



**MINUTES OF MEETING OF JOINT COMMISSIONERS  
HELD ON 16 DECEMBER 2003**

**TABLE OF CONTENTS**

<b>No:</b>	<b>Item</b>	<b>Page</b>
	<b>OPEN AND WELCOME</b>	1
	<b>ATTENDANCES</b>	1
	<b>ADDRESS BY CHAIRMAN, CMR JOHN PATERSON</b>	1
	<b>PUBLIC QUESTION TIME</b>	2
<b>C270-12/03</b>	<b>ELECTRONIC MEDIA IN THE CHAMBER</b>	<b>15</b>
	<b>APOLOGIES AND LEAVE OF ABSENCE.....</b>	<b>15</b>
	<b>DECLARATION OF FINANCIAL INTEREST/INTEREST THAT MAY AFFECT IMPARTIALITY .....</b>	<b>15</b>
	<b>CONFIRMATION OF MINUTES</b>	
<b>C271-12/03</b>	<b>MINUTES OF COUNCIL MEETING, 2 DECEMBER 2003 .....</b>	<b>17</b>
<b>C272-12/03</b>	<b>MINUTES OF SPECIAL COUNCIL MEETINGS, 25 NOVEMBER/ 3 DECEMBER 2003 AND 11 DECEMBER 2003 .....</b>	<b>17</b>
	<b>ANNOUNCEMENTS BY THE CHAIRMAN WITHOUT DISCUSSION</b>	<b>17</b>
<b>C273-12/03</b>	<b>PETITIONS</b>	<b>17</b>
	<b>REPORTS</b>	
<b>CJ292 - 12/03</b>	<b>CITIES FOR CLIMATE PROTECTION – ADOPTION OF GREENHOUSE GAS EMISSIONS REDUCTION ACTION PLAN – MILESTONE 3 – [59091] [09717].....</b>	<b>18</b>
<b>CJ293 - 12/03</b>	<b>MINUTES OF SUSTAINABILITY ADVISORY COMMITTEE - 27 NOVEMBER 2003 – [00906] .....</b>	<b>23</b>

CJ294 - 12/03	MINUTES OF MEETING OF HOUSE COMMITTEE – 26 NOVEMBER 2003 [59064].....	27
CJ295 - 12/03	DEED OF VARIATION MINDARIE REGIONAL COUNCIL POWER TO BORROW .....	29
CJ296 - 12/03	TENDER NUMBER 019-03/04 SUPPLY, DELIVERY AND INSTALLATION OF A STORAGE MANAGEMENT SYSTEM – [74550].....	32
CJ297 - 12/03	WARRANT OF PAYMENTS – 30 NOVEMBER 2003 – [09882] .....	36
CJ298 - 12/03	MINUTES OF CBD ENHANCEMENT PROJECT STEERING COMMITTEE, 18 AUGUST 2003 AND 20 OCTOBER 2003 – [53469] [03576].....	38
CJ299 - 12/03	PROPOSED TRAFFIC TREATMENTS - RALEIGH ROAD, SORRENTO – [04429].....	40
CJ300 - 12/03	TENDER NUMBER 023-03/04 SUPPLY & INSTALLATION OF PLAY EQUIPMENT COMPONENTS FOR PARKS – [64551].....	43
CJ301 - 12/03	PROPOSED PARKING RESTRICTION - CHICHESTER DRIVE, WOODVALE – [04026].....	46
CJ302 - 12/03	MINUTES OF THE CONSERVATION ADVISORY COMMITTEE HELD ON 22 OCTOBER 2003 AND 26 NOVEMBER 2003 – [12168]....	48
CJ303 - 12/03	PROPOSED STRUCTURE PLAN - LOT 124 (92) COOK AVENUE, HILLARYS – [26549] .....	51
CJ304 - 12/03	AMENDMENT 20 TO DISTRICT PLANNING SCHEME NO 2 - PROPOSED ZONING TO URBAN DEVELOPMENT - LOT 124 COOK AVENUE, HILLARYS – [26549] [59549].....	57
CJ305 - 12/03	HILLARYS BOAT HARBOUR STRUCTURE PLAN AND IMPLEMENTATION STRATEGY – [23094] .....	61
CJ306 - 12/03	MODIFICATION TO WOODLAKE RETREAT STRUCTURE PLAN - LOT 550 (42) WOODLAKE RETREAT, KINGSLEY – [76534] .....	72
CJ307 - 12/03	CLOSE OF ADVERTISING FOR AMENDMENT NO 1 TO DISTRICT PLANNING SCHEME NO 2 – LOT 3 (5) TRAPPERS DRIVE, WOODVALE – [55070].....	75
CJ308 - 12/03	PROPOSED SUBDIVISION (WAPC REFERENCE 123218) AIUS SITE CITY NORTH DISTRICT & MODIFICATION TO THE JOONDALUP CITY CENTRE DEVELOPMENT PLAN AND MANUAL – [14550] [00152].....	82
CJ309 - 12/03	PROPOSED SINGLE HOUSE (GARAGE ADDITION) LOT 564 (3) MANDARA COURT, DUNCRAIG – [73085].....	89
CJ310 - 12/03	PROPOSED DEVELOPMENT APPLICATION FOR THE MULLALOO BEACH PROJECT CONCEPT PLAN – BEACHSIDE PROMENADE DUAL USE PATH AND ASSOCIATED RETAINING WALLS (STAGE 1) – [48840].....	97
CJ311 - 12/03	CHANGE OF APPLICANT – ARENA COMMUNITY SPORT AND RECREATION ASSOCIATION BEING REPLACED BY CITY OF JOONDALUP - COMMUNITY SPORT AND RECREATION FACILITIES FUND 2003/04 SUBMISSION PRIORITISATION – [22209] [05005] .....	101
CJ312 - 12/03	JOONDALUP COMMUNITY ART GALLERY – [77549] [19180].....	106

**REPORT OF THE CHIEF EXECUTIVE OFFICER**

<b>C274-12/03</b>	<b>ANNUAL GENERAL MEETING OF ELECTORS HELD ON MONDAY 17 NOVEMBER 2003</b>	<b>113</b>
-------------------	---	------------

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

<b>C275-12/03</b>	<b>CONFIDENTIAL ITEMS</b>	<b>120</b>
-------------------	---------------------------	------------

ITEM 1	CONFIDENTIAL - NOTICE OF MOTION – CR J HOLLYWOOD - LEGAL ADVICE ON PUBLIC COMMENTS RELATING TO THE STANDING COMMITTEE ON PUBLIC ADMINISTRATION AND FINANCE, AND CHIEF EXECUTIVE OFFICER EMPLOYMENT RELATED MATTERS – [70544].....	121/120
ITEM 2	CONFIDENTIAL - NOTICE OF MOTION – CR J HOLLYWOOD - STANDING COMMITTEE ON PUBLIC ADMINISTRATION AND FINANCE - LEGAL EXPENSES – [24549, 00561, 58527, 70544] .	122/120
ITEM 3	CONFIDENTIAL – NOTICE OF MOTION – CR J HOLLYWOOD – REQUEST FOR VARIATION TO CHIEF EXECUTIVE OFFICER’S CONTRACT OF EMPLOYMENT .....	122/120
ITEM 4	CONFIDENTIAL - NOTICE OF MOTION – CR C BAKER - LEGAL ADVICE ON PUBLIC COMMENTS RELATING TO THE STANDING COMMITTEE ON PUBLIC ADMINISTRATION AND FINANCE, AND CHIEF EXECUTIVE OFFICER EMPLOYMENT RELATED MATTERS – [70544].....	123/120
ITEM 5	CONFIDENTIAL - NOTICE OF MOTION – CR C BAKER - STANDING COMMITTEE ON PUBLIC ADMINISTRATION AND FINANCE - LEGAL EXPENSES – [24549, 00561, 58527, 70544] .	123/120
ITEM 6	CONFIDENTIAL – NOTICE OF MOTION – CR C BAKER – REQUEST FOR VARIATION TO CHIEF EXECUTIVE OFFICER’S CONTRACT OF EMPLOYMENT.....	124/120
ITEM 7	CONFIDENTIAL - NOTICE OF MOTION – MAYOR D CARLOS - REFUND OF CEO CORPORATE CREDIT CARD EXPENDITURE	124/120
ITEM 8	CONFIDENTIAL – NOTICE OF MOTION – MAYOR D CARLOS – COUNCIL CREDIT CARDS .....	124/120
ITEM 9	CONFIDENTIAL – NOTICE OF MOTION – MAYOR D CARLOS – TELEPHONE ACCOUNTS.....	125/120
ITEM 10	CONFIDENTIAL – NOTICE OF MOTION – MAYOR D CARLOS – INFORMATION ON CEO SALARY PACKAGE.....	125/120
ITEM 11	CONFIDENTIAL – NOTICE OF MOTION – MAYOR D CARLOS – SALARY PACKAGES – EXECUTIVE & BUSINESS MANAGERS	125/120

ITEM 12	CONFIDENTIAL – NOTICE OF MOTION – MAYOR D CARLOS – EXPENDITURE BY FORMER MAYOR .....	125/120
ITEM 13	CONFIDENTIAL - NOTICE OF MOTION – MAYOR D CARLOS – STAFF SALARY INFORMATION.....	126/120
ITEM 14	CONFIDENTIAL – NOTICE OF MOTION – CR J GOLLANT –BREACH OF CODE OF CONDUCT .....	126/120
ITEM 15	CONFIDENTIAL – NOTICE OF MOTION – CR P KIMBER – BREACH OF CODE OF CONDUCT .....	126/120
ITEM 16	CONFIDENTIAL – ITEMS OUTSTANDING FROM SPECIAL MEETING OF COUNCIL HELD ON 25 NOVEMBER 2003 AND 3 DECEMBER 2003 .....	126/120
ITEM 17	CONFIDENTIAL – NOTICE OF MOTION – CR J HOLLYWOOD – THAT THE MINISTER EXERCISE HIS POWER TO SUSPEND THE COUNCIL.....	127/120
ITEM 18	CONFIDENTIAL – NOTICE OF MOTION – CR J HOLLYWOOD – IN RELATION TO THE BEHAVIOUR OF CR HART.....	127/120
<b>C276-12/03</b>	<b>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).....</b>	<b>127</b>
<b>C277-12/03</b>	<b>MOTION TO LIE ON THE TABLE NO 2 MEDIA ACCESS TO MATTERS OF PUBLIC INTEREST .....</b>	<b>132</b>
<b>C278-12/03</b>	<b>MOTION TO LIE ON THE TABLE NO 3 - APPLICATION FOR THE CLOSURE OF THE PEDESTRIAN ACCESSWAY BETWEEN BEN CLOSE AND EDDYSTONE AVENUE, CRAIGIE – [82540] ....</b>	<b>134</b>
<b>C279-12/03</b>	<b>MOTION TO LIE ON THE TABLE NO 4 - MINUTES OF SPECIAL COUNCIL MEETINGS, 9 AND 17 NOVEMBER 2003.....</b>	<b>142</b>
	<b>DATE OF NEXT MEETING .....</b>	<b>143</b>
	<b>CLOSURE .....</b>	<b>144</b>

# CITY OF JOONDALUP

## MINUTES OF MEETING OF THE JOINT COMMISSIONERS HELD IN COUNCIL CHAMBER, JOONDALUP CIVIC CENTRE, BOAS AVENUE, JOONDALUP, ON TUESDAY, 16 DECEMBER 2003

### OPEN AND WELCOME

The Chairman declared the meeting open at 1900 hrs.

### ATTENDANCES

CMR J PATERSON – Chairman  
CMR A DRAKE-BROCKMAN – Deputy Chairman  
CMR M ANDERSON  
CMR A FOX  
CMR S SMITH

### Officers:

Acting Chief Executive Officer:	P SCHNEIDER
Director, Planning & Community Development:	C HIGHAM
Director, Infrastructure & Operations:	D DJULBIC
Manager Audit and Executive Services:	K ROBINSON
Manager, Marketing Communications & Council Support:	B ROMANCHUK
Manager, Assets and Commissioning:	C SMITH
Media Advisor:	L BRENNAN
Committee Clerk:	J HARRISON
Minute Clerk:	L TAYLOR

There were 66 members of the Public and 2 members of the Press in attendance.

### ADDRESS BY CHAIRMAN, CMR JOHN PATERSON

The Chairman of Commissioners, Cmr Paterson introduced himself to the members of the gallery. He advised he had been appointed by the Minister for Local Government and Regional Development and that his background was as follows:

- Recently completed four years as Mayor of the City of Nedlands
- A member of the Board of Wesfarmers for 23 years
- Federal President of the National Party for 6 years, working with Tim Fischer

Cr Paterson then introduced his fellow Commissioners as follows:

Deputy Chairman, Allan Drake-Brockman, a Barrister and Solicitor, experienced in employer/employee relationships;

Michael Anderson, an Accountant and Board Member of the State Supply Commission;

Mrs Anne Fox, an organisational change management specialist, an executive in health care, with strong team-building expertise, who is a resident of the City of Joondalup;

Mrs Steve Smith, who has considerable experience in local government management and was a Commissioner for the Inquiry into City of South Perth.

Commissioner Paterson advised the Commissioners were appointed primarily in relation to two issues, firstly to deal with the issues pertaining to the Chief Executive Officer and secondly to bring good governance to the City of Joondalup.

Commissioner Paterson made mention of the Special Council meeting held on 11 December 2003, where Commissioners voted to seek independent legal and forensic audit information and advice in all matters dealing with the CEO and relationships within the City of Joondalup.

He stated that for the purpose of good governance, this evening was a very important meeting for Commissioners as they wanted to make certain this meeting worked and the City of Joondalup worked as it should.

Commissioner Paterson advised that Commissioners give a commitment to the community to endeavour that at all times possible that business will be conducted in open session, and there would require to be a very special reason for a meeting to go behind closed doors. Commissioners are of the opinion it is extremely important at this stage that the confidence of the community is kept by allowing the community to know what is being done.

Commissioners need the assistance of the community in conducting good governance in the City of Joondalup and to that purpose Commissioner Paterson asked for the indulgence and co-operation of the community in allowing Commissioners to conduct this evening's meeting.

Commissioner Paterson requested respect from the community as would be afforded them by the Commissioners.

## **PUBLIC QUESTION TIME**

**The following questions were submitted by Mr W Primrose, Currambine:**

*Q1 Given the proposed adoption of the 'Record Keeping Responsibilities Policy (CJ249-11/03)' "The Policy" has the City taken into account the provisions of the Public Interest Disclosure Act 2003 "The Act" when drafting the policy?*

**A1** No, the Public Interest Disclosure Act 2003 was not taken into account when drafting the Recordkeeping Responsibilities Policy.

*Q2 If the City has not:*

- (a) Will it undertake to amend the policy to take into account the provisions of the Act; and*
- (b) Given the controversy in the City who will the City nominate, if it hasn't already done so, as the 'Public Interest Officer'; and*
- (c) If the City hasn't adopted a policy to reflect the provisions of the Act, will it stand down this Policy until suitable provisions incorporating the Act have been incorporated into the Policy?*

A2 As the Public Interest Disclosure Act 2003 is an Act to facilitate the disclosure of public interest information, and to provide protection for those who make disclosures, it does not relate to the recordkeeping requirements of the City and therefore the Recordkeeping Responsibilities Policy do not require amendment. The Manager of State Recordkeeping at the State Records Office of WA has supported the view that the Public Interest Disclosure Act 2003 has no relevance in relation to the Recordkeeping Responsibilities Policy as presented.

The Manager Audit and Executive Services has been appointed by the CEO as the Public Interest Officer.

**The following question was submitted by Mr M Branderburg:**

*Q1 How can eight (8) Councillors continue to vote in block against all rhyme and reason to support a person who has misrepresented and lied his qualifications to attain the position of CEO of this Council, thereby cheating the ratepayers who elected these Councillors? Furthermore, Mr Mayor to show total disregard for us here in the gallery, clearly indicating our discontent who are the ratepayers who elected them. I feel very strongly Mr Mayor, these Councillors owe their loyalty to us, not the CEO.*

A1 Given the appointment of the Joint Commissioners, it is not possible to prepare a response on behalf of the elected members.

**The following questions were submitted by Mr Privilege, Edgewater:**

*My questions are addressed to Mr John Paterson, Chairman of Commissioners and is in two parts:*

*I refer to the obvious merits of good governance and political impartiality in the management of our City by the WA Government appointed Commissioners. With this in mind, I ask:*

*Q1 Can you confirm or deny that Commissioner Drake-Brockman is a current or former member of the WA Labour Lawyers group?*

A1 This question has been referred to Commissioner Drake-Brockman for consideration and response as appropriate.

*Q2 Can you confirm that the principal of the law firm Fiocco, Lawyers (which firm has been briefed by the City for a fourth legal opinion on the CEO issue), namely, John Fiocco, is a current or former member of the WA Labour Lawyers group?*

A2 It is considered that this question should be directed to Mr Fiocco directly by Mr Privilege.

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

*Q1 I note with growing worry that despite the new Commissioners having been aware of their appointment for nearly two (2) weeks, that no direct arrangements for contact with them have either been organised or implemented. When will the long suffering ratepayers of Joondalup be able to have their democratic rights addressed again and be able to personally contact the Labour Government appointed Commissioners, so that they may directly voice their concerns? Please indicate a firm date.*

A1 At this point in time, contact may be made through Mrs Hazel Yarranton, PA to the Commissioners.

*Q2 In the past, senior officers of the Council attending Council meetings repeatedly have failed to wear visible name badges despite the City's 'Customer Care Charter stating that 'all staff who have face to face contact with customers will wear a name badge for ease of communication.' Neither has the seating plan on the agenda detailing all the names and places of the elected Councillors ever matched the names and places of all the senior officers, only the CEO. Could you please explain the reasons for these omissions, since it appears that they are the ones currently in control?*

A2 The City's Customer Service Charter refers to staff wearing name badges when engaging in face-to-face contact with customers. This is not the case in a Council meeting setting when all speakers are to address the Chairperson. Standing Orders set out conduct for Council meetings and stipulate that staff be referred to by their position title.

The seating plan correctly indicates that Directors are placed to the right of the Chairperson and Administrative staff to the left, with appropriate identification plates at their respective places. Individual titles are not included on the seating plan as attendance varies based on the requirements of the Agenda items.

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

*Re: Item 18 – Close of Advertising for Amendment No 1 to DPS2 – Lot 3 Trappers Drive*

*Q1 How is the City able to rezone a piece of land to Commercial Zone when the Commercial Zone is for existing shopping centres?*

A1 The Council has the authority to initiate a DPS amendment under the Town Planning Regulations. This amendment relates to a minor expansion to an existing shopping centre.



- Q2 Any increase above the NLA as listed in Schedule 3 requires a Structure Plan to be prepared 3.7.3?*
- A2 This is a proposed application to amend the DPS including Schedule 3. It is not a development application that would be assessed under the DPS.
- Q3 How can this shopping centre expand without a Structure Plan when it is supposed to be over the Retail NLA currently?*
- A3 A development application will need to comply with the revised Schedule 3.
- Q4 The City has an approved Local Commercial Strategy, which suggests that the Woodvale Shopping Centre will grow to be a Small Town (under 10.000 sqms NLA). Given the query on current shopping centre retail NLA because of the 1997 WAPC survey and the necessity within the resolution to identify retail NLA, why was not this an opportunity to rezone this shopping centre to Centre Zone and also the additional piece of land at Lot 3 by preparing the necessary Structure Plan for the whole shopping centre area?*
- A4 The existing centre is zoned Commercial and the proposal is to add a second piece of land to that zone. The commercial centre is almost fully developed.
- Q5 There were some obvious concerns from residents about their amenity. A Structure Plan would look at all issues involving amenity. The ratepayers of the area need to be given details of the expansion of this shopping centre, as it will effect their investment and lifestyle. Why is the City reluctant to use its Centre Strategy and prepare Structure Plans for existing commercial centres to rezone them to Centre Zone as they are developed as envisaged by the Metropolitan Centres Strategy?*
- A5 The issues were answered in schematic plans presented as part of the amendment documentation and are the subject of legal agreement with the proponents.
- Q6 How was this proposal advertised?*
- A6 The proposal was advertised in the local press and letters were sent to nearby landowners.
- Q7 Did the recent expansion of the Whitford City Shopping Centre involve the preparation of a Structure Plan?*
- A7 No.

**The following questions were submitted by Mr Michael Caiacob, Mullaloo:**

*Re - Item CJ305-12/03 – Hillarys Boat Harbour Structure Plan and Implementation Strategy:*

- Q1 Following the presentation given to elected members on 18 November 2003 by the DPI, could the Commissioners please advise if the public advertising of the Structure Plan will include the development plans shown on that date? The reason for this is*

*that with no specific details the public will not be able to adequately comment on Structure Plan development proposals such as traffic light controls at the intersection of West Coast Drive and Southside Drive, nor the strategic recommendations listed in Attachment 3 of the Report;*

A1 The process would be administrated by the DPI, however it would be recommended that all documentation be available to review.

Q2 *Public consultation completed in December 1999 indicated that parking, access and egress problems needed to be addressed prior to any further development. Resident objections in 1998 precluded the southern entry being used as an exit.*

*Why does Attachment 3 indicate recommendations of major initiatives and works to be done prior to addressing the parking, ingress and particularly the egress from this development site as well as ignoring the previous resident objections?*

A2 Attachment 3 is a list of DPI's recommendations for the Harbour, made in recognition of its understanding of the issues.

Q3 *With regard this Structure Plan, what do the reference numbers in Attachment 3 directly refer to?*

A3 The reference numbers refer to the references used in the DPI report.

*Re – Items 14 and 15 – Motions of which Notice has been given.*

Q4 *Has an investigation been conducted by either the Mayor (or Joint Commissioners), the CEO or the Anti-Corruption Commission as required by Part 4 of the Code of Conduct?*

*This is particularly relevant as any actions taken as a result of a breach of the Code of Conduct will be made in accordance with the provisions of any applicable legislation and Council's responsibilities as an employer. Also as required by Part 4 of the Code of Conduct.*

A4 Yes.

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

Q1 *Are the Commissioners aware of Local Government Administration Regulation Clause 7(3) which requires each member of the public who wishes to ask a question at public question time to be given an equal and fair opportunity to ask the question and receive a response?*

A1 The Chairman of Commissioners is aware of the relevant legislation governing public question time.

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

- Q1 I note that the Minutes of the Annual General Meeting of Electors held on the 17 November 2003 has just been posted today Monday, and that the Agenda for the Council meeting for this Tuesday still does not contain the necessary report for consideration, even though the CEO advised the public at the Briefing Session of last week that the matter would be available Friday, 12 December 2003.*
- Q2 In the event that the CEO does or does not submit the item as a Late Item in order that Council deals with the report this Tuesday, and bearing in mind that the various matters raised at the Annual Meeting were of significant importance to the ratepayers on a broad range of issues, will the Commissioners give consideration to holding a Special Meeting of Council, so that ratepayers can review any proposed response by the administration prior to its adoption?*

A1-2 A late Item relating to the Annual General Meeting has been submitted. The Commissioners can convene Special Meetings of Council if they consider such actions necessary.

**The following questions were submitted by Mr Vincent Cusack, President, South Ward Ratepayers and Electors Association, of which the following questions are asked on behalf of:**

- Q1 Are the Commissioners aware of the Local Government Minister, Tom Stephens' comments, on page 17 of his evidence to the recent Upper House Legislative Council Parliamentary Inquiry, where he was speaking about the City of Joondalup and its CEO, Mr Denis Smith? The quote is as follows:*

“As representatives from the department prepare to respond, I will tell the committee that on the face of it, I believe it was unwise for the Council to decide to resource a CEO with legal advice under circumstances in which, potentially, the CEO could have been at odds with the Council itself. The Council paid the CEO's legal fees and, at the same time, it had to resource itself for potential litigation between the Council and its CEO at one point.

Having said that it is unwise, my advice is that it is not illegal. In those circumstances, it is simply another part of the problem at the Council and not something on which I can, on advice, act.”

*Mindful of the above comments, can the Commissioners please advise if the CEO, Mr Denis Smith, has withdrawn his request for the payment of legal fees to Blake Dawson Waldron, as listed on Item 23 of the Briefing Session, dated 9 December 2003?*

- A1 The CEO has withdrawn his request for consideration to be given to payment of legal fees at this point in time.
- Q2 Can the Commissioners confirm if Mr Denis Smith has served a Writ against the City of Joondalup?*
- A2 Yes.

*Q3 If yes, do the Commissioners intend to approve the expenditure of even more ratepayer's money, on Mr Smith's legal fees?*

A3 Any further request for payment of legal expenses for the CEO will be submitted to the Council for determination.

**The following questions were submitted by Mr W Primrose, Currambine:**

*Q1 I refer to the Minutes of Meeting of Annual General Meeting of Electors - Held 17th November 2003, at page 5:*

*"MOVED Wayne Primrose, 16 Negresco Turn, Currambine, SECONDED Vincent Cusack, President, South Ward Ratepayers and Electors Association:*

- 1. that the parties refer the matter to an independent mediator appointed by the President of LEADR, (Lawyers Engaged in Alternate Dispute Resolution), whose fees are to be funded entirely by the City;*
- 2. that the parties participate meaningfully in the mediation process and in the best interests of the City;*
- 3. that to avoid further damage and embarrassment to the City, the CEO stands aside on full pay until the matter is resolved;*
- 4. the CEO not receive any further legal funding from the City on the basis that he is not entitled to do so according to Policy 2.2.8 – Legal Representation for Present and former Elected Members and Staff of the City.*

*The following persons spoke to the Motion:*

*Mr W Primrose, Currambine*

*Mr S Magyar, Heathridge*

*Mrs Pat Worth, Ocean Reef "*

*The minute does not record the item correctly in that:*

- 1. The motions were put carried – unanimously (which is not recorded in the minute); and*
- 2. There is no record of the speeches made by the speakers, or at the very least, a summary of the salient points made by each of the speakers.*

*Why was the motion not recorded as having been put and carried - unanimously?*

A1 The motion is recorded as being carried, with four electors having voted against the Motion (see page 6 of the minutes of the AGM of Electors).

*Q2 Why have the speeches been omitted from the minute?*

*Q3 Who is responsible for ensuring the minute is correct and accurate?*

*Q4 Was that officer instructed to minute the matter without:*

- a. reflecting that the motions were put and carried unanimously; and*
- b. recording, or at the very least summarising, the speeches put to the Annual General Meeting by the speakers.*

*Q5 If the Officer was instructed in these terms, who instructed that Officer?*

A2-5 Minutes are not required to be a verbatim record, merely a summary of the proceedings of the meeting. All minutes of meetings are prepared by the administration in accordance with Regulation 11 of the Local Government (Administration) Regulations 1996.

*Q6 Will the Commissioners instruct the appropriate Officer to amend the minute to:*

- (a) evidence that the motions were put and carried unanimously; and*
- (b) record the speeches delivered by the speakers in full or, in the alternative, by making available a pdf attachment of the speeches.*

A6 This is not considered necessary.

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

*Re: CJ307-12/03 – Close of Advertising for Amendment No 1 to District Planning Scheme No 2 – Lot 3 (5) Trappers Drive, Woodvale.*

*Q1 Does expansion refer to the expansion of the*

- (a) shopping centre*
- (b) Centre (As per Centres Strategy)*
- (c) Or Lot 6*

*Q2 (a) Does the 6632m2 retail floor area recorded in 1997 relate to retail floor space solely on Lot 6?*  
*(b) Or did the retail floor space figure of 6632m2 recorded in 1977 relate to all lots within the greater shopping complex?*

*Q3 The City's centre policy is currently under review as inaccurate figures were used when transposing them from the 1977 survey and the city was waiting on the new 2002/2003 figures before reviewing the policy.*

- (a) *Why are the old figures then being used in the assessment of this application?*
- (b) *As the new figures are available to the City,*
- (i) *why are they not in the report and*
- (ii) *why are they not being referred to? (Available to the public for \$63.00)*
- Q4 *Is this site an identified centre locality by the city of Joondalup and WAPC?*
- Q5 *Why isn't Clause 3.7 referred to in the report?*
- Q6 *Lot 3 is not an existing shopping or business centre or existing retail or commercial area and there is no structure plan adopted by the Council or WAPC which enables the retail floor space to be varied from 5500m<sup>2</sup>.*
- Why is lot 3 not being appropriately rezoned to Centre Zone and a structure plan applied as per DPS2 Clause 3.7.3 and 3.11 inclusive and our local centres strategy which requires a small town centre to have a structure plan and be reclassified?*
- Q7 *Why is there not a copy of the Local Centres Strategy, Metropolitan Centres Strategy, Amendment 10 and reference to Clause 3.7.1 -.2 -.3 in the report? (as this is the City's planning framework)*
- Q8 *In attachment 5 the figures on the map do not correspond with those of the survey as the DPS2 is more current than the survey which is correct? (Lot 6 being represented as below 5500 at 4400)*
- Q9 *Does the existing shopping centre on Lot 6 Whitfords Ave expand over any other lot currently? If yes is there a separate NLA specified for those lots or does the NLA of lot 6 expand with the Shopping Centre?*
- Q10 *Why does the report state that the needs of the community are considered to be commercial considerations outside of the City's control? When as a small town centre a structure plan is required to control the centre with input from the community city and developer?*
- Q11 *The report states the City's Centres Strategy allows for retail floor expansion upon Lot 6. I believe this to be incorrect. Is it not true that the Centres strategy allows for the reclassification to Small Town Centre and the retail net lettable area for the Centre being up to 10 000 m<sup>2</sup> not solely Lot 6 with all lot owners signing there agreement of the structure plan?*
- Q12 *Will the commissioners have a copy of the existing legal agreement applicable to the land and the new further legal agreement with respect to the proposed expansion of the shopping centre?*

*Q13 As there is no mention of parking*

- (a) could the current and proposed DPS2 parking requirements and*
- (b) the current and proposed available parking on site for the greater shopping complex and medical centre be given.*
- (c) Is there a resolution of Council or the Commissioners to vary the standards of the DPS2 parking requirements for the current centre or proposed expansion.*
- (d) If no, then how is a legal agreement concerning parking being entered into?*

A1-13 These questions will be taken on notice.

**The following question, submitted by Ms K Woodmass, Kingsley, was taken on notice at the Special Meetings of Council held on 25 November/3 December 2003:**

*Q1 Can I ask the five Councillors why they did not wait until Cr Hart returned?*

A1 Given the appointment of the Joint Commissioners, it is not possible to prepare a response on behalf of the elected members.

**The following question, submitted by Mrs M Zakrevsky, Mullaloo, was taken on notice at the Special Meetings of Council held on 25 November/3 December 2003:**

*Q1 Re: Point 4 of the purpose of the meeting: Would Cr O'Brien explain the matter of whether leave should be granted to the Mayor to undertake his previously approved caravan trip?*

A1 Given the appointment of the Joint Commissioners, it is not possible to prepare a response on behalf of the elected members.

**The following question, submitted by Mr K Zakrevsky, Mullaloo was taken on notice at the Council Meeting held on 2 December 2003:**

*Re: Wanneroo Times – Article “Hollywood happy to pay back allowance”*

*Q1 Surely, Cr Hollywood and the ratepayers are entitled to a full retraction, and unqualified apology, right here and now and with an advertisement in the community paper?*

A1 It has always been this Administration's view that Cr Hollywood was being paid in accordance with the Act. This question was raised by the Department of Local Government and Regional Development as to Cr Hollywood's entitlement. The Department were advised of the relevant information to clarify the situation.

**The following questions, submitted by Mr R de Gruchy, Sorrento were taken on notice at the Council Meeting held on 2 December 2003:**

*Re: Employment Contract of the CEO, Mr Denis Smith – On the front page of the Wanneroo Times dated 18 November 2003, there is a reference to the CEO having 3 years of his current contract left to run with the option of another 5-year contract.*

*Q1 If this is true, who made the decision to allow such a generous contract?*

A1 There is no option for another 5 years in the CEO's contract.

*Q2 Does the option of a second 5-year term allow the City to reject a request for an extension or is it purely one-sided (i.e., is it really a 10 year contract if the CEO decides he wishes to stay)?*

A2 Please see answer in question 1.

*Q3 Is this regarded as the 'norm' in employing senior executives in Local Government, as I understand that the previous CEO, Mr Lindsay Delahaunty did not have a similar condition attached to his contract?*

A3 The option to renew a contract at this level is normal practice in local government. Mr Delahaunty had an Extension of Term Clause in his contract very similar to that of the current CEO.

**Mr M O'Brien, Warwick:**

*Q1 Due to the fact that Commissioner of Police Barry Mathews has "terminated" the WA State Police previous so called "containment policy on brothels" and given that Joondalup Municipal Officers were successful, in recently bringing to an end, the alleged bawdy house activities at 86 Reid Promenade, Joondalup, and, despite Donald Stanley Carlos attempting to have the Notice of Motion, regarding the alleged, (the allegation being by Anthony Patrick O'Gorman) bawdy house activities of Leila Elaine Neilson, at Unit 16/7 Delage St, Joondalup, "lifted from the table" so that Donald Stanley Carlos' expressed verbal intention to rule the Motion "out of order" could occur, while discussions were still being undertaken, between Ross Douglas Fraser (owner of the Strata Title Unit 16/7 Delage St) and Michael Cave O'Brien (a currently suspended, by his own request, Councillor). Will the Commissioners continue the discussions with Ross Douglas Fraser, with the intention of guaranteeing, that no bawdy house activity will occur at Unit 16/7 Delage St, Joondalup and/or any other premises in Joondalup, where no planning approval has been granted by the City of Joondalup, for brothel, bawdy house or prostitution in massage parlours?*

*Q2 I quote from a statement by Mr Smith in 1996, at Coffs Harbour City Council in New South Wales, "Six of the nine Councillors voted against the first application for a brothel, and I thank God for their moral integrity." In light of the decision by the vote of 6 of the 9 councillors at Coffs Harbour Council in New South Wales, supporting Mr Smith's "anti brothel stance" in the City of Coffs Harbour, a Coastal City, will the*



*Commissioners during their period of Office at Joondalup, vigorously pursue the proposal to have a provision in the text of the WA Local Government Act 1995, that would give WA councils the power of “ the suppression and restraint of brothels” as previously was provided for in the Sections 206 of 1960 WA Local Government Act?*

A1-2 *Response by Chairman of Commissioners:* The Commissioners do not have an opinion, it is something we are not aware of and when we have an opinion we will give notice of it.

**Mr N Gannon, Sorrento:**

*Q1 On 2 December 2003 at the Council Meeting I asked a series of questions regarding the CEO. On Friday of this week I received a letter from the City which provided a copy of my questions. The questions are not correct consequently the Minutes of the last meeting cannot be confirmed unless they are amended. In tonight’s questions they have attempted to correct them, but I will read the original questions.*

*“Q1 Re: CEO Matters – On numerous occasions this Council and the CEO have requested legal advice from Minter Ellison and Blake Dawson Waldron respectively. How was this advice requested, orally or in writing? If orally who made the request? If in writing, who authored the request and were copies given to all or any Councillors?”*

*Q2 How was the advice received, orally or in writing? If orally, who received the advice? If written, were all or any Councillors given a copy?*

*Q3 Have Minter Ellison or Blake Dawson Waldron submitted accounts for payment for advice and attendance previously given to Council or the CEO on this matter?*

*Q4 Have any of these accounts been paid by Council or has any reimbursement been given to the CEO in the event he may have paid some accounts himself?”*

A1 The City will check the tapes, if there is an inaccuracy we will undertake to correct those administratively.

**Ms S Hart, Greenwood:**

*Q1 Re: Item CJ307-12/03 On Page 64 legal agreement – it says a legal agreement was made with Foodland Property Holdings – 14 May 1992 where they agreed not to build or create any shopping complex on Lot 6 Whitfords Avenue with a gross leasable retail floorspace of 4990 square metres. It then goes on to say that “The above legal agreement is yet to be amended as required under the City’s previous resolution at its meeting on 29 April 2003, Council is therefore requested to rescind part 2 of this resolution of 29 April 2003 CJ097-04/03 and replace that resolution with an amended resolution that requires the amended agreement to be executed prior to the Hon. Minister granting final approval to the amendment.” Can the officers tell me exactly what the agreement was and what they are amending it to?*

- A1 The original agreement was in relation to restricting the amount of floor space at the shopping centre and that dates back to 1992. Council is not able to establish how the shopping centre has developed beyond those floor space figures. Nevertheless it would appear the shopping centre developed at one time and there is some discrepancy in the way the floor space figures have been calculated. What Council is attempting to do with the resolution tonight is to have a new agreement which would reflect the proposed revised floorspace figures.
- Q2 *Are the Commissioners aware that in February 2002 four Special Electors Meetings were held in the City of Joondalup and at every one of these meetings a motion was put and carried unanimously that the City of Joondalup develop a detailed Consultation Policy. This item was on the Agenda for the Briefing Session, but it is not in the Agenda for tonight, why is that?*
- A2 The policy review has been underway for the last 6 months and most of those recommendations have come to Council for adoption. There is a number of policies still outstanding and the policy referred to is one of those. These policies will be reviewed and come back to Council in the New Year.

**Dr P Murrigan, Ocean Reef:**

- Q1 *This is a question from the Ocean Reef Coastal Stakeholders Group, a group of approximately 200 people who are concerned about the possibility of extending Ocean Reef Road on the foreshore between Hodges Drive and Shenton Avenue. These extension works were originally due to start mid-November with less than 4 weeks notice and without any community consultation having taken place. At the Council Meeting on 11 November 2003 Council decided to rescind the decision to go to ahead with the extension and to establish a Community Consultation Working Party with four representatives from Council, a Council officer and 5 representatives from our Group.*

*Will the Commissioners take the place of the four Councillors on the Community Consultation Working Party?*

- A1 *Response by Chairman of Commissioners:* As you are aware, there are only 5 Commissioners and there is a substantial number of committees that Councillors were on. During January we are going to assess the situation and will do everything in our power to be on committees. At this stage the Commissioners cannot give any guarantees but we will be looking at all the Committees that need representatives.
- Q2 *Re: Timing of the Ocean Reef Extension and Community Consultation Process – What level of priority do you expect to assign to the timing of the Public Consultation Process and will the City be funding this initiative?*
- A2 The consultation process and the costing will be put to the Commissioners as part of the 2003/04 half year review process and a decision will be made early in the new year in relation to that.

C270-12/03

**ELECTRONIC MEDIA IN THE CHAMBER**

**MOVED Cmr Anderson, SECONDED Cmr Drake-Brockman that the electronic media be permitted to record proceedings in the Council Chamber during this evening's meeting.**

**The Motion was Put and****CARRIED****APOLOGIES AND LEAVE OF ABSENCE**

Nil

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

*Chief Executive Officer stated his intention to declare a financial interest in Item 1 - Confidential - Notice of Motion – Cr J Hollywood - Legal Advice on Public Comments relating to the Standing Committee on Public Administration and Finance, and Chief Executive Officer Employment Related Matters as this Item may impact on Mr Smith's Contract of Employment. (Chief Executive Officer was not in attendance at this meeting).*

*Chief Executive Officer stated his intention to declare a financial interest in Item 2 - Confidential - Notice of Motion – Cr J Hollywood - Standing Committee on Public Administration and Finance - Legal Expenses as this Item may impact on Mr Smith's Contract of Employment. (Chief Executive Officer was not in attendance at this meeting).*

*Chief Executive Officer stated his intention to declare a financial interest in Item 3 - Confidential – Notice of Motion – Cr J Hollywood – Request for Variation to Chief Executive Officer's Contract of Employment as this Item may impact on Mr Smith's Contract of Employment. (Chief Executive Officer was not in attendance at this meeting).*

*Chief Executive Officer stated his intention to declare a financial interest in Item 4 - Confidential - Notice of Motion – Cr C Baker - Legal Advice on Public Comments Relating to the Standing Committee on Public Administration and Finance, and Chief Executive Officer Employment Related Matters as this Item may impact on Mr Smith's Contract of Employment. (Chief Executive Officer was not in attendance at this meeting).*

*Chief Executive Officer stated his intention to declare a financial interest in Item 5 - Confidential - Notice of motion – Cr C Baker - Standing Committee on Public Administration and Finance - Legal Expenses as this Item may impact on Mr Smith's Contract of Employment. (Chief Executive Officer was not in attendance at this meeting).*

*Chief Executive Officer stated his intention to declare a financial interest in Item 6 - Confidential – Notice of Motion – Cr C Baker – Request for Variation to Chief Executive Officer's Contract of Employment as this Item may impact on Mr Smith's Contract of Employment. (Chief Executive Officer was not in attendance at this meeting).*

*Chief Executive Officer stated his intention to declare a financial interest in Item 7 - Confidential - Notice of Motion – Mayor D Carlos - Refund of CEO Corporate Credit Card Expenditure as this Item may impact on Mr Smith’s Contract of Employment. (Chief Executive Officer was not in attendance at this meeting).*

*Chief Executive Officer stated his intention to declare a financial interest in Item 8 - Confidential - Notice of Motion – Mayor D Carlos – Council Credit Cards as this Item may impact on Mr Smith’s Contract of Employment. (Chief Executive Officer was not in attendance at this meeting).*

*Chief Executive Officer stated his intention to declare a financial interest in Item 9 - Confidential - Notice of Motion – Mayor D Carlos – Telephone Accounts as this Item may impact on Mr Smith’s Contract of Employment. (Chief Executive Officer was not in attendance at this meeting).*

*Chief Executive Officer stated his intention to declare a financial interest in Item 10 - Confidential - Notice of Motion – Mayor D Carlos – Information on CEO Salary Package as this Item may impact on Mr Smith’s Contract of Employment. (Chief Executive Officer was not in attendance at this meeting).*

*Director, Planning and Community Development, Mr Clayton Higham declared a financial interest in Item 11 - Confidential - Notice of Motion – Mayor D Carlos – Salary Packages – Executive and Business Managers as this Item relates to possible disclosure of aspects of Mr Higham’s Contract of Employment.*

*Director, Planning and Community Development, Mr Clayton Higham declared a financial interest in Item 13 – Confidential – Notice of Motion – Mayor D Carlos – Staff Salary Information as this Item relates to possible disclosure of aspects of Mr Higham’s Contract of Employment*

*Director, Infrastructure and Operations, Mr David Djulbic declared a financial interest in Item 11 – Confidential – Notice of Motion – Mayor D Carlos – Salary Packages – Executive and Business Managers as he is a Director.*

*Director, Infrastructure and Operations, Mr David Djulbic declared a financial interest in Item 13 – Confidential – Notice of Motion – Mayor D Carlos – Salary Staff Packages as he is an employee of the organisation.*

*Director, Corporate Services and Resource Management, Mr Peter Schneider declared a financial interest in Item 11 – Confidential – Notice of Motion – Mayor D Carlos – Salary Packages – Executive and Business Managers as information requested would include Mr Schneider’s Contract of Employment and salary related details.*

*Director, Corporate Services and Resource Management, Mr Peter Schneider declared a financial interest in Item 13 – Confidential – Notice of Motion – Mayor D Carlos – Staff Salary Information as information requested would include my contract of employment and salary related details.*

*Manager, Audit and Executive Services, Mr Kevin Robinson declared a financial interest in Item 17 – Confidential – Notice of Motion – Cr J Hollywood – That the Minister exercise his power to suspend the Council as he has been nominated as the Acting Chief Executive Officer.*

**CONFIRMATION OF MINUTES****C271-12/03            MINUTES OF COUNCIL MEETING, 02 DECEMBER 2003**

**OFFICER'S RECOMMENDATION:** That the Minutes of the Council Meeting held on 2 December 2003 be confirmed as a true and correct record.

**MOVED Cmr Smith, SECONDED Cmr Anderson that confirmation of the Minutes of the Council Meeting held on 2 December 2003 be DEFERRED until the next ordinary Meeting of the Joint Commissioners scheduled to be held on 17 February 2004 pending verification of concerns raised by a ratepayer.**

**The Motion was Put and**

**CARRIED**

**C272-12/03            MINUTES OF SPECIAL COUNCIL MEETINGS, 25 NOVEMBER/3 DECEMBER 2003 AND 11 DECEMBER 2003**

**MOVED Cmr Anderson, SECONDED Cmr Fox that the Minutes of the Special Council Meetings held on 25 November/3 December 2003 and 11 December 2003 be confirmed as a true and correct record.**

**The Motion was Put and**

**CARRIED**

**ANNOUNCEMENTS BY THE CHAIRMAN WITHOUT DISCUSSION**

Nil.

**PETITIONS****C273-12/03            PETITIONS SUBMITTED TO THE MEETING OF JOINT COMMISSIONERS – 16 DECEMBER 2003****1            PETITION REQUESTING INSTALLATION OF SPEED DETERRENTS ON CHICHESTER DRIVE, WOODVALE – [04026] [05472]**

A 112-signature petition has been received from Cheryl Edwardes, MLA on behalf of residents of the City of Joondalup requesting the installation of speed deterrents on Chichester Drive, Woodvale.

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

**2            PETITION OPPOSING DEVELOPMENT AT LUISINI WINERY**

A 105-signature petition has been received from Cheryl Edwardes, MLA on behalf of residents of the City of Joondalup opposing any development at Luisini Winery for the following reasons:

- 1 any commercial development at Kingslake Estate would adversely affect the amenity of the area;

- 2 any development of the Luisini Winery should require a vigorous assessment by the Environmental Protection Authority, which has not happened; and
- 3 it is unacceptable for any proposed development to result in any traffic increase on Lakeway Drive, which is an access street.

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

**It was resolved that the petitions relating to:**

- 1 the installation of traffic deterrents on Chichester Driver, Woodvale;**
- 2 opposition to any development at Luisini Winery**

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

**CJ292 - 12/03 CITIES FOR CLIMATE PROTECTION – ADOPTION  
OF GREENHOUSE GAS EMISSIONS REDUCTION  
ACTION PLAN – MILESTONE 3 – [59091] [09717]**

**WARD - All**

---

**PURPOSE**

To seek endorsement by the Joint Commissioners to adopt the Greenhouse Gas Emissions Reduction Action Plan and note that this fulfils the requirement of Milestone Three of the Cities for Climate Protection (CCP™) Australia program.

**EXECUTIVE SUMMARY**

The (CCP) Australia program is an international program to assist local governments to reduce greenhouse gas emissions from their corporate (Council) and community sectors.

The (CCP) Program comprises of 5 Milestones, of which the City of Joondalup has completed Milestones 1 & 2. The endorsement of the Greenhouse Gas Emissions Reduction Action Plan fulfils the requirements of Milestone 3 of the (CCP) program.

The Greenhouse Gas Emissions Reduction Action Plan provides specific actions for the community and the City to implement in order to meet the reduction targets set under Milestone 2. The actions aim to target the highest sources of emissions obtained from “An Inventory and Forecast of Energy Use and Greenhouse Gas Emissions within the City of Joondalup” prepared in October 2000. This report constituted Milestone 1 of the Cities for Climate Protection program.

Major actions will target energy use within the City and community and raise community awareness of how they can reduce greenhouse gas emissions. The Greenhouse Gas Emissions Reduction Action Plan contains short to long term priorities that will be implemented over the next 7 years until 2010. It is anticipated that new actions will be identified in the future and incorporated into the Action Plan, via an annual review process.

It is recommended that the Joint Commissioners:

- 1 *ADOPT the Greenhouse Gas Emissions Reduction Action Plan as shown as attachment 1 to Report CJ292-12/03;*
- 2 *NOTE that this fulfils the requirement of Milestone Three of the Cities for Climate Protection program.*

## **BACKGROUND**

The City of Joondalup is a member of the (CCP) <sup>TM</sup> Australia program, an international program to assist local governments to reduce greenhouse gas emissions. In Australia, the program is delivered by ICLEI (the International Council for Local Environmental Initiatives), in collaboration with the AGO (the Australian Greenhouse Office).

The City of Joondalup resolved to participate in the CCP <sup>TM</sup> Australia program on 26 October 1999 (Refer to Council Report CJ 367-10/99). The achievement of the following five Milestones was endorsed in this resolution:

- i. Establish an inventory and forecast for key sources of greenhouse gas emissions in the council and community;
- ii. Set an emissions reduction goal;
- iii. Develop and adopt a Local Greenhouse Action Plan;
- iv. Implement the Local Greenhouse Action Plan; and
- v. Monitor and report on greenhouse gas emissions and implementation of actions and measures.

Each milestone has an internal corporate component and a community component. The City of Joondalup has achieved the following milestones:

- 1 Milestone One (inventory of emissions) in both the corporate and community sectors
- 2 Milestone Two (setting of a reduction goal) in both the corporate and community sectors.

### **Milestone One**

Milestone One was completed in October 2000 and awarded to Council at the CCP<sup>TM</sup> recognition event held at the Institute of Municipal Management annual conference in October 2000 (refer to Council report CJ362-12/00).

## **Milestone Two**

Council endorsed the following reduction targets at its meeting on 12 February 2002 (Council report CJ007 – 02/02):

- A 20% Community Greenhouse gas emissions reduction target on 1996 levels by 2010, and a stretch target of 35%; and
- A 20% Council Greenhouse gas emissions reduction target on 2000 levels by 2010, and a stretch target of 35%.

Milestone Two was awarded in March 2002.

## **Milestone Three**

To achieve Milestone Three of the CCP™ program, the City of Joondalup is required to adopt a Local Action Plan outlining the strategy that will be undertaken. As such, the “Greenhouse Gas Emissions Reduction Action Plan” has been developed and is shown as attachment 1.

Completion of Milestone 3 and participation in the CCP program is likely to make Joondalup eligible for specific funding from the Australian Greenhouse Office, which has yet to be announced for the 2003/04 financial year.

## **DETAILS**

The Greenhouse Gas Emissions Reduction Action Plan is the document that outlines how the City will achieve its Greenhouse gas reductions. It demonstrates a strong commitment from Council to the triple bottom line approach to governance, and will raise community awareness about Greenhouse issues. There are economic benefits for Council through ensuring efficient energy management and the ongoing reduction of corporate costs.

The City has already undertaken actions that have led to a reduction of Greenhouse gas emissions within council and the community. These actions include:

- Recycling, composting and worm farm programs which seek to reduce waste going to landfill and reduces the production of methane gas.
- Energy audits and the implementation of audit recommendations for the main administration, civic and Joondalup library buildings which has resulted in projected savings of \$44,000 per year or over 400 tonnes of Greenhouse gasses.

The action plan has been developed following consultation with key staff from the City’s various business units. The actions in this plan seek to build on initiatives currently being undertaken as well as identify new initiatives that will result in decreased Greenhouse gas emissions from the community and council. Consultation with the community was conducted as part of Milestone 2 (*refer* CJ007-02/02) and 96% of respondents supported Council adopting a Greenhouse policy.



Pending endorsement from Council, the next Milestone will involve implementation of the Action Plan.

This will involve:

- Conducting a detailed emissions benefit analysis of each of the measures to be implemented to determine if the City is on track to meet its Milestone 2 commitments;
- An assessment of implementation costs, potential saving costs, pay back period and potential emission reductions for high priority actions;
- Further internal and public consultation of the Action Plan; and
- Establishing key indicators for the success of the actions and a monitoring system for the Action Plan.

It is recommended that the Joint Commissioners adopt the Greenhouse Gas Emissions Reductions Action Plan and note that this fulfils the requirement of Milestone Three of the Cities for Climate Protection program.

Council will be advised on the progress of the CCP™ program on a regular basis as a component of Milestone 5 of the CCP™ program.

**Statutory Provision:**

Nil

**Consultation:**

Consultation with the community was conducted during Milestone 2 work and the results of this consultation were reported to Council in February 2002 (*refer* CJ007- 02/02).

The Sustainability Advisory Committee was also consulted through the development of the Action Plan and endorsed the Action Plan at its meeting held on 27 November 2003.

In order to facilitate the actions identified within the Action Plan, key staff from the City's various business units were consulted and have been given responsibility for the implementation of various actions within the Plan.

**Policy Implications:**

Endorsement of the Greenhouse Gas Emissions Reduction Action Plan is consistent with, and provides a practical application of the City of Joondalup Environmental Sustainability Policy 2.6.4.

**Financial Implications:**

Relevant business units may need to seek additional resources to achieve the outcomes of the program through the normal budgetary processes and business case analysis. Furthermore, the CCP™ program is eligible to a broad range of federal and state funding.

**Strategic Implications:**

The City of Joondalup's Greenhouse Gas Emissions Reduction Action Plan will provide the City with a structured and strategic approach to address sustainability and will have positive implications across the City.

The Action Plan will contribute towards the fulfilment of the Strategic Plan 2003-2008, specifically objective 2.1, which states "To plan and manage our natural resources to ensure environmental sustainability", and strategy 2.1.2, which states "Further develop environmentally effective and energy efficient programs".

**Sustainability Implications:**

The Greenhouse Gas Emissions Reduction Action Plan will have a wide range of sustainability implications across the City and its community, providing a range of economic, social and environmental benefits.

**Economic Benefits**

- Many of the initiatives are energy efficiency initiatives that will reduce the energy costs of Council.
- The plan also aims to assist community members reduce their energy use and therefore also accrue financial savings.
- The implementation of measures within the plan may act to have flow on benefits for the local economy through the development of new markets in areas such as renewable energy and the creation of local job opportunities through implementation of measures in the plan.

**Social**

- The improvement of public health through improved local air quality.
- The development of partnerships with the commercial, residential and industrial sectors of the community. This can act to improve community relations and foster a greater sense of community.

**Environmental**

- The contribution to the slowing of global warming.
- The improvement of local air quality.
- Efficient resource use.

**COMMENT**

Following adoption by Council, the staged implementation of the Greenhouse Gas Emissions Reduction Action Plan will begin. It should be noted that the Greenhouse Gas Emissions Reduction Action Plan is seen as a 'living document'. The target year for the reduction goals set as part of Milestone Two is 2010. As such, the Greenhouse Gas Emissions Reduction Action Plan is not seen as an action plan covering all possible actions that will be undertaken in this seven year time period. It is envisaged that further review will occur on a yearly basis in line with budget cycle.

The implementation of actions outlined in this plan will take Council to Milestone Four in the CCP program. ICLEI will assist council at this stage with a Milestone Four verification process that will quantify the emissions reductions achieved from projects implemented.

## ATTACHMENTS

Attachment 1            The City of Joondalup's Greenhouse Gas Reduction Action Plan.

## VOTING REQUIREMENTS

Simple Majority

### **MOVED Cmr Anderson, SECONDED Cmr Fox that Joint Commissioners:**

- 1        ADOPT the Greenhouse Gas Emissions Reduction Action Plan as shown as attachment 1 to Report CJ292-12/03;**
- 2        NOTE that this fulfils the requirement of Milestone Three of the Cities for Climate Protection program.**

Cmr Paterson spoke in support of the Motion.

**The Motion was Put and**

**CARRIED UNANIMOUSLY (5/0)**

**In favour of the Motion:** Cmr Paterson, Anderson, Drake-Brockman, Fox and Smith

*Appendix 3 refers*

*To access this attachment on electronic document, click here: [Attach3brf091203.pdf](#)*

## **CJ293 - 12/03        MINUTES        OF        SUSTAINABILITY        ADVISORY COMMITTEE - 27 NOVEMBER 2003 – [00906]**

**WARD - All**

---

## PURPOSE

The unconfirmed minutes of the Sustainability Advisory Committee meeting held on 27 November 2003 are submitted for adoption by the Joint Commissioners.

## EXECUTIVE SUMMARY

The Sustainability Advisory Committee met on 27 November 2003. The Committee made recommendations to Council regarding the committee's membership with regard to nominations and resignations received. The committee also made recommendations to Council on the Greenhouse Gas Emissions Reduction Action Plan prepared for the City.

This report recommends that the Joint Commissioners:

- 1 *NOTE the unconfirmed minutes of the Sustainability Advisory Committee meeting held on 27 November 2003, forming Attachment 1 to Report CJ293-12/03;*
- 2 *APPOINT the following community representatives to the Sustainability Advisory Committee:*

*Edith Cowan University representative:*

*Adrienne Kinnear, Edith Cowan University Associate Professor.*

*Community representatives:*

  - *Marilyn Horgan, Executive Officer Perth Area Consultative Committee;*
  - *Martin Brueckner, Edith Cowan University Lecturer;*
  - *Ute Goeft, Phd Candidate, Edith Cowan University;*
  - *Dawn Atkin, Research Officer, Department of Education and Training;*
  - *Paul Gerrans, School of Accounting, Finance and Economics at Edith Cowan University; and*
  - *Sherry Sagers, Associate Professor and Director, Centre for Social Research, Edith Cowan University.*
- 3 *ACCEPT the resignation of Mr Gary Hartnett, Mr Stuart Hawkins and Mr John Goldsmith and thank everyone for their contribution to the City and the Sustainability Advisory Committee.*
- 4 *ENDORSE the Greenhouse Gas Emissions Reduction Action Plan and congratulate the staff involved in its development.*

## **DETAILS**

The unconfirmed minutes of the Sustainability Advisory Committee meeting, held on 27 November 2003 are provided as Attachment 1.

### **Strategic Implications:**

The nominations received for committee membership and endorsement of the CCP Greenhouse Action Plan are consistent with and supports the City of Joondalup Strategic Plan 2003-2008, which is based upon a guiding principal of sustainability.

### **Sustainability Implications:**

The nominations received for membership on the committee will provide the committee with skills and experience in economic and social sustainability issues, which is presently largely absent from the current committee membership. This approach will assist the Committee in having a sufficiently broad range of experience and knowledge of sustainability issues.

The Greenhouse Gas Emissions Reduction Action Plan will also provide the City with a structured approach to address sustainability by reducing greenhouse gas emissions, achieving financial savings and improving human health.

## COMMENT

The committee, at its meeting held on 27 November 2003, made the following recommendation:

APPOINTS the following community representatives to the Sustainability Advisory Committee:

Edith Cowan University representative:

Adrienne Kinnear, Edith Cowan University Associate Professor.

Community representatives:

- Marilyn Horgan, Executive Officer Perth Area Consultative Committee;
- Martin Brueckner, Edith Cowan University Lecturer;
- Ute Goeft, Phd Candidate, Edith Cowan University;
- Dawn Atkin, Research Officer, Department of Education and Training;
- Paul Gerrans, School of Accounting, Finance and Economics at Edith Cowan University; and
- Sherry Saggars, Associate Professor and Director, Centre for Social Research, Edith Cowan University.

The City received a total of six nominations for community membership. All nominations are extremely high quality and of high profile people in the community. A summary report on the nominations received for membership on the Sustainability Advisory Committee are provided in Attachment 2.

The nominations received for membership on the committee will provide the committee with skills and experience in economic and social sustainability issues, which is presently largely absent from the current committee membership. This approach will assist the Committee in having a sufficiently broad range of experience and knowledge of sustainability issues.

The Committee made the following recommendation in relation to resignations received by the committee.

That the Joint Commissioners accepts the resignation of Mr Gary Hartnett, Mr Stuart Hawkins and Mr John Goldsmith and thanks everyone for their contribution to the City and the Sustainability Advisory Committee.

The committee recently sought nominations for four community representatives to the Sustainability Advisory Committee. Following Council's acceptance of the resignations, the additional two community nominations received may replace the two community resignations received since the previous committee meeting held on 20 August 2003.

The committee made the following recommendation in relation to the Greenhouse Gas Emissions Reduction Action Plan.

That the Joint Commissioners endorse the Greenhouse Gas Emissions Reduction Action Plan and congratulate the staff involved in its development.

The Greenhouse Gas Emissions Reduction Action Plan has been prepared following consultation and endorsement with the committee and key staff from the City's various business units. The Action Plan provides a structured approach to reducing greenhouse gas emissions resulting from council activities and from within the community and provides numerous economic, social and environmental benefits.

A separate Council report has been prepared to address this item.

## **ATTACHMENTS**

Attachment 1	Minutes 27 November 2003.
Attachment 2	Summary report of nominations received for membership on the Sustainability Advisory Committee.

## **VOTING REQUIREMENTS**

Absolute Majority

**MOVED Cmr Anderson, SECONDED Cmr Drake-Brockman that the Joint Commissioners:**

- 1 NOTE the unconfirmed minutes of the Sustainability Advisory Committee meeting held on 27 November 2003, forming Attachment 1 to Report CJ293-12/03;**
- 2 APPOINT the following community representatives to the Sustainability Advisory Committee:**

**Edith Cowan University representative;**

**Adrienne Kinnear, Edith Cowan University Associate Professor;**

**Community representatives:**

- Marilyn Horgan, Executive Officer Perth Area Consultative Committee;**
- Martin Brueckner, Edith Cowan University Lecturer;**
- Ute Goeft, Phd Candidate, Edith Cowan University;**
- Dawn Atkin, Research Officer, Department of Education and Training;**
- Paul Gerrans, School of Accounting, Finance and Economics at Edith Cowan University;**
- Sherry Siggers, Associate Professor and Director, Centre for Social Research, Edith Cowan University;**

- 3 **ACCEPT the resignation of Mr Gary Hartnett, Mr Stuart Hawkins and Mr John Goldsmith and thank everyone for their contribution to the City and the Sustainability Advisory Committee;**
- 4 **ENDORSE the Greenhouse Gas Emissions Reduction Action Plan and congratulate the staff involved in its development.**

**The Motion was Put and**

**CARRIED BY AN  
ABSOLUTE MAJORITY**

*Appendices 4 and 4(a) refer*

*To access this attachment on electronic document, click here: [Attach4brf091203.pdf](#)  
[Attach4aagn161203.pdf](#)*

## **CJ294 - 12/03 MINUTES OF MEETING OF HOUSE COMMITTEE – 26 NOVEMBER 2003 – [59064]**

**WARD - All**

---

### **PURPOSE**

For the Council to give consideration to the recommendations proposed by the House Committee.

### **EXECUTIVE SUMMARY**

A meeting of the House Committee was held on 26 November 2003 and the unconfirmed minutes are submitted for noting by the Council and endorsement of the recommendations contained therein.

### **BACKGROUND**

The House Committee was established in order to make recommendations on:

- the type and number of civic functions;
- entitlements of elected members;
- awards and presentations to former elected members;
- facilities for elected members.

The membership of the Committee is:

Mayor Carlos	
Cr J Gollant	<i>Chairperson</i>
Cr P Kimber	<i>Deputy Chairperson</i>
Cr G Kenworthy	
Cr C Mackintosh	

## DETAILS

The unconfirmed Minutes of the House Committee meeting held on 26 November 2003 are included as Attachment 1. At the meeting, the Committee considered:

Appreciation Functions 2004  
Elected Member Hospitality Luncheons  
Finalisation of City Christmas Function 2003

## ATTACHMENTS

Attachment 1            Unconfirmed Minutes of House Committee Meeting held 26 November 2003

## VOTING REQUIREMENTS

Simple Majority

**OFFICER'S RECOMMENDATION:** That the Joint Commissioners NOTE the unconfirmed minutes of the House Committee meeting held on 26 November 2003, forming Attachment 1 to Report CJ294-12/03 and ENDORSE the recommendations contained therein.

**MOVED Cmr Smith, SECONDED Cmr Drake-Brockman that:**

- 1        the Joint Commissioners NOTE the unconfirmed minutes of the House Committee meeting held on 26 November 2003, forming Attachment 1 to Report CJ294-12/03 and ENDORSE the recommendations contained therein with the exception of Recommendations 1 and 3;**
- 2        a further report be submitted to the Joint Commissioners outlining alternatives to the House Committee concept.**

Cmr Smith spoke in support of the motion.

**The Motion was Put and**

**CARRIED**

*Appendix 5 refers*

*To access this attachment on electronic document, click here: [Attach5brf091203.pdf](#)*



## **CJ295 - 12/03      DEED OF VARIATION - MINDARIE REGIONAL COUNCIL POWER TO BORROW**

**WARD - All**

---

### **PURPOSE**

The purpose of this report is to seek Council's approval to amend the Constitution of the Mindarie Regional Council (MRC) to enable it to borrow funds under the Local Government Act 1995.

### **EXECUTIVE SUMMARY**

- The MRC is required to borrow \$3.5m for part construction of its stage two landfill development.
- After consultation with member Council financial representatives and consultation with its own internal working group, they have obtained three quotations.
- The recommended loan is with the Commonwealth Bank.
- The Commonwealth Bank has raised a concern about the Regional Council's power to borrow under its constitution and this has been confirmed by the Council's legal representatives.
- In order to facilitate the borrowing, a Deed of Variation to the constitution is required which will need to be executed by each member Council.

*It is recommended that the Joint Commissioners AUTHORISE execution, under Common Seal of the Deed of Variation to the Constitution of the Mindarie Regional Council forming Attachment 1 to Report CJ295-12/03.*

### **BACKGROUND**

The MRC was originally constituted under the Local Government Act 1960. Their constitution provides for borrowing that is to be "by the issue and sale of debentures" and that the provision of Division 3 of Part XXVI of the Local Government Act 1960 shall apply.

The MRC is currently working on the introduction of an Establishment Agreement in terms of the Local Government Act 1995 which would provide for the MRC to borrow money in its own right, however this is still under consideration and has not yet been finalised.

### **DETAILS**

The MRC has budgetary provisions for approval to obtain a \$3.5m loan for part construction of its stage 2 landfill development.

During October 2003 the Regional Council established a working group to progress the loan procurement with additional input from member council financial officers.

It was agreed that the appropriate loan should be a principal and interest loan over four years which corresponded with the effective useful life of the stage of landfill cell being funded for construction. The Regional Council's legal representatives were then consulted on the relevant legislation.

Competitive quotations were obtained from three finance providers including the Western Australian Treasury Corporation, Commonwealth Bank (CBA) and National Australia Bank.

The quotations received were marginally different however, CBA had the lowest interest rate and best overall conditions.

State Treasury approval was sought as required under Section 6.21 of the Local Government Act 1995 and the MRC approved further negotiations with the CBA to enable the appropriate legal documentation to be presented to the meeting of the MRC being held on 11 December 2003.

During the negotiations with CBA they raised a query on the MRC's power to borrow other than "by the issue and sale of debentures" as provided for in the Regional Council's constitution.

The MRC's legal representation gave consideration to this query and concurred that it did not have the power to borrow without a Deed of Variation to the MRC's constitution (refer Attachment 1) which all member councils would be required to sign.

The amendment requires that:

Clause 6.7 is deleted and substituted with the following new clause:

**"6.7 BORROWINGS**

Part 6, Division 5, Subdivision 3 of the Act is to apply.

**Footnote:**

1. Section 3.66(4) of the Act provides that Part 6, Division 5, Subdivision 3 does not apply in relation to a regional local government unless the Establishment Agreement provides that it does.
2. Part 6, Division 5, Subdivision 3 of the Act deals with borrowings and includes a the power to borrow and restrictions on borrowings."

NB - The Act refers to the Local Government Act 1995.

## COMMENTS

The option to amend the constitution of MRC to allow it to borrow in its own right is considered beneficial both from the perspective of the Regional Council and member Councils for the following reasons:

- 1 Borrowing eliminates the need for member Councils to make any up front capital contribution.
- 2 Alignment of the loan over the life of the waste cell is per proper accounting matching principles.
- 3 There is no need for member Councils to give any security/guarantee over their general funds.
- 4 There is no requirement for member Councils to incur any legal expenses.
- 5 Legal costs to MRC appear to be minimal.

Each member Council of the EMRC would also be required to execute the Deed of Variation.

At the time of writing this report the MRC has not met to approve the attached Deed of Variation however, they will be meeting on 11 December 2003 to resolve this, the results of which will be known to the City of Joondalup Council at the time of considering this report.

MRC has advised that they need to progress the loan as soon as possible in order to meet construction requirements, which is the reason for this report being presented to Council at this time.

## ATTACHMENTS

Attachment 1            Deed of Variation of Constitution Agreement of Mindarie Regional Council

## VOTING REQUIREMENTS

Simple Majority

**MOVED Cmr Drake-Brockman, SECONDED Cmr Fox that the Joint Commissioners AUTHORISE execution, under Common Seal of the Deed of Variation to the Constitution of the Mindarie Regional Council forming Attachment 1 to Report CJ295-12/03.**

**The Motion was Put and**

**CARRIED UNANIMOUSLY (5/0)**

**In favour of the Motion:** Cmr Paterson, Anderson, Drake-Brockman, Fox and Smith

*Appendix 6 refers*

*To access this attachment on electronic document, click here: [Attach6brf091203.pdf](#)*

**CJ296 - 12/03      TENDER NUMBER 019-03/04 SUPPLY, DELIVERY  
AND INSTALLATION OF A STORAGE  
MANAGEMENT SYSTEM – [74550]**

**WARD - All**

---

**PURPOSE**

To seek Council approval to decline to accept all tenders submitted for the Supply, Delivery and installation of a Storage Management System for Tender Number 019-03/04.

**EXECUTIVE SUMMARY**

Tenders were advertised on 8 October 2003 through statewide public tender for the Supply, Delivery and Installation of a Storage Management System. Tenders closed on 23 October 2003. Five submissions were received from: Alpha West Pty Ltd (two submissions), Volante Systems, XSI Data Solutions and Stott & Hoare Investments.

It is recommended that the Joint Commissioners:

*DECLINE to accept any tender received for the Supply, Delivery and Installation of a Storage Management System under Part 4 Clause 18(5) of the Local Government (F&G) Regulations 1996.*

**BACKGROUND**

At present disk storage on the City's computer network resides on individual servers and cannot be shared across the network. This results in a situation where individual servers need to be upgraded to respond to continued growth in data storage needs. Most organisations and a growing number of local governments now utilise networked storage technologies to pool disk storage capacity and achieve cost efficiencies in acquiring and managing disk storage.

The scope of this tender is to supply and install a central networked system of disk storage and tape backup for the City's computer systems. This will provide a central pool of disk storage that can be used to accommodate the immediate demands for extra storage for the document management system and email system. Without an upgrade to the storage system, which was identified and included in the 2003/2004 budget, the City's document management system will run out of storage space within six months. The current tape backup system, which was purchased over four years ago, will also be at full capacity within six months and needs to be replaced.

As well as meeting the immediate needs for disk and tape storage, the new system will provide a more cost effective and efficient means of acquiring and managing the City's computer storage for all computer systems over the next three years.

## **DETAILS**

Under the City's Contract Management Framework, the tenders were assessed by the Evaluation Team using a weighted multi-criterion assessment system and AS 4121-1994 'code of ethics and procedures for the selection of consultants'.

Each member of the Evaluation Team assessed the Tender submissions individually against the selection criteria using the weightings determined during the tender planning phase. The Evaluation Team convened to submit and discuss their assessments, leading to a ranking of each submission in an order of merit.

The Selection Criteria for this tender was as follows:

### **Performance and Experience of Tenderer in providing similar services:**

- Past record of Performance and Achievement with other clients
- Level of understanding of tender documents and work required
- References from past and present clients
- Demonstrated project management processes
- Comprehensive implementation plan
- Demonstrated skills of implementation team

### **Levels of Service as determined by the Capability/Competence of Tenderer to perform the work required:**

- Company Structure
- Qualifications, Skills and experience of Key Personnel
- Equipment and Staff resources available
- Percentage of Operational Capacity represented by this work
- Financial Capacity
- Risk Assessment
- Compliance with tender requirements
- Extent of local support
- Service response options offered
- Contractors stock levels and availability
- Value added services

### **Quality of Storage Management System:**

- Conformity to specification
- Quality and specification of components
- Flexibility of architecture
- Expandability / scalability
- Reliability
- Ease of deployment
- Certified solution
- Value added features
- Quality systems used in manufacture / assembly

- Warranties offered
- Product Life Expectancy
- Product Lifecycle
- Product development

**Capabilities of Storage Management Software:**

- Clear support for the consumer/administrator relationship
- Manages across all or most layers in the application to disk/tape stack
- Provides a single, universal pool of information for all layers and modules
- Provides higher levels of intelligence in informing or controlling across the entire storage area
- Automates functions across the entire storage area

**Beneficial Effects of Tender/Local Content:**

- The Potential Social and Economic Effect of the tender on the City of Joondalup community
- The Potential Social and Economic Effect of the tender on the West Australia community
- Infrastructure / Office / Staff / Suppliers / Sub Contractors within the City of Joondalup
- Sustainability / Efficiency / Environmental

**Tendered Price/s:**

- The price to supply the specified goods or services, licensing, training
- Schedule of rates for additional goods or services, variations and disbursements
- Discounts, settlement terms

Clarification was sought from all tenderers to assist in the tender assessment process. The assessment panel determined that none of the tenders had satisfactorily met the technical requirements of the tender specification for the Storage Management System and accordingly it is recommended that none of the tenders be accepted.

**Statutory Provision:**

The statewide public tender was advertised, opened and evaluated in accordance with the *Local Government (F&G) Regulation 1996*. Advertising this tender also ensures compliance with the *Local Government (F&G) Regulation 1996*, where tenders are required to be publicly invited if the consideration under a contract is expected to be or worth more than \$50,000. The expected consideration for this contract is expected to exceed the Chief Executive Officer's Delegated Authority in relation to the acceptance of tenders to \$100,000.

**Policy 2.5.7 Purchasing Goods and Services**

The City's Policy on purchasing goods and services encourages local business in the purchasing and tendering process; of the tenders received, none of the Tenderers were located in Joondalup.

**Financial Implications:**

Account No: 1.3830.4501.0001.J033  
Budget Item: Network Infrastructure Upgrades  
Budget Amount: \$205,800

**COMMENT**

All tenders were assessed in accordance with *Regulation 18(4)* of the *Local Government (Functions & General) 1996* which states:

*'Tenders that have not been rejected under sub regulation (1), (2), or (3) are to be assessed by the local government by means of a written evaluation of the extent to which each tender satisfies the criteria for deciding which tender to accept'.*

In accordance with *Part 4 Clause 11 (2)* of the *Local Government (F&G) Regulations 1996* 'Tenders do not have to be publicly invited according to the requirements of the Part if –

*'within the last 6 months-*

- (i) the local government has, according to the requirements of this Part, publicly invited tenders for the supply of the goods or services but no tender was submitted that met the tender specification'.*

In accordance with the preceding clause the City is at liberty to negotiate with a selected supplier for the Supply, Delivery and Installation of a Storage Management System. The formal approval to proceed with the purchase of a Storage Management System, resulting from such negotiations, will be the subject of a future report to Council.

**ATTACHMENTS**

Nil

**VOTING REQUIREMENTS**

Simple Majority

**OFFICER'S RECOMMENDATION:** That the Joint Commissioners DECLINE to accept any tender received for the Supply, Delivery and Installation of a Storage Management System under Part 4 Clause 18(5) of the Local Government (F&G) Regulations 1996.

**MOVED Cmr Smith, SECONDED Cmr Drake-Brockman that consideration the Supply, Delivery and Installation of a Storage Management System be DEFERRED until the next meeting of Joint Commissioners scheduled to be held on 17 February 2004 pending a further report on the internal processes to be used when the tenders are declined.**

Cmr Smith queried the tender process in relation to this issue.

**The Motion was Put and**

**CARRIED**

## CJ297 - 12/03      **WARRANT OF PAYMENTS – 30 NOVEMBER 2003 – [09882]**

**WARD -      All**

### **PURPOSE**

The Warrant of Payments as at 30 November 2003 is submitted to Council for approval.

### **EXECUTIVE SUMMARY**

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

### **DETAILS**

<b>FUNDS</b>		<b>AMOUNT</b>
Municipal	FS/0332, 445A, 447A, 000449 -000455	\$8,549,742.24
Director Corporate Services & Resource Management Advance Account	059731 – 060490	\$5,757,454.47
Trust Account	Nil	Nil
	<b>TOTAL</b>	<b>\$14,307,196.71</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 November 2003, the amount was \$1,454,870.73

The cheque register is appended as Attachment A & B.



**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 \$14,307,196.71 which is to be submitted to the Joint Commissioners on 16 December 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 CHAIRMAN OF COMMISSIONERS**

I hereby certify that this warrant of payments covering vouchers numbered as indicated and totalling \$14,307,196.71 was submitted to Council on 16 December 2003

.....  
John Paterson

**ATTACHMENTS**

Attachment A           Warrant of Payments for Month of November  
Attachment B           Municipal Fund Vouchers

**VOTING REQUIREMENTS**

Simple Majority

**OFFICER'S RECOMMENDATION:** That the Joint Commissioners APPROVE for payment the following vouchers, as presented in the Warrant of Payments to 30 November 2003, certified by the Chairman of Commissioners and Director Corporate Services & Resource Management and totalling \$14,307,196.71.

FUNDS		AMOUNT
Municipal	FS/0332, 445A, 447A, 000449 -000455	\$8,549,742.24
Director Corporate Services & Resource Management Advance Account	059731 – 060490	\$5,757,454.47
Trust Account	Nil	Nil
	TOTAL	\$14,307,196.71

**MOVED Cmr Smith, SECONDED Cmr Anderson that the Joint Commissioners:**

- 1 APPROVE for payment the following vouchers, as presented in the Warrant of Payments to 30 November 2003, certified by the Chairman of Commissioners and Director Corporate Services & Resource Management and totalling \$14,307,196.71,**
- 2 REFER Cheque No 59733 to the Forensic Auditor for review.**

<b>FUNDS</b>		<b>AMOUNT</b>
<b>Municipal</b>	<b>FS/0332, 445A, 447A, 000449 -000455</b>	<b>\$8,549,742.24</b>
<b>Director Corporate Services &amp; Resource Management Advance Account</b>	<b>059731 – 060490</b>	<b>\$5,757,454.47</b>
<b>Trust Account</b>	<b>Nil</b>	<b>Nil</b>
	<b>TOTAL</b>	<b>\$14,307,196.71</b>

Cmr Smith spoke to the Motion.

**The Motion was Put and**

**CARRIED**

*Appendix 7 refers*

*To access this attachment on electronic document, click here: [Attach7brf091203.pdf](#)*

**CJ298 - 12/03 MINUTES OF CBD ENHANCEMENT PROJECT STEERING COMMITTEE, 18 AUGUST 2003 AND 20 OCTOBER 2003 – [53469] [03576]**

**WARD - Lakeside**

---

**PURPOSE**

The purpose of this report is to submit to Council the confirmed minutes of the meeting of the CBD Enhancement Project Steering Committee held on 18 August 2003 and the unconfirmed minutes of the CBD Enhancement Project Steering Committee meeting held on 20 October 2003.

**EXECUTIVE SUMMARY**

The confirmed minutes of the meeting of the CBD Enhancement Project Steering Committee meeting held on 18 August 2003 are included as Attachment 1.

The unconfirmed minutes of the meeting of the CBD Enhancement Project Steering Committee meeting held on 20 October 2003 are included as Attachment 2.

This report recommends that the Joint Commissioners:

- 1 *NOTE the confirmed minutes of the CBD Enhancement Project Steering Committee meeting held on 18 August 2003;*
- 2 *NOTE the unconfirmed minutes of the CBD Enhancement Project Steering Committee meeting held on 20 October 2003.*

## DETAILS

The confirmed minutes of the CBD Enhancement Project Steering Committee meeting held on 18 August 2003 are included as Attachment 1. Most matters arising at this meeting were of an administrative nature and were handled by the City's administration.

The unconfirmed minutes of the meeting of the CBD Enhancement Project Steering Committee meeting held on 20 October 20043 are included as Attachment 2. Most matters arising at this meeting were of an administrative nature and were handled by the City's administration.

The Director of Liquor Licensing from the Department of Racing, Gaming and Liquor attended the meeting held on 20 October 2003 to address liquor licensing issues in the Joondalup City Centre.

A TravelSmart Officer from Edith Cowan University attended the meeting held on 20 October 2003 to discuss the issue of inner city public transport in the Joondalup City Centre.

## ATTACHMENTS

- |              |  |
|--------------|--|
| Attachment 1 | Minutes of the CBD Enhancement Project Steering Committee meeting held 18 August 2003  |
| Attachment 2 | Minutes of the CBD Enhancement Project Steering Committee meeting held 20 October 2003 |

## VOTING REQUIREMENTS

Simple Majority

**MOVED Cmr Anderson, SECONDED Cmr Fox that the Joint Commissioners:**

- 1 NOTE the confirmed minutes of the CBD Enhancement Project Steering Committee meeting held on 18 August 2003 forming Attachment 1 to Report CJ298-12/03;**
- 2 NOTE the unconfirmed minutes of the CBD Enhancement Project Steering Committee meeting held on 20 October 2003 forming Attachment 2 to Report CJ298-12/03.**

**The Motion was Put and**

**CARRIED**

*Appendix 8 refers*

*To access this attachment on electronic document, click here: [Attach8brf091203.pdf](#)*

## **CJ299 - 12/03      PROPOSED TRAFFIC TREATMENTS - RALEIGH ROAD, SORRENTO – [04429]**

**WARD** - South Coastal

---

### **PURPOSE**

The following report gives details of the existing traffic flow conditions and presents a strategy for traffic treatment of Raleigh Road, Sorrento.

### **EXECUTIVE SUMMARY**

In June 2003, the City received a 31 signature petition from street residents seeking the road closure of Raleigh Road on the western side of Frobisher Avenue and a left turn only out from Raleigh Road onto West Coast Drive, Sorrento. The petitioners are concerned with the traffic volume and speed at which vehicles travel along Raleigh Road.

While the petitioners concerns are noted, partial or full road closures are generally only considered to alleviate significant traffic flows problems and or where there is high number of junction crashes. Any proposed traffic restriction can also affect other streets and therefore this needs to be considered on a wider basis. A local area traffic study can be implemented to consider the merits of these suggested traffic restrictions.

Therefore this report recommends that the Joint Commissioners:

- 1      *APPROVE the formation of a local area traffic study for Raleigh Road and surrounding streets;*
- 2      *CONTINUE to support the targeting of excessive speed and antisocial driver behaviour through community involvement in the 'Community Speed Watch' Program;*
- 3      *ADVISE the petitioners accordingly.*

### **BACKGROUND**

A 31 signature petition from Raleigh Road residents was presented at the 8 July Council meeting. The petitioners are concerned with the traffic volume and speed at which vehicles travel along Raleigh Road.

In view of this, the petitioners have requested a road closure on Raleigh Road on the western side of Frobisher Avenue and for the provision of a left turn only out from Raleigh Road onto West Coast Drive.

## DETAILS

Raleigh Road between Frobisher Avenue and West Coast Drive has an existing 6.8m wide carriageway delineated by a double barrier line at the centre line of the road. A detailed analysis of traffic data recorded along Raleigh Road by the City in July 2003 indicated that traffic volume ranges between 500 vehicles per day (VPD) west of Frobisher Avenue and 650 VPD east of West Coast Drive.

The 85<sup>th</sup> percentile speed of vehicles recorded on Raleigh Road between Frobisher Avenue and West Coast Drive was between 45km/h and 53km/h during peak flow periods. The analysis showed that less than four percent of vehicles recorded were travelling over 60km/h which mainly occurred during non-peak times.

In the 5-year period to Dec 2002 there have been four (4) crashes recorded along Raleigh Road. Two (2) crashes have occurred at the intersection of Raleigh Road and West Coast Drive and two (2) crashes at mid-block. The severity of the crashes recorded were property damage only (non-medical).

Previous traffic surveys carried out by the City in 1993 and 1997 showed comparatively similar results for traffic volumes. However, the 85<sup>th</sup> percentile speed of vehicles recorded at that time were 64km/h and 63km/h respectively. During this time the local road speed limit was 60km/h.

## COMMENT

The concerns expressed by the petitioners are symptomatic of many local streets throughout the municipality.

The incidences of excessive speed occurring on what is intended to be a low speed environment is a concern. There is also concern that through traffic is using Raleigh Road. Raleigh Road does provide an access to the service station and local shopping facilities at West Coast Drive.

Partial or full road closures are generally only considered to alleviate significant traffic flow problems and or where there is high number of junction crashes. Notwithstanding this, the effects of a road closure are not limited to the immediate area and the impact on the wider community must be carefully considered. It is likely that the redistribution of traffic onto other roads and intersections caused by a road closure may transfer traffic problems elsewhere in the area. A road closure proposal would have to be advertised to the wider community for comment prior to it proceeding further.

While the petitioners concerns are noted, the assessment of the traffic data collected on Raleigh Road suggests that while some isolated incidences of excessive speed may occur, the majority of motorists drive in accordance with the existing local road environment.

Previous assessment has indicated the need to improve the traffic situation at intersections along Raleigh Road. It is considered that the implementation of these cost effective treatments will improve the traffic situation at these intersections.

Funds of \$40,000 for traffic island treatments at the intersections of Raleigh Road with Frobisher Avenue and Drakes Walk has been allocated in this year's Capital Works Budget in the Intersections Treatment (Minor) Program.

Any proposal to cul-de-sac Raleigh Road on the western side of Frobisher Avenue and for the provision of a left turn only out from Raleigh Road onto West Coast Drive needs to be considered on an area wide basis.

In this regard, the formation of a local area traffic study can assess the merits of these proposals. Ideally, incidents of excessive vehicle speeds and antisocial driver behaviour should be reported directly to the Police for action, however the City together with RoadWise and Local Police have developed a program to help the community identify motorists who continue to travel in an inappropriate manner on local roads.

Council has previously supported this strategy as a way of targeting excessive speed and antisocial driver behaviour on local roads.

In view of this, a brochure detailing the 'Community Speed Watch' Program may be distributed to local residents for information.

## **ATTACHMENTS**

Nil

## **VOTING REQUIREMENTS**

Simple Majority

### **MOVED Cmr Fox, SECONDED Cmr Anderson that the Joint Commissioners:**

- 1 APPROVE the formation of a local area traffic study for Raleigh Road and surrounding streets;**
- 2 CONTINUE to support the targeting of excessive speed and antisocial driver behaviour through community involvement in the 'Community Speed Watch' Program;**
- 3 ADVISE the petitioners accordingly.**

**With the APPROVAL of Cmr Fox as Mover, and Cmr Anderson as Seconder, the motion was AMENDED to include an additional Point 4 as follows:**

- "4 REQUEST that consultation be undertaken with the residents during the preparation of the Local Area Traffic Study."**



## **BACKGROUND**

Tenders were advertised for the Supply & Installation of Play Equipment Components for Parks on 6 August 2003 and closed on 21 August 2003. Tenders were received from Playmaster Pty Ltd, Forpark Australia and Miracle Recreation Equipment. Each Tenderer failed to provide all the information required under the tender specification. Clarification was sought from each Tenderer on whether they fully complied with the specification, in relation to picnic shelters, sandpits, spare parts and warranty. As a result of the City's clarification request, each Tenderer provided prices for the omissions relevant to their submission. The omissions in each case were of a different nature. Legal advice supported the decision of the evaluation team to reject all tenders, based on new prices being submitted after the tender closing time and date.

As a result of the new prices submitted after tender closing time and date and during the evaluation of tenders, all tenders were classified as late tenders.

Council resolved (CJ-233-10/03 at its meeting on 21 October 2003 to reject all tenders received from Playmaster Pty Ltd, Forpark Australia and Miracle Recreation Equipment and recall tenders.

Tenders were recalled on 29 October 2003. Tenders closed on the 13 November 2003 and were evaluated in accordance with the predetermined selection criteria.

## **DETAILS**

Under the City's Contract Management Framework and the Code of Tendering AS 4120-1994, the tenders were assessed by an evaluation committee using a weighted multi-criterion assessment system.

### **Resources and Experience of Tenderer in providing similar services:**

- Relevant Industry Experience, including details of providing similar supply. Tenderers shall submit a Detailed Schedule of previous experience on similar and/or relevant projects.
- Past Record of Performance and Achievement with a Local Government;
- Past Record of Performance and Achievement with other clients;
- Level of Understanding of tender documents and work required;
- References from past and present clients.

### **Levels of Service as determined by the Capability/Competence of Tenderer to perform the work required:**

- Company Structure;
- Qualifications, Skills and Experience of Key Personnel;
- Equipment and Staff Resources available;
- Compliance with tender requirements – insurances, licenses, site inspections etc;
- Quality Systems;
- Occupational Health & Safety management System and Track Record;
- Provide electronic pricing schedules to upload into the City's purchasing system;
- Provide Specification and Drawings on Picnic Shelter.



**Beneficial Effects of Tender/Local Content:**

- The Potential Social and Economic Effect of the tender on the City of Joondalup community;
- Infrastructure/Office/Staff/Suppliers/Sub-Contractors within the City of Joondalup.

**Tendered Price/s:**

- The Price to Supply the specified goods or services;
- Schedule of Rates for additional goods or services, variations and disbursements;
- Discounts, settlement terms.

Starbound Holdings Pty Ltd trading as Miracle Recreation Equipment has the capacity to undertake all works required and complied with all requirements of the Request for Tender.

**Statutory Provision:**

The statewide public tender was advertised, opened and evaluated in accordance with the *Local Government (F&G) Regulation 1996*. Advertising this tender also ensures compliance with the *Local Government (F&G) Regulation 1996*, where tenders are required to be publicly invited if the consideration under a contract is expected to be or worth more than \$50,000. The expected consideration for this contract is expected to exceed the Chief Executive Officer's Delegated Authority in relation to the acceptance of tenders of \$100,000.

**Policy 2.5.7. Purchasing Goods and Services**

The City's Policy on purchasing goods and services encourages local business in the purchasing and tendering process; of the tenders received, Bruce Guthrie trading as Playground Solutions is located in Joondalup.

**Financial Implications:**

Expenditure is in accordance with the Operations Services annual Maintenance Budget and Capital Works Budget as authorised by Council.

**COMMENT**

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

Subject to Council approval, the Contract will commence from 22 December 2003 for a maximum period of three years, subject to satisfactory annual performance reviews. A Contract review will be conducted every twelve months to ensure that the requirements of the Contract have been met. Subject to the outcome of each review, an extension in increments of twelve-month periods will be awarded to a maximum, comprising a three-year term.

An extract from the schedule of rates of the most commonly used items, has been provided under Attachment 1.

## ATTACHMENTS

Attachment 1            Schedule of Rates (extract)

## VOTING REQUIREMENTS

Simple Majority

**MOVED Cmr Smith, SECONDED Cmr Anderson that the Joint Commissioners ACCEPT the tender from Starbound Holdings Pty Ltd trading as Miracle Recreation Equipment for the Supply & Installation of Play Equipment Components for Parks in accordance with the Schedule of Rates forming Attachment 1 to Report CJ300-12/03 and subject to annual performance reviews for a maximum period of three years commencing on 22 December 2003 to 23 December 2006.**

**The Motion was Put and**

**CARRIED**

*Appendix 9 refers*

*To access this attachment on electronic document, click here: [Attach9brf091203.pdf](#)*

## **CJ301 - 12/03      PROPOSED      PARKING      RESTRICTION      - CHICHESTER DRIVE, WOODVALE – [04026]**

**WARD - Lakeside**

---

## PURPOSE

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

## EXECUTIVE SUMMARY

Residents of Chichester Drive are seeking to restrict parking along the non-school side of Chichester Drive adjacent to the North Woodvale Primary School to alleviate parking congestion problems associated with parent parking. Implementation of a no stopping restriction on the northern side of Chichester Drive between Trappers Drive and Ashton Rise is presented for Council's consideration.

*It is recommended that the Joint Commissioners ADOPT a no stopping restriction on the north side of Chichester Drive between Trappers Drive and Ashton Rise, Woodvale as shown on Attachment 1 to report CJ301-12/03.*

## BACKGROUND

Throughout the year several residents of Chichester Drive and the North Woodvale Primary School's Road Safety Committee have expressed their concerns with parking congestion problems in Chichester Drive adjacent to the North Woodvale Primary School.

Residents of Chichester Drive have requested that a parking restriction be implemented in Chichester Drive.

## **DETAILS**

The North Woodvale Primary School is bounded by Trappers Drive and Chichester Drive, Woodvale. Chichester Drive provides a carpark access to the school. Vehicle speed is restricted to 40km/h during school peak times, 7:30am-9am and 2:30pm-4pm on school days. During these times, both sides of Chichester Drive are used for parent parking, resulting in Chichester Drive becoming congested, restricting normal traffic flow and reducing the level of pedestrian safety.

The school and the local community is concerned that parent parking on both sides of Chichester Drive restricts the normal traffic flow, making it hazardous for students crossing Chichester Drive to access the carpark of the Woodvale Tavern. The nature of parent parking on Chichester Drive is normally non-uniform and therefore can create obstructions from time to time. While this creates a desirable low speed environment it invariably leads to driver and parent frustration and reduced level of pedestrian safety.

In view of this, to prevent parking on the non-school side of Chichester Drive between Trappers Drive and Ashton Rise it is proposed to implement a "NO STOPPING" restriction. The "NO STOPPING" restriction will be delineated by a continuous yellow edge line. This type of restriction has been used effectively at other schools within the City. The proposed parking restriction is shown on Attachment 1.

The Woodvale Tavern which is situated at the corner of Trappers Drive and Chichester Drive has accepted the parking strategy to restrict parking on the non-school side of Chichester Drive between Trappers Drive and Ashton Rise and has permitted parent's to park in the Woodvale Tavern car park. In view of this, the school's Road safety Committee is instructing parents that there is an option to drop-off and pick-up at the Woodvale Tavern car park. This will be achieved through an educational package to students and through the school's newsletters. It is envisaged that the proposed parking restriction proposal will form a part of the school's overall road safety and parking strategy.

## **Consultation:**

A copy of the parking restriction proposal was forwarded to the owners of the properties on Chichester Drive between Trappers Drive and Ashton Rise and the school for comment. The City received full support from the school and three (3) out six (6) of the affected properties to restrict parking on the non-school side of Chichester Drive between Trappers Drive and Ashton Rise. The City did not receive comments from the remaining three(3) property owners.

## **COMMENT**

The proposal to restrict parking on the non-school side of Chichester Drive between Trappers Drive and Ashton Rise adjacent to the school as per Attachment 1, will maintain the general traffic flow at all times and therefore increase the level of safety and access during school peak times for all road users.

It is envisaged that the proposed parking restriction proposal will form a part of the school's overall road safety and parking strategy.

On this basis, it is recommended that the proposed parking restriction be supported.

## **ATTACHMENTS**

Attachment 1            The Proposed Parking Restriction

## **VOTING REQUIREMENTS**

Simple Majority

**MOVED Cmr Fox, SECONDED Cmr Drake-Brockman that the Joint Commissioners ADOPT a no stopping restriction on the north side of Chichester Drive between Trappers Drive and Ashton Rise, Woodvale as shown on Attachment 1 to Report CJ301-12/03.**

**The Motion was Put and**

**CARRIED**

*Appendix 10 refers*

*To access this attachment on electronic document, click here: [Attach10brf091203.pdf](#)*

## **CJ302 - 12/03      MINUTES OF THE CONSERVATION ADVISORY COMMITTEE HELD ON 22 OCTOBER 2003 AND 26 NOVEMBER 2003 – [12168]**

**WARD - All**

---

## **PURPOSE**

The Minutes of the Conservation Advisory Committee Meetings held on the 22 October 2003 and the 26 November 2003 are submitted for consideration by the Joint Commissioners at Attachments 1 and 2.

## **EXECUTIVE SUMMARY**

The Conservation Advisory Committee Meetings held on the 22 October 2003 and the 26 November 2003 discussed a range of issues associated with conservation and natural areas management within the City. Some of the topics discussed included the proposed Draft Tree Guidelines, the West Australian Environment Awards and Local Bio-diversity Strategy.

The following motion was passed at the 22 October 2003 meeting:

*‘That the motion passed at the August 2003 meeting of the Conservation Advisory Committee opposing the allowance of drainage water from developments into natural area reserves, be enclosed as an attachment to the subdivision application on referral to all parties prior to planning approval.’*

*Moved: M. Zakrevsky                      Seconded: M. Norman                      CARRIED*

The following motion was passed at the 22 November meeting:

*‘That the Council requests the developer Beaumaris Land Sales to construct a firebreak in the Iluka Foreshore Reserve linking Silver Sands Drive and the coastal dual use path in accordance with the subdivision approval.’*

*Moved: D. Pike    Seconded: B. Fitzsimmons                      CARRIED*

**It is recommended that the Joint Commissioners:**

1     *Note the Minutes of the Conservation Advisory Committee Meeting held on the 22 October 2003, forming Attachment 1 to this report.*

2     *Refer the following new motion to the Chief Executive Officer for consideration:*

*‘That the motion passed at the August Meeting of the Conservation Advisory Committee opposing the allowance of drainage water from developments into natural area reserves be enclosed as an attachment to the subdivision application on referral to all parties prior to planning approval.’*

3     *Notes the Minutes of the Conservation Advisory Committee Meeting held on the 26 November 2003 forming Attachment 2 to this report.*

**DETAILS**

At the Council meeting of 21 October 2003, it was resolved to Note the motion carried at the Conservation Advisory Committee Meeting of 27 August 2003, which stated:

“Any future subdivisional development proposals be rejected by Council if they contain drainage plans that allow drainage water to enter natural area reserves managed by Council. It is considered that allowing drainage water to be emptied into bushland and coastal reserves is not compatible with sustainability principles contained in the City’s Strategic Plan.”

At the 22 October 2003 meeting of the Conservation Advisory Committee, members discussed in detail Council’s resolution to only note the above motion. The Committee felt Council’s resolution could have been stronger and that the Council should take a more proactive stance in protection of native vegetation in Council reserves.

The Committee initiated a new motion:

*“That the motion passed at the August Meeting of the Conservation Advisory Committee opposing the allowance of drainage water from developments into natural area reserves, be enclosed as an attachment to the subdivision of referral to all parties prior to planning approval.”*

*Moved: M. Zakrevsky*

*Seconded: M. Norman*

*CARRIED*

It would give added protection to native bushland.

The Committee’s recommendation that Item 5.1 containing the motion relating to drainage water being directed to Council’s natural area reserve be referred to the Chief Executive Officer for consideration.

At the Conservation Advisory Committee Meeting of the 25 November 2003, under general business, the need for firebreaks in the natural vegetation in the foreshore reserve at Iluka was discussed. Mr M. Norman (whom represents the Joondalup Community Coast Care Forum) on the Conservation Advisory Committee said Joondalup Community Coast Care Forum felt strongly about the need for firebreaks in this area, he added that a request for such firebreaks had been raised at the recent Annual Electors Meeting. The Conservation Advisory Committee felt there was a need for a firebreak immediately and it should be located in a degraded area of bushland adjacent to Silver Sands Drive, Iluka.

The Committee then raised the following motion:

*‘That the Council requests the developer, Beaumaris Land Sales to construct a firebreak in the Iluka Foreshore Reserve linking Silver Sands Drive and the coast dual use path in accordance with the subdivision approval.’*

*Moved: D. Pike*

*Seconded: B. Fitzsimmons*

*CARRIED*

Discussions with Beaumaris Land Sales has confirmed that they will construct an east/west access path which would provide the dual function of curtailing a fire in progress and also allowing fire fighting personnel access to the area to fight any future fire. Therefore, the Committee’s recommendation can be noted.

## **ATTACHMENTS**

- |              |  |
|--------------|--|
| Attachment 1 | Minutes of the Conservation Advisory Committee held on the 22 October 2003.  |
| Attachment 2 | Minutes of the Conservation Advisory Committee held on the 26 November 2003. |

## **VOTING REQUIREMENTS**

Simple Majority

**OFFICER'S RECOMMENDATION:** That the Joint Commissioners:

- 1 NOTE the confirmed Minutes of the Conservation Advisory Committee Meeting held on the 22 October 2003, forming Attachment 1 to Report CJ302-12/03;
- 2 REFER the following new motion to the Chief Executive Officer for consideration:  
  
‘That the motion passed at the August Meeting of the Conservation Advisory Committee opposing the allowance of drainage water from developments into natural area reserves, be enclosed as an attachment to the subdivision application on referral to all parties prior to planning approval.’
- 3 NOTE the unconfirmed Minutes of the Conservation Advisory Committee Meeting held on the 26 November 2003 forming Attachment 2 to Report CJ302-12/03.

**MOVED Cmr Smith, SECONDED Cmr Anderson that the Joint Commissioners:**

- 1 **NOTE the confirmed Minutes of the Conservation Advisory Committee Meeting held on the 22 October 2003, forming Attachment 1 to Report CJ302-12/03;**
- 2 **REFER the following new motion to the Chief Executive Officer for consideration, with a further report being submitted to Joint Commissioners;**  
  
**‘That the motion passed at the August Meeting of the Conservation Advisory Committee opposing the allowance of drainage water from developments into natural area reserves, be enclosed as an attachment to the subdivision application on referral to all parties prior to planning approval.’**
- 3 **NOTE the unconfirmed Minutes of the Conservation Advisory Committee Meeting held on the 26 November 2003 forming Attachment 2 to Report CJ302-12/03.**

**The Motion was Put and**

**CARRIED**

*Appendix 11 refers*

*To access this attachment on electronic document, click here: [Attach11brf091203.pdf](#)*

**CJ303 - 12/03      PROPOSED STRUCTURE PLAN - LOT 124 (92)  
COOK AVENUE, HILLARYS – [26549]**

**WARD -** Whitfords

---

**PURPOSE**

The purpose of this report is for the Joint Commissioners to consider a proposed structure plan for initiation and adoption for the purpose of advertising. (See Attachment 2).

## EXECUTIVE SUMMARY

Lot 124 (92) Cook Avenue, Hillarys is vacant land bounded by Cook Avenue, New England Drive, Willandra Drive, Ferndene Mews and a public access way (PAW) and has an area of 4.0 hectares.

The site is reserved as “Local Reserve: Public Use - Primary School” under the City’s District Planning Scheme No 2 (DPS2) and “Urban” under the Metropolitan Region Scheme (MRS). (See Attachment 1). The site has become surplus to the Department of Education’s requirements and is now in private ownership. A scheme amendment proposal to suitably zone and code the site to “Urban Development” with density codes of R25 and R40 in line with the provisions of the proposed Structure Plan will be the subject of a separate report on the agenda. Under the “Urban Development “ zone, no subdivision or other development of the site can be carried out until a Structure Plan has been prepared and adopted under the provisions of Part 9 of DPS2.

The Structure Plan provides the development requirements of the subject land for residential purposes where these requirements differ from that required by the Acceptable Development provisions of the Residential Design Codes (the Codes). The site is proposed to be divided into three distinct precincts of densities R25 and R40 featuring different design elements to ensure a variety of dwelling types and forms are developed, and to assist in integrating the development into the surrounding area. The proposed dwellings are designed using sustainability principles with 5 star energy ratings and including the reuse of grey water.

Should the draft Structure Plan be considered satisfactory, the proposal is required to be advertised for public comment pursuant to clause 9.5 of DPS2 prior to further consideration by Council.

It is recommended that the Joint Commissioners adopt the Cook Avenue Structure Plan, further to the receipt of a traffic management study for Cook Avenue, for the purposes of advertising.

## BACKGROUND

<b>Suburb/Location:</b>	Lot 124 (92) Cook Avenue, Hillarys
<b>Applicant:</b>	Environmental Management Resources
<b>Owner:</b>	Investa Developments Pty Ltd
<b>Zoning:</b>	<b>DPS:</b> Local Reserve: Public Use – Primary School
	<b>MRS:</b> Urban
<b>Strategic Plan:</b>	Strategy 3.3 – Provide residential living choices to meet changing demographic needs

Lot 124 (92) Cook Avenue, Hillarys is bounded by Cook Avenue, New England Drive, Willandra Drive, Ferndene Mews and a PAW and has an area of 4.0 hectares. It is located within a residential area in close proximity to commercial, community, recreational and educational facilities and the beach. The subject site is characterised by steep slopes to the southern and eastern boundaries towards Willandra Drive and New England Drive respectively.



The site was initially subdivided and vested in the Department of Education in the early 1990s as part of the Whitfords Beach Estate, Hillarys. It has since become surplus to the Department's requirements and was sold back as vacant land to the developers, Whitfords Beach Estate, now a wholly owned subsidiary of Investa Property Pty Ltd (Investa). The site has since been zoned "Urban" under the Metropolitan Region Scheme (MRS) and remains reserved as "Local Reserve: Public Use - Primary School" under the City's District Planning Scheme No 2 (DPS 2). An amendment to the DPS2 to suitably zone and code the site to "Urban Development" R25 and R40 in line with the provisions of the proposed Structure Plan is the subject of a separate report on the agenda.

It is intended that Investa will develop the subject site by way of a future residential subdivision comprising 87 lots, including one lot for multiple dwelling development, based on sustainability principles. Investa has undertaken extensive consultation with the local community on the overall development concept by way of a letter drop inviting 120 households to an initial public meeting in February 2003, followed by a further meeting in August 2003 when the final design proposal was presented and the community concerns were addressed. In addition, some City of Joondalup Elected Members and staff were briefed in August prior to the submission of the Structure Plan.

## **DETAILS**

The Structure Plan applies to land described as Lot 124 Cook Avenue, Hillarys. Its purpose is to facilitate the future subdivision of the site for residential purposes.

The Structure Plan provides the development requirements of the subject land for residential purposes where these requirements differ from that required under the Acceptable Development provisions of the Residential Design Codes (the Codes). It is proposed to divide the site into three distinct precincts - Perimeter Housing Precinct, Internal Housing Precinct and a Multiple Housing Precinct – featuring different design elements to ensure a variety of dwelling types and forms are developed, and to assist in integrating the development into the surrounding established area. To this end, it is proposed that the Perimeter Housing Precinct be low density with a density coding of R25 whereas the Internal and Multiple Dwelling Precincts are proposed to be medium density with a density coding of R40.

The Structure Plan consists of two parts, the first being the statutory planning section setting out the objectives and the criteria that determine the overall form of development on the proposed lots. These criteria relate to the following:

- Residential design, relating to building setbacks, bulk and height, roof pitch, tower elements, solar access, open space, parking and services;
- Parking – off site
- Provisions relating to the specific precincts:
  - Perimeter Housing Precinct
  - Internal Housing Precinct
  - Multiple Dwelling Precinct

The proposed dwellings are designed to maximise sustainability principles utilising small lot sizes and including 5 star energy rated dwellings designed to achieve passive solar access and are equipped with rainwater tanks, grey water reuse systems and energy efficient appliances. Tower elements are proposed for the prominent corner lots to emphasise these aspects, in line with urban design principles emphasising legibility (prominent focal points).

Dwellings within the Structure Plan area are to be developed in accordance with the provisions of the Acceptable Development provisions of the Codes unless otherwise provided for in the Structure Plan. This facilitates the approval process by enabling applications to be dealt with via an application for a Building Licence rather than requiring development approval.

Part 2 of the Structure Plan is the explanatory report which supports the criteria set out in Part 1 and includes the following:

- Location details;
- Proposal and outcomes;
- Community consultation;
- Neighbourhood context, including existing community and educational facilities and transport and movement systems;
- Site context, including road networks, open space and stormwater drainage systems; and
- Housing context, including design principles and water and energy efficiency

In formulating the Structure Plan, several issues were considered, including the following:

- Development of the site in an existing urban context rather than as a traditional greenfield development;
- Sustainable development through the provisions of small lots, thereby concentrating residents and allowing more efficient use of infrastructure, existing nearby community, educational and recreational and public transport;
- Energy efficient design with 5 star energy ratings and energy efficient appliances, the reuse of grey water and rainwater tanks;
- Neighbouring landowner concerns relating to access to the site, traffic, visitor parking, small lot sizes in relation to residential amenity, housing types and design, views retention, the quality, planting and maintenance of the public open space, drainage issues, and existing PAW use; and
- Innovative stormwater drainage systems using an underground filtration system beneath the POS.

### **Statutory Provision**

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

### **Consultation**

Clause 9.5 of DPS2 requires Structure Plan proposals to be advertised in accordance with the provisions of clause 6.7 prior to further consideration by Council. Advertising for a period of twenty eight (28) days is recommended with advertising consisting of notification of all adjoining landowners, a sign being erected on the site and a notice being placed in the Joondalup Community newspaper. In this instance, given that the site is bounded by four

roads and a public access way (PAW), adjoining landowners is taken to be all landowners located immediately opposite the site on the four streets which border the site, and owners of properties on the opposite side of the PAW at the south-east corner of the site.

In light of the report on the agenda relating to the rezoning of the subject site recommending the amendment be advertised for 42 days, it is suggested that the structure plan also be advertised for a period of 42 days. This ensures that both the amendment and structure plan processes proceed concurrently.

### **Strategic Implications**

The proposed Structure Plan would facilitate the development of a variety of housing forms in line with the objectives of the City's Strategic Plan.

### **Sustainability Implications**

The proposed Structure Plan provides for small lot subdivision of low and medium density which will facilitate better utilisation of the existing infrastructure, community facilities and public transport system in line with the State's planning objectives. Furthermore, the proposed dwelling forms support sustainability principles by utilising small lot sizes, and increasing efficiencies in energy, dwelling design and appliances.

### **COMMENT**

The concerns raised by the adjoining landowners have generally been addressed. The main issues raised have been addressed below.

#### Density Coding

In accordance with the provisions of the "Urban Development" zone that is proposed for the subject site as a separate process, the density coding is to be adopted as a part of the Structure Plan process rather than the Scheme Amendment process. The proposed density of R25 for the Perimeter Housing Precinct is reflective of the surrounding residential area whilst the more dense development (R40) would be internal to the site and therefore have minimal visual impact in the context of the surrounding area.

#### Dwellings Height and Form

Two storey single dwellings will be the norm based on the proposed maximum wall heights and ridgelines, with the exception of dwellings fronting Willandra Drive that would be split level developments utilising the steep slope, with the frontages to Willandra Drive being single storey. In addition, towers are proposed on key corners of the site (See Plan 2 within Attachment 2). The multiple dwelling development would be 3-4 storeys and no towers are permitted on this lot. (See Plan 4 within Attachment 2). An indicative streetscape elevation has been provided to assist in understanding how the dwellings will "sit" in context. (See Plan 4 within Attachment 2).

Whilst the concerns of adjoining landowners along Willandra Drive regarding the loss of views have been addressed by limiting the height of dwellings to single storey, this is not the case along New England Drive where the lots are similarly steep. It is not known whether landowners opposite the site on New England Drive raised concerns about the proposed height of these dwellings. Given that the measurement of the allowable building height relates to the finished, recontoured levels of the site rather than the natural ground levels, there is the potential for the dwellings on these lots to be at least 3.5 metres higher than they would be if designed to acknowledge the natural ground levels. Not only could this be problematic for the adjoining properties on New England Drive and those opposite these lots internal to the site but also the built form outcome could be undesirable in terms of visual bulk and inconsistent with the surrounding built form. This, however, is a detail that can be the subject of further discussion and input from the affected adjoining landowners during the consultation stage and amended if necessary in the final Structure Plan document along with any other changes deemed necessary as a result of public consultation.

### Parking and Access

Forty three (43) car parking bays for visitors have been provided on the proposed internal streets, many being focused around the POS. In addition, on-street parking could be accommodated on New England Drive and Willandra Drive to supplement the proposed bays. The proposed on-street car parking bays within the site should suffice to accommodate visitors and are considered to be acceptable.

Safety and traffic volumes and speeds along Cook Avenue were other issues raised by adjoining landowners. Cook Avenue is a curved and slightly graded road taking high volumes of traffic, some of which would be generated by the St Marks Anglican Church School which is located along St Marks Drive which intersects Cook Avenue. (See Figure 1 in Attachment 2). These issues have to some extent been addressed in Part 2 of the Structure Plan with the incorporation of traffic islands and the subsequent narrowing of Cook Avenue, and the proposed location of crossovers in relation to existing crossovers on the north side of Cook Avenue. Whilst some of these issues could be finalised at subdivision stage, a traffic management report is nevertheless usually required with the Structure Plan submission. This is required prior to advertising of the Structure Plan to enable adjoining landowners and the City to review the study to assess the adequacy of the proposed road details and treatments.

### Public Open Space

An area of Public Open Space (POS) is proposed at the eastern end of the site extending into the site from the main entry to the proposed residential subdivision. This area doubles as a stormwater drainage area using an underground filtration system beneath the POS. A minimum area equating to 10% of the area of the subdividable land is normally required at the subdivision stage in accordance with the Western Australian Planning Commission's DC 2.3 Public Open Space in Residential Areas. As little as 8% POS can, however, be accepted subject to a cash-in-lieu payment to the local authority for the required balance. It is noted that there is a shortfall of approximately 350m<sup>2</sup> (1.25% of the site area) with the proposed arrangement of lots. Rather than require an amendment to the Structure Plan to provide a greater area, it is considered that the City could consider a cash-in-lieu payment in this instance due to the minor degree of variation. This matter would normally be finalised at the subdivision stage.

In view of the above, it is recommended that the Joint Commissioners adopt the Structure Plan for the purposes of advertising for a period of 42 days.

## ATTACHMENTS

Attachment 1            Location plan  
Attachment 2            Structure Plan document

## VOTING REQUIREMENTS

Simple Majority

**OFFICER'S RECOMMENDATION:** That the Joint Commissioners in accordance with clauses 9.4 and 9.5 of the City of Joondalup District Planning Scheme No 2 ADOPT the Cook Avenue Structure Plan as per Attachment 2 to Report CJ303-12/03 and makes it available for public comment for 42 days, further to the receipt of a traffic management study for Cook Avenue.

**MOVED Cmr Smith, SECONDED Cmr Drake-Brockman that the Joint Commissioners in accordance with clauses 9.4 and 9.5 of the City of Joondalup District Planning Scheme No 2 ADOPT the Cook Avenue Structure Plan as per Attachment 2 to Report CJ303-12/03 for the purposes of advertising and makes it available for public comment for 42 days, further to the receipt of a traffic management study for Cook Avenue.**

**The Motion was Put and**

**CARRIED**

*Appendix 12 refers*

*To access this attachment on electronic document, click here: [Attach12brf091203.pdf](#)*

**CJ304 - 12/03      AMENDMENT 20 TO DISTRICT PLANNING  
SCHEME NO 2 - PROPOSED ZONING TO URBAN  
DEVELOPMENT - LOT 124 COOK AVENUE,  
HILLARYS – [26549] [59549]**

**WARD -**    Whitfords

---

## PURPOSE

The purpose of this report is for the Joint Commissioners to consider Amendment 20 to District Planning Scheme No 2 (DPS2) for initiation and adoption for the purposes of advertising. (See Attachment 2).

## EXECUTIVE SUMMARY

Lot 124 (92) Cook Avenue, Hillarys is vacant land bounded by Cook Avenue, New England Drive, Willandra Drive, Ferndene Mews and a public access way (PAW) and has an area of 4.0 hectares. (See Attachment 1 for location plan). The site is reserved as “Local Reserves: Public Use - Primary School” under the City’s District Planning Scheme No 2 (DPS2) (See Attachment 2) and “Urban” under the Metropolitan Region Scheme (MRS).

The proposed amendment is required to facilitate the development of the subject site for low and medium density residential development with a density coding of R25 and R40, including one lot for multiple dwelling development. A separate report on the agenda relates to the associated Structure Plan that sets out the development requirements.

The surrounding area is zoned Residential with a density of R20 and it would be appropriate for the subject site to also be used for this purpose. The proposed lot sizes and development criteria proposed support sustainability principles and provide choices in housing forms consistent with the City’s Strategic Plan.

It is recommended that the Joint Commissioners initiate and adopt Amendment No 20 to DPS2 for the purposes of advertising.

## BACKGROUND

<b>Suburb/Location:</b>	Lot 124 (92) Cook Avenue, Hillarys
<b>Applicant:</b>	Environmental Management Resources
<b>Owner:</b>	Investa Developments Pty Ltd
<b>Zoning:</b>	<b>DPS:</b> Local Reserve: Public Use – Primary School
	<b>MRS:</b> Urban
<b>Strategic Plan:</b>	Strategy 3.3. – Provide living choices to meet changing demographic demands

Lot 124 (92) Cook Avenue, Hillarys is bounded by Cook Avenue, New England Drive, Willandra Drive, Ferndene Mews and a public accessway (PAW) and has an area of 4.0 hectares. It is located within a residential area in close proximity to commercial, community, educational and recreational facilities including the beach. The subject site is characterised by steep gradients from Willandra Drive and New England Drive.

The site was initially subdivided and vested in the Department of Education in the early 1990s as part of the Whitfords Beach Estate, Hillarys. It has since become surplus to the Department’s requirements and was sold back as vacant land to the developers, Whitfords Beach Estate, now a wholly owned subsidiary of Investa Property Pty Ltd (Investa). The site has since been zoned “Urban” under the Metropolitan Region Scheme (MRS) and remains reserved as “Local Reserves: Public Use - Primary School” under DPS2. A density code of R20 applies to the subject site. A separate report on the agenda relates to the associated Structure Plan for the site.

Investa has undertaken extensive consultation with the local community on the overall development concept by way of a letter drop inviting 120 households to an initial public meeting in February 2003, followed by a further meeting in August 2003 when the final design proposal was presented and the community concerns were addressed. In addition, some City of Joondalup Elected Members and staff were briefed in August prior to the submission of the Structure Plan.

## **DETAILS**

The proposed Amendment applies to land described as Lot 124 Cook Avenue, Hillarys. Its purpose is to facilitate the future subdivision and development by Investa of 87 lots for residential purposes, including one lot for a multiple dwelling development. A separate report on the agenda relates to the associated structure plan that stipulates the development requirements and density for the proposed lots.

It is proposed to divide the site into three development precincts - Perimeter Housing Precinct, Internal Housing Precinct and a Multiple Housing Precinct - featuring different design elements to ensure a variety of dwelling types and forms are developed, and to assist in integrating the development into the surrounding area. To this end, it is proposed that the Perimeter Housing Precinct be low density with a density coding of R25, consistent with the surrounding area that has a density of R20, whereas the Internal and Multiple Dwelling Precincts are proposed to be medium density with a density coding of R40. Public open space is proposed towards the eastern end of the site, a portion of which is proposed to be used for a submerged stormwater drainage system.

The objectives of the "Urban Development" zone are to designate land for future urban development and to provide for the orderly planning and redevelopment of larger areas of land for residential and associated purposes in an integrated manner through a comprehensive Structure Plan process. Under clause 3.12.2 of DPS2, no subdivision or other development is to commence on land so zoned until a Structure Plan has been prepared and adopted under Part 9 of DPS2.

### **Statutory Provision:**

Section 7 of the Town Planning and Development Act 1928 (as amended) together with Town Planning Regulations 1967 enable local authorities to amend a Town Planning Scheme and sets out the process to be followed (Attachment 3).

### **Consultation:**

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 this instance, given that the site is bounded by four roads and a public access way (PAW), adjoining landowners is taken to be all landowners located immediately opposite the site on the four streets which border the site, and owners of properties on the opposite side of the PAW at the south-east corner of the site.

### **Strategic/Sustainability Implications:**

The proposed zoning and density coding of the subject site would facilitate the development of a variety of housing forms in line with the City's Strategic Plan and sustainability principles.

### **COMMENT**

Applying an "Urban Development" zoning to the site enables a more holistic approach to a large tract of land than applying a "Residential" zone because it requires the provision of a Structure Plan that sets out all particular development requirements for the subject lots. Specifically, clause 3.12.2 of DPS2 under clause 3.12 The Urban Development Zone states that no subdivision or other development should be commenced or carried out in an Urban Development Zone until a structure plan has been prepared and adopted under the provisions of Part 9 of the Scheme. No such provisions have been included under clause 3.4 The Residential Zone. The result is a more transparent process to better inform the surrounding affected landowners about the intended development of the site.

The subject site is currently coded with a density of R20. The density coding of land within an "Urban Development" zone is considered within the context of a Structure Plan. The proposed Amendment therefore needs to include the uncoding of the subject site to facilitate the Structure Plan process.

Lot 124 is a large vacant site surrounded by streets and a PAW. The surrounding properties are residential and low density in nature. The proposed zoning and density coding are considered to be most appropriate to facilitate the complementary residential development of the subject site in the context of the locality in this instance.

### **ATTACHMENTS**

Attachment 1	Location plan
Attachment 2	Proposed amendment plan
Attachment 3	Scheme Amendment process

### **VOTING REQUIREMENTS**

Simple Majority

### **MOVED Cmr Anderson, SECONDED Cmr Drake-Brockman that**

- 1 in pursuance of Section 7 of the Town Planning and Development Act 1928 (as amended), AMEND the City of Joondalup District Planning Scheme No 2 for the purpose of unreserving Lot 124 (92) Cook Avenue, Hillarys from "Local Reserve: Public Use – Primary School" and zoning it to "Urban Development", and uncoding the same;**



**2      ADOPT Amendment No 20 as suitable for the purpose of advertising for a period of forty two (42) days.**

**The Motion was Put and**

**CARRIED**

*Appendix 13 refers*

*To access this attachment on electronic document, click here: [Attach13brf091203.pdf](#)*

**CJ305 - 12/03      HILLARYS BOAT HARBOUR STRUCTURE PLAN AND IMPLEMENTATION STRATEGY – [23094]**

**WARD -** Whitfords

---

**PURPOSE**

This report outlines the main issues and seeks the Joint Commissioners' endorsement to enable the Western Australian Planning Commission (WAPC) to advertise the Structure plan. It should be noted that the Structure Plan is not intended to be adopted as a statutory plan, but endorsed as a *guide* to future development.

**EXECUTIVE SUMMARY**

The WAPC has identified the need for a Structure Plan to be prepared for the Hillarys Boat Harbour (HBH) area. The original Master Plan was drawn up in the early 1980s and has guided development until recently. Access and parking pressures on the area result in a new plan being necessary to control future development in an orderly manner.

The Draft Structure Plan and Implementation Strategy was advertised for six weeks during November and December 1999 and following consideration of the submissions received the final HBH Structure Plan and Implementation Strategy was formulated.

This report makes various recommendations in response to the Structure Plan as follows:

- The adoption by the City of a car parking policy is not supported, as the WAPC is the determining authority;
- Community consultation in regard to the southbound egress point from Southside Drive into West Coast Drive is imperative prior to any works commencing;
- Further expansion of the HBH is not supported as it is considered that the HBH is already fully developed, and any additional development will impact significantly upon the amenity the space offers and there is the opportunity to accommodate the growth north of the HBH.
- The recommendation for decked parking is also not supported in view of the negative impact that such a parking facility would have upon the HBH.

The strategy also nominates the City as the responsible authority for a number of strategic recommendations and precinct actions. It is considered that, as the City is only a facilitator in the process, the allocation of resources towards this is a low priority.

In light of the time that has lapsed since the draft Structure Plan and Implementation Strategy was advertised it is recommended that the WAPC advertise the final draft structure plan for a period of 60 days.

The Structure Plan and Implementation Strategy is generally supported as a basis for the WAPC to guide development in the future.

## BACKGROUND

<b>Location:</b>	Reserve Nos; 27732, 39197, 40802 and 20561 West Coast Highway
<b>Owner:</b>	Crown Land – Department for Planning & Infrastructure and City of Joondalup
<b>Zoning:</b>	<b>DPS:</b> MRS Parks and Recreation, Other Regional Roads
	<b>MRS:</b> Parks and Recreation, Other Regional Roads
<b>Strategic Plan:</b>	1.2 To meet the cultural need and values of the community
	1.3 To continue to provide services that meet changing needs of a diverse and growing community
	3.1 To develop and maintain the City of Joondalup's assets and built environment
	3.2 To develop and promote the City of Joondalup as a tourist attraction

HBH was constructed in the mid 1980s on reclaimed land as a tourist and boating facility to support the 1987 defence of the Americas Cup. It comprises Crown Reserves, vested in and managed by the then Department of Transport (DoT) and the City. The original Master Plan was prepared for DoT in the early 1980s. This provided for the construction of the HBH and its associated facilities and a range of commercial, recreational, tourist, club and maritime activities approved on leases of varying periods from the Minister of Transport.

Pressure on the facilities has increased immensely, with the area acting as a magnet for marine-related, tourist and commercial activities.

### Draft Structure Plan

In July 1999 the then Ministry for Planning, jointly with the then DoT and the City commissioned consultants led by Chris Antill to prepare a Structure Plan and Implementation Strategy. The cost for the employment of consultants and preparation of the Plan and Strategy was split equally between the three authorities. The study area includes all of the land contained within the harbour reserve, together with the Whitfords Nodes to the north and the section of Sorrento Beach immediately south of the harbour (Attachment 1).

The draft Structure Plan and Implementation Strategy was to address the following:

- *The limited ability to provide further car parking.* There are few vacant areas on which to provide further car parking. A 1998 parking survey for the WAPC found that there are parking and access problems on peak days.

- *The capacity of vehicle entries/exits.* There is only one exit for the southern car park and exit delays in summer are frequent. A new southern entry was added in late 1998, but resident objection precluded it also operating as an exit.
- *Pressure on maintenance of public access.* There were pressures to extend lease areas or obtain new leases on unleased land used for public recreation, access and car parking.
- *Maintaining the quality of visitor experience.* The HBH receives some 4 million visitors per annum and increased parking and development has the potential to undermine its character.
- *Existing vacant lease sites.* There are two major vacant lease sites and some guidance was required as to development potential.

The consultants developed three options for the HBH, which were advertised for public comment from 2 November 1999 till 10 December 1999:

- **Option 1 – Consolidation:** No further development and better management of existing resources.
- **Option 2 – Diversification of uses:** Allow further development of off peak uses and in less developed areas and limited expansion within existing lease areas.
- **Option 3 – Moderate growth:** Allow further commercial expansion within existing lease areas in association with possible decked car parking in longer term, and new southern exit.

The Steering Committee, comprising representatives of the DPI and the City supported a modification of Option 2 and 3 in the final draft Structure Plan and Implementation Strategy, in part in acknowledgement of existing leases.

### Previous Council Decisions

At the meeting of 11 May 1999 the Council authorised the participation in the preparation of a Structure Plan and Implementation Study for HBH with the WAPC and the DoT, subject to:

- 1 The boundary of the study area being extended northwards to include the land between the ocean and Whitfords Avenue up to the entrance to the Ern Halliday Recreation Centre;
- 2 The study paying particular regard to public safety, security, pedestrian and vehicular access and comment from the proposed public meeting.

At its meeting of 26 September 2000, Council resolved to advise the WAPC that the Structure Plan and Implementation Strategy is generally supported as a basis to guide development in the future with the following key modifications and comments made:

- The provision for further commercial development of the seabed leases is not supported as Council considers that the facility is fully developed already and additional development will exacerbate the existing situation with parking and access;
- The relocation of the ferry service and associated facilities is supported;
- The responsibility for car parking should not extend to the City. The WAPC is the responsible authority and accordingly the City is not required to adopt a car parking policy for the HBH;

- Without further investigation it is unlikely that a southbound egress point from Southside Drive into West Coast Drive would be supported as it may unnecessarily disrupt the traffic flow;
- Recommendations relating to the monitoring of marine waste collection facilities should read “Provide a marine waste collection facility in a suitable location and hard stand area for cleaning of boat hulls. Hard stand areas and car parking should also have appropriately designed sediment traps and oil and grease traps”.
- Recommendation being reworded as follows: ‘Review the “Hillarys Beach – Hillarys Park Foreshore Management Plan (1991)”’, in particular, public safety and security, pedestrian access, integration with the HBH, location and extent of car parking adjacent to HBH without compromising the conservation and recreation values of the reserve, including ongoing maintenance of the coastal environment.’
- Recommends to the WAPC that Reserve 40802 as recognised under Perth’s BushPlan be given the highest protection possible by changing the Management Order to classify Reserve 40802 as an A Class Reserve as recommended in the HBH Draft Structure Plan, recommendation LT2.

### **Further Studies**

The Department for Planning and Infrastructure (DPI) commissioned three separate studies. The first study, prepared by Sinclair Knight Mertz (*Hillarys Boat Harbour Parking Study*, May 2002) sought to establish current car parking usage at the HBH and project the current supply and demand of car/boat trailer bays for up to 15 years. The study provides a foundation for evaluating future proposals at the Harbour, through establishing parking ratios by land-use and identifying peak parking times.

The second study is the *Hillarys Boat Harbour Traffic Study and Concept Design*, 2003 prepared by Uloth and Associates. This study makes recommendations on how best to improve parking, access and amenity at the HBH, specifically how to ease the vehicular traffic congestion on peak days, provide better traffic flows around the HBH, provide clearly defined pedestrian and cycle routes into and past the HBH, and improve access for people with disabilities. The study includes investigations and concept designs for the existing internal and external road networks, a new south access to the HBH, pedestrian and cycle networks, and improvements to car parking layouts.

The third study is the *Landscape Masterplan Report*, December 2002, prepared by Plan E. The scope of the report was to establish a clear direction for future internal upgrades to the HBH in terms of themes, planting/landscaping, pedestrian and cycle movements, signage, lighting and furniture.

Recommendations of the three reports have been incorporated within this final draft Structure Plan.

### **DETAILS**

The Study area includes all of the land contained within the harbour reserve, together with Whitfords Nodes to the north and the section of Sorrento Beach immediately south of the harbour (Attachment 1). The Study addresses, among other issues, the statutory basis for planning and development control of the area.

The Draft Structure Plan and Implementation Strategy were advertised for six weeks during November and December 1999, and following consideration of the submissions received the Structure Plan and Implementation strategy was formulated. The WAPC considered and noted the consultants' final report and resolved to refer the report to the City and the then DoT for comment prior to its further consideration as a guide to development. Council at its meeting of 26 September 2000 resolved to advise the WAPC that the Structure Plan and Implementation Strategy is generally supported as a basis to guide development in the future. However, this was subject to a number of matters including that it did not support further commercial development of the seabed leases, or the southern exit unless further investigation was done to ensure that the proposed exit did not disrupt traffic flow.

The final draft Structure Plan and Implementation Strategy report contains:

- General objectives for 10 year development;
- Strategic recommendations in relation to 11 key issues identified during the preparation stages of the Structure plan;
- Precinct objectives for the four precincts (Attachment 2), comprising a strategic development statement, objectives and actions for each precinct;
- Responsibilities and priorities for implementation of strategic recommendations and precinct actions (Attachment 3); and
- Element 1 design, planning and car parking guidance.

Below is a summary of the strategic recommendations for each (11) of the key issues:

- Land Use and Development  
Minimise conflict between competing land uses by identifying precincts with specific land use functions.
- Marine Functions  
Ensure that HBH continues to function as one of the leading maritime facilities serving the northern coastal strip of Perth. To achieve this it needs to be recognised that HBH has an optimum capacity beyond which other appropriate sites need to be identified elsewhere within the corridor.
- Public Access  
Ensure that public access at the harbours edge is not compromised or in any way restricted by future development. Improve and investigate the pedestrian and cyclist movement system both to and within the HBH. Recognise the function of the eastern beach precinct as public areas and ensure future development proposals do not impede public accessibility and amenity.
- Car Parking  
Adopt a car parking policy to ensure that appropriate provision is made for on-site car parking for all future developments. Maintain a schedule of car parking allocations. Rearrange and improve management of existing car parking areas, including relocation of the ferry terminal and allocation of all day parking for ferry patrons. Introduce a parking management system, including parking restrictions in the southern precinct, and an appropriate signage system at entrances to the HBH to provide up-to-date information for visitors regarding car parking availability.

- Traffic Management  
Encourage higher car occupancy arrivals when promoting special events. Investigate improvements to service provision and marketing of public transport as an alternative mode of transport to and from HBH. Construct a new south access to the HBH as an extension of the existing east-west section of Southside Drive. Modify the Hepburn Avenue approach to the Whitfords Avenue/West Coast Drive/Hepburn Avenue roundabout, in the long term, to provide a shared left/through lane and a shared through right lane.
- Urban Design  
Maintain the existing scale of development at HBH. Ensure new development and extensions to existing buildings do not have an adverse impact on the quality of the environment and public spaces in and around HBH. Design a new landscape concept to provide a stronger setting and binding theme for the HBH, to enhance the maritime character of the HBH.
- Safety and Security  
Prepare and adopt a public safety and security strategy, ensure landscaping of the public domain does not adversely restrict visibility or create spaces, which are conducive to antisocial behaviour and ensure adequate lighting.
- Infrastructure  
Monitor the need for a sewage reception facility for marine vessels.
- Environmental Management  
Consider the recommendations contained within the Hillarys Beach – Hillarys Park Foreshore Management Plan (1991), create a compatible interface between the HBH and the boundary to the Whitfords Nodes. Prevent development including car parks, roads and additional public recreation infrastructure, within the Whitfords Nodes reserve. Undertake an environmental compliance audit to understand the source of possible pollutants to receiving waters and develop management and monitoring procedures to address any non-compliance issues.
- Marketing  
Ensure the DPI, as the ‘owner’ of HBH, continues to be ultimately responsible for approving the promotion of special events and that any marketing strategies adopted adequately addresses car parking and access issues; including public transport promotion. Promote HBH as a multi purpose public facility with due emphasis on maritime aspects and services to the boating industry to ensure maritime uses retain a profile in the public’s perception of the HBH.
- Land Tenure  
Reclassify Reserve 40802 from ‘C’ to ‘A’ class, vested in the City. Ensure reserves 27732 and 20501 to the south of HBH are appropriately vested and classified. Set aside and separately reserve land identified for public access and recreation. Maintain appropriate vesting of the HBH land and seabed to reflect its intended purpose.

Each of the four precincts (Attachment 2) has a distinct character and function setting it apart from the other precincts. The objectives of the four precincts are as follows:

### Northern Precinct

Objective – To reinforce the northern precinct’s role for maritime and aquatic services, with ancillary commercial and public facilities.

### Southern Precinct

Objective – To maintain the southern precinct as a major tourist and commercial node at HBH. To accommodate appropriate building expansions within the capacity of the HBH to provide vehicle access, car parking and pedestrian movement systems and to improve vehicle access/egress, pedestrian movement, car parking and public areas.

### Eastern Beach Precinct

Objective – To maintain and improve the eastern precinct as a public recreation area, with clearly defined pedestrian links, and to support a range of appropriate recreation uses, provided these do not detract from the amenity of the precinct and public access through the precinct.

### North and South of HBH.

Objective – To enhance the use and management of the adjacent beach areas for public recreation and conservation uses.

Attachment 3 provides a list of the strategic recommendations and precinct actions that are proposed to be the responsibility or joint responsibility of the City and achieved within the 10-year timeframe of the Structure Plan.

### **Relevant Legislation:**

The Structure Plan is not a statutory document but as it is prepared and adopted by the relevant authorities it will serve as a guide in the exercise of statutory powers.

Under the Metropolitan Region Scheme the WAPC is the development control authority for the area. The DPI, as the vesting authority manages the maritime and harbour functions of the HBH, subleases land to commercial operators and markets and manages the general operations of the area, including access roads, car parking, public open space and special events. Development applications are submitted to the DPI Harbour Manager and lodged with the City. The City then considers the application and refers it to the DPI with recommendations to the WAPC for determination.

### **Consultation:**

A total of 152 submissions was received within the six-week public advertising period, ending 10 December 1999. A further 18 submissions were received by 19 December 1999. The report prepared by Chris Antill Planning & Urban Design provides the following:

The major issues and majority views expressed were:

- Opposition to the proposed jetty extension and “splitting of the beach” that would result from this;
- Existing parking and access/egress problems need to be addressed before any further development is undertaken;

- Strong opposition to any further commercial development being permitted. Opposition to HBH becoming a shopping centre. High support for Option 1 (“Consolidation”).
- Commercial development over the water (i.e. Sorrento Quay seabed lease area) should not be permitted, as it would ruin spacious character for the HBH.

Secondary issues and majority views expressed were:

- Opposition to the Fisheries Department development (since constructed) as it would result in a loss of car parking, and its use is not appropriate in the HBH;
- Opposition to existing/new market stalls;
- Public accesses are being crowded with development and signage, and must be cleared away to allow unimpeded public access;
- Decked car parking is not supported.

Other main issues were:

- Some opposition to the proposed southern road exit;
- Some opposition to removing the “for sale” boats from their present site;
- Public security after dark is considered poor and requires addressing;
- Better/safer pedestrian access across West Coast Drive is supported;
- Better public transport to HBH is supported;
- A need was identified for more/better/cleaner public toilets associated with the public beach.

### **Financial Implications:**

At this stage the financial implications of those strategic recommendations and precinct actions that the City has been allocated the responsible authority for have not been determined. Furthermore it is considered that, as the City is only a facilitator in the process the allocation of resources towards this is a low priority.

### **COMMENT**

The final draft Structure Plan and Implementation Strategy addresses most of the concerns in relation to parking, access and the ferry jetty extension, however there are matters previously resolved by Council as documented under ‘previous Council decisions’ that have not been addressed, and these matters are included below.

### **Issues**

#### Relocation of Ferry Services

There was some opposition in the submissions to the proposal to provide a new jetty link from the eastern beach. The proposal is intended to achieve the relocation of the Rottnest ferry ticket office and larger charter boat operations to the northern precinct and the integration of the ferry service with improved public bus and private car park access. The extension is supported, as it would locate ferry parking in the northern car park, make this car park more accessible to the southern commercial precinct, and provide a pedestrian evacuation route from Sorrento Quay.



### Interface with Whitfords Nodes

The strategic development statement intends to improve the interface of the foreshore reserve with improved lighting and pedestrian links, increased surveillance and management. This is proposed to be actioned via the review of the Hillarys Beach – Hillarys Park Foreshore Management Plan (1991).

### Beach Area Preservation

The objectives for the eastern beach precinct are to maintain and improve the eastern precinct as a public recreation area, with clearly defined pedestrian links and to support a range of appropriate recreation uses, provided these do not detract from the amenity of the precinct and public access through the precinct. The strategic recommendation is to set aside the area for public access and recreation, vested in the Minister for Transport to ensure long-term protection for public use.

### Southern Access

It is recommended that prior to any works being undertaken in regards to the provision of a southbound egress point from Southside Drive into West Coast Drive that community consultation be undertaken.

### Parking Management

Strategic recommendation CP1 requires the adoption of a car parking policy. Element 1 of the strategy provides a car parking policy and it is stated that this should be adopted by the City and DPI as a policy guide which can be used in the assessment and determination of development applications. The WAPC is the development control authority for the area and the City is a referral body. Given that the decision-making lies with the WAPC it is not necessary for the City to either prepare or adopt a car parking policy.

In addition while parking standards are proposed to be applied to further development, in reality there is little room available to accommodate associated further car parking. The proposal to construct a decked car park has been replaced with investigation of options for decked parking. In view of the negative impact that such parking facility would have upon the HBH it is recommended that CP6 be deleted.

### Environmental

The recommendation under the heading of infrastructure refers to monitoring of the need for a sewage reception facility for marine vessels. It is recommended that this be reworded and a new action be added for the northern precinct as follows, “Provide a marine waste collection facility in a suitable location, hard stand area for cleaning of boat hulls. Hard stand areas and car parking should also have appropriately designed sediment traps and oil and grease traps”.

The Structure Plan does not appear to address the issue of noise and its impact on the surrounding predominantly residential areas. It is recommended that general wording be included in the Structure Plan in regards assessment of noise in the northern precinct (Marine related activities) and eastern beach precinct (Great Escape).

### Expansion of HBH

Action SPA21 states that further development of vacant land within existing lease areas, including seabed leases may be considered provided adequate car parking is provided, design guidelines area adhered to, and the new southern access road is provided onto West Coast Drive. Further land and seabed adjustments to existing leases will only be considered where it

can be demonstrated that it will add value and provide an overall benefit and not adversely impact on the use and amenity. It is considered that the HBH is already fully developed and any additional development will impact significantly upon the amenity the space offers. Further, there is the opportunity to accommodate the growth north of the HBH.

#### Implications for the City

Attachment 3 identifies the City as the responsible agency, in some cases jointly with the DPI, for a number of actions and recommendations. This has resource implications for the City. As the City has only a facilitating role (the decision making role rests with the WAPC), the recommendations and actions are not considered to be high priorities for the allocation of the City's resources.

#### **Assessment and Reasons for Recommendation**

A Structure Plan and Implementation Strategy for HBH is considered important for the provision of an orderly context for the ongoing development of one of the City of Joondalup's main attractions. It will address the current situation and the development of HBH and the surrounding areas over the next 10 years.

The Structure Plan contains a series of recommendations relating to the various functions of the HBH, and the Implementation Strategy provides guidance as to how these recommendations should be fulfilled.

In light of the time that has lapsed since the draft Structure Plan and Implementation Strategy was advertised it is recommended that the WAPC advertise the *final* draft structure plan for a period of 60 days.

The Structure Plan and Implementation Strategy is generally supported as a basis to guide development in the future subject to a number of modifications and inclusions.

#### **ATTACHMENTS**

Attachment 1	Site Plan
Attachment 2	Precincts
Attachment 3	Recommendations and Precinct Actions

#### **VOTING REQUIREMENTS**

Simple Majority

**MOVED Cmr Anderson** that the Joint Commissioners ADVISE the Western Australian Planning Commission that the Hillarys Boat Harbour Structure Plan and Implementation Strategy is generally supported as a basis to guide development in the future subject to the following:

- 1 the final draft Hillarys Boat Harbour Structure Plan and Implementation Strategy being advertised for a period of 60 days;

- 2 with respect to recommendation TM3-Construct a new south access to the Harbour as an extension of the existing east-west section of Southside Drive, detail being added as follows, “A community consultation exercise is to be undertaken in relation to these works”;
- 3 the proposal to construct decked car parking is not supported. Accordingly recommendation CP6-Investigate the option of providing a (low scale, partly below ground) decked car park, should be deleted;
- 4 recommendations INF1-Monitor the need for a sewage reception facility for marine vessels, being reworded as follows “Provide a marine waste collection facility in a suitable location and hard stand area for cleaning of boat hulls. Hard stand areas and car parking should also have appropriately designed sediment traps and oil and grease traps”;
- 5 add a new action NPA16 as follows, “Provide a marine waste collection facility in a suitable location and hard stand area for cleaning of boat hulls. Hard stand areas and car parking should also have appropriately designed sediment traps and oil and grease traps”;
- 6 provisions for further commercial development of the Hillarys Boat Harbour is not supported as the facility is fully developed already and additional development will exacerbate the existing problems;
- 7 the recommendations and actions for which the City of Joondalup has been allocated a responsible agent are not considered to be high priorities for the allocation of the City’s resources;
- 8 general wording being included in regard to the assessment of noise in the northern and eastern beach precincts;
- 9 the responsibility for recommendation CP1-Adopt a Car Parking Policy to ensure the appropriate provision of on-site car parking, for all future development proposals, should not extend to the City. The Western Australian Planning Commission is the responsible authority and accordingly the City is not required to adopt a car parking policy for the boat harbour.

**There being No Seconder, the Motion**

**LAPSED**

**MOVED Cmr Fox, SECONDED Cmr Drake-Brockman that consideration of the Hillarys Boat Harbour Structure Plan and Implementation Strategy be DEFERRED until the next meeting of the Joint Commissioners scheduled to be held on 17 February 2004.**

**The Motion was Put and**

**CARRIED**

*Appendix 14 refers*

*To access this attachment on electronic document, click here: [Attach14brf091203.pdf](#)*

---

**CJ306 - 12/03      MODIFICATION TO WOODLAKE RETREAT  
STRUCTURE PLAN - LOT 550 (42) WOODLAKE  
RETREAT, KINGSLEY – [76534]**

**WARD -**    South

---

**PURPOSE**

The purpose of this report is for Council to consider a modification to the ‘Woodlake Retreat Structure Plan’ following the Western Australian Planning Commission’s (WAPC) decision to adopt the structure plan with modification (refer Attachment 1).

**EXECUTIVE SUMMARY**

Council at its meeting on 29 July 2003 resolved to adopt the structure plan for final approval (CJ167 – 07/03 refers).

The WAPC has subsequently resolved to adopt the structure plan subject to a further modification being made. The modification requested by the WAPC seeks to create a 4 metre wide easement over portion of the car parking area associated with the aged care facility that is accessed via Grasslands Loop (refer Attachment 2). The easement is required in order to provide for legal pedestrian and cycle access over privately owned land to the benefit of the local community and public at large.

Given the above modification to the structure plan is minor and is for the benefit of the local community and the public at large with respect to securing pedestrian and cycle access, it is recommended that public advertising of the modification be waived and that the structure plan incorporating the WAPC’s required modification be forwarded to the WAPC for adoption and certification.

**BACKGROUND**

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

**Strategic Plan:**        Strategy 3.3.1 - Provide residential living choices.  
                              Strategy 3.5.2 – Assist in the facilitation of local employment opportunities.

Council at its meeting on 29 July 2003 (CJ167 – 07/03 refers) resolved to adopt the structure plan with modifications and submit it to the WAPC for adoption and certification. Council also resolved to advise all persons who lodged submissions during the advertising period, including all subsequent petitioners, of its decision. Finally Council also resolved to liaise with the North West District Planning Committee and the Perth Region Planning Committee to secure the northern extension of Woodlake Retreat.

## **DETAILS**

The WAPC adopted the structure plan at its meeting on 11 November 2003 subject to a further modification being made to the structure plan, with the wording as follows;

*“Insert the following paragraph to Section 1.4.3 – ‘Criteria’, Clause i:*

- iv) *To allow residents of Grasslands Loop direct pedestrian access to the bus stop situated within Wanneroo Road, at the time that subdivision of the land occurs, a 4 metre wide public access easement is provided over the car parking area, pursuant to section 195 and 196 of the Land Administration Act 1997, for the use of the public at large for pedestrian and cycle access for the benefit of the Western Australian Planning Commission, at the subdivider’s cost.”* (Refer to section 1.4.3, clause i, part iv) of the structure plan shown in Attachment 1)

## **Statutory Provision:**

Clause 9.6.3 of DPS2 outline’s the Commissions consideration of the structure plan. Under clause 9.6.3 (c), if the Commission requires modifications to the structure plan the proponent shall make the modifications with the Council and resubmit the structure plan for consideration under clause 9.4.

Under the provision of clause 9.4, advertising of the structure plan subject to minor changes may be waived at the discretion of the Council. Should advertising be waived, Council then proceeds to either refuse or adopt the modification(s) to the structure plan or resolve that the modification(s) to the structure plan are satisfactory with or without changes.

## **COMMENT**

The previously endorsed structure plan provided for pedestrian and cycle access across the car parking area associated with the proposed aged care facility which is accessed via Grasslands Loop within section 1.4.3 i) of the structure plan (refer Attachment 1). This access was to ensure that the general public, particularly residents within Grasslands Loop, were able to directly access the existing bus stop along Wanneroo Road.

The WAPC’s modification seeks to formalise pedestrian and cycle access through the creation of a 4 metre wide easement over portion of the car parking area during the subdivision stage. The exact location of the easement shall be identified at the subdivision stage, however, the envisaged location of the easement, which is also supported by the applicant, is shown in Attachment 2. An easement is required to ensure pedestrians and cyclists have a legal right to traverse across privately owned land and as such, the requested modification is supported.

Furthermore, given the number of car parking bays and their configuration, together with the anticipated relatively low level of vehicular movements associated with the car parking area, no adverse vehicular and pedestrian/cyclist conflicts arising from shared use of the car parking area is envisaged.

Given the wording contained within clause 9.4 of DPS2, the WAPC modification is required to be considered and approved by Council. Given the minor nature of the required modification, together with the required modification being to the benefit of the local community and the public at large with respect to securing pedestrian and cycle access, further advertising of the modification is not recommended and should be waived. Once Council adopt the structure plan and it is signed and executed by both the City and the WAPC, the structure plan becomes an agreed structure plan, as the WAPC has adopted the structure plan subject to its required modification being included within the structure plan document.

## ATTACHMENTS

Attachment 1	Modified Woodlake Retreat Structure Plan (November 2003)
Attachment 2	Location of required pedestrian/cycle easement (November 2003)

## VOTING REQUIREMENTS

Simple Majority

**MOVED Cmr Anderson, SECONDED Cmr Drake-Brockman that the Joint Commissioners:**

- 1** pursuant to clause 9.4 of the City of Joondalup's District Planning Scheme No 2 **RESOLVE** that advertising of the Woodlake Retreat Structure Plan be waived given that the Western Australian Planning Commission's required modification is minor;
- 2** pursuant to Clause 9.6 of the City of Joondalup District Planning Scheme No 2 **RESOLVE** that the modified Woodlake Retreat Structure Plan shown in Attachment 1 to Report CJ306-12/03 be adopted and submitted to the Western Australian Planning Commission for adoption and certification;
- 3** subject to certification of the modified Woodlake Retreat Structure Plan by the Western Australian Planning Commission, **ADOPT** the Woodlake Retreat Structure Plan as an Agreed Structure Plan and authorise the affixation of the Common Seal to, and the signing of, the Structure Plan documents.

**The Motion was Put and**

**CARRIED**

*Appendix 15 refers*

*To access this attachment on electronic document, click here: [Attach15brf091203.pdf](#)*

**CJ307 - 12/03      CLOSE OF ADVERTISING FOR AMENDMENT NO 1  
TO DISTRICT PLANNING SCHEME NO 2 – LOT 3 (5)  
TRAPPERS DRIVE, WOODVALE – [55070]**

**WARD - Lakeside**

---

**PURPOSE**

The purpose of this report is for Council to:

- 1 Consider public submissions following advertising of Amendment 1 to the City's District Planning Scheme No 2 (DPS2);
- 2 Consider granting final approval to Amendment 1 without modification;
- 3 Endorse and submit the amendment document to the Hon Minister for Planning and Infrastructure for final approval to be granted; and
- 4 Support additional resolutions that seek to address issues contained within several submissions received following advertising of Amendment 1.

**EXECUTIVE SUMMARY**

The purpose of the amendment is to facilitate the expansion of the existing shopping centre on Lot 6 Whitfords Avenue, Woodvale. The expansion is partially over Lot 3 Trappers Drive, which is owned by the City (Attachment 2).

The amendment was advertised from 16 July to 27 August 2003, and upon closure of the advertising period, twenty one (21) submissions were received. Ten (10) submissions received supported the proposal, three (3) submissions from servicing authorities raised no objection to the proposal and the remaining eight (8) submissions either raised concerns or did not support the proposal (Attachment 4).

The nature of the concerns and objections primarily related to the exacerbation of noise, vehicle movements and antisocial behaviour associated with the proposed expansion of the shopping centre. Other objections suggested the need for a post office, aged care facility and a garden centre, which are considered to be commercial considerations outside of the City's control. A submission also raised concerns with respect to the increase in retail floor space for Lot 6 and that any retail floor space increases should be shared equally across all lots comprising the shopping centre.

The proposed expansion of the shopping centre has been designed in order to assist in minimising the creation of noise, vehicle movements and antisocial behaviour. The imposition of conditions at the future development approval stage, together with continued security patrols of Lot 3 are also envisaged to assist in minimising the impact of these issues upon adjoining landowners in particular. The City's Centres Strategy allows for retail floor space expansion upon Lot 6.

It is recommended that the amendment be granted final approval without modification, endorsed and submitted to the Hon Minister for Planning and Infrastructure for final approval to be granted. A recommendation is also made to address an issue contained within a submission received following advertising of Amendment 1.

## **BACKGROUND**

**Suburb/Location:** Lot 3 (No 5) Trappers Drive, Woodvale  
**Applicant:** FAL Pty Ltd  
**Owner:** City of Joondalup  
**Zoning:** **DPS:** Civic and Cultural  
**MRS:** Urban  
**Strategic Plan:** 3.1.2 - Facilitate the safe design, construction and approval of all buildings and facilities within the City of Joondalup.

Council at its meeting on 15 October 2002 (CJ258 – 10/02) resolved to execute a contract of sale for the 354m<sup>2</sup> portion of Lot 3 Trappers Drive, Woodvale. Council also resolved to reject FAL's request to purchase the remainder of Lot 3, however, resolved to enter into negotiations with FAL for a lease for the use of the car park.

Council at its meeting on 29 April 2003 (CJ097 - 04/03 refers) resolved to adopt Amendment 1 to DPS2 for the purposes of advertising. Council also resolved that the applicant submit concept plans for the proposed shopping centre expansion, to modify an existing legal agreement applicable to the land and to enter into a further legal agreement with respect to the proposed expansion of the shopping centre.

## **DETAILS**

### **Location**

Lot 3 Trappers Drive is located approximately 280 metres north of the intersection of Trappers Drive and Whitfords Avenue in Woodvale (Attachment 1). The Woodvale Boulevard Shopping Centre (Lot 6 Whitfords Ave) and Woodvale Medical Centre (Lot 7 Trappers Drive) abut the southern boundary of Lot 3 whilst the Timberside (aged persons) Villas (Lot 500 Timberlane Drive) abuts the western boundary of Lot 3. Several residential lots abut the northern boundary of Lot 3 (Attachment 1).

### **Existing Zoning, Development & Landuse**

Lot 3 Trappers Drive is zoned 'Civic and Cultural' under DPS2 and is occupied by the Woodvale library, a community care centre and associated car parking areas. A portion of the land in its south western corner remains vacant.

The Woodvale Boulevard Shopping Centre (Lot 6 Whitfords Avenue) is zoned 'Commercial' under DPS2. Schedule 3 of DPS2 restricts the retail net lettable area of Lot 6 Trappers Drive, Woodvale to 5500m<sup>2</sup>. The Department for Planning and Infrastructure (DPI) surveyed the shopping centre on Lot 6 Whitfords Avenue in 1997 and recorded a retail floor area of 6632m<sup>2</sup>. The DPI has recently finalised the 2001/2002 survey, with this survey data being used as part of a future review of the City's Centres Strategy.



The Woodvale Medical Centre site (Lot 7 Trappers Drive) is also zoned 'Commercial' under DPS2. The Timberside (aged person) Villas (Lot 500 Timberlane Drive) site is zoned 'Residential' and is coded R40 whilst the residential lots to the north of the subject property are zoned 'Residential' and are coded R20 under the City's DPS2 (Attachment 1).

## **Proposal**

Amendment 1 to DPS2 proposes to amend DPS2 as follows:

- (1) Rezoning a 354m<sup>2</sup> portion of Lot 3 Trappers Drive Woodvale from 'Civic and Cultural' to 'Commercial'; and
- (2) Modifying Schedule 3 (Commercial and Centre Zones) of the Scheme Text by increasing the maximum retail net lettable area for the Woodvale Boulevard centre at Lot 6 (931) Whitfords Avenue from 5500m<sup>2</sup> to 7632m<sup>2</sup>."

The purpose of the amendment is to facilitate the proposed northerly expansion (~1000m<sup>2</sup>) of the existing shopping centre on Lot 6 Whitfords Avenue, with the indicative site plan of the proposed expansion shown in Attachment 2. It is proposed to expand the Action supermarket over a portion of Lot 3 Trappers Drive, Woodvale, however, an amendment to DPS2 is required for the following reasons;

Lot 3 Trappers Drive is zoned 'Civic and Cultural'. In the Civic and Cultural zone, the proposed expansion could not be permitted, as a 'shop' (use class for a supermarket) is a prohibited (X) use. The subject portion of Lot 3 Trappers Drive therefore requires rezoning to 'Commercial' wherein a 'shop' is a permitted use (P).

Schedule 3 of DPS2 specifies a maximum retail net lettable area of 5500m<sup>2</sup>, however, the 1997 DPI survey indicates that the centre has currently 6632m<sup>2</sup> in net lettable area. The proposed expansion would result in a total retail floor area for the shopping centre being approximately 7632m<sup>2</sup> or in excess of the floor space limit by 2132m<sup>2</sup>. The existing centre already exceeds the limit by approximately 1132m<sup>2</sup>.

## Legal Agreements

A legal agreement was entered into by Foodland Property Holdings Pty Ltd and the City of Wanneroo on 14 May 1992, whereby Foodland Property Holdings Pty Ltd agreed not to build or create any shopping building complex on Lot 6 Whitfords Avenue which would provide a gross leasable retail floor space of more than 4,990m<sup>2</sup>. The agreement also makes reference to reciprocal parking and access arrangements between all lots within the greater shopping complex.

The above legal agreement is yet to be amended as required under the City's previous resolution at its meeting on 29 April 2003. Council is therefore requested to rescind part 2 of its resolution at its meeting on 29 April 2003 (CJ097 – 04/03 refers), and replace that resolution with an amended resolution that requires the amended agreement to be executed prior to the Hon Minister granting final approval to the amendment.

The proponent has entered into a second legal agreement with the City of Joondalup to ensure the development incorporates the development requirements outlined in point 3 of Council's resolution of 29 April 2003 (CJ097 - 04/03 refers) and any other requirement deemed necessary at the completion of advertising. The agreement was prepared at the applicant's expense to the satisfaction of the City and has been subsequently executed by FAL and is in the process of being executed by the City of Joondalup.

### **Statutory Provision:**

The Town Planning Regulations 1967 set out the procedure for amendments to a Town Planning Scheme. The procedure is summarised within Attachment 3 to this report.

Under provision 17(2) of the Regulations, Council shall consider all submissions received during the advertising period. After considering all submissions, the Council shall either resolve to not proceed with the amendment or adopt the amendment, with or without modifications and submit three copies of the amendment document to the WAPC for recommendation to the Hon Minister for Planning and Infrastructure to grant final approval.

### **Consultation:**

The scheme amendment was advertised from 16 July to 27 August 2003. Advertising was in the form of a sign erected on site, adjoining landowners and service authorities being notified in writing and advertisements placed in the West Australian (16 July 2003) and the Joondalup Community (17 July 2003) Newspapers.

A total of twenty one (21) submissions was received during the advertising period. Ten (10) submissions supported the proposal, three (3) submissions from servicing authorities raised no objection to the proposal and the remaining eight (8) submissions either raised concerns or did not support the proposal (refer Attachment 4 - schedule of submissions).

The nature of the concerns and objections primarily related to the exacerbation of noise, vehicle movements and antisocial behaviour associated with the proposed expansion of the existing shopping centre. Other objections suggested the need for a post office, aged care facility and a garden centre. A submission also raised concerns with respect to the increase in retail floor space for Lot 6 and that any retail floor space increases should be shared equally across all lots comprising the shopping centre.

### **COMMENT**

Comments contained within several submissions related to noise and antisocial behaviour already experienced at the shopping centre, together with the exacerbation of noise and anti-social behaviour as a result of the proposed expansion. The proposed expansion of the shopping centre has been designed in order to significantly minimise both existing and perceived noise and antisocial behaviour problems through rationalisation of the delivery area, provision of car park lighting, landscaping, improved access from the adjoining retirement village and a new northern entrance to the existing shopping centre that allows for passive surveillance and visibility of the land at the rear of the existing shopping centre (Attachment 2).

The City has received several action requests with respect to antisocial behaviour, dangerous driving and noise. This has resulted in several patrols being undertaken, and in many instances, patrols being repeatedly undertaken several times each day/night. It should be noted that the frequency of action requests received for this area have progressively reduced since 2001. Under the City Watch contract, patrols of the City's community facilities are required. The patrolling of private property, including commercial facilities such as shopping centres, is not undertaken as this is the responsibility of the individual landowner. However, patrols would be undertaken of private property if invited to do so and with the landowner present.

Notwithstanding the above, significant patrols are currently undertaken of the Woodvale library and community centre upon Lot 3 that immediately adjoins the shopping centre and this will continue in order to assist in minimising the instances of anti-social behaviour occurring in the area, particularly at night, through increased surveillance.

Several submissions raised concerns with respect to noise emanating from the loading area and bin collection associated with the shopping centre, particularly during the early hours of the morning and late at night. These problems are envisaged to be minimised through rationalisation of the delivery area, together with the imposition of various conditions upon the future development approval for the proposed extension of the shopping centre. Furthermore, the City's records indicate that very few complaints have been received previously with respect to early morning/late evening deliveries. However, the applicable legislation with respect to noise is the Environmental Protection (Noise) Regulations 1997, whereby deliveries and rubbish removal is permitted between the hours of 7am and 7pm Monday to Saturday.

A submission received from the landowner of Lot 11 questioned the City's ability to approve additional retail floor space upon Lot 6. The submission also requested that the current restrictive covenant limiting retail floor space upon Lot 11 be removed, together with a comment with respect to the equal allocation of additional retail floor space for Lots 6, 8, 9, 10 and 11 as shown in Attachment 5.

The City's Centres Strategy provides for retail floor space expansion upon Lot 6. The 'Business' zoning of Lot 11 does not generally allow for any retail floor space, however, Amendment 10 to DPS2 introduced provisions into the scheme where limited retail floor space can be considered upon 'Business' zoned lots.

In order to address the concern with respect to equality of retail floor space allocation and possible expansion across all lots, a Council resolution is proposed that seeks to request that the landowners of Lots 1, 6, 7, 8, 9 and 10 provide the City with current floor plans and retail floor space (NLA/m<sup>2</sup>) areas for existing development upon each of these lots, together with the above landowners advising the City of their future intention with respect to retail floor space expansion.

Upon receipt of this information, the City intends to review the information with the view to possibly initiating a separate amendment to DPS2 in order to allocate the retail floor areas to these lots in Schedule 3 (Commercial and Centre Zones : Retail Nett Lettable Area) of DPS2. This process will allow the existing restrictive covenants limiting retail floor space on these lots to be lifted, including the restriction upon Lot 11.

Further to the above, any possible expansion of retail floor space across these lots in the future needs to be carefully assessed against the City's DPS2 and centres strategy in a holistic manner through detailed research and consultation between the City and all landowners of lots zoned 'Commercial'.

### **Other Issues**

Several submissions also raised the issue of the shopping centre being provided with a post office, garden centre and aged care facilities. The provision of such landuses is a commercial consideration, outside the City's control. Finally, a submission raised concern with respect to property devaluation, which is not considered a relevant town planning related consideration.

### **CONCLUSION**

The proposed expansion of the shopping centre has been designed in order to address many of the issues raised during the advertising period with respect to noise, vehicle movements and antisocial behaviour associated with the existing shopping centre. Furthermore, the imposition of conditions at the future development approval stage, together with continued security patrolling of the area is envisaged to assist in addressing and minimising the affect these issues have upon the local community, particularly those residents of the adjoining retirement village.

One legal agreement has been signed by FAL and is in the process of being signed by the City of Joondalup that relates to providing the City with a commitment to proceed with the proposed shopping centre expansion in accordance with the submitted concept plan. The other is yet to be finalised and as such, Council is requested to rescind part 2 of its resolution at its meeting on 29 April 2003 and replace that resolution with an amended resolution that requires this agreement to be executed prior to the Hon Minister for Planning and Infrastructure granting final approval to the amendment.

It is therefore recommended Council resolves that Amendment 1 to DPS2 be granted final approval without modification.

### **ATTACHMENTS**

Attachment 1	Rezoning Location Plan
Attachment 2	Indicative Woodvale Boulevard Shopping Centre Expansion Site Plan
Attachment 3	Scheme Amendment Process Flowchart
Attachment 4	Schedule of Submissions
Attachment 5	Existing Retail Floor space Allocation Plan

### **VOTING REQUIREMENTS**

Absolute Majority

**OFFICER'S RECOMMENDATION:**

That the Joint Commissioners BY AN ABSOLUTE MAJORITY:

- 1 RESCIND that part of Point 2 of the Council Resolution of 29 April 2003 to Report CJ097 – 04/03, viz;

*“ADVISE the proponent to arrange for a legal agreement, dated 14 May 1992, between Foodland Property Holdings Pty Ltd and the City of Wanneroo and other parties, with respect to Lot 6 Whitfords Avenue, Woodvale, to be modified during the advertising period, to enable the proposed expansion of the supermarket to occur. The legal document shall be modified at the proponent’s expense to the satisfaction of the City.”*

and replace the above resolution with the following amended wording:

“ADVISE the proponent to arrange for a legal agreement, dated 14 May 1992, between Foodland Property Holdings Pty Ltd and the City of Wanneroo and other parties, with respect to Lot 6 Whitfords Avenue, Woodvale, to be modified prior to the Hon Minister for Planning and Infrastructure’s final approval being granted to Amendment 1, to enable the proposed expansion of the supermarket to occur. The legal document shall be modified at the proponent’s expense to the satisfaction of the City.”

- 2 pursuant to Town Planning Regulations 17 (2) ADOPT Amendment 1 to the City of Joondalup District Planning Scheme No 2 without modification;
- 3 AUTHORISE the affixation of the Common Seal to, and endorses the signing of, the amendment documents;
- 4 NOTE all submissions received during the advertising period;
- 5 ADVISE all persons who made submissions of Council’s decision accordingly;
- 6 REQUEST that the landowners of Lots 1, 6, 7, 8, 9 and 10 Trappers Drive/Whitfords Avenue, Woodvale provide the City with current floor plans and retail floor space (NLAm<sup>2</sup>) figures for existing development upon each of the abovementioned lots, together with the above landowners advising the City of their future intention with respect to retail floor space expansion so that the City can undertake a review of retail floor space allocation with the view to including these lots in Schedule 3 of District Planning Scheme No 2. Upon finalisation of this, the restrictive covenant on Lots 6, 8, 9 10 and 11 will be lifted.

**MOVED Cmr Smith, SECONDED Cmr Anderson that the Close of Advertising for Amendment No 1 to District Planning Scheme No 2 – Lot 3 (5) Trappers Drive, Woodvale be DEFERRED until the next Meeting of the Joint Commissioners scheduled to be held on 17 February 2004, and Commissioners be given a full briefing on this issue at the Briefing Session to be held on 10 February 2004.**

Cmr Smith spoke to the Motion.

The Motion was Put and

**CARRIED**

*Appendix 16 refers*

To access this attachment on electronic document, click here: [Attach16brf091203.pdf](#)

**CJ308 - 12/03 PROPOSED SUBDIVISION (WAPC REFERENCE 123218) AIUS SITE CITY NORTH DISTRICT & MODIFICATION TO THE JOONDALUP CITY CENTRE DEVELOPMENT PLAN AND MANUAL – [14550] [00152]**

**WARD - Lakeside**

---

**PURPOSE**

The purpose of this report is to consider:

- 1 Subdivision application for the AIUS site bounded by Grand Boulevard, Piccadilly Circle, Mclarty Avenue, Shenton Avenue and Joondalup Drive, Joondalup (Attachment 1);
- 2 Modifications to the Joondalup City Centre Development Plan and Manual (JCCDPM) (Attachment 2) in light of the proposed subdivision application.

**EXECUTIVE SUMMARY**

The subdivision application does not accord with Plan A1 JCCDPM (Attachment 2) due to the redesigned road network and relocated drainage area and public open space, with the latter located centrally. At the time the JCCDPM was prepared, it was considered that detailed planning would be required to improve the subdivision layout of this section.

The development standards (design guidelines) of the JCCDPM are not being modified, only a portion of Plan A1 (Attachment 2) is being modified in accordance with the proposed subdivision plan (Attachment 1).

The modifications are as a result of a natural progression since the inception of the plan (1997) and in essence retain the same principles in terms of land use and road design. This is due to the 'General City' and 'Mixed-use/Residential' interface along Grand Boulevard, Mclarty Avenue and Shenton Avenue being retained as well as the similar arrangement with vehicle access points onto Mclarty Avenue and Piccadilly Circle. Accordingly the proposed modifications as it relates to surrounding development is considered to be minor and is therefore unlikely to impact upon the surrounding landowners.

It is recommended that:

- 1 *The Western Australian Planning Commission (WAPC) be advised that the subdivision application is supported subject to a number of conditions; and*
- 2 *In accordance with provisions of Part 9.4 of District Planning Scheme No 2 (DPS2), it is recommended that advertising of the proposed modifications to the JCCDPM be waived and that modifications be forwarded to the WAPC for adoption and certification.*

## **BACKGROUND**

<b>Suburb/Location:</b>	Joondalup City Centre
<b>Applicant:</b>	Chappell & Lambert
<b>Owner:</b>	Landcorp & Excel Education Pty Ltd
<b>Zoning:</b>	<b>DPS:</b> Centre Zone
	<b>MRS:</b> City Centre Area
<b>Strategic Plan:</b>	City Development – Strategy 3.1.2 Facilitate the safe design, construction and approval of all buildings and facilities within the City of Joondalup.

Chappell and Lambert has prepared a subdivision application on behalf of Landcorp and Excell Education Pty Ltd for the AIUS site, which is bounded by Grand Boulevard, Piccadilly Circle, Mclarty Avenue, Shenton Avenue and Joondalup Drive, Joondalup (Attachment 1).

The subdivision application proposes to modify the subdivision layout detailed in the JCCDPM (Attachment 2) by redesigning the road network and relocating both the drainage lot and public open space, with the latter located to a central position of the subdivision area.

At the time the JCCDPM was prepared, it was recognised that the area west of Mclarty Avenue may require more detailed planning to improve the layout of these lots. Both the subdivision proposal and modifications to the JCCDPM are being considered concurrently.

## **DETAIL**

Subdivision Application (WAPC Reference: 123218)

### **Subdivision Design**

The subject land is 15.15 hectares in area bounded Grand Mclarty Avenue, (east), Grand Boulevard and Piccadilly Circle (north-east), Joondalup Drive (west) and Shenton Avenue (south) (Attachment 1).

The subdivision application would create a total of 122 green title lots with a total of 85 'Residential' lots, 29 'Mixed-use/Residential' lots, 5 'General City' lots, 1 'Public Open Space' lot, 1 'Drainage' lot and 1 'Pump Station'.

The lots will be serviced by road reserves that vary from 12 metres in width where it abuts Joondalup Drive (northwest of the subject site), to 14 metres around the public open space to 16 metres for roads providing access/egress to Mclarty Avenue and Grand Boulevard.

The density for the residential land use is identified in the JCCDPM as R60. Residential purposes buildings in the Residential/Mixed Uses land use should as far as is practical comply with the R60 provisions. The Residential Design Codes nominate a minimum and average lot size of  $166 \frac{2}{3}m^2$  for R60 lots for the purpose of creating grouped dwelling (survey strata) lots and a minimum  $160m^2$  and average lot size of  $180m^2$  for green title (freehold) lots.

### **Residential Lots**

Most residential lots are serviced by rear laneways and are well connected to the movement network. A small number of lots, in the western part of the subdivision area have purposely been located to provide surveillance over both the public open space area and the future Joondalup Drive underpass. The location of these lots also conceals the location of the proposed drainage site from the street. The size of residential lots range from  $234m^2$  to  $404m^2$ , with one lot proposed at  $3671m^2$  for apartment development. All lot sizes conform to the requirements of the Residential Design Codes.

### **Mixed-Use/Residential & General City lots**

All 'Mixed-use/Residential' and 'General City' lots are serviced by rear laneways and have been specifically located to maximize exposure to main road links that run through the subdivision area such as McLarty Avenue, Piccadilly Circle and Grand Boulevard (Attachment 1). The General City lots south-west of the site have been located specifically to provide a 'main street' style entry to the university campus, while 'Mixed-use/Residential' development has been located adjacent the public open space and the university campus to provide for possible future restaurant, retail and office development close to amenities.

The size of both 'Mixed-use/Residential' and 'General City' lots vary to allow for a mixture of development. The 'Mixed-use/Residential' lots in particular are proposed in the form of small lots between  $270m^2$  and  $350m^2$  in area to larger lots between  $1795m^2$  and  $1947m^2$  to facilitate apartment-style development.

### **Public Open Space, Drainage & Pump Site**

The public open space lot is approximately  $8,000m^2$  in area and has been purposely located to provide a central focus to the subdivision area. To improve surveillance the proposed public open space lot is surrounded on all sides by streets to maximise views by residential and 'Mixed-use/Residential' lots.

Preliminary information indicates that the required 10% public open space contribution has been provided and that the lot has been located to maximise the retention of some native vegetation that has been identified in preliminary discussion with the landowners. It is recommended that these issues be conditioned as part of the subdivision approval.

The drainage site is approximately  $2823m^2$  in area and has been located west of the subdivision site adjacent to Joondalup Drive and the university campus. The site was purposely selected because it represents a suitable low point for drainage containment and it is screened from the subdivision area by residential housing to its north, eastern and possibly southern boundaries (University Campus) and Joondalup Drive to its western boundary. The Water Corporation pump station is well located away from the main built area.



### **University Campus**

The boundaries of the existing AIUS University Campus located at the corner of Shenton Avenue and Joondalup Drive are defined by the subdivision proposal and represent a total area of 4.864 Hectares. The university campus has significant land set aside for future development, for the purpose of student housing and campus expansion.

### **Joondalup Drive ‘Underpass’**

The JCCDPM identifies an ‘Underpass’ linking the east and west of Joondalup Drive. The subdivision area has been designed to ensure residential lots provide surveillance over the eastern side of the underpass providing for safer pedestrian access. The City outside of the subdivision application process will construct the underpass at some time in the future.

### **Joondalup City Centre Development Plan and Manual**

The JCCDPM currently sets out the development provisions for the subject land. It is proposed however to modify a portion of Plan A1 (Attachment 2) in light of the subdivision application proposed (Attachment 1). The modified plan provides for the following land uses:

- Residential;
- Mixed-use/Residential;
- General City Use;
- Public Open Space; and
- Education.

The proposed modifications are considered to be minor in nature as the general intent of the JCCDPM is being retained.

### **Statutory Implications**

#### *Subdivision Application (WAPC reference: 123218)*

The subdivision application is not in accordance with the JCCDPM and the Town Planning Delegations do not allow for City officers to recommend to the WAPC on applications that are generally inconsistent with approved Structure Plans, accordingly Council approval is required.

### **Joondalup City Centre Development Plan and Manual**

Under clause 9.7 of the scheme, Council may amend an agreed structure plan subject to the approval of the WAPC. Should Council determine that the modifications are satisfactory, the proposal will be advertised for public comment in accordance with clause 9.5 of the scheme.

Under the provision of clause 9.4 of DPS2, advertising of the structure plan subject to minor changes may be waived at the discretion of the Council. Should advertising be waived, Council then proceeds to either refuse to adopt the modifications to the structure plan or resolves that the modifications to the structure plan are satisfactory with or without changes.

## COMMENT

The proposed subdivision design creates a 'sense of place' by relocating the public open space centrally and ensuring surveillance of the park by providing a road interface on all frontages of the public open space. It is recommended that a condition be imposed to maximise the retention of some native vegetation. The proposed subdivision design also ensures that garages do not dominate streetscapes, traffic on frontage streets is reduced, concealment of both the drainage site and pump station site from the streetscape and surveillance over the future 'Joondalup Underpass' improving the safety of the space.

The relocation and configuration of 'Mixed-use/Residential' lots and 'General City' lots, particularly along Mclarty Avenue, provides an opportunity for mixed-use development to flourish and the opportunity for a number of 'main streets' to develop over time.

The proposed subdivision layout maintains a similar arrangement with vehicle access points onto Piccadilly Circle, Grand Boulevard and Mclarty Avenue as proposed previously under the JCCDPM. The proposed road layout is generally in accordance with that promoted by the WAPC 'Liveable Neighbourhoods - Guide to Subdivision Design' by distributing vehicular traffic and facilitating safe pedestrian movement. On-street parking bays will be provided in front of a number of lots although it is desirable that parking in the form of embayments be provided in front of all lots with rear laneway access. It is recommended that this be a condition of the subdivision approval.

The modifications are as a result of a natural progression since the inception of the plan (1997) and in essence retain the same principles in terms of land use and road design. This is due to the 'General City' and 'Mixed-use/Residential' interface along Grand Boulevard, Mclarty Avenue and Shenton Avenue being retained as well as the similar arrangement with vehicle access points onto Mclarty Avenue and Piccadilly Circle. Accordingly the proposed modifications as it relates to surrounding development is considered to be minor and is therefore unlikely to impact upon the surrounding landowners.

It is recommended that:

- 1 The WAPC be advised that the subdivision application is supported subject to a number of conditions; and
- 2 In accordance with provisions of Part 9.4 of DPS2, it is recommended that advertising of the proposed modifications to the JCCDPM be waived and that the JCCDPM forwarded to the WAPC for adoption and certification.

## ATTACHMENTS

- |              |   |
|--------------|---|
| Attachment 1 | Subdivision proposal (WAPC Reference 123218) – Area bounded by Grand Boulevard, Piccadilly Circle, Mclarty Avenue, Shenton Avenue and Joondalup Drive, Joondalup. |
| Attachment 2 | Plan A1 - Joondalup City Centre Development Plan and Manual   |

## VOTING REQUIREMENTS

Simple Majority

**MOVED Cmr Smith, SECONDED Cmr Anderson that the Joint Commissioners:**

- 1** pursuant to clause 9.4 of the City of Joondalup's District Planning Scheme No 2 **RESOLVE** that advertising of the Joondalup City Centre Development Plan and Manual be waived given that the modifications proposed are minor;
- 2** pursuant to clause 9.7 of the City of Joondalup District Planning Scheme No 2 **RESOLVE** that the modifications to the Joondalup City Centre Development Plan and Manual in accordance with Attachment 1 to Report CJ308-12/03 be adopted and submitted to the Western Australian Planning Commission for adoption and certification;
- 3** **ADVISE** the Western Australian Planning Commission that they support the proposed subdivision of Lot 850 and a Part Lot 901 Grand Boulevard, (WAPC Ref: 123218), Joondalup submitted by Chappell & Lambert on behalf of Landcorp & Excell Education Pty Ltd subject to the following conditions:
  - (a)** those lots not fronting an existing road being provided with frontage to a constructed subdivisional road connected by a constructed subdivisional road(s) to the local road system and such subdivisional road(s) being constructed and drained at the subdivider's cost to the specification and satisfaction of the City of Joondalup. As an alternative, the City is prepared to accept the subdivider paying to the City the cost of such works and giving an assurance to the Commission that the works will be completed within a reasonable period acceptable to the Commission;
  - (b)** street corners within the subdivision being truncated to the standard truncation of 8.5 metres;
  - (c)** the provision of 4.5 metre truncations at street/laneway intersections;
  - (d)** the provision of temporary turnaround facilities at the end of all subdivision roads, which are subject to future connections to the satisfaction of the City of Joondalup;
  - (e)** the provision of car parking embayments within the Road Reserve adjacent to all lots with lane way access to the specification and satisfaction of the City of Joondalup;
  - (f)** the provision of car parking embayments within the Road Reserve adjacent to the Public Open Space to the specification and satisfaction of the City of Joondalup;
  - (g)** the provision of pathways and dual use paths in accordance with the attached plan;

- (h) the land being graded and stabilised at the subdivider's cost to the specification and satisfaction of the City of Joondalup. Final ground levels to be co-ordinated with adjacent roads and development;**
- (i) the land being filled and/or drained at the subdivider's cost to the specification and satisfaction of the City of Joondalup and any easements and/or reserves necessary for the implementation thereof, being provided free of cost to the City;**
- (j) the drainage reserve shown on the plan dated 18 November 2003, being shown on the Deposited Plan as such and vested in the Crown under Section 20A of the Town Planning and Development Act, such land to be ceded free of cost and without any payment of compensation by the Crown to the satisfaction of the City of Joondalup;**
- (k) arrangements being made to the satisfaction of the City of Joondalup for the provision of temporary drainage facilities, should subdivision proceed prior to the construction of drainage facilities for the Structure Plan area;**
- (l) a 0.1 metre pedestrian access-way being provided along the entire western and southern lot boundaries and a portion of the northern boundary to prevent vehicle access onto Grand Boulevard, Shenton Avenue, Piccadilly Circle and Joondalup Drive as per attached plan;**
- (m) that all laneways be designed to provide adequate turning area for service vehicles;**
- (n) that all laneways be designed to provide adequate bin placement for service vehicle pick-up;**
- (o) the proposed public open space lot shown on the plan submitted, being shown on the Deposited Plan as a "Reserve for Recreation" and vested in the Crown, under Section 20A of the Town Planning and Development Act 1928, such land to be ceded free of cost and without payment of compensation by the Crown. The amount of public open space required is to be 10% of gross land area in accordance with Commission policy;**
- (p) the landowner is required to submit a schedule detailing all drainage and public open space requirements for the proposed subdivision area;**
- (q) measures being taken to the satisfaction of the City of Joondalup to ensure identification and protection of any vegetation on the site worthy of retention prior to commencement of site works;**
- (r) that vehicle crossovers be provided for lots identified on the plan attached to the specification and satisfaction of the City of Joondalup;**

- 4 PROVIDE the following advice to the Western Australian Planning Commission in regard to the subdivision proposal:**
- (a) the City of Joondalup approval to subdivision should not be construed as an approval to development on any of the lots proposed;**
  - (b) with regards to Condition (q) the applicant is required to identify vegetation on site that is worthy of retention and present this information to the City of Joondalup for assessment. Clearing of land will occur once the City is satisfied that the necessary steps to seek the retention of vegetation have been done.**

**The Motion was Put and**

**CARRIED**

*Appendix 17 refers*

*To access this attachment on electronic document, click here: [Attach17brf091203.pdf](#)*

**CJ309 - 12/03 PROPOSED SINGLE HOUSE (GARAGE ADDITION)  
LOT 564 (3) MANDARA COURT, DUNCRAIG –  
[73085]**

**WARD - South Coastal**

---

**PURPOSE**

The purpose of this report is to request Council's determination for a garage addition to an existing dwelling. The proposal incorporates a number of variations and the City has received objections to the proposal.

**EXECUTIVE SUMMARY**

The application is for the addition of a side loading garage and storage area to an existing single house.

The proposed addition is to be located in the front setback area of the lot resulting in the front setback variations.

The application has been 'called in' by Councillor Gollant for determination by Council, in accordance with the provisions of the Notice of Delegation.

The addition it protrudes outside of the building threshold envelope. To obtain access to the garage, much of the front garden will be used for a driveway.

Due to its location, the proposed development has the potential to impact on the streetscape. The garage design presents a street façade that includes windows to the street and matches the existing street façade of the dwelling.

It is concluded that the proposal will have a positive impact on the streetscape, and it is therefore recommended for approval.

## **BACKGROUND**

**Suburb/Location:** Lot 564 (3) Mandara Court, Duncraig  
**Applicant:** Grazia Ricciardo, Joseph Ricciardo  
**Owner:** Grazia Ricciardo  
**Zoning:** **DPS:** Residential  
**MRS:** Urban

The subject site is located in a R20 residential area and is 938m<sup>2</sup> in area. The lot is located along the northern side of Mandara Court and adjoins a corner block along its western boundary.

The existing development is a double storey dwelling, and includes a tennis court and swimming pool. A double garage and a tandem garage for 2 vehicles provide car parking within the existing dwelling for four vehicles.

Development within the area is subject of the provisions of the City of Joondalup District Planning Scheme No 2 (DPS2) and the Residential Design Codes 2002.

A location plan is Attachment 1 and the plans are Attachment 2.

## **DETAILS**

The proposed addition is approximately 46m<sup>2</sup>, and the existing dwelling is approximately 340m<sup>2</sup>.

As the side boundary is at an angle to the dwelling, the length of the proposed garage varies from 6 metres at the wall adjoining the dwelling to 8 metres on the elevation closest to the street.

Currently a solid wall 1.8 metres in height exists along the front boundary screening the area where the garage is proposed. The verge is well landscaped with a number of oak trees, lawn and flowering plants.

As the proposed addition will result in the front wall being removed for the extent of the addition, the proposed addition will result in additional front landscaping being visible from the street.

Judging from conversations with the neighbours, the applicant appears to be a lover of vintage cars. There appears to be regular early morning weekend activity associated with the cars, including meetings, which attract other vehicle enthusiasts, and the neighbours are concerned about the noise.

**Statutory Provision:****Residential Design Codes 2002 (R-Codes)**

Clause 2.3.1 to 2.3.4 of the Residential Design Codes provide for the approval process under the Codes, where Clause 2.3.4 specifically allows for the exercise of discretion.

The relevant clauses of the R-Codes are as follows:

***2.3.4 Exercise of Discretion***

- (1) *Where Codes Approval is required the applicant shall make an application in accordance with the form set out in Appendix 1 to the Codes to the Council for approval. Subject to clause 2.3.4(2) and (3) the Council is to exercise its discretion in considering provided in the Codes.*
- (2) *Discretion shall be exercised having regard to the following considerations:*
  - (i) *the stated purpose and aims of the Scheme;*
  - (ii) *the provisions of Parts 2,3 and 4 of the Codes, as appropriate;*
  - (iii) *the Performance Criterion or Criteria in the context of the R-coding for the locality that correspond to the relevant provision;*
  - (iv) *the explanatory text of the Codes that corresponds to the relevant provision;*
  - (v) *any Local Planning Strategy incorporated into the Scheme;*
  - (vi) *a provision of a Local Planning Policy pursuant to the Codes and complying with sub-clause (5) below; and*
  - (vii) *orderly and proper planning.*
- (3) *A Council shall not vary the minimum or average site area per dwelling requirements set out in Table 1 except as provided in the Codes or in the Scheme.*
- (4) *A Council shall not refuse to grant approval to an application in respect of any matter where the application complies with the relevant Acceptable Development provisions, local planning policy and relevant provisions of the Scheme.*
- (5) *For the purpose of the Codes, a local planning policy will be a relevant consideration in the exercise of discretion where the Policy:*
  - i is specifically sanctioned by a provision of the Codes; and*
  - ii is not inconsistent with the Codes.*

The performance criteria of the clauses for which variations are sought are as follows:

***3.2.1 Setback of Buildings Generally***

*P1 Buildings set back an appropriate distance to ensure that they:*

- contribute to the desired streetscape;
- provide adequate privacy and open space for dwellings; and
- allow safety clearances from easements for essential service corridors.

### 3.3.2 Buildings on Boundary

*P2 Buildings built up to boundaries other than the street boundary where it is desirable to do so in order to:*

- make effective use of space; or
- enhance privacy; or
- otherwise enhance the amenity of the development; and
- not have any significant adverse effect on the amenity of the adjoining property; and
- ensure that direct sun to major openings to habitable rooms and outdoor living areas of adjoining properties is not restricted.

#### Development Standards under the R-Codes/Council Policy

The proposal seeks the following variations to the applicable development standards.

- A front setback of a minimum of 1.5 metres in lieu of 3 metres
- An average front setback of approximately 5 metres in lieu of an average of 6metres.
- A boundary wall setback 5.1m from the front boundary, in lieu of 6m
- A portion of the garage also exceeds the Building Height Envelope established under Council Policy 3.1.9.

#### Applicant's Justification

The applicant has advised that:

- The additional garage is required to house the vehicle of the daughter, who will be getting her driving licence this year.
- The area where the proposed garage will be located is currently a large grassed area that is not being used and watering this area is considered to be a waste.

In regard to the proposed variations, the applicant states:

- Streetscape

*Currently there is a screen wall with hedges. We would propose that these hedges be replaced and planted against the new building and that the verge continue to be lush green lawn and trees as present.*

- Building Setbacks

*We are proposing a 1.5 metre front setback at the closest point so that 2 car access can be obtained. In working out our average setback we come to the average of 5950mm – 50mm short of the 6 metre average required. We would hope that the Council would consider this with high regard.*



- Buildings on Boundary

*As you have already received, owners affected by the boundary wall have already given written consent. In addition the left-hand boundary where the parapet is proposed is some 6 metres away from the neighbour's home. This is our neighbour's rear yard.*

*The right-hand boundary has a limestone high wall housing a tennis court so there is no detrimental effect on any neighbour.*

### Consultation:

The proposal was advertised in writing to 9 nearby owners, allowing a comment period of 14 days.

A total of five responses was received, being 1 objection and 4 non-objections. However, further correspondence was subsequently from one of the submitters of the non-objection, stating that there is a number of concerns.

The objection is on the following grounds:

Objection	Officer Comment
The existing front screen wall is not accurately shown on the plans.	The location of the screen wall appears to be accurately depicted, however, the architectural indentations of the wall are not shown.
The proposal will dramatically change the streetscape by the bulk of the addition on the boundary and the removal of the existing screen wall.	It is agreed that the streetscape will be changed by the removal of the existing screen wall. However, it is considered that this will have a positive impact on the streetscape, as blank screen walls generally do not contribute to an attractive streetscape. The area in front of the proposed garage can be landscaped, and the elevation of the garage will match that of the existing dwelling. It is also noted that due to the angle of the front boundary, the 1.5m front setback only occurs for a portion of the garage, not the total frontage.
The daughter's car is currently being housed in one of the existing garages.	Noted. However is not relevant in considering the proposed variations to the R-Code standards

The concerns are as follows:

<b>Concerns</b>	<b>Officer Comment</b>
Any removal of the boundary wall will significantly change the existing character of the street	It is agreed that the streetscape will be changed by the removal of the existing screen wall. However, it is considered that this will have a positive impact on the streetscape, as blank screen walls generally do not contribute to an attractive streetscape. The area in front of the proposed garage can be landscaped, and the elevation of the garage will match that of the existing dwelling. It is also noted that due to the angle of the front boundary, the 1.5m front setback only occurs for a portion of the garage, not the total frontage.
Some concerns regarding so many vehicles in a small court area	There is no legislation that limits the number of garages that can be permitted in conjunction with a dwelling.
We understand that the mini car is at present successfully housed in one of their garages.	Noted

In summary, the neighbours' main issue appears to be that an additional garage will serve to intensify the weekend activities. This issue is, however, not directly related to the proposed garage, and any issues in regard to the activities on the site including noise concerns would be investigated separately should complaints be received from the adjoining owners.

## COMMENT

### Minimum front setback of 1.5m in lieu of 3m

The current dwelling has a front setback of a minimum of 5 metres. With the addition of the proposed garage, a minimum front setback ranges from 1.5 metres to 3.4 metres, due to the relatively severe angle of the front boundary. Approximately 5m<sup>2</sup> of the garage, which is effectively only the south-eastern corner of the garage, is forward of the 3 metre line. The area for which discretion is sought is considered minimal in relation to the overall development.

The elevation of the proposed garage includes windows facing the street and a pitched roof. This ensures that the garage will match the style of the existing dwelling. This façade can be considered to be an improvement to the existing blank front wall, and is therefore expected to contribute positively to the streetscape.

### 5 m Average Front Setback in lieu of 6m Average

The house currently exceeds the front 6 metre average setback by approximately 11m<sup>2</sup>.

With the addition of the garage, the front setback average is exceeded by approximately 44m<sup>2</sup>, which in this instance is equivalent to a front setback variation of approximately 5 metres.

However, with the removal of the front fence (a brick wall) for the extent of the addition, more landscaping area facing the street will be available. Despite an increase in the front setback variation, the proposed addition is likely to provide a greater sense of openness than currently exists due to the fence modification, which in turn will have a positive impact on the streetscape.

It is considered that the proposal meets the performance criteria under clause 3.2.1 of the Residential Design Codes and the variation of the average front setback is therefore supported.

#### Boundary wall setback 5.1m from the front boundary, in lieu of 6m

An existing structure on the adjoining property is located with a setback of 2.5 metres from Mandara Court. The proposed boundary wall setback 5.1 metres, considered to be minimal in this context, and will therefore not have any detrimental impact on the streetscape.

It is considered that the proposal meets the performance criteria under clause 3.3.2 of the Residential Design Codes and is therefore supported.

#### Exceeding the Building Threshold Envelope under Policy 3.1.9

The proposal exceeds the building threshold envelope at the boundary, with the gable end parapet wall and roof pitch exceeding by a maximum of 1 metre (see Attachment 2).

The wall will be obscured from view by the garage structure on the adjoining property, and as such the protrusion of the envelope will not be noticeable. The affected adjoining owner has no objection to the proposal. It is therefore not expected to have a negative impact on the amenity of the adjoining property.

#### Conclusion

Although the proposed addition includes a number of variations, each is supported, and it is therefore considered that the proposal will not have a negative impact on the streetscape. The proposal is recommended for approval.

#### **ATTACHMENTS**

Attachment 1: Location plan  
Attachment 2: Development plans

#### **VOTING REQUIREMENTS**

Simple Majority

**OFFICER'S RECOMMENDATION:** That the Joint Commissioners:

- 1 EXERCISE discretion under clause 2.3.4 of the Residential Design Codes 2002 and determines that the performance criteria under clauses 3.2.1, 3.3.2 and 3.5.4 of the Codes have been met and therefore:

- (a) a variation of the minimum and average front setback requirements;
  - (b) a parapet wall within the front setback area; and
  - (c) the proposed crossover width are appropriate in this instance;
- 2 CONSIDER that the proposal exceeding the Building Height Envelope under Policy 3.1.9 is appropriate in this instance;
- 3 APPROVE the application dated 21 August 2003 submitted by Grazier Ricciardo and Joseph Ricciardo, the applicants and owners, for a garage and store addition on Lot 564 (3) Mandara Court, Duncraig, subject to the following conditions:
- (a) the material and finishes of the proposed addition shall complement the existing development on site;
  - (b) the parapet wall being of clean finish and made good to the satisfaction of the City;
  - (c) the landscaping of the area between the front elevation of the addition and the street boundary to be in accordance with the landscaping plan submitted, and established within 30 days of the completion of the garage to the satisfaction of the City;
  - (d) No street trees to be removed.

**MOVED Cmr Smith, SECONDED Cmr Anderson that the application for a Proposed Single House (Garage Addition) Lot 564 (3) Mandara Court, Duncraig be DEFERRED until the next meeting of Joint Commissioners scheduled to be held on 17 February 2004 pending a site inspection by Commissioners and Council officers.**

**The Motion was Put and**

**CARRIED**

*Appendix 19 refers*

*To access this attachment on electronic document, click here: [Attach19brf091203.pdf](#)*

**CJ310 - 12/03      PROPOSED DEVELOPMENT APPLICATION FOR  
THE MULLALOO BEACH PROJECT CONCEPT  
PLAN – BEACHSIDE PROMENADE DUAL USE  
PATH AND ASSOCIATED RETAINING WALLS  
(STAGE 1) – [48840]**

**WARD -** Whitford

---

**PURPOSE**

Council is requested to consider and adopt stage 1 works of the Mullaloo Beach Project Concept Plan (MBPCP) comprising the beachside promenade dual use path and associated retaining walls so that a development application can be submitted to the Department for Planning and Infrastructure (DPI) for approval to be granted.

Council is also requested to note the intention to finalise tendering arrangements for stage 1.

**EXECUTIVE SUMMARY**

During recent budget deliberations, funding has been reduced for this project in 2003-2004. As a result, the project will need to be undertaken in three stages.

Stage 1 seeks to construct the beachside promenade dual use path and associated retaining walls (representing design elements 5 & 18 on the MBPCP shown in Attachment 1). Current budget funds of \$285,000 will be used and the location and design is in accordance with Council's previous resolution of December 2002 and shown in Attachment 2. The tender document shall include an option with respect to the use of either mass limestone or reinforced earth technology for the retaining walls.

It is recommended that the Joint Commissioners consider and adopt stage 1 works so it can be submitted to the DPI for approval and once approved, That the Joint Commissioners note the intention to finalise tendering arrangements for stage 1.

Proposed enhancements to the Tom Simpson Park grassed area are proposed to be the subject of further detailed design and subsequent evaluation.

**BACKGROUND**

**Suburb/Location:** Mullaloo Beach Foreshore, including Tom Simpson Park  
**Applicant:** N/A  
**Owner:** City of Joondalup & Crown (Vested – City of Joondalup)  
**Zoning:**     **DPS:** Reserve 32074 - MRS Reserves 'Parks and Recreation'  
                  **MRS:** Reserve 32074 - "Parks & Recreation"  
**Strategic Plan:** 1.3.1 - Provide leisure and recreational activities aligned to community expectations, incorporating innovative opportunities for today's environment.

3.1.1 - Plan the timely design, development, upgrade and maintenance of the City's infrastructure.

3.1.2 - Facilitate the safe design, construction and approval of all buildings and facilities within the City of Joondalup.

3.1.3 - Create and maintain parklands that incorporate nature and cultural activities accessible to residents and visitors

- May 2001 - Council resolved that the MBPCP be redrafted by taking into account the concerns raised in the submissions and the community consulted on the reviewed plan. In September 2001 this resolution was rescinded and Council requested a further report detailing relative priorities, indicative costings and phasing of the elements on the MBPCP.
- March 2002 - Council resolved to undertake further community consultation in respect to the redrafted plan. The community was invited to comment on the revised plan during a consultation period from March to May 2002. The community was generally supportive of most of the 32 design elements outlined on the revised plan, however, there generally was opposition to element 31 that sought to rationalise existing parallel parking within the Mullaaloo Drive road reserve to 90 degree parking and as such, this design element was subsequently removed from the MBPCP.
- December 2002 - Council resolved to support and adopt the MBPCP and matters to be addressed at the detailed design phase of the project. Council also supported and adopted the preferred design layout for the beachside promenade pathways and the budget shortfall being considered at the 6 month capital works budget review period. Finally, Council required a further report that details priorities, costing and phasing of the MBPCP to be presented to Council for further consideration, having regard to the detailed comments and suggestions made by the public during the consultation period.

## **DETAILS**

### **Beachside Promenade Dual Use Path and Associated Retaining Walls (Stage 1)**

Stage 1 involves the construction of the beachside promenade dual use path and associated retaining walls (representing design elements 5 & 18 on the MBPCP) using current budget funds of \$285,000, with the location and design being in accordance with Council's previous resolution of December 2002 and shown in Attachment 2.

The path is comprised of red bitumen, line marked and ranges in width from 3.5 to 4.5 metres for the section of the path that abuts the northern car park. The path terminates at the northern side of the existing surf club building, and links up with the existing dual use path running along Oceanside Promenade to the north.

Stage 1 is subject to Council and DPI approval. The tender document shall include an option with respect to the use of either mass limestone or reinforced earth technology for the retaining walls and the envisaged completion date is May 2004.

### **Future Stages 2 & 3**

Stage 2 seeks to carry out works upon Tom Simpson Park and the adjoining foreshore reserve (comprising design elements 6, 12 to 17 and 23 to 30 of the MBPCP shown in Attachment 1). Stage 3 seeks to carry out all other outstanding design elements (predominantly those relating to Oceanside Promenade road carriageway and northern car parking area) as per the MBPCP shown in Attachment 1. Works in both stages are subject to further design, Council and DPI approval and as such, a further report is to be presented to Council upon completion of design.

### **Statutory Provision:**

Under the Metropolitan Region Scheme (MRS), clause 10 states that no development of land within the metropolitan region shall be commenced or continued without the approval of the responsible authority except as otherwise provided within the MRS. Parts II of the MRS set out the requirements for approval in relation to the development of land reserved under the MRS.

With respect to reserved land (Reserve 32074, being the land to the north of the entry/exit road to the surf club), clause 13 of the MRS reiterates the general obligation to obtain approval for any development on land reserved under the MRS. Stage 1 works on Reserve 32074 is not exempt from requiring a planning approval.

In this case, as development is proposed upon reserved land, the City must seek and obtain the DPI's approval prior to commencement of works.

### **Consultation:**

Significant community consultation has been undertaken on several occasions for the MBPCP. The latest round of community consultation occurred in March to May 2002, whereby the community was invited to comment, via an advertisement placed in the Wanneroo Times and Joondalup Community Newspapers during March 2002.

At the closure of the consultation period, a total of thirty one (31) individual submissions were received, 56 standard forms (15 of these were modified) and three petitions (116, 117 and 503 signatures), with the 503 signature petition being received outside of the consultation period.

In general, the majority of the submissions received were supportive of the elements shown on the advertised version of the MBPCP. However, there was general opposition to element 31 that sought to rationalise existing parallel parking along the Mullaloo Drive road reserve to 90 degree parking. As a result, this design element was subsequently removed from the MBPCP that was subsequently supported and adopted by Council at its meeting in December 2002.

Many of the comments and suggestions made during the consultation period were specific in nature and have been incorporated into the detailed design of the beachside promenade path. It should be noted that the design does not seek to reduce the grassed area of Tom Simpson Park and natural foreshore vegetation.

In recent times, it has become apparent that some community interest groups wish to have further input on the design options for the park. Accordingly, the detailed design of the grassed area will be further developed with selective consultation, as necessary.

### **Financial Implications:**

<b>Account No:</b>	2174: Mullaloo Foreshore Dual Use Path: \$214,000 2176: Mullaloo Beach Project: \$71,000
<b>Budget Item:</b>	Corporate Project
<b>Budget Amount:</b>	\$285,000 in total
<b>YTD Amount:</b>	\$
<b>Actual Cost:</b>	\$

### **Strategic Implications:**

The recreational use of this area is expected to increase in the future, by local residents, those residing within the City of Joondalup and those from the remainder of the Perth metropolitan area. Like many other similar beach nodes along the west coast, the popularity of these recreational areas is also increasing, which in turn places additional pressure upon facilities provided within such recreational areas.

Mullaloo beach is recognised as one of the City's premiere beaches and as such, the upgrading of the area is seen to be of vital importance so that it continues to remain a popular place to recreate.

Additionally, this project will compliment the Sorrento beach project, whereby both are significant facilities capable of sharing the demands placed upon them by the general public.

### **Sustainability Implications:**

Materials proposed are envisaged to be aesthetically pleasing and in keeping with the existing built and natural environment, with the use of locally sourced materials/contractors where practicable.

### **COMMENT**

The beachside promenade dual use path is an extension of the existing dual use path that runs along Ocean side Promenade to the north and terminates at the existing surf club building to the south (Refer Attachment 2). It is an important element of the park with respect to pedestrian and cyclist use as part of the greater regional ocean path network. The path also acts as the main feeder path into the various beach access paths leading to the ocean, including access to/from the car park and surf club.

The existing path comprises of concrete slabs, with many of these slabs being cracked and uneven. The provision of a new path will eradicate any safety issues, whilst improving usability for both pedestrians and cyclists.

The current location of the beachside promenade dual use path and associated retaining walls has previously been endorsed by Council at its meeting in December 2002. The City has current budget funds available to construct the path and as such it is recommended that the Joint Commissioners considers and adopt works comprising stage 1 of the project.



## ATTACHMENTS

- Attachment 1 Mullaloo Beach Project Concept Plan (March 2002).  
Attachment 2 Location of beachside promenade dual use path (October 2003).

## VOTING REQUIREMENTS

Simple Majority

**MOVED Cmr Anderson, SECONDED Cmr Smith that the Joint Commissioners:**

- 1 CONSIDER and ADOPT Stage 1 works comprising the beachside promenade dual use path and associated retaining walls shown in Attachment 2 to Report CJ310-12/03;**
- 2 NOTE that works will commence for the construction of the Dual Use Path and retaining walls under the current budget;**
- 3 NOTE that a further report on subsequent stages will be provided to the Joint Commissioners in early 2004.**

**The Motion was Put and**

**CARRIED**

*Appendices 22 and 22(a) refer*

*To access this attachment on electronic document, click here: [Attach22agn161203.pdf](#)  
[Attach22aagn161203.pdf](#)*

**CJ311 - 12/03 CHANGE OF APPLICANT – ARENA COMMUNITY SPORT AND RECREATION ASSOCIATION BEING REPLACED BY CITY OF JOONDALUP - COMMUNITY SPORT AND RECREATION FACILITIES FUND 2003/04 SUBMISSION PRIORITISATION – [22209] [05005]**

**WARD - All**

---

## PURPOSE

To seek the approval of the Council for the City of Joondalup to become the named applicant for the grant submission to the Community Sport and Recreation Facilities Fund (CSRFF) grant programme on behalf of the Arena Community Sport and Recreation Association.

## EXECUTIVE SUMMARY

By Council resolving to enable a change of name of the CSRFF applicant (from Arena Community Sport and Recreation Association to City of Joondalup), the City will facilitate the progress of this worthwhile application to be considered by the CSRFF Assessment Panel. It is therefore considered that the recommendation be:

*That the Joint Commissioners AGREE that the City of Joondalup replaces the Arena Community Sport and Recreation Association as the nominated applicant for a grant of \$540,000 to be submitted to the Community Sport and Recreation Facilities Fund, for works to be undertaken at Arena Joondalup as per Council resolution CJ246-10/03 of 21 October 2003.*

## BACKGROUND

At the Council meeting of 21 October 2003 it was resolved: That Council:

- "1. *NOTES the details of the Community Sport and Recreation Facilities Fund applications reviewed and outlined in this report and endorse the relevant priority ranking, rating and funding recommendations allocated to each project, as stated below:*

<i>Rank</i>	<i>Applicant</i>	<i>Rating</i>
<i>1</i>	<i>Arena Community Sport And Recreation Association</i>	<i>Well planned and needed by municipality</i>
	<i>- Joondalup And Districts Rugby League Club</i>	
	<i>- Joondalup Netball Association</i>	
	<i>- Joondalup Little Athletics Centre</i>	
	<i>- Joondalup Brothers Rugby Union Football Club</i>	
<i>2</i>	<i>Sorrento Bowling Club</i>	<i>Well planned and needed by municipality</i>
<i>3</i>	<i>Beaumaris Bowling Club</i>	<i>Not recommended</i>
<i>4</i>	<i>Ocean Ridge Cricket Club</i>	<i>Withdrawn application</i>
<i>2</i>	<i>LISTS \$480,175 for consideration in the 2004/05 draft budget as Council's part contribution towards the development of clubrooms, function room, storage, hard-stand floodlit netball courts and a redeveloped sports oval at the Arena Joondalup, subject to:</i>	

- *The formation and incorporation of the Arena Community Sport and Recreation Association being endorsed by Council;*
  - *The Arena Community Sport and Recreation Association being successful in receiving \$540,000 from a CSRFF grant;*
  - *The Arena Community Sport and Recreation Association and/or WA Sports Centre Trust agreeing to meet the future operating and maintenance costs of the facilities included in the project;*
  - *The Arena Community Sport and Recreation Association being successful in securing a commercial loan for \$459,825; and*
  - *Council's liability to this project being limited to a once-off financial contribution of \$480,175;*
- 3 *LISTS \$11,907 for consideration in the 2004/05 draft budget as Council's part contribution towards floodlighting, subject to the Sorrento Bowling Club being successful in receiving a CSRFF grant and that the club agrees to meet the operating costs of additional floodlights;*
- 4 *ADVISES the Beaumaris Bowling Club that the project proposed is not recommended for Council support as the costs associated with this project are regarded as an operational expense that should be met by the club; and*
- 5 *NOTES the proposal from Ocean Ridge Cricket Club, and the City's offer to work in conjunction with the Club to develop a comprehensive project plan and scope of works to redevelop Heathridge Park, to enable the Club to be put forward an effective proposal / application in next year's round of CSRFF."*

The resolution was proscriptive in its wording so as to ensure that no one club was responsible to any greater or lesser degree than the other partners in the project.

The project as proposed is considered an excellent opportunity for the City as it facilitates the development of infrastructure needed by four clubs within the City. The needs of these clubs have been long standing and resolution of the clubs needs would have come at a far greater cost to the City if they were to be undertaken on an individual basis and not in a collective manner as proposed though this project.

The clubs involved in this project have responded well to Council's decision to offer support for this project. A working party has been established and the following tasks are presently being undertaken.

- 1 Memorandum of understanding is being established between the member clubs
- 2 A Constitution is being developed for the new Arena Community Sport and Recreation Association
- 3 A Business Plan for the association is being developed (Arena Joondalup has engaged the services of Consultant from Lesley Solly and Associates to ensure this project is completed in a professional manner)
- 4 Funding is being sought as the clubs' matching contribution to the City of Joondalup's support.

## DETAILS

The City and management from Arena Joondalup have been forced to undertake discussions with the Department of Sport and Recreation over the name of the applicant that is responsible for this grant submission.

Council's resolution is clear that the applicant is the Arena Community Sport and Recreation Association, which will be made up of the following bodies.

- Joondalup Giant Rugby League Club
- Joondalup Brothers Rugby Union Football Club
- Joondalup Little Athletics Centre
- Joondalup Netball Association

These clubs will, under a jointly formed constitution, become the Arena Community Sport and Recreation Association.

The application to the Department of Sport and Recreation for the Community Sport and Recreation Facilities Fund was submitted in the name of the Joondalup Giants Rugby League Club. This was intended as a temporary step, which would allow the application to be submitted within the appropriate time frame. Progress in the meantime is being made in formalising the requirements of the formation of the Arena Community Sport and Recreation Association. Timing and technicalities have meant that the application has been stalled for the following reasons.

- 1 The Council's resolution is clear as to who the applicant is; this being the Arena Community Sport and Recreation Association.
- 2 The Arena Community Sport and Recreation Association is not at this time eligible to apply for a CSRFF grant as an applicant as it is not a constituted body.
- 3 The Arena Joondalup or the West Australian Sports Centre Trust is a government instrumentality and therefore also not eligible to seek CSRFF funding.

The systems and processes of the Department of Sport and Recreation demand that an eligible applicant must be nominated for the project before the start of January 2004. Given the work that needs to be completed and the relevant statutory advertising days (14 days for a constitution) the time frame is not possible.

The potential solutions to the problem faced by all parties associated with this project are:

- 1 The project is delayed for 12 months to allow for all of the necessary matters to be resolved.
- 2 The City resolves to allow a change to its resolution of the 21 October 2003, to enable the submission to the Community Sport and Recreation Facilities Fund to proceed in the name of the Joondalup Giants Rugby League Club.
- 3 The City of Joondalup nominates itself as the applicant to the project. As the applicant, the City would meet all of the funding sources eligibility requirements.

## COMMENT

The predicament that has been faced by this project is one of timing and process. By resolving to enable a change of name of the applicant, the City will facilitate the progress of this worthwhile application to be considered by the Community Sport and Recreation Facilities Fund Assessment Panel.

The suggested solutions to this situation as proposed previously are:

- 1 That the project should be delayed by 12 months to enable all fundamental preparations to be put in place by the Arena Community Sport and Recreation Association.
  - Whilst this is a strong option it would be disappointing to hinder the momentum of a group of member clubs towards achieving their objective. The workload that is required should be completed by early February 2004, which is before any announcement from the CSRFF grants programme. The matter would also be resolved before Council has had time to consider its future funding options through the 2004/05 budget process.
- 2 The changing of Council's resolution to allow the application to proceed in the name of the Joondalup Giants Rugby League Club.
  - Whilst this is feasible it is not a preferred option as it does increase the emphasis of the project towards one of the member clubs. It was for this reason that the officers sought for the application to be forwarded in the name of the Arena Community Sport and Recreation Association, which will ultimately be the responsible body.
- 3 The option of making the City the applicant.
  - This proposal seems to be the best option from a logistics perspective. The City is an eligible applicant, it is also an existing stakeholder in the project, in that it is providing one third of the funding.

From the City's perspective its position within the project is enhanced as it would be the provider of two thirds of the funds, of which one-third will be received from the state government. This scenario would therefore alleviate the concerns of some of the elected members who previously expressed fears about committing funds to this project. The City would hold all of the funds other than those allocated to the project by the four clubs who eventually constitute the Arena Community Sport and Recreation Association. The project would therefore not be allowed to proceed unless the City was fully satisfied that all aspects had been taken care of appropriately.

## ATTACHMENTS

Nil

## VOTING REQUIREMENTS

Simple Majority

**MOVED Cmr Drake-Brockman, SECONDED Cmr Fox that the Joint Commissioners AGREE that the City of Joondalup replaces the Arena Community Sport and Recreation Association as the nominated applicant for a grant of \$540,000 to be submitted to the Community Sport and Recreation Facilities Fund, for works to be undertaken at Arena Joondalup as per Council resolution CJ246-10/03 of 21 October 2003.**

To a query raised by Cmr Smith, Director Planning and Community Development advised that all clubs involved in this issue had been briefed at a meeting held on 15 December 2003.

**The Motion was Put and**

**CARRIED**

**CJ312 - 12/03 JOONDALUP COMMUNITY ART GALLERY –  
[77549] [19180]**

**WARD - All**

---

## PURPOSE

This report seeks Council approval to lease Units 4-6 No 48 Central Walk, Joondalup for the venue for the Joondalup Community Art Gallery or similar purpose.

## EXECUTIVE SUMMARY

Community Development Services staff have identified Units 4-6 #48 Central Walk, Joondalup as a preferred venue for the proposed community art gallery. The City has obtained detailed set up costs associated with the venue and a draft lease agreement has been negotiated.

*It is recommended that the Joint Commissioners APPROVE the lease of units 4-6 No. #48 Central Walk, Joondalup subject to mutually agreeable terms and conditions being negotiated.*

## BACKGROUND

In an effort to enliven the Joondalup city centre and meet regional cultural development needs, it has been proposed that the city work with the local community to establish a community art gallery and workshop facility within a vacant shop in the Joondalup city centre.

The gallery project fits strategically within the objectives of the CBD Enhancement Program and the Cultural Development Program. The gallery would support local artists and result in year round animation of the city centre and provide a focal point for the CBD and supporting other businesses within that area. The gallery would also complement other activities such as the Joondalup Night Markets, Summer Events Program and Joondalup Festival.

The community art gallery would provide a much-needed venue for local artists to display and sell their artworks. The workshop facility would offer a venue for artists to develop their art practice, hold art classes and demonstrations, and provide a central meeting place. The general public would also be encouraged to attend exhibitions & public programs. The gallery will also be made available as a meeting place for other community groups.

It is proposed that the City will lease the venue, assist with the set up of the infrastructure of the gallery and contribute to the ongoing running costs of the gallery and workshop space. The Joondalup Community Arts Association business plan is included with this report and incorporates an annual budget and management structure.

### **Community Consultation**

It is evident that the local arts community is keen to get involved with Council run activities, as demonstrated through high participation in events such as the Community Art Exhibition, Public Art projects, Invitation Art Award and Joondalup Festival.

Through the Cultural Development Unit's annual visual arts program, the City is aware of Joondalup's strong artistic community and its desire to exhibit locally. There are almost 650 artists residing within the region and three local art societies, however, there is no suitable facility in the region to host exhibitions or workshops.

Through a detailed community consultation process it is evident that several hundred local artists would like to be involved with a new visual arts venue in Joondalup (refer to Attachment 3 - Joondalup Community Arts Association Business Plan).

Considerable community support exists for the community art gallery project and a volunteer gallery working group has been established to:

- facilitate the set up of an independent incorporated association, known as the Joondalup Community Arts Association (incorporated on 17 October 2003).
- attend gallery management and exhibition training (completed in June 2003).
- develop a business plan for their activities (refer Attachment 3 – Joondalup Community Arts Association Business Plan).
- coordinate the Joondalup Community Arts Association inaugural AGM on the 17 December 2003.

In summary:

- 100 artists attended a community consultation meeting in March 2003.
- 12 artists formed a working party to advise on the community's interests and have been working with council from April – December 2003.

- 125 artists have indicated they would like to exhibit and/or participate in workshops.
- 377 have registered their interest in becoming involved.
- 650 artists have been invited to join the Joondalup Community Arts Association.

### **Community Arts Facilities Within Perth**

The only community art gallery in the northern suburbs is the Gloucester Lodge Art Gallery in Yanchep National Park operated by the City of Wanneroo. This venue has very limited facilities and restricted access (visitors must pay to enter the national park and the gallery requires exhibiting artists to book a year in advance) and is likely to close due to the poor condition of the building.

Other Local Governments in Perth that operate art galleries and studios are:

- City of Fremantle – Fremantle Arts Centre and the Moore’s Building
- City of Melville – Heathcote Arts Centre and Atwell Art Gallery
- City of Nedlands – Tressillian Community Centre
- Shire of Mundaring – Mundaring Arts Centre

The proposed Joondalup Performing Arts Centre will offer a vitally needed public venue for use by community and professional arts groups and may also function as a visual art exhibition venue. It is proposed that until a regional performing arts venue is built, the possibility exists to utilize some of the vacant shop spaces in Central Walk as a gallery and workshop facility.

The Council is in a prime position to offer assistance to community arts groups and enhance cultural activity in a similar way that the Council supports recreation services to community sporting groups.

### **Benefits**

The gallery and studio space would provide the following benefits:

- an opportunity for the local arts community to develop skills and experience with displaying and promoting their artworks;
- a venue for artists to exchange ideas, learn new skills and discuss the visual arts;
- mentoring of younger artists and development of their professional practice;
- development of a local cultural industry and cultural tourism in the region – in addition to supporting local artists there is the potential to showcase artworks by leading contemporary artists from beyond this region through residencies, exchanges and touring exhibitions;
- encourage similar businesses into the city centre (framers, designers, photographers);
- provide a focal point for the community and the animation of the CBD;
- offer potential to attract touring and educational exhibitions to Joondalup;
- enliven and animate Central Walk;
- provide a community meeting space for all community groups.



The development of a community art gallery would:

- fit within the objectives of the CBD Enhancement Program
- complement Council's Strategic Plan
- become an additional project within the Cultural Development Action Plan

## DETAILS

### Location

Community Development Services and Assets & Commissioning staff have made a detailed assessment of two potentially suitable venues within the Joondalup city centre for this project and considered the cost, risks and benefits of each venue.

Based on location, affordability and gallery/workshop requirements together with other advantages and disadvantages outlined in the table below, it is recommended that the City secure Units 4-6 #48 Central Walk, Joondalup.

### Units 4-6 #48 Central Walk, Joondalup 205sqm (178sqm of gallery space & 27sqm facilities)

Year	January – June 2003-2004	2004-2005	2005-2006	3 Year Period
Setup Cost:	\$40,000	Nil	Nil	\$40,000
Annual Venue Costs:	\$17,059	\$41,118	\$43,173	\$135,557
<b>Total Venue Cost</b>	\$57,059	\$41,118	\$43,173	\$141,350
Advantages:	<p>Good central location.</p> <p>Enlivens Central Walk and meets objectives of the CBD Enhancement Committee.</p> <p>Will work in partnership with markets and summer events.</p> <p>Compliments businesses within the vicinity (i.e. framers, restaurants, cafes, etc)</p> <p>Flexible space with room additional activities (i.e. exhibitions, workshops, etc).</p> <p>Offers greater income opportunities – room hire for workshops.</p> <p>Community Working Group supports venue choice.</p> <p>Meets community access facilities requirements (eg: disabled toilet).</p> <p>Property owner will upgrade venue prior to occupation with ceiling, lighting, flooring and air-conditioning.</p> <p>Within current budget.</p>			
Disadvantages:	<p>Venue is off main streets – limited visibility.</p> <p>Slightly smaller venue and higher annual rent review (5%)</p> <p>Shared maintenance on the ablution block.</p> <p>Slightly more complex set up requirements.</p>			

Community Development Services staff has obtained detailed set up costs associated with the venue and prepared a draft lease agreement for a minimum period of 3 years with an option to extend the lease for 2 years (refer to Attachment 2 - Draft Tenancy Agreement).

## **BUDGET**

The City of Joondalup has allocated funding to pay for the initial set up of the gallery and contribute to the ongoing costs of the venue for a 3 year period. This incubation period would allow the community to establish the venue and a program of events, enabling sufficient time for the venue to attract additional sponsorship or funding for the project. It is unlikely that the gallery will ever become totally self-sustaining (refer to Attachment 1 - City of Joondalup Budget 2003/4 to 2005/6).

## **PROJECT TIMELINE**

It is evident that there is strong community support for the venture and the arts community are eager to commence use of the proposed facility. Pending Council's approval to lease Unit 4-6, 48 Central Walk, the Community Art Gallery could commence set up in January 2004 with the first exhibition open to the public in late March to coincide with the Joondalup Festival.

The terms of lease have been negotiated for a minimum of 3 years operation, with the aim to keep the gallery running as a local community facility (refer to Attachment 2 - Draft Tenancy Agreement). The project would be reviewed after 12 months of operation to assess its achievements, method of operation and funding arrangements.

<b>Date</b>	<b>Target</b>
16 December 2003	Lease approval by Council.
19 January 2004	Lease commences (30 days no charge) Commence gallery set up.
16 February 2004	First lease payment due.
20 March 2004	Gallery opening and launch in conjunction with Joondalup Festival.
February 2005	Joondalup Community Arts Association to submit Annual Report for Council to review annual operations. Lease on premises to continue to 2007, with annual review of operations. Option to lease for further 2 years.

## **Proposed Method of Management**

An interim Management Committee, consisting of local artists and the City's Arts Project Officer, has developed a management structure, business plan and budget (refer to Attachment 3 - Joondalup Community Arts Association Business Plan). It is proposed that the Joondalup Community Arts Association would manage the ongoing operations of the gallery largely on a volunteer management structure. The Joondalup Community Arts Association would appoint a part time coordinator to manage enquiries, booking and payments for the facility.

The City of Joondalup's Arts Project Officer would continue to sit on the appointed Management Committee and regularly report to the City's Executive Management Team on activities. The City of Joondalup would maintain the venue and provide annual funds to subsidise activities. It is anticipated that these funds will decrease over time. The City would also be in a position to assist with some administrative support (computer, fax, photocopier, postage, promotion through Council publications etc) to ensure the professional promotion & presentation of the gallery's activities.

### **Operation**

The gallery would operate on the model of an "artist run gallery space". This would entail:

- Payment of an annual membership fee for use of the facilities;
- Artists wishing to exhibit in the space would pay a fee for the hire of the gallery.
- Artists would be required to install exhibitions and attend the gallery for the duration of their exhibition.
- The workshop facility would be available for hire by individuals and organisations for community access to classes, demonstrations etc.

### **Funding Opportunities**

The following funding opportunities from various funding bodies are being considered to assist with the development of the project:

- ArtsWA - "New Concepts" max \$8,000 for the professional development of individuals and practitioners (eg: developmental opportunities for local artist under 25 to learn administrative, curatorial and event management skills).
- CANWA – Catalyst Funding program provides up to \$5,000 funding for exciting projects in any artform that work towards developing social, economic and cultural goals in WA communities. Funding is available for the payment of artist fees, promotional and administration costs for community workshops that involve communities through developmental processes.
- Lotteries Commission – Cultural Groups Small Grants provides up to \$5,000 over a four year period (this may be provided as one grant or several grants over that period) to not-for-profit organisations. This grant is available towards the cost of equipment, minor capital works and some materials (not for administration or consumables).
- ECU or Curtin University - supporting the professional practice of arts graduates from within the region. The gallery could act as a possible outlet for arts management graduates to gain practical experience.
- Corporate sponsorship (eg RAC, Westpac, Freedom, Officeworks, Acquilla Wineries, Community Newspapers, Jacksons Drawing Supplies).

Other income would be raised through:

- Membership fees.
- Gallery & studio rental.
- Annual Fundraising activities (art auctions etc).

**Policy Implications:**

Refer to the objectives of the CBD Enhancement Committee.

**Financial Implications:**

Funds have been approved in the 2003-2004 annual budget for the development of a Community Art Gallery in Joondalup city centre and expected expenditure will be as follows:

Account No:	1.4430.5140.0001.F587
Budget Item:	Community Art Gallery
Budget Amount:	\$103,827.00
YTD Amount:	\$0
Actual Cost for 2003/04:	\$ 72,855.83

For a detailed breakdown of expenditure please refer to Attachment 1- City of Joondalup Budget 2003/4 to 2005/6

**Strategic Implications:**

The Community Art Gallery project complements several of the City of Joondalup Strategic Plan's focus areas in community wellbeing by ensuring the City of Joondalup:

*Is a cultural centre*

- Continues to enhance and create new cultural activities and events
- Create cultural facilities

*Provides social opportunities that meet community needs*

- Provide leisure and recreational activities aligned to community expectations, incorporating innovative opportunities for today's environment.

**COMMENT**

At present there is no exhibition facility within the City of Joondalup and there are considerable benefits in developing a Community Art Gallery within the CBD. Council's input into such a venture would encourage community sustainability by encouraging the arts community to run their own gallery space.

The Council is in the best position to assist such a proposal by contributing financially to the venture and through the guidance of skilled officers and to tie the venture in with cultural planning and strategic planning projects.

## ATTACHMENTS

Attachment 1- City of Joondalup Budget 2003/4 to 2005/6  
Attachment 2 - Joondalup Community Arts Association Business Plan

## VOTING REQUIREMENTS

Simple Majority

**MOVED Cmr Drake-Brockman, SECONDED Cmr Fox that the Joint Commissioners APPROVE the lease of Units 4-6 No. 48 Central Walk, Joondalup subject to mutually agreeable terms and conditions being negotiated.**

**The Motion was Put and**

**CARRIED**

*Appendices 26 and 26(a) refer*

*To access this attachment on electronic document, click here: [Attach26agn161203.pdf](#)  
[Attach26aagn161203.pdf](#)*

## REPORT OF THE CHIEF EXECUTIVE OFFICER

### **C274-12/03 ANNUAL GENERAL MEETING OF ELECTORS HELD ON MONDAY 17 NOVEMBER 2003**

**WARD - All**

---

## PURPOSE

To submit the minutes of the Annual General Meeting of Electors held on Monday 17 November 2003 to the Joint Commissioners for noting.

## EXECUTIVE SUMMARY

The City's Annual General meeting of Electors was held on 17 November 2003 in accordance with Section 5.27 of the Local Government Act 1995. Section 5.33(1) of the Act requires that all decisions made at an Electors' Meeting if practicable are to be considered at the next ordinary meeting of Council.

## BACKGROUND

The City's Annual General Meeting of Electors was held on 17 November 2003 in accordance with Section 5.27 of the Local Government Act 1995. The meeting was attended by approximately 185 members of the public with a total of 18 motions passed at the meeting. The minutes of that meeting form Attachment 1 hereto.

Decisions made by electors at an Electors' Meeting are the recommendations of those electors present, on the matters discussed and considered at the meeting. As with recommendations made at Council committee meetings, they are not binding on the Council. However, the Council must consider them.

Section 5.33 of the Local Government Act 1995 detailed below covers this matter:

### **Decisions made at Electors' Meetings**

- 5.33 (1) All decisions made at an Electors' Meeting are to be considered by the Council at the next ordinary council meeting or, if this is not practicable –
- (a) at the first ordinary council meeting after that meeting; or
  - (b) at a special meeting called for that purpose,
- whichever happens first.
- (2) *If at a meeting of the Council a local government makes a decision in response to a decision made at an Electors' Meeting, the reasons for the decision are to be recorded in the minutes of the Council Meeting.*

### **DETAILS**

The motions passed at the Annual General Meeting of Electors are set out below:

#### **MOTION NO 1 – ATTENDANCE OF MEDIA**

MOVED Ken Zakrevsky, 49 Korella Street, Mullaloo, SECONDED David Davies, 5 Lytham Mews, Connolly that We the ratepayer electors of the City of Joondalup welcome any members of the printed press and electronic media at our meeting tonight and invite them to stay as long as they wish, as long as it is of interest to the general community.

The Motion was Put and

CARRIED

#### **MOTION NO 2 – VOTE OF APPRECIATION**

MOVED Noal Gannon, 79 Clontarf Street, Sorrento, SECONDED Ken Zakrevsky, 49 Korella Street, Mullaloo that We the ratepayers of the City of Joondalup EXPRESS our appreciation of the actions of Mayor Don Carlos, and those Councillors who support him, in attempting to bring honesty and accountability to the top strata of the administration of this City despite the obstruction of the other Councillors who believe that by gagging other elected members and holding meetings behind closed doors they can pull the wool over the ratepayers' eyes no matter what the cost to ratepayers.

The Motion was Put and

CARRIED UNANIMOUSLY

**MOTION NO 3 – RESOLUTION OF ISSUES RELATING TO THE EMPLOYMENT OF THE CHIEF EXECUTIVE OFFICER**

MOVED Noal Gannon, 79 Clontarf Street, Sorrento, SECONDED Ken Zakrevsky, 49 Korella Street, Mullaloo that Mr Denis Smith, Chief Executive Officer of the City of Joondalup STAND ASIDE until such time as the controversy regarding his suitability for the position is resolved.

The Motion was Put and

CARRIED

**MOTION NO 4 – DUAL USE PATH/PEDESTRIAN ACCESS TO BEACHES**

MOVED Dr Marjorie Apthorpe, 69 Bacchante Circle, Ocean Reef, SECONDED Michael Norman, 8 Stockdale Avenue, Sorrento that Council:

- 1 IMMEDIATELY builds two east/west combined fire breaks, vehicle and pedestrian access tracks to connect the suburb of Iluka to the coastal dual-use path;
- 2 reopens pedestrian access to beaches now fenced off in Ocean Reef by re-establishing and upgrading the informal access tracks to a reasonable standard for public safety.

The Motion was Put and

CARRIED

**MOTION NO 5 – ISSUES RELATING TO THE EMPLOYMENT OF THE CHIEF EXECUTIVE OFFICER**

MOVED Wayne Primrose, 16 Negresco Turn, Currambine, SECONDED Vincent Cusack, President, South Ward Ratepayers and Electors Association:

- 1 that the parties refer the matter to an independent mediator appointed by the President of LEADR, (Lawyers Engaged in Alternate Dispute Resolution), whose fees are to be funded entirely by the City;
- 2 that the parties participate meaningfully in the mediation process and in the best interests of the City;
- 3 that to avoid further damage and embarrassment to the City, the CEO stands aside on full pay until the matter is resolved;
- 4 the CEO not receive any further legal funding from the City on the basis that he is not entitled to do so according to Policy 2.2.8 – Legal Representation for present and former Elected Members and Staff of the City.

The Motion was Put and

CARRIED

**MOTION NO 6 – ADOPTION OF ANNUAL REPORT**

MOVED Mitch Sideris, 12 Page Drive, Mullaloo, SECONDED Steve Magyar, 31 Drummer Way, Heathridge that We the electors of the City of Joondalup REFUSE to accept this Annual Report on the basis of its lack of professionalism and incompleteness as a document representing what has occurred in the past in the City of Joondalup and what is proposed to occur in the future within the City of Joondalup.

The Motion was Put and

CARRIED

**MOTION NO 7 – KINGSLEY FOOTBALL CLUB RENTAL**

MOVED Keith Pearce, 19 Kilarney Heights, Mullaloo, SECONDED Cr Mike O'Brien that the City of Joondalup GIVES consideration to charging a relatively low rent to the Kingsley Football Club for the next few years.

The Motion was Put and

CARRIED UNANIMOUSLY

**MOTION NO 8 – ISSUE OF THE EMPLOYMENT OF THE CHIEF EXECUTIVE OFFICER**

MOVED Katherine Woodmass, 25 Calbourne Way, Kingsley, SECONDED Wayne Primrose, 16 Negresco Turn, Currambine that unless Council RESOLVES the CEO issue forthwith (prior to Christmas 2003) by listening to ratepayers, that they opt for a referendum of ratepayers to decide on what should happen in relation to this on-going saga. The referendum question should be decided in consultation with the ratepayers.

The Motion was Put and

CARRIED

**MOTION NO 9 – MEETINGS HELD BEHIND CLOSED DOORS**

MOVED Katherine Woodmass, 25 Calbourne Way, Kingsley, SECONDED Mitch Sideris, 12 Page Drive, Mullaloo that no matters of business regarding the CEO's contract or any other matter unless commercially sensitive are to go behind closed doors within the City of Joondalup indefinitely.

The Motion was Put and

CARRIED

**MOTION NO 10 – VOTE OF NO CONFIDENCE**

MOVED Katherine Woodmass, 25 Calbourne Way, Kingsley, SECONDED Mitch Sideris, 12 Page Drive, Mullaloo that We the Electors of the City of Joondalup EXPRESS a vote of no confidence in the CEO due to his lack of accountability and credibility, mainly of his inability to be open and honest.

The Motion was Put and

CARRIED UNANIMOUSLY

**MOTION NO 11 – TOM SIMPSON PARK**

MOVED Graeme Hunt, 3 Page Drive, Mullaloo, SECONDED Mitch Sideris, President, Mullaloo Progress Association, Mullaloo that the:

- 1 City officers responsible for security instruct our patrol services to conduct a more serious pattern of patrols along the beach front, particularly in regard to Tom Simpson Park and other areas;



- 2 lighting in Tom Simpson Park and park area, Lot 1 Oceanside Promenade, Mullaloo be improved.

The Motion was Put and

CARRIED UNANIMOUSLY

### **MOTION NO 12 – MAINTENANCE OF ASSETS**

MOVED Marilyn Zakrevsky, 49 Korella Street, Mullaloo, SECONDED Dr Marjorie Apthorpe, 22 Bacchante Circle, Ocean Reef that the maintenance of assets that ratepayers use be given highest priority and non-essential items like expensive entry statements and Christmas dinner parties be scrapped.

The Motion was Put and

CARRIED UNANIMOUSLY

### **MOTION NO 13 – INTRODUCTION OF STANDING COMMITTEES**

MOVED Ken Zakrevsky, 49 Korella Street, Mullaloo, SECONDED Marie Macdonald, 5 Mair Place, Mullaloo that the ratepayers and electors insist that:

- 1 Council introduces as from 1 February 2004, the committee system covering the three Directorates, namely:

Corporate Services and Resource Management  
Planning and Community Development  
Infrastructure and Operations

This was initially to be introduced after the six month Briefing Session trial;

- 2 the Mayor to be automatically ex officio on every committee and attends such committee meetings as his other duties permit;
- 3 the Councillors elected to those committees will attend such, and failure to attend committee meetings without Leave of Absence will automatically be subject to the same terms as laid down in the Local Government Act 1995 in relation to attendance and necessity for Leave of Absence for Council meetings.

The Motion was Put and

CARRIED UNANIMOUSLY

### **MOTION NO 14 – VOTE OF NO CONFIDENCE IN ELECTED MEMBERS**

MOVED David Davies, 5 Lytham Mews, Connolly, SECONDED Marie Macdonald, 5 Mair Place, Mullaloo that We the electors of the City of Joondalup move a vote of no confidence in Crs Mackintosh, Gollant, Kenworthy, O'Brien, Brewer, Baker, Kimber and Prospero who voted to retain Mr Smith.

The Motion was Put and

CARRIED

**MOTION NO 15 – COMMENTS MADE BY CR BAKER**

MOVED Wayne Primrose, 16 Negresco Turn, Currambine, SECONDED Arthur Taylor, 5 Verden Lane, Kingsley that Cr Baker did not make a personal statement and that his comments be struck from the record.

The Motion was Put and

CARRIED

**MOTION NO 16 – WARRANT OF PAYMENTS**

MOVED Mitch Sideris, 12 Page Drive, Mullaloo, SECONDED Vincent Cusack, President, South Ward Ratepayers and Electors Association that all documents, all Warrants of Payments that are made available to Councillors including corporate card details are relisted and go back at least two years and fully expand every item detailed within that particular cheque number.

The Motion was Put and

CARRIED UNANIMOUSLY

**MOTION NO 17 – PROVISION OF DOCUMENTS**

MOVED Steve Magyar, 31 Drummer Way, Heathridge, SECONDED Wayne Primrose, 16 Negresco Turn, Currambine that We the electors of the City of Joondalup hereby REQUESTS Council at its next meeting to instruct the CEO to OBEY the Local Government Act 1995, Section 5.92 and provide to the Mayor the required documents regarding his credit card.

The Motion was Put and

CARRIED UNANIMOUSLY

**MOTION NO 18 – LEGAL EXPENSES FOR THE CHIEF EXECUTIVE OFFICER**

MOVED Steve Magyar, 31 Drummer Way, Heathridge, SECONDED John Massam, 46 Cobine Way, Greenwood that we the Electors of the City of Joondalup hereby REQUEST the Minister for Local Government to look into the question of whether there has been any conniving or concurring to misapply funds to pay for the CEO's legal expenses contrary to the Local Government Act 1995 and whether this Council could then recover such funds from those Councillors.

The Motion was Put and

CARRIED UNANIMOUSLY

**COMMENT**

Matters pertaining to the CEO's contract of employment and related issues have been the subject of numerous reports and Council resolutions since December 2002. Notwithstanding, at a Special Meeting of Council held on 11 December 2003 the Joint Commissioners resolved that the Council:

- 1 AUTHORISES the Commissioners to instruct the City's Auditor's, Deloitte to undertake a detailed, i.e. forensic audit of the CEO's compliance with his employment contract and other related matters that the Auditor may so advise and to provide a report to the Commissioners as a matter of extreme urgency;

- 2 AUTHORISES the Commissioners to obtain independent advice including legal advice from solicitors Fiocco's Lawyers and Senior Counsel, in relation to employment and contract issues in connection with the employment of the CEO as a matter of extreme urgency;
- 3 AUTHORISES the Commissioners to meet with the appointed advisers as required;
- 4 AUTHORISES expenditure of up to \$25,000 for the forensic audit and up to \$25,000 for the legal advice with any further expenditure on either matter to be subject to a further resolution; and
- 5 AUTHORISES the Commissioners to request the attendance at meetings by an officer of the Department of Local Government and Regional Development as and when determined by the Commissioners.

Given the above decision, a copy of the resolutions from the AGM of Electors can be provided to Deloitte and Fiocco's Lawyers. In relation to the balance of the items, a further report will be submitted to the Council for consideration.

#### **ATTACHMENTS**

Attachment 1 – Minutes of the AGM of Electors held on 17 November 2003.

#### **VOTING REQUIREMENTS**

Simple Majority

**MOVED Cmr Drake-Brockman, SECONDED Cmr Smith that the Joint Commissioners:**

- 1 NOTE the Minutes of the Annual General Meeting of Electors held on 17 November 2003 forming Attachment 1 to Report C274-12/03;**
- 2 NOTE that Motions relating to the contract of employment of the CEO and related matters will be considered as part of the review to be undertaken by Deloitte and advice to be sought from independent Lawyer Fiocco's Lawyers and Senior Counsel;**
- 3 REQUEST a further report be submitted providing commenting on the Motions Nos 4, 6, 7, 11, 12, 13 and 16 carried at the Annual General Meeting of Electors held on 17 November 2003.**

**The Motion was Put and**

**CARRIED**

*Appendix 27 refers*

*To access this attachment on electronic document, click here: [Attach27min161203.pdf](#)*

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

**C275-12/03                    CONFIDENTIAL ITEMS**

**MOVED Cmr Smith, SECONDED Cmr Drake-Brockman that under Clause 3.12 of the City's Standing Orders Local Law the following Items not be called upon at this time, but be DEFERRED until the next Meeting of Joint Commissioners scheduled to be held on 17 February 2004:**

- ITEM 1            CONFIDENTIAL - NOTICE OF MOTION – CR J HOLLYWOOD - LEGAL ADVICE ON PUBLIC COMMENTS RELATING TO THE STANDING COMMITTEE ON PUBLIC ADMINISTRATION AND FINANCE, AND CHIEF EXECUTIVE OFFICER EMPLOYMENT RELATED MATTERS – [70544]**
- ITEM 2            CONFIDENTIAL - NOTICE OF MOTION – CR J HOLLYWOOD - STANDING COMMITTEE ON PUBLIC ADMINISTRATION AND FINANCE - LEGAL EXPENSES – [24549, 00561, 58527, 70544]**
- ITEM 3            CONFIDENTIAL – NOTICE OF MOTION – CR J HOLLYWOOD – REQUEST FOR VARIATION TO CHIEF EXECUTIVE OFFICER'S CONTRACT OF EMPLOYMENT**
- ITEM 4            CONFIDENTIAL - NOTICE OF MOTION – CR C BAKER - LEGAL ADVICE ON PUBLIC COMMENTS RELATING TO THE STANDING COMMITTEE ON PUBLIC ADMINISTRATION AND FINANCE, AND CHIEF EXECUTIVE OFFICER EMPLOYMENT RELATED MATTERS – [70544]**
- ITEM 5            CONFIDENTIAL - NOTICE OF MOTION – CR C BAKER - STANDING COMMITTEE ON PUBLIC ADMINISTRATION AND FINANCE - LEGAL EXPENSES – [24549, 00561, 58527, 70544]**
- ITEM 6            CONFIDENTIAL – NOTICE OF MOTION – CR C BAKER – REQUEST FOR VARIATION TO CHIEF EXECUTIVE OFFICER'S CONTRACT OF EMPLOYMENT**
- ITEM 7            CONFIDENTIAL - NOTICE OF MOTION – MAYOR D CARLOS - REFUND OF CEO CORPORATE CREDIT CARD EXPENDITURE**
- ITEM 8            CONFIDENTIAL – NOTICE OF MOTION – MAYOR D CARLOS – COUNCIL CREDIT CARDS**
- ITEM 9            CONFIDENTIAL – NOTICE OF MOTION – MAYOR D CARLOS – TELEPHONE ACCOUNTS**
- ITEM 10           CONFIDENTIAL – NOTICE OF MOTION – MAYOR D CARLOS – INFORMATION ON CEO SALARY PACKAGE**
- ITEM 11           CONFIDENTIAL – NOTICE OF MOTION – MAYOR D CARLOS – SALARY PACKAGES – EXECUTIVE AND BUSINESS MANAGERS**
- ITEM 12           CONFIDENTIAL – NOTICE OF MOTION – MAYOR D CARLOS – EXPENDITURE BY FORMER MAYOR**
- ITEM 13           CONFIDENTIAL - NOTICE OF MOTION – MAYOR D CARLOS – STAFF SALARY INFORMATION**

- ITEM 14**      **CONFIDENTIAL – NOTICE OF MOTION – CR J GOLLANT – BREACH OF CODE OF CONDUCT**
- ITEM 15**      **CONFIDENTIAL – NOTICE OF MOTION – CR P KIMBER – BREACH OF CODE OF CONDUCT**
- ITEM 16**      **CONFIDENTIAL – ITEMS OUTSTANDING FROM SPECIAL MEETING OF COUNCIL HELD ON 25 NOVEMBER 2003 AND 3 DECEMBER 2003**
- ITEM 17**      **CONFIDENTIAL – NOTICE OF MOTION – CR J HOLLYWOOD – THAT THE MINISTER EXERCISE HIS POWER TO SUSPEND THE COUNCIL**
- ITEM 18**      **CONFIDENTIAL – NOTICE OF MOTION – CR J HOLLYWOOD – IN RELATION TO THE BEHAVIOUR OF CR HART**

Comr Smith advised that the Items in question related to the Chief Executive Officer and in view of the fact that Commissioners had sought independent legal advice on this issue, it was not appropriate that these Items be dealt with prior to receipt of the legal advice.

**The Motion was Put and**

**CARRIED**

- ITEM 1**      **CONFIDENTIAL - NOTICE OF MOTION – CR J HOLLYWOOD - LEGAL ADVICE ON PUBLIC COMMENTS RELATING TO THE STANDING COMMITTEE ON PUBLIC ADMINISTRATION AND FINANCE, AND CHIEF EXECUTIVE OFFICER EMPLOYMENT RELATED MATTERS – [70544]**

Cr John Hollywood gave notice of his intention to move the following motion at the Council meeting to be held on Tuesday 11 November 2003. At the Council meeting held on 11 November 2003 this notice of motion was not moved by Cr Hollywood.

The following elected members have indicated their support as required by Clause 4.4 of the City's Standing Orders Local Law:

Cr J Hollywood  
Cr A Walker  
Cr S Hart  
Cr M Caiacob  
Mayor Don Carlos

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

A full report was provided to the Joint Commissioners under separate cover.

**This Item was Deferred until the next Meeting of the Joint Commissioners scheduled to be held on 17 February 2004 – Item C275-12/03 refers.**

**ITEM 2      CONFIDENTIAL - NOTICE OF MOTION – CR J HOLLYWOOD -  
STANDING COMMITTEE ON PUBLIC ADMINISTRATION AND  
FINANCE - LEGAL EXPENSES – [24549, 00561, 58527, 70544]**

Cr John Hollywood gave notice of his intention to move the following motion at the Council meeting to be held on Tuesday 11 November 2003. At the Council meeting held on 11 November 2003 this notice of motion was not moved by Cr Hollywood.

The following elected members have indicated their support as required by Clause 4.4 of the City's Standing Orders Local Law:

Cr J Hollywood  
Cr A Walker  
Cr S Hart  
Cr M Caiacob  
Mayor Don Carlos

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

A full report was provided to the Joint Commissioners under separate cover.

**This Item was Deferred until the next Meeting of the Joint Commissioners scheduled to be held on 17 February 2004 – Item C275-12/03 refers.**

**ITEM 3      CONFIDENTIAL – NOTICE OF MOTION – CR J HOLLYWOOD –  
REQUEST FOR VARIATION TO CHIEF EXECUTIVE OFFICER'S  
CONTRACT OF EMPLOYMENT**

Cr John Hollywood has given notice of his intention to move the following motion at the Council meeting to be held on Tuesday 2 December 2003. The following elected members have indicated their support as required by Clause 4.4 of the City's Standing Orders Local Law:

Cr J Hollywood  
Cr A Walker  
Cr S Hart  
Cr M Caiacob  
Mayor Don Carlos

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

A full report was provided to the Joint Commissioners under separate cover.

**This Item was Deferred until the next Meeting of the Joint Commissioners scheduled to be held on 17 February 2004 – Item C275-12/03 refers.**

**ITEM 4      CONFIDENTIAL - NOTICE OF MOTION – CR C BAKER - LEGAL  
ADVICE ON PUBLIC COMMENTS RELATING TO THE STANDING  
COMMITTEE ON PUBLIC ADMINISTRATION AND FINANCE, AND  
CHIEF EXECUTIVE OFFICER EMPLOYMENT RELATED  
MATTERS – [70544]**

Cr Chris Baker has given notice of his intention to move the following motion at the Council meeting to be held on Tuesday 2 December 2003. The following elected members have indicated their support as required by Clause 4.4 of the City's Standing Orders Local Law:

Cr C Baker  
Cr J Gollant  
Cr G Kenworthy  
Cr C Mackintosh  
Cr M O'Brien

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

A full report was provided to the Joint Commissioners under separate cover.

**This Item was Deferred until the next Meeting of the Joint Commissioners scheduled to be held on 17 February 2004 – Item C275-12/03 refers.**

**ITEM 5      CONFIDENTIAL - NOTICE OF MOTION – CR C BAKER -  
STANDING COMMITTEE ON PUBLIC ADMINISTRATION AND  
FINANCE - LEGAL EXPENSES – [24549, 00561, 58527, 70544]**

Cr Chris Baker has given notice of his intention to move the following motion at the Council meeting to be held on Tuesday 2 December 2003. The following elected members have indicated their support as required by Clause 4.4 of the City's Standing Orders Local Law:

Cr C Baker  
Cr J Gollant  
Cr G Kenworthy  
Cr C Mackintosh  
Cr M O'Brien

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

A full report was provided to the Joint Commissioners under separate cover.

**This Item was Deferred until the next Meeting of the Joint Commissioners scheduled to be held on 17 February 2004 – Item C275-12/03 refers.**

**ITEM 6      CONFIDENTIAL – NOTICE OF MOTION – CR C BAKER –  
REQUEST FOR VARIATION TO CHIEF EXECUTIVE OFFICER’S  
CONTRACT OF EMPLOYMENT**

Cr C Baker has given notice of his intention to move the following motion at the Council meeting to be held on Tuesday 2 December 2003. The following elected members have indicated their support as required by Clause 4.4 of the City’s Standing Orders Local Law:

Cr C Baker  
Cr J Gollant  
Cr G Kenworthy  
Cr C Mackintosh  
Cr M O’Brien

This Item Is Confidential - Not For Publication

A full report was provided to the Joint Commissioners under separate cover.

**This Item was Deferred until the next Meeting of the Joint Commissioners scheduled to be held on 17 February 2004 – Item C275-12/03 refers.**

**ITEM 7      CONFIDENTIAL - NOTICE OF MOTION – MAYOR D CARLOS -  
REFUND OF CEO CORPORATE CREDIT CARD EXPENDITURE**

This Item Is Confidential - Not For Publication

A full report was provided to the Joint Commissioners under separate cover.

This Item was Deferred until the next Meeting of the Joint Commissioners scheduled to be held on 17 February 2004 – Item C275-12/03 refers.

**ITEM 8      CONFIDENTIAL – NOTICE OF MOTION – MAYOR D CARLOS –  
COUNCIL CREDIT CARDS**

This Item Is Confidential - Not For Publication

A full report was provided to the Joint Commissioners under separate cover.

**This Item was Deferred until the next Meeting of the Joint Commissioners scheduled to be held on 17 February 2004 – Item C275-12/03 refers.**



**ITEM 9      CONFIDENTIAL – NOTICE OF MOTION – MAYOR D CARLOS – TELEPHONE ACCOUNTS**

This Item Is Confidential - Not For Publication

A full report was provided to the Joint Commissioners under separate cover.

**This Item was Deferred until the next Meeting of the Joint Commissioners scheduled to be held on 17 February 2004 – Item C275-12/03 refers.**

**ITEM 10      CONFIDENTIAL – NOTICE OF MOTION – MAYOR D CARLOS – INFORMATION ON CEO SALARY PACKAGE**

This Item Is Confidential - Not For Publication

A full report was provided to the Joint Commissioners under separate cover.

**This Item was Deferred until the next Meeting of the Joint Commissioners scheduled to be held on 17 February 2004 – Item C275-12/03 refers.**

**ITEM 11      CONFIDENTIAL – NOTICE OF MOTION – MAYOR D CARLOS – SALARY PACKAGES – EXECUTIVE AND BUSINESS MANAGERS**

This Item Is Confidential - Not For Publication

A full report was provided to the Joint Commissioners under separate cover.

**This Item was Deferred until the next Meeting of the Joint Commissioners scheduled to be held on 17 February 2004 – Item C275-12/03 refers.**

**ITEM 12      CONFIDENTIAL – NOTICE OF MOTION – MAYOR D CARLOS – EXPENDITURE BY FORMER MAYOR**

This Item Is Confidential - Not For Publication

A full report was provided to the Joint Commissioners under separate cover.

**This Item was Deferred until the next Meeting of the Joint Commissioners scheduled to be held on 17 February 2004 – Item C275-12/03 refers.**

**ITEM 13      CONFIDENTIAL - NOTICE OF MOTION – MAYOR D CARLOS –  
STAFF SALARY INFORMATION**

This Item Is Confidential - Not For Publication

A full report was provided to the Joint Commissioners under separate cover.

**This Item was Deferred until the next Meeting of the Joint Commissioners scheduled to be held on 17 February 2004 – Item C275-12/03 refers.**

**ITEM 14      CONFIDENTIAL – NOTICE OF MOTION – CR J GOLLANT –  
BREACH OF CODE OF CONDUCT**

This Item Is Confidential - Not For Publication

A full report was provided to the Joint Commissioners under separate cover.

**This Item was Deferred until the next Meeting of the Joint Commissioners scheduled to be held on 17 February 2004 – Item C275-12/03 refers.**

**ITEM 15      CONFIDENTIAL – NOTICE OF MOTION – CR P KIMBER –  
BREACH OF CODE OF CONDUCT**

This Item Is Confidential - Not For Publication

A full report was provided to the Joint Commissioners under separate cover.

**This Item was Deferred until the next Meeting of the Joint Commissioners scheduled to be held on 17 February 2004 – Item C275-12/03 refers.**

**ITEM 16      CONFIDENTIAL – ITEMS OUTSTANDING FROM SPECIAL  
MEETING OF COUNCIL HELD ON 25 NOVEMBER 2003 AND 3  
DECEMBER 2003**

This Item Is Confidential - Not For Publication

A full report was provided to the Joint Commissioners under separate cover.

**This Item was Deferred until the next Meeting of the Joint Commissioners scheduled to be held on 17 February 2004 – Item C275-12/03 refers.**

**ITEM 17      CONFIDENTIAL – NOTICE OF MOTION – CR J HOLLYWOOD – THAT THE MINISTER EXERCISE HIS POWER TO SUSPEND THE COUNCIL**

This Item Is Confidential - Not For Publication

A full report was provided to the Joint Commissioners under separate cover.

**This Item was Deferred until the next Meeting of the Joint Commissioners scheduled to be held on 17 February 2004 – Item C275-12/03 refers.**

**ITEM 18      CONFIDENTIAL – NOTICE OF MOTION – CR J HOLLYWOOD – IN RELATION TO THE BEHAVIOUR OF CR HART**

This Item Is Confidential - Not For Publication

A full report was provided to the Joint Commissioners under separate cover.

**This Item was Deferred until the next Meeting of the Joint Commissioners scheduled to be held on 17 February 2004 – Item C275-12/03 refers.**

**C276-12/03      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 the 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.”*

*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 the 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 October 2002 decision, by a unanimous decision on Tuesday 11 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

**MOVED Cmr Smith, SECONDED Cmr Anderson that the Motion be TAKEN FROM THE TABLE.**

**The Motion was Put and**

**CARRIED**

**MOVED Cmr Smith, SECONDED Cmr Anderson** 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 the 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.”

**The Motion was Put and**

**LOST**

**MOVED Cmr Smith, SECONDED Cmr Anderson that the Joint Commissioners be briefed on the issue relating to Rescission of Use Approval for a therapeutic massage centre, Lot 9 Unit 16 (7) Delage Street, Joondalup by officers and if appropriate, by the Police Service.**

**The Motion was Put and**

**CARRIED**

**C277-12/03**

**MOTION TO LIE ON THE TABLE NO 2 – MEDIA ACCESS TO MATTERS OF PUBLIC INTEREST**

At the Special Council meeting held on 9 November 2003 the following motion was moved:

*MOVED Cr Kimber SECONDED Cr Rowlands that the following Motion, as amended, LIE ON THE TABLE, pending the submission of a report to Council:*

*“MOVED Cr Caiacob SECONDED Cr Walker That Council:*

- 1 *ACKNOWLEDGES the important role of strong investigative journalism in maintaining a vibrant democracy;*
- 2 *ACKNOWLEDGES the public’s right to be informed of matters of public interest by strong investigative journalism;*



- 3 *ENCOURAGES the CEO and Mayor to maintain a good public image for the City by always being available to the media regarding all issues, when duly authorised to do so by the democratically elected members of our Council;*
- 4 *provided that the press is acting within the Code of Ethics of the Australian Press Council."*

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

*CARRIED (10/5)*

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

### **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 Special Meeting of Council held on 9 November 2003 recorded that:*

- *No member spoke on the 1<sup>st</sup> amendment as Moved by Cr O'Brien and Seconded by Cr Kimber;*
- *Crs Baker, Caiacob, Kimber and Walker spoke on the 2<sup>nd</sup> amendment as Moved by Crs Baker and Seconded by Cr Kimber;*
- *Crs Caiacob, Kenworthy and Hollywood spoke on the motion as Moved by Cr Caiacob and Seconded by Cr Walker.)*

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

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

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

### **OFFICER'S COMMENT**

At the Special Meeting of Council held on 9 November 2003, it was resolved that the motion moved by Cr Caiacob and seconded by Cr Walker lie on the table pending the submission of a report to Council. The following information is now provided to elected members to enable further consideration of this motion.

Authority to speak on behalf of the local government is set out in the following sections of the *Local Government Act*:

- 2.8.1(d): The mayor or president speaks on behalf of the local government.  
 5.41(f): The CEO's functions are to speak on behalf of the local government if the mayor or president agrees.

In addition to the Local Government Act, Council has approved Policy 2.3.2 – Communications, which provides direction in how the City is to act in keeping the public informed (please see attached Policy 2.3.2). This Policy contains a specific section regarding “Media Contact” and outlines any delegation of authority necessary to ensure accurate statements are made on behalf of the City.

In regard to the motion that refers to the “Code of Ethics of the Australian Press Council, Administration has determined that such a “Code” does not exist. The Australian Press Council adheres to a “Statement of Principles” (please see attached). The Australian Journalist Association requests that members commit to a “Code of Ethics” (please see attached).

If Council wishes to expand upon the current Policy in relation to the Mayor and/or CEO spokesperson functions and how they deal with the media, Administration recommends that this be addressed through the policy review process. Any changes should be reflected in the Policy to provide consistent direction to elected members and staff.

**MOVED Cmr Smith, SECONDED Cmr Anderson that the Motion be TAKEN FROM THE TABLE.**

**The Motion was Put and CARRIED**

**There being No Mover and Seconder, the Motion LAPSED**

*Appendix 23 refers*

*To access this attachment on electronic document, click here: [Attach23brf091203.pdf](#)*

**C278-12/03**      **MOTION TO LIE ON THE TABLE NO 3 - APPLICATION FOR THE CLOSURE OF THE PEDESTRIAN ACCESSWAY BETWEEN BEN CLOSE AND EDDYSTONE AVENUE, CRAIGIE – [82540]**

At the Council meeting held on 2 December 2003, the following motion was moved:

*MOVED Cr Walker, SECONDED Cr Baker that consideration of the closure of the pedestrian accessway between Ben Close and Eddystone Avenue, Craigie LIE ON THE TABLE until the next ordinary meeting of Council scheduled to be held on 16 December 2003.*

*The Motion was Put and*

*CARRIED UNANIMOUSLY (13/0)*

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

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

Clause 5.4 states:

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

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

*(Note: The Minutes of the Council meeting held on 2 December 2003 recorded that Cr Walker spoke on the motion moved by Cr Walker and seconded by Cr Baker)*

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 CJ281-12/03 is reproduced below:**

**CJ281 - 12/03 APPLICATION FOR THE CLOSURE OF THE PEDESTRIAN ACCESSWAY BETWEEN BEN CLOSE AND EDDYSTONE AVENUE, CRAIGIE – [82540]**

**PURPOSE**

The purpose of this report is for Council to consider the closure of the pedestrian accessway (PAW) between Ben Close and Eddystone Avenue, Craigie (refer Attachment 1).

**EXECUTIVE SUMMARY**

The City has received a request for closure of the subject PAW from an adjoining landowner with three other adjoining landowners supporting the application. The justification for closure is repeated incidents of unwanted nuisances activities, anti-social behaviour and crime reduction.

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

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

In this case, the Urban Design Assessment, Nuisance Impact Assessment and Community Impact Assessment are all rated as medium, low and medium respectively. Based on these ratings, the proposal accords with 'Case 5' of the 'Pedestrian Accessway Policy' which states that closure is not supported where urban design assessment of the PAW is considered of medium importance and both nuisance is considered to be medium or low importance and use is considered to be medium in importance. Therefore, it is recommended that the closure of the PAW between Ben Close and Eddystone Avenue, Craigie not be supported.

## **BACKGROUND**

<b>Suburb/Location:</b>	Craigie
<b>Zoning:</b>	<b>DPS:</b> Residential
	<b>MRS:</b> Urban
<b>Strategic Plan:</b>	No relevant objective/strategy within Strategic Plan

## **DETAILS**

### **Current Proposal or Issue**

The request for closure is based on repeated incidents of unwanted nuisance activities, anti-social behaviour such as break-ins, graffiti, noise, loitering and burglaries that adjoining landowners/occupiers consider are associated with the PAW. It is also alleged that there are alternative routes available, should the PAW be closed.

All four adjoining landowners support the closure of the PAW and agree in writing to acquire the land and meet any costs and conditions associated with closure.

### **Site Inspection**

A site inspection revealed that vision through the PAW is good, providing clear sight lines. Apart from some damage visible to part of the fence, the general condition of the PAW appears satisfactory. At the time of the inspection there were only a few places where some graffiti was visible and there was little rubbish. Some graffiti was visible on a 'cubby-house' that adjoins the PAW fencing on the north side. (See attachment 2 to this report).

### **PAW Closure Process**

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

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

### **Consultation**

The proposal was advertised for thirty days from 3 September 2003 to 3 October 2003 by way of a notification sign at each end of the PAW and questionnaires forwarded to residents living within a 400-metre radius. Attachments 3 and 4 summarise the information from the returned questionnaires in relation to this application. A total of 61 questionnaires were returned.

### **Policy Implications**

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

As part of the City's Pedestrian Accessway Policy, when closure of a PAW is requested, formal evaluation of the application is conducted. This evaluation is composed of three parts, Assessing Urban Design, Nuisance Impact and Community Impact. The assessments are rated and a recommendation made whether to support or not support closure. Where points in the ratings do not match exactly with the assessment results, comments supporting the chosen rating will be provided in italics.

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

### **COMMENT**

#### **Assessment and Reasons for Recommendation**

##### Urban Design Assessment

From information received in the returned questionnaires, the subject PAW is primarily used to access community facilities such as public transport, Craigie Primary and Senior High School, Craigie Plaza shopping centre and local parks, with its main use being for exercise/social reasons and access to Craigie Plaza.

If the subject PAW is closed, the walking distance to these facilities does not appear to increase significantly, however, residents in Ben Close and Eddystone Avenue who are in close proximity to the PAW are likely to be the most inconvenienced as a result of closure. The main alternative route would appear to be via Eddystone Avenue and comments by some users, particularly those who reside within Ben Close, indicate that this alternative route is considered unsuitable. Reasons provided are that it increases the walking distance and as a result is inconvenient for school children in particular. The PAW appears to be used as a safe route by students of Craigie Primary School and possibly Craigie Senior High School due to the close proximity of guard-controlled crossings on Eddystone Avenue to the North and South of Ben Close. The PAW is currently not part of the Bikeplan route. It should be noted that some of the alternative routes are via other PAWs (i.e. PAW between Eddystone Avenue and Parmelia Way).

Although there are alternative routes for users, 10 of the 18 users (56%) advised they would be inconvenienced if closure were supported. Should this PAW and others in the immediate area be closed, walking distances are expected to increase significantly.

#### Comments in Returned Questionnaires

Based on the foregoing, a Medium rating appears the most appropriate:

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

#### Nuisance Impact Assessment

The Nuisance Impact Assessment is carried out by investigating any reported anti-social behaviour. Justification provided is summarised as follows:

- The PAW leads nowhere and there are alternative routes for pedestrian movement through the area.
- Closure of the PAW will ‘quieten down’ the streets due to less pedestrian movement and noise.
- There are ‘too many’ PAWs in Craigie, by removing unnecessary PAWs it will improve (modernise) the suburb.
- Closing the PAW will reduce crime and eliminate loitering, graffiti and drug use.
- The PAW may be linked to a number of criminal activities in the area such as break-ins, burglaries and anti-social behavior.

#### Police Information

Police information provided for properties in Ben Close and Eddystone Avenue (within close proximity to the PAW) covered a period from January 2002 to September 2003. The following criminal activities were recorded:

- Reported burglary – (Jan 2002).
- Complaint towards suspicious persons in a vehicle parked outside (March 2002).
- Complaint against noisy party – (April 2002).
- Witness a theft by people in a vehicle – (April 2003).
- Complaint against youth loitering around streets – (Sept 2002).
- Break-in – (Feb 2003)
- Complaint against vandalism – (March 2003).

Police reports indicate that it is difficult to determine if the PAW is a contributing factor in these complaints. The problems encountered above do not appear to suggest that criminal activity or anti-social behaviour in and around the area of the PAW is any higher than other areas within the suburb.

Comments in Returned Questionnaires

Of the 18 users of the subject PAW, 3 had witnessed anti-social behaviour and 8 had noticed vandalism. One submission noted witnessing anti-social behaviour with youths kicking fences, adorning fences with graffiti and breaking glass in the PAW. Six submissions provided comments about noticing vandalism along the PAW such as, graffiti, and leaving rubbish, (broken bottles and syringes).

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

<b>Policy Parameters – Low</b>	<b>Analysis Results</b>
<ul style="list-style-type: none"> <li>• Occurrence of criminal activity or antisocial behaviour similar to elsewhere in the suburb.</li> </ul>	<ul style="list-style-type: none"> <li>• This appears to be correct</li> </ul>
<ul style="list-style-type: none"> <li>• Types of offences are limited to antisocial behaviour</li> </ul>	<ul style="list-style-type: none"> <li>• This appears to be correct, however some higher-order criminal activity has been witnessed (i.e break-ins and burglary).</li> <li>• Difficult to determine if the PAW has directly contributed to the offences committed.</li> </ul>
<ul style="list-style-type: none"> <li>• The severity of antisocial behaviour is similar to elsewhere in the suburb</li> </ul>	<ul style="list-style-type: none"> <li>• This appears to be correct</li> </ul>

Community Impact Assessment

The proposal was advertised for thirty days from 3 September 2003 to 3 October 2003 by way of a notification sign at each end of the PAW and questionnaires forwarded to residents living within a 400-metre radius. Of the 61 questionnaires returned, the overall response with regard to the support, objection or indifference to the closure is:

<b>Supporters</b>	<b>Objectors</b>	<b>Neutral</b>	<b>Totals</b>
Users of the PAW 4	Users of the PAW 10	Users of the PAW 4	<b>18 Users</b>
Non users of the PAW 11	Non- users of the PAW 1	Non users of the PAW 31	<b>43 Non-users</b>
<b>Total Supporting 15</b>	<b>Total Objecting 11</b>	<b>Total Neutrals 35</b>	<b>61</b>

Attachment 4 to this report indicates the most common use of the PAW is for exercise/social reasons and to gain access to Craigie Plaza shopping centre, with access to parks, school and public transport also being significant.

The Community Impact Assessment falls between a medium to low rating, however, medium appears more appropriate and generally satisfies the criteria stipulated under Policy 3.2.7 as it states:

<b>Policy Parameters – Medium</b>	<b>Analysis Results</b>
<ul style="list-style-type: none"> <li>• Medium portion of respondents not in favour of closure (over 30%)</li> </ul>	<ul style="list-style-type: none"> <li>• <i>Of the 61 respondents, 11 (approximately 18%) are not in favour of closure).</i></li> </ul>
<ul style="list-style-type: none"> <li>• Moderate level of households using the PAW</li> </ul>	<ul style="list-style-type: none"> <li>• <i>Of the 61 questionnaires received, 18 (approximately 30%) residents/families use the PAW</i></li> </ul>
<ul style="list-style-type: none"> <li>• Moderate portion of users inconvenienced by closure of the PAW (30-50%)</li> </ul>	<ul style="list-style-type: none"> <li>• <i>Of the 18 users, 10 (approximately 56%) advised they would be inconvenienced by closure</i></li> </ul>

As a comparison, the following table is a list of criteria under the ‘low’ heading of Policy 3.2.7;

<b>Policy Parameters – Low</b>	<b>Analysis Results</b>
<ul style="list-style-type: none"> <li>• High number of residents in favour of closure over (75%)</li> </ul>	<ul style="list-style-type: none"> <li>• <i>Of the 61 respondents, 15 (approximately 24%) support closure.</i></li> </ul>
<ul style="list-style-type: none"> <li>• Low number of households using the PAW</li> </ul>	<ul style="list-style-type: none"> <li>• <i>Of the 61 questionnaires received, 18 (approximately 30%) residents/families use the PAW</i></li> </ul>
<ul style="list-style-type: none"> <li>• Few users inconvenienced by closure (less than 30%)</li> </ul>	<ul style="list-style-type: none"> <li>• <i>Of the 18 users, 10 (approximately 56%) advised they would be inconvenienced by closure</i></li> </ul>

### Overall Assessment

Residents in support of closure have commented that the PAW is unsafe and its closure will improve security. One submission was in favour of closing this PAW but not to other PAWs in the immediate vicinity. Another submission raised similar concerns outlined in the ‘Nuisance Assessment’ section of this report.



Three residents who wished to remain neutral passed comments in their returned questionnaires, with one expressing that closure of the PAW would cause great inconvenience, resulting in longer walking distance to shops, and may exacerbated their heart problem. Another resident acknowledged the usefulness of the PAW in helping people to access public transport, whilst a third resident identified that there were alternative routes if the PAW were closed.

Comments from some of the residents who are against closure include provision for a safe and convenient pedestrian route and its closure will result in longer walking distances to shops and community facilities. Some objectors considered that closing the PAW would inconvenience school children that use the PAW as a 'safe route' to school, while other objectors have raised the long-term implications of closing the PAW, such as longer walking distances and the temptation to close more PAWs, which would exacerbate the situation by making walking distances longer and potentially unsafe. One resident expressed that the PAW was included in the subdivision originally for the benefit of the local community and residents who purchased properties adjoining them did so in the understanding that they provided a use and benefit to the community.

Alternative routes, especially Eddystone Avenue via Allambia Drive may not be suitable for younger children, due to traffic safety concerns. Based on the information in the returned questionnaires, on balance, the PAW does appear to be an overall asset to the local community.

The result of each assessment is detailed below:

- Urban Design Medium
- Nuisance Impact Low
- Community Impact Medium

In accordance with Policy 3.2.7 – Pedestrian Accessways, the final assessment equates to a Case 5, which states that closure is not supported where Urban Design Assessment for the PAW is considered of medium importance since both nuisance is considered to be medium or low importance and use is considered to be medium in importance. Therefore, it is recommended that the application to close the PAW between Ben Close and Eddystone Avenue, Craigie not be supported.

## **ATTACHMENTS**

- |                  |   |
|------------------|---|
| Attachment 1     | Site Plan   |
| Attachment 2     | Photographs of PAW                                |
| Attachment 3 & 4 | Summarised information of returned questionnaires |

## **VOTING REQUIREMENTS**

Simply Majority

**OFFICER'S RECOMMENDATION as provided within Item CJ281-12/03:**

That Council:

- 1 DOES NOT support the closure of the pedestrian accessway between Ben Close and Eddystone Avenue, Craigie;
- 2 ADVISES the adjoining landowners of the pedestrian accessway and landowners within Ben Close and Eddystone Avenue (within close proximity either side of the PAW along Eddystone Avenue) of Council's decision.

**MOVED Cmr Smith, SECONDED Cmr Fox that the Motion be TAKEN FROM THE TABLE.**

**The Motion was Put and**

**CARRIED**

**MOVED Cmr Smith, SECONDED Cmr Fox that the application for the closure of the pedestrian accessway between Ben Close and Eddystone Avenue, Craigie be DEFERRED until the next meeting of Joint Commissioners scheduled to be held on 17 February 2004.**

Cmr Smith spoke to this Motion.

**The Motion was Put and**

**CARRIED**

*Appendix 24 refers*

*To access this attachment on electronic document, click here: [Attach24brf091203.pdf](#)*

**C279-12/03**      **MOTION TO LIE ON THE TABLE NO 4 - MINUTES OF SPECIAL COUNCIL MEETINGS, 9 AND 17 NOVEMBER 2003**

At the Council meeting held on 2 December 2003, the following motion was moved:

*“MOVED Cr Walker, SECONDED Cr Hollywood that confirmation of the Minutes of the Special Council Meetings held on 9 and 17 November 2003 LIE ON THE TABLE, pending Officer's clarification of items recorded.”*

**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 2 December 2003 recorded that Cr Walker spoke on the motion moved by Cr Walker and seconded by Cr Hollywood)*

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

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

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

#### **OFFICER'S COMMENTS**

At the Council meeting held on 2 December 2003, Cr Walker raised concerns in relation to the minutes of the Special Council Meetings held on 9 and 17 November 2003 and was of the opinion that certain decisions made during the Behind Closed Doors sessions were not reflected in the minutes.

It is considered that the Minutes of the Special Council Meetings held on 9 and 17 November 2003 are a true and correct record of the proceedings of these meetings.

**MOVED Cmr Anderson, SECONDED Cmr Drake-Brockman that the Motion be TAKEN FROM THE TABLE.**

**The Motion was Put and**

**CARRIED**

**MOVED Cmr Anderson, SECONDED Cmr Fox that the Minutes of the Special Council Meetings held on 9 and 17 November 2003 be NOTED.**

**The Motion was Put and**

**CARRIED (4/1)**

**In favour of the Motion:** Cmrs Paterson, Anderson, Drake-Brockman and Fox **Against the Motion:** Cmr Smith

#### **DATE OF NEXT MEETING**

The next meeting of the Joint Commissioners has been scheduled for **7.00 pm** on **TUESDAY, 17 FEBRUARY 2004** 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 1954 hrs; the following Commissioners being present at that time:

CMR J PATERSON  
CMR A DRAKE-BROCKMAN  
CMR M ANDERSON  
CMR A FOX  
CMR S SMITH