



**MINUTES OF COUNCIL MEETING
HELD ON 11 MARCH 2003**

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CITY OF JOONDALUP

MINUTES OF COUNCIL MEETING HELD IN COUNCIL CHAMBER, JOONDALUP CIVIC CENTRE, BOAS AVENUE, JOONDALUP , ON TUESDAY, 11 MARCH 2003

OPEN AND WELCOME

The Mayor declared the meeting open at 1904 hrs.

ATTENDANCES

Mayor

J BOMBAK, JP

Elected Members:

Cr P KIMBER	Lakeside Ward	
Cr D CARLOS	Marina Ward	<i>Absent from 2140 hrs to 2155 hrs and from 2215 hrs to 2222 hrs</i>
Cr C BAKER	Marina Ward	<i>Absent from 2055 hrs to 2059 hrs</i>
Cr A NIXON	North Coastal Ward	<i>to 2144 hrs. Absent from 2100 hrs to 2107 hrs</i>
Cr J F HOLLYWOOD, JP	North Coastal Ward	<i>Absent from 2213 hrs to 2222 hrs</i>
Cr A WALKER	Pinnaroo Ward	<i>Absent from 2102 hrs to 2107 hrs</i>
Cr T BARNETT	South Ward	
Cr M O'BRIEN, JP	South Ward	<i>Absent from 2102 hrs to 2103 hrs</i>
Cr A L PATTERSON	South Coastal Ward	<i>Absent from 2027 hrs to 2030 hrs and from 2103 hrs to 2104 hrs</i>
Cr G KENWORTHY	South Coastal Ward	<i>Absent from 2017 hrs to 2019 hrs and from 2104 hrs to 2106 hrs</i>
Cr J HURST	Whitfords Ward	<i>Absent from 2030 hrs to 2032 hrs</i>
Cr C MACKINTOSH	Whitfords Ward	

Officers:

Chief Executive Officer:	D SMITH	
Director Planning & Community Development:	C HIGHAM	<i>Absent from 2222 hrs to 2225 hrs</i>
Director, Infrastructure & Operations:	D DJULBIC	<i>Absent from 2222 hrs to 2225 hrs</i>
Director, Corporate Services and Resource Management:	P SCHNEIDER	<i>Absent from 2222 hrs to 2225 hrs</i>

Manager, Marketing, Communications & Council Support:	M SMITH	<i>Absent from 2222 hrs to 2225 hrs</i>
Manager Audit and Executive Services:	K ROBINSON	<i>Absent from 2222 hrs to 2225 hrs</i>
Acting Manager, Library & Information Services:	R HARDY	<i>Absent from 2222 hrs to 2225 hrs</i>
Manager Community Services:	G HALL	<i>Absent from 2222 hrs to 2225 hrs</i>
Publicity Officer:	L BRENNAN	<i>Absent from 2222 hrs to 2225 hrs</i>
Committee Clerk:	J AUSTIN	
Minute Clerk:	L TAYLOR	<i>Absent from 2222 hrs to 2225 hrs</i>

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

In Attendance

Mr Nick Manifis - Walman Software

Invited Guest - Pastor Peter Hack, AOG Cornerstone Church

The Mayor welcomed Pastor Peter Hack of AOG Cornerstone Church as this evening's invited guest.

Pastor Hack thanked Council for the opportunity of attending to the Council meeting and informed the meeting of the work of his church. Pastor Hack then opened the meeting with a prayer.

PUBLIC QUESTION TIME

The following questions, submitted by Ms M Moon, Greenwood, were taken on notice at the Council meeting held on 18 February 2003:

Q1 Is short term and medium stay accommodation for holiday accommodation or for the purpose of living or residing?

A1 The question is unclear.

Q2 What building form does short term and medium term accommodation take? Is it going to be in the form of single homes, multiple dwellings e.g., flats and units or in the form of group dwellings?

A2 There is no specific form that short-term accommodation is required to take.

The following question, submitted by Mr J Parker, South Duncraig, was taken on notice at the Council meeting held on 18 February 2003:

Q1 Residents want Council's reassurance that this once attractive entrance will be reinstated with a new bore, fully maintained, reticulated and landscaped and when this work will commence?

A1 Council, at its meeting of 18 February 2003, allocated funds in the Half Year Budget Review to provide irrigation to Sycamore Drive. This work is in progress and it is anticipated that the system will be operational by mid March, 2003. Restoration planting will be undertaken in May/June 2003.

The following question, submitted by Mr A Bryant, Craigie, was taken on notice at the Council meeting held on 18 February 2003:

Q1 I have a recycling collection once a fortnight which is conducted by collection trucks, operated and I assume owned by the City of Wanneroo. I would like to know what arrangements are in place for reimbursement to the City of Joondalup by the City of Wanneroo. I save items for recycling for the benefit of the City of Joondalup not the City of Wanneroo?

A1 The recycling collection service is contracted to Cleansweep.

The recycling sorting facility at Wangara is a City of Wanneroo facility. The Cities of Joondalup, Swan and Wanneroo share the facility under a tripartite agreement. Operational costs are shared between the Cities based on the volume of recyclables received from the participating Councils.

The arrangements do provide for profit sharing based on tonnes delivered and is dependent on the local and international markets for the sales of recyclable materials.

The following question, submitted by Mr M Caiacob, Mullaloo, was taken on notice at the Council meeting held on 18 February 2003:

Q1 What is the estimated cost to the City of Joondalup ratepayers over the Mullaloo Tavern redevelopment project including the following items and are these incurred costs in the best interests of the public?

- *Cash in lieu carparking, 50 bay deficit at \$4450 per bay - \$222,500;*
- *Cost of the Special Electors Meetings No. 1 and 2;*
- *The rescind motion;*
- *Legal advice over the rescind motion, if any;*
- *Legal advice over the writ served on Council;*
- *Legal advice over the S18.2 investigation;*
- *Staff time over the same;*
- *Legal advice and representation over the liquor licence application;*
- *Staff time of the same;*

- *Legal advice and representation over the Town Planning appeal and staff time of the same;*
- *Staff time in requesting additional information;*
- *Staff time in conferences and meetings, and*
- *Staff time obtaining Freedom of Information packages for this development?*

A1 The question would involve significant time and expenditure to provide answers, and the information is in some cases not available or unknown. As such, the question cannot be responded to.

The following question, submitted by Ms M Shaw, Ocean Reef, was taken on notice at the Council meeting held on 18 February 2003:

Re: Mullaloo Tavern renovations and those of 12 and 14 Gloriana View, Ocean Reef

Q1 Would the Mayor or Councillors please explain what they hope to gain by the renovations to the above properties to the disadvantage of hundreds of existing property owners in these areas in terms of loss of privacy, light, sound and space and views for the benefit of one family.

A1 The Mayor and Councillors considered the comments of many people within the community prior to making their decision on development proposals related to the above properties.

The following question, submitted by Mrs R Bowman, Kallaroo, was taken on notice at the Council meeting held on 18 February 2003:

Note: Since the production of the Council agenda, it was found errors existed within the responses already given. This has now been rectified and the amended version included below:

Re: Regarding Councillor Baker's Motion No 1 with the meeting between Hutchison, Mal Washer, the Mayor, Ward Councillors and the representatives of the Mullaloo Community Action Group:

Q1 Why weren't the residents of the Kallaroo Park area included in this meeting (following our contact with all our representatives by phone and email) in recent weeks?

A1 Council at its February 2003 meeting resolved to initiate a meeting in regard to the issue and invite specific representatives, including representatives of the Mullaloo Community Action Group.

Q2 Will we be included in this meeting?

A2 See A1.

The following questions, submitted by Ms I Burdett, Kallaroo, were taken on notice at the Council meeting held on 18 February 2003:

Re: Proposed telephone tower in Kallaroo Place.

Q1 What are the new regulations that are mentioned in the proposal that the ACA are introducing in the second quarter of this year?

A1 The new Code title is “Deployment of Radiocommunications Infrastructure”.

Q2 Why were residents only given 30 days to object to this tower?

A2 The advertising period is 30 days as required by Council’s Policy Statement - Telecommunications Facilities.

The following question was submitted by Mr S Grech, Ocean Reef to the Council meeting held on 18 February 2003:

Q1 On 5th November 2002, I submitted a set of questions to the CEO re Special Council Meeting 29th October 2002. Mr Smith advised that I resubmit the questions to the Councillors concerned. I resubmitted the questions at the next Council meeting of 29th November 2002, to date I have received only one written response from Cr Walker.

When can I expect the other Councillors and Chairperson to reply to these questions in writing?

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

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

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

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

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

A1 This question has again been directed to the individual elected members.

The following question was submitted by Mrs S Hart, Greenwood to the Council meeting held on 18 February 2003:

Q1 If Cr Patterson attends the next Planning Conference will he be required to prepare a report for Council and will ratepayers gain any benefit from his attending this conference?

A1 This question has been directed to Cr Patterson.

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

Q1 “Small minority groups within Greens group in the City of Joondalup to stop any development of the Ocean Reef Small Boat Harbour”: What steps will the Council take to ensure that Ocean Reef Ratepayers will have their say in ensuring this important piece of recreation land is developed for the benefit of the community and particularly families?

A1 Council has indicated that the proposed Ocean Reef Development will progress with community consultation a high priority. Several surveys of stakeholder groups and the community have already taken place to determine community ideas and expectations. Concept plans will be developed taking into consideration the information obtained from the community. The concept plans will also be subject to comment from the broad community before any decision is made by Council on development of the area.

Q2 I have some concerns regarding the rules and regulations governing public question time and require some form of clarification. The procedures state “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.” This does not state a close off time but suggests that one can still submit questions. Is this so?

A2 Yes.

Q3 The procedures for public question time state at dot point 4: “before or during the meeting each person is requested to provide a written question to a designated Council employee”. Again this gives the impression that one can still submit questions before or during the Council meeting in writing. Is this so, and if so, who, and to whom?

A3 Yes, questions can be given to a Council employee.

Q4 It is very unclear as to who is “the designated Council employee”. Can the name or title be provide as to who is “the designated Council employee”? Will the Mayor and elected Councillors be classed as designated Council employees for this purpose?

A4 The “designated Council employee” is the Committee Clerk. The Mayor and Councillors cannot be classed as such, as they are not employees of the City.

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

Q1 Is SHORT STAY accommodation holiday accommodation?

A1 Short stay accommodation is not necessarily just for holiday accommodation, but may include other temporary accommodation.

Q2 Is SHORT STAY accommodation, to provide temporary living accommodation for two or more people?

A2 It is intended that Short Stay accommodation be used temporarily by two or more persons, as stated under the definition of 'Residential Building' within the Residential Design Codes.

*Q3 What building form does Short Stay accommodation take?
e.g., multiple dwellings or single home/house or grouped dwellings.*

A3 There is no specific form that short term accommodation is required to take.

*Q4 What building form does a Residential Building Take?
e.g. Dwelling can be a single, grouped or multiple;
Catering for a family unit, or 6 or less unrelated;
Residential building caters for 2 or more temporarily or 7 or more unrelated
PERMANENTLY.*

A4 See Question 3.

Q5 Can a Residential Building be in the same building or portion of building as a licensed Tavern?

A5 Yes.

Q6 If a residential building has to be registered as a lodging house can it be approved in the same building or portion of building as a licensed tavern?

A6 A residential building may be registered as a lodging house provided it is not within the licensed portion of the licensed premises.

Q7 Can a registered lodging house be approved under the Health Act in the same building or portion of building where there is a licensed tavern?

A7 Refer Answer 6.

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

I understand that the Council has completed an annual performance review of the Chief Executive. Can you please:

Q1 Advise if the review granted the CEO an increase in annual salary and if so, by what amount and what percentage?

A1 The CEO's total remuneration package was increased in accordance with the terms of the contract of employment.

Q2 *Can you advise the value for the total salary package for the CEO, including FBT, and other allowances such as car, phone and miscellaneous expenses?*

A2 The total remuneration package as at 1 November 2002 is \$236,920

Q3 *If the salary was increased by a percentage what was the reference source data for establishing the nominated percentage?*

A3 The total remuneration package was increased in accordance with the terms of the contract.

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

My question is addressed to the CEO and relates to the Special meeting of the City of Joondalup Electors conducted on Thursday 6 March, 2003 in the Council Chambers concerning our Local Basketball Club.

My question is as follows:-

Q1 *How is it that a non-resident, non-rate payer and non-electors of the City of Joondalup can move, second, speak and vote in support of a Motion at a Special Meeting of Electors of the City of Joondalup;*

A1 Clause 7.3 of the City's Standing Orders Local Laws pertaining to Electors Meetings, requires that so far as is practicable, it shall apply to all meetings of electors held pursuant to the Act. Also in accordance with that clause, a person who is not an elector may not take any part in any discussion at that meeting, unless the meeting, by a motion so permits, but that person is not entitled to vote.

Notwithstanding the above, it is intended to deal with the issues raised in the motion.

Q2 *I refer to the residents from Clarkson, Heights and Hocking who did so at the Special Electors Meeting. Doesn't the fact that these persons are not electors of the City of Joondalup mean that any resolutions moved or seconded by them are invalid?*

A2 In accordance with section 5.33 of the Local Government Act 1995, all decisions made at an electors' meeting are to be considered by the Council at its next ordinary meeting and if that is not practicable then at the next Council meeting. All motions from the meeting will be considered accordingly.

My question is addressed to the CEO. I refer to the matters raised during the course of the Special Electors Meeting held on Thursday 6 March, 2003.

My question is as follows:

Q3 *If, as was alleged by several speakers of support of the Basketball Club, the 'founding fathers' of the City of Wanneroo intended that the Club have a Lease of the Club facility in perpetuity, then why was the Lease not a Lease in perpetuity but rather, a Lease up to a maximum term of around 20 years?'*

A3 This is not known.

Q4 *I refer to the Deed of Variation referred to during that meeting, signed by the former City of Wanneroo, the Basketball Club and Landcorp. Can you please advise as to who signed the Deed of Variation on behalf of the former City of Wanneroo?*

A4 It is unclear as to what documents are being referred to. A draft deed of lease was prepared in 1987 however this document was not signed.

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

Q1 *At the 4 March 2003 Briefing Session, I believe that Cr Walker was recording the meeting. Has Cr Walker been appointed Council stenographer?*

A1 No.

Q2 *If not, isn't Cr Walker deliberately breaching Council's Code of Conduct by illegally recording Council meetings/sessions?*

A2 There does not appear to be a breach of the City's Code of Conduct, however the matter is being investigated.

Q3 *Could this be classed as demarcation and result in possible strike action by Council staff?*

A3 No.

Q4 *Will you be demanding an open letter of apology from Cr Walker to the appointed Council stenographer, and fellow Councillors for this deliberate misconduct?*

A4 There is no action contemplated at this stage unless a directive is given by Council.

Q5 *Will Cr Walker make available for destruction any other unauthorised recording that may be in Cr Walker's possession?*

A5 This question should be directed to Cr Walker.

Q6 *What sanctions will Council be taking to reprimand Cr Walker for this deliberate breach in policies and protocol?*

A6 The policy relating to electronically recording Council proceedings is under review.

Mr A Rowe, Sorrento:

Q1 *Re: Policy No. 3.1.7 in relation to Retaining Walls – If the Planning Department applied policy 3.1.7, why did it not seek alternative solutions to the problem from the applicant, for example, cutting the northern boundary further which would have minimal impact on the adjoining owners at 11 Hocking Parade and lessen the impact on our properties?*

A1 The City has worked with the applicants to try and reduced the impact of the walls and there have been a number of variations that have been looked at.

Q2 *Re: Requisite Setbacks for Retaining Walls in relation to the R Codes and Performance Criteria – Given the objections raised by myself and the owners of 53 and 68 West Coast Drive and the acceptable criteria explaining Clause 3.6.2 of the R Codes, how does the recommended reduction of the proposed retaining walls by only one metre address all of the adjoining landowners objections and satisfy the performance criteria?*

A2 The City believes the comprise solution will meet those performance standards. The report outlines how that performance is to be met

Mr B Ambler, Sorrento:

Q1 *Re: Lot 12 Hocking Parade – Will Council please delay a decision on this matter so that all parties can have a meeting to seek a compromise.*

A1 This question will be taken on notice.

Ms M Moon, Greenwood:

Q1 *Re: Amendment 13 – Submissions close tomorrow and the City will not be able to provide relevant added information for at least a week. Affected residents request an extension of two weeks so that this information can be supplied to them.*

A1 An email was sent to Ms Moon at 6.13 pm this evening with all the relevant information. This amendment was advertised for 42 days, which the City believes is quite adequate.

Q2 *Has the short-stay accommodation, as approved at Lot 100 (10) Oceanside Promenade, been approved as holiday accommodation serviced by a reception desk or as other temporary housing with a 24 hour permanent keeper, e.g., lodging house accommodation?*

A2 This question will be taken on notice.

Mr W Primrose, Wanneroo Basketball Association:

- *Mr Primrose raised a question relating to a motion to be moved during the meeting. This question was ruled out of order.*

Mr V Cusack, Kingsley:

Q1 *I am extremely concerned with the potential for an accident involving pedestrians crossing Grand Boulevard at the Collier Pass intersection. Can Council confirm that there are proposed traffic lights for that intersection, and if so, when will they be installed?*

A1 As part of the half year review, Council has allocated funds towards a design study for traffic signals at that intersection which would allow for a pedestrian phase included in it. It will be a decision for Council as part of the 2003/2004 Budget process.

Q2 *Will Council consider bringing forward the installation of the traffic lights at Collier Pass/Grand Boulevard as a high priority to safeguard pedestrians using that intersection.*

A2 This will be submitted to Council for a budget decision.

Mr A Bryant, Craigie:

Q1 *Re: Recycled Items – As the proceeds from recycled items are shared between local governments, I would like to know what is the amount of the share of the profit from these sales to the City of Joondalup over the last twelve months?*

A1 This question will be taken on notice.

Mrs R Bowman, Kallaroo:

Q1 *Re: Cr Baker's Motion - As this proposed meeting between Hutchinson, Mal Washer, the Mayor, Ward Councillors and representatives from the Mullaloo Community Action Group relates directly to the proposal which affects myself and my area I would like to have an invitation to this meeting as well as another person from our area?*

A1 Council will consider this and you will be advised.

Mr K Zakrevsky, Mullaloo:

Q1 *Why was Council's usual solicitor, an expert in liquor licensing, not given the brief to oppose Rennet's application with extended trading hours and what were Council's instructions in the Brief regarding the Mullaloo Tavern?*

Q2 *What fees and associated costs has Council been quoted and will be meeting in regard to the solicitor presently engaged by Council in view of the fact that when Judge Greaves asked do you have anything to say, his response was and I quote "my clients only oppose the second of the two listed questions being heard".*

A1-2 These questions will be taken on notice.

Mr J Heron, Sorrento:

Q1 *Re: 49 West Coast Highway – Within the reasons to rescind the approval process which followed due policy, it states that due discussion was not given to the aggrieved party. Can Council say that they made any attempt to talk to the owners of 49 West Coast Highway or the Body Corporate to consider all the facts before launching a rescission motion?*

Q2 Are you aware that I was advised to present a deputation to Council focusing on the process of approval within the strata when it was know that the majority of the rescission was based on R Codes, where we have advice that we can adequately qualify the uncovered area (as outlined in the Council letter dated 29 September 2002 – File No. 04359) which states that we needed 13.33m and we have in excess of 20m in the area?

A1-2 Administration did not submit the rescission motion. The comments will be taken on board when the rescission motion is deliberated.

Ms W Heron, Sorrento:

Q1 Are the Councillors aware that the “aggrieved” at No. 32 West Coat Highway have an existing pergola/patio which is slightly longer than that of the main body of No. 49 West Coast Highway and adjuncts to their townhouse wall at approximately the same height as the fascia of No. 49 (both at the level of the second storey) but because of the variance in the natural ground levels of the two properties No. 49 seems taller?

Q2 Does Council know that a recently approved and built pergola in our complex does not have the necessary four by four R Code and is as long as ours?

A1-2 The comments will be taken on board.

Mr S Magyar, Heathridge:

Q1 Will there be an extension of Public Question Time seeing that some members of the public wish to ask questions.

A1 No.

Q2 Re: CEO’s reply to Questions asked at Council Meeting on 18 February 2003 – As the CEO has failed to substantiate his allegations made in the letter, will the Mayor now apologise for false accusations made by the CEO as you have a good record for apologising for false accusations, for example, on 24 September 1997, Councillor Bombak apologised for the false accusations he made on 27 August 1997 in this very Chamber?

A2 Response by Mayor: I have no recollection of that.

Attendance at Conference:

Cr Patterson referred to a question raised by Ms S Hart at a previous meeting of Council, regarding his attendance at a Conference. Cr Patterson advised he would prepare a report for submission to Council in the near future.

Ms S Hart, Greenwood:

Q1 Has Council conducted a full, informative and comprehensive community consultation in regard to Amendments 12 and 13 regarding Kingsley? In fact any issue put out for public comment?

A1 This question will be taken on notice.

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

C19-03/03 REQUEST FOR LEAVE OF ABSENCE - CRS J HURST, P KIMBER, D CARLOS AND A PATTERSON - [50521]

The following requests for Leave of Absence from Council duties have been received:

Cr Hurst	31 March 2003 to 9 April 2003 inclusive
Cr Kimber	18, 19 and 20 March 2003 inclusive
Cr Carlos	17 March 2003 to 21 March 2003 inclusive
Cr Patterson	18 March 2003 to 27 March 2003 inclusive

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

Cr Hurst	31 March 2003 to 9 April 2003 inclusive
Cr Kimber	18, 19 and 20 March 2003 inclusive
Cr Carlos	17 March 2003 to 21 March 2003 inclusive
Cr Patterson	18 March 2003 to 27 March 2003 inclusive

The Motion was Put and

CARRIED (13/0)

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

DECLARATIONS OF FINANCIAL INTEREST/INTEREST THAT MAY AFFECT IMPARTIALITY

Cr Kimber declared an interest which may affect his impartiality in Item CJ035-03/03 – Vacancies – Western Australian Local Government Association – Committee Vacancies as he is employed by the Fire & Emergency Service Authority (FESA).

Cr O'Brien declared a financial interest in Item CJ037-03/03 – Warrant of Payments –31 January 2003 (Voucher No 45628 – Chubb Electronic Security) – as Chubb Security has taken over an FAI Extra Watch security at his residence.

Cr Patterson declared an interest that may affect his impartiality in Item CJ041-03/03 – Regents Park Road – Petition in Relation to Parking Concerns as his employer has made a submission regarding this issue.

Cr Hurst declared an interest that may affect her impartiality in Item CJ049-03/03 – Request for the Closure of the pedestrian accessway between Brearley Mews and Mascot Court, Hillarys as she lives within the catchment area of the pedestrian accessway.

CONFIRMATION OF MINUTES**C20-03/03 MINUTES OF COUNCIL MEETING – 18 FEBRUARY 2003**

MOVED Cr Baker, SECONDED Cr Kimber that the Minutes of the Council Meeting held on 18 February 2003, be confirmed as a true and correct record.

Cr Walker raised a query in relation to certain questions that had been asked but were not reflected within the minutes. This matter will be investigated.

The Motion was Put and

CARRIED (13/0)

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

ANNOUNCEMENTS BY THE MAYOR WITHOUT DISCUSSION**CITY OF JOONDALUP SUMMIT ON LEGALISING PROSTITUTION**

I am pleased to announce that the City of Joondalup will be hosting a summit against the State Government's proposed legislation legalising prostitution.

The summit will be held here at the City on Saturday, 5 April 2003 at 10.30 am – 1.00 pm.

I have called the summit in response to the proposed legalisation of prostitution.

The State Government plans to enact laws that could result in Joondalup and every local community having brothels in their neighbourhood.

Local Governments will have no power to refuse brothels.

Home operator prostitutes will be able to work next door to any family home.

As Mayor of the City of Joondalup, I will fight these anti-family and anti-community proposals.

As you know, there has been debate in this Chamber over the proposed legislation which many Councillors oppose.

As a City, we will be able to voice our opposition at the summit here at the City on Saturday, 5 April 2003.

We hope to involve schools and churches from throughout the City, politicians and several keynote speakers will be invited.

I have also been asked to speak at a "Community Rally against legalising prostitution" being organised by churches at Parliament House at 12.00 pm on Wednesday, 2 April 2003.

POLITICIANS LUNCH

The State Government's Green Bill on Prostitution was one of the topics discussed at our regular City of Joondalup lunch for State Politicians on Monday, 10 March 2003.

Also on the agenda, a tourism/ecotourism strategy for the region, Regional Performing Arts Centre, Bush Forever, Water Management and the Wanneroo Basketball Association.

These lunches are very helpful in informing and obtaining feedback from Government and opposition MPs and seeking consensus to issues facing the City.

MAYORAL PRAYER BREAKFAST

Well over 100 representatives from more than 30 churches in the City of Joondalup attended the recent inaugural Mayoral Prayer Breakfast to pray for the City, its churches, leaders and people.

Pastors, Priests and church leaders from all denominations were joined by Councillors, politicians, business and community leaders and representatives from universities, schools and other educational institutions.

The theme was 'Bringing Soul to the City'.

Keynote speaker was Baptist Pastor Graham Mabury, 6PR radio personality and founder of Lifeline, for which a collection was taken.

There was glowing praise from the City of Joondalup's community of churches for the inaugural Mayoral Prayer Breakfast, with church leaders expressing the view they would love to see more Councillors attend in future years.

PETITIONS

C21-03/03 PETITIONS SUBMITTED TO THE COUNCIL MEETING – 11 MARCH 2003

1 PETITION IN RELATION TO ROAD SURFACING – LIVINGSTONE WAY/STANLEY COURT AND NILE PLACE, PADBURY – [87504 12107]

A 27-signature petition has been received from Padbury residents requesting Council give consideration to providing funds in the upcoming budget for the re-sealing of road surfaces in Livingstone Way/Stanley Court and Nile Place, Padbury.

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

2 PETITION OBJECTING TO LOCATION OF MOBILE TELECOMMUNICATION FACILITY AT KALLAROO PARK, MULLALOO - [09188]

Six petitions containing 881, 19, 16, and 5-signatures respectively have been received from residents objecting to the proposed location of a mobile telecommunication facility at Kallaroo Park.

The petitioners give the following reasons to support their objection:

- 1 children's and general community health;
- 2 the impact of constant stress on people living under the danger of the unknown;
- 3 loss of visual amenities
- 4 decreased valuation of properties

These petitions will be referred to Planning and Community Development for action.

3 PETITION OBJECTING TO LOCATION OF MOBILE TELECOMMUNICATION FACILITY AT KALLAROO PARK, MULLALOO - [09188]

A 37-signature petition has been received from Whitford Catholic Primary School on behalf of residents objecting to the proposed location of a mobile telecommunication facility at Kallaroo Park.

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

4 PETITION SUPPORTING RELOCATION OF TELECOMMUNICATION TOWER FROM DUNCRAIG SHOPPING CENTRE TO PERCY DOYLE RESERVE, WARWICK ROAD, DUNCRAIG – [02056]

Two petitions containing 1751 and 7 signatures respectively have been received supporting relocation of the telecommunication tower from Duncraig Shopping Centre to Percy Doyle Reserve, Duncraig.

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

5 PETITION IN RELATION TO REQUEST FOR ACCESS SLIP ROAD – HEPBURN HEIGHTS SHOPPING CENTRE, PADBURY

Cr Walker tabled a petition signed by 9 electors in relation to a request for an access slip road into the Hepburn Heights Shopping Centre in the vicinity of Walter Padbury Boulevard to allow traffic into and out of the shopping centre.

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

MOVED Cr Baker, SECONDED Cr Kimber that the petitions:

- 1 **requesting Council give consideration to providing funds in the upcoming budget for the re-sealing of road surfaces in Livingstone Way/Stanley Court and Nile Place, Padbury;**
- 2 **objecting to the proposed location of a mobile telecommunication facility at Kallaroo Park;**
- 3 **objecting to the proposed location of a mobile telecommunication facility at Kallaroo Park;**

- 4 supporting relocation of the telecommunication tower from Duncraig Shopping Centre to Percy Doyle Reserve, Duncraig;
- 6 in relation to a request for an access slip road into the Hepburn Heights Shopping Centre in the vicinity of Walter Padbury Boulevard to allow traffic into and out of the shopping centre;

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

The Motion was Put and

CARRIED (13/0)

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

C22-03/03

RESOLUTION OF WANNEROO BASKETBALL ASSOCIATION INC ISSUE – [03097]

MOVED Cr Kimber, SECONDED Cr Mackintosh that in accordance with clause 8.1 of the City of Joondalup's ("the City") Standing Orders Local Law ("the Local Law"), and as a case of urgent necessity, clause 3.12 of the Local Law, which requires seven (7) days' prior notice in writing for a notice of motion to be considered BE SUSPENDED in order to consider the following urgent motion:

"That an urgent report be submitted to the next Meeting of Council addressing the following:

- 1 **SUBJECT TO AND CONDITIONAL UPON the Wanneroo Basketball Association Inc ("the Club") (being an important and well-managed local sporting club" providing to the City audited financial reports for the calendar years ending in December of 2000, 2001 and 2002, within forty five (45) days of the date of this Motion is passed, the City will:**
 - (a) **thereupon FORGIVE AND FOREVER RELEASE the debt allegedly owed by the club to the City under a Deed of Variation entered into between the former City of Wanneroo ("the former City"), the City and the Club in 1987 ("the Deed of Variation");**
 - (b) **thereupon WAIVE the payment of any payments required under the Deed of Variation; and**
 - (c) **thereupon WAIVE the payment of all future rental payments falling due and payable under the terms of the Sub-Lease entered into between the former City and the Club ("the Sub-Lease");**
- 2 **the Mayor, CEO, interested Councillors and other officers of the City (as the City and the Club considers appropriate) and the Club's Committee, convene a meeting within thirty (30) days of the date this Motion is passed, with a view to entering into negotiations for a variation of the terms of the Sub-Lease including, but not limited to:**

- (a) the City permitting additional uses at the Joondalup basketball Stadium (“the Stadium”) by the Club, including for example, other sporting activities such as indoor soccer, netball, aerobics and indoor bowling;
- 3 the Council amends its decision of 17 December 2002 and agrees to fund the strategic feasibility study at an estimated maximum cost of \$30,000;
- 4 in the interests of fairness and equity, the City **HEREBY CALLS UPON** the State Government, being the owner of the land where the Stadium is situated, to reciprocate and match, on a dollar for dollar basis with the City, the savings to this local premier sporting Club occasioned by the important initiatives of the City, set out in paragraph 1 hereof.”

The Motion to Suspend was Put and

CARRIED (13/0)

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

It was requested that the motion be voted upon in two parts.

MOVED Cr Kimber, SECONDED Cr Mackintosh that an urgent report be submitted to the next Meeting of Council addressing the following:

- 1 **SUBJECT TO AND CONDITIONAL UPON** the Wanneroo Basketball Association Inc (“the Club”) (being an important and well-managed local sporting club” providing to the City audited financial reports for the calendar years ending in December of 2000, 2001 and 2002, within forty five (45) days of the date of this Motion is passed, the City will:
 - (a) thereupon **FORGIVE AND FOREVER RELEASE** the debt allegedly owed by the club to the City under a Deed of Variation entered into between the former City of Wanneroo (“the former City”), the City and the Club in 1987 (“the Deed of Variation”);
 - (b) thereupon **WAIVE** the payment of any payments required under the Deed of Variation; and
 - (c) thereupon **WAIVE** the payment of all future rental payments falling due and payable under the terms of the Sub-Lease entered into between the former City and the Club (“the Sub-Lease”);

Discussion ensued.

AMENDMENT MOVED Cr Baker, SECONDED Cr Carlos that the motion be amended in that the words “that an urgent report be submitted to the next meeting of Council addressing the following” be DELETED.

Discussion ensued.

PERSONAL EXPLANATION

In accordance with Clause 4.5 of the City’s Standing Orders Local Law, Mayor Bombak made the following personal explanation:

“At the recent Politicians Lunch, delegations were made about the activities which occurred at the Wanneroo Basketball Association. One politician said that *‘everyone starts to blame everyone else when things go bad. People at the Association had good intentions and loved the sport but unfortunately, none of them had any business acumen’*. This politician stated that as early as 1986, there was always problems with finance at this club. Allegations were made that Americans were paid over \$40,000 per annum, and given houses and cars. This politician has been a member of the club since 1986, was either a referee or a coach, and he commented that WBA must take some responsibility for what has occurred, as it cannot always be someone else’s fault. If in fact the club got into difficulty in the past, then the club has to face up to its own actions also. “

PERSONAL EXPLANATION

In accordance with Clause 4.5 of the City’s Standing Orders Local Law, Cr Mackintosh made the following personal explanation:

“I was also present at the recent Politicians Lunch. An ex-mayor of the City of Wanneroo did remind us that this was not the first time that they have bailed out the Wanneroo Basketball Association. This happened under his leadership about 10 years ago. This ex-mayor is now a politician.”

The Amendment was Put and

CARRIED (7/6)

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

PERSONAL EXPLANATION

In accordance with Clause 4.5 of the City’s Standing Orders Local Law, Mayor Bombak made the following personal explanation:

“I believe due process has not been followed. I believe that the Council has set a very dangerous precedent in wiping off this debt prior to a report being prepared. This lacks accountability and probity and as Mayor I believe a dangerous precedent has been set”.

PERSONAL EXPLANATION

In accordance with Clause 4.5 of the City’s Standing Orders Local Law, Cr Kimber made the following personal explanation:

“I would like the debt waived for the WBA and I want this to be done with probity and with sincerity by all of us, not on a whim and not on the actions of others. I do not make a decision unless I have read all the facts. I have not had the ability to have assessed a report.”

PERSONAL EXPLANATION

In accordance with Clause 4.5 of the City’s Standing Orders Local Law, Cr Hurst made the following personal explanation:

“I also intend to support waiving the debt but I would have liked to have had a report giving the full facts. Nothing was going to happen between now and the next Council meeting.”

PERSONAL EXPLANATION

In accordance with Clause 4.5 of the City’s Standing Orders Local Law, Cr Patterson made the following personal explanation:

“I support the views of Cr Kimber and Cr Hurst. I think we need to be seen to be going through and looking at everything in detail. I was not at the Special Electors’ meeting so I am not conversant with the facts, therefore I cannot make an informed decision tonight because I have not seen any reports that emanated from that meeting. I therefore had to vote against the amendment.”

PERSONAL EXPLANATION

In accordance with Clause 4.5 of the City’s Standing Orders Local Law, Cr Mackintosh made the following personal explanation:

“I wish to make the same statement. I believe we are setting a very dangerous precedent.”

PERSONAL EXPLANATION

In accordance with Clause 4.5 of the City’s Standing Orders Local Law, Cr Baker made the following personal explanation:

“I do not believe we are setting a dangerous precedent at all. We are not directly giving money to the club at all. We are writing off an alleged debt. The fact of the matter is that these circumstances are very unusual indeed. For whatever reason, the club signed what was then a very unjust sub-lease with the former City of Wanneroo. I am surprised that whoever was the Mayor of the time even signed the document, given it was unconscionable. This club very much deserves to have the debt written off. There is no need for a comprehensive report, we are aware of the amount of the debt and as indicated by every speaker on the motion, every speaker supports the idea of writing off the debt, but some seek a report. The thrust of any report would be to advise us of how much the debt was, yet we already know now much the debt is. It is a paper debt.”

PERSONAL EXPLANATION

In accordance with Clause 4.5 of the City’s Standing Orders Local Law, Cr Kenworthy made the following personal explanation:

“I believe that this motion would have no doubt been passed anyway, and we have rushed it through tonight without getting the necessary information. I believe the Council could come under scrutiny. Even though I believe that possibly, with the full information before me, I would be prepared to look favourably at the situation, I do not have the information and therefore I am not able to make an informed decision. At the end of the day, the same people who may well be ratepayers of the City of Joondalup, will want to know that when we make decisions as Councillors and their representatives that we are doing the right thing by them. In this particular instance, I do not believe we have. Unfortunately the majority rules.”

Cr Kenworthy left the Chamber at 2017 hrs and returned at 2019 hrs.

The original Motion, as amended, being:

That:

1 SUBJECT TO AND CONDITIONAL UPON the Wanneroo Basketball Association Inc ("the Club") (being an important and well-managed local sporting club" providing to the City audited financial reports for the calendar years ending in December of 2000, 2001 and 2002, within forty five (45) days of the date of this Motion is passed, the City will:

- (a) thereupon FORGIVE AND FOREVER RELEASE the debt allegedly owed by the club to the City under a Deed of Variation entered into between the former City of Wanneroo ("the former City"), the City and the Club in 1987 ("the Deed of Variation")**
- (b) thereupon WAIVE the payment of any payments required under the Deed of Variation; and**
- (c) thereupon WAIVE the payment of all future rental payments falling due and payable under the terms of the Sub-Lease entered into between the former City and the Club ("the Sub-Lease").**

was Put and

CARRIED (9/4)

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

MOVED Cr Kimber, SECONDED Cr Mackintosh that:

2 the Mayor, CEO, interested Councillors and other officers of the City (as the City and the Club considers appropriate) and the Club's Committee, convene a meeting within thirty (30) days of the date this Motion is passed, with a view to entering into negotiations for a variation of the terms of the Sub-Lease including, but not limited to:

- (a) the City permitting additional uses at the Joondalup basketball Stadium ("the Stadium") by the Club, including for example, other sporting activities such as indoor soccer, netball, aerobics and indoor bowling;**

- 3** the Council amends its decision of 17 December 2002 and agrees to fund the strategic feasibility study at an estimated maximum cost of \$30,000;
- 4** in the interests of fairness and equity, the City **HEREBY CALLS UPON** the State Government, being the owner of the land where the Stadium is situated, to reciprocate and match, on a dollar for dollar basis with the City, the savings to this local premier sporting Club occasioned by the important initiatives of the City, set out in paragraph 1 hereof.

1ST AMENDMENT MOVED Cr Baker, SECONDED Cr Carlos that an additional Point 2 (b) be added as follows:

“2 (b) and the City assuming responsibility for general maintenance and several aspects of the stadium including, but not limited to, the stadium grounds, surrounds and building;”

Discussion ensued.

During discussion:

Cr Patterson left the Chamber at 2027 hrs and returned at 2030 hrs;

Cr Hurst left the Chamber at 2030 hrs and returned at 2032 hrs.

The 1st Amendment was Put and

CARRIED (10/3)

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

2ND AMENDMENT MOVED Cr Carlos, SECONDED Cr Hollywood that an additional Point 5 be added as follows:

*“5 that in relation to sub-paragraph 7(a) of the Council Resolution CJ428-12/01 dated the 18 and 19 December 2001 (which provided that the City advise the Club that the City will not consent to the exercise of the Club's option under the terms of the Sub-Lease to extend the Term or duration of the Sub-Lease to 2012 and required the Club to vacate the Basketball Stadium in December 2007) the City **HEREBY AGREES** to vary the same by adding the condition at the end thereof "subject to and conditional upon the Club being satisfied with arrangements then in place for the accommodation of the Club"”*

Discussion ensued.

The 2nd Amendment was Put and

CARRIED (8/5)

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

PERSONAL EXPLANATION

In accordance with Clause 4.5 of the City’s Standing Orders Local Law, Cr Kimber made the following personal explanation:

“Once again, we are going to commit the City of Joondalup to a predicament that is beyond our control, based on this amendment. It says we need to add to something that is out of our control. The State has enforced this upon us. I am surprised, Cr Baker just told us the State ought to be responsible, yet he voted for the amendment. By adding the condition at the end thereof “subject to and conditional upon the club being satisfied.” This is only and solely on the club being satisfied. It should be that everyone be satisfied, especially the City.”

PERSONAL EXPLANATION

In accordance with Clause 4.5 of the City’s Standing Orders Local Law, Cr Hurst made the following personal explanation:

“I feel we should have waited until we had a report on this matter and I support what Cr Kimber said.”

PERSONAL EXPLANATION

In accordance with Clause 4.5 of the City’s Standing Orders Local Law, Cr Kenworthy made the following personal explanation:

“I would say the same thing. We are making uninformed decisions. I think that the media as well as ratepayers will not be happy with tonight’s outcome.”

PERSONAL EXPLANATION

In accordance with Clause 4.5 of the City’s Standing Orders Local Law, Cr Mackintosh made the following personal explanation:

“The same statement would apply from myself.”

PERSONAL EXPLANATION

In accordance with Clause 4.5 of the City’s Standing Orders Local Law, Mayor Bombak made the following personal explanation:

“There is no accompanying report with the amended motion and under no circumstances could any elected member support that without the accompanying financial statement.

PERSONAL EXPLANATION

In accordance with Clause 4.5 of the City’s Standing Orders Local Law, Cr Baker made the following personal explanation:

“All the amendment did was to add a condition to the end of the motion. You could argue that it does not really rescind it as such but it attaches an additional condition. All it says is that the club needs to be satisfied with the arrangements in place. When this whole issue came before us for debate months ago I said you can terminate the lease, but satisfy me that the club will be looked after. It may well be that by December 2007 the club is happy. It may be at the Arena, although it does not want to go there, it may be jointly housed with the Performing Arts Centre, it may be at ECU, or it may have purchased the land by then where it is at the moment. It may well be that this motion has no consequence at all. All I am saying is that we need to consider the club’s concerns are addressed and make sure they are satisfied with the arrangements in 2007. It gives us a lot of time to fast-track alternative arrangements for their accommodation or to even look at the idea of them remaining where they are.”

PERSONAL EXPLANATION

In accordance with Clause 4.5 of the City’s Standing Orders Local Law, Mayor Bombak made the following personal explanation:

“Whilst I would have totally supported the original Motion, I feel that because of the financial ramifications of the additional point proposed by Cr Carlos I cannot support the entire motion.”

The original Motion, as amended, being:

That:

- 2 the Mayor, CEO, interested Councillors and other officers of the City (as the City and the Club considers appropriate) and the Club’s Committee, convene a meeting within thirty (30) days of the date this Motion is passed, with a view to entering into negotiations for a variation of the terms of the Sub-Lease including, but not limited to:**
 - (a) the City permitting additional uses at the Joondalup basketball Stadium (“the Stadium”) by the Club, including for example, other sporting activities such as indoor soccer, netball, aerobics and indoor bowling;**
 - (b) and the City assuming responsibility for general maintenance and several aspects of the stadium including, but not limited to, the stadium grounds, surrounds and building;**
- 3 the Council amends its decision of 17 December 2002 and agrees to fund the strategic feasibility study at an estimated maximum cost of \$30,000;**
- 4 in the interests of fairness and equity, the City HEREBY CALLS UPON the State Government, being the owner of the land where the Stadium is situated, to reciprocate and match, on a dollar for dollar basis with the City, the savings to this local premier sporting Club occasioned by the important initiatives of the City, set out in paragraph 1 hereof;**

- 5** that in relation to sub-paragraph 7(a) of the Council Resolution CJ428-12/01 dated the 18 and 19 December 2001 (which provided that the City advise the Club that the City will not consent to the exercise of the Club's option under the terms of the Sub-Lease to extend the Term or duration of the Sub-Lease to 2012 and required the Club to vacate the Basketball Stadium in December 2007) the City **HEREBY AGREES** to vary the same by adding the condition at the end thereof "subject to and conditional upon the Club being satisfied with arrangements then in place for the accommodation of the Club.

Was Put and

CARRIED (8/5)

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

C23-03/03

EXTENDED TRADING PERMIT – MULLALOO TAVERN – [20289]

MOVED Cr Mackintosh, **SECONDED** Cr Baker that in accordance with Clause 8.1 of the City's Standing Orders Local Law, as a case of urgent necessity, Clause 3.12 of the City's Standing Orders Local Law, which requires seven (7) days' prior notice in writing for a notice of motion, **BE SUSPENDED** in order to consider the following motion:

"That Council:

- 1** **REAFFIRMS** its strong opposition to the application by the owners of the Mullaloo Tavern for an extended trading permit. Furthermore, that support be given to the residents of Mullaloo and Kallaroo to ensure their rights to be heard by the Liquor Licensing Court under Section 73(2) of the Act that include grounds for the objection that:
 - (a)** the grant of the application would be contrary to the public interest;
 - (b)** the grant of the application is not necessary in order to provide for the requirements of the public; and
 - (c)** if the application was granted:
 - (i)** undue offence, annoyance, disturbance, or inconvenience to persons who reside or work in the vicinity, would be likely to occur, or
 - (ii)** the amenity, quiet or good order of the locality in which the premises are situated would in some other manner be lessened.
- 2** **CALLS UPON** the W.A. Minister of Liquor, Racing and Gaming, the Honourable Nick Griffiths, MLC, to intervene and reject any such Application."

The Motion to Suspend was Put and

CARRIED (13/0)

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

MOVED Cr Mackintosh, SECONDED Cr Hurst that Council:

- 1 REAFFIRMS its strong opposition to the application by the owners of the Mullaloo Tavern for an extended trading permit. Furthermore, that support be given to the residents of Mullaloo and Kallaroo to ensure their rights to be heard by the Liquor Licensing Court under Section 73(2) of the Act that include grounds for the objection that:**
 - (a) the grant of the application would be contrary to the public interest;**
 - (b) the grant of the application is not necessary in order to provide for the requirements of the public; and**
 - (c) if the application was granted:**
 - (i) undue offence, annoyance, disturbance, or inconvenience to persons who reside or work in the vicinity, would be likely to occur, or**
 - (ii) the amenity, quiet or good order of the locality in which the premises are situated would in some other manner be lessened.**
- 2 CALLS UPON the W.A. Minister of Liquor, Racing and Gaming, the Honourable Nick Griffiths, MLC, to intervene and reject any such Application.**

The Motion was Put and

CARRIED (13/0)

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

COUNCIL DECISION – EN BLOC RESOLUTION NO 1

It was requested that items be moved en bloc. Discussion ensued as to which items required to be considered individually.

CJ033 - 03/03 COMPLIANCE AUDIT REPORT – [09492]

WARD - All

PURPOSE

To adopt the completed 2002 Compliance Audit Return.

EXECUTIVE SUMMARY

The Joint Certification by the Mayor and the Chief Executive Officer was 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.

MOVED Cr Kenworthy, SECONDED Cr Baker that Council ADOPTS the completed Local Government Compliance Audit Return for the period 1 January 2002 to 31 December 2002 forming Attachment 1 to Report CJ033-03/03.

Discussion ensued.

During discussion, Cr Baker left the Chamber at 2055 hrs and returned at 2059 hrs.

The Motion was Put and

CARRIED (12/1)

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

Appendix 1 refers

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

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

Cr Kimber declared an interest which may affect his impartiality in Item CJ035-03/03 – Vacancies – Western Australian Local Government Association – Committee Vacancies as he is employed by the Fire & Emergency Service Authority (FESA).

**CJ035 - 03/03 VACANCIES - WESTERN AUSTRALIAN LOCAL
GOVERNMENT ASSOCIATION - COMMITTEE
VACANCIES – [02011]**

WARD - All

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

MOVED Cr Patterson, SECONDED Cr Mackintosh that Cr C Baker be NOMINATED for consideration of appointment to the Local Government Advisory Board.

The Motion was Put and

CARRIED (11/1)

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

Appendix 3 refers

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

Cr O'Brien declared a financial interest in Item CJ037-03/03 – Warrant of Payments –31 January 2003 (Voucher No 45628 – Chubb Electronic Security) – as Chubb Security has taken over an FAI Extra Watch security at his residence.

Crs O'Brien and Walker left the Chamber, the time being 2102 hrs.

CJ037 - 03/03 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

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

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

MOVED Cr Carlos, SECONDED Cr Kenworthy 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

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

The Motion was Put and

CARRIED (10/0)

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

Appendix 4 refers

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

Cr O'Brien entered the Chamber, the time being 2103 hrs.

Cr Patterson left the Chamber, the time being 2103 hrs.

Cr Patterson declared an interest that may affect his impartiality in Item CJ041-03/03 – Regents Park Road – Petition in Relation to Parking Concerns as his employer has made a submission regarding this issue.

CJ041 - 03/03 REGENTS PARK ROAD – PETITION IN RELATION TO PARKING CONCERNS – [20895] [07476]

WARD - Lakeside

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

MOVED Cr Kimber, SECONDED Cr Mackintosh that Council:

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

The Motion was Put and

CARRIED (10/0)

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

Appendix 8 refers

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

Cr Patterson entered the Chamber, the time being 2104 hrs.

**CJ045 - 03/03 PROPOSED 38 MULTIPLE RESIDENTIAL
DWELLINGS AND 6 COMMERCIAL UNITS: LOT 10
(17) DAVIDSON TERRACE, JOONDALUP – [15244]**

WARD - Lakeside

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

Suburb/Location:	Lot 10 (17) Davidson Terrace, Joondalup
Applicant:	Aidia Pty Ltd & Woo Family Trust.
Owner:	Starpine Pty Ltd.
Zoning:	DPS: Centre.
	MRS: 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 2398m², 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 615m²;
- 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:

- (a) *consult the affected parties by following one or more of the provisions for advertising uses pursuant to clause 6.7; and*
- (b) *have regard to any expressed views prior to making its decision to grant the variation.*

4.5.3 *The power conferred by this clause may only be exercised if the Council is satisfied that:*

- (a) *approval of the proposed development would be appropriate having regard to the criteria set out in Clause 6.8; and*
- (b) *The non-compliance will not have any adverse effect upon the occupiers or users of the development or the inhabitants of the locality or upon the likely future development of the locality.*

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

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 car parks 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

The

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

proposal includes a deficit of carbays provided for the commercial units as the owners are providing 2 carbays per residential unit instead of 1 carbay 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 615m² of commercial floorspace.

The building height restriction is for the building not to penetrate a 60° 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

MOVED Cr Kimber, SECONDED Cr Baker 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 kerblines, 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;
- (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.**

Cr Kenworthy left the Chamber at 2104 hrs and returned at 2106 hrs.

Crs Nixon and Walker entered the Chamber, the time being 2107 hrs.

Discussion ensued.

The Motion was Put and

CARRIED (10/3)

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

Appendix 12 refers

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

**CJ046 - 03/03 PROPOSED CHILD CARE CENTRE - LOT 490 (3)
PALACE WAY, CURRAMBINE – [39534]**

WARD - North Coastal

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 proposal 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

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

6.8 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.*

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"> • They do not object to a business being run from the property if it is not very noisy and appears as a private residence. 	<ul style="list-style-type: none"> • 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.
<ul style="list-style-type: none"> • Child Care Centres often display prominent signs and bright colours and therefore they object to the proposal. 	<ul style="list-style-type: none"> • Signage could be conditioned on any approval
<ul style="list-style-type: none"> • The lot was bought unaware of the intentions of a proposed Child Care Centre on Palace Way. 	<ul style="list-style-type: none"> • Although the Structure Plan states that the area is residential, the City can consider the application on its own merits, being a "D" use.
<ul style="list-style-type: none"> • 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. 	<ul style="list-style-type: none"> • It is unlikely that the proposal would result in traffic/congestion issues.
<ul style="list-style-type: none"> • They have three young children and they did not expect this additional safety and noise risk when purchasing their lot. 	<ul style="list-style-type: none"> • The proposed location of the CDCC and the impact on adjoining properties is a concern.
<ul style="list-style-type: none"> • Strongly objects to the proposal as the area was advertised as residential. 	<ul style="list-style-type: none"> • Although the Structure Plan states that the area is residential, the City can consider the application on its own merits, being a "D" use.
<ul style="list-style-type: none"> • 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. 	<ul style="list-style-type: none"> • Values are not a land use planning issue.
<ul style="list-style-type: none"> • 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. 	<ul style="list-style-type: none"> • It is unlikely that the proposal would result in traffic/congestion issues.

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 – Child Care Centres.

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

OFFICER'S 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 – Child Care Centres;
- 3 the proposal is contrary to the principles of orderly and proper planning.

MOVED Cr Hollywood, SECONDED Cr Carlos that Council APPROVES the proposed Child Day Care Centre at Lot 490 (3) Palace Way, Currambine.

Cr Hollywood gave the following reason for his departure from the Officer's recommendation:

There is an urgent need for child care facilities in the North Coastal Ward.

Discussion ensued.

The Motion was Put and

LOST (3/10)

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

MOVED Cr Hurst, SECONDED Cr Nixon 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 – Child Care Centres;
- 3 the proposal is contrary to the principles of orderly and proper planning.

The Motion was Put and

CARRIED (10/3)

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

Appendix 13 refers

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

**CJ047 - 03/03 SINGLE HOUSE (RETAINING WALL ADDITIONS
INCLUDING SETBACK VARIATIONS) LOT 12 (9)
HOCKING PARADE, SORRENTO – [57180]**

WARD - South Coastal

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

Suburb/Location:	Hocking Parade, Sorrento
Applicant:	Stoneridge Group (WA) Pty Ltd
Owner:	Colin R Heath
Zoning:	DPS: Residential R20
	MRS: 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 534m² (Lot 801) and 533m² (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

OFFICER'S 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;
 - (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.

MOVED Cr Kenworthy, SECONDED Cr Baker 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 1.5m 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;
 - (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.

Discussion ensued, with Mayor Bombak raising his concerns in relation to this issue.

This Motion was not pursued.

MOVED Cr O'Brien, SECONDED Cr Baker that consideration of 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 be DEFERRED pending further consultation with the applicant.

The Motion was Put and

CARRIED (13/0)

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

Appendix 14 refers

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

Cr Hurst declared an interest that may affect her impartiality in Item CJ049-03/03 – Request for the Closure of the pedestrian accessway between Brearley Mews and Mascot Court, Hillarys as she lives within the catchment area of the pedestrian accessway.

**CJ049 - 03/03 REQUEST FOR THE CLOSURE OF THE
PEDESTRIAN ACCESSWAY BETWEEN BREARLEY
MEWS AND MASCOT COURT, HILLARYS – [79527]**

WARD - Whitfords

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

Suburb/Location:	Hillarys
Applicant:	All four adjoining landowners
Zoning:	DPS: Residential
	MRS: Urban

Strategic Plan: Lifestyle – Strategy 2.6
Promote and enjoy lifestyles that engender environmental, social and economic balance

DETAILS

Current Proposal or Issue

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 PAWs 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:

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

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

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

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

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 PAWs 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

MOVED Cr Hurst, SECONDED Cr Mackintosh that Council DOES NOT SUPPORT the closure of the pedestrian accessway between Brearley Mews and Mascot Court, Hillarys.

The Motion was Put and

CARRIED (13/0)

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

Appendix 16 refers

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

**CJ053 - 03/03 AMENDMENT TO CLOSURE DATES – CRAIGIE
LEISURE CENTRE AQUATIC FACILITIES - [09050]**

WARD - Pinnaroo

PURPOSE

To support the request by the Elected Members that the closure of aquatic facilities at the Craigie Leisure Centre be delayed for two weeks so as to include the entire school holiday period.

EXECUTIVE SUMMARY

It has been proposed that there be an adjustment to the closure of the Aquatic Centre at Craigie Leisure Centre from 17 April 2003 to Sunday, 4 May 2003. This decision is based upon ensuring that the facilities are made available to the community for the school holiday period which commence as of the 17 April 2003.

Whilst the decision to close the facilities as of 17 April 2003 was proposed, the extension of the period is also supported and can be incorporated into a well-managed closure of the aquatic facility.

BACKGROUND

At its meeting on 3 September 2003 (Refer CJ223-09/02) it was resolved that “Council ENDORSES the recommendation that the aquatic facility at the Craigie Leisure Centre continues to operate in its present manner and current infrastructure until 17 April 2003, the end of the school Term 1, 2003.” This date was proposed as it represents the conclusion of all term-based programs which are conducted at the centre. The dates also enabled the City to have a well publicised and managed close down process, with a family fun day celebration planned as part of this process.

Indications are that the plant and pool basin at the Craigie Leisure Centre are in poor condition and have the potential to fail at any time. It was therefore felt that a managed closure is the best result, albeit seemingly premature to those who are unaware of the situation which faces the City. As a result of Council’s resolution on 3 September 2002, and subsequent confirmation of the need to close the facility on 17 April 2003, the management of the Leisure Centre has taken a number of steps to facilitate this closure. Planning for the closure of the facility has included relocating programs such as swim squads, some exercise classes, where possible to other facilities, the establishment of the Horizon Club (a campaign to keep facility users aware with what is happening with the redevelopment of the centre) and reducing the staffing levels as appropriate.

DETAILS

Council has recently made a number of decisions which are to impact greatly upon the Craigie Leisure Centre, its facilities and users; firstly the decision of Council to consider a major redevelopment program, and secondly as part of this redevelopment program, to close the pool as of 17 April 2003.

The Management of the Craigie Leisure Centre Facilities have worked tirelessly towards achieving the outcomes sought by Council and managing how these outcomes are to come about. Much of the work undertaken by the management has been centred around informing the community of the impending closure, accommodating as many users as possible within facilities or programs which will enable them to continue their exercise regimes, and the establishment of the Horizon Club, which is the major initiative established to manage information about the aquatic facilities closure at the Craigie Leisure Centre.

From an operational perspective, the closure of the Aquatic Centre on 17 April 2003, was a prudent decision. Because of the nature of aquatic facilities, costings regarding the operation of the facilities indicated in Table 1 are relatively fixed. It is also reasonable to expect reduced attendance at the aquatic centre as time progresses as individuals will seek alternative and hopefully temporary locations to undertake their activities.

TABLE 1

<i>Item</i>	<i>Cost</i>		<i>Attendances – 02</i>	<i>Income 02</i>
Lifeguards	\$19,000.00		8697 – April	\$20,823.00
Supervisor	\$ 2,500.00		7627 – May	\$18,752.00
Insurance	\$ 500.00		6408 – June	\$15,759.00
Utilities	\$24,000.00		6572 – July	\$17,307.00
Chemicals	\$ 1,200.00		6571 – August	\$17,493.00
CSO's	\$ 1,500.00		7479 – September	\$18,599.00
Maintenance	\$ 3,000.00		9542 - October	\$22,998.00
Average Cost Per Month	\$51,700.00		10229 - November	\$23,454.00

Whilst there will be some frustration expressed as to the closure of the Aquatic Centre at this time, because of a perceived lack of action in the area of redevelopment works, for a number of reasons it is the best decision for Council to make as:

1. There will be financial savings because of the expected lower than desired attendances.
2. There is potential to commence decommissioning works within a relatively short space of time and that time is convenient to the City and any appointed contractor.
3. There will be reduced operation risk of an unexpected closure due to plant or facility failure.

COMMENT

At its meeting on 3 September 2002, the Council resolved to close the aquatic facilities at the Craigie Leisure Centre as of 17 April 2003. This decision was based on the need to have a managed close down process, which would include a complete information and marketing campaign aimed at keeping the redevelopment project at the Craigie Leisure Centre at the forefront of the community. This closure is aligned to the end of term one and the completion of all programs associated with the facility on a term basis.

As a result of recent discussions it has been proposed that the date for the facilities closure of the Craigie Leisure Centre aquatic facilities be extended to include the school holiday period. A proposed closure date would mean that the facilities remain open until Sunday 4 May 2003. The management of the facilities would support this decision if Council believes that the closure is in the best interests of the community as a whole.

MOVED Cr Baker, SECONDED Cr Patterson that consideration of the date for closure of the aquatic facilities at Craigie Leisure Centre be DEFERRED.

This Motion was not pursued.

MOVED Cr Kimber, SECONDED Cr Hurst that Council APPROVES the date for closure of the aquatic facilities at the Craigie Leisure Centre being extended to Sunday 4 May 2003.

The Motion was Put and

CARRIED (13/0)

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

CJ054 - 03/03 NEW RANGE OF MEMBERSHIPS AT CRAIGIE LEISURE CENTRE - [09050]

WARD - Pinnaroo

PURPOSE

The purpose of this report is to seek Council's approval to introduce a new range of memberships at the Craigie Leisure Centre that reflects the type of facilities available once the aquatic facility closes on 4 May 2003.

EXECUTIVE SUMMARY

Due to the collapse of the RANS Management Group, the City of Joondalup re-commenced management of Craigie, Ocean Ridge and Sorrento Duncraig Leisure Centres. It became apparent that the age of the facility meant that a major upgrade of the aquatic facility is necessary. The City is presently investigating the most appropriate redevelopment program for the Craigie Leisure Centre facilities. As part of this redevelopment process a decision has been made to close the aquatic facility as of 4 May 2003. This report highlights a proposed new range of membership categories and their associated prices. It is intended that these would be implemented as of 5 May 2003.

In normal circumstances the Council would have the opportunity to review the fees and charges as part of the annual budget process. On this occasion the situation is such that it is appropriate to seek the Council's support at this time with the intention that the proposed membership categories and their associated fees will be in place until the conclusion of the 2003/04 financial year.

BACKGROUND

As part of the redevelopment program, the Craigie Leisure Centre aquatic facility has been planned to close on 4 May 2003. The reasons for aquatic facility closing on 4 May 2003 have been detailed below:

- Major items in the pool plant including the boiler, filters and pumps, are in a poor condition and are operating beyond their expected life. A major breakdown in any of these areas would require a major capital expense to repair. The City of Joondalup would not want to risk having to spend major funds on maintenance repairs when a major facility upgrade was being proposed.
- 17 April 2003 represents the end of term one, which provides a clear finish point for the operations of the aquatic facility as the majority of programmes operating in the pool, particularly the swim school, finish at the end of term. However, it has been recommended that an extension to this date be applied to account for the school holidays and the general trade of casual swimmers that occurs during this period. In addition, it is now being proposed that a Family Fun Day be held on 4 May 2003 to commemorate the temporary closure of the aquatic facility.
- From April 2003 the Centre moves into its off peak period. Historical data shows that from April through to October the Centre experiences low utilisation figures. The costs associated with extending the operation of the pool during this period would be very expensive and far outweigh benefits from any income received.

DETAILS

The closing of the aquatic facility will directly affect the range of memberships that the Centre currently provides. Listed below are the current memberships, which include the use of the aquatic facility:

- Off Peak Membership – Swimming, Gym and Group Fitness (limited hours)
- Group Fitness Membership – Aerobics, Aqua-aerobics, Swimming
- Full Membership – Swimming, Gym, And Group Fitness

With the aquatic facility no longer being available as part of these memberships as of 4 May 2003, it provides an ideal opportunity to restructure the memberships to reflect the facilities available at the Centre and to restructure the price of the memberships to reflect current industry rates. It should be noted customers at Craigie Leisure Centre have not been subject to any fees and charges increases for 24 months. The proposed categories of memberships to Craigie Leisure Centre have been listed below:

- Gym Membership – Access to Gym
- Group Fitness Membership – Access to Aerobics
- Combination Membership – Access to Gym and Aerobics

To determine the prices for the new memberships the Centre has undertaken an extensive competitor analysis review. The review highlighted the types of memberships and prices that leisure centres are offering throughout the Perth metropolitan area. The review highlighted the industry average for membership prices, which was a key factor in determining the new membership prices for Craigie Leisure Centre. Consideration to the Centres gym size, supervision levels, range of equipment and extensive aerobic program were the key factors that set the membership prices above the industry average. The proposed membership charge at \$432.00 for a 12 month gym membership is less than the Arena Joondalup at \$438.00 and highly comparable to the Terry Tyzack Aquatic Centre at \$400.00 per year and the City of Melville facilities at \$420.00 per year. Each of these facilities are smaller and less well equipped than the Craigie Leisure Centre. In comparison the prices offered by local authority run facilities is considerably less than that offered by commercial providers.

The final consideration in determining the new membership prices was to ensure that the fees set were appropriate for the Centre to deliver its budget expectations. The fees are proposed to come into effect as of 5 May 2003 and will remain in place for the full 2003/2004 financial year.

The table below highlights the new range of membership fees and charges that are proposed to be implemented in line with the closing of the pool.

2002/2003								
Membership	1 month		3 month		12 month		Direct Debit / Month	
Off Peak G/S/GF	\$	-	\$	152.70	\$	410.00	\$	34.00
Group Fitness (GF)	\$	-	\$	184.50	\$	440.00	\$	36.00
Gym/Swim/GF	\$	-	\$	207.00	\$	575.00	\$	47.00
Direct debit								
2003/2004								
Membership	1 month	Ind Avg	3 month	Ind Avg	12 month	Ind Avg	Direct Debit	Ind Avg
Gym	\$71.00	\$62.00	\$171.00	\$152.00	\$432.00	\$398.00	\$36.00	\$33.00
Group Fitness	\$71.00	\$63.00	\$171.00	\$157.00	\$432.00	\$424.00	\$36.00	\$36.00
Combination	\$83.00	N/A	\$207.00	N/A	\$504.00	N/A	\$42.00	N/A

Note: Ind Avg relates to the industry average.

The fees and charges recommended above are comparable to those in place at leisure facilities of a similar size to Craigie Leisure Centre.

The Centre is to provide all current members with a variety of options from 5 May 2003, to ensure they are not disadvantaged in any way. Current members will be offered the following options:

- Members who wish to cancel their membership due to the closure of the aquatic facilities on 17 April 2003 will be able to obtain a refund on the balance of their membership without incurring the standard 20% administration fee.

- Direct Debit members may also cancel their membership from 4 May 2003 without incurring the standard exiting fee. We must receive cancellation of Direct Debit payments in writing prior to the 25th day of the month.
- Members will be able to transfer to the new membership of their choice.
- If members transfer to a new membership and they have a balance owing on the difference between the old and the new membership they will be offered an extension on their new membership equal to the difference.

COMMENT

The objective of presenting the proposed fees and charges for the gym memberships at the Craigie Leisure Centre to the Council is two fold. Firstly, it aims to represent a change in the gym memberships that is representative of the facilities available to members. Secondly, it is an overdue review of the manner in which members of the gym facilities at Craigie Leisure Centre are charged.

The fees and changes proposed for implementation have been included in the review of fees and charges as part of the 2003/04 budget process. However, in order to implement these changes as from 5 May 2003, a decision of Council is required.

VOTING REQUIREMENTS

Absolute Majority

MOVED Cr Walker, SECONDED Cr Baker that Council:

- 1 AUTHORISES, pursuant to the provisions of Section 6.19 of the Local Government Act 1995, the following additional charges:**

Craigie Leisure Centre:

Membership	1 month	3 month	12 month	Direct Debit (Minimum 12 month Membership)
Gym (access to gym)	\$71.00	\$171.00	\$432.00	\$36.00
Group fitness (access to aerobics)	\$71.00	\$171.00	\$432.00	\$36.00
Combination (access to gym and aerobics)	\$83.00	\$207.00	\$504.00	\$42.00

- 2 ADVERTISES the proposed new charge in accordance with Section 6.19 of the Local Government Act 1995;**
- 3 INTRODUCES the new range of memberships and associated fees at Craigie Leisure Centre effective from 5 May 2003.**

The Motion was Put and

**CARRIED BY AN
ABSOLUTE MAJORITY (13/0)**

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

Cr Carlos left the Chamber, the time being 2140 hrs.

C24-03/03 COUNCIL DECISION – EN BLOC RESOLUTION NO 1

The following Items were then moved en-bloc – CJ034-03/03, CJ036-03/03, CJ038-03/03, CJ039-03/03, CJ040-03/03, CJ042-03/03, CJ043-03/03, CJ044-03/03, CJ048-03/03, CJ050-03/03, CJ051-03/03 and CJ052-03/03.

CJ034 - 03/03 STRATEGIC PLAN 2003 – 2008 – [77514]

WARD - All

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: -

DATE	DETAIL
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.

Provider of Comments	Number of submissions (See Attachment 2 to this Report)
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.

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

VOTING REQUIREMENTS

Simple Majority

MOVED Cr Baker, SECONDED Cr Kenworthy that Council APPROVES the Strategic Plan 2003–2008 forming Attachment 1 to Report CJ034-03/03 for printing and distribution.

The Motion was Put and

**CARRIED BY
EN BLOC RESOLUTION NO 1 (12/0)**

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

Appendix 2 refers

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

**CJ036 - 03/03 BUSINESS & COMMUNITY DIRECTORY
PARTNERSHIP PROPOSAL – JOONDALUP
BUSINESS ASSOCIATION – [03082]**

WARD - All

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 though 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 print-run of the Directory is suitably increased to allow for wider distribution, and for the City to be provided a minimum of 3,000 copies for use in new resident welcome & citizenship packs, libraries, recreation centres and customer service centres.

- 5 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:

Account No:	11 05 05 051 3720 0001
Budget Item:	Governance Corporate Costs, Printing
Budget Amount:	\$32 000
YTD Amount:	\$NA
Actual Cost:	\$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 3,000 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.

Option 4

To retain level of funding as per previous years, as per previous conditions with the requirement of the Joondalup Business Association to supply the City with a minimum number of 3,000 copies.

VOTING REQUIREMENTS

Simple Majority

MOVED Cr Baker, SECONDED Cr Kenworthy 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 print-run of the Directory is suitably increased to allow for wider distribution, and for the City to be provided a minimum of 3,000 copies for use in new resident welcome & citizenship packs, libraries, recreation centres and customer service centres;**

- (e) **the JBA committing to increasing distribution into northern corridor and through local stakeholder groups, eg education institutions and information points at local shopping centres.**

The Motion was Put and

**CARRIED BY
EN BLOC RESOLUTION NO 1 (12/0)**

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

**CJ038 - 03/03 TENDER NUMBER 022-02/03 SUPPLY &
APPLICATION OF PESTICIDES – [54538]**

WARD - All

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

MOVED Cr Baker, SECONDED Cr Kenworthy 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 Report CJ038-03/03) and subject to annual performance reviews for a maximum period of five years commencing on 1 April 2003 to 31 March 2008.

The Motion was Put and

**CARRIED BY
EN BLOC RESOLUTION NO 1 (12/0)**

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

Appendix 5 refers

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

**CJ039 - 03/03 FINANCIAL REPORT FOR THE PERIOD ENDING 31
JANUARY 2003 – [07882]**

WARD - All

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

MOVED Cr Baker, SECONDED Cr Kenworthy that Council the Financial Report for the period ending 31 January 2003 be NOTED.

The Motion was Put and

**CARRIED BY
EN BLOC RESOLUTION NO 1 (12/0)**

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

Appendix 6 refers

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

CJ040 - 03/03 BEAUMARIS PRIMARY SCHOOL - ROAD SAFETY AND PARKING STRATEGY – [03263]

WARD - Marina

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

MOVED Cr Baker, SECONDED Cr Kenworthy 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.

The Motion was Put and

**CARRIED BY
EN BLOC RESOLUTION NO 1 (12/0)**

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

Appendix 7 refers

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

**CJ042 - 03/03 MINUTES OF THE CONSERVATION ADVISORY
COMMITTEE OF 22 JANUARY, 2003 – [12168]**

WARD - All

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.

Ecoscape 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 City's 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

MOVED Cr Baker, SECONDED Cr Kenworthy that Council:

- 1 NOTES the Minutes of the Conservation Advisory Committee held on Wednesday 22 January 2003 forming Attachment 1 to Report CJ042-03/03;**
- 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 endorses 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.**

The Motion was Put and

**CARRIED BY
EN BLOC RESOLUTION NO 1 (12/0)**

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

Appendix 9 refers

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

**CJ043 - 03/03 MINUTES OF THE DRY PARKS, MEDIAN AND
VERGE COMMITTEE OF 3 FEBRUARY 2003 –
[42938]**

WARD - All

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

MOVED Cr Baker, SECONDED Cr Kenworthy that Council:

- 1 NOTES the Minutes of the Dry Parks, Median and Verge Committee meeting held on 3 February 2003 forming Attachment 1 to Report CJ043-03/03;**
- 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.

The Motion was Put and

**CARRIED BY
EN BLOC RESOLUTION NO 1 (12/0)**

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

Appendix 10 refers

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

**CJ044 - 03/03 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

Suburb/Location:	Lot 550 (42) Woodlake Retreat, Kingsley
Applicant:	Peter D Webb and Associates on behalf of Aegis Health Care Group
Owner:	Aegis Health Care Group Pty Ltd
Zoning:	DPS: Urban Development
	MRS: Urban
Coding:	Uncoded
Strategic Plan:	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 Goollalal 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:

Local Authority	Land Use	Parking Requirement
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

MOVED Cr Baker, SECONDED Cr Kenworthy 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 Report CJ044-03/03 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.

The Motion was Put and

**CARRIED BY
EN BLOC RESOLUTION NO 1 (12/0)**

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

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

To access this attachment on electronic document, click here: [Attach11brf030303.pdf](#)
[Attach11abrf030303.pdf](#) [Attach11bbrf030303.pdf](#)

CJ048 - 03/03 LOCALITY NAME CHANGE – BURNS TO BURNS BEACH – [09163]

WARD - All

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

MOVED Cr Baker, SECONDED Cr Kenworthy 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.**

The Motion was Put and

**CARRIED BY
EN BLOC RESOLUTION NO 1 (12/0)**

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

Appendices 15 & 15(a) refer

To access this attachment on electronic document, click here: [Attach15brf030303.pdf](#)
[Attach15abrf030303.pdf](#)

CJ050 - 03/03 MINUTES OF THE JOONDALUP FESTIVAL AND SUMMER EVENTS COMMITTEE MEETING HELD 15 JANUARY 2003 – [16036]

WARD - All

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

MOVED Cr Baker, SECONDED Cr Kenworthy 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 Report CJ050-03/03.

The Motion was Put and

**CARRIED BY
EN BLOC RESOLUTION NO 1 (12/0)**

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

Appendix 17 refers

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

**CJ051 - 03/03 DELEGATED AUTHORITY REPORT FOR THE
MONTH OF JANUARY 2003 – [07032]**

WARD - All

PURPOSE

To submit items of Delegated Authority to Council for noting.

EXECUTIVE SUMMARY

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

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

Month	No	Value (\$)
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

MOVED Cr Baker, SECONDED Cr Kenworthy that Council NOTES the determinations made under Delegated Authority in relation to the applications described in Report CJ051-03/03.

The Motion was Put and

**CARRIED BY
EN BLOC RESOLUTION NO 1 (12/0)**

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

Appendix 18 refers

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

**CJ052 - 03/03 SUBDIVISION REFERRALS PROCESSED 1
NOVEMBER 2002 – 31 JANUARY 2003 – [05961]**

WARD - All

PURPOSE

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

EXECUTIVE SUMMARY

Attachment 1 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

MOVED Cr Baker, SECONDED Cr Kenworthy that Council NOTES the action taken by the Subdivision Control Unit in relation to the application described in Report CJ052-03/03.

The Motion was Put and

**CARRIED BY
EN BLOC RESOLUTION NO 1 (12/0)**

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

Appendix 19 refers

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

The meeting adjourned at 2144 hrs.

The Meeting RESUMED at 2155 hrs, the following being in attendance:

J BOMBAK, JP	
Cr P KIMBER	Lakeside Ward
Cr D CARLOS	Marina Ward
Cr C BAKER	Marina Ward
Cr J F HOLLYWOOD, JP	North Coastal Ward
Cr A WALKER	Pinnaroo Ward
Cr T BARNETT	South Ward
Cr M O'BRIEN, JP	South Ward
Cr A L PATTERSON	South Coastal Ward
Cr G KENWORTHY	South Coastal Ward
Cr J HURST	Whitfords Ward
Cr C MACKINTOSH	Whitfords Ward

Officers:

Chief Executive Officer:	D SMITH
Director Planning & Community Development:	C HIGHAM
Director, Infrastructure & Operations:	D DJULBIC
Director, Corporate Services and Resource Management:	P SCHNEIDER
Manager, Marketing, Communications & Council Support:	M SMITH
Manager Audit and Executive Services:	K ROBINSON
Acting Manager, Library & Information Services:	R HARDY
Manager Community Services:	G HALL
Publicity Officer:	L BRENNAN
Committee Clerk:	J AUSTIN
Minute Clerk:	L TAYLOR

MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**C25-03/03 ALTERATION TO ORDER OF BUSINESS**

MOVED Cr Patterson, SECONDED Cr Kenworthy that in accordance with Clause 3.2 of the City's Standing Orders Local Law the Order of Business for this evening's meeting be altered to allow "Notice of Motion – Cr A Patterson – Retrospective Development Application for an Unauthorised Patio: Unit 49/160 West Coast Drive, Sorrento" to be dealt with at this point in time.

The Motion was Put and

CARRIED

**C26-03/03 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 is 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

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

The Mayor called for support from one-third of the members of Council. Support for this Item was given by Crs Patterson, Walker, Carlos, Kimber and Baker.

MOVED Cr Patterson SECONDED Cr Carlos that Council 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 is 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.”

Discussion ensued.

The Motion was Put and

LOST (5/7)

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

The meeting reverted back to the normal order of the agenda.

C27-03/03

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

MOVED Cr Baker SECONDED Cr Patterson 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.

Discussion ensued.

The Motion was Put and

CARRIED (11/1)

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

C28-03/03 NOTICE OF MOTION NO 2 – CR C BAKER – SUBMISSIONS ON DRAFT STRATEGIC PLAN 2003-2008 - [77514]

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 *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

MOVED Cr Baker SECONDED Cr Kimber 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.**

The Motion was Put and

CARRIED (10/2)

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

C29-03/03 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

This Notice of Motion was not pursued.

C30-03/03 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 15th 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

MOVED Cr Baker SECONDED Cr Patterson that Council 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.

1st AMENDMENT MOVED Cr Baker, SECONDED Cr Mackintosh that Point 3 of the Motion be DELETED and REPLACED with:

“3 proceeds immediately to advertise the proposed amendment for a period of 42 days in preparation for forwarding the same to the WAPC.”

The 1st Amendment was Put and

CARRIED (10/2)

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

2nd AMENDMENT MOVED Cr Baker SECONDED Cr Mackintosh that Point 2 of the Motion be amended by the deletion of the words “for consent to advertise”.

Cr Hollywood left the Chamber at this point the time being 2213 hrs.

The 2nd Amendment was Put and

CARRIED (10/1)

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

The Original Motion, as amended, being:

That Council 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;**
- 3 proceeds immediately to advertise the proposed amendment for a period of 42 days in preparation for forwarding the same to the WAPC.**

The Motion was Put and

**CARRIED BY AN
ABSOLUTE MAJORITY (11/0)**

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

C31-03/03 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 22nd 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

MOVED Cr O’Brien SECONDED Cr Carlos that:

- 1 resulting from information, passed on by the Hon Tony O’Gorman MLA Member for Joondalup, on Friday morning 22nd 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."

Cr Carlos left the Chamber at this point, the time being 2215 hrs.

Discussion ensued.

The Motion was Put and

CARRIED (10/0)

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

C32-03/03

MOTION TO GO BEHIND CLOSED DOORS

MOVED Cr Kimber, SECONDED Cr Baker that in accordance with Clause 3.2 and 5.6 of the City's Standing Orders Local Law and Section 5.23 of the Local Government Act 1995, the order of business be amended and the meeting be held behind closed doors to enable consideration to be given to the following item:

C33-03/03 Late Item No – Contract of Employment – Mr David Djulbic – Renewal of Contract, being a matter affecting an employee and personal affairs of a person.

The Motion was Put and

CARRIED

Members of the public, press and all staff, with the exception of Chief Executive Officer and the Committee Clerk left the Chamber at this point, the time being 2222 hrs.

Crs Hollywood and Carlos entered the Chamber at this point, the time being 2222 hrs.

REPORT OF THE CHIEF EXECUTIVE OFFICER**C33-03/03 CONFIDENTIAL ITEM - CONTRACT OF
EMPLOYMENT - MR DAVID DJULBIC - RENEWAL
OF CONTRACT – [97276]****WARD - All**

This Item Is Confidential - Not For Publication

A full report was provided to Elected Members under separate cover.

MOVED Cr Kenworthy, SECONDED Cr Baker that Council:

- 1 through the Chief Executive Officer, formally INVITES the Director of Infrastructure & Operations, Mr David Djulbic, to discuss entering into a new contract of employment for a further term of five years;**
- 2 AUTHORISES the Chief Executive Officer to complete all necessary documentation with the express intent of extending Mr Djulbic's contract of employment from 27 January 2004 for a further term of five years;**
- 3 NOTES that the total employment costs applicable to the position be as per current costs.**

The Motion was Put and**CARRIED (12/0)**

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

C34-03/03 MOTION TO GO TO OPEN DOORS**MOVED Cr Baker, SECONDED Cr Kimber that the meeting be now held with open doors, the time being 2225 hrs.****The Motion was Put and****CARRIED**

Members of the public, press and staff entered the Chamber at this point. In accordance with the City's Standing Orders Local Law, the Chief Executive Officer read the Motions in relation to C33-03/03 Late Item No – Contract of Employment – Mr David Djulbic – Renewal of Contract.

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

CLOSURE

There being no further business, the Mayor declared the Meeting closed at 2226 hrs; the following elected members being present at that time:

MAYOR J BOMBAK, JP
CR P KIMBER
CR D CARLOS
CR C BAKER
CR J HOLLYWOOD, JP
CR A WALKER
Cr T BARNETT
Cr M O'BRIEN, JP
CR G KENWORTHY
CR A PATTERSON
Cr J HURST
CR C MACKINTOSH