



City of  
Joondalup

**DRAFT AGENDA**

**FOR ELECTED MEMBERS'**

**BRIEFING SESSION**

**TUESDAY, 17 JULY 2001**

## ***PUBLIC QUESTION TIME***

*Council allows a 15 minute public question time at each Council meeting which is open to the public.*

*To enable prompt and detailed responses to questions, members of the public are requested to lodge questions in writing to the Committee Clerk at least two days prior to the Council meeting at which the answer is required.*

*The Mayor is responsible for the conduct of public question time and ensuring that each member of the public has an equal opportunity to ask a question. The Mayor shall also decide whether a question will be taken on notice or alternatively who should answer the question.*

*The following general rules apply to question time:*

- *question time is not to be used by a member of the public to make a statement or express a personal opinion.*
- *questions should properly relate to Council business.*
- *question time shall not be used to require an Elected Member or an officer to make a personal explanation.*
- *questions are not to be framed in such a way as to reflect adversely on a particular Elected Member or officer.*

*\* Any queries on the agenda, please contact Council Support Services on 9400 4369.*

# CITY OF JOONDALUP – BRIEFING SESSION

to be held in Conference Room 1, Joondalup Civic Centre, Boas Avenue, Joondalup on  
**TUESDAY, 17 JULY 2001 commencing at 6.00 pm.**

## ORDER OF BUSINESS

### OPEN AND WELCOME

### APOLOGIES AND LEAVE OF ABSENCE

### PUBLIC QUESTION TIME

**The following questions were submitted by Mary Noble, Pauline Warburton, Hugh Liston, John Ryan, Alan and Sandy Harding and Len Carey, Ocean Reef Residents to the Briefing Session held on 3 July 2001:**

*Q1 (Submitted by Ms Mary Noble) - The branches etc. that were placed up against the fence line on the pathway between Mullaloo Beach and Ocean Reef Marina have as you will be aware been pushed back into the scrub and bushes – my question is “How will you react to being sued if the whole area burns and takes a life?”*

**A1** An assessment of the fire risk was made by Council Rangers and it was revealed that certain sections are a fire risk and require remedial action. The main concern was with the proximity and extent of branching near the coastal dual use path and the suggested remedial action is to remove the branching approximately five to 10 metres from the pathway, replace with mulch and redistribute the remaining branches, resulting in a more moderate coverage of branching. Works are currently in progress to address these concerns.

*Q2 (Submitted by Ms Pauline Warburton) - Why after all these years must the council insist on pathways and fences in areas along the coastline (specifically Mullaloo and Ocean Reef) causing such environmental damage.*

**A2** The use of controlled pathways and fences has been a long-standing practice of the Ministry for Planning and Council to provide controlled access to the dunal corridor and prevent indiscriminate damage to the dunal system.

The reason for the fenced pathways is to provide the community with an all-weather access along the foreshore for all of our community, including the disabled. It also provides the public with protection from open access to the coastal cliff hazards to reduce the risk of the Gracetown tragedy recurring.

In addition to this, it provides a much needed protection of the environment from public disturbance in order that the dunal system can regenerate and be preserved for conservation purposes for all the community and future generations to enjoy.

*Q3 (Submitted by Mr Hugh Liston) - Please explain the need to keep people off the pathways through the natural bush between Mullaloo Beach and Ocean Reef Marina. I ask you to consider this question carefully due to the considerable amount of damage done to the environment during the construction of and since the pathways/cycleways have been in place.*

A3 Refer to answer for Question 2.

To facilitate construction of the path, it was necessary to disturb sections of the dunal system for obvious reasons. This work was undertaken with the endorsement of the Local Joondalup Coast Care Group and representatives of the Ministry for Planning and the Ocean Reef Residents Association. Any sections of the dunal system affected by the construction works will be re-established with native vegetation on an ongoing basis.

*Q4 (Submitted by Mr John Ryan) - Can someone please explain why adults who take responsibility for their own actions are fenced off from crown land and the beach area between Mullaloo Beach and Ocean Reef Marina?*

A4 Refer to answer for Question 2.

*Q5 (Submitted by Mr Alan Harding) - Are you aware that to date no less than 25 small to medium size fires have been put out in the bush, between Mullaloo Beach and Ocean Reef since the opening of the pathway in the said same area. The fires Sir have been put out by those people who have walked the natural tracks for 10, 15 and 20 years, the same people you are trying to keep off the paths.*

A5 There is no record of the recently reported fires, however, this matter will be referred to the Rangers for their attention.

*Q6 (Submitted by Ms Sandy Harding) - The branches and cuttings you have had placed over the fence line to keep the regulars from walking the tracks through the natural bush have been used to start 4 fires in the past 3 weeks – are you aware of this?*

A6 It is important to recognise that the purpose of branching is two-fold. Firstly, it assists in the stabilisation of the damaged dunal areas in order that the natural vegetation may regenerate accordingly. It acts as a protection from wind erosion and reduces the damage from uncontrolled pedestrian movement.

Secondly, it discourages pedestrian access into the dunal areas, which is an Australia-wide accepted management practice in bushland and coastal vegetation regeneration. It is also acknowledged that the extent of the branching is excessive and Council officers will redistribute the branches, resulting in a more moderate coverage.

*Q7 (Submitted by Mr Len Carey) - In light of the tremendous fire hazard caused by the placement of the dry branches etc into the scrub in the area between Mullaloo and Ocean Reef, we request the consideration of its total removal and access to the natural tracks be given by way of small openings in the fence.*

A7 This is a matter for Council to decide upon and may require input from the Ministry for Planning. The decision must be based on environmental, public safety and accessibility considerations.

**The following questions have been submitted by Mr V Harman, Ocean Reef to the Briefing Session held on 3 July 2001:**

*Mr Harman raised concern that the copies provided at the Briefing Session of the above question stated that the questions were from members of the Ocean Reef Residents Association. (Following the Briefing Session, it was noted that this confusion was caused by an administrative error, as the questions were in fact from "Ocean Reef Residents". This error has been rectified in the above questions and Mr Harman advised accordingly.)*

**The following questions have been submitted by Mr S Magyar, Heathridge to the Briefing Session held on 3 July 2001:**

*Q1 Regarding Item 2: Voting Delegates – 2001 AGM of the Local Government Association. Will Council give consideration to the agenda or will delegates have a conscience vote if they so wish?*

A1 The agenda for the AGM was received today and will be distributed to elected members. It is suggested this be put to Council to form a view on the issue.

*Q2 Regarding Item 3: The 2<sup>nd</sup> Cities for Climate Protection National Conference 2001 Adelaide 1-3 August 2001: Has Council considered sending two Councillors with opposing views to the Conference in order that both views can be presented to Council on their return?*

A2 Your comments will be taken on board.

*Q3 Regarding Item 5: Need for a Community Bank in the City of Joondalup. The attachment is incorrect as there is an ATM machine at Heathridge Shopping Centre.*

A3 This comment was noted.

*Q4 Will officers be given the opportunity to submit a report to Council regarding the Notice of Motion from Cr Baker in relation to the damage to the coastal environment?*

A4 Yes.

**DECLARATIONS OF FINANCIAL/NON FINANCIAL INTEREST**

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**DATE OF NEXT MEETING**

**CLOSURE**

## **ITEM 1      REVIEW OF PLANNING AND DEVELOPMENT SERVICES POLICIES AND DELEGATION OF AUTHORITY - [13399] [26176]**

**WARD - All**

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### **SUMMARY**

The policies and delegations structure currently in place had their origins in the previous Town Planning Scheme (TPS1), but had evolved over time to reflect Council's planning objectives.

The delegation structure formed part of a corporate review undertaken in February 2001, and at that time Council resolved to receive a further report on the impact of District Planning Scheme No.2 (DPS2) on relevant policies and the delegation structure.

The City is currently reviewing the existing Planning and Development Services policies. The policy review is proposed to be undertaken in two stages. The first stage of the review will rescind those policies that are deemed no longer necessary and address the minor changes required to two policies mainly making one consistent with DPS2 and minor additional detail to the other. The second stage will address individual policies that require a number of changes (Attachment 1).

It is recommended (in accordance with DPS2) to rescind policies dealing with Consulting Rooms, Local Stores and Wanneroo Road (shown at attachments 2 to 4). It is also proposed to amend the Child Care Centres, Advertising of Development Proposals and Pedestrian Access Ways policies (Attachments 5 to 7) and to advertise those for 21 days in accordance with the Scheme.

The delegation of authority structure is proposed to be enhanced to reflect procedures for consultation with elected members, whilst maintaining the objective of providing for decision making within reasonable timeframes, to meet customer service demands.

### **BACKGROUND**

#### **Policy Manual**

The City of Joondalup at a special meeting of Council held on 1 July 1998 adopted the Former City of Wanneroo's policy manual.

An extensive review was undertaken of the City's policy manual, which found that, generally:

- a number of the policies were in fact corporate procedures;
- there were some statutory policies missing; and
- some of the policy statements were inconsistent with the Local Government Act 1995.

Following this extensive review, the Joint Commissioners adopted an extensively revised Policy Manual at its meeting held on 22 June 1999.

At the 13 February 2001 meeting, Council resolved (CJ001-02/01):

- 1 *AMENDS the following policies as detailed in Attachment 1 to Report CJ001-02/01:*
  - Policy 2.1.1 Employment*
  - Policy 2.1.2 Equal Employment Opportunity*
  - Policy 2.2.2 Elected Members Training*
  - Policy 2.2.3 Travel/Accommodation – Elected Members and Staff*
  - Policy 2.2.7 Acknowledgment of Service – Elected Members*
  - Policy 2.2.8 Legal Representation for Present and Former Elected Members and Staff of the City*
  - Policy 2.2.9 Elected Members' Advertising*
  - Policy 2.2.10 Elected Members*
  - Policy 2.2.11 Coat of Arms (Council Crest) and Corporate Logo*
  - Policy 2.2.12 Reimbursement of Expenses*
  - Policy 2.4.1 Accounting Policy*
  - Policy 2.4.5 Budget Timetable*
  - Policy 2.5.4 Official Vehicles – Use of*
  - Policy 3.1.3 Alfresco Dining (Planning) – Joondalup Centre*
  - Policy 3.1.8 Advertising of Planning Proposals*
  - Policy 5.4.1 Tennis Court Lighting Standards*
- 2 *NOTES that it has reviewed the delegations made in accordance with the Local Government Act 1995;*
- 3 *SEEKS a further report on the impact of District Planning Scheme No 2 on relevant policies and delegations of the Council.*

The City is currently undertaking a review of the existing Planning and Development Services policies. The report is in relation to this as well as the Council resolution of February 2001.

### **Delegation of Authority**

Corporate delegation of authority is reviewed annually (in accordance with the Local Govt Act).

Town Planning Scheme No 1 (TPS1 - now rescinded) and DPS 2 reflect that requirement by requiring that Town Planning delegations be reviewed either annually, or if granted for more than 12 months, then in accordance with the stipulated time period.

The current Delegated Authority structure is established in accordance with Council's resolution CJ296-09/99 (shown on Attachment 8 to this report). The structure formed part of the corporate review undertaken in February 2001.

The delegation of planning powers is a principle used in all but the smallest local authorities. The structure varies depending upon level of demand, corporate resourcing levels, political factors, and reliance on representative policies and planning controls. For large local authorities, delegated authority facilitates greater economies in assessment processes, in regard to time taken for issuing decisions and the timeframe associated with agenda settlement and presentation.

## DETAILS

### Policy Review

It is proposed to rescind the following three policies:

- 3.1.2 - Consulting Rooms;
- 3.1.4 - Local Stores; and
- 3.1.10 - Wanneroo Road,

for which justification has been provided in the comment section.

It is also proposed to make minor amendments to the child care centre policy and advertising of development proposals to make it consistent with DPS2 and to add minor detail to the pedestrian accessways policy.

The Planning and Development Services Policies are created under Part 8 of DPS2. There is no specific requirement to review policies, however, there are provisions in relation to rescinding policies, and procedures for making and amending policies.

### Delegation Structure

The current delegation structure resolution (Attachment 8) is best illustrated by use of the following chart. The chart formed a part of the delegation of authority report presented in September 1999, and remains relevant.

Application Type	Officer/Level of Delegation				
	SPO	CP	MAP	DPD	Council
Complying applications					
Non-complying applications ➤ Discretion required ➤ Advertising not required					
Non-complying application ➤ Discretion required ➤ Advertising conducted – no objections					

Validity ➤ Relevance of objections					
Non-complying application ➤ discretion required ➤ advertising required – objections received					
Non-complying application ➤ exceeds limits of officer discretion					
Applications recommended for refusal					
Advisory comments to other agencies ➤ positive comments					
Advisory comments to other agencies ➤ negative comments					
SPO Senior Planning Officer	MAP Manager Approval Services				
CP Coordinator Planning Approvals	DPD Director Planning & Development (under Delegated Authority) in consultation with the Mayor/or his nominee				

indicates level of delegation

The Delegated Authority procedures have been enhanced (beyond the content of the delegated authority resolution) to provide effective communication with elected members, by the following practices;

- publishing weekly advice of forthcoming applications on the Desk of the CEO newsletter, with six days notice for Councillors to call in proposals, or raise specific enquiries with officers;
- contentious applications are often deferred to provide additional opportunity for one to one consultation with ward members prior to decision being taken;
- individual reports with summary descriptions are provided on the Desk of the CEO on applications of interest, inviting comment prior to delegated authority determination, or comment on the desired level of determination; and
- use of the delegated authority forum to determine applications of interest, even though some of those proposals could be approved at officer level.

## COMMENT

### Policies Proposed to be Rescinded

#### 3.1.2 – Consulting Rooms (Attachment 2)

The reason for formulating this policy was that a number of development applications were being received for consulting rooms, and the policy provides for guidelines in respect to dealing with such applications. The primary objective of the policy is to protect the amenity of residential neighbourhoods.

The definition for consulting rooms in DPS2 is different to that in TPS1 in that the definition now refers to a building used by no more than one health consultant as opposed to the definition in TPS1 that did not specify numbers. Also DPS2 includes a definition for medical centre which relates to premises accommodating two or more consulting rooms. Further the land use is a “D” use in the Residential and Special Residential zones which means that the use is not permitted, however, Council may exercise its discretion and an advertising process may be considered. The preferred location is in the Mixed Use, Business or Commercial zones, in or adjacent to centres. A medical centre however is not permitted in the Residential or Special Residential zone, but is permitted in the Mixed Use, Business and Commercial zones. Accordingly the policy is not considered necessary

#### 3.1.4 – Local Stores (Attachment 3)

The subject policy was formulated at a time when the City was trying to promote the provision of ‘corner stores’ in structure plans and the early provision of service. The use was not specifically listed in TPS1, however, the use of shop was included. The policy provides for matters to be regarded in the assessment of applications for approval of local stores.

DPS2 includes definitions for “corner store” and “shop” and allocates the level of permissibility in Table 1 – The Zoning Table. Also the City’s Draft Centres Policy includes detail relating to corner/local stores/shops. It is proposed to insert a new definition in DPS2 for local shops to not exceed 200m<sup>2</sup> nett lettable area with an aggregate of not more than 1000m<sup>2</sup> and for local shops be permitted in the Business and Mixed Use zones.

#### 3.1.10 - Wanneroo Road (Attachment 4)

This policy essentially concentrates on the following:

- recognising and preserving the value of higher speed travel on this road by restricting commercial type development, and by retaining the existing rural lot sizes, thereby limiting the number of access and egress conflict points;
- where land has been committed to non rural development, development approval being restricted to uses which are low traffic generators;
- rural character of the roadside landscape being preserved;
- use of service roads and turning setbacks at driveways being encouraged.

Since the time of formulation of the policy the nature of Wanneroo Road has changed, given the increase of residential as well as commercial development. Further, since the split of the City of Wanneroo, Wanneroo Road is not within the municipal boundaries of the City. Further, there is only the stretch of land on the western side of Wanneroo Road between Whitfords Avenue and Beach Road that fronts the road. Given this, it is considered that the statements in the policy are no longer relevant.

### **Policies Proposed to be Amended**

#### **3.1.1 – Child Care Centres (Attachment 5)**

The amendments aim to make this policy consistent with DPS2, therefore they are minor in nature.

#### **3.1.8 - Advertising of Development Proposals (Attachment 6)**

This policy was formulated as TPS1 did not require mandatory advertising of development proposals. The policy provides for the Chief Executive Officer to determine when a development proposal should be advertised. DPS2 contains the provisions to determine in which cases advertising is required but still allows discretion for the advertising of 'D' uses. The policy has been amended to make it consistent with DPS2.

#### **3.2.7 – Pedestrian Accessways (Attachment 7 – Extract Only)**

It is proposed to amend the policy by way of adding minor detail to 1(g) (section relating to lighting) to make reference to the Australian standards.

### **Delegation of Authority**

The underlying principles of Delegated Authority are:

#### **1. Business efficiency**

There are many delegated decisions made by officers, where the issue is one of compliance or otherwise. In those cases, it would not be effective business practice to force applications to Council for consideration.

#### **2. Service provision over reasonable time periods.**

The removal of delegated authority would require that more applications enter the Council meeting cycle. The City offers a high frequency service, by convening two regular monthly meetings, however, this would delay the average application by an additional two to three weeks, where a decision is sought. Statistically, the Planning & Development directorate serves the most customers of any at the City of Joondalup, and the time taken to issue approvals is a key concern for the customer.

#### **3. Resourcing**

The Approval Services business unit is resourced leanly, relative to the volume of work undertaken. By reducing the level of delegated authority, less resources would be available in the areas of value adding to non-fee paying services, and this would adversely impact on customer service.

#### 4. Maximising Opportunities for Elected Member Participation

The commitment to notification of applications to be dealt with under Delegated Authority provides an opportunity for involvement (by elected members) at will, whilst recognising the high volume of applications processed by the City.

The interest shown by elected members has provided a catalyst for enhancing involvement in the delegated authority structure. The procedural enhancements made in recent times reflect the need to cater for that involvement, while maintaining the underlying principles.

Occasional concerns over delegated authority invariably stem from individual disputes between neighbours. This scenario would apply, regardless if the matter at hand were presented to the Council.

The delegated authority process helps to overcome biases and pressures that are imposed on elected members with the potential end product of driving inconsistent decision making. It also provides for two way feedback (with elected members) within reasonable timeframes, prior to decisions being taken.

There is also the question of volume of applications. Without the current level of delegation in place, the Councillors would have received, for example, 152 reports over the past three months, seeking determination (equivalent to 25 reports from Approvals per Council agenda).

It is estimated that the impact on timing of decisions would be that an “average” application could have a delay of at least three weeks, in addition to processing time at officer level. At present, 50% of (planning) applications are approved within 14 days of lodgement.

It is suggested that delegated authority be enhanced by including the procedures (for liaison with elected members) described above. The procedures maintain and/or promote effective working relationships where Councillors can be involved in decisions that are geared towards timely assessment processes, and relevant planning policy and controls.

Suggested alterations to the adopted Delegated Authority structure are;

1. To maintain procedures of:
  - a) advising of developments which are likely to be of interest in the Desk of the CEO, to supplement the list of items to be presented in the following week (Thursday) for consideration under delegated authority.
  - b) requesting that Councillors use the Desk of the CEO as a resource to track delegated authority matters;
  - c) maintaining an open approach to facilitating regular dialogue with ward members and councillors on contentious matters.
2. Clarify the role of the Manager Approval Services to sign off approvals where advertising has occurred, where the extent of discretion is reasonable, and no valid planning objection has been received against the proposal.
3. Consolidate the existing manual to incorporate Planning Delegation statements into one statement of delegation for planning matters. (Since June 1999, there have been 2 statements of delegation, dealing with development control and subdivision assessment matters. At Council’s 14 September 1999 meeting, it was resolved to

*“...Revoke subsections 1 and 4 of the Town Planning Delegations”, pages 136 –138 of the Delegated Authority manual as adopted at the Council meeting held on 22 June 1999.”*

The impact of that resolution was to modify the town planning delegations structure to the form presented in the current register at page 137 and 138. The resolution adopted in September 1999 revoked Parts 1 and 4 of the delegation notice shown at page 139 of the Manual. Part 2 of that notice refers to extractive industries and as such is considered no longer relevant. It also refers to delegated authority to deal with matters which have been superseded by current local laws and policy. Part 3 of the notice covers the delegation to the Director Planning and Development, in consultation with the Mayor to determine the City’s position with respect to the mediation process in an appeal, and it is recommended that this be retained and incorporated in the new delegation notice. The existing subdivision delegation notice is also proposed to be retained.

## **RECOMMENDATION**

### **That Council BY AN ABSOLUTE MAJORITY:**

- 1 in accordance with Clause 8.11.4 of the City of Joondalup District Planning Scheme No 2 REVOKES the following policies:**
  - (a) 3.1.2 - Consulting Rooms;**
  - (b) 3.1.4 - Local Stores;**
  - (c) 3.1.10 - Wanneroo Road**
- 2 in accordance with Clause 8.11.3 of the City of Joondalup District Planning Scheme No 2 AMENDS the following policies and advertises the policies for a period of 21 days:**
  - (a) 3.1.1 – Child Care Centres;**
  - (b) 3.1.8 - Advertising of Development Proposals; and**
  - (c) 3.2.7 – Pedestrian Accessways**
- 3 NOTES that a number of policies are still under review and will be reported to Council as reviews are completed;**
- 4 REVOKES the “Delegation of Development Control Powers” notice, contained in the Delegated Authority Manual;**
- 5 RETAINS parts 2 and 3 of the current “Town Planning Delegations” notice;**
- 6 REVOKES part 1 of the current Town Planning Delegation Notice, and REPLACES it with the following statement;**

**Council delegates authority to deal with applications for development approval, (including applications for approval of a home occupation, a use, applications for approval to commence development, composite applications and exercise of discretion under the Town Planning Scheme and the Residential Planning Codes in accordance with Clause 8.6 of the City of Joondalup District Planning Scheme No.2 and the powers contained in the Western Australian Planning**

**Commission instrument of delegation under the State Planning Commission Act 1985, published in the Government Gazette of 28 November 1997 as amended) to:**

- (a) the Director Planning and Development (or Manager Approval Services) of the City of Joondalup, following consultation with the Mayor and/or his/her nominee where the application has been advertised for comment and relevant planning objection (in the opinion of the Director Planning & Development or the Manager Approval Services) has been received, except where one or more Elected Members has first advised the Manager, Approval Services of the City of Joondalup in writing in each case that the application should be referred to the Elected Members/Mayor for determination;**
- (b) the Manager Approval Services, where a development application has been advertised and no valid planning objections have been received;**
- (c) each of the planners who is a member of the Approval Services Business Unit of the City of Joondalup (being the officers appointed to supervise the development control functions of the Council) for the following applications, except where one or more Elected Member has first advised the Manager, Approval Services of the City of Joondalup in writing in each case that the application should be referred to the Elected Members/Mayor for determination;**
  - (i) an approval in accordance with Council Policy and/or DPS2 requirements, except in the case where that application has been advertised;**
  - (ii) the exercising of discretion permitted under the Residential Planning Codes for setbacks by up to 10% where it is considered that the reduced setback will not detrimentally affect the development, adjoining properties or the streetscape;**
  - (iii) the exercising of discretion under the provisions of DPS 2 to reduce building setbacks, carparking and/or landscaping by up to 10% where it is considered the reduced standard will not detrimentally affect the development, adjoining properties or the streetscape; and**
  - (iv) the exercising of discretion to determine whether or not advertising/neighbour consultation is required.**
- (d) the Director of Planning and Development (or the Manager of Approval Services in his absence) for the provision of advice to external agencies regarding the determination of applications;**

**7**

**AUTHORISES the Director Planning and Development, following consultation with the Mayor or his nominee, to determine the City's position with respect to any mediation process resulting from an appeal to the Town Planning Appeal Tribunal or the Minister for Planning;**

- 8**      **NOTES that the following procedures will be used to maintain effective dialogue with elected members:**
- (a) publishing weekly advice of forthcoming applications to elected members;**
  - (b) deferring contentious applications to provide additional opportunity for one to one consultation with ward members prior to decision being taken;**
  - (c) communicating individual applications of interest (with summary descriptions) to elected members, inviting comment on the desired level of determination or queries as to the nature of the proposal prior to delegated authority determination;**
  - (d) using the delegated authority forum to determine applications of interest, even though some of those proposals could be approved at officer level.**

*Appendix 12 refers*

*To access this attachment on electronic document, click here: [Attach12brf170701.pdf](#)*

*v:\devserv\reports\rep0rts2001\070111sv.doc*

## **ITEM 2 SCHEDULE OF DOCUMENTS EXECUTED BY MEANS OF AFFIXING THE COMMON SEAL - [15876]**

**WARD - All**

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### **SUMMARY**

The following is a list of documents sealed under the Common Seal of the City of Joondalup from 11.06.01 to 05.07.01:

Document: Copyright  
Parties: City of Joondalup and City of Wanneroo  
Description: Historical Importance Recording – D Gibbs  
Date: 11.06.01

Document: Copyright  
Parties: City of Joondalup and City of Wanneroo  
Description: Historical Importance Recording – K Mann  
Date: 14.06.01

Document: Copyright  
Parties: City of Joondalup and City of Wanneroo  
Description: Historical Importance Recording – A Reyner  
Date: 14.06.01

Document: Agreement  
Parties: City of Joondalup and Commonwealth Department of Family and Community Services  
Description: Extra Funding for Integrated School Holiday Program and Young Womens' Program  
Date: 18.06.01

Document: Agreement  
Parties: City of Joondalup  
Description: District Planning Scheme No 2 – Amendment 7  
Date: 19.06.01

Document: Copyright  
Parties: City of Joondalup and City of Wanneroo  
Description: Historical Importance Recording – T Asbridge  
Date: 20.06.01

- Document: Agreement  
Parties: City of Joondalup  
Description: Notification 70A – Deikara Pty Ltd – Lot 19 on Plan 22644  
Date: 20.06.01
- Document: Agreement  
Parties: City of Joondalup and Lake Joondalup Baptist College  
Description: Withdrawal of Caveat – Lot (18) Kennedy Drive, Joondalup  
Date: 21.06.01
- Document: Agreement  
Parties: City of Joondalup, Warwick Recreation Association and WA Planning Commission  
Description: Sublease – Warwick Recreation Association  
Date: 21.06.01
- Document: Agreement  
Parties: City of Joondalup  
Description: District Planning Scheme No 2 – Amendment 8  
Date: 22.06.01
- Document: Copyright  
Parties: City of Joondalup and City of Wanneroo  
Description: Historical Importance Recording – J Goodsell  
Date: 29.06.01
- Document: Restrictive Covenant  
Parties: City of Joondalup and Joondel Developments  
Description: Preservation of vegetation at various lots, 901/903-910/912/913 Woodlea Crescent, Joondalup  
Date: 02.07.01
- Document: Contract  
Parties: City of Joondalup, Proclaim Software and Technology One  
Description: Execution of Deed from Proclaim Software to Technology One  
Date: 02.07.01
- Document: Copyright  
Parties: City of Joondalup and City of Wanneroo  
Description: Historical Importance Recording – B Kerr  
Date: 04.07.01
- Document: Copyright  
Parties: City of Joondalup and City of Wanneroo  
Description: Historical Importance Recording – H Hall  
Date: 04.07.01

Document: Contract  
Parties: City of Joondalup, Veterans Affairs and Community Vision  
Description: Deed of Novation – Funds from Veterans Home Care to be paid to Community Vision  
Date: 05.07.01

Document: Copyright  
Parties: City of Joondalup and City of Wanneroo  
Description: Historical Importance Recording – Y Coutts  
Date: 05.07.01

Document: Agreement  
Parties: City of Joondalup  
Description: District Planning Scheme No 2 – Amendment 6  
Date: 05.07.01

Document: Agreement  
Parties: City of Joondalup  
Description: District Planning Scheme No 2 – Amendment 5  
Date: 05.07.01

## **RECOMMENDATION**

**That the Schedule of Documents executed by means of affixing the Common Seal be NOTED.**

**ITEM 3 WESTERN AUSTRALIAN ELECTORAL  
COMMISSIONER'S REPORT FOR THE MAY 2001 CITY  
OF JOONDALUP ELECTION - [58061] [59219] [59219]  
[29068]**

**WARD - All**

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**SUMMARY**

The Council at its meeting held on 10 October 2000 agreed to conduct its May 2001 election as a 'postal election' and appointed the Western Australian Electoral Commission (WAEC) responsible for the election along with a referendum for the City's security service.

There were seven wards contested by twenty candidates across the City. A total of 29,727 election packages were returned of a possible 100,111 at a participation rate of 29.69%.

The election process was relatively free of concerns with the exception of some operational issues. It is therefore recommended that the report as provided by the WAEC be received.

**BACKGROUND**

The Council at its meeting held on 10 October 2000 resolved: -

*That Council:*

- 1. AGREES to hold the elections for the City of Joondalup on Saturday, 5 May 2001;*
- 2. BY A SPECIAL MAJORITY REQUESTS the Western Australian Electoral Commission to conduct the May 2001 elections and referendum on behalf of the City of Joondalup as a postal election;*

The Western Australian Electoral Commission (WAEC) appointed Mr Brian Moore as the Returning Officer. The elections were conducted by the WAEC as a 'postal election' on Saturday 5 May 2001. There were seven ward vacancies contested by 20 candidates. As part of the 2001 postal election, the WAEC also conducted a referendum on the City's security service.

Having the local government election process managed by the Western Australian Electoral Commission whose principal activity is to conduct elections, was generally accepted as being extremely positive for the following reasons:

- The election is conducted by professional staff appointed for that sole purpose;
- The election is overseen by an independent service provider with an in depth experience and adequate resources to perform the task;

- The appointment of the Electoral Commissioner to manage Local Government Elections removes any conflict of interest that may exist between elected members and the Returning Officer (which has been traditionally the Chief Executive Officer) and other local government officers appointed for the election.

## **DETAILS**

Forty-seven (47) local governments across Western Australia requested the WAEC to conduct their ordinary elections by post in May 2001. This compares with thirty-four (34) in 1999 and eight (8) local governments in 1997. Postal voting is becoming a more accepted method of voting within local government elections.

The City conducted its 1999 inaugural elections via postal voting with 98,451 electors receiving a electoral package and the participation rate was 28.21%. For the May 2001 election, 100,111 electors received a package for the election and the referendum with a participation rate of 29.69%. It is expected that the WAEC will advise the City of the final costs for the elections by the end of July 2001.

The WAEC has prepared a report relating to the 2001 election process, which is an attachment to this report.

## **COMMENT/FUNDING**

The May 2001 postal elections were overall conducted with minimum concerns with the participation rate increasing slightly from the 1999 results. There were some operational issues that will need to be further discussed with the WAEC, in particularly the degree of administrative involvement by the City's staff during the election.

The WAEC has invited feedback via an evaluation form, these issues will be communicated through that form. The election process has also highlighted some concerns with regards to the legislative requirements, which will also be raised for further discussion.

## **RECOMMENDATION**

**That the information pertaining to the May 2001 City of Joondalup postal election provided by the Western Australian Electoral Commission as attached to this report, be RECEIVED.**

*Appendix 1 refers*

To access this attachment on electronic document, click here: [Attach1brf170701.pdf](#)

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## **ITEM 4 PROPOSED MOTIONS - 2001 AGM OF THE LOCAL GOVERNMENT ASSOCIATION - [18879]**

**WARD** - All

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### **SUMMARY**

The Local Government Week 2001 Convention will be held at the Burswood Convention Centre from 5 to 7 August 2001. The Annual General Meeting of the Local Government Association (LGA) is to be held on Sunday 5 August 2001.

The Council resolved at its meeting held on 10 July 2001 to appoint His Worship the Mayor and Crs Kadak, Carlos and Kenworthy as its voting delegates for the AGM of the LGA. WAMA has circulated the agenda papers for the AGM, this report is to provide a position for those delegates regarding the proposed motions at that AGM.

### **BACKGROUND**

The Local Government Week 2001 Convention, incorporating the Annual General Meeting of the Country Urban Councils Association (CUCA), the Local Government Association (LGA) and the Country Shire Councils' Association (CSCA), and the Local Government Week Conference will be held at the Burswood Convention Centre from 5 to 7 August 2001.

The conference schedule is as follows:

#### Sunday 5 August

CUCA Annual General Meeting:	1.30 pm – 5.00 pm – Kestrel Room
<b>LGA Annual General Meeting:</b>	<b>1.30 pm – 5.00 pm – Ballroom East</b>
Local Government Week Conference (Day 1):	5.30 pm – 7.30 pm – Showroom
Cocktail Reception:	7.30 pm – 8.30 pm – Ballroom Foyers

#### Monday 6 August

Local Government Week Conference (Day 2):	9.00 am – 5.00 pm – Showroom
Local Government Week Gala Dinner:	7.00 pm – 11.00 pm – Showroom

#### Tuesday 7 August

CSCA Annual General Meeting:	9.00 am – 12.30 pm – Showroom
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Member Councils of the LGA were invited to nominate their voting representatives to ensure accuracy. Each member local government of the LGA is entitled to be represented at the AGM on the same basis as exists in respect of the LGA Zones. The Council at its meeting held on 10 July 2001 resolved:

***“That Council NOMINATES the following members as its voting delegates to attend the Annual General Meeting of the Local Government Association to be held on 5 August 2001 at the Burswood Convention Centre:***

**Member**

***Mayor Bombak***

***Cr P Kadak***

***Cr D Carlos***

***Cr G Kenworthy”***

The information provided by the member local governments will be applied to determine the entitlement of delegates to participate in business sessions during the Annual General Meeting. This information will also form the basis of the production of rolls which are to be used during the course of any electoral processes conducted during the Annual General Meeting.

WAMA have advised that the LGA constitution states that the speaker to a motion must be a nominated voting delegate.

WAMA have forwarded the agenda to the respective member local governments. The following is the list of motions to be considered at the AGM of the LGA. This report is to establish how the City’s nominated representatives at the AGM of the LGA should vote on the proposed motions.

**PROPOSED MOTIONS**

***Item of Business 1.1 - Proposal for amalgamation of CSCA, CUCA, LGA and WAMA to form a single association of local government***

***Motion 1***

- 1 That the LGA advise the Western Australian Municipal Association (WAMA), in writing, that it supports:**
  - (i) Change of the WAMA’s name to Western Australian Local Government Association; and**
  - (ii) Amendments to WAMA’s Constitution in accordance with the new Constitution proposed for WALGA;**
- 2 That LGA continue to function, for a period of up to 2 years after the formation of WALGA, in accordance with its Constitution, but that its activities be minimised in recognition and support of WALGA, as the peak Local Government Association in Western Australia;**

- 3 That within 2 years after the formation of WALGA, a motion to dissolve LGA be put to Members at an Annual Conference or Special Conference, in accordance with the Constitution, and the *Associations Incorporation Act 1987*.**

*Item of Business 1.2 - Proposal for the North Zone to be provided with three delegates on the proposed State Council of a Single Association*

***Motion 2***

*City of Joondalup Delegate to move:*

**That the Local Government Association SUPPORTS the request from the North Zone that it be provided three (3) delegates on the proposed State Council.**

**MEMBER SERVICES**

*Item of Business 2.1 - Local Government Councillor Liability*

***Motion 3***

*City of Nedlands Delegate to move:*

**That the Association pursue through all appropriate channels the matter of Councillor insurance, particularly in the face of allegations of “bad faith” decisions.**

**INTERGOVERNMENTAL RELATIONS**

*Item of Business 3.1 - Oaths and Affirmations for Elected Members*

***Motion 4***

*City of Joondalup Delegate to move:*

**That resulting from the recent publicity the Town of Cottesloe received regarding Local Government Act 1995, Local Government (Constitution) Regulations 1998, Regulation 13 (1) (a), the LGA support the City of Joondalup determination that the following shall be the format for its Oaths (Form 5) and/or Affirmations (Form 6) pursuant to the above regulations:**

**Form 5.**

I.....

Of.....

Sincerely promise and swear that I will be faithful and bear true allegiance to Elizabeth II, Queen of Australia, her heirs and successors according To law.

So help me God.

Sworn at Joondalup on.....

By.....

Before me.....

**Form 6.**

I.....

of.....

solemnly and sincerely affirm that I will be faithful and bear true allegiance to Elizabeth II, Queen of Australia, her heirs and successors according to law.

So help me God.

Affirmed at Joondalup on.....

By.....

Before me.....

**ENVIRONMENT*****Item of Business 8.1 - Partnership with State Government – Ecologically Sustainable Development******Motion 5***

*City of Nedlands Delegate to move:*

**That WAMA requests that the State Government resources the development of a partnership between State Government and Local Government to further the principles of ecologically sustainable development at a local level.**

**COMMENT/FUNDING*****Motion 1******Item of Business 1.1 - Proposal for amalgamation of CSCA, CUCA, LGA and WAMA to form a single association of local government*****Part 1 of Motion**

At the special conferences held in April 2001, the CUCA and the LGA agreed that WAMA be renamed to 'Local Government Western Australia'. Delegates at the special conference of the LGA narrowly selected this name over the alternative of 'Western Australian Local Government Association (WALGA)'. The CSCA at its special conference selected WALGA as its preferred name.

After considering the outcomes of the special conferences in relation to this, the Single Association Taskforce has recommended that the name of the Association be changed to 'Western Australian Local Government Association (WALGA)'. The basis for the decision was that a majority of member local governments were in support.

It is therefore recommended that the Council supports the motion.

**Part 2 of Motion**

Both the LGA and CUCA special conferences resolved that the Ordinary Member Associations be retained as entities for a twelve month period following the implementation of the single association. The CSCA resolved that the Association not be wound up during the transition to the single association, but be retained as an entity for two years.

The Single Association Taskforce at its meeting held on 15 June 2001 proposed a compromise position of allowing Ordinary Member Associations the flexibility to be retained as entities for up to two years. Those associations that want to wind up after 12 months will be able to do so, while those who want to be retained as an entity for two years will still be able to do so.

It is therefore recommended to support the motion.

### Part 3 of Motion

Consistent with the previous motion, this motion seeks the support to put a motion to dissolve the LGA within two years of the formation of WALGA at an Annual or Special Conference.

It is recommended that the motion be agreed to.

### ***Motion 2***

#### ***Item of Business 1.2 - Proposal for the North Zone to be provided with three delegates on the proposed State Council of a Single Association***

This motion has been presented by the City of Joondalup. The proposal is to support that the North Zone of the LGA be provided with three representatives on the proposed State Council. The rationale for the membership on the State Council should be population based. Using this criteria, the current North Zone should be entitled to three representatives.

It is recommended that the motion be supported.

### ***Motion 3***

#### ***Item of Business 2.1 - Local Government Councillor Liability***

Insurance policies currently available to provide protection for Councils and their members are Professional Indemnity, and Councillors and Officers policies.

Currently, all WA Councils have Professional Indemnity cover as part of membership of the Municipal Liability Self-Insurance Scheme. This covers the Council (as a body corporate) against claims for breach of professional duty arising out of any negligent act, error or omission alleged to have been committed in carrying out an activity in the conduct of the Council's business.

Councillors and Officers Indemnity policies are currently placed with insurance underwriters by over 95% of WA Councils. These policies provide elected members and staff of the Council with protection for the performance of duties for the Local Government, and are important for insuring against elected members undertaking their tasks and role in a lawful manner being subject to the jeopardy of personal exposure to financial loss.

With any such insurance facilities, the cover provided is confined to the scope of a policy wording, which typically provides indemnity in cases of negligent actions taken in good faith. However, no insurance policy from any underwriter will extend to accepting claims where a trial results in a finding that bad faith, fraud, malicious intent or other such deliberate action applies. This can create tension between a Council and the Scheme or an underwriter during a period of uncertainty from when a potential "bad faith" claim emerges and an ultimate determination is made. In effect, Councillors can be rendered "guilty until proven innocent" in law and in terms of policy coverage, and so it would be in the interests of all elected members to investigate mechanisms which could appropriately protect the rights of all parties.

It is recommended that this motion not be supported.

**Motion 4****Item of Business 3.1 - Oaths and Affirmations for Elected Members**

This motion was presented by the City of Joondalup. Advice from the Protocol Office of the Governor of WA, the correct title as given by the Palace is:

“Elizabeth II by the Grace of God, Queen of Australia and her other realms and territories, head of the Commonwealth”.

It is recommended that the motion be supported.

**Motion 5****Item of Business 8.1 - Partnership with State Government – Ecologically Sustainable Development**

The development of a partnership between State and Local Government for Ecologically Sustainable Development (ESD) has been an issue for Local Government for some time now.

Negotiations with the previous State Government did not progress due to budgetary constraints of the department of Environmental protection.

However, with the new Government’s commitment to the principles of ESD and its commitment to setting up an ESD Unit within the Ministry for Premier and Cabinet, there would appear to be a real opportunity to develop a genuine partnership between the two spheres of government.

To this end, a letter was sent to the Minister for the Environment from the WAMA President, on 22 May 2001. This letter included the following request:

*The WA Municipal Association would like to renew discussions regarding the development of a partnership between Local Government and the State Government for Ecologically Sustainable Development in Western Australia. We would welcome the opportunity to discuss with you the structure of this proposed partnership, including consideration of employment of a dedicated Project Officer for Local Government and ESD, to be based within the ESD Unit of Ministry for Premier and Cabinet.*

**RECOMMENDATION****That Council:**

- 1 SUPPORTS the change of the Western Australian Municipal Association’s (WAMA) name to Western Australian Local Government Association (WALGA);**
- 2 SUPPORTS amendments to WAMA’s Constitution in accordance with the new Constitution proposed for WALGA;**

- 3 SUPPORTS the continuation of the Local Government Association for a period of up to two (2) years after the formation of the WALGA in accordance with its Constitution, but that its activities be minimised in recognition and support of the WALGA as the peak local government association in Western Australia;**
- 4 SUPPORTS that within two (2) years after the formation of WALGA, a motion to dissolve the LGA be put to members at an Annual or Special Conference in accordance with the Constitution and the Associations Incorporation Act 1987;**
- 5 SUPPORTS the request from the current North Zone of the LGA that it be provided three (3) delegates on the proposed State Council;**
- 6 DOES NOT SUPPORT the Association pursuing through all appropriate channels the matter of Councillor insurance, particularly in the face of allegations of ‘bad faith’ decisions;**
- 7 SUPPORTS the proposed changes to Forms 5 and 6 of the Local Government (Constitution) Regulations 1998 to include reference to the reigning sovereign as Queen of Australia;**
- 8 SUPPORTS that WAMA requests that the State Government resources and development of a partnership between State Government and Local Government to further the principles of ecologically sustainable development at a local level.**

## **ITEM 5 APPOINTMENT OF COMMITTEE MEMBERS – OCEAN REEF DEVELOPMENT COMMITTEE - [04171]**

**WARD – All**

### **SUMMARY**

Following the establishment of the Ocean Reef Development Committee at the Council meeting held on 10 July 2001, it is necessary to appoint members to that Committee.

### **BACKGROUND**

At its meeting held on 10 July 2001, Council resolved to:

- 1 ESTABLISH an Ocean Reef Development Committee for the purpose of examining developing options, preparing proposals and making recommendations concerning the development of the project;**
- 2 NOMINATE the Mayor, Marina Ward elected members and one elected member from each of the remaining Wards, with the co-ward elected member from each remaining Ward as deputy and AUTHORISE the Chief Executive Officer to nominate appropriate Council officers to the Committee.**

### **DETAILS**

Following the establishment of the Ocean Reef Development Committee, it is necessary to appoint members to that Committee.

### **RECOMMENDATION**

**That Council, BY AN ABSOLUTE MAJORITY:**

- 1 APPOINTS the following members to the Ocean Reef Development Committee:**

<u>Ward</u>	<u>Delegate</u>	<u>Deputy</u>
	Mayor J Bombak	-
Marina	Cr C Baker	-
Marina	Cr D Carlos	-
Lakeside	One elected member	Co-ward member
North Coastal	One elected member	Co-ward member
Pinnaroo	One elected member	Co-ward member
South	One elected member	Co-ward member
South Coastal	One elected member	Co-ward member
Whitfords	One elected member	Co-ward member

- 2 SETS the quorum for the Ocean Reef Development Committee at 6 members.**

## **ITEM 6 MINUTES OF HOUSE COMMITTEE MEETING - 27 JUNE 2001 - [28456] [59064]**

**WARD** - All

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### **SUMMARY**

A meeting of the House Committee was held on 27 June 2001 and the unconfirmed minutes are submitted for noting by Council and endorsement of the recommendations contained therein.

### **BACKGROUND**

The unconfirmed minutes of the House Committee meeting held on 27 June 2001 are included as Attachment 1.

At the meeting the following matters were discussed:

Council lounge alterations  
Charity Ball  
Dress Standards for Staff  
Councillors' Monthly Dinners/Lunches

### **RECOMMENDATION**

**That:**

- 1 the unconfirmed minutes of the House Committee meeting held on 27 June 2001, forming Attachment 1 to this Report be NOTED;**
- 2 a report be prepared assessing the Occupational Health and Safety aspects of the current layout of the lounge in the Civic Chamber;**
- 3 Council NOT enforce the wearing of the corporate uniform;**
- 4 Council AGREES to the holding of monthly appreciation functions for the next six (6) months in the Council Lounge/Dining area, with the first function being with the Joondalup Business Association.**

*Appendix2 refers*

To access this attachment on electronic document, click here: [Attach2brf170701.pdf](#)

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## **ITEM 7 MINUTES OF THE ENVIRONMENTAL ADVISORY COMMITTEE MEETING – 21 JUNE 2001 - [00906]**

**WARD** - All

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### **SUMMARY**

An informal meeting of the Environmental Advisory Committee was held on 21 June 2001. The minutes of the informal meeting are submitted for noting by Council.

### **BACKGROUND**

The Environmental Advisory Committee meeting held on 21 June 2001 did not achieve a quorum. An informal meeting followed.

The Committee discussed items including;

- A discussion by Mr Peter Hoar, Co-ordinator Water Management & Environmental Services on the Waste Management Strategy.
- A report on the attendance by Committee member Mr Wake at the Shire of Mundaring Environmental Advisory Committee seminar.
- Tamala Park site visit.
- WA Energy Efficiency Awards 2001.

### **DETAILS**

The minutes of the informal meeting of the Environmental Advisory Committee held on 21 June 2001 have been included as Attachment A.

Given that the meeting was an informal meeting, there were no recommendations to Council made by the Environmental Advisory Committee.

### **RECOMMENDATION**

**That Council NOTES the unconfirmed minutes of the informal meeting of the Environmental Advisory Committee meeting held on 21 June 2001 forming Attachment 1 to this Report.**

*Appendix 3 refers*

*To access this attachment on electronic document, click here: [Attach3brf170701.pdf](#)*

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## **ITEM 8 MINUTES OF JOONDALUP YOUTH ADVISORY COUNCIL MEETINGS – JUNE 2001 - [45637]**

**WARD** - All

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### **SUMMARY**

Meetings of the Joondalup North and South Youth Advisory Councils were held on 18 and 20 June 2001. The unconfirmed minutes of these meetings are submitted for noting by Council.

### **DETAILS**

The unconfirmed minutes of the meeting of the Joondalup North Youth Advisory Council held on 18 June 2001 in Conference Room 2 are included as Attachment 1.

The unconfirmed minutes of the meeting of the Joondalup South Youth Advisory Council held on 20 June 2001 in Conference Room1 are included as Attachment 2.

No action is required from these minutes.

### **RECOMMENDATION**

**That Council NOTES the unconfirmed minutes of the:**

- 1 Joondalup North Youth Advisory Council meeting held on 18 June 2001 forming Attachment 1 to this Report;**
- 2 Joondalup South Youth Advisory Council meeting held on 20 June 2001 forming Attachment 2 to this Report.**

*Appendices 4(a) and 4(b) refer*

*To access this attachment on electronic document, click here:* [Attach4abrf170701.pdf](#)  
[Attach4bbrf170701.pdf](#)

## **ITEM 9 MINUTES JOONDALUP FESTIVAL AND SUMMER EVENTS COMMITTEE - [50027]**

**WARD - All**

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### **SUMMARY**

A meeting of the Joondalup Festival and Summer Events Committee was held on 4 July 2001 and the unconfirmed minutes are submitted for noting by Council.

### **DETAILS**

The unconfirmed minutes of the Joondalup Festival and Summer Events Committee meeting held on 4 July 2001 are included as Attachment 1.

### **RECOMMENDATION**

**That Council NOTES the unconfirmed minutes of the Joondalup Festival and Summer Events Committee meeting held on 4 July 2001 forming Attachment 1 to this Report.**

*Appendix 5 refers*

*To access this attachment on electronic document, click here: [Attach5brf170701.pdf](#)*

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**ITEM 10 URBAN ANIMAL MANAGEMENT COMMITTEE - [50027]****WARD - All****SUMMARY**

A meeting of the Urban Animal Management Committee was held on 25 June 2001 and the unconfirmed minutes are submitted for noting by Council.

The Committee has recommended to Council the following:

- 1 Approval on a trial basis for Mr Plummer to access the dog restricted area at Tom Simpson Park with his dog to collect rubbish for disposal;
- 2 Permanent opening of the foreshore dual use path to dogs on a lead;
- 3 The Horse exercise area, Hillarys animal exercise, area remain open but be reduced in size from 500 metres to 200 metres;
- 4 The Dog adventure playground at Granadilla park to not proceed; and
- 5 Extension of the term of the Committee to 2 May 2003.

**BACKGROUND**

At its meeting of Council held 19 December 2000, it was resolved to endorse the Urban Animal Action Plan. The Action Plan included community consultation on the trial opening of the foreshore dual use path to dogs on a lead, the proposed closing of the horse exercise area, Hillarys Animal Exercise Area, and the proposed development of a Dog Adventure Playground at Granadilla Park, Duncraig.

**DETAILS**

At the meeting of the Urban Animal Management Committee on 25 June 2001, the Committee resolved to recommend to Council the following:

- 1 To authorise Mr Plummer to take his dog onto the dog prohibited foreshore area of the City at Tom Simpson Park, Mullaloo while he collects rubbish solely for disposal on a trial basis subject to adherence to a number of guidelines;
- 2 To endorse the permanent opening of the foreshore dual use path through the reserves at Hillarys and Iluka/Burns Beach for use by dog owners to exercise their dog(s) on a lead by amending the City's Animal Local Law;
- 3 To reduce the horse exercise area at the Hillarys Animal Exercise area from 500m in length to 200m in length and extends the current dog exercise area from 500m to 700m;
- 4 To not proceed with the implementation of an adventure playground for dogs at Granadilla Park, Duncraig; and
- 5 To extend the term of the Urban Animal Management Committee until 2 May 2003.

### **Committee Term Extension**

The Committee was of the view that there are still a considerable number of issues to be addressed and that it would be beneficial if the Committee monitored implementation of the Urban Animal Action Plan for Dogs.

### **Access To Dog Restricted Areas On Foreshore Reserve To Collect Rubbish**

The City received a request from a resident who regularly walks along the foreshore with his dog and frequently picks up rubbish. The resident, Mr Plummer is seeking permission from Council to be able to take his dog with him onto the dog prohibited area to pick up rubbish. Mr Plummer generally takes his dog with him when walking and is keen to collect rubbish to keep the foreshore clean but is currently unable to take his dog with him.

The Committee recognised the potential for an undesirable precedent to be set but wished to encourage residents such as Mr Plummer who pick up rubbish left behind by other persons. The Committee considered that permission should be granted on a trial basis to Mr Plummer to collect rubbish for disposal from the dog restricted area at Tom Simpson Park subject to the following guidelines:

- Permission to access the dog restricted areas of the foreshore at Tom Simpson Park is for a six month trial period solely for the purpose of collecting rubbish for disposal. The Committee will assess the outcome of the trial at the end of the period;
- That the time his dog is permitted to be in the dog restricted area is limited to times of the day when the area is not well used by the public as follows:
  - Summer, before 9.00am; and
  - Winter, before 10.00am and after 4.00pm.
- The dog must be on a lead at all times in the dog restricted area;
- One dog only will be permitted to enter the dog restricted area;
- Issue of appropriate identification and authorisation by the City which must be worn at all times when the dog is in a dog restricted area; and
- Access to environmentally sensitive areas of the foreshore or the beach, including the sand dunes, is not permitted.

### **Dog trial Foreshore Dual Use Path**

The opening of the dual use path along the foreshore was done on a trial basis and involved community consultation and further evaluated as follows:

- Number of service requests for Rangers to attend to a dog matter on the foreshore dual use path
- Number of cautions and infringements issues in comparison to before the trial
- Estimate of number of dogs being walked along the path in comparison to before the trial
- Estimate of number of people without dogs walking along the path in comparison to before the trial
- Extent of dog excrement along the dual use path in comparison to before the trial
- Feedback from Rangers and other Council Officers who are working along the dual use path.
- Responses and comments in the Local Community Newspapers-Community Opinion

### Community Consultation

There were 214 responses received in total, 213 from residents of the City and one from a person resident elsewhere regarding the trial opening of the foreshore dual use path. 174 persons were in favour of the path being opened and 40 were opposed. In summary, 81% of responses were in favour of continuing the use of the dual use path through the two reserves at Iluka/Burns Beach and at Hillarys.

There were 22 comments included in the responses for the continuation of the use of the Coastal Dual Use Path. The main comment (13 in total) was highlighting the danger of cyclists on the paths. Suggestions ranged from speed limits, education campaigns and time sharing the paths for different uses.

There were 12 comments against the continuation of the use of the Coastal Dual Use Path. The main comments were in relation to concerns regarding dog faeces and dogs being off a lead and not being controlled by their owners.

A breakdown of the number of submissions per suburb showed that 49% of the submissions originated from Hillarys, Kallaroo, Mullaloo and Ocean Reef. These are all coastal suburbs with easy access to the foreshore dual use path.

### Other Evaluation Criteria

- *Number of service requests for Rangers to attend to a dog matter on the foreshore dual use path*

#### Before the Trial

23

(4 pathway, 19 various beaches)

#### During the trial

13

(5 pathway, 8 various beaches)

- *Number of cautions and infringements issued in comparison to before the trial*

#### Before the Trial

17 written cautions

6 infringements

#### During the trial (no infringements)

30 written cautions

27 verbal cautions

- *Estimate of number of dogs being walked along the path in comparison to before the trial.*

Feedback from Rangers indicates that the number of people with dogs using the pathway has increased significantly.

- *Estimate of number of people without dogs walking along the path in comparison to before the trial.*

**Feedback from Rangers indicates that there does not seem to be a great change in the numbers of walkers without dogs using the pathways.**

- *Extent of dog excrement along the dual use path in comparison to before the trial.*

Feedback from Rangers and other Council staff indicates that there has not been an increase in dog excrement along the pathway. The area at Iluka/Burns Beach has been well used by dog owners and there has been very little excrement on the path or in the reserve. There has been no change along the pathway at the Animal Beach (not the reserve at Hillarys) in regards to dog excrement. This has been, and continues to be, a poorly treated area by dog owners.

There has been a number of reports alleging a significant increase in dog faeces along the path. These reports were all investigated and were unable to be substantiated.

- *Feedback from Rangers and other Council Officers who are working along the dual use path.*

In general, dog owners have been acting responsibly in using the coastal dual use path. There is concern however at the dog beach from the dog excrement and areas of coastal road reserve where some dog owners are releasing their dogs to exercise in the bushland.

- *Responses and comments in the Local Community Newspapers-Community Opinion*

12 Comments supporting the trial

1 Comment opposing the trial

### **Horse Exercise Area, Hillarys Animal Exercise Area**

There were 609 responses to this matter including 3 petitions with a total of 318 signatures. Not all respondents addressed all the issues raised in relation to the Animal Beach, consequently the total responses for each issue discussed varies. The location of where the people who signed the petitions lived was also not disclosed. There were 431 people wanting the horse exercise area kept open and 55 persons who wanted it closed. City of Joondalup residents made 182 submissions and 108 submissions were received from people resident outside the City. There were also 114 persons who wanted to extend the dog exercise area and 9 who opposed any extension.

In summary, 89% of responses indicated that they did not want the closure of the horse beach to occur. 22% of these responses were from non-residents of the City. The major arguments for keeping the horse beach open included the following:

- There are only two beaches in the metropolitan area open for horse use, with Hillarys the only beach north of the river. It was considered that the City has a responsibility to the wider community from outside the area as many of these people make use of the City's facilities;
- The beach helps horse owners to exercise horses through swimming, treat injuries and dehydration, cool horses in hot weather and provide a change of environment;
- Dog owners have a wide range of options for exercising their pets while horse owners do not; and
- Horse owners using the beach support local businesses and provide an attraction to the animal beach.

In regard to extending the dog beach, 93% of the submissions were in favour of its extension. However 52% of people indicated that they did not want the horse beach closed to facilitate the extension or did not comment on the proposed closure of the horse beach.

There were 6 responses received in relation to a request for information on specific use of the horse beach. These responses are detailed below:

- 1 3 to 4 times a week;
- 2 Twice every day, finishing about noon;
- 3 Tues/Thursday 6.30-7.45am and weekends 6.30-9.30am;
- 4 (Winter up to 9.30-10.30am);
- 5 Weekends and After Work;
- 6 Two to three times a week (Thurs, Sat, Sun) 6.30-8.30am; and
- 7 Members of WA Standard Bred Breeders Association use 7 days a week.

### **Dog Adventure Playground, Granadilla Park**

There were 220 responses to the proposed Adventure Playground for dogs at Granadilla Park. Of these 219 were from residents of the City. In summary, 54% of respondents supported the concept of the adventure playground for dogs. Of those who supported the Adventure Playground, 17 responses were received by Duncraig residents and 101 from people resident elsewhere.

Of those persons who opposed the adventure playground, 88 were responses received from Duncraig residents and 14 from people resident elsewhere. 84% of Duncraig residents who responded opposed the development of an Adventure Playground for Dogs, especially at the proposed location of Granadilla Park

Most of the comments received opposing the development of the adventure playground involved the location of Granadilla Park, Duncraig. The suitability of the park was questioned with many statements describing the park as being a well used family and children's area. Some respondents questioned the need for an adventure playground to be located in Duncraig when there was a similar type of facility located in Carine Open Space, which is the adjacent suburb in the City of Stirling.

Concerns were also raised regarding the safety of children with the potential influx of dogs and vehicle traffic. A number of respondents indicated that there are already ongoing problems with dogs, and their owners that were currently using the park. The flat area in the park identified as the potential site of the adventure playground was highlighted as an area used by families and children for recreational activities.

Some respondents also considered that there were better uses of the available funds such as upgrading facilities for children and youth in the area.

Respondents also identified a number of alternative locations for the proposed Adventure Playground. Suggestions included a more central or northern location while other submissions stated specific areas as follows:

- Carine Open Space (City of Stirling)
- Percy Doyle (Prohibited Area for Dogs under the Local Laws)
- Hillarys Dog Beach
- McDonald Park, Hillarys
- Park in Currambine boarded by Christchurch Tce and Broadmoor Garden

## **COMMENT/FUNDING**

The community consultation processes for these issues involved the following actions:

- a one page advert in the Community Newspaper conducted from the 15 February 2001 to 15 March;
- Letters to Hillarys residents adjacent to Pinnaroo Point;
- Letters to horse owners within the City of Joondalup, horse groups and association throughout Western Australia; and
- Letters to Duncraig residents surrounding Granadilla Park.

The official closing date for the consultations was 22 March 2001. This was extended to 29 March 2001 due to the interest generated in these matters and the number of associations requiring further time to meet and submit their replies, in particular for the review of the animal exercise area at Pinnaroo Point and other submissions received after the closing date.

The community consultation indicates the following:

- The foreshore dual use path should be opened permanently to dogs on leads;
- The Horse Exercise Area should remain a designated area for horses; and
- An Adventure Playground for dogs should not be constructed at Granadilla Park, Duncraig, but that there should be a facility developed somewhere in the City.

## **Coastal Dual Use Path**

The pathways through these reserves have been well used by dog owners acting responsibly. There has been concern expressed regarding the area at Hillarys Animal exercise area and some of the road reserves along the coast. There has been continuing problems at the animal exercise area (before and during the trial) with dog faeces on the pathway and used dog faeces bags being thrown into the surrounding reserve bushland. In some of the road reserve bushland, dog owners have been allowing their pets to exercise freely through these areas, causing environmental damage.

If the foreshore dual use path through the reserves is opened on a permanent basis, then the City will need to regularly reinforce that dogs must be kept on a lead at all times and not allowed off the pathway, as well as dog owners cleaning up after their dog(s). This may be achieved through extra signage, additional Ranger patrols and continued education regarding responsible dog ownership.

There is an additional cost with the supply and servicing of extra dog bags "pooch pouches" and bins along the foreshore dual use path. This is estimated to be approximately \$2,460 per year (\$205 per month) for the additional bags, bins and servicing. Funds for this purpose have been included in the draft 2001/02 budget.

If the foreshore dual use path remains open along its full length then, this will require amending the City's Animal Local Law to change the prohibited Dog Exercise areas. This process is the same for amending a local law as for making a new local law. That process is outlined in Section 3(12) of the Local Government Act 1995. The time frame for amending the Animals Local Law would take at least three months.

### **Animal Beach at Pinnaroo Point, Hillarys**

A large number of submissions indicated that they would like the dog exercise area at the beach to be extended but over half of these responses did not want the horse area closed to make room. A number of comments requested an extension to the south or an additional dog beach in another area.

It is considered that, based on the information received, the horse exercise area should remain open and that the dog exercise area should be extended. Feedback from horse owners suggests the primary reason to visit the beach is to exercise the horses in the water. The animal exercise area at Hillarys is 1km in length, and is divided equally between horses and dogs. It is therefore proposed that the horse exercise area is reduced to 200m and extend the dog beach by 200m. This will allow a 100m buffer between horses and dogs.

It is proposed that, in conjunction with the coastal foreshore study currently being developed, the potential for an area along the beach to be designated for small dogs only be examined. In conjunction with this, Ranger Services will evaluate an appropriate definition of a small dog.

### **Adventure Playground for Dogs at Granadilla Park, Duncraig**

It is considered that while residents near Granadilla Park do not support the development of an Adventure Playground at the park there is support from the broader community for the development of a facility in the City. It is proposed that the City should not proceed with the development of an Adventure Playground for dogs at Granadilla Park and continues to investigate alternative suitable locations.

## **RECOMMENDATION**

### **That Council:**

- 1 NOTES the unconfirmed minutes of the Urban Animal Management Committee held 30 June 2001 forming Attachment 1 to this Report;**
- 2 AUTHORISES Mr Plummer to take his dog onto the dog prohibited foreshore area of the City at Tom Simpson Park, Mullaloo while he collects rubbish on a trial basis subject to the following guidelines:**

- (a) permission to access the dog restricted areas of the foreshore at Tom Simpson Park is for a six month trial period solely for the purpose of collecting rubbish for disposal. The Committee will assess the outcome of the trial at the end of the period;
- (b) that the time his dog is permitted to be in the dog restricted area is limited to times of the day when the area is not well used by the public as follows:
  - (i) Summer, before 9.00am
  - (ii) Winter, before 10.00am and after 4.00pm
- (c) the dog must be on a lead at all times in the dog restricted area;
- (d) dog only will be permitted to enter the dog restricted area;
- (e) issue of appropriate identification and authorisation by the City which must be worn at all times when the dog is in a dog restricted area;
- (f) access to environmentally sensitive areas of the foreshore or the beach, including the sand dunes, is not permitted;

3 NOTES that a further report will be submitted on completion of the trial;

4 ENDORSES the permanent opening of the foreshore dual use path through the reserves at Hillarys and Iluka/Burns Beach for use by dog owners to exercise their dog(s) on a lead and REDUCES the horse exercise area at the Hillarys Animal Exercise area from 500m in length to 200m in length and extends the current dog exercise area from 500m to 700m subject to a further report to Council detailing the proposed amendment to the City's Animal Local Law;

5 NOTES that while the local law is being amended, the current status quo, where dogs on leads are permitted on all sections of the foreshore dual use path will continue;

6 NOTES that, in conjunction with the coastal foreshore study currently being developed the potential for an area along the beach to be designated for small dogs only will be examined and that an appropriate definition of a small dog to use such an area is developed;

7 DOES NOT proceed with the implementation of an adventure playground for dogs at Granadilla Park, Duncraig;

8 NOTES that further investigations of a suitable site to develop an Adventure Playground for dogs will continue;

9 BY AN ABSOLUTE MAJORITY, EXTENDS the term of the Urban Animal Management Committee until 2 May 2003 and retains the current membership.

*Appendix 6 refers*

To access this attachment on electronic document, click here: [Attach6brf170701.pdf](#)  
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## **ITEM 11 TENDER EVALUATION PROCESS - PROVISION OF COMMUNITY SECURITY PATROL SERVICES - [39870]**

**WARD - All**

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### **SUMMARY**

Council at the meeting of 12 June 2001 considered a report on the City Watch Service continuation options (Report CJ174-06/01 refers), and authorised that tenders be called for the provision of Security Patrol Services for the City of Joondalup and that the 'in-house' team be invited to apply. The tender will be a performance based contract for the provision of the service.

This report outlines the proposed arrangements relating to managing the tender process and the composition and role of the Tender Evaluation Panel. The report also details the commitment required of the Tender Evaluation Panel.

The City will follow its well-established framework and procedures for the calling and evaluation of tenders for the provision of Community Security Patrol Services. As the 'in-house team will be a prospective tenderer clear demarcations and probity are proposed for the process.

This report recommends that Council notes the Tender evaluation process and timetable; and nominates two (2) Councillors to the Tender Evaluation Panel.

### **BACKGROUND**

In December 2000, Tender 018/00-01 (Provision of Security Patrol Services) was awarded to Chubb Protective Services for an initial period up to 30 June 2001. Discussions were held with Chubb Protective Services in regard to a possible extension of the contract. Variations requested by Chubb were considered to be major variations of the tender price, and therefore the calling for fresh tenders for the provision of Security Patrol Services was recommended. Council further agreed to the extension of the Chubb contract on a month by month basis pending the outcome of the tender process.

Council at the meeting of 12 June 2001 considered a report on the City Watch Service continuation options (Report CJ174-06/01 refers), and authorised the calling of tenders for the provision of Security Patrol Services for the City of Joondalup and that the 'in-house' team be invited to apply.

The City has a well-established framework and supporting procedures for the calling and evaluation of tenders.

There is no variation to this process in relation to the provision of security and patrols services (City Watch) tender apart from the need to provide a mechanism to ensure probity and separation of functions during the “in-house” tender submission preparation. A clear demarcation and confidentiality must exist between the Strategic Planning Unit preparing the tender, and the “in-house” City Watch team during the tender process.

## **DETAILS**

The City’s Contract Management framework and associated procedure for calling of public tenders and the subsequent tender evaluation process will be followed for this tender process. As part of this process the City follows the Code of Tendering AS 4120.

Under the City’s Contract Management framework the Tender Evaluation Panel considers the scope of the service provision, determines and agrees on the selection criteria and appropriate weightings to be used to assess the tenders.

The Manager Contract Management is responsible for:

- Preparing the tender documents;
- calling and registration of tenders;
- distribution of tender documents to the Tender Evaluation Panel;
- facilitating and monitoring the tender evaluation process and contract negotiation; and
- statutory compliance

### **Tender Evaluation Panel**

There are a number of options available to the City to appoint a tender evaluation panel including:

1. Appoint an independent consultants to conduct the tender evaluation and preparation of a report to Council;
2. Appoint City officers and an independent consultant. The Panel to include Executive Manager Strategic Planning, Manager Organisation and Strategic Development, Director Resource Management, and Manager Contract Management and an independent consultant. The independent consultant would provide expert advise for consideration by the Panel; or,
3. Appoint City Officers, two (2) Councillors and an independent consultant. The City membership and independent consultant to be the same as Option 2.

It is considered inappropriate for the Director of Community Development to be part of the evaluation panel, as this position would be submitting the “in-house” tender on behalf of the City Watch team.

The appointment of an independent panel or firm is not favoured. Although it would provide the probity required there would be inherent difficulties whereby the panel or firm in selecting

the tenderer would have no responsibility in ensuring the provision of service would be achieved. Even if the panel or firm was thoroughly briefed they may not fully understand and appreciate the type of service required by Council. In addition, the cost of such a panel or firm may require a tender itself which would delay the process.

Options 2 or 3 are considered the most suitable in respect that they both provide a degree of independent advice and knowledge to the process and also that the panel would be thoroughly familiar with the requirements of the provision of service being sought by the tender. The inclusion of Councillors on the panel is considered appropriate to represent the community's views and expectations throughout the evaluation and selection process. A request recently received from Councillor P Kimber asked for a minimum of two elected members to be included in the tender evaluation panel.

It is therefore recommended that Option 3 be adopted as the composition for the Tender Evaluation Panel.

### **Role of the Tender Evaluation Panel**

The role of the Panel is to consider the scope of the service required by the tender and to determine the selection criteria and weighting to be used to assess the tenders. The tender will be developed for a performance-based contract for the provision of the service. The Panel is then charged with the responsibility of assessing each tender against the selection criteria and to make a recommendation to Council.

It is suggested that at its first meeting the Panel considers the scope of the tender developed, and develops the selection criteria and appropriate weightings to be used to assess the tenders. This aspect is required to be finalised prior to public advertising.

The Panel may wish to consider the following typical draft selection criteria as part of the assessment system:

1. Tenderer's resources to service the contract.
2. Tenderer's relevant experience.
3. Proposed innovative solutions and customer services.
4. Financial and Risk Management.
5. Cost to the Council.

### **Time commitment of the Tender Evaluation Panel**

It is envisaged that the first meeting of the Panel would take at a minimum 4 hours to determine and agree the assessment criteria for the tender process. This meeting should be held during business hours. The other Panel meetings will be held during office hours, from 3pm –5pm on one to two nominated days per week during the evaluation period. The panel members must make themselves available for every meeting. Significant time must also be invested by the appointed members in addition to the meeting times to ensure that tender documents are thoroughly read, understood and evaluated against the selection criteria.

### **TENDER PROCESS TIMETABLE**

Task	Date
Council – appoint members to evaluation committee	24 July 2001
First Meeting of Tender Evaluation Panel	ASAP after 24 July 2001
Public advertising of tender	31 July 2001
Compulsory tender briefing	8 August 2001
Close of tender period	22 August 2001
Tender evaluation period	7 September 2001
Report to Council on recommended tenderer	25 September 2001
Award of tender	26 September 2001
Contract execution	3 October 2001
Contract commencement	1 November 2001

## TENDER EVALUATION PROCESS

During the tender advertising period there will be a compulsory briefing session for all perspective tenderers. The Strategic Planning Unit contact person for the tender will address any clarification or enquiry pertaining to the tender and associated documentation.

At the close of the tender, the Panel must initially assess each tender independently and then collectively against the selection criteria that has been provided in the advertised tender. As part of the evaluation process the Panel may undertake on site inspection of various tenderers to assess the tenderers capability to provide the service required by the City.

It is proposed that the top listed tenderers provide a presentation to the panel on how they propose to provide the service.

During the tender evaluation and assessment stage of the process there will be a high level of confidentiality maintained associated with any presentations, deliberation, and assessment documentation.

With the “in-house” tender bid there must be, and seen to be, a clear mechanism to ensure probity and separation of functions during the preparation of the “in-house” tender submission. As part of the tender process the “in-house” team will need to be provided with training and support for the preparation of their tender bid. Arrangements are in place for this to occur.

The tender evaluation process must be completed within the allocated time line to allow for the current “in-house” team to be advised of the status of their position in a timely manner.

The “in-house” City Watch staff were employed on a short term basis from 4 December 2000, and the staffing issue must be dealt with before 4 December 2001 to ensure that in the case of the service being provided externally, the current internal officers are advised of the status of their position prior to their one year anniversary date.

It is proposed to engage a probity auditor to ensure the correct procedures were followed throughout the tender process. This is also important so as to be able to rebutt any criticism of the process, particularly in relation to the “in-house” team’s participation.

## COMMENT/FUNDING

The City will follow its well-established policies and procedures for the calling and evaluation of tenders for the provision of Community Security Patrol Services.

As the “in-house” team will be a prospective tenderer clear demarcations and probity are proposed for the process. In addition the “in-house” team will need to demonstrate competitive neutrality by specifying all related and cascaded costs as part of the tender process.

The following information is relevant to this process:

- Tender evaluation process: The complete process is expected to enable the commencement of the successful tenderer by 1 November 2001.
- Tender evaluation panel: Of the options presented, it is recommended that a panel be appointed consisting City officers (Strategic Planning, Resource Management, Contract Management), 2 Councillors (to be nominated by Council), and 1 independent consultant.

## RECOMMENDATION

**That Council NOTES this Report and NOMINATES two elected members to the Tender Evaluation Panel to assess the provision of community security patrol services.**

LC

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## **ITEM 12 WARRANT OF PAYMENTS FOR THE PERIOD ENDING 30 JUNE 2001 - [09882]**

**WARD** - All

### **SUMMARY**

This report details the cheques drawn on the funds during the month of June 2001. It seeks Council's approval for the payment of the June 2001 accounts.

### **BACKGROUND**

<b>FUNDS</b>	<b>VOUCHERS</b>	<b>AMOUNT</b>
		\$ c
Director Resource Management Advance Account	032203-039236	6,107,415.22
Municipal	000260b-000270	6,115,734.42
	<b>TOTAL \$</b>	<b>12,223,149.64</b>

The difference in total between the two funds is attributable to the direct debits by the Commonwealth Bank for bank charges, credit card charges and dishonoured cheques being processed through the Municipal Fund.

It is a requirement pursuant to the provisions of Regulation 13(4) of the Local Government (Financial Management) Regulations 1996 that the total of all other outstanding accounts received but not paid, be presented to Council. At the close of June 2001, the amount was \$2,453,994.45

The cheque register is appended as Attachment A.

### **CERTIFICATE OF THE DIRECTOR RESOURCE MANAGEMENT**

This warrant of accounts to be passed for payment, covering vouchers numbered as indicated and totalling \$12,223,149.64 which is to be submitted to each Councillor on 24 July 2001 has been checked and is fully supported by vouchers and invoices which are submitted herewith and which have been duly certified as to the receipt of goods and the rendition of services and as to prices, computations and casting and the amounts shown are due for payment.

**RHONDA HARDY**  
Manager Accounting Services

**J B TURKINGTON**  
Director Resource Management

**CERTIFICATE OF MAYOR**

I hereby certify that this warrant of payments covering vouchers numbered as indicated and totalling \$12,223,149.64 submitted to Council on 24 July 2001 is recommended for payment.

.....  
 Mayor John Bombak

**RECOMMENDATION**

**That Council APPROVES for payment the following vouchers, as presented in the Warrant of Payments to 30 June 2001, certified by the Mayor and Director of Resource Management and totalling \$12,223,149.64.**

<b>FUNDS</b>	<b>VOUCHERS</b>	<b>AMOUNT</b>
		\$ c
<b>Director Resource Management Advance Account</b>	<b>032203-039236</b>	<b>6,107,415.22</b>
<b>Municipal</b>	<b>000260b-000270</b>	<b>6,115,734.42</b>
	<b>TOTAL \$</b>	<b>12,223,149.64</b>

*Appendix 7 refers*

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## **ITEM 13 WARRANT OF PAYMENTS - BUSINESS INFORMATION - [37863]**

**WARD - All**

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### **SUMMARY**

At its June 2001 meeting the City resolved that a report be provided detailing monthly expenditure categorised by location of the supplier.

This report provides an analysis of all payments made by the City during the month of June 2001. For ease of understanding, these payments are dissected by specific categories. This report will be provided to Council on a monthly basis.

### **BACKGROUND**

At its meeting on 12 June 2001 Council resolved that the Administration provide a monthly report showing payments made within the City of Joondalup or the City of Wanneroo:-

*“That the monthly report to Council concerning Warrant of Payments for the relevant month include:*

- 1 a summary of the total payments to businesses for goods and services purchased by the City of Joondalup;*
- 2 a summary of the said total payments to businesses located in the City of Joondalup;*
- 3 a summary of the said total payments to businesses located in the City of Wanneroo.”*

### **DETAILS**

All payments made by the City during June 2001 are shown on Attachment 1. This report balances with the June 2001 Warrant of Payments other than for three cancelled cheques relating to prior months' transactions. These amounted to \$178.50.

The payments have been dissected into the following categories:

- **Joondalup** - Supplier payments made to businesses located within the City of Joondalup.
- **Wanneroo** - Supplier payments made to businesses located within the City of Wanneroo.
- **Other** - Supplier payments made to businesses located outside the Cities of Joondalup and Wanneroo.
- **Contracts** - Payments made to suppliers where Council has a contractual obligation through the tendering process.

- **Mandatory** – Payments made to providers where the City has no discretion on supplier, ie Western Power.
- **Non-Supplier** – All payments other than supplier payments (ie Payroll, Councillor payments etc).

## COMMENT/FUNDING

The attached analysis of '**discretionary**' payments indicates the following:-

Joondalup	12.3%
Wanneroo	43.1%
Other	44.6%

The summary indicates that 55.4% of the City's 'discretionary' purchasing for the month of June 2001 occurred within Joondalup / Wanneroo region.

It is recognised that Council does have contractual obligations emanating from tendering for goods and services. Payments for the month of June 2001 for these were \$919,007. Further payments for June were made to 'mandatory' organisations, ie Western Power, Alinta Gas etc. Further payments totalling \$2,728,122 were made for 'non supplier' organisations, ie payroll. In this category there are minor payments to Real Estate Agents and property owners for rate refunds, albeit that they reside within the City.

It should be noted that the City is currently reviewing its Regional Purchasing Policy in conjunction with the Joondalup Business Association (Inc). Outcomes of that review are due by the end of August 2001.

## RECOMMENDATION

**That Council NOTES the Warrant of Payments – Business Information report for the month of June 2001.**

*Appendix 8 refers*

*To access this attachment on electronic document, click here: [Attach8brf170701.pdf](#)*

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## **ITEM 14 YOUTH SERVICES INITIATIVES - [07116]**

**WARD** - All

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### **SUMMARY**

This report:

- Provides a progress report on the Youth Action Plan;
- Outlines the results of recent research undertaken in the youth area;
- Proposes future directions for youth services, including a proposal to establish a new Council Committee, the Strategic Advisory Committee – Youth Affairs; and
- Presents information on a report on young people and public space.

This report recommends that Council notes the achievements under the Youth Action Plan, adopts the proposed future directions for youth services, establishes a Strategic Advisory Committee – Youth Affairs and notes that the Strategic Advisory Committee – Youth Affairs will be reviewed after a period of twelve months. It also recommends that Council notes the findings of the report into young people and public space, refers the future directions and the youth and public space documents to the Youth Advisory Councils for comment and notes that a further report will be submitted to Council presenting the Youth Advisory Councils' feedback on these documents.

### **BACKGROUND**

In February 1998 a report *City of Wanneroo – Young People and the Future* was presented to Council following research undertaken by Nick Francis and Associates. This report recommended that the City adopt a role consistent with a community development model. This would ensure the most effective and widespread provision of appropriate services to young people and facilitate the development of new and existing services through planning processes. The report also recommended that local community development plans be developed. In order to achieve this approach, the employment of four community development officers, who would be co-located with the City's recreation officers, was recommended but never implemented.

The principles outlined in the Francis Report recommended that the future role of the City in the area of Youth:

- be consistent with the developmental approach of the City's mission;
- be a proactive approach to the provision of coordinated services to young people;
- promote effective use of resources from all sources;
- harness the current competitive nature of service provision; and
- facilitate the involvement of young people in the planning of services.

Based on these principles, a Stage 1 and Stage 2 Youth Action Plan was developed. The Action Plan was written around the key Strategic Directions of:

- Coordination and Development;
- Youth in Government;
- Youth Activities Program; and
- Community Education and Information.

Reports on the progress of the strategies outlined in the Youth Action Plan have been provided to Council on three occasions (Reports CJ299-12/98, CJ369-10/99 and CJ235-09/00 refer). Attachment 1 to this report provides a final progress report which covers the period June 2000 to June 2001.

### **Summary of Recent Research**

A range of research has been undertaken by the City over the past two years which has included recommendations to address the needs of, and concerns relating to, young people.

#### ***Crime and Community Safety Study for the City of Joondalup***

This study noted that in the Joondalup Police District (which includes the Cities of Joondalup and Wanneroo), 68% of offenders charged in the year March 1997 to February 1998 were under 19 years of age. This highlights the importance of targeting those young people who are currently offending or at risk of offending.

The study suggests a range of priorities for action and proposed strategies. These consist of:

1. Ensuring safer public places for the whole community.
2. Targeting resources at the most common offences, trouble spots, those persons most likely to offend and those most at risk to extract maximum value from available resources and existing approaches.
3. Reducing the fear of crime.
4. Tackling the causes of crime and community safety problems by developing preventative strategies to address key causal risk factors.
5. Managing, coordinating and achieving partnerships within and outside Council to ensure all stakeholders are working together to achieve common goals.

Each of these priorities for action includes strategies to address issues for young people. In the Future Directions section of this report, each of these priority areas is addressed.

#### ***Research Solutions***

This research noted, as part of its 'Customer Satisfaction Monitor 2000', that crime related issues (crime 17.7%, security 15.7%, graffiti 6.3% and vandalism 5.1%) were the most frequently mentioned issues of importance facing Council. In all, a third (33.5%) of respondents mentioned at least one of these issues as being of importance. Other issues mentioned, which may have an influence on crime within the City, included kids with nothing to do (8.3%) and limited facilities for young people (8.3%).

### ***Joondalup Community Legal Centre Needs Analysis***

This research identifies the north metropolitan area as having a higher proportion of persons in the vulnerable age groups of 15-19 years and 20-24 years than both the state of Western Australia and Australia as a whole. It identifies youth as one of the two major target groups for a Community Legal Centre in Joondalup.

### ***Currambine Community Consultation***

This research was designed to focus on the most appropriate uses for the proposed Currambine Community Centre. The research again identified young people as being within the primary target group for the Centre. It recommended the provision of ‘youth space’ within the facility – to be shared with others – as well as a half basketball court, skate area and bike racks.

### ***Woodvale Community Consultation Needs Analysis***

This report was designed to focus on the most appropriate uses of the Woodvale Community Centre. In addition to fulfilling this brief, the report also identifies the need to develop appropriate activities and programs for young people in Woodvale as a high priority. Given the design and style of the Woodvale Community Centre, the report noted the limits to the type of programs and activities that could take place in the Centre. In view of the high need for facilities and activities for young people, a more versatile facility is required.

### ***Community Inventory***

As part of the 2000/2001 budget, a project was approved to undertake a community needs analysis. This project has now been incorporated into the Precinct Action Planning Project and is adding a social and service dimension to that project. The Community Needs Analysis outcomes will provide valuable and essential information to feed into various stages of the Precinct Action Planning Project, particularly Stage 4, Concept Planning and Stage 5, Master Planning. It is anticipated that this information will confirm the need for the youth services suggested in the Future Directions section of this report.

### ***Jumping at Shadows – Young People and Public Space***

Worth mentioning in greater detail is the research that relates to young people and public space. In line with the Francis Report, this research highlights the need to coordinate responses and work at the local level. It suggests that the City is the only body that can objectively and impartially undertake this role. The clearest finding in terms of strategic approaches from this study is that strategies need to be localised, “what works in Kinross won’t work in Woodvale”. The report also highlights the need for young people to be senior partners in the development and implementation of any strategies.

This report suggests the following mission statement for addressing the issue of young people and interactions with other community members in public spaces:

*The City of Joondalup will coordinate and facilitate local efforts in the development, implementation and evaluation of services and facilities which engage, assist and support young people within their communities.*

Attachment 2 to this report provides details of the findings of the “Jumping at Shadows” report and outlines its subsequent implementation.

## **DETAILS**

### **Future Directions**

The existing research points to a number of clear future directions for youth services. Attachment 3 to this report outlines the current services and supports available to young people in the City as provided by the Youth Services sub unit of the Community and Health Services Business Unit and identifies short, medium and long term approaches to address identified youth needs. It also outlines the need for a Strategic Advisory Committee – Youth Affairs. This committee would provide the mechanism for overseeing:

- the strategic coordination all youth issues across Council;
- the implementation of the Future Directions for Youth Services Action Plan; and
- the regular review and update of the Future Directions Action Plan.

### **COMMENT/FUNDING**

The operational budget for Youth Services includes sufficient resources to achieve many of the strategies outlined in the Future Directions Action Plan. Additional funds have been sought as part of the 2001/2002 budget process. It is envisaged that the Coordinator Community Services would provide a resourcing role to the Strategic Advisory Committee - Youth Affairs. Consequently, no additional financial resources will be required. It is suggested that the Terms of Reference, membership and operation of the Strategic Advisory Committee - Youth Affairs be reviewed after a period of twelve months to determine the Committee’s effectiveness.

## **RECOMMENDATION**

### **That Council**

- 1 NOTES the progress made in achieving the Youth Action Plan strategies for the period July 2000 to June 2001 as outlined in Attachment 1 to this Report;**
- 2 ADOPTS the future directions for Youth Services outlined in Attachment 3 to Report;**
- 3 ESTABLISHES, BY AN ABSOLUTE MAJORITY, a Strategic Advisory Committee – Youth Affairs comprising:**
  - Two Elected Members;**
  - Two members of the Joondalup North Youth Advisory Council;**
  - Two members of the Joondalup South Youth Advisory Council;**
  - Manager Community and Health Services;**
  - Coordinator Community Services.**

- 4 **NOTES the draft Terms of Reference for the Strategic Advisory Committee – Youth Affairs forming Attachment 4 to this Report;**
- 5 **NOTES that the Terms of Reference, membership and operation of the Strategic Advisory Committee – Youth Affairs will be reviewed after a period of twelve months to determine the Committee’s effectiveness.**
- 6 **NOTES the findings of the report “Jumping at Shadows” and its subsequent implementation as outlined in Attachment 2 to this Report;**
- 7 **REFERS Attachments 2 and 3 to this report to the Youth Advisory Councils for consideration and comment.**
- 8 **NOTES that a further report will be submitted to Council outlining the Youth Advisory Councils’ views on the Future Directions and Jumping at Shadows documents.**

*Appendix 9 refers*

*To access this attachment on electronic document, click here: [Attach9abrf170701.pdf](#)*

*[Attach9brf170701.pdf](#) [Attach9cbrf170701.pdf](#) [Attach9dbrf170701.pdf](#)*

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## **ITEM 15 STATE UNDERGROUND POWER PROGRAMME - DUNCRAIG SURVEY RESULTS - [040396]**

**WARD** - South Coastal

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### **SUMMARY**

The State Government has a long term goal of having underground power distribution to half of Perth's houses by 2010. Except for transmission lines, this will place the power and lighting distribution and connection network underground saving costs in maintenance and storm damage across the metropolitan area as well as renewing ageing infrastructure.

There are significant areas of the City that require underground power and for the City to participate in the programme, financial criteria and community support has to be established.

As an initial potential project, a survey was undertaken of those areas in Duncraig with overhead power to determine community support for this project on a user pays principle.

The results of the survey shows that there is not strong support from the residents to pay for the installation of underground power. It is considered that the City can review making future applications to the State Underground Power Programme following completion of the sewer infill along the coastal areas.

### **BACKGROUND**

The State Government has a strong commitment to and a long term goal of having underground power distribution to half of Perth's households by 2010. The programme is expected to produce savings on maintenance and storm damage, replace the ageing infrastructure and improve civic and aesthetic facilities for the City's ratepayers.

A presentation was received by Council at its Briefing Session dated 20 February 2001 from Mr John Lack, Manager Underground Power Programme for Western Power at which he gave an overview of the State's Underground Power Programme.

### **DETAILS**

The State Government including Western Power will contribute half of the funding for the programme with the Local Government to arrange the remaining 50%. Currently the State Government has total funding programmes of \$50 million available every two years. This results in around 10 projects of \$5 million funded with local authorities required to arrange a contribution of \$2.5 million for each project. Generally the preference is for projects to be of discrete areas of approximately \$5 million being around 1,200 properties.

Based on an average budget cost of \$4,000 per lot to upgrade approximately 19,000 properties, the total cost to underground power in the City is \$76 million. With the State Government current commitment to contribute 50% of the costs, the City's contribution is \$38 million on present values.

The two main options are for the City to fund the cost of the underground works or adopt a user pay principle.

It is estimated that 35,000 existing dwellings (65% of the City) currently has underground power with developers of new subdivisions required to install this facility, although residents pay for the underground power as part of the purchase price of the land.

A user pay principle for the remaining 19,000 properties appears consistent with the likely direct benefits provided to the affected residents and this funding principle being adopted by other Councils.

From the selection criteria, the major factor to progress the underground power programme application is the support and acceptance from the general and affected community and ratepayers to establish the funding arrangements.

The next round of the underground power applications is programmed for August 2001 with notification of successful projects prior to January 2002. These projects would commence in March 2002 and therefore any funding allocations would need to be part of the 2001/2002 annual budget.

Generally the areas closest to the coast are considered the highest priority. It is desirable that works programs are co-ordinated with other infrastructure such as Water Corporation's infill sewerage program, which will affect Sorrento, Marmion, Mullaloo and part of Duncraig. The current program for this infill sewer indicates that these works will occur over 2001-2005. For these areas, the conversion of underground power can be programmed following the sewer infill.

On this basis, suggested suburbs for the initial application for underground power were Hillarys (1468 lots) Kallaroo (1010 lots) or part of Duncraig (2659 lots). The suburb of Duncraig being one of the more established areas with ageing infrastructure, was considered as a priority for the initial underground power programme.

At Council's meeting held on 13 March 2001, it was resolved in part that Council "surveys the ratepayers of Duncraig with residences to be connected to the underground power on the willingness to participate in and contribute to a user pays principle to the costs of these works".

A survey questionnaire, an accompanying mayoral letter and information brochure was distributed to owners of properties in Duncraig. Copies of these documents are shown on Attachment 1.

The survey documents were individually mailed to each property owner during the week commencing 7 May 2001 with the closing date being Tuesday, 29 May 2001.

The City appointed JMG Marketing to undertake a survey of the residents in the suburbs of Duncraig to measure their level of acceptance of the installation and financial contribution to underground power in their suburb.

### Survey Results

The survey of Duncraig was categorised in 2 areas with “North West” being Area 1 and “South East” Area 2.

### Responses

	Area 1	Area 2	Total
	No.	No.	No.
Total Mailing	1,722	925	2,647
Returned Mail	24	8	32
Available Respondees	1,698	917	2,615
Responses	915	485	1,400
% Response	53.9	52.9	53.5

#### Question 1

**“In Principle do you favour the installation of underground power in your area?”**

Response	Area 1		Area 2		Total	
Yes	750	82.0%	428	88.2%	1,178	84.1%
No	159	17.4%	57	11.8%	216	15.5%
Blank	6	0.6%	-	-	6	0.4%

#### Question 2

**“Are you prepared to pay an average up front cost of \$2,100 to install underground power to your residential property?”**

Response	Area 1		Area 2		Total	
Yes	431	47.1%	287	59.2%	718	51.4%
No	472	51.6%	190	39.2%	662	47.3%
Blank	12	1.3%	8	1.6%	20	1.3%

From the results obtained although 84% of the respondents (1400) were in favour of underground power, 47.3% were not prepared to contribute towards the funding. Whilst it is difficult to predict the likely attitude of those residents who did not respond, of the total suburb of Duncraig of 2647 being surveyed - the 718 in favour only represents 27%.

Noting that the willingness to pay is only 51.4%, the results of underground power surveys carried out by other Local Authorities included a higher willingness to pay (63 – 79%). It is noted that the results obtained for Duncraig are similar to that for West Hamersley in the City of Stirling. The City of Stirling did not proceed with a proposal for West Hamersley due to the absence of support from a clear majority of ratepayers.

## COMMENT/FUNDING

The State Underground Power Programme addresses the retrospective installation of underground power distribution to replace overhead systems. The City has a significant area and associated cost to underground power. The City is required to contribute 50% of the costs with the funding arrangement to be resolved between the Council and ratepayers.

It has been generally accepted throughout the metropolitan area that the Council contribution is on a user pays principle

The results of the survey from Duncraig at this stage do not show strong support for installation of underground power. On this basis, it is proposed that the City does not submit an application to the next round of the programme. It is considered that the City can review making future applications to this programme following the completion of the sewer infill programme in Marmion, Sorrento and Mullaloo.

## RECOMMENDATION

### That Council:

- 1 **DOES NOT make an application in the 2001/02 round of the State Underground Power Programme for implementation of Underground Power throughout the City;**
- 2 **UNDERTAKES a survey in the future, of ratepayers of Duncraig and the coastal suburbs from Marmion to Mullaloo, of residences to be connected to underground power on the willingness to participate and contribute to these works on a user pay principle prior to the 2003/04 round of the State Underground Power Programme;**
- 3 **ADVISES the residents of Duncraig accordingly.**

**ITEM 16 CONTRACT EXTENSIONS - 104A-99/00 – HIRE OF PLANT AND EQUIPMENT, 016-99/00 – PROVISION OF MATERIAL TESTING SERVICES AND 108-99/00 – SWEEPING OF PAYMENTS, CAR PARKS AND PATHWAYS IN JOONDALUP CITY CENTRE - [45847] [34615] [46910]**

**WARD - All**

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**SUMMARY**

Contracts numbered 104A, 104B, 104C, 104D and 104E-99/00, Hire of Plant and Equipment were approved at the Council Meeting held on 8 August 2000, for the period 1 September 2000 to 31 August 2001.

Contract number 016-99/00, Provision of Material Testing Services was approved at the Council Meeting held on 13 June 2000 for the period 1 September 2000 to 31 August 2001.

Contract number 108-99/00, Sweeping of Pavements, Car Parks and Pathways in the Joondalup City Centre was approved at the Council Meeting on 22 August 2000 for the period 1 September 2000 to 31 August 2001.

These contracts form part of the City of Joondalup contracts and, in accordance with the General Conditions of Contract Clause 24 Contract Period, the City has negotiated an appropriate extension with each of the current contractors. With the exception of Contract 104E-99/00, this contract has been terminated by the contractor.

**DETAILS**

**Contract 104A-99/00, Hire of Plant and Equipment**

Contractor, Mini Excavators of Bassendean, has indicated it has no objection to extending the contract and, in view of the satisfactory performance experienced from it, the recommendation is to extend Contract Number 104A-99/00 Hire of Plant and Equipment for 12 months, from 1 September 2001 until 31 August 2002.

Mini Excavators advised that rates would remain the same as per the current Schedule of Rates.

Mini Excavators hire is predominately related to inground irrigation excavation and the work is essentially seasonal. The supply of skid steer loader is based only with an operator and Council's requirements have been for dry hire, ie. machine only. Skid Steer loader hire has therefore been progressed via a quote system, with the agreement of Mini Excavators. Additional plant hire is minimal and has involved rollers, concrete saw and pneumatic drill.

Funds are allocated on a project basis, as required, or as a maintenance fund listed in the annual maintenance budget for a specific location.

**Contract 104B-99/00, Hire of Plant and Equipment**

Contractor, Environmental Land Clearing Services of Balga, has indicated it has no objection to extending the contract and, in view of the satisfactory performance experienced from it, the recommendation is to extend Contract Number 104B-99/00 Hire of Plant and Equipment for 12 months, from 1 September 2001 until 31 August 2002.

This contractor is predominately related to removal of vegetation for firebreaks, and bulk cartage and application of mulch.

Funds are allocated on a project basis, as required, or as a maintenance fund listed in the annual maintenance budget for a specific location.

Environmental Land Clearing Services advised that rates would remain the same as per the current Schedule of Rates .

**Contract 104C-99/00, Hire of Plant and Equipment**

Contractor, Kwik Crane Hire of Malaga, has indicated it has no objection to extending the contract and, in view of the satisfactory performance experienced from it, the recommendation is to extend Contract Number 104C-99/00 Hire of Plant and Equipment for 12 months, from 1 September 2001 until 31 August 2002.

This contact is predominately for bore and pump maintenance works. The company is based in Malaga and they have always been available upon request.

Funds are allocated on a project basis, as required, or as a maintenance fund listed in the annual maintenance budget for a specific location.

Kwik Crane Hire advised that rates would remain the same as per the current Schedule of Rates

**Contract 104D-99/00, Hire of Plant and Equipment**

Contractor, Dalco Earthmoving of Osborne Park, has indicated it has no objection to extending the contract and, in view of the satisfactory performance experienced from it, the recommendation is to extend Contract Number 104D-99/00 Hire of Plant and Equipment for 12 months, from 1 September 2001 until 31 August 2002.

Dalco Earthmoving are contracted for the supply of Backhoes (all types). Operations Services require these plant items predominately for drainage projects associated with road works.

Funds are allocated on a project basis, as required, or as a maintenance fund listed in the annual maintenance budget for a specific location.

Dalco Earthmoving advised that rates would remain the same as per the current Schedule of Rates.

**Contract 104E-99/00, Hire of Plant and Equipment**

Contractor, Stampalia Contractors of Wanneroo, has advised that they are unable to extend the contract, and have submitted the following information:

“We are preparing tenders for other government departments, we have decided that we will make our prices uniform throughout and that no Council will be given preference above others”.

“Also, as a result of the increase in running costs, we can no longer effectively hold our prices”.

This segment of the Plant Hire Contract will be administered via quotations as required as the overall contract terminates in June 2002.

**Contract 016-99/00 Provision of Material Testing Services**

Contractor, Qualcon Laboratories of Malaga, has indicated that it has no objection to extending the contract and there would not be any change in current contract prices and conditions.

This contract provides for the material testing services to ensure that construction works are undertaken to specified standards.

Qualcon Laboratories has been Council’s contractor for the last four years and has provided service to a satisfactory standard. It is therefore recommended to extend Contract Number 016-99/00, Provision of Material Testing Services for 12 months from 1 September 2001 to 31 August 2002.

**Contract 108-99/00 Sweeping of Pavements, Pathways, Car Parks in Joondalup City Centre**

Contractor, Coastal Sweeping Services of Two Rocks, has indicated it has no objection to extending the contract, providing the City of Joondalup will consider renegotiating the contract prices. They are finding their costs associated with materials (ie. brushes, fuel, GST) to do this work have increased dramatically and initially they overlooked the cost of replacement brushes in their tender.

Coastal Sweeping Services requested a 6% increase for all items on the price schedule (refer Attachment 1 - Schedule of Rates).

The scope of works for the current contract includes sweeping of all roads and access lanes within the Joondalup City Centre, with a specified time program, for example:-

Grand Boulevard	5.30am – 8.30am, Monday
Commercial Area Pavement	5.30am – 7.30am, every fortnight
Footpath/Pathways	two monthly cycle
Car Parks	two monthly cycle

Coastal Sweeping Services' price was well below the prices of its competitors on the original tender submission and even with a 6% increase this year, the price will still be below its competitors. Considering a CPI index of 5.9%, for the current year, the price increase of 6% is even, in line with adjusting prices only by the CPI index.

Coastal Sweeping Services provided a satisfactory service and there is no recorded incidence of failure by the contractor. It is therefore recommended to extend their contract for 12 months, from 1 September 2001 to 31 August 2002.

## **RECOMMENDATION**

### **That Council:**

- 1 AUTHORISES the extension of Contract 104A-99/00 Hire of Plant and Equipment with Mini Excavators , for a period of 12 months from 1 September 2001 to 31 August 2002, in accordance with the price schedule accepted by Council for 2000/2001 and the application of 10% GST;**
  - (a) AUTHORISES the extension of Contract 104B-99/00 Hire of Plant and Equipment with Environmental Land Clearing Services, for a period of 12 months from 1 September 2001 to 31 August 2002, in accordance with the price schedule accepted by Council for 2000/2001 and the application of 10% GST;**
  - (b) AUTHORISES the extension of Contract 104C-99/00 Hire of Plant and Equipment with Kwik Crane Hire, for a period of 12 months from 1 September 2001 to 31 August 2002, in accordance with the price schedule accepted by Council for 2000/2001 and the application of 10% GST;**
  - (b) AUTHORISES the extension of Contract 104D-99/00 Hire of Plant and Equipment with Dalco Earthmoving, for a period of 12 months from 1 September 2001 to 31 August 2002, in accordance with the price schedule accepted by Council for 2000/2001 and the application of 10% GST;**
- 2 NOTES the withdrawal of Stampalia Contractors from the contract;**
- 3 AUTHORISES the extension of Contract 016-99/00 Provision of Material Testing Services with Qualcon Laboratories, for a period of 12 months from 1 September 2001 to 31 August 2002, in accordance with the price schedule accepted by Council for 2000/2001 and the application of 10% GST;**
- 4 AUTHORISES the extension of Contract 108-99/00 Sweeping of Pavements, Car Parks and Pathways within the City of Joondalup with Coastal Sweeping Services, for a period of 12 months from 1 September 2001 to 31 August 2002, in accordance with the price schedule accepted by Council for 2000/2001 and the application of 10% GST;**

- 5 APPROVES the Contract Schedule of Rates variation of 6% submitted by Coastal Sweeping Services;**
- 6 AUTHORISES the signing of the contract extension documents.**

*Appendix10 refers*

*To access this attachment on electronic document, click here: [Attach10brf170701.pdf](#)*

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**ITEM 17 PROPOSED AMENDMENT NO 9 TO DISTRICT PLANNING SCHEME NO 2 - LOT 55 (11) HENDERSON DRIVE, KALLAROO – NORTH SHORE COUNTRY CLUB - [62007]**

**WARD** - Whitford

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**SUMMARY**

Amendment No 9 to the City's District Planning Scheme No 2 (DPS 2) proposes to rezone Lot 55 (11) Henderson Drive, Kallaroo (Northshore Country Club), from 'Local Reserve – Parks and Recreation' to 'Private Clubs/Recreation' (**Attachment 1**).

Under the City's previous Town Planning Scheme (Town Planning Scheme No 1 (TPS 1)), Lot 55 (11) Henderson Drive, Kallaroo, was zoned 'Private Recreation/Clubs'. At some stage however, the TPS 1 map was changed to show the property as a Local Reserve for 'Parks and Recreation'. As a result, when DPS2 was gazetted, the property was reserved for the purpose of 'Parks and Recreation'.

The reservation of the property for 'Parks and Recreation' is considered inappropriate due to the property's private ownership, and the limited range of permissible land uses under the 'Parks and Recreation' reservation.

The 'Private Clubs/Recreation' zone is considered a more appropriate zone for the property.

The Northshore Country Club and Residents Association Inc. has approached the City with respect to leasing the first storey of the club building as an 'Office', however, such a use is not appropriate under the property's existing reservation and is not permitted under the property's proposed 'Private Clubs/Recreation' zoning. The City has explored ways which would enable it to approve an 'Office' on the property under the 'Private Clubs/Recreation' zone, however, considers an 'Office' to be an inappropriate use for the property and for other properties within the 'Private Clubs/Recreation' zone because commercial activity should be located within planned commercial centres and/or areas.

It is recommended that Council amends DPS 2 for the purpose of rezoning Lot 55 (11) Henderson Drive, Kallaroo, to 'Private Clubs/Recreation', and advises the Northshore Country Club and Residents Association Inc. that an 'Office' is considered to be an inappropriate use for the property.

## BACKGROUND

Lot No	55
Street Address	11 Henderson Drive, Kallaroo
Land Owner	Northshore Country Club & Residents Association Inc
MRS Zoning	Urban
DPS Zoning	Local Reserve – Parks & Recreation
Land Use	Country Club (Club Building, Tennis Courts, Bowling Green, & Park land)
Lot Area	2078m <sup>2</sup>

### History

Lot 55 (11) Henderson Drive, Kallaroo, was originally zoned ‘Private Recreation/Clubs’ under the City’s previous TPS 1. At some stage the TPS 1 map was changed to show the property as a Local Reserve for ‘Parks and Recreation’. This change was not the result of an amendment to the Scheme and the City’s records do not provide any explanation for it.

The City’s DPS 2 was gazetted on 28 November 2000 and reserved Lot 55 (11) Henderson Road, Kallaroo, for the purpose of ‘Parks and Recreation’.

## DETAILS

### Context

Lot 55 (11) Henderson Drive, Kallaroo, is bound by Residential (R20) zoned land to the north, east and south, and Northshore Drive to the west. The land west of Northshore Drive is reserved under the Metropolitan Region Scheme for ‘Parks and Recreation’. The property directly abuts a Water Corporation site and two residential lots. **Refer to Attachment 1.**

### Current Proposal or Issue

As a result of the Northshore Country Club and Residents Association Inc approaching the City with respect to leasing the first storey of the club building, the City became aware of the inappropriate reservation of the property for ‘Parks and Recreation.’

Amendment No 9 to the City’s DPS 2 proposes to rezone Lot 55 (11) Henderson Drive, Kallaroo (Northshore Country Club), from ‘Local Reserve – Parks and Recreation’ to ‘Private Clubs/Recreation’.

The reservation of the property for ‘Parks and Recreation’ is considered inappropriate due to the property’s private ownership and the limited range of permissible land uses under the ‘Parks and Recreation’ reservation. Land reserved for ‘Parks and Recreation’ is generally publicly owned and is restricted in use to ‘Parks and Recreation’ purposes. DPS 2 states with respect to the use of Local Reserves:

*“Any Local Reserve not owned by or vested in the Council may be used:*

- a) for the purpose for which the land is reserved under the Scheme;*
- b) where such land is vested in a public authority, for any purpose for which such land may be lawfully used by that authority;*
- c) for the purpose for which it was used at the Gazettal Date unless the land in the meantime has become vested in a public authority, or unless such use has been changed with the approval of the Council; or*
- d) for any purpose approved by the Council but in accordance with any conditions imposed by the Council;*

*but shall not be used otherwise or for any other purpose.”*

The Private Clubs/Recreation zone is considered a more appropriate zone for the property. The Private Clubs/Recreation zone is intended to accommodate uses such as private golf clubs, private educational, institutional and recreational activities. A wider variety of uses are, or may, at the discretion of Council, be permitted under the Private Clubs/Recreation zone as outlined in **Attachment 2**.

As outlined above, the Northshore Country Club and Recreation Association Inc has approached the City with respect to leasing the first storey of the club building as an ‘Office’. An ‘Office’ however, is not an appropriate use under the property’s existing reservation and is not permitted under the property’s proposed ‘Private Clubs/Recreation’ zoning. The Association advises that the club building has been previously used as an ‘Office’. The City, however, has no record of a development approval being issued for this use on the property.

### **Relevant Legislation**

The Town Planning Regulations 1967 set out the procedures for amendments to the Town Planning Scheme. The procedure is summarised at **Attachment 3** and the current stage of the amendment has been highlighted.

### **Relevant Policies**

The Western Australian Planning Commission’s Statement of Planning Policy No 9 – Metropolitan Centres Policy Statement for the Perth Metropolitan Region states that retail, office, commercial, entertainment, recreational and community facilities should be located and concentrated in centres throughout the hierarchy.

### **COMMENT**

The current reservation of Lot 55 (11) Henderson Drive, Kallaroo, for ‘Parks and Recreation’ is considered inappropriate due to the property’s private ownership and the limited range of permissible land uses under the ‘Parks and Recreation’ reservation.

The ‘Private Clubs/Recreation’ zone is considered an appropriate zone for the property.

The City has explored ways which would enable it to approve an ‘Office’ on the property under the proposed ‘Private Clubs/Recreation’ zone, however, considers an ‘Office’ to be an inappropriate use for the property and for other properties within the ‘Private Clubs/Recreation’ zone because commercial activity should be located within planned commercial centres. By allowing an Office to operate outside of a planned commercial centre, the City could potentially:

- undermine the established and/or planned hierarchy of centres; and,
- adversely affect the economic viability of existing, approved and planned centres where this could result in a deterioration in the level of service to the local community and/or undermine public investments in infrastructure and services

It is accordingly recommended that Council amends DPS 2 for the purpose of rezoning Lot 55 (11) Henderson Drive, Kallaroo, to ‘Private Clubs/Recreation’ and advises the Northshore Country Club and Residents Association Inc that an ‘Office’ is considered to be an inappropriate use for the property.

## **RECOMMENDATION**

### **That Council:**

- 1 in pursuance of Section 7 of the Town Planning and Development Act 1928, AMENDS the City of Joondalup District Planning Scheme No 2 for the purpose of rezoning Lot 55 (11) Henderson Drive, Kallaroo, from ‘Local Reserve – Parks and Recreation’ to ‘Private Clubs/Recreation’ and ADOPTS Amendment No 9 accordingly;**
- 2 ADVISES the Northshore Country Club and Residents Association Inc that a separate ‘Office’ use is considered to be an inappropriate use for the property as the City considers that commercial land uses should be located in planned commercial centres and/or areas.**

*Appendix 11 refers*

*To access this attachment on electronic document, click here: [Attach11brf170701.pdf](#)*

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**ITEM 18 PROPOSED LAND EXCHANGE - LOCATION 11898 (273) HEPBURN AVENUE, PADBURY (RESERVE 43210 - FIRE STATION SITE) AND LOCATION 12223, (12) BLACKWATTLE PARADE, PADBURY (RESERVE 43717 - COMMUNITY PURPOSE SITE) - [55022] [57264]**

**WARD** - Pinnaroo

**SUMMARY**

A report was requested in April 2001 on the possible exchange of the community purpose site on Blackwattle Parade, Padbury for the Fire and Emergency Services Authority (FESA) site on Hepburn Avenue, Padbury.

The FESA site is in the care, control and management of the FESA for the purpose of a Fire Station Site. The site is identified as Local Reserves – Public Use under District Planning Scheme No.2 (DPS2). It is proposed to swap this land with 12 Blackwattle Parade, Padbury (Reserve 43717) which is in the care, control and management of the City of Joondalup for Community Purposes (Attachment 1). This reserve was created as a condition of subdivision under Section 20A of the Town Planning and Development Act. The site is zoned Civic and Cultural under DPS2.

The community purpose site is the only opportunity in the area for the provision of a facility for the delivery of community services. There is no clearly defined need at this stage but it is considered the opportunity should be retained. Accordingly, it is recommended that the FESA be advised that the City does not consider a land swap to be an appropriate use of its community purpose site.

**BACKGROUND**

A report was requested in April 2001 on the possible exchange of the community purpose site on Blackwattle Parade, Padbury for the Fire and Emergency Services Authority (FESA) site on Hepburn Avenue, Padbury.

FESA Site

Street Address	273 Hepburn Avenue, Padbury
Land Owner	Crown – care control and management of FESA
MRS Zoning	Urban
TPS Zoning	Local Reserves – Public Use
Lot Area	0.3000 ha

## Community Purpose Site

Street Address	12 Blackwattle Parade, Padbury
Land Owner	Crown – care control and management of the City
MRS Zoning	Urban
TPS Zoning	Civic and Cultural
Lot Area	0.3332 ha

**DETAILS**

It has been suggested that the FESA site be swapped with the community purpose site adjoining the Hepburn Heights Shopping Centre (Attachment 1). This has been suggested as the FESA site is included in the Bush Forever Site 303 and the land swap is seen as a mechanism by which to retain the bushland on the site.

The FESA site is a crown reserve that has been set aside for the purpose of a Fire Station Site and is identified accordingly under DPS2 as Local Reserves – Public Use under DPS2. The community purpose site was created as a condition of subdivision under Section 20A of the Town Planning and Development Act. The site is zoned Civic and Cultural under DPS2.

**COMMENT****Issues**

The issue to be considered at this stage is whether the proposal to swap the FESA site with the community purpose site is appropriate.

Intentions for Community Purpose Site

Community purpose sites are traditionally located in the ‘heart’ of a community, that is within areas of activity, generally being centres (local, town, district). It needs to be noted that the community purpose site is appropriately located between the Hepburn Heights Shopping Centre to the west and Business zoned lot to the east. Its location, being in close proximity to the immediate community is of great benefit. Further given its location there are a greater number of land uses that may benefit from this location, therefore providing land use flexibility. The subject site is also considered to be of value in terms of the precinct planning that is being undertaken by the City.

The full extent of the community needs in the area is unknown at this stage. There is one community facility in the area being Christian church based, however this would not meet the needs of all residences. The loss of the possibility of a community purpose facility could be detrimental given the high ratio of young people residing in the City and the fact that the area may develop a need for a facility in the future.

### Community Consideration

Given that there is an existing community it is imperative that a public consultation process form part of any proposed land swap arrangement that involves the community purpose site.

### Purpose of Reserves

The purpose of a reserve can be changed under Section 41 of the Land Administration Act 1997 by order of the Minister for Lands and a Council resolution is not necessary; nor is public advertising of the proposal.

To effect a land exchange, the City of Joondalup and FESA would have to be in mutual agreement to proceed and as Reserve 43717 (community purpose site) was created as a condition of subdivision (section 20A reserve) the Western Australian Planning Commission (WAPC) would also have to agree. The City is aware that Reserve 43717 has an easement in favour of the Water Corporation running parallel on its Hepburn Avenue boundary that is approximately five metres wide. Provided that this easement is not built over, it is unlikely that it will be an issue.

If FESA and the WAPC support the proposal the City can request the Minister for Lands to revoke the Management Orders for Reserve 43717 and Reserve 43210 and issue new Management Orders for the appropriate purpose.

Although public advertising is not a condition of a land exchange of this nature, it is recommended that it be carried out prior to any decision to dispose of the site in order to gauge the opinion of the local residents to the proposed use of the community purpose site for a fire station.

### FESA Requirements

FESA advise that any alternate sites need to be within 500 metres of the existing reserve with good access to the Mitchell Freeway and Marmion Avenue. FESA have not advised what their preferred location is at this stage. At an on-site meeting with Council officers, FESA officers advised that the community purpose site would be able to accommodate the proposed development.

### Development Impacts

Consideration needs to be given to the impact of a fire station on the community and adjoining land uses. The community purpose site is surrounded by residential zoned land, the Hepburn Heights Shopping Centre, offices, medium density development including aged person accommodation. It is not usually a preferred option for a land use such as a fire station to be located in such an urban environment due to the potential disturbance and impact on surrounding land uses.

### Access Issues

It should be noted that the community purpose site has a 0.1 meter pedestrian access way (PAW) on its Hepburn Avenue boundary preventing vehicular access to and from Hepburn Avenue. The community purpose site has been designed to have access from the internal road system. There would be concerns with a community purpose site having direct access to Hepburn Avenue. Generally direct vehicular access to higher order roads is prevented,

although occasional emergency vehicle access, under the control of signs and warning lights, may be managed. A formal closure procedure will need to be pursued to allow for the likely FESA preferred direct access onto Hepburn Avenue. Allowing for access onto Hepburn Avenue at this location, which is in close proximity to Walter Padbury Boulevard, will require careful consideration of the vehicle crossover siting and need for a median crossover.

### Bush Forever

The Environmental Protection Authority (EPA) has advised that the FESA site is part of a consolidated area of regionally significant bushland and unsuitable for development on conservation grounds. The FESA has a right to pursue development of their site for the purpose the reserve has been set aside for.

The EPA assessment of the vegetation on the site determined that any development would result in the removal of regionally significant vegetation in excellent to very good condition and seriously compromise the integrity of the existing conservation reserve by increasing edge to area ratios and by introducing and increasing existing disturbance factors. The EPA assessment is not considered to have adequately addressed the situation as it is based on the assumption that there is an alternative suitable site available. Also it does not acknowledge that there is a Western Power site in the immediate vicinity where a similar situation will result when development is pursued.

### **Assessment and Reasons for Recommendation**

Bush Forever is a policy position of the government to guide future decision-making and to protect and manage Bush Forever sites through implementation mechanisms. The significance of the bushland on the FESA site is acknowledged. However the EPA have a broader issue to consider in regards to this site as there is also a Western Power site adjacent to the FESA site as well as other Water Corporation reserves and special use reserves where similar scenarios may occur.

The proposal of the land swap begs the question of what should a community purpose site be used for. Community purpose sites are given up by developers at the subdivision stage and are set aside for community purposes. Traditionally such sites are developed to accommodate public buildings for the delivery of community services. These public buildings are used for a variety of purposes including child care centres, club meeting rooms, meeting places or even to create external urban environments for the community.

In most cases at the time community purpose sites are created the community itself is not in existence. Therefore these sites usually remain vacant until such time that a specific community need is identified or a community needs survey undertaken to determine the need. In this case the full extent of the community needs in the area is unknown. There is one community facility in the area being Christian church based, however this would not meet the needs of all. The loss of the possibility of a community purpose site could be detrimental given the fact that the area may develop a need for a facility and the high ratio of young people residing in the City.

It is important for community purpose sites to be allocated on an equitable basis. The construction of a public building that can accommodate a variety of community groups is considered to be an equitable arrangement.

The following points need to be considered in regard to any proposed land swap:

- Community purpose sites are given up free of cost by the subdivider for community purposes, traditionally these have not been used for bushland preservation;
- Applying community purpose sites for preservation purposes will set a precedent;
- There may be a community expectation that a community facility will be provided;
- Community purpose sites should be allocated to satisfy community needs;
- The location of the community purpose site in the Bush Forever site will reduce the development capacity and value of the City's resource;
- The community purpose site is appropriately located between the Hepburn Heights Shopping Centre to the west and Business zoned lot to the east. Its location, being in close proximity to the immediate community is of great benefit. Further given its location there are a number of land uses that may benefit from this location, therefore providing land use flexibility;
- The community purpose site has been designed to have access from an internal road system. It is not considered appropriate for the relocated site to have direct access onto Hepburn Avenue.
- The proposal is not really a land swap as the FESA site is not suitable for community purposes even if it can be developed.

The community purpose site is the only opportunity in the area for the provision of a facility for the delivery of community services. There is no clearly defined need at this stage but it is considered the opportunity should be retained. Accordingly, it is recommended that the FESA be advised that the City does not consider a land swap to be an appropriate use of its community purpose site.

## **RECOMMENDATION**

### **That Council:**

- 1 NOTES the Report and takes no further action with regard to a possible land exchange involving the community purpose site on Blackwattle Parade, Padbury;**
- 2 ADVISES the Fire and Emergency Services Authority (FESA) that the City of Joondalup does not consider an exchange of Reserve 43210 (FESA) for Reserve 43717 (COJ) to be an appropriate use of the community purpose site.**

*Appendix 13 refers*

To access this attachment on electronic document, click here: [Attach13brf170701.pdf](#)

## ITEM 19 RETROSPECTIVE APPROVAL FOR SATELLITE DISH: LOT 1 (15) COCKPIT WAY, OCEAN REEF - [12973]

**WARD** - Marina

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### SUMMARY

The City has received an application for retrospective consideration of a satellite dish that is 2.3 metres in diameter. The satellite dish is mounted on a 1.645 metre high pole in the rear garden of the subject site.

A letter objecting to the satellite dish was received from the adjoining owners in the latter part of 2000 which prompted Council to take action in December 2000, resulting in this application which was received in April 2001.

A smaller satellite dish had previously been approved and erected, and was then replaced with the current dish (without further consent). The dish has been the subject of complaint by a nearby landowner, and there have been many meetings and representations to the Council by the aggrieved party.

The item had been scheduled for determination at a delegated authority level but has been “called in” for consideration by all Councillors.

The satellite dish has been appropriately screened and it is considered that the dish has no impact on the adjoining owners. It is recommended that Council exercises discretion under District Planning Scheme No 2 (DPS2) and grants approval for the satellite dish in its current form and location.

### BACKGROUND

Lot No	1
Street Address	15 Cockpit Way, Ocean Reef
Applicant	Durugiah Dayanandan Saraswathy Dayanandan
Owner	Durugiah Dayanandan Saraswathy Dayanandan
Zoning MRS	Urban
Lot Area	820m <sup>2</sup>
Zoning	Residential
Permissibility	D

## History

- 30/04/1999:** Approval was granted for a white satellite dish 1.8 metres in diameter that is fixed to a pole not exceeding 1.3 metres in height.
- 30/10/2000:** Receipt of a letter of objection to the satellite dish from the adjacent property owners. A site inspection revealed that the white satellite dish had been replaced with a larger black dish, in the same location and on the same pole as approved for the white dish.
- 11/12/2001:** The City issued the owner a Notice that the satellite dish was unauthorised, instructing that the dish either be removed or that an application for approval be made.
- 02/04/2001:** Following several discussions with the owner and officers from the City, an Application for Development Approval was received.
- 17/05/2001:** 14 day advertising period to adjoining property owners' commences.
- 11/06/2001:** Discussions with applicant on site.
- 22/06/2001:** Discussions on site between the Mayor, Ward Councillors, Senior Staff Approval Services and the applicant and the owners of No 3 Beam Road.

## **DETAILS**

### Proposal & Discretion Sought

The applicant seeks retrospective approval for an existing satellite dish. Council discretion is sought in the following area:

- General discretion under the District Planning Scheme to allow a 'Communications Antenna'

The existing satellite dish is made of black mesh and has a diameter of 2.3 metres. It is positioned in the same location as the dish that was approved in April 1999 on a pole that is 600mm from the eastern property boundary of the subject site, at a height of 1.645m from ground level. It faces northwest and lattice screening has been provided immediately to the north of the dish so that the dish is not visible from Beam Road.

In discussions, the applicant provided the following verbal information in regard to the satellite dish:

- 1 The previous satellite dish needed to be replaced with the larger dish because the satellite service changed from analogue to digital technology.
- 2 The satellite dish applied for is the smallest dish of this range available.
- 3 The satellite is in the sky in a north-westerly direction.
- 4 With the exception of the area in the rear yard where the dish is located, the rear yard is not suitable for locating the dish because the existing house obstructs the signal. An alternative location for reception would be in the front yard.
- 5 The satellite dish remains fixed in one position.

- 6 The adjoining lot is higher by 2.84 metres than the subject site. Two retaining walls of 1.22 metres and 1.62 metres respectively are located along the eastern boundary of the subject site. A fence of 1.5 metres has been placed on top of the higher retaining wall.
- 7 A similar satellite dish was approved under delegated authority on 24 May 2001 at Lot 2 (17) Cockpit Way.

### Advertising

The proposal was advertised by means of a letter to six adjoining landowners. The advertising period closed on 31 May 2001. No response was received during the advertising period.

A further letter was received from the owners of 3 Beam Road prior to the advertising period. The objection stated that:

- The dish stands approximately 5 metres high from the natural ground level of the adjoining property to the top of the dish.
- It is in a different location to where the white dish was approved.
- The dish is unsightly.
- It is visible from the balcony, formal dining area and driveway of the house at 3 Beam Road.

The letter also expresses frustration:

- that this satellite dish and another one in the neighbourhood were erected without prior Council approval;
- that both dishes interfere with the outdoor enjoyment of 3 Beam Road;
- that the City has not been able to find a solution to the loss of amenity of 3 Beam Road ;
- that adjoining property owners are permitted to erect unauthorised dishes and obtain retrospective approval without penalty despite the loss of amenity of another property.

### Relevant Legislation

Under DPS2 a ‘Communications Antenna’ is a “D” use. Council has the ability to approve or refuse the application given the merits of the proposal.

The City has not established a policy specifically relating to satellite dishes. Policies of other Councils have been examined in the course of investigating this issue.

Clause 6.12 of DPS2 allows Council to consider retrospective planning approvals for existing structures and land uses.

## COMMENT

### Visual Amenity Issues

The natural ground level at the base of the pole is 1.62 metres below the natural ground level of 3 Beam Road. This height difference, together with the existing 1.5 metre high fence provides a total height of 3.12 metre. The total height of the satellite dish is 2.795 metres, which is made up of 1.645 metres being the height on the pole and 1.150 metres for the radius of the dish. The satellite dish therefore is 32.5cm below the height of the fence. The dividing fence is 1.5m in height (above a retaining wall).

Much of the dwelling at 3 Beam Road faces west directly onto the fence between 3 Beam Road and the subject site, and over the subject site toward the ocean. The satellite dish is not seen when the vista is enjoyed from the rear yard of 3 Beam Road. The dish is lower than the top of the fence and is not visible when viewed at right angles to the fence.

Until recently the dish was visible when viewed at an angle from the balcony, informal dining and driveway of 3 Beam Road, if the occupants of the adjoining property chose to look into the neighbours yard. With the screening that has been provided, the dish is no longer clearly visible from the above areas.

The issue of whether satellite dishes generally are unsightly is subjective. The important issue is whether the dish may be considered to have an adverse visual impact on an adjoining property. In this instance, the impact of the dish is minimal due to its location relevant to the submitter's property and the screening that has been provided to prevent visibility from Beam Road. It is noted that any additional development (eg. a shed) on the subject site is likely to have some form of visual impact on the adjoining property as this property is at a higher level, with the home orientated towards the rear garden of the subject site. There is also scope on the adjoining property to upgrade the landscaping so as to reduce any visual impact.

### Policies of other Councils

Some local authorities have adopted a policy regarding satellite dishes. For comparative purposes the content of the policies are provided below;

In Bayswater, the parameter is to minimise visual impact. Antennas are not allowed in front yard areas, and are restricted by policy to not more than 1.8m in height. There is a limitation of one dish per residential property. There is no policy requirement to advertise proposals for neighbours comment.

In Cockburn, the objective is similar, ie. to minimise visual impact and to locate dishes at ground level or below fences where practicable. In residential areas, dishes can be erected, without obtaining approval, if the dish is 1.8m in diameter, and not more than 2.5m in total height. The policy states that dishes over 3.7m in diameter shall not be permitted.

In Vincent, the policy states that, the objectives are similar to those mentioned above, and adds that the policy recognises that dishes are important and that they will facilitate communication the future. Building mounted dishes should not face the street, and dishes over 1.5m in diameter should be mounted at ground level, with a maximum height of 3m.

Each of the policies includes reference to the amenity considerations that the City of Joondalup takes into account through its District Planning Scheme. Notably, the policies do not require consultation with neighbours (a process which has been undertaken by Council in this instance). The policies are also challengeable on Appeal to a higher level.

On balance, the policies do not reveal new information which varies from that considered by the City in applying evaluation to satellite dish issues, save for the attempted policy prohibition of dishes above a certain height in particular areas (3m and 3.7m are quoted in two of the sampled authorities).

Based on the above, it is recommended that the satellite dish be supported in its current location.

## **RECOMMENDATION**

### **That Council:**

- 1 APPROVES the application dated 2 April 2001 submitted by Durugiah Dayanandan and Saraswathy Dayanandan, for retrospective approval of a satellite dish on Lot 1 (15) Cockpit Way, Ocean Reef.**
- 2 NOTIFIES the submitter of the above determination.**

*Appendix 14 refers*

*To access this attachment on electronic document, click here: [Attach14brf170701.pdf](#)*

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## **ITEM 20 PROPOSED CHANGE OF USE FROM SHOWROOM TO SHOP (INTERNET CAFÉ): UNIT 2 LOT 703 (7) WISE STREET, JOONDALUP - [10847]**

**WARD** - Lakeside

### **SUMMARY**

An application has been received for a change of use of Unit 2 Lot 703 (7) Wise Street, Joondalup from showroom (Comparison Shopping) to Shop (Internet Café).

The property is part of the Joondalup City Centre zone and is subject to the Joondalup City Centre Development Plan and Manual (JCCDPM), which allows for a range of land uses within this area.

The lot is located within the Western Business District and is earmarked to be used for “Comparison Shopping”, where the preferred uses include Showrooms.

It is recommended that Council exercises discretion under District Planning Scheme No 2 (DPS2) to vary provisions of the JCCDPM to allow the proposed use to proceed in this instance.

### **BACKGROUND**

Lot No	703
Street Address	7 Wise Street, Joondalup
Land Owner	Mr V and Mrs I Woermann
MRS Zoning	Central City Area
DPS Zoning	Joondalup City Centre
Lot Area	1899m <sup>2</sup>
Area of Unit 2	213m <sup>2</sup>

On 23 May 2000, Council resolved to modify the Joondalup City Centre Development Plan and Manual to remove restrictions discouraging CBD uses, such as shops, from the Comparison Shopping Area. The Plan and Manual is currently under review and this modification will form part of the review.

### **DETAILS**

The site is located within the Western Business District, bordered by the railway line and Joondalup Drive. Within this district there are three distinct types of land use, being Regional Shopping, Comparison Shopping and Highway/Drive-in. The subject unit/complex is situated within the “Comparison Shopping” area. Comparison shopping is intended to provide for homeware type establishments and was intended to differentiate between those uses and the CBD type uses. The subject unit is situated within an existing complex of four showrooms

which were approved on 28 September 1998. In October 2000 Council approved the change of use of Unit 1 of the subject development from a showroom to a service industrial use.

In October 1999 Council approved the change of use of the adjoining Lot 702 (3/1) Wise Street, within an adjoining development from a showroom to an office use. In May 2000 Council approved the change of use within the same development from a Showroom to a Retail Shop.

### Development Proposal

The proposal entails a change of approved use to Unit 2 (currently vacant) which has an area of 213m<sup>2</sup>. The Internet Café will comprise a service desk and, initially, 28 computers with potential for up to 60 computers. The applicant is unsure as to whether any food or drinks will be sold from the premises, however, this will have no planning implications and suitable health controls exist to assist if that proposal is included.

### Relevant Legislation

The JCCDPM is principally used to guide the future built form of development within the City Centre and was not intended to specifically limit land use. The subject lot comprises an existing development within the comparison shopping area where the preferred uses include Showroom Retail and Residential (Caretaker). The Comparison Shopping area contains substantial commercial buildings.

The Manual also states:

“The retail component of the Western Business District will focus on Comparison Shopping. The intention of this district is not to duplicate the proposed uses of the Central Business District and Business Park, but to sit comfortably between the two.”

The JCCDPM also defines the Central Business District as being an area focused on Grand Boulevard from Shenton Avenue to Joondalup Drive, that will ultimately be a concentrated commercial core with major retail development, cultural facilities and Civic Centre, Central Park and the business faces of TAFE and Edith Cowan University.

## **COMMENT**

### Issues

The objective of the JCCDPM is to guide development within a built form framework so as to guide the form of development and therefore the character of the public domain. A number of substantial comparison shopping uses have established in the precinct. The proposed café use is in accordance with Council’s previous resolution to broaden the permitted uses in the precinct, and will provide a complementary use to the established comparison shopping stores. It is noted that the carparking requirements of the JCCDPM are standard for all commercial land across the City Centre. No objection is raised to the proposed land use.

The land use restrictions within the Comparison Shopping area are no longer appropriate given that the area has experienced substantial development (ie Harvey Norman, S&L Furniture Store). Future retail activity should be controlled by the limited size of existing tenancies and the existing plot ratio of only 0.5:1, which places a 'ceiling' on future expansion of established developments within the Comparison Shopping Area.

The proposed café is considered to be a suitable use for the site, and approval is recommended.

## **RECOMMENDATION**

### **That Council:**

- 1 EXERCISES DISCRETION for a change of use from Showroom to Retail Shop for Unit 2 Lot 703 (7) Wise Street, Joondalup under clause 4.5.1 of the City of Joondalup District Planning Scheme No 2;**
- 2 APPROVES the change of use from Showroom to Retail Shop for Unit 2 Lot 703 (7) Wise Street, Joondalup subject to the area being limited to 213m<sup>2</sup>.**

*Appendix 15 refers*

*To access this attachment on electronic document, click here: [Attach15brf170701.pdf](#)*

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## **ITEM 21 SINGLE HOUSE (DOUBLE STOREY INCLUDING A TOWER EXCEEDING POLICY 3.1.9): LOT 134 (86) WEST COAST DRIVE, (CORNER HIGH STREET) SORRENTO - [74005]**

**WARD** - South Coastal

### **SUMMARY**

The City has received an application from Manor Home Builders Pty Ltd for a double storey single house. The proposed dwelling includes a turret, which is located in the front portion of the house. The turret rises to a total height of 11.2 metres and includes an attic room, with the uppermost level being an attic that is accessible via stairs from the proposed music room.

Council's discretion is sought in this instance as the proposal exceeds the Building Height Envelope.

The proposal was advertised by means of letters to adjoining property owners. Two submissions, one of which is an objection, were received. The main concern raised is that the proposed discretion in regard to the front setback and Building Height Envelope will affect the amenity of adjoining property due to the proposal's bulk and height and particularly due to overshadowing of the front yard.

At the request of one of the Councillors, the application has been "called in" to be determined by the Council.

It is recommended that the proposal be refused due to the extent to which the proposal, and in particular the turret, exceeds the Building Height Envelope.

### **BACKGROUND**

Lot No	134
Street Address	86 West Coast Drive, Sorrento
Applicant	Manor Home Builders
Owner	Remo Formato
Zoning MRS	Urban
Lot Area	840m <sup>2</sup>
Zoning	Residential
Permissibility	P

#### Site History

1958:	Construction of existing dwelling.
1961,1965 & 1989:	Addition of boat shed, garage and patio
14/3/2001:	Application for building licence received.
7/5/2001:	Application for planning approval received.
24/5/2001:	Close of advertising

## DETAILS

Council's policy 3.1.9 provides that buildings which potentially exceed the parameters of the height and scale envelope shall be advertised to allow an opportunity for neighbour's comment. The policy also requires that justification should be submitted to support the variation.

### Proposal and Discretion Sought

The proposal is for a new, four bedroom dwelling with living areas on the upper level. In order to construct the proposed dwelling, the existing dwelling will require to be demolished. As most of the natural ground level of the lot is below West Coast Drive and High Street, the applicant is proposing to fill the block in order to achieve the levels at the street corner.

A double garage (accessible from High Street) is also proposed. The roof of the double garage is flat so that it can be used as a north-facing sun deck. A balcony that starts at the turret and wraps around the western and northern elevation of the house links up with the sun deck.

The proposed dwelling has been placed as close to West Coast Drive as possible in order to maximise the potential for the future use of the rear garden area.

### Applicant Justification

The applicant has provided a case seeking the variation, and this is included as an attachment. A summary follows:

- 1. The proposed house is vastly superior to the existing house and will improve the streetscape. The proposal is therefore not in conflict with Policy objective of: enhancement of the amenity and streetscape character of the surrounding area. .*
- 2. The Policy is a general guide to control building bulk and should allow for variations to the norm.*
- 3. The Policy should not preclude particular housing styles or designs.*
- 4. The intrusions above the height limit are considered minor in nature only as it will be difficult to argue that the turret has the same impact on building bulk as a typical habitable room (ie. a living room, bedroom, etc).*
- 5. The plot ratio of the proposed house is 0.33 and the open space provided is 75% (which is well in excess of the minimum 50% required.).*
- 6. The location of the windows of the proposed house is such that they are not directly opposite windows of the neighbouring house. As such there is no interference with solar gain.*
- 7. The site is narrower (at approximately 15 metres) than a typical lot of this size which makes designing a two storey house more difficult.*
- 8. Site levels vary considerably in this stretch of the coast, which is common for properties in the West Coast Drive/High Street area, and filling is required to provide a reasonable building pad.*
- 9. The FFL of the house does not exceed the FFL of the dwelling on the adjoining lot to the south, and is approximately 0.4 metres lower than the FFL of the opposite property (in High Street).*

10. *The development is in keeping with the area where numerous houses over recent years have been built which exceed the Policy requirements.*
11. *The turret is designed not to affect the privacy of adjoining sites and as a special feature of the building.*
12. *The impact of proposed intrusions are considered to have an insignificant additional negative impact obstructing sea views from adjoining sites.*

### Advertising

The proposal was advertised by means of letters to four adjoining landowners, inviting comment. Two submissions, being one non-objection and one objection were received.

### Submission Comments and Issues

The submission of non-objection comes from the owner of the lot that is located along High Street and borders on the subject site along its eastern boundary.

The objection states:

- “1. *The building exceeds the maximum height as per Council’s Policy 3.1.9. The impact of the proposal, and specifically the tower, will affect the amenity of my property due to its bulk and height. Undoubtedly, the proposal will severely overshadow my front yard, thus reducing my enjoyment of this area.*
- 2 *As my house is set back further than is now required under R codes I am aware that some of my amenity may be affected by any new houses built on adjoining lots. However, the proposal in question exceeds the standard 6m setback. The reduction in setback to 3m is NOT an automatic approval and Council must still consider the impact that such a setback would have on the streetscape and adjoining landowners. I feel that in this situation a reduced setback, coupled with an over-height building with considerable bulk only detracts from the streetscape and negatively impacts on my residential amenity.*
- 3 *Whilst I have no objection to a two storey building, I do object to the location of the proposed tower. I would prefer it to be moved to the opposite corner of the property facing High Street. This would result in the shadow falling across the subject house rather than onto my outdoor area.*

### Relevant Legislation

Under District Planning Scheme No 2 (DPS2), a single house is a permitted (‘P’) use in a ‘Residential’ zone. Therefore, Council cannot refuse the land use, however, can consider amenity and streetscape issues in accordance with DSP2, Policy 3.1.9, and the R-Codes.

The proposal complies with all other requirements except Council’s Height & Scale of Buildings within a Residential Area - Policy 3.1.9.

## COMMENT

### Building Height Envelope

The proposal effectively comprises two components, namely

- The turret
- The main house, being the remaining portions of the dwelling except the turret.

The proposal exceeds the Building Height Envelope in regard to:

- The height of the main house dwelling, where in main the roof exceeds the 8.5 metre height line by between 400mm at the front and 750mm at the rear of the dwelling and the roof of the turret by 1.0 metre.
- The southern side of the lot, where the proposed turret exceeds the envelope which is on a diagonal at this point by between 4.2 metres and 1.0 metre.

The extent to which the turret exceeds the Building Height Envelope brings the development into conflict with the objective of Policy 3.1.9:

*“to enhance the amenity of the streetscape and character of the surrounding area.”*

The actual height of the proposal from floor level to the top of the roof is 8.5 metres. However, it exceeds the Building Height Envelope as a result of the proposed finished floor level of the dwelling. This has been based on the natural ground levels on the block near West Coast Drive. As the block is graded down towards the centre of the lot there are some points that are over a metre lower than the levels of the block at West Coast Drive. Since the Building Height Envelope follows the fall of the land, its shape would also reflect a hollow in the centre. With filling a portion of the block to achieve the proposed finished floor level, the proposal exceeds the height of the Building Height Envelope. However, the proposed finished floor level is not considered to be excessive, given that the finished floor level of the adjoining home is 270mm higher. Opportunities exist to bring the proposal within the height restrictions, such as reducing the pitch of the roof. However, the applicant has indicated that this would not be desirable, as it would detract from the design of the dwelling.

The turret itself has an overall height of 11.2 metres and a height of 11.7 metres when measured from the natural ground level of the block. This is in excess of the maximum height restriction of 8.5m. A significant portion of the brickwork of the third level of the turret, as well as the entire roof, exceeds the Building Height Envelope.

Council has exercised discretion in other instances where the extent to which the development exceeds the Building Height Envelope is minor and the development would meet the policy objectives in relation to amenity and streetscape. However the extent to which the turret exceeds the Building Height Envelope is not considered to be minor in this instance (being almost 3metres above the height policy threshold), and is considered to be unnecessary and excessive. As such, the proposal is not considered to be in keeping with other developments in the area and it is suggested that the proposal not be supported. This aspect of the proposal has also been the subject of written objection.

### Front Setback

The following comment is in response to the objection raised in regard to the front setback of the proposed development.

Clause 1.5.8 of the Residential Planning Codes provides that:

*“the minimum setback from primary street alignment may be reduced by up to 50% provided that the area contained by the boundary and the building projected onto that boundary is not less than would be the case were the setback set out in Table 1 complied with.”*

This clause allows for setback averaging.

A further proviso when applying front setback averaging is stipulated under clause 1.5.7(d) in the R-Codes as follows:

*“Council may allow a lesser setback, ...in so doing Council shall have regard to existing setbacks from the street alignment in the immediate locality, in the case of setback from, the principal street alignment.”*

This City allows for front setback averaging as a matter of standard practice. According to Table 1 of the R-Codes, the minimum setback in this instance is 6 metres, which means that a minimum of 3 metres and an average of 6 metres is required. Although there are still properties in West Coast Drive that have not taken advantage of this provision and have a much greater front setback, including the development immediately adjoining the subject site along its south, that potential is available and can be exercised by landowners when redeveloping.

The setback averaging proposed in this instance complies with the City’s standard practice and is therefore acceptable

### Overshadowing

The following comment is in response to the objection raised in regard to the potential of the turret to overshadow the front yard of the adjoining property.

Clause 1.7.2 of the Residential Planning Codes provides that:

*“No development shall cause more than 50% of an adjoining lot to be in shadow at noon on June 21, save with the approval of the Council.”*

As the adjoining property is located south of the application site there is likely to be some overshadowing, particularly from the turret. However the extent of this overshadowing is very limited and does not conflict exceed the amount allowable under the Residential Planning Codes (where the Codes allow up to 50% of an adjoining lot to be shaded, measured at noon on June 21).

As the impact of the potential overshadowing on the adjoining property is minimal and the extent of overshadowing is well within the provisions of the Residential Planning Codes, this matter not considered to be an issue

In summary, the proposed dwelling exceeds Council's Policy in regard to building height and scale, by a substantial amount. It is considered that the proposal does not meet the objectives of the Policy which aims to protect and enhance the amenity and streetscape character of the surrounding area. The proposal is therefore not supported.

## **RECOMMENDATION**

### **That Council:**

- 1 REFUSES the application submitted by Manor Homes, the applicant, on behalf of the owner on 7 May 2001, Remo Formato, for a single dwelling on Lot 134 (86) West Coast Drive, Sorrento for the following reasons:**
  - (a) the proposal substantially exceeds the City's Policy 3.1.9 – Height and Scale of Buildings within a Residential Area, and it is considered that this will have a negative impact on the streetscape and amenity of the surrounding area;**
- 2 NOTIFIES the applicant of the above determination.**

*Appendix 16 refers*

*To access this attachment on electronic document, click here: [Attach16brf170701.pdf](#)*

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**ITEM 22 DELEGATED AUTHORITY REPORT - [07032]****WARD - All**

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**SUMMARY**

This report provides a resumé of the Development Applications processed by Delegated Authority from 1 June 2001 to 30 June 2001.

**RECOMMENDATION**

**That Council NOTES the determinations made under Delegated Authority in relation to the applications described in this Report.**

*Appendix 17 refers*

To access this attachment on electronic document, click here: [Attach17brf170701.pdf](#)

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## **ITEM 23 SUBDIVISION REFERRALS PROCESSED - 1 – 30 JUNE 2001 - [05961]**

**WARD - All**

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### **SUMMARY**

Overleaf is a schedule of the Subdivision Referrals processed by the Subdivision Control Unit (SCU), from 1 – 30 June 2001. Applications processed via the SCU were dealt with in terms of the delegation of subdivision control powers by the Chief Executive Officer (DP247-10/97 and DP10-01/98).

### **DETAILS**

The total number of subdivisions processed will enable the potential creation of 1 additional residential lot and 4 strata residential lots. The average processing time taken was 14 days.

### **RECOMMENDATION**

**That Council NOTES the action taken by the Subdivision Control Unit in relation to the applications described in this Report.**

*Appendix 18 refers*

*To access this attachment on electronic document, click here: [Attach18brf170701.pdf](#)*

**MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN****MOTION TO LIE ON THE TABLE - NOTICE OF MOTION – CR C BAKER – [23184, 10860, 07963, 05080, 17849, 41676, 08473, 09088]**

At the Council meeting held on 10 July 2001, the following motion was moved:

**MOVED Cr Baker, SECONDED Cr Carlos that the dry tree branches, shrubbery and other vegetation positioned on the northern and southern perimeters of the new pathway connecting Mullaloo Beach North with Ocean Reef Road (adjacent to the intersection of Swanson Way, Ocean Reef) be removed because they constitute a dangerous fire hazard and serve no significant purpose whatsoever.**

The following procedural motion was then moved:

**MOVED Cr O'Brien, SECONDED Cr Nixon that the Notice of Motion as submitted by Cr C Baker LIE ON THE TABLE.**

**The Motion was Put and**

**CARRIED”**

**Standing Orders Local Law, Clause 5.4 – The Motion Lie on the Table**

Clause 5.4 states:

If a motion that the motion lie on the table is carried debate on that motion shall not be resumed until a motion has been passed to take the motion from the table.

On a motion for the laying of the motion on the table being carried, a record shall be taken of all those who have spoken on the motion under debate and they shall not be permitted to speak on any resumption of the debate on that motion, but this does not deprive the mover of the motion of the right of reply. *(Note: The Minutes of the Council meeting held on 10 July 2001 recorded that no member spoke on the Notice of Motion submitted by Cr Baker.)*

Any motion that was subject to a resolution that the motion lie on the table and not dealt with subsequently at the same meeting, shall be included in the agenda for the next ordinary meeting.

A member moving the taking of the motion from the table shall be entitled to speak first upon the resumption of the debate thereon.

Council then resolved to seek an independent fire risk assessment from Fire and Emergency Services in relation to the nature and extent of works associated with the recent pathway construction in Ocean Reef. It is anticipated that this report will be submitted to Council at its meeting to be held on 14 August 2001.

**DATE OF NEXT MEETING**

The next meeting of the Council has been scheduled for **7.00 pm** on **TUESDAY, 14 AUGUST 2001** to be held in the Council Chamber, Joondalup Civic Centre, Boas Avenue, Joondalup

**CLOSURE**

**BUSINESS OUTSTANDING FROM PREVIOUS MEETINGS****OFFICE OF THE CEO****COUNCIL SUPPORT SERVICES****NOTICE OF MOTION – CR ANDREW PATTERSON – ex Meeting 24.10.00**

“That the Notice of Motion submitted by Cr Patterson relating to the adjournment of any Council meeting or Briefing Session which runs past 10.00 pm, be referred to the Standing Orders Review Committee for consideration.”

**COUNCIL MEETINGS – ITEMS EN BLOC - ex CJ055-03/01**

“3 REQUESTS a further report following the two trial meetings scheduled for 10 and 24 April 2001 be presented to the Council meeting scheduled to be held on 8 May 2001.”

**THE ANNUAL GENERAL MEETING OF ELECTORS OF DECEMBER 2000 – ex CJ075-03/01**

(c) REFERS the issue of public question time be referred to the Standing Orders Committee for consideration.”

**NOTICE OF MOTION – CR M O'BRIEN – COMPLIANCE WITH LOCAL LAW S5: STANDING ORDERS (4.1.2 – MEMBERS TO RISE) – ex C50-06/01**

“that the matter pertaining to Compliance with Local Law S5: Standing Orders (4.1.2 – Members to Rise) be REFERRED to the Standing Orders Review Committee for further consideration.”

**Status: These matters will be considered at the next Standing Orders Review Committee.**

**TENDER FOR SUPPLY OF LEGAL SERVICES TO THE CITY OF JOONDALUP – TENDER NO 046-00/01 - ex CJ104-04/01**

- “1 REFERS the matter of accepting the tenders from Minter Ellison, Kott Gunning, McLeod and Co and Watts and Woodhouse for the supply of legal advice to the City of Joondalup to the Audit Committee for further consideration;
- 2 REQUESTS the Audit Committee to review the processes used by Council staff to obtain legal opinions and advice from legal firms.”

**Status: A report will be presented to the next meeting of the Audit Committee.**

**PAYMENT OF ALLOWANCE TO MAYOR AND COUNCILLORS – ex CJ130-05/01**

Consideration of all other expenses incurred by all elected members not covered above or in accordance with the Local Government Act 1995 be DEFERRED;

Consideration of the Mayor repaying to the Mayor repaying to the City of Joondalup within 30 days the following amounts which were paid by the Council during the 2000/2001 financial year;

\$262.00 Ferrari Suit Hire  
 \$869.16 Membership Qantas Club – two years  
 \$137.50 Membership 250 Club

be DEFERRED.

**Status: The matter to be further considered by the Council at a future meeting.**

**RESOURCE MANAGEMENT****NOTICE OF MOTION – CR C BAKER – NEW “BUY LOCAL” POLICY – EX C46-06/01**

- 1 Council REVIEWS its current “Buy Local” Policy (“the Review”) to ensure in so far as it is reasonably practicable, the application of the following criteria in the purchase of all of the goods and services required by our City of Joondalup:
  - (a) that local businesses located in the City of Joondalup are given preferential treatment, provided the price is competitive;
  - (b) thereafter, businesses located in the City of Wanneroo;
- 2 the Review be conducted in conjunction with the local Joondalup Business Association Inc and Business Enterprise Centre;
- 3 the outcomes of the Review be submitted in a redrafted policy, to be included in a report to Council (“the new Policy”);
- 4 Council decides whether to accept, reject or vary the new policy;
- 5 if accepted by Council, the new policy be then reviewed by the Australian Competition and Consumer Commission to ensure that it complies with National Competition Policy before it is implemented by Council;
- 6 where a product or service cannot be obtained in the City of Joondalup it be noted and referred to the Joondalup Business Association for follow up.

**Status: Review process has commenced with fortnightly meetings between the City of Joondalup and the Joondalup Business Association. A report will be submitted once this has been finalised.**

**STRATEGIC PLANNING**

PROPOSED STRUCTURE PLAN – LOT 17 MINDARIE/TAMALA PARK - ex CJ098-04/00

“SEEKS a further report recommending a suitable legal vehicle for dealing with joint ownership issues.”

**Status: It was anticipated that a report would be submitted following consideration by the Chief Executive Officers of the owner Local Governments in the latter part of 2000. Issues have been considered and it is expected that following a meeting of Chief Executive Officers in July 2001, a report will be submitted.**

HERITAGE AND MUSEUM SERVICES AND FACILITIES PLANNING STUDY – ex CJ307-09/99

“further explore the proposal for the regional museum with a report to Council in 2001”

**Status: It is proposed to submit a report in August/September 2001.**

NOTICE OF MOTION – CR M O'BRIEN – APPOINTMENT OF CHIEF EXECUTIVE OFFICER – ex C49-06/01

“that the Notice of Motion in respect to the Appointment of Chief Executive Officer REFERRED to the Committee to Select a New Chief Executive Officer for further consideration.”

**Status: This item will be submitted to the next meeting of the Committee to Select a New Chief Executive Officer.**

CORPORATE AND COMMUNITY GREENHOUSE GAS EMISSION REDUCTION GOALS MILESTONE 2, CITIES FOR CLIMATE PROTECTION PROGRAMME – ex CJ195-06/01

“6 SEEKS a report from Council staff on the proposed programme of public consultation.”

**Status: It is proposed to submit a report in August 2001.**

**PLANNING & DEVELOPMENT****URBAN DESIGN AND POLICY SERVICES**

APPLICATION FOR THE CANCELLATION OF A PORTION OF HAWICK PARK ON RESERVE 35519 (2) HAWKER AVENUE, WARWICK - ex CJ053-03/00

“consideration of application for the cancellation and subsequent purchase of a portion of Hawick Park on Reserve 35519 (2) Hawker Avenue, Warwick be deferred pending the implementation of a policy to deal with issues of this nature.”

**Status:** A discussion paper has been prepared which will be circulated for comment

**A report, originally anticipated for July, will be submitted to Council in September 2001.**

REQUESTED CLOSURE OF A PORTION OF A ROAD BETWEEN LOT 151 (88) CLIFF STREET AND LOT 113 (31) MARINE TERRACE, SORRENTO – ex CJ193-07/00

“REQUESTS that the Local Housing Strategy is completed and a report presented to Council by November 2000.”

**Status:** A draft report is expected this month, with a report to Council in July 2001.

**Anticipated Completion Date:** August 2001

MULLALOO CONCEPT PLAN (PRECINCT PLANNING) – ex CJ159-05/01

“that the draft Mullaloo Concept Plan be:

- 1 Redrafted by taking into account all the concerns raised in the submissions received from the public;
- 2 Resubmitted to the community, and local interest groups for further review and consultation;
- 3 Resubmitted to Council for review.

**Status:** Currently being investigated to establish timeframe.

SORRENTO CONCEPT PLAN (PRECINCT PLANNING) – ex CJ160-05/01

“REQUIRES a further report detailing relative priorities, indicative costings and phasing of the elements in the Sorrento Concept Plan;”

**Status:** Report will be presented to the Council following preliminary design work in August 2001.

**INFRASTRUCTURE MANAGEMENT****OPERATIONS**

NOTICE OF MOTION – CR C BAKER – REVIEW OF “VERGE” LOCAL LAWS – ex C45-06/01

- 1 “Council REVIEWS all existing local laws (and its powers to make new local laws) concerning Council’s powers to actively encourage the owners and/or occupiers of rateable land to adequately maintain the verge area between their front property boundary line and the immediately adjacent road surface (proper) in the manner of a reasonable person (“the Review”)
- 2 the Review be the subject of a report to Council.”

**Status: Review in progress.**

NOTICE OF MOTION – CR M O’BRIEN – MORATORIUM ON THE CLOSURE OF BADRICK STREET AND BEACH ROAD WARWICK: TREATMENT OF INTERSECTION OF BARNSBURY ROAD AND DORCHESTER AVENUE, WARWICK: - ex C51-06/01

“that the matter pertaining to the Moratorium on the Closure of Badrick Street and Beach Road, Warwick: Treatment of Intersection of Barnsbury Road and Dorchester Avenue, Warwick be DEFERRED pending the outcome of the request for a Special Electors Meeting.”

**Status: A Special Meeting of Electors has been scheduled to be held on Wednesday 11 July 2001 as requested.**

NOTICE OF MOTION – CR M O’BRIEN – MORATORIUM ON ALL TRAFFIC ISLAND, BOLLARD INSTALLATION AND MEDIAN STRIP TREE PLANTING – ex C52-06/01

- “1 reviews its practice with regard to inspecting and addressing potential dangers arising from deterioration of roads in light of the recent High Court’s decision in the Brodie’s Case;
- 2 be presented with a report on the review findings;
- 3 undertakes a safety audit for Cockman Road by a suitably qualified safety auditor including representation from Main Roads WA and a report be presented to Council on the audit findings.”

**Status: Investigation of this matter is in progress, and a report will be submitted in September/October 2001.**

**COMMUNITY DEVELOPMENT**

LOCAL GOVERNMENT AND PUBLIC PROPERTY LOCAL LAW – LAUNCHING PERSONAL WATER CRAFT, PINNAROO POINT ex CJ150-05/01

“that a further report be submitted to Council outlining the options, process and timeframe of increasing the fine for unauthorised vehicles on Pinnaroo Point from \$100 to \$1,000.”

Cr Kimber requested that this issue be resolved prior to the summer season.

**Status: It is anticipated a report, originally scheduled for July 2001, will be submitted to Council in August 2001.**

SENIORS MASTER PLAN – LEISURE AND SOCIAL ACTIVITY NEEDS – CJ204-06/01

“that consideration of the report in relation to Seniors Master Plan – Leisure and Social Activity Needs be DEFERRED to allow the report to be circulated to major seniors organisations within the City of Joondalup for comment, with a further report being submitted to Council within three (3) months.”

**Status: It is anticipated that a report will be submitted to Council in September 2001.**

**CITY OF JOONDALUP –**  
**REPORTS/PRESENTATIONS REQUESTED**  
**AT BRIEFING SESSIONS**

	<b>DATE OF REQUEST - REFERRED TO -</b>
<p>Skatepark facilities – ex (CJ062-03/01)</p> <p>Cr Hollywood requested that the Skatepark Committee report back to Council within six weeks to allow the Committee's recommendations to be considered as part of the 2001/02 budget process.</p> <p><b>Comment: The Skate Park Committee has held an initial meeting to commence further investigation of potential skate facilities in the City and will meet regularly to finalise proposals so that any recommendations can be considered as part of the 2001/02 budget process.</b></p> <p><b>The Skatepark Committee is continuing to consult with the community in Greenwood and Ocean Reef to identify suitable locations within the City for skate facilities. Design work has commenced for the proposed skate facility at MacNaughton Park, Kinross.</b></p> <p><b>It is anticipated that a report will be presented to Council in August 2001.</b></p>	<p>13 March 2001</p> <p>Director Community Development/ Skatepark Committee</p>

## OUTSTANDING PETITIONS

	<b>Date of presentation to Council - Referred to -</b>
<ul style="list-style-type: none"> <li>• Various petitions opposing mobile telecommunication facility (30 metre high slimline pole and equipment) – Percy Doyle Reserve, Warwick Road, Duncraig.</li> <li>• Petition opposing mobile telecommunication facility (30 metre high slimline pole and equipment) – Percy Doyle Reserve, Warwick Road, Duncraig.</li> <li>• Petition opposing mobile telecommunication facility (30 metre high slimline pole and equipment) – Percy Doyle Reserve, Warwick Road, Duncraig.</li> </ul> <p><b>Comment: The application has been deferred at the request of the applicant. A further report on Mobile Telecommunication Facilities within the City was proposed to be submitted to Council on 27 March 2001.</b></p> <p><b>The application was lodged by One-Tel. In view of the current circumstances it is assumed that it would not be proceeded with, however, this is still to be confirmed.</b></p> <p><b>The further report on mobile telecommunication facilities within the City is now anticipated to be submitted in September 2001.</b></p>	<p>12 September 2000</p> <p>26 September 2000</p> <p>24 October 2000</p> <p>Director Planning and Development</p>
<p>Petition requesting removal and relocation of BMX track at Menteith Park, Kinross.</p> <p><b>Comment: Removal of the BMX track hinges on the final location of the skatepark. This issue is being addressed in the skatepark report.</b></p> <p><b>Council has established a skatepark committee to further consider the proposed development of skateparks in the City. The Committee is currently engaged in design work for the skate facility at MacNaughton Park, Kinross. It is expected a further report will be submitted to Council in July 2001.</b></p>	<p>10 October 2000</p> <p>Director Community Development (Referred to Leisure Services due to skatepark request linkage.) Director Infrastructure Management/ Skatepark Committee</p>
<p>Petition opposing development of beer garden, Carine Glades Tavern.</p> <p><b>Comment: A report will be submitted when an application has been received.</b></p>	<p>14 November 2000</p> <p>Director, Planning and Development</p>

<p>Petition requesting the closure of the public accessway between Barracuda Court and Lancett Court, Sorrento.</p> <p><b>Comment: The petition has been acknowledged and it is anticipated a report will be submitted August/September 2001.</b></p>	<p>28 November 2000</p> <p>Director, Planning and Development</p>
<p>Petition objecting to proposed skateboard park to be located behind Burns Beach Caravan Park.</p> <p><b>Comment: Council has established a skatepark committee to further consider the proposed development of skateparks in the City. It is expected a further report will be submitted to Council in July 2001.</b></p>	<p>13 March 2001</p> <p>Director, Community Development/ Skatepark Committee</p>
<p>Petition requesting the closure of the pedestrian accessway between Juno Court and Livina Court, Kallaroo</p> <p><b>Comment: The adjoining landowners were included in the signatories to the petition. The City is now writing to them to advise of the process of making a request to close a PAW. If and when an application for closure is received, a report will be prepared at that time.</b></p>	<p>24 April 2001</p> <p>Director Planning and Development</p>
<p>Petitions in relation to Sorrento Foreshore Concept Plan</p> <p><b>Comment: Report will be presented to the Council following preliminary design work.</b></p>	<p>22 May 2001</p> <p>Director Planning and Development</p>
<p>Petition requesting the planting of trees along walkway between Christchurch Terrace and Gifford Mews, Currambine and additional signage.</p> <p><b>Comment: Residents requests actioned. Letter sent to petitioners. No further action required.</b></p>	<p>12 June 2001</p> <p>Director Infrastructure Management</p>
<p>Petition requesting the upgrade of Larkspur Park, cnr Poseidon Road and Caridean Street, Heathridge.</p> <p><b>Comment: Listed in Capital Works 2001/02 Program. Letter sent to petitioners. No further action required.</b></p>	<p>12 June 2001</p> <p>Director Infrastructure Management</p>
<p>Petition requesting construction of a footpath, Fernlea Street, Warwick.</p> <p><b>Comment: Listed in Capital Works 2001/02 Program. Residents advised. No further action required.</b></p>	<p>12 June 2001</p> <p>Director Infrastructure Management</p>

<p>Petition requesting construction of a bus shelter and bus bay on the inward route on Cockman Road between Mulligan Drive and Cobine Way, Greenwood.</p> <p><b>Comment: Will be considered in conjunction with a safety audit of Cockman Road. A report will be submitted to Council in due course.</b></p>	<p>12 June 2001 Director Infrastructure Management</p>
<p>Petition requesting the limiting of hours of operation or relocation of dance studio – Batavia Place, Kallaroo.</p> <p><b>Comment: The hours of operation are being monitored at present and a report will be submitted at a later stage.</b></p>	<p>12 June 2001 Director Planning and Development.</p>
<p>Petition from Warwick residents opposing the abandonment of the permanent closure of Badrick Street, Warwick.</p> <p><b>Comment: A Special Meeting of Electors was held on Wednesday, 11 July 2001 in relation to this issue.</b></p>	<p>26 June 2001 Director Infrastructure Management</p>
<p>Petition from residents of Kirra Court, Hillarys requesting the removal of rubbish from the area of Council land (side of 6 Waratah Mews) and entrance of Kirra Court.</p> <p><b>Comment: This issue has been handled administratively with the residents.</b></p>	<p>26 June 2001 Director Infrastructure Management</p>