



**MINUTES OF MEETING OF JOINT COMMISSIONERS
HELD ON 2 NOVEMBER 2004**

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CITY OF JOONDALUP

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

OPEN AND WELCOME

The Chairman declared the meeting open at 1900 hrs.

ATTENDANCES

CMR J PATERSON – Chairman
CMR P CLOUGH – Deputy Chairman *Absent from 2011 hrs to 2012 hrs*
CMR M ANDERSON
CMR A FOX
CMR S SMITH

Officers:

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

There were members 22 of the Public and 1 member of the Press in attendance.

PUBLIC QUESTION TIME

The following questions, submitted by Mr C Hughes, Warwick were taken on notice at the Meeting of Joint Commissioners held on 12 October 2004.

Q1 Re: Page 106 Heritage Site - Quote: "That the proposal will upgrade and maintain the Heritage value of the subject site and therefore has significant merit" inferring the commerciality facet of the development is required to make it relevant.

(a) Does Council not consider that the upgrade is in the restoration of the original heritage building, promoting the environmental centre and museum, not primarily in the introduction of a large commercial development that will have a severe adverse impact on the surrounding R5 zoned residents and the surrounding environment at Yellagonga?

A1 (a) The comment made was on the basis that the proposed development would restore and upgrade the heritage buildings on the site, which have significant cultural heritage value. The particular reference was specifically in regard to the heritage values and maintenance of such values, not the commercial facets of the development.

Q1 (b) Have the Commissioners had the opportunity to view the respective site and the close proximity to the lake and to the residents concerned?

A1 (b) This would need to be responded to by the Commissioners.

Q2 Re: Page 104 of Report, Paragraph 3 Traffic heading - Quote: "Originally, access to the site was considered from Hocking Road but due to environmental constraints, this is no longer feasible."

What are the environmental restraints for access to the site by Hocking Road making access no longer feasible?

A2 Three options were explored for the access to the site. The Hocking Road option was not pursued due to the potential for significant environmental impact on the flora and fauna within Yellagonga Park.

Q3 Considering that it is only the recommendation that will be forwarded to the WAPC, not the report, is Council at risk of indecisive decision making when the recommendation is worded in a weak and unsubstantial manner serving to weaken the Joint Commissioners recommendation?

A3 The recommendation was made on the basis that whilst the development has some merit, there are outstanding issues of concern to the City that need to be addressed. The City Officers liaise with the Officers of the Department of Planning and Infrastructure (DPI) to ensure that the concerns of the City are appropriately raised and addressed. Reports are forwarded to DPI with the recommendations of the City as appropriate. In this instance the DPI will receive a copy of the report and recommendations.

The following questions, submitted by Mr M Caiacob, Mullaloo, were taken on notice at the Meeting of Joint Commissioners held on 12 October 2004.

Q1 Are the current building licence plans for the Mullaloo Tavern the same as the approved plans submitted on 20 December 2001 and revised plans dated 5 June, 17 May and 19 July 2002 and the Town Planning Appeal resolution?

A1 No. The Current Building Licence plans are not the same as those which formed part of the planning application and subsequent amended plans. However the building licence plans do reflect the outcome of the Town Planning appeal.

Q2 Has there been any application lodged to reallocate the approved land uses at the Mullaloo Tavern?

A2 No. There has not been an application lodged to reallocate the approved land uses at the Mullaloo Tavern.

The following questions, submitted by Ms M Macdonald, Mullaloo, were taken on notice at the Meeting of Joint Commissioners held on 12 October 2004.

Q1 Regarding the Mullaloo Tavern site may I please be advised on the current status of the notice to comply issued by the City under the Miscellaneous Provisions Act?

A1 A notice was served on the builder, 21 September 2004, the Local Government (Miscellaneous Provisions) Act 1960. The notice allowed the builder 35 days to lodge an appeal or comply with the notice.

On the 11 October 2004, the builder's solicitors lodged an appeal against the requirements of the notice with the Hon Minister for Housing and Works rather than comply.

On 20 October 2004, the City received correspondence from the Department of Housing and Works requesting comments and details on the circumstances surrounding the serving of the notice.

The City is required to reply to the Department of Housing and Works within 14 days, this reply is currently being drafted. Once the City's reply has been received the Minister's determination on the appeal can take several months.

Q2 Could I have more information on the \$2,352.43 that was spent on credit card in the Coles store over various dates?

A2 The expenditure on the corporate credit card for the amount of \$2,352.43 to Coles was the purchase of goods necessary for various civic functions and general hospitality.

The following question, submitted by Mr T Thorp, Sorrento, was taken on notice at the Meeting of Joint Commissioners held on 12 October 2004.

Q1 Re: CSIRO Site – Can the residents of Marmion have a explanation as to why they were advised in writing by the City that this Development Application was to be forwarded to the EPA under Section 38 of the Act yet it has now been forwarded under Section 48 of the Act? The City has affectively removed any right of appeal for the residents on environmental grounds.

A1 With regards to the CSIRO site in Marmion, the City is currently dealing with a scheme amendment/rezoning application for the site (Amendment No. 24 to the City's District Planning Scheme No. 2). This process is different to a development application. The City, in its correspondence to the EPA dated 9 September 2004, referred Amendment 24 under both Section 38 of the Environmental Protection Act 1986 and Section 7A1 of the Town Planning and Development Act 1928.

The amendment would normally be referred to the EPA under Section 7A1 of the Town Planning and Development Act only, however, in this case, it was also referred under Section 38 of the Environmental Protection Act 1986 as requested by the EPA as a result of a request from the Conservation Council of WA. The referral under both acts stipulated above, achieves the same result, being that the EPA investigates and resolves whether an environmental impact assessment of the proposal needs to be undertaken.

The City has therefore not removed any appeal rights. The referrals accord with the due process required under both Acts, and with the requests of the EPA in this case.

The following question, submitted by Mr D Dellaca, Padbury, was taken on notice at the Meeting of Joint Commissioners held on 12 October 2004.

Q1 Re: Internet Café at Hepburn Heights. I have some information that advises me that a planning approval would be considered after an advertising process has taken place where residents could comment. My information, after speaking to an officer in the Planning Department, was that the Hepburn Heights Internet Café planning application was about to be approved probably ten days ago and there has been no advertising process. How can the planning process be conducted partly without the advertising process but when inquiries occurred the advertising process is undertaken?

A1 The application for the Internet Cafe is currently being advertising for public comment and closes on 4 November 2004. The proposal is a 'D' use. A 'D' use means a class that is not permitted, but for which the Council may grant its approval after following the procedures laid down in subclause 6.6.2 under District Planning Scheme No 2. It is likely that the matter will be presented to the Council for determination.

The following question, submitted by Ms S Hart, Greenwood, was taken on notice at the Meeting of Joint Commissioners held on 12 October 2004.

Q1 Has the City done any research or investigation into Community Vision as to how they are meeting the needs of our seniors since outsourcing and the City approving substantial sums to keep Community Vision alive?

A1 The City has not conducted research into how the needs of seniors are met by Community Vision Inc (CVI). Conducting such research is not the City's role. The City is, however, through representation on the Board of CVI, kept well informed of how CVI meets the needs of the 2,500 seniors who receive services.

As an independent charity, CVI operates externally to the operations of the City of Joondalup.

The Executive Director of CVI has provided the following information regarding evaluation processes offered to the seniors who participate in CVI's programs –

- 1 Reviews are conducted six monthly and /or annually for all service delivery within Community Aged Care.
- 2 There are formal feedback, compliment and complaints processes. All new clients receive information on the processes and this information is sent out on a repeat basis with the annual reviews in case clients have lost the details.
- 3 The feedback, compliment and complaints process meets the National Standards required by the various funding bodies (State and Federal) for all Community Vision's Community Aged Care services. This process is actively used by clients. CVI has a strong commitment and a high capacity to receive and act on feedback to ensure that clients' needs are met appropriately at all times. Complaints and compliments are reported to the Community Vision's Board where appropriate.
- 4 Satisfaction surveys are carried out on an annual basis and one is due to be conducted shortly. The last survey conducted looked specifically at the meals aspect of CVI's services that are home delivered. CVI are considering conducting satisfaction surveys more frequently to ensure that the organisation is responsive to identified needs. Recent surveys have consistently demonstrated that the needs of clients are met, or that clients are satisfied with the actions of CVI when issues are raised.
- 5 The Woodvale Adult Day Centre has a Suggestion Box for client use. Community Vision is committed to responding proactively to feedback received through this avenue.

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

The following questions are directed to the Chairman of Commissioners of the City of Joondalup and relate to the proposed extension of the Mitchell Freeway by the State Government and the associated public consultation process.

Without in any way questioning the obvious need for the extension of the freeway, I ask the following questions:

Q1 Have the Commissioners studied the project features of Stage One of the Mitchell Freeway extension?

A1 At this point in time preliminary discussions have been held at an officer level. The opportunity for the Joint Commissioners to be briefed by the project managers is in the process of being scheduled to be undertaken at the earliest opportunity.

Q2 *If not, why not?*

A2 See above.

Q3 *If so, has the City been requested by the State Government to contribute any funding to the associated road works at the freeway's proposed intersection with Shenton Avenue?*

A3 No funding has been requested by State Government at this point in time.

Q4 *If so, what is the nature and extent of the City's proposed contribution?*

A4 Nil at this point in time.

Q5 *Will the City defer approving the request until such time as there has been an additional three to six months of community consultation between the residents of the suburbs of Connolly, Currambine and Joondalup as to:*

- (a) the elevation or height of the freeway relative to the surrounding areas?*
- (b) the impact of the freeway in terms of creating additional traffic on Christchurch Terrace, Currambine?*
- (c) the need for pedestrian access over Shenton Avenue adjacent to Lake Joondalup Baptist College and the Arena, Joondalup?*
- (d) the dualling of Moore Drive?*
- (e) the proposed and excessively high barrier wall to be constructed on the western side of the freeway extension?*
- (f) the pedestrian underpass proposed to connect the Joondalup Business Park with Portmarnock Circuit in Connolly?*
- (g) the safety of children who attend the Connolly Primary School?*
- (h) the obvious great potential for crime and other anti-social behaviour that the said proposed underpass (code for tunnel) will bring to Connolly residents?*
- (i) the likely significant reduction in property values for homes currently living near the tunnel?*

A5 There has been no request for funding contribution received by the City to this point in time. MRWA are carrying out its own public consultation as part of its freeway project. City officers however have highlighted concerns to MRWA such as the pedestrian underpass in lieu of an overpass and indicated that residents would raise this and other issues during the MRWA Public Consultation process.

Q6 What steps will you take as our City's ostensible representative to ensure that the State Government conducts a thorough community consultation process concerning this issue, at least to the same degree that was utilised by the City to resolve the Ocean Reef Road extension issue earlier this year?

A6 The City has reiterated the need for full and proper consultation to be undertaken in its discussions with MRWA, and this position will be reiterated by the Joint Commissioners at the project briefing stage.

Q7 Has the City made any representation to either the State Government or its representative in the Joondalup area to address any of these issues and if not, why not?

A7 City officers have met with Main Roads WA, highlighting matters of concern in relation to the freeway extension process. The City has not discussed or is aware of issues in regard to additional pedestrian crossing at Shenton Avenue adjacent Joondalup Baptist College as in Q5 (c), however, it is noted that the recently installed traffic signals can accommodate a pedestrian phase to enable for safe crossing at this location.

It is noted, however, that officers have reiterated Council's previous request for the Minister for Planning and Infrastructure to include as a high priority, the Shenton Avenue Rail Tunnel extension works and the construction of a roundabout at Pontiac Way as part of the future Mitchell Freeway extension project through to Shenton Avenue.

Q8 Do any of the Commissioners live in the suburbs of Connolly, Currambine or Joondalup?

A8 No

Q9 Why didn't any Commissioners attend the widely publicised public meeting at the Connolly Community facility at 6.30 pm on Wednesday, 13 October 2004 which was attended by over 200 Connolly and Currambine residents?

A9 Commissioners and officers were not invited to the meeting.

Q10 Why didn't the Commissioners send a City of Joondalup officer from an appropriate Directorate along to the meeting?

A10 See above.

Q11 Will the Commissioners meet with the concerned residents to advise as to the City's position in response to the abovementioned issues?

A11 The Chairman would be more than happy to meet with a representative group.

Q12 Will the Commissioners meet with the State Government Minister, Ms A McTiernan, to discuss these issues, and if so when?

A12 No meeting is planned at this stage.

Q13 Is the Chairman aware as to why the proposed cycle path north of Hodges Drive, commences on the eastern side of the freeway but then, inexplicably, diverts under the tunnel at Connolly to the western side of the freeway then north to Burns Beach Road?

A13 This question should be directed to the MRWA project designers for an explanation.

Q14 If the said Minister and her local representative, Mr O’Gorman continue to ignore the concerns of Connolly Residents regarding the Government’s tunnel in Connolly, will the City agree to fund the construction of the usual pedestrian overpass/footbridge over the freeway?

A14 Funding for this proposed infrastructure is the responsibility of the State Government.

Q15 Why have you not fully answered all of these questions?

A15 All questions have been responded to.

Q16 Has the Minister or her local representative discussed any of the aforementioned issues with the City in the last six months, and if so:

(a) when?

(b) where?

(c) why?

(d) who was present?

(e) who was invited to attend?

(f) what was discussed?

(g) were any minutes of any such meetings kept and if so, will they be provided to concerned ratepayers upon request?

A16 The City is unaware of any discussions held during the abovementioned timeframe.

Q17 Will the Commissioners write to the Minister and her local representative expressing the views of the community on these issues? And if not:

(a) why not?

(b) what do the Commissioners see as being their role concerning this issue?

- A17 A request will be forwarded to the MRWA to formally brief the Commissioners in relation to this project, following which the Joint Commissioners will determine strategies to progress this matter in the best interests of the City.
- Q18 *Are the Commissioners concerned that the proposed “approved funding wall” that is planned to run along the eastern side of Fairway Circle (east) will act as a defacto graffiti wall?*
- A18 Concerns noted.
- Q19 *Are the Commissioners concerned that the planned removal of all vegetation along the western verge of Fairway Circle east will significantly diminish the amenity of this part of Connolly?*
- A19 Concerns noted.
- Q20 *What steps will the Commissioners take to ensure that the said vegetation is not removed by the State Government?*
- A20 To be determined.
- Q21 *What steps will the Commissioners take to host a Special Electors’ Meeting in Connolly, Currambine and Joondalup to address all these issues?*
- A21 It is anticipated that any issues should be addressed as part of the public consultation process through the State Government.
- Q22 *Are you aware that the elevation of the freeway will be five (5) metres above the existing ground level of the land adjacent to Portmarnock Circuit (south)?*
- A22 This issue was highlighted at preliminary discussions at an officer level. The opportunity for the Joint Commissioners to be briefed by the project managers is in the process of being scheduled to be undertaken at the earliest opportunity.
- Q23 *Will vehicles travelling east along Shenton Avenue be able to turn right into Fairway Circle (east) and head south?*
- A23 Yes, there is no change to the Shenton Avenue/Fairway Circle (East) Layout.
- Q24 *Will the Commissioners embark upon an extensive community consultation programme in respect of any associated local area roadworks prior to the final approval of the same by the City? If not, why not?*
- Q25 *What monies have been earmarked in the 2004/2005 and 2005/2006 Council budgets for any such roadworks?*
- Q26 *Will the City seek to shift any of these costs to the State Government?*

A24/25/26

The local arterial road network has been dualled previously to enable the Freeway extension to proceed through to Shenton Avenue. Any additional associated roadworks required to tie back into both Hodges Drive and Shenton Avenue will be in keeping with the dualled nature of these roads at the cost of MRWA.

Q27 *When is the Minister scheduled to discuss these issues on a face-to-face basis with:*

- (a) *the Commissioners?*
- (b) *appropriate Council officers?*
- (c) *concerned ratepayers?*

A27 No meeting has been scheduled by the Minister at this point in time.

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

I refer to the advertisement which appeared on page 85 of the Saturday 9 October edition of the West Australian Newspaper under the heading of "Professional Appointments" wherein Beilby Recruiting sought Applications for a new CEO for the City of Joondalup. I ask as follows:

Q1 *Are you aware that the salary package offered is in excess of that paid to the current acting CEO, the former CEO and the CEOs of most Local Government Authorities in the State of Western Australia?*

A1 The salary package offered in the range of \$210,000 to \$235,000 is within the range of that paid to the current acting CEO (\$215,000) and is less than that paid to the former CEO (\$236,920).

Q2 *I refer to that part of the Advertisement which states, unequivocally, that "suitable candidates will be degree qualified, with post graduate management qualifications being well regarded". Does this mean by necessary implication that candidates who are degree qualified without post-graduate management qualifications will not be well regarded, if not, why wasn't this stated in the advertisement?*

A2 No. However candidates will need to have a degree qualification, with a post-graduate management qualification well regarded.

Q3 *And if so, do you realise that over 90% of the CEOs of Local Government Authorities in the State of Western Australia do not hold degrees together with post-graduate management qualifications.?*

A3 The qualifications detailed in the advertisement are considered appropriate for the role.

Q4 *I confirm that the advertisement does not contain any mandatory requirement for any candidates to have any Local Government experience of any nature or kind whatsoever, howsoever described. Will you amend the advertisement to state that suitable candidates who have Local Government experience will also be well regarded and if not, why not?*

- A4 No. It is considered that candidates from a diversity of industries and backgrounds, including local government, may be suitable for the role.
- Q5 *I refer to the said advertisement, in particular, that part of the advertisement which directs that suitable candidates who are amongst other things, are degree qualified, will be well regarded. I note that the actual degree is not referred to. Can a degree in any field of academic endeavour result in a suitable candidate being, amongst other things, "well regarded"?*
- A5 The position description that is provided as part of the application kit notes a requirement for the candidate to be degree qualified in a relevant discipline.
- Q6 *I refer to the said advertisement and to your previous statement to the effect that the ratepayers of the City of Joondalup would be consulted in relation to the appointment of the CEO. Can you please advise as to when the ratepayers of the City of Joondalup were consulted in relation to the salary package offered in the advertisement? Can you also please confirm in accordance with your previous advices that the interviews of suitable candidates will be conducted in public and that ratepayers will be able to attend and ask questions of each candidate?*
- A6 Ratepayers were not consulted in relation to the salary package offered in the advertisement. It is also not intended for members of the public to participate in any interview process for applicants.
- Q7 *Why is it that the Commissioners do not believe that candidates with Local Government experience should be held to be "well regarded"?*
- A7 The position description that is provided as part of the application kit notes that proven experience in managing a multi-faceted organisation is essential. This would include local government experience.
- Q8 *Can the Commissioner please advise as to which of the Commissioners of the City of Joondalup do not currently hold the express mandatory pre-requisite qualifications referred to in the advertisement?*
- A8 The qualifications of the Commissioners as they relate to the advertised position are not considered relevant.

The following questions were submitted by Mr D Dellaca, Padbury:

Re: Application for planning approval for operating an internet café/amusement parlour at Hepburn Heights Shopping Centre.

- Q1 *Is it normal practice for the City of Joondalup to allow a business to operate without planning approval for seven months? If not, then why has this particular business been allowed to operate for so long in contravention of the District Planning Scheme No 2?*

A1 The City requires that planning approval be sought for all businesses where the “use class” has not been approved under the City’s District Planning Scheme No 2. Since the City has been made aware that the subject business is operating without prior planning approval being sought, the business owner has subsequently been requested to lodge an application to the City for approval. The application is currently going through the statutory process in which a decision will be made about whether the business will be permitted to operate. Further action would be dependent upon the Councils decisions.

Q2 Given the City of Joondalup has known that this business is operating without planning approval, and they were also aware of the adverse impact on local residents as a result of residents advising them over several months, why has nothing been done to close this business?

A2 An applicant/owner has a right to take the opportunity to comply with the requirements of the District Planning Scheme No 2, or to make an application for the business activity. In this case the persons involved have submitted an application for planning approval as per the requirements of District Planning Scheme No 2.

Q3 Operating this business without planning approval is a breach of Section 6.1.1 of the District Planning Scheme No 2. Section 10 AB of the Town Planning Development Act 1928 provides that a person who contravenes a local scheme or condition of approval commits an offence. The maximum penalty prescribed is \$50,000.

Will the City:

(a) be taking action to impose on the proponent a penalty under the Town Planning and Development Act 1928 for this contravention?

(b) If not, why not?

A3 The above statements are correct, however Clause 6.12.1 of the District Planning Scheme No 2 states that Council may give planning approval to a development already commenced or carried out regardless of when it was commenced. The applicant has submitted an application for planning approval for the subject business. If the final decision is to refuse the subject application, the City may be required to take action if the business continues to operate, contravening the requirements of the Town Planning and Development Act 1928 and the City’s District Planning Scheme No. 2.

Q4 If this planning application is approved after clearly operating in breach of Sections 6.1.1 of the DPS2 and no penalty is applied, is the City not concerned that they render the DPS2 worthless when any person elects to ignore the planning requirements of the City?

A4 If the application is approved then the subject business is no longer in contravention of the District Planning Scheme No 2 and will subsequently be in compliance with the provisions of the Scheme.

- Q5 Why is the public notice in the Joondalup Community newspaper misleading as it states that ‘development is to commence’ when in fact it has been operating for some seven months giving the impression to the public that the City of Joondalup is calling for comment before the event when this is clearly not the case?*
- A5 The statutory plan form used for planning applications, whether the activity has commenced or not, is an “Application for Approval to commence development” and this is reflected in the wording of the newspaper notice. Each application is treated as if it was for a development, which had not commenced and is subsequently advertised in the same format as a normal planning application.
- Q6 The public notice clearly states ‘details of the proposal are available for public viewing’ and Clause 6.1.2 of the DPS2 states that application for planning approval shall be made by way of the prescribed form. This being the case:*
- (a) *Does the City of Joondalup have a prescribed form from the proponent of this business?*
- (b) *If the City is in possession of a prescribed form why was the only document presented in response to a public request on 19 October 2004 a diagram of the floor plan of the shop where the business operates from?*
- (c) *If the City is not in possession of a prescribed application form and only has the floor plan for documentation, why is it not following the requirements under Clause 6.8.2 (a) of the District Planning Scheme No.2?*
- A6 (a) The applicant has submitted the prescribed form as per the requirements of Clause 6.1.2 of the District Planning Scheme No 2.
- (b) The application form as prescribed in Clause 6.1.2 of the District Planning Scheme No 2 can be shown to the public during the advertising period, on request, if there are genuine concerns about the validity of such forms but is not necessary in the advertising process.
- (c) As stated in the information provided above, an application has been submitted as per the requirements of Clause 6.1.2 of the District Planning Scheme No.2.
- Q7 If the City is in possession of the relevant forms and has not presented them in accordance with the conditions of the public notice does the City plan to extend the public comment period so interested parties may view the full documentation?*
- A7 The relevant application form has been submitted and the comment period accords with normal practice established by the DPS.
- Q8 Given the chain of events so far, business operating without approval, ratepayers concerns and evidence of adverse impact on the community by the operations of this business, failure to act or close the business despite contravention of the requirements of DPS2, how can local residents be confident that the objection process and the deliberations and assessment of this application will be handled in an objective and transparent manner?*

A8 The City is required to deal with all applications in an objective manner and in compliance with the requirements of the District Planning Scheme No 2. All submissions will be taken into account when assessing the application. A decision on the application will be made based on the merits of application and submissions received.

The following questions were submitted by Ms A Walker, Padbury:

With regard to the letter which I received on 28 October 2004:

Q1 What aspects of Council's Legal Representation Policy 2.2.8 will be likely to be offset by any insurance indemnity?

A1 The City is currently seeking legal advice on clarification from its insurers on the application of the policy of insurance. As soon as these matters have been finalised a response will be provided to all relevant parties.

Q2 Is there any limit to any claim?

A2 Limit of indemnity \$2,000,000.

Q3 What measures would Council employ to ensure that open an accountable Local Government would be afforded to the ratepayers should legal representation be met by insurance for payment of funds?

A3 See response to Q. 1.

Q4 In the event of adverse findings, will the clauses of Policy 2.28 still apply?

A4 Where monies advanced are not covered by the insurance policy, yes.

Q5 Could all affected persons please be furnished with the relevant details of the insurance company name and policy details, as they may wish to advise the company of potential claims?

A5 The City is able to forward the details on request.

Q6 In the event that the insurance indemnity is granted, how does the City intend to compensate the members of staff and suspended and former Councillors who have already given evidence to the inquiry, and who have not been able to take advantage of the benevolence of the insurance policy and who have elected not to seek funding from Policy 2.28 and assistance from a lawyer or a QC on the grounds that this would place undue duress on the finances of the City?

A6 Legal representation before the Inquiry is a matter determined by the individual concerned. At this point in time the question of indemnification through the policy of insurance is unresolved.

The following question was submitted by Mr C Baker, Connolly:

This question is addressed to the Chairman of Commissioners:

Q1 I refer to the job description for the position of the new Chief Executive Officer of the City of Joondalup published by the outsourced/private recruiting company engaged by the City of Joondalup.

I refer to paragraph 4.3 of the said document under the heading “Organisational or Relationships” wherein it is stated that the Chief Executive Officer is required to assist the Mayor in the performance of his or her duties.

Can you please refer to the relevant provision in the Local Government Act 1995 which imposes a Statutory Duty upon a CEO to assist the Mayor in the performance of his or her duties? (I acknowledge that all Chief Executive Officers of Local Government Authorities are required to liaise with the Mayor on the affairs of the City etc. and that the Mayor is under a statutory obligation to liaise with the Chief Executive Officer.)

A1 Under Organisational Relationships, the position description referred to states in part:

“The CEO is required to assist the Mayor in the performance of his or her duties and is legally required to liaise with the Mayor on the affairs of the City and the performance of its functions under the Local Government Act 1995 and other written laws that the City deals with (in particular those defined in Part 3 of the Local Government Act 1995)”.

The CEO is required to establish and maintain open working relationships with other Elected Members and to assist them in the performance of their duties.”

The CEO’s functions under the Local Government Act 1995 are set out in S5.41.

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

Q1 Was legal representation granted during the Parliamentary Inquiry, claimed for under the ‘Elected Members and Staff’ insurance policy?

A1 No.

Q2 If so, please list details of all claims?

A2 See Answer One.

Q3 If no, was any claims made?

A3 No.

Q4 If yes, how many claims were made and for who and what sum?

A4 Not applicable.

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

Following my question of 21 September 2004 on parking at Mullaloo Beach and the attached photos from Sunday 24 October 2004 indicating parking overflowing, I ask:

What were the justifying reasons for the Officer's Report recommendations in regards to the Mullaloo Tavern Redevelopment CJ204 to:

Q1 Recommend that cash in lieu of carparking not apply, given that the Policy 3.1.12 requires 75% of parking to be provided on site and 160 car bays are not 75% of the required 210 car bays;

Q2 Recommend that cash in lieu of carparking not apply, given that the Policy 3.1.12 provides: "To ensure an adequate provision of off street parking to cater for the normal parking demand of land uses in all areas." (see photos)

Q3 Recommend that the carparking shortfall would not have any adverse impact and the Policy 3.1.12 not apply, when it is recorded fact in the publication of the year 2000 "Mullaloo Beach Local Area Plan" documents that shortfall and conflict between users of the area and carparking exists. (see photos)

A1-3 The rationale for the examination of parking demand was presented in the report considered by the then Council when it determined the application for the redevelopment of the Mullaloo tavern site. The report is a public record and forms part of the minutes of the Council.

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

Q1 The accounts do not list legal fees as a separate item. How have legal fees been dealt with in the accounts and are they a significant item as many of these items would not have been budgeted for?

A1 The annual financial statements do not require legal expenses to be separately identified. The Statement of Financial Performance includes expenditures by "Programme". Expenditures are also categorised by Nature and are shown at note 2 (b). Legal expenses are included in the category "Materials, Contracts and Suppliers".

The City's accounting records group legal expenditures in the following accounts:

	Actual	Adopted Budget	Revised Budget
Legal expenses Account 4020	\$ 761,884	\$ 289,780	\$ 543,780
Legal Expenses Recoverable Account 4021	\$ 76,127	\$ 50,500	\$ 50,500
Appeals Account 4030	\$ 53,038	\$ 7,000	\$ 37,000

Q2 Can I please have details of the movements of the Performing Arts Facility Reserve, as expenditure from this Reserve is required only when approved developments are identified and it would be useful for ratepayers to have these large amounts identified, as it appears the monies were not spent on the purpose for which the fund was established?

A2 The movements in the Performing Arts Facility Reserve during the 2003/04-year were as follows:

Opening balance as at 1 July 2003	\$ 3,135,459
Transfer from Municipal fund - Interest (as budgeted)	\$ 155,000
Transfer from Municipal fund (as budgeted)	\$ 670,806
Transfer from Municipal fund (unspent 2003/04 budgeted works)	\$ 127,706
Transfer to Leisure Centres Capital Replacement Reserve (as budgeted)	(\$ 2,400,000)
Transfer to Municipal fund for 2003/04 works (as budgeted)	(\$1,000,000)
Transfer from Municipal fund for 2003/04 works not completed	\$1,000,000
Closing balance as at 30 June 2004	\$ 1,688,971

Q3 How much of the Domestic Cart – Refuse Collection Reserve monies were not spent on a purpose for which the reserve was established and can this expenditure be identified?

A3 As part of the 2003/04 budget, Council transferred \$1,670,000 to the Leisure Centres Capital Replacement Reserve to assist in the funding of the upgrade of the Craigie Leisure Centre.

During the year, in accordance with the Local Government Act 1995, Council advertised and authorised expenditure of \$504,875 from the Domestic Cart - Refuse Collection Reserve in respect of funding the negotiated termination of the former CEO.

Q4 How many of the City's reserve accounts have been used contrary to the purpose for which they were established and can they be identified in the interest of given ratepayers more informative disclosures?

A4 As part of the 2003/04 budget, Council transferred \$6,419,190 to the Leisure Centres Capital Replacement Reserve from various other reserves to assist in the funding of the upgrade of the Craigie Leisure Centre. The transfers were from the following reserves:

Reserve funds transferred from:	Amount
Community Facilities Reserve	\$ 500,000
Domestic Cart - Refuse Collection Reserve	\$ 1,670,000
Performing Arts Facility Reserve	\$ 2,400,000
Joondalup Normalisation Agreement Reserve	\$ 1,849,190
Total transferred to the Leisure Centres Capital Replacement Reserve	\$ 6,419,190

During the year, Council advertised and authorised in accordance with the Local Government Act 1995, funding of \$504,875 from the Domestic Cart - Refuse Collection Reserve in respect of the negotiated termination of the former CEO.

The following question, submitted by Mr S Magyar, Heathridge, was taken on notice at the Briefing Session held on 26 October 2004:

Re: Levy payable to FESA

Q1 Can you please advise how much interest had been earned?

A1 ESL payments are not isolated and invested separately to Council's total investment funds. It is therefore not possible to advise the exact amount of interest received on ESL only payments without substantial officer time being incurred, which is not considered warranted. Council's total investment funds and interest received is included in the monthly financial report.

ESL payments are received on a daily basis. Total 2004/05 ESL payments of \$5.802m were received during Aug 04 (\$337,075) and Sep 04 (\$5,465,567). The City achieved an average interest of 5.64% on its investments during this period.

Q2 Warrant of Payments, Page 12 of 15 - EFT No 884 amount payable \$116,188.85 to Technology One. Was this carried out under delegated authority, or was this a resolution of Council that went to tender?

A2 The payment to Technology One includes the annual software support fee for the Proclaim Property Management System of \$115,446.35 for the period 1.9.04-31.8.05. The Proclaim system was purchased under the City's tender process and approved by Council in 1998. Technology One is the sole provider of support services for this system.

The following question, submitted by Mrs M Macdonald, Mullaloo, was taken on notice at the Briefing Session held on 26 October 2004:

Q1 On Page 0030 of the Agenda under the heading Principal Activities Plan 2003/04 adjacent to Joondalup Regional performing Arts Centre, it states that the execution of the contract for the site has been delayed. I refer also to page 0070, notes to the accounts at (n), Performing Arts Facility Reserve and the fact that monies have been removed from that account. Can you state for what purpose that money was removed and what corresponding asset has been purchased, as no freehold land has been purchased by the City?

A1 \$2,400,000 was transferred from the Performing Arts Facility Reserve to the Leisure Centre Capital Replacement Reserve in accordance with Council's 2003/04 budget. This was for the Craigie Leisure Centre project. \$1,000,000 was transferred to works expenditure to cover anticipated costs for the Performing Arts facility project, however, as the contract of sale was delayed, this amount was transferred back to the Performing Arts Facility Reserve.

The following question, submitted by Mr M Sideris, Mullaloo, was taken on notice at the Briefing Session held on 26 October 2004:

Re: Item in relation to Retrospective Approval for Additions: 160B Waterford Drive, Hillarys.

Q1 Has the construction occurred not in accordance with the delegated authority or the building licence approval?

A1 The Planning Approval and the Building Licence Plans match each other. The proposed development has not been constructed in accordance with the approved Planning Approval or Building Licence. After the planning issues are resolved, the breaches of the Building Licence application will also be resolved in conjunction with the owners.

Mr M Caiacob, Mullaloo:

Q1 Given that the law applies equally to all and that Elected Members and employees are bound by the Code of Conduct's ethical standards, how can the City recommend refusal to one applicant on approximately two R Code planning grounds whilst recommending a retrospective approval for approximately 20 R Code planning grounds not including numerous building licence issues?

A1 The recommendations are made not on the basis of the number of variations that might be sought, but on the effect and evaluation of those variations in parallel with the performance standards of the Residential Codes.

Q2 Following my question to the previous Council meeting regarding Network City and Community Consultation workshops, at what stage are the City's contacts with the State Government regarding the Network City workshops, and when will these most urgent matters be workshopped in the best interest of Joondalup's 160,000 key stakeholders and will these also include liveable neighbourhoods?

A2 The Network City Concept is the subject of a report that Commissioners will consider at its next meeting. The issues raised by Mr Caiacob are similar to issues that will be raised in that submission. In terms of liveable neighbourhoods, that is actually a stand-alone policy of the WA Planning Commission and that may require some changes if Network City eventuates.

Mr S Halvorsen, Hillarys:

Q1 I have been a practising consulting engineer since 1985 in Perth and have during that time met developers who have one set of drawings done by one draftsman for a building licence and then another draftsman for drawing up a totally different set of plans. All that is needed is an engineers certificate at the end. Does the City support this type of activity? If not, how can the City support an approval at 160b Waterford Drive, Hillarys?

A1 *Response by Chairman Paterson:* The Commissioners will be dealing with this item later in the meeting.

Ms S Hart, Greenwood:

Q1 Are Commissioners aware that petitions presented to the City of Joondalup from the South Ward in relation to precinct planning are of a large volume? When will ratepayers be consulted on liveable neighbourhoods and Network City given that the closing date for submissions to the State Government is 6 or 7 November 2004 and will be presented to Council at the next meeting?

A1 Network City is out for public comment at present. The process is run by the WA Planning Commission. The City of Joondalup is one of the authorities that will be providing comments to the WA Planning Commission. Enquiries about submissions should be raised directly with the Planning Commission.

Q2 Is the City going to consult with ratepayers to see how they feel about it before they comment on it?

A2 The Network City concept foreshadows dialogue with communities about detailed planning proposals. Network City does not say how that will occur. One of the things the City is likely to recommend in response is that the map be documented so that the public and local government knows how that process will occur. The City shares the same concerns.

Q3 Regarding the inquiry, could you please give a reason why some staff are there every day and have work brought to them at lunchtime by another staff member as Commissioners have deemed that the City of Joondalup does not need representation?

A3 The Commissioners decided that the City not be legally represented as an entity. Commissioners have not decided that staff should not attend. Staff are attending to keep up to date with information that is flowing through to the Inquiry. The City is being asked regularly to provide information. The time spent by staff at the Inquiry is not a disadvantage to ratepayers. Staff attending the Inquiry spend many hours working for the City and time spent at the Inquiry is a small part of their daily work.

Mr S Magyar, Heathridge:

Re: Item 253-11/04 - Warrant of Payments

Q1 Page 3 of 15 of the Warrant of Payments – EFT 803 - \$2,325.18 to CCI Legal Services Pty Ltd. I was under the impression the City had a panel of lawyers that it chose from including Minter Ellison? I do not recall this legal firm being on the Council's panel of lawyers?

A1 This question will be taken on notice.

Q2 Page 5 of 15 of the Warrant of Payments – Cheque No. 67276 - \$2,070.00 to Dwyer and Felton. Are they a legal firm and did they provide legal advice or services to the City of Joondalup?

A2 Dwyer and Felton are not a legal firm, they deal with lawn mowers and edgers.

Mr D Biron, Mullaloo:

Q1 Can the Acting Chief Executive Officer give the reasons he provided to the Acting Information Commissioner, bearing in mind the large number of irregularities involved in my previous FOI application and why the Acting Chief Executive Officer refused to make the papers available free of charge?

A1 Mr Biron has had a number of letters in response to his question. Another letter has been received today from Mr Biron that the City will be responding to.

APOLOGIES AND LEAVE OF ABSENCE

Nil.

DECLARATIONS OF FINANCIAL INTEREST/INTEREST THAT MAY AFFECT IMPARTIALITY

Com Anderson declared an interest that may affect his impartiality in Item CJ251-11/04 – Minutes of Sustainability Advisory Committee Meeting, 14 October 2004 as he is Chairman of the Sustainability Advisory Committee.

Com Clough declared a financial interest in Item CJ270-11/04 – Community Sport and Recreation Facilities Fund (CSRFF) as he is a consultant to the West Australian Cricket Association (WACA).

CONFIRMATION OF MINUTES

C65-11/04 **MINUTES OF MEETING OF JOINT COMMISSIONERS, 12 OCTOBER 2004**

MOVED Com Anderson, SECONDED Com Fox that the Minutes of the Meeting of Joint Commissioners held on 12 October 2004 be confirmed as a true and correct record.

The Motion was Put and

CARRIED UNANIMOUSLY (5/0)

ANNOUNCEMENTS BY THE CHAIRMAN WITHOUT DISCUSSION**CEO SELECTION COMMITTEE**

The Selection Committee for a new Chief Executive Officer, comprising myself and my four fellow Commissioners have approved the community representatives who will assist in the profiling of the Chief Executive role.

I would like to publicly thank:

- Kate Maseen Joondalup Youth Advisory Council
- Marilyn Horgan Sustainability Advisory Committee
- Mike Norman Conservation Advisory Committee
- Kevan Rowe Seniors Interest Advisory Committee
- David Curry Deputy Chairperson of the CBD Enhancement Project Steering Committee

Congratulations and thank you all for assisting the City with this important task of profiling.

2004 WA ENVIRONMENTAL AWARDS

I am pleased to announce that the City of Joondalup has been nominated as a finalist in the 2004 WA Environmental Awards. This is the premier environmental award in the State and attracts entrants from local government, private industry, environmental groups and individuals.

This is the third year in succession that the City has been selected to be in the finals. In 2003, the City was honoured to win the Coastal and Marine category award. The City's entry this year is in the bush, land and waterways category and focuses on its recent work in the ninety-nine reserves the City manages containing bushland and its strong community partnerships.

Congratulations and good luck to all staff involved.

GOLDEN KEY

Congratulations also to ECU student Anja Steinwelder who has won the City of Joondalup's award for the Golden Key Society. On behalf of the City, I presented Anja with her \$1000 award for community work at a ceremony at the Hyatt Hotel last week.

Anya is a final year Bachelor of Science student at ECU Joondalup, lives in Joondalup and works at Arena Joondalup. She's a Joondalup thoroughbred. Anya has won her award for voluntary work for community and environmental organisations.

She will use the money to go to Costa Rica in December to work on a community aid project for the underprivileged for ten weeks and I congratulate her on that.

EXCELLENCE AWARD

Congratulations also to Craigie Leisure Centre staff member, Sue McKinnel who received a WA Seniors Award 2004 in the category of "Award of Excellence" for her work on the City's Gold Programme for seniors. A fantastic result.

JINAN

I also announce that the Government of Jinan in China has confirmed it will be sending a return delegation here to Joondalup later this month. This follows the recent successful delegation of twelve representatives of the City of Joondalup and its stakeholders to Jinan where on behalf of the City, I signed a Sister City Agreement.

Manager of Strategic and Sustainable Development, Rhonda Hardy, who accompanied the delegation is now making arrangements for the return visit.

Brochures the City has produced on the twin Sister City relationship are available in the foyer.

**C66-11/04 PETITIONS SUBMITTED TO THE COUNCIL MEETING – 2
NOVEMBER 2004**

**1 PETITION REQUESTING REMOVAL OF BUS SHELTER, BRIDGEWATER
DRIVE, KALLAROO – [09174] [15045]**

A 22-signature petition has been received from Kallaroo residents requesting removal of a bus shelter located in Bridgewater Drive, Kallaroo due to anti-social behaviour occurring within the vicinity.

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

**2 PETITION EXPRESSING CONCERN IN RELATION TO INCREASE IN CITY OF
JOONDALUP RATES, REDUCTION IN EARLY PAYMENT DISCOUNT AND
INCREASE IN FESA LEVY [07141]**

A 298-signature has been received on behalf of residents of the City of Joondalup expressing dissatisfaction with the increases in City of Joondalup rates, the reduction in early payment discount and the resultant increase in FESA levy.

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

It was resolved that the petitions:

- 1 requesting removal of a bus shelter located in Bridgewater Drive, Kallaroo due to anti-social behaviour occurring within the vicinity;**
- 2 expressing dissatisfaction with the increases in City of Joondalup rates, the reduction in early payment discount and the resultant increase in FESA levy;**

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

CJ245 - 11/04 SETTING OF MEETINGS DATES – 2005 - [08122]**WARD - All****PURPOSE**

To set Council's meeting dates for the 2005 calendar year.

EXECUTIVE SUMMARY

In accordance with the Local Government Act 1995, it is necessary for a local government to give local public notice of its ordinary meeting dates for the next 12 months.

The current three weekly cycle of meetings is working well and it is suggested that this system be maintained, and that deputation sessions continue to be held at the commencement of Briefing Sessions.

BACKGROUND

At its meeting held on 26 March 2002, Council reviewed its decision-making process and adopted the following 'rolling' three weekly cycle of meetings, with the Council recessing for the Christmas/New Year period:

- Week 1: Strategy Session on the 1st Tuesday;
- Week 2: Briefing Session on the 2nd Tuesday, with deputation sessions held at the commencement of Briefing Sessions;
- Week 3: Council meeting on the 3rd Tuesday.

This three weekly cycle continued until the Joint Commissioners, following their appointment on 5 December 2003, gave further consideration to the meeting cycle and made amendments, as outlined below, that came into place in March 2004:

- Week 1: No meeting scheduled.
- Week 2: Briefing Session commencing at 6.30 pm on the 2nd Tuesday.
Deputation sessions are held at the commencement of Briefing Sessions.
Strategy Session commencing at the conclusion of the Briefing Session;
- Week 3: Council meeting commencing at 7pm on the 3rd Tuesday.

A further review of this system was commenced in July 2004 as it did not allow an item to progress from a Strategy session and be included in the agenda for the next week's Briefing Session. At their meeting on 31 August 2004, the Joint Commissioners reverted to the three weekly meeting cycle of Strategy Session/Briefing Session/Council meeting.

DETAILS

Statutory Provision:

Regulation 12 of the Local Government (Administration) Regulations 1996 states:

Public Notice of Council or Committee meetings

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

COMMENT

The current three weekly cycle of meetings is working well and it is suggested that this system be maintained, and that deputation sessions continue to be held at the commencement of Briefing Sessions.

In accordance with the Local Government Act 1995, it is necessary for a local government to give local public notice of its ordinary meeting dates for the next 12 months. A local government is also required to give local public notice of any change to its meeting.

It should be noted that a Briefing Session of the Council is scheduled for the Wednesday following the Easter break.

ATTACHMENTS

Nil

VOTING REQUIREMENTS

Simple Majority

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

- 1 ADOPT a 'rolling' three weekly cycle, being a Strategy Session (closed to the public), Briefing Session, and ordinary Council Meeting;**
- 2 AGREE to hold informal deputation sessions in conjunction with the Briefing Session;**

3 SET the following meeting dates for the City of Joondalup to be held at the Joondalup Civic Centre, Boas Avenue, Joondalup:

Strategy Sessions to be held at 6.30 pm in Conference Room 1	Briefing Sessions to be held at 6.30 pm in Conference Room 1	Council Meetings to be held at 7.00 pm in the Council Chamber
Tuesday 8 February 2005	Tuesday 15 February 2005	Tuesday 22 February 2005
Tuesday 1 March 2005	Tuesday 8 March 2005	Tuesday 15 March 2005
Tuesday 22 March 2005	Wednesday 30 March 2005	Tuesday 5 April 2005
Tuesday 12 April 2005	Tuesday 19 April 2005	Tuesday 26 April 2005
Tuesday 3 May 2005	Tuesday 10 May 2005	Tuesday 17 May 2005
Tuesday 24 May 2005	Tuesday 31 May 2005	Tuesday 7 June 2005
Tuesday 14 June 2005	Tuesday 21 June 2005	Tuesday 28 June 2005
Tuesday 5 July 2005	Tuesday 12 July 2005	Tuesday 19 July 2005
Tuesday 26 July 2005	Tuesday 2 August 2005	Tuesday 9 August 2005
Tuesday 16 August 2005	Tuesday 23 August 2005	Tuesday 30 August 2005
Tuesday 6 September 2005	Tuesday 13 September 2005	Tuesday 20 September 2005
Tuesday 27 September 2005	Tuesday 4 October 2005	Tuesday 11 October 2005
Tuesday 18 October 2005	Tuesday 25 October 2005	Tuesday 1 November 2005
Tuesday 8 November 2005	Tuesday 15 November 2005	Tuesday 22 November 2005
Tuesday 29 November 2005	Tuesday 6 December 2005	Tuesday 13 December 2005
January 2006 – Council recess		

4 in accordance with Regulation 12 Local Government (Administration) Regulations 1996, GIVE local public notice of the meeting dates as detailed in (3) above.

To a query raised by Cmr Anderson in relation to the holding of a Council meeting at a suitable location within the City of Joondalup besides the Council Chamber, Manager Marketing Communications and Council Support advised that a report would be presented to Commissioners at a future meeting for consideration.

The Motion was Put and

CARRIED UNANIMOUSLY (5/0)

CJ246 - 11/04 2003/2004 ANNUAL REPORT AND AUDITED FINANCIAL STATEMENTS - [55264]

WARD - All

PURPOSE

To endorse the 2003/04 Annual Report and Audited Financial Statements and set a date for the Annual General Meeting of Electors.

EXECUTIVE SUMMARY

The City's auditors, Deloitte Touché Tohmatsu, have completed their audit of Council's financial report for the 2003/2004 financial year.

This Audit Report, together with the Annual Financial Report will form an integral part of Council's Annual Report to the electors at the Annual General Meeting.

The Local Government Act 1995 (Section 5.27) requires that the Annual General Meeting is to be held on a day selected by the local government, but not more than 56 days after the report is accepted by the local government.

It is suggested that the most appropriate date for the holding of the Annual General Meeting of Electors is Monday 22 November 2004 at 7.00 pm.

BACKGROUND

The City's auditors, Deloitte Touché Tohmatsu, have completed the audit of Council's financial report for the 2003/04 financial year.

Both the Annual Report and the Financial Report reflect on the City's achievements during 2003/04 and focus on the many highlights in a busy year.

As has been past practice, the Financial Report included within the Annual Report is an abridged version. The full Financial Statements, together with the notes to and forming part of the Financial Statements will be available as a separate document.

It was resolved by Council on 27 March 2001 to ensure that Annual General Meetings were held no later than the third week of November as follows:

“endeavours to hold future Annual General Meetings prior to 31 October if practicable, but not later than the third week in November.”

DETAILS

Statutory Provision:

Pursuant to the provisions of Section 5.54 of the Local Government Act 1995, the Annual Report for the financial year is to be accepted by the local government by no later than 31 December after that financial year. Further, at Section 5.27, the Act requires that the Annual General Meeting of Electors be held on a day selected by the local government, but not more than 56 days following the acceptance by the local government of the Report. In addition, the Chief Executive Officer must give public notice of the availability of the report as soon as practicable after the report has been accepted.

The most appropriate date for the convening of the Annual General Meeting of Electors is suggested to be Monday, 22 November 2004 at 7.00 pm.

The Local Government (Administration) Regulations 1996 at Clause 15 details the matters for discussion at the Annual General Meeting. They are the contents of the Annual Report for the previous financial year and then any other general business.

It is suggested therefore, that the Agenda format for the Annual Meeting of Electors be:

- Attendances and Apologies
- Contents of the 2003/2004 Annual Report
- General Business

Section 5.55 of the Local Government Act 1995 requires the City to give local public notice of the availability of the Annual Report as soon as practicable after the report has been adopted by the City.

Strategic Implications:

Strategy 4.1 of the City's Strategic Plan (2003 – 2008)

“To manage the business in a responsible and accountable manner.”

COMMENT

This year, in line with modern innovative marketing methods and good environmental and sustainability practices, the Annual Report & Full Audited Financial Statements will be produced on CD-Rom and be available on the City's public website. A small supply of printed, bound colour copies will be available for viewing at Libraries, Leisure Centres and Customer Service Centres.

Benefits to the City and the Community of the production of a CD-Rom:

- Sustainability - environmentally responsible through minimising printing and use of paper.
- Significant cost savings of an estimated \$10,000 for the project.
- Reduced lead time for printing - a few days lead time to produce copies of the CD-Rom, versus current 4 weeks lead time to print.

- Flexibility to print and bind extra copies if required. i.e., print on an “as needs basis” rather than excess supply.
- Affordability and flexibility to provide Annual Report on CD-Rom when requested – approximately \$1 marginal cost each.
- Reach a wider audience and reduce distribution costs by emailing the Annual Report to email distribution lists such as: Library users, all staff.
- More sophisticated and interactive by using media such as sound and movie, as well as interactive graphics.
- Available anywhere, anytime - globally on the website.
- Innovative, fast, effective and modern method to communicate the City’s messages.

In order for the City to meet its legislative requirements, it is recommended that the Council adopts the Annual Report for 2003/2004 and convenes the Annual General Meeting of Electors for Monday, 22 November 2004.

The suggested date falls slightly outside the third week in November. This is due to the way in which the Council meeting cycle has fallen, in order to adequately provide public notice and comply with the legislation, it is considered the most suitable date.

ATTACHMENTS

Attachment 1	2003/04 Annual Report
Attachment 2	Financial Accounts

VOTING REQUIREMENTS

Simple Majority

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

- 1 ACCEPT the 2003/2004 Annual Report and Financial Reports of the City of Joondalup forming Attachments 1 and 2 to this Report CJ246-11/04;**
- 2 CONVENE the Annual General Meeting of Electors on Monday, 22 November 2004 at 7.00 pm in the Council Chambers;**
- 3 ADVERTISE by public notice that the City of Joondalup’s 2003/2004 Annual Report will be available from the Civic Administration Building from approximately Tuesday 9 November 2004.**

The Motion was Put and

CARRIED UNANIMOUSLY (5//0)

Appendix 1 refers

To access this attachment on electronic document, click here: [Attach1brf261004.pdf](#)

CJ247 - 11/04 2004 CHRISTMAS FUNCTIONS – [59064] [23087]**WARD - All****PURPOSE**

For the Joint Commissioners to give consideration for the 2004 Christmas functions.

EXECUTIVE SUMMARY

Previous elected Councils have held annual Christmas functions. It is understood that the Joint Commissioners do not intend to hold one in 2004, therefore it is requested that the Joint Commissioners resolve accordingly:

- 1 *AGREE not to hold the annual Council Christmas function for 2004;*
- 2 *BY AN ABSOLUTE MAJORITY REVOKE the decision of 2 December 2003 (C259-12/03) viz:*

“That City of Joondalup continues to host a Christmas function, in each year, to be structured as follows:

 - 1 *the function is to be a community function with the invited guests being members of all charitable, not for profit incorporated associations, organisations and groups within the City, including but not limited to sporting Clubs, P & Cs, P & Fs, cultural and civic leaders, seniors groups etc;*
 - 2 *that the function take the format of an open air BBQ and be conducted at a suitable venue such as Neil Hawkins Park Joondalup or Central Park Joondalup with entertainment for young children, families and seniors alike;*
 - 3 *that the total cost of the function be capped at \$5,000 (all inclusive);*
 - 4 *that there be no complimentary alcoholic beverages provided by the City (i.e. BYO);*
 - 5 *that the numbers for the function be capped to slot in with the total costing mentioned above; and*
 - 6 *such other matters recommended by Council.”*
- 3 *AGREE to include a community style festive event as part of the 2004/05 ‘Summer Events’ program.*

BACKGROUND

The Council has for a few years held a Christmas function. The intent of the function was to celebrate the festive season while taking the opportunity to invite various guests who had assisted the Council and individual Elected Members throughout the year.

The Council at its meeting held on 2 December 2003 (C259-12/03 refers) resolved as follows:

“That City of Joondalup continues to host a Christmas function, in each year, to be structured as follows:

- 1 the function is to be a community function with the invited guests being members of all charitable, not for profit incorporated associations, organisations and groups within the City, including but not limited to sporting Clubs, P & Cs, P & Fs, cultural and civic leaders, seniors groups etc;*
- 2 that the function take the format of an open air BBQ and be conducted at a suitable venue such as Neil Hawkins Park Joondalup or Central Park Joondalup with entertainment for young children, families and seniors alike;*
- 3 that the total cost of the function be capped at \$5,000 (all inclusive);*
- 4 that there be no complimentary alcoholic beverages provided by the City (i.e. BYO);*
- 5 that the numbers for the function be capped to slot in with the total costing mentioned above; and*
- 6 such other matters recommended by Council.”*

DETAILS

Recent history reveals that the 2002 function was costed at approximately \$24,000 and the 2003 function was estimated at \$25,000. This included food, beverages, entertainment and gifts.

With the suspension of the Council in December 2003, the scheduled Christmas function was cancelled. The resolution carried at its meeting held on 2 December 2003 was not enacted for Christmas 2003.

COMMENT

As a result of the Joint Commissioners not wishing to hold its more formal Christmas function, it would be necessary for the Joint Commissioners to move such a resolution.

Officers comments were provided to Council prior to it making the decision of 2 December 2003. Primarily the comments related to the need to further investigate the format, invitation list and meeting the proposed budget. It was suggested that the Council defer the decision of the time and request the House Committee to further investigate the suggestion. The Council chose to resolve accordingly. At the time of constructing the 2004/05 budget, a reduction in the proposed annual expenditure for Civic functions was made, and the proposed function as per the resolution of 2 December 2003 has not been listed.

It is suggested that the proposed function as detailed as per the Council resolution of 2 December 2003 not be proceeded with. An alternative would be to include some form of community festive activity as part of the 2004/05 'Summer Events' program.

The Joint Commissioners would be invited to attend and celebrate Christmas at the annual staff function to be held the afternoon of 17 December 2004.

Procedure for Revoking or changing decisions of Council

The Local Government Act 1995, under regulations prescribed to deal with Section 5.25(e), lays down the following procedure for dealing with revoking or changing decisions made at Council or Committee meetings.

If a decision has been made at a Council meeting, then any motion to revoke or change the decision must be supported by at least one-third of the number of officers (whether vacant or not) of members of the Council.

If supported by one-third of the members, then any decision to revoke a resolution of the Council is required to be passed by an Absolute Majority.

Prior to giving consideration to the following recommendation, Commissioners are required to give the support of one-third of their members, and such support is to be recorded in the Minutes of this meeting.

Commissioners indicated their support of the Motion.

ATTACHMENTS

Nil

VOTING REQUIREMENTS

Absolute Majority

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

1 AGREE not to hold the annual Council Christmas function for 2004;

2 REVOKE the decision of 2 December 2003 (C259-12/03) viz:

“That City of Joondalup continues to host a Christmas function, in each year, to be structured as follows:

1 the function is to be a community function with the invited guests being members of all charitable, not for profit incorporated associations, organisations and groups within the City, including but not limited to sporting Clubs, P & Cs, P & Fs, cultural and civic leaders, seniors groups etc;

- 2 *that the function take the format of an open air BBQ and be conducted at a suitable venue such as Neil Hawkins Park Joondalup or Central Park Joondalup with entertainment for young children, families and seniors alike;*
 - 3 *that the total cost of the function be capped at \$5,000 (all inclusive);*
 - 4 *that there be no complimentary alcoholic beverages provided by the City (i.e. BYO);*
 - 5 *that the numbers for the function be capped to slot in with the total costing mentioned above; and*
 - 6 *such other matters recommended by Council.”*
- 3 **AGREE to include a community style festive event as part of the 2004/05 ‘Summer Events’ program.**

The Motion was Put and

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

**CJ248 - 11/04 JOONDALUP REGIONAL CULTURAL FACILITY -
SITE ACQUISITION – [14977]**

WARD - All

PURPOSE

To seek approval from the Joint Commissioners to prepare and execute a contract of sale for the acquisition of the site fronting Grand Boulevard from the Department of Education and Training and associated cost-sharing agreement for the construction of an access road for the purpose of constructing the Joondalup Regional Cultural Facility.

EXECUTIVE SUMMARY

At the Council meeting of 10 August 2004, the Joint Commissioners approved a business plan to be advertised on the proposed land purchase of a 7919 square metre site fronting Grand Boulevard for the purpose of constructing the Joondalup Regional Cultural Facility for a period of 42 days to enable public comment (CJ174-08/04 refers).

At the same time, the Joint Commissioners noted that the forward landscaping and the preparation and execution of necessary documents to give effect to the sharing of costs with the Department of Education and Training for a road construction agreement previously approved by Council would be deferred until the business plan process had been completed and accepted.

The public comment period has now closed with no comments received. It is therefore recommended that the Joint Commissioners:

- 1 *AUTHORISE the preparation and execution of the necessary documents by the Acting Chief Executive Officer to give effect to a contract of sale between the City and the Department of Education and Training (DET) for the purchase of a 7919 square metre site for the purpose of constructing the Joondalup Regional Cultural Facility, for final consideration of \$578,171.65;*
- 2 *AUTHORISE the preparation and execution of the necessary documents by the Acting Chief Executive Officer to give effect to the road construction agreement between the City and the DET agreeing to contribute 50% of construction costs for a new entrance road to the TAFE site off Grand Boulevard, up to and including the proposed roundabout, currently estimated at \$385,000;*
- 3 *NOTE that a report detailing forward landscaping plans for the site will now be prepared for consideration of Council taking into account the cultural and performing arts needs of the community;*
- 4 *NOTE that a concept design review will be commissioned to ensure the Joondalup Regional Cultural Facility remains appropriate to the region and affordable for the City. This review will incorporate costs and options of redesigning the Council Chamber to meet the provisions of the Governance Review and allow for greater availability and usage for performing arts and other community events.*

DETAILS

Following Council approval, the Business Plan for the proposed acquisition of land and construction of a cultural facility was advertised for public comment in The West Australian on Wednesday 25 August 2004 and the Joondalup Community Paper on Thursday 26 August 2004. At the closing date of 8 October 2004, no comments were received.

It is recommended that the Joint Commissioners now authorise the preparation and execution of the necessary documents by the Acting Chief Executive Officer to give effect to a contract of sale between the City and the Department of Education and Training (DET) for the purchase of a 7919 square metre site for the purpose of constructing the Joondalup Regional Cultural Facility, for final consideration of \$578,171.65.

The road construction agreement, which Council had previously agreed to a 50% contribution to construction costs for a new entrance road to the TAFE site off Grand Boulevard, can now also be prepared and executed. It should be noted that, while construction of the road has commenced as part of the development of the Hospitality Training Centre, to date the City has not contributed funding and would not do so unless the contract of sale for the cultural facility site was executed.

Once these documents have been effected, the City will commence development of forward landscaping plans for further consideration of Council. Forward landscaping will assist in activating the street front on Grand Boulevard and opening up the vista to the West Coast College of TAFE Hospitality Training Centre, due for completion mid-2005. It will also facilitate new outdoor performances and community events, as well as educating the community about the site of the future Cultural Facility.

With the site secured, a concept design review can also be commenced, taking into account potential costs and options of redesigning the Council Chamber, which, if viable could potentially be used as a satellite facility for select events for the Joondalup Regional Cultural Facility.

It is proposed that the concept design review will include consultation with relevant stakeholders including arts consultants, Alexander and Warne, architects, Jones Coulter Young, major educational institutions and performing arts groups within the region.

Financial Implications:

Account No:	F662
Budget Item:	Joondalup Regional Cultural Facility
Budget Amount:	\$1,250,000.00
YTD Amount:	\$0.00
Actual Cost:	\$1,250,000.00

Strategic Implications:

The Joondalup Regional Cultural Facility project is aligned to the following strategic objectives outlined in the City's Strategic Plan 2003-2008:

- Objective 1.1 - To develop, provide and promote a diverse range of lifelong learning opportunities
- Objective 1.2 - To meet the cultural needs and values of the community
- Objective 3.1 - To develop and maintain the City of Joondalup's assets and built environment
- Objective 3.2 - To develop and promote the City of Joondalup as a tourist attraction
- Objective 3.5 - To provide and maintain sustainable economic development

ATTACHMENTS

Nil

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION: That the Joint Commissioners:

- 1 AUTHORISE the preparation and execution of the necessary documents by the Acting Chief Executive Officer to give effect to a contract of sale between the City and the Department of Education and Training (DET) for the purchase of a 7919 square metre site for the purpose of constructing the Joondalup Regional Cultural Facility, for final consideration of \$578,171.65;

- 2 AUTHORISE the preparation and execution of the necessary documents by the Acting Chief Executive Officer to give effect to the road construction agreement between the City and the DET agreeing to contribute 50% of construction costs for a new entrance road to the TAFE site off Grand Boulevard, up to and including the proposed roundabout, currently estimated at \$385,000;
- 3 NOTE that a report detailing forward landscaping plans for the site will now be prepared for consideration of Council taking into account the cultural and performing arts needs of the community;
- 4 NOTE that a concept design review will be commissioned to ensure the Joondalup Regional Cultural Facility remains appropriate to the region and affordable for the City. This review will incorporate costs and options of redesigning the Council Chamber to meet the provisions of the Governance Review and allow for greater availability and usage for performing arts and other community events.

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

- 1 AUTHORISE the preparation and execution of the necessary documents by the Acting Chief Executive Officer to give effect to a contract of sale between the City and the Department of Education and Training (DET) for the purchase of a 7919 square metre site for the purpose of constructing the Joondalup Regional Cultural Facility, for final consideration of \$578,171.65;**
- 2 AUTHORISE the preparation and execution of the necessary documents by the Acting Chief Executive Officer to give effect to the road construction agreement between the City and the DET agreeing to contribute 50% of construction costs for a new entrance road to the TAFE site off Grand Boulevard, up to and including the proposed roundabout, currently estimated at \$385,000;**
- 3 REQUIRE that a report detailing forward landscaping plans for the site be prepared for consideration of Council taking into account the cultural and performing arts needs of the community, which will be assessed through a collaborative consultation process involving educational institutions, performing arts groups, arts consultants and other stakeholders;**
- 4 NOTE that a concept design review will be commissioned to ensure the Joondalup Regional Cultural Facility remains appropriate to the region and affordable to the City;**
- 5 REQUIRE an urgent review be conducted and interim report prepared and presented at the December 2004 Council meeting with regard to the costs and options of redesigning the Council Chamber to meet the provisions of the Governance Review and allow for greater availability and usage for performing arts and other community events.**

Discussion ensued.

The Motion was Put and

CARRIED UNANIMOUSLY (5/0)

**CJ249 - 11/04 STRATEGIC FINANCIAL MANAGEMENT
COMMITTEE – [14528] [38432]**

WARD - All

PURPOSE

To provide the Joint Commissioners with a report on the establishment of a Strategic Financial Management Committee.

EXECUTIVE SUMMARY

The 2004/05 budget was adopted by Council at the Special Meeting of Council held on 19 August 2004. During the course of the 2004/05 Budget Committee meetings it became evident that Council needed to be involved in the financial management of the City at a more strategic level, and that the preparation of the annual budget should be positioned within and driven by a strategic planning framework with an emphasis on long-term financial sustainability for the organisation.

At the Special Meeting of Council on 19 August 2004 the following motion was put and carried unanimously:

“That the CEO be requested to provide a report for consideration of the Council on establishing a new committee called the ‘Strategic Financial Management Committee’ to replace the current Budget Committee with terms of reference that include dealing with the medium to long term allocation of finances and resources for the City’s operations and capital projects – primarily through the Principal Activities Plan and to provide for the Principal Activities Plan and the Budget to be dealt with as separate processes.”

The administration commenced a review of the planning and budget process in August as part of the annual review cycle, and that recent review of the 2004/05 cycle has also recommended changes to the planning and budget process in order to ensure the annual budget is linked to, and driven by, the City’s long-term objectives as identified in the Strategic Plan.

The 2004/05 budget cycle has highlighted a number of priorities for financial planning for the City, namely:

- A more strategic approach and greater coordination at a corporate level in financial planning;
- Greater involvement of the Joint Commissioners, staff and the community in setting priorities; and
- The development of longer-term financial horizons in revenue and capital planning.

The establishment of a Strategic Financial Management Committee (to replace the existing Budget Committee) will ensure that the budget is linked to Council’s long-term objectives and the Principal Activities Plan. It is proposed that the Committee operates under the following terms of reference:

- (a) Promote and advocate sound financial management within the City and provide advice to the council on strategic financial management issues;
- (b) In particular advise council on –
 - (i) How funding can be achieved for any major capital works project before the council makes a commitment to a project;
 - (ii) Levels of service;
 - (iii) Preparation of the Principal Activities Plan with high priority being given to ensure that the Plan is achievable in the long term;
 - (iv) Alignment of the Principal Activities Plan to the Council’s Strategic Plan;
 - (v) Consideration of public submissions to the Principal Activities Plan;
 - (vi) Final acceptance of the Principal Activities Plan.
- (c) Policy development and review of policies with financial implications for the City.

The terms of reference, as stated above, will also ensure the Council is responsible for, as stated in the Local Government Act 1995, Section 2.7, *overseeing the allocation of the local governments finances and resources and determining the local governments policies* by:

- managing financial risks relating to debt, assets and liabilities;
- providing stability in the level of rate burden;
- taking into consideration the financial effects of Council decisions on future generations, and
- providing full, accurate and timely disclosure of financial information.

This report recommends that the Joint Commissioners:

1 DISBAND the Budget Committee

2 ESTABLISH a Strategic Financial Management Committee comprising membership of the Joint Commissioners with the following terms of reference:

- (a) *Promote and advocate sound financial management within the City and provide advice to the council on strategic financial management issues;*
- (b) *In particular advise Council on –*
 - (i) *How funding can be achieved for any major capital works project before the council makes a commitment to a project;*
 - (ii) *Levels of service;*
 - (iii) *Preparation of the Principal Activities Plan with high priority being given to ensure that the Plan is achievable in the long term;*
 - (iv) *Alignment of the Principal Activities Plan to the Council’s Strategic Plan;*
 - (v) *Consideration of public submissions to the Principal Activities Plan;*
 - (vi) *Final acceptance of the Principal Activities Plan.*

- (c) *Policy development and review of policies with financial implications for the City.*
- 3 *REQUEST the preparation of a schedule of meetings for the Strategic Finance Committee between November 2004 and March 2005 to progress the Principal Activities Plan 2005/06 – 2009/10, Corporate Plan 2005/06 and associated budget.*
- 4 *REQUEST the preparation of a report on a review of the Integrated Planning Framework for the 2006/07 planning cycle.*

BACKGROUND

The 2004/05 budget was adopted by Council at the Special Meeting of Council held on 19 August 2004.

The preparation of the annual budget is a lengthy process involving a great deal of scrutiny and preparation by officers and discussions with Joint Commissioners in Budget Committee meetings in the six months leading up to the new budget year.

The stated role of the Budget Committee is: *'To oversee the development of the draft 2004/05 Budget and Principal Activities Plan'*.

During the course of the 2004/05 Budget Committee meetings it became evident that Council needed to become involved at a more strategic level in order to meet some key objectives, namely:

- to ensure financial sustainability for the organisation;
- provision of sufficient funds for the implementation of corporate projects, capital works and other new initiatives;
- maintenance of the City's infrastructure for the whole of life; and
- ensure Council has the financial flexibility to respond to community needs now and into the future.

The following motion was put and carried unanimously at the Special Meeting of Joint Commissioners held on 19 August 2004:

That the CEO be requested to provide a report for consideration of the Council on establishing a new committee called the 'Strategic Financial Management Committee' to replace the current Budget Committee with terms of reference that include dealing with the medium to long term allocation of finances and resources for the City's operations and capital projects – primarily through the Principal Activities Plan and to provide for the Principal Activities Plan and the Budget to be dealt with as separate processes.

The administration commenced a review of the planning and budget process in August 2004 as part of the annual review cycle. The objectives of that review were:

- to conduct a comprehensive review, which identifies the roles, responsibilities and activities of the City staff through the stages of business planning, setting a preliminary budget to formal adoption of the budget by Council, and
- to provide recommendations for business improvement based on the findings of the review.

The internal review of the 2004/05 planning and budget process incorporated interviews with all officers involved in the planning and budget process and has also recommended changes to the planning and budget process that ensure the annual budget is linked to, and driven by, the City's long-term objectives as identified in the Strategic Plan. The major findings from that review were that:

- From the commencement of the planning and budget cycle (September/October) there is a need for a comprehensive process of strategic and financial planning at the level of Council.
- The Principal Activities Plan should be the guiding document for the annual budget process, as it should incorporate the strategic directions determined at the level of Council.
- Establishment of financial parameters for the 2005/06 financial year to guide the development of budgets. – i.e. more precise predictions of rating income, grants, and likely demands on expenditure (operating costs, committed capital projects, loan repayments etc)

Strategic Plan:

Outcome: The City of Joondalup is a sustainable and accountable business

Objective: To manage the business in a responsible and accountable manner

Strategies: Ensure financial viability and alignment to the plan.

DETAILS

The City's current budget process centres on the funding of new projects and the recurrent operations of the City on a year-by-year basis. Historical data and some financial modelling inform the process however a strategic approach would involve greater emphasis on forecasting of future financial parameters and directions.

A financial strategic planning framework will ensure that future planning and budget processes are backed by sound service and financial planning that will assist Council to:

- Identify community needs and allocate resources to them;
- Focus on strategic decisions to bring about real improvements in service performance and delivery; and
- Move away from year-on-year negotiations over detailed budget changes, which are often a small fraction of total local government activity and expenditure.

In order to achieve this the establishment of a Strategic Financial Management Committee (to replace the current Budget Committee) is supported. The Strategic Financial Management Committee would be responsible for the development of the Principal Activities Plan, which will ensure financial sustainability for the City over the long term, and support the achievement of the Strategic Plan.

In order to progress the Principal Activities Plan over the next 6 months it is recommended that the Strategic Financial Management Committee be established and a series of meetings be scheduled between November 2004 and March 2005 to progress the Principal Activities Plan, Corporate Plan and Annual Budget. Council officers will prepare a report for the first meeting of the Strategic Financial Management Committee with a proposed outline and format for the meetings for consideration by the Joint Commissioners.

One of the core requirements of the Principal Activities Plan will be a clear expression of how resources are allocated to meet community needs and this will require a planning cycle that brings together policy decisions, service planning and the budget process.

The City has an Integrated Planning Framework, which was established to coordinate the City's plans and processes to ensure effective strategic planning and implementation. The framework comprises the Strategic Plan (5-Year), Principal Activities Plan (5-Year), Corporate Plan (Annual) and Business Unit Plans (Annual). The Corporate Plan and Business Unit Plans capture the strategic themes used in the Strategic Plan dividing key projects and activities into these areas and it is recommended that the current Integrated Planning framework be retained, for the 2005/06 financial year, as the overall model for corporate and financial planning. It is, however, recommended that changes be made to the format and content of the Principal Activities Plan, the process for the development of the Principal Activities Plan and the timing of the development of the Principal Activities Plan and the Corporate Plan.

Given the increased emphasis on longer term planning and sustainability in local government it is recommended that Council considers reviewing the Integrated Planning Framework for the 2006/07 planning cycle so that the Strategic Plan is developed over a longer time frame (10 - 30 years) and the Corporate Plan is developed over a 5-year time frame. It is recommended that Council Officers prepare a further report on a review of the Integrated Planning Framework for the consideration of Council.

Currently, the Principal Activities Plan (a legislative requirement) provides a summary of the major projects and programs that Council intends to deliver from 2004/05 to 2008/09. The Principal Activities Plan does not, however, contribute significantly to the overall planning and budget process. The Principal Activities Plan, in a revised form, would become a much more robust plan which would identify the long-term directions for financial management of income and expenditure, and establish the financial parameters for the next financial year. The Principal Activities would be developed for a 5-year period and would reflect the objectives and strategies as stipulated in the Strategic Plan and the 5-Year Capital Works Program in financial terms, and determine their sustainability.

The Annual Budget needs to be developed within an overall strategic planning framework which provides direction to the Council in the identification of community needs over the longer term (5 years) and the conversion of needs into medium and short term (annual plans) goals and objectives. The Principal Activities Plan ought to be a long-term financial plan, which summarises the financial impacts of the objectives and strategies and determines the sustainability of the Strategic Plan and the 5-Year Capital Works Program, and Corporate Project, as well as establishing financial parameters for the next financial year (rating income, grants, likely demands on expenditure) and providing guidance to the organisation as to the availability of funds.

The Principal Activities Plan is the strategic financial plan, which will summarise the financial impacts of the strategies identified in the Strategic Plan, and therefore determines the sustainability of the Strategic Plan. In short, the Principal Activities Plan will align with and ensure the achievement of the Strategic Plan, and the annual budget is then framed within this long-term financial plan.

In the proposed planning framework the Principal Activities Plan will identify long-term directions for financial management of the City's revenue (rating policy, availability of external funds/grants, use of reserve funds) and expenditure (desired levels of service, major capital works, corporate projects). The Council will oversee the Principal Activities Plan through the Strategic Financial Management Committee.

The existing timeframes for the development of each of the plans in the Integrated Planning Framework need to be reviewed. It is recommended that the Principal Activities Plan be developed (and reviewed thereafter) by February of each year so that there is sufficient time to develop the Corporate Plan in draft form prior to the detailed commencement of the annual budget process.

The Corporate Plan sets out the key activities that Council will undertake during the year to achieve the strategic objectives set out in Council's Strategic Plan and will, therefore, fall out of the first year of the Principal Activities Plan. The Annual Budget will convert the activities in the Corporate Plan into financial terms. The strategic objectives set out in Council's Strategic Plan and key strategic activities to be undertaken in each business unit or operational area during the forthcoming budget would also be clearly identified in the Corporate Plan.

It is proposed that the Principal Activities Plan developed by the Strategic Financial Management Committee will represent the Council's long to medium term financial planning framework and will be based on a range of broad budget assumptions and parameters, which will be updated annually as part of the budgetary process.

STRATEGIC IMPLICATIONS:

The Strategic Finance Committee will provide advice to the Council on strategic financial management matters.

Sustainability Implications:

The formation of a Strategic Finance Committee and the subsequent development of the Principal Activities Plan will establish a sustainable financial plan for the future. The Committee will oversee the development of a financial plan that will ensure the financial sustainability of the City by providing sufficient funds to allow capital projects and new initiatives to be implemented, ensure the City's infrastructure is maintained, and ensure Council has the financial flexibility to respond to community needs now and into the future.

COMMENT

There are a number of drivers of change for the introduction of a Strategic Financial Management Committee and a strategic financial planning framework at the City of Joondalup, namely:

- The role of Council in policy development,
- Council has a number of significant corporate projects, a significant capital works programme, and recurrent services and programmes to deliver that need to be planned for and managed, and
- The need for Council to respond to community needs and expectations within financial constraints

It is clear from the comments from Joint Commissioners during the 2004/05 Budget Committee meetings, and the recent internal review of the 2004/05 planning and budget process that there is a need to make changes to the current planning and budget process to ensure that the annual budget forms part of and is driven by a longer term strategic planning framework.

The approach outlined in this report including the establishment of a Strategic Financial Management Committee to oversee the development of the Principal Activities Plan is recommended in order to ensure financial sustainability in the medium to long term, whilst achieving Councils corporate objectives as outlined in the Strategic Plan.

The suggested key components of the Principal Activities Plan are:

- An assessment of Council's current financial position
- A statement of key objectives and assumptions
- A clear service delivery approach
- A clear and justifiable rating strategy
- An endorsed borrowing strategy, and
- A sustained approach to infrastructure development/maintenance

The proposed approach outlined in this report including the establishment of a Strategic Financial Management Committee and the subsequent development of an improved Principal Activities Plan will enable the Council to take a more sustainable approach to the development of services as well as the timing of capital works and corporate projects.

The approach will also facilitate Council's role in overseeing:

- The provision of accurate and timely financial information, and
- The financial impacts of Council decisions into the future

ATTACHMENTS

Nil

VOTING REQUIREMENTS

Absolute Majority

OFFICER'S RECOMMENDATION: That the Joint Commissioners:

- 1 BY AN ABSOLUTE MAJORITY DISBAND the Budget Committee;
- 2 BY AN ABSOLUTE MAJORITY ESTABLISH a Strategic Financial Management Committee comprising membership of the Joint Commissioners with the following terms of reference:

- (a) Promote and advocate sound financial management within the City and provide advice to the council on strategic financial management issues;
 - (b) In particular advise Council on –
 - (i) How funding can be achieved for any major capital works project before the council makes a commitment to a project;
 - (ii) Levels of service;
 - (iii) Preparation of the Principal Activities Plan with high priority being given to ensure that the Plan is achievable in the long term;
 - (iv) Alignment of the Principal Activities Plan to the Council's Strategic Plan;
 - (v) Consideration of public submissions to the Principal Activities Plan;
 - (vi) Final acceptance of the Principal Activities Plan.
 - (c) Policy development and review of policies with financial implications for the City;
- 3 REQUEST the preparation of a schedule of meetings for the Strategic Finance Committee between November 2004 and March 2005 to progress the Principal Activities Plan 2005/06 – 2009/10, Corporate Plan 2005/06 and associated budget;
- 4 REQUEST the preparation of a report on a review of the Integrated Planning Framework for the 2006/07 planning cycle.

ADDITIONAL INFORMATION

This will be the first year of the formation of the Strategic Financial Management Committee (SFMC) and this Committee will take a substantially different approach than in previous years to ensure that Council will be developing a strategic financial planning framework. It is the view of the administration that the Committee, in its first year of operation, will identify the long-term directions for financial management of income (rating policy, accessing external funds, partnerships, use of reserve funds) and expenditure (growth of the organisation, desired services, levels of service delivery, major forecasted capital works) for the City, as well as the establishment of financial parameters for the next financial year. This plan will then be reviewed every year however it is appropriate to have all commissioners involved in developing and refining the Principal Activities Plan so that a robust framework (and processes) can be established. The framework will need to be thoroughly reviewed after the 2005-2006 planning process is complete. Following the completion of the 2005/06 planning and budget cycle it will be timely to reconsider the effectiveness of the SFMC including membership. The risk associated with not having all Joint Commissioners as members of the Committee during the initial set up phase is regarded as high given the importance of the planning and budget process in relation to ensuring financial sustainability for the organisation, providing sufficient funds for the implementation (and completion) of corporate projects, capital works and other new initiatives, maintenance of the City's infrastructure and ensuring Council has the financial flexibility to respond to community needs now and into the future.

The SFMC would operate in a similar manner to that of other committees of Council. Regular monthly/bimonthly meetings would be scheduled and these meetings would have an agenda and minutes. It is anticipated that the minutes will be reported through to council as a formal council report seeking Council endorsement of all recommendations. Confidential items would of course be treated according to the normal Council process.

The SFMC will provide a new level of transparency for the City by providing for accurate and timely disclosure of financial information. The community will be able to clearly see, on a regular basis, how the City proposes to protect and manage its financial resources, which is of critical interest to our community.

The SFMC will have a focus on identifying future strategic direction of the City including a focus on identifying future service delivery roles. For example the SFMC may consider such issues as contracting out versus in-house or hybrid arrangements for service delivery. It may consider the need for implementing new services and/or removing services that no longer have relevance to the community. These types of decision are strategic in nature and should be made by Council as they become inputs into the financial planning process and provide the ability to estimate the needs for the organisation, which inevitably needs to given consideration when adopting its financial management strategies.

The terms of reference of the Audit Committee are to oversee the internal and external audit and risk management and compliance of the City. The Terms of Reference of the Audit Committee are specific with the Committee's primary function being to oversee good governance through the maintenance of an adequate system of internal controls and processes to ensure compliance by the City with all applicable legal and regulatory requirements and Council policy.

The SFMC will enable Council to:

- Improve and manage financial risks relating to debt, assets and liabilities;
- Provide reasonable stability in the level of rate burden;
- Consider the financial impacts of Council decisions on future generations; and
- Provide for accurate and timely disclosure of financial information.

In this respect the SFMC will establish sound management principles and the Audit Committee may play a role in overseeing the processes established through the SFMC.

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

- 1 DISBAND the Budget Committee;
- 2 ESTABLISH a Strategic Financial Management Committee comprising membership of the Joint Commissioners with the following terms of reference:
 - (a) Promote and advocate sound financial management within the City and provide advice to the council on strategic financial management issues;
 - (b) In particular advise Council on –
 - (i) How funding can be achieved for any major capital works project before the Council makes a commitment to a project;

- (ii) Levels of service delivery – determine:
 - (A) which services to be provided in accordance with the Local Government Act 1995;
 - (B) Standards of service. Such standard will be determined with reference to:
 - best industry practice standards where applicable;
 - internally agreed standards which will be determined with reference to local community expectations;
 - (iii) Preparation of the Principal Activities Plan with high priority being given to ensure that the Plan is achievable in the long term;
 - (iv) Alignment of the Principal Activities Plan to the Council’s Strategic Plan;
 - (v) Consideration of public submissions to the Principal Activities Plan;
 - (vi) Final acceptance of the Principal Activities Plan;
 - (c) Policy development and review of policies with financial implications for the City;
- 3 REQUEST the preparation of a schedule of meetings for the Strategic Finance Committee between November 2004 and March 2005 to progress the Principal Activities Plan 2005/06 – 2009/10, Corporate Plan 2005/06 and associated budget;
- 4 REQUEST the preparation of a report on a review of the Integrated Planning Framework for the 2006/07 planning cycle.

With the approval of Cmr Anderson as the Mover, Cmr Smith requested that the words “in accordance with the Local Government Act 1995 be deleted from Point 2 (b) (ii) (A).

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

- 1 DISBAND the Budget Committee;**
- 2 ESTABLISH a Strategic Financial Management Committee comprising membership of the Joint Commissioners with the following terms of reference:**
 - (a) Promote and advocate sound financial management within the City and provide advice to the council on strategic financial management issues;**
 - (b) In particular advise Council on –**
 - (i) How funding can be achieved for any major capital works project before the Council makes a commitment to a project;**

- (ii) Levels of service delivery – determine:**
 - (A) which services to be provided;**
 - (B) Standards of service. Such standard will be determined with reference to:**
 - best industry practice standards where applicable;
 - internally agreed standards which will be determined with reference to local community expectations;
 - (iii) Preparation of the Principal Activities Plan with high priority being given to ensure that the Plan is achievable in the long term;**
 - (iv) Alignment of the Principal Activities Plan to the Council's Strategic Plan;**
 - (v) Consideration of public submissions to the Principal Activities Plan;**
 - (vi) Final acceptance of the Principal Activities Plan;**
 - (c) Policy development and review of policies with financial implications for the City;**
- 3 REQUEST the preparation of a schedule of meetings for the Strategic Finance Committee between November 2004 and March 2005 to progress the Principal Activities Plan 2005/06 – 2009/10, Corporate Plan 2005/06 and associated budget;**
- 4 REQUEST the preparation of a report on a review of the Integrated Planning Framework for the 2006/07 planning cycle.**

Discussion ensued.

The Motion was Put and

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

**CJ250 - 11/04 OVERVIEW OF THE OFFICIAL VISIT TO JINAN
(SHANDONG PROVINCE), CHINA BY THE
JOONDALUP DELEGATION – SEPTEMBER 2004 –
[52469] [11014]**

WARD - All

PURPOSE

To provide an overview and highlight the outcomes of the visit made to the City of Jinan, Shandong Province, China from 1st to 8th September 2004 by the City of Joondalup delegation. The purpose of the visit was to sign an official protocol agreement to formalise Sister City friendly relations between the two Cities.

This report will also outline the economic development opportunities across all appropriate industry sectors that were identified for further advancement by the delegation, and make recommendations that support the sustainability of this relationship.

EXECUTIVE SUMMARY

Friendly relations between the City of Joondalup and the City of Jinan in eastern China have been developing since 2000. A Memorandum of Friendly Talks was signed between the two cities in 2002 and, in late 2003, the City received an invitation to lead a delegation to Jinan with the intent of signing a formal protocol of friendly relations as part of the process to establish a formal sister city relationship between the two cities. This protocol has been given national approval by the Peoples Republic of China.

A delegation of key industry partners throughout Joondalup was formed and was lead by the Chairman of Commissioners. A primary purpose of the delegation for the City of Joondalup was to strengthen the ties that are developing between the two cities as well as provide further opportunities for the Joondalup region to promote its exportable services.

During the visit the delegates met with key officials of all industry sectors to initiate official relationships and to commence discussions on progressing mutual advancements for the two Cities to actively encourage and promote the expansion of co-operation and exchanges in the fields of economy, trade, science and technology, education, culture, tourism, health and in other relevant fields concerned. The protocol document facilitates the ability for the two cities to develop plans and agreements to advance the relationship.

In August 2004, the Chairman of Commissioners extended an invitation to official representatives from the City of Jinan to form a delegation to visit Joondalup in November 2004 in order to further advance the relationship and to continue discussions to progress agreements that will allow for the implementation and delivery of outcomes. It is also necessary for any agreements that are developed between the two cities to be given adequate time to be scheduled in accordance with planning and budgetary cycles of both Cities. For example a proposal to embark on a Local Government training, development and exchange

program for senior staff was outlined by Joondalup delegates to the Director, Mr Li Guo Gang from the Cadre Education Office – Human Resources Department of the Jinan Municipal Government. The program was recognised by the Director as being desirable for development of municipal employees and he would be seeking approval from his office to progress the opportunity for developing the program.

This report provides details of all the meetings, official functions and site visits attended by the Joondalup delegation during the visit and makes recommendations that The Joint Commissioners: -

- 1 *NOTE the report and its associated Attachments to Report CJ250-11/04;*
- 2 *ENDORSE that the invitation from the Chairman of Commissioners for an inbound delegation from Jinan to visit Joondalup has been tentatively set for mid to late November 2004;*
- 3 *REQUEST that the Acting Chief Executive Officer progress arrangements to provide for adequate hosting of the incoming Jinan delegation in November 2004;*
- 4 *SUPPORT the further development of the Sister City relationship with Jinan;*
- 5 *ENDORSE the City of Joondalup to become a member of the Australian Sister City Association (ASCA) and to provide the ASCA with details of the sister city relationship with Jinan for listing on their website and within the register of affiliations document;*
- 6 *SUPPORT in principle the progression of negotiations toward the establishment of the Local Government Training and Exchange program with officials from the Jinan Municipal Government;*
- 7 *APPROVE in principle the further development of indicators for measuring the success of the relationship over the next five years after agreements have been further developed and agreed upon;*
- 8 *REQUEST that a further report is presented to Council outlining developments arising from the Jinan delegation visit scheduled for November 2004 and to provide details for a 5-10 year plan to establish and sustain the sister-city relationship that includes details on how the relationship will be measured and monitored;*
- 9 *SUPPORT the ongoing involvement of the stakeholders in pursuing sustainable outcomes for all industry sectors within Joondalup;*
- 10 *THANK all the stakeholders of Joondalup and the staff from the City of Joondalup and the City of Jinan for enabling the success of the historic Joondalup delegation visit to Jinan.*

BACKGROUND

City of Jinan

The City of Jinan is the capital, and political, economic and cultural centre of Shandong Province in eastern China and is known as “the city of springs”, as it is a city famous for a large number of natural springs. The Jinan municipality covers an area of 8,227 square

kilometres (Metropolitan Perth is 7,044 square kilometres in area by comparison) with an urban population of 2.4 million and a total population of 5.34 million (2002 census). The municipality encompasses one City, five urban districts and four counties. If a ranking were to be given to its status Jinan's closest actual equivalent in Australia would be the (Greater) Brisbane City Council in Queensland. Shandong is a province on the economically thriving eastern seaboard that is strategically located as a (rail) transport hub between Beijing (480km to the north) and Shanghai (800km to the south), China's two foremost urban-industrial regions. A detailed profile of Jinan is shown as Attachment 1.

History of relationship

Friendly relations between the City of Joondalup and Jinan, China have been developing since 2000 following a visit by delegates from the Jinan Municipal People's Government to the City.

The City of Joondalup held a public meeting in August 2001 to gauge public support for establishing a Sister City relationship with the City of Jinan. Members of the local community were invited to attend the meeting and joined a number of prominent guests including the former Mayor, Mr John Bombak JP and the Vice Chair of the Australian Sister Cities Association, Ms Jan Teasdale to discuss the establishment of a Sister City relationship. Outcomes from this meeting were positive with all parties agreeing that the development of a Sister City relationship may produce a number of significant benefits for the City of Joondalup.

In late 2001, the former Mayor John Bombak led a delegation to Jinan during the Golden Autumn Trade Fair and in January 2002 Mr Sun Changyin, Chairman of the Jinan Municipal People's Consultative Committee led another delegation to visit Joondalup. During this trip a "Memorandum of Friendly Talks" was signed between the two cities.

In September 2003, Mr Li Zhongxue, the Director of the Jinan Foreign Affairs Office sent a fax to the City to advise that the Chinese Friendship Association with Foreign Countries had issued an approval to formalise friendly relations between the City of Joondalup and Jinan. The fax also extended a formal invitation to the City to lead a delegation to Jinan with the intent of signing a formal protocol of friendly relations as part of the developing relationship between the two cities.

A letter was sent to Jinan in response to this invitation in which the Chairman of Commissioners stated that:

"Joondalup's new Commissioners are aware of the importance of the continuing relationships between our two cities and of the significance of the twin-city relationship approved by the Chinese Friendship Association. We are keen to further develop fruitful relationships between our two cities in the areas of education, tourism, health, trade and business."

In February 2004, Council considered the invitation from Jinan, and resolved to:

- 1 *ACCEPT the invitation and acknowledge the previous relations by the Municipal People's Government of Jinan for the Chairman of the Commissioners of the City of Joondalup to lead a delegation to Jinan;*

- 2 *AUTHORISE the Chairman of Commissioners to commence formal discussions to negotiate an appropriate date for the delegation with the City's key stakeholders and the Jinan People's Municipal Government;*
- 3 *ADVISE the Municipal People's Government that travel and accommodation costs would be borne by each delegate and/or their representative organisation;*
- 4 *LISTS for consideration in 2004/05 budget process the costs of the Chairman's travel and accommodation to Jinan as well as the associated costs of hosting an inbound delegation (excluding their accommodation and airfare costs) during the 2004/05 financial year from Jinan."*

Further details on the history of the relationship with Jinan can be found in the following reports, previously submitted to Council:

- CJ007 - 02/04 Invitation to further formalise friendly relations with Jinan in Shandong Province, China – [52469] [11014]
- CJ155 - 07/04 Delegation to formalise friendly relations with Jinan in Shandong Province, China – [52469] [11014].

Formation of a delegation

Following the February 2004 Council resolution, discussions to join the delegation were held with key Learning City partners and other key industry stakeholders. A twelve-person delegation was formed and left for Jinan in September 2004. The delegation comprised of the following representatives from key industry sectors and service providers within the City of Joondalup:

Name	Position	Organisation
Mr John Paterson	Chairman of Commissioners	City of Joondalup
Ms Rhonda Hardy	Manager Strategic & Sustainable Development	City of Joondalup
Professor Patrick Garnett	Deputy Vice Chancellor	Edith Cowan University
Mr David Curry	President	Joondalup Business Association
Mr Kempton Cowan	Director of Hospital	Joondalup Health Campus
Mr James Chan	Managing Director	Joondalup Resort Hotel
Mr Alan Green	Acting President	Sunset Coast Tourism Association
Mr Graeme Lienert	Assistant Commissioner of Police (Corruption Prevention and Investigation)	Western Australia Police Service
Ms Sue Slavin	Managing Director	West Coast College of TAFE
Mr Peter Flatt	Senior Asset Manager	ING Real Estate and Owner of Lakeside Shopping Centre
Dr Glenn Watkins	Chairman	International Institute of Business & Technology (IIBT)
Mr David Xu	Director	International Institute of Business & Technology (IIBT)

DETAILS

Objectives of the delegations visit to Jinan

The main objectives of the Joondalup delegations visit to Jinan were:

- For Mr John Paterson, in his official capacity as the Chairman of Commissioners of the City of Joondalup, to sign a formal protocol of “friendly relations” with Jinan on behalf of the City; and
- To promote the City of Joondalup and its key industries of business, health, safety, education and tourism to China.

Brief details of trip

The Joondalup delegation comprised 12 representatives from key industry sectors and service providers within the City of Joondalup. The delegation visited the Australian Embassy in Beijing and met with senior officials. Whilst in Jinan, the Joondalup delegation met with a large number of Government officials (People’s Communist Party and Jinan Municipal Government) and industry counterparts.

In total, the delegation spent 4 days (5 nights) in Jinan and 3 days (2 nights) in Beijing. A summarised itinerary is provided below with additional details provided further on in this report and in relevant appendices.

Summarised Itinerary

Date	Event
1 September 2004	Depart Perth (0100hrs), Arrive Beijing (1600hrs)
2 September 2004	Meeting with Australian Embassy officials in Beijing (0900hrs), Depart Beijing (1745hrs), Arrive Jinan (1830hrs)
3 September 2004	Attended the Jinan Tourism Trade Fair Official Luncheon with Jinan Foreign Affairs Office Major site visits Dinner hosted by Mr Lei Jianguo, Vice Party Secretary from Communist Party of China (CPC) Jinan Committee
4 September 2004	Site Visit to Qufu Official Luncheon with Qufu Municipal Officers Return to Jinan 4pm - Signing of Formal Protocol between Chairman of Commissioners & the Mayor of Jinan Meetings with Key Industry leaders from the following areas: <ul style="list-style-type: none"> • Health • Education • Police and Security • Tourism Official Dinner Banquet hosted by Mayor of Jinan
5 September 2004	Official Inspection of Jinan Police Services Site Visit to Jinan Hospital Site Visit to Jinan Traditional Chinese Medical Hospital Site Visit Qilu Software Technology Park Meeting with Jinan Tourism Bureau Evening Presentation to Students of English at Jinan University

Date	Event
6 September 2004	Meeting with Officials from Jinan University and Jinan Education Bureau Site Visit to Jinan University Official Luncheon hosted by Vice Chancellor, Jinan University Meeting with Director of Cadre Education office – Human Resource Department of the Jinan Municipal Government Meeting with China Chamber of International Commerce (Jinan Chamber) Meeting with China Chamber of International Commerce – Shandong) Meeting with Jinan City Federation of Industry and Commerce Meeting with Jinan Chamber of Commerce Official Dinner hosted by Deputy Mayor of Jinan
7 September 2004	Return to Beijing (0800hrs) Meeting with Australian Federal Police at the Australian Embassy Meeting with Beijing Club Meeting with AustCham Beijing (China-Australia Chamber of Commerce) Site Tours – Beijing
8 September 2004	Depart Beijing for return trip to Perth (0845hrs)

THURSDAY 2 SEPTEMBER 2004

Australia's relationship with China – Details of meeting with the Australian Embassy

On 2 September 2004 the Joondalup delegation met with 5 officials from the Australian Embassy in Beijing:

Mr Steve Scott	Economic Counsellor to China
Ms Jenny Tranter	Australian Federal Police
Mr Scott Mann	Second Secretary, Department of Immigration
Ms Katherine Campbell	Counsellor, Education, Science and Training
Mr Liu Bing	First Secretary, Trade Commissioner, Austrade

The meeting provided a strong insight to the economic situation of China and in particular Shandong Province. The Australian Economic Counsellor indicated the key trade interest in China is due to the strong growth currently being experienced. Last year, China's growth rate was 9.1% and 2004 is presently at 9.7%. The central government run by the Communist Party of China (CPC) is aiming at slowing growth in 2004-2005 to avoid economic overheating and is attempting to stabilise growth back to 7-8%. China has a massive itinerant population and associated social issues to address. The economy of China is constrained by energy supplies, factory shutdowns, transport limitations and the level of funding required for the upgrade and expansion of infrastructure.

Other items of discussion included:

- China's increasing debt ratio and the opening of the Chinese banking sector to the rest of the world;
- The shifting Chinese population (from western to eastern China)
- Free trade agreement between Australia and China;

- The current involvement by Australian Governments (at any level) in Jinan and Shandong Province;
- Increasing numbers of visa applications;
- Expanding tourism sector;
- Crime and terrorism;
- Educational reforms and the expansion of China's post-secondary participation rates
- Training and development for employees of Chinese organisations is increasing
- Current numbers of Chinese students in Australia and Western Australia and the major opportunity to increase these numbers, particularly in WA;
- Partnership programs for the delivery of education and training;
- Level of Government support required for positioning WA (and Joondalup) in China
- Austrade advised of the current and proposed future relationships with Chinese companies and companies based in Jinan;
- Austrade plan to do more with Small and Medium enterprises in China through trade fairs, exhibitions etc;
- Australian Embassy Officials acknowledged the significance of the relationship between Joondalup and Jinan.

Full details of the meeting with the Embassy are shown as Attachment 2.

FRIDAY 3 SEPTEMBER 2004

2004 China International Tourism Fair – Jinan

On 3 September 2004 the Joondalup delegation attended the China International Tourism Fair held at the Jinan Convention Centre. The Fair welcomed tourism operators from all over the globe to present their tourism products to the people of Jinan and Shandong Province. The three-day fair was attended by hundreds of thousands of people. Joondalup was represented at the Fair with a booth providing a range of information on Joondalup. The delegation serviced the Joondalup booth for the day and distributed thousands of pamphlets, brochures and flyers promoting Joondalup as a great place to visit, study, live and work. The Chairman of Commissioners was recognised as a visiting foreign dignitary in the official opening ceremony by the Minister for Tourism. The opening ceremony was broadcast on Jinan television news.

Meeting with Deputy Chairman of the Jinan People's Congress

On the evening of 3 September 2004 the Deputy Chairman of the Jinan's People Congress Mr Nui Hongen, the Secretary-General of the Jinan's People Congress and the Deputy Director of the Jinan Foreign Affairs office, Madame Dhi Xiuqin hosted dinner for the delegation. The media were also in attendance. The evening included exchanges of information in regard to the members of the delegation and the intent to develop exchange of services between the two Cities in the industry sectors that constitute education, small business, health, police and security training, local government training and exchanges programmes, tourism and hospitality.

SATURDAY 4 SEPTEMBER 2004

Visit to the Town of Qufu – The Home of Confucius

On Saturday 4 September 2004, the delegation was taken by bus to the historic locality of Qufu. Qufu is the home of the great Chinese philosopher Confucius and has a population of one million residents living a semi rural lifestyle. The delegation was able to experience the urban to rural scenery around Jinan and its counties and also experienced the incredible infrastructure of roads and highways that network localities. Jinan's large population demands that enormous quantities of supplies are delivered to cities daily and the road systems need to be able to support the transportation requirements for product exchanges. Infrastructure in China and Shandong Province is as advanced as any country in the world and Chinese engineering was held in high regard by the visiting delegation.

Signing Of Formal Protocol to form Sister City Relationship

Saturday 4 September 2004 marked the historic signing of the Sister City relationship. In a highly publicised event the Joondalup delegation met with the Mayor of Jinan, Jinan Government officials and industry leaders to witness the signing ceremony. The ceremony was filmed and televised to all citizens of Jinan via the Jinan television.

Mr Sun Xiaogong presided over the ceremony. Mr Li Zhongxue read the Chinese version of the Protocol and Ms Rhonda Hardy read the English version of the protocol. The Mayor of Jinan and the Chairman of Commissioners duly signed the protocol.

The protocol document reads as follows:-

PROTOCOL ON THE ESTABLISHMENT OF FRIENDLY RELATIONSHIP BETWEEN THE CITY OF JINAN OF SHANDONG PROVINCE OF THE PEOPLE'S REPUBLIC OF CHINA AND THE CITY OF JOONDALUP OF AUSTRALIA

In accordance with the principles on the establishment of diplomatic relations between Australia and the People's Republic of China, and for the purpose of further consolidating and developing the friendly cooperation between the two cities and promoting the understanding and friendship between the people of the two countries, the city of Joondalup of Australia and the city of Jinan of the People's Republic of China have signed this protocol.

The two parties confirm that, on the principle of equality and mutual benefit, the governments of the two cities will actively encourage and promote the expansion of co-operation and exchanges in the fields of economy, trade, science and technology, education, culture, tourism and in other relevant fields concerned.

Dignitaries from Jinan that attended the event included:

- Mayor Bao Zhiqiang
- Lei Jianguo, Vice Party Secretary of the CPC Jinan Committee
- Mr. Xie Chuanren, Vice Director of the Standing Committee of Jinan's Peoples Congress
- Madame Rao Manni, Vice Chairman of the Jinan's Peoples Political Consultative Conference (Advisory Body of Jinan)

- Mr. Sun Xiaogang, Secretary-general of Jinan Municipal Government
- Mr. Qi Jiabin, Deputy Director of the General Office of Jinan Municipal Government for International Exchange
- Mr Li Zhongxue, Director of Jinan Foreign Affairs Office
- Mrs Li Min, Deputy Director of Jinan Foreign Affairs Office
- Mr Youpei, Deputy of Jinan Economic Committee
- Mr Meng Fuqiang, Head of Jinan Public Security Bureau
- Mr Liu Yuangang, Head of Jinan Education Bureau
- Mr Wang Jianguo, Head of Tourism Bureau
- Mr Jia Tanghong, Head of Board of Health
- Mr Li Shouren, President of Jinan Chamber of Commerce

Following the signing ceremony a number of industry meetings were run where counterparts from the industry sectors from Jinan and the delegation were able to meet and discuss specifics about their respective industries.

The separate meetings encompassed the education, security, health, business and tourism sectors. The meetings enabled counterparts from the two Cities to form closer one-on-one relationships and discuss ideas for pursuing opportunities of mutual benefits for the two Cities.

The evening culminated in an official banquet that was hosted by the Mayor of Jinan. This was a hugely successful evening where all attendees were relaxed and enjoyed the spirit of cooperation that was emanating from this newly formed relationship between two distinct yet somewhat similar cultures.

SUNDAY 5 SEPTEMBER 2004

Visit to Jinan Central Hospital and Traditional Chinese Medical Hospital

Sunday 5 September 2004 the delegation was taken for a press conference, meeting and tour of the largest hospital in Jinan. The Jinan Central Hospital is the largest hospital for the region and services patients of similar quantities to that of our Joondalup Hospital. The delegation was taken on a tour of the hospital and noted the many new additions and upgrades that were being introduced. A notable difference between the Jinan Hospital and the Joondalup Hospital was the number of patients treated in-house versus out-patients. Jinan Hospital provided the majority of out-patient services that are provided by GPs in Australia. Mr Kempton Cowan Director of Joondalup Hospital requested a further visit of the hospital, which was organised for the following day in order that he could gauge a more full understanding of the operations of the hospital.

Meeting with Tourism Officials

Mr Allan Green, Acting President of Sunset Coast Tourism Association met with officials of the Jinan Tourism Bureau to undertake discussions to forge stronger links between tour operators of Jinan. The market for tourism in Jinan is a potential growth sector and as China and Australian ties are strengthened the availability of tourist visas will increase.

Visit to Police Headquarters

Mr Graeme Lienert, Assistant Commissioner of Police accompanied the Jinan Head of Police as his special guest to undertake an inspection of Police Headquarters and to gain an understanding of the inner workings of security within Jinan and to also advance opportunities for exchange programmes between the Western Australian Police Services and the Jinan Police Service.

Visit to Qilusoft Park – Technology Development Centre

The delegation was taken on a tour of the largest software development centre in Shandong. The Qilusoft Park was purposely built by the Jinan Government to attract large global software development corporations to operate from the centre. The technology park is now home to many large companies such as Microsoft, Texas Instruments, Sun Systems, IBM and many more. The development of communications technologies is world class and the entire complex impressive.

Presentation to English Studies Student – Jinan University

On Sunday evening the delegation presented themselves before 1000 students from Jinan University undertaking English language studies. The Chairman of Commissioners gave a speech to the students and a video of Joondalup and its educational facilities was shown. The students were excited by prospects of furthering their studies in Joondalup and the evening presentation was a huge success. Students swamped the delegation with questions about Australia and Joondalup.

MONDAY 6 SEPTEMBER 2004**Visit to Jinan University**

On Monday 6 September the Delegation was taken to Jinan University to meet with University officials. The Jinan officials were keen to develop programmes between the two Universities. Mr Cheng Xin, President of the Jinan University who outlined the potential for a relationship that would see students complete 2 years of their university studies at ECU in Joondalup.

Meeting with Cadre Education Office – Human Resources Department of the Jinan Municipal Government

The Chairman of Commissioners and other delegates attended a meeting with officials from the Human Resources Department to gain support for the introduction of a local Government professional development program to be facilitated by the City of Joondalup. The program would involve a partnership between West Coast College, Edith Cowan University and the City of Joondalup and a regional country Council in Western Australia. The program would be targeted at senior level officers within the Jinan Municipal Government who would live in Joondalup for a 4 month intensive training and mentoring program. The Director of the Personnel Department, Mr Li Guo Gang outlined that staff development programmes were currently being provided in Maryland, United States, however the Jinan Government were interested in broadening the supply base and the possibility of sending officers to Joondalup would be investigated.

Meeting with Chamber of Commerce

Mr David Curry, President of the Joondalup Business Association met with counterparts from the Jinan Chamber of Commerce and the Jinan City Federation of Industry and Commerce to develop industry links. He also met with officials from the Shandong Chamber of Commerce who indicated they were very interested in signing a protocol agreement with the Western Australian Chamber of Commerce to further enable growth in the small business sector.

Future Development of Friendly relations between Joondalup and Jinan

In August 2004 the Jinan Foreign Affairs Department advised that they would like to make a return visit to Joondalup in November 2004. The Chairman of Commissioners extended a written invitation for the delegation to come to Joondalup. It is envisaged that the City of Joondalup will formalise and advance the relationship between the two Cities by:

- 1 Formalising a relationship against the protocols of the Australian Sister City Association of Australia to further enhance the sister –city relationship.
- 2 Formalising agreements for the implementation of exchange programs such as the Local Government Training and Development program between the two cities
- 3 Develop measures for monitoring the success and sustainability of the relationship

Financial Implications:

The budget for the Jinan Relationship 2004-5 was set at \$15,000, which was to include costs of any inbound delegations. The costs associated with the Joondalup official's travel to Jinan including airfares, accommodation and expenses was \$7,500.

Account No:	1.2130.4901.0001.F681
Budget Item - 2004/2005:	Learning City Project
Sub-allocation amount for Jinan:	\$15,000
Actual Cost:	\$7,500

COMMENT

The City of Joondalup has shown leadership and innovation in the way it has pursued and established a sister city relationship that has a strong basis in economic development for the City. This has been recognised by the State Government officials from the Department of Industrial Relations and also Federal officials at the Australian embassy in Beijing. The City of Joondalup must now promote its relationship and raise awareness of the benefits that can be accrued to its residents.

Key findings

- Highly advanced economic and cultural/social society
- Improvements identified in environmental issues, population health – air quality
- Massive scale diversification of skills and jobs – demand in the area of training and development and management quality systems that can be explored for market feasibility
- Long-term relations need to be established through the development of a strategic relationship plan.

Whilst the City of Jinan has a population of about 6 million, they are very keen to establish a City Sister relationship with Joondalup regardless that our population consists of only 160,000. Jinan has ten other Sister City relationships that they see as very important to their future development.

There are enormous opportunities to be gained in the areas of education, training, tourism and business exchange. However, it needs to be recognised that this will be a long-term relationship with performance indicators set for 5-10 years so that the City of Joondalup can evaluate the real benefits to be gained. It needs to be understood that only 20% of Sister City relationships provide any real value, even when both parties are being genuine about making it happen.

One of the problems with future direction will be change within our key stakeholders. In China, it is obvious that Sister City relationships are very much about people as well as industry. The City of Joondalup will need to work out how to maintain continuity of the people to be involved in the long-term. This may require that Council consider the use of an 'honorary ambassador' role or something similar to ensure continuity of people to this relationship.

Potential Opportunities identified For Local Government – A Training and Mentoring Program between Joondalup and Jinan

The primary purpose of the delegation for the City of Joondalup was to strengthen the ties that are developing between the two cities as well as provide further opportunities for the Joondalup region to promote its exportable services.

One such service that can be delivered by the City of Joondalup is a Training, Mentoring and Exchange Programme for Jinan Government Officials to come and live in Joondalup and access such a program. This idea was discussed at length during a meeting with the Foreign Affairs Office and Jinan Human Resource Department. The Foreign Affairs Office have expressed significant interest in developing programs that will facilitate opportunity for their government officials to access various education and training services that the Learning City partners can provide. The relationship between the two cities can provide the mechanism for new markets to be created around education and training that will further support the City of Joondalup's sustainable economic viability into the future.

With respect to Local Government, the Jinan Government has indicated an interest in pursuing a programme in Australia whereby senior government officials could participate in a mentoring and training programme that will provide a number of dimensions. Preliminary discussions on this matter have commenced and were furthered during the visit. It is expected that the matter can be pursued to agreements stage during the visit from the Chinese delegation in November.

A scenario for an education programme facilitated by Local Government was proposed as follows:

A programme in Australia may run for 4 months and may be broken down into 4 areas of activity:

- 1 Orientation and Closing - The first two weeks may be used to orientate the participants to living in Perth, the functions of Joondalup City Council and further English preparation (particularly in terms of local council language). The last two weeks would be devoted to finalising the course, particularly in terms of participants' own requirements, certificate presentations and final dinners.
- 2 Knowledge transfer - This activity will be part of the remaining 3 months. The transfer may include:
 - The more academic areas of organisational change, leadership, management, cultural differences, governance and E-procurement can be delivered in partnership with ECU through its Masters programs.
 - The functions of state and local governments including structure, planning (urban and strategic), finance, audit, community development, human resources, library and information services, maintenance, waste, development etc.
- 3 Skill transfer - Participants will be assigned mentors to give them a "hands on" appreciation of the functions and activities of Joondalup Council.
- 4 Visits to other regional local government(s). During the program participants will be taken to review other country shires and cities. This will also allow them to visit other parts of Western Australia.

The key benefits that the City could derive from such an arrangement would include:

- A new revenue stream,
- Transfer of cross cultural understanding,
- Exchange of language development,
- Broadening of skills and knowledge
- Greater level of satisfaction and motivation for City employees who become involved in broadening their roles as mentors and trainers
- Measurable outcomes that will sustain the economic and social development of the sister city relationship.

Overall Impressions

Jinan has many aspects that are complementary with Joondalup. For example the City of Jinan is known as the 'spring city' whereas Joondalup is defined as the 'lake city'. The Chinese have demonstrated overwhelming friendship and openness during the visit. Meetings held with the State Government Department of Industry and Resources (DOIR) and the Australian Embassy in Beijing endorsed the work of the Joondalup delegation as being a very desirable initiative for developing long-term relationships with China and in particular its second tier Cities.

The relationship with Jinan and Joondalup could provide a model for Local Government whereby the forming of international relationships is based on building tangible benefits for two communities or regions. Joondalup can gain significant benefits through utilising our intellectual capital in new and innovative ways.

Given the State government is positioned to develop contracts of large scale resourcing; the Local Government sector is well equipped to provide services such as training and development to a global marketplace.

The Jinan relationship will inevitably support cultural diversification and the City's Cultural Plan directions – which will enable the City to promote the relationship to the Chinese community of Perth and attract their interest and support to Joondalup.

China is a creative country and ingenious in the manner in which it provides vibrancy into their cities through materials, colours and lighting. The City of Joondalup can learn much from its relationship with Jinan, as Jinan has much to learn from Joondalup about western culture and customs in order that it may enter the global village in a seamless manner and with the assistance guidance and support of Australian and Joondalup.

Future directions

The City of Joondalup will now be in a position to develop a plan for the ongoing interactions between the cities over the next five to ten years and to establish milestones, benchmarks and indicators for reporting progress from actions back to Council. It is envisaged that during the visit to Joondalup in November 2004 Jinan Officials will be able to progress and sign agreements so that programmes may be planned and implemented from 2005 onwards.

Industry Sector Reports from Delegates

Individual reports from all of the industry delegates that visited Jinan can be found at Attachment 4. These reports feature a detailed summary of the impressions of the trip from the view of the respective delegates and their organisations including key findings from the visit, potential opportunities identified, overall impressions and future directions for development of the Sister City relationship. Reports from the following people and their organisations are included in the appendix:

- Professor Patrick Garnett, Edith Cowan University (Education)
- Mrs Sue Slavin, Executive Director, West Coast College of TAFE
- Mr Graeme Lienert, WA Police Services (Police services and security)
- Mr Alan Green, Sunset Coast Tourism Association (Tourism)
- Mr James Chan, Joondalup Resort (Hospitality/tourism)
- Mr Kempton Joondalup Health Campus (Health/hospital services)
- Mr David Curry, Joondalup Business Association (Small business)
- Mr Peter Flatt, ING real estate (Retail development)
- Mr Glen Watkins and Mr David Xu (Education Private)

Australian Sister City Association

The Australian Sister Cities Association is a national association of towns, shires, cities, ports and even States that have a Sister City relationship. It keeps a register of all Australian affiliations, of which it is aware, and encourages their extension.

The purpose of the ASCA is to assist its members establish and maintain Sister City relationships and to link together members who have similar goals and values in the pursuit of continually improving Sister City relationships.

The main objective of the ASCA is to provide an umbrella of support and to promote these affiliations. ASCA also aims to provide a forum for cultural, economic and educational interchange between communities and to encourage friendship, co-operation and understanding to improve peaceful coexistence worldwide.

The ASCA has four main goals:

- 1 Co-ordinate, inform and grow the membership of ASCA.
- 2 Empower communities to establish and further develop their Sister City relationships.
- 3 Develop national and international alliances
- 4 Promote Sister City alliances.

The ASCA has a register of members sister city relationships on their website in a document entitled *Register of Affiliations*.

Corporate membership of the ASCA is based on an annual fee of \$550 (including GST).

This report makes recommendation that the City of Joondalup join the ASCA in order to gain the many years of experience and knowledge that can be accessed and to also understand how other sister cities are sustained over time. Greater details of ASCA are shown as Attachment 4 to this report.

ATTACHMENTS

Attachment 1	Profile of Jinan
Attachment 2	Details on the meeting with Australian Embassy Officials, Beijing, 2 September 2004
Attachment 3	Industry Sector Reports from Delegates
Attachment 4	Details on the Australian Sister City Association

VOTING REQUIREMENTS

Simple Majority

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

- 1 NOTE the report and its associated Attachments to Report CJ250-11/04;**
- 2 ENDORSE that the invitation from the Chairman of Commissioners for an inbound delegation from Jinan to visit Joondalup has been tentatively set for mid to late November 2004;**
- 3 REQUEST that the Acting Chief Executive Officer progress arrangements to provide for adequate hosting of the incoming Jinan delegation in November 2004;**
- 4 SUPPORT the further development of the Sister City relationship with Jinan;**
- 5 ENDORSE the City of Joondalup to become a member of the Australian Sister City Association (ASCA) and to provide the ASCA with details of the sister city relationship with Jinan for listing on their website and within the register of affiliations document;**
- 6 SUPPORT in principle the progression of negotiations toward the establishment of the Local Government Training and Exchange program with officials from the Jinan Municipal Government;**
- 7 APPROVE in principle the further development of indicators for measuring the success of the relationship over the next five years after agreements have been further developed and agreed upon;**
- 8 REQUEST that a further report is presented to Council outlining developments arising from the Jinan delegation visit scheduled for November 2004 and to provide details for a 5-10 year plan to establish and sustain the sister-city relationship that includes details on how the relationship will be measured and monitored;**
- 9 SUPPORT the ongoing involvement of the stakeholders in pursuing sustainable outcomes for all industry sectors within Joondalup;**
- 10 THANK all the stakeholders of Joondalup and the staff from the City of Joondalup and the City of Jinan for enabling the success of the historic Joondalup delegation visit to Jinan.**

Discussion ensued in relation to the potential advantages to arise from this City Sister relationship and the return visit from delegates of Jinan at the end of November 2004.

A booklet has been produced in both English and Chinese of the recent visit to Jinan by key stakeholders within the City of Joondalup.

Commissioners commended staff for their input and work undertaken in relation to this issue.

The Motion was Put and

CARRIED UNANIMOUSLY (5/0)

Appendix 2 refers

To access this attachment on electronic document, click here: [Attach2agn021104.pdf](#)

Comr Anderson declared an interest that may affect his impartiality in Item CJ251-11/04 – Minutes of Sustainability Advisory Committee Meeting, 14 October 2004 as he is Chairman of the Sustainability Advisory Committee.

CJ251 - 11/04 MINUTES OF SUSTAINABILITY ADVISORY COMMITTEE MEETING, 14 OCTOBER 2004 – [00906]

WARD - All

PURPOSE

The unconfirmed minutes of the Sustainability Advisory Committee meeting held on 14 October 2004 are submitted for noting by Council.

EXECUTIVE SUMMARY

The Sustainability Advisory Committee (SAC) met on 14 October 2004. Several items of Business were discussed including SAC member participation in the Community Funding Round I 2003/04 (Sustainability Category) assessment panel, review of the Public Participation Policy and Strategy methodology, endorsement of a new Sustainability Advisory Committee (SAC) member, the development of a protocol for matters referred to the Committee from the CEO and the endorsement of the Draft Strategic Work Plan for the SAC.

This report recommends that the Joint Commissioners:

- 1 *NOTE the unconfirmed minutes of the Sustainability Advisory Committee meeting held on 14 October 2004 forming Attachment 1 to Report CJ251-11/04;*
- 2 *NOTE that the Sustainability Advisory Committee will develop a statement of principle which commits all policy of Council to sustainability objectives as is expressed in the City's Strategic Plan 2003 – 2008;*
- 3 *NOTE that the Sustainability Advisory Committee:*
 - (a) *RECEIVED a report and presentation on the methodology of the Public Participation Strategy and REQUESTED more information on the sampling methodology to be provided to the Committee;*
 - (b) *THANK the Council staff for the efforts in bringing the Public Participation Strategy to the Committee;*
- 4 *NOTE that the Sustainability Advisory Committee:*
 - (a) *RECEIVED the report on the 2004/05 Community Funding Round I (Sustainable Development Category);*

- (b) *NOMINATES Ms Marilyn Horgan, Mr Will Carstairs and Mr S Magyar (Deputy) (Sustainability Advisory Committee members) to participate in the assessment panel for the 2004/05 Community Funding Round I (Sustainable Development Category);*
- 5 *NOTE that the Sustainability Advisory Committee:*
- (a) *RECEIVED a report advising on the development of a protocol on a methodology and criteria for matters to be referred to the Sustainability Advisory Committee;*
- (b) *REQUESTS that the draft protocol on a methodology and criteria be provided to the Committee for review;*
- 6 *NOTE that the Sustainability Advisory Committee ACCEPTS the nomination of Mr Kieron D’Arcy to join the Committee and seeks Council ENDORSEMENT of the nomination;*
- 7 *NOTE that the Sustainability Advisory Committee ENDORSES the Draft Strategic Work Plan as amended;*
- 8 *ENDORSE the Sustainability Advisory Committee’s Strategic Work Plan as amended;*
- 9 *NOTE that the Sustainability Advisory Committee and Administration will further develop and update the Sustainability Advisory Committee’s Strategic Work Plan;*
- 10 *NOTE that the Sustainability Advisory Committee will be provided with draft corporate Key Performance Indicators being developed by the City’s Administration for comment;*
- 11 *NOTE that the request for the City’s Community Development Plans (including the cultural, recreational and social plans) to be referred to the Sustainability Advisory Committee for review at the draft stage will be progressed administratively. City Administration will arrange for a presentation of the Community Development Plans at a future Sustainability Advisory Committee meeting.*

DETAILS

The unconfirmed minutes of the Sustainability Advisory Committee meeting, held on 14 October 2004 are provided at Appendix 1.

ITEM 1 REVIEW OF PUBLIC PARTICIPATION POLICY 2.6.3.

The Public Participation Policy 2.6.3 was written in 1999 with the following objective:

To outline the City’s commitment to actively involve the community in Council’s planning, development and service delivery activities.

The policy defines public participation as:

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

The policy also emphasized that public participation could include, but should not be limited to:

- Public consultation
- Public relations
- Information dissemination
- Conflict resolution

Consideration was given to replacing the policy with an alternate Community Consultation Policy but the Joint Commissioners decided to retain the original policy in February 2004.

The Committee seeks to develop a statement of principle that incorporates sustainability into all Council policy to ensure sustainability is given consideration in policy review. Council staff will investigate an appropriate means to develop the statement of principle ensuring linkages with the State Sustainability Strategy and City's Strategic Plan 2003 – 2008.

ITEM 2 PRESENTATION OF THE DEVELOPMENT OF THE PUBLIC PARTICIPATION STRATEGY.

The City's Public Participation Policy 2.6.3 was created in 1999. The Joint Commissioners gave consideration to replacing this policy with an alternate Community Consultation Policy in February 2004. However, their decision was to retain the current policy.

The Public Participation Strategy will constitute a "how to" methodology that can be used across the whole organisation, the proposed program for developing the strategy will involve a process of research that will:

- Identify opportunities for public participation, leading to the development of discrete projects or models that can be tested for efficacy prior to their being incorporated into the final strategy;
- Identify the best methods for attracting and engaging local people with the clear intent of acting for the 'common good' who can take part - and also obtain satisfaction - from opportunities to participate in City projects.

The City Administration presented to the Sustainability Advisory Committee the current progress of the Public Participation Strategy. This provided the opportunity to have a greater understanding and input into appropriate aspects of the Strategy.

Following the presentation to the Committee, it was requested that SAC be provided with specific details of the methodology used to prepare the Strategy's work plan. Several members of the Sustainability Advisory Committee have significant experience and qualifications relating to public participation and can provide Council with value added input into the process, given adequate background into the methodology.

ITEM 3 COMMUNITY FUNDING 2004/05 (SUSTAINABLE DEVELOPMENT CATEGORY) ASSESSMENT PANEL PARTICIPANTS REQUIRED.

Submissions for the City of Joondalup's Community Funding (Sustainable Development Category Round I 2004/05) close on the 7 October 2004. The funding submissions require assessment panel to determine the merits of submissions in accordance with the City's priorities and objectives. The funding assessment panel is envisaged to comprise of two (2) Sustainability Advisory Committee members and two (2) staff from the Strategic and Sustainable Development business unit.

The Sustainability Advisory Committee was requested to provide nominations for the Community Funding (Sustainable Development Category Round I 2004/05) and the following members nominated to assist with the assessment of the Community Funding:

- 1 Ms Horgan
- 2 Mr Carstairs
- 3 Mr Magyar

Whilst only two (2) members are required, an extra member was nominated in the case of another nominee being unavailable (deputy).

The Committee requests that Council note the nominees for the Community Funding Round I 2004/05 (Sustainable Development Category) assessment panel.

ITEM 4 DEVELOPMENT OF A PROTOCOL ON A METHODOLOGY AND CRITERIA FOR MATTERS TO BE REFERRED TO THE SUSTAINABILITY ADVISORY COMMITTEE.

At the Meeting of the Joint Commissioners on 21 September 2004 a resolution was passed that the Acting Chief Executive Officer will provide a report on suitable protocols on a method and criteria for matters to be referred to the Sustainability Advisory Committee. These matters are required to fall under the Objectives in the Committee's Terms of Reference and whether it is appropriate, for such protocols to be included in the Terms of Reference under Clause 5 – Management.

The criterion and methodology is currently being investigated and will be provided to the Committee on completion for comment.

The Committee requested that Council enable the Sustainability Advisory Committee to provide comment in the development of a report on protocol on a methodology and criteria for matters to be referred to the Sustainability Advisory Committee. The Committee was advised this report would be developed by City Administration and referred back to the Sustainability Advisory Committee for comment.

This input into the protocol on a methodology and criteria will ensure that Council refers relevant matters to the Committee in support of the City's Strategic Plan 2003 – 2008 and the Committee's Strategic Work Plan.

ITEM 5 ENDORSEMENT OF A NOMINATION FROM MR KIERON D'ARCY TO JOIN THE SUSTAINABILITY ADVISORY COMMITTEE.

The City received a resignation letter dated 6 July 2004 from Sustainability Advisory Committee (SAC) member Mr Paul Gerrans who was unable to continue as a member of SAC due to increased teaching commitments from July 2004. The Joint Commissioners accepted the resignation of Mr Paul Gerrans from the Sustainability Advisory Committee on the 21 September 2004. This subsequently created a vacancy that the Strategic and Sustainable Development business unit have sought to fill.

A nomination from Mr Kieron D'Arcy was received on the 4 October 2004 in response to advertisements placed in local newspapers for a new member to provide economic expertise on the committee.

The administration views the inclusion of Mr D'Arcy on the Sustainability Advisory Committee as being a significant step in supporting economic sustainability outcomes for the City. Mr D'Arcy's experience in business management and strategic working parties will provide the SAC with improved economic expertise with which to advise Council.

The Committee requested that the City Administration clarify the administrative process relating to Council's role in appointing new members to the Sustainability Advisory Committee.

The Committee accepted the nomination from Mr D'Arcy to fill the Council endorsed vacancy in the Sustainability Advisory Committee, and seeks Council acceptance of the nomination.

ITEM 6 SUSTAINABILITY ADVISORY COMMITTEE'S DRAFT STRATEGIC WORK PLAN.

The Sustainability Advisory Committee's Strategic Work Plan provides a structured direction for the Committee and clearly identifies its role with regard to supporting sustainability principles within the City. It also clearly presents the coordination of administrative tasks to be produced.

It is estimated that the achievement of all tasks identified through the strategic planning workshop will take approximately 3 years. During this period, the committee will annually review this process and its progress in achieving the agreed upon objectives identified in the initial workshop process.

The Sustainability Advisory Committee reviewed the Draft Strategic Work Plan to ensure roles and responsibilities were adequately defined and tasks would provide significant progress towards sustainability for the City and its community. The Committee concluded that plans developed by Community Development are relevant and appropriate for the Committee to review, and consequently requested the opportunity to review these plans. Agreed changes to the Draft Strategic Work Plan were as follows:

- 1 Addition of an estimated timeframe for each strategy;
- 2 To change the overall timeframe for achievement of the identified high priority tasks from 5 years to 3 years, annually reviewed.

City Administration advised they would prepare a Gantt chart to plot the time frames of all the high priority tasks and subtasks from the Strategic Work Plan in order to align the work from the Sustainability Advisory Committee with the planned work of Administration.

COMMENT

Sustainability Advisory Committee's Draft Strategic Work Plan

The Sustainability Advisory Committee made the following recommendation:

MOVED Mr Magyar SECONDED Mr Carstairs that the Sustainability Advisory Committee REQUESTS that all Community Development plans including the cultural, recreational and social plans be referred to the Committee at the draft stage to review for sustainability issues.

The recommendation (above) has particular relevance to the following objective in the Committee's Draft Strategic Work Plan:

Objective 14

To ensure that specific social sustainability indicators to the City link with the Cultural Plan.

Strategy 14.1

Integrate social and sustainability priorities across cultural, social and recreational plans.

Action 14.1a

Review cultural, social and recreational policies to identify synergies across social sustainability issues.

The Sustainability Advisory Committee (SAC) requested the Community Development plans be presented to the Committee and after discussion with City Administration it was agreed that in accordance with the terms of reference 5.6: Deputations, relevant staff have accepted an invitation to present the details of the Community Development Plans at a future SAC Committee meeting. This will enable the proposed resolution of the Committee to be handled administratively.

Officer Recommendation

That the Joint Commissioners NOTE that the request for the City's Community Development Plans (including the cultural, recreational and social plans) to be referred to the Sustainability Advisory Committee for review at the draft stage will be progressed administratively. City Administration will arrange for a presentation of the Community Development Plans at a future Sustainability Advisory Committee meeting.

The Sustainability Advisory Committee seeks Council endorsement of the Strategic Work Plan as amended and will update the Strategic Plan as required to ensure alignment with the City's Strategic direction and operational requirements. To ensure successful implementation

of the Committee's Strategic Work Plan, a set of draft Corporate Key Performance Indicators will be required to quantify the progress of the tasks outlined in the Work Plan. The City is currently investigating the development of a set of appropriate Corporate Key Performance Indicators. The Committee has requested that the draft Corporate Key Performance Indicators are provided to the Committee for review.

Endorsement of a nomination from Mr Kieron D'Arcy to join the Sustainability Advisory Committee

The Sustainability Advisory Committee made the following recommendation:

MOVED Mr Down SECONDED Mr Carstairs that the Sustainability Advisory Committee accepts the nomination of Mr Kieron D'Arcy to join the Committee.

Mr Magyar questioned the administrative requirements of endorsing the new member and the need for Council to endorse the nomination of Mr D'Arcy to join the Sustainability Advisory Committee. Council staff had previously requested advice on this matter from City Administration and advice was received that it is appropriate for the Sustainability Advisory Committee to endorse the new member. Upon subsequent evaluation of the original Council endorsement of Committee members (names) rather than offices, Administration seeks Council endorsement of the Committee's acceptance of the nomination from Mr D'Arcy.

Officer Recommendation

That the Joint Commissioners NOTE that the Sustainability Advisory Committee ACCEPTS the nomination of Mr Kieron D'Arcy to join the Committee and seeks Council ENDORSEMENT of the nomination.

GENERAL BUSINESS

1 CONSIDERATION OF PROXY/DEPUTY MEMBER FOR THE SUSTAINABILITY ADVISORY COMMITTEE

Cmr Anderson requested that in order to ensure that future meetings have a quorum that the Committee considers establishing proxy members (with full voting rights) that may attend in the place of a Committee member when they are unable to be present. It was proposed that the proxy members would also be able to attend SAC meetings when the regular members are in attendance and would be listed as visitors (with no voting rights).

The Committee requested a report in a future agenda on how the Sustainability Advisory Committee may progress a list of proxy/deputy members to each office (position) for the Committee to ensure a quorum is achieved at every meeting.

2 SUSTAINABILITY CONSIDERATIONS FOR THE CITY'S PURCHASE OF FLEET VEHICLES

Ms Hardy provided details to the Committee on a Council resolution that was passed at the meeting of the Joint Commissioners on 12 October 2004. This resolution requested that the Sustainability Advisory Committee investigate and report to Council on matters relating to the operating of corporate vehicles (including hybrid vehicles) that adheres to best practice sustainability principles.

Mr Reay detailed how the City has recently committed to the TravelSmart Work Place program – designed to provide strategies for green transport initiatives for staff. The program requires the development of a Green Transport Plan within 12 months and the strategy will provide a strategic plan for the incorporation of issues such as vehicle fleet management.

Cmr Anderson requested that a working party be established to address vehicle fleet issues relating to the City and Committee members nominate to assist staff from the City in the investigation of the issues relating to sustainable vehicle fleet management.

The Chairperson requested expressions of interest to join the working group and the following members were suggested to assist with the assessment of any future purchase of hybrid vehicles:

- 1 Mr Brueckner
- 2 Mr Wake
- 3 Ms Goeft

The Sustainability Advisory Committee made the following recommendation:

MOVED MR Brueckner SECONDED Mr Down that the Sustainability Advisory Committee establish a working group with Council Officers to review hybrid and executive vehicles of which the outcomes will be provided to the Sustainability Advisory Committee at the next full meeting.

It should be noted that the Administration have considered this recommendation and have determined that the recommendation can be acted upon administratively, where a report will be developed and referred to the working group representatives for review and comment. The report will then be finalised for actioning to the next Sustainability Advisory Committee meeting for their endorsement.

3 APPOINTMENT OF THE NEW CHIEF EXECUTIVE OFFICER

Committee will include the Chairpersons from each of the City's Committees including the Sustainability Advisory Committee. The Committees currently operational at the City are as follows:

- The Sustainability Advisory Committee
- The Conservation Advisory Committee
- The Joondalup Youth Advisory Council
- The Seniors Interests Advisory Committee
- CBD Enhancement Project Steering Committee

Mr Carstairs requested why the advertisement for the new CEO position required a tertiary qualification, considering that this may exclude some potential candidates. Cmr Anderson explained to the Committee that a basic tertiary qualification would be required to fulfil the duties of the position.

4 REQUEST FOR SUBMISSION TO THE NETWORK CITY: COMMUNITY PLANNING STRATEGY FOR PERTH AND PEEL DOCUMENT

Ms Hardy outlined how Officers from the City had recently attended a seminar relating to the Department of Planning and Infrastructure's document *Network City: Community Planning Strategy for Perth and Peel* and that the City would be making a formal submission.

Ms Horgan explained to the Committee the significance of the *Network City: Community Planning Strategy for Perth and Peel* document and requested Committee members to relevant comments on the document to the City.

Mr Reay noted that a copy of the document would be made available to interested Committee members on compact disk due to the impracticality of emailing the large file via email. Submissions need to be received at the City by 22 October 2004 to ensure that they are considered with the City's final submission.

ATTACHMENTS

Attachment 1 The unconfirmed minutes of the Sustainability Advisory Committee meeting held on 14 October 2004.

VOTING REQUIREMENTS

Absolute Majority

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

- 1 NOTE the unconfirmed minutes of the Sustainability Advisory Committee meeting held on 14 October 2004 forming Appendix 1 to Report CJ251-11/04;**
- 2 NOTE that the Sustainability Advisory Committee will develop a statement of principle, which commits all policy of Council to sustainability objectives as is expressed in the City's Strategic Plan 2003 – 2008;**
- 3 NOTE that the Sustainability Advisory Committee:**
 - (a) RECEIVED a report and presentation on the methodology of the Public Participation Strategy and REQUESTED more information on the sampling methodology to be provided to the Committee;**
 - (b) THANK the Council staff for the efforts in bringing the Public Participation Strategy to the Committee;**
- 4 NOTE that the Sustainability Advisory Committee:**
 - (a) RECEIVED the report on the 2004/05 Community Funding Round I (Sustainable Development Category);**
 - (b) NOMINATE Ms Marilynn Horgan, Mr Will Carstairs and Mr S Magyar (Deputy) (Sustainability Advisory Committee members) to participate in the assessment panel for the 2004/05 Community Funding Round I (Sustainable Development Category);**

- 5 NOTE that the Sustainability Advisory Committee:**
- (a) RECEIVED a report advising on the development of a protocol on a methodology and criteria for matters to be referred to the Sustainability Advisory Committee;**
 - (b) REQUEST that the draft protocol on a methodology and criteria be provided to the Committee for review;**
- 6 NOTE that the Sustainability Advisory Committee ACCEPTS the nomination of Mr Kieron D’Arcy to join the Committee and seeks Council ENDORSEMENT of the nomination;**
- 7 NOTE that the Sustainability Advisory Committee ENDORSES the Draft Strategic Work Plan as amended;**
- 8 ENDORSE the Sustainability Advisory Committee’s Strategic Work Plan as amended;**
- 9 NOTE that the Sustainability Advisory Committee and Administration will further develop and update the Sustainability Advisory Committee’s Strategic Work Plan;**
- 10 NOTE that the Sustainability Advisory Committee will be provided with draft corporate Key Performance Indicators being developed by the City’s Administration for comment;**
- 11 NOTE that the request for the City’s Community Development Plans (including the cultural, recreational and social plans) to be referred to the Sustainability Advisory Committee for review at the draft stage will be progressed administratively. City Administration will arrange for a presentation of the Community Development Plans at a future Sustainability Advisory Committee meeting.**

Cmr Anderson spoke in support of the Motion and commended both the City and the Sustainability Advisory Committee for the work undertaken in relation to sustainability issues.

AMENDMENT MOVED Cmr Smith, SECONDED Cmr Clough that Point 2 of the Motion be amended to read:

- “2 NOTE that the Sustainability Advisory Committee wishes to develop a statement of principle, which commits all policy of Council to sustainability objectives as is expressed in the City’s Strategic Plan 2003 – 2008, and request the Committee to wait until after the Council’s Policy workshop prior to commencing this work;”**

Discussion ensued.

The Amendment was Put and

CARRIED

The Original Motion, as amended, being:**That the Joint Commissioners:**

- 1 NOTE the unconfirmed minutes of the Sustainability Advisory Committee meeting held on 14 October 2004 forming Appendix 1 to Report CJ251-11/04;**
- 2 NOTE that the Sustainability Advisory Committee wishes to develop a statement of principle, which commits all policy of Council to sustainability objectives as is expressed in the City's Strategic Plan 2003 – 2008, and request the Committee to wait until after the Council's Policy workshop prior to commencing this work;**
- 3 NOTE that the Sustainability Advisory Committee:**
 - (a) RECEIVED a report and presentation on the methodology of the Public Participation Strategy and REQUESTED more information on the sampling methodology to be provided to the Committee;**
 - (b) THANK the Council staff for the efforts in bringing the Public Participation Strategy to the Committee;**
- 4 NOTE that the Sustainability Advisory Committee:**
 - (a) RECEIVED the report on the 2004/05 Community Funding Round I (Sustainable Development Category);**
 - (b) NOMINATED Ms Marilyn Horgan, Mr Will Carstairs and Mr S Magyar (Deputy) (Sustainability Advisory Committee members) to participate in the assessment panel for the 2004/05 Community Funding Round I (Sustainable Development Category);**
- 5 NOTE that the Sustainability Advisory Committee:**
 - (a) RECEIVED a report advising on the development of a protocol on a methodology and criteria for matters to be referred to the Sustainability Advisory Committee;**
 - (b) REQUEST that the draft protocol on a methodology and criteria be provided to the Committee for review;**
- 6 NOTE that the Sustainability Advisory Committee ACCEPTS the nomination of Mr Kieron D'Arcy to join the Committee and seeks Council ENDORSEMENT of the nomination;**
- 7 NOTE that the Sustainability Advisory Committee ENDORSES the Draft Strategic Work Plan as amended;**

- 8 **ENDORSE the Sustainability Advisory Committee's Strategic Work Plan as amended;**
- 9 **NOTE that the Sustainability Advisory Committee and Administration will further develop and update the Sustainability Advisory Committee's Strategic Work Plan;**
- 10 **NOTE that the Sustainability Advisory Committee will be provided with draft corporate Key Performance Indicators being developed by the City's Administration for comment;**
- 11 **NOTE that the request for the City's Community Development Plans (including the cultural, recreational and social plans) to be referred to the Sustainability Advisory Committee for review at the draft stage will be progressed administratively. City Administration will arrange for a presentation of the Community Development Plans at a future Sustainability Advisory Committee meeting.**

was Put and

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

Appendix 3 refers

To access this attachment on electronic document, click here: [Attach3agn021104.pdf](#)

CJ252 - 11/04 FINANCIAL REPORT FOR THE PERIOD ENDING 30 SEPTEMBER 2004 – [07882]

WARD - All

PURPOSE

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

EXECUTIVE SUMMARY

The September 2004 year to date report shows an overall variance (under spend) of \$4.1m when compared to the year to date adopted budget.

This variance can be analysed as follows:

- The **Operating** position (Change in Net Assets Before Reserve Transfers) shows an actual surplus of \$41.3m compared to a budgeted surplus of \$39.3m at the end of September 2004. The \$2.0m variance is due primarily to a favourable variance in Employee costs, Consultancy costs, Administration costs, Contributions and Minor equipment purchases.
- **Capital Expenditure** is \$1.1m under spent due to the deferral of heavy and light vehicle purchases.

- **Capital Works and Corporate Projects** expenditure is \$1.7m against a year to date budget of \$2.7m. This is a timing difference of which \$0.7m relates to normal Capital Works while \$0.3m relates to Capital Works classified as Corporate Projects. Total committed funds in relation to all Capital Works are \$3.5m.

DETAILS

The financial report for the period ending 30 September 2004 is appended as Attachment A.

Statutory Provision:

In accordance with Section 6.4 of the Local Government Act (1995) a local government is to prepare an annual financial report for the preceding year and such other financial reports as are prescribed. Regulation 34 of the Local Government (Financial Management) Regulations 1996 details those other financial reports which need to be prepared and states that they are to be presented to Council and recorded in the minutes of the meeting at which they are presented.

ATTACHMENTS

Attachment 1 Financial Report for the period ending 30 September 2004.

VOTING REQUIREMENTS

Simple Majority

MOVED Cmr Anderson, SECONDED Cmr Smith that the Financial Report for the period ending 30 September 2004 be NOTED.

The Motion was Put and

CARRIED UNANIMOUSLY (5/0)

Appendix 4 refers

To access this attachment on electronic document, click here: [Attach4brf261004.pdf](#)

**CJ253 - 11/04 WARRANT OF PAYMENTS 30 SEPTEMBER 2004 –
[09882]**

WARD - All

PURPOSE

The Warrant of Payments for the month ended 30 September 2004 is submitted to the Joint Commissioners for approval.

EXECUTIVE SUMMARY

This report details the cheques drawn on the funds during the month of September 2004 and seeks approval by the Joint Commissioners for the payments listed.

FUNDS	DETAILS	AMOUNT
Director Corporate Services & Resource Management Advance Account	67001 – 67529 & EFT 726 - 921	\$9,390,062.60
Municipal Account	000700 – 000707 & 21A, 22A, 25A & 26A	\$44,924,449.22
Trust Account		Nil
	TOTAL	\$54,314,511.82

The Director Corporate Services & Resource Management Advance Account is an imprest account and was reimbursed from the Municipal Account during the month. The difference in total between the Municipal Account and the Director of Corporate Services & Resource Management Advance Account is attributable to the direct debits by the Westpac Bank and the Commonwealth Bank for bank charges, credit card charges, investments and dishonoured cheques being processed through the Municipal Fund. During the month, the City received a large proportion of its rates and invested the surplus cash. The investment of these funds are included as payments in the Municipal Account and is the major reason for the large difference between the Municipal Account and the Director of Corporate Services & Resource Management Advance Account payments. The cheque and voucher registers are appended as Attachments A & B.

The total of all other outstanding accounts received but not paid at the close of September 2004 was **\$ 550,957.04**.

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 **\$54,314,511.82** which is to be submitted to the Joint Commissioners on 2 November 2004 has been checked, is fully supported by vouchers and invoices 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 were 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 **\$54,314,511.82** was submitted to the Joint Commissioners on 2 November 2004.

.....
JOHN PATERSON
Chairman of Commissioners

STATUTORY PROVISION

The Council has delegated to the CEO the exercise of its power to make payments from the Municipal and Trust Funds, therefore in accordance with Regulation 13(1) of the Local Government (Financial Management) Regulations 1996, a list of accounts paid by the CEO is prepared each month showing each account paid since the last list was prepared. In addition regulation 13 (4) requires that after the list of payments has been prepared for a month, the total of all other outstanding accounts is to be calculated and a statement of that amount is to be presented to the Council.

ATTACHMENTS

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

VOTING REQUIREMENTS

Simple Majority

MOVED Cmr Clough, SECONDED Cmr Smith that the Joint Commissioners APPROVE for payment the following vouchers, as presented in the Warrant of Payments to 30 September 2004, certified by the Chairman of Commissioners and Director Corporate Services & Resource Management and totalling \$54,314,511.82.

FUNDS	DETAILS	AMOUNT
Director Corporate Services & Resource Management Advance Account	67001 – 67529 & EFT 726 - 921	\$9,390,062.60
Municipal Account	000700 – 000707 & 21A, 22A, 25A & 26A	\$44,924,449.22
Trust Account		Nil
	TOTAL	\$54,314,511.82

The Motion was Put and

CARRIED UNANIMOUSLY (5/0)

Appendix 5 refers

To access this attachment on electronic document, click here: [Attach5brf261004.pdf](#)

CJ254 - 11/04 HYBRID VEHICLES FOR USE BY COUNCIL OFFICERS – [08178]

WARD - All

PURPOSE

To report on the option of purchasing Hybrid vehicles for use by City officers.

EXECUTIVE SUMMARY

The two most dominant hybrid vehicles in the Australian market at present, are the Toyota Prius and the Honda Civic Hybrid. These vehicles offer exceptional fuel economy with reduced emissions compared to conventional petrol vehicles of similar size. However, the actual fuel consumption varies substantially depending on driving and operating conditions.

The City has 15 four cylinder sedans that are used for transportation of officers who carry out various duties such as pool inspections, urban design and planning approvals.

It is recommended that the Joint Commissioners:

- 1 NOTE the details on Hybrid Vehicles contained within this report;*
- 2 REFER this report to the Sustainability Advisory Committee for consideration when investigating options (including hybrid vehicles) relating to the operating of corporate vehicles that adhere to best practice sustainability principles.*

BACKGROUND

At the budget committee meetings held on the 25 and 27 May 2004, the Joint Commissioners requested that the City investigates the option of Hybrid vehicles for use by all officers.

At the Special Council Meeting of 19 August 2004, Report JSC29-08/04 requested, “that a report be submitted to Council on the option of hybrid vehicles for use by all officers”.

At the Council meeting of 12 October 2004, report CJ230-10/04 requested inter alia that "the Sustainability Advisory Committee investigate and report to the Council on options (including hybrid vehicles) relating to the operating of corporate vehicles that adheres to best practice sustainability principle".

Strategic Plan:

The City of Joondalup recognises the importance of being environmentally responsible in its activities and as such, the use of Hybrid vehicles by all officers would support the Strategic Plan Objective 2.1 - “To plan & manage our natural resources to ensure environmental sustainability”.

DETAILS

Hybrid vehicles combine the internal combustion engine of a conventional vehicle with the battery and electric motor of an electric vehicle, resulting in up to twice the fuel economy of conventional vehicles. The petrol motor and the vehicles rolling motion, charge the main drive battery. No outside electricity sources are required to charge the drive battery.

Electric drive makes regenerative braking possible, allowing at least some of the kinetic energy usually lost during stop-start urban driving to be transferred to the storage battery. The petrol engine in Hybrid vehicles is also smaller than the one in the equivalent conventional car and can be run near its optimum operating point for improved energy efficiency.

A hybrid vehicle is primarily a city car and in that environment, its engineering and design strategies can be optimized, resulting in extraordinarily good fuel consumption and excellent usable performance.

Hybrid vehicles switch off the petrol engine when stationary, to save fuel and restart the engine when the drive battery cannot power the electric motor. The drive battery is recharged or the power used to operate the vehicle, during decelerating or when surplus power is available from the petrol engine.

At present the two most dominant hybrid vehicles in the Australian market are the Toyota Prius and the Honda Civic Hybrid

Toyota Prius

The first generation Toyota Prius, released in 2001 and priced at \$36,000 (without GST), was a breakthrough car - a hybrid petrol/electric design that achieved a realistic level of sales, at least in the US. In Australia, just a handful were sold to private buyers (more went to government departments wanting to look green) and all buyers then experienced horrendous depreciation as the public anticipated the release of the series two Prius. The series one currently sells for around 58% of its new price after 3 years, whilst a Nissan Pulsar would be expected to sell for over 65% of its new price.

Toyota released the Prius series two in October 2003 and is currently priced on the WA State Government vehicle contract 012A 1994, at around \$33,000 (without GST). It is better equipped and much more powerful than the first. The 1.5 litre 4 cylinder petrol engine produces 57kW and the electric motor can produce 50kW. Running in parallel the petrol engine and electric motor produce 82kW of power.

Fuel consumption is quoted at 4.4 litres/100km. However, this figure can vary substantially depending on the load in the vehicle, road conditions, amount of stop/start driving and driver technique.

Routine servicing cost is similar to that of a conventional vehicle however the drive battery costs \$4,900 to replace. It is covered under warranty for 5 years & has an expected life of 10 years.

Since the Toyota Prius series two was released in October 2003, approximately 68 have been sold in Western Australia with 20 being purchased through the State Government purchase contract.

Honda Civic Hybrid

Honda's Civic Hybrid, is similarly technically advanced, but is priced \$5000 below the Toyota and is not offered on the State Government vehicle contract. Its petrol engine is a 1.3 litre 4 cylinder, producing 63kW of power. Combined with the electric motor the power plant produces 69kW. The ultra thin electric motor is not as powerful, as that in the Prius and peak torque is only 147Nm at 2000rpm.

Fuel consumption is quoted at 5.2 litres/100km. However, this figure can vary substantially depending on the load in the vehicle, road conditions, amount of stop/start driving and driver technique.

Routine servicing cost is similar to that of a conventional vehicle however the drive battery costs \$1,800 to replace. It is covered under warranty for 7 years & has an expected life of 10 years.

Since the Civic Hybrid was released in June 2004, approximately 15 have been sold in Western Australia. Honda would not release details on how many went to Local or State Government organisations.

Financial Implications:

The purchase of vehicles for the City is funded from the Light Vehicle Reserve Fund. The Reserve Fund collects funds from each internal user of the vehicle, based on the kilometres travelled. Each vehicle has an internal hire charge that has been set to recover funds for its capital replacement and to recover all operating costs such as fuel, repairs, registration and licensing.

The current four cylinder conventional vehicles used within the City's fleet are the Toyota Corolla and the Nissan Pulsar. A comparison between these two vehicles and the two hybrids over a 20,000km per annum, three year period based on an unleaded petrol price of \$0.91cents per litre shows the most economical Hybrid vehicle saving \$1,750 in fuel over the three years, compared to the most economical conventional vehicle.

However, this saving may be reduced when the Hybrid vehicle is sold at the end of three years, depending on the strength of the second hand market at that time, for Hybrid type vehicles. Based on current expectations, the Honda Civic Hybrid, being the lower purchase price hybrid, will lose \$7,000 compared to an \$8,000 loss for the Prius. The Pulsar is the lower priced conventional vehicle and is expected to lose only \$4,200 in value on disposal. Consequently, although the Hybrid vehicles save fuel and are less polluting, the saving in the fuel cost is eroded by the reduced return to the City upon disposal of the vehicle.

The table below shows the estimated operating and capital costs of the two models of 4 cylinder conventional vehicles used by the City, compared to the two Hybrid vehicles over a 3 year period based on travelling 20,000km per annum;

Vehicle Type	Toyota Corolla	Nissan Pulsar	Toyota Prius	Honda Civic Hybrid
Purchase Cost	\$19,900	\$15,700	\$33,000	\$28,000
Estimated Resale Value	\$13,500	\$11,500	\$25,000	\$21,000
Loss in Value	\$6,400	\$4,200	\$8,000	\$7,000
Capital Recovery Rate (Cap)	\$0.11/km	\$0.07/km	\$0.13/km	\$0.12/km
Fuel Cost	\$4,150	\$4,150	\$2,400	\$2,840
Other Estimated Operating Costs	\$2,385	\$2,485	\$2,600	\$2,600
Operating Recovery Rate (Op)	\$0.11/km	\$0.11/km	\$0.08/km	\$0.09/km
Total Running Rate (Cap + Op)	\$0.22/km	\$0.18/km	\$0.21/km	\$0.21/km
Total Cost over three years	\$12,935	\$10,835	\$13,000	\$12,440

The City has 15 four cylinder sedans, that are used for transportation of officers who carry out various duties such as pool inspections, urban design and planning approvals. Ten vehicles of these are also used by officers as commuting vehicles, three are parked overnight at the Joondalup Administration building and two are used by officers with private use rights.

Additional funding of approximately \$184,500 (15 x \$28,000 minus 15 x \$15,700) would be required to replace these 15 vehicles with Civic Hybrid vehicles to supplement the funds collected in the Light Vehicle Reserve through operating the conventional vehicles. An estimated further \$24,075 (15 x \$12,440 minus 15 x \$10,835) over three years, would be required to fund the estimated difference in total running cost between the most economical conventional vehicle and the Hybrid. It should be noted that the total running cost includes the loss in value between the cost of the vehicle when new and the amount recouped on disposal.

Very few used Hybrid vehicles have been sold in Australia. Hence without market values to base Hybrid vehicle resale values on, the values given in the table above were calculated on 75% of the retail price. The 75% is based on the loss in value of a 3 year old conventional Honda Civic and it is assumed that the Hybrid will have a similar decrease in value. The actual resale value after three years could be affected by world oil prices and the release of other models into the market.

Sustainability Implications:

Hybrid vehicles offer environmental benefits because they are more fuel efficient than the conventional petrol only vehicle. Over 60,000km the Hybrid vehicle would produce 4.5 tonnes less Carbon Dioxide (CO₂) than the conventional vehicle.

As one tree absorbs around 14 kg of CO₂ each year, the environmental benefit would be similar to a forest of 320 trees, over the 60,000km life of each vehicle.

COMMENT

The decision to purchase a hybrid vehicle for inclusion in a fleet is currently driven primarily by non-financial considerations such as reducing greenhouse gas emissions, setting an example or meeting organisational environmental targets. As these vehicles become more widespread, organisations will find that the emphasis is likely to shift to whole-of-life cost analysis and retained value.

Hybrid vehicles are fuel efficient and consume as little as 4.4 litres per 100km although in driving operations normally required, within the City of Joondalup, the actual consumption could be as much as 40% higher. The higher the fuel consumption, the lower the economic and emission benefits available from operating Hybrid vehicles, compared to conventional petrol only vehicles.

As the actual fuel consumption, together with future disposal values of Hybrid vehicles have only been estimated, present calculations show that the City can purchase and operate the Nissan Pulsar at a lower cost than both the major Hybrids in the Australian market.

The higher purchase cost and expected value on disposal negate the cost saving on fuel consumption, however, the reduced fuel consumption of the Hybrid will always offer environmental benefits due to reduced emissions.

The use of hybrid vehicles is one of many sustainability initiatives and considerations being examined by the City and in view of the Joint Commissioners resolution of 12 October 2004, it is recommended that the details contained within this report be noted by Council and referred to the Sustainability Advisory Committee to facilitate their investigations.

ATTACHMENTS

Nil

VOTING REQUIREMENTS

Simple Majority

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

- 1 NOTE the details on Hybrid Vehicles contained within Report CJ254-11/04;**
- 2 REFER this report to the Sustainability Advisory Committee for consideration when investigating options (including hybrid vehicles) relating to the operating of corporate vehicles that adhere to best practice sustainability principles.**

Cmr Anderson made reference to alternative options in relation to hybrid vehicles produced by other vehicle manufacturers to those listed within the report.

The Motion was Put and

CARRIED UNANIMOUSLY (5/0)

**CJ255 - 11/04 DISPOSAL OF LOT 5 (10) POIMENA MEWS,
KINGSLEY – [01051]**

WARD - South

PURPOSE

The purpose of this report is to seek the Joint Commissioners approval to dispose by public auction, or by negotiation after auction, lot 5 (10) Poimena Mews, Kingsley.

EXECUTIVE SUMMARY

A confidential report has been forwarded to the Joint Commissioners under separate cover.

At the meeting of 18 May 2004 the Joint Commissioners approved the sale of Lot 5 (10) Poimena Mews with the proceeds to be set aside in a specific reserve set up for community facilities in Kingsley.

A disposal strategy has been formulated, in consultation with real estate professionals, which recommends disposal by public auction to ensure:

- the maximum value is obtained for the site; and
- compliance with the Local Government Act 1995

BACKGROUND

The Joint Commissioners, at the Council meeting of 18 May 2004 (CJ103-05/04), resolved to:

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.

In the period following the above Council resolution, the building situated on Lot 5 (10) Poimena Mews, Kingsley has been demolished and the site cleared ready for disposal.

Suburb/Location:	Lot 5 (10) Poimena Mews, Kingsley
Owner:	Freehold land owned by the City of Joondalup
Zoned:	Residential
Size:	1204 square metres
Density Code:	R20

DETAILS

Submissions were called from three local real estate agents to submit sale proposals with costs for the disposal of the Kingsley property. Sales proposals submitted included:

Auction

Private Treaty – Exclusive Listing

Private Treaty – Multiple Listing

For Sale by Tender

Real Estate advice recommended sale by public auction as the preferred strategy to obtain the maximum value for the land.

Statutory Provisions:

The disposal of the land, by public auction, complies with the of the Local Government Act 1995:

Sections 3.58(2) Except as stated in this section, a local government can only dispose of property to –

- (a) the highest bidder at public auction; or*
- (b) the person who at public tender called by the local government makes what is, in the opinion of the local government, the most acceptable tender, whether or not it is the highest tender.*

Section 5.42(1) A local government may delegate to the CEO the exercise of any of its powers or the discharge of any of its duties under this Act other than those referred to in section 5.43 and this power of delegation.*

****Absolute majority required.***

Section 59 of the *Interpretation Act 1984* Construction of power to delegate also refers:

- (1) Where a written law confers power upon a person to delegate the exercise of any power or the performance of any duty conferred or imposed upon him under a written law –*

- (b) *such a delegation may be made subject to such conditions, qualifications, limitations or exceptions as the person so delegating may specify*

A business plan is not required as the value of the land is estimated as less than \$500,000 and as such does not constitute a “Major Land Transaction”.

Strategic Implications:

The proceeds of the sale is to be set aside in a specific reserve account set up for community facilities in the suburb of Kingsley.

COMMENTS

Under the **Statutory Provisions** in the Council Report CJ103 – 05/04 dated 18 May 2004, it was noted that “The disposal strategy will be determined in consultation with real estate professionals in the area to ensure that maximum value is obtained for the site”.

Real Estate advice recommended sale by public auction as the preferred strategy to obtain the maximum value for the land. As the amount of vacant land in the area was scarce, the public auction option would see competing purchasers actively bidding for the site.

ATTACHMENTS

Attachment 1 Confidential Report in relation to the disposal of Lot 5 (10) Poimena Mews, Kingsley (circulated under separate cover to Commissioners only)

VOTING REQUIREMENTS

Absolute Majority

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

- 1 in accordance with section 3.58(2) of the Local Government Act 1995 AGREE to dispose of Lot 5 (10) Poimena Mews, Kingsley by public auction;**
- 2 AGREE to set the reserve price for the sale of Lot 5 (10) Poimena Mews, Kingsley as detailed in confidential report forming Attachment 1 to Report CJ255-11/04;**
- 3 AUTHORISE the Acting Chief Executive Officer to negotiate with any interested parties after the auction, if the property fails to reach the reserve, with the negotiations being limited to the percentage variation detailed in the confidential report forming Attachment 1 to Report CJ255-11/04.**

Cmr Smith spoke to the Motion.

The Motion was Put and

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

CJ256 - 11/04 TENDER NUMBER 012-04/05 PROVISION OF CONCRETE PATHS, DUAL USE PATHS, CROSSOVERS AND PUBLIC ACCESS WAYS – [87564]

WARD - All

PURPOSE

To seek the approval of the Joint Commissioners to choose the tender submitted by Dowsing Concrete as the successful tenderer for the Provision of Concrete Paths, Dual Use Paths, Crossover and Public Access Ways (Tender Number 012-04/05).

EXECUTIVE SUMMARY

Tenders were advertised on 8 September 2004 through statewide public tender for the Provision of Concrete Paths, Dual Use Paths, Crossover and Public Access Ways. Tenders closed on 23 September 2004. A total of two submissions were received, which were from Dowsing Concrete and Westside Concrete Contractors Pty Ltd.

It is recommended that the Joint Commissioners:

- 1 *CHOOSE Dowsing Concrete as the successful tenderer for the Provision of Concrete Paths, Dual Use Paths, Crossovers and Public Access Ways (Tender No. 012-04/05) in accordance with the schedule of rates as outlined in Attachment 1 to Report CJ256-11/04;*
- 2 *AUTHORISE the Acting Chief Executive Officer (A/CEO), on behalf of the City, to enter into a contract with Dowsing Concrete in accordance with the tender submitted by Dowsing Concrete, subject to any minor variations that may be agreed between the A/CEO and Dowsing Concrete;*
- 3 *DETERMINE that the contract is to be for an initial period of 6 months with an option to extend, subject to satisfactory performance reviews, for a further maximum period of 30 months, in 6-month increments, with the total term of the contract not to exceed 3 years.*

BACKGROUND

The City installs many concrete footpath and dual use paths and occasionally this includes crossovers and public access ways. It was identified by the City, during last financial year, that the previous specification required review to strengthen delivery requirements in terms of timelines and workmanship. As such, the tender was not extended for the final 12-month option. The new tender document was reviewed and advertised, which included a compulsory pre-tender briefing to highlight the changes made. The tender recommendations are now submitted for approval of the Joint Commissioners.

DETAILS

A total of two submissions were received, which were from Dowsing Concrete and Westside Concrete Contractors Pty Ltd.

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

The second part of the evaluation process involved an independent assessment of the qualitative criteria by each member of the Evaluation Team. 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.

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

The Selection Criteria for this tender was as follows:

Performance and Experience of Tenderer in providing similar services:

- Relevant Industry Experience, including details of similar work undertaken.
- Details of previous projects should include, but not necessarily limited to, description,
- Location, original and final construction amounts, date, duration, client, role on project
- 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
- Written References from past and present clients

Beneficial Effects of Tender/Local Content:

- The Potential Social and Economic Effect of the tender on the City of Joondalup community
- Infrastructure/Office/Staff/Suppliers/Sub-Contractors with the City of Joondalup
- Value Added items offered by tenderer
- Sustainability/Efficiency/Environmental

Tendered Price/s:

- The price to supply the specified good or services, licensing, training
- Schedule of rates for additional goods or services, variations and disbursements
- Discount, settlement terms

The submission received from Dowsing Concrete ranked the highest in terms of the selection criteria and is accordingly the recommended tenderer. The assessment panel also recommends that the initial period of the contract should be six months with performance reviews held every six months to address current concerns with service delivery.

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 neither is located in Joondalup.

Financial Implication:

In accordance with Operation Services annual maintenance and capital budgets as authorised by Council.

COMMENT

All tenders received were assessed in accordance with *Regulation 18(4)* of the *Local Government (Functions & General) 1996*. The assessment panel identified the tender submitted by Dowsing Concrete as the highest rated tenderer and has recommended that the tender be chosen as the successful tenderer.

ATTACHMENTS

Attachment 1 Price Schedule

VOTING REQUIREMENTS

Simple Majority

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

- 1 CHOOSE Dowsing Concrete as the successful tenderer for the Provision of Concrete Paths, Dual Use Paths, Crossovers and Public Access Ways (Tender No. 012-04/05) in accordance with the schedule of rates as outlined in Attachment 1 to Report CJ256-11/04;**
- 2 AUTHORISE the Acting Chief Executive Officer (A/CEO), on behalf of the City, to enter into a contract with Dowsing Concrete in accordance with the tender submitted by Dowsing Concrete, subject to any minor variations that may be agreed between the A/CEO and Dowsing Concrete;**

- 3 DETERMINE that the contract is to be for an initial period of 6 months with an option to extend, subject to satisfactory performance reviews, for a further maximum period of 30 months, in 6-month increments, with the total term of the contract not to exceed 3 years.**

The Motion was Put and

CARRIED UNANIMOUSLY (5/0)

Appendix 21 refers

To access this attachment on electronic document, click here: [Attach21agn021104.pdf](#)

CJ257 - 11/04 TENDER NUMBERS 009-04/05 - LANDSCAPE MAINTENANCE SERVICES – ILUKA – [80564]

WARD - All

PURPOSE

To seek the approval of the Joint Commissioners to choose the tender submitted by Sanpoint Pty Ltd trading as Landscape Development, for the Landscape Maintenance Services – Iluka.

EXECUTIVE SUMMARY

Tenders were advertised on 8 September 2004 through statewide public notice for Landscape Maintenance Services - Iluka. Tenders closed on 23 September 2004. A total of five submissions were received, which were from Grounds and Gardens trading as Grounds and Gardens Pty Ltd, Programmed Maintenance Services Limited, Sanpoint Pty Ltd trading as Landscape Development, Elegant Landscapes Pty Ltd and Environmental Industries Pty Ltd.

It is recommended that the Joint Commissioners:

- 1 Deem the tender submitted by Environmental Industries Pty Ltd as non-conforming in accordance with Regulation 18(2) of the Local Government (Functions and General) Regulations 1996 because it failed to fully comply with the essential requirements specified in the request for tender;*
- 2 Choose Sanpoint Pty Ltd trading as Landscape Development as the successful tenderer for the Landscape Maintenance Services - Iluka (Tender No. 009-04/05) in accordance with the Schedule of Rates as outlined in Attachment 1 to CJ257-11/04;*
- 3 Authorise the Acting Chief Executive Officer (A/CEO), on behalf of the City, to enter into a contract with Sanpoint Pty Ltd trading as Landscape Development in accordance with the tender submitted by Sanpoint Pty Ltd trading as Landscape Development, subject to any minor variations that may be agreed between the A/CEO and Sanpoint Pty Ltd trading as Landscape Development;*

- 4 *Determine that the contract is to be for an initial period of 12 months commencing on the 1 December 2004 with an option to extend, subject to satisfactory annual performance reviews, for a further maximum period of 24 months, in 12 month increments, with the total duration of the contract not to exceed 3 years.*

BACKGROUND

The Beaumaris Beach Homeowner's Association was formed in June 1999 to investigate the options for installation of a Specified Area Rating (SAR) for landscape maintenance within the location of Iluka.

The Joint Commissioners at that time, supported a proposal to implement a SAR for the location of Iluka, commencing on 1 July 1999, and is still in place today.

DETAIL

A total of five submissions were received, which were from Grounds and Gardens trading as Grounds and Gardens Pty Ltd, Programmed Maintenance Services Limited, Sanpoint Pty Ltd trading as Landscape Development, Elegant Landscapes and Environmental Industries Pty Ltd.

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

Regulation 18(2) of the *Local Government (Functions and General) Regulations 1996* states:

'A tender that is submitted at a place, and within the time, specified in the invitation for tenders but fails to comply with any other requirement specified in the invitation may be rejected without considering the merits of the tender'.

Under clause 4.4.4 of the request for tender, tenderers were required to complete the entire price schedule by inserting fixed prices in each row. The tender submitted by Environmental Industries Pty Ltd did not provide prices for each item in the schedule of rates, which was an essential requirement of the request for tender. Accordingly it is recommended that the tender submitted by Environmental Industries Pty Ltd be deemed non-conforming.

Under Clause 1.8.3 'Alternative Tenders' of the conditions of tendering it states:

'All alternative tenders shall be accompanied by a conforming tender.

Definition: a tender that offers qualification, conditions, terms, specification, materials, workmanship or any other thing not conforming to the tender requirements'.

Elegant Landscapes Pty Ltd failed to submit prices for traffic management. In addition, it qualified its tender for weed spraying and fertilizer and submitted the tender as valid for only 60 days, instead of the required 90 days. Therefore, Elegant Landscapes Pty Ltd did not comply with the requirements specified in the request for tender. Accordingly the tender submitted by Elegant Landscapes Pty Ltd is non-conforming.

The second part of the evaluation process involved an independent assessment of the qualitative criteria by each member of the Evaluation Team. 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.

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

The Selection Criteria for Tender number 009-04/05 was as follows:

Resources and Experience of Tenderer in providing similar services:

- Relevant Industry Experience, including details of providing similar supply. Tenderers shall submit a Detailed Schedule of previous experience on similar and/or relevant projects.
- Past Record of Performance and Achievement.
- Level of Understanding of tender documents and work required.
- Written References from past and present clients.
- Ability to provide usage and expenditure information.
- Ability to provide electronic pricing schedules.

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.
- Management Methodology.

Beneficial Effects of Tender/Local Content:

- The Potential Social and Economic Effect of the tender on the City of Joondalup community.
- Infrastructure/Office/Staff/Suppliers/Sub-Contractors within the City of Joondalup
- Value Added items offered by tenderer.
- Sustainability/Efficiency/Environmental.

Safety Management:

- Occupational Health and Safety Management System and Track Record for the past five years.

Tendered Price/s:

- The price to supply the specified goods or services.
- Schedule of rates for additional goods or services, variations and disbursements.
- Discounts, settlement terms.

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; none of the tenders received are located in Joondalup.

Financial Implications:

In accordance with Operation Services, Annual Maintenance Budget as authorised by Council.

COMMENTS

The remaining three tenders were assessed in accordance with *Regulation 18(4)* of the *Local Government (Functions & General) 1996*. In reviewing the conforming tenders, the assessment panel identified the tender submitted by Sanpoint Pty Ltd trading as Landscape Development as the highest ranked tenderer in the qualitative and quantitative criteria and has recommended that Sanpoint Pty Ltd trading as Landscape Development be chosen as the successful tenderer.

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 term will be for an initial period of twelve (12) months (commencing on 1 December 2004 and ending on 30 November 2005). There will be an option to extend the contract for a further twenty four (24) months that will be subject to suitable performance by the Contractor in annual performance reviews that ensure that the requirements of the contract have been met. Subject to a satisfactory outcome of each review an extension, in increments of twelve-month periods, will be made. The duration of the contract will not exceed three (3) years.

ATTACHMENTS

Attachment 1 Price Schedule

VOTING REQUIREMENTS

Simple Majority

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

- 1 DEEM the tender submitted by Environmental Industries Pty Ltd as non-conforming in accordance with Regulation 18(2) of the Local Government (Functions and General) Regulations 1996 because it failed to fully comply with the essential requirements specified in the request for tender;**
- 2 CHOOSE Sanpoint Pty Ltd trading as Landscape Development as the successful tenderer for the Landscape Maintenance Services - Iluka (Tender No. 009-04/05) in accordance with the Schedule of Rates as outlined in Attachment 1 to Report CJ257-11/04;**
- 3 AUTHORISE the Acting Chief Executive Officer (A/CEO), on behalf of the City, to enter into a contract with Sanpoint Pty Ltd trading as Landscape Development in accordance with the tender submitted by Sanpoint Pty Ltd trading as Landscape Development, subject to any minor variations that may be agreed between the A/CEO and Sanpoint Pty Ltd trading as Landscape Development;**
- 4 DETERMINE that the contract is to be for an initial period of 12 months commencing on the 1 December 2004 with an option to extend, subject to satisfactory annual performance reviews, for a further maximum period of 24 months, in 12 month increments, with the total duration of the contract not to exceed 3 years.**

The Motion was Put and

CARRIED UNANIMOUSLY (5/0)

Appendix 6 refers

To access this attachment on electronic document, click here: [Attach6brf261004.pdf](#)

**CJ258 - 11/04 MAIN ROADS WA - HEAVY VEHICLE ACCESS
PROJECT – [23548]**

WARD - All

PURPOSE

The Joint Commissioners give consideration to Main Roads WA (MRWA) proposed amendments to its heavy haulage permit system.

EXECUTIVE SUMMARY

Main Roads WA (MRWA) is investigating a change to its heavy haulage permit system. As a result of increasing industry requirements for permits and the number of permits issued per year, the Heavy Vehicle Access Project proposes to introduce a Notice system. This system will replace permits and define routes using electronic maps and spreadsheets to maintain the system and enable easier distribution to the Heavy Haulage industry.

Any vehicle that is longer than 19 metres, wider than 2.5 metres, higher than 4.3 metres or heavier than 42.5 tonnes requires a permit from either Main Roads WA or the Police Service. The permit system is generally managed by Main Roads WA and currently 50,000 permits are issued per year, with an annual growth rate of 9%.

MRWA set up the Heavy Vehicle Access project (HVAP) to coordinate stakeholder input, including local government comment and approval of a new system using “Notices”. Notices replace permits and endorsements on the most commonly used roads, provide streamlined access to data and information and improve access for all operators in the industry. Notices will still allow local government to apply conditions for particular roads, however, the routes and networks within the City are based on current practice with no change in loads or vehicle types.

This report recommends that the Joint Commissioners, subject to Main Roads WA undertaking full responsibility for Route and Safety Assessment of all roads in Networks 2, 3 and 4 in the City of Joondalup in accordance with relevant National Standards and regulations:

- 1 AGREE to Main Roads WA Notice system for Restricted Access Vehicles for Class 2 and Class 3 Notice Vehicle Categories, as detailed on Attachment 1 to Report CJ258-11/04;*
- 2 AGREE to the routes for Network 2 Roads, with a maximum mass of 67.5 tonnes, within the City of Joondalup as amended except for Beach Road from Marmion Avenue to Wanneroo Road and Ocean Reef Road, from Hodges Drive to Shenton Avenue, as shown on Attachments 2 and 5 to Report CJ258-11/04;*
- 3 AGREE to the routes for Network 3 Roads, with a maximum mass of 84 tonnes, within the City of Joondalup as amended, as shown on Attachments 3 and 5 to Report CJ258-11/04;*
- 4 AGREE to the routes for Network 4 Roads, with a maximum mass of 87.5 tonnes, within the City of Joondalup as amended, as shown on Attachments 4 and 5 to Report CJ258-11/04;*
- 5 AGREE to the listed roads and conditions detailed for Network 2, Network 3 and Network 4, as detailed on Attachment 5 to Report CJ258-11/04;*
- 6 AGREE to the Network Conditions, Maximum Speeds and Curfews, as detailed on Attachment 6 to Report CJ258-11/04;*
- 7 AGREE that Main Roads WA undertake formal drafting of the Notice system to Parliamentary Council of the State of Western Australia.*

BACKGROUND

Any vehicle that is longer than 19 metres, wider than 2.5 metres, higher than 4.3 metres or heavier than 42.5 tonnes requires a permit from either Main Roads WA or the Police Service.

The permit system is generally managed by Main Roads WA and currently 50,000 permits are issued per year, with an annual growth rate of 9%. This had led to increasing administrative costs for both Main Roads WA and heavy haulage operators and companies. Main Roads WA (MRWA) investigated Notice systems in other states to determine the effectiveness for possible implementation in WA. MRWA set up the Heavy Vehicle Access Project (HVAP) to conduct Stakeholder Consultation Workshops around the state so that State and Local Government, WALGA, industry and industry representatives could understand and comment on the proposed changes.

The primary components of the HVAP are:

- Introduction of Notices to replace permits where practicable;
- Short term streamlining of current permit systems and processes;
- A major review of the overall approach to heavy vehicle access.

Main Roads WA has now prepared tables, maps and spreadsheets detailing the existing classes, groups and networks to be included in the Notice system for the City's approval and endorsement so that the Notice system may be gazetted.

DETAILS

The Heavy Vehicle Access Project has been instigated because of the way the current permit system has evolved. Permits are generally issued to a truck and operator for a specific purpose, e.g. an overweight load requiring more trailers or axles than allowed for a standard vehicle. The operator applies to MRWA with appropriate forms and fees for a Restricted Access Vehicle (RAV) permit. If the route is on a local government controlled road and the load type has been previously approved by the Local Government Authority (LGA) with no conditions, a permit is issued for the time(s) required to undertake the transport of the load.

The LGA may also approve the permit with conditions such as speeds and times because of schools or known traffic problems. The operator must carry the permit information at all times so that documentation is available if questioned by either the Police or MRWA's Heavy Haulage Inspections.

The requirements for operators to carry all documentation at all times, the volume of permit applications and approvals and the increasing combinations of truck, trailer and axle configurations has resulted in an administrative overload. The Notice system replaces most of the standard permits on many roads with a "Notice", that is, roads will be categorised to accommodate vehicle types up to a certain load and length and with general endorsements will then be published as a Notice Road in the Government Gazette. RAV operators will know what roads, load limits, lengths and axle configurations apply and use them without the need for permits applications. Permits will continue to be used for special vehicles, loads or locations that are unable to be included in the Notice system. Most of the current general endorsements in the City of Joondalup include a condition that speed limits will be restricted to 10kmh less than the posted limit.

To expedite the introduction of the Notice system, MRWA has provided the City with diagrams of vehicle configurations, the road networks that currently have permits applied to them, spreadsheets of routes in the municipality and a standard set of conditions if required.

The following attachments detail vehicle classifications, networks and roads within the City to be included in the network system:

Attachment 1	Vehicle Classes: Class 2 - Page 1, Class 3 - Page 2
Attachment 2	Network 2 Category Roads with a maximum mass of 67.5 tonnes
Attachment 3	Network 3 Category Roads with a maximum mass of 84 tonnes
Attachment 4	Network 4 Category Roads with a maximum mass of 87.5 tonnes
Attachment 5	Network Roads and Conditions
Attachment 6	Summary of Standard Conditions for Network Roads

Vehicle Classes

The proposed Notice system will use the vehicle classes detailed in Attachment 1. Group 1 vehicles in Class 2 and 3 categories have access to all roads in the state, including local access roads. These vehicles do not require permits and must meet all local road speeds and access conditions.

Vehicles in Classes 2 and 3 have further groups of 2 to 10 and 2 respectively. Each group equates to a road network, e.g. Class 2, Group 2 and Class 3, Group 2 vehicles are allowed on Network 2 roads, Class 2, Group 3 vehicles are allowed on Network 3 roads and Class 2, Group 4 vehicles are allowed on Network 4 roads. A lower class of vehicle is permitted on a higher class of road provided it complies with the weight, length and height and axle configurations.

Network 2 Roads

These roads are shown on the map at Attachment 2 and listed on Attachment 5. These are roads currently endorsed by MRWA under the permit system. Network 2 has a combined length of 47.7 kilometres which represents 4.8 % of the City's total road network (994 kms). All of the roads and road sections defined in Network 2 (as well as Networks 3 and 4) are Controlled Access Roads, that is, direct property access using crossovers and driveways is restricted and generally access is from side roads and local distributor roads. It is recommended that the City concur with this network, except for the section of Ocean Reef Road from Hodges Drive to Shenton Avenue and Beach Road (Northern Carriageway) from Marmion Avenue to Wanneroo Road.

Ocean Reef Road from Hodges Drive to Shenton Avenue is not yet constructed and its layout is subject to community consultation.

The northern carriageway of Beach Road is controlled by the City with the southern carriageway controlled by the City of Stirling. The sections of Beach Road between Sequoia Road to Davallia Road, Duncraig, Strathyre Drive to Mitchell Freeway, Duncraig and Warwick Bus Station to Erindale Road, Warwick are not a Controlled Access Road, i.e. the road provides direct property access.

The City is concerned that vehicles up to 67.5 tonnes mass and 27.5 metres long are able to use a road that would also require cars to use narrow crossovers to enter and exit residential property. Cars and other vehicles stopping sharply to enter a property or reversing onto Beach Road are an inappropriate mix with RAVs of this size. Although, this road is currently

approved with general endorsements for up to Group 2 RAV's, it is recommended that it be deleted from Network 2 on the basis that there is an alternative route, i.e., Reid Highway, which is a Controlled Access Road further to the south in the City of Stirling. If RAV access is required for Beach Road it is possible for permits to be issued to accommodate those occasions.

The southern carriageway of Beach Road is the responsibility of the City of Stirling. Liaison with the City of Stirling indicates that it may be retained as a Network 2 Road in that municipality.

Network 3 Roads

These roads are shown on the map at Attachment 3 and listed on Attachment 5. Network 3 has a combined length of 16.7 kilometres which represents 1.7 % of the City's total road network. Note that this map shows West Coast Drive, south of Beach Road in the City of Stirling, as a road capable of taking Group 3 RAV's. The City has liaised with the City of Stirling and has confirmation that this road will not be approved as a Network 3 route. As well, Joondalup Drive from Wanneroo Road to the City's eastern boundary has been shown as a Network 3 road. The City has liaised with the City of Wanneroo and has confirmation that this section of Joondalup Drive will not be approved as a Network 3 route. The deletion of these two road sections outside the City's boundaries will assist in preventing Group 3 vehicles using roads other than those approved in Network 3. It is recommended that the City concur with this Network, subject to the deletion of the sections of West Coast Drive and Joondalup Drive.

Network 4 Roads

These roads are shown on the map at Attachment 4 and listed on Attachment 5. Network 4 has a combined length of 10.8 kilometres which represents 1.1 % of the City's total road network. Similar to Network 3, the sections of West Coast Drives, south of Beach Road and Joondalup Drive, east of the City's boundary, will be deleted by the Cities of Stirling and Wanneroo to prevent access to unapproved roads in the City of Joondalup. It is recommended that the City concur with this Network, subject to the deletion of the sections of West Coast Drive and Joondalup Drive.

Road Listing and Conditions

Attachment 5 details the roads on Networks 2, 3 and 4, the sections, conditions and comments. These were extracted from Main Roads WA database and reflect the roads shown on the maps but with recommended deletions. All the remaining roads listed are based on current permits and endorsements. Note that Wanneroo Road, Mitchell Freeway and Marmion Avenue from Beach Road to Ocean Reef Road are under the control of MRWA. Attachment 6 details the standard set of conditions, speeds and times if required for network roads.

Statutory Provision:

Nil.

Consultation:

Officers attended a HVAP Workshop in June 2004 run by Main Roads WA to detail the changes and elicit feedback on the proposed notice system. Since then the City has liaised with officers from MRWA involved in the HVAP to clarify the proposed changes that affect the City. In particular, the City is concerned about the liability implications of approving a system that the City has not had input to in terms of route assessment for RAVs and if all proposed RAV routes for groups 2, 3 & 4 and networks 2, 3 & 4 meet the required Australian and/or industry design standards for the such vehicles.

This issue was raised with the Heavy Vehicles Operations (HVO) section within Main Roads and its response is as follows:

“All vehicles granted access to the road network, either by notice or permit, are required to comply with the Road Traffic (Vehicle Standards) Regulations 2002 and the Road Traffic (Vehicle Standards) Rules 2002. Main Roads has developed 'Route Assessment Guidelines' (based on the national standards) which are utilised as part of the formal process for determining the suitability of new routes for particular vehicle combinations and ensuring an acceptable level of safety is maintained.

The routes submitted to Council as part of this phase of the Class 2, 3 & 4 Network project, are all roads that have previously been assessed by Main Roads and have been operating safely for a period of time under 'General Endorsement'.”

As a result of this comment, the City is considered to be concurring with Main Roads' selection of particular roads as RAV routes and networks rather than approving them.

The City has also liaised with officers from the City of Stirling and City of Wanneroo to ensure vehicles do not use West Coast Drive or portion of Joondalup Drive to access the City of Joondalup with Group 3 or 4 Restricted Access Vehicles.

Policy Implications:

Nil

Financial Implications:

Nil

Strategic Implications:

Restricted Access Vehicles and Heavy Haulage Routes are required to enable the transport industry to carry goods and stocks for commerce and industry. Access and load sizes have implications for many businesses within the City. However, the HVAP does not intend to reduce or restrict access, just regulate it in a way that is more efficient for Main Roads WA, as the policy maker and administrator, and easier to comply for operators and carriers. Although heavy vehicles impact on roads, infrastructure and pavements more than cars, the Notice system is not expected to significantly change the patterns or number of heavy vehicles using the Network Roads.

Sustainability Implications:

Nil

COMMENT

The Notice system proposed by MRWA is considered to be a major change to the current Heavy Haulage or Restricted Access Vehicle permit system.

The previous system of applications, approvals, permits and fees was overly administrative and costly to maintain. The advantages of the Notice system are:

- Network Stability – the opportunity to ensure network access remains constant for a given period. The networks can be reviewed at yearly intervals to determine effects and add, delete or modify routes with conditions.
- Equitable Access – all operators will have consistent access to networks and remove or prevent most of the anomalies that may have evolved over time with the permit system.
- Easy and Affordable Access – operators will not need to approach MRWA for the most common vehicle combinations and particular routes such as dual carriageways and freeways. Updates and information will be distributed electronically with improved web-based access to maps and vehicle data.
- Notices do not preclude the use of permits for general RAV management of other routes or approved network roads if problems occur. This system will be easier to maintain as a result of improved electronic access and delivery. In effect the same conditions and controls that are applied to permits, still apply to notices.

Disadvantages of the Notice system are:

- Notice system may encourage some operators to overload or use non-notice routes for transport. MRWA has advised it will maintain the current level of inspection resource and commitment to patrolling and policing at the same frequency as the previous permit system.
- If the system fails to provide the intended benefits it may be harder to roll back to the current permit system. MRWA advises that the routes, networks and conditions applied in this, the first stage of the Notice system, are based on current permits, using existing roads in the municipality. MRWA has interpolated the permit database to produce the routes and network maps and therefore does not expect a significant change in operator behaviour or loadings. In any event, if problems arise then the City can request additional inspections at any time in a similar manner to speeding vehicles or modification of access conditions or removal of a route as part of an annual amendment and review period.

- Uncertainty that the City could become involved in litigation should a crash occur on a network road that the City has “approved”. Main Roads has stated that it has assessed all of the roads in Networks 2, 3 and 4 using Route Assessment Guidelines which are based on national standards. The City does not conduct assessments, relies on Main Roads’ expertise to properly assess routes and is concurring with the routes and networks that will be administered and policed by Main Roads WA.

In summary, the Notice system is a move forward from overly administrative, paper-based systems of a bureaucratic era to electronic based management systems where data and information are more easily accessed and distributed between government and industry.

The routes and networks within the City are based on current practice with no change in loads or vehicle types and it is recommended that the Joint Commissioners concur with the introduction of the Notice system, routes, networks, listings and conditions subject to the deletions noted and as detailed on the attachments.

ATTACHMENTS

Attachment 1	Vehicle Classes: Class 2 - Page 1, Class 3 - Page 2
Attachment 2	Network 2 Category Roads with a maximum mass of 67.5 tonnes
Attachment 3	Network 3 Category Roads with a maximum mass of 84 tonnes
Attachment 4	Network 4 Category Roads with a maximum mass of 87.5 tonnes
Attachment 5	Network Roads and Conditions
Attachment 6	Summary of Standard Conditions for Network Roads

VOTING REQUIREMENTS

Simple Majority

MOVED Cmr Anderson, SECONDED Cmr Clough that the Joint Commissioners, subject to Main Roads WA undertaking full responsibility for route and safety assessment of all roads in Networks 2, 3 and 4 in the City of Joondalup in accordance with relevant national standards and regulations agree:

- 1 to Main Roads WA Notice system for Restricted Access Vehicles for Class 2 and Class 3 Notice Vehicle Categories, as detailed on Attachment 1 to Report CJ258-11/04;**
- 2 to the routes for Network 2 Roads, with a maximum mass of 67.5 tonnes, within the City of Joondalup as amended except for Beach Road from Marmion Avenue to Wanneroo Road and Ocean Reef Road, from Hodges Drive to Shenton Avenue, as shown on Attachments 2 and 5 to Report CJ258-11/04;**
- 3 to the routes for Network 3 Roads, with a maximum mass of 84 tonnes, within the City of Joondalup as amended, as shown on Attachments 3 and 5 to Report CJ258-11/04;**

- 4 to the routes for Network 4 Roads, with a maximum mass of 87.5 tonnes, within the City of Joondalup as amended, as shown on Attachments 4 and 5 to Report CJ258-11/04;
- 5 to the listed roads and conditions detailed for Network 2, Network 3 and Network 4, as detailed on Attachment 5 to Report CJ258-11/04;
- 6 to the Network Conditions, Maximum Speeds and Curfews, as detailed on Attachment 6 to Report CJ258-11/04;
- 7 that Main Roads WA undertake formal drafting of the Notice system to Parliamentary Council of the State of Western Australia.

The Motion was Put and

CARRIED UNANIMOUSLY (5/0)

Appendix 8 refers

To access this attachment on electronic document, click here: [Attach8brf261004.pdf](#)

CJ259 - 11/04 TENDER NUMBER 010-04/05 PROVISION OF BUSHLAND REGENERATION SERVICES – [81564]

WARD - All

PURPOSE

To seek the approval of the Joint Commissioners to choose the tender submitted by Bennett Brook Environmental Services as the successful tenderer for the Provision of Bushland Regeneration Services (Tender Number 010-04/05).

EXECUTIVE SUMMARY

Tenders were advertised on 8 September 2004 through statewide public tender for the Provision of Bushland Regeneration Services. Tenders closed on 23 September 2004. Five submissions were received from: Bennett Brook Environmental Services, Ecosystem Management Services, GHEMS Holdings Pty Ltd, Natural Area Management Services and Syrinx Environmental PL.

It is recommended that the Joint Commissioners:

- 1 *CHOOSE Bennett Brook Environmental Services as the successful tenderer for the Provision of Bushland Regeneration Services (Tender No. 010-04/05) in accordance with the schedule of rates as outlined in Attachment 1 to Report CJ259-11/04;*
- 2 *AUTHORISE the Acting Chief Executive Officer (A/CEO), on behalf of the City, to enter into a contract with Bennett Brook Environmental Services in accordance with the tender submitted by Bennett Brook Environmental Services, subject to any minor variations that may be agreed between the A/CEO and Bennett Brook Environmental Services.*

- 3 *DETERMINE that the contract is to be for an initial period of 12 months with an option to extend, subject to satisfactory annual performance reviews, for a further maximum period of 24 months, in 12 month increments, with the total term of the contract not to exceed 3 years.*

BACKGROUND

The City of Joondalup has approximately 400 hectares of natural bushland under its management. In recent years Council has embarked on an active programme to improve the condition of these bushland reserves, the work undertaken has included the construction of fences, rubbish removal, the construction of walking tracks, removal of weed species and the planting of indigenous plants species to replace the weeds. Currently this work has been undertaken using a combination of volunteers, general herbicide spray contractors, fencing contractors, Work for the Dole participants, Department of Justice work crews and specialised bush regeneration contractors. In the 2004-2005 financial year Council has allocated \$300,000 within its capital works budget to protect biodiversity within its natural area reserves, this includes both bushland and coastal reserves. To complete the work, trained specialised bush regenerators will be needed to undertake many of the tasks. To obtain the most competitive pricing structure, and be able to ensure availability of bush regenerators at crucial times, the tender for the supply of bush regeneration services was instigated.

DETAILS

Five submissions were received from: Bennett Brook Environmental Services, Ecosystem Management Services, GHEMS Holdings Pty Ltd, Natural Area Management Services and Syrinx Environmental PL.

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

The second part of the evaluation process involved an independent assessment of the qualitative criteria by each member of the Evaluation Team. 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.

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

The Selection Criteria for 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 for a minimum of two years
- Level of Understanding of tender documents and work required
- Written References from past and present clients
- Ability to provide usage and expenditure information
- Ability to provide electronic pricing schedules

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

- Company Organisational Structure
- Technical Qualifications / Licences, Skills and Experience of Key Personnel
- Full membership of the Australian Association of Bush Regenerators (AABR)
- Equipment and Staff Resources available
- Police Clearance Certification for staff working with volunteers
- Percentage of Operational Capacity represented by this work
- Financial Capacity
- Risk Assessment
- Occupational Health and Safety Management System and Track Record

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

Beneficial Effects of Tender/Local Content:

- The Potential Social and Economic Effect of the tender on the City of Joondalup community

Methodology

- Tenderers should detail the procedures and process they intend to use to achieve the requirements of the Specification

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

All five tenderers submitted tenders that demonstrated their ability to undertake the required works. The submission received from Bennett Brook Environmental Services ranked the highest in terms of the selection criteria and is accordingly 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 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, Natural Area Management Service is located in Joondalup.

Financial Implications:

Budget Item

Foreshore/Natural Areas Management Coastal Foreshore Works & Restoration

Budget Amount / Amount Reserve Funds	\$150,000
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Foreshore/Natural Areas Management Bushland Protection – City Wide

Budget Amount / Amount Reserve Funds	\$150,000
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COMMENT

All tenders received were assessed in accordance with *Regulation 18(4)* of the *Local Government (Functions & General) 1996*. The assessment panel identified the tender submitted by Bennett Brook Environmental Service as the highest rated tenderer and has recommended that the tender be chosen as the successful tenderer.

It is also noted that this contract will be utilised to complement and enhance the current management approach to maintaining the City's bushland areas, whereby the City will continue to use a combination of volunteer groups, contractors, work for the dole schemes and corrective services labour to undertake the necessary works to protect our natural areas.

The City is also currently preparing a business case for the establishment of an in-house bush regeneration crew as part of the 2005/06 budget considerations, which will also complement the multi faceted approach to maintaining our bushland areas.

ATTACHMENTS

Attachment 1	Price Schedule
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VOTING REQUIREMENTS

Simple Majority

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

- 1 CHOOSE Bennett Brook Environmental Service as the successful tenderer for the Provision of Bushland Regeneration Services (Tender No. 010-04/05) in accordance with the schedule of rates as outlined in Attachment 1 to Report CJ259-11/04;**
- 2 AUTHORISE the Acting Chief Executive Officer (A/CEO), on behalf of the City, to enter into a contract with Bennett Brook Environmental Services in accordance with the tender submitted by Bennett Brook Environmental Services, subject to any minor variations that may be agreed between the A/CEO and Bennett Brook Environmental Services;**
- 3 DETERMINE that the contract is to be for an initial period of 12 months with an option to extend, subject to satisfactory annual performance reviews, for a further maximum period of 24 months, in 12 month increments, with the total term of the contract not to exceed 3 years.**

AMENDMENT MOVED Cmr Smith, SECONDED Cmr Anderson that an additional Point 4 be added to the Motion as follows:

- “4 NOTE the comments in the report that this contract will be utilised to complement and enhance the current management approach to maintaining the City’s bushland areas, whereby the City will continue to use a combination of volunteer groups, contractors, work for the dole schemes and corrective services labour to undertaken the necessary works to protect our natural areas.”**

To queries raised by Cmr Smith, Director Infrastructure and Operations advised the City is developing a business case for an in-house crew. In addition, there is a non-exclusivity clause contained within the contract which allowed the City to seek assistance from other parties should the need arise.

The Amendment was Put and

CARRIED UNANIMOUSLY (5/0)

The Original Motion, as amended, being:

That the Joint Commissioners:

- 1 CHOOSE Bennett Brook Environmental Service as the successful tenderer for the Provision of Bushland Regeneration Services (Tender No. 010-04/05) in accordance with the schedule of rates as outlined in Attachment 1 to Report CJ259-11/04;**
- 2 AUTHORISE the Acting Chief Executive Officer (A/CEO), on behalf of the City, to enter into a contract with Bennett Brook Environmental Services in accordance with the tender submitted by Bennett Brook Environmental Services, subject to any minor variations that may be agreed between the A/CEO and Bennett Brook Environmental Services;**

- 3 DETERMINE that the contract is to be for an initial period of 12 months with an option to extend, subject to satisfactory annual performance reviews, for a further maximum period of 24 months, in 12 month increments, with the total term of the contract not to exceed 3 years;**
- 4 NOTE the comments in the report that this contract will be utilised to complement and enhance the current management approach to maintaining the City's bushland areas, whereby the City will continue to use a combination of volunteer groups, contractors, work for the dole schemes and corrective services labour to undertaken the necessary works to protect our natural areas.**

was Put and

CARRIED UNANIMOUSLY (5/0)

Appendix 23 refers

To access this attachment on electronic document, click here: [Attach23min021104.pdf](#)

CJ260 - 11/04 PROPOSED PARKING RESTRICTIONS - HAWKER AVENUE, FARNE CLOSE AND SANDAY PLACE, WARWICK – [03117] [85506] [32190]

WARD - South

PURPOSE

The purpose of this report is to present a proposed parking restriction for Farne Close, Hawker Avenue and Sanday Place Warwick, to address residents' concerns in relation to commuter parking associated with Warwick Bus/Rail Station.

EXECUTIVE SUMMARY

In July 2004, the City received a 7-signature petition from residents of Farne Close in Warwick requesting that a parking restriction be implemented to prevent commuters associated with the Warwick Bus/Rail Station parking in their street.

In view of the residents' concerns, the City has developed a parking restriction proposal for Farne Close, Hawker Avenue and Sanday Place in Warwick, to effectively manage commuter parking. The proposed parking restrictions are presented for consideration.

This report recommends that the Joint Commissioners:

- 1 APPROVE the installation of a parking restriction for Farne Close, Hawker Avenue and Sanday Place as shown on Attachment 5 to Report CJ260-11/04 and detailed as follows:*

Hawker Avenue

Type - No Parking, 9am-5pm, Monday – Friday, Carriageway or Verge

Extent

- *From number 55 to 71 Hawker Avenue*
- *From number 1 Millport Drive to approximately 48 metres north west of number 41 Hawker Avenue*
- *From number 32 to 36 Hawker Avenue*
- *From number 2 Farne Close to approximately 29 metres north west of number 42 Hawker Avenue*
- *Adjacent to western driveway of the Jesus Christ Latter Day Saints Church*

Type - No Parking, 9am-5pm, Monday – Friday, on Verge

Extent

- *Verge area adjacent to the Jesus Christ Latter Day Saints Church*

Type - No Stopping signs complemented with a continuous yellow line

Extent

- *Intersection of Hawker Avenue with Sanday Place, Farne Close, Millport Drive and Hawick Court*

Sanday Place

Type - No Parking, 9am-5pm, Monday – Friday, on Carriageway

Extent

- *From number 55 Hawker Avenue to driveway of Hawker Park Primary School*

Type - 15 Minute Parking, 7:30am – 4pm, Monday – Friday

Extent

- *Adjacent to Hawker Park Primary School from school driveway to Hawker Avenue*

Farne Close

Type - No Parking, 9am-5pm, Monday – Friday, on Carriageway

Extent

- *From number 2 Farne Close to 36 Hawker Avenue*

2 *ADVISE the affected residents accordingly*

BACKGROUND

The City has been monitoring the impact of all day commuter parking in Farne Close, Hawker Avenue and Sanday Place on a regular basis for some time.

In July 1998, local residents of Hawker Avenue, Warwick expressed their concerns of ensuring sight distance from vehicles exiting the rail station is maintained. On this basis, a parking restriction which banned road and verge parking was implemented. Attachment 1 shows the type and extent of the parking restriction.

In June 2002, the Hawker Park Primary School expressed its concerns of commuters associated with the Warwick Bus/Rail Station parking on the school's verge in Sanday Place and on the corners at the intersection of Sanday Place and Hawker Avenue. In view of the school's concerns, a trial parking restriction, which permitted parking on the road and verge adjacent to the school for 15 minutes, 7:30am to 4pm school days, was implemented. Attachment 2 shows the type and extent of the parking restriction. In addition, to address concerns of commuter parking on the corners at the intersection of Sanday Place and Hawker Avenue, a parking restriction that banned road parking was implemented. This is a statutory requirement under the Road Traffic Code 2000. Attachment 3 shows the type and extent of the parking restriction.

At this point in time, the trial parking restriction has generally deterred motorists from parking at this location, however the effectiveness of using warnings on a regular basis is diminishing. Ranger Services has issued many cautions to date.

In July 2004, the City received a 7-signature petition from residents of Farne Close in Warwick, requesting that a parking restriction be implemented to prevent commuters associated with the Warwick Bus/Rail Station parking in their street.

The petitioners are concerned that commuters associated with the Warwick Bus/Rail Station are parking on their verges, driveways and on the corners at the intersection of Farne close and Hawker Avenue, therefore restricting residential access and obstructing their vision when exiting Farne Close.

In view of this a preliminary parking assessment on Farne Close, Sanday Place and Hawker Avenue was carried out.

DETAILS

Hawker Avenue, Farne Close and Sanday Place are all currently classified under the Main Roads WA Metropolitan Functional Road Hierarchy as an 'access road'. The location of these roads within the local road network and its proximity to the Warwick Bus/Rail Station are shown on Attachment 4.

Initial Parking Assessment

In view of the residents concerns, a comprehensive parking assessment has been ongoing on a regular basis since July 2004, Monday to Friday.

Farne Close

Farne Close is approximately 50 metres long, 7.4 metres wide cul-de-sac road, which provides access to 4 residential properties. The survey of parked vehicles indicated that generally 4 to 6 vehicles were parked uniformly on the road. In addition, on a regular basis there were also vehicles parked on the corners, at the intersection of Farne Close and Hawker Avenue.

This has resulted in residential access difficulties, restricts normal traffic flow and reduced visibility for motorists exiting Farne Close.

Sanday Place

Sanday Place is approximately 170 metres long, 7.4 metres wide cul-de-sac road, which provides access to 8 residential properties and the Hawker Park Primary School. The survey of parked vehicles indicated that generally 10 to 15 vehicles were parked uniformly on the road and verge north of the intersection of Sanday Place and Hawker Avenue.

The parking assessment for Sanday Place indicated there were no significant parking problems, however vehicles parking on the bend in the street was a concern.

Hawker Avenue

Hawker Avenue is approximately 1360 metres long, varying from 7.4 to 10 metres wide and provides access to approximately 60 residential properties, the Hawker Park Primary School, Hawker Park, the Jesus Christ Latter Day Saints and the Warwick Bus/Rail Station. The area of concern is between the north west corner of Hawker Avenue to south east at Hawick Court.

The survey of parked vehicles indicated that they were generally parked uniformly on the road and verge from north of Sanday Place to Hawick Court.

Consultation:

A copy of the parking restriction proposal was forwarded to the affected properties in Farne Close, Sanday Place and Hawker Avenue for comment. The City received responses from nine (9) out of thirty (30) of the affected properties. The City did not receive comments from the remaining twenty one (21) property owners however three (3) additional responses were received from residents of Kirkcolm Way and Millport Drive, which were outside the parking restriction proposal area.

Of those nine (9) responses, the property owners generally supported the parking restriction proposal however they have requested the following:

- 1 Hawker Avenue – completely ban parking adjacent to the Hawker Park Primary School and the Jesus Christ Latter Day Saints Church due to students from Hawker Park Primary School crossing in this area

- 2 Sanday Place – the proposed 15 minute parking trial to be formalised and changed to Monday to Friday instead of school days and to extend from number 17 Sanday Place to Hawker Avenue adjacent to the Hawker Park Primary School

Of those three (3) additional responses received from residents in Kirkcolm Way and Millport Drive they have requested that the proposed parking restrictions also needs to be implemented in their street. They have advised that all day commuter parking also exists in their street.

Parking Assessment after Consultation

In view of the above, the City carried out further parking assessments.

Hawker Avenue – adjacent to the Jesus Christ Latter Day Saints Church and Hawker Park Primary School

This section of Hawker Avenue is approximately 10 metres wide and is generally where the majority of all day commuters park. The survey of parked vehicles indicated that they were generally parked uniformly on the road or the verge on both sides of the road. This did not affect normal traffic flow however visibility from the public accessway adjacent to the church was a concern.

Kirkcolm Way / Millport Drive / Hawick Court

No significant all day commuter parking was observed in Kirkcolm Way, Millport Drive and Hawick Court. However, due to the public assessway that runs from Kirkcolm Way to Hawker Avenue and then to the Warwick Bus/Rail Station, it may be possible that some of the all day commuters from Hawker Avenue may simply move to Kirkcolm Way and Millport Drive once the proposed parking restrictions are implemented. This will be monitored accordingly.

CONCLUSION

Historically, parking in these streets can be linked to the lack of available parking at Warwick Bus/Rail Station. This is common along the northern rail line.

The majority of parking now occurs on local roads, i.e. Hawker Avenue, Farne Close and Sanday Place due to the ease of access, convenience and close proximity to the commuter's place of residence.

In the short term, it is likely that once the construction of the Greenwood Rail Station is completed, it will provide a more attractive alternative for commuters, particularly those that originate from Kingsley south and lessen the likelihood of commuters parking in local streets, i.e. Hawker Avenue, Farne Close and Sanday Place. The latest available information from the Department of Planning and Infrastructure suggests that the construction of the Greenwood Rail Station, including approximately 680 parking bays, is scheduled for completion in January 2005.

In addition, the Department of Planning and Infrastructure has advised the City that the Greenwood Rail Station will be in the same zoning as Warwick Bus/Rail Station. Currently, Whitfords Bus/Rail Station is in zone 3 and Warwick Bus/Rail Station is in zone 2. With the different zonings, the cost to travel from Whitfords Bus/Rail Station is higher than from Warwick Bus/Rail Station. It may be possible to say that some commuters from areas such as Kingsley north may travel to Warwick Bus/Rail Station to park instead of the Whitfords Bus/Rail Station. However, it is envisaged that these commuters will travel to the new Greenwood Rail Station, hence reduce the number of all day commuters parking in local streets, i.e. Hawker Avenue, Farne Close and Sanday Place.

Overall, the parking assessment for Hawker Avenue, Farne Close and Sanday Place indicated there were no significant parking problems. However, it was identified that generally, visibility was restricted from Sanday Place, Farne Close, Millport Drive, Hawick Court and the public accessway adjacent to the church due to all day commuters parking on Hawker Avenue and this was a concern.

The residents' request to restrict all day commuter parking in Kirkcolm Way, Millport Drive and Hawick Court will be considered following the opening of the Greenwood Rail Station, as there was no significant all day commuter parking problems observed in these streets as a result of the surveys.

In view of the above, the parking restriction proposal is limited to areas where parking is considered to pose a possible risk or hazard to all road users.

The type and extent of proposed parking restrictions are shown on Attachment 5.

While ultimately commuters should be encouraged to use the parking facilities provided at Warwick Bus/Rail Station, limited parking may safely be accommodated on the straight section of Hawker Avenue adjacent to the Jesus Christ Latter Days Saints Church, Hawker Park Primary School and on the western side of Hawker Avenue north of the Warwick Bus/Rail Station accessway without adversely affecting other road users. However, parking in Farne Close, Sanday Place and the east side of Hawker Avenue north of the Warwick Bus/Rail Station accessway may pose a risk to other road users and therefore should be restricted. In addition, sight distances should be maintained when exiting Farne Close, Sanday Place, Millport Drive and Hawick Court.

On this basis, the type and extent of the parking restrictions proposed for Farne Close, Sanday Place and Hawker Avenue, as shown on Attachment 5, are supported.

No additional restrictions are considered necessary at this stage. However, monitoring of parking patterns will be ongoing and the possibility of implementing additional restrictions reviewed in consultation with local residents accordingly.

ATTACHMENTS

Attachment 1	Parking restriction plan – Warwick Bus/Rail Station accessway
Attachment 2	Trial parking restriction – Sanday Place
Attachment 3	Parking restriction plan – intersection of Hawker Ave and Sanday Place
Attachment 4	Road proximity plan
Attachment 5	Proposed parking restriction plan

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION: That the Joint Commissioners:

- 1 APPROVE the installation of a parking restriction for Farne Close, Hawker Avenue and Sanday Place as shown on Attachment 5 to Report CJ260-11/04 and detailed as follows:

Hawker Avenue

Type - No Parking, 9am-5pm, Monday – Friday, Carriageway or Verge

Extent

- From number 55 to 71 Hawker Avenue
- From number 1 Millport Drive to approximately 48 metres north west of number 41 Hawker Avenue
- From number 32 to 36 Hawker Avenue
- From number 2 Farne Close to approximately 29 metres north west of number 42 Hawker Avenue
- Adjacent to western driveway of the Jesus Christ Latter Day Saints Church

Type - No Parking, 9am-5pm, Monday – Friday, on Verge

Extent

- Verge area adjacent to the Jesus Christ Latter Day Saints Church

Type - No Stopping signs complemented with a continuous yellow line

Extent

- Intersection of Hawker Avenue with Sanday Place, Farne Close, Millport Drive and Hawick Court

Sanday Place

Type - No Parking, 9am-5pm, Monday – Friday, on Carriageway

Extent

- From number 55 Hawker Avenue to driveway of Hawker Park Primary School

Type - 15 Minute Parking, 7:30am – 4pm, Monday – Friday

Extent

- Adjacent to Hawker Park Primary School from school driveway to Hawker Avenue

Farne Close

Type - No Parking, 9am-5pm, Monday – Friday, on Carriageway

Extent

- From number 2 Farne Close to 36 Hawker Avenue

2 ADVISE the affected residents accordingly.

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

1 APPROVE the installation of a parking restriction for Farne Close, Hawker Avenue and Sanday Place as shown on Attachment 5 to Report CJ260-11/04 and detailed as follows:

Hawker Avenue

Type - No Parking, 9am-5pm, Monday – Friday, Carriageway or Verge

Extent

- From number 55 to 71 Hawker Avenue
- From number 1 Millport Drive to approximately 48 metres north west of number 41 Hawker Avenue
- From number 32 to 36 Hawker Avenue
- From number 2 Farne Close to approximately 29 metres north west of number 42 Hawker Avenue
- Adjacent to western driveway of the Jesus Christ Latter Day Saints Church

Type - No Parking, 9am-5pm, Monday – Friday, on Verge

Extent

- Verge area adjacent to the Jesus Christ Latter Day Saints Church

Type - No Stopping signs complemented with a continuous yellow line

Extent

- Intersection of Hawker Avenue with Sanday Place, Farne Close, Millport Drive and Hawick Court

Sanday Place

Type - No Parking, 9am-5pm, Monday – Friday, on Carriageway

Extent

- From number 55 Hawker Avenue to driveway of Hawker Park Primary School

Type - 15 Minute Parking, 7:30am – 4pm, Monday – Friday**Extent**

- **Adjacent to Hawker Park Primary School from school driveway to Hawker Avenue**

Farne Close**Type - No Parking, 9am-5pm, Monday – Friday, on Carriageway****Extent**

- **From number 2 Farne Close to 36 Hawker Avenue**

2 ADVISE the affected residents accordingly;

3 ADVISE communities using the Warwick Station via appropriate signage of the change, as well as of the anticipated opening of the new Greenwood Station in December 2004;

AMENDMENT MOVED Cmr Smith, SECONDED Cmr Clough that an additional Point 4 be added to the Motion as follows:

“4 REQUEST the Acting Chief Executive Officer to conduct a further parking survey within relevant localities that are affected by patrons utilising the Warwick Rail Station and the Greenwood Station following a six month period after the commissioning of the Greenwood Rail Station.”

The Amendment was Put and

CARRIED UNANIMOUSLY (5/0)

The Original Motion, as amended, being:

That the Joint Commissioners:

1 APPROVE the installation of a parking restriction for Farne Close, Hawker Avenue and Sanday Place as shown on Attachment 5 to Report CJ260-11/04 and detailed as follows:

Hawker Avenue**Type - No Parking, 9am-5pm, Monday – Friday, Carriageway or Verge****Extent**

- **From number 55 to 71 Hawker Avenue**
- **From number 1 Millport Drive to approximately 48 metres north west of number 41 Hawker Avenue**
- **From number 32 to 36 Hawker Avenue**
- **From number 2 Farne Close to approximately 29 metres north west of number 42 Hawker Avenue**
- **Adjacent to western driveway of the Jesus Christ Latter Day Saints Church**

Type - No Parking, 9am-5pm, Monday – Friday, on Verge

Extent

- **Verge area adjacent to the Jesus Christ Latter Day Saints Church**

Type - No Stopping signs complemented with a continuous yellow line

Extent

- **Intersection of Hawker Avenue with Sanday Place, Farne Close, Millport Drive and Hawick Court**

Sanday Place

Type - No Parking, 9am-5pm, Monday – Friday, on Carriageway

Extent

- **From number 55 Hawker Avenue to driveway of Hawker Park Primary School**

Type - 15 Minute Parking, 7:30am – 4pm, Monday – Friday

Extent

- **Adjacent to Hawker Park Primary School from school driveway to Hawker Avenue**

Farne Close

Type - No Parking, 9am-5pm, Monday – Friday, on Carriageway

Extent

- **From number 2 Farne Close to 36 Hawker Avenue**

2 ADVISE the affected residents accordingly;

3 ADVISE communities using the Warwick Station via appropriate signage of the change, as well as of the anticipated opening of the new Greenwood Station in December 2004;

4 REQUEST the Acting Chief Executive Officer to conduct a further parking survey within relevant localities that are affected by patrons utilising the Warwick Rail Station and the Greenwood Station following a six month period after the commissioning of the Greenwood Rail Station.

was Put and

CARRIED UNANIMOUSLY (5/0)

Appendix 9 refers

To access this attachment on electronic document, click here: [Attach9brf261004.pdf](#)

CJ261 - 11/04 SINGLE HOUSE (INCLUDING DRIVEWAY SETBACK, CONE OF VISION AND BUILDING HEIGHT VARIATION) – LOT 5 (10) BLUEBOY RISE, JOONDALUP – [57228]

WARD Lakeside

PURPOSE

To request the Joint Commissioners' determination of an application for a two storey single house that protrudes through the Building Height Envelope which is included in Policy 3.1.9 Height and Scale of Buildings Within a Residential Area.

EXECUTIVE SUMMARY

The application is for a two storey single house on a 525m² lot. The proposed dwelling includes variations to the cone of vision acceptable development standards under the Residential Design Codes (R-Codes) and projects through the building height envelope on the western side.

An objection to the development has been received, but is not supported from a technical point of view (and having regard to the performance requirements of the R Codes).

The variation proposed would not be out of character with similar developments along Blueboy Rise. There are also several examples of two storey parapet walls, which resulted from a previous development approval in 1997. In addition, the lots along Blueboy Rise are small lots (250m² approximately) and are difficult to develop without the need for discretion under Policy 3.1.9. Many of the surrounding recently constructed homes are of the same scale as the subject application. The development will sustain the amenity and streetscape character of the surrounding locality. Therefore, it is considered that the development is acceptable to the City and is therefore recommended for approval.

BACKGROUND

Suburb/Location: Lot 5 (10) Blueboy Rise, Joondalup
Applicant: Xueting Zheng
Owner: JWH Group Pty Ltd (Invogue)
Zoning: **DPS:** Residential R40
MRS: Urban

The vacant site is 525m² and due to its medium density zoning, has potential to accommodate two dwellings. This application is for one dwelling only. A previous development application for two grouped dwellings was lodged on 30 June 2003, but lapsed due to the applicant's failure to respond to requests for further information. The neighbouring properties are also zoned Residential R40 and are fully developed. The proposed dwelling is located at the western portion of the lot, leaving the eastern portion of the lot vacant, presumably for the construction of another dwelling in the future.

DETAILS

The proposal includes the following variations to the Residential Design Codes 2002 (R-Codes):

- 1 Cone of vision setback of 4.0 metres in lieu of 4.5 metres.
- 2 Driveway setback of nil in lieu of 0.5 metres from side boundary.

The proposed development also exceeds the building threshold envelope, established under Council Policy 3.1.9 – Height and Scale of Buildings Within Residential Areas.

Statutory Provisions:

When determining an application clause 6.8 of the DPS2 applies as follows:

6.8 Matters to be considered by Council

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

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

Residential Design Codes (R-Codes)

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

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

Clause 3.8.1 of the R-Codes specifies the performance criteria that is to be applied when assessing development that does not conform to the ‘Visual Privacy’ acceptable development standards as follows:

3.8.1 Visual Privacy (Performance Criteria)

Avoid direct overlooking between active habitable spaces and outdoor living area of the development site and the habitable rooms and outdoor living areas within adjoining residential properties taking account of:

- *the positioning of windows to habitable rooms on the development site and the adjoining property;*
- *the provision of effective screening; and*
- *the lesser need to prevent overlooking of extensive back gardens, front gardens or areas visible from the street.*

Consultation:

The proposal was advertised to six (6) adjoining property owners. A total of three (3) responses were received, one (1) non-objection and two (2) objections. One of the objections did not include a contact address or details of origin. The objections stated:

I object to the proposal for the following reason: the roof and wall being too much of an overhang, stopping our sunlight.

I object to both the building height and cone of vision variation. Both proposals should be declined and amended to meet original building requirements.

Officer Comments:

The first objection is refuted since the dwelling will not interfere with the adjoining lot's access to northern sunlight, which is fundamental in assessing a development's compliance with the overshadowing provisions of the R-Codes. Secondly, the R-Codes acceptable development standards are only an example of how a development may satisfy the objectives and criteria of the R-Codes. Council has the authority to assess and determine developments that do not comply with the acceptable development provisions as it sees fit and does so on a regular basis.

COMMENT

The development generally complies with all the provisions of the R-Codes, City of Joondalup District Planning Scheme No. 2, except as outlined below;

Projection Through Building Height Envelope Policy 3.1.9

The dwelling projects through the building height envelope at the northern face, as shown in attachment 2. The walls belonging to the existing dwelling directly opposite the one proposed do not contain any major openings to habitable rooms. Therefore the building bulk is not visible from any habitable room and does not adversely impact upon the amenity of the adjoining property

Since the affected area of the lot is adjacent to the eastern boundary, the lot does not experience any overshadowing. Additionally, the proposed building will not interfere with any views of significance. As such, there will be little impact upon the amenity of the adjoining property.

The variation proposed would not be out of character within the area as there are many examples of similar developments along Blueboy Rise. There are also several examples of two storey boundary walls, which resulted from a development approval in 1997 for twenty-one (21) single houses and four (4) grouped dwellings. In addition, the lots along Blueboy Rise are zoned medium density, yet the City's Building Height Policy still applies. Given this information, there is justification for the proposal as the development will not adversely impact the adjoining property or the streetscape.

Cone of Vision Setback of 4.0 metres in lieu of 4.5 metres

The upper storey master suite of the proposed dwelling overlooks the adjoining property, 8 Blueboy Rise. The R-Codes require bedrooms to maintain a 4.5 metre cone of vision setback from the property boundary. The applicant has requested the City grant a variation to this standard and approve a 4.0 metre setback.

The cone of vision area extends 500mm into the adjoining property and is located some distance from the outdoor living area. It is considered a minor intrusion as it does not overlook any habitable rooms. In addition, the adjoining affected owner has not objected to this variation. The impact of the cone of vision is very minor. It is recommended that the Council approve this variation.

Driveway setback of nil in lieu of 0.5 metres from side boundary

The plans indicate that the reversing area adjacent to the garage is insufficient as the driveway is setback 1.0 metre from the side boundary. In order for sufficient vehicle reversing to be maintained without any significant alterations to the plans, a nil setback would be required. In this instance, this is considered acceptable as the area concerned is not visible from the street and will likely be screened from the adjoining property by a dividing fence.

ATTACHMENTS

Attachment 1 Development Plan
Attachment 2 House Plans

VOTING REQUIREMENTS

Simple Majority

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

- 1 EXERCISE discretion under clause 6.1.3(b) of DPS2 and clause 2.3.4 of the Residential Design Codes 2002 and determine that the performance criteria under clause 3.8.1 have been met and that:**
 - (a) a cone of vision setback of 4.5 metres in lieu of 4.0 metres;**
 - (b) a driveway setback of nil in lieu of 0.5 metres;****is appropriate in this instance;**
- 2 DETERMINE that the western portion of the dwelling protruding through the Building Threshold Envelope under Policy 3.1.9 is appropriate in this instance;**
- 3 APPROVE the application dated 25 May 2004 submitted by JWH Group Pty, the applicant on behalf of the owner, Zheng Xueting, for a single dwelling development on Lot 5 (10) Blue Boy Rise, Joondalup, subject to the following conditions:**
 - (a) The boundary wall shall be of a clean finish and made good to the satisfaction of the City;**
 - (b) The driveway is to be extended as marked in red on the approved plans to the satisfaction of the City.**

The Motion was Put and

CARRIED UNANIMOUSLY (5/0)

Appendix 10 refers

To access this attachment on electronic document, click here: [Attach10brf261004.pdf](#)

CJ262 - 11/04 TWO GROUPED DWELLINGS (INCLUDING RETAINING WALL, CONE OF VISION, SETBACK AND BUILDING HEIGHT POLICY VARIATIONS) - LOT 23 (23) SHINJI COURT, JOONDALUP – [41953]

WARD - Lakeside

PURPOSE

To request the Joint Commissioner's determination of an application for two double storey grouped dwellings that protrudes through the Building Height Envelope included in the City's Building Height Policy 3.1.9 and several R-Codes acceptable development standards.

EXECUTIVE SUMMARY

The applicant proposes to construct two grouped dwellings at lot 23 (23) Shinji Court, Joondalup which includes a number of variations to the acceptable development standards of the Residential Design Codes (R-Codes) and the City's Building Height Policy 3.1.9.

The subject lot experiences a fall of approximately four (4) metres from the south-western corner to the northern boundary. The proposed retaining wall is therefore considered acceptable to the City.

The development requires discretion for the approval of retaining walls, setback variations and consideration under the City's Building Height Policy.

Adverse comments have been received from the property owners at 25 Shinji Court and 11 Kastorias Close. It is recommended that the development be approved.

BACKGROUND

Suburb/Location: 23 Shinji Court, Joondalup
Applicant: Perceptions
Owner: Danh Phuong Nguyen
Zoning: **DPS:** Residential R20
MRS: Urban

The subject lot is currently vacant and has a fall of four (4) metres from the south-western to the north-eastern corner. According to the City's records, it has an area of 962m², is zoned R20 and is capable of supporting two grouped dwellings. The lot's northern boundary abuts Burns Beach Road and has a three (3) metre high retaining wall. The neighbouring properties are slightly smaller in size as can be seen in attachment 1. Access to the lot is gained via a small 8.5 metre lot frontage, which is a result of the lot's location at the end of a cul-de-sac.

DETAILS

The proposal includes the following proposed variations to the Residential Design Codes 2002 (R-Codes):

- 1 Retaining wall setback of nil in lieu of 2.8 metres being a variation to the acceptable development standards clause 3.6.2 - Setback of Retaining Walls.
- 2 Side setback of 1.5 metres in lieu of 2.4 metres being a variation to the acceptable development standards clause 3.3.2 – Buildings Setback from the Boundary.
- 3 Side setback of nil in lieu of 1.0 metre being a variation to the acceptable development standards clause 3.3.2 – Buildings Setback from the Boundary.
- 4 Importation of fill in excess of 500mm within one metre of a common boundary being a variation to the acceptable development standards clause 3.6.1 – Excavation or Fill.
- 5 Cone of vision setback of 3.8 metres in lieu of 4.5 metres being a variation to the acceptable development standards clause 3.8.1 – Visual Privacy.
- 6 Cone of vision setback of 4.8 metres in lieu of 6.0 metres being a variation to the acceptable development standards clause 3.8.1 – Visual Privacy.
- 7 Cone of vision setback of 5.6 metres in lieu of 6.0 metres being a variation to the acceptable development standards clause 3.8.1 – Visual Privacy.
- 8 Cone of vision setback of nil in lieu of 7.5 metres being a variation to the acceptable development standards clause 3.8.1 – Visual Privacy.

The proposed development also exceeds the building threshold envelope established under Council Policy 3.1.9 - Height and Scale of Buildings within Residential Areas.

Statutory Provisions:

When determining an application, clause 6.8 of the DPS2 applies as follows:

6.8 Matters to be considered by Council

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

- (a) interests of orderly and proper planning and the preservation of the amenity of the relevant locality;*
- (b) any relevant submissions by the applicant;*
- (c) any Agreed Structure Plan prepared under the provisions of Part 9 of the Scheme;*
- (d) any planning policy of the Council adopted under the provisions of clause 8.11;*

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

Residential Design Codes (R-Codes)

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

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

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

Consultation:

The proposal was advertised to six (6) adjoining owners. Two responses were received, being two objections. The objections in their entirety stated:

Shinji Court

“The over-height has no relevance from our perspective. The following concerns are appropriate:

- 1 *We have been informed that new buildings have to be 1.2 metres from existing fences. The proposed Unit 2 garage is only 0.5 metres away.*
- 2 *Unit 2 will block light and sun from the patio and dining room and instead of looking at native bushland, we will be looking at a brick wall.*
- 3 *Noise pollution from the garage and driveway.*
- 4 *Front windows overlooking into kitchen and front room.*
- 5 *If permission to build is granted, we do not want our fence touched or have to pay any cost in building of retaining walls.*
- 6 *We object to a two storey dwelling on this lot.”*

Officer's Comments:

The property owners state that they have no objection to the 'over-height' issue yet object to a two storey dwelling on the lot. In addition, points one (1) to four (4) relate to parts of the development, which have been assessed and deemed to comply with all the relevant acceptable development standards of the R-Codes. They also appear to relate to Unit Two (2) and not Unit One (1), which is where the projection through the building height occurs

Kastorias Close

"It is noted that the proposed ground level of the new development is to be 9.10 metres (spot level) in the entertaining area. This level is 1.1 metres above the level of the existing retaining wall, which runs from Burns Beach Road south and easterly along our boundary as indicated by existing ground contours. As our existing 1.8 metre high fence follows existing contours, this means the new development is 0.6 metres below the top of our fence. This is not acceptable for privacy reasons in our dwelling. I suggest the owner/developer, if proposed levels are to be used, should retain along the eastern boundary of the development up to a level of 9.0 metres and rest the fencing on the top of the wall to maintain 1.8 metres of privacy to our dwelling, with care taken not to disturb existing pool piping along this boundary fence. Should this not be acceptable to the owner, then I suggest proposed pad levels should be readdressed as the levels as shown are not acceptable to us."

Officer's Comments:

In order to protect the privacy of the affected adjoining landowner, it is recommended that any approval be conditional upon the installation of satisfactory screening above the retaining wall and any area raised above 500mm. It should be noted that a 1.8 metre high fibro-cement fence is deemed acceptable to the screening requirements of the R-Codes.

COMMENT

The development generally complies with all the provisions of the R-Codes, City of Joondalup District Planning Scheme No. 2, except as outlined below;

Retaining wall setback of nil in lieu of 2.8 metres

The subject lot experiences a fall of approximately four (4) metres from the south-western corner to the northern boundary. As a result, it limits the potential for two grouped dwellings to be accommodated within the lot whilst complying with all the necessary City and R-Code policies.

A retaining wall with a maximum and minimum height of 2.2 metres and 300mm respectively has been proposed along the eastern boundary to create a useable area for Unit 2. The required setback for the wall is a function of height and length. The length of the wall is 12.5 metres and the height is taken from the highest point above natural ground level (2.2 metres), hence the setback required is 2.8 metres.

Setting back the wall this distance is inequitable, since theoretically, the setback would decrease as the wall height falls. It would create an area that cannot be effectively used by the occupants. This would also result in additional technical difficulties by compromising the design of the development in relation to outdoor living areas since such developments typically require a flat, useable contiguous outdoor area as part of their statutory obligations.

It is apparent from the plans and the proposed finished floor levels of the Unit 2 garage and dwelling that an effort has been made to minimise the amount of building bulk located close to the eastern lot boundary. The plans indicate approximately that the amount of cut will equal that filled. Additionally, the ground and upper floors of the Unit are setback 3.6 and 7.8 metres respectively from the eastern lot boundary, exceeding those prescribed by the R-Codes. In light of this, the proposed retaining wall is therefore considered acceptable to the City.

Cone of vision setback of 3.8 metres in lieu of 4.5 metres (Unit 1, Bedroom 2)

Bedroom 2 of Unit 1 overlooks the open space of Unit 2 to a small degree. The amount of actual area overlooked is minor and it is limited entirely within the parent lot. The variation is acceptable to the City.

Cone of vision setback of 4.8 metres in lieu of 6.0 metres (Unit 2, Family Room)

The R-codes stipulate that when an area is raised more than 500mm above natural ground level, a cone of vision assessment is required. In this case the Unit 2 family room is setback only 4.8 metres from the lot boundary. An objection has been received from the affected owner. Therefore, it is recommended that screening be installed on top of the retaining wall at the boundary in order to prevent overlooking.

Cone of vision setback of 5.6 metres in lieu of 6.0 metres (Unit 2, Family Room)

Bedroom 2 of Unit 1 overlooks the open space of Unit 2 to a small degree. The amount of actual area overlooked is minor and it is limited entirely within the parent lot. The variation is acceptable to the City.

Cone of vision setback of nil in lieu of 7.5 metres

The R-codes stipulate that when an area is raised more than 500mm above natural ground level, a cone of vision assessment is required. In this case, the proposed filled area extends to the eastern lot boundary and results in a cone of vision setback of nil in lieu of 7.5 metres. An objection has been received from the affected owner. Therefore, it is recommended that screening be installed on top of the retaining wall at the boundary in order to prevent overlooking.

Side setback of 1.5 metres in lieu of 2.4 metres and side setback of nil in lieu of 1.0 metre

The two setback variations listed above relate to the separation distance at the ground floor between the two proposed units. The setbacks are considered acceptable to the City since the impacts of the walls are localised internally within the lot and do not affect any other adjoining property.

Projection Through Building Height Envelope

At the lot's northern boundary adjacent to Burns Beach Road, Unit 1 projects through the Building Height Envelope. When considering a development's compliance with the City's Building Height Policy, due regard is to be given to the protection and enhancement of the amenity and streetscape character of the surrounding area.

In this instance, the streetscape is Burns Beach Road, a major arterial road with bushland on the northern side. Residential development characterises the southern side of the road, but no dwellings front or access it. The required setbacks for Burns Beach Road are relatively small in comparison to those required at the primary streets they front. Therefore, the streetscape character along this road is not considered aesthetically appealing and there appears to be little value in enforcing the provisions of the City's Building Height Policy, without considering the particular characteristics of this site and impacts (if any) on the locality.

Negative comments received from the adjoining owners appear unsubstantiated. The portion of the development that does not comply with the Building Height Envelope is adjacent to the boundary with Burns Beach Road. The property at Shinji Court is elevated approximately three metres higher than the land where intrusion outside the envelope occurs. Also, it is not considered that the subject dwelling impacts upon the property at Kastorias Close, which is also located some distance from the intrusion.

ATTACHMENTS

Attachment 1	Locality Plan
Attachment 2	Development Plan

VOTING REQUIREMENTS

Simple Majority

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

- 1 EXERCISE discretion under clause 6.1.3 (b) of District Planning Scheme No 2 and clause 2.3.4 of the Residential Design Codes 2002, and determine that the performance criteria under clauses 3.6.1, 3.6.2 and 3.8.1 have been met and that:**
 - (a) Retaining wall setback of nil in lieu of 2.8 metres;**
 - (b) Side setback of 1.5 metres in lieu of 2.4 metres;**
 - (c) Side setback of nil in lieu of 1.0 metre;**
 - (d) Importation of fill in excess of 500mm within one metre of a common boundary;**
 - (e) Cone of vision setback of 3.8 metres in lieu of 4.5 metres;**

- (f) Cone of vision setback of 4.8 metres in lieu of 6.0 metres;
 - (g) Cone of vision setback of 5.6 metres in lieu of 6.0 metres;
 - (h) Cone of vision setback of nil in lieu of 7.5 metres are appropriate in this instance;
- 2 DETERMINE that the front south-eastern corner of the dwelling protruding through the Building Threshold Envelope under Policy 3.1.9 is appropriate in this instance;
- 3 APPROVE the application dated 06/07/2004 submitted by J Corp Pty Ltd, the applicant on behalf of the owner, Danh Phuong Nguyen, for two grouped dwellings on Lot 23 (23) Shinji Court, Joondalup, subject to the following conditions:
- (a) The proposed retaining walls adjoining the boundary of the adjoining property to be made good and of a clean finish to the satisfaction of the City;
 - (b) The proposed boundary wall adjoining the boundary of the adjoining property to be made good and of a clean finish to the satisfaction of the City;
 - (c) Where the ground level is raised greater than 500mm above natural ground level behind the front setback area, the raised area is to be screened in accordance with the Residential Design Codes 2002;
 - (d) All stormwater must be contained on-site to the satisfaction of the City;
 - (e) Any part of the development is not permitted to encroach upon the Burns Beach Road reserve;
 - (f) The driveway and crossover to be designed and constructed to the satisfaction of the City before occupation of the dwellings.

Footnote:

- 1 With reference to condition (c), standard fencing to a height of 1.8 metres is deemed to comply with the screening requirements of the Residential Design Code.

The Motion was Put and

CARRIED UNANIMOUSLY (5/0)

Appendix 11 refers

To access this attachment on electronic document, click here: [Attach11brf261004.pdf](#)

CJ263 - 11/04 SINGLE HOUSE (PARAPET WALL HEIGHT AND BUILDING HEIGHT POLICY VARIATION) AT LOT 26 (200) FLINDERS AVENUE HILLARYS – [49008]

WARD - Whitfords

PURPOSE

To request the Joint Commissioners' to determine the development application for an addition to the upper floor of an existing 2 storey house, which does not comply with the provisions of the Residential Design Codes (R-Codes) and requires evaluation under the City's Building Height and Scale Policy 3.1.9.

EXECUTIVE SUMMARY

The applicant is proposing to extend a bedroom on the first floor to accommodate a wardrobe. The bedroom will be extended to an additional width of 1.7 m up to the western boundary which will result in a parapet wall of a maximum height of 4.7 m and length of 4.2 m.

The site is located in the Residential Precinct of the Hillarys Structure Plan which guides development within residential areas. As per the Structure Plan, the relevant R-Codes criteria and the City's Building Height and Scale Policy 3.1.9 are applicable to this proposal.

Consultation with neighbours has resulted in objections being received.

When assessed under the performance standards of the R Codes, it was found that the variations requested are not acceptable in this instance. It is recommended that the application be refused.

BACKGROUND

Suburb/Location: Lot 26 (200) Flinders Avenue Hillarys
Applicant: William Rodney and Anne Quinn-Schofield
Owner: William Rodney and Anne Quinn-Schofield
Zoning: **DPS:** Residential R40 Structure Plan 20
 MRS: Urban

DETAILS

The applicant is proposing to extend a bedroom on the first floor to accommodate a wardrobe. The bedroom will be extended to an additional width of 1.7 m up to the boundary, which will result in a parapet wall of a maximum height of 4.7 m and length of 4.2 m.

The site is located in the 475 Residential precinct of the Hillarys Structure Plan, which guides development within residential areas. As per the Structure Plan, the relevant R-Codes criteria and the City Building Height Policy 3.1.9 are applicable to this proposal.

Statutory Provision:

Clause 9.8.2 (a) of DPS No 2 states *that the provisions of the Agreed Structure Plan shall apply to the land within it as if its provisions were incorporated in this Scheme and it shall be binding and enforceable in the same way as corresponding provisions incorporated in the Scheme.*

Clause 9.8.3 (b) of DPS No 2 specifies *that the standards and requirements applicable to zones and R Codings under the Scheme shall apply with the necessary changes or alterations to the areas having corresponding designations under the Agreed Structure Plan. However an Agreed Structure Plan may make provision for any standard or requirement applicable to zones or R Codings to be varied, and the standard or requirement varied in that way shall apply within the area of the Agreed Structure Plan, or any stipulated part of this area, as if it was a variation incorporated in this Scheme.*

Clause 6.6.2 of DPS No 2 requires that the Council, in exercising its discretion to approve or refuse an application, have regard to the provisions of Clause 6.8.

6.8 *Matters to be considered by Council*

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

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

Residential Design Codes 2002 (R Codes)

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

- 1 make effective use of space; or
- 2 enhance privacy; or
- 3 otherwise to enhance the amenity of the development; and
- 4 to have any significant adverse effect on the amenity of the adjoining property; and
- 5 ensure that direct sun to major openings to habitable rooms and outdoor living areas of adjoining properties is not restricted.

Development Standards under R-Codes 2002

R-Code Standard	Acceptable Development Standard under the R-Codes	Provided
Boundary Wall Length	Two thirds of the length of the balance of the boundary behind the front setback, to one side boundary.	4.2 metres, complies.
Boundary Wall Height	3.5 metres maximum, 3 metres average	4.7 metres, does not comply.

Policy 3.1.9 – Height and Scale of Buildings Within a Residential Area

Policy 3.1.9 states that applications which exceed the building threshold envelope shall be deemed to be non-complying applications for which Council’s development approval is required. Non-complying applications shall be processed as follows:

- (a) cases in which notified landowners have raised no concerns AND the application is supported by the Manager Approval Services, the application shall be processed under delegated authority;
- (b) In cases in which notified landowners have raised concerns or objections OR the application is not supported by the Manager Approval Services, the application is to be presented to Council for determination.

Consultation:

The proposal was advertised to four nearby landowners for a period of 14 days. Only two submissions were received:

Submissions	Technical Comments
<p>1 Letter of Objection (Flinders Avenue)</p> <p>(a) They understood that the extension was only to be in line with the existing wall.</p> <p>(b) Height of wall and roof will overshadow their courtyard.</p> <p>(c) View from the nearest room would be reduced.</p> <p>(d) The special building conditions state one cannot build a second storey parapet wall on the boundary.</p> <p>(e) Second storey wall on their boundary would exclude natural light entering the kitchen and dining area windows and create a wind tunnel which in turn would cause more wind noise.</p>	<p>Noted</p> <p>Noted</p> <p>Noted</p> <p>Noted</p> <p>Noted</p>
<p>Letter of no objection (Flinders Avenue, Hillarys)</p>	<p>Noted</p>

COMMENT

The parapet wall protrudes through the Building Height Envelope prescribed by the City's Building Height Policy 3.1.9, and does not conform with the requirements stipulated under clause 3.3.2 of the R-Codes.

The unfavourable comments provided by the adjoining owner most directly affected by the proposal are justified. The parapet wall is expected to have a significant adverse impact upon the amenity of the adjoining property. It interferes with direct access to sunlight to the outdoor living space and the meals room of the adjoining lot. The impact is exacerbated by the average height of the parapet wall being 4.7 metres, which is 1.7 metres above the R-Codes boundary wall acceptable development standard.

Notwithstanding the provisions of the R-Codes, the City's Building Height policy can permit structures on the boundary to a maximum height of 3.5 metres. At 4.7 metres, the parapet wall in question exceeds this requirement. The intent of the policy is to ensure that all development within a residential area of significant height and scale is given appropriate consideration with due regard to the protection and enhancement of the amenity and streetscape character of the surrounding area.

The parapet wall detracts from the amenity of the locality and is not supported by the adjoining property owner.

Both the R-Codes and Building Height Policy are important documents that cannot be disregarded. The variations requested are excessive and the unfavourable comments from the adjoining neighbour are justified. The proposed parapet wall is clearly contrary to the intent of the R-Codes and Building Height Policy. To approve such a development would be against the interests of orderly and proper planning and the preservation of the amenity of the relevant locality.

ATTACHMENTS

Attachment 1	Location Plan
Attachment 2	Plans of Proposal
Attachment 3	Photos of Development

VOTING REQUIREMENTS

Simple Majority

MOVED Cmr Clough, SECONDED Cmr Fox that the Joint Commissioners REFUSE the Development Application submitted by the owners, William Rodney and Anne Quinn-Schofield for approval of additions to the existing dwelling on Lot 26 (200) Flinders Avenue, Hillarys, for the following reasons:

- 1 The development would be contrary to the proper and orderly planning of the locality;**
- 2 The development does not comply with clause 3.3.2 of the Residential Design Codes 2002 in terms of boundary wall height;**
- 3 The development does not comply with the normal building height parameters of Policy 3.1.9 – Height and Scale of Buildings Within a Residential Area;**
- 4 Approval of the development under the ‘performance criteria’ of the Residential Design Codes would compromise the intended R40 density code, setback requirements and objectives of the Residential Design Codes;**
- 5 Approval of the development would be contrary to District Planning Scheme No 2.**

The Motion was Put and

CARRIED UNANIMOUSLY (5/0)

Appendix 12 refers

To access this attachment on electronic document, click here: [Attach12brf261004.pdf](#)

CJ264 - 11/04 CLOSE OF ADVERTISING FOR AMENDMENT NO 26 TO DISTRICT PLANNING SCHEME NO 2 TO REZONE LOT 143 ELWOOD COURT AND LOT 1 AND 2 EDDYSTONE AVENUE, CRAIGIE FROM ‘MIXED USE - R20’ TO ‘RESIDENTIAL - R40’ – [73558]

WARD - Pinnaroo

PURPOSE

The purpose of this report is for the Joint Commissioners’ to consider submissions received during the advertising period and to adopt as final, Amendment No 26 to District Planning Scheme No 2 (DPS2) without modification.

EXECUTIVE SUMMARY

Lot 143 Elwood Court and Lots 1 & 2 Eddystone Avenue, Craigie are currently zoned ‘Mixed Use’, with a residential density code of R20. Amendment No 26 proposes to rezone the lots to ‘Residential’, and apply a residential density code of R40 to facilitate the future development of 14 grouped dwellings upon the lots.

Council at its meeting on 20 July 2004 (CJ167-07/04 refers) resolved to initiate Amendment No. 26 to DPS 2 for public advertising. The advertising period closed on the 6 October 2004 and a total of eleven (11) submissions were received, four (4) of which supported the proposal and seven (7) of which objected.

The objections raised have been addressed in the Schedule of Submissions (Attachment 1). Several of the points raised in objection to the proposed amendment relate to the concept plan submitted by the applicant (Attachment 2). It is noted that future development of the lots will be subject to a separate development application.

It is therefore recommended that the Joint Commissioners grant final approval to Amendment 26 to DPS2 by supporting the following resolutions:

- 1 *Pursuant to Town Planning Regulations 17 (2) ADOPTS Amendment No 26 to the City of Joondalup’s District Planning Scheme No. 2 without modification for the purposes of rezoning Lot 143 Elwood Court, and Lots 1 & 2 Eddystone Avenue, Craigie from ‘Mixed Use’, with a density code of R20 to ‘Residential’, with a density code of R40.*
- 2 *AUTHORISE the affixation of the Common Seal and to endorse the signing of the amendment documents.*
- 3 *NOTE the submissions received and advise the submitters of the Joint Commissioners’ decision.*
- 4 *ADVISE the applicant that the concept plan submitted with the amendment is subject to Development Approval*

BACKGROUND

Suburb/Location: Lot 143 Elwood Court and Lots 1 & 2 Eddystone Avenue, Craigie
Applicant: Andrew Pawluk, Town Planning Consultants on behalf of IA Investments Pty Ltd.
Owner: Wong Investments Pty Ltd
Zoning: **DPS:** Mixed- Use
MRS: Urban
Strategic Plan: Strategy 3.3.1 - Provide Residential Living Choice

DETAILS

The proposed amendment applies to Lot 143 Elwood Court and Lots 1 & 2 Eddystone Avenue, Craigie (Attachment 3) and is sought to facilitate future residential development of fourteen (14) single-storey grouped dwellings upon the lots (Attachment 2).

Grouped dwellings may be considered under the current “Mixed Use” zoning of the land at the City’s discretion, however the applicant seeks to rezone the land to “Residential” so that future grouped dwelling development upon the site is a permitted use. The applicant also seeks to increase the residential density code applicable to the land from R20 to R40.

Under the current R20 coding a maximum of nine (9) dwellings could be hosted on the lots, under the proposed R40 coding a total of eighteen (18) dwellings could be hosted on the lots, however, the owner has foreshadowed a total of fourteen (14) dwellings being built upon the land.

Statutory Provision:

The Town Planning and Development Act 1928 enables local authorities to amend a Town Planning Scheme.

Upon provision 17(2) of the Regulations, Council shall consider all submissions received during the advertising period. After considering all submissions, the Council shall either resolve to not proceed with the amendment or adopt the amendment, with or without modifications, and to submit three copies of the amendment document to the WAPC for recommendation to the Minister for Planning and Infrastructure to grant final approval.

Consultation:

The proposed amendment was advertised for a period of 42 days from the 25 August 2004 to 6 October 2004. Advertising was in the form of a sign erected on site, adjoining landowners being notified in writing and advertisements placed in the West Australian (25 August 2004) and the Joondalup Community Newspaper (26 August 2004).

Upon closure of the public advertising period, a total of eleven (11) submissions were received, seven (7) of which were considered objections to the proposed amendment, three (3) submissions were from government agencies who had no objection and the remaining one (1) submission supported the proposed amendment.

A summary of all submissions received during the public advertising period, together with the City's detailed response to these submissions, is set out in Attachment 1.

Strategic Implications:

The proposal supports objective 3.3 of the City's Plan 2003 – 2008 that seeks to 'continue to meet changing demographic needs'. Strategy 3.3.1 is also important in that the proposal seeks to provide residential living choices' through an increase in the residential density applicable to the land.

Sustainability Implications:

The development of medium density housing is considered appropriate given the location of the subject site in close proximity to the Craigie Plaza Shopping Centre and nearby existing community facilities.

The development will increase the number of people living within walking distance of, and therefore will assist in providing greater patronage to the shopping centre. This accords with Strategy 3.3.1 of the City's Strategic Plan and the WAPC's Liveable Neighbourhoods document.

COMMENT

The proposed amendment would facilitate future residential development, which would be in a built form that is complementary to surrounding existing residential development. Approval of the proposed amendment will facilitate the provision of residential living choices in accordance with the City's Strategic Plan.

Several of the points raised in objection to the proposed amendment relate to the concept plan submitted by the applicant. It is important to note that future development of the lots will be subject to a development application where by these matters shall be addressed in detail at that time.

With respect to traffic issues identified within various submissions of objection, it should be noted that the current mixed use zoning of the land allows the City to consider land uses that are considered to have higher traffic generating capability, compared to the relatively low traffic generating residential land use sought under the proposed amendment.

It is recommended that the amendment be granted final approval without modification and the documents subsequently endorsed and submitted to the Western Australian Planning Commission (WAPC) for recommendation to the Minister for Planning and Infrastructure to grant final approval.

ATTACHMENTS

Attachment 1	Schedule of submissions
Attachment 2	Concept Plan
Attachment 3	Location Plan

VOTING REQUIREMENTS

Simple Majority

MOVED Cmr Anderson, SECONDED Cmr Smith the Joint Commissioners:

- 1 Pursuant to Town Planning Regulations 17 (2) ADOPT Amendment No 26 to the City of Joondalup's District Planning Scheme No. 2 without modification for the purposes of rezoning Lot 143 Elwood Court, and Lots 1 & 2 Eddystone Avenue, Craigie from 'Mixed Use', with a density code of R20 to 'Residential', with a density code of R40;**
- 2 AUTHORISE the affixation of the Common Seal and to endorse the signing of the amendment documents;**
- 3 NOTE the submissions received and advise the submitters of the Joint Commissioners' decision;**
- 4 NOTE that the concept plan submitted with the amendment is notional, and that any future development would be subject to a future separate Development Application.**

The Motion was Put and**CARRIED UNANIMOUSLY (5/0)***Appendix 13 refers**To access this attachment on electronic document, click here: [Attach13brf261004.pdf](#)***CJ265 - 11/04 DELEGATED AUTHORITY REPORT FOR THE MONTH OF SEPTEMBER 2004 – [07032]****WARD - All****PURPOSE**

To submit items of Delegated Authority to Council for noting.

EXECUTIVE SUMMARY

This report provides a resumé of the Development Applications processed by Delegated Authority during September 2004 (see attachment 1).

The total number of Development Applications determined (including Council and delegated decisions) is as follows:

Month	No	Value (\$)
September 2004	43	10,388,929

The total number of DAs determined in September was 43, compared to 54 DAs determined in August 2004.

ATTACHMENTS

Attachment 1 September Approvals

VOTING REQUIREMENTS

Simple Majority

MOVED Cmr Clough, SECONDED Cmr Smith that the Joint Commissioners NOTE the determinations made under Delegated Authority in relation to the applications described in Attachment 1 to Report CJ265-11/04.

The Motion was Put and

CARRIED UNANIMOUSLY (5//0)

Appendix 14 refers

To access this attachment on electronic document, click here: [Attach14brf261004.pdf](#)

CJ266 - 11/04 SUBDIVISION REFERRALS PROCESSED 1 – 30 SEPTEMBER 2004 – [05961]

WARD - Lakeside, North Coastal, South, Marina

PURPOSE

This report is to advise the Joint Commissioners' of subdivision referrals received by the City for processing in the period 1- 30 September 2004.

EXECUTIVE SUMMARY

Attachment 1 is a schedule of the Subdivision Referrals processed by Urban Design and Policy from 1 – 30 September 2004. Applications were dealt with in terms of the delegation of subdivision control powers by the Acting Chief Executive Officer (C55-08/04).

DETAILS

Seven subdivision referrals were processed within the period. The average processing time taken was 22 days. The subdivision applications processed enabled the potential creation of one (1) residential lot and six (6) strata residential lots. Three applications were deferred. These applications are as follows:

Ref: SU1068-04 – 1 Alberta Pocket, Joondalup

This application was deferred pending determination of a development application, as the sizes of the proposed lots are less than 350m².

Ref: SU1094-04 – 43 Calbourne Way, Kingsley

This application was deferred pending an amended plan.

Ref: SU125475 – 931 Whitfords Avenue and 5 Trappers Drive, Woodvale

This application was deferred pending determination of a development application by the City, and finalisation of the disposal arrangements of the subject land.

ATTACHMENTS

Attachment 1 Schedule of Subdivision Referrals

VOTING REQUIREMENTS

Simple Majority

MOVED Cmr Fox, SECONDED Cmr Clough that the Joint Commissioners NOTE the action taken by the Subdivision Control Unit in relation to the applications described in Attachment 1 to Report CJ266-11/04.

The Motion was Put and

CARRIED UNANIMOUSLY (5/0)

Appendix 15 refers

To access this attachment on electronic document, click here: [Attach15brf261004.pdf](#)

**CJ267 - 11/04 PROPOSED BURNS BEACH STRUCTURE PLAN NO.
10 - PORTION OF LOT 9017 BURNS BEACH ROAD,
BURNS BEACH – [29557]**

WARD - North Coastal

PURPOSE

The purpose of this report is for the Joint Commissioners to consider the proposed Burns Beach Structure Plan report for the purpose of initiation of public advertising.

EXECUTIVE SUMMARY

Lot 9017 comprises several parcels of land within the suburbs of Currambine, Kinross and Burns Beach that is the subject of ongoing subdivision (see Attachment 1). The subject portion of Lot 9017 is approximately 291 hectares in area and is located north of Burns Beach Road and west of Marmion Avenue, immediately north and east of the pocket of residences within the suburb of Burns Beach.

Amendment 992/33 to the Metropolitan Region Scheme (MRS) to rezone the subject land from “Rural” to “Urban” and “Parks and Recreation” was gazetted on 23 January 2004. The City’s District Planning Scheme No. 2 (DPS2) subsequently amended the zoning of the southern part of this site under Amendment No. 21 to “Urban Development” (CJ047-03/04 and CJ166-07/04 refer). The rezoning was gazetted on 31 August 2004.

A Structure Plan provides the development requirements of the subject land and the overall plan for future subdivision. The proposed development provisions relate to development within five precincts incorporating approximately 1600 single allotments of predominantly R20 density (with some R40 areas located adjacent to public open space (POS)), a local shop site and a beach kiosk/lunch bar/restaurant near the foreshore.

Future development of the land is intended to be designed to comply with GreenSmart energy efficient principles in terms of solar orientation, water sensitive and waterwise design, improved waste management and recycling.

Should the draft Structure Plan be considered satisfactory, the proposal is required to be advertised for public comment prior to further consideration by the Joint Commissioners.

It is recommended that the Joint Commissioners:

- 1 *Pursuant to clause 9.4 of the City of Joondalup District Planning Scheme No 2, ADOPT the draft Burns Beach Structure Plan No. 10 as per Attachment 2 to Report CJ267-11/04 for the purpose of public advertising and make it available for public comment for 28 days;*
- 2 *Advise the applicant that the following are to be received to the satisfaction of the city during the period of public consultation:*
 - (a) *further justification or alternatives to the proposed road arrangement around the proposed areas of open space, denoted as POS 8 & POS 9 on Plan 1;*
 - (b) *written advice from all telecommunications carriers currently operating in Western Australia that they do not require or intend to provide any telecommunications infrastructure, including mobile phone towers or other related ‘low impact’ telecommunications infrastructure in the proposed Structure Plan area in the near future;*
- 3 *ADVISE the applicant that the City encourages the developer to actively pursue planning for the development of a possible future swimming beach and associated facilities located immediately north of the developable area of the subject site in conjunction with the Department of Conservation and land management, the Department for Planning and Infrastructure and the City of Joondalup. Consideration should be given to the impacts of development on the internal road system, foreshore, bush land and the amenity of the future residents of burns beach, as well as the possible northward extension of the proposed road near the foreshore.*

BACKGROUND

Suburb/Location:	Portion Lot 9017 Burns Beach Road, Burns Beach
Applicant:	Development Planning Strategies
Owner:	Burns Beach Property Trust
Zoning:	DPS: Urban Development
	MRS: Urban and Parks & Recreation
Strategic Plan:	Strategy 3.3 – Provide residential living choices to meet changing demographic needs

Lot 9017 comprises several parcels of land over the suburbs of Currambine, Kinross and Burns Beach and is the subject of ongoing subdivision (see Attachment 1). The subject portion of Lot 9017 is located north of Burns Beach Road and west of Marmion Avenue, immediately north of the pocket of residences within the suburb of Burns Beach.

The area subject of the proposed Structure Plan is approximately 291 hectares in area. It includes the 147 hectares part of the site immediately north of Burns Beach Road zoned “Urban” under the MRS and “Urban Development” under DPS2, as well as the 144 hectares of abutting the land to the north of the that is reserved for “Parks & Recreation” purposes. Any development of the northern part (144 hectares) of the site needs to be in accordance with the provisions of the MRS in accordance with the City’s DPS2.

Amendment 992/33 to the Metropolitan Region Scheme (MRS) to rezone the subject land from “Rural” to “Urban” and “Parks and Recreation” was gazetted on 23 January 2004. The City subsequently resolved to amend its District Planning Scheme No. 2 (DPS2) at its meeting on 9 March 2004 to initiate rezoning of the southern part of the subject site to “Urban Development” as Amendment No. 21 to DPS2 (CJ047-03/04 refers). Final adoption of Amendment 21 was resolved at the meeting of the Joint Commissioners on 20 July 2004 (CJ 166-07/04 refers) and the rezoning was gazetted on 31 August 2004. No density code currently applies to the subject site at this time.

Future urban development of the subject land has been opposed by individuals and environmental groups over the course of approximately 6 years. The land was identified in the former draft Perth Bushplan and subsequent Bush Forever plan on the basis of its representation of ecological community types, maintaining ecological process, scientific or evolutionary importance and its value meeting coastal reserve criteria. It is not, however, identified in the current Metropolitan Region Scheme Amendment No. 1082/33 that seeks to establish Special Control Areas over Bush Forever sites.

During the long-standing debate over the extent of this future urban area, the City expressed concerns about the environmental impacts of development of the subject portion of Lot 9017 in view of its sensitivity. These sentiments were also expressed by the then Minister for the Environment and Heritage who requested the WAPC to set aside a further 24 hectares of land for conservation. The gazetted MRS and DPS2 Amendments reflect this increased conservation area and reduced development area, resulting in a greater area being set aside as Parks and Recreation (144 hectares) and an overall reserve of approximately 350 hectares that is reserved in order to conserve the existing vegetation. The gazetted Amendments also reflect a negotiated outcome based on the environmental concerns raised by the community.

Largely due to the community's concerns about future development of the site, the Joint Commissioners' resolved at their meeting on 9 March 2004 to initiate Amendment 21, amongst other things, to:

- 4 *ADVISE the applicant that the City would anticipate a high level of community and other stakeholder involvement during the preparation of the Structure Plan and to this end request a community involvement and consultation plan to be submitted to supplement the formal consultation process required under DPS2;*
- 5 *ADVISE the applicant that the Structure Plan should:*
 - (a) *clearly demonstrate the application of the principles of sustainability (note Council Policy 2.6.4 – Environmental, Social and Economic Sustainability);*
 - (b) *have particular regard to the retention of significant areas of natural vegetation where possible;*
 - (c) *address the issue of telecommunications facilities and linkages through such measures as broadband/Telco cabling and the identification of mobile tower sites.*

In accordance with the above resolution of the Joint Commissioners, the developer has undertaken comprehensive community consultation in formulating the proposed Structure Plan. This process was based on a consultation plan submitted to and approved by the Manager of Strategic and Sustainable Development, taking place over a period of 3 months prior to the submission of the proposed Structure Plan to the City. This consultation involved focus and interest groups and stakeholders who provided input via public meetings or interviews arranged through newspaper advertisements and invitation letters. The findings of the various forms of community consultation are noted in Section 7.0 of Part 2 of the proposed Structure Plan and have been incorporated into the proposed Structure Plan. The public consultation conducted to date was therefore preliminary and does not alter the statutory need for the proposed Structure Plan to be formally advertised in accordance with DPS2 should it be initiated and for this advertising to be arranged and controlled by the City.

DETAILS

A Structure Plan provides the development requirements of the subject land and the overall plan for future subdivision. The proposed Burns Beach Structure Plan consists of two parts: Part 1 and Part 2 (see Attachment 2)

Part 1 is the statutory planning section setting out the objectives and development provisions that determine the intended overall form of development on the proposed lots, where these provisions differ from those required under the R Codes.

Part 1 of the proposed Structure Plan is divided into six precincts, as follows:

- Residential R20 Precinct
- Residential R40 Precinct
- Special Residential Precinct
- Local Shop Precinct
- Beach Shop/Lunch Bar/Restaurant Precinct
- Parks & Recreation Reserve

Part 1 sets out the subject area, definitions, and objectives, permitted land uses and development provisions relating to each of the above Precincts, with the exception of the Parks & Recreation Precinct.

The proposed Structure Plan is based on the future development of the following:

- approximately 1600 residential allotments with lots varying in size from 500-600m² for the R20 density coded lots and approximately 400m² for the R40 density coded lots;
- a primary school with a senior sized oval straddling the adjoining public open space (POS);
- fifteen areas of POS of varied sizes distributed throughout the site;
- a main vehicular and pedestrian boulevard running east-west through the centre of the site, linking the residential area of Kinross to the foreshore;
- a local shop site;
- a beach shop in an area of POS near the foreshore;
- northward extension of the dual use path that currently ends at Burns Beach;
- a round-about (external to the site) at the entry along Marmion Avenue;
- a round-about at the intersection of Burns Beach Road and Cardiff Gate connecting to the Iluka residential area;
- an access road running north-south near the foreshore;
- a pedestrian linkage to the existing Burns Beach residential area, with potential to become a vehicular linkage;
- a possible future swimming beach and associated facilities located north of the developable part of the Structure Plan area.

Part 2 of the Structure Plan is the explanatory report, which provides an explanation of the objective, purpose and intentions of the proposed Structure Plan. It also includes background information, the processes proposed for implementation and administration of the Structure Plan, and the results of pre-lodgement community consultation undertaken by the developer.

Statutory Provision:

Clause 9.1 of DPS2 states that the Council may require the preparation of a Structure Plan as a prerequisite to Council's support for a proposal to rezone or classify land in the District. Clause 3.12.2 of DPS2 states that no subdivision or other development should be commenced or carried out in an "Urban Development" Zone until a Structure Plan has been prepared and adopted under the provisions of Part 9 of DSP2. Under Clause 3.12.3 of DPS 2 the permissibility of uses in this Zone shall be determined in accordance with the provisions of the relevant Agreed Structure Plan.

Consultation:

Clause 9.5 of DPS2 requires Structure Plan proposals to be advertised in accordance with the provisions of clause 6.7 prior to further consideration by Council. Advertising for a period of twenty eight (28) days is recommended with advertising consisting of notification of all adjoining landowners, a sign being erected on the site and a notice being placed in the Joondalup Community newspaper.

It is noted that the developer undertook extensive community consultation over a period of 3 months prior to the submission of the proposed Structure Plan in accordance with the Joint Commissioners resolution at the rezoning stage. The findings of the various forms of community consultation are noted in Section 7.0 of Part 2 of the proposed Structure Plan and have been largely incorporated into the proposed Structure Plan.

Strategic and Sustainability Implications:

The proposed Structure Plan would facilitate the development of a variety of housing forms on lots of variable sizes, ranging from low to medium density, thereby providing living choices to meet changing demographic needs in line with the objectives of the City's Strategy 3.3

COMMENT

Density and Development Form

No density code currently applies to the subject site at this time. As a part of the Structure Plan, it is proposed to apply a density of R20 over the majority of the land, with pockets of R40 density located adjacent to some of the areas of POS.

Development on the R20 and R40 density coded lots would be a maximum of two storeys in height. Indicative photographs showing the resulting form of development in the R40 density coded areas are shown in Section 6.0 of Part 1 of the proposed Structure Plan (Attachment 2). This form of development is consistent with the form of residential development that has resulted from other Agreed Structure Plans applied to land in the City of Joondalup.

Public Open Space

The proposed areas of POS are designed in accordance with the WAPC's Liveable Neighbourhoods document with respect to size and location in that they are a minimum of 3000m² each in area, are located within 400 metres of all dwellings and are equitably spaced so that each resident can easily walk to them. The Liveable Neighbourhoods document provides development requirements that aim to provide high quality living, recreational and working environments that are environmentally sustainable and support the creation of communities.

Most of the POS' are greater than 5000m² in area. In addition, a variety of sizes of POS in line with Liveable Neighbourhoods are proposed to offer a range of recreational opportunities with the largest POS being 2.8 hectares in area. The latter POS is located adjacent to the proposed 3.5 hectare site primary school and in part accommodates a senior sized oval that straddles this POS.

In accordance with the WAPC's DC Policy 2.3, at subdivision stage a minimum area of 10% of the area of the subdivisible site is to be provided as POS. Portions of this POS can be utilised for drainage purposes and still be considered acceptable for this purpose, depending on the extent of inundation that is likely to occur. Credits are therefore allowed for this use in these circumstances. The proposed areas of POS comply with the DC Policy 2.3 requirements.

Some concern had been expressed by officers of the City that open space of regional/district size capable of accommodating a mix of active and passive recreation was not being provided within the Burns Beach Structure Plan area. This concern was based on the fact that the Cities of Joondalup and Wanneroo are experiencing rapid growth in terms of subdivision of vacant land yet developers are not providing open spaces of sufficient consolidated areas to serve a number of neighbourhoods, particularly in regard to active recreational needs.

The WAPC allocates and vests areas of regional open space to local authorities by designating areas as Parks and Recreation reserves under the MRS. This land is generally excluded from the 10% of site that the developer is required to provide as part of the subdivision. There is no requirement for a developer to provide any regional open space. Officers of the Department for Planning and Infrastructure (DPI) have advised that they would consider any proposal for regional/district open space, however would not specifically require the provision of such open space.

Whilst it is acknowledged that there may be merit in providing an area of regional/district sized open space, it is noted that a variety of sizes of POS, including a senior sized oval, are proposed that are capable of being used for a variety of recreational uses and, therefore, comply with WAPC's requirements stated above. It is also noted that there is an existing sporting oval immediately opposite the subject site along Marmion Avenue in Kinross and another is proposed within Iluka immediately south of the subject site. Arena Joondalup is another major indoor and outdoor sporting facility that services regional/district needs, being located approximately 4 kilometres from the subject site.

Moreover, it needs to be appreciated that provision of regional/district open space as opposed to the proposed scattered arrangement would involve a significant redesign of the proposed Structure Plan and would also have implications for drainage, and perhaps the retention of native vegetation, which are discussed later in this report.

The City has since reviewed the existing active, built and natural open space provisions in close proximity to the Burns Beach Structure Plan area, based on current demands for the use of these facilities and accepts that there is adequate district open space without requiring the developer to provide this.

Officers of the DPI have expressed preliminary concerns about the long-term management of the oval straddling the primary school site and POS 14. Similarly this is an issue that City will need addressed at the subdivision stage by way of a legal agreement between the City and the Department of Education in the same way that some other similar ovals are managed in the City.

Drainage

The Liveable Neighbourhoods document encourages parkland be provided in conjunction with the drainage system for the subject site. In other words, portions of proposed POS can be utilised for drainage purposes and still be considered acceptable for this purpose, depending on the extent of any swales and inundation that are likely to occur, provided that the POS remains functional. Credits towards the required 10% public open space required for the subject site are allowable in these circumstances.

What is considered functional will be for the City to determine at the detailed subdivision design stage. Shallow swales may be acceptable in some POS's, deeper fenced sumps may be required in others. The City may also determine that a formal sump within a separate lot is required. A drainage sump is currently proposed within POS 15 in order to avoid any negative impacts of inundation from shallow sided basins on the significant stand of Christmas trees in this location.

The details of the drainage design will be assessed at the subdivision stage as is normal practice.

There are some drainage concerns with three of the POS areas located adjacent to bush land within the Parks & Recreation reserve north of the site (denoted POS 1, 4 & 11 on the plan in Attachment 2) as well as the POS located adjacent to the foreshore reserve (denoted as POS 6 on this plan) in terms of potential drainage into the bush land and foreshore reserve respectively.

Moreover, the City recently resolved to advise the WAPC that it considers that stormwater outfalls should not be permitted to discharge into natural bushland areas that are managed or owned by the City (CJ 214-09/04 refers). Since the City will become owners and managers of the POS areas approved through the Structure Plan and subsequent subdivision processes, those POS areas with retained native vegetation and with the potential to receive stormwater discharge will need to be considered carefully in this respect at the detailed subdivision design stage. Similarly, drainage of the POS areas adjacent to the foreshore reserve can be adequately addressed at this stage.

Community Purpose Site

Community purpose sites are not required to be provided by a developer under Liveable Neighbourhoods, however a local authority may require provision of such a site. The WAPC may accept a community purpose site in lieu of a portion or all of the required 10% open space that would be required to be given up as POS.

However, some officers of the City were concerned that an additional 1600 households will put an undue load on the existing community facilities within the City and, therefore, that the City may need to require the provision of a suitable site and associated facilities to service the future additional resident population, as well as the needs of the existing resident populations of the neighbouring suburbs. It is noted that there are a few community purpose sites within close proximity of the Burns Beach Structure Plan area. These include an undeveloped community purpose site located immediately east of the subject site near Marmion Avenue in the suburb of Kinross, as well as established premises known as MacNaughton Clubrooms, which are also located in Kinross. Another community purpose site has been created in Currabine and remains undeveloped. In addition, there is a small, basic and limited facility, Jack Kikeros Community Centre, located within the foreshore of Burns Beach.

The City has since undertaken a preliminary review of demand figures relating to the use of existing community and recreational facilities and believes there is a need to take a holistic view of the facilities available. The present level of facility provision may not meet the community's expectations. However, the City does not consider it necessary at this time for additional community facilities to be provided within the Burns Beach area as part of the proposed Structure Plan and subsequent development of this land.

Retention of Significant Native Vegetation

The previous resolution of the Joint Commissioners included a need for the proposed Structure Plan to retain significant native vegetation where possible.

There is a significant stand of Christmas Trees located at the corner of Burns Beach Road and Marmion Avenue within POS 15 that the City and the community as a whole require to be retained. There is also a stand of Tuart trees located within the area denoted as POS 13 at the entry to the site from Marmion Avenue. The proposed Structure Plan indicates all these trees will be retained. The City will need to review the capacity to retain these trees when final details of a proposed drainage sump within POS 15 have been determined at the subdivision stage to ensure that any inundation and any future subdivision works will not result in their demise.

Traffic Issues

The City has some concerns about the proposed central road, which is largely a boulevard split into single carriageways around POS' 8 & 9 at the centre of the subject site and corresponding service roads. These concerns relate to safety and legibility and the City requires further justification for this arrangement. If the City is not satisfied that the proposed arrangement is adequate, it is considered that these issues can be addressed with minor changes to the plan that would not involve a major redesign of the proposed Structure Plan. This justification could therefore be provided during the public consultation stage.

The proposed access road near the foreshore and any proposed associated parking needs to be considered further at some stage since this road may need to be widened to accommodate a likely increase in traffic from visitors when this area is developed. Since this is not integral to the proposed Structure Plan, this matter can be dealt with at the subdivision stage.

Possible Future Swimming Beach

It is acknowledged that the beach area abutting the subject site is rocky and unsuitable for swimming. The City would therefore not support active uses along the foreshore adjacent to the subject site. It is also acknowledged that the beach area located immediately north of the subject site would be suitable for swimming. The beach and dunal area abutting this beach area is currently accessed by four-wheel drive vehicles and would become even more accessible with the development of the subject site and the proposed access road near the foreshore.

The developer has been advised to commence discussions regarding future development opportunities for a swimming beach and associated facilities in this locality with the Department of Conservation and Land Management (CALM) that will manage the adjacent Parks and Recreation reserved land, the Department for Planning and Infrastructure and the City. This would include the impacts of such development on the road infrastructure, car parking, the foreshore, bush land and future residents of Burns Beach in terms of amenity, as well any impacts from as the possible extension of the proposed road near the foreshore to enable access to the potential beach and facilities. Formulation of a management plan would be integral to the development of this area.

Reference to potential development of a future swimming beach has therefore been included in the provisions for the Special Residential Precinct (Part 1) that the Parks and Recreation reserved land abuts to alert prospective land purchasers and the public alike, as well as in Part 2. This matter is not integral to the adoption of the proposed Structure Plan as they relate to land vested in CALM and could therefore be pursued during the course of the Structure Plan and subsequent subdivision processes.

Sustainability

The previous resolution of the Joint Commissioners included a need for the developer to clearly demonstrate the application of the principles of sustainability, in accordance with Council Policy 2.6.4 – Environmental, Social and Economic Sustainability (Attachment 3).

The developer has addressed the points of this Policy within a Compliance Analysis table within Section 7.0 of Part 2 of the proposed Structure Plan. In addition, it is noted that future developments are intended to comply with GreenSmart principles in order for the developer to receive the Green Smart accreditation they seek. This accreditation involves the application of energy efficient principles in terms of solar orientation, water sensitive and waterwise design, improved waste management and recycling.

There are some concerns from the City and the DPI that there are inadequate employment opportunities for the additional 1600 households within the proposed Structure Plan area. Plan 5 of Part 2 of the proposed Structure Plan (Attachment 2) shows the proximity of off-site employment nodes, which are highly accessible by public and private transport. A local shop site has been set aside at the centre of the subject site that could also accommodate other commercial uses such as a local business(es). In addition, residents can apply to the City to conduct a “Home Business” under one of the three categories defined in DPS2, depending of the impacts of such uses on possible impacts of the proposal on the surrounding residences.

In accordance with the previous resolution of the Joint Commissioners to address the issue of telecommunications facilities and linkages, the developers have committed to the installation of telecommunications cabling to provide Broadband Access.

The City, however, remains concerned about the possible location of future mobile towers and associated ‘low impact’ telecommunications infrastructure within the area of the proposed Structure Plan. Written advice would be required from the developer that all telecommunications carriers currently operating in Western Australia that they do not require or intend to provide any telecommunications infrastructure, including mobile phone towers within the proposed Structure Plan area in the near future. This advice can be sought during the public consultation stage.

ATTACHMENTS

Attachment 1 - location plan

Attachment 2 – draft Burns Beach Structure Plan (Part 1 only)

Attachment 3 – Policy 2.6.4

VOTING REQUIREMENTS

Simple majority

MOVED Cmr Smith, SECONDED Cmr Fox the Joint Commissioners:

- 1 Pursuant to clause 9.4 of the City of Joondalup District Planning Scheme No 2, ADOPT the draft Burns Beach Structure Plan No. 10 as per Attachment 2 to Report CJ267-11-04 for the purpose of public advertising and make it available for public comment for 28 days;**
- 2 Advise the applicant that the following are to be received to the satisfaction of the city during the period of public consultation:**
 - (a) further justification or alternatives to the proposed road arrangement around the proposed areas of open space, denoted as POS 8 & POS 9 on Plan 1;**
 - (b) written advice from all telecommunications carriers currently operating in Western Australia that they do not require or intend to provide any telecommunications infrastructure, including mobile phone towers or other related ‘low impact’ telecommunications infrastructure in the proposed Structure Plan area in the near future;**
- 3 ADVISE the applicant that the City encourages the developer to actively pursue planning for the development of a possible future swimming beach and associated facilities located immediately north of the developable area of the subject site in conjunction with the Department of Conservation and land management, the Department for Planning and Infrastructure and the City of Joondalup. Consideration should be given to the impacts of development on the internal road system, foreshore, bush land and the amenity of the future residents of burns beach, as well as the possible northward extension of the proposed road near the foreshore.**

The Motion was Put and

CARRIED UNANIMOUSLY (5/0)

Appendix 16 refers

To access this attachment on electronic document, click here: [Attach16brf261004.pdf](#)

**CJ268 - 11/04 RETROSPECTIVE APPROVAL FOR ADDITIONS –
LOT 2 (160B) WATERFORD DRIVE, HILLARYS –
[43516]**

WARD Whitfords

PURPOSE

For the Joint Commissioners to determine an application for retrospective approval for additions to a single house at 160B Waterford Drive, Hillarys.

EXECUTIVE SUMMARY

An application has been received for retrospective approval for additions to a single dwelling at the abovementioned site. The subject additions were approved previously under delegated authority on the 14 November 2003. The application proceeded to a Building Licence and the development was constructed. However, the builder did not construct the development in accordance with the approved Planning Approval or Building Licence, hence the need for the retrospective approval.

During the initial development approval process, the application was advertised for a period of 14 days and objections were received from the adjoining neighbour. The additions were approved despite the objections from the neighbour, as it was determined that the development would not significantly impact on his property.

The adjoining neighbour has made a representation to the Minister regarding the matter under Section 18(2) of the Town Planning and Development Act (TPDA). The representation has been referred to the Town Planning Appeal Tribunal (“the Tribunal”) and is being dealt with as an appeal. Simply put, the allegation is that the City failed to appropriately enforce the requirements of District Planning Scheme No 2 (DPS2) when dealing with the development application.

The development includes a number of variations to the Codes and the development exceeds the Building Threshold Envelope (BTE) as defined by Policy 3.1.9 Height and Scale of Buildings within a Residential Area.

It is recommended that the application for retrospective approval be approved as the variations applied for and the exceedance of the BTE is assessed to not adversely impact on the adjoining neighbour or the amenity of the locality.

BACKGROUND

The site currently contains a two storey single house, which abuts via a two-storey parapet wall another dwelling of similar design at 160A Waterford Drive.

Previously, the City approved the subject development under delegated authority on 14 November 2003. The development was approved subject to the following conditions:

- 1 Fixed obscured screening to a minimum height of 1.6 metres to portion of the southern face of the upper deck as outlined in red on the approved plan.
- 2 Amendment of the front fence to be visually permeable 1.2 metres above adjoining ground level as defined by the Residential Design Codes.
- 3 The extension to be wholly contained within the subject property and in accordance with the easement and covenant provisions cited on the certificate of title.

The original Development Application for additions was advertised during the Planning Approval process to surrounding owners. The neighbour at 160A strongly objected to the proposal for the following reasons:

*'The development encroached into the adjoining property 160A Waterford Drive.
The upper level southern boundary wall
Upper level extensions to edge of the existing balcony will give rise to overlooking of
adjoining private open space and window openings.
Kitchen and living room near common wall is unacceptable in terms of acoustic
privacy.
Conversion of existing garage to living room unsuitable in terms of acoustic privacy.'*

Since the development was approved the adjoining landowner made a representation to the Minister under Section 18(2) of the TPDA. That representation is now being investigated by the Tribunal. The TPDA requires the matter to be dealt with as if it were an appeal. Simply put, the representation is that the City failed to appropriately enforce the requirements of DPS2 when dealing with the development application.

The Tribunal will provide a recommendation to the Minister for Planning and the Minister will advise of any further action.

During the appeal process it has been determined that the development was not constructed in accordance with the Development Approval and Building Licence issued for the development. As such, the applicant has lodged an application for retrospective approval to have the development approved. The as constructed plans of the development show that the following elements are not in accordance with the original planning approval:

- 1 Change of southern setback to deck from 6.985 to 6.918.
- 2 Change of northern setback to deck from 6.753 to 6.820.
- 3 Change in length of deck from 5.00 to 5.200 & northern face from 5.0 to 5.7.
- 4 Increased area of open sundeck.
- 5 Change in height of gable wall of ground floor living area from approximately 2.6 metres to approximately 3.8 metres.
- 6 Change in size of ground floor living area away from common boundary wall. Eastern wall increased from 1.7 to 2.860.
- 7 New gable roof in final plans not present on Development Approval.
- 8 Minor change in dimensions of gable to carport.
- 9 Carport width has increased from 6.0 to 6.3.
- 10 Width of front elevation has increased from 11.1 to 11.8.
- 11 Change to window and balustrade style on northern deck elevation.
- 12 Change in window style to ground floor Ensuite.
- 13 Change in length of northern living area wall from 3.647 to 3.465 & 3.261 to 3.220.
- 14 Change in fence alignment to comply with Development Approval conditions.
- 15 Change in height of mullion for deck window area on elevation three from approximately 1.1 to 1.3.
- 16 Change in height of mullion for deck window area on elevation two from approximately 1.1 to 1.3.
- 17 Change in overall window length for kitchen windows from approximately 1.7 to 2.1

- 18 Change of roofline on elevation three due to additional gables to front elevations.
- 19 Change of roofline on elevation two due to additional gables to front elevations.

The application also includes the addition of a garage door, which would change the classification of the existing carport to a garage under the Residential Design Codes (R-Codes) 2002 and would create a setback variation under the R-Codes.

There are also changes to the constructed dwelling from the approved Building Licence. These changes are being addressed by Approvals Services outside the scope of this application. The Building Licence process is separate from the retrospective planning approval process.

The application has been subject to a number of 'Directions Hearings' at the Town Planning Appeals tribunal to determine how to proceed in the appeal. The last directions hearing was on 10 September 2004, where it was determined that the application would proceed to a full hearing on 22 November 2004. The purpose of this was to allow the City to consider the application for retrospective approval prior to the full hearing.

During the appeal process, the neighbouring owner has lodged an extensive list of complaints regarding the development, which do not relate to the planning approval. These relate to damage to his dwelling incurred during the alterations to the dwelling at 160B and other matters. These will be further discussed within the report.

DETAILS

Suburb\Location: 160B Waterford Drive Hillarys
Applicant: Mr and Mrs Baumgartner
Owner: Mr and Mrs Baumgartner
Zoning: DPS2: Residential R20
MRS: Urban

The proposal includes a number of variations to the R-Codes including the following:

- 1 Front setback variation of Clause 3.2.3 to the garage of 1.5 metres in lieu of 4.5 metres.
- 2 Non-compliant front setback average of 6.0 metres in respect to Clause 3.2.1.
- 3 Variation to visual privacy requirement of Clause 3.8.1 of 4.8 metres in lieu of 7.5 metres to the southern boundary and 4.9 metres in lieu of 7.5 metres to the northern boundary from the proposed deck and sundeck.
- 4 Variation to visual privacy requirement of Clause 3.8.1 of 2.2 metres in lieu of six metres from the kitchen window to northern boundary and 1.5 metres in lieu of 6 metres from the meals area to the southern boundary.
- 5 Side setback variation of Clause 3.3.1 of 1.0 metres in lieu of 1.5 metres for the garage.

- 6 Side setback variation of Clause 3.3.2 (over height parapet wall to upper floor on the southern boundary).
- 7 Upper floor side setback variation of Clause 3.3.1 to the northern boundary of 2.1 in lieu of 3.5 metres to section of kitchen wall.
- 8 Side setback variation of 1.6 metres in lieu of 1.5 metres to Clause 3.3.1.

The proposal also exceeds the requirements of the City's Policy 3.1.9 Height and Scale of Buildings within a Residential Area, particularly along the southern boundary.

Statutory Provision:

When considering an Application for Development Approval and variations to the R-Codes the following clauses are relevant.

When determining an application clause 6.8 of the DPS2 applies as follows:

6.8 Matters to be considered by Council

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

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

Residential Design Codes (R-Codes)

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

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

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

Consultation:

The proposal was advertised for a period of 14 days in accordance with the R-Codes and Policy 3.1.9 requirements. From this advertising one objection and one non-objection were received. The submissions are summarised in the following table.

Comment	Officer Comment
No objections	Noted.
An approval shall not be granted if neighbours oppose, and the development has a severe negative affect on the adjoining property.	Neighbours comments are relevant, but there is no right of veto over a development proposal. It is not considered that the variation to the BTE or R-Codes will detrimentally affect the enjoyment of the objector's property. This is as most of the bulk of the development is imposed an existing parapet wall and roofline on the adjoining property.
Section 4.6.2 (b) requires the Council to have regard to any expressed view prior to making a decision. The City of Joondalup has failed to do so.	No decision on the retrospective approval for the development has been made. Any submissions received are carefully considered on their planning merits.
Section 6.8 requires that the Council has regard to any expressed view. The City of Joondalup has failed to comply with this clause as well.	Refer to above Officer comment.
In transfer document F455852, referred to in the Title, an easement been made to prevent changes to the common wall, and it only allows repair and maintenance of the existing building.	Any approval issued will be conditioned so as to contain the development within the lot boundaries and comply with the requirement of the party wall easement.
The common walls protection was carefully built for preventing sound transfer through the wall. The acoustic barrier has been totally destroyed with the new development.	Whilst the Codes note the acoustic privacy should be maintained there is no actually provision for this purpose within the Codes.

<p>The plans are not drawn correctly.</p> <p>The building on deck over pool not shown on the site plan.</p> <p>My building contours are incorrectly shown as straight lines without living room and other angling parts affecting my circle of vision. My building is removed sidewise and height wise compared with 160B, and not in a straight line as with his.</p> <p>My swimming pool and outdoor area within the circle of vision is not shown at all, and the circle of vision is not shown on the drawings.</p> <p>His NE extension of wall from my garage to his carport is angled away from the previous wall direction and my house wall direction giving an all new severe beam loading on the common wall not shown on the drawings.</p> <p>My existing screen wall is severely damaged and not as the drawing text said to remain, on drawing 03.05. The same text says incorrectly square gutter not to intrude on neighbour's side. This gutter has been replaced with a wider one intruding 80mm on neighbour side.</p> <p>Western window at meals area not shown as overhung window 700mm from my border and on top of my outdoor area and pool.</p> <p>Original prescribed 1.6 metre screen on balcony up to 2.0 metres from end of balcony has not been done and the joke of replacing it with sliding and overhung windows provided with temporary removable film has been approved.</p>	<p>The plans received for the retrospective approval are believed to be substantially accurate and are the plans assessed by the City to determine the proposal. The deck is shown on the site plan.</p> <p>The City is only considering the subject development in light of its relationship with the subject lot. There is no obligation by the applicant to draw buildings on adjoining sites. The City during the planning assessment process would confirm the location of the adjoining dwelling with Building Licence plans.</p> <p>The builder has not correctly annotated the cone of vision on the submitted plans. The City's Officers have assessed the correct cone of vision.</p> <p>Beam loading and construction details are not considered with the application for a Planning Approval, rather these matters are considered with a Building Licence.</p> <p>Noted, the damage to the building is a civil matter. The development, if approved, will be conditioned to comply with easement over the property and be retained within the lot boundaries as appropriate.</p> <p>The westerly window is shown on the application in an appropriate fashion. It is noted that the subject window does overlook into the adjoining property to the south. This will be dealt with in the appropriate manner.</p> <p>The previous Planning Approval for the site requires the window on the deck to be screened up until approximately 2.0 metres of the westerly extent of the deck. This has been achieved by providing an obscuring film to the windows. This satisfies the previous condition. Additionally these windows have been fixed and are not openable. The City's Officers have verified this.</p>
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<p>Elevation one and two incorrectly drawn at connection to my house and the new gable exceeding the envelope does not comply with height or border distance regulation.</p>	<p>It is noted that the building gables were not built in accordance with the previous approved plans. However final plans have been submitted and development will be considered on this basis.</p> <p>Variation to setback and the development exceeding the building height envelope will be considered with this application.</p>
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With the submission received from the adjoining neighbour many complaints\comments are made regarding damage to his property done during the construction process. While the complaints are noted, the City does not have a role in determining the substance of such complaints. It is a civil matter and does not fall within the scope of the planning approval.

The objector has also made previous comments that the City cannot vary the requirement of the R-Codes. This statement is not correct in that the City can vary any of the R-Code requirements relating to the subject development. The City can further allow the BTE to be exceeded.

Policy Implications:

Policy 3.1.9 Height and Scale of Buildings within a Residential Area.

Financial Implications:

There are ongoing costs regarding the appeal being incurred by the City.

COMMENT

Front setback variations

The installation of a roller door on the existing carport will cause a variation to the R-Codes, as the carport will now be classified as a garage under the R-Codes, which requires a 4.5 metre setback. The current setback for the garage is 1.5 metres. There will also be a variation to the front setback average required under 3.2.1 (A1) of the R-Codes. The extent of the front setback variation is shown in attachment 2.

It is not expected that either of the variations to the requirements of 3.2.3 (A3.5) or 3.2.1 (A1) will adversely impact on the streetscape. It is thought that the variations comply with the Performance Criteria of both relevant sections of the R-Codes as the development contributes to the desired streetscape, allows adequate views from the dwelling to the street and the development is of high quality.

Visual privacy variations

The new location of the deck will create visual privacy variations to the northern and southern properties. Regarding the variation to the northern boundary objections have been received from the adjoining landowners.

Previously, this landowner did not object to the development, although it is now noted that the development is slightly closer to the boundary and that the variation sought is slightly greater. The variation will overlook an area adjacent and into the neighbour's private open space area. The neighbour has objected to the proposal on the basis that they understood the deck area would have a vergola roof (i.e. not weatherproof and openable) and therefore would not be used on a permanent basis. As the structure does not have a permanent roof (i.e. it is openable), the neighbour objects as the room can now be permanently used. The photographs provided in the attachment show the extent of the overlooking into the site from the deck. As the development does overlook into the neighbour's outdoor entertainment area it is recommended that screening be put in place on the deck windows in accordance with the R-Codes. The applicant has not objected to the open sun deck area at the end of the enclosed deck.

The adjustment of the dimensions of the deck has created a visual privacy intrusion into the property to the south. The encroachment will overlook into a back yard area, which contains a pool area. Whilst the cone of vision encroaches into this area, it is not considered to adversely affect the neighbour's enjoyment of this area. That is, the deck has obscure screening along the southern boundary wall until the open sun deck area where there is only a clear balustrade. The cone of vision from the sun deck will protrude into the neighbour's property by approximately 2.6 metres. Given that the sundeck area is only small approximately 4m² in area and unlikely to be used for long periods of time it is recommended that this particular cone of vision be supported.

There are also visual privacy variations from the kitchen windows to the northern property boundary and meals area to southern property boundary. Variations to visual privacy requirement were approved as part of the original application for the additions. Originally the northern property owner did not object to the kitchen windows. These windows would have formed part of the previous balcony area and it is considered that the windows will have less of an impact on the adjoining property.

With regards to the meals area the neighbour originally objected to the privacy setback to the meals window of 1.5 metres in lieu of 6.0 metres. However, this same area used to be an open balcony and has been enclosed through the current application, albeit with the addition of the window. It is considered that the window is less of an impact on the neighbours and thus should be approved.

Side setback variation to garage

A side setback variation to the garage of 1.0 metre in lieu of 1.5 metres has been proposed. This variation is considered minor and will be screened by existing vegetation. The variation will not affect the amenity of the adjoining neighbour and will meet the performance criteria of the R-Codes for side setbacks.

Side setback variation over height parapet wall to upper story southern boundary

As a result of the enclosure of the former balcony to create a habitable room the existing screen wall between the two adjoining balconies has been replaced with a solid wall on the applicant's side. The solid wall is slightly higher than the previous screen wall and the roofline has been extended over. The screen wall remains on the neighbour's side.

In accordance with Clause 3.3.2 Buildings on Boundary of the Codes:

Where the wall abuts an existing or simultaneously constructed wall of similar or greater dimension

the development would comply with the Acceptable Development Provisions of the R-Codes.

The previous development approval for the site adopted this approach as the wall is of similar dimension to that of the existing. There is less than one metre difference in the existing screen wall and proposed parapet wall height. As the walls are not of exactly the same height it is considered appropriate that a variation to the wall height be granted as the parapet wall height would not adversely affect the adjoining property as it abuts a wall of similar construction.

Therefore a wall height of 5.7 metres in lieu of 3.0 metres, and average height of 5.6 metres in lieu of 2.7 metres are considered appropriate in this instance.

The setback for the parapet wall is considered appropriate as:

- 1 There will be the provision of adequate sunlight and ventilation between the subject building and building on the adjoining property.
- 2 There will be adequate sunlight to outdoor entertainment area.
- 3 The parapet wall does not pose any adverse amount of building bulk of the adjoining property.
- 4 Privacy is protected for the adjoining property as the deck windows have an obscured film on them up to a height of 1.6 metres only the sundeck is a structure to which the adjoining property can be viewed.

The upper storey setback variation to the northern boundary (Kitchen area) is not expected to impact on the adjoining property. Due to the separation between the properties and the fact the adjoining property is located to the north of the subject site, which allows for adequate sunlight and that no objections have been received in relation to the variation, the setback variation is supported. Moreover, the wall angles away from the boundary of the affected neighbour and achieves a maximum setback of 6.820 metres.

There is also a small side setback variation to the deck of 1.5 metres in lieu of 1.6m. This is considered numerically minor and will not affect the adjoining landowner.

Building Height Envelope

The development will protrude through the Building Height Envelope as prescribed by Policy 3.1.9 Height and Scale of Buildings within a Residential Area. In accordance with the policy, applications of this sort shall be advertised for public comment for a period of 14 days. This advertising has occurred and one objection and one non-objection have been received specifically in relation to BTE.

Due to the levels of the site, the site slopes from front to back from approximately 10.54 at the front to 6.05, the BTE has been exceeded. At the time of the original approval of the building, when the houses on 160A and 160B Waterford Drive were originally constructed, it is likely that the dwelling exceeded the BTE. It should be noted that the BTE was not a development control mechanism in force at the time of construction. The original Building Licences for the site were issued in 1986 and 1989.

When determining the height of the building from natural ground level, natural ground level can be determined in the following ways in accordance with Policy 3.1.9:

Natural Ground Level shall mean:

- (a) *The contour or spot levels (RL) of previously undisturbed land notes on a site plan or site survey plan.*
- (b) *Land within areas having been recontoured with or without retaining walls as part of the approved subdivisional works shall be deemed to have natural ground level coinciding with the recontoured ground level.*
- (c) *Where the land has been previously disturbed, natural ground level shall be deemed to be based on existing records or where there are no adequate records, an estimate as determined by the Chief Executive Officer.*

The natural ground levels shown on the original building licence approval seem to indicate that the site was filled to facilitate the development of the dwellings. The attachment shows the BTE as determined from a survey lodged with the original application for the additions to the dwelling, and an estimated BTE from spot levels from the original Building Licence for the dwelling. The original spot levels have been measured against the current spot levels and area approximates only.

Any addition at all to the dwelling on the upper storey is likely to exceed the BTE and its impact on adjoining properties must be taken into account. The property most likely to be affected by the development exceeding the BTE is 160A Waterford Drive. This property is located to the south of the site. In terms of building bulk the majority of the new development, with the exception of the deck, will impact on the existing two-storey parapet walls between the dwellings. Therefore, it is unlikely that the neighbour would be adversely affected by the exceedence. The majority of overshadowing of the development would be contained on the adjoining building's parapet wall and roof and is unlikely to impact on any living area.

With regard to other neighbours, it is unlikely that the building bulk will impact on their enjoyment of their respective properties. One of the neighbours to the rear does not object to the exceedence of the BTE or the other R-Code variations. There is no adverse impact on the streetscape.

It should be noted that this assessment addresses all of the constructed additions to the house on 160B Waterford Drive, and is not limited to the aspects of the additions, which are not in compliance with the planning approval issued on 14 November 2003 under delegated authority.

ATTACHMENTS

Attachment One	Location Plan
Attachment Two	Site Plan
Attachment Three	Elevations
Attachment Four	Floor Plan
Attachment Five	Floor Plan
Attachment Six	Photographs of the development.

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION: That the Joint Commissioners:

- 1 EXERCISE discretion under clause 6.1.3(b) of District Planning Scheme No 2 and clause 2.3.4 of the Residential Design Codes 2002 and determine that the performance criteria under 3.2.1, 3.2.3, 3.8.1, 3.3.1, 3.3.2 have been met and that:
 - (a) Front setback variation of clause 3.2.3 to the garage of 1.5 metres in lieu of 4.5 metres;
 - (b) Non-compliant front setback average of 6.0 metres in respect to Clause 3.2.1;
 - (c) Variation to visual privacy requirement of clause 3.8.1 of 4.9 metres in lieu of 7.5 metres to the southern boundary and 4.9 metres in lieu of 7.5 metres to the northern boundary from the proposed deck and sundeck;
 - (d) Variation to visual privacy requirement of clause 3.8.1 of 2.0 metres in lieu of six metres from the kitchen window to northern boundary and 1.5 metres in lieu of 6 metres from the meals area to the southern boundary;
 - (e) Side setback variation of Clause 3.3.1 of 1.0 metres in lieu of 1.5 metres for the garage;
 - (f) Side setback variation of Clause 3.3.2 (over height parapet wall to upper floor on the southern boundary);
 - (g) Upper floor side setback variation of Clause 3.3.1 to the northern boundary of 2.1 in lieu of 3.5 metre to section of kitchen wall;
 - (h) Side setback variation of 1.6 metres in lieu of 1.5 metres to clause 3.3.1;are appropriate in this instance.
- 2 DETERMINE that the protrusion through the Building Threshold Envelope as defined by Policy 3.1.9 Height and Scale of Buildings within a Residential Area is appropriate in this instance;
- 3 APPROVE the application for retrospective approval dated the 1 July 2004 submitted by Modern Home Builders on behalf of Mr and Mrs Baumgartner for additions to a single house Lot 2 (160B) Waterford Drive, Hillarys subject to:
 - (a) the boundary wall shall be of clean finish and made good to the satisfaction of the City;

- (b) all the development shall be contained within the lot boundaries and be in accordance with the easements shown on the Certificate of Title;
- (c) the northern windows of the deck shall be screened to a minimum height of 1.6 metres in accordance with the Residential Design Codes to prevent overlooking into the neighbouring property.

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

- 1 DEFER consideration of the matter of Retrospective Approval for Additions – Lot 2 (160B) Waterford Drive, Hillarys until the next ordinary Meeting of the Joint Commissioners to be held on 23 November 2004 to allow for an opportunity for a special briefing to Commissioners on this Item;**
- 2 REQUEST the Acting Chief Executive Officer to arrange for a legal advisor to be available to answer Commissioners’ questions at the Briefing Session to be held on 16 November 2004.**

The Procedural Motion was Put and

CARRIED UNANIMOUSLY (5/0)

Appendix 20 refers

To access this attachment on electronic document, click here: [Attach20brf261004.pdf](#)

**CJ269 - 11/04 CONDITION OF HIRE FOR CITY OF JOONDALUP
FACILITIES – CHILD PROTECTION – [36566]**

WARD - All

PURPOSE

To recommend adopting a policy that will require all sport and recreation clubs/associations and community groups, who permanently use facilities owned and managed by the City of Joondalup, to implement a Child Protection Policy as a condition of hire. The policy relates only to those organisations that have members under the age of 18 years. The policy is to be included as part of the ‘Conditions of hire for City of Joondalup Facilities’ and is recommended for inclusion in the City’s Policy Manual (Attachment 1).

EXECUTIVE SUMMARY

The City of Joondalup aims to be proactive when approaching the important issue of Child Protection within the community. The goal is to provide information that will educate sport and recreation clubs/associations and community groups, and highlights the need for these organisations to create and implement a Child Protection policy. The implementation of such a policy will involve the creation of a mandatory booking condition whereby, community user groups are required to have a Child Protection policy to permanently book or lease a City of Joondalup facility.

The City has conducted two consultation sessions with appropriate sport and recreation clubs/associations and community groups who have members under the age of 18 years. These groups fully supported the City's initiative in proposing such a positive role with regards to this issue and the procedures to implement the policy.

It is recommended that the Joint Commissioners:

- 1 *ADOPT, as presented, the Condition of Hire for City of Joondalup Facilities Child Protection Policy, for inclusion into the City of Joondalup's Policy Manual;*
- 2 *ENDORSE the fore mentioned Policy as a 'Condition of Hire' for City of Joondalup facilities as from 1 January 2005 with mandatory enforcement from 1 January 2006;*
- 3 *ENCOURAGE all sport and recreation clubs/associations and community groups to work proactively with the City of Joondalup to accomplish this positive initiative.*

BACKGROUND

The Australian Sports Commission issued the following statement:

"children have a fundamental right to be safe from any form of abuse while involved in sport or associated activities. This is a legal requirement as well as a moral obligation. Child protection requires commitment from all levels in sport to ensure environments are safe for all children. This includes an awareness of the requirements, a commitment to practices that minimise the risks and the ability to appropriately respond to incidents of child abuse.

Research indicates, and high profile cases have highlighted, the need for a comprehensive and consistent approach to child protection. To achieve consistency in addressing child protection issues, peak bodies need to guide the direction of clubs and state associations through policies and guidelines, by providing accurate information and advice, and by encouraging training".

The Department for Community Development is currently working to have legislation approved through the State Government that will ensure national police checks are conducted for all organisations with child-related employment and volunteerism. This represents an integral part of a complete Child Protection Policy and it is hoped that the City's new 'Conditions of Hire for City of Joondalup Facilities – Child Protection' Policy will ensure that the City is being responsible in its role as the provider of community facilities.

As the owner and manager of facilities utilised by community user groups, the City must illustrate its commitment to awareness and achieving consistency in approaches towards child protection issues. All sport and recreation clubs/associations and community groups with members under the age of 18 years will be provided with information and advice necessary to understand and create working Child Protection Policies. Providing a safe environment for all young people to participate and ensuring the integrity of the City and its facilities is of highest priority for the City of Joondalup.

DETAILS

The City of Joondalup aims to be proactive when dealing with the important issue of child protection. This approach has involved a series of consultation sessions, which were conducted on Wednesday, 9 June 2004 at the Kingsley Memorial Clubrooms and Monday, 14 June 2004 at the Connolly Community Centre. All sport and recreation clubs/associations and community groups with members under the age of 18 years were invited to attend and express their opinions and comments on the City's proposed Policy and implementation procedures.

In total, 42 people attended the two (2) sessions and participated in a positive and open discussion relating to the issue of child protection. The format for the consultation consisted of a brief presentation of background information, followed by focus groups with set questions, and an open forum where individuals were free to raise concerns and convey their views. Both sessions proved beneficial for participants and staff, highlighting the value of the community consultation process. A summary of the comments and suggestions that were taken from the sessions have been compiled and distributed to all those in attendance (Attachment 2).

The Club Development seminars regarding child protection, will be free for participants and conducted by professionals from the Department for Community Development and the Department of Sport & Recreation. Information and comprehensive advice on the issues associated with child protection and guidance towards the creation of specific child protection policies will be provided. The purpose of the seminars and the planned on-going education program, will lead to a mandatory condition of hire whereby community groups will be required to have a Child Protection Policy in place in order to permanently book/lease a City of Joondalup facility. There will be a number of stages to obtain this outcome.

Stage 1 – Education

There are a large number of sport and recreation clubs/associations and community groups whose activities involve young people under the age of 18 years and who permanently book/utilise City of Joondalup facilities. These organisations will be required to attend free child protection information seminars as part of the City's existing Club Development program. The seminars will be conducted by expert presenters, with the view of developing an approved Child Protection policy. The intent of the seminars is to educate the individual user groups on the importance of child protection measures for the safety of their participants and the future development of their organisation. A sample template (attachment 3) has been designed to support those organisations that have not received direction from their state governing bodies and those that do not have governing bodies.

After the initial seminars are conducted, the City will include child protection as a priority topic in the annual Club Development program seminars. This will be designed to improve awareness of the progressive issues associated with child protection and to accommodate the changing nature of administration within community groups.

Stage 2 – Implementation

After the sport and recreation clubs/associations and community groups have attended the initial club development seminars, the procedure will be as follows:

- 1 The organisations will be invited by the City of Joondalup to renew or update their permanent bookings.
- 2 In addition to their compliance with the City's facility Booking Conditions, the organisations will be asked to provide a Child Protection Policy.
- 3 The City will review the policy.
- 4 If the policy is deemed acceptable, the permanent booking will be confirmed.
- 5 If the policy is insufficient, the organisation will not have their permanent booking confirmed. They will be required to review their policy and consult with the City's Recreation Development Officer regarding the necessary changes.

As of 1 January 2005, all sport and recreation clubs/associations and community groups, whose activities involve young people under the age of 18 years, will be actively encouraged to work towards the development of a Child Protection policy for their organisation. By implementing this Condition of Hire in January 2005, it is intended that users for the 2005 winter season, would be the first seasonal groups to comply with the new procedures (facility bookings will not be restricted at this time). By 1 January 2006, all sport and recreation clubs/associations and community groups will have had sufficient time to develop and implement the necessary policy and it will be mandatory for all user groups to submit their policy before a permanent booking at a City of Joondalup facility will be approved.

It is desirable that sport and recreation clubs/associations and community groups consider appointing someone to the position of Child Protection Liaison Officer within the organisation. The specific role of this person would be to link in with the City of Joondalup and the state governing body for the development of a suitable Child Protection policy, the coordination of an annual review of the policy and to act as the organisation's reporting and actioning officer for all child protection issues.

Budget and Resources

The primary resource required to implement this policy is staff time. All costs will be incorporated into existing operational budgets, with the education of community groups being funded through the existing Club Development program.

Stage 3 – Annual Policy Reviews

After the initial Child Protection Policy has been supplied to the City of Joondalup, sport and recreation clubs/associations and community groups will be required to review their policy annually, before renewing their permanent booking. This must be demonstrated to the City by means of a signature from the president and the secretary stating that the organisation's board has re-examined the policy and made alterations if necessary.

Consultation

The City sought comments and feedback from the Department of Sport & Recreation and the Department for Community Development regarding the draft policy and sample template. Both organisations were supportive of the initiative and praised the City for their proactive approach towards this important community issue. In addition, a copy was also forwarded to the City of Joondalup's insurance brokers to ensure that the new policy would not increase the City's liability and make it susceptible to legal action. A couple of minor changes were suggested, with the insurer stating that it was "pleasing to note that mention has been made regarding Councils Duty of Care to do everything *reasonably practicable*".

The Council report, draft policy, procedure and sample template have all been presented to the Business Unit Managers for their information and comments. The feedback received provided valuable support to the process, with changes made reflecting their comments. After receiving their endorsement, it was forwarded to the City's Executive Management Team for final endorsement.

COMMENT

Those community-based organisations whose primary focus is the delivery of services for young people, involve a close association and level of trust between children and coaches, leaders, managers, officials and other support staff. Sport and recreation clubs/associations and community groups must be aware of the duty of care that is installed upon them as a direct result of the services that they provide. A failure to fully understand and implement procedures and policies that reduce the possibility of child/youth maltreatment can be damaging to the future existence of an organisation. Community groups consequently have a moral and legal responsibility to ensure the safety of all participants.

The City of Joondalup is aware of the changing nature of today's society and that issues such as child protection are becoming increasingly more important. It is therefore imperative that community groups adopt and implement a number of safeguards or procedures. They must clearly indicate to the community that the organisation is aware of its responsibilities and duty of care and is taking actions to ensure Child Protection.

A large number of sport and recreation clubs/associations and community groups that utilise City facilities already have child protection policies in place or are in the process of developing a document. The City of Joondalup is well aware that some smaller groups may find it difficult to reach the high standards that the City would like, however they are encouraged to make every effort to comply. The City is approaching this issue with the goal of achieving best practice principles as its underlying objective. All community user groups will be given the utmost support to enable them to develop a policy appropriate for their organisation.

It is recommended that Council supports the inclusion of the Condition of Hire for City of Joondalup Facilities - Child Protection Policy into the City's Policy Manual and endorses the proposed Condition of Hire for City of Joondalup Facilities - Child Protection Procedure.

ATTACHMENTS

Attachment 1	Condition of Hire for City of Joondalup Facilities - Child Protection Policy.
Attachment 2	Minutes from Consultation Sessions – Wednesday, 9 June 2004 & Monday, 14 June 2004.
Attachment 3	Child Protection Policy for Community Groups - Template

VOTING REQUIREMENTS

Simple Majority

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

- 1 ADOPT, as presented, the Condition of Hire for City of Joondalup Facilities Child Protection Policy forming Attachment 1 to CJ269-11/04, for inclusion into the City of Joondalup’s Policy Manual;**
- 2 ENDORSE the forementioned Policy as a ‘Condition of Hire’ for City of Joondalup facilities as from 1 January 2005 with mandatory enforcement from 1 January 2006;**
- 3 ENCOURAGE all sport and recreation clubs/associations and community groups to work proactively with the City of Joondalup to accomplish this positive initiative.**

Discussion ensued.

To a query raised by Cmr Fox in relation to different models being used by specific groups, Acting Director Planning and Community Development advised agreement would be reached with those organisations concerned, particularly governing bodies to accept models currently being used successfully by those groups.

The Motion was Put and

CARRIED UNANIMOUSLY (5/0)

Appendix 17 refers

To access this attachment on electronic document, click here: [Attach17brf261004.pdf](#)

Cmr Clough declared a financial interest in Item CJ270-11/04 – Community Sport and Recreation Facilities Fund (CSRFF) as he is a consultant to the West Australian Cricket Association (WACA).

Cmr Clough left the Chamber, the time being 2011 hrs.

CJ270 - 11/04 COMMUNITY SPORT AND RECREATION FACILITIES FUND (CSRFF) - [22209]

WARD - All

PURPOSE

The purpose of this report is to provide details on the applications received for the Community Sport & Recreation Facilities Fund (CSRFF) and to make recommendations to the Minister of Sport & Recreation regarding funding and the City's priority ranking and project ratings.

EXECUTIVE SUMMARY

The Minister for Sport & Recreation has allocated nine million dollars from the Community Sport & Recreation Facility Fund for the 2004/05 round of applications. The City of Joondalup is requested to assess, rank and rate all applications received from sporting and community groups located within the region. The City of Joondalup, along with five community sporting groups, have submitted applications for a range of projects.

It is recommended that the Joint Commissioners:

- 1 *NOTE the details of the CSRFF applications reviewed and outlined in this report and endorse the relevant priority ranking, rating and funding recommendations allocated to each project, as stated below:*

<i>Applicant's Rank</i>	<i>Applicant's Rating</i>
1 <i>Edgewater Woodvale Junior Football Club</i>	<i>Well planned and needed by municipality.</i>
2 <i>City of Joondalup</i>	<i>Well planned and needed by municipality.</i>
3 <i>Arena Community Sport & Recreation Association</i>	<i>Well planned and needed by municipality.</i>
4 <i>Whitfords Districts Senior Cricket Club</i>	<i>Needed by applicant, more planning required.</i>
5 <i>Beaumaris Bowling Club</i>	<i>Needed by applicant, more planning required.</i>
6 <i>Ocean Ridge Cricket Club</i>	<i>Idea has merit, more preliminary work needed.</i>

- 2 *LIST \$3,932.50 for consideration in the 2005/06 draft budget subject to the Edgewater Woodvale Junior Football Club is granted \$3,932.50 from CSRFF and that the Edgewater Woodvale Junior Football Club agrees to meet the operating costs of additional floodlights as per the Council's policy.*
- 3 *LIST \$710,000.00 for consideration in the 2005/06 draft budget subject to the ACSRA being granted \$590,000.00 from CSRFF, the WASCT contributing \$250,000.00 and the ACSRA agreeing to meet the remaining \$220,000.00 in project costs, with the ACSRA and the WASCT providing the City with a commitment towards their funding contributions by 1 February 2005.*
- 4 *ADVISE the Whitfords Districts Senior Cricket Club that the project proposed is not supported without strategic direction from the WACA regarding practice wicket facilities and that the application should be deferred until such time as direction can be provided.*
- 5 *ADVISE the Beaumaris Bowling Club that the project proposed is not supported at this time, as the Beaumaris Sporting Association, of which the Beaumaris Bowling Club is a member, currently has a pending funding application through the CSRFF program.*
- 6 *ADVISE the Ocean Ridge Cricket Club that the project proposed is not supported due to the discrepancies in the total project cost and recommends that it is deferred until the City's leisure planning process is completed.*

BACKGROUND

The Department of Sport & Recreation has invited Local Government Authorities and incorporated, not for profit sporting clubs and community groups to submit applications for funding to develop basic, sustainable infrastructure for sport and recreation. The CSRFF program aims to increase physical activity and participation through the development of good quality, well designed and well utilised facilities.

This year the Department of Sport & Recreation has placed a greater emphasis on a planned approach to facility provision and applicants have been encouraged to consider planning, design and management issues to demonstrate need for their project. The CSRFF program represents a partnership opportunity for community organisations to work with Local Government Authorities and the Department of Sport & Recreation in the construction or upgrade of facilities.

A CSRFF grant will not exceed one third (1/3) of the total completed cost of the project, with the remaining funds to be contributed by the Local Government Authority and the applicant's own cash or 'in-kind' contribution to the project. CSRFF grants are available in one of two categories:

- 1 Annual Grants, and
- 2 Forward Planning Grants.

Annual grants will be given to projects of a less complex nature, which have a total project value between \$1,000 and \$50,000. Grants in this category must be claimed in the next financial year.

Forward Planning grants will be given to projects of a more complex nature, requiring a period of between one and three years to complete, for grants of between \$50,001 and \$1.5 million. Grants given in this category can be claimed in either the first, second or third year of the triennium in which the funds were allocated.

The City of Joondalup is required to assess, rank and rate all applications from organisations that fall within its boundaries and forward these rankings and ratings to the Department of Sport & Recreation for consideration against all other submissions from Western Australia. The Minister for Sport and Recreation is due to announce the successful applications in February 2005, with grants available in the 2005/06 financial year or in another financial year as nominated by the applicant.

DETAILS

All applications were assessed by the City of Joondalup's Formal Facilities Assessment Panel (referred to as 'the panel') consisting of the City's Acting Director Planning & Community Development, Manager Operations Services, Property & Buildings Consultant and Recreation Development Officer. All projects were assessed against the following key principles of the Formal Facilities Assessment Process:

- Project Justification
- Community Input
- Access and Opportunity
- Financial Viability
- Potential to Increase Physical Activity
- Planning Approach
- Management Planning
- Design
- Co-ordination; and

The City of Joondalup is requested, by the Department of Sport & Recreation, to place a priority ranking and rating on all applications based on the following criteria:

- Well planned and needed by municipality
- Well planned and needed by applicant
- Needed by municipality, more planning required
- Needed by applicant, more planning required
- Idea has merit, more preliminary work needed
- Not recommended

COMMENT

The rankings for the projects were determined in accordance with the value they provide to the community and the funding contribution required from the City of Joondalup to meet the project cost. The Edgewater Woodvale Junior Football Club received the City's top rank as it represents significant community benefit for the level of contribution made. The City of Joondalup project was ranked second, due to its potential to positively impact all Joondalup residents and no further contribution from the City is required. The Arena Community Sport & Recreation Association project was ranked third as it will provide extensive development opportunities for four (4) sports within the Joondalup region, however the contributions to the

project by the stakeholders are not confirmed. The remaining projects required additional work before the City could support them.

A summary of all project descriptions and the breakdown of funding requested for each application has been included as Attachment 1 and Attachment 2. The assessment of the six (6) applications are as follows:

Project 1

Edgewater Woodvale Junior Football Club

This application is well planned and needed by the municipality. It is considered that the City should financially support this application by contributing one-third of the total project cost. This recommendation is consistent with Council Policy 4.3.4 – “Floodlighting on Sporting Parks – Enhanced Provision of Floodlights” and the Edgewater Woodvale Junior Football Club should meet the operating costs of additional floodlights in accordance with the policy.

Emerald Park is heavily utilised throughout the summer and winter seasons and this project would not only benefit the Edgewater Woodvale Junior Football Club, but also the summer user groups and community in general. The new lighting standards would greatly enhance the capacity of the park to accommodate an increased number of teams for evening training, with five distinct areas under each light available. The lights will have no impact on local residents and represents a sound financial decision for the City of Joondalup providing value for its commitment.

The City has approached the Edgewater Woodvale Junior Football Club and informed them of a similar project conducted recently at Percy Doyle Reserve. In this case, the height of the lighting standards was increased to improve the impact and capabilities of the lights. The club has been encouraged to consider the viability of this option, noting that the improvements would also raise the total project cost.

The total cost for the Edgewater Woodvale Junior Football Club’s lighting upgrade project is \$11,803.00. It is recommended that the City of Joondalup lists \$3,932.50 for consideration in the 2005/06 draft budget subject to the Edgewater Woodvale Junior Football Club is granted \$3,932.50 from CSRFF and that the Edgewater Woodvale Junior Football Club agrees to meet the operating costs of additional floodlights as per the Council’s policy.

Project 2

City of Joondalup

The City of Joondalup previously submitted an application to the CSRFF program for the entire Craigie Leisure Centre Re-development project. The Department of Sport & Recreation rejected the application as it was deemed not to provide additional opportunities for increased participation in sport and recreation. This application specifically concentrates on the heating component of the project and its focus on sustainable energy usage. This is supported by the 2004/2005 CSRFF guidelines, which have created attention to the development of “sustainable infrastructure for sport and recreation”.

The proposed new heating system will provide energy efficient, environmentally friendly geothermal heating to the water in the aquatic area and heating to all other parts of the facility. Currently, this is the most sustainable heating system available on the market. The application to the CSRFF program requests 1/3 funding towards the project, which equates to \$266,000.00.

Project 3

Arena Community Sport & Recreation Association

The Arena Community Sport & Recreation Association (ACSRA) project encompasses the defining principals behind the CSRFF program with the development of a shared-use clubroom and associated facilities to benefit four (4) community sporting organisations. The project planning has been coordinated by Arena Joondalup, in conjunction with representatives from each of the member organisations. The project will be beneficial to the City of Joondalup as it provides opportunities for the sports of netball, athletics, rugby league and rugby union to develop within the region.

The four organisations that make up the ACSRA have each approached the City of Joondalup in recent years requesting assistance to develop/upgrade facilities to enhance the delivery of their individual sports. In all cases, the groups have been informed of the CSRFF process and strongly encouraged to pursue a collaborative project with other community sporting clubs that are in a similar situation. The ACSRA was incorporated in September 2004, confirming each organisation's commitment to the project and support for a joint submission and shared-use facility. The City of Joondalup's support for this joint application provides an opportunity for economies of scale, with funding being allocated towards one project, as opposed to four (4) individual applications, one from each organisation.

Funding

The substantial benefits that this project will provide for sport within the Joondalup region are evident and as a result, the panel resolved to recommend that the City support the project over and above the 1/3 contribution. This recommendation is outside of the normal allocation of funding provided for the CSRFF program, however the panel recognised that a significant contribution from the City of Joondalup is integral for the success of the project. The breakdown of funding contributions recommended for the project are summarised below:

1 Department of Sport & Recreation (CSRFF)

The panel believe that it is appropriate for the CSRFF to contribute \$590,000.00 towards the ACSRA project. This contribution equates to 1/3 of the total project cost, inline with the CSRFF guidelines.

2 West Australian Sports Centre Trust (WASCT)

This project will provide significant benefits to the WASCT in the form of new assets and sporting infrastructure and as a result, the panel felt that the WASCT needs to make a substantial contribution. The WASCT recently sold land at Arena Joondalup worth \$1.2million to the Lake Joondalup Baptist College, with the proceeds being applied to capital improvements.

The WASCT has received \$900,000.00 of the total payment, with the remaining \$300,000.00 still owing. In addition, the panel was also mindful of the fact that there was a prior commitment in 2003 from the Department of Sport & Recreation to the Joondalup Little Athletics Club of \$250,000.00 for the construction of a toilet/storage facility at Arena Joondalup. With these facilities having now been incorporated into the ACSRA project, the panel believe that \$250,000.00 is an appropriate contribution from the WASCT.

3 Arena Community Sport & Recreation Association (ACSRA)

The panel members all agreed that a significant financial contribution was necessary from the four (4) ACSRA members to ensure they take responsibility and ownership of the project. The only contributions that the member organisations have proposed involve in-kind support in the form of voluntary labour (\$50,000) and donated materials (\$70,000). The panel believed that the ACSRA should contribute a total of \$220,000.00 towards the project, comprising cash and in-kind support, with details of the in-kind support requiring further explanation.

4 City of Joondalup

It is recommended that the City of Joondalup contribute the remaining \$710,000.00 towards the project. This constitutes 40% of the total project cost, which is over and above the 1/3 contribution normally supported through the CSRFF program. The panel determined that the scale of this project and the benefits that will be provided to the four (4) clubs involved and the Joondalup community justify the additional funding. This recommendation is not common practice, however the significant advantages provided to the development of these four (4) individual sports, will provide increased recreational opportunities for all Joondalup residents. The City has an opportunity to provide valuable support to the growth of the sports concerned through this initial grant. In supporting this project, the City will not be required to meet any of the ongoing costs associated with the facilities.

City of Joondalup	\$ 710,000.00
West Australian Sports Centre Trust (WASCT)	\$ 250,000.00
Arena Community Sport & Recreation Association (ACSRA)	\$ 220,000.00
Department of Sport & Recreation (CSRFF)	\$ 590,000.00

Total Cost \$1,770,000.00

The applications for the CSRFF program were received at the end of August, which has made it difficult to confirm the funding amounts stipulated above. The panel felt that the project needed strong support from the City, but also wanted to issue a challenge to the four (4) clubs involved and the West Australian Sports Centre Trust to work collaboratively to ensure the project is a success.

The total cost of the ACSRA project is \$1,770,000.00. It is recommended that that the City of Joondalup lists \$710,000.00 for consideration in the 2005/06 draft budget subject to the ACSRA being granted \$590,000.00 from CSRFF, the WASCT contributing \$250,000.00 and the ACSRA agreeing to meet the remaining \$220,000.00 in project costs.

Project 4

Whitfords Districts Senior Cricket Club

The project proposed by the Whitfords Districts Senior Cricket Club involves the installation of floodlighting to the cricket practice wickets at MacDonald Park. The application suggests that the project will benefit members of the cricket club, providing increased opportunities for evening training to accommodate participants with work commitments. Also, the additional lighting proposed will illuminate an area on the eastern side of the playing field with potential to benefit other park users, most notably the Whitfords Hockey Club.

The panel expressed concerns about the floodlighting meeting Australian Standards and whether this application was above the normal provision of standard facilities that the City should provide. Currently, there are no other cricket practice facilities in the City of Joondalup that have floodlighting. The panel members felt that the application lacked strategic direction from the sports state governing body, the West Australian Cricket Association (WACA), and that such a proposal should be inline with the WACA's sport development planning.

Placing the onus of facility development back on the individual sport's state governing body has been the City's position in recent years. In past CSRFF rounds, applications from the Warwick Bowling Club and the Marmion Squash Club have been deferred awaiting direction from Bowls WA and WA Squash respectively.

It is recommended that the City of Joondalup advises the Whitfords Districts Senior Cricket Club that the project proposed is not supported without strategic direction from the WACA regarding practice wicket facilities and that the application should be deferred until such time as direction is provided.

Project 5

Beaumaris Bowling Club

The Beaumaris Bowling Club's synthetic bowling green project was viewed as a positive initiative from a sustainability perspective by the panel. The project is needed by the applicant and the club has cash to support their 1/3 contribution, however the project was not deemed a high priority for the City of Joondalup.

The applicant's business plan lacked specific details and made no reference to how the proposed project complies with the recently developed strategic plan of Bowls WA. There was very little evidence that any consultation had been conducted within the local community to support the expected increase in participation numbers or how the new facility would attract new participants to the sport, particularly junior members. Also, the application failed to substantiate on details of the volunteer labour being provided for the project.

The Beaumaris Bowling Club is located at the Iluka District Open Space and currently the Beaumaris Sports Association, of which the Beaumaris Bowling Club is a member organisation, has a pending CSRFF application to the value of \$260,000.00 for the installation of floodlighting to the sporting ovals. In addition, the Association received CSRFF funding in 1998/1999 for the construction of the clubroom facility and the panel members felt that the City should evenly distribute its support and direct funding towards areas, which have not received the same level of assistance in the past.

It is recommended that the City of Joondalup advises the Beaumaris Bowling Club that the project proposed is not supported at this time, as the Beaumaris Sporting Association, of which the Beaumaris Bowling Club is a member, currently has a pending funding application through the CSRFF program.

Project 6

Ocean Ridge Cricket Club

In the 2003/2004 CSRFF Assessment Report to Council, it was resolved that the City would work in conjunction with the Ocean Ridge Cricket Club to develop a comprehensive project plan and scope of works to redevelop Heathridge Park and enable the Club to be put forward an effective proposal in the 2004/2005 round. The City engaged the services of a consultant (Connell Wagner) to design and cost the project and advised the club to use these specifications for its submission.

The Ocean Ridge Cricket Club's application has failed to utilise the information provided and has chosen to alter some of the key items identified by Connell Wagner in the project plan. As a result, there is a large discrepancy in the total project cost of approximately \$120,000.00 centring primarily on the costs allocated to the retaining wall and reticulation components. The consultant's report indicates that a 200m retaining wall is necessary to achieve the desired outcome of increasing the playing surface at Heathridge Park. However, the club's application states that 80m is all that is required, without providing any evidence to support this change.

The application also has a reduced cost for the reticulation component of the project. The Connell Wagner report states that to reconfigure the reticulation at Heathridge Park will cost \$62,000.00, yet the club's application states \$12,000.00 for the reticulation cost, in light of funds allocated in the City's 5-year capital works budget. This funding is not available for the project, as it has been allocated in the budget under the City's "bore replacement" program and is not necessarily going to be spent at Heathridge Park.

The application also places the responsibility of deficit funding on the City of Joondalup, which is contrary to the City's policy on financial assistance. This is a large scale project and as such, the works would be contracted out making the club's volunteer labour contribution (\$30,000) variable, depending on the terms and conditions agreed upon.

The City of Joondalup is supportive of a project involving the redevelopment of Heathridge Park to accommodate increased participation opportunities, however more planning is required. The Ocean Ridge Cricket Club's contribution to this project needs to be more definitive and consultation with other user groups and the local community must be conducted. It is recommended that any redevelopment at Heathridge Park should involve a joint application from all user groups and includes a comprehensive community consultation process.

The City is commencing a master planning initiative and leisure planning process that will provide direction towards future developments across the City including Heathridge Park. The research conducted and the outcomes derived will form the basic framework for the redevelopment project. Heathridge Park has been identified as having potential to be a truly regional sport and recreation facility and any proposed development must consider the future needs of the community.

The panel felt that aspects of the project had not been fully considered by the club and it is recommended that the City of Joondalup advises the Ocean Ridge Cricket Club that the project proposed is not supported, due to the discrepancies in the total project cost and recommends that it is deferred until the City's leisure planning process is completed.

ATTACHMENTS

Attachment 1 Project Descriptions for CSRFF Applications.
Attachment 2 Breakdown of Funding Requested from CSRFF Applications.

VOTING REQUIREMENTS

Simple Majority

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

- 1 NOTE the details of the CSRFF applications reviewed and outlined in this Report and endorse the relevant priority ranking, rating and funding recommendations allocated to each project, as stated below:**

Applicant's Rank	Applicant's Rating
1 Edgewater Woodvale Junior Football Club	Well planned and needed by municipality.
2 City of Joondalup	Well planned and needed by municipality.
3 Arena Community Sport & Recreation Association	Well planned and needed by municipality.
4 Whitfords Districts Senior Cricket Club	Needed by applicant, more planning required.
5 Beaumaris Bowling Club	Needed by applicant, more planning required.
6 Ocean Ridge Cricket Club	Idea has merit, more preliminary work needed.

- 2 LIST \$3,932.50 for consideration in the 2005/06 draft budget subject to the Edgewater Woodvale Junior Football Club is granted \$3,932.50 from CSRFF and that the Edgewater Woodvale Junior Football Club agrees to meet the operating costs of additional floodlights as per the Council's policy;**
- 3 LIST \$710,000.00 for consideration in the 2005/06 draft budget subject to the ACSRA being granted \$590,000.00 from CSRFF, the WASCT contributing \$250,000.00 and the ACSRA agreeing to meet the remaining \$220,000.00 in project costs, with the ACSRA and the WASCT providing the City with a commitment towards their funding contributions by 1 February 2005;**

- 4 **ADVISE the Whitfords Districts Senior Cricket Club that the project proposed is not supported without strategic direction from the WACA regarding practice wicket facilities and that the application should be deferred until such time as direction can be provided;**
- 5 **ADVISE the Beaumaris Bowling Club that the project proposed is not supported at this time, as the Beaumaris Sporting Association, of which the Beaumaris Bowling Club is a member, currently has a pending funding application through the CSRFF program;**
- 6 **ADVISE the Ocean Ridge Cricket Club that the project proposed is not supported due to the discrepancies in the total project cost and recommends that it is deferred until the City's leisure planning process is completed.**

The Motion was Put and

CARRIED UNANIMOUSLY (5/0)

Appendix 18 refers

To access this attachment on electronic document, click here: [Attach18brf261004.pdf](#)

Cmr Clough entered the Chamber, the time being 2012 hrs.

**CJ271 - 11/04 MINUTES OF THE SENIORS INTERESTS
ADVISORY COMMITTEE MEETING HELD ON THE
15 SEPTEMBER 2004 – [55511]**

WARD - All

PURPOSE

To note the unconfirmed minutes of the Seniors Interest Advisory Committee meeting held Wednesday, 15 September 2004.

EXECUTIVE SUMMARY

A meeting of the Seniors Interest Advisory Committee was held on Wednesday, 15 September 2004. The unconfirmed minutes of this meeting are submitted for noting by Council.

It is recommended that the Joint Commissioners NOTE the unconfirmed minutes of the Seniors Interest Advisory Committee held on Wednesday, 15 September 2004 forming Attachment 1 to Report CJ271-11/04.

DETAILS

Kevan Rowe conducted a presentation followed by a discussion session on the following topic:

“What are the latest issues and trends with regard to diet, eating and obesity (with particular reference to seniors in the City of Joondalup).”

Information from this session will be taken in to account during the review of the Seniors Plan 2004 - 2008, scheduled for the next Seniors Interests Advisory Committee meeting on 20 October 2004.

COMMENTS

The Live Life Festival – A Regional Seniors Event (15-20 November 2004) is progressing and the event has recently attracted \$20,000 in funding from the Department for Veterans Affairs.

ATTACHMENTS

Attachment 1 Minutes of the Seniors Interest Advisory Committee Meeting held 15 September 2004

VOTING REQUIREMENTS

Simple Majority

MOVED Cmr Fox, SECONDED Cmr Clough that the Joint Commissioners NOTE the unconfirmed Minutes of the Seniors Interest Advisory Committee held on Wednesday, 15 September 2004 forming Attachment 1 to Report CJ271-11/04.

The Motion was Put and

CARRIED UNANIMOUSLY (5/0)

Appendix 19 refers

To access this attachment on electronic document, click here: [Attach19brf261004.pdf](#)

CJ272 - 11/04 TENDER NO. 014-04/05 PROVISION OF SECURITY AND PATROL SERVICES IN THE CITY OF JOONDALUP - CITY WATCH – [23565]

WARD - All

PURPOSE

To seek the approval of the Joint Commissioners to choose the tender submitted by NGR Pty Ltd trading as NGS Guards & Patrols for the Provision of Security and Patrol Services in the City of Joondalup – City Watch.

EXECUTIVE SUMMARY

Tenders were advertised on 11 September 2004 through statewide public notice for Provision of Security and Patrol Services in the City of Joondalup – City Watch. Tenders closed on 30 September 2004.

Six submissions were received from:

Secureforce International trading as Secureforce;
Callaghan Security trading as Callaghan Security Services;
NGR Pty Ltd trading as NGS Guards and Patrols;
Chubb Security Personnel trading as Chubb Security Australia Pty Ltd (Conforming Tender);
Chubb Security Personnel trading as Chubb Security Australia Pty Ltd (Alternative Tender);
and Olten Pty Ltd Trading as MSA Security.

It is recommended that the Joint Commissioners:

- 1 *DEEM the tenders submitted by Secureforce International trading as Secureforce and Callaghan Security trading as Callaghan Security Services as non-conforming in accordance with Regulation 18(2) of the Local Government (Functions and General) Regulations 1996 because they each failed to fully comply with the essential requirements specified in the request for tender;*
- 2 *CHOOSE NGR Pty Ltd trading as NGS Guards and Patrols as the successful tenderer for the Provision of Security and Patrol Services in the City of Joondalup – City Watch (Tender No. 014-04/05) in accordance with the Schedule of Rates as outlined in Attachment 1 to Report CJ272-11/04;*
- 3 *AUTHORISE the Acting Chief Executive Officer (A/CEO), on behalf of the City, to enter into a contract with NGR Pty Ltd trading as NGS Guards and Patrols in accordance with the tender submitted by NGR Pty Ltd trading as NGS Guards and Patrols, subject to any minor variations that may be agreed between the A/CEO and NGR Pty Ltd trading as NGS Guards and Patrols;*
- 4 *DETERMINE that the contract is to be for an initial period of 12 months commencing on the 18 December 2004 with an option to extend, subject to satisfactory annual performance reviews, for a further maximum period of 48 months, in 12 month increments, with the total duration of the contract not to exceed 5 years.*

BACKGROUND

A City Watch Community and Security Patrol Service have been provided in various forms by the City to its community since 1997. The early City Watch Community Security and Patrol Service was carried out by a combination of Rangers and Security staff. In November 2000, a new approach was taken with Rangers being separated from the service. The revised service provided under contract, has continued to operate over 24 hours, 7 days, 365 days per year covering 6 patrolling zones.

Following some questioning by the community and Council on the need for the service and how it should be funded, these questions were put to the community in the referendum held in conjunction with the 2001 Biennial Local Government Elections. In relation to the question on provision of the service, 27,423 responses were provided with 18,742 indicating their support for continuing the service.

As with all other services provided by the City, annual community surveys are conducted by an independent service provider to determine the importance of and customer satisfaction rating of all City services. The results of successive surveys have indicated that residents consider safety and security to be in the top 3 most important responsibilities of Council, satisfaction with safety and security is relatively high and the mobile security patrols are an important responsibility of Council.

The Police in the Joondalup District have confirmed that the City Watch Community and Security Patrol Service is valuable deterrent to crime and its role of observation, preliminary investigation and report is of considerable assistance to them.

Tender Specification

The Tender Specification for the proposed new contract has been developed with the benefit and knowledge gained from operating the City Watch Patrol Service since its commencement. The Tender Specification has been designed to:

- (a) continue to provide a seven days 24 hour coverage of patrol vehicles across the whole City with reduced general patrol hours on days and at times of fewer criminal activities;
- (b) build in greater flexibility to enable identified trends and areas of concern, to be specifically targeted with increased patrols;
- (c) incorporate a streamlined reporting system to enable better use of administrative resources;
- (d) include new and additional Key Performance Indicators aimed at being better able to determine the effectiveness of the City Watch Community and Patrol Service.

Tender Assessment

The City engaged the services of a Probity Auditor through Accounting and Consulting Firm, Stanton and Partners to oversee and give advice on the tender process. The Probity Auditor was involved from the commencement of the first meeting of officers for planning the process that was followed with this tender. The Probity Auditor received a copy of the Tender Specification and all tender submissions and was in attendance at the mandatory pre tender briefing for all interested parties. The Probity Auditor was also in attendance at the meeting to determine that tenders received, complied with tender submission and specification requirements and for the duration of the assessment of all complying tenders.

DETAILS

Six submissions were received from:

Secureforce International trading as Secureforce;

Callaghan Security trading as Callaghan Security Services;

NGR Pty Ltd trading as NGS Guards and Patrols;

Chubb Security Personnel trading as Chubb Security Australia Pty Ltd (Conforming Tender);

Chubb Security Personnel trading as Chubb Security Australia Pty Ltd (Alternative Tender);

and Olten Pty Ltd Trading as MSA Security.

The assessment process was observed and endorsed by a Probity Auditor, Mr James Cotrill, from Stanton Partners.

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

Regulation 18(2) of the *Local Government (Functions and General) Regulations 1996* states:

‘A tender that is submitted at a place, and within the time, specified in the invitation for tenders but fails to comply with any other requirement specified in the invitation may be rejected without considering the merits of the tender’.

Under Clause 4.4.2 ‘Price Schedule’ ‘Part B Additional Services – Schedule of Rates’ of the request for tender, it was essential for tenderers to complete the entire price schedule to enable the evaluation of all tenders by inserting fixed prices in each row for the labour, overheads and operating costs. The tenders submitted by Callaghan Security trading as Callaghan Security Services and Secureforce International trading as Secureforce did not provide prices as requested for each item in Part B Additional Services Schedule of Rates, which was an essential requirement of the request for tender. Secureforce International trading as Secureforce failed to fully address other essential selection criteria.

Accordingly it is recommended that the tenders submitted by Callaghan Security trading as Callaghan Security Services and Secureforce International trading as Secureforce be deemed non-conforming.

The second part of the evaluation process involved an independent assessment of the qualitative criteria by each member of the Evaluation Team. 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 quantitative criteria is automatically ranked on the evaluation matrix spreadsheet.

Under the City’s Contract Management Framework, the Evaluation Team used a weighted multi-criterion assessment system and AS 4120-1994 ‘code of tendering to assess the three remaining conforming tenders and the alternative tender’.

The Selection Criteria for Tender number 014-04/05 was as follows:

Resources 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. Details of previous projects should include, but not necessarily limited to, description, location, date, duration, client, role on project and value.
- * Past Record of Performance and Achievement with similar security service.
- * 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 Profile
 - Provide a company profile that includes:
 - Management Structure;
 - Description of company principles and formal qualifications in relevant areas;
 - Details of any membership of company and staff to a reputable Security Agent professional organisation;
 - Brief curriculum vitae of owner and/or key employees;
 - Evidence of financial viability (provide Audited Statements 2003/04);
 - Award/Agreement requirements;
 - Qualifications, Skills and Experience of Key Personnel;
 - Equipment and Staff Resources available;
- * Percentage of Operational Capacity represented by this contract;
- * Risk Assessment;
- * Compliance with tender requirements – insurances, licenses, (with reference to security industry);
- * Quality Systems;
- * Occupational Health and Safety Management System and Track Record;
- * Define your procedures related to liaison with and incident reporting to the Police Service;
- * Demonstrate record keeping, documentation and reporting systems;
- * Demonstrate strategies to reduce the City's exposure to liability claims.

Beneficial Effects of Tender/Local Content:

- The Potential Social and Economic Effect of the tender on the City of Joondalup community;
- Infrastructure/Office/Staff/Suppliers/Sub-Contractors located within the City of Joondalup;
- Value Added items offered by tenderer;
- Sustainability/Efficiency/Environmental;
- Detail other strategies, which will contribute towards the improvement of safety and security for the City of Joondalup community;

Customer Service:

- * Tenderers need to demonstrate commitment to working within the following guidelines:
 - Open and regular communication with the customers and residents of the City;
 - Adhering to City standards and utilising the corporate identity, which includes the use of the City of Joondalup logo in the performance of this contract;
 - A commitment to prompt, courteous and professional customer service;
 - Recognising the multicultural make-up and cultural contribution of the residents of the City;
 - Conducting business in an ethical manner;
 - Managing activities in a way, which minimises risk to people, property and services at all times;
- * Outline the customer complaint procedure to be used;
- * The method suggested to demonstrate, monitor and prove the effectiveness of the service;
- * The methodology offered to ensure there is a strong communication network and liaison with the City of Joondalup, the Police Service and other service providers.

Tendered Price/s:

- * The Price to supply the specified goods or services;
- * Schedule of Rates for additional goods or services, variations and disbursements
- * Discounts, settlement terms;

The alternative tender submitted by Chubb Security Personnel trading as Chubb Security Australia Pty Ltd involved Chubb Security subcontracting to an un-identified sub contractor for the operational patrol service. Also, Chubb Security did not provide enough information to enable assessment of the tender in accordance with the weighted multi-criterion assessment system and AS 4120-1994 'code of tendering'. The alternative tender therefore could not be properly assessed to determine if it was in the best interests of the City. As a result the evaluation team did not consider the alternative submission provided by Chubb Security Personnel trading as Chubb Security Australia Pty Ltd.

In reviewing the three conforming tenders and the alternative tender, the assessment panel identified that the tender submitted by NGR Pty Ltd trading as NGS Guards and Patrols Ltd would be the most advantageous for the City to accept.

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. NGR Pty Ltd trading as NGS Guards and Patrols, the current service provider, maintains an operational depot in the Joondalup Business Park where City Watch patrol personnel change shifts, vehicles are cleaned and located. The depot consists of a small office, support personnel facilities, vehicle maintenance and parking area.

Financial Implications:

Account No:	1.6822.4620.0001.
Budget Item:	City Watch – External Contract Services
Budget Amount:	\$1,769,561
YTD Amount:	\$448,606 (cost of current service to mid October)
Actual Cost:	\$1,355281.20 *

* The tendered amount submitted by NGR Pty Ltd trading as NGS Guards and Patrols, is the cost for a full year. The new contract would commence on 18 December 2004. This amount is for a reduced number of base operational hours. The tender is designed to enable the City to buy additional hours to target specific times and days where trends in anti social behaviour are identified. This provides the City with greater flexibility to achieve a service with better outcomes.

Under the terms of the contract the City will meet the cost of the fuel for patrol vehicles.

Strategic Implications:

The provision of the City Watch Community and Security Patrol Service is an important component of the City's Safer Community Program. The aim of the patrol service is to be a deterrent to anti social behaviour and crime in the community and increase the perception of safety. This aim is achieved by maintaining a high visible presence, providing eyes and ears for police and City Rangers, responding quickly to requests for assistance and enabling the City to build effective partnerships with police and other major stakeholders within the City.

Strategic Plan:

Provision of the City Watch Community and Security Patrol Service is in keeping with the City's Strategic Plan Key Focus Area 1. - Community Wellbeing:

- Outcome: The City is a safe and healthy City;
- Objective 1.4: Continue to implement the Safer Community Program.

The City Watch Community and Security Patrol Service is a key component of the Safer Community Program.

COMMENT

The remaining tenders were assessed in accordance with *Regulation 18(4) of the Local Government (Functions & General) 1996*. In reviewing the three conforming tenders, the assessment panel identified the tender submitted by NGR Pty Ltd trading as NGS Guards and Patrols as the highest ranked tenderer overall and has recommended that NGR Pty Ltd trading as NGS Guards and Patrols be chosen as the successful tenderer.

As a part of its contract management processes, the City will regularly review/monitor the Contractor's performance and service quality to ensure services and outputs comply with the key performance indicators (KPI).

Subject to Council approval, the contract term will be for an initial period of twelve (12) months (commencing on 17 December 2004 and ending on 16 December 2005). There will be an option to extend the contract subject to satisfactory performance by the Contractor in annual performance reviews to ensure that the requirements of the contract have been met. Subject to a satisfactory outcome of each review an extension, in increments of twelve-month periods, will be made. The duration of the contract will not exceed five (5) years.

ATTACHMENTS

Attachment 1 Price Schedule

VOTING REQUIREMENTS

Simple Majority

ADDITIONAL INFORMATION

The "conditions of the contract" provide the City with absolute discretion as to the duration of the contract. Upon annual review and consideration the City may choose not to continue with the provision of the service. This option is available to the City at any of the annual renewal points, which will occur in December of each year for up to five years.

Commissioners may recall that at the Strategy Session the officers indicated that it might be timely for a second referendum to occur regarding the Security Patrols within the 2007 election cycle. This would be a follow up from the referendum which occurred in 2001. At the time the Commissioners seemed supportive of this approach. If the City were to proceed with this option, the referendum would need to occur in either May or later in 2007. The City would then have adequate time to adjust its agreement with the contractor, which will be in its third year.

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

- 1 DEEM the tenders submitted by Secureforce International trading as Secureforce and Callaghan Security trading as Callaghan Security Services as non-conforming in accordance with Regulation 18(2) of the Local Government (Functions and General) Regulations 1996 because they each failed to fully comply with the essential requirements specified in the request for tender;**
- 2 CHOOSE NGR Pty Ltd trading as NGS Guards and Patrols as the successful tenderer for the Provision of Security and Patrol Services in the City of Joondalup – City Watch (Tender No. 014-04/05) in accordance with the Schedule of Rates as outlined in Attachment 1 to Report CJ272-11/04;**

- 3 **AUTHORISE the Acting Chief Executive Officer (A/CEO), on behalf of the City, to enter into a contract with NGR Pty Ltd trading as NGS Guards and Patrols in accordance with the tender submitted by NGR Pty Ltd trading as NGS Guards and Patrols, subject to any minor variations that may be agreed between the A/CEO and NGR Pty Ltd trading as NGS Guards and Patrols;**
- 4 **DETERMINE that the contract is to be for an initial period of 12 months commencing on the 18 December 2004 with an option to extend, subject to satisfactory annual performance reviews, for a further maximum period of 48 months, in 12 month increments, with the total duration of the contract not to exceed 5 years.**

AMENDMENT MOVED Cmr Smith that the term of 5 years in Point 4 of the Motion be amended to read 3 years;

Discussion ensued.

Cmr Smith advised that she wished her Amendment to be

WITHDRAWN

AMENDMENT MOVED Cmr Anderson, SECONDED Cmr Fox that an additional **Point 5** be added to the Motion as follows:

“5 REQUEST a report be submitted to Council for consideration prior to the extension of the contract beyond two years.”

Discussion ensued in relation to both the contract period of five years and annual performance reviews.

The Amendment was Put and

CARRIED UNANIMOUSLY (5/0)

The Original Motion, as amended, being:

That the Joint Commissioners:

- 1 **DEEM the tenders submitted by Secureforce International trading as Secureforce and Callaghan Security trading as Callaghan Security Services as non-conforming in accordance with Regulation 18(2) of the Local Government (Functions and General) Regulations 1996 because they each failed to fully comply with the essential requirements specified in the request for tender;**
- 2 **CHOOSE NGR Pty Ltd trading as NGS Guards and Patrols as the successful tenderer for the Provision of Security and Patrol Services in the City of Joondalup – City Watch (Tender No. 014-04/05) in accordance with the Schedule of Rates as outlined in Attachment 1 to Report CJ272-11/04;**
- 3 **AUTHORISE the Acting Chief Executive Officer (A/CEO), on behalf of the City, to enter into a contract with NGR Pty Ltd trading as NGS Guards and Patrols in accordance with the tender submitted by NGR Pty Ltd trading as NGS Guards and Patrols, subject to any minor variations that may be agreed between the A/CEO and NGR Pty Ltd trading as NGS Guards and Patrols;**

- 4 DETERMINE that the contract is to be for an initial period of 12 months commencing on the 18 December 2004 with an option to extend, subject to satisfactory annual performance reviews, for a further maximum period of 48 months, in 12 month increments, with the total duration of the contract not to exceed 5 years;**
- 5 REQUEST a report be submitted to Council for consideration prior to the extension of the contract beyond two years.**

was Put and

CARRIED UNANIMOUSLY (5/0)

Appendix 22 refers

To access this attachment on electronic document, click here: [Attach22agn021104.pdf](#)

REPORT OF THE ACTING CHIEF EXECUTIVE OFFICER

Nil.

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 **23 November 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 2025 hrs; the following Commissioners being present at that time:

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