendment was requested following an approval for subdivision being granted for the site by the Western Australian Planning Commission (WAPC) in November 1997 and Council's support at its meeting on 13 October 1998 for the closure of the portion of Hepburn Avenue road reserve.

Amendment 840 to TPS No.1 was initiated and adopted by Council at its meeting on 11 August 1998. The amendment was progressed and following advertising Council resolved to support the proposed amendment at its meeting on 25 May 1999 (CJ188-05/99).

## **DETAIL**

The proposal is seeking to amend a portion of road reserve abutting Pt Lot 158 Hepburn Avenue, Sorrento from Important Regional Road Reservation to Urban Development Zone under DPS2.

Although Amendment 840 was progressed in accordance with the provisions of Town Planning Regulations 1967, a change required to be effected through the MRS to rezone the land from Important Regional Road Reservation to Urban Zone (Omnibus Amendment No.4) was not approved until 18 December 2000. In accordance with Part 4 section 35 of the MRS Act 1959, the City of Joondalup is required to amend its scheme to make it consistent with the zoning under the MRS.

At the same time, the City completed its review of TPS1 and the Minister for Planning approved the City of Joondalup DPS2, gazetted on 28 November 2000. Upon gazettal of DPS2, TPS1 was revoked together with all of its amendments.

The WAPC has recently granted a conditional approval to subdivide stage 2 of Harbour Rise (28 December 2000) following the lapse of the previous subdivision approval granted in November 1997. The subdivision proposal includes the portion of land that had been Reserved under the MRS for Hepburn Avenue, to be included within the Urban Development Zone (Attachment 2).

The portion of the Hepburn Avenue Road Reserve, which is surplus to road requirements, has been closed and it is intended that it will be amalgamated with the adjoining land and subdivided in accordance with the approved plan of subdivision.

## **Relevant Legislation**

Section 7 of the Town Planning and Development Act 1928 (TPD Act 1928) enables Local Authorities to amend a Town Planning Scheme. Section 7A1 of TPD Act 1928, requires the proposed amendment to be forwarded to the Environmental Protection Authority (EPA), to enable the EPA to conduct an assessment for environmental issues that may arise from the amendment in accordance with section 48A of the EPA Act.

Once comment has been received from the EPA and provided an environmental review is not requested, the proposed amendment is required to be advertised for public comment pursuant to section 7A2 of the TPD Act 1928 and section 25 (fb) of Town Planning Scheme Regulations 1967 for 42 days.

Once advertising is completed, all submissions are assessed and a report presented to Council. A recommendation is then made to the Minister for Planning for final determination.

The applicant is seeking a reduced period of advertising given that an amendment identical to this amendment has previously been advertised for public comment.

## COMMENT

The applicant's request for a reduced advertising period is considered justified given that the proposal has previously been advertised together with advertising of the structure plan for Harbour Rise which has illustrated residential development on the subject land and that the land is surplus to road requirements.

The amendment proposed has been prepared to facilitate the implementation of the Harbour Rise Structure Plan and the conditional approval of subdivision for stage 2. The amendment is also required to ensure compliance with the MRS Act 1959.

The proposal is the same to Amendment No.840 proposed under TPS1 and is lodged only because DPS2 revokes TPS1 and all amendments under that scheme.

## Assessment and Reasons for Recommendation

The WAPC supported a residential subdivision plan for the site on 28 December 2000 and the road reserve is surplus to road requirements. The MRS omnibus amendment zoned the subject land Urban. The City of Joondalup is required to amend its scheme to make it consistent with this zoning.

It is recommended that the Council initiate and adopt Amendment No.5 to DPS2 to rezone a portion of Hepburn Avenue abutting Pt Lot 158 Hepburn Avenue, Hillarys from Other Regional Roads Reservation to Urban Development Zone.

## **MOVED Cr Ewen-Chappell, SECONDED Cr Kenworthy that Council:**

- 1** pursuant to Section 7 of the Town Planning and Development Act 1928 (as amended), AMENDS the City of Joondalup District Planning Scheme No 2 by rezoning a portion of Hepburn Avenue, Road Reserve abutting Pt Lot 158 Hepburn Avenue, Sorrento to Urban Development Zone and ADOPTS Amendment No 5 accordingly;
- 2** pursuant to Part 25, Section 2 (v) of Town Planning Regulations 1967, REQUESTS the Western Australian Planning Commission to reduce the statutory advertising period from 42 to 28 days.

**The Motion was Put and**

**CARRIED**

*Appendix 8 refers*

*To access this attachment on electronic document, click here: [Attach8brf200201.pdf](#)*

CJ045 - 02/01

PROPOSED AMENDMENT NO. 6 TO DISTRICT PLANNING SCHEME NO. 2 - PORTION OF LOT 7 (21) ENDEAVOUR ROAD, HILLARYS - [52159]

WARD - Whitford

CJ010220\_BRF.DOC:ITEM 16

SUMMARY

An application has been submitted by Roberts Day Group, in response to a request by the City, to initiate an amendment to District Planning Scheme No 2 (DPS2) to rezone the northern portion of Lot 7 (21) Endeavour Road, Hillarys, from “Civic and Cultural” to “Private Clubs/Recreation”. (Attachments 1, 2 and 3 refer).

The northern portion of Lot 7 (21) Endeavour Road is proposed to be amalgamated with Lot 5 (20) St Mark’s Drive to enable the St Mark’s Anglican Community School, which is situated on Lot 5, to expand. The rezoning is being sought so that the zoning of the northern portion of Lot 7 is consistent with that of Lot 5. (Attachments 4 and 5 refer).

It is recommended that Council amends DPS 2 for the purpose of rezoning the northern portion of Lot 7 (21) Endeavour Road, Hillarys, from the “Civic and Cultural” zone to the “Private Clubs/Recreation” zone.

BACKGROUND

Lot No	Lot 7
Street Address	21 Endeavour Road, Hillarys
Land Owner	Crown (Department of Land Administration)
MRS Zoning	Urban
DPS Zoning	Civic and Cultural
Land Use	Child Care Centres & Offices
Lot Area	1.4387 hectares

Site History

Lot 7 (21) Endeavour Road is known as the ‘Jean Beadle Centre’ and has been developed with six independent buildings. Three of the buildings are used for child care purposes whilst three are used for office purposes.

October 2000

Following discussions with the City, an application was lodged by Roberts Day Group for the subdivision and amalgamation of the northern portion of Lot 7 (21) Endeavour Road with Lot 5 (20) St Marks Drive. The subdivision will allow St Marks Anglican Community School to use the building on the northern portion of Lot 7 for kindergarten, pre-primary and primary school purposes. As a development application had yet to be determined for the proposal, the City requested the Western Australian Planning Commission (WAPC) to defer its determination of the subdivision application.

### November 2000

A development application was subsequently submitted by Roberts Day Group to use the building on the northern portion of Lot 7 for kindergarten, pre-primary and primary school purposes. Prior to determination of the development application however DPS 2 was gazetted. This resulted in Lot 7 being rezoned from the “Residential Development” zone under Town Planning Scheme No. 1 (TPS 1) to the “Civic and Cultural” zone under DPS 2. It also resulted in Lot 5 (20) St Marks Drive being rezoned from the “Residential Development” zone under TPS 1 to the “Private Clubs/Recreation” zone under DPS 2. The City advised the proponents that in order to provide consistency in zoning over the proposed new lot, the northern portion of Lot 7 would require rezoning.

### December 2000

The change in zoning however did not affect the permissibility of the proposed uses on Lot 7. Under the “Civic and Cultural” zone, the proposed uses (kindergarten, pre-primary and primary school), remained to be uses which could be approved at the discretion of Council.

In response to the City’s request, Roberts Day Group submitted the subject application to initiate an amendment to DPS 2 to rezone the northern portion of Lot 7 Endeavour Road from the “Civic and Cultural” to the “Private Clubs/Recreation” zone.

### January 2001

On 11 January 2001, the development application for the proposed change in use was conditionally approved by the City under delegated authority. One of the conditions of approval was the subdivision and the amalgamation of the northern portion of Lot 7 (21) Endeavour Road with Lot 5 (20) St Marks Drive, Hillarys.

### February 2001

The City advised the WAPC that it conditionally supported the application to subdivide/amalgamate the northern portion of Lot 7 (21) Endeavour Road with Lot 5 (20) St Marks Drive. At the time of writing this report the WAPC had not determined the subdivision application.

## **DETAILS**

### **Location**

Lot 7 (21) Endeavour Road lies opposite the Whitfords Shopping Centre and adjacent to the BBC hardware site, St Marks Anglican Community School and several residential lots.

### **Relevant Legislation**

The procedures for amending Town Planning Schemes are outlined in the Town Planning Regulations 1967 and the WAPC’s Planning Bulletins. In order to amend its Town Planning Scheme, the City is first required to adopt the proposed Amendment. The Amendment is then required to be forwarded to the Environmental Protection Authority (EPA) for consideration of the need for environmental assessment. If an environmental assessment is required, an environmental review must be undertaken. Following completion of the environmental

review, the Amendment is required to be forwarded to the WAPC for consent to advertise the Amendment. The local government may advertise the Amendment without seeking the WAPC's consent subject to the Amendment meeting several criteria.

## COMMENT

Should the WAPC approve the application for the subdivision and amalgamation of the northern portion of Lot 7 (21) Endeavour Road with Lot 5 (20) St Marks Drive, the proposed new lot will not be uniformly zoned. The rezoning is therefore required to provide consistency in zoning. The proposed uses for the northern portion of Lot 7 will remain uses which may be permitted at the discretion of Council under the Private Clubs/Recreation zone and therefore would be in conformity with the Scheme.

**MOVED Cr Ewen-Chappell, SECONDED Cr Kenworthy that Council in pursuance of Section 7 of the Town Planning and Development Act 1928, AMENDS the City of Joondalup District Planning Scheme No 2 for the purpose of rezoning a portion of Lot 7 Endeavour Road, Hillarys, from the “Civic and Cultural” zone to the “Private Clubs/Recreation” zone and ADOPTS Amendment No. 6 accordingly.**

**The Motion was Put and**

**CARRIED**

*Appendix 9 refers*

*To access this attachment on electronic document, click here: [Attach9brf200201.pdf](#)*

**CJ046 - 02/01      PROPOSED SINGLE HOUSE (INCLUDING HEIGHT IN EXCESS OF BUILDING HEIGHT AND BULK POLICY): LOT 65 (16) VOLANTE ELBOW, OCEAN REEF - [37326]**

**WARD - Marina**

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CJ010220\_BRF.DOC:ITEM 17

## SUMMARY

An application has been lodged for a 3 level single dwelling, including an undercroft garage, at 16 Volante Elbow, Ocean Reef. The height of the proposal exceeds the building height envelope permitted under the City's "Policy 3.1.9 – Height and Scale of Buildings Within a Residential Area." This policy requires dwellings over 8.5 metres in height to be advertised for public comment as part of the technical assessment. A portion of the proposed single house is proposed to be 8.85 metres in height.

The proposal was advertised in accordance with Policy 3.1.9. Nearby residents raised concerns in relation to:

- ♦ The proposed dwelling being out of character with the surrounding residential development;
- ♦ Roof height exceeding 8.5 metres in height; and
- ♦ The potential use of the house for other purposes.

Generally, the proposal conforms to the standards prescribed by the Residential Planning Codes and the District Planning Scheme. It is recommended that the proposal be approved, with a requirement that it be modified to conform to the Height and Bulk of Buildings Policy.

**BACKGROUND**

Lot No	Lot 65
Street Address	16 Volante Elbow OCEAN REEF
Land Owner	Spire Corporation Pty Ltd
MRS Zoning	Urban
DPS2 Zoning	Residential
DPS2 Density Code	R20
Land Use	Single House
Permissibility	P
Lot Area	735m <sup>2</sup>

The site (a vacant lot) is a corner lot on the bend in Volante Elbow (refer to attachments for detail). The lot has a cross-fall of approximately 1.5 metres down to the western side (secondary street) boundary. The lot offers substantial views westwards (over the Ocean Reef road reserve) toward the ocean.

The adjoining lots have been developed with a mixture of single and two storey dwellings, with most dating from the late 1980s and early 1990s. While adjoining lots contain single storey dwellings, there are a number of two storey dwellings on the same street, within close proximity of the development site.

The applicant has lodged plans for a substantial residence, comprising the following elements:

- ◆ Residence with 2 living levels plus an undercroft serviced by a lift;
- ◆ The undercroft can accommodate 8 cars;
- ◆ Four bedrooms, gymnasium, studies, lounge, dining, kitchen and laundry;
- ◆ Floor area of approximately 1100m<sup>2</sup> (3 floors); and
- ◆ The house is of a modular flat roofed style, although there is no access to the roof space at the top of the dwelling

The applicant has stated that the dwelling has been designed for the use of the extended family and not for any other purpose.

Advertising

A portion of the building exceeds the height envelope by 0.35 metres. Consequently, the proposal was advertised in accordance with Policy 3.1.9.

Written comments on the proposal were sought from affected landowners within 15 metres of the boundaries of the subject land and on the opposite side of the street. The comment period of 14 days ended on 24 January 2001. A total of 5 objections and an 18 signature petition against the proposal were received. One late objection was also received and has been included in the summary below.

The **objectors** have made the following statements and suggestions (in summary):

- ♦ The proposal exceeds the City's Height and Scale of Buildings Within a Residential Area Policy and therefore should not be approved as it serves no practical purpose and will cause a loss of views;
- ♦ The floor area of the house is approximately 3 to 4 times larger than the next big home and twice the size of any other house in the suburb and could be used as a small hotel;
- ♦ Inconvenience may occur during construction (ie noise, dust, etc) including inadequate parking of construction vehicles on the street;
- ♦ Noise from internal lift and requirement for industrial-sized air conditioning units;
- ♦ Overshadowing to the property on western side of 14 Volante Elbow; and
- ♦ During construction phase, impact on foundations of adjoining house

## COMMENT

A number of objections have been received from the nearby landowners.

The plans conform to DPS2 and the Residential Planning Codes, however, the proposal is referred to Council as a variation to the Height and Bulk of Building Policy is proposed.

*“The Council has the discretion to vary Policy 3.1.9 in respect to the building exceeding the building height envelope where the variation is unlikely to affect any owners or occupiers in the general locality or adjoining sites ”*

Policy 3.1.9 is not a statute, but a mechanism to guide Council in the determination of applications for large homes and criteria for assessing variations to the policy based on individual merit.

The scale of the building is such that it is built up to the maximum standards allowable, with an excess over the 8.5 metre height for a portion of the roof. The variation sought applies to approximately one-third of the roof. The roof is proposed to be in the form of a number of sections with parapets protruding to provide relief to its horizontal length. Most of the building is less than 8.5 metres above natural ground level. The area protruding outside the building height envelope is designed to contribute to the aesthetic appearance of the house, adding a sense of scale and detail to what would otherwise be a straight, flat roof. There is no structural reason for the protrusion.

This form and scale of single house development is becoming more prevalent in the western end portion of Ocean Reef, particularly in areas that are close to the ocean. Due to the western orientation, overlooking and large windows are concentrated to the west, rather than over adjoining homes to the east and north.

While the development could be further reduced in scale, the overall benefit or otherwise would not be significant or readily apparent, and there appears to be no planning justification for this departure from the normal parameters of the policy.

The applicant's comment suggest that the roof height variation is required to improve the appearance of the home.



### Comments raised by objectors

#### House size

Maximum development of lots in this zoning (R20) is controlled by a requirement that 50% of the site be retained for open space. Uncovered balconies are also given credit as effective open space for the purpose of this calculation. The proposal has been checked and audited to ensure that the open space requirement is met.

#### Use of the House

The applicant has advised that the large garage will suit the family car parking requirements, thereby eliminating the need to park on the street. The house also contains 4 bedrooms with generous living areas. This is not uncommon and compares with larger homes commonly having 5 or more bedrooms, particularly in similar locations to the subject site. Air conditioning equipment is required to be installed so that it does not cause noise problems for neighbours.

#### Construction Period

The proposal may affect nearby residents in the short term during the construction period. Should problems arise, the City can assist to regulate problems, including claims of vibration damage, noise, dust, etc.

#### Property Values and Loss of View

The concerns raised regarding the possible affect on property values and loss of views have not been substantiated. City officers have also received anecdotal evidence that more investment in the area will increase the value of surrounding landholdings. Regardless, such concerns cannot be regulated or enforced through current planning policies or building codes.

#### Overshadowing

The proposal complies with the overshadowing requirements of the Residential Planning Codes.

### **CONCLUSION**

Although the minor protrusion outside the building height threshold envelope is minor, there are no planning grounds for its support. Examination of the plans suggests that the articulation of walls and location of glazing and balconies will provide the major points of interest and will break up the length of walls without the need to lift the central roof section.

The comments raised by objectors are reflective of the existing streetscape, where housing has previously been developed at a reduced scale. The potential for development of this scale has been in place since the adoption of various policies and standards (that have withstood detailed examination and public advertising). This proposal is consistent with much of the new development arising in coastal locations.

It is recommended that the development be approved, subject to the height of the roof being reduced so that it fits entirely within the 8.5 metre building height envelope.

**OFFICER'S RECOMMENDATION:** That Council:

- 1 APPROVES the application and plans dated 22 December 2000 submitted by Grant Spire on behalf of the owners Spire Corporation Pty Ltd for a proposed three storey single house on Lot 65 (16) Volante Elbow, Ocean Reef subject to the following conditions:
  - (a) all stormwater must be contained on site to the satisfaction of the City;
  - (b) the downward slope for the driveway into the basement to be amended to the satisfaction of the City;
  - (c) the height of the building being reduced to comply with Council's Height and Bulk of Buildings Policy 3.1.9;
- 2 ADVISES those persons who made submissions of 1 above.

**MOVED Cr Carlos, SECONDED Cr Magyar that the matter pertaining to the proposed single house (including height in excess of building height and bulk policy): Lot 65 (16) Volante Elbow, Ocean Reef be DEFERRED pending further consideration by elected members in particular the amenity of surrounding residences.**

Mayor Bombak queried the time limit in respect of refusal relating to this application.

Director, Planning and Development advised the scheme provided 60 days for Council in which to make a decision or determine the application; otherwise the applicant could deem it to be a refusal. Should the applicant wish, he could deem this as a refusal and take it to appeal.

*During discussion, Director Community Development left the Chamber, the time being 2200 hrs.*

**The Motion was Put and**

**CARRIED**

Cr Mackintosh requested that her name be recorded as voting against the motion.

*Appendix 10 refers.*

*To access this attachment on electronic document, click here: [Attach10brf200201.pdf](#)*

## **CJ047 - 02/01 REQUEST FOR CANCELLATION AND SUBSEQUENT PURCHASE OF PORTIONS OF RESERVE 33747 : MINCHIN RESERVE, PADBURY - [41156]**

**WARD - Pinnaroo**

CJ010220\_BRF.DOC:ITEM 18

### **SUMMARY**

Two separate applications have been received for the cancellation and subsequent purchase of portions of Minchin Reserve, Padbury. They are identified as Access (1), portion of Minchin Reserve between Lot 7 (9) and Lot 6 (7) Minchin Court and Access (2) portion of Minchin Reserve between Lot 4 (3) Minchin Court and Lot 391 (60) Buchanan Way. (See Attachment 1) The report identifies a third access point Access (3) between Lot 396 (50A and 50B) and Lot 395 (52) Buchanan Way to Minchin Reserve, because it is likely to be influenced by the treatment of the other two access points.

The applications for closure of Access (1) and Access (2) have been put to Council on two previous occasions (CJ192-07/00 and CJ209-08/00 refers) and Council determined the proposals be advertised. The City advertised the two formal applications and also its consideration of closing Access (3). The proposal to close Access (2), which is the access with the footpath in it received a number of local objections. There was some support for the closure of Access (1) and a small petition to close Access (3).

The landowner adjoining Access (2) gave grounds of anti-social behaviour to support his request for closure. The applicant adjoining Access (1) gave grounds of it being overgrown, poorly maintained, a fire hazard and a haven for snakes. If Access (1) has a footpath installed leading to Marmion Avenue, it may have the affect of alleviating some of the problems being experienced by the owner of Access (2) due to a more even distribution of pedestrian traffic from the area. Access (1) is six metres wide therefore once cleared and tidied up, is likely to have through vision thus discouraging perpetrators of anti-social behaviour. It is recommended that the two applications for closure of Access (1) and Access (2) should not be supported, but consideration is given to the construction of a footpath in Access (1).

### **BACKGROUND**

This application was submitted to Council at its meeting held on 25 July 2000 (CJ192-07/00 refers) Council resolved:

***“That the matter pertaining to requests for cancellation and subsequent purchase of portions of Reserve 33747: Minchin Reserve, Padbury be DEFERRED pending further consideration by elected members.”***

A further report was submitted to the Council Meeting of 8 August 2000 (CJ209-08/00) and Council resolved:

***“That the matter pertaining to the cancellation and subsequent purchase of either of the portions of Minchin Reserve between Lots 7 (9) and 6 (7) Minchin Court, Padbury and Lots 4 (3) Minchin Court and 391 (60) Buchanan Way, Padbury be DEFERRED pending further consideration by elected members.***

Council wished for the proposals to be advertised for public comment and the City took the view that to cover all options, proposals for all three Accesses should be advertised to gauge local residents’ views.

## **DETAILS**

### **Closure Request for Access (1) between Lot 6 (7) Minchin Court and Lot 7 (9) Minchin Court, Padbury**

The applicant with regard to the above proposal wishes to purchase the subject land as she states the area is frequently overgrown and could be a fire hazard in the summer. The applicant advises that she has seen many reptiles in this portion of Minchin Reserve, which concerns her in the summer months. She refers to Access (2) as a proper accessway, as it is paved and has bollards, making it a safe, even, easy access between Minchin Court and Marmion Avenue.

### **Closure Request for Access (2) between Lot 4 (3) Minchin Court and Lot 391 (60) Buchanan Way, Padbury**

With regard to the above request, the applicant advised that he endures regular instances of anti-social behaviour relating to the accessway. These include graffiti attacks on his side and rear fence; gatherings of people behind his back fence to drink and use drugs; missiles such as bottles thrown over his fence smashing in his yard or on his roof; several instances of fence damage; bashing the fence to deliberately create noise which then disturbs his neighbour’s dog. He states that he has telephoned the police on a number of occasions due to groups of 15 to 20 youths loitering in the walkway. On one occasion, a group of youths damaged his fence to the point that it required five panels of super six fencing to be replaced. He advises that the anti-social behaviour began following the installation of the footpath.

The applicant further stated that the walkway is not an essential route to shops or schools and though he uses the walkway himself when walking or cycling along Marmion Avenue, he states that there are other routes that he can take. He would rather put up with the inconvenience caused by its closure, than have to continue to put up with the vandalism and anti-social problems that take place.

Since this proposal has been submitted to Council, a letter has been received from the applicant in which he suggested that the situation would be more balanced if the three accesses all had footpath, or the footpath was removed from Access (2). Either of these actions would equalise the situation between all three accesses. Prior to the proposals being advertised, the applicant stated he felt he was in a “no win” situation, as he recognised that there would likely be public objection to the closure of Access (2) as it was the only access that carries an appreciable amount of traffic and was the access with the footpath.

Closure Request for Access (3) – Lot 396 (50A and 50B) Buchanan Way and Lot 395 (52) Buchanan Way, Padbury

Adjoining landowners to Access (3) expressed their concerns with regard to the applications for closure of Access (1) and Access (2), as they stated such actions could make a dramatic difference to the use of Access (3). They stated they do get some noise from people using the access, however, the nuisance being experienced now was not significant. They stated that should either Access (1) or (2) be closed, it would certainly increase the amount of pedestrian traffic between their properties and the likelihood of more anti-social problems.

Advertising Period

The proposals were advertised for thirty-five days by way of one notice in a local newspaper and signs on all three locations advising that consideration was being given to close the subject portions of Minchin Reserve. In relation to Access (3), the City also advised the public that it was considering closing a small portion of Buchanan Way that abutted Minchin Reserve. This action was taken at this location as Access (3) had two options available, which was closing a small section of Buchanan Way or fencing off Minchin Reserve where it adjoins Buchanan Way, Padbury. During the advertising period, the City received two petitions, and three letters of objection.

Petition 1

Signed by residents representing 6 homes	Supporting <ul style="list-style-type: none"><li>Fencing off Minchin Reserve at Access (3)</li></ul>
The preamble to this petition advised that fencing off this area of Minchin Reserve would stop the anti-social behaviour that local people have to endure by some people who use this access.	

Petition 2

Signed by residents representing 38 homes	Objecting <ul style="list-style-type: none"><li>To closure of Access (2)</li></ul>
The resident who organised the petition provided a covering letter in which he stated that he did not object to Access (1) and Access (3) being closed, however, the preamble to the petition signed by 48 residents from 38 homes did not mention this. Access to public transport was given as the reason for objection, and if Access (2) was closed the increased walking distances were excessive for residents.	

Points raised in submissions:

- Support for closure of Access (3) due to the abusive behaviour of one regular user of this access
- Objection to closure of Access (2) due to it being the only access out of the subject three that has footpath and for this reason it is the link to the bus stops on Marmion Avenue and for children from Hillarys to access Padbury High School.
- Objection to closure of Access (2) as it leads to Marmion Avenue and the local bus stops; support for closure of Access (1) and Access (3) due to being an eyesore and the likelihood of the long unmowed grass encouraging snakes; Access (2) does have some graffiti but occurrences seem to be decreasing; majority of local residents are best served by Access (2) remaining open.

- Objection to closure of Access (2) due to it being used for access to bus service 452 that runs along Marmion Avenue and bus service 442 that stops at the corner of Flinders Avenue and Waterford Avenue, Hillarys; no objection to Access (1) and (3) being closed as they are unconstructed and do not have any value to the local residents.

## COMMENT

The application received for Access (2) states anti-social behaviour as the reason for requesting closure; the application for closure of Access (1) is concerned that the subject land is unsightly and serves no real purpose. The Western Australian Planning Commission advises that it would support closure of only one access from Minchin Reserve. Adjoining landowners to Access (3) indicated that they wished this access closed too if the other two access were being considered, based on concerns of anti-social problems that any extra pedestrian traffic may encourage.

A convenient pedestrian route to Marmion Avenue from this area is necessary in relation to accessing bus stops and Access (2) is the most convenient due to it having footpath, however, Access (1) is closer to the Marmion Avenue bus stops. Pedestrians do use Access (1) and Access (3), although they have to walk through sand and scrub. To close Access (2) on the grounds of anti-social behaviour may transfer the behaviour to the two remaining access points. Conversely, an improved situation and paving for Access (1) may spread the use.

All three accesses cannot be considered for closure as a pedestrian/cyclist link from the Minchin Court/Buchanan Way area is considered important for pedestrian movement to Marmion Avenue and access to public transport. Also, the Western Australian Planning Commission has stated that it would support the closure of one access only and the Department of Land Administration will take this into account.

The applicant concerned with the closure of Access (2) made the suggestion of the City constructing a footpath in Access (1) and Access (3), however, having three paved accesses within very short distances from each other may be unwarranted. Removing the footpath in Access (2) without the access being formally closed is viewed as counter-productive. There is clearly a need for the footpath.

Overall, it is considered that the two formal applications for closure of Access (1) and Access (2) should not be supported. It is considered reasonable to construct a footpath in Access (1) therefore dealing with unsightly nature of Access (1) and providing an alternative pedestrian route. No action should be taken with regard to Access (3).

## **MOVED Cr Patterson, SECONDED Cr Walker that Council:**

- 1 DOES NOT SUPPORT the cancellation and subsequent purchase of a portion of Minchin Reserve (Access 1) between Lot 7 (9) and Lot 6 (7) Minchin Court, Padbury;**
- 2 DOES NOT SUPPORT the cancellation and subsequent purchase of a portion of Minchin Reserve (Access 2) between Lot 4 (3) Minchin Court and Lot 391 (60) Buchanan Way, Padbury;**

3

INVESTIGATES the feasibility of constructing a footpath between Lot 7 (9) and Lot 6 (7) Minchin Court, Padbury.

The Motion was Put and

CARRIED

Appendix 11 refers

To access this attachment on electronic document, click here: [Attach11brf200201.pdf](#)

CJ048 - 02/01

DELEGATED AUTHORITY REPORT - [07032]

WARD - All

CJ010220\_BRF.DOC:ITEM 19

SUMMARY

This report provides a resumé of the Development Applications processed by Delegated Authority from 1 January to 31 January 2001.

MOVED Cr Patterson, SECONDED Cr Kenworthy that Council NOTES the determinations made under Delegated Authority in relation to the applications described in Report CJ048-02/01.

The Motion was Put and

CARRIED

Appendix 12 refers

To access this attachment on electronic document, click here: [Attach12brf200201.pdf](#)

CJ049 - 02/01

SUBDIVISION REFERRALS PROCESSED 30  
NOVEMBER 2000 – 31 JANUARY 2001 - [05961]

WARD - All

CJ010220\_BRF.DOC:ITEM 2-

SUMMARY

Overleaf is a schedule of the Subdivision Referrals processed by the Subdivision Control Unit (SCU), from 30 November 2000 – 31 January 2001. Applications processed via the SCU were dealt with in terms of the delegation of subdivision control powers by the Chief Executive Officer (DP247-10/97 and DP10-01/98).

## DETAILS

The total number of subdivisions processed will enable the potential creation of an additional 10 city centre lots, 6 strata residential lots, 56 residential lots, and 1 mixed use lot. The average processing time taken was 24 days.

**MOVED Cr Kenworthy, SECONDED Cr Patterson that Council NOTES the action taken by the Subdivision Control Unit in relation to the applications described in Report CJ049-02/01.**

**The Motion was Put and**

**CARRIED**

*Appendix 13 refers*

*To access this attachment on electronic document, click here: [Attach13brf200201.pdf](#)*

## **CJ050 - 02/01      REVIEW OF NEW DRAFT RESIDENTIAL DESIGN CODES - [08570] [17169]**

**WARD - All**

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CJ010220\_BRF.DOC:ITEM 21

## SUMMARY

The review of the existing Residential Planning Codes (R Codes) commenced in early 2000. The Western Australian Planning Commission has employed a consultant to undertake the review.

During the preparation of a draft review document, the consultant held workshops with some industry stakeholders (including Local Council technical officers) to examine problems and experiences with the old R Codes.

The resulting draft “Residential Design Codes” (the new codes) are more complex and comprehensive. The new codes are under public review and it is recommended that this report be submitted as the Council’s submission on the new codes.

This report finds that the new Codes:

1. Contain a mix of positive and negative aspects;
2. Are likely to complicate the approval process beyond that which is currently in existence;
3. Do not recognise nor answer the level of community concern over loss of privacy and building bulk impacts that have become more frequent in recent years;
4. Will reduce the land area requirements for the subdivision of land in certain density codings, thereby potentially distorting planning objectives contained in some Town Planning Schemes;
5. Will reduce some setback standards so as to give rise to a likely increase in public concern over the form of permissible residential development;
6. Provide a positive recognition of the impact of climate upon residential design choices;



7. Provide some positive guidance for the creation of residential mixed use developments in city centre areas;
8. May contradict local laws and standing council policies with the objective of standardising controls across different local government authorities; and
9. Raise other detailed questions as described herein.

It is recommended that Council endorses this report and forwards the comments and resultant questions to the WAPC on the basis of its submission on the Draft Design Codes, and requests that it be closely involved in further modifications to the draft new Codes.

## **BACKGROUND**

Until the mid 1980's residential development in WA was typically regulated by stringent inflexible standards for the siting and separation of residential buildings. Certainly this was the case until the Residential Codes (R Codes) were first put forward.

The R Codes were adopted as a policy of the then WA Government Town Planning Department. Local governments were required to introduce the R Codes as a part of District Town Planning Schemes and many councils adopted the R Codes during the late 1980's.

Notably, the Codes allowed greater flexibility in the siting of residential development, but came under little scrutiny. The prevailing generous lot sizes that typified suburban development of the day meant that there was little demand for the exercising of discretion and little real pressure for siting buildings in close proximity to each other.

As trends and markets matured, the land development market began to offer smaller lots in the urban fringe. This, combined with in-fill housing (thereby making inner areas more dense) lead to pressure for the retention of traditional levels of separation and privacy that had been enjoyed by the stereotypical post war Australian family. Those aspirations have been found to be at odds with the standards prescribed by the Codes.

By the late 1980's there was an emerging concern over the types of development that was being allowed. Neighbour disputes over new development began to rise and political involvement (both at a local and sometimes state level) became more frequent as a result of appeals and the need for arbitration and mediation. There was a significant corresponding drain on local government resources in providing approval-based services.

Although the R Codes were reviewed to a minor extent in 1991, the level of concern and disputes based on the Codes has only increased over time. This is perhaps a natural reflection of the continued reduction in lot sizes and increasing density of land in Perth's suburbs.

The draft Residential Design Codes constitute the most detailed review of the Residential Codes that has been attempted and the proposed changes could have far-reaching consequences for the conduct of Council's approvals-based business activity and for both the residential community and the development community.

### **1 Performance of the R Codes**

The R Codes attempted to establish the rule book for standards comprised of fixed and variable standards. The (old) R Codes contain the following overall principles;

- (a) Land can be coded into different density codes, where minimum lot sizes vary according to desired lot sizes and density;
- (b) Setback standards are variable and relate to the height and length of walls and the location of windows overlooking boundaries;
- (c) Open space standards are set to ensure private open space is available for each dwelling;
- (d) Car parking requirements are established to ensure adequate provision;
- (e) A process for neighbour consultation is set to allow community input where discretion is requested; and
- (f) Standards are set out against which a proposal is deemed to meet the amenity preservation objectives of the codes.

Consultation with neighbours formed a key part of decision-making by local government. It was intended that Councils adopt the Codes as a standard for universal interpretation. This objective was, however, unsuccessful, due to:

- the extent of discretion available in the Codes
- the varying configuration of land parcels within each local authority
- the practical experiences, biases and town planning objectives, both from a technical and a political point of view

The R Codes became inconsistent. Local policies and differing interpretations by local councils have resulted in consistency being lost between municipalities. This has become a long-standing concern of the development industry, where it deals with local government on a day to day basis.

The development industry has been critical of time-frames being unreasonably extended due to local government approval processes, which have often been driven by the consultation provisions of the Codes.

Councils have also had difficulty with the old Codes in the following respects:

- balancing surety of standards with the opportunity for variation, where appropriate
- allowing appropriate public consultation without appearing to give rights to neighbours to veto development proposals
- maintaining consistency with decisions, where subjective opinions are introduced to the approval process
- guiding neighbour's comments to focus upon relevant planning issues

The Review Team examined the old Codes with industry stakeholders as a component of preparing the Draft New Residential Design Codes.

## COMMENT

Many of the principles of the old Codes have been retained in the draft new codes and in some cases they have been refined with more sophisticated development controls. There are many minor alterations, which will have an impact on the form of development for the foreseeable future and these are discussed in detail overleaf.

The draft Codes include a contextual introduction and the themes presented provide the basis for the detailed concerns expressed within this report. The broad issues are discussed below.

## 1 Local Planning Policies

The new Codes suggest that the Codes take precedence over Local Planning Policies. This raises concerns over the status of Council's existing policies and the degree to which the Codes will complement adopted local laws, Town Planning Scheme provisions and structure plans.

## 2 Aims of the Codes

The new objectives differ from the existing Codes by the inclusion of an objective to promote timely processing of applications. To do so, the Codes propose:

- a level of self-assessment and certification by applicant
- removal of some opportunities for consultation with neighbours as part of the application process
- removing the City's power to make certain kinds of development control policy (eg the City of Joondalup Height and Scale of Buildings Policy)

The aim of the new Codes has significant merit.

The performance approach to enforcing standards can be problematic, due to the introduction of:

- opportunities for subjective debate with applicants and neighbours as to acceptable performance without definitive limits and standards
- opportunities for miscommunication or confusion created by the code's complexity.

## 3 The Codes Documents

The documentation is very long and detailed and needs to be simplified as much as possible prior to adoption to aid understanding for professionals and lay persons alike.

Local government experience, gained by many years of administering the R Codes, has revealed a number of issues that are likely to emerge with any new standard. In short, any new Code needs to be:

- easily understood
- logically presented
- provided with performance parameters where discretion is given
- adaptable in order to take into account legitimate local planning objectives
- robust, so as to stand alone without the need for the development of complimentary manuals
- responsive to the needs and concerns of local communities

The definitions section of the new Codes is generally an improvement over that contained in the old Codes. There is room for further simplification in regard to the following terms:

- (a) The definition of wall and clarification as to whether this includes a boundary wall; and
- (b) The terms used to describe a house and extra accommodation on a lot need to be revisited. For example the draft new Codes include the terms dwelling, ancillary accommodation, ancillary dwelling and single bedroom dwelling, with some of those being define. The rationale for this division should be revisited with the aim of simplifying the terminology and clarifying planning intentions for each type of accommodation.

#### 4 Housing Density

The introduction of an inner city housing code is commended, as is the recognition of mixed use development in the new Codes.

Concern is, however, expressed concerning the manner of handling amenity impacts upon inner city residential occupiers, given the potential for amenity intrusion upon residential amenity expectations.

The relevance of plot ratio is also questioned, given that it is proposed to add sophistication to the new Codes, by altering open space requirements and introducing building bulk and height controls. This matter requires further investigation.

The proposed relaxation of land area requirements for dwelling density for some codings may be a concern regarding the impact on the desired density and form of development upon discrete areas in some local governments.

The City's experience indicates that the labelling of certain Codes as low density (eg R 30, where potentially 3 dwellings per 1000m<sup>2</sup> of land could be developed) does not correlate with community perception as being equivalent to low density.

#### 5 Streetscape

The streetscape objectives are commended in terms of amenity benefits. However, the specific provisions (ie the number of habitable windows facing streets, the percentage of frontage occupied by garage doors, garages to be setback behind the main face of the building, etc) may cause significant numbers of applications to have processing time extended by modifying plans or Council assessment processes.

These types of provisions appear to lead people to design customised houses, whereas the vast majority of housing construction in WA (something over 85%?) comes from higher volume housing suppliers, many of whom provide a range of standard plans to the market. The intent is, however, well placed and, if successfully implemented, over time could dramatically improve impacts on the streetscape and the potential for greater social interaction and reduced crime within the street.

#### 6 Boundary Setbacks

The deletion of requirements for homes to have rear setbacks is acknowledged, along with the principles of solar access for open space areas. However, it is anticipated that there will be community concern over the increased emphasis on flexibility of this standard and the resultant loss of surety for existing residents and near neighbours of new developments.

The definitions applicable to this section should be refined to reflect:

- (a) the difference between the wall of a house on a boundary and a retaining wall. The latter when built on a boundary has the potential to cause overlooking and amenity impact problems, with built impact amplified by the placement of a boundary fence atop the retaining wall; and
- (b) the measurement of setbacks to discrete storeys of a building. The proposed definition of wall height does not appear to reflect the opportunity for measuring (reduced) setbacks to ground floors of buildings.

The proposed standards will allow boundary walls to 2.4m in height without the opportunity for reference to affected neighbours. This is not in keeping with the requirements passed onto local government by its typical customers.

The side setback table should be amended to include further explanation (eg “up to 9m”, and “9m to 16m”).

There is concern that the setback standards may be complicated and/or superceded by the privacy requirements (presented in a separate section of the new Codes). The implementation of “cones of vision” from living room windows, with variable standards depending on the types of living rooms, and the natural fall of the land and other circumstances, appears to make it less certain as to what standards are applicable. This is likely to be problematic where the City is attempting to issue timely decisions and legible, understandable advice.

## 7 Open Space

The objectives of the open space requirements are commended, in terms of solar access and the range of courtyard sizes according to density.

There is a concern that the new Codes propose to require multiple dwelling developers to have landscape plans certified by landscape architects who are members of The Australian Institute of Landscape Architects. Local government usually has sufficient expertise to assess such plans. Plans should be mandatory, but not necessarily required from such sources.

Typically, most local government planning concern relates to the maintenance of open space areas rather than clearance at planning approval stage and the impact on screening open vistas and beautification.

## 8 Access and Car parking

The standards essentially carry over from those of the old R Codes. New provisions have been inserted to require additional parking for certain types of extra accommodation that has been developed.

The formulas appear to be quite technical with numbers of car spaces required being dependent upon floor area for different types of dwellings. If this could be simplified, it would make the Codes easier to interpret and (probably) comply with.

Provisions regarding complementary use for car parking on mixed use sites and the potential for allowing car parking off-site (at Council's discretion) are a welcome inclusion.

## 9 Site Levels and Building Bulk

There is an overriding question with these sections of the new Codes. The Codes are attempting to replace the realm of policies that have traditionally been put in place by Councils and regulated according to detailed local knowledge and desires in terms of the preferred form of development. It is a concern that the local area specific requirements would be over-ruled by these metropolitan wide standards. Most of the good objectives of these provisions are either contained in existing policies or form a part of the City's day to day management of development approval.

The new Codes propose to place controls over the extent of ground level changes prior to development. The provisions fit with the objective of retaining the prevailing ground levels for vacant land, particularly in the case of new subdivisions, where bulk earthworks are usually completed to enable the sale of flat "benched" sites.

The provisions include requirements for cut/fill within front setbacks or within 0.5m of a common boundary.

If a uniform control is proposed, it should acknowledge the potential impact of bulk earthworks where they are more than 0.5m from a common boundary. The new Codes require further work in this area.

The provisions will be difficult to manage in some of the older established areas such as parts of Sorrento, Hillarys and Mullaloo, where landforms vary significantly in the old dunes, with many opportunities for amenity intrusion caused simply by cutting, filling and terracing land.

The City of Joondalup does not have a policy on cut and fill per se at present and relies upon its height and bulk of buildings policy to guide development in a form which is sympathetic to the natural lie of the land and surrounding development.

The proposed height and bulk controls are an effective adaptation of many local policies adopted by Councils, particularly in metropolitan Perth. The proposal is, however, inconsistent with the definitions section of the new Codes. The definition is quite specific, whereas the example shown, with interpolating natural ground levels on a sloping site, is inconsistent with the previous text. It is agreed that reasonable interpretations need to be available under the new Codes, however, this needs to be written into the Code more clearly if it is desired.

The City's current height and bulk of buildings policy provides a more sophisticated measure than that shown in the new Codes, by taking into account the height and distance from side boundaries as guide to assessment.

## 10 Privacy

This section raises many concerns. It is proposed to add a new section to the Codes, involving the calculation of "cones of privacy". These are essentially diagrammatic indications of the extent of panoramic views that can be had over neighbouring

properties. Desirable distances for major openings facing each other on adjoining lots are established and the drafting of the Codes appears to give these provisions priority over the core setback requirements.

The anticipated problems are these:

- (a) When an applicant lodges plans in a new subdivision, how are the cones calculated without plans for the neighbouring site having been submitted?
- (b) What happens if the neighbour lodges plans at the same time?
- (c) Which applicant has priority and can have his or her house approved without the obligation to consider the neighbours plans?
- (d) How will the general public respond to having to detail small sectional drawings to demonstrate cones of privacy and what cost will it add to documentation with builders and time taken for assessment?

There is a comment raised in this section concerning the preservation of views and the desire to maintain views as they form part of amenity. The resulting question is, how do you balance a person's right to develop, where views would be affected even if a proposal conformed to all core requirements of the new Codes?

It is suggested that above queries need to be addressed satisfactorily before the Council supports this part of the new Codes.

## 11 Design for Climate

The inclusion of this section is an asset to the Codes and will hopefully promote the knowledge and benefits of sensibly orienting buildings and open spaces to the broader community.

The old Codes included a basic limitation on the amount of overshadowing that is permissible. The new Codes include a sliding scale as to the amount of overshadowing allowed, depending on the likely density of an area. The notes provided with this section could perhaps be retained in the Codes to promote thought on this aspect of design.

These provisions are supported.

## 12 Incidental Development

This section proposes a set of standardised controls over the location and size of outbuildings (sheds, patios etc). Such policies have traditionally formed a standard part of the range of local policies adopted by Councils.

The inclusion of these matters is supported, as it may simplify the regulation and knowledge as to local government requirements for the development of such structures. It is, however, suggested that the maximum size of outbuildings be adjusted to take into account the various range of lot sizes throughout the metropolitan area. For example, 2000m<sup>2</sup> lots are often capable of containing larger outbuildings than the 60m<sup>2</sup> maximum proposed without impacting on neighbourhood amenity, whereas a 60m<sup>2</sup> outbuilding in Joondalup's City North could have a substantially greater impact.

### 13 Approval Processes

A process has been suggested which is likely to complicate local government operations and the clearance of proposals for single residential development.

The process is shown in the flowchart attached to this report

The new Codes propose a process whereby applicants would determine whether a proposal would meet standards or where Council's discretion is required to approve a proposal.

If discretion is required, then a new approval process has been proposed. The process is separate from the requirement to obtain planning approval under the District Town Planning Scheme.

The process raises the following questions:

- (a) How will the new Codes mesh with the need to obtain planning approval for single houses under the City's District Planning Scheme No. 2, in cases where discretion is sought?
- (b) How will the requirement for self-certification (by applicants) simplify approval processes and reduce approval timeframes when it will introduce a requirement for a third stream of approval before a development commences?
- (c) Who arbitrates in cases where a local authority disagrees with the results of self- certification by applicants?
- (d) Reducing public comment will be construed as a move away from transparent approval processes. How is it proposed to argue this principle with local communities?
- (e) The City of Joondalup currently has a process in place for the lodgement of Building Licences directly, where an applicant is of the view that Planning Discretion is not required. Can the new Codes be varied so that the City is not forced to impose a new process on applicants?

Advice will be required from the review team as to how these issues can be addressed, prior to drawing conclusions as to how successful this process might be in operation. City officers would be pleased to contribute to developing this part of the process and to provide further input directly to the Codes Review Team.

### 14 Special Purpose Dwellings

The Codes propose to allow single houses to be accompanied by new types of additional accommodation in the following forms:

- (a) Ancillary accommodation – may include extra rooms (possibly detached) for the use of the extended family;
- (b) Aged or dependent persons dwellings – when built in a group, caters for those members of the family requiring additional support; and
- (c) Single bedroom dwellings – cater for small households (which are becoming more prevalent as typical household size reduce).



It is suggested that the term ‘additional accommodation’ does not need to be added as a separate land use and that such applications can be assessed according to circumstances, effectively forming part of a main dwelling.

The draft proposes that ancillary accommodation can only be approved where a lot is not large enough to contain 2 grouped dwellings. This aim is not reflected in the performance provisions of the document and its objective is unclear or not stated in the draft.

The draft should make a clear connection between land use and potential for subdivision, as it is often not appropriate to allow title division of granny flats, etc due to siting access servicing and the provision of private open space on the site .

## 15 Mixed Use Development and Inner City Housing

The statements and objectives shown in the draft are:

- (a) To encourage mixed use development as a viable form of accommodation;
- (b) To maximise land use efficiency and promote density as an attractive option; and
- (c) To promote a harmonious mix of uses.

Many of the detailed objectives and statements made in the draft are common to the provisions of the City’s Centre Plan and Manual which has the status of a structure plan under DPS 2.

The question arises concerning the status of the City’s structure plan in the event that the draft new Codes are adopted. In addition, the Codes’ “cones of vision” should be assessed for correlation with the setback standards proposed for these types of land use.

Otherwise the objectives are considered as very appropriate for the Joondalup City Centre area.

## 16 Assessment Summary

The new Codes contain the appropriate range of objectives to underpin the establishment of new standards for residential development.

However, the ramifications for changing the R Codes are substantial. Additional processes will add financial costs to Council’s Approval activities and would reflect upon the Council in terms of its ability to deliver customer-focused outcomes within reasonable cost and time parameters. Regrettably, based on the information put forward, it is unlikely that the new Codes could operate in such a way as to fulfill the objectives of the standards.

If implemented in the current form , the Codes would also reduce the transparency of the process, and the Council’s ability or desire to negotiate with neighbours during assessment phases.

The proposed R Codes raise a number of detailed issues and questions, as have been summarised above. It is suggested that further information is required before the Council provides any support for the proposed new Codes.

In the meantime, it is suggested that a number of unknown factors need to be considered by the WAPC Review team, including

- (a) The alignment between the objectives of the wider community and the types of development that could be allowable under the Codes;
- (b) The extent to which the Codes would conflict with existing Local Laws in various Councils, and the mechanism for resolving those conflicts; and
- (c) The impact of a third form of approval for residential development (in addition to planning approval required by planning schemes and building licence approval) and the benefits to be gained by that process.

The Codes Review is a mammoth task. It is recommended that the WAPC Review Team be commended for the work undertaken to date. The City's Planning Officers would be pleased to contribute to further refinements to the Codes, including examination of the draft standards and the costs and benefits of the new initiatives that have been put forward.

*Director, Community Development entered the Chamber, the time being 2205 hrs.*

*Cr Wight left the Chamber, the time being 2205 hrs.*

**OFFICER'S RECOMMENDATION: That Council:**

- 1        **ENDORSES** the objectives of the proposed Residential Design Codes;
- 2        **RAISES** its concern at the likely impact of the codes, in regard to the complexity of standards and the costs and time delays which may result from its implementation;
- 3        **RAISES** its concern that the Codes would reduce the opportunities for the adoption of a local planning policy to address local needs;
- 4        **OFFERS** to provide further input to the review process in good faith;
- 5        **RECORDS** its appreciation for the substantial work undertaken to date and for the opportunity to be represented at technical meetings and forums associated with the review;
- 6        **FORWARDS** this submission to the Review Team and requests a response to the issues raised for further consideration by the Council;
- 7        **RAISES** its concern that the proposed Codes do not take sufficient cognisance of community expectations in regard to public consultation, and the adoption of a transparent robust development approval process.

**MOVED Cr Magyar, SECONDED Cr Patterson that Council:**

- 1        **ENDORSES** the objectives of the proposed Residential Design Codes;

- 2RAISES its concern at the likely impact of the codes, in regard to the complexity of standards and the costs and time delays which may result from its implementation;
- 3RAISES its strong concern that the Codes would reduce the opportunities for the adoption of a local planning policy to address local needs;
- 4OFFERS to provide further input to the review process in good faith;
- 5RECORDS its appreciation for the substantial work undertaken to date and for the opportunity to be represented at technical meetings and forums associated with the review;
- 6FORWARDS this submission to the Review Team and requests a response to the issues raised for further consideration by the Council;
- 7RAISES its concern that the proposed Codes do not take sufficient cognisance of community expectations in regard to public consultation, and the adoption of a transparent robust development approval process.

The Motion was Put and

CARRIED

Appendix 14 refers

To access this attachment on electronic document, click here: [Attach14brf200201.pdf](#)

CJ051 - 02/01PRECINCTPLANNINGPROGRAMIDENTIFICATION OF CENTRE PRIORITIES[46597]

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WARD - All

CJ010220\_BRF.DOC:ITEM 22

SUMMARY

This report provides an outline of the work undertaken as part of the Identification of Centres Study. The report is intended to be a living document that will be updated and refined over time. In its current form it provides sufficient background to determine which Centres within the City of Joondalup are most under pressure and likely to benefit from Precinct Planning. The Centres have been classified into three levels of appropriateness to Precinct Planning and a final selection of two Centres has been recommended. Precinct Planning will be undertaken in these Centres in this financial year.

The ranking of the remaining Centres will be refined through the District by District Value Management Workshops in March and April. Concept planning of all appropriate Centres is planned to run from July to November this year. As all non-Regional Centres will have been considered by December the selection of two Centres now is only significant in that they will be case studies for the precinct planning process.

Note:

*Regional and Strategic Regional Centres are not considered in this assessment as these are invariably the subject of well- resourced planning studies undertaken by proponents and Council, as and when significant changes appear imminent.*

## BACKGROUND

The 2000 – 2001 Business Plan for Urban Design and Policy Services includes the undertaking of a Study for the ‘Identification of Centres’ (for Precinct Planning). The study encompasses and expands on the Centres Strategy as endorsed by Council on 28 November 2000 and currently under consideration by the Western Australian Planning Commission (WAPC). The Centres Strategy recognised and reinforced the existing hierarchy of Centres, which has been deliberately reinforced, over many years, by the Council in collaboration with the WAPC.

Traditionally non-Regional Centres (Neighbourhood Centres being the generic term) have been seen as retail nodes serving daily and weekly shopping needs. The distribution of Centres and their scale has been set to ensure a balance between convenience and viability.

Increasingly, it is recognised that in many ways other commercial, non-commercial and cultural activities need the same level of consideration. It has also been realised that co-locating these uses with retail uses, in an open and inviting environment, enhances the viability and vitality of the Centre and the quality of life in local neighbourhoods. The hierarchy is also used to determine location and investment in infrastructure, often resulting in difficulties where a Centre expands beyond its intended size.

The Centres Strategy proposes that the Centres with ‘Main Street’ component (those that front onto a publicly owned and Council managed area, with good access and high level of pedestrian amenity) should be given greater scope to expand. ‘Main Street’ Centres tend to support a broader range of activities and contribute more to lifestyle while not necessarily placing extra demands on infrastructure (hours of operation and volume of traffic is more evenly spread).

While the Centre Strategy will be a powerful Council Policy it defines the potential for retail growth in the City on the basis of catchment. This does not take into account the complex range of issues affecting Centres such as level of access, degree of exposure and competitive advantages. The Centre Strategy does not identify those Centres that have the potential to provide lifestyle zones / Main Streets. The Centres Strategy has, intentionally, left issues beyond that of catchment to the Centres Identification Study, as these issues are broad and interrelated in ways that make them difficult to apply quantifiable measures to. While each of the issues may be relatively simple in itself, the management of their interrelationship and approaches to development, are best handled by structure plans rather than numerical tables.

## DETAILS

The “Precinct Centres Report” on which this report is based, investigates the performance of Centres not only in terms of retail viability but in terms of their performance as hubs of local life and social and economic development. It uses both statistical data from established sources and on-site evaluation using established evaluation criteria. Anecdotal evidence provided through observations of behaviour as well as that which has been compiled from discussions with retailers and patrons, has been used to add insight into the role of the Centre and trends in its growth or decline.

The Report tests understood relationships between different factors that go towards the development of a Centre that is both successful and in harmony with its neighbourhood. When a Centre performs in this way there can also be benefits in terms of economic, social and environmental sustainability. An enviable quality of life with high levels of personal safety, strong sense of identity and a healthy perception of community belonging often follows. When this does not occur, then regardless of personal income levels, a neighbourhood can seem stagnant, depressed and alien.

The Precinct Centres Report has been used to evaluate and categorise the Centres into levels indicating the feasibility of regeneration and enhancement through ‘design initiatives’ partnerships between Council and other stakeholders i.e. Precinct Action Planning.

A rigorous evaluation of six Variables was undertaken utilising the results from relevant indicators. The “Application of Indicators Table” (See Attachment 1) shows the indicators cross referenced to the Variables. The relationship between the level of performance on the relevant indicators was carefully considered before a score established for each Variable. The scores for each variable in the Evaluation Table (See Attachment 2) were added to provide a systematic rating for the centre. The cut off line between categories in the rating system is more arbitrary. A Centre at the top of one category may display some characteristic more like the centres in the category above. It is not intended that the rating be applied strictly. Due to the dynamics of the real world circumstances will arise where it is more appropriate to undertake investigation of a Centre that on the face of it was not the highest priority or did not appear to offer the highest level of opportunity.

Rating of Centres for Community action Planning on the basis of need and potential for regeneration.

### **High Need and Opportunity**

Beldon Gunter Grove (3B)  
 Connolly, Glenelg Place (5C)  
 Heathridge Caridean (5D)  
 Boulevard Plaza (Sth) (1E)  
 Moolanda Village (Nth) (1I)

Lilburne Avenue (2G)  
 Marmion Sheppard Way (2F)  
 Mullaloo Plaza, Koorana (3F)  
 Adalia Kallaroo (3H)  
 Forrest Plaza Padbury (3I)

### **Average Need and Opportunity**

Mullaloo Tavern (5E)  
 Greenwood Village (1B)  
 Edgewater Markets (4B)  
 Woodvale Park Trappers (1G)  
 Duncraig Marri Rd (2E)

Padbury Warburton (3G)  
 West Coast Plaza (2I)  
 Beaumaris City (5F)  
 Kingsley Plaza 1H)  
 Hepburn Heights Padbury (3J)

### **Low Need or Opportunity**

Coolibah Plaza (1D)  
 Belridge City (3C)  
 Candlewood Village (4C)  
 Woodvale Boulevard (1C)  
 Kingsley Village (1F)  
 Carine Glades (2C)

Duncraig Village (2D)  
 Marina Bvd Ocean Reef (5G)  
 Seacrest Village (2H)  
 Craigie Plaza (3D)  
 Glengarry Shop. Ctr (2B)

**Unsuitable -**

(Centers are very new, subject to current planning mechanisms or at a different scale of Consideration)

Currambine Market Place (5A)	* Ocean Reef Boat Harbour (5B)
Warwick Grove (1A)	*Currambine (5H)
Hillary's Boat Harbour (2A)	Iluka (5I)
Whitfords City (3A)	*Kinross (5J)
* Hillarys (3E)	*Kinross North (5K)
Joondalup City Centre (4A)	Kinross South (5L)

\* These Centres are yet to be developed.

**Note:**

Centres may change within these categories over time. The future development pattern of many of the lower categories may be very important to the City of Joondalup but the timing and form of development may be better dealt with when the Centre Management approaches Council with an interest in redevelopment

The Centres that rated high in terms of need and high in terms of opportunity were evaluated further to determine the two Centres in which Planning will be undertaken this year.

- Mullaloo Plaza and Sheppard Way Marmion were excluded as they are very close to the current precinct planning studies.
- Adalia is in the shadow of Whitfords City and can be considered when Whitford City is reviewed.
- Moolanda and Lilburne are too small to provide a model for the development of other centres. Connolly and Gunter Grove are excluded because there are sensitive negotiations required, currently underway or recently concluded.
- This leaves Forrest Plaza, Heathridge and Boulevard Plaza. Heathridge and Boulevard Plaza both have vacant or soon to be vacant land parcels beside the centre. Regeneration of these Centres has the potential to provide a significant contribution to the image and scale of local economy in their respective neighbourhoods..

**COMMENT**

The long term viability of Centres can be shown to be dependent on two principle factors; visibility and accessibility. It is important that both are considered in terms of vehicular and pedestrian movement. Increasingly pedestrian accessibility (walkability) is becoming the key success factor for small local Centres as local pedestrian use provides the vitality that draws in passing users.

First, both the efficiency of access and the quality of the environment will determine walkability. High urban amenity, compatible with a walkable environment, attracts the small commercial uses that now make up a large part of the economy. This supports local business, the survival of the Centre and growth of the local economy. Second, access and visibility to vehicles is also critical.

An opportunity for business to front onto a road that enables good visibility and easy access to traffic passing the location, is particularly difficult in Joondalup due to previous suburban and commercial land planning approaches. Where these locations exist or may be created, they will be identified and examined for opportunities especially around well located existing centres.

Further investigation will look to involve key internal and external stakeholders in the planning of more economically viable and socially vital centres. Results from computer analysis will be mapped, as will the quality audits performed by local communities and interested business people. The information will be used in the Precinct Action Planning process.

No strategy for relocating Centres to exposed locations is being proposed but ultimately there may be Retail Centres that recognise they can no longer compete in their current form. These Centres may take the option of becoming residential quarters with significantly down sized retail components, perhaps just a deli/cafe, acting as neighbourhood hubs. A significant number of Centres have prime locations adjacent to POS and others have views. These may find residential and non-retail (local surgeries) uses, the more viable option.

### **Funding**

Funds for Concept Planning of up to four Centres is included in the 2000 – 2001 budget.

### **MOVED Cr Patterson, SECONDED Cr Magyar that Council:**

- 1 NOTES the Precinct Centres Report as a working document;**
- 2 PROCEEDS with the preparation of Concept plans through an Enquiry by Design process for the Heathridge (Caridean) and Boulevard Plaza (Moolanda) Centres.**

**The Motion was Put and**

**CARRIED**

*Appendix 15 refers*

To access this attachment on electronic document, click here: [Attach15abrf200201.pdf](#)  
[Attach15bbrf200201.pdf](#)

## **CJ052 - 02/01 LIVEABLE NEIGHBOURHOODS – [10400]**

**WARD - All**

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CJ010220\_BRF.DOC:ITEM 23

### **SUMMARY**

The Liveable Neighbourhood Community Design code is a subdivision design manual and statement of subdivision policy. It has been on trial as an alternative residential subdivision standard for approximately three years. In this time a significant number of residential subdivisions is have been designed and approved under the set of Codes.

The Community Design Code recognises that an integrated well-managed street network can allow for the development of walkable neighbourhoods focused around the mixed-use neighbourhood or town centres. By managing traffic in this way, rather than through extensive use of cul-de-sacs and limited access arterial roads, an urban pattern that supports local community and quality of life can be created.

This report seeks Council endorsement of the officer report commenting on the draft Liveable Neighbourhoods Community Design Code. It outlines its importance to the City of Joondalup and explains the City's support for formal adoption of the Codes by the Western Australian Planning Commission (WAPC). The submission period closes in February.

## **BACKGROUND**

Research, testing and development of a Liveable Neighbourhoods style approach to residential design has been underway internationally for more than 10 years. The research has reassessed the original techniques used to design the first suburbs at the start of the Century and evaluated positive and negative contributions to suburban design since then. While the success of Liveable Neighbourhoods in the USA has been reported in documents ranging from National studies, now housed in the Smithsonian, to articles in Time Magazine, Western Australia is the first place anywhere in the world to trial a Statewide set of Liveable Neighbourhood Community Design Codes.

The Codes replace an existing suite of individual planning policies contained in the 'Residential' section of the Western Australian Planning Commission's (WAPC) Development Control Policy Manual. This Manual also covers issues from Poultry Farms to Advertising on Reserve Land. The new Codes follow a hierarchy guiding the assessment of development down through scales from district level to the utilities in the verge. They outline a subdivision approach that supports the development of safe, viable and sustainable Town and Neighbourhood Centres based on walkable catchments (Ped Sheds) and good exposure of local commercial development.

The Codes recognition of past best practice from a Century of suburban development has made it highly useful in both new residential subdivision and the review and regeneration of existing urban and suburban areas. The trial period closes in February 2001 at which point the Western Australian Planning Commission will review feedback on the document and the performance of on the ground development prior to deciding on the use of the Code.

The Liveable Neighbourhoods Community Design code has been developed in line with the State Planning Strategy and is intended to assist with creating a more safe, sustainable, healthy, productive and culturally vibrant society in a way that is responsive to economic opportunity and environmental constraints.

## **DETAILS**

### **Liveable Neighbourhoods Community Design Code Objectives:**

Liveable Neighbourhood recognises that there has been a dramatic change in forms of employment, social patterns and environmental quality since the post-war days of full-time employment, strong community structure and relatively low car ownership. At that time planning was focused on the creation of dormitory suburbs where a traditional family would live in a detached house on a large block, with local schools shops and services close by. Mums would stay at home occupied in house keeping while the sole income earner would drive off to work in the city enduring the bustle before returning to a cooked meal. Children would remain in the suburb playing and walking to school and back along a system of interconnected parks and paths in complete safety, supposedly overlooked by occupants of houses. However, in practice, purchasers of these blocks put up solid fences creating unsafe canyons of these parkways and parents resorted to driving their children to school.



In terms of non residential functions of the City, the planning philosophy and public expectations of the late 60's, 70s and early 80's focused on catering for diversity in the city through the separation of possibly conflicting uses into zones. This to a large part pandered to a nineteenth century utopian view of the world where families would live far away from the filth and squalor of the Industrialised City. By the 70's industry had by and large moved out of the city and was increasingly becoming modernised. The view that the City was an unhealthy place for families still persisted and the sense that the dormitory suburbs would create health families was unchallenged.

It has become evident internationally as well as locally that single use zoning is uneconomic, unnecessary and detrimental to environment. It is leading us towards a city dominated by cars and a quality of life undermined by excessive travel distances, loss of expenditure (due to cost of running private vehicles for all trips), difficulties in finding local goods services and employment and a general sense of increasing isolation and frustration; the antitheses of the lifestyle dormitory suburbs were supposed to deliver. This has led to a mass migration, by those who can afford it, back into pre-war suburbs where the focus was on dispersing traffic through the street network and allowing centres to develop where access for vehicles and pedestrians is at its best. These areas support mixed-use centres of employment and attractions allow for social diversity and make possible a wide variety of housing and lifestyle choices. They make maximum use of open space to visually green the street and they have streets fronted by houses rather than garages.

Today's society is shaped around a much more dynamic and small business focused workplace, a greater diversity of household types and a broader range of lifestyle preferences. Convenience, urban amenity, safety and environmental quality drive housing values of suburbs.

### ***Key differences from current policy approach***

*Liveable Neighbourhoods provides an innovative approach to planning and design in several respects by:*

- *seeking a more thorough analysis of the site and its context to inform subdivision design and graphically explain the basis of the design;*
- *encouraging greater use of structure plans as a planning framework;*
- *providing an alternative approach to design of neighbourhoods and towns that aims to achieve compact, well defined and more sustainable urban communities; and*
- *moving toward a performance approach to subdivision to encourage innovation in response to market needs.*

### ***Principal aims***

*Liveable Neighbourhoods has the following aims.*

1. *To provide for an urban structure of walkable neighbourhoods clustering to form towns of compatibly mixed uses in order to reduce car dependence for access to employment, retail and community facilities.*

2. *To ensure that walkable neighbourhoods and access to services and facilities are designed for all users, including users with disabilities.*
3. *To foster a sense of community and strong local identity in neighbourhoods and towns.*
4. *To provide for access generally by way of an interconnected network of streets which facilitate safe, efficient and pleasant walking, cycling and driving.*
5. *To ensure active street-land use interfaces, with building frontages to streets to improve personal safety through increased surveillance and activity.*
6. *To facilitate new development which supports the efficiency of public transport systems where available, and provides safe, direct access to the system for residents.*
7. *To facilitate mixed use urban development which provides for a wide range of living, employment and leisure opportunities; which is capable of adapting over time as the community changes; and which reflects appropriate community standards of health, safety and amenity.*
8. *To provide a variety of lot sizes and housing types to cater for the diverse housing needs of the community at a density that can ultimately support the provision of local services.*
9. *To ensure the avoidance of key environmental areas and the incorporation of significant cultural and environmental features of a site into the design of an area.*
10. *To provide for a more comprehensive approach to the design of open space and urban water management.*
11. *To ensure cost-effective and resource-efficient development to promote affordable housing.*

## **Outline of the Liveable Neighbourhood Community Design Codes Content**

### **Layout of Objectives and Regulations**

The Liveable Neighbourhood Community Design Code consists of six sections of Regulations each preceded by an outline of the Objectives. These regulations and Objectives are preceded by an explanation of the issues and an identification of the key differences from past practice. The Regulations are intended to guide proponents wishing to obtain a Liveable Neighbourhoods approval for residential subdivision from the WAPC. They are, however, performance-based and proponents are ultimately assessed more against the objectives than adherence to the regulations. Each section of regulations is called an Element. The elements are:

- Community design
- Movement
- Lot layout
- Public Parkland
- Urban water management
- Utilities

## **Community Design**

Community Design explains the approach to creating a town structure based on clustering of 400m walkable neighbourhoods around the Town Centre, which itself sits in a neighbourhood. The design of the Neighbourhoods and Town Centre shall allow for the managed movement of traffic through the Neighbourhood and Town Centres to support vibrant “Main Street” style local centres. It proposes that small lot development and home-based businesses be focused around the centres and on the through roads, to ensure a transition between the activity and intensity of the centre and the quiet residential areas that make up the remainder of the neighbourhood.

The Community Design section also outlines how greater safety, local employment, public transport and environmental sustainability can be supported by the proper design and layout of roads, development lots and Parklands. In particular it limits excessively long or large street blocks and the use of cul-de-sacs where these would reduce walkability of the neighbourhood. Pedestrian accessways are not promoted but closure of part of the street reserve through the creation of many parks, preventing through traffic movement, is allowed for.

## **Movement**

The Movement Section encapsulates an extensive set of regulations that enable a connected street system to be developed without the accompanying problems that made integrated street networks unpopular before traffic management devices were incorporated. The section promotes on street parking as a highly efficient, highly accessible location for car parking. It also has the additional benefit of creating a street environment that automatically slows down through traffic and allows circulation of local traffic. On street parking also enables developments to front directly onto the street rather than be set back in car parks.

The Movement Section has been highly contentious due to its acceptance of road widths that for many years were considered unsuitable for the efficient and uninterrupted movement of traffic through the area. Some suggested road widths have been increased slightly from earlier versions but a reasonable balance between the needs of through traffic and the quality of the streetscape environment has been retained. The section also includes contemporary standards for the movement of cyclists and disabled users.

## **Lot layout**

Lot Layout recognises that the design and orientation of residential lots to a large extent dictates what form of housing that will occur. It therefore requires that lots are designed to:

Ensure good frontage to streets

- Providing the opportunity for attractive streetscape with personal safety improved through passive surveillance from internal areas.

Orientation that supports passive solar design of residences.

- To take maximum advantage of our near idyllic Mediterranean climate and recognising that a large part post-war subdivision and housing development ignored our climate and created unnecessarily harsh living conditions. Advice on design for other climatic zones and latitudes in Western Australia is provided.

Ensure on site parking provisions do not detract from the street.

- Lot layout also recognises the trend towards high car ownership and double and triple garages proposing that lots be covered by “Development and Access Provisions” (DAPs) where the size and location of the lots may lead to the site appearing overly dominated by garages. DAPs may also include amongst other things, location of the dwelling to ensure solar access to neighbouring dwellings.

Maximise surveillance of the street and other Public Space

- Lot layout expands on techniques for ensuring passive surveillance of public space through special lot design.

## **Public Parkland**

The Parkland section does not remove the requirement for 10% open space. It does however allow for a reduction from 10% to 8% where the design of the suburb ensures that the distribution and access to Parkland is designed to provide maximum benefit to various uses. The reduction may also be permitted where it is agreed that a credit can be given for the retention or development of open space that provides a special attraction e.g. bush land. A credit is also available for up to 50 percent of the area of water bodies within public open space.

## **Water Management**

Urban Water Management and Public Parkland has significant overlaps. This is due to the potential development of urban water management systems that include retention ponds and other systems of water management. Examples are shown of existing urban water management systems that allow for overflow, in storm events, on to play fields or other open areas where the water may be reabsorbed into the environment rather than allowed to run off into water bodies, carrying excessive nutrients and possibly pollutants with it. 50% Public open space credit may be given to areas used for urban water management. In particular the system avoids the creation of water retention sumps that may diminish the safety, attraction and overall usability of Public Parklands.

## **Utilities**

Outlines the current standards and dimensions for verges for different arrangements of utilities

## **Special Issues**

### **Application Requirements**

Liveable Neighbourhood community design code sets out the documentation required for assessment and approval of residential subdivision. The requirements state the need to provide information about context, including connecting roads from neighbouring suburbs, adjacent land features, local movement systems, location of other centres and greater detail on environmental and other land capability issues. This is a significant improvement on past practice where any assessment of the development in relation to its surroundings would have to be undertaken by Ministry for Planning and Council officers on behalf of the applicant with little information.

## **Hybrid Development**

The WAPC has allowed for approval of hybrid development under the Liveable Neighbourhood Community Design Code (with its incentives on public parkland and water management) where application of the codes requires some discretion to deal with the interface and transition from pre Liveable Neighbourhood style development.

### **City of Joondalup Submission on Livable Neighbourhoods**

#### **Applicability to City of Joondalup**

The Minister for Planning has undertaken an extensive consultation and awareness process that has touched on most Local Governments in the State of Western Australia. It has also consulted extensively with the planning profession, development industry and other agencies in an effort to bring about a fundamental change in understanding of the relationship between quality of life, sustainable development and local economic development. The principles of objectives and many of the regulations and practices will be useful in assessing and assisting with the regeneration of ailing centres within the City of Joondalup. The rationale behind Liveable Neighbourhoods is also highly relevant to the city especially in pursuit of quality of life for its residents through economic vitality and lifestyle.

#### **Detail assessment of Codes for Feedback to WAPC**

Officers from the City of Joondalup have obtained a working copy of City of Swan's Liveable Neighbourhood review. The City of Swan through its involvement with Ellenbrook and other greenfield development has had significant experience with Liveable Neighbourhoods. A report has been prepared providing detailed feedback to the WAPC. While the report appears extensive, many of the comments are focused on enhancing document readability and details of implementation procedures rather than challenging the objectives and regulations.

Readability comments include:

- Cross-references to other applicable sections,
- Proposals for improving the readability of the document - through the addition of a contents page and a unique reference number for each regulation;
- Suggestions for reformatting or relocating tablets text and other illustrations where these would improve usability; and
- Some suggestions as to clarification of wording.

Implementation Comments Include:

- Concern with the over application of Parkland credits to the point where the remaining usable space for play fields etc may be compromised. In addition some concern was expressed over who approved the use of credits and what rights Council had to require management plans and extension of hand over periods, to ensure the proper development and maintenance of ecologically sensitive areas and other complex environments.
- Concern over the use of upper and lower dimensions for road width rather than a set standard. Without adequate criteria for determining the exact width that should be used delays could be experienced in resolving applications. The officer report states that Council will assume the upper limit should be applied unless a substantial explanation is provided for reducing the road width.

- It was also suggested that rather than have the developer develop local parks they should be required to construct play fields and other earth levelling intensive areas. Small parks could be developed with the community in accordance with Council requirements, locally established maintenance standards and local themes.

## COMMENT

Investigations into the current household type within the City of Joondalup indicate that we have very diverse local communities in terms of household type. This is not reflected in the variety of housing available and range of spaces, attraction, and local employment drivers found in the suburbs. The City of Joondalup Strategic Plan contains strategies to enhance economic vitality and lifestyle opportunities. Implementing these strategies may include initiatives to promote the regeneration of some areas to make them more appropriate to the social patterns of the region. Council will need to investigate principles for the regeneration of centres so that they meet the contemporary needs of society and business. Therefore it is appropriate that the City both support the WAPC in the adoption of Liveable Neighbourhoods Community Design Code as a framework for communities that can accommodate contemporary life and more easily evolve to deal with new challenges. It is also appropriate that the City support the Ministry for Planning in its attempts to investigate opportunities to enhance quality of life in existing areas through the application of the well tested approaches, outlined within the Liveable Neighbourhoods Community Design Code - Design Manual sections.

The Ministry for Planning has established an Urban Design and Major Places Unit, to assist Local Government in design and to advise on related programs and policies of other Government Agencies. Clear support from Council on Liveable Neighbourhoods would assist officers in persuading the Ministry for Planning to invest resources in assisting with some of the City's major places.

## **MOVED Cr Patterson, SECONDED Cr Kenworthy that Council:**

- 1 RECOMMENDS that the Western Australian Planning Commission (WAPC) adopt Liveable Neighbourhoods as the State code for residential subdivision allowing for hybrid development where this provides a transition from pre Liveable Neighbourhood development;**
- 2 ENDORSES the officer's report on Liveable Neighbourhoods and requests a response on the key issues of concern as outlined in that report;**
- 3 CONGRATULATES the Western Australian Planning Commission (WAPC) on its vision and leadership in reviewing past development practices and proposing such a broad encompassing manual and codes on sustainable urban development.**

**The Motion was Put and**

**CARRIED**

*Appendix 16 refers. To access this attachment on electronic document, click here:*  
[Attach16brf200201.pdf](#)

*Cr Patterson left the Chamber, the time being 2208 hrs.*

*Cr Wight entered the Chamber, the time being 2208 hrs.*

**MOVED Cr Magyar, SECONDED Cr Kadak that the normal order of the agenda be altered to allow Motions of which previous Notice has been given to be considered at this point.**

**The Motion was Put and**

**CARRIED**

*Cr Patterson entered the Chamber, the time being 2209 hrs.*

## **MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

**C06-02/01**

### **NOTICE OF MOTION – CR DON CARLOS – [40958, 02154, 08122, 27456]**

Cr D Carlos gave notice of his intention to move the following motion at the Council meeting to be held on Tuesday 27 February 2001. The following elected members have indicated their support as required by clause 4.4 of the City's Standing Orders Local Laws.

Cr A Nixon  
Cr S Magyar  
Cr J Hollywood  
Cr A Walker

**MOVED Cr Carlos, SECONDED Cr Nixon, That Council, By AN ABSOLUTE MAJORITY, rescinds its decision of 19 December 2000 (Item CJ368-12/00) being:**

- “1 *APPROVES a future direction for the City's Community Services of establishing a new community based service delivery organisation and the transfer of the following services, currently provided by the City, to the new organisation:*
  - *Joondalup Client Support Services;*
  - *Joondalup Day Centre;*
  - *Joondalup Food Services;*
  - *Joondalup Home Support Services;*
  - *Joondalup Podiatry Service;*
  - *Community Aged Care Packages;*
  - *Child Respite; and*
  - *Family Day Care*
- 2 *APPROVES work proceeding in line with the implementation action plan contained in Attachment 2 of Report CJ368-12/00 towards the transfer of the services with the effective date of transfer being 1 July 2001. (This recommendation acknowledges the need for marginal change to the implementation plan as implementation progresses);*
- 3 *NOTES that, nearing the completion of that work, a further report would be submitted to Council to seek approval for matters such as:*
  - *the transfer of staff provisions and assets to the new organisation;*

- *the relinquishment of State and Commonwealth Government grants so that they can be transferred to the new organisation;*
- *a leasing arrangement; and*
- *a one off grant for equipment if required. “*

and replaces it with:

“That Council DOES NOT APPROVE the future directions of the City’s community services by establishing a new community based service delivery organisation and continues the current practice of supporting various social services.

Discussion ensued. Cr Carlos referred to correspondence he had received from the Australian Services Union outlining various concerns.

Cr Magyar raised a Point of Order in respect to comments made by Cr Patterson. Mayor Bombak advised this was not a Point of Order.

Director, Community Development responded to claims by the Australian Services Union that services were not being provided by the City.

The Motion was Put and

LOST

C07-02/01      MOTION TO GO BEHIND CLOSED DOORS AND TO ADJOURN

**MOVED Cr Ewen-Chappell, SECONDED Cr Kadak that:**

- 1      in accordance with Section 5.23(2) of the Local Government Act 1995 the meeting be held behind closed doors, to give consideration to Items CJ053-02/01 – Prosecution – City of Joondalup vs Parin: Lot 560 (3) Manakoora Rise, Sorrento and C09-02/01 relating to the annual review and contract extension of the Chief Executive Officer;
- 2      in accordance with clause 5.1 of the City’s Standing Orders that the meeting be adjourned for five (5) minutes, the time being 2228 hrs, reconvening at 2233 hrs on 27 February 2001 in order to discuss the above Items.

The Motion was Put and

CARRIED

The members of the Public and press left the Chamber at this point.

C08-02/01      RECONVENE MEETING BEHIND CLOSED DOORS – [02154]  
[08122]

**MOVED Cr Walker, SECONDED Cr Magyar that the meeting be reconvened and held behind closed doors to give consideration to Items CJ053-02/01 – Prosecution – City of Joondalup vs Parin: Lot 560 (3) Manakoora Rise, Sorrento and C09-02/01 relating to the annual review and contract extension of the Chief Executive Officer, the time being 2240 hrs**

The Motion was Put and

CARRIED



*Crs Ewen-Chappell and Wight were not present in the Chamber at this point.*

CJ053 - 02/01

CONFIDENTIAL REPORT - PROSECUTION – CITY OF JOONDALUP VS PARIN: LOT 560 (3) MANAKOORA RISE, SORRENTO - [05034] [06034] [07034]

WARD - South Coastal

CJ010220\_GRN.DOC:ITEM 4

**MOVED Cr Patterson, SECONDED Cr Kenworthy that Council:**

- 1
- NOTES the contents of report CJ053-02/01;
- 2
- DOES NOT appeal the court decision in the interest of preserving its resources, and remaining mindful of the issues at hand;
- 3
- SEEKS the awarding of costs to the defendant in this matter, which are considered reasonable to the City, and reserves its right to appeal the awarding of costs should that be considered appropriate by the City.

Discussion ensued.

*During discussion Crs Ewen-Chappell and Wight entered the Chamber, the time being 2246 hrs.*

The Motion was Put and

CARRIED

REPORT OF THE CHIEF EXECUTIVE OFFICER

**MOVED Cr Magyar, SECONDED Cr Walker that the tape recording equipment be turned off during discussions in relation to the contract of the Chief Executive Officer.**

Mayor Bombak referred to Policy 2.2.6 – Council Meetings – Electronic Sound Recording in that there was no requirement to tape proceedings behind closed doors.

Cr Magyar queried the implications in relation to the Freedom of Information Act should the recording equipment remain on.

The Motion was Put and

CARRIED

It was requested that the votes of all members present be recorded:

In favour of the Motion: Mayor Bombak, Crs Mackintosh, Hurst, Wight, Walker, Hollywood, Magyar, Carlos, Ewen-Chappell and Kadak

Against the Motion: Crs Kenworthy, Patterson, Barnett, Rowlands and Nixon.

**MOVED Cr Hollywood, SECONDED Cr Ewen-Chappell that Executive and staff members, with the exception of Director, Resource Management leave the Chamber at this point.**

**The Motion was Put and**

**CARRIED UNANIMOUSLY**

*The Executive and Staff members left the Chamber at this point, the time being 2256 hrs.*

*The Chief Executive Officer left the Chamber at 2303 hrs.*

**C09-02/01**

**CHIEF EXECUTIVE OFFICER'S ANNUAL REVIEW AND  
CONTRACT EXTENSION – [02154] [08122]**

**MOVED Cr Barnett, SECONDED Cr Wight that Council NOTES that:**

- 1 On 29 December 2000, the City entered into an agreement with Mr Delahaunty to extend his existing contract of employment until 4 September 2001 and to extend the time limit for conclusion of discussions about a new contract of employment until 28 February 2001, in order to enable further information to be received by the City;**
- 2 due to events beyond the control of the City, that information has not been received. Accordingly, the Council has not been able to have meaningful discussions with Mr Delahaunty in light of that information;**
- 3 in light of the above, and with the concurrence of Mr Delahaunty, Council resolves that:**
  - (a) the Mayor, Deputy Mayor and Councillor Barnett have further discussions with Mr Delahaunty during the period 27 February 2001 until 9 March 2001 and that they report back to Council at the next meeting after 9 March 2001;**
  - (b) without prejudice to the further discussions with Mr Delahaunty, the Manager Human Resources does provides to the next meeting of Council a report on the process of identifying a new Chief Executive Officer, identifying four Human Resource Consultants qualified to assist in the process of selecting a new Chief Executive Officer, should the need arise.**

**The Motion was Put and**

**CARRIED**

**MOVED Cr Nixon, SECONDED Cr Walker that the meeting be held with the doors open, the time being 2355 hrs.**

**The Motion was Put and**

**CARRIED**

*Crs Patterson, Kenworthy and Rowlands were not present in the Chamber at this point.*

The Chief Executive Officer, members of the Executive, staff and seven members of the public entered the Chamber at this point. In accordance the City's Standing Orders Local Law, the Chief Executive Officer advised members of the public of the items considered behind closed doors and read the above Motions.

## **DATE OF NEXT MEETING**

The next meeting of the Council has been scheduled for **7.00 pm** on **TUESDAY, 13 MARCH 2001** to be held in the Council Chamber, Joondalup Civic Centre, Boas Avenue, Joondalup

## **SECOND PUBLIC QUESTION TIME**

**Mr M Sideris, Mullaloo:**

*Q1 Regarding CJ37-02/01: Can this Council provide a copy for the public record of the proposed lease agreement between the City of Joondalup and RANS?*

*A1 The lease document is a commercial document. As such, arrangements to date have been to make the document available for viewing if required. A time can be arranged with Mr Sideris for this to take place.*

*Q2 I understand from tonight's proceedings that there is no contract with RANS. The document you have is a proposed lease agreement. As such commercial in-confidence does not apply. If you continue with that response, then I seek the Mayor and the Chief Executive Officer to send me the appropriate Freedom of Information application details and I will seek it through that forum.*

*A2 The City has spent considerable money developing the lease document. Prospective tenderers have had to pay \$500 to obtain the documentation. Part of the reason why the City is guarding the documentation in terms of copying and distribution is because of the commercial value of it to the City and the investment of funds that have gone in to the production of that document.*

*Q3 With regard to the contract to be signed with RANS for the management of the three leisure centres. I understand Council has recently employed a manager at a salary of \$45,000 to manage RANS. In view of the fact that Council has now devolved itself of some of the responsibilities of the leisure centres, will Council give consideration to making an appropriate adjustment to the remuneration of the Directors and CEO?*

*A3 The position advertised is a Community Buildings officer, which is quite independent of the leisure centres. That officer will be working with Asset Management and all of the community groups that lease and hire facilities from Council.*

*Q4 In relation to the response given by the CEO regarding the second public question time and the reference to legal advice. Could copies be provided of the written terms of reference that were provided at the time that the legal advice was sought.*

A4 This question was taken on notice.

## CLOSURE

There being no further business, the Mayor declared the Meeting closed at 0010 hrs; the following elected members being present at that time:

J BOMBAK, JP  
P KADAK  
L A EWEN-CHAPPELL  
D S CARLOS  
S P MAGYAR  
A NIXON  
J F HOLLYWOOD, JP  
A A WALKER  
T BARNETT  
A W WIGHT, JP  
J A HURST  
C MACKINTOSH