



**MINUTES OF COUNCIL MEETING
HELD ON 13 AUGUST 2002**

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CITY OF JOONDALUP

MINUTES OF COUNCIL MEETING HELD IN COUNCIL CHAMBER,
JOONDALUP CIVIC CENTRE, BOAS AVENUE, JOONDALUP, ON TUESDAY,
13 AUGUST 2002

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 P KIMBER	Lakeside Ward	
Cr D CARLOS	Marina Ward	
Cr C BAKER	Marina Ward	<i>Absent from 1927 hrs to 2033 hrs</i>
Cr J F HOLLYWOOD, JP	North Coastal Ward	
Cr A WALKER	Pinnaroo Ward	<i>Absent from 2038 hrs to 2040 hrs</i>
Cr T BARNETT	South Ward	
Cr M O'BRIEN, JP	South Ward	<i>Absent from 1901 hrs to 1902 hrs</i>
Cr A L PATTERSON	South Coastal Ward	<i>to 2037 hrs</i>
Cr G KENWORTHY	South Coastal Ward	<i>Absent from 1949 hrs to 1952 hrs</i>
Cr J HURST	Whitfords Ward	
Cr C MACKINTOSH	Whitfords Ward	

Officers:

Chief Executive Officer:	D SMITH
Director, Planning & Community Development:	C HIGHAM
Director, Infrastructure & Operations:	D DJULBIC
Acting Director, Corporate Services and Resource Management:	A SCOTT
Manager, Audit & Executive Services:	K ROBINSON
Manager, Marketing, Communications & Council Support:	M SMITH
Manager Project Policy & Planning:	R HARDY
Manager Approval Planning & Environmental Services:	C TERELINCK

Publicity Officer: L BRENNAN
Committee Clerk: L TAYLOR
Minute Clerk: G KELLY

There were 56 members of the Public and 1 member of the Press in attendance.

Cr O'Brien left the Chamber at 1901 hrs and returned at 1902 hrs.

In Attendance

Mr Nick Manifis Walman Software

Apology - Cr Rowlands

Invited Guest - Reverend Richard Pengelley, St Nicolas Church, Duncraig

The Mayor welcomed Reverend Richard Pengelley of St Nicolas Church, Duncraig as this evening's invited guest.

Reverend Richard Pengelley thanked Council for the opportunity of being invited this evening. He informed the meeting that St Nicolas Church was on the corner of Beach Road and Pointer Drive, Duncraig and that the parish is a large and still growing Anglican parish with over 500 people on its roll. Reverend Pengelley then talked briefly about his church's work within the community.

Reverend Pengelley opened the meeting with a prayer.

PUBLIC QUESTION TIME

The following question, submitted by Mrs M Zakrevsky, Mullaloo was taken on notice at the Council Meeting held on 23 July 2002:

Questions relate to CJ188-07/02 – Amendment No 10

Q1 If there is no recommendation to insert "AS" use to Clause 6.7 Public Notice in the DPS2 in tonight's amendment, how would the requirement for public notice of the "AS" use be met? Clause 6.7.1 deals with notification "A" uses, Clause 6.7.2 deals with "D" uses and Clause 6.7.3 deals with submissions on "D" and "A" uses but there is no insertion according to this amendment for "AS" use as an interpretation?

A1 Clause 6.7 of District Planning Scheme 2 specifies advertising protocols for "D" and "A" land uses. The requirement for advertising "AS" uses will be the same as that which applies to "D" and "A" uses at present. The requirements would be as set out in existing Clause 6.7.1 of the DPS.

The following question, submitted by Mr M Caiacob, Mullaloo was taken on notice at the Council Meeting held on 23 July 2002:

Q1 Can Council explain the criteria used for Council to form an opinion of size and scale of an expansion or redevelopment of an existing centre under Amendment No 10? This relates to Clause 4.16.3.

A1 At the Council meeting held on 23 July 2002 it was resolved to delete the proposed subject clause.

The following question, submitted by Mr S Magyar, Heathridge was taken on notice at the Council Meeting held on 23 July 2002:

Q1 My question refers to Amendment No 10. It says that the City shall review the Centres Strategy and policy etc. Could some indication be given as to what level or type of community consultation will be involved in this review of the Centres Strategy?

A1 It is not certain at this stage what the level of consultation will be, however it is envisaged that independent consultants will be engaged to conduct the consultation phase of the process as a component of the study. There will be extensive consultation, to the extent necessary to obtain representative opinion from the community and interest groups.

The following question, submitted by Mr R de Gruchy, Sorrento was taken on notice at the Special Council Meeting held on 30 July 2002:

Q1 Could I be provided with a list of the Councillors that voted for and against the motion to not phase in the revaluations?

A1 At the Budget Committee meeting held on 22 May 2002, no request was made for votes to be recorded. The minutes record that the Motion was Carried.

Q2 Where do we stand with the State and Federal Governments putting money into a Performing Arts Centre in the City of Joondalup?

A2 This is being explored.

The following questions, submitted by Mr M Norman, Sorrento were taken on notice at the Special Council Meeting held on 30 July 2002:

Q1 Has Council verified, through a specific study, that there will be sufficient bore water, given a drying climate trend and increased bore installations on private property in the City of Joondalup, without bores running dry, ingress of saline water and without impact on remnant bushland which relies on the groundwater?

- A1 Council has not undertaken a study as outlined above, however, it is noted that the licensing of bores and allocation of water is controlled by the Water and Rivers Commission. Council must lodge an application prior to any bore installation being undertaken. Approval authorizes extraction of water in accordance with certain conditions set by that authority. These conditions include volume of water to be used and area of irrigation, as well as water quality requirements. The Water and Rivers commission is responsible for the management and monitoring of the groundwater. To date the City has had no restrictions placed on its underground water usage by that authority.
- Q2 *Why are so many road verges being reticulated, with an ongoing annual maintenance cost of \$10,000 per annum per hectare, which is added for each hectare which is reticulated, when they have no amenity value?*
- A2 There are limited areas of road verges reticulated within the City, the majority of irrigation occurs within medians.

The following questions, submitted by Mrs M Macdonald, Mullaloo were taken on notice at the Special Council Meeting held on 30 July 2002:

- Q1 *Re FNM001 621: If there needed to be a reduction in the overall budget, why did the Budget Committee remove \$413,000 from the Mullaloo Beach Project, and none from Sorrento Beach Project? How is the \$950,000 to be spent at Sorrento?*
- A1 It was a decision of the Budget Committee to defer consideration of the Mullaloo Beach Project allocation of \$413,000 until 2003/2004 on the bases that further planning and consultation is necessary before the project can proceed. It is noted that funds exist for the coastal dual use path component of the project to proceed during the 2002/2003 budgetary period. This section of the pathway is the last remaining link to be constructed within the city's coastal dual use path network.

In relation to Sorrento Beach it is important to recognise that this project will be funded over four years and the intended construction programme is to be built over two stages.

The total capital required for this project is \$3,700,000 funded in approximate equal amounts over four years.

It is intended that first stage construction will overlap the 2002/03 and 2003/04 budgetary periods, and the second stage to overlap the 2004/05 and 2005/06 budgetary periods.

Funding this project over a four year period as compared to a two or three-year period reduces the annual allocation towards this project.

This project consists of a new coastal recreation reserve between the Sorrento Surf Life Saving Club and the southern Breakwater of Hillarys Boat Harbour. The development will include grassed areas, paths, boardwalks, viewing platforms and additional car parking.

It is intended that a report will be submitted to Council's September 2002 round of meetings outlining the project details.

Q2 PPE 021 623: To eliminate the situation where needles and dog droppings might lie hidden in sandpits under play areas, has Council given any consideration to alternatives to sandpits, such as the rubber type surface used on the foreshore at Mandurah, and the Ivy Watson Playground at Kings Park?

A2 Rubber type surfaces are currently being trialled by the City in Negresco Park in Currabine, and subject to the trial findings expansion of this type of surface treatment will be considered as part of future budget deliberations.

The following questions, submitted by Mrs M Zakrevsky, Mullaloo were taken on notice at the Special Council Meeting held on 30 July 2002:

Q1 Why has the Dry Parks, Median and Verge Committee ignored the motion from the Conservation Advisory Committee meeting of 24 April 2002 for a moratorium on any reticulation of median strips, and thus intends to spend funds on verges and median strips that cannot be used for active recreation or for playground equipment, and continuing with Cr Kenworthy's motion of 6 July for funds to be directed to the ongoing beautification of major distributor median strips and verges?

A1 It is assumed that the question is directed towards the minutes of the Dry Parks, Median and Verge Committee (DPM & VC) presented to Council's meeting held on the 21st May 2002.

On this basis it is important to note that the DPM & VC meeting occurred on the 13th March 2002 prior to the Conservation Advisory Committee (CAC) meeting which was held on 24th April 2002.

Notwithstanding this, the recommendation of the CAC for a moratorium on newly reticulated medians was taken into Council's budgetary considerations, and it is noted that the Dry Park Development Programme for the 2002 / 2003 budgetary period does not include any median or verge reticulation works in keeping with CAC recommendations.

Q2 Why isn't the City setting the example for its residents by reticulating only essential active sport areas?

A2 There are a variety of active and passive park areas that are irrigated by the City for the benefit of all sections of the community.

The following question, submitted by Mr V Cusack, Kingsley was taken on notice at the Special Council Meeting held on 30 July 2002:

Q1 What is the total dollar loss to the City resulting from the decision to outsource the management of the three leisure centres to RANS?

A1 It is not possible to determine the City's final financial position as a result of the failure of RANS Management at this point in time.

Q2 Has the City secured any commitment in funding from the State Government to assist with the Performing Arts Centre, and if not is it likely to do so in the future?

A2 Not at this stage. This is being explored.

Q3 To what extent did the City consult the ratepayers in order to measure the existing level of support for the Performing Arts Centre?

A3 A Public Meeting was held on 22 August 2001, for the presentation by Consultants APP Projects of the *Feasibility Study for the Establishment of a Performing Arts Facility for Joondalup*.

Q4 The CEO mentioned a needs analysis in relation to adjacent Councils. Was the Performing Arts Centre itself subjected to a needs analysis within the City of Joondalup?

Q4 Yes. As part of the Feasibility Study on the establishment of the Regional Performing Arts facility, by APP Projects in July 2001. Stage 1 of the Feasibility Study report looked at four areas of cultural analysis:

- *The City's Cultural Objectives;*
- *The demography of the community/catchment;*
- *The main stakeholders' and funders' objectives; and*
- *The community's needs.*

The following question, submitted by Mr M Sideris, Mullaloo was taken on notice at the Special Council Meeting held on 30 July 2002:

Q1 How much money has been put aside for the Fringe Benefit Tax for the CEO's salary package?

A1 An amount of \$6,800 has been provided in the 2002/2003 budget for the Chief Executive Officer's Fringe Benefit Tax.

The following questions, submitted by Mr S Magyar, Heathridge were taken on notice at the Special Council Meeting held on 30 July 2002:

Q1 Attachment 10, Page 5, Section 3 – Functions and Activities – relating to critical success factors in achieving the vision, mission and guiding principles of the Council: How will Council measure its success or failure in achieving the critical success factors and will such evaluations be made publicly available?

A1 The Critical Success Factors in the City's Strategic Plan are essentially statements of intent. Performance indicators support some, whilst others need performance indicators to be developed. Formal reporting against performance indicators has not been established to-date.

At present, the Strategic Plan for 2003 – 2008 is being developed and performance indicators will be required to track the City's performance against objectives. Decisions with respect to publicising performance against objectives have yet to be made by Council.

- Q2 Attachment 10 – relating to harnessing the potential of the information age: Will Council make available on its web site the tapes of its Council meetings in MPEG-3 format?*
- A2 Due to the limited interest in such a service and the cost to provide a quality service (modifications to existing infrastructure) then not at this immediate point in time.
- Q3 Attachment 10, Page 19 – Hodges Drive Drainage Reserve: Where and when will this money be required to finish any works on Hodges Drive?*
- A3 The purpose of the reserve is to enable the completion of a drainage outfall into Lot 1029 following the development of that site. The existing outfall is only temporary in nature pending development.
- Q4 Attachment 11, Page 1 – Capital Works Programme – FNM 003 – Sorrento Beach Project: What social, environmental or economic benefits can the ratepayers of the City of Joondalup expect from the expenditure of almost \$1m and how much more money is planned to be spent on this land which is not owned by Council?*
- A4 From a community perspective the redevelopment of the beach would provide the following benefits:
- 1 Improve the local amenity;
 - 2 Become a regional attractor for residents and tourists both within and outside the City;
 - 3 This project will set the standard for future infrastructure improvements along West Coast Drive which links into the City of Stirling's improvement works;
 - 4 Safe and easy access to the beach;
 - 5 Balance between new lawn and retained dunal vegetation;
 - 6 Extensive lighting to create safer environment;
 - 7 Well defined access to all areas of the development for all including the elderly and the disabled;
 - 8 Creation of a series of terraces to minimise extent of earthworks and heights of retaining;
 - 9 Protection from wind and sun utilising earth forms, shade shelters and tree planting;
 - 10 Creation of a range of landscape areas to provide various passive an semi-active spaces including open lawn areas, BBQ facilities playground, shelters, lookouts, etc;

- 11 A new dual-use path along West Coast Drive;
- 12 Lookout Structure on high point on site;
- 13 Timber boardwalks through the existing dunes;
- 14 Additional Car Parking Bays;
- 15 An elevated boardwalk access and fishing platform on the existing groyne.

Q5 Capital Works Programme has a slab replacement programme listed. Can some estimate be given of how many kilometres of slab footpath are still to be replaced within the City of Joondalup?

A5 This is approximately 33 kilometres of slab pathways to be replaced within the City.

The proposed allocation of funds within the City's 2002/2003 Five Year Capital Works Programme will result in the majority of these slab pathways being replaced with insitu concrete paths within the next five year period.

Q6 If the Council has reduced its slab replacement programme and a person is injured, does that increase the Council's public liability for not replacing the slabs as originally planned?

A6 No, this has no effect on the City's Public liability\Professional Indemnity Insurance premium.

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

The following questions relate to Item CJ204-08/02:

“Recommendation –

Exercises discretion in relation to Clauses 4.5 and 4.8 of DPS2.

4.5.1 Except for developments in respect of the requirements set out in clause 3.7.3 and 3.11.5.

3.73 The floor space figures contained within Schedule 3 shall be adhered to except as otherwise varied by an Agreed Structure Plan for the Centre locality as adopted by the Council and the Western Australian Planning Commission.

3.11.5 As above (word for word)

Q1 Have the floor space figures contained within Schedule 3 been adhered to?

A1 Yes.

Q2 Have the floor space figures been varied by an Agreed Structure Plan as adopted by the Council and the WAPC?

A2 No.

Q3 Is it a Centre Locality?

A3 Yes, as the site is zoned “commercial”.

Q4 Is it a Centre Locality adopted by the Council?

A4 Yes.

Q5 Is it a Centre Locality adopted by the Council and WAPC?

A5 Yes.

Q6 What are the floor space figures for?

- (a) office, restaurant and retail at street level?*
- (b) Tavern on first floor?*
- (c) Five (5) multiple dwellings above tavern level?*
- (d) Ten (10) residential (short stay apartments/serviced apartments/lodging house) above tavern?*

A6 The information is included in the report.

Q7 Do these floor space figures, in their entirety, adhere to floor space figures contained within Schedule 3 for this site?

“4.5.1 If a development is the subject of an application for planning approval and does not comply with a standard or requirement prescribed under the Scheme, the Council may, approve the application.”

A7 Yes.

Q8 Does this development comply with all the standards and requirements prescribed under the DPS2?

A8 No.

Q9 May the Council, approve this application?

A9 Yes.

Q10 If the Council approves this application, does this mean Clause 4.5.2 has applied?

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

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

A10 Yes.

Q11 Is it the opinion of Council, that the variation is likely to affect any owners or occupiers in the general locality or adjoining the site?

A11 This matter is addressed in the report.

Q12 (a) Were the affected parties consulted by following one or more of the provisions for advertising uses pursuant to clause 6.7.1?

A12(a) Council will consider the issue in the context of the provisions of DPS2, the submissions received, and the merits of the proposal

(b) Will Council have regard to any expressed views PRIOR to making its decision to grant the variation?

A12(b) Yes.

Q13 Before considering the application for planning approval will Council, give notice or has it given notice, for the ‘D’ uses in accordance with subclause 6.7.1?

D’ uses

- (1) tavern on first floor?
- (2) residential building (short stay apartments)?
- (3) multiple dwellings?

A13 Yes.

Q14 What Use Class is permissible for a lodging house?

A14 There is no Use Class for a Lodging House under DPS2.

Q15 Before considering the application for planning approval will Council, give notice or has it given notice, for the Use Class for lodging house in accordance with subclause 6.7.1?

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

- (A) approval of the proposed development would be appropriate having regard to the criteria set out in clause 6.8;

- (B) the non-compliance will not have any adverse effect upon the occupiers or users of the development or the INHABITANTS of the locality or the likely future development of the locality.

A15 See A14.

Q16 Is the Council satisfied that the power conferred by clause 4.5.3, may be exercised?

A16 If the Council is satisfied that the proposal has no adverse impact with regard to planning issues, then it is within its power to exercise discretion.

*Q17 (a) 6.8 Matters to be considered by Council
6.8.1 (a) to (k) inclusive
6.8.2 Council when considering whether or not to approve a 'D' or 'A' Use application shall have due regard to the following:*

- (i) nature of proposed use-relationship to use of other land within the locality;*
- (ii) size, shape, character of parcel of land-nature and siting of any proposed building;*
- (iii) nature of roads giving access;*
- (iv) parking facilities available or proposed or likely;*
- (v) relevant submissions or objections received by Council;*
- (vi) other matters Council considers relevant.*

Q17.1 Is the Council satisfied that all the matters pursuant to clause 6.8 have been considered?

A17.1 Yes.

Q17.2 Will Council give due regard to 6.8.1 when considering the application for planning approval?

A17.2 Yes.

Q17.3 Will Council when considering whether or not to approve a 'D' or 'A' Use application have due regard to 6.8.2?

A17.3 Yes.

Q17 (b) Is the Council satisfied that the non-compliance will not have ANY adverse effect upon the occupiers or users of the development or the INHABITANTS of the locality or the likely future development of the locality?

A17(b) See A16.

Q18 Is Council planning to use discretion in relation to setbacks, or just determining that front and back setbacks can be waived?

“4.7 Building setbacks for Non Residential Buildings

4.7.1 Unless provided for in Part 3 of the Scheme, buildings shall be set back from property boundaries as follows:

Street Boundary	9.0 metres
Side Boundary	3.0 metres
Rear Boundary	6.0 metres”

A18 Council would exercise discretion to permit the proposed setbacks.

Q19 Are changes proposed to setbacks, provided for in Part 3 of the Scheme, for this building – site – development?

A19 There are no setbacks specified in Part 3 of DPS2 relating to commercial zones.

Q20 Where in Part 3 of the Scheme does it make a provision for:

- (a) a zoned commercial lot; or*
- (b) this site; or*
- (c) this building; or*
- (d) this development*

that building setbacks do not need to comply?

A20 This provision is not within Part 3.

Q21 Why are the five (5) drive thru bays been included in the total car bays?

A21 “Drive Thru Bays” effectively function as parking bays, as users of the drive thru facility are still utilising the retail premises, however, are not occupying other on site car bays.

Q22 Why have the 34 car bays across the street been included in the total car bays?

A22 See report.

Q23 Have the new owners purchased these bays across the street?

A23 See report.

Q24 What are the guidelines for height restrictions for the development site in policies set out for the City of Joondalup?

A24 See report.

Q25 *Has this development been assessed in accordance with the current provisions of DPS2? (as the provisions in DPS2 should prevail).*

A25 Yes.

Q26 *In accordance with the current provisions set out in the DPS2, can the Council vary the development requirements applying to this site based on the MERIT of this application?*

A26 Yes.

Q27 *If the above provision is set out in the DPS2, could the relevant clause please be indicated?*

A27 *See report.*

Q28 *Has Council followed all of the above, for the application before them, including the revised plans dated 17 May, 5 June and 19 July 2002?*

A28 Question requires clarification.

Q29 *Has Council endeavoured to ensure that all the requirements of the Building Code of Australia for this development comply stringently?*

A29 In accordance with usual procedure, the application for a Building Licence will be assessed in strict accordance with the Building Code of Australia.

The following questions were submitted by Mrs C Branson, Mullaloo:

The following questions relate to Item CJ204-08/02:

Q1 *Why are any Councillors considering NOT supporting this redevelopment proposal? (The upgrade of the tavern would be a wonderful thing, not only for residents of Mullaloo, but for the whole community.)*

Q2 *Why does Council constantly adhere to the wishes of the VOCAL, MILITANT MINORITY who constantly put a stop to any progress in Mullaloo?*

Q3 *When is Council going to listen to the REAL RESIDENTS of Mullaloo, GIVE us the upgrades our rates demand including the promised Precinct Plan of Tom Simpson Park, the improved drainage, the tree lined Oceanside Promenade and traffic calming islands, and EMBRACE the proposed Mullaloo Beach Village (in its entirety)?*

Q4 *Will Council PLEASE support this proposal? The redevelopment is supported by your Planning Officers and meets all the State Government Building guidelines. Why are you stalling?*

A1- 4 Support for the proposal is noted, the Council will take into account the issues raised when considering and determining the proposal.

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

The following questions relate to Policy 3.1.9 - Height and Scale of Buildings within a Residential area.

The object of this Policy “to ensure that all development within a residential area of significant height and scale is given appropriate consideration with due regard to the protection and enhancement of the amenity and streetscape character of the surrounding area.”

Q1 Does this policy apply to the development at the Mullaloo Tavern?

A1 No.

Q2 If not, why not?

A2 Policy 3.1.9 relates to land zoned “residential” within the City of Joondalup.

Q3 Council adopted the Policy G3-17 (3.1.9) at a meeting of the Joint Commissioners 24 March 1998. If the Policy had not been amended subsequently, would it have applied to the Tavern site?

A3 No.

The following questions were submitted by Mr S Magyar, Heathridge:

The following questions relate to “Managing Public Question Time” – Local Government Operational Guidelines no 3, published August 2002.

Q1 Considering that paragraph 37 states:

“the good practice model provides for an individual to personally ask the question.”

Will this Council change its current practice of only stating who had submitted questions in writing and allow the person submitting the question to read out their questions at this meeting?

Q2 In the Introduction it states:

“Public Question Time Provides the local government with a mechanism to identify issues of importance in their community.”

What mechanisms has Council established for Council to identify issues of importance in their community by using public question time?

Q3 Paragraph four states:

“It is for each local government to determine the procedures that best meets its requirements.”

Has Council taken any steps to determine the procedures that best meet its requirements?

Q4 Paragraph seven states:

“the intention of the legislation is for a local government to respond by providing answers.”

If the intention of the legislation is for local governments to respond by providing answers, then what procedures exist for a member of the public to inform the Council that the question was only responded to, and not answered?

Q5 Paragraph ten states:

“presiding members in conjunction with their Councils should consider adopting a set of standard procedures for question time.”

When Council, in conjunction with the Mayor adopts a set of standard procedures for question time, will the draft set of standard procedures be advertised for public comment before final adoption by Council?

Q6 Paragraph nineteen suggests that Council should set up a register for people who wish to ask a question and provide a form for them to write out their questions. Some Councils provide an employee to assist people in registering and drafting their questions. The register should open at least 30 minutes prior to commencement of the meeting. Therefore if Council was to provide an employee to assist in drafting the questions from the members of the public, would it be possible to forward by e-mail those questions from the member of the public to the elected members and staff at the meeting, as this may assist in giving greater consideration to the questions?

A1-6 As previously agreed to by the Council, a report relating to public question time procedures is being prepared and will be forwarded to the Standing Order Review Committee in the very near future.

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

All questions relate to the Mullaloo Tavern redevelopment proposal. Questions 1 to 14 are to be read as if the tavern proposal will receive planning approval from the Councillors of the City of Joondalup using their discretionary powers:

Q1 Will Councillor Mackintosh raise a motion in the better interest of the many Accrod stickerholders from St Ives Retirement Village, disabled and mobility impaired members of the public to:

“increase the number of disabled parking bays within the basement car park, to include disabled parking adjacent to the short stay apartments and impose contractual financial penalties on the development for non-compliance in the future?”

Q2 Will Councillor Baker raise a motion in the better interest of the Mullaloo Surf Club and community hall that:

“reciprocal parking in the southern car park be reviewed on a half-yearly basis to ensure the Mullaloo Surf Club does not suffer adversely from reciprocal parking arrangements and that reciprocal parking does not affect the surf club so that it continues to receive benefit from ever increasing membership and patronage during surf club tournaments and impose contractual financial penalties on the development for any adverse impacts upon the surf club, due to reciprocal parking calculations?”

Q3 Following his attendance at the meeting to remove the proposed Hutchinson telecommunications towers at Mullaloo Squash Courts, will Councillor Kimber raise a motion in the better interest of the Mullaloo amenity to:

“request Council officers investigate and report to Councillors the telecommunications infrastructure required by the development, in order that the development achieves its aim of accepting all telecommunications telephone, data, cable and satellite media and that the infrastructure will not adversely affect the visual amenity, public health or reduce available car parking bays within the development site?”

Q4 Will Councillor Rowlands raise a motion to:

“ensure that public amenity and public health is not affected by car park, kitchen and bin store odorous discharges, emissions and fumes and should emissions, fumes and discharge affect public amenity, that mechanical scrubbers be installed to the world most stringent standards and not Australian Standards and impose contractual financial penalties on the development for any adverse impacts on public amenity and safety?”

Q5 Will Council Patterson raise a motion to:

“obtain a report from the Western Australian Fire Brigade to investigate, and report to Councillors, public safety in regards to special hazards arising from containment of compressed gas cylinders, flammable kitchen and cooking wastes, rubbish within an unprecedented multi-level enclosed underground car park within a residential area and ensure that the cost of any upgrade of water mains supply for fire hose reels, fire sprinkler systems and fire booster connections are borne by the development and not the tax or ratepayer?”

Q6 Will Councillor Kenworthy raise a motion to:

“ensure the reciprocal parking arrangements proposed by the development and the negation of the tavern balcony areas in the car parking calculations will not adversely affect public parking in the area and impose contractual financial penalties on the development for any adverse impacts on public parking due to the negation of the balcony areas in the car parking calculations”

and request details from the developer of the tavern, of balcony balustrade and handrails in order to ascertain the ability of the balustrade to prevent objects being thrown on to the road, traffic and pedestrians?

Q7 Will Councillor Hurst, in light that the last tavern carpark security camera was stolen, raise a motion to:

“ensure the multi-level enclosed underground car park is regularly patrolled by security officers, at no cost to the tax or ratepayer, to ensure public safety from criminals and criminal activity and call for a report detailing public safety issues in regards to takeaway food outlets and restaurants opening directly on to the pavement of the dangerous corner of Oceanside Promenade, including consideration of increased vehicle and service truck traffic due to the development?”

Q8 Will Councillor Kadak raise a motion to:

“ensure store rooms are incorporated in the development adjacent to and for the use of permanent and short stay residents for the storage of lifestyle equipment such as surfboards, wind surfers, fishing rods, diving equipment and bicycles so the proposed linking of this development with the healthy lifestyle of Mullaloo will not cause undue safety hazards to the public in regards to clutter and obstacles and public amenity will not be affected by leisure equipment stored on balconies?”

Q9 Will Councillor Nixon raise a motion to:

“call for a report for Councillors from the Western Australian Fire Brigade to ensure the development complies with and that public safety is assured in regards to exit travel distances and to ensure that any design changes will not further decrease the number of parking bays on the development site?”

Q10 Will Councillor Walker raise a motion to:

“include enclosed clothes drying courts and clothes lines in close proximity to and for the use of permanent and short stay residents and that any resulting design changes will not decrease the number of parking bays on the development site and impose contractual financial conditions and penalties on the development if public amenity is affected by clothes and towels being draped over residential and short stay unit balconies?”

Q11 Will Councillor Hollywood raise a motion to:

“ensure public and designated parking bays are no less than 4 metres away from habitable ground floor operable windows to maintain public health and safety and any redesign of the parking arrangements will not reduce the already deficient carboys on this development site?”

Q12 Will Councillor Barnett raise a motion to:

“obtain a report from the developers by a suitably qualified independent consultant, selected by Councillors and at the developers expense, to detail sun glare tracks and sun glare intensities in relation to the developments building materials and its effects on park and surf club activities, traffic exiting the southern car park and the helicopter evacuation area?”

Q13 Will Councillor Carlos raise a motion to:

“obtain a report from the developers by a suitably qualified independent consultant, selected by Councillors and at the developers expense to investigate the possibility of the developments’ patrons selecting the southern public car park in lieu of the northern public parking or the concealed development parking and its effect upon the public parking for the surf club, community hall, parks and evacuation area?”

Q14 Will Councillor O’Brien raise a motion calling for:

“a detailed wind tunnel report from the developers by a suitably qualified independent consultant, selected by Councillors and at the developers expense to investigate and detail wind movements and air flow over and around the development with particular attention placed on cooking and car park emissions and its effects on public amenity and health and a report to Council investigating why the balcony areas of the tavern have not been included in the parking demand and provisions table and licensed area figures within the executive summary reporting to Councillors?”

A1-14 Mr Caiacob's Questions 1-14 inclusive asked a series of questions pertaining to elected members willingness to move specified motions as set out in his document received by Council on 12 August 2002. Due process currently exists in Council's Standing Orders for the lodgment and deliberation by Council of a Notice of Motion. All Councillors are aware of due process, as it pertains to the lodgment of a motion. Therefore, the administration will not be providing any comments on Questions 1-14 as they relate purely to hypothetical questions put to individual Councillors.

Q15 With the City of Joondalup’s Planning Director and chief staff involved in high level planning, how is it they can advise Councillors to use their discretionary powers to approve a development that breeches the requirements of the Building Code of Australia, and as a result, adversely affect the public amenity?

A15 This question has been previously addressed. The proposal is currently being assessed as a planning application, and once an application for a building licence is lodged, it will be considered for compliance under the Building Code of Australia.

Q16 Can the Mayor guarantee or give assurance to myself and family, the ratepayers of Joondalup and the general public using Mullaloo beach, the surf club, community hall and the parks facilities, that the Councillors of the City of Joondalup have been fully and comprehensively briefed and informed by Council staff and not the developer, on all components of this development that will affect public amenity and that the developments applicants have not misrepresented the development to Councillors or the public in any way?

A16 No.

Q17 *Can the Chief Executive Officer guarantee or give assurance to myself and family, the ratepayers of Joondalup and the general public using Mullaloo beach, the surf club, community hall and the parks facilities, that the Councillors of the City of Joondalup have been fully and comprehensively briefed and informed by Council staff and not the developer on all components of this development that will affect public amenity and that the developments applicants have not misrepresented the development to Councillors or the public in any way?*

A17 Due process has been followed, and Council's staff have processed the application in accordance with their statutory obligations.

Q18 *Can the Director for Community Development explain how this development proposal will help develop the Mullaloo community into a better place for all people and reinforce the family orientated nature of the area?*

A18 The report addresses the benefits this proposal could have to the general community.

Q19 *Whom answered the Questions 1 to 19?*

A19 *The questions and responses were discussed with relevant senior officers of Council, including the Director of Planning & Community Development, and have been signed off by the Chief Executive Officer.*

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

Q1 *Is the purpose of the Meeting of Council to report on:*

- (a) the outcomes of public advertising for the proposed redevelopment?*
- (b) The assessment of the development application?*

Q2 *Does the report on the outcomes of the public advertising for the proposed redevelopment include:*

- (a) the advertisement –
the title of the proposed redevelopment?
the information contained within the advertisement?
the submissions period?*
- (b) the submissions –
submitted within the submission period for and against?
Petitions for and against within the submission period?*
- (c) Other advertising – within the advertising period?*
- (d) Extension – was the extended period of 14 days for submissions advertised?*

Q3 Please supply all information for Questions 2 (a), (b) and (c) in its entirety?

Q4 Please provide a breakdown of all the receipted and unreceipted submissions into the following:

Individual Submissions for and against from:

- o Mullaloo*
- o Others in City of Joondalup*
- o Others*
- o Total*

Petitions – Signatories for and against from:

- o Mullaloo*
- o Others in City of Joondalup*
- o Others*
- o Total*

Q5 Please supply a breakdown of the submissions outside the submission period for and against (for the SAME proposed and advertised redevelopment) into the following:

Individual Submissions for and against from:

- o Mullaloo*
- o Others in City of Joondalup*
- o Others*
- o Total*

Petitions – Signatories for and against:

- o Mullaloo*
- o Others in City of Joondalup*
- o Others*
- o Total*

Q6 Was there any advertising for the proposed ‘Mullaloo Beach Village’ development before Council?

Q7 Were there any submissions opposing the proposed ‘Mullaloo Beach Village’ development before Council?

Q8 Were there any submissions in favour of the proposed ‘Mullaloo Beach Village’ development before Council?

- Q9 Was there equal opportunity through advertising for those for and against the proposed development (advertisement of new submission period for the proposed 'Mullaloo Beach Village' development)?*
- Q10 What was the outcome of public advertising for the proposed redevelopment? (generally supported or not supported in the general locality and adjoining the site).*
- Q11 Does the report on the assessment of the development application for the proposed Mullaloo Beach Village development include:*
- (a) all of the provisions of the DPS2 which support the development application, including supporting clauses?*
 - (b) a list of any and all parts of the proposal which do not comply with the provisions set out in the DPS2, including relevant clauses?*
 - (c) advising Council that Draft Amendment No 10 to the DPS2 is being revised and that the provisions of the DPS2 will prevail?*
- Q12 Has Council been supplied with the above information and all other relevant information?*
- Q13 Was the City of Joondalup involved in dialogue with Perrine and Birch Architects?*
- Q14 Who advised Perrine and Birch Architects that a mix of commercial and tavern uses, with residential apartments above, was the appropriate uses for this site?*
- Q15 What was the floor space in the original proposed plans and what has the floor space been reduced to?*
- Q16 "..... Create local neighbourhood precincts which have – is there an:*
- (a) agreed District Structure Plan?*
 - (b) agreed Local Structure Plan?*
 - (c) agreed Centre Structure Plan?*
- to accommodate the neighbourhood precinct relevant to this site (as required by DPS2)?*
- Q17 Why has the applicant's comments been the response to the objector's submissions, and not the response from the City of Joondalup as the representative of the community?*
- A1-17** Due to the time, date of receipt and complex nature, these questions will be taken on notice.

Ms A Willis, Mullaloo:

Q1 Can CJ204-08/02 be brought forward on the agenda?

A1 A request has been received from Cr Patterson to move a motion immediately following Petitions.

Q2 Given that there is opposition to the scale of the development at the Mullaloo Tavern, would it not be a compromise that the third level, which is the ten short stay apartments, be removed from this plan and the top two levels 4 and 5 be dropped down? This would remove the need for 10 carparking bays and would address some of the car parking shortages.

A2 You are invited to listen to the debate on this item.

Mr M Caiacob, Mullaloo:

Q1 Can Councillors approve this development application and Council's recommendation in regard to the Mullaloo development if you are not fully aware of the implications of the Building Code of Australia's impact on design and amenity?

A1 Yes.

Q2 In relation to part (q) of the recommendation, is there any Councillor here willing to close the public footpath and accessway in front of the development and is this landscaping solely for the private benefit of the office, retail and restaurant on the ground floor?

A2 This is a standard condition that calls for reinstatement of verge land where the crossover is no longer required. It is not intended to prohibit access on the verges.

Mrs M Macdonald, Mullaloo:

Q1 I refer to Item CJ204-08/02, the policy statement 3.1.9 referred to all development in residential areas within the City of Wanneroo. Residential area meant land within the residential development, urban development, centre, marina development and special development zones. The current policy states all development residential zones. Could Council direct me to the Minutes of Council where I will find this information about when, where and how this came to be changed?

A1 This question will be taken on notice.

Mr S Magyar, Heathridge:

Q1 I refer to the recent publication by the Department of Local Government, Managing Public Question. Why has the recommendation from the Department of Local Government on managing public question time not been implemented?

A1 The publication was signed off by the Minister in late July 2002 and was received by Council from the Department of Local Government and Regional Development last Thursday, 8 February 2002. Council previously decided, as responded to in Mr Magyar's questions earlier this evening, that they are only guidelines and the recommendation to Council is that the procedure will be developed by the Standing Orders Review Committee.

Q2 *Have Councillors been provided with copies of the submissions or objections received by Council relating to the Mullaloo Tavern? If not, how can Council legally meet its requirement to comply with its own District Planning Scheme Section 6.8.2, Subsection (e)?*

A2 A copy has been made available to Cr Carlos, and a copy has been placed in the Councillors reading room. An email was sent yesterday advising Elected Members of this, stating that a copy could be sent to them if they required it.

Ms Helen Kraus, Mullaloo:

Q1 *Are Councillors familiar with part 4.5.3 of the scheme and are they aware that a large number of people in Mullaloo have stated that they would be adversely affected by this development?*

Q2 *Are Councillors aware of the matters to be considered by Council in Clause 6.8 of the District Planning Scheme No.2?*

A1-2 You are invited to listen to the debate on this item.

Mr M Sideris, Mullaloo:

Q1 *Can you please advise why the Council Report dealing with the proposed redevelopment of the Mullaloo Tavern site does not clearly give direction to Councillors to the specific clauses and subclauses of scheme text 4.5 and 6.8?*

A1 This question will be taken on notice.

Q2 *Can Council please advise what level of assurance is to be given to the community in regard to any loss of amenity for the locality of Mullaloo.*

A2 The Council report sets out adequate defence of the issue pertaining to any impact the development may have on the amenity. Council will take into due consideration Administration's comments and be mindful of matters that have been raised by the objectors and by those in favour of the development. No guarantees can be given by Council.

Mr A Baker, Mullaloo:

Q1 *Are Councillors aware that there are over 1750 ratepayers who have signed a petition strongly supporting the redevelopment of the Mullaloo Tavern?*

A1 All petitions received have been referred to by Administration in the Report. To the best of Council's knowledge the answer to your question is yes, Councillors are aware that there was a petition signed by over 1750 ratepayers supporting the redevelopment of the Mullaloo Tavern.

Ms S Hart, Greenwood:

Q1 As the Mullaloo redevelopment report is being dealt with this evening, could you tell me why my questions have not been answered even if they are of a complex nature when they were faxed in yesterday at about 4.00 pm?

A1 Administration took into consideration the questions received by Ms Hart. The practice of Council is that questions should be lodged two days prior to Council meetings. Administration did not have sufficient time to be able to give answers to the 17 questions that were lodged.

Q2 Was the City of Joondalup involved in dialogue with Perrine and Birch Architects in regard to the Mullaloo Tavern?

A2 Yes.

Ms J Robertson, Mullaloo:

Q1 Has Council had a close look at the signatures on the petition that was signed by 1750 ratepayers to make sure they were valid? I understand that some of the signatures on the petition were not legible.

A1 The illegible signatures were not included in the numbers.

Q2 Council has had twenty-four hours to read the submissions, how many Councillors have had an opportunity to read them?

A2 Councillors have had access to the submissions.

Ms M Moon, Greenwood:

Q1 In regard to the Craigie Leisure Centre, will the tenderer be required to rehire the staff who were formally Council employees?

A1 This question will be taken on notice.

APOLOGIES AND LEAVE OF ABSENCE

Leave of absence previously approved:

Cr Patterson	-	14 August 2002	to 18 August 2002 inclusive
Cr A Nixon	-	5 August 2002	to 1 September 2002 inclusive.
Cr Hurst	-	9 September 2002	to 13 September 2002 inclusive

C102-08/02 REQUEST FOR LEAVE OF ABSENCE - CR T BARNETT

Cr Barnett has requested Leave of Absence from Council duties from 6 September 2002 to 15 September 2002 inclusive.

Cr Kadak requested Leave of Absence from Council duties from 2 September 2002 to 27 September 2002 inclusive.

MOVED Cr Hurst, SECONDED Cr Mackintosh that Council APPROVES the following requests for Leave of Absence:

Cr Barnett 6 September 2002 - 15 September 2002 inclusive

Cr P Kadak 2 September 2002 – 27 September 2002 inclusive

The Motion was Put and

CARRIED (13/0)

In favour of the Motion: Mayor Bombak, Crs Baker, Barnett, Carlos, Hollywood, Hurst, Kadak, Kenworthy, Kimber, Mackintosh, O'Brien, Patterson and Walker

DECLARATIONS OF FINANCIAL INTEREST/INTEREST THAT MAY AFFECT IMPARTIALITY

Cr Baker declared a financial interest in Item CJ204-08/02 – Proposed Mullaloo Beach Village Mixed Use Development: Lot 100 (No 10) Oceanside Promenade, Mullaloo as he has commissioned a land agent to identify sites for his potential purchase in the area.

CONFIRMATION OF MINUTES

**C103-08/02 MINUTES OF COUNCIL MEETING, 23 JULY 2002; AND
MINUTES OF SPECIAL COUNCIL MEETING, 30 JULY 2002**

MOVED Cr Baker, SECONDED Cr Kimber that the following Minutes be confirmed as a true and correct record:

- **Council Meeting held on 23 July 2002**
- **Special Council Meeting held on 30 July 2002**

The Motion was Put and

CARRIED (13/0)

In favour of the Motion: Mayor Bombak, Crs Baker, Barnett, Carlos, Hollywood, Hurst, Kadak, Kenworthy, Kimber, Mackintosh, O'Brien, Patterson and Walker

ANNOUNCEMENTS BY THE MAYOR WITHOUT DISCUSSION

NEW CARINE SKATEPARK

Hundreds of people, many of them excited youngsters, attended the official opening of the new Carine Skatepark on Sunday. The \$15,000 Carine Skatepark is located in Carine Open Space on Beach Road opposite the Carine Shopping Centre.

It is the first joint municipally funded (Stirling and Joondalup) skatepark to be opened and is hopefully the first of many joint ventures. Mayor Tony Vallelonga of Stirling and myself performed the official opening on a day which featured demonstrations by hot young skateboarders and a free sausage sizzle. The joint venture attracted media attention and featured on Channel Nine News.

KINROSS SKATEPARK

The first concrete has just been poured on the City of Joondalup's Kinross Skatepark. Our operations staff report that interest from the community has been high with the main question being: *"When will the \$130,000 project be finished?"* The answer is 30 September 2002.

2002 JOONDALUP EISTEDDFOD

The 2002 Joondalup Eisteddfod, now in its fifteenth year, has begun. The Eisteddfod attracted over 800 entries this year, 100 more than last year. It will feature over 2,000 competitors performing music, speech and drama.

Most competition sessions will be held in this chamber. There are many exiting prizes up for grabs and many new trophy donors including the Mayor's Cup for the best school choir.

LOCAL GOVERNMENT WEEK

City of Joondalup staff and Councillors Kadak, Mackintosh, Kimber and Hollywood were on hand to answer residents' questions at the Great Space of Lakeside Shopping Centre between 1-3 August 2002. Information brochures, displays and activities on projects and services of the City of Joondalup were available and both Councillors and staff reported a good response to the initiative.

MAKE A WISH FOUNDATION

Congratulations to the Joondalup Business Association for its fundraising efforts for the 'Make A Wish' Foundation for children with a life-threatening illness.

The Joondalup Business Association hosted an auction on 10 August 2002 attended by myself and Councillors Mackintosh, Kimber and Kadak. Besides raising funds, the Joondalup Business Association presented a \$5,000 cheque to the Foundation to help make a child's wish come true.

PETITIONS

Nil

Cr Baker declared a financial interest in Item CJ204-08/02 – Proposed Mullaloo Beach Village Mixed Use Development: Lot 100 (No 10) Oceanside Promenade, Mullaloo as he has commissioned a land agent to identify sites for his potential purchase in the area.

Cr Baker left the Chamber, the time being 1927 hrs.

C104-08/02 ALTERATION TO ORDER OF BUSINESS

MOVED Cr Patterson, SECONDED Cr Kenworthy that in accordance with Clause 3.2 of the City's Standing Orders Local Law the Order of Business for this evening's meeting be altered to allow discussion on Item CJ204-08/02 at this point in time.

The Motion was Put and

CARRIED (12/0)

In favour of the Motion: Mayor Bombak, Crs Barnett, Carlos, Hollywood, Hurst, Kadak, Kenworthy, Kimber, Mackintosh, O'Brien, Patterson and Walker

CJ204 - 08/02 PROPOSED MULLALOO BEACH VILLAGE MIXED USE DEVELOPMENT: LOT 100 (NO 10) OCEANSIDE PROMENADE, MULLALOO – [02089]

WARD - Whitfords

PURPOSE

To report on the outcomes of public advertising for the proposed redevelopment and the assessment of the Development Application for the proposed Mullaloo Beach Village – Lot 100 (No.10) Oceanside Promenade, Mullaloo.

EXECUTIVE SUMMARY

During 2001, the tavern was sold and new owners sought to redevelop the site. Dialogue with Perrine and Birch Architects commenced shortly thereafter, and plans for redevelopment, including a mix of commercial and tavern uses, with residential apartments above, was developed.

The proposal has been the subject of public advertising. Awareness is very high among nearby landowners and local community groups. During the public submission period, individual submissions and two petitions containing a total of 131 signatures were received objecting to the development, including concerns about the height and bulk of the development, impact upon views, and the adequacy of proposed parking arrangements.

The architect has revisited the proposal in recognition of the concerns and has developed amendments to the parking layout in an attempt to mitigate those concerns. The parking layout has been amended, and one level of decked parking has been removed, with a new below ground basement introduced. Floorspace has also been reduced to lower parking demand.

A petition (in favour of the proposal) has been lodged by the proponents (containing 1775 signatures).

The proposal represents an opportunity to provide an increased range of services, in a new contemporary styled building for residents and visitors. The plan capitalises on the location of the site, and its ability to link with recreational uses on the adjacent Tom Simpson Park.

The proposal has been assessed against the provisions of District Planning Scheme 2 (DPS2) and draft amendment 10 to the DPS (which deals with the desired form of local centres). It is recommended that the proposal be approved.

BACKGROUND

Suburb/Location: Lot 100 Oceanside Promenade Mullaloo
Applicant: Perrine and Birch Architects
Owner: Rennet Pty Ltd
Zoning: **DPS:** Commercial
MRS: Urban

Strategic Plan:

The City's Strategic Plan has a Vision, as follows:

“... create local neighbourhood precincts which have;

- Their own distinctive character, identity and community spirit
- Easy access to high quality local services
- Neighbourhood design that encourages walking, cycling jogging – where its easy to get around and enjoy a healthy lifestyle”

Existing Tavern

The subject lot was heavily earthworked, and was cut to facilitate the tavern development. Retaining walls of up to 9m in height at the rear of the site support the residential lots to the east. The existing building is approximately 12 metres in height taken from Oceanside Promenade. Function rooms are located within to the Tavern. Car parking is currently provided in a two storey decked arrangement on the North side of the tavern building, with the lower level at Oceanside Promenade level and the upper level at the tavern floor level.

Thirty four (34) car bays are located directly opposite the tavern on public land. These car bays were funded by the owners of the tavern site. Although the bays were privately funded, the bays are available for use by the general public and tavern users. These bays are included in the calculation of the overall provision of car parking for the redevelopment.

DETAILS

Statutory Provisions

The provisions of DPS2 apply. In addition, draft amendment 10 to the DPS is also relevant and is discussed under the comment section of this report.

Zoning permissible uses and floor space provision

The proposal incorporates the following land uses and floor space allocation. Note that revised figures are provided to show changes made in recognition of resident concerns regarding the scale of the activities (and the demand for car parking).

Use Class	permissibility	Jan 2002 Devt Appn.	July 2002 amendments
Tavern (1125 m ² existing)	D	560m ² standing/seated	553.7m ² standing/seated
Retail	P	100m ²	100m ²
Retail-bottle shop/ convenience store	P	215m ²	215m ²
Restaurant	P	166.5m ²	100m ²
Restaurant-kitchen	“	71.4m ²	80m ²
Restaurant-store	“	47m ²	n/a
Office	P	126.5m ²	85m ²
Residential Building (short stay apartments)	D	10 units	10 units (901m ²)
Multiple dwellings	D	5 units	5 units (706m ²)

(Note ‘D’ refers to a Discretionary Use, being a use that is not permitted but to which Council may grant its approval, while ‘P’ refers to a Permitted Use)

Applicant’s Submission

The applicant lodged a Development Application for the redevelopment on 20 December 2001. The proposal is to demolish the existing tavern and to create a new 5 storey development when viewed from Oceanside Promenade, plus basement. Three levels of carparking are proposed at the rear of the site. This proposal entails cutting into the site with the nett effect that a total height will be equivalent to the existing 2 storey homes on Oceanside Promenade which are to the north of the development site, and built at the natural ground level.

The proposal consists of the following elements:

- Office, restaurant and retail at street level.
- Tavern on first floor.
- Five (5) multiple dwellings above tavern level.
- Ten (10) residential (short stay apartments) above tavern.
- The current tavern has a floor area of 1125 m² with a licenced area of 972 m²
- The new tavern would have a licenced area of 983m².

- Apartments will be managed in-house by the tavern operators or may involve a specific apartment operator.
- The external walls are to be either rendered brick or pre cast concrete, which will be painted.
- An additional basement has been provided for carparking.
- Total of 155 carbays provided made up of 121 on site & 34 on the opposite side of road.
- To determine parking requirements for this development, Sinclair Knight Merz and Perrine & Birch have applied the City of Joondalup “Land Use Probable Occupancy Matrix” (attached). The matrix demonstrates that there are 4 times in the week where the parking deficit is between 1.2% and 23.8% and these periods fall in the evening when the adjacent public facilities and car parks are in very low usage.
- The maximum height of the building above Oceanside Promenade is 16.8m. The height of the building above the highest fence at the rear is approximately 6.3m.
- New stairs are being provided for the access to the residential uses and basement car park. Pedestrian access will be secure to specific uses, particularly the residential parts of the development.

An acoustic noise report, traffic and safety report, carparking survey and waste management report have been provided. The applicant has also provided information on the car parking Policy of the Town of Vincent for information on how another Council assesses the provision of parking for mixed use developments.

Public Consultation:

The strategy undertaken in respect to consultation was as follows:

- The original plans (submitted on 20 December 2001) were advertised for public comment and aspects of the design were altered in response. Modified plans dated 17 May, 5 June, 25 June, 3 July and 19 July 2002 have been submitted. The modified plans indicate an additional basement level for 60 cars, reduction in floor space for various uses and reduction in height to the top most car deck. The proposed alfresco component on the street verge has been completely deleted. It is to be noted that the revised plans were not further advertised, however they have been made available for public viewing contrary to newspaper report by individuals that the City was not allowing anyone to view the revised plans.
- Adjoining and affected landowners were contact in writing, two signs were placed on site and newspaper advertisements were placed in the local community newspaper (The Joondalup Times). The advertising period was initially for a period of 21 days. This was further extended by another 14 days to a total of 35 days.
- There were also numerous onsite meetings held at various times between members of the community, individual landowners, ratepayer representatives, the Elected Members and staff.
- The tavern owners and architects have also had open dialogue with members of the community and landowners in respect of the above proposal.

The following numbers of submissions were received:

- 1 petition and 32 individual submissions in support of the proposal (The petition and 27 individual submissions were lodged by the proponent)
- 2 petitions and 444 individual submissions objecting to the proposal.

The main reasons submitted by supporters are as follows:

- the development will enhance the area and will attract new level of clientele
- at the moment the current set up attracts anti-social behaviour
- the development will improve lifestyle
- the existing building is an eyesore
- the development is a positive outcome for suburb and local community
- the proposal is aesthetically designed
- prolonged development of Mullaloo foreshore is overdue and new development is seen as a step forward to regeneration of Mullaloo area while respecting and reinforcing the family oriented nature of the area.

The issues and concerns raised in the objections are as follows:

Bulk and scale

- Proposal is out of scale with existing development in the Mullaloo area. Style and nature inconsistent with community expectations. The proposal, which is 5 storeys tall, is not supported on beachfront area.

Carparking deficiency

- Carparking has not been provided in accordance with District Planning Scheme No2. Requirements. Shortfall of 136 carbays. Carparking relies on public parking indicating lack of site area of the proposal.
- The claim that beach goers parking in the tavern carpark and vice versa is misleading.

Setback discretions

- The proposal does not comply with the required building setbacks from adjoining property boundaries and will cause a negative and adverse impact on neighbouring residents.
- Landscaping of front verge not possible.
- The proposal relies on discretionary powers for approval.

Safety and security

- There will be danger to pedestrians having to walk past an outdoor dining area.
- The proposal will be a possible health and safety hazard to neighbours and the public in relation to noise, privacy, carparking, traffic, fire, and rubbish cooking odours.
- The security of the area is compromised.
- There will be overlooking into adjoining lots.

Loss of views

- There will be loss of views due to the height of the buildings. Residents living at the back of the tavern would have to face a carpark and the associated noise, carbon monoxide and unpleasant smells associated with a multi storey carpark.

Amenity

- The proposal would affect privacy of adjoining residential lots.
- The site is surrounded by residential development and the proposal is detrimental to the area.
- The location of the bottle shop and opening facing bedroom of on the adjoining lot and the associated vehicular traffic. Balconies or opening facing the adjoining lots to be screened off.

Others

- Change to mixed use development and residential not acceptable.
- Non compliance with Building Code of Australia requirements.
- Introduction of short stay apartment convenience store, dwellings will cause a decline to locally established business.
- Loss of land values.
- Would cast a shadow on adjoining lots due to height of proposal

Applicant's Comments

The following summarised information and justification has been provided in relation to the concerns raised in the objections:

“Bulk and scale: The references are not in context to the commercial zoning of the site. The side is steep and creates an opportunity for a terraced style development. It is to be noted that a three storey level could have been constructed at the upper level of site.

Car Parking: The car parking surveys and the reciprocity matrix submitted justifies car parking provided for development.

Safety and Security: Most comments are generalised. All aspect of noise, odours, traffic, and privacy would be complied in respect to statutory requirements. Security would be enhanced rather than compromised as suggested.

Loss of Views: Views are an issue relating to a few affected parties. The development site has no height restrictions. The highest level of carpark is at natural ground level of the site.

Amenity: The design has taken into consideration overlooking and the issue of amenity has been addressed. The site has been historically zoned for commercial use.

Others: The statements of non-compliance with Building Code of Australia requirements reflect arbitrary and misleading statements. The BCA forms part of the building licence assessment. It is considered that land values will be enhanced.

Petition of Support: The Marina and Whitfords Ward had 3926 & 4224 people vote respectively in the last local government election. In the petitions submitted in support of the proposal, 933 of the signatures were from people in Mullaloo, Kallaroo and Ocean Reef represents 23.8 % and 22.1% of the ratepayers who voted in the last local election in each ward.

The project is a sound redevelopment of landuse for which the land is zoned that reflects the overwhelming majority of community support. It is acknowledged that carparking was clearly the most important factor, which has been fully investigated. Additional carparking has been provided whilst concurrently reducing floor space. The development is within the guidelines of the City and reflects the tavern owners' genuine commitment to the facility. It is requested that the City approve the development on the above basis."

District Planning Scheme 2 Development Standards

		DPS No 2 Requirement	Provided	Comments	Complies
Setbacks	Front	9m	Nil	The retaining wall for the current tavern has a "nil" setback.	Variation considered acceptable
	Rear setback-retaining wall to carpark	6m	Nil	The carparks decks are to be cut into rear of the site below neighbours' ground level.	Variation considered acceptable
	Rear setback-retaining wall to upper deck carpark	6m	13.5m	Setback to nearest building structure	Yes
	Side (left)	3m	3m		Yes
	Side	3m	3.9m		Yes
Landscaping					
	Strips	3m	Nil	No landscaping currently provided as building and retaining wall is built up to the front boundary.	Variation considered acceptable
	Trees per Car bays	1 per 4 carbays	Nil	Mostly concrete car decks	No
Total		8% of site equivalent to 190m ² of landscaping	200m ² of landscaping		Yes

Parking demand and provision

LAND USE	AREA/UNITS	CARPARKING STANDARD	PROPOSED number of carbays
Multiple units	5 units	1 per unit	5
Residential Building (Service apartments)	10 units	1 per unit	10
Office	85m ²	1 per 30m ²	2.8
Restaurant	100m ²	1 per 5m ² dining area	20
Tavern	293.7m ² 260m ²	1 per 3m ² drinking area. 1 per 5m ² of seating area	97.9 52

Retail (1)	100m ²	7 per 100m ²	7
Retail (2)	215m ²	7 per 100m ²	15.1
Parking required under DPS2.			209.8

(The provision of car parking for the multiple dwellings and short stay accommodation has been based on the standard for mixed use developments within the City Centre). The above table does not address the issue of reciprocal parking between uses.

A total of 126 carbays (includes 5 ‘drive thru’ bays) has been provided on site. A further 34 carbays paid and constructed by the tavern have previously been provided on the opposite of the road. As such the total number of carbays provided is 160 carbays.

Given the close availability of other car parking areas, there is potential for consideration of the use of this carpark as overflow parking. This nearby car parking (not on the subject site) can be considered to ‘top up’ parking for the tavern development. Assessment of this potential is addressed in detail under the Comment section of this report.

There is a shortfall of 50 carbays under the DPS2 standards (without the consideration of reciprocal parking between activities).

COMMENT

Town Planning Scheme Amendment No 10

The City resolved to adopt the above Amendment 10 to the DPS2 on 13 November 2001. The proposed amendment sought to provide parameters to guide the distribution of appropriate land uses within centres and improve the process for the expansion and redevelopment of these centres. The changes also reflected the Centres Strategy recommendations for Retail Net Lettable Area (NLA) and re-affirm the role of each commercial centre in the hierarchy.

However, in response to community concerns, Council at its meeting held on 23 July 2002 resolved to recommend to the Minister for Planning and Infrastructure that Amendment 10 be modified to delete reference to the Centres Strategy, and includes deletion of clauses relating to development standards and principles.

As a result, the development proposal has been assessed in accordance with the current provisions of DPS2 on its merits. The discretions sought are within the scope of DPS2, although the parking supply issue requires careful evaluation, as discussed below.

Car parking

Assessment in accordance with DPS2 core standards indicates that there is a 50 bay deficit in the provision of car parking, representing an approximate 23.81% undersupply of on-site bays. The proposal relies on the principle of reciprocity of car parking for land uses within the site, where it has been assessed that some of the uses would have peak operations at different times, thereby spreading demand. This principle is legitimate and is a common assessment tool in mixed-use developments. In this case the approach has been evaluated by

Sinclair Knight Mertz Traffic Engineers (SKM), and has been compared with contemporary standards in the Town of Vincent Planning Scheme to provide context for the development proposal. The Vincent Town Planning Scheme contains a sophisticated table to calculate reciprocity when mixed use developments are proposed. The approach has proven to be very successful in terms of developments.

In the original (December 2001) proposal the applicant proposed a shortfall of car parking of 146 car bays. The shortfall in car parking has been now significantly reduced to 50 carbays as a result of negotiations with the applicants, changes to the proposal, and the consideration of comments raised by the public during the advertising period.

The applicant has assessed the proposed land uses on the tavern site in accordance with a matrix previously prepared by the City to assess parking demand for the mix of uses at Mindarie Boat Harbour. Under this matrix scenario, parking deficits occur on 2 occasions over the week, with the highest deficit on Saturday evening (35.4 bays), with the next highest deficit being on a Sunday evening (24.9 bays) (see attachment).

At such times the beach carparks are under-utilised, patrons would take up the 34 bays on the beach side of Oceanside Promenade. In the bays originally funded by the old Tavern, it is also likely that patrons would park in some of the remaining bays, with that additional demand accounting for between 25 and 35 bays.

Therefore, the tavern would be seeking to supplement parking supply on these occasions whereby it is accepted that the adjoining beach car park will be utilised by tavern users.

A car parking survey of the beach public car parking undertaken by Sinclair Knight Mertz on the 9/2/2002 from 9am to 6pm indicated the following:

- Car park opposite tavern (94 car bays). An average of 88 (93%) car bays were used resulting in a spare capacity of 6 bays during the above period.
- Car park north of tavern -Tom Simpson Park-190 car bays). An average of 53 (28%) car bays were used resulting in 137 spare bays.

The weather on the survey day was fine and hot with the maximum temperatures in the mid thirties. This was considered to represent a typical peak summers day.

From this survey it can be ascertained that during peak demand, an average of 59 car bays may be under-utilised within the public car park.

Parking demand for the tavern site will be predominately created by the tavern and to a much lesser extent the restaurant. Peak trading times for the tavern and restaurant is likely to be Friday – Sunday evenings. Conversely, peak demand for beach access is Saturday and Sunday morning and afternoons in summer.

Sinclair Knight Mertz also conducted interviews with current tavern patrons, which indicated that of a survey of 112 people, 18% did not travel to the site by car. A survey also indicated that 21% of the tavern interviewees also visited that beach. A survey of people using the beach car park indicated that 83% of those people were only visiting the beach.

The above survey results indicate that people do use alternative methods other than a car to travel to the tavern, and some reciprocity between beach and tavern does occur. This cross flow of usage is likely to increase with the redevelopment of the tavern given the expanded level of facilities and services that are envisaged.

It is noted that the Town of Vincent has formalised consideration of parking for mixed use developments by allowing for a percentage reduction in carparking based on proximity to rail stations, bus stops, existing public car parks. The individual adjustment factors vary between 5% to 20% reduction of the required carparking for a particular use, up to a maximum reduction of 63% if a combination of factors is used. In the case of this application, the adjustment factor that would apply is 38.8% or a car parking requirement of 129 bays.

Given the likely excess of car parking in the existing beach car parks, cross utilisation of land uses, and differences in peak demand of the various land uses, the provision of 160 bays for the tavern development is considered adequate for the majority of the time, although on 2 occasions per week, demand will exceed supply.

DPS2 allows Council to accept a cash payment in lieu of the provision of car parking subject to being satisfied that there is adequate provision, or a reasonable expectation in the immediate future that there will be adequate provision, of car parking in proximity of the proposed development.

The Town of Vincent applies a cash in lieu payment requirement to the difference between the actual provision of on site car bays, and the number of car bays required after the application of the adjustment factor. Using this as a guide, and applying the appropriate adjustment factors to the proposed development, no cash in lieu payment would be required.

As indicated previously, the proposed development would only require overflow parking within the adjoining public car park on two occasions during the week. In addition, analysing this development proposal against the standards of the Town of Vincent requirements indicates that a cash in lieu payment would not be required.

In this instance, the payment of cash in lieu is not considered necessary.

Traffic and safety

A traffic study for the development has been prepared by Sinclair Knight Mertz.

The traffic and safety report submitted is considered acceptable in terms of promoting safe vehicle circulation within the immediate area of the development site. Although the traffic flow to and from the tavern site is expected to increase, the separation of entry and exit movements will ensure that they operate safely. The additional traffic volumes are well within the design capacity of Oceanside Promenade.

Setbacks & Height and Scale

The City does not have height restrictions affecting the above site. The setback and landscape standards are the only development requirements applying to the site (apart from car parking), these can be varied by the Council based on the merit of the individual application.

The Western Australian Planning Commission Coastal Policy indicates that development within 500 metres of the coast should not exceed 12 metres in height when measured from the mean natural ground level of the site. A plan has been submitted indicating that the development does not exceed 12 metres in height at the mean natural ground level.

The window openings shown on the upper floors on the northern and southern elevation are to be obscure windows. An acoustic screen wall is proposed between the exit driveway and the 'drive thru' lane for the bottle shop to further ameliorate noise from vehicles. A new fence is also proposed along part of the south boundary. No balconies are proposed on either the south or north walls of the development. As such it is considered that there is no additional impacts on the privacy of the adjoining lots.

The fourth floor of the proposed development generally accords with the current height of the tavern. The top (fifth) level of the proposal is approximately 3.8 metres higher than the current tavern. This height occurs in the centre of the new building development.

The subject site is adjoined by residential development, which includes one, two and three storey developments. The residential properties to the north and south of the subject lot have their respective driveways adjoining the subject site. The proposed development is 'stepped' whereby the upper floors are setback further from the side boundaries than the lower floors. This has the effect of reducing the impact of building bulk on these adjoining properties.

The proposed development will affect the views of the properties located directly behind the subject site. It must be recognised, however, that the current tavern has been positioned to one side of the site, and redevelopment of the tavern at this current height would also have the potential to interfere with existing views, and increase the bulk of the building.

The proposal has been substantially modified to reduce the impact of the rear car park deck on the adjoining rear landowners. The deck is positioned below the level of adjoining properties and therefore will not present building bulk to these properties.

The proposal does represent a larger scale building than the existing tavern. The applicant has significantly reduced the impact on adjoining properties by reducing the height of the parking deck (as was shown in the December 2001 plans). Overall, the scale is considered acceptable in the context of the surrounding area, given the reduction of the deck by one storey in height.

Waste management

A waste management plan has also been submitted with the above proposal. The internal layout space is designed to accommodate waste removal vehicles. The applicant have advised that management of refuse in terms of vehicles used, bin types, size, collection issues will further detailed in the waste management plan. All details associated with the waste management is required be submitted with the building licence application.

Acoustic Requirements

The applicants have submitted an acoustics report prepared by Herring Storer Acoustics. The report does address noise from patrons in the car park, music, and dining in the front balcony. Noise from these areas should be controlled with a well-managed noise management plan which clearly identifies these areas. These noise sources should be addressed prior to the issue of a building license approval. As a result of the changes proposed to the licensed floor areas,

a management plan will be sought through that process the tavern owners will be required to make application to the Licensing Court for a liquor licence.

Summary

It is recognised that the proposed redevelopment of the Mullaloo tavern represents a larger scale development than the existing 1970's tavern. The Mullaloo site is one of the few coastal sites in the City which can provide facilities and amenities conducive to its location. The proposal is not only a development of the particular site but is also considered to provide the community with improved and expanded facilities beyond the existing tavern which currently has limited attraction for families and beach/recreation users. On balance, approval is recommended.

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION: That Council:

- 1 EXERCISES discretion in relation to Clauses 4.5 and 4.8 of District Planning Scheme No 2 and determines that:
 - (a) the variation for the provision of 160 carbays in-lieu-of 210 carbays;
 - (b) the front setback of nil in lieu of 9 metres; and
 - (c) a rear setback of nil in lieu of 6 metres;are appropriate in this instance;
- 2 APPROVES the application received on 20 December 2001 and revised plans dated 17 May, 5 June, and 19 July 2002 submitted by Perrine & Birch Architecture and Design on behalf of the owners Rennet Pty Ltd for a Mixed Use development (tavern, shop, residential buildings (serviced apartments), multiple dwellings, bottleshop, restaurant and office) at Lot 100 (10) Oceanside Promenade, Mullaloo, subject to the following conditions:
 - (a) the parking bay/s, driveway/s and points of ingress and egress to be designed in accordance with the Australian Standard for Offstreet Carparking (AS2890). Such areas are to be constructed, drained, marked and thereafter maintained to the satisfaction of the City prior to the development first being occupied. These works are to be done as part of the building programme;
 - (b) carparking bays are to be 5.4 metres long and a minimum of 2.5 metres wide. End bays are to be 2.8 metres wide and end bays in a blind aisle are to be 3.5 metres wide;

- (c) one (1) disabled carparking bay located convenient to the building entrance and with a minimum width of 3.2 metres, to be provided to the satisfaction of the City. Provision must also be made for disabled access and facilities in accordance with the Australian Standard for Design for Access and Mobility (AS 1428.1);
- (d) an onsite stormwater drainage system with the capacity to contain a 1:100 year storm of a 24-hour duration is to be provided prior to the development first being occupied and thereafter maintained to the satisfaction of the City. The proposed stormwater drainage system is required to be shown on the Building Licence submission and be approved by the City prior to the commencement of construction;
- (e) the driveway/s and crossover/s to be designed and constructed to the satisfaction of the City before occupation of development;
- (f) the crossover/s to be a minimum of 1.0 metre from the side property boundary;
- (g) the proposed crossovers are to be constructed in concrete to the satisfaction of the City;
- (h) car bay grades are generally not to exceed 6% and disabled car bay/s are to have a maximum grade of 2.5%;
- (i) development to be connected to sewer;
- (j) the submission of an acoustic consultant's report demonstrating to the satisfaction of the City that the proposed development is capable of containing all noise emissions in accordance with the Environmental Protection Act;
- (k) submission of a noise management plans addressing noise from patrons in the carpark and noise from music played on the premises;
- (l) submission of a Construction Management Plan detailing phasing of construction, access, storage of materials, protection of pedestrians, footpaths and other infrastructure;
- (m) construction times to be between the hours of 7am to 7pm Monday to Saturday. No construction work is permitted on Sundays and Public holidays;
- (n) the applicant minimising the emission of noise and odours to reduce the impact on the adjoining residential lots in accordance with the Environmental Protection Act;
- (o) landscaping and reticulation to be established in accordance with the approved plans prior to the development first being occupied and thereafter maintained to the satisfaction of the City;

- (p) all waste generated by the development is to be collected, stored and disposed of in a manner to the satisfaction of the City. Details of waste management to be submitted prior to issue of building licence;
- (q) the existing crossover(s), not required as part of this development, being closed, the kerblines reinstated and the verge graded, stabilised and landscaped to the satisfaction of the City prior to the development first being occupied; and
- (r) the lodging of detailed landscape plans, to the satisfaction of the City, for the development site and the adjoining road verge(s) with the Building Licence Application:
 - (i) for the purpose of this condition a detailed landscaping plan shall be drawn to a scale of 1:100 and show the following:
 - A the location and type of existing and proposed trees and shrubs within the carpark area;
 - B any lawns to be established;
 - C any natural landscape areas to be retained; and those areas to be reticulated or irrigated.

Footnotes:

- (i) You are advised that plans submitted for a Building Licence must show the full width of the verge and any street furniture, traffic islands, statutory services, road gullies and crossovers on the opposite side of the road.
- (ii) Compliance with the Building Code of Australia provisions for access and facilities for people with disabilities may not discharge an owner's or developer's liability under the Commonwealth Disability Discrimination Act (DDA). The Human Rights and Equal Opportunities Commission has developed guidelines to assist owners and developers in designing developments which may satisfy the requirements of the DDA. Copies of the guidelines may be obtained from the Disabilities Services Commission, 53 Ord Street, West Perth, telephone 9426 9200.
- (iii) A separate application being made to the City for approval to commence development and sign licence prior to the installation of any advertising signage.
- (iv) Noise generated by machinery motors, vehicles and in general is not to exceed the levels as set out under the Environmental Protection (Noise) Regulations 1997.
- (v) All exhaust vents for a kitchen extraction system must be located at a distance of 6.0 meters from any property boundary and any air intake vent.
- (vi) The residential building (short stay apartments) would have to be registered as a lodging house with the City's under the provisions of the Health Act and the City's Local Laws.

- (vii) Adequate change rooms and sanitary facilities must be provided for food handling staff.
- (viii) Provision of rear access for proposed food tenancies.
- (ix) A Mechanical Services Plan, signed by a suitably qualified Mechanical Services Engineer or Air Conditioning Contractor to certify that any mechanical ventilation complies with AS1668.2 & AS3666
- (x) Retaining walls are to be provided where the angle of natural repose of the soil cannot be maintained. Drawn details, signed by a practising Structural Engineer, must be submitted for approval.
- (xi) The applicant is requested to liaise with, and give notice to, the adjoining property owners prior to commencing any earthworks or construction.

MOVED Cr Hurst, SECONDED Cr Mackintosh that Council:

- 1 EXERCISES discretion in relation to Clauses 4.5 and 4.8 of District Planning Scheme No 2 and determines that:**
 - (a) the variation for the provision of 160 carbays in-lieu-of 210 carbays;
 - (c) the front setback of nil in lieu of 9 metres; and
 - (c) a rear setback of nil in lieu of 6 metres;

are appropriate in this instance;
- 2 APPROVES the application received on 20 December 2001 and revised plans dated 17 May, 5 June, and 19 July 2002 submitted by Perrine & Birch Architecture and Design on behalf of the owners Rennet Pty Ltd for a Mixed Use development (tavern, shop, residential buildings (serviced apartments), multiple dwellings, bottleshop, restaurant and office) at Lot 100 (10) Oceanside Promenade, Mullaloo, subject to the following conditions:**
 - (a) the parking bay/s, driveway/s and points of ingress and egress to be designed in accordance with the Australian Standard for Offstreet Carparking (AS2890). Such areas are to be constructed, drained, marked and thereafter maintained to the satisfaction of the City prior to the development first being occupied. These works are to be done as part of the building programme;
 - (b) carparking bays are to be 5.4 metres long and a minimum of 2.5 metres wide. End bays are to be 2.8 metres wide and end bays in a blind aisle are to be 3.5 metres wide;

- (c) one (1) disabled carparking bay located convenient to the building entrance and with a minimum width of 3.2 metres, to be provided to the satisfaction of the City. Provision must also be made for disabled access and facilities in accordance with the Australian Standard for Design for Access and Mobility (AS 1428.1);
- (d) an onsite stormwater drainage system with the capacity to contain a 1:100 year storm of a 24-hour duration is to be provided prior to the development first being occupied and thereafter maintained to the satisfaction of the City. The proposed stormwater drainage system is required to be shown on the Building Licence submission and be approved by the City prior to the commencement of construction;
- (e) the driveway/s and crossover/s to be designed and constructed to the satisfaction of the City before occupation of development;
- (f) the crossover/s to be a minimum of 1.0 metre from the side property boundary;
- (g) the proposed crossovers are to be constructed in concrete to the satisfaction of the City;
- (h) car bay grades are generally not to exceed 6% and disabled car bay/s are to have a maximum grade of 2.5%;
- (i) development to be connected to sewer;
- (j) the submission of an acoustic consultant's report demonstrating to the satisfaction of the City that the proposed development is capable of containing all noise emissions in accordance with the Environmental Protection Act;
- (k) submission of a noise management plans addressing noise from patrons in the carpark and noise from music played on the premises;
- (l) submission of a Construction Management Plan detailing phasing of construction, access, storage of materials, protection of pedestrians, footpaths and other infrastructure;
- (m) construction times to be between the hours of 7am to 7pm Monday to Saturday. No construction work is permitted on Sundays and Public holidays;
- (n) the applicant minimising the emission of noise and odours to reduce the impact on the adjoining residential lots in accordance with the Environmental Protection Act;

- (o) landscaping and reticulation to be established in accordance with the approved plans prior to the development first being occupied and thereafter maintained to the satisfaction of the City;
- (p) all waste generated by the development is to be collected, stored and disposed of in a manner to the satisfaction of the City. Details of waste management to be submitted prior to issue of building licence;
- (q) the existing crossover(s), not required as part of this development, being closed, the kerblines reinstated and the verge graded, stabilised and landscaped to the satisfaction of the City prior to the development first being occupied; and
- (r) the lodging of detailed landscape plans, to the satisfaction of the City, for the development site and the adjoining road verge(s) with the Building Licence Application:

 - (i) for the purpose of this condition a detailed landscaping plan shall be drawn to a scale of 1:100 and show the following:

 - A the location and type of existing and proposed trees and shrubs within the carpark area;
 - B any lawns to be established;
 - C any natural landscape areas to be retained; and those areas to be reticulated or irrigated;
- (s) the height of the building being reduced by the deletion of the uppermost level shown on the application drawings dated 17 May 2002, with 5 short stay apartments being deleted to achieve this modification.

Footnotes:

- (i) You are advised that plans submitted for a Building Licence must show the full width of the verge and any street furniture, traffic islands, statutory services, road gullies and crossovers on the opposite side of the road.
- (ii) Compliance with the Building Code of Australia provisions for access and facilities for people with disabilities may not discharge an owner's or developer's liability under the Commonwealth Disability Discrimination Act (DDA). The Human Rights and Equal Opportunities Commission has developed guidelines to assist owners and developers in designing developments which may satisfy the requirements of the DDA. Copies of the guidelines may be obtained from the Disabilities Services Commission, 53 Ord Street, West Perth, telephone 9426 9200.
- (iii) A separate application being made to the City for approval to commence development and sign licence prior to the installation of any advertising signage.

- (iv) **Noise generated by machinery motors, vehicles and in general is not to exceed the levels as set out under the Environmental Protection (Noise) Regulations 1997.**
- (v) **All exhaust vents for a kitchen extraction system must be located at a distance of 6.0 meters from any property boundary and any air intake vent.**
- (vi) **The residential building (short stay apartments) would have to be registered as a lodging house with the City's under the provisions of the Health Act and the City's Local Laws.**
- (vii) **Adequate change rooms and sanitary facilities must be provided for food handling staff.**
- (viii) **Provision of rear access for proposed food tenancies.**
- (ix) **A Mechanical Services Plan, signed by a suitably qualified Mechanical Services Engineer or Air Conditioning Contractor to certify that any mechanical ventilation complies with AS1668.2 & AS3666**
- (x) **Retaining walls are to be provided where the angle of natural repose of the soil cannot be maintained. Drawn details, signed by a practising Structural Engineer, must be submitted for approval.**
- (xi) **The applicant is requested to liaise with, and give notice to, the adjoining property owners prior to commencing any earthworks or construction.**

Discussion ensued.

During discussion, Cr Kenworthy left the Chamber at 1949 hrs and returned at 1952 hrs.

MOVED Cr Walker, SECONDED Cr Carlos that Cr Hollywood be permitted a five minute extension of time in order to further debate this item.

The Motion was Put and

CARRIED (10/2)

Cr Hollywood advised he disagreed with the ruling of the Mayor in relation to an elected member speaking more than once on an Item.

ADJOURNMENT OF MEETING – [02154] [08122]

In accordance with Clause 4.7 of the City's Standing Orders Local Law, the Mayor adjourned the meeting for a period of five minutes, the time being 2020 hrs.

The Meeting **RESUMED** at 2025 hrs.

PERSONAL EXPLANATION – CR J HOLLYWOOD

Upon the resumption of the meeting, Cr Hollywood advised his interpretation of the suspending of Standing Orders was incorrect and offered his apologies regarding his earlier outburst in relation to the ruling given by Mayor Bombak.

Mayor Bombak stated that in respect of future meetings, he would adhere strictly to Clause 4.2.6 of Standing Orders which only allowed an elected member to speak once on an issue.

MOVED Cr Kimber, SECONDED Cr Kenworthy that Cr Hurst be permitted a five minute extension of time in order to close debate on this item.

The Motion was Put and

CARRIED

The Motion as Moved by Cr Hurst, Seconded by Cr Mackintosh was Put and

CARRIED (7/5)

In favour of the Motion: Mayor Bombak, Crs Hurst, Kadak, Kenworthy, Kimber, Mackintosh and Patterson

Against the Motion: Crs Barnett, Carlos, Hollywood, O'Brien and Walker

Appendix 14 refers

To access this attachment on electronic document, click here: [Attach14brf060802.pdf](#)

After the vote had concluded, Cr Mackintosh requested consideration be given that Cr Hollywood be censured for his persistent and repeated breaches of the Councillors' Code of Conduct.

Mayor Bombak advised that he would not accept this at this time and that Cr Hollywood had apologised for his behaviour, which has been accepted by the Chair.

Cr Baker entered the Chamber, the time being 2033 hrs.

The meeting reverted back to the normal order of the agenda.

**CJ189 - 08/02 SCHEDULE OF DOCUMENTS EXECUTED BY
MEANS OF AFFIXING THE COMMON SEAL -
[15876]**

WARD - All

PURPOSE

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

EXECUTIVE SUMMARY

The following is a list of documents sealed under the Common Seal of the City of Joondalup from 08.07.02 to 25.07.02, not previously listed.

Document: Contract
Parties: City of Joondalup and Grove Financial Services
Description: Execution of Contract No 086-99/00 A and B
Date: 08.07.02

Document: Contract
Parties: City of Joondalup and Dalcon Construction P/L
Description: Contract for the Mullaloo Surf Club additions
Date: 08.07.02

Document: S.70A
Parties: City of Joondalup and Joanne and Marc Puttins
Description: Notification for Lot 6 (4) Retreat Cove, Woodvale
Date: 10.07.02

Document: Copyright
Parties: City of Joondalup and Jean Lang
Description: Recording of historical importance
Date: 10.07.02

Document: Legal Deed
Parties: City of Joondalup and Peet and Co
Description: Provision of road interface – Lot 9005 Kinross Drive, Kinross
Date: 15.07.02

Document: Structure Plan
Parties: City of Joondalup and Western Australian Planning Commission
Description: University Village Structure Plan
Date: 23.07.02

Document: Copyright
Parties: City of Joondalup and Norma Spencer
Description: Recording of historical importance
Date: 25.07.02

MOVED Cr Walker, SECONDED Cr Kadak that the Schedule of Documents executed by means of affixing the Common Seal be NOTED.

The Motion was Put and

CARRIED (13/0)

In favour of the Motion: Mayor Bombak, Crs Baker, Barnett, Carlos, Hollywood, Hurst, Kadak, Kenworthy, Kimber, Mackintosh, O'Brien, Patterson and Walker

CJ190 - 08/02 MINUTES OF THE CBD ENHANCEMENT PROJECT STEERING COMMITTEE MEETINGS HELD ON 28 JUNE 2002 – [53469]

WARD - Lakeside

PURPOSE

The CBD Enhancement Project Steering Committee met on 28 June 2002 and the minutes of the meeting are submitted for noting by Council, and consideration of relevant recommendations.

EXECUTIVE SUMMARY

The CBD Enhancement Project Steering Committee considered a range of business items at its meeting held on 28 June 2002 and recommendations to Council have been made in relation to:

- Suggested activities that would guide the CBD Enhancement project to December 2002.
- The invitation of a Youth Advocate and Youth Advisory Committee (YAC) Representative on the Committee.

This report recommends that Council:

- 1 NOTES the minutes of the CBD Enhancement Project Steering Committee held on 28 June 2002 (Attachment 1 to this Report refers);*
- 2 ENDORSES the CBD Enhancement Project Marketing Plan for the CBD Enhancement Project as outlined in the Marketing Matrix to August 2002 (Attachment 2 to this Report refers) and requests that closer consultation takes place with business stakeholders via the two working groups recommended in Recommendation 3 below.*
- 3 NOTES that the CBD Enhancement Project will establish a working group based on issues relevant to property owners/agents and food and entertainment;*
- 4 AUTHORIZES BY AN ABSOLUTE MAJORITY the Committee's Terms of Reference to include: "Youth Advisory Council Representative" under Clause 2 "Membership" (Attachment 3 to this Report refers).*

DETAILS

The minutes of the CBD Enhancement Project Steering Committee 28 June 2002 are Attachment 1 to this Report.

FINANCIAL IMPLICATIONS

The budget allocated to the CBD Enhancement Project Marketing Plan for the 2002/2003 financial year is outlined below:

Account No:	11.10.210.213.xxxx.F371
Budget Item:	CBD Enhancement Project Marketing Plan
Budget Amount:	\$81 018
YTD Amount:	\$25 565 including salary of CBD Promotions Officer
Actual Cost:	\$ -

COMMENT

Further recommendations at the Committee meeting held on 28 June 2002 included:

- that the Sustainable Development Coordinator reports to the Committee on a regular basis for input and advice on the marketing strategies.
- that the working groups report to the Steering Committee via the CBD Promotions Officer.
- that the support for the freeing up of restrictions pertaining to liquor licences in the Joondalup CBD by furnishing relevant correspondence from the City to the Liquor Licensing Board within the next month.
- that the proposal to invite the Commissioner of Lotteries to view the Joondalup CBD and actively encourage the establishment of a newsagent in the area.
- that the CBD continues to be branded as Joondalup City.
- that the development of a positioning statement is deferred until further market research is undertaken.
- that the existing Joondalup logo is used for Joondalup City.

The items above will be undertaken by the appropriate City of Joondalup Officers.

The Administration is of the view that the Marketing Plan, July-December 2002, as outlined in Attachment 2 to this Report, needs to be further developed in close consultation with CBD business stakeholders. Most of the items listed for July and August 2002 are currently being implemented. Items proposed for September to December 2002 and through to July 2003 needs however, to be developed in closer consultation with the CBD business stakeholders concerned. An ideal vehicle for this consultation should be the two working groups based on (1) Food And Entertainment and (2) Property Owners/Agents as outlined in the Committee's Recommendation 3.

VOTING REQUIREMENTS

Absolute Majority

MOVED Cr Kimber, SECONDED Cr Kadak that Council:

- 1 NOTES the minutes of the CBD Enhancement Project Steering Committee held on 28 June 2002 forming Attachment 1 to Report CJ190-08/02;**
- 2 ENDORSES the CBD Enhancement Project Marketing Plan for the CBD Enhancement Project as outlined in the Marketing Matrix to August 2002 forming Attachment 2 to Report CJ190-08/02 and requests that closer consultation takes place with business stakeholders via the two working groups recommended in Recommendation 3 below;**
- 3 NOTES that the CBD Enhancement Project will establish a working group based on issues relevant to property owners/agents and food and entertainment;**
- 4 AUTHORISES the Committee’s Terms of Reference to include - “Youth Advisory Council Representative” under Clause 2 “Membership” as shown on Attachment 3 to Report CJ190-08/02.**
- 5 AUTHORISES the City’s Youth Worker (Youth and Public Space) to act as an Advocate for the wider youth population of the City by acting as an advisor on the Committee.**

The Motion was Put and

**CARRIED BY AN
ABSOLUTE MAJORITY (13/0)**

In favour of the Motion: Mayor Bombak, Crs Baker, Barnett, Carlos, Hollywood, Hurst, Kadak, Kenworthy, Kimber, Mackintosh, O’Brien, Patterson and Walker

Appendices 1, (1a) and (1b) refer

To access these attachments on electronic document, click here: [Attach1brf060802.pdf](#)
[Attach1aagn130802.pdf](#) [Attach1bagn130802.pdf](#)

**CJ191 - 08/02 MINUTES OF THE ENVIRONMENTAL AND
SUSTAINABILITY ADVISORY COMMITTEE
MEETINGS HELD ON 20 JUNE AND 22 JULY 2002 –
[00906]**

WARD - All

PURPOSE

The Environmental and Sustainability Advisory Committee met on 20 June and 22 July 2002 and the minutes of the meetings are submitted for noting by Council, and consideration of relevant recommendations.

EXECUTIVE SUMMARY

The Environmental and Sustainability Advisory Committee considered a range of business items at its meetings held on 20 June and 22 July 2002. Committee recommendations to Council have been made in relation to:

- Beverage container deposit legislation.
- A funding allocation relating to the Cities for Climate Protection programme.
- Referral to the Depot Committee for consideration of an LNG fuelling facility.
- Councillor attendance at the Edith Cowan University Indopacific Ecosystem Health Conference in November 2002.

This report recommends that Council:

- 1 *NOTES the minutes of the Environmental and Sustainability Advisory Committee held on 20 June and 22 July 2002;*
- 2 *REQUESTS the Depot Committee to investigate opportunities and initiatives that will reduce Greenhouse gas emission reductions, to support and contribute towards the corporate Greenhouse gas reduction target of 20% by 2010, endorsed by Council (refer to report CJ007 02/02);*
- 3 *REQUESTS the Environmental and Sustainability Advisory Committee to investigate opportunities for Council to work in conjunction with Edith Cowan University in relation to the Cities for Climate Protection programme initiatives.*

BACKGROUND

The Environmental and Sustainability Advisory Committee meeting, held on 20 June 2002 focussed on the Strategic Planning public survey, as indicated in the minutes shown at Attachment A to this Report. An item regarding beverage container deposit legislation was discussed.

The Environmental and Sustainability Advisory Committee meeting, held on 22 July 2002 covered a range of business items including:

- A database for sustainability projects
- Cities for Climate Protection programme
- A communication strategy
- Ecosystem Health Conference
- Car Free Day
- Earth Charter
- Other items

DETAILS

The minutes of the Environmental and Sustainability Advisory Committee 20 June 2002 are at Attachment A and the minutes of the committee meeting held on 22 July 2002 are at Attachment B to this Report.

COMMENT

A recommendation to Council was made at the committee meeting held on 20 June 2002:

- *that the Environmental and Sustainability Advisory Committee encourages Council to support beverage container deposit legislation for Western Australia.*

The committee indicates that supporting documentation is to be provided regarding the above recommendation. Cr O'Brien has subsequently provided South Australian Environmental Protection (Beverage Container) Regulations (1995) as supporting documentation. Given that the committee is yet to review the supplied supporting documentation, it is considered that the committee should re-assess the above recommendation based on the supplied information and other considerations. On this basis, referral of the above committee recommendation to Council is not supported.

Recommendations at the committee meeting held on 22 July 2002 included:

- *that a funding amount of \$50,000 be allocated in conjunction with the Edith Cowan University to progress Cities for Climate Protection initiatives.*

The committee has not provided supporting information regarding the potential role of Edith Cowan University in such a funding allocation. Further investigation and justification is required regarding this recommendation. The Officer Recommendation is:

- *that Council requests the Environmental and Sustainability Advisory Committee to investigate opportunities for Council to work in conjunction with Edith Cowan University in relation to the Cities for Climate Protection programme initiatives.*

The committee recommended:

- *that the Environmental and Sustainability Advisory Committee recommends to Council that the Depot Committee consider a LNG fuelling facility at the proposed Joondalup depot, based on the consumption figures from the 2nd National Cities for Climate Protection conference.*

Whilst the above recommendation is seeking the depot committee to investigate a Liquefied Natural Gas (LNG) fuelling facility, the committee has not indicated the purpose or goal of the investigation. As a result, an alternative recommendation is put forward:

- *that Council seeks the Depot Committee to investigate opportunities and initiatives that will reduce Greenhouse gas emissions reductions, to support and contribute towards the corporate Greenhouse gas reduction target of 20% by 2010, endorsed by Council (refer to Report CJ007-02/02).*

The committee recommended:

- *that the Environmental and Sustainability Advisory Committee recommends that Council considers that all Councillors attend the Ecosystem Health Conference.*

It is very desirable to have Councillor representation and participation at the forthcoming Ecosystem Health Conference to be held at the Edith Cowan University between 25-27 November 2002. A notice to this effect is proposed to be included in the Desk of the CEO newsletter.

VOTING REQUIREMENTS

Simple Majority

MOVED Cr O'Brien, SECONDED Cr Hurst that Council:

- 1 NOTES the confirmed and the unconfirmed minutes of the Environmental and Sustainability Advisory Committee held on 20 June 2002 and 22 July 2002 respectively forming Attachments 1 & 2 to Report CJ191-08/02;**
- 2 REQUESTS the Depot Committee to investigate opportunities and initiatives that will reduce Greenhouse gas emissions reductions, to support and contribute towards the corporate Greenhouse gas reduction target of 20% by 2010, endorsed by Council (refer to Report CJ007-02/02);**
- 3 REQUESTS the Environmental and Sustainability Advisory Committee to investigate opportunities for Council to work in conjunction with Edith Cowan University in relation to the Cities for Climate Protection programme initiatives.**

The Motion was Put and

CARRIED (12/1)

In favour of the Motion: Mayor Bombak, Crs Baker, Barnett, Carlos, Hollywood, Hurst, Kadak, Kenworthy, Kimber, Mackintosh, O'Brien and Walker **Against the Motion:** Cr Patterson.

Appendix 2 refers

To access this attachment on electronic document, click here: [Attach2brf060802.pdf](#)

Cr Patterson left the Chamber, the time being 2037 hrs.

**CJ192 - 08/02 LEASE TO GRANNY SPIERS COMMUNITY HOUSE
INC – [37505]**

WARD - Marina

PURPOSE

To seek approval for the City of Joondalup to lease the premises at 2 Albatross Court, Heathridge to Granny Spiers Community House Inc.

EXECUTIVE SUMMARY

The Licence to Occupy the premises at 2 Albatross Court, Heathridge by Granny Spiers Community House Inc., formerly The Ocean Ridge Women's Community Group (Inc.), expired on 30 March, 1996 and the occupant has requested tenancy on a leasehold basis as follows:

- 1 Lease term be for 5 years commencing on 1 July, 2002;
- 2 One option for a further term of 5 years;
- 3 Rental be \$1.00 (Peppercorn) per annum if demanded;
- 4 Lessee shall be responsible for maintenance, repairs, outgoings, all insurance policies and legal costs;
- 5 Purpose of the Lease to be "Community Purposes."

In view of the continued requirement for the facility for its original purpose the report recommends that the premises at 2 Albatross Court, Heathridge, as shown hatched black on Attachment A, be leased to Granny Spiers Community House Inc. in accordance with the application.

BACKGROUND

Suburb/Location:	Heathridge
Applicant:	Granny Spiers Community House Inc.
Owner:	City of Joondalup
Zoning:	DPS: DPS2 - Residential R20
	MRS: Urban
Strategic Plan:	The proposed lease will not affect the 5 year strategic plan.

In 1986 the building and car park at 2 Albatross Court, Heathridge were constructed entirely through utilisation of Lotteries Commission grants totalling \$60,100.

The building is used to provide a range of family orientated community services as follows:

- 1 Meditation and health improvement programme;
- 2 Daytime playgroup;
- 3 Post natal Depression group;
- 4 Linguistic help programme for new Australians;
- 5 Northern Suburbs Book Club;
- 6 Respite programme for needy children and their parents;
- 7 Art therapy programme;
- 8 Friendship group for mothers.

In April 1986 the Council granted a Licence of Occupy to the Ocean Ridge Women's Community Group Inc. for the purpose of co-ordinating those services. The Licence was for a five year term with a five year option at an annual fee of \$1.00.

The occupier was required to keep the premises and surrounds in a well maintained and clean condition.

DETAILS

Granny Spiers Community House Inc. was formerly the Ocean Ridge Women’s Community Group (Inc.).

The Licence to Occupy expired on 30 March, 1996, but there is a continued need for the premises as a community purposes centre beyond the expiry date. As exclusive occupancy is required, it is necessary that the form of agreement be a lease.

The subject proposed lease comprises the whole of the land and buildings at 2 Albatross Court, Heathridge. The land on which the premises is situated is legally described as Lot 501 on Plan 12091 and being the whole of the land in Certificate of Title Volume 1482 Folio 645 and is shown hatched black on Attachment A to this Report.

Granny Spiers Community House Inc. continues to operate a full range of family support services and therefore a lease is supported subject to the following conditions:

- 1 Lease term be for 5 years commencing on 1 July, 2002;
- 2 One option for a further term of 5 years;
- 3 Rental be \$1.00 (Peppercorn) per annum if demanded;
- 4 Lessee shall be responsible for maintenance, repairs, outgoings, all insurance policies and legal costs;
- 5 Purpose of the lease to be “Community Purposes.”

Statutory Provision:

As Granny Spiers Community House Inc. is an incorporated body, the objects of which are of a charitable nature, it qualifies the Lease as exempt dispositions under Regulation 30(2)(b)(i) of the *Local Government (Functions and General) Regulations 1996*. Accordingly, there is no need to comply with the disposal conditions as provided by Section 3.58 of the *Local Government Act, 1995*.

As the facility is situated on land held in freehold by the City, no approval by the Minister for Lands is necessary.

Consultation:

The content of the City’s Standard Community Lease was explained in detail to Granny Spiers Community House Inc. and as a result it has confirmed full acceptance of the terms.

Policy Implications:

There are no policy implications concerning the Lease as it conforms with “Setting Fees and Charges” Policy 2.4.3.

Financial Implications:

Due to the applicant having contributed 100% of construction costs rental is “Peppercorn” in accordance with Policy 2.4.3 (Lease Rents (2)(b)).

The Lease will be in the form of the City’s Standard Community Lease which provides that there will be no cost to the City for maintenance, repairs and outgoings.

VOTING REQUIREMENTS

Simple Majority

MOVED Cr Walker, SECONDED Cr Hurst that Council APPROVES leasing Lot 501 at 2 Albatross Court, Heathridge to Granny Spiers Community House Inc., subject to:

- 1 the Lease being for a period of 5 years commencing 1 July 2002;**
- 2 the Lease containing one option for a further term of 5 years;**
- 3 the rental being \$1.00 per annum (if and when demanded);**
- 4 the Lease being for “Community Purposes”;**
- 5 all legal costs associated with the Lease being met by Granny Spiers Community House Inc;**
- 6 the signing and affixing of the Common Seal to the Lease between the City of Joondalup and Granny Spiers Community House Inc.**

Cr Baker raised queries in relation to aspects of the Lease agreement.

The Motion was Put and

CARRIED (12/0)

In favour of the Motion: Mayor Bombak, Crs Baker, Barnett, Carlos, Hollywood, Hurst, Kadak, Kenworthy, Kimber, Mackintosh, O’Brien and Walker

Appendix 3 refers

To access this attachment on electronic document, click here: [Attach3brf060802.pdf](#)

**CJ193 - 08/02 WHITFORDS CUSTOMER SERVICE CENTRE
LEASE BY THE CITY OF JOONDALUP FROM
PERPETUAL TRUSTEE COMPANY LIMITED –
[11528]**

WARD - Whitfords

PURPOSE

To seek approval for the City of Joondalup to lease Shop 310 (Attachment A to this Report) in the Whitfords City Shopping Centre, Hillarys, from Perpetual Trustee Company Limited (the owners).

EXECUTIVE SUMMARY

On 1 September 1998 the City of Joondalup entered into a 5 year lease with Permanent Trustee Australia Limited, the owner of the Whitfords City Shopping Centre, for the purpose of establishing the Whitfords Customer Service Centre (Whitfords CSC). This lease has been determined 1 year early due to a redevelopment requirement by the Whitfords City Shopping Centre.

The City requires a presence in the Centre and this Report recommends entering into a new lease with the Centre owners for shop 310, as shown on Attachment A, for a further 5 years.

BACKGROUND

Suburb/Location:	Hillarys
Applicant:	City of Joondalup
Owner:	Perpetual Trustee Company Limited
Zoning:	DPS: DPS2 - Commercial
	MRS: Urban

On 1 September 1998 the City of Joondalup (the City) entered into a five (5) year lease with Permanent Trustee Australia Limited (now Perpetual Trustee Company Limited), the owner of the Whitfords City Shopping Centre, for the purpose of establishing the Whitfords Customer Service Centre (Whitfords CSC). The centre was opened in September 1998 and is located in Kiosk 15 in the Big W mall near the Post Office in the Centre.

Services provided by the Whitfords CSC include the following:

- 1 All council payments
- 2 Dog Licences
- 3 Boat Launch passes
- 4 Communication and information on all services provided by the City

The owners determined the Lease for the original location one (1) year early due to a redevelopment requirement for the Whitfords City Shopping Centre. In accordance with the Lease covenants, a notice of termination was received on 15 March 2002 stating that the Lease will be determined on the 21 September 2002 to allow for redevelopment within the centre.

The Whitfords CSC is currently operating from a temporary location in Shop 304 adjacent to the food hall. The cost of relocation to the City was \$7,000 as existing infrastructure was utilised to furnish the temporary site. This amount will be offset against \$10,000, which will be paid to the City by the owners as solatium compensation for the early termination of the existing lease.

DETAILS

Strategic Plan:

The customer service requirements of the organisation are to meet Strategy 4.2 detailed in the City's Strategic plan. This strategy states that the City will excel in Customer Service by continuing to investigate and implement new methods of providing customer service.

Consultation:

On 8 May 2002 City representatives met with Lease Equity, leasing agents for the Whitfords City Shopping Centre (the Centre). A number of location options were discussed, but current heavy usage of the facility by customers indicated that a site in the original location within the redeveloped premises was most appropriate.

Policy Implications:

None

Financial Implications:

In the proposed lease, the annual base rental per annum (excluding GST) \$59,000 and variable outgoings and promotions levy per annum are estimated to be approximately \$5,000, making a total rental payment per annum of approximately \$64,000 per annum. The Table below shows the comparisons between the current lease and the proposed lease.

Lease Comparison Table

	Area (m2)	Gross Rental Payment Per Annum (includes outgoings, but is ex. GST)	Rate \$/m2
Current Lease	27	\$41,000.00	\$1,518.52
Proposed Lease	60	\$64,000.00	\$1,066.67

The increased cost will allow the City to provide a Customer Service Centre, which has increased in size from 27m² to 60m². However, due to economies of scale, the rental rate is approximately **1/3 below the current rate**. Also, the proposed new lease will be in a prime location, being a corner shop at one of the main entries, as opposed to the current kiosk situation. This provides a more comfortable environment for customers to do business, and opportunity to expand and/or enhance the existing services.

An amount of \$100,000 has been allocated in the 2002/2003 budget for the refurbishment of a new customer service centre. A further \$15,000 has been offered by the Perpetual Trustee Company as an incentive to enter into a further five (5) year lease.

Other lease conditions are as follows:

- 1 The rental being escalated annually by the CPI plus 1.5% of the rental for the previous year;
- 2 The Lease being for “Office & Display Area for the City of Joondalup”;
- 3 All legal costs associated with the Lease being met by the City of Joondalup;
- 4 Commencement date being from and including the earlier of the date of commencement of trade and four (4) weeks after handover of the premises to the Tenant (the City) for its fitout which is estimated to be on or about 1 October 2002.

Proposed Timeframe

Schematic design and budget	2 weeks
Budget approval	1 week
Approvals from Hames Sharley	1 week
Design development	2 weeks
Detail design documentation	2 weeks
Tender	2 weeks
Tender analysis	1 week
Client approvals	1 week
Site construction	4 weeks

Project completion date will be approximately 16 weeks and the occupation date is anticipated to be sometime in October 2002.

COMMENT

The City currently receives in the region of 28,000 customers per annum of which approximately 17,000 are making payments while the remaining 11,000 customers have general enquiries concerning Council business. Customer volumes have steadily increased, with 12,300 receipts being processed through the Whitfords CSC in 2000, then 17,000 in 2001. It is expected that these numbers will continue to increase each year.

The Whitfords CSC provides a valuable service to the residents of the City and maintains a positive presence within the community. It is proposed to explore opportunities in the future of possibly expanding the services offered by the Whitfords CSC. The City requires a presence in the Centre and it is therefore recommended that the City enter into a lease, for a shop in the new premises, with the owners for a further 5 years.

VOTING REQUIREMENTS

Simple Majority

Cr Walker left the Chamber, the time being 2038 hrs.

MOVED Cr Baker, SECONDED Cr Hurst that Council:

- 1 APPROVES the City of Joondalup leasing Shop 310 in the Whitfords City Shopping Centre, Hillarys, from Perpetual Trustee Company Limited, subject to:**
 - (a) the Lease being for a period of 5 years;**
 - (b) the net rental (excluding GST) being \$59,000 per annum, plus variable outgoings;**
 - (c) the rental being escalated annually by the CPI plus 1.5% of the rental for the previous year;**

- (d) the Lease being for “Office & Display Area for the City of Joondalup”;
 - (e) all legal costs associated with the Lease being met by the City of Joondalup;
 - (f) commencement date of the Lease being from and including the earlier of the date of commencement of trade and four (4) weeks after handover of the premises to the Tenant (the City) for its fitout which is estimated to be on or about 1 October 2002;
- 2 AUTHORISES the signing and affixing of the Common Seal to the Lease between the City of Joondalup and Perpetual Trustee Company Limited;**
- 3 AUTHORISES the Chief Executive Officer to negotiate commencement & occupation dates with Perpetual Trustee Company Limited.**

The Motion was Put and

CARRIED (10/1)

In favour of the Motion: Mayor Bombak, Crs Baker, Barnett, Carlos, Hollywood, Hurst, Kadak, Kenworthy, Kimber and Mackintosh **Against the Motion:** Cr O’Brien

Appendix 4 refers

To access this attachment on electronic document, click here: [Attach4brf060802.pdf](#)

**CJ194 - 08/02 TENDER NO: 006-02/03 - JOONDALUP
ADMINISTRATION CENTRE FIT-OUT
ALTERATIONS – [15528]**

WARD - Lakeside

PURPOSE

To seek acceptance of the tender submitted by Business Interiors for Tender No 006-02/03 – Joondalup Administration Centre Fit-out Alterations.

EXECUTIVE SUMMARY

The organisational restructure in March this year requires changes to the Administration Office accommodation to reflect the new corporate structure. Tenders for contract 006-02/03 to construct alterations to the Joondalup Administration Centre to accommodate the new corporate structure were advertised on Saturday 13 July 2002 and closed on Thursday 25 July 2002.

The tenders have been evaluated and it is recommended that Business Interiors be considered as the successful tenderer for a lump sum price of \$201,486 exclusive of GST for the Joondalup Administration Centre Fit-Out alterations. The recommended tender’s price is in excess of the available budget funds of \$150,000 and it is proposed to allocate the additional funds from the Major Works Building Programme.

It is therefore recommended that Council:

- 1 *AUTHORISES BY AN ABSOLUTE MAJORITY in accordance with section 6.8(1) of the Local Government Act 1995, the reallocation of \$30,000 from Project BCW007 Joondalup Administration Centre and \$21,486 from Carry Forward Building Project 4112 to Project F393 Organisation Refurbishment;*
- 2 *ACCEPTS the tender from Business Interiors for contract 006-02/03 Joondalup Administration Centre Fit-Out Alterations for the lump sum price of \$201,486 exclusive of GST;*
- 3 *AUTHORISES the signing of contract documents.*

BACKGROUND

The Organisation Restructure in March 2002 has resulted in the need to relocate staff within Directorates to reflect the new corporate structure. James Christou & Partners Architects were engaged to design, document and administer a contract for the fit-out alterations to the Joondalup Administration Centre.

The Architects undertook considerable consultation with staff to determine the most appropriate configuration. The following main changes are proposed:

- All Approvals, Planning and Environmental Services staff will be located on the Ground floor;
- All Marketing, Communications and Council Support Staff except Records Services will be located on the first floor;
- All Assets and Commissioning staff will be concentrated in one area of the 2nd floor;
- The Training Room will be moved to the 3rd floor and will be enlarged. The staff room will also be enlarged.
- The Director Planning & Community Development will relocate to the 3rd floor, and Community Development staff will concentrate at the eastern end of the 3rd floor. The remaining space on the 3rd floor will be turned into two large meeting rooms.

Tenders for the work were advertised on Saturday 13 July 2002 and closed on Thursday 25 July 2002.

DETAILS

At the close of tenders four tenders were received:

TENDERER	LOCALITY	TENDER PRICE
Business Interiors	Osborne Park	\$201,486.00
The Design Team	Nedlands	\$217,038.00
Scope Interiors (1997) Pty Ltd	Malaga	\$232,790.00
Dawn Express Partitioning Pty Ltd	East Perth	\$239,765.00

The tender prices do not include GST.

All tenders included the specified contingency sum of \$20,000.00, and two adjustable 'Prime Cost' allowances of \$5,000.00 for the supply of door hardware and \$2,000.00 for the supply of signs.

Scope Interiors (1997) Pty Ltd failed to submit all the required forms and information. The Tender Evaluation Committee ruled that this tender could not be assessed on the information submitted and was, therefore, invalid.

Under the City's Contract Management Framework, the tenders were assessed by an evaluation committee using a weighted multi-criterion assessment system.

For Tender 006-02/03, the evaluation criteria provided in the Tender Information Document were:

- 1 Lump sum price and Tender sum breakdown;
- 2 Current demonstrated ability and resources to carry out the works;
- 3 Tenderer's proposed innovation in construction method that may reduce inconvenience to the Principal's staff;
- 4 Tenderer's previous experience in carrying out alteration work in occupied office buildings;
- 5 Tenderer's safety management policy and record.

POLICY 2.4.6 PURCHASING GOODS AND SERVICES

The City's policy on purchasing goods and services encourages the participation of local business in the purchasing and tendering process. However no local companies could be considered as none of the tenderers were local businesses.

TENDER EVALUATION

By applying the multi-criterion analysis, the tender evaluation committee has determined that the best value for the City of Joondalup can be achieved by accepting the tender from Business Interiors for contract 006-02/03 for the construction of Joondalup Administration Centre Fit-Out Alterations.

Financial Implications

The funds available in project F393	\$150,000
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Less

Tender from Business Interiors	<u>\$201,486</u>
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Funding Shortfall	(\$ 51,486)
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The tender amount includes a contingency of \$20,000, however it is considered prudent to keep this amount in the contract.

It is considered that for an effective staff working environment, the proposed alterations be undertaken and additional funding be provided. Therefore to complete this project additional funds of \$51,486 are required. Funds of \$30,000 have been allocated in the 2002/03 Building Capital Works Programme to provide shade and seating to the third floor balcony. In addition funds of \$22,000 have been carried forward from the 2001/02 financial year to modify the office lighting for energy usage improvements. It is considered that both of these projects can be deferred for future budget consideration to enable the Administration Office alterations to be undertaken.

VOTING REQUIREMENTS

Absolute Majority

MOVED Cr Baker, SECONDED Cr Mackintosh that Council:

- 1 AUTHORISES in accordance with section 6.8(1) of the Local Government Act 1995, the reallocation of \$30,000 from Project BCW007 Joondalup Administration Centre and \$21,486 from Carry Forward Building Project 4112 to Project F393 Organisation Refurbishment;**
- 2 ACCEPTS the tender from Business Interiors for contract 006-02/03 Joondalup Administration Centre Fit-Out Alterations for the lump sum price of \$201,486 exclusive of GST;**
- 3 AUTHORISES the signing of contract documents.**

The Motion was Put and

**CARRIED BY AN
ABSOLUTE MAJORITY (10/1)**

In favour of the Motion: Mayor Bombak, Crs Baker, Barnett, Carlos, Hollywood, Hurst, Kadak, Kenworthy, Kimber and Mackintosh **Against the Motion:** Cr O'Brien

Cr Walker entered the Chamber, the time being 2040 hrs.

**CJ195 - 08/02 WARWICK ROAD U-TURN FACILITY – [05013]
[09116]**

WARD - South

PURPOSE

The purpose of this report is to consider a request for provision of a U-turn facility on Warwick Road between Dorchester Avenue and Coolibah Drive.

EXECUTIVE SUMMARY

In May 2002, the City received a 79-signature petition from local residents seeking the provision of a U-turn facility on Warwick Road between Dorchester Avenue and Coolibah Drive.

The petitioners have requested that this facility be considered to allow residents on the north side of Warwick Road and eastern end of Tuart Road more direct access to their properties.

Engineering Consultants Connell Wagner were subsequently engaged to independently examine the petitioners request and make appropriate recommendations based on the findings of the assessment.

Based on the assessment Connell Wagner recommends that two U-turn facilities be considered on Warwick Road between Dorchester Avenue and Coolibah Drive to cater for both west bound and east bound turning demand as the favoured solution to accommodate the petitioners concerns.

At this stage however, the provision of a second U-turn facility west of Coolibah Drive would need to be subject to further community consultation.

Therefore this report recommends that Council:

- 1 *SUPPORTS the petitioners' request for the provision of a U-turn facility on Warwick Road, 60 metres east of Dorchester Avenue;*
- 2 *SUPPORTS in principle the provision of a second U-Turn facility on Warwick Road west of Coolibah Drive subject to community consultation;*
- 3 *LISTS for funding consideration in the Draft 2003/04 Capital Works Budget, the construction of a U-turn facility on Warwick Road between Dorchester Avenue and Coolibah Drive at an estimated cost of \$25,000;*
- 4 *ADVISE the petitioners accordingly.*

BACKGROUND

In May 2002, the City received a 79-signature petition from local residents seeking the provision of a U-turn facility on Warwick Road between Dorchester Avenue and Coolibah Drive.

The petitioners have requested that this facility be considered to allow residents on the north side of Warwick Road and eastern end of Tuart Road more direct access to their properties.

Westbound motorists are currently banned from performing U-turns at the intersection of Warwick Road and Dorchester Avenue by a no U-turn sign. Notwithstanding, this will also be the case when the intersection is signalised in the next few months.

The next available U-turn opportunity for westbound motorists on Warwick Road is provided 50 metres east of Oronsay Road.

DETAILS

Engineering Consultants Connell Wagner were subsequently engaged to independently examine the petitioners request and make appropriate recommendations based on the findings of the assessment.

The consultants considered two options to provide a solution for westbound access to residential properties on the north side of Warwick Road.

- The provision of a sign controlled (three-way) intersection at Tuart Road; or
- The provision of U-turn median openings on Warwick Road between Dorchester Avenue and Coolibah Drive

Tuart Road Intersection

While the provision of a seagull island controlled intersection at Tuart Road would provide a more direct access to properties, the consultants highlight that this option has the potential to increase vehicle conflicts at this location and may also inadvertently increase traffic along Tuart Road.

Median U-turn Facility

The construction of a U-turn facility, 60 metres east of Dorchester Avenue would facilitate a safe U-turn movement for westbound traffic and provide access to the northern residential properties along Warwick Road and the eastern end of Tuart Road.

In addition to this the Consultants consider that a similar facility 60 metres west of Coolibah Drive would service eastbound turning demand for residents and negate the need for them to undertake potentially hazardous U-turns at Ballantine Road.

Based on this assessment Connell Wagner recommends that two U-turn facilities be considered on Warwick Road between Dorchester Avenue and Coolibah Drive to cater for both west bound and east bound turning demand as the favoured solution to accommodate the petitioners concerns.

However, it should be noted that the second U-turn facility would require community consultation as it may be considered to adversely affect residents directly opposite the facility. Additional detailed design would also be required to ensure that the facility is able to meet the appropriate design standards as there is a slight level difference at this location.

The location of each U-turn facility is shown on Attachment 1. The estimated cost to construct each U-turn is \$25,000.

COMMENT

While the existing U-turn facility east of Oronsay Road currently provides for westbound motorists, the programmed installation of traffic signals at the intersection with Dorchester Avenue may be perceived as increasing the travel time for residents wishing to access their properties on the north side of Warwick Road and the eastern end of Tuart Road.

In view of this, the petitioners request that a single U-turn facility be considered to allow residents more direct access to their properties, may be warranted.

Furthermore the construction of two separate facilities to cater for both eastbound and westbound traffic may also have merit.

However the provision of a second U-turn facility west of Coolibah Drive would be subject to further community consultation as this would directly affect a number of residential properties on the south side of Warwick Road.

On this basis and after taking into consideration the consultants report, the proposal to consider the construction of two U-turn facilities is recommended on the basis that it may improve access to properties along Warwick Road and the eastern end of Tuart Road without compromising safety for all road users at this location.

At this stage it is recommended that the second U-turn facility be supported ‘in principle’, subject to further community consultation with adjacent landowners.

In the meantime, it is recommended that construction of a U-turn facility 60 metres east of Dorchester Avenue is listed for funding consideration as part of the Draft 2003/04 Capital Works Budget.

VOTING REQUIREMENTS

Simple Majority

MOVED Cr Barnett, SECONDED Cr Kenworthy that Council:

- 1 SUPPORTS the petitioners’ request for the provision of a U-turn facility on Warwick Road, 60 metres east of Dorchester Avenue;**
- 2 SUPPORTS in principle the provision of a second U-Turn facility on Warwick Road west of Coolibah Drive subject to community consultation;**
- 3 LISTS for funding consideration in the Draft 2003/04 Capital Works Budget, the construction of a U-turn facility on Warwick Road between Dorchester Avenue and Coolibah Drive at an estimated cost of \$25,000;**
- 4 ADVISES the petitioners accordingly.**

AMENDMENT MOVED Cr O’Brien, SECONDED Cr Hurst that an additional Point 5 be added as follows:

“5 CONSIDERS the provision of a U-Turn facility on Warwick Road, west of Coolibah Drive as part of the half yearly Budget review.”

The Amendment was Put and

CARRIED (11/1)

In favour of the Amendment: Mayor Bombak, Crs Baker, Barnett, Carlos, Hollywood, Hurst, Kadak, Kenworthy, Mackintosh, O’Brien and Walker **Against the Amendment:** Cr Kimber

The Original Motion, as amended, being:

- 1 SUPPORTS the petitioners' request for the provision of a U-turn facility on Warwick Road, 60 metres east of Dorchester Avenue;**
- 2 SUPPORTS in principle the provision of a second U-Turn facility on Warwick Road west of Coolibah Drive subject to community consultation;**
- 3 LISTS for funding consideration in the Draft 2003/04 Capital Works Budget, the construction of a U-turn facility on Warwick Road between Dorchester Avenue and Coolibah Drive at an estimated cost of \$25,000;**
- 4 ADVISES the petitioners accordingly;**
- 5 CONSIDERS the provision of a U-Turn facility on Warwick Road, west of Coolibah Drive as part of the half yearly Budget review.**

was Put and**CARRIED (11/1)**

In favour of the Motion: Mayor Bombak, Crs Baker, Barnett, Carlos, Hollywood, Hurst, Kadak, Kenworthy, Mackintosh, O'Brien and Walker **Against the Motion:** Cr Kimber

Appendix 5 refers

To access this attachment on electronic document, click here: [Attach5brf060802.pdf](#)

**CJ196 - 08/02 EXTENSION OF CONTRACT NO 052-00/01,
PAVEMENT MARKINGS WITHIN THE CITY OF
JOONDALUP – [48029]**

WARD - All

PURPOSE

This report recommends extension of Contract No 052-00/01, Pavement Markings within the City of Joondalup, in accordance with the existing schedule of rates.

EXECUTIVE SUMMARY

This Contract was awarded by Council at its ordinary meeting of 14 August 2001. (Item CJ26908/01 refers). Road Safety Shops have requested extension of the Contract in accordance with Clause 28 of the general conditions of Contract documentation.

This report therefore recommends that Council:

- 1 AUTHORISES the extension of Contract No 052-00/01, Pavement Markings within the City of Joondalup awarded to Road and Traffic Services in accordance with the existing schedule of rates;*

2 *ENDORSES signing of the Contract extension documents.*

DETAILS

This Contract forms part of the City of Joondalup's contracts and it negotiated an appropriate extension with the current Contractor.

Contractor, Road Safety Shop has indicated it has no objection to extending the contract and in view of satisfactory performance experienced from it, the recommendation is to extend Contract No 052-00/01, Pavement Markings within the City of Joondalup for 12 months from 1 September 2002 to 31 August 2003.

COMMENT

The scope of works under this contract is to provide pavement markings associated with Council's parking facilities and marking of roads, roundabouts and traffic islands as a part of Council's new construction works. Most of the road markings of new construction works, either from Traffic Management Works or resurfacing works, are normally completed by the Mains Road Department at its own expense. Council only takes responsibility for marking the roads under black spot funded projects.

Extension of this Contract is supported given the performance by Roads and Traffic Services and the schedule of rates remaining unchanged. (See attachment 1 to this Report)

FUNDING

No change to current schedule of rates. All expenditure is via Council's endorsed operation budget.

VOTING REQUIREMENTS

Simple Majority

MOVED Cr Kenworthy, SECONDED Cr Mackintosh that Council:

1 AUTHORISES the extension of Contract No 052-00/01 - Pavement Markings within the City of Joondalup awarded to Road and Traffic Services in accordance with the existing Schedule of Rates;

2 ENDORSES signing of the Contract extension documents.

The Motion was Put and

CARRIED (12/0)

In favour of the Motion: Mayor Bombak, Crs Baker, Barnett, Carlos, Hollywood, Hurst, Kadak, Kenworthy, Kimber, Mackintosh, O'Brien and Walker

Appendix 6 refers

To access this attachment on electronic document, click here: [Attach6brf060802.pdf](#)

**CJ197 - 08/02 EXTENSION OF CONTRACT NO 105B-99/00 LAYING
OF BRICK PAVERS WITHIN THE CITY OF
JOONDALUP – [46847]**

WARD - All

PURPOSE

This report recommends extension of Contract 105B-99/00, Laying of Brick Pavers within the City of Joondalup in accordance with the existing schedule of rates.

EXECUTIVE SUMMARY

This Contract was awarded by Council at its ordinary meeting of 22 May 2001. (Item CJ155-05/01 refers). Tapps Contracting Pty. Ltd., Balcatta have requested extension of the contract in accordance with Clause 15 of the special conditions of Contract documentation.

This report therefore recommends that Council:

- 1 *AUTHORISES the extension of Contract 105B-99/00, Laying of Brick Pavers within the City of Joondalup awarded to Tapps Contracting Pty Ltd in accordance with the existing schedule of rates;*
- 2 *ENDORSES signing of the Contract extension documents.*

DETAILS

This Contract forms part of the City's contracts and it has negotiated an appropriate extension with the current Contractor.

Contractor, Tapps Contracting of Balcatta, has indicated it has no objection to extending the contract and in view of satisfactory performance experienced from it, the recommendation is to extend Contract No 105B-99/00 Laying of Brick Pavers within the City of Joondalup for 12 months from 1 September 2002 to 31 August 2003.

COMMENT

The current works program contains a significant brick paving component within the modern suburbs particularly road works related to school parking and safety and intersections treatments (major or minor).

Extension of this Contract is supported given the performance by Tapps Contracting Pty Ltd and the schedule of rates remaining unchanged. (See attachment 1 to this Report).

FUNDING

No change to current schedule of rates. All expenditure is via Council's endorsed operation budget.

VOTING REQUIREMENTS

Simple Majority

MOVED Cr Kimber, SECONDED Cr Mackintosh that Council:

- 1 AUTHORISES the extension of Contract 105B-99/00 - Laying of Brick Pavers within the City of Joondalup awarded to Tapps Contracting Pty Ltd in accordance with the existing Schedule of Rates;**
- 2 ENDORSES signing of the Contract extension documents.**

The Motion was Put and

CARRIED (12/0)

In favour of the Motion: Mayor Bombak, Crs Baker, Barnett, Carlos, Hollywood, Hurst, Kadak, Kenworthy, Kimber, Mackintosh, O'Brien and Walker

Appendix 7 refers

To access this attachment on electronic document, click here: [Attach7brf060802.pdf](#)

CJ198 - 08/02 EXTENSION OF CONTRACT NO. 109E-99/00 - SUPPLY OF DRAINAGE GULLY MAINTENANCE CLEANING – [47910]

WARD - All

PURPOSE

This report recommends extension of Contract No 109E-99/00, Supply of Drainage Gully Maintenance Cleaning in accordance with a 3% increase (C.P.I increase requested) of the existing price schedule.

EXECUTIVE SUMMARY

This Contract was awarded by Council at its ordinary meeting of 26 June 2001. (Item CJ207-06/01 refers). Asteranch Pty. Ltd., Midvale has requested extension of the contract in accordance with Clause 24 of the general conditions of Contract documentation.

This report therefore recommends that Council:

- 1 AUTHORISED the extension of Contract No 109E-99/00, Supply of Drainage Gully Maintenance Cleaning awarded to Asteranch Pty Ltd in accordance with a 3% increase of the existing schedule of rates;*
- 2 ENDORSES signing of the Contract extension documents.*

DETAILS

This Contract forms part of the City of Joondalup's contracts and it has negotiated an appropriate extension with the current Contractor.

Contractor, Asteranch Pty. Ltd. of Midvale has indicated it has no objection to extending the contract and they want to adjust their price as per the CPI figures for the 2001 – 2002 Financial Years. The current CPI as published by the Australian Bureau of Statistics being 3.2 %, Clause 24 of the General Conditions of contract allows contract extension subject to price adjustment not exceeding the changes in CPI, and therefore in view of satisfactory performance experienced from it, the recommendation is to extend Contract No 109E-99/00, Supply of Drainage Maintenance Cleaning for 12 months from 1 September 2002 to 31 August 2003 with an increase of 3% of the existing price schedule.

COMMENT

Asteranch Pty Ltd trading as Clean Sweep currently undertakes the major portion of the gully educting on behalf of the Metropolitan Councils. This Contract requires the Contractor to clean 50% of all gullies within the Council geographical area annually. Work areas are altered to ensure areas experiencing drainage problems are given priority.

Extension of the Contract is supported given the performance by Asteranch Pty Ltd and the schedule of rates would be adjusted with a 3% increase on the existing price schedule. (See attachment 1 to this Report). The proposed increase would result in the new schedule of prices remaining less than the second lowest priced tender previously received.

VOTING REQUIREMENTS

Simple Majority

MOVED Cr Kenworthy, SECONDED Cr Mackintosh that Council:

- 1 AUTHORISED the extension of Contract No 109E-99/00 - Supply of Drainage Gully Maintenance Cleaning awarded to Asteranch Pty Ltd in accordance with a 3% increase of the existing Schedule of Rates;**
- 2 ENDORSES signing of the Contract extension documents.**

The Motion was Put and

CARRIED (12/0)

In favour of the Motion: Mayor Bombak, Crs Baker, Barnett, Carlos, Hollywood, Hurst, Kadak, Kenworthy, Kimber, Mackintosh, O'Brien and Walker

Appendix 8 refers

To access this attachment on electronic document, click here: [Attach8brf060802.pdf](#)

**CJ199 - 08/02 EXTENSION OF CONTRACT NO. 053-0001 -
SWEEPING OF URBAN AND ARTERIAL ROADS –
[49029]**

WARD - All

PURPOSE

This report recommends extension of Contract No 053-00/01, Sweeping of Urban and Arterial Roads in accordance with a 3.2 % increase (as per CPI index) of the existing schedule of rates.

EXECUTIVE SUMMARY

This Contract was awarded by Council at its ordinary meeting of 14 August 2001. (Item CJ270-08/01 refers). Coastal Sweeping Services Joondalup have requested extension of the contract in accordance with Clause 28.2 of the general conditions of Contract documentation.

This report therefore recommends that Council:

- 1 *AUTHORISES the extension of Contract No 053-00/02, Sweeping of Urban and Arterial Roads in accordance with a 3.2% increase of the existing schedule of rates;*
- 2 *ENDORSES signing of the Contract extension documents.*

DETAILS

This Contract forms part of the City of Joondalup's contracts and it has negotiated an appropriate extension with the current Contractor.

Contractor, Coastal Sweeping Services, Joondalup has indicated it has no objection to extending the Contract but they want to adjust their price as per the CPI figures for the 2001 – 2002 Financial Year. The current CPI published by the Australian Bureau of Statistics being 3.2%, Clause 28.2 of the General Conditions of Contract allow Contract extension subject to price adjustment not exceeding the charges in CPI, therefore in view of satisfactory performance it is recommended that Contract No 053-00/01 be extended for Sweeping of Urban and Arterial Roads for 12 months from 1 September 2002 to 31 August 2003, with an increase of 3.2% of the existing price schedule.

COMMENT

The scope of works for this Contract incorporates sweeping of all urban and arterial roads and residential streets within the suburbs of the City of Joondalup. Council maintains a separate contract for sweeping the Joondalup City Central area.

Extension of this Contract is supported given the performance by Coastal Sweeping Services and the schedule of rates would be adjusted with a 3.2 % increase on the existing schedule of rates. (See attachment 1). The proposed price increase would result in the new schedule of prices remaining less than the second lowest priced tender previously received.

FUNDING

All expenditure is via Council's endorsed operation budget. Sufficient funds will be allocated to accommodate extra spending.

VOTING REQUIREMENTS

Simple Majority

MOVED Cr Kadak, SECONDED Cr Mackintosh that Council:

- 1 AUTHORISES the extension of Contract No 053-00/02 - Sweeping of Urban and Arterial Roads in accordance with a 3.2% increase of the existing Schedule of Rates;**
- 2 ENDORSES signing of the Contract extension documents.**

The Motion was Put and

CARRIED (12/0)

In favour of the Motion: Mayor Bombak, Crs Baker, Barnett, Carlos, Hollywood, Hurst, Kadak, Kenworthy, Kimber, Mackintosh, O'Brien and Walker

Appendix 9 refers

To access this attachment on electronic document, click here: [Attach9brf060802.pdf](#)

CJ200 - 08/02 EXTENSION OF CONTRACT NO 010-01/02 - FIXED TERM MAINTENANCE SERVICES FOR LANDSCAPING AT ILUKA – [46487]

WARD - All

PURPOSE

This report recommends extension of Contract 010-01/02 Agreement for Fixed Term Maintenance Services for Landscape at Iluka. This Contract services the enhanced landscape component via specified area rate.

EXECUTIVE SUMMARY

This Contract was awarded by Council at its ordinary meeting of 25 September 2001. Refer Report CJ334-09/01 Landscape Developments have requested extension of the Contract in accordance with Clause 28 of the general conditions of Contract. This Contract is jointly managed by Council with the Beaumaris Beach Home Owners Association via specified area rate calculation. The B.B.H.O.A Committee has confirmed their support for this extension to proceed.

This report therefore recommends that Council:

- 1 AUTHORISES the extension of Contract 010-01/02 Agreement for Fixed Term Maintenance Services for Landscaping at Iluka in accordance with the existing schedule of rates;*
- 2 ENDORSES signing of the Contract extension documents.*

BACKGROUND

Tenders were advertised statewide for the Maintenance Services for Landscape for the location of Iluka. Tenders closed on Wednesday, 28 August 2001 with the following five tenders being received: -

DME Contractors	Wangara
Russell Landscaping	Carabooda
Landscape Developments	Kwinana
Manicured Lawns	Wanneroo
Turfmaster	Morley

Council considered this matter at its meeting held on 25 September 2001, where it resolved to award the tender to Landscape Development for the provision of landscaping services to the Iluka locality from 25 September 2002 for a period of twelve months to 24 September 2003, with an option for a further 1 x 12 months extension subject to performance and Council's approval.

DETAILS

The suburb of Iluka has various areas of enhanced landscape and all areas to be maintained are identified within the existing contract documentation. Due to the initial 5 year maintenance time frame commitment by Beaumaris Land Sales, there will be no expansion of the current identified area until 2003/04 financial year when a small section transfers to Council. Subdivision works currently in progress within Iluka will not impact on the specified area rating until 2008.

The B.B.H.O.A. have a works committee for liaison with the contractor and monthly inspections are undertaken. Operations Services Staff provide technical comment/information as required. All reticulation maintenance remains the responsibility of the City and relevant costs are debited to the specified area rating account.

FUNDING

No change to current Schedule of Rates. All expenditure is via the Specified Area Rating allocation within the City's annual maintenance budget.

- Account Number: 11-60-72-721-0000-2225
- Budget item Iluka Specified Area Rating.
- In accordance with the Contract Schedule of Rates
- 2001/2002 expenditure \$143,772.

COMMENT

Confirmation was requested from the Beaumaris Beach Home Owners Association regards the requested extension. The President Rhett Cooper – Fowle confirmed the associations position in writing on 12 July 2002 following their Committee meeting of 10 July 2002. The Association have initiated an additional landscape enhancement project in Ocean Gate Parade as a joint project between the City, the Association and Area Developer Beaumaris Land Sales.

This is an indication of the community willingness to become involved in enhancement and maintenance of the entry statement areas. Council's contribution is via project information and in kind support.

VOTING REQUIREMENTS

Simple Majority

MOVED Cr Walker, SECONDED Cr Kenworthy that Council:

- 1 AUTHORISES the extension of Contract 010-01/02 - Agreement for Fixed Term Maintenance Services for Landscaping at Iluka in accordance with the existing Schedule of Rates;**
- 2 ENDORSES signing of the Contract extension documents.**

The Motion was Put and

CARRIED (12/0)

In favour of the Motion: Mayor Bombak, Crs Baker, Barnett, Carlos, Hollywood, Hurst, Kadak, Kenworthy, Kimber, Mackintosh, O'Brien and Walker

CJ201 - 08/02 SKATEPARK COMMITTEE MINUTES – [08096]

WARD - All

PURPOSE

A meeting of the Skatepark Committee was held on 26 June 2002, and the unconfirmed minutes are submitted for noting by Council.

EXECUTIVE SUMMARY

A meeting of the Skatepark Committee was held on 26 June 2002, and the unconfirmed minutes are submitted for noting by Council. (Attachment 1 to this Report refers).

The Committee has recommended that Council:

- 1 *NOTES the unconfirmed minutes of the Skatepark Committee meeting held on 26 June 2002 forming Attachment 1 to Report CJ201-08/02;*
- 2 *ACCEPTS the resignations of Councillors Kimber and Rowlands from the Skatepark Committee;*
- 3 *AMENDS BY AN ABSOLUTE MAJORITY the Terms of Reference of the Skatepark Committee to reduce the Committee membership to five (5) Elected Members, with a quorum of three (3) people as shown on Attachment 2 to Report CJ201-08/02.*

DETAILS

The unconfirmed minutes of the Skatepark Committee meeting held 26 June 2002, are included as Attachment 1 to this Report.

COMMENT

With the recent member resignations, of Councillors Kimber and Rowlands from the Skatepark Committee, it is recommended that Council amends the Committee's membership to a more workable and realistic five members, with three required for a quorum. This is considered a more efficient situation in terms of administration and the process involved in investigating, developing and making recommendations for future skateparks and BMX tracks.

Following the City's compulsory 21-day advertisement period, in relation to the specific site location for the skatepark in MacNaughton Park, Kinross, the Skatepark Committee recommended to proceed with works for the skatepark, as per Tender No 027-01/02. Council had previously resolved at its meeting of 26 March 2002, to accept Tender No 027-01/02 from Skatetech WA for the Design and Construction of Wheel Sports Facility at MacNaughton Park, Kinross (Item CJ067-03/02 refers).

Work on the construction of the skatepark facility at MacNaughton Park, Kinross, has commenced and is proceeding. It is anticipated that the facility will be completed by September 2002.

VOTING REQUIREMENTS

Absolute Majority

MOVED Cr Mackintosh, SECONDED Cr Hollywood that Council:

- 1 NOTES the unconfirmed minutes of the Skatepark Committee meeting held on 26 June 2002 forming Attachment 1 to Report CJ201-08/02;**
- 2 ACCEPTS the resignations of Councillors Kimber and Rowlands from the Skatepark Committee;**
- 3 AMENDS the Terms of Reference of the Skatepark Committee to reduce the Committee membership to five (5) Elected Members, with a quorum of three (3) people as shown on Attachment 2 to Report CJ201-08/02.**

The Motion was Put and**CARRIED BY AN
ABSOLUTE MAJORITY (12/0)**

In favour of the Motion: Mayor Bombak, Crs Baker, Barnett, Carlos, Hollywood, Hurst, Kadak, Kenworthy, Kimber, Mackintosh, O'Brien and Walker

Appendices 11 & 11(a) refer

*To access this attachment on electronic document, click here: [Attachment11brf060802.pdf](#)
[Attachment11abrf060802.pdf](#)*

**CJ202 - 08/02 WARWICK BOWLING CLUB – FLOODLIGHTING –
[03045] [22209]****WARD - South**

PURPOSE

To consider a request by the Warwick Bowling Club that Council provides one-third funding for the proposed installation of floodlighting to two bowling greens at the Warwick Bowling Club.

EXECUTIVE SUMMARY

Council previously resolved at its meeting of 23 October 2001 (Item CJ370-10/01 refers) to list for consideration \$11,670, for floodlighting to two bowling greens, in the 2002/03 draft budget on the proviso that Warwick Bowling Club is granted \$11,670 from the Community Sport and Recreation Facility Fund (CSRFF). The total cost is estimated to be \$23,340. The Club was unsuccessful with its CSRFF application, however has now advised that it would like to continue with the project by providing two-thirds of the funding.

It is recommended that Council endorses the expenditure of \$11,670 in the 2002/03 budget and that funding provided by the City is used specifically for the floodlighting proposal only and that the Warwick Bowling Club agrees to meet the operating costs of additional floodlights.

BACKGROUND

In September 2001, the Warwick Bowling Club applied for funding, through the State Government's Community Sport and Recreation Facility Fund (CSRFF), for the conversion of two greens from natural grass to a synthetic surface, as well as the installation of floodlighting sufficient for the two greens.

At its meeting of 23 October 2001, Council resolved to list for consideration \$11,670 in the 2002/03 Draft Budget on the proviso that Warwick Bowling Club is granted \$11,670 from CSRFF and that funding provided by the City is used specifically for the floodlighting proposal only and that the Warwick Bowling Club agrees to meet the operating costs of additional floodlights (Item CJ370-10/01 refers).

In March 2002, the City of Joondalup and the Warwick Bowling Club were notified, by the Minister for Sport and Recreation, that the club's CSRFF application had been unsuccessful. However in the same round of funding, the Beaumaris Bowling Club were successful with its CSRFF application to install floodlighting to two bowling greens. As a consequence of this, Council will contribute \$9,134 toward the Beaumaris project.

DETAILS

The Warwick Bowling Club has requested that the City consider funding the floodlighting proposal as per the agreed original amount of \$11,670. The Club has advised that it will meet the outstanding balance of \$23,340 for the project.

Additional lighting will enhance the potential to increase physical activity of people playing lawn bowls. It will also expand the ability of the Club to use the greens and increase use and patronage of the clubrooms. This will assist in making the Warwick Recreation Association and its member clubs more financially viable, therefore reducing dependence upon the Council.

COMMENT

It is considered that the Warwick Bowling Club's request for funding the installation of floodlighting is reasonable. Even though one third of costs are not forthcoming from the State Government, as part of the CSRFF, the Club itself will now meet this cost. Council's financial position would not be affected, as the previous resolution listed \$11,670 for consideration in the 2002/03 Draft Budget.

Recommendation submitted to Council meeting of 11 June 2002

That Council:

Considers including \$11,670 in the 2002/03 budget and that funding provided by the City is used specifically for the floodlighting proposal only and that the Warwick Bowling Club agrees to meet the operating costs of additional floodlights.

ADDITIONAL INFORMATION

At the meeting of 11 June 2002, it was MOVED Cr O'Brien SECONDED Cr Baker that consideration of the request by the Warwick Bowling Club that the City of Joondalup provides one-third funding for the proposed installation of floodlighting to two bowling greens at the Warwick Bowling Club be DEFERRED to the next meeting of Council to enable relevant information to be provided on lighting operating costs for adjacent sporting groups.

The Motion was Put and CARRIED (12/3)

The Greenwood Tennis Club is the club that is located adjacent to the Warwick Bowling Club and identified in the preceding motion at the meeting of 11 June 2002. The following information is provided regarding the provision of floodlighting to tennis clubs.

(Council Policy 5.4.1 - Tennis Court Lighting Standards, applies - copy attached).

Council policy regarding costs of floodlighting

The Club shall also be responsible for ongoing operating costs of the upgraded installation beyond the specified standard and shall include lamp, luminaire and control gear replacement and cleaning, wear and tear on the electrical installation and switching points, and all other maintenance costs.

The Club shall be responsible for the additional power charges for the upgraded lighting beyond the specified standard.

At the present time the City meets the costs of electricity to floodlights at all of the tennis courts, this cost is met because the community have access to the facilities. The one exception to this arrangement is the Sorrento Tennis Club who have a different agreement with regards to their facility.

VOTING REQUIREMENTS

Simple Majority

MOVED Cr Baker, SECONDED Cr O'Brien that Council ENDORSES the expenditure of \$11,670 from the 2002/03 budget for the floodlighting proposal by the Warwick Bowling Club despite the club not having received CSRFF funding for the project with the club providing two thirds of the total project cost and the Warwick Bowling Club agrees to meet the operating costs of additional floodlights.

The Motion was Put and

CARRIED (12/0)

In favour of the Motion: Mayor Bombak, Crs Baker, Barnett, Carlos, Hollywood, Hurst, Kadak, Kenworthy, Kimber, Mackintosh, O'Brien and Walker

Appendix 12 refers

To access this attachment on electronic document, click here: [Attach12brf060802.pdf](#)

CJ203 - 08/02 CRAIGIE OPEN SPACE STUDY – [43127]**WARD - Pinnaroo**

PURPOSE

The purpose of the report is to consider submissions and the Craigie Open Space Study and provide information in regard to reclassifying the site as an 'A' class reserve.

EXECUTIVE SUMMARY

Craigie Open Space is approximately 56.7 ha in area (Attachment 1 refers) and is reserved Parks and Recreation and Urban under the Metropolitan Region Scheme and Parks and Recreation and Local Reserve – Parks and Recreation under the City of Joondalup District Planning Scheme No 2.

The subject site is identified as site 303 in Bush Forever (formerly Bush Plan) a document that aims to fulfil the government's commitment to prepare a strategic plan for the conservation of bushland on the Swan Coastal Plain of the Perth Metropolitan Region. Bush Forever is a policy position of the government that aims to guide future decision-making and to protect and manage Bush Forever Sites through implementation mechanisms.

In conjunction with the development of the final recommendations of the Bush Plan, the Joint Commissioners in May 1999 resolved to investigate the future areas for use and conservation within the Craigie Open Space Reserve having regard to the existing uses and functions of the Reserve, its natural assets and the future needs of the community.

The City engaged Ecoscape to prepare a study for Craigie Open Space. The brief was prepared and the objective of the study was set as follows, "to investigate land use options taking into consideration economic, social and environmental issues". A copy of the report is available in the Councillor's reading room.

At the Council meeting of 13 November 2001 it was resolved to advertise the document for a period of 42 days. The comment period closed on 3 January 2002 however was extended for a further one (1) month. At the close of the advertising period 12 submissions were received. The majority of the submissions support Option D subject to there being no further clearing of the site.

The study recommends the strategy that combines Options C and D which retains the bushland as well as maintaining the opportunity to develop other land uses in the area. Due to the detailed comments received during the community consultation period and the preference for Option D subject to there being no further clearing it is recommended that the study be received but not adopted.

On balance and having considered the comments of submitters, it is also recommend that the Bush Care Group be invited to work with the City to develop strategies for bushland preservation and management to the Council's satisfaction and be involved in the exercise of delineating the interface between the bushland and Council's facilities.

BACKGROUND

Suburb:	Craigie
Owner:	Crown Reserve - Vested in the City of Joondalup
Zoning:	DPS: Local Reserve – Parks and Recreation MRS: Parks and Recreation and Urban
Strategic Plan:	Strategy 2.6 – Pursue Local Agenda 21 Principles to Enhance Lifestyle Strategy 3.1 – Establish alliances with key stakeholders to identify opportunities to encourage and promote economic growth

The total area occupied by the bushland is approximately 56.7 ha and the reserve is vested in the City. The subject land is bounded by the Mitchell freeway to the east, recreation reserve Water Corporation lot and residential properties to the west, Whitfords Avenue to the south and the Beenyup Sewage Treatment plant to the north. The subject land is reserved Parks and Recreation and Urban under the Metropolitan Region Scheme and Local Reserve – Parks and Recreation under the City of Joondalup District Planning Scheme No.2.

In 1975 the subject land was vested in the City for “Recreation – Golf Course”. Since 1978 Council has been considering the use of Craigie Open Space for suitable recreation facilities. In 1982 the Department of Land Administration advised that it had no objection to this land being changed to “recreation” in order to accommodate other recreational facilities.

In 1994 Council received a number of proposals from private developers seeking approval to develop commercial recreational facilities. In view of the interest shown by these developers, Council at its meeting of 26 October 1994, resolved to seek ‘Registrations of Interest’ from interested parties to lease, establish and operate commercially based golf oriented or other public recreational facilities within a portion of the Reserve.

In July 1998 the Joint Commissioners resolved to defer consideration of utilising Craigie Open Space for further recreational uses pending further discussions to assess the possibility of vegetation retention for this project.

In conjunction with the development of the final recommendations of the Bush Plan, the Joint Commissioners in May 1999 resolved to investigate the future areas for use and conservation within the Craigie Open Space Reserve having regard to the existing uses and functions of the Reserve, its natural assets and the future needs of the community.

At the Council meeting of 13 November 2001 it was resolved to advertise the document for a period of 42 days. The comment period closed on 3 January 2002 however was extended for a further one (1) month.

DETAILS

The City engaged Ecoscape to prepare a study for Craigie Open Space. The brief was prepared and the objective of the study was set as follows, “to investigate land use options taking into consideration economic, social and environmental issues”.

The Study identifies a number of opportunities and constraints and provides four land use options (A, B, C and D) and includes a recommended strategy. A summary of the report is provided below.

Opportunities and Constraint

The opportunities and constraints associated with land-uses within Craigie Open Space were investigated.

The major environmental constraint to the type of activities that can be undertaken on the site is the inclusion of Craigie Open Space in Bush Forever site 303. Any proposal, which has an impact on the Bush Forever site would need to be negotiated with the Department for Planning and Infrastructure (DPI) and the Department of Environmental Protection (DEP). However, it is possible that a small ecotourism or environmental education facility could be developed in an area of degraded bushland close to the existing Leisure Centre or the upgrading of existing facilities may provide an additional source of income for bushland management. The study also indicates that any form or revenue raising associated with the Leisure Centre needs to remain affordable for the local community.

Inclusion of the Craigie Open Space in Bush Forever site 303 has advantages. It affords the site a high conservation value that can be used to the advantage of the City of Joondalup in funding applications. It also means that the site has a greater potential for development as an ecotourism venture, and more likely to be able to attract tourists. There is also the potential for the incorporation of the bushland area into the recreational centre. Further, the Craigie Leisure Centre itself is not included in future plans for expansion of infrastructure. With a large proportion of the local population being young families, there is an opportunity to provide bushland picnic areas close to the Leisure Centre and outdoor swimming areas, providing a more family oriented role in environmental education through encouragement of school groups, scout clubs etc. to participate in bushland care and maintenance (through such activities as weeding and planting days).

There is also an opportunity to achieve higher visitation rates at Craigie Leisure Centre than that seen currently by providing an enhanced recreational and bushland experience, increasing the gymnasium area and upgrading the swimming facilities (particularly the outdoor areas). The conservation value of the site also lends itself to exploration of ecotourism ventures, which capitalise on the proximity of the existing tourist facilities and resorts.

Land Use Options

Four options for land-use within Craigie Open Space were explored.

Option A

This involves the clearing of up to 30% of the remnant vegetation to provide for the development of active open space and to create a regional sports facility. The area outlined for such a development would be sufficient to cater for a number of different sports, including a golf driving range, a football and cricket oval and/or tennis courts and all access could be provided from the existing access road off Whitfords Avenue to the Leisure Centre.

Option B

This is similar to Option A except that only about 10% of the native vegetation would require clearing, and a smaller area would be available for active open space.

Option C

This proposes the use of approximately 1% of the bushland area for the development of an ecotourism centre or environmental educational facility. This option provides an opportunity to link the recreation centre and the bushland.

Option D

This has a focus on bushland retention and expansion of existing facilities within the footprint of the Craigie Leisure Centre. This option provides an opportunity to increase the value of the bushland asset through long-term management of its use.

Consultant's Recommended Strategy

The consultant's recommended strategy is a combination of Options C and Option D, where 99% of the remnant bushland is retained within a reserve and managed by the City of Joondalup. The bushland remains accessible to the region's residents as "passive" open space. The option recognises the environmental significance of the vegetation and seeks to preserve it. The preferred approach also maintains the opportunity to develop other land-uses in the area. In particular immediately north of the leisure centre, a small area of degraded vegetation north west of the existing recreational facilities. At the same time, this option focuses on land-uses that are complimentary and compatible with the bushland area.

The consultant's suggest the following further actions to guide implementation of Option D should the City of Joondalup adopt this option.

Ecotourism Recommendations

- Undertake market research to determine the demand for ecotourism ventures.
- Explore opportunities for collaborative ventures with other regional operators.
- Examine the potential for the development of an ecotourism facility, environmental education and connectivity between existing recreational facilities and the bushland areas.
- Take advantage of the vistas available and the natural bushland setting for walking trails by constructing a path network which connects the bushland with the top of the Quindalup Dunes with access to the vista from both Craigie Open Space as well as the residential areas. This allows for community use as well as tourist use.

Craigie Leisure Centre

- Consider providing a better facility with more scope for raising revenue for bushland management.

- Seek further advice from appropriate authorities regarding possibility of partially clearing vegetation within the existing Craigie Open Space providing a family picnic area.
- Future expansion to be contained in the already disturbed area.
- The possibility of including bushland walking trails as part of a fitness circuit should be explored.
- Future proposals to upgrade the gymnasium facilities could consider relocating it to the northern side of the swim area to provide both a bushland and water focus for its users.
- Opportunities for more activities with a family focus should be explored, based on the demographics of the area.
- Expanding kiosk area to provide a focus on the bushland setting and outdoor picnic area.
- Opportunity to provide community access to the bushland should be encouraged.
- Skate Park facility should either be moved to an active open space reserve within the vicinity or be relocated within Craigie Open Space. If relocated within Craigie Open Space it needs to be in a location visible from the leisure centre and Whitfords Avenue, thereby discouraging anti-social behaviour and uncontrolled access over the sensitive dune environment.

Community facilities

- Funding opportunities for the development of a community resource centre should be explored. This could include, for example, an environment resource room, a meeting area (although this could occur in the Leisure centre) a bushland plants reference Herbarium, and educational activities for visiting school groups.
- Any development such as that outlined above should remain in the existing disturbed area, adjacent to and connected with the Leisure Centre.
- The above recommendation should be explored in combination with the proposal to develop an ecotourism centre north west of the existing Leisure Centre.

Craigie Open Space Bushland Management

- Existing management of bushland areas should be continued and expanded to ensure environmental values are protected.

‘A’ Class Reserve Re-Classification

This class affords the greatest degree of protection for reserved lands, requiring an Act of Parliament to amend the purpose or area, or to cancel the reserve.

The City currently has a management order over the land. In regards to daily management of the land this would not differ in any way if the land is to be classified as an ‘A’ Class reserve. However, it does inhibit management given the lengthy administrative processes, due to requiring an Act of Parliament, if any amendments are necessary.

The City and the Water Corporation are presently negotiating with regard to weed invasion from Reserve 28971 into Craigie Open Space. Again, reclassifying Craigie Open Space to an ‘A’ Class reserve would not give the City any extra powers with regard to issues of this nature and have no bearing on the City’s handling of them. Attachment 3 is a list of other ‘A’ class reserves in the City.

Part 4 of the Land Administration Act (1997) deals with classification and management of reserves. To reclassify Craigie Open Space as an 'A' Class reserve, a submission justifying the request is made to DOLA. DOLA then considers the matter and if in agreement requests the Minister for Lands to approve the reclassification. If DOLA opposes the proposal or disagrees with some particular element it will liaise with the City accordingly.

The Minister for Lands may by order amend Class 'A' reserves under the following circumstances:

- to add Crown land;
- to amend unsurveyed boundaries, if the reserve's area is reduced by no more than 5%;
- to excise 5% or one hectare (whichever is less), for public utility services;
- to re-describe the subject land (without change to the area); and
- to amalgamate reserves having a similar purpose.

However, where the Minister proposes to cancel the reserve or its 'A' classification, to change its purpose, to excise land for a road, or to reduce the area by more than the 5% permitted in circumstances specified above, the Minister must:

- advertise the intention in a State newspaper; and
- no sooner than 30 days later, table the proposal before Parliament, with an explanation.

Either House of Parliament then has 14 sitting days to pass a notice of disallowance. Any amendments to Class 'A' reserves would undergo investigations by the City, however, once the proposal is submitted to DOLA it will conduct its own research.

The City for its part would:

- conduct internal investigations;
- contact the service authorities to ascertain if any service plant would be affected by the proposal;
- request the Department for Planning and Infrastructure's comments;
- consider advertising the proposal locally prior to the proposal being advanced (especially as under the Land Administration Act the advertisement inviting public comment is required to go into a State newspaper); and
- obtain a Council resolution of support.

Management Plan

A draft Management Plan was prepared for Craigie Open Space in November 1999. Whilst the Plan was endorsed in principal, the City determined to seek further advice, particularly in relation to future planning issues, before adopting the recommendations of the report. On the whole, the draft Management Plan offers sound recommendations applicable to bushland management.

Consultation:

The study was initially advertised for a period of 42 days, closing on the 3 January 2002. The period was then extended for a further one (1) month. At the close of the advertising period twelve (12) submissions were received. A summary of the submissions is provided for in Attachment 2 to this Report.

In summary eight (8) of the submissions support option D subject to no further clearing being undertaken and any development being contained within the existing footprint of the Craigie Leisure Centre. Three (3) of the submissions request that no further development be undertaken and the area remain as is. One (1) submission raises the issue of the consultation being undertaken over the Christmas period.

Financial Implications:

Account No:	11.60.72.721.1412.0001
Budget Item:	Craigie Open Space Maintenance
Budget Amount:	\$19 140.00
YTD Amount:	\$9 570.00
Actual Cost:	\$9 450.00

Strategic Implications:

The Strategic objectives are as follows:

- 2.6 – Pursue Local Agenda 21 Principles to Enhance Lifestyle
- 3.1 – Establish alliances with key stakeholders to identify opportunities to encourage and promote economic growth

The study achieves this by:

- Collectively pursuing new opportunities to attract specific development;
- Promoting local employment opportunities;
- Exploring incentives to attract new business.

COMMENTCraigie Open Space Study

The subject site is identified as site 303 in Bush Forever a document that aims to fulfil the government's commitment to prepare a strategic plan for the conservation of bushland on the Swan Coastal Plain of the Perth Metropolitan Region. Bush Forever is a policy position of the government that aims to guide future decision-making and to protect and manage Bush Forever Sites through implementation mechanisms.

The land has been formally assessed and listed in Bush Forever, recognising its major value as an area which forms part of a northern bush and heath land corridor comprising Hepburn Heights, Pinnaroo, Craigie and Woodvale. Craigie Open Space contains areas of Tuart-Jarrah-Banksia woodland not present in many conservation reserves, but also a Quindalup dune system.

The majority of the submissions (8) support option D, subject to there being no further clearing of the site and the other three submissions object to any development of the site. Option D provides for some clearing of the site to accommodate the possible development of either an educational facility or ecotourism facility or both, including the development of other land uses within the leisure centre footprint.

Bush Forever states that the boundaries of the areas to be protected may require further on site verification and confirmation. Subsequent formal proposals will be considered through the normal decision making process.

In response to the issue raised relating to the advertising period occurring during the Christmas period, the period was extended by a further one (1) month in recognition of this.

Class 'A' Reserve Re-Classification

Bush Forever states that in regards to site 303 the existing care, control and management intent of the reserve is endorsed however suggests that the purpose of the reserve should be amended to include conservation and appropriate mechanisms to be applied in consultation with the City. Pursuing the re-classification of the reserve has benefits in regards to providing the highest order of protection for the land, however it has no bearing on the management practices for the land but can inhibit management due to any amendments requiring an Act of Parliament.

CONCLUSION

It is considered that the study investigates the future areas for use and conservation within Craigie Open Space having regard to the existing uses and functions of the reserve, its natural assets and the future needs of the community including meeting the objectives of the study.

The recommended strategy being a combination of options C and D which allows for the retention and management for conservation purposes of the regionally significant vegetation of Craigie Open Space, while allowing for the development of a facility which has low impacts on the environment, provides a link between the existing recreation area and the bushland, and can potentially provide a source of revenue for ongoing bushland management activities is supported.

However, due to the detailed comments received during the community consultation period and the preference for Option D subject to there being no further clearing it is recommended that the study be received but not adopted.

In addition, due to further comments received from the submitters in relation to the delineation of the area between the bushland and Council's facilities, bushland preservation and management it is recommended that the Bush Care Group be invited to be involved and assist with these matter.

VOTING REQUIREMENTS

Simple majority

MOVED Cr Baker, SECONDED Cr Kenworthy that Council:

- 1 RECEIVES, but does not adopt the Ecoscape Craigie Open Space Study;**
- 2 RECEIVES the information provided in regard to reclassifying Craigie Open Space as an ‘A’ class reserve and resolves to pursue bush preservation by appropriate management strategies as at first priority;**
- 3 ACKNOWLEDGES and thanks the submitters for their submissions and ADVISES the submitters accordingly;**
- 4 ADOPTS the Craigie Open Space Management Plan prepared by the Friends of Craigie Bushland;**
- 5 INVITES the Friends of Craigie Bushland to work with the City to:**
 - (a) develop strategies for bushland preservation and management to the Council’s satisfaction;**
 - (b) delineate the interface between the bushland and Council’s facilities;**
- 6 CONSIDERS removing the leisure centres from the Management Plan area, upon receipt of the group’s recommendations on the location of a boundary between the natural and built environment on this site.**

To a query raised by Cr O’Brien in relation to the cost of the Ecoscape Study, Manager Approval Planning & Environmental Services advised he would take this question on notice.

The Motion was Put and

CARRIED (12/0)

In favour of the Motion: Mayor Bombak, Crs Baker, Barnett, Carlos, Hollywood, Hurst, Kadak, Kenworthy, Kimber, Mackintosh, O’Brien and Walker

Appendix 13 refers

To access this attachment on electronic document, click here: [Attach13brf060802.pdf](#)

CJ204 - 08/02 PROPOSED MULLALOO BEACH VILLAGE MIXED USE DEVELOPMENT: LOT 100 (NO 10) OCEANSIDE PROMENADE, MULLALOO – [02089]

WARD - Whitfords

This Item was dealt with earlier in the meeting, following Petitions.

REPORT OF THE CHIEF EXECUTIVE OFFICER**C105-08/02 TENDER NUMBER 008-02/03 SUPPLY OF
TEMPORARY PERSONNEL FOR RECREATIONAL
FACILITIES - [22529]****WARD - All****PURPOSE**

This report recommends acceptance of the tender submitted by Oz Jobs for the Supply of Temporary Personnel for the City's Recreation Facilities as per the Schedule of Rates for Tender number 008-02/03 and endorses the signing of the Contract.

EXECUTIVE SUMMARY

Tender number 008-02/03 Supply of Temporary Personnel for Recreation Facilities was advertised on Wednesday 17 July 2002 through statewide public tender. A total of seven tenders were received from the following organisations: Manpower; The Pursuits Group; Julia Ross; Oz Jobs; Forstaff and Westaff; Select Appointments.

Following a thorough evaluation of the tenders received against the selection criteria it is recommended that Council accepts the tender from OZ Jobs as per the schedule of rates in Attachment 1 pages 1-2 to this report for tender number 008-02/03 Supply of Temporary Personnel for Recreation Facilities, commencing Monday 19 August 2002 for a period of six months with two six month options.

BACKGROUND

On 21 May 2001, the City contracted out the management of its Recreation facilities at Craigie, Sorrento/Duncraig and Ocean Ridge. Following the tender evaluation process, the contract was awarded to RANS Management Group who were a major national company specialising in management of leisure facilities through out Australia. RANS Management Group went into receivership in July 2002. This necessitated a number of short term arrangements being put in place by the City including engagement of staff through external service providers. This action was necessary to bring the management of the previously contracted recreation facilities under the control of the City so as to avoid any inconvenience to the public.

Oz Jobs is currently providing personnel to the City, under Contract number 015-01/02 'Supply of Temporary Personnel' awarded in December 2001. Oz Jobs was one of two providers selected at short notice in July 2002 to provide temporary personnel to the recreation facilities and has been instrumental in the smooth transition at the recreation facilities from RANS Management to the City's control.

DETAILS

The selection criteria listed in the tender documentation required Tenderers to specifically address the following:

- a) Price.
- b) Demonstrated previous experience in supply temporary personnel services. Description of similar contracts and / or work undertaken for the supply of temporary personnel services for recreation facilities to either public sector or local government or private sector in the last 5 years.
- c) Demonstrated capacity to meet the requirements of the Contract, brief history of company, company profile, business location and organisational structure.
- d) Three references for contracts of a similar nature.
- e) Methodology, demonstrate an appreciation of the requirements of this tender, in providing temporary personnel. Provide outline of proposed methodology and approach methods utilised to source temporary personnel to meet the needs of the contract, procedures, screening process, skill testing.
- f) Encouragement of local economy, provide details on how the service will be delivered to benefit the local community in terms of local employment and economic development.

For evaluation purposes the prices extracted was the normal rate (40 hours flat rate per week basis) from the Schedule of Rates. Several Tenderers provided a range of prices for individual categories (refer Attachment 1). In order to make a fair assessment of flat rates and a range of rates, an average was calculated and multiplied by the usage rate of the specific category. The combined total of categories in normal rate was used in the evaluation of the tenders.

Oz Jobs provided flat rates, which is an advantage to the City whereas other Tenderers incorporated a rate for overtime and working outside normal hours. Flat rates are cheaper, easier to administer and provide less risk.

Policy 2.4.6 Purchasing Goods and Services

The City's Policy on purchasing goods and services encourages local business in the purchasing and tendering process. Of the seven tender submissions two were from the business within Joondalup. Of these two Oz Jobs has been recommended as the successful Tenderer.

Statutory Provision:

The statewide public tender was advertised, opened and evaluated in accordance with the Local Government (Functions and General) Regulations 1996

Financial Implications:

The City has set aside a budget of \$500,000 to meet costs associated with running the three recreation facilities. The administration fee charged by the provider is an operational cost against the recreation facilities budget.

COMMENT

The tender submission of Oz Jobs provides the most cost effective and best outcome for the City. In addition to being the best ranked supplier following assessment of all tenders against the selection criteria, awarding this tender to Oz Jobs provides the opportunity to maintain the existing labour force at the recreational facilities and utilises a local supplier.

Many of the staff at the recreational facilities were previously employed by the City and were re-employed by RANS Management when that company took over management of the facilities.

In having the tender initially apply for a period of six months but with two options for extension, each by a further six months, the City maintains optimum flexibility in its approach to the future management of these facilities. Following the first six months of operation under City management, it is expected that a clearer picture will be established on what is the most appropriate action for the City to take in the long term management of the facilities.

VOTING REQUIREMENTS

Simple Majority

MOVED Cr Baker, SECONDED Cr Kimber that Council ACCEPTS the tender from OZ Jobs as per the Schedule of Rates as shown in Attachment 1 pages 1-2 to Report C-08/02 for Tender Number 008-02/03 - Supply of Temporary Personnel for Recreation Facilities, commencing Monday 19 August 2002 for a period of six months with two six month options.

The Motion was Put and

CARRIED (12/0)

In favour of the Motion: Mayor Bombak, Crs Baker, Barnett, Carlos, Hollywood, Hurst, Kadak, Kenworthy, Kimber, Mackintosh, O'Brien and Walker

Appendix 15 refers

To access this attachment on electronic document, click here: [Attach15min130802.pdf](#)

C106-08/02

MOTION TO GO BEHIND CLOSED DOORS

MOVED Cr Hurst SECONDED Cr Kimber that in accordance with clause 5.6 of the City's Standing Orders Local Law the meeting be held behind closed doors to enable consideration to be given to a confidential Report of the Chief Executive Officer – Item C107-08/02 – Appointment of Director, Corporate Services and Resource Management which concerns a member of staff.

The Motion was Put and

CARRIED

With the exception of Chief Executive Officer, Directors and staff, members of the public and press left the Chamber at this point, the time being 2053 hrs.

C107-08/02 APPOINTMENT OF DIRECTOR, CORPORATE SERVICES AND RESOURCE MANAGEMENT

This Item Is Confidential - Not For Publication

A full report has been provided to Elected Members under separate cover.

MOVED Cr Kimber, SECONDED Cr Baker that in accordance with the provisions of Section 5.37 (2) of the Local Government Act 1995 Council is hereby informed that it is the Chief Executive Officer's intention to APPOINT Applicant (c) to the position of Director, Corporate Services and Resource Management on a performance based contract for a period of 4 or 5 years, to be negotiable.

The Motion was Put and

CARRIED UNANIMOUSLY

The Meeting **RESUMED WITH THE DOORS OPEN** at 2106 hrs.

Members of the staff and the public entered the Chamber at this point. In accordance with the City's Standing Orders Local Law, the Chief Executive Officer read the Motion in relation to Confidential Report – C107-08/02 – Appointment of Director, Corporate Services and Resource Management.

MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

DATE OF NEXT MEETING

The next meeting of the Council has been scheduled for **7.00 pm** on **TUESDAY, 3 SEPTEMBER 2002** to be held in the Council Chamber, Joondalup Civic Centre, Boas Avenue, Joondalup

CLOSURE

There being no further business, the Mayor declared the Meeting closed at 2108 hrs; the following elected members being present at that time:

J BOMBAK, JP
P KADAK
P KIMBER
D CARLOS
C BAKER
A NIXON
J F HOLLYWOOD, JP
A WALKER
T BARNETT
M O'BRIEN, JP
G KENWORTHY
J HURST
C MACKINTOSH

