



MINUTES OF COUNCIL MEETING  
HELD ON 12 FEBRUARY 2002

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# CITY OF JOONDALUP

## MINUTES OF COUNCIL MEETING HELD IN COUNCIL CHAMBER, JOONDALUP CIVIC CENTRE, BOAS AVENUE, JOONDALUP, ON TUESDAY, 12 FEBRUARY 2002

### OPEN AND WELCOME

The Mayor declared the meeting open at 1900 hrs.

### ATTENDANCES

#### Mayor

J BOMBAK, JP

#### Elected Members:

Cr P KADAK	Lakeside Ward	
Cr P KIMBER	Lakeside Ward	<i>to 2014 hrs</i>
Cr D CARLOS	Marina Ward	
Cr C BAKER	Marina Ward	<i>Absent from 2101 hrs to 2104 hrs</i>
Cr A NIXON	North Coastal Ward	<i>Absent from 2005 hrs to 2009 hrs</i>
Cr J F HOLLYWOOD, JP	North Coastal Ward	<i>Absent from 2050 hrs to 2052 hrs</i>
Cr A WALKER	Pinnaroo Ward	<i>Absent from 2015 hrs to 2018 hrs</i>
Cr P ROWLANDS	Pinnaroo Ward	<i>Absent from 2025 hrs to 2029 hrs</i>
Cr T BARNETT	South Ward	
Cr M O'BRIEN, JP	South Ward	<i>Absent from 2022 hrs to 2023 hrs; and from 2043 hrs to 2044 hrs</i>
Cr A L PATTERSON	South Coastal Ward	
Cr G KENWORTHY	South Coastal Ward	<i>Absent from 2102 hrs to 2104 hrs</i>
Cr J HURST	Whitfords Ward	
Cr C MACKINTOSH	Whitfords Ward	<i>Absent from 2110 hrs to 2113 hrs</i>

#### Officers:

Chief Executive Officer:	D SMITH
Director, Planning & Development:	C HIGHAM
Director, Infrastructure Management:	D DJULBIC
Acting Director, Resource Management:	A SCOTT
Executive Manager, Strategic Planning:	R FISCHER
Manager, Executive Services:	K ROBINSON
Manager, Council Support Services:	M SMITH
Manager, Urban Design Services:	D BUTCHER
Publicity Officer:	L BRENNAN
Committee Clerk:	J AUSTIN
Minute Clerk:	L TAYLOR

## APOLOGIES AND LEAVE OF ABSENCE

Nil

There were 55 members of the Public and 1 member of the Press in attendance.

### **C01-02/02      REQUESTS FOR LEAVE OF ABSENCE - CR A NIXON, CR J HURST AND CR D CARLOS**

Cr Nixon has requested Leave of Absence from Council duties from 26 February 2002 to 8 March 2002 inclusive.

Cr Hurst has requested Leave of Absence from Council duties from 28 March 2002 to 14 April 2002 inclusive.

Cr Carlos has requested Leave of Absence from Council duties from 13 February 2002 to 25 February 2002 inclusive.

**MOVED Cr Rowlands, SECONDED Cr Kenworthy that Council APPROVES the following Requests for Leave of Absence:**

- **Cr Nixon for the period 26 February 2002 to 8 March 2002 inclusive**
- **Cr Hurst for the period 28 March 2002 to 14 April 2002 inclusive**
- **Cr Carlos for the period 13 February 2002 to 25 February 2002 inclusive**

**The Motion was Put and**

**CARRIED**

## **PUBLIC QUESTION TIME**

**The following question, submitted by Mrs M MacDonald, was taken on notice at the Council meeting held on 18/19 December 2001:**

*Q1      The open area one sees on the plan is not just an open area for the Surf Club? At present there is a separate room that groups use, is this still going to be there?*

A1      The proposed alterations to the Mullaloo Surf Club building will provide greater flexibility of its use, which will encourage greater community use. Members of the public may still use the facility under the existing arrangements, by contacting the Surf Club to book the rooms.

**The following question, submitted by Mr M Sideris, was taken on notice at the Council meeting held on 18/19 December 2001:**

*Q1      Regarding costings in relation to the services provided by NGS and the reference to “Commercial in Confidence”, can this Council please provide me with copies of legislation or any legal opinion that defines what is “Commercial in Confidence”?*

A1      The information provided by NGS as part of the tender process was commercial or business information. The City applied Freedom of Information Act 1992 in relation to your request and considered such cost details as exempt under Clause 4. Commercial or business information. The City has not obtained any legal opinion to define “Commercial in Confidence”.

**Mr R and Mrs A Carver, Woodvale:**

*Q1 At a meeting held at the Joondalup Library on 19 December 2001, the Joondalup Manager for Urban Planning, Mr Darryl Butcher gave a verbal assurance to a group of ratepayers from Woodvale that the Concept Plan for Gascoyne Park (Palm Park) in Woodvale and the realignment of streets, Marlandy Court, Talling Heights, Wellard Grove and Dixon Parkway adjoining Gascoyne Park would be scrapped and would not proceed. Can the Council confirm that the concept of selling off part of Gascoyne Park for residential lots and realigning the aforementioned streets has been deleted from the Concept Plan as advised by Mr Butcher?*

A1 At the meeting held at the Joondalup Library on 19 December 2001 and reinforced by the subsequent discussions with and correspondence to residents, there is clear evidence of strong community concern and opposition to the proposals contained in the concept plan for that area.

On the strength of that concern the decision has been made that the concept plan to be reported to Council will recommend that the proposals relating to Gascoyne Park and its immediate surrounds receive no further consideration.

**Mr R Phillips, of Fire and Emergency Services has requested clarification of the response provided in the minutes of the Council meeting held on 18 December 2001: The amended response is shown below:**

*Q1 It has taken five months to provide tonight's recommendation of two notes and what is little more than a referral to another State Government agency. Why during that time has not one City of Joondalup Councillor formally approached FESA to discuss this item?*

A1 This matter has taken a considerable time because it has involved compiling information from a number of sources and conducting an extensive public consultation programme. Council staff have discussed various issues relating to this matter with FESA representatives on a number of occasions. Council staff have also provided extensive briefing to Councillors during this period, providing adequate opportunity for relevant information to be available.

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

*Q1 Is Council aware that there are no bus shelters along the entire west side of Trappers Drive, Woodvale? Does Council have any plans to rectify this situation? Perhaps one could be installed outside the shopping centre on the south side?*

A1 The City installs concrete shelters that have become surplus to requirements due to the supply of glass shelters throughout the district. Possible locations for a concrete shelter are based on patronage figures supplied by the bus operator, site constraints, location and comments from adjoining property owners.

The City has previously considered the installation of shelters along the western side of Trappers Drive, however due to the location and comments from adjoining property owners, a shelter has yet to be installed. Notwithstanding the above, the City can revisit the situation if deemed appropriate to do so.

*Q2(a) Regarding my question to Council on 18-19 December 2001 “Does the 250 Club make any donations to political parties?” Council provided the following answer: “Not to the City’s knowledge.” It then went on to quote from the Club’s constitution regarding non-payments to members.*

*In light of the front page report, Community newspaper December 25-31 which confirmed that the 250 Club “gave financial support to local Liberal and National candidates at elections”*

*Will the attendance by the Mayor and/or Councillors to 250 Club functions continue to be paid by the ratepayers?*

A2(a) Yes, unless the Council amends its Policy 2.2.12 - Members of Council - Reimbursement of Expenses.

*Q2(b) Has the Mayor paid back all membership fees of the 250 Club to the City?*

A2(b) Yes.

*Q2(c) Has the Mayor paid back all attendance fees to 250 Club functions to the City?*

A2(c) No.

*Q2(d) If not, why not? And if not when shall the payments be made?*

A2(d) Refer to A2(a) above.

*Q3 Does the City think it is appropriate that ratepayers’ money should be used to fund (even in part) political campaigns of any political party?*

A3 The City’s payment to the 250 Club is to enable elected members to attend presentations by politicians of various political persuasions.

*Q4 Was the “Precinct Concept Planning” programme initiated during the time of the Commissioners?*

A4 No. The Precinct Action Planning program was not initiated during the time of the commissioners.

*Q5 Can Council provide the precise date and method whereby the Precinct Concept Planning programme commenced?*



A5 In the 1999-2003 Strategic Plan, Strategy 2.1 states that the City will:

*“Develop and implement Community Plans:*

*To achieve this we will:*

- *identify precincts of common interest or focus.*
- *Involve each community in developing Precinct Action Plans.*
- *Enhance standards of infrastructure to meet changing community needs and expectations .....* “

At its meeting on 14 March 2000 (CJ049-03/00) Council resolved to initiate two projects to investigate Identify (examine) Precinct Centres and conduct two trial concept planning exercises in Mullaloo and Sorrento. . Projects were approved in the 1999/2000 budget

Q6 *Can Council provide specific details of the first Community survey taken to gauge community support for the “Precinct Concept Planning” programme? How many community members participated in the survey?*

A6 The City has not conducted a survey to gauge community support for the Precinct Action Planning program. During the community visioning phase of the program the City distributed a questionnaire relating to the impact of sustainability issues at the local level. The questionnaire responses were used together with the outcomes of the community workshops to document the community visions and values. Approximately 275 people attended the community workshops.

Q7 *Can Council provide a complete and detailed breakdown of ALL costs associated with the “Precinct Concept Planning” programme from its inception to 12 February 2002?*

A7 The Precinct action Planning program includes a number related but separate projects. These include a project to examine the operation of precinct centres (\$7,000 – 1999/2000 budget), a project to investigate and document community vision (\$41,371 – 2001/2002 budget), and a project to trial *enquiry by design* as an approach to developing concept plans (\$20,000 – 2000/2001 budget).

The current Precinct Action Planning concept planning project has a budget of \$160,000. The project relates to not just four suburbs but for the whole of City of Joondalup. That is five planning districts at an average cost of \$32,000 per district. Current expenditure to the end of December 2001 is \$42,600.

One staff member has been involved entirely on this and related projects. Many other staff members contributed varying amounts of time as required.

Q8 *Why have detailed copies of the “Precinct Concept Plans” been provided to a small section of the community and denied to others?*

A8 The concept plans are a collection of planning ideas prepared to generate discussion between the design team and the community. They were placed on notice boards to encourage greater community participation and dialogue. Copies of the concept plans were provided to two individuals even though they are not self explanatory plans. It is not possible to provide copies to everyone in the community. They have been placed on the City's website to overcome this situation.

Q9 *Are detailed copies of the "Precinct Concept Plans" and associated reports available to the community through all the City's libraries? If not, why not?*

A9 Copies of the concept plans are not available from the City's libraries as they are only drafts without any supporting documentation and have not been considered and endorsed by the Council. They are still a work in progress and the shopping centre locations were considered more appropriate.

**The following questions were submitted by Mr Simon James:**

**Re: Proposed Service Agreement between the City of Joondalup and the North West Metro Business Enterprise Centre.**

Q1 *Has the City of Wanneroo been asked officially by the City of Joondalup to contribute – surely if they receive the benefits, they should pay something?*

A1 Yes. The City of Wanneroo has been requested to advise whether it will be funding the BEC now or in the future.

Q2 *If we do have to pay could we request a name change for the service to reflect the fact that only Joondalup is contributing to the cost?*

A2 The matter has been raised with the BEC who advise that "*The Small Business Development Corporation has guidelines under which the BEC operates. These guidelines do not exclude businesses on the basis of location. Therefore, at this stage, it will not be appropriate for the BEC to seek a change in name*".

Q3 *Why should Wanneroo continue to receive the service if they won't contribute. Perhaps a representation to the other funding body could be made to pressure Wanneroo or they lose the service.*

A3 The sponsorship of the BEC includes funds from the Small Business Development Corporation. This funding is for the region. As outlined in Answer 2 above, the Small Business Development Corporation guidelines do not exclude businesses on the basis of location.

Q4 *Why is the City agreeing to contribute twice as much as it did before – is the extra \$25,000 the money Wanneroo should be putting in?*

A4 The Joondalup Business Association and the BEC have provided information that indicates a short fall in funding amounting to approximately \$74,000. Their information also indicates substantial increased demand for service as illustrated by the following table.

<b>Year</b>	<b>Total Contacts</b>	<b>New Business Starters</b>	<b>Full time Jobs</b>
1997/98	960	48	76
1998/99	1056	56	110
1999/00	1368	62	115
2000/01	4875	148	122

The additional funding will service increased resources for assisting small business development in the Joondalup area. The question of funding from the City of Wanneroo is a matter to be addressed between the BEC and the City of Wanneroo.

**The following questions were submitted by Mrs Cherie Wood, Craigie:**

**Re: Draft Policy - Preservation of Public Reserves:**

*Q1 Will this policy apply to beach front reserves?*

A1 Yes.

*Q2 Will this policy apply to Lakeside reserves?*

A2 Yes.

*Q3 Will this policy apply to school reserves?*

A3 Yes.

**The following questions, submitted by Mr Brian Higgins (Director, Sistar Pty Ltd) in relation to Item CJ026-02/02 – Concept Plan for Carine Glades Tavern Refurbishment Proposal, Lot 12 (493) Beach Road, Duncraig, were taken on notice at the Briefing Session held on 5 February 2002:**

### **The Structure and Content of the Briefing Document**

Considerable time and effort was spent by ourselves and the residents in responding to the 13 November deferral decision – in the discussion of the issues and in the compilation of the submissions. Sistar is a little concerned that the significant agreements arising from these processes have not been suitably recognised in the briefing document and the following questions relate to this concern.

*Q1 Is the City satisfied with the completion of the proponent-resident discussions that they requested, and with the content and level of detail in the resultant submissions? Have the 13 November resolutions been satisfactorily addressed in concept? If no to any of the above, what are the shortfalls?*

- A1 The concept plan is not sufficiently detailed to facilitate a decision by the Council. The November resolution stated that the proposal be deferred “...for a period of **four weeks so the proponent and concerned local residents can meet and agree on a proposal that addresses the amenity impact on nearby residents, particularly in regard to noise intrusion and traffic issues.....**”. At this stage, agreement has not been reached. However, the revised concept appears to go some way to meeting residents’ submissions, and, particularly, concerns. Further technical shortfalls of the concept plan have been addressed separately by letter sent to the applicant on 19 December 2001.
- Q2 *Why weren’t the three critical summaries (our proposal summary, the resident’s preliminary statement and the decision of the Director of Liquor Licensing) included as attachments to the briefing document?*
- A2 The preliminary summary and residents’ summary were provided in total for the information of Councillors. The decision of the Director Liquor Licensing was considered when the report was prepared.
- Q3 *Have the complete submissions from both the residents and us been made available to the Councillors for perusal prior to this meeting? How many Councillors have had the opportunity to read the submissions – either the summaries or in detail?*
- A3 All Councillors were afforded the opportunity of examining the package of information submitted with the concept plan, including residents’ submissions and proponent’s contribution and plans.
- Q4 *The briefing document lists the residents concerns under the heading Residents’ Group comments but fails to mention the benefits as listed by the residents in their submission – in the absence of the complete residents statement as an attachment, why is this unbalanced view portrayed?*
- A4 A key issue is the residents’ concerns. The benefits identified by the residents are contained in the technical comments provided in the report. The report is balanced in indicating the potential benefit of the proposed concept.
- Q5 *Why is there no mention of the City’s degree of support in the recommendations when the purpose of Item 26 is “to gauge the level of Council’s support...” (and this is referenced many times within the document)? Does the City support the proposal? If so, why cannot this statement of support be included in the recommendations, with or without conditions? If not, for what reasons?*
- A5 The degree of support for the proposal can only be given by the Council in attaching a resolution which relates to the concept plan. The report recommends that some support be given for the concept. The concept is not sufficiently detailed to facilitate the issue of development approval or planning approval in a formal sense.

- Q6 *The recommendations indicate that the revised DA determination “...will be made independently of the preliminary views in response to the December 2000 concept plan.” How can this possibly occur when all the steps in this iterative process are at Council’s request and thus, by definition, related?*
- A6 The concept plan proposes fundamental changes to the July 2001 Development Approval. Therefore, the evaluation of a subsequent Development Application is based solely on the new proposal, on its merits.

### **The Revised Development Application**

- Q1 *For the avoidance of all doubt, it is our intention that the revised application will use the December 2000 proposal as its base and as such the proposals content (details and attachments) will be the **starting point** (and the reference) for the development of the detailed application. Is this approach understood and supported by the City?*
- A1 A revised Development Application will be considered afresh on its merits. Previous applications have been assisted by facilitating dialogue and the evolution of a new concept. However, the revised Development Application will be considered on its merits and independently of any superseded proposal.
- Q2 *The briefing document makes particular reference to the decision of the Director of Liquor Licensing to provide conditional support to this proposal. The Director has listed some preliminary views regarding the conditions and these **are yet to be finalised**. With respect to the issue of patronage, the briefing document seems to indicate that the City will accept the numbers as finally set by Liquor Licensing – is this the intention?*
- A2 The Council will set its limits regarding patronage, however, the requirement of the Director of Liquor Licensing will be factored into the Council’s determination.
- Q3 *Are we correct in assuming that the revised application will still fall under the umbrella of the existing (July 2001) development application and as such:*
- (a) *will not incur any additional lodgement fees*  
(b) *will not require repeat public advertising*
- A3 The revised Development Application will not incur additional lodgement fees. The question of advertising has not been resolved, but it is likely that some dialogue with the local residents’ group would be undertaken.
- Q4 *For the purpose of our scheduling, can the application be processed within a six (6) week period from lodgement to decision?*
- A4 Once the application is lodged in a complete form and no further details are required, then the application can be processed within a six week period, assuming that it coincides with Council meeting dates.

Q5 *Will the application need to come back to Council for final approval or can it be done on delegated authority.*

A5 The application will be referred to the Council for its consideration and determination.

**The following questions have been submitted by Mr Brian Higgins (Director, Sistar Pty Ltd) in relation to Item CJ026-02/02 – Concept Plan for Carine Glades Tavern Refurbishment Proposal, Lot 12 (493) Beach Road, Duncraig.**

**Note: These additional questions have been submitted by Mr Higgins following receipt of the response to his earlier questions which were taken on notice at the Briefing Session held on 5 February 2002.**

Q1 *In light of the above introductory comments, can the City confirm that the submission of the proposal represents a satisfactory response to the November 13<sup>th</sup> resolutions?*

A1 No. Agreement has not been achieved with the residents, due in part to the early state of the revised concept. A complete development application is also required to facilitate determination.

Q2 *We understand that ‘ the report recommends that some support be given for the concept.’ Can the City clarify this support by specifically stating it in the recommendations?*

A2 No. The intention of the report is to gauge the Councillors’ views. Formal determination cannot be given until a development application has been assessed.

Q3 *We understand that ‘.. the evaluation of a subsequent Development Application is based solely on the new proposal, on its merits.’ We also confirm the statement that ‘Significant guidance and dialogue with City officers has occurred throughout the process of developing the concept plan.’ How then can recommendation 2 state that ‘.. approval will be made independently of the preliminary views expressed in response to the December 2001 concept plan”?*

A3 Indications are that the proposed development application will be substantially different (compared to the plans considered in November 2001) and that fresh assessment is required.

Q4 *‘Significant guidance and dialogue with City officers has occurred throughout the process of developing the concept plan.’ Can we reasonably expect that this assistance will continue through the construction of the development application?*

A4 Yes, however, the applicant should note that it is his responsibility to prepare the development application in its entirety.

- Q5 The revised development application is a direct result of the proposal that has arisen from meetings with the residents and should require no further public advertising. We have been advised that “The question of advertising has not been resolved ....” Can we obtain a ruling on this now?*
- A5 No. The forthcoming development application would need to be assessed before it can be determined whether advertising is required and in what form. As previously indicated, it is likely that the Residents’ Association will be afforded the opportunity to comment on the revisions to the Development Application.
- Q6 If, as expected, the revised development application translates from the concept plan and*
- meets the requirements as outlined in the City’s letter dated December 19th*
  - has initial maximum patronage levels predefined*
  - complies with all planning regulations (and thus resolves the residents concerns with respect to parking and traffic)*
  - has an accompanying acoustics report in a format similar to the original report*
  - has a management plan, particularly noise and issues management, developed on the outline as included in the concept proposal (and thus addresses the residents concerns on all other issues)*
- then, can we reasonably expect the development application to gain the support of the Approvals Department and full council approval.*
- A6 The Council can only give a determination following the submission of an appropriately detailed development application. It is not appropriate to foreshadow Council approval or an officer’s recommendation without evaluating the revised plans and supporting documentation, and presenting it to the Council.
- Q7 In the unlikely event that a development application does not translate from the concept proposal, are we correct in assuming that the original July 2001 application will go back to council for final determination?*
- A7 This option may be taken up if it is the applicant’s wish to do so.

**Ms M McDonald, Mullaloo:**

- Q1 I refer to Item CJ029 ‘Request to close a portion of Merrifield Place, Mullaloo’. Sewerage does pass the above property and could be accessed. Why did the Commissioners denied this request previously?*
- A1 It was refused by the Commissioners on the basis of the submissions received at the time.
- Q2 How many residents in the vicinity of the property have complained about unruly behaviour?*
- A2 It is believed it was only the person requiring the extra piece of land at this stage, but this question will be taken on notice to confirm that.

- Q3 Why is Administration suggesting that Councillors use the draft policy on the Preservation of Public Reserves to assist them with the decision, when it is still out for public consultation?*
- A3 In the absence of any other process, it is suggested that it might be a useful method to use for the time being.
- Q4 The Mullaloo Progress Association wrote asking for a copy of the design brief given to consultants working on the Mullaloo Precinct Plan. Mr Butcher replied that he had given the Association all that exists with respect to this matter. One document starts at Page 25 and the other document at Page 26. Can he please indicate what the prior pages contained?*
- A4 The document given to the Association was taken out of the legal contract and the first twenty-five pages are the contract's legal details with the contractor. The following pages constitute the brief that was an attachment to the contract.
- Q5 Both documents refer to an attachment with respect to the Mullaloo Precinct Plan. Can Mr Butcher identify and give the Association a copy of the attachments that were given to the consultants?*
- A5 Mr Butcher has advised Ms McDonald that the attachment was a copy of the concept plan that has been seen by Council in the past, but another copy of the plan can be given to Ms McDonald.
- Q6 The documents indicate that the Precinct Plan shown to the public has been altered by the exclusion of carparks on the Northshore Drive. Why has there been no attempt to consult with key community groups regarding the areas of concern? Where is the intent to ensure that there is no reduction in the recreational functionality and the net area of the useable surface of Tom Simpson Park proper as per recommendation 6 – item CJ315 of 11 September 2001.*
- A6 The above questions are contained within the brief for the consultants to look at all the issues raised by the public. Administration will go back to Council with a recommendation that Council consults further with the local residents.
- Q7 Why did Council go to the expense of having a design of the whole plan produced for the public if it was going to take out certain areas. Can Council tell the Association what is the purpose of that?*
- A7 Administration was acting on instructions from a Council resolution.
- Q8 Why was the new carpark at Tom Simpson Park not excluded from the brief?*
- A8 This question will be taken on notice.



*Q9 The consultants have been asked to provide a survey within the Road Reserve for the design of proposed street improvements and review the Concept Plans for management of traffic and provision of parking adjacent to the beachside commercial area in Mullaloo, with due consideration given to pedestrians, cyclists and public transport needs.*

*What has happen to the rest of the plan, the dune restoration, the boardwalks, the landscaping and the amenities?*

A9 This question will be taken on notice.

*Q10 Are the plans for the redevelopment of Mullaloo Tavern before Council?*

A10 There had been some preliminary plans discussed with the architect, but it was not known whether these have been received by the City. This matter will be investigated.

*Q11 Will the residents of Mullaloo have the opportunity to comment on these plans?*

A11 This question will be taken on notice.

*Q12 The whole of the Mullaloo Precinct Planning process has been about providing adequate parking for the redevelopment of the Tavern site and a restaurant on the Surf Club site. Is this correct?*

A12 This question will be taken on notice.

### **Ms S Hart, Greenwood**

*Q1 Can Council tell which resolution Ms McDonald was speaking about?*

A1 This question will be taken on notice.

*Q2 Does Council have a written answer to the question about costs regarding the Precinct Planning Concept that I submitted twice, one for Greenwood and one for Kingsley?*

A2 The questions and the answers are as follows:

*“Q1 What is the total cost of the Precinct Planning Concept for the entire City of Joondalup?*

*A1 The total cost of the Precinct Action Planning Project for the entire City of Joondalup until the end of January 2002 is approximately \$52,000.*

*As previously advised by myself, further costs were incurred in related projects for the investigation of local centres undertaken in the previous financial year approximately \$7,000 and the Community Visioning exercise approximately \$41,000.*

- Q2 What is the total value of consultant fees for this project?*
- A2 The total value of the consultant fees for the current Precinct Action Planning Project is \$27,000.*
- Q3 What is the total value of wages and overtime for the person hours spent on this project?*
- A3 A number of Council officers have been involved with the Precinct Action Planning Project to various degrees in addition to other duties. No records have been kept of the proportion of officer time spent on this project so it was not possible to provide a value for the wages involved.*
- Q4 What is the total value of publications for this project?*
- A4 No publications have as yet been produced for the Precinct Action Planning Project and any report to be prepared for the concept plans would be covered in the consultants fees. A number of publications have been produced for related projects and the cost of these have been covered by consultant fees.*
- Q5 What is the total value of other promotional activities in relation to this project?*
- A5 The total value of promotional activities relating to the Precinct Action Planning Project is \$11,200.*
- Q6 What is the total value of the production of the video associated with this project?*
- A6 The total value of the video production related to the Precinct Action Planning Project is \$2,700.*
- Q7 What is the total cost of workshops associated with this project?*
- A7 Workshops for the Precinct Action Planning Project have utilised Council facilities and have not incurred any additional direct costs.*
- Q8 Will the Council make publicly available a written itemised break-down of all costs associated with this project and when will it be available?*
- A8 The following is an itemised breakdown of the costs associated with the Precinct Action Planning Project to the end of January 2002:*

<i>Consultants</i>	<i>\$ 27,000</i>
<i>Printing, Postage, Couriers</i>	<i>\$ 6,200</i>
<i>Advertising</i>	<i>\$ 5,000</i>
<i>Notice Boards</i>	<i>\$ 7,000</i>
<i>Stationery</i>	<i>\$ 1,600</i>
<i>Video</i>	<i><u>\$ 2,700</u></i>
	<i><u>\$52,000</u> Approx.”</i>

*Q3 Did Mullaloo go through the same consultation process as the people of Greenwood and Kingsley?*

A3 The Mullaloo process was quite different. It was about identifying what Council described as a focus group. A number of local residents, approximately 8, who had varying interests in the area, were brought together with the consultant and the plan was worked on with them. It would then go out for public consultation, which in that case it did. Why Council moved away from this idea with the Greenwood process was that while it was successful in some respects, there was concern expressed by some people on the focus group that they were not able to adequately represent that community in the focus group, even though Council put it out to wider consultation.

With Greenwood, Warwick and Kingsley, Council decided to move away from the focus group idea and work with a much broader group of people. This started with community visioning, where Council spoke to the community about what they valued in their suburbs and some of the issues that were coming up in the future. Council then had workshops that the public was invited to, to try and get a broad consultation process going with the local community that Council hoped would help it come up with ideas of concepts that were in a joint partnership with the community.

*Q4 Warwick Precinct had 52 people consulted. That was between the four suburbs, so that works out to about 25, so 8 to 25 people is a huge increase.*

A5 That was at the early stage of the community visioning programme where Council were not looking at the details of any particular part of a suburb. The City was looking really generally at the suburbs and saying what are the changes, what are the things that are going to change in the future in your suburbs, what are the things that are affecting changes in the future.

*Q6 Is this what you ask the people?*

A6 These were the sorts of things that were talked about at the workshops.

*Q7 Was it true that there is going to be high density condos behind the Mullaloo Tavern.*

A7 As far as the City is aware there are no high density condos being proposed behind the Mullaloo Tavern.

The Tavern proposal to date does have two levels of residential housing on top of the tavern.

*Q8 Has Cr Mackintosh petitioned against higher density in her suburb at any stage and was she successful or not?*

A8 This question will be taken on notice.

*Q9 Can it be guaranteed that a quorum of Councillors will be present for the Extraordinary Meeting of Council regarding Precinct Planning?*

A9 Council would be given due notice to hold that special meeting, but there can be no guarantee given by Administration that there would be a quorum at that meeting.

*Q10 Can I ask the Councillors the same question?*

A10 Once a time and place has been set for the meeting, due notice is given to the Councillors of that meeting. Councillors have to lodge their apology either prior to the meeting or an apology is lodged at the meeting on their behalf. There is no mechanism that is in place to indicate if a Councillor at this stage would be intending to lodge an apology other than those Councillors that have already sought leave of absence from the Council. A number of Councillors already have leave of absence from the Council over the month of February and also the month of March.

*Q11 Could it happen that people turn up to this Extraordinary Meeting of Council and there not be a quorum?*

Q12 Yes, but this is a hypothetical question.

*Q13 Why didn't Councillors reply to her written invitation to a meeting at Greenwood?*

A13 This question will be taken on notice.

Cr Mackintosh responded to an earlier question about petitioning against higher density in her suburb at any stage and whether she was successful or not. In December 2000 Cr Mackintosh confirmed that she had a deputation with the Commissioner opposing a large block in her ward being subdivided into 16 blocks. She stated that she was not successful.

*Q14 Is Council was aware that if the Precinct Planning Concept is not dealt with in a fair and proper manner the electors will call another Special Electors Meeting and demand an inquiry by the Minister for Local Government into the entire City business?*

A14 No, the Council was not aware of this.

**Mr S Magyar, Heathridge:**

*Q1 Will tonight's meeting be held in accordance with the Standing Orders and allow a second public question time?*

A1 This may be the case.

*Q2 Will there be a provision for a second public question time at the Special Meeting to be held on 25 February 2002 to deal with the Precinct Planning?*

A2 The Standing Orders of Council will prevail if Council wishes to have a second question time.

*Q3 How many times has the Audit Committee met since its formation and how many times has the minutes of the Audit Committee and its resolutions been reported to Council?*

A3 This question will be taken on notice.

*Q4 The Council has for a considerable time been working on a praiseworthy initiative called 'Logovote' where the Councillors' votes would be recorded electronically. Could there be some indication as to when this programme and technology will be implemented?*

A4 Officers are currently evaluating a possible start up date. At present Council is encountering some difficulties which have been demonstrated during the trials that have been running at the briefing sessions. The City is attempting to address these matters and it is anticipated that a report will be going before Council during the month of March outlining some options available to the Council.

**Mr V Cusack, Kingsley:**

*Q1 Why Council did not undertake a proper community survey to gauge community opinions in regard to the Precinct Action Planning programme?*

A1 This question will be taken on notice.

*Q2 Is the supporting documentation available on the Internet for the Precinct Action Planning Programme?*

A2 They were not on the Internet but there was a disclaimer on the Internet site that says to contact Council Offices to discuss the plans for further clarification. The plans were not designed and do not have sufficient information on them for self-analysis. They were designed with a view to be a point of discussion at the workshops.

*Q3 In future when plans go up again around suburbs, can they have documentation with them?*

A3 This question will be taken on notice.

*Q4 Would it have set a dangerous precedent if the Precinct Plans were passed and would have had the effect of approving rezoning en masse?*

A4 This is totally incorrect.

*Q5 What kind of applications go before full Council and would it not be true that some of the rezonings in certain areas would have been done en masse?*

A5 None of the concepts were rezonings. They were ideas for discussion. Some of them, if they ever got anywhere, would have eventually resulted in rezonings, but that would have been a long way down the track and the rezoning request may have come from the individual themselves.

**Ms P Floate, Kingsley:**

*Q1 In the Warwick Precinct Participants booklet one of the future possible changes listed was rationalisation of school ovals at \$50,000 profit per block totalling \$1.6 million total profit. In the final column of that booklet it stated Council would be able to afford to purchase one school oval per year and this was listed as a five to ten year timeframe.*

*Have negotiations already begun, even preliminary ones with the Education Department on this matter?*

A1 This was not the case.

*Q2 Can Council explain why notices about the precinct plan were posted via Australia Post to non occupying property owners. This method was not used for residents who live in the suburbs affected and very few residents seem to have received them?*

A2 Council uses an external distribution agency, which is a home delivery service for the City. The external agents cannot deliver to owners who are not occupiers who would be outside the City and could be anywhere within Australia.

*Q3 Which commercial businesses would be permitted if the precinct plan went ahead, giving all the advance planning that has been put into this?*

A3 There has be no advance planning, it is simply ideas and concepts. No thought has been given to what businesses would go into the areas.

**Mr S Green, Kingsley:**

*Q1 Can the Precinct Planning item be considered earlier in the meeting?*

A1 Cr Baker has indicated that he wished to move an item forward.

*Q2 If we have a meeting at the Arena in Joondalup would the decisions made there be binding?*

A2 If a meeting was held at the Arena in Joondalup, and it was deemed to be a Special Meeting of Council, that is a formal meeting of Council. Any decisions that are made at that meeting of Council would have the same significance as if they were made in this Chamber.

**Ms Woodmass, Kingsley:**

*Q1 Have any of Council's members or staff been given training in dealing with the public?*

A1 The question will be taken on notice.

**Mr M Sideris, Mullaloo:**

*Q1 Can you please confirm the cost of the consultancy fees for the Mullaloo, Sorrento Concept Plans as \$27,000 approximately?*

A1 That is correct.

*Q2 Consultancy fees for the Mullaloo, Sorrento Concept Plan were \$27,000. Does this mean that Council spent nothing on consultancy fees for the Greenwood, Kingsley, Warwick, Woodvale Concept Plans?*

A2 The \$27,000 was in relation to the Precinct Concept.

*Q3 Mullaloo is a Precinct Concept Plan, it has been published as that, it is recorded in your official Minutes as a Precinct Concept Plan. The question earlier, as I understood it, was related to all Concept Plans.*

*Can Council give the cost of all Concept Plans, precinct or otherwise, dealing with similar issues and a complete breakdown of all those costs?*

A3 This question will be taken on notice.

**Ms S Hart, Greenwood:**

*Q1 Further to my earlier question on costs, can I also see receipts and accounts for these? Were there any documents which I am not permitted to have?*

A1 The City would make available everything that was deemed to be a public document. It would be impossible to answer which documents may be made available until such time as the documents were examined.

*Q2 If it was deemed by Council, that I could not see them, could I see them through a Freedom of Information application?*

A2 Council has an officer dedicated to Freedom of Information applications. The officer examines all documentation that is released under the Freedom of Information Act. Council would be prepared to make available any documentation that is deemed to be of public record.

**Ms P Floate, Kingsley:**

*Q1 Is the Precinct Plan that the City of Joondalup came up with an initiative by Federal Government?*

A1 This is not the case.

**MOVED Cr Baker, SECONDED Cr Mackintosh that in accordance with Clause 3.2 of the City's Standing Orders Local Law, the Order of Business for this evening's meeting be altered to allow the Report of the Chief Executive Officer to be dealt with at this point in time.**

Cr Baker referred to the Late Item to be considered this evening in respect of Precinct Planning in the suburbs of Warwick, Greenwood, Kingsley and Woodvale.

**The Motion was Put and**

**CARRIED**

## **REPORT OF THE CHIEF EXECUTIVE OFFICER**

### **C02-02/02            DECISIONS MADE AT THE SPECIAL ELECTORS' MEETINGS HELD ON 7 & 11 FEBRUARY 2002 - [32515 75029]**

**WARD -     South**

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#### **PURPOSE**

To enable the Council to determine when and where it will consider the decisions made at the recent special meetings of electors held in Greenwood and Kingsley.

#### **EXECUTIVE SUMMARY**

As requested by the electors of the City of Joondalup, two special meetings of electors were convened for 7 February 2002 and 11 February 2002 at the Greenwood Senior High School and Halidon Primary School respectively. These meetings were for members of the Greenwood and Kingsley communities to discuss their concerns about Precinct Action Planning.

As a result of these meetings a number of decisions were made by the electors, which in accordance with the Local Government Act 1995 are required to be considered by the Council at either an ordinary or special meeting of the Council. At both of the electors' meetings, it was suggested that due to the number of electors present, any decisions made by them be referred to a special meeting of the Council at a venue capable of accommodating large numbers. The Joondalup Arena is a suitable venue and is available on Monday 25 February 2002.

It is therefore recommended that the Council calls a special meeting of the Council for Monday 25 February 2002 commencing at 7pm at the Joondalup Arena.

#### **BACKGROUND**

Two separate requests for a special meeting of electors were received on the 11 and 17 January 2002. Both requests were to enable electors of the City to discuss their concerns relating to the adverse impacts of the Precinct Action Planning for the suburb of Greenwood and Kingsley. The purpose of the meetings was as follows: -



- a) Council not to approve re-zoning any land in Kingsley/Greenwood from residential to local reserve to mixed use, business or commercial. To keep Kingsley/Greenwood as it is.
- b) Council not to approve re-coding residential density codes in Kingsley/Greenwood to allow an increase in residential densities greater than currently exists. Stop high-density housing in Kingsley/Greenwood.
- c) Council not to approve or support any changes to the Building Codes or any other planning or development standards administered by the Council that would increase the density of development of the residential areas in Kingsley/Greenwood. Kingsley/Greenwood to retain its current amenity and appearance.
- d) Other matters raised from the floor regarding the expectations of the residents of Kingsley/Greenwood and other services delivered to the residents of Kingsley/Greenwood.

Those electors submitting the request for the special meeting of electors requested that the location for the meetings be within the suburbs of Greenwood and Kingsley. In accordance with the wishes of the electors, the Greenwood Senior High School and Halidon Primary School were selected. Approximately 1400 electors attended each of the meetings.

### **Strategic Plan:**

Strategy 2.1 of the City's Strategic Plan is to 'rejuvenate our suburbs'. To achieve this the plan says we will:

- Identify precincts of common interest or focus;
- Involve each community in developing Precinct Action Plans;
- Enhance standards of infrastructure to meet the changing community needs and expectations;
- Implement marketing and activities programs to promote a healthy lifestyle and to meet the changing needs of the community;
- Foster community identity and pride.

### **DETAILS**

#### **Statutory Provision:**

In accordance with Section 5.28 of the Local Government Act 1995, the Mayor selected the 7 February for the Greenwood meeting and the 11 February for the Kingsley meeting. In accordance with Section 5.29 of the Local Government Act 1995, the C.E.O. convened the meeting which was duly advertised in the local community newspaper.

Any decisions made at electors' meeting is required to be considered by the Council. Section 5.33 of the Local Government Act 1995 states those decisions are required to be considered by the Council at the next ordinary meeting of the Council (12 February 2002). Where that is not practicable then at the first ordinary council meeting (26 February 2002) after that meeting or a special meeting of the Council called for that purpose; whichever happens first. Due to the time constraints, it is not practicable to submit the decisions from the electors' meetings to the Council meeting scheduled to be held on 12 February 2002.

## COMMENT

The special electors' meetings were called for residents of the Kingsley and Greenwood communities to discuss their concerns relating to the Precinct Action Planning. A number of decisions were made at these elector meetings. One of the requests made at both of the meetings was for the Council to consider all the decisions made at the special meetings of electors at a special meeting of the Council. It was requested that this special meeting of the Council be held at the Arena Joondalup in order to cater for the anticipated large numbers of the community wishing to attend. It has been advised that the Arena is available for Monday, 25 February 2002.

Legislation requires that the decisions made at the electors' meeting must be considered by no later than the ordinary meeting scheduled to be held on 26 February 2002.

It is suggested that there are three options available to the Council to be able to consider the various decisions made at these electors' meetings:

### Option 1

Present the decisions from both the electors' meetings to the ordinary meeting of the Council scheduled to be held on 26 February 2002, in the Council Chamber. The Council Chamber can only seat approximately 150, with provision for some standing room. If a large number of electors wish to attend this meeting of the Council, the Chamber would not be able to accommodate them.

### Option 2

Present the decisions from both the electors' meetings to a special meeting of the Council to be scheduled at a venue that could accommodate the anticipated number of people expected to attend. As previously mentioned the indoor stadium of the Joondalup Arena is available for Monday 25 February 2002. The Arena would be capable of accommodating this number of electors.

### Option 3

For the Council at its meeting scheduled to be held on Tuesday 12 February 2002 to make a decision regarding the future of the current Precinct Action Planning concepts. And then to present the decisions from both the electors' meetings to either a special meeting of the Council to be held on 25 February 2002 at the Arena Joondalup or the ordinary meeting of Council to be held on 26 February 2002.

## VOTING REQUIREMENTS

Simple majority.

### **OFFICER'S RECOMMENDATION: That Council:**

- 1 AGREES to call a special meeting of the Council to be held at the Joondalup Arena on Monday 25 February 2002 commencing at 7pm in order to consider the decisions made at the special electors' meetings on Thursday 7 and Monday 11 February 2002, as required by Section 5.33 of the Local Government Act 1995;**

- 2      **UNDERTAKES** suitable methods to communicate the holding of the special meeting of the Council as detailed in (1) above to the residents of the City of Joondalup, which would include a full page advertisement in the local community newspaper advising of the date, time and location.

**MOVED Cr Baker, SECONDED Cr Mackintosh that Council:**

- 1      **hereby forthwith ABANDONS the current Precinct Action Planning concepts for the suburbs of Warwick, Greenwood, Kingsley and Woodvale in its entirety;**
- 2      **ESTABLISHES a comprehensive community consultation process for any future precinct planning for any suburb in the City of Joondalup before releasing any precinct action plan papers;**
- 3      **NOT consider any changes proposed by any future concept plan or discussion paper to the status quo of any suburb unless there is clear and demonstrable community support following a full, informative and comprehensive community consultation process in any suburb likely to be affected by any such plan;**
- 4      **AGREES to consider all the decisions made at the recent Special Meetings of Electors held in Greenwood and Kingsley on 7 and 11 February 2002 respectively at its ordinary meeting scheduled to be held on 26 February 2002 at the Council Chambers, Joondalup;**
- 5      **ENDORSES the Mayor’s views as reported in last Saturday’s 9 February 2002 edition of The West Australian newspaper that in respect of the Kingsley, Greenwood, Warwick and Woodvale draft precinct concept plans “these ideas which staff had put forward will not be going ahead in any way, shape or form.”**

Chief Executive Officer gave an overview of the outcomes from the Special Meetings of Electors held on 7 and 11 February 2002 and advised the report for consideration this evening had been prepared after consultation with the City’s lawyers.

Cr O’Brien referred to a request from five Elected Member for a Special Meeting of Council to be held pursuant to Section 5.48(2).

Discussion ensued.

**MOVED Cr Mackintosh, SECONDED Cr Carlos that the Motion BE NOW PUT.**

**The Procedural Motion Was Put and**

**CARRIED UNANIMOUSLY**

To a query from Chief Executive Officer in relation to the request for the holding of a Special Council Meeting from 5 elected members, Crs Nixon, Carlos and O’Brien withdrew their request.

Cr O’Brien suggested an announcement be made in the local newspaper notifying the community of the results of this evening’s Council meeting.

Chief Executive Officer advised this would be handled administratively with an appropriate notice being placed in the newspaper, with the possibility of publishing the full Notice of Motion and the resolution of Council.

**The Motion as Moved by Cr Baker, Seconded by Cr Mackintosh was Put and  
CARRIED UNANIMOUSLY**

**MOVED Cr Patterson, SECONDED Cr Baker that the meeting revert back to the  
normal order of the agenda. CARRIED**

## **DECLARATIONS OF FINANCIAL INTEREST/INTEREST THAT MAY AFFECT IMPARTIALITY**

*Cr Baker declared an interest that may affect his impartiality in Item CJ008-02/02 – Service Agreement with North West Metropolitan Business Enterprise Centre located at Unit 4/189 Lakeside Drive, Joondalup as he is a member of the Joondalup Business Association. (This declaration was subsequently withdrawn – see Page 49).*

*Cr Kadak declared an interest that may affect his impartiality in Item CJ008-02/02 – Service Agreement with North West Metropolitan Business Enterprise Centre located at Unit 4/189 Lakeside Drive, Joondalup as he is a deputy member of the Joondalup Business Association.*

*Cr O'Brien declared a financial interest in CJ009-02/02 – Warrant of Payments – 31 December 2001 as Chubb Security has taken over an FAI Extra Watch security at his residence.*

*Cr O'Brien declared a financial interest in Item CJ020-02/02 – Close of Advertising – Review of Home Business Policy 3.1.11 as both Cr O'Brien and his wife have a home occupation licence.*

*Cr Rowlands declared an interest that may affect his impartiality in Item CJ021-02/02 – Joondalup City Centre Public Parking Strategy as his employer has lodged an objection in this regard.*

*Cr Kimber stated his intention to declare an interest which may affect his impartiality in Item CJ027-02/02 – Proposed Fire Station – Reserve 43210 Hepburn Avenue, Padbury as he is employed by the Fire and Emergency Service.*

## **CONFIRMATION OF MINUTES**

**C03-02/02      MINUTES OF COUNCIL MEETING – 18/19 DECEMBER 2001**

**MOVED Cr Rowlands, SECONDED Cr Walker that the Minutes of the Council Meeting held on 18/19 December 2001, be confirmed as a true and correct record.**

**The Motion was Put and**

**CARRIED**

## **ANNOUNCEMENTS BY THE MAYOR WITHOUT DISCUSSION**

### **NO PRECINCT PLANNING**

Congratulations to residents on their vigorous involvement in the future of their communities of Greenwood and Kingsley.

The large turn-outs at Special Electors' meetings estimated at more than 1200 at Greenwood and approximately 1400 at Kingsley, to discuss precinct planning in these suburbs was commendable.

The message from residents is clear and we have taken note.

Once again, I make it clear that none of these planning ideas will go ahead without community support.

### **SUMMER EVENTS**

On Friday evening, 15 February 2002 at 6.00 pm in Joondalup CBD our Summer Events series comes to an end with the Latin rhythms of Sambrosion.

All are welcome to attend this free finale concert.

It has been a great series and the highlight for me was the Yothu Yindi concert on the Australia Day weekend.

Thanks to all residents and visitors who turned out to make this series so successful.

Our Events team is now gearing up for the Joondalup Festival on 23 and 24 March 2002.

Last year, we had approximately 100,000 people at this fantastic free event. Let's all get behind the festival and make it even bigger and better.

### **CBD ENHANCEMENT**

While the City is very much aware of the needs of all 22 suburbs in the City of Joondalup, it is also conscious that Joondalup CBD needs to develop as a regional capital and focus for the City.

With this in mind, we have begun a CBD enhancement program aimed at creating employment by increasing the number of residents and visitors and developing business opportunities.

*Cr Nixon entered the Chamber, the time being 2009 hrs.*

**C04-02/02      PETITIONS**

1      PETITION OPPOSING THE DEVELOPMENT OF GASCOYNE PARK (PALM PARK) AND ADJOINING STREETS MARLANDY COURT, TALLERING HEIGHTS, WELLARD GROVE AND DIXON PARKWAY, WOODVALE - [32515]

A 263-signature petition has been received from Woodvale residents opposing the development of Gascoyne Park, (Palm Park) and adjoining streets, Marlandy Court, Talling Heights, Wellard Grove and Dixon parkway, Woodvale as outlined in the City's concept plans on display on Trappers Drive, Woodvale.

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

2      PETITION OPPOSING PROPOSED AMENDMENT NO 10 TO DISTRICT PLANNING SCHEME NO 2 - LOT 199 (163) KINROSS DRIVE, AND PORTION LOT 9000 (157) KINROSS DRIVE, KINROSS.

Two petitions of 246-signatures and 13-signatures respectively have been received from residents of Kinross strongly opposing the proposal the rezone Lot 199 (163) Kinross Drive, and Portion Lot 9000 (157) Kinross Drive, Kinross from "Residential" and "Mixed Use" to "Commercial" and to recode a portion from R40 to R20.

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

3      PETITION REQUESTING SPECIAL MEETING OF ELECTORS - PRECINCT ACTION PLANNING FOR GREENWOOD - [32515, 02419]

A 127-signature has been received from residents requesting that a special meeting of electors be held to discuss the Precinct Action Planning for the suburb of Greenwood.

4      PETITION REQUESTING SPECIAL MEETING OF ELECTORS - PRECINCT ACTION PLANNING FOR KINGSLEY - [32515, 75029]

A 172-signature has been received from residents requesting that a special meeting of electors be held to discuss the Precinct Action Planning for the suburb of Kingsley.

In accordance with Section 5.28 of the Local Government Act 1995, a special meeting of electors has been scheduled for 7.00 pm on Monday 11 February 2002 to be held at the Halidon Primary School, Halidon Street, Kingsley.

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

5 PETITION REQUESTING INSTALLATION OF BOOM GATE, RETRACTABLE BOLLARDS, NEIL HAWKINS PARK, JOONDALUP – [01018] [37150]

A 22-signature petition has been received from Joondalup residents in relation to Neil Hawkins Park, Joondalup.

The petitioners refer to increasing problems occurring in the park associated with vandalism, illicit drug use, racing of motor vehicles and a general disturbance of the peace. It is requested that the park be closed to vehicular traffic after 8.00 pm each evening, with more frequent security patrols being conducted in addition to the installation of a boom gate, retractable bollards or similar devices being used in an attempt to alleviate the problem.

This petition will be referred to Infrastructure Management for action.

6 PETITION REQUESTING INSTALLATION OF WATERING SYSTEM TO PARK - CHALCOMBE WAY/GLENMERE ROAD, WARWICK - [47917]

A 42-signature petition has been received from residents requesting the installation of a watering system in the park adjoining Chalcombe Way and Glenmere Road, Warwick.

The petitioners state that the lack of water is causing the trees to drop an excessive number of leaves, causing rubbish problems in nearby properties, and other associated problems.

This petition will be referred to Infrastructure Management/Operation Services for action.

7 PETITION SUBMITTED AT SPECIAL MEETING OF ELECTORS - MONDAY 11 FEBRUARY 2002 – [32515, 02419]

A 3057-signature petition was submitted to the Special Meeting of Electors held on Monday 11 February 2002 from electors of the City of Joondalup requesting that Council:

- 1 does not approve rezoning any land in Greenwood from Residential or Local Reserve to Mixed Use, Business or Commercial - keep Greenwood as it is;
- 2 does not approve recoding Residential Density Codes in Greenwood to allow an increase in Residential densities greater than what currently exists - no high density housing;
- 3 does not approve or support any changes to the Building codes or any other planning or development standards administered by Council that would increase the density of development of the residential areas in Greenwood - leave leafy Greenwood alone.

The petitioners have indicated that of the 3057 signatories, 1436 signatories are directly affected by the proposed Precinct Action Planning and 1621 signatories are indirectly affected.

This petition will be referred to Planning and Development for consideration.

8 PETITION OPPOSING ANY PROPOSED DEVELOPMENT, GASGOYNE PARK (PALM PARK), WOODVALE - [26061]

A 103-signature petition has been received from residents of the City of Joondalup opposing any proposed development affecting Gasgoyne Park (Palm Park).

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

9 PETITION IN RELATION TO CONCEPT PLANNING PROCESS - [32515] [02419]

Cr Kadak tabled a 651-signature petition on behalf of residents of the City of Joondalup calling upon the City to cease all concept plans for the suburbs of Greenwood, Kingsley, Warwick and Woodvale.

This petition will be referred to Planning and Development.

**MOVED Cr Rowlands, SECONDED Cr Hurst that the petitions:**

- 1 **opposing the development of Gascoyne Park, (Palm Park) and adjoining streets, Marlandy Court, Tallering Heights, Wellard Grove and Dixon parkway, Woodvale as outlined in the City's concept plans on display on Trappers Drive, Woodvale;**
- 2 **opposing the proposal the rezone Lot 199 (163) Kinross Drive, and Portion Lot 9000 (157) Kinross Drive, Kinross from "Residential" and "Mixed Use" to "Commercial" and to recode a portion from R40 to R20;**
- 3 **requesting that a special meeting of electors be held to discuss the Precinct Action Planning for the suburb of Greenwood;**
- 4 **requesting that a special meeting of electors be held to discuss the Precinct Action Planning for the suburb of Kingsley;**
- 5 **requesting installation of boom gate, retractable bollards, Neil Hawkins Park, Joondalup;**
- 6 **requesting the installation of a watering system in the park adjoining Chalcombe Way and Glenmere Road, Warwick;**
- 7 **in relation to the Special Meeting of Electors to be held at Greenwood, 7 February 2002;**
- 8 **opposing any proposed development affecting Gasgoyne Park (Palm Park);**



**9 calling upon the City to cease all concept plans for the suburbs of Greenwood, Kingsley, Warwick and Woodvale;**

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

Cr Kadak thanked residents, particularly residents of Woodvale in expressing their concerns in relation to concept planning.

**The Motion was Put and**

**CARRIED**

**C05-02/02 REQUEST FOR SECOND PUBLIC QUESTION TIME**

**MOVED Cr Hollywood, SECONDED Cr Walker that, in accordance with Clause 3.2 of the City's Standing Orders Local Law, a second public question time be permitted at this meeting.**

**The Motion was Put and**

**CARRIED**

**POLICY**

**CJ001 - 02/02 STANDING ORDERS - CHANGE IN ORDER OF BUSINESS – [01369]**

**WARD - All**

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**PURPOSE**

The purpose of this report is to advise Council of the need to amend the current Order of Business in the Agendas for Council Meetings and to recommend the amendment. The Order of Business outlined in the Standing Orders Local Law 1997, does not comply with the Local Government (Administration) Regulations 1996 and it is suggested that the necessary change to achieve compliance be made, until such time as Council's proposed Standing Orders Local Law 2001 come into operation.

**EXECUTIVE SUMMARY**

Clause 7(2) requires Public Question Time to be held before any discussion on matters that require a decision of Council. Apologies and Leave of Absence appear before Public Question Time in the current Order of Business. The amendment recommended in this report would bring the Order of Business into line with legislative requirements, until such time as the proposed Standing Orders Local Law 2001, comes into operation. The proposed Standing Orders Local Law 2001, complies with the legislation requirements.

## **BACKGROUND**

Council's Standing Orders Local Law 1997 was carried over from the former City of Wanneroo. A completely revised Standing Orders Local Law 2001 has been in the process of review by Council for the last two years and is in the final stages of coming into operation.

Apart from applying the new format, plain English, breaking down of lengthy clauses into sub clauses and application of extensive clause numbering, the proposed Standing Orders Local Law 2001 also complies with current legislation.

## **DETAILS**

Council's Order of Business for its Ordinary Council Meetings does not comply with the Local Government (Administration) Regulations 1996, Clause 7(2). Administration Regulation 7(2) requires public question time to be held before discussion on any matter requiring a decision of Council. The current Order of Business places "Apologies and Leave of Absence" before "Public Question Time." Apologies and Leave of Absence require a Council decision for approval or refusal.

### **Statutory Provisions**

The details of Clause 7(2) of the Local Government (Administration) Regulations 1996 have been extracted and reproduced as follows:

#### ***"Procedures for question time for the public – s.5.24 (2)***

*7 (2) the time allocated to the asking and responding to questions raised by members of the public at a meeting referred to in regulation 6(1) is to precede the discussion of any matter that requires a decision to be made by the council or the committee, as the case may be."*

### **What is required to comply**

To comply with the requirements of Clause 7(2) of the Local Government (Administration) Regulations 1996, it will be necessary to place "Public Question Time" before "Apologies and Leave of Absence" in the Order of Business in Agendas for Council meetings.

## **COMMENT**

Clause 3.2 of the current Standing Orders provides Council with the opportunity to amend the Order of Business for its meetings.

It is considered that the Order of Business at Council meetings should be amended to comply with the Local Government (Administration) Regulations 1996. It is suggested that the recommended change in the Order of Business apply until the proposed Standing Orders Local Law 2001 comes into operation.

## **VOTING REQUIREMENTS**

Simple Majority

**MOVED Cr Rowlands, SECONDED Cr Patterson that Council in keeping with clause 3.2 of the Standing Orders Local Law 1997, amends the order of business for all its meetings open to the public, by placing “public question time” before “apologies and leave of absence”, until such time as the City of Joondalup Standing Orders Local Law 2001 comes into operation.**

**The Motion was Put and**

**CARRIED**

Cr Rowlands suggested Items CJ002-02/02 to CJ030-02/02 inclusive by moved by En-bloc method.

Mayor Bombak advised that as certain Items required to be moved by an Absolute Majority it was necessary that each Item be considered individually.

## **FINANCE AND COMMUNITY DEVELOPMENT**

### **CJ002 - 02/02 NORTH WEST DISTRICT PLANNING COMMITTEE - AMENDMENT TO REPRESENTATION – [01080]**

**WARD – All**

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#### **PURPOSE**

To amend the City’s representation on the North West District Planning Committee.

#### **EXECUTIVE SUMMARY**

The City’s current representative on the North West District Planning Committee, Mayor John Bombak, has advised he is unable to continue in this position due to time restraints and a heavy appointment schedule. Council is required to give consideration to a replacement representative.

#### **BACKGROUND**

The North West District Planning Committee is one of a number of district committees within the Perth Metropolitan Region, comprising members from local government councils in the district, which provides a forum for discussion and recommendation on regional planning issues. These matters are referred to the Perth Region Planning Committee for consideration.

Items of particular interest to the North West District Committee have included Perth’s Bushplan, the Model Scheme Text, the draft Planning Bulletin on Rights-of-Way or Laneways, the Proposed Alkimos-Eglington District Structure Plan and Metropolitan Region Scheme Amendments, such as Burns Beach – Western Cell.

The Committee meets on a bi-monthly basis, usually commencing at 8.00am. The venue is rotated between current members of the Committee which are:

Cr Ian Ker	Town of Vincent
Cr Adam Spagnolo	City of Stirling
Mayor John Bombak	City of Joondalup
Cr G Monks (Deputy - Mayor J Kelly)	City of Wanneroo

## **DETAILS**

At the Special Meeting of Council held on 7 May 2001, Council appointed Mayor John Bombak as representative to the North West District Planning Committee, with Cr Mike O'Brien appointed as deputy.

Mayor Bombak has advised that he is unable to continue as Council's representative on this Committee due to time restraints and a heavy appointment schedule.

## **COMMENT**

It is recommended that an elected member be appointed to the North West District Planning Committee in place of Mayor John Bombak.

## **VOTING REQUIREMENTS**

Simple Majority

**OFFICER'S RECOMMENDATION:** That Council:

- 1 **ACCEPTS** the resignation of Mayor John Bombak as its representative on the North West District Planning Committee;
- 2 **APPOINTS** an elected member as representative on the North West District Planning Committee.

**MOVED Cr Hurst, SECONDED Cr Baker that Council:**

- 1 **ACCEPTS** the resignation of Mayor John Bombak as its representative on the North West District Planning Committee;
- 2 **APPOINTS** Cr O'Brien as Member representative on the North West District Planning Committee.

**AMENDMENT MOVED Cr Kenworthy, SECONDED Cr Carlos that an additional Point 3 be included as follows:**

- “3 **APPOINTS** Cr Walker as Deputy Member representative on the North West District Planning Committee.”

**The Amendment was Put and**

**CARRIED**

**The Original Motion, as amended, being:**

- 1 ACCEPTS the resignation of Mayor John Bombak as its representative on the North West District Planning Committee;**
- 2 APPOINTS Cr O'Brien as Member representative on the North West District Planning Committee;**
- 3 APPOINTS Cr Walker as Deputy Member representative on the North West District Planning Committee.**

**was Put and****CARRIED****CJ003 - 02/02 MINUTES OF THE ENVIRONMENTAL AND SUSTAINABILITY ADVISORY COMMITTEE MEETING HELD ON 15 NOVEMBER 2001, 20 DECEMBER 2001 AND 17 JANUARY 2002 – [00906]****WARD – All****PURPOSE**

The Environmental and Sustainability Advisory Committee met on 15 November 2001, 20 December 2001 and 17 January 2002 and the minutes of the meetings are submitted for noting by Council, and endorsement of relevant motions.

**EXECUTIVE SUMMARY**

The Environmental and Sustainability Advisory Committee has considered a range of business items at its meetings held on 15 November 2001, 20 December 2001 and 17 January 2002. Recommendations to Council have been made in relation to:

- Craigie Open Space,
- a review of a proposed local law on local air quality,
- acceptance of Committee member resignations and nominations to the Committee,
- a request for a report on work to-date in relation to a proposal for an Environment Centre in the City of Joondalup.

**BACKGROUND**

The Environmental and Sustainability Advisory Committee meeting held on 15 November 2001 discussed a range of items including:

- Adoption of the Environmental and Sustainability Advisory Committee 2002 work plan.
- An update on the committee's sustainability report workshop and the scheduling of an additional committee workshop.

- A presentation on Precinct Planning/Community Visioning.
- Updates regarding the Greenhouse gas emission reduction target setting community consultation and survey.
- Formation of a committee working group to review waste management issues.
- Investigations regarding a potential project regarding bus shelters.
- WA State government commencement of the State's sustainability strategy.
- Sustainability strategy and Water Corporation performance reporting on economic, social and environmental performance (triple bottom line).

At the Committee meeting held on 20 December 2001, the following main items of business were addressed:

- Development of the City's Sustainability Action Plan.
- Investigations into a project to encourage public transport usage by the promotion of bus shelters.
- A briefing on Craigie Bushland.
- Local Government Managers State Conference.
- Community representative nominations.
- Investigations into a Local Law for air quality.
- A permaculture proposal.
- Resignation of Committee member Mr Johnny Prefumo.

At the Committee meeting held on 17 January 2002 the following items were discussed:

- A presentation by the Water Corporation on Sustainability and Triple Bottom Line reporting.
- A presentation on secondary waste treatment.
- Resignation of Committee member Mrs C Wood.

## **DETAILS**

The minutes of the Environmental and Sustainability Advisory Committee held on 15 November 2001, 20 December 2001 and 17 January 2002 are included as Attachment 1.

Mr J Prefumo tendered his resignation from the Committee and this matter was considered at the meeting of 20 December 2001. At the meeting of 17 January 2002 the Committee considered the resignation of Mrs C Wood.

The Committee considered two nominations for community representatives on the Committee, at its meeting on 17 January 2002. The Committee recommends that both nominees be appointed to the Committee and a summary of the nominees' backgrounds are provided:

**Mr Garry Harnett.** Has worked at a senior level in strategic planning in State Government. Extensive experience in liaison with community and local government. Has held a manager role with Department of Conservation and land Management- CALM Sharefarms Business Unit. Presently, Director and Operations Manager of Pinetec Treefarms Pty Ltd. Experienced committee participation. Edgewater resident.

**Mr Geoff Down.** Holds a B Sc (Honours) in Zoology. Currently undertaking a Master of Science degree (renewable energy and the environment) at Murdoch University. Assistant Facilitator on the “Col Communities” project, and energy conservation initiative by the Federal Australian Greenhouse Office. Duncraig resident.

## **COMMENT**

At the Committee meeting held on 15 November 2001, a Committee working group was established to consider waste management issues. The Committee meeting held on 20 December 2001 noted that staff members (who are not Committee members) can not be appointed on such a working group without Council endorsement. The Committee working group presently comprises Committee members only.

## **OFFICER RECOMMENDATION**

An alternative to the Committee recommendation is proposed.

The Committee recommended:

- “6. SEEKS a report reviewing work to-date on the environment centre originally proposed (Lot 1) and that the Report address future development proposals for the centre and how the Council can progress the establishment of such a centre in the City of Joondalup.”

In the late 1980’s, the State Government considered the possibility of establishing an Environment Centre at Lot 1 Joondalup. Lot 1 is part of the Yellagonga Regional Park and is the responsibility of CALM. The concept did not proceed and no formal approach was made to Council, or a development application submitted, for an Environmental Centre. No work has been undertaken by Council to-date on the Environmental Centre concept. Calm has undertaken public consultation for the Draft Yellagonga Regional Park Management Plan and is yet to be approved. The Plan includes Lot 1. It would not be appropriate at this stage, in the absence of a Management Plan for the Park, to address the possible establishment of an Environmental Centre on Lot 1.

The alternative recommendation is as follows:

- “6. NOTES the committee’s comments in relation to the establishment of an Environmental Centre and considers it is not appropriate at this stage to proceed with such a concept.”

## **VOTING REQUIREMENTS**

Absolute Majority

**MOVED Cr Kadak, SECONDED Cr Baker that Council:**

- 1 **NOTES** the minutes of the Environmental and Sustainability Advisory Committee meeting held on 15 November 2001, 20 December 2001 and 17 January 2002 forming Attachment 1 Report CJ003-02/02;
- 2 **NOTES** that the Committee acknowledges the high conservation value of the Craigie Open Space bushland and supports option D referred to in the Craigie Open Space Consultant's Report and also supports the preservation of bushland adjoining Craigie Open Space;
- 3 **REFERS** to the administration for review and comment on the following:  
  

“In the interest of improving local air quality for the common benefit of all residents of the City of Joondalup, Council endorses the preparation of a Local Law for advertising in accordance with the Local Government Act (1995), stating that from May 2002, it will be prohibited to install or replace domestic wood combustion heaters in residential, commercial or industrial buildings within the City of Joondalup.”
- 4 **ACCEPTS** the resignation of Mr J Prefumo and Mrs C Wood from the committee;
- 5 **ENDORSES** the appointment of Mr Geoff Down and Mr Garry Hartnett as community representatives to the Environmental and Sustainability Advisory Committee;
- 6 **NOTES** the committee's comments in relation to the establishment of an Environmental Centre and considers it is not appropriate at this stage to proceed with such a concept.

**The Motion was Put and**

**CARRIED BY AN  
ABSOLUTE MAJORITY**

*Appendices 1(a), (b), (c), (d) and (e) refer*

To access this attachment on electronic document, click here: [Attach1abrf050202.pdf](#)  
[Attach1bbrf050202.pdf](#)                      [Attach1cbrf050202.pdf](#)                      [Attach1dbrf050202.pdf](#)  
[Attach1ebrf050202.pdf](#)

## **CJ004 - 02/02      SKATEPARK COMMITTEE MEETING – [08096]**

**WARD – All**

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### **PURPOSE**

To submit the unconfirmed Minutes of the Skatepark Committee held on 13 December 2001 for noting by Council.



## EXECUTIVE SUMMARY

A meeting of the Skatepark Committee was held on 13 December 2001 and the unconfirmed minutes are submitted for noting by Council.

## DETAILS

The unconfirmed minutes of the Skatepark Committee meeting held 13 December 2001 are included as Attachment 1.

## VOTING REQUIREMENT

Simple Majority

**MOVED Cr Rowlands, SECONDED Cr Walker that Council NOTES the unconfirmed minutes of the Skatepark Committee meeting held on 13 December 2001 forming Attachment 1 to Report CJ004-02/02.**

**The Motion was Put and**

**CARRIED**

*Appendix 2 refers*

*To access this attachment on electronic document, click here: [Attach2brf050202.pdf](#)*

*Due to ill health, Cr Kimber sought leave of absence from the meeting and left the Chamber, the time being 2014 hrs.*

*Cr Walker left the Chamber, the time being 2015 hrs.*

## **CJ005 - 02/02      ART COLLECTION WORKING PARTY – [14158]**

**WARD - All**

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## PURPOSE

This report presents the unconfirmed minutes of the Art Collection Working Party held on 10 December 2001 for noting by Council and recommends purchase of an artwork.

## EXECUTIVE SUMMARY

A meeting of the Art Collection Working Party held on 10 December 2001 and the unconfirmed minutes are submitted for noting by Council.

The Working Party also considered purchase of the following artwork:

*Imanara Country (2001)  
Acrylic on Paper by Butcher Cherele  
Priced at \$3,400 (inc GST)*

The Art Collection Working Party has recommended purchase of the artwork.

## 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 \$1000 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, Chair  
 Cr Carol Mckintosh  
 Rie Heymans, Curator and Art Consultant  
 James Boyd, Coordinator Cultural Development.

## DETAILS

The minutes of the Art Collection Working Party meeting held on 10 December 2001, are included as Attachment 1.

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

ARTIST	TITLE	MEDIUM	ART GALLERY	PRICE GST INC	PRICE GST EXC
Butcher Cherel	Imanarra Country	Acrylic on Paper	Artplace	\$3,400	<b>\$3,090.91</b>
TOTAL					<b>\$3,090.91</b>

## Financial Implications

Funds are listed in the 2001-2002 budget for the purchase of the artworks as detailed below.

Account No: 11 80 82 871 6781 A007  
 Budget Item: Asset Clearing Account for the Purchase  
 of Artifacts & Artworks at Cost  
 Budget Amount: \$10,000  
 Current Balance \$ 4,588.02  
 Actual Cost: \$3,090.91  
 Remaining Budget: \$ 1,497.11

**COMMENT**

The Consultant recommended the purchase of *Imanarra Country* by Butcher Cherel for \$3,400.00 because:

- the artist is a well-respected senior artist (82 years of age) from the Kimberley Region.
- Butcher Cherel has had numerous sell-out shows both in Australia and overseas and is represented by major collections.
- the artwork will appreciate in value.
- the artwork exhibits various beautiful shades of colour and will sit well in the Council's public collection.
- the artist had a Festival of Perth exhibition in 1999 at Artplace, where the entire exhibition was purchased by Kerry Stoke's ACE Collection.

**MOVED Cr Baker, SECONDED Cr Mackintosh that Council:**

- 1 NOTES the unconfirmed minutes of the Art Collection Working Party held on 10 December 2001 forming Attachment 1 to Report CJ005-02/02;**
- 2 PURCHASES the following art work for the Art Collection at the cost of \$3,090.91 from Account Number 11 80 82 871 6781 A007 – Asset Clearing Account for the Purchase of Artifacts & Artworks at Cost:**

ARTIST	TITLE	MEDIUM	ART GALLERY	PRICE GST INC	PRICE GST EXC
Butcher Cherel	Imanarra Country	Acrylic on Paper	Artplace	\$3,400	\$3,090.91

The Motion was Put and

**CARRIED**

*Appendix 3 refers*

To access this attachment on electronic document, click here: [Attach3brf050202.pdf](#)

**CJ006 - 02/02 MINUTES JOONDALUP FESTIVAL AND SUMMER EVENTS COMMITTEE – [16036]**

**WARD – All**

**PURPOSE**

To submit the unconfirmed Minutes of the Joondalup Festival and Summer Events Committee to Council for noting.

**EXECUTIVE SUMMARY**

A meeting of the Joondalup Festival and Summer Events Committee was held on 5 December 2001 and the unconfirmed minutes are submitted for noting by Council.

## DETAILS

The unconfirmed minutes of the Joondalup Festival and Summer Events Committee meeting held on 5 December 2001 are included as Attachment 1.

## VOTING REQUIREMENTS

Simple Majority

**MOVED Cr Rowlands, SECONDED Cr Hurst that Council NOTES the unconfirmed minutes of the Joondalup Festival and Summer Events Committee meeting held on 5 December 2001 forming Attachment 1 to Report CJ006-02/02.**

**The Motion was Put and**

**CARRIED**

*Appendix 4 refers*

*To access this attachment on electronic document, click here: [Attach4brf050202.pdf](#)*

**CJ007 - 02/02      CITIES      FOR      CLIMATE      PROTECTION  
PROGRAMME – [59091] [09717]**

**WARD – All**

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## PURPOSE

This report presents the results of the public consultation process on the setting of Greenhouse gas emission reduction targets, as requested by Council (item CJ195-06/01 refers). It makes recommendations regarding the setting of City and community greenhouse gas reduction targets (Milestone 2) and presents the development of the Greenhouse gas emission reduction plan Milestone 3 for endorsement.

## EXECUTIVE SUMMARY

Results of the public survey in relation to the setting of Greenhouse gas emission reduction targets for the Council and community, indicate a high degree of support for the setting of targets, and support for a wide range of actions to focus on Greenhouse gas emission reduction activities. A total of 168 survey responses were received, with 98% of respondents indicating that they believe the Greenhouse Effect exists, and 96% of respondents support Council adopting a Greenhouse policy.

## BACKGROUND

The City of Joondalup is a member of the Cities for Climate Protection Programme, which assists local governments to reduce greenhouse gas emissions. The Cities for Climate Protection programme comprises of five milestones:

- 1 Conduct an inventory of current Greenhouse gas emissions for Council and community activity and a forecast of emissions growth in the future (achieved 19 December 2000 *refer CJ362-12/00*).
- 2 Establish a greenhouse gas emissions reduction goal (for Council and for the community).
- 3 Develop a local action plan.
- 4 Implement the local action plan.
- 5 Monitor and report on the implementation of the local action plan.

Milestone 2 involves the Council consulting with the community to establish a greenhouse gas emission reduction goal. This goal is the amount of greenhouse gases that the Council and the community are committed to reducing from the base year.

Milestone 3 involves developing a Local Action Plan that documents the types of measures that the Community and Council will undertake to reduce the greenhouse gas emissions.

At the Council Meeting held on 26 June 2001, it was resolved that a community consultation programme be undertaken to assist the Council in determining and endorsing greenhouse gas emission reduction targets, for the City's corporate activities and also the community's activities (*Item CJ195-06/01 refers*).

Council made the following resolution:

- 1 *NOTES the goal of reducing Corporate greenhouse gas emissions from 2000 levels by 20% by 2010;*
- 2 *NOTES the goal of reducing Community greenhouse gas emissions from 1996 levels by 20% by 2010;*
- 3 *ADVISES the International Council for Local Environmental Initiatives (ICLEI) of Council's concerns on the corporate and community reduction goals;*
- 4 *BE ADVISED on the process of the Cities for Climate Protection (CCP™) programme on a regular basis;*
- 5 *IMPLEMENTS a significant period of public consultation to seek further feedback on this issue;*
- 6 *SEEKS a report from Council staff on the proposed programme of public consultation.* (Item CJ195-06/01 refers.)

Council endorsed the proposed consultation programme at its meeting on 14 August 2001 (*Item CJ260-08/01 refers*).

*That Council endorses the proposed community consultation for the Cities for Climate Protection Programme, Milestone 2 and 3, including the following:*

1. *a 12 week public consultation period;*
2. *information sheets to be distributed that provide arguments for and against the existence of the greenhouse effect and arguments for and against Council adopting a policy with regards to the greenhouse effect;*
3. *that links be established to internet sites from the City of Joondalup site that provide arguments for and against the greenhouse effect.*

**Strategic Plan:** The Cities for Climate Protection programme is undertaken in accordance with the City of Joondalup Strategic Plan (2000-2005). Strategy 2.6 of the Strategic Plan states:

*“Promote and enjoy lifestyles that engender environmental, social and economic balance and sustainability. To achieve this we will pursue projects including...  
...Cities for Climate Protection, and encompass these principles into all our activities”.*

## **DETAILS**

### **Consultation:**

A three-month community consultation programme was conducted to assess the community’s view on the establishment of greenhouse gas emission reduction targets. The consultation programme commenced on 11 October 2001 and concluded 11 January 2002.

The community consultation programme commenced with a four-page Council News feature which was distributed in the Joondalup Community newspaper, 11 October 2001. This feature discussed greenhouse gas targets and emission reduction actions. The feature also included a community survey to assess community opinion regarding the setting of greenhouse gas targets for the community and Council, and related matters.

The four-page feature was based primarily on the CCP Milestone 1 report, *“Inventory and Forecast of Greenhouse Gas Emissions”* which was considered by the Council in December 2000 (refer CJ362-12/00), in conjunction with previous Council reports relating to the Cities for Climate Protection Programme.

The ‘Council News’ feature reviewed possible arguments for and against the existence of the Greenhouse effect, and possible arguments for and against Council adopting a Greenhouse policy.

A ‘Targeting Greenhouse Gases’ web site was also established on the City’s web site at [living.joondalup.wa.gov.au](http://living.joondalup.wa.gov.au). The web site included an online survey, link to the Council News feature, links to other web sites regarding global Warming and the Greenhouse Effect.

As part of the consultation programme, two community forums were held in October 2001 to discuss Global Warming and Greenhouse gas emission targets for the community and Council. The public meetings were held on 18 October 2001 (Sorrento Community Hall), and on 25 October 2001 (Joondalup library). The first public meeting was attended by approximately 20 people and the second by 15 people. The meetings were chaired by Cr J Hollywood and Sustainable Development Officer Mr J Goldsmith gave presentations on the Cities for Climate Protection Programme, and addressed questions from the attendees on the programme and the survey.

The public consultation programme concluded on 11 January 2002.

### **Results of the Public Survey**

Attachment A presents the results of the public survey. A summary of the results is provided below.

- A total of 168 survey responses were received.
- 98% of respondents believe that there is a Greenhouse Effect.
- 96% of respondents believed that Council should adopt a strategy in relation to the Greenhouse Effect.
- In relation to **Community** greenhouse gas emission reduction targets (based on 1996 emission levels by 2010);
  - 90% of respondents support a community greenhouse gas reduction target of 20% or greater.
  - 25% of respondents support a community greenhouse gas reduction target of 20%.
  - 35% of respondents support a community greenhouse gas reduction target of 35%.
- In relation to **Council** greenhouse gas emission reduction targets (based on 2000 emission levels by 2010);
  - 87% of respondents support a council greenhouse gas reduction target of 20% or greater.
  - 22% of respondents support a council greenhouse gas reduction target of 20%.
  - 36% of respondents support a council greenhouse gas reduction target of 35%.

In relation to the question on greenhouse gas emission reduction actions, respondents indicated support or strong support for a focus on the following;

<b>Greenhouse gas emission reduction action</b>	<b>% of respondents that support or strongly support action</b>
Promoting efficient use of energy.	99%
Improve air quality (e.g. by reducing smoky fires and vehicle emissions).	96%
More use of environmentally friendly transport (Cycling, public transport and walking).	98%
Promoting local employment for local people (to minimise the need for long commuting trips).	92%
Saving money by reducing energy costs.	90%
Streetlighting and other public lighting.	88%
Community education regarding Greenhouse and energy usage.	95%
Promotion and use of renewable energy.	98%
Energy efficiency in the household.	97%
Business practices that reduce energy usage and waste.	97%
Promote businesses which market energy efficient products.	94%
Government initiatives focussing on greenhouse gas emission reductions.	96%

Respondents provided many responses, reporting on current actions that may help to reduce Greenhouse gas emissions. The survey canvassed details on current actions by the following groups:

- Personal and households.
- Schools and community groups.
- Business

Approximately 137 comments detailed current personal and household actions, including:

- *“Promoting efficient use of energy. Support businesses that do the same. Educate my family and those around me about greenhouse gasses and renewable energy. Recycle as much as possible”.*
- *“Smaller cars, use alternative transport, reducing household energy by simple means, i.e. energy-efficient lighting, insulation etc”.*
- *“Solar-passive living accommodation using minimum of lighting and heating, composting, energy efficient appliances”.*
- *“Alternative transport (cycling, use of shade for cooling, composting, water efficiency, prefer locally-made produce especially fresh foods, gas heating, solar hot water, no wood fires, recycling”.*
- *“Recycling, energy-efficient appliances, recycled and reduced packaging products, public transport, family education”.*

Approximately 50 comments detailed current school and community group actions, including:

- *“A colleague and myself are in the process of initiating a greenhouse response strategy within the School of Natural Sciences at Edith Cowan University and will be in contact with your office shortly”.*



- *“Promote composting and recycling of garden wastes - Organic Growers Association of WA Inc. Promote dune re-vegetation – Joondalup Community Coast Care Forum”*
- *“Turn off lights when not needed, general education on energy efficiency activities, share transport”.*
- *“Active in natural area regeneration & preservation. Keep vehicle travel to a minimum”..*
- *“Car pooling”*

Approximately 48 comments detailed current business actions, including:

- *“Establishment of a recycling & energy monitoring committee”.*
- *“Waste minimisation programmes, recycling, fluorescent lights, push bikes for use on site”.*
- *“Green transport plans, walk and use bus/train for work trips, avoid unnecessary use of lights/equipment”.*
- *“Energy efficient lighting. Energy efficient equipment & vehicles”.*
- *“Improving energy efficiency of all equipment via replacement”.*
- *“Encourage energy awareness, turn off power to unnecessary equipment”.*

Respondents provided approximately 115 comments to the question “What overall comments do you have regarding the Greenhouse Effect, Global Warming and the community’s actions seeking to reduce Greenhouse gas emissions?” Sample responses include:

- *“I strongly support the City of Joondalup taking such a proactive approach to making it part of everyone's activities”.*
- *“This (Global Warming) is a problem for all of us and it is pleasing to see the city responding to citizens’ concerns in such a positive manner”.*
- *“The reduction of Greenhouse Gases has to be tackled and will give benefits to any community that is involved. The benefits will be environmental, social and economic”.*
- *“People who dispute the existence of the Greenhouse Effect are rapidly losing credibility, given the substantial scientific understanding of the greenhouse effect and global warming. Given our very high per capita usage of non-renewable fossil fuels, we have a correspondingly high obligation to actively develop and implement global warming solutions. Everyone has a role to play, including political leadership at all levels of government, and community action from all parts of society including individuals, families, businesses etc. The City of Joondalup should be congratulated for participating in the Cities for Climate Protection Programme and should provide strong leadership for Greenhouse emission reduction actions”.*

## **Greenhouse Gas Emission Reduction Targets**

The results of the public survey indicate a high percentage of respondents support greenhouse gas emission reduction actions and the setting of Greenhouse gas emission reduction targets.

As part of the Cities for Climate Protection Programme, adoption by Council of a Greenhouse gas emission reduction target for Council activities and the community, constitutes completion of Milestone 2 (Greenhouse gas emissions reduction target setting) of the CCP programme.

Based in part on the survey responses, it is recommended that Council endorse the following Greenhouse gas emission reduction targets:

**A 20% Community Greenhouse gas emissions reduction target on 1996 levels by 2010, and a stretch target of 35%.**

**A 20% Council Greenhouse gas emissions reduction target on 2000 levels by 2010, and a stretch target of 35%.**

Following endorsement of Greenhouse gas emission reduction targets, it is recommended that community and Council workshops be undertaken to consider and develop the greenhouse gas emission reduction action plan (Milestone 3 of the CCP programme). It is recommended that the greenhouse gas emission reduction plan be based on the development of a Council action plan (which specifically relates to Council activities), and a community action plan.

To assist development of the Council Greenhouse Gas Reduction Plan, it is recommended that a Cities for Climate Protection working group be established, comprising representatives from key City of Joondalup business units. The purpose of the working group will be to guide and oversee the development of the Council action plan. Development of the City of Joondalup community Greenhouse Gas Reduction Plan is recommended to be coordinated by the Sustainable Development Officer.

To address the community Action Plan, a community forum is recommended, based on a similar approach taken for the two workshops held during the consultation programme. Approximately 75 respondents to the public survey have indicated their interest in attending such a forum. The forum will require notices to be placed in the Community newspaper, in conjunction with information sheets and displays. The community Action Plan would commence in the new financial year, subject to funding from the budget process.

Milestone 3 of the Cities for Climate Protection will be achieved when Council endorses the Greenhouse Gas Reduction Plans.

**Policy Implications:** Endorsement of greenhouse gas emission reduction targets, and the development of Greenhouse emission reduction action plans for Council and community activities, is consistent with, and provides a practical application of the City of Joondalup Environmental Sustainability Policy 2.6.4.

Public survey responses have been assessed in accordance with Council policy 2.3.6, Public Submissions.

**Financial Implications:**

A budget estimate for developing the Council and community Greenhouse Gas Emission Reduction Plan is itemised as follows:

Advertising and features in Community Newspaper,	\$ 2,500
Hire of venue and catering allowance,	\$ 200
Preparation of displays, photography and information sheets,	\$ 1,500
Printing costs, Council and community draft and final action plans,	\$ 2,500
<b>TOTAL</b>	<b>\$ 6,700</b>

This amount would need to be considered as part of the Budget process for 2002/2003.

**Strategic Implications:**

The endorsement of Council and community Greenhouse gas emission reduction targets, comprising Milestone 2 of the Cities for Climate Protection programme, will provide for a specific goal to work towards, to promote greenhouse gas emission reduction activities. The setting of targets is based on a voluntary Council endorsement and does not represent a legal obligation to achieve. Targets may be progressively amended and updated by Council endorsement, during the implementation of the Cities for Climate Protection programme.

Endorsement of greenhouse gas emission reduction targets and emission reduction action plans represents a significant development in the strategic direction of the City. Development of the action plans will relate strongly to energy management within the City, with an emphasis on energy efficiency, investigation and adoption of appropriate energy sources including renewable energy sources, town planning to facilitate greenhouse gas emission reductions, and a variety of other approaches.

**VOTING REQUIREMENTS**

Simple Majority

**OFFICER'S RECOMMENDATION:** That Council:

- 1 NOTES the report "Cities for Climate Protection Programme, City of Joondalup Targeting Greenhouse Gases Public Consultation and Survey Results";
- 2 ENDORSES a 20% Community Greenhouse gas emissions reduction target on 1996 levels by 2010, and a stretch target of 35%;
- 3 ENDORSES a 20% Council Greenhouse gas emissions reduction target on 2000 levels by 2010, and a stretch target of 35%;
- 4 ADVISES the International Council for Local Environmental Initiatives (ICLEI) of Council's endorsement of Greenhouse gas targets;

- 5 ENDORSES the programme for developing the Greenhouse Gas Emission Reduction Action Plan for Council and the Community (Milestone 3 of the Cities for Climate Protection Programme);
- 6 THANKS the community for participating in the “Targeting Greenhouse Gases” public survey.

**MOVED Cr Rowlands, SECONDED Cr Mackintosh that Council:**

- 1 NOTES the report “Cities for Climate Protection Programme, City of Joondalup Targeting Greenhouse Gases Public Consultation and Survey Results”;
- 2 ENDORSES a 20% Community Greenhouse gas emissions reduction target on 1996 levels by 2010, and a stretch target of 35%;
- 3 ENDORSES a 20% Council Greenhouse gas emissions reduction target on 2000 levels by 2010, and a stretch target of 35%;
- 4 ADVISES the International Council for Local Environmental Initiatives (ICLEI) of Council’s endorsement of Greenhouse gas targets;
- 5 ENDORSES the programme for developing the Greenhouse Gas Emission Reduction Action Plan for Council and the Community (Milestone 3 of the Cities for Climate Protection Programme);
- 6 THANKS the community for participating in the “Targeting Greenhouse Gases” public survey.

**AMENDMENT MOVED Cr Patterson, SECONDED Cr Kenworthy that additional Points 6 and 7 be included, with Point 6 of the original motion becoming Point 8:**

- “6 the implementation of any of the proposed action plans DOES NOT lead to any changes to planning guidelines that may adversely impact on the ratepayers and the future development of the City of Joondalup;
- 7 any reduction action plan development under the aegis of Milestone 3 be returned to Council for approval.

**The Amendment was Put and**

**CARRIED**

**The Original Motion, as amended, being:**

**That:**

- 1 Council NOTES the report “Cities for Climate Protection Programme, City of Joondalup Targeting Greenhouse Gases Public Consultation and Survey Results”;

- 2 Council ENDORSES a 20% Community Greenhouse gas emissions reduction target on 1996 levels by 2010, and a stretch target of 35%;
- 3 Council ENDORSES a 20% Council Greenhouse gas emissions reduction target on 2000 levels by 2010, and a stretch target of 35%;
- 4 Council ADVISES the International Council for Local Environmental Initiatives (ICLEI) of Council’s endorsement of Greenhouse gas targets;
- 5 Council ENDORSES the programme for developing the Greenhouse Gas Emission Reduction Action Plan for Council and the Community (Milestone 3 of the Cities for Climate Protection Programme);
- 6 the implementation of any of the proposed action plans DOES NOT lead to any changes of planning guidelines that may adversely impact on the ratepayers and the future development of the City of Joondalup;
- 7 any reduction action plan development under the aegis of Milestone 3 be returned to Council for approval.
- 8 Council THANKS the community for participating in the “Targeting Greenhouse Gases” public survey.

Discussion ensued.

was Put and

CARRIED

*Appendices 5(a) and 5 (b) refer*

*To access this attachment on electronic document, click here: [Attach5abrf050202.pdf](#)  
[Attach5bbrf050202.pdf](#)*

*Cr Walker entered the Chamber, the time being 2018 hrs.*

*Cr Baker had earlier declared an interest that may affect his impartiality in Item CJ008-02/02 – Service Agreement with North West Metropolitan Business Enterprise Centre located at Unit 4/189 Lakeside Drive, Joondalup as he is a member of the Joondalup Business Association.*

*Cr Baker advised that he decided to withdraw his earlier declaration of interest, advising that whilst he is a member of the Joondalup Business Association, the Business Enterprise Centre is a separate legal entity.*

*Cr Kadak declared an interest that may affect his impartiality in Item CJ008-02/02 – Service Agreement with North West Metropolitan Business Enterprise Centre located at Unit 4/189 Lakeside Drive, Joondalup as he is a deputy member of the Joondalup Business Association.*

**CJ008 - 02/02 SERVICE AGREEMENT WITH NORTH WEST METROPOLITAN BUSINESS ENTERPRISE CENTRE LOCATED AT UNIT 4/189 LAKESIDE DRIVE, JOONDALUP – [03082]**

**WARD – All**

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**PURPOSE**

The City has received a request from the Joondalup Business Association for funding assistance for the North West Metropolitan Business Enterprise Centre (BEC). It is proposed that the City of Joondalup should enter into a three year Service Agreement with the BEC for \$50,000 per year plus GST, indexed to CPI.

**EXECUTIVE SUMMARY**

The North West Metropolitan Business Enterprise Centre (BEC) has submitted a request for funding assistance to the City.

The objectives of the BEC are to:

1. Maximise the creation of employment opportunities by facilitating the establishment of new business start-ups within the North West Metropolitan region;
2. To encourage and facilitate the development and broadening of the economic base within the North West Metropolitan region.

The development and establishment of small businesses in the region has been a key element in the economic growth of the north west region. The City has been very supportive of this development and under the City's Strategic Plan, seeks to take a proactive leadership role in encouraging sustainable economic vitality and to increase local employment. The City has provided grants to the JBA and the BEC for special projects and in 2000, entered into a Service Agreement with the BEC for \$25,000.

The BEC offers a valuable service to the region's potential and exiting businesses by providing free resources, advice, business planning guidance and information on regulations and licensing as well as a range of business related services.

The BEC relies on grants from the Small Business Development Corporation (SBDC), the City of Joondalup and in-kind support from the Joondalup Business Association (JBA) for operation and for provision of these services to businesses.

The BEC has a total budget of \$142,500 for 2001/02. The SPDC will provide \$60,000 and \$8,500 will be income collected from seminars conducted during the year by the BEC. There is a budget shortfall of \$74,000 in the budget and the BEC have asked that the City fund \$50,000. The JBA has indicated that the balance of \$24,000 will be funded by it.

It is proposed that the City provide the BEC \$50,000 plus GST per annum for three years (indexed to CPI). This funding will be in line with the funding that the SBDC has committed to the BEC for the next three years.

The funding arrangement will be subject to the BEC signing a Service Agreement with the City. The expected outcome of this agreement will be the broadening of the economic base within region. It will also reinforce City of Joondalup's image of being the regional centre of the North West Metropolitan Region.

As part of the Service agreement, the BEC will be required to provide:

1. A copy of the statistical report that it normally provides to the BEC Management Board outlining client contacts, the location of these visits and type of client service requests.
2. A quarterly and annual (financial year) report on the number of new business start-ups, full-time jobs created and approximate economic value to the region of its operations;
3. A copy of its annual report to the Management Board and/or SBDC on its operations.

## **BACKGROUND**

The development and establishment of small businesses in the region has been a key element in the economic growth of the north west region. The City has played an important role in this growth through its support of organisations such as the JBA and the BEC. The City has also shown its commitment to business growth in the region by playing a crucial role in overseeing the development of the Business Incubator and participation in the 2Cities Project.

### **Joondalup Business Association**

The JBA, formerly the North West Metro Business Association, is a non-government, not-for-profit, incorporated organisation which was established in the early 90s with the aim of representing small business owners within the City of Joondalup to Federal, State and the Local governments. The JBA owns its premises (Unit 4/ 189 Lakeside Drive, Joondalup) and is funded by member subscriptions supplemented by income from seminars, fund raising and special projects.

The City has been a key sponsor of the JBA in the past and has shown support by Council representation on the JBA board of management and by the provision of financial support, some examples of which are:

1. \$36,550 in the 1998/99 community funding round – pro-rata assistance with staffing and for projects associated with development of the web page. (Item CJ66-03/99 refers)
2. \$6000 grant in 1999 – City's contribution to the Grow project with the Cities of Wanneroo and Stirling being co-sponsors.

3. \$2,200 (in 2000) and \$2,500 (in 2001) – category sponsorship of the Small Business Awards Night.
4. \$35,420 in the 2000/01 community funding round – for the Joondalup Business Audit. (CJ364- 12/00 refers)

### **City's Support for Business Incubator, Business Directory and 2Cities Project**

In its meeting in April 2000, Council endorsed the commitment of funds for the establishment of a business incubator to be situated in Joondalup and agreed to provide \$51,800 in the 2001/02 financial year. (Item CJ074-04/00 refers)

Council has also supported the JBA through purchase of advertising rights in the Joondalup Business Directory (\$16,000 in 2000/01 and \$17,600 in 2001/02).

In December 2001, Council provided a grant of \$36,000 to the 2Cities project for development of a portal for community and business groups in the Joondalup/Wanneroo region (CJ427-12/01 refers).

### **Support of the North Metro Business Enterprise Centre**

The Small Business Development Corporation (SBDC) funds the BEC. It also receives ongoing additional funding in kind, from the JBA. In February 2000, Council endorsed the allocation of \$25,000 to the BEC, subject to the signing of a service agreement. (Item CJ097-04/00 refers).

## **DETAILS**

### **Strategic Plan**

The City of Joondalup's Strategic Plan seeks to:

*“Take a proactive leadership role to achieve desirable outcomes for our community and encourage sustainable economic vitality and business opportunity, and to increase local employment”*

By continuing to support small businesses in the region through on-going support of the BEC, the City will be fulfilling a key obligation under the Plan by promoting:

*“local employment and exploring incentives to attract new business into the region.”*

### **Joondalup Business Association**

In the mid 90's the Joondalup Business Association and the Wanneroo Chamber of Commerce amalgamated to become the North West Metro Business Association. The object of this exercise was to increase the representation of business into the north west region and to widen the membership base of the group. Following the splitting of the former City of Wanneroo, the group reverted to the Joondalup Business Association to reflect its role within the new City of Joondalup and established its new premises at the present location in Lakeside Drive, Joondalup in 1999.



The Joondalup Business Association is a member of the City's Stakeholder Group and has worked with the City in helping to create Joondalup as a regional employment, administration and service centre for the North West Corridor. The JBA has done this by active participation in major initiatives such as the Business Incubator, the Buy Local Policy, the Mainstreet project and the Community Business Directory. It has also been an on-going supporter of the Joondalup Business Enterprise Centre.

### **Role of the BEC in Joondalup**

The Joondalup BEC is part of a network of 37 independent Business Enterprise Centres throughout Western Australia. The SBDC co-ordinates the core funding programme for the centres as well as provides a broad range of support services aimed at assisting and improving the service levels within the network. Each centre has a management committee with representation from business, public sector and local government. The centres provide services to prospective and established small business operators by offering free advice, assistance and referrals.

Local governments throughout Western Australia have continued to play a vital role in the success of the BEC network. In 2000/01 \$224,895 was given to Business Enterprise Centres by local governments. Amounts that were provided by some of the metropolitan local governments were:

<b>LOCAL GOVERNMENT</b>	<b>AMOUNT</b>
City of Belmont	\$40,000
City of Stirling	\$27,500
City of Rockingham	\$30,000
City of Swan (includes Malaga BEC and Midland BEC)	\$68,345
City of Subiaco	\$10,000
<b>CITY OF JOONDALUP</b>	<b>\$25,000</b>

The North West Metro BEC is an important partner of the City in the identification of opportunities to encourage and promote economic growth in the North West metropolitan region. It shares the offices of the JBA at Unit 4/189 Lakeside Drive, Joondalup under an arrangement with the JBA for in-kind support that includes the use of office space, vehicle and administration.

The Joondalup BEC has recently obtained access to the SBDC Extranet, the Financial Management Research Centre Benchmarks and Ibis World. These three services will enable it to provide existing and prospective business owners with the highest quality information possible. A Committee of Management directs the BEC. It meets monthly to develop policy and provide accountability. In May 2001, Council nominated Councillor C Baker and as Deputies Councillors P Kadak and C Mackintosh to represent the City of Joondalup on the JBA Management Committee. That Committee also managed the BEC, however the committee arrangements have changed so that the BEC management committee meets separately. It would be appropriate that the same Councillors are nominated to the BEC Management Committee.

## Objectives of the BEC

Under its objectives, the BEC seeks to:

1. Maximise the creation of employment opportunities by facilitating the establishment of new business start-ups within the North West Metropolitan region.
2. To encourage and facilitate the development and broadening of the economic base within the North West Metropolitan region.

To achieve these objectives, the BEC provides facilitation resources and guidance in marketing, business planning, finance, market research, trade information, regulations, licensing and other business related services.

It also supports new business starters through a range of practical resources and facilities including organisation of seminars and workshops and referral to appropriate professional service providers.

The economic impact of the BEC over the last 4 years in the North West Metropolitan region has been:

Year	New Business Start-ups	Full Time Jobs Created	Approximate Value to the Region	Economic
1997/98	48	76	\$11,771,040	
1998/99	56	110	\$13,732,880	
1999/00	62	115	\$15,204,260	
2000/01	148	122	\$36,990,000	

## Financial Implications

The proposed funding required for the BEC for 2001/02 is:

SBDC	BEC INCOME	COJ	JBA	TOTAL
\$60,000	\$8,500	\$50,000	\$24,000	\$142,500

The BEC budget for the Year 2001/2002 shows a short fall of approximately \$74,000. The JBA has recently written to the City stating that:

*“A recent budget forecast, (of the BEC) based on cost centre accounting, reveals a shortfall of some \$74,000 in the BEC operation for 2001-2002 of which we are seeking funding assistance for \$50,000 (plus GST and indexed to CPI) from the City of Joondalup with the remaining \$24,000 to be taken up by the JBA”.*

The BEC will require similar amounts in the future as operating capital. The SBDC have already committed \$60,000 per annum for three years.

It is proposed that the City enters into a three-year service agreement with the BEC for 2001/02, 2002/03 and 2003/04. The funding amount will be \$50,000 per annum (plus GST and indexed to CPI) and will be inline with the funding that the BEC will receive from the SBDC.

The outcome of the Service Agreement will require the North West Metro BEC to be fully accountable for the funding provided and to achieve increased economic activity through the development of new business.

The Service Agreement will be subject to funding being made available in the half-yearly review of the City's Budget for 2001/02. Further funding will have to be made available if the City endorses a three-year Service Agreement with the BEC.

Account No:	11.20.21.213.440.F402
Budget Item:	Service agreement to NW Metro BEC
Budget Amount:	\$0
YTD Amount:	\$0
Actual Cost:	\$50,000

## COMMENT

### Current situation

The Economic Development Manager, City of Wanneroo has recently spoken to an officer of the City of Joondalup stating that "*the City of Wanneroo will not be funding the Joondalup BEC*". The current situation is that unless the BEC receives funding from the City of Joondalup, there is a danger of Joondalup losing the Centre. This could impact on the region, as benefits associated with services that the BEC provides will become inaccessible or unavailable. The BEC has had a positive impact on businesses in the North West Metro Region and the continuing support by the City will enable it to continue to provide the level of services that it presently offers to businesses in the region.

### Three Year Service Agreement

By committing to a three-year agreement, the City will be showing leadership and proactive support for small businesses in the region. This commitment will be in line with the SBDC funding.

As part of the Service agreement, the BEC will be required to provide:

1. A copy of the statistical report that it normally provides to the BEC Management Board outlining client contacts, the location of these visits and type of client service requests.
2. A quarterly and annual (financial year) report on the number of new business start-ups, full-time jobs created and approximate economic value to the region of its operations;
3. A copy of its annual report to the Management Board and/or SBDC on its operations;

The BEC will also be required to be a full participant in the forthcoming CBD Enhancement Projects. It will take a role that will include providing assistance to (potential) CBD Promotions programme stakeholders when requested, in areas related to start-up, promotion, marketing and business growth, and also providing seminar presentations to stakeholders when required, on small business development and marketing issues.

Serious consideration should be given to the continuing support of the BEC, as the future success of the City will be determined by the increase in employment opportunities by building on the existing business base.

## **VOTING REQUIREMENTS**

Simple Majority.

**OFFICER'S RECOMMENDATION:** That Council, subject to funding in the half-yearly Budget Review for 2001/02:

- 1 NOMINATES Councillor C Baker and Deputies Councillors P Kadak and C Mackintosh to the North West Metropolitan Business Enterprise Centre Committee of Management;
- 2 APPROVES the allocation of \$50,000 per annum (plus GST and indexed to CPI) for a period of three years commencing in the financial year 2001/2002;
- 3 AUTHORIZES the signing of a Service Agreement between the City of Joondalup and the North West Metro Business Enterprise Centre for a period of three years commencing in the financial year 2001/02.

**MOVED Cr Kadak, SECONDED Cr Rowlands that Council, subject to funding in the half-yearly Budget Review for 2001/02:**

- 1 **NOMINATES Councillor C Baker and Deputies Councillors P Kadak and C Mackintosh to the North West Metropolitan Business Enterprise Centre Committee of Management;**
- 2 **APPROVES the allocation of \$50,000 per annum (plus GST and indexed to CPI) for a period of three years commencing in the financial year 2001/2002 subject those funds being directed to Business Enterprise Centre activities within the City of Joondalup;**
- 3 **AUTHORIZES the signing of a Service Agreement between the City of Joondalup and the North West Metro Business Enterprise Centre for a period of three years commencing in the financial year 2001/02.**

**The Motion was Put and**

**CARRIED**

*Cr O'Brien declared an interest in CJ009-02/02 – Warrant of Payments – 31 December 2001 as Chubb Security has taken over an FAI Extra Watch security at his residence.*

*Cr O'Brien left the Chamber, the time being 2022 hrs.*

## **CJ009 – 02/02      WARRANT OF PAYMENTS - 31 DECEMBER 2001 – [09882]**

**WARD – All**

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### **PURPOSE**

The Warrant of Payments as at 31 December 2001 is submitted to Council to be noted.

### **EXECUTIVE SUMMARY**

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

### **DETAILS**

<b>FUNDS</b>	<b>VOUCHERS</b>	<b>AMOUNT</b>
		\$            c
Director Resource Management Advance Account	036353-036923	4,884,542.94
Municipal	000293-000296	4,922,426.04
	<b>TOTAL      \$</b>	<b>9,806,968.98</b>

The difference in total between the Municipal and Director of Resource Management Advance Account is attributable to the direct debits by the Commonwealth Bank for bank charges, credit card charges, investments and dishonoured cheques being processed through the Municipal Fund.

It is a requirement pursuant to the provisions of Regulation 13(4) of the Local Government (Financial Management) Regulations 1996 that the total of all other outstanding accounts received but not paid, be presented to Council. At the close of December 2001, the amount was \$941,781.18.

The cheque register is appended as Attachment A.

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

This warrant of accounts to be passed for payment, covering vouchers numbered as indicated and totalling \$9,806,968.98 which is to be submitted to each Councillor on 12 February 2002 has been checked and is fully supported by vouchers and invoices which are submitted herewith and which have been duly certified as to the receipt of goods and the rendition of services and as to prices, computations and casting and the amounts shown are due for payment.

DARRYL BROWN  
Statutory Systems Accountant

J B TURKINGTON  
Director Resource Management

## **CERTIFICATE OF MAYOR**

I hereby certify that this warrant of payments covering vouchers numbered as indicated and totalling \$9,806,968.98 submitted to Council on 12 February 2002 is recommended for payment.

.....  
Mayor John Bombak

## **VOTING REQUIREMENTS**

Simple Majority.

**MOVED Cr Patterson, SECONDED Cr Walker that Council APPROVES for payment the following vouchers, as presented in the Warrant of Payments to 31 December 2001, certified by the Mayor and Director of Resource Management and totalling \$9,806,968.98.**

<b>FUNDS</b>	<b>VOUCHERS</b>	<b>AMOUNT</b>
		<b>\$ c</b>
<b>Director Resource Management Advance Account</b>	<b>036353-036923</b>	<b>4,884,542.94</b>
<b>Municipal</b>	<b>000293-000296</b>	<b>4,922,426.04</b>
	<b>TOTAL \$</b>	<b>9,806,968.98</b>

Cr Baker queried the current situation in relation to statistics between Joondalup and Wanneroo businesses.

This question was taken on notice.

**The Motion was Put and**

**CARRIED**

*Appendices 6(a) and 6 (b) refer*

To access this attachment on electronic document, click here: [Attach6abrf050202.pdf](#)  
[Attach6bbrf050202.pdf](#)

*Cr O'Brien entered the Chamber, the time being 2023 hrs.*

## **CJ010 - 02/02      FINANCIAL REPORT FOR THE PERIOD ENDING 31 DECEMBER 2001- [07882]**

**WARD – All**

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### **PURPOSE**

The December 2001 financial report is submitted to Council to be noted.

### **EXECUTIVE SUMMARY**

The December 2001 report is the fifth financial report for the 2001/2002 year. The report shows a variance of \$3.5m when compared to the Adopted Budget for the year to date. This variance reflects differences attributable to the timing of revenue and expenditure and does not represent net savings for the year. The half-year financial review will identify the net position.

This variance can be analysed as follows-

- The **Operating** position shows an Operating surplus of \$2.1m to budget at the end of December 2001 due to revenue received in advance of \$0.5m and the underspending in Materials & Contracts of \$1.3m.
- **Capital Expenditure** for the year-to-date is \$0.4m and is slightly below the year-to-date budget of \$1.0m, a variance of \$0.6m at the end of December 2001.
- **Capital Works** expenditure for the year-to-date amounted to \$4.6m against a year-to-date budget of \$5.4, a variance of \$0.8m at the end of December 2001. However, the City has committed expenditure through raised purchase orders of \$1.02m.

### **DETAILS**

The financial report for the month ending 31 December 2001 is appended as Attachment A

### **VOTING REQUIREMENTS**

Simple Majority.

**MOVED Cr Rowlands, SECONDED Cr Baker that the Financial Report for the month ended 31 December 2001 be NOTED.**

**The Motion was Put and**

**CARRIED**

*Appendix 7 refers*

*To access this attachment on electronic document, click here: [Attach7brf050202.pdf](#)*

**CJ011 – 02/02 2001/02 HALF YEAR BUDGET REVIEW – [26515]****WARD - All**

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**PURPOSE**

A half-year review of the 2001/02 Adopted Budget is undertaken to identify surplus funds available for reallocation to Capital Works and Proposals.

**EXECUTIVE SUMMARY**

The City of Joondalup undertook a half-year review of the 2001/02 Adopted Budget as at 31 December 2001. An extensive examination was undertaken of the Operating Activities, Capital Expenditure, Vehicle and Plant Replacement, Projects and Capital Works using the year-to-date actual results to 31 December 2001 and a review of the forward estimates for the 6 months to 30 June 2002.

The half-year budget review has identified surplus funds of \$645.3k available for reallocation to new Capital Works and Proposals. New funding requests recommended for funding using the available surplus includes new Capital Works of \$227.6k and new Proposals of \$417.7k.

This report recommends that Council

- Notes the Half-year Budget review for the period to 31 December 2001
- Reallocates the identified surplus funds (\$645.3k) for new capital works (227.6k) and for new projects (\$417.7k)

**BACKGROUND**

It is Council practice to undertake a half-year review of the annual Adopted Budget to identify surplus funds available for reallocation to Capital Works and Proposals. This review recognises changes in the business environment that arose during the previous 6 months and to reassess the remaining 6 months to 30 June 2002. As part of this process, business plans have been reviewed, projects have been reassessed and new income has been recognised.

All business units participated in the half-year review of the 2001/02 Adopted Budget as at 31 December 2001. Business units undertook an extensive examination of the Operating Activities, Capital Expenditure, Vehicle and Plant Replacement, Projects and Capital Works using the year-to-date actual results to 31 December 2001 and a review of the forward estimates for the 6 months to 30 June 2002.

**DETAILS**

Attachment A “Half Year Budget Review for the Period to 31 December 2001” provides details of the budget process, surplus funds identified and new funding requests which are summarised as follows:



	\$
Operations – Surplus	51.1 k
Capital Expenditure – surplus	109.0 k
Projects – surplus	484.7 k
<b>Total additional revenue and savings identified and available for reallocation</b>	<b>645.3 k</b>
Funding Requests:	
New Capital Works	(227.6) k
New Proposals – Priority 1	(417.7) k
<b>Total Funding Requests</b>	<b>\$ (645.3) k</b>

A “Revised Budget” will be created in the Oracle Financial system to include the approved reallocations of funds. Future monthly financial reporting will be undertaken with comparisons against the Revised Budget.

## VOTING REQUIREMENTS

Absolute Majority

*Cr Rowlands left the Chamber, the time being 2025 hrs.*

**MOVED Cr Mackintosh, SECONDED Cr Walker that Council:**

- 1 NOTES the Half-year Budget review for period to 31 December 2001;**
- 2 in accordance with the provisions of Section 6.8(1) of the Local Government Act 1995 REALLOCATES the identified surplus funds (\$645.3k) to new Capital Works (\$227.6k) and to new Projects (\$417.7k) as detailed in Report CJ011-02/02.**

*Cr Baker raised concerns in relation to the split between capital works and new projects.*

*Discussion ensued.*

*During discussion, Cr Rowlands entered the Chamber, the time being 2029 hrs.*

**1<sup>ST</sup> AMENDMENT MOVED Cr Baker** that the amount of \$14,000 allocated to restoration of Aboriginal heritage sites within the City of Joondalup be reallocated and provided to the Connolly Community Centre facility.

**There being no Secunder, the Amendment**

**LAPSED**

**2<sup>ND</sup> AMENDMENT MOVED Cr O’Brien** that the matter of 2001/02 Half Year Budget Review be REFERRED to a Budget Committee meeting for further consideration.

**There being no Secunder, the Amendment**

**LAPSED**

**The Motion as Moved by Cr Mackintosh, Seconded by Cr Walker was Put and  
CARRIED BY AN  
ABSOLUTE MAJORITY**

*Cr O'Brien voted against the Motion.*

*Appendix 18 refers*

*To access this attachment on electronic document, click here: [Attach18agn120202.pdf](#)*

**CJ012 – 02/02 TELECOMMUNICATIONS LEASES – TAMALA  
PARK – [41196]**

**WARD – All**

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**PURPOSE**

To seek approval to the various telecommunications lease applications at Tamala Park.

**EXECUTIVE SUMMARY**

At its Meeting on 23 October 2001, in respect of Report CJ368 - 10/01, Council passed the following resolution:

*Council APPROVES, in accordance with the provisions of Section 3.58(3) and 3.58(4) of the Local Government Act 1995, the City of Joondalup with the other owners of lot 118 Tamala Park entering into agreements by private treaty:*

- 1 subject to the City of Perth undertaking advertising of the proposed Leases of portion of Lot 118 pursuant to Section 3.58(3) and 3.58(4) of the Local Government Act 1995;*
- 2 subject to a further report being submitted to Council to consider any submissions received as a result of advertising pursuant to Section 3.58(3) and 3.58(4) of the Local Government Act 1995;*
- 3 to amend the Lease with Vodafone Network Pty Ltd in respect of portion of Lot 118 to provide for a total lease area of 150m<sup>2</sup> subject to Vodafone meeting all associated costs;*
- 4 to consent to Crown Castle Australia Pty Ltd granting licences to VodaFone Network Pty Ltd, Optus and Telstra for co-location on the tower and a sub-lease to VodaFone Network Pty Ltd in respect of the shelter site within the leased area;*
- 5 to agree to the proposed Assignment of Lease in respect of portion of Lot 118 from VodaFone Network Pty Ltd to Crown Castle Australia Pty Ltd, following amendment to the VodaFone Lease and completion of the sub-leases granted by VodaFone to Telstra & Optus respectively; and*

- 6 *to enter into a Deed of Partial Surrender by Mindarie Regional Council for 1,095m<sup>2</sup> of its Lease to accommodate the amendment to the VodaFone Lease, the proposed shelter site lease to Orange and to provide additional land for lease for future carriers.*

The City of Perth has advised that the advertisement advising of the ground lease to Hutchison (Orange) and the amendment for the Vodafone lease area in accordance with Section 3.58 of the *Local Government Act, 1995* appeared in *The West Australian*, on Saturday 1 December 2001. No submissions were received as a consequence of this advertisement. In view of the lack of submissions, this report recommends proceeding with the lease by private treaty, subject to conditions.

## BACKGROUND

**Suburb/Location:** Tamala Park, City of Wanneroo.

**Applicants:**

1. VodaFone Network Pty Ltd;
2. Crown Castle Australia Pty Ltd;
3. Hutchison Telecommunications (Australia) Limited (Orange); and
4. Optus Mobile Pty Limited.

**Owners:**

1. City of Joondalup;
2. City of Stirling;
3. City of Wanneroo;
4. City of Perth;
5. Town of Vincent;
6. Town of Victoria Park; and
7. Town of Cambridge.

VodaFone Network Pty Ltd currently leases 130 m<sup>2</sup> of Tamala Park and seeks to:-

- a) increase its lease area to 150 m<sup>2</sup> by incorporating a further 20 m<sup>2</sup>; and
- b) assign its enlarged lease to Crown Castle Australia Pty Ltd.

Other telecommunications companies have made the following related applications:-

- a) Hutchison Telecommunications (Australia) Limited (Orange) has applied for a 30 m<sup>2</sup> site, which is adjacent to the VodaFone lease, on which to construct a telecommunications shelter; and
- b) Optus Mobile Pty Limited has applied for a site within the VodaFone lease on which to construct a telecommunications shelter.

Approximately 251 hectares of Tamala Park is leased to the Mindarie Regional Council for the principal purpose of refuse disposal. On 8 October, 1998 an area of 130 m<sup>2</sup> was surrendered by the Mindarie Regional Council to enable that land to be leased to VodaFone Network Pty Ltd (VodaFone). On 1 November, 1998 the joint owners entered into a Lease with VodaFone for the 130 m<sup>2</sup> of Lot 118. The lease is for a term of 5 years plus options for two further terms each of five years with the total lease term expiring on 31 October 2013.

At its Meeting on 23 October 2001, in respect of Report CJ368 - 10/01, Council passed the following resolution:

*Council APPROVES, in accordance with the provisions of Section 3.58(3) and 3.58(4) of the Local Government Act 1995, the City of Joondalup with the other owners of lot 118 Tamala Park entering into agreements by private treaty:*

- 1. subject to the City of Perth undertaking advertising of the proposed Leases of portion of Lot 118 pursuant to Section 3.58(3) and 3.58(4) of the Local Government Act 1995;*
- 2. subject to a further report being submitted to Council to consider any submissions received as a result of advertising pursuant to Section 3.58(3) and 3.58(4) of the Local Government Act 1995;*
- 3. to amend the Lease with Vodafone Network Pty Ltd in respect of portion of Lot 118 to provide for a total lease area of 150m<sup>2</sup> subject to Vodafone meeting all associated costs;*
- 4. to consent to Crown Castle Australia Pty Ltd granting licences to VodaFone Network Pty Ltd, Optus and Telstra for co-location on the tower and a sub-lease to VodaFone Network Pty Ltd in respect of the shelter site within the leased area;*
- 5. to agree to the proposed Assignment of Lease in respect of portion of Lot 118 from VodaFone Network Pty Ltd to Crown Castle Australia Pty Ltd, following amendment to the VodaFone Lease and completion of the sub-leases granted by VodaFone to Telstra & Optus respectively; and*
- 6. to enter into a Deed of Partial Surrender by Mindarie Regional Council for 1,095m<sup>2</sup> of its Lease to accommodate the amendment to the VodaFone Lease, the proposed shelter site lease to Orange and to provide additional land for lease for future carriers.*

## **DETAILS**

### **Land Details**

Tamala Park is described as Lot 118 on Plan 28300 and is held jointly in Certificates of Title by the Cities of Joondalup, Perth, Stirling and Wanneroo and Towns of Vincent, Cambridge and Victoria Park.

In view of City of Perth, on behalf of the joint owners, compliance with the provisions of Section 3.58 of the Local Government Act, 1995 and no submissions having been received, the way is now clear for the City of Joondalup to proceed with the remainder of the Council resolution for Report CJ368 - 10/01 as follows:

1. Approve a Deed of Variation to amend the Lease with Vodafone Network Pty Ltd in respect of portion of Lot 118 to provide for a total lease area of 150m<sup>2</sup> subject to the approval of the Planning Commission and Vodafone meeting all associated costs;

2. Approve Crown Castle Australia Pty Ltd granting licences to Vodafone Network Pty Ltd, Optus and Telstra for co-location on the tower and a sub-lease to Vodafone Network Pty Ltd in respect of the shelter site within the leased area subject to the approval of the Planning Commission;
3. Approve the proposed Assignment of Lease in respect of portion of Lot 118 from Vodafone Network Pty Ltd to Crown Castle Australia Pty Ltd, following amendment to the Vodafone Lease and completion of the sub-leases granted by Vodafone to Telstra & Optus respectively subject to the approval of the Planning Commission;
4. Enter into a Deed of Partial Surrender by Mindarie Regional Council for 1,095m<sup>2</sup> of its Lease to accommodate the amendment to the Vodafone Lease, the proposed shelter site lease to Orange and to provide additional land for lease for future carriers subject to the approval of the Planning Commission;
5. The proposed Lease between the joint owners and Orange has been negotiated with the following key terms and conditions;-

Lease area:	The proposed shelter site Lease be for an area of 30 m <sup>2</sup> (5m x 6m).
Term of Lease:	5 years plus 3 options of 5 years each (on the proviso that the Lease will terminate on 31 October 2013 if access to the tower is not available beyond this date)
Commencement date:	1 January 2002, or as agreed with joint owners
Rental:	\$15,000 per annum and increased by 5% compounding annually on each anniversary of the commencement date.
Rent Review:	On the commencement date of each of the further 5 year terms, the rent shall be reviewed to market rental. Additionally the lease will provide that the annual rental at the commencement of each of the 5 year terms cannot be less than the annual rent in the previous year.
Outgoings	All rates, taxes, charges and outgoings levied on the leased area to be the responsibility of the Lessee. In addition a separate electricity meter will be installed by the Lessee at its cost.
Right of Access	Lessee to have right of access 24 hours per day, 7 days per week.
Legal costs	Lessee responsible to a maximum fee of \$2,000.

CCA has confirmed that it will permit Orange to co-locate on the tower by way of a licence and has provided a draft licence document for the joint owners' consent.

### **Statutory Provision**

As the proposed Lease to Orange is by private treaty, the joint owners have complied with the provisions of Section 3.58 of the Local Government Act, 1995.

As all leasing actions affect Leases which are for a term greater than ten years and comprises only portion of a Lot, the approval of the Planning Commission is required under the provisions of Section 20 of the *Town Planning and Development Act, 1928*.

## Financial Implications

The City of Joondalup is a 1/6<sup>th</sup> owner of the subject land, the new Lease to Orange will mean an increase in annual revenue of \$2,500 (excluding GST). Factoring in annual escalations, over the entire 20 year period of the Lease, the revenue will be approximately \$82,500 (excluding GST).

There is no guarantee that the other leasing arrangements will have any affect on revenue.

## Strategic Implications

The leasing applications will not impinge on the City's five year Strategic Plan.

## COMMENT

This Report is a follow-up after advertising as required pursuant to the provisions of Section 3.58 of the Local Government Act, 1995 and as requested by Council at its Meeting on 23 October 2001 vide Report CJ368 - 10/01.

## VOTING REQUIREMENTS

Simple Majority

**MOVED Cr Rowlands, SECONDED Cr Patterson that Council, subject to the consent of the Planning Commission in accordance with the provisions of Section 20 of the *Town Planning and Development Act, 1928*, APPROVES:**

- 1 a Deed of Variation to amend the Lease with Vodafone Network Pty Ltd in respect of portion of Lot 118 to provide for a total Lease area of 150m<sup>2</sup> subject to Vodafone meeting all associated costs;**
- 2 Crown Castle Australia Pty Ltd granting licences to VodaFone Network Pty Ltd, Optus and Telstra for co-location on the tower and a sub-lease to VodaFone Network Pty Ltd in respect of the shelter site within the Leased area;**
- 3 the proposed Assignment of Lease in respect of portion of Lot 118 from VodaFone Network Pty Ltd to Crown Castle Australia Pty Ltd, following amendment to the VodaFone Lease and completion of the sub-leases granted to VodaFone to Telstra & Optus respectively;**
- 4 a new lease with Hutchinson Telecommunications (Orange) subject to:**
  - (a) the Lease area comprise 30 m<sup>2</sup> (5m x 6m) of Lot 118 on Plan 28300.**
  - (b) the Lease term being for 5 years, plus 3 Options of 5 years each;**
  - (c) the Lease commencing on 1 January, 2002;**

- (d) the Lease being determined on 31 October, 2013 if access to the tower is not available beyond this date;
  - (e) rental being \$15,000 per annum, with escalations of 5% per annum, except at the commencement of every Option term;
  - (f) the rental being reviewed to market at the commencement of every Option term (every 5 years), subject to the new rental being not less than the rental for the previous year;
  - (g) the Lessee being responsible for all rates, taxes, charges and outgoings levied on the leased area;
  - (h) the Lessee being responsible for the cost of installation of a separate electricity meter; and
  - (i) the Lessee being responsible for all legal costs;
- 5 a Deed of Partial Surrender by Mindarie Regional Council for 1,095m<sup>2</sup> of its Lease to accommodate the amendment to the VodaFone Lease, the proposed shelter site lease to Orange and to provide additional land for lease for future carriers.

**The Motion was Put and**

**CARRIED**

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

In favour of the Motion: Crs Kadak, Baker, Rowlands, Barnett, O'Brien, Patterson, Kenworthy and Hurst

Against the Motion: Mayor Bombak, Crs Mackintosh, Walker, Hollywood, Nixon and Carlos

**CJ013 - 02/02 GRANT OF OPTION TO RENEW CRAIGIE LEISURE CENTRE - KIOSK LEASE – [08397]**

**WARD – Pinnaroo**

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**PURPOSE**

To grant the first Option to renew the Craigie Leisure Centre kiosk Lease for a term of 5 years.

**EXECUTIVE SUMMARY**

Cara Lynne Hursthouse, the Lessee of the Craigie Leisure Centre kiosk, has made a late application to exercise the first of 2 Options for further terms of five years each.

This report recommends granting the late application for the first Option of an additional five year lease term.

## **BACKGROUND**

Through the public tender process, on 18 January, 1997 the former City of Wanneroo leased the Craigie Leisure Centre kiosk to Australian Kiosk Enterprises Pty Ltd for a period of 5 years with two Options to renew, each for terms of 5 years.

On 11 May 1998 Australian Kiosk Enterprises Pty Ltd assigned its interest in the lease to Classic Asset Pty Ltd. This business was a husband-wife team which dissolved shortly after the assignment. The dissolution required a second assignment to one party only, the wife, Cara Lynne Hursthouse.

On 19 December 2000 Council resolved to advertise its intention to lease to RANS Management Group the whole of the Craigie Leisure Centre, together with two other Centres, Sorrento - Duncraig and Ocean Ridge Recreation Centres. As all the Leisure Centres were situated on Crown Reserves, plans for the proposal were approved by the Department of Land Administration (DOLA) and consent of the Minister of Lands was obtained.

## **DETAILS**

The kiosk is situated within the Craigie Leisure Centre, which is located on Reserve N<sup>o</sup> 32858 (Swan Location 8889). This reserve is set aside for the purpose of "Recreation" with a Management Order being issued to the City of Joondalup with power to lease for periods up to 35 years subject to the approval of the Minister for Lands.

With the expiry of the term of the lease on 17 January 2002, the Lessee, Cara Lynne Hursthouse, has lodged an application to exercise her Option to renew the first further term of 5 years.

Clause 4.12 of the lease provides that an Option to renew can be exercised only if the application is lodged no earlier than 6 months and no later than 3 months prior to the expiration of the term. The subject application, being dated 19 December 2001, was 2 months past the due date. Legal advice however indicates that Council may accept a late application. Accordingly, in the interest of lease continuity it is recommended that Council accepts the late application and grants the Option to renew for a further term of 5 years commencing 18 January 2002 and terminating 17 January 2007.

## **Statutory Provisions**

In accordance with the provisions of Section 29(2) of the former *Land Act 1933 (Land Act)*, DOLA set aside Reserve N<sup>o</sup> 32858 (Swan Location 8889) for the purpose of "Recreation". DOLA then issued (with the approval of the Minister Lands) the former City of Wanneroo with a Vesting Order including power to lease for periods up to 35 years.

The lease commenced on 18 January 1997 following a public tender process as required pursuant to the provisions of Section 3.58 of the Local Government Act 1995.



## Financial Implications

Annual rental for the kiosk lease effective 18 January 2002 was \$53,265 (excluding GST), with annual escalations linked to the CPI. Not excluding the annual escalations, this rental represents a total income of \$532,650 over the possible remaining 10 year period of the lease agreement.

## COMMENT

The Lessee has been in arrears on her lease payments to the City due to a downturn in business during the 1999 – 2000 financial year. Council agreed (see Report CJ 263-08/01) to a payment arrangement to repay the arrears of \$11,585. Effective 16 January 2002, the Lessee has arrears by \$5,867.81. The arrears are being paid in accordance with the agreed payment plan and will be cleared by July 2002. To date all current rental payments are being made on the required monthly basis.

## VOTING REQUIREMENTS

Simple Majority

**MOVED Cr Rowlands, SECONDED Cr Hurst that Council ACCEPTS the late application from Cara Lynne Hursthouse and grants the Option to renew the Craigie Leisure Centre kiosk lease for a further term of 5 years commencing 18 January 2002 and terminating 17 January 2007.**

The Motion was Put and

**CARRIED**

**CJ014 - 02/02 HILLARYS BOAT HARBOUR – REQUEST FOR SPECIFIED AREA RATE – [01081]**

**WARD** – Whitfords

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## PURPOSE

This report outlines a submission received from the lessees and management of the Hillarys Boat Harbour requesting Council consideration of a Specified Area Rate for the Boat Harbour.

## EXECUTIVE SUMMARY

The City has received a submission from the Department of Planning and Infrastructure acting on behalf of the lessees and management of the Hillarys Boat Harbour requesting consideration be given to providing a greater level of service to the harbour surrounds by imposing a Specified Area Rate (SAR) or a Differential Rate. The SAR would confine all the existing rates paid by the Harbour lessees to be spent specifically within the harbour area.

The request for the SAR is not however in conformance with the provisions of Section 6.37 of the Local Government Act 1995 which enables a Local Government to impose Specified Area Rating. It is to be appreciated that a SAR applied pursuant to those provisions, is in **addition** to the general rate.

The proposal for a Differential Rate, whilst open to the Council to apply, is not supported as it will not achieve the objectives and requirements of the Hillarys Boat Harbour lessees and set an undesirable precedent for other commercially zoned properties.

This report recommends that Council does not accede to the request from the Hillarys Boat Harbour lessees for:-

- a Specified Area Rate as this conflicts with the provisions of the Local Government Act 1995; or
- a Differential Rate as this is deemed inappropriate

## BACKGROUND

Properties within the Hillarys Boat Harbour have paid rates to the City of Joondalup since 1 March 1988.

The Hillarys Boat Harbour is situated on Crown land and vested by a Head lease to the Department of Planning and Infrastructure (formerly The Department of Transport) which in turn leases the majority of the area for commercial purposes.

The following table provides details of the breakdown of the Head lease held by the Department of Planning and Infrastructure to various lessees and the amount of 2001/02 rates levied

Lease Area Number	Land Usage	Lessee Name	2001/2002 Rates Levied
95 Northside	Hillarys Marina Fuel & Kiosk	Sharmax Developments Pty Ltd	\$1,070.68
65 Northside	Hillarys Yacht Club	Hillarys Yacht Club Inc	\$5,680.00
45 Northside & 59 Northside	Government Boat Sheds & Hillarys Lifting Services	Revierie Pty Ltd	\$4,061.20
40 Northside	T S Marmion	Unit Committee of the Training Ship Marmion	\$801.00
43 Northside	Sorrento Dive Shop	Castledome Pty Ltd	\$4,615.00
58 Southside	Sorrento Quay Shops	Sorrento Quay Pty Ltd	\$92,965.41
28 Southside	Shops/Restaurants	Strezelicki Holdings Pty Ltd	\$14,801.23
52 Southside	Sorrento Quay Shops	Skycorp Investments Pty Ltd	\$34,427.90
68 Southside	Apartments & Townhouses	Fini Group Pty Ltd	\$49,952.72
91 Southside	AQWA (Aquarium)	Coral World Australia Pty Ltd.	\$14,200.00

14-22 Southside	Great Escape, Trampoline Centre & Garden Golf	Fernhall Pty Ltd	\$3,550.00
		<b>Total</b>	<b>\$226,125.14</b>

The City provides the same level of service to the Boat Harbour as it does for all rateable properties within the City of Joondalup. These services include but are not limited to road construction and maintenance, lighting, parks and gardens maintenance, public facilities construction and maintenance etc. The City applies its servicing to public areas only.

**Suburb/Location** The Hillarys Boat Harbour is located at 255 West Coast Drive, Hillarys.

**Applicant/Owner** The Hillarys Boat Harbour is owned by the Department of Planning and Infrastructure (formerly known as The Department of Transport) which privately leases the majority of the area for Commercial purposes with the exception on the Public Open Space areas.

**Zoning** The area is zoned as a regional reserve for parks and recreation.

**Strategic Plan** This report has no linkages with or impact on the City's Strategic Plan given that the request has arisen from an external submission.

## DETAILS

The Department of Planning and Infrastructure acting on behalf of the harbour lessees and management has requested the City to apply a Specified Area Rate which confines all the rates paid by harbour lessees to be specifically spent on services within the harbour boundaries.

The submission stated that the harbour lessees and management believe that an inequity currently exists between the quantum of rates being paid by the harbour lessees and the level of service being received from the City.

## Statutory Provisions

Section 6.26(1) of the Local Government Act 1995 provides that all land within the district is rateable except in certain circumstances when it is classified as non-rateable. Section 6.26(2) of the Local Government Act 1995 refers to land owned by the Crown is one such example of non-rateable property as it is used for public purpose. However in circumstances where it is in public ownership and leased for commercial gain it is rateable land.

The leased land within the Hillarys Boat Harbour is therefore rateable land. It has been divided into 11 leased areas and the individual lessees are deemed rated separately.

### Specified Area Rate:

Unlike general rates, which are not tied to any specific project, a Council may also raise **additional** funds from a Specified Area Rate which is to be allocated to works and services within the specified area determined.

The provisions of Section 6.37 of the Local Government Act 1995 enable a local government to:-

- Impose a Specified Area Rate on rateable land within a portion of its district for the purpose of meeting the cost of a specific work, service or facility if, in the opinion of the local government, the ratepayers or residents within that area:-
  - (a) have benefited or will benefit from
  - (b) have access to or will have access to; or
  - (c) have contributed or will contribute to the need for that work service or facility.
- Use the funds from a specified area rate only for the purpose for which the rate is imposed.

The Local Government Act 1995 also places stringent accounting requirements upon the local government to adequately and appropriately account for the funds raised and expended. Any surplus funds raised by this mechanism are to be repaid at the end of the year, or placed into a reserve account and carried forward to the next financial year. Likewise, any deficit is to be carried forward against the project or programme with the appropriate financial adjustments to be undertaken in the next year.

It is to be appreciated that the Specified Area Rate is in addition to the general rate.

- (a) To illustrate this concept the following is a hypothetical example:-

#### 2001/02 Rates

##### **PROPERTY 1**

General Rate	\$6,500 GRV x 0.0710 cents in \$ =	\$461.50
<b>Specified Area Rate</b>	<b>\$6,500 GRV x 0.0100 cents in \$ =</b>	<b>\$65.00</b>
Total Rates Payable		\$526.50

##### **PROPERTY 2**

General Rate	\$15,000 GRV x 0.0710 cents in \$ =	\$ 1,065.00
<b>Specified Area Rate</b>	<b>\$15,000 GRV x 0.0100 cents in \$ =</b>	<b>\$150.00</b>
		\$ 1,215.00

The above example illustrates that the owner of Property 1 pays far less as a contribution towards the specific works and services for which the SAR is raised.

- (b) The amount raised is via a rate in the \$ (and not a levy) and thus the contribution by each property will vary in accordance with the valuation of the property, ie. a **shopping centre** with a high value will pay many times more than a normal house.
- (c) There is a **considerable degree of accounting required** to accommodate the legislative requirements.

#### Differential Rates:

Section 6.33 (1) of the Local Government Act 1995 provides that a local government may impose a differential general rate to any, or a combination, of the following characteristics –

- (a) the purpose for which the land is zoned under a town planning scheme in force under the Town Planning and Development Act 1928;
- (b) the predominant purpose for which the land is held or used as determined by the local government;
- (c) whether or not the land is vacant land; or
- (d) any other characteristic or combination of characteristic prescribed.

In the case of the Hillarys Boat Harbour, Council may choose to determine the nature to be for tourism development and may choose to apply a differential rate that is either a lesser or greater percentage of the general rate.

#### Consultation

A meeting was held on 6 December 2001 with officers of the City of Joondalup's Resource Management Directorate and the following representatives from the Hillarys Boat Harbour:

Mr. C. Norman, Department for Planning and Infrastructure  
Mr. P. Duffield, McGees National Property  
Ms. J. Hough, General Manager, AQWA  
Mr. D. Froome, Hillarys Boat Harbour

The purpose of the meeting was to outline to City Officers the perceived inequity between the level of service received compared with the level of rates paid. The group raised the notion of a Specified Area Rate (SAR) being applied which redirected rates into the provision of direct services and works to the harbour area.. The Officers advised that a SAR can only be applied in accordance with the provisions of Section 6.37 of the Local Government Act 1995. The Hillarys Boat Harbour proposal, did not comply with these provisions.

#### Policy Implications

The request being made by the Hillarys Boat Harbour is not in compliance with the Specified Area Rating provisions of the Local Government Act 1995.

Council may however wish to consider a differential rate for the harbour. However, revenue derived from this source is not 'quarantined' for expenditure in that area.

Nevertheless, should Council resolve to apply a Differential Rate within the Hillarys Boat Harbour precinct then the City would set a precedent for other property owners ie shopping centres which may seek to also be considered differently and argue for a differential rate.

### **Financial Implications:**

The financial implications arising from the granting of a differential rate for properties located within the Hillarys Boat Harbour which is less than the general rate would require the City to fund the shortfall from other ratepayers.

### **Strategic Implications:**

The members representing the Hillarys Boat Harbour advised at the meeting that the State Government's Department of Tourism has recently been recognised as being one of 4 main tourist attractions in Western Australia. Furthermore it was suggested that Council should support the growth of tourism in the City by providing direct assistance to the Boat Harbour.

This strategic consideration may provide the impetus for Council to support the submission. Should Council decide that this proposal warrants support then the City's Strategic Plan will need to reflect this as a Key Result Area outlining the benefits to the community and the organisation.

### **COMMENT**

The request by the Hillarys Boat Harbour for a Specified Area Rate is considered inappropriate given the provisions of Section 6.37 of the Local Government Act 1995 which provides that a Specified Area Rate must be a rate charged **in addition** to the general rate. Consequentially, the request conflicts with the legislation.

The request could only be supported through the application of a differential rate which is less than the general rate. This is not recommended however as it would:-

1. not strictly comply with the requirements of the Hillarys Boat Harbour as revenue raised by means of a differential rate is 'general revenue' and not specifically for expenditure in that area
2. set an undesirable precedent for other commercially zoned properties.

### **VOTING REQUIREMENTS**

Simple Majority.

**MOVED Cr Rowlands, SECONDED Cr Mackintosh that Council DOES NOT accede to the request from the Hillarys Boat Harbour lessees for:**

- 1 a Specified Area rate as this conflicts with the provisions of the Local Government Act 1995;**
- 2 a Differential rate as this is deemed inappropriate.**

**The Motion was Put and**

**CARRIED**

## **CJ015 – 02/02 PURCHASE OF TWO SKID STEER LOADERS AND DISPOSAL OF A USED SKID STEER LOADER-[85512] [09763]**

**WARD – All**

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### **PURPOSE**

To seek approval for the procurement of two-skid steer mini loaders and disposal of one used skid steer loader, plant No 98879.

### **EXECUTIVE SUMMARY**

A Public tender was invited for the procurement of two new skid steer loaders and disposal of one used skid steer loader. A state-wide advertisement was published on 24 November 2001 and nine submissions were received including one late tender. In accordance with the selection criteria and conditions of tendering it is recommended that Council:

- Accepts the tender as submitted from BT Equipment for the supply of two new skid steer loaders (Mustang 2070) for a consideration of \$129,000 plus GST with a trade in of plant no 98879 for a consideration of \$25,500 plus GST resulting in a net cash out flow of \$103,500 after the effects of GST.
- Approves the deficit in budget to be recovered from anticipated savings in the total replacement program
- Reject the late tender submitted by Smith Broughton and the non-conforming tenders submitted by McIntosh & Son, Casewest, Bobcat West Australia, and CFC Holdings Pty. Ltd.

Under the provisions of S5.42 of the Local Government Act 1995, the Chief Executive Officer has the delegated authority to accept tenders to a limit of \$100,000. As this tender exceeds this limit, it must be approved by Council.

### **BACKGROUND**

The Council has previously considered the tender submission for a similar supply and disposal (Refer Report CJ 388-11/01) and rejected all tenders and resolved to call for new tenders with revised specifications.

### **DETAILS**

The City invited public tenders for the supply of two new skid steer mini loaders and disposal of one used skid steer mini loader through state-wide advertisement on 24 November 2001. Eight submissions were received at the time of closing of the tender at 3 PM on 13 December 2001 and one was received after closing.

Of the eight tenders received before closing, six offered to supply two new skid steer mini loaders with trade-in. These were as follows:

1. McIntosh & Son (Redcliffe)
2. Hyster West (Canningvale),
3. Casewest (Welshpool),
4. Bobcat West Australia (Kenwick) offered submission only for new supply
5. CFC Holdings (Bassendean),
6. BT Equipment (office at South Guildford),
7. Westrac Equipment (South Guildford).

Submissions for outright disposal of plant equipment no 98879 were received from:

8. Mayday Equipment (Kingsway) and
9. Smith Broughton (Midland) which was received after closing and rejected.

A tender evaluation committee evaluated each tender submission against the selection criteria listed in the General Conditions of Tendering. The committee comprised of the Contracts Manager, Asset Controller and the Construction Supervisor.

The selection criteria for the tender were as follows:

1. Prices offered for new supply with or without trade-in,
2. Outright purchase of the used plant,
3. Tenderer's demonstrated ability to provide after sales service and product spare parts,
4. Meeting the design and specification of the proposed supply,
5. Whole of life costs
6. Scheduled delivery.

The tender submission from Smith Broughton was received after the tender box was opened and therefore was not considered for evaluation.

The proposed supply from McIntosh & Son, Casewest, Bobcat West Australia, and CFC Holdings Pty. Ltd. did not meet the specifications and were not considered for evaluation.

Considering the nature of the equipment, safety, spare part supply and ease of operation it was important that the selection be based on greater reliance on qualitative rather than quantitative criteria.

The proposed supply from Westrac Equipment for the CAT 246 was a relatively new model to the market and the resale value normally used in the whole of life evaluation, was not available.

The proposed supply from Hyster West for the Gehl SL5635 SXT is seen in the used equipment industry as having a lower than normal resale value due to a fire sale of Gehl machines after the closure of its previous agent, Houghton Motors.

The City has operated Gehl and Mustang skid steer loaders in the past and has found that Mustang loaders provide superior maintenance, resale value and ease of operation.



### Statutory Provision

The Public Tender was in accordance with the provisions of Section 3.57 and 3.58 of the Local Government Act 1995 and Regulation 11 of Local Government (F & G) Regulations 1996, requiring a public tender for the disposal of used equipment and procurement of goods worth more than \$50,000.

### Policy Implications

The Public tender complies with Council's policy.2.4.6 - Purchasing Policy.

### Financial Implications

Attachment A provides comparative financial figures.

When considering the cash flow perspective only Council would have to fund \$92,000 (excluding GST component) from the acceptance of the Gehl 5635 SXT machine and trade in offered by Hyster West, \$103,500 from the acceptance of the Mustang 2070 and trade in offered by BT Equipment and \$115,600 from the acceptance of the CAT 246 and trade in by Westrac.

The qualitative values as detailed previously, especially the superior resale value and ease of operation of the Mustang Loader compared to the Gehl Loader, as considered in the over all assessment, indicated that Council would benefit from the acceptance of the offer from BT Equipment.

Account No: Plant Reserve  
Budget Item: P039 and P072  
Budget Amount: \$99,800

Actual Cost: \$103,500

The \$3,700 over budget can be funded from anticipated savings in the total replacement program.

The current written down value at 31 January 2002 is \$16,027. Given the trade in value of \$25,500 the profit on sale is \$9,473.

### GST IMPACT

GST can be claimed as a full 100% tax credit on the new supply and 1/11<sup>th</sup> of the Trade Valuation must be remitted to the Tax Office

	Without GST	With GST	Claim GST	Tax Credit
New Supply	\$129,000	\$141,900	YES	\$12,900
				Tax Debit
Outright Purchase	\$25,500	\$28,050	NO	(\$2,550)

## COMMENT

The recommendation will benefit the City by providing two new skid steer loaders into the plant fleet, providing high reliability and efficient services together with a reduction in external hire. The trade in price is also significant and could decrease if this tender acceptance is delayed. No business situated in the district of City of Joondalup has submitted a tender.

## VOTING REQUIREMENTS

Simple Majority.

### **MOVED Cr Rowlands, SECONDED Cr Hurst that Council:**

- 1 ACCEPTS the tender submitted by BT Equipment for the supply of two new skid steer loaders (Mustang 2070 model) for a consideration of \$129,000 plus GST with a trade in of plant no 98879 for a consideration of \$25,500 plus GST resulting in a net cash out flow of \$103,500 after the effects of GST;**
- 2 REJECTS the late tender submitted by Smith Broughton and the nonconforming tenders submitted by McIntosh & Son, Casewest, Bobcat West Australia, and CFC Holdings Pty Ltd.**

**The Motion was Put and**

**CARRIED**

*Appendix 8 refers*

*To access this attachment on electronic document, click here: [Attach8brf050202.pdf](#)*

## **CJ016 - 02/02 “DRUGS - NATIONAL PROBLEM - LOCAL SOLUTIONS” CONFERENCE REPORT – [26173]**

**WARD - All**

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## **PURPOSE**

To provide an information report on “Drugs – National Problem – Local Solutions” Conference Report.

## **EXECUTIVE SUMMARY**

Council, at its meeting on 13 November 2001 (item CJ 387 – 11/01), carried a motion to approve the attendance of Councillors Kimber and Mackintosh and Julie Eaton, Co-ordinator Community Services, at the “Drugs – National Problem - Local Solutions” Conference in Brisbane on 4 and 5 December 2001. The Council requested “an information report on the outcomes of the Conference.”

Possible strategies for Local Government identified during the conference will be evaluated by Council staff and implemented where appropriate.

## BACKGROUND

Council, at its meeting on 13 November 2001 (item CJ 387 – 11/01), carried a motion to approve the attendance of Councillors Kimber and Mackintosh and Julie Eaton, Co-ordinator Community Services, at the “Drugs – National Problem - Local Solutions” Conference in Brisbane on 4 and 5 December 2001. The Council requested “an information report on the outcomes of the Conference.”

A new national Local Government Committee has been established as part of the Inter-Governmental Committee on Drugs. A first step towards involving and informing local governments about drug issues was the Conference held in Brisbane on 4 and 5 December 2001. The Council of Capital City Lord Mayors and the Brisbane City Council jointly sponsored the conference.

## DETAILS

The format for both conference days was that of guest speakers in the morning, then panel and audience discussions followed by elective sessions in the afternoon. The panel and audience discussions involved three or four of the keynote speakers addressing a specific issue then inviting questions from the conference delegates. The elective sessions were mainly opportunities for local governments to showcase successful programs which address community drug issues.

The conference included a trade exhibition featuring current information and advice on matters of illicit drug policy, health promotion and other related issues. Exhibitors included:-

- Abaleen Detoxification Services Group
- Alcohol and Drug Foundation – Queensland
- Amtec Professional Services
- Alcohol and Drug Information Services
- ASP Harm Reduction Systems
- Community Safety Program Brisbane City Council

Conference delegates travelled from all parts of Australia and represented many local government authorities, universities, health departments, youth agencies, police departments, premier’s offices, drug action groups and criminal justice agencies. From Western Australia the City’s of Joondalup, Perth, Wyndham and Mandurah were represented as well as a number of individual delegates from this state, including one of the speakers.

## Keynote Sessions

### “Directions of Drug Policy”

*Ethan Nadelmann* founded the Lindesmith Centre, a leading drug policy and research institute situated in New York. Ethan is described as one of the world’s most respected and high profile critics and commentators on US and international drug control policies. Ethan opened the conference as the Keynote Speaker.

Ethan's address was by design controversial. Ethan discussed the concept that drug prohibition, not drugs, is the root of social evil. He maintained that there is no such thing as a totally safe drug, but there is overwhelming evidence that the negative consequences of the prohibition of cannabis outweigh the negative consequences of cannabis use. Ethan outlined European models in which communities were benefiting from reduced crime in a controlled legal market.

**“Can the War on Drugs be Won? – Perspectives from US and Europe.”**

*Marsha Rosenbaum is a medical sociologist, the Director of the San Francisco office of the Lindesmith Centre and the author of numerous books and articles about drug use, addiction, treatment and drug policy.* Marsha detailed the Drug Education programs that exist in the United States and their success in preventing drug use amongst young people. A video presented teenagers speaking about their responses to drug education in primary and high school.

The message from the young people was strong – the “Say No” strategy, which was the thrust of the education campaign, was not working. Some success in getting the message across to youth was being achieved through real-life experiences such as young people seeing the negative effects of drugs on the streets in their own neighbourhoods or talking to other people who had experienced the drug scene and successfully moved away from it. Marsha emphasised the importance of family support for teenagers and ensuring that young people feel valued in the family and community. She recommended that research be done with teenagers who abstain from drugs to discover the factors that contribute to abstinence.

**“Can the War on Drugs be Won? – Perspectives from US and Europe”**

*Jan Van Der Tas - Board member of the Netherlands Drug Policy Foundation specialising in international aspects of drug policy reform.*

Jan outlined the Dutch model of drug policy and the concept of legalising some drugs so that governments, rather than the criminals, have control over the drug scene. It was argued that the war on drugs cannot be won and therefore should not be waged and that drug policy needs to be based on fact not fear.

In addition to the keynote sessions, the 40 Australian speakers whose representations included:-

- Brisbane City Council
- Mackay Alcohol and Other Drugs Committee
- Premier's Drug Prevention Council
- Department of Criminology – University of Melbourne
- NSW Users and AIDS Association
- City of Sydney – Safe City Strategy
- National Centre for Education and Training on Addiction – Flinders University SA
- Alice Springs Town Council
- Sydney Medically Supervised Injecting Centre – Kings Cross – 18 month trial

The Australian speakers addressed a broad range of topics that addressed drug issues from many different angles such as:-

- Drug Markets and Economics
- Crime Prevention through Environmental Design
- The Law Enforcement Perspective
- Allocation of Drug Resources – National and State Spending
- Treatment and Rehabilitation
- Developing and Effective Sharps Management Strategy
- Pathways to Prevention
- Health Costs
- Community Drug Strategies – Developing Drug Action Plans
- Indigenous and Alcohol Issues

The main focus for many of the speakers was that of “harm-minimisation”. This term acknowledges that regardless of the best efforts of governments, communities and individuals – some people will choose to obtain, use and abuse drugs. The harm-minimisation approach implements strategies, which are established to reduce the level of risk and/or harm to individuals and the community. These strategies can include community education, placement of syringe disposal units in public places, safer and more hygienic use strategies, breathalyser machines placed in places where alcohol is served, random breath testing and encouraging people to use drugs or drink alcohol in their home environment rather than in public. The safest strategy is always seen as abstinence.

## **STRATEGIC IMPLICATIONS**

Key points identified in many conference sessions were -

- The definition of drugs includes alcohol, tobacco, inhalants and over the counter medications as well as illicit drugs.
- Alcohol and tobacco are more widely used and cause far greater health problems, deaths and costs to society than any other drugs.
- Illicit drug users form a very small percentage of the general population.
- Drugs are a part of our society. The ultimate goal is for people not to abuse drugs, however the reality is that some people do. The next step is to minimise the risk or harm to the drug user and the community in general.
- Successful community programs tend to include a preventive community education component as well as a number of risk minimisation strategies operating simultaneously.
- Different communities have very different drug usage, influenced by a range of factors. It is very important to conduct research prior to embarking on programs in local government areas in order to meet the needs appropriately.
- Local Governments can make a difference to the management of drug issues in the community.

## **Possible Strategies for Local Government Action**

- Conduct research and analyse the scope of drug usage in the region.
- Develop strategies based on the research.
- Develop policies that reflect best practice.

- Provide more prevention programs for young people eg. activities, recreation and lifeskills programs.
- Provide ongoing and supportive work experience, training and/or employment opportunities to those who are working towards a drug-free lifestyle.
- Raise community awareness through pamphlets, posters, articles etc.
- Run workshops offering general information about drugs.
- Involve young people in the provision of resources and services for young people.
- Develop support groups for families dealing with drug-related issues.
- Develop preventive education packages for schools.
- Develop partnerships with the Parent Committees of local schools.
- Research the possibilities of developing partnerships with other agencies or businesses in the community.
- Support Local Drug Action Groups
- Create a drug-specific information website.
- Develop a resource kit about drugs that could be made available in libraries and/or posted out to community members.
- Design public space (Urban Design) that creates safer environment and simultaneously decreases the negative impact of drug use on the community.
- Install closed circuit cameras in “hot spot” areas for crime prevention.
- Evaluate public buildings such as ablution blocks and modify to limit drug use and associated norms within.
- Evaluate the lighting in public spaces to create safer communities.
- Activate the Rangers for clean-up campaigns in “hot spots.”
- Lobby State and Commonwealth governments regarding drug policy and the availability of funding for preventive projects.

These strategies impact on a range of Council services and will need to be considered in the development of programs and budgets.

#### COMMENT

The City of Joondalup has a high proportion of young people. Council staff will evaluate the suggested strategies and implement where appropriate.

#### VOTING REQUIREMENTS

Simple Majority

**MOVED Cr Rowlands, SECONDED Cr Mackintosh that the Report on the “Drugs – National Problem – Local Solutions” Conference be NOTED.**

**The Motion was Put and**

**CARRIED**

## **CJ017 - 02/02      DECLARATION OF THE EXTENSION OF MITCHELL FREEWAY – [06763] [138826]**

**WARD** – Pinnaroo, Marina and Lakeside

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### **PURPOSE**

The purpose of this report is to seek Council's agreement to the proclamation of a section of the Mitchell Freeway as a State Road.

### **EXECUTIVE SUMMARY**

The City has received a letter from Main Roads WA (MRWA) advising that it intends to proclaim the section of Mitchell Freeway from Ocean Reef Road to Hodges Drive as a State Road.

The section of Mitchell Freeway proposed for proclamation as a State Road is shown on MRWA Drawing No. 0093-655 at Attachment 1.

There are no financial or policy implications for Council. Main Roads WA becomes the sole provider of the road and is responsible for all maintenance, refurbishment and construction works on the Freeway.

Main Roads WA has provided drawings which must be endorsed with the Resolution/Recommendation Number, Date and the Chief Executive Officers Signature and Date.

It is recommended that Council:

- 1      AGREES to the proposal submitted by Main Roads WA to proclaim the section of Mitchell Freeway from Ocean Reef Road to Hodges Drive as a State Road as detailed on Main Roads Drawing Numbers 0093-655, 0093-656 and 0093-657 and as shown on Attachments 1, 2 and 3 respectively, to this report;**
- 2      AUTHORISES the Chief Executive Officer to endorse Main Roads Drawing Numbers 0093-655, 0093-656 and 0093-657 and as shown on Attachments 1, 2 and 3 to this report.**

### **BACKGROUND**

The City has received a letter from Main Roads WA advising that it intends to proclaim the section of Mitchell Freeway from Ocean Reef Road to Hodges Drive as a State Road.

Although this section of Freeway was opened to traffic in 1999, it had not been proclaimed a State Road. The purpose of the proclamation is to formalise Main Roads WA's responsibility for the care, control and management of the road.

Prior to recommending to the Minister for Planning and Infrastructure that the declaration proceed, the Commissioner of Main Roads WA has requested Council's formal agreement of the proposal as part of the proclamation process.

### **Statutory Provisions**

The section of Mitchell Freeway proposed for proclamation as a State Road is shown on MRWA Drawing No. 0093-655 at Attachment 1.

The Commissioner of Main Roads is required under Section 13A of the Main Roads Act to consult with the affected local government, receive objections, if any, consider the response and make a recommendation to the Governor.

### **DETAILS**

Main Roads WA is the State Government authority responsible for the management of State Roads in Western Australia. Main Roads WA manages and maintains these "declared Main Roads" which are the primary transport routes on the road network, such as Wanneroo Road, Marmion Avenue south of Ocean Reef Road and the Mitchell Freeway. The purpose of the declaration is to enable Main Roads WA to incorporate this section of the Mitchell Freeway into the remainder of the Freeway and State Road network.

### **Financial Implications:**

There are no financial or policy implications for Council. Main Roads WA becomes the sole provider of the road and is responsible for all maintenance, refurbishment and construction works on the Freeway.

### **COMMENT**

Main roads WA has provided a set of plans showing the carriageway details at Ocean Reef Road and Hodges Drive. These plans, Drawing No. 0093-656 and Drawing No. 0093-657 are shown at Attachments 2 and 3 respectively.

All the plans, Drawing No. 0093-655, 656 and 657 must be endorsed with the Resolution/Recommendation Number, Date and the Chief Executive Officers Signature and Date. The drawings will then be forwarded to the Minister for Planning and Infrastructure.

### **VOTING REQUIREMENTS**

Simple Majority

### **MOVED Cr Kadak, SECONDED Cr Rowlands that Council:**

- 1 AGREES to the proposal submitted by Main Roads WA to proclaim the section of Mitchell Freeway from Ocean Reef Road to Hodges Drive as a State Road as detailed on Main Roads Drawing Numbers 0093-655, 0093-656 and 0093-657 and as shown on Attachments 1, 2 and 3 respectively, to Report CJ017-02/02;**



- 2 AUTHORISES the Chief Executive Officer to endorse Main Roads Drawing Numbers 0093-655, 0093-656 and 0093-657 and as shown on Attachments 1, 2 and 3 to Report CJ017-02/02.**

To a query raised by Cr Hurst regarding the length of time taken to complete this project, Director Infrastructure Management believed this was a procedural issue in accordance with Main Roads Act Section 13 requiring consultation with the City prior to any finalisation.

**The Motion was Put and**

**CARRIED**

*Appendix 9 refers*

To access this attachment on electronic document, click here: [Attach9brf050202.pdf](#)

**CJ018 - 02/02 CONTRACT NO. 032-00/01 - GRAFFITI CONTROL SERVICES & COATINGS – [52151]**

**WARD – All**

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**PURPOSE**

This report recommends the extension of Contract No. 032-00/01 – Agreement for the supply of Graffiti Control Services & Coatings to the City’s infrastructure in accordance with Clause 24 -Contract Period, of the General Conditions of Contract.

**EXECUTIVE SUMMARY**

Council, at its meeting on 13 February, 2001 accepted the tender submitted by Kleenit for supply of Graffiti Control Services and Coatings for the City’s infrastructure, with an option to extend for two twelve month periods, subject to satisfactory performance. Kleenit has requested that the contract be extended with no price adjustment and this is supported by officers.

It is recommended that Council:

- 1 AUTHORISES the extension of Contract No. 032-00/01, Agreement for the Supply of Graffiti Control Services & Coatings to the City’s Infrastructure for a period of twelve months from 1 March, 2002 to 28 February 2003 in accordance with the Schedule of Rates forming Attachment 1 to Report CJ018-02/01;**
- 2 AUTHORISES the signing of the contract extension documents.**

**BACKGROUND**

Contract No. 032-00/01 was awarded by Council at its ordinary meeting of 13 February 2001, Report No. CJ018-02/01 refers. Four tenders were received and the evaluation process identified Kleenit as the preferred tenderer. Kleenit is based in Bassendean and services various local authorities.

## **DETAILS**

Kleenit has undertaken all works as requested in a professional manner and has advised the City on various product options for improving the service.

Graffiti removal is a competitive market with new products becoming available continuously. Kleenit is currently undertaking product evaluation to ensure that Council is receiving regular information and an efficient service.

The City currently has two contractors engaged for graffiti control services – Dalecoast Pty Ltd (trading as Graffiti Systems Aust) for removal from Council buildings and Kleenit for Graffiti Control Services and Coatings to the City's infrastructure.

The City has recently undertaken responsibility for the Graffiti Campaign Program from the State Government for removal of graffiti from private residential fences and has two employees involved in this program. Council will review the provision of this in-house service as part of the forthcoming 2002/2003 budget process.

The availability of contractors has been a benefit during the transition from the State Government Graffiti Program to the Council operated program.

## **Financial Implications**

Funding for these works is allocated within the Operations Services Maintenance Budget as authorised by Council in its adoption of the Annual Budget.

## **COMMENT**

The request for extension of the contract is supported by officers for the following reasons:

- No price adjustment proposed
- Service provision has been good
- Availability has been within accepted timeframe
- Product information has been supplied when appropriate
- This service was previously exposed to the public tender process and the most competitive bid was awarded the contract on the basis that they have available equipment, resources and materials to undertake the works in the most responsive manner.

It is therefore recommended that Contract No. 032-00/01 Graffiti Control Services and Coatings to the City's infrastructure be extended for a twelve month period in accordance with Clause 24, Contract Period in the General Conditions of Contract.

## **VOTING REQUIREMENTS**

Simple Majority

**OFFICER'S RECOMMENDATION:** That Council:

- 1 AUTHORISES the extension of Contract No. 032-00/01, Agreement for the Supply of Graffiti Control Services & Coatings to the City's Infrastructure for a period of twelve months from 1 March, 2002 to 28 February 2003 in accordance with the Schedule of Rates forming Attachment 1 to Report CJ018-02/01;
- 2 AUTHORISES the signing of the contract extension documents.

**MOVED Cr O'Brien:**

- 1 AUTHORISES the extension of Contract No. 032-00/01, Agreement for the Supply of Wall-Scribbling Control Services & Coatings to the City's Infrastructure for a period of twelve months from 1 March, 2002 to 28 February 2003 in accordance with the Schedule of Rates forming Attachment 1 to Report CJ018-02/01;
- 2 AUTHORISES the signing of the contract extension documents.

Director Infrastructure Management advised two contractors were involved in removing graffiti within the City; one contractor focuses on infrastructure, with the other contractor removing graffiti from buildings. These are currently separate contracts with separate suppliers.

**There being no Secunder, the Motion**

**LAPSED**

**MOVED Cr Patterson, SECONDED Cr Hurst that Council:**

- 1 **AUTHORISES the extension of Contract No. 032-00/01, Agreement for the Supply of Graffiti Control Services & Coatings to the City's Infrastructure for a period of twelve months from 1 March, 2002 to 28 February 2003 in accordance with the Schedule of Rates forming Attachment 1 to Report CJ018-02/01;**
- 2 **AUTHORISES the signing of the contract extension documents.**

**The Motion was Put and**

**CARRIED**

*Appendix 10 refers*

*To access this attachment on electronic document, click here: [Attach10brf050202.pdf](#)*

## **CJ019 - 02/02      PETITION - OBJECTION TO INSTALLATION OF GOAL POST, RUTHERGLEN PARK, KINROSS – [40500]**

**WARD** – North Coastal

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### **PURPOSE**

Residents have submitted a petition objecting to the installation of a soccer goal post within a passive park in Kinross. Provision of a goal post was undertaken at the request of various local residents and a Ward Councillor. This report recommends a trial period and provision of a barrier fence to minimise resident's concerns.

### **EXECUTIVE SUMMARY**

Council has received a petition from residents in Rutherglen Circle, Kinross objecting to the installation of a goal post in the park. Residents are concerned regarding safety, noise and disturbance and possible accumulation of rubbish.

An on-site meeting with residents on site regarding provision of a goal post in a suitable location to alleviate the residents' initial concerns.

Subsequent to this meeting, residents in Rutherglen Circle have expressed their concerns at the park use and location of the soccer goal post.

The following actions are recommended:

- 1      PROVIDES a screen fence barrier on the park boundary for a 15 metre section of Rutherglen Circle, for a trial period of three months during the winter sports season;**
- 2      SEEKS the co-operation of local children to utilise the park in keeping with the local amenity of the area;**
- 3      EVALUATES the option to remove further vegetation, following the 3 month trial period, if the residents' concerns continue regarding the fence and goal post;**
- 4      ADVISES the petitioners accordingly.**

### **BACKGROUND**

Rutherglen Park is a small passive reticulated park with a significant portion of remnant vegetation in the centre.

Total area .44 ha with approximately .20 bushland bordered by Rutherglen Circle, Ailsacraig Ramble and residential property. The park was irrigated in conjunction with the enhancement of Connolly Drive, median and verges during the suburb development by Peet and Co. See Attachment 1.

In September 2001, the City received a request from a resident in Ailsacrag Ramble regarding restrictions to be placed on the type of use allowed within a passive park.

Young children were regularly practising ball sports within the grassed areas of the park and this has been of concern to adjoining residents.

Investigations on site confirmed that a group of children regularly use the open areas of grass near adjoining residential property and were causing concern to residents by kicking balls against the retaining walls and fence, balls were going over the fences and damaging property. The children were generally being noisy, creating a nuisance and running across the road to retrieve the balls

## **DETAILS**

A site meeting was held between Council Officers and residents to determine the extent of the problem and to find a solution.

It was agreed with various residents at the site meeting of 13 November, 2001 that the provision of a practice goal post was a benefit as it was an alternative to the resident's fence. The initial location selected had proven unsatisfactory.

The second location selected was adjacent to Rutherglen Way and approximately 15 metres from the park boundary. Two trees were removed to enlarge the area enough to enable kicking of a ball.

Residents were advised that there was no other alternative solution if this location proved to be unsuitable. Further clearing of vegetation was to be avoided if possible.

Provision of a screen fence was proposed to minimise the problem of balls rolling on to or over the road and hitting adjoining residential fences.

The goals were relocated and utilised for one weekend. Residents on Rutherglen Circle contacted Councillor Hollywood and staff expressing their concerns about ball play in the park.

## **Financial Implications**

Provision of the fence is via surplus link mesh fencing material stored at the Works Depot. Installation is proposed to be undertaken by the Community Service work team. Any minor costs incurred for concrete and supervision would be debited to the park maintenance account for Rutherglen Park, 11 60 72 721 4615 2727.

## **COMMENT**

There is a small group of children who are soccer fans and regularly play in the park often with parents in attendance.

Removal of the goal post will transfer the problem back to the residential fences and this will move the concern from Rutherglen to the adjoining owners.

The following actions are recommended:

- 1 Provision of the screen/barrier fence on Rutherglen verge site as per the initial proposal
- 2 Education of the children to respect that the area is small and adjoining property damage is unacceptable
- 3 Acceptance by residents that the park is for recreational use and kicking a ball around conforms to this use

A meeting on site with the children, parents and local residents to advise of the options available to address some residents concerns and the public open space aspects of the park, is planned.

The comments about noise and accumulation of rubbish are accepted as a normal consequence of park usage.

A three month trial period, to coincide with winter sports activities following installation of the barrier fence, be put in place. This will enable all parties to experience the benefits and disadvantages and determine long term options.

This process is preferable to additional clearing of indigenous vegetation that is the next option to enable children to utilise the park without disrupting the local residents. The condition of this remnant bushland is a very good representation of Banksia and Coastal Heath.

## **VOTING REQUIREMENTS**

Simple Majority

**MOVED Cr Rowlands, SECONDED Cr Baker that Council:**

- 1 **PROVIDES** a screen fence barrier on the park boundary for a 15 metre section of Rutherglen Circle, for a trial period of three months during the winter sports season;
- 2 **SEEKS** the co-operation of local children to utilise the park in keeping with the local amenity of the area;
- 3 **EVALUATES** the option to remove further vegetation, following the 3 month trial period, if the residents' concerns continue regarding the fence and goal post;
- 4 **ADVISES** the petitioners accordingly.

Cr Hollywood spoke to the Motion. Cr Hollywood advised he wished to move a procedural motion to defer the matter. Manager, Council Support Services advised that in accordance with the City's Standing Orders this did not constitute a procedural motion.

**The Motion was Put and**

**LOST**

**MOVED Cr Hollywood, SECONDED Cr O'Brien that the matter pertaining to petition – objection to installation of Goal Post, Rutherglen Park, Kinross be DEFERRED to a future meeting of Council to enable on-site consultation to occur.**

**The Motion Put and**

**CARRIED**

*Appendix 11 refers*

*To access this attachment on electronic document, click here: [Attach11brf050202.pdf](#)*

## **PLANNING AND DEVELOPMENT**

*Cr O'Brien declared a financial interest in Item CJ020-02/02 – Close of Advertising – Review of Home Business Policy 3.1.11 as both Cr O'Brien and his wife have a home occupation licence.*

*Cr O'Brien left the Chamber, the time being 2043 hrs.*

### **CJ020 - 02/02      CLOSE OF ADVERTISING - REVIEW OF HOME BUSINESS POLICY 3.1.11 – [03170]**

**WARD - All**

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#### **PURPOSE**

Council is required to consider the draft changes proposed to the Home Business Policy following public advertising.

#### **EXECUTIVE SUMMARY**

Council undertook a review of the City's Home Business Policy at its meeting on 9 October 2001 (CJ339-10/01 refers) and adopted a number of draft changes to the policy. The changes have been advertised for public comment for a 28-day period, closing on 15 November 2001. No submissions were received.

The proposed changes to the policy will include the provision of an additional assessment criteria that will guide the location and operating times of home businesses, and the introduction of a yearly review and approval renewal of Category 2 and 3 home businesses (Attachment 1). It is anticipated that the changes will improve the performance of the policy.

It is recommended that the proposed changes to the Home Business Policy be adopted without modification.

## BACKGROUND

<b>Suburb/Location:</b>	All
<b>Applicant:</b>	N/A
<b>Owner:</b>	N/A
<b>Zoning:</b>	<b>DPS:</b> N/A
	<b>MRS:</b> N/A
<b>Strategic Plan:</b>	<u>Lifestyle – Strategy 2.6</u> Promote and enjoy lifestyles that engender environmental, social and economic balance and sustainability.

### Previous Council Decision

At its meeting on 9 October 2001, Council adopted the draft changes to the Home Business Policy (attachment 1) and it was advertised for public comment for 28 days, closing on 15 November 2001.

## DETAIL

### Current Proposal or Issue

The Home Business Policy operates in recognition of the need to accommodate the growing trend towards working at home, whilst recognising that people still regard residential areas as primarily a place to live, not to work. It operates together with District Planning Scheme No.2 (DPS2) and the ‘Local Planning Strategy to Regulate Working from Home’ to provide a collective strategy and a set of principles that can be applied when home occupation applications are considered.

The Home Business Policy supplements DPS2 by providing relevant details relating to each category of Home Business. This includes:

- Number of customer visits
- Vehicular traffic (customer and commercial)
- Floor space
- Equipment usage
- Protection of amenity
- Management Plans (Category 3 only)

The policy also includes provisions relating to community consultation in instances where a home business proposal is seeking variations to the standards provided in the policy.



The review of the policy was initiated to evaluate its performance since its inception in September 1999. Whilst the policy is performing satisfactorily and no formal complaints have been received since its adoption, some minor changes are proposed to guide the location of home business proposals in residential areas and limit the days and operating hours of home businesses. An additional inclusion initiates a review of Category 2 and 3 home business proposals through the mandatory renewal of applications every 12 months (attachment 1).

### **Statutory Provisions**

Clause 8.11 of DPS2 sets out the requirements for preparing, adopting and amending local planning policies. It provides that Council shall consider all submissions received during the advertising period. After considering all submissions Council is required to finally adopt the changes to the policy with or without modification, or not proceed with the changes. Following final adoption of the changes, notification is required. This is published once in a newspaper circulating within the scheme area.

### **Consultation**

The proposed changes to the 'Home Business Policy' were advertised for public comment for 28 days, closing on 18 November 2001. No submissions were received.

### **COMMENT**

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

The minor amendments proposed are to include a standard that will guide the location of home business proposals in residential areas and the introduction of additional standards that limit the days and operating hours of home businesses. These will assist decision-making and improve the protection of residential amenity.

The inclusion of a mandatory 12 month review period for Category 2 and 3 home business proposals will improve the monitoring of these proposals and is in line with the current practice of granting approvals for an initial period of 12 months.

It is recommended that the amendments to the policy be adopted.

### **VOTING REQUIREMENTS**

Simple Majority

**MOVED Cr Carlos, SECONDED Cr Hurst that Council in accordance with clause 8.11 of the City of Joondalup's District Planning Scheme No 2 ADOPTS the amended policy 'Home Business' as per Attachment 1 to Report CJ020-02/02.**

**The Motion was Put and**

**CARRIED**

*Appendix 12 refers*

*To access this attachment on electronic document, click here: [Attach12brf050202.pdf](#)*

*Cr O'Brien entered the Chamber, the time being 2044 hrs.*

*Cr Rowlands declared an interest that may affect his impartiality in Item CJ021-02/02 – Joondalup City Centre Public Parking Strategy as his employer had lodged an objection in this regard.*

## **CJ021 - 02/02 JOONDALUP CITY CENTRE PUBLIC PARKING STRATEGY – [07190]**

**WARD** – Lakeside

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### **PURPOSE**

The purpose of this report is for Council to adopt the Joondalup City Centre Parking Strategy following public advertising and decide whether to proceed with the Joondalup City Centre Traffic and Parking Review outcomes.

### **EXECUTIVE SUMMARY**

Council considered a report at its meeting on 9 October 2001 (CJ354-10/01 refers) on the Joondalup City Centre Public Parking Strategy, redevelopment opportunities for increased parking and improved traffic circulation in the Central Business District (CBD), and changes to the parking restrictions in some areas.

The Parking Strategy and the development options were made available for public comment with two submissions and 13 submissions being received respectively. The submissions are generally supportive except for concerns expressed regarding the proposals for median parking in Lakeside Drive.

The submissions were very supportive for the Collier Pass proposals and the Western Australian Government Railways have agreed to provide funding for commuter parking at the Joondalup Transit Station that can be used to implement this proposal.

It is recommended that the Joondalup City Centre Public Parking Strategy be adopted, that the concept for Collier Pass be endorsed and works commenced this financial year utilising funds available from the WAGR, and that the other concepts be endorsed for further design and consideration in the 2002/2003 capital works projections. It is also recommended that Main Roads Western Australia (MRWA) be requested to examine appropriate speed limits for Grand Boulevard and Lakeside Drive.

### **BACKGROUND**

<b>Suburb/Location:</b>	Joondalup City Centre
<b>Applicant:</b>	N/A
<b>Owner:</b>	N/A
<b>Zoning:</b>	<b>DPS:</b> Centre Zone
	<b>MRS:</b> City Centre Zone
<b>Strategic Plan:</b>	2.2 Facilitate the development of the Joondalup City Centre

At its meeting on 9 October 2001 Council considered a report (CJ354-10/01 refers) which described a strategy to provide for the long term parking needs of the Joondalup City Centre Central Business District (CBD). The report also addresses the management of the existing public parking and an approach to phasing parking development to suit CBD activity.

In the short term, the Parking Strategy provides for maximisation of at-grade on-street parking with application of suitable time limits and appropriate level of enforcement to achieve maximum efficiency. Construction of at grade, off street parking stations will apply in the medium term, followed by construction of multi decked parking stations in the longer term.

The report addressed a number of design options developed from a workshop exercise. These options related to Grand Boulevard, Reid Promenade, Collier Pass and Lakeside Drive.

Council resolved:

- 1 *ADOPTS the Joondalup City Centre Public Parking Strategy dated August 2001 as a draft for public comment for a period of 30 days;*
- 2 *INVITES the major stakeholders in the Joondalup City Centre to join with the City in a review of the short and long term vision for the development of the Joondalup City Centre;*
- 3 *in accordance with Clause 4.11.3 of District Planning Scheme No 2, CALCULATES the cash payment in lieu of the provision of on-site parking, applicable to development in the Joondalup City Centre Central Business District, for the period of 30 June 2002, to be \$8,100 per parking bay;*
- 4 *AMENDS the City of Joondalup Parking Scheme in accordance with clause 18 of the City's Parking Local Law 1998, by the:*
  - (a) *ADOPTION of Schedule 3 Public Parking Stations in the Joondalup City Centre and the attached plan indicating the location of the parking stations, as indicated in Attachments 8 and 3 to Report CJ354-10/01;*
  - (b) *APPROVAL and application of a combination of time restrictions of one hour, two hour and four hours being applied in City of Joondalup Parking Station P2 - McLarty Avenue No 2, as indicated in Attachment 9 to Report CJ354-10/01;*
- 5 *AMENDS the City of Joondalup Parking Scheme On Street Parking Time Restrictions in accordance with clause 33 of the City's Parking Local Law 1998:*

*At Boas Avenue between Grand Boulevard and McLarty Avenue*

*Replacing the existing 30 minute time limit with 15 minute time limit*

*Replacing the existing one hour time limit with 30 minute time limit*

*At McLarty Avenue (east side) between Boas Avenue and southern entrance to Parking Station P2 – McLarty Avenue No 2*

*Replacing the existing one hour time limit with 30 minute time limit*

*At Reid Promenade (south side) between Grand Boulevard and the northern entrance to Parking Station P2 – McLarty Avenue No 2*

*Replacing the existing 30 minute time limit in the two parking bays closest to Grand Boulevard with 15 minute time limit*

- 6 *ENDORSES the use of the City of Joondalup Private Parking Agreement as the appropriate method for co-ordinating the management of public and private parking areas;*
- 7 *ADVERTISES and makes available the details of the overall approach to the provision of parking and traffic circulation in the Joondalup City Centre arising from the workshop aimed at maximising on street parking, for public inspection and comment for a period of 30 days;*
- 8 *REQUIRES a further report following public comment recommending priorities and an implementation strategy for traffic and parking modification to the Joondalup City Centre, including funding options for the provision of parking in the Collier Pass road reserve.*

## **DETAILS**

The Joondalup City Centre Public Parking Strategy was advertised and made available for public comment from 25 October 2001 until 22 November. Two submissions were received (Attachment 1). One submission related to the lack of specific provision for transit commuter parking. The other asked a series of questions about the impact of aspects of the Strategy on the private parking related to the shopping centre and expressed pleasure at the approach Council is taking to parking in the City Centre.

The invitation to the major stakeholders to participate in a review of the vision for the City Centre will be conducted in the City Centre Place Management project proposed to commence in February 2002.

The details and approach to the provision of parking and traffic circulation arising from the workshop were compiled into a brochure for distribution and comment from 1 December 2001 to 8 January 2002.

A total of 13 submissions were received and are summarised in the schedule in Attachment 2. While the submissions were generally supportive and saw a positive impact on business, calming traffic, and relieving parking congestion, four submissions expressed concern. The main concern was with the proposal for median parking in Lakeside Drive.

The requirement to provide a report recommending priorities and an implementation strategy for traffic and parking modification to the Joondalup City Centre, including funding options for the provision of parking in the Collier Pass road reserve has also been addressed. The normalisation agreement with LandCorp for the Joondalup City Centre provides for funds for the duelling of Collier Pass. The West Australian Government Railways has agreed to provide \$578,000 for the parking component of this proposal subject to notices being included to indicate the parking is for commuters. These funds will be available this financial year and the works can be accommodated in the schedule.

### **Statutory Provision**

There is no statutory requirement relating to the preparation of strategies or public consultation for traffic and parking issues.

### **Consultation**

For consultation regarding the Parking Strategy a notice was published in the local paper and affected landowners and stakeholders were advised by letter and invited to comment. A brochure was compiled containing the details and approach to the provision of parking and traffic circulation arising from the workshop for distribution to affected landowners and stakeholders. The brochure was displayed on the notice board and a notice placed in the local paper inviting comment.

### **Policy Implications**

The Cash in Lieu of Parking policy is currently under review and will include reference to details of this strategy.

### **Strategic Implications**

The parking strategy is an important document that will guide decision making and planning for parking and related issues in the City Centre in the short, medium, and long term. Subsequent changes will have to be made to the Joondalup City Centre Structure Plan.

## **COMMENT**

### **The Parking Strategy**

The long term Joondalup City Centre Public Parking Strategy is important to decision making for both the City and the Development community. As no significant issues in relation to the Strategy have been raised through the public consultation it is recommended that the Strategy be adopted.

### **Collier Pass**

The concept design for Collier Pass supports the short term strategy of maximising on street parking by including a combination of parallel and median parking to provide approximately 126 parking bays. A number of submissions were received in support of this proposal urging Council to proceed as soon as possible. Path Transit made a submission opposing the proposal on the basis of increased traffic congestion and risk of accidents. It is considered that the provision of dual carriageways and the long term (low turnover) nature of the parking will not result in an unacceptable level of congestion or risk of accidents.

Council has implemented changes to the time limits for parking in the main McLarty Avenue parking station. These changes have caused long term (commuter) users to move to the smaller McLarty Avenue parking station giving rise to considerable complaints regarding the lack of commuter parking and disruption being caused to businesses in McLarty Avenue.

It is estimated that the cost of the works in Collier Pass is \$850,000, of which \$420,000 is estimated to represent the parking component. There is provision in the LandCorp normalisation agreement for \$540,000 to construct the second carriageway of Collier Pass and the WAGR has agreed to provide \$578,000 for commuter parking for the Joondalup Transit Station, to be spent this financial year. The Joondalup City Centre Public Parking Reserve contains \$447,684 for the purchase of land and construction of off street public parking. Funds could be accessed from this reserve (\$272,000) to complete the works, and be replaced when the Normalisation Agreement is finalised. As funding can be accessed it is recommended that the concept be endorsed and works commenced this financial year to partly meet the identified commuter parking needs in the area.

Council is in the process of obtaining a 3,000 square metre site adjacent to the Transit Station which will be able to accommodate further parking for commuter purposes.

### **Grand Boulevard ( Boas Avenue To Shenton Avenue )**

The concept design for the mid City section of Grand Boulevard north of Boas Avenue to Shenton Avenue provides an option to narrow the dual carriageway to single lanes in each direction through utilising the kerbside traffic lanes as car parking bays (see Attachment 3). This proposal has been supported by submissions and now that the connection of Lakeside Drive to Joondalup Drive is under construction, further consideration can be given to its implementation.

An important element of this proposal is the slowing of traffic through the City Centre to ease traffic manoeuvres and improve pedestrian walkability and safety. This aspect may be reinforced with a reduction in the speed limit to 50 kph and it is recommended that MRWA investigate this possible reduction.

It is recommended that this concept be endorsed as a basis for further design and consideration in the 2002/2003 projected capital works program.

### **City Centre Streets**

The concept design for City Centre streets was represented by a plan showing part of Reid Promenade providing 45 degree angle parking by using the existing parallel parking embayment and cycle lane on the roads as shown on Attachment 4. The submissions are supportive of this concept although a number have mentioned the need for care in using angle parking. It is considered that this has been addressed by the use of a clear reversing zone and the creation of a very low speed environment. It is not considered necessary to maintain the bicycle lanes in these streets given the expected low vehicle speeds.

It is considered important to provide additional parking in the area and this proposal is a favoured option for achieving this. It is recommended that this concept be endorsed as a basis for further design and consideration in the 2002/2003 projected capital works program.

### **Lakeside Drive**

The concept design for Lakeside Drive involved the provision of right angle parking in the central median to provide parking on the periphery of the CBD for low turnover employee parking (Attachment 5). There are a number of submissions opposing this concept claiming it to be out of character with the residential area and that the landscaped median is a major attraction of the area. Concern was also expressed regarding the proposed connection of Moorhen Court to Lakeside Drive. While improved connectivity is considered to be desirable, this would represent a minor connection and is not essential.

While the concern is understandable, the primary function of the Central Business District is to provide for the business activity of the Strategic Regional Centre. Lakeside Drive is a CBD road that will have to accommodate businesses and parking. Residential uses are welcome and encouraged but not at the expense of the necessary business activity. There is, however, no immediate need for this parking and it is envisaged that the Lakeside Drive option would only be developed after other options had been fully exercised. The option should remain available to provide flexibility for the Council to manage parking in the City Centre.

It is recommended that this concept, except for the Lakeside Drive, Moorhen Court connection, be endorsed as a basis for further design and consideration in the 2002/2003 projected capital works program, subject to further investigation and public consultation regarding proposals for median parking in Lakeside Drive.

### **VOTING REQUIREMENTS**

Simple Majority

### **MOVED Cr Kadak, SECONDED Cr Baker that Council:**

- 1 ADOPTS the Joondalup City Centre Public Parking Strategy dated August 2001;**
- 2 ENDORSES the concept design for dual carriageway and parking in Collier Pass;**
- 3 AUTHORISES the Collier Pass works to commence this financial year as an interim measure for providing commuter parking for the Joondalup Transit Station utilising the Western Australian Government Railway contribution of \$578,000, and an amount of \$272,000 from the Joondalup City Centre Public Parking Reserve;**

- 4 **REPLACES the \$272,000 in the Joondalup City Centre Public Parking Reserve with funds from the LandCorp Normalisation Agreement when that Agreement is finalised;**
- 5 **ADVISES the Western Australian Government Railways that it accepts with thanks the offer of \$578,000 towards commuter parking for the Joondalup Transit Station;**
- 6 **ENDORSES the concept designs for parking and traffic circulation for Central Business District streets for further design and consideration for inclusion in the 2002/2003 projected capital works program EXCLUDING the Lakeside Drive-Moorhen Court connection completely and only including the median parking in Lakeside Drive once there is further investigation of parking needs and alternatives and further public consultation;**
- 7 **REQUESTS Main Roads Western Australia to examine the speed limits appropriate for Grand Boulevard and Lakeside Drive.**

Discussion ensued.

**The Motion was Put and**

**CARRIED**

*Appendix 13 refers*

*To access this attachment on electronic document, click here: [Attach13brf050202.pdf](#)*

**CJ022- 02/02 AMENDMENT NO. 8 TO DISTRICT PLANNING SCHEME NO. 2 - PORTION OF PART LOT 2 (30) DORIAN LOOP, KINROSS (KINROSS MIDDLE SCHOOL SITE) – [35016]**

**WARD** – North Coastal

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**PURPOSE**

Amendment No. 8 to District Planning Scheme No. 2 (DPS 2) is brought before Council for consideration of final adoption.

**EXECUTIVE SUMMARY**

Amendment No. 8 proposes to rezone a portion of Part Lot 2 (30) Dorian Loop, Kinross (Kinross Middle School site), from ‘Local Reserve – Public Use – High School’ to ‘Residential’. Refer to **Attachments 1, 2 and 3**.

The rezoning is being sought to facilitate the residential subdivision and development of the land.



The rezoning will effectively reduce the size of the Kinross Middle School site from 10 hectares to 7.02 hectares, which is below that recommended by Western Australian Planning Commission (WAPC) policy. The Education Department of Western Australia (EDWA) advises however that the land is surplus to its requirements.

Council resolved at its meeting on the 12 June 2001 (CJ185-06/01) to adopt Amendment No. 8. The amendment was advertised for a period of 42 days from 25 July 2001 to 5 September 2001. Twenty one (21) submissions were received, 16 from members of the local community, and five from government agencies. Of the submissions from the local community, two submissions were in support of the proposal, 12 submissions objected to the proposal and two submissions were neutral. Concerns related to the loss of bush on the subject land, the loss of views from surrounding properties and the proposed intersection of the subdivisional road along the northern boundary of the proposed school site with Roxburgh Circle.

There is no assurance, even if the rezoning does not proceed, that the bush on the subject land will be retained, or the views from surrounding properties will be preserved. The subject land is currently reserved for high school purposes and could therefore be developed for such purposes. In any case, the existing vegetation on the site is considered to be in a degraded condition and not worthy of retention. The area is considered too small to successfully revegetate.

In response to concerns with respect to the proposed intersection of the subdivisional road along the northern boundary of the proposed school site and Roxburgh Circle, the proponents have prepared two further subdivision design options for consideration. **Refer to Attachments 4 and 5.**

It is recommended that Council adopts Amendment No. 8 to DPS 2 for the purpose of rezoning a portion of Part Lot 2 (30) Dorian Loop, Kinross (Kinross Middle School) from 'Local Reserve – Public Use – High School' to 'Residential' without modification, and endorses subdivision design option 'A' (see Attachment 4) as the preferred design.

## **BACKGROUND**

<b>Suburb/Location:</b>	Part Lot 2 (30) Dorian Loop, Kinross (Kinross Middle School Site)
<b>Applicant:</b>	Taylor Burrell on behalf of Peet & Co
<b>Owner:</b>	Burns Beach Management Pty Ltd
<b>Zoning:</b>	DPS: Local Reserve – Public Use – High School
	MRS: Urban
<b>Strategic Plan:</b>	Lifestyle 2.6 – Promote and enjoy lifestyles that engender environmental, social and economic balance and sustainability.

The subject land is located on the corner of Roxburgh Circle and Kinross Drive in Kinross (**Attachment 1**).

## **Rationale**

The rezoning is being sought to facilitate residential subdivision and development of the land as EDWA advises that it is surplus to its requirements.

## **Site History/ Previous Council Decisions**

Subdivision applications to create a 10 hectare school site over the subject and adjoining land were conditionally approved on the 13 January 1993, 30 April 1993 and the 25 March 1996. The school site however was never formally created and exists merely as a portion of freehold land. Notwithstanding this, the site has been reserved ‘Local Reserve – Public Use – High School’ under DPS 2 and is designated in the Kinross Structure Plan as a high school site.

A subdivision application was submitted on the 31 January 2001 to subdivide the Kinross Middle School site into two lots, one being 7.02 hectares, and the other, 2.80 hectares. The 7.02 hectare lot is proposed to accommodate the Kinross Middle School whilst the 2.80 hectare lot is proposed for future residential subdivision and is the subject of this rezoning proposal. Council considered the subdivision application at its meeting on the 24 April 2001 (CJ124-04/01) where it resolved to support the application subject to conditions, one of these being the rezoning of the proposed 2.80 hectare lot from ‘Local Reserve – Public Use – High School’ to ‘Residential’ under the City’s DPS 2. The subdivision application was conditionally approved by the WAPC on the 29 May 2001 however the approval did not require the land to be rezoned. The approval was however subject to:

*“Satisfactory arrangements being made with the Western Australian Planning Commission for the dedication of a 17 metre road reserve and construction of the new subdivisional road on the proposed 2.80 hectare lot.”*

The WAPC advised that this condition could be satisfied by way of a legal agreement between the City and the subdivider.

The subject proposal was considered at Council’s meeting on the 12 June 2001 (CJ185-06/01) where it was resolved to adopt Amendment No. 8 for the purpose of advertising and to advise the applicant that a legal agreement between the City and EDWA would need to be finalised with respect to the use of the adjoining public open space (POS) prior to the finalisation of the amendment.

## **DETAILS**

Following adoption of the amendment at Council’s 12 June 2001 meeting, the amendment was forwarded to the Department of Environmental Protection (DEP) for consideration of the need for environmental assessment. The DEP advised that:

### Groundwater

The amendment may raise groundwater quality issues and as such should be referred to the Water and Rivers Commission for comment.

### Vegetation

The vegetation on site may be of local significance and measures should be taken to ensure identification and protection of any vegetation on site worthy of retention.

### **Consultation**

The amendment was advertised for a period of 42 days. Advertising commenced on the 25 July 2001 and closed on the 5 September 2001. At the closure of the advertising period, 21 submissions were received, 16 from members of the local community, and five from government agencies. Of the submissions from the local community, two submissions were in support of the proposal, 12 submissions objected to the proposal and two submissions were neutral.

The major concerns raised in the submissions are outlined below.

### Bush

Concern was expressed with respect to the loss of bush on the subject land.

### Views

Concern was expressed with respect to the loss of views from surrounding properties.

### Intersection - Roxburgh Circle

Concern was expressed about the proposed intersection of the subdivisional road along the northern boundary of the proposed school site with Roxburgh Circle. Residents opposite the proposed intersection believe that it will have an adverse impact on their lifestyle and property value.

The submissions have been summarised and addressed in the attached schedule – refer to **Attachment 6**. A plan indicating the location of submitters has also been attached – refer to **Attachment 7**.

### **Policy Implications**

The WAPC's Policy DC 2.4 (School Sites) generally recommends a minimum of 8-10 hectares for a high school site but states:

*“Where a school site is co-located with public open space, that open space is fully utilised by the school and arrangements are in place to the satisfaction of the local government to provide long-term contributions from the education provider for the management of the open space, the land requirement for the school may be reduced.”*

### **Statutory Provision**

The Town Planning Regulations 1967 set out the procedures for amendments to local government's Town Planning Schemes. The procedure is summarised at **Attachment 8** and the current stage of the amendment has been highlighted.

## COMMENT

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

### Bush

There is no assurance, even if the rezoning does not proceed, that the bush on the subject land will be retained. The subject land is currently reserved for high school purposes and could therefore be developed for such purposes.

The existing vegetation on the subject site is considered to be in a degraded condition and not worthy of retention. The upper storey of the vegetation consists of banksia woodland, Nuytsia floribunda and Xanthorrhoea preissii. There is no natural under storey and the site is heavily weed infested. Most banksia species are short lived and are sensitive to any disturbance. The Nuytsia floribundas are also sensitive to disturbance and reliant on a healthy understorey for survival.

The WAPC requires 10% of the gross subdividable area to be set aside as POS. A 2800m<sup>2</sup> area of POS is therefore required to be set aside as part of the proposed subdivision. An area of this size is considered too small to successfully revegetate, particularly given the sensitivity of the existing upper storey. Small areas of native vegetation are often the subject of weed infestation and rubbish collection, creating unsightly areas, which are difficult to manage. Such areas are also likely to attract anti-social behaviour. The area is unable to be reticulated as the capacity of the bore servicing Falkland Park is already fully committed. It is recommended that cash-in-lieu be provided in place of POS in this instance.

The City believes that this area of Kinross is well serviced by POS (Falkland Park – 5.0038ha, Callander Park – 2.6197ha, Roxburgh Park – 0.65ha, Rutherglen Park – 0.4468ha). Callander Park, Rutherglen Park and Roxburgh Park all possess areas of native vegetation and are shown on Attachment 1.

### Views

There is no assurance, even if the rezoning does not proceed, that views will be maintained from adjoining properties. The subject land is currently reserved for high school purposes and therefore could be developed for such purposes.

### Intersection – Roxburgh Circle

In response to concerns from local residents with respect to the proposed intersection of the subdivisional road along the northern boundary of the proposed school site with Roxburgh Circle, the City requested the proponents to provide the City with further subdivision design options for its consideration. Following the preparation of these, a workshop was held to determine the suitability of the various options. This was attended by representatives of the developers, their consultants, EDWA, concerned residents, relevant ward Councillors and City officers. The attached subdivision designs were derived from the workshop. Refer to **Attachments 4 and 5**. The strengths and weaknesses of these options are outlined below.

## Option A

### *Strengths*

- Number of intersections on existing roads (i.e. Roxburgh Circle and Kinross Drive) are kept to a minimum. Intersection opposite homes in Roxburgh Circle has been removed. Intersection on Roxburgh Place has been relocated opposite existing intersection.
- Subdivision road allows for good circulation of school traffic.
- Shorter street lengths promote lower vehicle speeds, which is desirable around schools.
- Lots have been orientated to overlook school and therefore provide passive surveillance.

### *Weaknesses*

- Lack of road interface along the entire length of the school's northern boundary. Doesn't allow for clear demarcation of school boundary. Reduces passive surveillance. Reduces amount of on-street parking bays.
- School traffic will utilise proposed north-south residential subdivisional road.
- Council's PAW Policy states that due to the variety of problems which may be experienced by people living adjacent to PAWs, the creation of new PAWs is generally not supported. It does acknowledge however that there may be instances where the creation of PAWs is the only solution to providing a convenient and legible pedestrian movement. In these instances, a new PAW may be created subject to the requirements set out in Council's Policy.
- Whilst the pedestrian accessway (PAW) is not desirable, it is acknowledged that this, in addition to the access to the lots, does provide some demarcation of the school boundary.
- Creation of landscaped median island on Roxburgh Circle will create an access barrier to adjoining properties and is therefore not supported. Landscaping should be limited to appropriately spaced street trees. Existing road pavement will need to be widened to accommodate this.

## Option B

### *Strengths*

- Road interface provided along entire length of school's northern boundary. Allows for clear demarcation of school boundary. Allows for the number of on-street parking bays to be maximised (a significant number of on-street bays are proposed to be lost as a result of the proposed subdivision). Allows for passive surveillance.
- Number of intersections on existing roads (i.e. Roxburgh Circle and Kinross Drive) are kept to a minimum. Intersection opposite homes in Roxburgh Circle has been removed.

### *Weaknesses*

- Not all lots have been orientated to overlook the school and therefore provide passive surveillance.
- Proposed cul-de-sac on Roxburgh Circle does not allow for good circulation of school traffic. This may promote an undesirable number of U-turns by school generated traffic similar to the existing road pattern..

- Bus stop lies adjacent to proposed intersection on the eastern side of Kinross Drive. This is considered undesirable. Bus stop will need to be relocated.
- Creation of landscaped median island on Roxburgh Circle will create an access barrier to adjoining properties and is therefore not supported. Landscaping should be limited to appropriately spaced street trees. Existing road pavement will need to be widened to accommodate this.

As option A allows for better circulation of school traffic, this is considered to be the preferred option.

### DEP Advice

#### *Groundwater*

The Water and Rivers Commission advises that it has no objection to the amendment.

#### *Vegetation*

As outlined above, the City has inspected the existing vegetation on the subject land and believes that it is in a degraded condition and not worthy of retention. The subject area is considered too small to successfully revegetate.

### Legal Agreement

Council at its 12 June 2001 meeting (CJ185-06/01) resolved to advise the applicant that a legal agreement between the City and EDWA would need to be finalised with respect to the use of the adjoining POS prior to the finalisation of the amendment.

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

For the reasons outlined above, it is recommended that the amendment be adopted for final approval, without modification, and that subdivision design option 'A', having a greater number of strengths, be endorsed as the preferred design.

### **VOTING REQUIREMENTS**

Simple Majority

### **MOVED Cr Hollywood, SECONDED Cr Kadak that Council:**

- 1** pursuant to Town Planning Regulation 17 (2) **ADOPTS Amendment No 8 to the City of Joondalup's District Planning Scheme No 2 without modification;**
- 2** **NOTES the submissions received;**
- 3** **AUTHORISES the affixation of the Common Seal to, and endorses the signing of the amendment documents.**

#### **4 ENDORSES subdivision design option 'A' as the preferred design.**

To queries raised by Cr Baker, Cr Hollywood advised there were two public workshops held with local residents; 22 attendees at the first meeting and 15 attendees at the second meeting.

Director, Planning and Development gave an explanation of the consultation process.

**The Motion was Put and**

**CARRIED**

*Appendix 14 refers*

To access this attachment on electronic document, click here: [Attach14brf050202.pdf](#)

### **CJ023 – 02/02 AMENDMENT NO. 11 TO DISTRICT PLANNING SCHEME NO. 2 - PORTION LOT 9000 – CORNER SELKIRK AND CONNOLLY DRIVES, KINROSS (KINROSS NEIGHBOURHOOD CENTRE) – [58472]**

**WARD** – North Coastal

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#### **PURPOSE**

Amendment No. 11 to District Planning Scheme No. 2 (DPS 2) is brought before Council for consideration of adoption for final approval.

#### **EXECUTIVE SUMMARY**

Amendment No. 11 proposes to rezone a portion of Lot 9000, on the corner of Selkirk Drive and Connolly Drive, Kinross (Kinross Neighbourhood Centre), from 'Residential', 'Business', 'Commercial' and 'Civic and Cultural' zones to the 'Centre' zone, and to uncode the land, currently coded 'R20' and 'R40'. **(Attachments 1 & 2)**

The rezoning is being sought to facilitate the relocation and redesign of the Kinross Neighbourhood Centre as the existing zoning and coding of the site restricts this. The applicant advises that the Centre needs to be relocated and redesigned in order to increase its exposure and to reflect current urban design principles ('main street principles').

Under the Centre zone, no subdivision and development is permitted, unless a Structure Plan is prepared and adopted in accordance with Part 9 of the Scheme, and the proposed subdivision and development is in accordance with that Structure Plan. The applicant has prepared a Structure Plan for the site and this is the subject of a separate report to this Council meeting.

Council adopted Amendment No. 11 at its meeting on the 9 October 2001 (CJ352-10/01 refers) in order to proceed with advertising the proposal. The amendment was advertised for a period of 42 days from 7 November 2001 to 19 December 2001. At the close of advertising, six submissions were received, one from a community member and five from government agencies.

The submission received from a community member expressed concern with respect to the proposed commercial land use for the site. The submissions received from government agencies expressed no objections to the amendment.

The site has clearly been zoned for these purposes all along and this amendment is to facilitate improved design. A portion of the subject site is already zoned for Commercial purposes and is identified in the City's Centres Strategy as a Village Centre. The amendment does not propose any new land uses for the site, it merely allows for the centre to be relocated and redesigned through the structure planning process.

It is recommended that Council adopts Amendment No. 11 to DPS 2 for the purpose of rezoning a portion of Lot 9000, on the corner of Selkirk Drive and Connolly Drive, Kinross (Kinross Neighbourhood Centre), from 'Residential', 'Business', 'Commercial' and 'Civic and Cultural' zones to the 'Centre' zone, and to uncode the land, without modification.

## BACKGROUND

<b>Suburb/Location:</b>	Kinross
<b>Applicant:</b>	Taylor Burrell on behalf of Peet & Co
<b>Owner:</b>	Burns Beach Management Pty Ltd
<b>Zoning:       DPS:</b>	Residential (R40), Business (R20), Commercial (R20), Civic and Cultural (R20)
<b>                  MRS:</b>	Urban
<b>Strategic Plan:</b>	<u>Key Result Area - Lifestyle</u> <i>Strategy 2.1</i> – Rejuvenate our suburbs <i>Strategy 2.3</i> – Foster opportunities for cultural development and involvement <i>Strategy 2.5</i> – Work with the community and key organisations to enhance safety and security <i>Strategy 2.7</i> – Encourage provision of a range of innovative and quality facilities, services and recreational activities which achieve the physical, social, cultural and intellectual well-being of the community, both locally and regionally. <u>Key Result Area – Economic Vitality</u> <i>Strategy 3.1</i> – Establish alliances with key stakeholders to identify opportunities to encourage and promote economic growth.

The Kinross Neighbourhood Centre is bound by Connolly Drive and Residential (R20) land to the west, public open space to the north, MacNaughton Crescent and Residential (R20) land to the east, and Selkirk Drive and Residential (R25 and R40) land to the south.  
**(Attachments 1 & 2)**



## Site History

The existing zoning of the site under the City's DPS 2 was derived from a concept plan for the Neighbourhood Centre, which was prepared by Hames Sharley in 1993, and a subdivision plan, which was conditionally approved by the WAPC on 30 June 1994. Neither of these plans have been implemented.

## Rationale

The applicant advises that the previously endorsed concept plan no longer reflects current urban design principles ('main street principles'), and places the Neighbourhood Centre in a location with poor exposure to the 'movement economy' (i.e. traffic along Connolly Drive). The applicant advises that there is a need for the Centre to be relocated and redesigned in order to improve its viability, and that this, in turn, will better guarantee an acceptable level of shopping service for the community.

The applicant advises that the existing zoning and coding of the site restricts the relocation and redesign of the Centre. It is therefore proposed to rezone the site to the 'Centre' zone under the City's DPS 2, and to relocate and redesign the Centre through a Structure Plan. The applicant advises that the structure plan process is the best mechanism for this, as it avoids the need for further rezoning, should the design need to be modified in the future.

## The Centre Zone

The Centre Zone is intended to accommodate existing and proposed business centres varying in size from small neighbourhood centres to large multi-purpose regional centres and provides for the co-ordinated planning and development of these centres where the Council considers that an Agreed Structure Plan is necessary.

Under the Centre Zone, no subdivision and development is permitted, unless a Structure Plan is prepared and adopted in accordance with Part 9 of the Scheme, and the proposed subdivision and development is in accordance with that Structure Plan.

Schedule 3 of DPS 2 restricts the retail net lettable area of the subject Centre to 3000m<sup>2</sup>. This is proposed to be modified however as part of Amendment No. 10 to the City's DPS 2 to, below 4500m<sup>2</sup>, with the following notation, "*generally Village Centres over 3000m<sup>2</sup> or expansion to over this figure will not be supported unless it can be shown there is a need and that the proposed expansion will be based on 'mainstreet' shopping principles.*"

## Previous Council Decisions

The subject amendment was considered at Council's 9 October 2001 meeting (CJ352-10/01 refers) where it was resolved to adopt it for the purposes of advertising.

## DETAILS

Following adoption of the amendment at Council's October 2001 meeting, the amendment was forwarded to the Department of Environmental Protection (DEP) for consideration of the need for environmental assessment. The DEP advised assessment is not required.

## **Consultation**

Following receipt of the above advice from the DEP, the amendment was advertised for a period of 42 days, commencing on 7 November 2001 and ending on 19 December 2001. Six submissions were received during this time, one from a community member and five from government agencies. The submission received from a community member expressed concern with respect to the proposed commercial use of the site. The submissions received from government agencies expressed no objection to the amendment. The submissions have been summarised and addressed in **Attachment 3**.

## **Statutory Provision**

The Town Planning Regulations 1967 set out the procedure for amendments to local government's Town Planning Schemes. The procedure is summarised at **Attachment 4** and the current stage of the amendment has been highlighted.

## **Policy Implications**

### **City of Joondalup's Centres Strategy (adopted as Council Policy)**

The City's Centres Strategy sets out the City's desired approach to the distribution, size and nature of Centres within the City of Joondalup.

The Strategy identifies the subject Centre as a Village Centre. With respect to Village Centres, the Centres Strategy recommends that:

- The Council progressively include Village Centres and peripheral areas, about 100 metres wide, in a 'Centre' zone in the Town Planning Scheme as structure plans are approved.
- The Council consider any proposals for expansion of a Centre or the establishment of mixed business in peripheral areas in the context of an approved structure plan based on 'main street' principles.

### **WAPC's Statement of Planning Policy No. 9 – Metropolitan Centres Policy Statement for the Perth Metropolitan Region**

The principal purpose of the policy is to provide a broad regional planning framework to coordinate the location and development of retail and commercial activities in the metropolitan region. It is mainly concerned with the location, distribution and broad design criteria for the development of commercial activities at the regional and district level. Local Planning Strategies prepared by local governments will provide more detailed guidance for planning and development control at the local level.

## **Strategic Implications**

The redesign and relocation of the Kinross Neighbourhood Centre will increase its exposure and ensure that it reflects current urban design principles, thereby having economic and lifestyle benefits.

## COMMENT

Whilst concern has been expressed regarding the landuse, the site has been zoned for these specific purposes all along. A portion of the subject site is already zoned for Commercial purposes and the City's Centres Strategy recognises it as a Village Centre. The amendment does not propose any new land uses for the site, it merely facilitates the redesign of the centre through the structure planning process.

The redesign of the centre, by way of increasing its exposure and ensuring that it reflects current urban design principles, will be beneficial to future businesses within the centre and to the local community. It is accordingly recommended that the amendment be adopted for final approval, without modification.

## VOTING REQUIREMENTS

Simple Majority

### **MOVED Cr Hollywood, SECONDED Cr Carlos that Council:**

- 1** pursuant to Town Planning Regulation 17(2) **ADOPTS Amendment No 11 to the City of Joondalup's District Planning Scheme No 2 without modification;**
- 2** **NOTES the submissions received;**
- 3** **AUTHORISES the affixation of the Common Seal to, and endorses the signing of the amendment documents.**

**The Motion was Put and**

**CARRIED**

*Appendix 15 refers*

*To access this attachment on electronic document, click here: [Attach15brf050202.pdf](#)*

**CJ024 - 02/02 PROPOSED STRUCTURE PLAN - PORTION LOT 9000 – CORNER SELKIRK AND CONNOLLY DRIVES, KINROSS (KINROSS NEIGHBOURHOOD CENTRE) – [58472]**

**WARD – North Coastal**

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## PURPOSE

The proposed structure plan is brought before Council for consideration prior to advertising in accordance with the provisions of District Planning Scheme No.2. (Attachment 1)

## EXECUTIVE SUMMARY

The structure plan refers to the Kinross Neighbourhood Centre, described as portion of Lot 9000, on the corner of Selkirk Drive and Connolly Drive, Kinross (Attachment 2).

Amendment No.11 rezones the subject land from ‘Residential’, ‘Business’, ‘Commercial’ and ‘Civic and Cultural’ zones to the ‘Centre’ zone and removes the Residential Density coding of the site. The amendment has been advertised and is the subject of a separate report to this Council meeting.

The amendment is being sought to facilitate the relocation and redesign of the Kinross Neighbourhood Centre as the existing zoning and coding of the site restricts this. The applicant advises that the Centre needs to be relocated and redesigned in order to increase the Centre’s exposure and to reflect current urban design principles (‘main street principles’).

Under the Centre zone, no subdivision and development is permitted, unless a Structure Plan is prepared and adopted in accordance with Part 9 of the Scheme, and the proposed subdivision and development is in accordance with that Structure Plan.

The structure plan determines the overall detailed land use and form of development within the Neighbourhood Centre. The subject land is divided into the following three land use areas, Residential, Civic and Cultural and Commercial and specific objectives and criteria are set out for each land use. Essentially the structure plan provides the rationale and framework to support future subdivision and development of the land.

It is recommended that in accordance with Part 9 of DPS2 it be determined that the structure plan is satisfactory, that a copy be sent to the Western Australian Planning Commission and that it be advertised for twenty eight (28) days.

## BACKGROUND

<b>Suburb/Location:</b>	Kinross
<b>Applicant:</b>	Taylor Burrell on behalf of Peet & Co
<b>Owner:</b>	Burns Beach Management Pty Ltd
<b>Zoning:</b>	<b>DPS:</b> Residential (R40), Business (R20), Commercial (R20), Civic and Cultural (R20)
	<b>MRS:</b> Urban
<b>Strategic Plan:</b>	<p><u>Key Result Area – Lifestyle</u></p> <p><i>Strategy 2.1</i> – Rejuvenate our suburbs</p> <p><i>Strategy 2.3</i> – Foster opportunities for cultural development and involvement</p> <p><i>Strategy 2.5</i> – Work with the community and key organisations to enhance safety and security</p> <p><i>Strategy 2.7</i> – Encourage provision of a range of innovative and quality facilities, services and recreational activities which achieve the physical, social, cultural and intellectual well-being of the community, both locally and regionally.</p> <p><u>Key Result Area – Economic Vitality</u></p> <p><i>Strategy 3.1</i> – Establish alliances with key stakeholders to identify opportunities to encourage and promote economic growth.</p>

## **Site History**

A previous plan for the development of the Neighbourhood Centre was prepared in 1993 by Hames Sharley, in consultation with the City. The existing zoning of the site reflects that plan.

## **Rationale**

The applicant advises that the previously endorsed concept plan no longer reflects contemporary design principles ('main street principles'), and places the Neighbourhood Centre in a location with poor exposure to the 'movement economy' (i.e. traffic along Connolly Drive). The applicant advises that there is a need for the Centre to be relocated and redesigned in order to improve its viability, and that this, in turn, will better guarantee an acceptable level of shopping service for the community.

## **The Centre Zone**

The Centre Zone is intended to accommodate existing and proposed business centres varying in size from small neighbourhood centres to large multi-purpose regional centres and provides for the co-ordinated planning and development of these centres where the Council considers that an Agreed Structure Plan is necessary.

Under the Centre Zone, no subdivision and development is permitted, unless a Structure Plan is prepared and adopted in accordance with Part 9 of the Scheme, and the proposed subdivision and development is in accordance with that Structure Plan.

## **Previous Council Decisions**

The associated amendment No.11 was considered at Council's meeting of 9 October 2001 where it was resolved to adopt it for advertising.

## **DETAILS**

The structure plan refers to the Kinross Neighbourhood Centre, described as portion of Lot 9000, on the corner of Selkirk Drive and Connolly Drive, Kinross. Amendment No.11 rezones the subject land from 'Residential', 'Business', 'Commercial' and 'Civic and Cultural' zones to the 'Centre' zone and removes the Residential Density coding of the site. The amendment has been advertised and is the subject of a separate report to this Council meeting.

The amendment is being sought to facilitate the relocation and redesign of the Kinross Neighbourhood Centre as the existing zoning and coding of the site restricts this. The applicant advises that the Centre needs to be relocated and redesigned in order to increase the Centre's exposure and to reflect current urban design principles ('main street principles').

The structure plan determines the overall detailed land use and form of development within the Neighbourhood Centre. The subject land is divided into the following three land use areas, Residential, Civic and Cultural and Commercial and specific objectives and criteria are set out for each land use. Essentially the structure plan provides the rationale and framework to support future subdivision and development of the land.

## **Consultation**

Proposed to advertise the structure plan for comment.

## **Statutory Provision**

Part 9 of DPS2 outlines the provisions with respect to the preparation of structure plans. Clause 9.4 outlines the procedures relating to the submission of a structure plan to Council and for consideration prior to advertising.

## **Policy Implications**

### City of Joondalup's Centres Strategy (adopted as Council Policy)

The City's Centres Strategy sets out the City's desired approach to the distribution, size and nature of Centres within the City of Joondalup.

The City's Centres Strategy identifies the subject Centre as a Village Centre. With respect to Village Centres, the Centres Strategy recommends that:

- The Council progressively include Village Centres and peripheral areas, about 100 metres wide, in a 'Centre' zone in the Town Planning Scheme as structure plans are approved.
- The Council consider any proposals for expansion of a Centre or the establishment of mixed business in peripheral areas in the context of an approved structure plan based on 'main street' principles.

### WAPC's Statement of Planning Policy No. 9 – Metropolitan Centres Policy Statement for the Perth Metropolitan Region

The principal purpose of the policy is to provide a broad regional planning framework to coordinate the location and development of retail and commercial activities in the metropolitan region. It is mainly concerned with the location, distribution and broad design criteria for the development of commercial activities at the regional and district level. Local Planning Strategies prepared by local governments will provide more detailed guidance for planning and development control at the local level.

## **Strategic Implications**

The redesign and relocation of the Kinross Neighbourhood Centre will increase its exposure and ensure that it reflects current urban design principles, thereby having economic and lifestyle benefits.

## **COMMENT**

The relocation and redesign of the centre, by way of increasing its exposure and ensuring that it reflects current urban design principles, will be beneficial to future businesses within the centre and to the local community.

The Structure Plan essentially provides the rationale and framework to support future subdivision and development of the land.

It is recommended that in accordance with Part 9 of DPS2 it be determined that the structure plan is satisfactory, send a copy to the Western Australian Planning Commission, and advertise it for twenty eight (28) days.

## **VOTING REQUIREMENTS**

Simple Majority

### **MOVED Cr Hollywood, SECONDED Cr Walker that Council:**

- 1** pursuant to Clause 9.4 of the City of Joondalup District Planning Scheme No 2, **ADOPTS** the draft Kinross Neighbourhood Centre Structure Plan and make it available for public comment for a period of twenty eight (28) days;
- 2** **FORWARDS** a copy of the Kinross Neighbourhood Centre Structure Plan to the Western Australian Planning Commission for comment.

**The Motion was Put and**

**CARRIED**

*Appendix 16 refers*

*To access this attachment on electronic document, click here: [Attach16brf050202.pdf](#)*

## **CJ025 - 02/02      MODIFICATION OF JOONDALUP CITY CENTRE STRUCTURE PLAN (CAMPUS DISTRICT) – [52070]**

**WARD** – Lakeside

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### **PURPOSE**

The purpose of the report is for Council to consider a number of modifications to the Joondalup City Centre Structure Plan (Campus District) following the Western Australian Planning Commission (WAPC) decision to require additional modifications be made.

### **EXECUTIVE SUMMARY**

Council adopted modifications to the Joondalup City Centre (Campus District) Structure Plan at its meeting on 13 February 2001 (CJ022-02/01 refers). The structure plan was referred to the WAPC where it was adopted on 12 December 2001, subject to a number of further modifications:

- The inclusion of guidelines for all lots in the Campus District area.
- Amend the plan contained in Part 1 ‘Statutory Planning Section’ to clearly identify the boundaries of the structure plan area.
- The replacement of the indicative subdivision plan in Appendix 3 with the amended plan of subdivision approved by the WAPC on 11 December 2001.

The proposed design guidelines address a number of design issues that effect residential lots abutting Lakeside Drive (Attachment 1). These guidelines are required to form part of a conditional approval of subdivision for the ‘University Village’ (WAPC approval date on 11 December 2001). Additional changes require the indicative subdivision plan to be replaced with the approved plan of subdivision for the area (see Attachments 2 and 3), and to more clearly define the boundary (see Attachments 4 and 5).

It is recommended that the proposed modifications to the Joondalup City Centre Structure Plan (Campus District) be advertised for public comment.

## **BACKGROUND**

<b>Suburb/Location:</b>	Joondalup City Centre
<b>Applicant:</b>	Taylor Burrell Town Planners and Designers
<b>Owner:</b>	LandCorp
<b>Zoning:</b>	<b>DPS:</b> Centre Zone
	<b>MRS:</b> City Centre
<b>Strategic Plan:</b>	<u>Lifestyle – Strategy 2.6</u> Promote and enjoy lifestyles that engender Environmental, Social and Economic balance.

## **Previous Council Decision**

At its meeting on 13 February 2001, Council adopted modifications to the Joondalup City Centre Structure Plan (Campus District) following advertising to the public for a 28-day period.

The modifications provide particular guidance with respect to the subdivision/development of a portion of land within the southeast section of the Campus District area referred to as the ‘University Village’. This area is mainly for residential purpose but includes a small mixed use/residential area located on the corner of Lakeside Drive and Joondalup Drive.

## **WAPC Decision**

The modifications to the Structure Plan were referred to the WAPC on 20 February 2001 and adopted on 12 December 2001, subject to a number of further modifications:

- The inclusions of guidelines for all lots in the ‘University Village’ area.
- Amend the plan contained in Part 1 ‘Statutory Planning Section’ to clearly identify the boundaries of the structure plan area.
- The replacement of the indicative subdivision plan in Appendix 3 with the amended plan of subdivision approved by the WAPC on 11 December 2001.



## **DETAIL**

### **Current Proposal or Issue**

The additional design standards have been requested as part of the WAPC subdivision approval for the 'University Village' on 11 December 2001 to ensure that the building design on lots abutting lakeside drive address both Lakeside Drive and secondary street frontage. Inclusions to Part 1 of the Joondalup City Centre Structure Plan (Campus District) are:

- Provision of a 1.0m minimum and 3m maximum front setback for all residential lots within 'University Village'. For lots abutting Lakeside Drive that have dual street frontage, primary frontage is determined as being Lakeside Drive.
- Minimum 2.0m setback for carports/garages to streets, with all other buildings having a minimum setback of 1.5m.
- Provisions that requires all dwellings to have clearly identifiable entrances, with lakeside drive lots having entrances for both primary and secondary street frontage. Entrance structures are to have maximum height, width and setback.
- Provision of minimum fencing standards for all lots in the subdivision area and additional standards to address the secondary street frontage for Lakeside Drive lots.
- Inclusion of minimum building height for Lakeside Drive lots and maximum height of two storeys for Residential/Mixed Use and Institutional Uses.

The above standards have been included in Part 1 of the Joondalup City Centre Structure Plan (Campus District), (Attachment 1) to improve both the administration and application of the guidelines.

The replacement of the 'Indicative Plan of Subdivision' in Appendix 3 with the amended plan of subdivision approved by the WAPC on 11 December 2001 (see Attachments 2 and 3) and modifications to the plan in Part 1 (see Attachments 4 and 5) are both minor changes to the Structure Plan recognising progress of the subdivision design and improving its legibility.

### **Statutory Provision**

The modifications to the Structure Plan have been submitted and assessed in accordance with Part 9 of the Scheme. The WAPC has examined the Joondalup City Centre Structure Plan (Campus District) and has resolved to adopt the structure plan subject to a number of modifications.

In accordance with clause 9.6.3(c) of the Scheme the proponent has made the necessary changes in consultation with Council and has resubmitted the modifications for consideration under clause 9.4. Should Council determine that the modifications are satisfactory, the proposal will be advertised for public comment in accordance with clause 9.5 of the Scheme.

Upon completion of advertising Council is required to review all submissions within sixty (60) days and then proceed to either refuse to adopt the modifications to the structure plan or resolve that the modifications to the structure plan are satisfactory with or without changes.

## COMMENT

### Assessment and Reasons for Recommendation

The proposed design guidelines address a number of design issues that affect residential lots abutting Lakeside Drive. These guidelines are required to form part of the Joondalup City Centre Structure Plan (Campus District) as required by a condition of subdivision approval for the ‘University Village’ (WAPC approval date on 11 December 2001). Additional modifications are minor, requiring the indicative subdivision plan to be replaced with the approved plan of subdivision for the area, and to more clearly define the boundary.

The plans for the area show the adjoining Edith Cowan University (ECU) land as proposed student housing. It is envisaged that the student housing should have the same character as proposed for this subdivision and that guidelines for the area will be developed in conjunction with ECU as the Structure Plan is further developed.

It is recommended that proposed modifications to the Joondalup City Centre Structure Plan (Campus District) be advertised for public comment.

## VOTING REQUIREMENTS

Simple Majority

**MOVED Cr Kadak, SECONDED Cr Rowlands that Council in accordance with clause 9.4 of the City of Joondalup’s District Planning Scheme No 2 ADOPTS the draft modifications to the Campus District Structure Plan and make it available for public comment for 28 days.**

**The Motion was Put and**

**CARRIED**

*Appendix 17 refers*

*To access this attachment on electronic document, click here: [Attach17brf050202.pdf](#)*

**CJ026 - 02/02      CONCEPT PLAN FOR CARINE GLADES TAVERN -  
REFURBISHMENT PROPOSAL, LOT 12 (493) BEACH  
ROAD, DUNCRAIG – [05518]**

**WARD – South Coastal**

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## PURPOSE

To gauge the level of Council’s support for an evolving concept for the refurbishment and upgrading of the Carine Glades Tavern.

## EXECUTIVE SUMMARY

Council deferred consideration of a development application for refurbishment and upgrading of the tavern in November 2001. The development application had been the subject of design amendments, planning analysis and public submissions, all of which resulted in a number of issues arising. The identified issues of concern are summarised as:

- 1 Intensity of use and future management strategy;
- 2 Proximity of residential areas and amenity impact; and
- 3 Technical conformity with development standards.

The applicant has participated in a forum with local residents and has taken advice from officers of the City and the Office of Racing and Gaming (Liquor Licensing Division) with a view to ameliorating concerns.

The outcome has been the development of preliminary concepts, which foreshadow a re-design of the November 2001 development application.

The applicant has not provided sufficient detail to support the issue of any form of approval at this time. That said, the applicant requests an indication of support for the concepts that have been developed.

It is recommended that the positive elements in the new concept plan, together with a proposed limitation on patronage warrant Council's preliminary support for the new concept. Further detailed design development is required to give confidence to the Council to issue a formal determination for the proposal.

## BACKGROUND

<b>Suburb/Location:</b>	493 Beach Road, Duncraig
<b>Applicant:</b>	Sistaro P/L (Mr Brian Higgins)
<b>Owner:</b>	Sistaro P/L
<b>Zoning:</b>	<b>DPS:</b> Commercial
	<b>MRS:</b> Urban

Proposals for the refurbishment of the tavern have been considered over a number of years (1994, 1998, and 2000). Negotiations between the owners and the Council have at times been protracted during this process. The outcome has been that refurbishment of the tavern has not occurred.

Previous applications have all shown that key recurring issues have emerged relating to:

1. Size of a potential new "beer garden" area;
2. Likely building occupancy (numbers);
3. Demand for car parking space; and
4. Amenity impact upon residential neighbours.

During this period, residential development has intensified in the Carine Glades Residential Estate (which abuts the eastern boundary of the tavern site). Noise complaints from residents have occurred spasmodically in the recent past. The Liquor Licensing Division has become involved in the noise issue (and has taken advice from the City), resulting in a noise-monitoring device being placed within the premises (as a condition of the liquor licence) for the tavern.

In late 2000, negotiations with the owner recommenced with a view to a fresh proposal. Plans were developed, incorporating new alfresco areas and refurbishment of the tavern interior. Analysis indicated that building occupancy would be increased by the changes and impacts would be highly dependent upon the management approach and usage of areas both inside and outside the tavern building (including the location of live music, standing areas, seating and dining areas etc). The alfresco areas were to be located to the North of the existing building, with activity contained by acoustic walls in a courtyard fashion.

The application was formalised during 2001. An acoustic report was commissioned and made available to document the likely noise impacts, particularly upon residents to the North and East. The West side of the tavern site abuts the Carine Glades Shopping Centre.

The proposal was advertised for public comment. The local population responded with 43 submissions and two petitions expressing concern at various elements of the proposal. Notably, the residents' group and applicant did retain open communication, and this has allowed the groups to work together to discuss issues arising from the tavern refurbishment proposal.

Concurrently, the residents and tavern owner made representations to the Liquor Licensing Director. An amendment to the Liquor Licence was required if the application was to be allowed by the Office of Racing and Gaming (Liquor Licensing Authority).

On 13 November 2001, Council considered the proposal and resolved to:

- 1 DEFER consideration of the application dated 28 June 2001, submitted by Scott Wilson, on behalf of Sistar Pty Ltd for the proposed internal refurbishment and new external garden court, bistro court, children's play area, toilet block, store and landscaping to the existing Carine Glades Tavern on Lot 12 (493) Beach Road, Duncraig, for a period of four weeks so the proponent and concerned local residents can meet and agree on a proposal that addresses the amenity impact on nearby residents, particularly in regard to noise intrusion and traffic issues;**
- 2 COMMIT to reconsider the proposal following receipt of a management plan addressing the concerns raised within Report CJ396-11/01, and the following general principles:**
  - (a) use of the al fresco area;**
  - (b) acoustic protection of adjoining residential areas;**
  - (c) flexibility of the management arrangements, including use of areas, opening of the building, day to day regulation of patronage and hours of operation;**

- (d) potential to develop a management plan defining and committing to appropriate uses of areas, management techniques, and response to concerns;**

**3 ADVISES the submitters of the Council's decision.**

**DETAILS**

Various issues have progressed as a result of the November resolution:

1. In relation to point 1 above, the applicant was unable to resolve issues with the residents within the 4 week period, despite his apparent best endeavours. The revised concept evolved as a result of those discussions (appended as Attachment 1 Page 2).
2. In relation to point 2, separate meetings have been held with the applicant, City officers and interested residents to discuss management issues and requests for appropriate strategies. A summary report was produced (to accompany the concept plan) by the applicant to document outcomes from discussions with the residents' group.
3. The City has responded to the concept (in writing) with suggestions for details that should be incorporated if the concept is to be detailed to a suitable development application.
4. The Director Liquor Licensing has issued a determination on maximum permissible building capacity, which would assist with defining future management requirements. Proposed patronage has evolved during the process as follows:
  - (a) City of Joondalup Approved Occupancy (approved by public building certification) - maximum set at **530** persons;
  - (b) September 2001 Development Application - maximum proposed 834 persons, then reduced to **790** persons during negotiations;
  - (c) Residents' submission lodged December 2001 – limit requested of **570** persons, with additional request for beer garden area to be deleted; and
  - (d) Liquor Licensing Director determination (11 January 2002) suggests a limitation of **630** persons be imposed, with no more than 410 persons in the combined lounge and beer garden area.

**Concept Plan Elements**

The development application site plan (considered in November 2000 – Attachment 1 Page 1) and concept plan (developed in December 2001- Attachment 1 Page 2) are appended, for comparison and ease of reference.

The concept plan foreshadows the following changes:

Outdoor/alfresco areas

1. A new indoor band and live entertainment area on the West side of the building (adjacent to the shopping centre);
2. An adjoining outdoor lounge court on the South West side of the building (notionally sketched at approximately 100m<sup>2</sup> in area);
3. Deletion of the restaurant bistro court on the North and East sides of the tavern;
4. Reduction in the size of alfresco areas on the North side of the tavern; and
5. New bottle shop extending East from the front of the building.

### Internal alterations

1. Creation of a function room in the North East corner of the building;
2. Expansion of the lounge bar at the South West corner of the building to link with new alfresco area; and
3. New sports bar in existing bottle shop area and bottle shop relocation to the extended building.

The conclusion is that outdoor activity areas have been moved away from the residents and that there may be potential for the building bulk to provide an additional acoustic buffer to noise transmission to the East.

The expansion does, however, result in similar floor space, as was proposed in the Development Application, despite the building occupancy limits proposed by the Director Liquor Licensing.

### Residents' Group Comments

The residents have become well organised to present opinions concerning the ongoing management, and potential alterations to the tavern. The residents' group has incorporated some comments in the submission (placed in the Councillor's Reading Room) and has supplemented that written information with a meeting held on 18 January 2002.

The following resident concerns emerged from that meeting:

- (a) Scale of Operation: The residents were concerned at the potential building occupancy afforded by the generous floor area. The residents have requested a limit of 570 persons in the facility.
- (b) Noise: The residents wish that noise be monitored by independent devices (that cannot be adjusted) within the building. A further request was made for the noise issue to be managed with key tavern staff able to be contacted at all times, and immediate response to complaints.

It was requested that the restaurant area not be allowed to house live bands and that amplified music not be permitted.

It was requested that the beer garden be restricted to a maximum of 80 patrons.

- (c) Parking: The extent of on-site parking was not agreed by the residents' group.

The preliminary concerns were expressed as being subject to further consideration of a detailed proposal.

### **COMMENT**

There is no formal process that allows Council to issue planning approval "in principle". Previous case law indicates that it is not advisable to express "approval in principle" without sufficient detail being available to give surety to a determination. In this case the applicant seeks a preliminary show of support to give confidence to proceed to a development application.

The documentation of the following details is a key to the potential for success of this proposal and integration into the intended location.

Key details need to be developed from the December concept as follows:

1. Occupancy of individual areas should be stipulated;
2. Acoustic modelling report required,
3. Site planning details required, including car parking,
4. Plans and elevations required, and
5. Management commitments (provided incrementally by the applicant over previous months) require consolidation into revised development application.

Significant guidance and dialogue with City officers has occurred throughout the process of developing the concept plan. A letter was sent to the applicant (19 December 2001) to summarise issues that require further consideration as the application is redeveloped. The correspondence is appended as Attachment 1 Page 3.

The proposed building occupancy limit of 630 persons may be considered to be reasonable in the context of the application and the indicated areas for outdoor activity. However, acoustic modelling would be required to determine the suitability of a detailed proposal.

There also appears scope to accommodate additional parking (if required to meet demand), but this will also require further documentation, taking into account the plans to extend and reconfigure the building.

The concept represents an improvement in terms of siting of the proposed extensions and the potential to minimise intrusion on neighbours. Concerns remain that, in the event of the proposal being managed without consideration for neighbours, significant amenity intrusion could occur. The consolidation of a management plan (to the Council's satisfaction) and future adherence to it are critical to the success of the proposal.

**OFFICER'S RECOMMENDATION: That Council:**

- 1 EXPRESSES its optimism that a revised development application, based on the concept dated 5 December 2001, has the potential to offer a more suitable siting arrangement than the proposal lodged in September 2001, and invites the lodgement of a detailed application addressing the points raised within this Report, for subsequent determination;
- 2 ADVISES the applicant that the determination of an application for development approval will be made independently of the preliminary views expressed in response to the December 2000 concept plan.

**MOVED Cr Patterson, SECONDED Cr Kenworthy that Council:**

- 1 **ACKNOWLEDGES the efforts of the proponent and the Carine Glades Residents Committee in working together to resolve any outstanding issues to the proposed redevelopment of the Carine Glades Tavern;**

- 2 EXPRESSES support for the lodgement of a new development application by the proponent, which if it meets all relevant concerns of the local residents and the Liquor Licencing Board, will be determined in accordance with City of Joondalup planning guidelines and all other relevant legislation.**

Discussion ensued.

*During discussion, Cr Hollywood left the Chamber at 2050 hrs and returned at 2052 hrs.*

**AMENDMENT MOVED Cr Baker, SECONDED Cr Mackintosh that an additional Point 3 be added as follows:**

- “3 the applicant/owner/developer DOES NOT in any way misconstrue Council’s decision as being an approval.**

Cr Mackintosh congratulated Mr Brian Higgins for his excellent presentation on this issue at the Deputation Session earlier this evening.

**The Amendment was Put and**

**CARRIED**

**The Original Motion, as amended, being:**

**That:**

- 1 Council ACKNOWLEDGES the efforts of the proponent and the Carine Glades Residents Committee in working together to resolve any outstanding issues to the proposed redevelopment of the Carine Glades Tavern;**
- 2 Council EXPRESSES support for the lodgement of a new development application by the proponent, which if it meets all relevant concerns of the local residents and the Liquor Licencing Board, will be determined in accordance with City of Joondalup planning guidelines and all other relevant legislation;**
- 3 the applicant/owner/developer DOES NOT in any way misconstrue Council’s decision as being an approval.**

**was Put and**

**CARRIED**

*Appendix 19 refers*

*To access this attachment on electronic document, click here: [Attach19brf050202.pdf](#)*

*Cr Kimber stated his intention to declare an interest which may affect his impartiality in Item CJ027-02/02 – Proposed Fire Station – Reserve 43210 Hepburn Avenue, Padbury as he is employed by the Fire and Emergency Service.*

*Cr Kimber was not present at this time.*



**CJ027 - 02/02      PROPOSED FIRE STATION - RESERVE 43210  
HEPBURN AVENUE, PADBURY – [57264]**

**WARD** – All

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**PURPOSE**

Council is requested to provide comments to the Western Australian Planning Commission (WAPC) on the proposed development of a fire station on Reserve 43210 Hepburn Avenue, Padbury.

**EXECUTIVE SUMMARY**

An application for the development of the fire station was submitted to the City on 17 December 2001 and subsequently forwarded to the WAPC who are the determining authority for this proposal.

Due the location of the subject site within the Hepburn Heights bushland, Council has previously considered the possibility of developing the station on City's Community Purpose Site in Blackwattle Parade. That option was the subject of numerous public submissions.

Notwithstanding, Council is required to consider the Development Application for the fire station as applied for by FESA (Fire and Emergency Services Authority of Western Australia).

In line with a previous Council resolution, it is recommended that the Department of Planning and Infrastructure (DPI) determine an appropriate strategy for the provision of essential services in the Hepburn Heights area and community consultation be undertaken by the DPI, prior to a decision being made on this proposal.

**BACKGROUND**

<b>Suburb/Location:</b>	Reserve 43210 Hepburn Avenue, Padbury
<b>Applicant:</b>	Sandover Pinder Architects
<b>Owner:</b>	Crown Land under the control of FESA
<b>Zoning:</b>	<b>DPS:</b> Local Reserves – Public Use
	<b>MRS:</b> Urban

FESA approached the City in mid 2001 with a view to development of the subject land. The land visually forms part of the Hepburn Heights bushland area, but has been designated for FESA purposes for several years.

Preliminary concerns were registered by some interested and nearby landowners. As a consequence, other options for the location of the facility were considered.

A proposal for the development of a fire station on the City's Community Purpose site in Blackwattle Parade was considered at Council's meeting held on 27 November 2001. It was resolved that Council:

- “1 *NOTES there is significant community opposition to the development of a fire station on the designated Fire and Emergency Services Authority site due to concern about damage to regionally significant bushland;*
- 2 *NOTES there is significant community opposition to the development of a fire station on the community purpose site on Blackwattle Parade due to concern about the impact on amenity of the surrounding residential area;*
- 3 *APPROACHES the Department of Planning and Infrastructure (DPI) to determine an appropriate strategy for the provision of these essential services (fire station and Western Power facilities) in the Hepburn Heights area.”*

## **DETAILS**

The Development Application includes the station building which consists of accommodation, exercise facilities, and an eight (8) bay car park. Two vehicle access points are proposed onto Hepburn Avenue. The station would operate on a 24 hour, five staff per shift basis. Plans of the proposal are attached for information (Attachment 1).

## **Statutory Provision**

The Development Application proposes that the fire station would gain vehicle access directly onto Hepburn Avenue. The affected section of Hepburn Avenue is a Category 1 road where direct access onto the road is not permitted. As a result the WAPC is the authority responsible for the determination of this proposal.

Council may provide advice or make a recommendation on the proposal within a 42 day period from the application being received. Due to the timing of the first Council meeting for 2002, a request has been made to the WAPC for an extension of time for Council to comment.

The FESA site is a crown reserve that has been set aside for the purpose of a Fire Station Site.

## **Consultation**

Community consultation has not been undertaken specifically in relation to the Development Application for the fire station. However, the possibility of using the City's Community Purpose site in Blackwattle Parade was advertised for a period of 28 days (refer Council Minutes 27/11/01). Significant opposition was received to the use of the Community Purpose site, with a total of 55 submissions received. Twenty-five submissions supported the proposal and 30 opposed, including a 249 signature petition. Supporters generally mentioned the need to preserve the bushland, while opponents generally mentioned the impact of the fire station (if sited on the Community Purpose site) on residential amenity.

Given the public interest and concern in relation to the proposed encroachment into the bushland, it is considered appropriate that the WAPC be requested to undertake public consultation, prior to any decision being made on this application.

The proposal has been referred to the EPA for assessment, however, due to the timeframe for Council's response to the WAPC, it is unlikely a response will be available. The EPA will therefore need to provide their comments to the WAPC. Previous comments from the EPA have indicated that the area is part of regionally significant bushland and unsuitable for development on conservation grounds.

## **COMMENT**

### **Technical Details**

#### Compliance with DPS2

The proposed fire station complies with the technical standards of DPS2, with the exception of portion of the front setback to the building. The setback is proposed to range from 6-7.6 metres in lieu of 9 metres. This is considered a minor variation in the context of the development and its location on Hepburn Avenue.

#### Traffic Management/Access

The existing traffic islands on Hepburn Avenue are proposed to be modified to accommodate right hand turns into and out of the station. In principle, no objection is raised to the proposed access onto Hepburn Avenue, however detailed drawings are required to ensure compliance with technical standards.

### **Impact on Amenity**

The subject site is located approximately 70 metres from the residential area located on the southern side of Hepburn Avenue and 190 metres from the residential area to the north of the Hepburn Heights bushland. The Hepburn Heights residential area is approximately 370 metres from the site.

Given the location of the fire station within the bushland area, its day to day operation is unlikely to have any impact on nearby residential areas. The PA system that is used to alert staff of a call is located within the building, however, the movement of fire appliances with associated lights and sirens may have an impact. FESA have indicated that the service gives due consideration to each station's location in order to minimise noise impacts on residential areas. For example, sirens/lights are only used when leaving the station if required to enter heavy traffic. Sirens would not be used in the early hours of the morning. Notwithstanding, it is considered that a management plan would be appropriate to ensure that the impact on nearby residential areas is minimised.

### **Conclusion**

FESA have pre-empted the City's approach to the DPI to determine an appropriate strategy for the provision of essential services in the Hepburn Heights area. Although the proposed fire station is capable of meeting required standards, the issue of the most suitable site for the provision of essential services in the area has not yet been addressed.

## **VOTING REQUIREMENTS**

Simple Majority

**MOVED Cr Rowlands, SECONDED Cr Walker that Council ADVISES the Western Australian Planning Commission that in regard to the proposed Fire Station on Reserve 43210 Hepburn Avenue, Padbury, it:**

- 1 RECOGNISES the intended purpose of the Reserve for FESA’s use;**
- 2 RECOGNISES the community concern in regard to development within the Hepburn Heights bushland;**
- 3 STRONGLY RECOMMENDS that the Department of Planning and Infrastructure undertakes community consultation on the proposal prior to any decision being made;**
- 4 REITERATES the request that the DPI determines an appropriate strategy for the provision of essential services in the Hepburn Heights area prior to a decision being made on this proposal;**
- 5 in the event that approval is granted, REQUESTS that the Western Australian Planning Commission consult the City in regard to appropriate development conditions and that the following issues be addressed:**
  - (a) a management plan be prepared for the operation of the fire station to ensure minimal impact on the amenity of nearby residential areas; and**
  - (b) detailed drawings be provided for to the City for approval for the proposed access onto Hepburn Avenue and modification of traffic islands.**

To a query raised by Cr Hollywood, Director, Planning and Development advised the Department of Planning and Infrastructure was the determining authority in this instance.

**The Motion was Put and**

**CARRIED**

*Appendix 20 refers*

*To access this attachment on electronic document, click here: [Attach20brf050202.pdf](#)*

**CJ028 - 02/02      REQUEST TO PURCHASE A PORTION OF BLOCK PLACE ROAD RESERVE FOR AMALGAMATION INTO LOT 525 (33) MAINSAIL DRIVE, OCEAN REEF – [01922]**

**WARD** – Marina

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**PURPOSE**

The purpose of this report is for Council to consider a request for the closure of approximately 28m<sup>2</sup> of undeveloped road reserve in Block Place, Ocean Reef.

**EXECUTIVE SUMMARY**

An application has been received from a representative of the owners of Lot 525 (33) Mainsail Drive, Ocean Reef to close approximately 28m<sup>2</sup> of Block Place, Ocean Reef that abuts their property. The applicants have advised the City that inclusion of this land area into their property will facilitate the design of their proposed building renovations. They state that their intention is to develop a three-car garage with adjoining utility room as per Attachment (1).

During the public comment period, three submissions were forwarded to the City strongly objecting to the proposal. The main points raised were that the property is large enough to develop the proposed addition without the inclusion of the subject road reserve and the loss of the view would mean devaluation of the affected properties. One landowner in Block Place telephoned the City advising that he did not object.

The land area of Lot 525 is 1107m<sup>2</sup> is considered to be of adequate size to accommodate a residential building and associated structures however, the subject area is undeveloped road reserve without any designated future purpose. (Attachments 2 and 3 are photographs of the subject area). If the request is supported and the development goes ahead as planned, a setback of 1.5 metres from the new boundary is a requirement and therefore the protrusion of the proposed structure would appear to have little impact on the amenity of the surrounding area. It is therefore recommended that Council supports the application.

**BACKGROUND**

<b>Suburb/Location:</b>	Ocean Reef
<b>Applicant:</b>	Mr David O'Brien
<b>Owner:</b>	Mr F and Mrs G Van Ruth
<b>Zoning:</b>	<b>DPS:</b> Residential
	<b>MRS:</b> Urban
<b>Strategic Plan:</b>	Lifestyle – Strategy 2.6 Promote and enjoy lifestyles that engender environmental, social and economic balance

## **DETAILS**

### **Road Closure Process**

A request can be made to close a portion of road for amalgamation with an adjoining property. The service authorities are asked to provide details of any service plant that may be within the road reserve that would be affected by the proposed closure and if it can be modified or removed to accommodate the request. All costs and conditions associated with service plant modification are to be met by the applicant if closure is the outcome.

The proposal is also forwarded to the Department of Planning and Infrastructure (DPI) for comment. If the service authorities and the DPI do not raise any objections that prevent the proposal from advancing, and the applicants have agreed to meet all associated costs and conditions, then the application can be advertised for public comment.

If Council supports a road closure application, all relevant documentation is forwarded to Department of Land Administration (DOLA) with a request to formally close the road. The Minister for Planning and Infrastructure makes the final decision on whether or not closure takes place.

### **Current Proposal or Issue**

A representative of the owners of Lot 525 (33) Mainsail Drive, Ocean Reef contacted the City requesting the closure and subsequent purchase of approximately 28m<sup>2</sup> of Block Place on their northern boundary. Following preliminary assessment the request was forwarded to the service authorities and the DPI for comment.

### **Statutory Provision**

Under Section 58 of the Land Administration Act 1997, closure of a portion of road is required to be advertised for 35 days by way of a notice in a local newspaper. Any objections received during the advertising period are to be considered by Council and if the closure is supported, all associated submissions are to be forwarded to the DOLA. DOLA also require other supporting documentation to be provided such as confirmation that the DPI has not objected to the proposal.

DOLA determines the purchase price to apply, arranges any easements and survey/graphic requirements and undertakes conveyancing. The purchase price is fixed by DOLA in consultation with the Valuer General and is usually the unimproved market value of the land.

### **Consultation**

Comments were sought from the DPI and the service authorities and the DPI advised it did not object providing that there were not any objections raised by the service authorities.

Telstra, AlintaGas and the Water Corporation do not have any objections to the proposal, as they do not have plant in the area that would be affected. Western Power does have plant in the area that requires modification at cost and the landowners have agreed to this. As Western Power does not carry out reinstatement works, these will need to be completed to the satisfaction of the City, again at cost to the landowner of Lot 525. The owners of Lot 525 have agreed to the meet the costs and conditions associated with this proposal.

The public advertising period took place between 22 November 2001 and 27 December 2001. Besides the newspaper notice, a sign was placed on site and letters were forwarded to the residents living in Block Place. At the close of advertising, three objections were received with the points raised being:

- The properties in the area have been designed to take into account existing property boundaries. Any change to one of those boundaries will adversely affect another
- There is more than sufficient unused land within the property to erect a larger than normal garage without the need to acquire the portion of road reserve.
- “... no valid reason for the applicant’s request other than their own view”
- Verbally neighbours are opposed to the idea, but not everyone may find the time to write formally to object.
- Block Place will look hideous with a garage jutting out into the subject land.
- One landowner’s wishes should not take precedence over another’s to the cost of the street value and beauty.
- When landowners are building and take into account any renovations and alterations that their neighbours may do to their properties, it is not usual at that time to consider that a portion of road can also be acquired to facilitate a particular design. The owners of Lot 525 should have considered their requirements at the time of building and not years later.
- The property is very poorly maintained and the proposed addition will just be another eyesore that surrounding residents have to put up with.

One resident telephoned the City and advised that he did not object to the proposal.

Two of the objectors have requested not to be identified and therefore their property locations have not been shown on Attachment (4) though their comments have been included above. This position can make it difficult for Council to evaluate some of the points they have raised.

### **Policy Implications**

The City does not have a policy with regard to the consideration of road closures however the current draft Preservation of Public Reserves Policy raises some points that may be applied when considering a road closure.

### **COMMENT**

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

It was suggested in the objections raised that it is preposterous that the City is even entertaining a request on behalf of one landowner at the expense of a number of other landowners. However, until a request of this nature is advertised for public comment, the City is not in a position to judge how surrounding neighbours will react.

Two main issues were evident at the end of the advertising period, one being loss of view for some surrounding residents and the second being the large size of Lot 525 therefore negating the need for the subject land. With regard to the first issue, it is difficult to gauge how much of an issue loss of view is due to the orientation and/or elevated position of the surrounding properties. In order to assist with making a judgement, photographs are attached to this report.

In relation to the second issue, Lot 525, with its land area of 1107m<sup>2</sup>, is large enough to accommodate the proposed structure within the confines of its boundaries and the objectors have suggested that if not, then the design of the proposed structure should be altered so that it does. However, the area of road reserve in question does not serve any purpose and the amalgamation of 28m<sup>2</sup> to enable the addition to Lot 525 would not necessarily have an adverse impact on the streetscape.

Providing the owners of Lot 525 meet the necessary building regulations, they are in a position to construct an addition on their property in the approximate position as shown on Attachment (1). Taking into account the required setback from a secondary boundary, the extra land requested would enable the addition to be constructed somewhere between two and three metres further north than if the subject land was not utilised. Based on the foregoing, the applicant's request is not considered unreasonable and therefore the application is recommended for support.

## VOTING REQUIREMENTS

Simple Majority

**OFFICER'S RECOMMENDATION:** That Council:

- 1 SUPPORTS the request made on behalf of the owners of Lot 525 (33) Mainsail Drive, Ocean Reef to close approximately 28m<sup>2</sup> of the undeveloped road reserve adjoining their property;
- 2 AUTHORISES a request to be made to the Department of Land Administration to commence formal road closure procedures.

**MOVED Cr Carlos, SECONDED Cr Baker that the matter pertaining to request to purchase a portion of Block Place road reserve for amalgamation into Lot 525 (33) Mainsail Drive, Ocean Reef be DEFERRED until the meeting of Council scheduled to be held on 26 February 2002 to allow the affected residents the opportunity to meet with elected members.**

Discussion ensued.

Cr Carlos advised that two of the objectors requested their names remain confidential. Advice has now been received that this embargo has been withdrawn and they wish to make a presentation.

**The Motion was Put and**

**CARRIED**

*Appendices 21 and 21(a) refer*

To access this attachment on electronic document, click here: [Attach21agn120202.pdf](#)  
[Attach21aagn120202.pdf](#) [Attach21bmin120202.pdf](#)



## **CJ029 - 02/02      REQUEST TO CLOSE PORTION OF MERRIFIELD PLACE, MULLALOO – [00292] [27885]**

**WARD** – Whitfords

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### **PURPOSE**

The purpose of this report is for Council to consider a request for the closure of approximately 161m<sup>2</sup> of road reserve in Merrifield Place, Ocean Reef.

### **EXECUTIVE SUMMARY**

The owners of Lot 3 (2) Merrifield Place, Mullaloo wish to purchase a portion of the road reserve that adjoins their property, with the balance portion being amalgamated into the adjoining North Node foreshore (Reserve No. 39497), see Attachment 1. They state that this action will prevent the anti-social behaviour they endure by youths who congregate in the area in their vehicles. The owners of Lot 3 have made previous applications for closure of this portion of Merrifield Place road reserve.

The Joint Commissioners supported this application previously and the Department of Land Administration (DOLA) was requested to formally close the road. DOLA received a traffic movement concern raised by an objector and therefore asked the City to reconsider its decision. The Joint Commissioners rescinded their previous resolution of support by absolute majority, and resolved not to support the closure of the subject portion of road.

The matter was presented to Council for consideration at its meeting held on 18 and 19 December 2001, where it lapsed due to lack of a mover.

This portion of road is not required and if it was disposed of may assist with the anti-social behaviour being experienced. It is therefore recommended that Council rescinds the Joint Commissioners decision of 10 November 1998 to not support closure of the portion of Merrifield Place road reserve adjoining Lot 3 (2) Merrifield Place, Mullaloo and agrees by absolute majority, to support this application.

### **BACKGROUND**

<b>Suburb/Location:</b>	Mullaloo
<b>Applicant:</b>	Mr M and Mrs J Wilke
<b>Owner:</b>	As above
<b>Zoning:</b>	<b>DPS:</b> Residential
	<b>MRS:</b> Urban
<b>Strategic Plan:</b>	Lifestyle – Strategy 2.6 Promote and enjoy lifestyles that engender environmental, social and economic balance

## Previous Council Decisions

The application to close the subject portion of Merrifield Place was first considered by Council at its meeting of 25 September 1996 (TS248-09/96 refers) and the grounds put forward for closure by the applicants were numerous and various incidents of anti-social behaviour. Council resolved to list for consideration in the 1997/1998 Capital Works Forward Plan, modifications to the subject portion of road reserve including kerbing, bollards and pine branching and installation of 'No Parking Anytime' signs.

The applicants became concerned with the time frame of the proposed works and further requested the portion of road to be closed. At its meeting of 23 December 1997 (DP323-12/97 refers) the Joint Commissioners supported public advertising of this proposal and agreed in principle to the closure. Closure was proposed to amalgamate half of the land into the adjoining reserve and the applicants purchasing the remaining half.

The proposal was advertised for public comment and four objections were received. These objections expressed the following concerns:

- that the addition of the land with the adjoining property will give the applicants the potential to construct an additional unit on their property when it has sewer connection;
- closure would restrict access to the North Nodes foreshore;
- closure would add to traffic and parking congestion in Merrifield Place;
- objection that a local resident had designed his house to take advantage of the outlook over the reserve and this outlook would be lost if the applicant built a wall around the additional land or built another unit on the property.

The Joint Commissioners at their meeting on 21 April 1998 considered the submissions and resolved to agree to the road closure and DOLA was advised of the Commissioners resolution and requested to seek the Minister for Land's approval.

DOLA received several objections to the road closure from residents who had not objected during the advertising period undertaken by the City. DOLA advised that there was little substance in most of the complaints, however it had received one objection concerning the use of the subject road reserve as a space in which to reverse and manoeuvre an articulated truck before it leaves Merrifield Place. DOLA considered this to be a valid concern and requested the City to review the proposed closure. City staff inspected the subject area with regard to the traffic movement concerns raised and the outcome was that closure would not have an adverse impact on traffic in Merrifield Place. There are many similar cul-de-sacs within the municipality which function satisfactorily and that a portion of road of this nature is not necessary to accommodate the movement of articulated trucks.

A further report was submitted to the Joint Commissioners on 10 November 1998 (CJ240-11/98 refers) with the recommendation that the Joint Commissioners advise DOLA that they still support the application and do not consider that closure of the subject portion of Merrifield Place, Mullaloo will impact on traffic movement in the area. However, the Joint Commissioners rescinded its previous resolution of 28 April 1998, by absolute majority, and resolved not to support the application and DOLA was advised accordingly.

On 18 December 2001, this request for road closure was submitted once again to Council however, the meeting was cancelled due to a power failure and reconvened on 19 December 2001. On the 19 December 2001, this proposal lapsed due to the lack of a mover.

## **DETAILS**

### **Current Proposal or Issue**

In September 2000, the applicant wrote to the City advising that a fire had been started at the end of the subject portion of road on the reserve close to his garage and again requested that the road be closed. Past complaints referred to the number of vehicles parked opposite their property, whose occupants caused noise, dumped rubbish, used foul language, lit fires and caused fights. It was therefore decided to advertise the proposal once again for public comment, and prepare a report for Council.

Originally, the applicants wished to purchase approximately 130m<sup>2</sup> of the road reserve but during the advertising period discovered that this would not allow them to turn their vehicle into their existing garage and therefore reviewed their request to accommodate this. The proposed land area required is therefore approximately 161m<sup>2</sup>. (See Attachment 2). If this proposal is supported the applicants have stated that they propose to build a wall on the new boundary of the property.

### **Statutory Provision**

Under Section 58 of the Land Administration Act 1997, closure of a portion of road is required to be advertised for 35 days by way of a notice in a local newspaper. Any objections received during the advertising period are to be considered by Council and if the closure is supported, all associated submissions are to be forwarded to the Department of Land Administration (DOLA). DOLA also require other supporting documentation to be provided such as confirmation that the DPI has not objected to the proposal.

DOLA determines the purchase price to apply, arranges any easements and survey/graphic requirements and undertakes conveyancing. The purchase price is fixed by DOLA in consultation with the Valuer General and is usually the unimproved market value of the land.

### **Consultation**

The initial application had the support of the former Ministry for Planning, now the Department of Planning and Infrastructure, and the only affected service was a Western Power stay pole that can be relocated at cost. The applicant has agreed to pay all associated costs with regard to this proposed closure.

During the required thirty-five day advertising period, two submissions of objection were received, only one of the objectors lives in the vicinity as shown on Attachment 1. Points raised were:

- other residents to not have the opportunity to increase lot sizes and profit from subdivision when deep sewerage is connected;
- support sets an undesirable precedent and contributes nothing to the average ratepayer; merely benefiting one resident;
- the road provides access to the adjacent bushland, which could be beneficial in an emergency such as a bush fire;
- if Lot 3 acquire the land, it would have subdivision potential, adding residential pressure on the node area;
- the general public should know the amount DOLA would set for the land before a Council decision is made.

The report with regard to this request was prepared for a Council meeting in April 2001, but was withdrawn from the agenda as it was determined that further investigation was needed for the area of Mullaloo that included Merrifield Place. The applicant was informed of this decision, but has on a number of occasions contacted the City requesting a Council decision be made on his application.

### **Policy Implications**

The City does not have a policy with regard to the consideration of road closures however the current draft Preservation of Public Reserves Policy raises some points that may be applied when considering a road closure.

### **COMMENT**

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

The applicants have for many years complained that this small portion of road reserve contributes towards anti-social behaviour and vandalism as youths congregate there in their vehicles, disregarding the existing parking prohibitions, and causing general disturbance. They have advised that if their application is supported, and the subject area of road reserve is closed, it will greatly assist with the problems they experience.

The concern raised that the general public should be aware of the land valuation before a Council decision is made, this process is not in the City's control. If a road is closed and a portion of the land amalgamated with the adjoining privately owned property, it will be sold to the owners at a price determined by the Minister for Planning and Infrastructure by consultation with the Valuer General's Office (VGO). The price set will be based on a current market valuation and will take into consideration the duplex potential when sewer is available. Generally, DOLA does not request the VGO to value land involved with applications of this nature without a Council resolution of support being provided.

In respect of the objection concerning emergency access, direct access to the reserve in an emergency situation is obviously the most beneficial however, not always possible. If this application is supported for closure, there is adequate access from Merrifield Place in an emergency situation such as a bush fire

This road reserve serves no purpose in its present state other than allowing the owners of Lot 3 access to their garage. This access will continue if this proposal is supported, and approximately 161m<sup>2</sup> portion of the road is amalgamated with the applicants' property. If the balance portion of road reserve is amalgamated into the adjoining North Nodes foreshore, vehicular access for the public will be denied altogether to this area and this action may deal with most of the complaints by the applicant. It is recommended the request be supported and Council request the Minister for Planning and Infrastructure to close portion of Merrifield Place adjoining Lot 3 (2) Merrifield Place, Mullaloo.

## VOTING REQUIREMENTS

### **Call for support of an absolute majority of the Council**

Prior to the recommendation being considered by the Council, Local Government (Administration) Regulation 10(a) requires that where an attempt to revoke a decision had been made within the previous three months, and failed, it must be supported by an absolute majority.

Therefore, prior to giving consideration to the following recommendation, elected members are required to give the **support of an absolute majority of their members**, in order that this item may again be considered, and such support is to be recorded in the minutes of this meeting. If that level of support is achieved, any subsequent decision must also be by an absolute majority.

### **MOVED Cr Mackintosh, SECONDED Cr Baker that Council:**

#### **1 REVOKES the Joint Commissioners' decision of 10 November 1998, viz:**

*“do not support the closure of Merrifield Place road reserve adjoining Lot 3, Merrifield Place, Mullaloo”*

#### **2 AGREES to the closure of the road reserve adjoining Lot 3 (2) Merrifield Place, Mullaloo and the subsequent disposal of approximately 161m<sup>2</sup> of the land to the adjoining property and the balance of the road reserve being amalgamated with Reserve 39497 (North Nodes Foreshore);**

#### **3 REQUESTS the Minister for Planning and Infrastructure to close the portion of Merrifield Place road reserve adjoining Lot 3 (2) Merrifield Place, Mullaloo in accordance with Section 58 of the Land Administration Act 1997.**

**The Motion was Put and**

**CARRIED BY AN  
ABSOLUTE MAJORITY**

*Appendices 23 and 23(a) refer*

To access this attachment on electronic document, click here: [Attach23min120202.pdf](#)  
[Attach23amin120202.pdf](#)

**CJ030 - 02/02 DELEGATED AUTHORITY REPORT – [07032]****WARD – All**

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**PURPOSE**

To submit items of Delegated Authority to Council for noting.

**EXECUTIVE SUMMARY**

This report provides a resumé of the Development Applications processed by Delegated Authority in November and December 2001.

**VOTING REQUIREMENTS**

Simple Majority

**MOVED Cr Rowlands, SECONDED Cr Kadak that Council NOTES the determinations made under Delegated Authority in relation to the applications described in Report CJ030-02/02.**

**The Motion was Put and**

**CARRIED**

*Appendix 22 refers*

*To access this attachment on electronic document, click here: [Attach22brf050202.pdf](#)*

*Cr Baker left the Chamber, the time being 2101 hrs.*

<b>REPORT OF THE CHIEF EXECUTIVE OFFICER</b>
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The Report of the Chief Executive Officer was dealt with earlier in the evening following Public Question Time.

**MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN****C06-02/02 NOTICE OF MOTION – CR P KADAK – [32515]**

In accordance with Clause 3.12 of the Standing Orders Local Law, Cr Paul Kadak has given notice of his intention to move the following motion at the Council meeting to be held on Tuesday 12 February 2002:

*“That Council:*

- 1 NOTES the widespread community concern expressed over the concept plan proposals for the suburbs of Warwick, Greenwood, Kingsley, and Woodvale, relating to new development adjoining parkland and new road links;*
- 2 in response to community concerns referred to in 1., EXCLUDES proposals relating to new development adjoining parkland and new road links from the Precinct Action Planning concept plans for Warwick, Greenwood, Kingsley and Woodvale;*
- 3 DEFERS the Precinct Action Planning concept planning project, including that related to the suburbs of Warwick, Greenwood, Kingsley and Woodvale, pending a review of the Precinct Action Planning program with specific focus on the objectives and improving the community communication process and having regard to the community’s concerns expressed at the community information sessions.”*

### **OFFICER’S COMMENT**

The Precinct Action Planning concept planning for the suburbs of Warwick, Greenwood, Kingsley and Woodvale was conducted over the months of October and November 2001 in accordance with the process outlined in Reports CJ179-06/01 and CJ351-10/01 to Council at its meetings on 12 June 2001 and 9 October 2001. At the conclusion of the design and presentation workshops it was considered there had been insufficient community participation for the concept plans to be progressed to Council. As a result it was determined that the concept plans should be placed on the notice boards at each of the centres concerned to gain wider community notice.

Following the plans being placed on the notice boards a considerable degree of community concern became evident and a series of information evenings were organised to enable people to ask questions and discuss the objectives and outcomes of the concept design. In addition petitions have been received for Special Electors Meetings to be held for Greenwood and Kingsley residents in regard to these matters.

In response to the community concern being expressed, notice has been given of two motions regarding Precinct Action Planning. The first seeks a moratorium on Precinct Planning activity until a Special Meeting of Electors has been held to canvas community opinion. The other seeks to note the community concern, exclude certain proposals from the concept plans, and defer the Precinct Action Planning concept planning project pending a review of the program. The project has been put on hold pending Council’s consideration of the issue. It is considered appropriate to review the program, particularly the community communication process.

Cr Kadak spoke to his Notice of Motion and advised he wished the matter to

**LAPSE**

**C07-02/02**      **NOTICE OF MOTION NO 1 – CR M O’BRIEN - FORMATION OF A NORTHERN REGIONAL COUNCIL – [57519]**

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 12 February 2002:

*“That Council SEEKS joint exploratory meetings (preferably on a Saturday or Sunday) between the City of Wanneroo Councillors, the City of Swan Councillors, the City of Stirling Councillors and the City of Joondalup Councillors with as many Councillors and the respective CEOs present as possible, to examine the possibility of the formation of Northern Regional Council, pursuant Part 3, Division 4 of the Local Government Act 1995, with a first exploratory meeting possibly at the City of Swan and any follow on meetings in rotation at the other Municipalities.”*

**Officer’s Comment**

Preliminary enquiries with the administration of local governments named in the above Notice of Motion indicated that they were unaware of any such proposal being discussed at their Councils. Generally there was little support for establishment of another Regional Council or follow the City of Canning’s move to relinquish membership of WALGA. The City of Swan is already a member of the East Metropolitan Regional Council and its members form the East Metropolitan Region Committee of WALGA.

The North Metropolitan Zone Committee of WALGA comprising the Cities of Joondalup, Wanneroo and Stirling each have a member on the State Council of WALGA. It is considered that such a high level of representation on the decision making body of WALGA provides the North Zone Members with ample opportunity to influence the direction of local government in WA.

In view of the above facts the Notice of Motion is not supported.

**MOVED Cr O’Brien, SECONDED Cr Rowlands** that Council SEEKS joint exploratory meetings (preferably on a Saturday or Sunday) between the City of Wanneroo Councillors, the City of Swan Councillors, the City of Stirling Councillors and the City of Joondalup Councillors with as many Councillors and the respective CEOs present as possible, to examine the possibility of the formation of Northern Regional Council, pursuant Part 3, Division 4 of the Local Government Act 1995, with a first exploratory meeting possibly at the City of Swan and any follow on meetings in rotation at the other Municipalities.

Discussion ensued.

*During discussion:*

*Cr Kenworthy left the Chamber at 2102 hrs and returned at 2104 hrs.*

*Cr Baker entered the Chamber, the time being 2104 hrs.*

**The Motion was Put and**

**TIED**

**There being an equal number of votes, the Mayor exercised his casting vote and declared the Motion**

**LOST**



**C08-02/02**      **NOTICE OF MOTION NO 2 – CR M O'BRIEN - ESTABLISHMENT OF HERITAGE COLLECTIONS ADVISORY GROUP – [41887]**

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 12 February 2002:

*“That Council:*

- 1      *ENDORSES the establishment of the Heritage Collections Advisory Group recommended by the Commissioners pursuant Report C56-12/99;*
- 2      *APPOINTS Cr Kimber, Cr Mackintosh Cr Kadak and Cr O'Brien together with Mr Graeme Johnson of 20 Blackfriars Road, Joondalup and Mr Noal Gannon of 79 Clontarf Street, Sorrento to represent the interests of Joondalup electors and ratepayers on the Heritage Collections Advisory Group.”*

In support of the motion, Cr O'Brien has advised as follows:

Graeme Johnson was a Councillor on the former Shire of Wanneroo from 1974-1980 and was the Foundation Chairperson of the Gloucester Lodge Museum Committee and spearheaded the group which opposed the State Government of the day's proposal to demolish Gloucester Lodge.

Noal Gannon also a Councillor of the former Shire of Wanneroo 1974-1977 has been for many years involved with the Marmion, Sorrento Duncraig Ratepayers Association and lives in the area where Mr P Marmion operated his Whaling Establishment which was the first industry in the Wanneroo area, commencing in 1849 ref The Inquirer and Commercial News 11 July 1849.

Cr Mackintosh was a Bank Officer in the Wanneroo Townsite and is currently a Councillor Member of Joondalup's Art Collection Working Party.

Cr Kimber is also a Councillor Member of Joondalup's Art Collection Working Party and has a family association with Wanneroo Townsite where his spouse used to reside in the Townsite Forestry Residence.

Cr Kadak has expressed an interest having been involved with the Junior Council of the former municipality, also youth advisory and historical matters.

Cr O'Brien is the only currently serving Councillor from either of the new municipalities who served as an elected member of the former Shire of Wanneroo, the former City of Wanneroo and the new City of Joondalup and is keen to see the City's Regional Heritage protected and preserved.

All of the six persons have expressed an interest in serving on the Advisory Group if Council supports its formation.

### **Officer's Comment**

In making their Determination about the future management of the former City of Wanneroo Heritage Collections, the Joint Commissioners established the Heritage Collections Advisory Group (HCAG) and expected HCAG to fulfil the administrative functions with the role of overseeing the management and display of the items comprising the Heritage Collections. (Report no “C56-12/99 Heritage Collections (Local History, Memorabilia and Artifacts) – Joondalup and Wanneroo Order 1998, Clause 8 Determination, refers)

In keeping with the determination and expected administrative functions to be carried out by HCAG, both Cities have appointed their representatives to HCAG. The City of Joondalup representatives on HCAG are the Manager of Library and Information Services and the Manager Leisure and Ranger Services. Officers holding similar management positions at Wanneroo are their representatives.

In view of the predominately administrative functions that HCAG is expected to perform the nominated officer representatives are appropriate for this role. The Notice of Motion to form HCAG with current and former Councillors is therefore not supported.

### **VOTING REQUIREMENTS**

This Motion would require an absolute majority of the Council.

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

- 1 ENDORSES the establishment of the Heritage Collections Advisory Group recommended by the Commissioners pursuant Report C56-12/99;
- 3 APPOINTS Cr Kimber, Cr Mackintosh Cr Kadak and Cr O'Brien together with Mr Graeme Johnson of 20 Blackfriars Road, Joondalup and Mr Noal Gannon of 79 Clontarf Street, Sorrento to represent the interests of Joondalup electors and ratepayers on the Heritage Collections Advisory Group.”

Cr O'Brien spoke to the Motion.

Discussion ensued.

*During discussion, Cr Mackintosh left the Chamber at 2110 hrs and returned at 2113 hrs.*

**The Motion was Put and**

**LOST**

### **C09-02/02 NOTICE OF MOTION NO 3 – CR M O'BRIEN - MORATORIUM OF PRECINCT PLANNING ACTIVITY – [32515]**

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 12 February 2002:

*“That Council IMPOSES a moratorium on all Precinct Planning activity in the areas of Warwick, Greenwood, Kingsley and Woodvale until there has been a Special Electors Meeting as requested by the electors of the South Ward, held in the Greenwood and Kingsley localities in order to canvas community opinion in regard to the Precinct Planning processes being undertaken by the Municipality’s Planning Department.”*

### **OFFICER’S COMMENT**

The Precinct Action Planning concept planning for the suburbs of Warwick, Greenwood, Kingsley and Woodvale was conducted over the months of October and November 2001 in accordance with the process outlined in Reports CJ179-06/01 and CJ351-10/01 to Council at its meetings on 12 June 2001 and 9 October 2001. At the conclusion of the design and presentation workshops it was considered there had been insufficient community participation for the concept plans to be progressed to Council. As a result it was determined that the concept plans should be placed on the notice boards at each of the centres concerned to gain wider community notice.

Following the plans being placed on the notice boards a considerable degree of community concern became evident and a series of information evenings were organised to enable people to ask questions and discuss the objectives and outcomes of the concept design. In addition petitions have been received for Special Electors Meetings to be held for Greenwood and Kingsley residents in regard to these matters.

In response to the community concern being expressed, notice has been given of two motions regarding Precinct Action Planning. The first seeks a moratorium on Precinct Planning activity until a Special Meeting of Electors has been held to canvas community opinion. The other seeks to note the community concern, exclude certain proposals from the concept plans, and defer the Precinct Action Planning concept planning project pending a review of the program. The project has been put on hold pending Council’s consideration of the issue. It is considered appropriate to review the program, particularly the community communication process.

Cr O’Brien advised he wished the matter to

**LAPSE**

### **C10-02/02 NOTICE OF MOTION NO 4 – CR M O’BRIEN - 2002-2003 RATE REVENUE – [28458] [07125]**

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 12 February 2002:

*“That Council RECOGNISES that since the State Government split Municipal Government north of Beach Road into two municipalities, the “new” City of Joondalup has no potential for heavy industrial land or rural land development within its boundary, therefore this municipality is destined to the status of being basically a “dormitory municipality” of residential localities. With such restriction in mind this year, Council acts to “cut one’s coat according to the cloth” and Council SETS a maximum revenue from rates for the 2002-2003 year of \$39,126,760 from those properties included in last year’s “rateable properties” which also allows for the setting of the Section 6.35 Minimum Payment of \$70 for the 2002-2003 Budget Preparations by the City’s Administration”*

**OFFICER'S COMMENT**

Council resolved at its meeting on 12 December 2001 to set parameters for the development of the 2002/03 budget. The report “Budget 2002/03 High Level Review” CJ434 12/01 refers. Council resolved a 4.5% increase in Rates Revenue at this meeting.

It would be premature to, at this time, set the “maximum revenue from rates” for the 2002-2003 year or to establish Minimum Payments in view of the unknown impacts arising from the following:-

- changes arising from the operating, capital and proposals
- the impact of the revaluation of properties
- the phasing of valuations, and
- restructuring of the City’s organisational structure

It is recommended that the 2002/03 budget be prepared using the 4.5% guidelines and that Council considers this motion as part of its budget deliberations.

In order to approve the Notice of Motion as submitted, Council would be required to rescind the previous resolution CJ434-12/01 of 12 December 2001 by an Absolute Majority and resolve to adopt the motion.

**MOVED Cr O’Brien, SECONDED Cr Baker that the matter pertaining to 2002-2003 Rate Revenue be REFERRED to the Budget Committee for further deliberations.**

Chief Executive Officer gave an explanation as to the procedure for dealing with Notices of Motion and advised this matter will be handled administratively in referring this to the Budget Committee.

Cr O’Brien, with the approval of Cr Baker advised he wished to have this Motion to refer the matter to the Budget Committee **WITHDRAWN**

This Notice of Motion was not pursued, therefore it

**LAPSED**

**C11-02/02**      **NOTICE OF MOTION NO 5 – CR M O’BRIEN - FUNDING FOR PERFORMING ARTS FACILITY – [22173]**

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 12 February 2002:

*“That Council NOTES the announcement by the Vice Chancellor of Edith Cowan University, Millicent Poole, in the December 2001 edition of ECU Student Newsletter, that the State Government has funded a “new \$8 million Performing Arts Building at Mt Lawley” and expresses disappointment that the State Government has to date indicated no funding for Performing Arts in Joondalup and that such disappointment be expressed to the State Government via the local members of State Parliament.”*

## **OFFICER'S COMMENT**

### **Funding for WA Academy of Performing Arts**

Funding totalling \$7.9 million has been committed by the Department of Training over the next 3 years to provide new Vocational Education Training (VET) facilities at Edith Cowan University's Mt Lawley campus that houses the Western Australian Academy of Performing Arts. The funds will be used to relocate students from the old facility that is currently situated in Newcastle Street, Perth into new facilities. These facilities will accommodate the dance, production, lighting and design programs and will provide essential performing, studio and staff space for VET programs funded by the Department of Training. This funding has been procured through The Australian National Training Authority (ANTA is a Commonwealth statutory authority providing a national focus for vocational education and training).

### **Current status of the Joondalup Performing Arts Centre Project**

In October 2001, the Minister for Culture and the Arts, Hon S McHale, visited the City of Joondalup and heard presentations from Council, Business and Community representatives. The Minister indicated it would not be able to fund the Joondalup Regional Performing Arts Centre in this term of Government.

- The City has met with the Minister for Culture and the Arts and the Director General of the Department - both have recognised that there is a demonstrated demand for Performing Arts facilities in Joondalup.
- The City has made a formal funding submission to the State Government – the indication is that the State will not be funding capital works in this term. However, they are willing to participate in discussions to progress the project.
- A follow-up meeting has been held with the Department for Culture and the Arts and it is proposed that a number of workshops are held with key stakeholders to firm up the details of the proposal. This is planned to commence shortly.
- The City made a presentation at the North Metropolitan Zone meeting on 19 November 2001 – recommendations from that meeting are that the City *“provide background information and make a presentation on the proposed Joondalup Regional Performing Arts Facility, to neighbouring local governments in the New Year”*
- On 22 January 2002, Cr Paul Kadak and two of the City's Officers met the Director Community Funding of the Lotteries Commission to discuss funding for the Joondalup Regional Performing Arts Centre – further information has been requested and the City is in the process of sending it.
- The City is now in the process of organising presentations and workshops with officers from neighbouring local governments.

**MOVED Cr O'Brien, SECONDED Cr Hurst that Council NOTES the announcement by the Vice Chancellor of Edith Cowan University, Millicent Poole, in the December 2001 edition of ECU Student Newsletter, that the State Government has funded a "new \$8 million Performing Arts Building at Mt Lawley" and expresses disappointment that the State Government has to date indicated no funding for Performing Arts in Joondalup and that such disappointment be expressed to the State Government via the local members of State Parliament.**

Cr O'Brien spoke to the Motion.

Discussion ensued with questions being raised in relation to funding regarding the Performing Arts facility - ECU Campus at Mt Lawley.

**The Motion was Put and**

**TIED**

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

In favour of the Motion: Mayor Bombak, Crs Mackintosh, Hurst, Kenworthy, Patterson, O'Brien, and Baker

Against the Motion: Crs Barnett, Rowlands, Walker, Hollywood, Nixon, Carlos and Kadak

**There being an equal number of votes, the Mayor exercised his casting vote and declared the Motion** **CARRIED**

**C12-02/02** **[NOTICE OF MOTION NO 6 – CR M O'BRIEN - CORRECTION TO NOMENCLATURE – \[37196\]](#)**

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 12 February 2002:

*“That as a mark of respect for the late Frank Roy Whitford, one of the pioneers of the region, that the nomenclature correction be enacted and the “s” be deleted in all street signage and in all usage of the name “Whitford” be corrected in documentation referring to the Whitford area, further that the Council decision in regard to this matter be referred to the Geographic Names Committee of the Department of Land Administration for the endorsement of the corrections required.”*

**OFFICER'S COMMENT**

Names are used in two categories. Firstly, in the public domain such as for roads, parks, localities, etc, where there is a procedure overseen by the Geographic Names Committee (GNC). The other is for private aspects such as individual companies and shopping centres etc which are outside the control of the GNC.

Renaming of roads is normally discouraged but any change of the nature suggested would require to be supported by the local authority, the local community and those who would be directly affected by the change. In this instance any properties with a postal address to Whitfords Avenue would have to be consulted and given the opportunity to comment.

Cr O'Brien spoke to the Motion.

**MOVED Cr O'Brien** that as a mark of respect for the late Frank Roy Whitford, one of the pioneers of the region, that the nomenclature correction be enacted and the "s" be deleted in all street signage and in all usage of the name "Whitford" be corrected in documentation referring to the Whitford area, further that the Council decision in regard to this matter be referred to the Geographic Names Committee of the Department of Land Administration for the endorsement of the corrections required.

**There being no Seconder, the Motion**

**LAPSED**

**C13-02/02**      **NOTICE OF MOTION NO 7 – CR M O'BRIEN - CENTENARY OF THE FOUNDATION OF LOCAL GOVERNMENT – [58159]**

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 12 February 2002:

*"That Council:*

- 1      *RECOGNISES that this year 2002 marks the Centenary of the Foundation of Local Government in this region following the publication in the Government Gazette on Friday 31 October 1902 of the Notice dated 22 October 1902 designating the area as a Roads District following which the first Local Government elections were held on Wednesday 14 January 1903 and the first meeting of the Roads Board which was held on Friday 16 January 1903.*
- 2      *therefore SUGGESTS that the proposition of Twin City Regional Centenary Celebration negotiations be entered into between the new City of Joondalup and the new City of Wanneroo as a mark of respect for the pioneers of the region."*

**OFFICER'S COMMENT**

In the event that the Notice of Motion is successful, discussions will be held with the City of Wanneroo regarding the possibility of organising an appropriate ceremony to recognise the event.

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

- 1      **RECOGNISES that this year 2002 marks the Centenary of the Foundation of Local Government in this region following the publication in the Government Gazette on Friday 31 October 1902 of the Notice dated 22 October 1902 designating the area as a Roads District following which the first Local Government elections were held on Wednesday 14 January 1903 and the first meeting of the Roads Board which was held on Friday 16 January 1903.**

- 2 therefore SUGGESTS that the proposition of Twin City Regional Centenary Celebration negotiations be entered into between the new City of Joondalup and the new City of Wanneroo as a mark of respect for the pioneers of the region.**

Cr O'Brien spoke to the Motion.

**The Motion was Put and**

**CARRIED**

### **DATE OF NEXT MEETING**

The next meeting of the Council has been scheduled for **7.00 pm** on **TUESDAY, 26 FEBRUARY 2002** to be held in the Council Chamber, Joondalup Civic Centre, Boas Avenue, Joondalup

### **YELLAGONGA CATCHMENT GROUP**

Cr O'Brien made reference to a cheque presented to Cr Glynis Monks, City of Wanneroo and himself on behalf of the Yellagonga Catchment Group amounting to \$3,600 from the SCULP (Swan Catchment Urban Landcare Program) funds.

### **SECOND PUBLIC QUESTION TIME**

**Ms M MacDonald, Mullaloo:**

*Q1 Was the item on Precinct Planning for all suburbs or was it only the suburbs in the Warwick area?*

A1 Ms McDonald will be provided with a copy of the motion.

*Q2 Does this mean that all suburbs were not voted on, only Greenwood?*

A2 The motion referred to specific concept plans.

*Q3 Will residents of Mullaloo have to take separate action to have the carpark stopped at Tom Simpson Park? Will they have to call a Public Meeting of Electors?*

A3 Cr Mackintosh believed that the people of Mullaloo, Hillarys, Kallaroo and all the surrounding areas are delighted with the plans for the Mullaloo Precinct and hopefully they will be going ahead.

**Mr S Magyar, Heathridge:**

*Q1 Does the Local Government Act require all resolutions of Electors Meetings to be considered by Council?*

A1 Yes.



*Q2 In the publication that the Department of Local Government brought out about preparing Reports and Agendas, does that Local Government document recommend to Council that it should not make decisions without a report addressing such issues?*

*Is it considered good decision making process to make a decision without a report from Administration on the subject matter?*

A2 This question will be taken on notice.

*Q3 Does the Local Government Regulations require the reasons for any resolution to be recorded in the Minutes of the meeting and if so what are the reasons that will be recorded in the Minutes regarding Cr Baker's motion – the Special Electors Meeting?*

A3 This question will be taken on notice.

*Q4 For an item to be debated it requires a seconder. Does that rule apply to motions given with due notice?*

A4 This question will be taken on notice.

**Mr D O'Brien, on behalf of the applicant:**

*Q1 With regard to Item CJ028-02/02, it was suggested that some of the applicants were originally anonymous and they have since removed that objection to their names be published. Can I now get those names on notice?*

A1 The objectors' names would not normally be given out. The locations will be identified on a plan which Mr O'Brien can have.

*Q2 Will the applicant be given the opportunity prior to the next Council Meeting to respond to any issues that are raised in deputations by those people?*

A2 The applicant can also request a deputation.

*Q3 I would like to respond to any issues that the objectors raised. Given that the deputations are heard prior to Council Meeting would that mean that the issue would be set aside for a further two months or would their be deputation between now and the next briefing session?*

A3 The deputations would be held as normal, prior to the Council Meeting.

*Q4 If I wanted to respond, would I have a deputation the following month and the issue would be followed through to then?*

A4 It is suggested that Mr O'Brien contact his Ward Councillors to arrange an on-site meeting.

*Q5 Given that there was a 9/0 support for the recommendation at the briefing session and I understand that the vote is non binding, what is the nature of the objection such that the issues were not raised prior to the briefing session. What new information has come to light that wasn't available to the Councillors at the briefing session?*

A5 The question will be taken on notice.

- *Cr Carlos stated that will be on leave of absence from Council duties and therefore unable to attend an on-site meeting. Cr Baker indicated he would be available.*

## **DATE OF NEXT MEETING**

The next meeting of the Council has been scheduled for **7.00 pm** on **TUESDAY, 26 FEBRUARY 2002** 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 2150 hrs; the following elected members being present at that time:

BOMBAK, JP  
P KADAK  
D CARLOS  
C BAKER  
A NIXON  
J F HOLLYWOOD, JP  
A A WALKER  
P ROWLANDS  
BARNETT  
M O'BRIEN, JP  
A PATTERSON  
G KENWORTHY  
C MACKINTOSH  
J HURST