



*City of*  
**Joondalup**

**DRAFT AGENDA**

**FOR ELECTED MEMBERS'**

**BRIEFING SESSION**

**TUESDAY, 4 MARCH 2003**

## ***PUBLIC QUESTION TIME***

Public question time is provided at meetings of the Council or briefing sessions that are open to the public.

Public question time is not a public forum for debate or making public statements. The time is limited to asking of questions and receiving responses. This procedure is designed to assist the conduct of public question time and provide a fair and equitable opportunity for members of the public who wish to ask a question. Public question time is not to be used by elected members. Members of the Council are encouraged to use other opportunities to obtain information.

Questions must relate to the ordinary business of the City of Joondalup or the purpose of the special meeting.

### **Prior to the Meeting/Briefing Session**

To enable prompt and detailed responses to questions, members of the public are encouraged to lodge questions in writing to the Committee Clerk by close of business on the Friday prior to the Council meeting or Briefing Session at which the answer is required. Answers to those questions received within that time frame, where practicable, will be provided in hard copy form at that meeting.

### **At the Meeting/Briefing Session**

A register will be provided for those persons wanting to ask questions to enter their name, and the order of registration will be the order in which persons will be invited to ask their questions.

Public question time will be limited to the legislative minimum of fifteen (15) minutes and may be extended by resolution of the Council, but the extension of time is not to exceed ten (10) minutes in total. Public question time will be limited to two (2) questions per member of the public. When all people who wish to do so have asked their two (2) questions, the presiding member may, if time permits, provide an opportunity for those who have already asked their two (2) questions to ask further questions.

During public question time at the meeting, each member of the public wanting to ask questions will be required to provide a written form of their question(s) to a Council employee.

Where the number of required questions exceeds the number able to be asked, the member of the public may submit the unasked questions to the Council, where they would be 'taken on notice' and a written response provided.

The procedure to ask a public question during the meeting is as follows:

- persons are requested to come forward in the order they registered;
- give their name and address;
- read out their question;

- before or during the meeting each person is requested to provide a written form of their question to a designated Council employee;
- the person having used up their allowed number of questions or time is asked by the presiding member if they have more questions; if they do then the presiding member notes the request and places them at the end of the queue; the person resumes their seat in the gallery;
- the next person on the registration list is called;
- the original registration list is worked through until exhausted; after that the presiding member calls upon any other persons who did not register if they have a question (people may have arrived after the meeting opened);
- when such people have asked their questions the presiding member may, if time permits, provide an opportunity for those who have already asked a question to ask further questions;
- public question time is declared closed following the expiration of the allocated time period or where there are no further questions.

The Mayor or presiding member shall decide to:

- Accept or reject the question and his/her decision is final;
- Nominate a member of the Council and/or Council employee to respond to the question;
- Due to the complexity of the question, it be taken on notice with a written response provided as soon as possible, and included in the agenda of the next briefing session or Council meeting, whichever applicable.

**The following rules apply to public question time:**

- *question time is not to be used by a member of the public to make a statement or express a personal opinion;*
- *questions should properly relate to Council business;*
- *question time shall not be used to require an Elected Member or an officer to make a personal explanation;*
- *questions should be asked politely in good faith and are not to be framed in such a way as to reflect adversely or be defamatory on a particular Elected Member or Council employee;*
- *where a response has been provided to a question asked by a member of the public, and where that response, in the opinion of the presiding person, adequately deals with the question, there is no obligation to further justify the response;*
- *where an elected member is of the opinion that the question is not relevant to the business of the City of Joondalup or that a member of the public is making a statement, they may bring it to the attention of the meeting.*

It is not intended that question time should be used as a means to obtain information that would not be made available if it was sought from the City's records under Section 5.94 of the Local Government Act 1995 or the Freedom of Information (FOI) Act 1992. Where the response to a question(s) would require a substantial commitment of the City's resources, the Chief Executive Officer (CEO) will determine that it is an unreasonable impost upon the City and refuse to provide it. The CEO will advise the member of the public that the information may be sought in accordance with the FOI Act 1992.

## **Disclaimer**

Responses to questions not put in writing are provided in good faith and as such, should not be relied upon as being either complete or comprehensive.

## ***DEPUTATION SESSIONS***

*Elected Members will conduct an informal session at the Briefing Session in Conference Room 1, Joondalup Civic Centre, Boas Avenue, Joondalup, commencing at 6.00 pm where members of the public may present deputations by appointment only. (Please note that deputation requests are to be received by no later than 4.00 pm on the Monday prior to a Briefing Session.)*

*A time period of fifteen (15) minutes is set aside for each deputation, with five (5) minutes for Elected Members' questions. Deputation sessions are open to the public.*

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

## CITY OF JOONDALUP – BRIEFING SESSION

to be held in Conference Room 1, Joondalup Civic Centre, Boas Avenue, Joondalup on  
**TUESDAY, 4 MARCH 2003 commencing at 6.00 pm**

### ORDER OF BUSINESS

#### **1 OPEN AND WELCOME**

#### **2 PUBLIC QUESTION TIME**

**The following questions were submitted by Mr Steve Magyar, Heathridge:**

*Q1 Refer to the “Public Question Time” instructions at the front of the agenda for this “Briefing Session”. Under the first heading “Prior to the Meeting/Briefing Session”, it is written that:*

*“To enable prompt and detailed responses to questions, members of the public are encouraged to lodge questions in writing to the Committee Clerk by close of business on the Friday prior to the Council meeting or Briefing Session at which the answer is required.”*

*Can Council explain how this requirement can be met, for questions regarding items on the agenda for a Briefing Session, if the agendas for Briefing Sessions are only released to the public after the close of business on the Friday prior to the Briefing Session?*

**A1** As detailed within the guidelines adopted by the Council, members of the public are ‘encouraged’ to submit their questions by the Friday in order for responses to be prepared and presented to the meeting. It is acknowledged that the agendas for the Briefing Session are not distributed until the Friday, therefore a degree of flexibility will be shown for questions received in writing for Briefing Sessions. It has been consistent practice of the Council where a reasonable number of questions are received within a reasonable time prior to the meeting/briefing session, responses will be provided.

*Q2 Again referring to the Public Question Time “instructions at the front of the agenda for this “Briefing Session”. Under the second heading “At the Meeting/Briefing Session”, it is written that:*

*“During public question time at the meeting, each member of the public wanting to ask questions will be required to provide a written form of their question(s) to a Council employee”.*

*Does the Local Government Act or Regulations permit Council to impose this condition on Public Question Time, and if so which section of the Act or Regulations apply to allow this condition to be imposed?*

- A2 The revised procedure relating to public question time adopted by the Council in December 2002 was modelled on the guidelines prepared by the Department of Local Government and Regional Development. This requirement was detailed within those guidelines.

Local Government (Administration) Regulations 1996 – Regulation 7 details that the procedures for public question time is to be determined by the presiding member or the majority of members of the Council where they disagree. In an effort to ensure consistency and clarity for public question time, the procedures were adopted. The intent of this requirement is to ensure that a clear understanding of the question is gained and accurately recorded for the minutes.

- Q3 *Considering the extra detail of the new Public Question Time Question Time rules, will the time taken to explain the rules and the time taken to administer the rules be included or excluded from the calculation of the time allowed for Public Question Time?*

- A3 As previous practice, the Mayor will read aloud the procedures relating to public question time. The allocated time for public question time will commence following the explanation provided by the Mayor.

- Q4 *I refer to Item 2 – Warrant of Payments, cheque number 44586, dated 5 December 2002, \$693.00 paid to the vendor “The 250 Business Club”. Could details of the goods or services provided to the City of Joondalup be given at this Briefing Session?*

- A4 Payment for officers and elected members to attend the Sunset Coast Tourism Business Forum on 27 November 2002 (7 x \$90 plus GST).

- Q5 *I refer to Item 2 – Warrant of Payments, cheque number 44714, dated 12 December 2002, \$1,815.00 paid to the vendor “WC Convenience Management P/L”. Could details of the goods or services provided to the City of Joondalup be given at this Briefing Session?*

- A5 Technical and hygienic maintenance/operation of Exeloo (automatic self cleaning toilet) located at Keywest Car Park, Mullaloo Beach North from April to October 2002.

- Q6 *I refer to Item 4 – Petition Request for Bore in Sycamore Drive, Duncraig. The report states that the provision of the reticulation on this small section of a suburban distributor road will cost \$20,000.00 capital works, and \$6,000.00 annually to maintain. On a very rough estimate, how much would it cost to provide the same level of landscaping and maintenance to all the equivalent roads within the City of Joondalup? Also, by how much would the rates increase for the average residential ratepayer in the City if all suburbs*

*and all parts of all suburbs were provided with the same as requested by the petitioners?*

- A6 To provide information as requested would require a detailed costing exercise to be undertaken in order that meaningful and accurate information can be provided.

The time and resources required to do this is considered impractical.

**Mr Brian Atkin, Wanneroo Basketball Association:**

*Q1 The Wanneroo Basketball Association has offered the use of its stadium to hold the Special Meeting of Electors on 6 March 2003. Will the Mayor agree to hold this meeting at the stadium to accommodate the number of people anticipated to attend?*

- A1 A decision has been made to hold the meeting at the City of Joondalup Council Chamber and the meeting has been advertised accordingly.

*Q2 Will adequate facilities be made for a public address system?*

- A2 This will be arranged.

**Mr S Magyar, Heathridge:**

*Q1 Has Council received an additional Notice of Motion for tonight's agenda and if so, will the subject matter be published in the agenda for the meeting?*

- A1 Council has received a Notice of Motion from Cr Carlos. This has been the subject of legal advice and will be listed on the Agenda for the Council meeting as a confidential item.

*Q2 Regarding the answer given to my earlier question 6 regarding Sycamore Drive, Duncraig, is there a potential for different suburbs to be treated in different ways? Will rough estimates of the costs be obtained on the level of verge treatments on the roads?*

- A2 Not at this stage.

*Q3 Regarding the answer given to my earlier question 2, requiring questions to be put in writing. Will Council be introducing other procedures recommended by the Department of Local Government, such as allowing persons who have submitted questions in writing to read out their questions at the meeting and for the response to be read aloud?*

- A3 The procedures adopted by the Council relating to public question time allow for members of the public to read their questions aloud as detailed within the guidelines of the Department of Local Government and Regional Development.

*Q4 Re: Notice of Motion Cr Patterson, regarding Not for Profit organisations paying the same fees as For Profit organisations: If Cr Patterson’s motion is successful, will the report to Council address the question of Council paying the Not for Profit organisation the full value of the work done by the Not for Profit organisations, such as the Joondalup Coast Care Forum?*

A4 This is for Council to consider.

*Q5 Is the Delegated Authority Committee open to the public as required by the Local Government Act?*

A5 No.

*Q6 Regarding the answer given to my question 5, on the payment of \$1815 to WC Convenience Management PL, for what period of time was this payment made?*

A6 This information is provided within the Report.

*Q7 Regarding to answer given to my earlier question 1, that public questions are to be received by close of business on Friday. What is wrong with the re-wording of this instruction to say “by opening of the office on Monday morning” for Briefing Session questions?*

A7 Comments are noted.

### **3 DEPUTATIONS**

### **4 APOLOGIES AND LEAVE OF ABSENCE**

#### **Leave of absence previously approved:**

Cr P Kadak	24 February 2003 to 14 March 2003 inclusive
	28 March 2003 to 17 April 2003 inclusive

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



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**9 DATE OF NEXT MEETING**

**10 CLOSURE**

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## **ITEM 1 COMPLIANCE AUDIT REPORT – [09492]**

**WARD - All**

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### **PURPOSE**

To adopt the completed 2002 Compliance Audit Return.

### **EXECUTIVE SUMMARY**

**The Joint Certification by the Mayor and the Chief Executive Officer to be read aloud at the meeting of the Council**

*“We, John Bombak being the Mayor and Denis Ian Smith being the appointed Chief Executive Officer of the City of Joondalup hereby certify that:*

*The information contained in Parts A and B of this Return is true and correct to the best of our knowledge.*

*The Return was included in the agenda papers and considered by the Council at the Ordinary Meeting of the Council held in 11 March 2003.*

*The contents of this Certification was read out aloud to the meeting.*

*The particulars of any matters of concern relating to the Return were recorded in the Minutes of the meeting.*

*The Appendix attached to this Return is a true and correct copy of the relevant section(s) of those minutes*

*Subject to the matters of concern raised and recorded, the Council adopted the Compliance Return as the official Return of the Council for the period 1 January 2002 to 31 December 2002.”*

The City has completed the Department of Local Government’s compliance audit return for the period 1 January 2002 to 31 December 2002.

Presentation of this report and adoption of its recommendations will allow the City to meet all the necessary requirements, which are part of the audit process.

### **BACKGROUND**

Some years ago, the Local Government Department introduced a voluntary statutory compliance assessment as a result of its concerns at the level of non-compliance within the industry.

To ensure requirements of the Local Government Act S.7.13(i) are followed, Sections 13, 14 and 15 of the Local Government (Audit) Regulations have been amended. This means that there is now a legal requirement to annually complete a Compliance Audit Return and return

it to the Local Government Department by 31st March each year. This year's Audit Return has been revised into a user-friendlier format.

## **DETAILS**

The City places a high level of importance on being open and accountable and believes that the compliance audit return is a valuable tool to help achieve that outcome. The completed return is an attachment to this report.

To enable the City to meet all of its statutory requirements the business units have put in place initiatives to ensure a thorough and ongoing compliance process.

With the exception of Section A (Tenders for Providing Goods and Services) number 5 and Section I (Caravan Parks and Camping Grounds) the return indicates total compliance. In regards to non-compliance sections explanatory notes are offered:

### **Section A (Tenders for Providing Goods and Services) Number 5**

Full compliance was not achieved on Item 5 Reg 14(4) "whether or not a local government had decided to submit a tender". Remedial action will be taken to ensure this is specified in every tender document issued.

### **Section I (Caravan Parks and Camping Grounds)**

Resource difficulties meant that the City's caravan parks were not inspected within the period, however were inspected shortly after. Restructuring of the Environmental Health area will ensure that future inspection will occur within the specified time frames.

## **COMMENT**

The Internal Auditor and Audit Committee have completed their review of the Compliance Audit Return, which means it can now be presented to Council for adoption. Following the adoption of the Compliance Audit Return, the Mayor and the Chief Executive Officer will jointly certify it.

## **VOTING REQUIREMENTS**

Simple Majority

Note: It is a requirement of the Return that details of voting (i.e. carried 12/3) be recorded in the minutes.

## **RECOMMENDATION**

**That Council ADOPTS the completed Local Government Compliance Audit Return for the period 1 January 2002 to 31 December 2002.**

*Appendix 1 refers.*

*To access this attachment on electronic document, click here: [Attach1brf040303.pdf](#)*

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## **ITEM 2 STRATEGIC PLAN 2003 – 2008 – [77514]**

**WARD** - All

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### **PURPOSE**

For Council to approve the final Strategic Plan 2003-2008 for printing and distribution.

### **EXECUTIVE SUMMARY**

The City's Draft Strategic Plan has been developed following consultation with stakeholders, Council and the Administration. The Plan covers the period 2003–2008 and details:

- the future direction of the City;
- what the City wants to achieve;
- how the City intends to achieve it.

This report notes that there were 82 submissions from the community and a number of submissions from business units and individuals within business units from the administration.

The comments vary in degree including suggestions for changes to the content of the Strategic Plan, to comments that require noting and acknowledgement.

In summary, many of the responses reflected an element of mistrust with the City, which this process allowed such concerns to be conveyed. For example, some of the responses stated that “precinct planning” could reoccur if certain terms such as ‘flexibility’ remained in the Plan.

Comments from the administration range from changes to content to reflect the functions the City provides, to more specific and technical information.

### **BACKGROUND**

#### **Strategic Plan Process**

The Strategic Plan review process commenced initially in February 2002 involving a report being prepared on the future direction of government and non-government agencies, through to workshops with the community, the administration, the Mayor, Councillors, Executive Management Team and senior management reviewing the existing Plan.

The process for the Plan's development included: -

<b>DATE</b>	<b>DETAIL</b>
February 2002	Gatter Report – Strategic direction of key government and non-government agencies.
4,9,11 July 2002	Advertise community workshops in the local papers
10 July 2002	Conduct workshop for northern suburbs residents at Joondalup Resort
11 July 2002	Conduct workshop for southern suburbs residents at AQWA
12 July 2002	Closing date for feedback (surveys, telephone hotline & e-consultation))
13 July - 6 August 2002	Conduct workshop to provide feedback to the community on the results from the community consultation.
16 September 2002	Council and senior management workshop
1 October 2002	Council and senior management workshop
8 August – 26 November 2002	Evaluation of all feedback received and preparation of Draft Strategic Plan 2003-2008
27 November 2002 – 28 January 2003	Draft Strategic Plan 2003-2008 available for public comment
29 January 2003- 21 February 2003	Evaluation of feedback received during public comment period and preparation of presentation to Executive and Council for Strategy Session.
25 February 2003	Presentation to Council and Executive at Strategy session.

### **Strategic Plan:**

The Strategic Plan is one of the primary sources the City uses in all its planning and budgeting processes and activities.

At the Council meeting held on 26 November 2003 Council endorsed the recommendation that the draft Strategic Plan 2003-2008 be released to the community for final comment prior to it being approved for printing and distribution. The close off date for comment was Tuesday 28 January 2003.

There was an extended comment period (to the usual 28 days), to take into account the Christmas holidays.

A copy of all the comments received from the community is attached (Attachment 1 to this Report).

All submissions and recommendations from the administration were presented to Council at Strategy session 25 February 2002.

### **DETAILS**

#### **Developing a final version of the Strategic Plan (November 2002 - January 2003)**

Feedback from the community and internal staff is attached (Attachment 2 to this Report). Overall, feedback supported the general direction of the Plan.

The main issues raised by the community are due to a lack of understanding of the strategic planning process, the cascading effect of the Strategic Plan, and definitions. The other main issue is mistrust of local government due to the outcome of the “precinct planning” process.

A number of the suggestions received from the administration related specifically to the functions of particular business units and thus the suggestion to enhance the content being more specific to their core business. Also some comments were very specific and therefore too detailed to be included in the Strategic Plan. Such information will be considered in the development of other more specific plans such as the Corporate, Directorate and Business Unit Plans.

The City received 82 community submissions in response to the draft Strategic Plan. The submissions were analysed and it was determined that a number of community members had provided identical responses (3 groups being Iluka residents, Greenwood residents and Mullaloo residents). Thus there were nine separate submissions.

<b>Provider of Comments</b>	<b>Number of submissions (See Attachment 2 to this Report)</b>
Mike Norman	1
David Mead	1
The Inner-City Residents of Joondalup Inc.	1
Marie Macdonald	1
Michael Caiacob	1
Mr and Mrs Zakrevsky	2
Iluka residents in the main	5
Mullaloo residents in the main	32
Greenwood residents in the main	38
Various staff and business units	3 formalised submissions

The City has a population of approximately 160,000. As the draft was advertised and available from 27 November 2002 to 28 January 2003 for comment, 82 submissions may not be an accurate reflection of the majority of the community.

The Strategic Development Officer in consultation with the Executive Management Team analysed all comments and provides a revised Strategic Plan 2003-2008 incorporating the recommended suggestions which were discussed at Strategy session 25 February 2003 (Attachment 2 to this Report).

A summary of the key issues raised are:

- Is the plan a review of the existing plan or a new plan
- Stakeholder definition
- Content of the plan – where is their input
- Issues with the terminology
- General issues

#### **Consultation:**

Throughout the whole strategic planning process there have been consultation sessions with the community, administration and Council.

Further consultation and community education will need to continue to develop the community's understanding of the Strategic Planning Process.

**Policy Implications:**

The Strategic Plan may have implications for the development of future policies for the City.

**Financial Implications:**

An amount has been included in the operating budget of the Strategic and Corporate Planning Unit for the printing and distribution of the Strategic Plan 2003–2008.

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

**VOTING REQUIREMENTS**

Simple Majority

**RECOMMENDATION**

**That Council APPROVES the Strategic Plan 2003–2008 for printing and distribution.**

*Appendix 2 refers.*

*To access this attachment on electronic document, click here: [Attach2brf030303.pdf](#)*

*[Attach2abrf030303.pdf](#)*



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### **ITEM 3 VACANCIES - WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION - COMMITTEE VACANCIES – [02011]**

**WARD - All**

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#### **PURPOSE**

To call for nominations for various committees of the Western Australian Local Government Association.

#### **EXECUTIVE SUMMARY**

The Western Australian Local Government Association (WALGA) has invited member Councils to submit nominations to various committees.

This report invites nominations from elected member and officer representatives with experience, knowledge and an interest in the relevant issues.

#### **DETAIL**

The Western Australian Local Government Association has invited member Council to submit nominations to the following committees:

- Road Safety Council - 1 Member; 1 Deputy Member;
- FESA Consultative Committees:
  - Bush Fire Service – 1 Member
  - Fire and Rescue Service – 1 Member;
- Local Government Advisory Board – 1 Member; 1 Deputy Member;
- FESA Emergency Services Levy Capital Grants Committees:
  - Bush Fire Brigade Capital Grants Committee – 3 Members;
  - State Emergency Service Capital Grants Committee – 3 Members.

Nominations are invited from elected member and officer representatives with experience, knowledge and an interest in the relevant issues.

Full details of the vacancies and nomination process are provided at Attachment 1 hereto.

**Nominations for all vacancies close on Wednesday 12 March 2003.** In order to provide elected members and staff with sufficient time to prepare a nomination to meet this deadline, information on these vacancies was provided to elected members and staff within the Desk of the CEO publication on 14 February 2003.

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

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

## **VOTING REQUIREMENTS**

Simple majority

## **RECOMMENDATION**

**Submitted for Nomination.**

*Appendix 3 refers.*

*To access this attachment on electronic document, click here: [Attach3brf030303.pdf](#)*

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## **ITEM 4 BUSINESS & COMMUNITY DIRECTORY PARTNERSHIP PROPOSAL – JOONDALUP BUSINESS ASSOCIATION – [03082]**

**WARD - All**

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### **PURPOSE**

The purpose of this report is to consider the options regarding proposed partnership between the City of Joondalup and the Joondalup Business Association to produce the 2003/2004 Business and Community Directory and entering a tri-ennial agreement for future editions.

### **EXECUTIVE SUMMARY**

The Business & Community Directories produced over the past two years with financial support from the City of Joondalup have been a success, being both well accepted by business and the community, as well as providing revenue for the JBA in its second year of production.

It has been indicated by the JBA that the initial production in 2001/02 of the Directory cost approximately \$2,000, however in the second edition in 02/03 the JBA received approximately \$18,000 in revenue from the production. It is acknowledged that the product is now established within the Joondalup market and it had previously been agreed that support from the City would cease following the 2002/03 edition.

However, it is believed that this publication could now be improved in content and format, have a larger print-run and wider distribution networks through both local networks and into northern communities serviced by the Joondalup Centre. This would enable the City, local businesses and community groups that service the northern corridor to expand their profile beyond the City's boundaries bringing increased economic benefits to the region.

This report recommends that the City continues its financial support to the value of \$32,000 (plus GST) for the 2003/2004 Business and Community Directory subject to revised terms and conditions:

- 1 the City being allocated appropriate free space for information pertaining to Council services (currently this is 16 full A4 pages)
- 2 the City having two representatives on the working party for the production of the Directory
- 3 the City allocated free editorial space and photograph for a joint Mayoral Message at the front of the Directory
- 4 the JBA commit to continuing market research to develop and improve the directory's content and its appeal to a wider audience including identification of new markets for the directory

- 5 the print-run of the Directory is suitably increased to allow for wider distribution, and for the City to be provided a minimum of 6,500 copies for use in new resident welcome & citizenship packs, libraries, recreation centres and customer service centres.
- 6 the JBA committing to increasing distribution into northern corridor and through local stakeholder groups, eg education institutions and information points at local shopping centres.

## **BACKGROUND**

In 2001 and 2002 the City of Joondalup and the Joondalup Business Association jointly produced annual Business and Community Directories. The City contributed \$32,000 (plus GST) per annum to the project which included priority distribution to all households within the City of Joondalup, a “run on” of 7000 copies for additional distribution to businesses and general promotions, 17 full colour gloss pages of Council information, 10 pages of Community Listings provided by the City, editorial in the form of a joint message from the Mayor and the President of the JBA plus two representatives on the working party for the Directory.

Prior to this project in 1999/2000 the City had produced its own high quality, 40 page dedicated Council Services Directory with full editorial control which cost \$32 000.

The support of these two annual Directories was considered beneficial as it allowed the City to demonstrate strong support for the business community by taking a leadership role in the economic vitality of the region. Funds which had previously been allocated to the production of a dedicated Council Services Directory were redirected toward the joint project with the JBA.

A working party consisting of a representative from the Joondalup Business Association, two representatives from the City’s Marketing Services Team and a representative from Market Creations who were responsible for administration and sales, developed the content and design of the Directory. As members of the working party, the City was able to ensure that the end product was one which was professionally presented as well as a useful reference for residents.

## **DETAILS**

The JBA has invited the City to continue its support of the 2003/2004 directory, by subscription for advertising space for an amount of \$32,000 (plus GST).

Research was undertaken by the City following distribution of the Directory in 2001 and further research will be undertaken in 2003 as part of an overall City Communication Method research project. The results of the previous survey indicated a generally positive reaction. For example, approximately 67% of those surveyed indicated that they had kept their copy of the Directory, 53% of those surveyed rated the Directory at better than 5 or more out of 10 on a scale of usefulness with a majority of those surveyed indicating that they would like to receive an annual updated version of the Directory.

**Financial Implications:**

<b>Account No:</b>	11 05 05 051 3720 0001
<b>Budget Item:</b>	Governance Corporate Costs, Printing
<b>Budget Amount:</b>	\$32 000
<b>YTD Amount:</b>	\$NA
<b>Actual Cost:</b>	\$NA

**COMMENT**

This is the third year that the Directory will be produced by the JBA. The research undertaken by the City has indicated that the product is strong and that there is demand and expectation within the community for such a product.

With the 2001/2002 Directory resulting in a surplus of funds that have been re-directed back in to the business community, it is envisaged that continuing support from the City will assist in expanding the content and distribution of future editions of the Community Directory.

Options for consideration by Council are:

**Option 1**

Provide a financial contribution of \$32,000 (plus GST) to the Joondalup Business Association, in accordance with the City's contribution in the past two years, to produce a Business & Community Directory for 2003/04, subject to the following revised terms & conditions:

- 1 the City being allocated appropriate free space for information pertaining to Council services (currently this is 16 full A4 pages)
- 2 the City having two representatives on the working party for the production of the Directory
- 3 the City allocated free editorial space and photograph for a joint Mayoral Message at the front of the Directory
- 4 the JBA commit to continuing market research to develop and improve the directory's content and its appeal to a wider audience including identification of new markets for the directory
- 5 the print-run of the Directory is suitably increased to allow for wider distribution, and for the City to be provided a minimum of 6,500 copies for use in new resident welcome & citizenship packs, libraries, recreation centres and customer service centres.
- 6 the JBA committing to increasing distribution into northern corridor and through local stakeholder groups, eg education institutions and information points at local shopping centres.

## **Option 2**

Provide a reduced financial contribution to the Joondalup Business Association under the previous terms as set out below, not requiring enhancement of expansion of print-runs and distribution of the Directory, to the value of \$20,000 (plus GST). Given that this is the third year the Directory will be produced, the product has proven to be strong and should therefore be self-funding with this reduced contribution from The City.

- (a) allocation of appropriate free space for information pertaining to Council services (currently this would need to be approximately 16 full A4 pages);
- (b) two representatives being included on the working party for the production of the Business and Community Directory;
- (c) allocation of free editorial space for a joint City of Joondalup Mayoral Message at the front of the Directory.

## **Option 3**

The City to endorse the concept of the Directory only and provide support in the form of purchasing advertising space in the Directory, for example to the value of \$10,000 (ex GST), to promote the City. The City would then also produce its own dedicated Council Services & Community Directory.

## **VOTING REQUIREMENTS**

Simple Majority

## **RECOMMENDATION**

### **That Council:**

- 1 AGREES to contribute an amount of \$32,000 (plus GST) to the Joondalup Business Association towards the production of the 2003/04 edition of the Joondalup Business and Community Directory only;**
- 2 ADVISES the Joondalup Business Association that the funding in (1) above is subject to the following for the 2003/04 edition of the Joondalup Business and Community Directory only:**
  - (a) the City being allocated appropriate free space for information pertaining to Council services (currently this is 16 full A4 pages)**
  - (b) the City having two representatives on the working party for the production of the Directory**
  - (c) the City allocated free editorial space and photograph for a joint Mayoral Message at the front of the Directory**

- (d) the JBA commit to undertaking market research of the 2003/04 directory in order to develop and improve the directory's content and its appeal to a wider audience including identification of new markets for the directory**
- (e) the print-run of the Directory is suitably increased to allow for wider distribution, and for the City to be provided a minimum of 6,500 copies for use in new resident welcome & citizenship packs, libraries, recreation centres and customer service centres.**
- (f) the JBA committing to increasing distribution into northern corridor and through local stakeholder groups, eg education institutions and information points at local shopping centres.**

## **ITEM 5    WARRANT OF PAYMENTS – 31 JANUARY 2003 – [09882]**

**WARD - All**

### **PURPOSE**

The Warrant of Payments as at 31 January 2003 is submitted to Council for approval.

### **EXECUTIVE SUMMARY**

This report details the cheques drawn on the funds during the month of January 2003. It seeks Council's approval for the payment of the January 2003 accounts.

### **DETAILS**

<b>FUNDS</b>	<b>VOUCHERS</b>	<b>AMOUNT</b>
		\$        c
Municipal	000370A-000380	6,322,033.04
Director Corporate Services & Resource Management Advance Account	045188-045939	5,805,379.59
Trust Account		
	<b>TOTAL        \$</b>	<b>12,127,412.63</b>

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

It is a requirement pursuant to the provisions of Regulation 13(4) of the Local Government (Financial Management) Regulations 1996 that the total of all other outstanding accounts received but not paid, be presented to Council. At the close of January 2003, the amount was \$681,484.60.

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 \$12,127,412.63 which is to be submitted to each Elected Member on 11 March 2003 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 \$12,127,412.63 was submitted to Council on 11 March 2003

.....  
Mayor John Bombak

**VOTING REQUIREMENTS**

Simple majority.

**RECOMMENDATION**

**That Council APPROVES for payment the following vouchers, as presented in the Warrant of Payments to 31 January 2003, certified by the Mayor and Director Corporate Services & Resource Management and totalling \$12,127,412.63**

<b>FUNDS</b>	<b>VOUCHERS</b>	<b>AMOUNT</b>
		\$ c
Municipal	000370A-000380	6,322,033.04
Director Corporate Services & Resource Management Advance Account	045188-045939	5,805,379.59
Trust Account		
	<b>TOTAL</b>	<b>\$ 12,127,412.63</b>

*Appendix 4 refers.*

*To access this attachment on electronic document, click here: [Attach4brf030303.pdf](#)*

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## **ITEM 6 TENDER NUMBER 022-02/03 SUPPLY & APPLICATION OF PESTICIDES – [54538]**

**WARD - All**

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### **PURPOSE**

To seek Council approval to accept the tender submitted by Turfmaster Facility Management for the Supply & Application of Pesticides within the City in accordance with the Schedule of Rates for Tender number 022-02/03, for a maximum period of five years, subject to annual review and satisfactory performance.

### **EXECUTIVE SUMMARY**

Tenders were advertised on 11 January 2003 through statewide public tender for the Supply & Application of Pesticides. Tenders closed on 29 January 2003. Three submissions were received from the following: Turfmaster Facility Management; Ausmic Environmental Industries (WA) and Ausmic Environmental Industries (WA) submitted an Alternative Tender.

It is recommended that Council:

*Accepts the tender from Turfmaster Facility Management for the Supply & Application of Pesticides in accordance with the schedule of rates and subject to annual performance reviews for a maximum period of five years commencing on 1 April 2003 to 31 March 2008.*

### **BACKGROUND**

Due to the expiry of the existing contract on 31 March 2003 with Turfmaster Facility Management, the City invited tenders for the supply & application of pesticides. The tender covers all aspects of pest control, including but not limited to brick paving, verges, medians, garden beds, broadacre spraying and mulched areas. The City spends approximately \$400,000 per annum for the supply & application of pesticides.

### **DETAILS**

Under the City's Contract Management Framework and the Code of Tendering As 4120-1994, 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 Methodology & demonstrated ability to meet the City's requirements (detail the strategy in complying with the requirements under the Contract with particular emphasis on performing major programmed works simultaneously);

- 2 Tenderer's previous experience in carrying out similar works. (Written references to be provided from similar sized organisations where comparable works are currently being performed – references may be checked);
- 3 Tenderer's Resources (skilled manpower available to service the Contract, organisation chart, resumes of key personnel available and a schedule detailing the type of plant & equipment to be dedicated for the proposed Works). How the service will be of benefit to the local community in terms of local employment within the City;
- 4 Demonstrated ability to rectify site problems at short notice.

In order to make a fair assessment for evaluation purposes the rates provided by the tenderers including an alternative tender, were broken down into two categories, the herbicide cost per kilogram or litre and the hourly rate application cost. An Alternative Tender and complying Tender submitted by Ausmic Environmental Industries (WA) was ranked against the tender submitted by Turfmaster Facility Management.

Under the Alternative Tender Ausmic Environmental Industries (WA) intends to use Diuron, a pre-emergent chemical to control grasses in PAWs, traffic islands and kerb lines, which is known to kill trees and shrubs if the root systems are present in the sprayed area. Diuron was not included in the City's Schedule of Rates, tender documentation. Currently the City uses Glyphosate, Sulfometuron and Simazine for weed control to PAWs footpaths, traffic islands and kerbing, which has little or no effect on trees and shrubs.

Ausmic Environmental Industries (WA) Alternative Tender proposal is to spray Public Access Ways (PAWs), kerb lines, traffic islands, footpaths and to keep the areas weed free for twelve (12) months, at a total cost of \$230,001. Under the current Contract the City spends \$172,102, which includes the hourly rate and chemicals to spray PAWs, kerb lines, traffic islands and footpaths.

#### **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.

#### **Statutory Provision:**

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

#### **COMMENT**

As a part of contract management processes, the City will regularly review / monitor the Contractor's performance and service quality to ensure services meet the City's standards.

The Contract will commence from 1 April 2003 for a maximum period of five years subject to satisfactory annual performance reviews. A formal review will be conducted every twelve months to ensure that the requirements of the Contract have been met. Subject to the outcome of each review an extension in increments of twelve-month periods will be extended within the five-year term.

Turfmaster Facility Management completed the Schedule of Rates and demonstrated that it has the ability to provide best value for money based on the selection criteria and the outcome of the tender evaluation. Turfmaster Facility Management have provided a more competitive rate overall based on labour costs and herbicides cost per kilogram or litre.

## **VOTING REQUIREMENTS**

Simple Majority

## **RECOMMENDATION:**

### **That Council:**

**ACCEPTS the tender from Turfmaster Facility Management for the Supply & Application of Pesticides in accordance with the Schedule of Rates (Refer Attachment 1 to this Report) and subject to annual performance reviews for a maximum period of five years commencing on 1 April 2003 to 31 March 2008.**

*Appendix 5 refers.*

*To access this attachment on electronic document, click here: [Attach5brf030303.pdf](#)*

## ITEM 7 FINANCIAL REPORT FOR THE PERIOD ENDING 31 JANUARY 2003 – [07882]

WARD - All

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### PURPOSE

The January 2003 financial report is submitted to Council to be noted.

### EXECUTIVE SUMMARY

The January 2003 report shows a variance of **\$8.1m** 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 **\$19.8m** compared to a budgeted operating surplus of **\$16.8m** at the end of January 2003, a difference of **\$3.0m**. The differences are due mainly to the earlier than expected receipt of income (including grant funds and contributions received for parking at Collier Pass), additional fees and charges revenue and an underspend in labour **\$0.5m** and materials and contracts **\$0.7m** for the year to date. These current YTD underspends are expected to be incurred in future months.
- **Capital Expenditure** for the year to date is **\$1.2m** compared to budgeted expenditure of **\$1.7m** as at the end of January 2003, a difference of **\$0.5m**. The underspending is due to deferred expenditure or delays in commencing specific projects and the funds are expected to be fully spent at the end of the financial year.
- **Capital Works** expenditure for the year to date amounted to **\$5.0m** against a budget of **\$9.6m**, an under spend of **\$4.6m** as at the end of January 2003. However, the City has committed expenditure through raised purchase orders of **\$1.6m**. In addition, works to the value of **\$0.85m** (Eddystone Avenue “Roads-to-Recovery” and Blackspot Traffic Signals) have physically been completed by MRWA but not yet handed over and paid. A number of projects to the value of **\$0.8m** (Sorrento Beach, Craigie Leisure Centre and Mullaloo / Coastal Foreshore Works are in the planning and approval stages and construction has not yet commenced. The Collier Pass Offstreet Carpark **\$0.23m** has not yet commenced due to delays in transferring title of the community purpose land to the City. The impact is that expenditure has been delayed when compared to the original budget phasing.

### DETAILS

The financial report for the period ending 31 January 2003 is appended as Attachment A

### VOTING REQUIREMENTS

Simple majority.

**RECOMMENDATION**

**That the Financial Report for the period ending 31 January 2003 be NOTED.**

*Appendix 6 refers.*

*To access this attachment on electronic document, click here: [Attach6brf030303.pdf](#)*

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## **ITEM 8    BEAUMARIS PRIMARY SCHOOL - ROAD SAFETY AND PARKING STRATEGY – [03263]**

**WARD** - Marina

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### **PURPOSE**

The purpose of this report is to present a strategy to address concerns in relation to parking at Beaumaris Primary School.

### **EXECUTIVE SUMMARY**

In October 2002, a 208-signature petition from the Beaumaris Primary School Community was presented to Council for consideration. The petitioners have requested that Council address parking issues at the Beaumaris Primary School.

The City is prepared to assist Beaumaris Primary School in partnership with RoadWise to establish its own comprehensive Road Safety and Parking Strategy based around the existing parking facilities at and adjacent to the school.

Based on the current priority assessment, it is anticipated that Education Department funding may be allocated towards improvement to on street parking at Beaumaris Primary for the 2003/04 financial year.

*This report recommends that Council:*

- 1     *ACKNOWLEDGES the petition from the Beaumaris Primary School Community;*
- 2     *REITERATES its commitment in partnership with RoadWise to assist all schools with the preparation of their own comprehensive Road Safety and Parking Strategies;*
- 3     *CONSIDERS funding of improvements to on street parking in the 2003/04 financial year at the Beaumaris Primary School, subject to a 50% contribution from the Education Department.*

### **BACKGROUND**

The Beaumaris Primary School is bounded by Beaumaris Boulevard and Santiago Parkway, Ocean Reef. It was designed and constructed in the late 80's to provide a public school facility for approximately 400 students from the surrounding local area. A locality plan showing the school and its proximity to nearby facilities and parking opportunities is shown on attachment 1 to this report.

In March 1999, following a request from the school, Officers from Council and RoadWise offered assistance to Beaumaris Primary School to establish a comprehensive Road Safety and Parking Strategy based around the existing parking facilities at the school.

In December 2000, the then Minister for Education committed funding towards parking improvements at Beaumaris Primary School. However, the commitment was intended for

construction of an off-street facility only and as such would not qualify for a matching contribution from Council.

In March 2001, as part of its commitment to schools that undertake the RoadWise – Safe Routes to School Program, the City submitted a request to EDWA, seeking joint funding of improvements to *on street* parking in Santiago Parkway.

At that time, the Education Department advised the City that Beaumaris Primary School was not recognised as a priority for on-street parking, based on its own assessment criteria and therefore would not be considered for joint funding as part of its 2001/02 program.

As part of the 2002/03 budget process, Council Officers again submitted a request to the Education Department on behalf of several schools, including Beaumaris Primary, seeking joint funding of on-street parking embayment proposals as part of the City's 2002/03 Capital Works Program.

The Education Department has assessed the current list of eligible schools on a priority basis and have agreed to co-fund improvements at Creaney, Goollelal and Ocean Reef Primary Schools during 2002/03.

On Wednesday 25 September, the Mayor and Council Officers met with school representatives to discuss their concerns in relation to parent parking at Beaumaris Primary School. It was agreed at this meeting that the City together with RoadWise would assist the school with proposals for parking improvements and jointly fund on a 50:50 basis with the Education Department approved works.

Subsequently a 208-signature petition from the school community requesting the City to address parking issues at Beaumaris Primary School was presented to the 15 October, 2002 meeting of Council.

The school now has approximately 731 students, with an anticipated increase to around 825 by 2005 coinciding with the ongoing development of Iluka.

## **DETAILS**

The City in partnership with RoadWise – The Local Government Road Safety Strategy, currently offers assistance to schools to establish their own comprehensive Road Safety and Parking Strategy based around the existing parking facilities at and adjacent to the school.

Generally the most successful strategies are focused on reducing car dependence and establishing alternative travel modes such as walking and cycling to and from school rather than increase parking for parents. This approach is consistent with the Department of Planning & Infrastructure's (Transport) travel strategy (TravelSmart).

However, in some instances the City also recognises that improvements to infrastructure such as footpaths, pedestrian crossings and formalised on street parking facilities can assist schools to achieve the goals established as part of the road safety and parking strategy.

The City generally considers funding improvements to on street parking adjacent to schools, subject to a 50% funding contribution from the Education Department. Typically these



projects feature construction of short term set down bays adjacent to the school which forms an integral part of the schools overall Road Safety & Parking Strategy.

While identification and construction of short term set down bays adjacent to a school may form an integral part of the schools overall Road Safety & Parking Strategy, it should be noted that these projects are not intended to provide additional parking at schools, rather they are aimed at improving safety for all road users adjacent to the school during peak times.

With regard to additional parent parking, the City has maintained for some time that Education Department should meet the full cost of providing *off street* Kiss'n'Ride and or parking facilities at schools, particularly for parents of Pre-Primary children.

### **Financial Implications:**

The estimated cost to provide on street parking improvements at Beaumaris Primary School is \$120,000. An amount of \$90,000 has been allocated in the 2003/03 financial year of the City's current Five Year Capital Works Program towards improvements to Parking and Safety at schools. In accordance with the current guidelines, a matching contribution from the Education Department is required for individual projects to be considered as part of the City's Capital Works Program.

### **COMMENT**

While the concerns of the petitioners are acknowledged, the City is strongly committed to assisting all schools to improve parking and safety at schools.

Unfortunately, issues such as increased enrolment and limited parent parking are symptomatic of many state schools and ultimately improvements to road safety and parking cannot be achieved without the co-operation of parents, the school and the local community.

In regard to Beaumaris Primary School, Council Officers will assist the School in conjunction with RoadWise to establish a comprehensive Road Safety and Parking Strategy based around the existing parking facilities at and adjacent to the school.

In the meantime, it is anticipated that Education Department funding may be allocated towards improvement to on street parking at Beaumaris Primary in 2003/04.

### **VOTING REQUIREMENTS**

Simple Majority

## **RECOMMENDATION**

### **That Council:**

- 1 ACKNOWLEDGES the petition from the Beaumaris Primary School Community;**
- 2 REITERATES its commitment in partnership with RoadWise to assist all schools with the preparation of their own comprehensive Road Safety and Parking Strategies;**
- 3 CONSIDERS funding of improvements to on street parking in the 2003/04 financial year at the Beaumaris Primary School, subject to a 50% contribution from the Education Department.**

*Appendix 7 refers.*

*To access this attachment on electronic document, click here: [Attach7brf030303.pdf](#)*

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## **ITEM 9 REGENTS PARK ROAD – PETITION IN RELATION TO PARKING CONCERNS – [20895] [07476]**

**WARD - Lakeside**

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### **PURPOSE**

The purpose of this report is to present an assessment of a request for removal of the existing parking restriction on Regents Park Road.

### **EXECUTIVE SUMMARY**

In September 2002, the City received a 55-signature petition from staff at the Brightwater, High Care Facility in Joondalup requesting that Council consider removing the existing 2 hour parking restriction on Regents Park Road to allow staff parking in that area.

The petitioners are concerned at an increase in vandalism that is occurring to staff vehicles that are parked in the unrestricted areas adjacent to Regents Park and along Upney Mews.

However, an assessment of parking availability along Regents Park Road suggests that the current parking restrictions are functioning well by balancing the needs of residents and visitors to City North.

In view of this, while the petitioners concerns regarding security are noted, it is considered that changing the existing parking restriction to accommodate essentially staff parking of the adjacent core facility is not supported.

On this basis, this report recommends that Council

- 1 *DOES NOT support removal of the 2 hour parking restriction on Regents Park Road.*
- 2 *ADVISES the petitioners accordingly.*

### **BACKGROUND**

In October 2000, Council considered a report in relation to the adoption of an on street parking strategy for Joondalup City North (item No. CJ274-10/00 refers).

The strategy was the result of a comprehensive parking survey in City North to address residents and business owners concerns in relation to parking availability in City North.

The main concern was in relation to the conflict between long term use of on street parking by staff of the nearby Hospital and High Care Facility and the need for short term parking for visitors and customers of nearby businesses.

In view of this, Council resolved to implement a 2 hour parking restriction along Regents Park Road as part of the parking strategy for City North. These restrictions generally apply between 8.00 am-5:30 pm weekdays and 8.00 am-12 noon on Saturdays.

These restrictions are intended to allow convenient short-term customer and visitor parking for the adjacent commercial properties during business hours while long term parking for residents and visitors is permitted after these times.

Additional unrestricted parking was also constructed by the City adjacent to Regents Park as part of the overall parking strategy. A plan showing the subject area and the extent of parking restrictions is shown as Attachment 1.

In September 2002, the City received a 55-signature petition from staff at the Brightwater, High Care Facility in Joondalup requesting that Council consider removing the existing 2 hour parking restriction on Regents Park Road to allow staff parking in that area.

The petitioners are concerned at an increase in vandalism that is occurring to staff vehicles that are parked in the unrestricted areas adjacent to Regents Park and along Upney Mews.

## **DETAILS**

Ideally while staff parking for all commercial properties along Regents park Road should be provided off street, it is believed that Brightwater staff are encouraged to seek parking elsewhere. At present, the majority of staff park adjacent to Regents Park and along a section of Upney Mews that is not subject to any parking restrictions.

An assessment of parking along Regents Park Road suggests that the current parking restrictions provide an acceptable level of parking turnover to meet the needs of local residents and businesses. This assumption is also supported by the knowledge that since implementing the parking restrictions along Regents Park Road, complaints regarding parking availability for residents and the adjacent commercial properties have been minimal.

In terms of parking control, it is considered that the restrictions have been successful in balancing the needs of both residents and visitors to City North.

## **COMMENT**

The parking restrictions on Regents Park Road are intended to allow convenient short-term customer and visitor parking for the adjacent commercial properties. While the restrictions are in place during normal business hours, longer term parking for residents and visitors is permitted after these times.

In addition, unrestricted parking is currently provided adjacent to Regents Park and along Upney Mews.

Overall, the availability of restricted and unrestricted parking opportunities appears to be functioning well by balancing the needs of residents and visitors to City North.

Notwithstanding, it is the responsibility of land owners to provide some parking for staff during hours of business operation. In the Joondalup City Centre and City North, guidelines are designed such that street parking complements the supply of parking on private land.

On this basis, while the petitioners concerns regarding security are noted, it is recommended that the existing 2 Hour parking restrictions on Regents Park Road remain in place.

## **VOTING REQUIREMENTS**

Simple majority.

## **RECOMMENDATION**

### **That Council:**

- 1 DOES NOT support removal of the 2 hour parking restriction on Regents Park Road;**
- 2 ADVISES the petitioners accordingly.**

*Appendix 8 refers.*

*To access this attachment on electronic document, click here: [Attach8brf030303.pdf](#)*

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## **ITEM 10 MINUTES OF THE CONSERVATION ADVISORY COMMITTEE OF 22 JANUARY, 2003 – [12168]**

**WARD - All**

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### **PURPOSE**

The Conservation Advisory Committee met on 22 January 2003 and the minutes of the meeting are submitted for noting by Council, and consideration of relevant recommendations.

### **EXECUTIVE SUMMARY**

The Minutes of the Conservation Advisory Committee meeting held on 22 January 2003 are submitted for consideration by Council.

### **BACKGROUND**

The Conservation Advisory Committee meeting held on the 22 January 2003 discussed a range of items regarding conservation matters within the City.

This report recommends that the Minutes of the Conservation Advisory Committee be noted by Council and the following recommendations be adopted.

#### **Confirmation of Previous Minutes**

The Minutes of the Conservation Advisory Committee held on Wednesday, 27 November 2002 were accepted as a true and correct record.

#### **Drainage Proposal Lake Goollelal**

The Lake Goollelal Drainage Outfall No: 21, Pilot Project was discussed by the Committee. The Committee supported the Pilot Project.

That the Conservation Advisory Committee congratulates Council on the Lake Goollelal Drainage Outfall No. 21 Project.

#### **Ecoscope Coastal Plan Project Identification**

Background information was given about the Conservation Advisory Committee's involvement in selecting a coastal rehabilitation project to be undertaken during 2003. It was also outlined a proposal from Council to rehabilitate the dunal system between Merrifield Place, Mullaloo and Whitfords Avenue.

There was discussion about site selection and methodology. It was requested that some of the funds from the \$150,000 listed for the project be retained in case of fire damage to other dunal systems.

“That the Conservation Advisory Committee endorse the cities proposal to allocate budgeted amount of \$150,000 to rehabilitate the dunal system between Merrifield

Place and Whitfords Avenue, Kallaroo. This being one of the priority areas listed for rehabilitation in the Joondalup Coastal Foreshore Natural Areas Management Plan”

## **VOTING REQUIREMENTS**

Simple majority.

## **RECOMMENDATION**

### **That Council:**

- 1 NOTES the Minutes of the Conservation Advisory Committee held on Wednesday 27 November 2002 forming Attachment 1 to this Report;**
- 2 NOTES that the Conservation Advisory Committee congratulates Council on the Lake Goollelal Drainage outfall No: 21 Project.**
- 3 NOTES that the Conservation Advisory Committee endorse the City’s proposal to allocate a budgeted amount of \$150,000 to rehabilitate the dunal system between Merrifield Place and Whitfords Avenue, Kallaroo. This being one of the priority areas listed for rehabilitation in the Joondalup Coastal Foreshore Natural Areas Management Plan.**

*Appendix 9 refers.*

*To access this attachment on electronic document, click here: [Attach9brf030303.pdf](#)*

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## **ITEM 11 MINUTES OF THE DRY PARKS, MEDIAN AND VERGE COMMITTEE OF 3 FEBRUARY 2003 – [42938]**

**WARD - All**

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### **PURPOSE**

The Dry Parks, Median and Verge Committee met on 3 February 2003 and the minutes of the meeting are submitted for adoption by Council, and consideration of relevant recommendations.

### **BACKGROUND**

The Dry Parks, Median and Verge Committee held on the 3 February 2003 discussed a range of items regarding Dry Park and Verge Development and Maintenance Project matters within the City.

This report recommends that the Minutes of the Dry Parks, Median and Verge Committee be noted by Council and the following recommendations be adopted:

#### **Confirmation of Previous Minutes**

The Minutes of the Dry Parks, Median and Verge Committee held on 3 February 2003 be accepted as a true and correct record.

#### **Irrigation Study**

Officers outlined a proposal to undertake a water consumption audit for Council's reticulation park systems utilising an irrigation consultant. Elliot Taylor and Hayden Endersbee from Elliott's Irrigation Pty Ltd provided an overview of the options available to measure and record ground water consumption and application rates on turf.

That the auditing process as presented be adopted and the preliminary work commenced, with a further report being submitted in June 2003 to the Dry Parks, Median and Verge Committee.

#### **Lake Valley Park**

Officers provided an update on the proposed park design and use native of plant species within bushland with an ongoing program to enhance existing vegetation. Queries were raised enquired about the fire hazard in areas close to the northwest corner and it was agreed that the reticulation should be extended into this area to reduce the hazard.

That the proposal be presented to the Edgewater Residents Group and residents adjoining the park and that the project be included in the 2003/2004 budget deliberations.



## **Enhancement Program Update**

A Draft Verge Enhancement Scheme – Pilot Project Proposal was drafted. This item was discussed extensively and Cr Baker was requested to progress a pilot scheme with the support of Operations Services.

### Recommendation

That the Draft Verge Enhancement Scheme – Pilot Project:

- ❖ Be supported by the Committee;
- ❖ That the Proposal be restricted to phase 1, 2 & 3;
- ❖ Phase 1 - Establish a Committee comprised of concerned or interested Ratepayers to liaise with the City in implementing the Pilot Project;
- ❖ Phase 2 - Letterbox drop residents call for them to participate in Pilot Project and identify -
  - (a) Private verges needing enhancement; and
  - (b) Public verges needing enhancement and informing residents of the various types of authorised verge enhancements under the City's Local Law concerning the authorised treatment of public verges.
- ❖ Phase 3 - Collate all responses to Phase Two in table form and provide residents with feedback by way of a summary of their responses to the Phase Two consultation process including the verges so identified and the suggested verge treatments for the nominated / identified public verges;
- ❖ Phase 4 – that the proposal be included in the 2003/04 Budget deliberations.

## **VOTING REQUIREMENTS**

Simple majority

## RECOMMENDATION

### That Council:

- 1 **NOTES** the Minutes of the Dry Parks, Median and Verge Committee as attached;
- 2 **ADOPTS** the following recommendations of the Dry Parks, Median and Verge Committee meeting held on 3 February 2003:
  - (a) That the auditing process as presented be adopted and the preliminary work commenced, with a further report being submitted in June 2003 to the Dry Parks, Median and Verge Committee;
  - (b) That the proposed design for the Lake Valley Park be presented to the Edgewater Residents Group and residents adjoining the park and that the project be included in the 2003/2004 budget deliberations;
  - (c) That the Draft Verge Enhancement Scheme – Pilot Project -
    - Be supported by the Committee;
    - That the Proposal be restricted to phase one, two and three;
    - Phase 1 - Establish a Committee comprised of concerned or interested Ratepayers to liaise with the City in implementing the Pilot Project;
    - Phase 2 - Letterbox drop residents call for them to participate in Pilot Project and identify:
      - i) Private verges needing enhancement;
      - ii) Public verges needing enhancement and informing residents of the various types of authorised verge enhancements under the City's Local Law concerning the authorised treatment of public verges.
    - Phase 3 - Collate all responses to Phase Two in table form and provide residents with feedback by way of a summary of their responses to the Phase Two consultation process including the verges so identified and the suggested verge treatments for the nominated / identified public verges;
    - Phase 4 – that the proposal be included in the 2003/04 Budget deliberations.

*Appendix 10 refers.*

To access this attachment on electronic document, click here: [Attach10brf030303.pdf](#)

## **ITEM 12 PROPOSED STRUCTURE PLAN - LOT 550 (42) WOODLAKE RETREAT, KINGSLEY – [76534]**

**WARD** - South

### **PURPOSE**

The proposed structure plan is brought before Council for consideration and consent to advertise in accordance with the provisions of District Planning Scheme No 2 (DPS2) (Attachment 1 to this Report).

### **EXECUTIVE SUMMARY**

The subject land is zoned ‘Urban Development’ under the City’s District Planning Scheme No 2 and is uncoded (no residential density code applies to the land). The structure plan is proposed in order to facilitate the future construction of an aged care comprising 120 beds. The structure plan is required in order to prescribe the land use and development requirements applicable to the proposed aged care facility, to coordinate future subdivision of the site in order to cede portion of the land for ‘Parks and Recreation’ purposes and to excise portion of the site for road purposes (provision of a cul-de-sac head for Grasslands Loop) (Attachment 1 and 2 to this Report).

Under the ‘Urban Development’ zone, no subdivision or other development should be carried out until a structure plan has been prepared and adopted under the provisions of Part 9 of the Scheme.

Before further consideration can be given to the structure plan, the proposal, pursuant to clause 9.5 of DPS2, is required to be advertised for public comment.

It is therefore recommended that in accordance with Part 9 of DPS2, it be determined that the structure plan is satisfactory for the purposes of advertising and is advertised for a period of twenty eight (28) days.

### **BACKGROUND**

<b>Suburb/Location:</b>	Lot 550 (42) Woodlake Retreat, Kingsley
<b>Applicant:</b>	Peter D Webb and Associates on behalf of Aegis Health Care Group
<b>Owner:</b>	Aegis Health Care Group Pty Ltd
<b>Zoning:</b>	Urban Development
<b>DPS:</b>	Urban
<b>MRS:</b>	Uncoded
<b>Coding:</b>	Uncoded
<b>Strategic Plan:</b>	Strategy 2.1 – Rejuvenate our suburbs. Strategy 2.7 – Encourage the 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.

Amendment 578 to the City's previous Town Planning Scheme No.1 rezoned the land immediately to the south of the subject lot. The amendment sought to rezone Pt Lot 6 & 7 from 'Rural' to 'Residential Development' with a R40 density code. A structure plan was also previously prepared and endorsed for these landholdings to the south of the subject lot (Part Lot 6 & 7 Woodlake Retreat/Wanneroo Road, Kingsley). In support of the structure plan an indicative subdivision layout over the subject land (Attachment 3) was prepared, although it was not endorsed. It is highlighted that this indicative subdivision plan has no statutory effect, as the landowner of Lot 550, at that time, did not wish to be a party to either Amendment 578, nor the structure plan, hence that landholding was omitted from the amendment and structure plan.

## DETAILS

The structure plan applies to the land described as Lot 550, Woodlake Retreat, Kingsley. The structure plan is being sought to facilitate the future construction of an aged care facility upon the site comprising 120 beds. The aged care facility is divided into 'low' and 'high' care, whereby residents within the 'low' care component are considered as having minor health problems thus requiring a low level of medical care and supervision, whereas those residing in the 'high' care component are considered to have health problems that require a high level of medical care and supervision.

The structure plan determines the overall detailed landuse and form of development upon the lot. The envisaged development scenario is included within the structure plan document, shown in Attachment 1 to this Report.

The structure plan also sets out the requirements with respect to development upon the land which includes, amongst others, building height, car parking, setbacks, plot ratio, site coverage and physical appearance of the development.

In considering the proposed structure plan and future aged care facility upon the land, several issues were identified and are as follows:

- Provision of uniform fencing and dual use path along Wanneroo Road, with the City constructing a path to form a continuous link to the bus stop to the south of the site;
- Defining the landuse of the proposed development as an 'aged care facility';
- Allocating car parking standards to the 'aged care facility' landuse;
- Providing a vehicle turnaround facility along Grasslands Loop (Cul-de-sac head);
- Limiting the number of bays comprising the rear car parking area to be accessed via Grasslands Loop to minimise vehicular movements along Grasslands Loop to protect existing residential amenity; and
- Investigating past landuse activity and any possible soil contamination issues resulting from past landuse activity (*this issue is yet to be finalised*).

The remainder of the provisions in the structure plan have been agreed to and are acceptable to both the City and the developer. It should be noted that other processes are required to be undertaken if the proposed structure plan is favourably considered for final endorsement. This includes the subdivision process (to cede the foreshore reserve land adjacent to lake Goollelal and to excise portion of the land to provide the required cul-de-sac head for Grasslands Loop as shown in the indicative development plan within the structure plan), the planning (development) application approval process and the building license approval process.

**Statutory Provision:**

Clause 3.12.2 of DPS2 states that no development or subdivision should occur on land zoned ‘Urban Development’ until a structure plan has been prepared and adopted.

Under the provisions of Part 9 of DPS2, prior to further considering the structure plan, Council is required to ensure that adequate publicity is given and give notice of its intention to advertise the structure plan proposal for a period of twenty eight (28) days.

**Consultation:**

Clause 9.5 of DPS2 requires structure plan proposals to be advertised, in accordance with clause 6.7 of DPS2. It is recommended that the structure plan be advertised for a period of 28 days, with advertising consisting of all adjoining landowners being notified in writing, a sign erected on site and a notice placed in the Joondalup Community Newspaper. It is also suggested that all landowners and residents within Grasslands Loop be notified in writing of the proposal.

**Strategic Implications:**

Council should be mindful of the State Government’s strong desire to facilitate the construction of aged care facilities, such as that proposed for the site, in order to reduce the burden placed on the public hospital system.

Additionally, given the federal government funding being sought for the proposed facility, timing of construction is crucial in order to retain that funding. The federal government also has detailed requirements with respect to the development requirements and facilities provided within these facilities, to maintain a high level of comfort and amenity for residents.

**COMMENT****Wanneroo Road Dual Use Path & Uniform Fence**

By working closely with the applicant and landowner several important planning and development issues were identified and resolved. As part of the negotiations, the City has secured a commitment from the landowner to construct a dual use path along Wanneroo Road, to the east of the subject lot, together with the construction of a masonry wall, gate and complimentary landscaping along the entire length of the eastern lot boundary which shall match that existing to both the north and south of the site. This commitment is reflected as a requirement within the structure plan document and will be fulfilled through the subdivision application process.

**LAND USE & CAR PARKING STANDARDS JUSTIFICATION**

An ‘aged care facility’ is an unlisted landuse within DPS2. Additionally, car parking requirements for an aged care facility are also not listed, however, the closest landuse alignment to the proposed aged care landuse is a ‘hospital’ or a ‘nursing home’. A ‘nursing home’ is a listed landuse within DPS2, however, no car parking standard is listed within

Table 2 of DPS2. A ‘hospital’ is a listed landuse and the car parking requirement is 1 bay per 3 patients accommodated plus 1 bay for each staff member on duty.

Clause 4.8.2 of DPS2 states that when development is not specified in Table 2, the Council shall determine the parking standard. The Council may also determine that a general car parking standard shall apply irrespective of the development proposal in cases where it considers this appropriate

A number of schemes were researched for the purpose of obtaining car parking requirements for similar land uses, results are as follows:

<b>Local Authority</b>	<b>Land Use</b>	<b>Parking Requirement</b>
City of Bayswater	Nursing Home	1 bay per 2 beds
Town of Vincent	Nursing Home	1 bay per 3 beds
City of Belmont	Nursing Home	1 bay per 4 beds and 1 bay per employee
City of Cockburn	Aged or dependant person dwelling/hostel/institutional building – homes	1 per 4 persons
City of Canning	Retirement Village	1 bay per 2 residential units and 1 bay per employee
City of Mandurah	Nursing home hostel or similar providing personal care accommodation	1 bay per 4 beds

The developers have advised that the development in the City of Cockburn reflects the facilities being pursued in Kingsley, given this and negotiations held with the applicant, it is recommended that a car parking ratio of 1 bay per 4 beds/persons, together with 1 bay per full time staff member, is considered appropriate. The City of Cockburn does not require the provision of car parking bays for full time staff, however it is proposed that car parking for full time staff be provided in addition to the other car parking bays.

Given that the proposed aged care facility seeks to accommodate 120 residents, and will have 27 full time staff working at the facility at any one time, this equates to a total car parking requirement of 57 bays. The applicant, in their indicative development proposal, propose to construct a total of 58 car parking bays, thus complying with the car parking ratio to be applied to the site via the structure plan.

The landowner has also stated that in managing several of these facilities throughout the Perth metropolitan area, very few of their residents drive vehicles and therefore do not have vehicles to park within the development. The landowner expects that very few bays, if any, will be utilised by residents to park their vehicles, as many residents do not hold a driver’s license. The majority of bays are intended to be utilised by family members and friends visiting persons residing within the facility.

#### Car Parking Area Via Grasslands Loop

A total of 10 car parking bays is proposed to be constructed with access via Grasslands Loop. These bays are to service those residents within the ‘high care’ component of the facility, with many of those residents having mobility problems. It is expected that use of this car

parking area will be minimal and limited to use by visitors and as a set down/drop off point for those residents who are physically able to be taken on visits off the site by family members and friends. Given a total of 10 bays comprise this car parking area, vehicular movements along Grasslands Loop is expected to be minimal.

Access from this car parking area into the facility will be via a keypad or other restricted access mechanism, which will be resolved through the development approval process. This is expected to ensure that use and car parking movements generated by this car parking area are minimised in order to protect the amenity of existing residents within Grasslands Loop and also to provide sufficient security to the facility.

#### Modification to Existing Road Network - Grasslands Loop (Cul-de-sac)

Previous indicative subdivision plans for the subject lot showed the extension of Grasslands Loop as a ‘loop’ road, intersecting with Woodlake Retreat. Given that the landowner now intends to construct an aged care facility, together with the construction of the rear car parking area, the road network needs to be modified, and a vehicular turnaround facility provided in the form of a cul-de-sac head. Portion of the subject lot is therefore required to be excised in order to construct the required cul-de-sac head.

It should be noted that the landowner is required to construct the cul-de-sac head to the specification and satisfaction of the City of Joondalup, and shall form part of the structure plan document, however, this requirement is expected to be imposed as a condition during the subdivision process. Additionally, the area comprising the cul-de-sac head will not be included in plot ratio and site coverage calculations.

It may also be desirable for Grasslands Loop to be renamed in the future, as the road network is not expected to ‘Loop’, as once proposed. The renaming of this road can be further considered if the proposed structure plan is favourably considered for final endorsement.

#### Past Land Use

Given the history of the locality being used for market gardening purposes, it is possible that the subject lot was previously utilised for market gardening. Investigation is continuing with the Western Australian Planning Commission and the Department for Environmental Protection with respect to any known soil contamination arising from previous landuse activity upon the site. Generally, such an issue is resolved prior to Council considering the matter, however, given the federal government funding being sought for the proposed facility, the timing of the project is crucial in order to retain that funding. It is considered appropriate that the structure plan be advertised, with this matter being resolved prior to Council considering the submissions received during the advertising period.

#### Structure Plan

It is considered that the structure plan satisfactorily sets out the overall detailed land use and form of development upon the lot, and the requirements with respect to development upon the land which includes, amongst others, building height, car parking, setbacks, plot ratio, site coverage and physical appearance of the development.

## VOTING REQUIREMENTS

Simple Majority

## RECOMMENDATION

### That Council:

- 1 Pursuant to clause 9.4 of the City of Joondalup District Planning Scheme No 2, ADOPTS the draft Woodlake Retreat structure plan forming Attachment 1 to this Report as suitable for the purpose of advertising and makes it available for public comment for 28 days;**
- 2 Receives written confirmation from the Western Australian Planning Commission and/or the Department for Environmental Protection CONFIRMING no soil contamination issues exist upon Lot 550 Woodlake Retreat, Kingsley PRIOR to Council considering the submissions received during the advertising period;**
- 3 LISTS for consideration in the draft 5 year capital works program, the extension of a dual use path along the western side of Wanneroo Road from the lot boundary of Lot 550 Woodlake Retreat, Kingsley, to the bus stop to the south.**

*Appendices 11, 11(a) & 11(b) refer.*

*To access this attachment on electronic document, click here: [Attach11brf030303.pdf](#)*

[Attach11abrf030303.pdf](#)

[Attach11bbrf030303.pdf](#)



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## **ITEM 13 PROPOSED 38 MULTIPLE RESIDENTIAL DWELLINGS AND 6 COMMERCIAL UNITS: LOT 10 (17) DAVIDSON TERRACE, JOONDALUP – [15244]**

**WARD** - Lakeside

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### **PURPOSE**

The purpose of this report is to request Council's determination of an application for an apartment and commercial development that requires discretion in relation to the proposed residential density and front setback to the building.

### **EXECUTIVE SUMMARY**

An application has been received for a 6 storey building (6 storeys and one basement) comprising 38 multiple residential units and 6 commercial units. Council's discretion is sought in this instance in respect to the residential density and the setback of the building for the front boundary.

The above site is located within the Central Business District (CBD). The proposed residential and commercial uses are both considered as preferred uses within the CBD area, as stated in the Joondalup City Centre Development Plan and Manual (JCCDPM).

The development represents a significant development within the City Centre. The development is ideally located within close proximity to transport, education, shopping facilities and is compatible with the City Centre environment.

Traffic, pedestrian movements, carparking and landscaping aspects have been adequately addressed.

The variations to the residential density and the front setbacks are considered acceptable. It is therefore recommended that Council exercises its discretion under District Planning Scheme No 2 (DPS2) to approve the proposal.

### **BACKGROUND**

<b>Suburb/Location:</b>	Lot 10 (17) Davidson Terrace, Joondalup
<b>Applicant:</b>	Aidia Pty Ltd & Woo Family Trust.
<b>Owner:</b>	Starpine Pty Ltd.
<b>Zoning:</b>	<b>DPS:</b> Centre.
	<b>MRS:</b> Central City Area.

In 1999, a development approval was granted for 21 residential units on 3 levels at the above site, which was the equivalent of a R-87 residential density. The proposal, however never eventuated.

## DETAILS

A locality plan is provided at Attachment 1, and the development plans are provided at Attachment 2 to this Report. The subject site is 2398m<sup>2</sup>, and fronts Davidson Terrace. Right of carriageway easements are located on either side of the subject property.

The current development proposal consists of the following elements:

- A 6 storey building with a basement car park;
- 38 multiple residential units comprising of 3 and 4 bedroom units;
- 6 commercial units with a total floor area of 615m<sup>2</sup>;
- A total of 78 carbays have been provided for the multiple residential units and a further 18 carbays have been provided for the commercial units in lieu of 21 carbays;
- All vehicular access is off both the right of carriageway easements;
- A residents' lounge, gymnasium and swimming pool are also proposed as part of the development.

The following discretions to the applicable standards are sought:

- A residential density of R-159 in lieu of R-100;
- A front setback to the building of a maximum of 7.9 metres lieu of nil.

### Statutory Provision:

The subject land is within the “Centre” zone of DPS2. The proposal incorporates the above variations to the provisions of the JCCPM. Provisions of DPS2 enable Council to consider such variations.

The relevant clause in DPS2 is as follows:

#### 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:*

- consult the affected parties by following one or more of the provisions for advertising uses pursuant to clause 6.7; and*
- 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.*

Clause 4.8 of DPS2 allows the City to consider appropriate car parking standards for all types of developments within the City as follows:

#### **4.8 Car Parking Standards**

- 4.8.1 *The design of off-street parking areas including parking for disabled shall be in accordance with Australian Standards AS 2890.1 or AS 2890.2 as amended from time to time. Car parking areas shall be constructed and maintained to the satisfaction of the Council.*
- 4.8.2 *The number of on-site car parking bays to be provided for specified development shall be in accordance with Table 2. Where development is not specified in Table 2 the Council shall determine the parking standard. The Council may also determine that a general car parking standard shall apply irrespective of the development proposed in cases where it considers this to be appropriate.*

Council may permit the payment of cash-in-lieu of car parking in accordance with clause 4.11 of DPS2.

The relevant Clause of DPS2 is as follows:

#### **4.11 Car Parking – Cash In Lieu Or Staging**

- 4.11.1 *The Council may permit car parking to be provided in stages subject to the developer setting aside for future development for parking the total required area of land and entering into an agreement to satisfactorily complete all the remaining stages when requested to do so by the Council.*
- 4.11.2 *Council may accept a cash payment in lieu of the provision of any required land for parking subject to being satisfied that there is adequate provision for car parking or a reasonable expectation in the immediate future that there will be adequate provision for public car parking in the proximity of the proposed development.*
- 4.11.3 *The cash payment shall be calculated having regard to the estimated cost of construction of the parking area or areas suitable for the proposed development and includes the value, as estimated by the Council, of that area of land which would have had to be provided to meet the car parking requirements specified by the Scheme. The cash payment may be discounted and may be payable in such manner as the Council shall from time to time determine.*
- 4.11.4 *Any cash payment received by the Council pursuant to this clause shall be paid into appropriate funds to be used to provide public carparks in the locality as deemed appropriate by Council.*

Council resolved at its 9 October 2001 meeting, that the cash in lieu payment for the provision of on-site parking, applicable to developments in the Joondalup City Centre Central Business District be \$8,100 per parking bay.

## **Consultation**

Public consultation was not undertaken, as the development is unlikely to affect owners or occupiers in the general locality or adjoining the site. In addition, the proposed development is in keeping with that expected within the City Centre. A 6 storey hotel with a basement was approved by Council on 29 October 2002 without public consultation being undertaken.

## **COMMENT**

### **Residential Density**

The JCCPM indicates that the permitted maximum density within the CBD is R-100. Densities of up to R-152 have been approved within the City with others in the vicinity of between R-100 to R-130 as follows:

- 56 Multiple dwellings and 2 commercial units at Lot 502 and 503 (105) Grand Boulevard/corner Hampton Court and Shenton Avenue, Joondalup, approved by Council on 23 April 2002 (R-152).
- Hotel, commercial and residential units at 167 Grand Boulevard/Boas Avenue, approved by Joint Commissioners on 7 December 1999 (R-136).

The proposed additional residential accommodation is likely to result in a positive benefit to the City in terms of encouraging more people to live within the City Centre itself and also creating a multiplier effect for other businesses.

The proposed height of the building contributes to the increased residential density. The proposed height of the building is supported, as it will provide a visual ‘presence’ for the CBD. The proposed development includes a range of on-site communal facilities for use by the residents.

The increase in the density to R-159 is considered not to have a negative impact on the surrounding area and therefore discretion under DPS2 is supported.

### **Setbacks**

The applicant is seeking a front setback of 7.9 metres in lieu of a “nil” setback for certain section of the buildings. The proposed setback is partly due to the shape of the block fronting onto Davidson Terrace and the fact that there are two right of carriageway easements on either side of the subject site that require vehicle sight truncations to be provided. The buildings have also been ‘stepped’ back from the front boundary to form regular shaped units for ease of construction.

The applicants have advised that the south-western corner of the site, where the setback variation is greatest, is being planned for use as an alfresco area. This decision was taken as an extension of the alfresco area onto to the footpath would be impracticable due to the gradient of the adjoining footpath.

While the setback variation is slightly greater than the previous setback discretions allowed for the development that wasn’t proceeded with, with paving and soft landscaping, it is

considered that the effect of a continuous façade would not be unduly compromised. The front setback variation is supported on the above basis.

### **Car Parking**

The JCCDPM does not provide car parking standards for the City Business District.

Clause 4.8 of DPS2 allows Council to determine car parking standards deemed to be appropriate to the use and area of a proposed development. The car parking ratios below are considered to be appropriate and have been consistently applied throughout the City Centre.

Car Parking Table

<b>Use</b>	<b>Parking Standard</b>	<b>No of Bays required</b>	<b>No of Bays Provided</b>
Multiple residential units	1 bay per unit (38 units)	38	76
6 Commercial units	1 bay per 30m <sup>2</sup> GFA (615m <sup>2</sup> )	21	18 + cash in lieu for 3 bays

The proposal includes a deficit of car bays provided for the commercial units as the owners are providing 2 car bays per residential unit instead of 1 car bay per unit. The applicant has advised that the owners wish to pay cash-in-lieu for the commercial car parking shortfall of 3 bays. Under clause 4.11 of DPS2, Council may accept a cash payment in lieu for the shortfall of 3 on-site car parking in certain circumstances.

Given that a public car park is located at the rear of the subject land, cash-in-lieu of car parking is considered appropriate in this instance.

It is therefore recommended that, in accordance with Clause 4.8, Council determines the provision of car parking as outlined above, and in accordance with Clause 4.11 allows the payment of cash-in-lieu for a 3 bay shortfall.

### **Plot Ratio, Height and Bulk**

The maximum plot ratio applying to the site is 1.0. The residential component proposed is not included for the purposes of plot ratio calculation. As such, the plot ratio proposed is 0.256, based on the 615m<sup>2</sup> of commercial floorspace.

The building height restriction is for the building not to penetrate a 60<sup>0</sup> recession plane inclined towards the site from a point 13.5 metres above the mid point of the street boundary at natural ground level. The above height requirement has been achieved in the proposed design.

The building, due to its height, scale and bulk would be a prominent and identifiable character building associated with the immediate surrounding area. The proposal is comparable in size and scale to the hotel development at 167 Grand Boulevard/corner Boas Avenue.

### **Health, Building, Engineering, Landscaping Requirements**

Adequate bin storage areas are to be provided. Alternatively, the applicant would have to service the residential bin collection twice weekly.

In terms of Building Code of Australia (BCA) requirements, the access doors from the ground floor lift opening will have to be repositioned to comply with fire separation requirements. Adequate egress is also required to be provided via an alternative route other than as currently shown on the site plans, which is accessed through the gym area.

With respect to the carbays provided, the 2 carbays south of the security gate are required to be widened to 3.5 metres to provide adequate manoeuvrability.

Landscaping and verge treatments have not been shown on the proposed plans. However, an appropriate condition will be imposed on any approval issued.

All other Health, Building and Engineering requirements will be addressed through conditions of approval and at building licence stage. The applicant has confirmed in writing that the above issues can be addressed at building licence stage.

### **Urban Design**

The proposal has been designed to interface with Davidson Terrace with a continuous urban facade. The ground floor would be tilt up panel, which will be painted. The other 5 floors will feature a brick rendered façade, with the roof being tiled. The design includes balconies and windows, which provide natural surveillance to surrounding areas. The commercial units on the ground floor would provide an active street level activity.

The building, due to its height, scale and bulk, would stand out as a landmark development and would make a significant contribution to the streetscape.

The above proposal would help contribute to achieving the intended lively urban status of the CBD.

Overall, the proposed development would represent a high quality addition to the City Centre.

### **Signage**

All matters relating to signage will require the submission of a separate development application.

### **Conclusion**

The above proposal is considered to have satisfied DPS2 and the JCCDPM in terms of objectives, urban design, car parking and preferred uses within this precinct.

Although variations to the residential density and setback requirements are sought, the variations are considered not to have any adverse impact on the adjoining and surrounding properties.

The proposal will make a positive contribution to the City, as it is indicative of continued interest and confidence in the provision of mixed residential and commercial developments within the City Centre.

Approval is therefore recommended.

## VOTING REQUIREMENTS

Simple majority

## RECOMMENDATION

**That Council:**

- 1 EXERCISES discretion in relation to Clause 4.5 and 4.8 of District Planning Scheme No 2 and the Joondalup City Centre Development Plan and Manual and determines that:**
  - (a) a residential density of R-159; and**
  - (b) a relaxation of the setback requirements for buildings facing Davidson Terrace in recognition of the significance of the site, the height and visibility of buildings facing the streets, which thereby creates a visually attractive and interesting streetscape,**

**is appropriate in this instance.**
- 2 APPROVES the application dated 5 December 2002 and revised plans received on 29 January 2003 submitted Aidia Pty Ltd and Woo Family Trust on behalf of the owners, Starpine Pty Ltd for a 38 Multiple Residential Dwellings and 6 Commercial Units at Lot 10 (17) Davidson 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) 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) The provision of disabled carparking bays, located convenient to the building entrance and with a minimum width of 3.2 metres, to be provided to the satisfaction of the City and in compliance with the Building Code of Australia. Provision must also be made for disabled access and facilities in accordance with the Australian Standard for Design for Access and Mobility (AS 1428.1);**
  - (c) The provision of access for people with disabilities in accordance with relevant regulations;**
  - (d) 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;**
  - (e) The driveways and crossovers to be designed and constructed to the satisfaction of the City before occupation of development;**



- (f) Car bay grades are generally not to exceed 6% and disabled car bay/s are to have a maximum grade of 2.5%;
- (g) The footpath treatment in the adjoining road reserve to be continued to the property boundary to match the existing paving and at a grade of 2% rising from the kerbline, prior to the development first being occupied;
- (h) The pedestrian shelter/awnings, along Davidson Terrace to be 2m in width and a minimum ceiling height of 2.75m;
- (i) 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;
- (j) Each multiple dwelling to be provided with an adequate area for clothes drying that is screened from view from Davidson Terrace or alternatively to be provided with clothes drying facilities within the unit;
- (k) Should the development be staged, temporary landscaping and fencing must be installed prior to the development being occupied to the satisfaction of the City;
- (l) Submission of a Construction Management Plan detailing phasing of construction, access, storage of materials, protection of pedestrians, footpaths and other infrastructure;
- (m) 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;
- (n) Suitably screened bin storage areas are to be provided prior to the development first being occupied, in the location as shown on the approved plans. Such an area 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;
- (o) No obscure or reflective glazing being used in the ground level commercial units facing Davidson terrace;
- (p) All boundary walls and parapet walls being of a clean finish and made good to the satisfaction of the City;
- (q) A statement being included in the strata company by-laws notifying all future residents that this lot is located in the City Centre Area which is planned to become a vibrant and bustling city centre comprising a mix of land uses where street level activity may occur of an intensity not normally associated with a traditional suburban residential environment;
- (r) 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;**

- (s) 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**
- (t) Landscaping, reticulation and all verge treatment is to be established in accordance with the approved plans prior to the development first being occupied and thereafter maintained to the satisfaction of the City.**
- (u) Provision of 21 carbays for the commercial units.**
- (v) The 2 car bays south of the security gate are required to be widened to 3.5m to provide adequate manoeuvrability.**

**Footnotes:**

- 1 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;**
- 2 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;**
- 3 A separate application being made to the City for approval to commence development and sign licence prior to the installation of any advertising signage;**
- 4 Compliance with the Building Code of Australia provisions for access and facilities for people with disabilities may not discharge an owner's or developer's liability under the Commonwealth Disability Discrimination Act (DDA). The Human Rights and Equal Opportunities Commission has developed guidelines to assist owners and developers in designing developments which may satisfy the requirements of the DDA. Copies of the guidelines may be obtained from the Disabilities Services Commission, 53 Ord Street, West Perth, telephone 9426 9200;**
- 5 Applicant is advised that plans and specification for public swimming pool to be submitted to the Executive Director Public Health for approval;**
- 6 Compliance with BCA requirements;**
- 7 With reference to condition (u) above, the City agrees to accept cash-in-lieu of car parking for the 3 bay shortfall. The cash value that will be accepted for each carbay is \$8,100, which is the sum of construction cost and the land component;**

- 8 Applicant to comply with the relevant requirements of the Sewerage (Lighting, Ventilation and Construction) Regulations 1974, the Health Act (Laundries and Bathroom) Regulations, and the Health Act 1911;**
- 9 All floors to wet areas shall be suitably surfaced and shall grade evenly to a floor waste;**
- 10 All internal laundries, bathrooms and toilets shall be provided with mechanical ventilation flumed to external air.**

*Appendix 12 refers.*

*To access this attachment on electronic document, click here: [Attach12brf030303.pdf](#)*

## **ITEM 14 PROPOSED CHILD CARE CENTRE - LOT 490 (3) PALACE WAY, CURRAMBINE – [39534]**

**WARD** - North Coastal

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### **PURPOSE**

The purpose of this report is to request Council's determination of an application for a Child Day Care Centre.

### **EXECUTIVE SUMMARY**

An application has been received for the development of a new Child Day Care Centre (CDCC). The centre would cater for up to 30 children and provide 11 car bays on the site.

Three (3) objections were received to the proposed during the public advertising period.

The application was considered under Delegated Authority, however, a decision was not reached, and is therefore forwarded to Council for determination.

It is recommended that the application be refused due to the inappropriate location, and potential adverse impact on the adjoining property.

### **BACKGROUND**

<b>Suburb/Location:</b>	No 3 Palace Way, Currambine
<b>Applicant:</b>	D Beaham
<b>Owner:</b>	D Beaham
<b>Zoning:</b>	<b>DPS:</b> Centre
	<b>MRS:</b> Urban
<b>Structure Plan:</b>	Currambine Structure Plan

### **DETAILS**

The subject site is within the Currambine Structure Plan, and falls within the Residential Precinct of that Plan. The site is located in a recently subdivided area, with the majority of adjoining residential properties still undeveloped. The subject site is located on the corner of Connolly Drive and Palace Way, although access to the site can only be obtained from Palace Way. A location plan is shown at Attachment 1 and the development plan is shown at Attachment 2 to this Report

The initial application proposed a centre of 39 children and 6 staff, however, the design of the centre not could provide the required number of car bays. The applicant subsequently revised the proposal to 30 children and 5 staff, and the applicant now complies with the required provision of car bays.

### **Statutory Provision:**

#### DPS2

A CDCC is a 'D' use in a Residential area. A 'D' use means:

“A use class that is not permitted, but to which the Council may grant its approval after following the procedures laid down by subclause 6.6.2”.

Clause 6.6.2 requires that the Council in exercising discretion to approve or refuse an application, shall have regard to the provisions of Clause 6.8, as follows:

### **6.9            *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.*

#### **Policy 3.1.1 – Child Care Centres**

This Policy outlines the requirements for the provision of car parking and landscaping, building setbacks, and the preferred location of CDCCs, as well as the need to advertise proposals due to the possible detrimental effect on the amenity of residential areas.

**Consultation:**

The proposal was advertised in writing to the adjoining and nearby owners and a sign was placed on the site. The comment period was 21 days.

Three (3) submissions were received, all objecting to the proposal and are summarised below:

Comments on Proposal	Officer's Comments
<ul style="list-style-type: none"> <li>• They do not object to a business being run from the property if it is not very noisy and appears as a private residence.</li> <li>• Child Care Centres often display prominent signs and bright colours and therefore they object to the proposal.</li> <li>• The lot was bought unaware of the intentions of a proposed Child Care Centre on Palace Way.</li> <li>• A Child Care Centre on this street would significantly increase traffic in Waldorf Ramble. This is a small, narrow and quiet street. To drop off or pick up children from such a centre would result in Palace Way experiencing increased traffic.</li> <li>• They have three young children and they did not expect this additional safety and noise risk when purchasing their lot.</li> <li>• Strongly objects to the proposal as the area was advertised as residential.</li> <li>• The establishment of the centre would devalue her house and the area. If she had had prior knowledge she would not have purchased the lot.</li> <li>• The centre would give rise to actions in nuisance for noise and traffic. Traffic issues alone are likely to hassle and bring inconvenience to all adjacent properties as well as other suburbs.</li> </ul>	<ul style="list-style-type: none"> <li>• From Palace Way the building would not appear as a private residence due to the car park that would be located at the front of the property. While the majority of play areas have been designed to be away from the adjoining properties as far as possible, play areas do adjoin residential properties.</li> <li>• Signage could be conditioned on any approval</li> <li>• Although the Structure Plan states that the area is residential, the City can consider the application on its own merits, being a "D" use.</li> <li>• It is unlikely that the proposal would result in traffic/congestion issues.</li> <li>• As above.</li> <li>• Values are not a land use planning issue.</li> <li>• It is unlikely that the proposal would result in traffic/congestion issues.</li> <li>• The proposed location of the CDCC and the impact on adjoining properties is a concern.</li> </ul>

## COMMENT

### DPS2

The proposal complies with the development standards of DPS2. Minor amendments to the size and location of parking bays and the driveway could be accommodated as conditions on any approval issued.

The provision of 11 bays complies with the requirements under DPS2 and Policy 3.1.1.

### Traffic Generation

The potential impact on the road system has been assessed and it is not considered that the traffic generated from the proposed CDCC would have a detrimental impact on traffic, congestion or circulation for the adjoining lots or the locality.

### Building Code of Australia

A number of modifications are necessary to the building to ensure compliance with the BCA, however these can be accommodated as conditions on any approval issued.

### Impact on Adjoining Property

Although the Council Policy encourages the location of CDCCs to be located adjacent to non-residential uses, such as shopping centres, schools and medical centres, this is not a mandatory requirement. Notwithstanding, where CDCCs are proposed adjacent to residential properties, the impact of the centre on the adjoining property is an important consideration.

In this instance, it is not considered that the proposed site provides a suitable location for the CDCC. One of the play areas of the centre is located adjacent to the adjoining property, and this may have a negative impact on this property in terms of the noise generated from the CDCC. It is noted that the applicant has verbally stated that he would have no objection to a solid boundary wall being erected, and appropriate landscaping, to assist in minimising any adverse impact on the adjoining property.

It is considered appropriate that the centre be located adjoining non-residential properties, as suggested in Policy 3.1.1. Such a location would allow an appropriate buffer between a commercial site, and a residential area. The view that the subject site is not appropriate is supported by the objections received in regard to the proposal.

The proposed location of the child care centre is not considered appropriate in this instance. The application is therefore recommended for refusal.

## VOTING REQUIREMENTS

Simple Majority

## **RECOMMENDATION**

**That Council REFUSES the proposed Child Day Care Centre at Lot 490 (3) Palace Way, Currambine, for the following reasons:**

- 1 The proposal is likely to have a negative impact on the amenity of the adjoining property.**
- 2 The proposed site is not considered appropriate, as it does not adjoin non-residential uses, as encouraged under Policy 3.1.1.**
- 3 The proposal is contrary to the principles of orderly and proper planning.**

*Appendix 13 refers.*

*To access this attachment on electronic document, click here: [Attach13brf030303.pdf](#)*



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## **ITEM 15 SINGLE HOUSE (RETAINING WALL ADDITIONS INCLUDING SETBACK VARIATIONS) LOT 12 (9) HOCKING PARADE, SORRENTO – [57180]**

**WARD** - South Coastal

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### **PURPOSE**

The purpose of the report is to request Council's determination of an application for the construction of retaining walls, which do not comply with the setback provisions of the R-Codes.

### **EXECUTIVE SUMMARY**

An application has been received for the construction of retaining walls to align with the boundaries of an approved two lot subdivision over the vacant site.

The subject site contains a significant slope from the north (high side) to the south. The retaining walls are proposed to be 3.5 metres to 4 metres in height from natural ground levels. The lot to the west and south is approximately 2–3 metres below the level of the subject lot, whilst the lot to the north is elevated by approximately 2 metres. When subdivided, the subject site will be 'split level' in accordance with the slope of the site.

The application was advertised to the surrounding landowners and 3 objections were lodged. Due to the potential impacts of the proposal, the application has been referred to Council for determination.

The application has been assessed according to the performance standards of the Residential Design Codes 2002 (R-Codes) and is recommended for approval, subject to the height of the retaining walls being decreased to reduce any potential impact of the walls on the adjoining landowners.

### **BACKGROUND**

<b>Suburb/Location:</b>	Hocking Parade, Sorrento
<b>Applicant:</b>	Stoneridge Group (WA) Pty Ltd
<b>Owner:</b>	Colin R Heath
<b>Zoning:</b>	<b>DPS:</b> Residential R20
	<b>MRS:</b> Urban

The location of this site is shown in Attachment 1 to this Report and the details of the structure are shown in Attachment 2 to this Report. The site is currently vacant and is covered by shrubs and small trees.

The proposal aims to subdivide a generally rectangular shaped lot with a wider frontage into two lots with frontages of 14.7m and 15.4m. Due to the crossfall of over 6m from the side boundaries of the lot, it would be necessary to provide retaining to create level sites that would then permit the opportunity to develop them further. The applicant does not wish to develop the lots himself and rather aims to sell level sites that have development potential.

On 18 July 2001, Council received an application for a two lot subdivision aiming to split the current lot into two regular shaped lots of 534m<sup>2</sup> (Lot 801) and 533m<sup>2</sup> (Lot 800), each having frontages to Hocking Parade.

The City subsequently requested that the WAPC defer the application until the owners provide a satisfactory site plan showing detailed information pertaining the retaining walls, and following this, the City's decision on the subdivision application.

The City also wrote to the applicants outlining that a more balanced cut and fill would be required to minimise impacts on the adjoining properties. In reply, two draft proposals were presented, one with the majority of fill to level the site and one that aimed, as far as practicable, to cut and fill the site. The latter option is the proposal, which forms part of this development application.

On 4 January 2002 the WAPC conditionally approved the subdivision, subject to a condition requiring the grading and stabilising to the satisfaction of the City. An advice note on the subdivision approval stated that a development application would be required for the installation of the proposed retaining walls.

## **DETAILS**

### **Statutory Provision:**

#### **Residential Design Codes**

Retaining walls are assessed under the provisions of the R-Codes.

Development, which is in compliance with the acceptable development provisions of the R-Codes, does not require planning approval, or the exercising of discretion. When a development varies the acceptable development provisions of the R-Codes, the variations can be considered pursuant to the 'performance criteria'.

Clause 2.3.4 of the R-Codes permits Council to vary the provisions of the Codes if it is determined that the variations comply with the 'performance criteria' of the R-Codes.

Clause 3.6.2 of the R-Codes requires retaining walls to be setback from the property boundaries in accordance with the standards prescribed within the R-Codes. This is calculated in accordance with the requirements for a major opening with a wall height of 2.4 metres in addition to the height and length of the retaining wall.

The southern retaining wall is 31 metres long, and 3.5 metres high. It is required to be setback 6.3 metres in lieu of the proposed setback of 1.5 metres.

The south western retaining wall is 14 metres long and 3.5 metres high. It is required to be setback 3.8 metres in lieu of the proposed setback of 2 metres.

The north western retaining wall, is 14 metres long and 4 metres in height. It is required to be setback 4.1 metres setback in lieu of the proposed setback of 2 metres.

The intent of the R-Codes is to minimise impacts or detrimental outcomes to adjoining landowners. The City is required to consider the setback variations, having regard to the objections lodged by the adjoining owners and the impact the development would have on the adjoining landowners.

### **Policy 3.1.7 – Retaining Walls**

The City has a policy that deals principally with broad acre subdivisional retaining walls, however, the Policy objectives are pertinent to this application:

- 1 Encourage the provision of residential building sites with a minimal slope by the provision of bulk earthworks and subdivision retaining walls.
- 2 To minimise the need for large retaining walls as part of dwelling construction.

Where retaining walls are within 10 metres of a dwelling on an adjoining property in a different ownership, a retaining wall is to be determined in accordance with the R-Codes.

During the subdivision phase, two options were presented as potential solutions. The first was characterised by fill with retaining (and little cutting), and the second attempted, as far as practicable, to cut and fill with retaining walls. The latter option forms part of the application, which has been chosen due to the reduced impact of the two available options.

### **Applicant's justification:**

The applicant has agreed to reduce the height of the retaining walls from those originally proposed. He has outlined that the topographical constraints of the site and the adjacent sites make the design of the retaining walls difficult, considering that the surrounding properties vary substantially in their relative level and elevation. The applicant has provided a colour photograph on which a sketch of the proposed retaining walls has been placed to illustrate the scale of the proposed retaining walls on the streetscape.

### **Consultation:**

#### Advertising

The proposal was advertised to surrounding owners for a 14-day comment period. A copy of the plans was submitted with the signature of the adjoining landowners (11 Hocking Parade – north of development site and 53/160 West Coast Drive – west of development site) apparently supporting the proposal. Subsequently, the owners of 53/160 West Coast Drive have requested the letter to be withdrawn and have lodged an objection.

#### Submissions

A total of three responses were received, being three objections, which were received from the immediately adjoining owners of the adjoining grouped dwelling development fronting West Coast Drive and Hocking Parade.

*Owners of 53/160 West Coast Drive*

The owners are concerned about the following:

- Height of the retaining walls,
- Loss of privacy,
- Obstruction of natural light, and
- The overbearing nature of any house that may be constructed on the walls, as they would be extreme in height compared to any others surrounding it.

*Owners of 54/160 West Coast Drive*

The owners are concerned about the following:

- Height and proximity of retaining walls to their property,
- The walls exceed the provisions of the City's policy on retaining walls,
- Would prefer the wall to be no higher than 2m as well as having a 1.5m setback,
- That other owners have not objected to the walls as their houses back onto the subdivision site and their entrances are from the Sunset Estate side. Given that their house fronts onto Hocking Parade, the walls would dwarf their house and thus devalue their property significantly. They suggest that the developer cut the retaining and have pad levels of 17.5 and 14 (i.e. 1.5m reduction in height),
- That the height of the walls are maximised to increase views and hence the value of those lots, at the detriment of the amenity of adjoining landowners,
- That later movements or faults in the wall would damage their property, and
- Once a house is constructed on the lots, their house would be constantly overshadowed.

*Owners of 68/160 West Coast Drive*

**The owners are concerned about the following:**

- That a full assessment cannot be made given that no plans for the future houses are presented,
- Their boundary retaining wall and fencing may need further modification and therefore they request a complete set showing their walls and fencing,
- Loss of privacy and lifestyle,
- Loss of sunlight, dampness to the side of their house and the creation of a claustrophobic environment,
- The proposed walls would worsen the natural water seepage and drainage from Lot 12. The owners state that they had to install a soakwell to take the excess water from the subject property,
- That later movements or faults in the wall would damage their property, and
- Once the walls are constructed, a further 1.8 metres of fencing would need to be erected, causing a 5.3 metre high wall. They suggest by increasing the retaining height at the northern boundaries, the impact of the southern and western properties is minimised.

**COMMENT:**

It is acknowledged that the applicant has provided revisions to the original proposal, which have reduced the level of the walls. The adjoining landowners, who live on the lower side (west and south) of the site, have commented on those plans objecting to the scale of the walls and the potential impact on their amenity.

The size, design and scale of the walls has been considered carefully, taking into account the topography of the site and its surrounds. However, the current design may have amenity impacts on the adjoining landowners. Consideration should also be given to the potential scale of building that would be placed on the lots. Although it is not known what these are likely to be, it is considered that due to the small size of the lots, that homes of at least two storeys are likely to be proposed for each lot. Note this cannot be considered, as plans are not known at this time.

It is impossible to conclude that any proposed dwellings would comply with the acceptable development provisions of the R-Codes related to overshadowing. Any variations to the applicable standards would be required to go through the normal process of advertising and assessment.

The above comments must also, however, be considered in light of the extreme topography of the site and of the area in general.

The subject area has significantly undulating topography that is not exclusive to the subject lot. In these circumstances it must be expected and accepted that retaining walls, to some extent, will be required to accommodate development.

As the proposed retaining walls do not comply with ‘acceptable criteria’ of the R-Codes, the proposal is considered under the ‘performance criteria’, which states:

“Retaining walls designed or setback to minimise the impact on adjoining property.”

The objections from the adjoining owners have outlined that the retaining walls would have a detrimental effect on their amenity.

Notwithstanding, it is noted that the principal private open space areas of the adjoining and potentially affected grouped dwellings do not directly abut the subject site. The impact on the amenity, in terms of the privacy, to the private open space areas due to the proposed retaining walls is therefore decreased.

It is considered that by reducing the height of the walls, together with the fact that walls are setback from the common boundaries, would provide a more suitable outcome that would assist in addressing the concerns of the surrounding neighbours. The proposal would be balanced ‘cut and fill’ approach that follows the natural ground levels of the site.

Overall, the heights of the retaining walls are considered to be excessive in their current form, and are capable of being reduced in height. A reduction in height would assist in reducing any potential impact on the adjoining owners. Approval is therefore recommended subject to a reduction in the pad levels and retaining wall heights of 1m. This would effectively mean the retaining walls would be reduced to heights of between 2.5 metres and 3 metres.

## VOTING REQUIREMENTS

Simple majority.

## RECOMMENDATION

### That Council:

- 1 **EXERCISES discretion in accordance with Clause 2.3.4 of the Residential Design Codes 2002 and determines that the setback of the retaining walls meets the performance criteria outlined in Clause 3.6.2;**
- 2 **APPROVES the application and plans dated 8 October 2002 submitted by Stoneridge Group Pty Ltd, the applicant on behalf of the owners, for retaining walls including side setback variations on Lot 12 (9) Hocking Parade, Sorrento, subject to the following conditions:**
  - (a) **The height of all of the retaining walls and pad levels shall be reduced by 1m to those levels annotated on the approved plans. Details shall be provided prior to the issue of a building licence, to the satisfaction of the City;**
  - (b) **Boundary fencing shall be replaced where in poor condition and installed to a height of 1.8m adjacent to stair accesses at the applicants expense prior to the completion of the construction of the retaining walls to prevent overlooking from those areas to the adjoining rear properties. Gate accesses will be permitted from the rear stair landings;**
  - (c) **All stormwater shall be retained and disposed of on site to the satisfaction of the City; and**
  - (d) **Appropriate easements are to be imposed for the side access way and rear stairs to ensure that reciprocal rights of access exist for both sites. This shall be completed prior to the issue of a building licence.**
- 3 **ADVISES the objectors of (1) above.**

### Footnotes:

- 1 **The proposed retaining walls shall be designed to allow for a surcharge of the future dwellings, such engineer's design will also need to have certification confirming it has been built in accordance with that design;**
- 2 **The applicant is advised that the approval of the proposed retaining walls does not in any way imply compliance the applicable R-Code standards in regard to the development of dwellings on the subject lots. Any dwellings on the proposed lots will be assessed in accordance with the R-Code provisions.**

*Appendix 14 refers.*

*To access this attachment on electronic document, click here: [Attach14brf030303.pdf](#)*

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## **ITEM 16 LOCALITY NAME CHANGE – BURNS TO BURNS BEACH – [09163]**

**WARD - All**

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### **PURPOSE**

To investigate and report on the proposal to rename the locality of Burns to Burns Beach as a result of a petition previously presented to Council.

### **EXECUTIVE SUMMARY**

At the Council meeting of 15 October 2002, a 113-signature petition was tabled requesting a change of locality name from Burns to Burns Beach on behalf of the Burns Beach Ratepayers, Residents & Community Recreation Association.

The Department of Land Administration's Geographic Names Committee (GNC) meets quarterly to review naming and renaming matters. The name change process is a lengthy process with an approximate timeframe of 9 – 18 months (Attachment 1).

The proposed renaming satisfies some of the key guidelines set down by GNC for locality renaming (Attachment 2 to this Report).

The GNC considered the renaming matter at its December meeting and raised no objections to the proposal, provided there was strong community support for the change. The committee recognised that the area had been locally known as Burns Beach since the late 1920's and as the area is still largely undeveloped, it is now an opportune time to change the name.

The petition presented in support, only represents one point of view and it is unknown if all owners and residents have been consulted. Further, the GNC Guidelines for locality renaming state that where petitions are submitted providing only one point of view (i.e. support) the renaming proposal is unlikely to succeed. The Burns Beach Ratepayers, Residents & Community Recreation Association's petition, however, represents a strong local community support for a name change (Attachment 3).

With Council support and the evidence of strong community support, the GNC would be willing to endorse such a name change.

It is recommended that the City forward questionnaires to all of the residents and landowners within Burns to gauge the total level of support. Subsequently a report will be presented to Council advising of the results and providing further direction.

### **BACKGROUND**

At the Council meeting of 15 October 2002, a 113-signature petition was tabled requesting a change of locality name from Burns to Burns Beach on behalf of the Burns Beach Ratepayers, Residents & Community Recreation Association.

The Department of Land Administration's (DOLA's) Geographic Names Committee (GNC) are the custodians with regards naming matters within the State, they advise the Minister for Lands who grants the final approval.

**Suburb/Location:** Burns  
**Applicant:** Burns Beach Ratepayers, Residents & Community Recreation Association  
**Zoning:** **DPS:** MRS-Parks and Recreation, MRS-Other Regional Roads, Residential, Rural.  
**MRS:** Parks and Recreation, Other Regional Roads, Urban, Rural

## **DETAILS**

Burns derives its name from a farmer, Tommy Burns, who ran sheep in the area. Burns was a shepherd of Clarkson and an early landowner. The locality name of Burns was approved in 1974 and included all of present day Kinross, however, in 1989 when this was identified for subdivision and further development, the locality name of Kinross was applied (Attachment 4 to this Report).

The bulk of the Burns locality is largely undeveloped. The small subdivision, Holiday Village and Leisure Park at the southwest corner of the locality, have been known as Burns Beach since the late 1920's.

The petition tabled at the Council meeting on 15 October 2002 only represents one point of view and it is unknown if all owners or residents have been consulted.

### **Consultation With GNC**

The GNC have established guidelines for the renaming of localities, which are followed stringently by local government.

The City forwarded the name change proposal to the GNC for their perusal and comment and also to the major landholders, Burns Beach Management Pty. Ltd and Peet & Company. A response from Peet & Company was received on 1 November 2002 raising no objection, which was provided on behalf of Burns Beach Management Pty Ltd.

The GNC considered the matter at its December meeting and the City was advised the committee recognised that the area had been known locally as Burns Beach since the late 1920's and as the area is still largely undeveloped, it is now an opportune time to change the name. Should the petition from the Burns Beach Ratepayers, Residents & Community Recreation Association represent strong community support for the name change, the Committee would be willing to receive a request from Council seeking approval for the change of name (Attachment 3 to this Report).

### **The Cost of an Initial Survey**

Costs of surveying selected groups are noted (Attachment 6 to this Report). They range from \$220 to \$425 depending on which option is chosen. This is a one off cost and extra surveys would incur that cost each time. This is in addition to the resources that would be required to coordinate and liaise on the naming process.



## COMMENT

The City recognises that the area has been known locally as Burns Beach since the late 1920's; to determine the level of community support to the name change it is proposed questionnaires are forwarded to all residents and landowners (Attachment 5 to this Report).

The petition presented in support, only represents one point of view and it is unknown if all owners and residents have been consulted, further the GNC Guidelines for locality renaming state that where petitions are submitted providing only one point of view (i.e. support) the renaming proposal is unlikely to succeed.

Should there be a strong level of support (90%) for the name change, Council's support will be sought and subsequently tentative approval from GNC for the proposed name will be pursued (Attachment 1 to this Report).

Prior to Council adopting a resolution in relation to the proposal, it should be aware that other communities might also seek similar treatment, e.g. Northshore-Kallaroo, Beaumaris-Ocean Reef and this effectively results in associated resource issues.

It is recommended that the City forward questionnaires to all of the residents and landowners within Burns to gauge the total level of support and a report be presented to Council in regard to the questionnaires' results and provide direction from there on in (Attachment 5 to this Report).

## VOTING REQUIREMENTS

Simple majority

## RECOMMENDATION

### That Council:

- 1 FORWARDS questionnaires to all residents and landowners within the locality of Burns to gauge the total level of support;**
- 2 PRESENTS a subsequent report to Council in regard to the results of the questionnaires.**

*Appendices 15 & 15(a) refer.*

*To access this attachment on electronic document, click here: [Attach15brf030303.pdf](#)*

*[Attach15abrf030303.pdf](#)*

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## **ITEM 17 REQUEST FOR THE CLOSURE OF THE PEDESTRIAN ACCESSWAY BETWEEN BREARLEY MEWS AND MASCOT COURT, HILLARYS – [79527]**

**WARD** - Whitfords

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### **PURPOSE**

The purpose of this report is for Council to consider the closure of the pedestrian accessway (PAW) between Brearley Mews and Mascot Court, Hillarys. (See Attachment 1 to this report).

### **EXECUTIVE SUMMARY**

The City has received a request for closure of the subject PAW from the four adjoining landowners. Justification for this request is repeated incidents of vandalism and anti-social behaviour taking place within the PAW.

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

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

In this case, the Urban Design Assessment, Nuisance Impact Assessment and Community Impact Assessment are all rated as medium, low and high respectively. Based on these ratings, the proposal accords with Case 6 of the Pedestrian Accessway Policy, therefore it is recommended that the closure of the PAW between Brearley Mews and Mascot Court, Hillarys not be supported.

### **BACKGROUND**

<b>Suburb/Location:</b>	Hillarys
<b>Applicant:</b>	All four adjoining landowners
<b>Zoning:</b>	<b>DPS:</b> Residential
	<b>MRS:</b> Urban
<b>Strategic Plan:</b>	Lifestyle – Strategy 2.6 Promote and enjoy lifestyles that engender environmental, social and economic balance

## **DETAILS**

### **Current Proposal or Issue**

All four adjoining landowners support the closure of the PAW. The request for closure is based on incidents of vandalism and anti-social behaviour.

Western Power has service infrastructure within the PAW that will require modification and an easement and the City will also require an easement to protect its drainage plant within the PAW should it be closed. The four adjoining landowners have agreed to acquire the land and meet the modification costs and conditions if the request for closure is supported.

### **Site Inspection**

The site inspection revealed a clean, clear PAW with excellent vision throughout. The four adjoining properties all have retaining walls and the concrete footpath within the PAW abuts the retaining walls. There was no evidence of rubbish, fence damage or graffiti. There are power poles at each end of the PAW. (See Attachment 2 to this report).

### **Statutory Provision:**

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

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

### **Consultation:**

Consultation was by way of a notification sign at each end of the PAW for a period of thirty days from 11 October 2002 until 10 November 2002 and a questionnaire forwarded to residents living within a 400-metre radius of the subject PAW. Attachment Nos. 3 and 4 summarise the information from the returned questionnaires in relation to this application.

### **Policy Implications:**

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

As part of the City's Pedestrian Accessway Policy, when closure of a PAW is requested, formal evaluation of the application is conducted. This evaluation is composed of three parts,

Assessing Urban Design, Nuisance Impact and Community Impact. The assessments are rated and a recommendation made whether to support closure or not. Where points in the ratings do not match exactly with the assessment results, comments supporting the chosen rating will be provided in italics.

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

## COMMENT

### *Assessment and Reasons for Recommendation:*

#### **Urban Design Assessment**

The subject PAW is not considered to be a direct link to a community facility or part of a 'chain' of PAWs. It is not significant with regard to the City's Bike Plan, or the "Safe Routes to School" programme.

From information received in the returned questionnaires, the subject PAW is used to access various community facilities (Attachment 4 refers). The PAW is well used for accessing local parks, Whitford City Shopping Centre and local bus stops. For most residents living in the proximity of the PAW, the walking distances to these facilities are already significant. Information received in the returned questionnaires indicates that the extra walking distance to these facilities is unacceptable. Twelve residents referred to the long journey that children face attending local schools in the area and that closure of the PAW would greatly increase their journeys.

The main alternative route is along Cook Avenue and several residents advised that they prefer to use the subject PAW as it avoids using Cook Avenue, which is a main road. Although there are alternative routes for users, of the 66 users of the subject PAW, 56 (85%) advised they would be inconvenienced if closure is supported.

Based on the foregoing, a medium rating for the Urban Design Assessment is considered the most appropriate as Policy 3.2.7 states:

<b>Policy Parameters – Medium</b>	<b>Analysis Results</b>
<ul style="list-style-type: none"> <li>PAW provides a route to community facilities but not direct</li> </ul>	<ul style="list-style-type: none"> <li>This is correct</li> </ul>
<ul style="list-style-type: none"> <li>An alternative route exists but some inconvenience.</li> </ul>	<ul style="list-style-type: none"> <li>This is correct</li> </ul>
<ul style="list-style-type: none"> <li>PAW not designated as a 'safe route to school' or significant with regard to the bike plan.</li> </ul>	<ul style="list-style-type: none"> <li>This is correct</li> </ul>

## Nuisance Impact Assessment

The Nuisance Impact Assessment is carried out by investigating any reported anti-social behaviour. The landowners of the four adjoining properties to the subject PAW all support the proposed closure. Justification for their request is based on:

- People running down PAW banging on fences late at night
- Bongs thrown over one of the adjoining landowners fences
- Bottles thrown over the fence landing in children's' sand pit and pool
- Meeting place for undesirables leaving cans, bottles etc
- Concern for the safety of their children
- PAW smells of urine
- Escape route for thieves

## Police and City Watch Information

City Watch was requested to undertake extra patrols to monitor the level of anti-social behaviour in the PAW. During the monitoring period, which was 13 April 2002 to 10 June 2002, 45 patrols were undertaken and no incidents were recorded.

Police information provided covered a period from January 2002 to January 2003 and no evidence suggests that the level of offences occurring in the area were higher in vicinity of the PAW than elsewhere in the suburb; burglary and graffiti reports were mainly recorded. Police records did not cover disturbances and unruly behaviour in the area.

## Comments in Returned Questionnaires

One user indicated he had witnessed both vandalism and anti-social behaviour but did not provide details of incidents. A Mascot Court resident advised that he had witnessed urinating in the PAW and that noisy youths gathered in the PAW. Another user noticed graffiti in the form of one 'tag' (graffiti artist's signature).

Two of the adjoining landowners completed questionnaires and advised that they had witnessed people urinating, seen broken bottles and drug implements and endured excessive noise. They also advised that groups of young children use the PAW breaking everything in their path, i.e., fences, letterboxes and trees. They had also experienced burglary.

Of the 66 users of the subject PAW, 61 users had not witnessed any anti-social behaviour and 59 users had not witnessed any vandalism.

Based on the foregoing, the evidence is that the incidents recorded by the adjoining landowners are similar to that experienced in the surrounding area. Therefore the Nuisance Impact Assessment is rated low as per Policy 3.2.7 – Pedestrian Accessways:

Policy Parameters – Low	Analysis Results
<ul style="list-style-type: none"> <li>• Occurrence of criminal activity or antisocial behaviour similar to elsewhere in the suburb.</li> </ul>	<ul style="list-style-type: none"> <li>• This appears to be correct</li> </ul>
<ul style="list-style-type: none"> <li>• Types of offences are limited to antisocial behaviour</li> </ul>	<ul style="list-style-type: none"> <li>• Anti-social behaviour and other offences such as stealing and burglary also recorded in the vicinity</li> </ul>

<ul style="list-style-type: none"> <li>The severity of antisocial behaviour is similar to elsewhere in the suburb</li> </ul>	<ul style="list-style-type: none"> <li>This appears to be correct</li> </ul>
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### Community Impact Assessment

The proposal was advertised for thirty days from 11 October 2002 to 10 November 2002 by way of a notification sign at each end of the PAW and questionnaires forwarded to residents living within a 400-metre radius. Of the 103 questionnaires returned, the overall response with regard to the support, objection or indifference to the closure is:

Policy Parameters – Medium	Analysis Results
<ul style="list-style-type: none"> <li>PAW provides a route to community facilities but not direct</li> </ul>	<ul style="list-style-type: none"> <li>This is correct</li> </ul>
<ul style="list-style-type: none"> <li>An alternative route exists but some inconvenience.</li> </ul>	<ul style="list-style-type: none"> <li>This is correct</li> </ul>
<ul style="list-style-type: none"> <li>PAW not designated as a ‘safe route to school’ or significant with regard to the bike plan.</li> </ul>	<ul style="list-style-type: none"> <li>This is correct</li> </ul>

There were also four separate submissions objecting to the closure, details of which are provided in Attachment 5 to this report.

The Community Impact Assessment is undertaken to obtain information about the PAW’s level of use and Attachment No 4 to this report indicates the reasons for use, and frequency of use. Exercise/social use is the main reason the PAW is used by pedestrians, with access to parks and the local shopping centre also being quite significant.

This PAW is not a direct link to a community facility, however, it is a well-used PAW especially on a daily and weekly basis. It avoids the use of Cook Avenue for cyclists and younger users and by its level of use, appears to be an important community asset. The Community Impact Assessment is rated as high, as under Policy 3.2.7 it is stated:

Policy Parameters – High	Analysis Results
<ul style="list-style-type: none"> <li>Significant portion of respondents not in favour of closure (over 50%)</li> </ul>	<ul style="list-style-type: none"> <li>Of the 103 returned questionnaires, 55 (53%) advised that they objected</li> </ul>
<ul style="list-style-type: none"> <li>High portion of households use the PAW regularly</li> </ul>	<ul style="list-style-type: none"> <li>66 residents/families use the PAW with the main use being daily</li> </ul>
<ul style="list-style-type: none"> <li>High portion of users inconvenienced by closure (over 50%)</li> </ul>	<ul style="list-style-type: none"> <li>56 of the 66 users (85%) advised they would be inconvenienced if the PAW is closed</li> </ul>

Cook Avenue would be the main alternative route for users if the subject PAW is closed. Cook Avenue is also not considered an acceptable alternative by many users for the fact that it is a busy local distributor road. Fifteen users advised that using Cook Avenue would increase their

walking distances significantly. Twelve residents referred to the long journey that children already face attending local schools and how these walking distances would increase greatly if the PAW is closed. Increased walking distances to the post-box on New England Drive for residents on the Brearley Mews side of the PAW was also highlighted.

A comment made by the parent of a disabled child is that the alternative route to a friend's house would be too long and therefore she would have to use her car.

### **Final Assessment**

It would be fair to assume that the PAW's value to the community would not be that highly regarded due to the distances already walked by local residents to community facilities. Information in the returned questionnaires in respect of the level of use and inconvenience to users of the PAW if closure is the outcome, strongly contradicts this view.

Information received indicates that the PAW is important to local residents, as it shortens the considerable walking distances to amenities that many users already have. It also avoids, especially for younger pedestrians/cyclists, the use of the alternative busier route being Cook Avenue.

From the evidence provided, the level of anti-social behaviour and vandalism in the area does not appear to be any greater due to the existence of the PAW.

The result of each assessment is detailed below:

Urban Design	-	Medium
Nuisance Assessment	-	Low
Community Assessment	-	High

In accordance with Policy 3.2.7 – Pedestrian Accessways, the final assessment equates to a Case 6, which states that closure is not supported where urban design assessment of the PAW is considered medium and use is high. Therefore it is recommended that the application to close the PAW between Brearley Court and Mascot Court not be supported.

### **VOTING REQUIREMENTS**

Simple Majority

### **RECOMMENDATION**

**That Council DOES NOT SUPPORT the closure of the pedestrian accessway between Brearley Mews and Mascot Court, Hillarys.**

*Appendix 16 refers.*

*To access this attachment on electronic document, click here: [Attach16brf030303.pdf](#)*

**ITEM 18 MINUTES JOONDALUP FESTIVAL AND SUMMER  
EVENTS COMMITTEE MEETING HELD 15 JANUARY  
2003 – [16036]**

**WARD - All**

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**PURPOSE**

The purpose of this report is to submit to Council the minutes of the Joondalup Festival and Summer Events Committee held on 15 January 2003.

**EXECUTIVE SUMMARY**

A meeting of the Joondalup Festival and Summer Events Committee was held on Wednesday, 15 January 2003 in Conference Room 2, Civic Centre, Boas Avenue, Joondalup and the unconfirmed minutes are submitted for noting by Council.

**VOTING REQUIREMENTS**

Simple Majority

**RECOMMENDATION**

**That Council NOTES the unconfirmed minutes of the Joondalup Festival and Summer Events Committee meeting held on Wednesday, 15 January 2003 forming Attachment 1 to this Report.**

*Appendix 17 refers.*

*To access this attachment on electronic document, click here: [Attach17brf030303.pdf](#)*



## **ITEM 19 DELEGATED AUTHORITY REPORT FOR THE MONTH OF JANUARY 2003 – [07032]**

**WARD** - All

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### **PURPOSE**

To submit items of Delegated Authority to Council for noting.

### **EXECUTIVE SUMMARY**

This report provides a resumé of the Development Applications processed by Delegated Authority for January 2003 (see attachment 1).

The total number of Development Applications determined (including Council and delegated decisions) is as follows:

<b>Month</b>	<b>No</b>	<b>Value (\$)</b>
January 2003	69	6,173,295

The focus of the past month's activity was on assessing variations to the prescribed standards for single residential dwellings.

### **VOTING REQUIREMENTS**

Simple Majority

### **RECOMMENDATION**

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

*Appendix 18 refers.*

*To access this attachment on electronic document, click here: [Attach18brf030303.pdf](#)*

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**ITEM 20 SUBDIVISION REFERRALS PROCESSED 1 NOVEMBER 2002 – 31 JANUARY 2003 – [05961]****WARD - All**

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**PURPOSE**

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

**EXECUTIVE SUMMARY**

Attachment 1 to this Report is a schedule of the Subdivision Referrals processed by Urban Design and Policy from 1 November 2002 - 31 January 2003. 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 9 additional residential lots, 19 strata residential lots, and 5 city centre strata lots. The average processing time taken was 17 days.

Four applications were deferred and two applications not supported.

**VOTING REQUIREMENTS**

Simple Majority

**RECOMMENDATION**

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

*Appendix 19 refers.*

*To access this attachment on electronic document, click here: [Attach19brf030303.pdf](#)*

## 7 REPORT OF THE CHIEF EXECUTIVE OFFICER

## 8 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

### NOTICE OF MOTION NO 1 – CR C BAKER – PERIODIC PUBLIC REPORTS – COUNCILLOR EXPENSES/ALLOWANCES

In accordance with Clause 3.12 of the Standing Orders Local Law, Cr Chris Baker has given notice of his intention to move the following motion at the Council meeting to be held on Tuesday 11 March 2003:

*“That:*

- 1 *the Chief Executive Officer cause to be published in all future Agendas of Ordinary Council meetings, a detailed report concerning expenses and allowances incurred by/paid to each Councillor and paid for/reimbursed by the City of Joondalup including, but not limited to, the following expenses and allowances:*
  - 1.1 *expenses incurred by each Councillor on Conference and Training;*
  - 1.2 *expenses ostensibly incurred by each Councillor on Travel and Childcare;*
  - 1.3 *allowances paid to each Councillor by way of the communication allowance and the “sitting” or “meeting” attendance fee; and*
  - 1.4 *other expenses incurred by each Councillor;*
- 2 *the first such report also include a summary of all such expenses and allowances incurred by/paid to each Councillor since the date of their election to Council; and*
- 3 *at the foot of each report there be a recommendation to note each such report.”*

#### **Reason for Motion:**

Cr Baker has submitted the following comments in support of his motion:

- “It is in the public interest that ratepayers are made aware on a regular periodic basis of how much their Councillors are costing them;
- The proposed motion supplements my earlier motion (now a resolution of the Council) that I moved at the last Audit Committee meeting concerning the need to audit Councillors’ expenses (which motion was subsequently endorsed by the Audit Committee and then by Council);
- The report will further enhance the openness and transparency of Council’s finances’

- The motion further enhances the accountability of Councillors to ratepayers;
- Councillors will have nothing to fear or favour by supporting such a motion;’
- The payment of expenses/allowances to Councillors does have an impact on the City’s Budget and a consequential effect on future potential rates increases.”

### **OFFICER’S COMMENT**

It is considered that the publication of the information requested in the Notice of Motion is unnecessary.

Following an extensive review of what allowances and reimbursement of expenses are permissible under the Local Government Act 1995 (the Act) and Regulations under the Act, Council at its meeting held on 18 December 2001, adopted a comprehensive policy known as “Policy for Payment of Fees, Allowances and Expenses and Provision of Facilities to the Mayor, Deputy Mayor and Councillors.”

This policy has applied from the first Saturday in May 2002 to coincide with elections and future new Councils. The policy sets out the amount of allowances that can be paid and reimbursement of expenses that can be claimed. It should be noted that the Act and Regulations under the Act do not limit the amount that can be reimbursed for travelling and child minding expenses.

The reimbursement of all expenses paid is subject to conformance with Council’s policy and a signed claim form declaring that the information provided in support of the claim is true and correct.

The underlying principle that applies to payment of various allowances and reimbursement of expenses incurred whilst performing duties as an elected member is:

*“to enable any eligible member of the community to be elected and carry out the duties and responsibilities of their elected office, without being financially disadvantaged for doing so.”*

### **VOTING REQUIREMENTS**

Simple majority

**NOTICE OF MOTION NO 2 – CR C BAKER – SUBMISSIONS ON DRAFT STRATEGIC PLAN 2003-2008**

In accordance with Clause 3.12 of the Standing Orders Local Law, Cr Chris Baker has given notice of his intention to move the following motion at the Council meeting to be held on Tuesday 18 February 2003:

*“That:*

- 1 in reference to the Draft Strategic Plan 2003-2008, the City of Joondalup does not endorse or agree with submissions from ratepayers who have proposed or submitted that:
  - (a) the City of Joondalup should not form any alliances with small business; and*
  - (b) it is not Council’s role to support business development;**
- 2 the City of Joondalup continues to support our local Joondalup Business Association, our local businesses and the continued growth and development of the small business sector in our City, thereby creating new development opportunities for our residents, particularly our youth.”*

**OFFICER’S COMMENT**

The City needs to form partnerships and alliances with agencies (including businesses) to assist in the provision of services, programs and the development of programs.

Also the City needs to form alliances to assist in the development of the City to become the second central business district.

Joondalup was established to be the regional centre for the northern corridor, and needs to fulfil that responsibility.

**VOTING REQUIREMENTS**

Simple majority

**NOTICE OF MOTION NO 3 – CR P KIMBER – PROVISION OF PENSIONER AND MINIMUM PAYMENT RELATED INFORMATION – [18058, 27174]**

Cr Paul Kimber has given notice of his intention to move the following motion at the Council meeting to be held on Tuesday 11 March 2003. The following elected members have indicated their support as required by Clause 4.4 of the City's Standing Orders Local Law:

Cr P Kimber  
Cr P Kadak  
Cr C Baker  
Cr C Mackintosh  
Cr G Kenworthy

*“That:*

- 1 Council BY AN ABSOLUTE MAJORITY, RESCINDS its decision of 18 February 2003 (Item CJ012-02/03 refers), viz:*

*“That the detailed information be made available to Councillors upon formal written request, subject to written confirmation that it will be used in the performance of the Councillor's functions under the Local Government Act 1995 and shall not be used under any circumstances for election purposes.”*

- 2 the detailed information regarding provision of pensioner and minimum payment related information NOT be made available to Councillors upon any formal request until after the May 2003 Local Government Elections.”*

**Reason for Motion:**

Cr Kimber provided the following comment in support of his Motion:

“To ensure probity and proper conduct of intended applicants or nominees of the City of Joondalup Local Government Elections May 2003, we the applicants seek to ensure that this information not be released to proposed or duly nominated candidates or current elected members until after the May 2003 Local Government Elections.”

**OFFICER'S COMMENT**

Item CJ012-02/03, submitted to the Council meeting held on 18 February 2003, is reproduced for elected members' information.

**CJ012 - 02/03 PROVISION OF PENSIONER AND MINIMUM PAYMENT RELATED INFORMATION – [18058] [27174]****PURPOSE**

This report seeks Council's consideration of a request to provide detailed rates information to elected members.

**EXECUTIVE SUMMARY**

As part of the 2003/04 budget, the City undertook an analysis of its rateable properties. A high level summary provides information to assist elected members in understanding the composition of rateable properties and property owners and the distribution of properties within the City.

Crs O'Brien and Carlos have sought additional information that will assist in discussing the impact of alternative rating models with individual ratepayers. The alternative rating models include the elimination of minimum payments and possibly including the current refuse charge within the general rate.

The City's policy 2.3.4 - Provision of Information (refer attachment 1), sets the guidelines for provision of information to the public, elected members and officers of the City and considers the Freedom of Information Act 1992 and the Local Government Act 1995. The policy provides for some discretion with applications to be considered upon their individual merit. This policy was recently confirmed by Council on 3 September 2002 (CJ205-09/02 Provision for the Release of Information).

The information sought in this instance is considered to be of a personal and confidential nature and it is therefore proposed that Council considers providing the information requested.

**BACKGROUND**

As part of the 2003/04 budget, the City is undertaking an analysis of its rateable properties. A high level summary provides details such as the distribution of properties in various suburbs, type of properties, whether vacant or improved, number of minimum payment properties and number of properties owned by pensioners. This information will be provided to elected members for discussion as part of the 2003/04 budget process.

Councillors O'Brien and Carlos have in previous years indicated their concerns to provide support to the poorer ratepayers within the community and to that extent the focus has been on pensioner owned and minimum rated properties. Cr O'Brien has previously presented to elected members an alternative rating proposal which does not use a minimum payment (MP) but applies the gross rental value (GRV) to properties. This same principle may be applied to the refuse charge being included within the general rate.

Councillors O'Brien and Carlos have requested additional information which will assist elected members in discussing the implications of the alternative rating proposition with specific ratepayers. The information required will specifically identify the individual property number, house number, street address, suburb, the GRV of the property and whether the owner is an eligible pensioner according to the City's rating records. Financial modelling can then be undertaken to determine the approximate rates paid under each model.

## **DETAILS**

The City's policy 2.3.4 - Provision of Information (refer attachment 1), sets the guidelines for provision of information to the public, elected members and officers of the City and considers the Freedom of Information Act 1992 and the Local Government Act 1995. The policy provides for some discretion with applications to be considered upon their individual merit. It should be noted that this matter was recently considered by Council on 3 September 2002 (CJ205-09/02 Provision for the Release of Information).

Pursuant to section 5.92(1) of the Local Government Act 1995 (the Act), a councillor may have access to any information held by the City which is relevant to the performance of the Councillor's functions under the Act.

Should information identifying the properties the subject of pensioner and minimum payments be improperly used for a purpose unrelated to a Councillor's functions (eg electioneering), an offence could be committed under Section 5.93 of the Act which contains a penalty of \$10,000 or imprisonment for two years.

The high level summary information will be provided to all elected members as part of the 2003/04 budget deliberations, specifically in considering rating principles such as the application of minimum payments and whether to incorporate the current refuse charge into the general rate.

This information will be made available to elected members at no cost and an example is provided in attachment 2.

## **COMMENT**

If the detailed information was to be provided to elected members, the City has an obligation to remind elected members of the confidentiality and sensitivity of the information provided and the requirement to use the information only in undertaking council business.

The sensitivity of similar information was apparent when Council sold its 2001 street listing and subsequently received numerous complaints (CJ406-11/01 refers) from ratepayers.

It is considered that the high level summary provides elected members with sufficient information to assess the indicative impacts on individual properties and within particular suburbs, which can be used to demonstrate the impact of the alternative rating models.



However, if Council decides that the detailed information should be supplied to Councillors upon request, then written confirmation should be sought that the information will be used in the performance of their functions under the Act.

As the detailed information has already been collated for budget purposes, the extra cost in providing the information is minimal, i.e. the cost of a CD per Councillor.

**Officer's Recommendation as submitted to Council on 18 February 2003:**

That the detailed information be made available to Councillors upon formal written request, subject to written confirmation that it will be used in the performance of the Councillor's functions under the Local Government Act 1995 and shall not be used under any circumstances for election purposes.

**VOTING REQUIREMENT**

Absolute Majority

**NOTICE OF MOTION NO 4 – CR M O'BRIEN - INITIATION OF AMENDMENT TO DISTRICT PLANNING SCHEME NO 2 - PROSTITUTION LANDUSE PROHIBITION – [72534]**

Cr Mike O'Brien has given notice of his intention to move the following motion at the Council meeting to be held on Tuesday 11 March 2003. The following elected members have indicated their support as required by Clause 4.4 of the City's Standing Orders Local Law:

Cr M O'Brien  
Cr T Barnett  
Cr A Patterson  
Cr C Baker  
Cr J Hollywood

*"That Council BY AN ABSOLUTE MAJORITY, REVOKES and RESCINDS its decision of 18 February 2003, Item CJ031-02/03 refers, viz:*

*"That Council DEFERS initiating and adopting the amendment for the purposes of advertising until the Hon Minister responds to the issues outlined within both the City's and WALGA's submissions and further consideration being given to any future revisions to the Prostitution Control Bill 2002 arising from comments obtained during the consultation period."*

*and substitutes in lieu therefore;*

*"That Council:*

*1 In pursuance of Section 7 of the Town Planning and Development Act 1928 AMENDS the City of Joondalup District Planning Scheme No.2 for the purpose of:*

*i) including the following definition within Schedule 1 (Clause 1.9) –*

*Interpretations:*

*"bawdy house": has the same meaning as its reference in Sections 209 and 213 of the Criminal Code Act 1913".*

*ii) including the following notations in Table 1 (clause 3.2) - The Zoning Table:*

*" Use Class - Bawdy House" ,"X" in the following zones, Residential, Mixed Use, Business, Commercial, Civic and Cultural, Private Clubs/Recreation, Service Industrial, Special Residential and Rural;*

*2 ADOPTS the Amendment as suitable for the purposes of referring the amendment to the Western Australian Planning Commission for consent to advertise;*

- 3        *ADVERTISES the proposed amendment upon written approval by the Western Australian Planning Commission for a period of 42 days.*

**Reason for Motion:**

Cr O'Brien provided the following in support of the above Motion:

“Reason for the Notice of Motion : is to “comply” with the “intent” of the Motion Tuesday 17 December 2002 (CJ182-12/02 refers), which instructed Council Officers ..... “Council Officers are required to take immediate steps to progress the amendment to District Planning Scheme No 2.....decided by Full Council (CJ144-10/02) Tuesday 15<sup>th</sup> October 2002;”

**OFFICER'S COMMENT**

As of the resolution of Council at its meeting on 17 December 2003 Council officers took immediate steps to progress the amendment to District Planning Scheme No.2, thus a report was prepared for consideration by Council at its next available meeting, 18 February 2003.

Verbal advice was received from a senior member of the Department for Planning and Infrastructure, Neil Foley, Manager, Metropolitan North, on this matter. The City was advised that it is likely the WAPC will withhold its consent to permit the City's amendment to be advertised for public comment, as the foreshadowed provisions contained therein would not conform with Schedule 3 of the Prostitution Control Bill. This advice was conveyed to various Councillors verbally by both the Manager Approvals Planning and Environmental Services and the Director Planning and Community Development, and during debate at the 18 Feb Council meeting.

Regardless of the possible reason for the WAPC's advice, it is likely that the amendment would not be allowed to proceed, at least until the Bill is resolved. On that basis, the following recommendation was put forward:

*“That Council DEFERS initiating and adopting the amendment for the purposes of advertising until the Hon Minister responds to the issues outlined within both the City's and WALGA's submissions and further consideration being given to any future revisions to the Prostitution Control Bill 2002 arising from comments obtained during the consultation period.”.*

In view of the DPI's position it is not considered appropriate to proceed with a scheme amendment at this stage.

**VOTING REQUIREMENT**

Absolute Majority

**NOTICE OF MOTION NO 5 – CR M O’BRIEN - ALLEGED BAWDY HOUSE ACTIVITY – REQUIREMENT FOR AN INQUIRY.**

In accordance with Clause 3.12 of the Standing Orders Local Law, Cr Mike O’Brien has given notice of his intention to move the following motion at the Council meeting to be held on Tuesday 11 March 2003:

*“That:*

- 1 resulting from information, passed on by the Hon Tony O’Gorman MLA Member for Joondalup, on Friday morning 22<sup>nd</sup> November 2002, followed by an email from Mr Chris Terelinck at 16:12 hours on Tuesday 26 November 2002 and now upon the display of an advertisement in column (a) on page 135 of The West Australian Classifieds on Saturday 22 February 2003, Council REQUIRES the CEO to have Council’s Officers investigate whether bawdy house activities, as are described in Sections 209 and 213 of the Western Australian Criminal Code, are or could be, occurring at Unit 16 of number 7 Delage Street, Joondalup;*
- 2 Council requires its Officers, to report back to next Full Council Meeting the detail of the Municipality’s Planning Approvals that are in place for Unit 16 of 7 Delage Street, Joondalup together with the results of the investigations related to paragraph 1. above;*
- 3 if bawdy house activities are occurring at Unit 16/7 Delage Street Joondalup the Council Officers are required to report back to Council any breach of any approvals currently in place for the said premises;*
- 4 Council requires inspections by Council’s Environmental Health Officers to be incorporated in the investigative inquiry related to Paragraph 1. above and report back to Council any non compliance with Council’s Building and Health By-Laws and/or State Health Act and/or other Regulatory Provisions including all Planning Laws, and recommend to Council any remedial action;*
- 5 if any evidence or circumstances are revealed in the investigation that may require the State Police Force being informed of possible Criminal Code and/or Police Act offences occurring, that Council’s Officers are required to pass on such evidence and/or information to the Joondalup Police.”*

**OFFICER’S COMMENT**

An email was sent to Cr O’Brien and all Councillors on 26 November 2002, and is produced below in full.

**“ From:** Terelinck, Chris  
**Sent:** Tuesday, 26 November 2002 4:12 PM  
**To:** Cr O’Brien, Mike  
**Cc:** Councillors; Smith, Denis; Smith, Mike; Austin, Janet; Higham, Clayton; Bryant, Donna; Hill, Helen  
**Subject:** RE: Re : Alleged Bawdy House Activity in the Winton Road Area of the City of Joondalup.

*Cr O'Brien - the following answers are provided in relation to your questions regarding development on Winton Road. I have pasted the answers into your questions for ease of reference.  
(Your questions are bold italic)*

*Q1 During the course of a brief discussion with Mr Tony O'Gorman the State Government Member for Joondalup, prior to the official opening of the Joondalup City's One Stop Shop, at the Whitford Shopping Centre, on Friday morning 22nd November 2002, Mr O'Gorman disclosed verbal information alleging that a "Bawdy House" activity is operating in the Winton Road area of the City of Joondalup, have Council's Health Inspectors become aware of such an activity ?*

*Answer 1 - no*

*Q2 If Council's Health Inspectors are aware of such an activity having commenced, please list the dates that Health Inspectors carried out any Health Inspection of such premises, since any alleged commencement date ?*

*Answer 2 - the question is not applicable as no approvals have been granted.*

*Q3 Resulting from Council's decision determining a "Policy" as an "amendment" to District Planning Scheme No 2, affecting the use of premises as a "Bawdy House" as an "X" (prohibited) use, what steps have been taken to submit the amendment, for Gazettal ?*

*Answer 3 - Research is underway and a report is being drafted for presentation to the Council as soon as practicable.*

*Q4 If premises in the Winton Road area of Joondalup, resulting from any City Health Inspector's inquiries, are suspected of being used in breach of Section 209 and Section 213 of the Western Australian Criminal Code, will the Mayor and/or the CEO, be taking action to request the Joondalup Police to investigate whether any such activity is occurring contrary to the provisions of the Criminal Code ?*

*Answer 4 - the City's Environmental Health Officers are not authorised to enforce the provisions of the Criminal Code.*

*Q5 If premises in the Winton Road area of the City of Joondalup are being used for "Bawdy House" activity, what planning approvals, if any, were granted for such purposes ?*

*Answer 5 - no planning approvals have been granted for this activity.*

*Q6 If any planning approvals were granted, when were any such planning approvals granted ?*

*Answer 6 - not applicable, as no approvals have been granted.*

*Q7 If any planning approvals were granted, who was the applicant ?*

*Answer 7 - not applicable, as no approvals have been granted.*

*Q8 If any planning approvals were granted, was any such approval a decision of (a) The previous City of Wanneroo Council ? (b) The Commissioners ? (c) The new City of Joondalup Council ? or (d) Any Delegated Authority approvals unit of (a), (b) or (c) mentioned herein in Q8 ?*

*Answer 8 - not applicable.*

*As you can appreciate, no approvals have been issued for the alleged activity, and accordingly many of the questions are not applicable.*

*Nevertheless - I hope the above helps*

*Regards  
Chris Terelinck”*

In response to specific questions, the following information is provided.

- 1 The City is not empowered to investigate matters under the Criminal Code. The premises was visited on 27 February and the owner contacted to discuss the business operation.
- 2 The premises at unit 16/7 Delage Street Joondalup was approved for the land use “therapeutic massage”. The premises is visited regularly for the purpose of spa testing, as the spa is used in the conduct of the business and falls within the definition of a public pool, under the applicable Health Swimming Pool Regulations.
- 3 There is insufficient evidence to suggest that the use of the premises breaches the provisions of Council’s DPS2.
- 4 The Environmental Health Officers are not obliged or empowered to regulate or establish whether alleged prostitution activities are occurring.
- 5 As a matter of practice, where City officers become aware of suspected illegal activities, the Police are advised of these observations.

## **VOTING REQUIREMENTS**

Simple majority

**NOTICE OF MOTION NO 6 – CR A PATTERSON – RETROSPECTIVE DEVELOPMENT APPLICATION FOR AN UNAUTHORISED PATIO: UNIT 49/160 WEST COAST DRIVE, SORRENTO – [04359]**

Cr Andrew Patterson has given notice of his intention to move the following motion at the Council meeting to be held on Tuesday 11 March 2003. The following elected members have indicated their support as required by Clause 4.4 of the City's Standing Orders Local Law:

Cr A Patterson  
Mayor J Bombak  
Cr D Carlos  
Cr A Walker  
Cr M O'Brien

*“That Council BY AN ABSOLUTE MAJORITY, RESCINDS its decision of 18 February 2002 (Item C020-02/03 refers) viz:*

*“That Council:*

- 1 EXERCISES discretion under Clause 2.3.4 of the Residential Design Codes, and as it considers that the outdoor living area for the subject dwelling complies with the performance Criteria of Clause 3.4.2, it is therefore appropriate in this instance;*
- 2 APPROVES the application dated 26 August 2002, submitted by JG and WA Heron, the applicants and owners, for an unauthorised patio at Unit 49/160 West Coast Drive, Sorrento, subject to all stormwater being contained and disposed of on site to the satisfaction of the City;*
- 3 ADVISES the landowner who made the submission of (1) above.”*

*And REPLACES it with:*

*“That Council:*

- 1 REFUSES the application dated 26 August 2002, submitted by JG and WA Heron, the applicants and owners, for an unauthorised patio at Unit 49/160 West Coast Drive, Sorrento for the following reasons:*
  - (a) the development does not comply with the acceptable or Performance Standards as specified under Clause 3.4.2 of the R-Codes;*
  - (b) the development is not in the interest of orderly and proper planning;*
- 2 REQUIRES the removal of the structure within 21 days.”*

**Reason for Motion:**

Cr Patterson has provided the following reasons in support of the rescission motion:

- “1 That due discussion did not occur, particularly when the aggrieved party were asking that the illegal structure be removed to no longer obstruct the amenity of the adjoining neighbour;
- 2 Debate focused on mediation which does not seem to be an option, unless it relates to amending the structure;
- 3 The decision is flawed on the following grounds:
  - Council failed to follow due process with the retrospective determination of the application;
  - The decision-making was flawed and the application is unlawful because the Council failed to exercise discretion in the proper manner;
  - The Structure does not conform to the current R-Codes;
  - The original DA report contained recommendations that stated the “structure did not have an impact on the adjoining owners”. The Planning Officer has never been to the adjoining owners’ property to view the structure from their courtyard, so how can such an assumption be made;
  - The Agenda Report referred to other similar structures in the complex. There are other structures in the complex, both legal and illegal, however the adjoining owners, having lived there for nearly eight years, are unaware of any other structure of similar size to Unit 49, and certainly not aware of any structure that overlooks another neighbour’s courtyard as this one does.”

**OFFICER’S COMMENT**

The report presented to the Council meeting of 11 March 2003 outlines the process and the issues related to this application.

In regard to the above statements, it is noted that the due process was followed in determining this application. The report presented to Council makes clear that this was a proposed retrospective approval. The item of discretion was clearly noted.

The courtyard provision does not comply with the acceptable standards, however, was recommended for approval based on the performance standards. Again, this was made clear in the report.

It is understood that two planning officers have been to inspect the structure. Other patios do exist within the complex. The patio does not ‘overlook’ the adjoining property.

The patio has been inspected, and has been assessed as not impacting upon neighbours. This conclusion arises from the observation of its relative height and bulk of the structure in relation to surrounding built form, orientation, and by reference to what could be built so as to accord with acceptable standards of the R Codes.



## **VOTING REQUIREMENTS**

Absolute Majority

## **9 DATE OF NEXT MEETING**

The next meeting of the Council has been scheduled for **7.00 pm** on **Tuesday, 1 April 2003** to be held in the Council Chamber, Joondalup Civic Centre, Boas Avenue, Joondalup

## **10 CLOSURE**

## BUSINESS OUTSTANDING FROM PREVIOUS MEETINGS

### OFFICE OF THE CEO

#### ANNUAL GENERAL MEETING OF ELECTORS – ex CJ307-12/02

2(a) Motion 1 (*requesting Council to make the various changes to public question time*) be considered as part of the further review of the City's Standing Orders Local Law:

**Status: A further review of the Standing Orders Local Law is being undertaken and will be referred to the Standing Orders Review Committee in the near future.**

“2(d) in relation to Motion 4, a further report be submitted to Council preparing a policy statement requiring an elected member to present a report following attendance at any overseas or interstate conference/seminar where registration costs are met by the City;

**Status: A report was originally anticipated in March. The annual review of the corporate Policy Manual is underway, with a report to be presented May/June 2003 and will consider this matter at this time.**

### STRATEGIC AND CORPORATE PLANNING

#### DEVELOPMENT OF A COUNTRY TOWN RELATIONSHIP – CJ278-11/02

“that Council DEFERS any decision to enter into a city-country sister City relationship until further analysis can be undertaken.”

**Status: Priority has been given to progressing the City's key corporate projects. As a result, progress with undertaking further research has been deferred.**

#### ANNUAL GENERAL MEETING OF ELECTORS – ex CJ307-12/02

“2 (g) in relation to Motion 7, Council ADVISES that a public consultation policy is currently being prepared which will address the issues associated with the City's communication processes;”

**Status: Draft guidelines have been prepared. Workshops to be held with Executive and Management.**

**CORPORATE SERVICES AND RESOURCE MANAGEMENT**

ALTERATIONS TO MULLALOO SURF CLUB, OCEANSIDE PROMENADE, MULLALOO – ex CJ449-12/01

“4 REQUIRES a further report outlining the details of the Deed of Variation to the current lease.”

**Status: This will be undertaken following completion of the alterations, now scheduled for February 2003.**

**Works have been completed. Lease area has been surveyed and the new draft lease is being prepared for reporting back to Council.**

**PLANNING & COMMUNITY DEVELOPMENT**

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

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

**Status: In view of the strong community reaction to precinct planning, and the need for a comprehensive community consultation policy, it is proposed to review this programme. A report on this review was originally anticipated for July 2001.**

**It is now anticipated that this report will be presented to Council in April 2003.**

NOTICE OF MOTION NO 3 – CR A PATTERSON – PEDESTRIAN ACCESSWAY, CLIFF STREET, SORRENTO – ex C16-02/03

“that Council REQUESTS a report to be presented to the ordinary meeting of the Council to be held on 1 April 2003 on the possible options for this “pedestrian accessway” located in Cliff Street, Sorrento. One option to be examined is that of closure.”

**A report will be presented to Council in April 2003.**

RESPONSE TO PUBLIC COMMENTS ON THE MULLALOO BEACH PROJECT PRELIMINARY CONCEPT PLAN – ex CJ339-12/02

“3 REQUIRES a further report detailing priorities, costing and phasing of the elements comprising the Mullaloo Beach Project Concept Plan to be presented to Council for further consideration, having regard to the detailed comments and suggestions made by the public during the consultation period.”

**Status: A report will be presented to Council in due course.**

**INITIATION OF AMENDMENT TO DISTRICT PLANNING SCHEME NO 2 – PROSTITUTION LANDUSE PROHIBITION – ex CJ031-02/03**

“that Council DEFERS initiating and adopting the amendment for the purposes of advertising until the Hon Minister responds to the issues outlined within both the City’s and WALGA’s submissions and further consideration being given to any future revisions to the Prostitution Control Bill 2002 arising from comments obtained during the consultation period.”

**Status: Awaiting the Hon Minister’s response to the issues outlined within both the City’s and WALGA’s submissions.**

**COMMUNITY DEVELOPMENT****SHIRE OF WANNEROO AGED PERSONS’ HOMES TRUST INC – MANAGEMENT COMMITTEE MEMBERSHIP – ex CJ410-11/01**

“defers any action at present in relation to representation on the Board of the Shire of Wanneroo Aged Persons’ Homes Trust Inc until this matter has been referred to the Strategic Advisory Committee – Seniors Interests;

CHARGES the Strategic Advisory Committee – Seniors Interests with the responsibility to Advise Council in regards to those which the Committee considers are the appropriate ways to support the development of aged care residential facilities and services for seniors”

**Status: This matter has been presented to the Strategic Advisory Committee – Seniors Interests, and is to be further considered at a SACSI meeting scheduled for May.**

**A member of the Wanneroo Aged Persons’ Homes Trust attended the SACSI meeting held on 10 July 2002. It is anticipated that a report originally anticipated in November 2002 will be submitted in early 2003.**

**RANS MANAGEMENT GROUP - ex JSC5-07/02**

“requests the CEO to prepare a detailed report on the viability of the management and operation of the Sorrento/Duncraig and Ocean Ridge leisure centres;

**Status: The brief has been developed and quotes are being sought from consultants. The closing date for quotes is 30 January 2003 and it is anticipated that a decision to appoint a consultant will be made in the first week of February 2003. The appointed consultant will be given 12 weeks to prepare a report which will be presented to Council in early May 2003.**

**APPOINTMENT OF REPRESENTATIVE – COMMUNITY VISION INC – ex CJ288-11/02**

“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.:

**Comment: Community Vision Inc have recently reviewed legal advice regarding the process by which they made a change to their constitution. The matter is due to be considered further by Community Vision Inc at their meeting on Thursday, 27 February 2002.**

**The decision by the board of Community Vision to amend the Constitution to remove Council officers and Elected Members from the Board has been found to be null and void. Therefore the original Constitution remains in force. This issue is to be revisited by Community Vision and the matter is to be deferred until a decision is made.**

**PROPOSED NEW STRUCTURES FOR CRIME PREVENTION IN WESTERN AUSTRALIA– ex CJ338-12/02**

“4 NOTES that Council will be advised as the matter progresses both through Desk of the CEO reports and a further report to Council”

**Comment: A report will be presented to Council in April 2003.**

**INFRASTRUCTURE AND OPERATIONS****URBAN ANIMAL MANAGEMENT COMMITTEE – ex CJ358-10/01**

“that consideration of the Urban Animal Action Plan – Cats forming Attachment 3 to Report CJ358-10/01 be:

- 1 Referred to the Urban Animal management Committee for further review;
- 2 Presented to Council for a further review;
- 3 Presented to Council for a final decision on the matter.

**Status: A legal opinion has been received and will be presented to the next Urban Management Committee.**

**The next Urban Animal Management Committee meeting is to be scheduled during March, following which a report will be submitted to Council.**

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

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

**Status:** A paper was submitted to Council at its information session held on 2 April 2002. Councillors requested that more information be provided in relation to a landscape strategy prior to being submitted to Council.

**This matter is being investigated through the Dry Parks, Median and Verge Committee and a report to Council will be provided once this investigation is completed.**

**FUNDING REQUEST – JOONDALUP DISTRICTS CRICKET CLUB – ex CJ222-09/02**

“Obtains a report for Council endorsement from the Beaumaris Sports Association working party following the completion of negotiations”

**Comment:** A Working Party is in the process of being formulated, comprising members representing the Beaumaris Sports Association, Crs Baker and Hollywood and City of Joondalup officers. The first meeting of the Working Party is planned for Thursday 24 October 2002.

**Tender specifications are being developed. A meeting with to reconvene the working party is proposed to take place in the first week in February 2003. It is anticipated that a report from Infrastructure Management will be presented to Council.**

**Further meetings have taken place, the City is awaiting the Club’s response. It is anticipated a report will be presented to Council in April, 2003.**

## OUTSTANDING PETITIONS

<p>A 102-signature petition in support of application by Kingsley Child Care Centre.</p> <p><b>Comment: The Development Application for an increase in child care places at the Kingsley Child Care Centre was considered and approved by Council at the 26 November 2002 meeting.</b></p>	<p>26 November 2002</p> <p>Director, Planning &amp; Community Development</p>
<p>A 135-signature petition objecting to proposed rezoning/subsequent future development – Lot 70 Alfreton Way, Duncraig.</p> <p><b>Comment: It is anticipated that a report, originally scheduled for March, will be presented to Council in April 2003.</b></p>	<p>17 December 2002</p> <p>Director, Planning &amp; Community Development</p>
<p>An 18-signature petition requesting installation of footpath – Landor Gardens, Woodvale.</p> <p><b>Comment: It is anticipated that a report, originally scheduled for March, will be presented to Council in April 2003.</b></p> <p><b>The proposed footpath is currently listed in the 2003/04 Capital Works Program subject to Council approval. The petitioners will be advised of this process and following adoption of the 2003/04 budget by Council.</b></p>	<p>17 December 2002</p> <p>Director, Infrastructure &amp; Operations</p>
<p>A 9-signature petition objecting to proposed footpath installation, Cyane Way, Currambine.</p> <p>A 21-signature petition strongly opposing any proposed installation of a footpath in Kenny Drive, Duncraig as part of the 2003/2004 Capital Works Program – Footpath Works.</p> <p>An 11-signature petition strongly opposing any proposed installation of a footpath in Johnson Crescent, Mullaloo as part of the 2003/2004 Capital Works Program – Footpath Works.</p> <p>An 11-signature petition objecting to the proposed installation of a footpath in Griffell Way, Duncraig as part of the 2003/2004 Capital Works Program – Footpath Works.</p> <p><b>Comment: Any works to construct the footpath will only eventuate after an evaluation of community support and subsequent adoption of the Capital Works Program by Council as part of the 2003/04 budget process.</b></p>	<p>17 December 2002</p> <p>18 February 2003</p> <p>18 February 2003</p> <p>18 February 2003</p> <p>Director, Infrastructure &amp; Operations</p>

<p>A 204-signature petition objecting to the proposed second storey addition to single house for bed and breakfast extension at 119 Mullaloo Drive, Mullaloo.</p> <p><b>Comment: The Development Application for the proposed extension of the Bed &amp; Breakfast at 119 Mullaloo Drive, Mullaloo is currently awaiting information from the applicant in regard to a revised proposal.</b></p>	<p>18 February 2003</p> <p>Director, Planning &amp; Community Development</p>
<p>A letter containing 5-signatures requesting removal of a tree located on the verge outside the interface of properties 7 and 11 Tarata Court, Duncraig.</p> <p><b>Comment: Following inspection and consultation with residents, this will be handled administratively, and the petitioners will be advised accordingly.</b></p>	<p>18 February 2003</p> <p>Director Infrastructure &amp; Operations</p>
<p>A 48-signature petition requesting construction of a brick wall at Gibson Park, Padbury.</p> <p><b>Comment: Will be listed for consideration as part of the 2003/04 budget deliberations by Council.</b></p>	<p>18 February 2003</p> <p>Director, Infrastructure &amp; Operations</p>
<p>A 249-signature petition requesting that a special meeting of electors be held to discuss issues in relation to Wanneroo Basketball Association Inc.</p> <p><b>Comment: This meeting has been scheduled to be held on Thursday 6 March 2003, commencing at 7.00 pm.</b></p>	<p>18 February 2003</p> <p>Office of the CEO</p>
<p>A 9-signature petition requesting removal of oversized tree adjacent to 18 Felgate Place, Warwick and replace it with a more appropriate smaller species.</p> <p><b>Comment: Will be handled administratively and the petitioners will be advised accordingly.</b></p>	<p>18 February 2003</p> <p>Director, Infrastructure &amp; Operations</p>
<p>A 20-signature petition requesting Council's acceptance of responsibility for pruning street verge trees as per an extract from Council's website re lopping the expansive growth of the median trees in Erindale Road, Warwick.</p> <p><b>Comment: An investigation will be carried out and a report to Council is anticipated to be submitted in May, 2003.</b></p>	<p>18 February 2003</p> <p>Director, Infrastructure &amp; Operations</p>
<p>A 25-signature petition requesting the removal of eucalypt verge trees – Sorell Gardens, Joondalup.</p> <p><b>Comment: Will be handled administratively and the petitioners will be advised accordingly.</b></p>	<p>18 February 2003</p> <p>Director, Infrastructure &amp; Operations</p>



<p>A 123-signature petition requesting Council consider modification to perimeter road at Craigie Leisure complex to accommodate cycling activities and also a criterium circuit and a 250 metre high banked track within Treetop Avenue quarry reserve.</p> <p><b>Comment: The Manager Leisure Centres and Manager Community Development Services have met with representatives from the Northern Districts Cycling Club with regards to the Club being located at the Craigie Leisure Centre. The officers are enthusiastic about the opportunities that may arise from this partnership. What needs to be considered in the short term is what exactly are the Club's needs and what is the possibility of the redevelopment works preventing this occurring in the short term. This concern is partly from the perspective of the safety of the individuals.</b></p>	<p>18 February 2003</p> <p>Director, Planning &amp; Community Development</p>
<p>A 202-signature petition requesting consideration on various infrastructure issues in Currambine.</p> <ol style="list-style-type: none"> <li>1 Re-landscaping, tidying up and reticulation to median strip and roundabout in Delamere Avenue;</li> <li>2 Reticulation, new play equipment, the provision of security lighting at Santa Anna Park;</li> <li>3 Tidying vacant land north of Woolworth's in Currambine;</li> <li>4 Security patrols increased in the suburb of Currambine;</li> <li>5 Traffic calming devices in Delamere Avenue and Oakland Hills Boulevard.</li> </ol> <p><b>Comment: Items 1, 2 and 5 are currently being investigated and costings prepared for 2003/04 budget consideration.</b></p>	<p>18 February 2003</p> <p>Director, Infrastructure &amp; Operations Director, Planning &amp; Community Development</p>

## REPORTS/PRESENTATIONS REQUESTED AT BRIEFING SESSIONS

	<b>DATE OF REQUEST - REFERRED TO -</b>
<p>Playing Surface – Iluka Sports Complex.</p> <p>Cr Baker requested a report on the following issue:</p> <p>The playing surface of the rugby pitch has become denuded of any vegetation, due to the fact that the local Rugby Club plays and trains on this field, as does the Heathridge Soccer Club. It is not appropriate for either club's teams to train on any other area of the facility due to the lack of lighting. Further the type of grass on this part of the complex is not winter grass.</p> <p>Cr Baker proposed that the grass be replaced with winter grass or a winter grass be sown into the existing grass during the period between the conclusion of the Rugby/Soccer season and the commencement of the cricket season later this year.</p> <p>Cr Baker further requested that additional lighting be erected at this facility. In the first instance, he stated that two large floodlights can be affixed to the upper roof facia area of the Clubrooms, having the effect of illuminating other areas within the complex and remove the need for all teams to train on the main oval.</p> <p>Cr Baker asked whether the lighting and grassing can be dealt with under the existing budget or whether it will be necessary for Beaumaris Sports Association to lodge a CSRFF funding application.</p> <p><b>Comment: Beaumaris Sports Association have advised the Department of Sport and Recreation that they have withdrawn their application for the CSRFF. They are working on a full scheme for the whole project and expect to have project plans for the design and specifications by approximately 9 August 2002. They will be submitting a new CSRFF application this year.</b></p> <p><b>BSA have submitted a new CSRFF application and a decision is expected from the Minister of Sport and Recreation in February 2003.</b></p>	<p>16 July 2002</p> <p>Director Planning &amp; Community Development</p>
<p>Cr Rowlands requested a report on the possibility/desirability of using small parcels of land adjacent to community centres in Heathridge and Duncraig to help alleviate the land shortage for nursing home type facilities in the City.</p> <p><b>Comment: Plans being prepared to show possible sites.</b></p>	<p>10 December 2002</p> <p>Director Planning and Community Development</p>

