



**MINUTES OF MEETING OF JOINT COMMISSIONERS  
HELD ON 18 MAY 2004**

**TABLE OF CONTENTS**

<b>No:</b>	<b>Item</b>	<b>Page</b>
	<b>OPEN AND WELCOME</b>	1
	<b>ATTENDANCES</b>	1
	<b>PUBLIC QUESTION TIME</b>	2
<b>C30-05/04</b>	<b>EXTENSION OF PUBLIC QUESTION TIME – [01122] [02154]</b>	35
	<b>APOLOGIES AND LEAVE OF ABSENCE</b>	43
	<b>DECLARATION OF FINANCIAL INTEREST/INTEREST THAT MAY AFFECT IMPARTIALITY</b>	43
<b>C31-05/04</b>	<b>CONFIRMATION OF MINUTES MINUTES OF MEETING OF JOINT COMMISSIONERS, 27 APRIL 2004</b>	44
<b>C32-05/04</b>	<b>MINUTES OF SPECIAL COUNCIL MEETING, 11 MAY 2004</b>	44
	<b>ANNOUNCEMENTS BY THE CHAIRMAN WITHOUT DISCUSSION</b>	
	CITY OF JOONDALUP STAKEHOLDERS	44
	SCHOOL AWARD	45
	WARWICK BOWLING CLUB	45
	MULLALOO SURF LIFE SAVING CLUB	45
	WEDNESDAY, 19 MAY 2004	45
	GOVERNANCE REVIEW	45
<b>C33-05/04</b>	<b>PETITIONS</b>	
	<b>PETITION IN RELATION TO THE CONSULTATION PROCESS FOR THE EXTENSION OF OCEAN REEF ROAD – [07131] [02154].....</b>	45
	<b>PETITION IN RELATION TO DISPOSAL OF LOT 5 (10) POIMENA MEWS, KINGSLEY – [01051].....</b>	46

**REPORTS**

CJ096 - 05/04	SCHEDULE OF DOCUMENTS EXECUTED BY MEANS OF AFFIXING THE COMMON SEAL - [15876] .....	46
CJ097 - 05/04	DATE OF FUTURE BIENNIAL LOCAL GOVERNMENT ELECTIONS – [03011] .....	48
CJ098 - 05/04	LOCAL GOVERNMENT ACT - PROPOSED AMENDMENTS TO ELECTORAL PROVISIONS – [00561] [71542] .....	52
CJ099 - 05/04	MINUTES OF CBD ENHANCEMENT PROJECT STEERING COMMITTEE MEETING 7 APRIL 2004 – [53469].....	56
CJ100 - 05/04	MINUTES OF SUSTAINABILITY ADVISORY COMMITTEE - 29 APRIL 2004 – [00906] .....	58
CJ101-05/04	COMMUNITY CONSULTATION PROCESS ON THE PROPOSED EXTENSION OF OCEAN REEF ROAD – STATUS REPORT - [07131] [02154] .....	60
CJ102- 05/04	TENDER NUMBER 035-03/04 SUPPLY OF ORACLE DATABASE AND UNIX ADMINISTRATION SUPPORT – [77577].....	64
CJ103 - 05/04	LOT 5 (10) POIMENA MEWS, KINGSLEY - RECOMMENDED DISPOSAL – [01051].....	68
CJ104 - 05/04	FINANCIAL REPORT FOR THE PERIOD ENDING 31 MARCH 2004 – [07882].....	74
CJ105 - 05/04	WARRANT OF PAYMENTS 30 APRIL 2004 – [09882] .....	75
CJ106 - 05/04	PROPOSED EXCISION OF TWO PORTIONS OF RESERVE 46280 (6) MIAMI BEACH PROMENADE, ILUKA (ILUKA DISTRICT OPEN SPACE) FOR CLUBROOMS AND BOWLING GREENS – [02046] .....	77
CJ107 - 05/04	NEGOTIATIONS OF TENANCY - FUNCTION CENTRE – [41510] [05180].....	82
CJ108 - 05/04	CITY OF JOONDALUP, DRAFT EMERGENCY MANAGEMENT PLAN - MARCH 2004 – [33514].....	87
CJ109 - 05/04	TENDER NUMBER 030-03/04 JOONDALUP ADMINISTRATION CENTRE BUILDING – LIGHTING UPGRADE – [78555].....	89
CJ110 - 05/04	BENBULLEN BOULEVARD, KINGSLEY – PETITION CONCERNING EXCESSIVE SPEED AND ANTISOCIAL DRIVER BEHAVIOUR – [48457].....	93
CJ111 - 05/04	BAHAMA CLOSE, SORRENTO - UPGRADE TO DRAINAGE INFRASTRUCTURE – [06044] [14132].....	96
CJ112 - 05/04	DELEGATED AUTHORITY REPORT FOR THE MONTH OF MARCH 2004 – [07032].....	100
CJ113 - 05/04	APPOINTMENT OF MEMBERS TO THE JOONDALUP YOUTH ADVISORY COUNCIL – [[38245] .....	101
CJ114 - 05/04	COMMUNITY FUNDING PROGRAM 2003-2004 GRANTS ALLOCATIONS - SECOND FUNDING ROUND – [23542] [24542].....	107

**REPORT OF THE ACTING CHIEF EXECUTIVE OFFICER**

<b>C34-05/04</b>	REVIEW OF NOTICE OF DELEGATION – TOWN PLANNING – [07032].....	113
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**MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN 116****DATE OF NEXT MEETING 116****CLOSURE 116**

# CITY OF JOONDALUP

## MINUTES OF MEETING OF JOINT COMMISSIONERS HELD IN COUNCIL CHAMBER, JOONDALUP CIVIC CENTRE, BOAS AVENUE, JOONDALUP, ON TUESDAY, 18 MAY 2004

### OPEN AND WELCOME

The Chairman declared the meeting open at 1900 hrs.

### ATTENDANCES

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

### Officers:

Acting Chief Executive Officer:	D DJULBIC	
Acting Director, Planning & Community Development:	C TEREINCK	
Director, Corporate Services and Resource Management:	P SCHNEIDER	
Manager Audit and Executive Services:	K ROBINSON	
Manager, Marketing Communications & Council Support:	B ROMANCHUK	
Manager, Operations Services:	D CLUNING	
Manager Infrastructure Management and Ranger Services:	P PIKOR	
Manager, Strategic and Sustainable Development:	R HARDY	<i>from 1902 hrs</i>
Manager, Assets and Commissioning:	C SMITH	
Media Advisor:	L BRENNAN	
Committee Clerk:	J HARRISON	
Minute Clerk:	L TAYLOR	

There were 89 members of the Public and 1 member of the Press in attendance.

## **PUBLIC QUESTION TIME**

**The following questions, submitted by Ms Macdonald, Mullaloo were taken on notice at the Meeting of Joint Commissioners held on 27 April 2004.**

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

### ***Residential Density***

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

*7/12/1999 Exercising discretion under s5.9 of City of Joondalup's TPS1 Commissioners gave approval to 'increase to the residential density from R100B to R136'.*

*25 & 29/10/2002 exercising discretion under s4.5 of City of Joondalup's DPS2 Councillors gave approval for 'a residential density of R129'.*

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

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

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

*Given the above please answer the following questions.*

*Q1 Explain the discrepancies in the approach of the three approvals?*

*A1 The basis of each approval is clearly set out in each report on each of the particular developments.*

*Q2 Explain how s4.5 of DPS2 could be used to vary density when Part 4 relates to general development requirements only and cannot be used for development in respect of which Residential Planning Codes apply?*

*A2 Clause 4.5 of District Planning Scheme No 2 is not used to vary density.*

*Q3 Explain how 4.5 can be used to vary a structure plan requirement?*

A3 The standards of a Structure Plan are given the same force and effect as if it were a provision or standard of the Scheme. Clause 4.5 can therefore potentially be used to vary the standard of a structure plan.

*Q4 Given that 100B is the maximum residential development allowed for the whole of the CBD on what basis did planners contemplate higher densities and R198 in particular?*

A4 It is incorrect to state that 100B is the maximum residential density allowed by the City Centre. The Mixed Use/Residential precinct allows up to 100B density while the JCCDPM does not specify a density for the General City use precinct.

*Q5 What is the residential density of the whole site given that planners state that there were two densities applying to the site and it is inappropriate to apply an R code to only part of the site? Multiple dwellings are determined by the total area of the lot divided by the number of dwellings.*

A5 Although uncommon, it is possible for a site to have split zonings or density codes. In this case, portion of the lot is within the General City use designation, while portion is within the Mixed Use/Residential designation.

*Q6 What effect will the overdevelopment of this site and other sites have on the supply of car parking in the CBD and how will it affect the overall strategy of the structure plan?*

A6 The required supply of car bays for the residential portion of the development has been provided on-site. Cash in Lieu for seven car bays for the Commercial portion of the development will be accepted by the City. The intent of the Structure Plan is not affected by the approval.

*Q7 How can residential densities be varied without an amendment to the Scheme as the only discretion given to densities within the scheme is the ability to determine where no R code is designated under s 4.2.4?*

A7 R-Code densities are not varied without a Scheme Amendment, unless permitted by Clause 4.2.4 of District Planning Scheme No 2 or the particular provisions of a Structure Plan.

*Q8 This site has an R Code R60 and in addition in two previous approvals an R code have been determined for it. Are we to believe that on this site R coding can be determined as many times as planners feel fit?*

A8 The site is not coded R60.

*Q9 When an R code is determined for a site why hasn't the scheme or Structure plan been amended to have the determination take effect?*

A9 See A7.

*Q10 The density for this site is R60. An Amendment allowed for landmark sites to have a density R100B. Where is the amendment that changed Plan 3 density Map to uncoded?*

A10 The site is not coded R60. Scheme Amendment No 832 to TPS1 recoded the land included in the Joondalup City Centre Zone so that the land does not have a coding on the density map. The JCCDPM provides density provisions within the area, where it was considered appropriate.

*Q11 It appears that planners have determined that the Use class General City uses does not have a R Code density. Isn't it the land which is coded and is statutory and not the use class?*

A11 The land within the General City uses precinct, as defined by the JCCDPM, does not have a density specified under the JCCDPM.

### ***Residential building***

*Q12 Why was the developer made to change the description of 7 units and call them short stay apartments, residential building when it was clearly against its wishes?*

A12 The City has no power to make a developer change a development against their wishes.

*Q13 A residential building is to accommodate groups of unrelated people. What groups of people will be accommodated in this Residential Building and how many people will be allowed to stay there?*

A13 The definition of a Residential Building appears below, and that part of the development must be used in accordance with the definition.

*“A building or portion of a building, together with rooms and outbuildings separate from such building but incidental thereto; such building being used or intended, adapted or designed to be used for the purpose of human habitation:*

- Temporarily by two or more persons; or*
- Permanently by seven or more persons,*

*who do not comprise a single family, but does not include a hospital or sanatorium, a prison, a hotel, a motel or a residential school.”*

The plans indicate that the residential building part of the development could accommodate approximately 16 people.

*Q14 As there is no definition of short stay apartments how long is short stay? Are they for holidays? For instance, at Sorrento the length of short stay was determined.*

A14 The definition of Residential Building uses the word ‘temporarily’, however this term is not defined by the Residential Design Codes or the District Planning Scheme No 2. In accordance with the DPS2, words not defined shall have their normal and common meanings. The Australian Oxford Dictionary meaning is - “lasting or meant to last only for a limited time.”

*Q15 How will this Building be regulated to ensure that these units are not used as permanent dwellings?*

A15 Any reported breaches of District Planning Scheme No 2 are investigated and dealt with accordingly.

*Q16 There was no mention of the residential building being registered as a lodging house. Why not? What local health laws will apply to them?*

A16 The report on the matter deals with Town Planning issues.

*The Health Act definition of a Lodging House specifically excludes any building comprising residential flats. Provisions of the Health Local Laws relating to dwelling houses apply, including Part 2 – Sanitation, & Part 3 – Housing General.*

*Q17 Were these units included in the calculation of residential density?*

A17 No.

*Q18 Is the City anticipating a scheme amendment as suggested by the Applicant, so that the short term units will be able to be used as permanent residences and if so why? What does the amendment consist of and will the community be afforded an opportunity to comment on it?*

A18 No amendment has been formulated at this stage, however, the provisions of JCCDPM will be reviewed to ensure that the JCCDPM reflects the growing maturity of the City as the second CBD, and objectives of providing a busy, vibrant, sustainable City. Any proposed amendment will be advertised for public comment.

*Q19 Normally a change of use would be a new development application. Why wasn't one provided in this instance? The Application was dated 10/9/03.*

A19 A development application can be amended prior to its determination.

### ***Structure Plans***

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

*Q20 What certainty is there for the residents surrounding the Cook Ave development that the Structure plan there will deliver the expected residential density?*

A20 Part 1 of the Cook Avenue Structure Plan sets out the allowable densities for each of the three precincts identified in the Structure Plan area. The subsequent subdivision of the site will have to show lot sizes that reflect the densities shown in the Structure Plan. Whilst it is noted that Part 2 of the Structure Plan currently shows the anticipated subdivision plan, this cannot be approved until the Structure Plan is approved.

*Q21 Does the City have the ability to vary a Structure Plan without an Amendment to the Structure plan being approved by WAPC.*

A21 A Structure Plan may be able to be varied in the course of evaluating a Development Application (depending on the detail contained in the Structure Plan in question). A Structure Plan is a statutory document that is approved by the WAPC and, therefore, any modifications to a Structure Plan require the approval of the WAPC

*Q22 What section of the JCCDPM allows variation to residential density and development standards laid down in the structure plan?*

A22 Densities designated under the JCCDPM are not varied unless specifically allowed for under the particular provisions of the Scheme plan. Variations to development standards may be able to be considered under Clause 4.5 of District Planning Scheme No 2, the Residential Design Codes, or the particular provisions of the structure plan.

*Q23 Why isn't this structure plan on the internet along with other structure plans.*

A23 JCCDPM is not on the Internet because it was formulated by Landcorp prior to the creation of the City of Joondalup and approved in 1995 as an Agreed Structure Plan. The City does not have the Structure Plan in electronic format for this purpose, however, this will be investigated.

### ***Delegated Authority***

*Q24 This approval of the development was before Council for determination. Why?*

A24 It was anticipated that the Commissioners may be interested in the scale and landmark nature of the development.

*Q25 Given that there needed to be a reason for the application to be put before the meeting how was that reason able to be negated?*

A25 The reason was not negated. The listing of the matter on the Agenda did raise the Council's awareness. The Joint Commissioners were also informed of the proposed development prior to determination.



*Q26 The delegated authority manual does not have a clause that allows an approval before Council to be taken back and dealt with under delegated authority. If this is incorrect statement indicate that clause of the delegated authority manual that allows this to occur?*

A26 No determination of the proposed development was given by Council.

*Q27 Whose decision was it to deal with this approval under delegated authority?*

A27 Director Planning and Community Development.

**Discretion**

*Q28 What determines whether discretion sought will be given?*

A28 This depends on the location of the proposed development, the nature and extent of the proposed discretion and the particular legislation that applies to the proposed development.

*Q29 Once having given discretion does that automatically set a precedent that any developer can rely on?*

A29 No.

*Q30 If discretion is given on haphazard fashion what value do development standards and R codes have?*

A30 Discretion is not utilised in a random fashion.

*Q31 What is the City getting in exchange for giving up its development standards and allowing high residential density at Boas Ave?*

A31 The City is not 'giving up' development standards. All standards have been met. The objective of the Joondalup City Centre becoming the second Perth CBD are clearly outlined in the JCCDPM. The City Centre is to develop as a vibrant, sustainable city centre, not dominated or reliant on large amounts of car parking. To achieve these goals, the City requires a high resident population. The development of the Boas Avenue apartments clearly fulfils the objectives of the JCCDPM in providing a landmark building, increasing the resident population, and assisting to achieve the goals of sustainability.

**The following questions, submitted by Mrs M Zakrevsky, Mullaloo were taken on notice at the Meeting of Joint Commissioners held on 27 April 2004.**

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

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

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

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

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

A1-2 A separate schedule has been prepared and provided to Mrs Zakrevsky.

**The following questions, submitted by Ms M Moon, Greenwood were taken on notice at the Meeting of Joint Commissioners held on 27 April 2004.**

*Q1 What is a residential/commercial unit?*

A1 There is no definition of a ‘residential/commercial unit’ under the Residential Design Codes or DPS2.

*Q2 What is a commercial/residential unit?*

A2 There is no definition of a ‘commercial/residential unit’ under the Residential Design Codes or DPS2.

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

A3 There is no definition of a ‘commercial unit’ under the DPS2.

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

A4 There is no definition of a ‘residential unit’ under the Residential Design Codes. However, the terms, ‘dwelling’, ‘single dwelling’, ‘grouped dwelling’, and ‘multiple dwelling’ are defined under the Residential Design Codes.

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

A5 There is no definition of a ‘unit’ or ‘block of units’ under the Residential Planning Codes or DPS2.

*Q6 Is a residential building a residential use or commercial use or non-residential use?*

A6 A residential building means:

*“A building or portion of a building, together with rooms and outbuildings separate from such building but incidental thereto: such building being used or intended, adapted or designed to be used for the purpose of human habitation:*

- temporarily by two or more persons; or*
- permanently by seven or more persons*

*who do not comprise a single family, but does not include a hospital or sanatorium, a prison, a hotel, a motel, or a residential school.”*

*The use class is simply defined in that manner.*

*Q7 Are short stay or short term accommodations a residential use or commercial use or non-residential use?*

*Q8 Are medium stay or medium term accommodations a residential use or commercial use or non-residential use?*

*Q9 Are long stay or long term accommodations a residential use or commercial use or non-residential use?*

A7-9 As stated previously, there are no planning definitions to the terms used above and as such, it is impossible to provide a brief technical answer, that related directly to the DPS 2 or R-Codes.

The DPS and R Codes cover a range of definitions for land uses and it is those that guide classifications of land uses when applications are received.

The DPS and Codes are readily available and queries on the nature of the definitions and interpretation can be obtained from City staff, usually at short notice. Ms Moon is invited to contact staff should she require assistance in the interpretation the Codes or DPS2.

**The following questions, submitted by Mr W Cohen, Marmion were taken on notice at the Meeting of Joint Commissioners held on 27 April 2004.**

*Q1 Re: CSIRO site:*

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

- A1 The subject land is currently zoned 'local reserves 'parks & recreation' under the City's District Planning Scheme No 2. Preliminary verbal advice from senior officers of the Department of Planning and Infrastructure suggest that the landowner would not be entitled to claim compensation arising from a decision made by either the City of Joondalup or the Western Australian Planning Commission to not support a proposed rezoning (scheme amendment) application. The statement therefore appears reasonable, however, it is a question of land and planning law for which professional legal advice may need to be obtained from the City's solicitors should this hypothetical scenario eventuate.
- Q2 *Sir Charles Court has told us that details of the conditions applied by the then government at the time of the handover of Lot 61 Leach Street, Marmion to the CSIRO should be 'readily available'. Can the City of Joondalup find out what these conditions were?*
- A2 The City will endeavour (subject to the availability of State and/or Federal Government archival records) to identify and report upon all issues, including historical land transfer details, that are pertinent to this particular matter.

**The following questions, submitted by Mr M Sideris, President of Mullaloo Progress Association were taken on notice at the Meeting of Joint Commissioners held on 27 April 2004.**

Q1 *On 17 and 24 June 2004 Council passed a resolution that:*

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

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

A1 The Administration took legal advice to ensure that it took into account:

- (a) the resolution quoted above, and
- (b) the Council statutory obligations to process applications and provide services.

When a new application was received for a Building Licence, legal advice was sought on how the City should deal with the application. A summary of this advice was provided to the elected members on 28 October 2003. The advice concluded that Council officers should deal with the new Building Licence Application.

The matters listed in the question did not substantially alter the built form of the proposed development, the approved bulk or scale of the development or its planning function and relationship to the surrounding land. Accordingly a new development application was not required. Of note, the retail nett lettable area, which was approved, is not greater than 500m<sup>2</sup> as suggested in the question.

**The following questions, submitted by Mr N Gannon, Sorrento were taken on notice at the Meeting of Joint Commissioners held on 27 April 2004.**

*Re: CSIRO site in Marmion*

*Q1 In particular did the previous CEO leave behind any file notes or other material which could be examined in connection to this matter?*

A1 The administration is not aware of any file notes or other similar material that the previous CEO may have made/possessed with respect to this matter.

*Q2 In answer to my question asked on 30 March 2004 it was stated the only meeting held with the Satterley Group regarding this site was on 9 December 2003 which incidentally was behind closed doors. Before the date of that meeting the Satterley Group had already been party to the purchase of the land despite the current zoning of Local Reserve Parks and Gardens. Would it be reasonable to state that under the principle of caveat emptor (let the buyer beware) the Satterley Group or associates would have no reason to claim redress from the City of Joondalup if a rezoning of this site to residential did not take place?*

A2 The subject land is currently zoned 'Local Reserves 'Parks and Recreation' under the City's District Planning Scheme No 2. Verbal advice from senior officers of the Department of Planning and Infrastructure suggest that the landowner would not be entitled to claim compensation arising from a decision made by either the City of Joondalup or the Western Australian Planning Commission to not support a proposed rezoning (scheme amendment) application. The statement therefore appears reasonable, however, it is a question of land and planning law for which professional legal advice may need to be obtained from the City's solicitors should this hypothetical scenario eventuate.

Note also, that upon further checking the owners did approach individual members of staff as part of its own investigation, leading to the purchase of the land and although the issues discussed were generic in nature, the advice given was common to that provided to all potential purchasers.

**The following questions, submitted by Mr M Caiacob, Mullaloo were taken on notice at the Meeting of Joint Commissioners held on 27 April 2004.**

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

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

***and***

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

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

A1(a) The R60 density provisions contained within Table 1 of the Residential Design Codes (R Codes) allow maximum plot ratios of 0.65 for grouped dwellings and 0.70 for multiple dwellings. Under the R60 density code, the R Codes also stipulate a maximum site coverage requirement of 45% for grouped dwellings and 50% for multiple dwellings. However, the JCCDPM permits a maximum site coverage of 70% for residential dwellings which is not consistent with the R Code provisions as outlined above. The extent of the upper level of a building is however inhibited by the plot ratio provisions and the resultant form and scale of dwellings that would result is inconsistent with the Centre zoning of District within the JCCDPM.

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

A1(b) Residential developments in the Campus District are currently achieving a plot ratio over the allowable plot ratios of 0.65 for grouped dwellings and 0.70 for multiple dwellings, and range between 1.0 to 1.4. These plot ratios are being achieved because of the maximum site coverage of 70% allowable for these lots within the JCCDPM.

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

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

A2(a) The proposed plot ration definition is worded to refer to residential and/or commercial uses and therefore does relate to dwellings.

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

A2(b) It is intended that residential (dwellings) floorspace not be calculated as part of the plot ratio floor area.

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

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

A3(a) The report does not propose the removal of the provisions contained within the Residential Planning Codes of WA 2002, other than in relation to plot ratio requirements for residential developments.

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

*The R-Codes note that:*

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

A3(b) As stated in the response to Q3(a) above, the current Residential Design Codes are used, and will continue to be used, to ensure that every development application of a residential nature complies with all the requirements, including those relating to amenity, that are contained within the Residential Design Codes, with the exception of plot ratio requirements only.

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

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

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

A4 The Recommendation is to update the reference within the JCCDPM to the old Residential Planning Codes and replace it with reference to the provisions of the new Residential Design Codes, with the exception of plot ratio requirements only. Since the new Residential Design Codes address more amenity type issues than the old Residential Planning Codes did, such as privacy, overlooking and overshadowing, these development provisions will provide greater certainty in relation to the protection and enhancement of residential amenity.

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

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

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

*A5 The JCCDPM was formulated in 1995 by Landcorp as the previous owners of the land in the City Centre. The City therefore had limited input into the content of this Structure Plan. This report to Council is part of a review of all Agreed Structure Plans in an attempt to address problems encountered during the application of the provisions, as well as any inconsistencies and omissions. The report includes reference to the provisions of the Residential Planning Codes applying in the absence of other development criteria set out in the JCCDPM.*

*Q6 Does the City have:*

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

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

*A6 The City does not currently have an adopted local housing strategy. This is largely because Agreed Structure Plans over various portions of the City, including the City Centre, are there to guide residential development. The City has an adopted Centres Strategy (Policy 3.2.8) that directs the distribution, size and nature of commercial (retail) centres in the City of Joondalup. This policy is due for review in 2004. The City has an Environmental, Social and Economic Policy 2.6.4 that guides the future of the City in an environmentally, socially and economically sustainable manner.*

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

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



A7 Due to internal agenda deadlines, it is not always possible to include a particular month's Delegated Authority list on the next Council agenda. The Delegated Authority report for March 2004 will be presented on the agenda for the meeting of 18 May 2004 and the report for April 2004 will be presented on the agenda for the meeting of 8 June 2004.

*Q8(a) Re: CJ089-04/04 – The Campus District – What plot ratio are developments currently achieving in the Campus District?*

A8(a) Plot ratios of approximately 1-1.3 have been achieved in some instances.

*Q8(b) What assessment criteria is the City of Joondalup using to assure existing and future amenity when the R-Codes are not applicable on new residential development?*

A8(b) All development is assessed in accordance with the relevant development controls under the Joondalup City Centre Development Plan and Manual. The aim of the amendment is to ensure that development controls are clear and consistent within the precincts of the City Centre.

**The following question, submitted by Ms S Hart, Greenwood was taken on notice at the Meeting of Joint Commissioners held on 27 April 2004.**

*Q1 The land opposite in Ellersdale Road is being redeveloped, what is the zoning and also for the vacant block next door between that redevelopment and Centrelink. Has the City had any application for either of those lots?*

A1 There are many parcels of land opposite the area covered by the Warwick Structure Plan. The zoning of these parcels of land is commercial. An application for a Child Care Centre has been received for the former Bank West building. An application for a Child Care Centre for the vacant land adjoining the Centrelink building was received in 2003, however, the applicant has not progressed the application.

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

*Q1 When is it proposed to make information contained within the City Of Joondalup's Governance Review, public?*

A1 The City has not yet received a copy of the finalised Governance Review Report. Once the report has been received the Joint Commissioners will need to determine whether or not to make the report available to members of the public.

*Note: The above response was correct at the time of printing of the agenda for the Council meeting of 18 May 2004. For updated response given on 18 May 2004, see A3-4 on Page 18.*

*Q2 May the community have any input into possible changes/suggestions for City's Code of Conduct policy?*

A2 This document is on the City's website. Any comments from members of the public would be appreciated.

**The following questions were submitted by Ms M Moon, on behalf of the South Ward Ratepayers and Electors Association:**

*Re: CJ103-05/04 - Lot 5 (10) Poimena Mews, Kingsley - Recommended Disposal*

*Q1 When the land was gifted to the City was it for community purposes?*

A1 The land was transferred to the City by the developer of the adjoining land, as a condition of sub-division approval.

*Q2 Was there any conditions on the gifting of the land?*

A2 The land was transferred in freehold tenure, free of charge for use as a kindergarten. The title is unencumbered by conditions.

*Q3 Would multiple dwellings be considered as a use for this site?*

A3 Multiple dwellings may be possible under District Planning Scheme No. 2 as a discretionary use.

*Q4 On the resolution of Council of 29 July 2003, how many people and or groups were contacted and how and when was it advertised?*

A4 The City administration did not contact any individual users of groups. However, four interested parties have contacted the City as a result of informal communications with former Councillors. The City did not advertise for expressions of interest.

*Q5 Could we please have a copy of the advertisement calling for submissions of local community groups or any formal notification that occurred?*

A5 See above.

*Q6 Could this site be considered as a heritage conservation site?*

A6 This property is not currently on the City's List of Heritage Places and in the City's opinion does not meet the criteria as specified for State cultural heritage significance.

*Q7 If the sale of this site goes ahead the money should stay in the South Ward, will this be considered?*

A7 It is the Administration's recommendation that the proceeds from a sale be placed in the Community Facilities Reserve fund.

*Q8 Have other options than dwelling being considered for the future of this site? If yes what options were considered?*

A8 No.

*Q9 The South Ward is in desperate need of an Autumn Centre, especially with the two proposed age care homes before Council, could this be a consideration?*

A9 Any such proposal would require appropriate planning considerations.

Planning issues aside, to convert this centre to an Autumn centre would require the City to spend the amount listed in the report to achieve a building of suitable standards to be re-commissioned as a public building.

A study addressing the social and recreational needs of older persons within the City of Joondalup was conducted in 2000. A follow up survey was undertaken at the request of the City of Joondalup Seniors Interests Advisory Committee in June 2002 to test the initial findings of the study. Council endorsed the Seniors Master Plan – Leisure and Social Activity Needs Report in November 2003.

An extensive consultation process was undertaken in order to gain an understanding of the older aged communities needs as individuals and as organised groups. Methods used included surveys to leisure and community centres, all retirement villages and hostels, clubs and associations, a shopping centre survey and an advertisement in the local paper calling for submissions. Information gained from the consultation provided an insight into what older people currently do, where they do it and what they would like to do.

The review revealed that there are a large number of social/leisure facilities provided not only by the City of Joondalup but also private facilities (Retirement Homes/Nursing homes) and commercial leisure providers. In general terms the City has sufficient social/leisure facilities to cater for the current needs and the expected future demands (not counting the private facilities) and there are no identified “gaps in provision”. The following recommendation was therefore made:

*THAT it be acknowledged that there are no identified “gaps” in community building’s provision to cater for the existing and projected population.*

The study also identified that existing seniors groups memberships were either stagnant or declining.

The following seniors groups provide various activities and services in the South Ward for seniors:

- Duncraig Senior Citizens Club
- Association of Independent Retirees (Padbury)
- Greenwood Warwick Senior Citizens Club
- Kingsley Church of Christ
- Kingsley Seniors Group
- North City Prime Timers (Padbury)
- Retirees WA (Whitfords)
- St Anselms Seniors Group (Kingsley)

- The Over 50's Fellowship (Woodvale)
- WANJOO Community Group (Woodvale)
- Woodvale Day Centre Programme (run by Community Vision)

The City of Joondalup supports most of these seniors' organisations with either free use of facilities or frequent funding through the City's Community Funding Programme.

The two proposed aged care facilities in Kingsley (Hocking Road and Woodlake Retreat), will have their own community (autumn) facilities incorporated into their developments as is the trend in most modern aged care facilities.

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

*Re: CJ097-05/04 - Date of Future Biennial Local Government Elections:*

*Q1 If the date of the local government elections were changed to September/October instead of May (as proposed for Cities Wanneroo, Joondalup and Stirling), how would this affect the term of office for those Councillors whose present term ends in May 2005? Would their term of office be increased by a further 4/5 months or would Council operate with a reduced number of Councillors (8)?*

A1 The City in this instance, is responding to a survey of all local governments in the State, to determine the level of support for a possible change in the date for holding local government elections. Should the State Government agree to such a change, then the legislation to make the change would include all transition procedures.

*Q2 In the case of City of Joondalup, will the Commissioners be extending their term of office for a further 4/5 months (if proposed amendments occur) even in the event of the present suspended Council being exonerated?*

A2 The Minister for Local Government and Regional Development will make any decisions concerning the term of office of the Commissioners and suspended elected members.

*Q3 Has the City of Joondalup Commissioners and Senior management received and read a copy of the Governance review report conducted on the Council prior to their suspension?*

*Q4 When do the Commissioners expect to make this report a public document?*

A3-4 A copy of the Governance Review report was received by the City today (18 May 2004). Arrangements are currently being made to copy and distribute the report to Commissioners.

Over the next few weeks the Joint Commissioners and Administration will be considering the contents of the Governance Review and deciding on the appropriate responses to any recommendations contained in the report. During this period, consideration will also be given to whether to release all or part of the Governance Review publicly.

**The following questions were submitted by Ms C Mackintosh, Kallaroo:***Questions to the Chairman and Commissioners:*

- *I refer to your recent media statement in which you advise ratepayers that the Commissioners had heralded a new era of openness in decision making. I ask the following questions:*

*Q1 In view of this statement, can you therefore please confirm that ratepayers will be consulted when the selection criteria for the appointment of our City's new CEO are formulated?*

*Q2 In view of this statement, can you please confirm that each applicant's CV will be made public before any interviews are conducted?*

*Q3 In view of this statement, can you please therefore confirm that members of the public will be able to sit in on every interview?*

*Q4 In view of this statement, can you please confirm that ratepayers will be able to ask applicants questions prior to the appointment of the CEO?*

*Q5 In view of this statement, can you please confirm that ratepayers will be able to express their views concerning the merits of appointing each applicant?*

A1-5 The Acting CEO is currently preparing a report for Commissioners' consideration concerning the process for the recruitment of a new CEO.

- *Further to the appointment of the City's search for a new CEO, I would like to ask the following questions:*

*Q6 What will be the minimum tertiary qualifications for the selection criteria?*

A6 This has not yet been determined by the Commissioners.

*Q7 Will it be a fixed term or indefinite term contract?*

A7 The contract will be for a fixed term in accordance with the terms of the Local Government Act 1995.

*Q8 What is the proposed range for the CEO's salary package (including super and vehicle)?*

A8 This has yet to be determined by the Commissioners.

*Q9 Will ratepayers be consulted prior to the above matters being set by the Commissioners?*

A9 This has yet to be determined by the Commissioners.

- *I refer to the statement reported in Community news on Friday 14th May, 2004 in relation to the proposed Ocean Reef extension from Hodges Drive to Shenton Ave.*

*The statements made included "The suspended Council's decision to proceed with the extension was welcomed by some residents,...." page 11. and page 3 "Commissioner Chairman John Paterson wants Council to find out the cost of holding a phone poll..."*

*Q10 Will you be requesting a retraction from the media given the fact that the information printed was incorrect?*

A10 No consideration has been given to this matter.

*Q11 Are the Commissioners unaware that the last decision made by the (suspended) Council in relation to this item, was for the decision to be deferred pending the outcome of further public consultation?*

A11 Commissioners are aware of the previous decisions of Council in relation to this matter.

*Q12 Are the Commissioners unaware that several Councillors including Councillors Baker, O'Brien, Hollywood, Caiacob and Mackintosh, attended a large meeting with residents of Ocean Reef (after hours) to discuss the item, prior to their suspension?*

A12 The City is not aware of the meeting date or times.

*Q13 Why are the Commissioners, each receiving substantial salaries of \$3500 plus expenses and presently replacing the suspended (voluntary) councillors: unwilling to meet with residents to discuss these important issues?*

A13 Commissioners have received a large number of requests to meet with ratepayers and are endeavouring to meet with as many as possible.

*Q14 Why would Chairman Paterson prefer to expend further vast sums of ratepayers funds on a telephone poll than meet with concerned ratepayers in a serious a/hour meetings, as was agreed by the former (presently suspended) Council?*

A14 This matter has not been considered by the Commissioners at this point in time.

*Q15 Will Chairman Paterson continue to permit misinformation to be printed in the media, in order to promote the effectiveness of the appointed panel to the detriment of the (suspended) Council?*

A15 Where the City believes issues have been reported incorrectly, the City's Media Officer raises the matter with the media outlet concerned.

*Q16 Will the Commissioners be checking the accuracy of future media releases?*

A16 All media releases follow an internal vetting procedure.

*Q17 Given the amount of misinformation given by the media in the past 6 months, will the Chairman be requesting retractions from the media once he has availed himself of the information contained within and the findings of the Governance Review?*

A17 See A15 above.

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

*Questions to Chairman of Commissioners:*

*Q1 Can the Chairman provide ratepayers with a report concerning the extent of the City's success in recovering its costs against the Mullaloo Progress Association following its failed bid in the Supreme Court to block the redevelopment of the Mullaloo Tavern. Will the City explore the merits of recovering these costs against other groups (incorporated or otherwise) who assisted or sponsored this group in its failed bid? Do preliminary investigations disclose that the said group is insolvent?*

A1 Due to the amount of research required, this question will be taken on notice.

*Q2 When will the final stages of the Heathridge Verge Enhancement Scheme (pilot project) be implemented by the City?*

A2 This work has not been scheduled at this stage and will be subject to consideration as part of the 2004/05 budget deliberations.

*Q3 Can the Chairman provide ratepayers with a report concerning the Ocean Reef Boat Harbour (Redevelopment project)? What is the cause of the delay in further progressing this project, when will the community be advised of the alternative proposals for the development of this area?*

A3 The City is in the early stages of creating a structure plan for the future redevelopment of the Ocean Reef Boat Harbour and adjacent land. Funds have been listed in the 2004/05 Budget to further progress this project.

*Q4 I refer to the recent fire damage to Fairway Park situated on Fairway Circle (east) in Connolly. Will the Commissioners liaise with local residents to explore the merits of increasing the net usable area of this park to include more lawn/grass or remnant bush vegetation?*

A4 Yes, arrangements will be made to liaise with the local residents. It is noted that site conditions (eg Limestone Cap Rock) restrict enlargement of the existing grassed area. The preservation of the remnant vegetation is the preferred option.

*Q5 When will the ratepayers of the City be allowed to read the Minister's Governance Review report, given that suspended Councillors have been in possession of this report for in excess of two months?*

A5 A copy of the Governance Review report was received by the City today (18 May 2004). Arrangements are currently being made to copy and distribute the report to Commissioners.

Over the next few weeks the Joint Commissioners and Administration will be considering the contents of the Governance Review and deciding on the appropriate responses to any recommendations contained in the report. During this period, consideration will also be given to whether to release all or part of the Governance Review publicly.

*Q6 I refer to the Minister's Governance Review Report. Have the Commissioners read the report? If not, why not? Do the Commissioners propose to table the report at the next Council meeting?*

A6 See A5 above.

*Q7 Can the legal advice of Harry Dixon re the CEO issue please be made public now? If not, why not?*

A7 No. The advice is confidential.

*Q8 Will the City conduct a thorough forensic audit of all suspended Councillors' (and the Mayor's) claims for travel/baby sitting/airfare and associated expenses. If not, why not?*

A8 No. A forensic audit of these items is considered unwarranted at this point in time.

*Q9 Will the City now release to ratepayers, copies of all written legal advice provided to the City re the CEO issue? If not, why not?*

A9 No. The advice is confidential.

*Q10 Will the City be providing any funds/performing any services to the proposed extension of the Mitchell freeway? If so, what is the nature, extent and cost of the City's proposed contribution?*

A10 No, this project is being carried out by Main Roads WA.

*Q11 When dealing with residents' associations, does the City enquire as to whether such groups are incorporated and have complied with the Associations Act or does the City merely accept, on face value, that these groups are truly representative of the suburbs that they purport to represent?*

A11 The City has in the past checked to establish if groups are incorporated associations.



*Q12(a) Can you please provide a detailed break-up of the monies expended on the Connolly Verge Enhancement Scheme, Connolly Community Facility and related matters?*

A12(a) The City is not aware, as it does not have access to these funds. The funds are under the control of the Connolly Residents' Association and LandCorp.

*Q12(b) Are there any funds remaining from the previous State Government's ex gratia funding for Connolly Residents, following the sale of the Joondalup Golf Course?*

A12(b) See A12(a) above.

*Q12(c) Can the residue of any such funds be applied to further enhancing dishevelled verges and public open space in Connolly? What is the process to be following to pursue this objective?*

A12(c) See A12(b) above.

*Q13 Does the City propose to defer the May 2005 City of Joondalup Council elections? If so, why?*

A13 This is a matter for the Minister for Local Government to determine.

- *I refer to the provision in the 2004/05 State Budget for \$500,000 towards the cost of a Community Facility in Joondalup.*

*Q14(a) Is this the same fund that was established four years ago by the State Government to construct a Community Centre in Currambine?*

A14(a) It is unknown if the \$500,000 amount reported is the same figure suggested as a contribution to the Currambine proposal. The City of Joondalup is continuing to negotiate with the Department for Community Development with regards to the development of a community facility at Currambine. The proposal for the development at this facility has been on the agenda for a number of years. However, until recently, the tenure of the land proposed for the facility had not been available to the City. At this time, it is still proposed that the City will be progressing a community facility at Currambine.

*Q14(b) Has there been any consultation between the State Government and the City concerning the site of the proposed Community Facility?*

A14(b) Yes, on an informal basis only. The Department of Community Development officers from the State Government have identified Heathridge and Craigie as alternative locations in discussion with the City, however the position has not been finalised.

*Q14(c) If the funding conditional upon the City matching the State Government Funding and if so how and to what extent?*

A14(c) Funding for the facility would be through support on a dollar for dollar basis (up to \$500,000) between the City and the Department for Community Development. It is also intended that LotteryWest funds would be sought for the project.

*Q15 What is the commitment of the State Government towards the cost of constructing the proposed Joondalup Performing Arts facility?*

A15 At this point in time no financial commitment has been received from the State Government.

- *I refer to the City's Security Watch service and its important role in law and order in our City.*

*Q16(a) Is the Chairman satisfied with the number of police stationed at Police Stations located in the City?*

A16(a) The City is not in a position to make any comment with regards to the numbers of Police located at stations within the City.

*Q16(b) If the answer to Q16(a) is yes, does the City propose to scale back the City's security watch service in recognition of its satisfaction with local police numbers?*

A16(b) The nature and objectives of the City's security patrols are vastly different from the functions of the WA Police force.

It is however, important to note that the City of Joondalup's security patrols have a positive relationship with the Police, and liaise where necessary regarding matters of community safety to ensure that the security of the community is well maintained.

*Q17(a) When will the draft 2004/05 Council Budget be made available for public consultation?*

A17(a) It is anticipated that the draft Principal Activities Plan, which contains financial forecasts, will be available for public comment during June and July 2004.

*Q17(b) Will all formal and informal Budget sessions involving the Commissioners be open to the public?*

A17(b) No.

*Q17(c) Will there be a public question time before and at the conclusion of all such sessions?*

A17(c) Not applicable.

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

*With reference to the 2003 Compliance Audit and identified as Appendix A the opening paragraph states:*

*“Contracts that are worth more than \$50,000 but did not go to tender include:*

- 1. Fleet Maintenance - public tender now invited,*
- 2. RCS Performance Consultancy/ Affinity Consulting – work now ceased,*
- 3. Vision Events Management (Joondalup Festival) – negotiating one year contract rather than the three year term,*

4. *Traffic Management Services -public tender advertised 18 Feb., 2004,*
5. *Supply of Hardware – specification to be developed for public tender;*
6. *Warwick Community Centre Churches of Christ management -. Arrangements being reviewed by Solicitor – resolution to be determined,*
7. *Oracle upgrade - Deemed to be sole supply,*
8. *LM Electrical - Xmas lighting/decorations – specification to be developed,*
9. *Malco Floor coverings - specification to be developed.”*

*Can you please advise:*

*Q1 How many, and which, of the above contracts are still currently in effect when each of the above became formal contracts?*

A1 Traffic Management Services – Report CJ081-04/04 refers. Warwick Community Centre Churches of Christ management.

*Q2 Who authorised the affixing of the common seal for each of the above?*

A2 The Oracle Contract was approved by Council on 17 December 2002, CJ321-12/02 refers. The common seal was not used in the other cases as a standard purchase order was used rather than a formal contract.

*Q3 How much money was expended on each of the above contracts for the periods July 02 – June 03 and July 03 – current?*

A3	<u>July 02-June 03</u>	<u>Jul 03– Current</u>	
1.	Fleet Maint (Carcare Lakeside)	\$81,804.30	77,549.84
2.	RCS	\$770.00	Nil
	Affinity	\$63,349.00	\$10,318.00
3.	Vision Events	Nil	\$5,000
4.	Traffic Mgmt (Carringtons)	\$3,580.52	\$117,257.08
	Traffic Mgmt (Quality TM)	\$8,896.94	\$4,383.50
5.	Hardware (Wanneroo H/ware)	\$50,886.55	\$45,906.37
	Hardware (Bunnings)	\$28,831.90	\$25,700.25
6.	Warwick Churches of Christ	\$326,037.31	\$260,113.63
7.	Oracle	\$566,585.97	\$318,514.91
8.	LM Electrical	\$63,596.50	\$45,584.00
9.	Malco	\$41,602.57	\$45,665.97

*Q4 Why the City of Joondalup’s Contracts and Tendering Manual which specifies process and procedures were not followed in each instance as nominated above?*

A4 This was an administrative oversight and staff have been advised accordingly.

*Q5 When the Compliance Audit for the period 2002 was presented to Council for consideration and approval?*

A5 Council adopted the completed Local Government Compliance Audit Return for the period 1 January 2002 to 31 December 2002 at its meeting held on 11 March 2003 – Item CJ033-03/03 refers.

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

*Re: CJ103-05/04 - Lot 5 (10) Poimena Mews, Kingsley - Recommended Disposal*

*Q1 When did the City call for submissions from local community groups, for expressions of interest for the re-use of this facility?*

A1 The City has not called for submissions from the public for the re-use of this facility.

*Q2 Was there an advertisement in the local paper or the West Australian?*

A2 See A1 above.

*Q3 If yes, when? If no, why not, as it was a resolution of Council for this to be done?*

A3 As outlined in Report CJ103-05/04 re-use of the facility for public purposes may be constrained due to:

- Meeting the planning considerations for use as a community building; and
- Current condition of the building requiring approximately \$250,000 of work to re-instate it to a public building standard.

*Q4 "Executive Summary Paragraph . Planning advice has since been obtained.....may not now be conducive to a quiet cul-de-sac location."*

*What planning advice was sought? When was this sought? At what cost to the City?*

A4 Advice was sought from the City of Joondalup planning staff in relation to the planning implications of future use of these premises for any public activity. This advice was sought on 11 September 2003 and 17 October 2003. There was no external cost to the City for planning advice as it was provided internally.

*Q5 Why could this advice not be obtained from the City's Planning Department, the R-codes and the DPS2, as the land is R20 Residential?*

A5 The City of Joondalup Planning staff provided the advice.

*Q6 Whom did the City seek information from?*

A6 The City of Joondalup Planning staff provided advice on planning matters. The City of Joondalup Principal Building Surveyor attended the site and provided a report on the building condition and compliance. The City of Joondalup Quantity Surveying contractor provided a cost plan.

*Q7 The lease agreement for this Centre expired in December 2002, and the first proposal, from staff to dispose of this site, was put to Council in July 2003, how did this centre deteriorate to "dilapidated and unusable" in such a short time (7 Months)?*

A7 The lease expired in December 2002. Prior to that the Education Department had ceased services some 12 months before the lease expired.

The deterioration reflects the age of the premises, the design codes used corresponding to the time it was constructed and extended “fair wear and tear” that is expected from ongoing use of a public building of this type and construction.

Q8 *How many car parking spaces are on this site?*

A8 Seven car parking spaces.

**The following questions were submitted by Ms Rosemary Gray, Kallaroo:**

Q1 *When will the Governance Review Report conducted on the City of Joondalup Council and completed in December 2003 at a cost of \$20,000 to the ratepayers, be completed?*

Q2 *Will the findings be made available to the public?*

Q3 *If not, why not?*

A1-3 A copy of the Governance Review report was received by the City today (18 May 2004). Arrangements are currently being made to copy and distribute the report to Commissioners.

Over the next few weeks the Joint Commissioners and Administration will be considering the contents of the Governance Review and deciding on the appropriate responses to any recommendations contained in the report. During this period, consideration will also be given to whether to release all or part of the Governance Review publicly.

**The following questions were submitted by Mr Vincent Cusack, Kingsley:**

Q1(a) *Can Council please explain why the application for a medical centre for Lot 9/937 Whitfords Avenue, Woodvale (former Pizza Hut) was determined under Delegated Authority in October 2002, instead of going before the full Council?*

A1(a) In accordance with the Notice of Delegation, the application was able to be considered under delegated authority

Q1(b) *Can Council please detail the grounds upon which that application was refused?*

A1(b) The application was refused for reasons involving the provision of car parking. The reasons were:

1. The car parking shortfall of 20 car bays is excessive and does not comply with the car parking standards in DPS2.
2. The use of surplus car bays on the adjoining lots would impinge on the future development potential of the adjoining lots in respect to the provision of car parking.

3. A reciprocal car parking arrangement cannot be accepted, as there is no written letter of consent from the adjoining affected landowners who are party of the existing legal agreement affecting the site agreeing to the use of surplus car parking within the centre.
4. The proposal would be contrary to the proper and orderly planning of the locality.

*Q2 Having been refused can Council please explain why an application for a medical centre and shop, for the same location, was determined yet again under Delegated Authority in August 2003 instead of going before the full Council?*

A2 The refusal of the proposed development was the subject of an appeal by the applicant to the Town Planning Appeals Tribunal. During the process of the appeal, the appellant reduced the areas of the component uses of the development, and increased the provision of car parking. The resultant proposal complied with the requirements of DPS2, and did not increase the overall car parking shortfall on the site that existed under the previous tenancies (ie pizza hut). The appeal was upheld on that basis.

Subsequent to the Appeal decision, the applicant amended the proposal to increase the number of medical practitioners from six to eight, and reduce the area of the retail activities. As the provision of car parking remained in accordance with the DPS2 requirements and the Town Planning Appeal Tribunal decision, the application was able to be considered under delegated authority in accordance with the Notice of Delegation.

*Q3 Can Council please detail the reasons why the application was successful the second time round?*

A3 The application was in compliance with the DPS2 and the decision of the Town Planning Appeal Tribunal.

*Q4(a) Was the first applicant Greg Rowe & Associates acting on behalf of the second applicant Citypride Holdings Pty Ltd - in other words was it a re-submittal for a medical centre by the same proponents?*

Q4(a) The applicant was Greg Rowe and Associates, acting on behalf of the owners, Citypride Holdings Pty Ltd.

*Q4(b) Can Council confirm the involvement of Endeavour Healthcare in the medical centre for Lot 9/937 Whitfords Avenue, Woodvale?*

A4(b) No

*Q5 Considering the fact that Woodvale Park Medical Centre has been and is currently operating on the same site, did the City notify that Centre of the pending application for Lot 9/937 Whitfords Avenue to enable it to make submissions?*

A5 Yes, the adjoining landowners were contacted by the City and invited to make comments in regard to the provision of car parking and reciprocal car parking and access arrangements.

Q6 *Did the City receive any correspondence of inquiry or opposition from any of the professional groups or individuals operating in the Woodvale Park Medical Centre?*

A6 Yes. Correspondence was received from the Woodvale Park Medical Centre.

Q7 *What precise retail outlet is planned for the shop at Lot 9/937 Whitfords Avenue Woodvale?*

A7 The precise retail outlet is not known at this stage.

Q8 *Was Council aware at the time, and is it aware now, that the only remaining Doctor's Surgery in Kingsley will be relocating to the approved medical centre at Lot 9/937 Whitfords Avenue Woodvale on 21 June 2004?*

A8 No.

Q9(a) *Did Council take any consideration of the inconvenience the decision to approve the medical centre for Lot 9/937 Whitfords Avenue, Woodvale will cause to the Elderly (in particular) residents of Kingsley?*

A9(a) The application was determined on planning grounds. Notwithstanding, it is noted that there is land available in Kingsley for the conduct of medical consulting rooms.

Q9(b) *In Council's view, what is the likely impact of having no Doctor in Kingsley, on the Small Business shop owners operating in the Kingsley Village Shopping Centre on Kingsley Drive?*

A9(b) The City is unable to predict any likely impact on the Kingsley Shopping Centre.

**The following questions were submitted by Mr R Privilege, Edgewater:**

- *I refer to recent reports in the Local media that the City of Joondalup did not provide any support to the West Perth Falcons Football club. I ask:*

Q1 *Is this correct?*

Q2 *If not, what was the nature and extent of any such support?*

Q3 *Will you issue a media release to correct 'misinformation' in the said media reports?*

- *I refer to recent letters to the Editor complaining about the lack of debate and vigorous scrutiny of Council agenda items at Council meetings. I ask:*

*Q4 Why is there no such public debate or scrutiny at the Council meetings?*

*Q5 Is perhaps because discussions have taken place between the Commissioners behind closed doors before the formal commencement of formal Council meetings?*

*Q6 Why have you shortened public question time and abolished public question time at the end of the Council meetings?*

*Q7 Why have you abolished Strategy sessions?*

- *I refer to your recent public statement to the media concerning the Council's new policy of openness in decision making. With this in mind:*

*Q8 Why won't you immediately release a copy of Harry Dixon's legal advice to the City concerning the CEO issue?*

*Q9 Don't the ratepayers deserve to have a copy of this advice that was paid for by ratepayers?*

- *I refer to your ongoing criticisms of suspended Councillors for not sacking the CEO:*

*Q10 Did the Commissioners 'sack' the CEO?*

*Q11 What was the nature and extent of the Commissioners' consultation with ratepayers prior to (to use the words of the Editor of the West Australian Newspaper) "rewarding" the CEO with a half a million dollar payout?*

*Q12 I refer to the Governance Review Report. Why is this document being kept a secret from ratepayers? Why don't ratepayers deserve to know its contents and findings? Is it because it is in the process of being politically 'cleansed' by the Minister? I refer to your criticisms of suspended Councillors concerning the CEO issue. Are you aware that at all material times a majority of Councillors acted in strict accordance with legal advice? Are you alleging the legal advice was wrong and if so, will you be seeking a refund of all legal fees paid to the lawyers who advised the City on this issue?*

*Q13 I refer to your recent appointment of Mr Clayton Higham as the City's Acting CEO. Without in any way casting aspersions against him, I ask why did you agree to pay him such a high salary package in excess of \$200,000 per annum? Does Mr Higham hold a much vaunted Bachelor of Business Degree?*

- *I refer to recent public concerns regarding the brevity of Council meetings. I ask:*

*Q14 What is the average duration of each ordinary Council meeting presided over by the Commissioners since their appointment?*

*Q15 What was the hourly rate paid to the Commissioners for each such meeting?*



*Q16 Does the electronic media have an as of right entitlement to attend at and film Council briefing sessions and Ordinary meetings? If not, will you confirm that a right will be bestowed upon them as part of the Commissioners new policy of ‘openness in decision making’?*

- *I refer to Council’s policy of openness in decision making. Are you aware that the group styled as the Joondalup Combined Residents Group:*

*Q17 Is unincorporated?*

*Q18 Does not represent the views of a majority of the City’s ratepayer groups that are incorporated?*

*Q19 Excludes members of the public from its meetings when it meets?*

*Q20 Comprises of a majority of persons who are members of the ALP, Greens and sympathisers?*

- *I refer to the group of persons using the name “Joondalup Combined Residents”. Are you aware that:*

*Q21 This group, which allegedly represents all ratepayers in the City of Joondalup has fewer than ten financial members?*

*Q22 Has failed to incorporate for over 12 months?*

*Q23 Has recently failed in its attempts to stop a local community group incorporating?*

*Q24 May not be complying with the provisions of the Act?*

A1-24 These questions were received on 18 May 2004. These questions require a detailed response to be prepared and as such will be taken on notice.

**Mr I Self, Ocean Reef (Representing the Ocean Reef Action Group):**

*Q1 Re: Resolution of 17 February 2004 – Is the money listed for consideration for the construction of the Ocean Reef Road extension to Hodges Drive to Shenton Avenue in the 2004/05 budget?*

A1 An amount of money is listed in the 2004/05 budget, that allows for the stage one option being the minimal standard option.

*Q2 Re: Deputation submitted by the Ocean Reef Stakeholders Group on Tuesday 11 May 2004 – As the Ocean Reef Residents Association has not met for many years we consider this to be another delaying tactic and if residents abutting the reserve (most of these are already members of the stakeholders group) are represented as a separate group then will we have the same courtesy to be afforded to the residents along and abutting Constellation Drive to be represented in an equal number? Is it time Council took a firm stand on this matter, and got on with the job the ratepayers are employing them to do?*

A2 *Response by Chairman Paterson:* The Ocean Reef Road extension is still in the community consultation process, but your comments will be noted in that process.

**Ms R Wharram, Ocean Reef:**

Q1 *Would the Commissioners please attend an on-site meeting with members of the Ocean Reef Action Group at both ends of Constellation Drive at 8.30 am on any weekday in the next week?*

A1 *Response by Chairman Paterson:* This is a commitment that the individual Commissioners will have to make.

Q2 *Would it be possible for Council to monitor the pollution levels at the southern end of Constellation Drive in the morning when the traffic queue is almost at a standstill?*

A2 This will be investigated.

**Mr B Talevski, Ocean Reef:**

Q1 *I would like to know why traffic counters have only been put in on Constellation Drive near Shenton Avenue to count traffic on one side and not been used to count the traffic from Ocean Reef and Beaumaris?*

A1 Any data collection that is taken for the traffic impact assessment process will be certainly justified as part of that study.

Q2 *Ocean Reef Stakeholders Group are concerned about the rabbits, foxes and snakes but they are not concerned about Constellation Drive, is this fair?*

A2 Administration cannot answer this question.

**Mr M Leather, Ocean Reef:**

Q1 *What is the total cost to Council, that is the ratepayers, involved since the Ocean Reef Road Extension was put on hold for the second time last October 2003 including the cost of engineers and planners drawing up plans that have been disregarded, the cost of awarding contracts, any costs involved in the cancellation of awarded contracts, the cost of contracting for the purpose of consultation, increased cost of building the road since 1997 and then 2003 and what the estimated cost would be in 2004 or 2005 if the process is dragged out?*

A1 This question will be taken on notice.

Q2 *If this important link road is ever complete will Council consider claiming the extra costs incurred from the Stakeholders Group who are continually holding up the extension?*

A2 *Response by Chairman Paterson:* No.

**Mr A Sham, Ocean Reef:**

*Q1 Would it be possible for Council to consider closing off the Hodges Drive end of Constellation Drive until the Ocean Reef Road extension is built to give some relief from the traffic on the long-suffering residents in Constellation Drive?*

*A1 Response by Chairman Paterson: No.*

*Q2 Would it be possible to put four car counting machines or road sensors to count the speed and number of cars in four different locations in Constellation Drive to get a complete picture of the frequency of the cars, the speed and rate per hour during the whole day?*

*A2 Response by Chairman Paterson: There is a traffic impact study being undertaken and when the process is completed the information will be available.*

**Mrs M Papworth, Ocean Reef:**

*Q1 Ocean Reef Road extension is important as the road is an important link road. Can the Commissioner tell me if there is any other link road that has a missing link of two kilometres that has been turned into a park?*

*A1 Response by Chairman Paterson: There is certainly some linkages missing up the coast; further north there is 30 kilometres of road missing but I do not know of one being turned into a park.*

*Q2 Are the Commissioners aware that Ocean Reef has already eight parks and endless wide open space on the coastal strip?*

*A2 Response by Chairman Paterson: The Commissioners are aware that there are an enormous amount of parks in the City of Joondalup and Council is lucky to have them.*

**Mr M Lowry, Iluka:**

*Q1 What was the value of funds provided for the road to link Hodges Drive with Shenton Drive and how far does that programme go, what was the plan?*

*A1 What has been provided for in the Capital Works Programme is similar to what Council considered last year. Council swapped the road obligations with the developer of Burns Beach Road and they pre-fund that portion of road between Southern Cross Circle through to Hodges Drive, which is the part that the City is responsible for. The developers contribute towards that and in that road swapping obligation the City contributed \$140,000. That amount still remains and is included in the 2004/05 Capital Works Programme for the Commissioners' consideration.*

**Mr R Dallas, Ocean Reef:**

*Questions resubmitted from the Briefing Session of 11 May 2004.*

*Q1 Are the Commissioners aware that when you are talking about going out to the wider community on the Ocean Reef Road extension that this has already been done in the past, when the majority of ratepayers had voted to support the two previous elected*

*but now suspended Councillors on just that promise and unless advised otherwise we believe the majority of ratepayers are still under the assumption that this process is still on track and also believe that this is one of the caretakers' responsibilities?*

A1 *Response by Chairman Paterson:* The Commissioners are aware that the road was to be constructed and that it was put on the budget this time last year. The process came to a halt in October last year when full Council decided to conduct a major consultation process.

Q2 *The beautification of the proposed extension to match Iluka is not required in this instance, the developers designed their roads bearing in mind that the buildings facing the front of the road required both safe entry and exit points from the owners' driveways. Are you aware that none of the houses' front entrance points on the proposed extension do this, they have their safe entry and exit points from the roads adjoining the properties from behind. This means that no problem exists regarding the same matter and there is no need to waste taxpayers' money regarding this issue?*

A2 *Response by Chairman Paterson:* We are aware the road is on their back fence and I understand the road was proposed in two stages.

*The following question was submitted in writing by Mr R Dallas:*

Q3 *Are the Commissioners also aware of a statement that was made to them opposing this extension regarding the claims that the rabbits and foxes will be run over and killed by the building of this project? In fact these animals are not natural inhabitants to our shores and do more harm to the natural flora/fauna and wildlife than is necessary regarding the concerned area. Also that CALM has an ongoing plan in our State to eradicate or control these animals which should then again apply here?*

A3 This question will be taken on notice.

**Mr K Zakrevsky, Mullaloo:**

Q1 *With reference to the Building Licence Approval as issued for the development known as Mullaloo Beach Village on 23 December 2003 there is a potential patronage of 900 persons in this building which will adversely affect the low density, high amenity R20 neighbourhood localities of Mullaloo and Kallaroo. Council has not responded to repeated requests to state the allowable patronage. How many patrons will be allowed in this building if health requirements are met?*

A1 This question will be taken on notice.

Q2 *The developer of the Mullaloo Beach Village and Council told the residents of Mullaloo and Kallaroo that the new tavern would be the same size as the old tavern but this is not correct. Carine residents negotiated with the developer and Joondalup Council on patron number before the tavern was granted approval for a development application approval. Given that the maximum number of patrons in the old Mullaloo Tavern was 175 and was increased to 350 just before demolition, will the Commissioners afford the same negotiating opportunity to the residents of Mullaloo and Kallaroo for an acceptable level of patronage?*

A2 The figures quoted are not correct. The old tavern had a maximum patronage of more than 175 people and more than 350. The approved tavern has a floor area which is marginally larger than the older tavern. This question will be taken on notice to allow further research to be undertaken.

**Ms S Hart, Greenwood:**

*Q1 Have the Commissioners been briefed on the questions that were asked at the Briefing Session regarding Poimena Mews, Kingsley that is on tonight's agenda. The first question that was raised was: "Is it covered by Amendment 10" and one of the Commissioners asked how the City acquired the land?*

A1 A memo was sent to advise the Commissioners.

*Q2 A petition was presented to the Chairman this evening. Would the Commissioners consider deferring this item until more consultation has been undertaken, especially of the people in Poimena Mews?*

A2 *Chairman Paterson:* This will be dealt with under "Petitions".

**C30-05/04                      EXTENSION OF PUBLIC QUESTION TIME – [01122] [02154]**

**MOVED Cmr Anderson, SECONDED Cmr Smith that public question time be extended for a further period.**

**The Motion was Put and**

**CARRIED UNANIMOUSLY (5/0)**

**Ms L Scott-Sellars, Ocean Reef:**

*Q1 Re: Consultation Process for the proposed extension of Ocean Reef Road – I refer to the Joondalup Community News dated 13 May 2004, Page 11. Mr Higham reportedly said that this consultation process will be a role model for the City's future community consultation, that it is being designed according to the Department of Premier and Cabinet's Best Practice Guidelines, that the Department itself will evaluate the process against these guidelines, however the City's status report prepared for last week's briefing meeting did not follow in full the specific advice recently given by the Department of Premier and Cabinet to Ms Rhonda Hardy regarding the wording of the new Council resolution and other consultation matters. Are the Joint Commissioners aware that the Department of Premier and Cabinet's specific advice has been massaged, altered and watered down by City officials?*

A1 *Response by Chairman Paterson:* No we are not aware of this. We have had a briefing from the consultant and we are aware of what is happening.

*Q2 In a recent telephone conversation following our letter about the disenfranchisement of certain ratepayers' views, Mr Higham said to me that the Joint Commissioners had instructed him and I quote: "To see how we can creatively include the no-road option in the consultation process without detracting from the road." Having seen the new*

*recommendation I can see the City's creativity. The recommendation and reports creates an illusion of consulting about the community recreation option, yet all it actually provides for is presenting issues around the no-road option which commits the City to nothing much. Why are our views such a threat to the City that you have to resort to semantic guile in order to get your own way, why can't you just do things fairly and openly? Do you imagine for a moment that cutting out some inconvenient views and trying to cheat people out of the chance to have their views heard is the true spirit of public consultation?*

A2 The actions taken by the City to date have sat within the evaluation and those guides and it is for Council to determine parameters, not the consulting citizens or the Department of Premier and Cabinet. The Department has explicitly said that it is not its role.

*The following questions were submitted in writing by Ms Scott-Sellars:*

Q3 *City officers have admitted to ORCS that extending the Ocean Reef Road will not solve the peak time traffic jams on Constellation Drive. Is the real agenda so that the Ocean Reef Road extension can be used for dirt trucks to carry waste from the Ocean Reef Marina construction site?*

Q4 *Will the City place the same technical engineering and financial resources at the service of the Community Amenity Option of the second workshop phase of the Ocean Reef Road extension as it will for the detailed design option of the Ocean Reef Road?*

Q5 *The Department of Premier and Cabinet gave Ms Rhonda Hardy some specific recent advice on how the consultation process on the Ocean Reef Road extension should proceed; e.g., to allow full and equal consideration of all points of view and perceived values for this piece of land. Why have Department of Premier and Cabinet's detailed recommendations been watered down to a virtually unrecognisable form as contained in Late Item No. 1 – Status Report? What Celia Broderick said is not contained in that report.*

A3-5 These questions will be taken on notice.

**Mr M Taylor, Ocean Reef:**

Q1 *Have the Commissioners received a response to their Briefing Session last week, and will take that into consideration when dealing with the item tonight?*

A1 *Response by Chairman Paterson: Yes.*

Q2 *In the Status Report on the consultation process the Acting Chief Executive Officer has publicly said that the City will use this consultation opportunity as a role model. Why is the City suggesting treating the community recreation amenity option as a step-child and a second workshop, and not willing to invest in drawing up similar engineering and landscaping designs for this option?*

A2 *Response by Chairman Paterson: It is all part of the process.*

**Mr R Byfield, Ocean Reef:**

*Q1 Constellation Drive is the only access road for many services and schools including two primary schools, a church, two high schools, shopping centre, two restaurants, a bottle shop, community centre, video rental, two medical practitioners, a pharmacy, a dental surgery, vet, two physios, a child care centre, a BP garage and real estate agent. Commissioners, are you aware that senior City of Joondalup officials have admitted on several occasions that they know that the Ocean Reef Road extension will not materially solve the peak time traffic problems on Constellation Drive?*

*A1 Response by Chairman Paterson:* That has not been conveyed to us. It will go part of the way towards solving the problem.

*Q2 If officials in the City suspect that peak time traffic will not be materially improved then what is the real reason that they want to push the road through and will the new traffic studies address that?*

*A2 Response by Chairman Paterson:* The traffic impact study is being carried out. When that is completed it will be entered into the community consultation process.

**Mr D Lloyd, Ocean Reef:**

*Q1 At the Briefing meeting it was stated that the traffic studies would soon be completed. Can Administration tell us whether these traffic studies will simply present the number of cars logged at certain times at either end of Constellation Drive or will there be a more informed and intelligent analysis of whether the proposed Ocean Reef Road extension will significantly reduce traffic on Constellation Drive at peak times?*

*A1* The traffic study will provide a comprehensive survey of information and provide all the data regarding the local area.

*Q2 Will the study clearly state the duration which Constellation Drive is in fact congested?*

*A2* Yes.

**Mrs M Zakrevsky, Mullaloo:**

*Q1 Re: Mullaloo Beach Development CJ204-08/02 – The residential building approved in August 2002 was for five short stay apartments and this number was amended by private negotiated agreement to consist of nine short stay apartments. Given that this was a significant alteration can you advise:*

*(a) why this did not require a new development application as this necessitated a change of floor space use?*

*(b) if Council was advised that this was a change of floor space use and therefore required a new development application?*

*Q2 With reference to the Building Certificate issued for the Mullaloo Beach Tavern on 23 December 2003:*

- (a) if the kitchen and dining facilities of the tavern are made available to the residents of the residential part of the building will this make the facility a resort or a hotel?*
- (b) will a tavern licence still be applicable to this site or does Council want to issue a retrospective change of use to a hotel?*

A1-2 These questions will be taken on notice.

**Mr K Luck, Mullaloo:**

*Q1 Re: Mullaloo Beach Village Redevelopment – Council approved development plans for four levels of decked car parking. The building licence plans dated 23 December 2003 show that two of the levels are connected by a single ramp with traffic lights to control movement. This is significantly different from the two way ramp system between levels seen by the community and approved by Council as part of the development application. Can you please advise why this significant change has not required a new development application and why there was no traffic management report required prior to approval?*

A1 The changes that were made are internal to the development and do not change the planning performance of the development or its impact on the neighbouring land uses. They are the sorts of issues that are considered by the Town Planning Appeal Tribunal and covered by Planning Law from time to time. Planning approvals can vary to a degree before they get to building licence, so long as the impacts are not exacerbated.

*Q2 A condition of the development application approval was that an acoustic report be produced. A building certificate was issued without an acoustic report, why?*

A2 This question will be taken on notice.

**Ms M Macdonald, Mullaloo:**

*Q1 Re: Mullaloo Beach Village Development – Council approved short stay apartments as being temporary accommodation in a residential building. There is no policy governing short stay apartments or residential building in the City of Joondalup. Tonight’s agenda states that “temporary” means “lasting, or meant to last, for a limited time”. As no time constraints have been placed on the use of these units how are they to be controlled so that they are not used as permanent dwellings or does the City propose to give retrospective approval to permanent dwellings?*

A1 There are no applications before the City for changes to uses that were approved. The normal way to control occupation is by the fact that separate titles could not be issued for those short stay apartments, so they are managed as a group for infrequent tenancy, whereas permanent dwellings usually have their own title and can be on sold.



*Q2 The Mullaloo Beach Village requires approximately 90 car bays off site. Given that the previous building was allowed off site bays of 34, 60 new bays will be need in the area. Can Council state where it intends to site these car bays and how it will they fund them as no cash in lieu was required from the developer?*

A2 This question will be taken on notice.

**Mr M Sideris, Mullaloo:**

*Q1 Re: Questions asked at the Council Meeting on 27 April 2004 – I sought clarification on a resolution of Council which clearly referred to all dealings between the City and the tavern developer. Can the Chairman advise me if he and other Commissioners were advised of this resolution when signing off on the building licence approval under delegated authority and if not, why not, when the resolution has still not been rescinded?*

A1 The building licence is issued by the Principal Building Surveyor, who is the authorised officer. The rest of the question will be taken on notice.

*Q2 Given that the building licence approval certificate allowed a reduction to the number of on site parking bays, allowed relocation of the staff and patron bays including those for people with disabilities, can you please advise me as to:*

- (a) Why this has not seen as a significant change or departure from the plans as reported in the agenda and approved by Council as part of the development approval?*
- (b) Why, with all the public and Councillor interest, a further reduction to the number of parking bays on site was not seen as requiring a new development application?*
- (c) Why parking bays for people with disabilities have been relegated to the basement of the building, when the expectation and best practice is in providing equitable access for all members of the community with easy and safe path of travel between parking bays and facilities such as shops, restaurants, and taverns thereby ensuring that they are not treated as second class citizens?*
- (d) If advice was sought from the Policy and Project Officer of ACROD as to whether they approved changes and deemed them acceptable?*

A2 This question will be taken on notice.

**Mrs O Reichenberg, Ocean Reef:**

*Q1 All the residents living west of Constellation Drive are forced to use Constellation Drive to reach Marmion Avenue, Hodges Drive or Shenton Avenue. Has Council considered building additional entries to the four schools from other streets adjoining the schools? Beaumaris Primary and St Simon Peter Catholic Primary could both have additional entries with drop off zone areas from Santiago Pathway, parents*

*could use Marmion Avenue to reach Santiago Pathway and avoid Constellation Drive altogether. Prendiville Catholic College could have two slip roads one leading off Marmion Avenue and the other off Hodges Drive, the verges are very wide and a slip road with drop off zone would allow many parents to avoid Constellation Drive. Ocean Reef Senior High could also have a slip road off Hodges Drive allowing parents to avoid Constellation Drive.*

A1 At this point in time Council has not given any consideration to those suggestions.

Q2 *The proposed Ocean Reef Road extension is not even a scenic road as there are dunes between the road and the ocean. Is Council aware that it would be impossible to see any of the beaches and rock formation while travelling on this road? On parts of this road route occupants in cars could not even glimpse the ocean.*

A2 This comment will be taken on board.

**Mr M Caiacob, Mullaloo:**

Q1 *Re: Campus District Structure Plan – In response to my questions received in this agenda, who approved the plot ratios over the allowable in the Campus District?*

Q2 *Are the laws administered by the City of Joondalup, administered equally to all?*

A1-2 These questions will be taken on notice.

**Mr M McLennan, Ocean Reef:**

Q1 *Re: Ocean Reef Road extension – Can Council put an end to the ongoing delays to this process, is it possible to have a date on a decision on this extension to the road?*

A1 *Chairman Paterson:* There is a motion before us tonight. Council will be progressing the process with community consultation and then a decision will be able to be made.

**Mr E Papworth, Ocean Reef:**

Q1 *Is there no way that this farce of meeting after meeting can be resolved more quickly by giving the final responsibility for making the decision to build the road or not to the road planning authority who would judge the case purely on safety measures, vehicle requirements of the area and sound expert knowledge rather than on the hypothetical small devaluation of the few properties along its route which is the main concern of those who do not want the extension?*

A1 *Chairman Paterson:* About 12 months ago Council made the decision to build the road and there is \$140,000 in the budget for that. In October Council stopped that process and decided to commence a community consultation process. As Commissioners we have inherited that process and we are determined that we will undertake the community consultation process and then we will make a decision.

**Mr J Varley, Iluka:**

*Q1 It should be clear to you that the majority of people in our Shire require integrity as paramount. The quality we demand of all Shire administrative employees. Government Minister Tom Stephens referred to salaries being out of kilter with the expectations of those who pay them. Chairman Paterson ignored that, and gave Mr Higham an obscenely high salary without the democratic approval of we who will have to pay it.*

*Learning from Mr Smith's debacle did you each meticulously investigate Mr Higham's history of managing the Planning Department to satisfy yourselves regarding his honesty, his forthrightness and his history of open and willing accountability to ratepayers?*

*A1 Response by Chairman Paterson: The Commissioners are happy with our decision regarding Mr Higham.*

*Q2 I have sent Cmr Paterson countless emails, also copies of some of the letters I have sent to Mr Higham during the last four years. Four years ago my wife found a small single storey home with expansive ocean views in Ocean Reef. It was a twin shared strata title, we asked Mr Higham for the terminology 'strata title' to be clearly explained to us. We were told on a share strata title neither party may make any form of alteration, structural change or addition without first gaining planning permission, and planning permission will not be given unless the other party of the land first gives written consent. The City's charter states that employees will assist customers and ensure that information will be accurate, complete, up-to-date and not misleading. With that assurance we bought the house. After this time, Mr Higham gave our strata sharers permission for major changes without our knowledge. Mr Higham's staff visited the site and reported back on one structure and said it was illegal. I have been writing letters to Mr Higham for four years, he has never acknowledged one letter. Will you please have somebody answer the letters which I have been writing and the questions that I have been putting to you?*

*A2 Response by Cmr Paterson. The community needs to know that Mr Varley has been advised to take his grievances to the Ombudsman.*

**Mr V Cusack, Kingsley (President of South Ward Ratepayers Association):**

*Q1 Re: CJ103-05/04 – Poimena Mews – Can Council please outline the role of the elected Council and/or in this case the Commissioners as opposed to the Administration under the Local Government Act 1995?*

*A1 Response by Chairman Paterson: Our role is not to administer the City, our role is to make decisions on policy and direction.*

*Q2 In view of the Council answer and in light of the Council resolution on 29 July 2003 which states: "Moved Cr O'Brien Seconded Cr Baker that Council does not dispose of Lot 5(10) Poimena Mews, Kingsley subject to calling for submissions from local community groups for the reuse of this facility." Can Council please explain why:*

- (a) *Public submissions were not called as per the Council resolution; and*
- (b) *Why this item CJ103-05/04 relating to Poimena Mews has come before the Commissioners tonight when it is in direct conflict with the Council resolution of 29 July 2003?*

A2 Public submissions were not invited because late last year more information became to light, and at that point in time Council had other matters that took priority over readdressing Poimena Mews.

*Response by Chairman Paterson:* It is not uncommon for Councils to rescind motions.

**Mr T Warwick, Ocean Reef:**

*Q1 Has there been an open advertised information process similar to that for north of Burns Beach Road, in relation to Ocean Reef Road extension?*

A1 A press release was made last week advising people of the process. Advertising to the broader community will occur once the issues at hand are resolved.

*Q2 If this is the case, why is there no information on the City's website in relation to this consultation process to make it open and transparent?*

A2 Administration intends to place information on the City's website.

**Mrs A Walker, Padbury:**

*Q1 My son plays competition hockey for Edith Cowan Hockey Club, last week they played at Iluka our home ground. Council is responsible for these grounds, has anyone been out to the Beaumaris Sports Association grounds at Iluka to view the conditions of the sporting fields there?*

A1 Yes, the user group and Council meets on a six weekly basis. The oval is under heavy use with soccer and the grass will deteriorate with use.

*Q2 The City of Joondalup is suppose to be the premier City for the northern suburbs and Iluka residents pay premium rates. I believe we deserve better than what is being presented at the sporting fields at Iluka. The grass is shallow, patchy and tufty; it is filled with weeds, such as clover and onion grass. Why can't we have grounds and facilities such that are available at Perry Lakes which also have other sports played on them as well? Those grounds are manicure and even, and are safe for people of all ages to play on?*

A2 It is purely due to the selection of turf. The oval is used for cricket during the summer and is planted with couch grass, which becomes dormant in the winter months. Perry Lakes is mainly used for soccer and kikuyu grass is normally planted there.

**Mr R de Gruchy, Sorrento:**

*Q1 Re: Refurbishment of the Craigie Leisure Centre – approved by Council on 30 September 2003.*

*When will the final plans be available for public comment and when will tenders be called for construction?*

A1 The concept plans have been approved. Detailed designs have been completed and the tender documentation is being finalised at this present time with a view of going to tender in three or four weeks.

*Q2 Re: Administrative policy within the City of Joondalup – Does the City of Joondalup have a policy of answering each piece of incoming mail within a specified time span? If the answer is yes and the specified time span is less than 30 days why haven't I received a reply to the letter I sent to the Chairman of Commissioners some 6 weeks ago?*

A2 The City has a Customer Service Charter which requires a written response in seven days. This matter will be investigated.

**Mr N Gannon, Sorrento:**

*Q1 Re: CSIRO Site in Marmion and to the last paragraph of the answer given to my previous questions as shown on tonight's agenda.*

*What was the common advice given to all potential purchasers of the site?*

A1 This question will be taken on notice.

**APOLOGIES AND LEAVE OF ABSENCE**

Leave of Absence: Acting Chief Executive Officer, Mr Clayton Higham

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

In relation to Item CJ097-05/04 – Date of Future Biennial Local Government Elections, Cmr Smith advised she works on a contract basis with the WA Local Government Association, however she stated she would be impartial when voting on this matter.

In relation to Item CJ098-05/04 – Local Government Act – Proposed Amendments to Electoral Provisions, Cmr Smith advised she works on a contract basis with the WA Local Government Association, however she stated she would be impartial when voting on this matter.

In relation to Item CJ101-05/04 – Community Consultation Process on the Proposed Extension of Ocean Reef Road – Status Report, Cmr Smith advised that her daughter lives in Currabmine, however she stated she would be impartial when voting on this matter.

Cmr Fox declared an interest that may affect her impartiality in Item CJ111-05/04 – Bahama Close, Sorrento – Upgrade to Drainage Infrastructure as her daughter attends Sacred Heart College.

Director, Infrastructure and Operations, Mr David Djulbic declared an interest that may affect his impartiality in Item CJ107-05/04 – Negotiations of Tenancy – Function Centre as family members work on a casual basis with the Spices Catering organisation.

## CONFIRMATION OF MINUTES

### **C31-05/04      MINUTES OF MEETING OF JOINT COMMISSIONERS, 27 APRIL 2004**

**MOVED Cmr Anderson, SECONDED Cmr Fox that the Minutes of the Meeting of Joint Commissioners held on 27 April 2004 be confirmed as a true and correct record.**

**The Motion was Put and**

**CARRIED UNANIMOUSLY (5/0)**

### **C32-05/04      MINUTES OF SPECIAL COUNCIL MEETING, 11 MAY 2004**

**MOVED Cmr Smith, SECONDED Cmr Anderson that the Minutes of the Special Council Meeting held on 11 May 2004 be confirmed as a true and correct record.**

**The Motion was Put and**

**CARRIED UNANIMOUSLY (5/0)**

## ANNOUNCEMENTS BY THE CHAIRMAN WITHOUT DISCUSSION

### **CITY OF JOONDALUP STAKEHOLDERS**

In my last Chairman's column in the Joondalup Community Newspaper, I was pleased to publicly congratulate the members of the City of Joondalup Stakeholder Group.

These people work behind the scenes to make sure our City continues to develop towards its vision as the second major CBD to Perth.

Represented are organisations like the Police Academy, Edith Cowan University, Lake Joondalup Baptist College, the Business Association, Health Campus, TAFE, LandCorp, AIUS, Education Department, Lakeside Joondalup, The Arena, Joondalup Country Club and Stellar Call Centres.

### **SCHOOL AWARD**

During the week, I presented a Community Merit Medal to Halidon Primary School teacher, Maria Schafer, on behalf of the Australian Scholarships Group for “*encouraging young children to be aware of the community and their environment.*”

Our hearty congratulations to Maria and the school.

### **WARWICK BOWLING CLUB**

On Sunday, 16 May 2004, I attended the 10<sup>th</sup> anniversary of the Warwick Bowling Club.

The City has contributed to the Club’s greens and as a keen bowler, I congratulate the club on this milestone.

### **MULLALOO SURF LIFE SAVING CLUB**

On Saturday, 8 May 2004 I attended the Awards Ceremony for the Mullaloo Surf Life Saving Club.

### **WEDNESDAY, 19 MAY 2004**

Tomorrow promises to be a busy day, with a CBD Enhancement Committee meeting, a Possum Magic Competition Party at the Library, a Citizenship Ceremony here in the Civic Chambers and the official opening of the Community Art Exhibition at Lakeside Joondalup.

### **GOVERNANCE REVIEW**

A copy of the Governance Review Report was received by the City today.

Over the next few weeks the Joint Commissioners and administration will be considering the contents and deciding on the appropriate responses to any recommendations contained in the report.

During this period, consideration will also be given to whether to release all or part of the Governance Review publicly.

### **PETITIONS**

#### **C33-05/04                    PETITIONS SUBMITTED TO THE COUNCIL MEETING – 18 MAY 2004**

#### **1                    PETITION IN RELATION TO THE CONSULTATION PROCESS FOR THE EXTENSION OF OCEAN REEF ROAD – [07131] [02154]**

A 264-signature petition has been received from residents of the City of Joondalup requesting a consultation process which includes the option of dedicating the land as a Community Recreational Reserve - as a community and tourist passive recreational amenity; as parkland with walkways; and the restoration and regeneration of the original natural environment.

This petition will be referred to Strategic and Sustainable Development for action.

2 PETITION IN RELATION TO DISPOSAL OF LOT 5 (10) POIMENA MEWS, KINGSLEY – [01051]

A 39-signature petition has been received from residents of the City of Joondalup requesting that the Council of the City of Joondalup does not dispose of Lot 5 (10) Poimena Mews, Kingsley:

- 1 until Council calls for public submissions from Community Groups for reuse of the premises as per the Council resolution on 29 July 2003;
- 2 until Council fully informs the public of all available options including the possible canvassing of volunteering building supplies and labour donations from interested parties;
- 3 because Lot 5 (10) Poimena Mews was gifted to the City by the developer in the 1970s and as such is a public asset that should remain in the City to be utilised by Community Groups in the South Ward;
- 4 the City of Joondalup develop a strategy for the maintenance and upkeep of all Community assets in the South Ward.

This petition will be referred to Corporate Services and Resource Management for action.

**It was resolved that the petitions requesting:**

- 1 **a consultation process in relation to the proposed extension of Ocean Reef Road which includes the option of dedicating the land as a Community Recreational Reserve - as a community and tourist passive recreational amenity; as parkland with walkways; and the restoration and regeneration of the original natural environment;**
- 2 **that the Council of the City of Joondalup does not dispose of Lot 5 (10) Poimena Mews, Kingsley;**

**be received and referred to the appropriate Business Units for action.**

**CJ096 - 05/04 SCHEDULE OF DOCUMENTS EXECUTED BY MEANS OF AFFIXING THE COMMON SEAL - [15876]**

**WARD - All**

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**PURPOSE**

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



- Document: DPS Amendment  
Parties: City of Joondalup  
Description: Amendment No 20 to DPS – Lot 124 Cook Avenue, Hillarys  
Date: 06.04.04
- Document: Easement  
Parties: City of Joondalup, Roman Catholic Archbishop and Davidson P/L  
Description: Easement to allow ‘easement of support’ for retaining walls – Iluka Stage 156  
Date: 08.04.04
- Document: Restrictive Covenant  
Parties: City of Joondalup, Roman Catholic Archbishop and Davidson P/L  
Description: Restrictive Covenant to restrict vehicle access to a number of lots on Deposited Plan – Iluka Stage 156  
Date: 08.04.04
- Document: Deed  
Parties: City of Joondalup, High Speed Electric Nominees and Suncourt Pty Ltd  
Description: Deed of Novation – Contract No 005-02/03 – from High Speed Electrics to Sun Court P/L  
Date: 08.04.04
- Document: Copyright  
Parties: City of Joondalup and Bill and Betty Park  
Description: Recording of historical importance  
Date: 20.04.04
- Document: Copyright  
Parties: City of Joondalup and Alexis Hawley  
Description: Recording of historical importance  
Date: 20.04.04
- Document: Contract  
Parties: City of Joondalup and Wild West Hyundai  
Description: Execution of Contract No 029-03/04 – Supply of fleet servicing  
Date: 20.04.04
- Document: Agreement  
Parties: City of Joondalup and Foodland Properties P/L  
Description: Legal Agreement to facilitate Amendment No 1 to DPS 2 – Lot 3 (5) Trappers Drive, Woodvale  
Date: 27.04.04
- Document: Caveat  
Parties: City of Joondalup  
Description: Withdrawal of Caveat to transfer land from LandCorp to the City of Joondalup – Lot 9 (91) McLarty Avenue  
Date: 27.04.04

**ATTACHMENTS**

Nil.

**VOTING REQUIREMENTS**

Simple Majority

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

**The Motion was Put and**

**CARRIED UNANIMOUSLY (5/0)**

In relation to Item CJ097-05/04 – Date of Future Biennial Local Government Elections, Cmr Smith advised she works on a contract basis with the WA Local Government Association, however she stated she would be impartial when voting on this matter.

**CJ097 - 05/04      DATE      OF      FUTURE      BIENNIAL      LOCAL  
GOVERNMENT ELECTIONS – [03011]**

**WARD - All**

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**PURPOSE**

To determine the level of support by the Joint Commissioners for the proposed change of date for holding the biennial local government elections, from May to September/ October.

**EXECUTIVE SUMMARY**

Following requests from several zones, the Western Australian Local Government Association (WALGA) resolved to survey member councils to determine the level of support for a change of date for holding the biennial local government elections, from May to September/ October.

At the November 2003 meeting of the North Metropolitan Zone Committee of WALGA, that comprises the Cities of Joondalup, Stirling and Wanneroo, it was resolved to request WALGA to survey member Councils to determine if there was general support for the suggested change in date for the biennial local government elections, from May to October. It was considered this change would enable elected members to be better informed before having to vote on the adoption of the local governments' annual budget.

It is recommended that the Joint Commissioners in principle, support the propose change in biennial election date from May to September or October.

## **BACKGROUND**

The timing of local government ordinary biennial elections has been raised as a concern for newly elected members in relation to the timetable for adoption of their Council's annual budget.

Some of the comments and concerns expressed were that new members:

- often did not have a detailed knowledge and understanding of the budget process;
- had little opportunity to participate in any budget course or appropriate training;
- had little opportunity to influence the funding of new projects that they may have included in their election campaigns;
- found it frustrating that the budget for the next financial year had been largely predetermined,

before having to vote on its adoption by their Council.

The above comments sum up the current position applied by most local governments in their budget planning process. It is also appreciated that several pre determined documents and plans influence Council budgets and are required support documentation. In most instances newly elected members would not have had the opportunity to have input and influence those documents. The documents include:

- A Strategic Plan
- Principal Activities Plans
- Capital Works Program
- Grants Funding

## **DETAILS**

### **Statutory Provision:**

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

### **Financial Implications:**

Under the current arrangements with the State Electoral Commission those Councils that opt to use the State Electoral Commission to manage their May biennial elections with postal voting, may split the cost of the election across successive budgets. With a change to September or October, Councils may have to make an adjustment to the budget provisions to split the cost or choose to meet the cost from one budget.

## **COMMENT**

### **Proposed Legislation Changes**

While the comments and concerns outlined above are highly relevant to the current timing of biennial elections, two proposed changes in legislation outlined below have the potential to worsen the situation and add weight to the reasons for a suggested change in the election date from May to September or October.

### **State Government Elections**

The State Government has recently announced its intention to fix the State Government Terms of office to four (4) years and hold the State elections on the third Saturday of February. Clearly this would present the State Electoral Department with a significant challenge on those years when both State and local government elections were to be held as the election process for both elections would overlap if local government elections remained in May.

It is therefore highly likely that the State Electoral Department would support a change in local government biennial elections from May to September or October.

### **Local Government Act**

It is understood that the proposed amendments to the Local Government Act include the provision that local governments can have their annual budgets for the next financial year adopted in June. That being the case, those local governments that choose to adopt their budgets in June will almost certainly exclude newly elected members from having any input into the budget that they would be required to vote on within weeks of being elected in May.

While the adoption of budgets in June of the previous financial year may bring economic advantages by having rates levied and collected earlier in the new financial year, the pressure will greatly increase on elected members new to local government, to be properly informed and fully understand what they are voting on.

This needs to be acknowledged as a significant task for new elected members who in many instances would be on a very steep learning curve to adjust to their role and responsibilities of elected members representing their community.

It was suggested that if the local government biennial elections were held in September or October rather than May, newly elected members of Councils would have more time to settle into their role, undertake training and be better prepared and knowledgeable in what is required of their office and better able to understand and have input into the budget process.

### **Election Timetable Comparison**

To assist in identifying the impact a change in the biennial election date from May to September or October would have, a comparison election timetable showing the dates of the key events in the election process that would have applied for both May and October 2003 has been prepared and is attached.

### Some Considerations

Any change in legislation such as that proposed, will affect all local governments through out the State. Each local government will assess the likely impact from their own perspective. In reviewing the election timetable comparison, each instance has a period of school holidays in close proximity to election day. A consideration for country councils may be the Agricultural Society State Royal Show held in the September/October school holidays. The month of May could involve the seeding period for the wheat belt local governments, whereas September or October could impact on the harvesting of crops.

### Former Elected Members

This matter was raised by former elected members of the City and supported at the North Metropolitan Zone Committee.

### ATTACHMENTS

Attachment 1            Election Timetable Comparison

### VOTING REQUIREMENTS

Simple Majority

**MOVED Cmr Anderson, SECONDED Cmr Paterson that the Joint Commissioners SUPPORT in principle a change in the date for holding of biennial local government elections from May to September/October.**

Discussion ensued.

**The Motion was Put and**

**CARRIED (4/1)**

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

*Appendix 1 refers*

*To access this attachment on electronic document, click here: [Attach1brf110504.pdf](#)*

In relation to Item CJ098-05/04 – Local Government Act – Proposed Amendments to Electoral Provisions, Cmr Smith advised she works on a contract basis with the WA Local Government Association, however she stated she would be impartial when voting on this matter.

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**CJ098 - 05/04 LOCAL GOVERNMENT ACT - PROPOSED AMENDMENTS TO ELECTORAL PROVISIONS – [00561] [71542]**

**WARD - All**

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**PURPOSE**

To provide the Western Australian Local Government Association (WALGA) with comment on proposed changes to the Local Government Act 1995 (Election) Regulations and the Electoral Act 1907.

**EXECUTIVE SUMMARY**

WALGA has sought comments from member Councils on proposals to amend the Local Government Act 1995 (Election) Regulations and the Electoral Act 1907 as proposed by the Western Australian Electoral Commissioner.

The proposed amendments to the Election Regulations provide for inclusion of a postal address on the electoral roll where a residential address is not provided and for any queries about the election to be directed to the Electoral Commission rather than the Returning Officer. Both these amendments are aimed at improving postal elections. It is recommended that these amendments be supported.

The proposed amendment to the Electoral Act 1907 relates to privacy of information on electoral rolls. The State Government has agreed to amend the Electoral Act to limit the number of circumstances that information on electoral rolls would be available for inspection. This would remove the right for that information to be sold or used for inappropriate purposes. For rating purposes, the City maintains its own database of the names and addresses of property owners within the district. As the property owner information is available for inspection by the public, the City may sell that information in accordance with Section 5.96 of the Local Government Act 1995. The property owner information is prepared in “Street Lists” and is available for sale on request. It is recommended that the amendment be supported.

**BACKGROUND**

The Western Australian Electoral Commissioner has sought the support of the Department of Local Government and Regional Development (The Department) for changes to the Local Government Act Electoral Provisions and the Electoral Act 1907. The Department has sought comment on the proposed amendments from WALGA which in turn has invited comment from member Councils to establish a formal response to the Department.

## DETAILS

WALGA has provided the following information relating to the changes sought by the WA Electoral Commissioner.

- Regulation 20(1) be amended to provide for the inclusion of a postal address on the residents roll. Where a postal address is not provided by the elector, then the residential address would be included in lieu. The Department has indicated its support for this proposal.
- Amending Form 13 of Schedule 1 of the Regulations, so that any questions from electors about the election could in the first instance be directed to the Electoral Commission, rather than the Returning Officer. This form, which relates only to postal voting instructions currently requires all questions about the postal voting package to be referred to the Returning Officer. The WAEC has indicated this change would enable them to establish a call centre to handle enquires and allow one standard form to be printed saving cost on the printing process.
- This change relates to planned amendments to the *Electoral Act 1907* to deal with privacy in relation to the electoral roll. Apparently the State Government has agreed to amend the Electoral Act to make electoral rolls provided under that Act available for inspection only in a limited number of circumstances which would remove the right for it to be sold or used or inappropriate purposes. As these electoral rolls form the basis of the residents roll that is passed to Local Government for the conduct of Local Government Elections, it is necessary to consider some restrictions on their access by the general public. S5.96 of the Local Government Act provides that if information can be inspected it can be sold. The availability in this way would tend to contradict the desire to achieve some level of restriction on the use of the information.

## COMMENT

### **Proposed amendment - Regulation 20(1)**

To assist in determining what is proposed with the amendment to Regulation 20(1), subregulations (1) and (2) of the Local Government Act 1995 (Election) Regulations are outlined as follows:

### **“Elector’s details on the roll – s. 4.38(2)**

- 20 (1) Subject to subregulation (2), the resident’s roll is to contain the following details in respect of each elector included on it –
- (a) family name;
  - (b) other names;
  - (c) residential address.

- (2) Subregulation (1) (c) does not apply if under section 51B of the Electoral Act 1907, the elector's residence is not to be included in the particulars that are entered in a roll under that Act."

It is considered that the proposed amendment to include a postal address where a residential address is not provided is quite acceptable, as it would assist with postal vote elections and would have little to no effect on the City. It is noted that the Department has indicated its support for the proposal.

It is recommended that the City support the proposed amendment.

### **Proposed amendment to Form 13 of Schedule 1**

The proposed amendment to Form 13 of Schedule 1 of the Regulations of the Electoral Provisions, provides for any initial questions from electors about the election to be directed to the Electoral Commission, rather than the Returning Officer.

It is considered this amendment could enhance customer service by having initial election queries answered from one area established for the purpose. As well, it is claimed that the costs of postal elections would be reduced.

It is recommended that the proposed amendment to Form 13 be supported.

### **Proposed amendment to the Electoral Act 1907**

The proposed amendment to the Electoral Act 1907, seeks to limit the availability for inspection of information on the electoral roll and prevent the sale of such information to the public. In accordance with Section 5.96 of the Local Government Act 1995, the City has street lists of owners available for inspection and therefore may sell that information. Whilst the proposed amendment would limit the sale of information obtained from the Electoral Commission, it would be necessary to amend the Local Government Act to prevent the sale of street lists.

### **Availability of information – Sale of Electoral Rolls**

The Privacy Act 1988 only applies to the Commonwealth Government. It is understood that a State Privacy Act is currently being prepared and this may also apply to local government. The proposed amendment to the Electoral Act 1907 relates to privacy of information on electoral rolls. The State Government has agreed to amend the Electoral Act to restrict the availability for inspection of the information contained in electoral rolls. This would remove the right for that information to be sold or used for inappropriate purposes. An inappropriate purpose is considered to be any purpose other than that for which the information was primarily obtained or is permitted to be used for under another Act or for a purpose agreed by the State Electoral Commissioner. The enrolments under section 51(B) of the Electoral Act will still be protected. Section 51(B) of the Electoral Act enables a person to not have their address on the electoral roll where their personal safety may be at risk. The elector information held by the State Electoral Commission forms the basis of the electoral rolls used in local government elections. If the elector information provided by the State Electoral Commission is not to be sold, then the electoral rolls used by local governments for their elections would also not be available for sale.



## Street Lists

The City like many other local governments maintains its own database of the names and addresses of property owners within the district for rating purposes. As the property owner information is available for inspection by the public, the City may sell that information in accordance with Section 5.96 of the Local Government Act 1995. The information is provided in “Street Lists” which are sold for \$66.00 per ward including GST and \$346.50 for all wards including GST. Since 2001/2002 the City has sold between 22-38 street lists each financial year, which amounts to between \$2,981.00 - \$7,690.00. The main purchasers of the street lists are real estate agents and marketing companies.

It is recommended that the amendment be supported.

## ATTACHMENTS

Nil.

## VOTING REQUIREMENTS

Simple Majority

**OFFICER’S RECOMMENDATION:** That the Joint Commissioners That the City advises Western Australian Local Government Association that it SUPPORTS:

- 1 the proposed amendment to Regulation 20(1) of the Local Government Act 1995 (Election) Regulations to include a postal address where a residential address is not provided;
- 2 the proposed amendment to Form 13 of the Local Government Act 1995 (Election) Regulations to direct any initial queries electors have about the elections to the Electoral Commission rather than the Returning Officer;
- 3 the proposed amendment to the Electoral Act 1907 to limit the availability of electoral rolls for inspection and sale.

**MOVED Cmr Smith, SECONDED Cmr Anderson that:**

- 1 the City advises Western Australian Local Government Association that it SUPPORTS:
  - (a) the proposed amendment to Regulation 20(1) of the Local Government Act 1995 (Election) Regulations to include a postal address where a residential address is not provided, provided Section 20 (2) remains unchanged to protect the privacy of individuals in appropriate circumstances;

- (b) **the proposed amendment to Form 13 of the Local Government Act 1995 (Election) Regulations to direct any initial queries electors have about the elections to the Electoral Commission rather than the Returning Officer;**
  - (c) **the proposed amendment to the Electoral Act 1907 to limit the availability of electoral rolls for inspection and sale.**
- 2 REQUESTS Western Australian Local Government Association to review matters concerning privacy as they relate to the Local Government Industry's practice of selling street lists that are derived from property ownership databases.**

Cmr Smith outlined reasons for her change to the Officer's recommendation.

**The Motion was Put and**

**CARRIED UNANIMOUSLY (5/0)**

**CJ099 - 05/04 MINUTES OF CBD ENHANCEMENT PROJECT STEERING COMMITTEE MEETING 7 APRIL 2004 – [53469]**

**WARD - Lakeside**

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**PURPOSE**

The unconfirmed minutes of the CBD Enhancement Project Steering Committee meeting held on 7 April 2004 are submitted for noting by Council.

**EXECUTIVE SUMMARY**

The CBD Enhancement Project Steering Committee met on Wednesday 7 April 2004.

The main issues of discussion were updates on projects being undertaken as part of the CBD Enhancement Project including the ECU Research Proposal for the Joondalup CBD, Joondalup Night Markets and 2004 Joondalup Festival. Also discussed were the proposal for a swap mart in the Joondalup CBD and the related issue concerning public toilet facilities.

A brief update was provided on the business outstanding from previous minutes, which included the Inner City Public Transport item. This item will remain on the business outstanding list for regular updates to the Committee until further notice.

*This report recommends that the Joint Commissioners NOTE the unconfirmed minutes of the CBD Enhancement Project Steering Committee meeting held on 7 April 2004, shown at Attachment 1 to this Report.*

## DETAILS

The minutes of the CBD Enhancement Project Steering Committee meeting held on Wednesday 7 April 2004 are provided at Attachment 1.

**Financial Implications:** Nil.

**Strategic Implications:** Nil.

**Sustainability Implications:** Nil.

## COMMENT

The minutes of the last meeting of this Committee (25 February 2004) were sent to the meeting of Joint Commissioners on 30 March 2004. At this meeting the recommendation from this Committee regarding the ECU Research Proposal for the Joondalup CBD was deferred pending further investigation.

ECU was notified of this decision in order to discuss the issues raised by Council. ECU has since advised the City that the scope of the proposal could easily be modified without losing representative validity and reduced in order to accommodate budget considerations.

A new proposal was received from ECU on Friday 2 April 2004 and is currently being considered by City of Joondalup administration. Further information will be provided to the Committee at the next meeting. A recommendation will then be made to Council.

## ATTACHMENTS

Attachment 1                      Unconfirmed minutes – CBD Enhancement Project Steering Committee meeting held on 7 April 2004.

## VOTING REQUIREMENTS

Simple Majority

**MOVED Cmr Smith, SECONDED Cmr Anderson that the Joint Commissioners NOTE the unconfirmed minutes of the CBD Enhancement Project Steering Committee meeting held on 7 April 2004, shown at Attachment 1 to Report CJ099-05/04.**

**The Motion was Put and**

**CARRIED UNANIMOUSLY (5/0)**

*Appendix 2 refers*

*To access this attachment on electronic document, click here: [Attach2brf110504.pdf](#)*

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**CJ100 - 05/04      MINUTES      OF      SUSTAINABILITY      ADVISORY  
COMMITTEE - 29 APRIL 2004 – [00906]**

**WARD - All**

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**PURPOSE**

The unconfirmed minutes of the Sustainability Advisory Committee meeting held on 29 April 2004 are submitted for adoption by Council.

Council notes the recommendations carried by the Sustainability Advisory Committee as outlined in the minutes of the Sustainability Advisory Committee, 29 April 2004.

**EXECUTIVE SUMMARY**

The main focus of the meeting was to advise the committee of recent information regarding sustainability issues significant to the City of Joondalup and to validate the key outcomes of the planning workshop designed to develop a strategic direction for Sustainability Advisory Committee.

*This report recommends that the Joint Commissioners NOTE the unconfirmed minutes of the Sustainability Advisory Committee meeting held on 29 April 2004, shown at Attachment 1 to this Report.*

**DETAILS**

The minutes of the Sustainability Advisory Committee meeting held on Thursday 29 April 2004 are provided at Attachment 1 to this Report.

**Financial Implications:**

Nil

**Strategic Implications:**

The Sustainability Advisory Committee planning workshop aimed to identify a clear role, the implications and strategic direction for the committee in line with the City's Strategic Plan. These implications will be presented in the final Sustainability Advisory Committee planning workshop report to Council.

The Swan Region Strategy for Natural Resource Management will have implications for the City of Joondalup the plan provides a strategic direction for the protection of natural assets and potential. Federal funding opportunities for future initiatives under this Strategy

## COMMENT

### 1.0 Workshop Outcomes

The workshop process helped to identify a strategic direction for the committee in line with the time frame and four Key Focus Areas of the City's Strategic Plan.

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

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

The Sustainability Advisory Committee validated these outcomes and priority areas and a decision was made to conduct a further workshop to operationalise the workshop outcomes, identify set objectives and establish Key Performance Indicators for relevant outcomes.

### 2.0 Swan Region Strategy

The Swan Region Strategy for Natural Resource Management has been released for public comment. The Strategy has significant implications to Natural Resource Management within the City due to the fact that the Swan Region is primarily the City of Joondalup and the City of Wanneroo. The City of Joondalup is currently preparing a submission that will be forwarded to Council for endorsement.

Due to the closing date for comment (19 May 2004), the City was unable to provide the submission for Council meeting (18 May 2004). Consequently a submission will be provided at Council meeting scheduled for the 8 June 2004.

## ATTACHMENTS

Attachment 1                      Unconfirmed Sustainability Advisory Committee minutes – 29 April 2004.

## VOTING REQUIREMENTS

Simple Majority

**MOVED Cmr Anderson, SECONDED Cmr Drake-Brockman that the Joint Commissioners NOTE the unconfirmed minutes of the Sustainability Advisory Committee meeting held on 29 April 2004, shown at Attachment 1 to Report CJ100-05/04.**

Discussion ensued, with Cmr Anderson raising his concern in relation to the changed structure of conducting the Committee meeting, thereby not affording the community representatives consultation or active involvement in the meeting.

**The Motion was Put and**

**CARRIED UNANIMOUSLY (5/0)**

*Appendix 3 refers*

*To access this attachment on electronic document, click here: [Attach3brf110504.pdf](#)*

In relation to Item CJ101-05/04 – Community Consultation Process on the Proposed Extension of Ocean Reef Road – Status Report, Cmr Smith advised that her daughter lives in Currabine, however she stated she would be impartial when voting on this matter.

**CJ101-05/04      COMMUNITY CONSULTATION PROCESS ON THE  
PROPOSED EXTENSION OF OCEAN REEF ROAD –  
STATUS REPORT - [07131] [02154]**

**WARD - Marina**

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**PURPOSE**

To provide information to the Commissioners on a request from the Ocean Reef Coastal Stakeholders (ORCS) to include consideration of a Community Recreation Amenity purpose as part of the community consultation process on the proposed extension of Ocean Reef Road.

**EXECUTIVE SUMMARY**

The Joint Commissioners resolved on 17 February 2004 to undertake community consultation on the detailed design of the extension of Ocean Reef Road. (*CJ009-02/04 refers*).

The City has recently received a letter dated 20 April 2004 from the Ocean Reef Coastal Stakeholders (ORCS) requesting the Joint Commissioners revisit their earlier decision on the consultation process and include consideration of a Community Recreation Amenity purpose for the land.

In considering the issues raised by this report the Joint Commissioners may wish to expand the existing consultation process to enable the ORCS request be accommodated within existing parameters of the previous resolution. This is not determined by the City to be a substantial departure from the previous resolution.

**It is recommended that the Joint Commissioners APPROVE an expansion to the consultation process endorsed by Council at its meeting on 17 February 2004 in relation to the proposed extension of Ocean Reef Road, to take consideration of recreational, environmental and amenity issues along this corridor.**

## BACKGROUND

Council received and supported a report in September 2003 to construct the final section of Ocean Reef Road between Hodges Drive and Shenton Avenue. (*CJ218-09/03 refers*)

On 11 November 2003 Council rescinded its previous resolution to enable full community consultation to occur on all aspects of the proposed road extension.

In February 2004 the Joint Commissioners received the Report CJ-009-02/04 that outlined and recommended a consultation approach be developed in partnership with the ORCS and in accordance with Council resolution of 11 November 2003.

The Joint Commissioners rescinded the previous motion of 11 November 2003 and resolved at its meeting on 17 February 2004 to:

- 1 *APPROVE a programme of consultation to be undertaken with key stakeholders on the detailed design of the extension of Ocean Reef Road from Hodges Drive through to Shenton Avenue being the model outlined in the 'Consulting Citizens' material;*
- 2 *NOTE that the consultation costs shall not exceed \$14,000 for external consultants;*
- 3 *NOTE that the key stakeholder group shall include representation from residents whose property abuts that section of Ocean Reef Road to be constructed, and equal representation from the Ocean Reef Stakeholders Group and the Ocean Reef Action Group;*
- 4 *LIST this project for consideration in the 2004/05 Five Year Capital Works Program.*

## DETAILS

The following timeline describes the events that have occurred since Council's resolution on 17 February 2004.

February 2004	Council adopts resolution to consult on detailed design of the road
March 2004	City develops brief and process to appoint an independent facilitator
April 2004	City appoints a facilitator
April 2004	City and facilitator meets with Premier & Cabinet officers
April 16 2004	Meeting to outline process methodology with ORCS convened
April 20 2004	Letter received from ORCS requesting expanded consultation process and a meeting with Commissioners
May 4 2004	Meeting to outline process methodology with Ocean Reef Action Group (ORAG) convened
May 11 2004	Report to Council on progress to date and issues arising

The ORCS, during their meeting on April 16, 2004, have requested that the consultation process be extended from detailed road design only, to consideration of an alternative option - that the land be used for community recreation and amenity purpose. They also requested that a meeting be convened between their group and the Commissioners. The ORCS have since made this request formally in a letter to the City received on April 20, 2004.

The current resolution of Council enabling the consultation process does not allow for consideration of any issues other than the detailed design of the road. It is considered that the request being proposed by the ORCS can be included into the existing process to the extent that the issues around community recreation and amenity are canvassed and assessed during the process.

### **Proposed Outline of the Consultation Process**

The proposed consultation methodology developed to date makes reference to the State Government's "Consulting Citizens" guides. The process in summary will involve forming a working group from the 4 key stakeholder groups being (1) the City of Joondalup, (2) the ORCS, (3) the ORAG and (4) other groups or community individuals. The working group would have a maximum representation of 3 from each group.

The Working Group would be required to formulate and agree a final process that would be implemented through a broader community workshop process. The workshop(s) would consist of a maximum of 50 participants that would be drawn through an equal representation process formulated by the Working Group from the 4 key stakeholder groups.

It is envisaged within the existing financial constraints that a maximum of two workshops can be accommodated. The first workshop would:

- Seek to provide information and gather feedback from community regarding issues surrounding the corridor including recreational, environmental and amenity issues that may be raised
- Collect requirements for detailed design options to be produced.

The data collected from the workshop would be provided to the City's design engineers who will provide various concept designs for the road extension based on community views, which have been integrated into the technical aspects and requirements.

The second workshop would:

- Exhibit the design options for the construction of the road
- Present the issues surrounding recreational, environmental and amenity aspects on this corridor.

The purpose of the workshop would be to seek final agreement on which options should be presented to the entire community and all other stakeholders for comment.

### **Risk Assessment**

There are several risks now associated with the process that need to be highlighted.

1. The process may be disbanded if the two key stakeholder groups ORCS and ORAG do not agree to participate in the process or cannot agree on a process that includes accepting the clear objectives, adhering to agreed ground rules and to use representative samples from the community.



2. The broadening of the process as requested by the ORCS has been accommodated in the recommendation of this report within the existing set financial parameters. However it is possible that if broader community representation is demanded this would lengthen the process and require further resources which would be the subject of a further report to Council.
3. The broadening of the consultation may increase community expectations that may not be realisable.
4. The broadening of the process may be viewed by others as delaying the process and in particular, may not be acceptable to ORAG who have indicated their opposition to any further delays.

These risks need thorough consideration before any changes are made to the current situation.

### **Financial Implications**

If Council accepts the proposal to broaden the ability to consider the area from a community recreation and amenity perspective and the stakeholder groups agree to the process being put forward then the costs can be contained within the existing financial parameters.

If this is not the case and broad community input is required then more resources will be needed to facilitate increased numbers.

### **COMMENT**

The Ocean Reef Road extension has been the subject of a number of Council motions and rescission motions. There is significant community interest about the issue and an increasing degree of polarisation between the two main stakeholder groups, the Ocean Reef Stakeholders Group and the Ocean Reef Action Group.

Given the issues raised in this report it is necessary for Council to thoroughly consider the position that currently exists surrounding the Ocean Reef Road consultation process and the associated risks.

From a planning perspective the purpose of the land was always for that of a road. The City received a letter from the Department of Planning and Infrastructure on December 23 2003 stating, *“There has always been an expectation that this section of the planned Ocean Reef Road will eventually be constructed to serve both local and recreational traffic needs.”*

Given community interest and views around the matter it may be useful for Council to consider expanding the consultation process to take into account the recreational, environmental and amenity issues along this corridor.

### **ATTACHMENTS**

Nil.

## VOTING REQUIRMENTS

Simple Majority

**OFFICER’S RECOMMENDATION:** The Joint Commissioners APPROVE an expansion to the consultation process endorsed by Council at its meeting on 17 February 2004 in relation to the proposed extension of Ocean Reef Road, to take consideration of recreational, environmental and amenity issues along this corridor.

**MOVED Cmr Smith, SECONDED Cmr Fox that:**

- 1 this matter be RECONSIDERED at the time the traffic impact study is presented to Council, which is expected to be available by the next Council meeting;**
- 2 in the meantime, the consultant CONTINUES with the processes involved in the construction of the Working Group as soon as possible.**

Cmr Smith was of the belief that the Officer’s Recommendation was not readily understood, hence her reason for not accepting the recommendation.

Cmr Smith made reference to the Traffic Impact Study and outlined her reasons for her change to the Officer’s recommendation.

Cmr Anderson advised he had driven along Constellation Drive at approximately 8.30 am on a week day.

**The Motion was Put and**

**CARRIED UNANIMOUSLY (5/0)**

**CJ102- 05/04 TENDER NUMBER 035-03/04 SUPPLY OF ORACLE  
DATABASE AND UNIX ADMINISTRATION  
SUPPORT – [77577]**

**WARD - All**

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## PURPOSE

To seek the approval of the Joint Commissioners to accept the tender submitted by ASG (Asia Pacific) Pty Ltd for the Supply of Oracle Database and Unix Administration Support in accordance with the Price Schedule for Year 1, Year 2 and Year 3 (as outlined in Attachment 1) for Tender number 035-03/04, for an initial period of twelve (12) months with the option to extend subject to satisfactory performance reviews for a maximum period of three years.

## EXECUTIVE SUMMARY

Tenders were advertised on Wednesday 10 March 2004 through statewide public tender for the Supply of Oracle Database and Unix Administration Support. Tenders closed on Thursday 25 March 2004. Two submissions were received from: ASG (Asia Pacific) Pty Ltd and DMR Consulting Pty Ltd trading as DMR Consulting.

*It is recommended that the Joint Commissioners ACCEPT the Tender Number 035-03/04 from ASG (Asia Pacific) Pty Ltd for the Supply of Oracle Database and Unix Administration Support, in accordance with the Price Schedule for Year 1, Year 2 and Year 3 (as outlined in Attachment 1) for an initial period of twelve (12) months commencing on 31 May 2004 to 30 May 2005, with the option to extend, subject to satisfactory annual performance reviews. The total duration of the contract shall not exceed three years.*

## **BACKGROUND**

Two (2) of the City of Joondalup's corporate information systems, Oracle Applications and the Records Management System (RMS), store their data within Oracle databases that reside on computers running the Unix operating system. These databases contain the City's vital financial and operational information as well as corporate documents and correspondence. To ensure that these corporate systems continue to operate effectively, ongoing monitoring and maintenance of those underlying databases is required.

As well as the ongoing monitoring and preventative maintenance, there is also a need from time to time for ad-hoc services such as applying maintenance fixes, assisting in troubleshooting the computer applications that use the databases, and other system support tasks.

This requires appropriately qualified technical resources. The City does not have the resources or the expertise internally to perform this work to the required level and seeks an appropriate external service provider.

## **DETAILS**

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

Each member of the Evaluation Team assessed the Tender submissions individually against the selection criteria using the weightings determined during the tender planning phase. The Evaluation Team convened to submit and discuss their assessments.

The Selection Criteria for this tender was as follows:

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

- Relevant Industry Experience, including details of providing similar work undertaken. Tenderers shall submit a Detailed Schedule of previous experience on similar and/or relevant projects. Details of previous projects should include but not necessarily limited to description, location, contract amounts, dates, duration, client, role on project:
- Past Record of Performance and Achievement with a local government.
- Level of Understanding of tender documents and work required.
- References from past and present clients.

**Capability/Competence of Tenderer to perform the work required:**

- Company Structure.
- Qualifications, Skills and Experience of Key Personnel including resumes.
- Equipment and Staff Resources available.
- Percentage of Operational Capacity represented by this work.
- Financial Capacity.
- Compliance with tender requirements – insurances, licenses etc.
- Quality Systems.
- Extent of Local Support.
- Service Management Processes.
- Post Contract Services offered.

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

- The Potential Social and Economic Effect of the tender on the City of Joondalup community.
- The Potential Social and Economic Effect of the tender on the West Australian community.
- Infrastructure/Office/Staff/Suppliers/Subcontractors within the City of Joondalup.

**Tendered Price/s:**

- Schedule of Rates for the specified goods or services.
- Schedule of Rates for additional goods or services, variations and disbursements.
- Discount settlement terms.

DMR Consulting Pty Ltd trading as DMR Consulting offered qualifications if selected as the preferred tenderer.

Under the terms of the Conditions of Tendering it states: ‘An Alternative Tender shall be accompanied by a conforming tender, an Alternative Tender is a tender that offers qualifications, conditions, terms, specification, materials, workmanship or any other thing not conforming to the tender requirements’.

DMR Consulting Pty Ltd trading as DMR Consulting was deemed as an alternative tender. The Alternative tender submitted by DMR Consulting Pty Ltd trading as DMR Consulting was not accompanied by a conforming tender, therefore the tender submitted by DMR Consulting Pty Ltd trading as DMR Consulting was deemed non-conforming.

The tender submitted by ASG (Asia Pacific) Pty Ltd was extremely competitive in both quality and price. ASG (Asia Pacific) Pty Ltd fully demonstrated that they have the capability of delivering the service required by the City and the ability to provide best value for money based on the selection criteria and their price schedule for Year 1, Year 2 and Year 3 and as such are the recommended tenderer.

**Statutory Provision:**

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

**Policy 2.5.7 Purchasing Goods and Services**

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

**Financial Implications:**

<b>Account No:</b>	1.3830.3320.0001.9999
<b>Budget Item:</b>	Contract / Agency Labour
<b>Budget Remaining FY03/04:</b>	\$ 11,885
<b>Budget Item FY 04/05:</b>	\$ 97,000
<b>Estimated Cost (May 04–May 05):</b>	\$ 96,840

**COMMENT**

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

Subject to Council approval, the Contract will commence from 31 May 2004 to 30 May 2005 for an initial period of twelve (12) months with the option to extend. The contract extension will be subject to annual performance reviews to ensure that the requirements of the Contract have been met. The duration of the contract will not exceed three (3) years. Subject to a satisfactory outcome of each review an extension in increments of twelve-month periods will be made within the three-year term.

ASG (Asia Pacific) Pty Ltd fully demonstrated that it has the ability to provide best value for money based on the selection criteria and the outcome of the tender evaluation.

**ATTACHMENTS**

Attachment 1            Price Schedule – Year 1, Year 2 and Year 3

**VOTING REQUIREMENTS**

Simple Majority

**MOVED Cmr Anderson, SECONDED Cmr Smith that the Joint Commissioners ACCEPT the Tender Number 035-03/04 from ASG (Asia Pacific) Pty Ltd for the Supply of Oracle Database and Unix Administration Support, in accordance with the Price Schedule for Year 1, Year 2 and Year 3 as outlined in Attachment 1 to Report CJ102-05/04 for an initial period of twelve (12) months commencing on 31 May 2004 to 30 May 2005, with the option to extend, subject to satisfactory annual performance reviews. The total duration of the contract shall not exceed three years.**

Cmr Anderson raised his concerns that briefings for tenderers may not be thorough enough, such that the City may only receive one complying tender and suggested that further consideration be given to the tender processes applied within the City.

Director, Corporate Services and Resource Management advised the processes adopted by the City were in accordance with both the Australian Standards and Local Government Act 1995, but that consideration would be given to the current processes.

Cmr Smith stated a request had been made for the Internal Auditor to review the tender processes, with a report to be submitted to the next meeting of the Audit Committee.

**The Motion was Put and**

**CARRIED UNANIMOUSLY (5/0)**

*Appendix 4 refers*

*To access this attachment on electronic document, click here: [Attach4brf110504.pdf](#)*

**CJ103 - 05/04      LOT 5 (10) POIMENA MEWS, KINGSLEY -  
RECOMMENDED DISPOSAL – [01051]**

**WARD - South**

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## **PURPOSE**

The purpose of this report is to request Joint Commissioners to rescind a resolution made by Council dated 29 July 2003, with regard to Lot 5 (10) Poimena Mews, Kingsley, in light of additional information that has been obtained and detailed in this report.

## **EXECUTIVE SUMMARY**

Lot 5 (formerly used as Yagan Pre-School) is situated in a cul-de-sac location and includes a purpose built kindergarten that was operating under a lease arrangement until 31 December 2002. The City remains liable for maintenance, insurance and security costs against a nil return and the building's current condition is dilapidated and unusable. Major renovations will be necessary if reuse of the existing building is to be considered.

Council resolved on 29 July 2003 (CJ179-07/03 refers) to call for submissions from community groups for the reuse of the premises. Since this resolution, a building inspection report and a Quantity Surveyors report have been obtained. The renovation cost is estimated to be approximately \$250,000.00, which is greatly in excess of that originally suggested to Council.

Planning advice has since been obtained and it appears that the types of use that can be considered in respect to the zoning of Lot 5 under District Planning Scheme No. 2 (DPS2) may not now be conducive to a quiet cul-de-sac location.

Consideration needs to be given to the additional information provided and particularly to the viability of the City outlaying approximately \$250,000.00 on the upgrade of an early 1970's building that will provide the City with limited social and financial return.

Based on the foregoing, it is requested that the Joint Commissioners rescind by absolute majority, Council's decision of 29 July 2003 and recommend that Lot 5 (10) Poimena Mews, Kingsley be demolished and then sold, with the proceeds being set aside in the Community Facilities Reserve account for improvement of the City's community buildings.

It is recommended that the Joint Commissioners:

- 1 RESCIND by ABSOLUTE MAJORITY Council's decision of 29 July 2003 viz;

*THAT COUNCIL does not dispose of Lot 5 (10) Poimena Mews, Kingsley subject to calling for submissions from local community groups for the re-use of this facility.*

*The submissions shall address:*

- *Funding required to recommission the building to meet current building and health standards;*
- *Ongoing management and operations of the facility;*
- *Benefit to the community;*
- *Sustainability of the proposed use;*
- *Proposed use and supporting needs analysis;*
- *Suitability of the premises for the proposed purposes.*

- 2 *SUPPORT the demolition of the buildings on Lot 5 (10) Poimena Mews, Kingsley;*

- 3 *APPROVE the sale of the site with the proceeds being set aside in the Community Facilities Reserve account.*

## **BACKGROUND**

<b>Suburb/Location:</b>	Lot 5 (10) Poimena Mews, Kingsley
<b>Owner:</b>	City of Joondalup
<b>Tenure:</b>	Owned by the City - freehold
<b>Zoned:</b>	Residential
<b>Density Code:</b>	R20
<b>Strategic Plan:</b>	Strategy 3.1- to develop and maintain the City's assets and built environment Strategy 4.1- to manage the business in a responsible and accountable manner

Lot 5 has a land area of 1201m<sup>2</sup>, and is situated in a cul-de-sac in the older residential area of Kingsley. The purpose built kindergarten was leased to the Education Department until 31 December 2002. The Education Department did not renew its lease due to dwindling attendance numbers and moved the pre-school during 2001 to an on-site facility at Goollelal Primary School. Since vacating the building, the City has become solely liable for maintenance, insurance and security costs for the property.

In Item CJ179-07/03 of 29 July 2003, it was recommended that Lot 5 be disposed of in an ‘as is, where is’ condition, however, Council resolved to call for submissions from community groups for the re-use of the facility. The submissions were to address:

- funding required to recommission the building to meet current building and health standards;
- ongoing management and operations of the facility;
- benefit to the community;
- sustainability of the proposed use;
- proposed use and supporting needs analysis; and
- suitability of the premises for the proposed purposes.

## **DETAILS**

### **Additional Information**

It was stated in Item CJ179-07/03 that:

*“Should the building be proposed to be put back into service as a community facility owned and operated by the City, considerable works would be required to meet public building design standards. No detailed estimates or plans have been developed but expenditure would be anticipated to be in excess of \$100,000.00”*

Since advising Council of the estimated \$100,000.00 for the renovation, a building inspection has identified more accurately the work required to bring the building to a satisfactory standard. On receipt of the inspection report completed by the City’s Principal Building Surveyor, an independent Quantity Surveyor’s report was obtained that has estimated the proposed upgrade of the property to be in the region of \$250,000.00.

### **Planning Considerations**

Although Lot 5 was used previously as a pre-school, any proposed community type use would now have to be approved by the Joint Commissioners and as part of that approval, advertised for public comment. Under DPS2, a Kindergarten Use (as per the previous use of the land) and a Civic Building Use, (which may accommodate certain community type operations) are non-permitted uses that can be approved at Joint Commissioners’ discretion. Consideration would need to be given to car parking requirements for any non-residential proposed use of the site, and the affect the use may have on the residential amenity. The site only accommodates limited car parking bays.



In the first point of Council's resolution of 29 July 2003, it states that when expressing an interest in the re-use of the facility, community groups need to address "*funding required to recommission the building to meet current building and health standards.*" Some representatives from community groups have already inspected Lot 5 and have indicated that they wish to formally express their interest when the time arises. These groups and any other community groups are unlikely to be aware of the true condition of the property and level of cost necessary for its upgrade.

### **Compliance**

Significant issues were identified during the building inspection in August 2003 with regard to the City's compliance under the Occupational Health and Safety Act 1984.

Any change in use will require the City to substantially modify the building to meet the requirements of the Disability Discrimination Act 1992.

### **Statutory Provisions:**

To dispose of Lot 5, the City will need to comply with Sections 3.58(1) and (2) of the *Local Government Act 1995* whereby local governments are required to invite public tenders or dispose of property to the highest bidder at public auction. The disposal strategy will be determined in consultation with real estate professionals operating in the area to ensure that maximum value is obtained for the site (i.e. Auction, Tender etc). A business plan is not required to be developed in accordance with the Local Government Act 1995 Section 3.59 as the value of the land is less than the \$500,000 that designates a 'Major Trading Undertaking' or a 'Major Land Transaction'.

### **Financial Implications:**

An estimated outlay of \$250,000.00 has been suggested to recommission the facility on Lot 5. Funding for the complete renovation of the property is not listed in the 2003/2004 budget.

### **Strategic Implications:**

An important feature of any asset management plan is its maintenance and upgrade programme, however, there comes a time during an asset's economic life that disposal is the most responsible option. It is considered that this is now the case with Lot 5 and this course of action accords with 4.1 of the City's Strategic Plan. The proceeds from the sale of the property would be placed in the Community Facilities Reserve account, which accords with 3.1 of the Strategic Plan. Any additional requirements for community buildings in this location could most likely be accommodated in other facilities.

### **COMMENT**

Notwithstanding any use that can be accommodated on Lot 5, the building either has to undergo major renovations or be demolished completely. It is not considered viable to expend the amount estimated (\$250,000.00) on the upgrade of an old building. The viability perspective aside, the type of uses that can be considered for the land under DPS2 may no longer be conducive to a quiet cul-de-sac location.

It is also considered that due to the building condition and planning constraints that demolition is the responsible course of action for the City to undertake. In conjunction with demolition, the City will undertake to rezone the site to either two single residential lots or one grouped dwelling lot.

The building inspection report has assisted in providing information for a more accurate estimate of the renovation work necessary, and this far exceeds that quoted in CJ179-07/03, “*No detailed estimates or plans have been developed but expenditure would be anticipated to be in excess of \$100,000.00.*” It appears from the Quantity Surveyors report that it is likely to be more than double that originally advised to Council.

It is therefore recommended that the Joint Commissioners rescind Council’s decision of 29 July 2003 by absolute majority and approve the demolition of the buildings on Lot 5 (10) Poimena Mews, Kingsley and thereafter disposal of the land. The proceeds of the sale to be set aside in the Community Facilities Reserve account for capital improvement and/or replacement of the City’s community buildings.

## **ATTACHMENTS**

Attachment 1                      Location Plan of Lot 5 (10) Poimena Mews, Kingsley

## **VOTING REQUIREMENTS**

Absolute Majority

**OFFICER’S RECOMMENDATION** That the Joint Commissioners:

1            RESCIND Council’s decision (CJ179-07/03) of 29 July 2003 viz:

*“That Council does not dispose of Lot 5 (10) Poimena Mews, Kingsley subject to calling for submissions from local community groups for the re-use of this facility.*

*The submissions shall address:*

- Funding required to recommission the building to meet current building and health standards;*
- Ongoing management and operations of the facility;*
- Benefit to the community;*
- Sustainability of the proposed use;*
- Proposed use and supporting needs analysis;*
- Suitability of the premises for the proposed purposes.”*

2            SUPPORT the demolition of the buildings on Lot 5 (10) Poimena Mews, Kingsley;

3            APPROVE the sale of the site with the proceeds being set aside in the Community Facilities Reserve account.

**Call for Support of one-third of members of the Council**

The Chairman called for support from one-third of the members of Council. Support for this Item was given by Cmr Smith and Anderson.

**MOVED Cmr Smith, SECONDED Cmr Anderson that the Joint Commissioners:****1 REVOKE Council's decision (CJ179-07/03) of 29 July 2003 viz:**

*“That Council does not dispose of Lot 5 (10) Poimena Mews, Kingsley subject to calling for submissions from local community groups for the re-use of this facility.*

*The submissions shall address:*

- *Funding required to recommission the building to meet current building and health standards;*
- *Ongoing management and operations of the facility;*
- *Benefit to the community;*
- *Sustainability of the proposed use;*
- *Proposed use and supporting needs analysis;*
- *Suitability of the premises for the proposed purposes.”*

**2 SUPPORT the demolition of the buildings on Lot 5 (10) Poimena Mews, Kingsley with such demolition to be carried out expeditiously in view of the dilapidated state of the building;****3 APPROVE the sale of the site with the proceeds being set aside in a specific reserve account set up for community facilities in the suburb of Kingsley;****4 REQUEST that community groups that have already inspected the building be advised of Council's decision.**

Cmr Smith outlined reasons for her change to the officer's recommendations. Discussion ensued.

**The Motion was Put and**

**CARRIED BY AN  
ABSOLUTE MAJORITY (4/1)**

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

*Appendix 5 refers*

*To access this attachment on electronic document, click here: [Attach5brf110504.pdf](#)*

## **CJ104 - 05/04 FINANCIAL REPORT FOR THE PERIOD ENDING 31 MARCH 2004 – [07882]**

**WARD - All**

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### **PURPOSE**

The March 2004 financial report is submitted to Council to be noted.

### **EXECUTIVE SUMMARY**

The March 2004 year to date report shows an overall variance (under spend) of \$10.0m when compared to the year to date revised budget.

This variance can be analysed as follows:

- The **Operating** position (Change in Net Assets Before Reserve Transfers) shows an actual surplus of \$11.3m compared to a budgeted surplus of \$11.0m at the end of March 2004. The \$0.3m variance represents a net under spend driven primarily by the timing of consultancy costs relating to proposals and of electricity expenses.
- **Capital Expenditure** is \$2.1m compared to a budget of \$2.3m at the end of March 2004. The \$0.2m under spend is due primarily to the timing of computer network upgrades and equipment and mobile plant purchases.
- **Capital Works and Corporate Projects** expenditure is \$6.3m against a budget of \$15.8m, an under spend of \$9.5m at the end of March 2004. This is a timing difference of which \$3.7m relates to normal Capital Works while \$5.8m relates to Capital Works classified as Corporate Projects. Total committed funds in relation to all Capital Works are \$4.3m.

### **DETAILS**

The financial report for the period ending 31 March 2004 is appended as Attachment A.

### **ATTACHMENTS**

Attachment 1 Financial Report for the period ending 31 March 2004.

### **VOTING REQUIREMENTS**

Simple Majority

**MOVED Cmr Anderson, SECONDED Cmr Fox that the Financial Report for the period ending 31 March 2004 be NOTED.**

**The Motion was Put and**

**CARRIED UNANIMOUSLY (5/0)**

*Appendix 6 refers*

*To access this attachment on electronic document, click here: [Attach6brf110504.pdf](#)*

**CJ105 - 05/04      WARRANT OF PAYMENTS 30 APRIL 2004 – [09882]****WARD - All****PURPOSE**

The Warrant of Payments as at 30 April 2004 is submitted to the Joint Commissioners for approval.

**EXECUTIVE SUMMARY**

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

<b>FUNDS</b>	<b>DETAILS</b>	<b>AMOUNT</b>
Director Corporate Services & Resource Management Advance Account	63272 – 64016 & EFT 92 -142	\$ 6,187,671.69
Municipal	000485-000492      & 4A -6A	\$ 6,210,410.09
Trust Account	Nil	\$ Nil
	<b>TOTAL</b>	<b>\$ 12,398,081.78</b>

The difference in total between the Municipal and Director of Corporate Services & Resource Management Advance Account is attributable to the direct debits by the Commonwealth Bank for bank charges, credit card charges, investments and dishonoured cheques being processed through the Municipal Fund.

It is a requirement pursuant to the provisions of Regulation 13(4) of the Local Government (Financial Management) Regulations 1996 that the total of all other outstanding accounts received but not paid, be presented to the Joint Commissioners. At the close of April 2004, the amount was **\$480,417.62**. The cheque register is appended as Attachments A & B.

**CERTIFICATE OF THE DIRECTOR OF CORPORATE SERVICES & RESOURCE MANAGEMENT**

This warrant of payments to be passed for payment, covering vouchers numbered as indicated and totalling **\$12,398,081.78** which is to be submitted to the Joint Commissioners on 18 May 2004 has been checked and is fully supported by vouchers and invoices which are submitted herewith and which have been duly certified as to the receipt of goods and the rendition of services and as to prices, computations and costing and the amounts shown are due for payment.

PETER SCHNEIDER  
Director Corporate Services & Resource Management

**CERTIFICATE OF CHAIRMAN OF COMMISSIONERS**

I hereby certify that this warrant of payments covering vouchers numbered as indicated and totalling **\$12,398,081.78** was submitted to the Joint Commissioners on 18 May 2004.

.....  
JOHN PATERSON  
Chairman of Commissioners

**ATTACHMENTS**

Attachment A           Warrant of Payments for Month of April 2004  
Attachment B           Municipal Fund Vouchers for Month of April 2004

**VOTING REQUIREMENTS**

Simple Majority

**MOVED Cmr Fox, SECONDED Cmr Anderson that the Joint Commissioners APPROVE for payment the following vouchers, as presented in the Warrant of Payments to 30 April 2004, certified by the Chairman of Commissioners and Director Corporate Services & Resource Management and totalling \$12,398,081.78.**

<b>FUNDS</b>	<b>DETAILS</b>	<b>AMOUNT</b>
<b>Director Corporate Services &amp; Resource Management Advance Account</b>	<b>63272 – 64016 &amp; EFT 92 -142</b>	<b>\$ 6,187,671.69</b>
<b>Municipal</b>	<b>000485-000492 &amp; 4A -6A</b>	<b>\$ 6,210,410.09</b>
<b>Trust Account</b>	<b>Nil</b>	<b>\$ Nil</b>
	<b>TOTAL</b>	<b>\$ 12,398,081.78</b>

**The Motion was Put and**

**CARRIED UNANIMOUSLY (5/0)**

*Appendix 7 refers*

To access this attachment on electronic document, click here: [Attach7brf110504.pdf](#)

**CJ106 - 05/04      PROPOSED EXCISION OF TWO PORTIONS OF RESERVE 46280 (6) MIAMI BEACH PROMENADE, ILUKA (ILUKA DISTRICT OPEN SPACE) FOR CLUBROOMS AND BOWLING GREENS – [02046]**

**WARD -** North Coastal

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**PURPOSE**

The purpose of this report is to request the Joint Commissioners approve the excision of two portions of Swan Location 13560, Reserve 46280 (6) Miami Beach Promenade, Iluka as detailed on Attachment 1 and subject to the WAPC approving the proposal, request the Department of Land Information (DLI) to proceed with the excision and request the Minister for Lands to grant power to lease.

**EXECUTIVE SUMMARY**

Reserve 46280 was vested in the Crown under Section 20A of the Town Planning and Development Act 1928 as a reserve for ‘Public Recreation’ on 5 October 1999 and supports park facilities and sports clubrooms that were constructed in 1999. The Beaumaris Sports Association (BSA) currently manages the sports clubrooms and bowling greens.

Since Reserve 46280 was created, the DLI as administrators of Crown land has sought to vest the reserve under the management of the City of Joondalup. The DLI will not allow power to lease on Section 20A public recreation reserves and therefore to enable the City to examine various forms of management/lease arrangements for the clubroom and bowling green sites, two new reserves need to be created for their specific purpose and power to lease on these reserves requested from the Minister for Lands.

The proposal was advertised for public comment for thirty days during which time a request was received from the BSA to expand the proposed excision area. The BSA requested the inclusion of the paved terrace and verandah levels, the disabled ramp and entry steps and the loading bay and hot water system. These additions are considered minor (*approximately 371m<sup>2</sup>*) and therefore have been included and shown on Attachment 1. The BSA also requested a land area of approximately 725m<sup>2</sup> including the BBQ area between the clubrooms and the bowling greens which has not been supported due to fact that its location would impede public access in respect of Reserve 46280 (see Attachment 2).

It is recommended that the Joint Commissioners:

- 1      *APPROVE the proposed excision of Swan Location 13560, Reserve 46280 (6) Miami Beach Promenade, Iluka in accordance with Attachment 1;*
- 2      *SUBJECT to the Western Australian Planning Commission granting approval for the excision, REQUEST the Department for Land Information to proceed with the excision in accordance with Attachment 1; and*
- 3      *NOTIFY the Beaumaris Sports Association of the decision.*

## BACKGROUND

<b>Suburb/Location:</b>	Iluka
<b>Applicant:</b>	City of Joondalup
<b>Owner:</b>	Crown Land with a Management Order in favour of the City
<b>Zoning:</b>	<b>DPS:</b> Residential
	<b>MRS:</b> Urban
<b>Strategic Plan:</b>	Not specified under the Strategic Plan

Reserve 46280 was vested in the Crown under Section 20A of the Town Planning and Development Act 1928 on 5 October 1999. Reserve 46280 is reserved for 'Public Recreation', in accordance with the conditionally approved subdivision issued by the WAPC (WAPC No.106779) on 3 July 1998.

The reserve is approximately 8.406 hectares in area and supports active sporting fields, passive park areas and clubroom facilities. The clubroom facilities (managed by the BSA) and the sporting fields (administered by the City of Joondalup) were established after funding was obtained from a number of sources including the developers of Beaumaris Beach Estate, the Community Sports & Recreation Facilities Fund, and the former City of Wanneroo. The facilities have since expanded to include a machinery shed, bowling greens and practice cricket nets.

Since Reserve 46280 was created, the DLI has sought to vest the reserve under the management of the City of Joondalup. On 21 January 2004, the DLI advised the City that a management order for Reserve 46280 had been registered on the 5 January 2004 in favour of the City for the purpose of 'Public Recreation'.

## DETAILS

### Power to Lease

The City is currently examining overall the way it manages its community buildings including its lease, licence and building management systems. It wishes to develop a strategy to ensure transparency, efficiency and consistency in the application of the agreements. Power to lease on the proposed new reserves will enable the City to organise the most appropriate arrangements.

Therefore it is recommended that a two stage approach be adopted, ie excision followed by a review of community building tenure and building management systems. The City will then undertake to negotiate future tenure and management arrangements for the Beaumaris complex. During this process, the City will be required to give consideration to the Local Government Act (1995) sections 3.58 'Disposing of Property' and 3.59 'Major Trading Undertaking'. Depending on the type of tenure and management arrangements the City negotiates with prospective tenants will determine the requirements for how and if the City will need to address these sections of the Act.

### Excision Process

The DLI through its publication '*Guidelines for the Administration of Section 20A 'Public Recreation' Reserves*' sets out the necessary procedures in respect of the excision process for reserves created under Section 20A of the Town Planning and Development Act 1928. Within the Guidelines it states:



*“As power to lease cannot be given over public recreation reserves, small excisions may be agreed which would provide reserved sites complementary to the use of the reserve, these to be vested in the local government with power to lease. Such sites may primarily be used for club buildings needing to be adjacent to large playing fields, but may not be provided for uses of a general nature not needing such a relationship.”*

As part of the process, any excision from a Section 20A reserve requires the WAPC’s approval. The proposal is also referred to the service authorities to ascertain if there is any service infrastructure that may be affected as if plant is affected, any modification costs and/or conditions imposed by the service authorities need to be met by the applicant. Once approval has been received from the WAPC and the service authorities has provided their comments, it is necessary to advertise the proposal for public comment.

The service authorities of Western Power, Water Corporation, AlintaGas and Telstra advised the City that the proposed excision would not affect the services located in the subject areas.

The WAPC advised that it has no objection to the proposed excision as per Attachment 3 as it allows for uninhibited public access to the reserve, whilst meeting the immediate requirements of the BSA.

### **Public Consultation**

On receipt of the necessary information from the WAPC and the service authorities, the proposed excision was advertised for public comment for thirty days. With regard to the subject proposal, the City erected two signs on site and placed an advertisement in the local newspaper. Letters were also forwarded to residents adjoining Iluka District Open Space and the Beaumaris Residents Association. At the conclusion of the advertising period on 19 July 2003, the City received one submission from the BSA.

### **Beaumaris Sports Association**

The current operator of the clubrooms and bowling greens is the BSA. This Association consists of three member clubs namely, Joondalup District Cricket Club, Edith Cowan University Joondalup Hockey Club and the Beaumaris Bowling Club, with soccer, rugby and other community groups also utilising the facility.

When negotiations originally commenced between the City and the BSA, the latter was seeking to lease a portion of land with an approximate area of 17,000m<sup>2</sup>, which consisted of the existing clubrooms, four bowling greens, practice turf nets and an area designated for the potential growth of the facilities (see Attachment 4).

The City raised a number of concerns with regard to the size of the area sought for the excision as it would potentially reduce public access to facilities such as the cricket nets, and would prevent pedestrian access from one end of the car park directly to the reserve itself. Access issues were also raised by the WAPC. Accordingly, the City responded to these concerns by scaling back the excise area to the clubhouse site and the bowling greens only.

The clubhouse area is approximately 1053m<sup>2</sup> and the bowling green area is approximately 9881m<sup>2</sup> (Attachment 3 refers).

The submission received from the BSA during the advertising period requested the excision area be increased to that detailed in Attachment 2, and to include the following areas that total an extra 1096m<sup>2</sup>.

- paved terrace and verandah levels (277m<sup>2</sup>);
- disabled ramp and entry steps at the front door, plus at the oval door (38m<sup>2</sup>);
- loading bay and hot water system areas to the left of the front door (56m<sup>2</sup>); and
- the BBQ area between the sports centre and the bowling greens (725m<sup>2</sup>).

It is considered that the inclusion of the paved terrace, verandah levels, disabled ramp, entry steps, loading bay and hot water system areas are acceptable as their inclusion relates to the function of the clubrooms (371m<sup>2</sup> approximately) and would appear not to impede or affect the community's enjoyment of the reserve. The inclusion of the BBQ area (725m<sup>2</sup> approximately) that is located between the clubrooms and the bowling greens raises issues restricting public access in respect of Reserve 46280 and therefore is not considered acceptable (see Attachment 2).

The WAPC is required to approve of the additional areas totalling approximately 371m<sup>2</sup> before the excision can be examined by DLI.

## COMMENT

In accordance with DLI's Section 20A Guidelines, the required areas need to be excised and created as separate reserves for their specific purpose and power to lease granted by the Minister before a lease agreement or management arrangements can be put in place. It has not yet been determined what the most appropriate arrangements will be in respect of the clubrooms and bowling greens.

The proposed minor additions of the paved terrace and verandah levels, the disabled ramp and entry steps and the loading bay and hot water system areas are incidental to the running of the clubrooms and do not affect community use of the reserve. Given that the additions are minor, it is considered that the need for further public consultation is not required. The area between the clubrooms and the bowling greens (725m<sup>2</sup> approximately) would impede public access to the reserve at that location and therefore is not supported.

Accordingly, it is recommended that the Joint Commissioners support the proposed excision as detailed on Attachment 1, and subject to the WAPC approving the proposal, request the DLI to proceed with the excision of the bowling greens and request the Minister for Lands to grant power to lease.

## ATTACHMENTS

- |              |   |
|--------------|---|
| Attachment 1 | Proposed excision showing the clubrooms (1424m <sup>2</sup> ) and bowling greens (9881m <sup>2</sup> )              |
| Attachment 2 | Proposed excision showing the clubrooms and BBQ area (2149m <sup>2</sup> ) and bowling greens (9881m <sup>2</sup> ) |

- Attachment 3 Proposed excision showing the clubrooms (1053m<sup>2</sup>) and bowling greens (9881m<sup>2</sup>)
- Attachment 4 Proposed excision showing the clubrooms, bowling greens and cricket practice nets and potential growth area being an area of 17,000sqm collectively.

### VOTING REQUIREMENTS

Simple Majority

**OFFICER’S RECOMMENDATION** That the Joint Commissioners:

- 1 APPROVE the proposed excision of Swan Location 13560, Reserve 46280 (6) Miami Beach Promenade, Iluka in accordance with Attachment 1 to Report CJ106-05/04;
- 2 SUBJECT to the Western Australian Planning Commission granting approval for the excision, REQUEST the Department for Land Information to proceed with the excision in accordance with Attachment 1 to Report CJ106-05/04;
- 3 NOTIFY the Beaumaris Sports Association of the decision.

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

- 1 APPROVE the proposed excision of Swan Location 13560, Reserve 46280 (6) Miami Beach Promenade, Iluka in accordance with Attachment 1 to Report CJ106-05/04;**
- 2 SUBJECT to the Western Australian Planning Commission granting approval for the excision, REQUEST the Department for Land Information to proceed with the excision in accordance with Attachment 1 to Report CJ106-05/04;**
- 3 NOTIFY the Beaumaris Sports Association of the decision, and officially provide the Association with a copy of Report CJ106-05/04.**

Cmr Smith outlined the reasons for her change to the officer’s recommendation.

**The Motion was Put and**

**CARRIED UNANIMOUSLY (5/0)**

*Appendix 8 refers*

*To access this attachment on electronic document, click here: [Attach8brf110504.pdf](#)*

Director, Infrastructure and Operations, Mr David Djulbic declared an interest that may affect his impartiality in Item CJ107-05/04 – Negotiations of Tenancy – Function Centre as family members work on a casual basis with the Spices Catering organisation.

## **CJ107 - 05/04      NEGOTIATIONS OF TENANCY - FUNCTION CENTRE – [41510] [05180]**

**WARD - Lakeside**

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### **PURPOSE**

- To advise the Joint Commissioners of the current tenant being given one calendar month to vacate the City of Joondalup Civic Function Centre; and
- For the Joint Commissioners to note that the Administration is preparing a licence agreement between the City and R & R Food by Design for the operation of the Civic Function Centre for a period of 12 months.

### **EXECUTIVE SUMMARY**

Spices Catering (previously Fawn Holdings) has been operating the City of Joondalup Function Centre since 1 July 1997. The original lease expired in 30 June 2002, following which time two public tender processes have been conducted in accordance with the Local Government Act to determine further lease arrangements on the City's Civic Function Centre. After both tender processes were unsuccessful the Chief Executive Officer on 8 July 2003, endorsed the City to authorise negotiations with potential operators.

Following a detailed analysis it is recommended to the Joint Commissioners that the City:

- Note the termination of the current lease by giving Spices Catering one calendar month's notice to vacate the premises;
- Note that the Administration is preparing a licence agreement between the City and R & R Food by Design to operate the Civic Function Centre for a period of 12 months.

### **BACKGROUND**

A lease between the City of Joondalup and Spices Catering (previously Fawn Holdings Pty Ltd) for the Function Centre located within the Council's Civic Centre commenced on the 1 July 1997 and expired on the 30 June 2002.

Following a request from the Lessee for the renewal of the lease agreement, Council approved the development of a tender specification (CJ 177-06/01 refers) to enable the calling of tenders in accordance with the provisions of Section 3.58 of the Local Government Act 1995.

At Council meeting 18 December 2001, (CJ431-12/01 refers) it was resolved that Council award Tender 012-01/02 to Fawn Holdings Pty Ltd. However, following protracted discussions on increased signage and variations to the conditions of tendering, Fawn Holdings withdrew its tender by letter on the 13 of December 2002. Subsequently, at its meeting on 18 February 2003 Council resolved to:

- 1 RESCIND BY AN ABSOLUTE MAJORITY the awarding of Tender 012-01/02 to Fawn Holdings Pty Ltd trading as Spices Catering for the occupancy of 835 square metres of the Civic Centre presently used for functions and catering;
- 2 AUTHORISES the current lease agreement on a month-to-month basis until the new tender is awarded.

A second statewide public tender process commenced with tenders advertised on 3 May 2003 for the Lease of the Function Centre and Gallery located within the City's Civic Centre. Tenders closed on 21 May 2003, four submissions were received. Two submissions from B & G Chambers Pty Ltd trading as Caters for Taste (including one alternative tender) and two submissions from Klemap Pty Ltd as Trustee for the Klemap Trust trading as Spices Catering (including one alternative tender). The tender submissions were identical in every respect except the details of the tenderer.

The evaluation panel for the submission process was made up of the City's Manager Assets and Commissioning, Contracts Administrator and an independent property consultant. The evaluation panel determined that the two alternative tenders were non-conforming and would not be assessed. The tender submitted by B & G Chambers Pty Ltd was also deemed to be non-conforming as their bid required the City to enter into a contract with Spices Catering and not with B & G Chambers Pty Ltd.

On 8 July 2003, the Chief Executive Officer endorsed the following:

- 1 *Rejects all tenders received for the Lease of the Function Centre and Gallery Located within the City's Civic Centre under Part 4 Clause 18(5) of the Local Government (F&G) Regulations 1996; and*
- 2 *Authorises negotiation with potential lessees, including the two that submitted tenders, in accordance with Part 4 Clause 11 (2) of the Local Government (F&G) Regulations 1996.*
- 3 *Authorises the terms of the offer to be the same terms and conditions that were tendered the rent being 12.5% of turnover with the minimum base rent payable being \$25,000 per annum.*
- 4 *Authorises the current lessee, Fawn Holdings Pty Ltd, to be given one months notice to vacate the premises.*

#### **Strategic Plan:**

The project aligns with a number of objectives within the Strategic Plan 2003-2005 particularly *Objective 3.5 To provide and maintain sustainable economic development* which includes the following strategies:

- Develop partnerships with stakeholders to foster business development opportunities.
- Assist the facilitation of local employment opportunities.

Also, *Objective 3.1 To develop and maintain the City of Joondalup's assets and built environment* is an objective to be acknowledged.

## DETAILS

Following two unsuccessful public tender processes, a property consultant was commissioned by the City of Joondalup in August 2003 to assist the City determine future tenancy arrangements for the Joondalup Function Centre.

Following detailed inspections and analysis, an information booklet was developed and provided to 17 potential operators. Interested parties were required to make submissions by 3 November 2003. This period was extended due to additional information requested by City of Joondalup.

Four submissions were received from:

- R & R Food by Design;
- Dee Catering and Logistics Services;
- Spices Catering; and
- Heyder Shears.

Recommendations were made to the City by the Property Consultant for the City to consider entering into a licence with R & R Food by Design for the management of functions in the Civic Function Centre for a period of 12 months. A further review by the Assets and Commissioning business unit has endorsed these recommendations.

The following table provides details of the four prospective parties. It includes their conditions of offer, and the comments provided by the property consultant.

<b>Interested Party</b>	<b>Conditions of Offer</b>	<b>Comments by Property Consultant</b>
<b>R &amp; R Food by Design</b>	COJ to oversee all the bookings and transactions connected with the Function Centre. Management agreement (for 12 months) Pay Council 20% management fee (of turnover) equates to approx. \$35,000 of projections provided to prospective operators. City responsible for all outgoings including rates, land tax, water etc. COJ provide signage erected in front of the Centre. Council provide all front of house equipment. Cost of advertising the facility be shared. No catering jobs without Council prior knowledge. Opening hours in line with working hours of the Council.	The management fee proposed is considered favourable to City. City would incur cost of all front of house equipment. (Estimated by applicant at \$5,000.)

Interested Party	Conditions of Offer	Comments by Property Consultant
<b>Dee Catering and Logistics Services</b>	Lease fee after the first year be 7.5% of the profit for the year. Numerous changes to Clauses in the Management Agreement Rates and taxes to be paid by the City. Service costs payable by the City except telephone. City responsible for maintenance.	Offer not favourable to City. Would appear to be very experienced applicant. Applicant required too many amendments to the lease.
<b>Spices Catering</b>	Two options for a lease agreement to be signed. <b>Option 1 –</b> Based on exclusive use of the kitchen, function centre and gallery in Year 1. Percentage rent = 13% of turnover. Less outgoings. <b>Option 2 -</b> Exclusive kitchen with first rights for function centre and gallery Year 1. Fixed kitchen – including outgoings. Percentage rent = 8% of turnover. Kitchen outgoings.	The lease proposal put by the applicant is on the same basis as the applicant now operates as a tenant in occupation. This proposal does not overcome the problem of accurately determining turnover figures.
<b>Heyder Shears</b>	Accept a management agreement. A fee of \$15k payable by the City with all agreed direct costs being met by the COJ ( <b><i>up to a turnover of \$150k</i></b> ). Any surplus in excess of this preferred payment to the City and the management fee payable to Heyder & Shears would be distributed equally to COJ and the catering operator.	Applicant is very experienced. Offer of management agreement not favourable to City.

### Proposed Management Structure

The management structure proposed involves the owner of R & R Food by Design organising the operational day-to-day duties at the function centre. The owner will be required to liaise with the City of Joondalup staff for two main purposes being:

- Licensing obligations; and
- Marketing.

The Licensee will be required to:

- meet all obligations stipulated in the Management Licence including R & R Food by Design providing the City a fee of 20% of turnover or an annual fee of \$25,000 per annum, whichever is the greater.

**Current Lessee**

On 8 July 2003, the CEO authorised the City's position to provide one month's notice to the lessee to vacate the premises subject to satisfactory alternative arrangements being made.

Written advice sought from the City's solicitors in October 2003, reads "As stated in Clause 2.31 of the Lease *'It shall so remain as a tenant from month to month at a monthly rental equal to the amount of monthly payments on account of rent hereby reserved....'*" In the solicitor's view, by virtue of Clause 2.31, Spices Catering (previously Fawn Holdings Pty Ltd) is a monthly tenant and that the tenancy may be terminated by the City giving written notice to terminate. The written notice would need to be at least 1 clear month's duration.

In view of the management licence being recommended in this report, the current tenant will now be issued with the previously authorised period of notice.

**Policy 2.5.7. Purchasing Goods and Services**

The City's Policy on purchasing goods and services encourages local business in the purchasing and tendering process. R & R Food by Design is a locally registered business.

**Statutory Provision:**

When tendered previously the state-wide public tender was advertised, re-advertised, opened and evaluated in accordance with the *Local Government (F&G) Regulation 1996*. This process resulted in a report to the Chief Executive Officer to reject all tenders for the lease of the Function Centre due to a number of non-conforming tenders, and the request for further negotiations with potential lessees using an alternative arrangement.

**Financial Implications:**

Under the recommended arrangements the City will be required to complete certain works and a partial fit-out in the Function Centre including shelving, and replacement of certain fixtures, crockery, cutlery and install an industrial microwave. An amount of \$20,000 has been allocated for this purpose and is included within the 2003/04 revised budget.

**COMMENT**

A number of Clauses which need to be included in the Management License are:

- The rent will be a minimum 20% of turnover or an annual fee of \$25,000, whichever is the greater.
- The Licensee will accept function and event bookings in accordance with the categories agreed in the License and report to the City on a monthly basis.
- The Licensee will be able to conduct external catering, however, will be required to pay commercial rates for the use of the area when doing so.
- The Licensee will not be permitted to sublet the premises to a third party without Council knowledge and Council written authorization.

**ATTACHMENTS**

Nil.



## VOTING REQUIREMENTS

Simple Majority

**OFFICER’S RECOMMENDATION** That the Joint Commissioners:

- 1 NOTE the termination of the current lease by giving Spices Catering one calendar month’s notice to vacate the premises;
- 2 NOTE that the Administration is preparing a licence agreement between the City and R & R Food by Design to operate the Civic Function Centre for a period of 12 months.

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

- 1 NOTE the termination of the current lease by giving Spices Catering one calendar month’s notice to vacate the premises;**
- 2 NOTE that the Administration is preparing a licence agreement between the City and R & R Food by Design to operate the Civic Function Centre for a period of 12 months;**
- 3 ENDORSE and fully support the actions in 1 and 2 above that have been formulated after following due process and with the advice of an independent property consultant.**

Cmr Smith outlined reasons for her change to the officer’s recommendation.

**The Motion was Put and**

**CARRIED UNANIMOUSLY (5/0)**

**CJ108 - 05/04 CITY OF JOONDALUP, DRAFT EMERGENCY  
MANAGEMENT PLAN - MARCH 2004 – [33514]**

**WARD - All**

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## PURPOSE

The Draft Operational Emergency Management Plan is submitted to the Joint Commissioners for consideration and endorsement in order that the adopted document can be referred to the District Emergency Management Committee for endorsement in accordance with the requirements of the Emergency Management Policy Statement No: 7.

## EXECUTIVE SUMMARY

The Executive Management Team in November 2002 authorised a review of the initial Operational Emergency Management Plan. The Officers have completed the initial review and updating of the plan. The Draft document was forwarded to Local Emergency Management Committee (LEMC) for its meeting of 24 February 2004. The report now requires formal adoption by the Joint Commissioners.

*It is recommended that the Joint Commissioners ADOPT the Draft Operational Emergency Management Plan, March 2004 and refer the document to the District Emergency Management Committee.*

## **BACKGROUND**

At the ordinary meeting of Council in July 1999, the Joint Commissioners received a Report CJ262–07/99 Local Emergency Management Advisory Committee. The Report provided an overview of the City’s responsibility in relation to Emergency Management arrangements within Policy Statement No. 7 and the requirement to prepare Local Emergency Plans for the community.

The initial Emergency Management Plan for the Cities of Joondalup and Wanneroo was prepared by the Western Australian Police in conjunction with the City’s representatives and remained in draft form.

The Executive Management Team, at its meeting of 15 November 2002, endorsed a review of the Draft document, this review has been completed ‘in house’ over an extended period.

## **DETAILS**

Following the endorsement of Manager, Operation Services as the Representative to District Emergency Management Committee (DEMC) and the Coordinator Ranger Services for LEMC, officers have progressed to increase the City’s profile in Emergency Management. Key officers in various business units have attended introductory training, both locally and interstate, funded by FESA.

Review of the City of Joondalup Draft Operational Emergency Management Plan (Attachment 1 refers) has provided the City with current contact information, a list of resources and a basic Recovery Plan for use should an emergency occur within its boundaries. The Emergency Management Plans require bi-annual review to ensure contact details remain appropriate.

Parallel to this review, the City of Wanneroo’s Operational Emergency Management Plan has been updated to provide the equivalent information. Following adoption of the Operational Emergency Management Plan, it is proposed that officers progress with preparation of the Local Recovery Plan for the City of Joondalup in accordance with Emergency Management Policy Statement No. 7.

Emergency Management Plans are required for all major events and identified hazards. An inventory has been compiled of Emergency Management Plans held by the City. This information will continue to be researched and developed to improve the City’s responsiveness to an emergency incident (Attachment 2 refers).

## **ATTACHMENTS**

- |              |  |
|--------------|--|
| Attachment 1 | Draft Operational Emergency Management Plan 2004 |
| Attachment 2 | Emergency Management Plans - Inventory           |

## VOTING REQUIREMENTS

Simply Majority

**MOVED Cmr Smith, SECONDED Cmr Drake-Brockman that the Joint Commissioners ADOPT the Draft Operational Emergency Management Plan, March 2004 forming Attachment 1 to Report CJ108-05/04 and refer the document to the District Emergency Management Committee.**

**The Motion was Put and**

**CARRIED UNANIMOUSLY (5/0)**

*Appendix 9 refers*

*To access this attachment on electronic document, click here: [Attach9brf110504.pdf](#)*

**CJ109 - 05/04      TENDER      NUMBER      030-03/04      JOONDALUP  
ADMINISTRATION      CENTRE      BUILDING      –  
LIGHTING UPGRADE – [78555]**

**WARD - Lakeside**

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## PURPOSE

To seek Council approval to decline to accept all tenders submitted for the Joondalup Administration Centre Building – Lighting Upgrade Tender Number 030-03/04.

## EXECUTIVE SUMMARY

Tenders were advertised on 18 February 2004 through statewide public tender for the Joondalup Administration Centre Building – Lighting Upgrade. Tenders closed on 4 March 2004. Three submissions were received from: Exabit Pty Ltd Trading as Total Cabling Solutions, Maxilight Industries (WA) Pty Ltd and Suncourt Pty Ltd Trading as High Speed Electrics.

It is recommended that the Joint Commissioners:

- 1      *DECLINE to accept any tender received for the Joondalup Administration Centre Building – Lighting Upgrade Tender Number 030-03/04 under Part 4 Clause 18(5) of the Local Government (F&G) Regulations 1996;*
- 2      *RECALL tenders for the Joondalup Administration Centre Building – Lighting Upgrade.*

## **BACKGROUND**

Over the past two years, the City has completed major project upgrades to the Administration Building to improve building occupancy conditions and reduce power consumption.

As part of this management strategy, an energy audit was undertaken by Consultants, Lincolne Scott, for the Administration Building, Library and Civic Chambers to identify potential energy savings.

This identified that the replacement of the existing light fittings within the Administration Building with high efficiency lights and reflections would generate savings of \$17,000 and a reduction in greenhouse gases.

With regard to the replacement of the existing lights with a more efficient fitting, funding of \$135,000 for this work was listed in the 2003/04 Capital Works Program.

## **DETAILS**

Under the City's Contract Management Framework, the tenders were assessed by the Evaluation Team using a weighted multi-criterion assessment system and AS 4121-1994 'code of ethics and procedures for the selection of consultants'.

Each member of the Evaluation Team assessed the Tender submissions individually against the selection criteria using the weightings determined during the tender planning phase. The Evaluation Team convened to submit and discuss their assessments, leading to a ranking of each submission in an order of merit.

The Selection Criteria for this tender was as follows:

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

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

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

- Company Structure
- Qualifications, Skills and Experience of Key Personnel
- Equipment and Staff Resources available
- Percentage of Operational Capacity represented by this work
- Compliance with tender requirements, insurances, licenses, site inspections etc
- Quality Systems

- Occupational Health and Safety Management System and Track Record
- Time required to Deliver/Complete contract
- Management Methodology
- Post Contract Services offered

**Methodology:**

- Detail the procedures and process they intend to use to achieve the requirements of the Specification
- Provide an outline of the provisional works program Clear support for the consumer/administrator relationship

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

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

**Tendered Price/s:**

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

Clarification was sought from all tenderers to assist in the tender assessment process. Based on the clarification received from tenderers it was evident that none of the tenderers included all requirements in their lump sum prices. All three tenderers nominated the same supplier of the light fittings (Maxilight Industries (WA) Pty Ltd).

The tender called for a lump sum price to undertake the works but also required the tenderers to advise the number of light fittings included in their lump sum price. The number of light fittings included by tenderers was 765, 825 and 980. The tenderers were required to assess the number of light fittings required. A count of light fitting undertaken after the tender assessment revealed the actual number of light fittings required is 741.

In reviewing submissions a number of other minor anomalies with the technical specification were also revealed making a balanced assessment of the tenders difficult to achieve.

The technical specification will now be revised to include the number of light fittings and confirm requirements. Tenders will then be recalled.

**Statutory Provision:**

The statewide public tender was advertised, opened and evaluated in accordance with the *Local Government (F&G) Regulation 1996*. Advertising this tender also ensures compliance with the *Local Government (F&G) Regulation 1996*, where tenders are required to be publicly invited if the consideration under a contract is expected to be or worth more than \$50,000.

The expected consideration for this contract is expected to exceed the Chief Executive Officer's Delegated Authority in relation to the acceptance of tenders to \$100,000.

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

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

#### **Financial Implications:**

**Account No:** Project 4176  
**Budget Item:** Joondalup Administration Centre Building - Lighting Upgrade  
**Budget Amount:** \$135,000

#### **COMMENT**

All tenders were assessed in accordance with *Regulation 18(4)* of the *Local Government (Functions & General) 1996*. As a balanced assessment was difficult to achieve and that the technical specification contained a number of anomalies it is recommended that all tenders be rejected. The technical specification will be revised and tenders recalled.

#### **ATTACHMENTS**

Nil.

#### **VOTING REQUIREMENTS**

Simple Majority

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

- 1 DECLINE to accept any tender received for the Joondalup Administration Centre Building – Lighting Upgrade Tender Number 030-03/04 under Part 4 Clause 18(5) of the Local Government (F&G) Regulations 1996;**
- 2 RECALL tenders for the Joondalup Administration Centre Building – Lighting Upgrade.**

Cmr Fox referred to the final sentence under the -\* section of the report that stated “the technical specification will be revised and tenders recalled.” She queried whether the lack of success to appoint a tenderer was due to inadequate technical specifications.

Manager Infrastructure Management and Ranger Services advised it was for the tenderers to determine the amount of light fittings required and this was not provided. The technical specification will now be revised to include the number of light fittings and confirm requirements.

**The Motion was Put and**

**CARRIED UNANIMOUSLY (5/0)**

**CJ110 - 05/04      BENBULLEN BOULEVARD, KINGSLEY – PETITION  
CONCERNING      EXCESSIVE      SPEED      AND  
ANTISOCIAL DRIVER BEHAVIOUR – [48457]**

**WARD -** South

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**PURPOSE**

The purpose is to address the petitioners' concerns in relation to excessive speed and antisocial driver behaviour in Benbullen Boulevard, Kingsley.

**EXECUTIVE SUMMARY**

In July 29 2003 (C155-08/03 refers), a 55 signature petition from residents of Kingsley was presented to Council for consideration. The petitioners have requested that consideration be given to reducing antisocial behaviour and excessive vehicle speed along Benbullen Boulevard, Kingsley, thereby increasing the level of safety for all road users and improve the local amenity of the area.

Over the period 12 November 2003 to 31 March 2004 a total of five meetings were held with a residents working group to define the issues and then consider possible remedial treatments.

All residents in Benbullen Boulevard and the affected residents in the adjacent side streets were given a copy of the proposed traffic management concept and requested to comment.

There was strong support for the concept with some minor modifications which have now been incorporated and endorsed by the residents working group.

Accordingly this report recommends that the Joint Commissioners:

- 1      *LIST as part of the 2004/2005 budgetary considerations, the inclusion of the proposed traffic management treatment for Benbullen Boulevard (Attachment 2) into the Five Year Capital Works Program – Traffic Management – Local Road Traffic Management;*
- 2      *ADVISE the petitioners accordingly.*

**BACKGROUND**

On 29 July 2003 a 55 signature petition was presented to Council regarding traffic concerns in Benbullen Boulevard, Kingsley. At the Council Meeting of 9 September 2003 it was resolved that:

*“In response to the petition submitted to Council on 29 July 2003 regarding traffic concerns in Benbullen Boulevard, Kingsley, that the City of Joondalup as pilot project, consults with the residents of Benbullen Boulevard regarding suitable options to traffic manage this street. The City to include representatives from Main Roads WA and the WA Police Service in the consultation process.”*

The Motion was Put and Carried (7/6).

Subsequently a working group was formed, being drawn from residents in Benbullen Boulevard. A total of five meetings were held between 12 November 2003 and 31 March 2004. Representatives from the WA Police Service and Main Roads WA were requested to participate in the working group meetings. A representative from Main Roads WA attended the first meeting and the WA Police Service was unable to provide a representative due to other commitments.

The residents agreed on a concept traffic management via the following motion: *“That the working Group recommend for Benbullen Boulevard, the Traffic Treatment scheme Option 6 amended with the deletion of the traffic island west of Wandearah Way and the relocation of the traffic island east of Wandearah Way one metre westwards.”*

## DETAILS

Benbullen Boulevard is classified as an Access Road in the City’s Functional Road Hierarchy and it is approximately 700 metres in length running in an east – west orientation between Moolanda Boulevard and Goollelal Drive in the suburb of Kingsley. The annual average daily traffic volumes and 85 percentile vehicle speeds on Benbullen Boulevard are as follows:

LOCATION	Sept 2003		June 1991	
	Daily Volumes	85 <sup>th</sup> percentile speed	Daily Volumes	85 <sup>th</sup> percentile speed
East of Karamarra Pl	909	51km/hr		
West of Mooltunya Ct	782	55km/hr		
West of Nanda Cl			703	55km/hr

During the period 1 January 1999 to 31 December 2003 there was one reported crash associated with Benbullen Boulevard which occurred on Thursday 29 June 2000. This was at the intersection of Benbullen Boulevard and Moolanda Drive and was the result of a tyre blowout.

Following the decision of Council to undertake public consultation with the residents of Benbullen Boulevard, all the residents and landowners of Benbullen Boulevard were contacted in writing to seeking nominations to participate in a working group to review the issues, the available data and to consider the most appropriate course of action.

A total of 9 residents indicated a willingness to participate and the first meeting was held on Wednesday 12 November 2003 at 7:30PM. This first meeting included representatives from MRWA and City of Joondalup, in addition to the 9 residents. The WA Police Service were unable to attend due to other commitments



Following discussion at this meeting, the City of Joondalup undertook to prepare concept sketches of possible traffic management treatments to address the issues raised and to document the advantages and disadvantages of each.

These were considered at a further meeting where it was decided to refine one of the concepts as well as marking the location of the traffic management islands and kerb widening on the roadway for the residents to view and consider. In addition the concept plan, together with a questionnaire was distributed to all residents in Benbullen Boulevard as well as the affected residents in the side roads of Moolanda Boulevard, Wandearah Way, Nanda Close, Mooltunya Court and Goollelal Drive.

A total of 45 questionnaires were distributed, 21 replies were received (47% response) and a summary of the responses are shown at Attachment 1.

There was a clear indication of residents support for the concept as drawn. However, two issues were raised by residents for consideration. These were the reduction of the road widening at the intersections to reduce the impact on the adjacent verges and the relocation of the traffic island in Benbullen Boulevard closer to the eastern side of Wandearah Way, rather than being half way between Wandearah Way and Nanda Close, to better control traffic turning left out of Wandearah Way. These issues were considered by the residents' working group and it was agreed to include these changes.

The residents agreed on the traffic management concept plan via the following motion: *"That the working Group recommend for Benbullen Boulevard, the Traffic Treatment scheme Option 6 amended with the deletion of the traffic island west of Wandearah Way and the relocation of the traffic island east of Wandearah Way one metre westwards."* A copy of the agreed traffic management concept is shown at Attachment 2.

### **Financial Implications:**

The project budget is estimated at \$50,000 and can be listed for consideration as part of the 2004/2005 budget deliberations.

### **Consultation:**

A residents' working group was formed to develop and consider the traffic management concept and a total of 5 meetings were held.

All residents in Benbullen Boulevard and those impacted in the adjacent side streets were given a copy of the traffic management concept plan and were requested to complete a questionnaire indicating their support or concerns regarding the concept.

A series of on site meetings with individual residents was undertaken to discuss issues and concerns.

## COMMENT

The final traffic management scheme outcome for Benbullen Boulevard are based on being acceptable to the local community, while also satisfying the criteria of improving safety of all road users and improving amenity for local residents.

## ATTACHMENTS

Attachment 1            Questionnaire Response Summary  
Attachment 2            Traffic Management Concept Plan.

## VOTING REQUIREMENTS

Simple Majority

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

- 1       LIST as part of the 2004/2005 budgetary considerations, the inclusion of the proposed traffic management treatment for Benbullen Boulevard shown as Attachment 2 to Report CJ110-05/04 into the Five Year Capital Works Program – Traffic Management – Local Road Traffic Management;**
- 2       ADVISE the petitioners accordingly.**

**The Motion was Put and**

**CARRIED UNANIMOUSLY (5/0)**

*Appendix 10 refers*

*To access this attachment on electronic document, click here: [Attach10brf110504.pdf](#)*

Cmr Fox declared an interest that may affect her impartiality in Item CJ111-05/04 – Bahama Close, Sorrento – Upgrade to Drainage Infrastructure as her daughter attends Sacred Heart College.

**CJ111 - 05/04       BAHAMA CLOSE, SORRENTO - UPGRADE TO DRAINAGE INFRASTRUCTURE – [06044] [14132]**

**WARD -    South Coastal**

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## PURPOSE

To obtain approval to enter into an agreement with Sacred Heart College for the construction of a drainage pipe through its property, to approve payment of compensation to Sacred Heart College for this, and to approve the use of funds from Project 6564 - Yellagonga Regional Park Stormwater Drainage Outfall Upgrade to expedite the required drainage modifications in Bahama Close, Sorrento.

## EXECUTIVE SUMMARY

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

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

The City's Officers have negotiated a preferred solution with Sacred Heart College that would allow the City to construct a new pipe through its property provided reasonable compensation was paid for the required drainage easement. The value of the land required for the easement was recently determined by the Valuer General's Office to be \$10,000, an amount found acceptable to Sacred Heart College.

With the impending winter rains it is considered a matter of urgency that the drainage modifications be undertaken as soon as possible to avoid further damage to the stone pitched embankment and reduce the City's exposure to any further public liability risks.

*It is recommended that the Joint Commissioners BY AN ABSOLUTE MAJORITY*

- 1 *APPROVE the use of funds in Project 6564 – Yellagonga Regional Park Drainage Outfall Upgrade to expedite the construction of drainage modifications in Bahama Close, Sorrento as part of the 2003/04 Capital Works Program;*
- 2 *LIST as a high priority for the 2004/05 Budget an additional amount of \$120,000 in order that the deferred works associated with Project 6564 – Yellagonga Regional Park Drainage Outfall Upgrade can be undertaken;*
- 3 *APPROVE the payment of \$10,000 to Sacred Heart College as compensation for the proposed drainage easement.*

## BACKGROUND

In June 2003 a significant storm was experienced in Perth that resulted in the capacity of the drainage system in Bahama Close being exceeded and causing damage to the stone pitched embankment located within Sacred Heart College. The stone pitched embankment was damaged by stormwater overflowing from the road, over the embankment and into the adjacent Sacred Heart College property. The existing pipe system was unable to cope with the intensity of the storm.

The existing drainage pipe is located within an easement along the southern boundary of 12 Bahama Close and discharges into a drainage sump at the rear of the property. This is shown in Attachment 1. Due to the proximity of the house and the retaining wall situated along the southern boundary of the property, it was considered too difficult to upgrade the existing pipe on its current alignment without risking damage to the house. As an alternative, it is proposed to realign the pipe through the adjacent Sacred Heart College.

Whilst a proposal to realign the pipe through Sacred Heart College was previously rejected by the College's Board, the recent damage to the embankment, and the realisation that the City had limited options available to resolve the matter, prompted the Board to review its position.

Since June 2003 the City's Officers have been liaising with Sacred Heart College in order to negotiate a mutually acceptable resolution. As a result of these negotiations, and subject to the approval of the Commissioners, it is proposed that:

- (a) the cost of relocating the pipe be borne by the City;
- (b) the City compensate Sacred Heart College for the required easement based on an independent valuation;
- (c) the City repair that part of the embankment affected by the construction of the new pipe, with the balance being the responsibility of Sacred Heart College.

A value of \$10,000 was recently determined by the Valuer General's Office as reasonable compensation for the drainage easement, based on its determination of the diminution in the utility of the land. In correspondence dated 20 April 2004 Sacred Heart College granted approval for the City to enter its land to undertake the works and advised that the compensation offered was acceptable.

**Timing of works:**

With the impending winter rains it is considered a matter of urgency that the drainage modifications be undertaken as soon as possible to avoid further damage to the stone pitched embankment and reduce the City's exposure to any further public liability risk.

The nature of the works will require that it be outsourced, necessitating a tender process and the consequent delays associated with this. It would therefore be advantageous if funds could be accessed from the current Budget to allow the tender process to proceed as soon as possible and lead to an earlier commencement of construction.

**Statutory Provision:**

Nil

**Policy Implications:**

Nil

**Financial Implications:**

An item has been included in the Draft 2004/05 Capital Works Budget for the required drainage works in Bahama Close, however, in view of the urgency in completing the works in Bahama Close it is proposed that it be funded from Project 6564 - Yellagonga Regional Park Stormwater Drainage Outfall Upgrade, currently listed in the 2003/04 Capital Works Program. It is considered that the outfall upgrade works could be deferred until the 2004/05 Budget.

It is estimated that the drainage works will cost in the order \$100,000, however, the actual cost will be subject to the tender process.

<b>Account No:</b>	6564
<b>Budget Item:</b>	Yellagonga Regional Park – Stormwater Drainage Outfall Upgrade
<b>Budget Amount:</b>	\$ 120,000
<b>YTD Amount:</b>	\$ Nil
<b>Actual Cost:</b>	\$

**Strategic Implications:**

Nil

**Sustainability Implications:**

Nil

**ATTACHMENTS**

Attachment 1 Bahama Close, Sorrento Proposed Drainage Modifications

**VOTING REQUIREMENTS**

Absolute Majority

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

- 1 APPROVE the use of funds in Project 6564 – Yellagonga Regional Park Drainage Outfall Upgrade to expedite the construction of drainage modifications in Bahama Close, Sorrento as part of the 2003/04 Capital Works Program;**
- 2 LIST as a high priority for the 2004/05 Budget an additional amount of \$120,000 in order that the deferred works associated with Project 6564 – Yellagonga Regional Park Drainage Outfall Upgrade can be undertaken;**

**3 APPROVE the payment of \$10,000 to Sacred Heart College as compensation for the proposed drainage easement.**

**The Motion was Put and**

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

*Appendix 11 refers*

*To access this attachment on electronic document, click here: [Attach11brf110504.pdf](#)*

**CJ112 - 05/04 DELEGATED AUTHORITY REPORT FOR THE  
MONTH OF MARCH 2004 – [07032]**

**WARD - All**

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**EXECUTIVE SUMMARY**

This report provides a resumé of the Development Applications processed by Delegated Authority during March 2004 (see Attachments 1).

The total number of Development Applications determined (including Council and delegated decisions) is as follows:

<b>Month</b>	<b>No</b>	<b>Value (\$)</b>
March 2004	67	7,110,213

The total number of Development Approvals received for March was 61, an increase from 52 for February 2004.

**ATTACHMENTS**

Attachment 1          March Approvals

**VOTING REQUIREMENTS**

Simple Majority

**MOVED Cmr Anderson, SECONDED Cmr Smith that the Joint Commissioners NOTE the determinations made under Delegated Authority in relation to the applications described in Report CJ112-05/04.**

**The Motion was Put and**

**CARRIED UNANIMOUSLY (5/0)**

*Appendix 12 refers*

*To access this attachment on electronic document, click here: [Attach12brf110504.pdf](#)*

## CJ113 - 05/04 APPOINTMENT OF MEMBERS TO THE JOONDALUP YOUTH ADVISORY COUNCIL – [[38245]]

WARD - All

### PURPOSE

The purpose of this report is to present the proposed membership of the Joondalup Youth Advisory Council (YAC) for endorsement by the Commissioners of the City of Joondalup.

### EXECUTIVE SUMMARY

This report is intended to complete the selection process for the Joondalup Youth Advisory Council in 2004. Report CJ 337 –12/02 on 17 December 2002 recommended that the membership of the Joondalup Youth Advisory Council be twenty young people. This report presents eighteen young representatives from throughout the City for appointment by Commissioners. This is two less than required. It is envisaged that the remaining two places on the Youth Advisory Council will be filled in the near future.

These representatives have been selected following a nomination process. The details of this selection process are outlined later in this report. The recommendation presented for the consideration of the Commissioners of the City of Joondalup is:

*It is recommended that the Joint Commissioners:*

- 1 *BY AN ABSOLUTE MAJORITY, APPOINT the following nominees as members of the Joondalup Youth Advisory Council:*

<i>Existing Members</i>	<i>New Members</i>
1 <i>Enid Chua</i>	7 <i>Dearne Kinsella</i>
2 <i>Jessica Harlond-Kenny</i>	8 <i>Silke Losch</i>
3 <i>Lauren Hicks</i>	9 <i>Blade Shaw</i>
4 <i>Siobhan Daly</i>	10 <i>Nour Huneidi</i>
5 <i>Kate Maasen</i>	11 <i>Katriese Dalgety</i>
6 <i>Astrid Lee</i>	12 <i>Rowan Ziegler</i>
	13 <i>Amy Kauler</i>
	14 <i>Claire Hand</i>
	15 <i>Jakara Enders</i>
	16 <i>Ryan Hinds</i>
	17 <i>Lauren Carr</i>
	18 <i>Sarah Flatters</i>
	19 <i>Vacant</i>
	20 <i>Vacant</i>

- 2 *Appropriately ACKNOWLEDGE all nominees who nominated for membership of the 2004 Joondalup Youth Advisory Council.*

## **BACKGROUND**

The Youth Advisory Council program began in 1999 with the formation of two Youth Advisory Councils. This arrangement continued until 2002.

During the course of 2002, significant discussion arose within the Youth Advisory Councils regarding the feasibility of amalgamating the two Youth Advisory Councils. This discussion was formalised at the joint meeting of the two Youth Advisory Councils held on Wednesday 20 November 2002, where the proposal was supported in principle. A similar supportive recommendation from the Youth Affairs Advisory Committee followed on 6 November 2002. A report was written and presented to Council on 17 December 2002.

At the meeting of 17 December 2002, the elected members of the City of Joondalup moved BY AN ABSOLUTE MAJORITY that the City of Joondalup:

- 1 DISBANDS the Youth Advisory Council – Joondalup North;
- 2 DISBANDS the Youth Advisory Council – Joondalup South;
- 3 ESTABLISHES the Joondalup Youth Advisory Council to advise Council on any issues of importance to the youth population of the City of Joondalup;
- 4 CALLS for nominations for twenty (20) positions on the Joondalup Youth Advisory Council;
- 5 SETS the quorum of the Joondalup Youth Advisory Council at 10 members;
- 6 ENDORSES the revised Terms of Reference for the Joondalup Youth Advisory Council that forms Attachment 1 to Report CJ337-12/02.

Following this decision, a nomination and selection process was completed and a full complement of twenty young representatives was selected. These representatives were presented in Report CJ022 – 02/03 for appointment by the elected members of the City of Joondalup at their meeting on the 18 February 2003.

Following their appointment, members attended an Orientation Weekend and met formally for the first time on the 2 April 2003.

Following this meeting and due to a number of factors, the attendance at Youth Advisory Council meetings steadily diminished during the course of 2003. While a core group of enthusiastic and committed young people persisted through this situation, it resulted in a failure to meet quorum in the majority of Youth Advisory Council meetings in 2003. Despite this situation, informal meetings were conducted that were very productive for the remaining core group of members. In an effort to replenish the membership of the Youth Advisory Council, nominations were requested in February 2004.

### **Recruitment Process**

The advertising period occurred between 16 February and 18 March 2004 and involved the promotion and distribution of information in the following places:

- Local High schools
- Universities and TAFEs
- Local Youth focused organisations
- Advertisements in local paper.



Nominations closed on 18 March 2004 at which point, thirteen applications were received. The tenure of the current membership was examined and it was determined that fourteen vacancies were available on the Youth Advisory Council in 2004.

Due to the fact that, despite extensive promotions, insufficient nominations to fill the Youth Advisory Council were received, a selection process was not conducted. As a result all applicants were offered positions unopposed (pending formal appointment by the Commissioners of the City of Joondalup) assuming that they met the age and residency criteria. This was not the case for one applicant who is of primary school age and was therefore discounted due to his age.

It is intended that council officers will actively seek to fill the existing vacancies on the Youth Advisory Council and to develop a waiting list to fill any vacancies that may arise in the course of 2004.

This list of nominees was added to the current membership of the Youth Advisory Council and submitted for appointment by Council. Further details of the proposed composition of the Youth Advisory Council are listed under the “Details” subheading of this report.

In previous years, new members have attended an orientation weekend at the beginning of their term. This program has been met with a positive response from the young people on the Youth Advisory Council in previous years. This program is, however resource intensive and it is felt that this resource may be used more effectively as a Training/ Planning Camp for the Youth Advisory Council midway through year. At that point, the members will have a clearer picture of their role on the Youth Advisory Council and the weekend should prove more effective. It will also provide a valuable incentive to members

An Orientation Day will be conducted with the members in May and their first formal meeting is scheduled for 19 May 2004.

## DETAILS

The proposed membership of the Joondalup Youth Advisory Council is listed in Table 1 below.

**Table 1**

<b>Existing Members</b>		<b>New Members</b>	
1	Enid Chua	7	Dearne Kinsella
2	Jessica Harlond-Kenny	8	Silke Losch
3	Lauren Hicks	9	Blade Shaw
4	Siobhan Daly	10	Nour Huneidi
5	Kate Maasen	11	Katriese Dalgety
6	Astrid Lee	12	Rowan Ziegler
		13	Amy Kauler
		14	Claire Hand
		15	Jakara Enders
		16	Ryan Hinds
		17	Lauren Carr
		18	Sarah Flatters
		19	Vacant
		20	Vacant

### Suburb of Residence

Member	Suburb of Residence	Expiry of Term
Astrid Lee	KINGSLEY	2005
Lauren Hicks	CURRAMBINE	2005
Enid Chua	KINGSLEY	2005
Jessica Harlond Kenny	SORRENTO	2005
Kate Maassen	KALLAROO	2005
Siobhan Daly	CURRAMBINE	2005
Dearne Kinsella	MULLALOO	2006
Silke Losch	OCEAN REEF	2006
Blade Shaw	DUNCRAIG	2006
Nour Huneidi	KINROSS	2006
Katriese Dalgety	KINGSLEY	2006
Rowan Ziegler	KINGSLEY	2006
Amy Kauler	EDGEWATER	2006
Claire Hand	JOONDALUP	2006
Jakara Enders	WOODVALE	2006
Ryan Hinds	GREENWOOD	2006
Lauren Carr	PADBURY	2006
Sarah Flatters	CONNOLLY	2006

### Tenure

In keeping with the Terms of Reference endorsed by Council on 17 December 2002 as a part of Report CJ 337 –12/02, all current members will serve the remaining (1) one year of their two-year term. The tenure of the new members will be (2) two years in accordance with the Youth Advisory Council's Terms of Reference. All members will have the option to apply for a second two-year term on the Youth Advisory Council when their terms have expired.

### COMMENT

The past twelve months have represented a frustrating year for the Youth Advisory Council. Following the promotional campaign resulting in an oversupply of applications, an ideal selection process and an excellent orientation weekend, attendance at YAC meetings began falling away immediately. The reasons for this occurrence were difficult to explain and led to an inability to reach quorum in many meetings. This inhibited the committees' ability to make group decisions and act in an advisory capacity to the City of Joondalup.

It is important to note however, that despite the declining attendance during the previous year, a core group of YAC members has remained committed to the Youth Advisory Council and have worked diligently in their role. The majority of this group will remain as Youth Advisory Councillors for this year and will provide valuable guidance, experience and support to new members. In addition, a number of ex-members have expressed a wish to remain involved in the YAC in a supportive "mentoring" capacity, which will be very valuable.

This report presents a number of new candidates for appointment to the Youth Advisory Council. As a group they represent a mix of suburbs, gender, ages and cultural backgrounds and their involvement should ensure a higher level of attendance at meetings in the future. There are many exciting and important opportunities that the YAC can contribute to within the City at the moment. As a result, it is hoped that a cohesive, enthusiastic and committed council can be developed that will fulfill its role as an advisory body to the Council on matters of importance to the young people of the City of Joondalup.

## ATTACHMENTS

Nil

## VOTING REQUIREMENTS

Absolute Majority

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

- 1 APPOINT the following nominees as members of the Joondalup Youth Advisory Council:

Existing Members		New Members	
1	Enid Chua	7	Dearne Kinsella
2	Jessica Harlond-Kenny	8	Silke Losch
3	Lauren Hicks	9	Blade Shaw
4	Siobhan Daly	10	Nour Huneidi
5	Kate Maasen	11	Katriese Dalgety
6	Astrid Lee	12	Rowan Ziegler
		13	Amy Kauler
		14	Claire Hand
		15	Jakara Enders
		16	Ryan Hinds
		17	Lauren Carr
		18	Sarah Flatters
		19	Vacant
		20	Vacant

- 2 appropriately ACKNOWLEDGE all nominees who nominated for membership of the Joondalup Youth Advisory Council.

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

- 1 APPOINT the following nominees as members of the Joondalup Youth Advisory Council:

Existing Members		New Members	
1	Enid Chua	7	Dearne Kinsella
2	Jessica Harlond-Kenny	8	Silke Losch
3	Lauren Hicks	9	Blade Shaw
4	Siobhan Daly	10	Nour Huneidi

5	Kate Maasen	11	Katriese Dalgety
6	Astrid Lee	12	Rowan Ziegler
		13	Amy Kauler
		14	Claire Hand
		15	Jakara Enders
		16	Ryan Hinds
		17	Lauren Carr
		18	Sarah Flatters
		19	Vacant
		20	Vacant

- 2 appropriately ACKNOWLEDGE all nominees who nominated for membership of the Joondalup Youth Advisory Council.

Cmr Fox advised she wished to move an amended motion. Cmr Drake-Brockman, with the approval of Cmr Fox as Seconder, advised he wished to have the Motion **WITHDRAWN**

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

- 1 **APPOINT the following nominees as members of the Joondalup Youth Advisory Council:**

Existing Members		New Members	
1	Enid Chua	7	Dearne Kinsella
2	Jessica Harlond-Kenny	8	Silke Losch
3	Lauren Hicks	9	Blade Shaw
4	Siobhan Daly	10	Nour Huneidi
5	Kate Maasen	11	Katriese Dalgety
6	Astrid Lee	12	Rowan Ziegler
		13	Amy Kauler
		14	Claire Hand
		15	Jakara Enders
		16	Ryan Hinds
		17	Lauren Carr
		18	Sarah Flatters
		19	Vacant
		20	Vacant

- 2 appropriately ACKNOWLEDGE all nominees who nominated for membership of the Joondalup Youth Advisory Council;
- 3 **REQUEST that a more innovative marketing plan be developed to capture a wider youth audience and that consideration be given to providing incentives to particularly attract a more gender balanced group of nominees.**

Cmr Fox outlined reasons for her change to the officer's recommendation.

**The Motion was Put and**

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

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**CJ114 - 05/04      COMMUNITY FUNDING PROGRAM 2003-2004  
GRANTS ALLOCATIONS - SECOND FUNDING  
ROUND – [23542] [24542]**

**WARD - All**

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**PURPOSE**

The purpose of this report is to provide information and make recommendations on the provision of Community Funding Program grants for the 2003/2004 financial year in accordance with the Community Funding Program's policy and guidelines.

**EXECUTIVE SUMMARY**

The City's Community Funding Program came into operation on 1 July 1999. The Program has been developed to provide financial assistance to not-for-profit and other eligible organisations. It is intended that support be offered to a range of community development initiatives consistent with the City's strategic objectives.

Funding of \$22,000 is available annually in each of the Sport and Recreation Development, Community Services and Cultural and the Arts Developments Funds, and \$30,000 in the Sustainable Development Fund.

Funds will assist organisations and community groups to conduct projects, events and activities in the areas of community services provision, sport and recreation development, sustainable development and culture and the arts development.

This is the fifth consecutive financial year in which the Community Funding Program has been administered. The Program was first introduced in July 1999. If the recommendations in this report are adopted by Council this would mean that, to date, Council has allocated a total of 243 grants through the Program to organisations and community groups in the City of Joondalup to the value of \$489,164.

*It is recommended that the Joint Commissioners:*

- 1      APPROVE the grants recommended for approval under the City of Joondalup's Community Funding Program's second funding round for the financial year 2003/2004 as outlined in Attachment 1 to this report;*
- 2      BY AN ABSOLUTE MAJORITY APPROVE the reallocation of \$1,170.18 from the Culture and the Arts Development Fund (1.4430.4402.0001.A011) and \$8,365.27 from the Sport and Recreation Development Fund (1.4530.4420.0001.9999) to the Community Services Fund (1.4410.4402.0001.9999)*
- 3      ACKNOWLEDGE and thank those members of the community who participated on the assessment panels.*

## BACKGROUND

The overall objective of the Community Funding Program is to provide a framework for the provision of targeted funding, which meets Council's strategic objectives in facilitating community development, in partnership with the community. Overall, the Community Funding Program aims to support the strategic objectives of the City in the areas of sport and recreation development, culture and arts development, economic development, environment development and provision of community services.

Eligible projects, events and activities include:

- Capital projects and items;
- One-off projects, activities or events;
- Seeding grants for projects, activities or events that can demonstrate independent viability after an appropriate period;
- Projects, activities or events where all other potential sources of funding have been exhausted or are not available.

Council will not fund the following:

- Deficit funding – for organisations which are experiencing a shortfall in cash revenue or anticipated revenue;
- Recurrent salaries and recurrent operational costs;
- Proposals where alternative sources of funding are available;
- More than one request for funding in any financial year;
- Individuals, unless they are sponsored by an eligible organisation and are residents of the City;
- Government or quasi-government agencies, with the exception of schools;
- Projects considered part of a school's normal curriculum;
- For profit organisations.

The program has four major fund categories as follows:

- Community Services Fund
- Culture and the Arts Development Fund (*applications not sought in the second round 2003/04 due to majority of funds being allocated in the first round 2003/04*)
- Sustainable Development Fund
- Sport and Recreation Development Fund

Each of these fund categories has its own specific strategic objectives. In accordance with the Community Funding Policy, guidelines specific to each fund have been developed for the current financial year.

The program provides the framework for various common funding guidelines, eligibility criteria and accountability requirements that have been applied across the organisation to assess all applications for funding under the program. Applications are assessed against the following criteria:

- All eligibility criteria for funding are met;
- The application supports the mission statement, values and strategic direction of Council;
- The application addresses the funding objectives and identified priorities of the relevant fund category;
- Value for money;
- Demonstrated need;
- Community support either in cash or kind;
- Appropriate accountability processes being in place;
- Inclusion of all relevant documentation; and
- Compliance with Council's Community Funding Program Policy and Guidelines.

The Community Funding Program Guidelines for 2003/2004 and Policy 4.1.1 - Community Funding are included as Attachments 2 and 3. The objectives and funding priorities for each fund category for the 2003/2004 financial year are detailed in these attachments.

## **DETAILS**

The Community Funding Program was advertised locally on 29 January and 5 February 2004 in the local newspapers. The closing date for applications was 18 March 2004.

An information package, which contained the Community Funding Program guidelines and application forms, was posted or emailed to organisations and community groups on request. The information package was also available electronically via the City's Website.

A Community Funding Program workshop was conducted on 3 March 2004. A number of one to one meetings were also held between Council officers and representatives from various organisations and community groups who had expressed an interest in receiving assistance to complete the application forms or obtain additional information about the program.

Each application received was assessed against the generic eligibility and assessment criteria together with the specific funding objectives and priorities for the 2003/2004 financial year, as contained in the Community Funding Program guidelines.

The assessment process for the various funds is undertaken by panels which include community representatives who have the skills and knowledge to represent the interests of a range of community groups. For the second round of funding the Sport and Recreation and Community Services panel were amalgamated.

### **Community Services Fund and Sport and Recreation Fund Assessment Panel**

Alistair Edwards	Department of Sport and Recreation
Barry Gibson	Edith Cowan University
Andrew Hall	Executive Director Joondalup Youth Support Services
Lucy Morris	Executive Director Community Vision Inc
Julie Eaton	Coordinator Community Services
Kristy Strange	Recreation Officer
Yvette Peterson	Community Development Officer

### Sustainable Development Fund Assessment Panel

Will Carstairs	Sustainability Advisory Committee
Vincent Cusack	Sustainability Advisory Committee
Sandi Evans	Team Leader, Sustainable Development
Keith Armstrong	Conservation Officer

Applications from the following 17 organisations have been recommended for funding:

Australian Asian Association	Sacred Heart College
Joondalup Kinross Junior Football Club	St Vincent de Paul Society
Joondalup Netball Association	Te Rangatahi Maori Club
Lions Club of Ocean Reef	Whitfords Little Athletics Club
Malubillai Wildlife Carers Network Inc	Whitfords Senior Citizens Club
Mullaloo Heights Primary School	Women's Healthworks
Mullaloo Surf Life Saving Club	Woodvale Junior Hockey Club
Padbury Primary School	Woodvale Senior High School
Rotary Club of Whitfords	

The following chart provides a profile of the number of applications processed:

	Applications Received	Applications Received for Funding ≤\$2,500	Applications Received for Funding >\$2,500	Applications Recommended for Full or Partial Funding
Community Services Fund	22	13	9	8
Sport & Recreation Development Fund	17	12	5	6
Sustainable Development Fund	3	1	2	3
<b>TOTAL</b>	<b>42</b>	<b>26</b>	<b>16</b>	<b>17</b>

### Financial Implications:

In the first round of funding in the 2003/2004 financial year a total of \$63,097.25 was distributed to 26 community organisations. There is a total of \$38,399.14 available for distribution in the second funding round.

Each year the Joondalup Festival coincides with the second funding round of the Community Funding Program. Due to the considerable strain the Festival places on staffing resources within the Cultural Development Unit, a decision was made not to seek applications for the Culture and the Arts Development Fund in the second round in 2003/04. Consequently, the majority of budgeted funds for the Culture and the Arts Development Fund were allocated in the first funding round of 2003/2004.



Attachment 1 to this report includes a full listing of all applications received and applications recommended for full or partial funding. A number of applications have been recommended for approval subject to the applicants agreeing to meet certain conditions of funding.

The total funding recommended for the second funding round is:

	<u>Including GST</u>	<u>Excluding GST</u>
Community Services	\$12,090.00	\$11,399.09
Sport and Recreation	\$7,800.00	\$7,536.36
Sustainable Development	<u>\$10,989.36</u>	<u>\$9,990.33</u>
	\$30,879.36	\$28,925.78

To ensure funds are allocated from the appropriate funding category accounts, approval is sought to reallocate \$1,170.18 from the Culture and the Arts Development Fund (1.4430.4402.0001.A011) and \$8,365.27 from the Sport and Recreation Development Fund (1.4530.4420.0001.9999) to the Community Services Fund (1.4410.4402.0001.9999).

All funds recommended for allocation are inclusive of GST. Attachment 1 to this report also includes a column for the amount of funding recommended exclusive of GST. The inclusion of this column reflects the true cost to the City, as the GST component of grants awarded to organisations which are registered for GST with the Australian Taxation Office (ATO) are able to be reclaimed from the ATO by the City.

The following chart shows a profile of the funding arrangements for each fund category:

	<b>Balance of Funds available in 2003/2004 Financial Year</b>	<b>Funding Requested Including GST</b>	<b>Funding Recommended Including GST (Excluding GST)</b>	<b>Balance of Funds Remaining</b>
Community Services Fund 1 4410 4420 0001 9999	\$1,863.64	\$86,870.00	\$12,090.00 (\$11,399.09)	-\$9,535.45
Culture & the Arts Development Fund 1 4430 4420 0001 A011	\$1,170.18	\$0	\$0	\$1,170.18
Sport & Recreation Development Fund 1 4530 4420 0001 9999	\$15,907.05	\$47,411.00	\$7,800.00 (\$7,536.36)	\$8,370.69
Sustainable Development Fund 1 2130 4420 0001 9999	\$19,457.27	\$10,989.36	\$10,989.36 (\$9990.33)	\$9,466.94
	<b>\$38,399.14</b>	<b>\$145,270.36</b>	<b>\$30,879.36 (\$28,925.78)</b>	<b>\$9,472.36</b>

**NB:** *The balance of remaining funds has occurred as a result of money not being expended by the Sustainable Development Fund. The Culture and Arts Development, Community Services and Sport and Recreation Development funds were expended within \$6.00.*

## COMMENT

In accordance with the provisions of the Community Funding Policy and Guidelines, all applicants will be advised as to the outcomes of their applications. Successful applicants will be required to enter into contractual agreements with the City for funds allocated under the Community Funding Program and the City will register the grants allocated. Successful applicants are also required to suitably acknowledge the financial support provided by the City. The nature of such acknowledgement will be negotiated with each successful applicant as part of the process of drafting the required funding agreements.

The Community Funding Policy provides that decisions regarding funding applications are final and will not be reconsidered during the financial year in which the application is made.

Should the recommendations in this report be adopted by Council, it will mean that since the introduction of the City's Community Funding Program a total of 243 grants have been allocated by the City under this program to organisations and community groups with a total value of \$489,164 as follows:

1999/2000	41 organisations	\$62,638
2000/2001	61 organisations	\$130,876
2001/2002	53 organisations	\$92,806
2002/2003	45 organisations	\$108,868
2003/2004	43 organisations	\$93,976

The assistance and advice provided by members of the community who voluntarily participated on the various assessment panels has been invaluable. It is recommended that their contributions be acknowledged by Council.

## ATTACHMENTS

Attachment 1	Assessment Panel Recommendations
Attachment 2	Community Funding Program Guidelines 2 <sup>nd</sup> Round 2003/04
Attachment 3	Policy 4.1.1 - Community Funding

## VOTING REQUIREMENTS

Absolute Majority

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

- 1 APPROVE the grants recommended for approval under the City of Joondalup's Community Funding Program's second funding round for the financial year 2003/2004 as outlined in Attachment 1 to Report CJ114-05/04;

- 2 APPROVE the reallocation of \$1,170.18 from the Culture and the Arts Development Fund (1.4430.4402.0001.A011) and \$8,365.27 from the Sport and Recreation Development Fund (1.4530.4420.0001.9999) to the Community Services Fund (1.4410.4402.0001.9999);
- 3 ACKNOWLEDGE and THANK those members of the community who participated on the assessment panels.

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

- 1 APPROVE the grants recommended for approval under the City of Joondalup's Community Funding Program's second funding round for the financial year 2003/2004 as outlined in Attachment 1 to Report CJ114-05/04;**
- 2 APPROVE the reallocation of \$1,170.18 from the Culture and the Arts Development Fund (1.4430.4402.0001.A011) and \$8,365.27 from the Sport and Recreation Development Fund (1.4530.4420.0001.9999) to the Community Services Fund (1.4410.4402.0001.9999);**
- 3 ACKNOWLEDGE and THANK those members of the community who participated on the assessment panels;**
- 4 in regard to point 1 above, REQUEST that the panel's recommendation in relation to Whitfords Little Athletics Club be checked.**

Cmr Smith raised a query in relation to Attachment Page 133 which states that the panel recommended \$700 for Whitfords Little Athletics Club, yet an amount of \$1,000 is shown. Cmr Smith believed the panel's recommendation should be followed, and requested this to be checked.

**The Motion was Put and**

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

*Appendix 13 refers*

*To access this attachment on electronic document, click here: [Attach13brf110504.pdf](#)*

**REPORT OF THE ACTING CHIEF EXECUTIVE OFFICER**

**C34-05/04 REVIEW OF NOTICE OF DELEGATION – TOWN  
PLANNING - [07032]**

**WARD - All**

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**PURPOSE**

To renew the Notice of Delegation in relation to Town Planning matters.

## **EXECUTIVE SUMMARY**

The Notice of Delegation was last reviewed in April 2003. The District Planning Scheme No 2 (DPS2) requires that delegations be renewed annually.

Given that the Delegated Authority Manual in total is only required to be reviewed prior to the end of the financial year, it is proposed that the Joint Commissioners review and adopt the Notice of Delegation as it relates to Town Planning matters.

## **DETAILS**

### **Statutory Provision:**

The Local Government Act 1995 requires the delegator (in most cases either the Local Government or the Chief Executive Officer) to review each of its delegations at least once each financial year. The review of the Delegated Authority Manual for the last financial year was submitted to the Council meeting held in April 2003.

## **COMMENT**

It is likely that the review of all delegations will be presented to the Joint Commissioners at the June 2004 meeting.

Clause 8.6.2 of DPS2 states that any delegations made have effect for a period of 12 months.

The Town Planning delegations have been reviewed and only minor alterations are proposed firstly, to correct a typographical error and, secondly, to provide consistency in the wording of the document. The proposed alterations are highlighted at Attachment 1.

The delegation notice facilitates the determination of approximately 800 planning applications annually. These applications are typically of the type that require consideration of requested variations to the Residential Codes, the District Planning Scheme and related policies.

Each of these development controls, contain parameters for the exercise of discretion and the delegation notice facilitates the timely evaluation of those proposals.

The provision for the delegation of authority has been endorsed by the Western Australian Planning Commission (WAPC) and the Minister for Planning, as evidenced by the inclusion of relevant provisions in the District Planning Scheme.

Requests for variation, where they may have an effect on neighbours or the community, are required to be advertised to neighbours or generally to the public (dependent on the complexity of the application). This is the means by which people can participate in the process.

Typically, applications determined under Delegated Authority are those which involve variations to developments standards such as setbacks, or the assessment of applications which may have been the subject of advertising (including changes of land use), and require an assessment of all relevant planning aspects.

The evaluation of submissions is a major task undertaken by the planning staff in either:

- 1 the preparation of reports to the Council, or
- 2 to support decision making under delegated authority.

Substantial dialogue with correspondents and applicants accompanies the process. Where disputes cannot be resolved, applicants and neighbours are made aware that Commissioners/Councillors and/or senior staff can be contacted to lobby a particular case or point of view. In this way, an applicant can seek the support of a Commissioner and an application can be called in for determination by the Joint Commissioners.

It is estimated that over 5000 invitations to comment on proposals are sent out each year. Many of the invitations are sent by letter, although a small percentage of applications are distinguished by being advertised with signage on site or newspaper adverts (depending on the aspects of the application).

Without Delegated Authority, staff would be required to prepare approximately 53 additional reports per Council agenda. The drain on resources would be critical, and the team would be unable to provide service without delegated authority. Lead times for planning determination would be extended by a nominal timeframe of 3 weeks per application, given the lead time required for items to be evaluated and enter the agenda cycle.

## ATTACHMENTS

Attachment 1: Amended Town Planning Delegations

## VOTING REQUIREMENTS

Absolute Majority

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

- 1 REVIEW the Town Planning delegations in accordance with the Local Government Act 1995 and Town Planning Scheme No 2;
- 2 AMEND and ADOPT the Town Planning Delegations as outlined at Attachment 1 to Report C34-05/04.

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

- 1 REVIEW the Town Planning delegations in accordance with the Local Government Act 1995 and Town Planning Scheme No 2;**
- 2 AMEND and ADOPT the Town Planning Delegations as outlined at Attachment 1 to Report C34-05/04 with this delegation to last for a term of two months only, when the report is to be represented with the benefit of being processed through a Council briefing session.**

Cmr Smith outlined reasons for her change to the officer's recommendation. Cmr Smith stated she had a number of questions and proposed changes to the delegations and also believed that the Governance Review report should be taken into consideration. Cmr Anderson spoke in relation to delegated authority and would like a process developed which publicly advertised items to be considered under delegated authority to enable community representatives to advise Commissioners of their concerns.

**The Motion was Put and**

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

*Appendix 14 refers*

*To access this attachment on electronic document, click here: [Attach14min180504.pdf](#)*

#### **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, 8 JUNE 2004** to be held in the Council Chamber, Joondalup Civic Centre, Boas Avenue, Joondalup

#### **CLOSURE**

There being no further business, the Chairman declared the Meeting closed at 2040 hrs; the following Commissioners being present at that time:

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