



**MINUTES OF COUNCIL MEETING
HELD ON 26 APRIL 2005**

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CITY OF JOONDALUP

MINUTES OF COUNCIL MEETING HELD IN COUNCIL CHAMBER,
JOONDALUP CIVIC CENTRE, BOAS AVENUE, JOONDALUP, ON TUESDAY,
26 APRIL 2005

OPEN AND WELCOME

The Chairman declared the meeting open at 1900 hrs.

ATTENDANCES

CMR J PATERSON - Chairman
CMR P CLOUGH – Deputy Chairman *Absent from 2005 hrs to 2007 hrs*
CMR M ANDERSON
CMR S SMITH *Absent from 1933 hrs to 1934 hrs*
CMR A FOX

Officers:

Chief Executive Officer	G HUNT
Director, Planning & Community Development:	C HIGHAM
Director, Corporate Services and Resource Management:	P SCHNEIDER
Director, Infrastructure & Operations: Manager, Marketing Communications & Council Support:	D DJULBIC
Manager, Approvals Planning and Environmental Services:	M SMITH
Media Advisor:	C TERELINCK
Committee Clerk:	L BRENNAN
Minute Clerk:	J HARRISON
	L TAYLOR

There were 45 members of the Public and 1 member of the Press in attendance.

PUBLIC QUESTION TIME

The following questions, submitted by Mr D Davies, Connolly, were taken on notice at the Council meeting held on 5 April 2005:

Q1 I refer to my question No 4 submitted to the Council meeting on 14 December 2004. The question relates to the legal expenses incurred by the City and the CEO issue and the McIntyre Inquiry. As provided by Council at the meeting of 22 February 2005 states inter alia: "A response will be provided as soon as is possible." As 16 weeks have now elapsed since my original question, will Council advise when my question will be answered?

A1 The response to this question is as follows:

(a)	Kott Gunning	\$1,113.50
(b)	Freehills	\$33,956.05
(c)	Blake Dawson Waldron	\$58,578.10
(d)	Minter Ellison	\$361,445.45
(e)	McLeod and Co	\$40,837.68
(f)	Fiocco's Lawyers	\$120,880.73
(g)	Tom Dixon	\$5,993.80
(h)	K M Pettit	\$15,272.73
(i)	Watts & Woodhouse	\$737.50
	Total	\$638,815.04

Q2 Will Council please have the following supplementary list of legal services provided to my original question?

A2 The amounts shown below are to 31 March 2005 and all exclude GST:

(a)	Watts Woodhouse	See A1 above.
(b)	Philips Fox	\$9,369.50
(c)	Dixon and Dixon	See A1 above.
(d)	Lloyd and Associates	\$9,772.72
(e)	Baker and Associates	Nil
(f)	Mr Bates	Nil
(g)	Mr Davies	\$5,000 has been paid to Blake Dawson Waldron for the representation of Mr Smith as per policy 2.2.8

(h)	Mr Hooker	\$5,000
(i)	Mr Birmingham	\$12,727.36
(j)	Mr Yates	Nil
(k)	Mr Power	See answer 2(g)
(l)	Mr Harding	\$432.51
(m)	Mr Petite	See A1 above.

The following questions, submitted by Mr M Caiacob, Mullaloo, were taken on notice at the Council meeting held on 5 April 2005:

Re: CSIRO Site:

Q1 Commissioners Clough and Fox were apologies to the Special Electors Meeting regarding Network City and the CEO was not appointed at that date, this informative question is for all Commissioners and yourselves in particular.

The former Council of the City of Joondalup passed by way of a motion, C79-06/02, motion C81-06/02 and motions in Minutes of Meeting of Council of 11 June 2002, Page 158, 159, 161 and 163 lawful decisions that direct the City to the due process, comprehensive not minimal consultation requirements, not considering concept plans unless demonstrably supported, maintaining suburban zoning status quo, substantial community value placed upon reserves, etc. These decisions have not been revoked.

As these relate to planning issues, why doesn't the report to Council highlight these lawful decisions of Council in the interests of unbiasedly fully informing the Commissioners and in respect of the ratepayers' elected representatives previous lawful decisions?

A1 The Council adopted the following resolutions at its meeting on 11 June 2002:

- “1 hereby forthwith abandons the current Precinct Action Planning concepts for the suburbs of Warwick, Greenwood, Kingsley and Woodvale in its entirety;
- 2 establishes a comprehensive community consultation process for any future precinct planning for any suburb in the City of Joondalup before releasing any precinct action plan papers;
- 3 not consider any changes proposed by any future concept plan or discussion paper to the status quo of any suburb unless there is clear and demonstrable community support following a full, informative and comprehensive community consultation process in any suburb likely to be affected by any such plan;
- 4 agrees to consider all the decisions made at the recent Special Meetings of Electors held in Greenwood and Kingsley on 7 and 11 February 2002 respectively at its ordinary meeting scheduled to be held on 26 February 2002 at the Council Chambers, Joondalup;

- 5 endorses the Mayor's views as reported in last Saturday's 9 February 2002 edition of The West Australian newspaper that in respect of the Kingsley, Greenwood, Warwick and Woodvale draft precinct concept plans "these ideas which staff had put forward will not be going ahead in any way, shape or form."

The above resolutions were adopted in respect to the precinct planning initiative undertaken by the Council in 2002. Whilst previous Council resolutions have been made pertaining to many of the City's planning activities, the Council is by law required to consider any proposal to amend the District Planning Scheme No 2 (DPS2) and to provide a recommendation either of support or non-support for the proposal to the Minister for Planning and Infrastructure for the Minister's determination.

- Q2 What were the reasons for the City's Planning Department and Councillors being invited to the CSIRO site prior to the CSIRO sell off of the land, when there was no planning application proposed or received by the City and no intention of the CSIRO lodging any such application?*
- A2 The CSIRO invited Council representatives to the site to be appraised of its intention to dispose of the land.
- Q3 Who paid for the staff time on this site visit, the CSIRO, the Satterley Group or associate, or the ratepayer?*
- A3 Onsite meetings are regularly attended by staff at the request of community members. Such activities form a normal part of the operations of Council's business.
- Q4 What was the cost to have two planners attend this site for a minimum of two hours excluding arrangement making and what professional service or advice was given during or after this site visit?*
- A4 The Council does not keep records of staff time in terms of unit cost for work of this nature. The meeting was for CSIRO to provide information about its intentions to dispose of the land and to tour the condition of the existing buildings.
- Q5 Is it ethical for a City employee to embrace a developer in full view of the public, following discussions relating to that developer's planning application?*
- A5 This question was raised at the Council meeting held on 5 April 2005, to which the CEO replied that he is not into hugging people in his professional capacity and he does not expect any of the staff would either.
- Q6 Is it ethical for a Commissioner and City employee to wave goodbye to a developer in view of the public following discussions relating to that developer's planning application?*
- A6 This would be considered to be a gesture of courtesy.

Q7 Has the City or its staff provided any written, verbal or implied pre-approval to the applicant either prior to or following a lodgement of an application?

A7 No.

Q8 Could I please be specifically directed to those parts of the report to Council that deal with un-reserving a Local Reserve other than public submissions?

A8 The purpose of the Council report was for the Council to consider the change of zoning of the reserve. This is the fundamental issue in the report, and is discussed in detail.

Q9 Have or did all Commissioners read the public submissions prior to making a decision in the best interest of the Community? Note that as of 8 March 2005 admission was made that there was not enough time to read any submissions and submissions closed on 15 December 2004?

Q10 Have all Commissioners read the legal brief and advice in full and did that brief and advice relate to the question that was asked of the City?

A9-10 The Commissioners were provided with all the necessary information to enable them to make a decision.

Q11 What 5AA strategies of the State Government were taken into account by the City in making the recommendation to the Commissioners and where in the report are these addressed?

A11 All relevant 5AA and other WAPC policies and strategies will be taken into account by the WAPC in providing its recommendation to the Minister for Planning and Infrastructure.

The following question, submitted by Ms S Hart, Greenwood, was taken on notice at the Council meeting held on 5 April 2005:

Q1 Are Commissioners aware that good governance will never be restored to the City of Joondalup until you start answering our questions honestly and openly?

A1 All questions asked of the Council are responded to as accurately as to the degree of information available and done so in a very timely manner in accordance with the guidelines agreed to by the Council.

The following question, submitted by Mr A Bryant, Craigie, was taken on notice at the Council meeting held on 5 April 2005:

Q1 Re: Fortnightly Recycling and collections of items by the City of Wanneroo – What profit is received from the sale of these recycled items received by the City of Joondalup?

A1 None. The materials recycling facility (MRF) operates at a loss, that is, the operational cost is greater than the revenue generated. For example:

MRF actuals from 1/6/04 to 31/12/04

Expenditure	\$433,853
Revenue	- <u>\$ 279,613</u>
Operational loss	\$154,240

It should be noted that the revenue from the sales of the recyclables is used to offset the operational costs.

The following question, submitted by Mrs M Zakrevsky, Mullaloo, was taken on notice at the Council meeting held on 5 April 2005:

Re: CJ052-04/05 – Proposed Tavern Boardwalk and retail additions on Part Reserve 39197 Southside Drive, Hillarys (Marina) and the answer in the Briefing Session Agenda 30 March 2005, Page v to my questions at the Briefing Session on 8 March 2005 that “Plans were available at the Council Offices”.

Q1 Where were the plans and related details available for the public, so they could make informed submissions during the public comment period 6 January 2005 to 3 February 2005 as:

- (a) In the Joondalup Library there was only a large colourful sketch of the proposal but no plans, none on display or available or on request, and*
- (b) In the Administration public precinct i.e., Administration desk and display boards in the public foyer, none on display and none made available when we went to the desk and requested to see them?*

If the planning staff had the plans (and therefore the plans were in the Council Offices, as stated in the answer to me) because they were working on them, why did the answer not state that, instead of inferring that my husband and myself were mistaken?

Commissioners and CEO Mr Hunt, do you believe that it is sufficient for members of the public to have to base their comments or submissions on a colourful media release sketch by the developers in the Community Newspaper and in the Joondalup public library and in the Marina on Tuesday afternoon, 11 January 2005?

A1 At the Council meeting held on 5 April 2005 Mrs Zakrevsky was advised that plans had been available for inspection at the City’s offices for inspection, however an undertaking was given that this information would be clarified. This advice has since been re-checked and has been found to be correct.

The following questions were submitted in writing prior to the Council Meeting and responses included in the agenda.

Mr D Biron, Mullaloo:

Q1 I am told that a review of the approval process for Mullaloo Tavern is now going to be conducted, after the building has been completed. Who has now belatedly arranged this, under what authority, and who exactly is conducting this review? What tender process has taken place? Is this an internal or external review, and if it is external, what work of a similar nature has ever been carried out by this reviewer previously for any local government in WA?

A1 The external review is being conducted by a consultant by the name of Mr Chris O'Neill. No tender was required as the estimate for the assignment is less than \$50,000.00. The quotation for the work was \$4,500.00 plus GST. The appointed consultant has experience in conducting reviews in planning and building processes in local government.

Q2 How much money has been put aside for this review, and which City of Joondalup budget exactly is this money coming from?

A2 See (1) above.

Q3 Who from the community has managed to obtain this money for this purpose, since the City of Joondalup never spends any money on any legal action against any non-compliant builders or developers or against public health offenders?

A3 The Council does dedicate considerable resources to enforcement issues where they unfortunately do arise. Those resources comprise staff time, and the use of external advocates or legal advisers where necessary. The CEO has made the decision to progress this matter.

Q4 Is this an independent review, and how exactly has this independence been determined, and by whom?

A4 The determination to progress the review is a decision of the Chief Executive Officer. The Terms of Reference of the review were determined by the CEO and the independent consultant appointed by the CEO.

Q5 What precisely is being reviewed? Is the City of Joondalup's routine illegal non-disclosure under FOI of any plans, and the City of Joondalup's routine failure to keep proper records under the State Records Act part of this so called review of the approval process or not?

A5 The terms of reference of the review are:

- whether or not there have been any irregularities, impropriety or mistakes made in the issue of the current building licence for the re-development of the Mullaloo Tavern site; and if so
- what (if any) action should be taken in response to any identified irregularities, impropriety or mistakes, taking into consideration the need for fairness and good governance.

To this end, the review will focus on the issue of consistency between the building licence and the planning (development) approval. The review does not extend to an assessment of the current planning approval, which has already been the subject of a previous inquiry by the Minister for Planning and Infrastructure as well as separate Supreme Court action by the Mullaloo Progress Association.

- Q6 If not, why not exactly, since if the Joondalup community has been denied full and proper access to this information, then clearly the Council approval process was corrupted by failing to make this information publicly available before the building was completed?*
- A6 The Terms of Reference prescribe the process of the review.
- Q7 Who exactly has been involved in settling these terms of reference now and which local politicians and government departments have been involved in this strategy?*
- A7 The Terms of Reference have been determined by the CEO without input or involvement from external parties, however, consideration was given to matters raised in questions to the Council.
- Q8 What community input has taken place on this very limited review, if any, and what Council reports have been prepared for the City of Joondalup on this consultation?*
- A8 The review has only just commenced and the Terms of Reference allow for the consultant to interview external parties to the City's operations.
- Q9 What City of Joondalup records are available on this consultation, and how exactly have they been made available to the community to date?*
- A9 The review process has been established under the direction of the CEO, and as a result of various representations and submissions received from members of the community.
- Q10 What records of any kind are held by the City of Joondalup mentioning the new Tavern Car park overflow into the very coincidentally newly improved City of Joondalup funded adjacent car park facilities? What records of any kind mention the required traffic and road changes needed to be funded by the City as a result of the new revised hotel they have just approved?*
- A10 The tavern redevelopment was approved independently of a proposal for changes to the Mullaloo Beach carpark areas. The Council was however aware of dialogue that had been ongoing for some time about possible changes enhancements to the Mullaloo Beach Park area, and this had been discussed widely in various forums. The Council holds records of documentation relating to each of those issues, and they have occasionally been the subject of Freedom of Information requests. Detailed information has been disseminated to the FOI applicants relating to each issue.

The following questions were submitted to the Briefing Session held on 19 April 2005 and responses tabled at the Council meeting.

Ms M Moon, Greenwood:

Re: Policy Review:

Q1(a) Could five examples of a Council Policy please be given?

Q1(b) Could five examples of a City Policy please be given?

Q1(c) Would documents used to assess planning applications or proposals be considered a Council or City Policy?

Q1(d) Which set of policies would the following policies fall under, City or Council?

(i) height policy

(ii) Short Stay Accommodation Policy (proposed)

(iii) noise policy

A1 It is not possible at this stage to provide examples as requested. The proposed framework will be developed and reviewed by the Policy Committee and be subject to public participation processes in recognition of the community leadership role Council has in guiding the formation and development of the City, and in representing the values and interests of the broader community.

Re: Lot 407 Glenelg Place.

Q2(a)(i) What is the size of the lot?

A2(a)(i) The size of the lot is 2,057sq m.

Q2(a)(ii) The Officers state in the conclusion that this proposal is essentially a residential use as the provisions of the R-Codes do not apply and no development controls are given in the DPS2.

A2(a)(ii) There is no definition of what “residential” is. The Residential Design Codes set out the development standards for specific types of development, ie Single Houses, Grouped dwellings and Multiple Dwellings. These types of development are what most people would call in generic terms, “residential”.

The proposed use is similar to other forms of residential development, however, it is not subject to the provisions of the Residential Design Codes, including density, unless it is within an R-IC zone.

Q2(a)(iii) What density is being determined appropriate for this proposal by Council?

A2(a)(iii) There are no density standards for Residential Buildings.

Q2(b) In the recommendation 1(a) the Commissioners are being asked to determine that the proposal is consistent with the objectives and purposes of the mixed use zone.

A2(b) Yes.

Q2(c) As the City has taken the advice of the lawyers and determined that residential building is not classified as residential development, how is it possible to determine this proposal is consistent with the purpose of the mixed use zone when this does not give a mixture of residential development with small business (3.5.1 DPS2)? (statutory)

A2(c) The proposal does meet the objectives for the zone.

The intent behind the Mixed Use Zone is set out in 3.5.1, however, the Table 1 – the Zoning Table also identifies other land uses that can be considered as being appropriate within this zone, without them being multiple uses. For instance, single houses are deemed to be a “P” or permitted land use within this zone. This use consists of a dwelling only and does not have multiple uses.

The intent of the Mixed Use zoning is to promote mixed-use development, although it is not a requirement that this must happen. If a mixed-use development is proposed, then the predominant uses have been identified.

The proposed use is considered to be a use that is commercial in nature, but providing a residential function on a short term basis, which would be consistent with one of the types of land uses that would be part of a mixed use development.

Q2(d) As the City has taken the advice of the lawyers and determined that residential building is not classified as residential development and has stated that residential building is non-residential, how does this proposal meet the purpose that the predominant non-residential uses be office, consulting, dining and limited retail uses occupying the street frontage of lots (3.5.1 DPS2)? (statutory)

A2(d) See Q2(c).

Please refer to response given on legal advice by Chris Terelinck dated 30 March 2005 reference 13021 500270.

Q2(e) How is the objective to provide a diversity of land use and housing types being met in this proposal? (statutory)

A2(e) The proposed use provides a form of commercial/residential development that would meet this objective. Further when the surrounding land uses are considered, the proposed use provides further diversity in the land use.

Q2(f) How is the objective to allow appropriate business to locate and develop in close proximity to residential being met in this proposal? (statutory)

A2(f) The proposed land use is commercial in nature and due to the type of residential activities to be carried out, it is considered that this use would be compatible with the adjoining residential use to the east.

Q2(g) *How is the objective to allow for services to be provided locally being met in this proposal? (statutory)*

The Officer's conclusion states that the residential building is essentially a residential use contrary to legal advice and statements made within Council Meetings that Residential building is akin to commercial use. And even as a residential use does not meet the purpose of a mixture of residential development with small business. Officers comments that the residential building is essentially a residential use does not make this proposal in keeping with the objectives of the mixed use zone or the intention of the zone to provide an intermediate stage between Residential and Commercial or Business Zones.

If Council approves this proposal a purely non-residential development which does not offer a mixture of residential and small business with the predominant non-residential use not being office, consulting, dining and limited retail uses occupying the street frontage of the lot and not being an intermediate stage (mixture of residential and small business) they are not administering there DPS2 purpose/intention of the Mixed Use Zone or the objectives.

Plus none of the objectives have been met.

- (a) diversity of land use and housing types*
- (b) Appropriate businesses to locate and develop in close proximity to residential (appropriate businesses listed in intent of the mixed use zone)*
- (c) allow for services to be provided locally.*

A2(g) The occupation of these building is open to any person, whether they are local residents or overseas residents

Re: Item 14, Lot 407 Glenelg Place.

Q3(a) *Condition J. Is the Manager Approvals, Planning and Environment the person responsible for the administration of a lodging house in the City of Joondalup?*

A3(a) No. The Council is responsible for the Administration of the legislation governing the administration of the various Acts, including the relevant acts and local laws relating to lodging houses.

Q3(b) *Condition J. (iv) why does it state if the manager is on site, when under the Health Act the keeper or manager of the lodging house is required to reside continuously within the lodging house?*

A3(b) This application is for Council's Planning Consent under the District Planning Scheme No 2, which was created under the Town Planning Development Act. In addition to the approval to operate the proposed use under the District Planning Scheme No 2, the applicant is required to obtain approval under the Health Act.

There are no standards set out in the District Planning Scheme No 2 relating to the management of a “Residential Building”. The conditions that have been imposed are considered appropriate having regard to the proposed use.

Within the definition of a “Lodging House” under the Health Act, the applicant is required to meet the requirements set out in that Act, in addition to any other legislation, including the planning requirements.

If there is varying requirements based on different legislation, the applicant is required to comply with the stricter of the requirements.

Q3(c) Why don't the footnotes form part of the conditions so they can be enforced?

A3(c) The footnotes are used for information purposes so as to advise the applicant of any other issues that may arise out of the application for Planning Consent that may not relate specifically to the standards and requirements set out in the District Planning Scheme No 2.

Enforcement of the health requirements can only occur under that Act, not the District Planning Scheme No 2.

Q3(d) Does this application meet all the relevant provisions of the Health Act and City of Joondalup local laws 1999 in regard to lodging houses including kitchen and dining area for lodgers?

A3(d) No.

Ms M Moon, Greenwood:

Q1 In the recommendation it is asked that Commissioners determine that residential building is consistent with objectives and purposes of mixed-use zone. As the residential building is not a mixture of residential development and small business and it is not one of the intended predominant non-residential uses occupying the street frontage of lots, it does not meet objectives:

- (a) diversity of land use and housing types;*
- (b) appropriate business to locate;*
- (c) allow for services to be provided locally?*

A1 The Mixed Use zone allows individual land uses to be located within it, as set out in the District Planning Scheme. The zoning does not require that all applications include a combination of land uses, as has been inferred in the above statement/question.

Q2 Where is the condition that ensures people not from the same family will occupy this accommodation?

A2 The application for Planning Consent is recommended for approval on the basis that the proposed land use will be a “Residential building”, therefore the nature of the use is implicit by the terms in which it is recommended to be approved. The land could not be used for another purpose without consent.

Mr David Davies, Connolly:

Q1 Re: Lot 407 Glenelg Place, Connolly: Are you aware that this proposal on the western boundary of the retirement village is causing concern for many residents of the village? A proposal has been submitted for short stay accommodation and it is unknown who will use this accommodation. What will stop the owners applying for a multi-storey building? I ask Commissioners to defer the item to give the opportunity for the administration to discuss the application with the elderly residents with a view to an amicable outcome.

A1 Individuals have a right to lodge development applications regardless of merit or conformity to the District Planning Scheme. Where the application for Planning Consent involves a development where the Scheme does not have specific development standards in place covering certain aspects, such as building height or setbacks, then the provisions of Clause 6.8 require Council to consider those aspects of the proposal on their merits.

In the case of the proposal before the Council, the application was advertised to adjoining owners in order to inform of the proposal and to give an opportunity to comment.

Ms M Macdonald, Mullaloo:

Q1 I refer to the item on tonight's agenda re: Change of use from Medical Centre to Residential Building in Connolly.

(a) Commissioners are being asked to determine that these short stay units are a residential building and are not motel or hotel units. The report does not state that if Commissioners were to determine that these units were a hotel or motel units they would not be permitted in the mixed-use zone.

A1(a) The proposed use does not fall within the definition of a motel or hotel units and the application is for a Residential Building.

Q1(b) What is the unlisted use described by the applicant in the application?

A1(b) This was an error in the report and the report should have referred to Clause 6.8 rather than clause 3.3

Q1(c) What is the effective residential density of the site?

A1(c) Residential density does not apply to a Residential Building.

Q1(d) Why do Commissioners continue to permit the use of residential building to bypass the conditions of the DPS2, when the Minister for Planning and Infrastructure requested that the City correct this anomaly and provide policy for short stay units urgently a year ago?

A1(d) All applications are assessed under the provisions of the District Planning Scheme. A report and policy is being drafted on the issue of short-term accommodation, which is anticipated to be considered in the near future.

Q2(a) If Commissioners approve this change of use to a residential building, Commissioners will be approving a building that has no development standards, no height restrictions or residential density applicable to it.

A2(a) The application before Council is to approve a change in land use. The proposal does not involve the addition of any new external building works, apart from the changes to the car parking area.

As there is currently an existing building on the site, in this instance, the issues of relevance are whether the land use (Residential Building) is considered appropriate and the car parking standard for this type of development.

Q2(b) How will Commissioners be able to protect the amenity of nearby residents in the future from further development of this site when the applicants can demonstrate that they have been given approval for a residential building without development control?

A2(b) The Mixed Use Zone does not have any specific development standards covering setbacks, building heights, plot ratio etc. There are some development controls such as definitions, parking standards and restriction on retail floor space that would finitely control some aspects of development on the site.

In considering any development, Council is required to have due regard to the provisions of Clause 6.8 when considering a development application. Having regard to those matters set out in this Clause and the specifics of the development application, Council could refuse an application or grant its approval subject to conditions, when it addresses the matters set out in Clause 6.8.

The following questions were submitted in writing prior to the Council Meeting and responses were tabled at the meeting.

Ms M Macdonald, Mullaloo:

Re: *Change of use from Medical Centre to Residential Building in Connolly.*

Q1 Why do planners believe that temporary residence in a Residential building is the same use class requested by the developer indicated to be that of short stay overnight accommodation of 1 – 21 days and why is the developer being offered a stay limit of 3 months when he has presumably only requested a maximum of 21 days?

Q2 Is the reason that residential building has been chosen as the most appropriate use class because residential building is allowed with discretion in a mixed use zone and other more accurate use classes such as motel, hotel or holiday resort are not permitted in a mixed use zone?

Q3 Does the fact that motel, hotel and holiday resort are not permitted in a mixed use zone indicate that whilst residential use is allowed in a mixed use zone, holiday accommodation is not?

Q4 The City's DPS2 does not have the appropriate and necessary development and density requirements for residential buildings. If this development was assessed as a grouped dwelling and subject to the R Codes, what would be the residential density of this site and would it be allowed in this R20 codes area?

A1-4 These questions were received after the agreed close-off time, and will be taken on notice.

Ms M Moon, Greenwood:

Re: 3.5.1 DPS2 - The zoning will provide an intermediate stage between Residential and Commercial or Business Zone areas. A high level of pedestrian amenity should be provided.

Q1 Is Lot 407 (3) Glenelg Place, Connolly zoned to be the intermediate stage between Residential and Commercial or Business Zone areas?

Q2 As it is the zoning mixed use that provides the intermediate stage and this has occurred with the mixed use zoning being applied how is the use residential building meeting the:

(a) Intent: 3.5 The Mixed Use Zone

3.5.1 - The Mixed Use Zone is intended to accommodate a mixture of residential development with small businesses in a primarily residential scale environment. The predominant non-residential uses will be office, consulting, dining and limited retail uses occupying the street frontage of lots.

(b) Objectives: The objectives of the Mixed Use Zone are to:

- (i) provide a diversity of landuse and housing types compatible with the maintenance of residential amenity; (what diversity is offered by this proposal)*
- (ii) allow appropriate businesses to locate and develop in close proximity to residential areas; (holiday accommodation appropriate?)*
- (iii) allow for services to be provided locally. (What services)*

A1-2 These questions were received after the agreed close-off time, and will be taken on notice.

Ms S Hart, Greenwood:

Re: CSIRO Site, Marmion: In relation to questions submitted to Briefing Session held on 30 March 2005 and responses given as follows:

“Q1 During an earlier deputation this evening, Mr Glenn McLeod stated he had spoken to the City's lawyers. Is it correct that the City has lawyers looking at this issue?”

- A1 Following the deferral of this Item at the Council meeting held on 15 March 2005, the City sought further advice on this issue and engaged McLeod and Co, who have been involved in discussions with the Satterley Group.
- Q2 *Have Commissioners seen the Terms of Reference and the legal advice given to the City regarding this issue?*
- A2 Yes, we have received legal advice.”
- Q1 *Regarding Question 1. In the answer to Question 1, which McLeod represented the City? Mr D McLeod or Mr G McLeod.*
- Q2 *What did the lawyers discuss?*
- Q3 *Has the City a true copy of the discussions between McLeods and Satterley/Group lawyers?*
- Q4 *Have the Commissioners received a copy of all the terms of reference/questions/brief to lawyers and legal advice received by the City, or discussions between lawyers?*
- Q5 *Who set the terms of reference/questions/brief for this legal advice?*
- Q6 *Is it usual practice for the City's lawyers to discuss issues with applicants and or applicant's lawyers?*
- Q7 *Who paid the account for McLeods?*
- Q8 *What was the cost?*
- Q9 *At the briefing session 19/04/05, I asked if Commissioners had seen a copy of the legal advice obtained re CSIRO site Marmion. The answer from the Chairman was that the City had received the legal advice.*
- When I stressed the word seen, Commissioner Anderson indicated that he had not. Commissioner Clough declined to answer and the Chairman gave an answer not associated with the question.*
- Why was this not recorded in the minutes?*
- Q10 *At public question time Ordinary Council Meeting 26/04/05, I asked 2 question and only one is recorded. Why?*
- Q11 *The unrecorded question, asked to each Commissioner, was related to the CSIRO site Marmion and legal advice received. All Commissioners present refused to answer and the Chairman stated Commissioners did not have to answer.*
- Q12 *Is this open and accountable government?*

Q13 Why is a response not warranted from Commissioners, on such an important decision affecting ratepayer's amenity, reassuring ratepayers that Commissioners, who are representing ratepayers, are making informed decisions with all the facts?

Q14 Were any Commissioners present at the legal discussions between the City's lawyers and the Satterley group?

Q15 Were any staff present, to minute the meeting between the City's lawyers and the Satterley group?

A1-15 These questions were received after the agreed close-off time, and will be taken on notice.

Procedure in relation to written questions

The Chief Executive Officer referred to the procedure for public question time and the requirement for questions to be lodged by close of business on Friday 22 April 2005.

He stated that adherence to this time frame will enable due consideration to be given to questions and ensure that detailed responses are provided to members of the public.

The following questions were submitted verbally at the meeting; a summary of each question and the response given is shown below:

Mr D Davies, Connolly:

Q1 Re: Item CJ078-04/05 – Short Stay Accommodation - Glenelg Place, Connolly – Are Commissioners aware that the decision that they make tonight on the Medical Centre conversion to Short Stay Apartments will have a far reaching effect on the quality and lifestyles of a Retirement Village, which is separated by only three metres from this proposed development? These people are in the autumn of their lives, people who have the right to expect peace and tranquility and indeed deserve it.

When Connolly Residents' Association were negotiating with the City to build our Community Centre, the City put great emphasis on the risk of noise migration to the Retirement Village. This is a centre that would never be over utilised in late evening – what's happened? Has the City dropped concerns for noise pollution, particularly for seniors?

The Council's officers state in their report under objections: "There is no evidence proposed use will create greater noise than a single residential dwelling." We are talking about 28 people in short stay accommodation ie., cheap backpacker style accommodation. It will be a magnet for young travellers and/or families with children. The report mentions no less than eight times that there is no substantial evidence regarding noise. Bear in mind Commissioners, when making a decision tonight, that evidence is gained only after the fact and not before. Those Commissioners that are lucky enough to have parents alive, how would you feel with them in danger of living next door to short stay accommodation premises where transient people stay, some with no concerns for neighbours?

The accessway to the Medical Centre which reduces the walking distance to the shopping centre drastically was originally paid for by the retirement village, even to the degree where their insurance covers any liability on that accessway. They were led to believe that this agreement with previous owners co-signed by a Councillor would be registered on the title. Alas it appears this never happened. I ask to read a letter from a 90 year old resident at the village who, because of ill health, cannot be here tonight, but I believe highlights the concerns of residents in this village:

Mr John W Farrell, 24/192 Fairway Circle, Connolly

“I strongly object to any self-catering apartments, whether it be long or short term. I am 90 years old and live alone, my back fence is approximately one metre from the proposed development, I fear the noise factor and my security will be in jeopardy.

There is generally more noises and activity when people are on holiday, and I doubt they will be concerned with the needs of elderly neighbours. Many need to sleep during the day or retire early in the evening or maybe are just plain ill and need peace and quiet.

This is an outrageous consideration on the doorstep of a peaceful retirement complex.”

Commissioners, tonight I ask you to reject this proposal or at the very least defer it so meaningful discussions between the residents of the village, the City, the owners of the proposed development and Connolly Residents Association can take place. I would like to table two letters from residents and a 97-signature petition from residents of the village to stop this project.

A1 *Response by Cmr Paterson:* The Commissioners are aware of the information and will make a decision based on the information before them.

Appendix 14 refers

To access this attachment on electronic document, click here: [Attach14min260405.pdf](#)

Mr D McGowan, Connolly:

Re: CJ078-04/05 - Change Of Use From Medical Centre To Residential Building (Short Stay Accommodation): Lot 407 (3) Glenelg Place, Connolly

Q1 Are the Commissioners aware that the proposed plans do not provide for an on-site manager with a unit that has access to the reception or office contrary to Clause 2 of the footnote on page 70?

A1 *Response by Cmr Paterson:* The Commissioners are aware of the information and will make a decision based on the information before them.

Q2 Are the Commissioners aware that Clause 5 of the footnote on page 70 specifies the kitchen being provided, whereas paragraph 1 on page 63 specifies that there will be no cooking facilities other than the microwave oven in each unit?

A2 Response by Cmr Paterson: The Commissioners are aware of the information and will make a decision based on the information before them.

Ms J McGowan, Connolly:

Re: CJ078-04/05 - Change Of Use From Medical Centre To Residential Building (Short Stay Accommodation): Lot 407 (3) Glenelg Place, Connolly

Q1 I have been a resident of 192 Fairway Circle for seventeen and a half years. Are the Commissioners aware that the Fairway village is a self-managed strata titled property valued at approximately \$5 million and despite unsupported views by the City's Planning Department to the contrary, it is highly likely that a substantial devaluation will occur if this proposal for budget accommodation goes ahead?

A1 Response by Cmr Paterson: The Commissioners are aware of the information and will make a decision based on the information before them.

Q2 Are the Commissioners aware that the only entrances to most of the accommodation will be via a path next to the fence between the Fairways and budget accommodation and that these entrances will be accessed at any time of the day or night, thereby causing concern and fear amongst Fairway residents?

A2 Response by Cmr Paterson: The Commissioners are aware of the information and will make a decision based on the information before them.

Ms S Cook, Connolly:

Re: CJ078-04/05 - Change Of Use From Medical Centre To Residential Building (Short Stay Accommodation): Lot 407 (3) Glenelg Place, Connolly

Q1 Are the Commissioners aware that the security fence around the proposed development will have two gates that will remain open at all times? I would like to know where the security is?

A1 Response by Cmr Paterson: The Commissioners are aware of the information and will make a decision based on the information before them.

Mr T Thorp, Sorrento:

Re: Rezoning of the CSIRO Site in Marmion

Q1 Will Commissioners, Administration staff and the CEO be present at the meeting on Monday, 2 May 2005 at 7.00 pm?

A1 Response by Cmr Paterson: I will be attending and chairing the meeting, and it is the decision of Commissioners and the Administration whether to attend.

Q2 Please list six main objectives of the developer that the Commissioners were most influenced by to rezone the site to urban development and what list of six main objectives of the developer that Administration shows that influence them to support the rezoning from parks and recreation to urban development.

Q3 Were all the relevant questions asked by the Joondalup electors about rezoning of the CSIRO site answered in full before the Commissioners made their decision at the last Council meeting, if not, why not?

A2-3 These questions will be taken on notice.

Mr J Hollywood, Burns Beach:

Q1 At the last Council meeting I asked about the funding for the community centre at Currambine. I did not ask whether there was funding dollar for dollar from the City on that basis. Community Services had allowed \$800,000. Can I be assured that the City of Joondalup has in its Reserve Fund the \$800,000 for this community centre?

A1 The City has a budgeted amount in its Reserve Fund. The Department of Community Services has withdrawn its funding and is looking to place it in Craigie.

Q2 Can you please let me know the amount that is in the fund?

A2 This question will be taken on notice.

Q3 For many years the Burns Beach Ratepayers' Association have given a wish list to the Council at budget time for a bus shelter for the children of Burns Beach, to be put next to the Kinross Junior High School. The Association has received a letter saying we are not eligible for a bus stop, and this means the children of Burns Beach are going to go through another winter and summer without a bus stop. Can I have Council's support for a bus shelter to be built on Marmion Avenue?

A3 Council has written to Transperth to seek advice for the provision of an additional bus shelter on Marmion Avenue, as it is Transperth's decision whether it will service the bus stop.

C18-04/05 EXTENSION OF PUBLIC QUESTION TIME – [01122] [02154]

MOVED Cmr Anderson, SECONDED Cmr Clough that public question time be extended for a period of ten minutes.

The Motion was Put and

CARRIED UNANIMOUSLY (5/0)

Ms S Hart, Greenwood:

Ms Hart requested that the questions submitted by her and shown on page 15 hereto be referred to the Special Meeting of Electors to be held on Monday, 2 May 2005.

Re: CJ078-04/05 - Change Of Use From Medical Centre To Residential Building (Short Stay Accommodation): Lot 407 (3) Glenelg Place, Connolly

Q1 Can Commissioners reassure me that they are completely satisfied that they have all the relevant information to make an informed decision on the Connolly issue tonight as the City has asked for a residential building to be approved and there is no dining room or kitchen, no apartment for a keeper and under DPS2 3.2 it is a motel not a residential building?

A1 Response by Cmr Paterson: The Commissioners are aware of the information and will make a decision based on the information before them.

Q2 The CEO mentioned tonight that the Commissioners are acting as a Council. Can you all please tell me if you are representing ratepayers and are acting in the best interests of ratepayers?

A2 Response by Cmr Paterson: Our role as Commissioners is to act in the best interests of all residents for the City of Joondalup. We have been appointed by the Minister to administer this City until such time as the Minister calls an election. If you feel this is not the case then I suggest you report it to the Minister.

Mr S Kobelke, Sorrento:

Q1 Re: Delegated Authority – In relation to a non-complying building application, how many objections from properties in close proximity does it require before the matter moves from delegated authority decision to consideration by the full Council?

A1 The decision about the level of assessment for an application is based on the extent to which it conforms to the scheme or technical standards. It could be in relation to the scale of the development as well, and the political issues are bought in, but there is no specific number in terms of submissions.

Q2 The City of Joondalup was represented in the Supreme Court of Western Australia last Wednesday, 20 April 2005 regarding a non-complying building matter in Sorrento that stemmed from a delegated authority decision that had nine objections from properties in the immediate vicinity. Isn't this the type of application that should be put before Council for a decision?

A2 That application was for a single house that protruded through a building height envelope and there is a significant dispute occurring between the neighbours. The Supreme Court action is an expression of the will around that application and the objections to it.

Mr L Buchanan, Connolly:

Q1 Are the Commissioners aware that the developers have proposed a landscaped buffer between Fairways fence and the rear path, but the buffer is omitted on the plan on Page 53 of the attachments, presumably because there is insufficient space for such a buffer?

A1 Response by Cmr Paterson: The Commissioners are aware of the information and will make a decision based on the information before them.

Mr M Sideris, Mullaloo:

Q1 Item CJ75-04/05 Tender No. 042-04/05 – I refer to the Minutes of the Meeting of Council on 14 December 2004 - When this item came up for Council consideration the estimated cost for the road was \$1.7 million, there was reserves of \$1.27 million. There is an indication that the proposed shortfall would be contributed by the Ocean Reef developers. The recommendation before Council states that the total available funds are \$1.7 million exclusive of GST. Can you please tell me why there is a discrepancy between the minuted record of the decision of Council on 14 December 2004 and the recommendation before Council tonight?

A1 The developers were not forthcoming with the contribution shortfall, and this was made up in the half-year budget review by the City. Additionally Council advertised for a portion of the reserve funds to be allocated for this road project, it was advertised two to three weeks earlier.

Q2 Can you please tell me why GST is not declared in the report, why there is no risk analysis declared in the report and why there is no total contract value declared in the report, which are State Supply Commission guidelines for good governance?

A2 A report was submitted to Council on the half-year review budget and those figures were included in that report. In relation to the GST, this question will be taken on notice.

C19-04/05 EXTENSION OF PUBLIC QUESTION TIME – [01122] [02154]

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

The Motion was Put and

CARRIED UNANIMOUSLY (5/0)

Mr M Caiacob, Mullaloo:

Re: Policy Review

Q1 The reports recommendations only deal with Council policies, nothing is recommended for the City's policies. Can I please be advised how Council then abides by Clause 2.7(2)(d) of the Act as the Council is to determine the Local Governments policies, not just approve them. The DPS2 Clause 8.11.3.1 states that Local Planning policies only become operative after public advertising of a Council prepared and adopted draft policy and the Code of Conduct Part 3 – Participation?

A1 That particular item only refers to Council policies as designated in the Report. All the other policies mentioned would still be referred to Council in accordance with the requirements of the legislation. The formation of the Policy Committee is for a new style approach to policy development. All of the policies that would have normally gone to Council will go via the normal process, which is submitted to a Briefing Session and then to full Council.

Q2 The reports recommendations only deals with Council policies, nothing is recommended for the City's policies. Are the Commissioners using Clause 5.42 of the Act and delegating to the CEO:

- *the power and the role of the Council to determine the local government's policies from Clause 2.7(2)(b) of the Act;*
- *Clause 8.11.3.1 of the DPS2 which states that local planning policies only become operative after public advertising of a Council prepared and adopted draft policy.*

A2 The normal process for all of those issues will be duly followed.

The following questions were tabled by Mr Caiacob

Q3 The Local Government Act was amended in 1995 with the intention (1.3(2)) of resulting in greater community participation in the decisions and affairs of the Local Government and greater accountability of Local Governments to their communities.

Could it please be explained how this proposed policy process will result in greater accountability to the Community and greater participation by the Community as intended by the Act and Council's policy 2.6.3 – Public Participation, when the City's policies are not open for consultation and will be formulated outside a democratic process?

Q4 Where is the CEO's power derived from to enable the preparation and adoption of local policies, contrary to the provisions of the Act and DPS2 which direct Council to perform these functions and when the Delegated Authority Manual does not currently provide for these powers?

A3-4 These questions will be taken on notice.

Mr A Bryant, Craigie:

Q1 As the Department of Community Development is prepared to allocate a sum of \$890,000 for the establishment of a community centre in the suburb of Craigie, what vacant land does the City of Joondalup own or is vested in Craigie that would be a suitable site for such a building?

A1 There is a piece of land on the corner of Perilya Road and Camberwarra Drive which is under consideration as part of the proposal being put to the City by the Department of Community Services.

Q2 I refer to DPS2 Amendment 24, Lot 61 Leach Street, Marmion, which was approved at the Council meeting held on 5 April 2005. As the approval is still being processed, is it possible at this stage to have the public open space increased from 10% to 20% to cover more of the vegetated area?

A2 That would need reconsideration by Council. Council has made a decision and that decision would have been conveyed to the WA Planning Commission.

C20–04/05 EXTENSION OF PUBLIC QUESTION TIME – [01122] [02154]

MOVED Cmr Anderson, SECONDED Cmr Fox that public question time be extended for a further period of five minutes.

The Motion was Put and

CARRIED UNANIMOUSLY (4/1)

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

Mr S Elson, Connolly:

Q1 Are the Commissioners aware that contrary to the assurances of the City's Planning Department, there has been no visit by the City's officials, no consultation with the Fairway residents nor the body corporate Council in regard to this proposed low budget, short stay accommodation?

A1 The retirement village was consulted by letter, and a number of submissions were received from the residents of the retirement village.

Q2 Are the Commissioners aware that Fairway Retirement Village is a home for 37 elderly residents in their twilight years who are having difficulty coping with their own wellbeing, their assets eroded with the close proximity of this proposal; I feel that this will be enhanced?

A2 Response by Cmr Paterson: The Commissioners are aware of the information and will make a decision based on the information before them.

Mr S Magyar, Heathridge:

Q1 Re: Proposed Workshop for public consultation – Will the Commissioners consider inviting representatives of some of the ratepayer groups as well to get a broader perspective of the community's views on public question time?

A1 The referral in the first instance to the Committees that are mentioned is a phase one exercise to gain some invaluable input before it is given wider opportunity for involvement and comment.

Response by Cmr Paterson: The Commissioners will take that view on board.

Q2 Re: Warrant of Payments, Page No. 9 of 15 – EFT Transaction No. 200040012 for over \$1 million to Perkins Builders – Can you tell me what project that was and whether the project came in on budget, under budget or over budget?

A2 That transaction was a Craigie Leisure Centre progress payment. That project is still progressing, and the indication at this stage is that it will come in on budget.

ANNOUNCEMENTS BY THE CHAIRMAN WITHOUT DISCUSSION

BANKSIA AWARDS

After winning a major WA Environmental Award two years running, the City of Joondalup has been named as a finalist in the prestigious national Banksia Awards for the environment.

Late last year, the City's submission entitled 'Envirocare' won the Bush, Land and Waterways category of the WA Environment Awards.

The year before, the City of Joondalup won the Coastal and Marine category for its work in managing the Joondalup coastline.

Now this year's Bush, Land and Waterways submission is in the running for the top award in Australia.

Congratulations to David Djulbic, Peter Pikor and Keith Armstrong from the City's Infrastructure directorate and all the schools and volunteer groups for the tremendous contribution they have made in protecting the City's most important asset, its natural bushland areas.

It is wonderful that their efforts have been recognised like this by being presented with a major WA award two years running, and now named as a finalist in the national Australian awards to be held on 4 June 2005 in Adelaide.

LGMA CHALLENGE

Congratulations also to the City of Joondalup team which won the LGMA Challenge against local governments across Western Australia.

Competing against Wanneroo, Swan, Victoria Park, Manjimup, Bunbury, Esperance and Kalgoorlie-Boulder, the Joondalup team has won the prestigious 2005 LGMA Management Challenge. They will now go to Canberra in May for the Australasian final, competing against local governments from across Australia and New Zealand.

Congratulations to Alison Edmunds, Robert Evans, David Murnain, Usha Patel, Ben Reay, John Roberts and mentor, Graeme Hall.

The management challenge is one of the most significant events held in the local government industry, where a team of officers is required to deal with a wide range of scenarios relevant to local government.

This is an outstanding achievement and I ask you to join with me in making the team members aware of how proud we are of their efforts and their representation of the City.

DAWN SERVICE

It was wonderful to see such a big turn-out at Joondalup's ANZAC Dawn Service.

An estimated 1,000 people gathered at 5.45 am at the War Memorial in Central Park to pay their respects to the fallen.

As I said in my address, that so many of us gathered, is a clear sign that as a nation WE DO REMEMBER, 90 years on. This year is the 90th Anniversary of the landing at Gallipoli.

It is also the 60 year Anniversary of the end of World War II and 30 years since the end of the Vietnam War.

In all, these wars cost the lives of 100,000 Australians – and it is for those people who gave their lives for our freedom that we make this effort.

It is important as a City that we do have our own special ANZAC Day ceremony. There was not one last year – but it is great that the tradition was back with us this year.

As Chairman of the City, I give our support to the ceremonies at the War Memorial in Central Park, both on Remembrance Day and ANZAC Day, and as a City, will work with the RSL to help.

Congratulations to Milton Kirk, Steve Francis and fellow members of the Wanneroo-Joondalup Branch.

Michael Wass and fellow members of the Beaumaris Beach Branch of the RSL for organising this Dawn Service, and ensuring the fine tradition of honouring our courageous Diggers carries on in the City of Joondalup for generations to come.

‘Lest We Forget’.

PETITIONS

C23-04/05 PETITIONS SUBMITTED TO THE COUNCIL MEETING – 26 APRIL 2005

1 PETITION REQUESTING SPECIAL MEETING OF ELECTORS — REZONING OF LOT 61 LEACH STREET, MARMION (FORMER CSIRO SITE) - [75029 85558]

A 129-signature petition has been received from residents requesting that a special meeting of electors be held to discuss issues in relation to the rezoning of Lot 61 Leach Street, Marmion (former CSIRO site).

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 Monday, 2 May 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.

2 PETITION OBJECTING TO CHANGE OF USE – 3 GLENELG PLACE, CONNOLLY – [03180]

A 37-signature petition has been received from residents of “The Fairways” retirement village strongly objecting to the proposed change of use of the existing dental, and previous medical centre at 3 Glenelg Place, Connolly to residential building for self-catering short stay apartments.

It was resolved that the petitions:

- 1 requesting that a special meeting of electors be held to discuss issues in relation to the rezoning of Lot 61 Leach Street, Marmion (former CSIRO site);**
- 2 strongly objecting to the proposed change of use of the existing dental, and previous medical centre at 3 Glenelg Place, Connolly to residential building for self-catering short stay apartments;**

be RECEIVED and referred to the appropriate Business Unit for action.

CJ064 - 04/05 POLICY REVIEW – [26176]

WARD - All

CJ050419_BRF.DOC:ITEM 1

PURPOSE

To seek Council endorsement of a revised process for the review and development of policies at the City of Joondalup.

EXECUTIVE SUMMARY

This report recommends a new framework for the development and review of policies at the City of Joondalup. Further it recommends that the framework incorporate two distinct sets of policies:

- 1 *Council Policies* - strategic policies that set governing principles and guide the direction of the organisation to align with community values and aspirations. These policies have a strategic external focus and align with the Mission, Vision and Strategic Directions.
- 2 *City Policies* - policies that are developed for administrative and operational imperatives and have an internal focus.

The framework proposes that Council and City policies will be subject to Council review and sanction however they will be subject to a different process for development and review.

Council policies, according to the proposed framework, will be developed and reviewed by the Policy Committee and be subject to public participation processes in recognition of the community leadership role Council has in guiding the formation and development of the City, and in representing the values and interests of the broader community. City policies will be developed by officers for Council consideration and these policies will still require Council endorsement however this will occur as part of the normal Council meeting cycle.

This report recommends that Council, by an Absolute Majority:

- 1 *DISBANDS the Policy Manual Review Committee;*
- 2 *ESTABLISHES a Policy Committee comprising membership of the five Commissioners with the following terms of reference:*
 - (a) *To make recommendations to Council on the development and review of strategic (Council) policies to identify the direction of the Council;*
 - (b) *To Initiate and formulate strategic (Council) policies;*
 - (c) *To devise and oversee the method of development (level and manner of community consultation) for the development of strategic (Council) policies;*
 - (d) *To review the Council Policy Governance Framework in order to ensure compliance with provisions of the Local Government Act 1995.*

BACKGROUND

During 2003 the elected Council of the day established a Committee to review its policies. With the suspension of the elected Council in December 2003 and appointment of five Commissioners, there was a need to appoint representation to the Committees of the Council. At the Council meeting held on 17 February 2004 it was requested that the formation of the Policy Manual Review Committee be referred to a future Strategy Session for consideration. A report was presented to Council on 20 July 2004 (*refer CJ158 – 07/04*) recommending that the Council disband the Policy Manual Review Committee. The following motion was put and carried unanimously:

That the consideration of the role of the Policy Manual Review Committee, and protocols for the review and adoption of new policies be REFERRED to a workshop to be attended by Commissioners.

Each policy of Council has a review timeframe. The current process for review, as stated in the Policy Manual is that:

‘As the review period for a policy is reached, a report is prepared for Council consideration on the effectiveness of the policy, any variations which may have occurred in implementing the policy, the reasons behind those variations and any recommendations for amendment. At least annually, the entire policy manual will be reviewed by each responsible Directorate. The review process will be co-ordinated by Council Support Services.’

The annual review of policies is currently overseen by the Policy Manual Review Committee who then refers policies through to Council for endorsement.

The process for policy-making at the City has been the subject of considerable discussions by Council at Strategy Sessions on 8 February, 1 March and 22 March. These discussions have centred on the process for policy initiation, formulation, adoption, and implementation and the roles and responsibilities of Council and the CEO in the policy-making process.

A number of options have been discussed by Council at the Strategy Sessions for the development and review of major or strategic policies by Council. Discussion at the Strategy Session indicated a preference for the following option:

The current Policy Manual Review Committee to be disbanded and replaced with the Policy Committee with revised terms of reference. The Policy Committee to have the responsibility for overseeing the review and development of policies and determining appropriate community consultation methodologies for those policies that have community significance. Membership of the Committee to comprise all five Commissioners. Final policy endorsed by Council.

The following priorities for the development of major policies were identified at the Strategy Session of 1 March 2005:

- Economic Development and Employment;
- Use of outsourcing;
- Environment and Sustainability;
- Development along coastal areas;
- Community Consultation and Participation;
- Joondalup Central Business District;
- Parking as a business;
- Land and Building Assets;
- Services – transparency of subsidy;
- Sponsorships of services, events, facilities
- Services – business platform, community platform;
- Major Events – local, regional

The following issues were also discussed at the Strategy Session on 1 March 2005 and have been used to guide the development of the proposed framework for the development and review of Council policies:

- The long term sustainable success of Joondalup is linked to its identity as a region and a regional policy is needed;
- There is a need to differentiate between Council policies and organisational procedures;
- Policies to be clearly linked to the role of Council;
- Council's role is to decide what services it will deliver and also to ensure that the services are efficient and effective – sustainability issues are not just environmental but also about holistic management. Parking would fall into this area;
- Sustainability should include cultural and parking;
- The Policy Committee to be involved in the process and method for the development of policies and its terms of reference to be amended;
- The Policy Committee should determine the level of engagement necessary with the community;
- Maximum of 3 – 5 issues for major policy development with statement of intent developed;
- Broad overarching policies needed and procedures to stem from these;
- The role of Council is statutory. Council's role is to direct, oversee, monitor and determine policies, and Council is also responsible for the allocation of resources;
- Focus on policies to be in line with the 20 year time horizon of the Strategic Financial Management Committee;

Strategic Plan: This item has a general connection to the Strategic Plan.

DETAILS

In 1999/2000 the Council undertook a complete review of the former City of Wanneroo policies that it had inherited as a result of the split of the former City. This review reduced the number of policies from in excess of three hundred to the current number of approximately seventy-five. The review focussed mainly on extracting administrative procedures from the policy statements of the City. The review also sought the establishment of a corporate procedures manual to assist officers in the day-to-day operations of the organisation.

In February 2005 a further review was undertaken of the City's Policy Manual with a view to delineating between those policies that were of a strategic nature and those policies that were required for administrative and/or operational imperatives.

Attachment 1 outlines a framework for policy development at the City of Joondalup that has been developed as a result of Council deliberations at the Strategy Sessions conducted in February and March. The framework represents the role of Council in setting strategic (Council) policies and sanctioning operational (City) policies, and the role of the CEO in providing support and advice to the Council for the development of City policies and overseeing the development of procedures to facilitate the implementation of the Council policies.

Statutory Provision:

The Local Government Act 1995 is the legislation under which Local Government bodies are constituted and contains detailed reporting and operational requirements which a Council has a duty to comply with.

The Act establishes the framework for the system of local government in Western Australia. Section 1.3 (2) states that the Act is intended to result in:

- (a) Better decision-making by local government
- (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 dependant on the processes and practices for planning, and policy development.

Part 3 of the Act outlines the functions of local governments:

- Section 3.1 - A *general function* to provide for good government
- Section 3.4 - A *legislative function* to make local laws, and
- Section 3.8 - An *executive function* to provide services and facilities.

The separation of powers and duties in relation to the Council and the Chief Executive Officers as detailed in the Local Government Act 1995 are:

Under the Act (Section 2.7) the role of the Council is to:

- (a) Direct and controls the local government's affairs;
- (b) Be responsible for the performance of the local government's Perth's functions.
- (c) Oversee the allocation of the local government's finances and resources; and
- (d) Determine the local governments policies.

Section 5.41 of the Local Government Act specifies the functions of the Chief Executive Officer:

- (a) Advise the council in relation to the functions of a local government under this Act and other written laws.
- (b) Ensure that advice and information is available to the council so that informed decision can be made.
- (c) Cause council decisions to be implemented.
- (d) Manage the day-to-day operations of the local government.
- (e) Liaise with the mayor on the local government's affairs and the performance of the local government functions;
- (f) Speak on behalf of the local government if the mayor agrees;
- (g) Be responsible for the employment, management, supervision, direction and dismissal of other employees (subject to section 5.37 (2) in relation to senior employees);
- (h) Ensure that records and documents of the local government are properly kept for the purposes of this Act and any other written law; and
- (i) Perform any other functions specified or delegated by the local government or imposed under this Act or any other written law as a function to be performed by the CEO.

It is important to note that some of the powers and functions of the Council can be delegated to the CEO.

Under the Act Section 5.42 states:

- (1) A local government may delegate to the CEO the exercise of any of its powers of the discharge of any of its duties under this Act other than those referred to in section 5.43 and this power of delegation.
- (2) A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation. (Absolute Majority required).

Section 5.44 provides limitations to this power of delegation, those being:

In turn the CEO may delegate to any employees the exercise of any of the CEO's powers or the discharge of any of the CEO's duties other than the power of delegation. The delegation must be in writing.

Section 5.8 of the Local Government Act 1995 states:

A local government may establish (absolute majority required) committees of 3 or more persons to assist the council and to exercise the powers and discharge the duties of the local government that can be delegated to committees.

Policy Implications

The report recommends a revised process for the development and review of Council policies.

Strategic Implications:

This report provides the framework and guidelines within which policies will be developed at the City of Joondalup. It will contribute to achievement of the Strategic Plan 2003 – 2008.

Sustainability Implications:

The review and development of policies will align with the strategic directions established by Council and outlined in the Strategic Plan 2003 – 2008. Council's vision is to be '*A sustainable City and community that are recognised as innovative, unique and diverse*'. The Strategic Plan was designed to reflect the themes of economic, social and environmental sustainability as well as good governance.

Community Consultation:

The process of public policy-making is as important as the product of that process. Effective policy making cannot occur without substantial public participation.

The report recommends that major Council policies be subject to community consultation processes as determined by the Policy Committee.

COMMENT

The development and review of policies in local government goes to the very heart of corporate governance. Effective corporate governance is only possible with a recognition and acceptance of legislative and administrative means that clearly establish the roles and responsibilities of the Council, Councillors and Council Officers.

Effective outcomes are best achieved where the role and focus of councillors as a collective corporate body, is directed to policy formulation and strategic development. The role of staff is to implement the policies and strategies of the Council through an accountable, effective and efficient application of resources and assets.

The Local Government Act 1995 defines the role of the Council and Councillors as setting the direction the local government should take and the role of the CEO to implement the decisions of Council. The intent, therefore, of the Local Government Act was for the Council to set strategy and policy direction while the implementation of that direction and the day-to-day operations was to rest with the CEO.

In terms of the very different and discrete roles of the Council and the CEO it is imperative that the differences between major (Council) policies, operational (City) policies, and procedures be clearly understood so that Council and the CEO (and staff) can achieve Council objectives.

The Local Government Act defines the roles and responsibilities of Council and the Chief Executive Officer so as to ensure that the local government fulfils its obligations and exercises its powers and function appropriately. The revised process for the development and review of policies at the City of Joondalup, described in this report, is based on the roles and responsibilities as defined in the Local Government Act and translates such obligations into practical mechanisms for the setting of policy (Council and City) and the processes for implementation of policies which combine to create an environment for effective management and operation of the City of Joondalup.

The framework proposed in this report assigns responsibility for the initiation, formulation and adoption of strategic (Council) policies that guide decision making to the Council, and implementation of such policy to the CEO.

Local Government is representative democracy and as such is required to consult and engage its community on major policy matters, and in so doing, reflect the aspirations of that community. Local Governments have an important role in building strong communities. Engaging the community should be highly valued and a goal that influences all activities of local government.

The proposed framework for the development and review of policies described in this report recommends that when major Council policies are being developed and reviewed that community engagement is an important consideration so that the policy making process ensures that all community viewpoints are heard and considered in the formulation of policy. This will also ensure that Council does not make policy in a vacuum, and the community participates and feels a part of the governance process. Further, it will ensure that the Council acts in the community interest.

The process for the review and development of policies described in this report makes a clear distinction between the role of the Council and the CEO, which is represented in the table below:

Council Policies (What)	Council	External Focus
City Policies (How)	Council/CEO	Internal Focus
Procedures (Who/When/Implementation)	CEO	Internal Focus

Council has a statutory role to determine the policies for the City of Joondalup and the role of Council in setting policy will be most effective when it is linked with appropriate management practices and processes that ensure implementation of such policies. Council policies should set the standards for the organisation to achieve and make strategic policy decisions that guide staff in their decision-making processes.

Those policies that set direction (Council Policies) and reflect community values and therefore have significant impact on the community will, according to the framework proposed, undergo a comprehensive development process under the guidance of the Policy Committee that will involve, where the Committee determines it appropriate, engaging the community in policy debate, whereas those policies that are developed for administrative and/or operational imperatives (City Policies) will be developed by Council officers for Council consideration and be subject to the normal Council meeting cycle for Council review and endorsement.

The proposed framework, if endorsed by Council, will necessitate a review of the current Policy (2.3.1) Policy Development & Review Process and a revision of the terms of reference for the Policy Committee.

The following terms of reference were suggested at the Strategy Session of 1 March 2005:

- Make recommendations to Council on the development and review of strategic policies to identify the direction of the Council;
- Policy to be developed;
- Devise and oversee the method of development (level of community consultation).

Research has been conducted into the policy development processes by the Western Australian Local Government (WALGA), Australian Local Government Association (ALGA), and the Department of Premier and Cabinet, to inform the proposed process for the City of Joondalup.

The following information reflects that research:

WALGA develops policies in the following areas:

- 1 Community – key issues within this policy area include aged, centralisation/decentralisation of Government services, community security, disabilities, emergency management, health, libraries, recreation, and youth;
- 2 Development - key issues in this policy area include building, land use planning, native title, and telecommunications;
- 3 Environment – key issues within this policy area include, greenhouse emission reduction, sustainable development, natural resource management, and salinity;
- 4 Governance – key issues within this policy area include, elected member development, grants, and Local Government Act and Associated Legislation;
- 5 Transport – key issues within this policy area include aerodromes, heavy haulage, public transport, roads,
- 6 Waste Management.

WALGA develops policies in the following areas:

- 1 Environment – key issues within this policy area include national packaging covenant, natural resource management, coastal management, sustainability, greenhouse and climate change, waste and recycling, environmental management system, strategic partnerships;

- 2 Indigenous Issues – key issues within this policy area include commitment, and Native Title;
- 3 Roads and Transport
- 4 Online Services
- 5 Regional Development - encompasses a number of different policy areas including infrastructure, finance, environmental, and social policy.
- 6 Social – key issues within this policy area include population and ageing, health, housing, sport and recreation, family and children, youth services, immigration, disabilities, arts and women in local government.
- 7 Economics and Finance

The Department for Premier and Cabinet develops policies in the following areas:

- 1 Social Policy – key issues within this policy area include mental health, children, concessions, family violence, Indigenous communities, poverty, ageing, health, community service provision, (including funding and provision), homelessness, and drugs and alcohol.
- 2 Citizenship, Civics and strengthening democracy- key issues within this policy area include public participation;
- 3 Community Safety – key issues within this policy area include community safety, and crime prevention;
- 4 Export and Trade – key issues within this policy area include international trade and investment;
- 5 Sustainable Tourism Development – key issues within this policy area include the protection the Ningaloo Coast.

Whilst it is not possible to impose the key policy areas from WALGA, ALGA and the Department of Premier and Cabinet onto the City of Joondalup's policy framework the research does provide some examples of broad policy areas for Council's consideration.

The key strategic or major Council policy areas would be best placed to drive and align with the key focus areas of the Strategic Plan – Community, Environment, Development and Governance. Council's policy directions and statements would, therefore, be in the following areas:

- Community Sustainability – to incorporate broad statements of intent with regard to service provision, community consultation, public participation, community partnerships, leisure and recreational activities, and arts and culture.
- Environmental Sustainability – to incorporate broad statements of intent with regard to protection and enhancement of natural environment, transport choices, and developing the physical character of Joondalup.
- Economic Sustainability – to incorporate broad statements of intent with regard to regional development and cooperation, local employment, support for the business sector, infrastructure, major events.
- Governance – to incorporate broad statements of intent with regard to Council's role and responsibilities in terms of community leadership, setting direction, representation and advocacy of community interests, promoting the needs and aspirations of the community, stewardship of community resources, service provision, regulatory functions, and the integration of social, environmental and economic considerations into decision making.

- The framework proposes that Council policies contain statements of strategic intent to guide the City's decision-making and operations. Once developed they should be aligned to the identified outcomes contained within the Strategic Plan and associated management practices and delegations should be cross reference to each document. Each of these major Council policy statements will also be supported by specific City policies that will be driven by the major policy statements.
- It is evident that the current Policy Manual will need a rigorous review to clearly delineate Council policies from City policies and procedures, and a Working Party comprising key staff has been convened to undertake this review. It is intended that a report will be provided to the Policy Committee following this review.

Good governance is about formalising and making clear and consistent the decision-making processes in the organisation. The framework proposed in this report will help facilitate decision-making and appropriate delegation of accountability and responsibility within and outside the organisation and ensure that the varying needs of the stakeholders are appropriately balanced; that decisions are made in a rational, informed and transparent fashion; and that those decisions contribute to the overall efficiency and effectiveness of the organisation.

The model described in this report has been developed to enable the Council to focus on the larger issues, to delegate with clarity, to control management's job without interfering in the day-to-day operations, and importantly, to truly lead the organisation by placing primary importance on issues of organisational purpose (ends) from other organisational issues (means).

The Council Policy Governance Framework proposed in this report sets an overarching governance hierarchy or policy governance model that will enable the Council and the CEO to collectively:

- Provide effective and accountable strategic leadership;
- Exercise effective control over the operations of the City; and
- Add value to the activities undertaken.

The proposed Council Policy Governance Framework, therefore, establishes a system whereby Council, through policy leadership, establishes the blueprint for the community's future and the CEO is accountable for the execution of that blueprint.

ATTACHMENTS

Attachment 1 Framework for Policy Development at the City of Joondalup

VOTING REQUIREMENTS

Absolute Majority

OFFICER'S RECOMMENDATION: That Council BY AN ABSOLUTE MAJORITY:

- 1 DISBANDS the Policy Manual Review Committee;
- 2 in accordance with Section 5.8 of the Local Government Act 1995, ESTABLISHES a Policy Committee comprising membership of the five Commissioners with the following terms of reference:
 - (a) To make recommendations to Council on the development and review of strategic (Council) policies to identify the direction of the Council;
 - (b) To Initiate and formulate strategic (Council) policies;
 - (c) To devise and oversee the method of development (level and manner of community consultation) for the development of strategic (Council) policies;
 - (d) To review the Council Policy Governance Framework in order to ensure compliance with provisions of the Local Government Act 1995;

MOVED Cmr Smith, SECONDED Cmr Fox that Council:

- 1 **DISBANDS the Policy Manual Review Committee;**
- 2 **in accordance with Section 5.8 of the Local Government Act 1995, ESTABLISHES a Policy Committee comprising membership of the five Commissioners with the following terms of reference:**
 - (a) **To make recommendations to Council on the development and review of strategic (Council) policies to identify the direction of the Council;**
 - (b) **To Initiate and formulate strategic (Council) policies;**
 - (c) **To devise and oversee the method of development (level and manner of community consultation) for the development of strategic (Council) policies;**
 - (d) **To review the Council Policy Governance Framework in order to ensure compliance with provisions of the Local Government Act 1995;**
- 3 **REPEALS Policy 2.3.1 – Policy Development and Review Process;**
- 4 **ADOPTS a new policy to replace Policy 2.3.1, based on the Council policy framework in Attachment 1 to Report CJ064-04/05, and that policy to include reference to the Policy Committee and its terms of reference;**

- 5 REFERS to the newly formed Policy Committee for attention the resolution of the Sustainability Advisory Committee dated 14 October 2004 concerning development of a statement of principles that commits all policies of Council to sustainability objectives.**

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: [Attach1brf190405.pdf](#)

**CJ065 - 04/05 PROPOSED CONSULTATION PROCESS -
PROTOCOLS FOR PUBLIC QUESTION AND
STATEMENT TIME – [02154, 08122 12950 10567]**

WARD - All

CJ050419_BRF.DOC:ITEM 2

PURPOSE

For the Council to give consideration to the proposed consultation process with members of Council appointed committees for the development of procedures relating to public question and statement time.

EXECUTIVE SUMMARY

A panel comprising of three (3) persons was established in late 2003 to undertake a review of the City of Joondalup's governance processes.

The panel presented a final report, which was initially considered by the Council in November 2004 where it was deferred to the December 2004 meeting to be considered in conjunction with the resolutions carried at the annual meeting of electors.

At the ordinary meeting of the Council held on 14 December 2004 it was agreed as follows:

- *NOTE the request from the electors to include a public statement time at Council meetings and Briefing sessions;*
- *AGREE to give consideration to the inclusion of a public statement time when reviewing the guidelines relating to public question time;*

- *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;*

It is recommended that Council AGREES to invite all members of the following committees to be part of developing the protocols for public question time and statement time:

- *Conservation Advisory Committee*
- *Sustainability Advisory Committee*
- *Senior Interests Advisory Committee*
- *Youth Advisory Council*
- *CBD Enhancement Committee*

BACKGROUND

A Governance Review Panel (the Panel) established in September 2003 comprising of:

- Mr Steve Cole, Director Capacity Building – Department of Local Government and Regional Development – (Chairman);
- Councillor Ian Mickel, President – Shire of Esperance;
- Mr Cliff Frewing, Executive Manager – Financial and Information Services – City of Swan and President, WA Division of Local Government Managers Australia;
- Mr Bruce Wittber, Consultant (Executive Officer).

The Council at its meeting held on 23 November 2004 resolved to:

- 1 *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*

The Council at its meeting held on 14 December 2004 resolved to:

- *NOTE the request from the electors to include a public statement time at Council meetings and Briefing sessions;*
- *AGREE to give consideration to the inclusion of a public statement time when reviewing the guidelines relating to public question time;*

- *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.*

The above resolution was primarily as a result of the recommendations of the Governance Review – Final Report that was conducted into the operations of the City of Joondalup in late 2003.

DETAILS

Statutory Provision:

The Local Government Act 1995 and associated Regulations require that a period of time be allocated at the commencement of every Council meeting for the asking of and responding to questions asked by members of the public. The rules associated with the conduct of public question time are detailed within the legislation; however, public statement time is not a statutory requirement.

Policy Implications:

The Council does not have a policy relating to public question and statement time but it has adopted a form of guidelines/procedures that assist the Presiding member with the conduct of public question time.

Financial Implications:

There are currently no funds allocated to undertake an extensive consultation process.

Strategic Implications:

Outcome – The City of Joondalup is an interactive community

- 4.3 To ensure the City responds to and communicates with the community
 - 4.3.3 Provide fair and transparent decision-making processes.

Community Consultation:

In order to involve the community in establishing such protocols and being mindful of the process and costs, it is proposed to request the attendance of members of the five Council appointed advisory committees being: -

- Conservation Advisory Committee
- Sustainability Advisory Committee
- Senior Interests Advisory Committee
- Youth Advisory Council
- CBD Enhancement Committee

Sustainability:

The City recognises its responsibilities to work with its community towards an environmentally, socially and economically sustainable future. Consideration of the recommendations of the Governance Review Panel will enhance the social aspect of sustainability by demonstrating improved governance practices for the benefit of the community of the City of Joondalup.

From a quick analysis of the local government industry it appears that the Cities of Swan, Stirling and Subiaco allow a public statement time at the respective Council meetings. The guidelines associated with the individual public statement times vary amongst the three local governments.

Prior to undertaking the consultation process for the development of the guidelines for public question and statement time and to adhere to the intent of the resolution of the Council, being *“within the constraints imposed by the Local Government Act 1995 and the need for Council meetings to progress the ordinary business of the Council”*, it is requested that a set of agreed parameters be set by the Council within which the consultation process will work. These parameters need to address such issues as:

- A reasonable duration of public question and statement time to allow the normal business of the Council to be transacted;
- In which forum should the public statement time be introduced: briefing sessions or ordinary/special Council meetings?
- Should statements relate to items on the agenda or to matters affecting the operations of the local government?
- Should there be a limit to the number of statements and time of the statements and questions:
- Should people be able to ask a question and make a statement at the same meeting?
- If the number of persons wanting to make a statement or ask a question outweighs the time allocated for statement and question times how are they extended?
- Should there be a limit to the number of questions able to be asked by one individual?
- Should there be a time limit on the statement an individual makes?
- Should there be a need to require all questions to be submitted in writing?
- If there is a limit to the number of questions per person, does this include the written questions received prior to the meeting?
- Should there be a deadline for written questions received prior to the meeting that expect a response at the meeting; what is the procedure for those received after that deadline, do they then become part of the restricted number of questions that person may ask?
- What special arrangements need to be made to assist people with disabilities?

COMMENT

Utilising the membership of these committees will allow for a cross representation of the community, from the youth to the seniors, who have committed to the Council decision making process by being involved at the committee level. These people also have an understanding of the Council process and will be able to constructively assist in the development of the protocols.

The consultation will be in the form of a workshop and facilitated by staff of the City of Joondalup. It is intended to establish clear ground rules with the participants relating to the legislated requirements and the intent of the Council decision.

Workshops with advisory committee representatives will be held in May 2005, with the preferred option being a report to Council in June 2005 recommending that Council seeks wider consultation with the community prior to final adoption.

It is therefore requested to commence the process by contacting each of the Presiding Members of those committees referred to above and advising them of the City's intention prior to inviting the individual members to participate.

ATTACHMENTS

Nil

VOTING REQUIREMENTS

Simple Majority

MOVED Cmr Anderson, SECONDED Cmr Clough that:

- 1 Council AGREES to invite all members of the following committees to be part of developing the protocols for public question time and statement time:**
 - **Conservation Advisory Committee**
 - **Sustainability Advisory Committee**
 - **Senior Interests Advisory Committee**
 - **Youth Advisory Council**
 - **CBD Enhancement Committee**
- 2 a report on the findings of the workshops be PRESENTED to Council in June 2005.**

Cmr Anderson spoke to the Motion.

The Motion was Put and

CARRIED UNANIMOUSLY (5/0)

**CJ066 - 04/05 NOTIFICATION OF VISITS BETWEEN JOONDALUP
AND JINAN SISTER CITIES DURING 2005 – [52469]
[11014]**

WARD - All

CJ050419_BRF.DOC:ITEM 3

PURPOSE

To advise and seek Council endorsement for sister city visits between Jinan, China and Joondalup during 2005.

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 September 2004 the Chairman of Commissioners led a delegation to Jinan where a Protocol of Friendly Relations was signed. This was followed by a visit to the City by delegates from Jinan in November 2004 when an official protocol agreement formalising the Sister City Relationship between the two Cities was signed.

The Jinan Foreign Affairs Office has recently contacted the City requesting that the City host a delegation from Jinan, to be led by Mayor Bao, in August 2005. The City has also been extended an invitation to the China Shandong (Jinan) Twin Cities Tourism Forum to be held from 21-23 October 2005 in Jinan. A copy of the invitation is shown as “Attachment A” to this report.

The City is currently developing a long-term Relationship Plan, which will guide the development of the Sister City Relationship over the next 5 to 10 years. It is expected that the Relationship Plan will recommend, among other details, biennial visits between the two Cities rather than annual ones. However, given the relative freshness of the Sister City Relationship it should be considered reasonable that the City consolidate the relationship by hosting an inbound delegation and giving due consideration to undertaking an outbound delegation during 2005. This report recommends that the City defers any decision to undertake an outbound delegation until after the draft Relationship Plan is presented to Council. It is envisaged that the Relationship Plan would be a point of discussion during the proposed visit in August by Mayor Bao Zhiqiang and his delegation. The discussion will enable agreement for the long-term management of the relationship including agreement on future visitations by both Cities.

It is recommended that Council

- 1 *APPROVES that the delegation from Jinan, China lead by Mayor Bao Zhiqiang is received in August 2005;*
- 2 *REQUESTS the Chairman of Commissioners to issue official invitations to Mayor Bao Zhiqiang and his delegation;*

- 3 *REQUESTS the Chief Executive Officer to commence arrangements for the hosting of the delegation and to provide a report back to Council in the near future outlining the details of the itinerary as well as a promotion and education program for business and community to be appropriately involved in the forthcoming visit in August 2005;*
- 4 *DEFERS the decision to accept the invitation from Mayor Bao Zhiqiang of the Municipal People's Government of Jinan for the Chairman of Commissioners to lead a delegation to Jinan to attend the International Tourism Fair from 21-23 October 2005 until the draft Relationship Plan is presented to Council in May 2005;*
- 5 *AUTHORISES the Chairman of Commissioners to hold formal discussions with the City's key stakeholders to seek their level of interest, support and attendance at the proposed visits between the Sister Cities during 2005;*
- 6 *ADVISES Mayor Bao Zhiqiang of the Municipal People's Government of Jinan that travel and accommodation costs would be borne by each delegate and/or their respective organisations;*
- 7 *LISTS for consideration a budget allocation of \$15,000 in 2005-06 budget to ensure costs associated with hosting an inbound delegation and an outbound delegation can be met.*

BACKGROUND

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 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 delegation lead by Mr Duan Yihe, Director of the Standing Committee of Jinan's People Congress from Jinan was received by the City of Joondalup from 19 – 22 November 2005. During this visit the two Cities signed an official protocol agreement formalising the Sister City relations between the two Cities.

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] |
| CJ306 – 12/04 | Overview of the Official Visit from Jinan Delegation (Shandong province), China to Joondalup – November 2004 – [52469] [11014] |

Strategic Plan:

This item links to the City's Strategic Plan 2003-08 under Key Focus Area One - Community Wellbeing through the following outcome:

“The City of Joondalup is recognised globally as a community that value and facilitates Lifelong Learning”

Sustainability Implications

The Sister City relationship with Jinan, China has been built on economic and social outcomes.

The visits in 2004 have opened up many opportunities for Joondalup that will support the City's economic development pathway.

Edith Cowan University has signed a Memorandum of Understanding with Jinan University and will be exchanging research opportunities and increasing their student intakes from Jinan.

The WA Police Academy has made an offer to Jinan to train 20 senior level officers at the Academy during 2005. This offer has been accepted and a program is currently being implemented between the Learning City partners and City of Joondalup for hosting and managing the 12-week program. The 20 Police officers will be living in Joondalup during this time.

The West Coast TAFE and the Joondalup Health Campus are developing a training program for nurses from Jinan.

The City of Joondalup is progressing discussions on public servant training for senior level officers from Jinan and these talks will be progressed as outcomes of the proposed visits during 2005.

Community Consultation

A web page has been constructed that contains up to date information on the progress of the relationship with online opportunities for the community to comment or provide ideas for the City to consider. The City has received interest from various groups and individuals offering support and ideas for the ongoing relationship.

DETAILS

On Friday 25 March 2005, the Jinan Foreign Affairs Office contacted the City requesting to know if the City would be able to host a delegation from Jinan, to be led by Mayor Bao Zhiqiang, in August 2005. The City was informed that the actual dates would be provided once details had been finalised and the City of Joondalup has advised that a visit will be possible during the month of August 2005.

Furthermore, on Wednesday 30 March 2005, the City received an official invitation for the City of Joondalup to lead a delegation to visit Jinan in October 2005. The purpose of the visit will be to attend the China Shandong (Jinan) Twin Cities Tourism Forum from 21-23 October 2005 in Jinan. A copy of the invitation is shown as “Attachment A” to this report.

Policy Implications:

At this point in time the City does not have any associated policy to guide the Sister City Relationship. A policy and long term relationship plan is currently being developed which will provide overarching guidance to enable the Jinan and Joondalup relationship to work effectively for both parties.

The recent request and invitation from Jinan have come prior to the drafting of the policy document and once endorsed all future reports with regard to the Sister City relationship will reflect the direction of the policy and the plan.

Financial Implications:

In 2004/05, \$15,000 was set aside for the Jinan-Joondalup relationship. The funding was set aside from within the Learning City corporate project budget.

This report recommends that Council lists for approval the sum of \$15,000 in the 2005/06 budget, to ensure that potential costs associated with the hosting of the August 2005 inbound delegation from Jinan and the outbound delegation to Jinan can be met. This will include catering, travel costs, accommodation, purchase of gifts and promotional activities.

COMMENT

With regard to the proposed forthcoming visit in August 2005 by Mayor Bao, the City can learn from the experience gained in 2004 and take the opportunity to improve on outcomes for 2005 from a hosting perspective. The City would be well placed to embark on an effective campaign to promote the relationship visit to its community in order to give greater opportunity for community participation in formal events and non-formal events. Further more, the City would have the ability to work closely with the business sector that would provide hosting facilities in order to ensure the arrangements are presented in a culturally appropriate environment.

The City is currently developing a long-term Relationship Plan and Policy, which will guide the development of the Sister City Relationship over the next 5-10 years. The Plan is being developed with involvement from the City's key stakeholders, Commissioners and staff who have contributed their views on how the relationships should be managed and maintained. A survey was distributed in March 2005 to collect the views and aspirations of stakeholders, commissioners and key staff. The surveys are currently being analysed and collated and will provide the basis for formulation of the Relationship Plan and Policy. The plan and policy will be drafted by May 2005 and will provide the necessary protocols for exchanges into the future. Once drafted and accepted by Council the draft Plan will need to go to broader consultation with community stakeholders and the Jinan Government prior to final endorsement.

It is envisaged that the Relationship Plan will be a point of discussion during the proposed visit in August by Mayor Bao and his delegation. The Plan will enable agreement for the long-term management of the relationship and this will include agreements on future visitations by both Cities. The Policy will provide an overarching high level statement of intent regarding this relationship and what it will focus on to achieve.

The Plan will consolidate more appropriate arrangements into the future. For example an outbound delegation could travel to Jinan biennially and a delegation from Jinan would also be received biennially. This would ensure that the relationship has a single major interaction annually and would serve to ensure the cost of maintaining the relationship is managed efficiently.

Other outcomes from the visits during 2005 would be to develop ideas for exchange that have been raised during the 2004 visits. This would include further discussion on the potential for training exchange programs and tourism development opportunities. Once exchange programs have been agreed and are operational then the two Cities will be in a stronger position to measure tangible outcomes of the relationship.

Given the relative freshness of the Sister City Relationship it would be considered reasonable that during 2005 the City needs to consolidate the relationship by hosting an inbound delegation and if possible undertaking an outbound delegation in a single year. This will greatly assist the relationship to flourish and reach the level of trust and respect that has been gained to date. Notwithstanding this benefit it should also be noted that the dates of the proposed outbound delegation may collide with an election process appointing a new Council. If this were to be the case then a number of situations can be considered:

- (a) If elections are not held the Chairman would lead the delegation;
- (b) If elections were held the new Mayor would decide whether he/she wished to lead the delegation;
- (c) If the new Mayor was unable to lead the delegation the Chief Executive Officer could be delegated this task.

ATTACHMENTS

Attachment A Invitation from Mayor Zhiqiang to attend the China Shandong (Jinan) Twin Cities Tourism Conference.

VOTING REQUIREMENTS

Simple Majority

MOVED Cmr Fox, SECONDED Cmr Clough that Council:

- 1 APPROVES that the delegation from Jinan, China lead by Mayor Bao Zhiqiang is received in August 2005;**
- 2 REQUESTS the Chairman of Commissioners to issue official invitations to Mayor Bao Zhiqiang and his delegation;**
- 3 REQUESTS the Chief Executive Officer to commence arrangements for the hosting of the delegation and to provide a report back to Council in the near future outlining the details of the itinerary as well as a promotion and education program for business and community to be appropriately involved in the forthcoming visit in August 2005;**

- 4 **DEFERS the decision to accept the invitation from Mayor Bao Zhiqiang of the Municipal People’s Government of Jinan for the Chairman of Commissioners to lead a delegation to Jinan to attend the International Tourism Fair from 21-23 October 2005 until the draft Relationship Plan is presented to Council in May;**
- 5 **AUTHORISES the Chairman of Commissioners to hold formal discussions with the City’s key stakeholders to seek their level of interest, support and attendance at the proposed visits between the Sister Cities during 2005;**
- 6 **ADVISES Mayor Bao Zhiqiang of the Municipal People’s Government of Jinan that travel and accommodation costs would be borne by each delegate and/or their respective organisations;**
- 7 **LISTS for consideration a budget allocation of \$15,000 in 2005-06 budget to ensure costs associated with hosting an inbound delegation and an outbound delegation can be met.**

Discussion ensued.

The Motion was Put and

CARRIED UNANIMOUSLY (5/0)

Appendix 2 refers

To access this attachment on electronic document, click here: [Attach2brf190405.pdf](#)

CJ067 - 04/05 NAIDOC WEEK – [42831]

WARD - Lakeside

CJ050419_BRF.DOC:ITEM 4

PURPOSE

To seek endorsement by Council on the proposed approach to celebrate indigenous culture during NAIDOC (National Aboriginal Islander Day Observance Committee) week July 3 - 10 2005.

EXECUTIVE SUMMARY

It is proposed that the City celebrates NAIDOC week in 2005 and builds on the highly successful inaugural celebrations held in 2004. The City has formed a working group to discuss potential activities and events to celebrate NAIDOC week in 2005 including:

- Official flag raising ceremony to launch NAIDOC week;
- Special welcome to country at the City’s Citizenship Ceremony;
- Aboriginal art exhibition, art workshops and art talks at the Blender Gallery;

- Special visits by Aboriginal elders to specific interest groups within the community such as libraries and senior citizen centres;
- Schools' banner competition; and
- Community concert to celebrate Aboriginal music and culture with performances by special Aboriginal artists.

This report recommends that Council:

- 1 *APPROVES the City's participation in celebrating NAIDOC week in 2005;*
- 2 *LISTS for consideration an amount of \$15,000 in the 2005/06 budget process;*
- 3 *LISTS NAIDOC week in the Diary of Events;*
- 4 *APPROVES NAIDOC week to be an annual event for the City;*
- 5 *REQUESTS the Chief Executive Officer to ensure the Aboriginal flag is flown in the Council Chamber and on the City flagpoles during the month of July 2005;*
- 6 *REQUESTS the Chief Executive Officer to ensure adequate promotion is given to the event for the purpose of awareness raising in the community and to ensure that community groups and schools take the opportunity to be involved wherever possible.*

BACKGROUND

NAIDOC week is a way of celebrating and promoting a greater understanding of Aboriginal and Torres Strait Islander people and their culture. It is also an opportunity to celebrate the uniqueness of their traditions and cultures and to bring issues of concern to the attention of governments and the general public.

In 2004, the City of Joondalup hosted a series of special and very successful inaugural celebrations to celebrate a greater understanding of indigenous culture and heritage as part of NAIDOC week. Celebrations featured special guest Bob Randall and his partner Hazel MacKinnon. Bob, known as the 'Songman' is a registered traditional owner of Uluru and has recently published a book of his life and his experience as a stolen generation child. His partner Hazel, is a celebrated artist and sculptor and her work has featured at The Blender Gallery in Central Walk.

A major highlight of 2004 NAIDOC celebrations was a free concert held at Arena Joondalup where Bob Randall entertained over 500 people with songs and stories of the stolen generation together with other support acts.

The other major highlight included an official flag raising ceremony where hundreds of invited guests watched Aboriginal elder Cedric Jacobs raise the Australian flag and City's Chairman of Commissioners John Patterson raise the Aboriginal flag outside the Council building.

DETAILS

This year, NAIDOC Week will extend from Sunday 3 July through to Sunday 10 July 2005. NAIDOC week is a way of celebrating and promoting a greater understanding of Aboriginal and Torres Strait Islander people and their culture. It is also an opportunity to celebrate the uniqueness of their traditions and cultures and to bring issues of concern to the attention of governments and the general public.

The City has been actively involved in developing an understanding of indigenous heritage and developing strategic plans such as the Tourism Development Plan and the Cultural Plan as well as developing networks that can facilitate progress toward issues such as reconciliation and re-engagement with local indigenous culture.

It is proposed that the City of Joondalup again celebrates NAIDOC week in 2005 and builds on the highly successful inaugural celebrations held in 2004. The City has formed a working group to discuss potential activities and events to celebrate NAIDOC week in 2005 including:

- Official flag raising ceremony to launch NAIDOC week;
- Special welcome to country at the City's Citizenship Ceremony;
- Aboriginal art exhibition, art workshops and art talks at the Blender Gallery.
- Special visits by Aboriginal elders to specific interest groups within the community such as libraries and senior citizen centres;
- Schools' banner competition; and
- Community concert to celebrate Aboriginal music and culture with performances by special Aboriginal artists.

While the above activities are still to be finalized, the City is in the process of extending invitations to key stakeholders to become involved and develop a strong and successful partnership approach to celebrate NAIDOC week this year.

The City is keen to consult and work closely with relevant staff and key external stakeholders, particularly with the Northern Suburbs Reconciliation Group (NSRG) and Yirri Yaakan to ensure there is Indigenous representation and input into the development of proposed activities and events to celebrate NAIDOC week. In particular, the City is working closely with these two indigenous key stakeholders to provide direct links with Indigenous performers, art and craft making activities, displays and indigenous tours around the City.

Other key stakeholders that have been identified include ECU, West Coast TAFE and the WA Police Academy. The City has sought involvement from all key stakeholders and representation on the working group to develop a collaborative approach for NAIDOC week celebrations in 2005. Sponsorships have and are currently being sought from the key stakeholders and this is currently in negotiation stage.

Financial Implications:

An estimated \$15,000 funding to celebrate NAIDOC week in 2005 will be submitted as a new proposal in the 2005/06-budget deliberation process.

The City is also currently seeking a \$5,000 grant through the Department of Indigenous Affairs. The amount will be utilized to assist in the implementation of various activities including the official flag raising ceremony to launch NAIDOC Week, the Art Exhibition, Art workshops and Art talks and the concert.

The City is also working closely with the NSRG to seek funding through Lotterywest. It is envisaged that the NSRG will seek funding and the City will auspice the funds on their behalf if deemed necessary. The City has already received funding from Lotterywest for the Joondalup festival and hence cannot reapply directly to Lotterywest for NAIDOC week celebrations.

Last year the City's stakeholders provided sponsorship of approximately \$5,000 to support the event. A sponsorship package will be prepared with the intention of raising a similar amount this year. A total budget allocation including sponsorships for the event will be \$20,000.

\$ 10,000 – Council Funded (if grant is successful otherwise \$15,000)

\$ 5,000 - Grant funding

\$ 5,000 - Sponsorships

Strategic Implications:

The celebrations for NAIDOC week links to the City's Strategic Plan under the key focus areas of Community Well Being and Organisational Development as follows.

Outcome	Objective	Strategies
The City of Joondalup is a cultural centre.	1.2 To meet the cultural needs and values of the community.	1.2.1 Continue to enhance and create new cultural activities and events.
The City of Joondalup provides social opportunities that meet community needs.	1.3 To continue to provide services that meet changing needs of a diverse and growing community.	1.3.2 Provide quality-of-life opportunities for all community members. Maintain and protect natural assets to retain biodiversity.
The City of Joondalup is recognized as a unique City.	4.4 to develop community pride and identity.	4.4.1 Build and develop marketing opportunities to promote the City.

Sustainability Implications:

The NAIDOC week celebrations will have a wide range of sustainability implications across the City and its community, providing a range of economic, social and environmental benefits.

Social

- Bring indigenous issues of concern to the attention of governments and the general public.
- Assist in the reconciliation process;
- Improved community understanding of the local indigenous heritage and cultural values;
- The project meets the cultural needs and values of the community;

- The proposal will have a positive effect on the cultural facilities/values;
- The proposal addresses the diverse needs of all sectors of the community;
- Stronger relations and the building of trust with the Aboriginal community and in particular the Northern Suburbs Reconciliation Group; and
- Greater community profile of the City of Joondalup and its commitment to reconciliation.

Environmental

- The project will support the protection of natural assets, particularly areas of cultural significance.

Economic Benefits

- The undertaking of events and celebrations will raise the level of awareness and profile of indigenous heritage and has the potential to have a strong flow on economic benefit to the local indigenous community to develop a tourism and business product;
- The proposal creates and promotes cultural tourist attractions; and
- The proposal supports marketing strategies to for the promotion of the City of Joondalup as a tourist attraction.

Community Consultation:

The City is keen to undertake consultation and work closely with relevant staff and key external stakeholders, particularly with the NSRG and Yirri Yaakan to ensure there is Indigenous representation and input into the development of proposed activities and events to celebrate NAIDOC week.

Key stakeholders have been identified and have or will be approached to seek their involvement and collaboration for NAIDOC week celebrations and representation on the working group.

The Project leader will facilitate consultative processes utilising e-mail, mail and meetings to ensure all stakeholders are fully informed and granted full opportunity to offer input to the process.

COMMENT

The project involves a range of formal and informal activities to celebrate and promote a greater understanding of the uniqueness of indigenous culture and heritage during NAIDOC week in July 2005. The celebratory activities also provide a forum in which to bring issues of concern to the attention of governments and the general public and enable the City of Joondalup community to learn about and gain an appreciation of the history of the land, relationship with the Aboriginal people and how to become more involved in the reconciliation journey.

The issue of the Aboriginal Flag was raised last year through the Youth Advisory Committee requesting that the City fly the Aboriginal flag on a ongoing basis. The protocols associated with flying the Aboriginal flag are currently being addressed in the City's Cultural Plan, which is scheduled for completion in August 2005. In the absence of this protocol for NAIDOC week 2005 the official flag raising ceremony will still fly the Aboriginal and Australian flags together during NAIDOC week.

The City does not have a major regular annual event that draws people to the City during the winter months. NAIDOC week is such an event that could become an annual draw card and the City would be advantaged if it were to undertake NAIDOC week celebrations as part of its annual events calendar.

ATTACHMENTS

Nil

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION: That Council:

- 1 APPROVES the City's participation in celebrating NAIDOC week in 2005;
- 2 LISTS for consideration an amount of \$15,000 in the 2005/06 budget process;
- 3 LISTS NAIDOC week in the diary of events;
- 4 APPROVES NAIDOC week to be an annual event for the City;
- 5 REQUESTS the Chief Executive Officer to ensure the Aboriginal flag is flown in the Council Chamber and on the City flagpoles during the month of July 2005;
- 6 REQUESTS the Chief Executive Officer to ensure adequate promotion is given to the event for the purpose of awareness raising in the community and to ensure that community groups and schools take the opportunity to be involved wherever possible.

MOVED Cmr Fox, SECONDED Cmr Anderson that Council:

- 1 APPROVES the City's participation in celebrating NAIDOC week in 2005;**
- 2 LISTS for consideration an amount of \$15,000 in the 2005/06 budget process;**
- 3 LISTS NAIDOC week in the Diary of Events;**
- 4 APPROVES NAIDOC week to be an annual event for the City;**
- 5 REQUESTS the Chief Executive Officer to ensure the Aboriginal flag is flown in the Council Chamber at all times, and as appropriate on City flagpoles from the month of July 2005 onwards;**
- 6 REQUESTS the Chief Executive Officer to ensure adequate promotion is given to the event for the purpose of awareness raising in the community and to ensure that community groups and schools take the opportunity to be involved wherever possible.**

Discussion ensued.

The Motion was Put and**CARRIED (3/2)****In favour of the Motion:** Cmr Clough, Anderson and Fox **Against the Motion:** Cmr Paterson and Smith

Cmr Smith requested that the reasons she voted against the motion be recorded in the minutes. Cmr Smith said that she had sympathy with the motion but the report included the fact that the flying of the Aboriginal Flag would be an issue covered in the proposed Cultural Plan and that this was being developed with community consultation, including the Aboriginal community, and she believed that the officer recommendation was a reasonable interim measure until the Cultural Plan was completed.

CJ068 - 04/05 MINUTES OF THE SUSTAINABILITY ADVISORY COMMITTEE MEETING - 24 MARCH 2005 – [00906]**WARD - All**

CJ050419_BRF.DOC:ITEM 5

PURPOSE

The unconfirmed minutes of the Sustainability Advisory Committee meeting held on 24 March 2005 are submitted for noting by Council.

EXECUTIVE SUMMARY

The Sustainability Advisory Committee (SAC) met on 24 March 2005. Items of Business included a presentation on acid sulphate soils and items to be referred to the Committee.

This report recommends that Council NOTES the unconfirmed minutes of the Sustainability Advisory Committee meeting held on 24 March 2005 forming Attachment 1 to this Report.

DETAILS

The unconfirmed minutes of the Sustainability Advisory Committee meeting, held on 24 March 2005 are provided at Appendix 1.

ITEM 1 ACID SULPHATE SOILS PRESENTATION

A resolution was passed at the 10 February 2005 meeting for the Sustainability Advisory Committee that:

“INVITES an expert speaker from the Department of Environment to make a presentation on acid sulphate soils at the next Sustainability Advisory Committee meeting and invites Directors, Commissioners, representatives for the Yellagonga Regional Park Catchment Group (YRPCG), Friends of Yellagonga and City of Joondalup planning staff.”

The presentation on acid sulphate soils to the Sustainability Advisory Committee follows a letter dated 15 December 2004 from Mr Cusack. This letter expressed concerns related to the risk of acid sulphate soils disruption associated with recent development approvals.

Several Committee members requested clarification on matters relating to hydrology concerns at the Yellagonga Regional Park and other issues raised in the presentation relating to the science of acid sulphate soils.

Dr Appleyard from the Department of Environment gave a presentation to the Sustainability Advisory Committee on acid sulphate soils. The presentation covered topics relating to the cause, effect and future implications of acid sulphate soils and the mitigation and management responses for local government authorities including the City of Joondalup.

ITEM 2 ITEMS TO BE PRESENTED TO THE COMMITTEE

The Sustainability Advisory Committee meeting held on 10 February 2005 included an item from the Chief Executive Officer relating to the administration and management of items to be presented to the Committee.

Due to unforeseen circumstances the Chief Executive Officer was unable to attend the 10 February meeting and the Committee resolved to defer the item to the next Sustainability Advisory Committee meeting on 24 March 2005.

The Chief Executive Officer explained the background behind Council appointed Committees and advised that the Sustainability Advisory Committee operates under Standing Orders of Council. The Chief Executive Officer is responsible for ensuring that due process is followed and will ensure that training sessions are provided to all relevant staff.

This may mean that the Chief Executive Officer may not allow a deputation or agenda item under certain circumstances. The Chief Executive Officer stressed the importance of the Committee members having a clear understanding of their role. Council may amend this role upon request.

Discussion ensued on the issue of Committee recommendations to Council, how items are referred to Committees of Council for comment and the need for integration across Council Committees and business units.

The Chief Executive Officer advised that the recommendation made by the Committee remains unedited, however the Chief Executive Officer reserves the right to make a comment if there is an alternate view.

The Chief Executive Officer spoke on the need for new members of advisory committees to be briefed on correct procedures. One of his Key Performance Indicators is to provide an induction process for new Councillors and this could be extended to include members of advisory committees.

GENERAL BUSINESS

Asthma Ride

Cmr. Anderson commented on the success of the bike ride to raise funds for asthma research. Over 6000 cyclists took part in the ride, which ended at the Joondalup City Centre during the Joondalup Festival.

Sun Fair

Cmr. Anderson advised the Committee that the University of Western Australia is hosting the Perth Sun Fair on Sunday 3 April 2005. The Sun Fair is aimed at introducing the people of Perth to sustainable living concepts, technology and lifestyles. Further information will be distributed.

Ms Goeft requested the Chairperson's email address so she is able to place items on future agenda.

Other items of ongoing general business were discussed including a report on best practice vehicle fleet management, the EcoHouse project, the Beyond Declarations Sustainability Conference and Joondalup Shuttle Bus.

ATTACHMENTS

Attachment 1 The unconfirmed minutes of the Sustainability Advisory Committee meeting held on 24 March 2005.

VOTING REQUIREMENTS

Simple Majority

MOVED Cmr Anderson, SECONDED Cmr Fox that Council NOTES the unconfirmed minutes of the Sustainability Advisory Committee meeting held on 24 March 2005 forming Attachment 1 to Report CJ068-04/05.

Cmr Clough left the Chamber, the time being 2005 hrs.

Cmr Anderson commended the CEO and staff for the way in which the issue of acid sulphate soils has been progressed and the co-operation being shown between the City's staff and the community.

The Motion was Put and

CARRIED UNANIMOUSLY (4/0)

Appendix 3 refers

To access this attachment on electronic document, click here: [Attach3brf190405.pdf](#)

**CJ069 - 04/05 BORROWINGS FOR THE UPGRADE OF THE
CRAIGIE LEISURE CENTRE – [55570]****WARD - All**

CJ050419_BRF.DOC:ITEM 6

PURPOSE

To seek the approval of Council to borrow \$3,000,000.00 for the upgrade of the Craigie Leisure Centre from the WA Treasury Corporation.

EXECUTIVE SUMMARY

During the 2004/05 budget process, Council identified the need to fund the upgrade of the Craigie Leisure Centre by borrowing \$3,000,000.00. The borrowing and repayments were included in the 2004/05 adopted budget with provision for a 10-year loan with quarterly repayments of principal and interest.

Invitations to quote were forwarded on 1 April 2005 to the ANZ Banking Group Ltd, Commonwealth Bank of Australia, National Australia Bank Ltd, Westpac Banking Corporation and the WA Treasury Corporation. Quotations closed on 8 April 2005 with quotations being received from all suppliers.

It is recommended that Council:

- 1 *CHOOSES WA Treasury Corporation as the successful supplier of a fixed interest loan of \$3,000,000.00 for a period of 10 years, subject to the approval of the Treasurer;*
- 2 *SEEKS the approval of the Treasurer to borrow \$3,000,000.00 from the WA Treasury Corporation;*
- 3 *AUTHORISES the Chief Executive Officer (CEO), on behalf of the City, to enter into a contract with WA Treasury Corporation to borrow \$3,000,000.00 in accordance with their submitted quotation, subject to any minor variations including the actual interest rate, that may be agreed between the CEO and WA Treasury Corporation.*

BACKGROUND

The 2004/05 adopted budget includes borrowings of \$3,000,000.00 to fund the upgrade of the Craigie Leisure Centre. The current project timetable indicates that these funds will be expended between May and August 2005.

The City invited respondents to its previous tender for banking services and the WA Treasury Corporation to quote for the loan. Invitations were extended to the ANZ Banking Group Ltd, Commonwealth Bank of Australia, National Australia Bank Ltd, Westpac Banking Corporation and the Department of Treasury and Finance with all providing quotations by the due date.

DETAILS

The Craigie Leisure Centre upgrade timetable and financial cashflow forecast indicates that project funding will be required during May to August 2005.

A single draw down of \$3,000,000.00 is proposed for May 2005 in order to limit the impact of the potential risk associated with interest rate increases in subsequent months. Unused funds will be invested until required with the City's other investments, which achieved a return of approximately 5.75% pa in March 2005. This is considered the best option over the life of the loan when compared to the risk of interest rate increases if partial draw downs are undertaken. The \$3,000,000.00 will be borrowed over a 10-year term with equal quarterly repayments in arrears which include payments of interest and principal.

On 1 April 2005, the City sought quotations for the loan and received competitive responses on 8 April 2005 from the ANZ Banking Group Ltd, Commonwealth Bank of Australia, National Australia Bank Ltd, Westpac Banking Corporation and the WA Treasury Corporation. An evaluation model comparing the total costs over the life of the loan provided by each respondent was prepared and reviewed by an evaluation panel using the indicative fixed interest rates, as at 8 April 2005, for the 10 year period. These ranged from 6.04% to 6.63%.

One respondent provided an additional option of fixing interest rates for less than 10 years and using a variable rate for the remainder of the term, however this did not provide any advantage over the fixed interest rate quotations.

The actual interest rate can only be finalised at the point which the City enters into the loan agreement with the supplier therefore Council will choose the supplier subject to the Treasurer's approval, noting that the actual interest rate will be set when the City formally confirms the borrowings with the successful supplier. Following Council's approval of the successful supplier, the City will seek the Treasurer's approval before completing the contractual documents and drawing down the funds.

Statutory Provision:

Council is empowered to borrow money under section 6.20 of the Local Government Act 1995 (the Act). Section 6.21 of the Act provides that the local government is only to exercise its power to borrow, with the prior approval of the Treasurer. Security offered for the borrowings by a local government is limited to security over "general funds" which is defined to mean revenue from general rates, government grants which were not given to the local government for a specific purpose; and such other sources as prescribed.

The Department of Treasury and Finance provides borrowing guidelines which were used in obtaining the quotations and in completing the process. This included obtaining a quotation from the WA Treasury Corporation and the Treasurer's final approval of the process is required before completing the borrowing.

Policy Implications:

Nil.

Financial Implications:

The 2004/05 budget includes interest expenditure of \$93,000 and repayments of principal of \$75,000 during 2004/05, associated with these borrowings. The total indicative cost including interest and charges over the 10 year loan period is \$1,035,422.

As the repayments made are quarterly in arrears there will be no physical cash payment during the 2004/05 financial year, however based on accrual accounting principles an accounting entry of approximately \$30,200 for interest and \$36,776 for principal will be recorded in the City's books of account.

Strategic Implications:

The City's forward financial plans have considered the need to borrow funds to undertake the upgrade of the Craigie Leisure Centre. The repayment of principal and interest effectively spreads the costs of the upgrade over a 10 year period which aligns the costs with the consumption of benefits to the community over this timeframe.

Sustainability Implications:

Not applicable

Community Consultation:

Not applicable

COMMENT

The evaluation process identified WA Treasury Corporation as the lowest cost provider of funds to the City and is the recommended supplier. The WA Treasury Corporation quoted a fixed interest rate of 6.04% (as at 8 April 2005) for 10 years. The total interest and charges over the life of the loan is \$1,035,422.

Following Council's approval, the City will seek the Treasurer's approval before completing the contractual documents and drawing down the funds. Whilst the actual contracted interest rate will differ from the rate quoted on 8 April 2005, it is unlikely that such changes will result in a significant variance to the total cost as evaluated. All suppliers will be impacted by the changing interest rates and the comparative advantage by WA Treasury as evidenced from this quotation will be maintained.

ATTACHMENTS

Nil

VOTING REQUIREMENTS

Simple Majority

MOVED Cmr Anderson, SECONDED Cmr Fox that Council:

- 1 CHOOSES WA Treasury Corporation as the successful supplier of a fixed interest loan of \$3,000,000.00 for a period of 10 years, subject to the approval of the Treasurer;**
- 2 SEEKS the approval of the Treasurer to borrow \$3,000,000.00 from the WA Treasury Corporation;**
- 3 AUTHORISES the Chief Executive Officer (CEO), on behalf of the City, to enter into a contract with WA Treasury Corporation to borrow \$3,000,000.00 in accordance with its submitted quotation, subject to any minor variations including the actual interest rate, that may be agreed between the CEO and WA Treasury Corporation.**

Cmr Anderson spoke to the Motion.

Cmr Clough entered the Chamber, the time being 2007 hrs.

The Motion was Put and

CARRIED UNANIMOUSLY (5/0)

CJ070 - 04/05 WARRANT OF PAYMENTS 31 MARCH 2005 – [09882]

WARD - All

CJ050419_BRF.DOC:ITEM 7

PURPOSE

The Warrant of Payments for the month ended 31 March 2005 is submitted to Council for approval.

EXECUTIVE SUMMARY

This report details the cheques drawn on the funds during the month of March 2005 and seeks approval by Council for the payments listed.

FUNDS	DETAILS	AMOUNT
Director Corporate Services & Resource Management Advance Account		Nil
Municipal Account	70328 – 70772 & EFT 2180 – 2424 and 43A, 46A – 51A and FS/1646 & FS/1695	15,363,945.30
Trust Account		Nil
		\$15,363,945.30

The Director Corporate Services & Resource Management Advance Account is an imprest account. All future creditor payments will be made through the Municipal Account and the Director Corporate Services and Resource Management Advance account will be closed at the end of April 2005 as approved by Council at its meeting of 14 December 2004 (CJ308-12/04).

The cheque and voucher registers are appended as Attachments A & B.

The total of all other outstanding accounts received but not paid at the close of March 2005 was \$818,161.16

CERTIFICATE OF THE DIRECTOR OF CORPORATE SERVICES & RESOURCE MANAGEMENT

This warrant of payments to be passed for payment, covering vouchers numbered as indicated and totalling \$15,363,945.30 which is to be submitted to Council on 26 April 2005 has been checked, is fully supported by vouchers and invoices and which have been duly certified as to the receipt of goods and the rendition of services and as to prices, computations and costing and the amounts shown were due for payment.

.....
PETER SCHNEIDER
Director Corporate Services & Resource Management

CERTIFICATE OF CHAIRMAN OF COMMISSIONERS

I hereby certify that this warrant of payments covering vouchers numbered as indicated and totalling \$15,363,945.30 was submitted to Council on 26 April 2005.

.....
JOHN PATERSON
Chairman of Commissioners

DETAILS

Statutory Provision:

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

ATTACHMENTS

Attachment A Warrant of Payments for Month of March 2005
Attachment B Municipal Fund Vouchers for Month of March 2005

VOTING REQUIREMENTS

Simple Majority

MOVED Cmr Clough, SECONDED Cmr Anderson that Council APPROVES for payment the following vouchers, as presented in the Warrant of Payments to 31 March 2005 certified by the Chairman of Commissioners and Director Corporate Services & Resource Management and totalling \$15,363,945.30.

FUNDS	DETAILS	AMOUNT
Director Corporate Services & Resource Management Advance Account		Nil
Municipal Account	70328 – 70772 & EFT 2180 – 2424 and 43A, 46A – 51A and FS/1646 & FS/1695	15,363,945.30
Trust Account		Nil
		\$15,363,945.30

The Motion was Put and

CARRIED UNANIMOUSLY (5/0)

Appendix 4 refers

To access this attachment on electronic document, click here: [Attach4brf190405.pdf](#)

CJ071 - 04/05 FINANCIAL REPORT FOR THE PERIOD ENDING 31 MARCH 2005 – [07882]

WARD - All

CJ050419_BRF.DOC:ITEM 8

PURPOSE

The March 2005 financial report is submitted to Council to be noted.

EXECUTIVE SUMMARY

The March 2005 year to date report shows an overall variance (under spend) of \$18.2m when compared to the year to date revised budget approved by Council at its meeting of 15 March 2005 (CJ030-03/05).

This variance can be analysed as follows:

- The **Operating** position (Change in Net Assets Before Reserve Transfers) shows an actual surplus of \$16.8m compared to a budgeted surplus of \$12.3m at the end of March 2005. The \$4.5m variance is primarily due to a favourable variance in income from rates instalment interest and charges, interest income, employee costs, consultancy costs, administration costs and utilities.
- **Capital Expenditure** is \$1.1m against the year to date budget of \$3.1m. The \$2.0m under spend is due to the deferral of heavy and light vehicle purchases and IT related projects.
- **Capital Works and Corporate Projects** expenditure is \$9.1m against the year to date budget of \$20.8m. This is a timing difference of which \$5.9m relates to normal Capital Works while \$5.8m relates to Capital Works classified as Corporate Projects. Total committed funds in relation to all Capital Works are \$10.6m.

DETAILS

The financial report for the period ending 31 March 2005 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 March 2005.

VOTING REQUIREMENTS

Simple Majority

MOVED Cmr Anderson, SECONDED Cmr Clough that the Financial Report for the period ending 31 March 2005 be NOTED.

The Motion was Put and

CARRIED UNANIMOUSLY (5/0)

Appendix 5 refers

To access this attachment on electronic document, click here: [Attach5brf190405.pdf](#)

**CJ072 - 04/05 TENDER NUMBER 037-04/05 WHITFORDS LIBRARY
AIRCONDITIONING REPLACEMENT – [20569]****WARD - All**

CJ050419_BRF.DOC:ITEM 9

PURPOSE

To seek the approval of Council to choose Diamond Industries Pty Limited as the successful tenderer for the Whitfords Library airconditioning replacement.

EXECUTIVE SUMMARY

Tenders were advertised on 23 February 2005 through statewide public notice for the Whitfords Library Airconditioning Replacement. Tenders closed on 10 March 2005. Six submissions were received from: Mechanical Project Management Pty Ltd, Australian Airconditioning Services Pty Ltd, Envar Engineers and Contractors Pty Ltd, A J Baker & Sons Pty Ltd, Jako Industries Pty Ltd and Diamond Industries Pty Ltd.

It is recommended that in relation to Tender Number 037-04/05 Council:

- 1 *DEEMS the tenders submitted by Envar Engineers and Contractors Pty Ltd and Jako Industries 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 *CHOOSES Diamond Industries Pty Ltd as the successful tenderer for the Whitfords Library Airconditioning Replacement (Tender No. 037-04/05) in accordance with the Lump Sum Price of \$244,120.00 excluding GST;*
- 3 *AUTHORISES the Chief Executive Officer (CEO), on behalf of the City, to enter into a contract with Diamond Industries Pty Ltd in accordance with their submitted tender, subject to any minor variations that may be agreed between the CEO and Diamond Industries Pty Ltd.*

BACKGROUND

The current airconditioner is of the evaporative type, which increases the humidity when operational in the summer and does not provide any heating in the winter. This has been a major issue for a number of years, resulting in staff and customer discomfort both from the heat in summer and no heating in winter. There is a duty of care in respect to OS&H issues both for staff and patrons.

The humidity is also damaging the stock, resulting in increases in the costs paid to LISWA. There is a distinct musty smell after 3-4 humid days in a row as the paper etc becomes damp.

On a recent visit to the Woodvale Library by the air-conditioning representative a reading of 40 degrees was recorded inside the facility. High temperatures and humidity can also affect photocopiers.

The vision for libraries for people to come and spend time in the libraries will not be as effective if people cannot stay due to uncomfortable conditions.

DETAILS

Tenders were advertised on 23 February 2005 through statewide public notice for the Whitfords Library Airconditioning Replacement. Tenders closed on 10 March 2005. Six submissions were received from: Mechanical Project Management Pty Ltd, Australian Airconditioning Services Pty Ltd, Envar Engineers and Contractors Pty Ltd, A J Baker & Sons Pty Ltd, Jako Industries Pty Ltd and Diamond Industries Pty Ltd.

The first part of the tender evaluation process is 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 further consideration.

The tenders submitted by Envar Engineers and Contractors Pty Ltd and Jako Industries Pty Ltd did not meet a significant proportion of the essential requirements, including the non-submission of an Offer Form by Envar Engineers and Contractors Pty Ltd. Accordingly it is recommended that their tenders be deemed non-conforming.

Australian Airconditioning Services Pty Ltd requested an alteration to their tendered price after discovering errors in their calculations. They were advised that their only options were to let their price stand or withdraw their tender. They chose to withdraw their tender.

The tenders submitted by Mechanical Project Management Pty Ltd, A J Baker & Sons Pty Ltd and Diamond Industries Pty Ltd met all the essential requirements and were submitted for further consideration.

The second part of the evaluation process involves an independent assessment of the qualitative and quantitative criteria by each member of the Evaluation Panel. Each member of the Evaluation Panel assessed the tender submissions individually against the selection criteria using the weightings determined during the tender planning phase. The Evaluation Panel then convened to submit and discuss their assessments, leading to a ranking of each submission in order of merit.

Under the City's Contract Management Framework, the tenders were assessed by the Evaluation Panel using a weighted multi-criterion assessment system and AS 4120-1994 'Code of Tendering', ensuring compliance with *Regulation 18(4)* of the *Local Government (Functions and General) Regulations 1996*.

The Selection Criteria for Tender Number 037-04/05 are as follows:

Performance and experience of Tenderer in completing similar projects

- Relevant industry experience, including details of similar work undertaken. Details of previous projects should include, but not necessarily be limited to, description, location, construction amounts, date, duration, client etc.
- Past record of performance and achievement
- Level of understanding of Tender documents and work required
- Written references from past and present clients (names and contact numbers are not sufficient)

Capability and 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, e.g. letter from accountant to the effect that the Tenderer
 - (a) Has handled previous contracts of this size satisfactorily and
 - (b) Is currently able to do so
- Compliance with Tender requirements – insurances, licences etc
- Quality systems
- Occupational Safety and Health 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
- The potential social and economic effect of the Tender on the Regional community
- Value added items offered by Tenderer
- Sustainability / efficiency / environmental

Methodology

- Detail the procedures and process they intend to use to achieve the requirements of the Specification
- Provide an outline of the provisional works programme

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 is 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 2.5.7 Purchasing Goods and Services encourages local business in the purchasing and tendering process and has been applied and incorporated into the selection criteria. Of the conforming tenders, Mechanical Project Management Pty Ltd and A J Baker & Sons Pty Ltd are located in Osborne Park, which is within the Region. The recommended tenderer, Diamond Industries Pty Ltd, is located in Bentley, which is within neither the City nor the Region.

Financial Implications:

Account No: 1.3620.6862.C101.4232
Budget Item: BCW091
Budget Amount: \$290,000
YTD Amount \$14,450.00
Tender Price: \$244,120.00 excluding GST

Strategic Implications:

There will be an improvement in customer service and working conditions for staff, and reduced lost time due to workplace injuries and strains.

Sustainability Implications:

Not Applicable

Community Consultation:

Not Applicable

COMMENT

The evaluation process identified Diamond Industries Pty Ltd as the highest ranked tenderer and the Evaluation Panel considered that they have the capability and resources to carry out the work on a value for money basis.

The Evaluation Panel therefore recommend Diamond Industries Pty Ltd as the preferred tenderer.

ATTACHMENTS

Nil

VOTING REQUIREMENTS

Simple Majority

MOVED Cmr Anderson, SECONDED Cmr Clough that in relation to Tender Number 037-04/05 Council:

- 1 DEEMS the tenders submitted by Envar Engineers and Contractors Pty Ltd and Jako Industries 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 CHOOSES Diamond Industries Pty Ltd as the successful tenderer for the Whitfords Library Airconditioning Replacement (Tender No. 037-04/05) in accordance with the Lump Sum Price of \$244,120.00 excluding GST;**
- 3 AUTHORISES the Chief Executive Officer (CEO), on behalf of the City, to enter into a contract with Diamond Industries Pty Ltd in accordance with their submitted tender, subject to any minor variations that may be agreed between the CEO and Diamond Industries Pty Ltd.**

Cmr Paterson spoke to the Motion.

The Motion was Put and

CARRIED UNANIMOUSLY (5/0)

**CJ073 - 04/05 TENDER NUMBER 039-04/05 JOONDALUP
ADMINISTRATION RECEPTION AREA UPGRADE –
[50569]**

WARD - All

CJ050419_BRF.DOC:ITEM 10

PURPOSE

To seek the approval of Council to choose Dawn Express Construction Pty Ltd as the successful tenderer for the Administration Reception security upgrade.

EXECUTIVE SUMMARY

Tenders were advertised on 26 February 2005 through statewide public notice for the Administration Reception Area Upgrade. Tenders closed on 15 March 2005. Two submissions were received from: Dawn Express Construction Pty Ltd and Glenbourne Nominees T/As Business Interiors.

It is recommended that in relation to Tender Number 039-04/05 Council:

- 1 CHOOSES Dawn Express Construction Pty Ltd as the successful tenderer for the Administration Reception Area Upgrade (Tender No. 039-04/05) in accordance with the Lump Sum Price of \$188,660.00 excluding GST;*

- 2 *AUTHORISES the Chief Executive Officer (CEO), on behalf of the City, to enter into a contract with Dawn Express Construction Pty Ltd in accordance with their submitted tender, subject to any minor variations that may be agreed between the CEO and Dawn Express Construction Pty Ltd.*

BACKGROUND

The City of Joondalup conducted an internal audit of building security at the Joondalup Administration Centre in early 2003. The audit reported a number of inadequacies and recommended the appointment of an appropriate consultant to carry out a review of its security services and access levels and provide a best practice overview of the way the City provides security services.

Consultant group 'Consultel' was commissioned to undertake the review that provided strategic recommendations to address security concerns. A major issue was the lack of physical security and visitor control at the ground floor reception area.

This project proposal focuses directly on staff/visitor access control on the ground floor Reception and Customer Service areas of the Administration Centre and includes restricting access to the lifts and staff areas on the ground floor.

The upgrade comprises the demolition and removal of existing infrastructure and the supply and installation of new office cabinet work, partitions and furniture (refer to Attachment 1).

DETAILS

Tenders were advertised on 26 February 2005 through statewide public notice for the Administration Reception Area Upgrade. Tenders closed on 15 March 2005. Two submissions were received from: Dawn Express Construction Pty Ltd and Glenbourne Nominees T/As Business Interiors.

The first part of the tender evaluation process is 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 further consideration.

The tenders submitted by Dawn Express Construction Pty Ltd and Glenbourne Nominees T/As Business Interiors met all the essential requirements and were submitted for further consideration.

The second part of the evaluation process involves an independent assessment of the qualitative and quantitative criteria by each member of the Evaluation Panel. Each member of the Evaluation Panel assessed the tender submissions individually against the selection criteria using the weightings determined during the tender planning phase. The Evaluation Panel then convened to submit and discuss their assessments, leading to a ranking of each submission in order of merit.

Under the City's Contract Management Framework, the tenders were assessed by the Evaluation Panel using a weighted multi-criterion assessment system and AS 4120-1994 'Code of Tendering', ensuring compliance with *Regulation 18(4)* of the *Local Government (Functions and General) Regulations 1996*.

The Selection Criteria for Tender Number 039-04/05 are as follows:

Performance and experience of Tenderer in completing similar projects

- Relevant industry experience, including details of similar work undertaken. Details of previous projects should include, but not necessarily be limited to, description, location, construction amounts, date, duration, client etc.
- Past record of performance and achievement with a local government
- Past record of performance and achievement with other clients
- Level of understanding of Tender documents and work required
- Written references from past and present clients

Capability and 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, licences etc
- Quality systems
- Occupational Safety and Health 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
- The potential social and economic effect of the Tender on the Regional community
- Infrastructure / office / staff / suppliers / subcontractors within the City of Joondalup
- Value added items offered by Tenderer
- Sustainability / efficiency / environmental

Methodology

- Provide an outline of the provisional works programme

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 is 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 2.5.7 Purchasing Goods and Services encourages local business in the purchasing and tendering process and has been applied and incorporated into the selection criteria. Glenbourne Nominees T/As Business Interiors are located in Osborne Park, which is within the Region. The recommended tenderer, Dawn Express Construction Pty Ltd, is located in East Perth, which is within neither the City nor the Region.

Financial Implications:

Account No: 1.3620.6862.C101.4227
Budget Item: BCW 1045
Budget Amount: \$200,000
YTD Amount: N/A
Tender Price: \$188,660 excluding GST

Strategic Implications:

Improve the level of security to the reception and customer service areas by restricting access to staff work areas. The upgrade will also improve the customer service turnaround times.

Sustainability Implications:

N/A

Community Consultation:

N/A

COMMENT

The evaluation process identified Dawn Express Construction Pty Ltd as the highest ranked tenderer and the Evaluation Panel considered that they have the capability and resources to carry out the work on a value for money basis.

The Evaluation Panel therefore recommend Dawn Express Construction Pty Ltd as the preferred tenderer.

ATTACHMENTS

Attachment 1

Layout Plan

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION: That in relation to Tender Number 039-04/05 Council:

- 1 CHOOSES Dawn Express Construction Pty Ltd as the successful tenderer for the Administration Reception Area Upgrade (Tender No. 039-04/05) in accordance with the Lump Sum Price of \$188,660.00 excluding GST;
- 2 AUTHORISES the Chief Executive Officer (CEO), on behalf of the City, to enter into a contract with Dawn Express Construction Pty Ltd in accordance with their submitted tender, subject to any minor variations that may be agreed between the CEO and Dawn Express Construction Pty Ltd.

MOVED Cmr Anderson, SECONDED Cmr Fox that in relation to Tender Number 039-04/05 Council:

- 1 CHOOSES Dawn Express Construction Pty Ltd as the successful tenderer for the Administration Reception Area Upgrade (Tender No. 039-04/05) in accordance with the Lump Sum Price of \$188,660.00 excluding GST;**
- 2 AUTHORISES the Chief Executive Officer (CEO), on behalf of the City, to enter into a contract with Dawn Express Construction Pty Ltd in accordance with their submitted tender, subject to any minor variations that may be agreed between the CEO and Dawn Express Construction Pty Ltd;**
- 3 AUTHORISES the Chief Executive Officer to offer furniture and cabinet works identified as surplus to the City's requirements emanating from Tender 039-04/05 - Joondalup Reception Area Upgrade - on a demonstrated needs and suitability basis, following advertisement in the local newspaper seeking expressions of interest from local community groups.**

The Motion was Put and

CARRIED UNANIMOUSLY (5/0)

Appendix 12 refers

To access this attachment on electronic document, click here: [Attach12brf190405.pdf](#)

In relation to Item CJ074-04/05, Tender Number 041-04/05 Supply and Laying of Concrete Kerbing, the Chief Executive Officer, Mr Garry Hunt, advised that one of the tenderers is a subsidiary of a former client organisation; however there is no longer any business link with that company.

CJ074 - 04/05 TENDER NUMBER 041-04/05 SUPPLY AND LAYING OF CONCRETE KERBING – [58569]

WARD - All

CJ050419_BRF.DOC:ITEM 11

PURPOSE

To seek the approval of Council to choose Kerb Qic & Co as the successful tenderer for the supply and laying of concrete kerbing.

EXECUTIVE SUMMARY

Tenders were advertised on 26 February 2005 through statewide public notice for the Supply and Laying of Concrete Kerbing. Tenders closed on 15 March 2005. Four submissions were received from: Cocktail Holdings Pty Ltd T/As Kerbing West Extruded Concrete Kerbing, Lattimore Holdings Pty Ltd T/As Kerb Qic & Co, WA Kerbing Pty Ltd and Works Statewide Kerbing.

It is recommended that in relation to Tender Number 041-04/05 Council:

- 1 CHOOSES Lattimore Holdings Pty Ltd T/As Kerb Qic & Co as the successful tenderer for the Supply and Laying of Concrete Kerbing (Tender No. 041-04/05) in accordance with the Schedule of Rates, as outlined in Attachment 1 to Report CJ074-04/05;*
- 2 AUTHORIZES the Chief Executive Officer (CEO), on behalf of the City, to enter into a contract with Lattimore Holdings Pty Ltd T/As Kerb Qic & Co for the Supply and Laying of Concrete Kerbing, in accordance with their submitted tender, subject to any minor variations that may be agreed between the CEO and Lattimore Holdings Pty Ltd T/As Kerb Qic & Co.*

BACKGROUND

Each year the City completes capital and maintenance works to roads, requiring the supply and laying of concrete kerbing. The estimated annual value of kerbing required exceeds \$50,000. The tender includes provision of mountable, semi-mountable and flush kerb, and pram ramps to the City's and Main Roads Western Australia standards.

DETAILS

Tenders were advertised on 26 February 2005 through statewide public notice for the Supply and Laying of Concrete Kerbing. Tenders closed on 15 March 2005. Four submissions were received from: Cocktail Holdings Pty Ltd T/As Kerbing West Extruded Concrete Kerbing, Lattimore Holdings Pty Ltd T/As Kerb Qic & Co, WA Kerbing Pty Ltd and Works Statewide Kerbing.

The first part of the tender evaluation process is 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 further consideration. All tenders submitted met all the essential requirements and were submitted for further consideration.

The second part of the evaluation process involves an independent assessment of the qualitative and quantitative criteria by each member of the Evaluation Panel. Each member of the Evaluation Panel assessed the tender submissions individually against the selection criteria using the weightings determined during the tender planning phase. The Evaluation Panel then convened to submit and discuss their assessments, leading to a ranking of each submission in order of merit.

Under the City's Contract Management Framework, the tenders were assessed by the Evaluation Panel using a weighted multi-criterion assessment system and AS 4120-1994 'Code of Tendering', ensuring compliance with *Regulation 18(4)* of the *Local Government (Functions and General) Regulations 1996*.

The Selection Criteria for Tender Number 029-04/05 are as follows:

Performance and experience of Tenderer in completing similar projects

- Relevant industry experience, including details of similar work undertaken. Details of previous projects should include, but not necessarily be limited to, description, location, construction amounts, date, duration, client etc.
- Past record of performance and achievement with a local government
- Past record of performance and achievement with other clients
- References from past and present clients

Capability and competence of Tenderer to perform the work required

- Company structure
- Qualifications, skills and experience of key personnel
- Equipment and staff resources available
- Compliance with Tender requirements – insurances, licences etc
- Quality systems
- Occupational Safety and Health 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
- The potential social and economic effect of the Tender on the Regional community
- Value added items offered by Tenderer
- Sustainability / efficiency / environmental

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 is 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 2.5.7 Purchasing Goods and Services encourages local business in the purchasing and tendering process and has been applied and incorporated into the selection criteria. WA Kerbing Pty Ltd are located in Wangara, which is within the Region. The other tenderers, including the recommended tenderer, are not located in either the City or the Region.

Financial Implications:

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

Strategic Implications:

N/A

Sustainability Implications:

N/A

Community Consultation:

N/A

COMMENT

The evaluation process identified Lattimore Holdings Pty Ltd T/As Kerb Qic & Co as the highest ranked tenderer and the Evaluation Panel considered that they have the capability and resources to carry out the work on a value for money basis. The Evaluation Panel therefore recommends Lattimore Holdings Pty Ltd T/As Kerb Qic & Co as the preferred tenderer.

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

VOTING REQUIREMENTS

Simple Majority

MOVED Cmr Smith, SECONDED Cmr Clough that in relation to Tender Number 041-04/05 Council:

- 1 CHOOSES Lattimore Holdings Pty Ltd T/As Kerb Qic & Co as the successful tenderer for the Supply and Laying of Concrete Kerbing (Tender No 041-04/05) in accordance with the Schedule of Rates, as outlined in Attachment 1 to Report CJ074-04/05;**
- 2 AUTHORISES the Chief Executive Officer (CEO), on behalf of the City, to enter into a contract with Lattimore Holdings Pty Ltd T/As Kerb Qic & Co for the Supply and Laying of Concrete Kerbing, in accordance with their submitted tender, subject to any minor variations that may be agreed between the CEO and Lattimore Holdings Pty Ltd T/As Kerb Qic & Co.**

Cmr Smith felt this tender was operational in nature and queried whether it was appropriate that tenders of this type needed to be referred to the Council.

The Motion was Put and

CARRIED UNANIMOUSLY (5/0)

Appendix 13 refers

To access this attachment on electronic document, click here: [Attach13brf190405.pdf](#)

CJ075 - 04/05 TENDER NUMBER 042-04/05 OCEAN REEF ROAD ROADWORKS – [63569]

WARD - All

CJ050419_BRF.DOC:ITEM 12

PURPOSE

To seek the approval of Council to choose Brierty Contractors Pty Ltd T/As Brierty Contractors as the successful tenderer for the Ocean Reef Road roadworks from Hodges Drive to Shenton Avenue, Ocean Reef.

EXECUTIVE SUMMARY

Tenders were advertised on 19 March 2005 through statewide public notice for the Ocean Reef Road Roadworks from Hodges Drive to Shenton Avenue, Ocean Reef. Tenders closed on 6 April 2005. Eight submissions were received from: Highway Construction Pty Ltd, Mako Civil Pty Ltd, Brierty Contractors Pty Ltd T/As Brierty Contractors, J J McDonald & Sons Engineering Pty Ltd, Georgiou Group Pty Ltd, Densford Pty Ltd, Ertech Pty Ltd and Works Infrastructure Pty Ltd T/As Works Infrastructure.

It is recommended that in relation to tender number 042-04/05 Council:

- 1 *CHOOSES Brierty Contractors Pty Ltd T/As Brierty Contractors as the successful tenderer for the Ocean Reef Road Roadworks from Hodges Drive to Shenton Avenue, Ocean Reef. (Tender No. 042-04/05) in accordance with the Lump Sum Price of \$1,523,930.69 exclusive of GST. In addition the City has allocated \$170,000 exclusive of GST as a contingency measure for the resultant contract;*

<i>Lump Sum Tendered Price</i>	<i>\$1,523,930.69 Exclusive of GST</i>
<i>City of Joondalup Project Contingency</i>	<i>\$ 170,000.00 Exclusive of GST</i>
<i>Total Project Cost</i>	<i><u>\$1,693,930.69</u> Exclusive of GST</i>

- 2 *AUTHORISES the Chief Executive Officer (CEO), on behalf of the City, to enter into a contract with Brierty Contractors Pty Ltd T/As Brierty Contractors in accordance with their submitted tender, subject to any minor variations that may be agreed between the CEO and Brierty Contractors Pty Ltd;*

BACKGROUND

The Ocean Reef Road extension between Hodges Drive and Shenton Avenue has been the subject of many Council deliberations.

Following an extensive Community Consultation Process, Council at its meeting on 14 December 2004 (CJ 303 – 12/04) approved for this extension the construction of a single lane boulevard design standard road, fully kerbed and drained, with roundabouts at Hodges Drive and Resolute Way.

DETAILS

Eight submissions were received from: Highway Construction Pty Ltd, Mako Civil Pty Ltd, Brierty Contractors Pty Ltd T/As Brierty Contractors, J J McDonald & Sons Engineering Pty Ltd, Georgiou Group Pty Ltd, Densford Pty Ltd, Ertech Pty Ltd and Works Infrastructure Pty Ltd T/As Works Infrastructure.

The first part of the tender evaluation process is 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 further consideration. All the submitted tenders met the essential requirements and were submitted for further consideration.

The second part of the evaluation process involves an independent assessment of the qualitative and quantitative criteria by each member of the Evaluation Panel. Each member of the Evaluation Panel assessed the tender submissions individually against the selection criteria using the weightings determined during the tender planning phase. The Evaluation Panel then convened to submit and discuss their assessments, leading to a ranking of each submission in order of merit.

Under the City's Contract Management Framework, the tenders were assessed by the Evaluation Panel using a weighted multi-criterion assessment system and AS 4120-1994 'Code of Tendering', ensuring compliance with *Regulation 18(4)* of the *Local Government (Functions and General) Regulations 1996*.

The Selection Criteria for Tender Number 042-04/05 are as follows:

Performance and experience of Tenderer in completing similar projects

- Relevant industry experience, including details of similar work undertaken. Details of previous projects should include, but not necessarily be limited to, description, location, construction amounts, date, duration, client etc.
- Past record of performance and achievement with a local government
- Past record of performance and achievement with other clients
- Level of understanding of Tender documents and work required
- Written references from past and present clients

Capability and 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, e.g. letter from accountant to the effect that the Tenderer
 - (a) has handled previous contracts of this size satisfactorily and
 - (b) is currently able to do so
- Risk assessment
- Dun & Bradstreet risk evaluation report was obtained, which indicated the dynamic risk as being Very Low
- Compliance with Tender requirements – insurances, licences etc
- Quality systems
- Occupational Safety and Health 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
- The potential social and economic effect of the Tender on the Regional community
- Infrastructure / office / staff / suppliers / subcontractors within the City of Joondalup
- Value added items offered by Tenderer
- Sustainability / efficiency / environmental

Methodology

Tenderers should:

- detail the procedures and process they intend to use to achieve the requirements of the Specification
- provide an outline of the provisional works programme

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 is 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 2.5.7 Purchasing Goods and Services encourages local business in the purchasing and tendering process and has been applied and incorporated into the selection criteria. The recommended tenderer is located in Redcliffe, which is within neither the City nor the Region.

Financial Implications:Available Funds

Project No 6602 Ocean Reef Road Extension: Hodges Drive to Shenton Avenue (Muni)

\$1,504,000 Exclusive of GST

Project No 6717 Ocean Reef Road Extension: Hodges Drive to Shenton Avenue (Reserve)

\$ 196,000 Exclusive of GST

Total Available Funds

\$1,700,000 Exclusive of GST

Tender Lump Sum Price	\$1,523,930.69 Exclusive of GST
City of Joondalup Project Contingency	\$ <u>170,000.00</u> Exclusive of GST
Total Project Costs	\$1,693,930.69 Exclusive of GST

Strategic Implications:

None

Sustainability Implications:

None

Community Consultation:

A major Community Consultation Process was undertaken, and reported to Council on 14 December 2004 (CJ 303 – 12/04).

COMMENT

The evaluation panel through due process identified the top three tenderers and considered that they were all suitable to undertake and complete the work under the Contract, and that the overall ranking between the lowest and highest score was only 1.44%.

In the opinion of the evaluation panel Brierty Contractors Pty Ltd best demonstrated the ability to undertake and complete the work under the Contract at the most competitive price and therefore represented best value for money.

ATTACHMENTS

Nil

VOTING REQUIREMENTS

Simple Majority

MOVED Cmr Smith, SECONDED Cmr Anderson that in relation to Tender Number 042-04/05 Council:

- 1 CHOOSES Brierty Contractors Pty Ltd T/As Brierty Contractors as the successful tenderer for the Ocean Reef Road Roadworks from Hodges Drive to Shenton Avenue, Ocean Reef. (Tender No. 042-04/05) in accordance with the Lump Sum Price of \$1,523,930.69 exclusive of GST. In addition the City has allocated \$170,000 exclusive of GST as a contingency measure for the resultant contract;**

Lump Sum Tendered Price	\$1,523,930.69 Exclusive of GST
City of Joondalup Project Contingency	\$ <u>170,000.00</u> Exclusive of GST
Total Project Cost	<u>\$1,693,930.69</u> Exclusive of GST

- 2 AUTHORISES the Chief Executive Officer (CEO), on behalf of the City, to enter into a contract with Brierty Contractors Pty Ltd T/As Brierty Contractors in accordance with their submitted tender, subject to any minor variations that may be agreed between the CEO and Brierty Contractors Pty Ltd.**

Discussion ensued.

Cmr Smith made reference to a comment from the public gallery during public question time in relation to GST being shown more clearly within reports, and requested that consideration be given to this in the future.

The Motion was Put and

CARRIED UNANIMOUSLY (5/0)

CJ076 - 04/05 PROPOSED TRAFFIC TREATMENTS – RALEIGH ROAD AND ADJACENT STREETS, SORRENTO – [04429]

WARD - South Coastal

CJ050419_BRF.DOC:ITEM 12

PURPOSE

The purpose of this report is to address the petitioners' concerns in relation to excessive speed and traffic volumes in Raleigh Road and adjacent streets in Sorrento.

EXECUTIVE SUMMARY

In June 2003 (CJ299-12/03 refers), a 35-signature petition from residents of Raleigh Road, Sorrento was presented to Council for consideration. The petitioners requested that consideration be given to the closure of Raleigh Road, west of Frobisher Avenue, and the creation of a left turn out only situation from Raleigh Road onto West Coast Drive in Sorrento, thereby reducing traffic volumes and vehicle speeds in Raleigh Road.

In order to assess the traffic implications of this request, a residents' working group was established and it was decided to review the traffic issues within the Sorrento area bounded by West Coast Drive, Hawkins Avenue, Kempenfeldt Avenue, Steele Road, Cowper Road, Stockdale Avenue and Ross Avenue.

Over the period 5 May 2004 to 2 March 2005 a total of seven meetings were held with a residents' working group to define the issues and then consider possible remedial treatments.

The working group developed a preferred option of traffic treatments and all residents and landowners in the above study area were sent a copy of this proposed Traffic Management Concept for comment.

There was strong support for the concept with some minor modifications, which have now been incorporated and endorsed by the residents' working group.

Accordingly this report recommends that Council:

- 1 *LISTS the sum of \$193,000 for consideration in the Draft 2005/06 Five Year Capital Works Budget for the Traffic Management Treatment of Raleigh Road and Robin Avenue;*
- 2 *LISTS the sum of \$174,000 for consideration in the 2006/07 year of the Draft 2005/06 Capital Works Budget for the second stage Traffic Management Treatment of Sorrento;*
- 3 *ADVISES the petitioners accordingly;*
- 4 *THANKS the working party members for their input and time into developing the Traffic Management Treatment of Sorrento.*

BACKGROUND

In June 2003 a 35-signature petition was presented to Council regarding traffic concerns in Raleigh Road, Sorrento. At the Council Meeting of 16 December 2003, it was resolved that Council:

- “1 *APPROVES the formation of a local area traffic study for Raleigh Road and surrounding streets;*
- 2 *CONTINUES to support the targeting of excessive speed and anti social behaviour through community involvement in the “Community Speed Watch” Program;*
- 3 *ADVISES the petitioners accordingly;*
- 4 *REQUESTS that consultation be undertaken with the residents during the preparation of the Local Area Traffic Study.”*

Subsequently a working group was formed, being drawn from residents in the “Old Sorrento Area” bounded by West Coast Drive, Hawkins Avenue, Kempenfeldt Avenue, Steele Road, Cowper Road, Stockdale Avenue and Ross Avenue. A total of seven meetings were held between 5 May 2004 and 2 March 2005. Representatives from the WA Police Service and Main Roads WA were requested to participate in the working group meetings, however, neither organisation was unable to provide a representative due to other commitments.

DETAILS

All roads within the study area are classified as Access Roads with the exception of West Coast Drive, which is classified as a District Distributor “B” in the City’s Functional Road Hierarchy. The annual average daily traffic volumes and 85 percentile vehicle speeds on selected roads in the study area are as follows:

Location	Annual Average Daily Traffic Volume	85th percentile speed
Raleigh Rd east of West Coast Dr	879	52Km/hr
Frobisher Ave north of Raleigh Rd	283	54Km/hr
Robin Ave east of West Coast Dr	389	45Km/hr

The crash history of the roads and intersections within the study area were reviewed for the period 1 January 1999 to 31 December 2003 and there were no significant crash issues identified.

Following the decision of Council to undertake public consultation with the residents of Raleigh Road and adjacent streets in the Sorrento area, all the residents and landowners within the area were contacted in writing, seeking nominations to participate in a working group to review the issues, the available data and to consider the most appropriate course of action.

A total of 34 residents indicated a willingness to participate and the first meeting was held on Wednesday 5 May of which 13 residents attended.

The residents identified a number of traffic related issues within the study area and following discussion at this meeting, officers of the City undertook to consider these issues and to also provide additional historical traffic volume and speed information at the next meeting.

Following the meeting on 26 July 2004 and at the request of the committee members, the distribution of the representatives was revised to generally provide two representatives per street.

The committee considered the possible options available to address the identified concerns over a number of meetings in order to refine the overall plan.

At locations where road widening was being proposed, the extent of these works was marked in paint on the road pavement and verge for residents to consider. At the same time all residents and landowners in the study area were posted a plan and a questionnaire requesting their consideration of the proposed treatments.

A total of 432 questionnaires were distributed and 196 replies were received (45% response). Of the responses received a total of 140 (71%) respondents agreed with all of the proposed traffic management treatments.

There was a clear indication of residents' support for the concept as proposed. However, there were a limited number of issues that were raised by residents for consideration. These were:

- Concern at the loss of verge in Raleigh Road as a result of the proposed blister islands. The street representative requested these be changed to raised plateaus and this has been incorporated into the concept plan subject to consultation on this treatment with the street residents.

- Concern with the effectiveness of the proposed roundabout at the intersection of Raleigh Road and Frobisher Avenue. As a result the roundabout concept design was altered to address this concern.
- Residents of Robin Avenue requested an additional raised plateau in Robin Avenue west of Clare Street and this has been incorporated in the concept plan.
- Six residents in Cowper Road were against the installation of two blister islands south of Raleigh Road. The residents' working party recommended that alternative traffic management treatments be investigated in consultation with the Cowper Road residents.
- The working group requested that the proposed painted median in Padbury Circle incorporate concrete traffic islands at intersections. These have been incorporated into the concept plan.

The total estimated cost of the traffic treatments is \$387,000. Whilst not specifically part of the traffic study, the residents' working group considered that further investigation was required to assist pedestrians and cyclists to cross West Coast Drive in the area and that further consideration also be given to improving vehicular access at the West Coast Drive and The Plaza intersection.

The residents' working group agreed to the Traffic Management Concept Plan subject to the above amendments. They also recommended that the works be undertaken over two financial years and that the proposed treatments in Raleigh Road and Robin Avenue both be constructed in the first financial year. The estimated cost of the treatments for both of these roads is \$213,000. A copy of the agreed Traffic Management Concept is shown at Attachment 1.

Consultation:

A residents' working group was formed to develop and consider the Traffic Management Concept and a total of 7 meetings were held.

All residents and landowners in the Sorrento study area were posted a copy of the Traffic Management Concept Plan and were requested to complete a questionnaire indicating their support or concerns regarding the concept.

A series of on site meetings with individual residents was also undertaken to discuss issues and concerns as required.

Financial Implications:

The estimated cost of the overall Traffic Management Treatment is \$387,000. The Study Group has recommended a first stage treatment of Raleigh Road and Robin Avenue, which is estimated to cost \$213,000.

Funds of \$20,000 were previously listed in the Capital Works Program to undertake minor traffic treatment at the intersection of Raleigh Road and Frobisher Avenue.

Account No:	Project 6524
Budget Item:	Intersection Treatment Minor
Budget Amount:	\$20,000
YTD Amount:	\$0
Actual Cost (First Stage):	\$213,000

It is therefore considered that funding can be listed for each stage over the next two financial years.

COMMENT

The final traffic management scheme outcome for the Sorrento area is based on being acceptable to the local community, while also satisfying the criteria of improving safety of all road users and improving amenity for local residents.

ATTACHMENTS

Attachment 1 Traffic Management Concept Plan.

VOTING REQUIREMENTS

Simple Majority

MOVED Cmr Anderson, SECONDED Cmr Clough that Council:

- 1 LISTS the sum of \$193,000 for consideration in the Draft 2005/06 Five Year Capital Works Budget for the Traffic Management Treatment of Raleigh Road and Robin Avenue, Sorrento;**
- 2 LISTS the sum of \$174,000 for consideration in the 2006/07 year of the Draft 2005/06 Capital Works Budget for the second stage Traffic Management Treatment of Sorrento;**
- 3 ADVISES the petitioners accordingly;**
- 4 THANKS the working party members for their input and time into developing the Traffic Management Treatment of Sorrento.**

The Motion was Put and

CARRIED UNANIMOUSLY (5/0)

Appendix 6 refers

To access this attachment on electronic document, click here: [Attach6brf190405.pdf](#)

CJ077 - 04/05 PROPOSED AMENDMENT NO 29 TO DISTRICT PLANNING SCHEME NO 2 TO REZONE FROM 'COMMERCIAL' TO 'RESIDENTIAL' AND AMEND THE DENSITY CODE FROM R20 TO R40: LOT 674 (107) EDDYSTONE AVENUE, CNR PERILYA ROAD, CRAIGIE – [83567]

WARD - Pinnaroo

CJ050419_BRF.DOC:ITEM 13

PURPOSE

The purpose of this report is to seek Council's consent to initiate Amendment No 29 to District Planning Scheme No 2 (DPS2) for the purposes of public advertising.

EXECUTIVE SUMMARY

Lot 674 (107) Eddystone Avenue, corner Perilya Road, Craigie is currently zoned 'Commercial', with a density code of R20 (Attachment 1). An application has been received to rezone the lots to 'Residential' and apply a density code of R40 (Attachment 2 refers), to facilitate the future development of eight (8) grouped dwellings upon the lot (Attachment 3 refers).

The current 'Commercial' zoning allows the Council to consider grouped dwelling development as a discretionary ('D') use under clause 6.6.2 of DPS2, however, any residential development would be anticipated to be a component of the commercial development of the site. Rezoning the land to 'Residential' will allow future grouped dwelling development upon the subject lots to be considered as a permitted ('P') use under DPS2.

The site is currently vacant, however it was formally used as a Shell service station. The lot is immediately adjacent to the Craigie Plaza Shopping Centre and opposite a residential area.

The development of residential dwellings will assist in maximising use of public transport and other community facilities that are available in close proximity to the site. This promotes environmental and economic sustainability. The proposed land use is considered to be compatible with adjoining and surrounding uses.

It is recommended that Council:

- 1 *Pursuant to Section 7 of the Town Planning and Development Act 1928, ADOPTS amendment No 29 to the City of Joondalup District Planning Scheme No. 2 to rezone Lot 674 (107) Eddystone Avenue, Craigie from 'Commercial' with a density code of R20 to 'Residential', with a density code of R40, for the purposes of advertising for a period of 42 days;*
- 2 *Prior to the advertising period commencing, FORWARDS the proposed amendment to the Environmental Protection Authority in order to decide if an environmental review of the site is required.*

BACKGROUND

Suburb/Location: Lot 674 (107) Eddystone Avenue, Craigie.
Applicant: Joe Conway, Director Conway Projects.
Owner: Family Holdings Pty Ltd
Zoning: **DPS:** Commercial
MRS: Urban
Strategic Plan: Strategy 3.3.1 – Provide residential living choices

The lot is currently vacant and is located immediately adjacent to the Craigie Plaza Shopping Centre. The subject lot is opposite an existing residential development at a low (R20) density. To the east of the site, on the opposite side of Eddystone Avenue a lot has recently been rezoned from 'Mixed use' to 'Residential' and recoded from R20 to R40 to facilitate the future development of fourteen (14) grouped dwellings.

The service station was constructed on the site in 1978. This was operated by Shell until 2001, when lack of viability led to its closure. Demolition of the building and structures took place in August 2002, after preliminary investigation and environmental assessment had been undertaken.

DETAILS

An application has been received to rezone Lot 674 (107) Eddystone Avenue, Craigie from 'Commercial' to 'Residential' and amend the density code from R20 to R40. Under the current R20 density coding, a maximum of four (4) dwellings could be accommodated. Under the proposed density a maximum of nine (9) dwellings could be accommodated, however the indicative development submitted by the applicant shows eight (8) dwellings (Attachment 3 refers).

The indicative development plan indicates the development of single storey dwellings, which will front both Eddystone Avenue and Perilya Road. The relationship between the subject site and the shopping centre site will be addressing through the design of the units, and will include windows on the west walls of the dwellings and appropriate uniform fencing.

Applicant's Submission

The applicant has raised several points in support of the amendment application as summarised below:

- The subject site is proposed to be rezoned for residential purposes, as development for 'Commercial' related purposes is not considered to be a practical option on the basis that the existing commercial centre adjacent to the subject site is large enough to service the needs of the surrounding area and that a number of tenancies in this centre have been vacant for some time. The proximity of other competing commercial centres also contributes to the lack of demand for additional retail or commercial space.

- Although grouped dwelling development may be considered under the existing ‘Commercial’ zoning at the Council’s discretion, the applicant is seeking to rezone the land to residential so that future grouped dwelling developments upon the site would be a permitted use. Moreover, wholly developing the site for residential purposes would be contrary to the intent of the commercial zoning.
- The proposed development of the subject site for residential purposes is a practical alternative as the site is well placed to take advantage of the commercial facilities provided by the centre itself and the public transport and other community facilities.
- The proposed rezoning would be in line with the Liveable Neighbourhoods Community Design Code by promoting a mix of housing types, lot sizes and densities in areas close to neighbourhood and town centres (see R13 ‘Mix’ of Lot Sizes’ under Element 1 – Community Design). The Liveable Neighbourhoods Community Design Codes seek to promote a range of higher residential densities close to commercial centres in order to promote the economic viability of these commercial centres by increasing patronage.
- Preliminary investigation and environmental assessment of the site has been undertaken. A soil validation report was subsequently commissioned and established that the site is fully remediated and suitable for future development.

Statutory Provision:

Section 7 of the Town Planning and Development Act 1928 (TPD ACT 1928) together with section 25 of the Town Planning Regulations 1967 enable Local Authorities to amend a Town Planning Scheme and sets out the process to be followed (Attachment 4 refers).

Should the Council support the initiation of the proposed amendment for the purposes of public advertising, the proposed amendment is required to be referred to the Environmental Protection Authority (EPA) to decide whether or not a formal environmental review is required. Should the EPA decide that an environmental review is not required, upon the City’s receipt of written confirmation of this from the EPA, the City advertises the proposed amendment for 42 days.

Upon closure of the advertising period, the Council considers all submissions received during the advertising period and would resolve to either grant final approval to the amendment, with or without modifications, or refuse the amendment. The decision is then forwarded to the Western Australian Planning Commission (WAPC), who makes a recommendation to the Minister for Planning and Infrastructure. The Minister can either grant final approval to the amendment, with or without further modifications, or refuse the amendment.

Sustainability Implications:

The rezoning will facilitate the development of eight (8) medium density dwellings. The development of medium density housing is considered appropriate given the location of the subject site in close proximity to the Craigie Plaza Shopping Centre and community facilities. The development may increase the number of people living within walking distance of the shopping centre by providing additional housing choices and an increased density and will assist in providing greater patronage. This accords with strategy 3.3.1 ‘Provide Residential Living Choices’ of the City’s Strategic Plan and the state government policy – Liveable Neighbourhoods Community Design Code.

Community Consultation:

The Town Planning Regulations 1967 require that, should Council adopt the amendment, it be advertised for a period of forty-two (42) days. All adjoining landowners would be notified in writing, a notice placed in the Joondalup Community Newspaper and West Australian Newspaper and a sign placed on the site.

COMMENT

The amendment seeks to facilitate eight (8) medium density dwellings. Given the current lot size and R20 density coding, a total of four (4) dwellings could be accommodated. Under the proposed R40 density code a total of nine (9) grouped dwellings could be hosted on the site.

The R40 density code proposed for the land represents a ‘doubling’ of housing density that currently applies to the site and to land in the immediate locality generally. However the form and configuration of the (eight) 8 grouped dwellings proposed for the site (as shown in Attachment 3) are of similar scale and type to existing development prevailing within the surrounding area. In addition, the lot on the opposite side of Eddystone Avenue has recently been rezoned to ‘R40’. The subject lot is currently vacant and has been untidy for some time and future development would dramatically improve the appearance of the site.

The development proposed for the land (grouped dwellings) can be considered by the City under either the current ‘Commercial’ or proposed ‘Residential’ zoning. Under the current zoning however, it is noted that residential development would be anticipated to be a component of the commercial development of the site. With respect to the proposed rezoning from ‘Commercial’ to ‘Residential’, the rezoning of the land is supported as the future use of the land is proposed to be for residential purposes. Proper and orderly planning principles dictate that the zoning applied to the land should closely align to the use of the land.

Accordingly there are no implications with respect to permissibility of the residential land use or the form of future developments proposed for the site, as a development application would need to be made to the City of Joondalup for its approval, irrespective of the class of development being discretionary or permitted.

Whilst it is recognised that there would be a loss of commercial zoned land, it is acknowledged that commercial uses on this site do not appear viable given its location in close proximity to an existing commercial centre. It is anticipated that the Craigie Plaza Shopping Centre will benefit from additional patronage as a result of the subject site being developed for residential purposes by creating additional demand for local retail services. The development of lots for residential purposes is expected to take advantage of the existing bus service, community services and retail facilities that are available in close proximity to the site, which promotes environmental and economic sustainability.

It is not expected that the proposed rezoning will generate any traffic related issues, and therefore a traffic survey/study has not been deemed necessary.

Overall, it is considered that the rezoning of the site to allow for the development of grouped dwellings is compatible with adjoining and surrounding uses, and is likely to enhance the amenity of the immediate area. It is recommended that the Council initiates and adopts the proposed amendment to DPS2 for the purposes of public advertising for a period of 42 days.

ATTACHMENTS

Attachment 1	Proposed Amendment No 29 to District Planning Scheme No 2 Zoning Map
Attachment 2	Proposed Amendment No 29 to District Planning Scheme No 2 R Code Map
Attachment 3	Indicative site plan for future 8 grouped dwelling development
Attachment 4	Town Planning Scheme Amendment process flow chart

VOTING REQUIREMENTS

Simple Majority

MOVED Cmr Clough, SECONDED Cmr Smith that Council:

- 1 Pursuant to Section 7 of the Town Planning and Development Act 1928, ADOPTS Amendment No 29 to the City of Joondalup District Planning Scheme No. 2 to rezone Lot 674 (107) Eddystone Avenue, Craigie from ‘Commercial’ with a density code of R20 to ‘Residential’, with a density code of R40, for the purposes of advertising for a period of 42 days;**
- 2 Prior to the advertising period commencing, FORWARDS the proposed amendment to the Environmental Protection Authority in order to decide if an environmental review of the site is required.**

Discussion ensued.

The Motion was Put and

CARRIED UNANIMOUSLY (5/0)

Appendix 7 refers

To access this attachment on electronic document, click here: [Attach7brf190405.pdf](#)

CJ078 - 04/05 CHANGE OF USE FROM MEDICAL CENTRE TO RESIDENTIAL BUILDING (SHORT STAY ACCOMMODATION): LOT 407 (3) GLENELG PLACE, CONNOLLY – [03180]

WARD - Marina

CJ050419_BRF.DOC:ITEM 14

PURPOSE

For Council to consider approval for a change of use application from a Medical Centre to a Residential Building (eleven self-catering apartments to be used for short stay accommodation) at Lot 407 (3) Glenelg Place, Connolly.

EXECUTIVE SUMMARY

The property is zoned “Mixed Use” and is located between the Connolly Shopping Centre to the north and the Connolly Community Centre to the south. To the east, at the rear of the property, is the Fairways Retirement Village and the Joondalup Country Club is approximately 350 metres north.

The property was approved for use as a medical centre in 1987. It is currently occupied by one tenancy, which uses approximately 20% of the total building area. The remainder of the building has been vacant for approximately two years. The property is zoned “Mixed Use” under District Planning Scheme No 2 (DPS2).

It is intended to change the use of the whole of the building from Medical Centre to a Residential Building which is a “D” use within the Mixed Use zoning. The building will be converted into eleven self-contained units to be used as short stay accommodation ranging from 1–21 days. The maximum number of guests at any one time will be 28 persons. There will be no meals or alcohol provided by the establishment. The proposed use is consistent with that of a residential building

Eleven objections to this proposal have been received mostly from residents living at the Fairway Retirement Village at the rear of the existing Medical Centre. Most of the objections related to potential noise, anti-social behaviour and the loss of the pedestrian link from Fairway Village to the shopping and community facilities. There is no evidence to suggest that short stay residents will create greater noise than could reasonably be expected within a residential area. Given that the building has been vacant for an extended period of time, the proposed use will improve surveillance and help eliminate anti-social behaviour within the carpark of the development.

It is considered that the proposed use is consistent with the mixed use zone objectives and it is recommended that Council approves the “D” use of a Residential Building within the Mixed Use zoning.

BACKGROUND

Suburb/Location:	Connolly
Applicant:	Hennie Joubert
Owner:	Jowebo Investments Pty Ltd
Zoning:	DPS: Mixed use
	MRS: Urban

The property is zoned “Mixed Use” and is located between the Connolly Shopping Centre to the north and the Connolly Community Centre to the south. To the east, at the rear of the property, is the Fairways Retirement Village and the Joondalup Country Club is approximately 350 metres north. The location of the development site is shown on attachment 1.

The existing buildings were approved as a Medical Centre in 1987. The applicant advised Council that approximately 80% of the premises have been vacant for over 2 years.

Permitted uses within the Mixed Use zone include bank, hairdresser, beauty parlour, corner store, lunch bar, office, consulting rooms, or a single house.

DETAILS

Statutory Provision:

The relevant provisions of District Planning Scheme 2 that control development within this zone and are applicable to the application for planning consent include:

Zone Objectives

3.5 *The Mixed Use Zone*

3.5.1 *The Mixed Use Zone is intended to accommodate a mixture of residential development with small businesses in a primarily residential scale environment. The predominant non-residential uses will be office, consulting, dining and limited retail uses occupying the street frontage of lots.*

The zoning will provide an intermediate stage between Residential and Commercial or Business Zone areas. A high level of pedestrian amenity should be provided.

The objectives of the Mixed Use Zone are to:

- (a) provide a diversity of landuse and housing types compatible with the maintenance of residential amenity;*
- (b) allow appropriate businesses to locate and develop in close proximity to residential areas;*
- (c) allow for services to be provided locally.*

Local Amenity

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.*

6.8.2 *In addition to the matters referred to in the preceding subclause of this clause, the Council when considering whether or not to approve a “D” or “A” use application shall have due regard to the following (whether or not by implication or otherwise they might have required consideration under the preceding subclauses of this clause):*

- (a) *the nature of the proposed use and its relationship to the use of other land within the locality;*
- (b) *the size, shape and character of the parcel of land to which the application relates and the nature and siting of any proposed building;*
- (c) *the nature of the roads giving access to the subject land;*
- (d) *the parking facilities available or proposed and the likely requirements for parking, arising from the proposed development;*
- (e) *any relevant submissions or objections received by the Council; and*
- (f) *such other matters as the Council considers relevant, whether of the same nature as the foregoing or otherwise.*

Rationale for the Proposal

The site currently consists of two buildings that are joined by a common roof and veranda. The buildings accommodate four independent commercial units. It is proposed to convert the existing building into five one-bedroom studio apartments, three one-bedroom with living area apartments and three two-bedroom with living area apartments. Each unit will have its own external entrance and bathroom/toilet facilities. There will be no cooking facilities, although a microwave and refrigerator will be provided in each unit.

District Planning Scheme 2 gives the same meaning to a Residential Building as the definition contained within the Residential Design Codes 2002. The Residential Design Codes 2002 defines a Residential Building as;

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

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

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

Neither the DPS2 nor the Residential Design Codes provide specific development requirements for a Residential Building. The site has a R20 density code for a single house, grouped dwellings and multiple dwelling developments. The density coding of R20 does not apply to a residential building, which has been established through previous legal advice.

The change of use will include the creation of an independent reception area and office within the building from where the apartments will be managed. There will be no restaurant or meal facilities provided. It is considered that the proposal is consistent with a Residential Building not a hotel or motel facility.

Design and Amenity

The overall external design of the existing development is not proposed to change considerably other than new entrances to the individual units to the rear, eastern and southern side of the development and a secure walled parking area for use by patrons of the short stay accommodation apartments. The applicant proposes to construct a new footpath at the rear of the development to provide access to the rear units.

Car Parking

For the purpose of calculating parking requirements under Table 2 of DPS2, the proposed development is a Residential Building. The car parking standards for a Residential Building will result in the following:

Ratio	Required	Provided
1 parking bay per 2 persons	14 bays	26 bays
Totals	14 bays	26 bays

The applicant also proposed to construct a secure parking area for the apartments. This involves reorganising the parking bays at the eastern end of the carpark nearest the community centre. This proposal will partially restrict the movement of vehicles using the community centre but overall there will be no loss of parking bays. The current parking area used by the medical centre and community centre is divided between the subject lot, the community centre and a communal access leg. A reciprocal access agreement over the medical centre, community and shopping facilities was drafted in 1990. The agreement only covers access to and between the individual lots and does not designate reciprocal parking between Lots 407 & 404 (community centre). It should also be noted that 13 parking bays will be separated by the security wall and the majority of the parking bays on site will be available to patrons using the community centre. Reconfiguration of the carpark will also require landscaping of the existing parking area and remedial works and landscaping on the adjoining site.

Setback requirements

The setbacks for the proposed development are determined under clause 3.2.1 of the Residential Design Codes 2002 – Set Back of Buildings Generally.

Setback	Required	Provided
Front	6.0 metres	23.0 metres minimum
Southern Side Boundary	1.5 metres	3.0 metres
Northern Side Boundary	1.0 metres	1.0 metres
Rear	1.5 metres	3.0 metres

Community Consultation

The proposed development was advertised for 14 days in accordance with clause 6.7.2 of DPS2 by way of letters sent to 94 local residents being the properties deemed most affected by the proposal. A total of 14 submissions were received, being 3 non-objections and 11 objections.

A summary of the objections is as follows:

Objection	Officer's Comment
Reduction in property values	Cannot be substantiated. No evidence that short stay accommodation will affect the property values of existing residential area. Joondalup Country Club that is approximately 350m north offers short stay accommodation.
Unit size and usage not in keeping with area	Mixed-use zoning intended as a transition between residential and commercial zoning therefore it may be expected that smaller or higher density units would be appropriate in this zoning.

Noise & disruption of Retirement Village residents	No substantial evidence that the proposed use will cause greater noise than that of a single residential dwelling
Comings & goings, day and night will create excessive noise and encroach on privacy	No substantial evidence that the proposed use will cause greater noise than that of a single residential dwelling
Short stay apartments would attract undesirable elements that may cause problems for elderly residents. There is already a problem of hoons using car park between 1am – 3am and this problem may increase if proposal goes ahead.	Proposed change of use has the potential to increase surveillance. The secure parking area may help to reduce speeding cars within the carpark.
Pollution created by overnight residents Fumes from cars	No substantial evidence that the proposed use will cause significant health issue
Development will disturb the peace	No substantial evidence that the proposed use will cause greater noise than that of a single residential dwelling
Object to noise factor and personal safety as generally there is more noise when people are on holiday	No substantial evidence that the proposed use will cause greater noise than that of a single residential dwelling
Parking at dentist and hall (community centre) will be affected	The proposed use of Residential Building for short stay accommodation has a less intensive demand for parking than that of the current approved use as medical centre. It is recommended that the approved be subject to reciprocal parking agreement formalising access to additional parking bays for the community centre
Gate way at rear of medical centre provides pedestrian access to community centre and shopping reduces distance to walk	Recommend pedestrian access agreement as condition of approval
Boundary fence too close – invasion of privacy	Setback of 3.0 metres complies with R-Codes
Size of units & facilities too small for medium to long term accommodation	Proposed use is for short stay accommodation.
Would like to see building used as medical centre	Noted

Health and Safety

The proposal would constitute a lodging house under the Health Act 1991. This will require the applicant to meet all relevant provisions of the Health Act and City of Joondalup Local Laws with regard to Lodging Houses. These include the following:

- The applicant must provide a kitchen that complies with the Class 1 requirements of the Health (Food Hygiene) Regulations 1993. Minimum size of kitchen shall be 0.65m² per person where lodgers prepare their own meals, 0.125m² per person where meals are provided by the keeper or manager; and 1m² per person where the kitchen and dining area are combined, but in any case cannot be less than 16².

- Dining areas to be in accordance with the City of Joondalup Health Local Laws 1999. A dining room must be a minimum of 0.5m² per person but not less than 10m² and be in close proximity to the kitchen.
- The keeper or manager of the lodging house is required to reside continuously within the lodging house. Applicant is required to provide details.
- Procedures for washing of linen and cleaning of apartments to satisfy the requirements of the Health Act.

COMMENT

Design and Amenity

The design and appearance of the existing development will not change significantly. To maintain the amenity to adjoining developments it is recommend that the proposed pedestrian path that will provide access to the rear short stay apartments be constructed close to the existing development and that a landscape strip adjoining the rear dividing fence be provided to the satisfaction of the Manager Approvals, Planning & Environmental Services.

To ensure that the proposed apartments are used as a Residential Building for short stay accommodation special conditions that allow the Council to control and monitor the use of the development are proposed.

Car Parking

The proposed security wall will provide a private secure parking area for patrons of the apartments but will still allow surveillance of the parking area beyond the parking area to adjoining sites. The majority of parking on the site will still be available for use by patrons of the community centre and adjoining commercial area. It is recommended that the change of use to a Residential Building be approved subject to a formal legal agreement securing the remainder of parking bays on lot 407 for a reciprocal parking agreement. All remedial works to the parking area on the adjoining lot is to be at the expense of the applicant.

Community Consultation

Eleven objections to the proposed change of use have been received, mostly from the residents of the Fairways Retirement Village. One of the primary concerns has been in relation to the existing gate at the rear of the site that provides pedestrian access to the shopping and community centres. It is considered that this gate provides an important pedestrian link that crosses private land. Currently there is no formal access agreement for the occupants of the Fairway Retirement Village to cross the development site and gain access to the adjoining shopping area and/or community centre. To address the concerns an access agreement that secures the long-term pedestrian link across the site for the residents of Fairway Retirement Village is proposed as a condition of approval.

Concern has been raised regarding potential noise from the proposed short stay apartments. The City has no evidence from existing short stay apartment within the City of Joondalup that would suggest that this type of residential building generates greater noise than that of a single residential dwelling. Issues in relation to excessive noise can be controlled under provisions of the Health Act.

CONCLUSION

The objective of the Mixed Use zone is to provide an intermediate stage between Residential and Commercial or Business zone areas. The zone is intended to accommodate a mixture of residential development with small businesses in a primarily residential scale environment. The objectives of the Mixed Use zone are to:

- Provide a diversity of land-use and housing types compatible with the maintenance of residential amenity;
- Allow appropriate businesses to locate and develop in close proximity to residential areas; and
- Allow for services to be provided locally.

The proposed short stay units are essentially a residential use and the scale of the existing development being single storey provides integration between the commercial and community uses and the retirement village to the east. Generally it is considered that the proposed change of use to a Residential Building for the purpose of short stay accommodation is in keeping with the objectives of the Mixed Use Zoning under DPS2, which is to provide an intermediate stage between Residential and Commercial or Business Zone areas.

Occupation of the currently vacant units will improve surveillance of the area and reduce the potential for anti-social behaviour within the carpark. It is considered that the proposal will not negatively affect the amenity of the adjoining residential zoning.

The proposed short stay accommodation is well located near strategic regional transport links and facilities such as the Joondalup Golf Course and Country Club and the Joondalup City Centre. While there is a general strategic focus to provide tourist or short stay accommodation within the City Centre a facility catering for a maximum of 28 people is not expected to significantly detract from the Joondalup City Centre and in turn contributes to a range of short stay accommodation within the municipality.

It is recommended that Council approves the change of use from Medical Centre to a Residential Building for the purpose of short stay accommodation subject to the following special conditions:

- A formal agreement being registered on the title that the pedestrian link be open at all times to residents of the Fairway Retirement Village and that two pedestrian gates be provided in the proposed security wall.
- A landscaping buffer strip be provided between the pathway provided access to the proposed rear apartments and the units of the Retirement Village to the east. A landscaped strip between the proposed path and the dividing fence will help to improve separation between the dwellings and provide increased visual and acoustic privacy.
- Conditions restricting the use of the building for short stay accommodation.
- A reciprocal parking agreement between the subject site and the community centre.
- A detailed parking plan for the bays in the southeastern corner of the community centre ensuring that the proposed works provide adequate room for manoeuvring. All remedial works required on the adjoining parking area of the community centre.

ATTACHMENTS

Attachment 1	Location Plan
Attachment 2	Aerial Photo
Attachment 3	Development Plans
Attachment 4	Site Photos

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION: That Council:

- 1 EXERCISES discretion under clauses 3.3 and 4.8 of District Planning Scheme No 2 and determines that:
 - (a) the proposed self-catering apartments at Lot 407 (3) Glenelg Place Connolly, being classed as a Residential Building for the purpose of short stay accommodation is consistent with the objectives and purpose of the Mixed Use zone;

- 2 APPROVES the application for Planning Consent dated 04 June 2004 submitted by Hennie Joubert on behalf of the owners, Jowebo Investments Pty Ltd, for a change of use from Medical Centre to Residential Building (short stay accommodation) at Lot 407 (3) Glenelg Place Connolly, subject to the following conditions:
 - (a) A pedestrian access agreement to be registered on the certificate of title being Lot 407 (3) Glenelg Place Connolly. The agreement is for the benefit of the residents of the Fairway Retirement Village so that they can cross the site to the commercial and community facilities on the adjoining lots. All costs associated with the agreement to be paid by the applicant;
 - (b) The existing gate within the dividing fence at the north-east corner of the site to remain open and accessible to the residents of the Fairway Retirement Village;
 - (c) The provision of two pedestrian gates within the proposed security wall to the satisfaction of the Manager Approvals, Planning and Environmental Services. The gates to be left unlocked at all times;
 - (d) A landscape buffer to be provided between the rear path accessing the proposed units and the dividing fence on the eastern boundary;
 - (e) A landscaping plan to be provided prior to the lodgement of a building licence and approved to the satisfaction of the Manager Approvals, Planning and Environmental Services. Landscaping plan to include upgrade of existing landscaping on site and remedial works in relation to reconfiguration of parking area;

- (f) A reciprocal parking agreement to be registered on the certificate of title between the subject site and the adjoining Community Centre Lot 404, Glenelg Place, Connolly. All cost and expenses associated with the agreement to be paid by the application;
- (g) In relation to the proposed reconfiguration of the parking area, all remedial works required on the adjoining parking area of Lot 404 to be at the expense of the applicant;
- (h) 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 Manager Approvals, Planning & Environmental Services prior to the development first being occupied. These works to be done as part of the building programme;
- (i) Provision must be made for disabled access and facilities in accordance with the Australian Standards for Design for Access and Mobility (AS 1428.1);
- (j) The units are to be used for short stay 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 Manager Approvals, Planning and Environmental Services. Details of the proposed management of the units is to be submitted for approval by the Manager Approvals, Planning and Environmental Services. Any changes to the approved method of management is required to be submitted for approval by the Manager Approvals, Planning and Environmental Services;
 - (iii) a register of lodgers shall be kept. The register shall:
 - (a) show the name and address of every lodger staying within the units and the unit occupied;
 - (b) be signed by the lodger;
 - (c) include their date of arrival and departure;
 - (d) be kept on the premises of the serviced apartments or at such other place as agreed to by Council and shall be open to inspection on demand by an authorised Council officer;
 - (iv) if the management of the service apartments agreed to by the Council in point (ii) above involves an on-site manager, then only one unit can be allocated to the on-site manager for permanent occupation;

- (k) Should the application require minor modifications to comply with the conditions of approval, revised plans are requested to be submitted to the City of Joondalup and approved by the Manager Approvals, Planning and Environmental Services.

Footnote:

In regard to condition (j) the applicant must provide the following additional information prior to the issue of a building license:

- 1 A kitchen area that complies with the Class 1 requirements of the Health (Food Hygiene) Regulations 1993 and sufficient dining areas in accordance with the City of Joondalup Health Local Laws 1999. Minimum size of kitchen shall be 0.65m² per person where lodgers prepare their own meals or 1.0m² per person where the kitchen and dining areas are combined. A dining room must be a minimum of 0.5m² per person but not less than 10m² and be in close proximity to the kitchen;
- 2 The keeper or manager of the lodging house is required to reside continuously within the lodging house;
- 3 The applicant to provide details regarding the washing of linen and cleaning of apartments;
- 4 The application is to meet all relevant provisions of the Health Act and City of Joondalup local laws 1999 in regard to Lodging Houses;
- 5 Where food is prepared for patrons, the kitchen shall comply with the Health (Food Hygiene) Regulations 1993;
- 6 Changes to the development plans may require a new development application.

ADDITIONAL INFORMATION

Part 1 of the original report recommendation incorrectly referred to the exercise of discretion under Clauses 3.3 and 4.8 of the District Planning Scheme No. 2. This should have referred to Clause 6.8. The recommendation should be amended to read as follows:

That Council:

- 1 EXERCISES discretion under Clause 6.8 of District Planning Scheme No.2 and determines that:
 - (a) the proposed self-catering apartments at Lot 407 (3) Glenelg Place Connolly, being classed as a Residential Building for the purpose of short stay accommodation is consistent with the objectives and purpose of the Mixed Use zone.

MOVED Cmr Smith, SECONDED Cmr Fox that Council REFUSES to grant approval for the application dated 4 June 2004 seeking approval for a change of use from medical centre to residential building at Lot 407 (3) Glenelg Place, Connolly on the grounds that:

- 1 the proposed land use is not in keeping with the intent of the Mixed Use zone;**
- 2 the proposal will detrimentally affect the amenity of the adjoining residential development.**

Discussion ensued.

The Motion was Put and

CARRIED UNANIMOUSLY (5/0)

Appendix 8 refers

To access this attachment on electronic document, click here: [Attach8brf190405.pdf](#)

CJ079 - 04/05 DEDICATION OF PORTIONS OF MITCHELL FREEWAY – [04013]

WARD - Lakeside, Pinnaroo, South Coastal, South, Marina, North Coastal

CJ050419_BRF.DOC:ITEM 15

PURPOSE

Council is requested to support dedication of several portions of constructed road that form the Mitchell Freeway, but which have not been formally dedicated as road reserve.

EXECUTIVE SUMMARY

The applicant, Complex Land Solutions, acting under instructions and on behalf of Main Roads Western Australia, is seeking Council support for the dedication of portions of the Mitchell Freeway that are currently not dedicated as road reserve. The subject portions of the Freeway are shaded grey on the attached plans (Attachment 1 refers).

The dedication of the land within the Mitchell Freeway is an administrative function, and does not have any implications for the City of Joondalup.

It is therefore recommended that Council:

- 1 CONCURS with the dedication of the land, as detailed and contained in Attachment 1 to Report CJ079-04/05, as road under Section 56 of the Land Administration Act;*
- 2 REQUIRES Main Roads WA to indemnify the City of Joondalup against any claims arising from the dedication of the land.*

BACKGROUND

Suburb/Location: Mitchell Freeway
Applicant: Complex Land Solutions
Zoning: **DPS:** Regional Road
MRS: Primary Regional Roads

DETAILS

The applicant, acting under instructions and on behalf of Main Roads Western Australia, has notified the City that the following portions of Mitchell Freeway require dedication as road reserve:

Applicants Annotated Number (refer Attachments 1 & 2)	DLI Allocated Lot Number	DLI Plan/Diagram Number	Location Description
10	Lot 748	P13529	West of Eddystone Avenue and south of Hodges Drive.
10A	Lot 601	P97196	North of Eddystone Avenue and south of Hodges Drive.
11	Nil	Nil	Okely Road
11A	Unallocated Crown Land	Swan Loc 9067	North of Hepburn Avenue and south of Ocean reef Road.
12	Lot 6	P17185	North of Ocean Reef Road and south of Hodges Drive.
13	Lot 441	D70213	North of Ocean Reef Road and south of Hodges Drive.
14	Lot 600	D74448	North of Eddystone Avenue and south of Hodges Drive.
15	Not Part of the Application		
16	Lot 4	P17185	North of Eddystone Avenue and south of Hodges Drive.
17	Lot 1	P11934	East of Okely Road – intersection of Okely Road and Whitfords Avenue
18	Unallocated Crown Land	Nil	West of Okely Road – intersection of Okely Road and Hepburn Avenue.
19	Unallocated Crown Land	Nil	East of Okely Road – north of the intersection of Okely Road and Hepburn Avenue.
20	Unallocated Crown Land	Nil	East of Okely Road – south of the intersection of Okely Road and Hepburn Avenue.
21	Not Part of the Application		
22	Nil	Nil	Okely Road
23	Lot 849	P10409	North of Tuart Road – south of Hepburn Avenue.

24	Lot 150	D41921	North of Warwick Road – south of Tuart Road.
25	Lot 51	P12574	North of Warwick Road – south of Tuart Road.
26	Lot 51	P12574	North of Beach Road – south of Warwick Road.

The subject portions of land are within the Main Roads protection boundary and reserved under the Metropolitan Region Scheme for road purposes. The proposed dedication does not involve any road construction, and is administrative in nature only.

The applicant has confirmed that the land identified for dedication is already held in public ownership and action to consolidate the individual landholdings to the State of Western Australia is under way through the Department of Land Information (DLI).

Statutory Provision:

A dedicated road reserve is one that has been created by lawful process, whether by approval of plan creating the road, or by publication in the government Gazette or State newspaper of a notice of dedication, or by registration against Crown Land Title of an order declaring that the land has been set-aside for such purposes.

Occasionally it will be discovered that a road that has been used by the public for many years is not dedicated. In this situation a resolution is required to dedicate the land as a public road in accordance with Section 56 of the Land Administration Act

COMMENT

The applicant advises that the subject portions of the Mitchell Freeway have not been formally dedicated as road reserve and are required to be so dedicated.

The Mitchell Freeway is under the care and control of Main Road and therefore there are no implications with respect to the proposed dedication of the land for the City of Joondalup. However, it is appropriate that the City of Joondalup be indemnified by Main Roads against any claims arising from the dedication of the land.

The proposed dedication of the land within the Mitchell Freeway is supported. Stringent DLI requirements require Council to endorse the dedication using the wording outlined in part 1 of the recommendation below.

ATTACHMENTS

Attachment 1 Location plan of land to be dedicated as road reserve.

VOTING REQUIREMENTS

Simple Majority

MOVED Cmr Anderson, SECONDED Cmr Clough that Council:

- 1 CONCURS with the dedication of the land, as detailed and contained in Attachment 1 to Report CJ079-04/05, as road under Section 56 of the Land Administration Act;**
- 2 REQUIRES Main Roads WA to indemnify the City of Joondalup against any claims arising from the dedication of the land.**

The Motion was Put and

CARRIED UNANIMOUSLY (5/0)

Appendix 9 refers

To access this attachment on electronic document, click here: [Attach9brf190405.pdf](#)

**CJ080 - 04/05 SUBDIVISION REFERRALS PROCESSED 1 - 31
MARCH 2005 – [05961]**

WARD - All

CJ050419_BRF.DOC:ITEM 16

PURPOSE

This report is to advise the Council of subdivision referrals received by the City for processing in the period 1-31 March 2005.

EXECUTIVE SUMMARY

Attachment 1 is a schedule of the Subdivision Referrals processed from 1 –31 March 2005. Applications were dealt with in terms of the delegation adopted by the Council in October 2004.

DETAILS

Nine subdivision referrals were processed within the period. The average processing time taken was 18 days, which compares favourably with the statutory timeframe of 42 days. The subdivision applications processed enabled the potential creation of two (2) residential lots and eight (8) strata residential lots. Two applications were not supported. These applications are as follows:

Ref: SU127656 – 500 Burns Beach Road, Burns Beach

This application was not supported as approval of the subdivision would be premature in the absence of an Agreed Structure Plan and therefore prejudice the overall planning of the area.

Ref: SU1928-04.01 – 13 Tottenham Road, Joondalup

This application was not supported, as the plan does not show common property. This is required due to an access easement (right of carriageway) currently existing on the lot.

ATTACHMENTS

Attachment 1 Schedule of Subdivision Referrals

VOTING REQUIREMENTS

Simple Majority

MOVED Cmr Clough, SECONDED Cmr Anderson that Council NOTES the action taken by the subdivision control unit in relation to the applications described in Report CJ080-04/05 for the month of March 2005.

The Motion was Put and

CARRIED UNANIMOUSLY (5/0)

Appendix 10 refers

To access this attachment on electronic document, click here: [Attach10brf190405.pdf](#)

**CJ081 - 04/05 MINUTES OF THE SENIORS INTERESTS
ADVISORY COMMITTEE MEETING HELD ON 16
FEBRUARY 2005 – [55511]**

WARD - All

CJ050419_BRF.DOC:ITEM 17

PURPOSE

To provide Council with the unconfirmed minutes of the Seniors Interests Advisory Committee meeting held Wednesday 16 February 2005.

EXECUTIVE SUMMARY

A meeting of the Seniors Interest Advisory Committee was held on Wednesday 16 February 2005. The unconfirmed minutes of this meeting are submitted for noting by Council.

It is recommended that the Council:

1 NOTES the unconfirmed minutes of the Seniors Interest Advisory Committee held on Wednesday 16 February 2005 forming Attachment 1 to Report CJ081-04/05;

- 2 *NOTES the Committee's congratulations to Commissioners and Council officers on the outstanding success of the Sunset Valentine Concert and recommendation that the Sunset Valentine Concert be held annually.*

BACKGROUND

The Seniors Interests Advisory Committee was formed in 2001, originally called the Strategic Advisory Committee – Seniors Interests. The committee meets on a monthly basis and comprises of individuals from the community; representatives from organisations who provide services to seniors, and government departments. The City is represented through the attendance of the Manager Community Development Services and is provided with administrative support from the Community Development Officer.

During the past six months, each member has researched strategic issues significant to the lives of seniors in the community and presented the findings to the committee for discussion and debate. So far topics covered have been – employment, the changing health needs and physical activity for seniors.

DETAILS

At the meeting held 16 February 2005, Lew Thorstensen spoke of the outstanding success of the Sunset Valentine Concert held at the Joondalup Resort on the evening of Monday, 14 February 2005. Lew asked if the committee agreed he would like to put forward a recommendation to Council for this concert to be held annually.

MOVED Lew Thorstensen, SECONDED Allyn Bryant that the Seniors Interests Advisory Committee extends congratulations to Commissioners and Council officers on the outstanding success of the Sunset Valentine Concert, and recommends it is held annually.

Officer's Comment – Given the success of the Sunset Valentine Concert, and the appeal to senior members of the community for this kind of event, the above recommendation is noted by the Community Services team.

There were two other items of particular interest to the committee. These items are outlined further in the minutes of the meeting and are summarised as follows:

- That the members of the committee suggested representatives of the key political parties be invited to address the meeting regarding policies of particular interest to seniors;
- That a seminar pertinent to the interest of seniors be organised before the conclusion of the tenure of the existing committee in May 2005; and

The minutes of the committee have listed the issue of discounts for seniors at the Craigie Leisure Centre as an ongoing item for discussion. A report on this matter is due to be presented to Council in June 2005. The Seniors Interest Advisory Committee will be part of the consultation process used to develop a policy position regarding this matter.

ATTACHMENTS

Attachment 1 Minutes of the Seniors Interests Advisory Committee Meeting held Wednesday, 16 February 2005.

VOTING REQUIREMENTS

Simple Majority

MOVED Cmr Anderson, SECONDED Cmr Clough that Council:

- 1 NOTES the unconfirmed minutes of the Seniors Interests Advisory Committee held on Wednesday 16 February 2005 forming Attachment 1 to Report CJ081-04/05;**
- 2 NOTES the Committee's congratulations to Commissioners and Council officers on the outstanding success of the Sunset Valentine Concert and the recommendation that the Sunset Valentine Concert be held annually.**

The Motion was Put and

CARRIED UNANIMOUSLY (5/0)

Appendix 11 refers

To access this attachment on electronic document, click here: [Attach11brf190405.pdf](#)

CJ082 - 04/05 RECONSIDERATION OF CONDITION OF RETROSPECTIVE DEVELOPMENT APPROVAL FOR ADDITIONS: LOT 2 (160B) WATERFORD DRIVE, HILLARYS – [43516]

WARD - Whitfords

CJ050419_BRF.DOC:ITEM 18

This Item Is Confidential - Not For Publication

A full report has been provided to Joint Commissioners under separate cover.

Chief Executive Officer referred to the decision of the Commissioners not to sit behind closed doors unless absolutely necessary. The CEO advised that it was his duty to protect the legal rights of the City at all times and whilst it is in order for Commissioners to stay in open session, they should be mindful of the need not to put the legal responsibilities of the City at risk.

MOVED Cmr Smith, SECONDED Cmr Clough that Council ADVISES the State Administrative Tribunal that it has given further consideration to the retrospective approval and conditions (CJ290-11/04 refers) and in view of the fact that the concerns of the neighbour were taken into account as part of the application process, and the Council made a determination on relevant planning grounds taking all required factors into consideration, it is not prepared to alter its position from the current approval and conditions.

Cmr Smith spoke to the Motion.

The Motion was Put and

CARRIED UNANIMOUSLY (5/0)

REPORT OF THE CHIEF EXECUTIVE OFFICER

Nil.

MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil.

DATE OF NEXT MEETING

The next meeting of the Council has been scheduled for **7.00 pm** on **TUESDAY, 17 MAY 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 2030 hrs; the following Commissioners being present at that time:

CMR J PATERSON
CMR P CLOUGH
CMR M ANDERSON
CMR S SMITH
CMR A FOX