

# DRAFT AGENDA

## Briefing Session City of Joondalup

**A BRIEFING SESSION**  
WILL BE HELD IN CONFERENCE ROOM 1, JOONDALUP CIVIC CENTRE,  
BOAS AVENUE, JOONDALUP

MEETING DATE



to be held on  
**TUESDAY, 20 MARCH 2007**

PUBLIC QUESTION TIME



### Public Question Time

Members of the public are requested to lodge questions in writing by close of business on Monday 19 March 2007. Answers to those questions received within that timeframe will, where practicable, be provided in hard copy form at the Briefing Session.



**GARRY HUNT**  
Chief Executive Officer  
16 March 2007



City of  
Joondalup

[www.joondalup.wa.gov.au](http://www.joondalup.wa.gov.au)

## **PROTOCOLS FOR BRIEFING SESSIONS**

The following protocols for the conduct of Briefing Sessions were adopted at the Council meeting held on 9 August 2005.

### **INTRODUCTION**

The modern role of the Elected Council is to set policy and strategy, and provide goals and targets for the local government (City of Joondalup). The employees, through the Chief Executive Officer, have the task of implementing the decisions of the Elected Council.

A well-structured decision-making process that has established protocols will provide the elected body with the opportunity to:

- have input into the future strategic direction set by the Council;
- seek points of clarification;
- ask questions;
- be given adequate time to research issues;
- be given maximum time to debate matters before the Council;

and ensure that the elected body is fully informed to make the best possible decision for all the residents of the City of Joondalup.

### **PURPOSE OF BRIEFING SESSIONS**

Briefing Sessions will involve Elected Members, staff, and external advisors (where appropriate) and will be open to the public.

Briefing Sessions will provide the opportunity for Elected Members to be equally informed and seek additional information on matters prior to the presentation of such matters to the next ordinary meeting of Council for formal consideration and decision.

### **Protocols for Briefing Sessions**

The following protocols will apply to Briefing Sessions that are conducted by the City of Joondalup.

- 1 Briefing Sessions will be open to the public except for matters that relate to a confidential nature. The guide in determining those matters of a confidential nature shall be in accordance with the Local Government Act 1995.
- 2 Dates and times for Briefing Sessions will be set well in advance where practicable, and appropriate notice given to the public.
- 3 The Chief Executive Officer will ensure timely written notice and an agenda for each Briefing Session will be provided to all Elected Members, Members of the public and external advisors (where appropriate).

- 4 The Mayor is to be the Presiding Member at Briefing Sessions. If the Mayor is unable or unwilling to assume the role of Presiding Member, then the Deputy Mayor may preside at the Briefing Session. If the Deputy Mayor is unable or unwilling, those Elected Members present may select one from amongst themselves to preside at the Briefing Session.
- 5 The Presiding Member at the commencement of each Briefing Session shall:
  - (a) Advise Elected Members that there will be no debate on any matters raised during the Sessions;
  - (b) Ensure that the relevant employee, through liaising with the Chief Executive Officer, provides a detailed presentation on matters listed on the agenda for the Session;
  - (c) Encourage all Elected Members present to participate in the sharing and gathering of information;
  - (d) Ensure that all Elected Members have a fair and equal opportunity to participate in the Session; and
  - (e) Ensure the time available for the Session is liberal enough to allow for all matters of relevance to be identified;
- 6 Elected Members, employees and relevant consultants shall disclose their interests on any matter listed for the Briefing Sessions. When disclosing an interest the following should be considered:
  - (a) Interests are to be disclosed in accordance with the provisions of the Local Government Act 1995 and the City's Code of Conduct;
  - (b) Persons disclosing a financial interest will not participate in that part of the Session relating to the matter to which their interest applies and shall depart the room;
  - (c) An exception shall be applied to the disclosing of interests by consultants where the consultant will be providing information only, and will be able to remain in the Session;
  - (d) As matters raised at a Briefing Session are not completely predictable, there is some flexibility in the disclosures of interests. A person may disclose an interest at such time as an issue is raised that is not specifically listed on the agenda for the Session.
- 7 Elected Members have the opportunity to request matters to be included on the agenda for consideration at a future Briefing Session by:
  - (a) A request to the Chief Executive Officer; or
  - (b) A request made during the Briefing Session.
- 8 A record shall be kept of all Briefing Sessions. As no decisions are made at a Briefing Session, the record need only be a general record of the items covered but shall record any disclosure of interests as declared by individuals. A copy of the record is to be forwarded to all elected members.

- 9 Members of the public may make a deputation to a Briefing Session by making a written request to the Mayor by 4pm on the working day immediately prior to the scheduled Briefing Session. Deputations must relate to matters listed on the agenda of the Briefing Session.
- 10 Other requirements for deputations are to be in accordance with the Standing Orders Local Law where it refers to the management of deputations.

## **PUBLIC QUESTION TIME**

The following protocols for the conduct of Public Question Time were adopted at the Council meeting held on 11 October 2005

Members of the public are invited to ask questions, either verbally or in writing, at Briefing Sessions.

The Council encourages members of the public, where possible, to submit their questions at the earliest opportunity.

Public question time will be limited to the legislative minimum of fifteen (15) minutes and may be extended in intervals of up to ten (10) minutes by resolution of the Council, but the total time allocated for public questions to be asked and responses to be given is not to exceed thirty five (35) minutes in total.

## **PROCEDURE FOR PUBLIC QUESTION TIME**

Members of the public are invited to ask questions, either verbally or in writing, at Briefing Sessions. Questions asked at a Briefing Session must relate to a matter contained on the draft agenda.

- 1 A register will be provided for those persons wanting to ask questions to enter their name. Persons will be requested to come forward in the order in which they are registered, and to give their name and address.
- 2 Each member of the public wanting to ask questions will be encouraged to provide a written form of their question(s) to the Chief Executive Officer (CEO) or designated City employee.
- 3 Public question time will be limited to two (2) minutes per member of the public, with a limit of two (2) questions per member of the public.
- 4 Statements are not to precede the asking of a question during public question time. Statements should be made during public statement time.
- 5 Members of the public are encouraged to keep their questions brief to enable everyone who desires to ask a question to have the opportunity to do so.

- 6 Where the number of required questions exceeds the number able to be asked, the member of the public may submit the unasked questions to the Council, where they would be 'taken on notice' and a written response provided.
- 7 Public question time is declared closed following the expiration of the allocated time period, or earlier than such time where there are no further questions.
- 8 To enable prompt and detailed responses to questions, members of the public are encouraged to lodge questions in writing to the CEO by close of business on the working day immediately prior to the scheduled Briefing Session.  
  
Responses to those questions received within the above timeframe will, where practicable, be provided in hard copy at the meeting.
- 9 The Mayor or presiding member shall decide to:
  - Accept or reject the question and his/her decision is final;
  - Nominate a member of the Council and/or City employee to respond to the question;
  - Due to the complexity of the question, require that it be taken on notice with a written response provided as soon as possible, and included in the agenda of the next briefing session.
- 10 Questions are to be directed to the presiding member and should be asked politely in good faith and are not to be framed in such a way as to reflect adversely or be defamatory on a particular Elected Member or City employee.
- 11 Where a response has been provided to a question asked by a member of the public, and where that response, in the opinion of the presiding person, adequately deals with the question, there is no obligation to further justify the response.
- 12 Where an elected member is of the opinion that a member of the public is:
  - asking a question at a Briefing session, that is not relevant to a matter listed on the draft agenda, or;
  - making a statement during public question time;they may bring it to the attention of the meeting.
- 13 Questions and any response will be summarised and included in the notes of the Briefing Session.
- 14 It is not intended that question time should be used as a means to obtain information that would not be made available if it was sought from the City's records under Section 5.94 of the Local Government Act 1995 or the Freedom of Information (FOI) Act 1992. Where the response to a question(s) would require a substantial commitment of the City's resources, the Chief Executive Officer (CEO) will determine that it is an unreasonable impost upon the City and refuse to provide it. The CEO will advise the member of the public that the information may be sought in accordance with the FOI Act 1992.

## **PUBLIC STATEMENT TIME**

The following protocols for the conduct of Public Statement Time were adopted at the Council meeting held on 11 October 2005

Members of the public are invited to make statements, either verbally or in writing, at Briefing Sessions of the City.

Public statement time will be limited to a maximum of fifteen (15) minutes. Individual statements are not to exceed two (2) minutes per member of the public.

### **PROCEDURE FOR PUBLIC STATEMENT TIME**

Members of the public are invited to make statements, either verbally or in writing, at Briefing Sessions. Statements made at a Briefing Session must relate to a matter contained on the draft agenda.

- 1 A register will be provided for those persons wanting to make a statement to enter their name. Persons will be requested to come forward in the order in which they are registered, and to give their name and address.
- 2 Public statement time will be limited to two (2) minutes per member of the public.
- 3 Members of the public are encouraged to keep their statements brief to enable everyone who desires to make a statement to have the opportunity to do so.
- 4 Public statement time is declared closed following the expiration of the allocated time period, or earlier than such time where there are no further statements.
- 5 Statements are to be directed to the Presiding Member and are to be made politely in good faith and are not to be framed in such a way as to reflect adversely or be defamatory on a particular Elected Member or City employee.
- 6 Where an elected member is of the opinion that a member of the public is making a statement at a Briefing session, that is not relevant to a matter listed on the draft agenda, they may bring it to the attention of the meeting.
- 7 Statements will be summarised and included in the notes of the Briefing Session.
- 8 It is not intended that public statement time should be used as a means to obtain information that would not be made available if it was sought from the City's records under Section 5.94 of the Local Government Act 1995 or the Freedom of Information (FOI) Act 1992. The CEO will advise the member of the public that the information may be sought in accordance with the FOI Act 1992.

## **DISCLAIMER**

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

## **DEPUTATION SESSIONS**

Council will conduct an informal session on the same day as the Briefing Session in Conference Room 1, Joondalup Civic Centre, Boas Avenue, Joondalup, commencing at 6.30 pm where members of the public may present deputations by appointment only. (Please note that deputation requests are to be received by no later than 4.00 pm on the Monday prior to a Briefing Session.)

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

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

## CITY OF JOONDALUP – BRIEFING SESSION

to be held in Conference Room 1, Joondalup Civic Centre, Boas Avenue, Joondalup on **TUESDAY, 20 MARCH 2007** commencing at **6.30 pm**

### ORDER OF BUSINESS

- 1 OPEN AND WELCOME**
- 2 DEPUTATIONS**
- 3 PUBLIC QUESTION TIME**

The following questions were raised at the Briefing Session held on 20 February 2007:

**Mrs M Macdonald, Mullaloo:**

Q1 *Have all residents who live in the vicinity of railway stations been informed of Amendment 31?*

A1 Consultation has not occurred with people living near railway stations.

**Ms J Mason, Greenwood:**

Q1 *As an adjoining business owner in Canham Way, why haven't I been advised of the change of use application, when will I be given an opportunity to comment and will this item be removed from the agenda until such time as I can participate by way of submission?*

A1 The application includes one aspect of discretion, which is not the type where Council would normally go to public consultation. There are no contentious aspects to trigger consultation with neighbours.

Q2 *In relation to Clause 6.8.2 of DPS2, how can Council determine this "D" use when no submissions have been called for, why hasn't this application been based on its merits rather than conditioning the application to make it comply?*

A2 This is a change of use. There are a number of matters in the Scheme that are assessed to determine whether a proposal needs to be advertised. It has been determined that it does not require public advertising for the reasons given in response to Question 1. The assessment is based on merit. If the application were not considered to be supported, the reasons for refusal would be recommended.



## 4 PUBLIC STATEMENT TIME

The following statements were made at the Briefing Session held on 20 February 2007:

**Mrs M Macdonald, Mullaloo:**

Mrs Macdonald spoke on the definition of short stay accommodation.

**Mr J Hollywood, Burns Beach:**

Mr Hollywood spoke in relation to parking within Burns Beach.

**Mr L Bertoldo, Glengarry Private Hospital**

Mr Loris Bertoldo, Finance Manager of Glengarry Private Hospital submitted a written statement in support of the proposed changed from a single house to consulting rooms at Lot 367 (5) Arnisdale Road, Duncraig.

## 5 APOLOGIES AND LEAVE OF ABSENCE

**Leave of Absence previously approved**

Cr R Fishwick	20 April 2007 to 14 May 2007 inclusive
Cr B Corr	10 August 2007 to 1 September 2007 inclusive

## 6 DECLARATIONS OF FINANCIAL INTEREST/INTEREST THAT MAY AFFECT IMPARTIALITY

**Disclosure of Financial Interests**

A declaration under this section requires that the nature of the interest must be disclosed. Consequently a member who has made a declaration must not preside, participate in, or be present during any discussion or decision-making procedure relating to the matter the subject of the declaration. An employee is required to disclose their financial interest and if required to do so by the Council must disclose the extent of the interest. Employees are required to disclose their financial interests where they are required to present verbal or written reports to the Council. Employees are able to continue to provide advice to the Council in the decision making process if they have disclosed their interest.

**Disclosure of interest affecting impartiality**

Elected members and staff are required under the Code of Conduct, in addition to declaring any financial interest, to declare any interest that may affect their impartiality in considering a matter. This declaration does not restrict any right to participate in or be present during the decision-making process. The Elected member/employee is also encouraged to disclose the nature of the interest.

<b>Name/Position</b>	<b>Mr Garry Hunt – Chief Executive Officer</b>
<b>Item No/Subject</b>	Item 7 – Minutes of the Audit Committee Meeting held 6 March 2007 (Item 2 – Quarterly Report – Corporate Credit Card Usage)
<b>Nature of interest</b>	Interest that may affect impartiality
<b>Extent of interest</b>	Relates to CEO credit card expenditure

<b>Name/Position</b>	<b>Mr Mike Tidy, Director Corporate Services</b>
<b>Item No/Subject</b>	Item 7 – Minutes of the Audit Committee Meeting held 6 March 2007 (Item 2 – Quarterly Report – Corporate Credit Card Usage)
<b>Nature of interest</b>	Interest that may affect impartiality
<b>Extent of interest</b>	Mr Tidy was a participant/guest at the City Xmas lunch listed in Appendix 1 to the report

## 7 REPORTS

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

**LATE ITEMS / ADDITIONAL INFORMATION**

In the event that further documentation becomes available prior to this Briefing Session, the following hyperlink will become active:

[Additional Information 200307.pdf](#)

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

**WARD:** All

**RESPONSIBLE DIRECTOR:** Mr Ian Cowie  
Governance and Strategy

### **PURPOSE**

To provide Council with a listing of those documents executed by means of affixing the Common Seal during the period 13 February 2007 to 27 February 2007.

### **EXECUTIVE SUMMARY**

The City of Joondalup enters various agreements by affixing its Common Seal. The Local Government Act 1995 states that the City is a body corporate with perpetual succession and a common seal. Those documents that are executed by affixing the Common Seal are reported to the Council for information on a regular basis.

### **BACKGROUND**

Not Applicable.

### **DETAILS**

<b>Document:</b>	<b>Section 70A Notification</b>
<b>Parties:</b>	City of Joondalup, J J Arnez, J D Arnez and M M Mosonyi
<b>Description:</b>	To restrict occupation of the ancillary accommodation to dependent member(s) of the family of the occupier(s) of the main dwelling on the land at Lot 866 (2) Amity Close, Sorrento.
<b>Date:</b>	13.02.07

<b>Document:</b>	<b>Joint Management Agreement</b>
<b>Parties:</b>	City of Joondalup and Minister for Education
<b>Description:</b>	Joint Management Agreement for the shared use and management of the City's oval on Falkland Reserve and the tennis courts, soccer pitch and change rooms based at Kinross College.
<b>Date:</b>	13.02.07

<b>Document:</b>	<b>Restrictive Caveat for Ancillary Accommodation</b>
<b>Parties:</b>	City of Joondalup, Kevin McAuley and Julie R McAuley
<b>Description:</b>	Notification under Section 70A of restrictive caveat on ancillary accommodation 19 Favenc Way, Padbury (Lot 736 P10992, Vol 1327 Fol 0623) – ancillary accommodation shall only be used as accommodation for dependent members of the family of occupiers of the principal dwelling on the same lot.
<b>Date:</b>	27.02.07

**Issues and options considered:**

Not Applicable.

**Link to Strategic Plan:**

Some of the documents executed by affixing the common seal may have a link to the Strategic Plan on an individual basis.

**Legislation – Statutory Provisions:**

Sub-sections (2) and (3) of section 2.5 of the Local Government Act 1995 states:

- (2) The local government is a body corporate with perpetual succession and a common seal.
- (3) The local government has the legal capacity of a natural person.

**Risk Management considerations:**

Not Applicable.

**Financial/Budget Implications:**

Some of the documents executed by the City may have financial and budget implications.

**Policy Implications:**

Not Applicable.

**Regional Significance:**

Not Applicable.

**Sustainability Implications:**

Not Applicable.

**Consultation:**

Not Applicable.

**COMMENT**

The various documents have been executed by affixing the Common Seal of the City of Joondalup and are submitted to the Council for information.

**ATTACHMENTS**

Nil.

**VOTING REQUIREMENTS**

Simple Majority

**RECOMMENDATION**

**That the schedule of documents executed by means of affixing the common seal covering the period 13 February 2007 to 27 February 2007 be NOTED.**

## **ITEM 2                      POSTPONEMENT OF EXTRAORDINARY ELECTION DATE – [58586]**

**WARD:**                      South-West

**RESPONSIBLE DIRECTOR:**                      Mr Ian Cowie  
Governance and Strategy

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### **PURPOSE / EXECUTIVE SUMMARY**

For Council to postpone the date for an extraordinary election to fill the vacancy created by the resignation of Cr Evans.

### **BACKGROUND**

Councillor Marie Evans resigned on 2 March 2007 in written notice to the Chief Executive Officer as required by Section 2.31(3) of the Local Government Act 1995 (the Act).

The Council at its meeting held on 9 August 2005 resolved to:

- “1        *NOTE that the Electoral Commissioner has agreed in writing to be responsible for all elections for the City of Joondalup until 31 December 2011;*
  
- 2        *DECLARE, in accordance with section 4.20(4) of the Local Government Act 1995, the Electoral Commissioner to be responsible for all Council elections for the City of Joondalup between now and 31 December 2011;*
  
- 3        *DECIDE, in accordance with section 4.61(2) of the Local Government Act 1995, that the method of conducting all Council elections for the City of Joondalup between now and 31 December 2011 will be postal elections;*
  
- 4        *CONFIRM that Resolutions 2 and 3 are not a binding contract with the Electoral Commissioner to conduct all elections until 31 December 2011 and nothing shall prevent Council from rescinding the decisions at any time in the future.”*

### **DETAILS**

Section 4.8 of the Act states that if a position on Council becomes vacant because of a resignation, an extraordinary election will generally be held. Section 4.9(2) then states that an extraordinary election should be held within four months of the vacancy occurring. However, section 4.16(4) states that if a vacancy occurs after the third Saturday in January in an election year, but before the third Saturday in July in that election year (as is the case in relation to this resignation) “Council may, with the approval of the Electoral Commissioner”, fix the ordinary election day as the day for holding any poll needed for the extraordinary election to fill that vacancy.

This provision allows for an extraordinary election to be postponed, with the vacancy arising from Cr Evan’s resignation to be filled at the October 2007 elections.



**Issues and options considered:**

Council could decide on an alternative date for holding the extraordinary election. The indicative costs obtained from the Western Australian Electoral Commission for the extraordinary election to be held on 31 March 2007 for the vacancy in the Central Ward is \$30,000. An extraordinary election for the South-West Ward could be expected to cost this amount. With the election process taking 80 days and the term of former Cr Evans being scheduled to expire in October 2007, it is likely that the person who filled the position through an extraordinary election would hold the seat for approximately three months.

**Link to Strategic Plan:**

Not Applicable.

**Legislation – Statutory Provisions:**

The following statutory provisions relate to this report. Each has been mentioned within the report.

- Section 2.31(3)
- Section 4.8
- Section 4.9(2)
- Section 4.16(4)

**Risk Management considerations:**

Not Applicable. Council needs to follow statutory processes.

**Financial/Budget Implications:**

An amount of \$300,000 is listed on the 2006/07 budget to conduct the 2007 May elections. Given the change to the election date, the remaining funds will not be expended this financial year and have been highlighted during the mid year budget review process.

**Policy Implications:**

Not Applicable.

**Regional Significance:**

Not Applicable.

**Sustainability Implications:**

Not Applicable.

**Consultation:**

No consultation has been made with the Electoral Commissioner at this stage.

**COMMENT**

Section 4.16(4) of the Act requires Council to make the final decision in relation to postponing elections following receipt of the Electoral Commissioner's approval. This report is designed to authorise the commencement of the postponement process. Council will need to formally resolve to postpone at a subsequent meeting once the Electoral Commissioner's approval has been obtained.

**ATTACHMENTS**

Nil.

**VOTING REQUIREMENTS**

Simple Majority

**RECOMMENDATION****That Council:**

- 1      AGREES in principle to postpone the date for the extraordinary election to fill the vacancy within the South-West Ward to that of the Ordinary Election on Saturday, 20 October 2007;**
- 2      REQUESTS that the Chief Executive Officer approach the Electoral Commissioner to seek his approval for this postponement.**

### **ITEM 3                      MINUTES OF THE SUSTAINABILITY ADVISORY COMMITTEE HELD ON 8 FEBRUARY 2007 – [00906]**

**WARD:**                      All

**RESPONSIBLE DIRECTOR:**                      Mr Ian Cowie  
Governance and Strategy

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#### **PURPOSE**

To submit the unconfirmed minutes of the Sustainability Advisory Committee to Council for noting and recommend appropriate action in relation to the decisions of the Committee.

#### **EXECUTIVE SUMMARY**

A meeting of the Sustainability Advisory Committee was held on Thursday 8 February 2007.

The items of business that were considered by the Committee were:

- Resignations from the Sustainability Advisory Committee
- Response to WALGA's Systemic Sustainability Study
- Response to Review of Advisory Committees of Council
- Exxonmobil – Australia's Energy Future
- City of Joondalup Bicycle Plan
- City of Joondalup Water Usage
- Water Grants Available for 2007
- Grey Water
- Rainwater Tanks
- Cities for Climate Protection Australia Measures Evaluation Report

*It is recommended that Council NOTES the unconfirmed minutes of the Sustainability Advisory Committee held on 8 February 2007 forming Attachment 1 to this Report and takes appropriate action in relation to the Motions raised at that Committee meeting.*

#### **BACKGROUND**

The objectives of the Sustainability Advisory Committee are:

- 1        To recommend to the City of Joondalup Council on policy, advice and appropriate courses of action which promote sustainability, which is:
  - (a)      environmentally responsible,
  - (b)      socially sound, and
  - (c)      economically viable
  
- 2        To provide advice to Council on items referred to the Committee from the City of Joondalup Administration.

The Committee membership comprises of four Councillors, representatives from ECU and TAFE, and community members with specialist knowledge of sustainability issues.

## DETAILS

### Issues and options considered:

The Motions moved at the Sustainability Advisory Committee meeting held on 8 February 2007 are shown below, together with officer's comments.

#### 1 Resignations from the Sustainability Advisory Committee

The following Motion was moved:

*"That the Sustainability Advisory Committee recommends to Council that it:*

- 1 *ACCEPTS the resignations of Mr Kieron D'Arcy, Dr Martin Breuckner and Dr Vincent Cusack;*
- 2 *THANKS Mr D'Arcy, Dr Breuckner and Dr Cusack for their commitment and significant contribution to the work of the Committee;*
- 3 *REDUCES membership of the Sustainability Advisory Committee to 11 members."*

#### Officer's Comment:

The reduction in membership will assist in ensuring that a quorum is reached for future meetings.

#### 2 Response to WALGA's Systemic Sustainability Study

The following Motion was moved:

*"That the Sustainability Advisory Committee NOTES the contents of the Report to Council with respect to WALGA's systemic sustainability study"*

#### Officer's Comment

No further action is required.

#### 3 Response to Review of Advisory Committees of Council

The following Motions were moved:

*"That the Sustainability Advisory Committee:*

- 1 *NOTES Council Report CJ174-10/06 Review of Advisory Committees of the Council;*
- 2 *Advises Council that it wishes to retain its current committee format, with a reduction of members to 11, until the October 2007 local government elections;*
- 3 *Reconsiders different committee structure models at its last meeting prior to the October 2007 local government elections"*

Officer's Comment

Recommendations 2 and 3 are supported.

**4 Exxonmobil – Australia's Energy Future**

The following Motions were moved:

*"That the Sustainability Advisory Committee:*

- 1 *NOTES the report on Exxonmobil and Australia's Energy Future.*
- 2 *THANKS Mr Brian Fleay of the Sustainable Coalition for Peak Oil for his presentation on peak oil;*
- 3 *ADVISES Council that the issue of peak oil has major implications for the lifestyle of the residents of the City of Joondalup;*
- 4 *ADVISES Council that peak oil has major implications for the sustainability of the City and the Sustainability Advisory Committee should examine the issue of the City adopting the oil depletion protocol raised by Mr Brian Fleay;*
- 5 *ADVISES Council that addressing peak oil should be major consideration in strategic planning for the City of Joondalup;*
- 6 *REQUESTS the City's administration to report on the progress in implementing the state and local government BASIXs framework."*

Officer's Comment

Research and investigations are underway to develop reports regarding the oil depletion protocol and the BASIXs framework.

**5 City of Joondalup Bicycle Plan**

The following Motion was put:

*"That the Sustainability Advisory Committee:*

- 1 *NOTES the Report and progress made in relation to the City's bike plan.*
- 2 *REQUESTS Council to include installation of bike racks at all Council owned or managed public facilities, for consideration in its half yearly budget review"*

Officer's Comment

This matter was mentioned at the mid year Budget Review Process.

## **6 City of Joondalup Water Usage**

The following Motion was put:

*“That the Sustainability Advisory Committee:*

- 1 *NOTES the Report on the City’s water usage.*
- 2 *REQUESTS information to be provided to its next meeting to clarify the bore water usage data and to advise of water saving strategies being carried out by the City”*

### Officer’s Comment

The water usage data has been clarified and will be reported to the next meeting of the Sustainability Advisory Committee.

## **7 Water Grants Available for 2007**

The following Motion was put:

*“That the Sustainability Advisory Committee NOTES the Report on water grants available for 2007.”*

### Officer’s Comment

No further action is required.

## **8 Grey Water**

The following Motions were put:

*“That the Sustainability Advisory Committee REQUESTS Council to support the administration’s initiative of taking the issue and reuse of the waste water at Beenyup to the State Government as a matter of priority.”*

*“That the Sustainability Advisory Committee:*

- 1 *NOTES the City’s recent initiative of introducing a discount on fees for greywater systems;*
- 2 *SUPPORTS the concept of community seminars on greywater/rainwater tank opportunities.”*

### Officer’s Comment

The City is hosting a Great Gardens workshop on 21 March 2007 where greywater/rainwater tank opportunities and health and environmental risks will be discussed.

## 9 Rainwater Tanks

The following Motions were put:

*“That the Sustainability Advisory Committee*

- 1 *NOTES the report on rainwater tanks and CONSIDERS the various options for encouraging the uptake of rainwater tanks.*
- 2 *SUPPORTS the concept of community seminars on greywater/rainwater opportunities and these seminars are to include the health and environmental risks and the advertising of the importance of conserving water in a forthcoming community publication.”*

### Officer’s Comment

The City is hosting a Great Gardens workshop on 21 March 2007 where greywater/rainwater tank opportunities and health and environmental risks will be discussed.

## 10 Cities for Climate Protection Australia Measures Evaluation Report

The following Motion was put:

*“That the Sustainability Advisory Committee notes the results of the Cities For Climate Protection Australia Measures Evaluation.*

### Officer’s Comment

No further action is required.

### **REQUESTS FOR REPORTS FOR FUTURE CONSIDERATION:**

The following reports were requested at the meeting of the Sustainability Advisory Committee:

- 1 **Report on the potential to enhance the pedestrian and dual use paths linking Whitfords Avenue, Whitford City Shopping centre, Ocean Reef Road and the coast.**

### Officer’s Comment

This matter will be considered as part of the Capital Works Program and the outcome of the process will be reported back to the Committee.

- 2 **Report relating to the setting of meeting dates of the Sustainability Advisory Committee, providing options on whether meetings should be set on an 8-week cycle or held on an as-needs basis at the discretion of the presiding person.**

### Officer’s Comment

This report will be submitted to the next meeting of the Sustainability Advisory Committee.

**3 Report on the current status and review process for the Bike Plan.**Officer's Comment

This is an infrastructure matter and is being investigated.

**4 Report providing information to the Sustainability Advisory Committee in relation to the City's policy on removal and protection of trees.**Officer's Comment

The City does not currently have a policy on this matter. Policy issues need to be considered by the City's Policy Committee. However, the City does have Fact Sheets on street tree maintenance and removal and verge treatment guidelines available on its website.

**5 Report on the merit of the City establishing a Sustainability Forum system, to enable major sustainability issues to be workshopped with concerned residents.**Officer's Comment

A report on different methods for engaging the community in sustainability matters is being investigated and will be reported in conjunction with the review of Committee structures.

**Link to Strategic Plan:**

Key Focus Area: Organisation Development

Objective 4.3 To ensure the City responds to and communicates with the community

**Legislation – Statutory Provisions:**

The Committee is established in accordance with the Local Government Act 1995.

**Risk Management considerations:**

Not Applicable.

**Financial/Budget Implications:**

Not Applicable.

**Policy Implications:**

Not Applicable.

**Regional Significance:**

The Sustainability Advisory Committee provides an opportunity for consideration of regional matters that may impact on local sustainability.



**Sustainability Implications:**

The Sustainability Advisory Committee provides a forum for consideration of a range of sustainability issues by elected members and community representatives with local knowledge and expertise.

**Consultation:**

Not Applicable.

**COMMENT**

A significant number of recommendations and requests for Reports have been made by the Sustainability Advisory Committee, which will require further research, analysis and reporting in order to progress the requests of the Committee.

**ATTACHMENTS**

Attachment 1            Minutes of the Sustainability Advisory Committee meeting held on 8 February 2007.

**VOTING REQUIREMENTS**

Absolute Majority

**RECOMMENDATION****That Council:**

- 1        NOTES the unconfirmed minutes of Sustainability Advisory Committee held on 8 February 2007 forming Attachment 1 to this Report;**
- 2        (a)    ACCEPTS the resignations of Mr Kieron D’Arcy, Dr Martin Breuckner and Dr Vincent Cusack;**
  - (b)    THANKS Mr D’Arcy, Dr Breuckner and Dr Cusack for their commitment and significant contribution to the work of the Committee;**
  - (c)    BY AN ABSOLUTE MAJORITY, REDUCES membership of the Sustainability Advisory Committee to 11 members;**
  - (d)    NOTES that the Committee wishes to retain its current format, with a reduction of members to 11, until the October 2007 local government elections;**
  - (e)    NOTES that the Sustainability Advisory Committee will consider different committee structure models at its last meeting prior to the October 2007 local government elections;**

- (f) **NOTES the advice of the Committee in relation to peak oil and AGREES that the Committee examine an oil depletion protocol;**
- 3 CONSIDERS the installation of bike racks at all Council owned or managed public facilities during the next budget process.**

*Appendix 1 refers*

*To access this attachment on electronic document, click here: [Attach1brf200307.pdf](#)*

## **ITEM 4                    APPOINTMENT OF A DEPUTY MEMBER - TAMALA PARK REGIONAL COUNCIL MEETING TO BE HELD 12 APRIL 2007 – [41586]**

<b>WARD:</b>	All
<b>RESPONSIBLE DIRECTOR:</b>	Mr Ian Cowie Governance and Strategy

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### **PURPOSE / EXECUTIVE SUMMARY**

For the Council to give consideration to appointing Councillor Fishwick to deputise for His Worship the Mayor at the Tamala Park Regional Council meeting to be held on 12 April 2007.

### **BACKGROUND**

The Tamala Park Regional Council was established for the development of approximately 165 hectares of Lot 118 Mindarie. It comprises the following local governments:

- City of Joondalup;
- City of Perth;
- City of Stirling;
- City of Wanneroo;
- Town of Vincent;
- Town of Victoria Park and
- Town of Cambridge

Each local government is represented on the Regional Council, with the City of Joondalup being represented by His Worship the Mayor Troy Pickard and Councillor Michele John. The Regional Council meets on the second Thursday of every second month, with its next meeting scheduled to be held on Thursday, 12 April 2007.

### **DETAILS**

The Mayor is scheduled to be intrastate on 12 April 2007 and will be unable to attend the scheduled meeting of the Regional Council.

Legal advice has recently been received by both the Mindarie Regional Council and Tamala Park Regional Council, which indicated that there is no power for member Councils to appoint permanent deputies to the Regional Council. Consequently, if the City's appointed member to the Regional Council is unable to attend the meeting, a nominated deputy cannot just attend in his or her place. Instead, the City needs to appoint a person to act in place of the member on each occasion when the member could not attend.

Due to the Mayor's absence, and as Councillor Fishwick was the previously nominated deputy, it is recommended that Councillor Fishwick represent the City at the meeting on 12 April 2007.

**Issues and options considered:**

The options available to the Council are to:

- agree to appoint another member to act in the place of the Mayor during his absence; or
- not agree to appoint another member.

**Link to Strategic Plan:**

Not Applicable.

**Legislation – Statutory Provisions:**

The legislation, which is constraining the appointment of deputies, is the *Interpretation Act 1984*.

Section 52(1) and (2) of the *Interpretation Act 1984* states:

- (1) Where a written law confers a power or imposes a duty upon a person to make an appointment to an office or position, including an acting appointment, the person having such a power or duty shall also have the power –
  - (b) (Where the person appointed is) expected to become unable, for any other cause to perform the functions of such office or position, to appoint a person to act temporarily in place of the person so appointed during the period of suspension or other inability but a person shall not be appointed to so act temporarily unless he is eligible and qualified to be appointed to the office or position;
  - (c) To specify the period for which any person appointed in exercise of such a power or duty shall hold his appointment.
- (2) For the purposes of subsection (1)(b), “cause” includes:
  - (a) Illness;
  - (b) Temporary absence from the State; and
  - (c) Conflict of interest.

The key provisions, which create problems for the appointment of deputies, are the word ‘unable’ in subsection 1(b) and the requirement to specify the period of appointment in subsection 1(c).

**Risk Management considerations:**

The risk to the City of Joondalup is that if another member is not appointed to represent the City in the absence of the Mayor, then the City will not be fully represented and therefore not have its allocated voting rights on matters before the Regional Council.

**Financial/Budget Implications:**

Not Applicable.

**Policy Implications:**

Not Applicable.

**Regional Significance:**

Not Applicable.

**Sustainability Implications:**

Not Applicable.

**Consultation:**

Not applicable.

**COMMENT**

Prior to the legal advice being received, Councillor Fishwick was the nominated deputy for His Worship the Mayor. It is recommended that Councillor Fishwick represent the City at the meeting of the Tamala Park Regional Council to be held 12 April 2007.

**ATTACHMENTS**

Nil.

**VOTING REQUIREMENTS**

Simple Majority

**RECOMMENDATION****That:**

- 1 Due to the absence of His Worship the Mayor Troy Pickard, and in accordance with the provisions of section 52 of the Interpretation Act 1984, the Council temporarily APPOINTS Councillor Russ Fishwick as the deputy member to act on behalf of His Worship the Mayor and represent the City at the meeting of the Tamala Park Regional Council to be held on Thursday, 12 April 2007;**
- 2 Council ADVISES the Tamala Park Regional Council of the decision in (1) above.**

## **ITEM 5                    YELLAGONGA REGIONAL PARK ENVIRONMENT CENTRE FEASIBILITY STUDY – PRESENTATION OF FINAL REPORT - [60510]**

**WARD:**                    North

**RESPONSIBLE DIRECTOR:**                    Mr Ian Cowie  
Governance and Strategy

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### **PURPOSE**

To consider the outcomes of the feasibility study into an Environment Centre within the Yellagonga Regional Park and to determine whether, and if yes, how an Environment Centre should be progressed.

### **EXECUTIVE SUMMARY**

The City of Joondalup and the City of Wanneroo have partnered together to undertake a feasibility study for an Environment Centre within the Yellagonga Regional Park.

The outcome of the participative phase indicated that of the five sites identified as being preferred or satisfactory, Lot 1 Lakeside Drive Joondalup was the most suitable site for an Environment Centre. The second site that could accommodate most aspects for the centre was Scenic Drive Wanneroo.

The feasibility study concludes that two options for an Environment Centre exist. Firstly, at Lot 1 Lakeside Drive Joondalup and secondly, at Scenic Drive Wanneroo as they have the greatest potential in terms of proximity to population bases and public access. The two sites also offer an aesthetic environment with respect to access to Lake Joondalup. The executive summary of the feasibility study is shown as Attachment 1.

This report recommends that Council support, in principle, the development of an Environment Centre at Lot 1 Lakeside Drive Joondalup and presents the full Feasibility Study to the community for their comment for a period of six (6) weeks.

### **BACKGROUND**

Since the early 1990's, a number of government agencies, educational institutions and the community have prepared various proposals for an Environment Centre in the Yellagonga Regional Park. The Yellagonga Regional Park Management Plan 2003-2013, prepared by the Department of Environment and Conservation (DEC) in liaison with the Cities of Wanneroo and Joondalup, gives consideration to the development of an Environment Centre within the Regional Park.

The latest proposal to undertake a feasibility study to develop an Environment Centre at Lot 1 Lakeside Drive Joondalup was presented to the City of Joondalup Council in June 2003. The proposal was not supported due to budget constraints.

During the budget deliberation process in 2004/05, the City of Joondalup agreed to allocate \$15,000 to undertake a feasibility study for Lot 1 Lakeside Drive Joondalup. The DEC also contributed \$35,000 towards the study.

Following a request from the City of Joondalup for a matching financial contribution for this initiative, the City of Wanneroo at its Council meeting on 7 June 2005, resolved to:

1. *AGREE to participate in a joint feasibility study with the City of Joondalup for the establishment of an Environment Centre within the Yellagonga Regional Park.*
2. *CONTRIBUTE up to \$15,000 towards the cost of undertaking the study on the basis that the draft project plan is reviewed to incorporate the City's requirements and the City being involved in jointly managing the project.*
3. *FURTHER CONSIDER the City's position regarding future resourcing and support for the centre following completion of the feasibility study.*

On 30 November 2005 the two Cities brought together over 100 people at a "Visioning Workshop for an Environment Centre". The participants included representatives from local indigenous and friends' groups, as well as community members, politicians and representatives from both Councils. The objective of the night was to gather community aspirations with respect to the centre, the type of centre, what the centre would do and finally the most suitable location for the proposed centre.

From the outcomes of the workshop it became clear that the community would prefer a building, located either at Lot 1, Perry's Paddock, Luisini's Winery or at a site to the north of Ocean Reef Road, on the south western side of Lake Joondalup.

Participants also indicated that a number of key criteria must be considered when selecting the Environment Centre Site. These are:

- Accessibility – a centre should be close to public transport, roads, paths etc.
- Security – a centre should be located in an area where security does not become an issue.
- Visibility – a centre should be visible from the road. This would attract passers by as well as minimise security issues.
- Environmental damage – this must be kept to minimal levels, locating the Centre on/near Acid Sulphate Soils is a concern. Flora and fauna must not be damaged.
- A centre should not be built on highly valued conservation areas – a thorough examination of heritage/historical/indigenous values would have to be undertaken.
- A Centre should not impact on amenity of nearby residents.

During the workshop, participants were asked to provide expressions of interest in serving on a "Community Reference Group" to provide advice to the project team responsible for the feasibility study. A number of nominations were received. The Community Reference Group (CRG) was convened in March 2006.

The CRG's objectives were to:

- Contribute to the feasibility study by providing local knowledge and expertise;
- Liaise with individuals, community and stakeholder groups and the organisations that they represent on the status or advancement of the feasibility study;
- Ensure ongoing involvement throughout the feasibility study process;
- Provide an impartial view as to the location of the site for the proposed Environment Centre.

The final membership of the CRG was as follows:

<b>Name</b>	<b>Group/ Organisation</b>
Barry Fitzsimmons	City of Joondalup Conservation Advisory Committee
Colin Vann	Community member
Derrick Phillips	Friends of Yellagonga
Doolann-Leisha Eatts	Nyoongar Elder
Esandra Colbung	Bibbulman Tribal Group
John Chester	DEC Yellagonga Regional Park Advisory Committee, City of Wanneroo Environmental Advisory Committee
Judy Hughes	Member for Kingsley
Ken Travers	Member for North Metropolitan Region
Lyn Williamson	Edith Cowan University
Michael Mac Shane	North Metro Catchment Group
Michelle McManus	Community member
Oriel Green	Northern Suburbs Reconciliation Group
Peter Bombak	Community member
Thomas Perrigo	National Trust of Western Australia
Wendy Herbert	Joondalup Community Coast Care Forum

In May 2006 Gresley Abas Architects and EVOLVE Solutions were contracted through a tender process to undertake the Yellagonga Environment Centre feasibility study.

On Wednesday 21 June, CRG members, Project Team members (including representatives from the Cities of Wanneroo and Joondalup and the DEC), invited observers and the consultant team toured seven potential environment centre sites within the park. The nominated sites were:

- Lot 1 Lakeside Drive
- Neil Hawkins Park
- North Ocean Reef Road (Apalie Trail)
- Perry's Paddock
- Corner Duffy Terrace & Whitfords Avenue
- Luisini Winery
- Scenic Drive

The sites were identified from the research and consultative processes undertaken prior to the site visit.

Following the site visits a series of workshops with the CRG were conducted from June to November 2006. Members from the CRG and the Project Team were presented with regular updates of the consultant's findings including case studies, situational analysis and potential activities that could be run from an Environment Centre.

The objective of the final workshop, which occurred on 15 November 2006, was for the CRG to nominate their preferred site based on the information they had received and their subsequent deliberations.



The chosen site was to be subject to further concept development, a business strategy and financial investigations into the costs of developing the preferred site as well as greater detail on the activities that could be pursued from it.

An open ballot was conducted with the outcome that the CRG selected Lot 1 Lakeside Drive in Joondalup as the preferred site with Scenic Drive in Wanneroo as their second preference for a site.

## **DETAILS**

The purpose of the Feasibility Study was to consider community needs and aspirations with respect to establishment of an Environment Centre for the Yellagonga Regional Park (YRP). The study would take into account the natural, cultural and historic heritage of the YRP and produce a report including a detailed justification for the type of centre and the potential location and uses of the centre. Detailed financial analysis was undertaken on the various options.

The study included the assessment and analysis of several site options within the Regional Park, where the potential facility could be located. Initially, seven sites were examined. Following detailed situational analysis of the sites each site was ranked as follows: Unsatisfactory, Satisfactory or Preferred. The sites and rankings are provided below.

- Lot 1 Lakeside Drive Joondalup: ***Preferred***
- Neil Hawkins Park: *Satisfactory*
- Scenic Drive Wanneroo: ***Preferred***
- Ocean Reef Road: *Unsatisfactory*
- Perry's Paddock Wanneroo: ***Preferred***
- Duffy Terrace Joondalup: *Unsatisfactory*
- Luisini Winery: *Satisfactory*

From the rankings, two sites were excluded from further study (Ocean Reef Road and Duffy Terrace). The remaining five sites were subject to further detailed analysis, including a SWOT analysis (Strengths, Weaknesses, Opportunities, Threats) and scenario feasibility, to determine the types of activities that could be conducted at each site. The preferred and satisfactory sites were then further analysed to produce the final report of the feasibility study.

## **Issues and Options:**

The outcome of the feasibility study and the participative phase indicated that of the five sites identified as being preferred or satisfactory, Lot 1 Lakeside Drive Joondalup was the most suitable site for an Environment Centre. The second site that could accommodate most aspects for the centre was Scenic Drive Wanneroo. The following are summaries of the two sites:

### **1. Lot 1 Lakeside Drive Joondalup:**

The gross estimated internal floor area of the proposed YRP Environment Centre at this site is 675m<sup>2</sup>. The building is to follow the natural contours at the top of the ridge at Lot 1, looking down the slope towards ideal views of Lake Joondalup to the west and north.

To minimise the impact of the structure on the landscape it is recommended that investigations be undertaken into how the building might be designed to blend in with the existing natural slope of the site.

With part of the structure positioned against the slope, significant advantages in climatic performance (maintaining the indoor thermal comfort of the building to minimize reliance on artificial heating and cooling loads) would be achieved.

The estimated capital cost to design, build and commission the YRP Environment Centre at Lot 1 Lakeside Drive Joondalup is \$3.79m (including GST, at December 2006 with 10% p.a. escalation thereafter, equating to an estimated building cost of \$4.67m by January 2009).

## 2. Scenic Drive Wanneroo:

The gross estimated internal floor area of the proposed YRP Environment Centre at this site is 495m<sup>2</sup>. It is proposed that the building is sited adjacent to existing community facilities and infrastructure, and very close to the lakeshore edge. A good northerly aspect is achieved and the building can be nestled within an encircling grove of *Paperbark* and *Melaleuca*. The promontory provides a unique opportunity to create a boardwalk to cross over onto the nearby island in Lake Joondalup.

The estimated capital cost to design, build and commission the YRP Environment Centre at Scenic Drive is \$2.62m (including GST, at December 2006 with 10% p.a. escalation thereafter, equating to an estimated building cost of \$3.23m by January 2009).

The operating costs associated with the proposals for an Environment Centre differ between the site at Lot 1 Lakeside Drive Joondalup and the site at Scenic Drive Wanneroo. The difference in costs relate to the different types of infrastructure and activities relating to the Centres. The following tables show the costing for the two sites:

Table 1. Financial Analysis of Lot 1 Lakeside Drive Joondalup

Summary of Financial Analysis – Lot 1				
Some Key Income Indicators				
	Number/Frequency	Income	Expenses	Profit
Tenants	4	\$60,000		\$60,000
Shop Sales		\$60,000	\$40,000	\$20,000
Amphitheatre	12	\$6,000	600	\$5,400
Café Lease		\$20,000		\$20,000
Bike Hire	2000	\$20,000	2000	\$18,000
Trading Projections - Full Operation				
Gross Revenue		\$277,200		
Operating Costs		\$381,100		
Operating Profit		-\$103,900		
Recommended Local Government Annual Contribution				\$115,000

Table 2. Financial Analysis of Scenic Drive Wanneroo

Summary of Financial Analysis- Scenic Drive				
Some Key Income Indicators				
	Number	Income	Expenses	Profit
Tenants	2	\$30,000		\$30,000
Shop Sales		\$50,000	\$25,000	\$25,000
Island Entry Fee	2500	\$5,000		\$5,000
Café Lease		\$20,000		\$20,000
Bike Hire	1000	\$10,000	\$1,000	\$9,000
Trading Projections - Full Operation				
Gross Revenue		\$200,400		
Operating Costs		\$263,000		
Operating Profit		-\$62,600		
Recommended Local Government Annual Contribution				\$75,000

The feasibility study concludes that two options for an Environment Centre exist. Firstly, at Lot 1 Lakeside Drive Joondalup and secondly, at Scenic Drive Wanneroo as they have the greatest potential in terms of proximity to population bases and public access. The two sites also offer an aesthetic environment with respect to access to Lake Joondalup. The following points identify the features that both sites could have in common;

- An interpretative facility with a key focus on local, regional & global environmental issues and the cultural heritage of the region.
- An educational facility capable of supporting environmental education programmes both externally in the field as well as internally with seminar based presentations.
- A facility which provides opportunities for local government environmental officers (i.e. accommodation) to interact with the community in providing community based environmental information and in developing new initiatives and programmes.
- A facility that supports and provides accommodation and resources for community based local environmental and cultural groups.
- The provision of space which can be leased for the establishment of a centre to promote individual and community well being. This would include services and programmes that promote a healthy lifestyle for the individual, as well as a retail outlet specialising in the promotion of healthy and sustainable living.
- The creation of a community garden for demonstration of environmentally sound practices within an important wetland catchment region.
- A retail outlet for the sale of appropriately themed foods and goods including possible sale of produce from the community garden.
- The provision of a space which can be leased as a food and beverage outlet which will serve as an additional attractor for the facility whilst supporting and promoting produce that is aligned with best-practice environmentally sustainable principles.
- A facility that provides the necessary administrative accommodation, amenities and functional support required for the uses described above.
- A bike hire service.

The following points identify the different features of an Environment Centre, dependent upon whether it is to be located at either Lot 1 or Scenic Drive:

Table 3: Comparison of features between Lot 1 and Scenic Drive

<b>Features specific to Lot 1</b>	<b>Features specific to Scenic Drive</b>
An outdoor amphitheatre for community, public and private functions.	A walk trail across to the adjacent island to allow increased interpretive opportunities and income generation
The provision of space that can be leased for a business incubation unit supporting environmentally based business enterprise and initiatives.	
The provision of office space for the environmental management staff of both Local Governments.	

**Link to Strategic Plan:**

The undertaking of a feasibility study for an Environment Centre links to the City of Joondalup Strategic Plan 2003-2008 under the following areas:

*Caring for the Environment - The City of Joondalup is a cultural centre*

1.2 *To meet the cultural needs and values of the community*

1.2.1 *Continue to enhance and create new cultural activities and events*

1.2.2 *Create cultural facilities*

*Community Well Being - The City of Joondalup is environmentally responsible in its activities*

2.1 *To plan and manage our natural resources to ensure environmental sustainability*

2.1.1 *Maintain and protect natural assets to retain biodiversity*

*Organisational Development - The City of Joondalup is an interactive community*

4.3 *To ensure the City responds to and communicates with the community*

4.3.1 *Provide effective and clear community consultation.*

**Legislation – Statutory Provisions:**

Not Applicable.

**Risk Management considerations:**

A number of risks have been identified associated with this project proceeding to implementation. However, there are no major risks in undertaking further consultation as recommended in this report other than the raising of public expectation should the project not proceed.

**Financial/Budget Implications:**

The feasibility study project has a total funding allocation of \$65,000 comprising of contributions from:

- City of Joondalup \$15,000
- City of Wanneroo \$15,000
- CALM \$35,000

It is anticipated that by the end of the feasibility study project all costs will be expended accordingly.

The feasibility study contains detailed costings for the design and construction stages for an Environment Centre, however final costs will depend on which site is finally selected for development.

It is proposed within the Feasibility Study Report that the project be funded through a combination of sources with the Federal and State Government supplying the capital funding for the project and the two Cities making a contribution for infrastructure and capital works. It is considered that this would strengthen the opportunity for funding from other sources and help to secure partnerships with other agencies. There are a number of grant opportunities available for ongoing and operational costs associated with the proposed Centre. Section 11.9.1 of the full report provides a detailed assessment of potential funding strategies for ongoing operational and project activities.

**Policy Implications:**

Not Applicable.

**Regional Significance:**

The YRP is by nature a strategic regional natural asset for the two Cities and the State of Western Australia. It is imperative that the YRP wetlands are managed effectively and protected. The development of an Environment Centre is in keeping with the YRP Management Plan and, to this end, the feasibility study project has immense regional significance. The project represents an important demonstration of cross-local government-jurisdiction cooperation and participation.

**Sustainability Implications:**

An Environment Centre will be designed to enhance sustainability of the wetlands through its educational and other roles.

**Consultation:**

As referred to previously, public participation has involved:

- A community information forum on 20 December 2004 to set the context in which to undertake a feasibility study
- A "Visioning Workshop for an Environment Centre" on 30 November 2005
- Establishment of a Community Reference Group and ongoing consultative processes utilising e-mail, mail, workshops and meetings with the CRG to ensure all stakeholders are fully informed and granted full opportunity to offer input to the process.

The project is now ready for broad public consultation. This report suggests that this occur for a period of six weeks. The public will be informed of the community consultation process through advertisements in the community newspapers, and letters and hard copies of the report will be made available in all City libraries and customer service centres.

## **COMMENT**

Not Applicable.

## **ATTACHMENTS**

Attachment 1      Executive Summary

## **VOTING REQUIREMENTS**

Simple Majority

## **RECOMMENDATION**

### **That Council:**

- 1      NOTES the final report of the Yellagonga Regional Park Environment Centre Feasibility Study forming Attachment 1 to this Report;**
- 2      NOTES the Community Reference Group recommendation for the preferred site for an Environment Centre to be at Lot 1 Lakeside Drive Joondalup;**
- 3      In principle, SUPPORTS the development of an Environment Centre at Lot 1 Lakeside Drive Joondalup;**
- 4      APPROVES the release of the final report of the Yellagonga Environment Centre Feasibility Study for public consultation for a period of six (6) weeks.**

*Appendix 2 refers*

To access this attachment on electronic document, click here: [Attach2brf200307.pdf](#)

**ITEM 6                      EXTENSION OF TERMS FOR ELECTED MEMBERS  
– [58586]**

**WARD:**                      All

**RESPONSIBLE  
DIRECTOR:**                Mr Garry Hunt  
                                    Office of CEO

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Following passage of the Local Government Amendment Bill through Parliament in 2006, the terms of all Elected Members have been extended from May to October in the year in which the terms were due to conclude. Local government ordinary elections will now be held on the third Saturday in October rather than the first Saturday in May.

In 2007, the ordinary elections will be held on Saturday, 20 October.

Submitted for information.

**RECOMMENDATION**

**That Council NOTES that the terms of Councillors McLean, Amphlett, Magyar, Corr and Currie have been extended until October 2007 as a result of amendments to the *Local Government Act 1995*.**

**Disclosure of interest affecting impartiality**

<b>Name/Position</b>	<b>Mr Garry Hunt – Chief Executive Officer</b>
<b>Item No/Subject</b>	Item 7 – Minutes of the Audit Committee Meeting held 6 March 2007 (Item 2 – Quarterly Report – Corporate Credit Card Usage)
<b>Nature of interest</b>	Interest that may affect impartiality
<b>Extent of interest</b>	Relates to CEO credit card expenditure

<b>Name/Position</b>	<b>Mr Mike Tidy, Director Corporate Services</b>
<b>Item No/Subject</b>	Item 7 – Minutes of the Audit Committee Meeting held 6 March 2007 (Item 2 – Quarterly Report – Corporate Credit Card Usage)
<b>Nature of interest</b>	Interest that may affect impartiality
<b>Extent of interest</b>	Mr Tidy was a participant/guest at the City Xmas lunch listed in Appendix 1 to the report

## **ITEM 7                    MINUTES OF THE AUDIT COMMITTEE MEETING HELD 6 MARCH 2007 - [50068]**

<b>WARD:</b>	All
<b>RESPONSIBLE DIRECTOR:</b>	Mr Mike Tidy Corporate Services

**PURPOSE**

To submit the unconfirmed minutes of the Sustainability Advisory Committee to Council for noting and recommend appropriate action in relation to the decisions of the Committee.

**EXECUTIVE SUMMARY**

A meeting of the Audit Committee was held on 6 March 2007.

The items of business that were considered by the Committee were:

- Introduction of Auditor to Members of the Audit Committee
- Quarterly Report – Corporate Credit Card Usage
- Half-Yearly Report – Contract Extensions
- Write-Off of Monies
- Consideration of the Auditor’s Management Letter for the Audit of the Accounts for the year ended 30 June 2006
- Appointment of External Member of Audit Committee
- Microsoft Exchange Email Problem – 20-22 December 2006
- 2006 Compliance Audit Return

*It is recommended that Council:*

- 1        *NOTES the unconfirmed Minutes of the Audit Committee meeting held on 6 March 2007, forming Attachment 1 to this Report;*
- 2        *RECEIVES the report on the Management Letter by the auditors in relation to the audit of the annual financial accounts for the financial year ended 30 June 2006 and that the management responses to each of the issues raised be supported;*



- 3 *READVERTISES for an external member representative on the Audit Committee for the term October 2007 to October 2009 in the Joondalup and Wanneroo Times only after the October 2007 Elections;*
- 4 *ADOPTS the completed Local Government Compliance Return for the period 1 January 2006 to 31 December 2006 forming Attachment 3 to this Report;*
- 5 *in accordance with Regulation 15 of the Local Government (Audit) Regulations 1996, SUBMITS the completed Compliance Audit Return to the Department of Local Government and Regional Development;*
- 6 *REQUESTS the Department of Local Government and Regional Development to prepare a Local Government Compliance Audit Return that lists all requirements set forth in the table to Audit Regulation 13 to assist local governments to undertake the audit.*

## **BACKGROUND**

The Council's Audit Committee was established in May 2001 to oversee the internal and external Audit, Risk Management and Compliance functions of the City. The City has also employed an internal auditor since May 2002.

## **DETAILS**

Mr Patrick Warr of Bentleys MRI Perth, the City's newly appointed auditors addressed the Committee and presented an overview of the processes Bentleys will undertake in conducting the forthcoming audit for the City, together with a list of anticipated timelines that each process would occur.

### **Issues and options considered:**

The Motions moved at the Audit Committee meeting held on 6 March 2007 are shown below, together with officer's comments.

### **Quarterly Report – Corporate Credit Card Usage**

The following Motion was moved:

*“That the Audit Committee NOTES the report on the corporate credit card usage of the CEO for the quarter ended 31 December 2006.”*

#### Officer's Comment

No further action is required.

### **Half-Yearly Report – Contract Extensions**

The following Motion was moved:

*“That the Audit Committee NOTES the report detailing contracts extended by the CEO during the half-year period between July 2006 and December 2006.”*

Officer's Comment

No further action is required.

**Write-Off of Monies**

The following Motion was moved:

*“That the Audit Committee RECEIVES the report of monies written-off under delegated authority for the period July to December 2006.”*

Officer's Comment

No further action is required.

**Consideration of the Auditor's Management Letter for the Audit of the Accounts for the year ended 30 June 2006**

The following Motion was moved:

*“That the Audit Committee RECOMMENDS to Council that the report on the Management Letter by the auditors in relation to the audit of the annual financial accounts for the financial year ended 30 June 2006 be RECEIVED and the management responses to each of the issues raised be supported.”*

Officer's Comment

The Auditor's Management Letter identified six issues. Two of these have since been addressed and completed. A further two relating to stock takes and infrastructure valuations will be addressed in this year's financial accounts. The remaining two relate to the deletion of old IT user accounts which is not considered a significant issue and the review of log files which will be addressed in the next financial year.

**Appointment of External Member of Audit Committee**

The following Motion was moved:

*“That the City READVERTISES for an external member representative on the Audit Committee for the term October 2007 to October 2009 in the Joondalup and Wanneroo Times only.”*

Officer's Comment

This position will not be advertised until the Council Elections in October 2007.

**Microsoft Exchange Email Problem – 20-22 December 2006**

The following Motion was moved:

*“That the Audit Committee NOTES the report into the Microsoft Exchange email system failure in December 2006.”*

Officer's Comment

No further action is required.

**2006 Compliance Audit Return**

The following Motion was moved:

*That the Audit Committee recommends that Council:*

- 1 *ADOPTS the completed Local Government Compliance Return for the period 1 January 2006 to 31 December 2006 forming Attachment 1 to this Report;*
- 2 *in accordance with Regulation 15 of the Local Government (Audit) Regulations 1996, SUBMITS the completed Compliance Audit Return to the Department of Local Government and Regional Development;*
- 3 *REQUESTS the Department of Local Government and Regional Development to prepare a Local Government Compliance Audit Return that lists all requirements set forth in the table to Audit Regulation 13 to assist local governments to undertake the audit.*

Officer's Comment

The Compliance Audit is required to be presented to the Audit Committee prior to consideration by the Council. Following adoption of the Compliance Audit Return at the 27 March 2007 Council meeting, the Mayor and the Chief Executive Officer will jointly certify it.

Minor changes were made to the Compliance Audit Return following clarification on responses provided.

**Link to Strategic Plan:**

- 4.2.1 Provide efficient and effective service delivery
- 4.3.3 Provide fair and transparent decision-making processes

**Legislation – Statutory Provisions:**

Section 5.8 of the Local Government Act 1995 provides for a local government to establish a committee to assist Council.

Part 7 of the Act sets out the requirements in relation to Audits. Division 1A of Part 7 deals with the establishment, membership, decision-making and duties that a local government can delegate to an Audit Committee.

**Risk Management considerations:**

Not Applicable.

**Financial/Budget Implications:**

Not Applicable.

**Policy Implications:**

Not Applicable.

**Regional Significance:**

Not Applicable.

**Sustainability Implications:**

Not Applicable.

**Consultation:**

Not Applicable.

**COMMENT**

The unconfirmed minutes of the Audit Committee meeting held on 6 March 2007 are submitted to Council for noting, and for endorsement of the following matters:

- Consideration of the Auditor's Management Letter for the Audit of the Accounts for the year ended 30 June 2006
- Appointment of External Member of Audit Committee
- 2006 Compliance Audit Return

**ATTACHMENTS**

Attachment 1	Minutes of the Audit Committee meeting held on 6 March 2007
Attachment 2	Provisions, Local Government Act 1995 and Regulations
Attachment 3	2006 Compliance Audit Return

**VOTING REQUIREMENTS**

Simple Majority

**RECOMMENDATION****That Council:**

- 1 NOTES the unconfirmed Minutes of the Audit Committee meeting held on 6 March 2007, forming Attachment 1 to this Report;**
- 2 RECEIVES the report on the Management Letter by the auditors in relation to the audit of the annual financial accounts for the financial year ended 30 June 2006 and that the management responses to each of the issues raised be supported;**
- 3 READVERTISES for an external member representative on the Audit Committee for the term October 2007 to October 2009 in the Joondalup and Wanneroo Times only after the October 2007 Elections;**

- 4 ADOPTS the completed Local Government Compliance Return for the period 1 January 2006 to 31 December 2006 forming Attachment 3 to this Report;**
- 5 in accordance with Regulation 15 of the Local Government (Audit) Regulations 1996, SUBMITS the completed Compliance Audit Return to the Department of Local Government and Regional Development;**
- 6 REQUESTS the Department of Local Government and Regional Development to prepare a Local Government Compliance Audit Return that lists all requirements set forth in the table to Audit Regulation 13 to assist local governments to undertake the audit.**

*Appendix 3 refers*

To access this attachment on electronic document, click here: [Attach3brf200307.pdf](#)

## ITEM 8 LIST OF PAYMENTS MADE DURING THE MONTH OF JANUARY 2007 – [09882]

**WARD:** All

**RESPONSIBLE DIRECTOR:** Mr Mike Tidy  
Corporate Services

### PURPOSE

To present to Council the list of accounts paid under the CEO's delegated authority during the month of January 2007 to note.

### EXECUTIVE SUMMARY

This report presents the list of payments made under delegated authority during the month of January 2007, totalling \$11,291,467.47.

It is recommended that Council NOTES the CEO's list of accounts for January 2007 paid under delegated authority in accordance with regulation 13 (1) of the Local Government (Financial Management) Regulations in Attachments A, B and C to this Report, totalling \$11,291,467.47.

### BACKGROUND

Council has delegated to the Chief Executive Officer the exercise of its power to make payments from the City's Municipal and Trust funds. In accordance with Regulation 13 of the Local Government (Financial Management) Regulations 1996 a list of accounts paid by the Chief Executive Officer is to be provided to Council, where such delegation is made.

### DETAILS

The table below summarises the payments drawn on the funds during the month of January 2007. Lists detailing the payments made are appended as Attachments A and B. The vouchers for the month are appended as Attachment C.

FUNDS	DETAILS	AMOUNT
Municipal Account	<b>Cheques</b> 77690 – 78077 EFT 9240 - 10153 net of cancelled payments	\$7,790,087.35
	<b>Vouchers</b> 228A – 235A & 239A- 242A	\$3,448,832.99
Trust Account	<b>Cheques</b> 201192 - 201263 Net of cancelled payments	\$52,547.13
<b>Total</b>		\$11,291,467.47

### Issues and Options Considered:

Not Applicable

**Link to Strategic Plan:**

Strategy 4.1.1 – Ensure financial viability and alignment to plan.

**Legislation – Statutory Provisions:**

The Council has delegated to the CEO the exercise of its authority to make payments from the Municipal and Trust Funds, therefore in accordance with Regulation 13(1) of the Local Government (Financial Management) Regulations 1996, a list of accounts paid by the CEO is prepared each month showing each account paid since the last list was prepared.

**Risk Management Considerations:**

In accordance with section 6.8 of the Local Government Act 1995, a local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure is authorised in advance by an absolute majority of Council.

**Financial/Budget Implications:**

All expenditure from the Municipal Fund was included in the 2006/7 Annual Budget as adopted by Council at its meeting of 25 July 2006, or approved in advance by Council.

**Policy Implications:**

All expenditure included in the list of payments is drawn from the City's accounting records.

**Sustainability Implications:**

Expenditure has been incurred in accordance with budget parameters, which have been structured on financial viability and sustainability principles.

**Consultation:**

In accordance with Section 6.2 of the Local Government Act 1995, the annual budget was prepared having regard to the Strategic Financial Plan 2006/07-2009/10 which was available for public comment from 29 April 2006 to 29 May 2006 with an invitation for submissions in relation to the plan.

**COMMENT**

All Municipal Fund expenditure included in the list of payments is in accordance with the 2006/07 Annual Budget as adopted by Council at its meeting of 25 July 2006, or has been authorised in advance by Council where applicable.

**ATTACHMENTS**

- |              |  |
|--------------|--|
| Attachment A | CEO's Delegated Municipal Payment List for the month of January 2007 |
| Attachment B | CEO's Delegated Trust Payment List for the month of January 2007     |
| Attachment C | Municipal and Trust Fund Vouchers for the month of January 2007      |

**VOTING REQUIREMENTS**

Simple majority.

**RECOMMENDATION**

**That Council NOTES the CEO's list of accounts for January 2007 paid under delegated authority in accordance with regulation 13 (1) of the Local Government (Financial Management) Regulations 1996 forming Attachments A, B and C to this Report, totalling \$11,291,467.47.**

*Appendix 4 refers*

*To access this attachment on electronic document, click here: [Attach4bfr200307.pdf](#)*



## ITEM 9 LIST OF PAYMENTS MADE DURING THE MONTH OF FEBRUARY 2007 – [09882]

**WARD:** All

**RESPONSIBLE DIRECTOR:** Mr Mike Tidy  
Corporate Services

### PURPOSE

To present to Council the list of accounts paid under the CEO's delegated authority during the month of February 2007 to note.

### EXECUTIVE SUMMARY

This report presents the list of payments made under delegated authority during the month of February 2007, totalling \$7,210,241.63

It is recommended that Council NOTES the CEO's list of accounts for February 2007 paid under delegated authority in accordance with regulation 13 (1) of the Local Government (Financial Management) Regulations in Attachments A, B and C to this Report, totalling \$7,210,241.63

### BACKGROUND

Council has delegated to the Chief Executive Officer the exercise of its power to make payments from the City's Municipal and Trust funds. In accordance with Regulation 13 of the Local Government (Financial Management) Regulations 1996 a list of accounts paid by the Chief Executive Officer is to be provided to Council, where such delegation is made.

### DETAILS

The table below summarises the payments drawn on the funds during the month of February 2007. Lists detailing the payments made are appended as Attachments A and B. The vouchers for the month are appended as Attachment C.

FUNDS	DETAILS	AMOUNT
Municipal Account	<b>Cheques</b> 77078 - 78384 EFT 10154 - 10556 Net of cancelled payments	\$4,966,963.40
	<b>Vouchers</b> 244A - 246A & 249A - 251A	\$2,224,017.23
Trust Account	<b>Cheques</b> 201264 - 201302 Net of cancelled payments	\$19,261.00
<b>Total</b>		<b>\$7,210,241.63</b>

### Issues and Options Considered:

Not Applicable.

**Link to Strategic Plan:**

Strategy 4.1.1 – Ensure financial viability and alignment to plan.

**Legislation – Statutory Provisions:**

The Council has delegated to the CEO the exercise of its authority to make payments from the Municipal and Trust Funds, therefore in accordance with Regulation 13(1) of the Local Government (Financial Management) Regulations 1996, a list of accounts paid by the CEO is prepared each month showing each account paid since the last list was prepared.

**Risk Management Considerations:**

In accordance with section 6.8 of the Local Government Act 1995, a local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure is authorised in advance by an absolute majority of Council.

**Financial/Budget Implications:**

All expenditure from the Municipal Fund was included in the 2006/7 Annual Budget as adopted by Council at its meeting of 25 July 2006, or approved in advance by Council.

**Policy Implications:**

All expenditure included in the list of payments is drawn from the City's accounting records.

**Sustainability Implications:**

Expenditure has been incurred in accordance with budget parameters, which have been structured on financial viability and sustainability principles.

**Consultation:**

In accordance with Section 6.2 of the Local Government Act 1995, the annual budget was prepared having regard to the Strategic Financial Plan 2006/07-2009/10 which was available for public comment from 29 April 2006 to 29 May 2006 with an invitation for submissions in relation to the plan.

**COMMENT**

All Municipal Fund expenditure included in the list of payments is in accordance with the 2006/07 Annual Budget as adopted by Council at its meeting of 25 July 2006, or has been authorised in advance by Council where applicable.

**ATTACHMENTS**

Attachment A CEO's Delegated Municipal Payment List for the month of February 2007  
Attachment B CEO's Delegated Trust Payment List for the month of February 2007  
Attachment C Municipal and Trust Fund Vouchers for the month of February 2007

**VOTING REQUIREMENTS**

Simple Majority

**RECOMMENDATION**

**That Council NOTES the CEO's list of accounts for February 2007 paid under delegated authority in accordance with regulation 13 (1) of the Local Government (Financial Management) Regulations 1996 forming Attachments A, B and C to this Report, totalling \$7,210,241.63**

*Appendix 5 refers*

*To access this attachment on electronic document, click here: [Attach5brf200307.pdf](#)*

## **ITEM 10 FINANCIAL ACTIVITY STATEMENT FOR THE PERIOD ENDED 31 JANUARY 2007 – [07882]**

<b>WARD:</b>	All
<b>RESPONSIBLE DIRECTOR:</b>	Mr Mike Tidy Director Corporate Services

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### **PURPOSE**

The January 2007 financial activity statement is submitted to Council to be noted.

### **EXECUTIVE SUMMARY**

The January 2007 year to date report shows an overall variance (under spend) of \$14.6m when compared to the year to date budget approved by Council at its meeting of 25 July 2006 (JSC25-07/06).

**Details of the variance are provided in the attached notes and can be summarised as follows:**

- The **Operating Surplus** is \$34.3m compared to a budgeted surplus of \$25.9m at the end of January 2007. The \$8.4m variance is primarily due to additional interest income, fees and charges, profit on asset disposal and lower than budgeted expenditure mainly in employee costs. This is partially offset by lower than budgeted government grants received.
- **Capital Expenditure** is \$9.3m against the year to date budget of \$15.5m. The \$6.2m under spend is due to delays in purchasing of vehicles, recycling bins and in the construction of infrastructure assets.

*It is recommended that Council NOTES the Financial Activity Statement for the period ended 31 January 2007.*

### **BACKGROUND**

The Local Government (Financial Management) Regulations 1996 requires the production of financial activity statements. Council approved at the 11 October 2005 meeting to accept the monthly Financial Activity Statement according to nature and type classification.

### **DETAILS**

The financial activity statement for the period ended 31 January 2007 is appended as Attachment A.

### **Issues and options considered:**

Not Applicable.

### **Link to Strategic Plan:**

Objective 4.1.1 – Ensure financial viability and alignment to plan.

**Legislation – Statutory Provisions:**

Section 6.4 of the Local Government Act 1995 requires a local government to prepare an annual financial report for the preceding year and such other financial reports as are prescribed.

Regulation 34(1) of the Local Government (Financial Management) Regulations 1996 as amended, requires the local government to prepare each month a statement of financial activity reporting on the sources and applications of funds as set out in the annual budget.

**Risk Management considerations:**

In accordance with section 6.8 of the Local Government Act 1995, a local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure is authorised in advance by an absolute majority of Council.

**Financial/Budget Implications:**

Refer attachment A.

**Policy Implications:**

All expenditure included in the Financial Activity Statement is drawn from the City's accounting records.

**Regional Significance:**

Not Applicable.

**Sustainability implications:**

Expenditure has been incurred in accordance with budget parameters which have been structured on financial viability and sustainability principles.

**Consultation:**

In accordance with Section 6.2 of the Local Government Act 1995, the annual budget was prepared having regard to the Strategic Financial Plan, prepared under Section 5.56 of the Local Government Act 1995, which was made available for public comment from 29 April to 29 May 2006.

**COMMENT**

All expenditures included in the Financial Activity Statement are incurred in accordance with the adopted 2006/07 Annual Budget or have been authorised in advance by Council where applicable.

**ATTACHMENTS**

Attachment A            Financial Activity Statement for the period ended 31 January 2007.

## **VOTING REQUIREMENTS**

Simple Majority

## **RECOMMENDATION**

**That Council NOTES the Financial Activity Statement for the period ended 31 January 2007 forming Attachment A to this Report.**

*Appendix 6 refers*

*To access this attachment on electronic document, click here: [Attach6brf200307.pdf](#)*

## **ITEM 11                    MINUTES OF EXTERNAL COMMITTEES – [02153] [01435] [41196]**

**WARD:**                    All

**RESPONSIBLE  
DIRECTOR:**            Mr Ian Cowie  
                                 Governance and Strategy

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### **PURPOSE/EXECUTIVE SUMMARY**

To submit minutes of external committees to Council for information.

### **DETAILS**

The following minutes are provided:

- Meeting of the Cities of Wanneroo and Joondalup North West Corridor Coordinating Committee held on 29 January 2007
- Meeting of the Tamala Park Regional Council Meeting held on 8 February 2007

### **ATTACHMENTS**

Attachment 1            Meeting of the Cities of Wanneroo and Joondalup North West Corridor Coordinating Committee held on 29 January 2007

Attachment 2            Meeting of the Tamala Park Regional Council held on 8 February 2007

### **VOTING REQUIREMENTS**

Simple Majority

### **RECOMMENDATION**

**That Council NOTES the Minutes of the:**

- 1       Meeting of the Cities of Wanneroo and Joondalup North West Corridor Coordinating Committee held on 29 January 2007 forming Attachment 1 to this Report;**
- 2       Meeting of the Tamala Park Regional Council held on 8 February 2007 forming Attachment 2 to this Report.**

*Appendix 7 refers*

*To access this attachment on electronic document, click here: [Attach7brf200307.pdf](#)*

## **ITEM 12                    ASSET MANAGEMENT POLICY – [08881]**

<b>WARD:</b>	All
<b>RESPONSIBLE DIRECTOR:</b>	Mr David Djulbic Infrastructure Services

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### **PURPOSE/EXECUTIVE SUMMARY**

To endorse the Asset Management Policy.

### **BACKGROUND**

The City of Joondalup is currently participating in the Western Australian Asset Management Improvement (WAAMI) Program. The objective of this program is to assist the City in developing best practice asset management policies and procedures.

A draft policy was prepared and reviewed at the first WAAMI workshop held on November 13 2006. Based on feedback from the workshop, the policy was prepared for Council consideration and endorsement.

### **DETAILS**

The Asset Management Policy defines the City's decision-making principles that will ensure a structured and co-ordinated approach to asset management.

#### **Issues and options considered:**

Council could agree to:

- Accept the draft policy
- Amend the draft policy
- Request that the draft policy be advertised for public comment
- Reject the draft policy

#### **Link to Strategic Plan:**

This item has a direct link to achievement of the City's Vision: *"A sustainable City and community that are recognised as innovative, unique and diverse."*

It also aligns with two specific strategies:

- 3.1.1 *'Plan the timely design, development, upgrade and maintenance of the City's infrastructure'*
- 3.1.4 *'Develop an Asset Management Strategy'*



**Legislation – Statutory Provisions:**

Not Applicable.

**Risk Management considerations:**

This policy has an objective to minimise risk through a co-ordinated approach to asset management.

**Financial/Budget Implications:**

Not Applicable.

**Policy Implications:**

City Policies are drafted by Officers for administrative and operational imperatives and have an internal focus. They still require Council endorsement that occurs as part of the normal Council meeting cycle. Council may also direct that the policy be advertised for public comment prior to adoption.

**Regional Significance:**

Not Applicable.

**Sustainability Implications:**

This policy has an objective to provide sustainable infrastructure.

**Consultation:**

The draft Policy has been developed by the Asset Management Working Group.

**COMMENT**

Infrastructure maintenance has been identified as one of the main threats to the sustainability of Western Australian Local Governments. The endorsement of an Asset Management Policy will be a significant step in the City's Asset Management journey.

Once adopted, it will provide high-level direction for the City in its quest to become a 'Sustainable City'.

**ATTACHMENTS**

Attachment 1      Draft Asset Management Policy

**VOTING REQUIREMENTS**

Simple Majority

**RECOMMENDATION**

**That Council ENDORSES the Asset Management Policy forming Attachment 1 to this Report.**

*Appendix 8 refers*

*To access this attachment on electronic document, click here: [Attach8brf200307.pdf](#)*

## **ITEM 13                    OCEANSIDE                    PROMENADE,                    MULLALOO PROPOSED TRAFFIC CALMING TREATMENTS – [02111]**

**WARD:**                    North Central

**RESPONSIBLE  
DIRECTOR:**                    Mr David Djulbic  
   Infrastructure Services

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### **PURPOSE**

To report on traffic and pedestrian safety issues in Oceanside Promenade between Marjorie Street and Mullaloo Drive, Mullaloo.

### **EXECUTIVE SUMMARY**

At the Council meeting of 21 November 2006 in relation to parking prohibitions Oceanside Promenade, Mullaloo, Council requested a report on traffic and pedestrian safety issues in Oceanside Promenade between Marjorie Street and Mullaloo Drive, Mullaloo.

An investigation into the issues was carried out and various options considered addressing the number of pedestrian and vehicular conflict areas that were identified.

It is recommended that Council:

- 1        *ADOPTS the proposed Traffic Management Scheme Concept as shown in Attachment 1 to this Report;*
- 2        *LISTS \$30,000 for the proposed traffic management scheme as depicted at Attachment 1 to this Report for consideration by Council as part of the 2007/08 budget deliberations.*

### **BACKGROUND**

**Suburb/Location:** Mullaloo

Oceanside Promenade provides a north-south coastal link between Mullaloo Drive and Ocean Reef Road as well as access to the beach, Mullaloo Surf Life Saving Club, Tom Simpson Park and the Mullaloo Beach Hotel. Oceanside Promenade is classified as a District Distributor “B” road in the Perth Metropolitan Functional Road Hierarchy and the posted speed limit is 50km/hr.

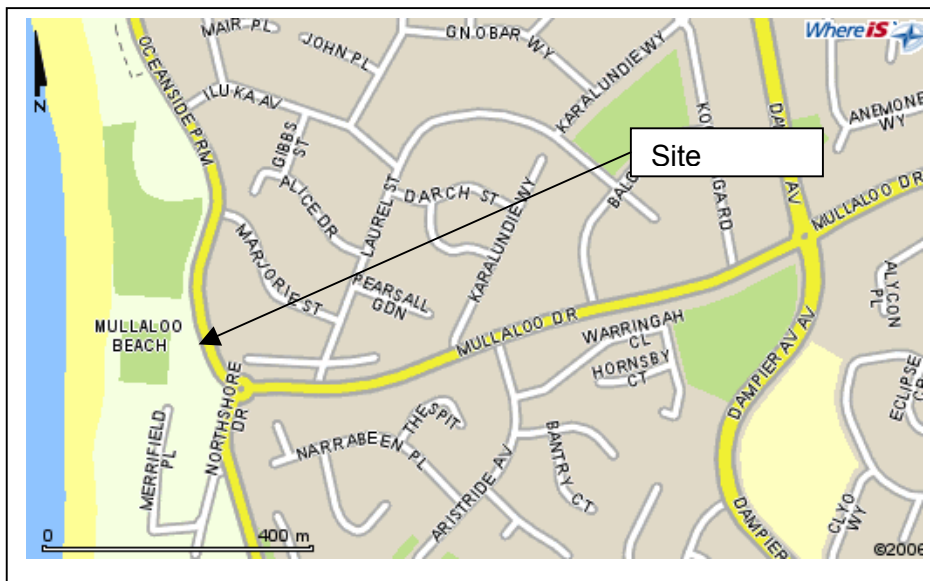
The average daily traffic volumes on Oceanside Promenade south of West View Boulevard in February / March 2005 were measured at 7016 vehicles per day (7 day average). The 85<sup>th</sup> percentile traffic speed was measured at 59 km/hr. For the week the traffic counts were undertaken, the weekday daily traffic volumes varied from 6351 to 7244 vehicles per day with Saturday being 6351 and Sunday being 8576.

January 2007 average daily traffic volumes on Oceanside Promenade, north of Mullaloo Drive were measured at 9364 vehicles per day and the 85<sup>th</sup> percentile traffic speed was measured at 48 Km/hr. Between Iluka Avenue and Marjorie Street the average daily traffic volumes on Oceanside Promenade were measured at 9372 vehicles per day and the 85<sup>th</sup> percentile was measured at 52 Km/hr.

This latest data represents the peak summer volumes.

There were no reported crashes for this section of Oceanside Promenade over the five-year period 1/1/2001 to 31/12/2005 (Main Roads Crash Data).

The location of the site is shown below:



Source: www.whereis.com

This section of Oceanside Promenade attracts a large number of pedestrians and vehicular traffic as it provides access to one of the best beaches in Joondalup, with many facilities and is where the Mullaloo Surf Life Saving Club is located. The Mullaloo Beach Hotel generates additional traffic and pedestrian patronage.

## DETAILS

### Issues and options considered:

Whilst the current roadway arrangement meets Austroads and Australian Standard requirements, the area now supports surf life saving, the beach, Tom Simpson park, the beachside car park, the Mullaloo Beach Hotel and bus stops. The concentration of all these activities has resulted in a significant number of vehicular and pedestrian movements occurring on Oceanside Promenade between Mullaloo Drive and Marjorie Street and in particular during the summer months.

In order to address this situation and improve the amenity of this area as well as recognising the level of community demand for all of the facilities provided, it was concluded that some changes to the road and footpath system could be undertaken that would increase the level of safety and traffic management provided and also add to the amenity of the area.

Various options were considered to provide a lower speed environment in order to facilitate pedestrians crossing the road, for vehicles entering and leaving the beachside carpark and the Hotel and at the same time add to the amenity of this area.

The recommended solution as shown in Attachment 1 includes a speed hump at each end of the treatment to lower the speed of vehicles in the zone and to identify the area as a slow speed zone. The proposal includes raised median islands and a pedestrian refuge island within a painted median between two speed humps which act to reduce the road width and prevent southbound right turning vehicles entering the beachside car park exit, better delineation of the beachside carpark exit to improve traffic flow and improvements to footpath arrangements on the beach side of Oceanside Promenade.

In addition, bollards are being installed on the eastern side at the Mullaloo Beach Hotel to prevent vehicles from parking or driving on the footpath.

As part of this treatment consideration is being given to allocating one or two bays in the car park on the beachside of Oceanside Promenade as loading bays Monday – Friday (times to be determined) excluding public holidays for the use of delivery vehicles and outside these hours they would be used by Taxis.

#### **Link to Strategic Plan:**

The recommendation in this report is supported by the following objectives in the City's Strategic Plan 2003-2008:

Objective: 1.4	To work with the community to enhance safety and security in a healthy environment
Strategy: 1.4.2	Contribute to the protection of human health
Objective: 3.1	To develop and maintain the City of Joondalup's assets and built environment.
Strategy: 3.1.1	Plan the timely design, development, upgrade and maintenance of the City's infrastructure
Objective: 3.2	To develop and promote the City of Joondalup as a tourist attraction
Strategy: 3.2.1	Create and promote cultural tourist attractions
Objective: 3.3	To continue to meet changing demographic needs
Strategy: 3.3.2	Integrate plans to support community and business development

#### **Legislation – Statutory Provisions:**

Nil.

#### **Risk Management considerations:**

Although there has been no reported crash history, there is potential for future incidences given the high volume of pedestrians and vehicular traffic in the area particularly in summer.

**Financial/Budget Implications:**

To be listed in future capital works program for consideration in 2007/08 budget. Estimated cost of proposed traffic management treatment is \$30,000.

**Policy Implications:**

Nil.

**Regional Significance:**

Mullaloo beach attracts visitors and tourists from all over, as it is part of the tourist Sunset strip as well as being listed as one of the best beaches in Perth on all the tourism websites.

**Sustainability Implications:**

Not Applicable.

**Consultation:**

Nil.

**COMMENT**

Given the findings of the Traffic Assessment, the proposed Traffic Management treatment is considered to be the most appropriate and effective given that it has to be retrofitted into an existing road reserve in a built up area.

**ATTACHMENTS**

Attachment 1            Oceanside Promenade – Marjorie Street to Mullaloo Drive Traffic Management Concept Plan.

**VOTING REQUIREMENTS**

Simple Majority

**RECOMMENDATION****That Council:**

- 1        ADOPTS the proposed Traffic Management Scheme Concept as shown in Attachment 1 to this Report;**
- 2        LISTS \$30,000 for the proposed traffic management scheme as depicted at Attachment 1 to this Report for consideration by Council as part of the 2007/08 budget deliberations.**

*Appendix 9 refers*

*To access this attachment on electronic document, click here: [Attach9brf200307.pdf](#)*

## **ITEM 14                    PROVISION OF DOG EXCRETA BAGS TO PUBLIC OPEN SPACE AND INCREASING THE NUMBER OF “DOG FREE” RESERVES – [07169]**

**WARD:**                    All

**RESPONSIBLE DIRECTOR:**                    Mr David Djulbic  
Infrastructure Services

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### **PURPOSE**

To provide Council with information on the impact of providing dog excreta bags at Public Open Spaces and to enable Council to make a decision in relation to extending their availability, and also give consideration to an approach to deal with requests for Dog Free reserves.

### **EXECUTIVE SUMMARY**

The City has trialled dog excreta bags at six parks since 1999. This report presents findings which are drawn from the trial and outlines four options for consideration as follows:

- 1        Provide excreta bags to selected parks based on specified criteria
- 2        Provide excreta bags to all parks
- 3        Continue the service to the existing six parks only
- 4        Terminate the current trial and stop providing excreta bags

The report recommends that Council:

- 1        *LISTS for inclusion as part of the 2007/2008 draft budget considerations \$244,000 for the provision of dog excreta bags to all parks in categories 3, 4 and 5 as depicted at Attachment 1 to this report.*
- 2        *SUPPORTS a process which would require a request for the establishment of “Dog Free” reserves to be dealt with on a case-by-case basis by petition and a subsequent public consultation process to determine community views and support prior to Council giving formal consideration on this matter.*

### **BACKGROUND**

#### **Provision of Dog Excreta Bags to Public Open Spaces:**

The City operated with an Urban Animal Committee in the 1990s which, amongst other things, considered a range of matters relating to dogs including the provision of excreta bags at Public Open Spaces (POS).

The Committee agreed that a trial program for the provision of excreta bags should be implemented to enable the Committee to understand the issues and costs involved in the provision of excreta bags.

The trial commenced on 1 July 1999 at six selected locations within the City, being:

- Seacrest Park, Sorrento
- Chichester Park, Woodvale
- Glengarry Park, Duncraig
- Granadilla Park, Duncraig
- Flinders Park, Hillarys
- Broadbeach Park, Hillarys

The locations were selected because they reflected areas of community concern.

Two additional locations outside of the trial sites were subsequently supplied with dog excreta bags due to particular circumstances as follows:

**1 Foreshore dual use path following its completion in 2004/05**

The Dual Use Path traverses the foreshore bushland and it was agreed that due to the distance involved, provision of excreta bags was essential.

**2 Sir James McCusker Park, Iluka**

The provision of excreta bags here is funded by the developer Beaumaris Land Sales (who currently maintain this park in accordance with a subdivision agreement). The park has large lakes and picnic facilities for the community, making the provision of excreta bags important.

It should also be noted the animal beach at Hillarys is provided with dog excreta bags although this is not part of the trial. Bags are regarded as an essential item here because the area is designated as an animal beach.

**Dog Free Reserves:**

The City's Animals Local Law 1999 currently designates 10 areas of POS, either completely or in part to be "dog free", that is, where dog exercising is prohibited (refer attachment 2). The Local Law allows for the enforcement of these "dog free" areas and fines are able to be imposed on people exercising dogs in these areas. The current penalty is \$100 through an infringement notice.

The City receives approximately 20 requests a year to make additional parks "dog free".

**DETAILS**

**Provision of Dog Excreta Bags to Public Open Spaces:**

Since introducing the trial in 1999, a total of 3,542,500 bags have been supplied by the City.

The trial has identified that many responsible dog owners bring their own dog excreta bags to the park while others make use of bags that are provided by the City. However, there are also dog owners who do not use the excreta bags at all. Consequently, the provision of dog excreta bags by the City does not eradicate problems caused by dog excreta, although it does assist to reduce the problem created by people who, otherwise, would not bring their own bag.



The trial has generated some concerns regarding the use of ‘plastic excreta bags’ and the long-term environmental impact that results from depositing these to landfill. The bags purchased are biodegradable and will decay over a period of approximately six months. This is important in cases where filled excreta bags are not placed in bins but dumped in the bush. However, once landfilled, the bags will not degrade.

There are four options available for consideration by Council in relation to dog excreta bags.

*1 Provision of excreta bags to selected parks based on specified criteria*

This option is **supported** as it responds positively to community demand, reflects the success of the trial as demonstrated by the number of bags used yet, through the establishment of criteria for provision, limits costs and inefficiency.

*2 Provision of bags to all parks*

This option is **not supported** for three reasons. The first is the high cost associated with the provision of bags and the collection of excreta at the large number of parks within the City. The City currently maintains 217 reticulated and 124 dry parks, all of which would need servicing under this option.

The second reason is that there are a significant number of small POS sites where the need for bags would not be great. This is because residents would generally have access to larger parks nearby where bags would be available.

The third is that the City maintains a number of parks that are designated as “Dog Free”. On this basis, there is no point in providing dog excreta bags at these locations.

*3 Continuation of the service to the existing six parks only*

This option is **not supported** as it represents an inconsistent approach. The trial at the six parks has provided the City with information regarding usage and costs associated with provision of excreta bags and the disposal of excreta. Consequently, the trial should now cease. To continue provision at the trial locations in the current format would disadvantage residents not able to access these parks.

*4 Terminate the current trial and stop providing excreta bags*

This option is **not supported** as it would have a significant impact on the community who have become used to using the excreta bags during the extended trial period.

**Analysis of Option 1:**

In supporting this option, it is necessary to establish a sound basis for identifying which POS sites should be provided with dog bags. Adopting criteria as the basis for POS selection would also provide the community with a clear indication as to why certain parks have excreta bags and why others do not.

POS is currently categorised in two different ways. One way relates to whether the POS is reticulated or dry (which has little relevance to dog use) while the second way is according to usage.

The usage category is further divided into the following 6 categories:

*Category 1* High Use POS for sporting purposes. This includes:

- Active play areas used for organised sports;
- Those which share a joint boundary with Department of Education land.

*Category 2* Other High Use POS. This includes

- POS where major picnic facilities have been installed to provide eating and play areas;
- POS with unique features such as water attractions or lakes;
- POS used for public events; and
- Foreshore reserves and public beaches (excluding the dog beach).

*Category 3* Medium Use POS.

*Category 4* High Use POS (foreshore dual use paths and conservation areas).

*Category 5* Dog specific. This includes:

- Hillarys dog beach; and
- Designated dog exercise areas for training.

*Category 6* – Low Use POS.

The City's POS have been surveyed to determine usage levels which, in turn, determines a category from the above. Currently, the City's POS sites are divided between the six categories as follows:

<b><u>Category</u></b>	<b><u>Number</u></b>
Category 1	21
Category 2	17
Category 3	157
Category 4	5
Category 5	1
Category 6	141

POS usage is considered to be the most effective method for selecting which sites should be provided with dog bags. Consequently, it appears appropriate to establish the criteria for bag location based on use category.

If this is accepted, it would appear reasonable to avoid locating bags at POS sites in Categories 1 and 2. These POS sites are used for sport, operate in conjunction with a school oval, contain major picnic facilities or have unique features and high public utilisation. Encouraging dogs in these places by providing dog excreta bags has a higher potential for creating conflict between uses and could cause health issues if excreta is not collected.

It would also appear reasonable to avoid locating bags at POS sites which fall within Category 6. These sites are often small and have limited community use. Therefore, the provision of bags in these locations would be inefficient.

Consequently, the criteria for determining which POS sites receive dog excreta bags should be those sites which fall within Categories 3, 4 and 5. This means that 163 sites would be provided with bags and on average two bins would be utilised per site (these sites are identified in Attachment 1).

The costs associated with dog excreta bags are as follows assuming an average of two bins over all POS sites in Categories 3, 4 and 5. (It should be noted that several of the trial sites fall within these categories and already have bins.)

#### **1 Provision of bins and stands to collect used excreta bags**

Provision of bins to date has been achieved at a very low cost, as there has been a consistent supply of “second-hand” bins available from the City of Wanneroo. The cost of additional bins is expected to be between \$5 and \$10 per bin if second-hand bins are acquired.

Each bin will need to be affixed to a stand with a chain and padlock. The cost of these items is expected to be \$110.00 per bin to purchase and install.

Estimated Cost for additional bins and stands is approximately..... **\$39,120**

#### **2 Bin cleaning**

Based on the trial, it is expected that bin cleaning would need to occur at least three times per year. The cost of a clean is estimated at \$25.00 per service. This price is based on the existing trial sites. However, the contractor who was cleaning the bins is no longer providing this service and the cleaning is currently being undertaken by City staff on a temporary basis. The price of bin cleaning may increase when a new contractor to clean bins is appointed.

Estimated bin cleaning costs:..... **\$24,450**

#### **3 Provision of bags**

Bags can currently be purchased for \$23.50 per 1000 when purchased in bulk lots of 200,000. This equates to 2.35 cents per bag.

Estimated Annual Cost for provision of bags:..... **\$50,000**

#### **4 Tipping fees**

These fees are currently \$36.50 per tonne and it is estimated that each bin will produce one tonne of rubbish per annum which translates to an annual cost of \$11,534.

Estimated Annual Tipping Fee Costs:..... **\$11,899**

## 5 Operating Costs

The following budget estimate is based on outsourcing the service. Consideration was given to providing this service in-house, however, due to the fact that the current truck is operating at about full capacity, it was determined that outsourcing was a more cost effective option at this point in time. Otherwise a significant capital commitment would be required to purchase a new truck.

Contractors provide park bin clearance services across a number of metropolitan municipalities. Under normal circumstance, services are scheduled to suit council's preferred clearance regime. This often requires that bins be serviced once, twice or three times per week, with some sites requiring daily servicing, depending on the level of usage for each site.

On an indicative basis, contractors could service public litter bins for the City of Joondalup for a budget cost estimate of \$3.50 per lift.

This rate is based upon the following assumptions:

- 1 Currently, the City's vehicle dedicated to servicing public litter bins is utilised to capacity with bins being serviced twice per week;
- 2 Maintaining average collection levels comparable to that achieved across existing park bin systems in other metropolitan municipalities;
- 3 The rate reflects current prices and would be subject to rise and/or fall over time; and
- 4 The rate has been estimated based upon tipping of refuse at Council's designated disposal facility, with Council paying landfill charges.

Estimated Operational Cost:..... **\$118,664**

**The following table summarises costs associated with expanding the dog excreta bag service to include category 3, 4 and 5 parks (163 sites serviced twice weekly):**

ITEM		CAPITAL COST	OPERATING COST	TOTAL COST
(1)	Provision of bins and stands to collect used excreta bags	\$39,120	-	\$39,120
(2)	Bin Cleaning	-	\$24,450	\$24,450
(3)	Provision of Bags	-	\$50,000	\$50,000
(4)	Tipping Fees	-	\$11,899	\$11,899
(5)	Operating Cost	-	\$118,664	\$118,664
<b>Total</b>		<b>\$39,120</b>	<b>\$205,013</b>	<b>\$244,133</b>

**Dog Free Reserves:**

In relation to increasing the number of reserves identified as “Dog Free” it is recommended that this matter should be dealt with via the petition process. That is, the City will give consideration to establishing a “Dog Free” reserve following the receipt of a petition to Council, nominating the park and subsequent reasons in support of such actions. It is then recommended that Council enter into a public consultation process to determine community views and support for such a proposal prior to giving formal consideration in relation to the matter.

This approach to deal with it by petition on a case by case basis clearly outlines to the public that the Council is prepared to give due consideration to this sensitive matter and the process involved.

**Link to Strategic Plan:**

3. City Development

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

**Legislation – Statutory Provisions:**

Not Applicable.

**Risk Management Considerations:**

There is a significant cost for provision of dog excreta bags to Category 3, 4 and 5 sites and this does not guarantee that these parks will be rid of dog excreta. It is also noted that dogs generate significant feeling within the community. There will be a number who will be highly supportive of additional POS sites being designated “dog free”, however, many dog owners in particular may be unhappy that they can no longer exercise their dogs in such areas if they become dog free.

**Financial/Budget Implications:**

In order for the City to extend the dog excreta bag service to all Category 3, 4 and 5 parks the following funds are required: (refer above table)

Capital Cost	\$ 39,120
Additional Annual Operational Cost	<u>\$205,013</u>
Total	<u>\$244,133</u>

**Regional Significance:**

Alignment with the City of Stirling which currently provides “bags” to all reticulated parks.

**Consultation:**

- Public consultation may be considered appropriate should Council decide to progress with this initiative. This is because the supply of bags to POS sites which, to date, have not received a supply, could be viewed as encouraging dogs and members of the public may have strong views on this.

**ATTACHMENTS**

Attachment 1	POS sites in Categories 3, 4 and 5.
Attachment 2	Animals Local Law 1999 – Prohibited Dog Exercise Areas

**VOTING REQUIREMENTS**

Simple Majority

**RECOMMENDATION****That Council:**

- 1 LISTS for inclusion as part of the 2007/2008 draft budget considerations \$244,000 for the provision of dog excreta bags to all parks in categories 3, 4 and 5 as depicted at Attachment 1 to this Report;**
- 2 SUPPORTS a process which would require requests for the establishment of additional “Dog Free” reserves to be dealt with on a case-by-case basis by petition and a subsequent public consultation process to determine community views and support prior to Council giving formal consideration on this matter.**

*Appendix 10 refers*

*To access this attachment on electronic document, click here: [Attach10brf200307.pdf](#)*

## **ITEM 15                    PROPOSED SINGLE STOREY EXTENSIONS TO BEAUMARIS MEDICAL CENTRE: LOT 3 (64) CONSTELLATION DRIVE, OCEAN REEF – [24526]**

**WARD:**                                    North-Central

**RESPONSIBLE**                        Mr Clayton Higham  
**DIRECTOR:**                            Planning and Community Development

### **PURPOSE**

The purpose of this report is to request Council's determination of an application for planning approval for extensions to an existing Medical Centre at Lot 3 (64) Constellation Drive, Ocean Reef.

### **EXECUTIVE SUMMARY**

An application has been received for single storey extensions to the rear of an existing Medical Centre at the Beaumaris Shopping Centre. The extensions are proposed to have a nil boundary setback to the rear in lieu of a six (6) metre rear setback. The extensions will abut an existing park.

The proposed extensions will provide additional consulting and treatment rooms within the Medical Centre.

This application is required to be determined by Council as the proposed addition has a setback variation that exceeds the maximum that can be approved under Delegated Authority.

It is recommended that the application be approved as the proposed setback variations will not adversely affect the amenity of the area.

### **BACKGROUND**

<b>Suburb/Location:</b>	Lot 3 (64) Constellation Drive, Ocean Reef
<b>Applicant:</b>	Churchill Knight
<b>Owner:</b>	Cutmere Pty Ltd
<b>Zoning:</b>	<b>DPS:</b> Commercial
	<b>MRS:</b> Urban
<b>Site Area:</b>	0.2238 ha
<b>Structure Plan:</b>	N/A

The Beaumaris Neighbourhood Centre, which was approved in 1992, is located at the corner of Constellation Drive and Beaumaris Boulevard (Attachment 1 refers). The centre consists of the following uses:

Beaumaris Shopping Centre	(Lot 1 Constellation Drive);
Beaumaris Community Centre	(Lot 2 Constellation Drive);
Beaumaris Medical Centre	(Lot 3 Constellation Drive);
Beaumaris Professional Centre	(Lot 4 Constellation Drive); and
Vacant Land	(Lot 5 Constellation Drive).

These developments are located on separate lots. There is a reciprocal parking and access agreement in place between the Shopping Centre, Medical Centre, Community Centre and Professional Centre which enables staff and customers of these premises to utilise the various car parking areas on all these sites.

The Beaumaris Medical Centre, which is located at No 64 (Lot 3) Constellation Drive, Ocean Reef, is the subject of the development application before Council. The Medical Centre abuts a local reserve to the east (Santiago Park).

## DETAILS

The application for planning approval is for a single storey extension to the rear of the existing Medical Centre, with a nil setback to the rear boundary. The extension comprises additional consulting and treatment rooms (Attachment 2 refers).

The relevant requirements of the District Planning Scheme No 2 (DPS2) are summarised below:

Standard	Required	Provided	Compliance
Front Setback	9 m	40m	Yes
Side Setback (north-western boundary)	3 m	5.6m	Yes
Side Setback (south-eastern boundary)	3 m	6.2m	Yes
Rear Setback	6 m	Nil	No
Landscaping	8% of site 3m landscape strip along street boundary	more than 8% 3m landscape strip	Yes
Number of car bays: Neighbourhood Centre Existing <u>Additions</u> Total	292 bays <u>10 bays</u> 302 bays	321	Yes

The applicant has provided justification for the nil setback to the rear boundary stating that:

- *The proposed nil setback will not jeopardise access through the site or the Medical Centre;*
- *The existing service area is considered an unsafe and uninviting pedestrian environment;*
- *Limiting access to the rear will assist with controlling antisocial behaviour;*
- *Access to the rear will still be available via the driveway to the east of the Medical Centre; and*
- *Development to the rear boundary will limit the area that is unexposed and reduce those areas hidden from view.*



**Issues and options considered:**

Council has the discretion to:

- Approve the application without conditions;
- Approve the application with conditions; or
- Refuse the application.

**Link to Strategic Plan:**

Not Applicable.

**Legislation – Statutory Provisions:**

The following clauses are relevant under the existing District Planning Scheme No. 2.

**4.5 VARIATIONS TO SITE AND DEVELOPMENT STANDARDS AND REQUIREMENTS**

*4.5.1 Except for development in respect of which the Residential Planning Codes apply and the requirements set out in Clauses 3.7.3 and 3.11.5, if a development is the subject of an application for planning approval and does not comply with a standard or requirement prescribed under the Scheme, the Council may, notwithstanding that non-compliance, approve the application unconditionally or subject to such conditions as the Council thinks fit.*

*4.5.2 In considering an application for planning approval under this clause, where, in the opinion of Council, the variation is likely to affect any owners or occupiers in the general locality or adjoining the site which is subject of consideration for the variation, the Council shall:*

- (a) consult the affected parties by following one or more of the provisions for advertising uses pursuant to clause 6.7.1 and*
- (b) have regard to any expressed views prior to making its decision to grant the variation.*

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

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

**4.7 BUILDING SETBACKS FOR NON RESIDENTIAL BUILDINGS**

*4.7.1 Unless otherwise provided for in Part 3 of the Scheme, buildings shall be set back from property boundaries as follows:*

<i>Setback from street boundary</i>	<i>9.0 metres</i>
<i>Setback from side boundary</i>	<i>3.0 metres</i>
<i>Setback from rear boundary</i>	<i>6.0 metres</i>

4.7.2 *Where a lot has a boundary with more than one street the Council shall designate one such street as the frontage and the other street boundaries as side boundaries, if it is satisfied that there will be no adverse effect on traffic safety, and no adverse effect on the amenity of any adjoining properties or the locality generally.*

#### 4.8 CAR PARKING STANDARDS

4.8.1 *The design of off-street parking areas including parking for disabled shall be in accordance with Australian Standards AS 2890.1 or AS 2890.2 as amended from time to time. Car parking areas shall be constructed and maintained to the satisfaction of the Council.*

4.8.2 *The number of on-site car parking bays to be provided for specified development shall be in accordance with Table 2. Where development is not specified in Table 2 the Council shall determine the parking standard. The Council may also determine that a general car parking standard shall apply irrespective of the development proposed in cases where it considers this to be appropriate.*

#### 6.8 MATTERS TO BE CONSIDERED BY COUNCIL

6.8.1 *The Council when considering an application for Planning Approval shall have due regard to the following:*

- (a) interests of orderly and proper planning and the preservation of the amenity of the relevant locality;*
- (b) any relevant submissions by the applicant;*
- (c) any Agreed Structure Plan prepared under the provisions of Part 9 of the Scheme;*
- (d) any planning policy of the Council adopted under the provisions of clause 8.11;*
- (e) any other matter which under the provisions of the Scheme the Council is required to have due regard;*
- (f) any policy of the Commission or its predecessors or successors or any planning policy adopted by the Government of the State of Western Australia;*
- (g) any relevant proposed new town planning scheme of the Council or amendment or proposed Metropolitan Region Scheme Amendment insofar as they can be regarded as seriously entertained planning proposals;*
- (h) the comments or wishes of any public or municipal authority received as part of the submission process;*
- (i) the comments or wishes of any objectors to or supporters of the application;*
- (j) any previous decision made by the Council in circumstances which are sufficiently similar for the previous decision to be relevant as a precedent, provided that the Council shall not be bound by such precedent; and*
- (k) any other matter which in the opinion of the Council is relevant.*

**Risk Management considerations:**

The proponent has a right of appeal against Council's decision, or any conditions included therein, in accordance with the State Administrative Tribunal Act 2004 and the Planning and Development Act 2005.

**Financial/Budget Implications:**

Not Applicable.

**Policy Implications:**

Not Applicable.

**Regional Significance:**

Not Applicable.

**Sustainability Implications:**

Not Applicable.

**Consultation:**

The application was not advertised as it was considered that no landowners within the locality would be adversely affected by the development.

**COMMENT**

The original application for Planning Approval for the Beaumaris Neighbourhood Centre covered one super lot. The assessment of all standards was based on this super lot. Although the super lot was subsequently subdivided into five lots, reciprocal rights to car parking and access are in place through a legal agreement.

**Rear Boundary Setback**

The applicant proposes a nil boundary setback to the rear of the development in lieu of the 6 metres required under Clause 4.7 of DPS2.

The rear of the Medical Centre currently consists of a grassed area and a bitumen area used to store the centre's bins. The Medical Centre backs onto Santiago Park. There is no parking provided at the rear of the Medical Centre nor is there any through vehicular access.

It is considered that the proposed nil boundary setback will not have an adverse affect on the amenity of the area and can be supported. Given the layout of the site, the development will not restrict pedestrian or vehicle access through the rear of the site.

As this portion of the site adjoins a local reserve that slopes downwards in an easterly direction, no landowners within the locality will be adversely affected by the development.

The proposed extensions will not affect the storage or collection of bins. Currently the bins are stored at the rear of the Medical Centre to the left of an existing driveway. Should Council resolve to support the additions, the bin store will be relocated to the right of the driveway at the rear of the medical centre.

## **Car Parking**

The car parking assessment for the original approval of the Neighbourhood Centre under the then Town Planning Scheme No. 1 required 328 car bays.

The District Planning Scheme No. 2 was gazetted on 28 November 2000. Under DPS2 the parking requirement for the Neighbourhood Centre is 292 bays. There is an excess of 29 car parking bays as 321 car bays currently exist over the total site. The proposed additions require a further 10 car parking bays.

As the total development has an excess of 29 car parking bays, the parking is satisfied based on the reciprocal parking agreement which allows users and staff to park throughout the Neighbourhood Centre.

## **Conclusion**

The proposed additions will make effective use of an under-utilised area at the rear of the Beaumaris Medical Centre. The proposed setback variation will not restrict vehicular or pedestrian movement around the site and will reduce the opportunity for anti-social behaviour within the site.

Sufficient car parking exists across the whole site to support the proposed extensions.

Based on the above, it is recommended that the application for planning approval be granted.

## **ATTACHMENTS**

Attachment 1	Location Plan
Attachment 2	Site Plan

## **VOTING REQUIREMENTS**

Simple Majority

## **RECOMMENDATION**

### **That Council:**

- 1 EXERCISES discretion under Clause 4.5 of the District Planning Scheme No 2, and determines that the rear setback of nil in lieu of 6.0 metres is appropriate in this instance;**
- 2 APPROVES the application dated 10 November 2006, submitted by Churchill Knight, the applicant, on behalf of the owner, Cutmere Pty Ltd, for additions to an existing Medical Centre on Lot 3 (64) Constellation Drive, Ocean Reef subject to the following conditions:**

- (a) **All construction works shall be contained within the property boundary;**
- (b) **The boundary wall shall be of a clean finish and made good to the satisfaction of the Manager, Approvals, Planning & Environmental Services;**
- (c) **The boundary wall shall be treated with non-sacrificial anti-graffiti coating.**

*Appendix 11 refers*

*To access this attachment on electronic document, click here: [Attach11brf200307.pdf](#)*

## **ITEM 16                    PROPOSED REMOVAL OF DEED OF COVENANT - LOT 6 (NO 37) ENDEAVOUR ROAD, HILLARYS – [11967]**

**WARD:**                                 South-West

**RESPONSIBLE**                         Mr Clayton Higham  
**DIRECTOR:**                             Planning and Community Development

### **PURPOSE**

To seek Council's consent to remove the existing deed of covenant that restricts land uses upon the subject property.

### **EXECUTIVE SUMMARY**

Lot 6 (No. 37) Endeavour Road, Hillarys is located at the intersection of Endeavour Road and Whitfords Avenue (refer Attachment 1). The site currently contains two separate buildings, namely a Bunnings Warehouse fronting Endeavour Road and a showroom development fronting Whitfords Avenue.

A covenant exists on the property at Lot 6 Endeavour Road, Hillarys. The Council negotiated the imposition of a covenant on the land in the early 1990's. The purpose of the covenant is to restrict the uses on the site to certain specified land uses and was originally required as part of the scheme amendment process to rezone the land under the previous Town Planning Scheme No 1 (TPS1).

The scheme amendment proposed the rezoning of the site from 'Special Development A' to 'Service Industrial', however, due to concerns raised by local residents as to the possible type of industrial uses on the land, the proposed zoning was modified to 'Special Zone (Restricted Use) - Commercial Uses Approved by Council'. The amendment was considered and approved by the Council and the Minister for Planning in 1994 and the covenant placed over the site in 1996.

Upon gazettal of the City's District Planning Scheme No 2 (DPS2) in November 2000, the subject land was rezoned to 'Business'. The 'Business' zone permits the majority of land uses specified by the covenant, in addition to a range of other uses. The land use issues that originally triggered the requirement for the covenant no longer exist under the 'Business' zone.

DPS2 is the principal document that controls land use permissibility upon land within City of Joondalup. For consistency and transparency, other means of land use control, such as covenants, are not considered appropriate. It is therefore recommended that Council agrees to the covenant being removed.

### **BACKGROUND**

<b>Suburb/Location:</b>	Lot 6 (No 37) Endeavour Road, Hillarys
<b>Applicant:</b>	Not applicable
<b>Owner:</b>	Westfield Management Ltd & Perpetual Trustees Company Ltd
<b>Zoning:</b>	<b>DPS:</b> Business R20
	<b>MRS:</b> Urban
<b>Site Area:</b>	2.8732 hectares
<b>Structure Plan:</b>	Not applicable

Attachment 1 shows the location of the subject site, while Attachment 2 is the covenant document.

A history (summarised) of the rezoning of the site and establishment of the covenant is as follows:

- Amendment No 436 to TPS1 was initiated by Council for the purposes of advertising (Report C20736 refers) on 27 July 1988, to rezone the site from 'Special Development A' to 'Service Industrial'.
- Council considered public submissions and resolved to defer Amendment No 436 and requested a further report be prepared with respect to land uses, together with a meeting between the Council, the developer and affected residents.
- The proposed zoning under Amendment No 436 is modified from 'Service Industrial' to 'Special Zone (Restricted Use) - Commercial Uses Approved by Council' and adopted by Council on 20 December 1989 (Report D21227 refers). The modification was sought in order to address community opposition raised during the amendments advertising period, particularly a proposed tyre fitting premises and car service tenancy near to the lots northern boundary adjacent to Whitfords Avenue.
- The Minister requests Council to re-advertise the modified version of Amendment No 436 on 18 May 1990.
- Council considers submissions and resolves to adopt modified version of Amendment No 436 on 22 August 1990 (Report E20823 refers).
- Council identifies the restricted land uses and requires the registration of the covenant to restrict land uses on 28 November 1990 (Report E21138 refers).
- Amendment No 436 came into effect on 6 May 1994.
- The Deed of Covenant restricting land use was registered on the land on 6 March 1996.

## DETAILS

The purpose of the covenant was to restrict land uses on the site to certain specified land uses, as outlined in the table below.

Upon gazettal of DPS2 on 28 November 2000, the subject land was rezoned to 'Business'. In areas of the City not controlled by structure plans, land use permissibility in the 'Business' zone is controlled through Table 1 (the Zoning Table) of DPS2.

The following table outlines the land uses set out under the covenant and their corresponding land use and classification under the 'Business' zone within DPS2.

<b>DEED OF COVENANT LAND USES (All Permitted)</b>	<b>DPS2 BUSINESS ZONE (Including use class classification and permissibility for those land uses) P=Permitted; D=Discretionary</b>
Office	Office - P
Consulting Rooms	Consulting Rooms - P
Funeral Directors	Funeral Parlour - D
Restaurants	Restaurant - P
Places of Worship	Place of Worship - D
Amusements/Recreation -	
Pool/snooker room	Amusement facility/parlour - D
Art Gallery	Art Gallery - P
Cinema	Cinema - D
Night Clubs	Night Club - D
Amusement Parlour	Amusement facility/parlour - D
Video Hire	X* use – Shop not exceeding 200m <sup>2</sup> Net Leasable Area (NLA)
Showrooms -	
Hardware Store	Hardware Store - D
Nursery	Garden Centre - P
Domestic Appliances (white goods) sales and repairs	Showroom - P
Furniture	Showroom - P
Ceramics	Showroom - P
Bicycle sales and service	Showroom - P
Stationary supplies	X* use - Shop not exceeding 200m <sup>2</sup> Net Leasable Area (NLA)
Computer office equipment	Showroom - P
Handicrafts	X* use - Shop not exceeding 200m <sup>2</sup> Net Leasable Area (NLA)
Laundrette	Laundrette - P
Pawnbrokers	X* use - Shop not exceeding 200m <sup>2</sup> Net Leasable Area (NLA)

**Note:** X\* use means a shop land use can be considered in the 'Business' zone at Council's discretion provided that it meets the criteria set out within clause 3.6.3 of DPS2.

In addition to the uses listed within the covenant, the 'Business' zone would ordinarily allow a range of other uses to be considered on the site. Attachment 3 is the Zoning Table from DPS2, highlighting the uses that could be considered for the site.

The business zoning of the land under DPS2 controls land use and therefore the covenant is redundant.

#### **Issues and options considered:**

Council can consider the following options:

- Agree to the removal of the covenant.
- Not agree to the removal of the covenant.

#### **Link to Strategic Plan:**

The recommendation in this report is not linked to the objectives and strategies of the City's Strategic Plan 2003-2008.



**Legislation – Statutory Provisions:**

Not Applicable.

**Risk Management considerations:**

Not Applicable.

**Financial/Budget Implications:**

Not Applicable.

**Policy Implications:**

Not Applicable.

**Regional Significance:**

Not Applicable.

**Sustainability Implications:**

Not Applicable.

**Consultation:**

Not Applicable.

**COMMENT**

The covenant sought to alleviate concerns that service industrial type activities would be undertaken from the site. Upon gazettal of DPS2, the site was rezoned to 'Business' and the likely intent would have been to remove the covenant at that time, however, this did not occur.

Given that TPS1 was revoked upon gazettal of DPS2 in 2000, the land use restriction related issues that triggered the requirement for the covenant in the early 1990's no longer exist. The land uses that can be considered under the Covenant and within Business Zone are essentially the same. However, a range of additional uses can also be considered under the 'Business' zone, as outlined in Attachment 3.

**Vehicle Repair**

It should be noted that a vehicle repair land use, which includes both vehicle repairs and tyre fitting, is currently a prohibited 'X' use in the 'Business' zone, however is proposed to become a discretionary 'D' use in the Business Zone should proposed Amendment No 31 (as adopted by Council on 27 February 2007) be granted final approval by the Minister for Planning and Infrastructure.

Whilst there will be discretion to consider a vehicle repair land use should Amendment No 31 be approved, Clause 6.6.2 of DPS2 sets out how 'D' uses are dealt with, and public consultation for any proposal would be considered appropriate.

### Conclusion

DPS2 is the principal document that controls land use permissibility upon the site and throughout the City of Joondalup. Other means of land use controls, such as covenants, are not considered appropriate, as this creates inconsistency with the DPS2. In this instance, the site has been zoned 'Business' with the introduction of DPS2, and it is therefore recommended that Council agree to the removal of the covenant.

### **ATTACHMENTS**

Attachment 1	Location Plan
Attachment 2	Copy of covenant upon Lot 6 Endeavour Road, Hillarys.
Attachment 3	Zoning Table

### **VOTING REQUIREMENTS**

Simple Majority

### **RECOMMENDATION**

#### **That Council:**

- 1 AGREES to the removal of the existing Deed of Covenant upon Lot 6 Endeavour Road, Corner Whitfords Avenue, Hillarys as shown in Attachment 1 to this Report;**
- 2 AUTHORISES the affixation of the Common Seal to, and signing of the withdrawal of covenant documentation by the Mayor and Chief Executive Officer.**

*Appendix 12 refers*

To access this attachment on electronic document, click here: [Attach12brf200307.pdf](#)

**ITEM 17                    PROPOSED        RESTAURANT,        KIOSK        AND  
ENVIRONMENT CENTRE (WITH ASSOCIATED CAR  
PARK AND LANDSCAPING) - LUISINI WINERY  
(LOTS 41-45 AND 82) NO 16 - 24 LAKEWAY DRIVE,  
KINGSLEY – [03186]**

**WARD:**                    South-East

**RESPONSIBLE  
DIRECTOR:**            Mr Clayton Higham  
                                 Planning and Community Development

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**PURPOSE**

The purpose of this report is to request Council to make a recommendation to the Western Australian Planning Commission (WAPC) regarding proposed additions to Luisini Winery on Lots 41 to 45 & 82 Lakeway Drive, Kingsley.

**EXECUTIVE SUMMARY**

The Luisini Winery redevelopment is proposed on Lots 41 to 45 & 82 Lakeway Drive, Kingsley. The land forms part of the Yellagonga Regional Reserve and is designated as Bush Forever by the WAPC.

The City is required to make a recommendation on the proposal to the WAPC as the site is located on land reserved for Parks and Recreation under the Metropolitan Region Scheme (MRS).

The ultimate development of the site that has been proposed by the National Trust, includes two main components being:

- 1        The renovation of the old remaining winery building, to be used as a museum and wine appreciation area (approved by the Western Australian Planning Commission on 27 January 2005); and
- 2        The proposed construction of a new building, access road, 65 bay carpark, landscaping to the west of the existing building to accommodate a restaurant, kiosk, outdoor dining areas, toilets and environmental centre.

An application to redevelop the site was previously considered by the Council on 12 October 2004. The Council resolved to make a recommendation to the WAPC that the application should not be supported.

The WAPC subsequently approved the restoration works of the existing building (to provide a museum). The approval however did not include the proposed new buildings and land uses on the site (as described in 2. above). An advice note was included in the decision notice, identifying the issues concerning any proposed new development on the site.

The key differences between the current application and the previous application are summarised as follows:

- The number of seats in the proposed restaurant is reduced from 250 to 150, however the floor area remains unchanged;
- Unsealed (i.e. grassed) overflow parking for 30 vehicles is proposed on adjacent land; and
- Dual use paths and a boardwalk.

There have not been any changes in legislation since 2003 that impose additional requirements or factors in the assessment of this application.

It is recommended that Council advise the WAPC that it does not support the proposed development for reasons of lack of adequate car parking and the proposed commercial land use being of an inappropriate scale and intensity.

## BACKGROUND

<b>Suburb/Location:</b>	Lots 41 to 45 and Lot 82 Lakeway Drive Kingsley
<b>Applicant:</b>	National Trust
<b>Owner:</b>	Western Australian Planning Commission
<b>Zoning:</b>	<b>MRS:</b> Parks and Recreation Reserve
<b>Site Area:</b>	0.2117 Hectares
<b>Structure Plan:</b>	not applicable

The subject site is located on the eastern side of Lakeway Drive, approximately 150m south of the Hocking Road and Lakeway Drive intersection. The development site forms part of the Yellagonga Regional Park and is immediately east of Lake Goollelal. The properties to the east of the site are zoned Special Residential under District Planning Scheme No 2 (Scheme) with a density coding of R5.

Numbers 16-24 Lakeway Drive, have been identified as part of the much larger Bush Forever site – Site 299 – Yellagonga Regional Park, Wanneroo/Woodvale/Kingsley. Bush Forever is a non statutory WAPC regional policy that identifies 51,200 hectares of regionally significant bushland (and any associated wetlands) in the Perth Metropolitan Area.

An application was received on 3 November 2003 for the redevelopment of Luisini Winery including conservation works to existing buildings, restaurant, Educational Centre, Museum and Kiosk. A report to the (then) Council, recommended the application should not be supported for the following reasons:

- “(a) The increase in traffic along Lakeway Drive and Kingfisher Way is considered to be above what is appropriate in the context of the existing neighbourhood;*
- “(b) The proposal would compromise the intent of Schedule 5 places and objects having significance, for the purpose of protection of the landscape and environment;*
- “(c) The commercial land use is considered inappropriate in such proximity to low density residential development where a high standard of residential amenity is expected and where impacts of the development cannot be contained on site; and*
- “(d) The car parking provided is considered to be inadequate for the proposed uses and therefore would create undesirable traffic and parking impacts.”*

The Council at its meeting on 12 October 2004 adopted this recommendation, subject to reason (c) being deleted.

The WAPC issued a decision on 27 January 2005, granting permission only for the proposed restoration works to the existing buildings on site to provide a museum. The WAPC also issued further advice as follows:

*“The Commission is concerned that the size and scale of the proposed development to the west of the existing winery building will have a detrimental impact on the amenity of nearby residences and on the essential character and values of the regional park. The application was advertised for public comment and was strongly objected to by surrounding landowners. This was on the basis of the bulk and scale of the development, excessive traffic, lack of sufficient car parking, noise and general loss of amenity largely associated with the proposed restaurant. Also, the City of Joondalup has advised that the provision for parking is not consistent with the requirements of the Council’s scheme. The preservation of the Heritage site is strongly supported but needs to be balanced against potential impacts on the park and surrounding area. This approval, therefore, is limited to the conservation and restoration of the existing winery building. A further application for approval to commence development under the Metropolitan Region Scheme will be required for the balance of the project.”*

## **DETAILS**

The existing building will operate as a museum and does not form part of this application as the WAPC has already granted permission for this element.

The proposed development (shown on Attachment 2 and 3) consists of:

- Construction of a new building (to the west of the existing building) to accommodate a restaurant with an outdoor dining area, a separate kiosk, toilets and an education/environment centre.
- Construction of a new access road with car parking for sixty five vehicles;
- Landscaping works (including new dual use paths and a boardwalk).
- Use of lot 82 Lakeway Drive for overflow car parking.

The differences between the application and the previous 2003 proposal are summarised as follows:

- Number of seats in restaurant reduced from 250 to 150, however the floor area of remains unchanged;
- Unsealed overflow parking for 30 vehicles proposed on the adjacent land; and
- Dual use paths and boardwalk as indicated on the landscape plan.

The applicant has provided details about the proposal, and these are summarised below:

### *Restaurant*

- *The restaurant will seat 150 persons.*
- *The opening hours of the restaurant will flexible, opening for breakfast, lunch and dinner. Appropriate and considerate closing times will be implemented if the restaurant is open for dinner.*
- *The floor area of the restaurant will remain unchanged from the previous application, measuring 305 square metres.*

#### *Kiosk*

- *The proposed kiosk will be separate to the restaurant.*
- *It will cater for recreational users around Lake Goollelal.*
- *The kiosk will be open during daytime hours.*

#### *Education/Environment Centre*

- *Provided as per the high recommendation in the approved Yellagonga Regional Park Management Plan 2003 – 2013.*
- *The centre will focus on education and community environment requirements.*

#### *Museum*

- *Interpretation and conservation of the existing winery building on site has been approved by the WAPC.*
- *The museum will reflect the Luisini Winery together with the contribution of Italian migration to Western Australia, installations on the wine making processes used when the winery was functional and wine education programmes.*

#### *Landscape Works*

- *Implementation of dual use pathways in collaboration with Department of Environment and Conservation.*
- *Development of an additional boardwalk to allow for recreational opportunities.*

#### *Site works*

- *No major excavation works are proposed.*

#### *Access and parking*

- *65 sealed car parking bays are proposed on the site.*
- *A further 30 unsealed bays are proposed as overflow parking on the adjacent Bush Forever site.*
- *Access to the site is proposed via Lakeway Drive, at the intersection with Plover Way.*

#### *Applicant Justification*

The applicant provided a package of information in support of the proposal, including:

- A traffic engineer's report;
- Environmental Management Plan;
- Stage I and Stage II Environmental Site Assessment;
- ASS Desktop assessment;
- Written response addressing the reasons for refusal as recommended by the Council; and
- Written submission outlining the proposed development.

The written submission by the applicant is summarised as follows:

- *The aims and objectives of the proposal are:*
  - (i) *To provide an integrated and multi-faceted cultural, heritage, educational and recreational facility that is environmentally and economically sustainable;*

*(ii) To build on opportunities offered by the place by illustrating the historical and natural significance embodied by the former winery building and the natural wetlands system;*

*(iii) To develop a sustained visitation by offering a range of visitor experiences based on the interpretation and significance of the place and to also provide supporting amenities.*

- *The National Trust will undertake Acid Sulphate Soils Testing as requested and make the findings available to the City;*
- *Important consideration has been given to possible impacts on surrounding residential properties and this is reflected in the architectural and landscape design plans;*
- *The National Trust of Australia (WA) initially proposed to have the entrance to the winery from Hocking Road, however this proposal was opposed by CALM and the Environmental Groups associated with Yellagonga Regional Park. Following discussion with the City of Joondalup and the community, the proposed entrance at Plover Way was determined as the best possible solution due to all the other restrictions placed on the point of entry to the car park;*
- *The current entry point, with its close proximity to Hocking Road will encourage patrons to the winery to come along Hocking Road and not along Kingfisher Way prior to turning into Lakeway Drive to the winery;*
- *The proposal has the support of the Heritage Council of WA, CALM and all environmental groups associated with the Yellagonga Regional Park;*
- *The commercial use is considered essential in order to sustain the viability of the place (Luisini Winery). The current situation encourages vandalism and other negative impacts on the amenity of the area;*
- *Over 800 people were surveyed when preparing the business plan and there was a general acceptance by all concerned that some form of commercial use was essential for the viability of the place. By overwhelming response from the survey, an “eatery” was considered most appropriate;*
- *Uloth and Associates have calculated parking requirements on the basis one bay per four seats. For 150 seats in the restaurant, 38 bays will be required. The City has calculated parking requirements on the basis of one bay per five square metres of dining area. The restaurant has a floor area of 305 square metres, therefore 61 bays would be required; and*
- *Uloth and Associates have assumed that 50 percent of the patrons to the museum/kiosk, environment centre would also eat at the restaurant, and as such there should be a reciprocal parking allowance. The City has not included this allowance in its calculations.*

**Options**

Council has the discretion to:

- Make a recommendation to the Western Australian Planning Commission supporting the proposal;
- Make recommendation to the Western Australian Planning Commission that the application should be refused.

**Link to Strategic Plan:**

Yellagonga Regional Park Management Plan 2003 – 2013.

**Legislation – Statutory Provisions:**

The statutory provisions of DPS2 do not apply for land reserved under the Metropolitan Region Scheme (MRS). The WAPC is the decision maker for any development proposals on reserved land. Council is empowered only to make a recommendation on the proposal.

**Risk Management considerations:**

A decision considered adverse by the applicant will give rise to the potential for an appeal.

**Financial/Budget Implications:**

Not Applicable.

**Policy Implications:**

Not Applicable.

**Regional Significance:**

Luisini Winery is located within land reserved for Parks and Recreation under the MRS and forms part of the Yellagonga Regional Park. The site has also been identified as Bush Forever by the WAPC.

**Sustainability Implications:**

The Yellagonga Regional Park Management Plan provides broad directional basis for the conservation, recreation and landscape values of the park, with strategies to conserve the special features of the park.

**Consultation:**

The proposal was advertised for public comment for a period of 30 days, from 20 November to 20 December 2006. A sign was placed on-site and an advertisement inviting public comment was placed in the local newspaper. Letters were sent to 110 adjoining properties advertising the proposal in the locality bounded by Lakeside drive, Hocking Road, Wanneroo Road and Verdilla Lane.



During this consultation period 45 submissions were received. The submissions comprised of 14 letters in support, 8 neutral submissions and 23 objections to the proposal. Of the submissions received, 28 were from residents in the immediate vicinity of the site, with the remaining 15 submissions being from residents in other localities within the City of Joondalup. There were two submissions from residents outside the City of Joondalup.

### Key issues arising from Public Advertising

Comments received in support of the application are summarised as follows;

- New residents in the nearby aged care facility will be within walking distance of the proposed development;
- The roundabout and directional signs will control traffic for the benefit of local residents;
- The redevelopment will be appreciated by persons using the surrounds of Lake Goollelal. The area will be enhanced with amenities provided for cyclists and walkers.
- The redevelopment will be an improvement on the eye sore at present. The building is of cultural and historical value to the community and should not be neglected. The redevelopment will preserve the history of the area for future generations.
- The boardwalk will be a great observation area and educational area.
- The establishment of a museum and/or artefact centre is a contemporary recognition of the original landowners.
- If marketed properly the site could become an attractive tourist spot.

Objection/concerns to the development application included the following issues:

- Traffic Impact;
- Proposed Access;
- Zoning of Lots 41-45;
- Appropriateness of commercial activity for this site;
- Potential noise and anti social behaviour;
- Impact on views of nearby residents over Lake Goollelal;
- Potential environmental impacts;
- ASS; and
- Insufficient Parking.

## **COMMENT**

### Yellagonga Regional Management Plan

The Yellagonga Regional Management Plan is a strategic document drafted by the City of Joondalup, City of Wanneroo and Department of Conservation and Land Management (CALM) to provide broad direction for the management of the Regional Park. Whilst the management plan does not identify specifically what development should occur on the Luisini Winery site, the proposed development is in accordance with the recommendations of the management plan.

### Land use

The site is reserved for “Parks and Recreation” under the Metropolitan Region Scheme. It is considered that the proposed environmental centre is consistent with the Parks and Recreation reservation as it will be associated with the Yellagonga Regional Park and will provide a focus for educational and research programs related to the park.

The proposed museum, which has already been granted approval by the WAPC, recognises the historical importance of the site and will preserve the existing winery building. The proposed museum will provide recreational opportunities for the community and is considered consistent with the Parks and Recreation reservation.

The proposed kiosk could be considered an associated incidental use to the museum and education centre and therefore would be consistent with the “Parks and Recreation” reservation.

The DPS2 does not define a café, however the Scheme identifies a “restaurant” use as:

*“any premises where the predominant use is for the preparation of food for sale and consumption within the building or portion thereof.....”*

The proposed café use could be classed as a restaurant use under DPS2 as it complies with the above definition. It can also be argued that the operating hours of the proposed café are similar to that of a restaurant in that evening meals will be served in addition to breakfast and lunch. For the purposes of this report, the term restaurant will be used in lieu of the term café.

The proposed restaurant is a commercial use, however the Yellagonga Regional Park Management Plan (2003 –2013) suggests appropriate commercial uses may be located within the Yellagonga Regional Park.

Luisini Winery has been identified in the Management Plan as a potential site for a restaurant, café or kiosk. The Management Plan lists a series of commercial guiding principles for Yellagonga Regional Park, stating that commercial activities should be compatible with the assigned purpose of the reserves within the park and that any commercial use should not compromise the natural and cultural values of the Park.

Whilst the Yellagonga Regional Park Management Plan has identified the Luisini Winery site as a potential location for a restaurant, café or kiosk use, Council needs to consider if the intensity and scale of the proposed commercial use would be appropriate in this location.

#### Size and intensity of commercial use

The technical assessment of the previous application identified the close proximity of a commercial use to a low density residential area as an issue, with the impact on residential amenity being the main concern. Council however modified the City’s recommendation and deleted this concern from the adopted resolution.

The WAPC subsequently advised the applicant it was concerned that the size and scale of the proposed development will have a detrimental impact on the amenity of nearby residences and on the essential character and values of the regional park.

Whilst the new application proposes a reduction in the capacity of the restaurant, the overall floor area remains unchanged. Further, there is potential for alfresco dining to increase the capacity of the restaurant, as the extent of the alfresco area has not been clearly defined on the plans. The scale and intensity of the proposed commercial use and its potential adverse impact on the amenity of the nearby residential area are a concern.

It is considered that the inappropriate scale of the commercial use for this site may also result in other issues relating to inadequate car parking and increased traffic flows through residential areas. The proposed scale and intensity of the commercial use should therefore not be supported.

### Traffic Impact

In response to this issue, the applicant commissioned a traffic impact study. A copy of the traffic report has been provided in the Councillors Reading Room for perusal.

The conclusion of this report is reproduced below:

- *“The proposed development is expected to generate approximately 400 vehicles per day.*
- *Traffic flow along Lakeway Drive south of Hocking Road could therefore increase from the existing 900 vpd to 1200 vpd per day;*
- *Traffic flow along Kingfisher Way could be expected to increase from 600 vpd to 800vpd*
- *Although both the existing and future traffic flows on Lakeway Drive exceed the suggested maximum of 800 vpd for an Access Street under (WAPC) Policy No DC 2.6, the flows are well below the acceptable maximum of 3, 000 vpd for a Local Distributor with direct lot access;*
- *The recommended parking provision for the proposed redevelopment is 65 spaces;*
- *The location of the proposed access driveway is endorsed;*
- *It is recommended that the initial portion of the access driveway be paved in contrasting colour to the existing road.*
- *The proposal will not discernibly impact on the operation of the intersection of Wanneroo Road and Hocking Road, taking into account the expected traffic generated by the Meath Care Facility.”*

The traffic impact study states that the proposal is expected to generate approximately 400 vehicle trips per day but may fluctuate between 300 and 700 trips per day. The predicted trips per day would result in an increase of 300 vehicles per day on Lakeway Drive and 200 vehicles per day on Kingfisher Way.

Main Roads of Western Australia (MRWA) “Metropolitan Functional Road Hierarchy” classifies Hocking Road, Lakeway Drive and Kingfisher Way as access roads with capacity to carry traffic volumes of up to 3000 vehicles per day (vpd). WAPC’s Development Control Policy 2.6 (DC 2.6) definition of an access road is not consistent the MRWA definition, with DC 2.6 allowing a maximum of 800 vpd on an access road.

A traffic survey was conducted as part of the traffic impact assessment and identified Lakeway Drive as carrying approximately 900 vehicles per day and Kingfisher Way carrying 600vpd. The traffic movement survey concluded that Kingfisher Way and Lakeway Drive were already operating as local distributors, carrying traffic between Wanneroo Road and Hocking Road.

The traffic impact assessment and the findings of the study are considered to be accurate and appropriate, with the existing road system able to technically accommodate the additional volumes of traffic. However, it is recommended that a roundabout be considered at the intersection of the site entry, Lakeway Drive and Plover Way to provide safe vehicular access.

The Council's recommendation to the WAPC regarding the previous application to this site included the following reason for refusal:

*“The increase in traffic along Lakeway Drive and Kingfisher Way is considered to be above what is appropriate in the context of the existing neighbourhood.”*

The increased traffic flows through the residential area will be spread throughout the day, as opposed to all traffic arriving and leaving at the same time from the proposed development site. Given the existing road system is able to accommodate the proposed traffic flows, it is considered that this reason is no longer appropriate.

### Carparking

A formal car parking area of 65 sealed bays has been proposed on site in a teardrop formation. An additional informal and unsealed portion of the site for use as an overflow parking area has been proposed for up to 30 cars on an adjacent grassed area that forms part of the Bush Forever site. Advice on the Bush Forever implications will be sought from the Bush Forever Office by the WAPC when considering the proposal.

The total floor area of the proposed restaurant (including kitchen and bar) measures 429m<sup>2</sup> with 305m<sup>2</sup> of dining area. Internal and external dining areas are proposed for the restaurant, with 192m<sup>2</sup> for the internal area and 113m<sup>2</sup> has been estimated for the external area. DPS2 requires the following level of car parking to be provided for a restaurant use:

*“Greater of 1 per 5m<sup>2</sup> of dining room or 1 per 4 guests”.*

If car parking is calculated based on floor area, 61 car bays would be required. Alternatively 38 car bays would be required if parking is calculated based on the number of seats. As the scheme requires the greater of these two calculations, 61 car bays would be required for the proposed restaurant.

There is no car parking schedule for a museum and environmental centre use under DPS2, however under the Scheme, the kiosk would be classified as a shop, which would require seven bays per 100m<sup>2</sup> of floor area.

The traffic impact assessment provided by the applicant advises that car parking for the restaurant use should be calculated at one bay per four guests (i.e. 38 car bays) and the museum, kiosk and environment centre should be calculated at one bay per 30m<sup>2</sup> of floor area. The proponent has calculated that 50 car parking bays would be required for the museum, environment and kiosk use and 38 for the restaurant. Council will need to determine if these proposed variations to the DPS2 car parking requirements are appropriate for this site.

On the basis of the calculations as described above, 61 bays will be required solely for the restaurant use, with additional parking required for the museum, environment centre and kiosk. Notably, the applicant has not considered provision of parking bays for people visiting the park for picnics and other recreational activities.

A total of 65 sealed car bays is proposed for the development, as the applicant has calculated car parking requirements based on an assumption that 50 per cent of trips to the restaurant will be associated with the museum, environment centre and kiosk. Whilst it is acknowledged that a reciprocal parking concession could apply for the different uses on the site, the assumption that 50 percent of trips will be linked with the restaurant appears too high.

Restaurant uses are generally considered a use that would create a high car parking demand, whereas, the museum and the environmental centre would be considered low parking demand uses. It would seem unreasonable to reduce the restaurant parking numbers to such an extent as proposed by the Traffic Engineer for the proposed use, when the proposed museum and environmental centre uses would not normally generate a high parking demand. Further, it is considered difficult to accurately estimate the reciprocal nature of the uses proposed for the site, especially when the management and marketing of the restaurant will be the key determinant of the parking demand that would be created for this site.

The proposed informal car parking arrangement for overflow parking for up to 30 vehicles, which is on Bush Forever land, is also considered inappropriate. The parking of vehicles on the grassed area may create environmental issues as no formal drainage has been provided, with the potential for oil and petrol to contaminate the environment. There is also an increased fire hazard with vehicles parked on grassed areas, especially during dry periods. It is not desirable for the overflow parking area to be sealed as this would result in further encroachment into environmentally sensitive areas and would be visually intrusive.

The proposed variation to the car parking requirements is not supported in this case. The proposed option of using an informal overflow car parking area on the Bush Forever site if there is an overflow is not supported. The traffic estimates for reciprocal use appear high with the potential for any overflow likely to result in street parking or on verges, which will adversely affect the amenity of adjoining residential properties.

#### Environmental Implications

The applicant commissioned an Environmental Site Assessment and the Department of Environment and Conservation (DEC) has been consulted regarding the proposed development. DEC has raised no objection to the proposal, subject to the following condition:

- *“All landscaping, remediation, revegetation and park related infrastructure shall be designed, located and implemented in consultation with the Regional Parks Unit of the DEC.”*

The *Water and Rivers Commission Position Statement: Wetlands (WRC, 2001)* requires a 50 metre buffer distance around a wetland area, with no built structures allowed to encroach. DEC has advised that whilst an adequate buffer is required to protect wetlands from potential deleterious impacts, the National Trust has committed to weed control and rehabilitation works in the fringing wetland vegetation of Lake Goollelal, and the 50m buffer distance is a generic measurement.

The Department of Water has also been consulted regarding the proposal and has raised no objection.

The proponent has commissioned a desktop Acid Sulphate Soils (ASS) assessment. The findings of this assessment were that no further testing would be required. Given the close proximity of the site to Lake Goollelal it is considered there may be a high risk of ASS. If the proposed boardwalk on the lake fringes or possibly within the lake is approved, there is likely to be excavation in highly sensitive areas, with a high risk of disturbing ASS soils.

The City has requested that further testing be undertaken near the site of the proposed buildings, to which the applicant has agreed.

### Heritage Status.

The site is listed on the Heritage Council of Western Australia (HCWA) Register of Heritage Places and therefore is a site of state importance. Further, the Yellagonga Regional Park, to which the development is contained, is cited within the DPS2 Schedule 5 as a place and object having significance for the purpose of protection of the landscape or environment.

The Council's recommendation to the WAPC regarding the previous application to this site included the following reason for refusal:

"The proposal would compromise the intent of Schedule 5 places and objects having significance, for the purpose of protection of the landscape and environment;"

Given that Luisini Winery is on the HCWA's State Register and that HCWA has no objection to the proposal, it is considered that the previous reason for refusal regarding the intent of Schedule 5 is no longer appropriate. Any development on and around this site must be sympathetic to the surrounding environment and comply with the requirements of the Heritage Council.

The National Trust is the proponent for the development, which ensures the heritage value of the site is maintained. It is considered that the proposal will upgrade and maintain the heritage value of the subject site and therefore has significant merit. However, the intensity of the commercial use and its on the surrounding locality is of concern.

### Noise Impact

Noise emissions from commercial activities are guided by the Environmental Protection (Noise) Regulations 1997 (the Regulations). The purpose of these regulations is to control extreme noise.

Uses such as restaurants have the potential to increase noise levels, with noise from alfresco dining areas and cars arriving and leaving the premises possibly creating a nuisance that may impact on amenity of the surrounding locality. In this case however, the residential properties are located at a sufficient distance of at least 40 metres from the proposed new buildings. It is therefore considered that the amenity of these residents will not be impacted upon in terms of increased nuisance noise.

### Issues Raised During Public Advertising

#### Traffic Impact

##### Issue

- *The data presented in the traffic impact assessments is five and a half years old and is not reflective of the current situation;*
- *Hocking Road, Lakeway Drive and Plover Way are all classified as access roads and are already operating above capacity;*
- *Increased traffic will result in a loss of amenity for nearby residents with increased noise and decreased safety.*

### Comment

- The traffic impact statement has concluded that the existing traffic flows on either Lakeway Drive and Kingfisher Way have not increased significantly since the initial survey conducted in April 2001 and therefore the study findings and recommendations documented in the 5 February 2003 report are still applicable. The traffic report has also reviewed the Wanneroo Road and Hocking Road intersection, taking into account the Meath Health Care facility and has concluded this intersection is capable of accommodating the expected increase in traffic flows.
- As discussed earlier in this report, the findings of the traffic impact study identified the existing road system as being capable of accommodating the additional volumes of traffic.
- In terms of safety, the proposed main access onto Lakeway Drive opposite Plover Way is satisfactory, however the City has advised that a roundabout should be provided at the resulting 4 way intersection.

### Proposed Access

#### Issue

- *An entrance from Hocking Road following the existing fire break would have minimal impact on the existing native flora and would reduce headlight glare, noise disturbances and traffic noise for residents.*

### Comment

Access to the site from Hocking Road was initially proposed in 2001 during preliminary discussions with the City, however CALM and all other environmental groups associated with Yellagonga Regional Park opposed this location, as natural bushland would need to be removed. The access road would have also provided a physical barrier between the park and the lake which was considered undesirable.

### Zoning of Lots 41-45 and inappropriate commercial activity on the site:

#### Issue

- *When was the zoning of this site changed from Special Residential to commercial?*
- *The proposed development is inappropriate for an area zoned Special Residential.*
- *The current submission is centred on commercial maximisation. 150 seats is still too large for a restaurant on this site.*

### Comment

The site is reserved for “Parks and Recreation” under the MRS and has not been rezoned to “Commercial” or “Special Residential” in the DPS2 or MRS.

The Yellagonga Regional Park Management Plan (2003 –2013) suggests appropriate commercial uses within the park, with Luisini Winery identified as a potential site for a restaurant, café or kiosk.

The concerns regarding the size of the restaurant and intensity of the commercial activity are noted and have been discussed in earlier sections of this report.

## Potential noise and anti social behaviour

### Issue

- *The size of the restaurant and seating with an unrestricted liquor licence would encourage large functions which are likely to result in after hours noise and anti-social behaviour.*

### Comment

The type of liquor licence that may be sought by the applicant at a later stage under the Liquor Licensing Act 1988 is a separate matter to the application before Council.

The City would not support an unrestricted Liquor Licence for the development site as suggested in the submission. If the development application is subsequently approved, the City will be consulted if an application is made for a liquor licence and such a request would be considered on its merits.

## Impact on views of nearby residents over Lake Goollelal

### Issue

- *The proposal would affect the uninterrupted views over Lake Goollelal for residents.*

### Comment

There is the potential for some loss of the uninterrupted views across Lake Goollelal, however the significant outlook from properties would be retained.

## Potential environmental impacts

### Issue

- *The development will have a detrimental effect on the environment, ecology and wildlife;*
- *There may be pollution due to large number of people using a fragile area;*
- *No justification has been provided for the alteration of a pristine environment for commercial gain.*
- *The new building encroaches the buffer zone;*

### Comment

DEC has been consulted regarding the proposed development and were provided with a copy of the Environmental Site Assessment. In response, DEC has raised no objection to the proposal.

With regard to the proposed building encroaching within the 50 metre wetland buffer, DEC has advised that the required buffer is a generic distance and that the National Trust has committed to weed control and rehabilitation works in the fringing wetland vegetation of Lake Goollelal.

The Department of Water has also been consulted regarding the proposal and has raised no objection.



### Acid Sulphate Soils

#### Issue

- *More detailed ASS investigations are required given the environmental and ecological significance of Lake Goollelal.*
- *Lake Goollelal soils are very unstable and there is a strong risk of disturbing Acid Sulphate Soils.*

#### Comment

The City has requested testing of the site to be undertaken, to which the applicant has agreed.

There is very little detail in relation to the proposed boardwalk, which is likely it be located in an area that has a much greater potential for disturbing ASS. If the application were to be approved, it would be recommended that:

- More detailed plans showing the location and design of the boardwalk would be required to be submitted for approval;
- Testing of the soils for ASS would be required specifically in those areas where the supports posts are to be located; and
- An ASS Management Plan would need to be developed prior to works being carried out.

These details would be referred to DEC as this is the peak body on this matter.

#### Insufficient Parking

#### Issue

- *Insufficient parking has been provided for the proposed development and will result in increased traffic congestion for residents, with parking on verges and the street.*
- *The restaurant should be decreased in size to accommodate the sites maximum area for parking.*

#### Comment

It is considered that the car parking proposed for the site will not be sufficient to meet the demand from the proposed development.

Council is only required to make a recommendation to the WAPC and cannot request that the applicant to reduce the size of the restaurant.

#### **Conclusion**

Whilst the enjoyment of the subject site and conservation of the heritage site is strongly supported, it should be balanced against potential impacts to adjoining landowners.

It is recommended that the WAPC be advised that the application is not supported, as it is likely that the development will adversely impact on the amenity surrounding residential areas in its current form. This is attributed to a lack of adequate car parking and an inappropriate scale and intensity of the proposed commercial use for the site.

**ATTACHMENTS**

Attachment 1	Locality plan
Attachment 2	Site plan/landscape plan
Attachment 3	Development Plan

**VOTING REQUIREMENTS**

Simple Majority

**RECOMMENDATION****That Council:**

- 1 **ADVISES the Western Australian Planning Commission that the Luisini Winery Redevelopment on Lots 41-45 & 82 Lakeway Drive Kingsley is not supported as:**
  - (a) **The scale and intensity of the proposed land use (commercial) is considered to be inappropriate for this site given its location within the Yellagonga Regional Park and the close proximity to low density residential development where a high standard of residential amenity is expected;**
  - (b) **The car parking provided is considered to be inadequate for the proposed uses and therefore would create undesirable traffic and parking impacts;**
- 2 **ADVISES the applicant, The National Trust, of its recommendation to the Western Australian Planning Commission.**

*Appendix 13 refers*

*To access this attachment on electronic document, click here: [Attach13brf200307.pdf](#)*

**ITEM 18                    CHANGE OF LAND USE FROM LIGHT INDUSTRIAL,  
OFFICE AND WORKSHOP TO LANDSCAPE  
SUPPLIES: LOT 395 (31) AND LOT 396 (29)  
CANHAM WAY, GREENWOOD – [24452] [26113]**

**WARD:**                    South-East

**RESPONSIBLE  
DIRECTOR:**            Mr Clayton Higham  
                                 Planning and Community Development

**PURPOSE**

To request Council's determination of a development application for a change of land use to Landscape Supplies.

**EXECUTIVE SUMMARY**

An application for planning approval has been received for change of use to Landscape Supplies. The application covers two adjacent properties, which are to be merged to form a single landscape supply business.

The application is for a change of use from Light Industrial to Landscape Supplies at Lot 395 (31) Canham Way, Greenwood and for a Change of Use from Office and Workshop to Landscape Supplies at Lot 396 (29) Canham Way, Greenwood.

The determination of this application by Council is necessary because a car-parking requirement is not specified within the District Planning Scheme No 2 (DPS2) for the land use 'Landscape Supplies'. The DPS2 requires that Council determine a car parking standard for a use where there is not one specified

The proposed development is considered to be consistent with the objectives and purposes of the Service Industrial zone.

It is recommended that the application be approved, subject to the acceptance of a car parking standard for "Landscape Supplies" of 1 bay per 500m<sup>2</sup> display area and 1 bay per staff member.

**BACKGROUND**

**Suburb/Location:**    Lot 395 (31) and Lot 396 (29) Canham Way, Greenwood.  
**Applicant:**            Stonetraders Pty Ltd  
**Owner:**                Tait Nominees Pty Ltd, Winmee Pty Ltd, BM Nageon De  
                                 Lestang, Ms HR Nageon De Lestang  
**Zoning:**                **DPS:** Service Industrial  
                                 **MRS:** Urban  
**Site Area:**            9711m<sup>2</sup>  
**Structure Plan:**      Not Applicable

At its meeting of 27 February 2007, Council deferred this item pending further investigation about the potential impacts of managing bulk soils. The subject site is bordered by Hepburn Avenue to the north and Wanneroo Road to the east with access being from Canham Way only. The site and adjoining properties are zoned Service Industrial, with the combined land area being 9711m<sup>2</sup>.

The closest residential property is at number 15 Corrigan Way. This property is more than 60 metres from the site of the proposed development and shares rear and side boundaries with numbers 22, 24, 26 and 28 Canham Way. These properties are opposite the site of the proposed development.

A building licence for an Office and Workshop was issued for Lot 396 in 1977. Lot 396 is currently vacant.

A factory and office were approved for Lot 395 in 1975, followed by extensions to these buildings, which were approved in 1976. Following this, a garage and display garage were approved in 1978 and a display area in 1979. Shed additions were approved in 2001 and office additions in 2002. The existing buildings on lot 395 are currently utilised by a home improvement company.

## DETAILS

The details of the proposal are as follows:

- 1453m<sup>2</sup> of outdoor display area and 737m<sup>2</sup> of internal display area, utilising existing buildings;
- 709m<sup>2</sup> of soil bins, accessed by a one-way internal road system;
- A total of 30 car parking spaces, with 23 car parking bays for visitors, 6 for staff and 1 disabled bay.

The relevant requirements of DPS2 for the proposed uses are summarised below:

Standard	Required	Provided	Compliance
Front setbacks (Canham Way)	6m	23.4m	Yes
Rear Setback - Lot (Hepburn Avenue)	3m	1.2m	No. Refer to comments section and condition (e)
Rear Setback – Lot (Wanneroo Road)	3m	18.6m	Yes
Side Setback (southern boundary)	Comply with BCA – nil permitted	4.2m	Yes
Side Setback (north west boundary)	Comply with BCA – nil permitted	1.1m	Yes
Landscaping	8% of site	Not specified on plans	No. Refer to comments section and condition (e)
Car Bays*	1 per staff member = <b>6 Bays</b> 1 Bay per 500m <sup>2</sup> Total Display Area = <b>5 Bays</b> <b>Total = 11 Bays</b>	30 Bays	Yes

\* Refer to Comment section of report for Car Parking Standard.

The details submitted by the applicant show that the typical size of the soil bins to be used in conjunction with the proposed business are approximately 4m x 6m x 1.9m (height).

**Consultation:**

Clause 6.7.2 enables public consultation to be undertaken prior to the consideration of an application for Planning Approval where this is considered necessary and/or appropriate. In this instance, it is considered that the proposal is consistent with the objectives of the Service Industrial zone, and in keeping with surrounding land uses. As such, public comment has not been sought.

**Policy Implications:**

Not Applicable.

**Risk Management considerations:**

The applicant has a right of appeal against Council's decision, or any conditions included therein, in accordance with the State Administrative Tribunal Act 2004 and the Planning and Development Act 2005.

**Legislation – Statutory Provisions:**

Landscape Supplies is a discretionary (“D”) use in the Service Industrial Zone.

A “D” use means:

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

Clause 6.7.2 allows Council to seek public comment prior to considering an application for Planning Approval should this be considered appropriate or necessary.

**6.7 PUBLIC NOTICE****6.7.2 Notification of “D” Uses**

*Before considering an application for planning approval involving a “D” use, the Council may give notice in accordance with subclause 6.7.1.*

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

**6.8 MATTERS TO BE CONSIDERED BY COUNCIL**

**6.8.1** *The Council when considering an application for Planning Approval shall have due regard to the following:*

- (a) interests of orderly and proper planning and the preservation of the amenity of the relevant locality;*
- (b) Any relevant submissions by the applicant;*
- (c) Any Agreed Structure Plan prepared under the provisions of Part 9 of the Scheme;*

- (d) *Any planning policy of the Council adopted under the provisions of clause 8.11;*
- (e) *Any other matter which under the provisions of the Scheme the Council is required to have due regard;*
- (f) *Any policy of the Commission or its predecessors or successors or any planning policy adopted by the Government of the State of Western Australia;*
- (g) *Any relevant proposed new town planning scheme of the Council or amendment or proposed Metropolitan Region Scheme Amendment insofar as they can be regarded as seriously entertained planning proposals;*
- (h) *The comments or wishes of any public or municipal authority received as part of the submission process;*
- (i) *Any previous decision made by the Council in circumstances which are sufficiently similar for the previous decision to be relevant as a precedent, provided that the Council shall not be bound by such precedent; and*
- (j) *Any other matter which in the opinion of the Council is relevant.*

6.8.2 *In addition to the matters referred to in the preceding subclause of this clause, the Council when considering whether or not to approve a "D" or "A" use application shall have due regard to the following (whether or not by implication or otherwise they might have required consideration under the preceding subclause of this clause):*

- (a) *The nature of the proposed use and its relationship to the use of other land within the locality;*
- (b) *The size, shape and character of the parcel of land to which the application relates and the nature and siting of any proposed building;*
- (c) *The nature of the roads giving access to the subject land;*
- (d) *The parking facilities available or proposed and the likely requirements for parking, arising from the proposed development;*
- (e) *Any relevant submissions or objections received by Council;*
- (f) *Such other matters as the Council considers relevant, whether of the same nature as the foregoing or otherwise.*

A car parking standard is not prescribed by Table 2 of the DPS2 and as such Council's determination is required. Clause 4.8 allows Council to determine an appropriate parking standard as follows:

#### 4.8 CAR PARKING STANDARDS

4.8.1 *The design of off-street parking areas including parking for disabled shall be in accordance with Australian Standards AS 2890.1 or AS 2890.2 as amended from time to time. Car parking areas shall be constructed and maintained to the satisfaction of the Council.*

4.8.2 *The number of on-site car parking bays to be provided for specified development shall be in accordance with Table 2. Where development is not specified in Table 2 the Council shall determine the parking standard. The Council may also determine that a general car parking standard shall apply irrespective of the development proposed in cases where it considers this to be appropriate.*

#### 4.12 LANDSCAPING REQUIREMENTS FOR NON RESIDENTIAL BUILDINGS

4.12.1 *A minimum of 8% of the area of a development site shall be designed, developed and maintained as landscaping to a standard satisfactory to the Council. In addition the road verge adjacent to the lot shall be landscaped and maintained in a clean and tidy condition to the satisfaction of the Council.*

4.12.2 *When a proposed development includes a car parking area abutting a street, an area no less than 3 metres wide within the lot along all street boundaries shall be designed, developed and maintained as landscaping to a standard satisfactory to the Council. This landscaped area shall be included in the minimum 8% of the area of the total development site referred to in the previous subclause.*

4.12.3 *Landscaping shall be carried out on all those areas of a development site which are not approved for buildings, accessways, storage purposes or car parking with the exception that shade trees shall be planted and maintained by the owners in car parking areas at the rate of one tree for every four (4) car parking bays, to the Council's satisfaction.*

It should be noted that the reason for the deferral is not, in brief, a town planning consideration. The management of this part of the business operation is covered by other legislation.

#### **Link to Strategic Plan:**

It is considered that the proposal does not have any Strategic Plan implications.

#### **Financial/Budget Implications:**

Not Applicable.

#### **Regional Significance:**

Not Applicable.

#### **Sustainability Implications:**

Not Applicable.

#### **COMMENT**

##### Land Use

The proposed change of use to 'Landscape Supplies' is considered to be consistent with the objectives of the Service Industrial Zone as set out by DPS2. The proposal will also be consistent with surrounding land uses and will not have an adverse impact on the amenity of adjoining owners or the locality.

The Canham Way road reserve and the properties at number 22, 24, 26 and 28 Canham Way will act as a buffer between the development site and the closest residential property, which is at 15 Corrigan Way. It is considered that the businesses being carried out from any of the properties opposite the proposed development would have a greater impact on surrounding residential properties than the proposal itself.

### Management of Soils

The storage of unpackaged garden soil, including mulch, must comply with the Health (Garden Soil) Regulations 1998.

The Regulations state that the proprietors are required to provide warning signs and notices for persons who purchase any soil materials. Such notice is to advise that garden soil contains micro-organisms that may be harmful to health, and further caution that gloves should be worn when handling soil, soil should be kept damp when being handled and inhaling the mix should be avoided.

Potential health risks are associated with being in direct contact with garden soil and ingesting the micro-organisms. The health risk associated with the storage of garden soil is negligible.

There is no requirement to keep stored garden soil damp, however there is provision in the Health Act 1911 that if a nuisance were to occur, the City can require action to be taken to prevent dust. Such action could include the dampening of the soil.

### Contaminated blended soils

Advice from the Department of Environment and Conservation (DEC) is that potentially, peat taken from locations, like the Stirling area, can be susceptible to Acid Sulphate Soil (ASS). However, the duty of care rests with the supplier of the soil to ensure that the provisions of the State Government's Contaminated Sites Guidelines are met.

When a supplier receives soils that may be contaminated with ASS, they can ensure that the soils are sufficiently neutralised by mixing in agriculture lime. A supplier may be required to provide certification regarding neutralisation of the soil to the DEC.

A company/supplier who blends soils is required to be licensed by the DEC. Should the supplier breach its licensing requirement or fail to meet the provisions of the Contaminated Sites Guidelines, the City was advised that these matters would be investigated by the DEC.

The applicant has advised the City that the proposal does not involve the blending of soils on-site.

### Car Parking

The DPS2 does not prescribe a car parking standard for Landscape Supplies. A total of 30 bays are proposed to service the proposed land use.

In this instance, it is considered appropriate that a car parking standard of 1 car parking space per employee and 1 parking space per 500m<sup>2</sup> of display area should apply, given that:

- The DPS2 requires 1 bay per 500m<sup>2</sup> outdoor display area as part of the parking standard for garden centres. Customers purchasing soil products would park by the soil bins and therefore, it is considered that a similar standard of one bay per 500m<sup>2</sup> total display area would be ample to cater for customers not purchasing soil products;



- Other local authorities use a standard of 1 bay per staff member only for landscape supplies and is considered sufficient;
- Customers may wish to browse display areas without actually purchasing soil products; and
- Temporary parking is available in the soil bin area for customers purchasing soil products, and will cater for cars with trailers.

Based on the above requirement, the required car parking provision for the proposed development would be as follows:

<b>Number of Staff Proposed / Display Area</b>	<b>Minimum Number of Car Parking Bays Required</b>	<b>Number of on-site Car Parking Bays provided</b>
6 Staff Proposed	6	12
2190.5m <sup>2</sup> display area	5	18
<b>Total</b>	<b>11</b>	<b>30</b>

Should these provisions be adopted, there is more than the required number of on-site car parking bays provided as part of the proposal to meet these standards. However, refer to comments in the landscaping section.

Whilst the business is proposed to be located across two independent lots, but owned by the one group, it is possible for one or both lots to be sold off in the future. This could potentially create problems with the operation of the current proposal in terms of car parking compliance and traffic circulation. Therefore, it is recommended that the applicant prepares a suitable agreement for approval by the City. The agreement should ensure that if any of the lots are sold, then suitable safeguards are in place to ensure the continued operation of the development proposal as submitted. If it is proposed to reduce the scale of the operation to only one lot, then planning approval should be sought to ensure continued compliance with the Scheme provisions.

### Landscaping

No landscaping detail has been provided as part of the current proposal. As such, it is suggested that a detailed landscaping plan is provided as part of the building licence submission. The detailed landscaping plan shall indicate the provision of a minimum 8% landscaping for the site, a 3 metre landscaping strip along all street boundaries and one shade tree per four car parking spaces as required by Clause 4.12 of DPS2.

The 3 metre landscaping strips required by Clause 4.12.2 of DPS2 will result in the provision of 577.5m<sup>2</sup> of landscaping. This represents 5.9% of the total site area and as such an additional 2.1% landscaping is required only. There is ample space on the southern (side) boundary to provide the remaining landscaping that will be required.

In order to comply with this condition, two car parking bays will have to be removed which will result in the provision of 28 car parking bays rather than 30 car parking bays. However, this is still more than adequate in order to meet the suggested standard and as such the proposal is supported.

The applicant will also be required to submit detailed plans in relation to the landscaping treatment proposed for the section of the site that abuts the Hepburn Avenue and Wanneroo Road frontages.

Further, the site currently has an existing electric fence within the boundaries of the property. This fencing has not been the subject of any approval. Consequently, the recommendation includes a condition that excludes the existing electric fence from this approval. A separate application for approval will also be required if the existing electric fence is to be retained, otherwise, the existing fence should be removed.

### Conclusion

The proposed change of use to 'Landscape Supplies' is considered appropriate and is supported.

The proposed parking standard will provide adequate parking for staff and visitors to the premises. On this basis, it is recommended that the application be approved.

### **ATTACHMENTS**

Attachment 1	Locality Plan
Attachment 2	Aerial Photograph
Attachment 3	Zoning Plan
Attachment 4	Development Plan

### **VOTING REQUIREMENTS**

Simple Majority

### **RECOMMENDATION**

#### **That Council:**

- 1 Having regard to Clause 4.8.2 of the City of Joondalup District Planning Scheme No 2, DETERMINES that a parking standard for "Landscape Supplies" of:**

**“one bay per 500m<sup>2</sup> display area plus one bay per employee”**

**is appropriate in this instance;**

- 2 APPROVES the application for planning approval dated 13 October 2006, submitted by Stonetraders Pty Ltd on behalf of the owners Tait Nominees Pty Ltd, Winmee Pty Ltd, BM Nageon De Lestang & Ms HR Nageon De Lestang, for a Change of Use from Light Industrial, Office & Workshop to Landscape Supplies at Lot 395 (31) & 296 (29) Canham Way, Greenwood respectively, subject to the following conditions:**

- (a) The parking bays, driveways and points of ingress and egress to be designed in accordance with the Australian Standard for Offstreet Car Parking (AS2890). Such areas are to be constructed, drained, marked and thereafter maintained to the satisfaction of the City prior to the development first being occupied. These works are to be done as part of the building program;**

- (b) An on-site stormwater drainage system with the capacity to contain a 1:100 year storm of a 24-hour duration is to be provided prior to the development first being occupied and thereafter maintained to the satisfaction of the City. The proposed stormwater drainage system is required to be shown on the Building Licence submission and be approved by the City prior to the commencement of construction;
- (c) No access onto Wanneroo Road or Hepburn Avenue is permitted;
- (d) All signage shall be the subject of a separate Planning Application;
- (e) The lodging of detailed landscape plans, to the satisfaction of the Manager Approvals Planning & Environmental Services for the site and adjoining road verge for approval with the Building Licence submission. These plans shall detail:

  - (i) A minimum of 8% Landscaping for the site;
  - (ii) An area no less than 3 metres in width, within the lot along all street boundaries shall be designed, developed and maintained as landscaping to a standard satisfactory to the Manager Approvals, Planning and Environmental Services. This landscaped area shall be included in the minimum 8% of the area of the total development site referred to in the previous subclause; and
  - (iii) A minimum of one shade tree per four car parking bays; and
  - (iv) The proposed treatment of the site abutting the Hepburn Avenue and Wanneroo Road frontages;
- (f) The road verge adjacent to the lot shall be landscaped and maintained in a clean and tidy condition to the satisfaction of the Manager Approvals, Planning and Environmental Services;
- (g) The vehicle movement system shown on the approved plans, shall be clearly marked on the pavements and driveways prior to the commencement of operations;
- (h) Staff bays to be clearly marked to the satisfaction of the Manager Approvals, Planning and Environmental Services;
- (i) The two car parking bays closest to Canham Way are to be deleted. All parking bays shall be set back three (3) metres from the street boundary;
- (j) The site is to be used for “Landscape Supplies” as defined by the City of Joondalup District Planning Scheme No 2. Blending of soils on-site is not permitted as part of this approval;
- (k) A suitable agreement being prepared to the satisfaction of the Manager Approvals Planning and Environment, such an agreement is to ensure that the use of the two sites for Landscaping Supplies can continue, even if one or both lots are sold. If the scale of operation is to be reduced, then a new application for Planning Approval is to be submitted to ensure compliance with the Scheme provisions.

- (l) The agreement approved by the Manager Approvals Planning and Environment is to come into effect no later than 6 months after the commencement of the proposed use that is the subject of this approval;
- (m) Any costs associated with the preparation and finalisation of the agreement required in (k) is to be borne by the applicant.
- (n) The existing unauthorised electric fence is not part of the planning approval and is to be removed unless approval is granted under a separate application for Planning Approval.

*Appendix 14 refers*

To access this attachment on electronic document, click here: [Attach14brf200307.pdf](#)

## **ITEM 19                      PROPOSED ROAD RESERVE CLOSURES - YELLAGONGA REGIONAL PARK – [04381] [01018]**

**WARD:**                      North and South

**RESPONSIBLE  
DIRECTOR:**                Mr Clayton Higham  
   Planning and Community Development

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### **PURPOSE**

The purpose of this report is to seek Council's consent to initiate proposed road reserve closures within the Yellagonga Regional Park (the Park) to facilitate the amalgamation of the land.

### **EXECUTIVE SUMMARY**

The Western Australian Planning Commission (WAPC) has commenced a process to review and rationalise the land and management arrangements within the Park. As part of the exercise, a request has been received from the WAPC to close two portions of unconstructed road reserve to enable these to be amalgamated into the Park. The subject areas are adjacent to Lot 70 Joondalup Drive, Joondalup and adjacent to Lot 43 Bindaree Terrace, Kingsley.

Under legislation, the City is required to progress the road closure requests on behalf of the WAPC.

The WAPC has advised it will provide, through the Department for Planning and Infrastructure (DPI), any necessary easements to protect existing infrastructure within the road reserves. Should it be necessary to relocate any service infrastructure located within the subject land, this would be negotiated between the service agency and the managing agency for the land.

The current request for the road reserve closures will facilitate the process of amalgamating the portions of road reserve with the adjoining land within the Park. As the road reserves are not required, it is recommended that Council initiates the proposed road reserve closures within the Yellagonga Regional Park through the commencement of public advertising for a period of 35 days.

### **BACKGROUND**

**Suburb/Location:**      Adjacent to Lot 70 Joondalup Drive, Joondalup and adjacent to  
   Lot 43 Bindaree Terrace, Kingsley

**Applicant:**                Western Australian Planning Commission

**Owner:**                    Western Australian Planning Commission & City of Joondalup

**Zoning:**                  **DPS:** Parks & Recreation  
   **MRS:** Park & Recreation

**Site Area:**                6577m<sup>2</sup> & 3410m<sup>2</sup>

**Structure Plan:**        Not applicable

The Yellagonga Regional Park is one of eight regional parks in the Perth Metropolitan Region. It comprises 1400 hectares and is primarily focussed on a wetland system that includes Lake Joondalup, Beenyup and Walluburnup Swamps, Lake Goollelal and the surrounding reserved land. The Park is located within the municipal boundaries of the Cities of Joondalup and Wanneroo.

Land within the Park consists of reserves managed by State Government agencies including the WAPC and Department of Environment and Conservation (DEC, formerly the Department of Conservation and Land Management (CALM)), the Cities of Joondalup and Wanneroo, as well as owned or managed by government agencies and private individuals (Attachment 2 refers).

The Yellagonga Regional Park Management Plan (the Plan) was adopted by the two local governments and CALM to ensure conservation of the Park and to facilitate its management. It includes the most appropriate tenure arrangements for the land within the Park, reserving land and providing Management Orders ('vesting') of the land to achieve comprehensive management of the Park. (Attachment 2 refers).

#### Unconstructed Road Reserve adjacent to Lot 70 Joondalup Drive, Joondalup

Lot 70 Joondalup Drive is located at the northern end of the Park near Lake Joondalup on the curve of Joondalup Drive (Attachment 1 refers). It is 1.416 hectares in area. Lot 70 is classified as a Bush Forever site. The Neerabup Water Supply Pumping Station is located on adjacent Lot 13404.

The subject portion of unconstructed road reserve adjacent to Lot 70 Joondalup Drive is 6577m<sup>2</sup> in area and is shown hatched on Attachment 1. Lot 70 is managed by the WAPC.

#### Unconstructed Road Reserve adjacent to Lot 43 Bindaree Terrace, Kingsley

Lot 43 is located at the southern end of the Park, adjacent to the western edge of Lake Goollelal (Attachment 1 refers). It is 1682m<sup>2</sup> in area. Bindaree Park abuts Lot 43 to the north.

The subject portion of unconstructed road reserve adjacent to Lot 43 Bindaree Terrace is 3410m<sup>2</sup> in area and is shown hatched on Attachment 1. Lot 43 is owned and managed by the City of Joondalup.

### **DETAILS**

The WAPC has commenced a process of review and rationalisation of land and its management within the Park. The aim of this process is to develop and maintain integrated and coordinated management arrangements between the current managers of the Park and planning authorities. The outcome of the process is for the land parcels to be managed by the most appropriate State Government agencies, where possible, and involves land tenure changes. In most cases, the most appropriate management agency is the DEC.

The Yellagonga Regional Park Management Plan does not identify the road reserves for road construction in the future. The City has drainage infrastructure located in the road reserve adjacent to Lot 43 which would remain in place, however no easement would be required. Alinta and Water Corporation have infrastructure located in the road reserve adjacent to Lot 70 which would remain in place, and an easement required. The easement would be provided by the WAPC as owners of the land.

### **Options:**

The options available to Council are:

- Support the proposed road reserve closures.
- Not support the proposed road reserve closures.

**Link to Strategic Plan:**

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

**Legislation – Statutory Provisions:**

A road closure is required to be undertaken by a local authority in accordance with Section 58 of the Land Administration Act 1997. A request can be made to close a road reserve and amalgamate that land into an adjoining property. As part of this process, service authorities are requested to provide details of any service plant that is located within the proposed road reserve to be amalgamated. If such infrastructure exists, the cost of relocation or provision of easements to protect and obtain access to that infrastructure, should the need arise in the future, are generally met by the applicant/landowner.

If Council supports the road closure, the proposal is advertised for public comment for a period of 35 days, as required under Section 58 of the Land Administration Act 1997. Upon the closure of public advertising, the proposal is presented to Council for its further consideration, together with details of any submissions received.

If Council resolves to progress the request, all relevant documentation is forwarded to the DPI with a request to formally close the road for its determination. The Minister for Planning and Infrastructure makes the final decision on whether or not closure takes place.

**Risk Management considerations:**

Not Applicable.

**Financial/Budget Implications:**

If service infrastructure is located within the subject portions of land, the WAPC has advised that it would provide any necessary easements to protect and obtain access to that infrastructure. However, should infrastructure need relocation, the cost of relocation would be the subject of negotiation between the service agency and the managing agency of the area.

The City is responsible for all costs associated with advertising the proposed road reserve closure. The current budget has sufficient funds to cover the advertising costs.

**Policy Implications:**

Not Applicable.

**Regional Significance:**

Not Applicable.

**Sustainability Implications:**

The proposed road reserve closures would facilitate the management of the Park in accordance with the Yellagonga Regional Park Management Plan 2003-2013 to achieve a more environmentally sustainable outcome.

**Consultation:**

The service authorities (Telstra, Western Power, Alinta Gas and Water Corporation) are consulted to determine if there are services or assets which would be affected by the proposed road reserve closure. At the time of preparing this report, responses from all service agencies had not been received.

If the proposal is supported by Council, public advertising will occur for 35 days as required under Section 58 of the Land Administration Act (LAA), as follows:

- Nearby landowners being notified in writing;
- A notice being placed in the local newspaper;
- A sign being erected on site;
- A notice being placed on the City's website.

Upon closure of advertising, the matter will be presented to Council for its further consideration, together with details of submissions received during the advertising period.

**COMMENT**

The City has not initiated the proposed road reserve closure and is not the determining authority for the proposal. However, the City is required by the LAA to undertake the public consultation on this matter as it relates to land within its jurisdiction.

The City has drainage infrastructure located in the road reserve adjacent to Lot 43 which would remain in place, however no easement would be required. Alinta and Water Corporation have service infrastructure located in the road reserve adjacent to Lot 70 which would remain in place, and an easement required. The easement would be provided by the WAPC as owners of the land.

The subject portions of road reserves are not required for the construction of roads. The proposed road reserve closures will facilitate management of the Park in accordance with the approved plan by enabling the process of amalgamating the portions of road reserve with the adjoining land within the Park. The proposed road reserve closures are unlikely to create any adverse impact on the Park and it is recommended that Council initiate the closure process and commence public advertising.

**ATTACHMENTS**

Attachment 1	Plans of subject road reserves for closure
Attachment 2	Yellagonga Regional Park Management Plan 2003 –2013 Existing Tenure Map and Management Areas

**VOTING REQUIREMENTS**

Simple Majority



**RECOMMENDATION**

**That Council INITIATES the closure of portions of road reserve adjacent to Lot 70 Joondalup Drive, Joondalup and adjacent to Lot 43 Bindaree Terrace, Kingsley, as shown in Attachment 1 to this Report, for the purposes of public advertising for a period of 35 days.**

*Appendix 15 refers*

*To access this attachment on electronic document, click here: [Attach15brf200307.pdf](#)*

## **ITEM 20                      PROPOSED      STANDARD      STRUCTURE      PLAN TEMPLATE – [80597]**

<b>WARD:</b>	All
<b>RESPONSIBLE DIRECTOR:</b>	Mr Clayton Higham Planning and Community Development

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### **PURPOSE**

The purpose of this report is to request Council's endorsement of a standard structure plan template to apply to future structure plan proposals.

### **EXECUTIVE SUMMARY**

A structure plan is a planning tool that sets out the vision and planning framework for the future development of an area of land. The City's adopted structure plans have been prepared by different planning consultants over time, resulting in their content and presentation being varied. At its meeting held on 31 October 2006, Council resolved to require the preparation of a standard template for future structure plans. The intention of the template is to provide clarification and uniformity in the content and format of the structure plan documents.

A structure plan template has now been prepared. Under the resolution, the template is to be adopted under District Planning Scheme No 2 (DPS2). Amending the DPS2 is, however, a lengthy process (up to 12 months) that includes compulsory public advertising. Since the template is principally a working document that sets out a standardised layout, inclusion in the DPS2 would be of no benefit.

It is therefore recommended that Council amends Part 2 of its 31 October 2006 resolution to remove the requirement to adopt a structure plan template under DPS2 and instead endorses the proposed structure plan template as a procedural document to be used through the planning assessment process for all future structure plan proposals.

### **BACKGROUND**

Provisions within structure plans are intended to supplement the requirements of DPS2 and the Residential Design Codes (R-Codes). Due largely to changes to the R-Codes over time, and the fact that the current structure plans have been developed over several years by different planning consultants, the wording and formatting of the adopted structure plans differ from one another.

This inconsistency in the wording of structure plans has created uncertainty in relation to the development and building approval processes, particularly for residential land.

At its meeting on 31 October 2006, Council in considering a range of standard amendments to existing structure plans resolved, in part, the following (CJ197-10/06 refers):

- 2        *REQUIRES the preparation of a standard structure plan template by the City, to be adopted through an amendment to District Planning Scheme No 2.*

## **DETAILS**

Further to the resolution of the Council, a structure plan template has now been prepared. The proposed template is based on the provisions of Part 9 and Schedule 7 of District Planning Scheme No 2, which set out matters that may be required to be included in structure plans.

A structure plan is comprised of 2 parts: Part 1 – Statutory Planning Section and Part 2 – Explanatory Report. The proposed template includes standard requirements for both Part 1 and Part 2 documents (Attachment 1 refers).

Part 1 includes headings and standard wording for the structure plan area, interpretations, enforcement date, DPS2 and R-Codes relationships, zones/reserves, retail nett lettable area, and general and special provisions. A section requiring the provision of 3 maps is also included, comprising the Zoning Map, the Residential Density Code Map and the Structure Plan Map.

Part 2 includes headings for background in terms of the characteristics of the site and planning context, the design philosophy, land uses, structure plan objectives and issues, and implementation/staging.

### **Issues and options considered:**

Council has the following options:

- Amend Part 2 of the 31 October 2006 resolution and accept the proposed structure plan template.
- Amend Part 2 of the 31 October 2006 resolution and accept the proposed structure plan template, with modifications.
- Not amend Part 2 of the 31 October 2006 resolution and require the template to be adopted through an amendment to DPS2.

### **Link to Strategic Plan:**

The recommendation in this report is broadly linked to the objectives and strategies of the City's Strategic Plan 2003-2008. The template seeks to improve process and, as such, customer service. As an administrative issue, it is best dealt with through an administrative process rather than through an amendment to DPS2.

### **Legislation – Statutory Provisions:**

Under the Local Government Act 1995 (LG Act), under regulations prescribed to deal with Section 5.25(e) of the LG Act, revoking or changing decisions made at Council or Committee meetings are to be dealt with in the following manner (italicised):

*If a decision has been made at a Council meeting, then any motion to revoke or change the decision must be supported by at least one-third of the number of offices (whether vacant or not) of members of the Council.*

*If supported by one-third of the members, then any decision to revoke a resolution of the Council is required to be passed by an Absolute Majority.*

**Risk Management considerations:**

Not Applicable.

**Financial/Budget Implications:**

Not Applicable.

**Policy Implications:**

Not Applicable.

**Regional Significance:**

Not Applicable.

**Sustainability Implications:**

Not Applicable.

**Consultation:**

Under the Local Government Act, public consultation is not required in order for Council to consider amending a former resolution.

**COMMENT**Proposed Structure Plan Template

A structure plan is comprised of Part 1 – Statutory Planning Section, which includes required maps and Part 2 – Explanatory Report. The proposed structure plan template sets out minimum requirements for any structure plan. More complex structure plans may need additional information and headings. Similarly, structure plans over land that is significantly constrained by its topography, environmental factors and certain surrounding existing land uses, for example, would need to include additional information.

Adoption Under DPS2

Council's resolution of 31 October 2006 requires a structure plan template to be adopted under DPS2. Amending DPS2 is, however, a lengthy process that includes compulsory public advertising. The template is principally a working document that sets out standard headings and wording, and inclusion in DPS2 would be of no benefit. In addition, should any changes be required to the template over time, the changes would need to go through the same scheme amendment process.

In view of the above, it is considered more appropriate to endorse the proposed template as a process document rather than adopting it under DPS2. It is recommended that Council reconsider its former resolution and remove this requirement.

**ATTACHMENTS**

Attachment 1            Proposed Structure Plan Template

**VOTING REQUIREMENTS**

Absolute Majority

**RECOMMENDATION**

**That Council, BY AN ABSOLUTE MAJORITY:**

- 1 AMENDS Part 2 of Resolution CJ197-10/06 to remove the requirement to adopt a structure plan template under District Planning Scheme No 2 and ENDORSES the proposed structure plan template as a working document for the assessment of all future structure plan proposals;**
- 2 FORWARDS the decision to the Western Australian Planning Commission and submitters who were previously advised of Council's 31 October 2006 resolution.**

*Appendix 16 refers*

To access this attachment on electronic document, click here: [Attach16brf200307.pdf](#)

## **ITEM 21                    MONTHLY TOWN PLANNING DELEGATED AUTHORITY REPORT, DEVELOPMENT AND SUBDIVISION APPLICATIONS – JANUARY 2007 – [07032] [05961]**

**WARD:** All

**RESPONSIBLE  
DIRECTOR:** Mr Clayton Higham  
Planning and Community Development

### **PURPOSE**

To report on the number and nature of applications considered under Delegated Authority.

### **EXECUTIVE SUMMARY**

The provisions of clause 8.6 of the text to the District Planning Scheme No 2 allows Council to delegate all or some of its development control powers to those persons or committees identified in Schedule 6 of the Scheme text.

The purpose of delegation of certain powers by Council, in addition to other Town Planning matters, is to facilitate timely processing of development applications and subdivision applications. The framework for the delegation of those powers is set out in resolutions adopted by Council and is reviewed generally on a two yearly basis, or as required. All decisions made by staff, acting under delegated authority as permitted under the delegation notice, are reported to Council on a monthly basis.

The normal monthly report on Town Planning Delegations identifies:

- 1 Major development applications
- 2 Residential Design Codes
- 3 Subdivision applications

This report provides a list of the development and subdivision applications determined by those staff members with delegated authority powers during the month of January 2007 (see Attachments 1 and 2 respectively) for those matters identified in points 1-3 above.

### **BACKGROUND**

The number of development and subdivision applications determined for January 2007 under delegated authority and those applications dealt with as “R-code variations for single houses” for the same period are shown below:

<b>Approvals Determined Under Delegated Authority – Month of January 2007</b>		
<b>Type of Approval</b>	<b>Number</b>	<b>Value (\$)</b>
Development Applications	125	19,765,094
R-Code variations (Single Houses)	43	3,017,085
<b>Total</b>	168	22,782,179

The number of development applications received in January 2007 was 75. (This figure does not include any applications that may become the subject of the R-Code variation process).

<b>Subdivision Approvals Processed Under Delegated Authority Month of January 2007</b>		
<b>Type of Approval</b>	<b>Number</b>	<b>Potential new Lots</b>
Subdivision Applications	2	2
Strata Subdivision Applications	1	2

The District Planning Scheme No 2 requires that delegation be reviewed annually, unless a greater or lesser period is specified by Council. The Council, at its meeting of 13 December 2005 considered and adopted the most recent Town Planning Delegation for a period of two years.

## **DETAILS**

### **Issues and options considered:**

Not Applicable.

### **Link to Strategic Plan:**

The strategic plan includes a strategy to provide quality value-adding services with an outcome to provide efficient and effective service delivery. The use of a delegation notice allows staff to efficiently deal with many simple applications that have been received and allows the elected members to focus on strategic business direction for the Council, rather than day-to-day operational and statutory responsibilities.

### **Legislation – Statutory Provisions:**

Clause 8.6 of the District Planning Scheme No 2 permits development control functions to be delegated to persons or Committees. All subdivision applications were assessed in accordance with relevant legislation and policies, and a recommendation made on the applications to the Western Australian Planning Commission.

### **Risk Management considerations:**

The delegation process includes detailed practices on reporting, checking and cross checking, supported by peer review in an effort to ensure decisions taken are lawful, proper and consistent.

### **Financial/Budget Implications:**

Not Applicable.

### **Policy Implications:**

Not Applicable.

**Regional Significance:**

Not Applicable.

**Sustainability Implications:**

Not Applicable.

**Consultation:**

Consultation may be required by the provisions of the Residential Design Codes 2002, any relevant Town Planning Scheme Policy and/or the District Planning Scheme.

Of the 125 development applications determined during January 2007, consultation was undertaken for 35 of those applications. Of the 3 subdivision applications determined during January 2007, no applications were advertised for public comment, as the proposals complied with the relevant requirements.

All applications for an R-codes variation require the written support of the affected adjoining property owner before the application is submitted for determination by the Coordinator Planning Approvals. Should the R-codes variation consultation process result in an objection being received, then the matter is referred to the Director Planning and Community Development or the Manager, Approvals, Planning and Environmental Services, as set out in the notice of delegation.

**COMMENT**

Large local governments utilise levels of delegated authority as a basic business requirement in relation to Town Planning functions. The process allows determination times to be reasonably well accepted and also facilitates consistent decision-making in rudimentary development control matters. The process also allows the elected members to focus on strategic business direction for the Council, rather than day-to-day operational and statutory responsibilities.

All proposals determined under delegated authority are assessed, checked, reported and crosschecked in accordance with relevant standards and codes.

**ATTACHMENTS**

Attachment 1	January 2007 decisions - Development Applications
Attachment 2	January 2007 decisions - Subdivision Applications

**VOTING REQUIREMENTS**

Simple Majority



## **RECOMMENDATION**

**That Council NOTES the determinations made under Delegated Authority in relation to the:**

- 1 development applications described in this report for the January 2007;**
- 2 subdivision applications described in this report for the month of January 2007.**

*Appendix 17 refers*

*To access this attachment on electronic document, click here: [Attach17brf200307.pdf](#)*

## **ITEM 22                    MINUTES OF THE SENIORS INTERESTS ADVISORY COMMITTEE MEETINGS HELD ON 6 DECEMBER 2006 AND 7 FEBRUARY 2007 - [55511]**

**WARD:**                    All

**RESPONSIBLE            Mr Clayton Higham**  
**DIRECTOR:**            Planning and Community Development

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### **PURPOSE**

To submit the unconfirmed minutes of the Seniors Interests Advisory Committee to Council for noting and recommend appropriate action in relation to the decisions of the Committee.

### **EXECUTIVE SUMMARY**

Meetings of the Seniors Interests Advisory Committee were held on 6 December 2006 and 7 February 2007.

The items of business that were considered by the Committee on 6 December 2006 were:

- Review of Seniors Plan 2004-2008
- Seniors: This Is Your Life Event
- Presentation – Tales of Times Past
- Presentation – Local Studies
- Presentation – Seniors Participation in 2007 Joondalup Festival

The items of business that were considered by the Committee on 7 February 2007 were:

- Review of Seniors Plan 2004-2008: Seniors Interests Advisory Committee Consultation
- Election of new presiding person
- Proposed Activities Budget and Name for 2007 Seniors Event
- Seniors Interests Advisory Committee Vacancy

*It is recommended that Council:*

- 1        *NOTES the confirmed minutes of the Seniors Interests Advisory Committee held on 6 December 2006 forming Attachment 1 to this Report;*
- 2        *NOTES the unconfirmed minutes of the Seniors Interests Advisory Committee held on 7 February 2007 forming Attachment 2 to this Report;*
- 3        (a)        *ACCEPTS the resignation of Ms Sharleen Mann from the Seniors Interests Advisory Committee;*  
  
          (b)        *THANKS Ms Mann for her commitment and significant contribution to the work of the Committee;*
- 4        *NOTES the proposed review process for the Seniors Plan 2004 –2008;*

- 5 (a) *NOTES the report on the “Seniors: This is Your Life” event;*
- (b) *NOTES the Committee’s ENDORSEMENT of recommendations;*
- 6 *NOTES the report on the consultation process to be undertaken with the Seniors Interests Advisory Committee as part of the review of the Seniors Plan 2004 – 2008;*
- 7 (a) *NOTES the report on the Proposed Activities Budget and Name for the 2007 Seniors Event;*
- (b) *ENDORSES the proposed activities budget including the increase in allocated funding;*
- (c) *ENDORSES the name for the 2007 seniors event “Seniors: The Art of Ageing”;*
- 8 *NOTES the process undertaken to fill the Seniors Interests Advisory Committee Vacancy.*

## **BACKGROUND**

The SIAC was established for the benefit of exchanging views with residents of the City on matters related to seniors, an ageing population and the need for community input into the Seniors Plan, the Strategic Plan and other matters that impact upon seniors.

In accordance with its role, the Committee identified priority focus areas that complement various tasks and actions of the City’s Seniors Plan 2004-2008. These include: seniors’ health issues, transport accessibility and affordability and staying active through leisure and entertainment.

Recommendations of the Committee will facilitate progress on initiatives that are generated by the provision of ongoing Seniors Plan status reports. Other initiatives that complement the Seniors Plan such as the Transitions in Ageing Research Project Report will be useful resources to inform the review of the Seniors Plan, whilst the School Volunteer Program promotes intergenerational activities.

## **DETAILS**

### **Issues and options considered:**

The Motions moved at the Seniors Interests Advisory Committee meeting held on 6 December 2006 are shown below, together with officer’s comments.

#### **1 Review of Seniors Plan 2004-2008**

The following Motion was moved at the meeting on 6 December 2006:

*“That the Seniors Interests Advisory Committee SUPPORTS the proposed review process of the Seniors Plan 2004-2008.”*

## Officer's Comment

In addition to the outlined review framework, which will guide the consultation process, current relevant and contemporary initiatives and reports will complement and inform the review. These include –

- Transitions in Ageing Research Project Report 2006;
- Culturally and Linguistically Diverse Seniors: Community Participation Research Project 2006 Western Australia's Seniors Active Ageing Benchmark Indicators 2006; and
- The World Health Organisation, Ageing and Life Course, Active Ageing: A Policy Framework.

## 2 Seniors: This Is Your Life Event

The following Motion was moved at the meeting on 6 December 2006:

*"That the Seniors Interest Advisory Committee:*

- 1 *NOTES the report on the "Seniors: This is Your Life" event;*
- 2 *ENDORSES the recommendations from the "Seniors: This is Your Life" report;*
  - (a) *That the range and diversity of activities be continued in future seniors events;*
  - (b) *That the objectives developed for this 2006 event become a benchmark in planning future seniors events, being adapted when appropriate to reflect the changing needs of seniors identified by the SIAC as well as universal current and contemporary issues identified by peak seniors organisations such as the Office of Seniors Interests & Volunteering, Council on the Ageing and the World Health Organisation;*
  - (c) *That the SIAC working party, meets in February 2007 to commence the planning process for the next seniors event. At the same time, liaison begins with internal and external shareholders / potential partners to ensure the delivery of an extensive high quality program of activities. That promotion of future events includes meeting with a whole range of seniors groups throughout the community, to engage these groups and their members in participating in future events as individuals and/or as a group;*
  - (d) *Given the worth of various activities and issues including those identified by the SIAC as well as acknowledged contemporary universal seniors issues, it is important that the working group explore a means of providing information for seniors in different and creative ways, which link the more thought-provoking issues within the context of enjoyable events and activities;*

- (e) *That \$5,000 be considered in the 2007/2008 budget deliberations to enable the City to provide a seniors event in 2007 and that the SIAC working group continue to be guided by the objectives, working with internal and external partners to showcase existing programs and activities in the community.*

#### Officer's Comment

The SIAC working party will meet in February/March to begin the planning process for the 2007 event. The continuation of this collaborative model of working, that is, seniors playing a major role in delivering an event for seniors, will ensure the sustainability of the event and at the same time reflect positive active ageing "in action," through seniors being engaged and connected with the community in ways that are meaningful and valued.

### **3 Presentation – Local Studies**

A presentation was given by Library Reference & Local Studies Officer.

#### Officer's Comment

Guest presenters at SIAC meetings offer opportunities for Committee members to increase their knowledge about a wide range of internal and external projects, programs and activities. The impact of such an initiative is widespread. As well as individual Committee members, beneficiaries include the collective Committee who integrate new information into recommendations and decision-making processes, which are advantageous for Council and the community.

### **4 Presentation – Seniors Participation in 2007 Joondalup Festival**

A presentation was given by the Acting Cultural Development Co-ordinator regarding seniors' participation in the 2007 Joondalup Festival.

#### Officer's Comment

Seniors participation in the Joondalup Festival already occurs in many forms. Older people from the City attend individually, in couples or in groups with family and/or friends. Entertainers include people aged fifty plus. There are already Festival volunteers who fit into the age group that society identifies as a senior. Consideration of seniors' specific activities is important too.

Encouraging more seniors to participate as part of a positive active ageing approach, which stresses the importance of holistic (cultural, social, spiritual, physical, economic, civic) engagement, reflects a community that values its citizens throughout their lifespan. Simultaneously, it promotes autonomy, independence and quality of life, which within the context of people's lives, impacts upon and benefits the individual, family, friends, neighbours, the community and all tiers of government.

### **5 Review of the Seniors Plan 2004 – 2008: Seniors Interests Advisory Committee Consultation**

The following Motion was moved at the meeting on 7 February 2007:

*"That the Seniors Interests Advisory Committee UNDERTAKES the "Review of the Seniors Plan 2004 –2008; Seniors Interests Advisory Committee Consultation" in accordance with the proposed framework."*

### Officer's Comment

Committee members participated in a consultation workshop at the conclusion of the SIAC meeting on 7 February 2007. The workshop was facilitated by Ali Sumner, a consultant with POWA Institute. The Committee was asked to focus on two areas:

- Identify the current issues for City of Joondalup seniors;
- Identify the emerging issues for City of Joondalup seniors.

It is anticipated that consultation with other stakeholder groups will have a similar focus in any workshop environment, whilst more detailed questions can be asked in telephone/ mail surveys.

## **6 Proposed Activities Budget and name for 2007 Seniors Event**

The following Motions were moved at the meeting on 7 February 2007:

*"That the Seniors Interests Advisory Committee:*

- 1 *NOTES the report on the proposed activities budget for the 2007 Seniors Event;*
- 2 *NOTES the suggested names for the 2007 Seniors Event;*
- 3 *ENDORSES a name for the 2007 seniors event from suggestions offered or recommends another appropriate name;*
- 4 *ENDORSES the name "Seniors: The Art of Ageing" for the 2007 seniors event."*

### Officer's Comment

It is proposed that the activities budget for the 2007 seniors event is \$7,600, an increase of \$2,600 on the allocated budget for the 2006 seniors event. An increase is proposed to enable the seniors event working group the opportunity to deliver an event which builds on the 2006 "Seniors: This is Your Life" event, adding to existing and potential activities, presenters, and entertainers. The 2006 event came in under budget primarily due to the hard work of the working group who negotiated and used their networks to ensure minimal costs.

The name chosen for the 2007 event "Seniors: The Art of Ageing," will continue with a theme started in 2006. It offers the opportunity to provide an extensive program of activities and events under a broad concept (the art of), in addition to "continuity," with a positive recognisable theme for future events i.e. 2006 - Seniors: This is Your Life, 2007 - Seniors: The Art of Ageing, 2008 - Seniors: Ageing with Attitude.

## **7 Seniors Interests Advisory Committee Vacancy**

The following Motion was moved at the meeting on 7 February 2007:

*"That the Seniors Interests Advisory Committee NOTES the information provided about the "industry representative" vacancy and the process to be undertaken to fill that vacancy.*

### Officer's Comment

The Committee was informed of the planned process to be undertaken to fill the “industry representative” vacancy caused by the resignation of Sharleen Mann from the Committee. The vacancy was advertised in the Community Newspaper and extensively disseminated through the Officer's electronic mail network. Several people have expressed interest in joining the Committee as an “industry representative” and submitted nominations for the SIAC to consider at the meeting on 4 April 2007. The City will have the opportunity to add to the existing knowledge and experience of the SIAC by electing a person to the Committee who can value and diversity.

### **Link to Strategic Plan:**

The Seniors Interests Advisory Committee is linked to the Strategic Plan through the following objectives:

- 1.1 To develop, provide and promote a diverse range of lifelong learning opportunities.
- 1.2 To meet the cultural needs and values of the community.
- 1.3 To continue to provide services that meet changing needs of a diverse and growing Community.
- 1.4 To work with the community to enhance safety and security in a healthy environment.
- 3.3 To continue to meet changing demographic needs.
- 4.3 To ensure the City responds to and communicates with the community.

### **Legislation – Statutory Provisions:**

Not Applicable

### **Risk Management considerations:**

Not applicable

### **Financial/Budget Implications:**

Budget Amount:                   \$ 2000

Associated costs of the review will include advertising and printing of posters and pamphlets to promote the review to community members. Funds have been allocated in the 2006/07 budget to assist with the implementation of the Seniors Plan.

Any future initiatives that are to be undertaken by the City as a result of their inclusion in the Seniors Plan would need to seek funding approval through normal Council budget allocation processes.

**Policy Implications:**

The existing policies that are deemed to have the most impact on seniors are:

- Access and inclusion (access to community facilities and public space: overcoming barriers that could prevent participation in community activities)
- Rates (reduced rates for seniors)
- Fees and Charges (reduced fees for seniors for some services)
- Use of community facilities (accommodation provided free of charge to seniors groups under the “subsidised use” policy).

**Regional Significance:**

The Seniors Interests Advisory Committee is a locally focussed group, established by Council to represent and advocate for the needs of seniors within the City of Joondalup.

**Sustainability Implications:**

Not Applicable.

**Consultation:**

A consultation plan has been developed to ensure that the Plan captures current issues, trends and concerns.

**COMMENT**

Committee participation in the Seniors Plan 2004 – 2008 review and consultation process assists in ensuring that seniors are adequately represented in the planning processes and the strategic directions being developed for older people in the City.

**ATTACHMENTS**

Attachment 1	Minutes of the December meeting
Attachment 2	Minutes of the February meeting

**VOTING REQUIREMENTS**

Simple Majority

**RECOMMENDATION****That Council:**

- 1 NOTES the confirmed minutes of the Seniors Interests Advisory Committee held on 6 December 2006 forming Attachment 1 to this Report;**
- 2 NOTES the unconfirmed minutes of the Seniors Interests Advisory Committee held on 7 February 2007 forming Attachment 2 to this Report;**



- 3 (a) **ACCEPTS** the resignation of Ms Sharleen Mann;
- (b) **THANKS** Ms Mann for her commitment and significant contribution to the work of the Committee;
- 4 **NOTES** the proposed review process for the Seniors Plan 2004 –2008;
- 5 (a) **NOTES** the report on the “Seniors: This is Your Life” event;
- (b) **NOTES** the Committee’s **ENDORSEMENT** of recommendations;
- 6 **NOTES** the report on the consultation process to be undertaken with the Seniors Interests Advisory Committee as part of the review of the Seniors Plan 2004 – 2008;
- 7 (a) **NOTES** the report on the Proposed Activities Budget and Name for the 2007 Seniors Event;
- (b) **ENDORSES** the proposed activities budget including the increase in allocated funding;
- (c) **ENDORSES** the name for the 2007 seniors event “Seniors: The Art of Ageing”;
- 8 **NOTES** the process undertaken to fill the Seniors Interests Advisory Committee Vacancy.

*Appendix 18 refers*

To access this attachment on electronic document, click here: [Attach18brf200307.pdf](#)

**ITEM 23                    NOMINATIONS FOR FREEMAN OF THE CITY OF  
JOONDALUP – [89597]**

**WARD:**                    All

**RESPONSIBLE  
DIRECTOR:**            Mr Garry Hunt  
                                 Office of CEO

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**This Item is Confidential - Not for Publication**

Report to be circulated to Elected Members under separate cover.

## **8 REPORT OF THE CHIEF EXECUTIVE OFFICER**

## 9 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

### **NOTICE OF MOTION – MAYOR TROY PICKARD - FEASIBILITY STUDY – COMBINED ANIMAL FACILITY AND PET CREMATORIUM**

In accordance with Clause 26 of Standing Orders Local Law 2005, Mayor Troy Pickard has given notice of his intention to move the following motion at the Council Meeting to be held on 27 March 2007:

***"That a report be presented to Council that:***

- 1 Addresses the feasibility of a joint study into a combined Animal Facility and Pet Crematorium with the City of Wanneroo;***
- 2 Assesses the appropriateness of corresponding with the City of Wanneroo seeking an Administration report to the City of Wanneroo Council on the feasibility of a joint study into a combined Animal Facility and Pet Crematorium with the City of Joondalup in the 07/08 financial year."***

#### **Reason for Motion**

Mayor Pickard submitted the following comment in support of his motion:

"The City of Wanneroo at their recent Council meeting passed a replica motion to investigate the feasibility of a joint study into a combined Animal Facility and Pet Crematorium with the City of Joondalup. The City of Joondalup currently utilises, for a fee, an animal facility located in Malaga to house stray animals. The development of a jointly owned and operated facility in Wangara would decrease the costs associated with the Ranger down-time in transporting stray animals to Malaga and any accompanying fees. Additionally, the creation of an integrated animal facility incorporating such operations as a Pet Crematorium and commercial operations (vet, grooming etc) would provide a valuable revenue source to off-set any associated operational costs. By engaging in a feasibility study with the City of Wanneroo, the City of Joondalup has the potential to reduce the capital and operational costs associated with such a facility and maximises the availability of land within and ownership of by the City of Wanneroo."

#### **Officer's Comment**

A report will be prepared on this matter and contact will be made with the City of Wanneroo to assess its support.

**NOTICE OF MOTION – MAYOR TROY PICKARD - TREE PLANTING**

In accordance with Clause 26 of Standing Orders Local Law 2005, Mayor Troy Pickard has given notice of his intention to move the following motion at the Council Meeting to be held on 27 March 2007:

***"That a report be presented to Council that:***

- 1 Identifies locations within the City of Joondalup where She Oak trees are located in close proximity to children's playground equipment;***
- 2 Recommends an alternative native tree suitable for planting adjacent to children's playground equipment;***
- 3 Provides cost estimates to remove all She Oak trees located in close proximity to children's playground equipment and replace them with a suitable native tree.***
- 4 Seeks comment from the Conservation Advisory Committee on 1, 2 and 3 above prior to the presentation of the report to Council."***

**Reason for Motion**

Mayor Pickard submitted the following comment in support of his motion:

"There have been numerous instances in recent times where residents, specifically parents, have raised concerns about the location of She Oak trees adjacent to children's playground equipment. The She Oak trees shed a spiky nut that presents as a hazard for children recreating on the playground equipment. Replacement of this species with a suitably selected local tree species that provided adequate shade and did not shed nuts or pollen would be more appropriate and improve the safety and amenity of children's playground equipment within the City of Joondalup."

**Officer's comment**

A report will be prepared and presented to Council.



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

**To: CHIEF EXECUTIVE OFFICER  
CITY OF JOONDALUP**

<b>Name/ Position</b>	
<b>Meeting Date</b>	
<b>Item No/ Subject</b>	
<b>Nature of Interest</b>	Financial Interest * Interest that may affect impartiality* <span style="float: right;"><i>* Delete where not applicable</i></span>
<b>Extent of Interest</b>	
<b>Signature</b>	
<b>Date</b>	

Section 5.65(1) of the Local Government Act 1995 states that:

“A member who has an interest in any matter to be discussed at a Council or Committee meeting that will be attended by that member must disclose the nature of the interest:

- (a) *in a written notice given to the CEO before the meeting; or*
- (b) *at the meeting immediately before the matter is discussed.*



**QUESTION TO BE ASKED AT  
BRIEFING SESSION/COUNCIL MEETING**

TITLE <i>(Mr/Mrs/Ms/Dr)</i>	FIRST NAME	SURNAME	ADDRESS

**QUESTIONS**

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Please submit this form at the meeting or:

- **post** to The Chief Executive Officer, City of Joondalup, P O Box 21, Joondalup WA 6919
- **email** to [council.questions@joondalup.wa.gov.au](mailto:council.questions@joondalup.wa.gov.au)

**Please note that:**

- Questions asked at a **Briefing Session** must relate to matters contained on the draft agenda.
- Questions asked at a **Council meeting** can relate to matters that affect the operations of the City of Joondalup.
- Questions asked at a **Special Meeting of the Council** must relate to the purpose for which the meeting has been called





