



City of
Joondalup

**MINUTES OF COUNCIL MEETING
HELD ON 26 NOVEMBER 2002**

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CITY OF JOONDALUP

MINUTES OF COUNCIL MEETING HELD IN COUNCIL CHAMBER, JOONDALUP CIVIC CENTRE, BOAS AVENUE, JOONDALUP, ON TUESDAY, 26 NOVEMBER 2002

OPEN AND WELCOME

The Mayor declared the meeting open at 1905 hrs.

ATTENDANCES

Mayor

J BOMBAK, JP

Elected Members:

Cr P KADAK	Lakeside Ward	<i>Absent from 2008 hrs to 2012 hrs; and from 2202 hrs to 2203 hrs</i>
Cr P KIMBER	Lakeside Ward	
Cr D CARLOS	Marina Ward	
Cr C BAKER	Marina Ward	<i>Absent from 2058 hrs to 2100 hrs and from 2135 hrs to 2149 hrs</i>
Cr A NIXON	North Coastal Ward	<i>Absent from 2149 hrs to 2151 hrs</i>
Cr J F HOLLYWOOD, JP	North Coastal Ward	
Cr A WALKER	Pinnaroo Ward	<i>from 1903 hrs; Absent 1912 hrs to 1913 hrs; 1959 hrs to 2009 hrs; 2014 hrs to 2024 hrs</i>
Cr P ROWLANDS	Pinnaroo Ward	<i>Absent from 2008 hrs to 2011 hrs</i>
Cr T BARNETT	South Ward	
Cr M O'BRIEN, JP	South Ward	<i>Absent from 2020 hrs to 2021 hrs</i>
Cr A L PATTERSON	South Coastal Ward	
Cr G KENWORTHY	South Coastal Ward	<i>Absent from 1901 hrs to 1905 hrs</i>
Cr J HURST	Whitfords Ward	<i>Absent from 1953 hrs to 1954 hrs</i>
Cr C MACKINTOSH	Whitfords Ward	

Officers:

Chief Executive Officer:	D SMITH
Director Planning & Community Development:	C HIGHAM
Director, Infrastructure & Operations:	D DJULBIC
Director, Corporate Services and Resource Management:	P SCHNEIDER
Manager, Marketing, Communications & Council Support:	M SMITH
Manager Audit and Executive Services:	K ROBINSON
Acting Manager, Library & Information Services:	R HARDY
Manager Community Services:	G HALL
Manager, Human Resources Services:	M LOADER <i>to 2145 hrs</i>
Manager Approvals Planning & Environmental Services:	C TERELINCK
Publicity Officer:	L BRENNAN
Committee Clerk:	J AUSTIN
Minute Clerk:	L TAYLOR

There were 36 members of the Public and 1 member of the Press in attendance.

In Attendance

Mr Nick Manifis Walman Software

Invited Guest - Reverend Barry May, Joondalup Police Academy

The Mayor welcomed Reverend Barry May, Joondalup Police Academy as this evening's invited guest.

Reverend May thanked Council for the opportunity of attending this evening and informed the meeting of his role as Police Chaplain to the State of Western Australia. Reverend May said that he has the pastoral care of approximately 6,500 personnel plus their families around the State of Western Australia as their sole chaplain, which in total is approximately 25,000 persons.

Reverend May commenced the meeting with a prayer and invited everyone to join in.

Crs Walker and Nixon entered the Chamber at 1903 hrs.

PUBLIC QUESTION TIME

The following questions, submitted by Mr M Caiacob, Mullaloo, were taken on notice at the Council meeting held on 5 November 2002:

Q1 Can I have Council's definitions of a submission and a questionnaire?

A1 The Council does not have its own definition for these words.

Q2 Is a submission a questionnaire?

A2 Further clarification is required on this matter.

Q3 Is a questionnaire a submission?

A3 Further clarification is required on this matter.

Q4 If yes to 2 and 3 above, please explain why.

A4 Further clarification is required on this matter.

Q5 Does the City of Joondalup act upon anonymous complaints from the public or other members of the community?

A5 No.

Q6 *Re: Desk of the CEO – Can I please have the costs per week of putting out information as discussed this evening in paper form to all the Councillors and is it possible to have this information electronically distributed rather than in paper form?*

A6 Part 1 of the question: Not known. Part 2 of the question: This document is currently made available on the City's Intranet, with further investigations currently being made to streamline the process and issue electronic copies to the elected members.

The following question, submitted by Mr A Bryant, Craigie, was taken on notice at the Council meeting held on 5 November 2002:

Q1 *Minutes of the House Committee Meeting on 14 October 2002 - Proposed Civic Functions, September 2003 - Lions Appreciation. As a founding member of the first Lions Club in WA formed in Perth on 22 September 1962 and accredited with forty years 100% attendance at meetings may I ask as to which Lions Clubs are being considered for this function as I am now a member of the Lions Club of Wanneroo as they didn't have a Lions Club in Joondalup when I transferred?*

A1 The Lions Club functions held over the past two years have been organised by the Lions Clubs themselves and the invitations lists provided to the City by the organising committee.

The City has hosted these events on behalf of the Lions Club in line with their annual conferences upon their request, but the City does not control the invitation list.

The following questions, submitted by Mr S Grech, Ocean Reef, were taken on notice at the Council meeting held on 5 November 2002:

Q1 *Re: Special Council Meeting – 29 October 2002. Can you please advise if the meeting was called by those five Councillors to enable the Councillors to thoroughly vet and consider approving the hotel development plan for land situated at the intersection of Boas Avenue and Grand Boulevard, Joondalup?*

A1 The question would be best directed to the relevant elected members.

Q2 *Did these Councillors request that Council invoke the usual period of public consultation prior to voting on this development, and if not, why not?*

A2 No, as in the opinion of Council, the development was unlikely to adversely affect any owners or occupiers in the general locality or adjoining the site.

The following question, submitted by Mrs M Macdonald, Mullaloo, was taken on notice at the Council meeting held on 5 November 2002:

Q1 *Given that Administration has delegated authority to vary the development standards of a Structure Plan to approve a development without advertising, does the City have the ability to approve an application to increase the height of the Mullaloo Tavern or the proposed shopping centre at Iluka without advertising on the basis that the development would be similar to one previously approved?*

A1 Clause 4.5 requires that where, in the opinion of Council, the variation is likely to affect any owners or occupiers in the general area of adjoining the site, the Council shall advertise the proposal and have regard for any expressed views. Each application should be judged on its individual merits.

The following question, submitted by Mr V Cusack, Kingsley, was taken on notice at the Council meeting held on 5 November 2002:

Q1 At the meeting on 15 October 2002, the Agenda contained item CJ243-10/02 recommending rescheduling the meeting from tonight until 12 November 2002. Can Council please provide the reasons why that report to Council failed to mention that the Mayor would in fact be attending the National General Assembly of Local Government in Alice Springs?

A1 The report indicated that both the Mayor and the Deputy Mayor would be unable to attend the Council meeting scheduled to be held on 5 November 2002.

The following questions, submitted by Mr M Sideris, Mullaloo, were taken on notice at the Council, meeting held on 5 November 2002:

Q1 Re: The transitional period for the R Codes from 1991 to 2002.

(a) Can you please advise if Council has sought legal opinion as to the implementation of this transitional period?

(b) What policy, be it a local government or town planning regulation, a DPS2 requirement or any other policy within the City of Joondalup, allows this Council the legal authority to implement a transitional period after a gazetted date?

A1 (a) No

(b) None, although the need to deal with the issue is faced by all Western Australian local governments, and they have all adopted varying approaches to this question in an endeavour to assist ratepayers.

Q2 Re: Warrant of Payments - Account No. 42641 to Watts Woodhouse - is it possible to advise a breakdown as to what that account was for and if there was anything dealing with legal opinions, what the matters of legal opinions related to?

A2 The breakdown of Account No 42641 – Watts & Woodhouse, is as follows:

Invoice Date	Invoice No	Invoice Amount	Matter
19-Jul-02	20020334	885.50	Padbury Playgroup Lease Legal Fees
30-Aug-02	20020381-30/8	4865.85	Mullaloo Tavern Redevelopment
30-Aug-02	20010417 30-Aug	147.40	General advice regarding Leasing contracts
30-Aug-02	2000021430/8	460.90	Bahama Close - Legal Fees 5-20/8/02
		\$ 6,359.65	

The following questions, submitted by Mr S Magyar, Heathridge, were taken on notice at the Council meeting held on 5 November 2002:

Q1 Re: Item CJ273-11/02 – The Exercise of Discretion to approve the Autobahn Development Application. Does Council regard that it followed due process as prescribed under the District Town Planning Scheme No.2?

A1 Yes.

Q2 Under Clause 4.53 of the District Town Planning Scheme No.2 it states that the power to exercise discretion may only be done if Council is satisfied that approval of the proposed development would be appropriate having regard to the criteria in Clause 6.8 of the Town Planning Scheme. Included under 6.8 is the comments or wishes of any objectors or supporters of the application. Has Council satisfied the due process as specified under Clause 4.53 saying that you should have only exercised this discretion after you have obtained the comments or wishes or any objectors or supporters for the application. Has Council obtained the comments?

A2 Clause 4.5.3 does not specify that the exercise of discretion can only occur after the comments or wishes of any objections or supporters are obtained. Clause 4.5 states that Council may choose to advertise a proposal. The clause must be read as a whole.

The following questions were submitted by Mr S Grech, Acting President, Ocean Reef Residents Association:

At the Ocean Reef Residence Association meeting held on 11/11/02, the lack of activity was noted regarding the extension of Ocean Reef Road from Hodges Drive to Shenton Avenue:

Q1 Has a commencement date been finalised, if so what is it?

A1 No commencement date has been finalised at this time for the extension of Ocean Reef Road from Hodges Drive to Shenton Avenue. The tentative program is for construction works to commence during the middle of 2003.

Q2 What disruption to the current traffic flow can be expected?

A2 Minimal disruption is expected to the current traffic flow during construction works. A traffic management plan will be prepared as part of the project.

Q3 What measure of dust control will be adopted by Council to minimise dust clouds and what measures will Council take to enforce that these dust cloud minimisation are adhered to?

A3 The project works will be subject to the Department of Environmental Protection's Dust Control Guidelines. Consideration will also be given to programming the works during the more moderate weather conditions.

Q4 If no commencement date has been finalised why not?

A4 A section of this extension of Ocean Reef Road is the responsibility of the Subdivision Developer and options are currently being examined to co-ordinate the overall programming of these works.

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

Q1 A number of other Councils have a specified time and day when their Mayor is available to meet his/her constituents. I have seen one Council advertise this service. Does Mayor Bombak have a specific day and time when he is available to meet his constituents? If yes, what day and time is Mayor Bombak available? If yes, why has this service not been advertised?

A1 The Mayor does not have a specific time or day where he regularly meets with his constituents, however, the Mayor is willing to meet with members of the public on various matters. Members of the public may make an appointment through the Mayoral office.

Q2 Why, when it was asked as to the total cost of Precinct Planning was wages/staff time not included, as was for the costing for two rescission motions? Item CJ289/11/0.

A2 The Precinct Action Planning project involved a number of Council officers over an extended period of time. When the question was asked of the 'total wages and overtime that the persons spent on this project' it was not possible to provide a figure of the proportion of officers' time as no records had been kept. Due to the concentrated process involved dealing with the rescission motion for the Mullaloo Tavern Redevelopment, and the limited staff members involved, it was possible to provide estimates of staff costs.

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

Q1 Were planners aware that the Mullaloo Tavern owners were going to apply for extended trading hours to their liquor licence to 2am Thursday, Friday and Saturday and 12 midnight on Sunday, when they recommended that the development proceed, and also that this permit is essential to the whole project?

A1 No.

Q2 Were they also aware that the convenience store/bottle shop was to trade Monday to Saturday to 12 midnights and to 10pm on Sunday?

A2 Yes – the development application showed that the tavern and bottle shop were to have the same operating hours as per a Tavern Liquor Licence

Q3 Did the traffic study consultancy report take the extended hours into consideration and what was the advice received regarding the tavern facility?

A3 No - the proposal for extended trading hours (as described at question 1) did not form part of the development application for the tavern.

- Q4 Were all Councillors made fully aware of the implications of the possibility of extended hours?*
- A4 No – notice of the application was received only recently. A late report on this matter is due for consideration at this Council meeting.
- Q5 How many licensed restaurant/taverns and bottle shops in the City of Joondalup have the same extended hours as the proponent of the Mullaloo Tavern is seeking and please name them?*
- A5 The Office of Racing, Gaming and Liquor is responsible for all liquor licensing and extended trading hours approvals, and this question should be directed to that office.
- Q6 Is there a Mullaloo Beach area plan? If so, has this plan been approved by State Planning Commission/WAPC? (Not the Mullaloo Concept Plan) Is this document publicly available?*
- A6 There is one concept plan available which outlines planning proposals for the park area. Various detailed proposals may eventuate from the concept plan (depending on its acceptance) to facilitate final costing and implementation for individual elements. It is anticipated that the Mullaloo Beach Improvement Plan will be presented to Council on 17 December 2002.
- Q7 Is there a City of Joondalup Commercial Strategy which includes Mullaloo?*
- A7 Yes – a commercial strategy has been adopted in the form of a Council policy (Policy 3.2.8 – Centres Strategy).

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

Re: CJ283-11/02 Purchase and Disposal of Three Executive Vehicles:

- Q1 Advise if the difference between the allocated amount of \$16,000 (part of the Total Employment Cost) and the Whole of Life Cost \$18,280 will be funded by the employee or the City.*
- A1 The \$18,280.00 whole of life cost is calculated based on three years and 60,000kms usage and accounts for estimated servicing , running and resale costs, ie \$6,093 average cost per annum.
- The allocated amount of \$16,000pa in a Manager or Director’s contract is an annual amount given up in favour of the specified motor vehicle. The \$16,000 is a market value assigned to the value of this class of vehicle for the purposes of determining remuneration packages and is not a comparison to the whole of life cost of the vehicle.
- Q2 If the difference is by the City and hence the ratepayers, is this additional amount a bonus determined as part of the employee's performance review process?*
- A2 No.

- Q3 Advise if the TEC is inclusive of FBT and who is responsible for paying the FBT component applicable for these goods.*
- A3 The Fringe Benefit tax is included as part of the employees' Total Employment Cost contract.
- Q4 Advise if the recommended quotation is a result of a City of Joondalup request for tender or, taken from State Government Contract list in Contract 012A 1994, or a quotation obtained direct from Phoenix Holden.*
- A4 The recommended quotation was obtained from the State Government Contract 012A 1994 in accordance with the terms and conditions of that contract.
- Q5 Advise when the Council adopted the MCE car formula and if the projected performance targets of the vehicle recipients has been achieved in the past and how often.*
- A5 Council adopted the TEC contract arrangements on 1 March 2002. The Mercer Cullen Egan Dell car formula, modified to the City of Joondalup requirements, took effect on 1 July 2002. Individual employee performance data is not for public disclosure.
- Q6 Advise if the Red Book value quoted for the vehicles has been independently confirmed to ensure that the budgeted shortfall is a true and accurate assessment of projected budget shortfall.*
- A6 The Red Book guide is an independent source of vehicle values. The final budget figures, including any budget shortfall, will not be known until the vehicles are physically disposed of.
- Q7 If the trade in value is not achieved, will this be reported to Council to ensure all elected members and ratepayers are aware of all the costs associated with this item?*
- A7 No, however profits and losses on asset disposals are reported to Council in the Monthly Financial Report.

The following question was submitted by Mr S Grech, Ocean Reef:

- Q1 The following question, submitted by Mr S Grech, Ocean Reef, was taken on notice at the Council meeting held on 5 November 2002:*

“Q1 Re: Special Council Meeting – 29 October 2002. Can you please advise if the meeting was called by those five Councillors to enable the Councillors to thoroughly vet and consider approving the hotel development plan for land situated at the intersection of Boas Avenue and Grand Boulevard, Joondalup?”

The response given to this question was that it would be best directed to the relevant elected members.

Mr Grech has now resubmitted this question and states: "Under advice provided by your officer, direct this question to the five individual councillors for five individual written responses and I also request that a sixth and separate written response be provided by the chair person of that special council meeting held 29 October 2002. I further request that this matter be addressed and individual written detailed replies of no less than ½ a typed page per reply by next council meeting."

A1 *Response by Cr Allison Walker:*

"The short answer to your original question is "Yes!!". When the planning department of the City of Joondalup offered the councillors the opportunity to consider and ratify the hotel development plan for land situated on the corner of Boas Avenue and Grand Boulevard in Joondalup at a Council meeting, I considered this to be the right and proper course of action to take, because this project is for a Landmark Building that is to be developed on a site designated by the City forefathers as a Landmark Site within the City of Joondalup. I considered that the immense magnitude, prestige, and importance of the project demanded that it be presented to Council to be ratified by the Councillors, rather than be simply granted approval under delegated authority. I duly requested that the item come before Council so that the officers would be able to present a properly constructed report, detailing the project as presented to date, to the councillors of the City of Joondalup for their consideration - knowing full well that this report would also form part of the minutes of the council meeting and as such would go down in the history books as part of the historical development of the City of Joondalup. I took the opportunity to read the report prior to the Special Meeting of Council, asked what I considered to be appropriate questions of the officers and received what I considered to be appropriate answers. I understand that all Councillors had equal and ample time to read this report and ask their questions and receive their answers and the project should have been thoroughly vetted and considered by all Councillors prior to the council meeting so that they could be in a position to consider the recommendation from the officers.

It must be acknowledged and reiterated here that this was history in the making and we were all there to bare witness to it. As such I accepted the opportunity offered by the officers in order to give it the extra special benefit of a being presented to Council as a special item within our agenda as a mark of recognition to the significance, and precedence this project will set for this City.

In addition to this, in accordance with proper democratic process, the public also needed an opportunity to ask their questions, if they had any, about this unprecedented, significantly prestigious and most important addition to our city skyline, and a council meeting is an appropriate place for the public to ask their questions about projects and decisions and receive answers to those questions. Ratepayers cannot attend and ask questions at a delegated authority meeting. 2 ratepayers did ask their questions at that Council meeting of October 29th, and their questions were competently answered by the officers, thereby ensuring a quick and efficient passage of the approval for this project through the formal process of council.

When it was explained that there may have been an issue concerning outside limitations and that the project needed ratification before October 31st 2002 in order for it to meet those other limitations, it was decided by "those five councillors" that the best course of action to take to ensure the projects' future was to call a special meeting of the Council which was done in accordance with the direction as described under the Act :-

LOCAL GOVERNMENT ACT 1995 - SECT 5.4

5.4. Calling council meetings

An ordinary or a special meeting of a council is to be held --

(a) if called for by either --

- (i) the mayor or president; or
- (ii) at least 1 / 3 of the councillors,

in a notice to the CEO setting out the date and purpose of the proposed meeting; or

(b) if so decided by the council.

We decided this would be a necessary action because the next meeting of the full council was to be held on November 5th which we were given to understand may have put the project outside it's other limitations and therefore may have placed the future of the project in jeopardy.

The unamended officers recommendation that the project be approved was then adopted at the special council meeting called for the express purpose of considering the hotel development project and held on October 29th - 2 days sooner than it would have been approved under delegated authority, and it is understood that it is now well on its way to becoming a reality in our City.

Everything that was done, has been done in accordance not only with the principals of good governance, and in order that due process be followed, but also so that good governance and due process could be seen to be followed.

This is called open, accountable and transparent local government – government of the people, by the people and for the people.

I thank you for your question, which I trust has now been comprehensively answered, and I hope this helps you to better understand the workings of the Council.”

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

Q1 Is the Draft Centres Strategy a Local Commercial Strategy endorsed by WAPC?

Q1(a) If yes, on what date was it endorsed by WAPC as a Local Commercial Strategy?

Q2 Is the Centres strategy a Local Commercial Strategy endorsed by WAPC?

Q2(b) If yes, on what date was it endorsed by WAPC as a Local Commercial Strategy?

Q3 Is the Policy 3.2.8 – Centres Strategy a Local Commercial Strategy endorsed by WAPC?

Q3(b) If yes, on what date was it endorsed by WAPC as a Local Commercial Strategy?

A1-3 The City commissioned the City of Joondalup Centres Strategy in 1999. The Strategy has been adopted as a policy of the Council (policy 3.2.8). The Strategy was endorsed by the Western Australian Planning Commission on 16 July 2001.

The following questions were submitted by Mrs A Osborne, Sorrento:

Re: Proposed Third Storey Addition to Single House, Lot 562 (71) Ashmore Way, Sorrento:

Q1 Has the Council taken into consideration the various aspects of the R Codes as gazetted on 4/5 October 2002, with reference to Amenity and Privacy and especially dealing with protecting the solar access for neighbours?

A1 If assessed under the Residential Design Codes 2002, the proposal would require the balconies to have a setback of 7.5 metres or the balconies to be appropriately screened. The proposal complies with the overshadowing provisions of the Residential Design Codes.

Q2 As Mr Brislin's extension plans do not fall within the codes for the City's policy regarding Height and Scale of Buildings in a Residential Area, and particularly considering that these plans have already been rejected by Council on three previous occasions, why are we all in the position of having to face this same dilemma over and over again?

A2 The applicant has a right to apply for the building extensions regardless of any previous decisions of Council. The Council is also required to make a decision on the current application.

The following question was submitted by Mr A Taylor, Kingsley:

Q1 Will Council consider giving all former City of Wanneroo memorabilia to the City of Wanneroo and get on with the job of providing good government to the ratepayers of the City of Joondalup that elected you?

A1 This question will be taken on notice.

The following questions were submitted by Mr S Grech, Ocean Reef:

I refer to Council's decision in its last meeting to pay for the cost of bringing some children from Cue to Joondalup for a holiday, and I ask:

Q1 Why are these children just being housed in a local caravan park as opposed to, for example, the Joondalup Resort Hotel? Don't they deserve better?

Q2 Why was there not any proper community consultation prior to Council making its decision on this issue?

A1-2 These questions will be taken on notice.

The following questions were submitted by Ms J Gollant, Duncraig:

Q1 We believe the Mayor and members of Council are aware of community concern over the Hutchinson Mobile Phone Tower at the Duncraig Shopping Centre in Marri Road. Could you please explain Council's position on this matter?

Q2 We understand that the City of Joondalup has put a moratorium in place relating to mobile phone towers. Could you please explain the exact nature of the moratorium and specify whether there are any circumstances in which it could be lifted?

Q3 Could Council please explain why Percy Doyle Reserve is not a suitable alternative site for the Hutchinson Mobile Phone Tower proposed for the Duncraig Shopping Centre?

Q4 We are aware that City of Joondalup and Paul Pearson from Hutchinson's have been in negotiation over an alternative mobile phone tower site than that proposed at the Mullaloo Squash Courts. Could you please explain what is delaying a resolution to this process?

Q5 Could you please explain the role of Council in regard to "community sensitive" areas as outlined in the most recent Australian Communications Industry document with regards to the positioning of mobile phone towers? (The document is called the Deployment of Radio Communications Infrastructure Code.)

A1-5 These questions will be taken on notice.

Mr V Parin, Sorrento:

Q1 In relation to the Briefing Session, in Mr Brislin's submission he stated that the Minister had sacked the Council over Mr Parin's house, is this correct?

A1 This question will be taken on notice. A reply will be given as soon as practicable.

Cr Walker left the Chamber at 1912 hrs and returned at 1913 hrs.

Mr S Grech, Ocean Reef:

Q1 What measures are in place to ensure that Councillors claiming for child minding expenses when attending meetings of Council business are properly claimed. Will the City publish a report detailing such payments since the Council Election of May 2001?

A1 This question will be taken on notice.

Q2 I refer to the Special Council Meeting to discuss the hotel development at the intersection of Boas Avenue and Grand Boulevard, Joondalup. Why did the Councillors who conveyed the Special Meeting do so without full community consultation and take only two minutes to approve a \$10 million development?

A2 Those questions should be directed to the Councillors concerned.

Response by Cr Walker: Mr Grech already has my answer and it is on public record.

Response by Cr Hollywood: I will take it on notice permanently.

Response by Cr O'Brien: The provisions of calling a meeting are under Section 5.4 of the Local Government Act. The Councillors who required that public meeting did so in conformity with the Act.

Mr M Sideris, Mullaloo:

Q1 Can you please advise if the City of Joondalup provides community funding to the Sunset Coast Tourism Association and if so, how much and what community funding project was identified within their application?

A1 An amount of \$20,000 was provided to the Sunset Coast Tourism Association. The second part of the question will be taken on notice.

Q2 With regard to the publicly promoted Sunset Coast Tourist Forum being held tomorrow, is the event being sponsored by the City of Joondalup and if so is the City financially sponsoring it and by how much.

A2 This question will be taken on notice.

Mr D Johnson, Carine:

Q1 We believe that Council is aware of a community concern over the Hutchinson Mobile Phone Tower at the Duncraig Shopping Centre in Marri Road. Could you please explain the Council's position on this matter?

A1 This question will be taken on notice.

Q2 It is understood that the City of Joondalup has put a moratorium in place relating to mobile phone towers. Could you please explain the exact nature of the moratorium and specify whether there are any circumstances in which it could be lifted?

A2 The moratorium is in place and it essentially says that Council would not support any development for mobile phone towers of any kind. The advice given to anyone who is looking to put a tower in is that the Council has a moratorium and does not support it.

Q3 If a mobile phone tower is positioned where it could be hazardous to people's health then that would not make any difference to whether the moratorium was lifted at all?

A3 There are many instances where Council cannot get involved because of the Federal legislation, where towers are deemed through that legislation to be low impact. Low impact does not relate to health issues, it relates to planning matters.

Q4 Why did Newcastle's Councillors reject an Optus tower which was classed as low impact when they found that emission levels at Lampton High School were a thousand times below the Australian standard, yet the Duncraig emissions are only 307 times below the Australian standard?

A4 This question will be taken on notice.

Mr B Brislin, Sorrento:

Q1 In the Agenda tonight the Recommendation is that the Council refuses the application for my third storey addition and Point 1 states the proposal excessively exceeds the 'as of rights' permissibility under the City's policy 3.1.9. Who defines 'excessive' in terms of any building proposal, as I do not find it excessive to other buildings in that location?

A1 The comment is made by comparison of the height envelope described in the building height and bulk policy, comparison of that height envelope and Mr Brislin's proposal.

Ms I McCoach, Duncraig:

Q1 Is the mobile phone tower that is above the Duncraig shopping centre the original tower that was planned to be located at Percy Doyle Reserve?

A1 This question will be taken on notice.

Q2 Can I erect a mobile phone tower at my house without having Council approval?

A2 If it was low impact by definition from the Federal legislation, then yes.

Mrs S Hart, Greenwood:

Q1 Is Council aware that the symbolic single mayoral chain is representing the collective community desire for Council to resolve the issue of the mayoral chain?

A1 The question is unclear.

Q2 Can Council please provide total administrative costs including all staff time that has been taken up in the preparation of reports and/or meetings involving the disputed mayoral chain?

A2 This question will be taken on notice.

Ms S Baker, Ocean Reef:

Q1 Is there any provision for school crossings to be on Constellation Drive and Prendiville Drive. There is St Simon Peter School, Prendiville Catholic College and also Ocean Reef High School. There are a large numbers of children that use these roads and there are no crossings for them?

A1 Council can approach Main Roads in relation to the provision of guided crossings at these locations.

Q2 *When Ocean Reef Road goes through will it take some of the traffic away from these roads?*

A2 It is assumed that this will be the case.

Mr A Taylor, Kingsley:

Q1 *Several months ago I reported to Council that a concrete kerb had been smashed by a semi-trailer doing work on the CALM dual use paths around Lake Goollelal. When is the kerb on the corner of Verdun Lane and Meadowlark Way, Kingsley to be repaired and replaced please?*

A1 This question will be taken on notice to be investigated.

Ms J Gollant, Duncraig:

Q1 *Re: Mobile Phone Tower, Duncraig – Can the definition of the term ‘moratorium’ as used by Council be defined and the document or policy in which the term was originally devised also be available, as the term ‘moratorium’ seems to be used on a number of different contexts on this issue?*

Q2 *As the Federal Government legislation on low impact towers overrides any Council jurisdiction, what in fact is the Council’s moratorium, does it actually have any weight, any presence whatsoever? If the Federal Government can be used as an argument to say that the Council does not have any say, then what indeed is the place of the moratorium within this law?*

A1-2 These questions will be taken on notice.

APOLOGIES AND LEAVE OF ABSENCE

C155-11/02 REQUEST FOR LEAVE OF ABSENCE - CR P KIMBER - [50521]

Cr Kimber has requested Leave of Absence from Council duties from 2 December 2002 to 6 December 2002 inclusive.

MOVED Cr Baker, SECONDED Cr Barnett that Council APPROVES the request for Leave of Absence from Cr P Kimber for the period 2 December 2002 to 6 December 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

C156-11/02 REQUESTS FOR LEAVE OF ABSENCE - CR A WALKER AND CR D CARLOS – [50521]

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

Cr A Walker	3 December 2002 to 7 December 2002 inclusive
Cr D Carlos	27 November 2002 to 6 December 2002 inclusive

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

**Cr A Walker 3 December 2002 to 7 December 2002 inclusive
Cr D Carlos 27 November 2002 to 6 December 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 CJ281-11/02 – Warrant of Payments – 31 October 2002 (Voucher No 43285 – Chubb Electronic Security) – as Chubb Security has taken over an FAI Extra Watch security at his residence.

Manager, Community Services declared a financial interest in Item CJ288-11/02 – Appointment of Representative – Community Vision Inc as he is a member of the Community Vision Board.

Cr Baker declared a financial interest in Item CJ293-11/02 – Proposed Third Storey Addition to Single House: Lot 562 (71) Ashmore Way, Sorrento by virtue of his solicitor/client relationship.

Cr Nixon declared a financial interest in Item CJ294-11/02 – Currambine Small Town Centre – Proposed Rezoning and Community Purpose Site as he lives within close proximity to the centre.

CONFIRMATION OF MINUTES**C157-11/02 MINUTES OF COUNCIL MEETING – 5 NOVEMBER 2002**

MOVED Cr Kimber, SECONDED Cr Baker that the Minutes of the Council Meeting held on 5 November 2002 be confirmed as a true and correct record.

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

ANNOUNCEMENTS BY THE MAYOR WITHOUT DISCUSSION

EXTREME YOUTH FESTIVAL 2002

I had the pleasure of officially opening the City of Joondalup's Extreme Youth Festival on the weekend 23-24 November 2002.

It was great to see thousands of young people enjoying this fantastic free City event in a drug and alcohol-free environment.

It is estimated that more than 10,000 young people enjoyed the entertainment and activities at Market Square, Lakeside Shopping Centre.

Among those having fun were 12 young people on youth exchange from the Shire of Cue, the Extreme Youth Festival giving them an insight into the lifestyle enjoyed by young people in the City of Joondalup.

The Extreme Youth Festival thanks our sponsors Lakeside Joondalup, 96FM, Leading Edge Joondalup, Lambprint, Telstra Shop Joondalup and Access 31.

SUMMER EVENTS

Our Events team is working hard on planning for the Joondalup Festival in March 2003 and the Summer Events series which kicks off on Friday, 6 December 2002, with the opening of the all-new Night Markets in conjunction with a concert by the hilarious "Sensitive New Age Cowpersons"; followed by Handel's Messiah on Sunday, 15 December 2002.

HOSPITALITY TRAINING

The State Government's announcement of a new hospitality training centre for Joondalup TAFE is most welcome.

It is great news for the City of Joondalup that it has been confirmed as the site for the new centre, catering for 550 students by 2004.

Congratulations to Joondalup MLA, Tony O'Gorman and his committee who worked hard to secure the facility and the City thanks Training Minister, John Kobelke MLA for choosing Joondalup.

The decision means Joondalup is another step on the way to its vision as a major learning City.

WHITFORD CUSTOMER SERVICE CENTRE

I invite all residents to pop down to our new-look Whitfords Customer Service Centre.

After a major upgrade, we hope this new Customer Service Centre will be even more successful than it has been.

Customer Service is an ethos the City is continually striving to improve and this centre is another step in that direction.

The idea of this Customer Service Centre is to reach out into the community and we think this is an ideal facility now to do just that.

It is open business hours and on Thursday nights until 9.00 pm; as well as Saturday 9.00 am to 5.00 pm.

EDGEWATER SILVER JUBILEE 25TH BIRTHDAY CELEBRATIONS

Cr Kadak and I attended the festivities along with Cr Mackintosh. It was a huge event – something enjoyed by all and it was good to see people come out instilling community pride in the City of Joondalup.

They were many in number, and our thanks go to the organisers and the organising committee and local businesses for getting 100% behind the local event.

VIP GUESTS

I would now like to present Certificates of Merit to the following Ocean Reef High School students:

Jema Byrne
Sean Byrne
Cale Clark
Candice Finch

The reports done by these students for their English class were extremely impressive and I congratulate the students on their research and insight.

All Year 12 students –

Sean Byrne did his report on traffic hotspots in Joondalup
Candice Finch reported on beach erosion, particularly at Quinns
Cale Clark reported on the possible move of West Perth Football Club
Jema Byrne reported on the revamping of Mullaloo Tavern

English teacher, Heather Dimond said it has been a major undertaking in research and she was so impressed with the work she contacted me. I have looked through all the submissions, and I too, was very impressed with what the students did come up with.

She thought the students had something important to say – and I agree *“these reports are very good and I have asked them to be considered by Council staff.”*

Congratulations to you all.

I would like to call on Sean Byrne to accept his certificate and teacher, Heather Dimond to accept on behalf of the other students.

LOCAL GOVERNMENT AWARDS

It is my pleasure to present two West Australian Local Government Awards won by our staff.

An outstanding year of customer service to the community has culminated in a WALGA Best Practice Award for Joondalup Library staff.

Librarians Barbara Hellriegel (Local Studies) and Sue Bateman (Reference Library) coordinated the submission titled "Library Innovations serving the Community and Local Government".

It highlighted many of the new initiatives that have been delivered by library staff including internet training sessions, family history workshops and various other reference, local studies, community information and children's programs and services.

among the new and enhanced programs were:

- TEE support
- Internet training
- Improved internet service
- Statistical information on line
- Family history research
- Stories from the suburbs – recording of local history
- Children's book week and storytime

and many others.

Well done Barbara and Sue - please come forward to receive your award.

The next award is for sustainability initiatives at the City of Joondalup

The City's winning entry was for the achievement of best practice in innovation, with its submission entitled:

"The City of Joondalup's approach towards a sustainable future by Council leadership, education and participation".

The nomination highlighted the City's approach towards developing a sustainable future, that is economically viable, environmentally responsible and socially sound.

The City's sustainability initiatives include:

- Submission to the WA State Sustainability Strategy
- Community funding; environmental and sustainable development fund
- Greenhouse gas emission reduction targets
- Sustainability education and promotions
- Environmental challenge school programme and world environment day

- “Envirocare” information brochures and website
- Environmental and Sustainability Advisory Committee
- Cities for climate protection program

The innovation category was particularly competitive, with 67 nominations received.

I call upon Sustainable Development Officer, John Goldsmith to come forward to accept the award.

C158-11/02 PETITIONS

1 PETITION IN SUPPORT OF APPLICATION BY KINGSLEY CHILD CARE CENTRE – [04086]

Crs Barnett and O’Brien submitted a 102-signature petition on behalf of residents of the City of Joondalup requesting that Council:

- 1 supports the Kingsley Child Care Centre in its application to increase the capacity from 59 to 65 places, in order to satisfy the current waiting list requirements;
- 2 allows the development of reciprocal car parking on the adjacent open space, the cost of which to be met by the proprietor of the centre, thereby honouring an arrangement decided previously by the former City of Wanneroo and also providing on-site parking for those accessing the reserve area;
- 3 allows the re-arranging of two parking bays on-site by varying the landscaped area adjacent to the eastern boundary of the existing parking area in order to increase the children’s external play area.

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

2 PETITION IN RELATION TO EXCESSIVE TRAFFIC SPEED – ELLERSDALE AVENUE, WARWICK - [02381]

A 58-signature petition has been received from residents of Ellersdale Avenue, Warwick requesting assistance in reducing excessive traffic speed on Ellersdale Avenue.

This petition will be referred to Infrastructure and Operations for action.

MOVED Cr Hurst, SECONDED Cr Kadak that the petition:

- 1 supporting the Kingsley Child Care Centre in its application;**
- 2 requesting assistance in reducing excessive traffic speed on Ellersdale Avenue, Warwick;**

be received and referred to the appropriate Business Units 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

C159-11/02 SUSPENSION OF STANDING ORDERS – [05885] [50521]

MOVED Cr Kimber, SECONDED Cr Mackintosh that in accordance with:

- 1 Clause 8.1 of the City's Standing Orders Local Law as a case of urgent necessity, Clause 3.12 of the City's Standing Orders Local Law, which requires seven (7) days' prior notice in writing for a notice of motion BE SUSPENDED in order to consider the following motion:**
 - “1 the Chief Executive Officer be requested to investigate as a matter of urgency whether the action taken by Cr Allison Walker in providing copies of confidential information clearly marked 'Confidential' and 'Not for Publication' to a third party contravenes section 5.93 of the Local Government Act 1995, Clause 7.2 of the City's Standing Orders Local Law and or the City's Code of Conduct;*
 - 2 in the event that the actions taken by Cr Walker do constitute an offence under either section 5.93 of the Local Government Act 1995, Clause 7.2 of the City's Standing Orders Local Law and or the City's Code of Conduct the Chief Executive Officer be authorised to commence proceedings to prosecute Cr Walker for the breach;”*
- 2 Clause 5.6 of the City's Standing Orders Local Law, the meeting be held BEHIND CLOSED DOORS to discuss Item C160-11/02 - Potential Breach of Standing Orders, being a matter relating to legal advice, the time being 1945 hrs.**

The Motion was Put and

CARRIED (10/5)

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

Members of the public and press left the Chamber at this point, the time being 1943 hrs.

C160-11/02 POTENTIAL BREACH OF STANDING ORDERS – [05885] [50521]

MOVED Cr Baker, SECONDED Cr Kimber that:

- 1 the Chief Executive Officer be requested to investigate as a matter of urgency whether the action taken by Cr Allison Walker in providing copies of confidential information clearly marked 'Confidential' and 'Not for Publication' to a third party contravenes section 5.93 of the Local Government Act 1995, Clause 7.2 of the City's Standing Orders Local Law and or the City's Code of Conduct;**

- 2 in the event that the actions taken by Cr Walker do constitute an offence under either section 5.93 of the Local Government Act 1995, Clause 7.2 of the City's Standing Orders Local Law and or the City's Code of Conduct the Chief Executive Officer be authorised to commence proceedings to prosecute Cr Walker for the breach.**

Discussion ensued.

During discussion the following movements occurred:

Cr Hurst left the Chamber at 1953 hrs and returned at 1954 hrs.

Cr Walker left the Chamber, the time being 1959 hrs.

The Motion was Put and

CARRIED (9/5)

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

C161-11/02 RESUMPTION OF STANDING ORDERS

MOVED Cr Kimber, SECONDED Cr Hurst that Standing Orders be RESUMED and the meeting be held with the doors open, the time being 2004 hrs.

The Motion was Put and

CARRIED

Crs Kadak and Rowlands left the Chamber, the time being 2004 hrs.

Members of the public and press entered the Chamber, the time being 2004 hrs. In accordance with the City's Standing Orders Local Law, the Manager, Executive & Audit Services read the Motion in relation to Confidential Report C160-11/02 – Potential Breach of Standing Orders.

Cr Walker entered the Chamber, the time being 2009 hrs.

**CJ277 - 11/02 DRAFT STRATEGIC PLAN 2003 - 2008 - [77514]
[52143]**

WARD - All

PURPOSE

This report seeks to obtain Council endorsement for the release of draft Strategic Plan 2003 - 2008 to the community for final comment for a period of 60 days prior to it being approved for printing and distribution.

EXECUTIVE SUMMARY

A review of the City's Strategic Plan 2000 – 2005 has been undertaken following consultation with the community and key stakeholders. The new draft Plan covers the period 2003 – 2008 and provides an outline of the future direction for the City, what the City wants to achieve and how the City intends to achieve it. The Strategic Plan is one of the primary sources the City uses in all its planning and budgeting processes and activities.

This report recommends that Council APPROVES the draft Strategic Plan 2003 - 2008 for release to the community for final comment for a period of 60 days.

BACKGROUND

Strategic Plan

The Strategic Plan is one of the primary sources the City uses in all its planning and budgeting processes and activities. The Strategic Plan will direct the future of the organisation and will guide the decision-making for Council. Therefore the framework ensures operational activities are driven by the strategic priorities of the organisation.

DETAILS

Extensive community consultation was considered a critical element in the review of the City's Strategic Plan and two workshops, one for the southern suburbs and one for the northern suburbs, were arranged to ensure community issues and comments were obtained for consideration. A third feedback session of the two original workshops was provided to the community. The workshops were advertised in the Wanneroo Times and over 800 letters were sent to Residents Associations, community groups and other groups in the City to encourage their participation in the workshops.

The consultation process occurred through a number of mechanisms including a standard survey of four key questions provided on-line, advertised in the newspaper and hardcopies were mailed out and available at the libraries and customer service centres.

Also people could answer the questions over the telephone if they wished to do so. The City utilised youth workers to generate responses from the youth sector. All these points of entry served as communication inputs for collecting the data required for analysis. Approximately 400 surveys were completed for analysis. Staff throughout the organisation were asked to develop and submit issues papers, which also formed a significant part of the analysis process.

A letter was distributed to the Stakeholder Group later in July to receive their comment and input and one response was received. This was identified as a second opportunity for input. Previously during the year the majority of the stakeholders had been interviewed by a consultant (Barbara Gatter) to elicit information of the future direction of their organisations.

Councillors and senior management were involved in two workshops in September and October. These workshops contributed to the development of a shared understanding of the future business of the City, and therefore enabled Councillors and senior management to define, understand and develop strategies to manage the future issues and challenges.

Analysis of Information

This draft Plan was developed using a number of sources. One source was the Colmar Brunton report which analysed information collected from the community workshops, internal and external reports and the administrations issue papers. Another source were the two workshops Helen Hardcastle facilitated with Council and senior management in September and October. All information was then further summarised to generate the draft Strategic Plan 2003-2008. (Attachment 1 to this Report refers).

All the information gathered was further analysed to generate the contents of the draft Strategic Plan.

The overall results from the analysis indicated that all stakeholders held common views as to the future of the City. General consensus and common themes were generated from the workshops and papers for the Vision of the Plan and for the future directions and strategies.

A number of the comments received throughout the process were ideas or issues which could require actioning at an operational level, and could be addressed in the Corporate Plan, Business Unit Plans or action plans. These comments are on file and are available upon request from the Strategic Development Officer.

It is recommended the Draft Plan be distributed, for a period of 60 days, for final community comment before Council adopts the final Plan at a later Council meeting. It is proposed that the period for final community comment be advertised in the community paper, via the City's Web page, at the libraries and at the customer service centres. The draft Strategic Plan will also be sent to the participants of the community workshops and distributed at the next Stakeholder meeting for comment.

Financial Implication

An amount has been included in the operating budget of the Strategic and Corporate Planning Business Unit for the printing and distribution of the Strategic Plan once all comments have been received and reviewed by Council.

Account No:	11 10 21 212 3720 0001
Budget Item:	Printing
Budget Amount:	\$8,000
YTD Amount:	\$7,675
Actual Cost:	\$6,000

COMMENTS

The Strategic Plan 2003 – 2008 was developed in consultation with the community, stakeholders, Council and the administration. The rationale for this approach was to ensure all contributors were kept informed and engaged throughout the whole process in order for a clear understanding and acceptance of the document and its intent.

VOTING REQUIREMENTS

Simple Majority

MOVED Cr Kimber, SECONDED Cr Patterson that Council APPROVES the draft Strategic Plan 2003 - 2008 for release to the community for final comment for a period of 60 days.

The Motion was Put and

CARRIED (13/0)

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

Appendix 1 refers

To access this attachment on electronic document, click here: [Attach1brf191102.pdf](#)

Cr Rowlands entered the Chamber, the time being 2011 hrs.

CJ278 - 11/02 DEVELOPMENT OF A COUNTRY TOWN RELATIONSHIP – [52469]

WARD - All

PURPOSE

To recommend that Council defers any decision to enter into City-Country Sister City relationship until further analysis can be undertaken.

EXECUTIVE SUMMARY

Great potential exists for the City to initiate a relationship with a country town that could offer significant benefits to both partners using innovative and flexible methods to achieve common goals. However further analysis will need to be undertaken before any decision is made to ensure the successful initiation of a sister city relationship. It recommends that Council:

DEFERS any decision to enter into a city-country sister city relationship until further analysis can be undertaken.

BACKGROUND

At the Council Meeting on 15 October 2002 it was resolved:

“that consideration of establishing a City-Country Sister City relationship with the Shire of Cue be DEFERRED to allow further analysis to be undertaken and a report submitted to the next meeting of Council.”

COMMENT

It is considered that further research needs to be undertaken prior to the establishment of a city-country sister city relationship and as such it is recommended that this matter be deferred.

VOTING REQUIREMENTS

Simple Majority

MOVED Cr Patterson, SECONDED Cr Kenworthy that Council DEFERS any decision to enter into a city-country sister City relationship until further analysis can be undertaken.

The Motion was Put and

CARRIED (14/0)

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

**CJ279 - 11/02 FORMER CITY OF WANNEROO MAYORAL CHAIN
- LOCAL STUDIES COLLECTION AND ARTEFACTS
- [38634] [20086]**

WARD - All

PURPOSE

To seek approval from Council on suggested action to resolve the dispute with the City of Wanneroo on the location and custody of former City of Wanneroo Mayoral Chain and Memorabilia.

EXECUTIVE SUMMARY

The City has previously sought the involvement of the Minister for Local Government and Regional Development to determine the dispute with the City of Wanneroo over the custody of the former City of Wanneroo Mayoral Chain. The City of Wanneroo had previously indicated its preference for the matter to be resolved by a committee of joint representatives from both Cities. The Minister has advised that under the provisions of Section 9.63 of the Local Government Act 1995, (the Act) it is necessary for both Cities to agree before he can become involved. As the City of Wanneroo had not agreed to the Minister's involvement in determining the dispute he was not able to do so.

The City of Wanneroo has now advised that it would agree to the Minister's involvement under Section 9.63 of the Act, on the basis that the entire local studies collection and artefacts are dealt with and not just the former City of Wanneroo Mayoral Chain.

The City has previously indicated that the matter of the Mayoral Chain should be resolved first then discussions be held between the two Cities on memorabilia matters generally.

BACKGROUND

Joint Commissioners were appointed to oversee the two new local governments when the former City of Wanneroo was abolished in 1998. One of the main responsibilities of the Commissioners was to oversee the equitable division and allocation of assets of the former City of Wanneroo.

At the Council meeting on 7 December 1999 the Joint Commissioners assigned the responsibility for the Local History Collection and items located and on display at Joondalup, to the City of Joondalup (including the former City of Wanneroo Mayoral Chain) and the Artefacts Collection to the City of Wanneroo. In reaching this decision the Joint Commissioners considered that both the Local History Collection and the Artefacts Collection of the former City of Wanneroo were too difficult to divide equitably between the new local governments, due to these collections being highly relevant to the history of both and therefore should be treated as regional resources that should be in joint ownership.

The Joint Commissioners at the same meeting also endorsed the establishment of the Heritage Collections Advisory Group (HCAG) consisting of Senior Officers from both local governments to attend to management and operational matters of the collections.

The Mayoral Chain, at the time of the Commissioners' determination was in the custodianship of the City of Joondalup, was classified as memorabilia and therefore it was to be maintained in the care and control of the City of Joondalup on behalf of both local governments. The Mayoral Chain was located in safe custody in the Office of the Mayor and was to be placed in a showcase for its display. The Mayoral Chain was frequently accessed by both local governments for display purposes under agreement between the Mayors of both Cities. That agreement included the Mayoral Chain being returned after each use. The City of Joondalup and the City of Wanneroo have been unable to agree on the custody of the former City of Wanneroo Mayoral Chain since 11 September 2000 when it was borrowed by the City of Wanneroo and not returned.

DETAILS

This matter has been before Council on several occasions since that time and was last considered by Council on 21 May 2002, when the following resolution was adopted:

“That Council REQUESTS the City of Wanneroo to agree to the dispute over the City of Wanneroo Mayoral Chain being referred to the Minister for Local Government and Regional Development for resolution”.

The City of Wanneroo was advised of Council's decision on this matter in correspondence dated 13 June 2002. The initial response by the City of Wanneroo to this request was for the matter to be agreed by a committee of joint representatives from both Cities. The City of Wanneroo has subsequently sought Council's agreement to the Minister's involvement on the basis that the entire local studies collection and artefacts are dealt with and not just the former City of Wanneroo Mayoral Chain.

In keeping with Council's resolution, the Minister's involvement in accordance with the process outlined at Section 9.63 of the Local Government Act 1995, was requested on 14 June 2002 in an attempt to resolve the dispute between the Cities.

Correspondence received from the Minister, dated 25 September 2002, indicated that the City of Wanneroo's preferred option to resolve the issue was through a Joint Advisory Committee rather than through the process provided by section 9.63 of the Local Government Act 1995. The Minister indicated that it is necessary for both Cities to agree to the Minister's involvement in determining a dispute under the provisions of Section 9.63 of the Local Government Act 1995, before he can participate.

Correspondence has subsequently been received from the City of Wanneroo, dated 10 October 2002 indicating that it would "agree to the Minister's involvement under section 9.63 of the Act, on the basis that the entire local studies collection and artefacts are dealt with, and not just the former City of Wanneroo Mayoral Chain".

COMMENT

The City has throughout the dispute with the City of Wanneroo on this matter, supported the determination and the reasons for it being made by the Joint Commissioners, in that it was too difficult to equitably split the Heritage collections of the former City of Wanneroo and that those collections should be jointly managed by both Cities. This position is not shared by the City of Wanneroo which would prefer that the collections be divided between the Cities.

It is considered that the City should reiterate its position that the Minister should be involved under Section 9.63 of the Act to resolve the dispute over the Mayoral Chain only. On resolution of the Mayoral Chain dispute, the two Cities then hold discussions to achieve agreement on management and responsibility of memorabilia issues generally.

VOTING REQUIREMENTS

Simple Majority

MOVED Cr Baker, SECONDED Cr Kimber that the City of Wanneroo be advised that:

- 1 the City of Joondalup REITERATES its position that the Minister be involved under Section 9.63 of the Local Government Act 1995, to resolve the dispute over the Mayoral Chain first;**
- 2 on resolution of the Mayoral Chain dispute by the Minister, the City would be agreeable to enter into general discussions on custody and management of the former City of Wanneroo memorabilia.**

Discussion ensued.

During discussion, the following movements occurred:

Cr Kadak entered the Chamber, the time being 2012 hrs.

Cr Walker left the Chamber, the time being 2014 hrs.

Mayor Bombak requested Cr Hollywood withdraw remarks he had made. Cr Hollywood withdrew the remarks and apologised.

MOVED Cr Hurst, SECONDED Cr Mackintosh that the motion BE NOW PUT.**The Procedural Motion was Put and****CARRIED (9/5)**

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

The Motion Moved by Cr Baker, Seconded Cr Kimber was Put and**CARRIED (10/4)**

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

**CJ280 - 11/02 JOONDALUP NIGHT MARKETS -
ORGANISATION AND OPERATION FOR SEASON
2002/03 - [03575] [53469] [65510]**

WARD Lakeside**PURPOSE**

The purpose of this report is to determine the future operations of the Joondalup Night Markets.

EXECUTIVE SUMMARY

The City of Joondalup, as part of its strategic vision, is aiming to create and develop a vibrant City Centre that is a viable alternative to Perth CBD. One of the initiatives implemented to facilitate this was the introduction of the Joondalup Night Markets in 1998.

A request by the current operators to withdraw from the night markets operations has been received by the City. Due to the short time constraints that apply to the start of these operations and the lack of viable alternative options this report recommends that Council:

- 1 *APPROVES the Deed of Surrender of Licence between the City of Joondalup (The Licensor) and Keith Mark Anthonisz and Stephen Farey (The Licensee), in relation to the Joondalup Weekend Markets licence agreement (Contract no. 014-01/02);*
- 2 *APPROVES a full review of the Joondalup Night Markets to be conducted after the 2002/03 season.*

BACKGROUND

The night markets have been known under a number of different names since their inception in early 1998. These include the Joondalup Weekend Markets, Joondalup Sundown Markets and the Joondalup Night Markets. For the purpose of this report the markets shall be referred to as the Joondalup Night Markets or simply, night markets.

The former City of Wanneroo agreed to the establishment of pilot night markets in the Joondalup Central Business District (CBD) in February 1998. After the success of this trial the operations of the night markets were tendered (Tender 039-98/99), resulting in the City of Joondalup receiving three applications for this contract.

After the successful pilot of the night markets the contract was awarded to Brian Laurance and Associates Pty Ltd (trading as Galleria Art and Craft Market) for a period of three years. This contract ran from 1 October 1998 until 30 September 2001 with the option of a further three years at the conclusion of this period.

Brian Laurance and Associates Pty Ltd declined the opportunity to extend the contract after the original three years were completed. This resulted in a further call for tenders in which two applications were received. Keith Anthonisz (trading as Future Systems) and Stephen Farey (trading as Big Splash Events) were selected as the best option for the night market operations and were awarded the contract (No. 014-01/02) for a three-year period from November 2001 to November 2004.

Over the course of 2001/02 the night markets popularity decreased, as the variety of stallholders and entertainment dwindled and repeat patronage became more infrequent. Advertising and promotion of the night markets was extremely limited during this time.

Strategic Plan:

The City of Joondalup's Strategic Plan 2000-2005 states that:

"Our vision is to.... Develop a unique City Centre which is:

- *A vibrant place, filled with people day and night, with employment, entertainment, shopping, restaurants, arts, culture and university life.*
- *A high-technology business environment, taking advantage of leading-edge opportunities to stimulate economic growth.*
- *A viable alternative to Perth CBD."*

Strategy 2.2

*"Facilitate the development of the Joondalup City Centre.
To achieve this we will:*

- *Develop initiatives and introduce incentives which encourage development*

Encourage and promote events and activities which create a dynamic image and bring vitality to the City Centre."

DETAILS

The Joondalup Night Markets are seen as an integral part of the Joondalup City Centre by both the City of Joondalup, local residents, visitors to the area, business owners and stallholders. The weekly markets, held during the summer months on Friday evenings have been an opportunity for a fun family evening with the chance to mix with the local people and experience the friendly community atmosphere of the Joondalup CBD.

The night markets have been operated in the Joondalup CBD since Landcorp initiated a successful trial in February 1998. Over this time the night markets has experienced a number of ups and downs, with the most success coming in 1998/99, 1999/00 and 2000/01 when the markets were new and provided people in the area with something to do on a Friday night.

However, over the course of 2001/02 the night markets popularity decreased, as the variety of stallholders and entertainment dwindled and repeat patronage became more infrequent. Advertising and promotion of the night markets was extremely limited during this time.

During the course of the 2001/02 Joondalup Night Markets a number of written and verbal complaints were received by the City of Joondalup from stallholders, regarding the management of the night markets. A significant number of stallholders from last year have indicated that they will not return to the Joondalup Night Markets if the current operators continue and subsequently, a number of potential operators have expressed an interest in operating the markets for the coming season or in future years.

In the past the Joondalup Night Markets have commenced between October and December and concluded after the Joondalup Festival in late March (last year the markets began on 14 December 2001 and concluded at the Joondalup Festival, 23-24 March 2002).

The number of complaints regarding the night markets' management was communicated informally to the current licensees through the City of Joondalup. On 1 October 2002, the City of Joondalup received a letter from the operators of the Joondalup Night Markets (Future Systems and Big Splash Events) requesting to formally withdraw from the operations of the Joondalup Night Markets.

If the withdrawal request is accepted by the City of Joondalup, a formal Deed of Surrender of licence needs to be prepared meaning that Big Splash Events and Future Systems would no longer be legally liable for the operations of the Joondalup Night Markets.

Policy Implications:

This outcome is consistent with the City of Joondalup's Strategic Plan and is in accord with the resources currently available under the CBD Enhancement Project.

Financial Implications:

The financial cost of operating the night markets will largely depend upon the number of paying stallholders that attend on each market night and the amount that these stallholders are charged to set up a stall. A draft budget for the operation of the night markets has been drawn up based on holding nine markets in total during December 2002 and January 2003. The total cost to the City of Joondalup for the organisation and operation of the 2002/03 Joondalup Night Markets is estimated at approximately \$10,000.

Strategic Implications:

The City's vision, as expressed in its 2000-2005 Strategic Plan, is of a vibrant City Centre, filled with people day and night, with employment, entertainment, shopping, restaurants, arts, culture and university life that is a viable alternative to Perth.

If this vision is to be achieved and for the CBD to reach its full potential, community activities such as the Joondalup Night Markets need to exist.

COMMENT

While the viability of a 'stand alone' private licensee operating the night markets may be questionable, there is a clear expectation from local businesses and the general community that an event of this type be continued. The City's Strategic Plan and its commitment to activating the Joondalup CBD, including the establishment of the CBD Enhancement Project, further underline this expectation.

The initiatives planned in this report incorporate an evaluation of how a future tender may be made more workable.

The Common Seal of the City of Joondalup is required on the Deed of Surrender of Licence between the City of Joondalup (The Licensor) and Keith Mark Anthonisz *trading as Future Systems* and Stephen Farey *trading as Big Splash Events* (The Licensee) for this document to be legally binding. A Deed of Surrender will need to be executed in accordance with the City's policy 2.3.3.

VOTING REQUIREMENTS

Simple Majority

MOVED Cr Kadak, SECONDED Cr Kimber that Council:

- 1 APPROVES the Deed of Surrender of Licence between the City of Joondalup (The Licensor) and Keith Mark Anthonisz and Stephen Farey (The Licensee), in relation to the Joondalup Weekend Markets licence agreement (Contract No 014-01/02);**
- 2 APPROVES a full review of the Joondalup Night Markets to be conducted after the 2002/03 season.**

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 and Rowlands

Cr O'Brien declared a financial interest in Item CJ281-11/02 – Warrant of Payments – 31 October 2002 (Voucher No 43285 – Chubb Electronic Security) – as Chubb Security has taken over an FAI Extra Watch security at his residence.

Cr O'Brien left the Chamber, the time being 2020 hrs.

CJ281 - 11/02 WARRANT OF PAYMENTS – 31 OCTOBER 2002 – [09882]

WARD - All

PURPOSE

The Warrant of Payments as at 31 October 2002 is submitted to Council for approval.

EXECUTIVE SUMMARY

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

DETAILS

FUNDS	VOUCHERS	AMOUNT
		\$ c
Municipal	000354-000360A	6,939,898.89
Director Corporate Services & Resource Management Advance Account	042901-043634	6,934,504.48
Trust Account		
	TOTAL \$	13,874,403.37

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 October 2002, the amount was \$1,216,183.63.

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

CERTIFICATE OF THE DIRECTOR OF CORPORATE SERVICES & RESOURCE MANAGEMENT

This warrant of accounts to be passed for payment, covering vouchers numbered as indicated and totalling \$13,874,403.37 which is to be submitted to each Elected Member on 26 November 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.

PETER SCHNEIDER
Director Corporate Services & Resource Management

CERTIFICATE OF MAYOR

I hereby certify that this warrant of payments covering vouchers numbered as indicated and totalling \$13,874,403.37 submitted to Council on 26 November 2002 is recommended for payment.

.....
Mayor John Bombak

VOTING REQUIREMENTS

Simple Majority

MOVED Cr Kenworthy, SECONDED Cr Mackintosh that Council APPROVES for payment the following vouchers, as presented in the Warrant of Payments to 31 October 2002, certified by the Mayor and Director Corporate Services & Resource Management and totalling \$13,874,403.37.

FUNDS	VOUCHERS	AMOUNT
		\$ c
Municipal	000354-000360A	6,939,898.89
Director Corporate Services & Resource Management Advance Account	042901-043634	6,934,504.48
Trust Account		
	TOTAL \$	13,874,403.37

The Motion was Put and

CARRIED (13/0)

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

Appendix 2 refers

To access this attachment on electronic document, click here: [Attach2brf191102.pdf](#)

Cr O'Brien entered the Chamber, the time being 2021 hrs.

CJ282 - 11/02 TENDER NUMBER 011-02/03 SUPPLY & INSTALLATION OF GYM EQUIPMENT FOR CRAIGIE LEISURE CENTRE – [74529]

WARD - All

PURPOSE

This report is to determine the Supply and Installation of Cardio Vascular Gym Equipment at the Craigie Leisure Centre.

EXECUTIVE SUMMARY

Tender number 011-02/03 for the Supply & Installation of Gym Equipment was advertised through state-wide public tender on 3 August 2002 and closed at 3 pm on 20 August 2002. Seven tenders were received from the following organisations: Gymcare; HF Industries Pty Ltd; Orbit; Panatta; Technogym; The Fitness Generation; The Fitness Generation (Alternative Tender).

Following a thorough evaluation of the tenders received against the selection criteria it is recommended that Council accept the Alternative Tender from The Fitness Generation to finance lease Stairmaster Cardio Vascular Gym Equipment valued at \$111,561.00. The finance lease option is for a period of twenty-four months, at monthly repayments of \$4,537.06 exclusive of GST and stamp duty, a total of \$108,889.44, with a balloon payment at the end of the lease period of 10% of the purchase price (\$11,570.30) making the total cost to Council of the finance lease option of \$120,459.74.

BACKGROUND

The RANS Management Group, contracted on 21 May 2001, to manage the Recreation facilities went into receivership on 12 July 2002.

A finance arrangement for the lease of gym equipment was executed on 20 August 2001 between Esanda and RANS Management Group. The City is currently renting this equipment from Esanda at a cost of \$4,074.53 per month. The City has now tendered for the supply of similar equipment.

DETAILS

Tenderers had the option to submit outright purchase price, rental or lease in their submission. Under the City's Contract Management Framework, the tenders were assessed by an evaluation committee using a weighted multi-criterion assessment system.

The selection criteria required Tenderers to specifically address the following:

- 1 Lump sum price of the supply including delivery and installation;
- 2 Availability of Equipment;
- 3 Warranty details including servicing and maintenance;
- 4 Suitability & reliability of equipment for the intended use;
- 5 Ability to provide maintenance and undertake repair to equipment at short notice on site.

Policy 2.4.6. Purchasing Goods and Services

The City's Policy on purchasing goods and services encourages local business in the purchasing and tendering process; no submissions were received from local businesses.

TENDER EVALUATION

It is considered that the benefits of finance lease outweigh the outright purchase option, providing flexibility to the City in its approach to the future operation of the recreational facilities.

	Finance Lease 24 months @ 10% residual
The Fitness Generation	\$4,537.06 per month
Technogym	option not supplied
HF Industries	\$4,107.08 per month
Orbit	option not supplied
Panatta	\$4672.00 per month
Gymcare	option not supplied

The Fitness Generation (TFG) ranked first overall on the evaluation for outright purchase. TFG provide Stairmaster Cardio Vascular Gym Equipment which has been currently in use at the Leisure Centre since 1993 and is still operational. Stairmaster equipment is popular, easy to use and met the demands of gym members.

The City has considered, the option to outright purchase or lease / rent or finance lease, and availability of the cardio vascular gym equipment in assessing the tenders. The finance lease option was considered the more favourable, due to the option for deferring a large capital cost, inclusion of full servicing and maintenance and further replacement options on the equipment at the end of the lease period.

Whilst HF Industries provides the lowest finance leasing monthly rate, the equipment offered was not considered the most appropriate. The overall quality of HF Industries ranked fifth in the tender assessment. Therefore consideration was given to TFG's tender submission for finance lease, at a total cost to lease the equipment for \$108,889.44 at twenty-four monthly repayments of \$4,537.06 plus a balloon payment at the end of the lease period of 10% (\$11,570.30) to be the most appropriate.

Statutory Provision:

The statewide public tender was advertised, opened and evaluated in accordance with the *Local Government (F&G) Regulations 1996*.

Financial Implications:

The City approved a budget of \$500,000 in respect of the operations of the leisure centres previously operated by the RANS Management Group; the leasing cost of seven months (\$31,759.42) for financial year 2002/2003 will be applied against that budget. A separate report to the Council in relation to the future funding of the leisure centres will be submitted at the half yearly budget review.

Since the City has resumed direct operational management of the facility, it is conservatively estimated that the operational surplus of the gymnasium is approximately \$150,000 per annum inclusive of the current monthly rental payments of \$4074.53 to Esanda Finance.

Account No: 11 40 44 458 4520 1304
Budget Item: There is no specific budget item
Budget Amount: \$26,642

COMMENT

The Fitness Generation tender submission provides the most cost effective and favourable outcome for the City. The Fitness Generation have provided the option for the latest Stairmaster 612 Treadmill under Option B Alternative Tender, providing a more competitive rate due to a saving on freight costs.

VOTING REQUIREMENTS

Simple Majority

MOVED Cr Rowlands, SECONDED Cr Kenworthy that:

- 1 Council ACCEPTS the Alternative Tender, Option B, from The Fitness Generation for Contract 011-02/03 for the finance lease of Stairmaster Cardio Vascular Gym Equipment for a period of twenty-four months at \$4,537.06 per month, a cost of \$108,889.44, exclusive of stamp duty and GST, which includes a balloon payment of \$11,570.30 at the end of the lease period. The total cost to Council including the balloon payment being \$120,459.74;**
- 2 the costs associated in (1) above be CHARGED to Account No. 11 4044 458 4520 1304.**

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 and Rowlands

CJ283 - 11/02 PURCHASE AND DISPOSAL OF THREE EXECUTIVE VEHICLES – [08178]

WARD - All

PURPOSE

To accept the quotation from Phoenix Holden, for the supply of three Commodore Calais, six cylinder sedans, at \$102,300 exclusive of GST and approve the disposal by auction of three sedans (plant numbers #99017, #99046, & #99054).

EXECUTIVE SUMMARY

The City's 2002/03 budget provided for the purchase of light vehicles, as detailed in the Vehicle Replacement Program. Funding for the changeover price is to be sourced from the Light Vehicle Replacement Reserve Account.

The City's 2002/03 budget provided for the purchase of three six cylinder sedans with the trade of the following plant items:

- Plant Number 99017 04/2000 Mitsubishi Magna allocated to Manager Financial Services
- Plant Number 99046 06/2000 Mitsubishi Magna allocated to Manager Human Resources
- Plant Number 99054 11/2000 Ford Fairmont allocated to Director Planning & Community Development

As per the Council approved Proposal for Implementation of Salary Packaging (CJ120-05/02) the Chief Executive Officer negotiated new Total Employment Cost (TEC) contracts with all Business Unit Managers. A condition of the TEC contracts include choice of vehicle within selected vehicle types and cost ranges. The Managers and the Director listed above selected the Commodore Calais and have agreed to have the cash component of TEC contracts reduced by \$16,000.

This report outlines the cost to purchase the three six cylinder sedans and recommends:

- 1 Accepting the quotation from Phoenix Holden, for the supply of three Holden Commodore Calais sedans at \$102,300 exclusive of GST and approving the disposal by state-wide public auction of three sedans (plant numbers #99017, #99046 & #99054).
- 2 That if this recommendation is accepted and subject to the disposal auction achieving the estimated valuation, it be noted that the net changeover cost to the City will be approximately \$54,300 (exclusive of GST).
- 3 That the budget shortfall of \$26,300 be funded from the Light Vehicle Replacement Reserve Account.

BACKGROUND

The vehicles to be disposed have all reached the 60,000km replacement criteria set by Council at its meeting of 11 June 2002 (CJ121-06/02 - Review of Corporate Policy Manual).

The Total Employment Cost, as a method of remunerating managers and directors, was accepted by Council at its meeting of 21 May 2002 (Report CJ120 - 05/02 Proposal for implementation of salary packaging). Business unit managers and above that were employed by the City of Joondalup prior to 1 March 2002, could forgo the amounts specified below from their total salary package or novate a lease in accordance with the agreement with Pay Plan, in return for a vehicle of their choice.

Allocated Amount	Standard of Vehicle
\$14,000	Commodore Executive, XT Ford, Magna or equivalent
\$15,000	Berlina, Fairmont, Verada Ei or equivalent
\$16,000	Calais, Fairmont Ghia, Verada Xi or equivalent
\$19,000	Statesman, Fairlane or equivalent. (Available to the CEO only)

The allocated amounts listed above were calculated based on the Mercer Cullen Egan Dell car formula.

The three officers affected by this purchase reviewed the vehicle supply options available to them and declined to enter into a novated lease agreement with Pay Plan. They evaluated the vehicle types listed above and selected the Holden Calais in accordance with the conditions of their TEC contract.

DETAILS

Contract 012A 1994 is the State Government Contract for the supply of motor vehicles to various departments and authorities. The City of Joondalup receives the quarterly pricing schedules pertaining to this Contract and uses the contract prices to complete a whole of life evaluation on the range of vehicles offered in the applicable category.

A whole of life evaluation was carried out on the following vehicles:

- Holden Commodore Executive, Berlina and Calais
- Ford XT, Fairmont and Fairmont Ghia
- Mitsubishi Magna, Verada Ei and Verada Xi

The evaluation comparison table is shown below:

Make & Model	Council Price	GST	Estimated 3 yr value	Depreciation	Est. Fuel Usage At 60000 kms	Total Servicing Costs to 60,000km	W.O.L Evaluation Cost
Holden							
Commodore Executive	\$24,005	N	\$13,500	\$10,505	\$5,300	\$380	\$16,185
Berlina	\$29,248	N	\$18,000	\$11,248	\$5,300	\$380	\$16,928
Calais	\$34,100	N	\$21,500	\$12,600	\$5,300	\$380	\$18,280
Ford							
XT	\$24,280	N	\$13,500	\$10,780	\$5,541	\$360	\$16,681
Fairmont	\$29,405	N	\$18,000	\$11,405	\$5,541	\$360	\$17,306
Fairmont Ghia	\$34,000	N	\$21,500	\$12,500	\$5,541	\$360	\$18,401
Mitsubishi							
Magna Executive	\$23,134	N	\$12,000	\$11,134	\$5,059	\$355	\$16,548
Verada Ei	\$28,290	N	\$15,500	\$12,790	\$5,059	\$355	\$18,204
Verada Xi	\$34,400	N	\$19,000	\$15,400	\$5,059	\$355	\$20,814

After evaluation of estimated three year trade values based on the Red Book, expected fuel consumption costs together with the cost of servicing, the vehicles shown bolded in the above table are considered to be the best value purchases in their respective categories. The Ford range of vehicles shown above is the new BA model with substantial improvements over the previous product. The Red Book guide does not accurately reflect the future value of the new model and hence an estimate based on the residual percentage of the Commodore was used which gave both the Holden and Ford equal values on resale. The Holden vehicles have slightly lower fuel consumption rates and have a marginally lower purchase cost.

Statutory Provision:

In accordance with the provisions of Section 5.42 of the *Local Government Act 1995*, Council has delegated authority to the Chief Executive Officer to accept purchases to a limit of \$100,000. As this purchase exceeds this limit, it must be approved by Council.

Regulation 11 (2) (e) of the *Local Government (Functions & General) Regulations 1996* allows Local Government to purchase goods or services worth more than \$50,000, without inviting Public Tender, if the supply of the goods or services is obtained through the Government of the State.

The market value of the three vehicles for disposal exceeds \$20,000 and in accordance with the provisions of Section 3.58 of the *Local Government Act 1995*, the disposal of the three vehicles is to be by state-wide public auction or tender.

Policy Implications:

Policy 2.5.3 - Council Vehicles - Mayor and Council Officers - sets the light passenger vehicle replacement criteria for Council Officers at three years or 60,000kms whichever occurs first. (The replacement programme for the Mayor and Chief Executive Officer is 12 months or earlier if a cost effective special dealership arrangement can be negotiated, and subject to compliance with tendering regulations). The three vehicles to be replaced have all exceeded 60,000kms.

The Total Employment Cost, as a method of remunerating Managers and Directors, was accepted by Council at its meeting of 21 May 2002 (Report CJ120 - 05/02 Proposal for implementation of salary packaging). The Managers and Director benefiting from this proposed purchase would forego \$16,000 each, in their TEC Contract, in return for a vehicle of their choice.

It should be noted that the three vehicles in question will be available for business use during normal office hours.

The purchase recommendation complies with Council's policy 2.4.6 - Purchasing Policy, whereby regional purchasing is supported wherever possible. Phoenix Holden is based in Berriman Drive Wangara and is situated within the City of Wanneroo

Financial Implications:

Based on the Phoenix Holden quotation and estimated return at auction, the financial position is:

Make & Model New Supply	Recommended Supply Cost	Auction Valuation Disposal	Estimated Change Over	Budget Provision	Budget Shortfall
Three Holden Calais	\$102,300	\$48,000	\$54,300	\$76,000	\$26,300

GST Impact

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

	GST Exclusive	GST Inclusive	Claim GST	Tax Credit
New Supply	\$102,300	\$112,530	YES	\$10,230
				Tax Debit
Trade Disposal	\$48,000	\$52,800	NO	(\$4,800)

COMMENT

New employment contracts were negotiated between Directors and Business Unit Managers following the restructure of the City of Joondalup administration. The new contracts allowed for Managers and Directors, to select vehicles that best suited their needs with the corresponding adjustment to the cash component of their salaries. The three staff selected the Holden Calais as their vehicle of choice.

A whole of life comparison was carried out on the three classes of vehicle offered by Holden, Ford and Mitsubishi. It showed that the Commodore Executive, Berlina and Calais had the lowest whole of life cost in their respective categories.

VOTING REQUIREMENTS

Simple Majority

MOVED Cr Kenworthy, SECONDED Cr Baker that Council:

- 1 ACCEPTS the quotation from Phoenix Holden, for the supply of three Holden Commodore Calais sedans at \$102,300 exclusive of GST and approves the disposal, by state-wide public auction, of three sedans (plant numbers #99017, #99046 & #99054);**
- 2 NOTES that if this recommendation is accepted and subject to the disposal auction achieving the estimated valuation, the net changeover cost to the City will be approximately \$54,300 (exclusive of GST);**

3 APPROVES funding the budget shortfall of \$26,300, from the Light Vehicle Replacement Reserve Account.

Discussion ensued.

During discussion, Cr Walker entered the Chamber, the time being 2024 hrs.

The Motion was Put and

CARRIED (13/2)

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

CJ284 - 11/02 FINANCIAL REPORT FOR THE PERIOD ENDING 31 OCTOBER 2002 – [07882]

WARD – All

PURPOSE

The October 2002 financial report is submitted to Council to be noted.

EXECUTIVE SUMMARY

The October 2002 report shows a variance of \$4.0m when compared to the budget for the year to date.

This variance can be analysed as follows:

- The **Operating** position shows an actual operating surplus of \$31.3m compared to a budgeted operating surplus of \$29.6m at the end of October 2002, a difference of \$1.7m, due mainly to a surplus in fees and charges revenue and an underspend in materials and contracts for the year to date.
- **Capital Expenditure** for the year to date is \$0.4m compared to budgeted expenditure of \$1.1m as at the end of October 2002, a difference of \$0.7m. This is due mainly to vehicle purchases that have been delayed to procure new model vehicles that will result in a better long-term changeover to the City.
- **Capital Works** expenditure for the year to date amounted to \$2.7m against a budget of \$4.3m, an under spend of \$1.6m as at the end of October 2002. However, the City has committed expenditure through raised purchase orders of \$2.49m.

DETAILS

The financial report for the period ending 31 October 2002 is appended as Attachment A

VOTING REQUIREMENTS

Simple Majority

MOVED Cr Patterson, SECONDED Cr Baker that Council NOTES the Financial Report for the period ending 31 October 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

Appendix 3 refers

To access this attachment on electronic document, click here: [Attach3brf191102.pdf](#)

CJ285 - 11/02 RECOMMENDATIONS OF THE DRY PARKS MEDIAN AND VERGE COMMITTEE MEETING OF 16 OCTOBER, 2002 – [42938]

WARD - All

PURPOSE

The purpose of this report is to provide Council with the Minutes of the Dry Parks Median and Verge Committee meeting held on 16 October, 2002 and this report is presented to Council as there was a resolution of the Committee requiring Council consideration.

EXECUTIVE SUMMARY

The Dry Park, Median & Verge Committee meeting was held on 16 October, 2002 and the Minutes of the meeting are submitted at Attachment 1 for Council's consideration and acknowledgement of the motions contained therein:

It is recommended that Council:

- 1 NOTES the Minutes of the Dry Parks, Median and Verge Committee;*
- 2 ADOPTS the revised dry park assessment criterion Option A as depicted at Attachment 2 to this Report;*
- 3 AUTHORISES inclusion of the following parks for installation of inground reticulation in the 02/03 various Dry Park Developments - \$165,483 – Haddington Park Craigie, Balanus Park Heathridge, Macauley Park Duncraig, Annato Park Greenwood.*

BACKGROUND

As a result of a Dry Parks bus tour taken earlier this year by the Committee, concerns were raised in relation to the park priorities and in the light of the customer satisfaction results presented to Council's Strategy Session on 20 August 2002, which identified areas in which there are opportunities for significant improvements in resident satisfaction with Council's services, the Committee has accordingly reviewed the Dry Parks Development Assessment Criteria.

DETAILS

The Committee considered that the current criteria is economically driven and that the review should place more emphasis on the social and local amenity aspects.

The Committee was provided with two options for consideration when evaluating existing criterion for assessing Dry Parks for provision of in-ground reticulation.

The Committee decided upon the classification items remaining constant but item "Individual Dry Park with High Local Community Use" was moved to a higher level during assessment. (Refer Attachment 2 to this Report.)

Reassessment of the Dry Parks is illustrated in Attachment 3 to this Report. There is no increase on the overall number of Priority 1 parks for development within the Dry Park Median & Verge Development Program as previously adopted by Council. However, there is a readjustment in ranking of park projects to reflect more social and local amenity considerations.

During the meeting, concern was expressed in relation to the continuation of the current Dry Park Development Program given the current situation regarding water conservation matters and it was discussed whether the Committee should give serious consideration to placing a moratorium on the continuation of the Dry Park Development Program.

It is noted that the "**Licence To Take Water**" is issued by the Waters and Rivers Commission under the Rights in Water and Irrigation Act 1914 (amended version 2001). The City must lodge an application to take water to the Waters and Rivers Commission, which authorises extraction of water in accordance with certain conditions set by that authority. These conditions include volume of water to be used, area of irrigation as well as water quality requirements.

As the Water and Rivers Commission is responsible for the management and monitoring of the State's water resources including groundwater, water conservation considerations are taken into account by that authority when issuing bore licences.

It is the understanding of Council Officers that the Commission has the authority to withdraw a licence at any time should they deem it necessary from a water conservation perspective.

VOTING REQUIREMENTS

Simple Majority

MOVED Cr Kimber, SECONDED Cr Baker that Council:

- 1 **NOTES the Minutes of the Dry Parks, Median and Verge Committee forming Attachment 1 to Report CJ285-11/02;**
- 2 **ADOPTS the revised dry park assessment criterion Option A as depicted at Attachment 2 to Report CJ285-11/02;**
- 3 **AUTHORISES inclusion of the following parks for installation of inground reticulation in the 02/03 various Dry Park Developments - \$165,483 – Haddington Park Craigie, Balanus Park Heathridge, Macauley Park Duncraig, Annato Park Greenwood.**

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

- “4 those dry parks listed in Attachment 3 to Report CJ285-11/02 be listed for consideration in the 2003/04 budget.”**

Discussion ensued.

The Amendment was Put and

CARRIED (12/3)

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

The Original Motion, as amended, being that:

- 1 **Council NOTES the Minutes of the Dry Parks, Median and Verge Committee forming Attachment 1 to Report CJ285-11/02;**
- 2 **Council ADOPTS the revised dry park assessment criterion Option A as depicted at Attachment 2 to Report CJ285-11/02;**
- 3 **Council AUTHORISES inclusion of the following parks for installation of inground reticulation in the 02/03 various Dry Park Developments - \$165,483 – Haddington Park Craigie, Balanus Park Heathridge, Macauley Park Duncraig, Annato Park Greenwood;**
- 4 **those dry parks listed in Attachment 3 to Report CJ285-11/02 be listed for consideration in the 2003/04 budget.**

was Put and

CARRIED (12/3)

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

Appendix 4 refers

To access this attachment on electronic document, click here: [Attach4brf191102.pdf](#)

Cr Baker left the Chamber, the time being 2058 hrs.

**CJ286 - 11/02 PETITION - WAKELEY WAY, DUNCRAIG -
NEIGHBOURHOOD SQUARE MAINTENANCE -
[40743]**

WARD - All

PURPOSE

To consider the request of the petitioners for the maintenance of Wakeley Way road island as a green reserve.

EXECUTIVE SUMMARY

Wakeley Way road island consists of an area 231 square metres incorporating grass and two small garden beds with deciduous trees that were irrigated by the Land Developer and transferred to ten residents in 1997 for care and maintenance. Due to increasing maintenance costs and reduced resident participation, a petition of 37 local residents has been submitted by Ms Katie Hodson–Thomas, MLA for Carine.

In 2001, the City disconnected the remaining mains water supply outlets to Public Open Space and Road Reserve areas within the City, due to the water restrictions imposed by Water Corporation. It was proposed to maintain the Wakeley Way area in accordance with other similar road islands.

It is recommended that Council:

- 1 *DOES NOT SUPPORT the proposal for continuation of the mains water supply to Wakeley Way road island, Duncraig;*
- 2 *AGREES that the City will undertake normal maintenance to a dry grass standard within the road island, in accordance with other work programs for Duncraig road islands and roundabouts;*
- 3 *ADVISES the Petitioners accordingly.*

BACKGROUND

In 1995/96 Landcorp undertook residential development in the South West corner of Duncraig. This development was one of the final stages of residential property within Duncraig. Landscape work within the suburb incorporated the Marmion Avenue/Beach Road junction verge, and Wakeley Way road island.

Landcorp installed mains water supply irrigation to these areas during the establishment phase with the intention to disconnect at completion of the normal two-year maintenance period. Residents abutting Wakeley Way road island initiated discussions with the Landcorp Representative for retention of the mains irrigation system.

An Agreement was reached with the property owners for the system to be retained and administered by the owners. Landcorp initiated transfer to the following property owners from 31 March 1997.

- | | | | |
|--------------------|---|---------|---|
| ➤ Lot 615 | Mr C. Manzone
12 Hutt Road
MORLEY 6062 | Lot 616 | I. Barghnavard
16 Charlotte Cove
JOONDALUP 6027 |
| ➤ Lot 617
Jones | Mr T. Payne

90 Giles Ave
PADBURY 6025 | Lot 618 | Ms D. Brooks & Mr P.

26 Arkwell Way
MARMION 6020 |
| ➤ Lot 619
Temou | Ms G. Dec Borrello

1 Newby Place
SORRENTO 6020 | Lot 631 | Mr M. Italiano & Ms S.

2 Tulip Place
DIANELLA 6062 |
| ➤ Lot 630 | Mr R. Gracias &

Ms L. Marjoram
17 Wilson Crescent
WEMBLEY DOWNS 6017 | Lot 629 | Mr & Mrs P. O'Connor

5 Begonia Street
DUNCRAIG 6023 |
| ➤ Lot 628 | Ms J. Curtis
9 Wakeley Way
DUNCRAIG 6023 | Lot 627 | Mr & Mrs R. Marlow
3 Killmarsh Place
CARINE 6020 |

Six of the original 10 signatories remain current property owners. These are:

- | | | |
|-----------|-----------------------|----------------|
| ➤ Lot 627 | Carol Marlow | 7 Wakeley Way |
| ➤ Lot 629 | Janet O'Connor | 11 Wakeley Way |
| ➤ Lot 630 | Rudi & Linda Gracias | 15 Wakeley Way |
| ➤ Lot 631 | Mark & Susie Italiano | 17 Wakeley Way |
| ➤ Lot 618 | Paul & Debbie Jones | 12 Wakeley Way |
| ➤ Lot 617 | Terry Payne | 14 Wakeley Way |

This system remained in place until 26 September 2002, when correspondence was received from Ms Katie Hodson-Thomas, MLA for Carine, requesting that Council accept responsibility for ongoing maintenance of the road island.

A written response was prepared on 3 October 2002 outlining Council's position regarding this maintenance request, as follows:

“...1 The City will maintain the area as a basic road island with dry grass.

2 Provision of irrigation is not available at this point in time as there is no nearby Council bore supply available.

- 3 The City maintains many similar locations throughout the City suburbs and this location will be included from 1 October 2002. “

A 37-signature petition was received on 3 October 2002 requesting ‘We the residents of Wakeley Way Duncraig are requesting the City of Joondalup to assume responsibility for the maintenance of the Wakeley Way Neighbourhood Square.’ See Attachment 1.

DETAILS

Wakeley Way road island encompasses an area of 231 square metres incorporating grass and two small garden beds with deciduous trees. This road island has been listed for regular maintenance in conjunction with other dry grassed areas within Duncraig. The actual maintenance cycle will be scheduled subject to Council’s determination regarding the irrigation system.

In 2001 the City disconnected the remaining mains water supply irrigation outlets to Public Open Space and Road Reserve areas due to the water restrictions imposed by Water Corporation. Ground water bore supply outlets installed by Council supply all Council park and road reserve irrigation. The City currently maintains approximately 12 residential road islands similar in size to the Wakeley Way road island to a dry grassed standard.

Of the 37 signatures to the petition, six were listed within the original property owners group supporting continuation of the irrigation by residents. Due to its isolated location, provision of irrigation to the road island from an existing Council bore supply is not practical. It should be noted that this problem of irrigation supply to isolated locations is often experienced during installation of roundabout landscape and mains supply options are always rejected. The provision of a stand alone bore to service this location is not economically justifiable. There are two other similar road islands in Duncraig where irrigation is supplied and maintained by adjoining residents. These are Sillmon Way and Guron Gardens.

The information supplied by the Wakeley Way residents indicates an expenditure of \$1,000 per year for mains water and maintenance costs. Currently only three residents contribute to the cost of overall maintenance of the road island.

The determination of Council is required regarding the provision of mains water supply only, as all other aspects of the maintenance will be undertaken by the City under existing maintenance schedules for road reserves.

FUNDING

Maintenance costs will be debited to Road Reserve Landscape Maintenance and will have minimal impact on Operations Services Annual Maintenance Budget.

VOTING REQUIREMENTS

Simple Majority

MOVED Cr Kenworthy, SECONDED Cr Mackintosh that Council:

- 1 DOES NOT SUPPORT the proposal for continuation of the mains water supply to Wakeley Way road island, Duncraig;**
- 2 AGREES that the City will undertake normal maintenance in accordance with dry grass standards within the road island, in accordance with other work programs for Duncraig road islands and roundabouts;**
- 3 ADVISES the petitioners accordingly.**

The Motion was Put and**CARRIED (13/1)**

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

Appendix 5 refers

To access this attachment on electronic document, click here: [Attach5brf191102.pdf](#)

CJ287 - 11/02 PETITION - REQUEST FOR BUS SHELTER AND BUS BAY ON INWARD ROUTE COCKMAN ROAD BETWEEN MULLIGAN DRIVE AND COBINE WAY, GREENWOOD – [01068]

WARD - South

PURPOSE

To detail the public comments received from residents in relation to the installation of a bus shelter and bus bay on the inward route on Cockman Road, between Mulligan Drive and Cobine Way, Greenwood.

EXECUTIVE SUMMARY

A 6-signature petition was received requesting construction of a bus shelter and bus bay on Cockman Road between Mulligan Drive and Cobine Way, Greenwood (Item C43-06/01 refers).

Council at its meeting on 21 May 2002 (Item CJ105-05/02), deferred the request to install a bus bay and bus shelter pending further consultation with residents in the area, Ward Councillors and Officers.

Further consultation has been completed and in view of the comments received, it is recommended that the installation of a bus shelter and a bus bay at this location be not supported. However in view of the number of patrons boarding at the stop, it is recommended that Council approve the installation of a bus seat.

This report therefore recommends that Council:

- 1 DOES NOT support the installation of a bus shelter and bus bay on the eastern side of Cockman Road between Mulligan Drive and Cobine Way, Greenwood;*
- 2 SUPPORTS the installation of a bus seat on the verge, between 22 & 24 Cockman Road Greenwood; and*
- 3 ADVISES the adjoining residents and petitioners accordingly.*

BACKGROUND

Council at its meeting on 21 May 2002 (Item CJ105-05/02), deferred the request to install a bus bay and bus shelter on the inward route on Cockman Road, between Mulligan Drive and Combine Way, pending further consultation with residents in the area, Ward Councillors and Officers of the City.

A report was also submitted at the same meeting detailing the Safety Audit undertaken for Cockman Road, which included an assessment on the provision of bus embayments along the road (Item CJ104-05/02 refers). As the assessment indicated that there was no evidence to suggest that the current on street bus stops are creating a safety problem, Council resolved to monitor the accident pattern in Cockman Road and review the need for bus embayments accordingly.

Notwithstanding the above, requests for bus shelters at various locations are received by the City and are investigated to determine if the placement of the shelter would be acceptable to adjoining property owners, if the site allowed for its placement and if patronage figures support its overall community benefit.

This report details the consultation undertaken and subsequent recommendation for the provision of a bus shelter and bus bay.

DETAILS

An on site meeting involving some of the petitioners, and representatives of the City confirmed that the bus stop for consideration is located between 22 and 24 Cockman Road, Greenwood. It was considered at the meeting that the positioning of a bus shelter at the stop would cause a sight obstruction for motorists of adjacent properties, however the installation of a bus seat could be investigated. A bus seat is located on the opposite western side of Cockman road and this can be relocated to the eastern side of the road where passengers are picked up.

In assessing whether a bus seat should be installed at the stop, patronage figures were obtained from the bus service operator which indicated that 26 passengers boarded on Monday 16 September 2002 and 21 passengers boarded on Wednesday 18 September 2002.

Comments were also obtained from the adjoining property owners, who expressed concern as to potential vandalism, anti social behaviour, littering and overall benefit for bus patrons. One property owner expressed concern that the positioning of a bus seat could pose a risk to road users.

COMMENT

Requests for a bus shelter at various locations are investigated to determine if the placement of the shelter would be acceptable to adjoining property owners, if the site allows for its placement and if patronage figures support its overall community benefit.

A recently completed Road Safety Audit of Cockman Road indicated that the current on-street bus stops are not creating a safety problem and therefore the construction of a bus embayment is not required at this point in time.

The site inspection conducted by the City highlighted that due to the amount of verge width available, the positioning of a shelter at this stop may obstruct sight lines for adjoining property owners, however a bus seat could be installed without any effect.

Although the City has received objections from the adjoining property owners citing anti social behaviour and littering as a concern, it is considered that the installation of a bus seat would be of benefit to bus patrons considering the received patronage statistics.

VOTING REQUIREMENTS

Simple Majority

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

- 1 DOES NOT support the installation of a bus shelter and bus bay on the eastern side of Cockman Road between Mulligan Drive and Cobine Way, Greenwood;**
- 2 SUPPORTS the installation of a bus seat at the bus stop on the verge between 22 & 24 Cockman Road Greenwood;**
- 3 ADVISES the adjoining residents and petitioners accordingly.**

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 and Walker

Manager, Community Services declared a financial interest in Item CJ288-11/02 – Appointment of Representative – Community Vision Inc as he is a member of the Community Vision Board.

CJ288 - 11/02 APPOINTMENT OF REPRESENTATIVE - COMMUNITY VISION INC – [40958]

WARD - All

PURPOSE

To appoint a replacement representative on Community Vision Inc.

EXECUTIVE SUMMARY

Council's representative on the Board of Community Vision Inc, Cr Peter Rowlands, has tendered his resignation, and there is a need to appoint a replacement representative.

BACKGROUND

At the Special Meeting of Council held on 7 May 2001, Council appointed Cr Peter Rowlands as its representative on the Board of Community Vision Inc (Item JSC21-05/01 refers). The role of the Board is to *“provide and develop high quality and responsive services that are accessible and affordable, and that encourage the well being of people within the community.”*

Council's Manager Community Services, Mr Graeme Hall, is also a representative on this Board.

DETAILS

Due to his inability to attend meetings following changes in the timing of meetings, Cr Rowlands has tendered his resignation as a Member of the Board of Community Vision Inc. Nominations are sought from interested elected members.

Under the Constitution of the Board of Community Vision Inc, the City is entitled to two representations with full voting rights at Board Meetings. Meetings of the Board are held monthly, on the third Thursday of each month, commencing at 6.00 pm, for a duration of approximately two hours.

COMMENT

It is requested that Council gives consideration to a replacement representative.

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION: That Council:

- 1 ACCEPTS the resignation of Cr Peter Rowlands as representative on the Board of Community Vision Inc;
- 2 NOMINATES an elected member to the Board of Community Vision Inc as replacement for Cr Peter Rowlands;
- 3 ADVISES Community Vision Inc of 1 and 2 above.

MOVED Cr Hurst, SECONDED Cr Mackintosh that consideration of the matter pertaining to representation on the board of Community Vision be DEFERRED, pending further investigation into the constituted board of Community Vision.

Cr Hurst commented that advice had been received from Community Vision regarding changes to its constitution. Clarification of the changes is required prior to being considered by elected members.

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 and Walker

Cr Baker entered the Chamber, the time being 2100 hrs.

CJ289 - 11/02 COSTS ASSOCIATED WITH RESCISSION MOTION - MULLALOO TAVERN REDEVELOPMENT – [20289]

WARD - All

PURPOSE

To report on the costs associated with issues relating to the Mullaloo Tavern redevelopment application.

EXECUTIVE SUMMARY

Following a decision of Council at its meeting held on 24 September 2002, this report presents details of costs associated with the rescission motions relating to the Mullaloo Tavern redevelopment application, and the Special Meeting of Electors held on 20 September 2002.

BACKGROUND

At the Council meeting held on 24 September 2002 (C126-09/02 refers), it was resolved:

“that in the interests of our City's sound financial management and open and accountable good governance, the Chief Executive Officer is hereby requested to prepare a written report to Councillors and our ratepayers fully quantifying in so far

as it is reasonably practical, the following costs to the City of Joondalup to date (hence our ratepayers) following the failure of Councillor Carlos's first and second rescission motions to rescind Council's resolution of 13 August 2002 whereby the City of Joondalup resolved to approve, albeit in an amended form, the 'Mullaloo Tavern Redevelopment' development application:

- 1 the FTE time spent, in approximate dollar terms, of Council officers in dealing with Cr Carlos's rescission motions and matters relating hereto;*
- 2 the amount spent on legal fees to the City's various solicitors in respect of Cr Carlos's rescission motions;*
- 3 the amount spent on legal fees in respect of the Writ of Summons issued by the tavern owner/developer as a result of Cr Carlos's rescission motions; and*
- 4 the amount spent on convening the second Special Electors Meeting of Mullaloo residents requisitioned through Cr Carlos."*

DETAILS

The following is an estimate of costs relating to the holding of a Special Meeting of Electors, Cr Carlos' rescission motion and to the Writ of Summons. It should be noted that other legal issues, relating to the Planning and Development Act enquiry, are ongoing and some costs within this may relate to the Mullaloo Tavern issue.

Legal Fees:

Estimated costs relating to this issue: **\$14,478**

Administrative Time:

Chief Executive Officer	2 days	
Director Planning & Community Development:	4 days	
Manager, Approvals Planning & Environmental Services:	5 days	
Coordinator Planning Approvals:	1 day	
Manager Marketing Communications & Council Support:	3 days	
Council support:	2 days	\$6,430

Special Meeting of Electors held 20 September 2002:

Security	\$206.10	
Advertising	\$316.35	
Admin staff costs to attend & minute meeting:	\$137.37	\$659.82

TOTAL: \$20,337.82

COMMENT

Due to the redirection of staff resources to deal with the above issues, it has been estimated that holding costs for some building and planning applications may have been extended which would add to holding costs for applicants. However the actual impact of this is unknown, and could not be reliably estimated.

The cost estimates provided above are very conservative and do not include attendance at Council meetings and Briefing Sessions.

VOTING REQUIREMENTS

Simple Majority

MOVED Cr Hollywood, SECONDED Cr Walker that the costs of issues relating to the Mullaloo Tavern development application be NOTED.

Discussion ensued.

AMENDMENT MOVED Cr Mackintosh, SECONDED Cr Baker that the motion be amended by the inclusion of the following:

“...and that, Council respectfully requests the Councillors primarily responsible for the \$20,000.00 loss so incurred by their two failed rescission motions, namely Councillors Carlos, Hollywood and Walker, to reimburse these expenses so that our rate paying families in our local community are not out of pocket, and the monies so reimbursed can be utilised by our City to further achieve our City's objectives of helping the community's needy young families, youth, and senior citizens and protecting the environment.”

Discussion ensued.

Breach of Standing Orders Local Law

Following the refusal of Cr Hollywood to resume his seat when requested, Mayor Bombak, in accordance with Clause 4.1.15 of the City's Standing Orders local Law, directed that Cr Hollywood not be recognised by the Chair and take no further part in the meeting, with the exception of casting his vote.

C162-11/02 ADJOURNMENT OF MEETING – [02154] [08122]

MOVED Cr Kimber, SECONDED Cr Carlos that in accordance with clause 5.1 of the City's standing orders local law, the meeting be adjourned for a period of ten (10) minutes, the time being 2107 hrs on 26 November 2002.

The Motion to Adjourn was Put and

CARRIED

The Meeting **RESUMED** at 2117 hrs.

Discussion continued in relation to the proposed amendment by Cr Mackintosh.

**The Amendment Moved by Cr Mackintosh, Seconded Cr Baker was Put and
LOST (3/12)**

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

**The Original Motion Moved by Cr Hollywood, Seconded Cr Walker 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

C163-11/02 COUNCIL DECISION – EN BLOC RESOLUTION NO 1

MOVED Cr Patterson, SECONDED Cr Kenworthy that Items CJ290-11/02, CJ291-11/02, CJ296-11/02, CJ298-11/02 to CJ303-11/02 inclusive; and CJ305-11/02 be dealt with by the En-bloc method.

**The Motion was Put and
CARRIED BY
EN BLOC RESOLUTION NO 1**

CJ290 - 11/02 REVIEW OF UNIFORM FENCING POLICY 3.1.6 - SUBDIVISION – [00907]

WARD - All

PURPOSE

To provide a reviewed policy in respect of new and replacement uniform fencing (Attachment 1 to this Report).

EXECUTIVE SUMMARY

The City's Uniform Fencing – Subdivision Policy, adopted in 1993, operates in recognition of the need to ensure that uniform fences do not detract from the aesthetics of the streetscape or conflict with the character of the built form. The policy operates together with District Planning Scheme No.2 (DPS2) to provide a set of principles that can be applied when subdivision applications are considered.

The visual appearance of the City and the quality of its built form and streetscapes, are equally critical factors in determining a community's character and livability. The revised policy aims to provide a coordinated approach to processing applications for proposed and existing uniform fencing, in order to avoid repetition of present examples of unattractive and uncoordinated uniform fencing throughout the city.

The current policy is required to be reviewed as it does not adequately address current uniform fencing related issues, nor tie in with the City's Private Property Local Law 1998 provisions, particularly relating to maintenance issues. The main policy modifications include a definition section, and expansion and rationalisation of the policy statements into sections relating to additional detail in respect to the City's requirements for uniform fencing design, construction, height, landscaping and maintenance, with the modifications from the existing policy shown in Attachment 2.

It is considered that the revised Uniform Fencing – Subdivision Policy will assist in the decision-making process when determining an application to construct or replace uniform fencing. It is recommended that this policy be adopted for the purposes of advertising for a 21 day period.

BACKGROUND

Suburb/Location: All

Strategic Plan: Lifestyle Strategy 2.2 Rejuvenate our suburbs – Enhance standards of infrastructure to meet changing community needs and expectations.

The need for uniform fencing has increased in recent years as a result of 'new urbanism' subdivisional design practices favouring the use of common rear or side boundaries with major roads and highways as distinct from the use of service roads. The reasons for these practices include the lack of economy in constructing roads that serve lots on one side only, the potential for greater use of cul-de-sacs with reduced widths, the higher lot yields which can be achieved and improved neighbourhood interaction. In conventional development, solutions have also often required large setback distances and noise mounds in addition to the provision of high solid walls of uniform fencing. However, these solutions have created tracts of monotonous land and walled estates.

These urban design practices have produced long lengths of side or rear boundary fencing alongside major roads and highways that create undesirable aesthetics and streetscapes. Furthermore, the noise impact upon new homes from traffic on major roads or highways is an issue because new houses are closer to the noise source than would be the case if a service road was used.

Observation of completed subdivisions reveals that there are a number of amenity and safety problems that occur along the boundaries between private lots and public places, particularly alongside major roads.

DETAILS

The current policy is required to be reviewed as it does not adequately address current uniform fencing related issues, nor tie in with the City's Private Property Local Law 1998 provisions, particularly relating to maintenance issues. The main policy modifications include a definition section, and expansion and rationalisation of the policy statements into sections relating to additional detail in respect to the City's requirements for uniform fencing design (greater levels of articulation now required), construction, height, complimentary landscaping and maintenance.

Statutory Provision:

Clause 8.11 of DPS2 outlines the provisions with respect to the preparation of planning policies and amendments or additions to policies. Clause 8.11.3 outlines the procedures, which are required to be followed in order for a policy to become operative.

Policy Implications:

The implications of the proposed policy would be:

- The provision of a coordinated approach to the construction of uniform fencing in a consistent manner that is conducive to positively contributing to the streetscape and protecting the amenity of the city's residents.
- The creation of uniform fencing which will withstand use and weathering and reflects the value of the subdivision and its relationship with the city.
- Restriction of the type of building materials and finishes that can be used for the construction of uniform fencing only to those which are durable and low-maintenance.
- To allocate responsibility to various parties for the continuing upkeep and maintenance of uniform fencing as outlined within the City's Private Property Local Law 1998.

Strategic Implications:

The strategic implications of the revised policy would be to:

- Enhance standards of infrastructure to meet changing community needs and expectations.
- Develop initiatives and introduce incentives that encourage appropriate development.
- Facilitate the provision of key infrastructure for the city.
- Work in partnership with community, government and the private sector to create and foster community identity and pride.

COMMENT

In the most obvious and, potentially most obtrusive of cases, it is reasonable to expect that some action should be taken to require the provision of aesthetically attractive fences. Thus this revised policy sets out the procedure to assess the suitability of uniform fencing for given locations based on its function and setting.

VOTING REQUIREMENTS

Simple Majority

MOVED Cr Patterson, SECONDED Cr Kenworthy that Council in accordance with Clause 8.11.3 of District Town Planning Scheme No. 2 ADOPTS the Uniform Fencing Policy – Subdivision, as per Attachment No. 1 to Report CJ290-11/02, as a draft policy for the purposes of advertising for a period of twenty-one (21) days for public comment.

The Motion was Put and

**CARRIED BY
EN BLOC RESOLUTION NO 1**

Appendices 6 and 6(a) refer

*To access this attachment on electronic document, click here: [Attach6agn261102.pdf](#)
[Attach6aagn261102.pdf](#)*

CJ291 - 11/02 DELETION OF POLICIES 3.2.1, 3.2.2 AND 3.2.3 – [26176]

WARD - All

PURPOSE

Council is requested to consider and support the removal of three (3) separate local planning policies from the City's policy manual. The three (3) policies in question relate to development requirements for land that has been fully built upon and as such, the policies are no longer relevant (Attachments 1, 2 and 3 to this Report).

EXECUTIVE SUMMARY

A review of the Urban Design Policies within the City's policy manual document was undertaken, primarily as a result of the gazettal of the Residential Design Codes of Western Australia on 4 October 2002.

Three separate policies relate to land that has been fully built upon and as such, are clearly no longer applicable.

It is therefore recommended that policies:

3.2.1 - Design Guidelines For Stage 8c Currambine - Beaumaris Beach Estate

3.2.2 - Design Guidelines For Stage 4 Iluka - Beaumaris Beach Estate

3.2.3 - Design Guidelines For Stage 12 Iluka - Beaumaris Beach Estate

be removed from the City's policy manual and a notice be placed in the local community newspaper for two consecutive weeks as required under Clause 8.11.4(b) of District Planning Scheme No.2 (DPS2).

BACKGROUND

Suburb/Location:	All
Applicant:	N/A
Owner:	N/A
Zoning:	DPS: N/A
	MRS: N/A
Strategic Plan:	Lifestyle Strategy 2.6 – Implement projects with focus on improving environmental, social and economic balance.

The Joint Commissioners at their meeting of 22 June 1999 (CJ213-06/99 refers) resolved to:

REVOKE all policies contained within the former City of Wanneroo policy manual as adopted by the City of Joondalup at its meeting held on 1 July 1998, and any further policies adopted by it since that date; and

ADOPT the policy manual for the City of Joondalup, as attached to Report CJ213-06/99 as laid on the table (and forming Appendix I in the Minute Book).

DETAILS

Statutory Provision:

Clause 8.11.4 of DPS2 relates to the deletion of a local planning policy, and states;

“A local Planning Policy may be rescinded by:

- (a) the preparation or final adoption of a new Policy pursuant to clause 8.11.3 specifically worded to supersede an existing Policy; or*
- (b) publication of a formal notice of deletion by the Council once a week for two consecutive weeks in a local newspaper circulating within the Scheme Area”.*

Given that the three policies to be removed from the City’s policy manual are not being replaced by a new policy, the provisions contained in Clause 8.11.4(b) above are considered relevant.

Strategic Implications:

The removal of outdated and irrelevant policies from the City’s policy manual will achieve a more desirable outcome in respect to the provision of relevant and up to date policy information to the City’s customers.

COMMENT

The following policies impose development/design requirements and standards upon land that has been fully built upon:

- POLICY 3.2.1 - DESIGN GUIDELINES FOR STAGE 8C CURRAMBINE - BEAUMARIS BEACH ESTATE (Attachment 1 to this Report)
- POLICY 3.2.2 - DESIGN GUIDELINES FOR STAGE 4 ILUKA - BEAUMARIS BEACH ESTATE (Attachment 2 to this Report)
- POLICY 3.2.3 - DESIGN GUIDELINES FOR STAGE 12 ILUKA - BEAUMARIS BEACH ESTATE (Attachment 3 to this Report)

CONCLUSION

The policies to be removed from the City's policy manual are those that are considered no longer relevant. Removal of these policies will result in more relevant and up to date information being provided by the City to its customers.

In the event that an extension is proposed to an existing building or a lot is redeveloped the Residential Design Codes and District Planning Scheme No.2 contain sufficient development provisions to ensure the proposal is assessed in an orderly and proper manner.

VOTING REQUIREMENTS

Simple Majority

MOVED Cr Patterson, SECONDED Cr Kenworthy that Council:

1 DELETES the following policies:

- 3.2.1 Design Guidelines For Stage 8c Currambine - Beaumaris Beach Estate**
- 3.2.2 Design Guidelines For Stage 4 Iluka - Beaumaris Beach Estate**
- 2.2.3 Policy 3.2.3 - Design Guidelines For Stage 12 Iluka - Beaumaris Beach Estate**

as listed within the City of Joondalup Policy Manual;

2 ADVERTISES the deletion of policies 3.2.1, 3.2.2 and 3.2.3 in the Joondalup Community Newspaper for two (2) consecutive weeks.

The Motion was Put and

**CARRIED BY
EN BLOC RESOLUTION NO 1**

Appendix 7 refers

To access this attachment on electronic document, click here: [Attach7brf191102.pdf](#)

CJ296 - 11/02 MAINTENANCE AND MANAGEMENT OF CRICKET FACILITIES MACDONALD PARK – [07496]

WARD - All

PURPOSE

For Council to determine the future arrangement for the maintenance and management of the turf cricket wicket facilities at MacDonald Park, Padbury.

EXECUTIVE SUMMARY

In 1995 the former City of Wanneroo entered into an agreement with the Whitfords and Districts Cricket Club Inc (WDCC) for the maintenance of the turf wicket facilities at MacDonald Park to be undertaken by the club. The agreement was for the period 1995-2000. In 2001, officers of the City of Joondalup held a number of discussions with the club to formalise a second agreement with the club for the period 2000-2005. Subsequently an agreement was documented but has not yet been endorsed by Council. The agreement, which is considered to be 'de-facto' at present, requires the City to make a series of annual payments and transfer a number of assets to the club. The payments have progressively been made but the transfer of assets has not occurred to date.

MacDonald Park is also used by three other sporting clubs, which, together with WDCC, have been holding discussions with officers aimed at forming a sporting association and leasing facilities at MacDonald Park. These clubs currently operate under a number of Licences to Occupy Agreements, which expire in 2002 and 2003. Additionally, one of the clubs is actively pursuing the development of a clubroom on MacDonald Park.

This report considers that a strategic approach should be taken to resolve these inter-connecting issues by developing a memorandum of understanding (MOU) that effectively allows the clubs to continue to operate at MacDonald Park under their current agreements until 2005.

In the interim, officers and club representatives will actively pursue the development of a management arrangement and a lease agreement for the future use of the MacDonald Park facilities.

BACKGROUND

Whitfords and Districts Cricket Club Inc (WDCC) is one of the resident sporting organisations at MacDonald Park, Padbury. The WDCC play in the WA Suburban Turf Cricket Competition, which requires clubs to play on turf wickets. The WDCC has utilised the MacDonald Park turf wicket facilities since its construction in 1976.

In 1995 the former City of Wanneroo entered into an agreement with the WDCC for the maintenance of the turf wicket at MacDonald Park to be undertaken by the club (City of Wanneroo Report No TS248/95 refers):

“Council, at its meeting of August 1994 adopted Report I50808 relating to the Whitfords Cricket Club undertaking all maintenance of the MacDonald Park turf wickets with Council paying a fixed sum of \$25,000.

The City Parks Manager reports that the Cricket Club maintained the wickets to a high standard last summer and has now formally approached Council to enter into a long term agreement of five years with a five year option to maintain the wickets at a fixed cost of \$25,000 per annum.

MOVED Cr Moloney, **SECONDED** Cr Wood that Council accepts the Agreement of a five year maintenance contract, plus a five year option, as negotiated with the Whitfords Cricket Club for a fixed sum of \$25,000 per annum for the maintenance of the turf wicket facility at MacDonald Park, Padbury.

CARRIED”

The broad terms of this agreement required the WDCC to prepare the turf wicket, which was formerly a task completed by the City of Wanneroo. The WDCC received \$25,000 per annum from the City of Wanneroo to assist with the resultant additional expenditure required from the club to undertake this work.

DETAILS

Notwithstanding the intention of the above Council recommendation, the original agreement document signed by representative of the WDCC and the City of Wanneroo in 1995 does not identify either a term or an option period.

During 2001 a number of discussions were held between members of the WDCC and officers from the City of Joondalup to formalise a second agreement to enable the WDCC to continue the preparation and direct management of the turf wicket. Agreement was reached during these discussions for an arrangement which offers the club ongoing financial support from the City to enable the club to maintain the turf wicket facilities.

An agreement was prepared to cover the period 2000-2005 and has subsequently been signed by the WDCC, but to date has not been put before Council for endorsement.

The broad terms of the agreement identifies that the WDCC would be responsible for the management, maintenance and preparation of the turf wicket and practice facilities at MacDonald Park. The City would permanently transfer a range of plant and equipment in addition to the curator's shed to the club to enable the club to undertake this work. The financial arrangements identify that the City will make annual payments to the club during the five-year term of the agreement, commencing in 2000, of \$25,000 reducing to \$20,000 in 2005. Additionally, it is the intent of the agreement for the club to undertake the role of booking officers for the southern section of MacDonald Park for each summer season and to retain any subsequent revenue.

A number of benefits to both the City and the sporting clubs can be identified in the agreement:

- Junior sporting groups using the southern section of MacDonald Park will continue to use facilities at no cost, in line with Council's policy of subsidised use for junior groups.
- The WDCC will be responsible for all work associated with the preparation and maintenance of the turf wicket.
- The turf wicket facilities will be maintained to a Western Australian Cricket Association (WACA) standard and periodically inspected by officers.
- There are significant cost savings to the City over a period of time built into the agreement.

- The WDCC will be responsible for managing the use of McDonald Park by additional users and have the ability to retain any income derived from additional users to enhance the operation of the club.

The WDCC will be required to ensure that all additional users are charged usage fees, which are in line with the City's fees and charges for sporting parks.

Any ground allocation disputes not resolved in a reasonable timeframe by WDCC will be referred to the Manager Community Development Services for resolution.

The agreement supports the club's endeavours to become self-supporting and also provides for a phased reduction in the City's funding commitments.

COMMENT

As a result of the agreement the WDCC are now not required to pay to the City the scheduled service fee for use of the turf wicket in 2002/03 this is \$1,869 per season per team. As the WDCC has four teams two of which play on turf wickets, this fee amounts to \$3,738 per annum. The total fees waived over the life of the agreement allowing for annual increases, is \$18,690.

The club are now being charged a seasonal oval hire fee in 2002/03 this is \$255 per team, as the club has four teams this fee is \$1020. The total fees the club will be charged over the life of the agreement allowing for annual increases is \$5,100.

The net income forgone by the City during the life of the agreement 2000-2005 will therefore be \$13,590.

The overall financial arrangements of the agreement result in a cost to the City of \$128,500 over the five-year period 2000-2005 comprising \$115,000 in payments and \$13,500 income forgone from seasonal fees from the club.

The direct saving to the City resulting from the club maintaining the facilities are estimated to be in the region of \$40,000 per year or \$200,000 during the life of the agreement. This equates to a net saving to the City of \$71,500 during 2000-2005 as a result of the agreement.

Commencing in 2000 the annual progress payments identified in the agreement have been paid to the club. Further investigation however confirms that the equipment has not yet been transferred to the club nor has the responsibility for booking MacDonald Park during the summer season been passed to the club.

Although Council has not endorsed the agreement, it is considered that as payments have been made to the club and it in turn has undertaken the preparation of the wicket and practice facilities, a de-facto contract therefore exists between the WDCC and the City.

The relationship between the City and the WDCC is a positive one and the operation of the current arrangement though not formalised by Council has delivered benefits to both parties. In recognition of the circumstances it is considered that the current agreement should be allowed to continue until its expiry date in 2005 as originally intended. Any new agreement with the Club should not impact on the agreement currently in place and should therefore commence in 2005.

However, appraisal of the various clauses contained in the 2000-2005 agreement document raises the following issues for negotiation and resolution between now and 2005.

A decision is required regarding the future ownership of the maintenance equipment, currently the equipment remains on the City's asset register. The agreement calls for it to be transferred to the club "for the duration and the expiration of the lease period." The replacement value of the equipment is in the order of \$40,000. The proposed transfer of the equipment raises the question of ownership if when the agreement expires or if at some future point it is terminated. The replacement of the roller alone would cost \$30,000 should the City be required to provide turf facilities at some time in the future. It has been indicated that the current roller has an operational life of some twenty years.

The option of leasing the equipment to the club and requiring the lessee to contribute toward capital replacement of some of the equipment should be explored.

A similar situation pertains to the curator's shed at MacDonald Park, which is currently a fixed asset of the City. The agreement indicates that ownership should be transferred to the club. Again this makes issues of ultimate ownership unclear, particularly as the shed is a fixed asset on land owned by the City.

The agreement document is not a lease agreement as such but an 'AGREEMENT FOR MAINTENANCE OF TURF WICKET' yet it effectively gives control of a range of City assets comprising land, a shed and maintenance equipment to one club for a period of five years. This leaves the issue of long-term ownership unclear. Given the value and nature of the assets involved, it may be more propitious to explore the options for a lease agreement for a defined period for example, five years with five years option.

The park is currently shared by the WDC with two other senior clubs, Whitfords Hockey and Whitfords Football Club and a junior club, the Whitfords Junior Football Club.

Preliminary discussions have been held with all four clubs with a view to forming a sporting association of the clubs at MacDonald Park and entering into a lease agreement with the City. Currently the resident clubs are operating under separate Licence to Occupy Agreements with the City for facilities they occupy. These licences expire in 2003 and 2004, which provides an opportunity for the City to take a strategic approach and consolidate the issues of facility use/management involving all the resident clubs at MacDonald Park.

The City is not at this time necessarily committed to the concept of a sporting association or lease. It would, however, be considered prudent to canvas various types of management arrangements with the clubs between now and 2005.

Concurrently, the Whitfords Hockey Club is actively pursuing development of a clubroom at the park and has made an application to the Department of Sport and Recreation (CSRFF) and to the City for funding assistance in 2003/04 for this project. The project has not been recommended for funding by officers of the City at this stage as it is considered to require additional planning.

It is considered that a strategic approach should be taken to the resolution of the above issues. This strategic approach will provide a framework and direction for further negotiation with all the resident clubs in order to finalise a management arrangement for the long-term use of the facilities including ovals, wickets and buildings at MacDonald Park.

Given the issues involved in these negotiations, which require the separate clubs to agree to a mutually acceptable management arrangement, it is considered that a timeline of October 2005, which is the commencement of the summer season, is a realistic target date for the commencement of a newly formulated management arrangement.

In the interim period, in order to facilitate negotiations with the clubs and consolidate the current positive relationships, it is considered that a Memorandum of Understanding (MOU) be drawn up between the clubs and the City. The MOU would clearly identify the terms of use of facilities in the period up to October 2005, a timeline for the progression of negotiations and the identification of the expectations of both parties that the ultimate objective is a lease agreement.

In the case of the WDCC the MOU would formalise the current de-facto arrangements in place, yet not commit the City to transferring assets or the responsibility for oval bookings to the club.

A copy of the MOU would also be provided to the Whitfords Junior Football Club who has indicated it does not wish to enter into a lease agreement with the City.

In the case of the Whitfords Hockey and Whitfords Football Clubs, the MOU would provide for an extension of their current licences to occupy until October 2005, under the same conditions as those that are in place under the current licence.

The formalisation of the agreement with the WDCC together with the extension of time to the Whitfords Hockey Club, Whitfords Football Club and will provide an opportunity for all parties, including the Whitfords Junior Football Club, to resolve all outstanding issues and negotiate a lease agreement in a defined timeline without overt pressure. As part of the wider communication process, a range of identified community stakeholders should be advised of Council's decision on this matter.

VOTING REQUIREMENTS

Simple Majority

MOVED Cr Patterson, SECONDED Cr Kenworthy that Council ENDORSES:

- 1 a Memorandum of Understanding be provided to the Whitfords and Districts Cricket Club Inc which confirms the terms of the current de facto agreement with the City and identifies a timeline to establish future management arrangements at the site;**
- 2 that the Memorandum of Understanding with the Whitfords and Districts Cricket Club Inc identifies that the maintenance equipment and shed remain assets of the City during the term of the current agreement;**

- 3 that a Memorandum of Understanding be provided to the Whitfords Football Club and the Whitfords Hockey Club, currently confirming that the licence periods of any licences the clubs may have be extended to 2005;
- 4 that a copy of the Memorandum of Understanding between the City and Whitfords and Districts Cricket Club Inc will be provided to the Whitfords Junior Football Club and the Whitfords Junior Cricket Club for information;
- 5 the development of future management arrangements, which include Whitfords and Districts Cricket Club Inc, the Whitfords Football Club and the Whitfords Hockey Club, be investigated by officers with the clubs.

This investigation will address:

- (a) tenure of buildings and the parks;
 - (b) the development of any additional facilities required by the Association;
 - (c) the maintenance and management of the turf cricket wicket;
 - (d) the ownership, maintenance and replacement of the maintenance equipment;
 - (e) the control of the booking function of the park;
 - (f) other appropriate issues identified during the course of negotiations;
- 6 that other user groups of the facilities be advised of Council's decision on this matter.

The Motion was Put and

CARRIED BY
EN BLOC RESOLUTION NO 1

**CJ298 - 11/02 MINUTES OF THE SENIORS INTERESTS
ADVISORY COMMITTEE - SEPTEMBER 2002 –
[55511]**

WARD - All

PURPOSE

The purpose of this report is to provide Council with the minutes of the Seniors Interests Advisory Committee meeting held 18 September 2002. The committee presents this report because there was a resolution by the Committee that requires consideration by Council.

EXECUTIVE SUMMARY

As a result of discussion at the meeting regarding the provision of residential and support services for seniors in the City of Joondalup, the Committee endorsed the following resolution:

MOVED Cr O'Brien, SECONDED Kevan Rowe that this committee recommends and requests that Council incorporates up to ten hectares for an "Elderbloom" type development as a seniors retirement opportunity in the coastal strip at Ocean Reef.

The Motion was Put and

CARRIED

BACKGROUND

The objectives of the Seniors Interests Advisory Committee require that the committee oversee the strategic coordination of all seniors' issues across the City. As a result of the committee's discussions, they believed that there is a need within the City of Joondalup for a facility to service the residential and support needs of seniors. The Elderbloom facilities were highlighted as a model for accommodation and services to seniors in the community.

Elderbloom is a community care complex situated in the Wanneroo region that provides accommodation and support services to seniors. Such facilities include independent living units, lodge accommodation and nursing home accommodation. The support services available for seniors are 24-hour call system, social activities, meal provision, and personal laundry service, nursing staff, occupational therapist, physiotherapist and total medical care.

The Ocean Reef Development Committee is looking at the future development opportunities for the Council owned land in the coastal strip at Ocean Reef.

COMMENT

There is merit in the suggestion that facilities for seniors are required to meet increasing needs in the City of Joondalup community. The nature of facilities and services and where they are located to best meet community need requires attention. An audit of existing group accommodation for seniors, the support services available, the projected population growth, the availability of land and a comprehensive needs assessment would be necessary prior to any decisions being made.

It is considered appropriate that this matter be referred to the Ocean Reef Development Committee for consideration as a part of the overall development of Lot 1029 Ocean Reef.

VOTING REQUIREMENTS

Simple Majority

MOVED Cr Patterson, SECONDED Cr Kenworthy that Council:

- 1 NOTES the unconfirmed minutes of the Seniors Interests Advisory Committee from the meeting held 18 September 2002 forming Attachment 1 to Report CJ298-11/02;**
- 2 REFERS the motion to the Ocean Reef Development Committee for consideration.**

The Motion was Put and

**CARRIED BY
EN BLOC RESOLUTION NO 1**

Appendix 14 refers

To access this attachment on electronic document, click here: [Attach14brf191102.pdf](#)

CJ299 - 11/02 COUNCIL ENDORSEMENT OF THE SENIORS ACTION PLAN – [55511]

WARD - All

PURPOSE

The purpose of this report is to provide background information to Council on the development of the Seniors Action Plan (Attachment 1) presented by the Strategic Advisory Committee – Seniors Interests. It is then requested that Council accepts the report to provide guidance for the continued work by the City's Administration in addressing the current and future needs of the seniors community.

EXECUTIVE SUMMARY

The Seniors Action Plan has been developed to assist in the strategic development and planning of the current and future needs of seniors and address the City's changing population demographics. The plan will guide the work of administration, allow Council to make decisions on current and future seniors services and support the ongoing work of community groups, organisations and agencies in meeting the needs of seniors.

The Seniors Action Plan addresses the following six key issues for seniors in the community

- Promoting positive attitudes towards older people
- Developing and implementing policies, programs and services
- Developing effective and consistent information and communication processes
- Increasing optimum health, well-being and independence
- Addressing safety and security issues faced by seniors
- Increasing opportunities for education and training

The Plan outlines objectives strategies, barriers and financial implications for each of the five key issues and identifies the sections within The City that would take carriage of each objective.

The report recommends that Council accepts the Seniors Action Plan and endorses the continuing work of administration in addressing current and future needs of the City's seniors population through the implementation of the Seniors Action Plan.

BACKGROUND

The level of demand for most goods, services and infrastructure varies with age; therefore knowledge of the age structure in an area is critical for planning in both the public and private sectors.

The age structure of the City of Joondalup is generally characterised by a high proportion of families with young children, increasing numbers of adolescents and young adults, and an ageing population as the Baby Boomers enter their 50s. Baby Boomers are defined as the generation born directly after the Second World War, from 1945-1960.

The estimated number of seniors living in the City in the next 16 years i.e. those who are 65+ will make up 15.9% of the population compared to the current level of 7.2%. In comparison, those aged 0-19 years currently represent 30.2% of the population, which will fall slightly to 23.9%. It is therefore important to recognise that a continued focus on youth needs is required to match service levels for target populations.

The City needs to address these population issues to strategically plan for its future. The Commonwealth and State Governments have respectively developed policies addressing population change and the need to plan for the ageing population. In comparison to the Perth metropolitan area, the City of Joondalup retains a relatively young population. As can be viewed in Table 1, the population retains a strong youth population and a significantly smaller 65+ population.

Table 1 - Age by Sex

AGE	0-14	15-24	25-44	45-64	65+	TOTAL
Male	17106	12211	19716	18363	4843	72239
Female	16285	11409	22480	18494	6217	74885
TOTAL	33391	23620	42196	36857	11060	147124
Percent	23.0%	16.0%	29.0%	25.0%	7.0%	100%

Note: Overseas visitors are excluded from these counts

Source: Australian Bureau of Statistics 2001 Census

In planning for its future by understanding and preparing for population shifts, the City is more likely to be able to address any issues that may arise.

The Seniors Working Group, an internal consultative working group comprising representatives from Strategic Planning, Library Services, Recreation Services and Community Services was formed to assist with the identification and development of programs, activities and services specific to the needs of seniors. The working group also provides information to the Strategic Advisory Committee – Seniors Interest as necessary. The group conducted meetings on 10 and 24 January 2002 to formulate a Draft Seniors Action Plan, using local information, state government policy and demographic data.

A draft of the Seniors Action Plan was presented at the Business Unit Managers Meeting on Monday 4th February 2002 for their perusal. The (then) Manager – Health and Community Services tabled the draft Action Plan as Agenda Item 4.1 of the meeting. Feedback from Business Unit Managers was requested to ensure all Business Units had the opportunity to comment on the potential impact of the plan on their Business Unit and to ensure all Business Unit Managers were aware of their responsibilities in actioning the plan. Managers gave little feedback so it was considered they were satisfied with the draft plan.

The Plan was presented to the Strategic Advisory Committee – Seniors Interests on Wednesday 6th February 2002. This was an important stage as the Seniors Advisory Committee - Seniors Interests has both industry and community representatives whom have had the opportunity to provide valuable information on the local needs of seniors. The Seniors Advisory Committee - Seniors Interests supports the Seniors Action Plan, as a whole-of-organisation approach to plan, develop and facilitate for the current and future needs of seniors in the City.

Strategic Plan:

As an in depth document involving the various levels and Business Units within the City's administration, a number of Key Result Areas from the City's Strategic Plan 2000-2005 are addressed including the following:

Strategy 1.1

"Fulfil and maintain a regional coordinating role"

Strategy 1.2

"Take a leadership role, initiate, facilitate and promote leading-edge projects and best practices which deliver significant benefits to the community"

Strategy 2.5

"Work with the community and key organisation to enhance safety and security"

Strategy 2.7

"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

As a result of the recognition of the impact an ageing population will have on the City as a regional centre, the Seniors Action Plan was designed to be a whole-of-organisation document that guides internal practice in addressing the current and the future needs of our seniors population.

The significant issue of our ageing population requires forward strategic planning and recognition of the impact an ageing population will have on the City's resources and the make up of the community.

The vision of the Action Plan is to strategically develop and plan for the current and future needs of seniors to address the City's changing population demographics. To address these issues a whole-of-organisation approach is necessary.

There are six key features of the Seniors Action Plan:

- **Promoting positive attitudes towards older people.** This is achieved by working towards reversing the negative stereotypes and myths about ageing and portraying seniors in a realistic and positive manner. This can be done through effective use of the media and promotion of activities aimed at involving seniors in wide ranging activities.

- **Develop & implement policies, programs and services.** This is accomplished by increasing seniors access to programs and services through addressing barriers to access. This would include programs provided by the City of Joondalup and encouraging community service groups to follow similar lines.
- **Developing consistent information & communication processes.** By improving seniors access to information about government services and policies, effective and consistent information dissemination can occur. Recent work undertaken by various areas of Council has helped in formulating the achievement of this aim.
- **Increase and encourage optimum health, well being & independence.** As seniors are living longer and more active lives it is important to continue to encourage optimum health and well being across the City's population. By encouraging services and facilities that optimise seniors health and well-being appropriate services and programs designed to assist independence can be highlighted and supported
- **Address safety & security issues facing seniors.** The work undertaken in the area of safety and security often draws significant public attention. It is therefore important to continue to work towards increasing the safety and security of seniors in the City and the rest of our community.
- **Increase opportunities for education & training.** The work that has begun in setting up the frameworks for a learning City have paved the way to continue to support the notion of Life Long Learning. As a model of practice this can be incorporated into the aim of improving seniors access to education & training and more importantly their opportunity.

Combined, these six aims address the wide-ranging needs of seniors and will help build the capacity and veracity of our local seniors population.

The example this sets for the rest of the City's population will assist the City to address a number of social issues such as barriers to access, safety and security and the optimum health and well-being of our community members. As a starting point the Seniors Action Plan can be built on, developed and refined to ensure responsiveness to the needs of local seniors and effectively plan for the future needs of seniors and the City.

The Seniors Working Group, which is the internal consultancy group, will be responsible for the management and co-ordination of the plan to ensure a co-ordinated approach is upheld and the needs of seniors are being addressed. The Seniors Working Group will also develop and manage an agreed timeline for the implementation of this plan, once direction is received from Council.

The Plan will be regularly reviewed to ensure it is up to date and relevant to the needs of our local seniors community. Ongoing updates on the actioning of the plan will be made to the Strategic Advisory Committee – Seniors Interests and regular updates also provided through the Desk of the CEO. Reporting will be against the objectives of the Seniors Action Plan, which will reflect the City of Joondalup's Strategic Plan.

The Population in Focus

The level of demand for most goods, services and infrastructure varies with age; therefore knowledge of the age structure in an area is critical for planning in both the public and private sectors. The age structure of the City of Joondalup is generally characterised by a high proportion of families with young children, increasing numbers of adolescents and young adults, and an ageing population as the baby boomers enter their 50s. It is important to note that the summation of the data to an area the size of the City of Joondalup tends to mask regional age structure differences.

The ageing City of Joondalup community reflects national trends of an ageing population in the second and third decades of the 21st century. At the time of the 1996 Census only 2.31% of the population was 75 or over, by far the smallest age group and a relatively small population to provide services. Joondalup will not necessarily experience a rapid ageing of the population, in the near future, as is the trend across Australia, as most individuals settled here 10 – 20 years ago as young families seeking their first home. There still exists the need to plan for the future need of seniors and work with neighbouring Councils and relevant State Government Departments in a cohesive and strategic manner and be aware of the ongoing work of the Commonwealth Government in planning for the needs of Australia's Ageing population.

Community profile changes and challenges

It is necessary to acknowledge that within the next 20 years or so there will be an impact on this changing community profile.

Though an ageing population highlights issues of reduced labour force participation, reduced savings and investments and increased social expenditure especially in the area of health spending, Joondalup is in a relatively unique position. Over the last 10 – 15 years the City has been characterised with young families with young children. These now 'young adults' who have grown up in the area are now aged 15 – 25 years. The sustained economic growth in the City becomes an issue along with the environment and social sustainability.

Benefits for the City of Joondalup

By developing a Draft Seniors Action Plan that is responsive to local needs and develops programs and activities that address the current and future needs of seniors, the City of Joondalup can consolidate a strategic planning process to address ageing population issues.

This will also assist in the development of programs and activities specific for seniors and help in acclimatising the community to not only change their perception of the role of elderly citizen's but their own lifestyle choices as the future seniors of our communities.

It is envisioned that the Draft Seniors Action Plan will continue to be a dynamic and responsive internal document that uses feedback from the community and the Strategic Advisory Committee – Seniors Interests to continually engage the local seniors community. The embedded aspects of regional co-ordinator within the plan will also ensure that services and programs are not duplicated and that resource sharing can occur.

Consultation:

Comments were received from industry and community representatives on the Strategic Advisory Committee – Seniors Interests. Advisory Committee members were also asked to forward and encouraged to inform interested community members to also make comment.

Strategic Implications:

The Seniors Action Plan offers Council and Administration the opportunity to not only plan for the future but also remain informed of the increasing needs of our senior community members. The work in the Seniors Action Plan and the knowledge of future population challenges could potentially have an affect on the City's Integrated Strategic Planning process.

Remaining informed of seniors issues and identified needs and continuing to include the City in regional planning forums will continue to assist the City's seniors population and the forward planning for the City's ageing population. As Western Australia's, and the nation's, population continues to significantly age, the need for collaborative regional work between the three tiers of government, local services providers and the community will increase. The Seniors Action Plan recognises this and will assist in facilitating the building of local and significant partnerships at all levels.

Financial Implications:

Most costs associated with the Seniors Action Plan will be met within existing program and activity budgets, with most of the Plan's objectives being met through imbedded strategies within existing programs and activities.

Small amounts of funding for community needs assessments and needs analysis may be sought externally for specific areas of the Plan. Information regarding resources is listed in the Plan under the column "financial implications".

COMMENT

It is recommended that Council approve the Seniors Action Plan and work with Administration, the Strategic Advisory Committee – Seniors Interests and the Seniors Working Group to ensure its smooth transition into the existing work of Council. Effective planning at this stage will ensure that the identified needs of our current seniors community will be adequately met. It is also identified that careful forward planning will also assist in meeting the challenges and opportunities of the City's ageing population. The significant increase over the next 10-15 years of over 65's will have impacts on the available working aged population with flow on effects to the local economy. There is also the issue of level of service provision, which is different through the age ranges. Seniors have significantly higher transport, health and welfare needs. On a regional level these will require careful regional planning and facilitation.

The Seniors Action Plan has highlighted the significant work currently being undertaken to address the unique needs of our local seniors community. There are also areas of attention that under refinement will continue to be specific to local needs and based within an informed practice framework. The significant issue of our ageing population requires forward strategic planning and recognition of the impact an ageing population will have on the City's resources and the make up of the community.

It is therefore recommended that Council approve the implementation of the Seniors Action Plan in its entirety.

VOTING REQUIREMENTS

Simple Majority

MOVED Cr Patterson, SECONDED Cr Kenworthy that Council:

- 1 ACCEPTS the Seniors Action Plan;**
- 2 ENDORSES the continuing work of Administration in addressing current and future needs of the City's Seniors population through the implementation of the Seniors Action Plan.**

The Motion was Put and

**CARRIED BY
EN BLOC RESOLUTION NO 1**

Appendix 15 refers

To access this attachment on electronic document, click here: [Attach15brf191102.pdf](#)

CJ300 - 11/02 SUPPLY BEACH LIFEGUARD PATROL SERVICES - TENDER NUMBER 014-02/03 – [58526]

WARD - All

PURPOSE

To recommend the acceptance of the tender submitted by Surf Lifesaving WA (Tender No. 014-02/03) with revised price schedule and patrol hours, for the provision and supply of a midweek "Beach Lifeguard Patrol Service" at three (3) of the City of Joondalup's coastal locations.

EXECUTIVE SUMMARY

Tender number 014-02/03 for the provision of a Beach Lifeguard Patrol Service was advertised through state-wide public tender on Saturday 7 September 2002 and closed at 3pm on Tuesday 24 September 2002. Two Tenders were received from:

1 Surf Lifesaving WA	\$64,748
2 Municipal Contractors	\$65,107

Following a thorough evaluation of the tenders received and further clarification against the selection criteria, Surf Life Saving WA is the recommended service provider. The 2002/2003 budget has allocated \$55,000 for the City's midweek lifeguard contract. Negotiations have commenced with Surf Life Saving WA to provide the most comprehensive patrol with the funds available. The agreed service will involve a total of 2,235 patrol hours with the core service at each of the three locations listed below;

Mullaloo Beach	6.00am – 6.00pm
Sorrento Beach	6.00am – 6.00pm
Hillarys Marina	9.00am – 6.00pm

Based on these hours, the City of Joondalup's midweek Beach Lifeguard Patrol Service will operate from Monday 2 December 2002 through to Friday 7 March 2003.

It is recommended that Council accept the tender from Surf Life Saving WA with the revised price schedule and patrol hours at a total value of \$54,983 exclusive of GST. An annual review of the service will be conducted to ensure the lifeguard patrols meet the standards required.

BACKGROUND

In 1990/1991, the former City of Wanneroo, contracted a beach lifeguard service to provide midweek summer patrols for Mullaloo and Sorrento Beaches at a cost of \$22,300. The service increased in 1995/1996 to include the provision of lifeguards at Hillarys Marina and an extension in the hours patrolled at each location. Since the early years of the service, the scope and extent of the contract has steadily increased and in 2001/2002 coverage was provided from 6.00am to 6.00pm at Mullaloo and Sorrento Beaches and from 9.00am to 6.00pm at Hillarys Marina. The patrols operated from Monday 3 December 2001 through to Friday 8 March 2002 at a total cost of \$47,892 (exclusive of GST).

At the conclusion of the 2001/2002 beach lifeguard patrols, the City received a number of communications from residents requesting an extension of the service until the end of March to accommodate the large numbers of people utilising the beaches during this month. Consultation with the Mullaloo and Sorrento Surf Life Saving Clubs was entered into, to ensure the summer patrols for 2002/2003 met the needs of all beach users.

Through this consultation, it became evident that the cost of the 2002/2003 service would exceed \$50,000 and therefore the City would be required to enter into a tender process for the future provision of the "Beach Lifeguard Patrol Service" contract. It was considered appropriate at this time to offer the contract for a period of three (3) terms, with an annual review to be conducted at the conclusion of each term. Each term will commence in the first week of December and conclude at the end of the first week of March the following year.

DETAILS

The City of Joondalup sought the knowledge and experience of local stakeholders in the development of tender specifications for the midweek "Beach Lifeguard Patrol Service". The stakeholders involved included:

Mr Steve Dargie	President Mullaloo Surf Life Saving Club
Mr Neil Rouse	President Sorrento Surf Life Saving Club
Mr David Hunt	Royal Life Saving Society of Australia
Mr Graeme Hall	Manager Community Development Services
Mr Craig Johnson	Recreation Officer

The working party established a specification that reflected the needs and safety requirements of the City of Joondalup, the individual Surf Life Saving Clubs and visitors and residents utilising the City's beach locations. The tender specification centred on a number of important issues including the provision of an extended service through to the end of March 2003, with increased flexibility of patrol hours to meet peak periods. The patrols were proposed to start on Monday 2 December 2002 and operate through until Friday, 28 March 2003.

The flexibility component that was built into the specifications, was to allow the City to maximise its financial outlay. The opportunity to close the beach early on days when prevailing conditions inhibit beach usage and alternatively extend patrol hours on extremely hot days, would enable the City to provide a more comprehensive lifeguard service.

Other issues covered in the specification included an improvement in the communication procedures to ensure public safety, the development of comprehensive risk management plans for all aspects of the lifeguard patrols and an increased focus on customer service initiatives.

Contract Period

The tender being offered is for a three year period with annual reviews based on a set of established key performance indicators. The key performance indicators are:

- 100% safety record at all identified lifeguard patrol areas (variation to this KPI must be fully justified by the Service Provider).
- submission of fortnightly written reports to the City's nominated representative, in a format to be agreed upon prior to the commencement of the contract.
- high level of satisfaction from both the Mullaloo and Sorrento Surf Life Saving Clubs with regards to communication and use of facilities.
- > 80% customer service satisfaction from fortnightly service evaluations conducted by the service provider.
- punctuality of lifeguards for all patrols – random survey.

Policy 2.4.6 Purchasing Goods and Services

The City's Policy on purchasing goods and services encourages local business in the purchasing and tendering process: no submissions were received from local providers.

Statutory Provision:

In undertaking the selection of the tender, the City has complied with the provisions of the *Local Government (Functions and General) Regulations 1996*.

TENDER EVALUATION

The Tender Evaluation Working Party was established comprising:

Steve Dargie	President Mullaloo Surf Lifesaving Club
Neil Rouse	President Sorrento Surf Life Saving Club
David Hunt	Royal Life Saving Society of Australia
Graeme Hall	Manager Community Development Services
Craig Johnson	Recreation Officer

Under the City's Contract Management Framework and AS 4120-1994, tenders were assessed by the Tender Evaluation Working Party using a weighted multi-criterion assessment system. The criteria provided in the Tender Document was:

A Patrol Duties

The Tenderer will identify and include an established set of procedures detailing all patrol duties performed by the lifeguards on a daily, weekly and monthly basis. Procedures must be clear and concise to ensure that all tasks are carried out to the highest possible standards.

- 1.1 Daily
- 1.2 Weekly
- 1.3 Monthly

B Staff Requirements

All lifeguards employed to patrol City of Joondalup beaches, must be subjected to a thorough employee screening process conducted by the Service Provider. Lifeguards must have a federal police clearance, a valid first aid certificate and hold valid and appropriate Surf Life Saving qualifications

Other Staff Requirements

All staff will be trained and educated by the Service Provider in the operational procedures associated with the performing their day to day surf lifesaving duties. Training should cover all possible situations and scenarios that may face lifeguards and a copy of the training programme must be submitted.

C Equipment

The Service Provider must demonstrate its ability to identify and supply surf life saving equipment to fulfil all lifeguard requirements including:

- 1. Life Saving;
- 2. Beach Environment Identification;
- 3. Rescues;
- 4. First Aid.

D Risk Management

The Service Provider must have in place a comprehensive risk management plan including a full risk analysis with all necessary components and action plans specific to each individual risk of beach lifeguard operations.

E Communications Plan

The Service Provider must demonstrate its ability to access and utilise a fully operational communications network. This will involve a thorough emergency procedures plan and identify all relevant stakeholders and their role in the communication plan.

The Service Provider must also demonstrate that it has access to and can utilise a specialized recording mechanism to log all emergency phone calls.

F Previous Experience

Surf Life Saving Experience

The Service Provider must detail all previous experience in Beach Lifeguard Patrol Service provision. References are required (ie. Local Government).

Facility Management Experience

The successful Service Provider must supply evidence of experience in facility management procedures and accept responsibilities when utilising the surf club buildings.

Weightings for all criteria were agreed prior to the Tender Evaluation Working Party meeting. The weightings remained unaltered through the evaluation process for each tender, thereby ensuring the integrity of the tender evaluation process.

Surf Lifesaving WA ranked first overall in the evaluation process, however it was evident that further information was required on four (4) specific areas and a request for clarification was sought from both Contractors. The Tender Evaluation Working Party met again to assess the responses, and based on the clarification and evaluation criteria, Surf Lifesaving WA was identified as the preferred tenderer. The cost of Surf Life Saving WA's contract for the 2002/2003 summer season was \$64,748 (exclusive of GST).

Financial Implications:

At the conclusion of the 2001/2002 summer, provision was made by City of Joondalup officers to increase the level of budget funds for the midweek Beach Lifeguard Patrol Service by \$7,000 from \$48,000 to \$55,000. Based on the 2001/2002 contractual arrangements, a budget amount was sought in 2002/2003 that would enable the City to extend the number of patrol days and provide an increased level of lifeguard services available on the beaches. In doing so, the City was looking to have lifeguards active until the end of March as opposed to ceasing the service in early March, as was the case in 2001/2002.

The costings received as a result of the tender process have required a recommendation to maintain the 2001/2002 level of service, rather than extend the number of patrol days. The increased costs of the beach lifeguard service have been as a result of the following:

1. An increase in the hourly rate for beach lifeguards (from \$14.92/hr to \$15.96/hr);
2. An increase in the costs of providing Surf Life Saving WA's radio communication network (call sign - VN6SA) for all beaches within the metropolitan area; and
3. The ever increasing costs of public liability insurance, which is being passed on to local authorities by the service provider, Surf Life Saving WA.

Whilst it is preferred that the beach patrols be extended in accordance with the proposed additional hours, to ensure that the service is able to be covered by the budgetary funds available it is recommended that the service conclude on Friday, 7 March 2003. This service will cover the extent of the school holiday period.

COMMENT

The tender submission from Surf Lifesaving WA will provide the City of Joondalup with a comprehensive Beach Lifeguard Patrol Service, meeting the needs of both the City and its residents and visitors. The City is developing the midweek Beach Lifeguard Service to become a more performance based agreement. The reporting requirements that are being placed upon the recommended provider will ensure that the standard of the patrols are enhanced.

The Beach Lifeguard Patrol Service for 2002/2003 will operate from Monday 2 December 2002, to Friday 7 March 2003, for a total of 2,235 hours. This service will provide the City with three (3) patrolled beach locations throughout the summer months and offer all beach users safe bathing environments.

VOTING REQUIREMENTS

Simple Majority

MOVED Cr Patterson, SECONDED Cr Kenworthy that Council ACCEPTS the:

- 1 tender from Surf Life Saving WA to provide the City of Joondalup's midweek Beach Lifeguard Patrol Service for a period of three (3) years, with an annual review at the conclusion of each term;**
- 2 Lump Sum Price of \$54,983 exclusive of GST for the first term of the contract, which commences from 2 December 2002 to 7 March 2003 in accordance with the negotiated terms and conditions of Tender 014-02/03, subject to:**
 - (a) the provision of a satisfactory management plan for 2,235 hours of beach patrols;**

- (b) **the provision and acceptance of a revised risk management plan, including occupational health and safety considerations for all lifeguards;**
- (c) **the development of measures to comply with the sustainable key performance indicators outlined within the tender specifications.**

The Motion was Put and

**CARRIED BY
EN BLOC RESOLUTION NO 1**

**CJ301 - 11/02 CRAIGIE LEISURE CENTRE – FUTURE
 DIRECTIONS - [09050]**

WARD - All

PURPOSE

To recommend to Council that the report for the Craigie Leisure Centre – Needs Assessment presented by A Balanced View Leisure Consultancy Services be received.

To propose to Council a course of action that can be pursued as part of a development proposal for the Craigie Leisure Centre.

EXECUTIVE SUMMARY

The Needs Assessment report as presented by A Balanced View Leisure Consultancy provides for Council, a strong indication of the need for aquatic facilities as part of the facility mix at the Craigie Leisure Centre. The process has sought to consult with the community (users and non-users) interested and relevant parties (Western Australian Swimming Association and the Education Department) and leisure industry practitioners. The report has also taken the opportunity to look at the centre's market position with regards to a competitor analysis and has identified a lack of similar facilities within the northern corridor, other than Arena Joondalup to the north, which has a fairly distinct market of its own.

It is recommended to Council that the work of the internal working party be encouraged to continue in developing the project; and that a design consultant be engaged to examine a possible refurbishment proposal in conjunction with Elected Members and community representatives. This proposal will primarily consider the development of the aquatic component of the facility as well as the possible incorporation of up to eight squash courts. Conceptual drawings and indicative costings would need to be the subject of further deliberation by Council.

BACKGROUND

On 9 July 2002 (JSC5-07/02 refers) Council resolved in part that:

- 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 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.

In response to this resolution by Council an internal working group was established to resource the development of any project works that were likely to occur at the Craigie Leisure Centre. As part of the working group's role a Balanced View Leisure Consultancy was engaged to undertake a Needs Assessment for the aquatic facility component of the Craigie Leisure Centre. The Brief provided to the consultant was to:

- Review the existing facilities at the Craigie Leisure Centre.
- Undertake a competitor analysis of wet and dry facilities.
- Review current and future trends in facility design; and
- Undertake a comprehensive community consultation process.

The recommendations made as a result of the needs assessment process are intended to assist the City to:

- Make an application to the Community Sport and Recreation Facilities Fund; and
- Assist Council in its deliberations regarding facilities at the Craigie Leisure Centre.

The key component of the needs assessment project was the community survey that aimed at seeking comment from users and non-users of the Craigie Leisure Centre. In order to maximise the community's input, the survey was advertised in the *Community News* on 17 and 19 September 2002. The survey forms were available online through the Council's web site as well as in hard copy form from the City's Libraries, Leisure Centres and Customer Service Centre at Whitford City Shopping Centre. In order to ensure that users of the facility did not dominate the survey, a number of random surveys were conducted at a number of shopping centres. The response to the survey was excellent with 930 survey forms being completed. The results of the survey have provided the basis for the recommendations that have been presented within the report, being provided to Council for consideration.

DETAILS

The City's internal Leisure Centre Working Party has been empowered to support the ongoing operational and developmental issues associated with the leisure centres, as well as the possible proposal to redevelop the Craigie Leisure Centre. This has included the engagement of a Balanced View Leisure Consultancy to undertake the needs assessment (Attachment 1) and the management of the application to the State Government for funding to support any possible redevelopment of the Craigie Leisure Centre.

In order to develop the project so far the following initiatives have been pursued.

Community Sport and Recreation Facilities Fund

Following consideration of a Report circulated to the Council on 15 October 2002 (CJ256-10/02 refers), at the Meeting it was resolved that Council:

2. ENDORSES the submission of an application to CSRFF for \$1.5 million for the refurbishment of the Craigie Leisure Centre and that this project be the City's number one priority.

This recommendation was on the basis that the City was seeking the funds from the State Government as a Forward Planning Grant for the 2004/2005 financial year. Due to the tight time frames involved in the period from when the initial consultant's report was received and the closing date for the CSRFF program on 30 October 2002, there has been very limited opportunity to consult with the community or Council regarding the application submitted. It is anticipated that if Council is satisfied with the recommendations of the Needs Assessment Report, there will be a further process of defining any possible work that may be proposed as part of the Craigie Leisure Centre redevelopment project.

Marmion Squash Club

As part of Council's resolution regarding the prioritisation of CSRFF projects by Council, it was recommended that the project proposed Marmion Squash Club be incorporated within the City's application for the Craigie Leisure Centre. This resolution by Council was made without the knowledge of the findings of the Needs Assessment. It is, however, worth noting that there were 86 respondents to the survey who indicated that squash courts would attract them to use the facilities at the Craigie Leisure Centre. This response by the community was ranked number eight (8) behind a hydrotherapy pool, new change rooms, water slides and a new gym to name a few of the facilities highly sought by the community.

Correspondence has also been received from WA Squash, the governing body for the sport of squash in Western Australia, with regards to possible accommodation within the Craigie Leisure Centre. This approach has not been developed to any length at this stage. This proposal would need to be developed further before Council's support could be sought.

The application by the City to the CSRFF for funding has included squash courts as part of the draft concept drawings. It is again important that Council is aware that this is purely a conceptual idea, that to date has been developed for the purpose of making a funding application.

Findings of the Needs Assessment Report

The key findings of the Needs Assessment Report indicate that:

- The lap pool is the major attractor of people to the Craigie Leisure Centre and that the availability of a 50 metre water space would enhance the use of the facility.
- There is demand for varying water temperature areas within the facility, this availability of warm water could be in the form of hydrotherapy, which would also enhance some aspects of the "Learn To Swim" program.

- There is a need for innovative and interactive water features within the facility. Structural features within the wet area rated number three (3) as attributes that would attract people to use the Craigie Leisure Centre.
- The standard of the change rooms on the wet side of the facility need to be improved.
- The spa and sauna feature of the Craigie Leisure Centre are well regarded as facilities within the Craigie Leisure Centre. There is strong indication that these components of the facility attract people to the centre.
- The gym is the number two (2) feature that attracts users to the centre. While highly regarded by respondents, the strong feeling is that there is a need to enhance this area of the facility.
- Consideration is given to the development of health and wellness suites within the Craigie Leisure Centre as a facility.
- Squash courts would attract additional patrons to the facility.

Whilst the findings listed above represent an overview of the outcomes listed within the overall report presented by the consultant. It is clear that the list of recommendations needs to be explored further and developed as part of the further consultation about the Craigie Leisure Centre.

Integral to the further consultation process would be a facility users reference group, which would act as a community voice during the design process. It is also proposed to include the Ward Councillors in the design development and to use them as a conduit for information.

FINANCIAL IMPLICATIONS

It is important for the Council to know that at the present time there is no clear indication as to the financial implication of the Craigie Leisure Centre project. The findings of the Needs Assessment Report have indicated that there is a need for an aquatic component at the Craigie Leisure Centre. The total extent of the project would need to be the subject of a further report to Council once a detailed specification has been developed and further community consultation has been undertaken as part of the design consultancy.

The 2002/2003 financial year has included \$912,000 as Council's commitment towards capital projects at the Craigie Leisure Centre. Of this \$912,000 there is a combination of the following specific projects:

- \$510,000 to replace the pool basin,
- \$267,000 to upgrade the pool surrounds; and
- \$135,000 to refurbish the change rooms and toilets.

The application made by the City to the CSRFF funding program is for a contribution from the State Government of \$1.5 million, in the 2004/2005 financial year. If the City were to receive the full amount requested, it would require that the City would need to provide matching funding to the value of \$3 million. Should the City be offered a lesser amount of funding, a lesser matching contribution would be required from the City.

Previous discussions with the Council have indicated that a total project cost of \$3 million. This amount was based upon a redevelopment of the aquatic facility. If the Council were to broaden the criteria, it would be expected that the project cost could increase depending on the final design.

COMMENT

The present situation is that the City has undertaken a significant number of preparatory tasks regarding the redevelopment of the Craigie Leisure Centre. A Needs Assessment Report completed by a consultant, has provided the City with an indication that there is a need to retain the aquatic component of the facility. What is sought from Council is guidance as to the further development of the Craigie Leisure Centre refurbishment project.

In order for Council to make an informed decision regarding the City's commitment to the redevelopment of the Craigie Leisure Centre, there is a need for further information to be sought and subsequently presented to Council for further consideration.

FINANCIAL IMPLICATIONS

It is important for the Council to know that at the present time there is no clear indication as to the financial implication of the Craigie Leisure Centre project. The findings of the Needs Assessment Report have indicated that there is a need for an aquatic component at the Craigie Leisure Centre. The total extent of the project would need to be the subject of a further report to Council once a detailed specification has been developed and further community consultation has been undertaken as part of the design consultancy.

The 2002/2003 financial year has included \$912,000 as Council's commitment towards capital projects at the Craigie Leisure Centre. Of this \$912,000 there is a combination of the following specific projects:

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Previous discussions with the Council have indicated that a total project cost of \$3 million. This amount was based upon a redevelopment of the aquatic facility. If the Council were to broaden the criteria, it would be expected that the project cost could increase depending on the final design.

COMMENT

The present situation is that the City has undertaken a significant number of preparatory tasks regarding the redevelopment of the Craigie Leisure Centre. A Needs Assessment Report completed by a consultant, has provided the City with an indication that there is a need to retain the aquatic component of the facility. What is sought from Council is guidance as to the further development of the Craigie Leisure Centre refurbishment project.

In order for Council to make an informed decision regarding the City's commitment to the redevelopment of the Craigie Leisure Centre, there is a need for further information to be sought and subsequently presented to Council for further consideration.

VOTING REQUIREMENTS

Simple Majority

MOVED Cr Patterson, SECONDED Cr Kenworthy that Council:

- 1 NOTES the receipt of the Craigie Leisure Centre Needs Assessment Report as presented by a Balanced View Leisure Consultancy;**
- 2 ENDORSES the City calling for tenders from suitably qualified consultants for the concept and detailed design of the redevelopment of the Craigie Leisure Centre;**
- 3 NOTES that a recommendation will be presented to the Council meeting on 18 February 2003 for the appointment of the design consultant;**
- 4 NOTES that the major findings of the Needs Assessment are potential elements to be considered within any future development at the Craigie Leisure Centre;**
- 5 SUPPORTS the establishment of a facility users reference group, representative of centre users, to be consulted during the concept and detailed design process;**
- 6 SUPPORTS, in principle, consultation with the Marmion Squash Club and WA Squash with a view to establishing their possible requirements and determining the feasibility of these needs within a redeveloped Craigie Leisure Centre facility.**

The Motion was Put and

**CARRIED BY
EN BLOC RESOLUTION NO 1**

Appendix 18 refers

To access this attachment on electronic document, click here: [Attach18agn261102l.pdf](#)

CJ302 - 11/02 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 October to 31 October 2002.

A total of 46 Development Applications were determined under delegated authority for October, to the value of \$4,583,574.00. The focus of the month's activity was on residential additions and grouped dwelling developments. Commercial developments included a car wash in Duncraig and a six unit showroom development in the Joondalup Business Park.

VOTING REQUIREMENTS

Simple Majority

MOVED Cr Patterson, SECONDED Cr Kenworthy that Council NOTES the determinations made under Delegated Authority in relation to the applications described in Report CJ302-11/02.

The Motion was Put and

**CARRIED BY
EN BLOC RESOLUTION NO 1**

Appendix 16 refers

To access this attachment on electronic document, click here: [Attach16brf191102.pdf](#)

CJ303 - 11/02 SUBDIVISION REFERRALS PROCESSED 1 – 31 OCTOBER 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

Attachment 1 is a schedule of the Subdivision Referrals processed by Urban Design and Policy Services, from 1 October - 31 October 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 applications processed will enable the potential creation of 12 additional residential lots, 1 commercial lot, 1 community purpose lot, 5 business lots and 17 strata residential lots. The average processing time taken was 13 days.

Seven applications were deferred and two applications not supported. A response to an Appeal was also forwarded to the Western Australian Planning Commission in regard to the Currambine Community Purpose site.

VOTING REQUIREMENTS

Simple Majority

MOVED Cr Patterson, SECONDED Cr Kenworthy that Council NOTES the action taken by the Subdivision Control Unit in relation to the application described in Report CJ303-11/02.

The Motion was Put and

**CARRIED BY
EN BLOC RESOLUTION NO 1**

Appendix 17 refers

To access this attachment on electronic document, click here: [Attach17brf191102.pdf](#)

**CJ305 - 11/02 CARINE GLADES TAVERN - APPEAL AGAINST
CONDITIONS - LOT 12 (493) BEACH ROAD,
DUNCRAIG – [05518]**

WARD South Coastal

DETAILS

This Item Is Confidential - Not For Publication

A full report has been provided to Elected Members under separate cover.

MOVED Cr Patterson, SECONDED Cr Kenworthy that Council ACCEPTS a mediated outcome in regard to the appeal against Conditions 5,6,7, & 8 of the approval dated 23 July 2002, in regard to the refurbishment of the Carine Glades Tavern at Lot 12 (493) Beach Road, Duncraig, on the following basis:

- 1 Condition 5 remains in place;**
- 2 Condition 6 be amended to include a requirement that the walls surrounding the function room courtyard be increased to 2.4m on the north, 3.4m on the northeast and 3.9m on the east side of the courtyard area in accordance with the recommendations of the Acoustic Report prepared by ND Engineering dated 6 November 2002. The requirements that the area not be used in any capacity after 7pm and that there be no background music, live amplified band or similar amplified entertainment in the area at any time would be retained;**
- 3 Condition 7 remains in place;**

- 4 Condition 8 be changed to require 158 car bays on site which would represent a compromise between the 157 bays agreed to by the Appellant and the 162 bays requested by the City.**

The Motion was Put and

**CARRIED BY
EN BLOC RESOLUTION NO 1**

**CJ292 - 11/02 PROPOSED 87 MULTIPLE DWELLINGS
(RESIDENTIAL APARTMENTS): LOT 173 & 174
SHOVELER TERRACE, CORNER LAKESIDE DRIVE
JOONDALUP – [40750]**

WARD - Lakeside

PURPOSE

The development proposal is referred to Council for determination. Discretion is sought to vary the standard requirements for residential density, building levels, car parking and front setbacks.

EXECUTIVE SUMMARY

An application has been received for 87 multiple dwellings (residential units). The proposal is three storeys in height within the Lakeside District of the City Centre. The proposal also incorporates a basement parking facility that is partially below the existing ground level. In some areas, the basement carpark will appear as an undercroft to the main building. The units will be located in two separate buildings, however, the development will present as a continuous built form.

The proposal is substantially in accordance with the relevant requirements and provisions for the area. Nevertheless, Council discretion is sought to vary the standard requirements for residential density, setbacks, levels and car parking. The variations sought are supported and may be considered by Council pursuant to District Planning Scheme No 2 (DPS2).

The subject land is located on the edge of the City Centre and is recognized as a significant “landmark” site. The proposed development is befitting the landmark status and role of the site.

BACKGROUND

Suburb/Location:	Lot 173, 174 Shoveler Terrace, Joondalup
Applicant:	TRG Properties Pty Ltd (offer to purchase from current owner)
Owner:	Cape Bouvard Developments Pty Ltd
Zoning:	DPS: Centre
	MRS: Central City Area

The proposal is over two adjacent lots, being Lot 173 and 174 Shoveler Terrace. Lot 173 is 4416m² and Lot 174 is 4513m². Lot 174 directly adjoins Lakeside Park to the east, while Lot 173 is separated from the Park by Waterbird Turn.

Details of proposal

The proposal consists of 87 residential units comprising of:

Unit Type	Average Area per Unit (m2)	Number of Units
2 bedroom	77.5	62
3 bedroom	90.8	25
	Total	87

The proposal also includes the following:

- a basement carpark for 153 bays;
- swimming pool and gymnasium; and
- landscaping of portion of Lakeside Park adjoining the development including a footpath.

Advertising

The site is designated as a Landmark site and it is therefore expected that a development of the scale proposed would be constructed on the site. The proposed variations are not expected to have any detrimental effect on the adjoining areas and the proposal has therefore not been advertised. Similarly the proposal is regarded as entirely consistent with its City Centre location.

For some time there has been a sign onsite explaining in some detail the nature of the proposal.

Statutory Requirements

The subject land is located within the “Centre” Zone of DPS2. DPS2, itself, does not contain specific land use or development control provisions for the Centre zone. Instead, the Scheme requires development to be in accordance with an approved Structure Plan. In this case the relevant approved Structure Plan is the Joondalup City Centre Development Plan and Manual (JCCDPM). Comment in relation to the specific requirements of the JCCDPM is outlined below.

The proposal incorporates a number of variations to the standard requirements of the JCCDPM. Provisions of the Scheme enable Council to consider such variations to the standard requirements of the plan. These provisions include:

4.5 Variations to Site and Development Standards and Requirements

- 4.5.1 *Except for development in respect of which the Residential Planning Codes apply and the requirements set out in Clauses 3.7.3 and 3.11.5, if a development is the subject of an application for planning approval and does not comply with a standard or requirement prescribed under the Scheme, the Council may, notwithstanding that non-compliance, approve the application unconditionally or subject to such conditions as the Council thinks fit.*
- 4.5.2 *In considering an application for planning approval under this clause, where, in the opinion of Council, the variation is likely to affect any owners or occupiers in the general locality or adjoining the site which is subject of consideration for the variation, the Council shall:*
- a) consult the affected parties by following one or more of the provisions for advertising uses pursuant to clause 6.7.1; and*
 - b) have regard to any expressed views prior to making its decision to grant the variation.*
- 4.5.3 *The power conferred by this clause may only be exercised if the Council is satisfied that:*
- a) approval of the proposed development would be appropriate having regard to the criteria set out in Clause 6.8; and*
 - b) The non-compliance will not have any adverse effect upon the occupiers or users of the development or the inhabitants of the locality or upon the likely future development of the locality*

In exercising discretion under clause 4.5, the considerations listed under clause 6.8 are particularly relevant:

6.8 Matters to be considered by Council

- 6.8.1 *The Council when considering an application for Planning Approval shall have due regard to the following:*
- (a) interests of orderly and proper planning and the preservation of the amenity of the relevant locality;*
 - (b) any relevant submissions by the applicant;*
 - (c) any agreed Structure Plan prepared under the provisions of Part 9 of the Scheme;*
 - (d) any planning policy of the Council adopted under the provisions of clause 8.11;*

- (e) *any other matter which under the provisions of the Scheme the Council is required to have due regard;*
- (f) *any policy of the Commission or its predecessors or successors or any planning policy adopted by the Government of the State of Western Australia;*
- (g) *any relevant proposed new town planning scheme of the Council or amendment or proposed Metropolitan Region Scheme Amendment insofar as they can be regarded as seriously entertained planning proposals;*
- (h) *the comments or wishes of any public or municipal authority received as part of the submission process;*
- (i) *the comments or wishes of any objectors to or supporters of the application;*
- (j) *any previous decision made by the Council in circumstances which are sufficiently similar for the previous decision to be relevant as a precedent, provided that the Council shall not be bound by such precedent; and*
- (k) *any other matter which in the opinion of the Council is relevant.*

Variations to the standard requirements are sought for residential density, building levels, car parking and front setbacks. The variations are discussed in detail below.

COMMENT

Joondalup City Centre Development Plan and Manual (JCCDPM)

The subject land is located within the “Lakeside” district of the JCCDPM. The JCCDPM outlines all the relevant built form and land use requirements for the subject land.

Within the district, the site is designated “Landmark Apartment Developments”. In planning and urban design terms, the site is identified as having landmark qualities that can in part be attributed to its Central City location and position at the junction of Lakeside Drive and Shoveler Terrace. Similarly, development of the site will have an important role in “framing” the adjoining Lakeside Park. Given the landmark qualities of the site, the plan calls for development that is visually prominent relative to surrounding development.

The requirements of the JCCDPM in relation to the proposal are discussed as follows:

Site planning

Land use and character

Residential development is identified as the preferred use on the site. The proposal is in accordance with this aspect of the plan.

Residential density

The standard density permitted on the site is R60. The proposal is equivalent to R-97.5. The JCCDPM gives Council the discretion to consider a maximum density coding of R-100 where the development would achieve the following:

- a) “creates an appropriate landmark”; and
- b) enhances the overall legibility and amenity of the Lakeside District and the City Centre.

Section A4.3 of the plan indicates that building height is a key determinant of the landmark quality of a building. The section states that buildings on the subject site should be at least 2 stories in height. To the Lakeside Drive and Shoveler Terrace frontages the proposal will be a full three storeys with the corner of Shoveler and Spinebill being four storeys. Compared to surrounding buildings, the proposal will be prominent (surrounding buildings are one and two storey) and therefore act as a key reference point within the greater Joondalup City Centre locality.

Car Parking

The plan requires: “car parking to be provided out of sight of primary frontages”. The parking areas are provided internally to the development and are accessed via Waterbird Turn – a secondary street. The parking areas will not be visible from the primary frontages of Lakeside Drive or Shoveler Terrace.

The number of car parking bays required is determined as per the Residential Design Codes. A total of 163 (including 15 visitor bays) is required. The total number of bays proposed is 153 resulting in a shortfall of 10 bays.

The applicants are requesting Council to vary the minimum requirement for the following reasons:

- a) the site is within walking distance of Joondalup City Centre;
- b) there are 33 bays provided on adjoining streets as embayments; and
- c) access to public transport.

The above points are accepted. It is also acknowledged that every unit will be provided with two parking bays and the variation is actually with respect to visitor parking only. With the provision of on-street car parking, it is considered that visitor parking will be adequately catered for.

In addition, statistics from the ABS indicate an increasing trend towards single person/single car households. Given that the majority of the units are two bedroom, it is likely that some units will be single person/single car households and result in a surplus of parking onsite. On this basis, it could be reasonably anticipated that the visitor bay requirement will in fact be accommodated via surplus bays onsite.

The parking requirement has been determined according to the standard provisions of the Residential Planning Codes (as required by the plan) that apply across the State.

Nevertheless, the new Residential Design Codes (gazetted 4 October 2002) now recognise the specific development and planning requirements of inner city areas. For example, the Codes recognise that the parking requirements in inner city areas will be different given “more diverse, accessible and frequent public transport”. The Codes go on to state that parking provision should be “consistent with the needs of residents”. Based upon the discussion above, the provision of parking is considered consistent with the needs of residents.

The variation will not have any adverse impact upon the amenity of the area as defined by clause 4.5 of DPS2, and therefore the variation to car parking is supported.

Setbacks and Heights

Buildings along Lakeside Drive should be a minimum of two storeys. As outlined above, the proposal is three storeys and complies with the plan. All other components of the development comply with the height requirements of the plan.

The applicant is seeking variations to the standard setback requirements. The variations sought are outlined in the following table:

Street	Required (min/max)	Proposed (min/max)
Lakeside	0 – 2m	0.5 – 1 metre (corner building)
		1 metre to balconies (centre building)
		2.5 metres (centre building)
Shoveler	0 – 2	1 metre to undercroft
		2 metres to entrance
		2 metres to balconies
		3.25 metres to building
Spinebill Loop	0 – 2	1.75 metres to undercroft
		2 metres to corner building
		3 metres to entrance
		3.5 metres to balconies
		5 metres to central buildings
Waterbird Turn	0 – 2	1.75 metres to undercroft
		0.75 metres to corner building
		2.5 metres to entrance
		2.5 metres to balconies
		4 metres to buildings
Lakeside Park	0 – 2	1.75 metres to undercroft
		2.5 metres to entrance
		2.5 metres to balconies
		4 metres to buildings

The objective of the 0-2 metre setback is to encourage development that “interacts with the street”. Once again, this requirement is a key element in the emerging built form character of the Lakeside District and Joondalup City Centre.

It is recommended that the standard setback requirement can be varied for the following reasons:

- a) In most cases balconies and associated balustrading will achieve the required maximum setback of 2 metres. The proposed balconies will become semi-habitable areas that may serve to add life to the street.
- b) Related to the above, the building façade incorporates “visually prominent” balcony pillars that will serve to create an overall impression of bulk and scale to the street.
- c) Entrances to units are generally setback 2.5 metres from the street boundary on all frontages.
- d) Balustrading and proposed planter boxes will also serve to create an impression of built form on the street.

It is recommended that the proposed setback variation be supported on the grounds that it will not have an adverse impact upon the amenity of the area and is consistent with the matters outlined in clause 4.5 and 6.8 of the Scheme.

Building Envelope

Design in Context

In relation to design in context, the policy states:

“The richness and character of the street space should be achieved through the variety of the individual buildings. The integrity of the streetscape requires some consistency in the form and rhythm of building frontages.”

The design is consistent with the above philosophy for the following reasons:

- a) the corners of the building are highly prominent being setback from the street corners considerably less than the balance of the proposal;
- b) the overall form of the building is consistent in terms of bulk and scale, however, variety is achieved through subtle variations in setback for building façade components (entrance doors and balconies) and the “split levelling” of the development to follow existing natural ground level;
- c) related to point b) the applicants have submitted a colour palette that seeks to contrast different elements of the façade, further contributing to a sense of visual interest in the façade of the building.

Levels

The policy requires habitable ground floor levels to be at or near finished pedestrian paving level. On sloping sites, such as the subject site, the policy allows the average finished floor level to not exceed 0.6 metres pavement level, subject to no point being greater than 1.2 metres above adjoining pavement level. A key objective of the requirement is to allow “ease of access and contribute to the animation of the street”. This requirement is important in recreating a traditional street setting that is clearly becoming part of the emerging character of the Lakeside District and greater Joondalup City Centre.

All units to Lakeside Drive comply with the level requirements of the plan. In the case of development fronting Shoveler Terrace, the proposed finished floor levels vary from 0.6 to 1.8 metres above the level of the adjoining pavement. In the case of units fronting Water Bird Turn the proposed finished floor levels will exceed the pavement level up-to 1.8 metres and on Spinebill Loop the proposed ground finished floor levels will exceed the adjoining pavement level by up to 3 metres.

To justify the variation to the standard requirement the applicant's submit, inter alia:

- a) Planter "beds" will be used to "soften" the impact of the increased levels;
- b) A key reason for increasing the floor levels arises from the installation of the basement carpark. The basement carpark is necessary in order to accommodate sufficient open space onsite and reduce the visual impact of large exposed car parking areas on the streetscape; and
- c) There are examples nearby of retaining walls that exceed 1.2 metres.

Points a) and c) are accepted. Point b) could be overcome on the basis that, at additional cost, the level of the basement car park could be further reduced thereby reducing the height of subsequent floor levels.

Further to clause 4.5, it is recommended that the standard level requirement be varied for the following reasons:

- a) The proposed units abutting Lakeside Drive comply with the requirements of the plan. In addition, the finished ground floor levels of 7 of the 11 units proposed on Shoveler Terrace are within 1.2 metres of the adjoining pavement level. It is noted that the elevation to Shoveler Terrace also includes several entry lobbies that are at grade with the adjoining pavement. This feature contributes significantly to the objectives of the plan. The general compliance of all units on these roads is significant given that they form major access routes and as a result will be highly visible from the street;
- b) In urban design terms the impact of non-compliance of units on Spinebill and Waterbird Turn is limited as these road do not form major pedestrian routes and are not visible from the broader locality;
- c) The corners of the building are visually prominent and comply with the requirements of the plan;
- d) The impact on adjoining residences is considered negligible given that the proposal complies with the overall height requirements;
- e) Given that there is significant variation in natural ground level over both lots and their relative size, the requirement for all proposed units to comply with the standard level requirement is regarded as onerous.

Related to point d), some significant "re-contouring" of the site occurred (and was approved by Council) at the time of subdivision. This has resulted in portion of the site abutting Spinebill Loop being elevated approximately 2.75 metres above adjoining pavement level.

It is recommended that the proposed building level variations be supported on the grounds that they will not have an adverse impact upon the amenity of the area and are consistent with the matters outlined in clause 4.5 and 6.8 of the Scheme.

Pedestrian Shelter

For residential developments the plan requires awnings to be constructed over entrances to provide all weather protection. The plans comply with this requirement.

Other Issues

Health & Building Requirements

All Health and Building related issues have been assessed and it is considered that these issues can be appropriately addressed at the building licence stage.

Signage

No detail regarding signs has been provided as part of the application and it will be a condition that planning approval is obtained for any future signs.

Landscaping

The proposal includes a significant amount of landscaping within the Lakeside Park adjoining the subject land to the east. The landscaping also makes provision for a meandering north/south path along the eastern boundary.

The landscape proposal is supported in principle. It is recommended that a detailed landscape plan should be submitted addressing the following:

- a) no clearing greater than 3 metres in width from the eastern boundary of the property;
- b) a detailed survey of existing vegetation within the area to be landscaped;
- c) retention of significant remnant vegetation;
- d) fencing and bollards to prevent intrusion of vehicles (except emergency service); and
- e) standard detail requirements with respect to species and reticulation.

All landscaping works will be required to be at the expense of the applicant.

COMMENTS

The proposed development complies with the majority of the requirements as outlined in the JCCDPM.

The development is considered a landmark development by virtue of its height and overall mass. In terms of the primary frontages to Lakeside Drive and Shoveler Terrace, the development provides a continuous façade to the surrounding streets with some active frontages.

The proposed density bonus and variations to car parking, setbacks and levels are considered minor in the context of the overall development and will not have an adverse impact on the adjoining areas. The development will serve to strengthen the identity of the area as a city centre where intense development is expected.

The variations will serve to promote a city centre character, which is appropriate for the area, and will not adversely impact upon the surrounding areas. Approval is therefore recommended.

VOTING REQUIREMENTS

Simple Majority

MOVED Cr Kimber, SECONDED Cr Kadak that Council:

- 1 EXERCISES discretion in relation to clause 4.5 of District Planning Scheme No 2 and the Joondalup City Centre Development Plan/Manual and determines that:**
 - (a) a residential density bonus up to a maximum of R-97.5 in recognition that the building will create a suitable landmark that will be legible in terms of the surrounding Joondalup City Centre area;**
 - (b) relaxation of the setback requirements for buildings facing Lakeside Drive, Waterbird Turn, Springbill Loop and Shoveler Terrace in recognition of the significance of the site, the height and visibility of buildings facing the streets thereby creating a visually attractive and interesting streetscape is appropriate in this instance;**
 - (c) a relaxation of the ground finished floor level requirements of units on Waterbird Turn, Shoveler Terrace and Springbill Loop in recognition that:**
 - (i) the site is relatively large and contains significant variation in natural ground level;**
 - (ii) the proposal incorporates design features that otherwise achieve the objectives of the plan such as planter boxes and entrance lobbies at grade;**
 - (iii) the majority of units on the primary frontages comply;**
 - (d) a relaxation of the minimum parking requirements for visitor parking on the grounds that there is provision of street parking in the locality and the site has access to public transport services;**
- 2 APPROVES the application dated 29 October 2002 submitted by Spowers Architects on behalf of the owners Port Bouvard, for 87 multiple dwelling units at Lots 173 and 174 Shoveler Terrace, Joondalup, subject to the following conditions:**

- (a) the parking bays, driveways and points of ingress and egress to be designed in accordance with the Australian Standard for Offstreet Carparking (AS2890.1) and AS 2890.5 (on street parking). 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;
- (b) all stormwater to be discharged 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;
- (c) The driveways and crossovers to be designed and constructed to the satisfaction of the City before occupation of development;
- (d) car bay grades are generally not to exceed 6%;
- (e) the footpath treatment in the adjoining road reserve to match the existing paving and at a grade of 2% rising from the kerbline, prior to the development first being occupied;
- (f) any roof mounted or free standing plant or equipment such as air conditioning units, satellite dishes or radio masts to be located and screened so as not to be visible from beyond the boundaries of the development site;
- (g) each dwelling to be provided with an adequate area for clothes drying that is screened from view from adjoining roads or alternatively to be provided with clothes drying facilities within the unit;
- (h) should the development be staged, temporary landscaping and fencing must be installed prior to the development being occupied to the satisfaction of the City;
- (i) submission of a Construction Management Plan detailing phasing of construction, access, storage of materials, protection of pedestrians, footpaths and other infrastructure;
- (j) all fencing to be designed and constructed in accordance with the attached extract from the Joondalup City Centre Plan and Manual and thereafter be maintained to the satisfaction of the City;
- (k) suitably screened bin storage areas are to be provided prior to the development first being occupied, in locations approved. Such areas must be constructed with a concrete floor, graded to a 100mm industrial floor waste gully connected to sewer and be provided with a hose cock;

- (l) all boundary walls and parapet walls being of a face brick or equivalent finish and made good to the satisfaction of the City;
- (m) the submission of an acoustic consultant's report demonstrating to the satisfaction of the City that the proposed development is capable of containing all noise emissions in accordance with the Environmental Protection Act;
- (n) the lodging of detailed landscape plans, to the satisfaction of the City, for the development site and the adjoining road verges with the Building Licence Application. For the purpose of this condition a detailed landscaping plan shall be drawn to a scale of 1:100. All details relating to paving and treatment of verges, including tactile paving, to be shown on the landscaping plans; and
- (o) landscaping, reticulation and all verge treatment is to be established at the applicants expense in accordance with the approved plans prior to the development first being occupied and thereafter maintained to the satisfaction of the City.

Footnotes:

The applicant is advised of the following:

- (i) Plans submitted for a Building Licence must show the full width of the verge and any street furniture, traffic islands, statutory services, road gullies, crossovers on the opposite side of the road, the existing site levels, design levels of all proposed development and including levels on top of the kerb at the crossover;
- (ii) A Mechanical Services Plan, signed by a suitably qualified Mechanical Services Engineer to certify that any mechanical ventilation particularly for the undercroft car parking complies with AS1668.2;
- (iii) A separate application being made to the City for approval to commence development and sign licence prior to the installation of any advertising signage;
- (iv) Applicant is advised that plans and specification for public swimming pool to be submitted to the Executive Director Public Health for approval;
- (v) Compliance with BCA requirements;
- (vi) In relation to (o) the following is required to fulfil the requirements of the condition:

- (a) no clearing greater than 3 metres in width from the eastern boundary of the property;
- (b) a detailed survey of existing vegetation within the area to be landscaped;
- (c) retention of significant remnant vegetation;
- (d) fencing and bollards to prevent intrusion of vehicles (except emergency service);
- (e) detail with respect to species and reticulation.

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 9 refers

To access this attachment on electronic document, click here: [Attach9brf191102.pdf](#)

Cr Baker declared a financial interest in Item CJ293-11/02 – Proposed Third Storey Addition to Single House: Lot 562 (71) Ashmore Way, Sorrento by virtue of his solicitor/client relationship.

Cr Baker left the Chamber, the time being 2135 hrs.

CJ293 - 11/02 PROPOSED THIRD STOREY ADDITION TO SINGLE HOUSE: LOT 562 (71) ASHMORE WAY, SORRENTO – [03759]

WARD South Coastal

PURPOSE

The purpose of this report is to request Council's determination of an application for additions to single house.

EXECUTIVE SUMMARY

An application has been received for third storey additions to an existing single house, including minor additions to the second floor.

An identical application was refused by Council on 22 June 1999, however the development was approved on appeal to the Minister for Planning.

As building works have not commenced and the planning approval has now expired, a new application for planning approval was required to be submitted to the City.

As permitted under the Notice of Delegation, the application has been 'called in' by a Councillor for determination by Council.

Council discretion is sought in this instance as a significant portion of the proposed third storey addition protrudes through the Building Height Threshold Envelope under Policy 3.1.9. The protrusion is considered to create a detrimental impact on the amenity of surrounding and adjoining properties and approval would not be in keeping with the City's Height Policy.

In light of the above, it is recommended that Council refuses the proposal.

BACKGROUND

Suburb/Location: Lot 562 (71) Ashmore Way, Sorrento.
Applicant: Bruce Brislin
Owner: Bruce Brislin
Zoning: **DPS:** Residential
MRS: Urban

In April 1998, Council approved an application for a smaller third storey addition (BA99/2373) subject to the resolution of building licence requirements. On 9 November 1998, an amended Building Licence was received increasing the height and threshold of the proposed third storey.

An identical application was refused by Council on 22 June 1999 for the following reasons:

- 1) *The proposal excessively exceeds the "as of right" permissibility defined under the City's Height and Scale of Building in a Residential Area Policy. The additions could have been designed in a manner which would have satisfied the above policy. The justification and reasons provided do not warrant the exercise the Council's discretion.*
- 2) *The proposal will have an adverse impact upon the amenity of the adjoining owners by virtue of the size, scale, height and bulk of the dwelling.*
- 3) *The proposal will adversely affect the orderly and proper planning of the locality.*

This decision was overturned through an appeal to the Minister for Planning on 16 December 1999. The appeal was upheld for the following reasons (summary):

"Examination of the policy reveals that it is not couched in terms which require that any proposal for a three storey development which does not comply must be rejected as a matter of course, and such a provision would be improper in any event. It is necessary that the extension proposed be examined in the context of the controls in place, the policy, the impact of the proposal and the character of the locality."

"It can be seen that part of the proposed third storey will protrude through the building threshold envelope as would have the development approved by the City last year. The protrusion on the southern façade and height has been extended somewhat but it can be seen that this is not to any significant degree. It is accepted that the overall development will not have a significantly greater impact on neighbouring dwellings than otherwise would have been the case. In respect of the impact on neighbouring dwellings, it is apparent that with the extent of similar developments in the locality, it cannot be argued that this proposal would adversely affect the orderly and proper planning of the locality."

In the circumstances, after carefully weighing all aspects of this matter, I have accepted that there is a case for allowing the proposed three storey development to proceed. I have therefore decided to uphold the appeal and to approve the proposed third storey extension to the dwelling on Lot 562, subject to compliance with such conditions as the City of Joondalup might reasonably impose on a development of this type."

The Minister's decision constituted a planning approval and was valid for a period of 2 years.

Proposal

This proposal includes the extension of the existing second storey by approximately 16m², and the addition of a third storey of approximately 110m².

The proposed dwelling exceeds the building envelope threshold of the City's Policy 3.1.9- Height and Scale of Buildings within a Residential Area along the southern elevation by 2 metres at the front, to 1.5 metres at the rear. Also, the majority of the roof exceeds the envelope on all elevations (see attached plans).

The site faces west and did slope from the rear to the front boundary by approximately 3 metres. Given the level differences, the site was retained at the rear with a retaining wall of approximately 800mm in height.

The site was originally both cut and filled, with the front dwelling on approximately 0.7 metres fill and the rear 0.7 metre cut. Therefore, the top of the subdivisional retaining wall is over 2 metres above the lower floor level.

DETAILS

Statutory Provision:

Policy 3.1.9- Height and Scale of Buildings within a Residential Area

The City's Policy 3.1.9- Height and Scale of Buildings within a Residential Area is a policy adopted under DPS2. The policy applies a 3 dimensional building envelope over the proposed development. If a development projects outside of the envelope, planning is required. Such applications are advertised to surrounding and affected neighbours within (15) fifteen metres of the subject land, and across the street.

The objective of the policy is:

“to ensure that all development within a residential area of significant height and scale is given appropriate consideration with due regard to the protection and enhancement of the amenity and streetscape character of the surrounding area”.

In respect to the proposal, most of the upper roof and southern facing wall projects outside of the building height threshold envelope.

District Planning Scheme No 2

The new Residential Design Codes allow councils to adopt local policies in relation to the height of buildings. Therefore, Policy 3.1.9 remains valid under the new R-Codes.

Clause 4.5 of DPS2 allows discretion to be exercised in relation to the standards and Policies under DPS2

4.5 Variations to Site and Development Standards and Requirements

4.5.1 Except for development in respect of which the Residential Planning Codes apply and the requirements set out in Clauses 3.7.3 and 3.11.5, if a development is the subject of an application for planning approval and does not comply with a standard or requirement prescribed under the Scheme, the Council may, notwithstanding that non-compliance, approve the application unconditionally or subject to such conditions as the Council thinks fit.

4.5.2 In considering an application for planning approval under this clause, where, in the opinion of Council, the variation is likely to affect any owners or occupiers in the general locality or adjoining the site which is subject of consideration for the variation, the Council shall:

- (a) consult the affected parties by following one or more of the provisions for advertising uses pursuant to clause 6.7.1 and*
- (b) have regard to any expressed views prior to making its decision to grant the variation.*

4.5.3 The power conferred by this clause may only be exercised if the Council is satisfied that:

- (a) approval of the proposed development would be appropriate having regard to the criteria set out in Clause 6.8; and*
- (b) the non-compliance will not have any adverse effect upon the occupiers or users of the development or the inhabitants of the locality or upon the likely future development of the locality.*

Clause 6.8 of DPS2 states:

6.8 *Matters to be considered by Council*

6.8.1 *The Council when considering an application for Planning Approval shall have due regard to the following:*

- (a) interests of orderly and proper planning and the preservation of the amenity of the relevant locality;*
- (b) any relevant submissions by the applicant;*
- (c) any Agreed Structure Plan prepared under the provisions of Part 9 of the Scheme;*
- (d) any planning policy of the Council adopted under the provisions of clause 8.11;*
- (e) any other matter which under the provisions of the Scheme the Council is required to have due regard;*
- (f) any policy of the Commission or its predecessors or successors or any planning policy adopted by the Government of the State of Western Australia;*
- (g) any relevant proposed new town planning scheme of the Council or amendment or proposed Metropolitan Region Scheme Amendment insofar as they can be regarded as seriously entertained planning proposals;*
- (h) the comments or wishes of any public or municipal authority received as part of the submission process;*
- (i) the comments or wishes of any objectors to or supporters of the application;*
- (j) any previous decision made by the Council in circumstances which are sufficiently similar for the previous decision to be relevant as a precedent, provided that the Council shall not be bound by such precedent; and*
- (k) any other matter which in the opinion of the Council is relevant.*

Applicant's Justification

The applicant has provided the following justification in support of the proposed development:

Applicant's Justification:	Officer Comments:
<ul style="list-style-type: none"> ❑ Due to the existing structure and architecture of our house, we are restricted from improving our home, other than by building according to the plans submitted. 	<ul style="list-style-type: none"> ❑ It is considered that the proposed dwelling could have been designed with less projection outside the City's Building Threshold Envelope and is therefore not supported.
<ul style="list-style-type: none"> ❑ The third storey additions are in line with the streetscape and property values of adjoining houses in Ashmore Way and Manakoora Rise, where there are numerous examples of third storey houses (a three storey house is located almost opposite our home at 74 Ashmore Way, Sorrento). 	<ul style="list-style-type: none"> ❑ It is noted that there are three (3) examples of three storey houses in Ashmore Way and Manakoora Rise, however, the proposed development is not considered to be in keeping with the immediate streetscape.
<ul style="list-style-type: none"> ❑ The additions comply with setback requirements, and will not adversely effect the privacy of neighbouring properties and hence enjoyment. 	<ul style="list-style-type: none"> ❑ Setbacks generally comply with the R-Codes. However, the additional height of the additions may exacerbate any potential overlooking or overshadowing of adjoining properties. The applicants comment in this respect is supported.
<ul style="list-style-type: none"> ❑ In terms of height, attached is a sector plan of Mr Parin's home and my house which is located on the westerly side of his house. 	<ul style="list-style-type: none"> ❑ 3 Manakoora Rise was approved prior to the Building Height Policy.
<ul style="list-style-type: none"> ❑ The photos are just some examples of three storey houses in the Ashmore/ Manakoora, Sorrento area 	<ul style="list-style-type: none"> ❑ All the dwellings depicted in the photos were approved prior to the height and scale policy coming into effect. Furthermore, many of the dwellings depicted on the photograph board are two storey, with undercroft garages.

Consultation:

The proposal was advertised to the adjoining and surrounding neighbours for a period of (14) fourteen days. Five (5) submissions were received during the advertising process, being 4 objections and 1 non-objection.

The submissions are summarised in the attached table to this Report.

COMMENT

Compliance with Technical Standards

The proposal complies with all other aspects of the DPS2, and Policy requirements except in relation the protrusion of the Building Height Threshold.

The proposed setback to a small section of balcony of 3.7m in lieu of 4m has been noted. However, the setback can be brought into compliance by the using screening for that portion of the balcony. This is can be included as a condition of any planning approval issued. All other aspects of the proposal comply with the R-Codes.

Examples of other developments in the area

The applicant has provided a series of photographs depicting other large developments in the area (to be displayed at the Council meeting). However, all of these dwellings are either two storey with undercroft garages, or they were built before the height and scale policy was in place.

The majority of the dwellings in Ashmore Way, particularly those immediately adjacent or across the street from the subject land, would fall well within the acceptable height and scale limits setout in Policy 3.1.9. Furthermore, the roof tops of the two adjoining dwellings, and many other dwellings within the street, sit in a uniform line with each other. Therefore, approval of the proposed building height would not be in keeping with the character of the surrounding area, or with the uniformity of the street.

Since the height policy came into being, most developments have been approved within the building height threshold envelope or have been granted minor dispensation for small protrusions outside of the envelope.

Height and Scale of the Proposal

The size and bulk of the proposed additions are considered excessive, and it is considered that the additions could be more appropriately designed with the requirements of Policy 3.1.9 in mind.

The proposal is considered to unduly encroach upon the adjoining neighbour at Lot 561 (1) Manakoora Rise, by exacerbating issues of overlooking and overshadowing of outdoor living space.

Additionally, the proposal is considered to impact on the pleasantness and harmony of the area, in particular the adjoining property, which is contrary to the objectives of Policy 3.1.9.

Policy 3.1.9 aims to protect and enhance the amenity of the streetscape and surrounding area. The excessive height and bulk of the proposed development is considered to reduce the quality of the environment in the immediate area, which is contrary to the City's policy. The non-compliance with the objectives of the Policy 3.1.9 will also have an adverse impact on the quality of life enjoyed by the occupiers of adjoining and surrounding dwellings.

Given the level of objections received, it is appears that adjoining and surrounding residents are concerned about the loss of amenity in their area, and the impact that this proposal will have on their quality of life. Furthermore, any approval may encourage other three storey addition applications exceeding the height envelope, which will further detract from the amenity of the locality.

It is not considered that it has been demonstrated that the proposed third floor addition will not have an adverse impact on the adjoining properties or the surrounding area. The proposal is therefore not supported.

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION: That Council REFUSES the application dated 20 August 2002 for a third storey addition to an existing dwelling on Lot 562 (71) Ashmore Way, Sorrento for the following reasons:

- 1 the proposal excessively exceeds the "as of right" permissibility defined under the City's Policy 3.1.9 (Height and Scale of Buildings in a Residential Area);
- 2 the proposal will have an adverse impact upon the amenity of the adjoining owners by virtue of the size, scale, height and bulk of the dwelling;
- 3 the proposal will adversely affect the orderly and proper planning of the locality.

Manager, Human Resources left the Chamber, the time being 2145 hrs.

MOVED Cr Kenworthy, SECONDED Cr Hollywood that consideration of the application dated 20 August 2002 for a third storey addition to an existing dwelling on Lot 562 (71) Ashmore Way, Sorrento be DEFERRED to enable the applicant to negotiate with adjoining neighbours.

Discussion ensued.

The Motion to Defer was Put and

LOST (6/8)

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

MOVED Cr Patterson, SECONDED Cr O'Brien that Council REFUSES the application dated 20 August 2002 for a third storey addition to an existing dwelling on Lot 562 (71) Ashmore Way, Sorrento for the following reasons:

- 1 the proposal excessively exceeds the "as of right" permissibility defined under the City's Policy 3.1.9 (Height and Scale of Buildings in a Residential Area);

- 2 **the proposal will have an adverse impact upon the amenity of the adjoining owners by virtue of the size, scale, height and bulk of the dwelling;**
- 3 **the proposal will adversely affect the orderly and proper planning of the locality.**

The Motion was Put and

CARRIED (12/2)

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

Appendix 10 refers

To access this attachment on electronic document, click here: [Attach10brf191102.pdf](#)

Cr Baker entered the Chamber, the time being 2149 hrs.

Cr Nixon declared a financial interest in Item CJ294-11/02 – Currambine Small Town Centre – Proposed Rezoning and Community Purpose Site as he lives within close proximity to the centre.

Cr Nixon left the Chamber, the time being 2149 hrs.

CJ294 - 11/02 CURRAMBINE SMALL TOWN CENTRE - PROPOSED REZONING AND COMMUNITY PURPOSE SITE – [54137] [89511] [03494] [20477]

WARD – North Coastal

PURPOSE

The purpose of the report is to:

- 1 Provide a comprehensive outline of the development proposals for the Currambine Small Town Centre and in doing so seek direction with respect to the City's plans for the Centre; and
- 2 Consider the current position with regards to the Currambine community centre development proposal and to determine the action from here.

EXECUTIVE SUMMARY

Context

The Currambine Small Town Centre is located approximately 2 kilometres west of the Joondalup City Centre. The Centre comprises various landholdings and is bound by Marmion Avenue to the west, Delamere Avenue to the north and east, and Shenton Avenue to the south (Attachment 1 to this Report).

A legal deed was entered into by the Roman Catholic Archbishop of Perth and Davidson Pty Ltd (the owners) and the City on the 14 July 1995 as a condition of rezoning part of the subject site to Commercial (6 hectares – permissible retail gross leaseable area – 10,000m²), Mixed Business, Service Station and Civic (Attachment 4 and 5 to this Report).

The legal deed requires the owners subject to the Rezoning and when requested by the City to transfer to the City in fee simple free of encumbrances and at no cost to the City and without any payment of compensation, the Civic land for the purposes of recreation and the construction thereon of community facilities and a town square. This has been partly achieved as the subdivision application has been approved, however the transfer of the site to the City is yet to occur.

Currambine Small Town Centre

A request has been received from Mitchell Goff & Associates on behalf of Woolworths (WA) Pty Ltd, the Roman Catholic Archbishop of Perth and Davidson Pty Ltd, to rezone the northern portion of Lot 929 (1244) Marmion Avenue, Currambine, from Business to Commercial under the City's District Planning Scheme No 2 (DPS2) (Attachment 2).

The purpose of this being to facilitate the expansion and reconfiguration of the existing shopping centre (Attachment 3 to this Report). The applicants states the rezoning is needed as the City's DPS2 generally does not permit retail uses within the Business zone. The applicant states that the rezoning of the land will not increase the capacity of the site to accommodate retail floorspace since Schedule 3 of DPS2 restricts retail floor area to a maximum of 10,000m².

One of the relevant principles of the Centres Strategy is the promotion of Joondalup Centre as the primary commercial, social and cultural centre for the North West corridor, and as a 'city in the suburbs' and the preferred location for major offices and retailing as well as a rich mix of leisure, entertainment, recreation and community facilities.

With regard to Currambine, no expansion over 10,000m² is to be permitted until it can be demonstrated that the planned commercial structure of the centres in the north of the City have been substantially developed to their planned sizes and trading patterns have settled. The extension of the shopping centre may well result in the Centre possessing retail net lettable area in excess of 10,000m², which would be competitive and have a detrimental impact on the Joondalup City Centre and surrounding centres.

For the reasons above, it is recommended that a structure plan be prepared for the entire site to guide future development prior to any rezoning proposal being entertained.

Currambine Community Purpose Site and Building

Given the rapid growth in the region various community needs assessments were conducted by both the State Government and the City of Joondalup respectively. The assessments undertaken established a defined need for a community facility and it was proposed that the Currambine Community Centre be developed utilising a grant from the State Government to be matched on a dollar for dollar basis by the City of Joondalup. A Community Stakeholders Group was then formed to consider suggested activities to be incorporated in the centre and to generally advise on community requirements.

The City will need to give consideration to either, reducing the accommodation schedule by means of a prioritisation process or to seek additional funding. This will enable the existing budget to be achieved or to increase the budget provision to meet the identified accommodation schedule, and thereby meeting community expectation the development will be progressed across two financial years.

Recent discussions with the Department for Community Development have identified that State Government funds for the development of the Community Centre will not become available until the 2003/04 financial year, and that any additional funding beyond the original commitment would not be possible under any circumstances.

Issues

The City is presently facing a number of challenges highlighted within the paper that are preventing the progression of the project to detailed design stage. These being:

- 1 Shortfall of available funding;
- 2 The absence of a Structure Plan for the entire site;
- 3 The design brief and the diverse needs of the Community;
- 4 Undertaking that the subject site will be the development site for the Community Centre due to transfer of the site being outstanding.

Recommendation

That Council:

- 1 *ADVISES the applicant (Mitchell Goff and Associates) that it is not willing to consider any proposals to develop, subdivide or rezone the Currambine Small Town Centre until a structure plan has been prepared for and approved over the land. The Structure Plan should extend over Lot 929 (1244) Marmion Avenue, Portion 9002 (2) Hobsons Gate, Lot 1018 (6) Delamere Avenue, Lot 1019 (6) Chesapeake Way, Lot 1020 (10) Chesapeake Way and Lot 1032 (1) Hobsons Gate, Currambine;*
- 2 *ADVISES the applicant (Mitchell Goff and Associates) that the City intends to pursue the community purpose site in the location shown in the legal deed dated 14 July 1995 between the Roman Catholic Archbishop of Perth, Davidson Pty Ltd and the former City of Wanneroo;*
- 3 *ADVISES the applicant (Mitchell Goff and Associates) that the Structure Plan should be based on main street principles and incorporate a comprehensive landscape plan for the entire site;*
- 4 *ENDORSES the arrangement of a meeting of the Community Stakeholders Group and the Department for Community Development to review and prioritise the schedule of accommodation to meet the existing budget appropriation; and*
- 5 *ENDORSES that Saleeba Adams Architects be advised that the schematic design be modified in accordance with the reviewed schedule of accommodation as proposed by the Community Stakeholders Group and the Department for Community Development, and that the design complies with the existing budget appropriation.*

CURRAMBINE SMALL TOWN CENTRE

Background

Suburb/Location:	Lot 929 (1244) Marmion Avenue, Currambine Portion Lot 9002 (2) Hobsons Gate, Currambine Lot 1018 (6) Delamere Avenue, Currambine Lot 1019 (6) Chesapeake Way, Currambine Lot 1020 (10) Chesapeake Way, Currambine Lot 1032 (1) Hobsons Gate, Currambine
Owner:	Roman Catholic Archbishop of Perth and Davidson Pty Ltd
Zoning:	DPS: Lot 929 – Commercial, Business 2Lot 9000 – Business, Civic and Cultural, Residential (R40) Lots 1018, 1019, 1020 & 1032 – Business
	MRS: Urban
Strategic Plan:	Strategy 2.3 – Foster opportunities for cultural development and involvement. Strategy 2.7 – 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

Existing Development

Lot 929 accommodates a shopping centre comprising Woolworths and various specialty shops, a service station and a cinema complex (6 screen). Lot 1018 accommodates a McDonalds restaurant, Lot 1019 accommodates a Chicken Treat restaurant, Lot 1020 accommodates a Red Rooster restaurant, Chinese restaurant and a Fish and Chip shop. The remainder of the land is undeveloped and is covered by low-lying vegetation. There is evidence of limestone or as landfill on the site.

Existing Zoning (DPS2)

As outlined above, the Centre possesses multiple zonings under the City's DPS2, including Commercial, Business, Civic and Cultural and Residential.

DPS2 states that the objectives of the Commercial zone are to:

- (a) make provision for existing retail and commercial areas that are not covered by an Agreed Structure Plan;
- (b) provide for a wide range of uses within existing commercial areas, including retailing, entertainment, professional offices, business services and residential.

All land within the Commercial zone is allotted a maximum amount of retail net lettable area and this is included in Schedule 3 of the Scheme. Schedule 3 of the Scheme specifies a maximum net lettable area of 10,000m² for the Currambine District Centre (Lot 929 (350) Shenton Avenue). DPS2 states that the floorspace figures contained within Schedule 3 shall be adhered to except as otherwise varied by an Agreed Structure Plan for the centre locality as adopted by Council and the WAPC.

DPS2 states that 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.

Centres Strategy

At the Council meeting of 23 July 2002 it was resolved to review 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:

- the maximum nett lettable area allocated to commercial centres;
- the lack of a definition for “Centre” and clarification of the extent of the Centre; and
- the appropriateness of “Main Street” principles as a development guide for all centres within the City.

The review is awaiting the finalisation of the Commercial Land Use and Floorspace Survey by the Department for Planning and Infrastructure. It is necessary for Council to have regard for Council Policy 3.2.8 – Centres Strategy but also the resolution of 23 July 2002.

Following is a summary of the relevant principles and elements of the policy:

- The promotion of Joondalup Centre as the primary commercial, social and cultural centre for the North West corridor, and as a ‘city in the suburbs’ and the preferred location for major offices and retailing as well as a rich mix of leisure, entertainment, recreation and community facilities.
- The promotion of small town centres more actively than has been the case now. The promotion of Currambine as a small town centre in the medium term.

The Nature and Form of Centres

Promote evolutionary revitalisation and re-modelling of existing centres, where practicable, along ‘mainstreet’ principles, as integrated, mixed use, safe, attractive and vibrant centres that provide a community focus.

Employment

A key objective of this strategy is the promotion of employment within the whole city. If employment self-sufficiency trends are to be improved then much more emphasis must be placed on attracting employment generating uses to the city, town and village centres in Joondalup.

The Functions of Centres

The Centres Strategy provides the following recommendation with respect to the Currambine District Centre:

- No expansion over 10,000m² be permitted until it can be demonstrated that the planned commercial structure of the centres in the north of the City have been substantially developed to their planned sizes and trading patterns have settled.
- Nothing in the recommendation above shall preclude the incremental expansion of Currambine along 'main street principles' as envisaged under Section 5.2.6 of the Metropolitan Centres Policy contained in Statement of Planning Policy No. 9.

The functions of Small Town Centres are outlined as follows:

	SMALL TOWN CENTRE
Primary Functions	Centres for weekly retail, service and community facilities.
Office and Community Uses	District level offices such as professional, sales and service offices.
Retail Types	Minor discount department stores, supermarkets, specialty stores and convenience stores.
Licensed Premises	Hotel, taverns, restaurants and cafes.
Fast Food Outlet	Free-standing appropriate
Cinemas	Maximum of two cinema screens.
Shopping Floorspace Guide	Up to 15,000m ²
Plans	Structure Plan
Other Retail/Commercial	To be encouraged.
Per Capita NLA Rate	0.41m ²

WAPC Statement of Planning Policy No. 9 – Metropolitan Centres Policy Statement for the Perth Metropolitan Region

The principle 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. The policy classifies the Currambine centre as a District Centre. The policy states that in determining major shopping development proposals the WAPC will not support proposals, which are in the opinion of the WAPC likely to:

Undermine the established and/or planned hierarchy of centres:

- Adversely affect the economic viability of existing, approved and planned centres where this could result in a deterioration in the level of service to the local community or undermine public investments in infrastructure and services; or
- Adversely affect the amenity of the locality.

Bulky Goods Retailing

The policy states bulky goods retailing (including activities requiring large display areas associated with household goods, home improvement stores, automotive products, specialised goods and the like) should be located within Regional and District Centres or in designated mixed business areas.

Mixed Business Areas

The policy states that mixed business areas accommodating bulky goods outlets, retail-warehouses, hypermarkets, showrooms, service industries and small scale business uses should be located as parts of Regional or District Centres with access to major roads and public transport and on land zoned for commercial use.

District Centres

The policy states with respect to District Centres:

“District Centres will be promoted as centres serving the weekly shopping and service needs of goods, local services and local employment.

Shopping floorspace should generally be confined to 15,000m² unless consistent with a Commission endorsed Local Planning Strategy or centres plan.

Local government is encouraged to prepare centre plans for new District Centres and any existing centres undergoing change and/or experiencing development pressure.

Local Planning Strategies and district structure plans should accurately define the new centres, which will be required for the new urban areas. As an alternative to the planned centres, local governments may consider a system of more, but smaller centres whereby centre facilities would be located closer to the population.”

Traditional “Main Street” Centres

The policy states that “main street” form of commercial development with street frontages and containing a mix of uses should be encouraged in both new and established centres. The policy states with respect to traditional “main street” centres:

“As far as practicable centres at all levels should be developed or redeveloped in accordance with the traditional “main street” design principles as integrated, attractive, safe and vibrant places to provide a focus for community activities.

Incentives are provided to promote traditional “main street” development by allowing shopping floorspace development to exceed the shopping floorspace guide of this policy or the floorspace specified in an endorsed Local Planning Strategy.”

WAPC approval is required if the proposed office use or retail types are those listed for or uses which the local government considers should be located in Regional Centres or Strategic Regional Centres; or if the shopping floorspace of the centre exceeds 15,000m² nla unless consistent with a Commission endorsed centre plan or local commercial strategy or in the absence of an endorsed centre plan or local commercial strategy, the shopping floorspace exceeds any endorsed structure plan or subsequent town planning scheme

Legal Deed – Community Purpose Site

A legal deed was entered into by the Roman Catholic Archbishop of Perth and Davidson Pty Ltd (the owners) and the City on the 14 July 1995 as a condition of rezoning part of the subject site to Commercial (6 hectares – permissible retail gross leasable area – 10,000m²), Mixed Business, Service Station and Civic (‘the Rezoning’) (Attachments 4 and 5 to this Report).

The legal deed requires the owners subject to the Rezoning and when requested by the City to transfer to the City in fee simple free of encumbrances and at no cost to the City and without any payment of compensation, the Civic land for the purposes of recreation and the construction thereon of community facilities and a town square. The deed states that the Civic land shall be accepted by the City as part of the owners 10% public open space subdivision commitment. This has been partly achieved as the subdivision application has been approved, however the transfer of the site to the City is yet to occur.

The legal deed also makes reference to the intention of the owners to seek the further rezoning of that part of the land to be rezoned Mixed Business under the Rezoning as is coloured blue and green on the attached plan to Commercial (2.5 hectares – permissible retail gross leasable area – 5,000m²) (‘the Further Rezoning’).

The deed states that should the Further Rezoning not be finalised by 30 June 2000 the owners shall when requested by the City entirely at their own cost do all things necessary to redefine the boundary of the Civic land to ensure that the Civic land is contiguous to the northern boundary of the Commercial land by incorporating in the Civic land, the land coloured green on the attached plan or such part thereof as is required by the City and excising a corresponding area of the Civic land as is acceptable to the City from its northern and/or western boundaries to form part of the Mixed Business land. This being on the basis that the City shall not require the owners to transfer to the City any part of the Commercial land.

The deed also requires any development on the Commercial land or the green land to be satisfactorily integrated with the future development of the Civic land.

Proposed Rezoning & Extension of Shopping Centre

A request has been received from Mitchell Goff & Associates on behalf of Woolworths (WA) Pty Ltd, the Roman Catholic Archbishop of Perth and Davidson Pty Ltd, to rezone the northern portion of Lot 929 (1244) Marmion Avenue, Currambine, from Business to Commercial under the City’s District Planning Scheme No. 2.

The purpose of this being to facilitate the expansion and reconfiguration of the existing shopping centre. The applicant's state the rezoning is needed as the City's DPS2 generally does not permit retail uses within the Business zone. The applicants state that the rezoning of the land will not increase the capacity of the site to accommodate retail floorspace since Schedule 3 of DPS2 restricts retail floor area to a maximum of 10,000m². The applicant states the rezoning will allow the Centre extensions to be better integrated with existing entertainment and proposed community facilities.

Existing Development

The applicant states that the existing shopping centre contains 6,066m² lettable floor space comprising:

Woolworths Supermarket:	3,973m ²
Specialty Retail:	1,861m ²
Non-retail (offices etc.):	232.1m ²

The non-retail areas include a credit union, optician, real estate agent and a travel agent. The total retail net lettable area is therefore 5,834m².

Proposed Development

The applicants state that it is proposed to extend the shopping centre's gross floor area to 12,091m² and to reconfigure the existing floorspace to comprise the following use arrangements:

Woolworths Supermarket:	3,000m ²
Discount Department Store:	5,068m ²
Specialty Retail:	1,932m ²
Non-retail:	2,091m ²

Retail floor area (NLR) is therefore increased by 4,166m² from 5,834m² to 10,000m² and non-retail areas are expanded by 1,858.9m² from 232.1m² to 2,091m². The intent of the proposal is to add a 5,068m² discount department store primarily by reducing the size of the supermarket and expanding retail NLA up to 10,000m².

Car bays serving the development are proposed to increase from 570 bays to 999 bays, a total of 429 bays.

The discount department store is proposed to be located to the north of the cinema complex. The pedestrian plaza is continued along the frontage of these premises to connect the new discount department store with the existing shopping centre, encouraging pedestrian flow and bringing about the integration of all the elements of the development – retailing, community and entertainment.

The applicants state that rather than the discount department store simply existing as a "big box" with a public entry, non-retail tenancies are proposed to provide an active interface with the pedestrian way in front. The proprietors have indicated their intentions of implementing a complete landscaping plan encompassing the proposed community centre site to create a high quality urban environment. The applicants advise that at 5,069m² the proposed discount department store is a "minor" store with the majority of such stores being in the range of 7,000m² to 9,000m².

The applicants advise that the proposal accords with the City's Centres Strategy and the WAPC's Statement of Planning Policy No. 9 – Metropolitan Centres Policy Statement for the Perth Metropolitan Region.

The applicants conclude by stating:

Guidelines on shopping floorspace provision (Appendix 3 of the Metropolitan Centres Policy) suggest a ratio of 0.40m² of district centre floorspace per capita of population. For the suburbs contained within the area, the City of Joondalup 2001 population estimates are:-

Suburb	2001 Population
<i>Ocean Reef</i>	8,789
<i>Heathridge</i>	8,080
<i>Connolly</i>	3,872
<u><i>Iluka</i></u>	<u>3,272</u>
<i>Currambine</i>	5,715
<i>Kinross</i>	5,405
<i>Burns</i>	1,517
<i>Total</i>	36,650

At 0.40m² per capita, this population suggests the provision of 14,660m² of district centre floor space is appropriate to serve this catchment of 36,650 people. There are no other district centres within this catchment.

Issues

Centre Zone

DPS2 states that the Centre zone is intended to accommodate existing and proposed business centres varying in size from small neighbourhood centres to large multi-purpose regional centres and provides for the coordinated planning and development of these centres or other planning precincts where the Council considers that an Agreed Structure Plan is necessary.

It is suggested that in the first instance a structure plan be prepared and approved over the entire site. The extent of the Centre zone can then be determined.

District Planning Scheme No 2

DPS2 states that no subdivision or development should be commenced or carried out in a Centre Zone until a Structure Plan has been prepared and adopted under the provisions of Part 9 of the Scheme.

DPS2 states that the Centre zones shall specify the maximum retail net lettable area (NLA) which relates to retail floor areas and that this shall be included in Schedule 3 of the Scheme. DPS2 further states however that Schedule 3 shall be adhered to except as otherwise varied by an Agreed Structure Plan for the centre locality as adopted by Council and the Western Australian Planning Commission.

Retail Floor Area Definition

Schedule 3 of DPS2 specifies the maximum retail net lettable area for the various Centres however does not define retail net lettable area.

The WAPC's Metropolitan Centres Policy defines Shopping Floorspace as follows:

“means the shopping floorspace as defined in Planning Land Use Category 5 (but excludes hotels, taverns and nightclubs) of the WA Standard Land Use Classification as specified in Appendix 4)”

The WAPC's definition for shopping floorspace includes bulky retail land uses such as Furniture and Home Furnishings and Equipment Retail as well as Restaurants and Cafes and Takeaway Food and Milk Bars.

These uses are permitted uses within the Business zone.

Centres Strategy

At the meeting of the 23 July 2002 Council resolved to review Policy 3.2.8 – Centres Strategy. The review is awaiting the finalisation of the Commercial Land Use and Floorspace Survey by the Department for Planning and Infrastructure.

One of the principles of the Centre Strategy is to promote the Joondalup City Centre as the primary commercial, social and cultural centre for the North West corridor, and the preferred location for major offices and retailing as well as a rich mix of leisure, entertainment, recreation and community facilities.

In line with this principle the Strategy provides the recommendation with respect to the Currambine Small Town Centre:

- No expansion over 10,000m² be permitted until it can be demonstrated that the planned commercial structure of the centres in the north of the City have been substantially developed to their planned sizes and trading patterns have settled.
- Nothing in the recommendation above shall preclude the incremental expansion of Currambine along 'main street principles' as envisaged under Section 5.2.6 of the Metropolitan Centres Policy contained in Statement of Planning Policy No. 9.

Although 'main street principles' have been considered the proposed extension of the shopping centre is not considered to be an incremental expansion.

Conclusion

One of the relevant principles of the Centres Strategy is the promotion of Joondalup Centre as the primary commercial, social and cultural centre for the North West corridor, and as a 'city in the suburbs' and the preferred location for major offices and retailing as well as a rich mix of leisure, entertainment, recreation and community facilities. With regard to Currambine no

expansion over 10,000m² is to be permitted until it can be demonstrated that the planned commercial structure of the centres in the north of the City have been substantially developed to their planned sizes and trading patterns have settled. The extension of the shopping centre will result in the Centre possessing retail net lettable area in excess of 10,000m², which would be competitive and have a detrimental impact on the Joondalup City Centre and surrounding centres.

For the reasons above it is recommended that a structure plan be prepared for the entire site to guide future development.

CURRAMBINE COMMUNITY PURPOSE CENTRE

Background

A preliminary report undertaken in 1997 by the State Government's Department of Family and Children Services Joondalup branch highlighted the need for a community centre in the Currambine area and consequently approved a grant to be matched on a dollar for dollar basis by the City of Joondalup.

Similarly, in 1998 (completed in October 2000) the City of Joondalup undertook an assessment of social infrastructure requirements that supported the need for a local community centre in Currambine. Given the rapid growth of the region in recent years and the importance of ensuring that any community centre caters for the expressed needs and priorities of the local population, the City of Joondalup commissioned the Currambine Community Consultation - Needs Assessment October 2000.

A Community Stakeholders Group was formed to consider the suggested activities and to generally advise on community requirements. The first meeting of this group was conducted on 4 October 2000, with subsequent meetings conducted in January and February 2001. With no further meetings conducted since this date.

A Master Concept Plan for the subject site was prepared for the City of Joondalup in February 2001. The purpose of the report was to:

- Examine and evaluate land package proposals put forward by the developer and make recommendations;
- Master plan the recommended site including the proposed building and its relationship to the public open space and buildings on other sites;
- Develop a building envelope and concept plans for the proposed building for the City to negotiate with the Developer and interested stakeholders from the community; and
- Assist the City's officers in negotiating with community stakeholders to develop realistic community expectations of the building.

An Agreement for the Architectural Consultancy Services for the design and development of Currambine Community Centre was executed with Saleeba Adams Architects Pty Ltd on 4 September 2001. The anticipated outcomes of this consultancy are schematic design, detailed design, documentation and contract administration

The City is presently assessing the schematic design and the associated development costs.

Details

Site

The Western Australian Planning Commission issued the subdivision approval, however the land is yet to be transferred to the City. In addition there is still some uncertainty that the subject site will be the development site for the Community Centre.

Architect's Brief

The primary target market for the community centre reflected in the architect's brief is to be children, young people, young families, single, parents, teenagers and meeting rooms for seniors. The key issues that emerged from the preliminary needs assessment and the community consultation process identified that the centre needed to be designed utilising the following guidelines:

- Multi purpose building that can be fully utilised during the day and night by various groups.
- Ensuring the available budget was used to the best advantage for the whole community.
- Alignment with State Government conditions on funding as provided by the Department for Community Development (Family and Children's Services) to support families and children.
- Integrate design with the shopping centre.

The broad categories of activities to be housed within the centre as determined by the consultation process included social activities, leisure and recreation programs, arts and crafts, health and fitness, self development programs, family support services, education and employment programs and community development.

The Architects Brief provides for the following accommodation facilities to be incorporated within the complex:

Internal

Multi purpose main room, kitchen, meeting rooms (2), crèche, counselling rooms (2), TV/Video room, café/lounge area, music room, arts and craft room, gym and fitness room, pool/games room, study room, reception area, toilets – parents room, storage areas and courtyard/BBQ area;

External

Attractive parkland, BBQ, water feature/play area, play equipment, youth zone, ½ basketball court, skate area, bike racks, verandah all round for exhibition and displays, seating and storage for trailer and equipment (scouts).

The Architects, following several meetings with Council officers, and taking into consideration the requirements of the design brief, developed an initial set of drawings that reflected the schedule of accommodation as proposed in the brief. When presenting the drawings to the working group council officers were requested to reconsider the plans on the basis of the cost variance of actual to budget, the aesthetics of the proposed building in its relationship to Main Street and the relationship of some facilities (particularly the youth facilities) to those utilised by other community groups.

The intention of Main Street principles is to provide for commercial exposure and to provide for places and spaces where people are able to rest, move, meet and gather. This can be achieved by way of an active frontage with no blank facades to the street and continuous awnings for pedestrian shelter, seating and landscaping that ensures comfortable and usable space. The plans submitted by Saleeba Adams Architects dated April 2000 were not in accordance with Main Street principles.

The Architects have submitted revised drawings and whilst many of the issues identified with the previous plans have been addressed further refinement dealing with potential vandalism, access and servicing, window treatments, Department for Community Development concerns and needs and estimated cost of the development still require attention.

In more recent times, the interest in the development by members of the community stakeholders group has been increasing and it would seem that there is an expectation by the group that a meeting will be conducted in the near future to discuss the progress of the project.

Issues

There is an immediate requirement for the City of Joondalup to adjudicate on a number of issues relating to the Currambine Community Centre prior to conducting a further meeting of the Community Stakeholders.

Structure Plan

At present the planning and development of the Currambine Community Centre is being undertaken in the absence of a structure plan that would provide the City with details of the anticipated use of adjoining and surrounding sites. The progress of the Centre in isolation to other potential developments may result in an incompatibility of use and/or of design creating a detrimental impact on the aesthetics of the immediate area. It may therefore be appropriate to request that the developer prepares a structure plan.

The immediate progressing of the development could also mean that the community centre will be the only building to be located in the area for a number of years and hence be prone to vandalism, security and anti-social behaviour.

Financial Consideration

The development of the Currambine Community Centre is to be undertaken in partnership with the Department for Community Development (DCD) with the Department providing on application up to \$500,000 on a dollar for dollar basis with the City. The Lotteries Commission could potentially allocate a further contribution on application representing fifty percent of the amount provided by DCD. An increase in the City's allocation will obviously have the effect of enhancing the contributions made by the two other parties.

The alternative funding scenarios are shown as follows:

- Scenario 1 – Project costs \$1m, COJ contribution \$400,000 (current budget position)
- Scenario 2 – Project costs \$1.25m – maximum contribution by DCD \$500,000, COJ contribution \$500,000

Currambine Community Centre Funding	Scenario 1			Scenario 2
	Current Budget Position			Maximum contribution by DCD
	02/03 Budget	03/04 to be budgeted	Total	Total
	\$	\$	\$	\$
<u>Income</u>				
Grant - DCD - \$1-\$1	50,000	350,000	400,000	500,000
Grant Lotteries Commission 50cents-\$1	25,000	175,000	200,000	250,000
Total Funding	75,000	525,000	600,000	750,000
<u>Expenditure</u>				
Carry Forward Expenditure	843,500		843,500	843,500
02/03 Capital Works - additional works	125,000		125,000	125,000
03/04 - Not yet budgeted		31,500	31,500	281,500
Total Expenditure	968,500	31,500	1,000,000	1,250,000
Funded by City of Joondalup			400,000	500,000

Costings based on the initial design for the Currambine Community Centre exceeded the available funds. Following consideration of the initial schematic design the architects were instructed to delete the TV/Video room, increase the main furniture store from 12 square metres to 18 square metres, increase the meeting room from 20 square metres to 30 square metres and reduce the reception area from 25 square metres to 18 square metres and to generally identify other potential areas for savings to occur. The estimated cost provided also excluded skateboard area and half basketball court; soft landscaping and reticulation; retaining walls to boundaries; GST, escalation, geotechnical report, and site re-contouring.

The most recent design dated April 2002, received from the architects now reflects an estimated development cost of \$1,497,000 which is in excess of the maximum contribution from DCD.

The City will need to give consideration to either, reducing the accommodation schedule by means of a prioritisation process or to seek additional funding. This will enable the existing budget to be achieved or to increase the budget provision to meet the identified accommodation schedule, and thereby meeting community expectation the development will be progressed across two financial years.

Recent discussions with the Department for Community Development have identified that State Government funds for the development of the Community Centre will not become available until the 2003/04 financial year, and that any additional funding beyond the original commitment would not be possible under any circumstances.

Design

The design brief provided to the Architects identified a substantial range of accommodation facilities to be incorporated in the proposed Currambine Community Centre. This list of facilities appears to be a culmination of the findings of the Community Needs Assessment (previously mentioned) and the anticipated needs of the Community Stakeholders Group. It will always be a difficult task to meet all community wants and needs in a particular facility and in this instance the accommodation schedule appears to be onerous and unrealistic. The City may wish to revisit the design brief with the Community Stakeholder Group with the intent of reviewing and prioritising the specified facilities prior to progressing to the detailed design stage.

The Department for Community Development has only recently been consulted for comment on the schematic design. There are some specific requirements identified by the Department that will impact on the configuration of design and the potential use of the facility. Representatives of the Department for Community Development will need to be involved in any further meetings and /or discussions with the architects and community.

SUMMARY OF ISSUES

The City faces a number of challenges highlighted within the paper that are preventing the progression of the project to detailed design stage. These being:

- 1 Shortfall of available funding;
- 2 The absence of a Structure Plan for the entire site;
- 3 The design brief and the diverse needs of the Community; and
- 4 Undertaking that the subject site will be the development site for the Community Centre due to transfer of the site being outstanding.

CONCLUSIONS

Given the issues outlined above some options that may be available to the Council for the progression of the project and development of the site are:

- 1 The consideration of the need for a structure plan that will identify the various and appropriate land uses for the site;
- 2 Council continues with the existing plans recognising the need to go back to the stakeholder group with regard to redesigning the project in accordance with the funding available; and
- 3 Investigate further opportunities to locate the facility in the northern section of the site, with a possible partnership with other community organisations.

VOTING REQUIREMENTS

Simple Majority

MOVED Cr Patterson, SECONDED Cr Walker that Council:

- 1 **ADVISES the applicant (Mitchell Goff and Associates) that it is not willing to consider any significant proposals to develop, subdivide or rezone the Currambine Small Town Centre until a Structure Plan has been prepared for and approved over the land. The Structure Plan should extend over Lot 929 (1244) Marmion Avenue, 9002 (2) Hobsons Gate, Lot 1018 (6) Delamere Avenue, Lot 1019 (6) Chesapeake Way, Lot 1020 (10) Chesapeake Way and Lot 1032 (1) Hobsons Gate, Currambine;**
- 2 **ADVISES the applicant (Mitchell Goff and Associates) that the City intends to pursue the community purpose site in the location shown in the legal deed dated 14 July 1995 between the Roman Catholic Archbishop of Perth, Davidson Pty Ltd and the City of Wanneroo;**
- 3 **ADVISES the applicant (Mitchell Goff and Associates) that the Structure Plan should be based on main street principles and incorporate a comprehensive landscape plan for the entire site;**
- 4 **ENDORSES the arrangement of a meeting of the Community Stakeholders Group and the Department for Community Development to review and prioritise the schedule of accommodation;**
- 5 **ENDORSES that Saleeba Adams Architects be advised that the schematic design be modified in accordance with the reviewed schedule of accommodation as proposed by the Community Stakeholders Group and the Department for Community Development.**

The Motion was Put and**CARRIED (13/1)**

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

Appendix 11 refers

To access this attachment on electronic document, click here: [Attach11brf191102.pdf](#)

Cr Nixon entered the Chamber, the time being 2151 hrs.

**CJ295 - 11/02 PROPOSED INCREASE OF CHILD CARE PLACES,
KINGSLEY CHILD CARE CENTRE: LOT 300 (29)
GOOLLELAL DRIVE, KINGSLEY – [50291]**

WARD - SOUTH

PURPOSE

The purpose of this report is to request Council's determination of an application to increase the permitted child care places at the Kingsley Child Care Centre and associated parking and landscape variations under District Planning Scheme No 2 (DPS2).

EXECUTIVE SUMMARY

An application has been received to increase the number of child care places at the Kingsley Child Care Centre from 59 to 65, to extend the playground area of the centre by 58m², and relocate two bays from the rear of the parking area to the front subject land within the 3 metre landscaping strip.

Discretion is sought for the provision of 11 on site car parking bays, in lieu of 21 bays, and to reduce the 3 metre front boundary landscaping strip to approximately 250mm.

This application was initially considered under Delegated Authority, however, in accordance with the Notice of Delegation, it was 'called in' by the Ward Councillors for presentation to Council for a determination.

Although only one additional bay is required for the proposed increase of six (6) child care places, the existing child care centre already has a shortfall of parking bays below current requirements. Also, the relocation of the two bays to be within the landscaping strip is not considered appropriate, thus the parking shortfall is exacerbated.

The variations requested in regard to the car parking and landscaping are not considered appropriate. It is therefore recommended that Council exercises its discretion under DPS2 and refuse the proposal.

BACKGROUND

Suburb/Location: Lot 300 (29) Goollelal Drive, Kingsley.
Applicant: Nowarange Holdings Pty Ltd.
Landowner: Nowarange Holdings Pty Ltd.
Zoning: **DPS:** Residential, Density Code R20.
MRS: Urban

On 11 June 1993, Council conditionally approved the Kingsley Child Care Centre with the provision of 13 bays, being a shortfall of 6 parking bays under Scheme requirements. However, it appears that the shortfall of parking bays was subject to written advice from the landowners in relation to staff ages, as some staff members were below driving age. The following condition was applied to the planning approval:

“The provision of an additional six car parking bays on the adjacent reserve to the satisfaction of the City Engineer or payment of cash-in-lieu should Council consider it necessary in the future.”

The above condition as not be fulfilled and no additional bays have been provided. Furthermore, it is likely that the condition requiring the provision of 6 bays ‘if necessary’ and on land not under the control of the child care centre cannot legally be enforced.

DETAILS

Statutory Provisions

DPS2

Clause 4.5 of DPS2 allows discretion to be exercised in relation to the standards and Policies under DPS2:

4.5 Variations to Site and Development Standards and Requirements

- 4.5.1 *Except for development in respect of which the Residential Planning Codes apply and the requirements set out in Clauses 3.7.3 and 3.11.5, if a development is the subject of an application for planning approval and does not comply with a standard or requirement prescribed under the Scheme, the Council may, notwithstanding that non-compliance, approve the application unconditionally or subject to such conditions as the Council thinks fit.*
- 4.5.2 *In considering an application for planning approval under this clause, where, in the opinion of Council, the variation is likely to affect any owners or occupiers in the general locality or adjoining the site which is subject of consideration for the variation, the Council shall:*
- (a) *consult the affected parties by following one or more of the provisions for advertising uses pursuant to clause 6.7.1 and*
 - (b) *have regard to any expressed views prior to making its decision to grant the variation.*
- 4.5.3 *The power conferred by this clause may only be exercised if the Council is satisfied that:*
- (a) *approval of the proposed development would be appropriate having regard to the criteria set out in Clause 6.8; and*
 - (b) *the non-compliance will not have any adverse effect upon the occupiers or users of the development or the inhabitants of the locality or upon the likely future development of the locality.*

Clause 6.8 of DPS2 states:

6.8 *Matters to be considered by Council*

6.8.1 *The Council when considering an application for Planning Approval shall have due regard to the following:*

- (l) interests of orderly and proper planning and the preservation of the amenity of the relevant locality;*
- (m) any relevant submissions by the applicant;*
- (n) any Agreed Structure Plan prepared under the provisions of Part 9 of the Scheme;*
- (o) any planning policy of the Council adopted under the provisions of clause 8.11;*
- (p) any other matter which under the provisions of the Scheme the Council is required to have due regard;*
- (q) any policy of the Commission or its predecessors or successors or any planning policy adopted by the Government of the State of Western Australia;*
- (r) any relevant proposed new town planning scheme of the Council or amendment or proposed Metropolitan Region Scheme Amendment insofar as they can be regarded as seriously entertained planning proposals;*
- (s) the comments or wishes of any public or municipal authority received as part of the submission process;*
- (t) the comments or wishes of any objectors to or supporters of the application;*
- (u) any previous decision made by the Council in circumstances which are sufficiently similar for the previous decision to be relevant as a precedent, provided that the Council shall not be bound by such precedent; and*
- (v) any other matter which in the opinion of the Council is relevant.*

Policy 3.1.9- Childcare Centres

This Policy sets standards in regard to the provision of car parking and landscaping. Specifically, the Policy requires the provision in this instance of 21 on site car bays, and a 3 metre wide landscaped strip at the front boundary of the property.

Applicant's Justification

The applicant provided the following information to support the proposal:

- There is an increasing demand of childcare in our area.
- All child care places are currently full and there is a waiting list. This proposal is hoped to satisfy some of the additional community demand.
- Based on built-in area of our current building we can cater for 6 additional children, thus increasing our capacity of childcare from 59 to 65.
- The Childcare Board is willing to approve this provided we can increase our playground area by about 56m². To accommodate this, the above proposal is to modify our current parking and garden area so that we still maintain the same number of parking bays.
- The proposed changes in the number and ratio of children will not require additional staff, and therefore no parking is required.
- It is believed that all that is required is a small modification in the special condition (#11) in the original approval for the centre on 30 April 1993. I understand this needs to be changed from six to seven bays.
- The proposal has been discussed with both our local members of the City of Joondalup, Councillors Tanya Barnett and Mike O'Brien. Cr O'Brien has also inspected the site and both members are supportive of the proposal.

Consultation

Due to the extent of the proposed variations and the fact that the alternative parking is on reserved land, refusal is recommended. For this reason, public advertising was not undertaken.

Provision of Car Parking

Parking shortfall

Under current standards the following parking provisions apply:

- 12 staff = 12 bays
- 65 children = 9 bays
- Total bays required under current standards = 21 bays
- Bays provided on site = 11 bays (13 bays currently on-site, however, see 'Relocation of Bays' below)

Car Parking on Adjacent Reserve

It is understood that the subject land was previously owned by Council and a limestone area on the adjacent park (Legana Park) was utilised for car parking. However, the old limestone carpark has grown over with lawn and it is blocked off with wooden bollards. Furthermore, the owners of the childcare centre have formalised their parking within their boundaries. Any reestablishment of parking on the adjacent reserve for the use of the child care centre is not supported.

Relocation of Bays/Provision of Landscape Strip

In order to increase to number of children at the centre, the Community Services Board requires the provision of an additional 56m² of playground area. Given this requirement, the landowner is proposing to extend the playground area by 58m² into the current parking area, and to relocate two bays to the front of the property within the 3 metre landscaping strip.

The proposed location of the relocated parking bays are not considered acceptable, as vehicles will have difficulty manoeuvring into the new bays. Also, the proposed relocation will result in the removal of most of the vegetation at the entrance to the centre.

The relocation of the bays is therefore not supported. As the additional child care numbers require the additional play area in the location of the existing 2 car bays and the bays cannot be relocated on the site, this will reduce the onsite parking provision to 11 bays.

COMMENTS:

Response to Applicant's Justification

The applicant proposes to increase number of children at the centre, in order to satisfy the increasing demand for childcare services in the area. While this demand is not disputed, it may warrant another facility in the area which is able to achieve the necessary standards of both the City and the child Care Services Board.

Notwithstanding, the application must be assessed in accordance with the requirements of DPS2, and Council must be satisfied that there will be no adverse impact on the surrounding area as a result of the proposed variations.

Provision of Car Parking

The existing centre caters for 59 children and provides 13 bays. The condition on the previous approval to provide an additional 6 bays on the adjacent Reserve cannot be enforced. Therefore, there is currently a shortfall of 6 bays under the previous Town Planning Scheme No 1.

The increase the number of children at the centre from 59 to 65, results in the requirement of one additional car bay under DPS2. There is insufficient space on site for the additional bay, and the abovementioned condition relating to the provision of parking on the adjacent reserve is not considered enforceable or appropriate.

Although a deficit of 1 car parking bay is minor and could be supported, the proposal is complicated by the relocation of two bays within the landscaping strip, which is not considered appropriate. Also, the shortfall of car parking for the current proposal under DPS2 and Policy 3.1.1 will be 10 bays.

Given that there is already an onsite parking shortfall, it is likely that the non-compliance will have an adverse effect on users of the child care centre as a lack of car parking will be apparent. The lack of on site car parking is likely to lead to vehicles parking on the verge and road. Parking on the verge and the road is not supported by the City's Infrastructure Management Services, especially near childcare centres for safety reasons.

In light of the above, the proposal is considered to exacerbate the lack of parking on site and this variation is not supported.

Conclusion

Although the proposed increase of 6 childcare places may appear minimal, it is apparent that the size of the subject lot is insufficient to readily comply with all aspects of DPS2 and Policy 3.1.1, and the requirements of the Child Care legislation.

It is considered that a case for varying the standards of DPS2 and Policy 3.1.1 has not been established in this instance. The variations are large, and are likely to have a negative impact on the surrounding area.

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION: That Council under Clause 6.9 of District Planning Scheme No 2 REFUSES the application for the increase in children numbers from 59 to 65, the extension of the playground area by 58m² and the relocation of two car parking bays on Lot 300 (29) Goollelal Drive, Kingsley for the following reasons:

- 1 the proposal is contrary to District Planning Scheme No 2 and Policy 3.1.1 -Child Care Centres, which requires the provision of 21 on-site car bays;
- 2 the proposed location for the two new car parking bays are within the required 3 metre landscaping strip and are therefore not supported;
- 3 approval of the proposal is likely to exacerbate the existing shortfall of on-site car parking and lead to vehicles parking on the road, verge, or adjacent public open space;
- 4 the proposal would be contrary to the proper and orderly planning of the locality.

MOVED Cr Barnett, SECONDED Cr Walker that Council EXERCISES DISCRETION AND APPROVES the application for the increase in children numbers from 59 to 65, the extension of the playground area by 58m² and the relocation of two car parking bays on Lot 300 (29) Goollelal Drive, Kingsley.

Cr Barnett gave the following reasons for her departure from the Officer's recommendation:

- There is a shortage of childcare space for children within the City of Joondalup;
- There are 10 children on the Kingsley Childcare list at present;
- There is a narrow window for drop off and pick ups ie 8.30 – 9.00 am and 3.00 – 3.30 pm; whereas the childcare centre has a drop off and pick up all day;
- A wide road which faces on to Yellagonga Park and the area is relatively quiet;
- There are comparative centres within the City ie The Magic Circle who have similar age groups with a similar number of children, with a similar number of carparking bays and yet they have not been asked to increase their carparking bays.

The Motion was Put and

CARRIED (14/1)

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

Appendix 12 refers

To access this attachment on electronic document, click here: [Attach12brf191102.pdf](#)

CJ297 - 11/02 PROVISION OF PUBLIC TOILETS AT WARWICK OPEN SPACE - [54028]

WARD - All

PURPOSE

For Council to consider the provision of public toilet facilities at Warwick Open Space.

EXECUTIVE SUMMARY

The existing public toilet facility at Warwick Open Space was decommissioned in April 2000 as a result of vandalism and general anti-social behaviour. Warwick Open Space is used by a range of organisations, which have approached the City requesting that public toilet facilities be provided. As a result of a survey questionnaire administered by Community Development Services, the number of users and type of activities in the area confirms the need for a public toilet.

The previous public toilet is considered by the users to be too far away from the primary areas of activity, being the oval and the Warwick Sporting Association building. The capital cost of new public toilets is estimated to be in the vicinity of \$150,000 - \$160,000.

This report identifies that a preferred location for public toilets is closer to the oval and also recommends that there should be additional community consultation to determine if there is a need for facilities in addition to the public toilets, their optimum location, design and notional cost. The report also recommends that identified stakeholders, in partnership with the City, have a role in the operation of any community facilities that may be provided at Warwick Open Space.

BACKGROUND

There is presently a decommissioned public toilet facility located in a central position at Warwick Open Space that comprises of a brick building with male and female facilities. In relation to the other facilities on the reserve this toilet is located south of the oval, bowling club and tennis courts. Anecdotal evidence suggests the toilet facility was originally constructed to cater primarily for the casual users of the park and bushland and the tennis courts, which are located 50 metres north of the building. The toilets were formerly left open on a permanent basis to enable casual tennis players and park users to access them as required.

Due to a number of instances of vandalism and reported anti-social behaviour over a period of time, the toilet building has been de-commissioned and closed since April 2000.

Recently a number of organisations, which use the area on a regular basis, including resident sporting clubs, have identified the need for public toilet facilities at Warwick Open Space.

DETAILS

In order to identify the various issues and options concerning this matter, Leisure Services distributed a survey questionnaire in August 2002 to eight organisations, which use the area regularly, soliciting comments regarding the need for a public toilet facility.

The questionnaire was quite specific as four of the five questions it contained focused on the immediate issue of a public toilet facility. One question provided respondents with the opportunity to make comment on the broader considerations involved in providing the facility.

At the time of preparing this report, six responses had been received from the organisations surveyed.

A summary of the comments received indicates that the needs fall broadly into three categories.

1. The needs of casual users of Warwick Open Space i.e. the park/bushland, the tennis courts and oval.
2. The needs of the seasonal/formal users of the oval and tennis courts i.e. sporting clubs.
3. The needs of the additional users of organisations which have facilities at the Warwick Open Space i.e. spectators at the bowling club.

Currently the oval is used by the Perth Outlaws Softball Club in the winter season and the Greenwood Senior Cricket Club and the Warwick/Greenwood Junior Cricket Club in the Summer Season. The training and playing requirements of these organisations is Monday-Sunday (Summer) and Tuesday – Saturday (Winter).

In addition to the above use, the Warwick Open Space has been used for a Little Athletics event involving some 450 children from an organisation outside the City. During this one-off event, problems were experienced due to lack of toilet facilities. It is not known if the event will occur again in the future.

In addition to the above use, the Warwick Recreation Association has indicated that when both the softball and bowling clubs are hosting events, some 100-150 people can be in the area.

Consideration of the above numbers of oval users for activities such as softball and cricket for the period of time they are involved in their activities leads to the conclusion that access to a public toilet is required at Warwick Open Space. It is also considered that the provision of additional built facilities to service users will improve the overall amenity of the area and the potential to increase use of the oval.

The current location of the only public toilet to the south of the built facilities is ideal for users of the tennis courts located approximately 50 metres away. However, the building itself is partially hidden by a stand of mature trees and bushes and, although there is an external spotlight, it is not ideally located for users of the oval or bowling club located 150-200 metres to the north.

The completed questionnaires, received from sporting organisations using the oval and bowling club, identifies a perceived need by these users for a toilet facility closer to the oval. The sporting organisations indicate that a public toilet located closer to their activities would be utilised by both the oval users and any additional spectators at the bowling club attending major events.

The optimum location of the proposed new public toilet to service both sets of users is considered somewhere in close proximity to, or even adjoining, the existing bowling club building. The optimum location for oval users exclusively is probably along the western side of the oval. However, any location that involves a separate building not attached to the Sporting Association building will inevitably involve additional expenditure compared with a building attached to an existing building.

COMMENT

Irrespective of the eventual decision regarding a stand alone building or an adjoining structure, it is considered that the opportunity should be taken to ensure that any additional requirements of sporting organisations using the oval are addressed.

The City has estimated that the cost to recommission the existing public toilet is in the vicinity of \$50,000 - \$60,000 as the building would need to be connected to the deep sewerage system now available. Given the capital cost, current location away from the primary areas of activity and the past anti-social behaviour which included vandalism requiring maintenance expenditure, it is considered to be not cost effective to recommission the existing public toilets.

To ensure a cost effective solution, it is considered that additional consultation be undertaken with a wider range of organisations to identify the demand for a facility at a location on or near the oval. This process may identify the demand for a building that incorporates facilities such as change-rooms and a clubroom, in addition to public toilets. The provision of a building of this type would inevitably require an appropriate planning process due to the level of consultation involved and the funding required for construction. The identified cost of the project will be a capital expenditure item for consideration in future capital works budget.

The advantages of constructing a new building include:

- opportunity to locate the facility closer to the primary area of activity.
- consultation and demand analysis will ensure the facilities will meet identified needs
- the building will add to the amenity of the oval and be likely to increase use.
- there is likely to be sense of 'ownership' by organisations.

The disadvantages of constructing a new building include:

- opportunity cost due to duplication of public toilet facilities
- timeline may present a problem to immediate needs of users.

In consideration of the above, it is recommended that community consultation be undertaken with a range of user organisations and other stakeholders, to identify the demand for additional toilet and change room facilities at Warwick Open Space.

It is apparent that a toilet facility located on Warwick Open Space requires a management strategy to ensure anti-social behaviour is minimised. A number of the facilities are currently managed by the resident organisations that control access and club activities. These organisations, through the Warwick Recreation Association, have indicated support for a public toilet.

It is considered appropriate therefore, that the Association's clubs, in a partnership with the Warwick Leisure Centre and the City, undertake a collective role in the management of any toilet facilities that may be provided in the future. Discussion with these organisations indicates that the following management/operational strategy would be acceptable to the organisations and effective to operate.

- Any future community facilities remain locked until required by facility users by pre-arrangement.
- Keys could be held at the Warwick Leisure Centre to be picked up by casual users of the tennis courts and oval.
- Seasonal users of the tennis courts and oval would be provided with a key as part of their seasonal booking pre-arrangement through Leisure Services.
- If required, the Bowling Club could also be provided with a 'permanent' key to cater for any additional requirements of spectators to major events.
- Signage could be placed on/at the oval, tennis courts and on the toilet building advising of the arrangements in place for access.
- As part of the community consultation process, the need for stakeholders to accept a 'management function' by reporting any unsocial behaviour in the toilet area to the City be reiterated.

VOTING REQUIREMENTS

Absolute Majority

MOVED Cr Kadak, SECONDED Cr Hurst that Council:

1 RECINDS its decision CJ174-07/02 of 23 July 2002 viz:

“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 RECOGNISES the need for a toilet facility in a new location on the Warwick Open Space area;

3 ENDORSES the demolition of the existing toilet facility;

4 ENDORSES further consultation with all potential users and other stakeholders to identify an exact location for additional facilities at Warwick Open Space;

5 ENDORSES the concept of a partnership between the City and stakeholders to control access to any community facilities that may be constructed in the future on Warwick Open Space;

6 ENDORSES that consideration be given to the inclusion of funds in the 2003/04 capital works budget process for a new toilet and/or facility depending upon the outcome of the further consultation process.

The Motion was Put and

**CARRIED BY AN
ABSOLUTE MAJORITY (10/5)**

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

C164-11/02 MOTION TO GO BEHIND CLOSED DOORS

MOVED Cr Kimber, SECONDED Cr Baker that in accordance with clause 5.6 of the City's Standing Orders Local Law the meeting be held behind closed doors to enable consideration to be given to CJ304-11/02 – Lease Variation – Craigie Leisure Centre Kiosk, being a matter relating to a contract, the time being 2156 hrs.

The Motion was Put and

CARRIED

Members of the public and press left the Chamber at this point, the time being 2156 hrs.

CJ304 - 11/02 LEASE VARIATION – CRAIGIE LEISURE CENTRE KIOSK – [08397]**WARD - Pinnaroo****DETAILS**This Item Is Confidential - Not For Publication

A full report has been provided to Elected Members under separate cover.

MOVED Cr Patterson SECONDED Cr O'Brien that Council APPROVES:

- 1 a Deed of Variation for the lease with the Lessee subject to the approval of the Minister for Lands;**
- 2 changing the annual rental of the lease with the Lessee to 14% of gross annual turnover (excluding GST) and applying to the Lease as from 1 December, 2002;**
- 3 the addition of standard commercial redevelopment and determination clauses to the lease with the Lessee;**
- 4 drawing on the Municipal Fund to off-set the decrease in the 2002/2003 income from the lease with the Lessee;**
- 5 the signing and affixing of the Common Seal to the Deed of Variation.**

AMENDMENT MOVED Cr Kimber SECONDED Cr Carlos that Point 2 of the Motion be amended to read “..10% of the gross annual turnover ...”.

Discussion ensued.

The Amendment was Put and**CARRIED (11/4)****In favour of the Amendment:** Crs Barnett, Carlos, Hollywood, Hurst, Kadak, Kimber, Mackintosh, Nixon, O'Brien, Patterson, Walker. **Against the Amendment:** Mayor Bombak, Crs Baker, Kenworthy, Rowlands.**The Original Motion, as amended, being:****That Council APPROVES:**

- 1 a Deed of Variation for the lease with the Lessee subject to the approval of the Minister for Lands;**
- 2 changing the annual rental of the lease with the Lessee to 10% of gross annual turnover (excluding GST) and applying to the Lease as from 1 December, 2002;**

- 3 **the addition of standard commercial redevelopment and determination clauses to the lease with the Lessee;**
- 4 **drawing on the Municipal Fund to off-set the decrease in the 2002/2003 income from the lease with the Lessee;**
- 5 **the signing and affixing of the Common Seal to the Deed of Variation.**

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, Walker.

C165-11/02 MOTION TO GO TO OPEN DOORS

MOVED Cr Kimber, SECONDED Cr Hurst that the meeting be now held with open doors, the time being 2202 hrs.

The Motion was Put and

CARRIED

Cr Kadak left the Chamber at 2202 hrs and returned at 2203 hrs.

Members of the public and press entered the Chamber at this point. In accordance with the City's Standing Orders Local Law, the Manager Marketing, Communications and Council Support read the Motion in relation to Confidential Report CJ304-11/02 – Lease Variation – Craigie Leisure Centre Kiosk.

REPORT OF THE CHIEF EXECUTIVE OFFICER

**C166-11/02 PROPOSED EXTENDED TRADING HOURS – MULLALOO
BEACH TAVERN, OCEANSIDE PROMENADE, MULLALOO –
[02089]**

WARD - Whitfords

PURPOSE

To seek Council's recommendation on an application for extended trading hours at the proposed Mullaloo Beach Tavern.

EXECUTIVE SUMMARY

An application has been referred to the City from the Director of Liquor Licensing requesting comments on a proposal to increase the trading hours for the proposed tavern to 2am on Thursday to Saturday, and to 12am on Sunday.

The applicant has provided little justification to support the application. There appears to be no reason to support the proposed extension of trading hours. Considering the proximity to residential properties and the lack of assessment by the applicant on the amenity impact on adjoining properties, it is recommended that Council not support the application.

BACKGROUND

Suburb/Location: Oceanside Promenade, Mullaloo
Applicant: Phillips Fox Lawyers / Rennet Pty Ltd
Owner: Rennet Pty Ltd
Zoning: **DPS: Commercial**
MRS: Urban

Approval was granted for the redevelopment of the existing Mullaloo Tavern on 13 August 2002. The proposal includes a tavern on the first floor, and bottle shop on the ground floor. The original application documentation for planning approval indicated that the tavern and bottle shop hours would be as existing, ie Monday – Saturday 6am – 12am, and Sunday 10am – 10pm. This is in accordance with standard hours imposed on a Tavern Liquor Licence.

DETAILS

Statutory Provision:

The Director of Liquor Licensing, through the Office of Racing, Gaming and Liquor, controls the hours of operation of licensed premises. Section 60 of the Liquor Licensing Act allows extended trading permits to be issued. Section 61 of the Act provides power for local governments to influence any application for the extension of trading hours.

The applicant has applied to the Director to extend the hours of trade normally associated with a Tavern licence. The applicant's submission in support of their application is attached. Council is able to express its support, conditional support, or refusal of the application to the Director.

A Section 40 certification is issued by the local government to confirm that the premises or proposed premises comply with the Town Planning Scheme.

Consultation:

The application has been referred to the City for comment. The applicant is also required to advertise the application on the tavern site to enable the public to make comments on the proposal to the Director of Liquor Licensing.

COMMENT

It is accepted that the tavern, as approved, would trade within the normal hours of a Tavern Licence. However, the application for extended trading hours has not previously been considered and raises issues of amenity in relation to the adjoining residential properties.

The applicant has provided minimal information in support and justification of the proposal. The information provided does not make any reference to the impact on the adjoining residential areas. Notwithstanding the lack of justification from the applicant, it is considered that there would be an adverse impact on adjoining residences from extended trading hours, particularly in terms of noise, vehicle movements, and potential patron behaviour. No supporting documentation or evidence has been provided, such as an acoustic report or management plan, to indicate how such matters would be addressed.

It is considered that the proposal to extend the trading hours for the tavern is unjustified and unnecessary for this location. It is recommended that Council oppose the proposal for extended trading hours.

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION That Council:

- 1 **ADVISES** the Director of Liquor Licensing that the application for an extended trading permit, received by the City on 14 November 2002, for the proposed Mullaloo Beach Tavern is **OPPOSED** for the following reasons:
 - (a) The applicant has ignored the potential impact on the amenity of adjoining residential properties,
 - (b) The extension of hours is likely to have a negative impact on the amenity of the adjoining residential properties,
 - (c) The proposed hours of activity are beyond that which are appropriate considering residential properties about the site,
 - (d) No substantive justification has been provided with the application to support the proposal,
 - (e) No supporting evidence, including an acoustic report and management plan, have been prepared by the applicant to support the proposal.
- 2 **ADVISES** the Director of Liquor Licensing and the applicant that Council is not prepared to support a Section 40 certificate for the proposed premises on the basis of extended trading hours. A Section 40 certificate will only be issued on the basis of standard trading hours for a Tavern Licence.

MOVED Cr Hurst SECONDED Cr Mackintosh that Council:

- 1 **ADVISES** the Director of Liquor Licensing that the application for an extended trading permit, received by the City on 14 November 2002, for the proposed Mullaloo Beach Tavern is **STRONGLY OPPOSED** for the following reasons:
 - (a) The applicant has ignored the potential impact on the amenity of adjoining residential properties,
 - (b) The extension of hours is likely to have a negative impact on the amenity of the adjoining residential properties,
 - (c) The proposed hours of activity are beyond that which are appropriate considering residential properties about the site,

- (d) **No substantive justification has been provided with the application to support the proposal,**
- (e) **No supporting evidence, including an acoustic report and management plan, have been prepared by the applicant to support the proposal.**

2 ADVISES the Director of Liquor Licensing and the applicant that Council is not prepared to support a Section 40 certificate for the proposed premises on the basis of extended trading hours. A Section 40 certificate will only be issued on the basis of standard trading hours for a Tavern Licence.

The Motion was Put and

CARRIED (14/1)

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

Appendix 19 refers.

To access this attachment on electronic document, click here: [Attach19min261102.pdf](#)

C167-11/02 NOTICE OF MOTION NO 1 – CR ANDREW PATTERSON – [56123]

In accordance with Clause 3.12 of the Standing Orders Local Law, Cr Andrew Patterson has given notice of his intention to move the following motion at the Council meeting to be held on Tuesday 26 November 2002:

“That, in view of the correspondence dated 13 August 2002 from the Department of Planning and Infrastructure regarding the refusal of the DPI to support closure of the pedestrian accessway between Barracuda Court and Lancett Court, Sorrento:

- 1 Council writes to the Minister of Planning and Infrastructure requesting that the Minister implement the resolution of Council dated 12 March 2002;*
- 2 the action in (1) above carries out this task within 14 days of this resolution being passed at Council.”*

OFFICER’S COMMENT

The request for the closure of the pedestrian accessway between Lancett Court and Barracuda Court, Sorrento was supported for closure by Council at its meeting of 12 March 2002.

In order for the Department of Land Administration to investigate the City’s request for closure, the support of the Department for Planning and Infrastructure (DPI) (former Ministry for Planning) is necessary, however it had already advised the City that it objected. In a letter dated 22 March 2002, the City requested that the DPI reconsider this objection and support the closure. The DPI has since advised that it is still not willing to support this proposal and that alternatives to closure should be pursued.

The City can write to the Minister for Planning and Infrastructure and request Council's resolution of 12 March 2002 be considered and support given to the closure of the accessway between Barracuda Court and Lancett Court, Sorrento.

VOTING REQUIREMENTS

Simple Majority

MOVED Cr Patterson, SECONDED Cr Baker that, in view of the correspondence dated 13 August 2002 from the Department of Planning and Infrastructure regarding the refusal of the DPI to support closure of the pedestrian accessway between Barracuda Court and Lancett Court, Sorrento:

- 1 Council writes to the Minister of Planning and Infrastructure requesting that the Minister implement the resolution of Council dated 12 March 2002;**
- 2 the action in (1) above carries out this task within 14 days of this resolution being passed at Council.**

The Motion was Put and

CARRIED (12/3)

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

C168-11/02 NOTICE OF MOTION NO 2 – CR M O'BRIEN

In accordance with Clause 3.12 of the Standing Orders Local Law, Cr Mike O'Brien has given notice of his intention to move the following motion at the Council meeting to be held on Tuesday 26th November 2002:

“That Council requires the IT department of City of Joondalup to take appropriate steps to amend the Text of the City's Web Page;

- by deleting the Liberal Party's Slogan, “Heading in the Right Direction” from the City of Joondalup's Web Page and that the matter of a City Slogan, be referred to the City's House Committee to recommend a replacement slogan to Full Council that represents the unique diversity of the City of Joondalup; and*
- that the City's House Committee be charged with the responsibility of examining the possibility of the establishment of a City of Joondalup “Coat of Arms” thereby exhibiting the City's coming of age appropriate to the commencement of the 2003 Municipal Year.’*

Reason for proposed motion

Cr O'Brien states that the reason for the amendment to the web page text is that :

- 1 The City is not affiliated to and/or a subsidiary organization of the Liberal Party, or any of the other 89 Australian Registered Political Parties and should not be seen to be expressing any bias towards the Declared Policies, of any Political Party and should not be seen to be in a position where it could be accused of displaying bias towards any Political Party, such as would be portrayed if the slogan was "Heading the Left Direction";
- 2 While respecting any individual Councillor's right to belong to any Political Party of their Choice, the Council of the City of Joondalup should portray an image of being NON POLITICAL;

and regarding a Coat of Arms;

In order to establish a firm respect for Municipal Protocol, it is time the City examined the possibility, of establishing its own Coat of Arms, as did the now defunct City of Wanneroo, when that former City received its Coat of Arms in 1985.

(May be part of the central design, in keeping with the Learning City, could be the graphic of "an open book." with echidnas rampant)

OFFICER'S COMMENT

"Heading in the Right Direction"

The City of Joondalup has had two Strategic Plans. One for 1999-2003 when there were Joint Commissioners directing the City. The second Strategic Plan was for 2000-2005 which was developed by elected members. In both of these documents the City has used the slogan "Creating the Future". This slogan was developed by the community.

"Heading in the Right Direction" was previously inadvertently included on a map which utilised the tag line "Heading in the Right Direction" as the title of the map. The City has withdrawn the document from circulation and replaced the title of the pamphlet with "Creating the Future".

The City has never intentionally used the title "Heading in the Right Direction" as a slogan. The slogan the City does use on its publications is "Creating the Future". An instruction has been issued to delete the message "Heading in the Right Direction" from the City's website.

Establishment of Coat of Arms

Following the creation of the new City of Joondalup on 1 July 1998, and the election of a new Mayor and Councillors in December 1999, it was considered appropriate to examine the need for a new Coat of Arms to be used alongside, or instead of, the City of Joondalup's current logo. The City's current logo was developed by LandCorp, with licence granted to the City to use the logo upon creation of a new local government in July 1998.

A report was presented to a Briefing Session on 31 January 2000, providing information on use of Coat of Arms by other Councils, the process involved in the design and registration of a Coat of Arms, and the cost involved, which at that time was estimated to be approximately \$10,000. At that Briefing Session, further information was requested on the implications of keeping the current logo, or replacing it with an alternative logo or a Coat of Arms.

Accordingly, a report was submitted to Council at its meeting on 22 February 2000 (Item CJ015-02/00 refers) which resolved to:

“retain the existing corporate logo at this stage which is used under a Licence Agreement with LandCorp, expiring on 2 July 2003”.

VOTING REQUIREMENTS

Simple Majority

MOVED Cr O’Brien SECONDED Cr Carlos that Council requires the IT department of City of Joondalup to take appropriate steps to amend the Text of the City’s Web Page;

- by deleting the Liberal Party’s Slogan, “Heading in the Right Direction” from the City of Joondalup’s Web Page and that the matter of a City Slogan, be referred to the City’s House Committee to recommend a replacement slogan to Full Council that represents the unique diversity of the City of Joondalup; and
- that the City’s House Committee be charged with the responsibility of examining the possibility of the establishment of a City of Joondalup “Coat of Arms” thereby exhibiting the City’s coming of age appropriate to the commencement of the 2003 Municipal Year.

Discussion ensued.

The Motion was Put and

LOST (3/12)

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

C169-11/02 NOTICE OF MOTION NO 3 – CR A WALKER

In accordance with Clause 3.12 of the Standing Orders Local Law, Cr Allison Walker has given notice of her intention to move the following motion at the Council meeting to be held on Tuesday 26 November 2002:

“That Council makes provision for a Second Public Question Time at the Council Meeting to be held on 26 November 2002. This Second Public Question time will be specifically for ratepayers to ask questions about decisions that have been made during the Council meeting of 26 November 2002, and shall be held after the completion of all business and before the close of the Council Meeting of 26 November 2002.

OFFICER'S COMMENT

Clause 3.2 of the City's Standing Orders Local Law details the order of business, unless resolved by Council, that is to transpire at an ordinary meeting of Council.

The Council has previously agreed to the order of business at an ordinary meeting of the Council being as follows:

- Open and Welcome
- Public Question Time
- Apologies and leave of absence
- Declaration of financial interest/interest that may affect impartiality
- Confirmation of Minutes
- Announcements by the Mayor without discussion
- Petitions
- Reports
- Report of the Chief Executive Officer
- Motions of which previous notice has been given
- Date of next meeting
- Closure

Clause 3.2 allows the Council by resolution to alter its order of business. If Council agrees to the proposed Notice of Motion, then the order of business for the meeting held on 26 November 2002 will be altered to include a second period of public question time.

VOTING REQUIREMENT

Simple Majority

MOVED Cr Walker SECONDED Cr Carlos that Council makes provision for a Second Public Question Time at the Council Meeting to be held on 26 November 2002. This Second Public Question time will be specifically for ratepayers to ask questions about decisions that have been made during the Council meeting of 26 November 2002, and shall be held after the completion of all business and before the close of the Council Meeting of 26 November 2002.

The Motion was Put and

LOST (5/10)

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

DATE OF NEXT MEETING

The next meeting of the Council has been scheduled for **7.00 pm** on **TUESDAY, 17 DECEMBER 2002** to be held in the Council Chamber, Joondalup Civic Centre, Boas Avenue, Joondalup

CLOSURE

There being no further business, the Mayor declared the Meeting closed at 2219 hrs; the following elected members being present at that time:

MAYOR J BOMBAK, JP
CR P KADAK
CR P KIMBER
Cr D CARLOS
CR C BAKER
CR A NIXON
CR J HOLLYWOOD
CR A WALKER
Cr P ROWLANDS
Cr T BARNETT
Cr M O'BRIEN
Cr A PATTERSON
Cr G KENWORTHY
Cr J HURST
CR C MACKINTOSH