



**MINUTES OF COUNCIL MEETING  
HELD ON 30 SEPTEMBER 2003**

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# CITY OF JOONDALUP

## MINUTES OF COUNCIL MEETING HELD IN COUNCIL CHAMBER, JOONDALUP CIVIC CENTRE, BOAS AVENUE, JOONDALUP, ON TUESDAY, 30 SEPTEMBER 2003

### OPEN AND WELCOME

The Mayor declared the meeting open at 1900 hrs.

### ATTENDANCES

#### Mayor

D CARLOS

#### Elected Members:

Cr L PROSPERO	Lakeside Ward	
Cr C BAKER	Marina Ward	<i>Absent from 2031 to 2032 hrs and from 2138 to 2140 hrs</i>
Cr T BREWER	Marina Ward	
Cr A NIXON	North Coastal Ward	<i>Absent from 2230 to 2232 hrs</i>
Cr J F HOLLYWOOD, JP	North Coastal Ward	
Cr A WALKER	Pinnaroo Ward	
Cr P ROWLANDS	Pinnaroo Ward	<i>To 2154 hrs</i>
Cr S HART	South Ward	<i>Absent from 2202 to 2203 hrs</i>
Cr M O'BRIEN, JP	South Ward	<i>Absent from 1945 to 1946 hrs and from 2143 to 2144 hrs</i>
Cr G KENWORTHY	South Coastal Ward	<i>Absent from 2008 to 2010 hrs, from 2037 to 2038 hrs and from 2202 to 2205 hrs</i>
Cr M CAIACOB	Whitfords Ward	<i>Absent from 2153 to 2202 hrs</i>
Cr C MACKINTOSH	Whitfords Ward	<i>From 1902 hrs; Absent from 2202 to 2204 hrs</i>

#### Officers:

Chief Executive Officer:	D SMITH	<i>Absent from 2145 to 2153 hrs</i>
Director, Planning & Community Development:	C HIGHAM	
Director, Corporate Services and Resource Management:	P SCHNEIDER	<i>Absent from 2145 to 2153 hrs</i>
Manager Audit and Executive Services:	K ROBINSON	
Manager, Marketing Communications & Council Support:	B ROMANCHUK	<i>Absent from 2145 to 2153 hrs</i>
Manager Infrastructure Management and Ranger Services:	P PIKOR	<i>Absent from 2145 to 2153 hrs</i>

Coordinator Community Services: Manager, Approvals Planning & Environmental Services:	J EATON	<i>to 2139 hrs</i>
Manager Assets & Commissioning:	C TERELINCK	<i>Absent from 2145 to 2153 hrs</i>
Manager Craigie Leisure Centre:	C SMITH	<i>Absent from 2145 to 2153 hrs</i>
Media Advisor:	G TAYLOR	<i>Absent from 2145 to 2153 hrs</i>
Committee Clerk:	L BRENNAN	<i>To 2032 hrs</i>
Minute Clerk:	J HARRISON	
	G KELLY	<i>Absent from 2145 to 2153 hrs</i>

There were 24 members of the Public and 1 member of the Press in attendance.

### In Attendance

Mr John Woodhouse, Watts and Woodhouse. *To 2126 hrs*  
Mr Nick Manifis, Walman Software.

*Cr Mackintosh entered the Chamber at this point, the time being 1902 hrs.*

### **PUBLIC QUESTION TIME**

**The following questions, submitted by Mr P Appleton, Duncraig, were taken on notice at the Meeting of Council held on 9 September 2003:**

*Please provide the following information:*

*Q1 The ranking of the Local Road Traffic Management treatment according to traffic volumes, overall vehicle speeds, crash history and cost effectiveness of treatments as depicted in drawing E 1533-1-0.*

A1 The treatment is included in the 2003/04 Capital Works Budget - Intersection treatment (Major)

*Q2 The raw data that were used to compile the ranking of the Local Road Traffic Management treatment as depicted in drawing E 1533-1-0.*

A2 The raw data used are the functional classification, traffic counts together with speed profile and accident history.

*Q3 The sources of the data that were used to compile the ranking of the Local Road Traffic Management treatment as depicted in drawing number E1533-1-0.*

A3 The sources of the data are from the City and Main Roads WA.

*Q4 The process whereby the roundabout depicted in drawing E 1533-1-0 was selected as the best solution to the perceived challenges presented to all stakeholders who use the existing Local Road Traffic Management treatment in the vicinity of Lilburne Road-Readshaw Road junction.*

- Q5 The person(s) who specified the design as shown on plan E 1533-1-0 as being the best solution to the perceived challenges presented to all stakeholders who use the existing Local Road Traffic Management treatment in the vicinity of Lilburne Road-Readshaw Road junction.*
- Q6 The composition of members of the Budget Committee who approved the budget for the Local Road Traffic Management treatment as depicted in drawing number E 1533-1-0.*
- Q7 The voting by members of the Budget Committee to approve the budget for the Local Road Traffic Management treatment as depicted in drawing number E 1533-1-0*
- Q8 The date the Local Road Traffic Management treatment as depicted in drawing number E 1533-1-0 was first submitted to Council for approval.*
- Q9 The date on which the Manager for Infrastructure Management Services approved the Local Road Traffic Management treatment as depicted in drawing number E 1533-1-0.*
- Q10 The date on which the Director for Infrastructure Operations approved the construction of the Local Road Traffic Management treatment as depicted in drawing number E 1533-1-0.*
- Q11 The date on which work on the Local Road Traffic Management treatment as depicted in drawing number E 1533-1-0 is scheduled to commence.*
- Q12 The date on which consultations between officers of the City of Joondalup and local residents living in the vicinity of Lilburne Road and Readshaw Road took place about the Local Road Traffic Management treatment as depicted in drawing number E 1533-1-0.*
- Q13 The names of officers of the City of Joondalup who attended meetings with the local residents living in the vicinity of Lilburne Road- Readshaw Road and the nature of the discussions that took place.*

A4-13 Following concerns from the local residents and the Duncraig Senior High School, as part of the Draft Budget process, a concept proposal for a roundabout at the Readshaw Road and Lilburne Road intersection was listed in the Draft Capital Works Program.

Council adopted the Budget on 5 August 2003 and funding was allocated for a roundabout treatment at the Readshaw Road and Lilburne Road intersection

A preliminary design of the roundabout treatment has been prepared and as part of the consultation process, has currently been forwarded to adjacent street residents for comment

Notwithstanding this, it is noted that whilst a roundabout has been suggested for budgeting purposes, the final treatment may alter subject to the consultation phase of the project. At this stage no design has been finalised or approved by Council Officers. Mr Appleton's issues and concerns will be taken into consideration as part of the consultation phase.

*Q14 During the period 15 March 2003 to 28 August 2003, on which dates did consultation take place between officers of the City of Joondalup and owners holding land in the vicinity of Lilburne Road and Readshaw Road about the Local Road Traffic Management Treatment as depicted in drawing no. E153310?*

A14 A consultation letter was sent out to the residents on 29 August, 2003.

*Q15 Given that owners of land situated at Lot 34 and Lot 22 Lilburne Road, Duncraig did not receive a notice pursuant to Section 3.15.3(a) of the Local Government Act 1995, what guarantee can Council give that all persons who have an interest in the Local Road Traffic Management Treatment as depicted in drawing no E153310 have been notified?*

A15 Ongoing consultation is undertaken with street residents prior to construction works which would satisfy the procedures outlined in Section 3.51 of the Local Government Act.

**The following question, submitted by Mrs H Appleton, Duncraig, was taken on notice at the Meeting of Council held on 9 September 2003:**

*Q1 What is the basis for the quantitative analysis that Council undertook that ranked the proposed roundabout at the junction of Lilburne Road and Readshaw Road, Duncraig as the best traffic calming treatment for the location?*

A1 The roundabout option is a suggested option at this stage and is only conceptual in nature. The final treatment will be determined following the consultation phase. Notwithstanding this, the Austroads Local Area Traffic Management Guidelines are utilised as a guide in the assessment of traffic treatments.

**The following question, submitted by Mr M Sideris, Mullaloo, was taken on notice at the Meeting of Council held on 9 September 2003:**

*Q1 In the matter of the appeal before the Town Planning Appeal Tribunal initiated by Rennet Ltd, has Council made a decision to instruct its solicitors Watts Woodhouse to seek tribunal approval to go to a mediation process to negotiate with Rennet over the building form which I understand may include varying the number, size, quantity or density of the apartments, and if so why do those variations not constitute a change of building design and therefore require a new development application?*

A1 A Directions Hearing was held on 10 September 2003 but no decisions are made at that hearing. Further the solicitors have not been instructed to proceed to mediation.

**The following question, submitted by Ms M Moon, Greenwood, was taken on notice at the Meeting of Council held on 9 September 2003:**

*Q1 I refer to CJ205-09/03, can Council explain how 3.1.3(a) has met the acceptable criteria when the performance criteria has not been met under 3.1.1 which states: "Development of dwellings of the type and density indicated by the R Code designated in the scheme." The type indicated by the R Code is group dwelling and single houses not multiple dwelling, this has not met the performance criteria?*

A1 The question is not understood and requires clarification. It can therefore not be answered given its current format.

**The following questions were submitted by Ms R Gray, Kallaroo:**

*Q1 Will the Mayor resign his position, due to his failure to properly govern the City of Joondalup?*

A1 This question has been referred to the Mayor.

*Q2 Will Deputy Mayor, Cr John Hollywood, resign his position as Deputy Mayor and also publicly apologise to the ratepayers of Joondalup for his vulgar and obscene language used in the public foyer, being language unbecoming an elected member?*

A2 *Response by Cr Hollywood:* I disagree with the statement.

*Q3 Will Cr Walker make a public apology for intentionally lying to Council and the community in relation to the Fraud Squad enquiry?*

A3 *Response by Cr Walker:* I disagree with the statement.

*Q4 Can enquiries be conducted into the legitimacy of the group known as the Mullaloo Progress Association, who falsely claim to represent the Mullaloo and neighbouring suburbs, and the present affiliation Cr Michael Caiacob (previously Vice President) may still have with them?*

A4 In current dealings with the Progress Association the Council is focused on known facts and relationships and it may be counter-productive to make assumptions that may or may not be relevant to the aim of working positively with all of the City's community groups.

*Q5 Is it presently known when the much wanted Mullaloo tavern redevelopment is expected to commence?*

A5 No.

*Q6 If the answer to Question 1 is no, can the ratepayers of the City of Joondalup now expect the Mayor to act in the best interests of the City of Joondalup and govern accordingly?*

A6 This question has been referred to the Mayor.

**The following question was submitted by Mrs Rhonda Stambulich, on behalf of herself as an owner and all other concerned owners of the Heathridge City Shopping Centre:**

*Q1 Why didn't Cr Hart give a reason for her objection or specify any particular issues of concern regarding the application when she proposed the motion.*

*At the briefing session on 3rd September Cr Hart asked questions with regard to this application and they were answered by Town Planning. The motion to put the application on the table followed a question from the public, which did not appear to have any significance to this application.*



*I have contacted town planning and they have not been able to give me any answers as to what are the objections or concerns.*

*Consultation with the Council on this application has been extensive and has the support of the two local councillors, town planning and the ratepayers of Heathridge. We are very confused about the process*

- A1 *Response by Cr Hart: My motion to lie this item on the table was not an objection, simply a request for further information. The motion was carried, indicating that other councillors were also interested in receiving further information. As I have been in contact with our Planning Department, I am surprised they could not clarify my concerns. Ratepayers were not made aware, or given the opportunity to comment, on the issue of the residential design codes prohibiting multiple dwellings in R20.*

**The following question was submitted by Mr Thomas Massam, Connolly, on behalf of himself as an owner and all other concerned owners of the Heathridge City Shopping Centre:**

- Q1 *Why wasn't a decision made on our development application for the Heathridge City Shopping Centre at the Council meeting on 9 September 2003 when the application has the full support of the two local Councillors, the ratepayers of Heathridge and your own Town Planners.*

*The ratepayers and business proprietors of Heathridge have recognised the considerable benefits this development will bring to their area, with more businesses willing to take up the current vacant shops in the shopping centre. As a consequence the residents of Heathridge and others will benefit by having more choice of accommodation and new businesses in their local area.*

*I believe copies of our application were given to the Council members two weeks prior to the Briefing Session on the 3<sup>rd</sup> September. Peter Rayons, our consultant, attending the Briefing Session to deputise on our behalf and to answer any questions. Town Planning answered the questions asked by Cr Hart at the Briefing Session.*

- A1 The Council resolved that the matter lie on the table. It would appear from the debate on the meeting that there were some issues requiring further clarification.

**The following question was submitted by Mr S Magyar, Heathridge:**

- Q1 *Could Council confirm that prior to the new Emergency Services Levy that the City of Joondalup paid about \$820,000 to the emergency services? That since the introduction of the new Emergency Services Levy the City of Joondalup pays only about \$21,000? Was the reduction of \$800,000 in these costs factored into the 2003/2004 budget?*

- A1 During 2002/03 the City paid contributions to FESA totalling \$821,841.

FESA has advised the City that the Emergency Services Levy (ESL) payable on properties owned by the City of Joondalup will be approximately \$20,000. An actual assessment has not yet been received. The City levied ESL of approximately \$5.5m on

behalf of FESA. Any ESL money collected by the City of Joondalup during 2003/04 will be paid to FESA as required.

The City's 2003/04 budget did reflect the relevant changes ie, ESL of \$20,000 was budgeted to be paid on properties owned by the City of Joondalup.

**The following questions were submitted by Mr P Appleton, Duncraig:**

- Q1 What are the specific measures of traffic counts, overall vehicle speeds, accident history, functional classification, speed profiles and cost effectiveness of treatments of the Local Road Traffic Management treatment as depicted in drawing E1533-1-0 and how was each used to calculate a ranking as depicted in the 2003/04 Capital Works Budget – Intersection treatment (Major)?*
- Q2 What is the project reference and project name for the Local Road Traffic Management treatment as depicted in drawing E1533-1-0?*
- Q3 On what date was a roundabout at Readshaw Road and Lilburne Road intersection listed in the Draft Capital Works Program?*
- Q4 Can Council please confirm that between 15 March 2003 and 28 August 2003 no consultation occurred between officers of the City of Joondalup and owners holding land in the vicinity of Lilburne Road and Readshaw Road about the Local Road Traffic Management treatment as depicted in drawing E1533-1-0?*
- Q5 How many persons having an interest as defined by Section 3.51(1) of the Local Government Act 1995 have been given a notice under the Act about the Local Road Traffic Management treatment as depicted in drawing E1533-1-0 and how many of these persons have made a submission?*

A1-5 These questions will be taken on notice.

**The following questions were submitted by Mr D Biron, Mullaloo:**

- Q1 Why are the democratically elected members of Joondalup City Council seeking to further reduce the influence of Joondalup ratepayers over the operations of the Council, through the replacement of the existing Policy No 2.6.3 – Public Participation (detailing the active involvement of ratepayers) with a new identically numbered policy, limiting ratepayer involvement to merely providing information under a new heading of Community Consultation?*
- Q2 Would the officers and Councillors heading this initiative to further reduce what little influence ratepayers currently possess over the Council's administration, please identify themselves and explain why they have no further interest in achieving greater ratepayer involvement in the operations of the Council but rather are seeking to reduce local democracy and accountability, by replacing the current policy that seeks to increase the active involvement of ratepayers operationally, with one that seeks to limit their involvement to occasional discussion forums and talk fests?*

*Dictionary definitions: Participate – to take part, or become actively involved or share in. Consult – to ask advice from, to refer to for information, to consider.*

A1-2 The policy is currently out for public comment. Whilst it is not intended to limit the Community's input into Council issues if Mr Biron believes this would be the effect then the Council would welcome a submission from him.

**Ms M Macdonald, Mullaloo:**

*Q1 Re: CJ225 – 09/03 – What legal authority does Council have to deal with a development that is the subject of a Supreme Court Writ? When there was a Supreme Court Writ over the Tavern previously we were told we could not deal with a motion relating to the Mullaloo Foreshore, what is the difference?*

A1 These are quite separate actions that Council is dealing with tonight.

*Q2 Are the Councillors aware that this subject matter was heard before a public member in the Appeals Tribunal and if so what legitimate reasons do they have for going behind closed doors on the matter?*

A2 Based on Council's legal advice, this matter should be dealt with behind closed doors as it involves Council's legal strategy for the case.

*Q3 Can Council state how it can deal with an issue which requires an exercise of discretion tonight on a development which has already had discretion applied to it. Wouldn't this be a new development application?*

A3 Council is not aware that any of that information is public.

*Q4 At the Appeals Tribunal, Rennet asked if they could have an extra five units to this development. If the discretion is going to be used tonight could this be done without a new development application?*

A4 What is being dealt with tonight is confidential.

**Mr K Zakrevsky, Mullaloo**

*Q1 Were the newly elected Councillors on 3 May 2003 briefed by the Council Planning and Community Development staff and also addressed by a delegation representing Rennet Pty Ltd, the owners of the proposed controversial redevelopment for Mullaloo Beach Tavern?*

A1 Yes.

*Q2 Why was no invitation issued to the Mullaloo Progress Association to address the newly elected Councillors to clearly reflect the views of the Mullaloo Progress Association and the residents of Mullaloo's support for redevelopment of Lot 100, 10 Oceanside Promenade, Mullaloo conforming to DPS2 but strongly opposing over development of the site which will adversely impact on the public amenities?*

A2 Council did not feel that there was any need to invite the Mullaloo Progress Association. At that stage the request was made by Rennet to brief the Councillors.

- Q3 Why is Item CJ224-09/03 re Mullaloo Beach Tavern on Lot 100 (10) Oceanside Promenade, Mullaloo listed as confidential – not for publication when*
- (a) *The matter is of concern to the Mullaloo and Kallaroo residents, the City of Joondalup and the current Mullaloo Tavern owners and*
- (b) *are there further secretive negotiations being conducted with Council officers to the already numerous major changes to the original plans and the submitted application which by now have necessitated several plan redevelopment applications presented to Council for scrutiny and for approval or rejection?*
- A3 Council has answered a similar question pertaining to why the matter is a confidential item. It is based on Council's legal advice that the item should be listed before Council as a closed door item as the Council lawyers will be discussing with Council various matters relating to legal impediments placed upon the City. In regard to secrecy provisions the answer is no but Council is entitled to be able to allow Council's lawyers to present certain strategies and positions on behalf of the City and it is for those reasons that the matter is behind closed doors.

**Mrs M Zakrevsky, Mullaloo**

- Q1 Re: Motion to Lie on the Table No.3 – Page 63 (g) – “The public shall be able to utilise and use this area (referring to the alfresco dining area adjacent to the existing restaurant) whether they are paying customers or not at any of the commercial tenancies of the centre” etc... What is the difference between the public “using the area” and “utilising the area” as stated in the report?*
- A1 The intention is that the condition indicates that the area is generally available to the public, how that is said is a matter of detail. There is no difference between the public using or utilising the area.
- Q2 As CJ225-09/03 is deemed “confidential” will the outcome of the discussion behind closed doors be made public tonight?*
- A2 Any decision that is made by Council in a confidential session shall be revealed to the public upon Council entering back into open Council.

**Mr D Biron, Mullaloo**

- Q1 Re: Policy 2.63 Public Participation being replaced by consultation. In the answer given to me it states: “I believe this would be the effect”, how is it just my opinion when your own policy defines that as a limitation?*
- A1 The answer that Administration has given is that the document you are referring to is currently out on public exhibition and that the City would welcome any submission outlining the matters that you have raised. The document is there for public scrutiny and the public are invited to make input into the matter prior to Council determining it.
- Q2 If Council looks at Appendix 4 in the Minutes under definitions in policy 2.63 it states, “while public participation can include the following elements it is far more than public consultation, public relations, information dissemination, conflict resolution”, but you are putting forward this limitation to it being strictly community consultation?*

A2 As Council indicated the purpose of the exercise is to seek public input and the gentlemen can place a submission before Council drawing Council's attention to exactly the matter that has been raised.

**Ms M Moon, Greenwood**

*Q1 Re CJ204-09/03 – Discretion to allow multiple dwelling on that site where the land has an R20 code, making multiple dwellings not permitted by way of table 1. To make them of permissible use Council would have to give variations to the code because by way of R20 the codes apply. Why does the report not ask for a determination on R20, which is part of the DPS2?*

A1 The residential planning codes do not control the permissibility of land use. The permissibility of land use is controlled by the District Planning Scheme and it is in the District Planning Scheme that multiple dwellings are a discretionary use in the residential zone regardless of coding.

*Q2 Discretion can be allowed on the use but the development requirements are within R20, which makes them not permissible by way of Table 1, so if a multiple development requires development and they are not the ones of the R Codes do the development requirements of the DPS2 apply, if so 4.5 prohibits using variation. What development requirements apply to these multiple dwellings?*

A2 The previous report discusses Part 4.2.1 of the Residential Codes, it is Part 4.2.1 which discusses arrangement for mixed used development that is what is being applied here.

*Q3 What development requirements are applied to these multiple dwellings if they are not in the R Codes?*

A3 The codes provide the answers, there are a series of acceptable and performance based criteria in the codes and the report does discuss that issue.

**Mr S Magyar, Heathridge**

*Q1 Re: CJ215-09/03 – Warrant of Payments – Cheque No. 58244 – issued on 28 August 2003 for \$4385.92 to Management Search Australasia. Can I be informed as to what services were provided by this firm to the City of Joondalup?*

A1 This question will be taken on notice.

**APOLOGIES AND LEAVE OF ABSENCE**

**Leave of absence previously approved:**

Cr J Gollant	20 September – 15 October 2003 inclusive
Cr C Baker	15 September – 15 October 2003 inclusive

**C194-09/03 REQUEST FOR LEAVE OF ABSENCE - CR P KIMBER & MAYOR CARLOS - [50521]**

Cr P Kimber has requested Leave of Absence from Council duties for the period 25 September to 20 October 2003 inclusive.

Mayor Carlos requested Leave of Absence from Council duties for the period 1 to 12 October 2003 inclusive.

**MOVED Cr Baker, SECONDED Cr Kenworthy that Council APPROVES the following requests for Leave of Absence from Council duties:**

- **Cr P Kimber for the period 25 September to 20 October 2003 inclusive;**
- **Mayor D Carlos for the period 1 – 12 October 2003 inclusive.**

**The Motion was Put and**

**CARRIED**

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

*Cr O'Brien declared a financial interest in Item CJ215-09/03 – Warrant of Payments – 31 August 2003 (Voucher No 58123 - Chubb Electronic Security) – as Chubb Security has taken over an FAI Extra Watch security at his residence.*

*Cr Caiacob declared a possible perceived interest that does not affect his impartiality in Item CJ225-09/03 Mullaloo Tavern Planning Appeal – Status Report Pt Lot 100 (10) Oceanside Promenade, Mullaloo as he has an interest in common to a significant number of electors/ratepayers.*

*Cr Rowlands declared a financial interest in C205-09/03- Notice of Motion No 3 - Cr A Walker – Proposed Crossover to Leichhardt Street from Padbury Shopping Centre – Lot 26 (1-25/75) Warburton Avenue, Padbury as an acquaintance of his owns a shop within Padbury Shopping Centre.*

*Cr Baker declared a financial interest in Item CJ224-09/03- Acquisition of Land for Proposed Joondalup Regional Performing Arts Centre as he is a Director/shareholder of a company which owns an office adjacent to the land in question.*

*Chief Executive Officer declared a financial interest in C204-09/03- CEO Request - Payment of Legal Costs - as the matter impacts on his contract of employment/matters pertaining to CEO's employment.*

*The Chief Executive Officer declared an interest which may affect his impartiality in C203-09/03 – Standing Committee on Public Administration and Finance - as this matter impacts on Mr Smith's contract of employment/matters pertaining to the CEO's employment.*

*Cr O'Brien declared a financial interest in C203-09/03 – Standing Committee on Public Administration and Finance as he may require to seek funding assistance for legal representation to appear before the Standing Committee on Public Administration and Finance.*

## **CONFIRMATION OF MINUTES**

### **C195-09/03 MINUTES OF COUNCIL MEETING, 9 SEPTEMBER 2003**

**MOVED Cr Hart, SECONDED Cr Walker** that the Minutes of the Council Meeting held on 9 September 2003 be confirmed as a true and correct record, subject to the inclusion, at the end of the closed door session, of the motion moved by Cr Hart and seconded by Cr Walker which is not recorded in the minutes. Council to have a report as to why this motion was not included in the minutes and under whose authority it was not included in the minutes. A true and correct minutes to be distributed to the public.

Discussion ensued.

**The Motion was Put and**

**LOST (6/7)**

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

**MOVED Cr Prospero SECONDED Cr Rowlands** that the Minutes of the Council Meeting held on 9 September 2003 be confirmed as a true and correct record.

**The Motion was Put and**

**CARRIED (10/3)**

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

## **ANNOUNCEMENTS BY THE MAYOR WITHOUT DISCUSSION**

### **CONGRATULATIONS TO THE FALCONS**

Last week I had the pleasure of hosting a Civic Reception and lunch for the victorious Falcons Football Club, winners of the WAFL Grand Final. The Falcons won 13.9 to Subiaco 9.10 in front of 17,775 people at Subiaco, their third premiership since moving to the Arena from Leederville Oval in 1994. It is a great victory for the Joondalup side and I congratulate all the players, coaches, board and officials and everyone associated with this success.

### **PERTH GLORY**

The sporting profile of Joondalup is really lifting. National Soccer League Champions Perth Glory began their title event at Arena Joondalup at the weekend. The Glory began in fine style beating old rivals the Melbourne Knights 3-0.

The City of Joondalup is also sponsoring Glory's match at the Arena against South Melbourne on Sunday, 9 November 2003.

### **WORLD CUP RUGBY**

Also lifting the City's sporting profile I am pleased to officially announce that Samoa is the international team to be training in Joondalup for the Rugby World Cup. The Samoans arrive in Perth on 1 October 2003 and their training program at Arena commences on Thursday, 2 October 2003 through until their final game in Perth on Sunday 19 October 2003.

### **INDONESIAN DELEGATION**

On Friday, a delegation of 40 from the Kediri Regency will visit Joondalup. Kediri is in East Java, Western Australia's sister-state in Indonesia.

The delegation will visit the Joondalup Learning Precinct and will be welcomed by Councillors at 10.15 am in the Council Chambers followed by staff presentations on planning and waste management.

### **TOKYO FELLOWSHIP EXCHANGE**

Congratulations also to Manager Audit and Executive Services, Kevin Robinson who has been awarded a Claire Fellowship to visit Japan from 3 – 15 October 2003. Sponsored by the Japan Local Government Centre, the tour provides senior executives from Government organisations with the opportunity to study Japanese public administration first hand and to exchange ideas and expertise. Congratulations Kevin.

## **C196-09/03                    PETITIONS SUBMITTED TO THE COUNCIL MEETING – 30 SEPTEMBER 2003**

### **1            PETITION IN RELATION TO ABANDONMENT OF SECTION 6.35 OF THE LOCAL GOVERNMENT ACT 1995 – [02149]**

Cr O'Brien submitted an 18-signature from residents of the Warwick Colonial Village requesting the City of Joondalup to abandon the use of Section 6.35 of the Local Government Act 1995, due to its inequitable effect on properties with lower values as set by the Valuer General causing higher rates (additional burden) to the owners of lower valued properties.

This petition will be referred to the Corporate Services and Resource Management Directorate for action.

**MOVED Cr Hart SECONDED Cr Baker that the petition requesting the City of Joondalup to abandon the use of Section 6.35 of the Local Government Act 1995 be received and referred to the appropriate Business Unit for action.**

**The Motion was Put and**

**CARRIED (13/0)**

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



**C197-09/03                    MINUTE’S SILENCE**

**MOVED Cr O’Brien SECONDED Cr Hart that the meeting observe a minute’s silence for the late Mr Charles Searson, former Shire President.**

**The Motion was Put and**

**CARRIED**

The meeting then observed a minute’s silence for the late Mr Charles Searson, former Shire President.

**CJ213 - 09/03                    MEETING OF THE POLICY MANUAL REVIEW  
COMMITTEE HELD ON 18 SEPTEMBER 2003 –  
[07032, 26176, 13399]**

**WARD                    All**

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**PURPOSE**

For Council to give consideration to the recommendations proposed by the Policy Manual Review Committee at its meeting held on 18 September 2003.

**EXECUTIVE SUMMARY**

Council at its meeting held on 29 July 2003 resolved to establish a Policy Manual Review Committee to *“review the City's corporate policy manual and make recommendations to the Council on amendments to existing policies or the adoption of new policies”*.

At its meeting held on 18 September 2003, the Policy Manual Review Committee reviewed Policy Manual - Section 2, Corporate Services, subsections:

- 2.4     Financial Planning
- 2.5     Asset Management, and
- 2.6     Human Services.

The minutes of the Policy Manual Review Committee meeting held on 18 September 2003 are submitted to Council for noting and consideration of the recommended changes to the Policy Manual.

**BACKGROUND**

Council at its meeting held on 29 July 2003 resolved to establish a Policy Manual Review Committee to *“review the City's corporate policy manual and make recommendations to the Council on amendments to existing policies or the adoption of new policies”*.

## DETAILS

At its meeting held on 18 September 2003, the Policy Manual Review Committee reviewed Policy Manual - Section 2, Corporate Services, subsections:

- 2.4 Financial Planning
- 2.5 Asset Management, and
- 2.6 Human Services..

The following policies have been reviewed by the Committee, and the proposed revisions as recommended by the Administration and the Committee are outlined on Attachment 2:

### **SECTION 2.4 - FINANCIAL PLANNING**

#### **Policy 2.4.1 - Accounting Policy**

*Amendment recommended by the Administration:* Various modifications required throughout policy. Director Planning and Community Development to be included as signatory to accounts.

No change required by Committee.

#### **Policy 2.4.2 - Investment Policy**

*Amendment recommended by the Administration:* Various amendments required throughout policy.

No change required by Committee.

#### **Policy 2.4.3 – Setting Fees and Charges**

No change required.

#### **Policy 2.4.4 – Rates Charges**

No change required.

#### **Policy 2.4.5 – Budget Timetable**

No change required.

#### **Policy 2.4.6 – Purchasing Goods and Services**

*Amendment recommended by the Administration:* Policy to be deleted and replaced with Policy 2.5.7 within the Asset Management Section

No change required by Committee.

## **SECTION 2.5 - ASSET MANAGEMENT**

### **Policy 2.5.1 – Commercial Usage of Beachfront and Beach Reserves**

*Amendment recommended by the Administration:* Amendment of rename Section 2.5 to “Assets and Commissioning”.

*Amendment recommended by the Committee:* This policy is to be deferred and reviewed, with a further report to be presented to the Committee incorporating additional recommendations.

### **Policy 2.5.2 – Procurement of Council Buildings**

*Amendment recommended by the Administration:* Amendment of rename Section 2.5 to “Assets and Commissioning”.

No change required by Committee.

### **Policy 2.5.3 – Council Vehicles – Mayor and Council Officers**

*Amendment recommended by the Administration:* Amendment of rename Section 2.5 to “Assets and Commissioning”.

No change required by Committee.

### **Policy 2.5.4 – Official Vehicles – Use of**

*Amendment recommended by the Administration:* Amendment of rename Section 2.5 to “Assets and Commissioning”.

No change required by Committee.

### **Policy 2.5.5 - Consent to Alter Council Leased Premises**

*Amendment recommended by the Administration:* Amendment of rename Section 2.5 to “Assets and Commissioning”. Change to Statement.

No change required by Committee.

### **Policy 2.5.6 – Disposal of Surplus Personal Computers**

*Amendment recommended by the Administration:* Amendment of rename Section 2.5 to “Assets and Commissioning”.

No change required by Committee.

**Policy 2.5.7 – Purchasing Goods and Services**

*Amendment recommended by the Administration:* Amendment to renumber policy to fall within Section 2.5 – “Assets and Commissioning”.

No change required by Committee.

**SECTION 2.6 – HUMAN RESOURCES****Policy 2.6.1 – Access to Information for People with Disabilities**

This policy is under review by the administration.

**Policy 2.6.2 – Access to Council Services and Facilities for People with Disabilities, their Families and Carers**

This policy is under review by the administration.

**Policy 2.6.3 – Public Participation Policy**

*Amendment recommended by the Administration:* The City has a commitment to actively involve the community in Council’s planning, development and service delivery activities.

Accordingly, Policy 2.6.3 – Public Participation, which was issued in July 1999 (CJ213-06/99 refers), has been reviewed and requires to be replaced by Policy 2.6.3 – Community Consultation.

“Consulting Our Community – A handbook to guide staff” supports this new policy. Through the guidelines, the City aims to:

- Enhance planning, provision, management and evaluation of services, and;
- Increase accountability and openness to our community.

The draft Community Consultation Policy, the existing Public Participation policy and the guidelines were advertised for public comment for 60 days. It is anticipated that a report outlining feedback data will be presented to the Committee in early November 2003. In line with Council’s previous resolution, Dr Christina Gillgren will attend that meeting to present her views on the Policy. It is recommended that consideration of this policy be deferred until such time.

**Policy 2.6.4 – Environmental Sustainability**

*Amendment recommended by the Committee:* This policy is be deferred at this time and referred to the Environmental and Sustainability Committee for consideration.

**ATTACHMENTS**

- Attachment 1 Minutes of the Policy Manual Review Committee Meeting of 18 September 2003
- Attachment 2 Proposed Amendments to Policy Manual

**VOTING REQUIREMENTS**

Simple Majority

**MOVED Cr Hart SECONDED Cr Caiacob that Council:**

- 1 NOTES the Minutes of the Policy Manual Review Committee held on 18 September 2003 forming Attachment 1 to Report CJ213-09/03;**
- 2 DELETES Policy 2.4.6 Purchasing Goods and Services and ADOPTS replacement Policy 2.5.7 Purchasing Goods and Services as detailed in Attachment 2 to Report CJ213-09/03;**
- 3 DEFERS consideration of:**
  - (a) Policy 2.5.1 Commercial Usage of Beachfront and Beach Reserves – as detailed in Attachment 2 to Report CJ213-09/03 pending a further report being presented to the Policy Manual Review Committee incorporating additional recommendations;**
  - (b) Policy 2.6.3 Public Participation and the adoption of a replacement Policy 2.6.3 – Community Consultation as detailed in Attachment 2 to Report CJ213-09/03 pending the presentation to the Policy Manual Review Committee by Dr Christina Gillgren, Director Citizens and Civics Unit at the Office of the Premier and Cabinet;**
  - (c) Policy 2.6.4 – Environmental Sustainability – as detailed in Attachment 2 to Report CJ213-09/03 pending referral to the Environmental and Sustainability Committee for consideration;**
- 4 AMENDS the following Policies as detailed in Attachment 2 to Report CJ213-09/03:**
  - 2.4.1 - Accounting Policy**
  - 2.4.2 - Investment Policy**
  - 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**

**The Motion was Put and**

**CARRIED UNANIMOUSLY (13/0)**

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

*Appendices 4a and 4b refer.*

To access this attachment on electronic document, click here: [Attach4abrf230903.pdf](#)

[Attach4bbrf230903.pdf](#)

**CJ214 - 09/03 MINUTES OF ENVIRONMENTAL AND SUSTAINABILITY ADVISORY COMMITTEE, 20 FEBRUARY 2003 AND 20 AUGUST 2003 – [00906]**

**WARD - All**

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**PURPOSE**

The Minutes of the Environmental and Sustainability Advisory Committee meeting held on 20 February 2003 and 20 August 2003 are submitted for adoption by Council.

**EXECUTIVE SUMMARY**

The Environmental and Sustainability Advisory Committee met on 20 February 2003 to review the committee's work plan. At the committee meeting held on 20 August 2003, the committee elected Cr Tim Brewer as Committee Chairperson. The Committee made recommendations to Council regarding the committee's terms of reference, committee membership, the name of the committee and also the proposed establishment of a working group for the Yellagonga Regional Park Management Plan.

This report recommends that Council:

- 1 *NOTES the confirmed minutes of the Environmental and Sustainability Advisory Committee meeting held on 20 February 2003, and the unconfirmed minutes from 20 August 2003, forming Attachment 1 and Attachment 2 to this Report;*
- 2 *BY AN ABSOLUTE MAJORITY ENDORSES the renaming of the Committee to that of "Sustainability Advisory Committee"; and*
  - (a) *APPOINTS Cr Hollywood as a second deputy to Cr Hart.*
  - (b) *ACCEPTS the resignation of Mr R Kurup.*
  - (c) *DELETES the Manager, Operations Services and the Sustainable Development Officer from the committee.*
- 3 *ADOPTS the revised Terms of Reference for the committee as shown in Attachment 3 to this Report;*
- 4 *SEEKS additional Committee membership nominations comprising of:*
  - (a) *Two community representatives with a background in economic sustainability.*
  - (b) *Two community representatives with a background in social sustainability.*

- 5 *REQUESTS Administration to develop a project team for the integration of the Yellagonga Regional Park Management Plan with representatives from the City of Wanneroo and the Department of Conservation and Land Management.*

## **DETAILS**

The minutes of the Environmental and Sustainability Advisory Committee meeting, held on 20 February 2003 and 20 August 2003 are provided as attachment 1 and 2.

### **Strategic Implications:**

The proposed changes to the committee Terms of Reference, membership and committee name is consistent with and supports the City of Joondalup Strategic Plan 2003-2008, which is based upon a guiding principal of sustainability.

### **Sustainability Implications:**

The proposed changes to the committee Terms of Reference, membership and committee name will assist the committee in providing sustainability advice to Council.

The current Committee membership consists of:

Cr Tim Brewer  
Cr S Hart  
Cr O'Brien (as Deputy)  
Mr S Hawkins  
Mr D Wake  
Mr V Cusack  
Mr S Magyar  
Mr R Kurup  
Mr G Down  
Mr G Harnet  
ECU Representative  
John Goldsmith  
Denis Cluning

## **COMMENT**

The committee, at its meeting held on 20 February 2003, made the following recommendation;

*REQUESTS the administration to progress the Cities for Climate Protection Milestone 3 objectives (development of a greenhouse gas emission reduction local action plan) for which a budget of \$20,000 was made in the 2002/2003 budget.*

In relation to the above recommendation, a draft report for the Cities for Climate Protection Programme action plan (Milestone 3) has been prepared and is currently being reviewed for administrative endorsement prior to referral to the committee and Council. As the recommendation has substantially been completed, there is no need for this recommendation to be referred for Council endorsement.

The committee, at its meeting held on 20 August 2003, reviewed the City's sustainability achievements during the last two years, including the adoption of the City's Strategic Plan (2003-2008), and the recent establishment of the Strategic and Sustainable Development Business Unit. The current terms of reference of the committee was discussed and the committee agreed to seek Council endorsement for changes to the terms of reference, the name of the committee, and committee membership. The purpose of the proposed changes is to more effectively align the role and purpose of the committee towards the City's strategic direction, and to assist in integrating environmental, social and economic sustainability approaches. Reflecting this direction is the committee's endorsement of a proposed change in the name of the committee, to become the "Sustainability Advisory Committee".

The committee agreed that there was a need to gain additional community representatives, with skills and experience in economic and social sustainability issues, which is presently largely absent from the committee. This approach will assist the committee in having a sufficiently broad range and experience and knowledge of sustainability issues.

The committee made the following recommendation in relation to the Yellagonga Regional Park Management Plan (2003-2013).

*That Council DIRECTS the administration to develop a project team for the integration of the Yellagonga Regional Park Management Plan with representatives from the City of Wanneroo and the Department of Conservation and Land Management.*

The Yellagonga Regional Park Management Plan (2003-2013) has recently been released by the Minister for the Environment. The plan sets out a ten year approach and identifies many strategies relevant to Council for the management of the Yellagonga Regional Park. There is a need to establish a team to review and progress the implementation of the management plan, in conjunction with the Department of Conservation and Land Management and the City of Wanneroo.

Minor modifications to the committee's recommendations in relation to membership and quorum requirements have been made in accordance with administrative requirements.

## ATTACHMENTS

Attachment 1	Minutes 20 February 2003.
Attachment 2	Minutes 20 August 2003.
Attachment 3	Draft terms of Reference.

## VOTING REQUIREMENTS

Absolute Majority

## **MOVED Cr Brewer, SECONDED Cr Prospero that Council:**

- 1 NOTES the confirmed minutes of the Environmental and Sustainability Advisory Committee meeting held on 20 February 2003, and the unconfirmed minutes from 20 August 2003, forming Attachment 1 and Attachment 2 to Report CJ214-09/03;**



- 2 ENDORSES the renaming of the Committee to that of “Sustainability Advisory Committee”; and**
- (a) APPOINTS Cr Hollywood as a second deputy to Cr Hart;**
  - (b) ACCEPTS the resignation of Mr R Kurup;**
  - (c) DELETES the Manager, Operations Services and the Sustainable Development Officer from the committee;**
- 3 ADOPTS the revised Terms of Reference for the committee as shown in Attachment 3 to Report CJ214-09/03;**
- 4 SEEKS additional Committee membership nominations comprising of:**
- (a) Two community representatives with a background in economic sustainability;**
  - (b) Two community representatives with a background in social sustainability;**
- 5 REQUESTS Administration to develop a project team for the integration of the Yellagonga Regional Park Management Plan with representatives from the City of Wanneroo and the Department of Conservation and Land Management.**

**The Motion was Put and**

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

**In favour of the Motion:** Mayor Carlos, Crs Baker, Brewer, Caiacob, Hart, Hollywood, Kenworthy, Mackintosh, Nixon, O’Brien, Prospero, Rowlands, Walker.

*Appendix 1 refers*

*To access this attachment on electronic document, click here: [Attach1brf230903.pdf](#)*

*Cr O’Brien declared a financial interest in Item CJ215-09/03 – Warrant of Payments – 31 August 2003 (Voucher No 58123 - Chubb Electronic Security) – as Chubb Security has taken over an FAI Extra Watch security at his residence.*

*Cr O’Brien left the Chamber at this point, the time being 1945 hrs.*

**CJ215 - 09/03      WARRANT OF PAYMENTS – 31 AUGUST 2003 –  
[09882]**

**WARD - All**

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## **PURPOSE**

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

**EXECUTIVE SUMMARY**

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

**DETAILS**

<b>FUNDS</b>		<b>AMOUNT</b>
Municipal	000429 - 000434	\$10,170,308.96
Director Corporate Services & Resource Management Advance Account	057625- 058310	\$5,163,951.26
Trust Account	-	-
	<b>TOTAL</b>	<b>\$15,334,260.22</b>

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

It is a requirement pursuant to the provisions of Regulation 13(4) of the Local Government (Financial Management) Regulations 1996 that the total of all other outstanding accounts received but not paid, be presented to Council. At the close of August 2003, the amount was \$465,949.16.

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

**CERTIFICATE OF THE DIRECTOR OF CORPORATE SERVICES & RESOURCE MANAGEMENT**

This warrant of payments to be passed for payment, covering vouchers numbered as indicated and totalling \$15,334,260.22 which is to be submitted to each Elected Member on 30 September 2003 has been checked and is fully supported by vouchers and invoices which are submitted herewith and which have been duly certified as to the receipt of goods and the rendition of services and as to prices, computations and costing and the amounts shown are due for payment.

PETER SCHNEIDER  
Director Corporate Services & Resource Management

**CERTIFICATE OF MAYOR**

I hereby certify that this warrant of payments covering vouchers numbered as indicated and totalling \$15,334,260.22 was submitted to Council on 30 September 2003

.....  
 Mayor Don Carlos

**ATTACHMENTS**

Attachment A – Warrant of Payments for Month of August  
 Attachment B – Municipal Fund Vouchers

**VOTING REQUIREMENTS**

Simple Majority

**MOVED Cr Prospero, SECONDED Cr Walker that Council APPROVES for payment the following vouchers, as presented in the Warrant of Payments to 31 August 2003, certified by the Mayor and Director Corporate Services & Resource Management and totalling \$15,334,260.22.**

<b>FUNDS</b>	<b>VOUCHERS</b>	<b>AMOUNT</b>
<b>Municipal</b>	<b>000429 – 000434</b>	<b>\$10,170,308.96</b>
<b>Director Corporate Services &amp; Resource Management Advance Account</b>	<b>057625 – 058310</b>	<b>\$5,163,951.26</b>
<b>Trust Account</b>	<b>-</b>	
	<b>TOTAL</b>	<b>\$15,334,260.22</b>

**The Motion was Put and**

**CARRIED UNANIMOUSLY (12/0)**

**In favour of the Motion:** Mayor Carlos, Crs Baker, Brewer, Caiacob, Hart, Hollywood, Kenworthy, Mackintosh, Nixon, Prospero, Rowlands, Walker.

*Appendix 2 refers*

*To access this attachment on electronic document, click here: [Attach2brf230903.pdf](#)*

*Cr O'Brien entered the Chamber at this point, the time being 1946 hrs.*

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**CJ216 - 09/03      ASSIGNMENT OF LEASE FROM VODAFONE AUSTRALIA LTD TO VODAFONE NETWORK PTY LTD: LOT 118 (1700) MARMION AVENUE, TAMALA PARK – [41198]**

**WARD - All**

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**PURPOSE**

That Council, as a part owner of Lot 118 (1700) Marmion Avenue, Tamala Park approves the assignment of the lease dated 10 May 1999 from Vodafone Australia Limited to Vodafone Network Pty Ltd for telecommunication towers. This formality will then enable the assignment of the lease from Vodafone Networks Pty Ltd to Crown Castle Australia Pty Ltd to be finalised.

**EXECUTIVE SUMMARY**

The Cities of Perth, Stirling, Joondalup and Wanneroo and Towns of Victoria Park, Vincent and Cambridge as joint owners of Lot 118 (1700) Marmion Avenue, Tamala Park entered in to a lease on 10 May 1999 with Vodafone Network Pty Ltd for the installation of telecommunication towers on a portion of Lot 118.

Thereafter, Crown Castle Australia Pty Ltd purchased the rights to Vodafone's communications towers and the joint owners supported the assignment. The City of Joondalup's support being provided at Council's meeting of 23 October 2001 (Report No. CJ368-10/01 refers).

The assignment documents to Crown Castle Australia Pty Ltd are currently circulating between the joint owners being executed. During this period it has been discovered that Vodafone has changed its name several times and also changed its Australian Company Number (A.C.N.). Due to these changes and as a formality, it is now necessary to seek the owners' approval to assign the lease from Vodafone Australia Limited to Vodafone Network Pty Ltd prior to the assignment of the lease to Crown Castle Pty Ltd being finalised.

It is therefore recommended that Council support the assignment of lease from Vodafone Australia Limited, formerly Vodafone Network Pty Ltd (A.C.N. 056 161 043), to Vodafone Network Pty Ltd (A.C.N 081 918 461).

**BACKGROUND**

The Cities of Perth, Stirling and Joondalup (and now including the City of Wanneroo and the Towns of Victoria Park, Vincent and Cambridge) as joint owners of Lot 118 (formerly Lot 17) Marmion Avenue, Tamala Park entered in to a lease with Vodafone Network Pty Ltd over portion of Lot 118 on 1 November 1998 for a 5-year term. The lease has a renewal clause for two further 5-year terms.

Crown Castle Australia Pty Ltd took the option to purchase Vodafone's communications towers, and in a letter dated 13 March 2001, solicitors acting for Vodafone sought the owners' consent to an assignment of the lease. Council approved the assignment to Crown Castle Pty Ltd at its meeting on 23 October 2001.

**Suburb/Location:** Lot 118 (1700) Marmion Avenue, Tamala Park  
**Applicant:** Vodafone Australia Limited  
**Owners:** Cities of Joondalup, Perth, Stirling and Wanneroo and Towns of Victoria Park, Vincent and Cambridge  
**Strategic Plan:** 3.5 To provide and maintain sustainable economic development  
3.5.1 Develop partnerships with stakeholders to foster business and development opportunities.

## DETAILS

Vodafone has changed its name on several occasions, and a change in the company's status has also taken place. As a consequence, solicitors for Vodafone advised that it would be necessary for the owners to approve the assignment of the lease from Vodafone Australia Limited (formerly Vodafone Network Pty Ltd A.C.N. 056 161 043) to Vodafone Network Pty Ltd (A.C.N. 081 918 461). The proposed assignment reflecting the change of the A.C.N. for Vodafone Network Pty Ltd.

Solicitors on behalf of the owners have confirmed that this action is necessary and that the legal rights of the owners are not compromised by such an assignment.

## COMMENT

At Council's meeting of 23 October 2001, support was given to the assignment from Vodafone Network Pty Ltd to Crown Castle Australia Pty Ltd and the assignment documents are currently circulating between the respective owners for execution. At this point therefore, finalisation of the assignment has not yet been completed.

The changes that have taken place to Vodafone's name and status, although after the event of the assignment to Crown Castle, has made it necessary for assignment documents Vodafone Australia Limited to Vodafone Network Pty Ltd, to be executed by all parties. Council's support is required to authorise this action. Such assignment will reflect Vodafone's correct company name and A.C.N number.

The assignment of the lease to Vodafone Network Pty Ltd will be made under the same terms and conditions as the lease held by Vodafone Australia Limited.

## ATTACHMENTS

Nil.

## VOTING REQUIREMENTS

Simple Majority

**MOVED Cr Prospero, SECONDED Cr Walker that Council as part owner of Lot 118 (1700) Marmion Avenue, Tamala Park, APPROVES the assignment of lease dated 10 May 1999 from Vodafone Australia Limited (A.C.N. 0056 161 043) to Vodafone Network Pty Ltd (A.C.N. 081 918 461).**

**The Motion was Put and**

**CARRIED UNANIMOUSLY (13/0)**

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

**CJ217 - 09/03      PETITION    REQUESTING    MODIFICATION    TO  
SEACREST DRIVE, SORRENTO – [01398] [00003]**

**WARD -** South Coastal

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**PURPOSE**

The following report gives details of the existing traffic flow conditions and presents the possible future works planned along Seacrest Drive for consideration.

**EXECUTIVE SUMMARY**

In June 2003, the City received a 56 signature petition from street residents seeking the construction of traffic treatments along Seacrest Drive, Sorrento. The petitioners are concerned with the volume of traffic and the speed at which vehicles travel along Seacrest Drive.

Seacrest Drive is one of several roads listed for funding consideration and possible future modification as part of the City's Five Year Capital Works Program.

Future enhancement of Seacrest Drive featuring a flush red asphalt median, intermittent landscaping and raised traffic islands at junctions is currently listed in 2006/07 year of the City's Local Road Enhancement Program. Similar treatments of St. Helier Drive and Harman Drive in Sorrento are also planned as part of the City's Local Road Traffic Management Program.

It is envisaged that when fully completed, the uniform treatment of these roads throughout Sorrento may cost effectively encourage lower overall vehicle speeds and significantly improve the safety and amenity of the area for all road users.

This report recommends that Council:

- 1      *CONSIDERS the future enhancement of Seacrest Drive and review the priority for treatment as part of the City's 2004/05 Draft Five Year Capital Works Program;*
- 2      *ADVISES the petitioners accordingly.*

## BACKGROUND

Seacrest Drive runs between Marmion Avenue and Hepburn Avenue. It is currently classified under Main Roads WA Metropolitan Functional Road Hierarchy as a 'local distributor road'. Seacrest Drive has previously been identified as one of several 10-metre wide local distributor roads that may benefit from treatment as part of the City's pro-active traffic management program.

Accordingly, future modification of Seacrest Drive was listed for consideration as part of the City's Five Year Capital Works – Local Road Traffic Management Program.

The proposal features enhancement features a flush red asphalt median, intermittent landscaping and raised traffic islands at junctions similar to that on Cockman Road, Greenwood.

Essentially, the reduced carriageway width and modified road environment are intended to reduce overall vehicle speeds and improve safety for all road users along Seacrest Drive.

A before and after comparison of modified roads has shown that this type of treatment has been successful in reducing overall vehicle speeds by around 5-10km/h.

The future enhancement of Seacrest Drive is currently listed in 2006/07 year of the City's Local Road Traffic Management Program.

Similar treatment of St. Helier Drive and Harman Road in Sorrento are also listed for future consideration as part of the City's Local Road Traffic Management Program.

It is envisaged that when fully completed, the uniform treatment of these roads throughout Sorrento may cost effectively encourage lower overall vehicle speeds and significantly improve the safety and amenity of the area for all road users.

The priority for these projects will be reviewed as part of the City's 2004/05 Budget process.

## DETAILS

A detailed analysis of traffic data recorded along Seacrest Drive by the City in August 2003 indicated that the traffic volume ranges between 7050 vehicles per day (VPD) west of Marmion Avenue and 3900 VPD south of Hepburn Avenue.

The 85<sup>th</sup> percentile speed of vehicles (*the speed at or below which 85 percent of vehicles are travelling*) recorded at mid-block locations along Seacrest Drive were 59km/h and 62km/h during peak flow periods.

In the 5-year period to Dec 2002 there have been seventy nine (79) crashes recorded along Seacrest Drive. Seventy (70) crashes have occurred at intersections, forty three (43) of those being recorded at the intersection of Marmion Avenue and Seacrest Drive, five (5) recorded at the intersection of Hepburn Avenue and Seacrest Drive and seventeen (17) recorded at other intersections along Seacrest Drive. The remaining nine (9) crashes occurred at mid-block. The severity of sixty one (61) crashes has been recorded property damage only (non-medical).

Previous traffic surveys carried out by the City in 1998, 1999 and in June 2003 showed comparatively similar results for both traffic volume and speed.

Overall the data suggests that Seacrest Drive is functioning as would be expected for a road of this type, albeit at a slightly higher operating speed.

**Financial Implications:**

Overall enhancement of Seacrest Drive is currently listed for consideration as part of the City's Five Year Capital Works Program. The current estimated cost is \$150,000.

**Strategic Implications:**

The planned enhancement of Seacrest Drive remains consistent with the cost-effective treatment of other local access roads throughout the municipality.

**COMMENT**

Seacrest Drive is one of several local roads listed for funding consideration as part of the City's Five Year Capital Works Program.

Future enhancement of Seacrest Drive featuring a flush red asphalt median, intermittent landscaping and raised traffic islands at junctions is currently listed in 2006/07 year of the City's Local Road Enhancement Program. Similar treatments of St. Helier Drive and Harman Road in Sorrento are also planned as part of the City's Local Road Traffic Management Program.

When fully completed, the uniform treatment of local distributor roads throughout Seacrest Drive are anticipated to cost effectively encourage lower overall vehicle speeds and significantly improve the safety and amenity of the area for local residents.

More importantly, this proposal remains consistent with the treatment of all other local distributor roads throughout the City.

The assessment of the traffic data collected on Seacrest Drive suggests that while there are some incidences of excessive vehicle speed majority of motorists drive in accordance with the local road environment.

While incidences of excessive vehicle speed remains a concern, overall the data suggests that Seacrest Drive is functioning as would be expected for a road of this type, albeit at a slightly higher operating speed.

In view of this and on the basis of the traffic assessment, treatment of this road would have a lower priority in comparison with other local distributor roads listed for treatment as part of the City's Five Year Capital Works Program.

However, the City will continue to monitor traffic flow along Seacrest Drive and review the priority for treatment of Seacrest Drive as part of the review of the City's 2004/05 Draft Five Year Capital Works Program.



On this basis, endorsement of this future treatment of Seacrest Drive is recommended for consideration and priority of treatment is to be reviewed as part of the City's 2004/05 Draft Five Year Capital Works Program.

## ATTACHMENTS

Nil.

## VOTING REQUIREMENTS

Simple Majority

### **MOVED Cr Brewer, SECONDED Cr Prospero that Council:**

- 1 CONSIDERS the future enhancement of Seacrest Drive and priority for treatment to be reviewed as part of the City's 2004/05 Draft Five Year Capital Works Program;**
- 2 ADVISES the petitioners accordingly.**

**The Motion was Put and**

**CARRIED UNANIMOUSLY (13/0)**

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

## **CJ218 - 09/03 EXTENSION OF OCEAN REEF ROAD - HODGES DRIVE TO SHENTON AVENUE – [15968]**

**WARD -** Marina and Lakeside

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## PURPOSE

To consider an "In Principle Agreement" between the City and the Ocean Reef/Iluka Subdivision developers for the transfer of road construction obligations relating to Ocean Reef Road and Burns Beach Road.

## EXECUTIVE SUMMARY

Council has previously considered reports on the completion of the construction of Ocean Reef Road from Hodges Drive to Shenton Avenue. As part of previous subdivision approvals the City is responsible for the section of Ocean Reef Road from Hodges Drive to the northern boundary of Lot 1029 and a legal agreement requires the remaining section of Ocean Reef Road to be constructed by the adjacent subdivision developer. With regard to the City's obligation there are funding and timing implications for constructing its section of Ocean Reef Road.

To enable the full length of Ocean Reef Road to be constructed between Hodges Drive and Shenton Avenue this year, the subdivision developers' representative Beaumaris Land Sales has tabled a proposal to exchange the respective road obligations for Burns Beach Road and Ocean Reef Road.

It is considered that this proposal has benefits from a funding and transport network basis and this report recommends that Council:

- 1 Agrees in principle to the City and the subdivision land owners being the Roman Catholic Archbishop of Perth, together with Davidson Pty Ltd, transferring their respective road construction obligations for Ocean Reef Road and Burns Beach Road, subject to an agreement being drawn up to the satisfaction of the Chief Executive Officer and the respective subdivision land owners;
- 2 Authorises the contribution of \$140,216.57 to the subdivision land owners being the Roman Catholic Archbishop of Perth, together with Davidson Pty Ltd to fulfil the road construction transfer obligations for Ocean Reef Road;

## **BACKGROUND**

Council has previously considered reports on the completion of the construction of Ocean Reef Road from Hodges Drive to Shenton Avenue.

At its meeting on 13 June, 2000 (Report CH139-06/00 refers) Council resolved in part to:

- List for consideration in Council's Metropolitan Regional Road Program funding submission, the construction of Ocean Reef Road from Hodges Drive through to Shenton Avenue;
- Finalise negotiations with Beaumaris Land Sales for the construction of Ocean Reef Road from the northern boundary of Lot 1029 to Shenton Avenue.

The City of Joondalup is responsible for the section of Ocean Reef Road between Hodges Drive and the northern boundary of Lot 1029 as shown on Attachment 1. Funding from the Metropolitan Regional Road Program (MRRP) for the City's section of Ocean Reef Road is unlikely in the short term, as this project does not rank highly in the program.

In the MRRP program, State funds are provided to local government on a two for one basis for projects achieving a points score from a multi criteria analysis and priority listing against all other Metropolitan Councils. The current point score for Ocean Reef Road is very low and therefore this project has not attracted funding.

As part of the Regional Road obligations for Amendment 641 being the rezoning of Iluka to Residential Development, the subdivision landowners (Roman Catholic Archbishop of Perth and Davidson Pty Ltd) are also responsible for a 50% contribution towards the upgrading to a boulevard standard of the existing carriageway of Burns Beach Road from Marmion Avenue to Delgado Parade. This road obligation is show on attachment 1. A first stage of this section of Burns Beach Road is currently being constructed, which involves connecting the subdivisional roads of Delgado Parade and Cardiff Gate, with these works programmed to be completed in mid October of this year. The full standard upgrading of this road as a

boulevard, is not programmed until the section of Burns Beach Road east of Marmion Avenue is dualled, sometime in the future.

## DETAILS

The subdivision developers are keen to fulfil their regional road obligations and have budgeted in this financial year their section of Ocean Reef Road to Shenton Avenue. As Council has not allocated any funds for its section of Ocean Reef Road and on the basis that the full upgrading of the developer's section of Burns Beach Road needs to be co-ordinated with the City's future works a proposal is being tabled for the City's and developers obligations for these roads to be transferred. This proposal has the main benefits of:

- 1 *The full length of Ocean Reef Road between Hodges Drive and Shenton Avenue being constructed by the subdivision developers this year and completing the road network for Ocean Reef through to Shenton Avenue.*
- 2 *The City being able to make future application for MRRP funds on a 2:1 arrangement for the upgrading of the section of Burns Beach Road west of Marmion Avenue through to Delgado Parade and co-ordinating this construction with the programmed dualling of Burns Beach east of Marmion Avenue at some future stage.*

### Financial Implications:

The developers' Engineering Consultant (Cossill & Webley) has submitted the respective project costs for their nominated construction contractor (Works Infrastructure) to undertake these works.

The costs in summary for each parties obligations as shown on attachment 1 are as follows:

Ocean Reef Road (COJ responsibility)	\$367,297.10
Burns Beach Road (net 50% subdivision developers)	<u>\$227,080.53</u>
Balance (COJ responsibility)	\$140,216.57

*These costs exclude any contingency amount and GST*

From this it can be seen that the City will be required to contribute \$140,216.57 to the subdivision developers as part of the proposed transfer of the road obligations. Whilst it was anticipated that the transfer of the road construction obligations would be cost neutral, as can be seen from the detailed costing, this is not able to be achieved. Notwithstanding this, it is considered that the proposed contribution sought is in keeping with the principles of the State Governments MRRP funding assistance program for roads of this type. It is considered that this transfer of obligations is mutually beneficial for both parties.

The City has funds of \$187,309 available in the Hodges Drive Drainage Reserve which was created in 1988/89 for the provision of drainage facilities near the catchments point of Ocean Reef Road. Currently a temporary drainage facility has been constructed on Lot 1029 pending future development proposals. At this stage, no drainage works is needed for Hodges

Drive. Any future upgrading of stormwater drainage for Hodges Drive and Ocean Reef Road can be accommodated as part of future roadworks and/or development of Lot 1029.

Therefore, these funds can be used now for these construction works.

<b>Budget Item:</b>	Hodges Drive Drainage Reserve
<b>Budget Amount:</b>	\$187,309
<b>YTD Amount:</b>	\$
<b>Actual Cost:</b>	\$140,216.57

## COMMENT

The extension of Ocean reef Road from Hodges Drive to Shenton Avenue will complete the road network for Ocean Reef through to Shenton Avenue.

The proposed ‘in principle’ agreement between the City and the Ocean Reef/Iluka subdivision developers to transfer the respective road construction obligations for Ocean Reef Road and Burns Beach Road has merit from a funding and timing viewpoint. Whilst the City is required to contribute additional funds for these works this can be allocated from the Reserve Funds for Hodges Drive Drainage.

## ATTACHMENTS

Attachment 1 – Plan of road construction obligations

## VOTING REQUIREMENTS

Simple Majority

## **MOVED Cr Baker, SECONDED Cr Brewer that Council:**

- 1 AGREES in principle to the City and the subdivision land owners being the Roman Catholic Archbishop of Perth, together with Davidson Pty Ltd, transferring their respective road construction obligations for Ocean Reef Road and Burns Beach Road, subject to an agreement being drawn up to the satisfaction of the Chief Executive Officer and the respective subdivision land owners;**
- 2 AUTHORISES the contribution of \$140,216.57 to the subdivision land owners being the Roman Catholic Archbishop of Perth, together with Davidson Pty Ltd to fulfil the road construction transfer obligations for Ocean Reef Road.**

**The Motion was Put and**

**CARRIED UNANIMOUSLY (13/0)**

**In favour of the Motion:** Mayor Carlos, Crs Baker, Brewer, Caiacob, Hart, Hollywood, Kenworthy, Mackintosh, Nixon, O’Brien, Prospero, Rowlands, Walker.

*Appendix 3 refers*

To access this attachment on electronic document, click here: [Attach3brf230903.pdf](#)

**CJ219 - 09/03      MINUTES OF THE SENIORS INTEREST ADVISORY  
COMMITTEE – WEDNESDAY 20 AUGUST 2003 –  
[55511]**

**WARD - All**

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**PURPOSE**

The purpose of this Report is to submit to Council the unconfirmed Minutes of the Seniors Interest Advisory Committee held on Wednesday, 20 August 2003.

**EXECUTIVE SUMMARY**

A meeting of the Seniors Interest Advisory Council was held on Wednesday, 20 August 2003 and the minutes of the meeting are submitted for noting by Council.

**DETAILS**

The minutes of the Seniors Interest Advisory Committee held on 20 August 2003 at the City of Joondalup are included as Attachment 1.

No action is required from these minutes.

**ATTACHMENTS**

Attachment 1 - Minutes of Seniors Interest Advisory Committee meeting held 20 August 2003.

**VOTING REQUIREMENTS**

Simple Majority

**MOVED Cr Caiacob, SECONDED Cr Walker that Council NOTES the Minutes of the Seniors Interest Advisory Committee Meeting held 20 August 2003 forming Attachment 1 to Report CJ219-09/03.**

**The Motion was Put and**

**CARRIED UNANIMOUSLY (13/0)**

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

*Appendix 5 refers*

*To access this attachment on electronic document, click here: [Attach5brf230903.pdf](#)*

**CJ220 - 09/03      DELEGATED AUTHORITY REPORT FOR THE  
MONTH OF AUGUST 2003 – [07032]**

**WARD - All**

**PURPOSE**

To submit items of Delegated Authority to Council for noting.

**EXECUTIVE SUMMARY**

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

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

<b>Month</b>	<b>No</b>	<b>Value (\$)</b>
August 2003	69	8,766,964

**ATTACHMENTS**

Attachment 1 -      Development Approvals processed

**VOTING REQUIREMENTS**

Simple Majority.

**MOVED Cr Walker, SECONDED Cr Caiacob that Council NOTES the determinations made under Delegated Authority in relation to the applications described in Report CJ220-09/03.**

**The Motion was Put and**

**CARRIED UNANIMOUSLY (13/0)**

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

*Appendix 6 refers*

To access this attachment on electronic document, click here: [Attach6brf230903.pdf](#)

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**CJ221 - 09/03      SUBDIVISION REFERRALS PROCESSED 1 – 31  
AUGUST 2003 – [05961]**

**WARD -** Lakeside, North Coastal, South, South Coastal and Whitfords

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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 is a schedule of the Subdivision Referrals processed by Urban Design and Policy from 1– 31 August 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 additional residential lot and 6 strata residential lots. The average processing time taken was 16 days.

Two applications were deferred and 1 application was cancelled.

**Ref: SU803-03 – 15 Woodswallow Close, Joondalup**

This application was deferred until the Western Australian Planning Commission (WAPC) provides guidance as to whether a setback assessment should be made from the proposed survey strata boundary in this instance.

**Ref: SU929-03 – 63 Kempenfeldt Avenue, Sorrento**

This application was deferred pending submission of a survey quality sketch plan of all dwellings, and proposed lot boundaries upon the parent lot, so that a detailed assessment can be undertaken against the Residential Design Codes of Western Australia 2002.

**Ref: SU122800 – 1 Sunlander Drive and 50 Mistral Meander, Currambine**

This application was cancelled by the applicant on behalf of the owner. No reason was given.

**ATTACHMENTS**

Attachment 1      Schedule of Subdivision Referrals

## VOTING REQUIREMENTS

Simple Majority

**MOVED Cr Caiacob, SECONDED Cr Walker that Council NOTES the action taken by the Subdivision Control Unit in relation to the application described in Report CJ221-09/03.**

**The Motion was Put and**

**CARRIED UNANIMOUSLY (13/0)**

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

*Appendix 7 refers*

*To access this attachment on electronic document, click here: [Attach7brf230903.pdf](#)*

**C198-09/03**

**ALTERATION TO ORDER OF BUSINESS - [02154]**

**MOVED Cr Brewer, SECONDED Cr Baker that in accordance with Clause 3.2 of the City's Standing Orders Local Law the order of business for this evening's meeting be altered to enable the following items to be CONSIDERED at this point:**

- 1 Motion to Lie on the Table No 2 - Proposed Amendment No 19 to District Planning Scheme No 2 (proposed rezoning) & Structure Plan - Lots 742 and 743 Caridean Street & Admiral Grove, Heathridge;**
- 2 Motion to Lie on the Table No 3 - Mixed Use Development (Addition of eight multiple bedroom dwellings & six single bedroom dwellings above existing commercial development): Lot 740 (1-11/99) Caridean Street, Heathridge**

**The Motion was Put and**

**CARRIED UNANIMOUSLY (13/0)**

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

**C199-09/03**

**MOTION TO LIE ON THE TABLE NO 2 - PROPOSED AMENDMENT NO 19 TO DISTRICT PLANNING SCHEME NO 2 (PROPOSED REZONING) & STRUCTURE PLAN - LOTS 742 AND 743 CARIDEAN STREET & ADMIRAL GROVE, HEATHRIDGE – [31540] [54548]**

At the Council meeting held on 9 September 2003, the following motion was moved in relation to Item CJ204-09/03:

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



“MOVED Cr Baker, SECONDED Cr Mackintosh that Council:

- 1 in accordance with clause 9.4 of the City of Joondalup’s District Planning Scheme No 2 ADOPTS the Heathridge Structure Plan as per Attachment 1 to Report CJ204-09/03 and makes it available for public comment for a period of forty two (42) days;
- 2 in pursuance of Section 7 of the Town Planning and Development Act 1928, AMENDS the City of Joondalup District Planning Scheme No 2 for the purpose of rezoning Lots 742 and 743 Caridean Street and Admiral Grove, Heathridge, from the ‘Business’ zone to the ‘Centre’ zone and uncoding the same;
- 3 ADOPTS Amendment No 19 as suitable for the purpose of advertising for a period of forty two (42) days.”

The Procedural Motion to Lie on the Table was Put and CARRIED (7/6)

*In favour of the Procedural Motion: Mayor Carlos, Crs Caiacob, Gollant, Hart, O’Brien, Prospero and Walker Against the Procedural Motion: Crs Baker, Brewer, Hollywood, Kenworthy, Mackintosh and Nixon*

#### **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 9 September 2003 recorded that no member spoke on the Motion Moved by Cr Baker and seconded by Cr Mackintosh.)

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.

**Item CJ204-09/03 is reproduced below:****CJ204 - 09/03      PROPOSED AMENDMENT NO 19 TO DISTRICT PLANNING SCHEME NO 2 (PROPOSED REZONING) & STRUCTURE PLAN - LOTS 742 AND 743 CARIDEAN STREET & ADMIRAL GROVE, HEATHRIDGE – [31540] [54548]****WARD - Marina**

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**PURPOSE**

The proposed Amendment No 19 to District Planning Scheme No 2 (DPS2) and proposed structure plan is brought before Council for consideration of initiation and adoption for the purpose of advertising (See Attachment 1 for the structure plan and Attachment 2 for the rezoning).

**EXECUTIVE SUMMARY**

Lots 742 and 743 Caridean Street and Admiral Grove, Heathridge, are zoned 'Business' and coded R20 (See Attachment 3, location plan). It is proposed to rezone the lots to 'Centre' and uncode them (Attachment 2 refers) and propose a structure plan in order to facilitate the future construction of twelve 'Aged Persons Dwellings' on Lot 743 and thirteen 'Single Bedroom Dwellings' on Lot 742 (Attachment 1 to this Report).

The amendment is to facilitate the development of 'Aged Persons Dwellings' and 'Single Bedroom Dwellings' by rezoning the land to 'Centre', and will allow a structure plan to be prepared for the subject site to guide the form of development. The Structure Plan prescribes the development requirements applicable to both to the 'Single Bedroom Dwellings' and the 'Aged Person Dwellings' through criteria detailed in Part 5. The criteria addresses building height, car parking, building setbacks from primary and secondary frontages, site coverage and building materials to ensure the development is of high built form quality.

Ultimately the structure plan may be updated to encompass the commercial land adjoining the subject site (Lot 741 Caridean Street), should this land be redeveloped or improved in future. The 'Centre' zone and structure plan would be appropriate to allow this to occur.

It is anticipated that the Heathridge Shopping Centre will receive an injection of 'new life' as a result of the adjoining residential development creating demand for retail services. In addition, the amenity of the area will improve by developing the subject sites that have been vacant for some time. The provision of 'Aged Person' and 'Single Bedroom' dwellings on the subject site will also improve the housing mix by providing a variety of dwelling types and accommodating changing demographic needs. The proposed development of the site will tie in with improvements currently being considered to Lot 740 Caridean Street, which will see this part of the centre dramatically improved.

It is recommended that Council initiates and adopts Amendment No 19 to DPS2 for the purpose of advertising for a period of 42 days and in accordance with Part 9 of DPS2, adopts the structure plan for the purpose of advertising for a period of 42 days.

## BACKGROUND

<b>Suburb/Location:</b>	Lots 742 and 743 Caridean Street & Admiral Grove, Heathridge		
<b>Applicant:</b>	Koltasz Smith on behalf of the Department of Housing and Works and Isador Pty Ltd.		
<b>Owner:</b>	Isador group (Lot 742) and Department of Housing and Works (Lot 743)		
<b>Zoning:</b>	<b>DPS:</b>	Business	
	<b>MRS:</b>	Urban	
<b>Coding:</b>	R20		
<b>Strategic Plan:</b>	Strategy 2.1 – Rejuvenate our suburbs. Strategy 2.6 – Promote and enjoy lifestyles that engender Environmental, Social and Economic balance.		

Previous development on both lots has been associated with the Heathridge Shopping Centre, including a Service Station formally located on Lot 742 and a Medical Centre on Lot 743. Both lots are presently vacant.

Both landowners consider that development of both lots for ‘Business’ related purposes is not practical on the basis that the existing centre is large enough to service the needs of the surrounding area and a number of tenancies have been vacant for some time

The landowners have further justified the development on the basis that there is a lack of ‘Single Bedroom Dwellings’ and ‘Aged Persons Dwellings’ in the area and that the proximity of the development to the Heathridge Shopping Centre would benefit the adjoining centre by providing surveillance and additional patronage. The location also appears appropriate for this type of residential development given its proximity to commercial facilities and public transport.

## DETAILS

### Amendment No 19

Koltasz Smith on behalf of the Isador Group and the Department of Housing and Works have submitted for consideration an amendment to DPS2 for Lots 742 and 743 Caridean Street and Admiral Grove, Heathridge to be rezoned from ‘Business’ zone to ‘Centre’ zone and uncode the land (Attachment 2 refers). It is intended that the land be developed for the purpose of ‘Aged Person’s Dwellings’ and ‘Single Bedroom Dwellings’. A structure plan is also proposed concurrently with the amendment to facilitate this development.

The lots about the Heathridge Shopping Centre and Admiral Park Recreation Reserve. Heathridge Primary School is in close proximity.

Both lots are proposed to be rezoned to accommodate ‘Special Purpose’ dwellings as development for ‘Business’ related purposes is not practical on the basis that the existing centre is large enough to service the needs of the surrounding area and a number of tenancies has been vacant for some time.

In addition, the development of the land for ‘Aged Person’s Dwellings’ and ‘Single Bedroom Dwellings’ is considered an appropriate alternative given there is a shortage of this type of accommodation in the area and the proximity to commercial facilities and public transport. The proximity of the residential development to the Heathridge Shopping Centre would also benefit the adjoining centre by providing surveillance and additional patronage.

The rezoning of the subject site to ‘Centre’ zone is considered appropriate to facilitate this type of development.

### Structure Plan

The structure plan consists of two parts, the first being the ‘Statutory Planning Section’ that sets out the objectives and the criteria that determine the overall detailed landuse and form of development upon each lot (Attachment 1 refers). The criteria addresses building height, car parking, building setbacks from primary and secondary frontages, site coverage and building materials to ensure the development is of high built form quality.

More specifically part one of the structure plan addresses the following issues:

- The development orientation for both Lots 742 and 743 towards the adjoining centre (Lot 741 Caridean Street) and towards both Caridean Street and Admiral Grove to encourage surveillance and improved built form interface between the proposed development and both the existing centre and surrounding residential area.
- The requirement for a legal agreement for pedestrian access between Lots 742 and 743.
- Strata title of individual lots not being permitted until construction has reached plate height.

The second component is the ‘Explanatory Report’, which is the supporting documentation to part one. It includes the following:

- Identification of landuse areas;
- Rationale for the design philosophy;
- Relationship of proposed development to surrounding landuses;
- Movement, access and parking arrangements;
- Services; and
- Implementation.

Ultimately the structure plan may be updated to encompass the commercial land adjoining the subject site (see Attachment 3 for location of Lot 741 Caridean Street) should this land be redeveloped or improved in future. The ‘Centre’ zone and structure plan would be appropriate to allow this to occur.

### **Statutory Provision:**

#### Amendment No 19

Section 7 of the Town Planning and Development Act 1928 (TPD Act 1928) together with Town Planning Regulations 1967 enable Local Authorities to amend a Town Planning Scheme and sets out the process to be followed (Attachment 4 refers).

### Structure Plan

Clause 9.1 of DPS2 states that Council may require the preparation of a structure plan as a prerequisite to the Council's support for a proposal to rezone or reclassify land in the District.

### **Consultation:**

#### Amendment No 19

The Town Planning Regulations 1967 requires the amendment to be advertised for a period of forty two (42) days. All adjoining landowners would be notified in writing, a sign erected on the site and a notice placed in the Joondalup Community newspaper. In addition the landowners of Lot 740 (Heathridge Shopping Centre) and the landowners and residents along Admiral Grove and Caridean Street immediately opposite Lots 742 and 743 Admiral Grove and Caridean Street Heathridge, would be notified in writing of the proposal.

### Structure Plan

Clause 9.5 of DPS2 requires structure plan proposals to be advertised, in accordance with clause 6.7 of DPS2. Clause 6.7 requires advertising to be no less than 21 days. Given both the structure plan and the amendment will be advertised concurrently, it is recommended that the structure plan be advertised for a period of 42 days, with advertising to all adjoining landowners being notified in writing, a sign erected on site and a notice placed in the Joondalup Community newspaper. It is also suggested that landowners of Lot 740 Caridean Street (Heathridge Shopping Centre) and landowners and residents along Admiral Grove and Caridean Street immediately opposite Lots 742 and 743 Admiral Grove and Caridean Street Heathridge, be notified in writing of the proposal.

### **Strategic Implications:**

The rezoning and structure plan will facilitate the development of 'Aged Person's Dwellings' and 'Single Bedroom Dwellings'. The development will address the needs of the ageing population and changing demographics that warrants the creation of special purpose dwellings. The development will also assist in rejuvenating the area. This accords with Strategy 2.1 'Rejuvenate our Suburbs' of the City's strategic plan.

### **COMMENT**

The amendment and the proposed structure plan will result in the creation of twelve 'Aged Persons Dwellings' and thirteen 'Single Bedroom Dwellings'. The structure plan provides the guidelines that will guide the development and ensure the amenity of the surrounding residential area is maintained and the final built form is of a high quality.

It is anticipated the Heathridge Shopping Centre will receive an injection of 'new life' as a result of the adjoining residential development creating demand for retail services. The Department of Housing and Works has advised that the demand for 'Aged Person' and 'Single Bedroom' dwellings is high in Heathridge given most dwellings in the surrounding locality consist of traditional housing (3 to 4 bedrooms and 2 bathrooms). It is beneficial for 'Special Purpose' dwellings to be located in proximity to public transport, open space and community facilities, which the subject site provides.

It is recommended that Council initiates and adopts Amendment No 19 to DPS2 for the purpose of advertising for a period of 42 days and in accordance with Part 9 of DPS2, adopts the structure plan for the purpose of advertising for a period of 42 days.

## ATTACHMENTS

Attachment 1 – Structure Plan – Lot 742 & 743 Caridean Street & Admiral Grove, Heathridge

## VOTING REQUIREMENTS

Simple Majority

**MOVED Cr Brewer, SECONDED Cr Baker that the Motion to Lie on the Table No 2 - Proposed Amendment No 19 to District Planning Scheme No 2 (proposed rezoning) & Structure Plan - Lots 742 and 743 Caridean Street & Admiral Grove, Heathridge BE TAKEN FROM THE TABLE.**

**The Motion was Put and**

**CARRIED (13/0)**

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

**MOVED Cr Hart SECONDED Cr Caiacob That Council:**

- 1 in accordance with Clause 9.4 of the District Planning Scheme No 2 **ADOPTS** the Heathridge Structure Plan as per Attachment 1 to Report CJ204-09/03 for the purpose of public comment only at this time and makes the Structure Plan available for a period of 42 days;
- 2 in pursuance of Section 7 of the Town Planning and Development Act 1928 **AMENDS** the City of Joondalup District Planning Scheme No 2 (Amendment No 19 – Rezoning Lot 742 and 743 Caridean Street and Admiral Grove, Heathridge from Business Zone to Residential Zone and coding R-40) for the purpose of advertising for a period of 42 days.

Following advice that a Motion was currently on the floor, Mayor Carlos ruled the Motion moved by Cr Hart and seconded by Cr Caiacob **OUT OF ORDER**

**MOVED Cr Baker, SECONDED Cr Mackintosh that Council:**

- 1 in accordance with clause 9.4 of the City of Joondalup's District Planning Scheme No 2 **ADOPTS** the Heathridge Structure Plan as per Attachment 1 to Report CJ204-09/03 and makes it available for public comment for a period of forty two (42) days;

- 2 in pursuance of Section 7 of the Town Planning and Development Act 1928, AMENDS the City of Joondalup District Planning Scheme No 2 for the purpose of rezoning Lots 742 and 743 Caridean Street and Admiral Grove, Heathridge, from the ‘Business’ zone to the ‘Centre’ zone and uncoding the same;
- 3 ADOPTS Amendment No 19 as suitable for the purpose of advertising for a period of forty two (42) days.

Discussion ensued.

**The Motion was Put and**

**CARRIED (10/3)**

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

*Appendix 9 refers*

To access this attachment on electronic document, click here: [Attach9brf230903.pdf](#)

**C200-09/03 MOTION TO LIE ON THE TABLE NO 3 - MIXED USE DEVELOPMENT (ADDITION OF EIGHT MULTIPLE BEDROOM DWELLINGS & SIX SINGLE BEDROOM DWELLINGS ABOVE EXISTING COMMERCIAL DEVELOPMENT): LOT 740 (1-11/99) CARIDEAN STREET, HEATHRIDGE – [63542]**

At the Council meeting held on 9 September 2003, the following motion was moved in relation to Item CJ205-09/03:

MOVED Cr Hart, SECONDED Cr Walker that in accordance with Clause 5.4 of the City’s Standing Orders Local Law, the following Motion Lie on the Table:

“MOVED Cr Baker, SECONDED Cr Mackintosh that Council:

- 1 EXERCISES discretion under clause 6.8 and 4.5.3 of District Planning Scheme No 2 and determines that:
  - (a) the additional land use of a multiple dwelling,
  - (b) the shortfall of ten car parking bays is appropriate in this instance;
- 2 APPROVES the application dated 2 April 2003 and, submitted by Peter Raynes, on behalf of the owner(s) of Heathridge City Shopping centre, for a mixed use development incorporating an additional fourteen new dwellings at Lot 740 (99) Caridean Street, Heathridge, subject to the following conditions:

- (a) appropriate access and car parking easements to be prepared with the landowners of Lots 741 and 745 to reflect additional access and parking demands created by the proposed dwellings. The access and car parking easement documentation shall be completed to the satisfaction of the City prior to the occupation of the new dwellings. The granting of an easement in gross pursuant to section 196 of the Land Administration Act (at full cost of the owner) in favour of the City of Joondalup for Lot(s) 741, 745 and 740. For the purposes of this easement, it shall include land proposed for vehicular accessway(s), carparking areas and drainage where required for the benefit of the public at large. The easement must be registered on the title before the development is occupied;
- (b) additional windows as marked in red on the approved plans shall be added to the turrets. Details shall be submitted for further approval prior to the issue of a building licence;
- (c) a lighting strategy shall be prepared for the subject site detailing existing and proposed additional lighting to upgrade and improve visibility and security for the site. Details shall be submitted to the satisfaction of the City prior to the issue of a building licence;
- (d) all landscaping on the site and the verge adjacent to the development site shall be upgraded to the satisfaction of the City prior to the occupation of the new dwellings;
- (e) the lodging of detailed landscape plans, to the satisfaction of the City, for the development site and the adjoining road verge(s) with the Building Licence Application. For the purpose of this condition, a detailed landscaping plan shall be drawn to a scale of 1:100 and show the following:
  - (i) the location and type of existing and proposed trees and shrubs within the carpark area;
  - (ii) any lawns to be established;
  - (iii) any natural landscape areas to be retained; and
  - (iv) those areas to be reticulated or irrigated
- (f) landscaping and reticulation to be established in accordance with the approved plans prior to the development first being occupied and thereafter maintained to the satisfaction of the City;
- (g) the annotated “alfresco dining area” adjacent to the existing restaurant as marked in red on the approved plans shall be utilized for public enjoyment and a general open area which may accommodate seating. The public shall be able to utilise and use this area whether they are paying customers or not at any of the commercial tenancies of the centre and the area shall



not be associated with any commercial tenancy unless further approved by Council;

- (h) the parking bay/s, driveway/s and points of ingress and egress to be designed in accordance with the Australian Standard for Offstreet Carparking (AS2890). Such areas are to be constructed, drained, marked and thereafter maintained to the satisfaction of the City prior to the development first being occupied. These works are to be done as part of the building programme;
- (i) all stormwater must be contained on-site to the satisfaction of the City;
- (j) the driveway/s and crossover/s to be designed and constructed to the satisfaction of the City before occupation of dwellings;
- (k) car bay grades are generally not to exceed 6% and disabled car bay/s are to have a maximum grade of 2.5%;
- (l) end bays in a blind aisle should be a minimum of 3.5 metres wide (bays 72 and 98);
- (m) disabled bays shall be a minimum of 3.2 metres wide and be provided with kerb ramps (bays 62 and 63);
- (n) the existing stormwater drainage system, parking areas, landscaping and crossovers should be improved (if necessary) to bring them up to appropriate standards;
- (o) submission of a Construction Management Plan detailing phasing of construction, access, storage of materials, protection of pedestrians, footpaths and other infrastructure;
- (p) the applicant shall, in writing, advise prospective purchasers of the residential units that it may be subject to activities, odour or noise not normally associated with a typical residential development. The City is to advise that purchasers should recognise and accept that, in selecting to reside in this locality, that noise, odour traffic and other factors that constitute part of commercial activities are likely to occur, which are not normally associated with typical residential developments;
- (q) any roof mounted or freestanding plant or equipment such as air conditioning units, satellite dishes or radio masts to be located and screened so as not to be visible from beyond the boundaries of the development site;
- (r) no obscure or reflective glazing to be used in the shop fronts facing into the shopping centre;

- (s) the provision of at least three lockable bicycle parking facilities is to be provided in the location/s marked in red on the approved plans prior to the development first being occupied and being to the satisfaction of the City;
- (t) the preparation of a signage strategy to the satisfaction of the City prior to the issue of a building licence ensuring that signage for the tenancies is uniform in their size and location;
- (u) development shall be designed and constructed in compliance with the requirements of the Environmental Protection Act 1986;
- (v) prior to the issue of the Building Licence, the Architect or Builder is to arrange and submit to the City's Approval Services, an Acoustics Consultant's Report on all installations, activities and processes, giving sound level measurements both individually and in combination. This report shall include the presence of tonal components, amplitude or frequency modulations or impulses to ensure noise emissions are in compliance with the requirements of the Environmental Protection Act 1986.

Footnote(s):

- (a) The applicant is advised to refer to the Building Code of Australia 1996 (as amended) for compliance with Volume 1 part C – C3.11 Bounding Construction (a), (b) and (g), Part–D2.20 Swing doors and Part E2 – Smoke Hazard Management Specification E2.2a Smoke detection and Alarm System.
- (b) In relation to Condition 2(g), the applicant is advised that with the deletion of the al fresco area, this area shall be utilised for car parking purposes.
- (c) Applicant shall provide adequate bin storage facilities for commercial and residential units to the satisfaction of the City. Bin areas to consist of a concrete floor graded to an industrial floor waste connected to sewer.
- (d) With regards to condition 2(v) above, an acoustic consultants report shall address issues including exhaust canopy discharges, plant and equipment, patron noise, bin pick-up vehicles, goods delivery vehicles and the acoustic design of the residential units.
- (e) A management plan shall be submitted addressing operational issues such as bin pick-up times, goods delivery times, restaurant operating hours, restaurant music, alfresco areas, odours and nuisances.

- (f) Mechanical exhaust discharges shall maintain compliance with AS1668.2. To this regard discharges shall be relocated above the new roof level and maintain the minimum statutory setbacks.
- (g) Applicant be advised that you have an obligation to comply with all relevant provisions of the Health Act 1911, City of Joondalup Health Local Laws 1999 and all other applicable health legislation.
- (h) A separate application to be made to the City for Approval to Commence Development and sign licence prior to the installation of any advertising signage.”

The Procedural Motion to Lie on the Table was Put and TIED (7/7)

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

There being an equal number of votes, the Mayor exercised his casting vote and declared the Procedural Motion CARRIED (8/7)

#### **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 9 September 2003 recorded that no member spoke on the Motion Moved by Cr Baker and seconded by Cr Mackintosh).

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.

**Item CJ205-09/03 is reproduced below:**

**CJ205 - 09/03            MIXED USE DEVELOPMENT (ADDITION OF EIGHT MULTIPLE BEDROOM DWELLINGS & SIX SINGLE BEDROOM DWELLINGS ABOVE EXISTING COMMERCIAL DEVELOPMENT): LOT 740 (1-11/99) CARIDEAN STREET, HEATHRIDGE – [63542]**

**WARD - Marina**

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**PURPOSE**

The purpose of this report is to request Council's determination of an application for a mixed-use development that intends to construct a number of residential dwellings above existing commercial tenancies at a shopping centre.

**EXECUTIVE SUMMARY**

An application has been received for the development of a number of residential dwellings on top of an existing commercial development, forming part of the Heathridge City Shopping centre. In total fourteen dwellings are proposed, including six single bedroom dwellings. The proposal would be classified as a multiple dwelling in a mixed-use configuration given that the existing shops would be retained. A new public alfresco area in the forecourt of the shopping center is also proposed. Discretion is required in relation to land use and provision of parking.

A number of submissions were received including various objections during the 28-day public advertising period.

The type of development proposed is unique to the City. It is also considered that the proposal has a large significance in terms of upgrading the existing shopping centre.

It is recommended that the application be approved as it is considered that the community benefit and improvement to the streetscape would provide a major benefit to the locality.

**BACKGROUND**

**Suburb/Location:** 99 Caridean Street, Heathridge.  
**Applicant:** Peter Raynes Design Consultant  
**Owner:** Strata Management for Heathridge City Shopping Centre  
**Zoning:**     **DPS:** Commercial R20  
                  **MRS:** Urban

The subject land incorporates the lot on which the existing shopping centre is located. The shopping centre was developed in 1986. The site adjoins Lot 741 to the east that contains other retail development. The battleaxe shaped Lot 745 is located to the west and is owned by the City. (Refer to attachment 1).

## DETAILS

The application would result in a mixed-use development that comprises of fourteen new residential dwellings on top of the existing commercial development. The fourteen dwellings would be comprised of eight dwellings with two to three bedrooms, whilst six dwellings would have a single bedroom. The existing commercial tenancies at the ground floor level would be retained. A new outdoor dining area is also proposed for the existing restaurant. Car parking for the new dwellings would be provided to the rear, off the service lanes where dedicated spaces with a storage facility for each unit would be located. Parking for the commercial tenancies would generally remain as existing in the forecourt of the “U” shaped shopping centre. (A site plan is shown in Attachment 2).

### **Statutory Provision:**

The development is subject to the provisions of the City’s District Planning Scheme No 2 (DPS2) and the Residential Design Codes 2002 (R-Codes).

In this instance the provisions of DPS2 are used for the classification of land use and the permissibility of this use on the subject lot, the permissible gross leasable area (GLA) of retail floor space, landscaping, parking provisions for the commercial portion and overall use and management of the site with adjoining lots. The R-Codes stipulate matters specifically related to the residential portion, and as such include parking considerations for the residential portion, the residential density, size of units and their interaction with the shopping centre overall.

Specifically, it should be noted that the provisions of the R-Codes now include a section for mixed use developments, where residential is proposed in conjunction with other types of development, and in this case this includes commercial tenancies. Part 4.2 of the R-Codes outlines such provisions for mixed-use developments and outlines that the residential portion would be assessed on the basis of a multiple dwelling.

### Zoning

The lot is currently zoned “Commercial”. A density coding of R20 applies.

The objectives of the “Commercial” zone pursuant to the provisions of clause 3.7 of DPS2 aim to *“provide for a wide range of uses within existing commercial areas, including retailing, entertainment, professional offices, business services and residential.”*

### Land use

The residential land uses proposed above the existing commercial development would be classed as a “multiple dwelling”. A “multiple dwelling” is a “D” (discretionary) land use in a “Commercial” 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”.*

Given that the multiple dwelling development proposal is a discretionary land use, clause 6.6.2 of DPS2 requires that the Council in exercising its discretion to approve or refuse an application, to 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.*

### Retail floor space (NLA)

Schedule 3 of DPS2 provides floor space limits for shopping centres. In this instance Schedule 3 limits the subject centre to 1500m<sup>2</sup> of retail NLA. It should be noted that no additional retail floor space is currently proposed and the existing commercial units would be retained in their current configuration.

### **Consultation:**

The applicant has submitted written comments supporting the proposed development from the owners of Lot 743, the former Medical Centre site along Admiral Grove.

Furthermore, the proposal was advertised in writing to 143 of the adjoining and nearby owners and a sign was also placed on the site advising passers by of the development proposal. The comment period was 28 days in accordance with DPS2. In total nineteen submissions, including four objections, were received during the comment period. These are detailed below.

Summary of submission Received	Technical Comments
<p><i>Opposed to the development as this would be the start of on-going future building developments in this already crowded area.</i></p> <p><i>The size of the shopping centre is sufficient for the area and feels that if the development goes ahead that the oval would be developed next. Provision of more parks would be better. (14 Trochidae Way, Heathridge)</i></p>	<p>The development is assessed separately to any future proposal, which may be proposed. The area has an R20 coding and this is a low-density type R-Coding predominantly found across the City.</p> <p>The size of the shopping centre (commercial floor space) would not be increased. The proposal intends to add residential on top of existing commercial tenancies. There is no proposal to develop on the park.</p>
<p><i>Concern about an increase in criminal activity and additional noise.</i></p> <p><i>Caridean Street is a busy street and does not require the additional traffic the dwellings would create.</i></p>	<p>It is considered that permanent residents would provide passive surveillance to the shopping centre after operating hours and that the additional residents comprising the additional 14 dwellings would have a negligible impact on Caridean Street, which would be able to carry large amounts of traffic at present.</p>
<p><i>Ratepayer likes the shopping centre as it is “family-friendly” within close walking and cycling distance.</i></p> <p><i>They use the centre about once a week for the newsagent, supermarket and the Chinese restaurant and pizza outlet.</i></p> <p><i>The car park is roomy and flat and allows their car to not be damaged/scratched and allows their children to cross the car park safely and visibly to other drivers.</i></p> <p><i>The centre is wide, open and has a low vista architecture which is non threatening and non stressful.</i></p> <p><i>The grounds of the centre are generally kept clean apart from the rear.</i></p> <p><i>The development would mean that the car park becomes busy with residents and their visitors, which would impact on the parking of customers.</i></p> <p><i>Socially and emotionally in the longer term (1 to 2 years) residents of the development would not benefit as living so close to the centre without own space and backyard would lead to negative activities which would impact on the customers who would be forced to go elsewhere.</i></p> <p><i>As shopping hours may be extended the impact on residents would be compounded. The centre would increase its property</i></p>	<p>Noted.</p> <p>It appears as though these comments relate to the adjacent site, which has these facilities.</p> <p>Noted. The layout and operation of the car park would not be altered as residents’ parking is dedicated to the rear of the shopping centre.</p> <p>Noted.</p> <p>Noted.</p> <p>Refer to comment above.</p> <p>The provision of balconies would comply with the R-Codes. Residents that require large backyards would be unlikely to purchase a unit that would not serve their lifestyle needs. Increased surveillance and customers to the centre by way of the new residents would enable the centre to function better 24 hours a day.</p> <p>The City does not have any control over operational hours, although noise impacts</p>

Summary of submission Received	Technical Comments
<p><i>valuation, the value of the centre property would decrease forcing taxpayers and the community to address security issues.</i></p> <p><i>Request for the back of the centre to be tidied up. The former service station site turned into landscaped area with benches etc. allowing a community meeting area to be created. Objects to the development as the existing centre should remain unaltered. (Anon)</i></p>	<p>and regulation would occur in the normal fashion in the event of noise intrusion. The Building Code of Australia also requires noise insulation between various uses within a building. Natural surveillance of the centre would be increased due to the movement of new residents resulting in a reduction of opportunities for antisocial behaviour. Improving the visual aesthetics of the centre can be achieved by requiring additional lighting/landscaping as part of an approval. The other sites mentioned are separate from the development proposal. It is currently considered that additional housing may be constructed on the former service station site. However, this is subject to a separate development application.</p>
<p><i>The development will result in more traffic and air pollution on Admiral Grove as congestion occurs, especially on Sundays when Rugby is played.</i></p> <p><i>The Councillors should come to the park on those days to see the congestion and rubbish left behind, not to mention the reticulation they have to pay.</i></p>	<p>There is no evidence that the development would cause further traffic congestions. The site is separate from the Council-owned park, and any traffic issues associated with such sporting uses should be considered separately from the development proposal on the adjoining lot.</p> <p>Noted.</p>

Furthermore, letters of no objection were received from fifteen owners within close proximity of the development site. It is noted that a number of the favorable submissions received outlined that the addition would revitalize the existing run down facility and that this would provide redevelopment opportunities which would also enhance property prices in the immediate locality.

### **Sustainability Implications:**

It has been assessed that the functioning of the shopping centre will be improved and would result in a far more vibrant and interactive environment, as residents would live on-site, rather than having to commute to the centre to shop. It is acknowledged that the number of residents that would be able to enjoy this privilege is small.

Preliminary discussions have been held with regard to the former service station and medical centre sites, which could potentially be utilised for further housing. This would further enhance the vitality and functioning of the overall neighbourhood centre.

This would mean that the functioning of the shopping centre becomes animated and lively as its residents who would share these grounds for private and recreational purposes, ultimately providing for better community interaction opportunities. Furthermore, an upgrade of the



facilities of the centre has been considered necessary and certainly the provision of residential land uses, would allow for vibrancy of the centre to be rejuvenated.

## COMMENT

The addition of residential land uses on top of existing commercial land uses within a residential suburb is considered to be something not yet tested, other than in the City Centre of Joondalup. Although similar developments exist in the Joondalup City Centre, such as in Central Walk, such developments are inherently different due to their location within a city centre where shared land uses are the norm.

Given that the development would provide a redevelopment spur for the shopping centre in that the centre would be revitalized, passive surveillance improved, land uses better utilised and a bona fide centre of activity created for Heathridge, the proposal is supported.

## Development Standards under DPS2 and the R-Codes

### Density and development potential of the lot.

As previously noted, the commercially zoned lot has an R20 density coding. The R-Codes under clause 4.2 provide for mixed-use development. The acceptable development or ‘as of right’ provisions outline that if a mixed-use development is proposed and the lot remains uncoded under the applicable Town Planning Scheme, that a default R60 coding would be applied. Generally and historically density have not been assigned to non-residential zoned land as they generally apply only in residential areas. The City in its DPS2 has however, applied a R20 density coding to this commercial parcel of land.

The mixed use provisions outline that the development should be assessed as a multiple dwelling as defined in the R-Codes.

It is noted that the R-Codes do not have any provisions for assessment (setbacks and lot size requirements) in term of multiple dwellings within a low density zoning (R20), as multiple dwellings are typically found within higher density areas such as the Joondalup City Centre. The City’s DPS2 outlines that a multiple dwelling is a discretionary land use within the commercial area, meaning the Council has the ability to consider the discretionary land use on its merits.

The Western Australian Planning Commission as the authors of the R-Codes have elaborated on the query of multiple dwellings in low density coded areas, in the following terms:

- “Q. *In Table 1, does the lack of a performance standard for Multiple Dwellings in areas coded R30 or less prohibit multiple dwellings in these areas?*
- A. *No. The R-Codes relate principally to residential and related development and, as stated on p11 of the Codes, are essentially performance standards relating to control of development. The use and development of land, and more particularly the permissibility of land uses in specific areas, is controlled by means of zones and zoning tables in local government town planning schemes. The R-Codes do not determine the permissibility or otherwise of a particular residential use in a particular zone. They simply provide the performance standards which residential development is required to comply with if it is permissible in that particular zone. The absence of*

*performance standards in Table 1 of the R-Codes for a particular residential use listed in the Codes (e.g. multiple dwellings in a residential zone that is coded R30 or below) simply means that there are no performance standards prescribed in the R-Codes for that use under those codings. In these instances, and in the absence of any relevant performance standards prescribed elsewhere in the town planning scheme or elsewhere in the Codes, the development would be subject to the local government's general discretion. A local government wishing to prohibit multiple dwellings in a residential zone that is coded R30 or below, or wishing to specify a default set of performance standards in these areas (e.g. perhaps the R35 performance standards for multiple dwellings as set out in Table 1), will need to do so by means of a specific clause in its town planning scheme.”*

On this basis, the area calculations for a multiple dwelling have been taken from the provisions of a single house, which require the highest standards for the R20 coding. The single house provisions require 500m<sup>2</sup> per dwelling. This can be further reduced ‘as of right’ to 300m<sup>2</sup> for a single bedroom dwelling pursuant to clause 3.1.3 of the R-Codes.

The lot has an area of 6012m<sup>2</sup>. Given that eight normal dwellings are proposed (8 x 500m<sup>2</sup>) this results in an area requirement of 4000m<sup>2</sup>. Furthermore six single bedroom dwellings are proposed (6 x 300m<sup>2</sup>) which require 1800m<sup>2</sup>. In total a land area of 5800m<sup>2</sup> is required, whilst 6012m<sup>2</sup> is available.

The land area per dwelling requirements of the R-Codes have therefore been met and no discretion is requested in relation to the approval of the density of the development.

#### Land use

It has been previously noted that a multiple dwelling pursuant to DPS2 is a discretionary land use and that the City can consider the application on merit having regard to the overall development proposal and taking into consideration the provisions of clause 6.8 of DPS2.

The concept of a multiple dwelling on a commercially zoned site is supported, given that it would provide better utilization and sharing of land and parking requirements, due to the proximity of available public open space adjoining the site and it providing a landmark quality for the shopping centre.

#### Parking (Commercial and Residential)

The existing centre has 109 car bays. It is further noted that access and parking easements exist with the adjoining sites. The centre currently has approximately 1329m<sup>2</sup> of retail NLA. This results in a parking requirement of 94 car bays given that parking calculated at 7 bays per 100m<sup>2</sup> of NLA for shopping centres of less than 10,000m<sup>2</sup> pursuant to Table 2 of DPS2. Therefore, the centre has an oversupply of parking by 15 car bays.

Clause 4.2.1 of the R-Codes outlines that mixed use developments require one bay per residential dwelling irrespective of the size or the number of bedrooms proposed, as parking would normally be shared with other land uses on the site. In this instance fourteen bays are dedicated to each of the proposed new dwellings, meaning that one car bay is provided in excess of the requirements of the DPS2 and the R-Codes.

The proposal does, however, also include a proposal to provide additional alfresco areas adjacent to the existing restaurant. This would result in seven existing car bays being lost, meaning that a car-parking shortfall of six car bays would be created.

	<b>Required</b>	<b>Provided</b>	<b>Shortfall</b>
Commercial parking @ 7 bays per 100sqm pursuant to Table 2 of DPS2 (1329sqm of NLA)	94 bays	88 bays	6 bays
Residential parking @ 14 dwellings (1 bay per dwelling pursuant to clause 4.2.1 of the R-Codes)	14 bays	14 bays	Nil

The applicant has verbally advised that they would be supportive of providing parking in the form of verge embayments within the verge. This is considered inappropriate in this instance given the number and location of crossovers and driveways adjacent to the lot that would cause sightline and traffic issues.

A cash in lieu payment could be required in accordance with clause 4.11 of DPS2, however, given that an access and parking agreement is in place with the two adjoining properties, it is considered that the shortfall of six car bays can be waived pursuant to clause 4.5.3 of DPS2, provided that these agreements are updated and modified to include the new residential traffic likely to be created. Clause 4.5.3 allows the City to vary the parking requirements after considering matters pursuant to clause 6.8 of DPS2 and if the City is satisfied that the non-compliance would have no adverse affects in terms of the amenity of the occupiers, inhabitants and users of the area. Given that adequate parking is available on the site, the land uses would share parking requirements due to different requirements at different stages throughout the day and that shared parking and access provision exists between the adjoining sites, it is assessed that the variation can be supported as having no amenity impacts on the users, inhabitants and the general locality.

#### Access agreements

Access to the site is provided via three separate driveways, one on the centre of the lot and two on the eastern and western side of the site. The subject site (Lot 740) is bounded by Lot 745 to the west, which is owned by the City, and Lot 741 to the east, which comprises the adjacent shopping centre with the Supa Valu Supermarket as well as other minor shops. It is noted that two of the three driveways are located on the adjoining sites and that these are used to gain access to the rear portion of the shopping centre to service the various establishments.

This is where bin and service yards are also located. The subject site has an access agreement with Lot 745 (owned by the City) and has a reciprocal access and parking agreement with the adjoining shopping centre (Lot 741).

The existing access and parking agreements need to be updated to reflect the additional parking and access requirements of the proposed dwellings and the rights of each party.

### Alfresco dining

Alfresco dining has been proposed for the existing restaurant. No specific details with regard to the likely number of tables and chairs had been outlined, however, the applicant has recently outlined that this area would not be solely utilised for patrons of the restaurant, but rather that it be used as a public seating area whether they be paying customers or not.

The concept of this public space is supported as it allows interaction of shoppers and those wishing to stop and rest to utilise these facilities whether they are paying customers or not. This ensures that the liveliness and vitality of the centre is increased and the resultant loss of six car bays is supported, as the overall parking provision would still be adequate.

### Elevation Treatments

The form of the development including elevation and site planning has also been analysed and additional windows within the turret lobbies would improve the interaction of the residential dwellings with the commercial areas and the parking forecourt. This shall be required with any approval.

The applicant has provided a rear elevation of the new rear carport structures, which show a half height wall and open construction above. It is considered that some level of security would be provided for these and that the specifics of this design be submitted for further approval once detailed at the building licence stage.

### Landscaping

Landscaping has already been provided in the form of a strip within the front portion of the lot, as well as to the property's verge. It has been assessed that it would be necessary to condition the landscaping to be upgraded across the entire site to ensure that landscaping on the verge and within the property is of modern standards and that the extent of landscaping is commensurate with the standard of development proposed. A condition requiring a landscaping plan for the upgrades shall be provided prior to the issue of a building licence.

### Lighting

No details of lighting have been provided as part of the application. Comments from the community have outlined that the rear service yard areas are dimly lit after hours and this contributes to incidents of antisocial behaviour. It is considered appropriate to require details of lighting to be provided prior to the issue of a building licence and to add a footnote outlining that upgrading to the rear service areas would be necessary.

### Signage

Details of signage have not been submitted for the proposal. It is considered appropriate to require a signage strategy to be prepared to ensure that signage space is uniform for existing tenancies.

## **CONCLUSION**

It has been assessed that the development complies with the provisions of the R-Codes, particularly in relation to density. The discretionary land use of a multiple dwelling on top of existing commercial tenancies as well as the shortfall of six car parking bays has been assessed with regard to the provisions of clause 6.8 of DPS2. In this instance it determined that the overall interest of orderly and proper planning and the preservation of the amenity of the locality has been addressed satisfactorily by the applicant. The discretionary land use and shortfall of six car bays would not detriment the locality and the amenity of the area as the multiple dwelling land use would significantly improve the vitality and functioning of the centre. As parking is shared between land uses and their hours of operation, together with access and parking rights with both adjoining sites, the shortfall of six bays has been assessed as resulting in no amenity loss.

Having considered the applicant's justification as well as the community's views and requests following public consultation, it is recommended to support the application with standard conditions as well as further conditions addressing security, lighting, landscaping and overall amenity of the centre. This would address the objectors' concerns and would enhance the amenity of the centre for its users, inhabitants and for the greater benefit of the locality. It is noted that there is no structure plan or policies of Council or the State Government which have to be taken into consideration on this occasion. There are also no previous similar determinations, which exist within the City. Approval is recommended on this basis.

## **ATTACHMENTS**

Attachment 1 - Location Plan

Attachment 2 - Development Plan

## **VOTING REQUIREMENTS**

Simple Majority

## **ADDITIONAL INFORMATION**

At the briefing session held on Tuesday 23 September, a query was raised concerning the use of clause 4.5.3 of DPS2 to exercise discretion under DPS2. The issue relates to the proposed development of dwellings above shops at the above address.

On checking with the City's solicitors, it is advised that clause 4.5.3 does provide for the exercise of discretion. The solicitor also advises that in reality each of the parts of clause 4.5 relate to one another, and it would be more simple to encompass each part of clause 4.5 of the DPS in the recommendation.

For this reason, it is proposed that the recommendation 1 be altered. The current recommendation is produced below:

".....That Council:

- 1 EXERCISES discretion under clause 6.8 and 4.5.3 of District Planning Scheme No 2 and determines that...."

It is proposed to alter the recommendation as follows.

".....That Council:

- 1 EXERCISES discretion under clause 6.8 and 4.5 of District Planning Scheme No 2 and determines that...."

*Note: This suggested alteration to the recommendation was not pursued at the Council meeting.*

**MOVED Cr Brewer, SECONDED Cr Baker That the Motion to Lie on the Table No 3 - Mixed Use Development (Addition of eight multiple bedroom dwellings & six single bedroom dwellings above existing commercial development): Lot 740 (1-11/99) Caridean Street, Heathridge BE TAKEN FROM THE TABLE.**

**The Motion was Put and**

**CARRIED (13/0)**

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

**MOVED Cr Baker, SECONDED Cr Mackintosh that Council:**

- 1 **EXERCISES discretion under clause 6.8 and 4.5.3 of District Planning Scheme No 2 and determines that:**

- (a) **the additional land use of a multiple dwelling,**
- (b) **the shortfall of ten car parking bays;**

**is appropriate in this instance;**

- 2 **APPROVES the application dated 2 April 2003 and, submitted by Peter Raynes, on behalf of the owner(s) of Heathridge City Shopping centre, for a mixed use development incorporating an additional fourteen new dwellings at Lot 740 (99) Caridean Street, Heathridge, subject to the following conditions:**

- (a) **appropriate access and car parking easements to be prepared with the landowners of Lots 741 and 745 to reflect additional access and parking demands created by the proposed dwellings. The access and car parking easement documentation shall be completed to the satisfaction of the City prior to the occupation of the new dwellings. The granting of an easement in gross pursuant to section 196 of the Land Administration Act (at full cost of the owner) in favour of the City of Joondalup for Lot(s) 741, 745 and 740. For the purposes of this easement, it shall include land proposed for vehicular accessway(s), carparking areas and drainage where required for the benefit of the public at large. The easement must be registered on the title before the development is occupied;**

- (b) additional windows as marked in red on the approved plans shall be added to the turrets. Details shall be submitted for further approval prior to the issue of a building licence;
- (c) a lighting strategy shall be prepared for the subject site detailing existing and proposed additional lighting to upgrade and improve visibility and security for the site. Details shall be submitted to the satisfaction of the City prior to the issue of a building licence;
- (d) all landscaping on the site and the verge adjacent to the development site shall be upgraded to the satisfaction of the City prior to the occupation of the new dwellings;
- (e) the lodging of detailed landscape plans, to the satisfaction of the City, for the development site and the adjoining road verge(s) with the Building Licence Application. For the purpose of this condition, a detailed landscaping plan shall be drawn to a scale of 1:100 and show the following:

  - (i) the location and type of existing and proposed trees and shrubs within the carpark area;
  - (ii) any lawns to be established;
  - (iii) any natural landscape areas to be retained; and
  - (iv) those areas to be reticulated or irrigated
- (f) landscaping and reticulation to be established in accordance with the approved plans prior to the development first being occupied and thereafter maintained to the satisfaction of the City;
- (g) the annotated “alfresco dining area” adjacent to the existing restaurant as marked in red on the approved plans shall be utilized for public enjoyment and a general open area which may accommodate seating. The public shall be able to utilise and use this area whether they are paying customers or not at any of the commercial tenancies of the centre and the area shall not be associated with any commercial tenancy unless further approved by Council;
- (h) the parking bay/s, driveway/s and points of ingress and egress to be designed in accordance with the Australian Standard for Offstreet Carparking (AS2890). Such areas are to be constructed, drained, marked and thereafter maintained to the satisfaction of the City prior to the development first being occupied. These works are to be done as part of the building programme;
- (i) all stormwater must be contained on-site to the satisfaction of the City;
- (j) the driveway/s and crossover/s to be designed and constructed to the satisfaction of the City before occupation of dwellings;
- (k) car bay grades are generally not to exceed 6% and disabled car bay/s are to have a maximum grade of 2.5%;

- (l) end bays in a blind aisle should be a minimum of 3.5 metres wide (bays 72 and 98);**
- (m) disabled bays shall be a minimum of 3.2 metres wide and be provided with kerb ramps (bays 62 and 63);**
- (n) the existing stormwater drainage system, parking areas, landscaping and crossovers should be improved (if necessary) to bring them up to appropriate standards;**
- (o) submission of a Construction Management Plan detailing phasing of construction, access, storage of materials, protection of pedestrians, footpaths and other infrastructure;**
- (p) the applicant shall, in writing, advise prospective purchasers of the residential units that it may be subject to activities, odour or noise not normally associated with a typical residential development. The City is to advise that purchasers should recognise and accept that, in selecting to reside in this locality, that noise, odour traffic and other factors that constitute part of commercial activities are likely to occur, which are not normally associated with typical residential developments;**
- (q) any roof mounted or freestanding plant or equipment such as air conditioning units, satellite dishes or radio masts to be located and screened so as not to be visible from beyond the boundaries of the development site;**
- (r) no obscure or reflective glazing to be used in the shop fronts facing into the shopping centre;**
- (s) the provision of at least three lockable bicycle parking facilities is to be provided in the location/s marked in red on the approved plans prior to the development first being occupied and being to the satisfaction of the City;**
- (t) the preparation of a signage strategy to the satisfaction of the City prior to the issue of a building licence ensuring that signage for the tenancies is uniform in their size and location;**
- (u) development shall be designed and constructed in compliance with the requirements of the Environmental Protection Act 1986;**
- (v) prior to the issue of the Building Licence, the Architect or Builder is to arrange and submit to the City's Approval Services, an Acoustics Consultant's Report on all installations, activities and processes, giving sound level measurements both individually and in combination. This report shall include the presence of tonal components, amplitude or frequency modulations or impulses to ensure noise emissions are in compliance with the requirements of the Environmental Protection Act 1986.**



**Footnote(s):**

- (a) **The applicant is advised to refer to the Building Code of Australia 1996 (as amended) for compliance with Volume 1 part C – C3.11 Bounding Construction (a), (b) and (g), Part–D2.20 Swing doors and Part E2 – Smoke Hazard Management Specification E2.2a Smoke detection and Alarm System.**
- (b) **In relation to Condition 2(g), the applicant is advised that with the deletion of the al fresco area, this area shall be utilised for car parking purposes.**
- (c) **Applicant shall provide adequate bin storage facilities for commercial and residential units to the satisfaction of the City. Bin areas to consist of a concrete floor graded to an industrial floor waste connected to sewer.**
- (d) **With regards to condition 2(v) above, an acoustic consultants report shall address issues including exhaust canopy discharges, plant and equipment, patron noise, bin pick-up vehicles, goods delivery vehicles and the acoustic design of the residential units.**
- (e) **A management plan shall be submitted addressing operational issues such as bin pick-up times, goods delivery times, restaurant operating hours, restaurant music, alfresco areas, odours and nuisances.**
- (f) **Mechanical exhaust discharges shall maintain compliance with AS1668.2. To this regard discharges shall be relocated above the new roof level and maintain the minimum statutory setbacks.**
- (g) **Applicant be advised that you have an obligation to comply with all relevant provisions of the Health Act 1911, City of Joondalup Health Local Laws 1999 and all other applicable health legislation.**
- (h) **A separate application to be made to the City for Approval to Commence Development and sign licence prior to the installation of any advertising signage.**

Discussion ensued.

*During discussion, Cr Kenworthy left the Chamber at 2008 hrs and returned at 2010 hrs.*

**The Motion was Put and**

**CARRIED (11/2)**

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

*Appendix 10 refers*

*To access this attachment on electronic document, click here: [Attach10brf230903.pdf](#)*

**CJ222 - 09/03      CRAIGIE LEISURE CENTRE REDEVELOPMENT –  
[09050]****WARD - All****PURPOSE**

The purpose of this report is to:

- 1      provide Council with an alternative plan to the proposed option 6 that includes a 50 Metre 8 lane pool and is costed at no more than \$8.1 million.
- 2      make a recommendation to Council with regards to the design option for the redevelopment of the Craigie Leisure Centre.

**EXECUTIVE SUMMARY**

At its 19 August 2003 meeting, Council was again presented with the recommendation to proceed with option 6 for the redevelopment of the Craigie Leisure Centre. This followed previous requests from Council for further consultation and information pertaining to the recommended redevelopment option 6. At this meeting, Council requested that an alternative plan to the proposed option 6 that includes a 50 metre, 8 lane pool and is fully costed at no more than \$8.1 million be provided.

Following substantial further investigation, James Christou and Partners Architects (JCPA), in conjunction with the project team, have developed two additional options (7 and 8) that:

- 1      Meet the Council's suggested requirement of a 50 metre pool being the highest priority to the project; and
- 2      Are costed at no more than \$8.1 million dollars.

Option 7 provides for a 50 metre indoor pool to be constructed within the confines of the current building shell. Whilst this can be achieved within the budget limitations, no other aquatic facilities can be provided within the budget limit with the net result being that the City will no longer provide for family, leisure and seniors markets at the Craigie Leisure Centre. It is also forecast that the ongoing operation deficit incurred by the City for option 7 would increase from the current level of approximately \$400,000 to over \$680,000.

Option 8 provides for a 50 metre outdoor pool with the current aquatic centre and fitness centre configurations receiving a minor refurbishment. Whilst this achieves a 50 metre pool for Council as requested, it places the Council in a high risk position in regard to the existing aquatic facility being refurbished knowing that the infrastructure is comprised essentially of a redundant and aging pool shell, piping and mechanical equipment. The net result would be the City being provided with a new 50 metre pool and left with existing aging infrastructure, including inadequate filtration systems, that would require further capital works in a short period of time. The consultants have also advised that the risk of short-term equipment failures would remain. It is also forecast that the ongoing operation deficit incurred by the

City for option 8 would increase marginally from the current level of approximately \$400,000 to over \$480,000. As such, option 8 is considered completely unacceptable for Council to pursue.

Option 6 as originally presented to Council provides for the greatest increase in amenity, programmability and service provision out of all options but does not provide for a 50 metre water space. However to meet the desire of the community for a 50 metre pool, Council could list an outdoor 50 metre pool in the 2004/05 capital works budget process for consideration as a second stage to the project in 2005/2006. It is forecast that option 6 as originally recommended to Council will show a positive operational cash flow with the further inclusion of the 50 metre outdoor pool reducing this to a deficit of approximately \$100,000.

## BACKGROUND

Deliberations regarding the preferred design options for the redevelopment of the Craigie Leisure Centre have been extensive. Council has sought further information on a number of occasions to assist in making its final decision. This process is summarised below in Table 1.

**Table 1 – Summary of Council Decisions**

<b>Report No</b>	<b>Date</b>	<b>Resolution</b>
CJ074-04/03	1 April 2003	<ol style="list-style-type: none"> <li>1 Council reaffirms its decision to close the aquatic facilities at The Craigie Leisure Centre as of 5 May 2003;</li> <li>2 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.</li> </ol>
CJ130-06/03	17 June 2003	<ol style="list-style-type: none"> <li>1 Adopts option 6 for the redevelopment of Craigie Leisure Centre aquatic facility subject to public consultation in relation to option 6;</li> <li>2 Seeks approval for the project budget of \$7.5 million to be expended in the 2003/04 and 2004/05 financial years.</li> </ol>
CJ194-08/03	19 August 2003	That consideration of the redevelopment recommendations for the Craigie Leisure Centre be deferred until a full costing be carried out on an alternative plan to the proposed option no 6, that includes a 50 metre 8 lane pool and is costed at no more than \$8.1 million.

In response to the most recent Council decision, the design consultant, James Christou and Partners Architects (JCPA), the quantity surveyor, Ralph and Beatty Bosworth (RBB) and the internal project team have developed two options that:

- 1 Meet the Council's suggested requirement of a 50 metre pool being the highest priority to the project; and
- 2 Are costed at no more than \$8.1 million dollars.

## DETAILS

In developing further options to meet the guidelines established by Council, JCPA investigated options of including a 50 metre water body both as an indoor facility within the present building structure and as an additional outdoor facility. As Council's resolution was not specific on this matter, this was considered the appropriate course of action.

The perceived requirement for a 50 metre pool at Craigie Leisure Centre has been developed around the needs of schools, and in particular, school carnivals. In responding to this need JCPA developed options that include spectator seating. At the present time Arena Joondalup caters to the needs of school carnivals within the region and consequently, JCPA have adopted the 1000 person seating capacity of the Arena as the benchmark.

### Further Design Options

This report presents three options for Council's information. These options include:

Option 7 – 50 metre indoor pool (\$8.1 million)

Option 8 – 50 metre outdoor pool (\$7.9 million) (1000 seating capacity additional \$0.7m)

Option 6 – 50 metre outdoor pool (\$10.9 million) (1000 seating capacity additional \$0.7m)

### Option 7 – 50 metre indoor pool (Attachment 1)

This is the development of a new 50 metre pool within the existing building. The option allows for the development of a new gym, aerobics area and crèche. The administration areas, kiosk and change room facilities would only receive a cosmetic refurbishment. The constraints of the existing building limit seating to approximately 370 thereby not meeting the needs of the schools. The budget would not extend to the provision of further leisure or learn to swim aquatic facilities. The costs of the new fitness centre (approximately \$1.0 m) does not equate to the cost of additional leisure pools.

**Table 2 – Option 7 Analysis**

### Option 7

Construction	Yes	No	Partially
Completely new pool shells with warranty	√		
Completely new pipe work and plumbing	√		
1000 spectator seats that can accommodate the communities & schools requirements for carnivals.		√	
Provides a range of facilities that meets the majority of the communities expressed needs including family, leisure, lap swimming and seniors markets.		√	
A second stage development can be implemented with minimal impact on operations and customers.		√	

Capital costs within 2003/2004 adopted budget of \$8.1million.	√		
Increased crèche, aerobics and gym capacity provides for improved ability to meet the communities needs	√		
Provides a new spa, sauna and steam room facility that meets the expressed needs of the community.		√	
New mechanical system will provide industry leading water and air quality.		√	
Increased toilet/change room amenities.		√	
New lobby and foyer provides for climate-controlled area, with clear vision for customers to all facilities within the Centre.		√	
Provides facilities that are different to the Arena Joondalup allowing market differentiation and less competition between the two centres.		√	√ provides no leisure pool.
Provides two separate bodies of water with different water temperatures, a key requirement for being able to program and services different markets within the community.		√	
Provides increased 'swimming lesson' program opportunities, regarded by the community as an essential element to a facilities core range of services.		√	
Wet deck included in pools, to improve pool water circulation and quality.	√		
Provide facilities that meet the needs for Education Department swimming lesson		√	
Occupational Safety and Health issues of front reception are addressed		√	
Design addresses the current state of gymnasium, which includes poor layout, poor ventilation, roof requiring replacement and limited space for equipment.	√		
Clear vision from administration and reception areas provide secondary supervision to aquatic and court facilities.		√	
Clear vision from gym to aquatic area increases visual appeal and internal cross promotion of programs and services.		√	
Provides controlled access between the crèche, aerobics, gym and the aquatic area reducing non-paying customers.		√	

### Comment

Option 7 does not provide the City any significant advantage over what is currently in place at Craigie Leisure Centre. Option 7 provides fewer facilities and reduces the City's infrastructure and thereby the ability to provide programs and services to the broader community. The facility will not cater for the seniors, family, leisure and learn to swim markets. The community will lose a leisure pool at this location.

In trying to achieve an objective of being a facility that caters for the sport of swimming and in particular the schools market, the limitations of the building mean that the spectator accommodation is only 370, which does not meet the objectives of the community or the target market.

If Option 7 was adopted it would be the only Centre in Western Australia that provides a indoor 50 metre pool without any leisure facilities.

The scope of the project enables only cosmetic improvement to the office, kiosk and change room facilities. By not implementing the necessary structural modifications, the City does not address significant occupational health and safety issues currently experienced by the City's customers and staff. The change room facilities areas have been a major concern for a number of years and to not take this opportunity to make genuine improvement would be to the detriment of the whole project.

The estimated attendances of Option 7 would be approximately 400,642 per annum that, whilst are comparable to the facility as it was at the time of closure (5 May 2003), represent a significant shift in user demographics from leisure, seniors and families to lap swimming. There are some operational savings with this project due to their being no leisure facilities so staff and energy costs are lower. The net result is a high estimated deficit of \$680,229 per annum, and increase from the current level of approximately \$400,000 per annum, which should not be considered acceptable.

#### Option 8 – 50 metre outdoor pool (Attachment 2)

Option 8 would provide Council with an outdoor 50 metre pool (without any spectator seating) and a refurbishment of the existing pool area, crèche, gym, office, kiosk and change rooms. The total cost of this project is estimated at \$7.9m. The cost of providing seating (1000) as a discrete component is \$700,000. Whilst developing the project without the seating may be completed within the \$8.1m budget, this does not meet the expressed needs of schools wishing to use the 50m pool.

**Table 3 – Option 8 Analysis**

		<b>Option 8</b>		
<b>Construction</b>	<b>Yes</b>	<b>No</b>	<b>Partially</b>	
Completely new pool shells with warranty			√	50m only
Completely new pipe work and plumbing			√	50m only
1000 spectator seats that can accommodate the communities & schools requirements for carnivals.		√		
Provides a range of facilities that meets the majority of the communities expressed needs including family, leisure, lap swimming and seniors markets.	√			√ outdated leisure facilities
A second stage development can be implemented with minimal impact on operations and customers.		√		
Capital costs within 2003/2004 adopted budget of \$8.1million.	√			
Increased crèche, aerobics and gym capacity provides for improved ability to meet the communities needs		√		
Provides a new spa, sauna and steam room facility that		√		

meets the expressed needs of the community.			
New mechanical system will provide industry leading water quality and air quality.		√	
Increased toilet/change room amenities.		√	
New lobby and foyer provides for climate-controlled area, with clear vision for customers to all facilities within the Centre.		√	
Provides facilities that are different to the Arena Joondalup allowing market differentiation and less competition between the two centres.		√	
Provides two separate bodies of water with different water temperatures, a key requirement for being able to program and services different markets within the community.			√
Provides increased 'swimming lesson' program opportunities, regarded by the community as an essential element to a facilities core range of services.		√	
Wet deck included in pools, to improve pool water circulation and quality.			√ 50 only
Provide facilities that meet the needs for Education Department swimming lesson	√		
Occupational Safety and Health issues of front reception are addressed		√	
Design addresses the current state of gymnasium, which includes poor layout, poor ventilation, roof requiring replacement and limited space for equipment.		√	
Clear vision from administration and reception areas provide secondary supervision to aquatic and court facilities.		√	
Clear vision from gym to aquatic area increases visual appeal and internal cross promotion of programs and services.		√	
Provides controlled access between the crèche, aerobics, gym and the aquatic area reducing non-paying customers.		√	

### Comment

Option 8 has addressed Council's request for 50 metre water space which is provided as an additional component to the existing body of water. The requirement of schools to have seating for up to 1000 students cannot be included as part of this project as the overall costs are prohibitive. Provision may be made for temporary seating from operational budgets, thereby increasing further the operational deficit.

Whilst the project provides a new 50 metre water facility, it only provides for the upgrade of the existing pool shell. The retention of the existing pool shell offers significant risk to the City as asset managers. The element of risk lays predominantly in the use of the existing pool. The condition of the pool shell, plant and the associated pipe work is unknown and there is no capacity in the project budget to excavate and examine or replace it. A report produced in 2001 for the City by Geoff Nannes clearly outlined to the City that the pool at that time was poorly designed with circulation rates that are well outside the standards that would be achieved by any facility. Major issues that are not addressed in this project are improved

water quality and air quality. It is expected the City will be required to address these issues in the short term.

The 50 metre pool will provide a facility that can specifically cater for the lap swimming and school carnival markets. The upgrade of the existing indoor pool shell will mean the structure and layout of the pool will not be changed. The current structure and layout of the pool is 15 years old. The design of the facility is outdated and has lost its relevance and market appeal to the broader community. The current pool structure can cater for the community but would be a facility with limitations that have existed for 15 years. The limitations include inappropriate water depths, no flexibility with water temperatures, no children's plays features and poor water quality.

The lack of change and improvement to the pool area will mean that there are very few attractions to bring new customers to the facility.

The capacity to provide varying water temperatures is integral to the success of the facility. By having one large body of water indoors the City would be committed to either:

- Higher water temperatures (32 deg) to suit leisure and learn to swim markets and thereby disenfranchising the indoor lap swimming market; or
- Lower water temperatures (28 deg) to suit lap swimmers that thereby restricts the capacity of the facility to offer programs to leisure, families and seniors groups.

To heat the existing pool body, which is a very large area (1.5 million litres of water) to a higher temperature would have a massive impact upon the energy costs of the facility.

With only cosmetic refurbishment changes to the pool, gym, crèche, kiosk, office and change room facilities, the City would, as in option 7, be limiting the benefits that customers would be receiving in return for their investment of \$8.1m. The centre is competing with new and modern facilities in the market place, a refurbishment would not address the design faults of the current 15 year old facility. This would mean that its relevance to the community and ability to compete in the open market place is diminished.

From the operational analysis undertaken, option 8 provides an improvement to the attendance levels as compared to option 7. This is due only to an increase in water space and not quality. Whilst the additional space also provides additional operational costs, the size of the operational deficit based on estimated figures is forecast to reduce from \$680,229 to \$448,744 per annum compared to the current operational deficit of approximately \$400,000 per annum.

### **Comparison of options 7 and 8 to option 6**

In order to provide direct comparisons to the two new options detailed above, the same analysis is presented for the proposed option 6, and for option 6 with a 50 metre outdoor pool.

Option 6 (Attachment 3)

The details pertaining to option 6 have been previously discussed in report CJ130-06/03.



**Table 4 – Option 6 Analysis****Option 6**

<b>Construction</b>	<b>Yes</b>	<b>No</b>	<b>Partially</b>
Completely new pool shells with warranty	√		
Completely new pipe work and plumbing	√		
1000 spectator seats that can accommodate the communities & schools requirements for carnivals.		√	
Provides a range of facilities that meets the majority of the communities expressed needs including family, leisure, lap swimming and seniors markets.	√		√ no 50m pool
A second stage development can be implemented with minimal impact on operations and customers.	√		
Capital costs within 2003/2004 adopted budget of \$8.1million.	√		
Increased crèche, aerobics and gym capacity provides for improved ability to meet the communities needs	√		
Provides a new spa, sauna and steam room facility that meets the expressed needs of the community.	√		
New mechanical system will provide industry leading water quality and air quality.	√		
Increased toilet/change room amenities.	√		
New lobby and foyer provides for climate-controlled area, with clear vision for customers to all facilities within the Centre.	√		
Provides facilities that are different to the Arena Joondalup allowing market differentiation and less competition between the two centres.	√		
Provides two separate bodies of water with different water temperatures, a key requirement for being able to program and services different markets within the community.	√		
Provides increased ‘swimming lesson’ program opportunities, regarded by the community as an essential element to a facilities core range of services.	√		
Wet deck included in pools, to improve pool water circulation and quality.	√		
Provide facilities that meet the needs for Education Department swimming lesson	√		
Occupational Safety and Health issues of front reception are addressed	√		
Design addresses the current state of gymnasium, which includes poor layout, poor ventilation, roof requiring replacement and limited space for equipment.	√		
Clear vision from administration and reception areas provide secondary supervision to aquatic and court facilities.	√		
Clear vision from gym to aquatic area increases visual appeal and internal cross promotion of programs and services.	√		

Provides controlled access between the crèche, aerobics, gym and the aquatic area reducing non-paying customers.	√		
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#### Option 6 with 50 metre outdoor pool (Attachment 4)

This option is not affordable within the existing budget restrictions but could be considered as a second stage development. Council may consider if a 50 metre pool is a necessary requirement, that it lists the funds for a 50 metre pool for consideration in a future year's budget.

**Table 5 - Option 6 with 50 metre pool Analysis**

#### **Option 6 with 50m Pool**

<b>Construction</b>	<b>Yes</b>	<b>No</b>	<b>Partially</b>
Completely new pool shells with warranty	√		
Completely new pipe work and plumbing	√		
1000 spectator seats that can accommodate the communities & schools requirements for carnivals.	√		
Provides a range of facilities that meets the majority of the communities expressed needs including family, leisure, lap swimming and seniors markets.	√		
A second stage development can be implemented with minimal impact on operations and customers.	N/A		
Capital costs within 2003/2004 adopted budget of \$8.1million.		√	
Increased crèche, aerobics and gym capacity provides for improved ability to meet the communities needs	√		
Provides a new spa, sauna and steam room facility that meets the expressed needs of the community.	√		
New mechanical system will provide industry leading water quality and air quality.	√		
Increased toilet/change room amenities.	√		
New lobby and foyer provides for climate-controlled area, with clear vision for customers to all facilities within the Centre.	√		
Provides facilities that are different to the Arena Joondalup allowing market differentiation and less competition between the two centres.		√	
Provides two separate bodies of water with different water temperatures, a key requirement for being able to program and services different markets within the community.	√		
Provides increased 'swimming lesson' program opportunities, regarded by the community as an essential element to a facilities core range of services.	√		
Wet deck included in pools, to improve pool water circulation and quality.	√		
Provide facilities that meet the needs for Education Department swimming lesson	√		

Occupational Safety and Health issues of front reception are addressed	√		
Design addresses the current state of gymnasium, which includes poor layout, poor ventilation, roof requiring replacement and limited space for equipment.	√		
Clear vision from administration and reception areas provide secondary supervision to aquatic and court facilities.	√		
Clear vision from gym to aquatic area increases visual appeal and internal cross promotion of programs and services.	√		
Provides controlled access between the crèche, aerobics, gym and the aquatic area reducing non-paying customers.	√		

### Key Performance Indicator comparison

Table 6 below provides a summary of key performance indicators (KPI's) compared between the options contained within this report. These four KPI's shown in this analysis are considered to be the main indicators of community return and infrastructure performance for such facilities.

**Table 6 – Key Performance Indicator comparisons**

	<b>Option 8</b>	<b>Option 7</b>	<b>Option 6</b>	<b>Option 6 with 50m Pool</b>
Capital Cost - (Financial)	\$8.6m	\$8.1m	\$8.1m	\$11.6m
Operating Deficit (Surplus) (Financial)	\$490,000	\$680,000	(\$280,000)	\$100,000
Energy Cost (Environment)	\$300,000	\$240,000	\$280,000	\$480,000
Attendances (Social)	540 000	400 000	690 000	770 000

- Figures provided are estimates only based on currently available information.
- The operational position of each option 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 the facilities programs and services are operating at peak capacity in third year of operation (allowing for set up and growth period).

### Myrtha Pool Option

At its meeting in August 2003, Council requested that costs associated with Myrtha construction technology be included as part of the proposals presented to them. Whilst some estimates can be provided by the sole Asia Pacific supplier of Myrtha pool systems, a detailed cost comparison cannot be provided until the full construction tender process is concluded. It is the intention to provide the option of including a Myrtha pool shell system in the construction contract for the tenderers to price. Without undertaking a full tender process it is not possible to isolate the comparative costs between the use of concrete and the Myrtha technology.

JCPA have advised the City that in the previous three years, they have completed two major aquatic centres, Melville Aquatic Centre and Riverton Leisureplex, whereby Myrtha Technology was included in the tender process. In both tenders, both concrete and Myrtha technology was made available to the client with the following results:

- *Melville Aquatic Fitness Centre* - 50 metre pool and diving pool the Myrtha technology to be \$163,900 more expensive.
- *Riverton Aquatic Centre* - 50 metre pool the Myrtha technology was \$109,613 more expensive.

The City of Melville project chose to take the concrete option whereas the City of Canning opted to proceed with the Myrtha option despite the additional cost. Advice provided by JCPA is that the decision made by Melville was with regard to cost, and Canning was with regard to certain preferences of operational staff relating to maintenance issues.

### **Impact of 50 metre outdoor pool on Craigie Bushland**

The positioning of a proposed 50 metre outdoor pool will have some impact upon the surrounding bushland area. Whilst the pool will fit within the area established by the access road, there is likely to be the loss of some vegetation.

The Craigie Leisure Centre is located on Crown Reserve that is also noted in the Western Australian Planning Commission's Bush Forever policy statement. As such, any requirement for further development at the Craigie Leisure Centre will require the approval of the Department of Planning and Infrastructure due to it being a Crown Reserve. Further, due to the additional constraint of the site being identified in Bush Forever, further investigation will be required to determine if the project may proceed given the impact on the bush.

### **COMMENT**

Since April this year Council has been considering options for the configuration of the redevelopment of the Craigie Leisure Centre. As requested at the 19 August Council meeting, the development of further options for a 50 metre pool contained within the current approved budget has been undertaken. These new options that are presented are the only two options that can be developed which meet the following requirements as prescribed by Council being:

- 1 A 50 metre pool is a priority.
- 2 That the project developed within the budget guidelines of \$8.1.

Subsequent to these requirements the evaluation of the options has been mindful of the need to accommodate schools, the ability to meet the needs of the community as a whole and the capacity of the facilities to operate without being an excessive burden upon the operational position of the facility.

From the evaluation it is clear that option 6 remains the best option to proceed with.

However to meet the desire of the community for a 50 metre pool, Council could list an outdoor 50 metre pool in the 2004/05 capital works budget process for consideration as a second stage to the project in 2005/2006. This recommendation is based upon the following reasons.

- Of the three options that are achievable within the budget parameters option 6 potentially offers Council an estimated operating surplus of \$280,000 per annum as opposed to estimated deficits of \$490,000 and \$680,000 per annum for option 7 and 8 respectively. These variations of \$770,000 and \$960,000 per annum are extremely significant.
- Anticipated attendances for option 6 are 690,000 per annum as opposed to 400,000 for option 7 and 540,000 for option 8.
- The mix of facilities offered in option 6 is the best when it comes to meeting the overall needs of the community. This is supportable by the fact that the attendances and profitability of option 6 are vastly superior to the other options that could feasibly be considered.
- Option 6 is a complete new aquatic facility, with a 15 year structural warranty. This significantly reduces the risk of future pool failure and the project not being delivered within budget. The risk involved in retrofitting the current pool is significant and needs to be taken very seriously as it relates to unknown costs of construction and comes without any structural warranty.
- By proceeding with option 6 the City has the opportunity to establish the business of running a premier multi-purpose recreation facility that caters for the broad section of the community, providing innovative and effective programs and services.
- Improved lighting will provide a safer and more attractive environment for the facility. The present lighting is poor and presents a safety hazard to swimmers who may have a distorted concept of distance and depth.
- Option 6 provides a multi-purpose facility that best caters for the expressed needs of the whole community. The mix of facilities will ensure that current and future demands can be met.
- Improved mechanical systems will provide industry leading water and air quality that will exceed current State legislation requirements and provide a first class experience for customers.
- Option 6 can accommodate a 50 metre pool as a second stage project without major disruption to the centre's customers and operations.

- The inclusion of a 50 metre pool as a second stage development to option 6, provides more cost effective capital investment and operations as compared to option 7 and option 8.

The proposal to recommend option 6 remains the preferred option by the officers involved in the project. This recommendation is based upon a range of social, environmental and economic criteria.

#### ATTACHMENTS

- 1 Option 7
- 2 Option 8
- 3 Option 6
- 4 Option 6 with 50 metre outdoor pool.

#### VOTING REQUIREMENTS

Simple Majority

#### **MOVED Cr Prospero, SECONDED Cr Brewer that Council:**

- 1 APPROVES Option 6 as the preferred option for the redevelopment of the Craigie Leisure Centre;**
- 2 LISTS the outdoor 50 metre pool for consideration in the 2004/05 budget process as a second stage to the project.**

**AMENDMENT MOVED Cr Walker SECONDED Cr O'Brien** that an additional point 3 be added to the Motion to read:

- “3 Strongly recommends the budget allocation for the second stage of the redevelopment of Craigie Leisure Centre being a 50 metre outdoor pool, for approval in the 2004/05 budget process, with a view to commencing construction immediately Stage 1 is completed.”

Following advice in relation to the allocation of resources in advance of budget adoption, Mayor Carlos ruled the Amendment **OUT OF ORDER**

**AMENDMENT MOVED Cr Kenworthy SECONDED Cr Rowlands that Point 2 of the Motion be amended to read:**

**“LISTS the outdoor 50 metre pool for strong consideration ...”**

**The Amendment was Put and**

**CARRIED (10/3)**

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

**The Original Motion, as amended, being:**

**That Council:**

- 1 APPROVES Option 6 as the preferred option for the redevelopment of the Craigie Leisure Centre;**
- 2 LISTS the outdoor 50 metre pool for strong consideration in the 2004/05 budget process as a second stage to the project.**

**Was Put and**

**CARRIED UNANIMOUSLY (13/0)**

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

*Appendix 8 refers*

*To access this attachment on electronic document, click here: [Attach8brf230903.pdf](#)*

### **PERSONAL EXPLANATION – CR PROSPERO**

In accordance with Clause 4.5 of the City's Standing Orders Local Law, Cr Prospero made the following personal explanation.

“I would like to explain the reason for voting against the amendment relating to the word ‘strong’. I believe that the only way you can make a strong statement here, is to make an absolute commitment that this second stage actually happens. I am prepared to make that commitment, to make sure it does happen as Stage 2. I would like to see my fellow Councillors make that commitment, as I am prepared to do, to make sure that the 50 metre pool is done as part of Stage 2.”

*Cr Baker left the Chamber at this point, the time being 2031 hrs.*

**C201-09/03**

### **MOTION TO GO BEHIND CLOSED DOORS - [02154] [08122]**

**MOVED Cr Kenworthy, SECONDED Cr Rowlands that in accordance with clause 5.6 of the City's Standing Orders Local Law and Section 5.23 of the Local Government Act 1995, the meeting be held BEHIND CLOSED DOORS to enable consideration to be given to the following items:**

- 1 CJ223 - 09/03 - Community Vision Inc, being a matter relating to legal advice;**
- 2 CJ224 - 09/03 - Acquisition of land for proposed Joondalup Regional Performing Arts Centre, being a matter relating to a contract which may be entered into by the local government;**
- 3 CJ225 - 09/03 - Mullaloo Tavern Planning Appeal - Status Report Pt Lot 100 (10) Oceanside Promenade, Mullaloo, being a matter relating to legal advice;**

- 4 **C205-09/03 - Notice of Motion No 3 - Cr A Walker - Proposed Crossover to Leichhardt Street from Padbury Shopping Centre - Lot 26 (1-25/75) Warburton Avenue, Padbury, being a matter relating to legal advice;**
- 5 **C204-09/03 - CEO Request - Payment of Legal Costs, being a matter affecting an employee, the personal affairs of a person, and a contract entered into by the local government;**
- 6 **C203-09/03 - Standing Committee on Public Administration and Finance, being a matter relating to legal advice.**

**The Motion was Put and**

**CARRIED (10/2)**

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

*Members of the public and press left the Chamber at this point, the time being 2032 hrs.*

**The meeting ADJOURNED at 2032 hrs and RESUMED BEHIND CLOSED DOORS at 2037 hrs. The following elected members being present:**

MAYOR D CARLOS  
CR L PROSPERO  
CR T BREWER  
CR C BAKER  
CR A NIXON  
CR J F HOLLYWOOD, JP  
CR A WALKER  
CR P ROWLANDS  
CR S HART  
CR M O'BRIEN, JP  
CR M CAIACOB  
CR C MACKINTOSH

In Attendance

Mr John Woodhouse, Watts and Woodhouse.

**C202-09/03                    ALTERATION TO ORDER OF BUSINESS - [02154]**

**MOVED Cr Nixon, SECONDED Cr Rowlands that in accordance with Clause 3.2 of the City's Standing Orders Local Law the order of business for this evening's meeting be altered to enable Item CJ225-09/03 - Mullaloo Tavern Planning Appeal - Status Report Pt Lot 100 (10) Oceanside Promenade, Mullaloo to be CONSIDERED at this point.**

**The Motion was Put and**

**CARRIED (12/0)**

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

*Cr Kenworthy entered the Chamber at this point, the time being 2038 hrs.*



*Cr Caiacob declared a possible perceived interest that does not affect his impartiality in Item CJ225-09/03 Mullaloo Tavern Planning Appeal – Status Report Pt Lot 100 (10) Oceanside Promenade, Mullaloo as he has an interest in common to a significant number of electors/ratepayers.*

**CJ225 - 09/03 MULLALOO TAVERN PLANNING APPEAL – STATUS REPORT PT LOT 100 (10) OCEANSIDE PROMENADE, MULLALOO – [02089]**

**WARD** – Whitfords

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This Item Is Confidential - Not For Publication

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

**MOVED Cr Baker, SECONDED Cr Mackintosh that in regard to the Mullaloo Tavern Planning Appeal, the City's solicitor be instructed to CONSENT to the appeal being allowed on the basis of the revised plans provided to the City's solicitor on 12 September 2003 and shown as Attachment 2 to Report CJ225-09/03.**

Discussion ensued.

**MOVED Cr Prospero** that the Motion BE NOW PUT.

The Mayor advised that he wished to allow further debate.

**Therefore, the Procedural Motion was not pursued.**

Discussion resumed.

**The Motion was Put and**

**CARRIED (7/6)**

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

*Appendix 12 refers*

*To access this attachment on electronic document, click here: [Attach12min300903.pdf](#)*

*Mr John Woodhouse left the Chamber at this point, the time being 2126 hrs.*

**CJ223 - 09/03      COMMUNITY VISION INC – [40958]****WARD – All****This Item Is Confidential - Not For Publication**

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

**ADDITIONAL INFORMATION**

Confidential Additional Information was provided to elected members under separate cover.

**MOVED Cr Baker, SECONDED Cr Nixon that Council:**

- 1      APPROVES the City of Joondalup providing a lump sum financial assistance package of \$150,000 to CVI to cover costs associated with programme shortfalls, staffing restructures, rental relief and asset maintenance from the Community Development Services Sponsorship account number 1.4410.4403.0001.9999 subject to the financial assistance being conditional upon an agreement with the City that no further claims being made against the City;**
- 2      APPROVES the provision of this financial assistance, subject to CVI providing audited statements from the past two financial years.**
- 3      ACKNOWLEDGES that as this financial assistance was not included in the 2003/2004 budget process, it will be necessary to allocate \$150,000 to account number 1.4410.4403.0001.9999 during the half yearly budget review to be conducted in December 2003; and**
- 4      REVIEWS the City's long term financial commitment to CVI programs and lists \$55,000 for consideration in the 04/05 budget deliberations as financial assistance for program support.**
- 5      REQUESTS that CVI provides a Business Plan to be used for consideration in the City's 2004/2005 budget deliberations as a means of reviewing the City's longer term financial commitment to CVI.**

**The Motion was Put and****CARRIED BY AN  
ABSOLUTE MAJORITY (8/5)**

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

*Cr Baker declared a financial interest in Item CJ224-09/03- Acquisition of Land for Proposed Joondalup Regional Performing Arts Centre as he is a Director/shareholder of a company which owns an office adjacent to the land in question.*

*Cr Baker left the Chamber at this point, the time being 2138 hrs.*

**CJ224 - 09/03 ACQUISITION OF LAND FOR PROPOSED JOONDALUP REGIONAL PERFORMING ARTS CENTRE – [01113]**

**WARD – All**

This Item Is Confidential - Not For Publication

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

**MOVED Cr Hart, SECONDED Cr Walker that Council:**

- 1 NOTES the successful negotiations between the City and the Department of Education and Training (DET) for the purchase by the City of an 8150 square metre site from DET for the construction of the Joondalup Regional Performing Arts Centre (JRPAC) as outlined on Attachment 1 to Report CJ224-09/03;**
- 2 ENDORSES the Chief Executive Officer to finalise the contract of sale for the site, based on the Valuer General's Office Valuation Report, for a final consideration of \$595,000; and**
- 3 REQUESTS the Administration to urgently undertake the process to modify that land previously set aside for the JRPAC within the area bounded by Boas Avenue, Central Walk, Central Park and Lakeside Drive identified as "Civic" in the Central Business District to "General City Uses".**

**The Motion was Put and**

**CARRIED UNANIMOUSLY (12/0)**

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

*Appendix 13 refers*

*To access this attachment on electronic document, click here: [Attach13min300903.pdf](#)*

*Cr Baker entered the Chamber at this point, the time being 2140 hrs.*

Cr O'Brien sought direction as to the need for elected members to declare a financial interest in Item C203-09/03 – Standing Committee on Public Administration and Finance. It was advised that there did not appear to be a need for any elected member to declare a financial interest in this item.

*Cr O'Brien declared a financial interest in C203-09/03 – Standing Committee on Public Administration and Finance as he may require to seek funding assistance for legal representation to appear before the Standing Committee on Public Administration and Finance.*

*Cr O'Brien left the Chamber at this point, the time being 2143 hrs.*

*The Chief Executive Officer declared an interest which may affect his impartiality in C203-09/03 – Standing Committee on Public Administration and Finance - as this matter impacts on Mr Smith's contract of employment/matters pertaining to the CEO's employment.*

**C203-09/03 STANDING COMMITTEE ON PUBLIC ADMINISTRATION AND FINANCE – [24549 00561 58527 70544]**

**WARD - All**

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**This Item Is Confidential - Not For Publication**

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

**MOVED Cr Baker, SECONDED Cr Mackintosh that Council:**

- 1 APPOINTS Minter Ellison to represent the City and any current or former elected members or employees other than the CEO, who require representation, appearing before the Standing Committee on Public Administration and Finance Inquiry into the Local Government Act 1995;**
- 2 AUTHORISES an amount of up to \$5,000 for the CEO to engage Blake Dawson Waldron to represent him in connection to the Standing Committee on Public Administration and Finance Inquiry into the Local Government Act 1995.**

**The Motion was Put and**

**CARRIED UNANIMOUSLY (12/0)**

**In favour of the Motion:** Mayor Carlos, Crs Baker, Brewer, Caiacob, Hart, Hollywood, Kenworthy, Mackintosh, Nixon, Prospero, Rowlands, Walker.

*Cr O'Brien entered the Chamber at this point, the time being 2144 hrs.*

**MOVED Cr Prospero SECONDED Cr Baker that the Chief Executive Officer, members of the Executive and staff (with the exception of Director Planning and Community Development, Manager Audit and Executive Services and the Committee Clerk) LEAVE THE MEETING at this point to enable consideration of C204-09/03 - CEO Request – Payment of Legal Costs.**

**The Motion was Put and**

**CARRIED**

*Chief Executive Officer declared a financial interest in C204-09/03 CEO Request - Payment of Legal Costs - as the matter impacts on his contract of employment/matters pertaining to CEO's employment.*

*The Chief Executive Officer, members of the Executive and staff (with the exception of Director Planning and Community Development, Manager Audit and Executive Services and the Committee Clerk) left the Chamber at this point, the time being 2145 hrs.*

**C204-09/03**

**CEO REQUEST - PAYMENT OF LEGAL COSTS – [95375]**

**WARD - All**

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**This Item Is Confidential - Not For Publication**

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

**MOVED Cr Baker, SECONDED Cr Mackintosh that Council AUTHORISES payment in response to the request submitted by the Chief Executive Officer for legal expenses to Blake Dawson Waldron amounting to \$12,722.66 excluding GST.**

Discussion ensued.

**The Motion was Put and**

**CARRIED (8/5)**

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

**MOVED Cr Baker SECONDED Cr Brewer that members of the staff be invited to return to the meeting.**

**The Motion was Put and**

**CARRIED**

*Members of staff entered the Chamber at this point, the time being 2153 hrs.*

*Cr Caiacob left the Chamber at this point, the time being 2153 hrs.*

*Cr Rowlands declared a financial interest in C205-09/03 - Notice of Motion No 3 - Cr A Walker – Proposed Crossover to Leichhardt Street from Padbury Shopping Centre – Lot 26 (1-25/75) Warburton Avenue, Padbury as an acquaintance of his owns a shop within Padbury Shopping Centre.*

*Cr Rowlands left the Chamber at this point, the time being 2154 hrs.*

**C205-09/03      CONFIDENTIAL - NOTICE OF MOTION NO 3 – CR A WALKER – PROPOSED CROSSOVER TO LEICHHARDT STREET FROM PADBURY SHOPPING CENTRE – LOT 26 (1-25/75) WARBURTON AVENUE, PADBURY – [04751]**

Cr Allison Walker gave notice of her intention to move a motion at the ordinary meeting of the Council to be held on 30 September 2003. The following elected members indicated their support as required by Clause 4.4 of the City’s Standing Orders Local Law:

Cr Allison Walker  
Cr John Hollywood  
Cr Sue Hart  
Cr Mike O’Brien  
Mayor Don Carlos

The Notice of Motion submitted by Cr Walker was Marked Confidential - Not For Publication

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

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

The Mayor called for support from one-third of the members of Council. Support for this Item was given by Crs O’Brien, Hart, Hollywood, Walker and Mayor Carlos.

**MOVED Cr Walker SECONDED Cr Prospero that Council, REVOKES AND RESCINDS its decision of Council of CJ212-09/03, viz:**

**“MOVED Cr Nixon SECONDED Cr Brewer that Council ADVISES the Town Planning Appeal Tribunal of its decision as detailed in Confidential Report CJ212-09/03, relating to the proposed additional crossover from the Padbury Shopping Centre at Lot 26 Warburton Avenue, Padbury, onto Leichhardt Avenue.”**

**and REPLACES it with:**

**“That Council:**

- 1      ADVISES the Town Planning Appeal Tribunal that the proposed additional crossover from the Padbury Shopping Centre at Lot 26 Warburton Avenue, Padbury onto Leichhardt Avenue, be rejected;**
- 2      in the interests of open and accountable local government, good governance and good community consultation practices and relations, the community be advised of the dates and place of the impending Tribunal Hearing and that they be invited to attend and participate as witnesses along with the officers of the City in order that they be allowed to be heard and have their say on this important issue.”**

**The Motion was Put and**

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

**In favour of the Motion:** Mayor Carlos, Crs Baker, Brewer, Hart, Hollywood, Kenworthy, Mackintosh, Nixon, O'Brien, Prospero, Walker.

**C206-09/03                    MEETING TO GO TO OPEN DOORS**

**MOVED Cr Prospero, SECONDED Cr Walker that the Meeting be now held with open doors, the time being 2156 hrs.**

**The Motion was Put and**

**CARRIED**

**The meeting ADJOURNED at 2156 hrs and RESUMED WITH OPEN DOORS at 2202 hrs, with members of staff, the public, and the following elected members being present:**

MAYOR D CARLOS  
CR L PROSPERO  
CR T BREWER  
CR C BAKER  
CR A NIXON  
CR J F HOLLYWOOD, JP  
CR A WALKER  
CR M O'BRIEN, JP  
CR M CAIACOB

In accordance with the City's Standing Orders Local Law, the Manager Audit and Executive Services read the motions in relation to the following:

- CJ225 - 09/03 - Mullaloo Tavern Planning Appeal - Status Report Pt Lot 100 (10) Oceanside Promenade, Mullaloo;
- CJ223 - 09/03 - Community Vision Inc;
- CJ224 - 09/03 - Acquisition of land for proposed Joondalup Regional Performing Arts Centre;
- C203-09/03 - Standing Committee on Public Administration and Finance;
- C204-09/03 - CEO Request - Payment of Legal Costs;
- C205-09/03 - Notice of Motion No 3 - Cr A Walker - Proposed Crossover to Leichhardt Street from Padbury Shopping Centre - Lot 26 (1-25/75) Warburton Avenue, Padbury.

*During the reading of the motions:*

*Cr Hart entered the Chamber at 2203 hrs;  
Cr Mackintosh entered the Chamber at 2204 hrs;  
Cr Kenworthy entered the Chamber at 2205 hrs.*

**C207-09/03            REQUEST FOR SECOND PUBLIC QUESTION TIME – [01122 02154]**

**MOVED Cr Hart, SECONDED Cr Caiacob that, in accordance with Clause 3.2 of the City's Standing Orders Local Law, a second public question time be permitted prior to the close of this evening's meeting in order that members of the public may ask questions in relation to decisions made at this meeting.**

**The Motion was Put and**

**CARRIED**

**C208-09/03            MAJOR SPONSORSHIP OF THE IRAQI NATIONAL SOCCER TEAM AND THE WORLD PEACE GAME – [58542]**

**WARD - All**

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**PURPOSE**

That Council consideration is given to provide major sponsorship of the inaugural World Peace Game between Iraqi National Soccer Team and the Western Australian State Side at Arena Joondalup on 16 November 2003.

**BACKGROUND**

The Western Australian Sports Centre Trust have invited the City of Joondalup be a major sponsor for the inaugural World Peace Game to be staged on Sunday 16 November 2003 between the Iraqi National Soccer Team and the Western Australian State side at Arena Joondalup. The Iraqi National Soccer Team is coached by Berndt Stange, the former East German National Coach who led Perth Glory until two seasons ago. Stange recently appealed for international help in salvaging his team after the invasion of Iraq. He has been exploring ways to get this side up and running again and would warmly welcome the return to Perth to promote the World Game in a positive way to the world.

**DETAILS**

A meeting between the Chief Executive Officer and the Director Planning and Community Development on Friday 26 September 2003, the Western Australian Sports Centre Trust (Arena Joondalup) presented a formal sponsorship opportunity proposal to the City of Joondalup for consideration.

In a letter dated the 30 September 2003, the Centre Manager Arena Joondalup on behalf of the Sports Centre Trust seeks the following support from the City of Joondalup.

- “1        The City of Joondalup partners Arena Joondalup (WA Sports Centre Trust) as the Presenting Sponsor of the World Peace Game.
  
- 2        As per the proposal, the City of Joondalup will be the only sponsor, acknowledged verbally on radio and television advertising.



- 3 As per the proposal, there are many additional game day opportunities for the City of Joondalup to general additional exposure, including pre and post game functions, on ground signage etc.
- 4 The WA Sports Centre Trust is seeking a financial contribution of \$20,000 from the City of Joondalup. We would be prepared to provide a similar incentive to the City as per the Rugby Cup festivities, i.e., once the World Peace Game generates a net return, we will refund to the City of Joondalup 50% of the net profit up to a maximum of \$10,000 (i.e. the City will receive a refund of up to \$10,000 on their initial \$20,000 major sponsorship contribution).”

In addition to that the Trust has arranged to fly Berndt Stange and the Iraqi National Captain from Kuala Lumpur on Wednesday 15 October for a major media launch and breakfast function at the Arena on Thursday 16 October 2003. The proposal from the Trust also outlines that it would undertake a comprehensive advertising and promotional campaign conducted across all media to promote the match including but not limited to press, radio and displays. The Trust has also indicated they are currently negotiating worldwide television rights and for the production of a documentary special. The report presented by the Sports Centre Trust lists the following benefits for the City should it undertake the requested sponsorship.

#### “1 **Logo exposure and acknowledgement**

City of Joondalup logo featured prominently on:  
All press advertisements  
Flyers  
Posters  
Handbills  
Official event program

The City of Joondalup would be the only event sponsor to be acknowledged verbally on the radio advertising.

#### **2. Signage**

Extensive signage opportunities exist for the City of Joondalup at the event including but not limited:

On pitch (spray painted) and pitch perimeter  
Pitch perimeter  
Grandstand  
Entry gate  
Flagpoles  
Scoreboard  
Premiers Suite

The cost of signage production and installation at the cost of the City of Joondalup.

#### **3. Ticketing**

A number of complimentary tickets for both the grandstand and general admission areas would be made available to the City of Joondalup, the exact number is subject to negotiation.

#### 4. Hospitality

An opportunity exists for the City of Joondalup to host an official luncheon for up to 200 guests in the Premiers Suits prior to the match. Following the luncheon the guests will be seated in the VIP box grandstand area and enjoy hospitality throughout the match. All costs would be borne by the City of Joondalup. In addition to the benefits outlined above, The WA Sports Centre Trust commit to the following:

- Development of all promotional literature and execution of promotional and marketing campaign. Such literature and marketing to include, but not limited to press and radio advertisements, brochures, leaflets, posters, event program and invitations.
- Negotiate with Transperth to provide FOC transport from all areas.
- Management and promotion of associated events, including the media conference featuring Berndt Stange and the Captain of the Iraqi National Soccer Team at Arena Joondalup on Thursday, October 16.
- Provision of a translator to be present at all press conferences and public engagements where the persons speaking are not fluent in English.”

#### COMMENT

The concept of the World Peace game is supported. The benefits to the City are primarily in the area of exposure of the City, possibly at a world level. Such exposure could potentially assist the City in marketing itself as a City to accommodate a major employer.

The budget situation for the City is however extremely tight and while every endeavour is made to accede to requests of this nature. A \$20,000 contribution is considered to be too great considering other budget priorities. The Council may however be prepared to consider a lesser contribution of \$10,000 and to share the major sponsorship and benefits with another sponsor.

#### Financial Implications:

Account No:	1.1310.3799.0001.9999
Budget Item:	Other Sundries
Budget Amount:	\$19,500
YTD Amount:	\$
Actual Cost:	\$10,000

#### VOTING REQUIREMENTS

Simple majority

**MOVED Cr Prospero, SECONDED Cr Walker that Council AGREES to a financial contribution of \$10,000 as a major sponsor of the Iraqi National Soccer Team and World Peace Game.**

Discussion ensued.

**The Motion was Put and**

**CARRIED (10/2)**

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

## **MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

### **C209-09/03 NOTICE OF MOTION NO 1 – CR C BAKER – INTRODUCTION OF PARKING FEES**

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 30 September 2003:

*“That the City of Joondalup opposes any plans by the Labor State Government to introduce parking fees for motor vehicle parking adjacent to our City’s beaches and notes that the State Government has not consulted with our local community on this issue.*

## **OFFICER’S COMMENT**

There must be a clear understanding of the reasons and outcomes being sought from the proposed introduction of paid parking. If it is proposed that paid parking apply to beach goers, then this would be difficult to support.

As such it is considered essential that the appropriate studies be carried out and sound reasons established prior to any change to the status quo.

## **VOTING REQUIREMENT**

Simple Majority

**MOVED Cr Baker, SECONDED Cr Brewer that the City of Joondalup opposes any plans by the Labor State Government to introduce parking fees for motor vehicle parking adjacent to our City’s beaches and notes that the State Government has not consulted with our local community on this issue.**

**AMENDMENT MOVED Cr Hollywood, SECONDED Cr Walker that the Motion be amended to read:**

**“.....opposes any plans by any State Government .....”**

**The Amendment was Put and**

**CARRIED (10/2)**

**In favour of the Amendment:** Mayor Carlos, Crs Brewer, Caiacob, Hart, Hollywood, Kenworthy, Nixon, O’Brien, Prospero, Walker. **Against the Amendment:** Crs Baker, Mackintosh.

**The Original Motion, as amended, being:**

**That the City of Joondalup opposes any plans by any State Government to introduce parking fees for motor vehicle parking adjacent to our City’s beaches and notes that the State Government has not consulted with our local community on this issue.**

**Was Put and**

**CARRIED (12/0)**

**In favour of the Motion:** Mayor Carlos, Crs Baker, Brewer, Caiacob, Hart, Hollywood, Kenworthy, Mackintosh, Nixon, O’Brien, Prospero, Walker.

*Cr Nixon left the Chamber at this point, the time being 2230 hrs.*

**C210-09/03 NOTICE OF MOTION NO 2 – CR O’BRIEN – PERMANENCY FOR WHITFORD SENIOR CITIZENS**

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 30 September 2003:

*“That Council :*

- 1 Reaffirms its decisions referred to in 3 below [CJ043-02/02 ref 26<sup>th</sup> February 2002 and CJ073-04/02];*
- 2 That Cr Caiacob replaces Former Cr Hurst on any Project Negotiating Team regarding the Library Matter referred to in the previous decisions of Council; and*
- 3 The text of the previous decisions below be recorded in this evening’s minutes:*

- Page 23 Minutes Full Council 26<sup>th</sup> February 2002 - Item CJ043-02/02:*

*MOVED Cr O’Brien, SECONDED Cr Carlos that:*

- 1 Council NOTES the content of this preliminary report;*

- 2 Council *NOMINATES* Cr Hurst, Cr Mackintosh, Cr Walker and Cr Carlos to form part of the Project Team to negotiate only the relocation of the library service and its contents and that the owners of Whitford City Shopping Centre be informed that Council will not entertain any change in the municipality's ownership of Lot 503, Volume 1551, Folio 105;
- 3 further the Whitford City Senior Citizens Association, the Whitford Branch of the Pensioners League, the Self-Funded Retirees Association and any other user groups that use the Whitford Senior Citizens building be informed that Council does not intend to allow any intrusion into Lot 503 which was transferred to Council for community use by National Mutual;
- 4 should negotiations result in the library being relocated into the Shopping Centre, it is Council's intention that that part of the building which would be vacated, shall be converted for the expanding needs for seniors and community group facilities and remain intact on Lot 503;
- 5 should negotiations result in the library being relocated into the Shopping Centre, it is Council's intention that that part of the building which would be vacated, shall be subject to refurbishment and minor modification to suit the needs of non-profit community groups.

*AMENDMENT MOVED* Cr Baker, *SECONDED* Cr Walker that the following words be inserted after "Cr Carlos" in Point 2 as follows:

*"and the executive committee of management of the Whitford Senior Citizens Association Inc and the Association of Independent Retirees"*

*Cr Mackintosh gave an overview of a meeting she attended at the Senior Citizens Centre on 25 February 2002 at the invitation of Mrs B Marsh. The purpose of the meeting was to seek requests and input from senior citizens as to what they would like to see provided for the proposed Senior Citizens Centre.*

*Discussion ensued, with Cr Mackintosh asking a number of questions of Cr Walker.*

*MOVED* Cr Carlos, *SECONDED* Cr Barnett that the Amendment *BE NOW PUT.*

*The Procedural Motion Was Put and* *CARRIED*

*The Amendment as Moved by Cr Baker, Seconded Cr Walker was Put and* *CARRIED*

*The Original Motion, as amended, being:*

*That:*

- 1 *Council NOTES the content of this preliminary report;*
- 2 *Council NOMINATES Cr Hurst, Cr Mackintosh, Cr Walker and Cr Carlos and the Executive Committee of Management of the Whitford Senior Citizens Association Inc and the Association of Independent Retirees to form part of the Project Team to negotiate only the relocation of the library service and its contents and that the owners of Whitford City Shopping Centre be informed that Council will not entertain any change in the municipality's ownership of Lot 503, Volume 1551, Folio 105;*
- 3 *further the Whitford City Senior Citizens Association, the Whitford Branch of the Pensioners League, the Self-Funded Retirees Association and any other user groups that use the Whitford Senior Citizens building be informed that Council does not intend to allow any intrusion into Lot 503 which was transferred to Council for community use by National Mutual;*
- 4 *should negotiations result in the library being relocated into the Shopping Centre, it is Council's intention that that part of the building which would be vacated, shall be converted for the expanding needs for seniors and community group facilities and remain intact on Lot 503;*
- 5 *should negotiations result in the library being relocated into the Shopping Centre, it is Council's intention that that part of the building which would be vacated, shall be subject to refurbishment and minor modification to suit the needs of non-profit community groups.*

*was Put and*

*CARRIED*

*It was requested that the votes of all members present be recorded:*

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

*Against the Motion: Cr Mackintosh*

- *Page 24-25 Minutes Full Council 9<sup>th</sup> April 2002 - Item CJ073-04/02*

*MOVED Cr Walker, SECONDED Cr Rowlands that Council:*

- 1 *NOTES the minutes of the Special Meeting of Electors held on 25 March 2002 at Whitford Senior Citizens Centre, Hillarys, forming Attachment 1 to Report CJ073-04/02;*

2 REAFFIRMS its decision of 26 February 2002 (Item CJ043-02/02 refers) being that:

- “1 Council NOTES the content of this preliminary report;
- 2 Council NOMINATES Cr Hurst, Cr Mackintosh, Cr Walker and Cr Carlos and the Executive Committee of Management of the Whitford Senior Citizens Association Inc and the Association of Independent Retirees to form part of the Project Team to negotiate only the relocation of the library service and its contents and that the owners of Whitford City Shopping Centre be informed that Council will not entertain any change in the municipality’s ownership of Lot 503, Volume 1551, Folio 105;
- 3 further the Whitford City Senior Citizens Association, the Whitford Branch of the Pensioners League, the Self-Funded Retirees Association and any other user groups that use the Whitford Senior Citizens building be informed that Council does not intend to allow any intrusion into Lot 503 which was transferred to Council for community use by National Mutual;
- 4 should negotiations result in the library being relocated into the Shopping Centre, it is Council’s intention that that part of the building which would be vacated, shall be converted for the expanding needs for seniors and community group facilities and remain intact on Lot 503;
- 5 should negotiations result in the library being relocated into the Shopping Centre, it is Council’s intention that that part of the building which would be vacated, shall be subject to refurbishment and minor modification to suit the needs of non-profit community groups.”

Cr Baker requested that the Executive of both Whitford Senior Citizens Association Inc and the Association of Independent Retirees be given adequate notice of any meetings proposed.

The Motion was Put and

CARRIED

The Original Motion, as amended, being:

That:

- 1 Council NOTES the content of this preliminary report;
- 2 Council NOMINATES Cr Hurst, Cr Mackintosh, Cr Walker and Cr Carlos and the Executive Committee of Management of the Whitford Senior Citizens Association Inc and the Association of Independent Retirees to form part of the

*Project Team to negotiate only the relocation of the library service and its contents and that the owners of Whitford City Shopping Centre be informed that Council will not entertain any change in the municipality's ownership of Lot 503, Volume 1551, Folio 105;*

- 3 *further the Whitford City Senior Citizens Association, the Whitford Branch of the Pensioners League, the Self-Funded Retirees Association and any other user groups that use the Whitford Senior Citizens building be informed that Council does not intend to allow any intrusion into Lot 503 which was transferred to Council for community use by National Mutual;*
- 4 *should negotiations result in the library being relocated into the Shopping Centre, it is Council's intention that that part of the building which would be vacated, shall be converted for the expanding needs for seniors and community group facilities and remain intact on Lot 503;*
- 5 *should negotiations result in the library being relocated into the Shopping Centre, it is Council's intention that that part of the building which would be vacated, shall be subject to refurbishment and minor modification to suit the needs of non-profit community groups.*

*was Put and*

*CARRIED*

*It was requested that the votes of all members present be recorded:*

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

*Against the Motion: Cr Mackintosh"*

**Reason for motion:**

Cr O'Brien has advised that the reason for reaffirming Council's decisions is:

- 1 That the Whitford Senior Citizens and the Pensioners League (RWA) have expressed concerns, that there are allegations and rumours, that some of the City's Officers, have been again advancing the proposition of the Whitford Commercial Shopping Centre being desirous of shifting the Seniors into their Complex.
- 2 The purpose of this Motion is to reaffirm and "put to rest" such rumours and allow the Seniors, the "Comfort and Peaceful Quiet Enjoyment" of their Facility, which was funded by the Commonwealth Government and the Ratepayers of the Municipality as a permanent facility for Seniors.



- 3 To allow the neglected maintenance and minor upgrading to occur with the planning for such, that is in line with the “permanency of the premises”.

### **OFFICER’S COMMENT**

The City’s officers are not involved in feasibility work as there is no mandate to pursue this project. Note also that the “project team” referred to in the minutes can be disbanded due to the project being previously shelved.

### **VOTING REQUIREMENTS**

Simple majority

**MOVED Cr O’Brien SECONDED Cr Hart that Council:**

- 1 **Reaffirms its decisions referred to in 3 below [CJ043-02/02 ref 26<sup>th</sup> February 2002 and CJ073-04/02];**
- 2 **That Cr Caiacob replaces Former Cr Hurst on any Project Negotiating Team regarding the Library Matter referred to in the previous decisions of Council; and**
- 3 **The text of the previous decisions below be recorded in this evening’s minutes:**
  - **Page 23 Minutes Full Council 26<sup>th</sup> February 2002 - Item CJ043-02/02:**

**MOVED Cr O’Brien, SECONDED Cr Carlos that:**

- 1 **Council NOTES the content of this preliminary report;**
- 2 **Council NOMINATES Cr Hurst, Cr Mackintosh, Cr Walker and Cr Carlos to form part of the Project Team to negotiate only the relocation of the library service and its contents and that the owners of Whitford City Shopping Centre be informed that Council will not entertain any change in the municipality’s ownership of Lot 503, Volume 1551, Folio 105;**
- 3 **further the Whitford City Senior Citizens Association, the Whitford Branch of the Pensioners League, the Self-Funded Retirees Association and any other user groups that use the Whitford Senior Citizens building be informed that Council does not intend to allow any intrusion into Lot 503 which was transferred to Council for community use by National Mutual;**
- 4 **should negotiations result in the library being relocated into the Shopping Centre, it is Council’s intention that that part of the building which would be vacated, shall be converted for the expanding needs for seniors and community group facilities and remain intact on Lot 503;**

- 5** should negotiations result in the library being relocated into the Shopping Centre, it is Council’s intention that that part of the building which would be vacated, shall be subject to refurbishment and minor modification to suit the needs of non-profit community groups.

**AMENDMENT MOVED Cr Baker, SECONDED Cr Walker that the following words be inserted after “Cr Carlos” in Point 2 as follows:**

**“and the executive committee of management of the Whitford Senior Citizens Association Inc and the Association of Independent Retirees”**

Cr Mackintosh gave an overview of a meeting she attended at the Senior Citizens Centre on 25 February 2002 at the invitation of Mrs B Marsh. The purpose of the meeting was to seek requests and input from senior citizens as to what they would like to see provided for the proposed Senior Citizens Centre.

Discussion ensued, with Cr Mackintosh asking a number of questions of Cr Walker.

**MOVED Cr Carlos, SECONDED Cr Barnett that the Amendment BE NOW PUT.**

**The Procedural Motion Was Put and**

**CARRIED**

**The Amendment as Moved by Cr Baker, Seconded Cr Walker was Put and**

**CARRIED**

**The Original Motion, as amended, being:**

**That:**

- 1 Council NOTES the content of this preliminary report;**
- 2 Council NOMINATES Cr Hurst, Cr Mackintosh, Cr Walker and Cr Carlos and the Executive Committee of Management of the Whitford Senior Citizens Association Inc and the Association of Independent Retirees to form part of the Project Team to negotiate only the relocation of the library service and its contents and that the owners of Whitford City Shopping Centre be informed that Council will not entertain any change in the municipality’s ownership of Lot 503, Volume 1551, Folio 105;**
- 3 further the Whitford City Senior Citizens Association, the Whitford Branch of the Pensioners League, the Self-Funded Retirees Association and any other user groups that use the Whitford Senior Citizens building be informed that Council does not intend to allow any intrusion into Lot 503 which was transferred to Council for community use by National Mutual;**

- 4 should negotiations result in the library being relocated into the Shopping Centre, it is Council's intention that that part of the building which would be vacated, shall be converted for the expanding needs for seniors and community group facilities and remain intact on Lot 503;
- 5 should negotiations result in the library being relocated into the Shopping Centre, it is Council's intention that that part of the building which would be vacated, shall be subject to refurbishment and minor modification to suit the needs of non-profit community groups.

was Put and

CARRIED

It was requested that the votes of all members present be recorded:

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

Against the Motion: Cr Mackintosh

- Page 24-25 Minutes Full Council 9<sup>th</sup> April 2002 - Item CJ073-04/02

MOVED Cr Walker, SECONDED Cr Rowlands that Council:

- 1 NOTES the minutes of the Special Meeting of Electors held on 25 March 2002 at Whitford Senior Citizens Centre, Hillarys, forming Attachment 1 to Report CJ073-04/02;
- 2 REAFFIRMS its decision of 26 February 2002 (Item CJ043-02/02 refers) being that:
  - “1 Council NOTES the content of this preliminary report;
  - 2 Council NOMINATES Cr Hurst, Cr Mackintosh, Cr Walker and Cr Carlos and the Executive Committee of Management of the Whitford Senior Citizens Association Inc and the Association of Independent Retirees to form part of the Project Team to negotiate only the relocation of the library service and its contents and that the owners of Whitford City Shopping Centre be informed that Council will not entertain any change in the municipality's ownership of Lot 503, Volume 1551, Folio 105;
  - 3 further the Whitford City Senior Citizens Association, the Whitford Branch of the Pensioners League, the Self-Funded Retirees Association and any other user groups that use the Whitford Senior Citizens building be informed that Council does not intend to allow any intrusion into Lot 503 which was transferred to Council for community use by National Mutual;

- 4 should negotiations result in the library being relocated into the Shopping Centre, it is Council's intention that that part of the building which would be vacated, shall be converted for the expanding needs for seniors and community group facilities and remain intact on Lot 503;
- 5 should negotiations result in the library being relocated into the Shopping Centre, it is Council's intention that that part of the building which would be vacated, shall be subject to refurbishment and minor modification to suit the needs of non-profit community groups."

Cr Baker requested that the Executive of both Whitford Senior Citizens Association Inc and the Association of Independent Retirees be given adequate notice of any meetings proposed.

The Motion was Put and

**CARRIED**

The Original Motion, as amended, being:

That:

- 1 Council NOTES the content of this preliminary report;
- 2 Council NOMINATES Cr Hurst, Cr Mackintosh, Cr Walker and Cr Carlos and the Executive Committee of Management of the Whitford Senior Citizens Association Inc and the Association of Independent Retirees to form part of the Project Team to negotiate only the relocation of the library service and its contents and that the owners of Whitford City Shopping Centre be informed that Council will not entertain any change in the municipality's ownership of Lot 503, Volume 1551, Folio 105;
- 3 further the Whitford City Senior Citizens Association, the Whitford Branch of the Pensioners League, the Self-Funded Retirees Association and any other user groups that use the Whitford Senior Citizens building be informed that Council does not intend to allow any intrusion into Lot 503 which was transferred to Council for community use by National Mutual;
- 4 should negotiations result in the library being relocated into the Shopping Centre, it is Council's intention that that part of the building which would be vacated, shall be converted for the expanding needs for seniors and community group facilities and remain intact on Lot 503;

- 5 should negotiations result in the library being relocated into the Shopping Centre, it is Council's intention that that part of the building which would be vacated, shall be subject to refurbishment and minor modification to suit the needs of non-profit community groups.

was Put and

CARRIED

It was requested that the votes of all members present be recorded:

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

**MOVED** Mayor Carlos **SECONDED** Cr Baker, that in accordance with Clause 5.4 of the City's Standing Orders Local Law, the following Motion Lie on the Table **PENDING** the submission of a report on costings to undertake works to the Whitford Senior Citizens Centre:

*“MOVED Cr O'Brien SECONDED Cr Hart that Council:*

- 1 *Reaffirms its decisions referred to in 3 below [CJ043-02/02 ref 26<sup>th</sup> February 2002 and CJ073-04/02];*
- 2 *That Cr Caiacob replaces Former Cr Hurst on any Project Negotiating Team regarding the Library Matter referred to in the previous decisions of Council; and*
- 3 *The text of the previous decisions below be recorded in this evening's minutes:*

- *Page 23 Minutes Full Council 26<sup>th</sup> February 2002 - Item CJ043-02/02:*

*MOVED Cr O'Brien, SECONDED Cr Carlos that:*

- 1 *Council NOTES the content of this preliminary report;*
- 2 *Council NOMINATES Cr Hurst, Cr Mackintosh, Cr Walker and Cr Carlos to form part of the Project Team to negotiate only the relocation of the library service and its contents and that the owners of Whitford City Shopping Centre be informed that Council will not entertain any change in the municipality's ownership of Lot 503, Volume 1551, Folio 105;*
- 3 *further the Whitford City Senior Citizens Association, the Whitford Branch of the Pensioners League, the Self-Funded Retirees Association and any other user groups that use the Whitford Senior Citizens building be informed that Council does not intend to allow*

*any intrusion into Lot 503 which was transferred to Council for community use by National Mutual;*

- 4 *should negotiations result in the library being relocated into the Shopping Centre, it is Council's intention that that part of the building which would be vacated, shall be converted for the expanding needs for seniors and community group facilities and remain intact on Lot 503;*
- 5 *should negotiations result in the library being relocated into the Shopping Centre, it is Council's intention that that part of the building which would be vacated, shall be subject to refurbishment and minor modification to suit the needs of non-profit community groups.*

*AMENDMENT MOVED Cr Baker, SECONDED Cr Walker that the following words be inserted after "Cr Carlos" in Point 2 as follows:*

*"and the executive committee of management of the Whitford Senior Citizens Association Inc and the Association of Independent Retirees"*

*Cr Mackintosh gave an overview of a meeting she attended at the Senior Citizens Centre on 25 February 2002 at the invitation of Mrs B Marsh. The purpose of the meeting was to seek requests and input from senior citizens as to what they would like to see provided for the proposed Senior Citizens Centre.*

*Discussion ensued, with Cr Mackintosh asking a number of questions of Cr Walker.*

*MOVED Cr Carlos, SECONDED Cr Barnett that the Amendment BE NOW PUT.*

*The Procedural Motion Was Put and*

**CARRIED**

*The Amendment as Moved by Cr Baker, Seconded Cr Walker was Put and*

**CARRIED**

*The Original Motion, as amended, being:*

*That:*

- 1 *Council NOTES the content of this preliminary report;*
- 2 *Council NOMINATES Cr Hurst, Cr Mackintosh, Cr Walker and Cr Carlos and the Executive Committee of Management of the Whitford Senior Citizens Association Inc and the Association of Independent Retirees to form part of the Project Team to negotiate only the relocation of the library service and its contents and that the owners of Whitford City Shopping Centre be informed that Council will not entertain any change in the municipality's ownership of Lot 503, Volume 1551, Folio 105;*

- 3 *further the Whitford City Senior Citizens Association, the Whitford Branch of the Pensioners League, the Self-Funded Retirees Association and any other user groups that use the Whitford Senior Citizens building be informed that Council does not intend to allow any intrusion into Lot 503 which was transferred to Council for community use by National Mutual;*
- 4 *should negotiations result in the library being relocated into the Shopping Centre, it is Council's intention that that part of the building which would be vacated, shall be converted for the expanding needs for seniors and community group facilities and remain intact on Lot 503;*
- 5 *should negotiations result in the library being relocated into the Shopping Centre, it is Council's intention that that part of the building which would be vacated, shall be subject to refurbishment and minor modification to suit the needs of non-profit community groups.*

*was Put and*

**CARRIED**

*It was requested that the votes of all members present be recorded:*

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

*Against the Motion: Cr Mackintosh*

- *Page 24-25 Minutes Full Council 9<sup>th</sup> April 2002 - Item CJ073-04/02*

*MOVED Cr Walker, SECONDED Cr Rowlands that Council:*

- 1 *NOTES the minutes of the Special Meeting of Electors held on 25 March 2002 at Whitford Senior Citizens Centre, Hillarys, forming Attachment 1 to Report CJ073-04/02;*
- 2 *REAFFIRMS its decision of 26 February 2002 (Item CJ043-02/02 refers) being that:*
  - “1 *Council NOTES the content of this preliminary report;*
  - 2 *Council NOMINATES Cr Hurst, Cr Mackintosh, Cr Walker and Cr Carlos and the Executive Committee of Management of the Whitford Senior Citizens Association Inc and the Association of Independent Retirees to form part of the Project Team to negotiate only the relocation of the library service and its contents and that the owners of Whitford City Shopping Centre be informed that Council will not entertain any change in the municipality's ownership of Lot 503, Volume 1551, Folio 105;*

- 3 *further the Whitford City Senior Citizens Association, the Whitford Branch of the Pensioners League, the Self-Funded Retirees Association and any other user groups that use the Whitford Senior Citizens building be informed that Council does not intend to allow any intrusion into Lot 503 which was transferred to Council for community use by National Mutual;*
- 4 *should negotiations result in the library being relocated into the Shopping Centre, it is Council's intention that that part of the building which would be vacated, shall be converted for the expanding needs for seniors and community group facilities and remain intact on Lot 503;*
- 5 *should negotiations result in the library being relocated into the Shopping Centre, it is Council's intention that that part of the building which would be vacated, shall be subject to refurbishment and minor modification to suit the needs of non-profit community groups."*

*Cr Baker requested that the Executive of both Whitford Senior Citizens Association Inc and the Association of Independent Retirees be given adequate notice of any meetings proposed.*

*The Motion was Put and*

**CARRIED**

*The Original Motion, as amended, being:*

*That:*

- 1 *Council NOTES the content of this preliminary report;*
- 2 *Council NOMINATES Cr Hurst, Cr Mackintosh, Cr Walker and Cr Carlos and the Executive Committee of Management of the Whitford Senior Citizens Association Inc and the Association of Independent Retirees to form part of the Project Team to negotiate only the relocation of the library service and its contents and that the owners of Whitford City Shopping Centre be informed that Council will not entertain any change in the municipality's ownership of Lot 503, Volume 1551, Folio 105;*
- 3 *further the Whitford City Senior Citizens Association, the Whitford Branch of the Pensioners League, the Self-Funded Retirees Association and any other user groups that use the Whitford Senior Citizens building be informed that Council does not intend to allow any intrusion into Lot 503 which was transferred to Council for community use by National Mutual;*



- 4 *should negotiations result in the library being relocated into the Shopping Centre, it is Council's intention that that part of the building which would be vacated, shall be converted for the expanding needs for seniors and community group facilities and remain intact on Lot 503;*
- 5 *should negotiations result in the library being relocated into the Shopping Centre, it is Council's intention that that part of the building which would be vacated, shall be subject to refurbishment and minor modification to suit the needs of non-profit community groups.*

*was Put and*

**CARRIED**

*It was requested that the votes of all members present be recorded:*

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

*Against the Motion: Cr Mackintosh"*

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

**CARRIED (8/3)**

**In favour of the Procedural Motion:** Mayor Carlos, Crs Baker, Brewer, Hollywood, Kenworthy, Mackintosh, Prospero, Walker. **Against the Procedural Motion:** Crs Caiacob, Hart, O'Brien.

In accordance with Standing Orders Local Law, Clause 5.4 – "The Motion Lie on the Table" a record is to be taken of all those who have spoken on the motion under debate. It is therefore recorded that no member spoke on the Motion Moved by Cr O'Brien and seconded by Cr Hart.

*Cr Nixon entered the Chamber at this point, the time being 2232 hrs.*

**C211-09/03 MOTION TO LIE ON THE TABLE NO 1 - NOTICE OF MOTION – 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)**

At the Council meeting held on 24 June 2003 the following motion was moved:

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

*"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, BALCATT 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.”*

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

*CARRIED BY  
EN BLOC RESOLUTION NO 2 (10/1)*

*In favour of the Motion: Mayor Carlos, Crs Caiacob, Mackintosh, Gollant, O’Brien, Brewer, Kimber, Prospero, Walker, and Hollywood Against the Motion: Cr Baker*

**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 24 June 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:**

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

**This Motion was left to LIE ON THE TABLE**

### **C212-09/03 MOTION TO LIE ON THE TABLE NO 4 - MEETING OF THE POLICY MANUAL REVIEW COMMITTEE HELD ON 26 AUGUST 2003 – [07032, 26176, 13399]**

At the Council meeting held on 9 September 2003 the following motion was moved in relation to Item C189-09/03:

MOVED Cr Baker, SECONDED Cr Kenworthy, that in accordance with Clause 5.4 of the City’s Standing Orders Local Law, the following Motion, as amended, Lie on the Table:

“MOVED Cr Walker, SECONDED Cr Hollywood that Council:

- 1 NOTES the Minutes of the Policy Manual Review Committee held on 26 August 2003 forming Attachment 1 to Report C189-09/03;
- 2 AMENDS the following Policies as detailed in Attachment 2 to Report C189-09/03:
  - 2.1.5 Selective Voluntary Severance
  - 2.2.5 Council Chamber and Meeting Rooms - 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, subject to Clause 4.5 (2) remaining within Policy 2.2.13;
- 2.3.2 Communications
- 2.3.5 Online Services

3 UNDERTAKES a further review of Policies:

- 2.2.8 Legal Representation for Present and Former Elected Members and Staff of the City;
- 2.3.3 Use of Common Seal and the Signatories for Contract Execution;
- 2.3.4 Provision of Information.

The Motion to Lie on the Table was Put and CARRIED (8/5)

In favour of the Motion: Crs Baker, Gollant, Hart, Kenworthy, Mackintosh, Nixon, O'Brien, Rowlands. Against the Motion: Crs Caiacob, Carlos, Hollywood, Prospero, 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 9 September 2003 recorded that:

- *No member spoke on the Motion Moved by Cr Walker and seconded by Cr Hollywood;*
- *Crs Baker, Walker and O'Brien spoke on the Amendment Moved by Cr Baker and seconded by Cr O'Brien;*
- *No member spoke on the 2<sup>nd</sup> Amendment Moved by Cr O'Brien seconded by Cr Caiacob.*

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.

**Item C189-09/03 is reproduced below:****C189-09/03 MEETING OF THE POLICY MANUAL REVIEW COMMITTEE  
HELD ON 26 AUGUST 2003 – [07032, 26176, 13399]****WARD - All****PURPOSE**

For Council to give consideration to the recommendations proposed by the Policy Manual Review Committee at its meeting held on 26 August 2003.

**EXECUTIVE SUMMARY**

Council at its meeting held on 29 July 2003 resolved to establish a Policy Manual Review Committee to *“review the City's corporate policy manual and make recommendations to the Council on amendments to existing policies or the adoption of new policies”*.

At its meeting held on 26 August 2003, the Policy Manual Review Committee reviewed Policy Manual - Section 2, Corporate Services, subsections:

- 2.1 Human Resources,
- 2.2 Governance and
- 2.3 Office of the Chief Executive.

The minutes of the Policy Manual Review Committee meeting held on 26 August 2003 are submitted to Council for noting and consideration of the recommended changes to the Policy Manual.

**BACKGROUND**

Council at its meeting held on 29 July 2003 resolved to establish a Policy Manual Review Committee to *“review the City's corporate policy manual and make recommendations to the Council on amendments to existing policies or the adoption of new policies”*.

**DETAILS**

At its meeting held on 26 August 2003, the Policy Manual Review Committee reviewed Policy Manual - Section 2, Corporate Services, subsections:

- 2.1 Human Resources,
- 2.2 Governance and
- 2.3 Office of the Chief Executive.

Attachment 1 to this Report provides the following policies for consideration by the Committee, with proposed revisions as recommended by the Administration marked as shown below:

**SECTION 2.1 - HUMAN RESOURCES****Policy 2.1.1 - Employment**

No change required.

**Policy 2.1.2 - Equal Employment Opportunity**

No change required.

**Policy 2.1.3 - Occupational Safety and Health**

No change required.

**Policy 2.1.4 - Payment to Employees in addition to contract or award.**

No change required.

**Policy 2.1.5 - Selective Voluntary Severance**

*Amendment recommended by the Administration:* Change to calculations within statement.

**Policy 2.1.6 - Staff Uniforms**

No change required.

**Policy 2.1.7 - Completion of Primary and Annual Returns**

No change required.

**SECTION 2.2 - GOVERNANCE****Policy 2.2.4 - Deputising for the Mayor at Functions**

No change required.

**Policy 2.2.5 - Council Chamber and Meeting Rooms - Use of**

*Amendment recommended by the Administration:* Policy to include reference to Special Electors' meetings. Change to policy title.

*Amendment recommended by the Committee:* That Policy 2.2.5 be amended to incorporate a provision for Council business to be conducted in the Ward Offices.



**Policy 2.2.6 - Council Meetings - Electronic Sound Recording**

*Amendment recommended by the Administration:* Change to policy title.

**Policy 2.2.7 - Acknowledgment of Service - Elected Members**

*Amendment recommended by the Administration:* Increase in the amount of the gift.

**Policy 2.2.8 - Legal Representation for Present and Former Elected Members and Staff of the City**

Following legal advice, this policy requires to be reviewed and will be withdrawn at this stage.

**Policy 2.2.9 - Elected Members' Advertising**

No change required.

**Policy 2.2.11 - Corporate Logo**

No change required.

**Policy 2.2.13 - Payment of Fees, Allowances and Expenses and Provision of Facilities to the Mayor, Deputy Mayor and Councillors**

*Amendment recommended by the Administration:* Various changes to Sections 3.2, 3.4, 3.7, 4.2, 4.3, 4.4, 4.5, 5.6(6), 5.8, 6, 7 and 8

*Amendments recommended by the Committee:*

- Section 2.2: Paragraph (c) be deleted;
- Section 2.2: New Paragraph (c) to be amended to pay the costs “of the Mayor and partner” to attend functions.
- Section 2.3: Paragraph 1(d) to include the following words at the end of the sentence “...as defined in clause 5.3 of this policy or is for election purposes.”
- Section 3.2: Point (j) to be included to read: “Palm pilot or similar electronic diary- Optional”.
- Section 3.3: “Western Australian Municipal Association” be amended to read “WA Local Government Association”.

- Section 4.5: Paragraph 1(d) to be amended to include associated meetings of Council.
- Section 5.5: Paragraph (h) to be amended to read “Training relating to the role of elected members”.
- Section 5.6: Paragraph 5(c) to be amended by changing Overseas travel for elected members to “Business Class”.
- Section 5.8: Paragraph (4) be deleted.

## **SECTION 2.3 - OFFICE OF THE CHIEF EXECUTIVE**

### **Policy 2.3.1 - Policy Development & Review Process**

No change required.

### **Policy 2.3.2 - Communications**

*Amendment recommended by the Administration:* Change to include reference to Director.

### **Policy 2.3.3 - Use of Common Seal and the Signatories for Contract Execution**

*Amendment recommended by the Administration:* Policy statement to include reference to Section 9.49 of the Local Government Act 1995.

*Amendment recommended by the Committee:* Clause 2: The amount of “\$250,000” be amended to “\$1,000,000”.

*Additional amendment:*

Further to the above recommended change, an additional clause needs to be included in Policy 2.3.3 that enables the CEO to execute contracts up to \$1,000,000. Accordingly a new Clause 3 has been included for consideration.

The proposed amendment to Policy 2.3.3 affects Delegation of Authority item “Use of Common Seal and the Signatories for Contract Execution”. A further report will be submitted to Council to amend this Delegation.

### **Policy 2.3.4 - Provision of Information**

This policy is to be reviewed and will be withdrawn at this stage.

### **Policy 2.3.5 - Online Services Code of Practice**

*Amendment recommended by the Administration:* Various modifications required throughout policy.

**Policy 2.3.6 - Public Submissions**

No change required.

**Policy 2.3.7 – Tendering**

No change required.

**COMMENT**

The Council at its meeting held on 27 May 2003 (Item CJ108-05/03 refers) moved a motion and a number of amendments relating to the policy manual. Subsequently a procedural motion was moved that the matter “*Lie on the Table pending the holding of a workshop on the Policy Manual.*” The matter was taken from the table at the Council meeting held on 29 July 2003 and a decision made to establish the Policy Manual Review Committee.

**ATTACHMENTS**

- Attachment 1 Minutes of the Policy Manual Review Committee Meeting of 26 August 2003;  
Attachment 2 Proposed Amendments to Policy Manual

**VOTING REQUIREMENTS**

Simple Majority

**MOVED Cr Prospero SECONDED Cr Walker that the Motion to Lie on the Table No 4 – Meeting of the Policy Manual Review Committee held on 26 August 2003 BE TAKEN FROM THE TABLE.**

**The Motion was Put and**

**CARRIED (8/4)**

**In favour of the Motion:** Mayor Carlos, Crs Brewer, Caiacob, Hollywood, Mackintosh, Nixon, Prospero, Walker. **Against the Motion:** Crs Baker, Hart, Kenworthy, O’Brien.

**MOVED Cr Walker, SECONDED Cr Hollywood that Council:**

- 1 NOTES the Minutes of the Policy Manual Review Committee held on 26 August 2003 forming Attachment 1 to Report C189-09/03;**
- 2 AMENDS the following Policies as detailed in Attachment 2 to Report C189-09/03:**
  - 2.1.5 Selective Voluntary Severance**
  - 2.2.5 Council Chamber and Meeting Rooms - 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, subject to Clause 4.5 (2) remaining within Policy 2.2.13;
- 2.3.2 Communications
- 2.3.5 Online Services

**3 UNDERTAKES a further review of Policies:**

- 2.2.8 Legal Representation for Present and Former Elected Members and Staff of the City;
- 2.3.3 Use of Common Seal and the Signatories for Contract Execution;
- 2.3.4 Provision of Information.

**The Motion was Put and**

**CARRIED (9/3)**

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

*Appendices 11 and 11(a) refer*

*To access this attachment on electronic document, click here: [Attach11brf230903.pdf](#)*

[Attach11brf230903.pdf](#)

**SECOND PUBLIC QUESTION TIME**

**Mr M Sideris, Mullaloo**

*Q1 As I understand you have now given approval to the mediation offer by Rennet, can you advise me what the residential dwelling will be classified as?*

*A1 It is not a mediation process as the City's solicitors pointed out to the Councillors, it is part of the hearing process and the building will be defined as a residential building that would comprise 9 residential buildings and 5 permanent dwellings.*

*Q2 Re: Late Item – CEO's Legal Expenses – Is this more payments for legal expenses?*

*A2 Yes.*

*Q3 A few meetings ago I asked questions relating to Fringe Benefits Tax and was told that it was deferred because there was a rescission motion in place. Has Council now determined whether the payment of legal expenses to the CEO encompasses Fringe Benefit Tax, does the CEO's contract contain a fringe benefit payment provision and if so, does that part of the contract allow the payment of fringe benefit for legal expenses?*

*A3 The City sought advice from Deloittes and the advice received based on the information provided to them was that the fringe benefit tax would be reduced to zero.*

*Q4 Does the payment of legal expenses incur a fringe benefit tax?*

A4 *Mayor Carlos:* The answer is no.

**Mr S Magyar, Heathridge**

*Q1 Re: Payment of Legal Expenses for Elected Members to appear before the Upper House Committee that is investigating the City's appointment of the CEO. The resolution that was read out made no mention of Council's current policy regarding legal expenses, so could I be informed if the resolution of Council was made with the current policy in mind or not?*

A1 The policy was referenced in the report

*Q2 Re: The Community Vision decision that was made plus the purchase of the Performing Arts Centre. Now that these issues have been resolved will the actual reports that were given to Council become a public document?*

A2 They will remain confidential.

*Q3 Do we have to wait 50 years like Federal Cabinet documents?*

A3 Council has no intention of making them public documents.

**Ms M Moon, Greenwood**

*Q1 Are the Councillors aware when it was said that the Centres zone through the third tier level of planning structure planning would give them more control but that residential height policy does not apply in the Centres Zone and the privacy clauses of the residential code are being deleted?*

A1 The height policy does not apply now over that particular site.

*Q2 It doesn't have residential at the moment?*

A2 That is correct, the residential codes do not apply now either. The structure plan will establish some guidelines for the future development there.

*Q3 Is it Council's position that performance criteria set out in the R Codes does not need to be met for multiple dwellings in R20 Codes of the City of Joondalup?*

A3 No, when we look at developments we use the R Codes as a tool for assessment.

*Q4 How can advice contrary to administrative law then be applied?*

A4 This question will be taken on notice.

### **DATE OF NEXT MEETING**

The next meeting of the Council has been scheduled for **7.00 pm** on **TUESDAY, 21 OCTOBER 2003** to be held in the Council Chamber, Joondalup Civic Centre, Boas Avenue, Joondalup

### **CLOSURE**

There being no further business, the Chairman declared the Meeting closed at 2245 hrs; the following elected members being present at that time:

MAYOR D CARLOS  
Cr T BREWER  
Cr L PROSPERO  
Cr C BAKER  
Cr A NIXON  
Cr J F HOLLYWOOD, JP  
Cr A WALKER  
Cr S HART  
Cr M O'BRIEN  
Cr G KENWORTHY  
Cr M CAIACOB  
Cr C MACKINTOSH