



**MINUTES OF MEETING OF JOINT COMMISSIONERS
HELD ON 14 DECEMBER 2004**

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CLOSURE336

CITY OF JOONDALUP

MINUTES OF COUNCIL MEETING HELD IN COUNCIL CHAMBER, JOONDALUP CIVIC CENTRE, BOAS AVENUE, JOONDALUP, ON TUESDAY, 14 DECEMBER 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 2041 hrs to 2044 hrs*
CMR M ANDERSON
CMR A FOX
CMR S SMITH

Officers:

Acting Chief Executive Officer:	C HIGHAM	<i>Absent from 2135 hrs to 2140 hrs</i>
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	<i>Absent from 2135 hrs to 2140 hrs</i>
Manager, Marketing Communications & Council Support:	M SMITH	
Manager, Approvals Planning and Environmental Services:	C TERELINCK	
Co-ordinator, Waste Management & Environmental Services:	P HOAR	
Media Advisor:	L BRENNAN	
Committee Clerk:	J HARRISON	
Minute Clerk:	L TAYLOR	

In Attendance

Mr Trevor Sanders, Ralph Beattie Bosworth

There were 36 members of the Public and 1 member of the Press in attendance.

PUBLIC QUESTION TIME

The following question, submitted by Mrs M Macdonald, Mullaloo, was taken on notice at the Meeting of Joint Commissioners held on 23 November 2004.

Re: CJ286-11/04 – Proposed Mixed Use Development Lot 517 (91) Reid Promenade Joondalup.

Q1 This report states the residential density of the site applies to the multiple dwellings. It does not apply residential density to the building comprising of 34 units called residential buildings. Clause A13 Residential/Mixed Use of the Joondalup City Development Plan and Manual as amended on 26 May 1998 states:

“The City may permit residential development up to R100B density where the City considers that this has been demonstrated to create an appropriate landmark which enhances the overall legibility and amenity of the City Centre.”

The provisions of the residential planning codes do not apply to mixed-use developments, but the provisions of the multi unit development may be used as a guide. The R Codes do not apply for density provisions specifically to residential building and they are not covered by DPS2, however the JCCDPM density provision under this clause refers to residential development. If Commissioners approve this development they will be stating that a residential building is not a development for residential purposes when clearly this is untrue. The Minister refers to it as a residential development in her letter to the Mullaloo Progress Association on 31 May 2004. A copy of this letter has been given to the Commissioners, in it the Minister states:

“However it seems to me to be flaw in the scheme that there are no explicit guidelines for this form of residential development.”

The Minister is referring to a residential building, so clearly a residential building is a residential development.

Will Commissioners take further advice on this matter as clearly the density applies to all the residential development on this site?

A1 The City has received legal advice that a 'residential building' is not subject to the requirements of the Residential Design Codes within the Central Business District, Residential Mixed Use Precinct. Therefore, density does not apply to these buildings.

The following question, submitted by Mr S Kobelke, Sorrento, was taken on notice at the Meeting of Joint Commissioners held on 23 November 2004.

Q1 Will the Commissioners ask the Conservation Advisory Committee to broaden its horizons from the north of the City and undertake an investigation of this site before it is lost to the developers eyeing sites in the south coastal ward of the City?

- A1 A report with respect to this matter is envisaged to be considered by the Joint Commissioners at their meeting on 22 February 2005. The Conservation Advisory Committee (CAC) will not be convening for its regular agenda meeting until March 2005.

Members of the CAC are therefore invited to view all the information which is publicly available at the City's administration building and on its website. Members are encouraged to lodge a submission prior to the formal public advertising period closing on 15 December 2004.

The following question, submitted by Mr S Magyar, Heathridge, was taken on notice at the Meeting of Joint Commissioners held on 23 November 2004.

- Q1 Re: CJ273-11/04 – Affixing of the Common Seal – On Page 2 of the Report there is a deed that was signed between the City for the ex gratia payment to the former Chief Executive Officer coming from the Municipal Liability Scheme. Could the Commissioners instigate a scheme whereby the authorisation for the affixing of the Common Seal be listed with the particular items. It would be helpful if it listed the relevant decisions of Council or advised where the affixing of the seal is due to delegated authority to the Chief Executive Officer.*

- A1 The report that details the affixing of the Common Seal will now include where the authority to affix is granted, where possible.

The following question, submitted by Mr Don Carlos, Ocean Reef, was taken on notice at the AGM of Electors held on 22 November 2004:

- Q1 I was advised that Mr Smith spent \$200 on Country Road products for an employee and there were other items put on his credit card. I require to see all his credit card purchases from the commencement of his employment until his departure. I am advised you have given the information to the Inquiry, why can't I have this information? I am prepared to advise the ratepayers there is nothing wrong with the credit card purchases and also prepared to apologise for raising the issue, but as the Mayor I should have been shown these documents. Commissioners are now also denying me access.*

- A1 The Joint Commissioners at the Council meeting held on 23 November 2003 resolved:

That due to questions and motions raised at the Annual Meeting of Electors held on 22 November 2004, the Joint Commissioners consider releasing, at the Council meeting immediately following receipt of the information outlined below, the report of the Forensic Auditor into the employment contract of the former Chief Executive Officer that is currently marked confidential subject to: The Acting CEO being requested to contact the following for comment on this proposed course of action, asking them to provide any information they consider should be taken into account by the Council when it makes its decision:

- *Deloitte Touche Tohmatsu, the Forensic Auditor*
- *Mr McIntyre, who is conducting the current Inquiry into the City of Joondalup*
- *Fiocco's Lawyers*

The report of the Forensic Auditor includes analysis of all Mr Smith's credit card transactions.

Subsequently a response has been received from Deloitte Touche Tohmatsu objecting to the release and publication of this report on the basis its publication may lead to certain of its contents being quoted out of context and without the benefit of an understanding of, or reference to, the scope or purpose of the report.

Based on this objection, at this stage it will not be recommended that the Joint Commissioners release the report of the Forensic Auditor.

Notwithstanding, Mr Martin Langridge of Deloitte Touche Tohmatsu is scheduled to give evidence at the Inquiry into the City of Joondalup on Friday 10 December 2004. In the event the report of the Forensic Auditor is introduced into evidence, it is likely that Mayor Carlos (suspended) will have access to the document as a witness to the Inquiry.

Q2 Re: the former CEO: In 2002 the previous Mayor and the two Councillors involved in the CEO's performance review, gave the former CEO a generous pay rise, and upgraded his car to \$10,000 more than he was entitled to under his contract. I moved a motion on this matter and this motion was still outstanding at the time of my suspension from Council. Can I be advised why the former CEO was given an upgrade to his car and why was it outside the salary review that occurred?

A2 See response to Question 1.

Q3 Re: Salary increases given to senior staff and managers after the arrival of the former CEO in 2001 until October 2003. Whilst in the position of Mayor, I was advised of exorbitant pay rises made to senior staff and I moved a confidential motion asking for this information. I have not received a reply on this matter and would appreciate receiving the information before I am called back onto the witness stand at the Inquiry.

A3 One of the former CEO's tasks was to restructure the organisation. In the course of this restructure there was a reduction in Directors positions from four to three and Business Unit Managers from 16 to 12. In addition, there was previously an Executive Manager Strategic Planning position that was removed from the structure.

Details of the total remuneration level for all senior employees can be provided in accordance with S5.94 (t) and S5.95 (5).

The following question, submitted by Mrs A Walker, Padbury, was taken on notice at the AGM of Electors held on 22 November 2004:

Q1 Regarding the allegations and the wrongful act, is that something that has to be made by Mr McIntyre, or if I made an allegation against Mr Carlos, would that be classified as an allegation so that Mr Carlos could seek support from the insurance company?

A1 It is understood that an allegation by one insured party of a wrongful act against another insured party would be unlikely to be supported. Notwithstanding it is considered that there may be variations in the circumstances described above that could justify a claim. Ms Walker is invited to discuss the matter with Manager Audit & Executive Services in the first instance.

The following question, submitted by Ms S Hart, Greenwood, was taken on notice at the AGM of Electors held on 22 November 2004:

Q1 In the first copy of the insurance policy provided to me, this clause was in there?

A1 Ms Hart is invited to discuss any particular issues of clarification with Manager Audit & Executive Services in the first instance.

The following questions, submitted by Mr M Caiacob, Mullaloo, was taken on notice at the AGM of Electors held on 22 November 2004:

Q1 Serious alcohol problems are currently being experienced in Tom Simpson Park. I am aware that City Watch does not have the ability to issue fines or enforce the law but I believe that Ranger Services have this ability. I would ask that Rangers attend on busy weekends to specifically look at the alcohol problems.

A1 Ranger Services has the ability to issue fines but not in relation to the consumption of alcohol in public places which is an offence and is enforced by the Police. The City's Ranger Services has issued infringement notices at Tom Simpson Park for litter, dog and disabled parking offences in the past and will continue to monitor this reserve for these types of offences. Should Rangers witness any activity involving alcohol, these matters are immediately reported to the police for investigation.

Q2 I am aware that there are planning control mechanisms coming onto the agenda shortly. I present copies for the Commissioners in relation to Policy 3.1.9 - Height and Scale of Buildings within a Residential Area, in order to protect residential areas. There are some small changes made to the existing policy and these are forwarded for the Commissioners' information and determination.

A2 The suggested modifications to the Policy 3.1.9 - Height and Scale of Buildings within a Residential Area, are noted, and will be considered when the Policy is reviewed.

The following question, submitted by Ms Christine Ghersinich, Marmion, was taken on notice at the AGM of Electors held on 22 November 2004:

Q1 Lot 61 Leach Street, Marmion. In the information provided, Marmion apparently does not come under the 10% public open space. Is this correct?

A1 The subdivision that created the subject lot and lots immediately surrounding it on Ozone Road, Leach Street and Troy Avenue in 1939 predated the 10% public open space contribution requirement that was introduced by the State Government in 1956. The remainder of Marmion was subdivided after this time at which the 10% requirement was applied.

The following question, submitted by Mr Noel Gannon, Sorrento, was taken on notice at the AGM of Electors held on 22 November 2004:

Q1 Can you point out to the ratepayers of the City of Joondalup that section of the WA Local Government Act that suggests it is the duty of local Councils to rectify mistakes made by developers when they purchase land? For instance, a developer knowingly purchases land which is zoned contrary to their intended use of the land, however they have a misguided expectation that the zoning will be changed to suit their convenience and their bank balance. Should the Council, for valid reasons, decide not to rezone the land, where in the Act does the onus fall on the Council to reimburse the developer's bank balance?

A1 The Local Government Act does not provide for compensation in these circumstances.

The following questions, submitted by Mr M Sideris, Mullaloo, were taken on notice at the AGM of Electors held on 22 November 2004:

Q1 Re: Fringe benefits tax: Has FBT been paid or is it being paid on the legal fees that are currently being supplied to Councillors and staff?

A1 Councillors are not employees for FBT purposes.

Q2 Can you give detailed explanations as to why?

A2 The City will not pay Fringe Benefits Tax on the inquiry legal fees paid by the City on behalf of the Councillors and staff.

In accordance with the Income Tax Assessment Act ITAA 36 section 221A (1), elected members are not considered employees of the City unless the council makes a decision to classify itself as an “eligible governing body”. The City of Joondalup has not made this decision. Accordingly, no FBT is attributable to the legal fees paid on behalf of elected members.

For FBT purposes no benefit is deemed to have been provided for legal support provided to officers appearing before the Panel Inquiry to give evidence on behalf of the City.

Should the circumstance arise where the legal assistance provided did constitute a benefit, then the issue of paying FBT would be dependent upon the personal deductibility of the expenditure to the officer, ie FBT is not payable where the expenditure would have resulted in a tax deduction to the employee.

In relation to GST, the City pays GST on the legal fees for both Councillors and officers and is able to claim the GST back as an input tax credit, provided it has the appropriate supporting documentation, eg tax invoice.

The following questions, submitted by Ms S Hart, Greenwood, were taken on notice at the Annual General Meeting of Electors held on 22 November 2004:

Q1 There are penalties for structures that do not have approval. When was the last time retrospective planning penalties were imposed instead of retrospective approval?

A1 Retrospective penalties can only be achieved by Council if it takes legal action against the person that has committed the offence or the person that buys the property with the unauthorised structure.

It is understood that since the City of Joondalup's District Planning Scheme No 2 was gazetted in November 2000, Council has not taken any legal action against a person during that time.

If there is work that has been carried out without approval, staff will consider the circumstances relating to the case and determine whether:

- approval would have been granted and grant retrospective approval; or
- in consultation with the owner and following consultation with the neighbouring owners, require change without having to resort to legal action; or
- seek to undertake legal action due to the extent of the non-compliance

Q2 The day that submissions closed regarding Meath Care another ratepayer and I met with the staff member from planning. I left a set of questions with him and I have not had a reply. Could these be followed up?

A2 The question will be investigated and responded to as appropriate.

The following questions, submitted by Mrs M Macdonald, Mullaloo were taken on notice at the Briefing Session held on 7 December 2004.

Q1 I refer to Item 32 on tonight's agenda and to page 197. Under the heading of serviced apartments the report states "the applicant has indicated that these apartments will be used for short stay purposes. To reinforce this it is recommended that a condition of Planning Approval be imposed limiting them to the use for short-term stays." Condition (t) of the resolution states "The serviced apartment being used for short-term accommodation only to the satisfaction of the City."

- (a) *Can you state the limit that will be imposed on these apartments with respect to length of stay?*
- (b) *How will the City determine that it is satisfied in the absence of any provisions of the scheme text, policies or guidelines applying to short stay or short-term serviced apartments?*

A1 It will be recommended to the Joint Commissioners that a limit of three (3) months be placed on any Planning Approval issued. The Joint Commissioners will need to determine the appropriate length of stay for short term - short stay accommodation, on the merits of the proposal and in comparison to the planning intentions for the land.

Q2 *On page 193 the units are referred to as “34 serviced apartments”, on page 197 they are intended to be start stay accommodation, and as part of the condition (t) of the recommendation on page 202 we are told that they are for short-term accommodation. Are we to assume that short stay and short-term have the same meaning as clearly one might consider that short stay is overnight accommodation and the short-term is the subject of a lease agreement?*

A2 Short stay and short term are considered to have the same meaning.

Q3 *Condition (bb) states that the development must comply with the provisions for serviced apartments to the satisfaction of the City. To what provisions is the report referring?*

A3 This condition means that the development shall comply with the Health Local Laws 1999.

Q4 *Condition (cc) on page 202 states that a lodging house manager is to reside continuously on the premises. The inference here is that this development houses a lodging house. If this is the case how can serviced apartments be part of a lodging house for health laws where the law states that a lodging house does not include any building comprising residential flats?*

A4 The Health Act 1911 defines a ‘house’ as any building or structure temporary or otherwise and includes a vast range of situations. A Lodging House is where provision is made within a building or structure for the lodging of persons, often on a short term basis. Under the Health Act a Lodging House is also a House. For the situation of a building containing serviced apartments for short stay accommodation, the building would be required to meet the Lodging House requirements of the Health Act. A Lodging House can contain serviced apartments.

Q5 *Isn’t it a fact that when this building is assessed under the City’s health laws the serviced units will be treated as dwellings?*

A5 The classification of dwellings under the District Planning Scheme and Health Local Laws are entirely separate processes.

The following questions, submitted by Ms M Moon, Greenwood were taken on notice at the Briefing Session held on 7 December 2004.

Q1 (a) As officers are recommending the commissioners to: approve the application for planning approval dated 27 of April 2004 submitted by R-A-D on behalf of Mimi Ferguson for mixed-use development Lot 517 (91) Reid Promenade and the application of planning approval does not form part of the agenda could you please state what land uses will be approved if the Commissioners approve the application for planning.

A1 (a) Multiple dwellings, residential building & restaurant (commercial development).

Q1 (b) What land uses are identified on the application as they do not form part of the resolution and should?

A1 (b) As above, multiple dwellings, residential building & restaurant (commercial development).

Q1 (c) On the Planning application the Commissioners are being recommended to approve does it state:

(i) short stay accommodation (overnight)

(ii) short term accommodation (subject to lease or legal agreement)

A1 (c) Short term and short stay are considered to be the same. The recommendation refers to the application package, which describes the development of the site.

Q1(d) (i) Has the Council determined that serviced apartments (dwellings under the R Codes) fall within the interpretation of one of the use categories of the DPS2?

(ii) If yes which one?

(iii) Does this category appear in the planning application being recommended for approval?

(iv) What category does appear in the planning application for the serviced apartments?

A1(d)(i) & (ii) The serviced apartments fall within the use class of a residential building. They are not classified as dwellings.

A1(d)(iii) The use class is referred to in the plans and the recommendation to the Commissioners.

A1(d)(iv) The applicant has applied for mixed use commercial and residential development.

Q2 If the serviced apartment as a dwelling can be used for short term then the use must change this is not a condition but a use class change.

Q2(i) Is Serviced Apartment the Use Class being applied to the 34 apartments?

A2 & A2(i) No, serviced apartments are not a “Use Class”. A timeframe for the length of stay for the serviced apartments is provided to Joint Commissioners.

Q2(ii) As Serviced Apartments are dwellings (identified in the R Codes) why have they not been identified as multiple dwellings the use class in the DPS2 that most fits the definition of serviced apartments?

A2(ii) The serviced apartments have been classified as a residential building, which is in accordance with the City’s legal advice.

Q2(iii) Dwellings can be leased for short term and don’t need to be to the satisfaction of the City but to the conditions of lease. As serviced apartments are dwellings and what is being built is 46 Multiple dwellings with the City getting involved in hypothetical length of stays no building Controls have been determined. What planning controls are being imposed on the residential development – Residential Building (serviced apartments)?

A2(iii) The provisions of the JCCDPM and District Planning Scheme No.2 have been applied.

Q3 (i) As the JCCDPM Structure Plan is silent on parking the DPS2 prevails, why doesn’t the report indicate that residential building under the DPS2 indicates 1 parking bay per 2 persons.

A3(i) The City can require a different standard of car parking than that specified in District Planning Scheme No.2 under Section 4.8.2. The comment is noted. The report does analyse parking provision and the likely demand, but does not make direct reference to the District Planning Scheme No.2 standard. This will be added to the report to the Joint Commissioners.

Q3(ii) How many people can each serviced apartment accommodate?

A3(ii) The residential building definition allows two or more persons to inhabit the building.

Q3(iii) What are the total number of patrons that can be accommodated in the 34 serviced apartments?

A3(iii) This is not stated in the application.

Q4 Can the use of the ‘commercial component’ serviced apartments be changed to multiple dwellings without a development application (bypassing the need to comply with the Residential Density) in line with:

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3. modify the submission requirements so that a Development Approval is not required for changes of preferred use;

A4 It is considered that a change of use may be required.

The following questions, submitted by Mr M Sideris, Mullaloo were taken on notice at the Briefing Session held on 7 December 2004.

CJ286 - 11/04 Proposed Mixed Use Development Lot 517 (91) Reid Promenade Joondalup – [89530]

Q1 On page 2 on attachment 12 which relates to this development proposal it shows the following table:

Room Type	Quantity	Area (sqm)
Residential Apartments	10	86.0
Standard Serviced Apartments	24	32.5
Large Serviced Apartments	10	50.7
Commercial Tenancy 1	1	129.4
Commercial Tenancy 2	1	57.2
Penthouse Apartments	2	141.4

i.e. the total commercial tenancy proposed is 129.4 and 57.2 – 186.6m²

The report states on page 73 parking for Commercial at 1 bay per 30m² – 6.22 i.e. 7 bays

However if this is commercial it must have a WALUC WA land use classification identified.

The recommendation states:

“(dd) Café/restaurant kitchen to comply with the Health (Food Hygiene) Regulations 1993;”

With this classification the required number of bays is the greater of 1 bay / 5m² i.e. 37.3 or 38 bays or on seated capacity, just a few more than the 7 shown in the report.

A1 The figures shown on the above table do not reflect that of the development as the table relates to a superseded set of drawings. There is only one Commercial Unit, which has a car parking demand of 6 bays. The City has adopted a standard of 1 bay per 30m² of NLA for commercial units within the City Centre. This is detailed within the car parking section of the report.

Q2 Looking at the site plan on page 2 of the attachment and referring to the report there is no mention or provision for a service bay for the commercial vehicles that are necessary to supply the café / restaurant. The AS2890 (part 2) for Commercial vehicle parking nominates the minimum requirements. See table below:

This will impact on the parking bay layout, as the minimum width requirement for a small rigid vehicle is wider than that for a standard passenger vehicle. It also cannot be provided end on as nominated in the report.

Table 4.1
Service Bay Dimensions

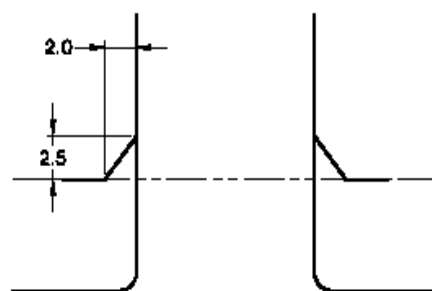
Vehicle Class	Bay Width (min) m	Bay Length (min) m	Platform Height M	Vertical Clearance (min) m
SRV	3.5	6.4	0.75 to 0.90	3.5
MRV	3.5	8.8	0.95 to 1.10	4.5*
HRV	3.5	12.5	1.10 to 1.40	4.5*
AV	3.5	19.0	1.10 to 1.40	4.5*

*5.0 m where access to the top of a tall vehicle, e.g., pantehnicon, or load is required.

- A2 To the City's knowledge, the Australia Standards do not stipulate requirements for the provision of service bays. The standards do, however, provide parameters for design where the bays are deemed to be required. The cafe / restaurant will probably be serviced by a small van, or the owners own vehicle. The parking bays provided would suffice. The City does not require a service bay for City Centre developments. To have the provision of a space for a service vehicle to park in, and adequate room to manoeuvre for a limited number of occasions is considered unreasonable.

- Q3 *The condition dealing with the driveway entry - report condition (s) "entry driveway to have 1.5m to 1.5 metre sightlines to the satisfaction of the City." This is at odds with AS2890.2 3.4.5 Sight Distance requirements. Sight distance requirements for commercial vehicle traffic entering a public roadway from an access driveway, are as follows:*

"(b) Sight distance to pedestrians Minimum dimensions for sight distance splays required to enable a pedestrian on the public road footpath to evade a vehicle emerging from an access driveway shall be as illustrated in Figure 3.4. Wherever practicable, larger splays should be provided."



DIMENSIONS IN METRES

FIGURE 3.4 MINIMUM DIMENSIONS FOR ACCESS DRIVEWAY SIGHT SPLAYS FOR PEDESTRIANS

The Council condition is a 1.5m truncation and in breach of the AStd minimum of 2.5m.

- A3 The City believes a 1500 mm x 1500 mm sight truncation is adequate where driveways meet laneways (ROWS) as speeds of vehicles would be low and the risk of pedestrian or vehicle conflict would be minimal. This truncation has been implemented on all developments in the City Centre, and surrounding residential areas, which are accessed via laneways.

It appears comments provided by Mr Sideris have been provided using AS 2890 2004 version. This development has been assessed using the previous version. It is anticipated the 2004 version will be implemented in the New Year. This will allow designers to start using the new version.

- Q4 *Another consideration that appears difficult to fit within the proposed layout is the need to provide adequate parking for people with disabilities. There are 2 requirements, one being for the short stay component where there is a set formula for calculating how many are required, this is set by the Building Code? The other requirement is for 1 bay per 50 required bays for the café/restaurant. This means a minimum of 2, and because these are wide bays and again by referring to the site layout plan at page 2 of the attachment, I don't see them fitting in on the geometric layout shown without impacting upon the overall number capable of being provided.*

- A4 Provision of disabled bays is not required under planning legislation. The applicant is required to meet Building Code of Australia. The parking bay layout will need to be modified to ensure the needs of parking for people with a disability and this will be evaluated as a part of the Building Licence assessment.

The following questions, submitted by Mrs M Macdonald, Mullaloo were taken on notice at the Briefing Session held on 7 December 2004.

Item 32 – Proposed Mixed Use Development Lot 517 (91) Reid Promenade, Joondalup.

- Q1 (a) *On 26 May 1998 Commissioners approved various amendments to the JCCDPM for advertising. Amendment 3 stated “modify the submission requirements so that a Development Approval is not required for changes of preferred use”.*

- A1 (a) Yes, all advertised amendments to the JCCDPM were adopted by the Joint Commissioners on 25/8/98 (Item CJ86-08/98 refers) with the following resolution:

“That the Joint Commissioners, in accordance with Clause 10.7 of Town Planning Scheme No 1, adopt the modifications to the Joondalup City Centre Development Plan and Manual to include provisions relating to development in the Lakeside District (as attached to Report CJ86-08/98) and modifying certain provisions relating to other districts.”

- Q1 (b) *Was this amendment finally adopted and if so does this mean that if Commissioners approve this development as put forward in this agenda that the following week the Residential Building (short term apartments) can become multiple dwellings without another development application being lodged.*

- A1 (b) In the City's view, a change of land use application would be required.

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

Re: Proposed Nursing Home and Aged Persons' Dwellings: Portion Lot 62 and Lot 63 Hocking Road, Kingsley

These facilities (assisted and dependant living) are classified as a 'Nursing Home' for the purpose of DPS2 (p.161 City of Joondalup – Draft Agenda for Briefing Session – 07.12.04 – p.160 – Item 29).

The assisted living is 30 separate self-contained apartments (60 beds) and according to Meath to enable persons to move through the complex from independent living to assisted living and onto patients (Dependent Living) if required.

The aged and dependent persons are not required to be patients in the assisted care component or require medical supervision or nursing care yet the City has classified these apartments (dwellings) as nursing home. Without this level of care or persons being received as patients this is not reasonable and does not meet the definition of nursing home. These 30 separate apartments (60 beds) fit the definition aged persons dwellings. Assisting the elderly and dependent in their dwellings is common and a commercial service (no use class given by Officers) being proposed by Meath for the surrounding community if development approval is given, this does not change use from dwelling to nursing home.

Q1 To ensure the 30 apartments (60 beds) assisted living facility are in fact not defacto aged person dwellings, and not providing the residents with the required standards and provisions of the R Codes as afforded all other residents of the City.

Will there be a condition imposed if this development is approved that the assisted living component is in fact for receiving patients and lodging them for the purposes of medical supervision and nursing care?

A1 The application being considered is for a Nursing Home and Aged Persons' Dwellings. These uses are defined in the Town Planning Scheme and the Residential Design Codes. Should the operators of the site depart from the approval granted by Council, then Council has the option of prosecution due to the site being operated contrary to the approved development.

Q2 I refer you to approval of lot sizes outside the variations listed above is beyond the power of the City. (p.173 City of Joondalup – Draft Agenda for Briefing Session – 07.12.04 – p.160 – Item 29).

Do the Commissioners have the power to approve this development application?

A2 Yes.

The following questions were submitted by Ms Moon, Greenwood:

Re: Item 32 – Proposed Mixed Use Development Lot 517 (91) Reid Promenade, Joondalup

Q1 Why are the Commissioners considering approving:

APPROVE the application for planning approval dated 27 April 2004 submitted by R-A-D on behalf of Mimi Ferguson for mixed-use development Lot 517 (91) Reid Promenade subject to:

The applicant has proposed to develop thirty-four serviced apartments, twelve multiple dwellings and one commercial ground floor tenancy.

A mixed-use development is not a use class under the DPS2 or JCCDPM. The report states that the short-term apartments fit the definition of Residential Building – Residential Building is the use class that must be identified not serviced apartments. (The report does not state the definition of serviced apartments in the Residential Design Codes is a residential dwelling).

No use class has been identified for the commercial component on the ground floor.

Multiple Dwellings is the only use class identified.

A1 The proposed serviced apartments fall within the classification of a residential building.

Q2 What use classes will appear on the S40 certificate (DA)? (Serviced apartments are not a use class will we have 34 Residential buildings). Is this application for a residential building?

A2 A section 40 certificate refers to liquor licensing. It is not known if such an application will be made.

Q3 The DPS2 has parking standards for Residential Building – 1 bay per 2 persons. The proposed 1 bay for 2 apartments in no way reflects this standard and has not been identified in the report to Commissioners.

A3 The Council can determine the standard of car parking under Section 4.8.2 of the District Planning Scheme. The report does analyse parking provision and the likely demand, but does not make direct reference to the District Planning Scheme No.2 standard.

Q4 Where is it stated that Residential Building (serviced apartments) is now a commercial development and not residential development? In the Supreme Court decision Mullanoo versus the City the City stated the residential building was residential development.

A4 The serviced apartments are considered to be non-residential as the R-Codes do not apply to such development, and thus are commercial in nature. This is in accordance with legal advice received by the City.

Q5 *This is the first instance where the applicant has nominated residential development as a component of commercial development. The Officers have not responded to this or stated the position of the City but allowed the applicant to determine that the residential building is commercial development as opposed to residential development.*

A5 The City does not agree to the statement above. The serviced apartments are considered to be non-residential.

Q6 *The Planning Land Use Category – Pluc identifies RES Residential as: includes all types of residential land use ranging from single housing to nursing homes for the aged, residential hotels, motels, other holiday housing, institutions and religious housing.*

1.9.2 DPS2

Where a word or term is defined in the Residential Design Codes then notwithstanding anything else in the scheme that word or term when used in respect of residential development has the meaning given to it in the Residential Planning Codes.

Contrary to the report, which is listing the serviced apartments as commercial. Bypassing – in respect of residential development and the need to apply density. It is still residential development.

A6 The question has been answered above.

Q7 *RESIDENTIAL DESIGN CODES*

2.2 Definitions - Serviced Apartments

A residential dwelling that forms part of a complex where common maintenance or other services are provided.

As a lodging house under the health regulations the lodging component cannot consist of single flats.

SERVICED APARTMENTS (REPORT)

The proposed serviced apartments fall within the definition of a Residential Building as they are intended to be for short stay accommodation rather than permanent dwellings. The applicant has indicated that these apartments will be used for short stay purposes. To reinforce this it is recommended that a condition of Planning Approval be imposed limiting them to the use for short-term stays only.

(t) *The serviced apartment being used for short-term accommodation only to the satisfaction of the City;*

This condition only plays lip service to what is stated under the heading serviced apartments; it does not impose any limit to length of stay to distinguish them as short-term accommodation. The satisfaction of the City should be determined as part of the condition of DA or there is no limit and they fit the definition of dwelling.

4.2 of the residential Design codes states mixed-use developments involve the residential components being built above the commercial components. Typical examples are : dwellings/apartments above shops, offices, ...

- A7 A timeframe for the length of stay for the serviced apartments has been provided to Joint Commissioners.

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

- Q1 *I refer to point number 7 of CJ299 - 12/04 titled Responses to Governance Review which states:*

“ It is recommended that the Joint Commissioners:

MAKE a submission to the Minister for Local Government and Regional Development to draft appropriate amendments to the Local Government Act 1995 to allow for alternative spokesman to be appointed by the Council other than the Mayor where resolved by the Council”

It is based on recommendation 22 of the Governance Review, which is published in an attachment to CJ276 – 11/04. Recommendation 22 is as follows:

“The Council needs to investigate ways whereby it could appoint an alternative spokesman when Council is of the view that its views are not being represented appropriately. If amendments to the legislation are required then the Council should make a submission to the Minister.”

Can Council provide full details of the investigation it undertook into the "ways it could appoint an alternative spokesman"?

- A1 The current Joint Commissioners have not undertaken any investigation as the ability for the Mayor to speak on behalf of the City is a legislated responsibility.

Recommendation 22 referred to the suspended Council and not the current Joint Commissioners.

- Q2 *The Commissioners would be aware of the recent amendment to the Local Government Act 1995, which provides for a referendum to be carried out before a Council changes the method of electing the Mayor, from a vote of electors to a vote of Councillors. The following extract is taken from the Second Reading speech, by the former Minister of Local Government, Mr Tom Stephens when introducing the Bill (Wednesday 3 December, 2003 p13988). It states:*

“Various amendments deal with local government elections. Specifically, these include a provision that states that, before a council changes the method of electing the mayor or president from a vote of electors to a vote of councillors, it will be required to consult with electors and carry out a binding referendum on the matter. This follows recent experiences with the Town of Vincent. Strong support from the public is expected for this requirement for a referendum. In response to a question in this place about this Bill, I indicated that I hoped that the provisions of this Bill would have the comprehensive support of WALGA. This is not one of those provisions and it is a point of difference between WALGA and me, and I highlight that to the House.”

In light of the fact that the Mayor in Joondalup gains the position by a vote of electors in the district, what measures have been taken to ascertain the support of the ratepayers for an alternative spokesman (to the Mayor) to be appointed by Council?

A2 The Joint Commissioners will consider this recommendation as their meeting to be held on 14 December 2004.

Q3 *Mindful that the McIntyre Inquiry is yet to bring down its findings, could a decision by the Commissioners requesting an amendment to the Local Government Act, in support of an alternative spokesman to the Mayor, be classified as 'extremely courageous'?*

A3 See A2 above.

The following questions were submitted by Mr D Davies, President of City of Joondalup Associations Forum:

Q1 *Please identify and quantify all sources, including any insurance policy, from which funds were sourced to make the \$500,000 plus payout to former CEO Denis Smith, as agreed and approved by Commissioners.*

Q2 *Does the above agreement contain any recovery provisions whatsoever?*

Q3(a) *If so, please provide full details of all such recovery provisions.*

Q3(b) *If not, why not?*

Q4 *Please advise total amounts of all ratepayer funds, expended and outstanding, for legal services provided for any matters related to the former CEO issue, and the McIntyre Inquiry by:*

- (a) *Kott Gunning (including advice re Jones and Sutton – NSW District Court;*
- (b) *Freehills*
- (c) *Blake Dawson Waldron*
- (d) *Minter Ellison (including Upper House Committee Inquiry)*
- (e) *McLeod and Co*
- (f) *Fiocco's*
- (g) *Any other fees paid (please detail in full).*

Q5 Re Item C14-03/04 of Joint Commissioners of 16 February 2004 and 12 March 2004, will Commissioners please provide precise and full details of all certified copies of former CEO Denis Smith's qualifications sighted by Commissioners?

A1-5 These questions will be taken on notice to enable a detailed response to be prepared.

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

Re: CJ299 - 12/04 Annual General Meeting of Electors Held on 22 November 2004:

Q1 My question relates to the motion and recommendation relating to Motion No 4 – Sorrento Beach Redevelopment:

Will the staff member who wrote this recommendation please explain how the recommendation refers to 'an application for a development approval for a restaurant when the motion reads 'any commercial application' and 'undertake a community consultation process' When the motion reads 'extensive community consultation'?

I feel insulted that staff can interpret and change the meanings of motions in their recommendations, if staff cannot understand motions and question put to Council then there needs to be some communication and consultation with the community for clarity and meaning.

Q2 Motion No 3 – Policy 3.1.9 – Height and scale of buildings within a residential area.

It is recommended that the Joint Commissioners NOTE that the City will fully abide with Policy 3.1.9 - Height and Scale of Residential Buildings in a Residential Area, with full consideration given to the proposed Nursing Home and Aged Persons Dwelling, Portion Lot 62 and Lot 63 Hocking Road, Kingsley.

Does this recommendation, to only note that the City will fully abide with Policy 3.1.9, when policy 3.1.9 relates directly with the Meath proposal Hocking Road Kingsley, as Meath applied for Residential R20 for this site? Is the policy to be noted or applied to Residential Buildings in a Residential Area?

Q3 What was the closing date for submission re Meath proposed aged care facility Kingsley?

Q4 Did the City consult with Meath prior to their rezoning application?

Q5 Did Meath consult with the City prior to their rezoning application?

Q6 Did the City offer any advice as to the desirable zoning for their one possibly two story facility?

Q7 If Meath were to deliver services to the community, eg laundry service or meals on wheels, would they require rezoning to enable them to operate these business?

- Q8 Did the City negotiate with Meath, offer any concessions, or make any deals re the development application, eg 30 apartments assisted living has become 110 bed facility,?*
- Q9 Does the City consider the height issue the only objection to this proposal?*
- Q10 Did the City or officers or staff enter into discussions/meet with Judy Hughes. with or without Meath?*
- Q11 If yes did the City provide staff, that had a good understanding/concept of this proposal to discuss this plan?*
- Q12 Did the City grant the South Ward Ratepayers and Electors Association an extension for their submission re Meath proposal Hocking Road Kingsley?*
- Q13 Have the Commissioners read the raw data relating to submissions re Meath proposal Hocking Road Kingsley?*
- Q14 Do staff consider they have addressed all the concerns of the South Ward Ratepayers and Electors Association in their submission re Meath proposal Hocking Road Kingsley in their report to Commissioners tonight?*
- Q15 Who is responsible for the checking of information given to Commissioners at deputations is true and correct?*
- Q16 It was stated by Meath, at their deputation to Commissioners last week, that a petition had been withdrawn. Can the City confirm or deny this information regarding any petition regarding Meath proposal Hocking Road Kingsley?*

A1-16 These questions will be taken on notice to enable a detailed response to be prepared.

Mr V Cusack, Heathridge:

Re: CJ329-12/04 – Aged Care Facility Proposal, Hocking Road and the potential impacts on the Yellagonga Regional Park. I am concerned that no research has been undertaken to ascertain the impact of the deep excavation on the high water table and wetlands.

- Q1 Considering the fact that the land surrounding Lake Goollelal has been identified by the Waters and Rivers Commission as and I quote: “posing an acid sulphate soils risk”. How deep will the excavation go and what measures have been put in place to ensure the pyrites remain below the water table levels? Once pyrite is exposed to oxygen it undergoes a chemical change to form sulphuric acid which the City of Sterling found out can cause contamination of the ground water systems.*
- Q2 If serious contamination of the wetlands were to occur would the City be liable for the damage or does all liability rest with the developer?*

A1-2 These questions will be taken on notice.

Ms M Macdonald, Mullaloo:

Q1 The Minister for Planning and Infrastructure requested the City to urgently correct anomalies within the scheme text in May with respect to residential building and multiple dwellings in R20 areas. In response to ratepayers' requests for a moratorium on the use of these anomalies suggests that the R Code amendments might be the avenue to correct these anomalies. As this might not happen until 2006, do Commissioners believe that the officers' suggested response to the Minister's request will meet the request with respect to urgency and why wouldn't amendments to the scheme text that could be made now not be considered? I thought the City had a moratorium on mobile phone tower erections?

A1 The Commissioners can debate the first point tonight. In reference to mobile phone towers there is no moratorium, it was lifted by the Council some time ago and replaced with a policy statement on mobile phone towers.

Q2 Re: Mullaloo Beach Village. The building does not meet its development approval or its building approval or some Australian building standards. Why has the City not placed a stop work order on the building in accordance with the Act and do Commissioners believe that they, the Commissioners, and officers are acting according to their Code of Conduct in not bringing this to the notice of Council or do they believe a retrospective approval when the building is built will correct this matter?

A2 The planning issues are to be the subject of a report to Council, which is scheduled for February 2005.

In relation to the building issues, the building contractor has been served with a notice and has appealed that notice to the Minister through the Department of Housing and Works. That appeal is currently under consideration by the Department.

Mr M Sideris, Mullaloo:

Q1 Re: CJ299-12/04 – AGM Motions 16 and 17 – Will Commissioners consider amending the recommendation to better reflect the intent or words of the motion that was passed at the last Annual General Meeting?

A1 Council is prepared to bring a report back to the next meeting which addresses those items.

Q2 I note Council's response to Ms Macdonald's question 2. Are the Commissioners aware that the developer at the recent Liquor Licensing Court clearly indicated to the court that it is intended to complete construction of the building in February and will Commissioners consider an urgent motion or the issuing of a Section 10 in accordance with the Town Planning and Development which has already been pre-circulated to the City?

- A2 There are issues in relation to compliance for the building licence and the development approval. In February 2005, Council will be considering the issue of a Section 10 notice. The major areas of stated non-compliance relate to the under-croft.

Ms J Smithson, Kingsley:

- Q1 Re: Contamination of the Meath Site – There was a concern from the earlier speaker regarding the impact on Yellagonga Park. The soil and site assessment for contamination and acid sulphate soils was undertaken as a requirement through the rezoning process and the management plan for the site has been approved by the Environmental Protection Authority to ensure that there is no adverse impact on Yellagonga.*

On behalf of the numerous supporters of the Meath Development who are here tonight, does Council have an alternative recommendation that they are prepared to consider to approval this development?

- A1 *Response by Chairman Paterson:* That is a matter for the Commissioners to deal with.

Mr R de Gruchy, Sorrento:

- Q1 Re: CJ300-12/04 – Works Depot – Nearly every Council discussion concerning the construction of a new works depot over the past few years has been behind closed doors.*

It is only in the past four or five months that ratepayers have been able to unravel the circumstances behind the proposal to build a works depot on the Hodges Drive site. The previously confidential minutes are only a summary of discussions that occurred at the time, there is still no clear answer as to why other locations were not given the degree of consideration that would be commensurate with expenditure of this magnitude.

Will Commissioners please defer any decision on spending between \$12 and \$15 million on a Works Depot until a full and detailed evaluation is carried out on the site in Edgewater known as the “Quarry Site”?

The Quarry is not involved, I am talking about Lot 998 which is 1.8 hectares owned by the City and Reserve 37210 which is 2.4 hectares making a total of 4.2 hectares which is Crown land and would need to be rezoned.

- A1 *Response by Chairman Paterson:* That is a matter for the Commissioners to deal with.

Ms S Hart, Greenwood:

Ms Hart referred to questions she had previously submitted. These questions have been taken on notice and a response will be provided to Ms Hart.

Q1 Re: Submission on Network City and Liveable Neighbourhoods – Can Council inform me who the City is?

A1 The report presents an organisational view and is before the Commissioners for consideration.

Response by Chairman Paterson: Once Commissioners approve a motion, that is then the decision of the City.

Q2 Why did the City not request a structure plan considering Joondalup's Policy 3.1.9 Height and Scale of Buildings within a Residential Area, is a planning policy that applies to all development in a residential zone with the City of Joondalup, with the exception of areas in which building height and scale are otherwise addressed in structure plans made in accordance with Part 9 of DPS2. Why in the rezoning application did Meath apply for R20 residential zoning stating that the development would be one or two storeys?

A2 The rezoning documentation was supported by an indicative development plan that was understood to be the intended form of development at the time. The proponents then submitted a development application, which they have a right to do and Council is obliged to assess that.

The understanding when the site was rezoned was that the R20 coding would apply and the height policy 3.1.9 would also apply. At the time the proponents did not come to the City with any alternative proposals that would cause concern or raise the prospect of a structure plan being required. It is not normal to require a structure plan for effectively a single lot development in a low density residential coding.

Ms M Moon, Greenwood:

Q1 Re: CJ329-12/04 – Meath Care – On Page 206 it states the assisted living facility may be classified as nursing home. Is this assisted living facility, which is actually 32 bedroom two bathroom apartments with living area, kitchen either courtyard or a balcony for the lodging of patients who require medical supervision and nursing care?

A1 The report contains the categorisation that the officers have put to the description of the various parts of the application. That is putting the various parts of the application into the planning land use categories.

Q2 Re: CJ332-12/04 – Does the City consider residential building to be residential development as per the planning land use category and the Western Australian land use classifications or do they consider commercial development as identified by the developers of the mixed use Reid Promenade, Joondalup?

- A2 This has been the subject of legal advice. The easiest way to describe a residential building is by reference of the definition under the Scheme. It is not typically residential development because it does not have standards under the R Codes applied to it. The legal opinion stated that it was more akin to commercial development.

Ms J Hughes, Girrawheen:

Re: CJ329-12/04 – Meath Care Facility – The open regional space belongs to the whole northern corridor and not just the Kingsley or the residential area that abuts this development.

Q1 In view of the fact that the report actually upholds most of the submissions that were put forward by the proponents from the petitions and also other people of the public who have put forward submissions. Have the Commissioners been properly briefed by the A/CEO that the decisions that are made on the premise of proper and orderly planning policies of the City in regards to heights and scale and to the WAPC in regard to the R Codes and the lot sizes and not to be based on any commercial viability or functionality of any commercial business?

A1 *Response by Chairman Paterson:* I believe that the Commissioners have been fully briefed.

Q2 Do the Commissioners recognise that we have Ageis Care facility waiting to put in their Development Application. Should a facility go through with a 16.5 height, another 120-bed nursing home is waiting not more than 1.5 km south of this particular development. Are the Commissioners prepared to have two large buildings abutting the Yellagonga Regional Park? I would like the Commissioners to take this into consideration when making their decision.

A2 *Response by Chairman Paterson:* The Commissioners do not have any indication of an application for a 120-bed nursing home, we will be considering the items in the agenda.

Mr M Caiacob, Mullaloo:

Re: CJ329-12/04 Meath Care – Page 209 – second last paragraph, it states “approval of lot sizes outside the variations listed in table 1 above is beyond the power of the City.” In Page 210 under plot ratio it states “this requirement would be a condition of planning approval if the Joint Commissioners were to choose to approve the proposal.” This report is saying that the City does not have power to approve this application, yet it is also saying that if the Commissioners do wish to approve it something else would have to be a condition when there is no power there to approve it.

Q1 Has an alternative application or modified plan been received by the City in relation to this development recently?

A1 It is the case with development standards that some can be varied and some cannot, that is the reason for the different description of each of those aspects of the application. In terms of the status of any revised plans, the Commissioners were advised at the Briefing Session that the proponents could provide a plan which conformed to the minimum lot size requirements under the codes and our understanding is that the minimum requirement can be met.

Q2 *Re: Mullaloo Tavern – There is approximately a 500 metre footpath fall in the two metres between the building and the main road to be restored to the City's satisfaction whilst allowing disabled access and safe pedestrian thoroughfare on a public footpath.*

Having been made aware of the Mullaloo Tavern's non-conformance with a minimum requirement of Australian Standard 2890 for commercial vehicles and changes in floor levels from those of the development application, can the Commissioners please advise:

- (a) how they intend to deal with the non-compliance and the pavement falls with regard to public safety?*
- (b) are there any drawings or documents prepared for reinstallation of this footpath to date?*

A2 The floor levels of this development have been audited several times and the advice has been that the floor levels conform to the approved building licence drawings. In regard to the issue about changes in levels to the footpath this will be taken on notice.

Mr Caiacob tabled the following questions:

Q3 *If a Council has approved a development with a 2500mm minimum car bay width and the development does not conform to that condition, does an officer under delegated authority or another later Council have the power to retrospectively approve the non-compliant building contrary to Council's initial conditioned approval and if so could that then be deemed good governance by that Council?*

Q4 *Tourism Development Plan – The boundaries of the coastal and other tourist zones are reserves and Bush Forever sites. From my involvement on the workshop I understood that development should be contained to development of facilities within existing service nodes and the Ocean Reef Marina.*

Is that the intent of the document to allow development in the tourist zones? Or allow but restrict development to existing service nodes within the tourist zones?

A3-4 These questions will be taken on notice.

Mr K Zakrevsky, Mullaloo:

Q1 Re: Mullaloo Tavern - I have now read the transcript from the Licensing Court and it is quite clear that the lawyers for the licensee have advised the Court that, prior to lodging the redefinition application with the Department of Racing, Gaming and Liquor, they approached the local authority for feedback from planning officers and that the planning officers of the local authority had been neither positive nor negative.

They also advised the Court that the local authority had the view to the license that as far as it was concerned the changes do not affect the development approval that has been given, nor change other approvals that had been provided by the City for the development and therefore had no issue with this proposed change.

As there is a clear indication that the Court was not aware that the City was in dispute with the developer, will you advise whether or not the City has written to the Licensing Court and the Department of Racing, Gaming and Liquor to advise them that the City has issued an Order to comply and secondly will the City advise these same authorities that it intends to withdraw all relevant Section 39 and 40 Certificates related to the Liquor Licence until all outstanding building issues had been resolved to the satisfaction of Council?

A1 On the issue of Section 39, which relates to environmental health compliance, those certificates are not issued until the building is finished and fitted out. In relation to the Licensing Court the City shares the concerns that have been raised by the Progress Association and others. City officers have been in daily contact with the Licensing Court and the Department and that matter is reaching its conclusion.

Q2 Thank you for confirming receipt of our email but will you please tell us when the round table meeting is to take place, as this meeting is now surely long overdue?

A2 Chairman Paterson: Your questions are appreciated and answers will be given in due course. I have given a commitment that I would visit the site. When all these things have been completed I will convene a meeting.

Ms M Zakrevsky, Mullaloo:

Q1 Re: CJ329-12/04 – Which application by Meath Care was assessed by the EPA was it (a) the one that went for rezoning or (b) the current application?

A1 It was the rezoning application.

Q2 On Page 559 in the Attachments and to my Motion 12 of the Annual General Meeting of Electors held on 26 November 2004 under number 13 on page 26 of tonight's agenda.

My request then was that the words "and ratepayers" be added to not vilifying fellow Councillors and staff and the reply is not taken in the context of my intent. I would ask Commissioners if at any time they are looking at the recommendations of the Governance Review in relation particularly to the Code of Conduct would you please consider adding those two words to Recommendation No. 25?

A2 Council has noted you comments.

Ms K Dellaca, Padbury:

Q1 Re: Internet Café/Amusement Parlour located in Hepburn Heights. If approval goes ahead for the business:

(a) how are the number of people visiting the establishment at any one time, it is supposed to be set at 20, to be policed?

(b) How are the times that it is supposed to be open to be enforced?

A1 The City employs a liaison officer whose sole purpose is to assess the conformity to planning conditions and will pursue breaches of any planning conditions.

Q2 If that is the case are the residents supposed to be the deputised law enforces of this?

A2 The City's Liaison Officer is skilled in keeping in touch with people around the community where there are sensitive issues going on and welcomes any input as well as arranges for the collection of the necessary evidence where applicants need to be pursued.

Response by Chairman Paterson: Council would be relying on ratepayers reporting any breaches.

Q3 Is that known as City watch?

A3 No, that is the City Liaison officer that works within the Approvals, Planning and Environmental Services Business Unit.

Mr S Kobelke, Sorrento:

Q1 Re: Proposed Amendment No 24 to the City of Joondalup District Planning Scheme No. 2 which relates to the former CSIRO site.

Since the time that the applicant purchased the site from the CSIRO at a bargain basement price because of its zoning there has been no mention by the applicant of conserving the remanent bushland. During the past week several ratepayers have indicated that they have been told that this was being considered. Have there been any recent discussion between Council and the applicant regarding revised plans to conserve the remanent bushland?

A1 This question will be taken on notice.

Q2 Can Council confirm that the public comment time on this amendment will not be extended beyond Wednesday, 15 December 2004?

A2 That is the statutory limit that has been applied and that is the limit that Council is working to at the moment.

Mr S Magyar, Heathridge:

Q1 CJ307-12/04 – Corporate Reporting System – Will this document be made available in an easy to find place on Council's website?

A1 The website of the City of Joondalup is currently being revamped. This document will be placed on the website in an accessible position.

Q2 Have the officers discussed with officers of other Councils or local authorities in western Australia if they are doing similar projects to this?

A2 There is a range of reporting systems used by different Councils. This one has been developed by officers within the City of Joondalup and is unique to the City however there are some similarities with other systems.

APOLOGIES AND LEAVE OF ABSENCE

Nil.

DECLARATIONS OF FINANCIAL INTEREST/INTEREST THAT MAY AFFECT IMPARTIALITY

In relation to Item CJ320-12/04 – Mindarie Regional Council Establishment Agreement, Cmr Smith advised she is a member of the Mindarie Regional Council, however she would deal impartially with this matter.

Cmr Fox declared an interest which may affect her impartiality in Item CJ320-12/04 – Mindarie Regional Council Establishment Agreement as she is a member of the Mindarie Regional Council.

In relation to Item CJ328-12/04 - Proposed Amendment No 28 to District Planning Scheme No 2 to Rezone Swan Loc 12816 (16) Fernwood Square, Padbury from 'Residential' to 'Private Clubs and Recreation', Cmr Smith advised her husband owns property in Padbury, however she would deal impartially with this matter.

Cmr Fox declared an interest which may affect her impartiality in Item CJ328-12/04 – Proposed Amendment No 28 to District Planning Scheme No 2 to Rezone Swan Loc 12816 (16) Fernwood Square, Padbury from 'Residential' to 'Private Clubs and Recreation' as she resides in Padbury.

Cmr Clough declared an interest which may affect his impartiality in Item CJ329-12/04 – Proposed Nursing Home and Aged Persons' Dwellings: Portion Lot 62 and Lot 63 Hocking Road, Kingsley as he is currently acting as a consultant to a firm that provides aged care facilities.

In relation to Item CJ329-12/04 - Change of Use from Medical Centre to Amusement Parlour – Hepburn Heights Shopping Centre: 4/6 Blackwattle Parade, Padbury Cmr Smith advised her husband owns property in Padbury, however she would deal impartially with this matter.

Cmr Fox declared an interest which may affect her impartiality in Item CJ330-12/04 – Change of Use from Medical Centre to Amusement Parlour – Hepburn Heights Shopping Centre: 4/6 Blackwattle Parade, Padbury as she resides in Padbury.

Cmr Anderson declared an interest which may affect his impartiality in Item CJ331-12/04 – Proposed Child Care Centre: Lot 101 Kennedya Drive, Joondalup (Arena Joondalup) as he has had dealings with Mr Moss and the WA Sports Centre Trust.

In relation to Item CJ337-12/04 – Proposed Currambine Village Structure Plan (City of Joondalup Plan No 8) on Portion of Lot 9018 and Lot 9019 Burns Beach Road, Currambine, Cmr Smith advised her daughter resides in Currambine, however she would deal impartially with this matter.

In relation to Item CJ340-12/04 – Proposed (94) Multiple Dwellings: Lot 2259 (1) Sunlander Drive, Currambine Revocation of Resolution, Cmr Smith advised her daughter resides in Currambine, however she would deal impartially with this matter.

Acting Chief Executive Officer, Mr Clayton Higham, declared a financial interest in C74-12/04 - Request for funding assistance pursuant to Policy 2.2.8 - Legal Representation for Elected Members and Employees - Acting Chief Executive Officer and Manager Audit and Executive Services as he is an applicant for funds for legal representation.

Manager Audit and Executive Services, Mr Kevin Robinson, declared a financial interest in C75-12/04 - Request for funding assistance pursuant to Policy 2.2.8 - Legal Representation for Elected Members and Employees - Acting Chief Executive Officer and Manager Audit and Executive Services as he is an applicant for funding under Policy 2.2.8.

CONFIRMATION OF MINUTES

C72-12/04 MINUTES OF JOINT COMMISSIONERS MEETING, 23
NOVEMBER 2004

MOVED Cmr Anderson, SECONDED Cmr Smith that the minutes of the Meeting of Joint Commissioners held on 23 November 2004 be confirmed as a true and correct record.

The Motion was Put and

CARRIED UNANIMOUSLY (5/0)

ANNOUNCEMENTS BY THE CHAIRMAN WITHOUT DISCUSSION

CHRISTMAS NEW YEAR

Welcome to the last Council meeting for 2004.

This meeting marks a year since the Commissioners were appointed by the State Government to administer the City of Joondalup.

Nobody would argue that the order of Council meetings has improved dramatically and I congratulate the community for the dignified way in which question time now normally proceeds.

On behalf of the Commissioners and staff, may I take this opportunity to thank all those who regularly attend Council meetings and wish you, and all residents of the City of Joondalup, sincere best wishes for Christmas and the New Year.

JINAN

The City's recent signing of a Sister City relationship with Jinan has brought congratulations from State Government Minister, Sheila McHale.

The Minister described it as "a welcome addition to Government efforts to forge stronger diplomatic ties with China".

The recent delegation from Jinan reports that plans to send 15 senior Police and 30 senior civil servants to Joondalup to train are proceeding well.

In addition, Mayor Bao is considering the possibility of purchasing coal and joint development of iron ore with Western Australia. The possibility of projects of this type has been passed on to the State Government.

SERVICE RECOGNITION AWARDS

Congratulations to the Outside staff I presented with "Service Recognition Awards" at a function at the Ashby depot last week.

These loyal workers for the City are very deserving of this recognition, and are the backbone of the City's service to the community.

As Chairman, I pass on the thanks of Commissioners, the Executive Management Team and residents.

On that note, I thank all the staff for their efforts in helping us restore good order to the City, and wish you and all the community a safe and happy Christmas and New Year.

PETITIONS

C73-12/04

PETITIONS SUBMITTED TO THE COUNCIL MEETING – 14 DECEMBER 2004

1 PETITION EXPRESSING SUPPORT FOR THE REZONING OF LOT 61 (14) LEACH STREET, MARMION – [85558] [38221]

Three petitions of 46, 22 and 36 signatures respectively plus one letter of support has been received from residents of the City of Joondalup expressing support for the rezoning of Lot 61 (41 Leach Street, Marmion (Old CSIRO Facility site) from Local Reserves 'Parks and Recreation' to 'Urban Development'.

The petitioners believe the proposed CSIRO site is appropriate for a quality residential subdivision and residential zoning would be more consistent with the existing character of the area.

The petitions and letter of support will be referred to Planning and Community Development for action.

2 PETITION REQUESTING SPECIAL MEETING OF ELECTORS – NETWORK CITY AND LIVEABLE NEIGHBOURHOODS – [75029] [22548] [10400]

A 106-signature petition has been received from residents requesting that a Special Meeting of Electors be held. The details of the matters to be discussed at the special meeting are:

- Network City – community planning strategy for Perth and Peel. What it means to every suburb in the City of Joondalup;
- Liveable Neighbourhoods – what it means to every suburb in the City of Joondalup;
- Community workshops funded by the State Government, when will these happen?
- The City of Joondalup's response and submission to the State Government on behalf of ratepayers, regarding Network City and Liveable Neighbourhood;
- Any other matter raised from the floor.

In accordance with Section 5.28 of the Local Government Act 1995, a special meeting of electors has been scheduled for 7.00 pm on Tuesday, 11 January 2005 to be held in the Council Chamber, Joondalup Civic Centre, Boas Avenue, Joondalup.

This petition will be referred to Office of the CEO for action.

3 PETITION IN RELATION TO PROPOSED BURNS BEACH STRUCTURE PLAN NO 10 – PROVISION OF PARKING AREA – [29557]

A 67-signature petition has been received from residents strongly objecting to a car park being located on Crown land located at the end of Fourth Avenue, Burns Beach.

This petition will be referred to Planning and Community Development for action.

It was resolved that the petitions:

- 1 expressing support for the rezoning of Lot 61 (41 Leach Street, Marmion (Old CSIRO Facility site) from Local Reserves 'Parks and Recreation' to 'Urban Development';**
- 2 requesting a Special Meeting of Electors in relation to Network City and Liveable Neighbourhoods;**
- 3 strongly objecting to a car park being located on Crown land located at the end of Fourth Avenue, Burns Beach;**

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

CJ299 - 12/04 ANNUAL GENERAL MEETING OF ELECTORS HELD ON 22 NOVEMBER 2004 – [10567]

WARD - All

PURPOSE

For the Joint Commissioners to note the Minutes of the Annual General Meeting of Electors held on 22 November 2004 and to give consideration to the motions moved at that meeting.

EXECUTIVE SUMMARY

The City's Annual General meeting of Electors was held on 22 November 2004 in accordance with Section 5.27 of the Local Government Act 1995. Section 5.33(1) of the Act requires that all decisions made at an Electors' Meeting if practicable are to be considered at the next ordinary meeting of Council.

BACKGROUND

The City's Annual General Meeting of Electors was held on 22 November 2004 in accordance with Section 5.27 of the Local Government Act 1995. The meeting was attended by 35 members of the public with a total of 18 motions passed at the meeting. The minutes of that meeting form Attachment 1 hereto.

Decisions made by electors at an Electors' Meeting are the recommendations of those electors present, on the matters discussed and considered at the meeting. As with recommendations made at Council committee meetings, they are not binding on the Council. However, the Council must consider them.

Section 5.33 of the Local Government Act 1995 detailed below covers this matter:

Decisions made at Electors' Meetings

- 5.33 (1) All decisions made at an Electors' Meeting are to be considered by the Council at the next ordinary council meeting or, if this is not practicable –
- (a) at the first ordinary council meeting after that meeting; or
 - (b) at a special meeting called for that purpose,
- whichever happens first.
- (2) If at a meeting of the Council a local government makes a decision in response to a decision made at an Electors' Meeting, the reasons for the decision are to be recorded in the minutes of the Council Meeting.

DETAILS

The 18 motions passed at the Annual General Meeting of Electors are set out below in *italics*, followed by a comment and suggested course of action as to how each matter should be dealt with.

MOTION NO 1 – RESPONSES TO GOVERNANCE REVIEW

MOVED Mr David Davies, 5 Lytham Mews, Connolly, SECONDED Mrs Allison Walker, 27 Sweeney Way, Padbury that We the ratepayers of the City of Joondalup REQUEST the Commissioners to defer Item CJ276-11/04 – Responses to Governance Review until after the McIntyre Panel Inquiry is completed and until such time as the report is made public.

The Motion was Put and

CARRIED

Officer's Comment

The Council at its meeting held on 23 November 2003 was presented with a report in relation to the Governance Review Panel Final Report where the Joint Commissioners resolved as follows:

- 1 the Joint Commissioners DEFER consideration of Responses to Governance Review to allow it to be considered at the same time as motions from the Annual Meeting of Electors that relate to this matter;*
- 2 the Acting CEO be requested to write to the Minister advising that the community is requesting the release of the Governance Report for public information and asking whether the Minister is prepared to release the report;*
- 3 nothing in this resolution prevents the Administration from carrying out preliminary administrative tasks in connection with a review of:*
 - Guidelines relating to public question time*
 - Protocols and procedures relating to strategy and briefing sessions*
 - Standing Orders*
 - Code of Conduct*
 - Electronic controls within the Council Chamber*

A letter has been forwarded to the Minister for Local Government and Regional Development seeking comments regarding her department releasing the contents of the Governance Review Report. At the writing of this report no reply had been received.

The Joint Commissioners first considered a report relating to the Governance Review Panel on 8 June 2004. The following comments were contained within that report:

“The Chairman of the Governance Review Panel has advised that; “I appreciate that in the development phase of the Governance Review that public release of the document was promoted as an appropriate outcome. Since then, however, the Ford Inquiry under Division 2 of Part 8 of the Local Government Act 1995, has been initiated.

It will be examining, inter alia, the same matters addressed in the report of the Governance Review Panel. It is apparent that any release of the Panel's report prior to the release of the report of the Ford Inquiry is likely to have an adverse and disruptive effect on the integrity of the Ford Inquiry. Moreover, any release other than pursuant to the Parliamentary order or authority may give rise to actions of defamation. The City must take its own legal action advice in these respects. At this time the Department countenances against release of the report – at least at this stage.

It may later be appropriate for it to be released in some form after all due precautions. If there is a request from members of the public for the report to be released I submit it would be appropriate for Council to state the reasons given above but there may be real value in releasing the recommendations of the report as these relate to operational and policy matters for Council to consider.”

The City did obtain separate legal advice, which is in agreeance with the advice provided by the Department.

A copy of the report presented to the Joint Commissioners on 23 November 2004 (Item CJ276-11/04) is attached. As resolved by the Joint Commissioners at that meeting the recommendations contained within that report are submitted for consideration in conjunction with the motions carried at the Annual General Meeting of Electors held on 22 November 2004.

Recommended Response

It is recommended that the Joint Commissioners:

- 1 RECEIVE the City of Joondalup Governance Review – 2003 Final Report;**
- 2 AGREE not to release the contents of the Governance Review Panel – Final report at this stage and will review the decision not to release the report pending the outcome of the McIntyre Inquiry;**
- 3 NOTE their decision of 23 November 2004 (Item CJ276-11/04 refers) and AGREE to undertake a review of the:**
 - (a) guidelines relating to public question time;**
 - (b) protocols and procedures relating to strategy and briefing sessions;**
 - (c) City's Standing Orders Local Law;**
 - (d) City's Code of Conduct;**
 - (e) electronic controls within the Council Chamber;**
 - (f) Induction program for Mayors and Councillors/Commissioners;**

- 4 ESTABLISH clear protocols relating to:**
 - (a) the attendance of invited guests or specialist advisors to Council meetings;**
 - (b) the working relationship between the Mayor and CEO that complements the relevant sections of the Local Government Act 1995;**
 - (c) elected members requiring access to information and requests for action;**
 - (d) necessary requirements for proposing amendments at Council meetings;**
- 5 in relation to the CEO's employment terms and conditions, AGREE:**
 - (a) to provide all elected members with a complete copy of the current CEO's contract and details of relevant performance reviews;**
 - (b) that future City of Joondalup CEO employment contract be based on one of the pro forma contracts developed specifically for Western Australian local government;**
 - (c) to review the performance appraisal process for future CEOs to ensure it best suits the Joint Commissioners' requirements;**
- 6 AGREE to develop a comprehensive ongoing training programme for elected members, focusing on:**
 - (a) roles and responsibilities;**
 - (b) meeting procedures;**
 - (c) Code of Conduct;**
 - (d) Local Government Act 1995 and associated legislation;**
 - (e) industry related support programmes;**
- 7 MAKE a submission to the Minister for Local Government and Regional Development to draft appropriate amendments to the Local Government Act 1995 to allow for alternative spokesman to be appointed by the Council other than the Mayor where resolved by the Council;**
- 8 SUPPORT that recommendations 17 to 24 detailed within the City of Joondalup – Governance Review, 2003 – Final Report be referred to the Western Australian Local Government Association and the Department of Local Government and Regional Development for consideration across the industry.**

MOTION NO 2 – CRIME STATISTICS

MOVED Ms Sue Hart, 32 Pullan Place, Greenwood, SECONDED Ms Lyn Chilby, 4 Erica Court, Greenwood that the City of Joondalup investigate the crime statistics now that the City has security patrols and compare them against the previous report.

The Motion was Put and

CARRIED UNANIMOUSLY

Officer's Comment

The City Watch service in its current format has been operating for some three years. Council's City Watch staff work in conjunction with the local Police and under the new contract will have greater flexibility to target crime hot spots.

Local Police keep crime statistics and have indicated that crime is continuing to reduce within the City. This compares favourably with other Police Districts that do not have local government safety and security patrols. While the Police are not able to accurately determine the level of crime reduction attributable to City Watch, the Police acknowledge that City Watch is a most valuable support service.

Recommended Response

It is recommended that the Joint Commissioners NOTE that:

- 1 City Watch staff will continue to work in close cooperation with local Police to identify through crime statistical data, crime hot spots that will be targeted to further reduce crime and increase safety and security in the Joondalup community;**
- 2 details of crime statistical data will be investigated and maintained with the intent of being able to demonstrate the levels and type of crime reduced within the City area.**

MOTION NO 3 – POLICY 3.1.9 – HEIGHT AND SCALE OF BUILDINGS WITHIN A RESIDENTIAL AREA

MOVED Ms Sue Hart, 32 Pullan Place, Greenwood, SECONDED Mr Allyn Bryant, 6b Stocker Court, Craigie that We the ratepayers of the City of Joondalup request that Commissioners abide fully with Policy 3.1.9 – Height and Scale of Buildings within a Residential Area and give full consideration to the application by Meath Care for Hocking Road, Kingsley.

The Motion was Put and

CARRIED

Officer's Comment

Policy 3.1.9 - Height and Scale of Residential Buildings in a Residential Area is consistently applied to residential areas within the City. It should be noted though in some Structure Plan areas Policy 3.1.9 is not applied as Structure Plan provisions prevail.

Policy 3.1.9 allows for development to exceed the Building Height Envelope (BHE) and these applications are dealt with on their planning merits. With respect to the Meath Development Application, Policy 3.1.9 applies and the exceedance of the BHE will be dealt with on its merits.

Recommended Response

It is recommended that the Joint Commissioners NOTE that the City will fully abide with Policy 3.1.9 - Height and Scale of Residential Buildings in a Residential Area, with full consideration given to the proposed Nursing Home and Aged Persons Dwelling, Portion Lot 62 and Lot 63 Hocking Road, Kingsley.

MOTION NO 4 – SORRENTO BEACH REDEVELOPMENT

MOVED Ms Sue Hart, 32 Pullan Place, Greenwood, SECONDED Mrs Marie Macdonald, 5 Mair Place, Mullaloo that extensive community consultation must be undertaken for any commercial application received in relation to Sorrento Beach, with all facts being presented to the community.

The Motion was Put and

CARRIED

Officer's Comment

Should Council receive any application for a restaurant on Sorrento Beach, a community consultation process would be undertaken as part of the assessment of the development application, with the relevant information relating to the application being made available to the public.

Recommended Response

It is recommended that the Joint Commissioners AGREE to undertake a community consultation process should the City receive an application for development approval for a restaurant on Sorrento Beach.

MOTION NO 5 – VOTE OF NO CONFIDENCE IN AUDITORS

MOVED Mr Mitch Sideris, 12 Page Drive, Mullaloo SECONDER Ms Mnique Moon, 6 Carew Place, Greenwood that the ratepayers of the City of Joondalup have no confidence in Deloitte Touché Tohmatsu in their financial auditing process and ask that the Commissioners at the review for appointing auditors resolve that this company be struck off the list.

The Motion was Put and

CARRIED

Officer's Comment

The concerns of electors at the AGM were that the independent audit report does not include instances of non-compliance shown in the City of Joondalup's 2003 Compliance Audit Return.

The Annual Compliance Audit Return is an internal assessment required under the Local Government (Audit) Amendment Regulations 1999. The regulations specify the sections of the Local Government Act 1995 (the Act) to be the subject of the compliance audit and the return is presented to Council, at a meeting of the Council and is adopted by Council. After the Compliance Audit Return has been adopted, a certified copy is sent to the Director General, Department of Local Government & Regional Development.

The City of Joondalup awarded the tender for the provision of audit services for the period 1 July 2003 to 30 June 2006 to Deloitte Touche Tohmatsu - CJ187-08/03 refers.

Deloitte Touche Tohmatsu conducted the audit of the financial report of the City of Joondalup for the financial year ended 30 June 2004. The Independent Audit Report to the ratepayers of the City of Joondalup, included in the Financial Statements, expresses an unqualified audit opinion. The "Statutory Compliance" notation contained within the report states that the auditors did not become aware of any instances where the City did not comply with the requirements of the Local Government Act 1995.

Deloitte Touche Tohmatsu undertook the audit of the annual financial statements in accordance with Australian Auditing Standards and the Local Government (Audit) Regulations 1996. In accordance with Regulation 10 of the Local Government (Audit) Regulations 1996, the auditors report is to include any matters indicating non-compliance with Part 6 of the Act, the Local Government (Financial Management) Regulations 1996 or applicable financial controls in any other written law.

The auditors have advised that the City of Joondalup's 2003 Compliance Audit Return shows no instances of non compliance with Part 6 of the Act, and accordingly no matters came to their attention indicating non compliance with part 6 of the Act. Therefore the audit report is consistent with the findings of the Compliance Audit Return.

The audit is conducted to provide reasonable assurance whether the "financial report" is free of material misstatement. The suggestion that the financial report is materially misstated because of the tender compliance issues documented in the Compliance Audit Return is erroneous.

The auditors have conducted their audit in accordance with relevant requirements. The City does not believe that a reasonable basis exists to exclude Deloitte Touche Tohmatsu from providing future audit services to the City.

There may however be an opportunity to add further clarification in the Independent Audit Report, as to the scope of the audit. It is suggested that Deloitte Touche Tohmatsu be requested to consider this proposition further.

Recommended Response

It is recommended that the Joint Commissioners REQUEST that Deloitte Touche Tohmatsu give consideration to making further notation in their Independent Audit Report on the scope of their audit.

MOTION NO 6 – REQUEST FOR MORATORIUM ON DEVELOPMENT

MOVED Mrs Marie Macdonald, 5 Mair Place, Mullaloo SECONDED Mr Michael Caiacob, 7 Rowan Place, Mullaloo that the City approves a moratorium on developments that include a residential building or multiple dwelling in a R20 coded area until such time as the City has standards in place to control this development.

The Motion was Put and

CARRIED

Officer's Comment

Council cannot impose a moratorium on development applications of a specific type. If a complete application is submitted for approval under the Town Planning Scheme (TPS), Council is required to deal with that application. Otherwise, the applicant could exercise their right of appeal to the Town Planning Appeal Tribunal under the TPS, without Council having considered the matter.

The Residential Design Codes (RDC) are currently under review and it is anticipated that the revised draft RDC may be advertised for public comment in early 2005. Following a Council review of the RDC, Council can then determine whether it wants to make a submission on this issue.

Recommended Response

It is recommended that the Joint Commissioners NOTE that the City is unable to impose a moratorium on development applicants of a specific type and that a review of The Residential Design Codes is currently under review, which will be advertised for public comment early 2005.

MOTION NO 7 – NETWORK CITY STRATEGY

MOVED Ms Mnique Moon, 6 Carew Place, Greenwood, SECONDED Mr Michael Caiacob, 7 Rowan Place, Mullaloo that the City advises the WA Planning Commission that it opposes the adoption of Network City Community Planning Strategy for Perth and Peel in its current format as:

- 1 it does not clearly state what the impact of the implementation of the strategy has on existing community and how it will affect the current liveability, sense of place and community, and no consultation has taken place with the land owners that will be affected;*

- 2 *the Network City Plan map does not clearly indicate what land uses are proposed for each of the six activity centres and the activity corridor, or the proposed size of each of these activity centres and corridors;*
- 3 *this plan does not weave the citizens deeply into the decision making and is not being open and sharing its information.*

The Motion was Put and

CARRIED

Officer's Comment

A detailed report with respect to the State Government's Network City Community Planning Strategy for Perth and Peel is to be considered by the Joint Commissioners at its December 2004 meeting. The purpose of this report is to seek the Joint Commissioners' endorsement of the City's submission on the Network City Strategy.

Recommended Response

It is recommended that the Joint Commissioners NOTE that a detailed report with respect to the State Government's Network City Community Planning Strategy for Perth and Peel is to be considered at the meeting of Joint Commissioners Meeting to be held on 14 December 2004.

MOTION NO 8 – LEISURE CENTRES – SENIORS' DISCOUNT

MOVED Mrs Allison Walker, 27 Sweeney Way, Padbury SECONDED Mr Allyn Bryant, 6B Stocker Court, Craigie that the City implements a 40% discount to seniors to use the facilities of the leisure centres.

The Motion was Put and

CARRIED

Officer's Comment

The City of Joondalup's Seniors Plan (2004-2008) has identified the need to review all policies that affect seniors - including a review of fees and charges. This review will be conducted and in conjunction with the formation of a Leisure Plan for the City. The City is currently developing the Leisure Plan, which will engage the community through a consultation process, an assessment of market trends and industry comparatives to determine a long-term guiding principle for seniors' discounts.

The City of Joondalup leisure centres currently offer a 10% discount on memberships and lifestyle courses for seniors who reside in the City of Joondalup. In 2005 the leisure centres will be developing a 'GOLD' membership for seniors encompassing a broad range of aquatic, aerobic and gym specifically designed for seniors. The Gold membership will be launched with the opening the new aquatic facilities at Craigie Leisure Centre.

The City of Joondalup leisure centres conduct an annual review of fees and charges in the industry, ensuring all fees and charges are market tested and comparative to leisure industry norms. The annual review of fees and charges is used to develop the fees and charges each financial year.

Recommended Response

It is recommended that the Joint Commissioners:

- 1 NOTE that the Leisure Plan will be presented to the Joint Commissioners in 2005;**
- 2 AGREE to review industry related fees and charges to ensure the leisure centres programs and services are at an equitable price;**
- 3 DEVELOP a GOLD membership specifically for Seniors to be launched in conjunction with the opening of the new facilities at Craigie Leisure Centre.**

MOTION NO 9 – CONSTRUCTION OF PUBLIC TOILET – ILUKA PARK

MOVED Dr M Aphorpe, 69 Bacchante Circle, Ocean Reef SECONDED Ms Sue Hart, 32 Pullan Place, Greenwood that the City of Joondalup construct a public toilet on the foreshore at Iluka park this summer.

The Motion was Put and

CARRIED

Officer's Comment

The construction of toilets is in the approval stage with the WA Planning Commission. There are funds in the budget to construct toilets and it is hoped that tenders will be called early 2005 for the purpose of constructing a toilet at that location, with anticipated completion by mid 2005.

Recommended Response

It is recommended that the Joint Commissioners NOTE that tenders will be called early in 2005 for the purpose of constructing a toilet on the foreshore at Iluka Park.

MOTION NO 10 – PROVISION OF TEMPORARY TOILETS – ILUKA PARK

MOVED Dr M Aphorpe, 69 Bacchante Circle, Ocean Reef SECONDED Ms Mnique Moon, 6 Carew Place, Greenwood that as this summer is already upon us, and as the Iluka foreshore and beach are already heavily used, the City immediately installs temporary toilets in the park at Iluka until the construction of permanent toilets.

The Motion was Put and

CARRIED

Officer's Comment

A temporary, single unit unisex toilet will be installed during the forthcoming summer period as requested.

Recommended Response

It is recommended that the Joint Commissioners NOTE that a temporary, single unit unisex toilet will be installed in the park at Iluka during the forthcoming summer period.

MOTION NO 11 – INTRODUCTION OF PUBLIC STATEMENT TIME

MOVED Mrs Marilyn Zakrevsky, 49 Korella Street, Mullaloo SECONDED Mr Michael Caiacob, 7 Rowan Place, Mullaloo that a statement time be introduced next year by the Commissioners at Briefing Sessions and Council meetings to enable ratepayers the opportunity to voice a concern without the need to put it into question form, or arrange for a deputation, or raise a petition or communicate with the media. This motion endorses the officer's comment for recommendation 1(b) in the Governance Review and not the Governance Review Panel's Recommendation which is too restrictive.

The Motion was Put and

CARRIED

Officer's Comment

The Joint Commissioners considered a report relating to the Governance Review Panel – Final Report at their meeting held on 23 November 2004. The Joint Commissioners agreed to further review:

- Guidelines relating to public question time
- Protocols and procedures relating to strategy and briefing sessions
- Standing Orders
- Code of Conduct
- Electronic controls within the Council Chamber

The comment provided to the Joint Commissioners within the Officer's Report presented to the meeting of 23 November 2004 suggested the inclusion of a public statement time for members of the public. It was envisaged that when reviewing the guidelines relating to public question time and the protocols relating to strategy and briefing sessions, a further report would be presented to the Joint Commissioners for consideration of a public statement time.

Recommended Response

It is recommended that the Joint Commissioners:

- 1 NOTE the request from the electors at the Annual General Meeting held on 22 November 2004 to include a public statement time at Council meetings and Briefing sessions;**
- 2 AGREE to give consideration to the inclusion of a public statement time when reviewing the guidelines relating to public question time.**

MOTION NO 12 – AMENDMENT TO GOVERNANCE REVIEW RECOMMENDATION

MOVED Mrs Marilyn Zakrevsky, 49 Korella Street, Mullaloo SECONDED Ms Mnique Moon, 6 Carew Place, Greenwood that the words “and ratepayers” be added to Recommendation 25 in the Governance Review (refer Item CJ276-11/04 for Council meeting of 23 November 2004, Appendix 2, Page 32) so that this recommendation will read “All elected members must adhere to the Code of Conduct and refrain from vilifying fellow elected members, staff and ratepayers”.

The Motion was Put and

CARRIED

Officer’s Comment

The recommendation referred to in this motion carried at the Annual Meeting of Electors at the meeting held on 22 November 2004 refers to a recommendation made by the Governance Review Panel and can not be altered by the City. However, as part of the review of the Code of Conduct, consideration will be given to the intent of this request from the electors to ensuring reference is made to residents and ratepayers.

Recommended Response

It is recommended that the Joint Commissioners NOTE that recommendation No. 25 referred to in the motion carried at the AGM of Electors is a recommendation of the Governance Review Panel and cannot be altered by the City.

MOTION NO 13 – CONDUCT AT PUBLIC QUESTION TIME

MOVED Mrs Marilyn Zakrevsky, 49 Korella Street, Mullaloo SECONDED Mr Ken Zakrevsky, 49 Korella Street, Mullaloo that question time be treated with respect by all concerned, namely the questioner, the recipient and the respondent, and that the Local Government Act 1995 fifteen minutes minimum time should not be the maximum and should not depend on the resolution of elected representatives or Commissioners to enable an extension beyond the fifteen minutes.

The Motion was Put and

CARRIED

Officer's Comment

The Joint Commissioners considered a report relating to the Governance Review Panel – Final Report at their meeting held on 23 November 2004. The Joint Commissioners agreed to further review: -

- Guidelines relating to public question time
- Protocols and procedures relating to strategy and briefing sessions
- Standing Orders
- Code of Conduct
- Electronic controls within the Council Chamber

The motion carried by the electors at the AGM on 22 November 2004 will be taken into consideration when reviewing the guidelines for public question time. The review of these guidelines will be subject to a further report to the Joint Commissioners in early 2005.

Recommended Response

It is recommended that the Joint Commissioners NOTE that issues relating to the conduct at public question time will be taken into consideration when reviewing the guidelines relating to public question time.

MOTION NO 14 – VOTE OF THANKS FOR STAFF

MOVED Mr Ken Zakrevsky, 49 Korella Street, Mullaloo SECONDED Mr Allyn Bryant, 6B Stocker Court, Craigie that a vote of thanks be given to Janet Harrison and Lesley Taylor for their efforts in undertaking their duties as minute takers.

The Motion was Put and

CARRIED

Recommended Response

It is recommended that the Joint Commissioners NOTE the vote of thanks given to staff members at the Annual General Meeting of Electors held on 22 November 2004.

MOTION NO 15 – DELEGATED AUTHORITY

MOVED Mr Ken Zakrevsky, 49 Korella Street, Mullaloo SECONDED Ms Sue Hart, 32 Pullan Place, Greenwood that delegated authority must be curtailed to adhere and comply with the established by-laws, regulations, Australian Standards and relevant Acts such as Health Act, Liquor Act, Environment Act, Traffic Act and contracts. Any variances and changes that may be requested or desired must be brought before Council with full details and be cross-referenced to the relevant, already mentioned adherences.

The Motion was Put and

CARRIED

Officer's Comment

All delegations granted to officers of the City of Joondalup are done so within legislated requirements. There are a number of pieces of legislation that govern the operations of local government which allow for various powers to be delegated from the Council to the officers. Generally delegations are granted to officers to assist with the day to day operations of the City of Joondalup.

The Local Government Act 1995 requires all delegations granted to be reviewed every twelve months. Along with all the delegations granted by the Local Government Act 1995 a review is conducted of other delegations granted under various other pieces of legislation around May/June of each year and is referred to the Council for consideration.

At that time the Council may choose to endorse, amend or revoke any delegations granted to officers.

Recommended Response

It is recommended that the Joint Commissioners AGREE to continue to review all delegations granted to officers on an annual basis or as required by legislation.

MOTION NO 16 – TOM SIMPSON PARK – RESUBMISSION OF MOTIONS

MOVED Mr Mitch Sideris, 12 Page Drive, Mullaloo SECONDED Mr Michael Caiacob, 7 Rowan Place, Mullaloo that ratepayers here tonight re-endorse and reaffirm the motions relating to Tom Simpson Park moved at the Special Meeting of Electors held in March 2002 and ask that they be resubmitted to Council for consideration.

The Motion was Put and

CARRIED

Officer's Comment

The issue of including Lot 1 Oceanside Promenade into Tom Simpson Park, and the reservation of 10 lots in Merrifield Place, Mullaloo that the City owns freehold will be the subject of a report to the Joint Commissioners in early 2005.

The level of illumination of the park, pathway and carpark is determined by user activities and user numbers. Other aspects of lighting such as security and glare need further investigations. An audit will be undertaken on existing lighting and facilities to determine an appropriate level standards and a possible layout. From this a concept layout and order of cost estimate can be produced for consideration in the 2005/06 Draft Capital Works Budget.

Recommended Response

It is recommended that the Joint Commissioners NOTE that a report will be presented to the Joint Commissioners in early 2005 on the matter of including Lot 1 Oceanside Promenade into Tom Simpson Park, and the reservation of 10 lots in Merrifield Place, Mullaloo.

MOTION NO 17 – TOM SIMPSON PARK – SECURITY PATROLS AND LIGHTING

MOVED Mr Mitch Sideris, 12 Page Drive, Mullaloo SECONDED Mr Michael Caiacob, 7 Rowan Place, Mullaloo that the following motion as moved by Mr Graeme Hunt at the AGM of Electors on 17 November 2003 be resubmitted to Council for consideration:

- 1 City officers responsible for security instruct our patrol services to conduct a more serious pattern of patrols along the beach front, particularly in regard to Tom Simpson Park and other areas;*
- 2 lighting in Tom Simpson Park and park area, Lot 1 Oceanside Promenade, Mullaloo be improved.*

The Motion was Put and

CARRIED

Officer's Comment

City Watch relies on members of the public to report acts of antisocial behaviour at the time of occurrence. This, along with patrolling, helps to deter antisocial behaviour in the area. Tom Simpson Park receives high priority throughout the Summer months with additional patrolling already in place between 1600 hours until the early hours of the morning. These patrols will remain in place until March 2005. After this time regular patrolling of the park will continue. The overall reduction in antisocial behaviour is dependent on appropriate Police action and support.

The level of illumination of the park, pathway and carpark is determined by user activities and user numbers. Other aspects of lighting such as security and glare need further investigations. An audit will be undertaken on the existing lighting and facilities to determine the appropriate standards and a possible layout. From this a concept layout and order of cost estimate will be produced for consideration in the 2005/06 Draft Capital Works Budget

Recommended Response

It is recommended that the Joint Commissioners:

- 1 NOTE that greater flexibility for patrolling has been included in the new City Watch contract that will allow for identified hot-spots to be targeted while still providing a regular patrol service to the community.**
- 2 REQUEST that the installation of better lighting to the Mullaloo Beach Carpark area and Tom Simpson Park be investigated with an audit undertaken to advise on options and costs, to be considered as part of the 2005/2006 budget deliberations.**

MOTION NO 18 – OCEAN REEF MARINA DEVELOPMENT

MOVED Mr Michael Caiacob, 7 Rowan Place, Mullaloo SECONDED Mr Allyn Bryant, 6B Stocker Court, Craigie that part of the funds made available for the planning of the proposed Ocean Reef Marina Development to be provided and directed to:

- 1 comprehensive community consultation in order that the Council may adequately represent the interests of the electors, ratepayers and residents of this district as required by Clause 2.10 of the Local Government Act 1995;*
- 2 engage professional and completely comprehensive oceanographic studies of any proposal to ensure that Mullaloo Beach or any other beach or cove north or south of the development is not adversely affected or affected in any way by any proposed seawall or seabed alterations or caused from the development of this project.*

The Motion was Put and

CARRIED

Officer's Comment

The City is currently in discussions with the Department of Planning and Infrastructure and LandCorp, together with its project manager, Clifton Coney Group, to develop a detailed strategy to produce a concept design and structure plan for the Ocean Reef Boat Harbour Development. A draft study program including consultancy requirements has already been produced for discussion purposes that includes extensive community consultation and takes into consideration the need for marine engineering advice and a foreshore management plan to be developed.

Once the detailed strategy has been produced and agreed in principle by the parties, it will be presented to Council for consideration and endorsement.

Recommended Response

It is recommended that the Joint Commissioners REQUEST a detailed report be submitted for consideration by the Joint Commissioners addressing the issue of community consultation and coastal management in relation to the Ocean Reef Boat Harbour Development project.

COMMENT

The motions carried at the Annual General Meeting of Electors held on 22 November 2004 are presented to the Joint Commissioners in accordance with the requirements of the legislation. It is recommended that the Joint Commissioners give consideration to the matters raised.

ATTACHMENTS

- | | |
|--------------|--|
| Attachment 1 | Minutes of the Annual General Meeting of Electors held on 22 November 2004 |
| Attachment 2 | Item CJ276-11/04 of 23 November 2004 |
| Attachment 3 | Responses to Recommendations of Governance Review |

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION: That the Joint Commissioners:

- 1 NOTE the Minutes of the Annual General Meeting of Electors held on 22 November 2004 forming Attachment 1 to Report CJ299-12/04;
- 2 in relation to Motion 1 of the Annual General Meeting of Electors held on 22 November 2004:
 - (a) RECEIVE the City of Joondalup Governance Review – 2003 Final Report;
 - (b) AGREE not to release the contents of the Governance Review Panel – Final report at this stage and will review the decision not to release the report pending the outcome of the McIntyre Inquiry;
 - (c) NOTE their decision of 23 November 2004 (Item CJ276-11/04 refers) and AGREE to undertake a review of the:
 - (i) guidelines relating to public question time;
 - (ii) protocols and procedures relating to strategy and briefing sessions;
 - (iii) City's Standing Orders Local Law;
 - (iv) City's Code of Conduct;
 - (v) electronic controls within the Council Chamber;
 - (vi) Induction program for Mayors and Councillors/Commissioners;
 - (d) ESTABLISH clear protocols relating to:
 - (i) the attendance of invited guests or specialist advisors to Council meetings;
 - (ii) the working relationship between the Mayor and CEO that complements the relevant sections of the Local Government Act 1995;

- (iii) elected members requiring access to information and requests for action;
 - (iv) necessary requirements for proposing amendments at Council meetings;
 - (e) in relation to the CEO's employment terms and conditions, AGREE:
 - (i) to provide all elected members with a complete copy of the current CEO's contract and details of relevant performance reviews;
 - (ii) that future City of Joondalup CEO employment contract be based on one of the pro forma contracts developed specifically for Western Australian local government;
 - (iii) to review the performance appraisal process for future CEOs to ensure it best suits the Joint Commissioners' requirements;
 - (f) AGREE to develop a comprehensive ongoing training programme for elected members, focusing on:
 - (i) roles and responsibilities;
 - (ii) meeting procedures;
 - (iii) Code of Conduct;
 - (iv) Local Government Act 1995 and associated legislation;
 - (v) industry related support programmes;
 - (g) MAKE a submission to the Minister for Local Government and Regional Development to draft appropriate amendments to the Local Government Act 1995 to allow for alternative spokesman to be appointed by the Council other than the Mayor where resolved by the Council;
 - (h) SUPPORT that recommendations 17 to 24 detailed within the City of Joondalup – Governance Review, 2003 – Final Report be referred to the Western Australian Local Government Association and the Department of Local Government and Regional Development for consideration across the industry.
- 3 in relation to Motion 2 of the Annual General Meeting of Electors held on 22 November 2004, NOTE that:
- (a) City Watch staff will continue to work in close cooperation with local Police to identify through crime statistical data, crime hot spots that will be targeted to further reduce crime and increase safety and security in the Joondalup community;

- (b) details of crime statistical data will be investigated and maintained with the intent of being able to demonstrate the levels and type of crime reduced within the City area;
- 4 in relation to Motion 3 of the Annual General Meeting of Electors held on 22 November 2004, NOTE that the City will fully abide with Policy 3.1.9 - Height and Scale of Residential Buildings in a Residential Area, with full consideration given to the proposed Nursing Home and Aged Persons Dwelling, Portion Lot 62 and Lot 63 Hocking Road, Kingsley;
- 5 in relation to Motion 4 of the Annual General Meeting of Electors held on 22 November 2004 AGREE to undertake a community consultation process should the City receive an application for development approval for a restaurant on Sorrento Beach;
- 6 in relation to Motion 5 of the Annual General Meeting of Electors held on 22 November 2004, REQUEST that Deloitte Touche Tohmatsu give consideration to making further notation in their Independent Audit Report on the scope of their audit;
- 7 in relation to Motion 6 of the Annual General Meeting of Electors held on 22 November 2004, NOTE that the City is unable to impose a moratorium on development applicants of a specific type and that a review of The Residential Design Codes is currently under review, which will be advertised for public comment early 2005;]
- 8 in relation to Motion 7 of the Annual General Meeting of Electors held on 22 November 2004, NOTE that a detailed report with respect to the State Government's Network City Community Planning Strategy for Perth and Peel is to be considered at the meeting of Joint Commissioners Meeting to be held on 14 December 2004.
- 9 in relation to Motion 8 of the Annual General Meeting of Electors held on 22 November 2004:
 - (a) NOTE that the Leisure Plan will be presented to the Joint Commissioners in 2005;
 - (b) AGREE to review industry related fees and charges to ensure the leisure centres programs and services are at an equitable price;
 - (c) DEVELOP a GOLD membership specifically for Seniors to be launched in conjunction with the opening of the new facilities at Craigie Leisure Centre;
- 10 in relation to Motion 9 of the Annual General Meeting of Electors held on 22 November 2004, NOTE that tenders will be called early in 2005 for the purpose of constructing a toilet on the foreshore at Iluka Park;

- 11 in relation to Motion 10 of the Annual General Meeting of Electors held on 22 November 2004 NOTE that a temporary, single unit unisex toilet will be installed in the park at Iluka during the forthcoming summer period;
- 12 in relation to Motion 11 of the Annual General Meeting of Electors held on 22 November 2004:
 - (a) NOTE the request from the electors to include a public statement time at Council meetings and Briefing sessions;
 - (b) AGREE to give consideration to the inclusion of a public statement time when reviewing the guidelines relating to public question time;
- 13 in relation to Motion 12 of the Annual General Meeting of Electors held on 22 November 2004, NOTE that recommendation No 25 referred to in the motion is a recommendation of the Governance Review Panel and cannot be altered by the City;
- 14 in relation to Motion 13 of the Annual General Meeting of Electors held on 22 November 2004 NOTE that issues relating to the conduct at public question time will be taken into consideration when reviewing the guidelines relating to public question time.
- 15 in relation to Motion 14 of the Annual General Meeting of Electors held on 22 November 2004 NOTE the vote of thanks given to staff members at the Annual General Meeting of Electors held on 22 November 2004;
- 16 in relation to Motion 15 of the Annual General Meeting of Electors held on 22 November 2004, AGREE to continue to review all delegations granted to officers on an annual basis or as required by legislation;
- 17 in relation to Motion 16 of the Annual General Meeting of Electors held on 22 November 2004 NOTE that a report will be presented to the Joint Commissioners in early 2005 on the matter of including Lot 1 Oceanside Promenade into Tom Simpson Park, and the reservation of 10 lots in Merrifield Place, Mullaloo;
- 18 in relation to Motion 17 of the Annual General Meeting of Electors held on 22 November 2004:
 - (a) NOTE that greater flexibility for patrolling has been included in the new City Watch contract that will allow for identified hot-spots to be targeted while still providing a regular patrol service to the community;
 - (b) REQUEST that the installation of better lighting to the Mullaloo Beach Carparks area and Tom Simpson Park be investigated with an audit undertaken to advise on options and costs, to be considered as part of the 2005/2006 budget deliberations;

- 19 in relation to Motion 18 of the Annual General Meeting of Electors held on 22 November 2004, REQUEST a detailed report be submitted for consideration by the Joint Commissioners addressing the issue of community consultation and coastal management in relation to the Ocean Reef Boat Harbour Development project.

It was requested by Cmr Clough that each part of the motion be voted upon separately.

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

- 1 NOTE the Minutes of the Annual General Meeting of Electors held on 22 November 2004 forming Attachment 1 to Report CJ299-12/04.**

The Motion was Put and

CARRIED UNANIMOUSLY (5/0)

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

- 2 in relation to Motion 1 of the Annual General Meeting of Electors held on 22 November 2004:**
- (a) RECEIVE the City of Joondalup Governance Review – 2003 Final Report;**
 - (b) AGREE not to release the contents of the Governance Review Panel – Final report at this stage and will review the decision not to release the report pending the response from the Minister.**

The Motion was Put and

CARRIED UNANIMOUSLY (5/0)

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

- 2 (c) NOTE their decision of 23 November 2004 (Item CJ276-11/04 refers) and AGREE to undertake a review of the:**
- (i) guidelines relating to public question time;**
 - (ii) protocols and procedures relating to strategy and briefing sessions;**
 - (iii) City's Standing Orders Local Law;**
 - (iv) City's Code of Conduct;**
 - (v) electronic controls within the Council Chamber;**
 - (vi) Induction program for Mayors and Councillors/Commissioners;**

The Motion was Put and

CARRIED UNANIMOUSLY (5/0)

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

2 (d) ESTABLISH clear protocols relating to:

- (i) the attendance of invited guests or specialist advisors to Council meetings;**
- (ii) the working relationship between the Mayor and CEO that complements the relevant sections of the Local Government Act 1995;**
- (iii) elected members requiring access to information and requests for action;**
- (iv) necessary requirements for proposing amendments and changes to recommendations at Council meetings.**

Discussion ensued.

SUSPENSION OF STANDING ORDERS

MOVED Cmr Smith, SECONDED Cmr Clough that so much of Standing Orders be SUSPENDED to allow the Commissioners to speak twice in relation to this issue.

The Motion was Put and

CARRIED UNANIMOUSLY (5/0)

Discussion continued.

The Motion Moved Cmr Smith, Seconded Cmr Anderson was Put and

CARRIED UNANIMOUSLY (5/0)

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

2 (e) in relation to the CEO's employment terms and conditions, AGREE:

- (i) to provide all elected members with a complete copy of the current CEO's contract and details of relevant performance reviews;**
- (ii) that future City of Joondalup CEO employment contract be based on one of the pro forma contracts developed specifically for Western Australian local government;**
- (iii) to review the performance appraisal process for future CEOs to ensure it best suits the Joint Commissioners' requirements;**

1ST AMENDMENT MOVED Cmr Smith, SECONDED Cmr Clough that Point 2(e) (ii) be amended to read as follows:

- (ii) that future City of Joondalup CEO employment contracts will be developed taking into account the advice of a legal practitioner with experience in employment contract law;*

Cmr Smith spoke to the Amendment.

The 1st Amendment was Put and

CARRIED UNANIMOUSLY (5/0)

2ND AMENDMENT MOVED Cmr Fox, SECONDED Cmr Smith that Point 2(e) (i) be amended to read as follows:

- (i) to provide all elected members with a complete copy of the current CEO's contract and the outcome of relevant performance reviews;*

Cmr Fox spoke to the Amendment.

The 2nd Amendment was Put and

CARRIED UNANIMOUSLY (5/0)

The Original Motion, as amended, being:

2 (e) in relation to the CEO's employment terms and conditions, AGREE:

- (i) to provide all elected members with a complete copy of the current CEO's contract and the outcome of relevant performance reviews;*
- (ii) that future City of Joondalup CEO employment contracts will be developed taking into account the advice of a legal practitioner with experience in employment contract law;*
- (iii) to review the performance appraisal process for future CEOs to ensure it best suits the Joint Commissioners' requirements;*

was Put and

CARRIED UNANIMOUSLY (5/0)

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

2 (f) AGREE to develop a comprehensive ongoing training programme for elected members, focusing on:

- (i) roles and responsibilities;*
- (ii) meeting procedures;*
- (iii) Code of Conduct;*

- (iv) **Local Government Act 1995 and associated legislation;**
- (v) **industry related support programmes;**

Discussion ensued.

The Motion was Put and

CARRIED UNANIMOUSLY (5/0)

MOVED Cmr Smith, SECONDED Cmr Fox that the following Point 2(g) of the recommendation be DELETED:

- 2 (g) *MAKE a submission to the Minister for Local Government and Regional Development to draft appropriate amendments to the Local Government Act 1995 to allow for alternative spokesman to be appointed by the Council other than the Mayor where resolved by the Council;***

Cmr Smith gave her reasons for wishing to have Point 2(g) deleted and advised this was included in Point 2(h).

The Motion was Put and

CARRIED UNANIMOUSLY (5/0)

There being no Mover or Seconder, Recommendation 2(h)

LAPSED

MOVED Cmr Smith , SECONDED Cmr Clough that the document referred to as responses to recommendations the “City of Joondalup Governance Review 2003” LIE ON THE TABLE until such time as the review becomes public.

The Motion to Lie on the Table was Put and

CARRIED UNANIMOUSLY (5/0)

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

- 3 in relation to Motion 2 of the Annual General Meeting of Electors held on 22 November 2004, NOTE that:**
- (a) City Watch staff will continue to work in close cooperation with local Police to identify through crime statistical data, crime hot spots that will be targeted to further reduce crime and increase safety and security in the Joondalup community;**
 - (b) details of crime statistical data will be investigated and maintained with the intent of being able to demonstrate the levels and type of crime reduced within the City area;**

The Motion was Put and

CARRIED UNANIMOUSLY (5/0)

There being no Mover or Seconder, Recommendation 4 in relation to Motion 3 of the Annual General Meeting of Electors held on 22 November 2004 **LAPSED**

There being no Mover or Seconder, Recommendation 5 in relation to Motion 4 of the Annual General Meeting of Electors held on 22 November 2004 **LAPSED**

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

- 6 in relation to Motion 5 of the Annual General Meeting of Electors held on 22 November 2004, REQUEST that Deloitte Touche Tohmatsu give consideration to making further notation in their Independent Audit Report on the scope of their audit;**

Cmr Anderson gave an explanation of comments made in relation to the Auditor and the auditing processes at the Annual General Meeting.

The Motion was Put and **CARRIED UNANIMOUSLY (5/0)**

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

- 7 in relation to Motion 6 of the Annual General Meeting of Electors held on 22 November 2004, NOTE that the City is unable to impose a moratorium on development applicants of a specific type and that a review of The Residential Design Codes is currently under review, which will be advertised for public comment early 2005;**

The Motion was Put and **CARRIED UNANIMOUSLY (5/0)**

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

- 8 in relation to Motion 7 of the Annual General Meeting of Electors held on 22 November 2004, NOTE that a detailed report with respect to the State Government's Network City Community Planning Strategy for Perth and Peel is to be considered at the meeting of Joint Commissioners Meeting to be held on 14 December 2004;**

The Motion was Put and **CARRIED UNANIMOUSLY (5/0)**

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

- 9 in relation to Motion 8 of the Annual General Meeting of Electors held on 22 November 2004:**

- (a) NOTE that the Leisure Plan will be presented to the Joint Commissioners in 2005;**

- (b) **AGREE to review industry related fees and charges to ensure the leisure centres programs and services are at an equitable price;**
- (c) **DEVELOP a membership specifically for Seniors to be launched in conjunction with the opening of the new facilities at Craigie Leisure Centre;**

The Motion was Put and

CARRIED UNANIMOUSLY (5/0)

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

- 10 in relation to Motion 9 of the Annual General Meeting of Electors held on 22 November 2004, NOTE that tenders will be called early in 2005 for the purpose of constructing a toilet on the foreshore at Iluka Park;**

The Motion was Put and

CARRIED UNANIMOUSLY (5/0)

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

- 11 in relation to Motion 10 of the Annual General Meeting of Electors held on 22 November 2004 NOTE that a temporary, single unit unisex toilet will be installed in the park at Iluka during the forthcoming summer period;**

The Motion was Put and

CARRIED UNANIMOUSLY (5/0)

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

- 12 in relation to Motion 11 of the Annual General Meeting of Electors held on 22 November 2004:**
- (a) **NOTE the request from the electors to include a public statement time at Council meetings and Briefing sessions;**
 - (b) **AGREE to give consideration to the inclusion of a public statement time when reviewing the guidelines relating to public question time;**
 - (c) **AGREE to the community being involved in developing protocols for public question time and statement time within the constraints imposed by the Local Government Act 1995 and the need for Council meetings to progress the ordinary business of the Council;**

Discussion ensued.

The Motion was Put and

CARRIED UNANIMOUSLY (5/0)

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

- 13 in relation to Motion 12 of the Annual General Meeting of Electors held on 22 November 2004, NOTE that recommendation No 25 referred to in the motion is a recommendation of the Governance Review Panel and cannot be altered by the City, however, the issue on non-vilification of ratepayers will be considered as part of the review of the Code of Conduct;**

Cmr Clough spoke to the Motion.

The Motion was Put and

CARRIED UNANIMOUSLY (5/0)

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

- 14 in relation to Motion 13 of the Annual General Meeting of Electors held on 22 November 2004 NOTE that issues relating to the conduct at public question time will be taken into consideration when reviewing the guidelines relating to public question time;**

The Motion was Put and

CARRIED UNANIMOUSLY (5/0)

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

- 15 in relation to Motion 14 of the Annual General Meeting of Electors held on 22 November 2004 ENDORSE the vote of thanks given to staff members at the Annual General Meeting of Electors held on 22 November 2004;**

The Motion was Put and

CARRIED UNANIMOUSLY (5/0)

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

- 16 in relation to Motion 15 of the Annual General Meeting of Electors held on 22 November 2004, AGREE to continue to review all delegations granted to officers on an annual basis or as required by legislation;**

The Motion was Put and

CARRIED UNANIMOUSLY (5/0)

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

- 17 in relation to Motion 16 of the Annual General Meeting of Electors held on 22 November 2004 NOTE that a report will be presented to the Joint Commissioners in early 2005 on the matter of including Lot 1 Oceanside Promenade and the grassed road reserve adjacent to Tom Simpson Park into Tom Simpson Park, and the reservation of 10 lots in Merrifield Place, Mullaloo;**

The Motion was Put and

CARRIED UNANIMOUSLY (5/0)

MOVED Cmr Anderson, SECONDED Cmr Clough that the Joint Commissioners:**18 in relation to Motion 17 of the Annual General Meeting of Electors held on 22 November 2004:**

- (a) NOTE that greater flexibility for patrolling has been included in the new City Watch contract that will allow for identified hot-spots to be targeted while still providing a regular patrol service to the community;**
- (b) REQUEST that the installation of better lighting to the Mullaloo Beach Carparks area and Tom Simpson Park be investigated with an audit undertaken to advise on options and costs, to be considered as part of the 2005/2006 budget deliberations;**

19 in relation to Motion 18 of the Annual General Meeting of Electors held on 22 November 2004, REQUEST a detailed report be submitted for consideration by the Joint Commissioners addressing the issue of community consultation and coastal management in relation to the Ocean Reef Boat Harbour Development project.**The Motion was Put and****CARRIED UNANIMOUSLY (5/0)***Appendices 34 (a), (b) and (c) refer**To access this attachment on electronic document, click here: [Attach34aagn141204.pdf](#)**[Attach34bagn141204.pdf](#) [Attach34cagn141204.pdf](#)***CJ300 - 12/04 SITE ACQUISITION - WORKS DEPOT – [80513]****WARD - All**

CJ041207_BRF.DOC:ITEM 1

PURPOSE

To advise the outcome of the public comment period on the business plan for the proposed site acquisition and construction of a works depot and investigations into the viability of remaining at Ashby Depot and recommend next steps.

EXECUTIVE SUMMARY

At the Council meeting of 20 July 2004, the Joint Commissioners resolved to note negotiations were being finalised with LandCorp for a contract of sale for a fully serviced 4 hectare site for an amount of \$2,800,000 with the purpose of constructing a works depot. The Joint Commissioners also endorsed a concept design and project budget for the works depot and approved a business plan to be advertised for a period of 42 days to enable public comment on the proposed land purchase (C46-07/04 refers).

The business plan was advertised in The West Australian and Joondalup Community Newspaper with a closing date of 16 September 2004. Following a request from the community, the public comment period was extended to 12 October 2004.

At the close of comment period, eight submissions were received. Some of the concerns raised included the location of a works depot on what is considered to be a landmark site, excessive costs of the project primarily due to high site costs and the impact of increased traffic levels. Suggested alternatives included the use of the Quarry site at Edgewater, operating a number of smaller depots within the City's boundaries and sharing of facilities with neighbouring cities.

The Quarry site had previously been considered and deemed unsuitable as the site is zoned parks and recreation and is in close proximity to residential properties. The City would have to go through a formal rezoning process including community consultation and Western Australian Planning Commission approvals. The City's position on this site has not changed.

Operating a number of smaller depots within the City would require the duplication of facilities such as vehicle wash down areas, chemical storage areas, first aid rooms, amenities and administration areas. Financially this option will have a negative impact of both development and operational costs.

In relation to sharing of facilities, the City currently shares facilities with the City of Wanneroo at Ashby Depot. The City had previously been advised by the City of Wanneroo that this arrangement could not continue in the longer term, which initiated an alternative site being pursued. However, at its Council meeting of 21 September 2004, the City of Wanneroo resolved to "*reaffirm its support further enter into negotiations with the City of Joondalup for the possible extension of a lease agreement with the City of Joondalup for a portion of the Ashby Depot*".

Following receipt of this new information, the City appointed consultants Connell Wagner and Ralph Beattie Bosworth to undertake a building condition report and costing to determine what capital improvements would be required at Ashby Depot in the event a new lease could be negotiated. The report found that a number of items require attention in the short term, being immediate requirements for ongoing occupation of the site, medium term, required if the site remains occupied while a new facility is constructed, and long term, if the City is committed to the site for a long term lease (ten years).

Initial negotiations were also undertaken with the City of Wanneroo in relation to the possible term and cost of any lease options that might be available to the City at Ashby Depot. The outcome was that the City of Wanneroo advised they would continue to operate from the existing depot site for at least the next ten years and would be willing to consider a longer-term lease by the City of Joondalup. Further, they would not contribute to any capital improvements required, but may consider a lease fee reduction, depending on the level of capital expenditure incurred by the City of Joondalup on the site. The City of Wanneroo also indicated that they did not have any funding required for short term works that are required due to the encroaching residential area and aged buildings.

In relation to the site acquisition from LandCorp for the 4 hectare site, the City received advice from LandCorp on 24 September 2004 that the delay in finalising the contract of sale had highlighted a complication for LandCorp in that it required a current valuation (less than 3 months old) to support any sale contract. Accordingly, LandCorp had sought a review of the \$2.8 million valuation of the site from Burgess Rawson. The outcome was an increase in value to \$4.2 million. The City sought an independent valuation from Knight Frank using the same valuation brief originally agreed between the City and LandCorp. The valuation was received on 25 November 2004 and valued the site at \$2.5 million. This value includes the impact of site works attributed to the topography of the site being \$900,000, which will be a cost to the City. However it is acknowledged that as a condition of the sale, LandCorp will bear the full cost of constructing a bridge to access the site at \$1.5 million.

On this basis, the City considers the \$2.8 million purchase price previously agreed to be reasonable and that LandCorp should honour the \$2.8 million purchase price. Negotiations have been ongoing between the City and LandCorp since December 2002, the City conditionally accepted LandCorp's offer at \$2.8 million by Council resolution on 29 April 2003 and the price was confirmed by LandCorp in contract of sale documents as recently as June 2004.

It is therefore recommended that the Joint Commissioners:

- 1 *NOTE the comments received in relation to the advertised business plan and thank those residents that submitted their comments;*
- 2 *ADOPT the business plan as advertised;*
- 3 *AUTHORISE the Acting Chief Executive Officer to prepare and execute the necessary documents to give effect to a contract of sale between the City and LandCorp for the purchase of a fully serviced site of 4.0 hectares at Hodges Drive for the purpose of constructing a works depot at a purchase price of up to \$2.8 million;*
- 4 *APPROVE the production of detailed design and tender documentation and the calling of tenders for the construction of the City of Joondalup proposed Works Depot Concept Design at Hodges Drive as endorsed at its meeting held on 20 July 2004.*

DETAILS

At the Council meeting of 20 July 2004, it was resolved that the Joint Commissioners:

- 1 NOTE that negotiations for the contract of sale are being finalised with LandCorp for a fully serviced site of 4.0 hectares for an amount of \$2,800,000;
- 2 ENDORSE the City of Joondalup proposed Works Depot Concept Design as the proponent as shown on Attachment 1 to Report C46-07/04;
- 3 ENDORSE the project budget of \$11 million in the 2004/2005 Draft Budget for Development of the Works Depot;

- 4 APPROVE a business plan to be advertised on the proposed land purchase for a period of 42 days to enable public comment;
- 5 NOTE that a further report will be presented to Council as soon as practical following the completion of the business plan process in order to obtain authority to execute the contract of sale for the Works Depot site.

Business Plan

The business plan was advertised in The West Australian on 3 August 2004 and Joondalup Community News paper on 5 August 2004 with a closing date of 16 September 2004. Following a request from the community, the public comment period was extended to 12 October 2004.

At the close of comment period, eight submissions were received. Some of the concerns raised included the location of a works depot on what is considered to be a landmark site, excessive costs of the project primarily due to high site costs and the impact of increased traffic levels. Suggested alternatives included the use of the Quarry site at Edgewater, operating a number of smaller depots within the City's boundaries and sharing of facilities with neighbouring cities. A summary of the submissions received is provided at Attachment 1. Copies of all submissions will be made available to the Joint Commissioners.

Response to Key Public Comments

Landmark Site

- The comments received concern the use of a landmark site for a works depot.

As outlined in the advertised business plan, the location of the site was recognised in the City's concept design brief as being a gateway to the City of Joondalup. The concept design brief included the need for an iconic landmark building with a building presence to Hodges Drive and the Freeway that reflected the importance of the location.

The Architect, James Christou and Partners, has met the brief in locating all of the buildings addressing Hodges Drive with the main administration office in a prominent location addressing the intersection of Hodges Drive and the Freeway. The building fabric will be detailed in the manner that incorporates the latest architectural finishes and sculptural forms.

Cost of Development

- Comments received that the expenditure of \$11 million is excessive.

As identified in the business plan constructing the depot at Hodges Drive will provide operational efficiency gains of \$536,000 per annum and lease cost savings of \$80,000 per annum. Additionally the City will own the depot site and will be using its funds to develop within its boundaries. The Connell Wagner building condition report has highlighted the deficiencies of the existing depot site in Wanneroo, which have been costed by Ralph Beattie Bosworth at \$4,650,000. The City of Wanneroo has advised that they are not prepared to fund any development on their site meaning Joondalup would have to fund any development at that site. The cost benefit analysis shows that the cheapest option for the City is to develop the Hodges Drive site.

Traffic levels

- Comments primarily expressed concern at the proposed site on the basis of increased traffic levels on Hodges Drive as a result of an access/egress point required to service the Works Depot and the costs associated with the construction of the access bridge.

Both the City and LandCorp recognised early in negotiations that vehicle access from Hodges Drive to the site would be inappropriate. Therefore, LandCorp agreed to fund and construct a bridge over the current rail reserve to provide access to the site as a condition of the contract for sale of the land.

The City has negotiated construction access to the site with Main Road WA (MRWA) from Hodges Drive to permit construction to commence prior to the completion of the traffic bridge. This is a critical aspect of the works program, however will only be in operation until construction has finished or the bridge completed.

Alternative Sites

- Comments suggested alternative sites outside the City boundaries.

Investigations of other sites such as Wangara have not produced any alternative 4 hectare sites that are currently available. LandCorp have purchased a 40 hectare site that is expected to be divided into lots to a maximum of 2 hectares. The land is unlikely to be available in the next two years. Current selling prices for larger lots at Wangara are around \$70 to \$80 per square metre, valuing a 4 hectare site today at \$2,800,000 to \$3,200,000. Purchasing land outside the boundaries of the City will not resolve the issue of operational inefficiencies that are currently incurred at Ashby.

Quarry site, Edgewater

- Comments suggested the Quarry site at Edgewater as an alternative depot location.

The Quarry site was originally considered in December 2001 when the City first sought site options for the purpose of constructing a works depot. In a confidential report to Council (C148-12/01 refers), a report was provided by Australian Property Consultants, who were commissioned to undertake the assessment of various site options. This report was recently released for public information by the Joint Commissioners (CJ196-08/04 refers). In relation to the Quarry site, Edgewater, Australian Property Consultants noted, “The quarry site is a possibility however would require City of Joondalup to go through a formal rezoning process including community consultation and Western Australian Planning Commission approvals. The likelihood of achieving a rezoning from parks and recreation in our experience is highly unlikely, however, the final decision rests with the Western Australian Planning Commission. As requested we have confirmed that crown land can be transferred to City of Joondalup however it has to be purchased at current unimproved market value.”

The City Depot Site Committee was formed following a council resolution in December 2001 (C148-12/01 refers). The terms of reference were “to investigate an alternative City Depot site, for the purpose of accommodating Council’s outdoor operations with the objective of establishing a site preferably within the City of Joondalup.” After consideration of all

options, including the Quarry site, Edgewater, the City Depot Site Committee ultimately determined that investigations should be pursued in relation to the LandCorp site adjacent the Mitchell Freeway (CJ140-06/02 refers). This report was originally a confidential item, however was also released for public information by the Joint Commissioners (CJ196-08/04 refers).

Operating a Number of Smaller Depots within the City's Boundaries

- Comments suggested operating a number of smaller depots at sites around the City.

Operating a number of smaller depots with the City would require the duplication of facilities such as vehicle wash down areas, chemical storage areas, first aid rooms, amenities and administration areas. Financially this option will have a negative impact of both development and operational costs.

Sharing of Facilities

- Comments suggested sharing facilities with other local governments.

The City had previously been advised by the City of Wanneroo that sharing of facilities at Ashby Depot was not feasible in the longer term. However, on 21 September 2004, the City of Wanneroo Council resolved to reaffirm support to enter into negotiations with the City of Joondalup for a possible extension of a lease arrangement at Ashby Depot.

Following this advice, the City appointed consultants Connell Wagner to undertake a building condition report on Ashby Depot to determine what capital improvements would be required if an extended lease term could be negotiated in terms of amenity, operational efficiency, storage capacity, and site security, as well as being the future buffer between Wanneroo's own depot facilities and the new residential estate on the southern side.

Ashby Depot Building Condition Report and Costing

After receiving advice of the City of Wanneroo's resolution of 21 September 2004 supporting new lease negotiations with the City of Joondalup for a portion of the Ashby Depot, the City appointed consultants Connell Wagner and Ralph Beattie Bosworth to undertake a building condition report and costing to determine what capital improvements would be required at Ashby Depot in the event a new lease could be negotiated.

The consultant brief requested the service of a structural engineer, architect and an electrical/mechanical engineer. The report was to include items that could be seen or be reasonably expected to exist i.e. issues such as asbestos and underground services are not included. Items to be covered included Occupational Health and Safety (OHS) issues, Building Code of Australia (BCA) requirements, Health requirements, a building condition report and site access and circulation conditions. Connell Wagner was commissioned to provide the required services.

The final report from Connell Wagner was received on 15 November 2004. It was then costed by Ralph Beattie Bosworth, Quantity Surveyors, to determine the likely costs of works required at Ashby Depot to meet the current and future requirements of the City of Joondalup.

The report found that a number of items require attention in the short term, being immediate requirements for ongoing occupation of the site, medium term, required if the site remains occupied while a new facility is constructed, and long term, if the City is committed to the site for a long term lease (ten years). These have been costed at \$125,000, \$200,000 and \$4,100,000 respectively by Ralph Beattie Bosworth at 30 November 2004 and are outlined as follows:

Short term - Immediate for ongoing occupation of the site

- Undertake a full Operational review including Occupational Health and Safety and Public Safety
- OH&S review of the site with mixture of City of Joondalup, public and other groups accessing the site
- Undertake a traffic review and rectify with line marking, signs and barriers to safely separate the different modes of transport and pedestrian access
- Upgrade fencing around the site for improved site security from residential developments
- Upgrade ventilation of the sheds to suit the application in particular where hazardous goods are stored
- Provide a suitable welding booth with appropriate construction and ventilation
- Provide suitable fire protection to the sheds
- Ensure the gas valve pit is clean and operational
- Provide adequate emergency eyewash and shower facilities
- Review the existing power outlets within the sheds and upgrade to suit environment including hazard locations
- Review lighting within the sheds and provide physical protection and upgrade to suit any hazard requirements
- Review the external lighting and upgrade to suit the security and operational requirements of the area.

Medium term - Required if the site remains occupied whilst a new facility is constructed

- Upgrade of the air-conditioning to the administration building is required to overcome hot spots within the administration area
- Review the fire system within the administration building, in particular the fire hose reel locations and coverage
- Upgrade the downpipe system to the sheds to avoid run off to the residential development
- Review the emergency lighting system and upgrade to current Australian Standard requirements
- Upgrade the distribution board within the Engineering Maintenance Shed
- Repair structure and provide corrosion protection to shed structures
- Undertake a full noise and environmental impact study of the site with the new residential development adjacent
- Undertake a review of setback of sheds appropriate with new adjacent residential development.

Long term - Committed to the site for a long-term lease (10 years)

- Undertake a review of the underground drainage system and upgrade as required
- Review the washdown area including the tanks and any contamination and undertake rectification works

- Spatial capacity of the site does not meet the requirements of the City of Joondalup briefing document so a full review of the site and additional requirements is necessary
- Test the incoming mains cabling, main switchboard and submains
- Provide suitable diffusers on the luminaires within the office spaces utilising screen based tasks
- Review the water damage within the administration ceiling and undertake rectification works
- Provide insulation to the storage sheds to assist with the environmental conditions for the stored equipment and goods.

Further information on these items is detailed within the building condition report attached.

Negotiations with City of Wanneroo

Following the City of Wanneroo's council resolution of 21 September 2004, initial negotiations were undertaken between officers of both Cities in relation to the possible term and cost of any lease options that might be available to the City of Joondalup at Ashby Depot. On 12 November 2004, the City received correspondence from the City of Wanneroo providing the following information:

- A master planning exercise has recently confirmed that the City of Wanneroo will continue to operate from the existing depot site for at least the next ten years;
- Residential development has now reached the southern boundary of the depot, however the eastern and northern boundaries abut Bush Forever areas;
- A longer term lease by the City of Joondalup would be considered and this could incorporate exclusive use areas;
- In the event of a long lease, planning could be undertaken to rationalise the areas occupied by both Cities; and
- The relevant lease fee could be impacted by the level of capital expenditure incurred by the City of Joondalup.

Western Australian Shire Councils, Municipal Road Board, Health Boards, Parks, Cemeteries and Racecourse, Public Authorities Water Boards Union (LGRCEU) Advice

On 5 November 2004, the City received correspondence from the LGRCEU advising that as a result of meetings with membership at the Ashby Depot, the Fleur Fraeme Pavilion and the Winton Road Depot, that the membership had unanimously resolved as follows:

“That the operational employees of the City of Joondalup support the Management and Council initiative to build and locate a depot for all operational staff within the boundaries of the City and request that their support be communicated to the Commissioners as a matter of urgency”.

The correspondence outlining the following as supporting reasons for the resolution:

- The absence of adequate modern facilities for when reporting and departing for work
- The difficulties in communications with supervisory staff caused by physical dislocation of staff operating from multiple sites.

- The absence of adequate and safe mustering and meeting areas where information can be communicated to staff (particularly at the Ashby depot).
- The absence of adequate, safe and secure parking facilities (particularly at Winton Road).

Hodges Drive Site Valuation

Negotiations with LandCorp since late 2002 have been on the basis of the purchase price for the 4 hectare site on Hodges Drive being \$2.8 million. This amount was identified in the advertised business plan.

The City received advice from LandCorp on 24 September 2004 that the delay in finalising the contract of sale had highlighted a complication for LandCorp in that it required a current valuation (less than 3 months old) to support any sale contract. Accordingly, LandCorp had sought a review of the \$2.8 million valuation of the site from Burgess Rawson. The outcome was an increase in value to \$4.2 million. The City sought an independent valuation from Knight Frank using the same valuation brief originally agreed between the City and LandCorp. The valuation was received on 25 November 2004 and valued the site at \$2.5 million. This value includes the impact of site works attributed to the topography of the site being \$900,000, which will be a cost to the City. However it is acknowledged that as a condition of the sale, LandCorp will bear the full cost of constructing a bridge to access the site at \$1.5 million. On this basis, the City considers the \$2.8 million purchase price previously agreed to be reasonable and that LandCorp should honour the \$2.8 million purchase price.

Negotiations have been ongoing between LandCorp and the City since December 2002 when Council resolved in relation to the Joondalup Normalisation Agreement to authorise the Chief Executive Officer to negotiate with LandCorp for either cash contribution, or partial cash and partial in-kind contribution by way of the transfer of land owned by LandCorp to the City either for the purpose of housing the City of Joondalup's planned works depot, or the transfer of Lot 6 Lawley Court.

From that date negotiations continued between the two parties for the terms of the contract of sale, including vehicular access to the site and the relocation of powerlines going through the site. This necessarily involved third parties including Main Roads, Western Power and the Public Transport Authority and took some time.

The fact that payment by the City for the depot site was to take place in lieu of a cash payment from LandCorp to the value of \$2.8 million as part of the Joondalup Normalisation Agreement, meant that a contract of sale could not be entered into until all matters relating to the Normalisation Agreement had been resolved. This included the requirement to obtain a private ruling from the Australian Taxation Office on whether or not GST was applicable to the cash or kind components of the Normalisation Agreement. This process commenced in September 2003 and a ruling was obtained from the Australian Taxation Office that none of the transactions relating to the agreement formed a taxable supply in March 2004.

Finalised contract of sale documents were received from LandCorp on 17 June 2004, which confirmed the purchase price of \$2.8 million for the depot site. The requirement for the City to undertake a business plan for the acquisition of the depot site was given consideration at the time the purchase was negotiated with Landcorp. At this time it was deemed not required to comply with the provision of Section 3.59 of the Local Government Act 1995 and the Local Government Act (Functions and General) Regulations 1996, as the City was acquiring the land solely for the purposes of the works depot and no part of the site was to be disposed (sell or lease as defined in 3.58) to a third party.

The City sought legal advice clarifying the requirement or otherwise for a business plan for the acquisition of the depot site. This advice referred to Regulation 8 (1) of the Local Government (Functions and General) Regulations 1996 which provides that a land transaction is an exempt land transaction for the purposes of section 3.59 if the local government enters into it *“without intending to produce profit to itself and without intending that another person will be sold, or given joint or exclusive use of, all or any of the land involved in the transaction.”*

The City’s solicitor noted that the City’s instructions were that, if the land was purchased, the present proposal was that it would be used for a works depot. The City received advice that this factor alone did not satisfy regulation 8 (1). If in purchasing the land, the City was making an investment and, in the fullness of time, the land may be sold at a profit, then regulation 8 would not apply.

On this basis, at the Council meeting of 20 July 2004 it was recommended that the City take a prudent approach and the Joint Commissioners approved a business plan to be advertised on the proposed land purchase and concept design for a period of 42 days to enable public comment (C46-07/04 refers). LandCorp were advised as soon as the City became aware of this matter and the public comment process commenced immediately it was possible to do so.

It is understood that clause 2.3 of LandCorp’s Procedures Manual requires that “valuations for active projects shall be reviewed as necessary depending upon the market conditions that prevail. Stock that remains unsold after 6 months should be revalued.” However it is the City’s contention that the depot site has effectively been committed since Council’s resolution of 29 April 2003 to accept LandCorp’s offer for the City to purchase a fully serviced site of 4 ha for an amount of \$2.8 million and authorise the CEO to negotiate the contract of sale with LandCorp (CJ107-04/03 refers).

Planning Issues at Ashby Depot

There are a number of planning issues associated with negotiating a lease extension with the City of Wanneroo at Ashby Depot that require consideration, including adjoining residential development, noise generation, traffic generation, Bush Forever and zoning/tenure. Details of these issues are outlined below.

Zoning/Tenure

The site is currently zoned ‘Public Use’ under the City of Wanneroo Town Planning Scheme. This zoning, together with the designation of the crown reserve as ‘Municipal Depot and Community Radio Sites’ provides the appropriate tenure for the existing depot.

The surrounding land is zoned 'Urban Development'. Some residential development has already commenced to the immediate south of the depot site.

Structure planning for the area appears to include the site in the 'Future Urban' precinct, where 'land is assessed as having constraints to immediate urbanisation but to which should become available after ten to fifteen years.'

While current zonings are likely to be maintained in the immediate future, this is less certain in the longer term.

Adjoining Uses

Unless appropriate buffers are established surrounding a land use such as a depot, there is the potential for conflicts between that use and adjoining residential uses.

It is noted that residential development has commenced to the immediate south of the site.

Should the City's current depot facilities require redevelopment or alteration, it is possible that the development application would be advertised to the adjoining residential land owners to the south of the depot site for their comments. Alterations may well be of concern to these residents.

Should the current depot require upgrading, as has been suggested by Connell Wagner's Building Condition Report, it should be noted that various conditions of planning approval could be applied to an approval that may affect the operation of the depot (eg operating hours). A new business plan will also need to be prepared and advertised in accordance with Section 3.59 of the Local Government Act (1995) outlining the lease details and proposed capital expenditure.

Traffic and Noise

It is understood that there are currently some existing issues regarding vehicle movement through the depot sites and onto Wanneroo Road. This may be exacerbated by any expansion or redevelopment of the depot.

Similarly, noise generation from the depot will become more evident as the development of residential properties to the south of the depot becomes occupied.

Information received from an acoustic consultant indicates that the noise levels generated from the City of Wanneroo's operations will exceed the regulated levels once the residential properties are occupied. It follows that any operation undertaken on the site by Joondalup, being between Wanneroo's depot and the residential development, will exceed regulated levels. Advice received suggests that the construction of a double brick or limestone wall will not reduce the noise generated to acceptable levels. It should be noted that noise reduction is the responsibility of the occupier of the site not the owner.

Bush Forever

It is noted that the eastern portion of the subject site is designated for protection under 'Bush Forever'; however, this doesn't appear to encroach onto the currently developed depot area.

Cost Benefit Analysis

Ralph Beattie Bosworth has undertaken a cost benefit analysis and a net present value assessment for the City on both the construction of a new depot at the Hodges Drive site and negotiating a longer-term lease with the City of Wanneroo and remaining at Ashby Depot. The assumptions of the cost benefit analysis were as follows:

Hodges project cost incl land @ \$2.8M	: \$12.0M
Hodges land	: \$2.8M
Construction Cost at Ashby	: \$5.8M (reduced depot brief)
Interest rate on cash investment	: 6.25% p.a.
Land cost increase	: 20 year average: 7% p.a.
Current lease cost Ashby	: \$80,000
Increases in lease cost (estimate)	: 3% p.a.
Operational inefficiencies at Ashby (estimate)	: i) \$536K ii) \$672K
Construction cost increases	: 5% p.a. (long term average)
Construction cost at Hodges	: \$9.2M excluding land

Cost of capital (\$12.0M) is not included in calculations.

Rates, taxes, maintenance, incidentals etc are not included in calculations.

GST is excluded

Interest (income) calculation based on \$12M less \$5.8M construction at Ashby = \$6.2M x 6.25%pa. Lease cost and operational inefficiency cost is then deducted from interest income.

Period cost is calculated as:

- (i) construction cost at Ashby plus lease cost plus inefficiency cost less interest income.

Development at End of Lease of Period is:

- (i) at Ashby

cost of new construction at Hodges at 10 and 20 years (escalated) plus escalated cost of land

- (ii) at Hodges

proportion cost of replacement construction at Hodges without site costs (\$0.9m) assuming 25 year life (escalated at 5.0% pa)

This Cost Benefit Analysis, requested by the City of Joondalup, deals with the following options for the City's depot.

- (i) Remaining at and redeveloping Ashby including the cost of the purchase of Hodges land at the end of the Ashby lease.
- (ii) Developing the Hodges site as planned.

The analysis addresses both 10 and 20 year periods.

The biggest "*driver*" of cost in the Ashby option is the cost of inefficiencies; at \$536K - \$6.1M after 10 years and \$14.4M after 20 years. For comparative analysis of inefficiencies; at \$672K - \$7.7M after 10 years and \$18.1M after 20 years, are also provided.

Cost Summary

10 years	Period Cost	Development at End of Period	Total Cost of Option	NPV Inflation 3.5%
Ashby Site \$536K inefficiencies	\$9,912,000	\$20,508,000	\$30,420,000	\$21,567,000
Ashby Site \$672K inefficiencies	\$11,961,000	\$20,508,000	\$32,469,000	\$23,020,000
Hodges Site	\$12,000,000	\$12,880,000	\$24,880,000	\$17,640,000

20 years				
Ashby Site \$536K inefficiencies	\$20,643,000	\$35,215,000	\$55,858,000	\$28,096,000
Ashby Site \$672K inefficiencies	\$27,153,000	\$35,215,000	\$62,368,000	\$31,371,000
Hodges Site	\$12,000,000	\$25,760,000	\$37,760,000	\$18,993,000

As per the summary above, the most cost effective option for the City is to purchase the Hodges Drive site and construct a depot in the short term.

Financial Implications:

Operational Savings

Operational savings or inefficiencies were identified in the advertised Business Plan being approximately \$536,000 for travel time and running costs and \$78,000 for lease payments. There are currently 128 staff and 63 vehicles operating out of the Ashby site. The identified operational savings have been estimated based on the distance from Joondalup (20kms per day) and travel time (30 minutes per day) giving a saving of approximately 16,000 staff hours and 8,000 vehicle hours per annum. The average hourly costs used in the Business Plan estimate were staff \$30 and for vehicles \$7 giving a total potential saving of \$536,000 per

annum. The current average hourly cost for staff is \$36 and for vehicles \$12 giving a total potential saving of \$672,000 per annum.

Asset Replacement Reserve

The Asset Replacement Reserve was created in 1986/87 to assist with financing various essential assets including a works depot. Transfers from accumulated surplus include interest. Additions to this reserve are through specific budget allocation. Funding from this reserve is to undertake construction of the depot facility.

Financial Implications:

Asset Replacement Reserve	Actual 30 June 2004	Budget 2004/2005
	\$	\$
Opening Balance	7,163,348	7,233,986
Transfer from Accumulated Surplus	1,361,769	3,000,000
Transfer to Accumulated Surplus	(1,291,131)	(5,352,000)
Closing Balance	7,233,986	4,881,986

Works Depot Funding Analysis	Date	Balance	Total
Opening Balance of Reserves	1/07/2004	\$ 7,233,986	
Interest earned	2004/05	200,000	
Sub total			7,433,986
Joondalup Normalisation Agreement Reserve	2004/05	2,800,000	
Sub total			10,233,986
Interest Earned	2005/06	118,014	
Municipal Funds (General)	2005/06	544,769	
Sub total			10,896,769
Total Establishment Cost of Project			10,896,769

Sustainability Implications:

Remaining at Ashby depot for a period of at least ten years is not considered to be a sustainable solution to the requirements of the City. The City of Wanneroo has advised that they have a ten-year plan to remain at their current location. With residential development reaching the southern boundary of the Ashby depot site it is a matter of time before complaints are received about noise levels. It is known that noise levels generated by the current operations of the depot exceed requirements at the boundary of the depot site. Ensuring compliance with requirements is the responsibility of the occupier of a site not the owner.

The new depot has been designed taking into account the latest ESD principles where the Ashby depot is 30 years old and is in need of a major overhaul. The Ashby site has been identified as having operational inefficiencies of \$536,000 per annum, which will only increase over time. Additionally, lease payments and development costs to remain at Ashby are considered to be ‘dead money’ as they do not return an asset to the City. The Ashby site has no potential for expansion to meet future needs unless the City of Wanneroo move out of their site. The proposed Hodges Drive depot has incorporated the current requirements of the City and has been designed to meet the future changing needs of the City.

At some stage in the future the City would be moving out of the Ashby site and without an available parcel of land, a new location within the City may not be available. The proposed site will consolidate the current depot operations that are currently split.

Based on environmental, financial and operational factors discussed within this report the Hodges Drive site is seen to be the most sustainable site for the future.

COMMENT

The City has undertaken detailed and exhaustive investigations to ensure the best outcome is achieved in relation to the performance of operations services through the works depot for the City of Joondalup.

These investigations clearly demonstrate that the most cost effective, efficient and sustainable option remains the construction of a new works depot at the Hodges Drive site. Securing the Hodges Drive site from LandCorp will enable the City to proceed with the tender process required to commence construction of the previously endorsed concept design in a timely manner and enable the City to realise the efficiency gains that will result from operating a new works depot at this site.

Additional Information provided 7 December 2004

The following additional information is provided in response to matters raised by the Joint Commissioners.

Operational Inefficiencies - Assumptions

The geographic centre of the City is approximately the intersection of Craigie Drive and Eddystone Avenue. This is 10.7 km from the Ashby depot. Travel time to this point is the basis for the operational inefficiency calculation. The trip takes 15 minutes in a sedan in normal business hours.

The entry to the Hodges Drive depot will be from a bridge accessed from Eddystone Avenue. The distance from this point to the geographic centre is approximately 1.7 km. The trip takes 2 minutes in a sedan. The extra travel distance of 20 km per day outlined in the operational inefficiency calculations is one trip each way. The distance from Ashby to Hodges Drive is 7.5 km however there will be no entry or exit at this point.

The average cost for staff that would be required to travel from Ashby Depot if that was the location is \$36.00 per hour. This is calculated from the adopted Council budget for the depot operation and is inclusive of all staffing costs.

Based on the table below the break-even point is approximately \$160,000 in operational inefficiencies. This table also shows inefficiencies using a figure of \$280,000.

10 years	Period Cost	Development at End of Period	Total Cost of Option
Ashby Site \$280K inefficiencies	\$6,050,000	\$20,508,000	\$26,558,000
Ashby Site \$160K inefficiencies	\$4,250,000	\$20,508,000	\$24,758,000
Hodges Site	\$12,000,000	\$12,880,000	\$24,880,000

20 years			
Ashby Site \$280K inefficiencies	\$8,390,000	\$35,215,000	\$43,605,000
Ashby Site \$160K inefficiencies	\$2,650,000	\$35,215,000	\$37,865,000
Hodges Site	\$12,000,000	\$25,760,000	\$37,760,000

It is important to recognise that whilst the above sensitivity analysis reveals a break-even point at \$160,000 in operational inefficiencies, the related additional travel time for this figure is approximately 9 minutes and for the \$280,000 figure, is approximately 16 minutes. It is considered that these travel times are unrealistic for the additional travel required as it relates to the geographic centroid.

Whilst three years ago Hodges Drive may not have been the most attractive option for a depot site, with the passage of time and subsequent increases in land values and building construction costs, Hodges Drive is considered at this point in time as the best option available to the City from an economic, social and environmental perspective.

ATTACHMENTS

Attachment 1	Summary of Public Comments from Business Plan
Attachment 2	Connell Wagner Building Condition Report
Attachment 3	Ralph Beattie Bosworth Cost Report

VOTING REQUIREMENTS

Absolute Majority

OFFICER'S RECOMMENDATION: That the Joint Commissioners BY AN ABSOLUTE MAJORITY:

- 1 NOTE the comments received in relation to the advertised business plan and thank those residents that submitted their comments;
- 2 ADOPT the business plan as advertised;

- 3 AUTHORISE the Acting Chief Executive Officer to prepare and execute the necessary documents to give effect to a contract of sale between the City and LandCorp for the purchase of a fully serviced site of 4.0 hectares at Hodges Drive for the purpose of constructing a works depot at a purchase price of up to \$2.8 million;
- 4 APPROVE the production of detailed design and tender documentation and the calling of tenders for the construction of the City of Joondalup proposed Works Depot Concept Design as endorsed at its meeting held on 20 July 2004.

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

- 1 NOTE the comments received in relation to the advertised business plan and thank those residents that submitted their comments;
- 2 ADOPT the business plan as advertised;
- 3 AUTHORISE the Acting Chief Executive Officer to prepare and execute the necessary documents to give effect to a contract of sale between the City and LandCorp for the purchase of a fully serviced site of 4.0 hectares at Hodges Drive for the purpose of constructing a works depot at a purchase price of up to \$2.8 million;
- 4 REQUEST the City's officers in acknowledgement of public submissions received to the Business Plan and in the interests of the long-term strategic planning for the City, undertake a needs and opportunities analysis of the Edgewater Quarry site and report back to Council.

Discussion ensued. Cmr Smith foreshadowed her intention to move a different motion should the motion under consideration be lost.

The Motion was Put and

LOST (2/3)

In favour of the Motion: Cmr Anderson and Clough **Against the Motion:** Cmr Paterson, Smith and Fox

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

- 1 NOTE the comments received in relation to the advertised business plan and thank those residents that submitted their comments;**
- 2 ADOPT the business plan as advertised;**
- 3 AUTHORISE the Acting Chief Executive Officer to prepare and execute the necessary documents to give effect to a contract of sale between the City and LandCorp for the purchase of a fully serviced site of 4.0 hectares at Hodges Drive for the purpose of constructing a works depot at a purchase price of up to \$2.8 million;**

- 4 APPROVE the production of detailed design and tender documentation and the calling of tenders for the construction of the City of Joondalup proposed Works Depot Concept Design as endorsed at its meeting held on 20 July 2004;**
- 5 REQUEST the City's officers in acknowledgement of public submissions received to the Business Plan and in the interests of the long-term strategic planning for the City, undertake a needs and opportunities analysis of the Edgewater Quarry site and report back to Council.**

The Motion was Put and

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

Appendix 32 refers

To access this attachment on electronic document, click here: [Attach32brf071204.pdf](#)

CJ301 - 12/04 CULTURAL FACILITY SITE ACQUISITION - CONTRACT OF SALE - [14977]

WARD - All

PURPOSE

To seek approval from the Joint Commissioners to finalise the purchase of the 7919 square metre site fronting Grand Boulevard from the Department of Education and Training for the purpose of constructing a cultural facility.

EXECUTIVE SUMMARY

At the Council meeting of 2 November 2004, the Joint Commissioners resolved in part to 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 (CJ248-11/04 refers).

The contract of sale documents have since been prepared. The DET have advised that in order to obtain ministerial approval to execute the contract of sale, a clause is required with the intent that restricts the use of the land to “cultural facility and associated activities” and provides the Department of Education and Training the right to repurchase the land at a future date at the market valuation at that date in the event the City proposes development not consistent with this use.

Given that the advertised business plan and Council resolution for the site acquisition both stipulate that the purpose is for constructing a cultural facility, this condition is considered reasonable.

It is therefore recommended that the Joint Commissioners:

- 1 *APPROVE the inclusion of a condition in the contract of sale between the City and the Department of Education and Training (DET) for the purchase of a 7919 square metre site final consideration of \$578,171.65 with the intent that:*
 - (a) *Restricts the use of the site to that of cultural facility and associated activities. Should the City propose development on the site that is not consistent with the use under which it is provided, then the DET reserves the right to repurchase the land at a future date at the market valuation at that date;*
 - (b) *Requires the City to advise the DET of any proposed development on the site prior to seeking development approval, outlining the connection between the proposed development and the cultural facility and associated activities use. The DET will have 120 days to respond to the City;*
- 2 *AUTHORISE the Acting Chief Executive Officer to develop the detail of the contract of sale to include the above condition and proceed with the execution of the contract of sale.*

BACKGROUND

At the Council meeting of 2 November 2004, the Joint Commissioners resolved:

- 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.*

DETAILS

When the City advised the Department of Education and Training (DET) of Council's resolution of 2 November 2004 authorising preparation and execution of the contract of sale for the purchase of the 7919sqm site fronting Grand Boulevard, the DET advised the City that in order to gain ministerial approval to execute the contract of sale, a contract condition with the following intent would also be required:

- The DET will provide the subject land on the basis that it is used for a cultural facility and associated activities; this use offers synergies with the development by the DET of the Hospitality training Centre located on departmental land adjacent.
- It is proposed that the Contract of sale would restrict the use of the site to that of cultural facility and associated activities. Should the City propose development on the site that is not consistent with the use under which it is provided, then the DET reserves the right to repurchase the land at a future date at the market valuation at that date.
- The City is required to advise the DET of any proposed development on the site prior to seeking development approval, outlining the connection between the proposed development and the cultural facility and associated activities use. The DET will have 120 days to respond to the City.

The State Solicitors Office is currently preparing a clause for inclusion in the contract of sale consistent with the above intent on behalf of the DET.

The City's business plan for the site acquisition outlined that the purpose of the acquisition was for the construction of a cultural facility. This was advertised for 42 days for public comment in The West Australian on Wednesday 25 August 2004 and the Joondalup Community Paper on Thursday 26 August 2004. The Council resolution of 2 November 2004 authorising preparation and execution of a contract of sale also specified the purpose of constructing a cultural facility.

On this basis, the intent of the condition required by DET is considered reasonable and it is recommended that the Joint Commissioners approve the inclusion of this condition in the contract of sale.

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

COMMENT

Negotiations with the Department of Education and Training have been ongoing since early 2003 for the purchase of the 7919 square metre site adjacent to the Hospitality Training Centre on the West Coast College of TAFE Joondalup Campus.

Co-location of the cultural facility with the Hospitality Training Centre will provide economic and strategic benefits to both the City and the West Coast College of TAFE Joondalup Campus. This site acquisition has always been intended solely for the purpose of constructing a cultural facility and the condition requested by the Department of Education and Training for the contract of sale restricting the use of the site to cultural facility and associated use is reasonable.

ATTACHMENTS

Nil.

VOTING REQUIREMENTS

Simple Majority

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

1 APPROVE the inclusion of a condition in the contract of sale between the City and the Department of Education and Training (DET) for the purchase of a 7919 square metre site final consideration of \$578,171.65 with the intent that:

- (a) Restricts the use of the site to that of cultural facility and associated activities. Should the City propose development on the site that is not consistent with the use under which it is provided, then the DET reserves the right to repurchase the land at a future date at the market valuation at that date;**

- (b) **Requires the City to advise the DET of any proposed development on the site prior to seeking development approval, outlining the connection between the proposed development and the cultural facility and associated activities use. The DET will have 120 days to respond to the City;**
- 2 AUTHORISE the Acting Chief Executive Officer to develop the detail of the contract of sale to include the above condition and proceed with the execution of the contract of sale.**

Cmr Smith spoke to the Motion.

The Motion was Put and

CARRIED UNANIMOUSLY (5/0)

**CJ302 - 12/04 REDESIGN OF COUNCIL CHAMBER -
PERFORMING ARTS AND COMMUNITY EVENTS -
[07030] [14977]**

WARD - All

CJ041207_BRF.DOC:ITEM 2

PURPOSE

For the Joint Commissioners to consider the process to examine options to alter the current Council Chamber to allow potential greater use by the community and a more conducive environment for Council meetings.

EXECUTIVE SUMMARY

Following the report of the Governance Review Panel, the Joint Commissioners have agreed to examine possible options for altering the existing design of the Council Chamber to:

- 1 make it a more conducive environment for Council meetings; and
- 2 allow for greater use by the community.

With the Council Chamber being a purpose built facility to meet the needs of the Council, contact was made with the original architects, James Christou and Partners.

The process to arrive at concept design options and costs will involve consultation with relevant stakeholders and/or interest groups.

It is therefore recommended that the Joint Commissioners ENGAGE James Christou and Partners to undertake the process as detailed within this report regarding the possible modification of the Council Chamber, at a fixed cost of \$6,000 plus GST.

BACKGROUND

A review of the Governance operations of the City of Joondalup was conducted by an independent panel in May 2004. One of the recommendations was:

‘Review the structure of the Council Chamber to make it more conducive to a better meeting environment. At the very least Council needs to review the electronic controls for the meeting.’

Subsequent to the Governance Review Panel’s report, the Joint Commissioners made the following resolution on 10 August 2004 (CJ174-08/04 refers):

“5 *REQUEST the CEO to prepare a report for Council covering the costs and options of redesigning the Council Chamber to meet the provisions of the Governance Review and at the same time to allow for greater availability and usage for performing arts and other community events.*”

A report was presented to the Joint Commissioners at their meeting held on 2 November 2004 (CJ248-11/04 refers) addressing the future performing arts facility and the issue of greater use of the Council Chamber. The intent of the report was to consider the redesign of the Council Chamber in conjunction with the overall conceptual designs for the performing arts facility, to ensure the designs were done so as to enable the two facilities to compliment each other.

The Joint Commissioners at that meeting resolved as follows:

“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.*”

The Civic Centre and the Joondalup Regional Library were opened in July 1997. The Council Chamber was a purpose built facility to serve the Council and its decision-making process.

DETAILS

Given that the Council Chamber was a design built facility to host various civic and ceremonial functions, contact was made with James Christou and Partners, Architects, the original architects of the facility.

Representatives of James Christou and Partners were briefed on the resolution of the Joint Commissioners and the outcomes and comments of the Governance Review Panel.

Functionality Issues

The Governance Review Panel identified the following perceived problems associated with the layout and organisation of the existing Council Chamber.

- 1 The scale, size and layout of furniture in the Chamber means that members and officers sit too far apart, which has generated feelings of isolation and made meetings seem impersonal and not conducive to teamwork.
- 2 The elevated position of, and separate access to the Mayor and CEO has resulted in a problem of interaction with the members and officers on the floor of the Chamber.
- 3 The circular configuration of furniture means that some members and officers are seated with their backs to the public gallery.
- 4 The existing layout allows undesirable interaction of media personnel with elected members on the floor of the Chamber.
- 5 The potential for the Mayor to miss the call of elected members wishing to speak, due to the way the current microphone system operates.

The recommendation of the Review Panel and therefore the design objective of this component of the brief is to make the Chamber a better and more effective meeting environment.

Flexibility Issues

The City of Joondalup recognises the potential for extending the use of the Chamber beyond its primary function as a facility for Council meetings.

The use of the Chamber for performing arts purposes has been suggested although it should be noted that the scope and extent of provision necessary to facilitate such use would need to be compatible with the future full-scale cultural facility planned by the City.

The Chamber is already used for citizenship ceremonies, although numbers are limited by the existing gallery seating capacity, and for small-scale musical recitals.

The task and therefore the objective of this aspect of the brief would be to identify other possible public uses for the Chamber, which would be considered appropriate, taking account of the physical limitations of the existing facilities.

The investigation and analysis will involve the following process:

- 1 Review the as constructed drawings of the Chamber in order to identify the constraints imposed by the building structure, in particular the way in which the differences in floor level have been created.
- 2 Review the as installed building services, in order to understand the operation and capacity of existing systems and the potential for change.
- 3 The review of existing building services would involve reference to, discussion with, and obtaining input from the original project consultants.

- 4 Review the existing fit out of the Chamber in particular the desk size, design and layout and also configuration of the microphone, communications and computer systems.
- 5 Review the seating layout of the existing public gallery with a view to increasing the seating capacity deemed to be necessary for performance based events.
- 6 Examine the potential for a flexible arrangement of furniture in order to free up floor space for alternative uses and look at other comparable facilities.
- 7 Establish the visions and expectations of the principal stakeholders (Commissioners, officers, groups identified in action 9) and confirm the overall objectives of the brief as well as the specific requirements to be met.
- 8 Establish the demand for the Chamber as a venue for community events, with reference to actions 9 and 10 below, whether or not these are within the realm of performing arts.
- 9 Identify the local community groups and organisations, including schools who may have an interest in using the Chamber for other uses, in conjunction with the City's Community Liaison and Cultural Development officers.
- 10 Contact and consult representatives of those groups in order to understand their activity, and in the case of the performing arts, their production requirements, and decide whether or not the Chamber has the potential to become a suitable venue.
- 11 Check the limitations on the proposed change of use imposed by the deemed to satisfy conditions of the Building Code of Australia.
- 12 Analyse and understand the limitations of the existing Chamber as a performing arts venue in terms of the following parameters:
 - Its location, public access and approach
 - Its audience capacity
 - The type and scale of the production
 - The availability of back of house facilities
 - The need for special lighting and sound systems
 - Its acoustic qualities
 - The maintenance of public safety and security

The process of investigation and analysis should provide an indication of what other uses for the Chamber might be considered appropriate in terms of demand and desirability, feasibility and the cost of provision.

James Christou and Partners have advised that they will undertake the process, including consultation at a fixed lump sum fee of \$6,000 plus GST. The proposed fixed lump sum is for the scope of work outlined, including the development of concept options and indicative costs.

Account No:	1.1110.4201.0001.9999
Budget Item:	CEO – Consultancy
Budget Amount:	\$615,000
YTD Amount:	\$17,429
Actual Cost:	\$6000 plus GST

COMMENT

This report presents a process to commence a way forward in examining possibilities for a greater use of the Council Chamber in accordance with the decision of the Joint Commissioners' on 2 November 2004. This process is merely the initial stages to ascertain the viability and need to redesign the Chamber for various other uses. The process as detailed includes consultation with an as yet undetermined number of stakeholders and/or interest groups. This list of parties would be finalised prior to the project being undertaken but the parties would be similar to those consulted for the City of Joondalup Cultural facility and could include:

- Professional and community arts organisations;
- Schools and community groups;
- Members of the stakeholders group.

Upon finalisation of the agreed process, further consideration can be given to progressing the matter. If the Joint Commissioners resolve to further progress the redesign to meet certain needs and demands, a more detailed process would be followed including more in depth consultation with relevant parties.

It is necessary for the architect to consult with relevant parties prior to the development of conceptual options as this process provides the necessary input from potential users to develop the concepts. Given that this process is at its initial stages, it is suggested it be beneficial to engage James Christou and Partners to complete.

James Christou and Partners have had previously carried out extensive consultation in compiling design briefs for many projects invariable involving multiple stakeholders. Examples include:

- Shenton College
- Kinross College
- Kings Part Plant Conservation Centre
- Joondalup
- City of Stirling Depot

It is noted that utilising the original architect, James Christou and Partners, in this investigation is supported on the basis that their intimate knowledge of the building structure and functionality is imperative when developing modification options and a concept design.

Following this, the City then has the option to seek architectural services for the detailed design phase via the public tender process.

It is therefore recommended that the process as outlined in this report be proceeded with.

ATTACHMENTS

Nil.

VOTING REQUIREMENTS

Simple Majority

MOVED Cmr Anderson, SECONDED Cmr Clough that the Joint Commissioners ENGAGE James Christou and Partners to undertake the process as detailed within Report CJ302-12/04 regarding the possible modification of the Council Chamber, at a fixed cost of \$6,000 plus GST to be charged to Account 1.1110.4201.0001.9999 – CEO Consultancy.

Cmr Anderson spoke to the Motion.

The Motion was Put and

CARRIED UNANIMOUSLY (5/0)

**CJ303 - 12/04 OCEAN REEF ROAD EXTENSION – COMMUNITY
CONSULTATION AND DESIGN – [07131]**

WARD - Marina

CJ041207_BRF.DOC:ITEM 3

PURPOSE

To provide the Joint Commissioners with details of:

- The community consultation process on the detailed design of the proposed Ocean Reef Road extension;
- Outcomes, evaluation and information on levels of community satisfaction of the process;
- The detailed road design endorsed by community; and
- Proposed funding arrangements to enable the construction of the Ocean Reef Road extension.

EXECUTIVE SUMMARY

At their meeting on 29 June 2004 the Joint Commissioners approved a program of consultation with key stakeholders on the detailed design of the extension of Ocean Reef Road.

A working party was formed and two community workshops were held and were well attended by representatives from the Ocean Reef area.

The consultation process was to be evaluated in accordance with Council direction and the Premier and Cabinet's Civic and Citizens Unit was invited to validate the process. The process was deemed to be very successful and aligned with the consulting citizens guidelines.

Based on the outcomes of the consultation process the Working Party has recommended that Council:

- 1 ACCEPT the design for the construction of the Ocean Reef Road extension shown as option one on the plan;
- 2 NOTE that the estimated cost of construction will be \$1.7 million and will include full kerbing and minimum street lighting;
- 3 REQUEST that a Re-vegetation Plan is developed with community input into the design and planting processes associated with the plan;
- 4 REQUEST that a communication strategy is endorsed for the construction phase of the Ocean Reef Road extension to include:
 - (a) Working party to receive details of all key events leading up to the construction phase by post;
 - (b) Community members that attended the workshops to receive all key events leading up to the construction phase by post;
 - (c) Community in general will be advised of key events through advertisements placed in the local newspaper and updates on the City's website;
 - (d) A contact person is appointed by the City to handle all enquiries leading up to and during the construction phase.

Based on the community consultation outcome the recommendation for the design of a single lane boulevard is estimated to cost \$1.7 million. The current available funding for this project is \$1.27M with a contribution of \$1.127M as previously agreed from the Ocean Reef developer and \$141,000 from the City.

A funding strategy to overcome the \$432,000 shortfall to enable construction to proceed this financial year is proposed as follows:

- (a) Use funds of \$196,000 from the Hodges Drive Drainage Reserve;
- (b) Seek a contribution of up to \$236,000 from the Ocean Reef Developers;
- (c) List for consideration in the 2004/05 half year budget review any outstanding balance

Accordingly this report recommends that the Joint Commissioners:

- 1 ENDORSE the Working Party recommendations as follows:
 - (a) ACCEPT the design for the construction of the Ocean Reef Road extension shown as option one on the plan;
 - (b) NOTE that the estimated cost of construction will be \$1.7 million and will include full kerbing and drainage and minimum street lighting

- (c) REQUEST that a Re-vegetation Plan is developed with community input into the design and planting processes associated with the plan;
 - (d) REQUEST that a communication strategy is endorsed for the construction phase of the Ocean Reef Road extension to include:
 - (i) Working party to receive details of all key events leading up to the construction phase by post;
 - (ii) Community members that attended the workshops to receive all key events leading up to the construction phase by post;
 - (iii) Community in general will be advised of key events through advertisements placed in the local newspaper and updates on the City's website;
 - (iv) A contact person is appointed by the City to handle all enquiries leading up to and during the construction phase.
- 2 NOTE the successful outcomes of the consultation process and the validation report received from the Premier and Cabinet Civics and Citizens Unit and shown as Attachment K to Report CJ303-12/04;
- 3 CONGRATULATE AND THANK the working party members for their input and time into the project;
- 4 APPROVE a single lane boulevard design standard fully kerbed and drained with roundabouts at Hodges Drive and Resolute Way as shown on Attachment L for the construction of Ocean Reef Road for Hodges Drive to Shenton Avenue;
- 5 APPROVE the reallocation of funds of \$196,000 from the Hodges Drive Drainage Reserve to Ocean Reef Road subject to section 6.11 of the Local Government Act 1995;
- 6 SEEK a contribution of up to \$236,000 from the Ocean Reef/Iluka subdivision landowners being the Roman Catholic Archbishop of Perth together with Davidson Pty Ltd for the construction of a single lane boulevard for Ocean Reef Road;
- 7 LIST for consideration in the 2004/05 half year Budget review any outstanding balance of funding for the construction of a single lane boulevard for Ocean Reef Road;
- 8 AUTHORISE the Acting Chief Executive Officer to arrange for the finalisation of the design and preparation of tender documents for the Ocean Reef Road extension.

BACKGROUND

The Ocean Reef Road extension project has been the subject of many Council considerations. It has also lead to division within the community with some for and others against construction of the road

Attachments A and B outline the history of all the decisions and actions that have occurred with respect to the road.

Since the resolution of Council in September 2003 to construct the road to minimum standards and minimum cost, community has mobilised to form two key stakeholder groups with strongly divergent views on the road matter.

The Ocean Reef Coastal Stakeholders Group (ORCS) was formed and its members expressed the view that many local residents want to be engaged in a participative process that would help them understand and assess all the issues and alternatives with respect to developing the road. They raised a number of concerns in relation to public safety, amenity and also proposed that consideration be given to the road being retained as a public open space.

The Ocean Reef Action Group (ORAG) was also formed as a consequence of the Ocean Reef Road extension proposal. Representatives of ORAG advised the City that their members lived on Constellation Drive, which was currently taking the traffic that would ultimately use the proposed road. A Council officer attended an evening session with the group on 2 December 2003 and was presented with a submission from the group. Their submission made the case for immediate implementation of the proposed road extension in accordance with Council's objectives, plans and budgets. Their submission was supported by concerns with safety and traffic congestion issues.

On June 29 2004 the Joint Commissioners of the City of Joondalup approved a program of consultation with key stakeholders on the detailed design of the extension of Ocean Reef Road from Hodges Drive through to Shenton Avenue. The resolution stated:

That the Joint Commissioners:

- 1 *NOTE the findings of the traffic impact study for Ocean Reef Road;*
- 2 *REAFFIRM their decisions (1); (2) and (4) of 17 February 2004 (C09-02/04 Refers) to:*
 - (a) *APPROVE a program of consultation to be undertaken with key Stakeholders on the detailed design of the extension of Ocean Reef Road From Hodges Drive through to Shenton Avenue being the model outlined in the 'Consulting Citizens' material;*
 - (b) *NOTE that the consultation costs shall not exceed \$14,000 for external consultants;*
 - (c) *LIST this project for consideration in the 2004/05 Five Year Capital Works Program.*
- 3 *INVITE representation from the following groups, organisations and individuals to form the working party to the consultation process:*

Primary Stakeholders:

- *Ocean Reef Coastal Stakeholders Group – 2 members*
- *Ocean Reef Action group – 2 members*
- *Residents – adjoining the proposed road and not associated with Ocean Reef Coastal Stakeholders Group (ORCS) or Ocean Reef*

- *Action Group (ORAG) -1 member*
- *Residents along routes to proposed road (Resolute Way) and not associated with ORCS or ORAG – 1 member*
- *Residents along Constellation drive and not associated with the ORCS or ORAG*
- *Local business owners of Ocean Reef – 1 member*
- *Schools – 1 member*

Other Stakeholders:

- *Residents in adjoining suburbs (Iluka, Kallaroo, Burns Beach) – 1 member*

Government:

- *Local Government – City of Joondalup - 2 members*
- *Main Road Dept – 1 member*
- *Department of Planning and Infrastructure – 1 member*
- *Community Groups – Coast Care or Friends Groups – 1 member*

- 4 *CLARIFY that the Working Party is assisting with plans to conduct the community consultation and that the consultation program itself will involve the wider community;*
- 5 *DIRECT that, if the Working Party has not agreed on a program of consultation within six weeks from 29 June 2004, the matter is to be again referred to Council.*

Sustainability Implications:

The Ocean Reef Road consultation project has shown evidence of sustainability implications, which should be noted as follows:

Social Impact

This project has encountered significant community concern and polarisation. Delays to the consultation process have exacerbated these matters and added considerably to the economic and social cost of the project. Once underway, the consultation process served to reunite the community and has resulted in a positive and efficient outcome to the issue.

Environmental Impact

The road reserve was cleared and earth works completed in previous years. An independent environmental survey indicated that there were minimum negative impacts on the environment within the road reserve.

Economic Impact

The costs of handling community concerns and division on the question of the road, which was expressed through many letters, daily telephone calls, visits to Council Offices and petitions have been high. Many hours of staff time and expertise should be factored into any final estimate of the costs associated with the road.

The actual costs associated with the consultation process of the road are outlined in the details within this report. The economic advantage that resulted from consultation process can be demonstrated by the reduced costs of developing the technical design.

Strategic Plan:

This project aligns to several key objectives and strategies of the City's Strategic Plan. These include:

- 3.1 *To develop and maintain the City of Joondalup's assets and built environment*
- 3.1.1 *Plan the timely design, development, upgrade and maintenance of the City's infrastructure*
- 3.1.2 *Facilitate the safe design, construction and approval of all buildings and facilities within the City of Joondalup*
- 4.3 *To ensure the City responds to and communicates with the community*
- 4.3.1 *Provide effective and clear community consultation*
- 4.3.2 *Provide accessible community information*
- 4.3.3 *Provide fair and transparent decision-making processes*

DETAILS

The Community Consultation Process

Formation of the Working Party

Whilst invitations were extended to the parties stipulated by the Joint Commissioners, no responses were received from local business, the Coast Care Forum and one of the local schools. However, recruitment of local residents who were not associated with the ORCS or ORAG was successful and achieved by a process of randomised selection using the City's ratepayer database.

Working Party Role

The working party met on nine occasions between July 2004 and November 2004. The role of the working party was to:

- Utilise and evaluate the Premier and Cabinets – Consulting Citizens Guide
- Develop the processes and agree on the design of the program for wider consultation
- Develop and agree on selection process to involve broader community
- Formulate and agree upon the key criteria for broader community consultation
- To validate the feedback from community from each workshop
- To develop and agree on recommendations in relation to the concept design for Council

The working group timetable and outcomes are detailed as follows:

DATE	OBJECTIVE	OUTCOMES
21 July 2004	Initial meeting to meet and develop an agreed 'way forward' plan	<ul style="list-style-type: none"> • Agreement on aims, parameters and objectives • Agreement on budget costings to be provided as required by Council Officers • Agreement on timeframes • Agreement on role of working party • Agreement on Working party vision – "To be aligned, To be proud of achievements, To create "a good news" story for Joondalup, To develop a case study for others." • Agreement on communication strategy • Agreement on managing attendances to meetings • Agreement on meeting processes • Agreement of agenda setting
28 July 2004	Development of values, criteria and parameters for broader consultation. Develop wider community workshop format.	<ul style="list-style-type: none"> • Values agreed upon – these were the elements that need to be included in the road design consultation (refer Attachment C) • Phases for consultation established and agreed.
28 Aug 2004	Refinement of values into key criteria Develop questions around the key criteria to enable community feedback Develop workshop design	<ul style="list-style-type: none"> • Key Criteria established and "constraints and givens" against the criteria is provided (refer Attachment D) • Questions developed and agreed upon (Refer Attachment E) • Special interest groups should be formally invited to send representatives to a workshop; • The numbers of people in the wider community to be formally invited having been randomly selected from the City of Joondalup ratepayer database; and • The numbers of people who could attend having phoned in to register expressions of interest as a result of an advertising campaign • 100 people to be invited – 25% randomly selected, 65% expression of interest, 10% by invitation • Agreed 2 two hour workshops would be required with community, venue to be a free council venue, advertising to be broad including sign posting in Ocean

		<p>Reef reserve</p> <ul style="list-style-type: none"> • Council staff to develop workbook and presentation for Workshop One
28 Sept 2004	<p>Working party reviews program, workbook and details for workshop one</p> <p>Working party nominees are trained to be table facilitators for the workshop process</p>	<ul style="list-style-type: none"> • Working party endorse the workbook questions and the process • Four of the community working group members agree to be community facilitators for the workshop
30 Sept 2004	Community Workshop One	<ul style="list-style-type: none"> • The independent facilitator directed proceedings on the night; • Each table would have a table facilitator and scribe to promote discussion and record outcomes; • A workbook would be used to record table decisions with respect to each of the criteria under discussion; • Scribes would record the rationale for all decisions taken on their tables. • 88 people attended • Feedback was collected and analysed
13 Oct 2004	To review and endorse the Feedback Evaluation Report from Workshop One	<ul style="list-style-type: none"> • Results from Workshop one accepted by working party • Agreement on format for Workshop Two to be the same as in workshop one • Questions for workshop two developed and agreed upon • Preliminary design plan prepared
21 Oct 2004	Community Workshop Two	<ul style="list-style-type: none"> • Feedback on results from Workshop One and draft design plan were presented • Additional questions were asked to seek clarification around some of the key criteria (refer Attachment G and H)
3 Nov 2004	To review and endorse the Feedback Evaluation Report from Workshop Two	<ul style="list-style-type: none"> • Workshop Two results are evaluated and the report and results were supported by the working party • Agreement for the designers to draw up the final design plan.
17 Nov 2004	To approve the final detailed design and formulate recommendations for Council	<ul style="list-style-type: none"> • The final detailed design accepted and supported • Proposed costings noted at \$1.7 million • A Re-vegetation Plan for verges which would involve community to be recommended to Council.

		<ul style="list-style-type: none"> • A Communication strategy for the construction phase was agreed upon to be recommended to Council.
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Results from Community Workshops

Both workshops were formally evaluated to determine the quality of the process from the perspective of the participants. In each case, participants expressed high levels of satisfaction with the process and outcomes. Findings from the first workshop indicated that 88.4% of participants had their personal goals for attending met. At the second workshop 100% of the respondents stated that their personal goals for attending were met. Given the contentious nature of the issue, these findings demonstrate the overall success of the consultation program.

The feedback from both workshops was analysed quantitatively and qualitatively and Attachments F and G provide full details of the analysis from both workshops.

The final outcome from the consultation process is summarised in the table below.

CRITERION	POINTS TO CONSIDER	QUANTITATIVE RESPONSES	QUALITATIVE FINDINGS
Location, alignment and standard of the road	Community were asked to comment of the location of the carriageway in the reserve, (east to west) whether a single carriageway or boulevard and should the alignment be straight or meandering.	80% consensus support for a meandering road. 70% consensus support for boulevard style road.	<ul style="list-style-type: none"> • Preferably away from houses • Will reduce speed of road users • Will be safer for pedestrians • Will maintain standard in keeping with other coastal developments.

CRITERION	POINTS TO CONSIDER	QUANTITATIVE RESPONSES	QUALITATIVE FINDINGS
Parking location and type	The foreshore management plan suggests the future construction of small car parks <15 bays, at pedestrian access points to the coastal dual use path north and south of Resolute Way.	Workshop 1 60% consensus support for parking to be provided on the west side of the road reserve. 70% consensus support for angled parking	<ul style="list-style-type: none"> • Angled parking leaves more space, easier for traffic to get in and out • Queries as to why parking necessary given that the area is currently used by local walkers, cyclists etc! • Concerns that parking may be used for anti-social behaviour • Support for limited parking adjacent to existing pathways.
		Workshop 2 33% consensus by participants agreed to a car park at Resolute Way. 66% of participants disagreed with car parks at all.	No illustrative findings from the qualitative data

CRITERION	POINTS TO CONSIDER	QUANTITATIVE RESPONSES	QUALITATIVE FINDINGS
Additional crossing points	Pedestrian crossing points for access to the coastal foreshore will be provided at intersections. There are currently additional informal crossing points north and south of resolute Way, Vigilant Terrace and Southern Cross Circle.	<p>Workshop 1</p> <p>50% consensus support for additional crossing points.</p> <p>20% consensus against additional crossing points</p> <p>10% did not reach consensus on additional crossing points.</p> <p>Workshop 2</p> <p>66.7% consensus from participants agreed to an additional crossing point at Southern Cross Circle.</p> <p>55.6% consensus agreed to an additional crossing point at Vigilant Terrace</p> <p>44.4% did not reach consensus to an additional crossing point at Vigilant Terrace.</p>	<p>Those supporting additional crossing points felt they were important for safe access to the beach</p> <p>There was no supporting evidence from the qualitative data to explain the decision either in support of, or against the crossing point at Vigilant Terrace.</p>

CRITERION	POINTS TO CONSIDER	QUANTITATIVE RESPONSES	QUALITATIVE FINDINGS
Lighting	The city provides a minimum standard of street lighting for safety (at intersections and pedestrian crossing points and traffic calming devices) The full-length lighting of the road has budget implications.	<p>Workshop 1 50% consensus support for lighting at intersections 40% consensus support for lighting along the length of the road.</p> <p>Workshop 2 56.6% consensus of participants agreed that lighting should be provided at the intersection and blister islands only. 33% consensus of participants were unable to reach consensus on a decision</p>	<p>Lighting was felt to be important for safety reasons for car drivers and pedestrians and to prevent antisocial behaviour</p> <p>With respect to lighting preferences, the qualitative data indicated concerns about visual pollution, cost, loss of privacy for adjoining properties.</p>
Function of Road	The Road has been designated as a coastal foreshore access road. The traffic calming of this road with traffic treatments such as roundabouts supports this function and lower speed environment	90% consensus support for a roundabout at Resolute Way. 100% consensus support for a roundabout at Hodges Drive.	Considerable support for roundabouts as traffic calming features.

CRITERION	POINTS TO CONSIDER	QUANTITATIVE RESPONSES	QUALITATIVE FINDINGS
Function of Road continued		60% consensus support for traffic calming with blister islands. 40% consensus thought that as they had already opted for a boulevard style road that this was unnecessary.	Support for traffic calming devices in general.
Amenity	A boulevard treatment will have a central median and whilst paving will be provided at pedestrian crossing points at other areas soft landscaping is an option to a fully paved median	Workshop 1 40% consensus support for mixed landscaping 40% unable to reach consensus 20% support for natural vegetation Workshop 2 88.9% consensus of participants supported native plants in blister islands and median with brick paving at pedestrian access points	Responses reflected some concern about the ongoing costs of maintaining landscaped features and the possibility of damage/vandalism. No illustrative findings available from qualitative data
Kerbing and drainage	The standard of road construction can be fully kerbed and drained or alternatively having shoulders with 'table drains'. This is a budget implication of \$0.35 M	Workshop 2 55.6% consensus of participants supported full kerbing and drainage 44.4% consensus of participants were unable to reach consensus on a decision.	Whilst participants expressed some concerns about cost of the option, there was a preference for doing this now, rather than later.

Working Party Recommendations

The working party met on 17 November 2004 to review the final concept plan and to make their recommendations to Council for progressing the construction of the road. The working party minutes are shown as Attachment I and summarised as follows:

That the Joint Commissioners:

- 1 Accept the design for the construction of the Ocean Reef Road extension shown as option one on the plan;
- 2 Note that the estimated cost of construction will be \$1.7 million and will include full kerbing and drainage and minimum street lighting;

- 3 Request that a Re-vegetation Plan is developed with community input into the design and planting processes associated with the plan;
- 4 Request that a communication strategy is endorsed for the construction phase of the Ocean Reef Road extension to include:
 - (a) Working party to receive details of all key events leading up to the construction phase by post;
 - (b) Community members that attended the workshops to receive all key events leading up to the construction phase by post;
 - (c) Community in general will be advised of key events through advertisements placed in the local newspaper and updates on the City's website;
 - (d) A contact person is appointed by the City to handle all enquiries leading up to and during the construction phase.

All these recommendations have been incorporated into the recommendations forming this report.

Evaluation of Process by Premier and Cabinet – Civics and Citizens Unit

The Joint Commissioners requested that the consultation process be evaluated against the Consulting Citizens Guidelines. To affect this request an invitation was extended to the Civics and Citizens Unit of Premier and Cabinet to validate the process. Representatives attended several working party meetings and the wider workshops and have confirmed that the process was effective and adhered to the best practice guidelines.

Full details of the report from Premier and Cabinet are shown as Attachment J of this report.

Financial Implications: Community Consultation

Account No:	1 2110 0000 0001 F721
Budget Item:	Ocean Reef Road extension project
Budget Amount:	\$ 14,000
YTD Amount:	\$ 11,378
Actual Cost:	\$ 11,378

Engineering Aspects

The original proposal for the Ocean Reef Road extension in 1979 was for the construction of a four-lane dual carriageway. In 1993 the Department of Planning and Infrastructure downgraded the proposal for Ocean Reef Road to be a future Foreshore Access Road. In 2000 Council approved the standard of this Foreshore Access Road to be as an "Ultimate Boulevard" treatment.

Council had previously considered reports on the completion of the construction of Ocean Reef Road from Hodges Drive to Shenton Avenue. As part of previous subdivision approvals the City is responsible for the section of Ocean Reef Road from Hodges Drive to the northern boundary of Lot 1029 and a legal agreement requires the remaining section of Ocean Reef Road to be constructed to a 'rural standard' single carriageway by the adjacent subdivision developer.

The estimated cost for a ‘rural standard’ single carriageway is \$1.27M with the subdivision landowners contributing \$0.9M and the City responsible for \$0.37M.

In 2003, the subdivision developers’ representative, Beaumaris Land Sales, tabled a proposal to exchange its obligation to upgrade a section of Burns Beach Road for the City’s section of Ocean Reef Road to enable the full-length construction of the single carriageway of Ocean Reef Road between Hodges Drive and Shenton Avenue. This net cost transfer was determined to be \$227,000 with the City responsible to contribute \$141,000 towards the construction of Ocean Reef Road to a single carriageway standard. The transfer of road construction obligations is shown as ATTACHMENT K.

At the meeting in September 2003, it was resolved that Council:

- 1 Agrees in principle to the City and the subdivision landowners being the Roman Catholic Archbishop of Perth, together with Davidson Pty Ltd, transferring their respective road construction obligations for Ocean Reef Road and Burns Beach Road, subject to an agreement being drawn up to the satisfaction of the Chief Executive Officer and the respective subdivision landowners.*
- 2 Authorises the contribution of \$140,216.57 to the subdivision landowners being the Roman Catholic Archbishop of Perth, together with Davidson Pty Ltd to fulfil the road construction transfer obligations for Ocean Reef Road.*

The Ocean Reef Coastal Stakeholders (ORCS), formed as a direct consequence of the proposed road construction, expressed the view that many local residents wanted to be engaged in a participative process so that they could understand all issues and assess all the alternatives for this section of road development. They raised a number of concerns in relation to public safety and amenity and indicated they were representative of the Ocean Reef Community.

In response to these concerns Council, at its meeting of 11 November 2003, revoked the previous resolution and resolved in part -

- 1 That the further extension of Ocean Reef Road be deferred pending further community consultation with Ocean Reef residents;*

At its meeting on 18 May 2004 a report was presented to provide information to the Commissioners on the request from the ORCS to include consideration of a Community Recreation Amenity purpose as part of the community consultation process on the proposed extension of Ocean Reef Road.

The Joint Commissioners on 18 May 2004 resolved in part that this matter be RECONSIDERED at the time the traffic impact study is presented to Council, which is expected to be available by the next Council meeting;

Traffic Impact Study

Traffic Consultants, Connell Wagner in June 2004, undertook a traffic impact study of Ocean Reef Road.

The Scope of Work defined the study area as that bounded by Hodges Drive, Marmion Avenue, Burns Beach Road and Ocean Reef Road. Within this area, an examination of the existing regional traffic modelling data for the study area and an assessment of its impact on the traffic volumes was undertaken. It was recognised that Iluka is not yet fully developed and Main Roads plans to extend the Mitchell Freeway to Burns Beach Road by 2008. The traffic study took the broader regional perspectives into consideration.

A local traffic model of the study area was prepared using appropriate traffic modelling software. The traffic assessment was for the years 2003, 2006 and 2011. The years 2006 and 2011 were chosen as these are years for which Main Roads WA has traffic predictions for the major road network. An assessment of the likely changes to traffic flows and to the road network for the study area was also undertaken.

The findings of the Connell Wagner traffic report stated that:

“The reduction in traffic volume on Constellation Drive warrants the extension of Ocean Reef Road from Hodges Drive to Shenton Avenue.

The linking of the existing Ocean Reef Road to Burns Beach Road creates an important link in the Foreshore Access Road that provides an amenity to the general community.

The traffic volumes of 4,700 vehicles per day expected on the extended Ocean Reef Road in 2006 suggest that the road cross section should only be a single carriageway in both directions.

In keeping with the surrounding road network the extended Ocean Reef Road should be classified as a Foreshore Access Road.”

It was also reported that the original planning was for this section of Ocean Reef Road to be a dual carriageway. As part of the subdivision works in the mid 1980's the 40-metre formation width was cleared and earth worked. In addition, sections of storm water drainage pipes were laid. A dedicated road reserve currently exists from Shenton Avenue to Resolute Way. It is also to be noted that a survey by the consultant for the City's Local Biodiversity Strategy project reported that the majority of the road reserve is badly weed infested and is providing a seed source for weeds to invade the adjacent Bush Forever site.

Following consideration of the traffic impact study, the Joint Commissioners, at their meeting of 29 June 2004, determined, in part, that consultation be undertaken on the detailed design of the extension of Ocean Reef Road.

Road Design and Costings

Based on the consultation process the recommended design is for a meandering single lane boulevard fully kerbed and drained with roundabouts at Hodges Drive and Resolute Way. This design concept is shown on Attachment K. It is to be noted that the road layout design provides flexibility for two future small car parks on the western side of the boulevard (located north and south of Resolute Way at the existing pedestrian crossing points to the coastal dual use path).

Based on this recommended design, the estimated cost to construct the road is \$1.7M. Available funding of \$1.27M has been listed in the 2004/5 Budget (based on previous agreement with the developer for a contribution of \$1.12M and municipal funds of \$141,000).

The costs in summary for each party's obligations for a rural standard road as shown on Attachment L are as follows:

Ocean Reef Road (Developer)	<u>\$900,000.00</u>
Ocean Reef Road (COJ responsibility)	\$367,297.10
With transfer of City obligation to Burns Beach Road	
Burns Beach Road (net 50% subdivision developers)	<u>\$227,080.53</u>
Balance (COJ responsibility)	\$140,216.57
Available Budget Funds	<u>\$1,268,000.00</u>

<u>Recommended Design Estimated Cost of Boulevard</u>	<u>\$1,700,000.00</u>
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Shortfall	(\$432,000)
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Based on the recommended design there is a shortfall of \$432,000.

To overcome this shortfall to enable the construction to proceed this financial year there are options on various funding sources as follows:

- 1 Use funds from the Hodges Drive Drainage Reserve - \$196,000.
- 2 Seek a contribution from the Developers of Ocean Reef for the balance of \$236,000.
- 3 List any shortfall in the current half-year Budget Review.

The City has funds of \$196,000 available in the Hodges Drive Drainage Reserve which was created in 1988/89 for the provision of drainage facilities near the catchment point of Ocean Reef Road. Currently a temporary drainage facility has been constructed on Lot 1029. The outstanding drainage works associated with Hodges Drive cannot be finalised at this stage until Ocean Reef Road is extended and a formal disposal facility is created within Lot 1029. It is envisaged that the cost to undertake this outstanding work is well in excess of the available funds in the reserve.

Whilst it is considered that the use of these reserve funds is consistent with its purpose, it is considered good governance to comply with section 6.11 of the Local Government Act and give one month's local public notice to use these funds.

Construction Program

On the basis that full funding is made available for the construction of the single lane boulevard, it is proposed to finalise the design and call public tenders for the construction works.

The program for the construction of the road is estimated to take 16-20 weeks.

As part of the consultation process, some residents raised concerns regarding noise, dust and vibration from construction works. The construction standard for the pavement includes a smooth asphalt surface which assists in minimising traffic noise. With regard to construction issues, the City has management plans that the contractor is required to comply with. There will also be dilapidation surveys undertaken of residences in the vicinity of the construction works. A communication strategy will be developed for residents' contact during the construction works.

The working party has also recommended that a re-vegetation plan be developed for the road formation. It is proposed that all landscaping will be natural vegetation in keeping with the adjacent foreshore reserve and this plan will be developed in consultation with the local community, Coast Care Forum, and the City's Conservation Committee.

Some residents also raised concern regarding the state of the existing fence and walls along the road frontage. General improvements will be programmed to this infrastructure as part of the City's maintenance program.

The construction of the road from Hodges Drive to Shenton Avenue will require gazettal of the undedicated section south of Resolute Way. This road dedication will be undertaken concurrently as part of the road construction program.

COMMENT

The following Officer's comment refers to the community consultation and the engineering aspects of the project.

The Community Consultation Process

The community consultation process had been a success story for the City. Notwithstanding its success, there have been a number of learnings that the City will need to consider in future if it is to undertake full and proper consultation with community.

The learnings are summarised as follows:

Mediation versus consultation

The Ocean Reef Community was seriously split on the issues and to attempt consultation in circumstances where individuals were openly displaying negative attitudes and behaviours was difficult. In this instance, considerable time and effort was expended on mediation before it was possible to begin a process of consultation.

In future, the City should, as far as possible, identify all stakeholders and their issues and provide opportunities for the development of a consultative agenda in the process. In the case of the Ocean Reef Road extension, this process could only take place once the Working Party was formed. The Consulting Citizens guides strongly support a planned approach to consultation because it serves to ameliorate the risk of community disaffection and outrage.

Don't underestimate community awareness about issues

Community has a great wealth of knowledge to offer Council. Officers need the skills, abilities and support to engage with community in an active and positive manner. The Ocean Reef Road project has shown that with an effective process, our community is willing to share their knowledge and get involved in matters that affect them, directly or indirectly. It has also shown that members of our community are more than capable of understanding complex information when it is presented without jargon, in context and using a range of communication tools.

Structured approaches and clear processes

A planned approach is essential when managing medium - high risk situations where the costs of not consulting with the community are likely to result in a deluge of customer enquiries, complaints, petitions, letters and deputations. As mentioned previously, considerable staff time and expertise was the cost.

Values identified “up front”

When groups form to perform a task they must find a way to work together. With the Ocean Reef stakeholders, they were better able to work together once they had reached agreement on “what really matters” with respect to the road. “Things that really matter” to people are invariably value-based beliefs, which, once articulated and accepted by the group, can be translated into an agreed agenda or accepted group behaviours.

Manage information

In the case of Ocean Reef Road it was critical that technical information was communicated in ways that were understandable to everyone, not just the experts in the field. This was achieved through non-technical officers thoroughly vetting and questioning all aspects of the technical information and then, as far as possible providing it in everyday language. In this way, people were more empowered and able to contribute to discussion in an informed manner.

Skills, knowledge and attributes

For officers to adequately and successfully undertake community consultation the City needs to provide the necessary training and development. It should also be acknowledged that project management is necessary to ensure that consultation planning, programming, implementation and evaluation are undertaken in an efficient and coordinated manner as these activities are likely to involve personnel from across the City's Administration.

In addition to project management, some of the key skills identified include the following:

- action research for identifying and clarifying consultative requirements and stakeholder issues;
- program design to ensure that all stakeholders can contribute effectively to the consultation process;
- information management to ensure that all stakeholders are properly informed at each stage of the consultation process;
- facilitation to ensure that all stakeholders are able to contribute in ways that are constructive and amenable;
- presentation (including use of multimedia and public speaking)
- strong communication, liaison and negotiation skills for working with a wide range of stakeholders,
- strong analytical and reporting skills for processing community feedback using SSPS and NVIVO software programs
- strong evaluation skills for determining process effectiveness.

With respect to personal attributes, staff involved in public participation processes will need to possess the following:

- Ability to consider and articulate an issue from multiple perspectives – an open minded approach
- Flexibility or the capacity to adjust processes for better outcomes when the need arises
- Tact and diplomacy in potentially difficult situations
- Capacity building or the ability to assist communities to identify their own strengths and capacities for dealing with local issues.

Program Planning and Design

Developing an appropriate process and designing a program for delivery to community requires high-level support from knowledge workers who have developed the necessary skills required to develop processes and program design.

Further, the City will need to consider the implications of out of hours consultation. Consulting with community is not feasible between office hours of 9-5 pm as most people are at work or have other commitments at that time. The City's management will need to understand this and establish an environment in which officers are able to work outside hours and with adequate support, recognition and reward for their service. Flexible Human Resource practices will be required to underpin support for community consultation.

Capacity to analyse community input and quickly

The City needs to be adequately resourced in terms of skills of staff to analyze community input. Currently there is only one officer with sufficient expertise in this area and this is a skill base the city needs to broaden.

Use industry known standards and tools

The City has been using technology tools such as SPSS and Nvivo to analyze quantitative and qualitative information. Investment and training in research tools will be required.

Developing community capacity

There was huge potential to build community capacity and this was largely achieved. People that served on the working party with diametrically opposed views were able to work together for the good of their local community and gained some satisfaction from the outcome of their contribution to the process. The Ocean Reef Road project has largely served to rebuild trust with that community.

Develop community facilitators

The Ocean Reef consultation process has enabled the development of community facilitators, which has demonstrated that members of the community can take a far more active role in consultation processes than is usually available to them.

Community expectations have changed

Community no longer accepts ‘experts’ in deciding, announcing/advertising and defending (DAD method) their plans. Community wants to be involved in the early concept design phases of development when it is near to their homes. They also want to be kept informed of events for thereon. In this way, they can track the outcomes of decisions made through to conclusion and trust can be ‘earned’ by Council.

Paradigm shift – Profile community, Educate and Participate (PEP method)

This is the new process for effective engagement. This method is promoted as best practice and is outlined in the Consulting Citizens guidelines.

Participation issues

Finding ‘active citizens’ was an issue for this process and more research needs to be done on understanding what will attract people who are willing to participate in different processes for the ‘greater good’ of their communities. Whilst City officer’s invested significant time and resources into finding citizens using a random sampling process, many of those contacted showed little or no interest in becoming involved.

Special Interest groups

Be aware who your community really is and what their values and beliefs stand for. It was useful to undertake a detailed stakeholder analysis early in the process and develop relationships and contacts.

Credibility

Community expects an accountable, transparent and legitimate process. An independent facilitator provided this objectivity in the Ocean Reef Road issue. Given the polarisation around this particular project it was important to engage an independent facilitator. In the future as the City improves its skills and builds trust with community it may be more feasible for the City to use its own in-house staff for facilitation purposes.

Benefits are down stream

The Ocean Reef project has proven that technical design work is reduced when community can put forward the overarching direction for a design concept.

Costs

The intangible costs of this project should be analysed to demonstrate that the cost of outrage and politics is very high. Such costs included the number of additional Council reports and deputations that were required, the number of letters, telephone calls and in person queries received and responded to in the lead up to the consultative process.

Council and Executive commitment is crucial

Some members of community notice those who attend and support consultative processes. It is important that everyone openly supports these processes in some way. This adds to the legitimacy of the process and further builds trust in the process.

Into the future

We need to profile our community to explore how to best encourage citizens to become involved with their local council then develop social marketing strategies to engage with them. The City is currently pursuing this research.

City officers are currently undertaking a project to develop a Public Participation strategy, which is a requirement of the City's Public Participation Policy 2.6.3. The project will clearly articulate a strategy and associated processes for Council Officers to undertake public participation and develop skills across the organisation in this new field. The learnings from the Ocean Reef Road exercise has been invaluable and will be used to inform the wider process that will be the subject of a future report to Council early in 2005.

Objective achieved

The City of Joondalup will now be able to build a road that was developed and designed by community.

Engineering Aspects

The extension of Ocean Reef Road from Hodges Drive to Shenton Avenue will complete the road network for Ocean Reef through to Shenton Avenue.

As part of this Ocean Reef Road construction it is proposed to maintain the previous ‘in principle’ agreement between the City and the Ocean Reef/Iluka subdivision developers to transfer the respective road construction obligations for Ocean Reef Road and Burns Beach Road which has merit from a funding and timing viewpoint.

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

The design outcome from the consultation process has been overwhelmingly in support of a single lane boulevard fully kerbed and drained with roundabouts at Hodges Drive and Resolute Way.

It is noted that this recommendation is in accordance with the traffic consultant’s report of June 2004. This report recommended that the City extend Ocean Reef Road from Hodges Drive to Shenton Drive with a design appropriate to a Foreshore Access Road classification in the City of Joondalup road hierarchy.

The estimated cost of this road single boulevard construction is \$1.7M with available funding of \$1.27M. It is proposed to utilise funds of \$196,000 from the Hodges Drive Drainage Reserve and seek a contribution from the Ocean Reef Developers for the balance of funding. Preliminary discussions have been held with the developer’s representatives on this matter and a formal request will be submitted to their board meeting in mid February 2005. Should this funding from the Developer not be successful the balance of funds will be listed for consideration in the current half-year budget review.

ATTACHMENTS

Community Consultation Attachments

Attachment A	History of Ocean Reef Road extension
Attachment B	Flowchart of history
Attachment C	Community Values
Attachment D	Key Criteria, Constraints and Givens
Attachment E	Key Criteria – Points for Consideration
Attachment F	Workshop One – Analysis Feedback Report
Attachment G	Workshop Two – Analysis Feedback Report
Attachment H	Pictures from Community Workshops
Attachment I	Minutes of Working Party Meeting – 13 October 2004
Attachment J	Validation of Consultation process by Civic and Citizens Unit

Engineering Attachments

Attachment K	Plan of road construction obligations
Attachment L	Design Option One Plan

VOTING REQUIREMENTS

Absolute Majority

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

- 1 ENDORSE the Working Party recommendations as follows:**
 - (a) ACCEPT the design for the construction of the Ocean Reef Road extension shown as option one on the plan;**
 - (b) NOTE that the estimated cost of construction will be \$1.7 million and will include full kerbing and drainage and minimum street lighting;**
 - (c) REQUEST that a Re-vegetation Plan is developed with community input into the design and planting processes associated with the plan;**
 - (d) REQUEST that a communication strategy is endorsed for the construction phase of the Ocean Reef Road extension to include:**
 - (i) Working party to receive details of all key events leading up to the construction phase by post;**
 - (ii) Community members that attended the workshops to receive all key events leading up to the construction phase by post;**
 - (iii) Community in general will be advised of key events through advertisements placed in the local newspaper and updates on the City's website;**
 - (iv) A contact person is appointed by the City to handle all enquiries leading up to and during the construction phase;**
- 2 NOTE the successful outcomes of the consultation process and the validation report received from the Premier and Cabinet Civics and Citizens Unit and shown as Attachment K to Report CJ303-12/04;**
- 3 CONGRATULATE AND THANK the working party members for their input and time into the project;**
- 4 APPROVE a single lane boulevard design standard fully kerbed and drained with roundabouts at Hodges Drive and Resolute Way as shown on Attachment L to Report CJ303-12/04 for the construction of Ocean Reef Road for Hodges Drive to Shenton Avenue;**
- 5 APPROVE the reallocation of funds of \$196,000 from the Hodges Drive Drainage Reserve to Ocean Reef Road subject to section 6.11 of the Local Government Act 1995;**

- 6 **SEEK a contribution of up to \$236,000 from the Ocean Reef/Iluka subdivision landowners being the Roman Catholic Archbishop of Perth together with Davidson Pty Ltd for the construction of a single lane boulevard for Ocean Reef Road;**
- 7 **LIST for consideration in the 2004/05 half year Budget review any outstanding balance of funding for the construction of a single lane boulevard for Ocean Reef Road;**
- 8 **AUTHORISE the Acting Chief Executive Officer to arrange for the finalisation of the design and preparation of tender documents for the Ocean Reef Road extension.**

Discussion ensued.

The Motion was Put and

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

Appendix 1 refers

To access this attachment on electronic document, click here: [Attach1agn141204.pdf](#)

CJ304 - 12/04 MINUTES OF THE SUSTAINABILITY ADVISORY COMMITTEE MEETING, 25 NOVEMBER 2004 – [00906]

WARD - All

CJ041207_BRF.DOC:ITEM 4

PURPOSE

The unconfirmed minutes of the Sustainability Advisory Committee meeting held on 25 November 2004 are submitted for noting by Council.

EXECUTIVE SUMMARY

The Sustainability Advisory Committee (SAC) met on 25 November 2004. Items of Business included the Community Funding Round I 2004/05 (Sustainable Development Category) submissions. The City's Resource Recovery Project; The Economic Development Strategy. Changes to the Committee's Terms of Reference; and Committee meeting schedule for 2005.

This report recommends that the Joint Commissioners:

- 1 *NOTE the unconfirmed minutes of the Sustainability Advisory Committee meeting held on 25 November 2004 forming Attachment 1 to Report CJ304-12/04;*

- 2 *ACCEPT the resignation of Ms Dawn Atkin;*
- 3 *ACCEPT the Sustainability Advisory Committee's REQUEST that the current Terms of Reference Section 4.1 be maintained as it enables the Sustainability Advisory Committee to deal with the widest range of Sustainability Issues.*

DETAILS

The unconfirmed minutes of the Sustainability Advisory Committee meeting, held on 25 November 2004 are provided at Appendix 1.

ITEM 1 CITY OF JOONDALUP RESOURCE RECOVERY PROJECT.

The Mindarie Regional Council (MRC) resolved to adopt an implementation plan for Resource Recovery on 15 February 2001.

The original Resource Recovery Facility (RRF) project brief and the latest corporate project update report are attached.

The project will divert organic waste from landfill, significantly reducing environmental impacts.

The project is planned to be in three stages, the first stage will be for the processing of 100,000 tonnes of the domestic waste stream. The second stage will process the rest of the domestic waste stream generated by the member Councils and some commercial waste. The third stage will be built for the City of Stirling's waste stream when the Atlas contract expires. The City currently generates 54,000 tonnes of domestic waste and the first stage will process approximately 38,000 tonnes. With the current diversion activities such as kerbside recycling and green waste mulching, the diversion rate should rise from the current 17% to around 55%.

The plant is scheduled to be commissioned in late 2006.

ITEM 2 PROTOCOLS FOR MATTERS TO BE REFERRED TO THE SUSTAINABILITY ADVISORY COMMITTEE.

At the Meeting of the Joint Commissioners held on 21 September 2004, a resolution was passed as follows:

"The Joint Commissioners requested the Acting Chief Executive Officer to provide a report on suitable protocols on a method and criteria for matters to be referred to the Sustainability Advisory Committee under the Objectives in its Terms of Reference and whether it is appropriate for such protocols to be included in the Terms of Reference under Clause 5 – Management."

The development of suitable protocols and a methodology/criteria for matters to be referred to the Committee is currently being investigated through a benchmark analysis of Australian Local Governments.

Research into current best practice for such protocols by the City's administration identified several Local Governments that have developed such protocols, which may be used to assess the level of significance and environmental risk associated with Council activities. The City of Melbourne has produced a document that assesses the magnitude of impact of Council activities and the likelihood that any impact may occur. This protocol provides triggers that guide an administrative response dependant on the outcome of the assessment. Council staff considers the City of Melbourne's document of significant value in the development of a criteria/protocol for matters to be referred to the Sustainability Advisory Committee for the City of Joondalup.

The Sustainability Advisory Committee has significant expertise in issues relating to sustainability and therefore the City's administration seeks input from the Committee on the City of Melbourne document in relation to the development of a criteria/protocol for the City of Joondalup.

ITEM 3 COMMUNITY FUNDING ROUND I 2004/05 (SUSTAINABLE DEVELOPMENT CATEGORY)

The Sustainability Advisory Committee requested that Council Officers prepare a report on the outcomes and ideas to increase the community's interest in the Community Funding Round I 2004/05 (Sustainable Development Category). Through successful utilisation of electronic and contact networks, Council staff have improved the number and diversity of submissions for funding by 100%. In addition there has been no further cost to the City in the promotion compared to previous years.

The Community Funding Round I 2004/05 guidelines have been reviewed recently and provide clear and concise information to interested community members and groups. Future reviews of the guidelines will be conducted.

ITEM 4 ECONOMIC DEVELOPMENT STRATEGY

At the Meeting of Joint Commissioners on 9 March 2004, Council resolved to request the City of Joondalup's Administration to review and update the City's current Economic Development Strategy and any associated policies. In order to progress this resolution Strategic & Sustainable Development are developing an Economic Development Strategy with a 20-year strategic focus and an implementation time frame for 2005 - 2010. The Committee discussed issues relating to broadband internet coverage and the economic/business impacts of these technologies and wireless technologies will need to be investigated.

ITEM 5 PROGRESS OF THE TRAVELSMART WORKING GROUP

Issues raised at previous Sustainability Advisory Committee meetings relating to green transport initiatives will be addressed with the development of a Green Transport Plan for the City of Joondalup. The Green Transport Plan is envisaged to be developed by the current Joondalup Energy Team and members of the Sustainability Advisory Committee forming a TravelSmart Working Group.

ITEM 6 RESIGNATION OF MS DAWN ATKIN FROM THE SUSTAINABILITY ADVISORY COMMITTEE.

The City received a resignation letter dated 15 October 2004 from Sustainability Advisory Committee member Ms Dawn Atkin who is unable to continue as a member of the Sustainability Advisory Committee due to personal reasons.

The resignation of Ms Dawn Atkin opens a vacancy in the Sustainability Advisory Committee. The City plans to advertise to fill this vacancy and to utilise established networks to attract interested community members to the Committee.

The Committee accepted the resignation of Ms Atkin and agreed to advertise to recruit a new member.

ITEM 7 CHANGES TO THE COMMITTEE'S TERMS OF REFERENCE – SECTION 4.1

The Joint Commissioners requested a report be prepared by Council Officers on a possible amendment to the Sustainability Advisory Committee's Terms of Reference Section 4.1 to read:

“To recommend to the City of Joondalup Council on relevant policies which are to be made available to the Sustainability Advisory Committee for advice and appropriate courses of action which promotes sustainability which is (1) environmentally responsible, (2) socially sound and (3) economically viable.”

The Sustainability Advisory Committee's Terms of Reference Section 4.1 currently reads:

“To recommend to the City of Joondalup on policy, advice and appropriate courses of action which promotes sustainability which is (1) environmentally responsible, (2) socially sound and (3) economically viable”

The Committee raised concerns regarding the proposed amendment to the Terms of Reference and did not support it. The Committee agreed to retain the current Terms of Reference as it was seen to provide opportunities for the widest range of sustainability issues.

ITEM 8 REPORT ON THE POTENTIAL FOR PROXY MEMBERS

At the meeting of the Sustainability Advisory Committee held on 14 October 2004 it was requested that staff provide a report on the procedure for the inclusion of deputy members to each office (position) for the Committee. This was requested as an attempt to ensure that quorum is achieved at each meeting when members are unable to attend. Council officers have discussed the potential for deputy membership on the Sustainability Advisory Committee and several scenarios have been developed.

Three (3) scenarios were presented including changing memberships to six (6) members with six (6) deputy members.

Maintain current membership at thirteen (13) with seven (7) deputy members to be recruited and maintain current membership at thirteen (13) with no deputy members.

It was agreed that the Sustainability Advisory Committee defer any decision on deputy membership pending the tracking of quorum at future meetings. Should there be any significant issues relating to lack of quorum, it is recommended that the Council officers investigate these options further and raise this item again at future meetings of the Sustainability Advisory Committee.

ITEM 9 STATEMENT OF PRINCIPLE TO APPLY TO POLICY REVIEW

At the meeting of the Sustainability Advisory Committee held on 14 October 2004 the Committee determined that it would be necessary for Council to apply a statement of principle relating to sustainability to all policy. The following resolution was passed:

MOVED Mr Magyar SECONDED Cmr Anderson 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.

At the meeting of the Joint Commissioners held on the 2 November 2004 the following amendment to the Sustainability Advisory Committee's resolution was passed:

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"

The Sustainability Advisory Committee agreed to defer any workshops designed to develop a statement of principle to apply to policy review subsequent to Council's Policy workshop. Further direction will be provided from the Joint Commissioners in regards to Policy review for the Sustainability Advisory Committee. Subsequent to the Council Policy workshop, administration will progress the Committee's request.

ITEM 10 SUSTAINABILITY ADVISORY COMMITTEE MEETING SCHEDULE FOR 2005

The meetings of the Sustainability Advisory Committee for 2005 are shown below:

SAC Meeting 2005
February 10, 2005
March 24, 2005
May 5, 2005
June 16, 2005
July 28, 2005
September 8, 2005
October 20, 2005

The Committee agreed to the 2005 meeting schedule.

GENERAL BUSINESS

I TRAVELSMART WORKING GROUP

Mr Brueckner questioned when the TravelSmart working group will be convened and when the members of the team are likely to begin progressing the Green Transport Plan. Mr Reay advised that the City of Joondalup's Energy Team has only recently been granted permission from the Business Unit Managers to continue in 2005, and this will provide the forum to progress the Green Transport Plan. Members of the Sustainability Advisory Committee who have nominated to join the working group will be informed in early 2005 of further developments.

II PUBLIC PARTICIPATION

The Committee discussed various aspects of public participation and agreed that it was an important aspect of Council activities, pointing particularly at experience at other Local Governments.

COMMENT

Nil

ATTACHMENTS

Attachment 1 The unconfirmed minutes of the Sustainability Advisory Committee meeting held on 25 November 2004.

VOTING REQUIREMENTS

Absolute Majority

OFFICER'S RECOMMENDATION: That the Joint Commissioners:

- 1 NOTE the unconfirmed minutes of the Sustainability Advisory Committee meeting held on 25 November 2004 forming Attachment 1 to Report CJ304-12/04;
- 2 BY AN ABSOLUTE MAJORITY ACCEPT the resignation of Ms Dawn Atkin;
- 3 ACCEPT the Sustainability Advisory Committee's REQUEST that the current Terms of Reference Section 4.1 be maintained as it enables the Sustainability Advisory Committee to deal with the widest range of Sustainability Issues.

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

- 1 NOTE the unconfirmed minutes of the Sustainability Advisory Committee meeting held on 25 November 2004 forming Attachment 1 to Report CJ304-12/04;**
- 2 ACCEPT the resignation of Ms Dawn Atkin;**

- 3 ACCEPT the Sustainability Advisory Committee's REQUEST that the current Terms of Reference Section 4.1 be maintained at this time and the Committee be advised that the Council continues to endeavour to develop a policy frame-work and the Terms of Reference may be revisited again once this has been completed.**

Cmr Smith spoke to the Motion.

The Motion was Put and

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

Appendix 2 refers

To access this attachment on electronic document, click here: [Attach2brf071204.pdf](#)

**CJ305 - 12/04 DRAFT TOURISM DEVELOPMENT PLAN 2003-2008
– [45001]**

WARD - All

CJ041207_BRF.DOC:ITEM 5

PURPOSE

To seek Council approval for public distribution of the draft Tourism Development Plan 2003-2008 for a period of 60 days commencing on 15 January 2005.

EXECUTIVE SUMMARY

In December 2002, Council resolved, inter alia, to develop an ecotourism strategy (CJ312-12/02 refers). Following this decision Terry Penn and Peter Argo were appointed to undertake the development of the City's Tourism Development Plan (TDP) in January 2004.

The consultants commenced development of the TDP by meeting with the Commissioners, City staff, key stakeholders and community. The outcomes of these meetings were used to inform the draft TDP.

The draft TDP is presented to Council to seek approval for public distribution of the TDP for a period of 60 days commencing on 15 January 2005. Participants at the community workshop held in April 2004, will be invited to participate in another workshop in early March 2005 to provide their view on the draft TDP

Following public consultation, the draft TDP will be presented to Council recommending that Council consider all submissions prior to adoption of the TDP.

It is expected that once the TDP is implemented there will be substantial economic, environmental and social benefits to the City.

This report recommends that the Joint Commissioners:

- 1 *ACCEPT the Draft Tourism Development Plan forming Attachment 1 to **Report** CJ305-12/04;*
- 2 *ENDORSE a public comment period of 60 days commencing on 15 January 2005.*

BACKGROUND

On 17 December 2002, Council resolved inter alia that it:

“AUTHORISES the development of a Tourism – Ecotourism Strategy for the City of Joondalup”

CJ312-12/02 refers

Subsequent to this Council decision Terry Penn and Peter Argo, Executive Directors of Tourism Co-ordinates, were appointed to undertake development of the TDP in January 2004.

The consultants were directed to review relevant reports and documents from other organisations to ensure integration between Commonwealth, State and Local Government tourism activities and also work with both industry and the community in the development of a tourism plan would result in the creation of an effective, efficient and sustainable tourism industry with an eco-tourism focus.

Strategic Plan:

The development of a sustainable tourism industry is aligned to objective 3.2 *“To develop and promote the City of Joondalup as a tourist attraction”* of the Strategic Plan and this will be achieved through the following strategies:

- 3.2.1 *Create and promote cultural tourist attractions*
- 3.2.2 *Develop an “eco-tourism” strategy*
- 3.2.3 *Develop marketing strategies to support the promotion of the City of Joondalup as a tourist attraction.*

DETAILS

From March 2004 onwards the consultants met with Commissioners, staff, major stakeholders and the community.

Tourism industry representatives were invited to a workshop on 14 April 2004 and the general consensus at that forum was that tourism should be developed on sustainable principles.

The Community Workshop was held on 21 April 2004. Advertisements were placed in the local newspaper and the City’s website inviting community members to participate in this workshop. Invitations were also sent to the City’s Ratepayers’ Associations and Friends’ Groups and at this session participants discussed, amongst other things, a vision for tourism in the City, major opportunities and threats, and the City’s role in the development of tourism.

The outcomes of the meetings and workshops were used to inform the development of the draft TDP. A detailed analysis of the workshops is at Appendix 3 – “*Community and Industry Input*” of the TDP (Attachment 1 refers).

The format of the draft TDP is:

- The Executive Summary that summaries the TDP;
- An introduction that briefly discusses the rationale for the contents of the TDP (with appendices explaining the rationale in detail); and
- The TDP in four sections — Marketing, Infrastructure Planning & Development, Implementation and Funding.

It is proposed that the TDP will be made available to the community for a period of sixty days from 15 January 2005 to 15 March 2005. Advertisements will be placed in the West Australian and the Joondalup Times advertising this. Information will also be placed on the City’s website and information letters will be sent to the tourism industry, State and Local Government agencies and also to the City’s Ratepayers’ Groups and Friends’ Groups.

It is also proposed that the City’s Ratepayers’ Groups and Friends’ Groups will be invited to another workshop in early March 2005. This forum will be an opportunity for the participants to present their views on the draft TDP.

Following public consultation, the draft TDP will be presented to Council recommending that Council consider all submissions prior to adoption of the TDP.

Statutory Provision:

Nil

Policy Implications:

The City may be required to develop a Tourism Policy following the adoption of the TDP.

Financial Implications:

Account No:	1.2130.3001.0001.F672
Budget Amount:	\$58,094.00
YTD Amount:	\$27,405.00

Strategic Implications:

Once the TDP is implemented the benefits to the City and its residents are likely to be:

- Development of the future direction for Eco-tourism in the City of Joondalup and its associated region.
- The effective use of tourism marketing and development resources through their better coordination and linking to target markets.
- An increase in the value of tourism in terms of visitor numbers, expenditure, infrastructure investment and growth in employment.

- The protection and enhancement of the City's natural and cultural heritage.
- Maintenance of the resource base of the region's tourism product by increasing the capacity to generate wealth in a way that is linked to long term investment in environmental and associated infrastructure.
- Increase in employment opportunities, in an expanding tourism industry for existing and new residents.

Sustainability Implications:

The TDP's primary objective is to guide strategies and outcomes based on the sustainability principles to support:

- 1 The Community – by enhancing and developing cultural events and community facilities to deliver leisure and recreational activities.
- 2 The Environment - where tourism planning will support and protect the natural environment.
- 3 The Economy – where tourism development will enhance and support City assets and local employment.

Community Consultation:

The consultants engaged extensively with internal business units, industry, key stakeholders and community members through meetings, focus groups and workshops. The first workshop took place on 14 April 2004 and involved industry and government representatives. The second workshop was held on 21 April 2004 with invitations sent to all the City's Ratepayers Associations and Friends' Groups. Outcomes of the workshops are detailed within Appendix 3 of the draft TDP.

COMMENT

It is expected that through the implementation of the TDP, the following will be achieved:

- Increase in economic activity and employment opportunities
- Small business development and growth opportunities
- A healthy and protected natural environment
- An enriched cultural heritage
- An educated and interactive community that is complementary to the Learning City Strategy

ATTACHMENTS

Attachment 1 Draft Tourism Development Plan

VOTING REQUIREMENTS

Simple Majority

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

- 1 ACCEPT the Draft Tourism Development Plan forming Attachment 1 to Report CJ305-12/04;**
- 2 ENDORSE a public comment period of 60 days commencing on 15 January 2005.**

Cmr Paterson commended staff on the work undertaken in the development of the Tourism Plan.

Cmr Anderson encouraged members of the public to make a submission in relation to the Plan.

The Motion was Put and

CARRIED UNANIMOUSLY (5/0)

Appendix 3 refers

To access this attachment on electronic document, click here: [Attach3brf071204.pdf](#)

CJ306 - 12/04 OVERVIEW OF THE OFFICIAL VISIT FROM JINAN DELEGATION (SHANDONG PROVINCE), CHINA TO JOONDALUP – NOVEMBER 2004 – [52469] [11014]

WARD - All

CJ041207_BRF.DOC:ITEM 6

PURPOSE

To provide an overview and highlight the outcomes of the visit to the City of Joondalup made by the delegation from the City of Jinan, Shandong Province, China from 19 to 21 November 2004.

The purpose of the visit was as follows:

- To sign an official protocol agreement formalising the Sister City relations between the two Cities and
- For the Jinan delegation to gain an understanding of the City of Joondalup, its services and the economic development opportunities that will advance and sustain the relationship into the future.

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 in September 2004 where a formal protocol of friendly relations to establish a formal sister city relationship was signed.

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. The intent was to further advance the relationship and to progress discussions on economic initiatives likely to benefit both cities into the future.

This report provides details of all the meetings, official functions and site visits attended by the Jinan delegation during their visit in November 2004 and makes recommendations that:

The Joint Commissioners:

- 1 NOTE the status of the Jinan Sister City relationship;
- 2 NOTE that negotiations are occurring to pursue agreements between the two Cities that will provide mutual benefits and request that a further report outlining progress of negotiations toward the establishment of local government training and exchange program between City of Jinan and City of Joondalup officers is presented to Council early in 2005;
- 3 NOTE that a long-term plan for managing the relationship is being developed and will be brought before Council in early 2005;
- 4 LIST for consideration the resource implications for the development of the relationship with Jinan in the 2004-05 mid year budget review and also during the 2005-06 budget process;
- 5 NOTE the City of Joondalup is a member of the Australian Sister City Association;
- 6 THANK all the staff and Joondalup delegates for their support to the Jinan delegation visit.

BACKGROUND

City of Jinan

The City of Jinan is the capital, as well as the political, economic and cultural centre of Shandong Province in eastern China. It 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. 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.

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. 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 people of 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."

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]

CJ250 – 11/04 A Protocol for Friendly Relations with the City of Jinan in Shandong Province, China – September 2004 [52469] [11014]

Formation of the Joondalup delegation

In September 2004, the Chairman of Commissioners, Mr John Paterson led a twelve-person delegation of key industry partners from Joondalup to Jinan. The primary purpose of the delegation was to sign a protocol agreement forming a sister city relationship between the two cities. The delegation would also work toward strengthening the ties that are developing between the cities and to provide further opportunities for the Joondalup region to promote its exportable services.

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)

Upon return of the Joondalup delegation in September Council endorsed the following recommendations from CJ 250-11/04:

The Joint Commissioners:

- 1 *NOTE the report and associated appendices;*
- 2 *NOTE the invitation from the Chairman of Commissioners for an inbound delegation from Jinan to visit Joondalup has been tentatively set for November 2004;*
- 3 *REQUEST that arrangements commence immediately to provide for adequate hosting arrangements for the incoming Jinan delegation in November 2004;*
- 4 *SUPPORT in principle the further development toward a formalised Sister-City protocol with the Jinan Municipal Government;*
- 5 *REQUEST that a sister city protocol conforms to the protocols set by the Sister City Association of Australia;*
- 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 and Jinan Municipal Committee of CPC;*
- 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 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 year plan to establish and sustain the sister-city relationship and also outline 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 and staff from both Cities for enabling the success of the Jinan delegation.*

Strategic Plan:

The delegation to Jinan comprised the City's key Learning City stakeholders and was representative of business, health, safety, education, and tourism industries. The promotion of these industries in Jinan articulates with The City's Strategic Plan 2003-08 under Key Focus Area One through the following outcome:

“The City of Joondalup is recognised globally as a community that value and facilitates Lifelong Learning”

Sustainability Implications

There are many ways in which the sister city relationship with Jinan can forge relations and explore opportunities of benefit to the City 's development. The importance of this visit by the Jinan delegation for the City of Joondalup should be strongly promoted in the community.

Economic Growth

It is anticipated that with increased overseas visitation to Joondalup there will be a corresponding increase in business activity of benefit to the local economy. The small business sector will have access to a larger market and should feel confident they are operating in a cluster of sustainable industry sectors. The product-manufacturing sector is burgeoning in Shandong province and new product markets seeking export markets are evolving. The Joondalup Business Association is well placed to broker the connection for small business operators in the City of Joondalup to forge new import sector relationships in order to grow this industry sector.

Growth of tourism and hospitality through increased visitation from friends and relatives of students from Jinan will provide a beneficial effect upon the industry. The City is near the completion of its draft tourism development plan that will provide for an implementation pathway for developing the potential that exists in Joondalup for a sustainable eco tourism industry. Direct marketing of tourism products to Jinan can provide an international market for the Joondalup region.

Associated with increased student growth and tourism will be the increased demand upon quality health and safety services. The exchange of knowledge across all these levels of industry within Joondalup provides a platform for innovative services to be developed and delivered from the Learning City.

Social & Cultural exchange

With respect to social sustainability, the benefits associated with the Jinan delegation paves the way for increasing our understanding of another culture. The exchange of cultural values between the two cities is significant for building a strong foundation to sustain the relationship. The cities must be committed to working together towards shared goals. The

City's cultural plan is near completion and will assist this process through articulating and promoting the value of diversity.

Environmental knowledge exchange

With respect to environmental sustainability, the Jinan relationship will provide opportunity for knowledge exchange on matters such as waste minimization, environmental health, water, air and biodiversity. These areas have yet to be explored with respect to our sister city relationship.

Community Consultation

A web page has been constructed that will provide the community with up to date information on the progress of the relationship alongside online opportunities to comment or provide ideas for the City to consider.

DETAILS

Objectives of the delegations visit to Joondalup

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

- For Mr Duan Yihe, in his official capacity as the Director of Standing Committee of Jinan People's Congress, to sign a formal protocol of "Sister City Relationship" with Joondalup on behalf of the City of Jinan; and
- To gain an understanding of the business, trade and exchange opportunities that can be offered by the City of Joondalup and its key industries of business, health, safety, education and tourism to China.

Brief details of trip

The Jinan delegation comprised 10 representatives from Government and key industry sectors from City of Jinan and are listed as follows:

	Name	Title
1.	Mr Duan Yihe	Director of Standing Committee of Jinan People's Congress
2.	Mr Cheng Xin	President of Jinan University
3.	Mr. Meng Fuqiang	Head of Jinan Public Security Bureau
4.	Mr. Wang Jianguo	Head of Jinan Tourism Bureau
5.	Mr. Dong Jianwu	Head of Jinan Personnel Bureau
6.	Mr You Pei	Deputy Director of Jinan Economic Committee
7.	Ms Li Min	Deputy Director of Jinan Foreign Affairs Office
8.	Mr Wang Jianwen	Deputy Secretary General of Standing Committee of Jinan People's Congress
9.	Mr Xu Xiaoming	Deputy Director of General Affairs Office of Standing Committee, Jinan People's Congress
10.	Ms Fu Mingming	Interpreter of Jinan Foreign Affairs Office

In total, the delegation spent 3 days (4 nights) in Joondalup. A summarised itinerary is provided as follows:

Summarised Itinerary

Date	Time	Details
Thursday 18 Nov 2004	23.00	Delegation arrives Perth Domestic Airport and are taken Sorrento Beach Resort
Friday 19 Nov 2004	8.00 – 10.00	Breakfast Meeting and Tour of West Coast College hosted by Ms Sue Slavin Director West Coast College of TAFE
Friday 19 Nov 2004	10.05-11.30	Tour of Police Academy and morning tea - Hosted by Mr Karl O'Callaghan, Commissioner of Police
Friday 19 Nov 2004	12.00-14.00	Tour of Parliament House including the Aboriginal Room followed by Luncheon hosted by The Honourable Mr Clive Brown, Minister for State Development
Friday 19 Nov 2004	15.30 – 16.30	Tour around campus of AIUS and afternoon tea Hosted by Mr Jeff Francis, Deputy Chairman
Friday 19 Nov 2004	16.00 – 21.00	Mr Meng Fuqiang, Head of Jinan Police to attend official Dinner with the WA Police Service – Hosted by Minister Michelle Roberts
Friday 19 Nov 2004	16.30 – 18.40	Visit to Seniors Live Life Expo at Arena Sports stadium – Joondalup Drive - Joondalup Hosted by Mr Graeme Hall –Acting Director of Planning and Community Development
Friday 19 Nov 2004	18.45 – 21.00	Visit to Opening of City Night Markets and Speech by Commissioner Paterson at 19.00 Corner Reid Prom and Central Walk Joondalup
Saturday 20 Nov 2004	7.45 – 12.00	City of Joondalup Tour <ol style="list-style-type: none"> 1. Craigie Open Space 2. Yellagonga regional park –Picnic Cove Edgewater 3. Neil Hawkins Park 4. Drive through suburbs – Joondalup, Connolly 5. Burns Beach 6. Ocean Reef Boat harbour 7. Mullaloo Beach 8. Whitford Nodes 9. Hillarys Underwater world tour
Saturday 20 Nov 2004	12.15 – 14.15	Luncheon at the Joondalup Resort followed by tour and golf practice - Hosted by Mr James Chan, Director of Joondalup Resort

Date	Time	Details
Saturday 20 Nov 2004	16.00 – 17.00	Official Sister City Signing Ceremony Civic Chambers Joondalup – Hosted by Commissioner Paterson
Saturday 20 Nov 2004	17.00 – 18.00	Industry meetings between Counterparts to progress the protocol agreements – Tourism, Business, Police, Education
Sunday 21 Nov 2004	8.00-9.30	Tour of Joondalup Hospital Hosted by Mr. Kempton Cowan
Sunday 21 Nov 2004	9.30 – 11.30	Bus Tour via the Sunset Coast – Scarborough Beach, Cottesloe, Fremantle and Kings Park.
Sunday 21 Nov 2004	11.30-1.00pm	Tour of Harbour Town Shopping Outlet - Hosted by Mr Peter Flatt, ING Real Estate
Sunday 21 Nov 2004	13.30-16.30	Official Signing of Memorandum of Understanding and Luncheon at ECU followed by Tour of ECU hosted by the Vice Chancellor Millicent Poole
Sunday 21 Nov 2004	16.30-18.00	Visit to the Extreme Youth Festival
Sunday 21 Nov 2004	18.30	Sunday Evening Farewell Dinner Hosted by Commissioner Anderson At Leap Frogs Café Botanic Golf, Joondalup drive.
Monday 22 Nov 2004	10:00	Delegation leaves for Perth Domestic airport

OUTCOMES FROM THE JINAN VISIT

1 Local Government Training Program

A program for senior level officers from the Jinan Municipal Government to live in Joondalup and undertake on the job training and education coordinated and provided by the City was presented to Mr Dong Jianwu, Head of Jinan Personnel Bureau.

Mr Dong expressed the view that currently Government officials are sent to Maryland in the USA but that consideration could be given for training of this nature to be delivered from Joondalup in 2005. The issue facing the delegation will be the provision of cost effective accommodation and negotiations will be continuing to address the matter.

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

- (a) Orientation and closing. The first two weeks may be used to orientate 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.
- (b) 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.
- (c) Skill transfer. Participants will be assigned mentors to give them a "hands on" appreciation of the functions and activities of Joondalup Council.
- (d) Visits to other regional local government(s). During the program participants will be taken to review other country shires. This will also allow them to visit other parts of Western Australia. There is potential for the City of Joondalup to partner with another regional authority and form a Country town relationship to facilitate the exchange program. This will be the subject of a future report as developments progress.

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 as mentors and trainers
- Measurable outcomes that will sustain the economic and social development of the sister city relationship.

2 Memorandum of Understanding between Edith Cowan University and Jinan University

On Sunday 21st November 2004 the Vice Chancellor Professor Poole and the President of Jinan University Mr Cheng Xin signed an official Memorandum of Understanding to facilitate the exchange of students and research collaboration between the two Universities.

The Jinan University has strength in information technology and will pursue research collaboration in this field with Edith Cowan University. Another area of interest for the Jinan University was in sport science. Edith Cowan University has an advanced sport science facility on its Joondalup campus and with the next Olympic games being held in China it is anticipated that strong collaboration may result as an outcome of this visit.

3 West Coast College and Joondalup Hospital

Discussion between parties has progressed significantly toward the development of agreements for provision of nursing training services to Jinan.

4 Tourism Industry

Meetings held with representatives of the delegation's tourism industry have made agreements for a tourism consortium from Joondalup to assess Jinan - Joondalup tourism development.

5 Police and Security

The WA Police Service and the Jinan police have agreed to train 15 senior police officers at the Police Academy at Joondalup in 2005.

The key industry sector delegates from Joondalup have developed excellent relations with their counterparts from Jinan. If the City and its stakeholder partners continue to nurture this relationship and target its markets well, the benefits for Joondalup may be significant.

As soon as agreements are finalised the City will develop a set of indicators that measure the success of program in terms of sustainable benefits and the quality of the exchanges undertaken between Jinan and Joondalup. This process will provide information that will demonstrate whether the relationship has produced benefits that support the cost of the relationship.

Australian Sister City Association (ASCA)

Council resolved inter alia to 'request that a sister city protocol conforms to the protocols set by the Sister City Association. (*CJ250-11/04 refers*) The City is now a member of the ASCA and sought approval from the Association when the recent protocol document signed during the November 2004 visit was drafted. The City will continue to liaise with ASCA over the next few months in the development of our long-term relationship plan. Furthermore the ASCA has advised that it offers national recognition awards to successful sister city relationship and the City of Joondalup is well placed to submit an application in 2005.

Delegation from Shandong University

On 1 December 2004 the City received notification that a two person delegation had arrived in Joondalup for a short stay to undertake discussions with Edith Cowan University and the Australian Institute for University Studies to develop student exchange programs.

The delegates had been requested by the Mayor of Jinan to pay a visit to the Chairman of Commissioners, Mr John Paterson. City officers quickly facilitated a brief morning tea and tour of the City offices and the delegates met the Chairman on Friday 3rd December 2004.

The request from Shandong University was a once off request received at very short notice. Protocols that will be established through the Jinan relationship plan will formulate agreed principles and requirements so that the City has the necessary time to coordinate events of this nature. This will ensure the greatest benefit from any visits in the future from dignitaries from Jinan City and that the stakeholders and other Commissioners will have input and proper notification of such events.

The delegates from Shandong University were:

- Mr XU Xiang Yi, Executive Dean, Faculty of Management
- Mr LIU Gang, Deputy Dean, Faculty of Management

Shandong University is one of the oldest universities in China. It was founded in 1901 and is the second national university established soon after Jingshi University (the Metropolitan University) in the country. Recently, the Ministry of Education approved the university as a “national key comprehensive university.” In 2001, the Ministry of Education listed it among the 21 national key construction first-class universities.

Situated in Jinan, capital city of Shandong Province, Shandong University covers an area of 3.8 square kilometres and has a student population of about 90,000, of which nearly 1,000 are international students.

Shandong University is a higher learning institution open to the world. Over the years, Shandong University has established a broad international network for educational cooperation and has signed exchange agreements with over 50 universities from over 40 countries. The university remains active in academic cooperation and exchanges with over 100 educational and research institutions worldwide. The university is an important education base for international students. Since 1980, Shandong University has received over 5,000 students from over 50 countries

Into the Future

The City must now commence negotiations with Jinan Foreign Affairs with regards to service development and exchange possibilities until mutually beneficial agreement has been reached. In view of the fact that the Jinan officials are considering commencement of the programs in 2005, it is envisaged that all agreements should be developed by very early 2005. The City needs to address its resourcing capability to this project and this will occur over the next two months. The City has secured the services of an expatriate Chinese person who will assist the City with the development and negotiations required to create an effective relationship plan with Jinan. The officer will be appointed on a casual basis for up to two months to work alongside Council Officers providing advice and interpretation throughout the negotiation stage. The officer will backfill an existing vacant position within the Strategic and Sustainable Development Business Unit. The officer speaks fluent Mandarin and English and was a former employee with the Beijing Foreign Affairs Officer for 6 years and has extensive experience in cross-cultural negotiations.

It is proposed that a long-term sustainability relationship plan will be developed, that outlines the vision, strategies, protocols, schedules and resourcing required for maintaining the sister-city relationship over the next 5-10 years. The plan will form the basis for listing resourcing requirements for consideration in both the 2004-5 mid year budget review process and also the 2005-6 budget process to ensure the relationship is supported over the life of the plan. The outcomes of the plan will be measured, monitored and reported upon to show whether the sister city relationship is bringing the benefits that it was set up to achieve.

The City of Joondalup will also need to develop a relationship plan for its stakeholders who have supported the relationships to great extent to date. The relationship plan will be developed in conjunction with all stakeholders and will clearly set out agreed mechanisms for maintaining the enthusiasm and support of all the City stakeholders for this relationship.

COMMENT

The Jinan Sister City relationship can bring many benefits for the growth and development of Joondalup, but it is not without issues, which have to constantly be managed, these include:

- Results from the relationship will likely only be seen in the long term. This point needs to be clearly understood, communicated and supported by the City, its stakeholders and community;
- Flexibility in arrangements and costings will be required given the significant differential in pricing structure between the two countries;
- Bridging cross-cultural understandings and differences without issue will need to be developed and communicated and the organisation skilled to manage this aspect;
- Maintaining Joondalup as the 'gateway' for demand from the City of Jinan
- Level of continued commitment by the City and its stakeholders in ensuring how the relationship will be managed and monitored and who will take responsibility from within the City for maintaining the enthusiasm of stakeholders and the Community.
- The City officers need to undertake further research and investigations in order to address the issues and this will be the subject of future report to Council.

ATTACHMENTS

Nil

VOTING REQUIREMENTS

Simple Majority

Cmr Clough left the Chamber, the time being 2041 hrs.

OFFICER'S RECOMMENDATION: That the Joint Commissioners:

- 1 NOTE the status of the Jinan Sister City relationship;
- 2 NOTE that negotiations are occurring to pursue agreements between the two Cities that will provide mutual benefits and request that a further report outlining progress of negotiations toward the establishment of local government training and exchange program between City of Jinan and City of Joondalup officers is presented to Council early in 2005;
- 3 NOTE that a long-term plan for managing the relationship is being developed and will be brought before Council in early 2005;
- 4 LIST for consideration the resource implications for the development of the relationship with Jinan in the 2004-05 mid year budget review and also during the 2005-06 budget process;
- 5 NOTE the City of Joondalup is a member of the Australian Sister City Association;
- 6 THANK all the staff and Joondalup delegates for their support to the Jinan delegation visit.

Cmr Clough entered the Chamber, the time being 2044 hrs.

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

- 1 NOTE the status of the Jinan Sister City relationship;**
- 2 NOTE that negotiations are occurring to pursue agreements between the two Cities that will provide mutual benefits and request that a further report outlining progress of negotiations toward the establishment of local government training and exchange program between City of Jinan and City of Joondalup officers is presented to Council early in 2005;**
- 3 REQUEST that a policy and long-term plan for managing the relationship be developed and be brought before Council in early 2005;**
- 4 LIST for consideration the resource implications for the development of the relationship with Jinan in the 2004-05 mid year budget review and also during the 2005-06 budget process;**
- 5 NOTE the City of Joondalup is a member of the Australian Sister City Association;**
- 6 THANK all the staff and Joondalup delegates for their support to the Jinan delegation visit.**

Discussion ensued.

The Motion was Put and

CARRIED UNANIMOUSLY (5/0)

CJ307 - 12/04 CORPORATE REPORTING SYSTEM – [20560] [77514]**WARD - All**

CJ041207_BRF.DOC:ITEM 7

PURPOSE

For Council to endorse the Corporate Reporting System.

EXECUTIVE SUMMARY

This report details a new Corporate Reporting System. The proposed system includes:

- Key Performance Indicators developed against the Strategic Plan, and reports against those Strategic Plan Key Performance Indicator's provided to Council and the Community on an annual basis;
- Principal Activities Plan (PAP) that identifies the 'Principal Activities' of the City and the purpose of the Plan is to provide an overview of major projects, programs and services proposed within each of these activities during the life of the Plan. (5-years). The Plan also identifies the performance indicators that will measure the City's success in delivering these services to a professional standard and in a timely manner; and
- Quarterly Performance Progress Reports against the Corporate Plan provided to Council and the Community on a quarterly basis.

The Strategic Plan is the Council's key strategic document. It is the document that the Joondalup City Council produces to provide direction to the organisation and highlight the implementation of key initiatives. More specifically, it is a way to communicate the goals, directions, key objectives and performance indicators to which Council is aspiring over the next five years. The key performance indicators against the Strategic Plan are intended to provide an annual assessment of progress against the achievement of the vision, outcomes and objectives in the Strategic Plan. The Strategic Plan Indicators have been categorised according to the indicator type (eg social, economic, environmental) in line with the sustainability framework.

The Principal Activities Plan is a requirement under the Local Government Act in relation to preparing a plan of principal activities for the next 4 or more years. The PAP is, in effect, a strategic financial plan that aligns the City's Strategic Directions as set out in the Strategic Plan, with organisational and financial capacity.

The Principal Activities Plan provides a broad strategic overview of where the City's financial resources are proposed to be directed over this period and indicates the funding source for these activities in order to achieve the identified outcome.

The Corporate Plan is produced on an annual basis and highlights the annual priorities for the organisation to achieve the Strategic Plan. The introduction of Quarterly Performance Progress reports against the Corporate Plan will ensure the Council and community is regularly updated on the progress of all the initiatives contained within the Corporate Plan. The Quarterly Performance Progress Reports against the Corporate Plan are intended to provide Council and the community with regular progress reports against the annual priorities (projects, programs and services) contained in the Corporate Plan.

It is the cumulative effect of the key performance indicators against the Strategic Plan, the reports against the key performance indicators against the principal activities (as detailed in the Principal Activities Plan), and the regular quarterly progress reports against the Corporate Plan that will provide Council and the community with a full assessment of the City's progress against the overall vision in the Strategic Plan and the City's projects, programmes and activities.

One of main drivers for monitoring progress is that it is simply good governance. Councils have many and varied roles, both direct and indirect—as service provider, regulator, leader by example, community informer, advocate, advisor, partner, mobiliser of community resources, initiator of dialogue and debate.

This notion of good governance is detailed in the *Local Government Act 1995* under Section 1.3 where the intention of Act is described as resulting in:

- (a) Better decision making by local governments;
- (b) Greater community participation in the decisions and affairs of local governments;
- (c) Greater accountability of local governments to their communities;
- (d) More efficient and effective local government;

Council has an important role in developing and progressing strategies to promote a sustainable community. It is democratically elected to represent the local community and its aspirations in terms of quality of life, and is therefore responsible and accountable to the community.

The introduction of the Corporate Reporting System will give Council and the community a better understanding of the aspects and impacts of the area and therefore enable more effective feedback into policy development and decision-making processes.

It is recommended that the Joint Commissioners:

- 1 *ENDORSE the Strategic Plan Key Performance Indicators shown as Attachment 1 to Report CJ307-12/04;*
- 2 *ENDORSE the Corporate Plan 2004/05 shown as Attachment 3 to Report CJ307-12/04;*
- 3 *ENDORSE the Corporate Reporting Framework whereby the Joint Commissioners receive annual reports against the Strategic Plan Key Performance Indicators, annual reports against the key performance indicators for the principal activities of Council as outlined in the Principal Activities Plan, and Quarterly Progress Reports against the Corporate Plan.*

BACKGROUND

Council Officers have recently reviewed the City's Corporate Planning and Reporting System. The following is a description of the current system at the City of Joondalup.

The City has a:

- **Strategic Plan** which provides the broad future strategic directions for the City of Joondalup. It is Council's most important strategic document that contains strategic directions and objectives for the City as a whole. Currently, there are no Key Performance Indicators included in the plan.
- **The Principal Activities Plan (PAP)** which is aligned to the corporate goals of the City, is reviewed on an annual basis, and is subject to a public consultation process that ensures the local community has the opportunity to understand and comment on the major projects and programs planned by Council for the next 5 years. The City's performance against the key performance indicators against each of the principal activities are reported in the City's annual report.
- **Corporate Plan**, which establishes and details the annual priorities for the organisation in order to achieve the Strategic Plan and Principal Activities Plan however there are no progress reports provided to Council or the community on progress against the Plan, and the Plan has not previously been endorsed by Council.
- **Other High Level Plans** (e.g. Disability Action Plan, Library Development Plan etc) and a range of plans in development (e.g. Tourism Development Plan, Cultural Plan). There is currently no systematic mechanism for regularly monitoring and reporting against all of these plans. Some Business Units responsible for the development of the plans do monitor the plans and provide progress reports however these reports are not coordinated as part of an overall corporate reporting system.
- **Business Plans**, which provide details of the programs and services for each business unit for a 12-month period. Business Plans currently contain the key performance indicators, which are reported as the team scorecards.

Strategic Plan:

This item has a connection to the Strategic Plan:

Key Focus Area 4	Organisational Development
Outcome	The City of Joondalup is a sustainable and accountable business
Objective 4.1	To manage the business in a responsible and accountable manner
Strategy 4.1.2	Develop a corporate reporting framework based on sustainable indicators

DETAILS

Strategic Plan

The Strategic Plan is the Council's key strategic document. Key Performance Indicators are not included in the current document however the proposed Corporate Reporting System includes a set of Key Performance Indicators to allow annual assessment of progress against the achievement of the vision contained in the Strategic Plan. It is recommended that these indicators be included in the Strategic Plan and these Key Performance Indicators be reported to Council and the community on an annual basis.

Strategic planning is not just about defining what outcomes are to be achieved. It also involves keeping abreast of what is being achieved and what requires attention. The introduction of the Corporate Reporting System will provide a framework for Council to track progress against our Strategic Plan.

The Key Performance Indicators are designed to give indicative outcome measures and in many cases will need to be read as a ‘family’ of measures to give a reasonable indication of progress. In many cases, trend data collected over several years will be necessary before a true picture of progress towards the vision can be seen. It should be noted that the draft KPIs have been developed in recognition of the fact that the information needs to be readily available.

The Key Performance Indicators are intended to be used as a tool for the systematic monitoring of progress towards community-wide goals as articulated in the Strategic Plan 2005 – 2008. The Indicators are a measurement tool that will enable selected issues or conditions to be monitored over time for the purposes of evaluating progress towards or away from the desired direction articulated in the Strategic Plan and provide Council with information to inform policy and strategy development.

Principal Activities Plan

The Principal Activities Plan is a requirement under the Local Government Act in relation to preparing a plan of principal activities for the next 4 or more years. The PAP is, in effect, a strategic financial plan that aligns the City’s Strategic Directions as set out in the Strategic Plan, with organisational and financial capacity, and details a set of key performance indicators for each of the Principal Activities of Council. The newly formed Strategic Financial Management Committee will review the content and format of the Principal Activities Plan 2005/06 to 2009/10 (CJ249-11/04 refers).

Corporate Plan

The Corporate Plan is intended to document the annual priorities for achievement of the Strategic Plan and Principal Activities Plan and includes milestones against Corporate Projects and Corporate priorities. Currently, there is no formal system for the provision of regular reports to Council and the community on progress against the Corporate Plan. The proposed Corporate Reporting Framework incorporates quarterly progress reports against the Corporate Plan to Council and the community.

Higher Level Plans

Our other higher-level plans (or topic plans) are a common set of directions that are longer term in their requirements, strategic in their application, and have organisational wide priority and responsibility. Each of the higher level plans are a component of an interlocking set of strategic plans aiming to achieve the outcomes of the City of Joondalup Strategic Plan 2003-2008.

These higher-level plans are an integral part of the overall Integrated Planning Framework and must be incorporated in the Corporate Reporting System. All of the higher level plans must be aligned with the Strategic Plan, guide business units in their service delivery (where appropriate), and must be monitored and reported against as part of the Corporate Reporting System. The proposed Corporate Reporting Framework incorporates regular progress reports against these higher levels plans through the Quarterly Progress Reports against the Corporate Plan.

Integration between the Strategic Plan, Principal Activities Plan, Corporate Plan and Annual Budget ensures that the City aligns its service delivery with strategic directions, and provides value for money.

Statutory Provision:

The Local Government Act provides a framework for the operations of Councils in Western Australia. The purpose of the Local Government Act 1995 is set down in Part 1 – Introductory Matters.

Section 1.3 (2) states:

‘This Act is intended to result in-

- (a) Better decision making by local governments
- (b) Greater community participation in the decisions and affairs of local governments
- (c) Greater accountability of local governments to their communities; and
- (d) More efficient and effective local government

The degree to which this is achieved is, in part, dependant upon the effectiveness of our Corporate Reporting System.

Strategic Implications:

This item has a connection to the Strategic Plan:

Key Focus Area 4	Organisational Development
Outcome	The City of Joondalup is a sustainable and accountable business
Objective 4.1	To manage the business in a responsible and accountable manner
Strategy 4.1.2	Develop a corporate reporting framework based on sustainable indicators

Sustainability Implications:

Increasing the social, economic and environmental capital of Joondalup is Council’s core business. The City of Joondalup, through the introduction of the key performance indicators, is applying a triple bottom line approach to the measurement and management of this core business so that we create a more sustainable organisation and facilitate the development of ‘a sustainable City and community that are recognised as innovative, unique and diverse’.

The introduction of the quarterly reports against the Corporate Plan will also provide regular assessments against the progress and sustainability of the City's key projects, programmes and activities.

COMMENT

The City of Joondalup, and indeed local government in general, is faced with a far greater mandate for delivery and performance than ever before. As the form of Government "closest to the people" it has been rightly recognised as the sphere of Government that has an enormous capacity to deliver real outcomes at a local level – to pursue objectives that can make a distinct difference to the quality of life for its citizens. However, in order to do this, the City must have some way of measuring the successes, failures and progress achieved in the pursuit of those objectives.

The key performance Indicators are designed to reveal trends and draw attention to changes so that appropriate action can be taken. The Indicators are designed to simplify information about key trends or changes that are relevant to goals and policies of the City.

There is growing pressure for improved performance measurement both from an internal (organisational) and external (community) perspective. This pressure is best categorised according to two fundamental objectives:

- **Improved services to our community** – That the effectiveness and efficiency of the services provided to the community are being measured and this information is being used to improve the delivery of those services.
- **Improved Accountability** – That the effectiveness and efficiency of the services are being measured; the measurements are being accurately reported, and those results are made available for review.

The proposed Corporate Reporting Framework detailed in this report will ensure that the City of Joondalup is capable of measuring its activities and feeding the results of that measurement back into a planning process to help improve future performance.

The Key Performance Indicators are intended to be sustainability reports. There are a number of benefits of sustainability reporting including:

- Focusing on Environmental, Economic and Community indicators recognises that the City is there to serve the community. They are a more comprehensive measure of community wellbeing that just reporting on internal financial performance;
- Basing the indicators on a "shared vision" (Strategic Plan) helps to determine progress towards meeting that vision;
- They provide a means of determining if policy decisions are effective in bringing about change;
- They emphasise that economy, community and environment are all linked;
- They provide something that is measurable and repeatable;
- They assist in keeping focus on the long-range view and avoiding actions that are based on Short-term expedience.

The purpose of this report is to provide an overall framework for systematic reporting, monitoring and review of the City's progress against all plans and to set in place mechanisms for providing Council with a process for measuring and understanding organisational performance.

ATTACHMENTS

Attachment 1	Strategic Plan with Key Performance Indicators
Attachment 2	Proforma providing sustainability classification, explanation and source for Key Performance Indicators
Attachment 3	Corporate Plan 2004/05

VOTING REQUIREMENTS

Simple Majority

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

- 1 ENDORSE the Strategic Plan Key Performance Indicators shown as Attachment 1 to Report CJ307-12/04;**
- 2 ENDORSE the Corporate Plan 2004/05 shown as Attachment 3 in Report CJ307-12/04;**
- 3 ENDORSE the Corporate Reporting Framework whereby the Joint Commissioners receive annual reports against the Strategic Plan Key Performance Indicators, annual reports against the key performance indicators for the principal activities of Council as outlined in the Principal Activities Plan, and Quarterly Progress Reports against the Corporate Plan.**

Cmr Anderson commended staff involved in the development of the Corporate Reporting Framework.

The Motion was Put and

CARRIED UNANIMOUSLY (5/0)

Appendix 4 refers

To access this attachment on electronic document, click here: [Attach4brf071204.pdf](#)

CJ308 - 12/04 CLOSURE OF THE DIRECTOR CORPORATE SERVICES AND RESOURCE MANAGEMENT BANK ACCOUNT – [65563]

WARD - All

CJ041207_BRF.DOC:ITEM 8

PURPOSE

To seek the approval of the Joint Commissioners to close the Director Corporate Services and Resource Management Advance bank account with all future payments to be made from the Municipal bank account and to change the authorised signatories for all bank accounts.

EXECUTIVE SUMMARY

The City operates three bank accounts namely the Municipal bank account, Director Corporate Services and Resource Management Advance bank account and the Trust bank account. The Westpac Banking Corporation was awarded the tender to provide banking facilities for the 3 years ending 30 June 2007 – CJ142 06/04 refers. A setoff arrangement applies between the Municipal bank account and the Director Corporate Services & Resource Management Advance bank account.

Following the recent awarding of its banking facilities to the Westpac Bank, a review of the banking offset arrangement was undertaken and this indicates that the Director Corporate Services and Resource Management Advance bank account could be closed, resulting in internal efficiencies and costs savings.

It is recommended that the City operate only the Municipal bank account and the Trust account. All receipts and expenditure associated with the City will be through the Municipal bank account. The Trust account will continue to hold funds that do not belong to the City.

A change to the authorised signatories to the bank accounts will provide additional internal control over high value payments and flexibility to make payments promptly.

BACKGROUND

The Municipal bank account was established to receive all receipts, to make payments for bank charges, credit card charges and to reimburse the Director Corporate Services and Resource Management Advance bank account for payments made from that account. The Director Corporate Services and Resource Management Advance bank account received an initial cash advance and the account is generally reimbursed weekly or after a major payment is made.

Due to additional conditions and costs associated with the setoff arrangements between the bank accounts a review was undertaken to determine the need to retain the current multiple bank account structure.

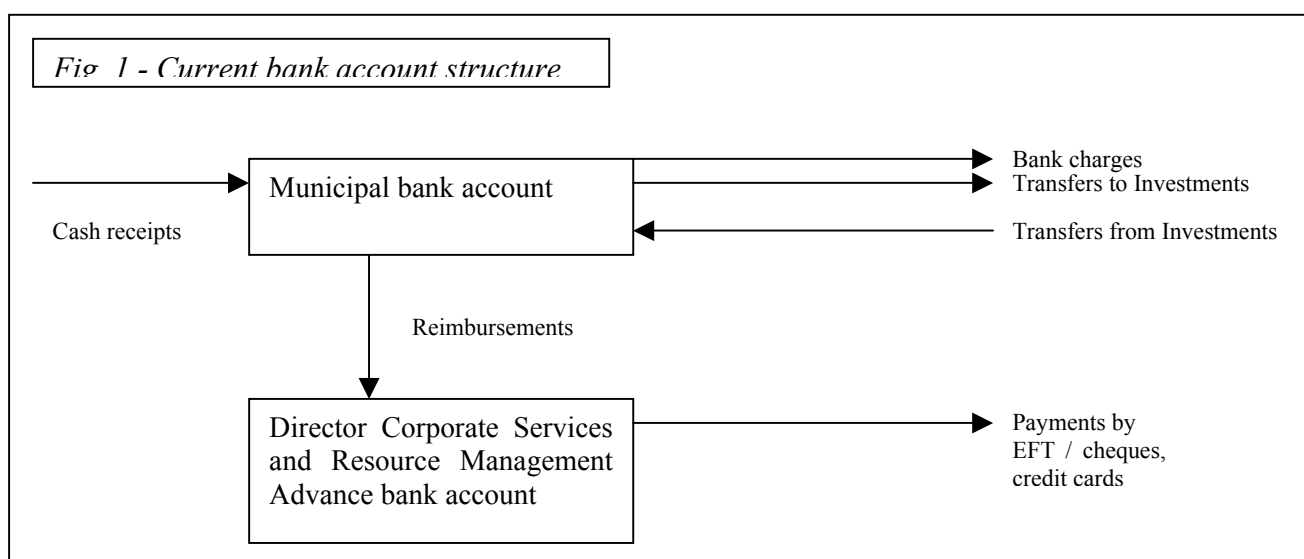
The current dual account arrangement provided internal administration benefits with the City's previous financial system (IFS) by separating cash receipts in the Municipal bank account from cash payments in the Director Corporate Services and Resource Management Advance bank account and assisting in the bank reconciliation processes by simplifying the type and number of transactions in each account. Whilst the implementation of new financial systems in 1999 and subsequent arrangements with suppliers using new technologies reduced the previous complexities and transaction volumes appearing in the general ledger, there was no urgent need to review and revise the process and the status quo has remained.

Additional control over high value payments can also be affected by changing the authorised signatories to the bank accounts.

DETAILS

The Oracle Financial and Proclaim property systems were implemented in July 1999. Detailed receipting records are retained in the Proclaim cash receipting module and data is posted to the Oracle general ledger by batch posting journals. The City has arrangements with a number of external cash receipting providers such as Bpay, Australia Post and Telstra who receive payments made to the City, provide the City with summarised transactions and single daily transaction deposits appear on the bank statements.

Fig 1 shows how the Municipal bank account is used for deposits and reimbursements to the Advance account. The Advance account is used for creditor payments and the City's payroll.



The City can operate more efficiently and effectively using only the Municipal bank account rather than the Municipal bank account and Director Corporate Services and Resource Management Advance bank account combination. The single Municipal bank account will simplify internal business processes, will result in administration efficiencies in the Financial Services business unit and avoid unnecessary interest charges.

Statutory Provision:

Section 6.5(a) of the Local Government Act (LGA) 1995 provides that the CEO has a duty to keep proper accounts and records of transactions. Section 6.10 (LGA) 1995 reflects that regulations provide for the general management of and the authorisation of payments out of the municipal fund and the trust fund. There is no statutory requirement to maintain the additional Director Corporate Services and Resource Management Advance bank account.

Consultation:

The City's Internal Auditor and its external auditors, Deloitte Touche Tohmatsu have reviewed the proposal and are in agreement with the recommendations.

Policy Implications:

Policy 2.4.1 - Financial Planning the Register of Delegation of Authority – Signatories to Accounts and the Corporate Policy and Procedures Manual Section 5 Finance are to be amended to reflect the revised bank signatories and the deletion of the Director Corporate Services and Resource Management Advance bank account. Refer attached.

Financial Implications:

A singular bank account will result in improved business processes, savings in administrative time and effort and will avoid unnecessary interest charges caused when either account operates in an overdraft (albeit that the accounts are set-off when combined).

Strategic Implications:

Not applicable.

Sustainability Implications:

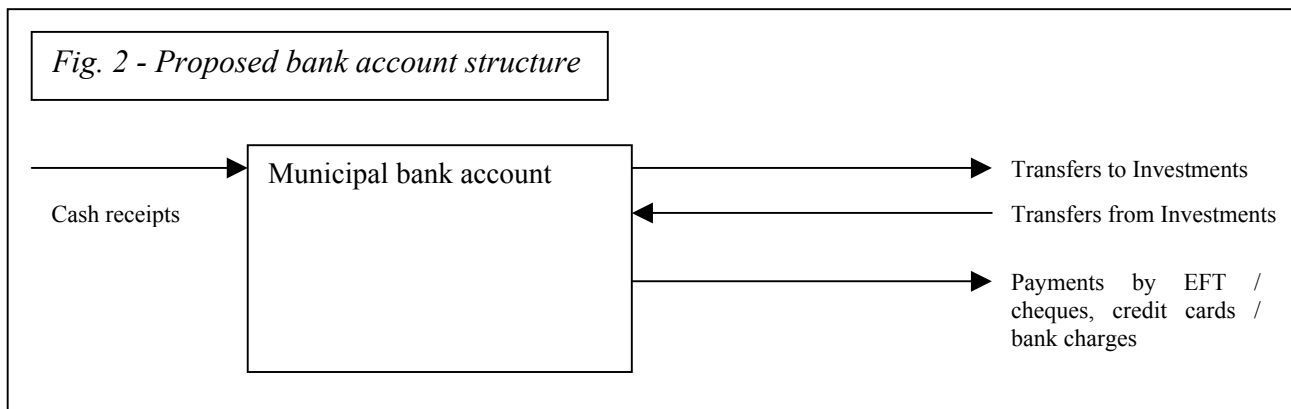
Ongoing savings arising from the new procedures contribute to financial sustainability.

COMMENTS

The singular Municipal bank account for the City's banking activities structure is used throughout Western Australian local governments and is consistent with operations of the Local Government Act (1995).

The single Municipal bank account will simplify internal business processes and will result in administration efficiencies in the Financial Services business unit by eliminating the need to reconcile 2 bank accounts, the need for weekly reimbursements from the Municipal bank account (a process that adds no value and involves 5 staff including the Director and CEO), will simplify financial system set-ups, reduce the administration time and effort to ensure that either account remains within the individual account overdraft limits and avoid unnecessary interest charges.

Fig 2 shows that the Municipal bank account would be used as a deposit and payment account for all the City's receipts and payments.



The changes to a single account can be implemented quickly and at little cost. Changes to business processes and documented procedures used by the Financial Services business unit will be required including making changes to system set-ups within Oracle Financials and Proclaim the City's receipting system. Changes to Policy 2.4.1 Accounting Policy (attachment 1) require adoption by Council, however the required changes to the Register of Delegated Authority - Signatories to Bank Accounts (attachment 2) are able to be made by the Chief Executive Officer under Section 5(1)(e) of the Local Government (Financial Management) Regulations 1996, as confirmed by the Department of Local Government and Regional Development. Future Warrants of Payments will reflect payments from the Municipal account. New cheque stationary would be purchased reflecting the correct micro coding for the single Municipal bank account.

AUTHORISED SIGNATORIES

Existing cheque signatories

Position	Existing Signatories with Westpac		
	Municipal	Advance	Trust
Signatures Required		Any 1 to \$10,000 then any 2	Any 2
Chief Executive Officer	√	√	√
Director Planning & Community Development	√	√	√
Director Corporate Services & Resource Management	√	√	√
Manager Financial Services		√	
Statutory Accountant		√	

New cheque signatories

A change to the authorised signatories to the bank accounts will provide additional internal control over high value payments and flexibility to make the payments promptly.

Cheque signatories will be classified into Category A signatories (applicable to Directors) and Category B signatories (applicable to the Manager Financial Services and the Statutory Accountant). The addition of the Director Infrastructure and Operations as an additional signatory provides flexibility to make payments when required and due to the requirement to have the relevant signatories available to process electronic fund transfer payments (EFT) promptly.

The new signatories are as follows:

Category A Signatories	Category B Signatories
Chief Executive Officer	Manager Financial Services
Director Planning & Community Development	Statutory Accountant
Director Corporate Services & Resource Management	
Director Infrastructure & Operations	

Using the combination of single and multiple Category A and Category B signatories allows additional internal control over high value payments.

Cheques or EFT Payment Amounts	Combination of signatories
Payments under \$10,000	Any 1 of Category A or B signatories.
Payments of \$10,000 and over to payments under \$250,000	Any 2 of Category A or B signatories.
Payments of \$250,000 and over	Any 1 of Category A and 1 of B signatories; or Any 2 Category A signatories.

Implementation Process

The implementation process would be to issue all new payments from the Municipal bank account, to leave the Director Corporate Services and Resource Management Advance bank account open for a 3-month period until outstanding cheques are presented and then to permanently close that account.

ATTACHMENTS

Attachment 1	Policy 2.4.1 – Accounting Policy
Attachment 2	Delegation of Authority – Signatories to Bank Accounts

VOTING REQUIREMENTS

Simple Majority

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

- 1 APPROVE the closure of the Director Corporate Services and Resource Management Advance bank account;**
- 2 APPROVE changes to Policy 2.4.1 – Accounting Policy as outlined in Attachment 1 to Report CJ308-12/04.**

The Motion was Put and

CARRIED UNANIMOUSLY (5/0)

Appendix 5 refers

To access this attachment on electronic document, click here: [Attach5brf071204.pdf](#)

CJ309 - 12/04 TENDER NUMBER 020-04/05. SUPPLY & DELIVERY OF ONE SAA CLASS 30 WHEELED LOADER WITH / WITHOUT TRADE IN & DISPOSAL OF ONE SAMSUNG LOADER – [13566]

WARD - All

CJ041207_BRFD.DOC:ITEM 9

PURPOSE

To accept the Tender submitted by CJD Equipment Pty Ltd., for the supply of one new Volvo L60E loader and the disposal of one used Samsung loader, plant number 98531.

EXECUTIVE SUMMARY

The City's 2004/05 budget provided for the purchase of mobile plant, as detailed in the Fleet Replacement Program. Funding for the cost of the change-over, is to be sourced from the Mobile Plant Reserve Account.

Included in the 2004/05 budget was provision for the purchase of one replacement loader together with the disposal of a 1997 Model Samsung 120 loader, plant number 98531, allocated to Operations Services.

This report outlines the selection process relating to the purchase of one SAA Class 30, wheeled loader with the disposal of the used loader and recommends that the Joint Commissioners:

- 1 DEEM the tenders submitted by Komatsu Australia Pty Ltd., Hitachi Construction Machinery (Aust) Pty Ltd, BT Equipment Pty Ltd, Liebherr Australia Pty Ltd, Construction Equipment Australia and Westrac Pty Ltd to be non-conforming due to failure to comply with the specifications in the request for tender;*

- 2 *CHOOSE the tender submitted by CJD Equipment Pty Ltd., for the supply of one new Volvo L60E loader at \$221,880 excluding GST;*
- 3 *CHOOSE the tender submitted by CJD Equipment Pty Ltd., for the disposal by trade-in of one used loader, plant number 98531 at \$61,000 excluding GST;*
- 4 *AUTHORISE the Acting Chief Executive officer (A/CEO), on behalf of the City, to enter into a contract with CJD Equipment Pty Ltd in accordance with the tender submitted by CJD Equipment Pty Ltd, subject to any minor variations that may be agreed between the A/CEO and CJD Equipment Pty Ltd.*

BACKGROUND

The current Samsung loader has been used for various duties, including road construction and maintenance, within the City for seven years. It should be noted that the work requirement of this machine includes assisting the State Emergency Services in the event of a major disaster within the region. The current machine has also been used to assist CALM in the disposal of whale carcasses washed up on local foreshores. As such, the new replacement loader is required to be of high quality with a good ability to work in low traction conditions.

The specification for the new loader included the essential requirement for a locking differential on the front axle and a limited slip rear differential, to ensure maximum traction in adverse conditions.

DETAILS

Eleven tenders were received from Hitachi Construction Machinery (Aust) Pty Ltd, Smith Broughton and Sons, Komatsu Australia Pty Ltd, CJD Equipment Pty Ltd (2 tenders), BT Equipment Pty Ltd, Liebherr Australia Pty Ltd, Westrac Pty Ltd (2 tenders) and Construction Equipment Australia (2 tenders) and recorded in the tender register. Regulation 18(2) of the *Local Government (Functions and General) Regulations 1996* allows for the rejection of a tender that fails to comply with any requirement specified in the invitation to tender.

Six tenders from Hitachi Construction Machinery (Aust) Pty Ltd, BT Equipment Pty Ltd, Westrac Pty Ltd (2 tenders) and Construction Equipment Australia (2 tenders) did not offer the required differential traction control systems as specified by the City in the tender specifications.

A further two tenders from Komatsu Australia Pty Ltd and Liebherr Australia Pty Ltd did not offer the required type of transmission as specified by the City in the tender specifications.

The remaining two tenders, submitted by CJD Equipment Pty Ltd., conformed with the specifications in the tender and were further evaluated against the selection criteria.

Under the City's Contract Management Framework and the Code of Tendering AS 4120-1994, an evaluation committee, using a weighted multi-criterion assessment system, assesses conforming tenders. The selection criteria for Tender 020-04/05 is as follows:

- 1 Price offered for the outright purchase of the used plant
- 2 Prices offered for the new supply with or without the trade in
- 3 Tenderers demonstrated ability to provide after sales service & product spare parts
- 4 Whether the proposed supply exceeded the City's specification requirements

- 5 Whole of life costs
- 6 Scheduled delivery date for the new supply

One tender, from Smith Broughton Auctioneers is for the outright purchase of the trade machine and as the amount offered is lower than the trade-in offer from CJD Equipment Pty Ltd., it does not offer any financial advantage to the City.

Of the two tender submissions, from CJD Equipment Pty Ltd. the tender submission for the Volvo L60E loader, provided the most competitive whole of life pricing when compared to the Volvo L70E. The Volvo L60E loader was considered by the evaluation committee to be the best value purchase option for the City of Joondalup.

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.

In accordance with the provisions of Section 5.42 of the *Local Government Act 1995*, the Chief Executive Officer has the delegated authority to accept purchases to a limit of \$100,000. As this purchase exceeds this limit, it requires Council approval.

Policy Implications:

The City's Policy 2.5.7, on purchasing goods and services, encourages local business in the purchasing and tendering process. The recommended tenderer, CJD Equipment Pty Ltd., is located in Guildford, which is outside the regional purchasing area.

Financial Implications:

Based on the CJD Equipment Pty Ltd. tender, the financial position excluding GST is:

Make & Model New Supply	Recommended Supply Cost	Recommended Disposal Return	Budget New Supply	Budget Trade	Budget Surplus
Volvo L60E	\$221,880	\$61,000	\$200,000	\$25,000	\$14,120

COMMENT

The net surplus on budget of \$14,120 (excluding GST) is due to the higher than expected trade in price on the Samsung loader, plant number 98531.

ATTACHMENTS

Nil

VOTING REQUIREMENTS

Simple Majority

MOVED Cmr Anderson, SECONDED Cmr Smith that in relation to Tender 020-04/05, the Joint Commissioners:

- 1 DEEM the tenders submitted by Komatsu Australia Pty Ltd., Hitachi Construction Machinery (Aust) Pty Ltd, BT Equipment Pty Ltd, Liebherr Australia Pty Ltd, Construction Equipment Australia and Westrac Pty Ltd to be non-conforming due to failure to comply with the specifications in the request for tender;**
- 2 CHOOSE the tender submitted by CJD Equipment Pty Ltd., for the supply of one new Volvo L60E loader at \$221,880 excluding GST;**
- 3 CHOOSE the tender submitted by CJD Equipment Pty Ltd., for the disposal by trade-in of one used loader, plant number 98531 at \$61,000 excluding GST;**
- 4 AUTHORISE the Acting Chief Executive officer (A/CEO), on behalf of the City, to enter into a contract with CJD Equipment Pty Ltd in accordance with the tender submitted by CJD Equipment Pty Ltd, subject to any minor variations that may be agreed between the A/CEO and CJD Equipment Pty Ltd.**

The Motion was Put and

CARRIED UNANIMOUSLY (5/0)

CJ310 - 12/04 TENDER NUMBER 023-04/05. SUPPLY & DELIVERY OF TWO 16,000 KG GVM TIP TRUCKS WITH / WITHOUT TRADE- IN AND DISPOSAL OF TWO USED TIP TRUCKS – [69566]

WARD - All

CJ041207_BRf.DOC:ITEM 10

PURPOSE

To accept the tender submitted by Major Motors Pty Ltd., for the supply of two new Isuzu FVD 950 HD tipper trucks and the disposal of two used tipper trucks, plant numbers 96002 and 96702.

EXECUTIVE SUMMARY

The City's 2004/05 budget provided for the purchase of heavy vehicles, as detailed in the Fleet Replacement Program. Funding for the cost of the change-over, is to be sourced from the Heavy Vehicle Reserve Account.

Included in the 2004/05 budget was provision for the purchase of two replacement tipper trucks together with the disposal of two Mitsubishi FM658 tipper trucks, plant numbers 96002 and 96702, allocated to Operations Services.

This report outlines the selection process relating to the purchase of two 16,000 kg GVM tipper trucks with the disposal of two used tipper trucks and recommends that the Joint Commissioners:

- 1 *DEEM the tenders submitted by Skipper Trucks, Diesel Motors and Falconet Pty Ltd T/A WA Hino Sales and Service to be non-conforming due to failure to comply with the specifications in the request for tender;*
- 2 *CHOOSE the tender submitted by Major Motors Pty Ltd., for the supply of two new Isuzu FVD 950 HD tipper trucks at a cost of \$238,246 excluding GST;*
- 3 *CHOOSE the tender submitted by Major Motors Pty Ltd., for the disposal by trade-in of two used tipper trucks, plant numbers 96002 and 96702, at \$106,363.64 excluding GST;*
- 4 *AUTHORISE the Acting Chief Executive Officer (A/CEO), on behalf of the City, to enter into a contract with Major Motors Pty Ltd in accordance with the tender submitted by Major Motors Pty Ltd, subject to any minor variations that may be agreed between the Chief Executive Officer (A/CEO) and Major Motors Pty Ltd.*

BACKGROUND

The two tippers are used to cart a variety of materials used in civil construction and maintenance work, including sand, road base, concrete kerbing and paving slabs. Each truck tows a trailer carrying a skid steer loader and has travelled over 130,000kms. The trailer and loader weigh approximately 5 tonne and each truck could carry a load of approximately 8 tonne.

The pricing option for an automatic transmission was requested for these trucks as they offer good performance in work situations where the trucks tow heavy trailers. These transmissions eliminate the high cost of clutch replacement and improve driver safety by allowing the driver to concentrate on the road rather than the gearbox.

DETAILS

Seven tenders were received from Major Motors Pty Ltd, Falconet Pty Ltd T/A WA Hino Sales and Service (2 tenders), Diesel Motor Trucks and Skipper Trucks (3 tenders) and recorded in the tender register. Regulation 18(2) of the *Local Government (Functions and General) Regulations 1996* allows for the rejection of a tender that fails to comply with any requirement specified in the invitation to tender.

The specification called for both manual and automatic transmissions to be priced. One tender from Diesel Motor Trucks and another from Skipper Trucks did not provide prices for automatic transmission therefore these two tenders were not evaluated further.

An additional two tenders from Skipper Trucks did not meet the minimum engine power requirements specified by the City in the tender, and consequently were not evaluated further.

One of the tenders from Falconet Pty Ltd T/A WA Hino Sales and Service was not evaluated further as the truck offered is below the Gross Vehicle Mass as specified by the City in the tender specifications.

The remaining two conforming tenders from Major Motors Pty Ltd and Falconet Pty Ltd T/A WA Hino Sales and Service, were further evaluated against the selection criteria.

Under the City's Contract Management Framework and the Code of Tendering AS 4120-1994, an evaluation committee, using a weighted multi-criterion assessment system, assesses conforming tenders. The selection criteria for Tender 024-04/05 is as follows:

- 1 Whole of life cycle costs
- 2 Tenderers demonstrated ability to provide after sales service & product spare parts

Of the two conforming tender submissions the tender submission from Major Motors Pty Ltd. for the Isuzu FVD 950 HD tipper is considered by the evaluation committee to be the best value purchase option for the City of Joondalup.

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.

In accordance with the provisions of Section 5.42 of the *Local Government Act 1995*, the Chief Executive Officer has the delegated authority to accept purchases to a limit of \$100,000. As this purchase exceeds this limit, it requires Council approval.

Policy Implications:

The City's Policy 2.5.7, on purchasing goods and services, encourages local business in the purchasing and tendering process. All tenders received, including the recommended tenderer, Major Motors Pty Ltd. are located outside the regional purchasing area.

Financial Implications:

Based on the Major Motors Pty Ltd. tender, the financial position excluding GST is:

Make & Model New Supply	Recommended Supply Cost	Recommended Disposal Return	Budget New Supply	Budget Trade	Budget Saving
Two FVD 950 HD tipper trucks	\$238,246	\$106,363.64	\$240,000	\$70,000	\$38,117.64

COMMENT

The net saving on budget of \$38,117.64 (excluding GST) is due to the higher than expected return on the old tipper trucks. The current market for used tipper trucks is very strong with many eastern states buyers sourcing used tippers from the WA market.

ATTACHMENTS

Nil

VOTING REQUIREMENTS

Simple Majority

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

- 1 DEEM the tenders submitted by Skipper Trucks, Diesel Motors and Falconet Pty Ltd T/A WA Hino Sales and Service to be non-conforming due to failure to comply with the specifications in the request for tender;**
- 2 CHOOSE the tender submitted by Major Motors Pty Ltd., for the supply of two new Isuzu FVD 950 HD tipper trucks at a cost of \$238,246 excluding GST;**
- 3 CHOOSE the tender submitted by Major Motors Pty Ltd., for the disposal by trade-in of two used tipper trucks, plant numbers 96002 and 96702, at \$106,363.64 excluding GST;**
- 4 AUTHORISE the Acting Chief Executive Officer (A/CEO), on behalf of the City, to enter into a contract with Major Motors Pty Ltd in accordance with the tender submitted by Major Motors Pty Ltd, subject to any minor variations that may be agreed between the Chief Executive Officer (A/CEO) and Major Motors Pty Ltd.**

The Motion was Put and

CARRIED UNANIMOUSLY (5/0)

CJ311 - 12/04 TENDER NUMBER 024-04/05. SUPPLY & DELIVERY OF ONE EIGHT CUBIC METRE REFUSE TRUCK WITH / WITHOUT TRADE- IN AND DISPOSAL OF ONE USED REFUSE TRUCK – [72566]

WARD - All

CJ041207_BRf.DOC:ITEM 11

PURPOSE

To accept the Tender submitted by Major Motors Pty Ltd., for the supply of one new Isuzu FRR500 cab chassis fitted with a MacDonald Johnson eight cubic metre rear loading refuse compactor and the disposal of one used refuse truck, plant number 95074.

EXECUTIVE SUMMARY

The City's 2004/05 budget provided for the purchase of light vehicles, as detailed in the Fleet Replacement Program. Funding for the cost of the change-over, is to be sourced from the Light Vehicle Reserve Account.

Included in the 2004/05 budget was provision for the purchase of one replacement refuse truck together with the disposal of a 2001 Model Isuzu NPR 300 refuse truck, plant number 95074, allocated to Operations Services.

This report outlines the selection process relating to the purchase of one rear loading refuse truck with the disposal of the used refuse truck and recommends that the Joint Commissioners:

- 1 *DEEM the tenders submitted by Skipper Trucks, Garwood International Pty Ltd and MacDonald Johnston Engineering Pty Ltd to be non-conforming due to failure to comply with the specifications in the request for tender;*
- 2 *CHOOSE the tender submitted by Major Motors Pty Ltd., for the supply of one Isuzu FRR500 cab chassis fitted with a MacDonald Johnson eight cubic metre rear loading refuse compactor at a cost of \$163,840 excluding GST;*
- 3 *CHOOSE the tender submitted by Major Motors Pty Ltd., for the disposal by trade-in of one used refuse truck, plant number 95074, at \$21,818 excluding GST;*
- 4 *AUTHORISE the Acting Chief Executive Officer (A/CEO), on behalf of the City, to enter into a contract with Major Motors Pty Ltd in accordance with the tender submitted by Major Motors, subject to any minor variations that may be agreed between the A/CEO and Major Motors Pty Ltd.*

BACKGROUND

The existing refuse truck is used to service parks and community buildings within the City of Joondalup. It is heavily utilised and covers over 35,000 kms per annum. The truck itself was purchased new in 2001, however the compactor body is over eight years old and in very poor condition.

A review of the work requirement for this unit showed that productivity improvements could be made if the refuse body was increased from six to eight cubic metres. The larger body would reduce the number of trips required to the Tamala Park refuse site, to dispose of the collected refuse.

DETAILS

Seven tenders from MacDonald Johnston Engineering Company Pty Ltd, Garwood International Pty Ltd, Major Motors Pty Ltd, Skipper Trucks (2 tenders) and Falconet Pty Ltd T/A WA Hino Sales and Service were received and recorded in the tender register. Regulation 18(2) of the *Local Government (Functions and General) Regulations 1996* allows for the rejection of a tender that fails to comply with any requirement specified in the invitation to tender.

The tender required the supply of a truck with compactor body, as specified by the City in the tender specifications. Tenders from MacDonald Johnston Engineering Company Pty Ltd and Garwood International Pty Ltd were only for the supply of the compactor body and were consequently not considered further.

An additional tender from Skipper Trucks (Alternative) did not offer an automatic transmission as required in the specifications, and was not considered further.

The remaining four conforming tenders from Falconet Pty Ltd T/A WA Hino Sales and Service (2 tenders), Skipper Trucks and Major Motors Pty Ltd were evaluated against the selection criteria.

Under the City's Contract Management Framework and the Code of Tendering AS 4120-1994, an evaluation committee, using a weighted multi-criterion assessment system, assesses conforming tenders. The selection criteria for Tender 024-04/05 is as follows:

- 1 Whole of life cycle costs
- 2 Tenderers demonstrated ability to provide after sales service & product spare parts
- 3 Satisfactory references from other users

The Isuzu FRR500 with MacDonald Johnson compactor in the tender submission from Major Motors was considered by the evaluation committee to be the best value purchase for the City of Joondalup.

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.

In accordance with the provisions of Section 5.42 of the *Local Government Act 1995*, the Chief Executive Officer has the delegated authority to accept purchases to a limit of \$100,000. As this purchase exceeds this limit, it requires Council approval.

Policy Implications:

The City's Policy 2.5.7, on purchasing goods and services, encourages local business in the purchasing and tendering process. The recommended tenderer, Major Motors Pty Ltd. is located in Belmont, which is outside the regional purchasing area.

Financial Implications:

Based on the Major Motors Pty Ltd. tender, the financial position excluding GST is:

Make & Model New Supply	Recommended Supply Cost	Recommended Disposal Return	Budget New Supply	Budget Trade	Budget Shortfall
Isuzu FRR500 with MacDonald Johnson Compactor	\$163,840	\$21,818	\$130,000	\$35,000	\$47,022

COMMENT

The net shortfall on budget of \$47,022 (excluding GST) is due to the higher cost of the larger capacity refuse body which was included in the specifications in following a review of the work requirements of this vehicle. As the compactor body is expected to last over seven years, the productivity savings will far outweigh the higher purchase cost.

It is envisaged that savings in the purchase of other vehicles, from the Light Vehicle Reserve account, will offset this shortfall.

ATTACHMENTS

Nil

VOTING REQUIREMENTS

Simple Majority

MOVED Cmr Anderson, SECONDED Cmr Clough that in relation to Tender 024-04/05, the Joint Commissioners:

- 1 DEEM the tenders submitted by Skipper Trucks, Garwood International Pty Ltd and MacDonald Johnston Engineering Pty Ltd to be non-conforming due to failure to comply with the specifications in the request for tender;**
- 2 CHOOSE the tender submitted by Major Motors Pty Ltd., for the supply of one Isuzu FRR500 cab chassis fitted with a MacDonald Johnson eight cubic metre rear loading refuse compactor at a cost of \$163,840 excluding GST;**
- 3 CHOOSE the tender submitted by Major Motors Pty Ltd., for the disposal by trade-in of one used refuse truck, plant number 95074, at \$21,818 excluding GST;**
- 4 AUTHORISE the Acting Chief Executive Officer (A/CEO), on behalf of the City, to enter into a contract with Major Motors Pty Ltd in accordance with the tender submitted by Major Motors, subject to any minor variations that may be agreed between the A/CEO and Major Motors Pty Ltd.**

The Motion was Put and

CARRIED UNANIMOUSLY (5/0)

CJ312 - 12/04 FINANCIAL REPORT FOR THE PERIOD ENDING 31 OCTOBER 2004 – [07882]

WARD - All

CJ041207_BRF.DOC:ITEM 12

PURPOSE

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

EXECUTIVE SUMMARY

The October 2004 year to date report shows an overall variance (under spend) of \$6.1m 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 \$37.0m compared to a budgeted surplus of \$34.2m at the end of October 2004. The \$2.8m variance is due primarily to a favourable variance in Rates instalment interest and charges, Employee costs, Consultancy costs, Administration costs, Finance Related costs, Contributions and Minor equipment purchases.
- **Capital Expenditure** is \$1.2m under spent due to the deferral of heavy and light vehicle purchases.
- **Capital Works and Corporate Projects** expenditure is \$2.3m against a year to date budget of \$4.4m. This is a timing difference of which \$1.7m relates to normal Capital Works while \$0.4m relates to Capital Works classified as Corporate Projects. Total committed funds in relation to all Capital Works are \$12.3m.

DETAILS

The financial report for the period ending 31 October 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 31 October 2004.

VOTING REQUIREMENTS

Simple Majority

MOVED Cmr Anderson, SECONDED Cmr Clough that the Financial Report for the period ending 31 October 2004 be NOTED.

The Motion was Put and

CARRIED UNANIMOUSLY (5/0)

Appendix 6 refers

To access this attachment on electronic document, click here: [Attach6brf071204.pdf](#)

CJ313 - 12/04 TENDER NUMBER 011-04/05 SUPPLY & DELIVERY OF CRUSHED LIMESTONE AND BITUMEN EMULSION STABILISED LIMESTONE – [86564]

WARD - All

CJ041207_BRF.DOC:ITEM 13

PURPOSE

To seek the approval of the Joint Commissioners to choose the tender submitted by W.A. Limestone as the successful tenderer for the Supply & Delivery of Crushed Limestone and Bitumen Emulsion Stabilised Limestone (Tender Number 011-04/05).

EXECUTIVE SUMMARY

Tenders were advertised on 29 September 2004 through statewide public notice for the Supply and Delivery of Crushed Limestone and Bitumen Stabilised Limestone. Tenders closed on 13 October 2004. Three submissions were received from: Roadstone Quarries Pty Ltd trading as Roadstone, W.A. Limestone and Green 4 Brownfields Pty Ltd.

It is recommended, in relation to tender number 011-04/05 for the Supply of Crushed Limestone and Bitumen Emulsion Stabilised Limestone, that the Joint Commissioners:

- 1 Deem the tender submitted by Roadstone Quarries Pty Ltd trading as Roadstone 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 W.A. Limestone as the successful tenderer for the Supply & Delivery of Crushed Limestone and Bitumen Emulsion Stabilised Limestone (Tender No. 011-04/05) in accordance with the schedule of rates as outlined in Attachment 1 to Report CJ313-12/04;*

- 3 *Authorise the Acting Chief Executive Officer (A/CEO), on behalf of the City, to enter into a contract with W.A. Limestone in accordance with the tender submitted by W.A. Limestone, subject to any minor variations that may be agreed between the A/CEO and W.A. Limestone.*
- 4 *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

Crushed Limestone is used in various forms to construct and maintain many roads and paths throughout the City. The previous tender period had reached the maximum extension period of three (3) years and as a result the tender was required to be recalled.

DETAILS

Three submissions were received, from Roadstone Quarries Pty Ltd trading as Roadstone, W.A. Limestone and Green 4 Brownfields 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 requirements are deemed to be non-conforming and are eliminated from consideration.

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 of the request for tender, tenderers are required to complete the entire schedule of rates by inserting fixed prices in each row. The tender submitted by Roadstone Quarries Pty Ltd did not provide prices for bitumen emulsion stabilised limestone and did not fully address the selection criteria. Accordingly it is recommended that the tender submitted by Roadstone Quarries Pty Ltd be deemed non-conforming.

Green 4 Brownfields Pty Ltd fully completed the schedule of rates with comments against each tendered rate. The City sought clarification in relation to the rates for crushed limestone and bitumen emulsion stabilised limestone. Green 4 Brownfields Pty Ltd confirmed that the rates for crushed limestone and bitumen emulsion stabilised limestone would be subject to the quantities ordered and additional charges would apply for smaller quantities.

The evaluation team reconvened to assess the clarification received and considered that the clarification received from Green 4 Brownfields Pty qualified its tender. It is considered that Green 4 Brownfields Pty Ltd did not comply with the requirements specified in the request for tender and consequently the tender submitted by Green 4 Brownfields Pty Ltd is considered an alternative tender. As the alternative tender was not accompanied by a conforming tender, the tender submitted by Green 4 Brownfields Pty Ltd is non-conforming.

Under Clause 1.7.7 ‘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’.

Additionally, other criteria are assessed and if not met the City may eliminate the tender from further consideration. The extent of non-compliance would determine if the tender was further considered. The tender received from WA Limestone met all the essential requirements and was submitted for further consideration.

The evaluation process involves an independent assessment of the qualitative and quantitative criteria by each member of the Evaluation Team. Each member of the Evaluation Team assessed the Tender submission individually against the selection criteria using the weightings determined during the tender planning phase. The Evaluation Team convened to submit and discuss their assessment.

Under the City’s Contract Management Framework, the remaining tender was 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 011-04/05 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. Details should include:
- Past Record of Performance and Achievement with other clients/ Local Government.
- 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.

Beneficial Effects of Tender/Local Content:

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

Tendered Price/s:

- The price to supply the specified goods or services.

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 Annual Maintenance and Capital Works Budgets as authorised by Council.

COMMENTS

The remaining tender was assessed in accordance with *Regulation 18(4)* of the *Local Government (Functions & General) 1996*. In reviewing the conforming tender, the assessment panel identified that the tender submitted by W.A. Limestone has the capability and resources to provide the service and is therefore recommended as the preferred 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, which 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 Fox, **SECONDED** Cmr Anderson that in relation to Tender Number 011-04/05 for crushed limestone and bitumen emulsion stabilised limestone, the Joint Commissioners:

- 1 DEEM the tender submitted by Roadstone Quarries Pty Ltd trading as Roadstone 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 W.A. Limestone as the successful tenderer for the Supply & Delivery of Crushed Limestone and Bitumen Emulsion Stabilised Limestone (Tender No. 011-04/05) in accordance with the schedule of rates as outlined in Attachment 1 to Report CJ313-12/04;**
- 3 AUTHORISE the Acting Chief Executive Officer (A/CEO), on behalf of the City, to enter into a contract with W.A. Limestone in accordance with the tender submitted by W.A. Limestone, subject to any minor variations that may be agreed between the A/CEO and W.A. Limestone;**
- 4 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.**

The Motion was Put and

CARRIED UNANIMOUSLY (5/0)

Appendix 7 refers

To access this attachment on electronic document, click here: [Attach7brf071204.pdf](#)

CJ314 - 12/04 TENDER NUMBER 017-04/05 SUPPLY AND DELIVERY OF PREMIX CONCRETE – [52565]

WARD - All

CJ041207_BRF.DOC:ITEM 14

PURPOSE

To seek the approval of the Joint Commissioners to choose the tender submitted by Readymix Holdings Pty Ltd as the successful tenderer for the Supply & Delivery of Premix Concrete (Tender Number 017-04/05).

EXECUTIVE SUMMARY

Tenders were advertised on 29 September 2004 through statewide public notice for the Supply and Delivery of premix Concrete. Tenders closed on 13 October 2004. Two submissions were received from: Readymix Holdings Pty Ltd and Hanson Construction Materials Pty Ltd.

It is recommended, in relation to tender number 017-04/05 for the Supply & Delivery of Premix Concrete, that the Joint Commissioners:

- 1 *Choose Readymix Holdings Pty Ltd as the successful tenderer for the Supply & Delivery of Premix (Tender No. 017-04/05) in accordance with the schedule of rates as outlined in Attachment 1 to Report CJ314-12/04;*
- 2 *Authorise the Acting Chief Executive Officer (A/CEO), on behalf of the City, to enter into a contract with Readymix Holdings Pty Ltd in accordance with the tender submitted by Readymix Holdings Pty Ltd, subject to any minor variations that may be agreed between the A/CEO and Readymix Holdings Pty Ltd;*
- 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

Premix concrete is primarily used for footpath and kerbing construction and the City's maintenance programme. It is an essential requirement for the City's maintenance and small construction programme to have a designated contractor to supply premix concrete.

DETAILS

Two submissions were received, from Readymix Holdings Pty Ltd and Hanson Construction Materials 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 requirements are deemed to be non-conforming and are eliminated from consideration.

Additionally, other criteria are assessed and if not met the City may eliminate the tenders from further consideration. The extent of non-compliance would determine if the tenders were further considered. The tender received from Readymix Holdings Pty Ltd and Hanson Construction Materials Pty Ltd met all the essential requirements and were submitted for further consideration.

The evaluation process involves an independent assessment of the qualitative and quantitative 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 tender submitted in 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 Tender number 017-04/05 was as follows:

Performance and Experience of Tenderer in completing similar projects:

Relevant Industry Experience, including details of similar work undertaken. Tenderers shall submit a Detailed Schedule of Previous Experience on similar and/or relevant projects.

Past Record of Performance and Achievement with other clients/ local government

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

Beneficial Effects of Tender/Local Content:

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

Tendered Price/s:

The Price to supply the specified goods or services

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 Implications:

The City's Policy on purchasing goods and services encourages local business in the purchasing and tendering process; the recommended tenderer was not located in the City or the region.

Financial Implications:

In accordance with Annual Maintenance and Capital Works Budgets as authorised by Council.

COMMENT

The 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 that the tender submitted by Readymix Holdings Pty Ltd ranked first overall and has the capability and resources to provide the service and is therefore recommended as the preferred 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. 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, which 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 Schedule of Rates

VOTING REQUIREMENTS

Simple Majority

MOVED Cmr Anderson, SECONDED Cmr Clough that in relation to Tender Number 017-04/05 for the Supply & Delivery of Premix Concrete, the Joint Commissioners:

- 1 CHOOSE Readymix Holdings Pty Ltd as the successful tenderer for the Supply & Delivery of Premix Concrete (Tender No. 017-04/05) in accordance with the schedule of rates as outlined in Attachment 1 to Report CJ314-12/04;**
- 2 AUTHORISE the Acting Chief Executive Officer (A/CEO), on behalf of the City, to enter into a contract with Readymix Holdings Pty Ltd in accordance with the tender submitted by Readymix Holdings Pty Ltd, subject to any minor variations that may be agreed between the A/CEO and Readymix Holdings Pty Ltd;**
- 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.**

The Motion was Put and

CARRIED UNANIMOUSLY (5/0)

Appendix 8 refers

To access this attachment on electronic document, click here: [Attach8brf071204.pdf](#)

**CJ315 - 12/04 TENDER NUMBER 018-04/05 JOONDALUP DRIVE
DUAL CARRIAGEWAY ROADWORKS,
JOONDALUP – [74565]**

WARD - All

CJ041207_BRF.DOC:ITEM 15

PURPOSE

To seek the approval of the Joint Commissioners to choose the tender submitted by Densford Pty Ltd as the successful tenderer for the Joondalup Drive Dual Carriageway Roadworks, Joondalup (Tender Number 018-04/05).

EXECUTIVE SUMMARY

Tenders were advertised on 16 October 2004 through statewide public notice for the Joondalup Drive Dual Carriageway Roadworks, Joondalup. Tenders closed on 4 November 2004. Four submissions were received from: Densford Pty Ltd, Georgiou Group Pty Ltd, Mako Civil Contractors Pty Ltd and Works Infrastructure Pty Ltd.

It is recommended, in relation to the tender number 018-04/05 for the Joondalup Drive Dual Carriageway Roadways, Joondalup, that the Joint Commissioners:

- 1 *CHOOSE Densford Pty Ltd as the successful tenderer for the Joondalup Drive Dual Carriageway Roadworks (Tender No. 018-04/05) for a lump sum price of \$1,234,920.75 (excluding GST) for the Main Part and \$33,603.75 (excluding GST) for the Separable Portion which is subject to co-ordination of adjacent dual carriageway works being carried out by City of Wanneroo and Main Roads WA;*
- 2 *AUTHORISE the Acting Chief Executive Officer (A/CEO), on behalf of the City, to enter into a contract with Densford Pty Ltd in accordance with the tender submitted by Densford Pty Ltd, subject to any minor variations that may be agreed between the A/CEO and Densford Pty Ltd.*

BACKGROUND

The City of Joondalup has been successful in obtaining grant funding through the Metropolitan Regional Road Program for the dualling of Joondalup Drive from Lakeside Drive, Joondalup to the City boundary with the City of Wanneroo.

The Joondalup Drive project will enable the City to meet the increasing regional and local traffic demands for the municipality and Joondalup City Centre.

Suburb/Location: Joondalup
Applicant: City of Joondalup
Owner: Road Reserve
Zoning: **DPS:** Road Reserve
 MRS: Road Reserve

Strategic Plan: The project falls under (Section 3.1) Key Focus Area of City Development and the Objective to Develop and Maintain the City of Joondalup's assets and built environment

DETAILS

Four tender submissions were received from: Densford Pty Ltd, Georgiou Group Pty Ltd, Mako Civil Contractors Pty Ltd and Works Infrastructure 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 requirements are deemed to be non-conforming and are eliminated from consideration.

Additionally, other criteria 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. The tenders submitted by Densford Pty Ltd, Georgiou Group Pty Ltd, Mako Civil Contractors Pty Ltd and Works Infrastructure Pty Ltd met all the essential requirements and were submitted for further consideration.

The evaluation process involves an independent assessment of the qualitative and quantitative 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 completing similar projects:

Relevant Industry Experience, including details of similar work undertaken. Tenderers shall submit a Detailed Schedule of Previous Experience on similar and/or relevant projects.

Company Structure

Qualifications, Skills and Experience of Key Personnel

Equipment and Staff Resources available

Percentage of Operational Capacity represented by this work

Financial Capacity

Risk Assessment

Compliance with tender requirements – insurances, licenses etc

Quality Systems

Occupational Health and Safety Management System and Track Record

Post Contract Services offered

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

Methodology:

Tenderers shall provide a:
 Construction programme with milestones / deliverables

Tendered Price/s:

The Price to Supply the specified services
 Discounts, settlement terms

Densford Pty Ltd, Mako Civil Contractors Pty Ltd and Works Infrastructure Pty Ltd fully addressed all the selection criteria, however the submission received from Georgiou Group Pty Ltd did not address all the selection criteria, this resulted in a low score for the qualitative criteria.

Densford Pty Ltd, Mako Civil Pty Ltd and Works Infrastructure Pty Ltd submitted tenders that fully demonstrated their ability to provide the works required. The tender submitted by Densford Pty Ltd ranked highest in the evaluation assessment and accordingly is 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.

Policy Implications:

The City's Policy on purchasing goods and services encourages local business in the purchasing and tendering process; the recommended tenderer is located in the region.

Financial Implications:

Available Funds:	Joondalup Drive (Municipal)	
	Project Number 6601	\$677,088
	Joondalup Drive (MRRP 04/05)	
	Project Number 6604	<u>\$1,000,000</u>
		\$1,677,088
Less Allocated Costs:		
	Term Asphalt Contractor	
	Cost for Asphalt Component	<u>(\$351,700)</u>
	Available Roadworks Funds in Budget	<u>\$1,325,388</u>

The lump sum price of \$1,234,920.75 (excluding GST) for the Main Part and \$33,603.75 (excluding GST) for the Separable Portion = \$1,268,524.50 which will be covered by the available funds.

The Separable Portion of \$33,603.75 will be subject to co-ordination of adjacent works being carried out by City of Wanneroo and Main Roads WA.

COMMENT

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

ATTACHMENTS

Nil

VOTING REQUIREMENTS

Simple Majority

MOVED Cmr Clough, SECONDED Cmr Fox that in relation to tender number 018-04/05 for the Joondalup Drive Dual Carriageway Roadworks, the Joint Commissioners:

- 1 CHOOSE Densford Pty Ltd as the successful tenderer for the Joondalup Drive Dual Carriageway Roadworks (Tender No. 018-04/05) for a lump sum price of \$1,234,920.75 (excluding GST) for the Main Part and \$33,603.75 (excluding GST) for the Separable Portion which is subject to co-ordination of adjacent dual carriageway works being carried out by City of Wanneroo and Main Roads WA;**
- 2 AUTHORISE the Acting Chief Executive Officer (A/CEO), on behalf of the City, to enter into a contract with Densford Pty Ltd in accordance with the tender submitted by Densford Pty Ltd, subject to any minor variations that may be agreed between the A/Chief Executive Officer and Densford Pty Ltd.**

The Motion was Put and

CARRIED UNANIMOUSLY (5/0)

**CJ316 - 12/04 TENDER NUMBER 019-04/05 INSTALLATION OF
TRAFFIC SIGNALS AND ASSOCIATED WORKS AT
DAVALLIA / WARWICK ROADS AND OCEAN REEF
ROAD / TRAPPERS DRIVE – [75565]**

WARD - All

CJ041207_BRF.DOC:ITEM 16

PURPOSE

To seek the approval of the Joint Commissioners to choose the tender submitted by Quality Traffic Management Pty Ltd as the successful tenderer for the Installation of Traffic Signals and Associated Works at Davallia / Warwick Roads and Ocean Reef Road / Trappers Drive.

EXECUTIVE SUMMARY

Tenders were advertised on 20 October 2004 through statewide public notice for the Installation of Traffic Signals and Associated Works. Tenders closed on 9 November 2004. Two submissions were received from: Quality Traffic Management Pty Ltd and Downer Electrical Pty Ltd.

It is recommended, in relation to tender number 019-04/05 for the Installation of Traffic Signals and Associated Works, that the Joint Commissioners:

- 1 *DEEM the tender submitted by Downer Electrical 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 Quality Traffic Management Pty Ltd as the successful tenderer for the Installation of Traffic Signals and Associated Works (Tender No. 019-04/05) in accordance with the Lump Sum Prices of \$112,529.55 (excluding GST) for Davallia / Warwick Roads and \$97,098.75 (excluding GST) for Ocean Reef Road / Trappers Drive;*
- 3 *AUTHORISE the Acting Chief Executive Officer (A/CEO), on behalf of the City, to enter into a contract with Quality Traffic Management Pty Ltd in accordance with their submitted tender, subject to any minor variations that may be agreed between the A/Chief Executive Officer and Quality Traffic Management Pty Ltd.*

BACKGROUND

The City of Joondalup has been successful in obtaining 2004-2005 State Black Spot Funding on a 2:1 State to Local Government contribution, for the installation of Traffic Signals at two intersection locations within the City. The proposed installations are at; Warwick Road – Davallia Road, Duncraig and Ocean Reef Road – Trappers Drive, Woodvale.

The City has included in its 2004-2005 Five Year Capital Works Program under Traffic Management, Blackspots, the following allocations:

Year	Project Name	Funding Sources		Total Funds
		State Blackspot	Municipal	
2004-2005	Warwick Road-Davallia Road	\$106,667	\$53,333	\$160,000
2004-2005	Ocean Reef Road-Trappers Drive	\$106,667	\$53,333	\$160,000

The installation of traffic signals will enhance the traffic and pedestrian safety at these two 'Blackspot' intersections.

DETAILS

Two submissions were received, from Quality Traffic Management Pty Ltd and Downer Electrical 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 requirements are deemed to be non-conforming and are eliminated from consideration. The tender submitted by Downer Electrical Pty Ltd did not meet a significant portion of the essential requirements. Accordingly it is recommended that the tender submitted by Downer Electrical Pty Ltd be deemed non-conforming.

The evaluation process involves an independent assessment of the qualitative and quantitative criteria by each member of the Evaluation Team. Each member of the Evaluation Team assessed the tender submission individually against the selection criteria using the weightings determined during the tender planning phase. The Evaluation Team convened to submit and discuss their assessment.

The tender submitted by Quality Traffic Management Pty Ltd met all the essential requirements and was submitted for further consideration.

Under the City's Contract Management Framework, the remaining tender was 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 019-04/05 are as follows:

Performance and Experience of Tenderer in completing similar projects:

- Relevant Industry Experience, including details of similar work undertaken. Tenderers shall submit a Detailed Schedule of Previous Experience on similar and/or relevant projects.
- Company Structure
- Qualifications, Skills and Experience of Key Personnel
- Equipment and Staff Resources Available.
- Percentage of Operational Capacity represented by this work
- Financial Capacity
- Risk Assessment
- Compliance with tender requirements – insurances, licences, site inspections etc.

- Quality Systems
- Occupational Health and Safety Management System and Track Record
- Post Contract Services offered
- 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/Subcontractors within the City of Joondalup
- Sustainability / Efficiency / Environmental

Methodology:

- Tenderers shall provide a:
Construction Programme with milestones/deliverables

Tendered Price/s:

- The Price to Supply the specified services
- Discounts, settlement terms

Statutory Provision:

The statewide public tender was advertised, opened and evaluated in accordance with the *Local Government (F&G) Regulations 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 Implications:

The City's Policy on purchasing goods and services encourages local business in the purchasing and tendering process; the recommended tenderer is not located in the City or the Region.

Financial Implications:

Year	Project Name	Funding Sources		Total Funds
		State Blackspot	Municipal	
2004-2005	Warwick Road-Davallia Road Project Numbers 6625 and 6618	\$106,667	\$53,333	\$160,000
Tender Amount from Quality Traffic Management				<u>\$112,529.55</u>

2004-2005	Ocean Reef Road-Trappers Drive	\$106,667	\$53,333	\$160,000
	Project Numbers 6629 and 6622			

Tender Amount from Quality Traffic Management **\$97,098.75**

As can be seen from the above project details, sufficient funds exist for the installation of traffic signals at both proposed intersections to proceed under this contract.

COMMENTS

The conforming tender was assessed in accordance with *Regulation 18(4) of the Local Government (Functions & General) Regulations 1996*. In reviewing the conforming tender, the Evaluation panel determined that Quality Traffic Management Pty Ltd has the capability and resources to provide the service and they are therefore recommended as the preferred 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.

ATTACHMENTS

Nil.

VOTING REQUIREMENTS

Simple Majority

MOVED Cmr Clough, SECONDED Cmr Anderson that in relation to Tender Number 019-04/05 for Installation of Traffic Signals and Associated Works at Davallia / Warwick Roads and Ocean Reef Road / Trappers Drive, the Joint Commissioners:

- 1 DEEM the tender submitted by Downer Electrical 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 Quality Traffic Management Pty Ltd as the successful tenderer for the Installation of Traffic Signals and Associated Works (Tender No. 019-04/05) in accordance with the Lump Sum Prices of \$112,529.55 (excluding GST) for Davallia / Warwick Roads and \$97,098.75 (excluding GST) for Ocean Reef Road / Trappers Drive;**
- 3 AUTHORISE the Acting Chief Executive Officer (A/CEO), on behalf of the City, to enter into a contract with Quality Traffic Management Pty Ltd in accordance with their submitted tender, subject to any minor variations that may be agreed between the A/CEO and Quality Traffic Management Pty Ltd.**

The Motion was Put and

CARRIED UNANIMOUSLY (5/0)

CJ317 - 12/04 TENDER NUMBER 021-04/05 HIRE OF PLANT AND TRUCKS – [16566]

WARD - All

CJ041207_BRF.DOC:ITEM 17

PURPOSE

To seek the approval of the Joint Commissioners to choose the tenders submitted by Oldridge Investments Pty Ltd T/As Dalco Earthmoving and Hot Mix as the successful tenderers for the Hire of Plant and Trucks.

EXECUTIVE SUMMARY

Tenders were advertised on 20 October 2004 through statewide public notice for the Hire of Plant and Trucks. Tenders closed on 4 November 2004. Six submissions were received from: Oldridge Investments Pty Ltd T/As Dalco Earthmoving, Coates Operations, Hot Mix, WesTrac Pty Ltd, J S Stampalia and Mini Excavators Pty Ltd.

It is recommended, in relation to tender number 021-04/05 for the Hire of Plant and Trucks, that the Joint Commissioners:

- 1 DEEM the tenders submitted by J S Stampalia and Mini Excavators Pty Ltd as non-conforming in accordance with Regulation 18(2) of the Local Government (Functions and General) Regulations 1996 because they failed to fully comply with the essential requirements specified in the request for tender;*
- 2 CHOOSE Oldridge Investments Pty Ltd T/As Dalco Earthmoving and Hot Mix as the successful tenderers for the Hire of Plant and Trucks (Tender No. 021-04/05) in accordance with the schedule of rates as outlined in Attachments 1 and 2 to Report CJ317-12/04;*
- 3 AUTHORISE the Acting Chief Executive Officer (A/CEO), on behalf of the City, to enter into a contract with Oldridge Investments Pty Ltd T/As Dalco Earthmoving and Hot Mix for the Hire of Plant and Trucks, in accordance with the tenders submitted by Dalco Earthmoving and Hot Mix, subject to any minor variations that may be agreed between the A/CEO and Dalco Earthmoving and Hot Mix;*
- 4 DETERMINE that each 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 each contract not to exceed 3 years.*

BACKGROUND

The City utilises hire plant as required for specific works to offset down time and maintenance costs associated with minimal operating hours.

Typically the plant items are Rollers, additional trucks, mini excavators and compactors.

DETAILS

Six submissions were received, from Oldridge Investments Pty Ltd T/As Dalco Earthmoving, Coates Operations, Hot Mix, WesTrac Pty Ltd, J S Stampalia and Mini Excavators 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 requirements are deemed to be non-conforming and are eliminated from consideration.

As part of its offer, each tenderer is required to provide general and corporate information and information demonstrating compliance with the Qualitative and Quantitative Criteria. The tenders submitted by J S Stampalia and Mini Excavators Pty Ltd did not provide sufficient information to allow further assessment by the Evaluation Panel. Accordingly it is recommended that the tenders submitted by J S Stampalia and Mini Excavators Pty Ltd be deemed non-conforming.

Under Clause 1.7.7 ‘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’.

Coates Operations qualified its tender by including Conditions of Sale and Hire, additional charges for loss and damage cover, stand-down charges and additional re-hire rates. The City sought clarification and as a result Coates Operations requested negotiations on contractual clauses within the Conditions of Sale and Hire. The Evaluation Panel considered the clarification response and determined that the tender submitted by Coates Operations is an alternative tender, not accompanied by a conforming tender, and is non-conforming.

WesTrac Pty Ltd submitted two qualifications with its tender, i.e. additional charges for renter protection (loss and damage cover) and stamp duty. The City sought clarification and as a result WesTrac withdrew the stamp duty but not the renter protection. The Evaluation Panel considered the clarification response and determined that the tender submitted by WesTrac is an alternative tender, not accompanied by a conforming tender, and is non-conforming.

The remaining two tenders met all the essential requirements and were submitted for further consideration.

The evaluation process involves an independent assessment of the qualitative and quantitative 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 assessment.

Under the City’s Contract Management Framework, the remaining 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 021-04/05 are as follows:

Resources and Experience of Tenderer in providing similar services:

- Relevant Industry Experience, including details of providing similar supply. Details should include:
- Past Record of Performance and Achievement with a local government / other clients
- Level of Understanding of tender documents and work required.
- Safety management policy including records for the past two years.
- Written References from past and present clients.
- Ability to provide usage and expenditure information.

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.

Beneficial Effects of Tender/Local Content:

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

Tendered Price/s:

- The Price to supply the specified equipment or services.
- Discounts, settlement terms.

Statutory Provision:

The statewide public tender was advertised, opened and evaluated in accordance with the *Local Government (F&G) Regulations 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 Implications:

The City's Policy on purchasing goods and services encourages local business in the purchasing and tendering process; one of the recommended tenderers is located in the City, the other one is not located in the City or the Region.

Financial Implications:

In accordance with Operation Services' Annual Maintenance and Capital Works Budgets as authorised by Council.

COMMENTS

The conforming tenders were assessed in accordance with *Regulation 18(4)* of the *Local Government (Functions & General) Regulations 1996*. The Evaluation Panel considered that the tenders submitted by Oldridge Investments Pty Ltd T/As Dalco Earthmoving and Hot Mix have the capability and resources to provide the service required.

Due to the variety of items required, neither tenderer could provide all the required items. The Tender submitted by Oldridge Investments Pty Ltd T/As Dalco Earthmoving offered all items except the profiling machine. The Tender submitted by Hot Mix offered only the profiling machine and the tip trucks. These tenders complement each other in the provision of all the requirements of the City for the hire of plant and trucks. It is therefore considered appropriate to appoint a panel of two contractors to cover the City's requirements.

As a part of contract management processes, the City will regularly review/monitor the Contractors' 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. There will be an option to extend the contracts for a further twenty four (24) months that will be subject to suitable performance by the Contractors in annual performance reviews, which 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 each contract will not exceed three (3) years.

ATTACHMENTS

Attachment 1	Schedule of Rates
Attachment 2	Schedule of Rates

VOTING REQUIREMENTS

Simple Majority

MOVED Cmr Anderson, SECONDED Cmr Clough that in relation to Tender Number 021-04/05 for Hire of Plant and Trucks, the Joint Commissioners:

- 1 DEEM the tenders submitted by J S Stampalia and Mini Excavators Pty Ltd as non-conforming in accordance with Regulation 18(2) of the Local Government (Functions and General) Regulations 1996 because they failed to fully comply with the essential requirements specified in the request for tender;**
- 2 CHOOSE Oldridge Investments Pty Ltd T/As Dalco Earthmoving and Hot Mix as the successful tenderers for the Hire of Plant and Trucks (Tender No. 021-04/05) in accordance with the schedule of rates as outlined in Attachments 1 and 2 to Report CJ317-12/04;**

- 3 AUTHORISE the Acting Chief Executive Officer (A/CEO), on behalf of the City, to enter into a contract with Oldridge Investments Pty Ltd T/As Dalco Earthmoving and Hot Mix in accordance with the tenders submitted by Dalco Earthmoving and Hot Mix, subject to any minor variations that may be agreed between the A/CEO and Dalco Earthmoving and Hot Mix;**
- 4 DETERMINE that each 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 each contract not to exceed 3 years.**

The Motion was Put and

CARRIED UNANIMOUSLY (5/0)

Appendix 9 refers

To access this attachment on electronic document, click here: [Attach9brf071204.pdf](#)

CJ318 - 12/04 TENDER NUMBER 022-04/05 MAINTENANCE OF PUBLIC OPEN SPACE & LANDSCAPE AREAS - HARBOUR RISE HILLARYS – [25566]

WARD - All

CJ041207_BRF.DOC:ITEM 18

PURPOSE

To seek the approval of the Joint Commissioners to choose the tender submitted by Sanpoint Pty Ltd trading as Landscape Development as the successful tenderer for the Maintenance of Public Open Space & Landscape Areas – Harbour Rise Hillarys.

EXECUTIVE SUMMARY

Tenders were advertised on 27 October 2004 through statewide public notice for the Maintenance of Public Open Space & Landscape Areas – Harbour Rise Hillarys. Tenders closed on 11 November 2004. Five submissions were received from: Sanpoint Pty Ltd trading as Landscape Development, Russell Landscaping WA Pty Ltd, Gemlodge Pty Ltd trading as Allwest Projects, Grounds and Gardens Pty Ltd and Programmed Maintenance Services Limited.

It is recommended, in relation to tender number 022-04/05 for the Maintenance of Public Open Space & Landscape Areas – Harbour Rise Hillarys, that the Joint Commissioners:

- 1 CHOOSE Sanpoint Pty Ltd trading as Landscape Development as the successful tenderer for the Maintenance of Public Open Space & Landscape Areas – Harbour Rise Hillarys (Tender No. 022-04/05) in accordance with the schedule of rates as outlined in Attachment 1 to Report CJ318-12/04;*

- 2 *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;*
- 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

Hillarys Harbour Rise Estate is a rapidly developing area where the community voted to implement a Specified Area Rate for Landscape Maintenance. There are various areas of landscape currently maintained by the Estate Developer and sections that have transferred to the City of Joondalup in accordance with normal sub divisional development practices.

DETAILS

Five submissions were received, from Sanpoint Pty Ltd trading as Landscape Development, Russell Landscaping WA Pty Ltd, Gemlodge Pty Ltd trading as Allwest Projects, Grounds and Gardens Pty Ltd and Programmed Maintenance Services Limited.

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 requirements are deemed to be non-conforming and are eliminated from consideration.

Additionally, other criteria are assessed and if not met the City may eliminate the tenders from further consideration. The extent of non-compliance would determine if the tenders were further considered. All tenders met the essential requirements and were submitted for further consideration.

The evaluation process involves an independent assessment of the qualitative and quantitative 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 tenders submitted in 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 Tender number 022-04/05 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.
Past Record of Performance and Achievement with other clients/ local government.
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
Technical qualifications, skills and experience of key personnel
Equipment and staff resources available
Percentage of Operational Capacity represented by this work.
Financial Capacity
Risk Assessment Occupational Health and Safety Management System and Track Record.

Beneficial Effects of Tender/Local Content:

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

Tendered Price/s:

The Price to supply the specified goods or services
Schedule of Rates for additional goods or services variations and disbursements.

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 Implications:

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

Financial Implications:

In accordance with Operation Services, Annual Maintenance and Capital Works Budgets as authorised by Council.

COMMENT

The tenders were assessed in accordance with *Regulation 18(4) of the Local Government (Functions & General) Regulations 1996*. In reviewing the conforming tenders, the assessment panel identified that the tender submitted by Sanpoint Pty Ltd trading as Landscape Development ranked first overall and has the capability and resources to provide the service and is therefore recommended as the preferred tenderer.

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

Subject to Council approval, the contract term will be for an initial period of twelve (12) months. 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, which 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 Schedule of Rates

VOTING REQUIREMENTS

Simple Majority

MOVED Cmr Clough, SECONDED Cmr Fox that in relation to Tender Number 022-04/05 for the Maintenance of Public Open Space and Landscape Areas – Harbour Rise Hillarys, the Joint Commissioners:

- 1 CHOOSE Sanpoint Pty Ltd trading as Landscape Development as the successful tenderer for the Maintenance of Public Open Space & Landscape Areas – Harbour Rise Hillarys (Tender No. 022-04/05) in accordance with the schedule of rates as outlined in Attachment 1 to Report CJ318-12/04;**
- 2 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;**
- 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.**

The Motion was Put and

CARRIED UNANIMOUSLY (5/0)

Appendix 10 refers

To access this attachment on electronic document, click here: [Attach10brf071204.pdf](#)

CJ319 - 12/04 TENDER NUMBER 027-04/05 ARCHITECTURAL CONSULTANCY SERVICES – [89566]

WARD - All

CJ041207_BRF.DOC:ITEM 19

PURPOSE

To seek the approval of the Joint Commissioners to choose the tenders submitted by James Christou & Partners Architects and Site Architecture Studio as the successful tenderers for Architectural Consultancy Services (Tender Number 027-04/05).

EXECUTIVE SUMMARY

Tenders were advertised on 3 November 2004 through statewide public notice for Architectural Consultancy Services. Tenders closed on 18 November 2004. Four submissions were received from: James Christou & Partners Architects, GHD Pty Ltd, Site Architecture Studio and Bollig Design Group.

It is recommended, in relation to tender number 027-04/05 for Architectural Consultancy Services, that the Joint Commissioners:

- 1 Choose James Christou & Partners Architects and Site Architecture Studio as the successful tenderers for Architectural Consultancy Services (Tender No. 027-04/05) in accordance with the schedules of rates as outlined in Attachment 1 to Report CJ319-12/04;*
- 2 Authorise the Acting Chief Executive Officer (A/CEO), on behalf of the City, to enter into contracts with James Christou & Partners Architects and Site Architecture Studio in accordance with the tenders submitted by James Christou & Partners Architects and Site Architecture Studio subject to any minor variations that may be agreed between the A/CEO and James Christou & Partners Architects and Site Architecture Studio;*
- 3 Determine that the contracts are 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 contracts not to exceed 3 years.*

BACKGROUND

The City prepares a five year capital works programme that includes minor building works and maintenance works that requires various architectural services. The types of projects to be undertaken over the next three years includes new toilet blocks on reserves, modification and extensions to existing buildings, interior fitouts and buildings and conceptual work for projects to be undertaken in future years.

The City leases out a number of its facilities to commercial and community organisations that are inspected on an annual basis for determining the condition of the buildings. The information gained from these inspections helps prepare the detail required for the five-year capital works programme.

The City does not guarantee any fixed quantity of work under this Consultancy nor exclusivity. To ensure that the level of services provided under this offer meets the City's requirements, the City will undertake an annual evaluation of the services. It is likely that any major architectural detailed design requirements for major capital works would be the subject of a separate tender on an as needs basis.

The appointment of Consultant Architects will assist the City to manage the design, documentation and contract administration through a planned and coordinated approach. The consultancy will also streamline the commissioning and administration of projects.

DETAILS

Four submissions were received from: James Christou & Partners Architects, GHD Pty Ltd, Site Architecture Studio and Bollig Design Group.

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 requirements are deemed to be non-conforming and are eliminated from consideration.

Additionally, other criteria are assessed and if not met the City may eliminate the tenders from further consideration. The extent of non-compliance would determine if the tenders were further considered.

The tenders received from James Christou & Partners Architects, GHD Pty Ltd, Site Architecture Studio and Bollig Design Group met all the essential requirements and were submitted for further consideration.

The evaluation process involves an independent assessment of the qualitative and quantitative 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 tenders submitted in 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 Tender number 027-04/05 was as follows:

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

Company Structure;
Qualifications, skills and experience of key personnel who will be involved in this contract;
Equipment and staff resources available;
Financial capacity;

Compliance with tender requirements – insurances, licenses etc;
Quality systems.

Performance and Experience of Tenderer in completing similar contracts:

Relevant industry experience, including details of similar work undertaken;
Tenderers shall submit a detailed schedule of previous experience on similar and/or relevant contracts;
Past record of performance and achievement with Local Government organisations;
Past record of performance and achievement with other clients;
Extensive knowledge of public building standards and statutory requirements;
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 within the City of Joondalup;
Value added items offered by the tenderer.

Contract Methodology:

Detail the procedures and processes you intend to use to achieve the requirements of the Specification;
Highlight key points of difference offered by your firm.

Tendered Price/s:

Schedule of Rates and Fee Curve Information;
Discount, 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 Implications:

The City's Policy on purchasing goods and services encourages local business in the purchasing and tendering process; the recommended tenderers were not located in the City or the Region.

Financial Implications:

Account No:	Various
Budget Item:	Major Building Works Program BCW
Budget Amount:	Project specific

COMMENT

The 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 that the tenders submitted by James Christou & Partners Architects and Site Architecture Studio ranked first and second overall and have the capability and resources to provide the required services and are therefore recommended as the preferred tenderers.

The tender document advised that more than one tenderer may be appointed for these services. Due to the varied nature of the work the evaluation panel determined that two consultants should be selected.

The appointment of a panel of two architects will provide flexibility on undertaking major and minor projects suited to the expertise of the consultants.

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

Subject to Council approval, the contract term will be for an initial period of twelve (12) months. There will be an option to extend the contracts for a further twenty four (24) months that will be subject to suitable performance by the Contractors in annual performance reviews, which ensure that the requirements of the contracts 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 contracts will not exceed three (3) years.

ATTACHMENTS

Attachment 1 Schedules of Rates

VOTING REQUIREMENTS

Simple Majority

MOVED Cmr Clough, SECONDED Cmr Anderson that in relation to Tender Number 027-04/05 for Architectural Consultancy Services the Joint Commissioners:

- 1 CHOOSE James Christou & Partners Architects and Site Architecture Studio as the successful tenderers for Architectural Consultancy Services (Tender No. 027-04/05) in accordance with the schedules of rates as outlined in Attachment 1 to Report CJ319-12/04;**
- 2 AUTHORISE the Acting Chief Executive Officer (A/CEO), on behalf of the City, to enter into contracts with James Christou & Partners Architects and Site Architecture Studio in accordance with the tenders submitted by James Christou & Partners Architects and Site Architecture Studio subject to any minor variations that may be agreed between the A/CEO and James Christou & Partners Architects and Site Architecture Studio;**

- 3 DETERMINE that the contracts are to be for an initial period of twelve (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 contracts not to exceed 3 years.**

The Motion was Put and

CARRIED UNANIMOUSLY (5/0)

Appendix 11 refers.

To access this attachment on electronic document, click here: [Attach11brf071204.pdf](#)

In relation to Item CJ320-12/04 – Mindarie Regional Council Establishment Agreement, Cmr Smith advised she is a member of the Mindarie Regional Council, however she would deal impartially with this matter.

Cmr Fox declared an interest which may affect her impartiality in Item CJ320-12/04 – Mindarie Regional Council Establishment Agreement as she is a member of the Mindarie Regional Council.

CJ320 - 12/04 MINDARIE REGIONAL COUNCIL ESTABLISHMENT AGREEMENT – [03149]

WARD - All

CJ041207_BRF.DOC:ITEM 20

PURPOSE

For Council to adopt the final Draft Establishment Agreement and Deed.

EXECUTIVE SUMMARY

The Constitution Agreement between member councils of the Mindarie Regional Council (MRC) has a number of governance documents in use to perform its business functions. These have been developed to address the various issues that have confronted the MRC since its inception. At its meeting in April 2004, the MRC resolved to receive a draft Establishment Agreement and Deed. Under the current constitution any changes of this nature requires the endorsement of the member councils. Council agreed in principle to the draft Establishment Agreement and Deed's approach at its Council meeting on 29 June 2004.

Further work has been completed on the document according to the issues raised during the consultation phase with member Councils. By resolving historical and current issues the document is simpler and briefer.

The main tenant of the current Constitution Agreement and the final draft Establishment Agreement and Deed is that the City's waste tonnes are committed to the MRC. A common pricing regime for gate fees for all the MRC facilities i.e. Tamala Park and the Resource Recovery Facility (RRF) will apply.

It is recommended that the Joint Commissioners:

- 1 *ENDORSE the final draft Establishment Agreement and Deed as detailed in Attachments 1 and 2 of Report CJ320-12/04 and advise the Mindarie Regional Council accordingly;*
- 2 *AUTHORISE the execution under common seal of the Establishment Agreement and Deed*

BACKGROUND

The Mindarie Regional Council currently operates under the following governance documents:

- Constitution Agreement, dated 1987
- Deed of Variation (August 1996)
- Deed of Variation dated November 1996
- Deed of Amendment dated October 1999
- Deed of Settlement dated November 1996

A regional local government is required to have an establishment agreement under the Local Government Act 1995. The member councils agreed to a constitution agreement to form the MRC and since that time there have been a number of changes that have required Deeds of Variations. These Deeds reflect the changes that have been made to membership and administrative arrangements that have been required over time.

Over the past few years a number of governance and financial changes have also been made by the MRC and these changes are now reflected in the final draft Establishment Agreement and Deed.

DETAILS

The final draft Establishment Agreement and Deed is principally the original constitution that brought the original three member councils together to form the MRC and a consolidation of the Deeds of Variation that have taken place over time. The Recitals are detailed in Attachment 1 (final draft Establishment Agreement) and 2 (final draft Deed).

Recitals also provide for the revocation of the former constitution agreement and adopts the final draft Establishment Agreement and Deed.

A number of workshops have been held and attended by Mindarie Regional Councillors, technical and financial officers from member councils, and consultants.

Final Draft Establishment Agreement - Some Characteristics

The final draft Establishment Agreement and Deed are premised on a spirit of “trust” between participants i.e. what rules need to exist to ensure that the MRC can function well. Notwithstanding this, the final draft Establishment Agreement and Deed seeks to address particular concerns raised by participants during the consultation process.

Some particular comments in relation to the development of the final drafts are as follows:

- The consideration of Capital Contributions, and potential inequity thereof, has been agreed for resolution by administrative means, initiated by MRC with participants, and has been removed from the final draft Establishment Agreement.
- Business Rules, associated with a potential withdrawal by a participant, have been strengthened to reflect a process of agreement by all parties to the consideration to all parties – withdrawing and remaining – as a result of the withdrawal.
- The reduction in the prescriptiveness of the definition of waste for delivery by participants to MRC, with a subsequent requirement for exemptions to participants for the delivery of certain wastes to MRC.
- The retention of authority for MRC to determine location for delivery of waste by a participant but with due process via:
 - agreed operational plans
 - due reference to Clause 5 – Objectives
 - due reference to approved financial precepts
- The exclusion of any specific clauses with respect to “member fees to be actual cost of disposal” on the basis that these matters are more appropriately dealt with via Local Government Act and financial precept provisions.
- The inclusion of a Clause which deals with existing and future exemptions, in a general, rather than “by participant” way.

The final draft Deed

The final draft Deed becomes purely a legal document to address the previous recitals. All the previous functions are now contained in the final draft Establishment Agreement.

Business Opportunities

A consideration has been given to the ability of the Council to exploit future business opportunities in either waste related or non waste related areas. The current governance documents do not provide for the investigation of such opportunities. The final draft Establishment Agreement now includes a provision to investigate any such opportunities. The process for this to occur requires MRC resolution and also requires an amendment to the approved Establishment Agreement, in order to reflect a revised purpose of the business.

At the Strategy Session held on 19 October 2004 Commissioners asked officers to provide additional information and comment with respect to an expansion of the regional purpose to a point where initiatives could be implemented without a change to the Establishment Agreement.

The matter has been referred for legal advice with the comments as follows:

“The topic of possible expansion of the MRC’s functions beyond those currently set out in the constitution agreement relating to waste was the subject of some discussion during the workshops.

There was no consensus on the desirability of expanding the functions. The topic was not further pursued given that the primary focus was on “converting” the existing constitution agreement and deeds into an establishment agreement which met the requirements of the Local Government Act 1995.

That is not to say that it is not open to one or more of the participants to raise the topic at any future time.”

The City’s officers had previously put the view that the Establishment Agreement should have an expanded section on business opportunities to include investigation and implementation. However, officers from other Councils had a far more conservative view and considered the core business of the MRC was waste management and were more comfortable to allow for the investigation of opportunities only. The current clause was the best that could be achieved at this point in time.

The CEO of the MRC suggests as follows:

‘The exercise to amend the regional purpose can be conducted within the context of this current project; however, such a supplementary exercise at this late stage would probably delay the finalisation of the agreement for some time, given that it is likely that some or all of the other participants may not wish to include this.

A more appropriate approach may be to commence the exercise, as a separate discussion and if, and when completed, amend the EA. This would meet the needs of your Commissioners without delaying the current process.’

Various Issues

Concerns were also raised in relation to the withdrawal provisions, role of Chairman and setting of fees. These were referred to legal advisors and their response is provided below.

“1 Withdrawal

The topic of the withdrawal of a participant from the MRC was the subject of considerable discussion and consideration at the workshops. The current provisions were recommended after consideration of various alternatives including arbitration and taking into account advice given by Graeme McHarrie of Deloitte.

The present draft provisions were arrived at in light of an understanding of the existing position under the constitution agreement.

It was explained at the workshops that the constitution agreement contains no provisions for withdrawal. The reason for this is that, at the time of preparation of the constitution agreement, the topic of withdrawal was dealt with by the Local Government Act 1960. The current position is that, by virtue of provisions of the Local Government Act 1995, certain sections of the old Act are deemed to be

incorporated in any constitution agreement which was entered into before the 1995 Act came into force. One of those sections which is taken to be included in the constitution agreement is section 699 of the old Act. The provisions of section 699 were explained at the workshops.

In brief, section 699 provides that a municipality may only withdraw if the Governor has made an order to that effect. The Governor may only do so on the recommendation of the Minister. The process is commenced by a municipality which wishes to retire giving writing notice of the request to each of the other municipalities and to the regional council.

Section 699(3) provides that subject to subsections (4) and (5) the Minister shall not make a recommendation unless he:

- (a) he has approved an agreement between the retiring municipality and the regional council as to the adjustment of assets and liabilities between them in the event that the recommendation being made and acted upon; and*
- (b) he has approved an agreement between the other constituent municipalities that, in the event of the recommendation being made and acted upon, varies the constitution so as to provide for the determination of the contributions to be made by those municipalities to the funds of the regional council and for the alteration of the number of regional councillors.*

If after 12 months from the time of the request, no agreement is made which is satisfactory to the Minister then the Minister may either extend the time or waive the requirement for agreements.

If the Minister extends the time then at the expiry of that extended period he has the same powers to do so again.

In other words, there is no “right”, as such, for a party to withdraw. The matter relies on the parties being able to reach agreement and on the Minister either being satisfied with the agreements or that no agreements should be required.

In addition to this explanation, it was Graham McHarrie’s view that it was not possible to settle upon a formula which would deal with the potential entitlement or liability of the withdrawing participant which would suit all circumstances.

The current draft provisions were settled upon taking all of these matters into account.

2 Role of the Chairman

Commissioner Smith expressed the view that it would be desirable for the draft establishment agreement to include a provision equivalent to section 2.8(2) of the Act. That section is to the effect that a mayor also has the role of a councillor in addition to the role as mayor.

I see no difficulty in including a provision to that effect in the proposed establishment agreement.

3 *Setting of fee*

Generally speaking, the provisions of the Local Government Act 1995 apply to a regional local government as if it were the local government established for the region. See section 3.66(1). There are some provisions which do not apply. See section 3.66(3). Section 6.16 and section 6.17 of the Act deal with the imposition of fees and charges and the setting of the level of fees and charges. Those sections are within subdivision 2 of division 5 within part 6 of the Act. Those provisions apply to a regional local government.

During the workshops I expressed a doubt as to whether it is legally possible for an establishment agreement to make provisions relating to the imposition of fees which were inconsistent with section 6.16 and 6.17. It is doubtful whether the participants through the establishment agreement, could endeavour to enshrine the basis upon which the regional local government sets fees for the provisions of its services.”

Statutory Provision:

The Constitution Agreement is revoked. The adoption of the final draft Establishment and Deed is consistent with the requirements of the current Local Government Act.

Consultation:

The MRC has held a number of workshops with elected members of the MRC, technical officers of member councils. The MRC resolved to seek member council endorsement of the final draft Establishment Agreement and Deed.

On the 16 August 2001 officers had reported to the then Environmental Advisory Committee which recommended that Council actively supports the rapid implementation of Secondary Waste Treatment using an environmentally appropriate technology and location in order to achieve a diversion of at least 100,000 tonnes of solid waste from the MRC council members by 2004/05.

Officers are currently preparing a further report to the Sustainability Advisory Group detailing the project and its progress to date.

Policy Implications:

The adoption of the final draft Establishment Agreement and Deed has no immediate policy implications for Council.

Financial Implications:

The adoption of the final draft Establishment Agreement and Deed has no immediate financial implications for the City as the impact on the City's household refuse charge is determined as part of the annual budgeting process in determining the gate fee.

Strategic Implications:

The Establishment Agreement is consistent with the City's strategic direction to develop partnerships that improve the quality of life and well being for our community.

Sustainability Implications:

The Establishment Agreement and Deed is an important instrument in facilitating the ongoing operations of the MRC, which will contribute to an integrated environmental, social and economic approach to our waste improvement disposal activities.

COMMENT

The preparation of the revised governance documents is a consolidation of previous deeds and constitution agreement in keeping with the Local Government Act 1995 requirements for a regional local government to have an Establishment Agreement

ATTACHMENTS

Attachment 1	The Establishment Agreement
Attachment 2	The Deed

VOTING REQUIREMENTS

Simple Majority

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

- 1 ENDORSE the final draft Establishment Agreement and Deed as detailed in Attachments 1 and 2 of Report CJ320-12/04 and advise the Mindarie Regional Council accordingly;**
- 2 AUTHORISE the execution under common seal of the final draft Establishment Agreement and Deed.**

The Motion was Put and

CARRIED UNANIMOUSLY (5/0)

Appendix 12 refers

To access this attachment on electronic document, click here: [Attach12brf071204.pdf](#)

CJ321 - 12/04 EXTENSION TO SERVICE AGREEMENT - SUPPLY OF DOMESTIC REFUSE COLLECTION SERVICE – [48118]

WARD - All

CJ041207_BRf.DOC:ITEM 21

PURPOSE

To seek approval from the Joint Commissioners to extend the current service level agreement for the domestic collection service for the extended term of six years.

EXECUTIVE SUMMARY

On 26 October 1999 the then Joint Commissioners agreed to enter into a service agreement for the collection of domestic refuse with the City of Wanneroo.

The term of the Service Agreement for the Supply of Domestic Refuse Collection Services was for a six year term commencing on 1 July 1999 and expiring on 30 June 2005, with the option of a six-year extension. There is a requirement in the agreement for the City of Joondalup to provide to the City of Wanneroo a 12 month notification prior to the expiry date if the City wishes to extend the agreement.

At a Council meeting on 29 June 2004 the Joint Commissioners approved a variation to the service agreement of the notification date to 30 December 2004 in order to allow officers more time to negotiate the terms and conditions for the six year extended term.

Officers have now completed negotiations and recommend that the option for the extended term be exercised according to the negotiated terms and conditions. These negotiations include:

- A review of the bin lift rate;
- Withdrawal of Clause 7.4 'Customer to pay redundancy sum on early termination';
- A renegotiated rate for the bin maintenance and delivery service.

The City's independent customer surveys show that the City of Wanneroo provides a reliable and a high standard service.

Two benchmarking exercises have been completed in order to ascertain the market price for bin lift rates. An independent consultancy was commissioned by the City of Wanneroo to survey bin lift rates. This showed that the price offered by the City of Wanneroo is competitive. City officers also benchmarked bin lift rates, which showed the City of Wanneroo's rate as competitive.

It is recommended that the Joint Commissioners:

- 1 *CHOOSE to extend the amended Service Agreement for the Supply of Domestic Refuse Collection Service for six years from 1 July 2005 to 30 June 2011;*
- 2 *NOTE the withdrawal of clause 7.4 'Customer to pay redundancy sum on early termination';*
- 3 *AUTHORISE the Acting Chief Executive Officer (A/CEO), on behalf of the City, to extend the term of the Service Agreement for the Supply of Domestic Refuse Collection Service subject to any minor variations that may be agreed between the A/CEO and the City of Wanneroo.*

BACKGROUND

As a part of the split from the former City of Wanneroo, many services were fully assigned to one of the new Councils to retain economies of scale for all of the residents of the two new municipalities. All of the waste services were assigned to the former City of Wanneroo as it had the works depot at Ashby. Service Agreements were set up to provide a formal legal basis predominantly for the service provision and associated payments.

Since this time the City has received a cost effective and efficient service from the provider. The City's independent customer surveys show that the City of Wanneroo provides a reliable and high standard service.

DETAILS

The negotiations over the past few months have included rates for the domestic services, a review of the redundancy clauses in the case of early termination and bin maintenance and delivery rate, as well as the terms and conditions of the existing Service Agreement.

The results of these negotiations are:

- A review of the bin lift rate;
- Withdrawal of Clause 7.4 'Customer to pay redundancy sum on early termination';
- A renegotiated rate for the bin maintenance and delivery service.

Review of bin lift rate

The agreement commenced in July 1999 and has been operating for nearly five and a half years. The service fees determining the bin lift rate are detailed in schedule 3 of the current agreement and price adjustments are made on the basis of 90% CPI and 10% fuel. City officers requested the City of Wanneroo to review the charges in light of other charges being quoted by some other councils and private operators.

As a guide to the accuracy in the agreement for calculation of costs, last year the charge was \$0.761 per property per week. The City of Wanneroo advise the cost of providing the service was approximately \$0.76 per property per week. This indicates that the costing model and indexing provisions in the agreement have been robust and effective for both parties.

Two benchmarking exercises have been completed in order to ascertain the market price for bin lift rates. An independent consultancy was commissioned by the City of Wanneroo to survey bin lift rates. This showed that the price offered by the City of Wanneroo is competitive. City officers also benchmarked bin lift rates which showed the City of Wanneroo's rate within the scope of being competitive.

Table 1

The following table is a summary of contracted waste collection costs sourced independently.

Council	Contracted bin lift rate
Nedlands	\$0.925
Victoria Park	\$0.651
Kalamunda	\$0.740
Mundaring	\$1.25
Cambridge	\$0.839
South Perth	\$0.709
Joondalup	\$0.768
Average	\$0.842

Note: No governance or corporate overhead costs are included in the above rates.

Of the above Councils who contract their domestic service there are a number of variables including configuration of suburbs, economy of scale issues and distance to the tipping site. These issues are reflected in the range of bin lift rates in table 1. Notwithstanding these issues, the City of Wanneroo's rate is competitive.

Table 2

Council officers have also benchmarked bin lift rates with Councils operating day labour with similar configuration of suburbs and with comparative sizes with the following results:

	Canning	Cockburn	Melville	R/ham	Stirling	W/roo	Ave
Bin lift rate	\$0.85	\$0.90	\$0.82	\$0.90	\$0.64	\$0.77	\$0.81
Contract	Day labour	Day labour	Day labour	Day labour	Day labour	Day labour	

Notes: Bin lift rate includes collection costs, wages, vehicle replacement, depreciation, overheads and customer service. Does not include bin repairs, replacements, new bins and disposal costs.

The City's Service Agreement with the City of Wanneroo is on a non profit basis. Table 2 shows rates quoted with Council operating their own service. The City's current rate including its own overheads is \$0.826, which is competitive with the bin lift rates table 2.

Its acknowledged the City has the option of tendering the service, the risk of receiving a higher tendered bin lift rate than is provided by Wanneroo is real and it is considered that on balance, the City should extend the term. The City has received a reliable and high standard of service which can be substantiated by the City's independent customer survey results.

Removal of early termination clause 7.4 from the Agreement

The early termination clause in the original agreement provided for the City to pay the City of Wanneroo for redundancy for drivers, in the case of early termination. The early termination clause has now been removed from the agreement.

Deliver, repair on site or replace a rubbish cart

The City of Wanneroo provides a delivery and repair service for rubbish and recycling carts. These delivery and repair services are charged at the same rate. The current rate is \$19.75. A new delivery process introduced last year by the City of Wanneroo resulted in a significant reduction in the cost of this service to an estimated \$10.00 per service. Based on last year's usage of 4200 services, this represents a saving of \$40,950.

Statutory Provision:

The City is required to provide a domestic waste collection service under the Health Act 1911.

Consultation:

Officers have consulted with Assets and Commissioning, senior officers from the City of Wanneroo and other Council contacts.

Policy Implications:

There are no policy implications for this report.

Financial Implications:

The total cost of this contract for the first year is approximately \$2.2M with formula based CPI adjustment for the following years.

Strategic Implications:

The service level agreement is in keeping with the City's long term strategic direction to provide for a domestic collection service.

Sustainability Implications:

The extension of the domestic collection service will contribute to the health and well being of the local community.

COMMENT

The City has received a reliable and high standard service from the City of Wanneroo. The bin lift rate is competitive as benchmarked with local authorities who contract their service and who operate their own service.

The City has the option to tender the service, however, given the benchmarking exercise and the high standard of service it is considered that tendering the service is not worth the risk of receiving tenders that may have a higher bin lift rate than under the current agreement with the City of Wanneroo. The Agreement has a costing model calculation based on CPI and the fuel index which has proven to be robust and effective for both parties.

The extended term agreement no longer has an early termination clause based on redundancy of employees and this is a good outcome for the City.

The extended term agreement is favourable to the City for the bin repair and delivery service.

ATTACHMENTS

Nil.

VOTING REQUIREMENTS

Simple Majority

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

- 1 CHOOSE to extend the amended Service Agreement for the Supply of Domestic Refuse Collection Service for six years from 1 July 2005 to 30 June 2011;**
- 2 NOTE the withdrawal of clause 7.4 ‘Customer to pay redundancy sum on early termination’;**
- 3 AUTHORISE the Acting Chief Executive Officer (A/CEO), on behalf of the City, to extend the term of the Service Agreement for the Supply of Domestic Refuse Collection Service subject to any minor variations that may be agreed between the A/CEO and the City of Wanneroo.**

Cmr Anderson spoke to the Motion.

The Motion was Put and

CARRIED UNANIMOUSLY (5/0)

CJ322 - 12/04 SUPPLY OF RENEWABLE POWER TO CITY OF JOONDALUP FACILITIES – [79563]

WARD - All

CJ041207_BRFD.DOC:ITEM 22

PURPOSE

To seek the Joint Commissioners approval to enter into a contract for the provision of alternative power with Landfill Gas & Power Pty Ltd (LGP).

EXECUTIVE SUMMARY

A tender was advertised on 11 August 2004 through state wide public notice for the Supply of Renewable Power to City of Joondalup contestable sites namely, the City's Administration building, Craigie Leisure Centre and Percy Doyle complex. The tender closed on 26 August 2004. A total of two submissions were received from Western Power and Landfill Gas & Power Pty Ltd (LGP).

At the ordinary meeting of Council, 12 October 2004, Item 9, the Joint Commissioners resolved to:

- "1 DEEM the tenders submitted by Western Power and Landfill Gas & Power Pty Ltd as non-conforming in accordance with Regulation 18(2) of the Local Government (Functions and General) Regulations 1996 because they each failed to fully address the essential selection criteria;*
- 2 In accordance with Part 4, Clause 11(2) of the Local Government (Functions and General) Regulations 1996, AUTHORISE the Acting Chief Executive Officer to negotiate with both Western Power and Landfill Gas & Power Pty Ltd for the purposes of procuring alternative power, noting that all negotiated outcomes are subject to the Joint Commissioners' approval."*

(Please note for the purposes of this report, cents per kilowatt per hour (c/kW/h) premium means the amount to be paid above the current Western Power tariffs).

Negotiations with the providers have been completed. LGP provided a submission with two options. Option A is a cost neutral offer delivering 75% renewable power for the City's contestable sites provided prompt payment is made within 14 days. Option B is for 100% renewable power with at a premium of an extra \$0.01cent per kilowatt per hour (c/kW/h). The same prompt payment discount applies as in option A.

Western Power provided an offer for natural power at a \$0.03 c/kW/h premium. They were not able to discount natural power to provide a cost neutral offer to the City.

The LGP offer, option A, provides the City's contestable sites, the use of renewable energy meeting milestone 4 for Cities for Climate Protection Program (CCP) at cost neutral providing payment is made within 14 days.

It is recommended that the Joint Commissioners

- 1 CHOOSE the alternative power offer by Landfill Gas and Power Pty Ltd, Option A on a cost neutral basis, for the City of Joondalup's Administration and Library complex, Craigie Leisure Centre, Percy Doyle complex for a period of two years with an extended term of 1 year commencing March 2005 or the date power delivery commences following commissioning of new alternative power plants by Landfill Gas and Power Pty Ltd;*
- 2 AUTHORISE the Acting Chief Executive Officer (A/CEO), on behalf of the City, to enter into a contract with Landfill Gas and Power Pty Ltd in accordance with the agreed terms and conditions and subject to any minor variations that may be agreed between the A/CEO and Landfill Gas and Power Pty Ltd.*

BACKGROUND

The CCP program is designed to reduce greenhouse gas emissions from Council activities and promote energy efficiency to the community. The City has a goal to reduce greenhouse gas emissions by 20% by 2010. The CCP consists of five (5) Milestones of which the City has completed 3 and is currently progressing towards Milestone 4. The reduction goal of 20% is likely to be achieved through implementation of this project representing clear environmental benefits and significant opportunities for Council to promote environmental leadership.

After an investigation into the viability of the project it was decided to go to tender. Two (2) tenders were received and both were deemed non conforming for failing to address the essential criteria. At the ordinary Council meeting 12 October 2004, Council authorised the Acting Chief Executive Officer to negotiate an outcome with providers subject to the Joint Commissioners' approval.

DETAILS

Further negotiations have been held with the providers. LGP and Western Power submitted offers.

Landfill Gas and Power

The LGP offer has the same terms and conditions as original tender dated 26 August 2004 with an extension to the time in the offer to 24 December 2004, and with variations including two options:

Option A

Provides 75% renewable electricity at the current Western Power tariffs for the contestable sites with a premium of \$0.01c/kWh with a prompt payment discount of \$0.01c/kWh. Provided the 14 day prompt payment discount is achieved, the offer is cost neutral to the City of Joondalup.

Option B

Provides 100% renewable electricity at the current Western Power tariffs for the contestable sites with a premium of \$0.2c/kWh with a prompt payment discount of \$0.01c/kWh. This offer is similar to Option A except it raises the renewable electricity level to 100% with an extra premium charge of \$0.01c/kWh. The extra \$0.1c/kWh premium means that even if the 14 day prompt payment discount is achieved, the offer will not be cost neutral to the City of Joondalup.

Discussion

Landfill gas generated power at Tamala Park is currently fully placed, however, LGP has given the City an undertaking to provide this power for the City's use as soon as it becomes available which is anticipated to be in March 2005.

The contract is for 2 years with an extended term of 1 year provided six months notification date is given for the contract to be extended.

The adoption of option A will mean the CCP Milestone 4 target will be met within approximately 2 months of the renewable power becoming available.

Western Power Proposal

A meeting was held with a representative from Western Power who agreed to provide the City with a quote based on renewable power. They provided an offer for natural power at a \$0.03 c/kW/h premium. They were not able to discount natural power to provide a cost neutral offer to the City.

Overall costs for the proposals

In terms of providing an estimate for overall costs of the proposals, the following is provided:

	Premium on current Western Power Tariff	Additional Costs \$	Additional cost if paid in 14 days \$	Cost neutral
Current WPC tariff	\$0.00	0	N/A	Yes
LGP Option A	\$0.01c/kW/h	41,000	Nil	Yes
LGP Option B	\$0.02c/kW/h	81,000	41,000	No
WPC	\$0.03c/kW/h	122,000	122,000	No

Statutory Provision:

In accordance with the provisions of Section 5.42 of the *Local Government Act 1995*, the Chief Executive Officer has the delegated authority to accept purchases to a limit of \$100,000. As this purchase exceeds this limit, it requires Council approval.

Consultation:

The working group consisted of the Consultants Lincolne Scott, the Strategic and Sustainability Development Business Unit, Assets and Commissioning and Infrastructure Management and Ranger Services.

Policy Implications:

The CCP Milestone 4 target will be met within approximately 2 months of the renewable power source coming online.

Financial Implications:

The proposal is cost neutral provided the City meets the prompt payment condition of 14 days. Discussions with the Director Corporate Services and Resource Management indicates this can be achieved.

Strategic Implications:

The proposal is consistent with the City's strategic plan under 'Caring for the Environment', Strategy 2.1.3 – 'To further develop environmental effectiveness and energy efficient programs'.

Sustainability Implications:

The use of alternative energy for these sites will meet the Milestone 4 for Cities for Climate Protection Program.

COMMENT

The proposal has been through due process and is consistent with the City's strategic and sustainability goals and objectives. It is a cost neutral proposal and the CCP Milestone 4 target should be met within 2 months of the renewable power source coming online.

ATTACHMENTS

Nil

VOTING REQUIREMENTS

Simple Majority

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

- 1 CHOOSE the alternative power offer by Landfill Gas and Power Pty Ltd, Option A on a cost neutral basis, for the City of Joondalup's Administration and Library complex, Craigie Leisure Centre, Percy Doyle complex for a period of two years with an extended term of 1 year commencing March 2005 or the date power delivery commences following commissioning of new alternative power plants by Landfill Gas and Power Pty Ltd;**
- 2 AUTHORISE the Acting Chief Executive Officer (A/CEO), on behalf of the City, to enter into a contract with Landfill Gas and Power Pty Ltd in accordance with the agreed terms and conditions and subject to any minor variations that may be agreed between the A/CEO and Landfill Gas and Power Pty Ltd.**

The Motion was Put and

CARRIED UNANIMOUSLY (5/0)

CJ323 - 12/04 SPINAWAY STREET - PETITION REQUESTING TRAFFIC TREATMENTS – [02648]

WARD - Pinnaroo

CJ041207_BRf.DOC:ITEM 23

PURPOSE

The purpose of this report is to present the traffic assessment of Spinaway Street, Craigie and various strategies for treatment of this road for consideration.

EXECUTIVE SUMMARY

The City has received an 86-signature petition from residents of Spinaway Street, Seabird Place, Idaho Place and also from parents with students at Craigie Primary School requesting traffic improvements to the street layout surrounding Craigie Primary School and modification of the North-West corner of Spinaway St opposite Craigie Primary School because of excessive speeds.

On the basis of a traffic assessment, improved pavement markings and signage for this road is recommended, with a review of the traffic situation to be undertaken in twelve months.

City officers have met with the petition organisers and discussed the traffic assessment findings and the possible solutions. The petitioners have indicated support for the proposed strategy.

This report recommends that the Joint Commissioners:

- 1 APPROVE the installation of centreline pavement markings with continuous double white line and reflective pavement markers and advisory curve and speed signage at the bends on Spinaway Street, Craigie;*
- 2 LIST in the Five Year Capital Works Program a future traffic treatment incorporating low-level speed platform and pedestrian crossing facility at the bends adjacent to the school on Spinaway Street;*
- 3 CONTINUE to support the targeting of excessive speed and antisocial driver behaviour through community involvement in the 'Community Speed Watch' Program;*
- 4 REQUEST local Police to carry out speed enforcement and enforcement of the Anti-hoon law on Spinaway Street, Craigie;*
- 5 ADVISE the petitioners accordingly.*

BACKGROUND

Spinaway Street is a 7.4m wide local road linking Camberwarra Drive and Beltana Road, Craigie and provides access to approximately 100 residential properties. It also provides vehicular access to Craigie Primary School from the surrounding streets.

As such, a road of this type may reasonably be expected to carry between 1500-2000 vehicles per day. The speed limit was reduced to 50km/hr as part of the standard speed limit for built up areas in 2001.

In April 2004, the City received an 86-signature petition from a majority of local street residents and parents of children attending Craigie Primary School requesting action to the street layout surrounding Craigie Primary School and modification of the northwest corner of Spinaway Street to reduce speeding vehicles losing control.

The petitioners have also indicated that the problem has been recently highlighted due to a rental property in Spinaway Street. The petition organisers have discussed the issues with City officers and clarified their concerns with respect to the road layout. They have requested the installation of chicanes on the approaches to the bends to slow traffic and control antisocial driver behaviour.

In view of this, and previous concerns raised by residents in 2002, a comprehensive survey and assessment of traffic flow data was carried out on Spinaway Street.

DETAILS

A detailed assessment of the survey of traffic data collected over a 17-day period in May/June 2004 indicated that the current volume of traffic using Spinaway Street is around 350 vehicles per day (mid-week). In comparison Camberwarra Drive has approximately 2500 vehicles per day (near Beltana Rd) and Beltana Rd has approximately 1800 vehicles per day. (These volumes are shown on Attachments 1 and 2).

The survey data indicated that the 85th percentile speed (the speed at which 85% of the traffic on a particular road is travelling) of vehicles recorded on Spinaway Street over a 24-hour period is 48km/h. The 85th percentile near Seabird Place is 50km/h, and near Argo Place is 48km/h.

While some incidences of excessive speed were recorded during the survey, late at night and at non-peak times, the majority of vehicles travel at or below 48 km/h. Graphs showing individual vehicle speeds over a 24-hour period at the different locations are shown at Attachment 3. The data shows individual vehicle speeds over 24-hour period at the specified location on the days indicated on Spinaway Street. These results indicate that relatively few vehicles exceeded 50 km/h and this was usually late at night on weeknights and in the very early hours of the morning on the weekend.

In the five-year period to December 2003, there have been two (2) vehicle crashes and one (1) pedestrian crash recorded on Spinaway Street just south of Idaho Place.

Notwithstanding this, centreline delineation at the bends using continuous double white line with raised reflective pavement markers is considered the most appropriate cost effective treatment to be installed immediately. This will be supported with an advisory curve and advisory speed sign at the approach to each bend.

The double barrier line marking assists in delineating the centre of the road and guides traffic to safely negotiate the bend, which may reduce the incidence of corner cutting.

The effect of the anti-hoon law, which came into effect in September 2004, is yet to be proven. However indications from Queensland where the law has been in effect for over a year are that there is a significant decrease in speed and antisocial driver behaviour over twelve months.

In view of this it is proposed to review the situation on Spinaway Street in twelve months time.

At the request of Craigie Primary School, the pedestrian crossing at Argo Court was inspected as part of this traffic investigation, and the sight distances were considered acceptable. It was observed that vehicles travelling at low speeds cut the bend as they approached the school drive through. Pedestrians were also observed crossing between the footpath and school driveway at Argo place as opposed to using the crossing facility and footpath. This crossing location is shown at attachment 4.

Centreline pavement marking will guide motorists at the bend and reduce the possibility of conflict. Pedestrians will also be encouraged to use the existing pedestrian facilities and this can be achieved through an educational package to students and through the school's newsletters. The City in conjunction with RoadWise and Craigie Primary School can develop an effective educational campaign.

Whilst excessive speed remains a concern, overall the available data suggests that Spinaway Street is generally functioning as a normal local road.

Consultation:

City officers met with petition organisers and discussed the traffic assessment findings and possible solutions. It was agreed to immediately install centreline pavement marking and signage at the bends. The petitioners also requested the City to list for consideration, low-level speed platforms incorporating pedestrian crossing facilities as a possible future treatment of Spinaway Street, in the Draft Five Year Capital Works Program.

Financial Implications:

The minor improvement works of line marking and signage will be undertaken as part of the maintenance budget.

There are no funds currently allocated in the budget for the installation of raised speed platforms and this can be listed for consideration in the draft five year capital works program.

Strategic Implications:

The recommendations in this report are supported by the strategic objectives:

- 1.4 “To work with the community to enhance safety and security in a healthy environment”
- 3.1 “To develop and maintain the City of Joondalup’s assets and built environment”
- 4.3 “To ensure the City responds to and communicates with the community”

COMMENTS

Generally, the City’s focus is to treat the local distributor roads that have higher traffic volumes, vehicle speed and a high crash recorded history.

The City’s Five Year Capital Works Program reflects this strategy by endeavouring to treat these roads on a progressive basis.

However, the City does recognise that local streets with low traffic volumes, generally lower vehicle speeds and low crash recorded history have site specific problems that need to be addressed, therefore they are recommended to be treated with cost effective solutions and reviewed periodically.

The assessment of the traffic data collected on Spinaway Street suggests that while some isolated instances of excessive speed may occur, the majority of motorists drive in accordance with the existing low speed, local road environment. The average speed of vehicles within the school zone during school days is 35 km/h.

In addition, the current volume of traffic and crash rate may also be considered reasonable given the function of the road.

The use of pavement markings and signage is a cost effective treatment that can be carried out immediately, with a review in twelve months time to consider any further treatments that may be required.

The installation of centreline pavement marking, raised reflective markers and advisory signage at all bends on Spinaway Street is therefore supported. In addition the petitioners and residents request for a future traffic management treatment of low-level speed platforms incorporating a pedestrian crossing facility can be listed in the five-year capital works program.

ATTACHMENTS

Attachment 1	Location Map and Vehicle Volume Details
Attachment 2	Aerial view of northwest corner, Spinaway Street, Craigie
Attachment 3	Individual Vehicle Speed Graphs
Attachment 4	Photos of pedestrian crossing at Argo Place

VOTING REQUIREMENTS

Simple Majority

MOVED Cmr Clough SECONDED Cmr Fox that the Joint Commissioners:

- 1 APPROVE the installation of centreline pavement marking with continuous double white line and reflective pavement markers and advisory curve and speed signage at the bends on Spinaway Street, Craigie;**
- 2 LIST in the Five Year Capital Works Program a future traffic treatment incorporating low-level speed platform and pedestrian crossing facility at the bends adjacent to the school on Spinaway Street;**
- 3 CONTINUE to support the targeting of excessive speed and antisocial driver behaviour through community involvement in the ‘Community Speed Watch’ Program;**
- 4 REQUEST local Police to carry out speed enforcement and enforcement of the Anti-hoon law on Spinaway Street, Craigie;**
- 5 ADVISE the petitioners accordingly.**

The Motion was Put and

CARRIED UNANIMOUSLY (5/0)

Appendix 13 refers

To access this attachment on electronic document, click here: [Attach13brf071204.pdf](#)

**CJ324 - 12/04 PETITION - INSTALLATION OF A ROUNDABOUT
AT INTERSECTION OF KINROSS DRIVE AND
CONNOLLY DRIVE, KINROSS – [00135] [09189]**

WARD - North Coastal

CJ041207_BRF.DOC:ITEM 24

PURPOSE

The purpose of this report is to address the petitioners’ concerns in relation to traffic at the intersection of Kinross Drive and Connolly Drive, Kinross.

EXECUTIVE SUMMARY

In September 2004, the City received a 76-signature petition from residents of Kinross requesting that consideration be given to the possible installation of a roundabout at the intersection of Kinross Drive and Connolly Drive. This is to assist motorists exiting Kinross Drive, and therefore improve traffic flow and safety at this location.

Traffic Investigations have been previously carried out at this location which indicate that a roundabout is the most appropriate treatment and currently a roundabout is listed in the City's 2004/2005 Five Year Capital Works Program to be built in 2005/06.

Therefore this report recommends that the Joint Commissioners:

- 1 *ENDORSE the bringing forward of the detailed design and preparation of tender documentation for a roundabout at the intersection of Kinross Drive and Connolly Drive, Kinross;*
- 2 *LIST as a high priority the inclusion of the roundabout in the draft 2005/06 Five Year Capital Works Budget for construction during the 2005/06 financial year;*
- 3 *ADVISE the petitioners accordingly.*

BACKGROUND

In the past the City has received some complaints from residents of Kinross expressing their concerns with traffic congestion problems especially during school peak times at the intersection of Kinross Drive and Connolly Drive.

In view of the residents concerns, Council Officers recommended that a roundabout at this location was considered the most appropriate traffic treatment and this was then listed for funding consideration on a priority ranking in the City's Five Year Capital Works Program. This traffic treatment is currently listed in the City's 2005/06 Draft Five Year Capital Works – Intersection Treatments Major Program.

The City has previously sought funding assistance through the State Blackspot Program. Unfortunately, the City has been unsuccessful in obtaining funds to date.

In September 2004, the City received a 76-signature petition from residents of Kinross requesting that consideration be given to the installation of a roundabout at the intersection of Kinross Drive and Connolly Drive to assist motorists exiting Kinross Drive, therefore improve traffic flow and safety at this location.

The petitioners are concerned that the significant delays at this location, especially during school peak times, may increase the possibility of crashes and on this basis have requested that a roundabout be constructed at this location.

DETAILS

Kinross Drive is approximately 2.1 km in length and 10 metre wide local distributor road that runs from Connolly Drive to Marmion Avenue and provides access to residential properties, Kinross Primary School, Kinross College and Kinross Shopping Centre.

Connolly Drive is currently a single carriageway of approximately 3.61 km in length and functions as a district distributor road that currently extends from Shenton Avenue in the south to the Kinross boundary in the north.

The section of Connolly Drive north of Burns Beach Road currently provides access to residents of Kinross via Kinross Drive, Geoff Russell Avenue on the west and Selkirk Drive and MacNaughton Crescent on the east. It is planned that this road will extend further north and ultimately as a dual carriageway into the suburbs of Tamala Park and Clarkson and provide motorists an alternative route other than Marmion Avenue to travel north. The future extension of Connolly Drive is under the care and control of the City of Wanneroo.

The locations of these roads are shown on Attachment 1.

There are currently two roads that intersect Connolly Drive from the west in Kinross. They are Kinross Drive and Geoff Russell Avenue. The intersection of Kinross Drive and Connolly Drive is heavily used to access the shopping centre, Kinross Primary School and Kinross College. This is due to its proximity from Burns Beach Road. During school peak times, traffic flow at this intersection is generally congested resulting in drivers becoming frustrated.

In the five year period to December 2003, there have been twenty one (21) vehicle crashes at the intersection of Kinross Drive and Connolly Drive. Twelve (12) of the crashes were right angle crashes, eight (8) were rear end crashes and one (1) a side swipe crash. The severity of fourteen (14) crashes was property damage only, three (3) were medical and four (4) crashes were hospitalised.

In view of the above, Council Officers recommended that a roundabout at this location was considered the most appropriate traffic treatment and this was then listed for funding consideration on a priority ranking in the City's Five Year Capital Works Program.

It is noted that the installation of a roundabout should not directly affect private properties as road reserve is of sufficient width to accommodate this proposed treatment.

Financial Implications:

The treatment of the intersection of Connolly Drive and Kinross Drive is currently listed for funding consideration as part of the City's Five Year Capital Works – Intersection Treatments Major. The current budget allocation of \$280,000 will be reviewed when considered as part of the 2005/06 budget process.

Strategic Implications:

The project fits into the Strategic Plan under the Key Focus Area of City Development and the objective to develop and maintain the City's infrastructure (3.1). The major benefit for the community is a safer road network

COMMENT

As part of the City's Capital Works Forward Planning Process (Public Consultation), residents will be notified of the proposal for the installation of the roundabout.

The intersection of Connolly Drive and Kinross Drive is one of several intersections currently listed for funding consideration as part of the City's 2005/06 Draft Five Year Capital Works – Intersections Major Program.

The proposal to construct a roundabout at the intersection of Connolly Drive and Kinross Drive in Kinross should improve traffic flow and therefore increase the level of safety and access especially during school peak times for all road users.

On this basis, it is recommended that a roundabout at the intersection of Connolly Drive and Kinross Drive be supported.

As this traffic treatment is considered to have a high priority ranking within the City's program, the forward planning of the project can be undertaken. This will enable firmer costings of the treatment and early construction when funding becomes available. Therefore it is proposed to undertake the design and preparation of the tender documentation over the next six months whilst the 2005/06 Draft Budget is being considered and adopted.

ATTACHMENTS

Attachment 1 Locality Plan

VOTING REQUIREMENTS

Simple Majority

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

- 1 ENDORSE the bringing forward of the detailed design and preparation of tender documentation for a roundabout at the intersection of Kinross Drive and Connolly Drive, Kinross;**
- 2 LIST as a high priority the inclusion of the roundabout in the draft 2005/06 Five Year Capital Works Budget for construction during the 2005/06 financial year;**
- 3 ADVISE the petitioners accordingly.**

Cmr Clough spoke in support of the motion.

The Motion was Put and

CARRIED UNANIMOUSLY (5/0)

Appendix 14 refers

To access this attachment on electronic document, click here: [Attach14brf071204.pdf](#)

CJ325 – 12/04 MINUTES OF THE CONSERVATION ADVISORY COMMITTEE OF 24 NOVEMBER 2004 – [12168]

WARD - All

CJ041207_BRF.DOC:ITEM 25

PURPOSE

The unconfirmed Minutes of the Conservation Advisory Committee Meeting held on 24 November 2004 are submitted for noting by Council.

EXECUTIVE SUMMARY

The Conservation Advisory Committee meeting held on 24 November 2004 discussed a range of conservation matters within the City of Joondalup. The Committee discussed issues including the recently held CAC Strategic Planning Workshop, the City's Bio-diversity Bushland Study and the Prevention of Stormwater Discharge into Natural Bushland Areas.

It is recommended that the Joint Commissioners

- 1 NOTE the unconfirmed Minutes of the Conservation Advisory Committee held on 24 November 2004;*
- 2 ADOPT the amendments recommended by the Conservation Advisory Committee to the Policy 5.4.3 Prevention of Stormwater Discharge Into Natural Bushland Areas as shown on in the Minutes forming Attachment 1 to Report CJ325-12/04;*
- 3 ADOPT the amended Policy 5.4.3 as shown in Attachment 3 to Report CJ325-12/04.*

BACKGROUND

The Conservation Advisory Committee is a Council Committee that advises Council on matters pertaining to conservation and nature areas management.

The Committee comprises representatives of bushland friends groups, community members with a special knowledge of natural resource management and Council staff. The Committee meets on a monthly basis.

DETAILS

A meeting of the Conservation Advisory Committee was held on 24 November 2004, and the minutes of this meeting are provided as Attachment 1.

The following matters were considered:

- Conservation Advisory Committee Strategic Planning Workshop: The Way Forward.
- City of Joondalup's Bio-diversity Strategy: Review of Bushland Study.
- Prevention of Stormwater Discharge Into Natural Bushland Areas Policy 5.4.3. Comment by CAC

Conservation Advisory Committee Strategic Planning Workshop: The Way Forward

Committee Members discussed the CAC Strategic Planning Workshop that was held in September 2004. It was agreed to hold a follow up workshop in February 2005 subject to the availability of the facilitator, to finalise the outcomes.

Officers Comment

The Conservation Advisory Committee in the last eighteen months has assumed a more strategic direction in its role of advising Council on natural resource management matters. As part of this refocus a workshop was held in September 2004 to examine the Committee's role and set a course for the Committee for the future. A further workshop in February in 2005 will assist in refining the Committee's role and direction.

City of Joondalup's Bio-diversity Strategy: Review of Bushland Study

At the Conservation Advisory Committee meeting officers tabled a list of all bushland reserves managed by the City for comment by Committee Members. This list was discussed by Committee members and a management rating priority was recommended. The revised lists forms an attachment to the minutes.

Officers Comment

The City recently undertook a study of the condition of the bushland contained within reserves managed by the City. This study was undertaken by Mr David Pike, a local naturalist. The aim of the study was to ascertain the condition of the City's bushland and place this information on a list that reflects a management priority rating. The 2004-2005 budget contained an allocation of \$150,000 in the Capital Works area to manage natural areas that currently receive little or no attention. This study was undertaken using a template model supplied by the Perth Bio-diversity Project, a group of botanists and biologists hosted by WALGA.

Joondalup staff have been working in close partnership with CAC and the Perth Bio-diversity project on this study; results and progress reports form a regular part of the meeting format.

Prevention of Stormwater Discharge Into Natural Bushland Areas Policy 5.4.3. Comment by CAC.

Policy 5.4.3 was adopted by Council in September 2004. At the November 2004 Conservation Advisory Committee Meeting, members were invited to comment on the policy. Committee members suggested a number of minor amendments to the policy. These amendments seek to define the extent of natural areas. The original policy with the proposed amendments form part of the attached minutes. Attachment 3 shows the amended policy.

Officers Comments

At the Council meeting of 21 September 2004 it was resolved to refer the Stormwater Discharge Into Natural Bushland Areas Policy 5.4.3 to the Conservation Advisory Committee for comment, and further report if necessary through the minutes of that Committee.

ATTACHMENTS

Attachment 1	Conservation Advisory Committee Minutes 24/11/2004
Attachment 2	Conservation Advisory Committee – Bushlist
Attachment 3	Amended Policy 5.4.3 – Prevention of Stormwater Discharge into Natural Areas

VOTING REQUIREMENTS

Simple Majority

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

- 1 NOTE the unconfirmed Minutes of the Conservation Advisory Committee held on 24 November 2004 forming Attachment 1 to Report CJ325-12/04;**
- 2 AMEND Policy 5.4.3 Prevention of Stormwater Discharge Into Natural Bushland Areas as shown in the Minutes forming Attachment 1 to Report CJ325-12/04;**
- 3 ADOPT the amended Policy 5.4.3 as shown in Attachment 3 to Report CJ325-12/04;**

The Motion was Put and

CARRIED UNANIMOUSLY (5/0)

Appendix 15 refers

To access this attachment on electronic document, click here: [Attach15brf071204.pdf](#)

CJ326 - 12/04 PUBLIC TOILET FACILITIES IN THE JOONDALUP CBD – [53469]

WARD - Lakeside

CJ041207_BRf.DOC:ITEM 26

PURPOSE

This Report examines the issues relating to the provision of a temporary solution to the need for public toilet facilities in the Joondalup Central Business District (CBD), within the Joondalup City Centre.

EXECUTIVE SUMMARY

It has been identified that the Joondalup CBD lacks public toilet facilities. A preliminary investigation has indicated that the installation of EXELOO automated toilets or precast concrete tilt-up panel toilets may be feasible. These facilities could be installed as a temporary installation on certain sections of the Central Walk accessway that is under the care or control of the City of Joondalup. Based on community expectations, relative costs,

operation management and security factors, an automated twin type toilet with an estimated cost of \$180,000 is considered an appropriate temporary solution for the Central Business District. The installation of this facility requires consultation with local business and the general community. It is also subject to formal planning approvals. The funding for this facility can be listed for consideration as part of the 2005/06 budget deliberations.

It is recommended that the Joint Commissioners

- 1 REQUEST the Acting Chief Executive Officer to arrange a program of consultation with local businesses and the community on the installation of automated twin type toilets in Central Walk south of Boas Avenue as shown on Attachment 1 to Report CJ326-12/04;*
- 2 LIST for consideration as a high priority in the 2005/06 draft Five Year Capital Works Program funding of \$180,000 for the installation of automated twin type toilets.*

BACKGROUND

The Joint Commissioners, at the meeting on 12 October 2004, requested that a report be provided before the end of 2004 to identify a temporary solution to the need for public toilets in the CBD of the City.

It has been identified that the Joondalup CBD lacks public toilet facilities. It has been reported that the public are regularly asking local businesses if they can use their private toilet facilities and it has been noted that on occasions the public are utilising the Lotteries House and the City of Joondalup Administration office toilets.

The City of Joondalup is also faced with the issue of needing to accommodate toilet facilities for the general public during scheduled events over the year such as the Summer Events calendar – incorporating twelve night markets and four summer concerts, the Extreme Youth Festival and the Joondalup Festival.

It is estimated that the ongoing cost of hire toilets to the City is between \$15,300 and \$18,800 per year. This cost provides for the minimum requirements under the State Health Department guidelines for holding such events.

It is proposed to eventually integrate public toilet facilities into future car parks within the Central Business District.

DETAILS

As an interim solution, the temporary installation of the automated EXELOO type toilets or using precast concrete tilt-up panels are options that can be considered.

Following discussions with the CBD Enhancement Committee, it has been identified that at this stage the preferred locations for the temporary toilets are along Central Walk at;

- 1 Southern side of Boas Avenue;
- 2 Northern side of Reid Promenade.

These locations are shown on attachment 1.

On-site inspections confirm that a level brick-paved area is available in the Central Walk PAW corners at each of these locations. The area of the brick paving is of a size suitable for up to a twin toilet layout. Investigations also indicate that the site on the southern side of Boas Avenue can be sewered and serviced with power and water for the least cost.

At the CBD Enhancement Committee meeting in October 2004, the Committee also recommended that the toilets are constructed as a triple compartment building of tilted concrete construction with integrated aesthetics.

TOILET TYPE:

There are two toilet types currently being used.

- 1 The EXELOO type toilet is a proprietary brand that is automated with regard to cleaning and locking. The universal single toilet meets standards for access and facilities for people with disabilities. This brand toilet is recognised as providing a high quality finish to the internal/external structure and fixtures. A twin toilet type layout is shown on attachment 2.

The estimated cost including servicing to provide an automated toilet at the southern side of Boas Avenue is as follows:

Single universal	\$145,000
Twin (universal and unisex)	\$180,000
Triple (universal and 2 unisex)	\$255,000

- 2 CUSTOM BUILT TOILET: It has been suggested that the use of precast concrete tilt-up panels can provide a cost effective temporary solution.

The City has commissioned Bernard Seeber Architects to consider design and costing aspects of this proposal.

A layout of an indicative custom built twin toilet is shown on attachment 3. It is to be noted that one of the toilets is required to be to a universal standard. In addition, it is considered appropriate that the toilet doors are screened from public view.

The estimated cost, including servicing, to provide this type of custom built toilet on the southern side of Boas Avenue is as follows:

Single universal single	\$110,000
Twin (universal and unisex)	\$160,000
Three fixtures (universal & 2 unisex)	\$210,000

It is to be noted that for all the types of toilets, the installation at the northern side of Reid Promenade (site 2 as shown on attachment 1) will incur an extra cost of \$25,000 due to increased servicing lengths and requirements.

From an operational aspect, both toilets will require maintenance and servicing. The EXELOO toilet has a high level of automatic features – including self washing. In addition, the toilets are kept clean and odour free by programmed wash cycles which use hot water and disinfectant. Also, toilet flushing is activated automatically when the user opens the door. These features ensure that a high standard of hygiene is consistently maintained. The toilet

doors can also be programmed to be locked and unlocked each day. The EXELOO toilet is also designed with vandal-resistant fixtures and surfaces. It can also reduce anti-social behaviour by the use of electronically timed and automated opening of doors.

The custom built facility requires manual cleaning and a greater reliance on natural ventilation. In addition, the locking and security is based on manual operation.

Financial Implications:

The installation of public toilet facilities in the City Centre is currently listed for consideration as part of the City's 2005/06 Five Year Capital Works Program.

Strategic Implication:

This project fits into the Strategic Plan under the Key Focus Area of City Development and the objective to develop and maintain the City's infrastructure (3.1).

COMMENT

The Joondalup CBD currently lacks public toilet facilities. Whilst it is proposed in the future to provide toilets with public car parks, a temporary solution is an option. From a practical and technical aspect, a suitable location for a temporary or semi-permanent facility is on Central Walk south of Boas Avenue. This preferred location is convenient to existing activities with high pedestrian usage and allows for ease of installation. It is considered that taking into consideration community expectations for a civic place, security, the relative capital costs and operational aspects that reduce reliance on manual cleaning and locking, twin automated toilets are preferred. The EXELOO unit can also be more readily relocated to other sites once permanent facilities are established.

It is to be noted that the installation of EXELOO toilets is common within the Cities of Perth, Fremantle and other major Cities and Towns across Australia.

The installation of these proposed toilets would need consultation with local businesses and the general community. Also whilst formal planning approval would be needed for each site, there does not appear to be planning issues that preclude temporary toilets being installed at these locations. The consultation and approval process is likely to take at least four months. Currently no funds have been allocated for public toilet facilities in the Central Business District. Public tenders would also be required for the supply and installation of these facilities. Therefore it is considered that funding for the installation of twin type toilets can be listed as a high priority in the 2005/06 draft Five Year Capital Works Program.

ATTACHMENTS

Attachment 1	Location Plan
Attachment 2	EXELOO type toilet
Attachment 3	Custom built type toilet

VOTING REQUIREMENTS

Simple Majority

OFFICER’S RECOMMENDATION That the Joint Commissioners:

- 1 ARRANGE a program of consultation with local businesses and the community on the installation of automated twin type toilets in Central Walk south of Boas Avenue as shown on Attachment 1 to Report CJ326-12/04;
- 2 LIST for consideration as a high priority in the 2005/06 draft Five Year Capital Works Program funding of \$180,000 for the installation of automated twin type toilets.

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

- 1 ARRANGE a program of consultation with local businesses and the community on the installation of automated twin type toilets in Central Walk at the:**
 - 1 Southern side of Boas Avenue;**
 - 2 Northern side of Reid Promenade.****as shown on Attachment 1 to Report CJ326-12/04;**
- 2 LIST for consideration as a high priority in the 2005/06 draft Five Year Capital Works Program funding of \$180,000 for the installation of automated twin type toilets.**

AMENDMENT MOVED Cmr Fox SECONDED Cmr Smith that Point 1 of the Motion be amended to read: “on the installation *and design* of automated twin type toilets”

The Amendment was Put and

CARRIED UNANIMOUSLY (5/0)

The Original Motion, as amended, being:

That the Joint Commissioners:

- 1 ARRANGE a program of consultation with local businesses and the community on the installation and design of automated twin type toilets in Central Walk at the:**
 - 1 Southern side of Boas Avenue;**
 - 2 Northern side of Reid Promenade.****as shown on Attachment 1 to Report CJ326-12/04;**
- 2 LIST for consideration as a high priority in the 2005/06 draft Five Year Capital Works Program funding of \$180,000 for the installation of automated twin type toilets.**

Was Put and

CARRIED UNANIMOUSLY (5/0)

Appendix 16 refers

To access this attachment on electronic document, click here: [Attach16brf071204.pdf](#)

**CJ327 – 12/04 PROPOSED AMENDMENT NO 25 TO DISTRICT
PLANNING SCHEME NO 2 - RECODING LOT 405
(174) FAIRWAY CIRCLE, CONNOLLY FROM R20
TO R40 – [40146]**

WARD - Marina

CJ041207_BRF.DOC:ITEM 27

PURPOSE

For the Joint Commissioners to consider the adoption of Amendment No. 25 to District Planning Scheme No. 2 (DPS2) without modification, following the close of advertising.

EXECUTIVE SUMMARY

At their meeting held on 10 August 2004 (CJ184-08/04 refers), the Joint Commissioners considered Amendment No. 25 to DPS2 for the recoding of Lot 405 (174) Fairway Circle, Connolly from R20 to R40) for the purpose of initiating public advertising. Advertising commenced on 22 September 2004 for a period of 42 days and closed on 3 November 2004.

Five submissions were received, four of which were from servicing or government authorities and raised no objections whilst the fifth submission was in support of the proposed Amendment. A summary of these submissions is provided as Attachment 5 to this report.

It is recommended that the Joint Commissioners:

- 1 Pursuant to Town Planning Regulation 17(2), ADOPT Amendment No. 25 to the City of Joondalup's District Planning Scheme No. 2 for the purpose of recoding Lot 405 (174) Fairway Circle, Connolly from R20 to R40, without modification;*
- 2 NOTE the submissions received;*
- 3 AUTHORISE the affixation of the common seal to, and endorse the signing of, the amendment documents.*

BACKGROUND

Suburb/Location: Lot 405 (174) Fairway Circle, Connolly
Applicant: Planning Solutions
Owner: M & R A Vitale
Zoning: **DPS:** Commercial
MRS: Urban
Strategic Plan: Strategy 3.3 - Provide living choices to meet changing demographic demands.

Lot 405 is located on the corner of Fairway Circle and Country Club Boulevard, Connolly and is 2644m² in area. A disused service station is currently located on the subject site (see Attachment 1). The Connolly Shopping Centre is located on the southern adjoining property (Lot 406) and a medical centre and community centre are located between the shopping centre and Hodges Drive. The Joondalup Resort, comprising a country club, hotel and golf course, is located in close proximity to the site.

Lot 405 and adjacent Lot 406 were originally zoned “Residential Development”. Rezoning of these lots to “Commercial” occurred in 1986 to accommodate the development of a service station and local shopping centre as part of a neighbourhood centre to service the retail, commercial and recreational needs of the local community.

DETAILS

Lot 405 is currently zoned “Commercial” and a density code of R20 applies to the lot. Residential land use is a discretionary (“D”) use within the “Commercial” Zone under DPS2. Commercial land use is not a permitted (“X”) use in the “Residential” Zone. For this reason, no change to the current zoning of “Commercial” was sought as the landowner has no clear development intentions for the land at this time and wishes to retain the redevelopment options available under the current “Commercial” zoning of the land. For instance, a mixed use development such as shops and/or offices and dwellings, perhaps over two levels (a “shop-top” type of development) could be approved under the current zoning.

It is noted that while residential development is a discretionary (“D”) use on the site, an exclusively residential development would not be preferred by the City given that this would preclude any commercial component on the site, this being the primary zoning of the site.

The Joint Commissioners considered an application to increase the density code of the subject site from R20 to R40 at their meeting held on 10 August 2004 (CJ184-08/04 refers). It was resolved at this meeting to initiate public advertising which has now closed.

Statutory Provision:

Section 7 of the Town Planning and Development Act 1928 (as amended) and section 17 (2) of the Town Planning Regulations 1967 enables local authorities to amend a town planning scheme and sets out the process to be followed (see Attachment 4).

Consultation:

The Town Planning Regulations 1967 require the amendment to be advertised for a period of forty two (42) days. The advertising consisted of all adjoining landowners being notified in writing, a sign being erected on the site and a notice being placed in both the Western Australian and the Joondalup Community newspapers.

Advertising commenced on 22 September 2004, for a period of 42 days and closed on 3 November 2004. Five submissions were received, four (4) of which were from servicing authorities (Alinta Gas, Western Power, Water Corporation and the Department of Health) and raised no objections to the proposal whilst the fifth submission was in support of the proposed Amendment. A summary of these submissions is provided as Attachment 5 to this report.

Under section 17 (2) of the Town Planning Regulations 1967, all submissions received during the advertising period are to be considered after which the Joint Commissioners are to resolve either to not proceed with the proposed amendment, or to adopt the proposed amendment, with or without modification, and to submit three (3) copies of the amending documents to the Western Australian Planning Commission (WAPC) for consideration of final adoption and endorsement.

Policy Implications:

The proposed Amendment has no policy implications.

Strategic Implications:

Should the site be developed as a mixed use development, and therefore include residential uses, the increase in density will facilitate the development of a greater variety of residential building forms to provide increased living choices which accords with the City's Strategic Plan.

Sustainability Implications:

An increase in density of the subject site would facilitate the development of medium density dwellings. This would be appropriate in view of the close proximity of the site to the Connolly Shopping Centre, community and recreational facilities. Should the site be developed for mixed use, an increased number of residents in close proximity to the shopping centre is likely to increase patronage and may encourage its revitalisation.

In addition, the proposal would facilitate a mixed use development that supports the WAPC's Liveable Neighbourhoods strategy, formulated to guide sustainable urban development within the State, by facilitating housing diversity and increasing the number of dwellings within walking distance of Neighbourhood Centres (in this case, the Connolly Shopping Centre).

COMMENT

Public advertising of the proposed amendment has not resulted in any objections or issues that would warrant modification of the proposal. One submission was in support of the proposed amendment on the basis that development of the site would improve the site and may result in an increase in patronage of the adjacent shopping centre.

Given the above, the proposed amendment is supported, no modifications are considered necessary and its final adoption is recommended.

ATTACHMENTS

Attachment 1	Location Plan
Attachment 2	Proposed Amendment Plan
Attachment 3	Indicative Concept Elevation Plan
Attachment 4	Scheme Amendment Process (extract)
Attachment 5	Schedule of Submissions

VOTING REQUIREMENTS

Simple Majority

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

- 1 Pursuant to Town Planning Regulation 17(2), ADOPT Amendment No. 25 to the City of Joondalup's District Planning Scheme No. 2 for the purpose of recoding Lot 405 (174) Fairway Circle, Connolly from R20 to R40, without modification;**
- 2 NOTE the submissions received;**
- 3 AUTHORISE the affixation of the common seal to, and endorse the signing of, the amendment documents.**

The Motion was Put and

CARRIED UNANIMOUSLY (5/0)

Appendix 17 refers

To access this attachment on electronic document, click here: [Attach17brf071204.pdf](#)

In relation to Item 328-12/04 - Proposed Amendment No 28 to District Planning Scheme No 2 to Rezone Swan Loc 12816 (16) Fernwood Square, Padbury from 'Residential' to 'Private Clubs and Recreation', Cmr Smith advised her husband owns property in Padbury, however she would deal impartially with this matter.

Cmr Fox declared an interest which may affect her impartiality in Item CJ328-12/04 – Proposed Amendment No 28 to District Planning Scheme No 2 to Rezone Swan Loc 12816 (16) Fernwood Square, Padbury from 'Residential' to 'Private Clubs and Recreation' as she resides in Padbury.

CJ328 – 12/04 PROPOSED AMENDMENT NO 28 TO DISTRICT PLANNING SCHEME NO 2 TO REZONE SWAN LOC 12816 (16) FERNWOOD SQUARE, PADBURY FROM 'RESIDENTIAL' TO 'PRIVATE CLUBS AND RECREATION' – [10564]

WARD - Pinnaroo

CJ041207_BRF.DOC:ITEM 28

PURPOSE

For the Joint Commissioners to consider proposed Amendment No 28 to District Planning Scheme No 2 (DPS2) for initiation and adoption for the purposes of public advertising.

EXECUTIVE SUMMARY

Swan Loc 12816 is currently a vacant lot. The lot is located on Hepburn Avenue, between Brookmount Ramble and Fernwood Square (Attachment 1). The site is zoned 'Residential' under DPS2 and 'Urban' under the Metropolitan Region Scheme (MRS).

The applicant proposes the Amendment to enable a pre-school to be established on the subject site. Under DPS2 an 'Educational Establishment' is not a permitted land use in the Residential Zone and accordingly a Scheme Amendment is required to rezone the land to 'Private Clubs and Recreation'. An 'Educational Establishment' in the 'Private Clubs and Recreation' zone is a use, which is not permitted unless Council approval is granted.

The Crown currently owns the land however the Government has agreed to grant the land to St Stephens School for the purposes of expansion of the existing school. The existing school is situated to the south of Hepburn Avenue, immediately south of the subject site. This school has a primary and high school facility on the site. As this existing site is currently developed, the subject lot would allow the proposed expansion of the development of a pre primary school, enabling the school to offer the community a full pre-primary – Year 12 establishment accommodating up to 1200 students. The applicant has indicated that there is a growing need for this type of facility in the area.

The surrounding area is predominately residential and the site is ideally located near major roads and public transport routes to service the proposed use. The proposed amendment would also support sustainability principles and the City's Strategic Plan by accommodating existing uses and providing a diverse range of lifelong learning opportunities.

It is therefore considered appropriate that the Joint Commissioners:

- 1 *In pursuance of Section 7 of the Town Planning and Development Act 1928 (as amended), AMEND the City of Joondalup District Planning Scheme No 2 for the purposes of rezoning Swan Location 12816 (16) Fernwood Square, Padbury from 'Residential' to 'Private Clubs and Recreation';*
- 2 *ADOPT Amendment No 28 as suitable for the purposes of public advertising for a period of forty two (42) days;*
- 3 *ADVISE the applicant that prior to submission of a Development Application to the City a survey of the existing vegetation on the subject site, including adjacent verges is required to be submitted for assessment;*
- 4 *REFER Amendment No 28 to District Planning Scheme No 2 the Environmental Protection Authority, pursuant to Section 71A of the Town Planning and Development Act.*

BACKGROUND

Suburb/Location: Swan Location 12816 (16) Fernwood Square, Padbury
Applicant: St Stephens School
Owner: Crown Land (Department for Planning and Infrastructure)
Zoning: **DPS:** Residential R20
MRS: Urban

Strategic Plan: Strategy 1.1 – To develop, provide and promote a diverse range of lifelong learning opportunities.

The proposed Amendment applies to land described as Swan Location 12816 (16) Fernwood Square, Padbury that is located adjacent to the north east intersection of Hepburn Avenue and the Mitchell Freeway.

The site has been previously earmarked for future development of a school and in 1994 the site was shown as such on the original land sales plan for Hepburn Heights Residential Estate. In March 2000 the Western Australian Government agreed to grant the land to St Stephens School for the purposes of expansion of the existing school, located to the south of Hepburn Avenue.

DETAILS

The site is currently zoned ‘Residential’ under DPS2 and ‘Urban’ under the MRS. It is currently vacant and located adjoining an existing residential area (R20). The lot is also in close proximity to major roads and public transport routes including the Greenwood Railway Station that is currently under construction.

Under the current ‘Residential’ zone, an Educational Establishment is an ‘X’ use, a use class that is not permitted under DPS2. Accordingly rezoning the site to ‘Private Clubs and Recreation’ is required to accommodate the proposed use of a pre-primary school. The definition in the DPS2 accommodates a pre-primary school under the definition of an ‘Educational Establishment’.

The land is currently owned by the Crown, which has agreed in April 2000 to grant the land to St Stephens School for the purposes of expanding the existing school. The proposed expansion would allow the development of a pre primary school, enabling the school to offer the community a full pre-primary – Year 12 establishment accommodating up to 1200 students. The applicant has indicated that there is a growing need for this type of facility in the area.

The applicant has also indicated that it has been a long term expectation of the community that the site would developed for use as a school, as indicated on the original sales plan for Hepburn Heights. In addition an Educational Establishment was a use that could be considered in a ‘Residential Zone’ under TPS 1.

Vegetation

The site contains some natural bush, and is located near Whitfords Avenue Bushland and the Pinnaroo Valley Memorial Park. These sites are both Bush Forever sites and contain regionally significant vegetation to be retained and protected. The site is separated from the Bush Forever sites to the south by one lot and accordingly is not classified as a Bush Forever site.

Given the close proximity of the Bush Forever sites to the subject site, it is considered that the built form and urban design outcomes should be sympathetic to the natural bush land setting and proximity to the bush. Accordingly a survey of the existing vegetation on the subject site and adjacent verges should be submitted prior to lodgement of a Development Application for the development of the school.

Traffic Management

An access road to service the community facility/ places of public worship sites, contained within the Hepburn Heights Residential Estate was approved in July 2000 and subsequently constructed (Brookmount Ramble). A condition of approval of this access requires that the entry point to Hepburn Avenue be 'left- in' and 'left- out' only.

The applicant intends to utilise this existing access road for access to the subject site. Although access from Hepburn Avenue is restricted to left in left out access, there may be potential for traffic and parking issues to arise within the adjacent existing residential subdivision. Accordingly a Traffic Parking and Pedestrian Impact Study has been undertaken by the applicant. The Study revealed that with regard to the operation of the access points/roads and operation of the intersections there would not be any major impacts from the proposal. The report also noted that additional parking bays and adequate paths are required. This matter can be assessed at the development application stage.

The City is satisfied the report has satisfactorily addressed Traffic and Pedestrian Management and will not cause impacts in this regard.

Statutory Provision:

Section 7 of the Town Planning and Development Act 1928 (as amended) together with the Town Planning Regulations 1967 enable local authorities to amend a Town Planning Scheme and sets out the process to be followed.

Consultation:

The Town Planning Regulations 1967 requires the amendment to be advertised for a period of 42 days should the Joint Commissioner agree to advertise the proposal. All adjoining landowners will be notified in writing, a sign erected on the site and a notice placed in the West Australian and the Joondalup Community Newspaper.

Strategic Implications:

The proposed zoning of the subject site would allow for the development of an educational establishment, which is in line with the City's Strategic Plan of providing a diverse range of lifelong learning opportunities.

Sustainability Implications:

The surrounding area is residential and the site is ideally located near major roads and public transport routes, therefore facilitating the proposed school use.

COMMENT

Under the former TPS 1, the land could accommodate an Educational Establishment under the 'Residential' zone, however under DPS2 an Education Establishment became a use which is not permitted in that zone. The applicant has indicated that it has been a long-term future expectation by the community that the site would be developed for a school and this formed part of the original land sales plans for the Hepburn Heights Residential Estate. In addition the Western Australian Government has agreed to grant the land to St Stephens School for the

purposes of expansion of the existing school, enabling it to accommodate a pre-school to Year 12 facility.

It is considered that the amendment would facilitate the development of a pre primary school that would provide an important community function and satisfy ongoing demand for such an establishment. The location of the subject site on the periphery of the Hepburn Heights Estate is unlikely to have any significant impact on the adjoining residential area. In addition the proposed amendment is also consistent with other private school site zonings within the municipality.

ATTACHMENTS

Attachment 1 Location Plan

VOTING REQUIREMENTS

Simple Majority

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

- 1 Pursuant to Section 7 of the Town Planning and Development Act 1928 (as amended), AMEND the City of Joondalup District Planning Scheme No 2 for the purposes of rezoning Swan Location 12816 (16) Fernwood Square, Padbury from ‘Residential’ to ‘Private Clubs and Recreation’;**
- 2 ADOPT Amendment No 28 as suitable for the purposes of public advertising for a period of forty two (42) days;**
- 3 ADVISE the applicant that prior to submission of a Development Application to the City a survey of the existing vegetation on the subject site, including adjacent verges, is required to be submitted for assessment;**
- 4 REFER Amendment No 28 to District Planning Scheme No 2 to the Environmental Protection Authority, pursuant to Section 71A of the Town Planning and Development Act.**

The Motion was Put and

CARRIED UNANIMOUSLY (5/0)

Appendix 18 refers.

To access this attachment on electronic document, click here: [Attach18brf071204.pdf](#)

Cmr Clough declared an interest which may affect his impartiality in Item 29 – Proposed Nursing Home and Aged Persons' Dwellings: Portion Lot 62 and Lot 63 Hocking Road, Kingsley as he is currently acting as a consultant to a firm that provides aged care facilities.

**CJ329 – 12/04 PROPOSED NURSING HOME AND AGED PERSONS'
DWELLINGS: PORTION LOT 62 AND LOT 63
HOCKING ROAD, KINGSLEY – [13021]**

WARD - All

CJ041207_BR.F.DOC:ITEM 29

PURPOSE

This report is to request the Joint Commissioners' consideration of an application for a Nursing Home and Aged Persons Dwelling development.

EXECUTIVE SUMMARY

The proposal is to develop a nursing home, including an assisted living facility (60 beds), a dependent living facility (110 beds), and 39 independent living units. The site runs between Hocking Road and Whitfords Avenue, Kingsley. To the east of the site is the Cherokee Caravan Park, and to the west of the site is the Yellagonga Regional Park.

The Minister for Planning approved the rezoning of the subject site from 'Rural' to 'Residential' with a density code of R20 on 25 May 2004. A portion of the lot was previously part of the Yellagonga Regional Park, and the remainder of the lot was used for market gardening.

The proposed 39 independent living units (single storey) are located to the front of the site, adjoining Hocking Road. The dependent living facility (3 storeys plus basement) is located to rear of the site, adjacent to the Whitfords Avenue frontage, while the assisted living facility (two storeys plus basement) is located on the central part of the lot.

All access to the development will be obtained from Hocking Road.

The proposal was advertised for a period of 30 days, with nearby and adjoining owners being notified in writing, two signs were placed on the site, and an advert was placed in the local newspaper for three consecutive weeks.

Eight (8) submissions were received, being 6 objections (including one petition), and 2 non-objections.

The central issues raised are the height of the proposed nursing home, traffic issues, and the impact on the adjoining Yellagonga Regional Park.

The proposed height of the building is highlighted as a concern as it is beyond that which would be expected if the site had been developed for grouped or single dwellings. The extent of community concern is noted and adds weight to the conclusion that the proposed height requires careful consideration.

It is recommended on the basis of building height that the application be refused.

BACKGROUND

Suburb/Location: Portion Lot 62 and Lot 63 Hocking Road, Kingsley
Applicant: Meath Health Care Inc
Owner: Meath Health Care Inc; Western Australian Planning Commission
Zoning: **DPS:** Residential (R20)
MRS: Urban
Strategic Plan: “3.3 To continue to meet changing demographic needs”
Land Area: Lot 63 (1.54ha) and Lot 62 (0.94ha)

Application Timeline

Application received: 12 February 2004
Further information submitted: 4 March 2004
Further information submitted: 5 March 2004
Request further information: 9 March 2004
Further information submitted: 16 March 2004
Application advertised: 8 July 2004
Further information submitted: 27 July 2004
Further information submitted: 22 October 2004

The subject site consists of Lot 63 (1.54ha) and portion of Lot 62 (0.94ha). Lot 63 was previously zoned Rural and Lot 62 was a Reserve under District Planning Scheme No 2 (DPS2). Portion of Lot 62 was considered surplus to the needs of the adjacent Yellagonga Regional Park and was rezoned to Residential in May 2004.

DETAILS

The proposed development has the following features:

- 39 independent living units (aged persons’ dwellings – single storey)
- 110 bed dependent living facility (3 storeys plus basement car parking)
- 60 bed assisted living facility (2 storey plus basement car parking)
- Access is provided to the site via 2 main access points off Hocking Road.
- Recreation facilities.
- The independent living units front Hocking Road and also orientate to the adjoining Yellagonga Regional Park

Statutory Provision:

DPS2 and relevant policies apply to the assisted living and dependent living parts of the development. The R-Codes do not apply to this portion of the development. These facilities (assisted and dependant living) are classified as a ‘Nursing Home’ for the purposes of DPS2.

DPS2 the R-Codes and relevant policies apply to the aged persons dwellings.

District Planning Scheme No 2

The site is zoned 'Residential' under DPS2 and has a designated density of R20. A 'Nursing Home' and 'Aged Persons Dwelling' are 'D' (discretionary) uses within the Residential zone.

When determining this application, clauses 4.5, 4.8 and 6.8 of the DPS2 are particularly relevant:

4.5 Variations to Site and Development Standards and Requirements.

4.5.1 Except for development in respect of which the Residential Planning Codes apply and the requirements set out in Clauses 3.7.3 and 3.11.5, if a development is the subject of an application for planning approval and does not comply with a standard or requirement prescribed under the Scheme, the Council may, notwithstanding that non-compliance, approve the application unconditionally or subject to such conditions as the Council thinks fit.

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

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

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

approval of the proposed development would be appropriate having regard to the criteria set out in Clause 6.8; and

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

4.8 Car Parking Standards

4.8.1 The design of off-street parking areas including parking for disabled shall be in accordance with Australian Standards AS 2890.1 or AS 2890.2 as amended from time to time. Car parking areas shall be constructed and maintained to the satisfaction of the Council.

4.8.2 The number of on-site car parking bays to be provided for specified development shall be in accordance with Table 2. Where development is not specified in Table 2 the Council shall determine the parking standard. The Council may also determine that a general car parking standard shall apply

irrespective of the development proposed in cases where it considers this to be appropriate.

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)

The R-Codes apply to the aged persons' dwellings located at on the front portion of the subject lot. Clause 2.3.4 of the R-Codes allows the consideration of variations to the 'Acceptable Development' standards.

Development Standards Table

The following table summarises the development details:

Aged Persons Dwellings

Standard	Required	Provided
Front Setback Side/Rear Setbacks	6m average, 3m minimum 1m/1.5m	6m average, 3m minimum 1m/1.5m
Height	As per Policy 3.1.9	Complies with Policy 3.1.9 Height and Scale of Buildings

Standard	Required	Provided
		within a Residential Area.
Outdoor Living Area	30m ²	Min 30m ² , with the exception of 4 units at 25m ² , and 2 units at 17m ²
Storerooms	4m ²	3.7sqm – 4.5m ²
Minimum Site Area	297m ² (including density bonus)	260m ² minimum
Maximum Dwelling Size (for aged persons dwellings)	100m ²	108 – 139m ²

Nursing Home

Standard	Required	Provided
Front Setback	N/A – development located on middle/rear of property	N/A
Side (w)	3m	7.5m
Side (e)	3m	15m
Rear	6m	7m
Height	As per Policy 3.1.9	Exceeds the Building Height Envelope under with Policy 3.1.9
Landscaping	8% of site	Greater than 8% (detailed landscape plan to be submitted)

Car Parking

Use	Parking Standard	No of Bays Required	No of Bays Provided
Aged Persons' Dwelling	1 per dwelling + 1 visitor bay for every 4 dwellings	49	81
Nursing Home	Not stated under DPS2, however, demand indicates 100 bays required at peak times (see below)	100	114

DPS2 does not have specific standards that apply to the car parking provision for a nursing home. The applicant has provided a detailed car-parking matrix for the anticipated demand for car parking for the Nursing Home component. The matrix takes account of all staff and visitors at the site at any one time and also assumes that the residents of the assisted living facility will require 40 car bays, which appears to be a generous allocation i.e. is generally more than required.

The matrix indicates that for a typical day, peak car parking demand will occur at 3pm when the staff changes shifts. At this point, the parking demand would be 100 bays. Given that the supply of bays is 114, this would indicate that even at peak times, a 14 bay surplus would occur.

As a comparison, if the nursing home were assessed as a ‘hospital’ for the purposes of calculating car-parking demand under DPS2, a total of 100 bays would be required. It is therefore considered that the provision of 114 on site car parking for the nursing home facility will satisfactorily meet projected demand.

Consultation:

The proposal was advertised for a period of 30 days, with nearby and adjoining owners being notified in writing, two signs were placed on the site, and an advertisement was placed in the local newspaper on three consecutive weeks.

Eight (8) submissions were received, being six objections (including 1 petition (76 signatures)) and 2 non-objections. The following table summarises the submissions and provides officer’s comment on the submission.

No	Location	Submission	Officer Comment
1	Cherokee Village, Kingsley	No Objection	Noted
2	Hocking Rd, Kingsley	No objection	Noted
3	Pearsall	Objection Objection relates to the way that Lot 62 was acquired by the Government.	This matter is not relevant to the proposed development of the subject site.
4	Kiah Crt, Kingsley (2 submissions)	Objection The MRS amendment to rezone was misrepresented. The development will not be a low traffic generator. The traffic report underestimates the potential traffic generation. No credence can be placed in the report The proposal will not have high visual amenity. There are no other 3 storey and 2 storey buildings in the area. The affect on the environmentally	The site has been through the statutory rezoning process and the site is now rezoned Residential. The applicant has provided a traffic study for the site which states that the number of vehicles from the site would be less than that generated if the site were used for single residential purposes. It is noted that there are no other 2 or 3 storey buildings in the area. The environmental assessment

No	Location	Submission	Officer Comment
		important Yellagonga Regional Park has not been properly assessed. There are no studies to show the effect of the buildings on the wetlands.	of the site was conducted prior to the rezoning of the site. The site is now zoned Residential and therefore development of the site is to be expected.
5	76 signature petition	<p data-bbox="467 528 952 965">Objection There are no 4 storey buildings in the area. The natural decline of the landscape has a natural fall of approximately 2 metres giving the building the appearance of being much taller. This is not an appropriate site for a development of this size and will dominate the landscape and surrounding streetscape detracting from the amenity of the area.</p> <p data-bbox="467 1003 952 1111">Rezoning documents for the site indicated that the development of the site was likely to be single storey.</p> <p data-bbox="467 1480 952 1588">There has been limited public consultation with the surrounding residents or general locality.</p> <p data-bbox="467 1809 952 1917">The correspondence sent to residents omitted heights, footprint and the bulk of the structure.</p>	<p data-bbox="978 562 1407 779">The fall of the land may exacerbate the apparent height of the building. The buildings do exceed the Building Height Envelope under Policy 3.1.9 to a significant degree.</p> <p data-bbox="978 1003 1407 1440">The rezoning documents stated that the proponent indicated that all development on the site was likely to be single storey, with the exception of the hostel which could be 2 storeys. Notwithstanding, there is no statutory link between the rezoning process and the development approval process. The current application must be considered on its merits.</p> <p data-bbox="978 1480 1407 1771">13 letters were directly sent to nearby and adjoining owners. 2 signs were placed on the site and adverts were placed for 3 consecutive weeks in the local newspaper. This is in accordance with Scheme provisions.</p> <p data-bbox="978 1809 1407 2094">It is not possible to detail all elements of the proposal in writing. The purpose of the correspondence is to invite viewing of the plans and to invite comments Hence the invitation is made for the plans to be viewed in order for</p>

No	Location	Submission	Officer Comment
			interested people to gauge the impact of the development. Elevations and a site plan were included in the plans that were available for viewing.
6	Plover Way, Kingsley	<p>Objection</p> <p>There are already 5 retirement villages within a 5km radius of the proposal.</p> <p>Having a 2 and 3 storey building next to Yellagonga Regional Park is not in keeping with the area.</p>	<p>There is no restriction under DPS2 or Council Policy that restricts the amount of aged persons' accommodation. With an ageing population, it is important for this type of accommodation to be provided.</p> <p>See Comment 5 above.</p>
7	South West Ward Ratepayers Association (late submission)	<p>Objection</p> <p>The objection relates to the information provided to Council in support of the rezoning, the proposed height, potential environmental impacts on Yellagonga Regional Park and traffic impacts on the local community.</p> <p>A structure plan should be requested over the property</p> <p>Concern in regard to the height of the buildings</p> <p>Concerns in regard to traffic generation and movement</p> <p>Concerns in regard to the damage to the environment and the wetlands</p>	<p>See comment 5 above.</p> <p>A structure plan is not required for the development of a Residential site unless required by the City. The site is to be developed as a whole and it is therefore not considered that a structure plan would provide any additional benefits</p> <p>See comment 5 above.</p> <p>See comment 4. above</p> <p>The subject site has been assessed by the EPA during the rezoning process. The Minister for Planning approved the rezoning of the site following the addressing of the environmental considerations of the site. Notwithstanding, it</p>

No	Location	Submission	Officer Comment
			may be appropriate for the applicant to provide further assessment of the development given the physical works that need to be undertaken, and the potential impacts on the adjoining wetland areas.
8	No address given (late submission)	<p>Objection Lack of planning information and amount of discretion requested.</p> <p>The concept plan for the rezoning included single storey dwellings and maybe a two-storey hostel.</p> <p>All residences on the site are for the purposes of human habitation on a permanent basis. All residences are dwellings</p> <p>The 30 multiple dwellings are not permitted.</p> <p>There are no development controls for a nursing home</p>	<p>Details regarding the amount of discretion required with the application could be sought from the City as the advertising invited interested parties to visit the City's Offices if further information was required.</p> <p>Noted. The rezoning application for the site indicated that dwellings would possibly be a maximum of two storeys.</p> <p>The nursing home components are not dwellings under the definition of the R-Codes as more than 6 people who do not comprise a single family will reside in the development.</p> <p>There are no multiple dwellings proposed in the development.</p> <p>DPS2 standards and Policies that apply to the development are considered in this report.</p>

The proposal was referred to the Western Australian Planning Commission for comment as the proposal abuts Whitfords Avenue, which is an Other Regional Road under the Metropolitan Region Scheme. The WAPC indicated that there are no road-widening requirements on the subject and had no comment to offer regarding the proposal.

The application was further referred to Conservation and Land Management (CALM). The comments received from CALM are summarised below.

Midge Plagues

CALM notes that midge plagues can be problematic around Lake Goollelal. CALM suggests that information advising prospective tenants be supplied.

Drainage Management and nutrient enrichment of the Yellagonga Wetlands

CALM requests that the proponent construct appropriate drainage management infrastructure within the development site to contain storm water. There is to be no discharge of water into the adjoining Yellagonga Regional Park. The Department of Environment should be consulted in relation to the need for a drainage and nutrient management plan.

With regard to the abovementioned comments, these could be addressed as conditions of planning approval should the Commissioners approve the application.

Connection to Sewer

Development approval should be subject to the nursing home and aged persons' dwellings being connected to sewer.

Dewatering during construction

If dewater activities are required, no water is to be discharged into Yellagonga Regional Park and the investigation of potential problems with acid sulphate soils should be undertaken. Potential groundwater contamination should be investigated considering the use of septic tanks in the vicinity.

Pre-construction Boundary Definition

No vegetation, earth spoil or any other debris shall be deposited within Yellagonga Regional Park. CALM has requested that the common boundary between the site and CALM land be surveyed before commencement of construction and a temporary fence be erected to define the lot boundary.

Removal of Rubbish

CALM requests that the proponent removes any rubbish from CALM land that emanates from the subject site.

Boundary Interface

CALM requests that final boundary fencing be to their satisfaction. The could be recommended as a condition of approval.

Landscape Amenity

CALM raises concern regarding the scale of the development in close proximity to Yellagonga Regional Park. CALM recommends that the proponent should plant and maintain a screen of vegetation within Lot 29 Hocking Road to help improve the landscape amenity of the area.

Applicant's Justification

The applicant has provided an explanatory supporting statement for the proposal. This is attached to the report for information (Attachment 4).

COMMENT

In general, it is considered that the development of the site for aged care accommodation, as foreshadowed in the rezoning process, is appropriate.

DPS2 Standards

The proposed assisted living facility and the dependant care facility are subject to the provisions of DPS2. The proposal complies with those provisions.

With regard to use class, the development can be classified as follows:

Applicants Description	DPS2 Use Class
Aged Persons Dwellings:	Aged Persons Dwellings
Assisted Living Facility:	Nursing Home
Dependant Living Facility:	Nursing Home

A 'Nursing Home' and 'Aged Persons Dwellings' are 'D' uses within the Residential Zone. A 'D' use is, 'a use that is not permitted unless the Council has exercised its discretion and has granted planning approval after giving special notice in accordance with clause 6.7.'

Height of the Proposed Buildings

The City's Policy 3.1.9 (Height and Scale in a Residential Area) applies to the site. It is acknowledged that the site is in a unique location, being bordered by a Regional Park, a caravan park, Whitfords Avenue and located opposite a low-density residential area.

The proposed 2 and 3 storey buildings exceed the Building Height Envelope (BHE) established under the Policy to a large extent, in some instances a floor and the roof exceed the BHE. That is in some case a whole floor of the development exceeds the BHE. The Dependant Living Building (Nursing Home) is considered to be the building of most concern, being three storeys in height including a basement level.

The BHE is not a statutory instrument that restricts the height of buildings, however, it does provide for an approval process that ensures that the impact of the development is appropriately considered.

In most situations, the BHE is intended to ensure that standard residential housing does not adversely impact on adjoining housing by way of the bulk or scale of the building. In this instance, there is no adjoining housing that will be directly impacted upon by the 2 and 3 storey proposal. While this is a favourable point in considering the proposed building height, the comparative isolation of the site from any other buildings may emphasis the height and scale of the proposed buildings.

It is noted that the information provided by the proponent at the time of the rezoning of the land did indicate that the likely form of the development would be single storey with the possible exception of a hostel building of two storeys. While these statements contain no statutory obligation, it did provide some outline of the possible form of the buildings on the site. The development application that was submitted does significantly move away from the previous indications in regard to the height of the buildings.

The concern in this instance is on the general amenity and appropriateness of buildings of this scale in this location, given that there are no other similar height developments in the vicinity. Moreover the proposal is located next to the Yellagonga Regional Park and the affect of the building on the landscape amenity of this area should not be compromised. CALM have noted this approach through their submission. Yellagonga Regional Park is also listed in Schedule 5 of the Scheme as a, 'Place and Object having Significance for the purposes of protection of the Landscape or Environment.' Therefore careful consideration of the impact of the development on this area is required.

It is expected that development to the height of the proposed buildings is not appropriate abutting a regional reserve. The bulk and scale of the building will adversely impact on the landscape values and views from the site and therefore detract from its environmental and landscape significance generally and as defined by DPS2.

The proposed scale of the building will be out of character with the general height of development within the surrounding locality. This is given that the adjoining development is low in scale and height i.e. the Caravan Park and the adjoining Special Residential zone.

The applicant argues that the aged car facility was located on the northeast corner of the development as the building in this location:

*“Has no impact on any adjoining residences;
Does not create any privacy, overlooking or sun shading issues;
In the broader landscape, is not out of scale;
Consequently does not negatively impact on the ‘amenity of the area’;
Will not be highly visible from Hocking Road as it will be screened by Independent Living Villas and appropriate landscaping”.*

The applicant's justification provided within the application is noted. However it is considered appropriate that the applicant be requested to investigate or review the need for a building at the proposed height, with a view to potentially reducing the height of the building. The applicant has also submitted a plan showing landscaping in an attempt to screen the highest components of the development. It is not believed that the landscaping will screen and soften the impact of the building to a point to where it becomes acceptable from a planning perspective.

Car parking and Traffic

From the above car parking analysis, the provision of on-site car parking is considered to be acceptable.

The applicant has submitted a traffic report prepared by Shawmac Consulting Engineers. The report concludes that traffic generated from the site would have less of an impact than if the site was developed for single residences. The development should not impact on the existing road network.

In addition, in terms of traffic generation and management, consideration needs to be given to the potential development of the Luisini Winery in Lakeview Drive, Kingsley with reference to the combined affect of traffic generation as the two proposals will use the same roads. The Luisini Winery development is currently being considered by the WAPC and a determination on this proposal was not been issued yet.

Environmental Impacts

The rezoning of the site required that the site be assessed for its suitability for residential development. The matter of soil contamination and the presence of acid sulphate soils on the site has been addressed by the applicant to the satisfaction of the Department of Environment and the City and the WAPC approved the rezoning on this basis.

A number of submissions have raised concerns in regard to the impacts of the physical construction on the property and the impacts of this, including the excavation for the basement car parks. It is considered appropriate that the applicant address this issue. This should be done via a building management plan, which should be approved by the City and submitted at the Building Licence stage if the proposal is granted Planning Approval.

Disposal of wastewater has been raised as a concern through the planning process and through submissions. In response to this the applicant has advised that main sewerage will be connected.

Relationship with the adjoining Reserve

Council Policy 3.2.6 (Subdivision and Development Adjoining Areas of Public Open Space) encourages development that adjoins public areas to orientate toward the open space, with large blank walls to be avoided. It is considered that the proposed development of the aged persons' units that adjoin the open space is appropriately orientated to overlook the space and provide the appropriate passive surveillance of the area.

Some portions of the proposed boundary fencing are solid in construction and it is considered that the elevation can be improved by incorporating more permeable fencing in the design. This could be secured as a condition of Planning Approval.

During the WAPC consideration of the rezoning of the subject site, it was noted that a dual use path would be required to be provided alongside the aged persons' development site between Hocking Road and Whitfords Avenue. Therefore, if the proposed development is approved, a condition will need to be applied for the developer to initiate an application to the appropriate authorities for the dual use path to be constructed.

R-Code Requirements

The aged persons' dwellings are generally in accordance with the provisions of the R-Codes. The proposed variations are outlined below.

Lot Size and Density

The subject site is coded R20, where the minimum lot size per dwelling is 440m². The R-Codes permit, as a right, a reduction of the required site area for aged persons' dwellings by one-third. Therefore, the minimum lot size required for an aged persons' dwelling is 293m².

and an average of lot size of 333.33m². The applicant has provided a plan in an attempt to demonstrate compliance with minimum lot size requirements.

Minimum Lot Size Required	Minimum Average Lot Size Required	Provided Minimum	Provided Average
293.3m ²	333.3m ²	260m ² (smallest lot)	Complies

The applicant calculated the minimum lot size based on the R20 zoning and a 1/3 reduction in lot size permitted by clause 3.1.3 A3 (i) of the R-Codes. The applicant has further requested a reduction in the minimum lot size by 5% in accordance with the Performance Criteria of 3.1.3 of the R-Codes. This would create a minimum lot size of 278m². The relevant acceptable development criteria for clause 3.1.3 A3 (i) of the R-Codes are as follows:

Subject to 3.1.2 only, the following variations to the minimum site area set out in Column 3 of Table 1 may be made:

- i. *For the purposes of an Aged or Dependant Person's Dwelling or a Single Bedroom Dwelling the minimum site area may be reduced by up to one third in accordance with section 4.1.2 and 4.1.3*

The performance criteria for the 5% reduction under clause 3.1.3 of the R-Codes is as follows:

The Commission may approve the creation of a lot of a lesser area and that the Commission or Council may approve a minimum site area of a Grouped Dwelling on a site area less than that specified on Table 1 provided that the proposed variation would meet the following criteria:

- *Be no more than 5 percent less in area than that specified on Table 1; and*
- *Facilitate the protection of an environmental or heritage feature; or*
- *Facilitate the development of lots with separate and sufficient frontage to more than one public street; or*
- *Overcome a special or unusual limitation on the development of the land imposed by its size, shape or other feature; or*
- *Allow land to be developed with housing of the same type and form as the land in the vicinity and which would not otherwise be able to be developed*
- *Achieve specific objectives of the local government Scheme and, where applicable the Local Planning Strategy.*

The applicant has also suggested that clause 3.4.4 of the R-Codes could be used to reduce lot size by a further 20%. This is not the case as clause 3.4.4 only refers to reduction in areas of open space not minimum lot size.

The table shows that even with the one-third reduction, plus a further 5% reduction, some lots on the site do not achieve the minimum lot size. Approval of lot sizes outside the variations listed above is beyond the power of the City. The smallest lot on the site is 18m² short of the required minimum lot size with all lot size variations applied. For the applicant to achieve the required lot size, a rework of the layout of the Aged Persons' Units would be required. This may possibly result in the loss of dwelling units.

With regard to the 5% reduction in lot size permitted by the R-Codes under Performance Criteria, it is not considered that the application has demonstrated that the performance criteria are met.

The equivalent residential density across the site is less than R20 (approximately R16).

Plot ratio size of the aged persons' dwellings

The standard R-Codes requirement for the size of an aged persons' dwelling is 100m². The proposed sizes of the dwellings range from 108.5m² to 139.1m². The larger units contain 3 bedrooms.

The performance criteria of the R-Codes require dwellings that accommodate the special needs of the elderly or physically dependent persons and are designed to allow for "ageing in place", taking into account the proportion of dwellings designed to meet the Australian Standards, the location of the site in relation to public transport and convenience shopping, the topography of the site and the demand for aged persons' accommodation if the maximum plot ratio is to be exceeded.

The applicant has provided explanatory documentation in regard to the above criteria (Attachment 4) and it is considered that the proposed aged persons' dwellings are a key element of the ageing in place philosophy and genuine over 55's accommodation. Therefore, it is considered that the proposed size of the dwellings will not compromise the provision of appropriate aged persons' accommodation.

For the proposed aged persons' dwellings to be eligible for the density bonus under the R-Codes, all the dwellings are to be designed to incorporate the standards set out in AS 4299 (Adaptable Housing). This allows appropriate future modifications to be made to the dwelling at a low cost. This requirement would be a condition of planning approval if the Joint Commissioners choose to approve the proposal.

Outdoor Living Areas

The R-Codes require the provision of an outdoor living area of 30m². Four of the thirty-nine aged persons' dwellings provide a slightly smaller courtyard of 25m² and two units will provide an outdoor area of 17m². It is considered that, given the community facilities available on the site, the variation to the outdoor living areas is adequately compensated by these facilities, without having a significant negative impact on the respective dwellings.

The performance criteria regarding Outdoor Living Areas as per the R-Codes are as follows:

Outdoor Living Areas

- *An outdoor areas capable of use in conjunction with a habitable room of the dwelling, and if possible, open to winter sun.*

It is believe that the proposed outdoor living areas meet the performance criteria of the R-Codes, as they will provide an adequate space by way of dimension and area to recreate in.

Storerooms

The R-Codes require the provision of 4m² storerooms. The majority of storerooms are greater than 4m² in area, however, a number are 3.7m² in area. It is considered that the proposed size of the storerooms will be adequate for the needs of the residents and the minor variation is supported. The performance criteria for storeroom as per the R-Codes is as follows:

Provision made for external storage, rubbish collection/storage areas, and clothes drying areas that is:

- *Adequate for the needs of residents; and*
- *Without detriment to the amenity of the locality.*

It is considered that the proposed variation to the storeroom requirement will be adequate to meet the needs of the residents and thus comply with the performance criteria of the R-Codes.

Conclusion

The use of the site for a nursing home and aged persons' dwellings is supported. The layout of the development provides a suitable interface between the subject site and the adjacent residential development by ensuring that the single storey aged persons' dwellings occupy the street frontage of the site, maintaining a low scale residential appearance. The aged persons' units also provide a suitable frontage to the adjoining areas of open space.

Assessment of the proposal against the DPS2 and R-Codes does reveal the need for discretion to be exercised on some standards, however, in general, these are supported in the overall context of the development.

The public submissions have reinforced the technical concerns over the height of the building the impact of its size and scale on the local area. Concerns in regard to the generation of traffic, and environmental issues have also been highlighted.

The application received for the subject development contains an assisted and dependant living building, which is out of character with the surrounding residential area in terms of its height and scale. The proposed development does not concur with that proposed in the Scheme amendment to rezone the site to residential R20.

There is no technical planning merit in supporting the development, which exhibits such an exceedance of the BHE. Whilst the development is considered to be one that has merit, as it will provide a needed service to the community, the form of the development in relation to building height and scale is not compatible with the surrounding locality and on this basis it should be recommended for refusal.

ATTACHMENTS

Attachment 1	Location Plan
Attachment 2	Aerial Photo
Attachment 3	Development Plans
Attachment 4	Applicant submission/justifications

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION

That the Joint Commissioners REFUSE the application for Aged Care Dwellings and Nursing Home on Pt Lot 62 and Lot 63 Hocking Road Kingsley submitted by Loughton Patterson Architects on behalf of Meath Health Care dated 12 February 2004 as:

- 1 the proposed height of the dependent living buildings is not compatible with the adjoining landscape values of Yellagonga National Park and surrounding locality due to its height and scale;
- 2 approval of the development, incorporating the height of the dependant living buildings, would be contrary to the orderly and proper planning of the locality;
- 3 the proposed Aged Persons Units do not meet the minimum lot size as required by the Residential Design Codes for Western Australia.

MOVED Cmr Fox SECONDED Cmr Anderson that the Joint Commissioners:

- 1 **DETERMINE** that a portion of the buildings projecting through the Building Height Envelope is appropriate in this instance.
- 2 **EXERCISE** discretion under clauses of the Residential Design Codes 2002 and determine that:
 - (a) Outdoor living areas of a minimum of 17m² in lieu of 30m²
 - (b) Storeroom minimum of 3.7m² in lieu of 4m²
 - (c) Maximum dwelling sizes of 139m² in lieu of 100m²
 - (d) Variation to maximum permitted driveway width aggregate of 51m² in lieu of 9 metres.

are appropriate in this instance

- 3 **APPROVE** the Application for Planning Approval dated 31 April 2004 submitted by Loughton Patterson Consultants on behalf of Meath Care Inc for a Nursing Home and Aged Persons' Dwellings on portion of Lot 62 & Lot 63 Hocking Road, Kingsley:

- (a) **Proposed Aged Persons' Dwellings are to achieve the minimum lot size specified in Clause 3.1.3 A3 (i) to the satisfaction of the City.**
- (b) **A refuse management plan is required to be submitted for approval indicating number of bins, frequency of servicing and on site management to the satisfaction of the City.**
- (c) **Bin storage and wash down facilities shall be provided in each area of this development, within a suitable distance and to the satisfaction of the city. Bin areas shall consist of a concrete floor that grades evenly to an industrial floor waste gully connected to sewer and a hose cock.**
- (d) **The parking bays, driveways and points of ingress and egress to be designed in accordance with the Australian Standard for offstreet Carparking (AS2890). Such areas are to be constructed, drained, marked and thereafter maintained to the satisfaction of the City prior to the development first being occupied. These works are to be done as part of the building programme.**
- (e) **Disabled car parking bays located convenient to the building entrance and with a minimum width of 3.2 metres, to be provided to the satisfaction of the City. Provision must also be made for disabled access and facilities in accordance with the Australian Standard for Design for Access and Mobility (AS 1428.1).**
- (f) **An onsite stormwater drainage system with the capacity to contain a 1:100 year storm of a 24 hour duration is to be provided prior to the development first being occupied and thereafter maintained to the satisfaction of the City. The proposed stormwater drainage system is required to be shown on the Building Licence submission and be approved by the City prior to the commencement of construction.**
- (g) **The development shall comply with the Health Act 1911 and relevant regulations made thereunder, the City of Joondalup Health Local Laws 1999 and the Sewerage (Lighting, Ventilation and Construction) Regulations 1974.**
- (h) **The lodging of detailed landscaping plans to the satisfaction of the City for the development site with the Building Licence application. For the purpose of this condition a detailed landscaping plans shall be drawn to a scale of 1:100 and show the following:**

 - (i) **the location and type of existing and proposed trees and shrubs within the car park area.**
 - (ii) **any lawns to be established**
 - (iii) **areas to be reticulated or irrigated.**
- (i) **The landscaping plan required in accordance with the above condition shall provide screen landscaping to the Assisted and Dependant Living Buildings. Screen landscaping shall use advanced species and density shall be to the City's satisfaction.**

- (j) Memorial to be placed on the Certificate of Title to provide a warning regarding midge plague problems that may exist on the site. Prospective tenants shall also be warned of potential midge problems**
- (k) Development to be connected to sewer.**
- (l) Portion of Lot 62 zoned residential to be subdivided and amalgamated with Lot 63 prior the lodging of a Building Licence.**
- (m) Walls and fences truncated or reduced to no higher than 0.75m within 1.5 metres were walls and fences adjoin vehicle access points where a driveway meets a public street and where two streets intersect.**
- (n) Landscaping for the Aged Persons Units shall comply with Clause 3.4.5 of the Residential Design Codes 2002.**
- (o) Driveways to be no closer than 500mm to a side boundary or street pole.**
- (p) Finished floor levels of the Aged Persons Units shall be less than 0.5 metres above natural ground level.**
- (q) Any retaining walls shall be subject to Planning Approval from the City if over 500mm.**
- (r) Aged Person's Units shall have a minimum of 50% open space in accordance with the Residential Design Codes 2004.**
- (s) Car parking and access way areas shall be provided in accordance with the requirements of the City's Infrastructure Management Services.**
- (t) Aged Persons' Units shall achieve a minimum separation and setbacks as required by Clause 3.3.1, 3.3.2 & Table one of the Residential Design Codes 2002.**
- (u) Street walls and fences to comply with the Residential Design Codes 2002.**
- (v) Aged Person's Units to be designed in accordance with Clause 4.1.2 of the Residential Design Codes 2002.**
- (w) Visitors car parking shall be signposted.**
- (x) Pedestrian access shall be provided in accordance with Clause 3.5.5 of the Residential Design Codes 2002.**
- (y) A store of 4m² shall be provided for each Aged Person's Unit except as varied by this approval.**
- (z) Approval shall be sought from the Department of Environment for the stormwater system to address nutrient loading as well as suitable location for car washing.**

FOOTNOTES

- 1 Development shall comply with the natural light and ventilation provisions of the Building Code of Australia.**
- 2 Development shall comply with all relevant provisions of the Health Act 1911, Hairdressing Establishment Regulations 1972, Health (Public Building) Regulations 1992, Health (Food Hygiene) Regulations 1993, Health (Public Swimming Pool) Regulations 1964, Sewerage (Lighting, Ventilation and Construction) Regulations 1971.**
- 3 Development shall comply with all relevant provisions of the Health Act 1911, Hairdressing Establishment Regulations 1972, Health (Public Building) Regulations 1992, Health (Food Hygiene) Regulations 1993, Health (Public Swimming Pool) Regulations 1964, Sewerage (Lighting, Ventilation and Construction) Regulations 1971.**
- 4 The undercroft carpark is required to be provided with ventilation in accordance with AS1668.2.**
- 5 Development shall comply with the Environmental Protection Act and the Environmental Protection (Noise) Regulations 1997.**
- 6 The development is adjacent to the Yellagonga Regional Park and as such, may experience midge and mosquito swarms during the warmer months of the year. Pesticide treatment of Lake Goollelal, Lake Joondalup, Beenyup Swamp and Walluburnup Swamp is conducted for times when trapped mosquito species and numbers warrant treatment but no treatment of these wetlands is conducted or is likely to be conducted for midges.**
- 7 The development is situated next to Cherokee Village Caravan Park, which is currently not connected to Mains Sewer. The City will investigate requiring the Caravan Park to connect to Mains Sewer but the developer should also enter into negotiations with the caravan park owner regarding connecting the caravan park to mains sewer. Odour associated with the existing septic pond at the Caravan Park may cause a nuisance to occupiers of any residential development and the developer must inform prospective owners that odours from the existing septic pond may cause a nuisance until such time as the caravan park connects to Mains Sewer.**

Cmr Fox gave the following reasons for her departure from the Officer's Recommendation:

- The site is zoned Residential under DPS2 and a nursing home and aged persons' dwellings are discretionary uses;
- It is questionable as to whether the building height affects the amenity to such an extent that this development should not go ahead;
- There are several cogent arguments that suggest that the development and its context near the lake might be appropriate;
- The officer's conclusion within the report states that the use of the site for nursing home and aged persons' dwellings is supported;
- The amenity of the site would provide a suitable barrier to the development in terms of height.

AMENDMENT MOVED Cmr Anderson that the following additional footnote be added to the Motion:

“8 No construction works or machinery shall extend onto the adjoining Yellagonga Regional Park.”

With the approval of Cmr Fox as Mover of the original Motion, Footnote 8 was included as part of the original motion.

Discussion ensued. Cmr Smith spoke on environmental issues and tabled the Yellagonga Regional Park Management Plan – Appendix 35 refers.

The Original Motion, as amended, being:

That the Joint Commissioners:

- 1 DETERMINE that a portion of the buildings projecting through the Building Height Envelope is appropriate in this instance.**
- 2 EXERCISE discretion under clauses of the Residential Design Codes 2002 and determine that:**
 - (a) Outdoor living areas of a minimum of 17m² in lieu of 30m²**
 - (b) Storeroom minimum of 3.7m² in lieu of 4m²**
 - (c) Maximum dwelling sizes of 139m² in lieu of 100m²**
 - (d) Variation to maximum permitted driveway width aggregate of 51m² in lieu of 9 metres.**

are appropriate in this instance

- 3 APPROVE the Application for Planning Approval dated 31 April 2004 submitted by Loughton Patterson Consultants on behalf of Meath Care Inc for a Nursing Home and Aged Persons' Dwellings on portion of Lot 62 & Lot 63 Hocking Road, Kingsley:**
 - (a) Proposed Aged Persons' Dwellings are to achieve the minimum lot size specified in Clause 3.1.3 A3 (i) to the satisfaction of the City.**
 - (b) A refuse management plan is required to be submitted for approval indicating number of bins, frequency of servicing and on site management to the satisfaction of the City.**
 - (c) Bin storage and wash down facilities shall be provided in each area of this development, within a suitable distance and to the satisfaction of the city. Bin areas shall consist of a concrete floor that grades evenly to an industrial floor waste gully connected to sewer and a hose cock.**

- (d) The parking bays, driveways and points of ingress and egress to be designed in accordance with the Australian Standard for offstreet Carparking (AS2890). Such areas are to be constructed, drained, marked and thereafter maintained to the satisfaction of the City prior to the development first being occupied. These works are to be done as part of the building programme.
- (e) Disabled car parking bays located convenient to the building entrance and with a minimum width of 3.2 metres, to be provided to the satisfaction of the City. Provision must also be made for disabled access and facilities in accordance with the Australian Standard for Design for Access and Mobility (AS 1428.1).
- (f) An onsite stormwater drainage system with the capacity to contain a 1:100 year storm of a 24 hour duration is to be provided prior to the development first being occupied and thereafter maintained to the satisfaction of the City. The proposed stormwater drainage system is required to be shown on the Building Licence submission and be approved by the City prior to the commencement of construction.
- (g) The development shall comply with the Health Act 1911 and relevant regulations made thereunder, the City of Joondalup Health Local Laws 1999 and the Sewerage (Lighting, Ventilation and Construction) Regulations 1974.
- (h) The lodging of detailed landscaping plans to the satisfaction of the City for the development site with the Building Licence application. For the purpose of this condition a detailed landscaping plans shall be drawn to a scale of 1:100 and show the following:

 - (i) the location and type of existing and proposed trees and shrubs within the car park area.
 - (ii) any lawns to be established
 - (iii) areas to be reticulated or irrigated.
- (i) The landscaping plan required in accordance with the above condition shall provide screen landscaping to the Assisted and Dependant Living Buildings. Screen landscaping shall use advanced species and density shall be to the City's satisfaction.
- (j) Memorial to be placed on the Certificate of Title to provide a warning regarding midge plague problems that may exist on the site. Prospective tenants shall also be warned of potential midge problems
- (k) Development to be connected to sewer.
- (l) Portion of Lot 62 zoned residential to be subdivided and amalgamated with Lot 63 prior the lodging of a Building Licence.

- (m) Walls and fences truncated or reduced to no higher than 0.75m within 1.5 metres were walls and fences adjoin vehicle access points where a driveway meets a public street and where two streets intersect.
- (n) Landscaping for the Aged Persons Units shall comply with Clause 3.4.5 of the Residential Design Codes 2002.
- (o) Driveways to be no closer than 500mm to a side boundary or street pole.
- (p) Finished floor levels of the Aged Persons Units shall be less than 0.5 metres above natural ground level.
- (q) Any retaining walls shall be subject to Planning Approval from the City if over 500mm.
- (r) Aged Person's Units shall have a minimum of 50% open space in accordance with the Residential Design Codes 2004.
- (s) Car parking and access way areas shall be provided in accordance with the requirements of the City's Infrastructure Management Services.
- (t) Aged Persons' Units shall achieve a minimum separation and setbacks as required by Clause 3.3.1, 3.3.2 & Table one of the Residential Design Codes 2002.
- (u) Street walls and fences to comply with the Residential Design Codes 2002.
- (v) Aged Person's Units to be designed in accordance with Clause 4.1.2 of the Residential Design Codes 2002.
- (w) Visitors car parking shall be signposted.
- (x) Pedestrian access shall be provided in accordance with Clause 3.5.5 of the Residential Design Codes 2002.
- (y) A store of 4m² shall be provided for each Aged Person's Unit except as varied by this approval.
- (z) Approval shall be sought from the Department of Environment for the stormwater system to address nutrient loading as well as suitable location for car washing.

FOOTNOTES

- 1 Development shall comply with the natural light and ventilation provisions of the Building Code of Australia.
- 2 Development shall comply with all relevant provisions of the Health Act 1911, Hairdressing Establishment Regulations 1972, Health (Public Building) Regulations 1992, Health (Food Hygiene) Regulations 1993, Health (Public Swimming Pool) Regulations 1964, Sewerage (Lighting, Ventilation and Construction) Regulations 1971.

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- 4 The undercroft carpark is required to be provided with ventilation in accordance with AS1668.2.
- 5 Development shall comply with the Environmental Protection Act and the Environmental Protection (Noise) Regulations 1997.
- 6 The development is adjacent to the Yellagonga Regional Park and as such, may experience midge and mosquito swarms during the warmer months of the year. Pesticide treatment of Lake Goollelal, Lake Joondalup, Beenyup Swamp and Walluburnup Swamp is conducted for times when trapped mosquito species and numbers warrant treatment but no treatment of these wetlands is conducted or is likely to be conducted for midges.
- 7 The development is situated next to Cherokee Village Caravan Park, which is currently not connected to Mains Sewer. The City will investigate requiring the Caravan Park to connect to Mains Sewer but the developer should also enter into negotiations with the caravan park owner regarding connecting the caravan park to mains sewer. Odour associated with the existing septic pond at the Caravan Park may cause a nuisance to occupiers of any residential development and the developer must inform prospective owners that odours from the existing septic pond may cause a nuisance until such time as the caravan park connects to Mains Sewer.
- 8 No construction works or machinery shall extend onto the adjoining Yellagonga Regional Park.

Was Put and

CARRIED (3/2)

In favour of the Motion: Cmr's Paterson, Fox and Anderson **Against the Motion:** Cmr's Smith and Clough

Appendices 19 and 35 refer

To access this attachment on electronic document, click here: [Attach19brf071204.pdf](#)
[Attach35min141204.pdf](#)

In relation to Item CJ330-12/04 - Change of Use from Medical Centre to Amusement Parlour – Hepburn Heights Shopping Centre: 4/6 Blackwattle Parade, Padbury Cmr Smith advised her husband owns property in Padbury, however she would deal impartially with this matter.

Cmr Fox declared an interest which may affect her impartiality in Item CJ330-12/04 – Change of Use from Medical Centre to Amusement Parlour – Hepburn Heights Shopping Centre: 4/6 Blackwattle Parade, Padbury as she resides in Padbury.

**CJ330 – 12/04 CHANGE OF USE FROM MEDICAL CENTRE TO
AMUSEMENT PARLOUR – HEPBURN HEIGHTS
SHOPPING CENTRE: 4/6 BLACKWATTLE PARADE,
PADBURY – [00128]**

WARD - Pinnaroo

CJ041207_BR.F.DOC:ITEM 30

PURPOSE

The purpose of this report is to request the Joint Commissioners determination of an application for a change of use from medical centre to amusement parlour.

EXECUTIVE SUMMARY

An application has been received for a change of use from medical centre to amusement parlour. The applicant has stated that the amusement parlour is being used for gaming network, Internet café and DVD rentals. It is operating from 11 am until 6 am the following day, seven days a week.

The proposal has been subject to public advertising. Twenty-two submissions were received objecting to the proposal, including concerns about the time of operation and anti-social behaviour. The City has also received a significant amount of correspondence regarding this operation.

This type of business is to be expected in a commercial zone. Having considered the community's views and requests following public consultation, it is recommended to support the application with standard conditions as well as a further condition in respect of the time of operation of the amusement parlour. It is recommended that the times of operation to be from 8AM to 10PM Monday to Friday and 8AM to 12AM Saturday and Sunday.

The recommendation would address many of the objectors' concerns and would be for the greater benefit of the locality. Planning requirements cannot be used to manage antisocial behaviour that remains the domain of the Western Australian Police force.

BACKGROUND

Suburb/Location: SP 4/6 Blackwattle Parade
Applicant: Sean Keenan
Owner: David Stephen Wee
Area: 0.0269 Ha
Zoning: **DPS:** Commercial
MRS: Urban

The site is located along Hepburn Avenue and adjoins a service petrol station, residential areas and land zoned for civic and cultural development. The main access to the subject land is from Blackwattle Parade. The initial approval for the subject lot was for a medical centre and a shopping centre in October 1996. The medical centre is no longer operational and has been replaced by other uses including a restaurant, consulting room, shops and the subject amusement parlour. The restaurant was approved in July 1997.

DETAILS

The application is for a change of use from a medical centre to amusement parlour. Following a complaint from an adjoining resident in April 2004 to the City Health Department for noise in relation to the amusement parlour, the business was investigated. An application for Planning Approval was received in June 2004 on the City's request following advice to the City that the business had commenced without first having received the Council's approval. The applicant has indicated that the amusement parlour is being used for gaming network, Internet café and DVD rentals. The amusement parlour is presently operating from 11:00am until 6:00am the following day, seven days a week. The maximum number of patrons in the facility at any one time is twenty.

Following a request from the City the applicant submitted additional information in August 2004 in relation to the number of patrons and time of operation. The application was advertised in October 2004 for twenty-one days for public comments.

The use class of this business would be classed as an "Amusement Parlour". An "Amusement Parlour" is a "D" (Discretionary) land use in a "Commercial" area. A 'D' use means a use class that is not permitted, but to which the Council may grant its approval.

Statutory Provision:

The development is subject to the provisions of the City's District Planning Scheme No 2 (DPS2).

When determining this application clauses 4.8, 6.6.2, 6.7, 6.8, 6.12 of the DPS2 apply are relevant:

4.8 Car Parking Standards

4.8.1 *The design of off-street parking areas including parking for disabled shall be in accordance with Australian Standards AS 2890.1 or AS 2890.2 as amended from time to time. Car parking areas shall be constructed and maintained to the satisfaction of the Council.*

The number of on-site car parking bays to be provided for specified development shall be in accordance with Table 2. Where development is not specified in Table 2 the Council shall determine the parking standard. The Council may also determine that a general car parking standard shall apply irrespective of the development proposed in cases where it considers this to be appropriate.

6.6.2 *“D” Uses – The Council in exercising its discretion as to the approval or refusal of an application for Planning Approval, shall have regard to the provisions of clause 6.8.*

If in any particular case Council considers that it would be appropriate to consult with the public generally or with the owners or occupiers of properties adjoining or in the vicinity of a site the subject of an application for Planning Approval involving a “D” use, the Council may direct that the provisions of clause 6.7 shall apply to that application.

6.7 Public Notice

6.7.1 Notification of “A” Uses

Before considering an application for planning approval involving an “A” use, the Council shall:

- (a) *cause to be advertised one or more times in a newspaper circulating in the district notice of the Council’s intention to consider the application for the proposed use. Any such advertisement shall state that the application and associated documents are available for inspection at the office of the Council and that written comments on the application may be lodged with the Council before a specified date, being not less than three weeks after the first publication of the notice; and*
- (b) *give notice to ratepayers and/or occupiers likely to be affected by the granting of the approval; such notice shall be in writing supplying at least the information referred to in item (a) of this subclause, and allowing a like time after receipt of the notice for objections to be lodged with the Council; and may*
- (c) *use any other methods or media considered appropriate to ensure widespread notice of the proposal;*

6.7.2 Notification of “D” Uses

Before considering an application for planning approval involving a “D” use, the Council may give notice in accordance with subclause 6.7.1.

6.7.3 Consideration of Submissions on “D” and “A” Uses

If Council has advertised an application for planning approval pursuant to subclause 6.7.1 or 6.7.2, Council shall not make a decision to approve the application until after the latest date for submissions stated in any notice given or published pursuant to subclause 6.7.1 or 6.7.2 and until after Council has considered submissions lodged in accordance with the notice.

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.*

6.12 Approval of Existing Developments

6.12.1 The Council may give planning approval to a development already commenced or carried out regardless of when it was commenced or carried out. Such approval shall have the same effect for all purposes as if it had been given prior to the commencement or carrying out of the

development, but provided that the development complies with the provisions of the Scheme as to all matters other than the provisions requiring Council's approval prior to the commencement of development.

6.12.2 An application to the Council for planning approval under subclause 6.12.1 shall be made on such form as the Council provides from time to time.

6.12.3 A development which was not permissible under the Scheme at the time it was commenced or carried out may be approved if at the time of approval under this subclause it is permissible.

6.12.4 The approval by the Council of an existing development shall not affect the power of the Council to take appropriate action for a breach of the Scheme or the Act in respect of the commencement of the development without approval.

Zoning

The lot is currently zoned "Commercial".

The objectives of the "Commercial" zone pursuant to the provisions of clause 3.7 of DPS2 aim to "provide for a wide range of uses within existing commercial areas, including retailing, entertainment, professional offices, business services and residential."

Land use

The use class of this business would be classed as an "Amusement Parlour". An "Amusement Parlour" is a "D" (Discretionary) land use in a "Commercial" area. A 'D' use means:

"A use class that is not permitted, but to which the Council may grant its approval after following the procedures laid down by subclause 6.6.2".

Community Consultation:

The development was advertised in the local newspaper and was also referred in writing to the surrounding neighbours. In total twenty-two submissions, all objections were received during the comment period. These are summarised below.

Summary of submissions Received	Technical Comments
1.The business attracts an undesirable type of clientele The types of patrons attracted to the services of this business are mostly young juveniles through to early twenties years of age who do not live within the area. They use the car park as a meeting place in the early hours of the morning leading to antisocial behaviour in the car park such as yelling and swearing, urinating in the gardens in full view, urinating on the windows of other shop fronts in the shopping centre, performing burn outs in their cars and sounding of car horns.	1. The City does not have any control on the types of people coming to a business. Anti-social behaviour is a matter for the police. The parking of the shopping centre is open and therefore even without the amusement parlour, people can go in

Summary of submissions Received	Technical Comments
	and out of the car park at any time.
<p>2 The business does not preserve the ‘amenity ‘ of the locality. This business has proven through its operations so far not to be conducive to a family based residential estate as it impacts on the local residents and the overall environment of the estate. This business should not be approved if the Council is to meet its obligation under Section 6.8.1 (a) of DPS2.</p> <p>3 The business is a “D” class under the City of Joondalup’s planning guidelines and one which is not permitted, but to which the Council may grant its approval. Under DPS2 this business is a type that is not permitted and where the Council exercises its discretion it should only be when residents and ratepayers are not adversely affected.</p> <p>The City has allowed this business to operate for seven months and the business has proven through its operations so far that it does impact upon local residents. The communications from ratepayers (individuals and Land Owners Association) spanning several months prior to the advertising process under clause 6.7 of DPS2 has placed Council in a more informed position about the impact on residents than if it was considering a planning approval for a business that had not yet commenced operating. The ratepayers’ objections are therefore based in fact through actual experience and their weighting in the approval process should be commensurately higher.</p> <p>4 Impact on sleep patterns of residents from noise generated from patrons with burnouts in cars, loud music from car stereos, in the early hours of the morning between 1.00 am and 5 am.</p>	<p>2. The business is located opposite a residential estate, however, the subject land is in a commercial zone. It is recognised that the business is impacting on the amenity of the locality in terms of noise, anti-social behaviour and security.</p> <p>3. A ‘D’ use means a use class that is not permitted, but to which the Council may grant its approval or refuse the application after taking into consideration the submissions by affected neighbours and the impact of the business on the amenity of the surrounding area.</p> <p>The City was not aware that the subject development had been operating. Subsequent to this, an application for Planning Approval was received on the City’s request.</p> <p>4. Noted, however anti-social behaviour is a matter for police.</p>

5 The safety of residents is threatened by the “hoon” activities in motor vehicles by the clientele of this business including leaving the car park at considerable speed, use of drug and alcohol.	5. Noted, however anti-social behaviour is a matter of police.
6 Security of adjoining residents is at risk due to thefts, graffiti. One property was vandalised (photo attached).	6. Noted, however anti-social behaviour is a matter of police.
7 Increased level of traffic flow past residents’ homes in the early hours of the morning which impact on their sleep.	7. Blackwattle Parade is classified as a Local Distributor which is expected to cater for the traffic generated by the shopping centre. However the issue is about the time at which the vehicles are leaving the shopping centre.
8 This business has caused devaluation of surrounding properties.	8. Not a planning issue as DPS2 does not take into account property values when determining an application for Planning Approval.
9. Not type of business for residential area.	9. The business is located within a Commercial Zone.
10. Concerns about the amusement parlour facilitating easy access to undesirable information and images.	10. Not a planning issue.

COMMENT

Approval for the Change of Use

Clause 6.12.1 of 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 or carried out. The applicant has been given the opportunity to submit an application for planning approval for the subject business. If the final decision is to refuse the application, the City may be required to take action if the business continues to operate, contravening the requirements of the Town Planning Development Act 1928 and the City’s District Planning Scheme No 2.

Suitability of an Amusement Parlour in a Commercial Zone

Pursuant to the Scheme, a Commercial Zone is intended primarily to provide for a wide range of uses within existing commercial areas, including retailing, entertainment, professional offices, business services and residential.

The subject lot is located on the corner between Walter Padbury Boulevard and Blackwattle Parade within close proximity to the intersection of Walter Padbury Boulevard and Hepburn Avenue. Although the centre is opposite a residential use, its Commercial zoning indicates that it is reasonable to assume that such types of land-uses can typically be expected to operate there.

Parking

The existing building where the Amusement Parlour is located was first approved for a Medical Centre and Restaurant for a total number of 51 parking bays. However the medical centre, restaurant and shopping centre were approved for an overall total of 126 parking bays. The parking requirements for the centre in which the amusement parlour is located are as follows:

	Required	Provided
Restaurant within the Medical Centre	9 bays	Existing
Consulting Room	5 bays	Existing
Shops	13 bays	Existing
Amusement Parlour	(1 bay per 4 guests) 5	Existing
Total	32 bays	51 bays

As shown above, the proposal complies with the parking requirements.

Discretionary Uses (Clause 6.8.2)

In accordance with clause 6.8.2 of the City of Joondalup's Scheme, the Council when considering whether or not to approve a "D" use application (a use class that is not permitted, but to which Council may grant its approval after following the procedures laid down in sub clause 6.6.2) shall have due regard to the nature of the proposed use and its relationship to the use of other land within the locality and the preservation of the amenity of the relevant locality.

The objections to the amusement parlour are mostly related to traffic, noise, anti-social behaviour and the hours of operation. However the amusement parlour provides recreation for people. It is surrounded by two restaurants (one in the medical centre and the other one in the shopping centre) which open late at night. Therefore the shopping centre is busy up to late at night and the adjoining properties did not have any issues in terms of people coming/leaving at night. As shown above, the amusement parlour will comply with the parking requirements.

The City does not have any control over the types of the people with regards to the anti-social behaviour which is a police matter. However the City recognises due to the operation hours of business, especially between midnight and early morning, the amusement parlour is having a negative impact on the adjoining residents. Moreover the vehicles use Blackwattle Parade for entry/exit of the shopping centre, which exacerbates the impact on the residents located on the other side of the road.

To address the concerns of the surrounding residents, it is suggested to impose restrictions on the operating hours as part of the approval. The times of operation are recommended to be from 8AM to 10PM Monday to Friday and 8AM to 12AM Saturday and Sunday.

Refusal of Application

Clause 6.9.1 of the Scheme states that the Council, having regard to the appropriateness of any proposed application for planning approval, may approve (with or without conditions) or refuse to grant its approval for that application. If the application is refused, the decision should be based on proper planning grounds.

In this situation, with an existing unauthorised land use, should Council refuse the proposal, the following scenarios are possible:

- (a) Operator of the unauthorised use ceases activity
The operator of the unauthorised use ceases operation of the activity and therefore, no further action is required.
- (b) Exercise of appeal rights
If Council refused the application, the applicant will have a right of appeal to the Town Planning Appeal Tribunal within 60 days from the date of the decision. If an appeal is lodged against the City's refusal, the appeal process may take 2-4 months. The Town Planning Appeal Tribunal may grant its approval (with or without conditions) or refuse the application. Therefore, the decision of the Tribunal may take up to 6 months after Council's decision. Should the Tribunal refuse its approval for the proposed use, then it would be expected the operators of the unauthorised use would cease trading. If not, Council would then need to consider taking legal action to require the operators of the unauthorised land use to cease trading.
- (c) No appeal and unauthorised land use continues
If the applicant does not appeal against the Council's decision and continues to trade, the City would then need to consider taking legal action to require the unauthorised land use to cease.

Council still has the option of commencing legal action for the unauthorised use, in spite of this current process.

Conclusion

The discretionary land use of an amusement parlour as well as the parking requirements have been assessed with regard to the provisions of clause 6.8 of DPS2. This type of business is to be expected in a Commercial zone. Having considered the community's views and requests following public consultation, it is recommended to support the application, subject to the operating hours being curtailed substantially to be generally in accordance with the hours of operation of the adjoining restaurant. The times of operation are recommended to be from

8AM to 10PM Monday to Friday and 8AM to 12AM Saturday and Sunday. This would address the objectors' concerns and would be for the greater benefit of the locality.

ATTACHMENTS

Attachment 1	Location Plan
Attachment 2	Site Plan and Floor Plans

VOTING REQUIREMENTS

Simple Majority

MOVED Cmr Clough SECONDED Cmr Smith that the Joint Commissioners:

- 1 EXERCISE discretion under clause 6.6.2 of District Planning Scheme No 2 and determine that the change of use from Medical Centre to Amusement Parlour is appropriate in this instance:
- 2 APPROVE the application dated 21 June 2004 submitted by Sean Keenan, Home Maker Centre, on behalf of the owner, David Stephen Wee, for an amusement parlour at 4/6 Blackwattle Parade, subject to the following conditions:
 - (a) The approval of this proposal is limited to its operation being conducted within the confines of an "Amusement Parlour";
 - (b) The times of operation are to be from 8AM to 10PM Monday to Friday and 8AM to 12AM Saturday and Sunday;
 - (c) The maximum number of patrons at one time is twenty.

Footnote

- (a) "Amusement Parlour" means any land or building, open to the public, where the predominant use is amusement by means of amusement machines and where there are more than two amusement machines operating within the premises;
- (b) A separate application being made to the City for Approval to Commence Development and sign licence prior to the installation of any advertising signage.

Discussion ensued.

The Motion was Put and

LOST (2/3)

In favour of the Motion: Cmr Smith and Clough **Against the Motion:** Cmr Paterson, Fox and Anderson

MOVED Cmr Fox SECONDED Cmr Smith that the Joint Commissioners:

1 NOTE that the:

- (a) current application is for approval for an existing unauthorised land use (Amusement Parlour); and**
- (b) operation of the unauthorised land use has resulted in complaints and objections relating to the operation of the unauthorised land use and the anti-social behaviour from the patrons using the amusement parlour;**

2 REFUSE the application for a change of use from a Medical centre to an Amusement Parlour on 4/6 Blackwattle Parade, Padbury submitted by Sean Keenan – Home Maker Centre on behalf of David Stephen Wee dated the 21 June 12004 as:

- (a) having regard to the submissions received in relation to the operation of the unauthorised land use before and after the submission of the application for planning consent, the Joint Commissioners are of the opinion that the existing unauthorised land use is having a detrimental impact on the amenity of the surrounding residential properties due to the hours of operation, noise and anti-social behaviour; and**
- (b) the proposed use is not considered to be in the best interests of the orderly and proper planning and the preservation of the amenity of the locality having regard to part (2)(a) above.**

Cmr Fox outlined the reasons for her departure from the Officer's Recommendation, as provided in the above motion.

The Motion was Put and

CARRIED (4/1)

In favour of the Motion: Cmr Paterson, Fox, Smith and Anderson **Against the Motion:** Cmr Clough

Appendix 20 refers

To access this attachment on electronic document, click here: [Attach20brf071204.pdf](#)

Comr Anderson declared an interest which may affect his impartiality in Item CJ331-12/04 – Proposed Child Care Centre: Lot 101 Kennedy Drive, Joondalup (Arena Joondalup) as he has had dealings with Mr Moss and the WA Sports Centre Trust.

**CJ331 – 12/04 PROPOSED CHILD CARE CENTRE: LOT 101
KENNEDYA DRIVE, JOONDALUP (ARENA
JOONDALUP) – [05005]**

WARD - Lakeside

CJ041207_BRF.DOC:ITEM 31

PURPOSE

For the Joint Commissioners to consider an application for a child care centre within the Northern Recreation District of the Joondalup City Centre Development Plan and Manual (JCCDPM). The proposal is located within the Arena Joondalup complex.

EXECUTIVE SUMMARY

The proposed child care centre will provide full and half-day care for children under the age of twelve. The proposal is located adjacent to the Arena Joondalup main building and has been proposed by the Western Australian Sports Centre Trust (WASCT). The proposal is located within the Northern Recreation District of the JCCDPM. The intent of the Northern Recreation District is to provide for sport and recreation facilities.

The proposal is not considered to be in accordance with the intent of the Northern Recreation District, as the proposal does not relate to a sporting or recreation use. The applicants contest this by way of arguing that the WASCT is authorised to undertake such development and that the proposal has a relationship with Arena Joondalup's operation. The City has received legal advice contrary to this opinion.

It is recommended that the application be refused on the basis that approval of the development would be contrary to the intent of the Northern Recreation District and thus orderly and proper planning of the Scheme area.

BACKGROUND

Suburb/Location: Lot 101 Kennedy Drive Joondalup
Applicant: Western Australian Sports Centre Trust
Owner: Western Australian Sports Centre Trust
Zoning: **DPS:** Centre
MRS: Urban

Application History

7 July 2004	Application received
29 July 2004	Received preliminary legal advice
3 August 2004	Application referred to Western Australian Planning Commission

8 August 2004 Received further legal advice
18 August 2004 Further information received from applicant.

DETAILS

An application has been received for a child care centre adjacent to the Arena Joondalup sporting complex. The proposed childcare centre is a two-storey construction and is located to the west of the existing main Arena building. The building would be constructed of custom orb roofing, glass and masonry block that would compliment the existing development. The total area of the building is 780m².

The proposal is for a full and half day childcare facility external to the existing Arena buildings and ancillary to the existing crèche facility.

Statutory Provision:

In considering the application, the JCCDPM and District Planning Scheme No 2 (DPS2) are relevant statutory documents. In particular the following provision of DPS2 is pertinent.

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.*

Consultation:

The application was not required to be advertised, in accordance with the Scheme or JCCDPM.

Policy Implications:

Policy 3.3.1 Childcare Centres provides provisions for the regulation of child care centres within the municipal area. The policy addresses such matters as location, car parking and landscaping.

The policy is centred around controlling the impact of child care centres in the residential, mixed use, business, commercial, civic and cultural, private club/recreation and special residential zones. The applicability of the policy is limited for this application where the subject development is located in the middle of a large site away from any development that would be adversely affected. Moreover, the development is not contained within any of the aforementioned zones.

Generally the application complies with the requirements of the policy due to its distance from any incompatible land uses. Car parking would be required to meet policy provisions. An assessment of car requirements are detailed further within the report.

Community Consultation:

No community consultation is required by the Scheme or JCCDPM for the particular use.

COMMENT**Acceptability of Proposal**

Prior to the proponent lodging the application for the proposed development advice was provided stating that the application is not supported, as it was contrary to the intent of the Northern Recreation District. Notwithstanding the written and verbal advice the applicant chose to lodge an Application for Planning Approval.

The overall indicative land use for the subject site is 'Sport'. The Land Use and Community Facilities section of the JCCDPM states a number of land uses are intended to be incorporated into the facility. It is not considered that the scope of these intended land uses permits the development of a full day care\child care facility.

The JCCDPM outlines the ultimate range of facilities planned for the site, and a child care facility is not included as part of this. In determining the permissibility of use class with the JCCDPM, the indicative land and district land use categories are utilised. The proposal is clearly not encompassed within the possibilities of these categories.

The concern is that the proposed facility is a commercial use within an area that has been identified for the purposes of Sport and Recreation. According to the JCCDPM the Arena complex is intended to be multifunctional, servicing entertainment, leisure, cultural, social and business functions, in addition to the sports programme. The ultimate range of facilities are planned to include:

- Outdoor facilities including a main football oval, hockey pitches, athletics track, soccer pitch, tennis/netball courts and an oval for further rugby and soccer pitches.
- Indoor sports facilities including a three court multipurpose hall seating up to 2,000 spectators, future one court and two court halls, aquatic facilities for competition and for leisure activities, further rooms for gymnasia and aerobics/dance activities.
- Indoor social facilities including restaurant, bar kiosk, function rooms, tenancy space crèche and administrative facilities.

In noting the intended facilities for the site there is no mention of a stand-alone child care centre. A crèche is proposed and is currently operating within the centre. This is considered acceptable as long as the crèche is used by persons utilising the facilities of the site.

The proposed childcare centre will provide full and half day child care services.

The half-day care service is proposed to operate to enable parents utilising the facilities at the Arena as well as those leaving the site. According to the proponent, the half-day service is also intended to facilitate parents being able to utilise the facilities at the arena for longer periods, encourage parents to utilise off peak membership options and provide the opportunity for parents to leave the venue for longer periods of time.

The Arena intends that 70% to 80% of the users will be members or customers of the area.

The full day care service is intended to become an integral part of the centre's operations. According to the applicant, the service will provide a one-stop shop for child care at Arena and will include:

- Crèche (1.5 hours maximum) for children aged 0-5 years
- Before and after school hours care, vacation care and pupil free days for 5–12 years.
- Junior gymmies, a supervised programme for children aged between 5 – 12 years during the school holidays between 9.00am and 11.00am.
- Half day care service (morning and afternoon) for children aged between 0-5 years (Monday to Friday).
- Full day care service (7.00am–6.00pm) for children aged between 0-5 years (Monday to Friday).

For the application to be considered acceptable, it must be demonstrated that the development forms part of the operations of the Arena and forms a function of the WASCT. The proposal is clearly a commercial child care facility and this is supported by the fact that the proposal is intended to be commercially operated.

For the child care centre to be approvable and meet the requirements of the JCCDPM, it must be demonstrated that the development does not attract customers that are not using the child care facility independently of the Arena. Clearly, from the full and half days care services offered parents would leave their children at the centre and then go to their place of employment or leave the site for other purpose. This is attributed to the fact that with a full and half day service it is unlikely that parents would stay on site and use the Arena's facilities

for that length of time. The proposal is considered to be a child care centre independent of the operation of the Arena.

In the applicant's submission it is stated that the current crèche facility on site is used for full and half-day care. It would seem that this would be contrary to the intent of the JCCDPM if the centre does not demonstrate a synergy with the Arena. For example, customers using the crèche facility must be using the area at the same time for it to be in compliance with the JCCDPM. There should be no external use of the child care centre.

Legal Concerns

Function of the WASCT

The applicant has stated that the WASCT Act allows them to provide the service as it is provided for in the WASCT Act. The City has sought legal advice from McLeods, Barristers & Solicitors in this regard which generally disagrees with the position of the WASCT but a definitive answer cannot be provided.

The functions of the WASCT in accordance with the Act are as follows:

1.1 Section 8(1) of the Trust Act provides:

“(1) The functions of the Trust are —

- (a) to establish and maintain a comprehensive sports and recreational complex, to be known as the Western Australian Sports Centre, comprising:
 - (i) facilities for holding competitive sporting events of international, national and State standards;
 - (ii) training facilities for training sportspersons who are seeking to improve their sporting standards, performances and skills;
 - (iii) sports education facilities for the purpose of developing the skills or potential skills of sports administrators, coaches and sportspersons; and
 - (iv) such accommodation or other ancillary facilities as may be required for the effective operation of the Centre;
- (b) to encourage, promote and facilitate the use and enjoyment of the Centre by members of the public; and
- (c) to do such other things consistent with the use and enjoyment by the public of the Centre as the board considers appropriate.”

It is considered though that the WASCT development of a childcare Centre is:

- (a) Unlikely to be within the function of the Trust set out in Section 8(1)(a)(iv) of the Western Australian Sports Centre Trust Act (Act);

- (b) Could be within the function of the WASCT if number of members of the public are likely to be encouraged to use the Arena, by reason of having the full day care centre available; and
- (c) Could be within the function set out within the Act if the facts indicate a full day care centre is consistent with the use and enjoyment of the Arena.

With regard to points 'B' and 'C,' it is not considered that the development adequately demonstrates a synergy with the other functions of the Arena or the WASCT Act. That is, it is contended that the provision of a childcare centre is not a function of the WASCT, and that the child care centre is not consistent with the use and enjoyment of the Arena. Ultimately, this is a question of law but it is considered that the proposal falls outside the functions of the WASCT. For the purposes of the planning approval, it is not considered that the WASCT is authorised to carry out the development or is consistent with the use and enjoyment of the centre.

Determination of the Proposal

Usually all development by the WASCT is referred to the Western Australian Planning Commission (WAPC) for determination under the Metropolitan Region Scheme as their development is considered to be a public work. In this case the City has referred the application to the WAPC for determination but has reserved the right to determine the application under DPS2 as it does not considered the development to be a public work. That is, the City's opinion is that the WASCT is not authorised by its Act to undertake the development of childcare centres. The City's solicitor advised this approach and the applicant has been made aware of this.

It should be noted that an application for planning approval is determined both under a Local Town Planning Scheme and the Metropolitan Region Scheme. In some cases a public authority may not require determination under the DPS2 or MRS.

Compliance with District Planning Scheme No 2

The application generally complies with the development standards of DPS2. There are no development standards listed for the proposal contained with the JCCDPM.

The applicant has not demonstrated a dedicated car parking area for the development. It is considered appropriate that if the Joint Commissioners considered approving the centre that a dedicated car parking area should be provided in close proximity or adjoining the facility. Car parking would need to be provided at the rate of not less than 5 bays and 1 bay per staff member. The City's Childcare Centres Policy states where there are more than 25 children to be accommodated, parking shall be in accordance with page 5 of the Policy (refer to attached)

There is adequate land on site to provide such a car parking facility. The dedicated car parking facility should be provided in order to ensure ease of access to the site and reduce traffic conflicts and competition for bays within the subject site. The Childcare Policy also states that parking shall be provided in front of the building.

Conclusion

Whilst there is merit in providing child care facilities to meet public demand, it is considered inappropriate to provide such a facility within the Northern Recreation District of the JCCDPM. It is also considered that the application does not readily demonstrate a synergy with the Arena to warrant the classification of the development being ancillary to the existing use of the land. Furthermore, it is not considered that the WASCT are authorised under their Act to undertake such development. It is on this basis that the application is recommended for refusal under DPS2 and to be recommended to the WAPC that the application is not supported.

ATTACHMENTS

Attachment 1	Location Plan
Attachment 2	Development Plans
Attachment 3	Car parking figures

VOTING REQUIREMENTS

Simple majority

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

- 1 REFUSE the application for Childcare Centre Lot 101 Kennedy Drive, Joondalup (Arena Joondalup) submitted Western Australian Sports Centre Trust dated 7 July 2004 as:**
 - (a) The proposed development is contrary to the intent of the Joondalup City Centre Development Plan and Manual, Northern Recreation District;**
 - (b) Permitting such uses within the Northern Recreation District not associated with Sport or Recreation would be contrary to orderly and proper planning of the locality;**
- 2 ADVISE the Western Australian Planning Commission that the application for a Childcare Centre Lot (Arena Joondalup) is not supported as:**
 - (a) The proposed development is contrary to the intent of the Joondalup City Centre Development Plan and Manual, Northern Recreation District;**
 - (b) Permitting such uses within the Northern Recreation District not associated with Sport or Recreation would be contrary to orderly and proper planning of the locality;**
- 3 ADVISE the Western Australian Planning Commission that the subject application will be determined under the District Planning Scheme No 2 as per legal advice received by the City.**

The Motion was Put and

CARRIED UNANIMOUSLY (5/0)

Appendix 21 refers

To access this attachment on electronic document, click here: [Attach21brf071204.pdf](#)

**CJ332 – 12/04 PROPOSED MIXED USE DEVELOPMENT LOT 517
(91) REID PROMENADE JOONDALUP – [89530]****WARD - Lakeside**

CJ041207_BRF.DOC:ITEM 32

PURPOSE

For the Joint Commissioners' to consider a mixed-use development within the Central Business District (Residential Mixed Use Precinct) with the Joondalup City Centre Development Plan and Manual (JCCDPM) area.

EXECUTIVE SUMMARY

An application was received for a proposed mixed-use development within Joondalup City Centre. The property is contained within the Residential\Mixed Use Precinct of the Central Business District. A report on this application was previously tabled at the meeting of the Joint Commissioners on 23 November 2004 where the Joint Commissioner resolved to defer a decision on the matter.

The applicant has proposed to develop thirty-four serviced apartments, twelve multiple dwellings and one commercial ground floor tenancy. The development as proposed will create a residential density for the multiple dwelling units of R100B. Development up to this density can be considered by City, where it is demonstrated that the development will create an appropriate landmark, which enhances the overall legibility and amenity of the City Centre. Landmark sites are not specifically defined as specific properties within the Central Business District. Rather the reference to landmark sites refers to the City's ability to approve development up to the R100B standard and the suggestion that development up to this density should create a landmark.

To facilitate the development the applicant has request cash-in-lieu of car parking for 13 bays. The request is considered reasonable as there is an existing car park owned by the City directly to the rear of the site, which will be able to accommodate additional car parking demand. Moreover, the car-parking shortfall is attributed to the serviced apartments and is not expected to generate a great car parking demand.

The applicant has requested a variation to plot ratio requirements for the commercial components of the development, which includes the service apartments and the commercial ground floor tenancies. The proposed plot ratio is 1.61 in lieu of 1.0. This is a significant increase in plot ratio for the site.

It is recommended that the application be approved subject to the conditions contained with the recommendation.

BACKGROUND

Suburb\Location: Lot 517 (91) Reid Promenade Joondalup
Applicant: R-A-D
Owner: Mimi Ferguson
Zoning: **DPS:** JCCDPM
MRS: Centre

The site is currently undeveloped and abuts a Right of Way (ROW) to the north and east, existing three-storey development to the west and to the rear of the site is one of City's parking stations.

DETAILS

The applicant has requested the following discretions:

- 1 Exceedence of the recession plane above 13.5 metres for serviced apartments on level four.
- 2 Determination of an appropriate residential density for the development of up to R100B as prescribed by the JCCDPM.
- 3 A plot ratio of 1.61 in lieu of 1.0 for the commercial component of the development (serviced apartments & commercial units).
- 4 Cash in lieu payment of for \$105, 300 for a shortfall of 13 car-parking bays.

Statutory Provision:

When determining this application Clauses 4.5, 4.8, 4.11.2, 4.11.3, 4.11.4 and 6.8 of the DPS2 apply and are relevant:

4.5 Variations to Site and Development Standards and Requirements.

4.5.1 Except for development in respect of which the Residential Planning Codes apply and the requirements set out in Clauses 3.7.3 and 3.11.5, if a development is the subject of an application for planning approval and does not comply with a standard or requirement prescribed under the Scheme, the Council may, notwithstanding that non-compliance, approve the application unconditionally or subject to such conditions as the Council thinks fit.

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

(c) consult the affected parties by following one or more of the provisions for advertising uses pursuant to clause 6.7.1; and

(d) have regard to any expressed views prior to making its decision to grant the variation.

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

- (a) approval of the proposed development would be appropriate having regard to the criteria set out in Clause 6.8; and*
- (b) the non-compliance will not have any adverse effect upon the occupiers or users of the development or the inhabitants of the locality or upon the likely future development of the locality.*

4.8 *Car Parking Standards*

4.8.1 *The design of off-street parking areas including parking for disabled shall be in accordance with Australian Standards AS 2890.1 or AS 2890.2 as amended from time to time. Car parking areas shall be constructed and maintained to the satisfaction of the Council. The number of on-site car parking bays to be provided for specified development shall be in accordance with Table 2. Where development is not specified in Table ,2 the Council shall determine the parking standard. The Council may also determine that a general car parking standard shall apply irrespective of the development proposed in cases where it considers this to be appropriate.*

4.8.2 *The number of car parking bays to be provided for specified development shall be in accordance with Table 2. Where development is not specified in table 2 the Council shall determine the car-parking standard. The Council shall apply irrespective of the development proposed in cases where it considered this to be appropriate.*

4.11.2 *Council may accept a cash payment in lieu of the provision of any required land for parking subject to being satisfied that there is adequate provision for car parking or a reasonable expectation in the immediate future that there will be adequate provision for public car parking in the proximity of the proposed development.*

4.11.3 *The cash payment shall be calculated having regard to the estimated cost of construction of the parking area or areas suitable for the proposed development and includes the value, as estimated by the Council, of that area of land which would have had to be provided to meet the car parking requirements specified by the Scheme. The cash payment may be discounted and may be payable in such manner as the Council shall from time to time determine.*

4.11.4 *Any cash payment received by the Council pursuant to this clause shall be paid into appropriate funds to be used to provide public car parks in the locality as deemed appropriate by Council.*

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.*

Consultation:

The proposal was not advertised for public consultation, as it was not required under DPS2 or the JCCDPM as the subject land uses are preferred land uses.

Sustainability Implications:

The development will provide additional high-density residential development within the city centre in close proximity to services and transport systems, which is generally in accordance with sustainable development principles.

COMMENT

Proposed development

The applicant has proposed a mix of residential and commercial units in the form of:

- 1 One commercial tenancy
- 2 12 Multiple Dwellings
- 3 Thirty-four service apartments (twenty four small and ten large)

The development is contained within the residential\mixed precinct, which permits residential development and other uses. In this precinct the City may permit development up to R100B where the City considers that this has been demonstrated to create an appropriate landmark, which enhances the overall legibility and amenity of the City Centre. The R100B is a standard from the previous Residential Planning Codes not the current Residential Design Codes (R-Codes). It is considered appropriate for density purposes that the City uses the current R100 density under the R-Codes, as it does not change the number of dwellings permitted on the site.

The provisions of the Residential Planning Codes for multi unit development may be used as a guide in development that mixes commercial with residential uses.

Serviced Apartments

The proposed serviced apartments fall within the definition of a Residential Building as they are intended to be for short stay accommodation rather than permanent dwellings. The applicant has indicated that these apartments will be used for short stay purposes. To reinforce this it is recommended that a condition of Planning Approval be imposed limiting them to the use for short-term stays only.

Plot ratio

The maximum plot ratio on the site is 1.0 in accordance with the JCCDPM. Residential and public open space are not counted towards plot ratio as follows:

‘A2.3 The provision of public open space and residential will not be counted towards plot ratio.’

The applicant has requested a variation to the plot ratio requirements for the commercial components of the development, (serviced apartments and the commercial ground floor tenancies). The multiple dwellings are not counted towards the overall plot ratio requirements in accordance with the JCCDPM.

The ground floor commercial unit and serviced apartments result in a in a plot ratio of 1.61 for the development, which is 760m² over the stipulated plot ratio. This is a significant increase in plot ratio over the site. The Joint Commissioners may consider reducing plot ratio of the development if they consider that the plot ratio of the development is not in keeping with the JCCDPM.

The City can vary the plot ratio requirements of the commercial component of the development in accordance with Clause 4.5.1 of the Scheme. This clause allows certain standards of the Scheme to be varied. In considering the variation, the Joint Commissioners need to consider the desirability of such a variation. The City has varied the plot ratio requirements within the City Centre previously where it was in keeping with the intent of the JCCDPM. Generally the plot ratio variations allowed previously were smaller than that proposed with this development.

Car Parking

For residential/mixed use development, car parking has generally been provided at the rate of one bay per multiple dwelling, 1 bay per 2 serviced apartments and 1 per bay 30m² for commercial uses. The overall demand for car parking equates to a minimum of 12 bays for the multiple dwellings, 17 for the serviced apartments and 6 bays for the commercial tenancy.

No car parking standards are specified in the JCCDPM for the proposed uses. It has generally been accepted that a car-parking ratio of 1 bay per 30m² of commercial floor space is appropriate along with one bay per residential unit. It is considered appropriate for the serviced apartments that a ratio of 1 bay per 2 apartments is supplied.

In accordance with Clause 4.8.2 of the Scheme, Council can determine the car-parking standard for a development (Clause 4.8.2 is detailed with the statutory section of the report). It is recommended that the Commissioners adopt these car-parking standard for the subject application.

Using the abovementioned standards, a shortfall of 12 bays is incurred and the applicant has requested cash-in-lieu for the shortfall. Due a truncation not being shown appropriately on the site plan a car parking bays will also be lost bringing the shortfall to 13 bays. This is a significant shortfall of car parking for the development. It has previously been accepted that cash in lieu payments for car parking should not exceed 50% of the car parking required for the development. In this case that requirement is that requirement has not been met.

Ratio	Required	Provided
Commercial 1 bay per 30m ²	6	6
Serviced Apartments 1 bay per 2 apartments	17	4
Multiple Dwellings	12	12
Totals	35	22

In accordance with Clause 4.11.2 of the Scheme:

Council may accept a cash payment in lieu of the provision of any required land for parking subject to being satisfied that there is adequate provision for car parking or a reasonable expectation in the immediate future that there will be adequate provision for public car parking in the proximity of the proposed development.

With respect to cash-in-lieu of car parking (\$8, 100 per bay), the Joint Commissioners may consider the request as there is a City car park provided directly behind the proposed development, which gains access from the Right-of-Way (ROW). It would seem appropriate that this area could be used to overcome the car-parking shortfall provided on site. A cash-in-lieu payment of \$8,100 per bay is required.

In considering the cash-in-lieu payment, permanent car parking bays should be provided for the multiple dwelling units, which will house permanent residents. There are adequate bays provided on site to be able to achieve this with the commercial unit. Essentially there will be a shortfall of bays for the serviced apartments.

There are six bays provided on site in tandem (one behind the other). These bays should only be used for the commercial development, as their configuration does not allow ease of use. A condition of planning approval should secure this.

Setback requirements

Setback	Required	Provided
Front	Buildings shall be constructed to the property line. (Nil)	Nil
Sides	Buildings should have no side setbacks	Nil to all boundaries except minor area setback to provide access to the bin store.
Rear	No requirement	Nil

Residential Density

The subject site is 1,239m² in area and under the R100B density a minimum of 100m² is required per dwelling. The applicant has proposed 12 multiple dwellings, which comply with the maximum residential density, permitted on the site subject to the City's approval. It is considered that the proposed development would create a significant landmark within the City Centre to warrant development up to the R100B standard. This is reinforced by its location in close proximity to the intersection of Reid Promenade and Lakeside Drive, major thoroughfares within the Central City area. The development's height and scale (five storeys) will provide a landmark to persons navigating through the City Centre and will allow the person to understand their location. Landmark sites are not specifically defined as specific properties within the Central Business District. Rather the reference to landmark sites refers to the City's ability to approve development up to the R100B standard and the suggestion that development up to this density should create a landmark.

The Joint Commissioners need to consider whether such development is appropriate with the Central Business District.

The development to the R100B density ~~will~~ is not likely to adversely affect the amenity of the area. This attributed to existing abutting development being three storeys in height and as such the proposed development is of similar bulk and scale albeit that the subject development is two storey higher.

The proposed development, if approved, is likely to enhance the vibrancy of the City Centre, as it will provide a range of permanent and short-term accommodation coupled with commercial development on the ground floor.

Overshadowing

Due to the height of the building, overshadowing could be a potential problem. However, as the development has a north-south orientation, most of the overshadowing will be towards Reid Promenade and will not significantly affect the residential amenity of adjoining properties. This is taking into consideration that there are no outdoor private open space areas on the adjoining properties, only car parks.

Overlooking

With respect to overlooking, the subject development primarily has windows on the north and south façade, which overlook Reid Promenade and the City's carparking station. There are windows to the eastern elevation, which overlook the ROW and adjoining development to the east. It is considered acceptable that these windows overlook the property to the east of the ROW, as they are a reasonable distance away from the opening. Moreover, there is no private open space usable as an outdoor living area in the immediate vicinity of the area.

Balconies

Using the R-Codes as a guide, balconies with a minimum dimension of 2 metres and 10m² in area are required. The proposed development does not achieve the minimum balcony dimension for the multiple dwellings with the exception of the Penthouses. However, the multiple units have two separate balconies per unit of 4.80m² and 8.93m². Overall the required balcony area is exceeded notwithstanding that the area is split over two separate

balconies per unit. It is recommended that this approach be supported as there is more usable balcony area provided than required under the R-Codes.

Exceedence of the Rescission Plane

Within the Centre Business District buildings above 13.5m from a median point of the building must be setback at a 60° angle (the rescission plane).

The serviced apartments on the upper storey exceed the rescission plane as required by the JCCPDM. The application has requested a variation to this requirement, which can be approved in accordance with Clause 4.5.1 of the Scheme. As the exceedence is only for a small section of the building it is recommended that this be approved as it is unlikely to compromise the intent of the JCCDPM or the amenity of the area.

Easements

The site contains a number of easements, which permit access around the site (the ROW) and allow the path of essential services. These easements provide that the building may encroach into the ROW provided that the height clearances are as specified with the grant of easement. The height clearance required from the easements is 4.6 metres. The development does not seem to comply with the easements shown on the certificate of title, as the easement shown on the approved plans is lesser. This will result in the loss of one car-parking bay on site as previously discussed.

As a condition of development approval the requirements of the easements should be reinforced and compliance with these standards demonstrated on the building licence application.

ATTACHMENTS

Attachment 1	Site plan
Attachment 2	Floor plans
Attachment 3	Elevations

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION

That the Joint Commissioners:

- 1 EXERCISE discretion under 4.5 and 4.8.2, 4.11.2 of District Planning Scheme No 2:
 - (a) determine that a residential density for the multiple dwellings of R100B for the site;
 - (b) determine a plot ratio of 1.61 in lieu of 1.0;
 - (c) determine the exceedence of the rescission plane above 13.5 metres for the fifth floor service apartments.

are appropriate in this instance;

- 2 DETERMINE that a cash in lieu payment of \$105, 300 for a shortfall of 13 bays is appropriate in this instance;
- 3 APPROVE the application for planning approval dated 27 April 2004 submitted by R-A-D on behalf of Mimi Ferguson for mixed-use development Lot 517 (91) Reid Promenade subject to:
 - (a) The boundary walls shall be of clean finish and made good to the satisfaction of the City;
 - (b) Glazing is not to be obscure on the ground floor level to the satisfaction of the City;
 - (c) At least 50% of the area of the ground floor façade shall be glazed and the horizontal dimension of the glazing shall comprise at least 75% of the total building frontage;
 - (d) Window sill heights to the ground floor shall be close or at floor level to the satisfaction of the City;
 - (e) Ground floor level of the building shall be at the finished pedestrian paving level to allow ease of access and contribute to the animation of the streetscape;
 - (f) The FFL average height above the pavement level at the property line must not exceed 600mm;
 - (g) All mechanical plant and equipment shall be screened from the street and adjoining row;
 - (h) The glazed area of building facades on the north and south faces of the building shall not exceed 75% of the total wall area except at ground level.
 - (i) Any signage on the building shall be subject to an Application for Development Approval;
 - (j) All building finishes and materials used on the exterior of the building shall be robust, durable and resistant to vandalism to the satisfaction of the City;
 - (k) Tandem car parking bays are to be dedicated to the use of the commercial tenancy staff car parking only;
 - (l) Twelve bays, at one bay per dwelling, are to be allocated for the multiple dwellings & eight for the commercial unit including tandem bays;
 - (m) Compliance with the requirement of the easements shown on the Certificate of Title for the said lot to the satisfaction of the City of Joondalup and all development is to be contained within the cadastral boundaries of the subject lot. (It is noted that the easement on the submitted plans does not appear to be correct and changes are required to be shown at the building licence stage);
 - (n) Canopies shall have a minimum height clearance of 2.75 metres and have a minimum width of 2.0 metres (this includes any attached structures).
 - (o) The existing footpath is to be extended to the property line at a 2% grade to match the existing grade;
 - (p) No structures, including downpipes etc, are permitted within the road reserve;
 - (q) The bins must be serviced from the bin store (at additional cost to the landowner) and must not be positioned along the Right-of-Way to the satisfaction of the City;
 - (r) Bin store to be increase in size to be able to accommodate a minimum of 23 bins for the service apartments and multiple dwellings plus additional space to be allocated for the restaurant to the satisfaction of the City;

- (s) Entry driveway to have 1.5m to 1.5 metre sightlines to the satisfaction of the City;
- (t) The serviced apartment being used for short-term accommodation only to the satisfaction of the City;
- (u) One store of a minimum dimension of 1.5 metres and area of 4m² to be provided for each multiple dwelling in accordance with the Residential Design Codes 2002;
- (v) A minimum of twenty-two car parking bays are to be provided;
- (w) Disabled access to be provided in accordance with the Building Code of Australia;
- (x) The parking bay/s, driveways and points of ingress and egress to be designed in accordance with the Australian Standard for Offstreet Carparking (AS2890). Such areas are to be constructed, drained, marked and thereafter maintained to the satisfaction of the City prior to the development first being occupied. These works are to be done as part of the building programme;
- (y) Disabled carparking bays located convenient to the building entrance and with a minimum width of 3.2 metres, to be provided to the satisfaction of the City. Provision must also be made for disabled access and facilities in accordance with the Australian Standard for Design for Access and Mobility;
- (z) An onsite stormwater drainage system with the capacity to contained a 1:100 year storm of a 24 hour duration is to be provided prior to the development first being occupied and thereafter maintained to the satisfaction of the City. The proposed stormwater drainage system is required to be shown on the Building Licence submission and be approved by the City prior to the commencement of construction;
- (aa) The driveway/s and crossover/s to be design and constructed to the satisfaction of the City before the occupation of the development;
- (bb) The development is to comply with the provisions of the City of Joondalup Health Local Law 1999 for the serviced apartments to the satisfaction of the City;
- (cc) A lodging house manager is to reside continuously on the premises;
- (dd) Café/restaurant kitchen to comply with the Health (Food Hygiene) Regulations 1993;
- (ee) The communal laundry is to be maintained for the use of lodgers within those service apartments where full/separate laundry and bathroom facilities are not provided within the units;
- (ff) Mechanical services plan to be provided with the building licence application for approval to the satisfaction of the City;
- (gg) The provision of 35 car parking bays on site.

Footnote

- 1 In relation to condition 3(gg) cash-in-lieu payment will be accepted in regard to the shortfall of 13 bays.
- 2 The cash value that will be accepted for each parking bay is the sum of the construction cost and land component. The cash value that will be accepted for each parking bay is the sum of the construction cost and land component. A sum of \$8 100 per parking bay has been adopted for this purpose. Cash-in-lieu parking will contribute towards a fund for the Council to meet future parking demand within the locality.

ADDITIONAL INFORMATION

Car Parking

With regard to car parking, the residential building use class provides car parking on the basis of one bay per two persons. This standard was deemed inappropriate for the type of development proposed and as such a standard of one bay per two units has been recommended. Clause 4.8.2 of the Scheme allows the City to require different car parking standard regardless if a standard is prescribed within the District Planning Scheme.

Short Stay Accommodation

Condition 'T' should be amended to provide a maximum timeframe for the short stay accommodation. It is recommended up to three months is appropriate and this reflects what the applicant has requested. Condition 'T' has been amended in the recommendation contained below.

Plot Ratio

The City has just been advised that a modification to the Joondalup City Centre Development Plan and Manual (JCCDPM) has been endorsed by the Western Australian Planning Commission. Amongst other changes, the endorsement by the Commission now means that plot ratio is calculated on Net Lettable Area. The report prepared by staff was based on Gross Lettable Area. Plot ratio is now required to be calculated on Nett Lettable Area and as such, there will be a change to the plot ratio calculation for the site as follows.

Plot Ratio

Based on GLA	Based on NLA
1.61	1.31

As a result of the modification to the JCCDPM, the resolution will be amended as follows:

MOVED Cmr Anderson SECONDED Cmr Clough that the Joint Commissioners:

1 EXERCISE discretion under 4.5 and 4.8.2, 4.11.2 of District Planning Scheme No 2 and:

- (a) determine that a residential density for the multiple dwellings of R100B for the site;**
- (b) determine a plot ratio of 1.31 in lieu of 1.0;**
- (c) determine the exceedance of the recision plane above 13.5 metres for the fifth floor service apartments;**

are appropriate in this instance.

- 2 DETERMINE that a cash in lieu payment of \$105,300 for a shortfall of 13 bays is appropriate in this instance.**
- 3 APPROVE the application for planning approval dated 27 April 2004 submitted by R-A-D on behalf of Mimi Ferguson for mixed-use development Lot 517 (91) Reid Promenade subject to:**
- (a) The boundary walls shall be of clean finish and made good to the satisfaction of the City.**
 - (b) Glazing is not to be obscure on the ground floor level to the satisfaction of the City.**
 - (c) At least 50% of the area of the ground floor façade shall be glazed and the horizontal dimension of the glazing shall comprise at least 75% of the total building frontage.**
 - (d) Window sill heights to the ground floor shall be close or at floor level to the satisfaction of the City.**
 - (e) Ground floor level of the building shall be at the finished pedestrian paving level to allow ease of access and contribute to the animation of the streetscape.**
 - (f) The FFL average height above the pavement level at the property line must not exceed 600mm.**
 - (g) All mechanical plant and equipment shall be screened from the street and adjoining row.**
 - (h) The glazed area of building facades on the north and south faces of the building shall not exceed 75% of the total wall area except at ground level.**
 - (i) Any signage on the building shall be subject to an Application for Development Approval.**
 - (j) All building finishes and materials used on the exterior of the building shall be robust, durable and resistant to vandalism to the satisfaction of the City.**
 - (k) Tandem car parking bays are to be dedicated to the use of the commercial tenancy staff car parking only.**
 - (l) Twelve bays, at one bay per dwelling, are to be allocated for the multiple dwellings & eight for the commercial unit including tandem bays.**
 - (m) Compliance with the requirement of the easements shown on the Certificate of Title for the said lot to the satisfaction of the City of Joondalup and all development is to be contained within the cadastral boundaries of the subject lot. (It is noted that the easement on the submitted plans does not appear to be correct and changes are required to be shown at the building licence stage).**

- (n) Canopies shall have a minimum height clearance of 2.75 metres and have a minimum width of 2.0 metres (this includes any attached structures).**
- (o) The existing footpath is to be extended to the property line at a 2% grade to match the existing grade.**
- (p) No structures, including downpipes etc, are permitted within the road reserve.**
- (q) The bins must be serviced from the bin store (at additional cost to the landowner) and must not be positioned along the Right-of-Way to the satisfaction of the City.**
- (r) Bin store to be increase in size to be able to accommodate a minimum of 23 bins for the service apartments and multiple dwellings plus additional space to be allocated for the restaurant to the satisfaction of the City.**
- (s) Entry driveway to have 1.5m to 1.5 metre sightlines to the satisfaction of the City.**
- (t) The units identified as serviced apartments on the approved plans, subject to (ii), are to be used for short term accommodation and not for human habitation on a permanent basis and:**
 - (i) the maximum length of stay for each lodger is three months in a 12 month period;**
 - (ii) to be managed to the satisfaction of the City. Details of the proposed management of the units is to be submitted for approval by the City. Any changes to the approved method of management is required to be submitted for approval by the City;**
 - (iii) a register of lodgers showing the name and address of every lodger staying within the units and the unit occupied;**
 - (iv) the register is to be signed by the lodger;**
 - (v) their date of arrival and departure;**
 - (vi) the register is to be kept on the premises of the serviced apartments or at such other place as agreed to by the City and shall be open to inspection on demand by an authorised Council officer.**
 - (vii) if the management of the serviced apartments agreed to by the City in point (ii) above involves an on-site manager, then only one unit can be allocated to the on-site manager for permanent occupation.**
- (u) One store of a minimum dimension of 1.5 metres and area of 4m² to be provided for each multiple dwelling in accordance with the Residential Design Codes 2002.**

- (v) A minimum of twenty-two car parking bays are to be provided.**
- (w) Disabled access to be provided in accordance with the Building Code of Australia.**
- (x) The parking bay/s, driveways and points of ingress and egress to be designed in accordance with the Australian Standard for Offstreet Carparking (AS2890). Such areas are to be constructed, drained, marked and thereafter maintained to the satisfaction of the City prior to the development first being occupied. These works are to be done as part of the building programme.**
- (y) Disabled carparking bays located convenient to the building entrance and with a minimum width of 3.2 metres, to be provided to the satisfaction of the City. Provision must also be made for disabled access and facilities in accordance with the Australian Standard for Design for Access and Mobility.**
- (z) An onsite stormwater drainage system with the capacity to contained a 1:100 year storm of a 24 hour duration is to be provided prior to the development first being occupied ad thereafter maintained to the satisfaction of the City. The proposed stormwater drainage system is required to be shown on the Building Licence submission and be approved by the City prior to the commencement of construction.**
- (aa) The driveway/s and crossover/s to be design and constructed to the satisfaction of the City before the occupation of the development.**
- (bb) The development is to comply with the provisions of the City of Joondalup Health Local Law 1999 for the serviced apartments to the satisfaction of the City.**
- (cc) A lodging house manager is to reside continuously on the premises.**
- (dd) Café/restaurant kitchen to comply with the Health (Food Hygiene) Regulations 1993.**
- (ee) The communal laundry is to be maintained for the use of lodgers within those service apartments where full/separate laundry and bathroom facilities are not provided within the units.**
- (ff) Mechanical services plan to be provided with the building licence application for approval to the satisfaction of the City.**
- (gg) The provision of 35 car parking bays on site.**

Footnote

1. In relation to condition 3 (gg) cash-in-lieu payment will be accepted in regard to the shortfall of 13 bays.
2. The cash value that will be accepted for each parking bay is the sum of the construction cost and land component. The cash value that will be accepted for each parking bay is the sum of the construction cost and land component. A sum of \$8 100 per parking bay has been adopted for this purpose. Cash-in-lieu parking will contribute towards a fund for the Council to meet future parking demand within the locality.

The Motion was Put and

CARRIED UNANIMOUSLY (5/0)

Appendix 22 refers

To access this attachment on electronic document, click here: [Attach22brf071204.pdf](#)

**CJ333 - 12/04 DELEGATED AUTHORITY REPORT FOR THE
MONTH OF OCTOBER 2004 – [07032]**

WARD - All

CJ041207_BRF.DOC:ITEM 34

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 October 2004 (see attachment 1).

The total number of Development Applications determined (including Council and delegated decisions) is as follows:

Month	No	Value (\$)
October 2004	70	7,313,863

The total number of DAs received in October was 87, compared to 96 DAs received in September 2004.

ATTACHMENTS

Attachment 1 October Approvals

VOTING REQUIREMENTS

Nil

MOVED Cmr Anderson, 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 CJ333-12/04, for the month of October 2004.

The Motion was Put and

CARRIED UNANIMOUSLY (5/0)

Appendix 24 refers

To access this attachment on electronic document, click here: [Attach24brf071204.pdf](#)

CJ334 – 12/04 MINUTES OF THE YOUTH ADVISORY COUNCIL MEETING – 22 SEPTEMBER 2004 – [38245]

WARD - All

CJ041207_BRF.DOC:ITEM 35

PURPOSE

This report is to present the confirmed minutes of the September Joondalup Youth Advisory Council meeting for noting by Commissioners.

EXECUTIVE SUMMARY

The Joondalup Youth Advisory Council met on 22 September 2004. The confirmed minutes of this meeting are attached for the attention of Commissioners. The recommendation is:

That the Joint Commissioners NOTE:

- 1 the confirmed minutes of the Joondalup Youth Advisory Council meeting held on 22 September 2004 forming Attachment 1 to Report C334J-12/04;*
- 2 the recommended policy position that the City of Joondalup actively resists any course of action such as a youth curfew, that limits the right of young people to move freely within the public domain until adequate and direct consultation has occurred with young people and other stakeholders and all other proactive approaches have been explored, and that a detailed report regarding this recommendation be provided to Council;*

- 3 *the recommendation of the Youth Advisory Council that the Aboriginal flag be raised during working hours outside the Joondalup administration building in recognition of the rich local Aboriginal heritage and original ownership of land;*
- 4 *the City's position regarding the Aboriginal flag be addressed as part of the Cultural Plan.*

BACKGROUND

In the previous meeting, members raised the issue of a “Youth Curfew” (similar to Northbridge). It was felt that it was timely for the committee to consider this issue for the following reasons:

- The City has not previously stated a policy position on this issue,
- In the lead-up to a State election, “Crime and Safety” is likely to be on the political agenda and a “curfew” may be seen as a possible strategy to achieve this outcome. This raises the possibility of “curfews” being enacted in areas other than Northbridge.

With this in mind the members of the Youth Advisory Council felt that it was timely to consider the issue in depth and to suggest a policy position regarding the implementation of “youth curfews” within the City of Joondalup, for consideration by Commissioners.

To support this debate, members conducted significant individual research regarding the topic and an extensive debate occurred via email in the lead up to the formal meeting.

The issue of the permanent “raising” of the aboriginal flag originated from observations made by Youth Advisory Council members following the 2004 NAIDOC week celebrations. Members were very supportive of the NAIDOC celebrations but felt that Council should recognise and respect our aboriginal heritage on a permanent basis. Members felt that the raising of the flag would assist in achieving this outcome.

DETAILS

The confirmed minutes of the meeting held on 22 September 2004 are attached for the attention of Commissioners. During this meeting members debated issues regarding the display of the Aboriginal flag and “Crime and Safety” particularly in regards to the issue of youth curfews.

The recommendation regarding the raising of the aboriginal flag in front of the administration building is presented to Commissioners’ for their input and possible endorsement.

The recommendation regarding Council’s policy position on the issue of “Youth Curfews” represents the culmination of research and informed debate by the Youth Advisory Council both prior to and during the meeting. A recommendation on this issue is presented to Commissioners’ for their input and possible endorsement.

COMMENT

No action is required from these confirmed minutes.

The recommendations put forward by members of the Youth Advisory Council represent the culmination of informed debate within the meeting which was of a high quality and which

encompassed many differing perspectives. The members of the Youth Advisory Council are to be commended for the quality of this debate. These recommendations are put forward for consideration and feedback with possible endorsement by the Joint Commissioners' of the City of Joondalup.

ATTACHMENTS

Attachment 1 Minutes of the Seniors Interest Advisory Committee Meeting 22 September 2004

VOTING REQUIREMENTS

Simple Majority

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

- 1 the confirmed minutes of the Joondalup Youth Advisory Council meeting held on 22 September 2004 forming Attachment 1 to Report CJ334-12/04;**
- 2 the recommended policy position that the City of Joondalup actively resists any course of action such as a youth curfew that limits the right of young people to move freely within the public domain until adequate and direct consultation has occurred with young people and other stakeholders and all other proactive approaches have been explored, and that a detailed report regarding this recommendation be provided to Council;**
- 3 the recommendation of the Youth Advisory Council that the Aboriginal flag be raised during working hours outside the Joondalup administration building in recognition of the rich local Aboriginal heritage and original ownership of land;**
- 4 that the City's position regarding the Aboriginal flag be addressed as part of the Cultural Plan.**

The Motion was Put and

CARRIED UNANIMOUSLY (5/0)

Appendix 25 refers

To access this attachment on electronic document, click here: [Attach25brf071204.pdf](#)

CJ335 – 12/04 MINUTES OF THE SENIORS INTERESTS ADVISORY COMMITTEE MEETING HELD ON THE 20 OCTOBER 2004 – [55511]

WARD - All

CJ041207_BRF.DOC:ITEM 36

PURPOSE

To note the confirmed minutes of the Seniors Interest Advisory Committee meeting held Wednesday 20 October 2004.

EXECUTIVE SUMMARY

A meeting of the Seniors Interest Advisory Committee was held on Wednesday 20 October 2004. The minutes of this meeting are submitted for noting by Council.

It is recommended that the Joint Commissioners NOTE the confirmed minutes of the Seniors Interest Advisory Committee held on Wednesday, 20 October 2004 forming Attachment 1 to Report CJ335-12/04.

DETAILS

A presentation was made which was followed by a discussion session on the following topic:

“What are the latest issues and trends, demographics etc with regard to Seniors in the Joondalup area? Review the Seniors Plan.... (is it still relevant, are there any changes required, changes to responsibilities?).”

Information from this session will be taken in to account during the review of the Seniors Plan 2004 – 2008 which will be conducted over the next few months.

The Live Life Festival – A Regional Seniors Event (15-20 November 2004) has occurred and the event has recently attracted \$20,000 in funding from the Department for Veterans Affairs.

A representative from the committee was sought to participate in the assessment panel for the City's Community Funding Program. The panel will meet on 29 October 2004. MOVED Kevan Rowe and SECONDED Allyn Bryant that Lew Thorstensen be nominated to represent the views of seniors in on the assessment panel.

ATTACHMENTS

Attachment 1: Minutes of the Seniors Interest Advisory Committee Meeting held 20 October 2004

VOTING REQUIREMENTS

Simple Majority

MOVED Cmr Smith, SECONDED Cmr Fox that the Joint Commissioners NOTE the confirmed minutes of the Seniors Interest Advisory Committee held on Wednesday, 20 October 2004 forming Attachment 1 to Report CJ335-12/04.

The Motion was Put and

CARRIED UNANIMOUSLY (5/0)

Appendix 26 refers

To access this attachment on electronic document, click here: [Attach26brf071204.pdf](#)

**CJ336 - 12/04 TENDER NUMBER 026-04/05 IMMUNISATION
SERVICES – [87566]**

WARD - All

CJ041207_BRF.DOC:ITEM 37

PURPOSE

To seek the approval of the Joint Commissioners to choose the tender submitted by Select Health Services Pty Ltd T/As West Australian Nursing Agency as the successful tenderer for Immunisation Services (Tender Number 026-04/05).

EXECUTIVE SUMMARY

Tenders were advertised on 3 November 2004 through statewide public notice for Immunisation Services. Tenders closed on 18 November 2004. One submission was received from: Select Health Services Pty Ltd T/As West Australian Nursing Agency.

It is recommended, in relation to tender number 026-04/05 for Immunisation Services, that the Joint Commissioners:

- 1 CHOOSE Select Health Services Pty Ltd T/As West Australian Nursing Agency as the successful tenderer for Immunisation Services (Tender No. 026-04/05) in accordance with the schedule of rates as outlined in Attachment 1 to Report CJ336-12/04;*
- 2 AUTHORISE the Acting Chief Executive Officer (A/CEO), on behalf of the City, to enter into a contract with Select Health Services Pty Ltd T/As West Australian Nursing Agency in accordance with their submitted tender, subject to any minor variations that may be agreed between the A/CEO and Select Health Services Pty Ltd T/As West Australian Nursing Agency;*

- 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 160,000 residents requiring high standards of public health. The City's Immunisation Program works to support this requirement by aiming to reduce mortality and morbidity within its boundaries, through vaccination for preventable infectious diseases. Immunisation is recognised as a critical public health intervention to protect the community against the threat of infectious diseases.*

The preparation and administering of scheduled vaccinations must be undertaken by a Doctor or suitably qualified Nurses. As such this role cannot be filled in-house and is contracted out to an appropriate provider.

The Contractor's primary responsibility is the provision of qualified health professionals responsible for preparing and administering scheduled vaccinations for the City's Immunisation Clinics and Schools Program.

DETAILS

One submission was received, from Select Health Services Pty Ltd T/As West Australian Nursing Agency.

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 requirements are deemed to be non-conforming and are eliminated from consideration. The tender from Select Health Services Pty Ltd T/As West Australian Nursing Agency met the essential requirements and was submitted for further evaluation.

The evaluation process involves an independent assessment of the qualitative and quantitative criteria by each member of the Evaluation Team. Each member of the Evaluation Team assessed the tender submission individually against the selection criteria using the weightings determined during the tender planning phase. The Evaluation Team convened to submit and discuss their assessment.

Under the City's Contract Management Framework, the tender was 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 026-04/05 are as follows:

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
- Financial Capacity

- Risk Assessment
- Compliance with tender requirements – insurances, licenses
- Quality Systems
- Occupational Health and Safety Management System and Track Record
- Management Methodology

Performance and Experience of Tenderer in completing similar projects:

- Relevant Industry Experience, including details of similar work undertaken
- Past Record of Performance and Achievement with other clients
- Level of Understanding of tender documents and work required
- References from past and present clients

Beneficial Effects of Tender/Local Content:

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

Requirements / Qualifications:

- Proof of evidence as a Registered Medical Practitioner OR currently qualified registered nurse.
- Western Australian Immunisation Certificate or equivalent.
- Current CPR Certificate or current Senior First Aid (no older than 1 year).
- Evidence of demonstrated experience in administering vaccinations to a variety of age groups.
- Evidence of working knowledge of the “Australian Immunisation Handbook – 8th Edition” (National Health & Medical Research Council).
- Working knowledge of the Western Australian Department of Health Standard Vaccination Schedule.
- Effective organisational and time management skills.

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) Regulations 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 Implications

The City's Policy on purchasing goods and services encourages local business in the purchasing and tendering process; the tender received is not located in the City of Joondalup or the Region.

Financial Implications:

In accordance with Health and Environmental Services' Annual Budget as authorised by Council.

COMMENTS

The tender was assessed in accordance with *Regulation 18(4) of the Local Government (Functions & General) Regulations 1996*. In reviewing the tender, the Evaluation Panel identified that the tender submitted by Select Health Services Pty Ltd T/As West Australian Nursing Agency has the capability and resources to provide the service and they are therefore recommended as the preferred 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. 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, which 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 Schedule of Rates

VOTING REQUIREMENTS

Simple Majority

MOVED Cmr Smith, SECONDED Cmr Clough that in relation to tender number 026-04/05 for Immunisation Services, the Joint Commissioners:

- 1 CHOOSE Select Health Services Pty Ltd T/As West Australian Nursing Agency as the successful tenderer for Immunisation Services (Tender No. 026-04/05) in accordance with the schedule of rates as outlined in Attachment 1 to Report CJ336-12/04;**
- 2 AUTHORISE the Acting Chief Executive Officer (A/CEO), on behalf of the City, to enter into a contract with Select Health Services Pty Ltd T/As West Australian Nursing Agency in accordance with their submitted tender, subject to any minor variations that may be agreed between the A/CEO and Select Health Services Pty Ltd T/As West Australian Nursing Agency;**

- 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.**

The Motion was Put and

CARRIED UNANIMOUSLY (5/0)

Appendix 27 refers

To access this attachment on electronic document, click here: [Attach27brf071204.pdf](#)

In relation to Item CJ337-12/04 – Proposed Currambine Village Structure Plan (City of Joondalup Plan No 8) on Portion of Lot 9018 and Lot 9019 Burns Beach Road, Currambine, Cmr Smith advised her daughter resides in Currambine, however she would deal impartially with this matter.

CJ337 – 12/04 PROPOSED CURRAMBINE VILLAGE STRUCTURE PLAN (CITY OF JOONDALUP PLAN NO. 8) ON PORTION OF LOT 9018 AND LOT 9019 BURNS BEACH ROAD, CURRAMBINE – [60560]

WARD - North Coastal

CJ041207_BRf.DOC:ITEM 38

PURPOSE

This report is for the Joint Commissioners to consider submissions received during the public advertising period for the proposed Currambine Village Structure Plan (City of Joondalup Structure Plan No. 8) including minor modifications and to consider final adoption of the Structure Plan.

EXECUTIVE SUMMARY

At the meeting held on 12 October 2004 (CJ234-10-04 refers), the Joint Commissioners considered the proposed Currambine Village Structure Plan and resolved that it be advertised for a period of 28 days. The advertising period closed on 16 November 2004.

The proposed Currambine Village Structure Plan covers 5.2 hectares and is located within Lots 9018 and 9019 Burns Beach Road, Currambine bounded by the Burns Beach Road, Connolly Drive, Currambine Boulevard, Sunlander Drive and Mistral Meander (see Attachment 1).

The Structure Plan proposes residential land use, public open space (POS) and a possible future child care site (see Attachment 3 – Land Use Classification Plan). The residential land use comprises two precincts, Precinct A (survey strata lots) and Precinct B (green title lots), providing a total of 136 residential lots. The Plan provides the development standards of the

subject land for residential purposes where these requirements differ from that required by the Acceptable Development provisions of the Residential Design Codes (R Codes). The Structure Plan also includes an area of land that is marked for 'Future Development' and will be subject to a future modification to the Structure Plan.

Eleven submissions were received as a result of the advertising period including four submissions from the service agencies, six from local residents and one submission from a planning consultant acting on behalf of the BP service station. The four submissions received from the service agencies show no objections to the propose Structure Plan. However, the six submissions received from local residents and one submission from the planning consultant for the BP station oppose the proposed Structure Plan.

Furthermore, during the advertising period, the applicant has been requested by the City to make some minor modifications to the statutory provisions in Part I of the Structure Plan due to the need of some minor clarification of the text within the provision clauses.

It is recommended that the Joint Commissioners:

- 1. Pursuant to clause 9.6.1 of the City of Joondalup District Planning Scheme No. 2 RESOLVE that the Currambine Village Structure Plan No. 8 as shown in Attachment 5 to Report CJ337-12/04, with minor modifications, are satisfactory and submits it to the Western Australian Planning Commission for final adoption and certification;*
- 2. Subject to certification by the Western Australian Planning Commission, ADOPT the Currambine Village Structure Plan No. 8 as an Agreed Structure Plan and authorise the affixation of the Common Seal to, and the signing of, the Structure Plan documents.*

BACKGROUND

Suburb/Location: Portion of Lot 9018 and Lot 9019 Burns Beach Road, Currambine.
Applicant: Taylor Burrell Barnett
Owner: Peet and Company
Zoning: **DPS:** Residential R80
MRS: Urban
Strategic Plan: Strategic 3.3.1 – Provide residential living choices to meet changing demographic needs

The Structure Plan area covers the whole of Lot 9019 and portion of Lot 9018 excluding the public open space (POS) to the north adjacent to Burns Beach Road where an underpass is located (see Attachment 1). The site is reasonably flat and with no vegetation and the total area covered by the Structure Plan area is 5.2 hectares.

The subject land is zoned "Residential" under the City's District Planning Scheme No. 2 (DPS2) with an R80 density coding. The site is surrounded by existing predominantly single dwellings to the south, west and north. The Currambine train station is located 500 metres to the east of the site.

Lot 2259 Currambine Boulevard, located opposite the subject site to the east, is currently the subject of a 94 unit multiple dwelling proposal (DA04/0495) to which Joint Commissioners granted planning approval at its 2 November 2004 meeting. In addition, Lot 48, also opposite the site to the east, is currently being developed for a 20 unit, three storey multiple dwelling

development (DA01/0156). An existing service station located on the corner of Burns Beach Road and Sunlander Drive abuts the northern boundary of the site (see Attachment 2).

DETAILS

The proposed Structure Plan provides the development requirements of the subject land for residential purpose where these requirements differ from that required under the Acceptable Development provisions of the R Codes. It is proposed to divide the area into two precincts and a POS lot. The two precincts are Precinct A (survey strata title lots) and Precinct B (green title lots). Both precincts are intended to accommodate R60 medium density residential development, which is within the allowable density (Maximum R80) of the site. The Structure Plan also includes an area of land that is marked for 'Future Development' and will be subject to a future modification to the Structure Plan as it is not intended to develop this portion of the site at this time.

The proposed Structure Plan consists of two parts, Part 1 being the statutory planning section setting out the objectives and criteria that determine the overall form of development on the proposed lots. These proposed development criteria (refer Section 6.2 of Attachment 9) relate to provisions for Precinct A and Precinct B in terms of residential design, building setbacks, bulk and height, roof pitch, fencing, and open space requirements.

The intention of the proposed development control provisions for the two residential precincts is to encourage two-storey, single residential housing forms with a high streetscape amenity in both Precincts A and B (see Attachment 3). The provisions also encourage residential development to provide passive surveillance of the POS and the surrounding streetscape, and promote a pedestrian friendly environment throughout the Structure Plan area.

Dwellings within the Structure Plan area are proposed to be developed in accordance with the Acceptable Development provisions of the Codes unless otherwise provided for in the Structure Plan. This facilitates the approval process by enabling applications to be dealt with via an application for a Building Licence rather than requiring both development and building licence approval.

Part 2 of the Structure Plan is the explanatory report, which provides 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.

Statutory Provision:

Under clause 9.6.1 (b) of DPS2, upon completion of advertising, the Council is required to review all submissions within sixty (60) days and then proceed to either refuse to adopt any modifications to the Structure Plan as a result of the advertising, or resolve that the modifications to the Structure Plan are satisfactory with, or without changes, and submit three copies to the WAPC for consideration of adoption and certification.

Consultation:

The public advertising period took place between 19 October 2004 and 16 November 2004. A newspaper notice was placed in Joondalup Community newspaper on 19 October 2004, two signs were erected on the site and landowners adjacent to the Structure Plan area were notified of the proposal in writing. The documentation associated with the proposal was made

available for inspection at the Council Administration Building, Whitfords Shopping Centre, all the City's libraries and the City's Website.

At the close of advertising, eleven (11) submissions were received including four (4) from the service agencies, six (6) from the adjoining residents and one (1) from the planning consultant acting on behalf of the BP service station. The four submissions received from the service agencies show no objections to the propose Structure Plan. However, the six submissions received from the residents and the submission on behalf of the BP station oppose the proposed Structure Plan (refer Attachment 6, Schedule of submissions).

Strategic Implications:

The proposed Structure Plan would facilitate development of a variety of housing forms in line with the objectives of the City's Strategy 3.3.1 of the *Strategic Plan 2003-2008*: providing residential living choices to meet changing demographic needs.

Sustainability Implications:

The proposed Structure Plan provides for small lot subdivision of medium density (R60) residential development, which is in line with the objectives of the WAPC's DC Policy 1.6 'Planning to Enhance Public Transport Use'. DC Policy 1.6 emphasises the integration of land use with public transport infrastructure. Higher residential density near public transport facilities has the potential to reduce car dependence and hence promotes environmental sustainability. Furthermore, higher density development near the train station would also have the potential in increasing patronage of the rail system, which improves the economic efficiency of the rail system, and will help to ensure economic sustainability. Finally, the small lot layout, the provision of common property within the survey strata lots, and the design of the linear POS located in the centre of the propose Structure Plan area may help to enhance social interaction and animation of the area, promoting social sustainability.

Minor modifications to the proposed Structure Plan

During the advertising period, the location of Road C on the Structure Plan (refer Attachment 4) was reassessed from a technical perspective by the City. It was concluded that Road C needs be relocated further south of the BP service station and connected to the Citadel Way roundabout to form a four-way intersection. There are several merits for this relocation:

- 1 *It would reduce the number of "T" junctions along Sunlander Drive and make a four way intersection at the Citadel Way roundabout, which would reduce potential traffic conflicts in Sunlander Drive.*
- 2 *It overlays the existing and proposed sewerage and drainage easements the position where Road C is intended to be replaced at, and therefore make more efficient use of the land.*

Discussions were taken place between the City and the applicant in relation to the relocation of Road C. The applicant was supportive of the proposed relocation.

Furthermore, during the advertising period, the City has requested the applicant make some minor modifications to the statutory provisions (Part I) of the Structure Plan documentation due to the need of some minor clarification of the text within the statutory provision clauses. These changes are mainly highlighted as follows (refer Attachment 5):

Change 1

Deleting the wording “Visually permeable fencing shall be provided to a minimum of 50% of the secondary street” from clause iii) of Precinct A; and simultaneously, adding clause ix) with the wording “For corner lots, visually permeable fencing shall be provided to a minimum of 50% of the lot frontage to secondary street”.

This change intends to provide a separate clause in guiding corner lots fencing design. Hence, it is clearer and easier to be interpreted by both applicants and the City’s approval officers.

Change 2

Deleting the wording “and corner lots are to be assessed from the secondary street frontage” from clause vii) of Precinct A.

The relocation of Road C has resulted in the disappearance of the “corner lots” mentioned above. Therefore, the above wording becomes no longer valid.

Change 3

Deleting the wording “for the green title lots” from clause x) of Precinct A.

As mentioned previously, Precinct A will comprise of survey strata development only. Therefore, the wording “for the green title lots” in clause x) is not appropriate since Precinct A comprises no green title lots.

Change 4

Adding a clause as clause ii) to Precinct B and with wording “Notwithstanding the provisions of R Codes, open space shall not be less than 40%”

This is an additional clause added into Precinct B to ensure the consistency on criteria between Precinct A and Precinct B.

Change 5

Deleting clause xi) of Precinct A. Clause xi) states “A child care centre shall be considered an acceptable use in the general location identified on Plan 1 – Land Use Classification (see Attachment 3)”

The intention of clause xi) was to provide certainty to a future childcare proposal in the designated location; however, the City has concerns that a childcare centre may not be appropriate for potential traffic and car parking reasons. Subsequently, the City requested the applicant to remove the designated childcare location from the Structure Plan and delete the relevant text from the documentation. Any future childcare development application within the Structure Plan area will be dealt by a separate development approval process.

Apart from the above changes to Part I of the Structure Plan, there are some other text changes within Part I which do not form a part of the statutory provision changes but explain or support the above changes (refer Attachment 5).

Finally, other text changes to the documentation are within the explanatory section, which do not impact on the development control provisions (refer Attachment 5). The modifications to the text have been tracked for ease of reference.

COMMENT

The proposed modifications to the Structure Plan are considered minor, as they do not cause a fundamental change to the key Structure Plan elements or the planning intention for the land. It is therefore considered that re-advertising of this Structure Plan is not necessary.

The eleven submissions received are listed in the Schedule of submissions (see Attachment 6). There are no objections from the service agencies. However, the six submissions from residents all oppose the proposed Structure Plan. In addition, one submission made by the planning consultant of the BP station has raised several issues in relation to the interface between the BP station and the proposed Structure Plan. These issues are listed in the Schedule of submissions (refer Attachment 6).

Overlooking and blocking of view are the main concerns of the submissions due to the proposed built form being two-storeys. While the overlooking issue will be dealt by the R Codes at the Development Approval Stage, the issue of blocking of view is not a planning issue and therefore the City cannot sustain this objection.

One of the submissions states that the proposed residential density for the Structure Plan is too high with a lack of POS in the area, while another submission states that the proposed density of the Structure Plan is not high enough given the site is in close proximity to the Currambine train station. The City considers that the proposed R 60 residential density is appropriate for this proposed Structure Plan, as, while this density is able to achieve the objectives of WAPC Policy DC 1.6, it will still ensure single housing built forms will prevail and as such, would not cause adverse impacts on the surrounding residential built form.

Issues raised in the submission of the planning consultant of the BP station have been forwarded to the applicant. The City has requested the applicant to address these issues accordingly. Issue 1 of the submission (refer attachment 6) in relation to the 15 metre buffer from a LPG tank (fill point) to a residential building (as required by Australian Standard 1596) results in the encroachment into the Structure Plan area by 6 metres from the western boundary of the BP station. As a response to this issue, the applicant has chosen to include the land immediately adjacent to the western boundary of the BP station into the Future Development block (see Attachment 3). This will allow the applicant to address this issue at a later stage after further detailed investigation being carried out as to how this interface issue can be resolved.

In conclusion, it is considered that the proposed Structure Plan will facilitate a sustainable planning outcome on the subject land. It is therefore recommended that the proposed Structure Plan and modifications be adopted.

ATTACHMENTS

Attachment 1	Site Context Plan
Attachment 2	Location Plan
Attachment 3	Land Use Classification
Attachment 4	Indicative Illustration Plan
Attachment 5	Currambine Village Structure Plan Report (as modified)
Attachment 6	Schedule of Submissions

VOTING REQUIREMENTS

Simple Majority

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

- 1 Pursuant to clause 9.6.1 of the City of Joondalup District Planning Scheme No. 2 RESOLVE that the Currambine Village Structure Plan No. 8 as shown in Attachment 5 to Report CJ337-12/04, with minor modifications, are satisfactory and submits it to the Western Australian Planning Commission for final adoption and certification;**
- 2 Subject to certification by the Western Australian Planning Commission ADOPT the Currambine Village Structure Plan No. 8 as an Agreed Structure Plan and authorise the affixation of the Common Seal to, and the signing of, the Structure Plan documents.**

The Motion was Put and

CARRIED UNANIMOUSLY (5/0)

Appendix 28 refers

To access this attachment on electronic document, click here: [Attach28brf071204.pdf](#)

**CJ338 – 12/04 CITY OF JOONDALUP SUBMISSION ON THE
DEPARTMENT FOR PLANNING'S DRAFT
LIVEABLE NEIGHBOURHOODS EDITION 3
DOCUMENT – [08570]**

WARD - All

CJ041207_BRf.DOC:ITEM 39

PURPOSE

This report is for the Joint Commissioners to consider and endorse the City's submission on the Department for Planning and Infrastructure's (DPI) draft Liveable Neighbourhoods Edition 3 document.

EXECUTIVE SUMMARY

The original Liveable Neighbourhoods document was released by the Western Australian Planning Commission (WAPC) in 1997. The draft Liveable Neighbourhoods 3 document is the second review of this original document. A forum of local authorities, developers, planners and associated professionals was held earlier this year to gain input into the issues of the previous edition of Liveable Neighbourhoods for consideration in the review.

The Liveable Neighbourhoods 3 document is a tool for the design and assessment structure plans (regional, district and local), subdivisions, strata subdivision and development for new urban (predominantly residential) areas in the metropolitan area and country centre where two or more lots are created on “greenfield” sites on the urban edge, or on large urban infill sites in developed areas. The WAPC’s intent is that Liveable Neighbourhoods 3 will become the key operational policy for Structure Plan, subdivision or development applications, leading to higher quality living, working and recreational environments that will contribute to the implementation of the State Sustainability Strategy.

Currently, applicants and developers can chose to make an application for a Structure Plan, subdivision or development under the WAPC’s Development Control (DC) Policy Manual or under Liveable Neighbourhoods 2. There is no requirement for applicants or developers to submit an application in accordance with any of the provisions of Liveable Neighbourhoods 2, either in full or in part. However, it is intended that Liveable Neighbourhoods 3 will become an operational policy of the WAPC.

Liveable Neighbourhoods 3 identifies eight elements. The first six elements were included in the Liveable Neighbourhoods 2 and have been reviewed and modified. There are two new elements added to Liveable Neighbourhoods 2: element 7 – Activity Centres and Employment, and element 8 – Schools. element 7 supports the WAPC’s draft Network City: community Planning for Perth and Peel Regions that is currently being advertised for public and professional submissions. In addition, a number of changes have been made to the other elements of Liveable Neighbourhoods to expand on objectives and requirements to bring them in line with the WAPC’s draft Network City: Community Planning for Perth and Peel Regions document.

Liveable Neighbourhoods 3 also places increased emphasis on the importance and use of Structure Plans and Detailed Area Plans to achieve better residential design outcomes.

Whilst the objectives and requirements of Liveable Neighbourhoods 3 are generally supported by the City, some issues and concerns are raised, such as potential conflicts between certain land uses such as public open space and drainage reserves, community facilities and schools.

Liveable Neighbourhoods 3 was referred to the City in late October 2004, for comments during the current advertising period, which closes on 31 December 2004. This advertising period is considered to be unfortunate in timing and inadequate in duration.

It is recommended that the Joint Commissioners:

- 1 *ENDORSE the City’s submission on the Department for Planning and Infrastructure’s draft Liveable Neighbourhoods Edition 3 document as shown in Attachment 1 to Report CJ338-12/04;*

- 2 *FORWARDS the City's submission to the Department for Planning and Infrastructure for its further consideration;*
- 3 *ADVISES the Department for Planning and Infrastructure of the City's concern regarding the limited duration and inappropriate timing of the advertising period for submissions, on the draft Liveable Neighbourhoods Edition 3.*

BACKGROUND

The original Liveable Neighbourhoods document released by the Western Australian Planning Commission (WAPC) in 1997, called the Liveable Neighbourhoods Community Design Code, was based on the Australian Model for Residential Development 1995 which drew from Australian Model for Residential Development Edition 2 (1990) and Australian Model for Residential Development Urban (1992), and the Victorian Code for Residential Development (1992). Two reviews have taken place since, the latest 2003 review (Liveable Neighbourhoods 3) also incorporated a review of the relevant WAPC's DC policies with the intent of reformulating and elevating Liveable Neighbourhoods as the key policy for the delivery of sustainability objectives for urban development set out in the State Government's overarching planning and sustainability strategies.

DETAILS

The Liveable Neighbourhoods document is a tool to provide for both the strategic and technical standards to provide for the development of sustainable communities. The aspects of Liveable Neighbourhoods are principally implemented through structure plans and subdivision design.

The aims of Liveable Neighbourhoods 3 are as follows:

- 1 To provide for an urban structure of walkable neighbourhoods clustering to form towns of compatibly mixed uses in order to reduce car dependence for access to employment, retail and community facilities.
- 2 To ensure that walkable neighbourhoods and access to services and facilities are designed for all users, including users with disabilities.
- 3 To foster a sense of community and strong local identity and sense of place in neighbourhoods and towns.
- 4 To provide for access generally by way of an interconnected network of streets which facilitate safe, efficient and pleasant walking, cycling and driving.
- 5 To ensure active street-land use interfaces, with building frontages to streets to improve personal safety through increased surveillance and activity.
- 6 To facilitate new development which supports the efficiency of public transport systems where available, and provides safe, direct access to the system for residents.
- 7 To facilitate mixed use urban development which provides for a wide range of living, employment and leisure opportunities capable of adapting over time as the community changes, and which reflects appropriate community standards of health, safety and amenity.
- 8 To provide a variety of lot sizes and housing types to cater for the diverse housing needs of the community at a density that can ultimately support the provision of local services.

- 9 To ensure the avoidance of key environmental areas and the incorporation of significant cultural and environmental features of a site into the design of an area.
- 10 To provide for a more integrated approach to the design of open space and urban water management.
- 11 To ensure cost-effective and resource-efficient development to promote affordable housing.
- 12 To maximise land efficiency wherever possible.

It is stated that the key changes in the proposed include the following:

- Increased emphasis on supporting sustainable urban development through land efficiency across all elements
- Increased support for walking, cycling and public transport.
- Increased emphasis on achieving density targets and lot diversity, particularly around activity centres and public transport nodes.
- Promoting increased integration of urban water management elements into the urban form.
- Revised public open space credits including acknowledgement of sustainability measures through applications of public open space credits for retention of environmental features and adoption of water-sensitive urban design principles.
- Requirement for landscaping of public open space to a minimum standard.
- 'Deemed to comply' street cross-section standards applicable across all local governments in the state.
- Resolution of anomalies and up-dated cross-sections in element 2 Movement Network with increased emphasis on traffic speed control and land efficiency.
- Revised street reservation requirements to accommodate a standard minimum verge width including street trees.
- Introduction of two new elements: element 7 - Activity Centres and Employment and element 8 - Schools. (Schools were previously only referred to in element 1)
- Increased guidance provided on delivery and design of centres, strengthening main street development, achieving walkable centres and delivery of jobs and employment.
- Increased recognition and strengthening of local identity and relationships with public transport identity.
- Simplified context and site analysis and application requirements.

Liveable Neighbourhoods 3 identifies eight elements, as follows:

Element 1 - Community Design

Element 2 - Movement Network

Element 3 - Lot Layout

Element 4 - Public Parkland

Element 5 - Urban Water Management

Element 6 - Utilities

Element 7 - Activity Centres and Employment

Element 8 - Schools

The first six elements were included in the Liveable Neighbourhoods 2 and have been reviewed and modified. elements 7 & 8 are additional elements supporting the objectives of the WAPC's draft Network City: Community Planning Strategy for Perth and Peel that focuses on activity centres, on which the City is forwarding a submission to the WAPC during the advertising period that closes on 31 January 2005. In addition, element 8 recognises that there is a close association between the planning of neighbourhoods and primary schools and,

therefore, that primary schools have a vital social role to play in the development of urban areas.

Each element has objectives with requirements phrased in two ways: as matters that should be considered, where there are a range of design solutions; and, matters that must be satisfied, where a particular design response is required, unless the requirement allows an exception or variation.

The WAPC provided Liveable Neighbourhoods 3 to the City and other local authorities on 29 October 2004 for the purpose of obtaining comments during the public advertising period, which closes on 31 December 2004. Comments received during advertising will be collated by the WAPC and considered in the preparation of the final version of Liveable Neighbourhoods 3.

Given the comprehensive content of Liveable Neighbourhoods 3 indicated in the aims and key changes noted above, the City's comments are provided on the respective elements in Attachment 1. The City's approach for making comment on the Liveable Neighbourhoods document is to address each element individually and note any comments or changes.

It is noted that there have been few, if any, developments within the City where the developer has chosen to utilise the Liveable Neighbourhoods document over the conventional WAPC policy standards. Therefore, the City's involvement in 'testing' the standards and outcomes of Liveable Neighbourhoods not been great.

Statutory Provision:

The City is not obliged to comment on or be bound by the content of Liveable Neighbourhoods 3 because of its non-statutory status and, therefore, is not required to provide comments. Liveable Neighbourhoods 3 is however a comprehensive urban design and planning document with sound objectives and the City is fully supportive of its use. It is considered that the document is generally sound and will provide the basis for consistent planning in the future.

Consultation:

As a State Government publication, the WAPC is conducting public and professional consultation on Liveable Neighbourhoods 3. Any comments received will be taken into account by WAPC in finalising the document.

Policy Implications:

Since Liveable Neighbourhoods 3 is only a design tool at this stage and therefore serves as guidelines for urban design and development, it has no effect on the City's current policies. Should it achieve statutory status in the future, if this occurs, local authorities will be required to review their policies and practices to be consistent with Liveable Neighbourhoods 3, in the same way that its current policies are required to consistent with relevant WAPC policies.

Financial Implications

If Liveable Neighbourhoods is adopted by the WAPC as an operational policy, the City may need to review a number of local policies to ensure consistency with Liveable Neighbourhoods.

Strategic Implications:

The principles and objectives of Liveable Neighbourhoods 3 are compatible with the City's corporate strategies.

Sustainability Implications:

Liveable Neighbourhoods 3 places greater emphasis on sustainability than the previous document, which is consistent with the State's direction in planning and will facilitate implementation of the State Sustainability Strategy. Compliance with Liveable Neighbourhoods requirements will assist in achieving more sustainable urban design and planning outcomes, with, for example, additional emphasis on water management.

COMMENT

Whilst the objectives and requirements of Liveable Neighbourhoods 3 are supported by the City, a number of issues and concerns are raised which are shown in Attachment 1. It is shown that the WAPC's summary of the key changes incorporated in Liveable Neighbourhoods 3 does not refer to the specific pages, objectives or requirements that have been modified, and therefore does not adequately reflect all the changes in Liveable Neighbourhoods 3. Any new or modified objectives and requirements within each element are therefore not readily distinguished from previous Liveable Neighbourhoods 2 document.

Overall, Liveable Neighbourhoods 3 represents an improvement on the current Liveable Neighbourhoods 2 document by providing a more comprehensive urban design and planning document that better facilitates the principles of sustainability that the WAPC encourage.

The WAPC is conducting the comment period on the liveable neighbourhoods document, and has therefore been responsible for community consultation. The City has been invited to make a submission on the proposal, although it is noted that the comment period is limited, with submissions closing on 31 December 2004. This is considered to be insufficient time for the WAPC to conduct widespread consultation with the community.

ATTACHMENTS

Attachment 1 Summary of City of Joondalup's comments

VOTING REQUIREMENTS

Simple Majority

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

- 1 ENDORSE the City's submission on the Department for Planning and Infrastructure's draft Liveable Neighbourhoods Edition 3 document as shown at Attachment 1 to Report CJ338-12/04;**

- 2 **FORWARD the City's submission to the Department for Planning and Infrastructure for its further consideration;**
- 3 **ADVISE the Department for Planning and Infrastructure of the City's concern regarding the limited duration and inappropriate timing of the advertising period for submissions on the draft Liveable Neighbourhoods Edition 3 document.**

The Motion was Put and

CARRIED UNANIMOUSLY (5/0)

Appendix 29 refers

To access this attachment on electronic document, click here: [Attach29brf071204.pdf](#)

CJ339 - 12/04 CITY OF JOONDALUP SUBMISSION ON THE WESTERN AUSTRALIAN PLANNING COMMISSION'S DRAFT NETWORK CITY: COMMUNITY PLANNING STRATEGY FOR PERTH AND PEEL – [07147]

WARD - All

CJ041207_BRF.DOC:ITEM 41

PURPOSE

This report is for the Joint Commissioners to consider and endorse the City's submission on the Western Australian Planning Commission's (WAPC) draft Network City: Community Planning Strategy for Perth and Peel document (Network City).

EXECUTIVE SUMMARY

Network City is a community-generated planning vision developed at State government level by the WAPC to guide Perth's future growth and development over the next three decades to 2030. It evolved from the 'Dialogue with the City' process held in September 2003 by the WAPC, a community consultation exercise involving more than 1,100 Perth and Peel residents aimed at seeking more sustainable ways to deal with the future planning of Perth and the Peel region. Following 'Dialogue with the City', a representative group of about 100 of its participants from the community, local government and industry worked with the State Government on specialist committees to create Network City.

Network City identifies several strategies to manage population growth and urban sprawl over the next three decades so the quality of life residents now enjoy can be maintained. New planning directions outlined in Network City include:

- Managing urban growth through the staging of development
- Providing the majority of new dwellings in existing urban areas
- Developing local strategies and partnerships between state and local government
- Promoting increased housing diversity
- Revitalising existing suburbs and centres
- Developing economic and employment strategies for growth corridors and centres
- Protecting biodiversity and areas of environmental significance
- Preparing transport plans aimed at reducing car dependency
- Enhancing the safety and efficiency of transport corridors
- Promoting transit-oriented developments
- Developing a whole-of-government approach to ensure all government agencies work together to achieve the strategy's outcomes;

The overarching vision, values, objectives and themes of Network City are strongly endorsed. However, several issues and concerns are raised with respect to the level of detail provided, including the spatial plan that forms an integral part of Network City. Several of the stated strategies are required to be undertaken by local government to facilitate the implementation of Network City, including the review of local planning schemes. The development of the Spatial Plan, at this stage has the potential to undermine the good principles of the initiative. It is considered that the development of the Spatial plan should be the product of appropriate community dialogues. At this time, it might be interpreted that the plan is pre-empting the consultation process. Such an outcome is neither desirable nor productive if the strong principles of Network City are to be endorsed.

The document fails to adequately outline the stakeholder relationships or the mapping of how objectives and actions will be implemented at a local government level. Many of the actions contained within the document will ultimately be implemented through local government in liaison with other key stakeholders. Without sufficiently detailed relationship mapping, the implications to local government cannot be adequately determined.

Until these relationships are communicated and the strategic alignments annotated, the City is unable to fully comment on Network City. Arguably, the most important concerns relate to human and financial resources that will be required to implement the plan, and how these resources will be secured at both a State and Local Government level.

All concerns and issues are raised and commented upon within the City's submission shown in Attachment 1 to this report, with the broad strategies of Network City being listed within the details section of this report. It is therefore recommended that the Joint Commissioners:

- 1 *ENDORSE the City of Joondalup's submission on the Western Australian Planning Commission's draft Network City: Community Planning Strategy for Perth and Peel as shown in attachment 1 to Report CJ339-12/04;*
- 2 *ADVISE the Minister for Planning and Infrastructure that the overarching vision, values, objectives and themes of Network City are strongly supported, however several issues and concerns are raised within the City's submission with respect to the level of detail provided, including the spatial plan that forms an integral part of Network City. In this regard, the document fails to adequately outline the stakeholder*

relationships or the mapping of how objectives and actions will be implemented at a local government level. Many of the actions contained within the document will ultimately be implemented through local government in liaison with other key stakeholders, including the local community. Without sufficiently detailed relationship mapping, the implications to local government cannot be adequately determined;

- 3 *ADVISE the Minister for Planning and Infrastructure that the City believes it should be empowered to implement the various actions of Network City as it considers appropriate, including further community involvement, in conjunction with the aspirations and views of its community and available resources;*
- 4 *FORWARD the City's submission to the Western Australian Planning Commission for its further consideration.*
- 5 *NOTE that significant financial and human resources will need to be secured from both the State government and Local Government for the successful implementation of Network City;*
- 6 *ADVISE the Western Australian Planning Commission that further community consultation is required and that a further submission following a Special Electors Meeting to be held in January 2005 will be made on Network City.*

BACKGROUND

Perth, the Peel and Murray regions are growing at a steady rate with a further 760,000 people (above the population of approximately 1.46 million), 370,000 additional homes (currently 580,000 homes) and 350,000 new jobs (currently 620,000 jobs) anticipated by 2031. A long-term metropolitan planning strategy for these areas needs to be considered well in advance of this time to manage population growth and urban sprawl over the next three decades so the quality of life residents now enjoy can be maintained and enhanced. This strategy needs to take into account such factors as population increases in a way that will result in a sustainable city and also encompass community values and expectations.

The 'Dialogue with the City' process held in September 2003 by the WAPC was the beginning of the State Government's move to involve the community in the future planning of Perth and its surrounding regions. 'Dialogue with the City' involved more than 1,100 Perth and Peel residents and was aimed at seeking more sustainable ways of planning. Following the 'Dialogue with the City's processes, a representative group of about 100 of its participants from the community, and local government and industry worked with the State Government on specialist committees to create Network City.

Given that a key element of Network City is community engagement in the planning process, the document has been advertised for public comment to allow individuals and community groups to comment in their own right, separate from any comments provided by government authorities. As a WAPC initiative, any comments received will be collated by the WAPC and considered in further stages of the planning for the Perth and Peel regions.

The WAPC provided Network City to the City of Joondalup and all local authorities in late September 2004 for the purpose of obtaining comments during the public advertising period, closing on 7 December 2004. The submission period has recently been extended until 31 January 2005.

DETAILS

The vision of Network City is that by 2030, Perth people will have created a world-class sustainable city; vibrant, more compact and accessible, with a unique sense of place.

The values of Network City are sustainability, inclusiveness, innovation and creativity, sense of place & equity.

The key objectives of Network City are as follows:

- 1 Deliver urban growth management (control urban sprawl)
- 2 Accommodate urban growth primarily within a Network City pattern, incorporating communities
- 3 Align transport systems and land use to optimise accessibility and amenity
- 4 Deliver a safe, reliable and energy efficient transport system that provides travel choice
- 5 Protect and enhance the natural environment, open spaces and heritage
- 6 Deliver for all a better quality of life, building on our existing strengths
- 7 Plan with the communities
- 8 Ensure employment is created in centres
- 9 Deliver a City with 'urban' energy, creativity and cultural vitality
- 10 Provide a city plan that will be implemented, provide certainty and deliver results

The key themes of Network City are as follows:

- 1 Manage growth by sharing responsibility between industry, communities and government
- 2 Make fuller use of urban land
- 3 Plan with communities
- 4 Nurture the environment
- 5 Encourage public over private transport
- 6 Strengthen local sense of place
- 7 Develop strategies that deliver local jobs
- 8 Provide for affordable housing

Network City contains seven (7) chapters covering the following broad areas;

- Chapter 1 – Spatial Plan and Strategy
- Chapter 2 – Implementation : Governance and Process
- Chapter 3 – Planning for a Liveable City
- Chapter 4 – Economy and Employment
- Chapter 5 – Environment and Heritage
- Chapter 6 – Transport
- Chapter 7 - Infrastructure

The following priority strategies of Network City are as follows:

- 1 Foster land use and transport integration to form a Network City
- 2 Manage urban growth to limit urban sprawl through staging of development
- 3 Provide 60% of required dwellings in existing urban areas and 40% in new growth areas
- 4 Implement a whole of government approach to Network City
- 5 Create an effective state and local government partnership that includes agreement to a process of setting targets and providing a means to achieve them
- 6 Institutionalise the engagement of community and industry with government to implement the Network City strategy
- 7 Guide and monitor progress on the Network City so implementation is accountable and transparent
- 8 Plan for local places to develop identity and pride, and to increase social and cultural capital, by engaging the community in decision-making
- 9 Promote and facilitate increased housing diversity to match the changing housing needs of the Perth population, in locations which provide equitable access and lifestyle opportunities
- 10 Revitalise existing centres and suburbs by enhancing their amenity and attractiveness, their economic, social and cultural vitality, and their safety and security
- 11 Encourage the local mixing of uses to reduce the overall need for people to travel between their places of residence, employment and recreation
- 12 Implement planning policies for employment centres to make Perth more liveable
- 13 Place education and training resources to improve employment access
- 14 Build new, and revitalise existing, employment centres
- 15 Provide timely, appropriate and efficiently services employment land, supported by appropriate infrastructure, which is linked to Network City
- 16 Refocus planning decision making on sustainability principles
- 17 Protect biodiversity and areas of environmental significance
- 18 Protect water resources by total water cycle management
- 19 Empower local government and communities to protect environment and heritage
- 20 Interlink recreational areas, environmental reserves, greenways and other natural open space areas, so as to provide a continuous and meaningful greenway from the Moore River, through to the heart of the city to Busselton
- 21 Integrate local and longer distance transport needs to support the Network City with a view to decreasing car dependency
- 22 Ensure that transport within activity corridors compliments and links activity centres and supports the corridor concept outlined in Chapter 1
- 23 Enhance the safety and efficiency of the 'transport corridors', especially for freight and longer distance public transport
- 24 Improve the viability of the public transport system by encouraging balanced ridership between activity centres, to reduce the extent of unused system capacity
- 25 Use the provision of infrastructure to influence the timing and location of growth
- 26 Maximise service efficiency and equity through better utilisation and coordination
- 27 Use technological change to enhance service provision
- 28 Minimise infrastructure costs by managing urban growth and encouraging stakeholder partnerships

The ‘continuing dialogue’ flowchart is reproduced from the Network City document at Attachment 2. This diagram is how the Government sees the total process for the implementation and continuing review of Network City.

Given the large number of strategies that are listed above, the City, in its submission shown in Attachment 1, has listed and provided comment on each strategy and corresponding actions that will require significant local government involvement to implement.

Policy Implications:

Should Network City be implemented, various local planning policies and other studies, including reviews of existing policies, will be required so that they accord with the objectives of Network City. These include, but are not limited to, the review of the City’s District Planning Scheme Number 2, the review of the Joondalup City Centre Development Plan Manual, the formulation of a Local Planning Strategy, finalisation of the City’s housing strategy and review of the City’s Centres strategy as a result of the WAPC’s envisaged review of its Metropolitan Centres strategy.

Various other discrete policies will also need to be formulated relating to sustainability, transport, urban design and other issues identified within Network City.

In undertaking all of the above mentioned tasks in the future, the City remains committed to actively engaging with the local community by seeking their input and comments with respect to the generation and review of the above documents/policies.

Financial Implications:

The extent of financial and human resources that will be required in order for the City to successfully implement Network City is unknown. It is however envisaged that significant financial, human and other resources will be required in order for the City to review its existing planning documents and prepare new policies in line with Network City objectives. Scoping work with respect to these tasks is largely incomplete and will be dependant upon whether Network City and its corresponding actions are adopted by Parliament in its current form.

Strategic Implications:

The Network City proposal has significant strategic implications. The Network City strategy accords with the City’s Strategic Plan 2003-2008 in virtually all aspects.

Sustainability Implications:

Network City seeks to unite town, transport (transit orientated development - TOD), economic and sustainability planning into one collective framework. In this regard, it is a substantial improvement over the current planning system where these issues are often considered individually, or neglected entirely.

COMMENT

The City's comments with respect to various key actions/strategies identified under each of the above chapter headings are outlined within Attachment 1 to this report.

Overall, the Network City Strategy is a bold plan, which seeks to provide a vision for the future of the greater Perth metropolitan region, with a focus on community participation.

The implementation of the strategy will involve much debate within the local community as to what aspects of the strategy that are considered to be priorities. The strategy will also require the allocation of considerable resources to implement the actions needed to achieve the Strategy goals. A commitment needs to be sought from the State Government for the Perth/Peel area to achieve the stated vision of a 'world-class sustainable city,' then a whole of government approach will be required for its successful implementation.

Local Government also has an important part to play in achieving that vision, in conjunction with its community. Officers of the City have been involved in the process to date and the Joint Commissioners are requested to acknowledge the importance of the Strategy by endorsing the City's collective submission.

The success of Network City will be in part dependant on Local Governments embracing their roles and obligations. Network City sets out the 'big picture' as to how the greater Perth metropolitan area is to develop to the desired form in the future, however success at the local level will be clearly required the commitment from all Local Governments.

The overarching vision, values, objectives and themes of Network City are strongly endorsed. However, the City believes it should be empowered to implement the various actions of Network City as it considers appropriate, including further community involvement, in conjunction with the aspirations and views of its community ('local dialogue') and the available resources.

Finally, there are significant lessons that have been learnt through the City's abandoned Precinct Action Planning exercise which need to be applied to the City's involvement in facilitating Network City. A key requirement for the successful implementation of Network City is the need for broad community engagement at a local level, so that the development of spatial plans are not seen as pre-empting the consultation process.

ATTACHMENTS

Attachment 1	City of Joondalup submission on the Network City: Community Planning Strategy for Perth and Peel.
Attachment 2	Network City Figure 1.2: Continuing Dialogue: The Process for putting strategies and actions into practice.

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION

That the Joint Commissioners:

- 1 ENDORSE the City of Joondalup's submission on the Western Australian Planning Commission's draft Network City: community planning strategy for Perth and Peel as shown in attachment 1 to Report CJ339-12/04;
- 2 ADVISES the Minister for Planning and Infrastructure that:
 - The overarching vision, values, objectives and themes of Network City are strongly supported;
 - There are several issues and concerns are raised within the City's submission with respect to the level of detail provided, including the spatial plan that forms an integral part of Network City;
 - The document fails to adequately outline the stakeholder relationships or the mapping of how objectives and actions will be implemented at a local government level;
 - Many of the actions contained within the document will ultimately be implemented through local government in liaison with other key stakeholders, including the local community. Without sufficiently detailed relationship mapping, the implications to local government cannot be adequately determined;
 - Broad community engagement at a local level is needed so that the development of spatial plans is not seen as pre-empting the consultation process;
- 3 ADVISE the Minister for Planning and Infrastructure that the City believes it should be empowered to implement the various actions of Network City as it considers appropriate, including further community involvement, in conjunction with the aspirations and views of its community and available resources;
- 4 FORWARD the City's submission to the Western Australian Planning Commission for its further consideration;
- 5 NOTE that significant financial and human resources will need to be secured from both the State government and Local Government for the successful implementation of Network City;
- 6 ADVISE the Western Australian Planning Commission that further community consultation is required and that a further submission following a Special Electors Meeting to be held in January 2005 will be made on Network City

MOVED Cmr Smith SECONDED Cmr Anderson that the Joint Commissioners:

- 1 **ADOPT the City of Joondalup's submission on the Western Australian Planning Commission's draft Network City: community planning strategy for Perth and Peel as prepared by the administration as the 'in principle' response of the City;**

- 2 ADVISE the Western Australian Planning Commission that further community consultation is required and that a further submission following a Special Electors Meeting to be held in January 2005 will be made on Network City**

The Motion was Put and

CARRIED UNANIMOUSLY (5/0)

Appendix 31 refers

To access this attachment on electronic document, click here: [Attach31brf071204.pdf](#)

In relation to Item CJ340-12/04 – Proposed (94) Multiple Dwellings: Lot 2259 (1) Sunlander Drive, Currambine Revocation of Resolution, Cmr Smith advised her daughter resides in Currambine, however she would deal impartially with this matter.

**CJ340 - 12/04 PROPOSED (94) MULTIPLE DWELLINGS: LOT 2259
(1) SUNLANDER DRIVE, CURRAMBINE
REVOCATION OF RESOLUTION – [51510]**

WARD - North Coastal

PURPOSE

For the Joint Commissioners to revoke the resolution for report CJ296-11/04 for proposed multiple dwellings (94) Lot 2259 (1) Sunlander Drive Currambine considered at the Joint Commissioners Meeting held on 23 November 2004.

EXECUTIVE SUMMARY

The Joint Commissioners at their meeting on 23 November 2004 resolved to approve the above development subject to conditions. In this report an open space variation was not noted. The purpose of this report is to allow the Joint Commissioners to consider this variation.

The proposed variation of open space of 46% in lieu of 60% is considered appropriate as it meets the performance criteria of the Residential Design Codes (R-Codes). It is recommended that Joint Commissioners support this variation and note it in a revised recommendation.

BACKGROUND

Suburb/Location: Lot 2259 (1) Sunlander Drive Currambine
Applicant: Oldfield Knott Architects
Owner: Goldzen Pty Ltd
Zoning: **DPS:** Residential R80
MRS: Urban

DETAILS

A report for the abovementioned development was considered at the meeting of Joint Commissioners held on 23 November 2004. The Joint Commissioners resolved to approve the development. The following variation needs to be included within the revised resolution. The following point J was not considered in the report presented to the Council in November 2004.

Recommendation 2

- (j) *reduced open space of 46% in lieu of 60%*

Statutory Provision:

In considering the subject application, the following clauses of the Residential Design Codes and District Planning Scheme No 2 require consideration:

Residential Design Codes 2.3.4 (2)

Discretion shall be exercised having regard to the following considerations:

- *The stated purpose and aims of the Scheme;*
- *The provisions of Parts 2, 3, and 4 of the Codes, as appropriate;*
- *The Performance Criterion or Criteria in the context of the R-Coding for the locality that correspond to the relevant provision;*
- *The explanatory text of the Codes that corresponds to the relevant provision;*
- *Any Local Planning Strategy incorporated into the Scheme;*
- *A provision of a Local Planning Policy pursuant to the Codes and complying with sub-clause (5) below; and*
- *Orderly and proper planning.*

3.2.1 Set Back of Buildings Generally Performance Criteria

Buildings set back an appropriate distance to ensure they:

- *Contribute to the desired streetscape*
- *Provide adequate privacy and pen space for dwellings*
- *Allow safety clearance for easements for essential service corridors*

3.3.1 Building Set Back from the Boundary Performance Criteria

Buildings set back from boundaries other than street boundaries so as to:

- *Provide adequate direct sun and ventilation to the building*
- *Ensure adequate direct sun and ventilation being available to adjoining properties*
- *Provide adequate direct sun to the building and appurtenant open spaces.*
- *Assist with protection of access to direct sun for adjoining properties.*
- *Assist in ameliorating the impact of the building bulk on adjoining properties.*
- *Assist in protecting privacy between adjoining properties.*

3.4.5 Landscaping Requirements Performance Criteria

All grouped and multiple dwellings communal open space are fully developed with appropriate planning, paving and other landscaping that:

- *Meets the project needs of the residents*
- *Enhances security and safety for residents*
- *Retains significant existing trees; and*
- *Contributes to the streetscape.*

3.5.1 On Site Parking Provision

- *the type, number and size of dwellings*
- *the availability of on street and other off site parking*
- *the location of the proposed development in relation to public transport and other facilities.*

3.5.4 Vehicular Access Performance Criteria

- *Vehicular access provides so as to minimise the number of crossovers, to be safe in use and not detract from the streetscape.*

3.5.5 Pedestrian Access Performance Criteria

Provision of safe and comfortable access for pedestrians between the communal car parking areas or public streets and individual dwellings.

4.1.3 Single Bedroom Dwellings Performance Criteria

- *Dwellings that provide limited accommodation, suitable for one or two persons.*

District Planning Scheme No2

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 in so far 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.*

Consultation:

The application was advertised for a period of 21 days in accordance with the Scheme and for the buildings exceeding the BTE. No submissions were received.

The application was also referred to the Public Transport Authority (PTA) and Main Roads Western Australia (MRWA). The PTA has advised that it has no objections to the proposal, however, the building design should encompass methods that reduce noise transmission from the adjoining railway line and Currambine Station.

Main Roads have advised they have no objections to the proposal subject to their standard conditions.

Policy Implications:

Policy 3.1.9 Height and Scale of Buildings within a Residential Area.

Sustainability Implications:

The proposed development will provide high-density development in close proximity to a major transport node. This will facilitate better use of this transport system in accordance with sustainable development principles. The utilisation of the R80 density code should be supported by the City.

COMMENT

The previous report dated 23 November 2004, reference CJ296-11\04, for the subject development does not note a variation to open space of 46% in lieu of the required 60%. The proposed variation is supported by the City's Officers but as previously advised was not noted in the report.

The R-Codes require a minimum of 60% of the site as open space as an acceptable development standard for development in areas coded R80. The applicant has provided 46%. The applicant has chosen to have the development assessed under the Performance Criteria of the R-Codes.

The Performance Criteria for the Open Space as per the R-Codes is as follows:

- *Sufficient open space around buildings:*
 - *To compliment the building*
 - *To allow for attractive streetscapes*
 - *To suit the future need of residents having regard to the type and density of the dwelling.*

The proposed variation to the open space is supported and meets the Performance Criteria of the R-Codes for the following reasons:

- The open space variation provides a greater amenity to the development due to undercover parking and walkways being provided;
- The buildings proposed do not adversely impact on the surrounding development due the separation between the subject site and surrounding properties;
- The proposed scale of the development is in keeping with development to the R80 density code;
- There is ample open space provided along the street frontages, which provides a landscaped setting for the buildings.

It is recommended that the Joint Commissioners revoke resolution of the report and include the variation to open space of 46% in lieu of 60% in a new recommendation.

ATTACHMENTS

Attachment 1	Location Plan
Attachment 2	Development Plans

VOTING REQUIREMENTS

Absolute Majority

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

1 REVOKE the resolution for Report CJ296 11/04 dated 23 November 2004 viz:

“1 EXERCISE discretion under clauses 2.3.4 of the Residential Design Codes and that:

- (a) Reduced storeroom setbacks to the primary street of nil in lieu of 2.0 metres;***
- (b) Reduced setback of nil between all multiple dwellings;***
- (c) Reduced communal open space of 860m² lieu of 1, 504m²;***

- (d) Reduced side setback of 1.5 metres in lieu of 4.6 metres for units, E8, E10 and E17 to the north-eastern and south eastern lot boundaries;*
 - (e) Plot ratio variation to single person's dwellings of a maximum of 63.8m² in lieu of 60m²;*
 - (f) Variation to the maximum driveway aggregate width of 12m in lieu of a maximum 9.0m;*
 - (g) A visual privacy variation of 1.5m in lieu of 7.5m to the north-eastern lot boundary;*
 - (h) Variation to pedestrian access requirements of one set of stairs serving three units in lieu of 2 units at one level;*
 - (i) Variation to on site parking provision for single persons dwellings;*
- are appropriate in this instance;*
- 2 DETERMINE that a portion of the buildings through the Building Height Envelope is appropriate in this instance;*
- 3 APPROVE the Application for Planning Approval dated 27 April 2004 submitted by Oldfield Knott Architects on behalf of Goldzen Pty Ltd for ninety-four multiple dwellings on Lot 2259 (1) Sunlander Drive, Currambine subject to:*
- (a) All stores shall have a minimum dimension of 1.5 metres and an area of 4m² as required by the Residential Design Codes;*
 - (b) Clothes drying areas shall be provided in accordance with the Residential Design Codes 2002 to the satisfaction of the City;*
 - (c) All uncovered car-parking areas shall be screened landscaped;*
 - (d) Landscaping shall be provided between each six consecutive car parking bays to the satisfaction of the City;*
 - (e) Unroofed visitors' bays are to be screened and landscaped to the satisfaction of the City;*
 - (f) Lighting shall be provided to communal open space, car parking areas and pathways in accordance with the Residential Design Codes 2002 to the satisfaction of the City;*
 - (g) Separate pedestrian paths providing wheelchair access connecting all entries to buildings with the public footpath and car parking areas shall be provided in accordance with the Residential Design Codes 2002 to the satisfaction of the City;*

- (h) Fences and walls to be reduced to 750mm in height or visually truncated where they adjoin vehicular accessways;*
- (i) Visitor car parking areas to be clearly marked and signposted to the satisfaction of the City;*
- (j) Communal accessways to be no closer than 3m to a wall with a major opening unless screened Residential Design Codes 2002 to the satisfaction of the City;*
- (k) Any retaining walls over 500mm are to be the subject of a separate Application for Planning Approval to the satisfaction of the City;*
- (l) Windows and balconies should be screened as appropriate to reduce overlooking into ground floor courtyards and private open space;*
- (m) Access to and from Sunlander Drive to be restricted to left in and left out only;*
- (n) A refuse management plan is required to be submitted for approval indicating number of bins, frequency of servicing and on site management to the satisfaction of the City. Bin stores shall be provided for each block of units in close proximity to such units to the satisfaction of the City;*
- (o) Tandem car parking bays shall be allocated to the same multiple dwelling;*
- (p) Wheel stops are required where bays are perpendicular to other bays;*
- (q) The parking bays, driveways and points of ingress and egress to be designed in accordance with the Australian Standard for Offstreet Carparking (AS2890). Such areas are to be constructed, drained, marked and thereafter maintained to the satisfaction of the City prior to the development first being occupied. These works are to be done as part of the building programme;*
- (r) Disabled car parking bays located convenient to the building entrance and with a minimum width of 3.2 metres, to be provided to the satisfaction of the City. Provision must also be made for disabled access and facilities in accordance with the Australian Standard for Design for Access and Mobility (AS 1428.1);*
- (s) An onsite stormwater drainage system with the capacity to contain a 1:100 year storm of a 24 hour duration is to be provided prior to the development first being occupied and thereafter maintained to the satisfaction of the City. The proposed stormwater drainage system is required to be shown on the Building Licence submission and be approved by the City prior to the commencement of construction;*

- (t) Store doors shall not open out into parking bays;*
- (u) Columns for roof coverings are to be set back 750mm from the front of the bay, and the bay dimension shall be taken from the face of the columns;*
- (v) Disabled bays are to be minimum of 3,200mm wide and require additional reversing space where adjacent to the sliding security gates;*
- (w) A traffic statement being provided from a qualified traffic consultant, which addresses the location and operation of the proposed access onto Sunlander Drive to the satisfaction of the city. Modifications to the existing traffic islands at the applicant cost to the satisfaction of the City may be required;*
- (x) Every residential unit shall be provided with a laundry, toilet, shower and kitchen;*
- (y) The development shall comply with the Health Act 1911 and relevant regulations made thereunder, the City of Joondalup Health Local Laws 1999 and the Sewerage (Lighting, Ventilation and Construction) Regulations 1974;*
- (z) Swimming pool component shall comply with the Health (Swimming Pool) Regulations 1963. The applicant is advised that plans and specifications are required to be submitted to the Executive Director of Public Health for approval prior to construction;*
- (aa) Swimming pool areas shall be provided with a first aid area to the satisfaction of the City;*
- (bb) Communal areas shall comply with the Health (Public Building) Regulations 1992;*
- (cc) Development shall comply with the Building Code of Australia;*
- (dd) Bins stores shall be provided with a concrete floor that grades evenly to an industrial floor waste gully connected to sewer and shall be provided with a hose cock;*
- (ee) Each ground floor unit shall be provided with a courtyard with a minimum dimension of 2 metres and area of 10m², which is suitably defined for the exclusive use of that unit;*
- (ff) Compliance with the requirements of Main Roads Western Australia in regard to the adjoining Primary Regional Road under the Metropolitan Region Scheme;*

- (gg) Access above ground level to all multiple dwellings to be totally protected from the weather;*
- (hh) All dwellings are to be provided with a balcony in accordance with the Residential Design Codes 2002;*
- (ii) Compliance with the requirements of the easements over the property to the satisfaction of the City;*
- (jj) Pedestrian access to be provided separate from vehicular access design in accordance with AS1428.1 2001 and to be barrier free and at least 1.2m in width between the public streets and dwellings;*
- (kk) Building shall incorporate measures to reduce noise transmission from the adjoining railway station;*
- (ll) The lodging of detailed landscaping plans to the satisfaction of the City for the development site with the Building Licence application. For the purpose of this condition a detailed landscaping plans shall be drawn to a scale of 1:100 and show the following:*
 - (i) the location and type of existing and proposed trees and shrubs within the car park area;*
 - (ii) any lawns to be established;*
 - (iii) areas to be reticulated or irrigated;*
 - (iv) compliance with the landscaping requirements of the Residential Design Codes”.*

and replace it with the following resolution outlined in points two to four below.

2 EXERCISE discretion under clauses 2.3.4 of the Residential Design Codes and that:

- (a) reduced storeroom setbacks to the primary street of nil in lieu of 2.0 metres;**
- (b) reduced setback of nil between all multiple dwellings;**
- (c) reduced communal open space of 860m² lieu of 1, 504m²;**
- (d) reduced side setback of 1.5 metres in lieu of 4.6 metres for units E8, E10 and E17 to the north-eastern and south-eastern lot boundaries;**
- (e) plot ratio variation to single person’s dwellings of a maximum of 63.8m² in lieu of 60m²;**
- (f) variation to the maximum driveway aggregate width of 12.0 metres in lieu of a maximum 9.0 metres;**
- (g) a visual privacy variation of 1.5 metres in lieu of 7.5 metres to the north-eastern lot boundary;**
- (h) variation to pedestrian access requirements of one set of stairs serving three units in lieu of 2 units at one level;**
- (i) variation to on site parking provision for single person’s dwellings**
- (j) reduced open space of 46% in lieu of 60%;**

are appropriate in this instance;

- 3 DETERMINE that a portion of the buildings through the Building Height Envelope is appropriate in this instance;**
- 4 APPROVE the application for Planning Approval dated 27 April 2004 submitted by Oldfield Knott Architects on behalf of Goldzen Pty Ltd for ninety-four multiple dwellings on Lot 2259 (1) Sunlander Drive subject to:**
 - (a) All stores shall have a minimum dimension of 1.5 metres and an area of 4m² as required by the Residential Design Codes;**
 - (b) Clothes drying areas shall be provided in accordance with the Residential Design Codes 2002 to the satisfaction of the City;**
 - (c) All uncovered car-parking areas shall be screened landscaped;**
 - (d) Landscaping shall be provided between each six consecutive car parking bays to the satisfaction of the City;**
 - (e) Unroofed visitors' bays are to be screened and landscaped to the satisfaction of the City;**
 - (f) Lighting shall be provided to communal open space, car parking areas and pathways in accordance with the Residential Design Codes 2002 to the satisfaction of the City;**
 - (g) Separate pedestrian paths providing wheelchair access connecting all entries to buildings with the public footpath and car parking areas shall be provided in accordance with the Residential Design Codes 2002 to the satisfaction of the City;**
 - (h) Fences and walls to be reduced to 750mm in height or visually truncated where they adjoin vehicular accessways;**
 - (i) Visitor car parking areas to be clearly marked and signposted to the satisfaction of the City;**
 - (j) Communal accessways to be no closer than 3.0 metres to a wall with a major opening unless screened in accordance Residential Design Codes 2002 to the satisfaction of the City;**
 - (k) Any retaining walls over 500mm are to be the subject of a separate application for planning approval to the satisfaction of the City;**
 - (l) Windows and balconies should be screened as appropriate to reduce overlooking into ground floor courtyards and private open space;**

- (m) Access to and from Sunlander Drive to be restricted to left in and left out only;
- (n) A Refuse Management Plan is required to be submitted for approval indicating number of bins, frequency of servicing and on site management to the satisfaction of the City. Bin stores shall be provided for each block of units in close proximity to such units to the satisfaction of the City;
- (o) Tandem car parking bays shall be allocated to the same multiple dwelling;
- (p) Wheel stops are required where bays are perpendicular to other bays;
- (q) The parking bays, driveways and points of ingress and egress to be designed in accordance with the Australian Standard for off-street carparking (AS2890). Such areas are to be designed constructed, drained, marked and thereafter maintained to the satisfaction of the City prior to the development first being occupied. These works are to be done as part of the building programme;
- (r) Disabled car parking bays located convenient to the building entrance and with a minimum width of 3.2 metres, to be provided to the satisfaction of the City. Provision must also be made for disabled access and facilities in accordance with the Australian Standard for design for access and mobility (AS1428.1);
- (s) An onsite stormwater drainage system with the capacity to contain a 1:100 year storm of a 24 hour duration is to be provided prior to the development first being occupied and thereafter maintained to the satisfaction of the City. The proposed stormwater drainage system is required to be shown on the building licence submission and be approved by the City prior to the commencement of construction;
- (t) Store doors shall not open out into parking bays;
- (u) Columns for roof coverings are to be set back 750mm from the front of the bay and the bay dimension shall be taken from the face of the columns;
- (v) Disabled bays are to be minimum of 3,200mm wide and require additional reversing space where adjacent to the sliding security gates;
- (w) A traffic statement being provided from a qualified traffic consultant, which addresses the location and operation of the proposed access onto Sunlander Drive to the satisfaction of the City. Modifications to the existing traffic islands at the applicant cost to the satisfaction of the City may be required;
- (x) Every residential unit shall be provided with a laundry, toilet, shower and kitchen;

- (y) The development shall comply with the Health Act 1911 and relevant regulations made thereunder, the City of Joondalup health local laws 1999 and the sewerage (lighting, ventilation and construction) regulations 1974;
- (z) Swimming pool component shall comply with the Health (swimming pool) Regulations 1963. The applicant is advised that plans and specifications are required to be submitted to the Executive Director of Public Health for approval prior to construction;
- (aa) Swimming pool areas shall be provided with a first aid area to the satisfaction of the City;
- (bb) Communal areas shall comply with the Health (Public Building) Regulations 1992;
- (cc) Development shall comply with the Building Code of Australia;
- (dd) Bins stores shall be provided with a concrete floor that grades evenly to an industrial floor waste gully connected to sewer and shall be provided with a hose cock;
- (ee) Each ground floor unit shall be provided with a courtyard with a minimum dimension of 2 metres and area of 10m², which is suitably defined for the exclusive use of that unit;
- (ff) Compliance with the requirements of Main Roads Western Australia in regard to the adjoining primary regional road under the metropolitan region scheme;
- (gg) Access above ground level to all multiple dwellings to be totally protected from the weather;
- (hh) All dwellings are to be provided with a balcony in accordance with the Residential Design Codes 2002;
- (ii) Compliance with the requirements of the easements over the property to the satisfaction of the City;
- (jj) Pedestrian access to be provided separate from vehicular access design in accordance with AS1428.1 2001 and to be barrier free and at least 1.2m in width between the public streets and dwellings;
- (kk) Building shall incorporate measures to reduce noise transmission from the adjoining railway station;
- (ll) The lodging of detailed landscaping plans to the satisfaction of the City for the development site with the building licence application. For the purpose of this condition a detailed landscaping plans shall be drawn to a scale of 1:100 and show the following:

- (i) the location and type of existing and proposed trees and shrubs within the car park area;
- (ii) any lawns to be established;
- (iii) areas to be reticulated or irrigated;
- (iv) compliance with the landscaping requirements of the Residential Design Codes.

The Motion was Put and

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

Appendix 33 refers

To access this attachment on electronic document, click here: [Attach33agn141204.pdf](#)

REPORT OF THE ACTING CHIEF EXECUTIVE OFFICER

Acting Chief Executive Officer, Mr Clayton Higham, declared a financial interest in C74-12/04 - Request for funding assistance pursuant to Policy 2.2.8 - Legal Representation for Elected Members and Employees – Acting Chief Executive Officer and Manager Audit and Executive Services as he is an applicant for funds for legal representation.

Manager Audit and Executive Services, Mr Kevin Robinson, declared a financial interest in C74-12/04 - Request for funding assistance pursuant to Policy 2.2.8 - Legal Representation for Elected Members and Employees – Acting Chief Executive Officer and Manager Audit and Executive Services as he is an applicant for funding under Policy 2.2.8.

Acting Chief Executive Officer, Mr Clayton Higham, and Manager Audit and Executive Services, Mr Kevin Robinson, left the Chamber at this point, the time being 2135 hrs.

C74-12/04 REQUEST FOR FUNDING ASSISTANCE PURSUANT TO POLICY 2.2.8 - LEGAL REPRESENTATION FOR ELECTED MEMBERS AND EMPLOYEES – ACTING CHIEF EXECUTIVE OFFICER AND MANAGER AUDIT & EXECUTIVE SERVICES – [72559]

WARD - All

PURPOSE

For the Joint Commissioners to consider the operation of *Policy 2.2.8 Legal Representation for Elected Members and Employees* in respect of funding applications that have been made by two current employees.

EXECUTIVE SUMMARY

The report discusses the application of *Policy 2.2.8 Legal Representation for Elected Members and Employees* in relation to an application for funding by two current employees with regard to the Inquiry. (A copy of *Policy 2.2.8 Legal Representation for Elected Members and Employees* is attached to this report and marked Attachment 1.)

Request for funding pursuant to Policy 2.2.8 has been received from two employees of the City. The recommendation in relation to these applications is for the application for funding be conditionally supported up to \$5,000 for Mr Clayton Higham, Acting Chief Executive Officer and Mr Kevin Robinson, Manager Audit & Executive Services.

BACKGROUND

The Joint Commissioners at the Council Meeting held on 29 June 2004 adopted *Policy 2.2.8 Legal Representation for Elected Members and Employees*.

On 10 September 2003 the Joint Commissioners resolved that: -

- 1 the Joint Commissioners DETERMINE that, notwithstanding Policy 2.2.8 relating to legal representation of elected members and employees in recognition of the special nature of an Inquiry and the duty that the City has to current employees, the City undertakes to provide legal assistance for current employees to the extent that they have acted within the scope of their functions and duties;
- 2 the legal assistance in 1 above is expected to be provided for all employees through the services of one law firm and extends to appearing on behalf of the City at the Inquiry to the extent necessary to assist employees with their evidence if this is necessary and if the Presiding Member of the Inquiry gives permission for this to occur;
- 3 the legal assistance in 1 above is only to be accessed after an employee has signed a declaration to the effect that:
 - (a) he or she has acted in good faith and has not acted unlawfully or in a way that constitutes improper conduct in relation to matters that are the subject of the terms of reference of the Inquiry and;
 - (b) that he or she is aware that the legal assistance will be terminated if it becomes apparent to the Lawyer appointed by the City that he or she has acted improperly outside the scope of their proper functions and duties;
- 4 in addition to the legal assistance provided in 1 above, employees continue to have access to Policy 2.2.8;
- 5 the Human Resources Manager be advised of this determination and provided with an opportunity to withdraw (in writing) his previous application under the Policy if he wishes to do so;

- 6 the Chief Executive Officer be requested to arrange for McLeod's to undertake to provide the legal assistance in 1 above and that this is advised to Counsel Assisting the Inquiry;
- 7 the arrangements and conditions applying to legal assistance to employees is advised to Counsel Assisting the Inquiry with the request that Council Assisting reviews the decision contained in the letter at Attachment 1 to JSC32-09/04 that the officers are not capable of being jointly represented;
- 8 in addition, the co-operation of the Inquiry is sought so that staff can be advised in advance, where this is possible, if questioning is anticipated to relate to the possibility that staff have acted improperly outside the scope of their proper functions and duties so that the staff have the opportunity to make alternative arrangements.

Mr Denis McLeod of the legal firm McLeods subsequently sought and was granted leave on 27 September 2004 to represent three current employees of the City.

DETAILS

Legal Representation for Elected Members and Employees

Section 3.1 of the *LGA 1995*, states that the general function of a local government is to provide for the good governance of persons in the district.

The City should only pay the legal expenses of suspended elected members and employees if the payment can be justified as being for the good government of persons in the City's district.

The City has received two applications for initial funding from two current employees Mr Clayton Higham, Acting Chief Executive Officer and Mr Kevin Robinson, Manager Audit & Executive Services.

1. Application by Mr Kevin Robinson

An application was received on 13 December 2004 for funding for legal representation from Mr Kevin Robinson. (A copy of this letter has been attached to this report and marked Attachment 5). Mr Robinson has advised that his application has resulted from confirmation that his claim under the City's Officer and Councillor Insurance Policy has been conditionally accepted. He has expressed the view that he wishes to appoint Mr Richard Hooker to represent him before the Inquiry. Mr Robinson has been summonsed by the Inquiry and at this stage is required to attend the Inquiry in mid January 2005.

Mr Robinson is concerned at the potential for a conflict of interest emerging if he continues to be represented by McLeods, for example between his own interests and those other employees of the City who may have been or could potentially be called as witnesses. It is his view that if this were to occur it could significantly impact on the level of representation provided and result in further costs being incurred. This possibility was outlined in Mr Staude's advice dated 30 August 2004 with the agreement allowing the three current employees called as witnesses to be represented by the same legal practitioner being seen as a compromise.

The application for legal representation funding conforms to the requirements of subclauses 3.2 and 3.3(a), (b) and (c) of Policy 2.2.8.

In assessing the application, the first payment criterion has been met namely that the legal representation costs relate to a matter that arises from the performance of Mr Robinson's functions as the Manager Audit & Executive Services.

The second criterion requires that the costs be in respect of legal proceedings. As mentioned, the Inquiry comes within the application of Policy 2.2.8.

The third requirement states that an employee must have acted in good faith, and must not have acted unlawfully or in a way that constitutes improper conduct. The assessment of this criterion is difficult as it deals with issues that will be addressed as part of the Inquiry process.

For the purposes of assessing this criterion, Mr Robinson has given an undertaking that he acted in good faith at all times. Furthermore, should an adverse finding be made against him by the Inquiry, clause 7 of the policy allows for the City to reclaim the costs paid to him.

On the discussion above, it is the recommendation that the application for legal funding up to \$5,000 be conditionally approved. The amount is exclusive of GST. Payment will be made either in the form of reimbursement to the employee on presentation of an official tax invoice, or direct payment to the appointed legal firm on presentation of an official tax invoice.

Should an adverse finding be made against Mr Robinson the Policy allows for the City to reclaim the monies it has funded.

It should be noted that to date Mr Robinson has been represented by McLeods in accordance with the Council resolution of 10 September 2004.

As at 15 November 2004 an amount of approximately \$27,000 has been spent by McLeods on advice relating to the Inquiry, including an estimated amount of approximately \$10,000 associated with the representation of the three City officers, Mr Clayton Higham, Mr Mark Loader and Mr Kevin Robinson. Mr Robinson has yet to appear before the Inquiry and has sought only limited specific advice from McLeods in terms of his own representation before the Inquiry.

2. Application by Mr Clayton Higham

An application was received on 13 December 2004 for funding for legal representation from Mr Clayton Higham. (A copy of this letter has been attached to this report and marked Attachment 6). He has expressed the view that it may be necessary to appoint an alternative legal representative to McLeods to represent him before the Inquiry, pending the outcome of his recent insurance claim. Mr Higham has been summonsed by the Inquiry and at this stage is required to attend the Inquiry mid January 2005.

The application for legal representation funding conforms to the requirements of subclauses 3.2 and 3.3(a), (b) and (c) of Policy 2.2.8.

In assessing the application, the first payment criterion has been met namely that the legal representation costs relate to a matter that arises from the performance of Mr Higham's functions as the Director Planning and Community Services.

The second criterion requires that the costs be in respect of legal proceedings. As mentioned, the Inquiry comes within the application of Policy 2.2.8.

The third requirement states that an employee must have acted in good faith, and must not have acted unlawfully or in a way that constitutes improper conduct. The assessment of this criterion is difficult as it deals with issues that will be addressed as part of the Inquiry process. For the purposes of assessing this criterion, Mr Higham has given an undertaking that he acted in good faith at all times. Furthermore, should an adverse finding be made against him by the Inquiry, clause 7 of the policy allows for the City to reclaim the costs paid to him.

On the discussion above, it is the recommendation that the application for legal funding up to \$5,000 be conditionally approved. The amount is exclusive of GST. Payment will be made either in the form of reimbursement to the employee on presentation of an official tax invoice, or direct payment to the appointed legal firm on presentation of an official tax invoice.

Should an adverse finding be made against Mr Higham the Policy allows for the City to reclaim the monies it has funded.

It should be noted that to date Mr Higham has been represented by McLeods in accordance with the Council resolution of 10 September 2004.

As at 15 November 2004 an amount of approximately \$27,000 has been spent by McLeods on advice relating to the Inquiry, including an estimated amount of approximately \$10,000 associated with the representation of the three City officers, Mr Clayton Higham, Mr Mark Loader and Mr Kevin Robinson. Mr Higham has yet to appear before the Inquiry and has sought only limited specific advice from McLeods in terms of his own representation before the Inquiry.

Policy of Insurance

Mr Higham and Mr Robinson have recently been advised that their applications under the City's Officer and Councillor Insurance Policy have been conditionally accepted. The policy covers the period from 30 June 2002 to 30 June 2005, has a limit of indemnity of \$2 million (per claim and in the aggregate) and a costs inclusive excess of \$5,000 per claim.

The indemnity to Mr Robinson is extended pursuant to Extension 3(b) of the Policy subject to the terms and conditions of the Policy and on the facts and circumstances presently known. The grant is subject to payment of \$5,000 excess per claim and to the following conditions:

1. The itemised accounts are sent to ACE within a week of being rendered by the lawyer to the Insured.
2. ACE is at liberty to direct the Insured to query any lawyer's accounts and to ask the lawyer for any accounts to be faxed.
3. ACE reserves the right to ask for funds advanced to be repaid by the Insured if:
 - 3.1 it turns out that the Inquiry does not involve an allegation that the Insured committed a Wrongful Act; or
 - 3.2 the Wrongful Act was not committed in the Insured's capacity as an Insured (that is, acting properly in his or her capacity as a Councillor or an employee); or
 - 3.3 the allegation was first made against the Insured before 30 June 2002.

The City is seeking clarification from the insurer in relation to any opportunity for retrospective payments and clarification in respect of some of the conditions attached to the acceptance of the policy, particularly in relation to repayments. The Policy has a \$5,000 excess per claim that needs to be met by individual applicants.

The indemnity to Mr Higham is extended pursuant to Extension 3(b) of the Policy subject to the terms and conditions of the Policy and on the facts and circumstances presently known. Indemnity has not been extended to Mr Higham for legal representation that relates to the allegations arising from the selection and employment of Denis Smith. The acts the subject of these allegations, and the allegations, pre-date the ACE policy inception of 30 June 2002.

The grant is subject to payment of \$5,000 excess per claim and to the following conditions:

1. The itemised accounts are sent to ACE within a week of being rendered by the lawyer to the Insured.
2. ACE is at liberty to direct the Insured to query any lawyer's accounts and to ask the lawyer for any accounts to be faxed.
3. ACE reserves the right to ask for funds advanced to be repaid by the Insured if:
 - 3.1 it turns out that the Inquiry does not involve an allegation that the Insured committed a Wrongful Act; or
 - 3.2 the Wrongful Act was not committed in the Insured's capacity as an Insured (that is, acting properly in his or her capacity as a Councillor or an employee); or
 - 3.3 the allegation was first made against the Insured before 30 June 2002.

The indemnity provided in respect of the suspended Councillors and current employees has the potential to significantly reduce the City's exposure to significant legal costs associated with legal representation before the Inquiry.

Statutory Provision:

The Policy does apply to the Inquiry, indeed expressly stating under the definition of 'Legal Proceedings' that these may be civil, criminal or investigative (including an inquiry under any written law). This reference to any written law applies equally to the creation of inquiry bodies made pursuant to the *Local Government Act 1995* and the *Royal Commissions Act 1968*.

Policy Implications:

Policy 2.2.8 – Legal Representation for Elected Members and Employees.

Financial Implications:

An amount of \$500,000 has been allocated in the 2004/2005 Budget to meet the expenses associated with the Inquiry. An amount of \$67,500 has already been approved by the Joint Commissioners in response to 15 applications for legal funding that have been received.

ATTACHMENTS

Attachment 1 - *Policy No 2.2.8 - Legal Representation for Elected Members and Employees.*

Attachment 2 – Request for Legal Assistance made by Mr Kevin Robinson

Attachment 3 – Request for Legal Assistance made by Mr Clayton Higham

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMENDATION

That the Joint Commissioners:

- 1 in accordance with Policy 2.2.8 – Legal Representation for Elected Members and Employees APPROVE the request for assistance for legal funding made by:
 - (a) Kevin Robinson for the Inquiry into the City of Joondalup for the amount of \$5,000;
 - (b) Clayton Higham for the Inquiry into the City of Joondalup for the amount of \$5,000.
- 2 NOTE that the funding in (1) (a) and (b) is conditional on Mr Robinson and Mr Higham in accordance with clause 3.3 (a), (b) and (c) of Policy 2.2.8 supplying to the City a signed statement that they have each:
 - (a) read, and understood the terms of this Policy;
 - (b) acknowledges that any approval of Legal Representation Costs is conditional on the repayment provisions of clause 7 and any other conditions to which the approval is subject;
 - (c) undertakes to repay to the City any Legal Representation Costs in accordance with the provisions of clause 7; and
 - (d) has to the best of their knowledge acted in good faith, not acted unlawfully or in any way that constitutes improper conduct in relation to the matter to which the application relates.
- 3 CHARGE the expenditure in 1 above to the City of Joondalup Inquiry Account.

MOVED Cmr Clough SECONDED Cmr Smith that the Joint Commissioners:

- 1 in accordance with Policy 2.2.8 – Legal Representation for Elected Members and Employees APPROVE the request for assistance for legal funding made by:**
 - (a) Kevin Robinson for the Inquiry into the City of Joondalup for the amount of \$5,000;**
 - (b) Clayton Higham for the Inquiry into the City of Joondalup for the amount of \$5,000.**
- 2 NOTE that the funding in (1) (a) and (b) is conditional on Mr Robinson and Mr Higham in accordance with clause 3.3 (a), (b) and (c) of Policy 2.2.8 supplying to the City a signed statement that they have each:**
 - (a) read, and understood the terms of this Policy;**
 - (b) acknowledges that any approval of Legal Representation Costs is conditional on the repayment provisions of clause 7 and any other conditions to which the approval is subject;**
 - (c) undertakes to repay to the City any Legal Representation Costs in accordance with the provisions of clause 7; and**
 - (d) has to the best of their knowledge acted in good faith, not acted unlawfully or in any way that constitutes improper conduct in relation to the matter to which the application relates.**
- 3 CHARGE the expenditure in 1 above to the City of Joondalup Inquiry Account;**
- 4 REQUEST the Director Corporate Services and Resource Management to provide a report to the next meeting of Council on:**
 - (a) the management of legal advice to the City in relation to the Inquiry;**
 - (b) any possible conflict in relation to the engagement of Mr McLeod by Mr Clayton Higham.**

Cmr Clough spoke in support of the motion.

The Motion was Put and

CARRIED UNANIMOUSLY (5/0)

Appendix 36 refers

To access this attachment on electronic document, click here: [Attach36min141204.pdf](#)

Acting Chief Executive Officer, Mr Clayton Higham, and Manager Audit and Executive Services, Mr Kevin Robinson, entered the Chamber at this point, the time being 2140 hrs.

**C75-12/04 REQUEST FOR FUTHER FUNDING ASSISTANCE
PURSUANT TO POLICY 2.2.8 - LEGAL
REPRESENTATION FOR ELECTED MEMBERS AND
EMPLOYEES – ELECTED MEMBERS (SUSPENDED) –
[72559]**

WARD - All

PURPOSE

For the Joint Commissioners to consider the operation of *Policy 2.2.8 Legal Representation for Elected Members and Employees* in respect of funding that has been made by three suspended elected members.

EXECUTIVE SUMMARY

The report discusses the application of *Policy 2.2.8 Legal Representation for Elected Members and Employees* in relation to an application for additional funding by three suspended elected members with regard to the Inquiry. (A copy of *Policy 2.2.8 Legal Representation for Elected Members and Employees* is attached to this report and marked Attachment 1.)

Request for additional funding pursuant to Policy 2.2.8 has been received from three suspended elected members. The recommendation in relation to these applications is for the applications for additional funding be conditionally supported up to a further \$7457.43 for Cr Carol Mackintosh (suspended), \$2,392.42 for Cr Paul Kimber (suspended) and \$7,447.43 for Cr Michael O'Brien (suspended).

BACKGROUND

The Joint Commissioners at the Council Meeting held on 29 June 2004 adopted *Policy 2.2.8 Legal Representation for Elected Members and Employees*.

On 20 July 2004, the Joint Commissioners approved funding for suspended and former Elected Members, and a former employee. Applications for legal representation from Cr Mackintosh (suspended), Cr Kimber (suspended) and Cr O'Brien (suspended) were considered and granted at that meeting.

On 24 September 2004, the Joint Commissioners considered and granted further funding of \$2,500 each for Cr Mackintosh (suspended), Cr Kimber (suspended) and Cr O'Brien (suspended).

DETAILS

Legal Representation for Elected Members and Employees

Section 3.1 of the *LGA 1995*, states that the general function of a local government is to provide for the good governance of persons in the district.

The City should only pay the legal expenses of suspended elected members and employees if the payment can be justified as being for the good government of persons in the City's district.

The City has received three applications for additional funding from Cr Mackintosh (suspended), Cr Kimber (suspended) and Cr O'Brien (suspended).

In terms of payment criteria, the same conditions apply to an application for additional funding as would apply to an application for initial legal representation costs. These are that the legal representation costs must relate to a matter that arises from the performance of the suspended elected members' functions, the costs must be in respect of legal proceedings that have been or may be commenced, and in performing the functions to which the legal representation relates, the suspended elected member must have acted in good faith, and must not have acted unlawfully or in a way that constitutes improper conduct.

1. Application by Cr Mackintosh (Suspended)

An application was received on 10 December 2004 for additional funding for legal representation from Cr Mackintosh (suspended). A further application was received on 13 December 2004. (A copy of these letters have been attached to this report and marked Attachment 2.) Cr Mackintosh (suspended) has on two previous occasions applied for legal representation funding, and was awarded \$5,000 and \$2,500 respectively. She has requested additional funding of \$7,457.43 excluding GST. She has advised that this additional money represents representation and preparation of documents by her appointed legal representatives. At this stage, Cr Mackintosh (suspended) has been advised that she is required to attend the hearing in February 2004, although no exact date has been set as yet.

The application meets the requirements of clause 3.2 and 3.3(a) of the Policy.

In assessing the application, the first payment criterion has been met namely that the legal representation costs relate to a matter that arises from the performance of Cr Mackintosh's (suspended) function as an elected member of the City.

The second criterion requires that the costs be in respect of legal proceedings. The Inquiry comes within the application of Policy 2.2.8.

The third requirement states that the elected member must have acted in good faith, and must not have acted unlawfully or in a way that constitutes improper conduct. As mentioned in previous reports to the Joint Commissioners, the assessment of this criterion is difficult as it deals with issues that will be addressed as part of the Inquiry process. For the purposes of assessing this criterion, Cr Mackintosh (suspended) has given an undertaking that she acted in good faith at all times.

Under clause 4 of the Policy, an elected member or employee may make a further application to the Council in respect of the same matter. The application for additional funding therefore comes within the parameters of the Policy.

However, the Joint Commissioners should be mindful of the fact that the applications for additional funding currently before them are likely not to be the last and that other elected members, former and suspended, and former employees may request additional funding. In this situation, it appears prudent that a financial limit pursuant to clause 5.1(c) of the Policy be implemented. This clause enables Council to grant an application for payment of legal representation costs subject to conditions, including a financial limit. Some aspect of reasonableness should be placed on additional funding to ensure that legal representation is reasonable in the circumstances, comparable with other applicants pursuant to the Policy, and prevent the possibility of applicants being in a potentially detrimental situation whereby they find themselves required to reimburse the City for large legal fees pursuant to clause 5.7 of the Policy should an adverse finding be made against them. Funding for Cr Mackintosh (suspended) of up to \$14,957.43 will have been authorised if the Joint Commissioners approve her current application

It is recommended that the application for additional legal funding up to \$7,457.43 be conditionally approved. It should be noted that these expenses have already been incurred by Cr Mackintosh (suspended).

As with previous applications pursuant to the Policy, legal representation funding is exclusive of GST. Payment will be made either in the form of reimbursement to the suspended elected member on presentation of an official tax invoice, or direct payment to the appointed legal firm on presentation of an official tax invoice.

Should an adverse finding be made against Cr Mackintosh (suspended) the Policy allows for the City to reclaim the monies it has funded.

In accordance with Clause 5.2 of Policy 2.2.8, it is considered appropriate that given the level of funding provided by the City, that Cr Mackintosh (suspended) be required to enter into a security agreement in the form of a bank guarantee or other arrangement to the satisfaction of the Acting Chief Executive relating to the repayment of her legal representation costs in excess of \$7,500.

2. Application by Cr Kimber (Suspended)

An application was received on 13 December 2004 for additional funding for legal representation from Cr Kimber (suspended). (A copy of this letters has been attached to this report and marked Attachment 3.) Cr Kimber (suspended) has applied for legal representation funding on two previous occasions, and was awarded \$5,000 and \$2,500 respectively. He has requested additional funding of \$2,392.42 excluding GST. He has advised that this additional money represents representation and preparation of documents by his appointed legal representatives. At this stage, Cr Kimber (suspended) has been advised that he is required to attend the hearing in February 2004, although no exact date has been set as yet.

The application meets the requirements of clause 3.2 and 3.3(a) of the Policy.

In assessing the application, the first payment criterion has been met namely that the legal representation costs relate to a matter that arises from the performance of Cr Kimber's (suspended) function as an elected member of the City.

The second criterion requires that the costs be in respect of legal proceedings. The Inquiry comes within the application of Policy 2.2.8.

The third requirement states that the elected member must have acted in good faith, and must not have acted unlawfully or in a way that constitutes improper conduct. As mentioned in previous reports to the Joint Commissioners, the assessment of this criterion is difficult as it deals with issues that will be addressed as part of the Inquiry process. For the purposes of assessing this criterion, Cr Kimber (suspended) has given an undertaking that he acted in good faith at all times.

Under clause 4 of the Policy, an elected member or employee may make a further application to the Council in respect of the same matter. The application for additional funding therefore comes within the parameters of the Policy.

However, the Joint Commissioners should be mindful of the fact that the applications for additional funding currently before them are likely not to be the last and that other elected members, former and suspended, and former employees may request additional funding. In this situation, it appears prudent that a financial limit pursuant to clause 5.1(c) of the Policy be implemented. This clause enables Council to grant an application for payment of legal representation costs subject to conditions, including a financial limit. Some aspect of reasonableness should be placed on additional funding to ensure that legal representation is reasonable in the circumstances, comparable with other applicants pursuant to the Policy, and prevent the possibility of applicants being in a potentially detrimental situation whereby they find themselves required to reimburse the City for large legal fees pursuant to clause 5.7 of the Policy should an adverse finding be made against them. Funding for Cr Kimber (suspended) of up to \$9,892.42 will have been authorised if the Joint Commissioners approve his current application.

It is recommended that the application for additional legal funding up to \$2,392.42 be conditionally approved. It should be noted that these expenses have already been incurred by Cr Kimber (suspended).

As with previous applications pursuant to the Policy, legal representation funding is exclusive of GST. Payment will be made either in the form of reimbursement to the suspended elected member on presentation of an official tax invoice, or direct payment to the appointed legal firm on presentation of an official tax invoice.

Should an adverse finding be made against Cr Kimber (suspended) the Policy allows for the City to reclaim the monies it has funded.

In accordance with Clause 5.2 of Policy 2.2.8, it is considered appropriate that given the level of funding provided by the City, that Cr Kimber (suspended) be required to enter into a security agreement in the form of a bank guarantee or other arrangement to the satisfaction of the Acting Chief Executive relating to the repayment of his legal representation costs in excess of \$7,500.

3. *Application by Cr O'Brien (Suspended)*

An application was received on 11 December 2004 for additional funding for legal representation from Cr O'Brien (suspended). A further application was received on 13 December 2004. (A copy of these letters have been attached to this report and marked Attachment 4.) Cr O'Brien (suspended) has applied for legal representation funding on two previous occasions, and was awarded \$5,000 and \$2,500 respectively. He has requested additional funding of \$7,447.43 excluding GST.

He has advised that this additional money represents representation and preparation of documents by his appointed legal representatives. At this stage, Cr O'Brien (suspended) has been advised that he is required to attend the hearing in February 2004, although no exact date has been set as yet.

The application meets the requirements of clause 3.2 and 3.3(a) of the Policy.

In assessing the application, the first payment criterion has been met namely that the legal representation costs relate to a matter that arises from the performance of Cr O'Brien's (suspended) function as an elected member of the City.

The second criterion requires that the costs be in respect of legal proceedings. The Inquiry comes within the application of Policy 2.2.8.

The third requirement states that the elected member must have acted in good faith, and must not have acted unlawfully or in a way that constitutes improper conduct. As mentioned in previous reports to the Joint Commissioners, the assessment of this criterion is difficult as it deals with issues that will be addressed as part of the Inquiry process. For the purposes of assessing this criterion, Cr O'Brien (suspended) has given an undertaking that he acted in good faith at all times. Furthermore, should an adverse finding be made against him by the Inquiry, clause 7 of the policy allows for the City to reclaim the funds paid.

Under clause 4 of the Policy, an elected member or employee may make a further application to the Council in respect of the same matter. The application for additional funding therefore comes within the parameters of the Policy.

However, the Joint Commissioners should be mindful of the fact that the applications for additional funding currently before them are likely not to be the last and that other elected members, former and suspended, and former employees may request additional funding. In this situation, it appears prudent that a financial limit pursuant to clause 5.1(c) of the Policy be implemented. This clause enables Council to grant an application for payment of legal representation costs subject to conditions, including a financial limit. Some aspect of reasonableness should be placed on additional funding to ensure that legal representation is reasonable in the circumstances, comparable with other applicants pursuant to the Policy, and prevent the possibility of applicants being in a potentially detrimental situation whereby they find themselves required to reimburse the City for large legal fees pursuant to clause 5.7 of the Policy should an adverse finding be made against them. Funding for Cr O'Brien (suspended) of up to \$14,947.43 will have been authorised if the Joint Commissioners approve his current application.

It is conditionally recommended that the application for additional legal funding up to \$7,447.43 be approved. It should be noted that these expenses have already been incurred by Cr O'Brien (suspended).

As with previous applications pursuant to the Policy, legal representation funding is exclusive of GST. Payment will be made either in the form of reimbursement to the suspended elected member on presentation of an official tax invoice, or direct payment to the appointed legal firm on presentation of an official tax invoice.

Should an adverse finding be made against Cr O'Brien (suspended) the Policy allows for the City to reclaim the monies it has funded.

In accordance with Clause 5.2 of Policy 2.2.8, it is considered appropriate that given the level of funding provided by the City, that Cr O'Brien (suspended) be required to enter into a security agreement in the form of a bank guarantee or other arrangement to the satisfaction of the Acting Chief Executive relating to the repayment of his legal representation costs in excess of \$7,500.

Policy of Insurance

Cr Mackintosh (suspended) and Cr O'Brien (suspended) have recently been advised that their applications under the City's Officer and Councillor Insurance Policy have been conditionally accepted. The policy covers the period from 30 June 2002 to 30 June 2005, has a limit of indemnity of \$2 million (per claim and in the aggregate) and a costs inclusive excess of \$5,000 per claim.

The indemnity to Cr Mackintosh (suspended) and Cr O'Brien (suspended) is extended pursuant to Extension 3(b) of the Policy subject to the terms and conditions of the Policy and on the facts and circumstances presently known. The grant is subject to payment of \$5,000 excess per claim and to the following conditions:

1. The itemised accounts are sent to ACE within a week of being rendered by the lawyer to the Insured.
2. ACE is at liberty to direct the Insured to query any lawyer's accounts and to ask the lawyer for any accounts to be faxed.
3. ACE reserves the right to ask for funds advanced to be repaid by the Insured if:
 - 3.1 it turns out that the Inquiry does not involve an allegation that the Insured committed a Wrongful Act; or
 - 3.2 the Wrongful Act was not committed in the Insured's capacity as an Insured (that is, acting properly in his or her capacity as a Councillor or an employee); or
 - 3.3 the allegation was first made against the Insured before 30 June 2002.

The City is seeking clarification from the insurer in relation to any opportunity for retrospective payments and clarification in respect of some of the conditions attached to the acceptance of the policy, particularly in relation to repayments. Given the possibility of some costs being repaid it is considered appropriate that Cr Mackintosh (suspended), Cr Kimber (suspended) and Cr O'Brien's (suspended) payments be made conditional to them agreeing to repay all funds received from the City insurer in respect of legal expenses incurred to date and

funded by the City in excess of \$5,000. The Policy has a \$5,000 excess per claim that needs to be met by individual applicants.

The indemnity provided in respect of the suspended Councillors and current employees has the potential to significantly reduce the City's exposure to significant legal costs associated with legal representation before the Inquiry.

Statutory Provision:

The Policy does apply to the Inquiry, indeed expressly stating under the definition of 'Legal Proceedings' that these may be civil, criminal or investigative (including an inquiry under any written law). This reference to any written law applies equally to the creation of inquiry bodies made pursuant to the *Local Government Act 1995* and the *Royal Commissions Act 1968*.

Policy Implications:

Policy 2.2.8 – Legal Representation for Elected Members and Employees.

Financial Implications:

An amount of \$500,000 has been allocated in the 2004/2005 Budget to meet the expenses associated with the Inquiry. An amount of \$67,500 has already been approved by the Joint Commissioners in response to 15 applications for legal funding that have been received.

ATTACHMENTS

- | | |
|--------------|--|
| Attachment 1 | Policy No 2.2.8 - Legal Representation for Elected Members and Employees. |
| Attachment 2 | Request for Additional Legal Assistance made by Cr Mackintosh (suspended). |
| Attachment 3 | Request for Additional Legal Assistance made by Cr Kimber (suspended). |
| Attachment 4 | Request for Additional Legal Assistance made by Cr O'Brien (suspended). |

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION

That the Joint Commissioners:

- 1 in accordance with Policy 2.2.8 – Legal Representation for Elected Members and Employees APPROVE the request for assistance for legal funding made by-
 - (a) Cr Mackintosh (suspended) for the Inquiry into the City of Joondalup for the additional amount of \$7,457.43;
 - (b) Cr Kimber (suspended) for the Inquiry into the City of Joondalup for the additional amount of \$2,392.42;

- (c) Cr O'Brien (suspended) for the Inquiry into the City of Joondalup for the additional amount of \$7,447.43;
- 2 NOTE that funding in (1) (a), (b) and (c) above is conditional on Cr Mackintosh (suspended), Cr Kimber (suspended) and Cr O'Brien (suspended), in accordance with:
- (a) Clause 3.3(a), (b) and (c) of Policy 2.2.8 supplying to the City, a signed statement that they have each:
 - (i) read, and understood the terms of this Policy;
 - (ii) acknowledges that any approval of Legal Representation Costs is conditional on the repayment provisions of clause 7 and any other conditions to which the approval is subject;
 - (iii) undertakes to repay to the City any Legal Representation Costs in accordance with the provisions of clause 7; and
 - (iv) has to the best of their knowledge acted in good faith, not acted unlawfully or in any way that constitutes improper conduct in relation to the matter to which the application relates;
 - (b) clause 5.2 of Policy 2.2.8 entering into a security agreement in the form of a bank guarantee or other arrangement to the satisfaction of the Acting CEO relating to the repayment of their legal representation costs in excess of \$7,500.
 - (c) clause 5.3 of Policy 2.2.8 and agreeing to repay all funds received from the insurer in respect of legal expenses incurred to date and funded by the City in excess of \$5,000.
- 3 CHARGE the expenditure in 1 above to the City of Joondalup Inquiry account.

MOVED Cmr Clough SECONDED Cmr Smith that the Joint Commissioners REFUSE the requests for assistance for legal funding made by:

- 1 Cr Mackintosh (suspended) for the Inquiry into the City of Joondalup for the additional amount of \$7,457.43;**
- 2 Cr Kimber (suspended) for the Inquiry into the City of Joondalup for the additional amount of \$2,392.42;**
- 3 Cr O'Brien (suspended) for the Inquiry into the City of Joondalup for the additional amount of \$7,447.43;**

at this time, with the requests to be reconsidered following the completion of the Inquiry.

Cmr Smith requested that the minutes note that she had seconded this motion pro forma.

Cmr Clough spoke in support of the Motion.

In accordance with Clause 4.2.4 of the City's Standing Orders Local Law, the consent of the meeting was given to the request of Cmr Smith that her seconding of the Motion be

WITHDRAWN

MOVED Cmr Clough SECONDED Cmr Anderson that the Joint Commissioners REFUSE the requests for assistance for legal funding made by:

- 1 Cr Mackintosh (suspended) for the Inquiry into the City of Joondalup for the additional amount of \$7,457.43;**
- 2 Cr Kimber (suspended) for the Inquiry into the City of Joondalup for the additional amount of \$2,392.42;**
- 3 Cr O'Brien (suspended) for the Inquiry into the City of Joondalup for the additional amount of \$7,447.43;**

at this time, with the requests to be reconsidered following the completion of the Inquiry.

Cmr Clough stated that this was a matter dealing with precedence in relation to the policy, and raised a query as to whether it was appropriate for Mr Higham and Mr Robinson, as applicants under the policy, to remain in the Chamber during discussion on this matter. Mr Robinson stated he did not consider he had a conflict of interest in this issue.

Discussion ensued.

This Motion was

NOT PURSUED

MOVED Cmr Fox SECONDED Cmr Anderson that consideration of the requests for assistance for legal funding made by:

- 1 Cr Mackintosh (suspended) for the Inquiry into the City of Joondalup for the additional amount of \$7,457.43;**
- 2 Cr Kimber (suspended) for the Inquiry into the City of Joondalup for the additional amount of \$2,392.42;**
- 3 Cr O'Brien (suspended) for the Inquiry into the City of Joondalup for the additional amount of \$7,447.43;**

be DEFERRED until the meeting of Joint Commissioners to be held on 22 February 2005.

The Motion was Put and

CARRIED UNANIMOUSLY (5/0)

Appendix 37 refers

To access this attachment on electronic document, click here: [Attach37min141204.pdf](#)

MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

DATE OF NEXT MEETING

The next meeting of the Joint Commissioners has been scheduled for **7.00 pm** on **TUESDAY, 22 FEBRUARY 2005** 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 2205 hrs; the following Commissioners being present at that time:

CMR J PATERSON
CMR P CLOUGH
CMR M ANDERSON
CMR A FOX
CMR S SMITH