



MINUTES OF COUNCIL MEETING
HELD ON 11 SEPTEMBER 2001

INDEX

No:	Item	Page
	OPEN AND WELCOME	1
	ATTENDANCES	1
C90-09/01	APOLOGIES AND LEAVE OF ABSENCE	
	LEAVE OF ABSENCE – CR D CARLOS	2
	PUBLIC QUESTION TIME	2
	DECLARATIONS OF FINANCIAL/NON FINANCIAL INTEREST	7
C91-09/01	CONFIRMATION OF MINUTES	
	MINUTES OF COUNCIL MEETING, 28 AUGUST 2001	8
	ANNOUNCEMENTS BY THE MAYOR WITHOUT DISCUSSION	
	NEW CHIEF EXECUTIVE OFFICER	8
	JINAN MAYORAL VISIT	8
	GREENHOUSE ABATEMENT	9
	LIFELINE SLEEPOUT	9
C92-09/01	PETITIONS	
	PETITION IN RELATION TO PARKING ISSUES, HODGE COURT, MARMION – [39591].....	9
	POLICY	
CJ298 - 09/01	COMMUNITY FUNDING PROGRAM – AMENDMENTS TO COMMUNITY FUNDING POLICY – [39290].....	10
	FINANCE AND COMMUNITY DEVELOPMENT	
CJ299 - 09/01	PROCLAIM USER CONFERENCE 14-16 OCTOBER 2001 – [13172] ...	12
CJ300 - 09/01	GARTNER CONFERENCE 30 OCTOBER – 2 NOVEMBER 2001 – [45670]	15
CJ301 - 09/01	ON-LINE SERVICES CONFERENCE PRESENTATIONS - [03012].....	18
CJ302 - 09/01	JOONDALUP REGIONAL MUSEUM - [12979]	21
CJ303 - 09/01	MINUTES OF THE ENVIRONMENTAL ADVISORY COMMITTEE MEETING – 16 AUGUST 2001 – [00906]	24

CJ304 - 09/01	MINUTES OF THE MEETING OF THE STRATEGIC ADVISORY COMMITTEE - YOUTH AFFAIRS – AUGUST 2001 – [05396].....	27
CJ305 - 09/01	ART COLLECTION WORKING PARTY – [14158].....	29
CJ306 - 09/01	DRY PARKS, MEDIAN AND VERGE COMMITTEE – 20 JULY 2001 AND 15 AUGUST 2001 – [42938]	31
CJ307 - 09/01	OFFER OF PURCHASE FROM FOODLAND AUSTRALIA LIMITED FOR LOT 3 (5) TRAPPERS DRIVE, WOODVALE – [55070]	32
CJ308 - 09/01	NEW ACCOUNTING STANDARD - REVALUATION OF NON-CURRENT ASSET- AAS 38/AASB 1041 - [12283].....	40

INFRASTRUCTURE MANAGEMENT

CJ309 - 09/01	TENDER NO 005-01/02 - SUPPLY AND INSTALLATION OF PRELIMINARY WORKS FOR ROAD RESURFACING AND TRAFFIC MANAGEMENT PROGRAMS - [38757] [40004]	43
CJ310 - 09/01	CONTRACT EXTENSIONS - 050E-99/00 SUPPLY OF CONTRACT LABOUR 020-99/00 SUPPLY AND DELIVERY OF CRUSHED LIMESTONE - [48340, 35760]	47
CJ311 - 09/01	PARKING RESTRICTION PROPOSAL - PETERBOROUGH DRIVE, CURRAMBINE - [22936]	50
CJ312 - 09/01	WARWICK OPEN SPACE - PUBLIC TOILET FACILITY - [54028]	52
CJ313 - 09/01	PETITION - REMOVAL OF PINE TREES - [12093, 37402].....	53\80

PLANNING AND DEVELOPMENT

CJ314 - 09/01	CONSIDERATION OF FINAL APPROVAL - PROPOSED MODIFICATION - HILLARYS STRUCTURE PLAN - MIXED USE SITES - [16047]	56
CJ315 - 09/01	MULLALOO PRECINCT PLAN REVISIONS - [48840, 46597]	65
CJ316 - 09/01	SINGLE HOUSE (4 STOREY) EXCEEDING POLICY 3.1.9 - HEIGHT AND SCALE OF BUILDINGS WITHIN A RESIDENTIAL AREA AND REQUIRING FRONT AND SIDE SETBACK VARIATIONS: LOT 272 (6) CLONTARF STREET, SORRENTO - [48170].....	70
CJ317 - 09/01	BREACH OF DISTRICT PLANNING SCHEME NO 2 – UNKEMPT LAND - OPEN STORAGE OF BUILDING MATERIALS AND OTHER MATERIALS: SWAN LOCATION 11416 (19) SECOND AVENUE, BURNS - [04882].....	76

REPORT OF THE ACTING CHIEF EXECUTIVE OFFICER

78

MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

C93-09/01	NOTICE OF MOTION NO 1 – CR M O’BRIEN – GREENWOOD OVERHEIGHT CONIFERS	79
CJ313 - 09/01	PETITION - REMOVAL OF PINE TREES - [12093, 37402].....	80\53
C94-09/01	NOTICE OF MOTION NO 2 – CR M O’BRIEN – DEPUTATION TO THE STATE MINISTER FOR TRANSPORT.....	83
C95-09/01	NOTICE OF MOTION NO 3 – CR M O’BRIEN – BEVERAGE CONTAINER DEPOSIT LEGISLATION	84
C96-09/01	NOTICE OF MOTION NO 4 – CR M O’BRIEN – REGIONAL SKATEBOARD FACILITY	85

DATE OF NEXT MEETING

86

CLOSURE

86

CITY OF JOONDALUP

MINUTES OF COUNCIL MEETING HELD IN COUNCIL CHAMBER,
JOONDALUP CIVIC CENTRE, BOAS AVENUE, JOONDALUP , ON TUESDAY,
11 SEPTEMBER 2001

OPEN AND WELCOME

The Mayor declared the meeting open at 1900 hrs.

ATTENDANCES

Mayor

J BOMBAK, JP

Elected Members:

Cr P KADAK	Lakeside Ward	<i>Absent from 1936 hrs to 1945 hrs and from 2032 hrs to 2035 hrs</i>
Cr P KIMBER	Lakeside Ward	
Cr C BAKER	Marina Ward	<i>Absent from 2107 hrs to 2110 hrs</i>
Cr J F HOLLYWOOD, JP	North Coastal Ward	
Cr A WALKER	Pinnaroo Ward	
Cr P ROWLANDS	Pinnaroo Ward	<i>from 1936 hrs to 2100 hrs</i>
Cr T BARNETT	South Ward	
Cr M O'BRIEN	South Ward	<i>Absent from 1928 hrs to 1929 hrs</i>
Cr A L PATTERSON	South Coastal Ward	
Cr G KENWORTHY	South Coastal Ward	<i>from 1903 hrs; Absent from 2059 hrs to 2102 hrs</i>
Cr C MACKINTOSH	Whitfords Ward	

Officers:

Acting Chief Executive Officer:	J TURKINGTON	
Acting Director, Resource Management:	A SCOTT	
Director, Planning & Development:	C HIGHAM	
Director, Infrastructure Management:	D DJULBIC	<i>Absent from 1925 hrs to 1929 hrs and from 2119 hrs to 2124 hrs</i>
Executive Manager, Strategic Planning:	R FISCHER	
Manager, Executive Services:	K ROBINSON	
Manager, Council Support Services:	M SMITH	
Manager, Operations Services:	D CLUNING	
Manager, Leisure & Ranger Services:	M STANTON	
Publicity Officer:	L BRENNAN	
Committee Clerk:	J AUSTIN	
Minute Clerk:	L TAYLOR	

APOLOGIES AND LEAVE OF ABSENCE

Leave of absence previously approved:

Cr J Hurst - 5 – 18 September 2001

Apology - Cr Nixon

Late Apology - Cr Rowlands

There were 11 members of the Public and 1 member of the Press in attendance.

C90-09/01 LEAVE OF ABSENCE – CR D CARLOS

Cr Carlos has requested Leave of Absence from Council duties for the period 10 September to 21 September 2001 inclusive.

MOVED Cr Mackintosh, SECONDED Cr Barnett that Council APPROVES the Leave of Absence requested by Cr D Carlos for the period 10 September to 21 September 2001 inclusive.

The Motion was Put and

CARRIED

Cr Kenworthy entered the Chamber, the time being 1903 hrs.

PUBLIC QUESTION TIME

The following question, submitted by Mr A Bryant, Craigie was taken on notice at the Council Meeting held on 28 August 2001:

Q1 Warrant of Payments: Cheque 33255, dated 18 July 2001, for an amount of \$409.90 to Macbeth Genealogical Services Pty Ltd: Whose family tree is being researched?

A1 This related to purchase of the following items for the City of Joondalup Library, Local Studies Collection:

- Tasmanian Pioneer Index – 1803 – 1899 on CD Rom
- Hatches matches and despatches on CD Rom
- Cornish Roots

The following questions were submitted by Mr S Magyar, Heathridge:

Q1 How many community purpose sites, vested in the City of Joondalup, are there in the City of Joondalup?

A1 There are only two sites "vested" in the City for community purposes. In addition to those, there are a further six sites "vested" in the City for a range of more specific community purposes, such as daycare centre and pre-school centre. There are also numerous sites throughout the City held in freehold, including the Section 20A reserves, which in many cases accommodate a number of community purpose

buildings. It would require considerable additional research to be undertaken to ascertain the precise number of these sites, their purpose and whether buildings have been developed upon them.

Q2 How many of these community purpose sites have been developed with buildings on them providing facilities to the local community?

A2 Of the eight sites referred to in Q1 above, six have been developed with buildings on them providing facilities to the local community. Again, much further research would be required to ascertain more detailed information on the freehold sites.

Q3 Are there any undeveloped community purpose sites, vested in the City of Joondalup, within a one kilometre radius of the Hepburn Heights community purpose Reserve No. 43717?

A3 There are no undeveloped community purpose sites vested in the City within a 1km radius of Reserve No. 43717.

Q4 I refer to Item CJ315, Mullaloo Precinct Plan Revisions.

(a) Was this report presented to the Councillors at the Briefing Session on Tuesday 4 September 2001?

A4(a) Yes.

Q4(b) If a copy of this report was provided to the Councillors on the 4 September 2001, what were the reasons for not making the report publicly available in the agenda for the Briefing Session?

A4(b) The original intention was for this report to progress from a green paper to the next briefing session on 18 September as a yellow paper, and then on to the following Council meeting. At the briefing session on 4 September, a request was made that this matter be progressed straight to tonight's Council meeting.

Q4(c) Considering section 18 of the Interpretations Act, Local Government Act Section 1.3(2) and Local Government Administrative Regulation 14 (1), would it be considered due process to deal with this item tonight?

A4(c) It is unclear as to the relevance of Section 18 of the Interpretations Act in this instance. It is believed that the Council has fully complied with Administrative Regulation 14(1), in that the report presented to tonight's meeting was publicly available as of Thursday morning, 6 September 2001. With respect to Section 1.3(2) of the Local Government Act, it is believed that the extensive community consultation undertaken prior to the matter being presented to the Council on 22 May 2001, the subsequent consultation with the Mullaloo Progress Association, and the additional proposed consultation once the plans have been further developed, would more than comply with the intent of this section of the Act.

Q5 I refer to Item CJ303, Minutes of the Environmental Advisory Committee.

- (a) *The Environmental Advisory Committee recommended to Council that the Conservation Advisory Committee report directly to Council the same as any other committee of Council. Can any explanation be given as to why the Environmental Advisory Committee's advice regarding the reporting processes should not be endorsed by Council at this meeting?*

A5(a) Contrary to the statement in the above question, report CJ303-09/01 does not make a recommendation to Council regarding the reporting arrangements of the Conservation Advisory Committee. The report notes that this matter will be considered at the next Environmental Advisory Committee (20 September 2001), when the minutes of the Conservation Advisory Committee meeting of 6 August 2001 are tabled.

Q5(b) Have the Minutes of the Conservation Advisory Committee Meeting of the 6 August 2001 been completed as required under Regulation 13 of the Local Government Administration Regulations 1996?

A5(b) Minutes are completed as per Regulation 13 and are available upon request within 5 business days after the scheduled meeting.

Q5(c) If the Minutes of the Conservation Advisory Committee Meeting of the 6 August 2001 have been completed can the section dealing with the reporting process be provided to the Councillors to re-assure the Councillors that the Environmental Advisory Committee has indeed made a well informed decision?

A5(c) Yes, the meeting minutes are available for Councillors' inspection, and this item will be reviewed at the Conservation Advisory Committee Meeting scheduled for 13 September 2001 and will be subject to a report to Council during the October round of meetings.

Ms H Kraus, Vice President of the Mullaloo Progress Association:

The Acting Chief Executive Officer advised that the following questions had been received late this afternoon from Ms H Kraus of the Mullaloo Progress Association:

Q1 Why has the new carpark in Tom Simpson Park still not been noted in the recommendation as a significant public concern and why has it still not been deleted from the plan?

Q2 What further items have been deleted from or amended in the Mullaloo Beach Concept plan as a result of the additional consultation period?

Q3 Can the recommendation be amended as follows:

- 1 insert a new recommendation 5 to read as follows: "Notes the significant public concern expressed regarding the proposed new carparking area in Tom Simpson Park which will alter the existing shape and recreational functionality of the park".*

- 2 *renumber existing recommendation 5 to 6 and reword as follows: “Notes that the Mullaloo Concept Plan modified by the deletion of the elements noted in 3, 4 and 5 above be used as the basis for further design, costing and evaluation and for further discussion purposes regarding the ongoing development of the area and continuing consultation with the local community and the representative groups, ie Mullaloo Progress Association, Joondalup Community Coast Care Forum, Mullaloo Surf Club.”*
- 3 *renumber recommendation 6 to 7 and reword as follows: “requires a further report detailing relative priorities as determined from the submissions made by the local community and the representative groups, ie Mullaloo Progress Association, Joondalup Community Coast Care Forum, Mullaloo Surf Club”*

or, Proposal 2:

“amend the proposed recommendation 6 as follows: “requires a further report detailing relative priorities indicating costings and phasing of the elements in the Mullaloo Concept Plan, but only after the major issues of concern have been resolved to the satisfaction of the local community and to the representative groups, ie Mullaloo Progress Association, Joondalup Community Coast Care Forum, Mullaloo Surf Club.”

These questions were taken on notice.

Mr V Cusack, Kingsley:

The Acting Chief Executive Officer advised that the following questions had been received late this afternoon from Mr V Cusack.

- Q1(a) In light of the low rainfalls to date, what additional measures is Council putting in place to conserve our precious water resource?*
- Q1(b) What long term measures does Council intend to put in place to limit demands on water resources into the future?*
- Q2 Regarding Item CJ312-09/01, what measures were taken to address any antisocial problems before locking up the toilets or now recommending to demolish the public toilet facilities?*
- (a) Was for example any ‘repulsive’ lighting installed?*
- (b) Was any proactive solutions canvassed?*
- (c) Is there any plans to upgrade the adjacent flat open space grassed area to encourage greater public use?*
- Q3 What were the specific times and dates that the security patrols visited the Lloyd Drive Warwick Open Space amenities between 10 August and 10 September 2001?*

These questions will be taken on notice.

Mr A Bryant, Craigie:

Q1 City of Wanneroo vehicles collect recycling items each fortnight from my property in Stocker Court, Craigie. How are the proceeds of the sale of the recycling items apportioned between the Cities of Joondalup and Wanneroo?

A1 The current contract is such that the City of Joondalup pays the City of Wanneroo for the service and the proceeds go to the City of Wanneroo.

Q2 Is this a long standing agreement?

A2 The current contract for the recycling services finishes at the end of the year and a new agreement will be entered into. There will also be a new agreement for the Materials Recycling Facility from a split to a co-mingled service, as the City is entering into a tripartite agreement with the Cities of Wanneroo and Swan, to share profits.

Mr V Cusack, Kingsley:

At the request of Mr Cusack, the Acting Chief Executive Officer read aloud questions 2 and 3, relating to Item CJ312-09/01, which had been taken on notice earlier in the meeting.

Mrs M McDonald, Mullaloo:

Q1 At the Council meeting held on 28 August 2001, Cr Hollywood was advised that the decision to transfer funds from the completion of the coastal dual use path through Mullaloo to a footpath between Waterford Drive and Whitfords Avenue, Hillarys had been made at a budget workshop. During this budget process was there any cost benefit analysis produced? For example, was there any detail given about the numbers of people using both paths? If so, is this information available?

A1 No.

Q2 Was any consideration given to, or monies allocated to adequate signage and markers at the breaks in the dual use path to guide users through the carpark at Mullaloo and to the connecting path? At present people are cycling across the uneven grassed areas and dodging cars in the carpark.

A2 No.

Ms Helen Kraus, Vice President of the Mullaloo Progress Association:

At the request of Ms Kraus, the Acting Chief Executive Officer read aloud the questions which had been taken on notice earlier in the meeting.

Mr S Magyar, Heathridge:

Q1 In relation to the response provided to my earlier questions, what are the two sites vested in the City for community purposes?

- A1 Nottinghill Street, Joondalup, Reserve 46809 and Blackwattle Parade, Padbury, Reserve 43717.
- Q2 *What is the status of the proposed site of the Currambine Community Centre at the Currambine Shopping Centre, has this been vested to the City?*
- A2 That site does not exist yet in Council's ownership. There is a process currently being undertaken to subdivide the land and transfer it to the Council.
- Q3 *There was a subdivision or planning approval for another shopping centre in Currambine with a small community purpose site. Has this community purpose site been created yet?*
- A3 Within the response to the questions raised earlier by Mr Magyar, there is reference to other sites which are held as freehold sites. There are only two community purpose sites vested with the City, but there are others sites which are in freehold ownership or which have been transferred to the City by Section 20A.
- Q4 *In relation to my earlier question number 3, I have been informed there is a community purpose site at the back of the Glengarry Primary School site.*
- A4 This site is a freehold site which was transferred for civic purposes to the City and is more than 1 km from the reserve to which Mr Magyar referred. It is understood it was acquired in 1981 and is zoned for Parks and Recreation.

Mr M Sideris, Mullaloo:

- Q1 *As the tender process for provision of security services has been completed, will the documents now be available for public download from the City's web site, as the document now has no commercial value?*
- Q2 *Budget project 4113 – Surf club extension and renovation proposal of \$360,000 of which \$120,000 is ratepayer funded: Will the proposed extension and refurbishment proposals be available to the Mullaloo Progress Association and the general public as this will commence in approximately a month? Can a copy be provided to the Mullaloo Progress Association?*

A1 & 2 These questions will be taken on notice.

DECLARATIONS OF FINANCIAL/NON FINANCIAL INTEREST

Cr Carlos declared a financial interest in Item CJ307-09/01 – Offer of Purchase from Foodland Australia Limited for Lot 3 (5) Trappers Drive, Woodvale as he owns shares in Foodland Australia Limited (FAL).

CONFIRMATION OF MINUTES**C91-09/01 MINUTES OF COUNCIL MEETING – 28 AUGUST 2001**

MOVED Cr Baker, SECONDED Cr Kimber that the Minutes of the Council Meeting held on 28 August 2001, be confirmed as a true and correct record.

The Motion was Put and

CARRIED

ANNOUNCEMENTS BY THE MAYOR WITHOUT DISCUSSION**NEW CHIEF EXECUTIVE OFFICER**

I am pleased to announce the appointment of a new Chief Executive Officer for the City of Joondalup.

After an Australia-wide search, the City has appointed Mr Denis Smith, currently CEO of Warringah Council near Manly, New South Wales.

Mr Smith has been appointed on a five-year contract.

Denis Smith is an ex-rugby league player, who used to play for St George, and fits in with the vision for the new era and challenges that lie ahead for the City of Joondalup.

I am confident Mr Smith is the best person to get our many major projects off the ground.

Mr Smith's background is as a planner, involved in some of the biggest projects in New South Wales in the 1980's; for example Darling Harbour and freeways from Sydney to Melbourne and Sydney to Brisbane.

He has spent 20 years in local government and eight years in private enterprise.

I am very impressed with his credentials and know he will do well in his new position, which we are looking forward to enormously.

Mr Smith will take up his duties on 22 October 2001.

JINAN MAYORAL VISIT

On 20 September 2001, I will be flying out on my official Mayoral visit to China.

The visit is in support of Edith Cowan University and to explore the opportunities for the City of Joondalup to foster with Jinan.

My Chinese trip will begin with a 7-day stay in the City of Jinan, with its universities, industries, textile plants, research institutions and more, which has officially invited me to its Golden Autumn Fair.

The invitation follows a delegation from Jinan to the City of Joondalup last year.

Accompanied by a representative of Edith Cowan University's Joondalup Campus, which already has an MBA course running in Jinan, I will be exploring opportunities for business and exchange with China.

I have been advised that in Chinese culture, the highest mark of respect that can be shown is to be accompanied by your spouse on such a business trip. Accordingly, I have decided to pay for my wife, Kerry to accompany me.

China advisor, David Xu of Edith Cowan University says that to be accompanied by one's spouse shows a sign on respect to the hosts and a sign from the visitor that one is serious in intent and has the backing of his family.

After our official duties in Jinan, Kerry and I will spend an additional three days in Beijing at our own expense before flying back home.

GREENHOUSE ABATEMENT

The National General Assembly of Local Government has invited the City to submit Notice of Motions on Greenhouse Abatement at its Congress in November.

I invite all Councillors to submit any such motions they may consider appropriate.

LIFELINE SLEEPOUT

Last Friday, 7 September 2001, I participated in a sleepout at the Arena to support Lifeline in its work to help the needy.

The event was very successful, raising \$2,000.

I thank my sponsors which encompassed the 250 Business Club, Joondalup Resort, Whitford City, Lakeside Joondalup, Joondalup Police Station, Crs Hollywood, Mackintosh and Kimber, Hancock family, Brent Wilson of Car Craft, Prime Realty, Focus Settlements, David Curry and Assoc, First Western Realty.

I thoroughly enjoyed the overnight stay and a sincere thanks to all those involved!

Director, Infrastructure Management left the Chamber, the time being 1925 hrs.

PETITIONS

C92-09/01 PETITIONS SUBMITTED TO THE COUNCIL MEETING – 11 SEPTEMBER 2001

PETITION IN RELATION TO PARKING ISSUES, HODGE COURT, MARMION – [39591]

A 10-signature petition has been received from residents of Hodge Court, Marmion regarding persistent parking problems in Hodge Court, Marmion in relation to parents dropping off/picking up children attending Marmion Primary School.

The petitioners advise parents constantly block driveways, park on verges and generally illegally park, which is causing chaos for both residents and parents endeavouring to use the street in a safe manner.

This petition will be referred to Community Development (Leisure and Ranger Services) for action.

MOVED Cr Kimber, SECONDED Cr Mackintosh that the petition regarding persistent parking problems in Hodge Court, Marmion in relation to parents dropping off/picking up children attending Marmion Primary School be received and referred to the appropriate Business Unit for action.

The Motion was Put and

CARRIED

Cr O'Brien left the Chamber, the time being 1928 hrs.

POLICY

CJ298 - 09/01 COMMUNITY FUNDING PROGRAM – AMENDMENTS TO COMMUNITY FUNDING POLICY – [39290]

WARD - All

CJ010904_BRF.DOC:ITEM 1

SUMMARY

The City's Community Funding Program came into operation on 1 July 1999. The Program has been developed to provide financial assistance to not-for-profit organisations that operate within the City in support of a range of community development initiatives consistent with the City's strategic objectives.

The Community Funding Program consists of a policy and funding guidelines for each funding category of the policy.

The Program has been successfully implemented for two financial years. As part of the annual review of the Community Funding Program, this report recommends some changes and enhancements, in particular to the funding category of Environmental Improvement, to clarify the policy's scope and definition of organisation in relation to schools and tax reforms with the use of the Australian Business Number (ABN).

BACKGROUND

At the Council meeting of 22 December 1998, the City's Community Funding Policy was adopted to take effect from 1 July 1999 and a further report was sought to detail the funding guidelines for each funding category of the Policy (Report CJ286-1298 refers).

At the Council meeting of 14 September 1999, the Community Funding Program Guidelines were adopted (Report CJ304-09/99 refers) together with various amendments to the Community Funding Policy (Report CJ303-09/99 refers).

Together, the Policy and Guidelines form the City's Community Funding Program, a program which has been developed to enable the City to provide financial assistance to not-for-profit organisations in support of a range of community development initiatives consistent with the City's strategic objectives.

At the Council meeting of 11 April 2000, the outcomes of the first year of administering the Community Funding Program were reported to Council (Report CJ077-04/00 refers). It was noted that a further report would be provided to Council proposing certain enhancements to the Community Funding Program.

The Community Funding Program was further developed following a report to Council in September 2000 (Report CJ247-09/00 refers) and a revised Community Funding Policy was adopted.

DETAILS

An annual review of the Community Funding Program was conducted in May 2001 by the administering officers of each fund category under the program, coordinated by a project officer.

The proposed amendments to the Community Funding Policy are shown in the amended policy statement included as Attachment 1. The amendments are shown with the wording, where a change is proposed, struck through and any additional wording double underlined. The amendments and their rationale are as follows:

Addition of schools into the scope and definition of organisation

Schools are currently funded under the Community Funding Program for eligible projects, activities or events but are not actually included in the scope or clarified in the definition of an organisation. The proposed addition of schools into the scope and organisation definition will remove any discrepancy.

Addition of Australian Business Number

The tax reforms have introduced the use of an Australian Business Number (ABN) and this can replace the Australian Companies Number (ACN).

Change of name and objective for the Environment Development Fund

The focus of environmental improvement has shifted over the last twelve months to combine environmental and sustainable development, which is the proposed name change to this particular fund category. In line with the proposed name change to the fund, it is also proposed that the objective be revised to include sustainable development objectives.

COMMENT/FUNDING

The amendments to the existing Community Funding Policy that are included in this report are proposed with a view to enhance the current Policy. The main purpose of these amendments is to improve the Environment Development Fund category and remove the ambiguity in relation to the definition of organisation.

MOVED Cr Kimber, SECONDED Cr Baker that Council DELETES existing Policy 4.1.1 – Community Funding – and replaces it with the revised Community Funding Policy 4.1.1 forming Attachment 1 to Report CJ298-09/01.

The Motion was Put and

CARRIED

Appendix 1 refers

To access this attachment on electronic document, click here: [Attach1brf110901.pdf](#)

FINANCE AND COMMUNITY DEVELOPMENT
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**CJ299 - 09/01 PROCLAIM USER CONFERENCE 14-16 OCTOBER
2001 – [13172]**

WARD - All

CJ010904_BRF.DOC:ITEM 2

SUMMARY

It is recommended that the Coordinator Land Information Systems attends the Proclaim One Annual User Conference to be held on the Gold Coast from 14 – 16 October 2001.

The City has installed a new property and land information system, ProClaim, which manages all property related information for the City. Technology One has recently acquired ProClaim Software Pty Ltd and is sponsoring a User Conference which provides a forum to discuss and guide the development of the system. Of special interest are new e-business functions to make information and services accessible to the public via the internet.

BACKGROUND

The *ProClaim* property and land information system was implemented in April 1999. The system consists of the following modules:

- Nucleus;
- Rates and Valuations;
- RAMS;

- Animals;
- Cash Receipting;
- PLUS;
- Electoral Roll;
- Infringements;
- Action Request;
- Service Management;
- Leases; and
- Geographic Information System Interface.

Brisbane based Technology One acquired ProClaim Software Pty Ltd, the developers of the Proclaim System, in December 2000. Technology One is a top 200 Australian publicly listed company. It is recognised as one of Australasia's leading software and services companies. Technology One's focus is the design, development, implementation and support of intelligent enterprise wide software applications using Internet, eBusiness and Client Server technologies for both corporate and government organisations.

DETAILS

Proclaim User Conference

The ProClaim One User Conference is to be held at the Park Royal, Surfers Paradise from 14 – 16 October 2001. The conference will address:

- Technology One's eBusiness Directions;
- Benefits of eBusiness to Local Authorities;
- Client Case Studies;
- Post Implementation Reviews;
- Proposed Enhancements to ProClaim One;
- Guest Presentation By Microsoft (SQL2000 and Office XP)
- ProClaim One Release Timetable;
- User Group Meeting;
- An Introduction to Finance One;
- Profiler (Flexible Query Tool);
- Enhancements to ProExplorer;
- eProClaim (Intra and Internet Access to ProClaim);
- eMap (Intra and Internet Access to ProClaim Mapping); and
- ProLink (Integration with Document Management).

Further information on the conference is available at the Technology One Internet site:

www.techone.com.au

This is the first conference since Technology One Pty Ltd acquired ProClaim Software Pty Ltd. Attending this conference will be the first opportunity to meet with the senior staff from Technology One and to ensure that Technology One understand the importance of ProClaim One to the City's operations.

Attendance at this conference will benefit the City through its increased ability to influence the way in which the ProClaim suite of software is developed. Since the City of Joondalup and the City of Wanneroo are the only Councils using ProClaim in Western Australia, the City needs representation to ensure that future development takes into account specific Western Australian requirements.

It is also important that the City develops relationships with other users of the software to allow the City to discuss operational problems that arise with them, this is very useful in solving problems which are not system related.

Expected benefits of the *Proclaim User Conference* are:

- The ability to influence the development of ProClaim;
- Building business relationship with senior Technology One staff;
- Gain an understanding of new modules, development plans and internet directions;
- Understanding of technical migration strategies for Windows XP, Office 2000 and SQL Server 2000; and
- Make contact with other users to allow networking to solve problems.

COMMENT/FUNDING

Costs are estimated as follows:

Item	ProClaim Conference
No of delegates	1
Air Fares	\$800
Accommodation	Inclusive
Conference Fees	\$1,200
Incidentals	\$300
Total	\$2,300

Funding for the conference is available from the 2001/2002 Information Services budget as follows:

Account No: 11-10-18-182-3302-0001
 Budget Item: Conference Expenses
 Budget Amount: \$2,750

MOVED Cr Barnett, SECONDED Cr Walker that:

- 1 Council APPROVES the attendance of the Coordinator Land Information Systems at the ProClaim User Conference to be held in Brisbane from 14-16 October 2001;**
- 2 the estimated expenditure of \$2,300 to be charged to Budget Item 11-10-18-182-3302-0001 Conference Expenses;**

3 Council REQUESTS an information report on the outcomes of the ProClaim User Conference.

The Motion was Put and

CARRIED

Appendix 2 refers

To access this attachment on electronic document, click here: [Attach2brf110901.pdf](#)

**CJ300 - 09/01 GARTNER CONFERENCE 30 OCTOBER – 2
NOVEMBER 2001 – [45670]**

WARD - All

CJ010904_BRF.DOC:ITEM 3

SUMMARY

It is recommended that the Manager Information Services attends the Gartner Symposium to be held in Brisbane from 30 October to 2 November 2001.

The Gartner Symposium presents information and trends on a wide variety of issues related to effective management of information technology across government and industry. A large number of the topics presented are highly relevant to the City of Joondalup and provide an opportunity to gather information and knowledge regarding information technology best practice. The information gained will be highly valuable in formulating future strategies for the City of Joondalup. Gartner is a recognised world leader in the provision of independently researched trends and knowledge for the information technology industry. A large number of the sessions are related to e-business development.

BACKGROUND

Gartner is a leading international research and consultancy firm specialising in the information technology industry. Gartner provides leading-edge advice and targeted insights to support competitive decision making across the IT spectrum including research, analysis, consulting, measurement, decision evaluation, and product and vendor selection.

DETAILS

Gartner conducts an annual Symposium to present findings, trends and directions for information technology. The Australasian Symposium will be held in Brisbane from 30 October to 2 November 2001.

The Symposium consists of over 100 keynote presentations and tutorials covering all key areas of information technology. Attendees can select from multiple session streams dependent upon specific needs. The Symposium is designed to assist IT managers in:

- Managing effective use of IT investments
- Determining critical IT strategies
- Controlling IT costs
- Managing technological workplace change

Conference presentations are arranged in “streams”, with a series of presentations and tutorials available within each stream:

Synchronising Business & IT Management

This stream is designed for CIOs, IT Managers and Planners involved in IT and business strategic planning and exploiting IT for business transformation. It will cover topics such as business and IT alignment, knowledge management, organisation models, sourcing strategies, streamlining business processes, innovation, and project management.

The IT Business Ecosystem

This stream is designed for IT and business planners, and vendors who want to understand the macro forces driving IT markets. It will cover topics such as the real time enterprise, privacy, security, the convergence landscape, marketplaces, legislation, powerhouse vendors, and Australia's IT&T future and its positioning within Asia Pacific.

Enterprise Applications: Upfront and Personal

This stream is designed for IT planners, project managers, application developers and business analysts who want to understand trends and directions in planning and implementing new business applications. It will cover topics such as the evolution of ERP, CRM, SCM and C-Commerce package solutions, designing an IT architecture, business intelligence, portals, and web services.

Applications Development and Integration

This stream is designed for IT architects, project managers, application developers, analysts and technology professionals who want to understand tools and methodologies for designing and building integrated applications. It will cover topics such as IT architecture, application integration, AD scenarios, portfolio analysis, XML, B2B integration, legacy software management, data warehousing strategies, and internet tools and techniques.

Engines of Enterprise

This stream is designed for IT managers, project managers, network managers and technology professionals responsible for managing IT assets across the enterprise. It will cover topics such as desktop and server deployment, storage networking and management, software licenses and asset management.

IT Service Delivery: Tuning the Engine

This stream is designed for IT managers, project managers, network managers and technology professionals responsible for ensuring service level standards are met. The central theme will be defining, measuring and delivering IT services on a cost effective basis (or outsourcing), and topics will include 24x7 availability, security, and networked systems management.

Staying Connected

This stream is designed for IT managers, project managers, network service providers and networking & telecommunications professionals. Topics will include challenge and opportunity in mobile devices, wireless solutions, virtual private networks, broadband, and the security implications of mobility.

Detailed information on the Gartner Symposium is available on the Internet:

www.gartner.com

Expected benefits of the Gartner Symposium are:

- An update on a wide variety of IT trends to assist with IT planning;
- Information on the latest best practice within IT management;
- Gain highly current, cross industry knowledge and strategies on IT in specific areas of interest to the City of Joondalup including network management, e-business, service management, business intelligence software, and application integration; and
- Access to world class expertise on specific IT issues facing the City of Joondalup via “one-on-one” Gartner analyst sessions.

COMMENT/FUNDING

Costs are estimated as follows:

Item	Cost
No of delegates	1
Air Fares	\$800
Accommodation	\$800
Conference Fees	\$2,495
Incidentals	\$200
Total	\$4,295

Funding for the conference is available from the 2001/2002 Information Services budget as follows:

Account No: 11-10-18-181-3302-0001
 Budget Item: Conference Expenses
 Budget Amount: \$5,250

MOVED Cr Barnett, SECONDED Cr Kimber that:

- 1 Council APPROVES the Attendance of the Manager Information Services at the Gartner Symposium to be held in Brisbane from 30 October – 2 November 2001;**
- 2 estimated expenditure of \$4,295 to be charged to Budget Item 11-10-18-181-3302-0001 Conference Expenses;**
- 3 Council REQUESTS an information report on the outcomes of the Gartner Symposium.**

The Motion was Put and

CARRIED

Appendix 3 refers

To access this attachment on electronic document, click here: [Attach3brf110901.pdf](#)

Cr O'Brien and Director, Infrastructure Management entered the Chamber, the time being 1929 hrs.

**CJ301 - 09/01 ON-LINE SERVICES CONFERENCE
PRESENTATIONS - [03012]**

WARD - All

CJ010904_BRF.DOC:ITEM 4

SUMMARY

The On-line Services Development Co-ordinator has recently been approached by two organisations to present conference papers: The Geac Users Group and the Victorian Association of Library Automation. Both organisations provide significant conferences and have agreed to provide most expenses incurred in order for the attendance of the Online Services Development Co-ordinator to be ensured.

The development of On-line services at the City of Joondalup over the past two years, particularly in relation to Library and Information Services, has been recognised in these approaches as market leading. The City is clearly offering best practice in some On-line services and is of interest to other local authorities and government agencies.

BACKGROUND

Geac Users Conference – November 5 –7, 2001 – Star City, Sydney.

Geac is a very large company that provides automated solutions world wide to a large range of markets. The main local government interest is through library, financial and property systems. Geac purchased Stowe Computing in 2000, adding to its local government clientele in Australia. The City of Joondalup uses the 'Geac Plus' software for all core functions in its libraries.

The On-line Services Development Co-ordinator has been asked to speak at the Libraries stream of the Conference. The topic will be "Interfacing Geac Libraries to the Web – Creativity in Maximising the use of Library Data".

VALA 2002 – e-volving information futures – February 6 – 8, 2002 – Melbourne Convention Centre, Melbourne

The Victorian Association for Library Automation (VALA) is one of the peak bodies in Australia for the dissemination of information regarding the better use of technologies within libraries of all types – public, university and special (i.e. Government, commercial, etc.). The VALA conferences have been conducted biennially since 1981.

The On-line Services Development Co-ordinator has been invited to present a paper entitled "Wireless Web for Public Libraries", which will focus on the use of emerging technologies within the local government environment and specifically the public library.

DETAILS

The City of Joondalup Libraries have been at the forefront of On-line service provision for the past four years. This process culminated in 1999 with the implementation of the Geac Plus software allowing use of standard database tools to manipulate library data.

The library database is the most comprehensive store of individuals' details owned by Council, currently including over 105,000 names ranging from new-borns to adults. This data, checked for accuracy on at least an annual basis, represents a significant internal resource for Council. The primary goal in the post-implementation period has been to use the database along with Internet technologies to provide additional services to clients at very low additional cost to Council, yet with considerably high value to the client.

Some of the new services created include:

- Wireless website access: Provides the ability to use a WAP mobile phone to search the library catalogue; renew items; see community events; and search the community information database;
- New book alert service: allows people to identify subjects of interest and regularly email details of new items that fit the profile;

- Email notices: send notifications of available requests and overdue items directly via email, reducing postal costs to Council whilst increasing delivery speeds;
- Members Lounge: a password protected area, linked into the Geac database, where unique services are offered such as commercial On-line database access.
- Administrative systems: numerous back-end applications that ensure more efficient processing of administrative tasks, such as linkages between LISWA and Geac accounting, personalised reporting, etc.

The key to all of these developments is the ability to leverage the main Geac data store and integrate it into the library processes, thereby customising the usage to best fit the organisation, rather than redesigning processes around a fixed application model. The results to-date have allowed greater efficiencies in library administration; more flexible management analysis; and a wider range of customer services.

It is through the added value of in-house customisation that the greatest return is being gained on the investment in the Geac system. This is helping to ensure that the most benefits are being extracted from the new library system with very limited resources. It is this concept of maximising system use that has resulted in the invitations to present papers at these two conferences.

The conferences offer the ability to promote the market leading products developed by the City of Joondalup, highlighting the innovative approach to both On-line services and library services.

Additionally, attendance will allow new ideas and concepts to be gathered from initiatives that are being showcased, and therefore add to the success of future On-line services within the City.

COMMENT/FUNDING

Geac Conference Convenors have agreed to pay all airfare, conference registration and accommodation costs. This would leave the City to fund only the daily allowance to a total maximum cost of \$360.

VALA has tentatively agreed to fund the airfare and conference registration costs. This would leave the City to fund accommodation and daily allowance to a total maximum cost of \$1,000.

On-line Services has budgeted \$5,500 to be used for conference expenses in 2001/02. The dynamic nature of the On-line field is such that regular conference and seminar attendance is vital as one method of ensuring the best e-business solutions are implemented in the City. Attendance at such events provides an opportunity to observe new products and projects and innovative approaches to technology that cannot otherwise easily be gained. The ability to speak with such developers enables an injection of alternative ideas into future City of Joondalup services. Furthermore, presentation of conference papers by Council officers at key national events provides a positive image of the City as a market-leading local government and creates greater opportunities for collaboration and future funding from a variety of sources.

By taking advantage of the two above mentioned invitations it will be possible to use this budget more effectively, gaining greater benefits for the same expenditure.

Account No:	11.20.21.212.3302.0001
Budget Item:	Conference Expenses
Budget Amount:	\$5,550
Actual Cost:	\$1,400

MOVED Cr Barnett, SECONDED Cr Mackintosh that Council APPROVES attendance and presentation by the On-line Services Development Co-ordinator at the:

- 1 Geac Conference to be held in Sydney from 5 – 7 November 2001, at a cost to Council not exceeding \$360, conditional upon a report being prepared upon return;**
- 2 Victorian Association for Library Automation Conference to be held in Melbourne from 6 – 8 February 2002, at a cost to Council not exceeding \$1,000, conditional upon a report being prepared upon return.**

The Motion was Put and

CARRIED

CJ302 - 09/01 JOONDALUP REGIONAL MUSEUM - [12979]

WARD - All

CJ010904_BRF.DOC:ITEM 5

SUMMARY

The Joondalup Cultural Plan was prepared by the City in the early 1990's. This Plan identified three main stages of cultural development for Joondalup:

1. Joondalup Library;
2. Joondalup Performing Arts Complex;
3. Joondalup Regional Museum.

In 1998, the City of Joondalup and Shire of Wanneroo commissioned a Heritage and Museum Services and Facilities Planning Study by Museum Studies Consulting, University of Sydney. The Planning Study made thirty recommendations for the Shire of Wanneroo and City of Joondalup and created a framework addressing heritage management across the two local government areas. In September 1999, the Joint Commissioners resolved to further explore the proposal for a Regional Museum, with a report to be prepared for the Council's consideration in 2001.

The Joondalup Performing Arts Complex has just concluded its feasibility study, and this project is still quite a few years away from completion. This project will require considerable resources from the City over a number of years, and any further consideration of the development of a Regional Museum will be need to be postponed to a later date.

Due to the City's commitment at present to the Joondalup Performing Arts Complex, it is recommended that the Council not consider the concept of a Regional Museum for a period of five years, in 2006.

BACKGROUND

In 1998, the City of Joondalup and Shire of Wanneroo commissioned a Heritage and Museum Services and Facilities Planning Study by Museum Studies Consulting, University of Sydney. The Planning Study made thirty recommendations for the Shire of Wanneroo and City of Joondalup and created a framework addressing heritage management across the two Local Government areas. The Planning Study has previously been the subject of Council reports, CJ84-03/99 and CJ307-09/99.

After considering the Planning Study, the Joint Commissioners resolved at the 14 September 1999 Council Meeting to:

- 1 *NOTE the Heritage and Museum Services and Facilities Planning Study;*
- 2 *DISBAND the Historical Sites Advisory Committee and request that a letter of appreciation be sent to former members of the Committee thanking them for their services over the years;*
- 3 *ENDORSE the proposal that the Planning and Development Directorate undertakes heritage services functions for the City;*
- 4 *FURTHER EXPLORE the proposal for the regional museum with a report to Council in 2001.*

This report deals with Part 4 of the Council resolution in particular.

DETAILS

Recommendation 6 of the Planning Study was:

'That the City of Joondalup endorse in principle the development of, and commences planning for the construction of a regional museum by 2005. The facility would be designed to serve the cultural and educational needs of a region containing 250,000 – 300,000 people. The facility would be between 2000m² and 2500m² in size and be located adjacent to the Joondalup Library'.

In the long term, the Planning Study said that a Regional Museum would provide education and cultural benefits, and a regional tourism attraction in Joondalup.

Further consideration into the concept of a Regional Museum would require a feasibility study to be undertaken by a consultant, an evaluation study, identifying sources of funding for the project, and then a design and construction phase.

When the Planning Study was prepared in 1999, it was estimated that to construct a 2,000m² Museum would cost around \$8,000,000 and require approximately \$400,000 per annum to manage operationally.

The Planning Study provided a development strategy for the Regional Museum:

1. Development of project concept by Council appointed Museum Reference Group;
2. Development of a Museum Plan;
3. Appointment of Museum Development Advisory Committee;
4. Appointment of Museum Director;
5. Appointment of Architectural design firm;
6. Appointment of City of Joondalup Museum project team;
7. Appointment of exhibition and interior design consultants;
8. Development of an operational plan.

The study also recommended that the City when considering the Regional Museum should seek partners to develop the Museum, both as a cost sharing exercise and a means of injecting outside expertise.

The City is aware that Edith Cowan University is wishing to relocate its Childhood Museum from the Claremont campus. Edith Cowan has expressed a desire for public space at Joondalup to relocate this Museum, with the demographics of the Joondalup region being ideally suited for such a Museum.

COMMENT/FUNDING

The former City of Wanneroo previously had Gloucester Lodge Museum which was a district museum with over 1,400 items, but this museum fell short of contemporary museum standards and as a result, it was proposed to build a regional museum for the district.

When the Planning Study was being compiled, the division of assets between the two local governments had not been fully completed. It later transpired that the City of Wanneroo received the majority of museum artifacts and associated material whilst the City of Joondalup received the local history collection. This has made the City of Joondalup's interest and immediate requirement for a Regional Museum less of a priority.

The Joondalup Cultural Plan identified three main stages for cultural development;

1. Joondalup Library;
2. Joondalup Performing Arts Complex;
3. Joondalup Regional Museum.

The Joondalup Performing Arts Complex has just concluded its feasibility study, and this project is still quite a few years away from completion. This project will require considerable resources from the City over a number of years, and any further consideration of a Regional Museum will be need to be postponed to a later date.

It is recommended that the Regional Museum concept be investigated further at a later stage, towards the end of the development of the Joondalup Performing Arts Complex at which time, the City will be able to commit the resources required to undertake the feasibility studies required.

MOVED Cr Kadak, SECONDED Cr P Kimber that Council CONSIDERS the concept of a Regional Museum further in five years, 2006.

The Motion was Put and

CARRIED

**CJ303 - 09/01 MINUTES OF THE ENVIRONMENTAL ADVISORY
COMMITTEE MEETING – 16 AUGUST 2001 – [00906]**

WARD - All

CJ010904_BRF.DOC:ITEM 6

SUMMARY

A meeting of the Environmental Advisory Committee was held on 16 August 2001 and the minutes of the meeting are submitted for noting by Council and endorsement of motions.

BACKGROUND

The Environmental Advisory Committee meeting held on 16 August 2001 achieved a quorum.

Cr J Hollywood was elected Committee chairperson and community representative Mr S Hawkins was elected Deputy chairperson.

The Committee discussed a range of items including:

- A proposed change in the Terms of Reference of the Committee.
- Tamala Park and waste management, resource recovery and recycling issues.
- Cities for Climate Protection Conference.
- Greenhouse Gas Reduction community programmes (“Cool Communities”).
- Conservation Advisory Committee reporting arrangements and reporting of minutes from community groups with a conservation focus.
- Other business items.

DETAILS

The minutes of the Environmental Advisory Committee held on 16 August 2001 are included as Attachment A.

Terms of Reference

The Committee discussed in detail a proposal to modify the Terms of Reference of the Environmental Advisory Committee to encompass the provision of advice to Council in relation to encouraging and facilitating ecologically sustainable development within the City of Joondalup (based on Local Agenda 21 principles). This approach represents an extension of the current function of the Committee.

Discussion focussed on the scope and role of the Committee in terms of its role in providing environmental and sustainability advice to Council, the prime role Local Government has to enhance sustainability in the local community, the need for Committee members with appropriate experience and background in relation to sustainability issues, and the name of the Committee.

Tamala Park Waste Management

The Committee also discussed a site visit to Tamala Park landfill facility, and a report previously tabled at the 21 June 2001 Committee meeting. Mr Hoar, Co-ordinator Waste Management and Environmental Services provided background information and comments, and detailed committee discussion ensued. The committee proposed the following recommendation;

“That Council ACTIVELY SUPPORTS the rapid implementation of secondary waste treatment using an environmentally appropriate technology and location in order to achieve a diversion of at least 100,000 tonnes of solid waste (from Mindarie Regional Council Members) by 2004/5.”

Officer Comment.

It is considered that insufficient information has been provided to justify and support the above motion, for referral to Council. It is suggested that Council requests a report from Infrastructure Management on the Tamala Park Waste Treatment Facility and the proposed implementation of secondary waste treatment.

Conservation Advisory Committee Reporting Arrangements

The Committee discussed the reporting process regarding the Conservation Advisory Committee to the Environmental Advisory Committee and Council. Mr Cluning advised that at the last Conservation Advisory Committee meeting (6 August 2001), that a motion had been passed that the Conservation Advisory Committee become autonomous and report directly to Council. The motion proposes that the Conservation Advisory Committee not report through the Environmental Advisory Committee. Discussion followed and the proposed reporting arrangements were supported by Committee members. It was further suggested the other community groups which primarily have a conservation focus, report to the Conservation Advisory Committee. Such groups could report to the Conservation Advisory Committee, following endorsement and re-constitution of the Conservation Advisory Committee by Council. The committee made the following recommendations;

That Council ENDORSES the Conservation Advisory Committee to be autonomous and to report directly to Council.

That Council ENDORSES the following community groups to report directly to the reconstituted Conservation Advisory Committee;

- Yellagonga Catchment Group;
- Joondalup Community Coast Care Forum;
- Yellagonga Regional Park Community Advisory Committee.

Officer Comment.

The minutes of the Conservation Advisory Committee, which recommend the modified reporting arrangements and provides justification for the modification, were not tabled at the Environmental Advisory Committee meeting. It is considered that this matter should be considered at the next Environmental Advisory Committee meeting when the minutes of the Conservation Advisory Committee meeting are tabled. The above committee motions have therefore not been referred to Council for endorsement.

MOVED Cr Kimber, SECONDED Cr Baker that Council:

- 1 NOTES the unconfirmed minutes of the Environmental Advisory Committee meeting 16 August 2001 forming Attachment 1 to Report CJ303-09/01;**
- 2 ENDORSES the renaming of the Environmental Advisory Committee to the “City of Joondalup Environmental and Sustainability Advisory Committee”;**
- 3 ENDORSES an amendment to the Terms of Reference of the Committee to read:**

“to recommend to the City of Joondalup Council on appropriate courses of action on matters that affect the environment and sustainability issues within the region”.

The aims and objective of the Committee being:

- **To recommend to the City of Joondalup Council on appropriate courses of action which promote and encourage ecologically sustainable development.**
- **Develop, implement and monitor a sustainability action plan for the City.**
- **To promote and encourage sustainable development based on the principles of Local Agenda 21 (integrated economic, social and environmental sustainability).**
- **To provide recommendations to the City of Joondalup Council in relation to sustainable development pilot projects, programmes and activities which facilitate sustainable development within the City of Joondalup.**
- **To provide a co-ordinated communication link between Council and the City of Joondalup community, groups and organisations, in relation to sustainable development issues.**

4 REQUESTS a report on the Tamala Park Waste Treatment Facility and the proposed implementation of secondary waste treatment.

Cr Hollywood made reference to the Conservation Advisory Committee and advised the wish of this committee was to report direct to Council, as opposed to reporting through the Environmental Advisory Committee as is the case at present .

Director, Infrastructure Management advised a report would be submitted to an October Council meeting establishing a Conservation Advisory Committee that reported direct to Council.

The Motion was Put and

CARRIED

Appendix 4 refer

To access this attachment on electronic document, click here: [Attach4brf110901.pdf](#)

CJ304 - 09/01 MINUTES OF THE MEETING OF THE STRATEGIC ADVISORY COMMITTEE - YOUTH AFFAIRS – AUGUST 2001 – [05396]

WARD - All

CJ010904_BRF.DOC:ITEM 7

SUMMARY

A meeting of the Strategic Advisory Committee - Youth Affairs was held on 10 August 2001. The unconfirmed minutes of this meeting are submitted for noting by Council.

BACKGROUND

At the Ordinary Council Meeting of 24 July 2001, Council ESTABLISHED, by ABSOLUTE MAJORITY, a Strategic Advisory Committee – Youth Affairs comprising:

- Cr P Kadak
- Cr A Walker
- Cr J Hollywood
- 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.

Information regarding this committee is contained in Report CJ245 – 07/01.

This committee held its inaugural meeting in Conference Room 2 on 10 August 2001 and the unconfirmed minutes of this meeting are submitted for noting by Council.

DETAILS

The unconfirmed minutes of the meeting of the Strategic Advisory Committee - Youth Affairs held on 10 August 2001 in Conference Room 2 are included as Attachment 1.

Members reviewed the draft Terms of Reference for the Strategic Advisory Committee - Youth Affairs and made the following amendments for recommendation to Council:

“2 MEMBERSHIP

The committee shall consist of the following members.

1. Two Elected Members.
2. Two members of the Joondalup North Youth Advisory Council.
3. Two members of the Joondalup South Youth Advisory Council.
4. Manager Community and Health Services.
5. Coordinator - Community Services.”

Be replaced with:

“2 MEMBERSHIP

The committee shall consist of the following members.

1. Three Elected Members.
2. Two members of the Joondalup North Youth Advisory Council.
3. Two members of the Joondalup South Youth Advisory Council.
4. Manager Community and Health Services.
5. Co-ordinator - Community Services.”

“4.3 Meetings

Meetings shall be quarterly as determined by the Committee at an appointed time and place.”

Be replaced with:

“4.3 Meetings

Meetings of the Strategic Advisory Committee - Youth Affairs will occur at least six times in each financial year.”

The amended Terms of Reference for the Strategic Advisory Committee – Youth Affairs form Attachment 2 to this report.

MOVED Cr Kadak, SECONDED Cr Walker that Council:

- 1 NOTES the unconfirmed minutes of the Strategic Advisory Committee - Youth Affairs meeting held on 10 August 2001 forming Attachment 1 to Report CJ304-09/01;**
- 2 ADOPTS the amended Terms of Reference for the Strategic Advisory Committee – Youth Affairs forming Attachment 2 to Report CJ304-09/01.**

Cr Kadak spoke to the Motion.

The Motion was Put and

CARRIED

Appendix 5 refers

To access this attachment on electronic document, click here: [Attach5agn110901.pdf](#)

CJ305 - 09/01 ART COLLECTION WORKING PARTY – [14158]

WARD – All

CJ010904_BRF.DOC:ITEM 8

SUMMARY

A meeting of the Art Collection Working Party was held on 20 August 2001 and the unconfirmed minutes are submitted for noting by Council. The Working Party has also recommended purchase of the following art work:

Painting #30 by Lisa Wolfgramm for \$2,500.

BACKGROUND

The Art Collection has the following objectives:

To support contemporary Western Australian art and artists.

To provide the citizens of the City of Joondalup access to high quality visual art within the boundaries of the region.

The profile of the collection is to establish a collection of good quality artwork by contemporary Western Australian Artists with a second priority of having a regional focus.

Artworks over the value of \$1,000 are required to be considered by the Art Collection Working Party for acquisition for the City's Collection.

Members of the Art Collection Working Party are:

Cr Paul Kimber
 Cr Carol Mackintosh
 Rie Heymans, Curator, Art Consultant
 James Boyd, Cultural Development Coordinator

DETAILS

The Art Collection Working Party has recommended purchase of the following work:

ARTIST	TITLE	MEDIUM	ART GALLERY	PRICE
LISA WOLFGRAMM	PAINTING # 30	OIL ON CANVAS	ARTISTS STUDIO	\$2,500
Total				\$2,500

COMMENT/FUNDING

The Consultant recommended purchase of *Painting # 30* by Lisa Wolfgramm because the work:

- meets the Art Collection profile;
- is an excellent example of a work by a respected Western Australian painter;
- is highly suitable for display in the Joondalup Civic Centre or in the proposed Performing Arts Facility; and
- will appreciate in value.

Funds are listed in the 2001/2002 budget for the purchase of artworks; details are listed below:

Account No: 11 80 82 871 6781 A007
 Budget Item: Artifacts & Artworks Purchases
 Budget Amount: \$10,000
 Actual Cost: \$2,500
 Remaining Budget \$7,500

MOVED Cr Kimber, SECONDED Cr O'Brien that Council:

1 PURCHASES the following artwork for the Art Collection:

ARTIST	TITLE	MEDIUM	ART GALLERY
LISA WOLFGRAMM	PAINTING # 30	OIL ON CANVAS	ARTISTS STUDIO

at a cost of \$2,500 from Account Number 11 80 82 871 6781 A007- Art Purchases;

2 NOTES the unconfirmed minutes of the Art Collection Working Party held on 20 August 2001 forming Attachment 1 to Report CJ305-09/01.

The Motion was Put and

CARRIED

Appendix 6 refers

To access this attachment on electronic document, click here: [Attach6agn110901.pdf](#)

CJ306 - 09/01 DRY PARKS, MEDIAN AND VERGE COMMITTEE – 20 JULY 2001 AND 15 AUGUST 2001 – [42938]

WARD - All

CJ010904_BRF.DOC:ITEM 9

SUMMARY

Meetings of the Dry Parks, Median and Verge Committee were held on 20 July 2001 and 15 August 2001 and the minutes of both meetings are submitted for noting by Council.

A meeting was held on 20 July 2001 to accommodate a submission by Mr Michael Baird regarding the Capital Works Program. The confirmed minutes are submitted for noting by Council.

A further meeting of the committee was held on 15 August 2001 to review the progress and to receive a submission from Mr & Mrs Potter of Edgewater. The unconfirmed minutes are submitted for noting by Council and endorsement of the recommendations contained therein.

DETAILS

The minutes of the Dry Parks, Median & Verge Committee meeting held on 20 July 2001 are included as Attachment 1. The following motion was put and carried:-

Moved Cr J Hurst, Seconded Cr J Hollywood, that Cr P Kimber be nominated and elected as Chairman of the Dry Parks, Median and Verge Committee.

The minutes of the Dry Parks, Median & Verge Committee meeting held on 15 August 2001 are included as Attachment 2. The following motion was put and carried:-

Moved Cr C Baker, Seconded Cr J Hurst, that the draft report on Road Verge Review be held over to the next meeting of the Dry Parks, Median and Verge Committee.

MOVED Cr Kimber, SECONDED Cr Baker that Council:

- 1 NOTES the confirmed minutes of the Dry Parks, Median & Verge Committee meeting held on 20 July 2001 forming Attachment 1 to Report CJ306-09/01;**
- 2 NOTES the unconfirmed minutes of the Dry Parks, Median & Verge Committee meeting held on 15 August 2001 forming Attachment 2 to Report CJ306-09/01;**
- 3 ENDORSES the recommendation that the draft report on Road Verge Review be held over to the next meeting of the Dry Parks, Median and Verge Committee.**

The Motion was Put and

CARRIED

Appendix 7 refers

To access this attachment on electronic document, click here: [Attach7agn110901.pdf](#)

Cr Carlos declared a financial interest in Item CJ307-09/01 – Offer of Purchase from Foodland Australia Limited for Lot 3 (5) Trappers Drive, Woodvale as he owns shares in Foodland Australia Limited (FAL).

CJ307 - 09/01 OFFER OF PURCHASE FROM FOODLAND AUSTRALIA LIMITED FOR LOT 3 (5) TRAPPERS DRIVE, WOODVALE – [55070]

WARD - Lakeside

SUMMARY

The City has recently received from Foodland Australia Ltd (FAL) an offer of \$55,000 inclusive of GST to purchase Lot 3 (5) Trappers Drive, Woodvale. The reason for the request is to expand the existing supermarket on Lot 6 Whitfords Avenue.

Council at its April 1999 meeting resolved to offer to dispose of 539m² of Lot 3 Trappers Drive, Woodvale and lease a further 2508m² for car parking to Foodland Australia subject to conditions. One of these conditions required the rezoning of the 539m² portion of Lot 3 Trappers Drive.

At the Council meeting of 12 June 2001 Council resolved, inter alia, that *Council advises Foodland Australia Limited (FAL) that if it wishes to pursue the purchase of Lot 3 (5) Trappers Drive, Woodvale, then in order for the Council to comply with Section 3.58 of the Local Government Act, 1995, a formal offer should be made for the Council's consideration.* This latter resolution concerned a revised area of 354m². Attachment 1 refers.

At the Council meeting of 13 February 2001 Council resolved, *that the matter pertaining to the proposed Amendment (No 1) to District Planning Scheme No 2 – Lot 3 (5) Trappers Drive, Woodvale be DEFERRED pending further consideration by elected members.* The proposed Amendment would have changed the zoning from 'Civic and Cultural' to 'Commercial' as a precursor to sale of the abovementioned 354m²

This report recommends that the offer of \$55,000 inclusive of GST received from Foodland Australia be rejected, as the City has obtained a valuation of \$79,200 inclusive of GST from a private valuer on the abovementioned property. The valuation report also recommends a joint site planning project between the City and FAL.

BACKGROUND

Site History

Lot 3 Trappers Drive was created in late 1990 and ceded to the City free of cost for community purposes as a condition of subdivision.

Development approval was issued for the existing library on the property in October 1990.

The former City of Wanneroo on the 14 May 1992 entered into a legal agreement with Foodland Property Holdings Pty Ltd and Foodland Property Holdings Pty Ltd. It was agreed not to build or create any shopping building complex on Lot 6 Whitfords Avenue which would provide a gross lettable retail floor space of more than 4,990m².

The City was approached by Foodland Australia Ltd. (FAL) in 1997 with respect to purchasing a 4000m² portion of Lot 3 Trappers Drive for the purposes of expanding the existing supermarket on Lot 6 Whitfords Avenue. Council considered the matter at its October 1997 meeting and, due to concerns about the possible future need for the land, resolved:

1. *takes no further action in respect to disposal of a portion of Lot 3 Trappers Drive, Woodvale – Woodvale Community Purpose site and that Council;*
2. *reaffirms to Foodland Australia Ltd that the subject land is not offered for sale."*

Development approval was issued for the existing community care centre on the property in July 1998.

The City was approached by FAL again in 1999, this time with respect to purchasing a 539m² portion of Lot 3 Trappers Drive for the purposes of expanding the existing supermarket on Lot 6 Whitfords Avenue and leasing a further 2508m² portion of Lot 3 Trappers Drive for car parking purposes. The Joint Commissioners considered the matter at their April 1999 meeting (CJ140-04/99) where it was resolved to:

“OFFER to dispose of 539m² of Lot 3 Trappers Drive, Woodvale, and lease a further 2508m² for car parking to Foodland Australia Ltd at fair market value of the land in accordance with Section 3.58 of the Local Government Act 1995, subject to the following:

- 1. Rezoning of the subject land to accommodate the use and additional floor space;*
- 2. Subdivision of the 539m² portion of Lot 3 and its amalgamation into Lot 6;*
- 3. The proponent meeting all the costs involved;*
- 4. The proponent agreeing that if the relevant development is not proceeded with, landscaping to the satisfaction of Council will be provided.”*

The City subsequently sought advice from the Ministry for Planning (MfP) with respect to the proposed rezoning of the land and the proposed increase in allowable retail floor space. The MfP advised that:

- adequate justification would be required for reducing the area of the ‘Civic and Cultural’ zone;
- the total retail net lettable area for the Woodvale Shopping Centre would need to be assessed to determine whether it was within the allowable retail net lettable area specified for the centre under District Planning Scheme No. 2; and,
- the Western Australian Planning Commission’s (WAPC) approval would be required if the centre exceeded 5000m² of net lettable area unless the size of the centre was consistent with a Local Commercial Strategy approved by the WAPC.

Council is party to a legal agreement to limit the retail floor space of this centre to 4,990m² and this will need to be further investigated before consideration of the amendment for final approval.

At the Council meeting of 13 February 2001 Council resolved, *that the matter pertaining to the proposed Amendment (No 1) to District Planning Scheme No 2 – Lot 3 (5) Trappers Drive, Woodvale be DEFERRED pending further consideration by elected members.* The proposed Amendment would have changed the zoning from ‘Civic and Cultural’ to ‘Commercial’ as a precursor to sale of the abovementioned 539m².

At the Council meeting of 12 June 2001 Council resolved, *inter alia, that Council advise Foodland Australia Limited (FAL) that if it wishes to pursue the purchase of Lot 3 (5) Trappers Drive, Woodvale, then in order for the Council to comply with Section 3.58 of the Local Government Act, 1995, a formal offer should be made for the Council's consideration.* This latter resolution concerned a revised area of 354m². Details are shown on Attachment 1.

Following the Council meeting on 12 June 2001 the City met with the applicant to discuss the issues surrounding the proposal. Issues raised included:-

- a formal offer was required to purchase the land
- the arrangements for the provision of parking in the long term
- the status of legal agreements relating to retail floor area permitted at the centre

DETAILS

The report to Council at its Meeting of 13 February 2001 concerning Amendment (1) to Town Planning Scheme 2 provided additional information regarding sale of 539m² of Lot 3 (5) Trappers Drive, Woodvale and other issues surrounding the proposed amendment. It should also be noted that the area now proposed for purchase has been reduced to 354m² from the previous estimate of 539m².

Issues

Community Purpose Site

The community purpose site is considered under utilised at this stage, resulting in poor amenity, lack of surveillance and concerns in regards to safety. There is no identified additional community purpose need for the site at this stage. However, investigations indicate that there is opportunity to provide a general-purpose building if the need arises and it would be sound planning to integrate any new building with the adjacent shopping centre in order to maximise community benefit of the site.

Offer to Purchase Land

An offer was received from Foodland Australian Ltd to purchase the land parcel for \$55,000 inclusive of GST. This was considered to be well below a market value as highlighted in the City's private valuer's report. The City's valuation of this piece of land was valued at \$79,200 inclusive of GST.

Provision of Parking

The FAL proposal for creation of an additional 1000m² of retail floor space at the Woodvale Shopping Centre generates a need for an additional 70 car parking bays. In the process of extending the supermarket, 14 existing bays abutting the northern supermarket will be lost, so the total number of bays to be created is 84. By expanding the floor space to include 354m² of City land, FAL will be pushing the building, existing shopping centre parking and existing shopping centre service access onto City land. If maintaining integrity of the proposal as well as maintaining a reasonable shape for the land required and the remaining land in Lot 3 are to be considered relevant issues, then the proposal could be revised to consider disposal of a larger area comprising approximately 1,400m² of Lot 3. Details are shown on Attachment 1. Incorporating the integrity issue with sound subdivisional planning would require FAL purchasing enough land to include 31 car parking bays

Accordingly, there are three possible options available to address the issue of provision of additional car parking and these can be summarised as follows:

- The land being leased to the proponent, as resolved at the April 1999 meeting, to offer to dispose of 539m² (now reduced to 354 m²) of Lot 3 Trappers Drive, Woodvale, and lease a further 2508m² for car parking to Foodland Australia Ltd at fair market value of the land in accordance with Section 3.58 of the Local Government Act 1995 subject to conditions.
- The proponent paying cash-in-lieu for the required number of car parking bays.
- The proponent purchasing land for 31 parking bays, vehicular and pedestrian access to the shopping centre and paying cash-in-lieu for the remaining 53 required car parking bays.

Of these, it is suggested that the best course of action would be for the proponent to pursue the third option. The proponent would then be purchasing most of the land required for private access and a portion required for immediate car parking. This also allows the City to provide the remaining car parking at such time that it is required and retain total control of the rear access/egress point to the large community development abutting the western boundaries of both the City's land and FAL land.

Integration of Land Uses

It is anticipated that the shopping centre and the nearby community and residential uses will be better integrated as a result of the proposal. Developing the City's vacant land, between the shopping centre and the residential land adjoining the south western corner of Lot 3, by creating a clearly defined connecting walkway some improved functional integration would be achieved as well as improved surveillance.

Some of the main advantages of the proposal from an integration and amenity perspective could be:

- improvements to the northern mall entry of the centre, involving better definition of entrance and provision of seating, landscaping etc.;
- construction of a covered walkway running westwards from this entry to the retirement village boundary where a pedestrian ramp and stairs would complete the connection between the two sites;
- improved pedestrian connections between the community centre, library and shopping centre, and installation of a new footpath adjacent to the driveway which links the rear of the shopping centre to Trappers Drive;
- addition of parapet 'noise baffles' to substantially reduce the existing noise from rooftop refrigeration units on the western side of the supermarket;
- installation of a new cool room for waste storage, also on the western side of the supermarket, to eliminate rubbish odours;
- Provision of a new screen wall to the fruit/vegetable preparation area and box store near the northern mall entry.

These improvements will greatly enhance the utility and appearance of the shopping centre, as well as the amenity of the retirement village to the west. The quality of access between the retirement village and the shopping centre will also be improved to the benefit and convenience of the retirement village residents. In addition, the entire area would, through usage of the car park come under more-or-less constant daytime surveillance, which would greatly enhance security at this location.

Traffic Management

The proponent has previously provided a detailed assessment of traffic, access and parking arrangements in relation to the proposed supermarket extension. The recommended traffic, access and parking system incorporates the following key elements:

- the existing driveway between the shopping centre and the library would be modified to a one-way exit permitting left turn out only at Trappers Drive (reduced width allows construction of a new footpath). This also means that a portion of Council land will now be required for use by service vehicles, accordingly arrangements would need to be made with the proponent in this regard.
- two-way traffic flow would be maintained on the driveway between the community centre and northern property boundary, with provision of a right turn auxiliary lane at its junction with Trappers Drive in order to better facilitate right turns into this driveway from Trappers Drive north;
- Additional pedestrian/cyclist facilities and improved pedestrian and cyclist connections between the shopping centre, retirement village, community centre, library and medical centre.

These features, combined with the proposed enhancement of the northern mall entry, would improve the functionality of the area while greatly improving the physical conditions for pedestrians moving between the various facilities in the area – the increased level of activity would also have benefits from the point of view of pedestrian safety, security and amenity as discussed in the previous section.

Legal Agreement

A legal agreement was entered into by Foodland Property Holdings Pty Ltd and the City of Wanneroo on the 14 May 1992, whereby Foodland Property Holdings Pty Ltd agreed not to build or create any shopping building complex on Lot 6 Whitfords Avenue which would provide a gross lettable retail floor space of more than 4,990m².

Enquiries made of the applicant indicate that there is no encumbrance or notice on the Title and no previous knowledge of any such agreement.

Shrapnel Urban Planning in the report prepared in support of the proposal nominates the improvements to be undertaken in relation to the proposal, as described above. To secure the modifications to the cyclist/pedestrian facilities, improvements to the amenity of the locality and the maintenance and utilisation of Council land for access it will be necessary for the proponent to enter into a legal agreement with the City.

Pursuant to Section 3.58(3) of the *Local Government Act 1995*, if considered appropriate a local government may dispose of property other than by public auction or by the public tender process if before agreeing to dispose of the property it gives statewide public notice of the proposed disposition:

1. describing the property concerned;
2. giving details of the proposed disposition, ie names of the parties involved, the consideration to be received, the market value of the disposition as ascertained by a valuation carried out not more than 6 months before the proposed disposition; and
3. inviting submissions to be made following at least a 14 day advertising period.

COMMENT

The offer received from FAL for an area of 354m² is \$24,200 below the recommended value as assessed by an independent valuer. However, taking into consideration the overall community needs for the area, there are four broad options available in regards to the proposal:-

Option	Advantages	Disadvantages
Reject offer and undertake a site planning project involving all stakeholders	<ul style="list-style-type: none"> • Land remains Council's for public use options. • Community needs can be considered more fully to ensure optimum use of the whole site. • City planning developments, including better land use integration, can be fully considered. • Stakeholder involvement will provide relationship benefits. 	Delay in the following areas: <ul style="list-style-type: none"> • Amenity for shoppers • Establishing continuity between the different uses. • Adequate security due to low level of surveillance.
Sell land and lease parking area	<ul style="list-style-type: none"> • Funds from sales may be spent on other community facilities or the like. • The lease arrangement means that an income is generated. 	<ul style="list-style-type: none"> • Removes the option of using the land for other suitable purposes. • Removes the option of using some of Lot 3 for other purposes.
Sell land and cash in lieu for parking	<ul style="list-style-type: none"> • Funds from sales may be spent on other community facilities or the like. • Payment of cash in lieu means that the car parking may be provided when it is actually needed. • Greater flexibility in use of remaining land. 	<ul style="list-style-type: none"> • Payment of cash in lieu means the City is committed to providing the parking. • Removes the option of using some of Lot 3 for other purposes.
Sell a greater area of land to include part of that which is required for parking and access and be paid cash in lieu for the remaining parking.	<ul style="list-style-type: none"> • Funds from sales may be spent on other community facilities or the like. • The City will be more appropriately compensated by requiring payment for part of the land required for private access and for access across City owned land for the shopping centre service vehicles. • The City will be receiving greater ongoing increased rates to assist with maintenance of the community parking area. • Sale of the greater area of land to include 37% of the parking bays means that the shopping centre can first develop its own land at its own expense for car parking. • Payment of cash in lieu for the remaining 53 (63%) parking bays 	<ul style="list-style-type: none"> • Although a smaller Payment of cash in lieu it still means the City is committed to providing some car parking. • Removes the option of using some of Lot 3 for other purposes.

Option	Advantages	Disadvantages
	<p>means that the car parking to be provided by the City may be provided later.</p> <ul style="list-style-type: none"> • Maintenance costs for car parking will be lower for the City. 	

It may be considered that it is possible to allow a small expansion of the commercial facility, with adequate parking and the accommodation of some additional community facilities. The option now proposed by FAL (purchasing 354m²) is considered, on balance, to be weighted in favour of the shopping centre. However, sale of the larger portion of Lot 3, approximately 1400m² is considered to be more equitable for both the City and FAL. This option allows for greater sale proceeds together with lower establishment and maintenance costs to the City and cash in lieu alternative provides significant benefits to the Council facilities and the wider community.

Currently, the City is also considering the Community purpose options for this site (the undeveloped portion of Lot 3) and until the strategic planning is finalised it may be premature for the City to sell any portion of the site.

Essentially, the sale to FAL will link the shopping centre to the Community purpose site and given this consideration it seems appropriate to enter into negotiations with FAL to become a community stakeholder to assist the city in the development of a centre by undertaking a joint site planning exercise. Maintaining maximum community use of the site, together with achieving greater connectivity between it, the adjoining residential community development and the shopping centre is paramount and requires the re-examination of existing on site facilities and ensure.

Accordingly, it is considered that the concept of 'integrated development' for the site should be thoroughly investigated prior to any decision being made on sale of any portion of Lot 3 (5) Trappers Drive, Woodvale.

MOVED Cr Kadak, SECONDED Cr Kimber that Council ADVISES Foodland Australia Ltd that:

- 1 the offer of \$55,000 inclusive of GST for the purchase of portion of Lot 3 (5) Trappers Drive, Woodvale is considered inadequate and is therefore REJECTED;**
- 2 the City would like to extend an offer to undertake a joint site planning project that will maximise the total community use potential of Lot 3 Trappers Drive, Woodvale and to provide greater integration on site between existing facilities, any proposed facilities and possible expansion of the shopping centre.**

The Motion was Put and

CARRIED

Appendix 8 refers

To access this attachment on electronic document, click here: [Attach8brf110901.pdf](#)

**CJ308 - 09/01 NEW ACCOUNTING STANDARD - REVALUATION
OF NON-CURRENT ASSET- AAS 38/AASB 1041 -
[12283]****WARD - All**

CJ010904_BRF.DOC:ITEM 11

SUMMARY

The Australian Accounting Standard 38 (AAS 38) /Australian Accounting Standards Board 1041 (AASB 1041) - Revaluation of Non-current Assets was introduced for reporting periods commencing after 1 July 2000. This Accounting Standard requires the City to elect the method of valuing classes of non-current assets for the year ending 30 June 2001 and onwards. AAS 38 prescribes that non-current assets are separated into "classes of assets" and that each "class of asset" be valued using either a "fair value" or "cost" basis. Various disclosures are required for the revaluation of non-current assets.

This report recommends that the City of Joondalup adopts AAS 38 and uses the "cost" method of valuing assets.

BACKGROUND

The Australian Accounting Standard 38 (AAS 38) /Australian Accounting Standards Board 1041 (AASB 1041) - Revaluation of Non-current Assets was introduced for reporting periods commencing after 1 July 2000 and replaces Accounting Standard 10 (AAS 10) and Australian Accounting Standard Board 1010 (AASB 1010).

The new standard requires the City to specifically elect a method of valuing classes of assets. Classes of assets are to be valued using either the cost method or the revaluation or fair value method, however assets within the same class must use the same valuation method. Once the revaluation method is chosen for a class of assets, entities cannot revert to the cost method. If the cost method is chosen for a class of assets, the revaluation method may be used in the future.

DETAILS

The revaluation of non-current assets is required to reflect the current value of the assets of the organisation and is of most relevance to private corporations to reflect the net asset backing of shares. Asset valuations would be undertaken regularly to ensure that the current valuation of the classes of assets reflect market valuation. The revaluation of non-current assets to current market value is of little practical benefit to "public" or "not for profit" entities. Specific users of financial statements of these entities may undertake specific assessments of asset values if required. Banks or insurance corporations are examples of such specific users of public entity financial statements.

Under the cost method, the asset is shown at the cost of acquiring the asset and depreciation is applied to reflect the diminution of value of the asset. The City currently depreciates all assets using the straight-line method over the estimated useful life of the asset. The net book value of the asset is shown at "cost" less "accumulated depreciation".

Under the Asset revaluation method, the asset would be initially acquired at cost then revalued within the regular cycle (all depending upon market conditions) at the conclusion of the financial year assets within an entire class must be revalued. Any revalued increments and decrements within a class of asset would be netted against each other. Decreases in the value of the class of assets at the valuation date would be shown as an expense in the Statement of Financial Performance. Increases in the value of the class of assets at the valuation date would be shown as a "non cash backed" asset reserve.

The City currently applies AASB 1010, and uses the cost price to determine the asset value. Assets are shown within specific classes. Assets are depreciated over their estimated useful life using the straight-line method which allocates equal amounts of depreciation each year.

The net book value of the City's non-current assets shown as follows:

Other Non Current Assets

Furniture / Fittings and Computer Equipment	\$ 2m
Plant & Vehicles	\$ 6m
Artworks and Other Plant and Equipment	\$ 1m
Net WDV – 30 June 2001	<u>\$ 9 m</u>

Land & Buildings

Land	\$ 3m
Buildings	\$ 52m
Net WDV – 30 June 2001	<u>\$ 55 m</u>

Infrastructure Assets

Reserves Infrastructure	\$ 26m
Roads Infrastructure	\$ 232m
Footpaths Infrastructure	\$ 10m
Drainage Infrastructure	\$ 133m
Car Park Infrastructure	\$ 8m
Other Engineering Infrastructure	\$ 15m
Works in Progress	\$ 1m
Net WDV – 30 June 2001	<u>\$ 425 m</u>

Total Net Written Down Value - 30 June 2001	<u>\$489m</u>
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The valuation of assets is generally to be undertaken by an independent licensed valuer and all assets within the class of assets would be revalued. Assets most likely to be undervalued include Infrastructure Assets and Land and Buildings. These comprise approximately \$480m or 98% the City's net assets. Other classes of assets are generally held for comparatively short periods at approximate market value.

COMMENT/FUNDING

Whilst the value of the City's land, buildings and infrastructure assets are likely to increase if revalued, the increment will have little impact on the City. In applying these provisions the City must elect to either measure a class of non-current asset at "cost" or "fair value". If the "fair value" basis for measuring a class of non-current asset is elected, the City cannot at a later date revert to the "cost" basis for measuring that class of non-current asset.

A number of Western Australian local governments including the City of Perth, City of Gosnells, City of Belmont, City of Melville, City of Wanneroo and the City of Stirling have been contacted in relation to this matter. None of the local governments contacted has formally made these elections at this point for the year ending 30 June 2001. It appears that all Western Australian local governments contacted except the City of Belmont (who currently use the valuation method) will elect the cost basis and will review the costs and implications of adopting the valuation method during the coming year. The City of Stirling expects to disclose an estimate of the fair value of certain classes of Infrastructure Assets in the notes to the annual financial statements. The City of Perth is likely to adopt the valuation method for specific classes of assets in the future, particularly in relation to commercial carparking assets.

Indications from local governments in New South Wales, through the Chair of the New South Wales Finance Managers Association, are that local governments will elect to adopt the cost method and will review the valuation method during the coming year. The City of Hawkesbury will elect the cost method for the year ending 30 June 2001.

Local Government's in South Australia have since 1994 been required to revalue non-current assets at a minimum each 5 years in accordance with the Local Government Financial Regulations (South Australia). Accordingly the introduction of AAS 38 is not a significant issue to those local governments. The Chair of the Local Government Finance Managers Association in South Australia advises that little practical benefit appears to have been gained in undertaking these valuations.

It must be noted that no market for Infrastructure Assets exists and that the City of Joondalup is not able to dispose of these assets. There is little benefit in electing the "fair value" method for any of the City's classes of assets. Regular revaluations would be required and would incur additional costs on an ongoing basis. Specific users of the financial statements of the City may undertake specific assessments of asset values if required. Accordingly, it is recommended that the City elects to continue to value all classes of assets at cost.

MOVED Cr Patterson, SECONDED Cr O'Brien that Council ELECTS to continue to value its non current assets on an at cost basis.

The Motion was Put and

CARRIED

INFRASTRUCTURE MANAGEMENT

**CJ309 - 09/01 TENDER NO 005-01/02 - SUPPLY AND
INSTALLATION OF PRELIMINARY WORKS FOR
ROAD RESURFACING AND TRAFFIC
MANAGEMENT PROGRAMS - [38757] [40004]**

WARD - All

CJ010904_BRF.DOC:ITEM 12

SUMMARY

Tenders were advertised state-wide for the supply and installation of preliminary works for road resurfacing and traffic management programs, in accordance with the Conditions of Tendering supplied. Tenders closed on Wednesday 21 August 2001. Four tenders were received as follows:

- | | |
|-----------------------|----------|
| ● Georgiou Group | Malaga |
| ● Stirling Paving | Stirling |
| ● Roads 2000 | Malaga |
| ● Rumenos Contracting | Carlisle |

This report recommends acceptance of the price schedule submitted by Stirling Paving in accordance with the condition of tender.

DETAILS

The Scope of Works under this contract is to supply and installation of preliminary works prior to road resurfacing and traffic management works.

The road resurfacing program provides for the preservation of roads by extending the pavement life with regular and programmed resurfacing works. The systematic and timely application of a new surface overlay can maintain pavement integrity, increased skid resistance and smoother quiet road and a reduction of expensive reconstruction and road maintenance costs. Council's traffic management program is aimed to provide safe and accessible roads through traffic calming and urban enhancement techniques. All Council roads due for resurfacing works need to be prepared first (e.g. removal of old kerbs and crossovers that lack of adequate heights to accommodate new asphalt surface, removal of pram ramps as existing ramps normally left flush with the pavement, raising of level of drainage gully grates normally located in the carriageway). This contract will basically involve the contractor to carry out all these preliminary works prior to road resurfacing, additionally, the tender price include items to supply and install tree-wells onto the median strip of the carriageway which is in line with Council's current traffic management and streetscape enhancement policy.

This work has traditionally been undertaken by 60% in-house and 40% by various specialist contractors. The tender was designed to identify a single contractor to undertake the variety of works involved. The successful contractor will work in conjunction with other council contractors e.g. kerbing and brick paving contractors. The City still retains its resources to carry out road modification and traffic management programs, and the works program is structured to ensure the current construction team has a full program for completion.

Various annual contracts are involved in these programs:

- Brick Paving
- Kerb Installation
- Road Signage
- Line-marking

Four tenders were received, out of them Stirling Paving worked with Council last year on various projects and their performance was quite satisfactory. Stirling Paving has the lowest pricing in almost all the tendered items compare to its competitors. The tenders submitted by others all have satisfactory skills, resources and experience to perform a similar kind of job.

Stirling Paving have listed the following subcontractors to be utilised during the works program:

Sub Contractor List

Name of the sub contractor	Address	Type of works proposed to be sub contracted
Gnangara Bobcats	10 Clubhouse Lane Gnangara	Bobcat hire
J Calautti	6 Cressall Road Balcatta	Truck hire
Westcoast Excavator	2 Coldlake Court Joondalup	Plant hire
Cutwell	46 Catalano Road Canning Vale	Concrete sawing and drilling
Advanced Traffic Management	PO Box 1944 Midland Private Boxes	Traffic management
Civil Hire	PO Box 1622 Wangara	Plant hire
Phil McAuley	30 Blackthorn Road Greenwood	Plant hire
A & D Franze	48 Redcliffe Avenue Marangaroo	Bobcat hire
A J Mammoliti Earthmoving Pty Ltd	PO Box 181 Mt Hawthorn	Truck hire

Contract Period

Subject to Clause 29 (Termination), this contract will commence from 1 October 2001 and will remain in place for a period of 12 months, to 30 September 2002.

Subject to the satisfactory performance of the Contract and under the provision of following sub clause 28.3, *the Principal may consider to extend the contract further for 2 x 12 months or a part thereof*. Such extension of the Contract is not an automatic right for the Contractor and shall be in accordance with the same terms and conditions, including Schedule of Rates, or with negotiated price adjustments not exceeding the changes in CPI as published by the Australian Bureau of Statistics for the last 12 months, or any lower value as negotiated by the Principal and shall be at the discretion of the Principal.

Subject to Clause 28.2 the Contractor shall notify the Principal in writing at least 90 days prior to the expiry of this contract, expressing its intention to be considered for renewal of the Contract.

The Contractor and the Superintendent will develop a contract review process which would include a formal meeting and recording of the Contract progress. Such formal meeting shall occur at least once every three months. The Superintendent will provide the copy of the Contract Review Report to the Director Infrastructure Management and the Contractor.

Sub-contracting are involved in all four tenders submitted mainly for supply of sand and limestone, bobcat and truck hire and concrete and asphalt cutting .

COMMENT

The contract for Supply and Installation of preliminary Works for Road Resurfacing and Traffic Management Program is a Schedule of Rates contract and the contract sum is paid from the Capital Works project of Road Resurfacing and Traffic Management projects as required.

Under the City's Contract Management framework, the tenders were assessed by an evaluation committee using a weighted, multi-criterion assessment system. The criteria provided in the Tender Information Document was:-

- Price offered for the services (Schedule of Rates)
- Tenderer's demonstrated ability to rectify a site problem at short notice.
- Tenderer's resources (eg. specialised equipment, skill inventory and financial capacity).
- Tenderer's previous experience in carrying out similar works.
- Safety Management Policy including safety records for the last two years.

This criteria effectively falls into two distinct parts, being "price" and "quality". "Quality" includes the ability to attend to problems at short notice.

Weightings for all criteria were agreed prior to the Tender Evaluation Committee meeting. The weightings remained unaltered throughout the evaluation process for each tender, thereby maintaining the integrity of the tender evaluation process.

To enable the comparison of rates, the weighting for the prices offered was distributed among the submitted items depending on their frequency of occurrence and level of importance. The scope of each item was then calculated to derive a total score for the contract. The sample comparison of prices of these items is as follows:

TASK	Unit	Roads 2000 \$	Georgiou Group \$	Stirling Paving \$	Rumenos Contracting \$
Removal of kerbing	m	24.50	34.00	6.04	17.00
Kerb back-filling	m	17.00	10.00	2.24	10.00
Removal of pram ramps	Each	200.00	141.00	116.00	125.00
Cross-over removal concrete	Sq-m	47.50	50.00	28.90	35.00
Supply & installation of gully grates	Each	463.00	836.00	338.00	820.00
Supply & installation of tree wells	Each	406.00	486.00	458.00	1,120.00

Stirling Paving achieved the highest score during the tender evaluation process and it is therefore recommended that Council accepts its tender, in accordance with the Schedule of Rates. See Attachment 1.

MOVED Cr Kimber, SECONDED Cr Barnett that Council:

- 1 ACCEPTS the tender submitted by Stirling Paving as per the Schedule of Rates, shown as Attachment 1 for Tender 005-01/02, in accordance with the Conditions of Tender, for 12 months from 1 October 2001 to 30 September 2002, with an optional two 12 month extension periods;**
- 2 AUTHORISES execution of the contract.**

The Motion was Put and

CARRIED

Appendix 9 refers

To access this attachment on electronic document, click here: [Attach9brf110901.pdf](#)

Cr Rowlands entered the Chamber, the time being 1936 hrs.

Cr Kadak left the Chamber, the time being 1936 hrs.

**CJ310 - 09/01 CONTRACT EXTENSIONS - 050E-99/00 SUPPLY OF
CONTRACT LABOUR 020-99/00 SUPPLY AND
DELIVERY OF CRUSHED LIMESTONE - [48340,
35760]**

WARD - All

CJ010904_BRF.DOC:ITEM 13

SUMMARY

Contract number 050E-99/00 Supply of Contract Labour was extended by Council at its meeting held on 14 November 2000, for a period of 12 months from 1 December 2000 to 30 November 2001.

Venus Corporation, trading as Lo-Go Appointments, has requested the following:-

- a) That the contract be extended for the additional period of 12 months in accordance with the Conditions of Contract;
- b) That approval is granted to increase the hourly rate for various categories listed under the headings Parks & Gardens, Roadworks and Cleaners, due to the increase awarded under the changes to the Minimum Conditions of Employment Act 1 July 2000.

Contract number 020-99/00 Supply and Delivery of Crushed Limestone was extended by Council at its meeting held on 13 June 2000, for a period of 12 months from 1 September 2000 to 31 August 2001.

WA Limestone has requested that the contract be extended for the additional period of 12 months in accordance with the Conditions of Contract.

DETAILS

Contract 050E-99/00 Supply of Contract Labour

Contractor - Venus Corporation, trading as Lo-Go Appointments.

Expenditure for the 2000/2001 financial year totalled \$589,304. This company provides contract labour as required, predominately for the Operations Services outside workforce. The contract employment process is used to –

- a) screen prospective employees prior to appointment to the outside workforce on a permanent basis;
- b) supply labour for specific projects where short-term labour is required to complete a specific function or project;
- c) have a regular supply of experienced personnel to meet Council's commitments;
- d) coverage for Long Service, Annual, Sick leave and Workers Compensation.

Lo-Go Appointments has requested that the Schedule of Rates be increased in accordance with movement in the Minimum Conditions of Employment Act. All minimum wage rates were adjusted on 22 March 2001. (Refer Attachment 1 Wageline Schedule).

There has been an increase in areas that are outside the contractor's control, ie. Minimum Conditions of Employment and Workers' Compensation fees.

The proposed Schedule of Rates, indicating both the existing rate and new rate, is shown below.

Parks and Gardens	Existing	New
Park Maintenance Level 3	\$16.00	\$16.49
Mowing Level 3	\$16.30	\$16.49
Tree Pruning Level 4	\$16.65	\$16.83

Roadworks

Level 3	\$16.15	\$16.71
Level 4	\$16.75	\$17.05
Level 4A	\$17.35	\$17.42
Level 5	\$18.55	\$18.63
Level 6	\$19.70	\$19.78

Cleaners

Cleaner	\$16.85	\$17.36
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The revised Schedule of Rates for Contract Number 050E-99/00 is shown as Attachment 2.

As this increase would be applied to all contract labour appointments, it is recommended that the revised Schedule of Rates submitted by Lo-Go Appointments be accepted.

Operations Services currently has four employees on contract labour supply. This is a reduction on the 2000/2001 number, due to the functions of the Operations unit being stabilised and the preference for local full-time employees where possible.

It is recommended that Contract Number 050E-99/00 Supply of Contract Labour is extended for the final 12 month period, from 1 December 2001 to 30 November 2002, in accordance with the revised Schedule of Rates.

Contract 020-99/00 Supply and Delivery of Crushed Limestone

Contractor – WA Limestone.

Expenditure for the 2000/2001 financial year totalled \$74,157 for various roadwork programs. Crushed limestone is required for sub-base material in road and dual use path construction projects.

WA Limestone has not requested a price increase for this proposed contract extension.

It is therefore recommended that Contract Number 020-99/00 Supply and Delivery of Crushed Limestone is extended for a further 12 month period, from 1 September 2001 to 31 August 2002.

COMMENT/FUNDING

Sufficient funds for the provision of these supply contracts are contained within the Operational and Capital Budgets.

MOVED Cr Patterson, SECONDED Cr Mackintosh that Council:

- 1 AUTHORISES the extension of Contract 050E-99/00 Supply of Contract Labour with Lo-Go Appointments, for a period of 12 months from 1 December 2001 to 30 November 2002, in accordance with the revised price schedule forming Attachment 2 to Report CJ310-09/01;**
- 2 AUTHORISES the extension of Contract 020-99/00 Supply and Delivery of Crushed Limestone with WA Limestone, 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 inclusive of the application of 10% GST;**
- 3 APPROVES the revised Schedule of Rates submitted by Lo-Go Appointments;**
- 4 AUTHORISES the signing of the contract extension documents.**

Discussion ensued. Cr Hollywood queried workers compensation, superannuation and annual leave payments to casual hire labour by Lo-Go Appointments.

Director, Infrastructure Management advised he would take this question on notice.

The Motion was Put and

CARRIED

Appendix 10 refers

To access this attachment on electronic document, click here: [Attach10brf110901.pdf](#)

CJ311 – 09/01 PARKING RESTRICTION PROPOSAL - PETERBOROUGH DRIVE, CURRAMBINE - [22936]

WARD – North Coastal

CJ010904_BRF.DOC:ITEM 14

SUMMARY

The Currambine Catholic Primary School is seeking to restrict parking along Peterborough Drive, Currambine to alleviate parking congestion problems associated with parent parking. As the parking restrictions form part of an overall Road Safety and Parking Strategy for this school, the implementation of the parking restriction on this road is supported.

BACKGROUND

At the 31 October 2000 meeting of the school's Road Safety Committee, RoadWise and the City, the school expressed their concerns at parking congestion problems in Peterborough Drive, Currambine.

Officers of the City have been concurrently working with Currambine Catholic Primary School Road Safety Committee and RoadWise to implement a comprehensive road safety and parking strategy at this school.

As part of this strategy, the school's Road Safety Committee has requested that a parking restriction be implemented in Peterborough Drive, Currambine.

DETAILS

Currambine Catholic Primary School is bounded by Caledonia Avenue and Peterborough Drive. Peterborough Drive provides a carpark access to the school. Peterborough Drive is constructed as a single lane boulevard as shown on Attachment 1. Speed is restricted to 40km/h between 7:30am-9:00am and 2:30pm-4:30pm on school days. During school peak times Peterborough Drive is used for parent parking, resulting in Peterborough Drive becoming congested, restricting the normal traffic flow and reducing the level of pedestrian safety and residential access.

The school is concerned that parent parking on both sides of Peterborough Drive during school peak times restricts normal traffic flow and making it hazardous for students crossing Peterborough Drive. The nature of parent parking on Peterborough Drive is normally non-uniform and therefore can create obstructions from time to time. While this creates a desirable low speed environment it invariably leads to driver and parent frustration and reduced level of pedestrian safety.

The school's Road Safety Committee has requested that consideration be given to restrict parking in Peterborough Drive between Caledonia Avenue(north) to the southern boundary of the school. In this instance, a "NO STOPPING" restriction would be the most appropriate to reduce the congestion caused by parked vehicles, maintain the general traffic flow at all times and therefore increase the level of safety during school peak times. It is envisaged that a "NO STOPPING" restriction be delineated by a yellow line marking. This type of restriction has been successfully used at other schools within the City. The type and extent of the proposed parking restriction is shown on Attachment 1.

A copy of the proposal has been circulated to affected residents for comment. Of those notified only 1 of 4 residents responded and had supported the strategy to restrict parking in Peterborough Drive between Caledonia Avenue(north) to the southern boundary of the school. As part of the overall road safety and parking strategy for the school, the school's Road Safety Committee has encouraged parents to drop-off and pick-up students in dedicated zones within the school's on-site carpark. The dedicated zoning of the school's on-site carpark is shown on Attachment 2. The on-going commitment to this strategy will be achieved through an educational package to students and through the school's newsletters.

The implementation of parking restrictions on Peterborough Drive between Caledonia Avenue(north) to the southern school boundary forms an integral part of this strategy.

COMMENT/FUNDING

The school's existing on-site carpark provides formalised parking for parent motorists to drop-off and pick-up students with short and long term parking. The proposal to restrict parking in Peterborough Drive between Caledonia Avenue(north) to the southern school boundary will regulate parent parking, maintain the general traffic flow at all times and therefore increase the level of safety and access during school peak times.

As the proposal forms an integral part of the overall road safety and parking strategy for this school, the implementation of parking restrictions in Peterborough Drive between Caledonia Avenue(north) to the southern school boundary is supported.

MOVED Cr Baker, SECONDED Cr Rowlands that Council:

- 1 ADOPTS the parking restriction strategy for Peterborough Drive, Currambine as shown on Attachment 1 to Report CJ311-09/01;**
- 2 ADVISES Currambine Catholic Primary School and affected residents accordingly.**

The Motion was Put and

CARRIED

Appendix 11 refers

To access this attachment on electronic document, click here: [Attach11brf110901.pdf](#)

CJ312 - 09/01 WARWICK OPEN SPACE - PUBLIC TOILET FACILITY - [54028]**WARD - South**

CJ010904_BRF.DOC:ITEM 15

SUMMARY

Council installed the Warwick Open Space public toilet facility in the early 1980's as part of the Stage 1 tennis complex construction. Additional stages to the complex involved the construction of the current Warwick Sports Complex.

The original toilet facility was located south of the tennis courts and is now redundant (refer Attachment 1 Photographs). The building is concealed within the natural bushland and is a haven for antisocial activities. This problem is ongoing and as the facility is rarely utilised by the general public or sports groups, the option to demolish requires consideration.

DETAILS

Construction of the toilet facility in its current location formed Stage 1 works, incorporating four tennis courts, access, road, limestone surface car park and toilet facilities. The original concept plan provided for further court development adjacent to the toilet and limestone car park. This concept was modified to accommodate the provision of an oval, additional tennis courts and the bowling greens. The location of the new sports club building was aligned to these new facilities.

With construction of the building and car park, the original toilets are now isolated and rarely used by the general community or sports groups. The concept plan provided for various sporting groups, but failed to achieve the total integration required for a sports club.

The sporting groups are currently serviced by the Warwick Sporting Club facility.

Recent antisocial activity around the original building is of concern to both the community and Council staff. Discussions with Police acknowledged that this building was a recognised site for illegal activities and was regularly visited by Police.

It is confirmed that these facilities are surplus to requirements.

COMMENT/FUNDING

Funds are available within the Maintenance Account No. 11 60 72 721 3341 for Warwick Open Space, for removal of the building.

OFFICER'S RECOMMENDATION: That Council **AUTHORISES** the removal of the Warwick Open Space public toilet facility and the expenditure be allocated towards Warwick Open Space Operational Account No 11 60 72 721 3341.

Cr Kadak entered the Chamber, the time being 1945 hrs.

MOVED Cr O'Brien, SECONDED Cr Baker that Council DEFERS the removal of the Warwick Open Space Public Toilet Facility and calls a community consultation meeting with the Warwick Open Space Facility User Groups, at the Warwick Recreation Association facility, on site, and requests the Urban Animal Management Committee to inspect and comment on the area, which is a regular area for canine animal exercise, in order to see whether the facility should be upgraded, kept as a community asset and developed as a picnic and barbeque area, adjacent to the Bush Walking Trails with interpreter signage, as there are already shelters, park seats and a car park currently in place.

Discussion ensued.

The Motion was Put and

CARRIED

Appendix 12 refers

To access this attachment on electronic document, click here: [Attach12brf110901.pdf](#)

CJ313 - 09/01 PETITION - REMOVAL OF PINE TREES - [12093, 37402]

WARD - South

SUMMARY

Council, at its meeting held on 14 August 2001, received a petition from residents in Leschenaultia Street, Leaside Way and Hessel Court Greenwood, supporting the removal of two *Pinus radiata* trees adjacent to No 9 Leschenaultia Street.

The owner of 9 Leschenaultia Street Greenwood, requested inspection of these two trees. He wrote to Council on 14 August 2000 regarding the problems associated with the trees, eg. safety, leaf litter and structural damage.

The information provided to the resident of 9 Leschenaultia Street Greenwood on 4 September 2000, was a true and correct assessment of the two verge trees and it is therefore recommended that Council advises the petitioners that removal of the trees is not supported.

BACKGROUND

Council, at its meeting held on 14 August 2001, received a petition from residents in Leschenaultia Street, Leaside Way and Hessel Court Greenwood, supporting the removal of two *Pinus radiata* trees adjacent to No 9 Leschenaultia Street.

The owner of 9 Leschenaultia Street Greenwood, requested inspection of these two trees. He wrote to Council on 14 August 2000 regarding the problems associated with the trees, eg. safety, leaf litter and structural damage.

Officers of the City visited the site and initially indicated that removal of the trees would resolve the current problems being experienced, eg. leaf fall. There is evidence of root damage to the road pavement and the kerb has been replaced previously.

During this period, the resident of No 2 Leaside Way (opposite 9 Leschenaultia Street), contacted Council and requested the trees be retained to maintain the character of the suburb.

A further inspection of the trees was carried out by Council officers and a response sent to Mr Hamilton on 4 September 2000 (refer Attachment 1). The inspection was based on the criteria to determine a hazardous tree and the response clearly outlined Council's position.

Contact was made with various residents to determine the extent of the problem and their concerns regarding leaf litter. The Ward Councillors were advised and contact with the residents concerned occurred.

Following discussions with the owner of 9 Leschenaultia Street, pruning of the overhanging limbs was undertaken by the City to minimise the impact of leaf fall and reduce any perceived hazard.

Various discussions, correspondence and site inspections occurred as follows:-

22 September 2000 –The owner of 9 Leschenaultia Street lodged a complaint with the Council regarding “the handling of the tree problem. Although he states he has found dealing with the Council to be polite and helpful, the owner states he “is not happy with the way it has been handled.”

4 October 2000 – Site inspection.

22 October 2000 – Trees photographed.

The complaint was closed on Monday, 25 September 2000, with a letter to the owner of 9 Leschenaultia Street advising that Council's decision not to remove the trees remained unchanged. He was also advised that the trees would be monitored, as would the road damage from the roots of the trees.

Various email correspondence occurred between Councillors, Council officers and the residents during September/October/November 2000 and February 2001, when the issue of leaf litter (pine needles) became a problem.

DETAILS

In June 2001, the owner of 9 Leschenaultia Street contacted Councillor M O'Brien and requested the trees be reassessed. Again, various discussions occurred and the owner of 9 Leschenaultia Street was advised to seek the support of surrounding residents and present a petition to Council for determination. 17 residents in Leaside Way, Hessel Court and Leschenaultia Street have supported the petition presented (refer Attachment 2 for petition and Attachment depicting trees and petitioners' property locations).

The Trees

At the junction of Leschenaultia Street and Leaside Way, various residents have planted *Pinus radiata* as verge trees, as part of the initial suburb development. These two trees are the remaining trees and are approximately 25 years old and appear healthy and structurally sound. Prior to pruning on the eastern side, the trees were balanced and stable. The pruning has reduced the leaf fall into the property, however it has visually affected their appearance. There is no evidence to determine whether the pruning has affected their stability.

There is evidence of root damage to the kerb and road pavement and repairs have been undertaken previously. Repairs will be required every 3-5 years if the trees are retained and this is acceptable, given the small residential character of the street.

There is limited evidence available to clearly determine the hazardous nature of this species. Information from CALM indicates that they are not affected by normal winter storm damage. Evidence provided by Councillor M O'Brien indicates that trees were damaged in Tasmania during a storm. Photographs were provided with the petition indicating that the trees were damaged during a storm.

Reasons to Retain the Trees

1. Historical – Significant only due to being planted as part of the development.
2. Limited number of large trees retained in the street, both on private and road reserve land.
3. Not a traffic hazard.
4. Bird feed and habitat for black cockatoos.
5. Healthy and structurally sound.
6. Liability to Council – Limited evidence to support determination.

Reasons to Remove Trees

1. Root damage to kerb and road pavement.
2. Leaf litter problem for resident.
3. Safety hazard due to limb fall – Limited evidence.
4. Suitability of tree species for verge of residential area.
5. Height of trees in residential area.
6. Insurance liability – Limited evidence to support determination.

COMMENT

Council officers are required to assess trees under Schedule 3.1 Division 1 of the Local Government Act 1995, which states that a property owner must “ensure that a tree on the land that endangers any person or thing on adjoining land is made safe.”

Given this information, trees are assessed to determine whether they are dead, diseased, dying or structurally unsound.

Council, as the authority with control of the road reserve, is responsible for the maintenance of all verge trees. Funding for this work is via the Operations Maintenance Account Verge Tree Maintenance.

The information provided to the resident of 9 Leschenaultia Street Greenwood on 4 September 2000, was a true and correct assessment of the two verge trees and it is therefore recommended that Council advises the petitioners that removal of the trees is not supported.

OFFICER'S RECOMMENDATION: That Council ADVISES the petitioners that the removal of the two pinus radiata trees adjacent to No 9 Leschenaultia Street, Greenwood is not supported.

MOVED Cr O'Brien, SECONDED Cr Baker the matter pertaining to the removal of two pinus radiata trees adjacent to No 9 Leschenaultia Street, Greenwood be DEFERRED and considered in conjunction with the Notice of Motion submitted by Cr O'Brien to be considered later in the meeting in relation to this issue.

The Motion was Put and

CARRIED

Appendix 16 refers

To access this attachment on electronic document, click here: [Attach16agn110901.pdf](#)

PLANNING AND DEVELOPMENT

**CJ314 - 09/01 CONSIDERATION OF FINAL APPROVAL -
PROPOSED MODIFICATION - HILLARYS
STRUCTURE PLAN - MIXED USE SITES - [16047]**

WARD - Whitford

CJ010904_BRF.DOC:ITEM 16

SUMMARY

The proposal to modify the Hillarys Structure Plan by way of designating the sites on the corner of Hepburn Avenue/Whitfords Avenue, and Whitfords Avenue/Angove Drive, Hillarys, for Mixed Use development, and by inserting provisions to control and guide their development, is brought before Council for consideration of final approval (Attachments 1 & 2).

Council determined at its meeting on 26 June 2001 that the proposed modifications were satisfactory and to make them available for public comment for 28 days.

Advertising commenced on 5 July 2001 and closed on 2 August 2001. A total of thirty four (34) submissions were received. Twelve (12) of the submissions were generally in support of, or had no objection to, the proposed modifications, whilst twenty two (22) of the submissions objected to the proposed modifications. Concerns were raised particularly with respect to the

proposed Mixed Use site on the corner of Angove Drive/Whitfords Avenue. Concerns related to the potential for the developments to increase traffic, produce undesirable odours and noise, to be visually displeasing and to attract antisocial behaviour. Several submissions expressed a belief that the area was already well serviced by commercial land uses and that the Mixed Use sites were therefore unnecessary. Several submissions also expressed a belief that the area lacked accessibility to convenience goods/services, and that the Mixed Use sites were therefore much needed.

The provisions proposed to be inserted into the Structure Plan with respect to the proposed Mixed Use sites allow for convenience goods/services to be provided, whilst attempting to ensure that the associated developments do not detrimentally impact the amenity of the surrounding residential area, but reflect good urban design principles.

It is recommended that Council amends the Hillarys Structure Plan by way of designating the sites on the corner of Whitfords Avenue/Hepburn Avenue and Hepburn Avenue/Angove Drive for Mixed Use development, and by inserting provisions to control and guide their development, as proposed, subject to minor modifications.

BACKGROUND

Lot No	Pt Lot 7 (cnr Hepburn Ave/Whitfords Ave) Pt Lot 158 (cnr Whitfords Ave/Angove Dve)
Street Address	49 Hepburn Ave, Hillarys (cnr Hepburn Ave/Whitfords Ave) 12 Hepburn Avenue, Hillarys (cnr Whitfords Ave/Angove Dve)
Land Owner	Paltara Pty Ltd
MRS Zoning	Urban
DPS Zoning	Urban Development
Land Use	Undeveloped
Lot Area	Sites are yet to be formally created however are proposed to be: Cnr Hepburn Ave/Whitfords Ave – 6876m ² Cnr Whitfords Ave/Angove Dve – 2194m ²

Site History/Previous Council Decisions

The Hillarys Structure Plan was first brought before Council in November 1998 (CJ232-11/98) for consideration. The Structure Plan included the subject sites within the Residential Mixed Use/Commercial Precinct. Council resolved at this meeting to adopt the Structure Plan and make it available for public comment.

Following advertising, the Structure Plan was reported to Council, at its June 1999 (CJ208-06/99) meeting. Council resolved at this meeting to modify the Structure Plan by excluding the subject sites from the Residential Mixed Use/Commercial Precinct. The Council report stated:

“It is considered that the proposed location of a residential mixed use/commercial precinct on the corner of Hepburn Avenue and Whitfords Avenue can not be supported at this stage because further details are required regarding design and impact. The developer has been asked to substantiate his proposal and the precinct has therefore been designated ‘unallocated’ until this is resolved.”

Council, having received further justification for the sites, determined at its meeting on the 26 June 2001 (CJ210-06/01) that the proposed modifications were satisfactory and to make them available for public comment for 28 days.

Neither of the subject sites have been formally created, yet both have been conditionally approved by the Western Australian Planning Commission as part of separate subdivision applications.

DETAILS

Proposal/Issues

The Hillarys Structure Plan is proposed to be modified by way of designating the sites on the corner of Hepburn Avenue/Whitfords Avenue, and Whitfords Avenue/Angove Drive, Hillarys, for Mixed Use development, and by inserting provisions to control and guide their development.

The site on the corner of Hepburn Avenue/Whitfords Avenue is bound by Whitfords Avenue to the west, Residential (R30) zoned land and public open space to the north, Residential (R30) zoned land to the east, and Hepburn Avenue to the south. The Hillarys Marina is located to the west of Whitfords Avenue. Residential (R30 & R50) zoned land is located to the south of Hepburn Avenue.

The site on the corner of Whitfords Avenue/Angove Drive is bound by Whitfords Avenue to the west and Residential (R20) zoned land to the north, east and south.

Both sites are currently included in the Unallocated Precinct, zoned Residential and coded R50 under the Hillarys Structure Plan. The site on the corner of Hepburn Avenue/Whitfords Avenue is also identified as a landmark site. The Structure Plan states with respect to the Unallocated Precinct that the permitted land use and provisions in this precinct are to be the subject of further study.

The proposed modifications were advertised for public comment for 28 days. Advertising commenced on the 5 July 2001 and closed on the 2 August 2001. A total of thirty four (34) submissions were received. Twelve (12) of the submissions were generally in support of, or had no objection to, the proposed modifications, whilst twenty two (22) of the submissions objected to the proposed modifications. The submissions have been summarised and addressed in the attached schedule (**Attachment 3**).

Concerns were raised particularly with respect to the proposed Mixed Use site on the corner of Angove Drive/Whitfords Avenue. The issues raised in the submissions are outlined below:

Traffic

Concern was expressed with respect to the potential increase in vehicular traffic in the area as a result of the proposed Mixed Use developments. Concern was expressed particularly with respect to the impact that this may have on the intersection of Whitfords Avenue/Angove Drive. Several submissions considered the intersection to be already well-trafficked and difficult to move through.

Odours & Noise

Concern was expressed with respect to the potential odours and noise from non-residential land uses, such as Restaurants and Bakeries, on the sites. There was a concern that odours and noise would drift into the surrounding residential area.

Visual Amenity

Concern was expressed with respect to the visual amenity of the developments.

Anti-social Behaviour

Concern was expressed with respect to the potential for the sites to attract anti-social behaviour. Such behaviour is prevalent at the Hillary's Boat Harbour.

Accessibility to Convenience Goods/Services

There is a belief that the area is already well serviced by commercial land uses and that the Mixed Use sites are therefore unnecessary. There is also a belief that the area lacks accessibility to convenience goods/services, and that the Mixed Use sites are therefore much needed.

Service Station

Concern was expressed that a Service Station could be developed on the sites.

Government Agency Comments

Included in the submissions were comments from the Water Corporation and the Ministry for Planning. The Water Corporation advised that it had no objections to the proposal. The Ministry for Planning advised that it had no objection to the proposal subject to:

- (a) Subclause 6.5.1 being modified on page 14 where it states, *'following the procedures laid down by subclause 6.6.2'* to reflect the appropriate subclause.
- (b) The City giving further consideration to the need for the developments to possess a compulsory residential component, as required in subclause 6.5.3 (k), due to the potential for residential land uses to conflict with non-residential land uses on the sites.

Relevant Legislation

Clause 9.7 of the City's DPS 2 relates specifically to the amendment of Agreed Structure Plans. Where the amendment to the Structure Plan is advertised, Clause 9.6.1 of the City's DPS 2 requires Council, within sixty (60) days of the close of advertising, to consider all submissions received during the advertising period and to resolve to do either of the following:

- (a) refuse to adopt the Structure Plan;
- (b) resolve that the Structure Plan is satisfactory, with or without modifications which the Council may require the proponent to make, and submit three copies to the WAPC for adoption and certification.

Relevant Policies

The WAPC's Statement of Planning Policy No. 9 – Metropolitan Centres Policy Statement for the Perth Metropolitan Region aims to provide a broad regional planning framework to coordinate the location and development of retail and commercial activities in the metropolitan region. Whilst the policy states that retail, office, commercial, entertainment, recreational and community facilities should be located and concentrated in centres it does acknowledge that there will be some commercial development within residential areas. The policy states that Mixed Commercial development in residential areas should be of a character, intensity and scale consistent with the residential amenity of the area.

The 'Liveable Neighbourhoods' document currently operates as an optional policy of the WAPC, which is applied at the request of the subdivision applicant. Council considered the document at its meeting held on 27 February 2001 (CJ052-02/01) where it was resolved to recommend to the WAPC that it adopts 'Liveable Neighbourhoods' as the State code for residential subdivision allowing for hybrid development where this provides a transition from pre Liveable Neighbourhood development. 'Liveable Neighbourhoods' states with respect to Mixed Use development:

"R13 – Adequate lots for non-residential or mixed use development should be provided in appropriate locations to facilitate business and employment generation taking into account:

- *The need for business and home based business to locate around town and neighbourhood centres and along arterial routes;*
- *Opportunities for home workspace development, often backing on to or fronting across to industrial development;*
- *Ability of uses and building forms to act as noise buffers to external noise sources such as major roads, railways or industries;*
- *The capacity of potential mixed use lots initially developed for housing to efficiently convert to or add a business use; and*
- *Opportunities to allocate highly accessible strategic sites of transport routes to large scale industrial or distribution uses.*

Where non-residential land uses are provided, the change of use should occur along the rear boundary line of lots, rather than the street frontage wherever possible to provide a compatible use transition."

COMMENT

Issues

The following comments are made with respect to the issues raised in the submissions:

Traffic

The City does not believe that the proposed Mixed Use developments will significantly increase the amount of vehicular traffic in the area. The permissible retail/office/restaurant floor areas have been restricted, so as to allow for only minor commercial activity, such as the provision of convenience goods/services. These facilities are unlikely to attract a significant amount of vehicular traffic from outside of the area. Being within easy walking distance of a

number of dwellings, it is hoped that local residents will walk, rather than drive, to the sites. Local residents currently have no option but to drive to access convenience goods/services, thus contributing to the amount of vehicular traffic in the area.

At the request of the City, the applicant appointed ERM to undertake a traffic assessment of the proposed mixed use sites. The assessment examined three different traffic generating land use scenarios (being low, intermediate and high traffic generation) for each site. ERM concluded that Angove Drive would be able to sufficiently handle the level of traffic associated with the proposed mixed use site on the corner of Whitfords Avenue/Angove Drive and advised that a high traffic generating land use scenario would be appropriate for the site. Land uses, which are considered to be high traffic generators however, have been prohibited from the sites to minimise any adverse impact on the surrounding residential area.

The Whitfords Avenue/Angove Drive intersection will be monitored as the area is further subdivided/developed. Access points to the sites will be determined at the time of development.

Odours/Noise

There may be some odour/noise produced from non-residential land uses, such as Restaurants and Bakeries, on the sites. The floor area of such land uses however has been limited to minimise the scale of operations and therefore any detrimental impact on the surrounding residential area. As the developments are required to have a residential component, it is expected that any non-residential land uses will be carefully chosen by the developer to ensure that they have minimal impact on residents.

Visual Amenity

The proposed Structure Plan provisions attempt to ensure that the developments reflect urban design principles and are visually pleasing.

Anti-social Behaviour

The proposed provisions of the Structure Plan requires the developments on the subject sites to possess a residential component. This residential component will provide the sites with passive surveillance, which will assist in deterring anti-social behaviour.

Accessibility to Convenience Goods/Services

The City does not believe that local residents are provided with adequate access to convenience goods/services. These types of goods/services should be available within easy walking distance (i.e. 400 metres). The nearest neighbourhood centre is located on Harman Road, Sorrento, at least 1 kilometre from the southern boundary of the Harbour Rise Estate. The proposed neighbourhood centre on the corner of Flinders Ave/Waterford Dve is located approximately 700 metres from the northern boundary of the Harbour Rise Estate.

Service Station

Although a Service Station is proposed to be a prohibited land use on the sites, a Convenience Store, which is a discretionary land use, may, in accordance with its definition under the City's District Planning Scheme No. 2, include the sale of petrol. It is believed that the intent of this was to allow for Convenience Stores to operate in conjunction with Service Stations however the intent is clearly not explicit in the Convenience Store definition. The City does not believe that a Service Station would be an appropriate land use for the sites. To avoid confusion it is recommended that the Structure Plan specify that for the purposes of the Structure Plan, a Convenience Store shall not include the sale of petrol.

Government Agency Comments

As suggested by the Ministry for Planning, it is recommended that subclause 6.5.1 be modified on page 14 where it states, 'following procedures laid down by subclause 6.6.2' to reflect the appropriate subclause.

The Ministry for Planning also requested the City to give further consideration to the need for the developments to possess a compulsory residential component, as required in subclause 6.5.3 (k), due to the potential for residential land uses to conflict with non-residential land uses on the sites. The Ministry is suggesting that residential land uses should be incorporated into the developments at the discretion of the developer rather than be a compulsory component of the developments.

The intent of the Mixed Use areas is to accommodate both residential and non-residential land uses. The non-residential land uses, which are or may be permissible on the sites, are considered to be compatible with residential land uses. The City believes that it is necessary to require the Mixed Use sites to possess a residential component, as the sites are both located within a residential setting. The City does not believe that it would be appropriate for the sites to be developed purely for commercial purposes. The residential component will ensure that any proposals for non-residential land uses are carefully chosen so as to have minimal impact on residents. The residential component will also provide passive surveillance of the site, which will assist in deterring anti-social behaviour.

Building Setbacks

For the purposes of determining the building setbacks on the sites, it is recommended that the Structure Plan nominate the front boundaries of the sites.

Zoning Map

It is recommended that 'Plan 2 – Zoning Map' of the Structure Plan be modified by being re-labelled as 'Plan 2 – Land Use Map'. The provisions of the Structure Plan refer to Plan 2 as being a Land Use Map.

The provisions proposed to be inserted into the Structure Plan with respect to the proposed Mixed Use sites allow for convenience goods/services to be provided, whilst attempting to ensure that the associated development does not detrimentally impact on the amenity of the surrounding residential area and reflects good urban design principles.

It is believed that the location of the sites accords with Liveable Neighbourhoods criteria in that they are located on arterial routes and have the potential to act as traffic noise buffers.

It is believed that the provisions proposed to be inserted into the Structure Plan with respect to the Mixed Use sites will ensure that the proposed developments will be of a character, intensity and scale consistent with the residential amenity of the area, in accordance with the WAPC's Statement of Planning Policy No. 9.

It is recommended that Council amends the Hillarys Structure Plan by designating the sites on the corner of Whitfords Avenue/Hepburn Avenue and Hepburn Avenue/Angove Drive for Mixed Use development and by inserting provisions to control and guide their development, as proposed, subject to minor modifications, as outlined below.

OFFICER'S RECOMMENDATION: That Council, in accordance with clause 9.7 of the City's District Planning Scheme No. 2:

1 AMENDS the Hillarys Structure Plan by way of designating the sites on the Whitfords Avenue/Hepburn Avenue and Whitfords Avenue/Angove Drive for Mixed Use development, modifying the plans and by inserting the proposed provisions to control and guide their development, as contained in Attachment 2 to Report CJ314-09/01, subject to the following modifications:

- (a) Inserting the following after the first paragraph of section 6.5.1:

“For the purposes of this Structure Plan, a Convenience Store shall not include the sale of petrol.”

- (b) Subclause 6.5.1 being modified on page 14 where it states:

“In addition to the land uses which are, or may be, permitted in the Mixed Use zone, the following land uses may be approved by Council after following the procedures laid down by subclause 6.6.2:”

so that it reads as follows:

“In addition to the land uses which are, or may be, permitted in the Mixed Use zone, the following land uses may be approved by Council after following the procedures laid down by subclause 6.6.2 of the City's District Planning Scheme No. 2:”

- (c) Inserting the following text into subclause 6.5.3 (b):

“With the respect to the site on the corner of Hepburn Avenue and Whitfords Avenue, the front boundaries shall be those abutting Hepburn Avenue and Whitfords Avenue. With respect to the site on the corner of Whitfords Avenue and Angove Drive, the front boundaries shall be those abutting Whitfords Avenue and Angove Drive.”

- (d) Modifying 'Plan 2 – Zoning Map' by re-labelling it as 'Plan 2 – Land Use Map'.

2 SUBMITS the amended Structure Plan document to the Western Australian Planning Commission for adoption and certification.

ADDITIONAL INFORMATION

Please be advised that two (2) new points 1(c) and 3 are required to be added to the resolution of Report CJ314-09/01 – Consideration of Final Approval – Proposed Modification Hillarys Structure Plan – Mixed Use Sites:

Accordingly the recommendation now reads as follows:

MOVED Cr Mackintosh, SECONDED Cr Kimber that Council, in accordance with clause 9.7 of the City's District Planning Scheme No 2:

1 **AMENDS the Hillarys Structure Plan by way of designating the sites on the Whitfords Avenue/Hepburn Avenue and Whitfords Avenue/Angove Drive for Mixed Use development, modifying the plans and by inserting the proposed provisions to control and guide their development, as contained in Attachment 2 subject to the following modifications:**

- (a) **Inserting the following after the first paragraph of section 6.5.1:**

“For the purposes of this Structure Plan, a Convenience Store shall not include the sale of petrol.”

- (b) **Subclause 6.5.1 being modified on page 14 where it states:**

“In addition to the land uses which are, or may be, permitted in the Mixed Use zone, the following land uses may be approved by Council after following the procedures laid down by subclause 6.6.2:”

so that it reads as follows:

“In addition to the land uses which are, or may be, permitted in the Mixed Use zone, the following land uses may be approved by Council after following the procedures laid down by subclause 6.6.2 of the City's District Planning Scheme No. 2:”

- (c) **Under subclause 6.5.1, Car Park and Communication Antennae being added to the list as "not permitted".**

- (d) **Inserting the following text into subclause 6.5.3 (b):**

“With the respect to the site on the corner of Hepburn Avenue and Whitfords Avenue, the front boundaries shall be those abutting Hepburn Avenue and Whitfords Avenue. With respect to the site on the corner of Whitfords Avenue and Angove Drive, the front boundaries shall be those abutting Whitfords Avenue and Angove Drive.”

(e) **Modifying ‘Plan 2 – Zoning Map’ by re-labelling it as ‘Plan 2 – Land Use Map’.**

2 SUBMITS the amended Structure Plan document to the Western Australian Planning Commission for adoption and certification;

3 Subject to the certification of the Structure Plan by the Western Australian Planning Commission, ADOPTS the Hillarys Structure Plan as an Agreed Structure Plan and authorises the affixation of the Common Seal to, and the signing of, the Structure Plan documents.

The Motion was Put and

CARRIED

Appendix 13 refers

To access this attachment on electronic document, click here: [Attach13brf110901.pdf](#)

CJ315 - 09/01 MULLALOO PRECINCT PLAN REVISIONS - [48840, 46597]

WARD - Whitfords

SUMMARY

The Mullaloo Concept Plan was prepared and reported to Council following an extensive period of community consultation, which included the formation of a local focus group to assist in the process. The proposal was presented to Council, with a view to it being used as a basis for further design, costing and evaluation, and for discussion purposes regarding the ongoing development of the area. At the Council meeting on 22 May 2001, Council resolved 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”.*

Subsequent to that Council meeting, invitations were forwarded to both the Mullaloo Progress Association, Coast Care Marine and Friends of Marmion Marine to further review their submissions. Discussions have also been held with the Surf Club in relation to the integration of the Club and the Precinct Plan. On 23 July 2001, Mr Mitch Sideris and Ms Helen Kraus of

the Mullaloo Progress Association attended a meeting at the City's offices where they presented in detail their submission, which had formed part of the previous presentation to Council. As a result of this, the City has examined and noted the issues raised (see Attachment 1). It should however be recognised that this submission, although comprehensive, was one of many submissions made during the public comment period, and therefore any changes made should be made in that context.

The Council resolution requires that the City readvertises this proposal with a plan incorporating **all** concerns raised. As some of concerns incorporate the inclusion of elements in the plan and some concerns relate to the exclusion of the same elements, it is not physically possible to present such a plan. Given the extensive nature of the original submission period, and the subsequent discussions with particular interest groups, it is recommended that the Council not proceed with a further period of public advertising. It is further recommended that the Council requests a further report detailing relative priorities, indicative costings and phasing of the elements in the Mullaloo Concept Plan. Following this detailed work, it may then be appropriate to invite further comment.

BACKGROUND

The Draft Mullaloo Concept Plan was first presented to Council at its meeting on 19 December 2000 (CJ385-12/00) where Council resolved to note the draft Plan and the proposed consultation programme.

The draft Plan was extensively advertised for public comment for a period of nine weeks, including consultation with members of the focus group that acted as a reference to the team developing the Plan, community groups, individuals and the Ministry for Planning. Notice was provided in the local newspaper, on the City's website, through public displays at the City's administration building, the City's libraries and Whitfords Customer Service Centre. A fact sheet survey drop was carried out to households in proximity of the project area, and a public open day was also held where residents were given the opportunity to discuss the project.

Many submissions were received, most of which were generally supportive of the Concept Plan. A detailed report on the submissions received was presented to Council, with a recommendation that several major alternations be made prior to in principle endorsement. However, at its meeting of 22 May 2001, Council resolved 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.*

DETAILS

Following the Council's decision on 22 May 2001, a meeting was held with the Mullaloo Progress Association who presented their submission in detail. Extensive discussion followed, which resulted in agreement that the City would consider a number of issues raised.

The resolution of the Council requires that a further Plan be prepared incorporating all concerns raised in the submissions received. It is considered that if such a Plan were able to be produced, it would be confusing for the public and would serve little purpose in gaining additional feedback from the broader community. It would, however, be appropriate to seek further public comment once the costings and detailed concept planning has been undertaken.

COMMENT

The issues raised by the Mullaloo Progress Association have been given careful consideration and any proposed modifications to the Plan at this stage have been considered in the light of all the submissions received during the public comment period, and therefore the plan has only been modified where there has been broad support to do so. Additional consultation has enabled the City to draw on the invaluable experience of key community groups, to develop a clear idea of the detailed issues that need to be resolved through design development. It should be possible for Council to commence design development as has been supported in relation to the Sorrento Precinct Planning project. The previous recommendation has been amended to pay special attention to the comments received through further consultation.

Funding is available for some detailed design works. As much of the Plan revolves around improved traffic management, it is proposed that the available funds be used to undertake these studies in order to prepare costings for Council's consideration.

It is therefore recommended that the Council rescinds by absolute majority its resolution CJ159-05/01 of 22 May, being:

“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.”**

and further recommends that the detailed concept planning go ahead, and that particular note be taken of the concerns which have been raised.

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

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

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

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

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

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

The Mayor called for support from one-third of the members of Council. Support for this Item was given by Crs Mackintosh, Kenworthy, Patterson, Barnett and Kadak.

MOVED Cr Kadak, SECONDED Cr Mackintosh that Council:**1 RESCINDS its resolution CJ159-05/01 of 22 May 2001, being:**

"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."

2 NOTES the submissions received regarding the Mullaloo Concept Plan;**3 NOTES the significant public concern expressed regarding the proposed overspill parking in areas either side of Northshore Drive;****4 NOTES that there are a number of unresolved issues relating to the Council owned lots located to the west of Merrifield Place;****5 NOTES that the Mullaloo Concept Plan, modified by the deletion of the elements noted in 3 and 4 above, be used as a basis for further design, costing and evaluation, and for discussion purposes regarding the ongoing development of the area;****6 REQUIRES a further report detailing relative priorities, indicative costings and phasing of the elements in the Mullaloo Concept Plan paying specific attention to the points raised by detailed consultation with key community groups and others.**

AMENDMENT MOVED Cr Baker, SECONDED Cr O'Brien that the following words be added at the end of Point 6:

“.....particularly the need to ensure that there is no reduction in the recreational functionality and nett area of the useable surface of Tom Simpson Park proper.”

Discussion ensued.

The Amendment was Put and

CARRIED

MOVED Cr Kimber, SECONDED Cr Kadak that the Motion as Amended BE NOW PUT.

The Procedural Motion Was Put and

CARRIED

The Original Motion, as amended, BEING:

That Council:

1 RESCINDS its resolution CJ159-05/01 of 22 May 2001, being:

"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."*

2 NOTES the submissions received regarding the Mullaloo Concept Plan;

3 NOTES the significant public concern expressed regarding the proposed overspill parking in areas either side of Northshore Drive;

4 NOTES that there are a number of unresolved issues relating to the Council owned lots located to the west of Merrifield Place;

5 NOTES that the Mullaloo Concept Plan, modified by the deletion of the elements noted in 3 and 4 above, be used as a basis for further design, costing and evaluation, and for discussion purposes regarding the ongoing development of the area;

- 6 REQUIRES a further report detailing relative priorities, indicative costings and phasing of the elements in the Mullaloo Concept Plan paying specific attention to the points raised by detailed consultation with key community groups and others, particularly the need to ensure that there is no reduction in the recreational functionality and nett area of the useable surface of Tom Simpson Park proper.**

was Put and

**CARRIED BY AN
ABSOLUTE MAJORITY**

Appendix 17 refers

To access this attachment on electronic document, click here: [Attach17agn110901.pdf](#)

CJ316 - 09/01 SINGLE HOUSE (4 STOREY) EXCEEDING POLICY 3.1.9 - HEIGHT AND SCALE OF BUILDINGS WITHIN A RESIDENTIAL AREA AND REQUIRING FRONT AND SIDE SETBACK VARIATIONS: LOT 272 (6) CLONTARF STREET, SORRENTO - [48170]

WARD - South Coastal

CJ010904_BRF.DOC:ITEM 17

SUMMARY

The City has received an application from Danmar Homes for a 4 level house on a steeply sloping site. Council's discretion is sought in this instance as the proposal:

- Exceeds the Height and Scale of Buildings within a Residential Area Policy 3.1.9.
- Requires front and side setback variations to the Residential Planning Codes (R-Codes).

An application for a four level house (dated 3/5/2001) was advertised for comment, and a total of five objections and one letter of non-objection were received. The applicant amended the proposal, in recognition of those concerns. The height and bulk of the building was reduced, and the potential for overlooking was revisited in the newer plans.

The proposal was re-advertised. At the end of the second round of advertising, two objections and one non-objection were received. The issues raised centred on height and bulk of the proposal.

The revised design incorporates reduced ground levels, and a flat roof to minimise bulk. It is designed to fit a narrow and steeply sloping block (which falls nearly 10m from front to rear), and would afford similar levels of privacy as occurs with existing neighbouring homes.

It is recommended that the proposal be approved.

BACKGROUND

Lot	272
Street Address	6 Clontarf Street, SORRENTO
Applicant	Danmar Homes
Land Owner	Sharon White
MRS Zoning	Urban
DPS2 Zoning	Residential R-20
Permissibility of Use	Single House, 'P' permitted
Lot Area	711m ²

DETAILSTopography

The subject lot is narrow, being 15m in width. Vehicle access is provided to the rear of the site via a laneway. The lot falls 10m from front to rear, and the steepest section is closest to the road, where the land falls 6m at a grade of approximately 1 in 3 for this section of the lot.

Advertising

The original and revised proposals exceed the envelope described in Council's height and bulk policy. As such, the proposal was advertised to gauge comments (in accordance with Clause 5 of the policy). The original plans dated 3 May 2001 were advertised for a period of 14 days. At the end of the submission period on 27 June 2001, 5 objections and one non-objection had been received.

The height and bulk of the proposal has been reduced by removing a pitched roof and adding a flat roof, and by lowering relative floor levels. The revised plan does, however, exceed the height envelope.

Revised plans dated 6 July 2001 were re-advertised for a period of 14 days and at the end of the closing date on 8 August 2001, two objections and one non-objection were received. The concerns received can be summarised as follows;

- The massive four storey house is unsuitable for a small lot and the area;
- The plans had no merits and did not comply with the R-Codes;
- The proposed dwelling exceeds the height requirements and approval of a similar structure may cause precedence in the near future;
- Existing residents in the area had complied with the relevant building by laws in the past; and
- All construction vehicles and excessive water should be contained on site.

The submission comments and issues are summarised in Attachment 1.

Further revised plans have been received on 8 August 2001 with minor modification to the gatehouse and walkway. The above revision is required so as not to affect the street verge. No other part of the development has been altered in any way.

Proposal and Discretion Sought

The subject site is a vacant lot, which slopes from the street to the rear of the block in a north/south direction. Due to significant level changes for the lots along the southern side of Clontarf Street, the access to most garages is by the rear of the lot via a right-of-way. The subject site is one of the few remaining vacant lots in the area. Both the adjoining houses to the left and the right of the subject site exceed Policy 3.1.9 in terms of building height, but were built before the policy's inception.

The proposal is for a four storey single house, with the uppermost floor being at the Clontarf Street kerb level. The undercroft for the house consists of a garage and storeroom. Bedrooms, activity rooms and a balcony occupy the lower floor level. The main lounge, kitchen, study, family meals area and another balcony are located on the middle floor. Pedestrian access via an elevated passage way from Clontarf Street is located at the middle floor level. The uppermost floor consists of the master bedroom, sitting area and a balcony (at the Clontarf Street level).

The lot is 15.09 metres wide and 47.15 metres long (area - 711m²). The height of the house when viewed from the Clontarf Street level, is approximately 3.7 metres. The total height of the house when viewed from the rear right-of-way is 12.6 metres. The setback to the rear boundary at its closest point is approximately 20.6 metres. The house has been re-designed with a flat roof compared to the original pitch roof proposal.

The application exceeds the building height envelope in Policy 3.1.9 by approximately 2.4 metres at the highest point.

The applicant also request variations to the front and side setbacks. A 'nil' front setback to a gate and bridge is requested in lieu of the six metre setback requirements. The main house complies with the setbacks. Various other side setback variations are requested as outlined in Attachment 2.

The applicant has provided the following points in support of the application including response to concerns raised in the submissions:

- On the bulk of the house “...we are within our plot ratio requirements and are not asking for concessions on this. However, I again would point out the land contour and state that our design for 3 storey plus undercroft is the proper design for such a block”.
- In relation to the suggestion that the plans have no merit, “I believe that the plans are indeed of merit and the design melds with both land and streetscape. I would also point out that the only person affected by our setback requests are our neighbours in 8 Clontarf Street, Sorrento, who have indicated to myself that they have no objections whatsoever to our plans”.
- In relation to stormwater disposal, “it is our intention to dispose of all stormwater on site”.

- In respect to the building height requirements, *“we are asking Council to use its discretion regarding this matter. The heights we are requesting fit in with our neighbours, again the persons affected most, our neighbours at 8 Clontarf Street, Sorrento, have indicated to us that they have no objection to the plans they have seen. We have taken our neighbours’ views into consideration with our design and tried to minimise the affect on our neighbours”*.
- In respect to the requirements of the Residential Planning Codes *“I believe that checks will reveal that very few, if any, of the existing homes in Clontarf Street comply with existing Residential Planning requirements as everyone has tried to maximise their (ocean) view”*.

Relevant Legislation

In respect to Policy 3.1.9, the issue Council is required to consider is the height and bulk of the proposal and its impact on the amenity and streetscape.

In relation to the setback discretions, Clause 1.5.7 of the R-Codes allows Council to consider variations subject to the objectives of Clause 1.2 (amenity clause) of the R-Codes being satisfied.

COMMENT

The aspects of the house requiring consideration for variations are as follows.

Exceedence of Building Height Envelope (Policy 3.1.9)

The house exceeds the building height envelope from all sides. The maximum height difference between the building height envelope of 8.5 metres to the highest point is approximately 2.4 metres. The main component to the house that exceeds the building height envelope is the topmost floor (4th floor).

The applicant notes that the height fits in with the adjoining residences, which are also considered to be the dwellings most likely to be potentially affected, and that the setbacks are consistent with other homes in the area. This is correct, as the houses at both 4 and 8 Clontarf Street have been built outside the building envelope.

It is considered that the revised height of the house submitted would be in keeping with the existing scale of houses on either side of the development site. When viewed from Clontarf Street, the bulk and scale of the dwelling is reduced due to the design of the house and the fall away from the road. Neither of the adjoining landowners to the above site have lodged submissions in relation to the amended proposal.

It is to be noted that each application is assessed on individual merit and that if approval were to be granted it would not create a precedent as stated in some of the submissions received.

Front Setback

A “nil” front setback in lieu of 6 metres is proposed for the gatehouse and walkway access from Clontarf Street to the entry level. The main façade of the house is proposed to be set back 7.3m from the road. The “nil” setback for the gatehouse is supported as it provides the only pedestrian link to Clontarf Street. The roof level of the gate and walkway is slightly visible when viewed from Clontarf Street. The applicants still would have to provide a graded pathway from the road verge to the main gate. The side setbacks to both the adjoining lots to the gatehouse comply with the relevant R-Code setbacks. The walkway has been aesthetically designed to complement the design of the main house and based on the above comments, the front setback variation is considered acceptable.

Side Setbacks to the East and West

Clause 1.5.7 of the Residential Planning Codes allows for variation to setbacks provided that the objectives in clause 1.2 are satisfied. The side setbacks in this particular case are supported as the relevant matters to be considered under 1.2 below have been satisfied:

- The proposal encourages a wider range of dwelling types.
- The proposal provides adequate standards of privacy, daylight, sunshine and safety to dwellings.
- Provides adequate carparking, access, storage and drying facilities.
- There is no overshadowing or visual intrusion as the house has been designed with ocean views to the west. There is, however, some form of overlooking into the adjoining rear lots.
- The City has not received submissions from either of the adjoining landowners.
- The proposal would not affect the existing streetscape as claimed in some of the submissions received.

Overshadowing.

The applicant has submitted a site plan demonstrating not more than 50% of the adjoining lot being in shadow on June 21st which is in compliance with Clause 1.7.2 of the R-Codes.

Vehicle parking and stormwater.

It is proposed that appropriate conditions be placed to control construction vehicle parking and that all stormwater to be contained on site. This is a standard requirement.

Conclusion.

The comments raised by objectors are reflective of the existing streetscape, and value given to maintaining views whenever possible. The potential for development of this scale has been in place since the adoption of various policies and standards (that have withstood detailed examination and public advertising). This proposal is consistent with the intent of the policy, and the scale of immediate surrounding homes.

In summary, it is considered that the proposal is viewed to be compatible in scale and bulk with the adjoining two residential houses on either side. The lot varies in levels by approximately 10 metres from the front to the rear. The other constraints affecting the site include the narrow width which further restricts the development potential of the lot to comply with the standard setback requirements of the R-Codes.

It is also acknowledged that whilst the setback variations requested are considered to be slightly greater than normal, the design of the dwelling has incorporated various features to reduce overlooking into the adjoining two properties. Moreover, it is also to be noted that the adjoining two residences already overlook into the subject site, exceed the building height threshold policy and have also been built with setback variations in relation to the R-Codes. On balance, the above proposal is unlikely to affect the amenity of the adjoining properties or the area in general. The proposed variations are considered within reason and approval is therefore recommended.

MOVED Cr Rowlands, SECONDED Cr Kenworthy that Council:

1 EXERCISES discretion in relation to Policy 3.1.9 – Height and Scale of Buildings Within a Residential Area under Clause 1.5.7 of the Residential Planning Codes 1991, and determines that:

- (a) The extent the house exceeds the building height threshold envelope;**
- (b) The front and side setback variations are appropriate in this instance.**

2 APPROVES the application and revised plans dated 8 August 2001 submitted by Danmar Homes for the owner Sharon White for a Single House at Lot 272 (6) Clontarf Street, Sorrento subject to the following conditions:

- (a) All stormwater must be contained on site to the satisfaction of the City;**
- (b) Submission of a construction management plan detailing phasing of construction, vehicle parking, access, storage of materials, protection of pedestrians, footpath and other infrastructure.**

Footnote

- (a) Details of all retaining are required to be submitted with Building Licence Application.**

3 ADVISES all those who made submissions of the above determination.

Discussion ensued.

The Motion was Put and

CARRIED

Appendices 14a and 14b refer

To access these attachments on electronic document, click here: [Attach14aagn110901.pdf](#)
[Attach14bbrf110901.pdf](#)

**CJ317 - 09/01 BREACH OF DISTRICT PLANNING SCHEME NO 2 –
UNKEMPT LAND - OPEN STORAGE OF BUILDING
MATERIALS AND OTHER MATERIALS: SWAN
LOCATION 11416 (19) SECOND AVENUE, BURNS -
[04882]**

WARD - North Coastal

CJ010904_BRF.DOC:ITEM 18

SUMMARY

On 30 April 2001 the City received a complaint in relation to the storage of building materials and general rubbish on Swan Location 11416 (19) Second Avenue, Burns.

Repeated written and verbal requests to the owner to remove the materials have failed to resolve the situation.

It is recommended that Council forwards a final Notice to the owner requiring the removal of the building materials, refuse and rubbish from the property. It is further recommended that should the materials, refuse or rubbish not be removed within 14 days, legal action be initiated under District Planning Scheme No 2 (DPS2).

BACKGROUND

Lot	Swan Location 11416
Street Address	19 Second Avenue, Burns
DPS2 Zoning	Residential
Lot Area	587m ²

DETAILS

An initial inspection of the subject site carried out on 30 April 2001 revealed building materials, scrap metal and old vehicle parts stored in the front garden area of the property. The building materials include roofing tiles and corrugated iron. There were also three trailers stored on the property. The front verandah of the residence, which is partially enclosed, contains a large amount of scrap metal and other materials.

On 16 May 2001 a letter was forwarded to the owner of the property requesting that the disused materials be removed from the front setback within twenty-eight (28) days. The letter also advised that the property was in breach of the City's DPS2 and the Local Government Act 1995 and that failure to comply with the request may result in further action being taken by the City.

On 14 June 2001 an inspection of the site was undertaken and it was apparent that nothing had been done to comply with the City's request.

On 15 June 2001 a City Officer had a conversation with the owner at the site in relation to the matter. At that time the owner stated that he would clean up the property as requested.

A further inspection of the site on 21 June 2001 revealed that no action had been taken to clear the property of the untidy materials.

A second letter was forwarded to the owner on 25 June 2001 requesting them to remove the old vehicle parts and building materials within fourteen (14) days. The penalties in relation to breaches of DPS2 and the Local Government Act 1995 were outlined in this letter.

On 10 July 2001 a follow up inspection was undertaken. The inspection revealed that no attempt had been made to clear the property as requested.

On 1 August 2001 a City Officer had a conversation at the site with the property owner. At that time he acknowledged that he had received letters from the City in relation to clearing his property. He further stated that he considered the letters to be veiled threats and it was not his intention to comply with the requests contained in the letters.

A subsequent letter was forwarded to the owner on 9 August 2001 requesting removal of the building materials and other items within seven (7) days to avoid further action being taken by the City.

An inspection of the site on 22 August 2001 revealed that the property remains in the same untidy state.

In the meantime, other complaints have been received by one of the Ward Councillors, in relation to the state of the property.

District Planning Scheme No 2 Provisions

Clause 8.3 of DPS2 – Unkempt Land – provides for Council to serve a Notice on the owner or occupier of land within the Scheme area requiring the owner or occupier to do certain things.

Sub clause 8.3.1 of the Scheme, in part, states that where "*in the opinion of the Council, any undergrowth, refuse, rubbish or disused material is likely to affect adversely the value of adjoining property or the health, comfort or convenience of the inhabitants thereof*", the Council may require that such land be cleared of such material within a specified period.

Sub clause 8.3.4 goes on to say that failure to comply with a Notice under this clause shall be in breach of the provisions of the Scheme.

COMMENT

The City has given written notice to the owner of the subject property on three occasions requesting the removal of the building materials and other refuse stored in the front setback of the property. City officers have spoken to the owner, at the site, on a further two occasions in relation to the same matter.

The owner of the property has been afforded ample opportunity to comply with requests to remove the specified materials and has, to date, failed to make any attempt to comply. No approach has been made by the property owner to seek an extension of time to comply with the City's requests. The owner has stated that it is not his intention to comply with the City's requests in relation to this matter. It is noted that the owner maintains that he is currently in dispute with the Department of Land Administration over separate issues in relation to his residence and that in his view these matters take precedence over the City's matters.

As the owner has not complied with the City's repeated requests, it is recommended that the owner be given a final fourteen (14) day period to comply, after which time, should the owner fail to comply, the Director Planning and Development be authorised to initiate legal action against the owner.

MOVED Cr Baker, SECONDED Cr Rowlands that Council:

- 1 REQUIRES the owner of Swan Location 11416 (19) Second Avenue, Burns, to remove all building materials and disused materials from the front setback of the lot within fourteen (14) days;**
- 2 ADVISES the owner that failure to comply with this final Notice will result in Council initiating legal action pursuant to the provisions of the District Planning Scheme No 2;**
- 3 AUTHORISES the Director Planning and Development to initiate legal action against the owner where Item 1 above has not been satisfied within the 14 day period.**

Discussion ensued.

The Motion was Put and

CARRIED

Appendices 15a and 15b refer

To access these attachments on electronic document, click here: [Attach15abrf110901.pdf](#)
[Attach15bbrf110901.pdf](#)

REPORT OF THE ACTING CHIEF EXECUTIVE OFFICER

Nil

MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**C93-09/01 NOTICE OF MOTION NO 1 – CR M O'BRIEN – GREENWOOD OVERHEIGHT CONIFERS**

In accordance with Clause 3.12 of the Standing Orders Local Law, Cr Mike O'Brien has given notice of his intention to move the following motion at the Council meeting to be held on Tuesday 11 September 2001:

“That Council:

- 1 taking into account Council's possible legal nonfeasance jeopardy, post Brodie v Singleton Shire Council [2001] HCA 29 and having considered the Petition, submitted to Council on 14th August 2001, regarding the two over-height conifers, located on the verge, in Leaside Way, adjacent No 9 Leschenaultia St, Greenwood, together with the photographic evidence of the failure of a conifer, at 1804 Lyell Highway, Lawitta in the Derwent Valley, to resist a storm, concedes to the Petitioner's Request and orders the two conifers removal and replacement, with two smaller trees, thereby reducing any danger to the residents of No 9 Leschenaultia Street;*
- 2. notifies the Owners of No 1 Leaside Way and No 9 Leschenaultia Street of Council's decision.”*

MOVED Cr O'Brien, SECONDED Cr Baker that Council:

- 1 taking into account Council's possible legal nonfeasance jeopardy, post Brodie v Singleton Shire Council [2001] HCA 29 and having considered the Petition, submitted to Council on 14th August 2001, regarding the two over-height conifers, located on the verge, in Leaside Way, adjacent No 9 Leschenaultia St, Greenwood, together with the photographic evidence of the failure of a conifer, at 1804 Lyell Highway, Lawitta in the Derwent Valley, to resist a storm, CONCEDES to the Petitioner's Request and orders the two conifers removal and replacement, with two smaller trees, thereby reducing any danger to the residents of No 9 Leschenaultia Street;
- 2 NOTIFIES the Owners of No 1 Leaside Way and No 9 Leschenaultia Street of Council's decision.

Discussion ensued.

During discussion, Cr Kadak left the Chamber at 2032 hrs and returned at 2035 hrs.

The Motion was Put and

LOST

It was requested that the votes of all members present be recorded:

In favour of the Motion: Crs Kenworthy, Patterson and O'Brien

Against the Motion: Mayor Bombak, Crs Mackintosh, Barnett, Rowlands, Walker, Hollywood, Baker, Kimber and Kadak

Item CJ313-09/01 which was deferred earlier in the meeting to be considered in conjunction with the Notice of Motion No 1 as submitted by Cr M O'Brien was heard at this Point.

CJ313 - 09/01 PETITION - REMOVAL OF PINE TREES - [12093, 37402]

WARD - South

SUMMARY

Council, at its meeting held on 14 August 2001, received a petition from residents in Leschenaultia Street, Leaside Way and Hessel Court Greenwood, supporting the removal of two *Pinus radiata* trees adjacent to No 9 Leschenaultia Street.

The owner of 9 Leschenaultia Street Greenwood, requested inspection of these two trees. He wrote to Council on 14 August 2000 regarding the problems associated with the trees, eg. safety, leaf litter and structural damage.

The information provided to the resident of 9 Leschenaultia Street Greenwood on 4 September 2000, was a true and correct assessment of the two verge trees and it is therefore recommended that Council advises the petitioners that removal of the trees is not supported.

BACKGROUND

Council, at its meeting held on 14 August 2001, received a petition from residents in Leschenaultia Street, Leaside Way and Hessel Court Greenwood, supporting the removal of two *Pinus radiata* trees adjacent to No 9 Leschenaultia Street.

The owner of 9 Leschenaultia Street Greenwood, requested inspection of these two trees. He wrote to Council on 14 August 2000 regarding the problems associated with the trees, eg. safety, leaf litter and structural damage.

Officers of the City visited the site and initially indicated that removal of the trees would resolve the current problems being experienced, eg. leaf fall. There is evidence of root damage to the road pavement and the kerb has been replaced previously.

During this period, the resident of No 2 Leaside Way (opposite 9 Leschenaultia Street), contacted Council and requested the trees be retained to maintain the character of the suburb.

A further inspection of the trees was carried out by Council officers and a response sent to Mr Hamilton on 4 September 2000 (refer Attachment 1). The inspection was based on the criteria to determine a hazardous tree and the response clearly outlined Council's position.

Contact was made with various residents to determine the extent of the problem and their concerns regarding leaf litter. The Ward Councillors were advised and contact with the residents concerned occurred.

Following discussions with the owner of 9 Leschenaultia Street, pruning of the overhanging limbs was undertaken by the City to minimise the impact of leaf fall and reduce any perceived hazard.

Various discussions, correspondence and site inspections occurred as follows:-

22 September 2000 – the owner of 9 Leschenaultia Street lodged a complaint with the Council regarding “the handling of the tree problem. Although he states he has found dealing with the Council to be polite and helpful, the owner states he “is not happy with the way it has been handled.”

4 October 2000 – Site inspection.

22 October 2000 – Trees photographed.

The complaint was closed on Monday, 25 September 2000, with a letter to the owner of 9 Leschenaultia Street advising that Council’s decision not to remove the trees remained unchanged. He was also advised that the trees would be monitored, as would the road damage from the roots of the trees.

Various email correspondence occurred between Councillors, Council officers and the residents during September/October/November 2000 and February 2001, when the issue of leaf litter (pine needles) became a problem.

DETAILS

In June 2001, the owner of 9 Leschenaultia Street contacted Councillor M O’Brien and requested the trees be reassessed. Again, various discussions occurred and the owner of 9 Leschenaultia Street was advised to seek the support of surrounding residents and present a petition to Council for determination. 17 residents in Leaside Way, Hessel Court and Leschenaultia Street have supported the petition presented (refer Attachment 2 for petition and Attachment depicting trees and petitioners’ property locations).

The Trees

At the junction of Leschenaultia Street and Leaside Way, various residents have planted Pinus radiata as verge trees, as part of the initial suburb development. These two trees are the remaining trees and are approximately 25 years old and appear healthy and structurally sound. Prior to pruning on the eastern side, the trees were balanced and stable. The pruning has reduced the leaf fall into the property, however it has visually affected their appearance. There is no evidence to determine whether the pruning has affected their stability.

There is evidence of root damage to the kerb and road pavement and repairs have been undertaken previously. Repairs will be required every 3-5 years if the trees are retained and this is acceptable, given the small residential character of the street.

There is limited evidence available to clearly determine the hazardous nature of this species. Information from CALM indicates that they are not affected by normal winter storm damage. Evidence provided by Councillor M O’Brien indicates that trees were damaged in Tasmania during a storm. Photographs were provided with the petition indicating that the trees were damaged during a storm.

Reasons to Retain the Trees

7. Historical – Significant only due to being planted as part of the development.
8. Limited number of large trees retained in the street, both on private and road reserve land.
9. Not a traffic hazard.
10. Bird feed and habitat for black cockatoos.
11. Healthy and structurally sound.
12. Liability to Council – Limited evidence to support determination.

Reasons to Remove Trees

7. Root damage to kerb and road pavement.
8. Leaf litter problem for resident.
9. Safety hazard due to limb fall – Limited evidence.
10. Suitability of tree species for verge of residential area.
11. Height of trees in residential area.
12. Insurance liability – Limited evidence to support determination.

COMMENT

Council officers are required to assess trees under Schedule 3.1 Division 1 of the Local Government Act 1995, which states that a property owner must “ensure that a tree on the land that endangers any person or thing on adjoining land is made safe.”

Given this information, trees are assessed to determine whether they are dead, diseased, dying or structurally unsound.

Council, as the authority with control of the road reserve, is responsible for the maintenance of all verge trees. Funding for this work is via the Operations Maintenance Account Verge Tree Maintenance.

The information provided to the resident of 9 Leschenaultia Street Greenwood on 4 September 2000, was a true and correct assessment of the two verge trees and it is therefore recommended that Council advises the petitioners that removal of the trees is not supported.

MOVED Cr Barnett, SECONDED Cr Kimber that Council ADVISES the petitioners that the removal of the two pinus radiata trees adjacent to No 9 Leschenaultia Street, Greenwood is not supported.

Cr O'Brien recorded his opposition to the Motion.

The Motion was Put and**CARRIED**

It was requested that the votes of all members present be recorded:

In favour of the Motion: Mayor Bombak, Crs Mackintosh, Barnett, Rowlands, Walker, Hollywood, Baker, Kimber and Kadak

Against the Motion: Crs Kenworthy, Patterson and O'Brien.

C94-09/01 **NOTICE OF MOTION NO 2 – CR M O'BRIEN – DEPUTATION TO THE STATE MINISTER FOR TRANSPORT**

In accordance with Clause 3.12 of the Standing Orders Local Law, Cr Mike O'Brien has given notice of his intention to move the following motion at the Council meeting to be held on Tuesday 11 September 2001:

“That Council INITIATES action for a deputation to the State Minister for Transport, if possible with support and the participation of the City of Wanneroo, to make representations seeking;

- 1 *The advancing of the next Northerly Stage of the construction of the Mitchell Freeway to Merriwa.*
- 2 *The advancing of the next Northerly Stage of the construction of the Northern Suburbs Railway to Merriwa.*
- 3 *The construction of a Sea Wall for the Ocean Reef Marina to facilitate the full development potential of the site with the prospect of relieving some of the maritime pressure especially the re-entry congestion at the Hillarys Boat Harbour.*
- 4 *The construction a Motor Vehicle Licensing, Vehicle Inspection Facility in the Central Area of Joondalup to relieve the pressure on the Warwick Licensing Facility, which as a consequence of the Closure of the Subiaco and former Wanneroo Vehicle Inspection Facilities is overtaxed.*

(Warwick residents were informed by Inspector Mott of the Police Planning, at the time of the construction at Warwick, that “it is only a temporary facility until it will all be moved to Joondalup.”)

- 5 *The construction of the Main Arterial Road linking the Flynn Drive Industrial Area with the Mitchell Freeway.”*

MOVED Cr O'Brien, SECONDED Cr Kenworthy that Council INITIATES action for a deputation to the State Minister for Transport, if possible with support and the participation of the City of Wanneroo, to make representations seeking;

- 1 The advancing of the next Northerly Stage of the construction of the Mitchell Freeway to Merriwa;
- 2 The advancing of the next Northerly Stage of the construction of the Northern Suburbs Railway to Merriwa;
- 3 The construction of a Sea Wall for the Ocean Reef Marina to facilitate the full development potential of the site with the prospect of relieving some of the maritime pressure especially the re-entry congestion at the Hillarys Boat Harbour;

- 4 The construction a Motor Vehicle Licensing, Vehicle Inspection Facility in the Central Area of Joondalup to relieve the pressure on the Warwick Licensing Facility, which as a consequence of the Closure of the Subiaco and former Wanneroo Vehicle Inspection Facilities is overtaxed;

(Warwick residents were informed by Inspector Mott of the Police Planning, at the time of the construction at Warwick, that “it is only a temporary facility until it will all be moved to Joondalup.”)

- 5 The construction of the Main Arterial Road linking the Flynn Drive Industrial Area with the Mitchell Freeway.

Discussion ensued.

During discussion, the following movements occurred:

Cr Kenworthy left the Chamber at 2059 hrs and returned at 2102 hrs.

Cr Rowlands left the Chamber, the time being 2100 hrs.

MOVED Cr Kimber, SECONDED Cr Walker that the Motion BE NOW PUT.

The Procedural Motion Was Put and

CARRIED

The Motion as Moved by Cr O'Brien, Seconded by Cr Kenworthy was Put and LOST

C95-09/01 NOTICE OF MOTION NO 3 – CR M O'BRIEN – BEVERAGE CONTAINER DEPOSIT LEGISLATION

In accordance with Clause 3.12 of the Standing Orders Local Law, Cr Mike O'Brien has given notice of his intention to move the following motion at the Council meeting to be held on Tuesday 11 September 2001:

“That Council:

1. *Supports the introduction in Western Australia the introduction of Beverage Container Deposit Legislation on parity with the South Australian Beverage Container Deposit Legislation.*
2. *Seeks the support of the North Zone of the Local Government Association.*
3. *Requests the Minister for the Environment to consider the introduction of such legislation in Western Australia.”*

MOVED Cr O'Brien, SECONDED Cr Kenworthy that Council:

- 1 SUPPORTS the introduction in Western Australia the introduction of Beverage Container Deposit Legislation on parity with the South Australian Beverage Container Deposit Legislation;
- 2 SEEKS the support of the North Zone of the Local Government Association;
- 3 REQUESTS the Minister for the Environment to consider the introduction of such legislation in Western Australia.

Discussion ensued.

During discussion, Cr Baker left the Chamber at 2107 hrs and returned at 2110 hrs.

The Motion was Put and**LOST**

It was requested that the votes of all members present be recorded:

In favour of the Motion: Crs Kenworthy and O'Brien

Against the Motion: Mayor Bombak, Crs Mackintosh, Patterson, Barnett, Walker, Hollywood, Baker, Kimber and Kadak

C96-09/01 NOTICE OF MOTION NO 4 – CR M O'BRIEN – REGIONAL SKATEBOARD FACILITY

In accordance with Clause 3.12 of the Standing Orders Local Law, Cr Mike O'Brien has given notice of his intention to move the following motion at the Council meeting to be held on Tuesday 11 September 2001:

"That Council:

1. *resulting from discussions held at a meeting convened by Margaret Quirk MLA recently at Parliament House and attended by Councillors from Stirling, Wanneroo and Joondalup to explore the possibility of the provision of a Substantial Regional Skate Board Facility (possibly at the Southern End of Liddell Reserve) to cater for youth from the three Municipalities, SUPPORTS IN PRINCIPLE such a "joint venture" and seeks a joint Municipality's deputation to the Hon Alan Carpenter MLA Minister for Sport and Recreation with a view to seeking State Government Assistance for such a facility.*
2. *SEEKS support and involvement from the City of Wanneroo and the City of Stirling in such a possible joint venture and deputation.*

MOVED Cr OBrien, SECONDED Cr Kenworthy that Council:

- 1 resulting from discussions held at a meeting convened by Margaret Quirk MLA recently at Parliament House and attended by Councillors from Stirling, Wanneroo and Joondalup to explore the possibility of the provision of a Substantial Regional Skate Board Facility (possibly at the Southern End of Liddell Reserve) to cater for youth from the three Municipalities, SUPPORTS IN PRINCIPLE such a "joint

venture” and seeks a joint Municipality’s deputation to the Hon Alan Carpenter MLA Minister for Sport and Recreation with a view to seeking State Government Assistance for such a facility;

- 2 SEEKS support and involvement from the City of Wanneroo and the City of Stirling in such a possible joint venture and deputation.

Discussion ensued.

During discussion, Director, Infrastructure Management left the Chamber at 2119 hrs and returned at 2124 hrs.

The Motion was Put and

LOST

It was requested that the votes of all members present be recorded:

In favour of the Motion: Crs Kenworthy, Patterson and O’Brien

Against the Motion: Mayor Bombak, Crs Mackintosh, Barnett, Walker, Hollywood, Baker, Kimber and Kadak

DATE OF NEXT MEETING

The next meeting of the Council has been scheduled for **7.00 pm** on **TUESDAY, 25 SEPTEMBER 2001** to be held in the Council Chamber, Joondalup Civic Centre, Boas Avenue, Joondalup

CLOSURE

There being no further business, the Mayor declared the Meeting closed at 2126 hrs; the following elected members being present at that time:

J BOMBAK, JP
 P KADAK
 P KIMBER
 C BAKER
 J F HOLLYWOOD, JP
 A A WALKER
 T BARNETT
 M O’BRIEN
 A L PATTERSON
 G KENWORTHY
 C MACKINTOSH