



*City of*  
**Joondalup**

**DRAFT AGENDA**

**FOR ELECTED MEMBERS'**

**BRIEFING SESSION**

**TUESDAY, 10 JUNE 2003**

## ***PUBLIC QUESTION TIME***

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

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

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

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

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

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

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

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

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

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

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

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

The Mayor or presiding member shall decide to:

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

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

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

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

### **Disclaimer**

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

## ***DEPUTATION SESSIONS***

Elected Members will conduct an informal session on the same day as the meeting of the Council in Conference Room 1, Joondalup Civic Centre, Boas Avenue, Joondalup, commencing at 5.00 pm where members of the public may present deputations by appointment only. (Please note that deputation requests are to be received by no later than 4.00 pm on the Friday prior to a Council meeting.)

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

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

# CITY OF JOONDALUP – BRIEFING SESSION

to be held in Conference Room 1, Joondalup Civic Centre, Boas Avenue, Joondalup on  
**TUESDAY, 10 JUNE 2003** commencing at **6.00 pm**

## ORDER OF BUSINESS

### **1 OPEN AND WELCOME**

### **2 PUBLIC QUESTION TIME**

**The following questions were submitted by Mr S Magyar, Heathridge to the Briefing Session held on 20 May 2003:**

- *Mr Magyar submitted an 89-signature petition requesting traffic improvements and a roundabout into Mermaid Way, Heathridge. He also requested Council to consider similar improvements to Admiral Grove, Marybrook Road and Lysander Drive.*
- *Mr Magyar asked Council to consider installing drains with a side flow into the kerb at Nemesia Court, Heathridge.*

*Q1 Will the names of Councillors who attend Briefing Sessions be published in the agenda for the following meeting so that electors can see that Councillors are fully using the decision making process?*

*A1 Response by Mayor Carlos: This would be a decision of the Council, and Council will discuss this at a later time. At the moment the current procedures will continue.*

*Q2 Following on from a question raised at Council on 12 May 2003 regarding the legal advice referred to by Mr Sam Grech, the Mayor's response was that the CEO has been instructed to investigate the matter. Has this investigation commenced?*

*A2 The question raised by Mr Magyar was responded to within the minutes of the Council Meeting held on 27 May 2003.*

**The following questions were submitted by Mrs M Macdonald, Mullaloo to the Briefing Session held on 20 May 2003:**

*Q1 Re Late Item – Notice of Motion Mr M Caiacob: It says that the land has been valued at \$1 million. Am I right that assets of the City are held on the balance sheets at cost and the cost is \$2,000?*

*A1 Assets of the City which involve a cost of acquisition are recorded in the Asset Register at cost. The land, the subject of Cr Caiacob's notice of motion, is shown on the asset register at its historic acquisition costs of \$2,000.*

*Q2 If the purpose of this land is Reserve, what loss can the City be making if it is valued at \$2,000 and the current use is as a Reserve?*

*A2 Response by Mayor Carlos:* The recommendation of the officers is that it be retained for public use.

*Q3 Whilst it is freehold land, it is always subject to being sold. We want it classified as a Reserve and held as such.*

*A3 Response by Mayor Carlos:* The Notice of Motion does address that and it will be considered by Council.

### **3 DEPUTATIONS**

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

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

Cr P Kimber - 3 June 2003 to 8 June 2003 inclusive  
- 10 June 2003 to 16 June 2003 inclusive

Cr C Baker - 5 July 2003 to 31 July 2003 inclusive

Cr A Nixon - 10 July 2003 to 30 July 2003 inclusive

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

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## **9 DATE OF NEXT MEETING**

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## **ITEM 1     SCHEDULE OF DOCUMENTS EXECUTED BY MEANS OF AFFIXING THE COMMON SEAL [15876]**

**WARD - All**

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### **PURPOSE**

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

Document:           Caveat  
Parties:             City of Joondalup and Peet and Co  
Description:        Withdrawal of Caveat – 3 Roxburgh Circle, Kinross  
Date:                13.05.03

Document:           Covenant  
Parties:             City of Joondalup and Peet and Co  
Description:        Restrictive Covenant – Deposited Plan 36127  
Date:                13.05.03

Document:           Copyright  
Parties:             City of Joondalup and John Nairn  
Description:        Recording of historical importance  
Date:                13.05.03

Document:           Deed  
Parties:             City of Joondalup and Mindarie Regional Council  
Description:        Deed of Partial Surrender of Lease re Vodafone  
Date:                22.05.03

Document:           Copyright  
Parties:             City of Joondalup and Pat Pallor  
Description:        Recording of historical importance  
Date:                22.05.03

Document:           Agreement  
Parties:             City of Joondalup, Kamsui P/L trading as Totally Workwear,  
Joondalup  
Description:        Execution of Contract No 025-02/03 – Supply and delivery of  
workwear – as per CJ-89-04/03  
Date:                27.05.03

Document: Copyright  
Parties: City of Joondalup and Allyn Bryant  
Description: Recording of historical importance  
Date: 27.05.03

## **VOTING REQUIREMENTS**

Simple Majority

## **RECOMMENDATION**

**That the Schedule of Documents executed by means of affixing the Common Seal be NOTED.**

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## **ITEM 2 REIMBURSEMENT OF ELECTED MEMBERS ALLOWANCES AND EXPENSES TO - MAY 2003 – [27122]**

**WARD All**

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### **PURPOSE**

To provide an account of allowances and expenses incurred by and paid to each Elected Member for May 2003.

### **EXECUTIVE SUMMARY**

The reimbursement of elected members expenses is subject to 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.”*

### **BACKGROUND**

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.

### **DETAILS**

At the ordinary Council meeting held on 11 March 2003, the following resolution was passed:

*“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 there be a recommendation to note each such report”.*

The first report was presented to Council on 1 April 2003. This report covers the period since the Policy for Payment of Fees, Allowances and Expenses and Provision of Facilities to the Mayor, Deputy Mayor and Elected Members commenced for the new Council that was elected on the 3 May 2003. Attachment 1 to this Report shows all allowances and expenses reimbursed to the Elected Members for May 2003.

## **VOTING REQUIREMENTS**

Simple Majority

## **RECOMMENDATION**

**That Council NOTES the information in relation to reimbursement of Elected Members’ allowances and expenses for May 2003 as contained in Attachment 1 to this Report.**

*Appendix 1 refers*

*To access this attachment on electronic document, click here: [Attach1brf100603.pdf](#)*

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## **ITEM 3 BUDGET COMMITTEE PROCEDURES - [02153] [66533]**

**WARD - All**

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### **PURPOSE**

For Council to consider whether the proceedings of the Budget Committee is to be held in open doors.

### **EXECUTIVE SUMMARY**

The Budget Committee at its meetings held on 22 May 2003 and 3 June 2003, gave consideration to the opening of its meetings to members of the public.

The current Budget Committee has not been delegated any ability to exercise any powers of the Council. Therefore there is no legislative requirement to open the meetings to the public. As it is important that elected members can discuss and make suggestions on the contents of the budget in a conducive environment, it is recommended that the budget committee meetings not be held with open doors.

### **BACKGROUND**

The Budget Committee at its meeting held on 22 May 2003 considered the following motion, which was lost:

*“That the forthcoming Budget Committee meetings be held with open doors.”*

At that 22 May meeting, it was requested that a report be submitted to the next meeting of the Budget Committee. Accordingly a report was submitted to the Budget Committee meeting held on 3 June 2003. The Officer’s Recommendation within that report was that the meetings not be held with open doors. The Committee did not support the Officer’s recommendation and moved that:

*1 “it be recommended that Council APPROVES that the Budget Committee meetings be held with OPEN DOORS.”*

In order to assist the Council in determining its future budget deliberations, the Council over the last few years has established a committee comprising all elected members. The proceedings of all past budget committees have been held behind closed doors.

### **DETAILS**

The 2003/2004 Budget Committee comprises the following elected members, with the Mayor being elected as the Chairperson at its first meeting:

MAYOR D CARLOS - Chairman	
Cr L PROSPERO	Lakeside Ward
Cr P KIMBER	Lakeside Ward
Cr T BREWER	Marina Ward
Cr C BAKER	Marina Ward

Cr J F HOLLYWOOD, JP	North Coastal Ward
Cr A NIXON	North Coastal Ward
Cr A WALKER	Pinnaroo Ward
CR P ROWLANDS	Pinnaroo Ward
Cr S HART	South Ward
Cr M O'BRIEN, JP	South Ward
Cr G KENWORTHY	South Coastal Ward
Cr J GOLLANT	South Coastal Ward
CR C MACKINTOSH	Whitfords Ward
Cr M CAIACOB	Whitfords Ward

### **Statutory Provision:**

Section 5.8 of the Local Government Act 1995 states:

*'A local government may establish committees of three or more persons to assist the Council and to exercise powers and discharge the duties of the local government that can be delegated to committees.'*

Section 5.23 of the Local Government Act 1995 states:

*"(1) Subject to subsection (2), the following are to be open to members of the public –*

- (a) all Council meetings; and*
- (b) all meetings of any committee to which a local government power or duty has been delegated.*

*(2) If a meeting is being held by a Council or by a committee referred to in subsection (1) (b) the Council or committee may close to members of the public the meeting, or part of the meeting, if the meeting or the part of the meeting deals with any of the following -*

- (a) a matter affecting an employee or employees;*
- (b) the personal affairs of any person;*
- (c) a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting;*
- (d) legal advice obtained or which may be obtained by the local government and which relates to a matter to be discussed at the meeting;*
- (e) a matter that if disclosed, would reveal:
 
  - (i) a trade secret;*
  - (ii) information that has a commercial value to a person, or*
  - (iii) information about the business, professional, commercial or financial affairs of a person;**

*where the trade secret or information is held by, or is about a person other than the local government;*

- (f) *a matter that if disclosed, could be reasonably expected to:*
    - (i) *impair the effectiveness of any lawful method or procedure for preventing, detecting, investigating or dealing with any contravention or possible contravention of the law;*
    - (ii) *endanger the security of the local government's property or;*
    - (iii) *prejudice the maintenance or enforcement of a lawful measure for protecting public safety;*  - (g) *information which is the subject of a direction given under Section 23 (1) of the Parliamentary Commissioners Act 1971, and*
  - (h) *such other matters as may be prescribed.*
- (3) *A decision to close a meeting or part of a meeting and the reason for the decision are to be recorded in the minutes of the meeting.*

The current Budget Committee has not been delegated any ability to exercise any powers of the Council. Therefore there is no legislative requirement to open the meetings to the public. As the committee has no delegated powers, it merely makes recommendations to the Council on the contents of the 2003/04 budget. The final adoption of the 2003/04 budget rests with Council.

The decision to open the proceedings of any committee of the Council, where delegation is not granted, is a decision of the Council.

## COMMENT

A number of budget items, projects, and suggested areas of expenditure and resource that are presented to the budget committee are in a preliminary format. The budget is prepared from a number of reports and detailed discussions between elected members, on advice from officers. It is important that elected members can discuss and make suggestions on the contents of the budget in a conducive environment. With the budget committee being held with open doors, such an environment may diminish.

The officer's recommendation submitted to the Budget Committee at its meeting held on 22 May 2003 was:

*"That the forthcoming Budget Committee meetings be held with open doors."*

## VOTING REQUIREMENTS

Simple majority

## RECOMMENDATION

**That Council APPROVES the Budget Committee meetings be held with open doors.**

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**ITEM 4 MULLALOO COMMUNITY KINDERGARTEN  
INCORPORATED - LEASE RENEWAL FOR PREMISES AT  
27 KOORANA ROAD MULLALOO – [08515]**

**WARD -** Whitford

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**PURPOSE**

To seek Council approval to renew the lease of the Mullaloo Kindergarten premises at 27 Koorana Road, Mullaloo to the Mullaloo Community Kindergarten Incorporated.

**EXECUTIVE SUMMARY**

The lease of the premises at 27 Koorana Road, Mullaloo to Mullaloo Pre-School Committee expired on 31 December 2002. In a letter to the City dated 20 November 2002, Mullaloo Kindergarten requested renewal of the lease, however no certificate of incorporation was provided by the kindergarten until 21 March 2003. Mullaloo Community Kindergarten continues to occupy the premises under the conditions of the expired lease.

In view of the continued requirement and occupation by the Mullaloo Community Kindergarten, it is recommended that Council approves the new lease.

**BACKGROUND**

The Mullaloo Community Kindergarten Committee has held a lease on these premises since 1 January 1998, for the purposes of conducting a kindergarten. As stated above the lease expired on 31 December 2002, and a letter was received in November 2002 from the Kindergarten requesting renewal of the lease.

The lessee of the expired lease was the Mullaloo Pre-School Committee, however there was no evidence of incorporation provided. The City's solicitors advised that it would be unusual and unwise for the City to lease premises to a group of individuals rather than an incorporated association, and consequently a certificate of incorporation was requested from the Committee, and received on 21 March 2003. The Certificate of Incorporation states that Mullaloo Pre-School Centre was incorporated on the 20 October 1980, and on 20 February 2002 under the Associations Incorporation Act 1987, changed its name to Mullaloo Community Kindergarten Incorporated.

**Suburb/Location:** Mullaloo  
**Applicant:** Mullaloo Community Kindergarten Incorporated  
**Owner:** City of Joondalup  
**Zoning:** DPS: 2 Civic & Cultural  
MRS: Urban

**Strategic Plan:** Aligned to objectives 1.1 and 1.3 of the strategic plan as follows:

**1.1 To develop provide and promote a diverse range of lifelong learning objectives.**

**1.3 To continue to provide services that meet the changing needs of a growing community.**

## DETAILS

The legal description of the property is Lot 21 on Diagram 63642 Volume 1642 Folio 453 with a land area comprising 0.4916 Hectares. The property was acquired in 1983 together with the improvement of a Kindergarten, the building of which was funded by the former City of Wanneroo with State Government assistance. Community based Pre School Centre Committees have leased the premises since acquisition.

Over a number of years the former City of Wanneroo purpose built early childhood venues to meet the needs of local people in line with regional development, and these have been leased by community based Pre School Centre Committees. The subject premises is one of these venues.

It is requested that the new lease be granted in line with the City's Standard Community Lease for a five year term. The essential terms of the agreement are set out as follows:

Lessee	Mullaloo Community Kindergarten Incorporated
Land	Lot 21 on Diagram 63642 and being the whole of the land in Certificate of title Volume 1642 Folio 453
Premises	The Land and the Building and all improvements
Lessor's Interest	Owner in fee simple
Term	5 years
Commencement Date	1 January 2003
Expiry Date	31 December 2007
Annual rent payable on the commencement date	\$1.00
Permitted purpose	Preschool
Special conditions:	<p><u>Use by community associations and others:</u>  The Lessee shall permit community, charitable and recreational associations and bodies and such other associations, bodies or persons as the Lessor may approve, to use the Premises at all times when the Premises are not required by the Lessee, and not to charge any fee for such use in excess of the fees fixed by the Lessor from time to time.</p> <p>The Lessee shall take bookings by all associations, bodies and persons permitted to use the Premises and shall enter all such bookings in a register kept for the purpose together with date, name and fees charged details. This register must be kept for the Lessor to view.</p>

The lessee will be responsible for maintenance, repairs and outgoings as for the City's Standard Community Lease. The City will complete a pre-lease inspection and provide a

report to the lessor in order that a benchmark is set for the management of the property throughout the term of the lease.

Funding for the Kindergarten is limited to term fees charged, fund raising and voluntary contributions by parents. The “Use by Others” clause in the lease allows the Kindergarten to augment this. This clause also allows for use of the facility to alter with the future changes in the accommodation needs of the Kindergarten.

**Statutory Provision:**

The Lessee and the purpose independently qualify this Lease as an exempt disposition under Regulation 30(2)(b)(i) of the *Local Government (Functions and General) Regulations 1996*. Consequently, there is no need to comply with the disposal conditions as provided by Section 3.58 of the Local Government Act, 1995.

**Consultation:**

The new lease will be similar to the expired lease and the Kindergarten is fully aware of the terms and conditions of the lease.

**Policy Implications:**

Nil

**Financial Implications:**

The City currently has four similar purpose built early childhood venues under lease for a peppercorn rental. It was never the intention that commercial rental be charged for any of these premises when utilised for the original purpose.

**COMMENT**

In view of the continued requirement for the Kindergarten and the agreement by the Lessee to lease the facility in line with the City’s Standard Community Lease, it is recommended that the application be approved.

**VOTING REQUIREMENTS**

Simple Majority

**RECOMMENDATION**

**That Council APPROVES the lease of the Kindergarten at 27 Koorana Road Mullaloo to Mullaloo Community Kindergarten Incorporated, subject to:**

- 1 Term of the lease being for five years commencing 1 January 2003;**
- 2 Rent of \$1.00 per annum;**
- 3 Use of the premises only for the purpose of a ‘Kindergarten and Other Community Purposes’;**
- 4 Maintenance, repairs, outgoings and all legal costs associated with the Lease being met by Mullaloo Community Kindergarten Incorporated;**
- 5 Signing and affixing of the Common Seal to the Lease between the City of Joondalup and the Mullaloo Community Kindergarten Incorporated.**

## **ITEM 5     PARKING SIGN POLE ACCESS AGREEMENT – [00415]**

**WARD - All**

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### **PURPOSE**

To seek Council approval for the City to enter into an Agreement with Telstra Corporation to install and maintain “low impact” telecommunication facilities on existing infrastructure within the City of Joondalup.

### **EXECUTIVE SUMMARY**

Telstra Corporation has submitted a proposal to the City of Joondalup to enter into a Parking Pole Sign Access Agreement to install “low impact” telecommunications equipment on specified parking/no parking and direction signs and posts within the City of Joondalup.

The proposal will fall under the *Telecommunications (low impact facilities) Determination Act 1997*.

The City is bound by Federal legislation relating to telecommunication facilities and it has no jurisdiction over the location or installation of ‘low impact’ facilities defined under the *Telecommunications (Low-Impact Facilities) Determination Act 1997*.

By accepting the proposal submitted by Telstra Corporation the City will have the power of veto over each and every installation, which the City does not have under Federal Legislation and the ability to utilise existing infrastructure for each proposed installation.

Recommendation

*That Council:*

- 1     *Accepts the proposal submitted by Telstra Corporation for the installation of ‘low impact’ telecommunication facilities to existing infrastructure within the City of Joondalup for an initial term of 5 years with the option of a further five years subject to conditions contained within the Agreement.*
- 2     *Approves the initial installation of the ‘low impact’ telecommunication facilities to be installed in two stages at the specified locations, provided under attachment 1 to this report.*

### **BACKGROUND**

Telstra Corporation submitted a proposal in November 2002 to the City to install ‘low impact’ telecommunication facilities on specified parking/no parking and direction signs and posts within the City. As a result of the proposal put by Telstra Corporation the City contacted other local authorities and similar arrangements have been set up with the Cities of Perth, Stirling, Belmont, Nedlands and Town of Vincent. Telstra Corporation is formalising this process to bring back the consultation process with local authorities.

Council at its meeting of 17 December 2002 (Item C171-12/02 refers) adopted a Policy Statement – Telecommunication Facilities, an extract which states:

- 1 *“The City recognises that it is bound by the Federal legislation relating to telecommunication facilities and that it has no jurisdiction over the location or installation of “low impact” facilities as defined under the Telecommunications (Low-Impact Facilities) Determination Act 1997.*
- 2 *The City, as a general rule, does not support the installation or location of telecommunication facilities, particularly in the vicinity of schools, childcare establishments, hospitals and general residential areas.*
- 3 *The City recognises the right of land owners/applicants to make applications for planning approval for telecommunication facilities deemed to be other than low impact under the Telecommunications Act, and acknowledges its obligation to make a recommendation to the WAPC or determine the application in its own right.”*

## **DETAILS**

This proposal:

- gives Local Authorities and the Community the opportunity to have input into where the infrastructure is installed;
- assists in minimising the need for additional equipment in the streetscape by utilising existing (in a modified form) street parking signs;
- gives the City a power of veto over each and every installation, which the City does not have under Federal Legislation;
- demonstrates to the Community that Telstra Corporation and the City can work together to provide an aesthetically acceptable solution to the provision of telecommunications infrastructure for the Community;
- provides improvement to services ensuring the capacity in the network for members of the community to make and receive phone calls at busy intersections.

Under the proposed Agreement should roadworks require removal of equipment, Telstra Corporation will temporarily remove and subsequently reinstate equipment at no cost to the City.

## **COMMENT**

The purpose of microcellular networks is to improve the performance of the broader mobile networks in a congested area, typically at major intersections. The use of microcellular networks increases the overall quality of network service through the ability to provide coverage for a variety of needs. The electro magnetic energy emitted from the microcel transmitters are approximately equal to that of a mobile telephone.

Telstra Corporation will make a written application to the City for a licence to install Mobile Telephone Equipment for each parking sign selected by Telstra Corporation. Licences granted by the City do not create or vest in Telstra Corporation any ownership or property rights in the parking pole signs or in the land or space they occupy. The City does not receive any licence fee. Telstra Corporation will prepare each proposed site including but not limited

to installation of conduits, pits, poles etc and reinstate the works area to its previous condition at its own cost.

It is proposed the initial installation will be in two stages that will take a total of 4 to 5 years and installed on an as needed basis (refer Attachment 1 Microcell Locations to this Report). Microcell Network Pole Installation drawings are provided (refer Attachment 2 to this Report), along with photographs of installed infrastructure within other municipalities are attached (refer Attachment 3 to this Report). Initial advice from Telstra is such that they currently expect to install 3 to 4 sites per year in the City of Joondalup.

This report has been written and developed in conjunction with the Director Infrastructure & Operations and the Director Planning & Community Development.

## **VOTING REQUIREMENTS**

Simple Majority

## **RECOMMENDATION**

### **That Council:**

- 1 ACCEPTS the proposal submitted by Telstra Corporation for the installation of ‘low impact’ telecommunications facilities to existing infrastructure within the City of Joondalup for an initial term of five (5) years with the option of a further five (5) years subject to conditions contained within the Agreement;**
- 2 APPROVES the initial installation of the ‘low impact’ telecommunication facilities to be installed in two stages at the specified locations, provided under Attachment 1 to this Report.**

*Appendix 2 refers*

*To access this attachment on electronic document, click here: [Attach2brf100603.pdf](#)*

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## **ITEM 6 CRAIGIE LEISURE CENTRE – REDEVELOPMENT RECOMMENDATION – [09050]**

**WARD** - All

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### **PURPOSE**

The purpose of this report is to:

- 1 Brief Council on the background, current status, issues and redevelopment options pertaining to the redevelopment of the Craigie Leisure Centre;
- 2 Seek Council approval to progress with Option 6 for the redevelopment of Craigie Leisure Centre;
- 3 Seek Council approval for the project budget of \$7.5 million to be expended in the 2003/04 and 2004/05 financial years.

### **EXECUTIVE SUMMARY**

At the 18 February 2003 Ordinary Council Meeting, Council voted to accept the tender submitted by James Christou and Partners Architects (JCPA) to provide the architectural consultancy and design services for the refurbishment of the Craigie Leisure Centre.

Under the direction of the City of Joondalup Project Control Group (PCG), JCPA have undertaken an extensive review and consultation process in the development of a series of design options for the PCG to consider. The PCG has reviewed all options presented by JCPA and generated a short list of 3 options measured against the base case scenario. The PCG then completed an assessment of the shortlisted options against a value-based criteria derived from the Needs Analysis prepared by ABV Consulting and detailed in Attachment 1. The operational costs have been analysed for each of the shortlisted options in order that comparable cost/revenue data can be reviewed and factored into the decision making process.

The detailed analysis and option assessment phase has clearly resulted in Option 6 (Sketch Option 6 in Attachment 3 to this Report) being the recommended option for Council to proceed with.

The PCG recommends that Council does not proceed with the original plans for minor refurbishment of the aquatic facility with the original budget of \$3.0 million. It is the advice of the PCG that following the complete decommissioning of the aquatic facility, the base costs associated with the original proposal will be greater than the current budget allocation due to the heightened risk of plant and pool structure failure. The revised Total Estimated Cost (TEC) for this proposal detailed in Option 5 is \$4.5 million and shows little benefit to the City when measured against the assessment criteria.

### **BACKGROUND**

The aquatic facilities at the Craigie Leisure Centre were originally developed in 1988. At that time, the centre was a significant investment for the then City of Wanneroo to undertake and was recognised as one of the leading aquatic facilities in Australia recording some of the highest usage statistics in the country. Since that period, the City of Wanneroo, and

subsequently, the City of Joondalup, have committed little to the aquatic facilities in terms of capital development and annual maintenance expenditure. Additionally, the standards governing such facilities have incrementally increased resulting in the aquatic centre now being below standards in all key areas negatively affecting the amenity, marketability, financial returns and customer satisfaction levels.

The aquatic component of the facility is in need of major works. Prior to the decision to close the venue, its aesthetic appeal was poor and its functionality tenuous with independent reports confirming the need for substantial works to allow the facility to operate in line with relevant regulations and industry best practice. The reports highlighted a number of high-risk items requiring extensive refurbishment including the pool filtration system, gas boiler, the pool deck and the pool shell itself and that the continued operation of the pool was at an increased risk of major plant or pool structure failure. Such a failure would have resulted in an un-programmed closure of the facility with little to no scope of temporary repair. On this basis, the closure of the aquatic facilities, pending final project scope approval, was approved by Council in March 2003 (CJ053 - 03/03) and re-confirmed in April 2003 (CJ074 - 04/03).

In addition to these significant facility and management constraints facing the centre, community demands and expectations for such facilities have evolved considerably and whilst the centre was a national leader during the first few years of operation, it has gradually and increasingly lagged behind market demands and provision. The needs analysis report commissioned by the City and completed by ABV Leisure Consultants highlighted the shift in facility demand by the market and highlighted the requirement for a more comprehensive review of the facility during the design development phase undertaken by JCPA.

The demise of RANS Management Group forced the City to take back the management of the centre for an undefined period of time. This change has also meant that the capital improvements to be funded by RANS, as part of their original contract arrangement, will not be undertaken as originally planned and that Council will be liable for all redevelopment costs.

This set of circumstances presented the opportunity for the City to review the role of Craigie Leisure Centre in satisfying the leisure needs of the surrounding community and ensuring the provision of relevant, equitable and affordable access to leisure opportunities. Specifically, the aquatic component and its relationship with existing dry facilities were explored to ensure any facilities located at this site are positioned to satisfy the current and future needs of the community it serves.

## **RANS MANAGEMENT GROUP**

Council, at its meeting of 24 October 2000 (Report CJ337-11/00) recommended the RANS Management Group as its preferred tenderer for the Operational Management and Lease of the City's three leisure centres. RANS took over the management and operations of these facilities on 21 May 2001. RANS subsequently operated these facilities until receivers were appointed to the Group on 12 June 2002 and the operational management and control of the facilities handed back to the City on the following day.

As part of the tender submission received by the City from the RANS Management Group, and subsequently embodied in the management agreement between the City and RANS, it was agreed that RANS would, subject to the completion of market research proving the

nature of the projects nominated to be most suitable, commit contractually to undertaking certain works that, at that stage, were noted as:

- Project 1 – expansion of the health and fitness centre for \$1.0 million.
- Project 2 – development of a soft play area for \$180k.

The City of Joondalup made a commitment to also undertake a refurbishment project at the Craigie Leisure Centre, providing for an approximately \$1.0m commitment to tiling the pool basin and surrounds and refurbishing the changerooms and toilets. Following the collapse of RANS, all previous plans for any capital works at the centre have had to be at the City's sole cost.

On re-establishing City management of the centres it was immediately apparent that the RANS Management Group had not maintained the centres in accordance with the lease agreement. All facilities, particularly the Craigie Leisure Centre were in a poor state of repair and general cleanliness. The City, in the first 5 months of the handover spent approximately \$80,000 on the Craigie Leisure Centre to re-establish acceptable standards and undertake maintenance work not completed by RANS.

### **NEEDS ANALYSIS - CRAIGIE LEISURE CENTRE**

Following the collapse of RANS, the Review of the Craigie Leisure Centre was commissioned by the City of Joondalup and undertaken by ABV Consultants and included significant consultation with the key stakeholders, the community and Council. During the course of the needs analysis investigation, the facility was reviewed with respect to facility characteristics and design, community needs, trends, and future developmental opportunities.

The process involved the consultants reviewing all reports and studies previously undertaken with regard to the Craigie Leisure Centre, the consideration of the demographics and trends relating to facility utilisation. This research and analysis of needs and trends provided the foundation for future development considerations.

### **Community Consultation**

Community consultation provided the basis of the Craigie Leisure Centre Needs Study. Consultation undertaken to complete the review included:

- An extensive Needs Survey of the general community (in excess of 1,000 responses to a detailed consumer survey) undertaken through a variety of media (personal, internet etc);
- Regular meetings with Council officers and the Craigie Leisure Centre Project Control Group (PCG);
- Interviews with representatives of key user groups (Refer Attachment 2);
- Interviews with key stake-holders including swimming associations and the Education Department;
- Interview with Marmion Squash Club representative;
- Interviews with officers from other Local Government Authorities with similar facilities;
- Consultation with Craigie Leisure Centre staff and management;
- Interviews with other leisure centre managers and industry professionals; and
- Consultation with Department of Sport and Recreation (WA) representatives.

The response received by the consultant to the needs analysis provided a significant sample in that over 1000 respondents to the questionnaires were collated and analysed.

Further consultation will involve the City providing feedback to the community as to the option Council endorses to proceed with and the involvements of key groups in the design process. The City also intends to undertake an extensive marketing campaign to relaunch the centre.

### **Study Outcomes**

The outcome of the study supported the need to redevelop Craigie Leisure Centre. The Centre, which was once regarded as the leading leisure facility in WA, is now in an ageing condition. Some aspects of the Centre now require replacement as they are at the end of their operational life, while others are either outdated or not relevant to current (and future) demands.

The following recommendations were made:

- That Council considers and commits to the proposed redevelopment of the Craigie Leisure Centre in response to the established needs demonstrated in this report (ABV Consultants Needs Analysis);
- That concept planning for the proposed redevelopments be commenced;
- That the concept plans be costed through detailed review by an independent Quantity Surveyor;
- That the Feasibility of the development be undertaken;
- That the development of Squash be further investigated in regards to feasibility, and commitment from Marmion Squash Club and WA Squash;
- That City of Joondalup make Budget allowance for the redevelopment; and
- That application for CSRFF funding toward the redevelopment is made for the 2002 funding round.

### **DESIGN BRIEF - JAMES CHRISTOU & PARTNERS (JCPA)**

A key element of the JCPA tender submission that resulted in the contract being awarded in their favour was the consultation process that was proposed. In addition to the meetings with the City of Joondalup project control group, seven workshops were conducted to determine visions, expectations and design guidelines for the project. These workshops included Executive, Management and Technical officers of the City, operational staff from the Leisure Centres, Elected Members, Management and Operational staff from other facilities throughout the City, Representatives of key user and stakeholder groups, the Lease holder of the Leisure Centre Kiosk and members of the public.

The outcome of the consultation process to date is the establishment of the project brief (Attachment 2 to this Report) that formed the basis of the options presented to the project control group by JCPA. Table 1 provides a summary of all development options presented to the PCG. The plans for each corresponding option are as per Attachment 3 to this Report.

**TABLE 1 - DEVELOPMENT OPTIONS**

<b>OPTION</b>	<b>\$M</b>	<b>COMMENT</b>
<b>1</b>	<b>\$12.7</b>	<ul style="list-style-type: none"> <li>• A complete new facility including building, aquatic, gymnasium amenity.</li> <li>• Is inclusive of all elements identified as essential through the community consultation process.</li> <li>• Does not compromise on any design, functionality or operational requirements.</li> <li>• The 8 Lane 50m pool has lane widths of 2.5m that is considered ideal for swimmers and provides sufficient room for lap swimmers to share lanes.</li> <li>• Additional 25m pool also with 2.5m lanes is ideal in that it provides ideal teaching space for learn to swim as well as being at a depth which is ideal for people who wish to walk in water as an exercise.</li> <li>• Leisure pool is necessary for casual swimming for very young children, does have some potential for limited teaching space.</li> </ul>
<b>2</b>	<b>\$9.49</b>	<ul style="list-style-type: none"> <li>• Redevelopment of the aquatic facilities within the existing building structure.</li> <li>• Provides many of the features identified in the consultation process in a compromised way.</li> <li>• Compromises substantially on a number of design, functionality and operational requirements.</li> <li>• 50m pool substantially compromised in that it is restricted to 6 lanes of a reduced 2.1m width.</li> <li>• Additional 25m pool also with 2.5m lanes is ideal in that it provides ideal teaching space for learn to swim as well as being at a depth which is ideal for people who wish to walk in water as an exercise</li> <li>• Offers significant improvements to the services attached to the aquatic facilities such as the gymnasium, aerobics room, toilets and change rooms etc.</li> <li>• Limited modifications to the amenity and aesthetic issues of the building i.e. no removal of current internal ducting or improvements in sound and temperature insulation of the building.</li> </ul>
<b>3</b>	<b>\$8.2</b>	<ul style="list-style-type: none"> <li>• Redevelopment of the aquatic facilities within the existing building structure.</li> <li>• Provides many of the features identified in the consultation process in a compromised way.</li> <li>• Compromises substantially on a number of design, functionality and operational requirements.</li> <li>• Utilises existing water space but in a reduced manner in order to achieve separate water bodies.</li> <li>• 50m pool substantially compromised in that it is restricted to 6 lanes of a reduced 2.1m width.</li> <li>• Offers significant improvements to the services attached to the aquatic facilities such as the gymnasium, aerobics room, toilets and change rooms.</li> <li>• Limited modifications to the amenity and aesthetic issues of the building i.e. no removal of current internal ducting or improvements in sound and temperature insulation of the building.</li> </ul>

4	\$5.4	<ul style="list-style-type: none"> <li>• Achieves the same water space provision as option 3, which as stated previously, achieves the outcomes sought from the consultation process in a compromised manner.</li> <li>• Upgrade only to all of the surrounding and supporting facilities - no improvements to operations, amenity, and functionality.</li> <li>• Additional plant space has been included in this option in order to meet the additional requirements of separate treatment and heating of separate bodies of water.</li> <li>• Spa and sauna facilities remain in the same location despite historical problems associated with the being located there.</li> </ul>
5	\$4.5	<ul style="list-style-type: none"> <li>• This proposal is the cost of the upgrade to the existing facilities only. The scope of works includes tiling the pool basin, tiling the surrounds and upgrading the change rooms and toilets.</li> <li>• A new plant room is included in the plan but the proposal is not inclusive of the structural change necessary to allow for two bodies of water and programme flexibility and enhanced income generating capacity that this would allow.</li> </ul>
6	\$7.5	<ul style="list-style-type: none"> <li>• This option meets the majority of the essential components as identified through the consultative process with little compromise.</li> <li>• The major component that is not met is a 50m pool. This can be accommodated in a further stage of the project as a proposed 50m outdoor facility.</li> <li>• The 25m-pool option offers 2.5m lanes that are considered a significant benefit by users of the facility.</li> <li>• The proposals as presented meet all of the requirements identified by the consultation process.</li> <li>• The aquatic facilities are of higher standard than all options with the incorporation of a wet deck.</li> <li>• This option provides for substantial improvements in the building amenity and aesthetics through the relocation of the air ducting and incorporation of acoustic treatments.</li> <li>• By proceeding with proposal 6, the City will be procuring all of the facilities that are presently available at the Craigie Leisure Centre and making substantial improvements to the functionality and quality of the facilities.</li> </ul>

### **DEVELOPMENT OPTION ANALYSIS MATRIX (Attachment 1 to this Report)**

The PCG, in conjunction with the consultant team, completed a value-based analysis for each option. This analysis is summarised in Attachment 1.

The Redevelopment Options Matrix (Attachment 1) contains an estimation of:

- 1 Cost of the facility (Detailed cost plans developed in conjunction with Ralph Beatty Bosworth Quantity Surveyors);
- 2 Estimated attendances (Developed by ABV Consultants in conjunction with Leisure Centre Management and Manager Community Development); and
- 3 Estimated net operating result of the 3 preferred options for consideration (excluding corporate overheads and capital depreciation).

Option 5 represents the base level refurbishment project that was previously estimated to cost approximately \$3.0m and is currently estimated to cost \$4.5m.

The level of importance of the particular design elements have been ranked in accordance with:

- 1 Identified features from the ABV Needs Analysis Report;
- 2 Measure of customer satisfaction (defined by management surveys);
- 3 Programmability; and
- 4 New versus remodelled facilities.

A more detailed analysis was completed on options 1, 2, 5 and 6. Options 3 and 4 were not considered further by the PCG due to capital cost and ranking by comparison to the other options. Option 5 was assessed as the benchmark option for the City in that it presents a straight refurbishment on the current facility.

In this further analysis, Table 2 provides a comparison of the key criteria of Option 6 to:

- Option 1 - which presented the ultimate development case that completely fulfils the needs analysis and the consultation issues;
- Option 2 - which presents a major project meeting a considerable portion of the demands of the needs analysis but in a compromised manner; and
- Option 5 - which presents the base case refurbishment option originally costed at \$3.0m and now estimated to cost \$4.5m.

**Table 2 Comparative Analysis**

Option	Cost	Value Score	Operational Saving <sup>1</sup>	Comments	Rank
1	\$12.73m	87	(\$66,365)	<ul style="list-style-type: none"> <li>• Fully meets needs analysis</li> <li>• Essentially a new facility</li> <li>• Not best value for money</li> </ul>	<b>3</b>
2	\$ 9.50m	70.35	\$98,878	<ul style="list-style-type: none"> <li>• Compromised facility in a number of areas</li> <li>• Ranks 2<sup>nd</sup> due to value for money judgement</li> </ul>	<b>2</b>
5	\$ 4.50m	22.4	(\$94,347)	<ul style="list-style-type: none"> <li>• Original proposal and base line model (i.e. current facility)</li> <li>• Not recommended</li> </ul>	<b>4</b>
6	\$ 7.50m	79.4	\$213,920 <sup>2</sup>	<ul style="list-style-type: none"> <li>• Provides the facility almost all the same features as Options 1 &amp; 2 with a considerably lower price to build</li> <li>• Good balance or refurbishment and new business generation</li> <li>• Best value for money option</li> </ul>	<b>1</b>

Additionally, Table 3 - Craigie Leisure Centre Redevelopment Estimates provides for a detailed analysis of budget and attendance estimates. These estimates are based on:

- 1 Optimum facility operations;
- 2 Third year of operation (which accounts for any period of growth);
- 3 Reflects industry comparisons for like facilities; and
- 4 Based on current fees and charges and staff costs.

**Table 3 - Craigie Leisure Centre Redevelopment Estimates**

<b>Income</b>	<b>Option 1</b>		<b>Option 2</b>		<b>Option 5</b>		<b>Option 6</b>	
<b>Category</b>	<b>Att</b>	<b>\$</b>	<b>Att</b>	<b>\$</b>	<b>Att</b>	<b>\$</b>	<b>Att</b>	<b>\$</b>
Swim Entries	278,365	\$742,100	240,100	\$641,000		\$493,100	240,100	\$641,000
Sauna Spa								
Hydro	11,155	\$31,234	9,700	\$27,160		\$15,400	9,700	\$27,160
Learn To Swim	63,400	\$561,490	59,400	\$525,304		\$235,800	63,680	\$563,030
Swim Coaching Rights		\$19,500		\$10,000		\$6,000		\$10,000
General Pool Hire		\$28,305		\$17,595		\$4,080		\$5,100
Centre Memberships	208,000	\$845,600	208,000	\$845,600		\$591,920	208,000	\$845,600
Health & Fitness (casual)	34,618	\$313,243	34,618	\$313,243		\$245,000	34,618	\$313,243
Dry Court Programs Team	110,250	\$573,300	110,250	\$573,300		\$507,780	110,250	\$573,300
Leisure Programs	10,000	\$124,000	10,000	\$124,000		\$130,000	14,000	\$156,000
Crèche	23,460	\$65,974	21,420	\$59,900		\$42,840	21,420	\$59,976
Retail Sales		\$73,925		\$69,651		\$50,351		\$70,177
Kiosk Lease		\$66,532		\$62,686		\$45,315		\$63,159
Miscellaneous income						\$20,000		
<b>Sub total income</b>		<b>\$3,445,203</b>		<b>\$3,269,439</b>		<b>\$2,367,587</b>		<b>\$3,327,745</b>
<b>Less GST</b>		<b>\$313,200</b>		<b>\$297,222</b>		<b>\$215,235</b>		<b>\$302,522</b>
<b>TOTAL</b>	<b>739,248</b>	<b>\$3,132,003</b>	<b>696,511</b>	<b>\$2,972,217</b>	<b>528,520</b>	<b>\$2,152,351</b>	<b>701,768</b>	<b>\$3,025,223</b>
<b>Expenditure</b>	<b>Option 1</b>		<b>Option 2</b>		<b>Option 5</b>		<b>Option 6</b>	
Salaries Permanent		\$684,297		\$684,297		\$684,297		\$684,297
Salaries Program /Casual		\$1,216,526		\$1,099,019		\$652,430.16		\$1,077,589
Staff costs		\$16,301		\$15,525		\$13,500		\$15,525
Office Costs		\$96,600		\$92,000		\$80,000		\$92,000
Utilities		\$485,000		\$303,125		\$260,000		\$278,875
Cleaning		\$135,000		\$126,500		\$115,000		\$126,500
Pool costs		\$55,000		\$50,000		\$25,000		\$50,000
Program costs		\$163,013		\$155,250		\$135,000		\$155,250
Building costs		\$151,000		\$161,000		\$140,000		\$150,000
Insurances		\$57,500		\$57,500		\$50,000		\$57,500
Advertising & Promotion		\$79,959		\$70,081		\$56,260		\$69,962
Equipment Maintenance		\$17,250		\$17,250		\$15,000		\$17,250
Retail Costs		\$44,355		\$41,791		\$30,210		\$42,106
<b>Total Expenses</b>		<b>\$3,201,801</b>	<b>696,511</b>	<b>\$2,873,338</b>		<b>\$2,246,699</b>		<b>\$2,733,339</b>
<b>NET RESULT</b>	<b>739,248</b>	<b>(\$69,798)</b>	<b>696,511</b>	<b>\$98,879</b>	<b>528,520</b>	<b>(\$94,347)</b>	<b>701,768</b>	<b>\$213,368</b>

<sup>1</sup> The Operational position of each facility is determined on the operating costs directly associated with the Centre. This excludes items such as depreciation, building rental charges and internal allocation charges. All

*figures are exclusive of GST. Assumes that facilities operating at peak capacity in third year of operation (allowing for set up and growth period).*

<sup>2</sup> Option 6 will return an improved surplus as compared to Option 1 & 2 primarily due to;

- *Reduction of expenditure due to decreased staffing and operational costs associated with decreased aquatic facilities; and*
- *Key programs and facilities generating similar income levels as Option 1 and 2.*

## **RECOMMENDED OPTION**

Option 6, whilst not ranking the highest in the needs assessment ranking (Attachment 1 to this Report) or costing the least, provides for the most comprehensive balance between capital cost, operational cost/revenue, functionality and overall value for money by comparison to the other options developed and assessed.

- Option 1 which presents a greater value ranking offers some outdoor water options, hydrotherapy pool, an extensive 50m pool and a 350m<sup>2</sup> leisure pool. However, in terms of capital investment and operational costs/revenue, it is considerably more expensive to develop and operate, for little increased functionality and attendance, than that option presented by Option 6.
- Option 2 presents a value ranking lower and a capital cost some 22% greater than Option 6. Although the additional feature of a hydrotherapy pool, a 50m pool and a 350m<sup>2</sup> leisure pool are included, these features are considered of lower value to the overall package and do not substantially increase patronage and programmability sufficiently enough to justify an additional \$1.7m capital expenditure.
- Option 5, as the project originally planned for by the City as a straight refurbishment, provided the benchmark facility against which all the projects could be measured. It represents the lowest capital cost as well as providing a clear indication for comparison as to the impact that the redevelopment may have on the attendances and financial performance of the centre. The dramatic loss of water from the pool since its closure has indicated that there were major problems in the pools underground services and therefore a cosmetic improvement to the facility may well have been wasted if further more major works were required.

The mix of facility features that Option 6 proposes satisfies the major needs identified by the community in the ABV Needs study with the exception of a 50m pool. From the needs analysis and the consultation process, the PCG has determined that the quality of the swimming experience is the major determinant and therefore, the substitute for a 50m pool is a high quality 25m pool with 8 lanes 2.5metres in width that is specifically designed to meet the needs of lap swimmers and swim clubs. A 25m pool also offers many lower operational cost benefits compared to a 50m pool. An additional peer review workshop held by the City to review the design process and recommended option (attended by the management staff of other Local Government Aquatic Centres) has further re-enforced this informed view.

The need for a hydrotherapy pool is satisfied with the warm leisure pool that can be heated to 32/33degC. The size and temperature of the pool allows for all levels of learn to swim, gentle exercise and rehabilitation. This option also allows for an extensive spa area that meets a large portion of these demands.

The additional elements contained within the Option 6 and including:

- Wet Deck to the entire pool area;
- Acoustic and thermal insulation treatment to the existing building structure; and
- Relocation of ventilation ducts to external building to improve visual amenity and natural lighting;

These additional elements are not contained within any other option with the exception of Option 1, which provides for a new building.

**Table 4 – Summary of Design Advantages**

<b>Feature</b>	<b>Advantages</b>
<b>Pools</b> – 2 x 25m pools	<ul style="list-style-type: none"> <li>• The 25m-lap pool provides a quality experience for those wishing to pursue lap swimming- 2.5 metre wide lanes, water temp (28C), ideal depth for tumble turns etc. The learn to swim participants approaching squads will be able to utilise as will the training squads. Flexibility will be provided by having two 25m pools for Aquarobics and other forms of water exercise dependant on needs of the class and participants.</li> </ul>
	<ul style="list-style-type: none"> <li>• The 25m warm water leisure pool provides ideal learn to swim options in warm water (32C) and exercise options for elderly, disabled and frail with a graded beach entry. The pool will also contain many features appropriate for children to assist with family play, attracting a new family market to the centre.</li> </ul>
<b>Group Fitness</b> – larger area	<ul style="list-style-type: none"> <li>• The larger area by approximately 1.5 times previous, allows for a greater quality of experience as the previous area was of irregular shape. Classes can also become more profitable with increased average attendances allowing for fewer classes, thus reducing expenditure.</li> <li>• The new area will also be available and useful for user groups to hire for such activities as dance and martial arts etc</li> <li>• Option 6 introduces a new area for programming via its ability to be split into 2 rooms, one slightly larger than the other and sound proofed walls. This allows maximum utilisation of the area by allowing two areas to be programmed at the same time. The options available to utilise the area are; many hirers in the form of dance and martial arts programs, centre run leisure courses and human interest classes</li> </ul>
<b>Gymnasium</b> -larger and more useable area	<ul style="list-style-type: none"> <li>• This shape will allow for a larger membership base to be catered for. The shape and the new finishes will allow the centre to compete with the numerous competitors in the local vicinity.</li> <li>• This is the high net return area of the facility and allows income generation to assist subsidising the use of other facilities within the centre.</li> </ul>

	<ul style="list-style-type: none"> <li>• It is envisaged that a 30% increase in membership can be accommodated in this facility</li> <li>• The size of the gym will allow for the introduction of a circuit area that can specifically cater for seniors, rehabilitation and strength training, a facility previously not available.</li> <li>• The size of the gym will also allow for the introduction of specialised equipment that meets the needs of disabled participants.</li> </ul>
Community Changeroom – New	<ul style="list-style-type: none"> <li>• This feature will cater for families, disabled and frail and bring the centres facilities in line with current state of the art leisure facilities. It will serve to increase the quality experience for users.(It is not as large as the Option 2 Family Changerooms)</li> </ul>
Spa Sauna Steam – New	<ul style="list-style-type: none"> <li>• The addition of these areas in an exclusive arrangement will allow for a new market addition to the facility. A high quality facility with hot spas and separate male and female spas will compliment memberships (an advantage over competitors) and allow for the therapeutic health market to be tapped.</li> </ul>
Café – Relocated	<ul style="list-style-type: none"> <li>• The location of the café at this part of the facility will allow for maximum impulse sales from entry and exit customers resulting in maximised sales</li> <li>• The location near the entry will attract parents waiting on children trade, with the added bonus of not needing to enter the facility and have to pay to watch - a common complaint at centres</li> </ul>
Front Reception - Relocated	<ul style="list-style-type: none"> <li>• The new shape and design of the front reception will create a welcoming ambience for customers in the foyer, that will allow for tighter control of participants into the Centre, whilst providing improved secondary supervision to all areas of the Centre.</li> </ul>
Community Needs Satisfied	<ul style="list-style-type: none"> <li>• Whilst not satisfying every need identified, this option satisfies the majority and partially overcomes the need for a 50m pool in that it provides a high quality lap pool option with the 25m lap pool.</li> <li>• The identified need for a Hydro pool is partially satisfied with the provision of a warm water leisure pool (25m) for those requiring to exercise in warm water and by the provision of spas for those requiring the therapeutic qualities of warm water to relax in.</li> </ul>

### Financial Implications:

Account No:

Budget Item:

Budget Amount:           \$1.0m 02/03 CFWD  
                                       \$3.5m 03/04 Proposed

YTD Amount:               \$

Actual Cost:               \$7,500,000

The TEC for Option 6 is \$7.5 million. As a 1 stage project, and subject to the current development program being endorsed, approximately 80% expenditure will be incurred in the 2003-04 financial year a further 15% incurred in the first quarter of 2004-05.

Alternatively, Council may adopt a 2 stage project that will see the aquatic facilities redeveloped first, followed by the balance of the project being the gymnasium, aerobics, cafeteria and centre management facilities. Following this program, stage 1 of the project will be approximately \$6.0 million with approximately 90% of this incurred in the 2003-04 financial year with the balance of stage 1 in the first quarter of the 2004-05 financial year. Stage 2 can be completed within an 8 month construction period and, depending on construction programming, may be incurred over 2 financial years.

Staging will incur an estimated 10% escalation rate per annum to the stage 2 TEC.

It is the recommendation of the PCG to resource appropriate funds to complete the redevelopment as a 1 stage project.

### **Current Budget provision**

Craigie Leisure Centre currently has \$4.5 million allocated against it in the draft 2003-04 budget. \$3.5 million of this is proposed to be borrowings. Funding for this project may typically be sourced from:

- Rates increases;
- Borrowings;
- Project deferrals;
- Program rationalisations; and/or
- Asset sales.

It is currently anticipated that borrowings will be required due to the City's commitment to a range of corporate projects. In order that the re-opening date for the aquatic facilities is adhered to, the City may require expending against other Asset reserves as an interim measure until borrowings can be arranged by quotation and approved by State Treasury. At this time, any expenditure from other reserve accounts will be replenished.

### **Future Budget Provision**

The current position of a major unbudgeted project shortfall with the Craigie Leisure Centre aquatic redevelopment is, in part, the result of the City lacking any Asset Replacement Strategy for major facilities. Particularly with major sport and recreation facilities, facility requirements constantly change with market demands. Additionally, aquatic facilities have further demands in the areas of building maintenance and replacement due to the environment resulting from an internal water body.

The City of Joondalup will be faced with the same situation again in 7 to 10 years if a capital funding and replacement strategy is not put in place at the same time as approving this project. As a minimum, it is recommended that the City consider putting into a reserve account, the annual building depreciation and any operational surplus generated from the centre.

The Project team, in conjunction with the consultant team will examine strategies for future capital replacement/redevelopment in the course of completed the detailed design for the Council approved option.

## COMMENT

The Craigie Leisure Aquatic Centre is an aged facility that requires substantial re-investment to continue operations. A key component of the RANS Management contract for the centre was with regard to a capital upgrade to the aquatic facilities. RANS Management Group made provision in their successful tender for a contribution of \$1.0 million towards this upgrade on the basis that the City was to contribute an equal sum. Documentary evidence would indicate that the RANS contribution was earmarked for investment into the gymnasium with the City being obliged to upgrade the aquatic facilities to a suitable standard. The City of Joondalup had budgeted \$1.0 million for this capital upgrade that is now found to be substantially under-budgeted and not aligned with consumer demand.

It is significant to now note that these figures would not have been sufficient to undertake the required works and certainly not the works the ABV Needs analysis highlighted. The detailed analysis undertaken by the project team, based on the ABV Needs Analysis and the extensive consultation undertaken by James Christou and Partners has resulted in a clear recommendation for development Option 6.

The recommended option of a 25 metre pool is based upon community consultation, professional feedback (peer review) and the outcomes from the cost benefit analysis. The 25 metre option is intended to complement other facilities in the Craigie Leisure Centre catchment, such as the Arena Joondalup, Terry Tyzack Aquatic Centre and Bold Park, all of which have 50 metre options. Consultation with a number of facility managers and the Western Australian Swimming Association has further endorsed this recommendation.

The design brief has highlighted:

- 1 Facilities need to be multi-purpose.
- 2 Construction and design need to assist in minimising energy use and ongoing costs.
- 3 Whole of life costing used as a basis of the business case to support the recommendations.
- 4 Flexibility of design to accommodate changing market demands and community demographics.

From an economic perspective (Table 3) Option 6 performed well in its capacity to accommodate extensive areas of programmable space and had the additional advantage of substantially lower operational costs.

## **RECOMMENDATION**

### **That Council:**

- 1 ADOPTS Option 6 for the redevelopment of Craigie Leisure Centre Aquatic Facility;**
- 2 APPROVES the project budget of \$7.5 million for inclusion in the draft 2003/04 and 2004/05 financial years.**

*Appendix 3 refers*

*To access this attachment on electronic document, click here: [Attach3brf100603.pdf](#)*

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*Director, Infrastructure and Operations stated his intention to declare an interest that may affect his impartiality in Item 7 – Minutes of the Conservation Advisory Committee of 26 March 2003 as he is a member of Kingsley Junior Football Club.*

## **ITEM 7 MINUTES OF THE CONSERVATION ADVISORY COMMITTEE OF 26 MARCH 2003 – [12168]**

**WARD - All**

### **PURPOSE**

The minutes of the Conservation Advisory Committee Meeting held on 26 March 2003 are submitted for adoption by Council.

### **EXECUTIVE SUMMARY**

The Conservation Advisory Committee meeting held on the 26 March 2003, discussed a range of conservation matters within the City of Joondalup. The committee discussed issues including a local bio-diversity plan for the City’s bushland reserves and the adoption of a tree management policy by the City.

### **Motions**

The following motions were passed at the meeting.

#### **1 Tuart Tree Removal Kingsley Park**

That the City of Joondalup prepares a report for the Conservation Advisory Committee detailing the reason the five Tuart trees were removed from Kingsley Park.

**Proposed: Cr J Hollywood**

**Seconded: B. Fitzsimmons**

**CARRIED**

#### **2 Tree Management Policy**

“That the City of Joondalup prepare and adopt a tree management policy that will formalise the management and give protection to trees under the City’s management.

**Proposed: Cr J Hollywood**

**Seconded: D. Pike**

**CARRIED**

*It is recommended that Council:*

- 1 NOTES the Minutes of the Conservation Advisory Committee held on the 26 March 2003 forming Attachment 1 to this Report;*
- 2 PROVIDES a summary of findings to the Conservation Advisory Committee resulting from the internal investigation in relation to the removal of trees from Kingsley Park to assist the Conservation Advisory Committee in the development of a Tree Management Policy;*
- 3 ENDORSES the preparation of a Draft Tree Management Policy document for consideration by the Conservation Advisory Committee.*

## DETAILS

The committee felt that an investigation into the removal of the trees at Kingsley Park was required and a policy instituted to ensure that healthy, safe trees are not removed without reference to a policy to ensure such removal is strictly necessary.

The view of the Committee was that the City has adopted a Strategic Plan that is strongly in favour of protecting the City's natural environment and that policies should be in place to reflect this strategic direction.

## COMMENT

### Removal of Tuart Trees

An internal investigation is in progress pertaining to the removal of the Tuart Trees at Kingsley Park. A summary of the internal investigation can be provided to the committee upon completion of the audit to assist the committee in the development of a Tree Management Policy.

### Tree Management Policy

The adoption of a Tree Management Policy by the City would have a number of advantages.

A Policy would ensure all trees growing on Council managed properties would receive uniform management in terms of pruning, and if required, removal. It would also have a positive effect on the ability of the City to manage, in a systematic way, its trees in road verges, medians and verges.

## VOTING REQUIREMENTS

Simple majority.

## RECOMMENDATION

### That Council:

- 1 NOTES the Minutes of the Conservation Advisory Committee held on the 26 March 2003 forming Attachment 1 to this Report;**
- 2 PROVIDES a summary of findings to the Conservation Advisory Committee resulting from the internal investigation in relation to the removal of trees from Kingsley Park to assist the Conservation Advisory Committee in the development of a Tree Management Policy;**
- 3 ENDORSES the preparation of a Draft Tree Management Policy document for consideration by the Conservation Advisory Committee.**

*Appendix 4 refers*

*To access this attachment on electronic document, click here: [Attach4brf100603.pdf](#)*

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**ITEM 8 FINAL ADOPTION OF RETAINING WALLS POLICY 3.1.7  
- SUBDIVISION – [05575]****WARD - All**

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**PURPOSE**

To adopt a revised policy in respect to the control of the height and bulk of subdivision retaining walls to ensure that the amenity and aesthetics of the urban environment is not compromised by the construction of inappropriate retaining wall structures (Attachment 1 to this Report).

**EXECUTIVE SUMMARY**

The City's retaining walls policy operates in recognition of the need to ensure that retaining walls do not detract from the aesthetics of the streetscape, conflict with the character of the built form or impact adversely upon adjoining owners. The policy was adopted on 29 May 1996 and is due for review.

There is increasing concern relating to the apparent trend towards increasingly large scale retaining walls occurring in some subdivisions, particularly those in oceanside localities, and instances where subdividers have erected retaining walls and fences as part of the subdivisional works without first applying for and receiving a building licence from the City.

Excessive earth working can have the cumulative effect of creating streets that are dominated by excessively high retaining walls resulting in unsafe, uninteresting and unattractive urban design outcomes. The need to exercise greater care and control is recognised and the impact should be minimised wherever possible.

The current policy was required to be reviewed as it does not adequately address current subdivision retaining wall related issues. The main policy modifications include definition changes and additions and expansion of the policy statements to provide additional detail in respect to the City's requirements for retaining wall design, height and where approval is required. Changes between the advertised policy and the new policy are shown in Attachment 2 to this Report.

The policy relates to retaining walls associated with the subdivision of land. Retaining walls erected after subdivision and to facilitate development of individual lots are controlled under the provisions of the Residential Design Codes.

Council at its meeting on 1 April 2003 (CJ066 - 04/03 refers) resolved to adopt the revised policy as a draft for the purposes of advertising for a period of 21 days. During the advertising period, no submissions were received.

It is recommended that this policy be adopted for final approval with minor modification.

## BACKGROUND

**Suburb/Location:** All  
**Strategic Plan:** Lifestyle Strategy 2.2 Rejuvenate our suburbs – Enhance standards of infrastructure to meet changing community needs and aspirations.

While recognising that it is often necessary to carry out cut and fill operations on sloping sites, the adverse impact on the residential amenity of the adjoining property owner and the streetscape is of concern.

Subdividers attempting to maximise lot potential or views, particularly upon naturally undulating sites, have previously constructed high retaining walls resulting in the relationship between streetscape amenity and visual security of the residential development being compromised.

The aim of the revised policy is to create awareness in regard to the height and scale of retaining walls having a significant impact on the character of residential areas, and to minimize this impact wherever possible.

Council at its meeting on 1 April 2003 (CJ066 - 04/03 refers) resolved:

*That Council in accordance with Clause 8.11.3 of District Planning Scheme No 2 ADOPTS the reviewed 'Retaining Walls – Subdivision' Policy, as per Attachment 1 to Report CJ066-04/03 as a draft policy for the purposes of advertising for a period of twenty-one (21) days for public comment.*

## DETAILS

The current policy was reviewed as it did not adequately address current subdivision retaining wall related issues. The main policy modifications include definition changes and additions and expansion of the policy statements to provide detail in respect to the City's requirements for retaining wall design, height and where approval is required.

In all cases, where the natural ground levels are being altered, the owner(s) or person(s) making the alterations are responsible for the construction of retaining walls, which are required to be contained wholly within the boundaries of that lot.

Further changes between the advertised policy and the policy to be adopted for final approval are shown in Attachment 2 and are bolded.

These changes are very minor and seek to capture the City's current work practices, particularly the Principal Building Surveyor's authority to issue a building license in relation to subdivision retaining walls.

### **Statutory Provision:**

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

**Consultation:**

In accordance with Council's decision at its meeting on 1 April 2003, the reviewed policy was advertised for a period of 21 days. Advertising commenced on 10th April and closed on 1 May 2003. Advertising consisted of two (2) advertisements placed in the Joondalup Community Newspaper on 10 April and 17 April 2003, together with the revised policy being displayed upon the City's website. At the closure of the advertising period, no submissions were received.

**Policy Implications:**

The implications of the policy would be:

- The restriction and control of excessive earthworks in order to preserve, as much as practicable, the existing topography and amenity of the area affected by the proposed subdivision.
- To ensure that the retaining wall height is appropriate for site conditions with consideration given to the stability and privacy of any adjoining properties.
- To minimise the effect of disturbance on any land and ensure that dangerous excavations are avoided, or where necessary, properly retained.

**Strategic Implications:**

The strategic implications of the policy would be to:

- Initiate, facilitate and promote best practices that deliver significant benefits to the community in terms of utilising the existing landform throughout the City of Joondalup to the best possible advantage, particularly for residential developments.
- Ensure that the amenity of existing and future development is not compromised by the approval of subdivision retaining walls that are inappropriate in respect to excessive height and bulk.

**COMMENT**

It is intended that the revised policy will provide a flexible framework for the construction of subdivision retaining walls, which will allow for a wide range of housing types and residential environments.

The revised policy relates to subdivision retaining walls only, whereby retaining walls associated with building construction are considered via the development application or building license approval processes.

The revised policy is generally consistent with the provisions contained within other similar Local Government subdivision retaining wall policies.

The advertised policy has been slightly modified to capture the City's current work practices, particularly the Principal Building Surveyor's authority to issue a building license in relation to subdivision retaining walls. Given that the modification to the advertised policy is minor,

together with no submissions being received during the advertising period, it is considered appropriate for the policy to be adopted without the need for further advertising.

### **VOTING REQUIREMENTS**

Simple Majority

### **RECOMMENDATION**

**That Council in accordance with Clause 8.11.3 of District Planning Scheme No 2 ADOPTS the ‘Retaining Walls – Subdivision’ Policy, as per Attachment No 1 to this Report.**

*Appendix 5 refers*

*To access this attachment on electronic document, click here: [Attach5brf100603.pdf](#)*

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**ITEM 9 AMENDMENT NO 12 TO DISTRICT PLANNING SCHEME NO 2 - LOT 63 (30) AND A PORTION OF LOT 62 (38) HOCKING ROAD, KINGSLEY – [47523]****WARD - South**

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**PURPOSE**

To modify part one (1) of Council’s resolution of 13 June 2002 to Report CJ135-06/02 as it pertains to Amendment No 12 to the City’s District Planning Scheme No 2 (DPS2) to accord with the changes which have been requested by the Western Australian Planning Commission (WAPC) and the changes which are required to be made as a result of the gazettal of Amendment No 1037/33 North West District Omnibus (No 5) to the Metropolitan Region Scheme (MRS).

**EXECUTIVE SUMMARY**

Council at its 11 June 2002 meeting resolved to amend the City’s DPS2 for the purpose of:

- (a) Rezoning Lot 63 and a portion of Lot 62 Hocking Road, Kingsley, from ‘Rural – Additional Use (Fresh Fruit & Vegetables Market & Incidental Shop – Sales & Storage Area not exceeding 400m<sup>2</sup>)’ and ‘Parks and Recreation’ to ‘Residential’;
- (b) Applying an R20 coding to Lot 63 and a portion of Lot 62 Hocking Road, Kingsley; (Attachments 1 and 2)

to accommodate an aged persons development and associated facilities.

As the proposed amendment was not consistent with the MRS (Lot 62 was reserved for Parks and Recreation and Lot 63 was zoned Rural) at the time, the City sought the WAPC’s consent to advertise the amendment.

The WAPC advised that changes would need to be made to the amendment documents following the gazettal of Amendment No 1037/33 North West District Omnibus (No 5) to the MRS.

The proposed modifications to part one (1) of Council’s previous resolution do not affect the intent of Council’s previous resolution or of the proposed amendment. The amended resolution simply removes reference to the subject portion of Lot 62 being reserved for Parks and Recreation under the MRS as this land has now been rezoned to Urban under the MRS and as a consequence is unzoned under the City’s DPS2.

**BACKGROUND**

**Suburb/Location:** Lot 63 (30) and a portion of Lot 62 (38) Hocking Road, Kingsley  
**Applicant:** BSD Consultants on behalf of Meath Care (Inc)  
**Owner:** Lot 63 – Meath Care (Inc)  
Lot 62 – Metropolitan Region Planning Authority



- (c) *an environmental audit has been undertaken on the subject portion of Lot 62 to determine whether it is contaminated from any existing or past land uses on or adjoining the land;*
- 5 *places a suitable memorial on the title at the time of subdivision to enable prospective purchasers to be advised of the potential midge problems within the area.”*

## **DETAILS**

### 27 June 2002

The City sought the WAPC’s consent to advertise the amendment due to it not being consistent with the MRS.

### 9 July 2002

The WAPC advised that changes would need to be made to the amendment documents following the gazettal of Amendment No 1037/33 North West District Omnibus No 5) to the MRS to reflect:

- (a) rezoning from ‘Rural – Additional Use No. 1-1’ to ‘Residential R20’ for Lot 63; and
- (b) zoning of a portion of Lot 62 to ‘Residential R20’.

### 14 January 2003

Amendment No 1037/33 North West District Omnibus (No 5) to the MRS was gazetted. The amendment transferred the subject portion of Lot 62 and Lot 63 from the Parks and Recreation Reservation and Rural zone respectively to the Urban zone.

### 13 May 2003

The EPA advised the City that there was no need for a formal environmental assessment of the amendment.

The City is now in a position to advertise the amendment for public comment once the necessary consent is received from the WAPC. Prior to it being advertised however the amendment needs to be modified to reflect the above changes.

### **Statutory Provision:**

The Town Planning Regulations 1967 set out the procedure for amendments to local government Town Planning Schemes. The procedure is summarised at Attachment 3 and the current stage of the amendment has been highlighted.

### **Consultation:**

In accordance with Council’s previous resolution, the City has requested the WAPC to grant consent to advertise the amendment for a period of 60 days. The WAPC has yet to make a determination with respect to this request.

The normal statutory period for such advertising is 42 days, however given the nature of the rezoning Council requested the WAPC's agreement to a 60 day advertising period.

**Policy Implications:** Nil.

**Strategic Implications:** Nil.

## COMMENT

The proposed modifications to part one (1) of Council's previous resolution do not affect the intent of Council's previous resolution or of the proposed amendment. The amended resolution simply removes reference to the subject portion of Lot 62 being reserved for Parks and Recreation under the MRS as this land has now been rezoned to Urban under the MRS and as a consequence is unzoned under the City's DPS2. The amended resolution also reflects the technical changes requested by the WAPC. These changes are required to ensure that the amendment is legally correct. The amendment maps have been modified accordingly. Refer to Attachment 4 to this Report.

## VOTING REQUIREMENTS

Absolute Majority.

## RECOMMENDATION

**That Council BY AN ABSOLUTE MAJORITY RESCINDS part one (1) of its resolution of 11 June 2003 to Report CJ135-06/02, as it pertains to Amendment No 12 to District Planning Scheme No. 2, viz:**

***“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:***

- (a) Rezoning Lot 63 and a portion of Lot 62 Hocking Road, Kingsley, from ‘Rural – Additional Use (Fresh Fruit & Vegetables Market & Incidental Shop – Sales & Storage Area not exceeding 400 M<sup>2</sup>)’ and ‘Parks and Recreation’ to ‘Residential’;***
- (b) Applying an R20 coding to Lot 63 and a portion of Lot 62 Hocking Road Kingsley;”***

**and replaces it with the following:**

***“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:***

- (a) rezoning Lot 63 from ‘Rural – Additional Use No 1-1’ to ‘Residential’;***
- (b) zoning a portion of Lot 62 ‘Residential’; and***
- (c) coding Lot 63 and a portion of Lot 62 ‘R20’.”***

*Appendix 6 refers*

To access this attachment on electronic document, click here: [Attach6brf100603.pdf](#)

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**ITEM 10 PROPOSED AMENDMENT NO 18 TO DISTRICT PLANNING SCHEME NO 2 - PROPOSED RECREATIONAL VEHICLE CONTROL PROVISIONS – [56527] [53542] [44940] [24185]**

**WARD - All**

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**PURPOSE**

The proposed amendment is brought before Council for consideration and consent to advertise in accordance with the provisions of District Planning Scheme No 2 (DPS2) and Section 7 of the Town Planning and Development Act 1928 (TPD Act 1928).

**EXECUTIVE SUMMARY**

In October 2001 (CJ353-10/01 refers), Council requested the initiation of a review of DPS2 provisions relating to commercial vehicles with input from the Joondalup Business Association. At that time, concern was raised in respect to the number of commercial vehicles permitted to be parked on residential property and the possible review of the definition of a commercial vehicle to ensure that small business operators (plumbers, electricians etc) are permitted to park utilities and panel vans at their place of residence.

In addition to Council's resolution, the definition of a commercial vehicle was also reviewed in respect to vehicles that are commercial in size, being used for recreational purposes (for example a bus converted into a mobile home and used for recreational pursuits).

Legal advice was obtained from the City's solicitors. Local government planning scheme provisions relating to commercial vehicles, the City's parking local laws and the model scheme text were also reviewed.

Council at its meeting on 18 February 2003 (CJ028 – 02/03 refers) resolved to note the findings of the review, determined that any modification to Clause 4.15 and the definition of a 'commercial vehicle' under DPS2 that seeks to capture and impose additional restrictions upon commercial vehicle parking, including the parking of recreational vehicles on residentially zoned land, is not considered appropriate and resolved to draft an amendment to DPS2 to define recreational vehicles, provide parameters for assessment and allow the parking of normal-sized recreational vehicles as of right.

**BACKGROUND**

**Suburb/Location:** All  
**Strategic Plan:** Lifestyle Strategy 2.6 – Implement projects with focus on improving environmental, social and economic balance.

The following resolution of the 9 October 2001 Council meeting (CJ353-10/01 refers) triggered the review:

*“That a review be conducted in conjunction with the executive of the Joondalup Business Association of the definition for commercial vehicles in relation to the City of Joondalup District Planning Scheme No 2 with a further report being submitted to a future Council meeting”.*

The review sought to identify the following:

- The number of commercial vehicles permitted on a residential property;
- Examine the definition of commercial vehicle to ensure that small business operators (plumbers, electricians etc) are permitted to park utilities and vans at their place of residence;
- Examine the need for additional commercial vehicle parking restrictions to be incorporated into DPS2;
- Examine the need, if any, for a provision or definition to capture vehicles that are considered commercial in size that are used for recreational purposes (for example a bus converted into a mobile home).

### Legal Advice

The City obtained legal advice from its solicitors, whereby such advice suggested that the City’s scheme provisions relating to the parking of commercial vehicles within residential areas is considered adequate and reflects similar provisions within other local government planning schemes (Wanneroo, Swan & Canning).

The legal advice also suggested that the City could consider amending its scheme to place further limitations on the parking of commercial vehicles. However, legal advice also stated that when the commercial vehicle control provisions were prepared for DPS2, concern was expressed that the provisions should not unreasonably restrict the use of recreational vehicles incidental to a residential use.

The DPS2 definition of a commercial vehicle centres around the use of the vehicle for commercial pursuits. Legal advice suggests that it would be very difficult to successfully argue that DPS2 commercial vehicle parking provisions apply to vehicles used for recreational pursuits. Essentially, if a commercial vehicle has been modified to such an extent that it can no longer be used or operate as a commercial vehicle, the commercial vehicle control provisions within DPS2 are no longer applicable.

In addition to the above, legal advice suggested that it would be difficult to define a vehicle used for recreational pursuits as a commercial vehicle under DPS2 due to the wording of the definition of a commercial vehicle and as such, the control provisions outlined within Clause 4.15 would not apply.

At its meeting on 18 February 2003 (CJ028 – 02/03 refers) it was resolved that Council:

- 1 *NOTES the findings of the review as requested by Council’s resolution at its meeting on 9 October 2001 (CJ353-10.01 refers).*

- 2 *DETERMINES that as a result of the review, any modification to Clause 4.15 and the definition of a 'commercial vehicle' under District Planning Scheme No 2 that seeks to capture and impose additional restrictions upon commercial vehicle parking, including the parking of recreational vehicles on residentially zoned land, is not considered appropriate.*
- 3 *DRAFTS an amendment to DPS2 to define recreational vehicles, provide parameters for assessment and allow the parking of normal-sized recreational vehicles as of right.*

## **DETAILS**

The parking of vehicles that are used for recreational purposes is an appropriate incidental landuse that can be hosted upon residentially zoned land. It is considered appropriate for a landowner to park a campervan, caravan or other similarly sized vehicle upon their property as of right. However, it is acknowledged that the parking of such vehicles should not unreasonably impact upon the streetscape, or upon adjoining landowners.

### **Statutory Provision:**

Section 7 of the Town Planning and Development Act 1928 (TPD Act 1928) enables Local Authorities to amend a Town Planning Scheme. The scheme amendment process is shown in Attachment 2.

### **Consultation:**

Should Council consider the proposed amendment as suitable for the purposes of advertising, a notice will be placed within both the Joondalup Community Newspaper and the West Australian Newspaper and advertised for a period of 42 days.

### **Strategic Implications:**

Council should be mindful of the ramifications that may arise as a result of modifications to its planning scheme that place additional restrictions upon a landowner's use of their land.

In considering any modification, Council must be convinced that it is in the best interests of the broader community and results in a more desirable outcome than that achieved previously.

## **COMMENT**

Extensive research was undertaken in the generation of these provisions. Research undertaken found that no other Western Australian local government town planning scheme contains such provisions, nor are such provisions provided for within the Western Australian Planning Commissions Model Scheme Text. The new provisions were therefore modelled on the City's existing DPS2 commercial vehicle provisions, modified to capture the issues contained within Council's resolution at its meeting on 18 February 2003.

The proposed provisions (Clause 4.16 – Recreational Vehicle Parking) are to be inserted into Part 4 of the City's DPS2, immediately following Clause 4.15 – Commercial Vehicle Parking (Attachment 1). Additionally, the definition of a recreational vehicle is proposed to be

inserted into Schedule 1 (Clause 1.9) – Interpretations, immediately following the definition of ‘recreation centre’ (Attachment 1).

It should be noted that the definition of a recreational vehicle does not include a boat, yacht or any other similar watercraft. The provisions provide for one (1) recreational vehicle to be parked as of right, on any lot in the Residential zone without the need for approval from the City provided that the vehicle does not exceed 3 metres in height, 2.5 metres in width and 8 metres in length.

If a person wishes to park more than one (1) recreational vehicle upon residentially zoned land, or if the vehicle(s) to be parked exceed the above size limitations for recreational vehicles, Council approval would be required. In its consideration, Council may impose requirements relating to the vehicle being parked entirely on the subject lot and being located on a hard standing area behind the façade of the dwelling, or alternatively the vehicle being parked within a garage, and the vehicle not being started or manoeuvred on site between the hours of 10.00 pm and 6.00 am.

It should be noted that the size parameters identified above were considered in light of the maximum length of a vehicle that can be towed without the need for a special permit to be issued by the Police Department.

## **VOTING REQUIREMENTS**

Simple Majority

## **RECOMMENDATION**

### **That Council:**

**1 In pursuance of Section 7 of the Town Planning and Development Act 1928, AMENDS the City of Joondalup’s District Planning Scheme No 2 by:**

- (a) Inserting the following clause after Clause 4.15 – Commercial Vehicle Parking;**

### **CLAUSE 4.16 – RECREATIONAL VEHICLE PARKING**

**4.16.1 Parking of one (1) recreational vehicle in the Residential zone shall be permitted as of right and without the need for Council approval provided that the vehicle does not exceed 3 metres in height, 2.5 metres in width and 8 metres in length;**

**4.16.2 The Council may in writing approve a variation to Clause 4.16.1 provided the Council is satisfied in the circumstances that the variation will not adversely affect the amenity of the area surrounding the subject land. Surrounding landowners and occupants may be invited to comment on the proposed variation in accordance with the “D” use provisions contained within Clause 6.6.2;**

**4.16.3 In supporting a variation to Clause 4.16.1 Council shall impose the following in addition to any other requirements:**

- (i) The vehicle(s) shall be parked entirely on the subject lot and shall be located on a hard standing area behind the facade of the dwelling, or alternatively the vehicle being parked within a garage.
- (ii) The vehicle(s) shall not be started or manoeuvred on site between the hours of 10.00 pm and 6.00 am.

4.16.4 Any approval of the Council granted under Clauses 4.16.2 and 4.16.3 is personal to the person to whom it is granted, is not capable of being transferred or assigned to any other person and does not run with the land in respect of which it is granted.

- (a) Insert the following definition into Schedule 1 (Clause 1.9) Interpretations after the term ‘recreation centre’:

**Recreational Vehicle:** means a vehicle, whether licensed or not, which is used, designed or modified for recreational use, mobile accommodation or similar purposes and without limiting the generality of the foregoing; includes any mobile home, caravan, campervan and any wheeled attachment to any of them which is rated by the manufacturer as being suitable to carry loads of not more than 1.5 tonnes. The term shall not include a vehicle designed for use as a passenger car, or a van, 4WD, utility or light truck that is rated by the manufacturer as being suitable to carry loads of not more than 1.5 tonnes. The term shall not include a boat, yacht or any other similar watercraft.

- 2 ADOPTS the amendment as suitable for the purpose of advertising for a period of 42 days.

*Appendix 7 refers*

To access this attachment on electronic document, click here: [attach7brf100603.pdf](#)

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**ITEM 11 LOCALITY NAME CHANGE – BURNS TO BURNS BEACH  
– [09163] [01474]**

**WARD - All**

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**PURPOSE**

For Council to consider:

- 1 The results of the questionnaire forwarded to all residents and landowners within the locality of Burns;
- 2 The proposed renaming of Burns to Burns Beach.

**EXECUTIVE SUMMARY**

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

At the Council meeting of 11 March 2003, it was resolved to forward questionnaires to all of the residents and landowners within the locality of Burns to gauge the total level of support. 144 return mail questionnaires were forwarded to all residents and landowners within Burns. Fifty two percent (52%) returned questionnaires, from the returned questionnaires ninety nine percent (99%) voted in favour of renaming Burns to Burns Beach.

The Geographic Names Committee (GNC) considered the renaming matter at its December 2002 meeting and raised no objection 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. With Council support and the evidence of strong community support, the GNC would be willing to endorse such a name change.

The Department of Land Administration's (DOLA's) GNC is the custodians with regards to naming matters within the State, advises the Minister for Lands who grants the final approval. The GNC has an established procedure and guidelines for the renaming of localities, which are followed by local government. (Attachments 1 and 2 to this Report)

It is now conclusive that there is a strong community support within the locality of Burns to rename Burns to Burns Beach and with the key guidelines set down by GNC being satisfied (Attachment 2 refers), it is recommended that in this case the City supports the proposal to rename Burns to Burns Beach and submits a request to DOLA's GNC for its approval.

## **BACKGROUND**

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

The petition tabled at the Council meeting on 15 October 2002 only represented one point of view and it was unknown if all owners and/or residents had been consulted.

At the Council meeting of 11 March 2003, a report was submitted to Council on the investigation into the proposed renaming. Council supported the recommendation to forward questionnaires to all of the residents and landowners within the locality of Burns to gauge the total level of support, with a subsequent report presented to Council advising of the results and providing further direction.

The Department of Land Administration's (DOLA's) GNC is the custodians with regards naming matters within the State, advises the Minister for Lands who grants the final approval. The GNC has established guidelines for the renaming of localities, which are followed stringently by local government.

## **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 and the 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 represented one point of view and it was unknown if all owners and/or residents had been consulted.

### **Consultation:**

The GNC has established procedures and guidelines for the renaming of localities, which are followed by local government. (Attachments 1 and 2 to this Report)

The City forwarded the name change proposal to the GNC for its 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 2002 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.

Following the Council meeting on 11 March 2003, the City delivered by post 144 return mail questionnaires to all residents and landowners within Burns allowing 28 days to respond. The City received 75 completed questionnaires (52%), of these 74 (98.75%) voted in favour and 1 (1.25%) voted against the renaming. (Attachment 3 to this Report)

The flowchart at Attachment 1 to this Report shows that very strong community support is required prior to Council resolving to seek formal approval of the name change from GNC.

## COMMENT

A seemingly simple change can raise many emotions and have a large impact within all parts of residential, business and government communities. Address is the most fundamental part of any data set and affects a number of things such as advertising, sporting and recreation groups, schools, business etc. In its consideration Council should be aware that other communities may also seek similar treatment, e.g. Northshore-Kallaroo, Beaumaris-Ocean Reef and the associated resource implication this may pose.

The Department of Land Administration's (DOLA's) GNC is the custodians with regard to naming matters within the State it advises the Minister for Lands who grants the final approval. The GNC has established guidelines for the renaming of localities, which are followed stringently by local government.

The City recognises that the area has been known locally as Burns Beach since the late 1920's; it is now conclusive that there is a strong community support within the locality of Burns to rename Burns to Burns Beach, with the key guidelines set down by GNC being satisfied and as the area is still largely undeveloped, it is now an opportune time to change the name.

It is recommended that in this case the City supports the proposal to rename Burns to Burns Beach and submits a request to DOLA's GNC for its approval.

## VOTING REQUIREMENTS

Simple majority.

## RECOMMENDATION

### That Council:

- 1 SUPPORTS the proposal to rename Burns to Burns Beach;**
- 2 FORWARDS to the Department of Land Administration's Geographic Names Committee a request for its approval to rename the locality of Burns to Burns Beach.**

*Appendix 8 refers*

To access this attachment on electronic document, click here: [Attach8brf100603.pdf](#)

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## **ITEM 12 DELEGATED AUTHORITY REPORT FOR THE MONTH OF APRIL 2003 – [07032]**

**WARD - All**

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### **PURPOSE**

To submit items of Delegated Authority to Council for noting.

### **EXECUTIVE SUMMARY**

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

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

<b>Month</b>	<b>No</b>	<b>Value (\$)</b>
April 2003	59	12,259,800

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

### **VOTING REQUIREMENTS**

Simple Majority.

### **RECOMMENDATION**

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

*Appendix 9 refers*

*To access this attachment on electronic document, click here: [Attach9brf100603.pdf](#)*

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## **ITEM 13 SUBDIVISION REFERRALS PROCESSED 1 – 30 APRIL 2003 – [05961]**

**WARD - All**

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### **PURPOSE**

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

### **EXECUTIVE SUMMARY**

Attachment 1 to this Report is a schedule of the Subdivision Referrals processed by Urban Design and Policy from 1– 30 April 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 1 service industrial lot, 2 strata service industrial lots, 4 additional residential lots and 8 strata residential lots. The average processing time taken was 18 days.

One application was not supported.

### **VOTING REQUIREMENTS**

Simple Majority

### **RECOMMENDATION**

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

*Appendix 10 refers*

*To access this attachment on electronic document, click here: [Attach10brf100603.pdf](#)*

*Report prepared: 22 May 2003V:\devserv\REPORTS\REPORTS 2003\060303crh.doc*

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**ITEM 14 PROPOSED CHILD DAY CARE CENTRE: LOT 575 (65)  
WANNEROO ROAD AND LOT 1 (1) GORMAN STREET,  
CNR WANNEROO ROAD, GREENWOOD – [78165]**

**WARD** - South Ward

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**PURPOSE**

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

**EXECUTIVE SUMMARY**

An application has been received for the development of a new Child Day Care Centre (CDCC). The centre will cater for 64 children and includes a request for a variation to the required front setback to the building, a 1.8 metre high solid front fence and the approval of a discretionary land use in this location.

Two (2) 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 it 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 properties.

**BACKGROUND**

Council at its meeting held on 27 May 2003 (CJ120-05/03 refers), resolved:

*“that consideration of the application for a Child Care Centre at Lot 575 (65) Wanneroo Road and Lot 1 (1) Gorman Street, Greenwood be **DEFERRED** to the next meeting of Council.”*

**Suburb/Location:** No 65 Wanneroo Road and 1 Gorman Street, Greenwood.  
**Applicant:** Synergy WA Pty Ltd.  
**Owner:** Dimitra Sipsas  
**Zoning:** **DPS:** Residential  
**MRS:** Urban

The subject land incorporates two lots, which are located on the corner of Wanneroo Road and Gorman Street, Greenwood. The existing building will be removed.

The site is situated approximately 200 metres from a Local Reserve (Cockman Park), and 500 metres from East Greenwood Primary School. A location plan is shown at Attachment 1 and the development plan is shown at Attachment 2 to this Report.

## DETAILS

The application proposes a purpose built CDCC with 64 children and 9 staff and associated car park.

### **Statutory Provision:**

#### District Planning Scheme No 2 (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.*

### Development Standards under DPS2

DPS2/Policy Standard	Required	Provided
Front Setback	9m	4.4m
Rear Setback	6m	6m
Side Setback	3m	3m
Car parking	17 bays	17 bays
Landscaping	3m min. front strip	2.8m min.
Fencing	1.8m high solid fence may be considered	1.8m high solid fence

Discretion is therefore required for the following development standards:

- Front setback
- Width of Landscaping strip
- Solid boundary fence

#### Policy 3.1.1 – Child Care Centres

This Policy outlines the requirements for the provision of car parking and landscaping, 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.

#### Applicant's Justification

The applicant has provided the following information (summarised) in support of the proposed CDCC:

- The front setback will allow greater continuity within the streetscape;
- The 1.8 metre high brick wall will reduce noise and pollution from Wanneroo Road and provide increased security and safety for the children;
- The proposed centre is conveniently located to provide easy and safe access for families in the local community;
- The centre will allow for a strong association with the local primary school situated at the end of the street;
- The centre conforms with the guidelines as it is located on a Local Distributor road, it will not conflict with traffic control devices, and it is located 200 metres away from a park and local primary school, and 150 metres from a retail shopping complex on Wanneroo Road;
- The nearest centre is 4 kilometres away and is licensed for 49 children;
- The outdoor play area is located to provide maximum access to morning light and afternoon shade;
- The following Child Care Centres are not located adjacent, or even near, any of the preferred locations:
  - Jelly Beans Child Care Centre- 38 Kinross Drive, Kinross.
  - Magic Circle Child Care- 20 Glenuga Way, Craigie.
  - Warwick Child Care- 565 Warwick Road, Warwick.

**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 in accordance with DPS2

Two (2) submissions were received, both objecting to the proposal.

The objections are quoted below:

<b>Submission Received</b>	<b>Technical Comments</b>
<p><i>“I strongly oppose the child care centre as it will create lots of congestion on the Wanneroo Rd and Gorman St intersection which is already a busy corner. Also, the safety of the children going to and from the centre and parking facilities”</i></p>	<p>Although the type of road is capable of accommodation an increase in vehicle movements, concern is raised in regard to the location of the proposed CDCC on this corner.</p> <p>Although the provision of car parking complies with DPS2 standards, vehicles may seek to park temporarily on the road, leading to congestion and safety issues in the area.</p>
<p><i>“I do not believe the location is suitable for a Child Care Centre. My concern is the volume of traffic currently using Wanneroo Road and the speed at which traffic exiting Wanneroo Roads enters Gorman Street which is used as a short cut to Warwick Road and the Freeway (avoiding lights at Marangaroo Drive and Warwick Roads. It is difficult to enter Wanneroo Road at peak times now and additional traffic from the centre will make the area hazardous).”</i></p>	<p>See above comments regarding traffic.</p> <p>The proposed location of the CDCC, and the impact on adjoining properties, is a concern.</p>

**COMMENTS****Applicant’s Justification**

In a letter of justification for the proposed CDCC, the applicant advised that the City has previously approved Child Care Centres which are not located in the preferred locations, as recommended in the City’s Policy 3.1.11.

However, Jelly Beans Child Care Centre is located on Kinross Drive, which is a Local Distributor road and the Warwick Road Child Care Centre is situated in a Local Reserve for Public Use. Given this, the abovementioned centres are more appropriately located in accordance with the City’s policy.

It should also be noted that the Magic Circle Child Care in Craigie is not located adjacent to non-residential uses, or on a Local Distributor road. However, Council's refusal of that application was overturned through an appeal to the Minister for Planning.

Notwithstanding the above, it is acknowledged that none of the existing locations of CDCCs would meet Council's current Policy. However, all current proposals must be assessed in light of the Policy.

## **Development Standards under DPS2**

### Setback Variation

The proposal provides for a front setback variation of 4.4 metres, in lieu of 9 metres. However, given that the existing house is setback approximately 3 metres from the front boundary, the proposed variation for the new building is unlikely to adversely impact the amenity of the street. Also, the fence and vegetation will screen the building.

### Solid Fence

In accordance with the Private Property Local Laws 1998 (Part 3 Fencing), Council may approve front fences higher than 1 metre in the front setback area, provided that there are sufficient sightlines for vehicles using the driveway.

The 1.8 metre high brick fence is considered acceptable, as it provides some protection from noise from Wanneroo Road and sufficient sightlines have been provided. Additionally, there is an existing brick fence along Gorman Street and several properties along Gorman Street and Wanneroo Roads have front fences of 1.8 metres in height.

In light of the above and the property location abutting a high traffic road (Wanneroo Rd), the fence is considered not to adversely affect the streetscape or the neighbourhood. However, it is recommended that, if the CDCC is approved, the extent of fencing on the Gorman Street frontage be reduced by approximately 7.5 metres to allow the entrance to the Centre to be visible from the street.

### Landscaping requirements

The proposal also complies with the 3 metre wide landscaping strip requirement, apart from a small section in the western corner (200mm). This variation is minor and no objection is raised to this aspect.

### Traffic and Parking Issues

Gorman Street currently carries approximately 1500 vehicles per day. With the Child Care Centre, traffic volumes will increase slightly but will remain within acceptable capacity limits for that road.

The CDCC is located on what is clearly perceived as a busy corner, with Gorman Street being one of the few eastern entry points to Greenwood. Although the provision of car parking complies with DPS2 standards, vehicles may attempt to temporarily park on the road. This is likely to create an unsafe environment, particularly at peak times.

### Location

Although Council's 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. Nevertheless, where CDCCs are not located in accordance with the Policy, the impact of the centre on the surrounding area must be carefully considered.

A CDCC is a relatively intense non-residential use which, particularly at peak times, is likely to increase vehicle congestion in the area. The objections to the CDCC in this respect are noted.

One of the play areas of the centre is located adjacent to the adjoining residential property's outdoor living area and although no comments have been received from this neighbour, this may have a negative impact on this property in terms of the noise generated from the CDCC.

Additionally, the location of the carpark directly across the street from residential properties may have an adverse impact on the amenity of these properties. Also, the subject land is located on a Primary Distributor (Wanneroo Road) with vehicle access onto a local distributor road, which is contrary to Policy 3.1.11.

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 Day Care Centre is not considered appropriate in this instance. The application is therefore recommended for refusal.

### **VOTING REQUIREMENTS**

Simple Majority

### **RECOMMENDATION:**

**That Council REFUSES the proposed Child Care Centre at Lot 575 (65) Wanneroo Road and Lot 1 (1) Gorman Street, Greenwood for the following reasons:**

- 1 The proposal is likely to have a negative impact on the amenity of the surrounding area;**
- 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 located on a Local Distributor Road in close proximity to a District Distributor Road, contrary to Policy 3.1.1 – Child Care Centres;**
- 4 The proposal is contrary to the principles of orderly and proper planning.**

*Appendix 11 refers*

*To access this attachment on electronic document, click here: [Attach11brf100603.pdf](#)*

## 7 REPORT OF THE CHIEF EXECUTIVE OFFICER

### ITEM 15 MAYORAL VEHICLE – [28469] [45514]

WARD - All

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#### PURPOSE

The purpose of this report is for Council to consider and determine the most appropriate means of providing the Mayor with transport, in connection with Council related business.

#### EXECUTIVE SUMMARY

- During the Mayoral election, the Mayor indicated that he would not use a City owned and operated vehicle but would instead use his own privately owned vehicle and claim mileage reimbursement for Council related travel.
- It has since been suggested that use of a City owned vehicle may be a more cost effective option.
- This report concludes that for distances travelled up to 10,000km pa, reimbursement for travel using the Mayor's privately owned vehicle would be more cost effective. For distances travelled in excess of 10,000km pa, use of a City owned vehicle would be more cost effective.
- Current estimates indicate that the Mayor will travel less than 10,000km pa on Council related business, based on his travel patterns as a Councillor. It is however suggested that this be reviewed in six months time and if his travel has changed significantly, the cost analysis be re-evaluated at that time.

It is recommended that:-

- 1 *Council does not purchase and provide the Mayor with a City owned vehicle.*
- 2 *The Mayor is reimbursed for Council related travel in accordance with Policy 2.2.13 Payment of Fees, Allowances and Expenses and the Provision of Facilities to the Mayor, Deputy Mayor and Councillors.*
- 3 *The cost effectiveness of the decision in recommendation 2 above be reviewed in six months.*

#### BACKGROUND

In the lead-up to the Mayoral Elections held on 3 May 2003, Mayor Carlos stated that, if elected, one of his objectives would be to "...personally forgo 75% of the current Mayoral allowances. In addition, I will not have a Council luxury car every year and shall use my own car and just claim mileage for Council business."

The previous Mayor was provided with a Statesman in accordance with Policy 2.5.3 Council Vehicles - Mayor and Council Officers, which states the Mayor is entitled to a "luxury 8 cylinder sedan with interior fittings to a high standard including air conditioning with climate control and automatic transmission. Replacement of the Mayor's vehicle will occur every 12 months or earlier if a cost effective special dealership arrangement can be negotiated, and subject to compliance with tendering requirements."

Further, Policy 2.5.4 Official Vehicles - Use Of, allows the Mayor unrestricted private use of the Council owned and provided vehicle.

It has since been suggested that use of a City owned vehicle may be a more cost effective option for the City.

## **DETAILS**

The Mayor's privately owned vehicle is a Ford Fairlane V8 which has been fitted with a heavy duty towing hitch and an electronic brake controller specifically for towing a caravan.

The current rate of reimbursement for travel costs incurred and paid by elected members for the above vehicle is 63 cents per kilometre, in accordance with Policy 2.2.13 Payment of Fees, Allowances and Expenses and the Provision of Facilities to the Mayor, Deputy Mayor and Councillors.

Over the last three year period, the Mayor has claimed for reimbursement at an average rate travelled of 1,828km per annum.

If the City were to purchase and provide the Mayoral vehicle, it would recommend a Holden Statesman while the purchase price is equivalent to a Ford Fairlane, the resale value of the Statesman is around \$6,500 higher, at the end of 12 months.

As it would not be economical or practical for the Mayor to garage and maintain his private vehicle, as well as a City provided vehicle, it would be expected that he would dispose of his private vehicle. That being the case he would have a need to replicate his current towing system. While the City provides a heavy duty towing hitch in the current mayoral vehicle, it does not provide an electronic braking system which is valued at approximately \$350.00 (fitted).

The Mayor currently undertakes voluntary duties on behalf of the federal government and not for profit organisations for which he receives travel reimbursement of 60 cents per kilometre and 40 cents per kilometre respectively.

In keeping with his commitment to only claim for Council related business the Mayor has indicated that, if Council resolved to provide him with a Council owned vehicle as the most cost effective option, he would reimburse Council as follows:-

- a) Federal government and not for profit travel - at the rate for which he is currently reimbursed by those organisations, and

- b) Private usage - maintain a log book for 12 weeks and reimburse the City, at cost, based on the percentage of private versus Council business related travel over that timeframe, applied to the full year. This is in line with the "log book method" permissible by the Australian Taxation Office for making vehicle expense claims and fringe benefit tax calculations.

Attachment 1 is an analysis of costs associated with 1 - Use of a City owned and operated vehicle and 2 - Use of a privately owned vehicle supplied by the Mayor.

The assumptions implicit in the analysis are outlined on the attachment.

The results of the analysis against various annual travel intervals are as follows:

- 1 5,000km pa The lowest cost option is to reimburse the Mayor at the current 63 cents per km rate, for use of his privately owned vehicle.
- 2 10,000km pa The lowest cost option is to reimburse the Mayor at the current 63 cents per km rate, for use of his privately owned vehicle.
- 3 15,000km pa The lowest cost option would be for use of a City owned and provided vehicle.
- 4 20,000km pa The lowest cost option would be for use of a City owned and provided vehicle.

As can be seen from the above, the outcome is, that for travel up to 10,000km pa it is more cost effective to reimburse the Mayor for use of his privately owned vehicle. For distances in excess of 10,000km pa it would be more cost effective for the City to purchase and provide a vehicle to the Mayor.

#### **COMMENT**

The number of kilometres that the Mayor will travel on Council related business over the next 12 months is difficult to estimate with any degree of accuracy, at this point in time. The Mayor has indicated though that it is his intention to have ward councillors officiate at more civic functions in the future.

Based on the above, it would not appear unreasonable to use his average kilometres claimed for Council related business over the last three years as a guide. Even assuming that he might travel up to five times as much as Mayor, than he did as a Councillor, this would still put his annual distance travelled at under 10,000km.

This would therefore tend to support reimbursement for travel, using the Mayor's privately owned vehicle, as the most cost effective option available to the City.

It should be noted that no account of reimbursement of travel from external organisations or the Mayor has been taken into account as these are incidental usage factors, i.e. the estimate of distance travelled has been based on Council related business only.

As the distance travelled is largely an unknown at this stage, it is suggested that the situation be reviewed in six months. This will afford City officers and Council the opportunity to revisit this matter with the benefit of data that is both accurate and relevant.

As the current Mayoral vehicle is due for replacement there is no negative impact from a timing basis, in adopting the above proposal.

## **VOTING REQUIREMENTS**

Simple Majority.

## **RECOMMENDATION**

### **That:**

- 1 Council DOES NOT purchase and provide the Mayor with a City owned vehicle;**
- 2 the Mayor is REIMBURSED for Council related travel in accordance with Policy 2.2.13 Payment of Fees, Allowances and Expenses and the Provision of Facilities to the Mayor, Deputy Mayor and Councillors;**
- 3 the cost effectiveness of the decision in recommendation 2 above be REVIEWED in six months.**

*Appendix 12 refers*

*To access this attachment on electronic document, click here: [Attach12brf100603.pdf](#)*

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## 8 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

### NOTICE OF MOTION NO 1 – CR C BAKER – REVOKING OF MAYOR’S POWER

In accordance with Clause 3.12 of the Standing Orders Local Law, Cr C Baker has given notice of his intention to move the following motion at the Council meeting to be held on 17 June 2003:

*That:*

- 1 *the Mayor’s putative or alleged powers to direct Security Staff to remove members of the public from the Public gallery during Briefing Sessions, Ordinary Council Meetings or Special Meetings of Council (“the Power”) be and is hereby revoked;*
- 2 *the Power can only be exercised by the Mayor following a duly passed resolution of Council carried by a Simple Majority.*

#### **Reason for motion:**

Cr Baker provided the following comments in support of his motion:

- 1 Many of us witnessed the incident involving the Mayor’s use of his putative power during the Public Question Time session conducted shortly after the commencement of the Mayor’s Special Council Meeting conducted on Tuesday, 20 May 2003;
- 2 Members will recall that prior to the Mayor issuing his directive to Security Staff, there were several outbursts from other members of the Public Gallery, which were not sanctioned by the Mayor;
- 3 This putative power is not an actual power at all and the Mayor has no legislative or other power to command a private security guard to remove a member of the public from the Public Gallery;
- 4 The Mayor is not a sworn police officer and hence does not attract the protections or immunities under the Police Act;
- 5 The City could be vicariously liable in circumstances where a senior citizen was forcibly removed from the Public Gallery in the Council Chambers by a private security officer, pursuant to a directive from the Mayor, in the event that the person so removed (in particular, a senior citizen) suffered injury as a consequence;
- 6 The Mayor does not have such powers under the Local Government Act, the Police Act or any other statutory or legislative enactment;

- 7 It is not in the best interest of open and accountable Government and the City's relationship with its ratepayers, particularly senior citizens, for senior citizens to be treated in the manner in which this person was treated by the Mayor during public question time on Tuesday, 20 May 2003;
- 8 During the comments made by the Mayor shortly after the incident, he made it clear that he was well aware of the identity of the person that he was dealing with;
- 9 It should have been unnecessary for me to have pleaded with the Mayor, on behalf of the ratepayers, that the Mayor allow the person concerned to remain in the Public Gallery and for me to raise the concerns I had regarding the impact of a forced physical removal from the Public Gallery would have upon the health of the person concerned;
- 10 Several ratepayers who attended at the meeting advised me afterwards that they were disappointed with the Mayor's apparent selective treatment in terms of how he dealt with other interjectors and hecklers during Public Question Time. They alleged to me that the Mayor went very soft on the members of his support team who regularly attend Council Meetings and believe that the Mayor knowingly and deliberately singled out Mr Privilege for special discriminatory treatment;
- 11 As Mr Cusack noted immediately after the incident, the actions of the Mayor were quote, "*a bit premature, Don*", unquote.

#### **OFFICER'S COMMENT**

The Chairperson of a Council Meeting does not possess any powers to forcefully remove any member of the Council, employee or member of the public. It is suggested that no person should be forcefully removed from the Chamber by a member of the Council, regardless of a direction by the Mayor/Chairperson or a decision of the Council. If a situation was to arise where the business of the Council was not to be continued due to the behaviour of a member of the public, the meeting should be then adjourned or closed in accordance with the standing orders and then contact should be made with the police for the necessary assistance.

#### **VOTING REQUIREMENT**

Simple Majority

**NOTICE OF MOTION NO 2 – CR C BAKER – REVOCATION – COUNCIL PERMIT/APPROVAL**

In accordance with Clause 3.12 of the Standing Orders Local Law, Cr C Baker has given notice of his intention to move the following motion at the Council meeting to be held on 17 June 2003:

*That:*

- 1 the Home Business Occupation Permit (being Home Business Category 2 – repair of plastic crates) issued to the Proprietor of 2 Janthina Crescent, Heathridge be and is hereby revoked;*
- 2 the revocation be effected on the basis of several breaches of the Permit issued to the property owner, fully particularised in correspondence from the adjoining property owner, Mrs Elizabeth Bail to the City of Joondalup over the last 12 months.*

**Comment by Cr Baker:**

Prior to this motion being debated, I would ask that you arrange for an appropriate Council officer to prepare a detailed report to Council to enable Councillors to have more background information prior to voting on this important motion.

That report would also have attached to it copies of all correspondence between myself and the City and Mrs Elizabeth Bail and the City, including her recent Medical Report, together with copies of all or any correspondence between the City and the property owners and the City and the Minister of Planning.

**OFFICER'S COMMENT**

Legal advice has previously been sought regarding the City's power to revoke a previously issued planning approval. It is confirmed by the legal advice that the City does not have power under District Planning Scheme No. 2 to revoke a planning approval. The one exception, which is irrelevant for current purposes, is Clause 6.10.2 which provides that an owner may make an application to revoke a planning approval prior to the commencement of the development, the subject of the approval.

It is therefore advised that in accordance with 3.12 of the City's Standing Orders Local Law it would be reasonable for the chairperson to rule the notice of motion out of order as it is reasonable to believe such a decision is beyond jurisdiction of the Council.

However, it is noted that the Home Business approval was issued for a period of 12 months only, and will expire on 7 June 2003, after which time the applicant will need to reapply to the City to continue the activity. The application can therefore be reassessed in regard to the impact on the adjoining owner, and an appropriate determination made on the renewal application.

Given elected members' interest in regard to this matter, the renewal application (when received), will be forwarded to Council for determination.

**VOTING REQUIREMENT**

Simple majority

**NOTICE OF MOTION NO 3 – CR M O'BRIEN – RESCISSION OF USE APPROVAL FOR A THERAPEUTIC MASSAGE CENTRE, LOT 9 UNIT 16 (7) DELAGE STREET, JOONDALUP EX (TP107-05/96)**

Cr Mike O'Brien gave notice of his intention to move the following motion at the Council meeting to be held on Tuesday 29 April 2003. Council did not consider this item at its meetings held on 29 April 2003 and 27 May 2003 and it is therefore resubmitted for consideration at the Council meeting to be held on 17 June 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 C Baker  
Cr C Mackintosh  
Cr T Barnett  
Cr A Patterson

*"That Council BY AN ABSOLUTE MAJORITY, REVOKES and RESCINDS the former City of Wanneroo decision of 29 May 1996, Item TP107-05/96 refers, viz:*

*"That Council approves the application submitted by Artist Holdings Pty Ltd in respect of the use of Lot 9 unit 16 (7) Delage Street, Joondalup, for the provision of medical and sport related massages subject to:*

- 1 There being a maximum of four masseuses working in the subject unit at any one time;*
- 2 Standard and appropriate conditions."*

and substitutes in lieu therefore;

*"That Council:*

- 1 Takes into account the claim by the Hon Tony O'Gorman MLA, Member for Joondalup that "Bawdy House Activities," contrary to Sections 209 & 213 of the Western Australian Criminal Code are allegedly occurring at Unit 16, 7 Delage St, Joondalup, and finds that evidence provided in Mr O'Gorman's allegation, is of important weighting and is "on the balance of probabilities" a true fact;*
- 2 in light of the credit given to Mr O'Gorman's allegation Council, having revoked and rescinded TP107-05/96, advises Ross Douglas Fraser, of 1B Saltbush Court, WICKHAM WA 6720, the Registered Proprietor, of (Unit) Lot 16 on Strata Plan 29376 Vol 2123 Folio 938 that the Approval TP107 – 05/96 granted to Artist Holdings Pty Ltd ACN 009 314 765 ABN 89 009 314 765 UNDER EXTERNAL ADMINISTRATION (LIQUIDATOR APPOINTED) has been revoked and rescinded, and that the current Unit Use does not comply, as a*

*permitted land use, pursuant to Council's District Planning Scheme No 2.;*

- 3 *advises Leila Elaine Neilson, of 4 Addingham Court, CRAIGIE WA 6025, Director and Company Secretary, of Chadstone Pty Ltd ACN 103 565 617 ABN 15 103 565 617 (formerly LEILA'S [Reg. No 0243333G]), Principal Place of Business, Unit 16, 7 Delage Street, JOONDALUP WA 6027, Registered Office, Sergio D'Orazio & Associates, 20 Ballot Way, BALCATTWA WA 6021 that the land use approval for Unit 16, 7 Delage Street, JOONDALUP, granted to Artist Holdings Pty Ltd by the former City of Wanneroo ref. TP107-05/96 has been revoked and rescinded;*
- 4 *advises Vincent Leonard Rossi and Cornelia Alida Rossi of 10 Moline Court, CHURCHLANDS WA 6018, Directors of Artist Holdings Pty Ltd, ACN 009 314 765 ABN 89 009 314 765 that the land use approval for Unit 16, 7 Delage Street, JOONDALUP, granted to Artist Holdings Pty Ltd by the former City of Wanneroo ref. TP107-05/96 has been revoked and rescinded."*

**Reason for Motion:**

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

- 1 There is no evidence that the former City of Wanneroo Councillors in Decision TP107-05/96 approved "Bawdy House Activities" as a Land Use under City of Wanneroo's Town Planning Scheme No 1.
- 2 The proprietary company Artist Holdings Pty Ltd as a proprietary company is, according to ASIC Listings, now under External Administration (liquidator appointed) and it seems is no longer a Proprietary Company trading with an interest in Unit 16, 7 Delage Street, Joondalup.
- 3 The City of Joondalup has by its decision in October 2002 decided that "Bawdy House Activities" are not an acceptable Land Use within the boundaries of the Municipality.
- 4 The evidence of the Claim by the Hon Tony O'Gorman MLA, Member for Joondalup, that "Bawdy House Activities" are occurring at Unit 16, 7 Delage Street, Joondalup is "on the balance of probabilities" evidence of enough weight, for Council's Decision to revoke and rescind the former City of Wanneroo decision of approval to Artist Holdings Pty Ltd.
- 5 Council further reinforced its 15<sup>th</sup> October 2002 decision, by a unanimous decision on Tuesday 11<sup>th</sup> March 2003 to prohibit "Bawdy House Activities" as a Land Use in the Municipality, and subsequent to EPA consideration, intends to advertise the amendment to District Planning Scheme No 2. as a Community Consultation, process for 42 days."

**OFFICER’S COMMENTS**

Following the receipt of the notice of motion as submitted by Cr O’Brien, legal advice was sought regarding the City’s power to revoke a previously issued planning approval. It is confirmed by the legal advice that the City does not have power under District Planning Scheme No. 2 to revoke a planning approval. The one exception, which is irrelevant for current purposes, is Clause 6.10.2, which provides that an owner may make an application to revoke a planning approval prior to the commencement of the development, the subject of the approval. It is therefore advised that in accordance with 3.12 of the City’s Standing Orders Local Law it would be reasonable for the chairperson to rule the notice of motion out of order as it is reasonable to believe such a decision is beyond jurisdiction of the Council.

**VOTING REQUIREMENT**

Absolute Majority

**NOTICE OF MOTION NO 4 – CR C BAKER – TERMINATION OF  
MAYOR’S INVESTIGATIONS INTO CR HOLLYWOOD’S CONDUCT**

**DETAILS**

**This Notice of Motion Is Confidential - Not For Publication**

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

**MOTION TO LIE ON THE TABLE NO 1 - REVIEW OF CORPORATE POLICY MANUAL - [07032, 26176, 13399]**

**WARD - All**

At the Council meeting held on 27 May 2003 the following motions and amendments were moved in relation to Item CJ108 - 05/03:

*MOVED Cr Kimber, SECONDED Cr Prospero that Council:*

- 1 *DELETES Policy 2.6.3 Public Participation and ADOPTS replacement Policy 2.6.3 – Community Consultation as detailed in Attachment 1 to Report CJ108-05/03;*
- 2 *AMENDS the following Policies as detailed in Attachment 1 to Report CJ108-05/03:*
  - *2.1.5 - Selective Voluntary Severance*
  - *2.2.5 - Council Chamber - Use of*
  - *2.2.6 - Recording of Proceedings*
  - *2.2.7 - Acknowledgement of Service - Elected Members*
  - *2.2.13 - Payment of Fees, Allowances and Expenses and the provision of facilities to the Mayor, Deputy Mayor and Councillors*
  - *2.3.2 - Communications*
  - *2.3.3 – Use of Common Seal and the Signatories for Contract Execution*
  - *2.3.5 - Online Services*
  - *2.4.1 - Accounting Policy*
  - *2.4.2 - Investment Policy*
  - *2.5.1 – Commercial Usage of Beachfront and Beach Reserves*
  - *2.5.2 – Procurement of Council Buildings*
  - *2.5.3 – Council Vehicles – Mayor and Council Officers*
  - *2.5.4 – Official Vehicles – Use of*
  - *2.5.5 - Consent to Alter Council Leased Premises*
  - *2.5.6 – Disposal of Surplus Personal Computers*
  - *2.5.7 - Purchasing Goods and Services*
  - *3.1.1 - Child Care Centres*
  - *3.1.5 - Nomenclature - Public Facilities*
  - *3.2.5 - Design Guidelines for Waterview Estate, Kingsley*
  - *3.2.7 - Pedestrian Accessways*
  - *4.2.2 - Public Online Service Provisions*
  - *5.1.1 - Waste Management*
  - *5.5.1 - Burning of Garden Refuse and Cleared Vegetation*

*AMENDMENT MOVED Cr Baker, SECONDED Cr Kimber that the following amendments be made to the Policy Manual:*

- *Policy 2.2.6: Paragraph 7: Delete “at the sole discretion of the Mayor or Chairperson” and replace with “determined by an absolute majority of Councillors”;*
- *Policy 2.2.13: Part 1, Governance: Section 2.2. Paragraph (a) be deleted and substituted with the words “The Mayor be entitled to claim mileage at the agreed Local Government Rate for the use of his own personal vehicle”;*
- *Policy 2.2.13: Part 1, Governance: Section 2.2. Paragraph (b) be deleted;*
- *Policy 2.2.13: Part 4, Payment of Fees and Allowances: 4.3. Delete “ the maximum” and replace with “25% of the maximum” ;*
- *Policy 2.2.13: 4.5: Paragraph (2) to remain within the Policy;*
- *Policy 2.2.13: 5.6 – Payment of Conference and Training Costs: Paragraph (5) delete “Business Class” and replace with “economy class”;*
- *Policy 2.5.3: Delete the first two paragraphs relating to the Mayor;*
- *Policy 2.5.4: Delete reference to use by Mayor.*

The following procedural motion was then moved:

*MOVED Cr Walker SECONDED Cr Caiacob, that in accordance with Clause 5.4 of the City’s Standing Orders Local Law, the following Amendment Lie on the Table pending the holding of a workshop on the Policy Manual:*

*“AMENDMENT MOVED Cr Baker, SECONDED Cr Kimber that the following amendments be made to the Policy Manual:*

- *Policy 2.2.6: Paragraph 7: Delete “at the sole discretion of the Mayor or Chairperson” and replace with “determined by an absolute majority of Councillors”;*
- *Policy 2.2.13: Part 1, Governance: Section 2.2. Paragraph (a) be deleted and substituted with the words “The Mayor be entitled to claim mileage at the agreed Local Government Rate for the use of his own personal vehicle”;*
- *Policy 2.2.13: Part 1, Governance: Section 2.2. Paragraph (b) be deleted;*
- *Policy 2.2.13: Part 4, Payment of Fees and Allowances: 4.3. Delete “ the maximum” and replace with “25% of the maximum” ;*
- *Policy 2.2.13: 4.5: Paragraph (2) to remain within the Policy;*
- *Policy 2.2.13: 5.6 – Payment of Conference and Training Costs: Paragraph (5) delete “Business Class” and replace with “economy class”;*
- *Policy 2.5.3: Delete the first two paragraphs relating to the Mayor;*
- *Policy 2.5.4: Delete reference to use by Mayor.”*

**The Motion to Lie on the Table was Put and**

**CARRIED**

*At the Council meeting held on 27 May 2003, Mayor Carlos declared a financial interest in CJI08-05/03 – Review of Corporate Policy Manual as it related to the use of the Mayoral Car.*

**Standing Orders Local Law, Clause 5.4 – The Motion Lie on the Table:**

Clause 5.4 states:

If a motion that the motion lie on the table is carried debate on that motion shall not be resumed until a motion has been passed to take the motion from the table.

On a motion for the laying of the motion on the table being carried, a record shall be taken of all those who have spoken on the motion under debate and they shall not be permitted to speak on any resumption of the debate on that motion, but this does not deprive the mover of the motion of the right of reply.

*(Note: The Minutes of the Council meeting held on 27 May 2003 recorded that:*

- *no member spoke on the Motion Moved by Cr Kimber and seconded by Cr Prospero;*
- *Cr Baker spoke on the Amendment Moved by Cr Baker and seconded by Cr Kimber.)*

Any motion that was subject to a resolution that the motion lie on the table and not dealt with subsequently at the same meeting, shall be included in the agenda for the next ordinary meeting.

A member moving the taking of the motion from the table shall be entitled to speak first upon the resumption of the debate thereon.

Prior to any debate occurring on this item, a motion is required to be carried to take the motion from the table.

**OFFICER'S COMMENT**

It is proposed that a workshop on the Policy Manual be conducted at a future Strategy Session. It is therefore appropriate that the Policy Manual lie on the table pending the holding of that workshop.

**MOTION TO LIE ON THE TABLE NO 2 – NOTICE OF MOTION – CR M O'BRIEN –MUNICIPAL TAX (RATES) - [38634] [20086]**

At the Council meeting held on 27 May 2003 the following motion was moved in relation to Item C84-05/03:

*MOVED Cr Kimber SECONDED Cr Rowlands, that in accordance with Clause 5.4 of the City's Standing Orders Local Law, the following Motion Lie on the Table:*

- 1 *“That for the 2003 - 2004 Budget Council determines that, pursuant Section 41. and Section 112. of the Health Act 1911, an annual rate shall be set for the provision for removal of refuse and cleansing works;*
- 2 *That for the 2003 -2004 Budget Council determines that the Minimum Payment is abolished, thereby no use of Section 6.35 of the Local Government Act 1995 is made in sourcing additional “flat tax” revenue from low value properties in addition to the proportional tax (rates) that such properties attract from the Valuer General's valuation set for such properties.”*

*The Motion to Lie on the Table was Put and CARRIED (10/4)*

*In favour of the Motion: Mayor Carlos, Crs Caiacob, Gallant, Kenworthy, Rowlands, Hollywood, Nixon, Brewer, Kimber and Prospero. Against the Motion: Crs Baker, Hart, O'Brien and Walker.*

**Standing Orders Local Law, Clause 5.4 – The Motion Lie on the Table:**

Clause 5.4 states:

If a motion that the motion lie on the table is carried debate on that motion shall not be resumed until a motion has been passed to take the motion from the table.

On a motion for the laying of the motion on the table being carried, a record shall be taken of all those who have spoken on the motion under debate and they shall not be permitted to speak on any resumption of the debate on that motion, but this does not deprive the mover of the motion of the right of reply.

*(Note: The Minutes of the Council meeting held on 27 May 2003 recorded that no member spoke on the Notice of Motion submitted by Cr O'Brien)*

Any motion that was subject to a resolution that the motion lie on the table and not dealt with subsequently at the same meeting, shall be included in the agenda for the next ordinary meeting.

A member moving the taking of the motion from the table shall be entitled to speak first upon the resumption of the debate thereon.

Prior to any debate occurring on this item, a motion is required to be carried to take the motion from the table.

**The Notice of Motion and the reasons for this motion as submitted by Cr O'Brien, are reproduced below:**

In accordance with Clause 3.12 of the Standing Orders Local Law, Cr M O'Brien has given notice of his intention to move the following motion at the Council meeting to be held on 27 May 2003:

- 1 *“That for the 2003 - 2004 Budget Council determines that, pursuant Section 41. and Section 112. of the Health Act 1911, an annual rate shall be set for the provision for removal of refuse and cleansing works;*
- 2 *That for the 2003 -2004 Budget Council determines that the Minimum Payment is abolished, thereby no use of Section 6.35 of the Local Government Act 1995 is made in sourcing additional “flat tax” revenue from low value properties in addition to the proportional tax (rates) that such properties attract from the Valuer General’s valuation set for such properties.”*

**Reason for Motion:**

**IN SUPPORT OF THIS NOTICE OF MOTION, CR O'BRIEN STATES AS FOLLOWS:**

“The reasons for the above is to fairly apportion the Health Act costs in proportion to the Valuer General’s valuations and to abolish the discriminatory “flat taxing” of properties thereby complying with the similar abolition of the Commissioner Imposed “\$27.00 flat tax” that was imposed on Joondalup Properties in 1999 and which was abolished following the result of the 2001 Joondalup Municipal Referendum.

The added position of advantage to the Municipality is that the State Government Treasury pays the Municipality 50% of the amount the Municipality Bills its Pensioners for any “Rates” but doesn't pay the Municipality 50% of any “flat” Health Act charge.

For Councillors assistance the relevant sections of both Acts are included below;

**HEALTH ACT 1911 - SECT 41**

**41. Sanitary rate**

Every local government may from time to time, as occasion may require, make and levy as aforesaid and cause to be collected an annual rate for the purpose of providing for the proper performance of all or any of the services mentioned in section 112, and the maintenance of any sewerage works constructed by the local government under Part IV

Such annual rate shall not exceed –

- (a) 12 cents in the dollar on the gross rental value; or

- (b) where the system of valuation on the basis of the unimproved value is adopted, 3 cents in the dollar on the unimproved value of the land in fee simple:

Provided that the local government may direct that the minimum annual amount payable in respect of any one separate tenement shall not be less than \$1.

Provided also, that where any land in the district is not connected with any sewer, and a septic tank or other sewerage system approved by the local government is installed and used upon such land by the owner or occupier thereof for the collection, removal, and disposal of night soil, urine, and liquid wastes upon such land, the local government may by an entry in the rate record exempt such land from assessment of the annual rate made and levied under this section, and, in lieu of such annual rate, may, in respect of such land, make an annual charge under and in accordance with section 106 for the removal of refuse from such land.

*[Section 41 amended by No. 5 of 1933 s.2; No. 38 of 1933 s.2; No. 25 of 1950 s.5; No. 113 of 1965 s.4(1); No. 2 of 1975 s.3; No. 76 of 1978 s.51; No. 14 of 1996 s.4.]*

## **HEALTH ACT 1911 - SECTION 112**

112 - Local government to provide for removal of refuse and cleansing works (1) A local government may, and when the Executive Director, Public Health so requires, shall undertake or contract for the efficient execution of the following works within its district, or any specified part of its district:

- (a) The removal of house and trade refuse and other rubbish from premises.
- (b) The supply of disinfectants for the prevention or control of disease, and pesticides for the destruction of pests.
- (c) The cleansing of sanitary conveniences and drains.
- (d) The collection and disposal of sewage.
- (e) The cleaning and watering of streets.
- (f) The providing, in proper and suitable places, of receptacles for the temporary deposit of refuse and rubbish collected under this section.
- (g) The providing of suitable places, buildings, and appliances for the disposal of refuse, rubbish and sewage.
- (ga) The construction and installation of plant for the disposal of refuse, rubbish and sewage.
- (h) The collection and disposal of the carcasses of dead animals:

Provided that it shall not be lawful to deposit nightsoil in any place where it will be a nuisance or injurious or dangerous to health.

- (2) Any local government which has undertaken or contracted for the efficient execution of any such work as aforesaid within its district or any part thereof may by local law prohibit any person executing or undertaking the execution of any of the work undertaken or contracted for within the district or within such part thereof as aforesaid, as the case may be, so long as the local government or its contractor executes or continues the execution of the work or is prepared and willing to execute or continue the execution of the work.
- (3) After the end of the year 1934 no nightsoil collected in one district shall be deposited in any other district, except with the consent of the local government of such other district, or of the Executive Director, Public Health.

*[Section 112 amended by No. 17 of 1918 s.11; No. 30 of 1932 s.17; No. 45 of 1954 s.3; No. 38 of 1960 s.3; No. 102 of 1972 s.9; No. 28 of 1984 s.45; No. 14 of 1996 s.4; No. 28 of 1996 s.8.]*

### **LOCAL GOVERNMENT ACT 1995 - SECT 6.35**

#### **6.35. Minimum payment**

- (1) Subject to this section, a local government may impose on any rateable land in its district a minimum payment which is greater than the general rate which would otherwise be payable on that land.
- (2) A minimum payment is to be a general minimum but, subject to subsection (3), a lesser minimum may be imposed in respect of any portion of the district.
- (3) In applying subsection (2) the local government is to ensure the general minimum is imposed on not less than 50% of the number of separately rated properties in the district on which a minimum payment is imposed.
- (4) A minimum payment is not to be imposed on more than the prescribed percentage of the number of separately rated properties in the district unless the general minimum does not exceed the prescribed amount.
- (5) If a local government imposes a differential general rate on any land on the basis that the land is vacant land it may, with the approval of the Minister, impose a minimum payment in a manner that does not comply with subsections (2), (3) and (4) for that land.
- (6) For the purposes of this section a minimum payment may be applied separately, in accordance with the principles set forth in subsections (2), (3) and (4) -
  - (a) to land rated on gross rental value;
  - (b) to land rated on unimproved value; and
  - (c) to each differential rating category where a differential general rate is imposed.”

**OFFICER'S COMMENT**

## Domestic Refuse Charge

The domestic refuse charge is currently a user-based charge of \$122 per service provided with total budgeted revenue of \$6.5m in the 2002/03 year. The proposed change will include the funding for these services in the general rates. This will result in an increase in the rate-in-the-dollar and redistribute the costs of providing those services across all ratepayers according to the value of the property.

## Minimum Payments

The distribution of general rates is in accordance with property values. The Minimum Payment (set at \$450 for the 2002/03 year and is applicable to 9,477 properties) recognises that the City provides a base level of service which is available to all properties. As the total amount to be funded from general rates remains the same, the removal of the Minimum Payment criteria will result in an increase in the rate-in-the-dollar and redistribute the general rates across all ratepayers according to the value of the property with ratepayers with higher GRV's having to compensate for those with lower GRVs.

## Recommendation

These items have been included for discussion in the Budget Committee agenda and it is recommended the issues be addressed fully as part of the budget deliberations. Officers will prepare more detailed information to assist the Budget Committee in understanding the ramifications associated with these items.

**VOTING REQUIREMENT**

Simple Majority

**MOTION TO LIE ON THE TABLE NO 3 - NOTICE OF MOTION – MAYOR CARLOS – WANNEROO BASKETBALL ASSOCIATION**

At the Council meeting held on 27 May 2003 the following motion was moved in relation to Item C85-05/03:

*MOVED Cr Kimber, SECONDED Cr Rowlands that in accordance with Clause 5.4 of the City's Standing Orders Local Law, the following Motion Lie on the Table:*

*"1 That Council amends its decision of 29 April 2003 relating to the Wanneroo Basketball Association Inc by deleting Clause 1 (b) as follows:*

*"1(b) The Wanneroo Basketball Association Inc. in return for the City writing off the Association's debt to the City, forgives and thereupon forever releases the City from any claim whatsoever the Association may have on the City relating to the area of land as initially leased and amended from time to time and including the stadium building."*

*2 That Council deems the Audited Accounts for the period ending 31 December 2002 lodged with Council on 28 April 2003 as having been accepted and as having complied with the 45 days provision."*

*The Motion to Lie on the Table was Put and CARRIED (10/4)*

*In favour of the Motion: Mayor Carlos, Crs Caiacob, Gallant, Kenworthy, Rowlands, Hollywood, Nixon, Brewer, Kimber and Prospero. Against the Motion: Crs Baker, Hart, O'Brien and Walker.*

**Standing Orders Local Law, Clause 5.4 – The Motion Lie on the Table:**

Clause 5.4 states:

If a motion that the motion lie on the table is carried debate on that motion shall not be resumed until a motion has been passed to take the motion from the table.

On a motion for the laying of the motion on the table being carried, a record shall be taken of all those who have spoken on the motion under debate and they shall not be permitted to speak on any resumption of the debate on that motion, but this does not deprive the mover of the motion of the right of reply.

*(Note: The Minutes of the Council meeting held on 27 May 2003 recorded that no member spoke on the Notice of Motion submitted by Mayor Carlos)*

Any motion that was subject to a resolution that the motion lie on the table and not dealt with subsequently at the same meeting, shall be included in the agenda for the next ordinary meeting.

A member moving the taking of the motion from the table shall be entitled to speak first upon the resumption of the debate thereon.

Prior to any debate occurring on this item, a motion is required to be carried to take the motion from the table.

**The Notice of Motion and the reasons for this motion as submitted by Mayor Carlos, are reproduced below:**

In accordance with Clause 3.12 of the Standing Orders Local Law, Mayor Carlos has given notice of his intention to move the following motion at the Council meeting to be held on 27 May 2003:

*“1 That Council amends its decision of 29 April 2003 relating to the Wanneroo Basketball Association Inc by deleting Clause 1 (b) as follows:*

*“1(b) The Wanneroo Basketball Association Inc. in return for the City writing off the Association’s debt to the City, forgives and thereupon forever releases the City from any claim whatsoever the Association may have on the City relating to the area of land as initially leased and amended from time to time and including the stadium building.”*

*2 That Council deems the Audited Accounts for the period ending 31 December 2002 lodged with Council on 28 April 2003 as having been accepted and as having complied with the 45 days provision.”*

**REASON FOR MOTION**

Mayor Carlos has submitted the following comments in support of his motion:

“Council has previously resolved on two separate occasions to write off the Association’s alleged debt subject to the provision of Audited Financial Statements for the periods ending 2000, 2001 and 2002. The Association complied with respect to the audited accounts for 2000 and 2001 by lodging those accounts with Council within the prescribed time. Additionally, the audited accounts for 1999 were also lodged with Council within the prescribed time, notwithstanding there was no requirement for the 1999 audited financial accounts to be lodged.

Council’s decision on 29 April 2003 placed a further condition on the write off of the Association’s alleged debt that is considered unnecessarily onerous.

Council’s decision eventuated from the perceived failure of the Association to provide its 2002 audited financial statements within the period of 45 days notwithstanding the 45<sup>th</sup> day was a public holiday. The statements were provided on the first business day after the 45 day provision had expired. It is unreasonable for Council to reject the audited accounts for 2002 on the first business day following the 45<sup>th</sup> day, given that in the ordinary course of business practice when a party is unable to comply due to a public holiday then the following business day is considered satisfactory. The Interpretation Act 1984 sets out how time is calculated and notwithstanding the Act is

applied to legislation, the Act is none the less also used as a guide in commercial practice.

Given the minor nature of the breach and what is ordinarily applied in commercial practice, it is considered unreasonable to place any further conditions on the write off of the Association's debt and further, in order to resolve any ambiguity as to compliance, Council ought to confirm its acceptance of the audited financial accounts for 2002."

#### **OFFICER'S COMMENT**

This matter was last considered by Council, at its meeting held on 29 April 2003 (Item C57-04/03 refers) where Council resolved as follows:

- "1 Council AGREES to write off the Wanneroo Basketball Associations Inc debt and other payments detailed in Council's resolution 1 (a) (b) and (c) of item number "C23 – 03/03 Resolution of Wanneroo Basketball Association inc." subject to:
  - (a) a deed of agreement between the City and the Wanneroo Basketball Association Inc. outlining the details of what is proposed by the resolution;
  - (b) the Wanneroo Basketball Association Inc. in return for the City writing off the Association's debt to the City, forgives and thereupon forever releases the City from any claim whatsoever the Association may have on the City relating to the area of land as initially leased and amended from time to time, and including the stadium building;
- 2 Council REQUESTS a report be prepared on the appropriateness or otherwise of the City adopting a policy that it shall not in future act as a lending authority for any sporting club or other external organisation or provide any guarantee for any loan raised by any sporting club or association;
- 3 the actions taken in relation to the Wanneroo Basketball Association Inc. in writing off its outstanding debt to the Council are a one off and do not set a precedent in the way other clubs and associations should expect to be treated by the City in the future. "

#### **Proposed amendment – deletion of clause 1(b)**

Legal advice sought on the impact of the proposed amendment indicates that the Wanneroo Basketball Association would have to prove, quantify and value the actual damages it incurred, in order for it to initiate litigation for loss of quiet enjoyment of the leased land under the terms of the sub lease with the City. There is also some doubt as to whether the area of land and that part of the Basketball Stadium Building that encroaches into the Collier Pass Road Reserve, is part of the land sub leased from the City to the Association.

In light of the legal advice received it is considered that the risk of successful litigation by the Association against the City, for loss of quiet enjoyment of the sub

leased land due to the construction works on the southern carriageway of Collier Pass, is minimal.

Given this scenario and the fact that Council previously waived the debt without this release, there is no significant objection raised to the removal of clause 1(b) as proposed.

**Proposed amendment – additional new resolution**

As no significant objection has been raised to the proposed amendment to delete Council's resolution 1(b) and provided that deletion proceeds as proposed, it is considered unnecessary to proceed with the proposed additional amendment of clause number 2. Deletion of resolution 1(b) achieves the same result, in that the Associations debt is written off without condition other than preparation of a deed to record what is mutually understood by Council's resolution.

**VOTING REQUIREMENT**

Simple Majority

**MOTION TO LIE ON THE TABLE NO 4 - NOTICE OF MOTION – CR G  
KENWORTHY - POTENTIAL BREACH OF STANDING ORDERS, CODE OF  
CONDUCT AND THE LOCAL GOVERNMENT ACT 1995, CR J  
HOLLYWOOD - [38535] [53558] [02154] [08122] [42750]**

**DETAILS**

**This Notice of Motion Is Confidential - Not For Publication**

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

**MOTION TO LIE ON THE TABLE NO 5 - NOTICE OF MOTION – CR P  
ROWLANDS – MATTERS RELATING TO THE CHIEF EXECUTIVE  
OFFICER**

**DETAILS**

**This Notice of Motion Is Confidential - Not For Publication**

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

## **9 DATE OF NEXT MEETING**

The next meeting of the Council has been scheduled for **7.00 pm** on **Tuesday, 8 July 2003** to be held in the Council Chamber, Joondalup Civic Centre, Boas Avenue, Joondalup

## **10 CLOSURE**

## BUSINESS OUTSTANDING FROM PREVIOUS MEETINGS

### OFFICE OF THE CEO

NOTICE OF MOTION NO 1 – CR C BAKER – ENACTMENT OF LOCAL LAW – ex C78-06/02

“2 a report be prepared and presented to Council examining the powers of the City of Joondalup to enact Local Laws:

- (a) compelling cannabis cultivators who reside in the City of Joondalup to secure their cannabis crops in an appropriate manner to prevent young children accessing the same;
- (b) restricting the site or sites where cannabis can be grown within residential or non-residential premises;
- (c) providing for periodic inspections by suitably qualified Council staff of all State Government sanctioned cannabis crops so as to ensure that any such Local Laws are complied with, and;
- (d) providing for any other necessary, related or incidental matter.”

**Status: A report will be presented to the Council detailing the Council’s ability to make local laws.**

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

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

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

EUROPEAN CITIES AGAINST DRUGS 10<sup>TH</sup> ANNIVERSARY MAYORS’ CONFERENCE – ex CJ058-04/03

“requests a report from Cr Mackintosh upon her return.”

**Status: A report will be prepared following the conference.**

CONTRACT OF EMPLOYMENT FOR THE CHIEF EXECUTIVE OFFICER AND RELATED ISSUES/NOTICE OF MOTION – CR G KENWORTHY – VOTE OF CONFIDENCE IN MR DENIS SMITH – [70544] - EX JSC65-06/03

That the matters detailed within the purpose of the agenda for the Special Council meeting of 4 June 2003 being:

- 1 Contract of employment for the Chief Executive Officer and related issues;
- 2 That the Councillors of the City of Joondalup hereby yet again declare their support for the City’s CEO, Denis Smith and congratulate and thank him for his professional administration of the City

be DEFERRED pending the outcome of the report being prepared by Minter Ellison lawyers, as per the resolution of the Council at its meeting held on 27 May 2003.

**STRATEGIC AND SUSTAINABLE DEVELOPMENT**

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

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

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

**PLANNING & COMMUNITY DEVELOPMENT**

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

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

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

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

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

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

**Awaiting WAPC’s consideration for consent to advertise.**

## SINGLE HOUSE (RETAINING WALL ADDITIONS INCLUDING SETBACK VARIATIONS) LOT 12 (9) HOCKING PARADE, SORRENTO – ex CJ047-03/03

“that consideration of the application and plans dated 8 October 2002 submitted by Stone ridge 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.”

**Status: An amended proposal has been received and is currently being advertised. A report to be presented to Council meeting following the closure of the advertising period.**

**LOCALITY NAME CHANGE – BURNS TO BURNS BEACH – ex CJ048-03/03**

“PRESENTS a subsequent report to Council in regard to the results of the questionnaires.”

**Status: A questionnaire was sent to Burns residents and landowners early April with a 28-day response time and a subsequent report will be prepared for submission to the June 2003 Council Meeting.**

**REPORT REFERS****NOTICE OF MOTION NO 3 – CR C BAKER – ENACTMENT OF LOCAL LAWS – MOBILE PHONE TOWERS – ex C61-04/03**

“the Review be the subject of a report to Council for Council’s consideration.

**Status: Legal advice is to be sought on the matter.**

**PROPOSED CHILD DAY CARE CENTRE: LOT 575 (65) WANNEROO ROAD AND LOT 1 (1) GORMAN STREET, CNR WANNEROO ROAD, GREENWOOD ex CJ120-05/03**

“that consideration of the application for a Child Care Centre at Lot 575 (65) Wanneroo Road and Lot 1 (1) Gorman Street, Greenwood be DEFERRED to the next meeting of Council.”

**Status: This issue will be resubmitted to the Council meeting to be held on 17 June 2003.**

**NOTICE OF MOTION NO 4 – CR M CAIACOB – LOT 1 OCEANSIDE PROMENADE, MULLALOO ex C83-05/03**

*“that Council AGREES and RESOLVES to incorporate Lot 1 Oceanside Promenade, Mullaloo into Tom Simpson Park reserve proper and makes any and all necessary changes to the status and zoning of the land as per the Council Officers recommendation in CJ118-05/02.”*

“that consideration of the Notice of Motion - Cr M Caiacob – Lot 1 Oceanside Promenade, Mullaloo be DEFERRED pending submission of a report.”

**Status: A report will be prepared in due course.**

**COMMUNITY DEVELOPMENT**

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

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

**Status: The brief was developed and quotes sought from consultants. The closing date for quotes was 30 January 2003. CCS Strategic Management Consultant has been engaged to prepare a feasibility report. The report should be presented to Council in July 2003.**

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

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

**Comment: The City is awaiting further advice from the Office of Crime Prevention. When this information is available, a report will be presented to Council.**

## UPDATED REPORT REGARDING THE REDEVELOPMENT OF THE CRAIGIE LEISURE CENTRE – ex CJ074-04/03

“a report regarding the position of the Marmion Squash Club be presented to Council once there has been an opportunity to discuss the project further with the Club’s executive.”

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

## WANNEROO BASKETBALL ASSOCIATION – PROPOSED WRITE OFF OF DEBT TO COUNCIL – ex C57-04/03

“Council REQUESTS a report be prepared on the appropriateness or otherwise of the City adopting a policy that it shall not in future act as a lending authority for any sporting club or other external organisation or provide any guarantee for any loan raised by any sporting club or association;

**Status: Report will be prepared in due course.**

## OUTSTANDING PETITIONS

<p>An 18-signature petition requesting installation of footpath – Landor Gardens, Woodvale.</p> <p><b>Comment: The proposed footpath is currently listed in the 2003/04 Capital Works Program subject to Council approval. The petitioners will be advised of this process following adoption of the 2003/04 budget by Council.</b></p>	<p>17 December 2002</p> <p>Director, Infrastructure &amp; Operations</p>
<p>A 123-signature petition requesting Council consider modification to perimeter road at Craigie Leisure complex to accommodate cycling activities and also a criterium circuit and a 250 metre high banked track within Treetop Avenue quarry reserve.</p> <p><b>Comment: The Manager Leisure Centres and Manager Community Development Services have met with representatives from the Northern Districts Cycling Club with regards to the Club being located at the Craigie Leisure Centre. The officers are enthusiastic about the opportunities that may arise from this partnership. Any plans regarding cycling being located within the Craigie Leisure Centre site will be considered within the redevelopment. What needs to be considered in the short term is what exactly are the Club's needs and what is the possibility of the redevelopment works preventing this occurring in the short term. This concern is partly from the perspective of the safety of the individuals.</b></p>	<p>18 February 2003</p> <p>Director, Planning &amp; Community Development</p>
<p>A 202-signature petition requesting consideration on various infrastructure issues in Currambine.</p> <ol style="list-style-type: none"> <li>1 Re-landscaping, tidying up and reticulation to median strip and roundabout in Delamere Avenue;</li> <li>2 Reticulation, new play equipment, the provision of security lighting at Santa Anna Park;</li> <li>3 Tidying vacant land north of Woolworth's in Currambine;</li> <li>5 Traffic calming devices in Delamere Avenue and Oakland Hills Boulevard.</li> </ol> <p><b>Comment: Items 1, 2 and 5 are currently being investigated and costings prepared for 2003/04 budget consideration.</b></p>	<p>18 February 2003</p> <p>Director, Infrastructure &amp; Operations Director, Planning &amp; Community Development</p>

<p>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.</p> <p><b>Comment: This matter will be investigated and a report to Council submitted in due course.</b></p>	<p>11 March 2003</p> <p>Director, Infrastructure &amp; Operations</p>
<p>A 33-signature petition requesting Council give consideration to the installation of an 8 lane, 50m heated swimming pool which meets competition standards at Craigie Leisure Centre.</p> <p><b>Comment: Council will be presented with a number of options and design recommendations at a Council meeting in June 2003. The mix of facilities included within the proposal will be fully supported with justifications as to the various components included.</b></p>	<p>29 April 2003</p> <p>Director Planning and Community Development</p>
<p>A 51-signature petition from electors in Woodlake Retreat relating to the Draft Woodlake Retreat Structure Plan.</p> <p><b>Comment: Report to be presented to Council in June 2003.</b></p>	<p>29 April 2003</p> <p>Director Planning and Community Development</p>
<p>An 89-signature petition from residents of Heathridge requesting that Council:</p> <ol style="list-style-type: none"> <li>1 acknowledges that the visibility for vehicles exiting Squire Avenue to Mermaid Way, Heathridge is limited, therefore creating a dangerous traffic environment;</li> <li>2 acknowledges that the design of Mermaid Way, Heathridge, with a hill and a bend in the road makes any vehicle exceeding the speed limit more dangerous on Mermaid Way, than a vehicle travelling at the same speed on other similar roads in the City of Joondalup;</li> <li>3 constructs a roundabout at the intersection of Mermaid Way and Squire Avenue, Heathridge;</li> <li>4 consults with the residents of Heathridge, with the aim of reducing the speed of traffic on Mermaid Way, Heathridge.</li> </ol> <p><b>Status: A traffic assessment will be undertaken and a report will be submitted to Council in due course.</b></p>	<p>27 May 2003</p> <p>Director Infrastructure &amp; Operations</p>

<p>A 53-signature petition requesting the City of Joondalup to enforce its power under Schedule 3.1 – Powers under notices to owners or occupiers of land of the Local Government Act 1995 and ensure that unsightly land is enclosed or rubbish and overgrown vegetation is removed from that land.</p> <p><b>Status: The issue of untidy land (private property) is dealt with under the provisions of the Local Government Act and/or the District Planning Scheme. All requests in regard to untidy land are investigated and appropriate action initiated.</b></p>	<p>27 May 2003</p> <p>Director Planning and Community Development</p>
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**REPORTS/PRESENTATIONS REQUESTED AT BRIEFING SESSIONS**

	<b>DATE OF REQUEST - REFERRED TO -</b>
<p>Cr Rowlands requested a report on the possibility/desirability of using small parcels of land adjacent to community centres in Heathridge and Duncraig to help alleviate the land shortage for nursing home type facilities in the City.</p> <p><b>Comment: Plans being prepared to show possible sites.</b> <b>Comment: Plans prepared. Manager (APES) to arrange briefing with Cr Rowlands.</b></p>	<p>10 December 2002</p> <p>Director Planning and Community Development</p>
<p>Cr Kimber requested a report on the feasibility of the provision of inner City public transport within the 2004/05 financial year, such report to give consideration to corporate sponsorship, including learning institutions and TransPerth.</p> <p><b>Comment: A report will be submitted in due course.</b></p>	<p>4 March 2003</p> <p>Strategic &amp; Sustainable Development</p>
<p>Cr Patterson requested a report on future traffic treatments in Readshaw Road, Warwick and proposed roundabout at Lilburne/Readshaw Roads, such report to include costs.</p> <p><b>Comment: This issue will be considered as part of the 2003/2004 budget process.</b></p>	<p>4 March 2003</p> <p>Director Infrastructure &amp; Operations</p>
<p>Cr Hollywood requested a report on the need and possible location of child care facilities in the North Coastal Ward.</p> <p><b>Comment: A report will be submitted in due course.</b></p>	<p>25 March 2003</p> <p>Director Planning and Community Development</p>