



**MINUTES OF COUNCIL MEETING
HELD ON 23 JULY 2002**

TABLE OF CONTENTS

No:	Item	Page
	OPEN AND WELCOME	1
	ATTENDANCES	1
	PUBLIC QUESTION TIME	2
	APOLOGIES AND LEAVE OF ABSENCE	18
C97-07/02	REQUESTS FOR LEAVE OF ABSENCE	18
	DECLARATIONS OF FINANCIAL INTEREST/INTEREST AFFECTING IMPARTIALITY	19
	CONFIRMATION OF MINUTES	
C98-07/02	MINUTES OF COUNCIL MEETING, 2 JULY 2002	20
	MINUTES OF SPECIAL COUNCIL MEETING, 9 JULY 2002	
	ANNOUNCEMENTS BY THE MAYOR WITHOUT DISCUSSION	20
	PETITIONS	
C99-07/02	PETITION IN RELATION TO MANAGEMENT OF CRAIGIE LEISURE CENTRE – [09050 04185 03034]	21
	REQUEST FOR SECOND PUBLIC QUESTION TIME – [01122 02154]	22
	REPORTS	
CJ168 - 07/02	SCHEDULE OF DOCUMENTS EXECUTED BY MEANS OF AFFIXING THE COMMON SEAL - [15876]	22
CJ169 - 07/02	THE LOCAL GOVERNMENT WEEK 2002 CONVENTION - NOMINATION OF VOTING DELEGATES FOR ANNUAL GENERAL MEETING – [00033].....	24

CJ170 - 07/02	COMMITTEE VACANCY - WA LOCAL GOVERNMENT ASSOCIATION - LIBRARY BOARD OF WA - [02011]	27
CJ171 - 07/02	MINUTES OF THE HOUSE COMMITTEE MEETING HELD ON 15 JULY 2002 - [59064].....	29
CJ172 - 07/02	WARRANT OF PAYMENTS – 30 JUNE 2002 – [09882]	31
CJ173 - 07/02	PURCHASE OF TWO BUSES AND DISPOSAL OF THREE USED BUSES AS PER TENDER 042-01/02 – [60525].....	33
CJ174 - 07/02	WARWICK OPEN SPACE - PUBLIC TOILET FACILITY – [54028]	38
CJ175 - 07/02	PETITION REQUESTING INSTALLATION OF BOOM GATES OR RETRACTABLE BOLLARDS - NEIL HAWKINS PARK – [01018]	44
	PERSONAL STATEMENT – CR P KIMBER	47
CJ176 - 07/02	PETITION OBJECTING TO INSTALLATION OF A GOAL POST, RUTHERGLEN PARK KINROSS – [40500]	47
CJ177 - 07/02	EXTENSION OF CONTRACT NO: 003A-01/02 AND 003B-01/02 SUPPLY AND DELIVERY OF VARIOUS SIGNS – [52009].....	49
CJ178 - 07/02	TENDER NUMBER 040-01/02 - SUPPLY AND INSTALLATION OF VARIOUS FENCING – [80523].....	51
CJ179 - 07/02	TENDER NO 043-01/02 COLLIER PASS ROADWORKS – [62525].....	54
CJ180 - 07/02	PROPOSED REFURBISHMENT AND ADDITIONS TO CARINE GLADES TAVERN - LOT 12 (493) BEACH ROAD, DUNCRAIG – [05518]	57
CJ181 - 07/02	PROPOSED AMENDMENT TO POLICY 3.2.6 - SUBDIVISION AND DEVELOPMENT ADJOINING AREAS OF PUBLIC SPACE – [44588].....	72
CJ182 - 07/02	MODIFICATION TO HILLARYS STRUCTURE PLAN – [16047].....	77
CJ183 - 07/02	PROPOSED AMENDMENT NO. 13 - DISTRICT PLANNING SCHEME NO. 2 - LOT 99 (4) HOCKING ROAD, KINGSLEY – [50526].....	80
CJ184 - 07/02	PROPOSED EDUCATIONAL USE (BUSINESS COLLEGE): UNIT 3, LOT 702 (1) WISE STREET, JOONDALUP – [45367]	86
CJ185 - 07/02	REQUEST FOR THE CLOSURE OF THE PEDESTRIAN ACCESSWAY BETWEEN LOTS 913 AND 914 JOHNSTON WAY AND RESERVE 33467 (BRISBANE RESERVE), PADBURY - [38518]	89
CJ186 - 07/02	DELEGATED AUTHORITY REPORT – [07032]	95
CJ187 - 07/02	SUBDIVISION REFERRALS PROCESSED 1 JUNE – 30 JUNE 2002 – [05961]	96
CJ188 - 07/02	STATUS REPORT COMMUNITY FEEDBACK ON ADOPTED CENTRES STRATEGY, ADOPTED CENTRES POLICY, AND DRAFT SCHEME AMENDMENT 10 – [09030].....	97
	REPORT OF THE CHIEF EXECUTIVE OFFICER	
C101-07/02	PRE PAYMENTS FOR PROGRAMMES AND SERVICES AT THE CITY’S LEISURE CENTRES – [09050, 03034, 04185].....	105
	MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN	109
	DATE OF NEXT MEETING	109
	SECOND PUBLIC QUESTION TIME	110
	CLOSURE	111

CITY OF JOONDALUP

MINUTES OF COUNCIL MEETING HELD IN COUNCIL CHAMBER, JOONDALUP CIVIC CENTRE, BOAS AVENUE, JOONDALUP, ON TUESDAY, 23 JULY 2002

OPEN AND WELCOME

The Mayor declared the meeting open at 1904 hrs.

ATTENDANCES

Mayor

J BOMBAK, JP

Absent from 2003 hrs to 2019 hrs

Elected Members:

Cr P KADAK	Lakeside Ward	
Cr P KIMBER	Lakeside Ward	
Cr D CARLOS	Marina Ward	
Cr C BAKER	Marina Ward	<i>Absent from 2104 hrs to 2107 hrs; 2115 hrs to 2116 hrs and from 2117 hrs to 2118 hrs</i>
Cr A NIXON	North Coastal Ward	<i>Absent from 1956 hrs to 2000 hrs</i>
Cr J F HOLLYWOOD, JP	North Coastal Ward	<i>Absent from 2117 hrs to 2118 hrs</i>
Cr A WALKER	Pinnaroo Ward	<i>to 2107 hrs; Absent from 2005 hrs to 2007 hrs</i>
Cr P ROWLANDS	Pinnaroo Ward	<i>Absent from 1932 hrs to 1933 hrs</i>
Cr T BARNETT	South Ward	
Cr M O'BRIEN, JP	South Ward	<i>Absent from 1939 hrs to 1940 hrs</i>
Cr A L PATTERSON	South Coastal Ward	<i>Absent from 1955 hrs to 1957 hrs</i>
Cr G KENWORTHY	South Coastal Ward	<i>Absent from 2000 hrs to 2002 hrs; and from 2055 hrs to 2056 hrs</i>
Cr J HURST	Whitfords Ward	
Cr C MACKINTOSH	Whitfords Ward	

Officers:

Chief Executive Officer:	D SMITH
Director, Planning & Community Development:	C HIGHAM
Director, Infrastructure & Operations:	D DJULBIC
Acting Director, Corporate Services and Resource Management:	A SCOTT
Manager, Audit & Executive Services:	K ROBINSON
Manager, Marketing, Communications & Council Support:	M SMITH

Manager Project Policy & Planning: R HARDY
Manager Approval Planning &
Environmental Services: C TERELINCK

Publicity Officer: L BRENNAN
Committee Clerk: J AUSTIN
Minute Clerk: L TAYLOR

There were 47 members of the Public and 1 member of the Press in attendance.

In Attendance

Mr Nick Manifis Walman Software

Invited Guest – Pastor Mark Malia, Lakeside Christian Church

The Mayor welcomed Pastor Paul Malia of Lakeside Christian Church in Greenwood as this evening's invited guest.

Pastor Malia thanked Council for the opportunity to attend this meeting of Council. He told the meeting that he had been a Pastor at the Lakeside Christian Church for five years and before that had resided in Melbourne. Pastor Malia spoke briefly about the work his Church is doing, and expressed his appreciation to the City of Joondalup for its financial provision for the Carols by Candlelight that was held in December 2001.

Pastor Malia opened the meeting with a prayer.

PUBLIC QUESTION TIME

The following questions, submitted by Mr D Barber, Duncraig were taken on notice at the Council Meeting held on 2 July 2002:

Re: Development application from Carine Glades Tavern:

If this application for a licensed unfenced Family Outdoor Courtyard is approved:

Q1 Is it Council's expectation that this scenic open area with a playground (including a security fence with self-locking gate) would also attract non-family drinking groups?

A1 The area was labelled in this manner by the architect. From a planning point of view, assessment was based on the capacity of the area, its location and acoustic characteristics.

Q2 If yes, has Council considered that the presence of drinking groups would detract from a family atmosphere and tend to drive them away?

A2 No. This is considered to be a management issue

Q3 If yes, has Council considered the impact of the resulting unfenced yet licensed outdoor area (i.e. a second beer garden) at the acoustically sensitive north east end of the Tavern?

A3 Yes, the potential impact has been assessed as a component of the Acoustic Report.

Q4 If no, what measures will Council take to ensure the Tavern admits only families to this acoustically sensitive area, and what criteria will be recommended for determining a “family”?

A4 see A1 above.

The following questions, submitted by Mr L Bistrup, Duncraig were taken on notice at the Council Meeting held on 2 July 2002:

Development Application from Carine Glades Tavern

If this application, to increase patronage from the current maximum of 530 to 630, is approved:

Q1 Will the Council accept responsibility for resolving the overcrowding of the proposed 162 bay parking area when the proposed multi-function Tavern is operating at peak capacity and there is typical busy trading at the adjacent shopping and business centres – take, for example, the parking chaos reported to Council when the recent Sunday, 9 June Tyson/Lewis fight was broadcast by the Tavern operating under the existing maximum numbers?

Q2 If yes, what specific measure will be taken?

A1-2 The parking assessment is assessed according to the Town Planning Scheme standards. If patrons parked illegally or vehicle movements were breaking the law in other respects, this would be a policing matter.

Q3 If no, does any Councillor seriously believe that, on average, 630 patrons divided by 162 car bays equalling approximately 4 persons per car, will actually reflect reality?

A3 This matter is best addressed to individual Councillors.

Q4 If no, has Council consulted with adjacent business owners about the adverse effects on their customers’ ability to park unhindered by parking overflows from the Tavern?

A4 The application has been publicly advertised and any interested parties have been invited to make submissions.

The following questions, submitted by Mr B Parkin, Duncraig were taken on notice at the council meeting held on 2 July 2002:

Q1 If the application for the development of the Carine Glades Tavern is approved, will Council provide a guarantee to ratepayers that noise levels from the Tavern will conform to current legislative limits?

A1 The obligation is on the Tavern owner to conform to the prescribed noise limits.

Q2 If yes, what conditions and/or measures additional to those contained in the development application will the Council require to ensure conformity?

A2 Various detailed architectural measures may be required to control possible breakout noise from the Tavern.

Q3 If yes, what measures will be taken to improve Council's responsiveness to complaints from ratepayers when noise levels exceed the limits?

A3 We will be pleased to investigate any concerns about Council's responsiveness to current complaints.

Q4 If no to the first part, will Council be content in the knowledge that it has exacerbated an already intolerable situation?

A4 The Development Application is being assessed in accordance with contemporary standards. If approved, the proposal and Management Plan will result in a proposal which has minimal impact on the surrounding community.

The following questions, submitted by Mrs M Macdonald, Mullaloo were taken on notice at the Council Meeting held on 2 July 2002:

Q1 In answer to my question on 11 June 2002 I was told that retail figures on Table 3.5 of the draft Centres Strategy varied from the WAPC 1997 Survey because other land uses were added to them.

If the Centres Strategy is not reviewed, will Council amend Table 3.5 and any other schedule derived from it to reflect the true WAPC 1997 Survey figures and place Greenwood and Mullaloo centres in the correct category?

A1 The Department of Planning and Infrastructure are currently reviewing commercial floor space in the metropolitan area and information relative to the City of Joondalup should be available by late this year. The Council will soon consider the issue of reviewing floor space limits upon the release of the State Government review.

Q2 On 24 June 2002, Recommendation 2 put to Council that the Minister be required to delete reference in Amendment 10 to the Centres Strategy but allow the amendment to the net lettable retail areas of the nine centres as per Attachment 2 to proceed.

As this schedule does not reflect the retail areas as per the 1997 WAPC Survey for some of the listed centres and also fails to include at least one other centre that is greater than the DPS2, shouldn't this schedule also be deleted from Amendment 10 for review?

A2 On 23 July 2002 the Council will consider the question of removing the revised floor space schedule to Amendment 10 from the Amendment.

The following question, submitted by Mr M Caiacob, Mullaloo was taken on notice at the Council Meeting held on 2 July 2002:

Q1 *In response to the public's motion No. 4 from the Mullaloo Special Electors' Meeting in regard to the ten lots in Merrifield Place where most of the points in Clause (f) of the motion answered by the City of Wanneroo when the ten lots were purchased, then given a zero dollar asset value by the City of Joondalup and then publicly motioned for rezoning to virgin dune and not a reservation for public use. Why is the motion asking for an unlimited size or location land swap benefit for the ten lots in Merrifield Place when this clearly transgresses from the Mullaloo community expectations and I would also imagine from the Ocean Reef expectations as well?*

A1 The Council's resolutions referred to a number of matters which need to be investigated in relation to these lots. The requirements of Clause (f) and the community's expectations will form an integrated part of this investigation.

The following questions, submitted by Ms M Moon, Greenwood were taken on notice at the Council Meeting held on 2 July 2002:

Q1 *In the letter to community participants dated 10 October 2001 titled 'Precinct Action Planning Concept Planning', it refers to the revitalisation of local shopping centres for precincts. Are these one and the same shopping centres that you referred to today in the Community News concerning Amendment 10?*

A1 The two items to which reference is made would have included some of the same centres.

Q2 *Is Council aware that precinct concept plans was the implementation of Centre strategy and Amendment 10 is the implementation of Centre strategy?*

A2 Precinct Action Planning was not an implementation tool of the City's Centre Strategy. The Centre Strategy, as a policy of the Council is in itself an implementation tool. Amendment No 10 is the means by which elements of the Centres Strategy can be incorporated into the District Planning Scheme, thereby giving those elements of the policy the statutory force of the Scheme.

The following question, submitted by Mr S Magyar, Heathridge was taken on notice at the Council Meeting held on 2 July 2002:

Q1 *Does the document the Preparation of Minutes and Agendas have any legal standing whatsoever as a local law or a state law?*

A1 No. This document is issued as a guideline to assist local governments when preparing its Standing Orders Local Law or meeting procedures. The Department of Local Government and Regional Development regularly issues guidelines to assist local governments.

The following question, submitted by Mr R de Gruchy, Sorrento, was taken on notice at the Special Meeting of Council held on 9 July 2002:

Q1 Would Council please advise the total amount of money paid to RANS at the commencement of their contract in May 2001 that covered the unused portion of membership fees that were prepaid by clients to the three leisure centres?

A1 \$355,131.59 inclusive of GST.

The following questions, submitted by Mr M Pratt, Hillarys, were taken on notice at the Special Meeting of Council held on 9 July 2002:

Q1 How often are the Health Department checks carried out at Craigie Leisure Centre?

A1 Health checks are conducted at Craigie Leisure Centre on a regular basis. Public building inspections are carried out annually, to assess the physical condition of the facility, with monthly inspections of the bacterial and chemical water quality in the wet areas.

Since October 2001, health officers have responded to 11 customer complaints relating to a variety of issues arising at the Craigie Leisure Centre.

Q2 Can you give use some idea of the actual attendance figures over the last two or three months?

A2 Attendance figures for the past three months at the Craigie Leisure Centre are:

April 2002

Casual Users	27,741
Aquatic Programs	2,629
Dry Programs	11,769
Total	42,139

May 2002

Casual Users	22,918
Aquatic Programs	3,359
Dry Programs	13,463
Total	39,740

June 2002

Casual Users	25,721
Aquatic Programs	4,013
Dry Programs	17,162
Total	46,896

The following question, submitted by Mr K Zakrevsky, Mullaloo, was taken on notice at the Special Meeting of Council held on 9 July 2002:

Q1 How many months' rent in advance was placed into the contract that should have been paid to the Council on either one, two or three of the leisure centres?

A1 Nil.

The following questions were submitted by Mr M Sideris, Mullaloo:

Q1 With respect to recommendations for CJI88-07/02, I note that one recommendation is to:

“RECOMMENDS to the Hon Minister for Planning that she require District Planning Scheme no 2 Amendment No 10 to be modified in order to delete reference to the Centres Strategy by: (a) (b) (c) and (d):

Can you please advise under what specific section, subsection, or clause, of the Town Planning and Development Act and its supporting Regulations, enables this Council to make a direct and specific recommendation to the Minister responsible for Planning.

A1 The approach was made on legal advice and is consistent with the requirements and processes set out in the Town Planning regulations of 1967.

Q2 With reference to the questions asked and the answers given at the last Council meeting held on 2 July, it was restated that this Council had received a legal opinion as to the need to deal with the RANS issues behind closed doors because they were “commercial in confidence”.

Q2(a) Will you now advise if this legal opinion was provided from outside the resources of the Council's administration;

Q2(b) If so, which legal firm provided this opinion;

Q2(c) When this legal opinion was obtained;

Q2(d) At what cost was this legal opinion provided;

Q2(e) Also advise if a brief was provided for this legal opinion;

Q2(f) Was this brief in the written or verbal form;

Q2(g) Who prepared this brief?

Q2(h) If no legal opinion was obtained, can you advise why this Council dealt with the issue behind closed doors, and why I was advised that the issue was “commercial in confidence”;

A2(a-h) Section 5.23 (2) of the Local Government Act 1995 details the occasions to which a meeting of the Council may be closed to the public.

A Council may by resolution close to the members of the public the meeting, or part of the meeting, if the meeting or the part of the meeting deals with, which includes:

- A matter affecting an employee or employees;
- The personal affairs of any person;
- A contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting.

The Council was therefore entitled to resolve to discuss the matters relating to the Leisure Centres behind closed doors.

Q3 Now that this Council has dealt with the issue of RANS, will the detail provided to Councillors for deliberation on this issue now be made available for the members of the public? If not, why not?

A3 No.

Q4 With reference to the recorded minutes of the second public question time, can you advise why my attempt to ask a question related to the decision made behind closed doors on the RANS issue, and denied by the Mayor, are not recorded in the minutes?

A4 During the second period of public question time, Mr Sideris requested that the decision relating to the management of the leisure centres again be read aloud. The Mayor advised that the decision had been read aloud as required by the Standing Orders. It was therefore determined there was no further requirement to record the comments as the minutes clearly reflect the decision on that matter.

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

Q1 Could the implementation of Amendment No 10 and associated matters/changes to the DPS 2 go ahead without any changes being made to DPS 2 text and map? If the answer is no, would these changes include:

- (a) re-zoning;
- (b) re-coding;
- (c) re-classifying;
- (d) any changes to housing density

Please list all the changes to DPS 2, text and map, if Amendment No 10 is implemented in its entirety to DPS 2.

A1 No.

- (a) Changes to the Scheme map would only be required for Lot 199 Kinross Drive, Kinross.
- (b) No.
- (c) This question is not understood.
- (d) No. Council Report CJ188-07/02 described the extent of changes. It should be noted that the recommendation is to remove reference to the Centres Strategy and to initiate a new review of the strategy.

Q2 *Was the major stakeholder/major landowner (community) consulted on Amendment No 10?*

A2 Yes.

Q2.1 *If yes:*

- (a) *how were they/we consulted;*
- (b) *when were they/we consulted;*
- (c) *dates of advertisements for Amendment 10's implementation into DPS 2 consultation process;*
- (d) *date for close of submissions;*
- (e) *how many submissions were received for Amendment 10's implementation to DPS 2;*

A2.1 The proposed DPS2 amendment 10 was advertised for public comment for a 42 day period, which closed on 9 January 2001. Letters were sent to landowners affected by the amendment and signs were erected at Lot 60 Warburton Avenue, Padbury and Lot 199 Kinross Drive, Kinross. An advertisement was also placed in the local newspaper on 28 November 2001. A total of forty-two submissions were received, which includes two petitions, one signed by 246 people the other signed by 13 people both opposing the rezoning of Lots 199 and portion Lot 9000 Kinross Drive, Kinross.

Q3 *Were all the proposed changes to DPS 2 text and map, advertised for public comment?*

A3 Yes.

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

A3(a) The changes were advertised.

Q3(b) *Is this not a requirement of the City of Joondalup/Local Government or any other department?*

A3(b) Legislative requirements were fulfilled.

Q3(c) *If yes:*

- (i) when were the changes advertised;*
- (ii) how were the changes advertised;*
- (iii) date of advertisement/advertisements;*
- (iv) method of advertising/advertisings.*

A3(c) This question is answered at 2.1.

Q4 *If the answer to Question 1 is yes, could Precinct Action Planning/Concept Planning/Precinct Planning go ahead without the implementation of Amendment 10 to DPS 2, meaning the status quo/zoning as in its current form/DPS 2 as is now?*

A4 The answer to question 1 is No.

Q4(a) *If not, why not?*

A4(a) The answer to question 1 is No.

Q4(b) *If yes, please explain in detail how?*

A4(b) The answer to question 1 is No.

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

Q1 *What part/parts of the Centre Strategy Policy/Centre Strategy are not being incorporated by Amendment 10 into DPS 2?*

A1 A comparison can be made by comparing both documents, which are available publicly.

Q2 *Were any of the 3 Special Elector's Meetings and Petitions presented in opposition to re-zoning, re-coding and higher density considered by the City of Joondalup as submissions opposing Amendment 10?*

Q2(a) *If not, why not?*

(A2&a) *Amendment 10 is not linked to the Precinct Action Planning program, and the changes proposed under Amendment 10 that were derived from the Centres Strategy did not include any recommendation to rezone residential land.*

Q3 *Has the Minister for Planning and Infrastructure been made aware of the opposition to Precinct Planning/Concept Planning?*

A3 Yes.

Q4 *Was the Minister for Planning and Infrastructure made aware that the major stakeholder/major landowner has no desire for higher density, re-zoning and or re-coding and expressed that these "ideas/concept" was not appropriate or desired?*

A4 Yes, the Minister has been made aware of the concerns.

The following questions were submitted by Mr D Barber, Duncraig:

The restriction on outdoor entertainment is described as no live or amplified music in the family courtyard, function room courtyard and entertainment courtyard. It is further proposed that the alfresco courtyard is to operate without background amplified or live music.

Q1 Has the Council considered the impact of a busker or entertainer without music, and how much noise will that entertainer need to generate to attract and retain the attention of a crowd in these outdoors areas; and

A1 No, the Council's consideration of using outdoor areas is based upon the maximum patronage level, the acoustic reports, and the City's assessment of the proposal. It is the responsibility of the land owner to operate within the prescribed limits.

Q2 Is it likely that the crowd will respond, join in the merriment and further wind up the noise level, is so?

A2 It is intended that the outdoor areas are not used for entertainment purposes and the area will be managed so that such activities are directed to the appropriate sections of the building, under the management plan.

Q3 Is the Council fully satisfied that the limited restriction of no live or amplified music alone will avoid noise problems without also including all other entertainment in outside areas including background music; if not?

A3 The Management Plan and the performance of the building structure are designed to obviate any noise problems. Based on analysis, the measures proposed in the application provided sufficient grounds to warrant support of the application from a planning perspective.

Q4 Will the Council consider restriction of all entertainment and all music in outside areas?

A4 This question has been considered and it is suggested that such restrictions apply to all but one of the courtyards, except the entertainment courtyard at the southwest side of the building.

The following questions were submitted by Mrs M Macdonald, Mullaloo:

The following questions refer to CJ188-07/02:

Q1 The Report (CJ188-07/02) states with respect to Net Lettable Areas, "that the nominated areas are in line with the values provided for by government policy." Where does it state in Metropolitan Centres Policy that if a centre is listed in the 1997 WAPC survey as currently having shopping areas greater than the maximum for one category of centre in the hierarchy it will automatically be increased to have the maximum allowed in the next category – i.e. a centre with 1003 sqms will become a village capable of accommodating 4500 sqms of retail shops? Why was there no consideration given to the size of the lot area of a centre when determining the NLA of a centre?

A1 The policies examine planning at a high level. The potential of each site (in terms of floor space) is assessed independently as refurbishment/alteration/addition proposals are assessed.

Consideration of lot area occurs when detailed proposals are lodged.

Q2 *The parts to be reviewed do not include an examination of the recommendations within the Strategy that Peripheral areas around centres be used for higher densities and mixed business. As these recommendations are of great concern to the community why are they not subject to review? Why isn't the whole Strategy and the assumptions on which it are based i.e. undersupply of shops, being reviewed?*

A2 It is proposed that the entire strategy be reviewed.

Q3 *The report states "Amendment 10 is not an attempt to rekindle Precinct Action Planning". If Amendment 10 was not the vehicle by which Precinct Planning was to be implemented how was Precinct Action Planning to be implemented? How were the main street mixed business developments and high residential densities to be implemented? What were the proposed developments in Kingsley and Greenwood if not peripheral areas around centres?*

A3 Council did not adopt a method for implementing Precinct Action Planning. The concepts put forward for discussion were not adopted.

Q4 *The Metropolitan Centres Policy 4.1.8 – Controlling the Spread of Commercial Development in the Inner Suburbs states "except for designated areas, commercial developments should be located in defined centres in order to promote the centres and discourage the encroachment of commercial activities into residential areas". Are the contemplated peripheral areas around centres consistent with this section?*

A4 Peripheral areas around centres are not contemplated for commercial development. Such development is only permissible on appropriately zoned land.

Q5 *If the City is mindful of fostering good working relationships with the community and consulting the community and the community is suspicious of the intent of the whole of Amendment 10, shouldn't it revoke Amendment 10 and not just amend 3 areas?*

A5 No. Other elements of the amendment need to proceed to maintain the effectiveness of the Council's planning controls.

Q6 *Will the Council acknowledge that the shop retail column in Table 3.5 of the Draft Centres Strategy, from which Schedule 3 of the Centres Strategy was based, was manipulated to achieve specific outcomes?*

A6 No.

Re: CJ182-07/02 - Modification to Hillarys Structure Plan

Q7 *The modification will allow no setbacks to the front of the buildings. Given that this is a departure from current practice in the area, will Council consider information all residents in a 400 metre area around the areas where the modifications are to be made?*

A7 No. (The proposed modification to the structure plan would not allow nil front setbacks)

Re: CJ181-07/02 - Proposed Amendment to Policy 3.2.6

Q8 *If there is a necessity for developments adjoining public space to front on to the public space with a roadway in front, will the road be on the developer's land or on encroach into the public space?*

A8 The road interface treatment will be on the developer's land.

The Chief Executive Officer informed Council that additional questions had been received today pertaining to the Carine Tavern application. These questions fell outside of the guideline set, that any questions relating to this application were to be submitted by close of business on Monday, 22 July 2002. The questions have been copied and circulated to all Elected Members to note the contents of the submissions and are attached hereto - (Appendix 19 refers - *to access this attachment on electronic document, click here:* [Attach19min230702.pdf](#))

The following questions, submitted by Mr S Grech, Ocean Reef were taken on notice at the Council Meeting held on 2 July 2002:

Q1 *I refer to the need to ensure that Council is complying with Council policies regarding their ratepayer funded communications, allowances for use of Council issued mobile phones and that Councillors protect the City's good credit rating. In view of this, can you please advise whether in the last six months Council has received any letter of demand against Council over a non-payment of a Councillor's mobile phone account?*

A1 Telstra did contact the City by telephone on a number of occasions relating to an elected member's overdue mobile telephone account. However, Telstra did not serve a letter of demand regarding an elected member's overdue mobile phone account.

Q2 *If so, which Councillor caused that threat to be made against the Council?*

A2 N/A.

Q3 *What steps has Council taken to ensure that future threats against Council will not be made if that Councillor again refuses, fails or neglects to pay his or her mobile phone account in a timely manner?*

A3 The relevant elected member has undertaken necessary processes to ensure that the non-payment of the account does not occur again.

- Q4 I refer to the need for Councillors to comply with their obligation to declare financial and non-financial interests when appropriate when voting on recommendations before Council. In view of this, why was Cr Walker permitted to vote in support of a motion at the last Ordinary Council Meeting absolving her of any breach of Council Code of Conduct when she allegedly used her Council email address for her husband's private badge-making business?*
- A4 The responsibility on whether to disclose is the responsibility of each individual elected member. As Cr Walker did not disclose an interest, the Act allows Cr Walker to participate in discussion and vote on the matter.
- Q5 Will you obtain a report from the Department of Local Government as to whether Cr Walker has a direct or indirect financial interest in that motion and if she did whether she should not have voted to support the motion absolving her of any wrongdoing?*
- A5 The matter is being further investigated. Cr Walker has been invited to provide her explanation on the matter and clarification is being sought from the City's solicitor on the legislative processes required to be followed by the City.

The following questions submitted by Mr S Magyar, Heathridge were taken on notice at the Briefing Session held on 16 July 2002:

- Q1 Why does the unconfirmed minutes of the Council meeting held on 2 July 2002 omit the fact that Mr M Sideris asked questions regarding the RANS resolution?*
- A1 During the second period of public question time, Mr Sideris requested that the decision relating to the management of the leisure centres again be read aloud. The Mayor advised that the decision had been read aloud as required by the Standing Orders. It was therefore determined there was no further requirement to record the comments as the minutes clearly reflect the decision on that matter.
- Q2 Why do the unconfirmed minutes of the Council meeting held on 2 July 2002 not record that Cr Hollywood moved a motion to request a second period of public question time three times before it was accepted by the Chair?*
- A2 The motion for a second period of public question time was moved Cr Hollywood seconded Cr Carlos. There was some discussion on meeting procedure with the Council being advised that in accordance with Clause 3.2 of the Standing Orders, the Council by resolution may alter its order of business to include a second period of public question time.

Following discussion and clarification, Cr Hollywood and Cr Carlos reaffirmed their commitment to move and second the motion, the Mayor subsequently put the motion and it was duly carried. Cr Hollywood only moved the motion once and not three times, and the minutes clearly and accurately record the sequence of proceedings.

PUBLIC QUESTION TIME GUIDELINES

The Chief Executive Officer reported on his meeting with the Director General of Local Government. He summarised draft guidelines from the Department of Local Government and advised it was intended that these be finalised by the end of this week, i.e. 26 July 2002:

- Question time is not a public forum for debate or making public statements. The time is limited to asking of questions and receiving responses.
- Question time to be limited to the minimum 15 minutes as presented by the Regulations. It may be extended by the Council to an extension of time.
- It has been suggested that members of the public register and be limited to two (2) questions at any one time – the opportunity to ask subsequent questions will depend on whether the time allocation has lapsed.
- The Chairperson in their absolute discretion may:
 - accept or reject a question
 - determine who to answer it
 - take questions on notice
- The Chairperson may rule a question out of order if it:
 - is a statement
 - does not relate to a matter affecting the local government
 - has been responded to at an earlier meeting
 - is inappropriate, offensive, or defamatory or not in good faith
 - is of a personal nature, relates to a confidential matter or legal advice, legal proceedings or other legal processes
 - requires an elected member or officer to make a personal explanation
- detailed or complex questions to be submitted in writing by no later than midday Friday prior to the meeting.
- The Chief Executive Officer will determine whether or not resources should be allocated – if not determined to respond, the information may be sought under FOI.
- Suggested disclaimer, answers to questions not put in writing are provided in good faith and as such, should not be relied upon as being either complete or comprehensive.

Ms Sue Hart, Greenwood:

Q1 Why did the Mayor not make it public in the letter that appeared in the Community News that he had voted against keeping the leisure centres in house?

A1 Response by Mayor Bombak: What was written in the paper was what I said. My letter to the editor was my explanation of what occurred.

Q2 Regarding Amendment No 10, does Council feel that a developer, a real estate agent principal or a builder would have an interest in Amendment No 10?

A2 You are invited to listen to the debate on Amendment No10 later this evening.

Mr Steve Magyar, Heathridge:

Q1 Do you consider that the Mayor's treatment of Ms Hart was in the spirit of the Code of Conduct of the City of Joondalup?

A1 *Response by Mayor Bombak:* I will not respond to that question.

Mr Ian Thompson, Duncraig:

Q1 Is the Chief Executive Officer aware of the Mayor's order at the last briefing session that questions regarding the Carine Glades Tavern were to be received by close of business yesterday and that four questions were hand delivered by myself to your Receptionist before close of business at 4.45 pm?

Q2 Why cannot the answers to these questions be read out so that the meeting is aware of them before the end of this session?

A1-2 It is Council's understanding that these questions were not received until this morning, but this matter will be investigated. Councillors have been provided with copies of the questions and can ask questions and debate them.

Mr David Davies, Connolly:

Q1 I refer to questions from Mr Sam Grech, which appear to be a direct attack on a Councillor, and against the rules of question time. Is question 1, if it took place, public information and if not did Mr Grech get the information from within the City?

A1 This question needs to be directed to Mr Grech.

Q2 At the last seven Council meetings the invited guests have been church ministers. Is this now the norm for the City?

A2 It is not the norm, it is a practice started two years ago with the Olympic Torch Relay where a number of students were present who started the meeting with a prayer. This will not occur at every meeting.

Q3 Is it now a Minister's position to be a guest speaker or is Council still taking people from the public area?

A3 Any member of the public is invited that Council thinks can make a contribution to the meeting or has made a contribution to the City of Joondalup.

Ms M Moon, Greenwood:

Q1 Regarding Amendment No 10 in the DPS2 Schedule 1, definition of centre strategy means the City of Joondalup Centre Strategy Policy 3.28. It says the inclusion of Schedule 1 of the scheme, a definition for centre strategy, provides legal recognition to the document wherever cited in the scheme. Is this the whole document or just part of it?

A1 This was discussed today with Ms Moon and the Director of Planning and Community Development.

Ms M Macdonald, Mullaloo:

Q1 I refer to my question of 2 July 2002. This question has been abbreviated in the agenda this evening. Can Council refer me to the Section of the Local Government Act that states that questions do not have to be recorded as they were written or spoken?

A1 Local Government Administration Regulation 1996, Regulation 11 details the contents of Minutes of Council and Committee Meetings.

Ms M Zakrevsky, Mullaloo:

Questions relate to CJ188-07/02 – Amendment No 10

Q1 If there is no recommendation to insert “AS” use to Clause 6.7 Public Notice in the DPS2 in tonight’s amendment, how would the requirement for public notice of the “AS” use be met? Clause 6.7.1 deals with notification “A” uses, Clause 6.7.2 deals with “D” uses and Clause 6.7.3 deals with submissions on “D” and “A” uses but there is no insertion according to this amendment for “AS” use as an interpretation?

A1 This question will be taken on notice, but it is pointed out that the recommendation tonight is to totally review the Centres Strategy and policy.

Q2 I understood that it was decided at the 26 March 2002 Council Meeting that Councillors would tonight pass Schedule 1 with the deletion of bakery, animal husbandry etc. The ‘shop’ new meaning and the ‘showroom’ in Table 1, Table 2 and 3.22 is how I read it. The only deletions are from 3.22 afterwards. Is the first part of this document being passed tonight?

A2 That is correct.

Q3 Why is there no proposed additional hot bread shop and its interpretation in Schedule 1, how will an appraisal for an approval for a hot bread shop be determined in the absence of a definition?

A3 In the absence of a definition in the scheme, the common usage or common dictionary usage would be used. The main difference is to distinguish between an old style bakery that is more industrial use and a hot bread shop that is basically a shop that bakes bread on the premises.

Mr M Sideris, Mullaloo:

Q1 Having read the questions and responses that have been submitted in writing to this Council, does this Council have an underlying policy not to answer questions submitted by the public?

A1 Quite the contrary, the number of questions and answers that have been supplied tonight are extensive. They are probably as extensive as any other local government authority. The number of hours that are currently being put in by staff in an attempt to provide adequate answers is well in excess of what would be deemed to be reasonable, however in the interests of providing transparent and open government the staff are attempting to provide detailed answers where possible so that the Councillors and the public have adequate answers, and in particular the Councillors before they deliberate on a matter.

Q2 Can you provide me with a definition of what is an answer and what is a response?

A2 No.

Mr M Caiacob, Mullaloo:

Q1 Regarding the amendments to Amendment No 10 coming through tonight, in the options in the agenda, in order to alleviate the ambiguities raised by the community in their interpretation of the content of the Centres Strategy, why are we dealing with policies that can be interpreted and are ambiguous?

A1 Certain policies are generally just guidelines and are invariably not black and white matters. There is a need for some flexibility in policies however, as Council has indicated in this report, there is sufficient ambiguity based on the community's response to some of these issues, and Council should look at this policy again and try to provide greater clarity and certainty to the community.

Q2 Can Council explain the criteria used for Council to form an opinion of size and scale of an expansion or redevelopment of an existing centre under Amendment No 10? This relates to Clause 4.16.3.

A2 This question will be taken on notice.

APOLOGIES AND LEAVE OF ABSENCE**C97-07/02****REQUESTS FOR LEAVE OF ABSENCE**

Requests for Leave of Absence from Council duties have been received from:

Cr Walker - 24 July 2002 to 29 July 2002 inclusive

Cr Hurst - 9 September 2002 to 13 September 2002 inclusive
- 12 October 2002 to 19 October 2002 inclusive
- 24 October 2002 to 30 October 2002 inclusive
- 4 November 2002 to 6 November 2002 inclusive

Cr Patterson - 14 August 2002 to 18 August 2002 inclusive

MOVED Cr Kimber, SECONDED Cr Baker that Council APPROVES the following requests for Leave of Absence:

- Cr Walker** - 24 July 2002 to 29 July 2002 inclusive
- Cr Hurst** - 9 September 2002 to 13 September 2002 inclusive
 - 12 October 2002 to 19 October 2002 inclusive
 - 24 October 2002 to 30 October 2002 inclusive
 - 4 November 2002 to 6 November 2002 inclusive
- Cr Patterson** - 14 August 2002 to 18 August 2002 inclusive

The Motion was Put and

CARRIED (15/0)

In favour of the Motion: Mayor Bombak, Crs Baker, Barnett, Carlos, Hollywood, Hurst, Kadak, Kenworthy, Kimber, Mackintosh, Nixon, O'Brien, Patterson, Rowlands and Walker

DECLARATIONS OF FINANCIAL INTEREST/INTEREST THAT MAY AFFECT IMPARTIALITY

Cr O'Brien declared a financial interest in Item CJ172-07/02 – Warrant of Payments – 30 June 2002 (Voucher No's 40282 and 40715) as Chubb Security has taken over an FAI Extra Watch security at his residence.

Mayor Bombak declared a financial interest in Item CJ175-07/02 – Petition Requesting Installation of Boom Gates or Retractable Bollards – Neil Hawkins Park as he lives in close proximity to Neil Hawkins Park.

Cr Baker declared a financial interest in Item CJ184-02/02- Proposed Educational Use (Business College): Unit 3, Lot 702 (1) Wise Street, Joondalup as he is a Director of a company that owns a strata titled unit in the Maddison Building which is situated in Grand Boulevard, Joondalup.

Cr Baker declared a financial interest in Item CJ188-07/02 – Status Report Community Feedback on Adopted Centres Strategy, Adopted Centres Policy, and Draft Scheme Amendment 10 as he is a Director of a company that owns a strata titled unit in the Maddison Building which is situated in Grand Boulevard, Joondalup.

Cr Hollywood declared an interest that may affect his impartiality in Item CJ188-07/02 - Status Report Community Feedback on Adopted Centres Strategy, Adopted Centres Policy, and Draft Scheme Amendment 10 as he is a builder and has a building application to be lodged in respect of this item.

Cr Rowlands declared an interest that may affect his impartiality in Item CJ179-07/02 – Tender No 043-01/02 – Collier Pass Roadworks as his employer has made a submission in relation to this issue.

CONFIRMATION OF MINUTES

C98-07/02 MINUTES OF COUNCIL MEETING, 2 JULY 2002; AND MINUTES OF SPECIAL COUNCIL MEETING, 9 JULY 2002

MOVED Cr Baker, SECONDED Cr Mackintosh that the following Minutes be confirmed as a true and correct record:

- **Council Meeting held on 2 July 2002**
- **Special Council Meeting held on 9 July 2002**

The Motion was Put and

CARRIED (15/0)

In favour of the Motion: Mayor Bombak, Crs Baker, Barnett, Carlos, Hollywood, Hurst, Kadak, Kenworthy, Kimber, Mackintosh, Nixon, O'Brien, Patterson, Rowlands and Walker

Cr Rowlands left the Chamber and 1932 hrs and returned at 1933 hrs.

ANNOUNCEMENTS BY THE MAYOR WITHOUT DISCUSSION

DEVELOPMENT OF THE STRATEGIC PLAN

The City has begun developing its Strategic Plan for the next five years in consultation with all major contributors.

Consultation is taking place through community workshops, on-line and mail-out surveys and questionnaires, available at customer service centres and libraries to gain as much input from residents as possible.

Over 1,000 surveys have been distributed to community groups and organisations, businesses listed on the City's internet, and the regional stakeholder group.

A report on the results from all surveys and workshops, as well as analysis of existing key strategic information, will be available in September 2002; to allow us to develop the City's mission, vision and values and key strategies.

LOCAL GOVERNMENT WEEK

Hundreds of local government representatives from across the State will meet in Perth for the annual Local Government Week Convention from Friday, 2 August 2002 through until Tuesday, 6 August 2002.

Themed "*Local Government: Heartbeat of the Community*" the Convention is the biggest Local Government Conference in Western Australia, and will be held at the Burswood Convention Centre.

As part of Local Government Week 2002, the convention will include the Annual General Meeting of the WA Local Government Association, an elected members' development program, and plenary sessions that will discuss issues such as relationships between Councillors.

A new President of the Local Government Association will be elected by the State Council on Saturday, 3 August 2002.

The Association's Annual General Meeting will be held on Sunday, 4 August 2002 and will include guest speakers Tim Fischer, and Local Government Minister, Tom Stephens.

BANNERS IN THE TERRACE

The banner chosen to represent the City of Joondalup at the WA Local Government Authority's Annual Banners in the Terrace competition was designed by Mater Dei College.

Students of the College presented me with their banner during a recent school assembly and it will be on display in St George's Terrace as part of Local Government Week in July (28 July – 10 August 2002).

Other schools to create banners were Creaney Ed Support Centre, Dalmain, Poseidon and Hawker Park primary schools.

Their colourful banners will be flown in Grand Boulevard in Joondalup during July and August 2002.

BUDGET COMMITTEE MEETING

The final meeting of the Budget Committee is scheduled for 7.00 pm, Wednesday, 24 July 2002.

The Special Meeting of Council to bring down the Budget will be on Tuesday, 30 July 2002 at 7.30 pm.

PETITIONS

C99-07/02 PETITIONS SUBMITTED TO THE COUNCIL MEETING – 23 JULY 2002

PETITION IN RELATION TO MANAGEMENT OF CRAIGIE LEISURE CENTRE – [09050 04185 03034]

A 13-signature petition has been received on behalf of residents of the City of Joondalup requesting that Council takes the management of the Craigie Leisure Centre, the Sorrento/Duncraig and Ocean Ridge Community centres back under in-house Council administration.

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

MOVED Cr Baker, SECONDED Cr Kenworthy that the petition requesting that Council takes the management of the Craigie Leisure Centre, the Sorrento/Duncraig and Ocean Ridge Community centres back under in-house Council administration be received and referred to the appropriate Business Unit for action.

The Motion was Put and

CARRIED (15/0)

In favour of the Motion: Mayor Bombak, Crs Baker, Barnett, Carlos, Hollywood, Hurst, Kadak, Kenworthy, Kimber, Mackintosh, Nixon, O'Brien, Patterson, Rowlands and Walker

C100-07/02 REQUEST FOR SECOND PUBLIC QUESTION TIME – [01122 02154]

MOVED Cr O'Brien, 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 prior to the close of this evening's meeting in order that members of the public may ask questions in relation to decisions made at this meeting.

The Motion was Put and

CARRIED (13/2)

In favour of the Motion: Crs Baker, Barnett, Carlos, Hollywood, Hurst, Kadak, Kenworthy, Mackintosh, Nixon, O'Brien, Patterson, Rowlands and Walker **Against the Motion:** Mayor Bombak and Cr Kimber

CJ168 - 07/02 SCHEDULE OF DOCUMENTS EXECUTED BY MEANS OF AFFIXING THE COMMON SEAL - [15876]

WARD - All

PURPOSE

To provide a listing of those documents executed by affixing the Common Seal for noting by Council.

EXECUTIVE SUMMARY

The following is a list of documents sealed under the Common Seal of the City of Joondalup from 07.06.02 to 03.07.02, not previously listed.

Document: Copyright
 Parties: City of Joondalup and Lindsay and Barbara Derriman
 Description: Recording of historical importance
 Date: 07.06.02

Document: Agreement
 Parties: City of Joondalup and Claire Hills
 Description: Workers Compensation Claim
 Date: 07.06.02

Document: Caveat
Parties: City of Joondalup and K H Neille
Description: Withdrawal of Caveat – Strata Lot 5 (8) Dugdale Street, Warwick
Date: 14.06.02

Document: Copyright
Parties: City of Joondalup and Heather Mills
Description: Recording of historical importance
Date: 17.06.02

Document: Agreement
Parties: City of Joondalup and Roman Catholic Archbishop of Perth
Description: Easement over Deposited Plan 31215
Date: 18.06.02

Document: Restricted Covenant
Parties: City of Joondalup and Michael & Cheryle Aueling
Description: Covenant over Lots 1 & 2 Camberwarra Drive, Craigie
Date: 19.06.02

Document: S.70A
Parties: City of Joondalup and WALA
Description: Lots 487 and 490 Palace Way, Currambine
Date: 26.06.02

Document: Structure Plan
Parties: City of Joondalup and Western Australian Planning Commission (WAPC)
Description: Certification of Currambine Structure Plan
Date: 03.07.02

Document: Transfer
Parties: City of Joondalup, ING Real Estate and Armstrong Jones
Description: Transfer of Land – Lot 505 (33) Collier Pass, Joondalup
Date: 03.07.02

VOTING REQUIREMENTS

Simple Majority

MOVED Cr Baker, SECONDED Cr Hurst that the Schedule of Documents executed by means of affixing the Common Seal be NOTED.

The Motion was Put and

CARRIED (15/0)

In favour of the Motion: Mayor Bombak, Crs Baker, Barnett, Carlos, Hollywood, Hurst, Kadak, Kenworthy, Kimber, Mackintosh, Nixon, O'Brien, Patterson, Rowlands and Walker

CJ169 - 07/02 THE LOCAL GOVERNMENT WEEK 2002 CONVENTION - NOMINATION OF VOTING DELEGATES FOR ANNUAL GENERAL MEETING – [00033]

WARD - All

PURPOSE

The purpose of this report is to appoint voting delegates to the Annual General Meetings of the Local Government Association (WALGA), which are to be held during Local Government Week.

SUMMARY

The Local Government Week 2002 Convention will be held at the Burswood Convention Centre from 2 to 6 August 2002. The Annual General Meeting (AGM) of the Local Government Association (LGA) is to be held on Sunday 4 August at 1:00pm, with the Western Australian Government Association (WALGA) AGM scheduled to commence immediately afterwards. Member Councils are requested to nominate four voting delegates for LGA and two voting delegates for WALGA.

The closing date for nomination of voting is 29 July 2002. It is recommended that the following Elected Members be as follows:

LGA	WALGA
Mayor Bombak	Mayor Bombak
Cr Kenworthy	Cr Kenworthy
Cr Kadak	
Cr Carlos	

BACKGROUND

The Convention incorporates the following events:

- Mayors and Presidents Forum
- Elected Member Development Sessions
- Statutory Annual General Meetings of the Country Shire Councils' Association, Country Urban Councils' Association and the Local Government Association
- Inaugural Annual General Meeting of the Western Australian Local Government Association
- Workshops and Field Trips Program

The Annual General Meeting of the Local Government Association is scheduled to be held at 1.00 pm on Sunday 4 August 2002. The Annual General Meeting of the Western Australian Local Government Association will be held immediately after, commencing at 3.30 pm.

Further details are contained in the registration brochures that have been distributed to all elected members.

DETAILS

Member Councils of the Local Government Association are invited to nominate their voting representatives to ensure accuracy. Each member of the Local Government Association are entitled to be represented at the Annual General Meeting on the same basis. The City is currently a member of the Local Government Association through the North Metropolitan Zone with the Cities of Wanneroo and Stirling.

All member Councils are entitled to be represented at the Western Australian Local Government Association Annual General Meeting by two voting delegates.

Votes must be exercised in person for both the Western Australian Local Government Association and Local Government Association Annual General Meeting and proxy voting is available.

Those delegates wishing to exercise a proxy vote must do so in writing to the Chief Executive Officer of the Western Australian Local Government Association. Proxy authorisations should nominate the person in whose favour the proxy is to be given, and be signed by the delegate or by the Chief Executive Officer of the Member Council which nominated the delegate.

All authorisations for voting delegates and any proxies must be received by the Secretariat before 29 July 2002.

Elected Members have been advised and invited to nominate for the vacancy of the Local Government Association's presidency with nominations closing on 19 July 2002. Elected Members have been requested to lodge their nominations direct with the Chief Executive Officer of the Western Australian Local Government Association. The Western Australian Local Government Association has advised that for a nomination to be valid for the position of the Local Government Association's presidency, the nomination must be from a voting delegate. If a nomination for the Local Government Association's presidency is not confirmed by the City of Joondalup as a voting delegate, then the nomination will be disqualified.

For the information of members, attach is a copy of the:

- Association's Standing Orders
- Agenda for the Local Government Association's Annual General Meeting
- Agenda for the Western Australian Local Government Association's Annual General Meeting

There are no ‘member’ motions listed for the Local Government Association’s Annual General Meeting. The following motions have been listed for the Western Australian Local Government Association’s Annual General Meeting:

1.1 City of Belmont delegate to move:

“That the Western Australian Local Government Association lobby the Minister for Local Government to amend the Relevant clauses of the Administration Regulations so as to enable Councils to raise their Elected Members Meeting Attendance Fees.”

2.1 City of Belmont’s delegate to move:

“That WALGA progress as a matter of urgency, the development of a Local Government Disciplinary Tribunal.”

3.1 Shire of Murray delegate to move:

“That WALGA continues to pursue on an urgent basis, a suitable outcome in relation to public liability insurance cover for non-profit voluntary community organisations, thus ensuring the continued existence of such organisations within our general communities.”

It is suggested that all the members’ motions proposed be supported by the nominated City of Joondalup’s delegates as per the comments detailed within the agendas.

Member Councils of LGA and WALGA are required to nominate voting delegates for Local Government Week Convention.

Currently, the City’s representatives on the North Metropolitan Zone Committee of WALGA are:

Members	Deputies
Mayor	Cr Hurst
Cr Kadak	Cr Kimber
Cr Carlos	Cr Baker
Cr Kenworthy	Cr Patterson

Cr Kenworthy is also one of three State Council (WALGA) representatives from the North Zone Metropolitan Committee.

COMMENT

It is suggested that the City’s voting delegates for the Local Government Association be the same as the Elected Members who represent the City as per the North Metropolitan Zone. It would also be appropriate for the Mayor, as head of the Council and Cr Kenworthy as the North Zone Committees representative on the State Council, to be nominated as voting representative for the Western Australian Local Government Association.

VOTING REQUIREMENTS

Simple Majority

MOVED Cr Baker, SECONDED Cr Kadak that Council NOMINATES the following elected members:

1 as voting delegates for the Local Government Association:

- 1 Mayor Bombak**
- 2 Cr Kenworthy**
- 3 Cr Kadak**
- 4 Cr Carlos**

2 as voting delegates for the WA Local Government Association:

- 1 Mayor Bombak**
- 2 Cr Kenworthy**

The Motion was Put and

CARRIED (15/0)

In favour of the Motion: Mayor Bombak, Crs Baker, Barnett, Carlos, Hollywood, Hurst, Kadak, Kenworthy, Kimber, Mackintosh, Nixon, O'Brien, Patterson, Rowlands and Walker

Appendices 1, 1(a) and 1(b) refer

To access this attachment on electronic document, click here: [Attach1brf160702.pdf](#)
[Attach1abrf160702.pdf](#) [Attach1bbrf160702.pdf](#)

**CJ170 - 07/02 COMMITTEE VACANCY - WA LOCAL
GOVERNMENT ASSOCIATION - LIBRARY BOARD
OF WA - [02011]**

WARD - All

PURPOSE

To call for nominations for the vacancy on the Library Board of WA.

EXECUTIVE SUMMARY

The Western Australian Local Government Association (WALGA) has invited member Councils to submit nominations to the Library Board of WA.

Nominations are invited from elected members with knowledge of the Public Library Service.

BACKGROUND

The Western Australian Local Government Association has invited member Council to submit nominations to the Library Board of WA.

Nominations close on Friday 26 July 2002 at 4.00 pm.

Nominations must ensure that the Selection Criteria are addressed in full. Appointments are conditional on the understanding that nominees and delegates will resign when their entitlement terminates – that is, they are no longer elected members of Local Government. This ensures that the Local Government representative is always active in Local Government as an elected member.

Details of the vacancies can also be found at the Policy section of the WALGA website at: <http://www.walga.asn.au/policy/committees/images/profileForm>.

DETAILS

Qualifications:	Nominations are invited from elected members with knowledge of the Public Library Service.
Selection Criteria:	Nominee to address the following selection criteria: <ul style="list-style-type: none"> • To be a current elected member; • Availability of the applicant to undertake the responsibility; • Relevant skills in the area; • Demonstrated interest in the position; • Capacity of the applicant to represent the interest of local government and the Association; • Relevant experience and qualifications that are applicable to the position; • Knowledge of Public Library Services in WA is desirable.
Terms of Reference:	The Terms of Reference for the Library Board are as per the Library Board Act. The Board considers issues such as financial statements, annual reports and policy decision for reporting to the Minister.
Term:	The term commences upon appointment for a period of four years, dependent on legislative changes.
Meetings:	Meetings are held monthly at the Board Room, Alexander Library Building, Perth Cultural Centre on the third Thursday of each month at 9.30 am. Meetings run for approximately half a day.
Meeting Fee:	No meeting fee is paid.
Committee Membership:	The Board will have representation from: <ul style="list-style-type: none"> • Ministerial appointees; • Director General of Education Representative; • Director General of Culture and the Arts; • Australian Library Association; • City of Perth; • City of Fremantle; • Local Government representatives.

VOTING REQUIREMENTS

Simple Majority

MOVED Cr Baker, SECONDED Cr Kenworthy that no nomination be submitted for consideration of appointment to the WA Local Government Association – Library Board of WA.

The Motion was Put and

CARRIED (14/1)

In favour of the Motion: Mayor Bombak, Crs Baker, Carlos, Hollywood, Hurst, Kadak, Kenworthy, Kimber, Mackintosh, Nixon, O'Brien, Patterson, Rowlands and Walker **Against the Motion:** Cr Barnett

CJ171 - 07/02 MINUTES OF THE HOUSE COMMITTEE MEETING HELD ON 15 JULY 2002 - [59064]

WARD - All

PURPOSE

To submit the Minutes of the House Committee meeting held on 15 July 2002 to Council for endorsement.

EXECUTIVE SUMMARY

A meeting of the House Committee was held on 15 July 2002 and the unconfirmed minutes are submitted for noting by Council and endorsement of the recommendations contained therein.

BACKGROUND

The House Committee has been established to consider matters relating to:

Civic function requirements
Elected Members' requirements
Awards and presentations
House facility services

DETAILS

The unconfirmed minutes of the House Committee meeting held on 15 July 2002 are included as Attachment 1.

At the meeting, the following matters were discussed:

- City Christmas Function 2002
- Silver Jubilee Celebrations
- Silver Jubilee Photo Competition
- Function of Events

COMMENT

It is recommended that:

- the unconfirmed minutes be noted
- the holding of the 2002 City Christmas function be agreed to
- the holding of a 25th Silver Jubilee Celebration be agreed to, including the purchase of commemorative items as gifts
- the staging of a photographic competition in conjunction with the 25th Silver Jubilee Celebration
- Councillors' business cards
- rescheduling of a volunteer function

VOTING REQUIREMENTS

Simple Majority

MOVED Cr Rowlands, SECONDED Cr Kadak that Council:

- 1 NOTES the unconfirmed Minutes of the House Committee meeting held on 15 July 2002 forming Attachment 1 to Report CJ171-07/02;**
- 2 (a) AGREES to the holding of the 2002 City Christmas function at the 'terrace' at the Joondalup Resort on Saturday 7 December 2002;**
(b) AGREES that each guest at the function be presented with a gift in accordance with those supplied at the 2001 City Christmas function;
(c) REQUESTS a further report to the House Committee detailing:
 - Revised guest lists (including key stakeholders);
 - gifts to elected members; and
 - Menu options
- 3 (a) AGREES to the holding of a 25th Silver Jubilee Celebration cocktail function to be held on Thursday 31 October 2002 as detailed in Report CJ171-07/02;**
(b) AGREES to the purchase of appropriate quantities of:
 - Red wine and glasses (including presentation boxes) to be presented to distinguished VIPs;
 - Three way silver engraved clock weather station;**as commemorative items for the celebration function as detailed in (3)(a) above;**
(c) DEVELOPS a revised guest list for the function detailed in (3)(a) above;

- 4 AGREES to conduct a photographic competition in conjunction with the 25th Silver Jubilee Celebration function as detailed in Report CJ171-07/02, at an estimated total expenditure of \$10,500;**
- 5 ENDORSES Option 1 as per Attachment 2 to Report CJ171-07/02 as the revised business card for elected members;**
- 6 RESCHEDULES the volunteer function to be held on 31 October 2002 to 16 October 2002 due to conflict with another event.**

The Motion was Put and

CARRIED (13/2)

In favour of the Motion: Mayor Bombak, Crs Baker, Barnett, Hollywood, Hurst, Kadak, Kenworthy, Kimber, Mackintosh, Nixon, O'Brien, Patterson and Rowlands **Against the Motion:** Crs Carlos and Walker

Appendix 5 refers

To access this attachment on electronic document, click here: [Attach5agn230702.pdf](#)

Cr O'Brien declared a financial interest in Item CJ172-07/02 – Warrant of Payments – 30 June 2002 (Voucher Nos 40282 and 40715) as Chubb Security has taken over an FAI Extra Watch security at his residence.

Cr O'Brien left the Chamber, the time being 1939 hrs.

CJ172 - 07/02 WARRANT OF PAYMENTS – 30 JUNE 2002 – [09882]

WARD - All

PURPOSE

The Warrant of Payments as at 30 June 2002 is submitted to Council to be noted.

EXECUTIVE SUMMARY

This report details the cheques drawn on the funds during the month of June 2002. It seeks Council's approval for the payment of the June 2002 accounts.

DETAILS

FUNDS	VOUCHERS	AMOUNT
		\$ c
Director Resource Management Advance Account	040280-040954	6,048,720.71
Municipal	000313a-000333	7,461,588.02
	TOTAL \$	13,510,308.73

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 June 2002, the amount was \$2,124,765.56.

The cheque register is appended as Attachment A to this Report.

CERTIFICATE OF THE ACTING DIRECTOR OF CORPORATE SERVICES & RESOURCE MANAGEMENT

This warrant of accounts to be passed for payment, covering vouchers numbered as indicated and totalling \$13,510,308.73 which is to be submitted to each Councillor on 23 July 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.

ALEXANDER SCOTT

Acting Director Corporate Services & Resource Management

CERTIFICATE OF MAYOR

I hereby certify that this warrant of payments covering vouchers numbered as indicated and totalling \$13,510,308.73 submitted to Council on 23 July 2002 is recommended for payment.

.....
Mayor John Bombak

VOTING REQUIREMENTS

Simple Majority

MOVED Cr Baker, SECONDED Cr Kenworthy that Council APPROVES for payment the following vouchers, as presented in the Warrant of Payments to 30 June 2002, certified by the Mayor and Acting Director Corporate Services & Resource Management and totalling \$13,510,308.73.

FUNDS	VOUCHERS	AMOUNT
		\$ c
Director Resource Management Advance Account	040280-040954	6,048,720.71
Municipal	000313a-000333	7,461,588.02
	TOTAL \$	13,510,308.73

The Motion was Put and

CARRIED (14/0)

In favour of the Motion: Mayor Bombak, Crs Baker, Barnett, Carlos, Hollywood, Hurst, Kadak, Kenworthy, Kimber, Mackintosh, Nixon, Patterson, Rowlands and Walker

Appendices 2(a) and 2(b) refer

To access this attachment on electronic document, click here: [Attach2brf160702.pdf](#)
[Attach2bbrf160702.pdf](#)

Cr O'Brien entered the Chamber, the time being 1940 hrs.

CJ173 - 07/02 PURCHASE OF TWO BUSES AND DISPOSAL OF THREE USED BUSES AS PER TENDER 042-01/02 – [60525]

WARD - All

PURPOSE

To seek approval for the procurement of two passenger buses and to dispose of three used buses that have reached the end of their economic life.

EXECUTIVE SUMMARY

Tenders were invited for the procurement of two new passenger buses and disposal of three used buses. Three submissions were received in response to a state-wide advertisement, published on 1 June 2002. The tender submissions were evaluated in accordance with the selection criteria and it is recommended that Council:

- Accepts the Tender submitted by Skipper Trucks, for the supply of two new Mitsubishi Rosa buses at \$214,545 less trade-in of three buses, plant numbers 95334, 95335 & 96040 for \$111,364 resulting in a net cost of \$103,181 after the effects of GST.

BACKGROUND

Tender 042-01/02 for the purchase and supply of two new buses and the sale and disposal of three used buses was advertised on 1 June 2002 and closed on 20 June 2002. The three buses to be sold, by trade-in or outright purchase, were presented for inspection on 6 June 2002 and were evaluated by all tenderers.

At its meeting on 12 December 2000, (Report Number CJ367-12/00 refers), Council resolved to approve in principle, that the Community Transport Service continue to provide transport services for the elderly in the local community. That report also identified the need to replace the smaller Commuter bus (plant number 95334) with a larger vehicle and include modifications to allow for storage of walking aides.

A further review of the buses used for this service resulted in the City recommending that the three existing buses be replaced with two units and the funds saved from not replacing the third bus be used to provide a wheelchair lifter to one of the units.

The purchase of a bus equipped with a wheelchair lifter will ensure that the City of Joondalup will meet the Draft Disability Standards for Accessible Public Transport.

DETAILS

Three submissions were received and recorded in the tender register. Details of all tender submissions are outlined on Attachment 'A' to this Report.

Of the three tenders received, two offered to supply two new buses with trade-in of the three used buses. These were as follows:

- 1 Grand Toyota (Wangara)
- 2 Skipper Trucks (Belmont)

Submissions for outright disposal of the used buses (plant numbers 95334,95335 & 96040) were received from:

- 1 Bus & Truck Brokers WA (Bassendean)
- 2 Grand Toyota (Wangara) Submitted with the supply and trade tender

A tender evaluation committee evaluated each tender submission against the selection criteria listed in the General Conditions of Tendering.

The selection criteria for the tender were as follows:

- 1 Prices offered for the outright purchase of the used plant
- 2 Prices offered for the new supply with or without the trade in
- 3 Tenderers demonstrated ability to provide after sales service & product spare parts
- 4 Meets the design & specification of the proposed supply
- 5 Whole of life costs
- 6 Scheduled delivery date for the new supply

Evaluation of tenders against the selection criteria

Prices offered for the outright purchase of the used plant

The two offers for outright purchase of the three buses, were below the highest trade values submitted by Skipper Trucks. Consequently there is no financial advantage for the City to accept the offers for outright purchase.

Prices offered for the new supply with or without the trade in

The lowest priced tender for supply only of the two new buses was submitted by Grand Toyota for the Toyota Coaster Bus. However, Skipper Trucks submitted the lowest priced change-over tender, for the Mitsubishi Rosa. The lowest cost result for the City would be to accept the combination listed below:

- (i) Grand Toyota to supply a Coaster bus, with wheelchair lifter and accept plant number #95334 as a trade-in
- (ii) Skipper Mitsubishi to supply a Rosa bus and accept plant number #95335 as a trade-in

Although the acceptance of part of the tender submissions from Grand Toyota & Skipper Trucks would result in the lowest cash outflow for the City of Joondalup, it is not recommended, as the Coaster Bus does not meet the required specification.

Tenderers demonstrated ability to provide after sales service & product spare parts.

The two tenderers for the supply were rated as acceptable on this criterion. Both Grand Toyota & Skipper Trucks have large workshops and access to the dealer network for prompt service and spare parts. This criterion is not applicable to the other tenderers for outright purchase of the old buses.

Meets the design & specification of the proposed supply

The tender submitted by Skipper Mitsubishi best met the tender specifications, in particular the power requirement from the engine. The Toyota Coaster engine is rated at 96 kW whilst the Mitsubishi Rosa is rated at 121kW. The tender specification called for an engine of approximately 4 litres in size and a power output of 120kW. The Coaster is considered to be less than satisfactory in this area.

The Rosa has a seating capacity of 25 compared to the Coaster at 22 seats. The extra capacity would be beneficial by allowing larger groups to be carried and enable removal of one seating position to allow for the provision of storage space for walking aides.

Whole of life costs

Fuel consumption figures were not available on the Coaster and the Rosa is a relatively new addition to the market and as such a residual value at four years could not be determined. Consequently the only remaining whole of life factor to be considered was the servicing cost over the expected 90000km life of the units. The cost to service the Rosa is lower than the cost to service the Coaster over a 90000km service life.

The Rosa is rated as superior to the Coaster on this criterion.

Scheduled delivery date for the new supply

Grand Toyota quoted an expected delivery time of 9 weeks and Skipper Mitsubishi estimated 8 to 11 weeks. As the expected delivery dates are not greatly different and the delivery time is not critical to the operations of the Community Transport Service, both suppliers were rated as acceptable on this criterion.

The overall assessment based on the quantitative and qualitative criteria indicates the tender for the supply of two new buses with the disposal by trade of the three used buses, as submitted by Skipper Mitsubishi, is the best value purchase for the City.

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:

There are no suppliers of new buses within the City of Joondalup boundaries.

The City's Policy on Purchasing Goods and Services encourages the participation of local business in the purchasing and tendering process. Of the three tenders received, Grand Toyota is located within the City of Wanneroo and the others are located outside of the regional purchasing area.

Skipper Mitsubishi offers the best value purchase for the City and regional purchasing could not be supported in this instance.

Financial Implications:

The funding for the change-over cost is to be sourced from the Light & Heavy Vehicle Reserve Accounts. The three buses were in the City's 2001/2002 budget and funding was carried over into the 2002/3 financial year. Rationalisation of the Transport Fleet, in purchasing two buses and trading three buses, will result in a saving of \$71,819.

Account No:	Vehicle Reserve
Budget Item:	V100, 116 & 117
Budget Amount:	\$175,000
Actual Cost:	\$103,181

The current total written down value of the three buses at 01 July 2002 is \$76,564. Given the trade-in value of \$111,364, the profit on sale is \$34,800.

GST Impact

	Without GST	With GST	Claim GST	Tax
New Supply	\$214,545	\$234,052	Yes	\$19,507 credit
Trade Disposal	\$111,364	\$122,500	No	\$11,136 debit

COMMENT

The purchase of the two Mitsubishi Rosa buses will benefit the City by providing cost efficient vehicles to service the needs of the elderly within the Community, through services managed by the Community Transport Section. The addition of a wheel chair lifter to one of the buses will ensure that the disabled elderly also have access to the service and the City can demonstrate that it has taken action to improve access for these people as a requirement under the Commonwealth *Disability Discrimination Act*.

VOTING REQUIREMENTS

Simple Majority

MOVED Cr Baker, SECONDED Cr Mackintosh that Council ACCEPTS the Tender submitted by Skipper Trucks, for the supply of two new Mitsubishi Rosa buses at \$214,545 less trade-in of three buses, plant numbers 95334, 95335 & 96040 for \$111,364 resulting in a net cost of \$103,181 after the effects of GST.

AMENDMENT MOVED Cr Rowlands, SECONDED Cr O'Brien that an additional Point 2 be added as follows:

“2 the Chief Executive Officer be requested to prepare a policy regarding the usage of the community buses and explore the possibility of joint sharing of the resources with adjoining local governments and other community based organisations.”

The Amendment was Put and

CARRIED (13/2)

In favour of the Amendment: Mayor Bombak, Crs Baker, Barnett, Carlos, Hollywood, Hurst, Kadak, Kimber, Mackintosh, Nixon, O'Brien, Rowlands, and Walker **Against the Amendment:** Crs Kenworthy and Patterson.

The Original Motion, as amended, being:

That:

1 Council ACCEPTS the Tender submitted by Skipper Trucks, for the supply of two new Mitsubishi Rosa buses at \$214,545 less trade-in of three buses, plant numbers 95334, 95335 & 96040 for \$111,364 resulting in a net cost of \$103,181 after the effects of GST;

2 the Chief Executive Officer be requested to prepare a policy regarding the usage of the community buses and explore the possibility of joint sharing of the resources with adjoining local governments and other community based organisations.

was Put and

CARRIED (15/0)

In favour of the Motion: Mayor Bombak, Crs Baker, Barnett, Carlos, Hollywood, Hurst, Kadak, Kenworthy, Kimber, Mackintosh, Nixon, O'Brien, Patterson, Rowlands and Walker

Appendix 3 refers

To access this attachment on electronic document, click here: [Attach3brf160702.pdf](#)

Cr Patterson left the Chamber at 1955 hrs and returned at 1957 hrs.

CJ174 - 07/02 WARWICK OPEN SPACE - PUBLIC TOILET FACILITY – [54028]

WARD - All

PURPOSE

This report provides details of the status of Report CJ312-09/01 Warwick Open Space demolition of public toilet facility following comments from the Skatepark Committee and adjoining facility user groups.

EXECUTIVE SUMMARY

Council at its ordinary meeting of November 2001 received Report Number CJ312-09/01 - Warwick Open Space demolition of public toilet facility. This Report was deferred pending discussion with adjoining user group's regards provision of a skate park facility, barbeque and picnic area and dog exercise areas.

It is recommended that Council "AUTHORISES the removal of the Warwick Open Space public toilet facility and the expenditure be allocated towards Warwick Open Space Operational Account No: 11 60 72 721 3341."

BACKGROUND

Report CJ312-09/01 was presented to Council with an Officers' recommendation that Council:

"AUTHORISES the removal of the Warwick Open Space public toilet facility and the expenditure be allocated towards Warwick Open Space Operational Account No: 11 60 72 721 3341."

Following discussion Council adopted the following recommendation:

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

Warwick Opens Space Area Management

This area is maintained by Council for Department of Lands Administration predominately for conservation of natural bushland. The area was initially identified as a “System 6” location and is now listed for preservation in Bush Forever documentation. Any proposal to develop the remaining bushland for recreational purposes is likely to be opposed by the Conservation Groups within the City of Joondalup.

Various proposals were discussed for alternative uses for the existing toilet facility as officers were requested to explore options. The Skatepark Committee met on 26 June 2002 and discussed the various options regard the suitability of Warwick Open Space for a Skatepark.

DETAILS

Meetings were held with the tennis and bowling club user groups, Friends of Warwick Bushland Conservation Group and Urban Animal Management Committee to gauge their acceptance of the proposal to retain the toilet facility for utilisation in conjunction to a Skatepark proposal, barbeque and picnic area and dog exercise location.

Comments:

- 1 Any development will result in increased anti-social activities.
- 2 The area is unsuitable for increased dog exercise due to location and high bushland conservation values.
- 3 Development of barbeques and picnic area is not supported due to long-term impact on indigenous vegetation.
- 4 Warwick High School Principal supported a Skatepark to entice youths away from the school grounds on weekends.
- 5 The Skatepark Committee at its meeting, 26 June 2002 discussed the benefits and disadvantages regards Warwick Open Space as a site for consideration as a Skatepark. The determination of Warwick Open Space as a “Bush Forever” site and the fact that the nearby toilet block is only a shell of its original construction will impact on any future proposal, therefore the Skatepark Committee supported deferral of any further action until 2003/04. This committee recommended that the building be retained for future consideration of a skatepark facility adjacent to the high school and tennis bowling club complex.

COMMENT

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

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

Report CJ312-09/01 provided the detail regarding why the demolition was proposed and the situation has not altered. Anti-social activity in this area will continue due to its isolation and limited community exposure. Therefore it is considered that the option to defer any further action will result in increased management/security costs in the 2002/2003 financial years.

On the basis that the various adjacent user groups support demolition it is recommended that the toilet facility be removed.

FUNDING

Funds are available within the maintenance account No: 11 60 72 721 3341 for Warwick Open Space, for removal of the building with an expenditure estimate of \$2,200.

VOTING REQUIREMENTS

Simple Majority

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

ADDITIONAL INFORMATION

PURPOSE

This report provides additional information to item CJ174-07/02 on the agenda for the Council meeting on 23 July 2002.

BACKGROUND

Item CJ174 deals with the Warwick Open Space public toilet facility and recommends that Council authorises the removal of these facilities. At the briefing session on 16 July, a number of questions were asked, and the Mayor has requested clarification on questions by Councillor O'Brien. The Mayor also indicated he had received representation regarding the need for a new amenities facility to serve the active open space playing field area and associated uses. The Mayor also asked the Chief Executive Officer to bring forward a report on this matter for the Council meeting on 23 July. Questions have been submitted to the Infrastructure & Operations directorate, and the following information has been obtained from relevant staff members.

Q1 When was the existing toilet facility closed?

A1 Existing toilets were constructed 1983/84 to service the 4 tennis courts, initially constructed as part of the long term 12 court complex proposal.

Following the construction of Stage 1 Tennis Clubrooms building consisting of changerooms and toilets in 1993, the original toilets were closed. Closure resulted from lack of community use and anti social activities.

Q2 Has the facility been decommissioned, i.e. cisterns, pans removed?

A2 All reusable items were progressively removed e.g. cisterns. To the best of our knowledge the water was disconnected in 2000, and since that time items have been removed progressively to be utilised elsewhere as required. Currently there remains 3 pans and 2 hand basins. Other items such as cisterns and taps have been removed.

It is understood the power was disconnected to the building in 99/2000.

Q3 Do the Bushcare people have access to this facility and use it as a public toilet?

A3 No public access available since approximately 1995/96.

Q4 Since 1999, have any of the Ward Councillors for this area requested the construction of a public toilet facility to serve the Warwick Open Space area?

A4 It is understood that User group clubs have requested toilets to service the ovals North of the bowling club complex. Councils response to date has been for these groups to utilise the existing facilities within the bowling club and tennis club building as well as Warwick Leisure Centre. It is understood that various meetings have been held with Leisure Services and the user groups to maximise the utilisation of the new Bowling Club/Tennis Club facilities.

It is also understood that former Cr Tony Wight did have discussions with Leisure Services and Infrastructure in relation to the possibility of a public toilet to service the northern oval, however, due to cost implications the proposal did not reach the draft budget stage. As a compromise the former Cr Wight requested that a shade shelter for spectators be erected at the southern end of the oval to improve facility usability and act as an attractor for spectators in bringing them closer to the existing clubrooms in order that they may utilise the toilet facilities. To the best of the staff's knowledge this item was considered as a business proposal as part of the 01/02 budget processes

Q5 What facilities currently exist in this immediate area, which are open to the public, particularly for users of the playing fields in the vicinity of the school?

A5 Sports groups utilising the oval area have access to the existing club facilities and the Warwick Leisure Centre subject to the facilities being open. It is acknowledged that subject to where the public are located these facilities may require users to walk a considerable distance to access the facilities.

Q6 Does the bowling club and associated recreation facilities allow their toilets to be used by members of the public, other than the direct users of their facilities?

A6 Bowling club/tennis club facilities are available for groups utilising the oval area, however, access is subject to the facilities being open.

Q7 Have the staff carried out any investigations from a needs analysis point of view to determine if there is a genuine need for a new public toilet facility to serve this area?

A7 No.

COMMENT

It was always recognised that the oval area was poorly serviced by the existing facilities. General public access to toilets is limited. Facilities exist at the bowling and tennis facility and also at the Warwick Leisure Centre. Both facilities are located away from the oval and are difficult to access.

The toilet facility proposed for demolition is further away than either of the above and has no connecting pathway for community utilisation from the oval area.

It is evident from the investigations that have been carried out, that the existing public toilet facility at Warwick Open Space should be removed. However, the need does exist for an investigation to be commenced to establish if there is a need for a public toilet facility and associated dressing rooms to be established in close proximity to the active open space area, which includes the playing fields. Any new facility should be strategically located so that users of the playing field can readily access the amenities. The existing toilet facility, in its current location, would not service these facilities and the fact that public access has been denied to the facility since 1995 clearly demonstrates that there is no genuine need to keep the facility open in this location.

It is acknowledged that further studies are required and should be carried out to enable the findings to be considered as part of the budget process for 2003/04.

VOTING REQUIREMENTS

Simple Majority

AMENDED OFFICER'S RECOMMENDATION

That Council:

- 1 **AUTHORISES** the removal of the Warwick Open Space public toilet facility and the expenditure be allocated towards Warwick Open Space Operational Account No 11 60 72 721 3341;
- 2 **REQUESTS** the Chief Executive Officer to arrange a Needs Analysis study to be carried out to assess the requirement for a public amenity facility to service the open space playing field area within the Warwick Open Space area. The findings are to be submitted to Council and if a need is apparent, that consideration of the construction of a public facility in a strategically located position form part of the Council's 2003/04 budget deliberations.

Cr Nixon left the Chamber, the time being 1956 hrs.

Cr Patterson entered the Chamber, the time being 1957 hrs.

MOVED Cr O'Brien, SECONDED Cr Barnett that Council DEFERS the removal of the Warwick Open Space Public Toilet Facility until an alternative site has been established for a skate park facility for the catchment areas of Warwick and Greenwood senior high schools and/or an alternative skateboard park site has been established for people east of the freeway as a joint venture between the Cities of Joondalup, Stirling and possibly Wanneroo, for example in the south west corner of Liddell Reserve.

Discussion ensued.

To a query raised by Cr Baker as to whether Council had the authority and jurisdiction to construct a skatepark within the confines of a high school, Chief Executive Officer advised he would take this on notice in order to seek legal advice on this issue.

Cr Kenworthy left the Chamber, the time being 2000 hrs.

AMENDMENT MOVED Cr Kadak, SECONDED Cr Kimber that an additional Point 2 be added as follows:

“2 REQUESTS the Chief Executive Officer to arrange a Needs Analysis study to be carried out to assess the requirement for a public amenity facility to service the open space playing field area within the Warwick Open Space area. The findings are to be submitted to Council and if a need is apparent, that consideration of the construction of a public facility in a strategically located position form part of the Council’s 2003/04 budget deliberations.”

Discussion ensued.

The Amendment was Put and

CARRIED (9/4)

In favour of the Amendment: Mayor Bombak, Crs Barnett, Carlos, Hurst, Kadak, Kimber, O'Brien, Patterson and Rowlands **Against the Amendment:** Crs Baker, Hollywood, Mackintosh and Walker

Cr Nixon entered the Chamber, the time being 2000 hrs.

Cr Kenworthy entered the Chamber, the time being 2002 hrs.

The Original Motion, as amended, being:

That Council:

1 DEFERS the removal of the Warwick Open Space Public Toilet Facility until an alternative site has been established for a skate park facility for the catchment areas of Warwick and Greenwood senior high schools and/or an alternative skateboard park site has been established for people east of the freeway as a joint venture between the Cities of Joondalup, Stirling and possibly Wanneroo, for example in the south west corner of Liddell Reserve;

- 2 REQUESTS the Chief Executive Officer to arrange a Needs Analysis study to be carried out to assess the requirement for a public amenity facility to service the open space playing field area within the Warwick Open Space area. The findings are to be submitted to Council and if a need is apparent, that consideration of the construction of a public facility in a strategically located position form part of the Council's 2003/04 budget deliberations.**

was Put and

CARRIED (11/4)

In favour of the Motion: Mayor Bombak, Crs Barnett, Carlos, Hurst, Kenworthy, Kimber, Nixon, O'Brien, Patterson, Rowlands and Walker **Against the Motion:** Crs Baker, Hollywood, Kadak and Mackintosh

Mayor Bombak declared a financial interest in Item CJ175-07/02 – Petition Requesting Installation of Boom Gates or Retractable Bollards – Neil Hawkins Park as he lives in close proximity to Neil Hawkins Park.

Mayor Bombak left the Chamber, the time being 2003 hrs. Cr Hurst assumed the Chair.

CJ175 - 07/02 PETITION REQUESTING INSTALLATION OF BOOM GATES OR RETRACTABLE BOLLARDS - NEIL HAWKINS PARK – [01018]

WARD - Lakeside

PURPOSE

To advise of the assessment on a petition from Joondalup residents to control access to Neil Hawkins Park Joondalup.

EXECUTIVE SUMMARY

A number of Joondalup residents have expressed concerns regarding anti-social problems arising in the park and requested that the park be closed to vehicular traffic in the evening. It is considered that increasing the surveillance at the park through security patrols will provide an effective strategy.

It is therefore recommended that Council:

- 1 *INCREASES Security Patrols at Neil Hawkins Park;*
- 2 *DOES not install physical devices to close the park in the evenings;*
- 3 *ADVISES the petitioners accordingly.*

BACKGROUND

A 22-signature petition has been received from Joondalup residents in relation to Neil Hawkins Park Joondalup. The petitioners are concerned with problems occurring in the park associated with vandalism, illicit drug use, racing of motor vehicle and general disturbance of the peace. The petitioners request that the park be closed to vehicular traffic after 8.00 pm

each evening with more frequent security patrols being conducted. It is also requested that the installation of a boom gate / retractable bollards or similar device be used in an attempt to alleviate the problem.

DETAILS

Neil Hawkins Park is vested as a Recreation Reserve 28544 in the City and the location of this park is shown on attachment 1. The proximity to Lake Joondalup and developed picnic and play equipment together with car parking facilities provides a popular attraction for park users. Currently City Watch undertakes random foot patrols and vehicular patrols of the park. On average approximately 70 to 80 visits are made by the security patrols each month. For the period from October 2001 to June 2002 it has been indicated that there were two additional patrol requests received, seven antisocial behaviour complaints, two damage complaints and two noise complaints.

Vehicular access to the park is provided through Boas Avenue which is a public road. With regard to controlling vehicular access the options are to install physical devices in Boas Avenue near the reserve boundary (Woodswallow Close) or in the car park of the reserve. From a practical aspect to provide a vehicular turnaround it is considered more appropriate that any proposed closure is undertaken within the park. This will also allow for advance warning signs to be installed and use being made of the existing park lighting to illuminate any physical device.

The estimated cost to install retractable bollards is in the order of \$7,000 whilst the installation of a boom gate is in the order of \$20,000.

With regard to preventing access across a public road the formal procedures in the Local Government Act are required to be followed including advertising of the proposed closure. In general there are operational aspects of maintaining a closure including the need for regular security patrols to monitor any potential vandalism to the device and providing special / emergency access for park users.

COMMENT

The anti social behaviour at recreational facilities is an ongoing community concern. The City through its security programme currently provides a visible surveillance of this facility and it is considered that ongoing security patrols can provide an effective measure to minimise anti social behaviour.

Whilst the installation of physical devices to prevent access to the park is an option it is considered that this will not necessarily prevent anti social behaviour, and increased surveillance of the facility is considered a more effective approach.

VOTING REQUIREMENTS

Simple Majority

MOVED Cr Kimber, SECONDED Cr Kadak that Council:

- 1 INCREASES Security Patrols at Neil Hawkins Park;**
- 2 DOES NOT install physical devices to close the park in the evenings;**
- 3 ADVISES the petitioners accordingly.**

AMENDMENT MOVED Cr Baker, SECONDED Cr Kenworthy that an additional Point 4 be added as follows:

- “4 APPROACHES Police Superintendent Calderwood and asks that policing by the WA Police Service be increased.”**

Discussion ensued.

During discussion, Cr Walker left the Chamber at 2005 hrs and returned at 2007 hrs.

The Amendment was Put and

CARRIED (14/0)

In favour of the Amendment: Crs Baker, Barnett, Carlos, Hollywood, Hurst, Kadak, Kenworthy, Kimber, Mackintosh, Nixon, O’Brien, Patterson, Rowlands and Walker

The Original Motion, as amended, being:

That Council:

- 1 INCREASES Security Patrols at Neil Hawkins Park;**
- 2 DOES NOT install physical devices to close the park in the evenings;**
- 3 ADVISES the petitioners accordingly;**
- 4 APPROACHES Police Superintendent Calderwood and asks that policing by the WA Police Service be increased.**

was Put and

CARRIED (14/0)

In favour of the Motion: Crs Baker, Barnett, Carlos, Hollywood, Hurst, Kadak, Kenworthy, Kimber, Mackintosh, Nixon, O’Brien, Patterson, Rowlands and Walker

Appendix 4 refers

To access this attachment on electronic document, click here: [Attach4brf160702.pdf](#)

Mayor Bombak entered the Chamber, the time being 2019 hrs and resumed the Chair.

PERSONAL EXPLANATION – CR P KIMBER

Cr Kimber sought leave to make a personal explanation pursuant to Clause 4.5 – ‘Personal Explanation’ of the City’s Standing Orders Local Law.

In relation to Item CJ175-07/02, Cr Kimber referred to the meeting he had attended recently where the Commissioner of Police and the Minister for Police wholeheartedly thanked the City of Joondalup, Mayor and Chief Executive Officer for the outstanding work and the service provided by the City’s Security Watch patrols.

At that meeting it was stated that without such a service being provided, the City’s Police Service would have difficulty in coping with the law and order problems that this State may have through anti-social behaviour and that the Police Service appreciated the goodwill of the community who support the security service and the goodwill of the security service, who support the WA Police Service.

CJ176 - 07/02 PETITION OBJECTING TO INSTALLATION OF A GOAL POST, RUTHERGLEN PARK KINROSS – [40500]

WARD - All

PURPOSE

The purpose of this report is to advise Council of the outcome of consultation with residents regards deferred Report CJ019-02/02 Petition Objecting to Installation of a Goal Post, Rutherglen Park Kinross.

EXECUTIVE SUMMARY

At the ordinary meeting of 12 February 2002 Council deferred report CJ019-02/02 to a future meeting of Council to enable onsite consultation to occur. A site meeting was held with Residents and a proposal was accepted for preparation of a specific area within the park for ball sport activities. This has now been completed and the area is open for use by the local youth.

It is therefore recommended that Council:

- 1 *ENDORSES the community consultation outcomes agreed with the residents to resolve this local issue;*
- 2 *ENDORSES the action to implement the modifications requested by the community.*

BACKGROUND

Rutherglen Park is a small irrigated passive Public Open Space of area in Kinross. Residents adjoining the park were in conflict with local youth due to activities associated with informal ball sports.

DETAILS

At its ordinary Council Meeting of February 2002, Council resolved: (Item CJ019-02/02 refers).

“That the matter pertaining to the petition objection to installation of Goal Post, Rutherglen Park, Kinross to be DEFERRED to a future meeting of Council to enable on-site consultation to occur.”

A letter drop was undertaken to 28 surrounding residents requesting their attendance at a site meeting at Rutherglen Park, Monday 18 March 2002 at 5.00 pm. 15 Residents representing 13 property owners attended this meeting.

Residents all agreed the local children needed an area within the park to play safely and without effecting adjoining property owners.

1 The Residents Agreed to:

Adjust the existing soccer goal post location and retain it in the park for a limited period to enable additional park modification to be undertaken by the City.

2 Park Modification Proposal:

Removal of 6 eucalypts previously planted by the City and relocation of 4 large grass trees will provide a circular grassed area centrally located for all types of play activities.

Residents inspected the area and agreed it was the preferred solution.

To enable this area to be developed, the Residents accepted that retention of the soccer goal posts for a 3-4 month period during winter sports activities would provide an area for local children to kick a ball around.

3 Additional Planting

Additional tree and shrub planting to be included in the annual winter planting program for Rutherglen Park.

The proposed modification works have been undertaken and the grass area has now been opened for utilisation by local youth. Initial comments from one adjoining Resident have indicated that the noise and fence damage has reduced. Tree planting within the park has been programmed for early July 2002 and this will complete the agreed works.

COMMENT

The meeting was beneficial as it enabled the various impacted Residents the opportunity to express their concerns regarding activities within the Public Open Space bordering or fronting their property.

Issues such as this item arise from a lack of understanding and consideration between local residents and Public Open Space objectives. Experience gained will assist in future local issue consultation initiatives.

VOTING REQUIREMENTS

Simple Majority

MOVED Cr Rowlands, SECONDED Cr Mackintosh that Council:

- 1 ENDORSES the community consultation outcomes agreed with the residents to resolve this local issue;**
- 2 ENDORSES the action to implement the modifications requested by the community.**

The Motion was Put and

CARRIED (15/0)

In favour of the Motion: Mayor Bombak, Crs Baker, Barnett, Carlos, Hollywood, Hurst, Kadak, Kenworthy, Kimber, Mackintosh, Nixon, O'Brien, Patterson, Rowlands and Walker

CJ177 - 07/02 EXTENSION OF CONTRACT NO: 003A-01/02 AND 003B-01/02 SUPPLY AND DELIVERY OF VARIOUS SIGNS – [87480]

WARD – All

PURPOSE

This report recommends extension of Contract 003A-01/02 and 003B-01/02, Supply and Delivery of Various Signs in accordance with the existing schedule of rates.

EXECUTIVE SUMMARY

This Contract was awarded by Council at its ordinary meeting of 28 August 2001. (Report No CJ294-08/01 refers). The contractors De Neefe Signs and Road Safety Shop have requested extension of the contract in accordance with Clause 28 of the general conditions of Contract documentation. Two supply contractors are utilised to ensure supply in the shortest duration of time.

This report therefore recommends that Council:

- 1 AUTHORISES the extension of Contract 003A-01/02, Supply and Delivery of Various Signs awarded to De Neefe Signs for the period 1 September 2002 to 31 August 2003 in accordance with the existing schedule of rates;*
- 2 AUTHORISES the extension of Contract 003B-01/02, Supply and Delivery of Various Signs awarded to Road Safety Signs for the period 1 September 2002 to 31 August 2003 in accordance with the existing schedule of rates;*
- 3 ENDORSES signing of the Contract extension documents.*

DETAILS

The City negotiated an appropriate extension with each of the current Contractors, in accordance with the initial contract clause 28 which provides for 2 x 12 months extension periods.

Contractor, De Neeffe Signs of Maddington has requested extension of the contract and in view of satisfactory performance experienced from it, the recommendation is to extend Contract No 003A-01/02, Supply and Delivery of Various Signs for 12 months from 1 September 2002 to 31 August 2003.

Contractor, Road Safety Shop of Bentley has indicated it has no objection to extending the contract and in view of satisfactory performance experienced from it, the recommendation is to extend Contract No 003B-01/02, Supply and Delivery of Various Signs for 12 months from 1 September 2002 to 31 August 2003.

COMMENT

Street name and community facility name signs are an important navigation aid for visitors and residents. Temporary roadwork signs and special purpose roadwork signs, regulatory signs and directional signs are essential for traffic management. The current contract enables Council to engage the contractor for supply and delivery of all these signs to the Council Works Depot on an as required basis.

Extension of this Contract is supported given the performance by De Neeffe Signs and Road Safety Shop and the schedule of rates remaining unchanged.

FUNDING

No change to current schedule of rates. All expenditure is via Council's endorsed operation budget.

VOTING REQUIREMENTS

Simple Majority

MOVED Cr Patterson, SECONDED Cr Mackintosh that Council:

- 1 AUTHORISES the extension of Contract 003A-01/02, Supply and Delivery of Various Signs awarded to De Neeffe Signs for the period 1 September 2002 to 31 August 2003 in accordance with the existing schedule of rates;**
- 2 AUTHORISES the extension of Contract 003B-01/02, Supply and Delivery of Various Signs awarded to Road Safety Signs for the period 1 September 2002 to 31 August 2003 in accordance with the existing schedule of rates;**
- 3 ENDORSES signing of the Contract extension documents.**

The Motion was Put and

CARRIED (15/0)

In favour of the Motion: Mayor Bombak, Crs Baker, Barnett, Carlos, Hollywood, Hurst, Kadak, Kenworthy, Kimber, Mackintosh, Nixon, O'Brien, Patterson, Rowlands and Walker

CJ178 - 07/02 TENDER NUMBER 040-01/02 - SUPPLY AND INSTALLATION OF VARIOUS FENCING – [80523]

WARD - All

PURPOSE

This report recommends acceptance of the tender from Peter Wood Fencing and C.A.I Fencing as per the schedule of rates for tender no 040-01/02 Supply and Installation of Various Fencing and to endorse signing of the contract documents.

SUMMARY

Tender No 040-01/02 Supply and Installation of Various Fencing was advertised statewide on the 18 May 2002. Four tenders were received and this report recommends acceptance of the tender submitted by Peter Wood Fencing and C.A.I Fences in accordance with the schedule of rates at attachment 1 to this Report.

It is recommended that Council:

- 1 *ACCEPTS the tender from Peter Wood Fencing as per the Schedule of Rates as shown at Attachment 1 for tender 040-01/02 Supply and Installation of Track Pathway and Bushland and supply and installation of Bollards. This contract will commence from 1 August 2002 for a period of 12 months to 31 July 2003, with an option for an extension for a further 2 x 12 months, subject to Council's approval;*
- 2 *ACCEPTS the tender from C.A.I Fences as per the Schedule of Rates as shown at Attachment 2 for tender 040-01/02 Supply and Installation of Sump Security Fencing. This contract will commence from 1 August 2002 for a period of 12 months to 31 July 2003, with an option for an extension for a further 2 x 12 months, subject to Council's approval;*
- 3 *ENDORSES signing of the contract documents.*

BACKGROUND

Four tenders were received and are summarised below:

Tenderer	Locality
Ambit Industrial Pty Ltd	Joondalup
C.A.I. Fencing	Embleton
Tracey Fencing	Balcatta
Peter Wood Fencing	Ocean Reef

Peter Wood Fencing were successful with the previous contract 036-99/00 and have successfully undertaken the works in accordance with Council requirements. All the tenders submitted for Tender 040-01/02, have sufficient resources and experience to perform similar kind of work for the council.

DETAILS

Council uses fencing in various construction and maintenance operations. A comparison of prices submitted by the tenderers is summarised below:

COMPARISON OF PRICES – TENDER NUMBER 040-01/02 – SUPPLY AND INSTALLATION OF VARIOUS FENCING

Item	Description	Unit	Ambit Industries Pty Ltd (\$)	C.A.I Fences (\$)	Tracey Fencing (\$)	Peter Wood Fencing (\$)
1	Track Pathway Fencing (up to 100 Metres)	Metre	20	-	27.6	8.75
2	Sump Security Fencing (up to 100 Metres)	Metre	41	28	35	-
3	Bushland Reserve Fencing (up to 100 Metres)	Metre	46	-	38	26.5
4	Supply & Installation of Bollards	Each	63.25	-	19.95	18.00

TENDER EVALUATION

Tender 040-01/02 requires the contractor to provide prices for supply and installation of various fencing to Council's specification and tenders were assessed using a multi-criterion selection evaluation process considering the tender price, tenderer's resources and local content, safety management and tenderer's ability to meet the requirements of the contract. After reviewing the tenderer's prices submitted it has been noted that some contractors did not provide prices for all the items, for the best value for money, therefore, tender 040-01/02 has been split.

On completion of the evaluation using the abovementioned multi-criterion method Peter Wood Fencing ranked as the preferred tenderer for supply and installations of Track Pathway and Bushland Reserve Fencing and C.A.I Fencing for Supply and Installation of Sump Security Fencing. Both these Contractors have the necessary experience, adequate resources and their submitted price is considered competitive.

POLICY 2.4.6 – PURCHASING GOODS AND SERVICES

The City's Policy on Purchasing Goods and Services encourages the participation of local business in the purchasing and tendering process. It is to be noted that Peter Wood Fencing, one of the successful Contractor is based in the Ocean Reef area. Ambit Industries Pty Ltd, although from a local background was not successful in this instance as their submitted price was very high compared to other Contractors.

Peter Wood Fencing was Council's Contractors previous year for Supply and Installation of Track Pathway Fencing and there is no increase in their prices for the current contract. Supply of Bollards are calculated per Bollard and Peter Wood Fencing submitted the lowest price.

COMMENT

This contract will commence from 1 August 2002 and remain in place for a period of 12 months to 31 July 2003. The contract period provides for 2 x 12-month extension periods subject to Council's approval.

VOTING REQUIREMENTS

Simple Majority

MOVED Cr Baker, SECONDED Cr Walker that Council:

- 1 ACCEPTS the tender from Peter Wood Fencing as per the Schedule of Rates as shown at Attachment 1 to Report CJ178-07/02 for Tender 040-01/02 - Supply and Installation of Track Pathway Fencing and Bushland Fencing and supply and installation of Bollards. This contract will commence from 1 August 2002 for a period of 12 months to 31 July 2003, with an option for an extension for a further 2 x 12 months, subject to Council's approval;**
- 2 ACCEPTS the tender from C.A.I Fences as per the Schedule of Rates as shown at Attachment 2 to Report CJ178-07/02 for Tender 040-01/02 - Supply and Installation of Sump Security Fencing. This contract will commence from 1 August 2002 for a period of 12 months to 31 July 2003, with an option for an extension for a further 2 x 12 months, subject to Council's approval;**
- 3 ENDORSES signing of the contract documents.**

The Motion was Put and

CARRIED (15/0)

In favour of the Motion: Mayor Bombak, Crs Baker, Barnett, Carlos, Hollywood, Hurst, Kadak, Kenworthy, Kimber, Mackintosh, Nixon, O'Brien, Patterson, Rowlands and Walker

Appendix 6 refers

To access this attachment on electronic document, click here: [Attach6brf160702.pdf](#)

Cr Rowlands declared an interest that may affect his impartiality in Item CJ179-07/02 – Tender No 043-01/02 – Collier Pass Roadworks as his employer has made a submission in relation to this issue.

**CJ179 - 07/02 TENDER NO 043-01/02 COLLIER PASS
ROADWORKS – [62525]**

WARD - Lakeside

PURPOSE

To seek approval for the acceptance of Densford Pty Ltd as the successful tenderer for Tender Number 043 – 01/02 - Collier Pass Roadworks between Grand Boulevard and Joondalup Drive, Joondalup.

EXECUTIVE SUMMARY

Council at its meeting on 12 February 2002 gave approval to undertake works on Collier Pass as an interim measure to provide commuter parking for the Joondalup Transit Station utilising a contribution from the Western Australian Government Railways (WAGR) and funds from the Joondalup City Centre Public Parking Reserve.

In order to meet the Capital Works construction timeframe, this project has been programmed for construction by an external Civil Engineering Contractor. Accordingly a public tender was advertised on Saturday 1 June 2002 and closed on Wednesday 26 June 2002.

The tenders have been evaluated and it is recommended that Densford Pty Ltd be considered as the successful tenderer for a total lump sum price of \$1,315,114.28 exclusive of GST for street parking on Collier Pass and Car Park.

It is therefore recommended that Council:

- 1 ACCEPTS the tender from Densford Pty Ltd for Contract 043-01/02- Collier Pass Roadworks, Joondalup for the lump sum price of \$1,315,114.28 exclusive of GST for Schedule 1 (Attachment 4A & 4B);*
- 2 AUTHORIZES the signing of contract documents.*

BACKGROUND

Council on 12 February 2002, authorised works to be undertaken on Collier Pass as an interim measure to provide commuter parking for the Joondalup Transit Station utilising a contribution of \$578,000 from the Western Australian Government Railways (WAGR) and funds from the Joondalup City Centre Public Parking Reserve. Funds of \$298,000 are available from this Public Parking Reserve to undertake street parking works in Collier Pass.

The Landcorp Normalisation Agreement provides for \$540,000 to construct the second carriageway of Collier Pass. The allocation of funds of \$298,105 to the street parking works from the Joondalup City Centre Public Parking Reserve will then be replaced once the Landcorp Normalisation Agreement is finalised.

This project supports the short-term strategy of maximising on street parking by including a combination of parallel and median parking. The City is also in the process of obtaining a 3,000 square metre Community Purpose site adjacent to the Transit Station which will be able to accommodate further parking for commuter purposes. The WAGR has indicated it is prepared to contribute an additional amount of \$122,527 to the construction of a car park on the Community Purpose Site in either this financial year or the 2003/04 period.

The design layout of the proposed parking for Collier Pass and the Community Purpose Site is shown on attachment 1.

In order to meet the Capital Works construction timeframe, this project has been programmed for construction by an external Civil Engineering Contractor. Accordingly a public tender was advertised on Saturday 1 June 2002 and closed on Wednesday 26 June 2002.

DETAILS

At the close of tenders, two tenders had been received from the following Civil Engineering Contractors.

TENDERER	LOCALITY	TENDER PRICE	TENDER PRICE	TENDER PRICE
		Part 1 Street Parking Collier Pass	Part 2 Separable Portion Car Park	Total Part 1 + Part 2
Highway Construction	Cottesloe	\$1,054,867.50	\$267,819.12	\$1,322,686.62
Densford	Osborne Park	\$1,055,020.67	\$260,093.61	\$1,315,114.28

The tender prices above do not include GST.

The tender price includes a contingency of \$100,000 for Part 1 and \$80,000 for Part 2 works which requires extensive retaining walls and site works.

The use of the 3,000 square metre site adjacent to the Transit Station as a car park was included in the tender as an option to be considered. Whilst WAGR has offered to contribute \$122,527 to these works there is a shortfall of \$137,567 based on the tender price of \$260,093.61. Additional funds of \$80,000 is available in the Joondalup City Centre Parking Reserve and the balance of \$57,567 can be allocated from the Cash In Lieu of Parking Reserve.

Under the City's Contract Management Framework, the tenders were assessed using a weighted multi-criterion assessment system based on the following selection criteria as specified in the Tender Information Document (TID).

- Lump Sum Price
- Construction programme with milestones and deliverables.
- Tenderers previous experience in carrying out similar works. Tenderers resources including equipment and manpower. How the works will be of benefit to the local community in terms of local employment.
- Quality Management Policy and Safety Management Policy.

POLICY 2.4.6 – PURCHASING GOODS AND SERVICES

The City's Policy on Purchasing Goods and Services encourages the participation of local business in the purchasing and tendering process, however no local companies could be considered, as none of the tenderers were local businesses.

TENDER EVALUATION

By applying the above evaluation method, it is recommended that Densford Pty Ltd be awarded the tender for the lump sum price of \$1,315,114.28 for Schedule 1 (Attachment 4A & 4B)

FINANCIAL IMPLICATIONS

Budget Amount:	WAGR contribution (Collier Pass)	\$578,000	Total
	COJ Parking Reserve	\$298,105	
	WAGR contribution (car park)	\$122,527	
	COJ Parking Reserve	\$ 80,000	
	Cash in Lieu Parking Reserve	\$ 57,567	
			\$1,136,199
Contract Amount:	Lowest Tender		\$1,315,114.28
Shortfall			(\$ 178,915.28)

The lowest tender price is in excess of the available funds. In order to complete the project it is proposed to utilise additional funds of \$179,000 that are available in the 2001/02 carry forward Capital Works Programme.

On this basis it is recommended that Densford Pty Ltd be awarded the tender for Street Parking on Collier Pass and for the car park for the lump sum price of \$1,315,114.28 exclusive of GST.

VOTING REQUIREMENTS

Simple Majority

MOVED Cr Kadak, SECONDED Cr Kimber that Council:

- 1 ACCEPTS the tender from Densford Pty Ltd for Contract 043-01/02 - Collier Pass Roadworks, Joondalup for the lump sum price of \$1,315,114.28 exclusive of GST for Schedule 1 (Attachment 4A & 4B);**
- 2 AUTHORISES the signing of contract documents.**

The Motion was Put and

CARRIED (15/0)

In favour of the Motion: Mayor Bombak, Crs Baker, Barnett, Carlos, Hollywood, Hurst, Kadak, Kenworthy, Kimber, Mackintosh, Nixon, O'Brien, Patterson, Rowlands and Walker

Appendix 7 refers

To access this attachment on electronic document, click here: [Attach7brf160702.pdf](#)

CJ180 - 07/02 PROPOSED REFURBISHMENT AND ADDITIONS TO CARINE GLADES TAVERN - LOT 12 (493) BEACH ROAD, DUNCRAIG – [05518]

WARD – South Coastal

PURPOSE

To inform Council of the outcome of public consultation on the proposal, and to seek determination of the Development Application.

EXECUTIVE SUMMARY

In November 2001, Council deferred a development application for alterations to the tavern. The deferral was issued following consideration of the proximity of residential homes to the site, the scale of the development, the potential management issues and need to minimise amenity intrusion to residents.

Evaluation of the November 2001 proposal and the associated public comment period drew considerable response from the community, and lead to the formation of a residents group. City officers and the Liquor Licensing Court contributed to the evolution of the tavern plans into a more acceptable proposal, which would address the above issues.

A concept plan was presented to Council in February 2002. The concept was given conditional support. Although some issues were not agreed with the residents group, the plan was a significant step forward.

The concept plan has been refined and developed for submission and assessment. The modification provides for a reduction in patronage, revised location of outdoor alfresco areas, and design modifications to other parts of the building.

The modifications were extensive in nature and have been the subject of detailed examination by the residents' group. The group requested that further opportunity for comment be offered to adjacent neighbours (some of whom had not contacted the Council). This has occurred and further submissions have been received.

On balance, and considering the impact of changes made, the supporting acoustic advice, management statements, and the reduced occupancy limits, it is recommended that the development application be conditionally approved.

BACKGROUND

Suburb/Location:	493 Beach Road, Duncraig
Applicant:	Sistaro P/L (Mr Brian Higgins)
Owner:	Sistaro P/L
Zoning:	DPS: Commercial
	MRS: Urban

At the last Council Meeting held on 2 July 2002 Council resolved:

“That the application and revised plans dated 10 May 2002, submitted by Wilson Hunt, on behalf of the owner Sistaro Pty Ltd & George Botica, for additions and refurbishment of the Carine Glades Tavern, on Lot 12 (493) Beach Road, Duncraig, be DEFERRED to the meeting of Council to be held on 23 July 2002 pending further consideration by elected member.”

The subject lot borders the Carine Glades residential subdivision to the east, and north. Residences to the east directly abut the tavern car park, and some homes are situated within an estimated 30 metres of the tavern building. Patrons' movement to and from the tavern, often late at night, has generated ongoing concerns (noise, behaviour etc) for the residents and the tavern owners.

On 12 February 2002 Council considered a concept plan for the tavern. The concept arose from dialogue with Council and the residents group, over preceding months. The plan is attached as attachment 1 to this Report. In response, Council resolved

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.*

A modified development application has been submitted to the City and includes the following modifications and information:

- Patron numbers restricted to 630 people (earlier proposals suggested 830, then 790 patrons).
- The new bottle shop and sports bar have been deleted (the sports bar remains in its existing position).
- The courtyard on the northern side of the function room will be used for a greeting point prior to 7pm at night (courtyard use reconsidered, particularly on the north-east side).
- Acoustic consultations report (amended to reflect design alterations).
- Management Policy Statement (now fully detailed)

DETAILS

Statutory Provision:

Council is required to determine this application as the decision-making authority. (Also note that the proposal requires the approval of the Licensing Court under separate legislation.)

Applicant's Submission

The applicant has summarised the configuration and mode of operation of the Tavern as follows

Entertainment Zone	<ol style="list-style-type: none"> 1. Sports Bar Internal, same location, reconfigured 2. Lounge Bar Internal, new building 3. Entertainment Courtyard External, maximum of 100 patrons, no live amplified band or similar amplified entertainment 4. Zone maximum patrons 410¹
---------------------------	--

Function Zone	<ol style="list-style-type: none"> 1. Function Rooms Internal, external doors close at 7:00pm 2. Function Courtyard External, non public access area that can only be used in conjunction with the Function Rooms. Maximum of 60 patrons, maximum of 2 hours continuous use, day use only, close at 7:00pm, no background music, no live amplified band or similar amplified entertainment. 3. Zone maximum patrons 150 ¹
Off Premise Zone	<ol style="list-style-type: none"> 1. Bottle Shop No change to existing location or mode of operations
Restaurant Zone	<ol style="list-style-type: none"> 1. Restaurant Internal 2. Restaurant Courtyard External, maximum of 80 patrons, no live amplified band or similar amplified entertainment 3. Family Courtyard External, maximum of 30 patrons, day use only, close at 7:00pm, no background music, no live amplified band or similar amplified entertainment. 4. Kids Play Area 5. Zone maximum patrons 200 ¹
Site	<ol style="list-style-type: none"> 1 Maximum patrons 680 ² 2 162 parking bays

- 1 The above table states the maximum patron numbers for each zone, which if considered in isolation add up to a total of 760 patrons. However, the maximum capacity of the tavern as a whole will be restricted to a maximum of 630 patrons.
- 2 The owner's preference is for a maximum of 680 patrons, however, this has subsequently been reduced to a maximum of 630 patrons in accordance with the liquor licensing restriction.

Applicant Comments

Function Courtyard

The function area is to be restricted in use as agreed with residents. The key point is the non-public nature of the area to be used only in conjunction with the Function Room for a limited period of time. The area is also now surrounded by an acoustic wall, which will protect residents from potential noise impact.

Number of Patrons

A maximum patronage of 680 is proposed, which is a 28% increase over current numbers compared to a 100% increase in useable area.

The proposal from the Liquor Licensing is for a maximum of 630 patrons for the whole site, while residents have stated 570 patrons to be the maximum.

The 680 proposal is the 'middle ground' between the original 790 and the current resident request for 570. The 680 is an appropriate compromise, and is a reasonable, practical and manageable maximum.

Parking

There are 170 carbays on site and 8 if these bays are reclaimed in the western extension. The 162 carbays proposed is considered a reasonable and just requirement.

Entertainment Courtyard

The above area was in the December 2001 proposal, which received support from the City of Joondalup and Liquor Licensing. This area is bounded by buildings to the north, east and an acoustic wall to the west. A wind break wall will be installed facing the south (Beach Road).

Family Courtyard

There is strong demand from families for this facility. The family courtyard area was in the December 2001 proposal, which received support from the City of Joondalup and Liquor Licensing.

Function Rooms

The function room is part of an existing internal lounge area. There is no change to this area apart from reduction in the use from the existing 7 days per week to an expected 1-2 times per week due to the irregular nature of functions. The internal doors would be closed at 7:00pm and all access would be via the restaurant main entrance. The Tavern has committed to specific acoustic treatments for function rooms. This area was in the December 2001 proposal, which received support from the City of Joondalup and Liquor Licensing.

Restaurant Internal

Weddings and Birthday Parties are generally held in the Function room. However, if maximum patron numbers are reached for activities in the internal restaurant, the door would then be closed.

This area was in the December 2001 proposal, which received support from the City of Joondalup and Liquor Licensing.

Noise Control & Management

Direct automated noise control option would be implemented, if feasible, cost effective and proven. A detailed Management Policy and Manual monitoring procedures has been developed and has been supported by residents. The Acoustic Report from Herring Storer has been the basis for the management policy. Another Acoustic Consultant has been engaged to advise on equipment selection and implementation of recommendation in the Herring Storer Report. These initiatives demonstrate the Tavern's commitment to obtaining a unique, effective and thorough business operation. The Tavern cannot afford to flaunt relevant laws and regulations in particular regard to noise.

Entertainment Policy Guidelines

The agreed wording dated 11 April 2002 has been included in the Management Policy which was originally agreed with residents.

The current proposal is as a result of consultation with residents' committee. This has resulted in cost being doubled. The residents and the City have been advised that any further delay will have a financial impact on the viability of the project. It is to be noted that agreement reached on 22 April 2002 have been reneged on 7 May 2002 by the residents' committee.

The applicant has advised that the Liquor Licensing Board has verbally approved the application, on the basis of a maximum of 630 patrons. This represents an increase of 100 patrons over the existing liquor licence.

Public Consultation

The original proposal was advertised for public comment between 21 September 2001, and 12 October 2001. Signs were placed on site, and newspaper advertising was also used to invite comment. As a result, 43 submissions and 2 petitions were received. A summary of issues of concern is presented below.

Summary of Submissions for the Carine Glades Tavern

Description of Concern	No of times noted in submissions received
Loud music – live bands – perimeter walls unable to contain sound	28
Parking problems and additional stress on already busy shopping centre and commercial centre	25
Traffic problems at entry and exit points to car parks	24
Increase in antisocial behaviour including drunkenness, vandalism, graffiti, littering, loitering etc.	23
Scale of tavern is out of keeping with the size of the area	20
Affect on amenity and cost to residents in repairs (from vandalism)	14
Inability of noise screens to effectively contain noise	11
Volume of people moving from indoor to outdoor and proposal for a Beer Garden	7

Description of Concern	No of times noted in submissions received
Cost to Council to repair damage to community/park facilities due to drunkenness	4
Planning intentions not advertised to surrounding residents and notice on tavern and local newspaper were not clear	4
Needles being found in park	2
Negative effect on property values	2
In support of a refurbishment and upgrade of facilities	14
Council should purchase property and replace it with a civic facility	1
In support of application	3
67 signature Petition objecting to tavern – noise	

During the submission period, dialogue with nearby residents became regular, and a residents' action group emerged, principally through the considerable efforts of 4 near neighbours to the development. Meetings and dialogue between staff, elected members, tavern owners, and the Licensing Court lead to a shared understanding of the various issues of concern or agreement. The ward Councillors were also actively sought out by the various interest groups to gauge their level of support.

Over Christmas 2001, the tavern owners and the 4 member residents' group held a series of meetings and the concept plan evolved through approximately 6 sketch versions, in an attempt to develop an agreeable plan.

The owners then sought Council's views on the February concept plan, as it represented the outcome of dialogue with the residents' group, and had also been presented to the Licensing Court and Council staff for assessment (as far as was possible, based on the conceptual nature of the plan).

Residents' Group Comments Summary

The residents' group expressed its support for some elements of the revised concept, however, remain opposed to particular aspects of the plan. The summary comments of the residents' group together with responses follows

Scale: Consider 570 patrons to be acceptable maximum considering the impact on noise, parking, traffic, anti-social behaviour.

Comment: The current facility allows 530 patrons as a maximum. As the proposal has evolved, the applicant has reduced patronage limits down from 830 to 790, to 630. The acoustic assessment has been prepared acknowledging a higher rate of occupancy that 630 persons, and concludes that noise generation will not exceed reasonable limits.

Patronage of 630 persons maximum is technically acceptable based on the provision of car parking, and the suggested limits from the Liquor Licensing board.

Noise and antisocial behaviour are management issues, and are dealt with separately, below.

Lounge Courtyard: *Consider this to be inappropriate due to noise, and should be rejected.*

Comment: The proposed location of the courtyard has been moved from the original location on the north side of the building, to the southwest corner of the tavern. The courtyard is reduced in size, and will be shielded from the residential area by the building itself. The concerns are in regard to noise, however, this courtyard is located so that it will be shielded by the existing tavern building. The courtyard has been the subject of detailed acoustic examination, and the revised plans now show this section in the most advantageous location, if it is to be allowed at all. Concern still exists of the possibility of breakout noise from patrons entering or leaving this area from other parts of the tavern whilst amplified or loud music is being used.

Outdoor Greeting Courtyard: *Proposed licensed area is less than 25 metres from residences in Plumosa Mews and therefore potential for disturbance, and should be rejected.*

Comment: The applicant states that this area will not be used after 7pm, and will function solely as a 'meet and greet' area. This is considered reasonable, and can be appropriately conditioned on any approval issued. It is further recommended that this area be excluded from being a licensed area. Use of this area can be regulated by a management plan, and the applicant has offered this scenario.

Function Room: *Amplified music will disturb residents, and the room will be frequently used.*

Comment: The acoustic report covers this aspect, however, concerns are raised in relation to potential for breakout noise to impact on residents. Correct acoustical design and management of this area, including the use of airlock type entrance and exit areas should ensure sound levels emanating from this area are maintained at an acceptable level. The applicant has been requested to provide breakout noise details that are to the satisfaction of the City prior to the issue of a building licence approval.

Family Courtyard: *provides additional potential for noise and is an external licensed area.*

Comment: The applicant states that this area will be closed from 7pm. The use of this area could be regulated by a management plan, supported by an appropriate condition of development approval. With such measures, it is considered that the use of this area will not generate significant amenity issues.

Management Plan Noise Containment: *Relies heavily on staff intervention, needs to have preventative measures rather than reactive procedures.*

Comment. There is reliance on staff to ensure patron numbers are kept to levels required by the acoustic consultant's report. Staff is also responsible for the closing of concertina door at required times. The acoustical design, construction and compliance with the noise management plan of the premises should maintain noise emissions from the premises to levels not exceeding the legislative requirement. The tavern proprietor also has a vested interest to ensure enforcement of the Noise Management Plan, as there are severe penalties and consequences for the non-containment of these noise levels in accordance with the noise regulations. These levels must also be acceptable to the Director of Liquor Licensing. The City may request the Department of Racing and Gaming to endorse the management plan conditions on the tavern's liquor licence

Based on Council's February resolution, an amended development application was developed, of sufficient detail to facilitate determination by Council. The residents' group wanted to ensure that immediate neighbours had further advice of the amendments, and as a result 46 letters were sent to nearby properties.

A total of forty (40) additional submissions were received, objecting to the proposal, with two (2) comments of support. The objections reiterated the comments received during the October 2001 submission period, raising issues such as:

- Noise generated from the existing tavern,
- Location in a residential area, rubbish,
- Traffic impact and parking in adjoining streets.
- Security, vandalism, antisocial behaviour, and potential amenity impact
- The scale of development,
- Possible devaluation of properties,
- Size and potential use of courtyard al fresco areas.

COMMENT

The technical assessment of the proposal and the City's knowledge of the past operations of the tavern lead to general agreement with the community on the range and type of issues that must be addressed. Objections are largely based on past experience of the old facility. The new facility would be constructed to address those concerns, and this should be noted when assessing the likely performance of the new building, and any impacts.

The development application plans are appended as attachment 2 to this Report.

DPS2 Development Standards

The proposal complies with the applicable development standards.

		DPS No 2 Requirement	Provided	Complies
Setbacks	Front	9.0m	21.5m	✓
	Rear	6.0m	38.0m	✓
	Side	3.0m	5.0m	✓
	Side	3.0m	25.0m	✓
Landscaping		8%	>8%	✓
	Strips	3m to roads	3m	✓
	Trees per Carparking bays	1 per 4 bays	None provided, no changes are proposed as part of this application	N/A
Car Parking		160.5 bays	162 bays	✓

Traffic & Provision of Car Parking

DPS2 standards for the provision of car parking are based on a combination of patron numbers and floor areas. As this proposal is based on restricted patron numbers solely, the provision of car parking cannot be readily assessed from the DPS2 standards. It is therefore considered that the restaurant parking standard (which is based on building patronage - 630 patrons at 1 bay per 4 people) is an appropriate measure to apply in this instance.

	Demand	Supply
Tavern/Restaurant	1 bay per 4 persons = 157.5 bays	
Bottle Shop	7 bays per 100 sqm = 3 bays	
Total	160.5 bays	162 bays

Therefore, it is considered the 162 bays to be provided on the site represents a satisfactory provision of car parking in regard to that anticipated in DPS2 for this number of patrons. It is also recognised that there is a level of informal reciprocity with other commercial uses adjoining the site.

In regard to traffic, there is an increase of 100 patrons over the existing number, and when considered in context, the traffic and access proposed is considered acceptable based on the predominant movement from and to Beach Road, and the lack of any substantial cumulative traffic volume increase onto the site.

Acoustic Assessment

The acoustic consultant's report submitted as part of this applicant generally covers the issues involved. However, concern remains in regard to potential breakout noise from the internal entertainment area. While the report and management plan indicates that the concertina doors will be closed during live or amplified entertainment, it is apparent that breakout noise will occur when people access the external area. It is considered further investigation is required in this area by the applicant and suitable containment measures agreed to prior to the issue of a building licence.

The community concern in regard to potential noise issues is acknowledged, however, this must be balanced by the fact that legislation is in place to ensure that noise issues are addressed. Enforcement measures include prosecution under the DPS2 for breaches of planning conditions, the issue of pollution abatement notices, and infringements under the Environmental Protection Act. In addition, the Liquor Licensing Act has wide powers to control the noise, and the behaviour of persons, on the premises.

Management Plan

The Management Plan prepared by the applicant provides a commitment by the applicant on how the facility will be managed in order to comply with the standards and provide a responsive and responsible management of the tavern.

The plan includes entertainment policy guidelines, noise containment, noise complaint procedures, patronage monitoring schedule, anti social behaviour, on going residents' meetings.

Summary

Overall, it is considered that the proposal in its current form provides an appropriate development. Appropriate conditions can be applied to the planning approval to mitigate any additional negative impact on the adjoining residential area.

VOTING REQUIREMENTS

Simple Majority

ADDITIONAL INFORMATION

It was advised that errors existed within the Recommendation to Report CJ180-07/02. Accordingly, the Officer's Recommendation for Points 5 and 6 should read as follows:

- “5 the Family Courtyard shall not be used in any capacity after 7pm. No background music, live amplified band or similar amplified entertainment shall occur in this area at any time;
- 6 the Function Room Courtyard shall not be used in any capacity after 7pm and shall be excluded from being a licensed area. No background music, live amplified band or similar amplified entertainment shall occur in this area at any time;”

The amended recommendation is therefore as follows:

OFFICER'S RECOMMENDATION That Council APPROVES the application and revised plans dated 10 May 2002, submitted by Wilson Hunt, on behalf of the owner Sistar Pty Ltd & George Botica, for additions and refurbishment of the Carine Glades Tavern, on Lot 12 (493) Beach Road, Duncraig, subject to the following conditions:

- 1 the maximum occupancy of the Tavern premises shall be 630 patrons at any one time;
- 2 the development shall be designed, constructed and operated in accordance with the Acoustic Consultant's Report dated April 2002;
- 3 the applicant is to provide recommendations and details of the control of noise breakout through doors and openings from the Entertainment and Function Room areas, to the satisfaction of the City;
- 4 the management of the Tavern shall at all times be conducted in the manner outlined in the Management Policy Statement dated 10 May 2002;
- 5 the Family Courtyard shall not be used in any capacity after 7pm. No background music, live amplified band or similar amplified entertainment shall occur in this area at any time;

- 6 the Function Room Courtyard shall not be used in any capacity after 7pm and shall be excluded from being a licensed area. No background music, live amplified band or similar amplified entertainment shall occur in this area at any time;
- 7 the external Entertainment Courtyard shall have a maximum occupancy of 100 patrons. No live amplified band or similar amplified entertainment shall occur in this area. at any time;
- 8 the provision of not less than 162 car bays on site;
- 9 the parking bays, driveways and points of ingress and egress to be designed in accordance with the Australian Standard for Offstreet Car Parking (AS2890). Such areas are to be constructed, drained, marked and thereafter maintained to the satisfaction of the City, prior to the development first being occupied. These works are to be done as part of the building programme. Car parking bays are to be 5.4 metres long and a minimum of 2.5 metres wide. End bays are to be 2.8 metres wide and end bays in a blind aisle are to be 3.5 metres wide. The disabled bay is required to be 3.5 metres in width. Car bay grades are generally not to exceed 6% and the disabled car bay is required to have a maximum grade of 2.5%;
- 10 an on-site stormwater drainage system with the capacity to contain a 1:100 year storm of a 24 hour duration is to be provided prior to the development first being occupied and thereafter maintained to the satisfaction of the City. The proposed stormwater drainage system is required to be shown on the Building Licence submission and be approved by the City prior to the commencement of construction;
- 11 a bin store area to be provided on site to the satisfaction of the City.

Footnotes

- 1 Development shall comply with the requirements of the Sewerage (Lighting, Ventilation and Construction) Regulations 1971, the Food Hygiene Regulations and the Health Public Buildings Regulations;
- 2 The bin storage area shall be provided with a concrete floor graded to a 100mm industrial floor waste gully connected to sewer and provided with a hose cock; and
- 3 Compliance with the Building Code of Australia.
- 4 All signage proposed is to be submitted with a separate planning application and sign licence.

MOVED Cr Kenworthy SECONDED Cr Patterson that Council APPROVES the application and revised plans dated 10 May 2002, submitted by Wilson Hunt, on behalf of the owner Sistar Pty Ltd & George Botica, for additions and refurbishment of the Carine Glades Tavern, on Lot 12 (493) Beach Road, Duncraig, subject to the following conditions:

- 1 the maximum occupancy of the Tavern premises shall be 630 patrons at any one time;

- 2 the development shall be designed, constructed and operated in accordance with the Acoustic Consultant's Report dated April 2002;
- 3 the applicant is to provide recommendations and details of the control of noise breakout through doors and openings from the Entertainment and Function Room areas, to the satisfaction of the City;
- 4 the management of the Tavern shall at all times be conducted in the manner outlined in the Management Policy Statement dated 10 May 2002;
- 5 the Family Courtyard shall not be used in any capacity after 7pm. No background music, live amplified band or similar amplified entertainment shall occur in this area at any time;
- 6 the Function Room Courtyard shall not be used in any capacity after 7pm and shall be excluded from being a licensed area. No background music, live amplified band or similar amplified entertainment shall occur in this area at any time;
- 7 the external Entertainment Courtyard shall have a maximum occupancy of 100 patrons. No live amplified band or similar amplified entertainment shall occur in this area. at any time;
- 8 the provision of not less than 162 car bays on site;
- 9 the parking bays, driveways and points of ingress and egress to be designed in accordance with the Australian Standard for Offstreet Car Parking (AS2890). Such areas are to be constructed, drained, marked and thereafter maintained to the satisfaction of the City, prior to the development first being occupied. These works are to be done as part of the building programme. Car parking bays are to be 5.4 metres long and a minimum of 2.5 metres wide. End bays are to be 2.8 metres wide and end bays in a blind aisle are to be 3.5 metres wide. The disabled bay is required to be 3.5 metres in width. Car bay grades are generally not to exceed 6% and the disabled car bay is required to have a maximum grade of 2.5%;
- 10 an on-site stormwater drainage system with the capacity to contain a 1:100 year storm of a 24 hour duration is to be provided prior to the development first being occupied and thereafter maintained to the satisfaction of the City. The proposed stormwater drainage system is required to be shown on the Building Licence submission and be approved by the City prior to the commencement of construction;
- 11 a bin store area to be provided on site to the satisfaction of the City.

Footnotes

- 1 Development shall comply with the requirements of the Sewerage (Lighting, Ventilation and Construction) Regulations 1971, the Food Hygiene Regulations and the Health Public Buildings Regulations;

- 2 The bin storage area shall be provided with a concrete floor graded to a 100mm industrial floor waste gully connected to sewer and provided with a hose cock; and
- 3 Compliance with the Building Code of Australia.
- 4 All signage proposed is to be submitted with a separate planning application and sign licence.

1st AMENDMENT MOVED Cr Mackintosh SECONDED Cr Rowlands that Point 6 of the Motion be amended as follows:

- “6 the Function Room Courtyard *to be licensed but* shall not be used in any capacity after 7pm. No background music, live amplified band or similar amplified entertainment shall occur in this area at any time.”**

Discussion ensued.

The 1st Amendment was Put and

CARRIED (11/4)

In favour of the 1st Amendment: Crs Baker, Barnett, Hollywood, Hurst, Kenworthy, Kimber, Mackintosh, Nixon, O’Brien, Patterson, Rowlands. **Against the 1st Amendment:** Mayor Bombak, Crs Carlos, Kadak, Walker.

2nd AMENDMENT MOVED Cr O’Brien SECONDED Cr Barnett that Points 6 and 8 of the Motion be amended as follows:

- “6 the Function Room Courtyard *may be included in the licensed area provided it is roofed and adequately restricted for noise emission to the satisfaction of Council’s Environmental Health Officers and* shall not be used in any capacity after 7pm. No background music, live amplified band or similar amplified entertainment shall occur in this area at any time.”**
- “8 the provision of not less than 162 car bays on site, *ie a 1:4 ratio.*”**

Discussion ensued.

During discussion, Cr Kenworthy left the Chamber at 2055 hrs and returned at 2056 hrs.

The 2nd Amendment was Put and

CARRIED (8/7)

In favour of the 2nd Amendment: Crs Barnett, Carlos, Hurst, Kenworthy, Nixon, O’Brien, Patterson, Walker. **Against the 2nd Amendment:** Mayor Bombak, Crs Baker, Hollywood, Kadak, Kimber, Mackintosh, Rowlands.

The Original Motion as amended, being:

That Council APPROVES the application and revised plans dated 10 May 2002, submitted by Wilson Hunt, on behalf of the owner Sistar Pty Ltd & George Botica, for additions and refurbishment of the Carine Glades Tavern, on Lot 12 (493) Beach Road, Duncraig, subject to the following conditions:

- 1 **the maximum occupancy of the Tavern premises shall be 630 patrons at any one time;**
- 2 **the development shall be designed, constructed and operated in accordance with the Acoustic Consultant’s Report dated April 2002;**
- 3 **the applicant is to provide recommendations and details of the control of noise breakout through doors and openings from the Entertainment and Function Room areas, to the satisfaction of the City;**
- 4 **the management of the Tavern shall at all times be conducted in the manner outlined in the Management Policy Statement dated 10 May 2002;**
- 5 **the Family Courtyard shall not be used in any capacity after 7pm. No background music, live amplified band or similar amplified entertainment shall occur in this area at any time;**
- 6 **the Function Room Courtyard may be included in the licensed area provided it is roofed and adequately restricted for noise emission to the satisfaction of Council’s Environmental Health Officers and shall not be used in any capacity after 7pm. No background music, live amplified band or similar amplified entertainment shall occur in this area at any time;**
- 7 **the external Entertainment Courtyard shall have a maximum occupancy of 100 patrons. No live amplified band or similar amplified entertainment shall occur in this area. at any time;**
- 8 **the provision of not less than 162 car bays on site, ie a 1:4 ratio;**
- 9 **the parking bays, driveways and points of ingress and egress to be designed in accordance with the Australian Standard for Offstreet Car Parking (AS2890). Such areas are to be constructed, drained, marked and thereafter maintained to the satisfaction of the City, prior to the development first being occupied. These works are to be done as part of the building programme. Car parking bays are to be 5.4 metres long and a minimum of 2.5 metres wide. End bays are to be 2.8 metres wide and end bays in a blind aisle are to be 3.5 metres wide. The disabled bay is required to be 3.5 metres in width. Car bay grades are generally not to exceed 6% and the disabled car bay is required to have a maximum grade of 2.5%;**
- 10 **an on-site stormwater drainage system with the capacity to contain a 1:100 year storm of a 24 hour duration is to be provided prior to the development first being occupied and thereafter maintained to the satisfaction of the City. The proposed stormwater drainage system is required to be shown on the Building Licence submission and be approved by the City prior to the commencement of construction;**
- 11 **a bin store area to be provided on site to the satisfaction of the City.**

Footnotes

- 1 Development shall comply with the requirements of the Sewerage (Lighting, Ventilation and Construction) Regulations 1971, the Food Hygiene Regulations and the Health Public Buildings Regulations;**
- 2 The bin storage area shall be provided with a concrete floor graded to a 100mm industrial floor waste gully connected to sewer and provided with a hose cock; and**
- 3 Compliance with the Building Code of Australia.**
- 4 All signage proposed is to be submitted with a separate planning application and sign licence.**

Was Put and

CARRIED (13/2)

In favour of the Motion: Crs Baker, Barnett, Hollywood, Hurst, Kadak, Kenworthy, Kimber, Mackintosh, Nixon, O'Brien, Patterson, Rowlands, Walker. **Against the Motion:** Mayor Bombak, Cr Carlos.

Appendix 8 refers

To access this attachment on electronic document, click here: [Attach8brf160702.pdf](#)

Cr Baker left the Chamber, the time being 2104 hrs.

CJ181 - 07/02 PROPOSED AMENDMENT TO POLICY 3.2.6 - SUBDIVISION AND DEVELOPMENT ADJOINING AREAS OF PUBLIC SPACE – [44588]

WARD - All

PURPOSE

Council is requested to consider a minor amendment to Council's current Policy 3.2.6 Subdivision and Development Adjoining Areas of Public Space. The proposed policy is required to be adopted for consent to advertise in accordance with the requirements of District Planning Scheme No 2.

Council is also requested to consider waiving the requirement for a level difference to be provided between the proposed commercial and community purpose sites at the Kinross Neighbourhood Centre and the adjoining public open space.

EXECUTIVE SUMMARY

Council's current Policy 3.2.6 – Subdivision and Development Adjoining Areas of Public Space was adopted for final approval in July 2000 and has been used to guide developments.

Council is requested to consider a minor modification to the policy which is proposed in response to some issues which have been raised during the practical application of the policy.

The main change to the policy is the deletion of the option of creating a demarcation between the property and the public space through a 1.0 metre difference in land levels. It is considered that a more satisfactory outcome can be achieved in all situations, through the provision of a public road or a private road (where commercial or community sites are involved) as a demarcation between the private property and the public space. The road facilitates access to the public space and encourages outlook onto and casual surveillance of the space whilst maximising the security of the adjoining private property. It should be noted that this policy will only apply to new development or subdivision applications and will have no bearing on those already approved or supported by the City of Joondalup.

It is recommended that Council in accordance with clause 8.11 of the City of Joondalup's District Planning Scheme No. 2 adopt the attached amended draft policy, as per Attachment No 1, entitled, 'Subdivision And Development Adjoining Areas Of Public Space', as suitable to enable it to be advertised for public comment. (Please note that the changes in Attachment No 1 have been marked for your reference)

As the proposed modification to the policy is likely to take some time it is also recommended that Council waive the requirement for a level difference to be provided between the proposed commercial and community purpose sites at the Kinross Neighbourhood Centre and the adjoining public open space. This will enable the associated subdivision application to be progressed without any delay.

BACKGROUND

The current policy which is the subject of review was considered and adopted for advertising by Council at its meeting on the 9 May 2000 (CJ103-05/00 refers) and adopted for final approval on 7 July 2000 (CJ182-07/00 refers).

DETAILS

The current policy was formulated to apply to all future subdivision and development adjoining areas of public space. For the purpose of the policy the term public space shall be defined as any space available for use by the general public such as public open space or underpasses (Note public access ways are dealt with through Policy 3.2.7 Public Accessways). The existing policy looks at the provision of a street as an interface between private properties and public space and encourages public space to be bordered on all sides by streets. In addition the policy also provides an alternate option where a street interface cannot be provided. The policy states that where lots directly abut areas of public space, the boundaries of the lots and areas of public space need to be clearly demarcated and for this reason, a minimum one metre difference should be provided between the finished ground level of the area of public space and the finished ground level of the abutting lots.

The one metre difference in ground level helps to achieve a clear demarcation between the public and the private realm and provides for an increased level of security for those people living in adjoining properties. Whilst this is a positive attribute in theory, officers have found that there have been some problems in the practical application of this provision. The issues which have arisen include the following:

- Developers often consider it difficult to provide the minimum 1.0 metre difference in land levels and instead propose a smaller difference which may not provide the desired outcome.
- In instances where a commercial or non-residential development is proposed adjacent to public space, the 1.0 metre difference in land levels provides a physical barrier prohibiting access to the space for the public. In these instances a road would ensure that the public space is accessible to all.
- Commercial developments are likely to address the main road frontage and turn their back on public spaces, having their servicing yards or storage areas to the rear of the building. This situation will reduce the likelihood of casual surveillance over the space and therefore reduce safety and security both for the private property and for users of the public space.

The City's preferred option is to have a street interface and the land level difference has only been included in the policy as a last resort option where this cannot be provided. Given the problems which may arise using this alternate option it is considered preferable that this be deleted thus providing a clear indication as to the City's expectations and an improved design outcome.

The policy does not define a street and therefore the type of interface required between lots and areas of public space. The proposed modifications to the policy intend to clarify what type of interface (i.e. public or private) is required.

Where commercial or community sites abut areas of public space it may be appropriate for the road interface to take the form of a private road on the commercial or community purpose sites. This would act similarly to a public road in that it would provide a clear demarcation of the boundaries of the lots and adjoining public space and would generally be accessible to the public and therefore provide for passive surveillance of the public space.

A subdivision application for the Kinross Neighbourhood Centre has been referred to the City by the Western Australian Planning Commission for comment. Refer to Attachment 2 to this Report. The subdivision is in accordance with the Kinross Neighbourhood Centre Structure Plan which was adopted by Council at its meeting on the 23 April 2002 and is currently being considered by the Western Australian Planning Commission. As outlined above, Council's Policy 3.2.6 – Subdivision and Development Adjoining Areas of Public Space requires a street interface or a one metre level difference to be provided where lots are proposed to abut areas of public space. As a street interface is not proposed in this instance the policy requires a level difference to be provided. A level difference however is not considered appropriate in this case.

Statutory Provision:

Clause 8.11 of the City's District Planning Scheme No 2 allows Council to prepare Local Planning Policies for areas within the Scheme boundary and to amend those policies where required. The Scheme requires that the following steps are undertaken in the consideration of any policy for adoption under the Scheme:

- The proposed Policy or amended policy be referred to Council to initiate the amendment for consent to advertise the proposal;
- The policy shall be advertised for a minimum period of 21 days and shall be advertised in a local newspaper once a week for two consecutive weeks in addition to any other advertising deemed necessary by Council;
- Following the closure of the advertising period the policy shall be re-assessed in light of any submissions which may have been received and be referred back to Council for consideration of the Policy for final adoption. Council may then resolve to either finally adopt the draft policy with or without modification; or not proceed with the draft policy.
- Notice of final adoption of the policy to be published in a newspaper circulating within the area.

Consultation:

Consultation will be undertaken following the adoption of the policy by Council for advertising purposes.

Policy Implications:

The amended policy proposes to delete paragraph 2 of section 1 under the heading Subdivision Guidelines and sub heading Subdivision Design, in order that the policy will no longer provide an option for the provision of a 1.0 metre land level difference as an alternative to providing a street interface.

The amended policy also clarifies what type of road interface is required between lots and adjoining areas of public space and allows for the road interface to take the form of a private road where commercial or community sites are involved.

COMMENT

The subject policy was initially formulated to maximise the outlook onto and casual surveillance of areas of public space as a means of making them safer and more secure places to use. The policy incorporates a number of design measures including the landscaping of public open space, street lighting, dwelling layout, fencing, and building facades all of which can improve the safety and security of a public space. In addition, the policy looks at creating a demarcation between private lots and public space to ensure adequate levels of privacy and security to the occupiers of the private lots. This demarcation can be achieved through the incorporation of a public road or private road (where commercial or community sites are involved) or by a difference in land levels between the private lot and public space. To provide clarification, it is not the intent of the policy that the provision of a public or private road would reduce the area of public space or be constructed on the public space.

Through the practical application of the policy it has been noted that a difference in land levels does not always achieve a positive outcome or is simply unable to be provided for by the developer due to existing levels of re-contoured levels.

In response to this it is therefore recommended that the policy be amended to delete this option and that a public road or a private road (where commercial or community sites are involved) be requested to be provided in all instances. This approach should encourage better design outcomes and provide a clearer set of objectives for use by developers as well as officers in their assessment of proposals.

With respect to the subdivision application which has been received, it is considered that a level difference between the proposed commercial and community purpose sites at the Kinross Neighbourhood Centre and the adjoining public open space would not be appropriate as this would provide a physical barrier prohibiting access from these sites to the public open space and therefore integration of land uses. The boundary of the public open space and adjoining sites will be satisfactorily demarcated by way of a private road on the proposed commercial and community purpose sites. This is ensured through the Structure Plan. To enable the subdivision application to be progressed without any delay it is recommended that Council waives the requirement for a level difference to be provided in this instance.

VOTING REQUIREMENTS

Simple Majority

MOVED Cr Kadak, SECONDED Cr Hurst that Council:

- 1 in accordance with clause 8.11 of the City of Joondalup's District Planning Scheme No 2 ADOPTS the amended draft policy forming Attachment No 1 to Report CJ181-07/02, entitled, 'Subdivision And Development Adjoining Areas Of Public Space', as suitable to enable it to be advertised for public comment for a period of 21 days;**
- 2 WAIVES the requirement for a public road or a demarcation by way of level differences between the proposed commercial and community purpose sites at the Kinross Neighbourhood Centres and adjoining public open space as part of subdivision application - Western Australian Planning Commission reference - 119078.**

The Motion was Put and

CARRIED (14/0)

In favour of the Motion: Mayor Bombak, Crs Barnett, Carlos, Hollywood, Hurst, Kadak, Kenworthy, Kimber, Mackintosh, Nixon, O'Brien, Patterson, Rowlands, Walker.

Appendices 10(a) and 10(b) refer

*To access this attachment on electronic document, click here: [Attach10abrf160702.pdf](#)
[Attach10bbrf160702.pdf](#)*

Cr Baker entered the Chamber, the time being 2107 hrs.

Cr Walker left the Chamber, the time being 2107 hrs.

CJ182 - 07/02 MODIFICATION TO HILLARYS STRUCTURE PLAN – [16047]

WARD – Whitfords

PURPOSE

The purpose of the report is for Council to consider a number of modifications to the ‘Hillarys Structure Plan’.

EXECUTIVE SUMMARY

An application has been received to amend ‘6.1 General Residential Precinct’ of the Hillarys Structure Plan (Attachment 1 to this Report) to allow for zero lot setback to one boundary by modifying existing provisions and inserting a map that identifies the affected lots (Attachment 2 to this Report).

The modifications are sought due to a conditional approval of subdivision (WAPC 117754) that resulted in grouped dwelling sites being subdivided into 19 freehold lots that are smaller in area and narrower in width than the prevailing lots in the ‘General Residential Precinct’.

Unlike the ‘Small Residential Precinct’ development provisions for the ‘General Residential Precinct’ do not generally permit zero lot setback to any lot boundaries. The General Residential Precinct generally contains lots larger than 600m² that offer flexibility in design due to a larger building envelope, meaning development is less affected by setback requirements.

The modifications will enable the best use of available space and maximise the design potential of each small lot. To ensure the amenity of adjoining lots in the ‘General Residential Precinct’ is not compromised, zero lot setback will not be permitted on a boundary adjoining properties where a zero lot setback is not permitted.

Given that the proposed modifications to the Hillarys Structure Plan are minor, it is recommended that public advertising be waived and the Hillary’s Structure Plan forwarded to the Western Australian Planning Commission for adoption and certification.

BACKGROUND

Suburb/Location:	Hillarys
Applicant:	Taylor Burrell
Owner:	Paltara Pty Ltd
Zoning:	DPS: Urban Development
	MRS: Urban
Strategic Plan:	Lifestyle – Strategy 2.6 Promote and enjoy lifestyles that engender Environmental, Social and Economic balance.

The Western Australian Planning Commission (WAPC) on 27 March 2002 approved a subdivision application for 19 freehold lots on Pt 7, Swan Location 1315 (WAPC Ref: 117754). The lots are located within the 'General Residential Precinct' of the Hillarys Structure Plan (see Attachments 1 and 2) and are smaller in size and width than the prevailing lots in this precinct.

DETAIL

The amendment to the Hillarys Structure Plan proposes to modify provision 6.1.3 to permit zero lot setback to one boundary for the 19 lots created under subdivision 117754 and include an additional map identifying the affected lots (Attachment 2).

The lots included under subdivision application 117754 were originally intended for grouped dwelling development where nil setbacks are possible, however as smaller freehold lots nil setback to boundaries is not permitted under the current provisions.

Under the current provisions for the General Residential Precinct a zero lot setback is not permitted to any lot boundary except in the case of strata title lots where zero lot boundary setback is permitted in accordance with the Residential Planning Codes. This is because the General Residential Precinct contains lots greater than 600m² that offer larger building envelope resulting in development being less affected by setback requirements. In contrast the 'Small Lot Precinct' allows for a zero lot setback to one boundary providing design flexibility, due to the smaller size of the lots.

Statutory Provision:

Under clause 9.7 of the scheme Council may amend an agreed Structure Plan subject to the approval of the WAPC. 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.

Under the provision of clause 9.4 of DPS2, advertising of the structure plan subject to minor changes may be waived at the discretion of the Council. Should advertising be waived Council then proceeds to either refuse to adopt the modifications to the structure plan or resolves that the modifications to the structure plan are satisfactory with or without changes.

COMMENT

The modifications will enable the best use of available space and maximise the design potential of each small lot. To ensure the amenity of adjoining lots in the 'General Residential Precinct' is not compromised, zero lot setback will not be permitted on a boundary adjoining properties where a zero lot setback is not permitted.

Given that the proposed modifications to the Hillarys Structure Plan are minor and provisions ensure that there is no impact on adjoining lots, it is recommended that public advertising be waived and the Hillarys Structure Plan forwarded to the Western Australian Planning Commission for adoption and certification.

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION That Council:

- 1 Pursuant to clause 9.4 of the City of Joondalup's District Planning Scheme No 2 RESOLVES that advertising of the Hillarys Structure Plan be waived given that the modifications proposed are minor;
- 2 Pursuant to clause 9.7 of the City of Joondalup District Planning Scheme No 2 RESOLVES that the modifications to the Hillarys Structure Plan in accordance with Attachment 1 to Report CJ182-07/02 be adopted and submitted to the Western Australian Planning Commission for adoption and certification.

MOVED Cr O'Brien, SECONDED Cr Kimber that Council, pursuant to Clause 9.1 of the City of Joondalup's District Planning Scheme No 2 REQUIRES a Structure Plan for the proposed amendment and the 60 day advertising of the proposed amendment for the Hillarys Structure Plan shall be required in compliance with Part 9 of District Planning Scheme No 2.

The Motion was Put and

LOST (6/8)

In favour of the Motion: Crs Baker, Barnett, Carlos, Kimber, Nixon and O'Brien. **Against the Motion:** Mayor Bombak, Crs Hollywood, Hurst, Kadak, Kenworthy, Mackintosh, Patterson, Rowlands.

MOVED Cr Hurst SECONDED Cr Mackintosh that Council:

- 1 Pursuant to clause 9.4 of the City of Joondalup's District Planning Scheme No 2 RESOLVES that advertising of the Hillarys Structure Plan be waived given that the modifications proposed are minor;
- 2 Pursuant to clause 9.7 of the City of Joondalup District Planning Scheme No 2 RESOLVES that the modifications to the Hillarys Structure Plan in accordance with Attachment 1 to Report CJ182-07/02 be adopted and submitted to the Western Australian Planning Commission for adoption and certification.

The Motion was Put and

CARRIED (11/3)

In favour of the Motion: Mayor Bombak, Crs Baker, Barnett, Hollywood, Hurst, Kadak, Kenworthy, Mackintosh, Nixon, Patterson, Rowlands. **Against the Motion:** Crs Carlos, Kimber, O'Brien.

Appendices 11(a) and 11(b) refer

To access this attachment on electronic document, click here: [Attach11abrf160702.pdf](#)
[Attach11bbrf160702.pdf](#)

CJ183 - 07/02 PROPOSED AMENDMENT NO. 13 - DISTRICT PLANNING SCHEME NO. 2 - LOT 99 (4) HOCKING ROAD, KINGSLEY – [50526]

WARD – South

PURPOSE

Amendment No. 13 to District Planning Scheme No. 2 (DPS 2) is brought before Council for consideration of initiation and adoption for the purposes of advertising.

EXECUTIVE SUMMARY

A request has been received from Mitchell Goff and Associates on behalf of Hostyle Pty Ltd to rezone Lot 99 Hocking Road, Kingsley, from ‘Private Clubs/Recreation’ to ‘Business’.

Amendment No. 13 to DPS 2 proposes to rezone Lot 99 Hocking Road, Kingsley, accordingly. Refer to Attachments 1 and 2 to this Report.

Lot 99 is also subject to a Metropolitan Region Scheme (MRS) Amendment, which proposes to rezone it from ‘Rural’ to ‘Urban’.

The site has good exposure to traffic on both Whitfords Avenue and Wanneroo Road and from this perspective would be ideal for commercial land use. The proposed rezoning will also provide a greater number of land uses options for the site and will assist the landowner in attracting a tenant to the currently vacant site. Whilst the proposal is unlikely to affect the visual amenity of the surrounding area, it is likely to result in additional traffic, and the impact of this needs to be further investigated through a traffic impact statement. Due to time constraints it is recommended that Council allows this to be undertaken during the advertising period and submitted to the City prior to final consideration of the Amendment.

It is recommended that Council adopts Amendment No. 13 to DPS 2 and seeks the Western Australian Planning Commission’s (WAPC) consent to advertise it.

BACKGROUND

Suburb/Location:	Lot 99 (4) Hocking Road, Kingsley
Applicant:	Mitchell Goff and Associates
Owner:	Hostyle Pty Ltd
Zoning:	DPS: Private Clubs/Recreation
	MRS: Rural & Primary Regional Roads
Strategic Plan:	<i>Key Result Area - Lifestyle</i> <u>Strategy 2.1</u> – Rejuvenate our suburbs <u>Strategy 2.6</u> – Promote and enjoy lifestyles that engender environmental, social and economic balance and sustainability. <u>Strategy 2.7</u> – 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.

DETAILS

The subject land is located on the corner of Whitfords Avenue and Wanneroo Road in the north eastern section of Kingsley. The land to the north of Whitfords Avenue forms part of the Yellagonga Regional Park whilst the land to the east of Wanneroo Road falls within the City of Wanneroo's boundaries and forms part of the Wangara Industrial Area. The land is bound by Hocking Road and a residential estate to the south and by the Cherokee Village Caravan Park to the west. The land to the west of the Caravan Park (Lot 63 Hocking Road) is currently used as a market garden and associated retail outlet however is proposed along with a portion of Lot 62 Hocking Road to be rezoned to facilitate an aged persons development. The land to the west of Lot 62 Hocking Road forms part of the Yellagonga Regional Park.

Land Use & History

Lot 99 Hocking Road has been developed with a large building and associated carparking area which was previously used as an indoor recreation centre and place of public worship. Refer to Attachment 3 to this Report. The City's records indicate that the former use of the site attracted numerous complaints (predominantly noise related) from the occupants of the adjoining Cherokee Village Caravan Park. The building is currently vacant.

Access to the site is obtained from an existing crossover on Hocking Road which lies adjacent to the boundary of Lot 98 Hocking Road (the Cherokee Village Caravan Park).

A right of carriageway easement exists over Lot 98 Hocking Road in favour of the proprietors of Lot 99 Hocking Road however this is not currently utilised. Refer to Attachment 4 to this Report. The deed of easement was made on the 17 June 1982 between the proprietors of Lots 98 and 99 Hocking Road. The deed states that the right of carriageway over the affected land shall not be relinquished, released or in any way surrendered without the approval in writing of the City first being obtained.

Previous Council Decisions

Council at its 26 February 2002 meeting (CJ041-02/02) considered Amendment No. 1037/33 North West District Omnibus (No. 5) to the MRS. The Amendment proposes, amongst other things, to transfer a portion of Lot 62 and Lots 63, 98 and 99 Hocking Road, Kingsley, from the 'Parks and Recreation' reservation and 'Rural' zone to the 'Urban' zone. Council resolved at this meeting to support the proposed changes.

DETAILS

Private Clubs/Recreation Zone and Business Zone

The subject land is proposed to be rezoned from 'Private Clubs/Recreation' to 'Business' under DPS 2.

The objective of the 'Private Clubs/Recreation' zone is to accommodate uses such as private golf clubs, private educational, institutional and recreational activities.

The uses which are or may be permitted under the ‘Private Clubs/Recreation’ zone are outlined in Attachment 5 to this Report.

The objectives of the ‘Business’ zone are as follows:

“3.6.1 The Business Zone is intended to accommodate wholesaling, retail warehouses, showrooms and trade and professional services and small scale complementary and incidental retailing uses, as well as providing for retail and commercial businesses which require large areas such as bulky goods and category/theme based retail outlets that provide for the needs of the community but which due to their nature are generally not appropriate to or cannot be accommodated in a commercial area.”

The objectives of the Business Zone are to:

- (a) provide for retail and commercial businesses which require large areas such as bulky goods and category/theme based retail outlets as well as complementary business services;*
- (b) ensure that development within this zone creates an attractive façade to the street for the visual amenity of surrounding areas.”*

The uses which are or may be permitted under the ‘Business’ zone are outlined in Attachment 6 to this Report.

Access & Traffic Implications

The subject land has frontage to Whitfords Avenue, Wanneroo Road and Hocking Road however no access is permitted or is desirable to/from Whitfords Avenue or Wanneroo Road. As outlined above, access to the site is obtained from an existing crossover on Hocking Road which lies adjacent to the boundary of Lot 98 Hocking Road (the Cherokee Village Caravan Park).

Whilst a specific land use is not proposed for the land, the applicants advise that traffic volumes are likely to be in the vicinity of 2000-3000 v.p.d.

Main Roads WA advise that a grade separated crossing is intended for the intersection of Whitfords Avenue/Wanneroo Road due to high traffic forecasts and that the median strip on Wanneroo Road is intended to be extended so as to prevent right hand turns into Hocking Road. These traffic management proposals will further restrict access to the site. Main Roads WA have advised the applicants that they have no objections to the proposal.

Department of Planning & Infrastructure (DPI) Comments

The explanatory report for Amendment No. 1037/33 North West District Omnibus (No. 5) to the MRS stated with respect to the land:

- Lot 99 Hocking Road, Kingsley, does not contain any regionally significant vegetation or wetlands, can be connected to major services and the land given the surrounding land uses, is no longer suitable for rural uses.

- Given the land's constrained access arrangements, proximity of the land to the Yellagonga Regional Park, its location on a visually prominent corner and the adjoining special residential subdivision, land uses which are low traffic generators and have a high visual amenity would be suitable.
- It is anticipated that a draft structure plan will be formulated for the area, in consultation with the DPI, the City of Joondalup, Main Roads WA and CALM.

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 7 to this report and the current stage of the amendment has been highlighted.

The Town Planning Regulations allow the City to advertise amendments without the WAPC's consent subject to conditions, one of these being the amendment's compliance with the MRS. As the proposed amendment is not compliant with the current MRS, the WAPC's consent to advertise is required in this instance.

Consultation:

Should the WAPC grant its consent to advertise, the amendment will be advertised for public comment for a period of 42 days.

Strategic Implications:

The rezoning and subsequent land use will assist in rejuvenating the area and providing additional goods and services to the community. This accords with the City's strategic plan.

COMMENT**Issues**Private Clubs/Recreation Zone & Business Zone

The 'Business' zone provides a greater number of land use options for the site than the 'Private Clubs/Recreation' zone and will assist the landowner in attracting a tenant to the site.

The site is well exposed to traffic on Whitfords Avenue and Wanneroo Road and from this perspective would be well suited to commercial land use.

Access & Traffic Implications

Given that traffic volumes are likely to increase as a result of the proposal and given the site's access restrictions and the close proximity of the existing crossover to the intersection of Whitfords Avenue and Wanneroo Road, it is recommended that a traffic impact statement be provided by a qualified traffic engineer/consultant to determine whether the existing access arrangements to the site are sufficient and to assess the impact of any increase in traffic volumes on the regional and local road systems. Due to time constraints it is recommended that Council allows this to be undertaken during the advertising period and submitted to the City prior to final consideration of the Amendment.

Should the landowner intend to utilise the existing right of carriageway easement over Lot 98 Hocking Road it is recommended that the City becomes a party to the deed.

Special Residential Lots

As outlined above, a Special Residential estate exists on the southern side of Hocking Road. The impact of the proposed rezoning on the estate is expected to be minimal as the estate predominantly backs onto and is fenced along Hocking Road. Only one dwelling (on Lot 4 Hocking Road) fronts onto and obtains access from Hocking Road. This dwelling is likely to be impacted by the proposal as traffic volumes are expected to increase. The impact of this however needs to be further investigated through the above-mentioned traffic impact statement.

DPI Comments

The DPI stated that land uses which are low traffic generating and have a high visual amenity would be suitable for the land considering the constrained access arrangements, proximity of the land to the Yellagonga Regional Park, its location on a visually prominent corner and adjoining special residential subdivision.

The subject land is separated from the Yellagonga Regional Park by way of adjoining properties and roads. The proposal is therefore unlikely to have a significant impact on the Park however is intended to be referred to the Department of Conservation and Land Management, who are responsible for managing the Park, during the advertising period for comment.

Whilst the land is visually prominent being situated on the corner of Whitfords Avenue and Wanneroo Road the City believes that it is the landowner's intention to retain the existing building and therefore the visual amenity is unlikely to be altered by the proposal.

As previously outlined, the impact of the proposed rezoning on the special residential estate to the south of the subject land is expected to be minimal as the estate predominantly backs onto Hocking Road.

The DPI also recommended that a structure plan be prepared over the subject and adjoining land. A structure plan over Lot 99 Hocking Road and adjoining lots is considered unnecessary as the lots are proposed to be independently developed. Lot 99 is intended to accommodate commercial land uses, Lot 98 is intended to be continued to be used as a caravan park and Lot 63 and a portion of Lot 62 are intended to accommodate aged person's dwellings and facilities.

MRS Amendment

The proposed amendment to the MRS to rezone the subject land from 'Rural' to 'Urban' is currently being considered by the WAPC. The WAPC have advised that the amendment is not expected to be finalised until late 2002/2003.

The subject amendment to the City's DPS 2 will be unable to be finalised until the amendment to the MRS has been finalised as DPS 2 is required to be in accordance with the MRS.

Assessment and Reasons for Recommendation

The site has good exposure to traffic on both Whitfords Avenue and Wanneroo Road and from this perspective would be ideal for commercial land use. The proposed rezoning will also provide a greater number of land uses options for the site and will assist the landowner in attracting a tenant to the currently vacant site. Whilst the proposal is unlikely to affect the visual amenity of the surrounding area, it is likely to result in additional traffic, and the impact of this needs to be further investigated through a traffic impact statement. Due to the time constraints it is recommended that Council allows this to be undertaken during the advertising period and submitted to the City prior to final consideration of the Amendment.

It is recommended that Council adopts Amendment No. 12 to DPS 2 and seeks the WAPC's consent to advertise it.

VOTING REQUIREMENTS

Simple Majority

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

- 1 in pursuance of Section 7 of the Town Planning and Development Act 1928 AMENDS the City of Joondalup District Planning Scheme No 2 for the purpose of rezoning Lot 99 Hocking Road, Kingsley, from 'Private Clubs/Recreation' to 'Business';**
- 2 SEEKS the Western Australian Planning Commission's consent to advertise the proposed Amendment and recommends that it be referred to the following government agencies for comment during the advertising period:

Water Corporation, Western Power, Health Department of WA, Department of Conservation and Land Management, Water and Rivers Commission, Telstra, Alinta Gas, Main Roads WA;**
- 3 REFERS the proposed Amendment to the Environmental Protection Authority for consideration of the need for formal environmental assessment;**
- 4 ADVISES the applicant that it is not willing to adopt the Amendment for final approval until the amendment to the MRS has been gazetted and a traffic impact statement has been provided by a qualified traffic engineer/consultant to determine whether the existing access arrangements are sufficient and to assess the impact of the proposal on the regional and local road systems.**

The Motion was Put and

CARRIED (13/1)

In favour of the Motion: Crs Baker, Barnett, Carlos, Hollywood, Hurst, Kadak, Kenworthy, Kimber, Mackintosh, Nixon, O'Brien, Patterson, Rowlands. **Against the Motion:** Mayor Bombak.

Appendix 12 refers

To access this attachment on electronic document, click here: [Attach12brf160702.pdf](#)

Cr Baker declared a financial interest in Item CJ184-02/02- Proposed Educational Use (Business College): Unit 3, Lot 702 (1) Wise Street, Joondalup as he is a Director of a company that owns a strata titled unit in the Maddison Building which is situated in Grand Boulevard, Joondalup.

Cr Baker left the Chamber at this point, the time being 2115 hrs.

**CJ184 - 07/02 PROPOSED EDUCATIONAL USE (BUSINESS
COLLEGE): UNIT 3, LOT 702 (1) WISE STREET,
JOONDALUP – [45367]**

WARD - Lakeside

PURPOSE

The purpose of this report is to request Council’s approval for a variation to the Joondalup City Centre Development Plan and Manual (JCCDPM) in relation to a development application for an Educational use (Business College) at the above site.

EXECUTIVE SUMMARY

An application has been received for Unit 3/1 Wise Street (corner Collier Pass) Joondalup for an Educational use (Business College).

The property is located within the Joondalup City Centre zone and is subject to the JCCDPM, which allows for a range of land uses within this area.

The lot is located within the Western Business District and is earmarked to be used for “Comparison Shopping”, where preferred uses are identified as being Showroom Retail and Residential (Caretaker) and includes uses permitted within the Central Business District (CBD).

It is recommended that Council exercises discretion under District Planning Scheme No 2 (DPS2) to vary the provisions of the JCCDPM to allow the proposal to proceed. Furthermore, it is recommended that Council modifies the Manual to allow Educational uses within the Western Business District.

BACKGROUND

The JCCDPM was adopted in 1995 to guide the development of the Joondalup City Centre area. The document has the effect of a Structure Plan adopted under DPS2. The proposed educational business college site lies within the Western Business District area, at the corner of Collier Pass and Wise Street, and is within an area that the JCCDPM has described as “preferred for comparison shopping”.

The location of the site is shown in attachments to this report.

Suburb/Location: Collier Pass, Joondalup
Applicant: Vincent Graneri
Owner: Vincent Graneri
Zoning: **DPS:** Centre Zone
 MRS: Central City Area

DETAILS

The site is located within the Western Business District defined by the railway line and Joondalup Drive. Within this district there are three distinct types of areas being Regional Shopping, Comparison Shopping and Highway/Drive-in. The subject unit/complex is situated within the “Comparison Shopping” area. Comparison-shopping is intended to provide for home ware type establishments and was intended to differentiate between this area and the CBD.

The subject unit is situated within an existing complex of four showrooms that were approved by Council on 4 April 1996. In October 1999 Council approved the change of use of Unit 3 from a showroom to an office use. In March 2000 Council approved a retail use for Unit 1 and also resolved to modify the JCCDPM to remove restrictions to CBD uses from the Western Business District.

The proposal entails an additional use for Unit 3 (currently vacant), which has a nett leasable area of approximately 196m². The proposal complies with the car parking standards of the JCCDPM, based on the floor area of the building.

The applicant has provided the following points in support of the application:

- The internal aspects of the building will be upgraded with a new toilet and replacement of an evaporative air conditioning unit with reverse cycle air conditioner.
- The college offers accredited courses in business and office administration Certificate II to diploma level.
- There will be no more than 50 students present at the centre at any one time.
- The times of operation are from 9:00 am to 7:00pm (not every night).
- The proposal is similar to the Phoenix Business College that been operating for 12 years from Market City in Canning Vale.
- There is a possibility of bringing overseas students to complete diploma course with a view for entry into Edith Cowan University (ECU).

Statutory Provisions:

DPS2 and the JCCDPM

The Joondalup City Centre – Development Plan and Manual is principally used to guide to the future built form of development within the City Centre and was not intended to specifically limit land use. The subject lot comprises an existing development within the comparison shopping area where the preferred uses include showroom, retail and residential (caretaker). The Council has previously approved retail office uses, and removed the restrictions to CBD uses from the Western Business District.

COMMENT

The proposed site is within close proximity to the CBD, TAFE and Edith Cowan University.

The objective of the Manual is to guide development within a built form framework so as to guide the form of development and therefore the character of the public domain. Uses should be able to be determined by market forces rather than a prescriptive list of preferred land uses. The proposed educational use is considered to be compatible with the adjoining land uses, and the City Centre in general.

On its merits, it is recommended that the proposal be approved, and that the provisions of the JCCDPM be varied in this instance. Clause 4.5 of DPS2 allows the Council to vary Structure Plan provisions where the Council is satisfied that the proposal is in keeping with the desired planning intentions for the area, and accordingly the proposal is supported.

It is further recommended that Council modify the JCCDPM to allow for educational type uses within the Western Business District.

VOTING REQUIREMENTS

Simple Majority

MOVED Cr Kimber, SECONDED Cr Kadak that Council:

- 1 EXERCISES DISCRETION pursuant to Clause 4.5 of District Planning Scheme No 2 and determines that a variation of the provisions of the Joondalup City Centre Development Plan & Manual (JCCDPM) to allow for an Educational use is appropriate;**
- 2 APPROVES the application dated 20 June 2002 submitted by applicant/owner Vincent Graneri for an Educational use on Lot 701, Unit 3/1 Wise Street Corner Collier Pass, Joondalup;**
- 3 MODIFIES the Joondalup City Centre Development Plan and Manual to allow for Educational land uses within the Western Business District.**

Footnotes:

- (a) The development is to provide for access and toilet facilities for people with disabilities.**
- (b) Compliance with the Building Code of Australia (BCA) provisions for access and facilities for people with disabilities may not discharge any owner's or developer's liability under the Commonwealth Disability Discrimination Act (DDA). The Human Rights and Equal Opportunity Commission has developed guidelines to assist owners and developers in designing developments, which may satisfy the requirements of the DDA. Copies of the guidelines may be obtained from the Disability Services Commission, 53 Ord Street, West Perth, telephone 9426 9200.**

- (c) **A separate planning application is required for any proposed signage.**
- (d) **The applicant is required to comply with the requirements of the Health Public Building Regulation 1992 and BCA.**

The Motion was Put and

CARRIED (13/0)

In favour of the Motion: Mayor Bombak, Crs Barnett, Carlos, Hollywood, Hurst, Kadak, Kenworthy, Kimber, Mackintosh, O'Brien, Patterson, Rowlands and Nixon.

Appendix 13 refers

To access this attachment on electronic document, click here: [Attach13brf160702.pdf](#)

Cr Baker entered the Chamber at this point, the time being 2116 hrs.

CJ185 - 07/02 REQUEST FOR THE CLOSURE OF THE PEDESTRIAN ACCESSWAY BETWEEN LOTS 913 AND 914 JOHNSTON WAY AND RESERVE 33467 (BRISBANE RESERVE), PADBURY - [38518]

WARD – Pinnaroo

PURPOSE

The purpose of this report is for Council to consider the closure of the pedestrian accessway (PAW) between Lot 913 (17) and Lot 914 (19) Johnston Way to Reserve 33467 (Brisbane Reserve), Padbury. See Attachment 1 to this Report.

EXECUTIVE SUMMARY

There are two adjoining landowners to the subject PAW and the request for closure from the applicant is based on incidents of anti-social behaviour. The application was advertised for public comment from 7 February 2002 to 9 March 2002. As part of the advertising process, questionnaires were forwarded to local residents seeking their view on closure of the PAW, and were accompanied by a letter that provided information on the reasons why the applicant was requesting closure.

The City's Pedestrian Accessway Policy requires formal evaluation of the request for closure. This evaluation is composed of three parts, assessing Urban Design, Nuisance Impact and Community Impact. The assessments are rated as low, medium or high and a recommendation made whether to support closure or not.

The Urban Design Assessment determines the importance of the PAW in the pedestrian movement network by analysing the impact closure would have on access to local community facilities within 400 metres. The Nuisance Impact Assessment assesses any evidence and information to determine the degree of anti-social behaviour being experienced and the Community Impact Assessment examines the information provided by surrounding residents to determine the PAW's level of use.

In this case, the Urban Design Assessment, Nuisance Impact Assessment and Community Impact Assessment are rated as medium, low and medium respectively. Based on these ratings, the proposal accords with Case 5 of the Pedestrian Accessway Policy, therefore it is recommended that the closure of the PAW between Lot 913 (17) and Lot 914 (19) Johnston Way to Reserve 33467 (Brisbane Reserve), Padbury is not supported.

BACKGROUND

Suburb/Location:	Padbury
Applicant:	Mr K Saul
Zoning:	DPS: Residential
	MRS: Urban
Strategic Plan:	Lifestyle – Strategy 2.6 Promote and enjoy lifestyles that engender environmental, social and economic balance

DETAILS

Current Proposal or Issue

One of the two adjoining landowners requested closure based on the following incidents of vandalism and anti-social behaviour. There is also a difference in ground levels, which along with low boundary fencing allows for direct vision into the applicant's living areas.

- awoken by someone running along the roof
- motor cycles used in the PAW
- drug use in and around the PAW
- fences have been damaged and vandalised by graffiti
- broken glass in the PAW
- offensive language and noise at all hours of the night

The subject PAW does not have any service infrastructure within in it that requires modification or removal, however, the applicant has agreed to meet all other associated costs and conditions if closure is supported.

Site Inspection

A site inspection revealed an unattractive PAW (see Attachment 2). Further, there was:

- virtually no rubbish
- a cracked fence panel
- very little sign of graffiti along fences in PAW. Graffiti mainly on back boundary fences
- overall sight lines were good
- no lighting over the PAW
- (17) Johnston Way is lower than the PAW and vision into the property is possible from the PAW and the park
- the PAW sloped down at the Brisbane Reserve end

PAW Closure Process

An adjoining landowner can request the closure of a PAW and the City's Pedestrian Accessway Policy helps guide the assessment process. From the outset, the City must have some indication that some or all of the adjoining landowners are prepared to acquire the land within the PAW and pay all the associated costs and meet any necessary conditions. As part of the process, the service authorities are asked to provide details of any service plant that may be within the PAW that would be affected by the proposed closure and if it can be modified or removed to accommodate the request.

Prior to DOLA considering closure of a PAW, it is necessary for the Department of Planning and Infrastructure (DPI) to support closure. As per the City's Pedestrian Accessway Policy, the City seeks the DPI's view and this is done only if Council supports an application. The final decision on a request for closure of a PAW rests with the Minister for Planning and Infrastructure.

As from 1 June 2002 amalgamation of Crown land with freehold land will require a formal application to the Western Australian Planning Commission (WAPC). If Council and the DPI support an application to close a PAW, on receipt of such approvals DOLA will investigate and if in support, arrange a valuation of the land. It will then provide all other associated costs to the City to forward to those adjoining landowners that have agreed to acquire the land. If written acceptance of the cost and conditions is provided to DOLA, it will then commence formal closure actions and lodge relevant forms to the WAPC on behalf of the adjoining landowners.

Consultation:

Consultation was by way of a notification sign at each end of the PAW for a period of thirty days from 7 February 2002 to 3 March 2002 and a letter and questionnaire forwarded to residents living within a 400-metre radius of the subject PAW. The letter provided the reasons the adjoining landowner sought closure and the questionnaire requested information from residents on various matters relating to the PAW. Attachments (3) and (4) summarise the information from the returned questionnaires.

Policy Implications:

This City's Pedestrian Accessway Policy has been prepared in accordance with clause 8.11 of the City of Joondalup's District Planning Scheme No 2, which allows Council to prepare planning policies relating to planning or development within the scheme area. The Policy provides guidance on the inclusion and design of PAWs in new subdivisions and assessment criteria for closure of PAWs.

As part of the City's Pedestrian Accessway Policy, when closure of a PAW is requested formal evaluation of the application is conducted. This evaluation is composed of three parts, assessing Urban Design, Nuisance Impact and Community Impact. The assessments are rated and a recommendation made whether to support closure or not. Where ratings do not match exactly with the assessment results, comments supporting the chosen rating will be provided in italics.

The Urban Design Assessment determines the importance of the PAW in the pedestrian movement network by analysing the impact closure would have on homes that are accessible within 400 metres of local community facilities. The Nuisance Impact Assessment assesses any evidence and information to determine the degree of anti-social behaviour being experienced and the Community Impact Assessment considers the information provided from the surrounding residents to determine the PAWs level of use.

COMMENT

Assessment and Reasons for Recommendation

Urban Design Assessment

Examinations were conducted to assess the impact before and after closure of the PAW on homes accessible within 400 metres of the reserve and local bus stops.

Due to there being another PAW in close proximity to the subject PAW, closure of the subject PAW does not greatly impact on pedestrian movement with regard to Brisbane Reserve or local bus stops. However, it is considered inappropriate to consider closing one PAW simply because there is another in close proximity, especially when the level of use is high. Should the subject PAW be closed walking distances do not increase significantly.

It should be noted that the PAW links to Brisbane Park and to Mitchell Place and another PAW links Mitchell Place to Giles Avenue. There is a bus service on both Giles Avenue and Gibson Avenue. The footpath within the PAW extends through Brisbane Park to Brisbane Drive and assists with accessing bus stops on Gibson Avenue.

The PAW is not part of the “Safe Routes to School” programme or significant with regard to the City’s Bike Plan. On balance a medium rating appears to be the most appropriate.

High

- PAW provides a direct route to community facilities. The PAW leads directly to a public reserve
- A safe, alternative route does not exist

An alternative route at the northern end of the reserve does exist via another PAW

- PAW part of a continuous PAW link - i.e. a chain of two or three PAWs and is linked to streets with existing path systems
- PAW is a designated ‘safe route to school’, or on the City’s Bike Plan
This is incorrect, the PAW is not significant with regard to safe routes to school’, or on the City’s Bike Plan

Medium

- PAW provides a route to community facilities but not direct.
The PAW is a direct route to a public reserve
- An alternative route exists but some inconvenience
51.5% of users advised they would be inconvenienced if the PAW is closed
- PAW not designated as a ‘safe route to school’ or on the City’s Bike Plan
This is correct

Nuisance Impact Assessment

The Nuisance Impact Assessment is carried out by investigating any reported anti-social behaviour.

Police and City of Joondalup Security Watch Information

Verbal advice received from the police indicated that a check of police records did not identify any particular incidents of an anti-social nature that can be directly related to the subject PAW.

Information gathered from the patrols undertaken by the City's Security Watch indicate that the problems encountered with the PAW do not appear to suggest that the level of anti-social behaviour in and around the area of the PAW is any higher than other areas within the suburb. Information provided in the returned questionnaires indicated that some users of the PAW had seen rubbish, graffiti and broken glass. Residents in and around the PAW have witnessed groups of youths using the park for drinking alcohol and extra City Watch Patrols were suggested on some of the returned questionnaires as a deterrent to this type of behaviour.

The site inspection carried out by a City officer revealed an unattractive PAW with just sand either side of the footpath. The inspection did not present evidence that suggested excessive vandalism or anti-social behaviour. The applicant's property is lower than the PAW which may impact on privacy, however, increasing the height of the fence would address this.

Overall the rating is low for the Nuisance Impact Assessment:

Low

- Occurrence of criminal activity or antisocial behaviour similar to elsewhere in the suburb
- Types of offences are limited to antisocial behaviour
- The severity of antisocial behaviour is similar to elsewhere in the suburb

Community Impact Assessment

The Community Impact Assessment is undertaken to obtain information about the PAWs level of use and Attachment (4) indicates the reasons for use, and frequency of use. This PAW appears to be used mainly for exercise/social reasons with daily and weekly frequencies being the most common. The PAW is also used to access bus stops.

Of the 75 questionnaires returned, there are 11 (14.5%) objectors and 56 (75%) supporters, the remaining 8 (10.5%) being neutral. There are 27 users, 10 (37%) object and 14 (51.5%) advised they would be inconvenienced if the PAW is closed.

Comments received from landowners adjoining other PAWs leading from Johnston Way have suggested that they too experience some degree of anti-social behaviour. They attribute this to the PAW, however do not consider it fair to close one of the PAWs adding pressure to the remaining PAWs. This point is considered valid.

The rating for the Community Impact Assessment falls between low and medium and overall, a medium rating seems the most appropriate due to the level of inconvenience and number of users.

Medium

- Medium portion of respondents not in favour of closure (over 30%)
14.5% of respondents are not in favour of closure
- Moderate level of households using the PAW

There are 27 users of the PAW

- Moderate portion of users inconvenienced by closure of the PAW (30-50%)
51.5% of users indicated they would be inconvenienced

Low

- High number of residents in favour of closure (over 75%)
75% in favour of closure
- Low number of households using the PAW
27 users is not considered low use
- Few users inconvenienced by closure (less than 30% of all users)
51.5% of users indicated they would be inconvenienced

Final Assessment

The result of each assessment is detailed below:

Urban Design	-	Medium
Nuisance Impact	-	Low
Community Impact	-	Medium

The subject PAW is a direct link to a reserve that has a reasonable level of use on a daily and weekly basis. Users of the PAW have noted some anti-social behaviour pertaining to the PAW, which was mainly graffiti and broken glass. Some residents stated that the park is used on occasions by youths drinking alcohol and acting in an offensive manner. A number of residents requested more security patrols to be considered on Friday and Saturday evenings.

The PAW is unattractive and some general maintenance and a possible upgrade would improve its appearance.

The assessment accords with Case 5 of the Pedestrian Accessway Policy and therefore it is recommended that the Pedestrian Accessway between Lot 913 (17) and Lot 914 (19) Johnston Way to Reserve 33467 (Brisbane Reserve), is not supported for closure.

VOTING REQUIREMENTS

Simple Majority

MOVED Cr Rowlands, SECONDED Cr Patterson that Council:

- 1 DOES NOT support the closure of the pedestrian accessway that leads between Lot 913 (17) and Lot 914 (19) Johnston Way to Reserve 33467 (Brisbane Reserve), Padbury;**
- 2 INVESTIGATES the maintenance and possible upgrade to the pedestrian accessway between Lot 913 (17) and Lot 914 (19) Johnston Way, Padbury.**

The Motion was Put and**CARRIED (14/0)**

In favour of the Motion: Mayor Bombak, Crs Baker, Barnett, Carlos, Hollywood, Hurst, Kadak, Kenworthy, Kimber, Mackintosh, Nixon, O'Brien, Patterson, Rowlands.

Appendices 14(a), 14(b) and 14(c) refer

To access this attachment on electronic document, click here: [Attach14abrf160702.pdf](#)
[Attach14bbrf160702.pdf](#) [Attach14cbrf160702.pdf](#)

CJ186 - 07/02 DELEGATED AUTHORITY REPORT – [07032]**WARD - All****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 from 1 June to 31 June 2002.

VOTING REQUIREMENTS

Simple Majority

MOVED Cr Rowlands, SECONDED Cr Mackintosh that Council NOTES the determinations made under Delegated Authority in relation to the applications described in Report CJ186-07/02.

The Motion was Put and**CARRIED (14/0)**

In favour of the Motion: Mayor Bombak, Crs Baker, Barnett, Carlos, Hollywood, Hurst, Kadak, Kenworthy, Kimber, Mackintosh, Nixon, O'Brien, Patterson, Rowlands.

Appendix 15 refers

To access this attachment on electronic document, click here: [Attach15brf160702.pdf](#)

CJ187 - 07/02 SUBDIVISION REFERRALS PROCESSED 1 JUNE – 30 JUNE 2002 – [05961]

WARD - All

PURPOSE

The purpose of this report is to advise Council of subdivision referrals received by the City for processing.

EXECUTIVE SUMMARY

Overleaf is a schedule of the Subdivision Referrals processed by Urban Design and Policy Services, from 1 – 30 June 2002. Applications were dealt with in terms of the delegation of subdivision control powers by the Chief Executive Officer (DP247-10/97 and DP10-01/98).

DETAILS

The subdivision application was deferred by the City pending:

- 1 Amendment 11 to the City's District Planning Scheme No. 2, which proposes to rezone the subject site to the Centre zone, is gazetted;
- 2 the Kinross Neighbourhood Centre Structure Plan, which has been prepared with respect to the subject site, has been adopted and certified by the WAPC.

VOTING REQUIREMENTS

Simple Majority

MOVED Cr Rowlands, SECONDED Cr Hurst that Council NOTES the action taken by the Subdivision Control Unit in relation to the application described in Report CJ187-07/02.

The Motion was Put and

CARRIED (14/0)

In favour of the Motion: Mayor Bombak, Crs Baker, Barnett, Carlos, Hollywood, Hurst, Kadak, Kenworthy, Kimber, Mackintosh, Nixon, O'Brien, Patterson, Rowlands.

Appendix 16 refers

To access this attachment on electronic document, click here: [Attach16brf160702.pdf](#)

Cr Baker declared a financial interest in Item CJ188-07/02 – Status Report Community Feedback on Adopted Centres Strategy, Adopted Centres Policy, and Draft Scheme Amendment 10 as he is a Director of a company that owns a strata titled unit in the Maddison Building which is situated in Grand Boulevard, Joondalup.

Cr Hollywood declared an interest that may affect his impartiality in Item CJ188-07/02 - Status Report Community Feedback on Adopted Centres Strategy, Adopted Centres Policy, and Draft Scheme Amendment 10 as he is a builder and has a building application to be lodged in respect of this item.

Crs Hollywood and Baker left the Chamber at this point, the time being 2117 hrs.

CJ188 - 07/02 STATUS REPORT COMMUNITY FEEDBACK ON ADOPTED CENTRES STRATEGY, ADOPTED CENTRES POLICY, AND DRAFT SCHEME AMENDMENT 10 – [09030]

WARD - All

PURPOSE

To report on the background to the above guidelines and the District Planning Scheme amendment and to consider the input received from the community over the past week and provide a way of moving forward.

EXECUTIVE SUMMARY

In order to alleviate uncertainty over possible interpretation of the content of the Centres Strategy it is suggested that the policy be reviewed and parts of Amendment 10 relating to the centres strategy be deleted. The City is mindful of fostering good working relationships with the community and the importance of consulting with the community. It is highlighted that the review should concentrate only on those parts of the policy causing the ambiguities. Parts to be reviewed are as follows:

Net Lettable Area (NLA) - Issues have been raised in regards to nominated NLA's for centres.

In fact the nominated areas are in line with the values provided for by government policy, however, the City is prepared to review this part.

“Main Street” - These provisions also reflect the intentions of the government's policy. However due to the situation earlier this year with Precinct Planning and significant community opposition it is recommended that this part of the Centres Strategy also be reviewed.

Centre - It is acknowledged that the lack of a definition for the word ‘Centre’ is causing some concern and provides for a degree of (unintentional) interpretation, including the size of a centre. It is suggested this issue be reviewed accordingly.

It is also recommended that parts of Amendment 10 relating to the Centres Strategy be deleted.

BACKGROUND

Previous Council Decisions

At the meeting of 28 September 1999 the Commissioners resolved (in accordance with Clause 5.11 of Town Planning Scheme No 1) to adopt the Draft Centres Strategy prepared by Planwest-Belwigwe as a draft planning policy, and make it available for public submissions for a period of 42 days.

At the Council meeting of 28 November 2000 it was resolved subject to minor modifications to adopt the Centres Strategy as a Planning Policy and refer the Centres Strategy together with supporting documentation to the Western Australian Planning Commission (WAPC) with a request for consideration and endorsement as a Local Commercial Strategy pursuant to the Metropolitan Centres Policy.

At the Council meeting of 23 October 2001 Amendment 10 was adopted for the purpose of advertising. At the Council meeting of 26 March 2002 it was resolved subject to the exclusion of lot 199 Kinross Drive to endorse the documents. The documents are currently with the WAPC awaiting consideration for final approval.

Attachment 1 provides a timeline of the milestones in regard to the evolution and consultation associated with the Centres Strategy, Amendment 10, and the review of the District Planning Scheme. In addition it highlights the parts of the respective processes undertaken by the Commissioners versus the Council.

Metropolitan Centres Policy (MCP)

The MCP has been formulated by the state government as a Statement of Planning Policy to ensure that it is given due regard in the preparation and amendment of town planning schemes. 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.

The MCP sets the following guidelines for floor space: Strategic Regional Centres (up to 80,000m² nla), Regional Centres (up to 50,000m² nla), District Centres (up to 15,000m² nla) and Neighbourhood Centres (up to 4,500m² nla). This now better reflects the sizes of established centres in the hierarchy. The MCP also promotes the development of centres in accordance with Main Street design principles.

The key implementation element of the MCP (2000) is to oblige the local government to prepare Local Planning Strategies (LPS) for endorsement by the WAPC. Once adopted and endorsed the LPS will enable delegation of development control in accordance with the MCP in relation to the development of centres. The Centres Strategy has been prepared in accordance with the guidelines for the preparation of LPS's and is proposed to function as a LPS for the City.

Centres Strategy

A Centres Strategy is an LPS, and required to comply with the MCP and to provide a basis for provisions to be incorporated into DPS2. The major implementation focus of the strategy is the preparation of structure plans, which require the endorsement of the WAPC to enable delegation of development control to the City. The strategy ensures that changes to the shopping and commercial centres occur in an orderly manner and benefit the community as a whole.

The preparation of a Centres Strategy to determine the location, size, land use mix and related matters of all existing and planned future commercial centres within the City was commenced in August 1998. It was intended to complete the strategy in 1998/99 for incorporation into the new scheme, DPS2, prior to final approval. Unfortunately the set timeframe was not met and the detail in the strategy was unable to be incorporated in the new scheme. The Scheme was adopted without the Centres Strategy being in place.

The Strategy examines the planning context, population, employment and commercial activity including the retail requirements as background to develop the strategy. The objective of the strategy is to interpret, apply and implement the Metropolitan Centres Policy in the context of the City and set out objectives and principles for centres in the City identifying a hierarchy and lists functions and shopping floor areas appropriate to each level of the hierarchy.

The draft Centres Strategy was advertised for 42 days from 7 October 2000 to 18 November 2000. Advertisements were placed in the Wanneroo Times and the West Australian newspaper. All owners and managers of shopping centres and adjoining business (156) were advised by letter, and copies of the draft strategy were made available in the City's libraries and the two customer service centres. Eleven (11) submissions were received.

Council determined that section 5 of the Draft Centres Strategy report be modified and adopted as policy. The Western Australian Planning Commission subsequently endorsed the strategy. It was recognised at the time that following endorsement of the Strategy the major implementation item would be an amendment to DPS2.

Amendment 10

Amendment 10 proposes to incorporate only the following recommendations of the Centres Strategy:

- Permit 'Shop' as a discretionary use subject to special conditions in the Business and Mixed-Use zones;
- Include provisions relating to the 'Development of Centres';
- Modify the limits of net leasable area (NLA) in accordance with Schedule 3 of the 'Centres Strategy', which will delete reference to specific lots;
- Include a definition for Centres Strategy;
- Modify clauses 3.5, 3.6, 3.7 and 3.11 to enable shopping net lettable area to be distributed to all lots within the 'Commercial', 'Centre', 'Business' and 'Mixed Use' zones;
- Include a new clause 4.16 'Development of Centres' that establishes new development standards.

Scheme Review, State Government Policy, Centres Strategy Policy, Amendment 10 – Relationship

In preparing DPS2, the state government (through long standing policy) requires that all Local Governments prepare a number of strategies to provide a context for the development of draft Planning Schemes. In the case of the (then) City of Wanneroo, the draft Scheme was under development for a period exceeding 10 years. Related to that process, a draft centres strategy was prepared (to cover the issue of retail centres).

A brief was prepared and tenders were invited in 1999. The Centres Strategy Policy interprets, applies and implements the WAPC's MCP in the context of the City. The City's Centres Strategy Policy provides for the incremental expansion of existing low order centres with shopping and related development throughout the City as part of a consolidation strategy until 2006 and encourages 'Main Street' principles which reflects the MCP (State Government Policy). The Centres Strategy was adopted as policy in November 2000 and has had little impact to date.

DPS2 was adopted in November 2000. At this time, the retail centres strategy was well advanced, but not finalised. Hence, specific provisions had not been introduced to the review of the scheme to reflect retail planning in the City. Amendment 10 seeks to introduce those provisions to the scheme.

DETAILS

Current Situation

An anonymous flyer has been circulated to residents within the suburbs of Kingsley, Greenwood and Duncraig as far as can be ascertained. This is a clear and purposeful attempt to link Amendment 10 to Precinct Action Planning. Contrary to the anonymous flyer being circulated, Amendment 10 is not an attempt to re-ignite the Precinct Action Planning process but endeavours to implement the City's Centres Strategy, which reflects the principles of the WAPC's MCP.

The City has forwarded correspondence to the Hon Minister for Planning requesting an urgent deputation to discuss the content of Amendment 10 and its alignment with the Government's current planning policies. In addition a press release has been prepared and released to the Community Newspaper Group.

Amendment 10 was advertised for a period of 42 days and in accordance with the Town Planning Regulations 1967.

Request for Rescission

The City has implemented Council's resolutions in relation to Amendment 10. The City's recommendation relating to the Minister adopting the Scheme Amendment is currently under consideration by the WAPC, prior to it making a recommendation to the Hon Minister. In view of the fact that these decisions of the Council have been implemented, any resolution revoking those decision would be of no practical effect. This is in accordance with legal advice received by the City.

Issues

The objectives of Amendment 10 are:

- To provide for an improved way of distributing appropriate land uses within centers:
- promote revitalization and re-modeling of existing centres, where practical along 'main street' principles;
- promote centres that include mixed uses, and foster safe, attractive and vibrant centres that provide for a community focus.

Definition for 'Centre'

The issues being raised relate to the lack of a definition for the word 'Centre' in DPS2 and the Centres Strategy and the extent of the Centre. It is acknowledged that this raises some ambiguity and it is recognized that this should be reviewed. In an attempt to understand what is meant by the term 'Centre' the community has made reference to the statement in the conclusion part of the Centres Strategy as follows:

“Centre zones should be created around all existing centers encompassing peripheral areas relative to the size of the center. For example a village center might encompass a 100 metre wide peripheral area...a large town center 400 metre radius...”.

It needs to be stated that this is not the intention of Amendment 10. In fact the provisions proposed to be incorporated in DPS2 refer only to the Mixed Use, Business, Commercial and Center **zones**, which are the zones that contain the existing commercial activity.

'Main Street' Principles

Proposed new clause 4.16.2 provides for no new centre to be developed or an existing centre redeveloped until a structure plan has been approved which promotes built form in 'main street' style. The structure plan is intended to guide decision-making. Proposed clause 4.16.3 provides for expansion or partial redevelopment of an existing centre where it is of such a small scale to be approved in the absence of a structure plan, however 'Main Street' style built form will be encouraged.

There is concern regarding the parameters of the structure plan. It is intended that the structure plan only relate to that land containing the commercial development and in no way to land that is zoned Residential.

Net Lettable Area (NLA)

Another area of concern is the modification of Schedule 3 to reflect the recommendations for NLA as per the Centres Strategy. Based on a 1997 WAPC survey nine (9) of the centres currently exceed the NLA nominated in Schedule 3 (Attachment 2). It is important to note that the MCP provides for a hierarchy of centres and associated maximum NLA. The Centres Strategy reflects the NLA nominated in the MCP and in some cases prevents further expansion of centres and in other cases recognises the hierarchy of the centre and provides for expansion.

COMMENT

The policy, strategy and draft amendment 10 have been subject to various reports and periods of public consultation, the resulting rate of response, and Council endorsement has given a high degree of confidence in progressing these matters. Notwithstanding the above, the recent interest in the issue needs to be addressed.

Context

It is important to note that during the 1990's planners and Local Governments recognized fundamental shortfalls in the way retail centres (particularly those established between the late 1960's, and late 1980's) had been developed. The form of development was often determined by the Local Government planning controls which applied during those times. Typically such developments feature:

- 1 A large amount of parking, which is often excessive even on the busiest trading days;
- 2 Buildings centrally located on large sites, surrounded by vast expanses of car parks;
- 3 Little opportunity to provide substantial pedestrian friendly environments outside the building shell;
- 4 Little opportunity to link development between adjoining commercial sites;
- 5 Vast separation between private land and the streetscape or footpath areas, and no encouragement for pedestrians to travel from the passing footpath to the retail center;
- 6 Lack of emphasis on character of development and providing an environment which is attractive to anyone other than car-based visitors.

Government policy and experience has resulted in planners attempting to rethink the way retail centres should be planned. This is to facilitate success for the visitors to those places. In doing so, planners and government have learnt from emerging trends and successes, including;

- 1 al fresco environments which combine to attract high levels of activity (usually provided in pedestrian malls and plazas), often in old City Centres
- 2 contemporary developments incorporating opportunities to shop outside and inside, and providing for the agglomeration of activities (not just shopping) that extend the life of the centre into evenings, usually for entertainment purposes.
- 3 More reasonable parking requirements, that reflect attitudes of contemporary visitors rather than those stemming from the 1960's.

For these reasons, there may be some parallels and consistency between the different planning initiatives and policies that the Council produces and releases for debate from time to time. The principles that focus on al fresco mixed activity, with buildings close to the street, having an emphasis on human scale and offering pedestrian friendly areas are termed 'main street' principles.

Centres Strategy

It is reiterated that the Centres Strategy has been previously advertised for public comment and only eleven (11) submissions were lodged at that time. The Centres Strategy was adopted as a guiding policy in November 2000 and has been in operation since that time. It is interesting that issues are now being raised in regards to the content of the Centres Strategy. It should be noted that it was not intended the community interpret the content as being demonstrated presently.

The Centres Strategy and Amendment 10 are not an attempt to re-ignite Precinct Action Planning. Unfortunately the contents have raised a degree of ambiguity in the community and concern Precinct Action Planning is being re-ignited. As a course of action it is suggested that the policy be reviewed and clarified to address the concerns being raised.

Option

In order to alleviate the ambiguities being raised by the community in their interpretation of the content of the Centres Strategy it is suggested that the policy be reviewed and parts of Amendment 10 relating to the centres strategy be deleted. The City is mindful of fostering good working relationships with the community and consulting the community. It is highlighted that the review should concentrate only on those parts of the policy causing the ambiguities. Parts to be reviewed are as follows:

Net Lettable Area - Issues have been raised in regards to the nominated NLA's. It should be noted that this is in fact in line with the values provided for by the governments policy, however the City is prepared to review this part.

“Main Street” principles – It should be noted that these provisions are also sound and reflect the intentions of the governments policy. However due to the situation earlier this year with Precinct Planning and the significant community opposition it is recommended that this part of the Centres Strategy also be reviewed.

Centre - It is acknowledged that the lack of a definition for the word ‘Centre’ is causing some concern and provides for a degree of interpretation, including the extent of the centre. It is suggested this aspect be reviewed accordingly.

It is anticipated that the likely cost of such an exercise would be in the order of \$45 000. \$25 000 of this sum would be allocated to a substantial desktop study and the other \$20 000 would be allocated to an appropriate community consultation exercise which may include a random sampling exercise. It is advised that the review process could occur within the next 12 months.

Financial Implications:

Account No:
Budget Item:
Budget Amount: \$45 000

VOTING REQUIREMENTS

Simple Majority

Officer’s Recommendation as submitted to the Special Meeting of Council held on 24 June 2002:

“That Council:

1 REVIEWS the City of Joondalup Centres Strategy and Policy 3.2.8 – Centres Strategy having particular regard to the concerns raised by the community such as:

- (i) *The maximum net lettable area allocated to commercial centres;*
 - (ii) *The lack of a definition for ‘Centre’ and clarification of the extent of the Centre; and*
 - (iii) *The appropriateness of ‘Main Street’ principles as a development guide for all centres within the City.*
- 2 *RECOMMENDS to the Hon Minister for Planning that she require District Planning Scheme No 2 Amendment No 10 to be modified in order to delete reference to the Centres Strategy by:*
- (i) *deleting the proposed definition for ‘Centres Strategy’;*
 - (ii) *deleting proposed schedule 3;*
 - (iii) *deleting proposed clauses 3.5.2, 3.6.3 and 4.16;*
 - (iv) *deleting replacement of clauses 3.6.2, 3.7.2 and 3.11.4; but*
 - (v) *including the floor space adjustments for the 9 Centres as per Attachment 2.*
- 3 *WRITES to the Western Australian Planning Commission with details of the above recommendations and an explanation of the City’s reasons for it.*
- 4 *ALLOCATES an amount in the 2002/2003 budget of \$45 000 for review and appropriate public consultation.*

Additional Officer’s Comments

In accordance with the Council’s resolution, elected members were fully briefed on the background to the Metropolitan Centres Policy, the Centres Strategy and Amendment No 10.

The Department of Planning & Infrastructure has now advised that a new comprehensive Commercial Survey (including parking and floorspace) has commenced, with results relating to centres within Joondalup likely to be available in October-November this year. In view of this, it is recommended that the Council not proceed with any changes to centre floorspace guides (under Amendment 10) pending the outcome of the DPI survey, and the review of the Centres Strategy (as recommended).

It is therefore recommended that the proposed floorspace adjustments to the 9 Centres mentioned in this report be deferred pending the outcome of the above study, and future evaluation by the City.

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

- 1 **REVIEWS the City of Joondalup Centres Strategy and Policy 3.2.8 – Centres Strategy having particular regard to the concerns raised by the community such as:**
- (a) the maximum nett lettable area allocated to commercial centres;**
 - (b) the lack of a definition for “Centre” and clarification of the extent of the Centre; and**
 - (c) the appropriateness of “Main Street” principles as a development guide for all centres within the City;**

- 2 RECOMMENDS to the Hon Minister for Planning that she require District Planning Scheme No 2 Amendment No 10 to be modified in order to delete reference to the Centres Strategy by:**
- (a) deleting the proposed definition for “Centres Strategy”;**
 - (b) deleting proposed schedule 3;**
 - (c) deleting proposed clauses 3.5.2, 3.6.3 and 4.16; and**
 - (d) deleting replacement of clauses 3.6.2, 3.7.2 and 3.11.4.**
- 3 WRITES to the Western Australian Planning Commission with details of the above recommendations and an explanation of the City’s reasons for it;**
- 4 ALLOCATES an amount in the 2002/2003 budget for \$45,000 for review and appropriate public consultation.**

The Motion was Put and

CARRIED (11/1)

In favour of the Motion: Mayor Bombak, Crs Barnett, Hurst, Kadak, Kenworthy, Kimber, Mackintosh, Nixon, O’Brien, Patterson, Rowlands. **Against the Motion:** Cr Carlos.

Appendix 17 refers

To access this attachment on electronic document, click here: [Attach17brf160702.pdf](#)

Crs Hollywood and Baker entered the Chamber at this point, the time being 2118 hrs.

REPORT OF THE CHIEF EXECUTIVE OFFICER

C101-07/02 PRE PAYMENTS FOR PROGRAMMES AND SERVICES AT THE CITY’S LEISURE CENTRES – [09050, 03034, 04185]

WARD - All

PURPOSE

To provide Council with a recommendation regarding the pre-payment of fees for programmes and services at the City’s three leisure facilities following the voluntary administration of the RANS Management Group.

EXECUTIVE SUMMARY

Council’s decision to resume the management and operation of the City’s three leisure centres has been well supported by the community. The circumstances under which the business has been returned to the City of Joondalup has meant that there are a number of issues which require further resolution. As part of the operation of leisure facilities, users pay for

programmes and services in advance. The pre-payment for services such as gym memberships, facility hire and pool entry can be quite significant in monetary terms.

The situation regarding the City of Joondalup leisure centres and the twelve-month tenure of the RANS Management Group has meant that there are pre paid commitments to the value of \$105,062. This amount represents income received by RANS as the facility managers but which now requires the City to deliver the services if customer expectations are to be met. The recommendation of this report outlines the goodwill and value to the leisure centres if the Council were to agree to make a commitment to honour all pre-paid bookings and services at the three leisure centres.

BACKGROUND

At the Council meeting on 9 July 2002, it was resolved that Council:

- 1 AGREES to operate all three leisure centres (Craigie, Sorrento/Duncraig and Ocean Ridge) in house on a short-term basis for a maximum period of six months, effective from the date that RANS vacates the premises or at a mutually agreed date;
- 2 REQUESTS the Chief Executive Officer to engage the services of a Centre Manager on a short term, fixed contract for a maximum period of six months, with all other employees associated with the management and operation of the three centres being engaged through external employment agency/agencies;
- 3 AGREES that the operation of the aquatic centre component of the Craigie Leisure Centre be restricted to a maximum period of three months. During this period of time, a detailed analysis be carried out of the future viability of this component of the facility, the configuration of the pool, filtration systems and associated facilities required to ensure that the facility meets existing and proposed Western Australian health requirements for public swimming centres;
- 4 CLOSES and decommissions forthwith the outside pool area and associated facilities, together with the indoor spa and sauna room;
- 5 AGREES to undertake a comprehensive communications strategy advising the community in terms of Council's decision.
- 6 REQUESTS the Chief Executive Officer in accordance with the Local Government Act to prepare a tender specification and Business Plans for the ongoing management and operation of the Craigie Leisure Centre;
- 7 REQUESTS the Chief Executive Officer to prepare a detailed report on the viability of the management and operation of the Sorrento/Duncraig and Ocean Ridge leisure centres;
- 8 THAT the expenditure in respect of (1) & (2) above be charged to Account 11.40.44.458.4230.0001; and

- 9 AGREES to consider the matter surrounding the pre payments received by the RANS Management Group for programmes and services at the three leisure centres as part of a further comprehensive report.

All staff previously employed by the RANS Management Group with the exception of the Manager of the facility have now been engaged through either Oz Jobs or Julia Ross employment agencies. During the period that the City is to operate the centres, there is to be a review of the facilities carried out, with specific reference in the short term to the wet area at the Craigie Leisure Centre. Further to this, the long-term requirements such as the ongoing management of the facilities will also reviewed.

As of the close of business on Friday, 12 July 2002, the City resumed operation of the three leisure facilities. At the present time the Manager Community Development Services is filling the role of Facility Manager. Steps have been taken towards finalising the engagement of a Manager for the three facilities. It is envisaged that the City will be in a position to recruit a Manager on an 18 month contract, with the position being responsible for managing the facility as well as being involved in any redevelopment projects that may be agreed to by Council.

During the transition of the operation of the leisure centres from RANS back to the City, the most frequently asked question has related to the future of existing memberships of the gymnasium at the Craigie Leisure Centre; the obvious major concern being that memberships of up to 12 months have been sold by RANS as the facility manager.

These memberships are technically invalid given that the company is no longer operating and therefore unable to deliver the service for which payment has been received. Whilst the Craigie gymnasium has been the source of most discussion, it should be noted that there are other programmes provided by the leisure centres where pre-payment for services is required, such as facility hire, multi-entry swimming tickets, leisure courses and the programmes at the small gymnasium at the Sorrento/Duncraig Leisure Centre.

By making payment for courses in advance and not receiving the service for which payment has been made would make individuals unsecured creditors of the RANS Management Group. Given the magnitude of the RANS problems, it is unlikely that any of the unsecured creditors will receive any sort of refund.

DETAILS

In May 2001 the Craigie gymnasium had a membership of approximately 1,700. As part of the transfer of the facilities from the City to RANS, \$355,131.59 (inclusive of GST) was paid by the City to RANS for the pre-payment of memberships, leisure courses, hall hire and learn to swim. Of this amount, \$266,930.17 was for Craigie gym memberships alone.

The present membership of the Craigie Leisure Centre gym is 1,507 of which 883 are paid in advance and 624 pay by direct debit.

Whilst payment in advance for programmes or services is most significant for Craigie Leisure Centre gym memberships, there are a number of other amounts that have been paid for in advance. A breakdown of all pre payments at the leisure centres is as follows:

Craigie Gym membership	76,022.00
Facility Hirers	2,000.00
Swimming Multi Passes	17,195.00
Sport Competitions	3,006.00
Gym at Sorrento Duncraig	6,839.00
Total	<u>\$105,062.00</u>

The figure shown above represents the value of services that need to be delivered for which the Council will not receive income as it has been previously paid to RANS prior to 12 June 2002.

The commitment to pre-payments is constantly reducing. By March 2003, the \$76,022.93 for gymnasium membership at Craigie Leisure Centre will be reduced to zero. This is the major commitment that the City may decide to absorb. The \$17,195 for books of prepaid swimming admission tickets which are valid up until 2012. Investigations into the reasons for this arrangements are unclear. It is, however, possible that the full value of this pre payment commitment will not be realised. (see attached spreadsheet showing how gym memberships reduce over the next 11 months).

COMMENT

Whilst there is significant community belief that the City of Joondalup has an obligation to meet the cost of the arrangements between the facility users and RANS, there has been no commitment given by the City until this time.

The management of the centres are clear in their thinking that the existing memberships and users are important to the ongoing financial viability of the three facilities. By not honouring the RANS' agreements, the City can expect to experience some repercussion in membership numbers as well as general poor feeling towards the facilities. Conversely, it is anticipated that there will be an increase in the already developing approval of Council's actions with regards to the leisure centres, which has occurred since the decision of 9 July 2002.

The City has set a clear pathway towards looking at restoring the operation and reputation of the three leisure facilities and in particular the Craigie Leisure Centre. By taking a step which will undoubtedly assist in retaining as many memberships and users as possible the City will be provided with a sound basis for developing the business in the future, whether this be for a strong performance by an in-house operation of the facility or to maximise the benefits to the City if it were to consider further outsourcing opportunities.

The fees and charges schedule for the three leisure facilities will need to be reviewed in light of the Councils decisions to assume management responsibility for the facilities, possibly honour the pre payment for services paid to RANS and the possibility at closing part of the facilities at the Craigie Leisure Centre. It is anticipated that a full report outlining the fees and charges for the leisure centres be forwarded to the Council for its consideration prior to the suggested closure of the wet side of the facility.

MOVED Cr Baker SECONDED Cr Hurst that Council HONOURS all outstanding pre payments made to the three Leisure Centres from the period that the facilities were under the management of the RANS Management Group.

Discussion ensued.

AMENDMENT MOVED Cr O'Brien SECONDED Cr Baker that an additional Point 2 be added to the Motion to read:

“2 UNDERTAKES with its lawyers an examination of every opportunity for recouping monies involved.”

The Amendment was Put and

CARRIED (14/0)

In favour of the Amendment: Mayor Bombak, Crs Baker, Barnett, Carlos, Hollywood, Hurst, Kadak, Kenworthy, Kimber, Mackintosh, Nixon, O'Brien, Patterson, Rowlands.

The Original Motion as amended, being:

That Council:

- 1 HONOURS all outstanding pre payments made to the three Leisure Centres from the period that the facilities were under the management of the RANS Management Group;**
- 2 UNDERTAKES with its lawyers an examination of every opportunity for recouping monies involved.**

Was Put and

CARRIED (14/0)

In favour of the Motion: Mayor Bombak, Crs Baker, Barnett, Carlos, Hollywood, Hurst, Kadak, Kenworthy, Kimber, Mackintosh, Nixon, O'Brien, Patterson, Rowlands.

Appendix 18 refers

To access this attachment on electronic document, click here: [Attach18min230702.pdf](#)

MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

DATE OF NEXT MEETING

The next meeting of the Council has been scheduled for **7.00 pm** on **TUESDAY, 13 AUGUST 2002** to be held in the Council Chamber, Joondalup Civic Centre, Boas Avenue, Joondalup

SECOND PUBLIC QUESTION TIME**Mr Steve Magyar, Heathridge:**

Q1 My question refers to Amendment No 10. It says that the City shall review the Centres Strategy and policy etc. Could some indication be given as to what level or type of community consultation will be involved in this review of the Centres Strategy?

A1 This question will be taken on notice.

Ms M Macdonald, Mullaloo:

Q1 I refer to Item CJ188-07/02 - The Executive Summary states: "It is highlighted that the review should contemplate on only those parts of the policy causing the ambiguity, parts to be reviewed as follows: net lettable area, Main Street, Centre". Can you tell me if the recommendation that was passed this evening actually covers a total review of the centres strategy?

A1 Yes.

Man (Name unclear)

Q1 I refer to the Carine Glades Tavern. I would like to know if Council could change the procedure regarding the advertising requirements of major projects, which is likely to affect the amenities of not only the immediate neighbours, but neighbours who could be down wind of it. The advertising procedure only deals with the requirements as is it today but the development has the potential, if it has a change of use, to affect the amenities of many people?

A1 Council is currently examining a community consultation strategy, and there has been a number of workshops recently held with the community. The workshops will embrace the whole aspect of who Council will consult having its regard to both statutory obligations and to community expectations. Council will attempt at these workshops to define what the community expectations are in respect of consultations. This matter will be taken into consideration when developing that policy.

Q2 When Council says that it is consulting with the community, I am not sure what that means, do you have a community group in mind or is that just anyone off the street that you have been having some contact with?

A2 Council calls for registration of interests quite extensively and there has been a series of workshops that have been convened. They have been extremely well attended, it is not a selected number of people, it is whoever wishes to register for the workshops. The workshops are advertised in the local newspaper.

CLOSURE

There being no further business, the Mayor declared the Meeting closed at 2130 hrs; the following elected members being present at that time:

J BOMBAK, JP
P KADAK
P KIMBER
D CARLOS
C BAKER
A NIXON
J F HOLLYWOOD, JP
P ROWLANDS
T BARNETT
M O'BRIEN, JP
A PATTERSON
G KENWORTHY
J HURST
C MACKINTOSH