

MINUTES

City of Joondalup

MINUTES OF
ORDINARY MEETING OF THE COUNCIL
OF THE CITY OF JOONDALUP
HELD IN THE COUNCIL CHAMBER, JOONDALUP CIVIC CENTRE,
BOAS AVENUE, JOONDALUP

MEETING DATE



ON TUESDAY, 24 APRIL 2007



City of
Joondalup

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**MINUTES OF COUNCIL MEETING
HELD ON TUESDAY, 24 APRIL 2007**

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CITY OF JOONDALUP

MINUTES OF COUNCIL MEETING HELD IN THE COUNCIL CHAMBER, JOONDALUP CIVIC CENTRE, BOAS AVENUE, JOONDALUP, ON TUESDAY, 24 APRIL 2007

DECLARATION OF OPENING

The Mayor declared the meeting open at 1904 hrs.

ANNOUNCEMENT OF VISITORS

Nil.

ATTENDANCES

Mayor:

TROY PICKARD

Councillors:

| | | |
|--------------------|--------------------|---|
| Cr KERRY HOLLYWOOD | North Ward | |
| Cr TOM McLEAN | North Ward | |
| Cr STEVE MAGYAR | North-Central Ward | |
| Cr ALBERT JACOB | North-Central Ward | |
| Cr MARIE MACDONALD | Central Ward | |
| Cr GEOFF AMPHLETT | Central Ward | |
| Cr MICHELE JOHN | South-West Ward | |
| Cr SUE HART | South-East Ward | <i>Absent from 2026 hrs to 2027 hrs</i> |
| Cr BRIAN CORR | South-East Ward | |
| Cr RICHARD CURRIE | South Ward | |

Officers:

| | |
|-------------------|---|
| MR GARRY HUNT | Chief Executive Officer |
| MR MIKE TIDY | Director, Corporate Services |
| MR CLAYTON HIGHAM | Director, Planning and Community Development |
| MR DAVID DJULBIC | Director, Infrastructure Services |
| MR IAN COWIE | Director, Governance & Strategy |
| MR MIKE SMITH | Manager, Marketing Communications & Council Support |
| MR GAVIN TAYLOR | Manager, Leisure and Cultural Services |
| MR LAURIE BRENNAN | Media Advisor |
| MS JANET HARRISON | Administrative Services Co-ordinator |
| MS LESLEY TAYLOR | Administrative Secretary |

There were 18 members of the Public and 1 member of the Press in attendance.

PUBLIC QUESTION TIME**The following questions were taken on notice at the Council meeting held on 27 March 2007:****Mr M Caiacob, Mullaloo:**

Q1 *What ambiguity currently exists in the delegation of powers within Policy 3.2 Height and Scale of Buildings within Residential Areas?*

A1 This issue was subject to a report to the 27 February 2007 meeting of Council (CJ026 -02/07 refers), which addresses the question.

Q2 *Can the City advise me which class of design vehicle was used to design and assess the Mullaloo Tavern's off-street commercial servicing?*

SRV
MRV
HRV or
AV

A2 The design of the development was undertaken by Perrine + Birch on behalf of the owners of the property. There is no requirement under DPS2 to design the building and therefore access it, to suit any of the above vehicle types.

Mr G Stuart, Heathridge:

Q1 *Can we please have a rubbish bin at the eastern end of Lysander Park, Heathridge?*

A1 A bin will be installed at the eastern end of Lysander Park, Heathridge, and will be monitored for usage. Mr Stuart has been notified of this outcome.

The following questions were submitted in writing prior to the Council meeting on 24 April 2007:**Mr W Carstairs, Joondalup:**

Re: Article in the Wanneroo Times, Tuesday 10 April, concerning the issue of She-oaks in park(s).

Q1 *How many complaints were received by the City?*

A1 One complaint was received in March/April 2006 and one complaint was received in January 2007. One 63-signature petition was received in December 2005.

Q2 *In what area-suburb did they originate?*

A2 Mullaloo - Korella Park
Mullaloo - Gunida Park
Mullaloo - Tom Simpson Park

- Q3 *What park(s) in particular is the City referring to?*
- A3 All parks that have sheoaks around/near play equipment.
- Q4 *What are the City's responsibilities in regards to its bio-diversity policy?*
- A4 The majority of sheoaks are not native to the region and there is some debate as to what impact this has on the local bio-diversity.
- Q5 *Are the she-oaks mentioned, pre-existing to the park(s) construction?*
- A5 The majority of the sheoaks would have been planted when the park was constructed. Some parks would have naturally occurring sheoaks.
- Q6 *If these trees are pre-existing, they will possibly be shelter and a food source for local birds and insects. With the loss of their habitat, what does the City propose to do to remedy this situation on behalf of the natural residents?*
- A6 The Motion carried through Council resolved that the sheoak trees be replaced with a suitable native species.

Mr S Kobelke, Sorrento:

Re: *CJ059-04/07 – Proposed Amendment to DPS No 2 to include Building Height Controls in Non-Residential Adjacent to the Coast – Consideration following Advertising – [24581]*

Q1 *The Minutes of Meeting of Council of the City of Joondalup, 4 April 2006 reflect the decision to adopt the amendment. Following this the Minutes indicate that decision would be forwarded to the WAPC, who makes a recommendation to the Minister for Planning and Infrastructure. The Minister can either, grant final approval to the amendment, with or without further modifications, or, refuse the amendment.*

With the passing of the first year anniversary of this important amendment being passed by the City of Joondalup, can Council advise at what stage the matter is at and what steps has Council taken to encourage the WAPC/Minister for Planning and Infrastructure to make a decision?

Note: At the Council meeting held on 24 April 2007, Mayor Pickard advised that the previous response to this question is to be deleted and a revised response will be provided in the agenda for the Council meeting to be held on 22 May 2007.

Mr Mick Newbold:

Re: *Proposed Environmental Centre at Lot 1 Lakeside Drive, Joondalup.*

Re: *Car/bus parking area*

Q1 *Why are there two separate roads for entry into and exit from the proposed car park? Of which the exit road runs directly parallel to the resident's homes, why?*

- Q2 *Has an environmental study been carried out on the impact of the car park on Flora, & Fauna?*
- Q3 *Will such a proposed car park be open 24/7 that would attract unsocial behaviour such as car hoons, vandalism etc, that is currently a problem at Neil Hawkins Park?*
- Q4 *Why is the proposed car park located directly opposite local residents' homes that will cause increased traffic noise, pollution, loss of views and devaluation of property?*

Re: Entry/exit from Lakeside Drive.

- Q5 *Has a study or consideration been given to local traffic conditions?*
- Q6 *There have been several accidents on the existing entry/exit from Lakeside Drive, an estimated 20,000 more visitors will greatly increase the potential for further accidents.*
- Q7 *At peak times (pm) there is already considerable traffic congestion; traffic attempting to exit from Lakeside turning right into Joondalup Drive is often backed up preventing traffic from Aldgate Street entering into Lakeside Drive.*
- Q8 *Local residents are continually subject to hoons using the existing entry/exit areas for wheel spinning, practicing donuts and other illegal vehicle use.*

Re: Environmental Centre

- Q9 *Has anyone considered that due to the partially isolated location the buildings will be subject to vandalism, graffiti, burglary and substance abuse activities? The existing farm house has been subject to most of the above activities including several arson attempts.*
- A1-9 The City recently released the Consultant's report on possible locations for an Environmental Centre to obtain public views on the concept. These questions provide valuable feedback to the City in relation to resident issues and will be evaluated along with other community feedback. The following specific responses to questions can also be made:
- Pages 82 and 88 of the Consultant's report show the Consultant's final suggestions in relation to Lot 1. Here it is noted that a single road feeds into the carpark, located within the existing grove of trees;
 - A full environmental impact study is part of the recommendations to progress this project if Council were to agree to this course of action;
 - As noted on Pages 82 and 86 again, the carpark is proposed to be located within the existing tree grove to overcome concerns about loss of views;
 - A more detailed traffic impact study will be undertaken if the project is to progress further;

- It should be noted that peak visitor times for a facility of this nature do not coincide with peak 'rush-hour' traffic times;
- The risk of vandalism and graffiti is a constant issue for facilities of this nature. It is important to note that all sites considered for an Environmental Centre are relatively isolated by the very nature of the study area i.e. Yellagonga Regional Park. Robust and secure design will be a pre-requisite should an Environmental Centre ultimately be supported.

Mrs M Zakrevsky, Mullaloo:

- Q1 *Will the City provide a schedule of all chemicals – be they herbicides, pesticides, fertilizers and the like - used by the City and its approved and appointed subcontractors to treat, spray or apply for whatever reason, to the parks and reserves, including storm water drains, road drainage sumps, road reserves, road verges and the like, with the City of Joondalup district boundary?*
- Q2 *Does the City have a current MSDS (Material Safety Data Sheet) Register of all the above chemicals as used within the City of Joondalup's district boundary? and how long has it been operational?*
- Q3 *Who in the City of Joondalup is responsible for maintaining the MSDS register of all of the chemicals as used within the City of Joondalup's district boundary?*
- Q4 *Who in the City of Joondalup approves and registers the chemical application work instructions of all the above chemicals as used within the City's district boundary?*
- Q5 *Who in the City of Joondalup conducts audits on all the City of Joondalup's approved and appointed operators, including all its internal operators and all its approved and appointed subcontractors, to ensure compliance with the approved MSDS and approved chemical application work instructions?*
- Q6 *How often does the City of Joondalup conduct audits including:*
- (i) regular audits per annum ?*
 - (ii) random audits per annum?*
 - (iii) how many audits were conducted in 2006?*

The following additional questions relate to "the investigation currently being carried out by the City of Joondalup to determine the exact cause of the dying vegetation surrounding the drainage sumps":

- Q7 *Is the investigation being undertaken by an independent third party?*
- Q8 *What are the investigator's credentials?*
- Q9 *What are the parameters and scope of the brief for "the investigation"?*
- Q10 *What is the:*
- (i) provisional cost for this investigation*
 - (ii) the time frame for this investigation?*

Q11 *When will this investigative report be made available to:*

- (i) Elected Members,*
- (ii) The Conservation Advisory Committee*
- (iii) Ratepayers?*

A1-11 These questions will be taken on notice.

Mr M Sideris, Mullaloo:

- Q1 *How could the SAT come to a proper conclusion and make the correct decision regarding the number and size of the provided onsite car parking bays when the City failed to declare to the SAT the known lack of onsite commercial service parking, and its lack of compliance with the BCA and Australian Standards, as made very clear in the published decision of the SAT?*
- Q2 *When did Council first decide to gift away a further 3 or 4 more car bays "over the road" since the Officers commenced that process at the SAT last year and the loading bays referred to above require at least 1.5 ordinary car parking bays?*
- Q3 *Why has the Director of Planning only now verbally and publicly admitted - at the Briefing session of the 20th March - that the ceiling head height of the ingress point to the Tavern site, does not properly allow for commercial vehicles access, is not compliant at all with the Council approved Development plans for the facility, and has allowed the creation of a serious hazard and conflict point, since this new Tavern first opened in 2005?*
- Q4 *Why in light of the above fact did the current Director of Planning allow the Building Licence both to be issued and signed off as compliant with the Development Approval conditions, when the submitted (building application) plans clearly identified that commercial vehicles would not be able to access the site and he clearly knew well in advance that this action would ultimately necessitate this Council gifting this developer \$100,000's in further planning benefits, road works, and signage at ratepayer expense, as yet again indicated in this report?*
- Q5 *Why yet again are ratepayers now expected to pay for all these extra works, when the CEO and the Directors knew in advance that this would be the practical outcome of their actions in allowing the development conditions to be varied from those originally set and approved by Council, especially since they have publicly disputed all these claims until the point the SAT process became effectively closed?*
- Q6 *Why does this current report fail to advise Council and affected ratepayers that it needs to first seek comment from the Exec Director TransPerth Regional and School Bus Services - the responsible authority for Public Transport in WA - regarding its new proposal to construct speed humps on a public commuter route at ratepayer expense, because of the road hazards that the City has already allowed to be created by varying the Tavern redevelopment approval, and that these comments need to be considered before the City can properly make such a recommendation to Council?*

Q7 *Bearing in mind all of the above and the fact that Racing Gaming and Liquor has been granting extraordinary Extended Trading Permits contrary to written Council policy, because City officers declined to inform Racing Gaming and Liquor of its lawful standing orders, one is entitled to now ask whether this Council can in any way be seen to be providing good governance to ratepayers when it repeatedly allows City Officers to vary the requirements of the Building Code of Australia for selected developments in a completely uncontrolled manner and then expects ratepayers to put up with the amenity and safety problems created and to pay all the bills in order to bail the Council out of such problems that it has clearly allowed officers of the City to create, despite being forewarned that this is exactly what would occur?*

A1-7 The response to these questions is provided in the Minutes of the Council meeting held on 27 March 2007.

Ruling of Mayor

Mayor Pickard advised that:

- Questions received from Mr K Robinson have been ruled out of order as they relate to a legal agreement to which Mr Robinson is a party;
- The preamble to the questions submitted by Mr M Sideris has been ruled out of order;
- The response to the question received from Mr S Kobelke (page 3 of these minutes) is incorrect. The response has been removed from the minutes and a revised response will be provided in the agenda for the Council meeting to be held on 22 May 2007.

The following questions were submitted verbally at the meeting; a summary of each question and the response given is shown below:

Ms M Moon, Greenwood:

Q1 *Re: CJ062 – 04/07. Why did the report not include a list of parties to whom this issue relates, ensuring that Council knows that the residential ratepayers are included as stakeholders and can exercise a democratic right in this issue of shopping and health in the City of Joondalup?*

A1 *Response by Mayor Pickard:* The report does not identify any specific stakeholder group, therefore it has not excluded any stakeholder group.

Q2 *Could stakeholders be listed and the rationale including them as has been done in Item CJ006 so Council can have all the information and in all instances all stakeholders?*

A2 *Response by Mayor Pickard:* The item will be debated tonight and a decision of Council made. Unfortunately a report cannot retrospectively be changed once it has been presented to a Council Meeting.

Mrs M Zakrevsky, Mullaloo:

- Q1 *What is the termination date for the City of Joondalup's existing contract for chemical treatment of growth round trees and shrubs in parks, along footpaths, road verges and median strips and also separately in road drainage sumps?*
- Q2 *What was the budgeted cost for chemical treatment of drainage sumps in 2006 to the City's contractor and what is the actual cost for chemical treatment of drainage sumps in 2006 to the City's contractor?*
- A1-2 *Response by Mayor Pickard:* These questions will be taken on notice and a written response provided to Mrs Zakrevsky.

Mr M Caiacob, Mullaloo:

- Q1 *Regarding the tourism precinct data. As key stakeholders in the City why aren't the ratepayers being consulted prior to submitting the documents to the State Government? I ask my question following the two conflicting pieces of information given at the Briefing Session in regards to community consultation.*
- A1 There is no process in terms of the State Government asking for certain groups to be consulted. A decision of the Council is required to progress this matter. The City will then need to consult the stakeholders to convince the State Government to amend the legislation.
- Q2 *Regarding my question number two from the Council Meeting's agenda, shown on page viii, which relates to the types of service vehicles and their classifications. The response indicates that there is no requirement under DPS2 to design the building to suit any of the quoted vehicle types.*
- A2 *Response by Mayor Pickard:* I will investigate that matter to determine whether an appropriate response has been provided and if not I will ask the relevant Director to provide additional information.

Mr Caiacob provided the following additional questions:

- Q3 *Question 6 from 27 March 2007. Has the City received the developer's Consultant report on AS2890 compliance, if so on what date?*
- Q4 *Question 2 from 10 October 2006 Re: Landscaping – Condition (o) of the Development Application requires landscaping and reticulation to be established prior to occupation. Condition (r) requires a detailed landscaping plan including the location and type of proposed trees within the car park area. Please provide or direct me to Council's lawful Order varying the Development Application conditions to permit this development to be occupied prior to the establishment of the landscaping trees within the car park?*
- Q5 *Question 1, 27 March 2007. Re: Proposed Traffic Calming in Oceanside Promenade, Mullaloo – Could I please be advised of the exact financial arrangements occurring for the proposed traffic calming in Oceanside Promenade? The report states it is to be listed for consideration in the 2007/08 budget for approximately \$30,000. I was advised by the CEO on 1 March 2007 that the bollards for the verge area had been ordered and the City will arrange for installation immediately following delivery.*

Q6 *Question 3, 27 March 2007. As this location has always supported the surf life saving, the beach, Tom Simpson park, the beachside car park, the Mullaloo Beach Hotel and bus stops, why hasn't the reason for the commercial vehicles parking on the pavement been identified, as this is a Development Application compliance issue not a general infrastructure issue?*

A3-6 These questions will be taken on notice.

Mr K Zakrevsky, Mullaloo:

Q1 *When are the contributors, Mr Caiacob, Mr Sideris and Mr & Mrs Zakrevsky going to receive their unabridged copy of the O'Neill Report?*

A1 That report still has a confidentiality requirement. The State Administrative Tribunal (SAT) has heard and given directions but those directions have not been carried out. As late as yesterday the City's lawyers were conversing with lawyers for Rennet Pty Ltd in relation to what is believed are matters that have not been fulfilled or have not been fulfilled to the requirements of the SAT hearing. When that has been done the confidentiality requirement can be removed from the report.

Q2 *Then will a copy be delivered to the contributors and also made available to the general public?*

A2 Once the confidentiality requirement is removed it becomes a public document.

Mr S Kobelke, Sorrento:

Q1 *Re: CJ068- 04/07 Hillarys Animal Beach. Which information is correct? Is it 200-300 metres south of the existing point to the Hillarys groyne or in fact over a kilometre?*

A1 *Response by Mayor Pickard:* The original papers at Briefing Session suggested that the dog beach be extended to the groyne, which encompasses over 900 metres. The alternate recommendation that the Officers have presented to the Elected Members for consideration this evening is in fact an extension of 325 metres.

Q2 *The briefing for the review of the dog beach was to include Hillarys but may look at other options. Can Council advise why there is no detail whatsoever on any other options considered?*

A2 *Response by Mayor Pickard:* You will find out in the course of debate tonight that there could be a prospect to look at alternative locations.

Mr M Dickie, Duncraig:

Q1 *Why is there no provision in this draft report for public consultation for ancillary parking, for disabled parking?*

A1 *Response by Mayor Pickard:* The recommendation is to seek public comment on the draft parking strategy for sixty days.

PUBLIC STATEMENT TIME**Mr R de Gruchy, Sorrento:**

Mr de Gruchy spoke in relation Item CJ076-04/07 – Aquatic Facilities Assessment – City of Joondalup Leisure Centres, Craigie and the need to list funds within next year's budget.

Mr Alan Gray, Cottesloe:

Mr Gray spoke in relation to Item CJ070-04/07 – Offer to Purchase City Owned Land at 21 (Lot 1254) Edinburgh Avenue, Kinross, and the need for aged care facilities in the local community.

Mr John Chester, Kingsley:

Mr Chester spoke in relation to wetland pollutants.

Mrs M Zakrevsky, Mullaloo:

Mrs Zakrevsky spoke in relation to the use of chemical treatments and the impact on vegetation and bird life.

Mr K Zakrevsky, Mullaloo:

Mr Zakrevsky spoke in relation to rubbish collection at the Mullaloo Tavern, and commented on responses given to previous public questions.

Mr M Caiacob, Mullaloo:

Mr Caiacob reported issues in relation to missing kerb and lighting outages in Mullaloo.

Mr Caiacob spoke in relation to Item CJ068-04/07 – Hillarys Animal Beach.

C18-04/07**EXTENSION OF PUBLIC STATEMENT TIME – [01122] [02154]****MOVED Cr Hart, SECONDED Cr Corr that public statement time be extended.****The Motion was Put and****CARRIED UNANIMOUSLY (11/0)**

In favour of the Motion: Mayor Pickard, Crs Amphlett, Corr, Currie, Hart, Hollywood, Jacob, John, Magyar, Macdonald and McLean

Ms Roz Robinson, Duncraig:

Ms Robinson spoke in favour of cat registration - Item CJ064-04/07 – Registering Cats and Eradication of Feral Cats.

Mr S Kobelke, Sorrento:

Mr Kobelke spoke in relation to the extent of the development being undertaken at the Hillarys Boat Harbour.

Ms M Moon, Greenwood:

Ms Moon spoke in relation to Item CJ062-04/07 – Tourism Precinct Status for Joondalup.

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 |

C19-04/07 REQUEST FOR LEAVE OF ABSENCE – CR M MACDONALD – [65597]

Cr M Macdonald has requested Leave of Absence from Council duties covering the period 14 May 2007 to 22 May 2007 inclusive.

MOVED Cr Hart, SECONDED Cr Jacob that Council APPROVES the request from Cr M Macdonald for Leave of Absence from Council duties covering the period 14 May 2007 to 22 May 2007 inclusive.

The Motion was Put and

CARRIED (11/0)

In favour of the Motion: Mayor Pickard, Crs Amphlett, Corr, Currie, Hart, Hollywood, Jacob, John, Magyar, Macdonald and McLean

CONFIRMATION OF MINUTES**C20-04/07 MINUTES OF COUNCIL MEETING – 27 MARCH 2007**

MOVED Cr Currie, SECONDED Cr Amphlett that the Minutes of the Council Meeting held on 27 March 2007 be confirmed as a true and correct record.

The Motion was Put and

CARRIED (11/0)

In favour of the Motion: Mayor Pickard, Crs Amphlett, Corr, Currie, Hart, Hollywood, Jacob, John, Magyar, Macdonald and McLean

ANNOUNCEMENTS BY THE PRESIDING PERSON WITHOUT DISCUSSION**ANZAC DAY**

Tomorrow, 25 April 2007 is Anzac Day and the City will be continuing its fine tradition of supporting the Dawn Service at the War Memorial in Central Park.

I have been invited to address the service on the City's behalf to pay our respects to the many servicemen and women who made the ultimate sacrifice for the freedom of this Country.

Numbers have been steadily growing in recent years and I encourage all residents to attend.

The City of Joondalup is also being represented at services at local schools ensuring the future leaders of our community recognise and remember the ANZACs.

YOUTH MOBILE

Speaking of youth, the City recently launched the Mobile Youth Service, Youth-Mobile. Initiated by the City and donated by Path Transit, the “Drop-In Centre on Wheels” is a bus transformed into an exciting entertainment hub offering younger members of the community a safe place to gather.

Complete with DVDs, computer and board games, the mobile service also offers information and advice with the opportunity for referral to local agencies if required.

The service will take to the streets immediately, going where Joondalup’s young people gather at skate parks, recreational spaces and Community Centres.

VOTING CHANGES OPPOSED

A Parliamentary Committee has recommended changing the existing ‘first past the post’ local government voting system to proportional preferential voting.

The Local Government Amendment Bill incorporating that voting change will now be debated by Parliament. The Western Australian Local Government Association has strongly opposed the proposed change to the voting method and will continue to oppose the Bill’s introduction. The Western Australian Local Government State Council has recently endorsed a recommendation to request that the State Government also incorporate into that Amendment Bill making Local Government Elections compulsory.

NEW COUNCILLOR

On behalf of the City, I would like to extend a warm welcome to Councillor Marie Macdonald. Councillor Macdonald was officially sworn in as a Central Ward Councillor at a special ceremony and attends her first Council meeting this evening. Welcome Cr Macdonald.

On our other vacancy for the South West Ward, the City has received approval from the WA Electoral Commission to defer filling the vacancy created by Cr Marie Evans’ resignation until the October 2007 elections. A report will be presented to Council next meeting for consideration.

RETIREMENT - DENNIS CLUNING

It is with sadness that I report the retirement of Dennis Cluning, the City’s long-time Manager of Operations Services.

Dennis has served the City with distinction for some 27 years in his role in charge of parks and gardens and the outside workforce of some 200 staff.

Our many fine parks and facilities are in large part a tribute to Dennis’s work ethic and dedication. His people and resource management skills have been exemplary.

Dennis will be very greatly missed when he embarks on an around Australia trip with his wife and we wish him all the best in the future.

WESTERN POWER

In recent times a number of residents have raised concerns relative to the extended blackouts in various suburbs within the City of Joondalup. As a result of these concerns, I have requested the Chief Executive Officer to identify all suburbs and areas within the City of Joondalup that are experiencing difficulties with Western Power infrastructure and as Mayor I will be raising the City's concern with Minister Logan at the earliest opportunity. The City will not accept substandard infrastructure from any agency and will ensure that any such occurrence is raised in the appropriate forum for prompt rectification.

DECLARATIONS OF INTEREST

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.

Nil.

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.

| | |
|---------------------------|---|
| Name/Position | Cr A Jacob |
| Item No/Subject | CJ062-04/07 – Tourism Precinct Status for Joondalup |
| Nature of interest | Interest that may affect impartiality |
| Extent of Interest | Cr Jacob works for a local tourism business that trades on Sundays. |

| | |
|---------------------------|--|
| Name/Position | Cr T McLean |
| Item No/Subject | CJ062-04/07 – Tourism Precinct Status for Joondalup |
| Nature of interest | Interest that may affect impartiality |
| Extent of Interest | Cr McLean's wife works for the Perth Convention Bureau and is heavily involved in tourism. |

| | |
|---------------------------|---|
| Name/Position | Cr R Fishwick |
| Item No/Subject | CJ071-04/07 – Proposed Parking Prohibitions – Marjorie Street, Mullaloo |
| Nature of interest | Interest that may affect impartiality |
| Extent of Interest | A relative of Cr Fishwick owns property in close proximity to the proposed parking prohibitions. (Cr Fishwick was not in attendance at this meeting.) |

| | |
|---------------------------|---|
| Name/Position | Cr M Macdonald |
| Item No/Subject | CJ071-04/07 – Proposed Parking Prohibitions – Marjorie Street, Mullaloo |
| Nature of interest | Interest that may affect impartiality |
| Extent of Interest | Cr Macdonald lives in Mullaloo. |

IDENTIFICATION OF MATTERS FOR WHICH THE MEETING MAY SIT BEHIND CLOSED DOORS

Nil.

PETITIONS

C21-04/07 PETITIONS SUBMITTED TO THE COUNCIL MEETING – 24 APRIL 2007

1 PETITION REQUESTING PARKING RESTRICTIONS – VICINITY HAWKER PARK PRIMARY SCHOOL, WARWICK - [03117]

A 26-signature petition has been received from residents of the City of Joondalup requesting urgent consideration to imposing parking restrictions in the vicinity of Hawker Park Primary School, Warwick.

2 PETITION IN RELATION TO PROVISION OF BARRIERS TO REDUCE AIR-POLLUTION AND NOISE FROM VEHICULAR TRAFFIC – CNR CONNOLLY AND MACNAUGHTON ROAD, KINROSS - [09189]

A 12-signature petition has been received from Kinross residents requesting the provision of protection barriers in an attempt to eliminate high gas emissions, air-pollution and traffic noise at the corner of Connolly and MacNaughton Roads, Kinross as a result of increased traffic due to the extension of Connolly Drive into a four (4) lane carriageway.

MOVED Cr Hart SECONDED Cr Currie that the petitions requesting:

- 1 **urgent consideration to imposing parking restrictions in the vicinity of Hawker Park Primary School, Warwick;**
- 2 **the provision of protection barriers in an attempt to eliminate high gas emissions, air-pollution and traffic noise at the corner of Connolly and MacNaughton Roads, Kinross as a result of increased traffic due to the extension of Connolly Drive into a four (4) lane carriageway;**

be RECEIVED and referred to the Chief Executive Officer for action and a subsequent report presented to Council for information.

The Motion was Put and

CARRIED (11/0)

In favour of the Motion: Mayor Pickard, Crs Amphlett, Corr, Currie, Hart, Hollywood, Jacob, John, Magyar, Macdonald and McLean

CJ061-04/07 DOCUMENTS EXECUTED BY MEANS OF AFFIXING THE COMMON SEAL - [15876]

WARD: All

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

PURPOSE

To provide a listing of those documents recently executed by means of affixing the Common Seal for noting by the Council for the period 13 March 2007 to 3 April 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

| | |
|---------------------|---|
| Document: | Sponsorship Agreement 16626 |
| Parties: | City of Joondalup and WA Health Promotion Foundation |
| Description: | Sponsorship Agreement 16626 – Summer in the City Program 2007 |
| Date: | 13.03.07 |

| | |
|---------------------|---|
| Document: | Deed - Caveat |
| Parties: | City of Joondalup and Colin Eric Castensen |
| Description: | Execution of Deed (Caveat) No 15 and 17 (Lots 668 and 669) Ash Grove, Duncraig to ensure new landowner enters into the same deed as previous landowner relating to structures straddling lot boundaries |
| Date: | 13.03.07 |

| | |
|---------------------|--|
| Document: | Deed of Copyright – Local Studies Collection |
| Parties: | City of Joondalup and Rebecca Moore |
| Description: | Deed assigning to the City all copyright of magnetic tape recording on 20 February 2007 of interview with Rebecca Moore (Author) and employee/agent for the City |
| Date: | 13.03.07 |

| | |
|---------------------|---|
| Document: | Deed of Copyright – Local Studies Collection |
| Parties: | City of Joondalup and Priya Lawton |
| Description: | Deed assigning to the City all copyright of recording on 23 February 2007 of interview with Priya Lawton (Author) and employee/agent for the City |
| Date: | 13.03.07 |

| | |
|---------------------|--|
| Document: | Amendment No 37 to District Planning Scheme No 2 |
| Parties: | City of Joondalup and Department of Planning and Infrastructure |
| Description: | Amendment to No 37 District Planning Scheme No 2 – Rezone and recode Lot 600 (243) Timberland Drive, Cnr Trappers Drive, Woodvale from “Commercial” R20 to “Residential” R40 |
| Date: | 20.03.07 |

| | |
|---------------------|---|
| Document: | Amendment No 31 to District Planning Scheme No 2 |
| Parties: | City of Joondalup and Western Australian Planning Commission |
| Description: | Minutes of Council Resolution CJ027-02/07 to amend District Planning Scheme No 2 – Amendment No 31 implementing twenty four separate proposals including various amendments to the Scheme Text and Maps |
| Date: | 20.03.07 |

| | |
|---------------------|--|
| Document: | Withdrawal of Caveat |
| Parties: | City of Joondalup and ING |
| Description: | Request to execute Withdrawal of Caveat – Lakeside Joondalup Shopping Centre, Joondalup – required public access easement registered against Certificate of Title for Lot 504 on Deposited Plan 27661 – No 420 Joondalup Drive, Joondalup has now been satisfied and obligations met |
| Date: | 20.30.07 |

| | |
|---------------------|---|
| Document: | Deed of Licence |
| Parties: | City of Joondalup and State of WA |
| Description: | Deed of Licence for use of Law Courts lawn for 2007 Joondalup Festival and use of car parks at the Courthouse for activities related to the 2007 Joondalup Festival |
| Date: | 27.03.07 |

| | |
|---------------------|--|
| Document: | Deed of Copyright – Local Studies Collection |
| Parties: | City of Joondalup and Gillian Grayson |
| Description: | Deed assigning to the City all copyright of recording on 9 March 2007 of interview with Gillian Grayson (Author) and employee/agent for the City |
| Date: | 03.04.07 |

| | |
|---------------------|--|
| Document: | Lease Agreement |
| Parties: | City of Joondalup and RT and RC Holdings Pty Ltd |
| Description: | Lease Agreement for leasing of Joondalup Reception Centre. Tenders accepted by City on 10 July 2006, the annual rent being \$36,000 per annum (exclusive of GST) |
| Date: | 03.04.07 |

| | |
|---------------------|---|
| Document: | Lease Agreement |
| Parties: | City of Joondalup and Compass Group (Aust) Pty Ltd |
| Description: | Lease Agreement for lease of the café situated in Craigie Leisure Centre. Tender accepted on 2 March 2006 with Eurest (Part of Compass Group) |
| Date: | 03.04.07 |

| | |
|---------------------|--|
| Document: | Deed – Strata Title Management Statement |
| Parties: | City of Joondalup and Goldzen Holdings Pty Ltd |
| Description: | Request to execute management statement – No 1 (Lot 2259) Sunlander Drive, Currambine |
| Date: | 03.04.07 |

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

MOVED Mayor Pickard **SECONDED** Cr Jacob that the schedule of documents executed by means of affixing the common seal covering the period 13 March 2007 to 3 April 2007 be **NOTED**.

The Motion was Put and **CARRIED (11/0)** by En Bloc Resolution following consideration of Item CJ077-04/07, Page 96 refers.

In favour of the Motion: Mayor Pickard, Crs Amphlett, Corr, Currie, Hart, Hollywood, Jacob, John, Magyar, Macdonald and McLean

| | |
|---------------------------|---|
| Name/Position | Cr A Jacob |
| Item No/Subject | CJ062-04/07 – Tourism Precinct Status for Joondalup |
| Nature of interest | Interest that may affect impartiality |
| Extent of Interest | Cr Jacob works for a local tourism business that trades on Sundays. |

CJ062-04/07 TOURISM PRECINCT STATUS FOR JOONDALUP – [45001]

WARD: North

RESPONSIBLE DIRECTOR: Mr Ian Cowie
Governance and Strategy

PURPOSE

To consider the potential for the Joondalup CBD area to obtain Tourism Precinct status.

EXECUTIVE SUMMARY

In January, the Acting Premier initiated debate about extending retail trading hours. This led to the suggestion that Joondalup seeks Tourism Precinct status to achieve extended hours. This report identifies that while extending hours sits comfortably with the City's strategic direction and provides a significant opportunity to enhance the City's brand within the minds of consumers and tourists, amendments to the Retail Trading Hours Act will curtail the freedom of the Minister to establish new Tourism Precincts. Thus Joondalup will not be able to follow the path used by Fremantle and Perth to become a Tourist Precinct. Instead, legislation will need to be amended to achieve this outcome. Because of the predicted benefits that Tourism Precinct status will bring, it is recommended that the City seeks such legislative amendment.

BACKGROUND

In January, the Acting Premier, Eric Ripper floated the idea of extended trading hours. This concept had been rejected in a referendum held at the last state election on 26 February 2005 by a majority of 20%. While wholesale change on trading hours drew immediate condemnation he concluded in his media statement: "...it may be possible to consider whether, consistent with the referendum, there is significant support for any local interim measures such as tourism precincts." Tourism Precincts were created for Fremantle and Perth by a ministerial directive in 1995 through Minister Foss. The designation permits full retail trading 7 days per week throughout the year.

The Acting Premier's announcement led to the suggestion that Joondalup seek Tourism Precinct status to achieve extended trading hours for a range of reasons. First, the Joondalup CBD was designed to be the second City Centre within Perth and Tourism Precinct status would support this designation. Second, the City conducts ongoing programs of events in the City Centre which would be complemented by extending the trading hours.

Third, Tourism Precinct status sits comfortably with the current directions being taken by the City. For instance the City is currently preparing an Economic Development Strategy, which is designed to provide an innovative business model to take the City into the future. The proposals within the strategy are likely to include building business-friendly infrastructure and the establishment of Joondalup as a major retail hub for the Northern Corridor. The City has also completed an implementation strategy for the Tourism Development Plan. This strategy sets out a list of actions for the next three years and beyond. It is designed to create and capture the full value of tourism for Joondalup. Based on current estimations, the City hosts a tourist population of 8,000 at any one time, in addition to its residential population of 160,000. This is a significant market that is, in particular, likely to avail itself of extended trading were it to be available. Consequently, the establishment of a Tourism Precinct fits in well with this current strategic direction.

Fourth, in terms of regional status, the City of Joondalup is the centre for regional economic growth in the Perth Northern Corridor. The Corridor's population has been growing at 6% pa for 5 years and is predicted to remain at this level for 10 to 15 years. The levels of investment in the region are also amongst the highest in metropolitan Perth.

Enquiries to the Department of Consumer and Employment Protection (DOCEP) have revealed that there is no specific application form or process to follow for achieving Tourism Precinct status. The key is to demonstrate that there is broad support for the concept from key stakeholders.

DETAILS

Retail Trading is legislated through the Retail Trading Hours Act and is the responsibility of DOCEP. Normal trading hours are 8.00am to 6.00pm with the exceptions of Thursday where trading is permitted to 9.00pm and Saturday where trading must cease at 5.00pm. The Act makes allowance for some establishments to trade seven days a week and in some situations 24 hours a day. These exceptions are allowed under the following categories: "Small Shops", "Special Retail Shops", Service Stations, Tourism Precincts and Holiday Resorts. The category of Tourism Precinct authorises trading for all retail outlets to seven days per week and applies for central Fremantle and Perth only. Holiday Resort is a designation created to permit general retail to trade through all School Holidays and Long Weekends and it applies to Rockingham, Rottne Island and Yanchep and Two Rocks (or Wanneroo Resorts as it is referred to in the Act).

A notional term of Tourism Precinct also exists. It is used by such localities as Northbridge, Subiaco and Leederville. In these localities it carries no legislative backing but is principally used as a marketing tool. Here it is used to raise certain expectations in the minds of tourists. Businesses seeking to operate under certain exceptions must apply to DOCEP for a permit.

As a consequence of the 2005 referendum and advice from the State Solicitors Office (SSO), an amendment to the Retail Trading Hours Act was drafted. The Retail Shops and Fair Trading Legislation Amendment Bill (2005) was passed by both houses of Parliament late last year. The purpose of the Retail Shops and Fair Trading Legislation Amendment Bill is to confirm the existing arrangements for retail trading hours in WA.

The advice from the SSO raised serious doubts about the legal validity of the current trading hours regime. The SSO advised that a number of Ministerial Orders (as provided under Section 5) including the 1994 and 1996 orders relating to small shops and tourism precincts could be considered Ultra Vires (beyond power) of the Act and be subject to legal challenge. These doubts had arisen because the Ministerial Orders substantially varied the operation of the substantive provisions of the Act.

Accordingly, the substance of the Ministerial Orders have been included in the Amendment Bill to overcome the problems identified by the SSO. This will protect the trading regime for Fremantle and Perth from legal challenge. The Bill also confirms the current retail trading hours regime which was supported at the referendum held at the 2005 General Election.

This will mean that Ministerial Orders under Section 5 will no longer accommodate any substantial variations to the Act. In future Section 5 will only permit temporary or minor variations to the Act. Applications for creating a Tourism Precinct will be deemed as substantial and conflicting with the referendum result and the purpose of the Act. Consequently, Joondalup will not be able to follow the path by Fremantle and Perth to become a Tourist Precinct. The Act will need to be amended to obtain Tourism Precinct status.

Issues and Options Considered

Based on the above situation, the City has two options. The first is to accept that the City cannot follow the path to Tourism Precinct status taken by Fremantle and Perth and do nothing further.

The second, and more positive option, is to seek an amendment to the new legislation to allow an area within Joondalup to become a Tourism Precinct. There is comparatively little work involved in adopting this option bar lobbying. Consequently, should Tourism Precinct status be desired, option two would appear appropriate.

Link to Strategic Plan

Outcome: The City of Joondalup is recognised as a great place to visit.

Objective: 3.2: To develop and promote the City of Joondalup as a tourist attraction.

Legislation Statutory Provisions

Retail Trading Hours Act and the Retail Shops and Fair Trading Legislation Amendment Bill.

Risk Management Considerations

The risk relates to the potential for some concern should the City achieve Tourism Precinct status. Initial indications would indicate that this unhappiness is likely to be limited although this cannot be said for certain.

Financial/Budget Implications

Not Applicable.

Policy Implications

This paper seeks a change to State Government Policy.

Regional Significance

Establishing Joondalup as a Tourism Precinct would enforce its position as a regional centre.

Sustainability Implications

Tourism Precinct status would increase retail opportunities in the Northern Corridor which has the potential to reduce travel to Perth.

Consultation

Should Council decide to seek an amendment to the legislation to give Joondalup Tourism Precinct status, it will be necessary to seek the support of key stakeholders.

COMMENT

The precise boundary of any Tourism Precinct will need to be determined. It is suggested that the boundary cover the broader city centre.

ATTACHMENTS

Nil.

VOTING REQUIREMENTS

Simple Majority

MOVED Cr Jacob, SECONDED Cr McLean that Council SUPPORTS the City approaching the State Government to amend the *Retail Trading Hours Act* to confer Tourism Precinct Status on the Joondalup City Centre because:

- 1 of Joondalup's designation as the second City Centre for the Metropolitan area;**
- 2 of its ability to complement Joondalup's program of events for the City Centre;**
- 3 it accords with the City's strategic directions; and**
- 4 it supports Joondalup's position as the hub of the rapidly expanding north west corridor.**

AMENDMENT MOVED Cr Hart, SECONDED Cr John that the following words be added after the word “SUPPORTS” as follows:

“....”consultation with all interest groups and stakeholders prior to”....”

Discussion ensued.

The Amendment was Put and

LOST (3/8)

In favour of the Amendment: Crs Hart, John, Macdonald. **Against the Amendment:** Mayor Pickard, Crs Amphlett, Corr, Currie, Hollywood, Jacob, Magyar, McLean.

Further discussion ensued.

The Motion as Moved by Cr Jacob and Seconded by Cr McLean was Put and

CARRIED (10/1)

In favour of the Motion: Mayor Pickard, Crs Amphlett, Corr, Currie, Hart, Hollywood, Jacob, John, Magyar, McLean **Against the Motion:** Cr Macdonald

CJ063-04/07 A NEW PARKING STRATEGY FOR THE JOONDALUP CENTRAL BUSINESS DISTRICT – [05787]

WARD: North

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

PURPOSE

To approve a draft Parking Strategy for the City’s Central Business District (CBD) and agree to its release for public comment.

EXECUTIVE SUMMARY

Following consideration of possible directions for a new Parking Strategy at Council’s Strategy Session of 5 September 2006, stakeholders within the CBD were contacted to obtain their views. Positive feedback was obtained and consequently a draft Strategy document, based on the directions accepted at the Strategy Session, is presented for approval. It is proposed that this be released for public comment.

BACKGROUND

At the Strategy Session of 5 September 2006, Council considered a report which canvassed the establishment of a new Parking Strategy for the Joondalup CBD (Attachment 1).

Officers of the City briefed key stakeholders individually and then the stakeholders, as a group, were invited to a meeting with the Mayor and the Ward Councillors. These meetings were positive and fruitful.

DETAILS

Following the consultations, the directions suggested in the previous report to the Strategy Session have been converted to a draft Strategy document (Attachment 2). The draft has also been amended to reflect the desirability of considering multi-level parking stations in the short term. It also takes account of the fact that on-street parking can be monitored and enforced electronically as well as by using parking inspectors.

Issues and options considered:

Council could decide to:

- Accept the draft Strategy as currently written;
- Amend the draft Strategy;
- Reject the draft Strategy and seek an alternate approach; or
- Make a different decision in relation to the release of the document for public consultation.

Link to Strategic Plan:

A Parking Strategy will support a range of outcomes identified within the Strategic Plan including:

- The City of Joondalup is recognised as a great place to visit;
- The City of Joondalup has an effective integrated transport system;
- The City of Joondalup is recognised for investment and business development opportunities.

Legislation – Statutory Provisions:

Not applicable.

Risk Management considerations:

There are no direct risks associated with establishing a Strategy

Financial/Budget Implications:

There is a minor cost associated with advertising to seek community feedback. The City has a budget to undertake such consultation.

Policy Implications:

A new Parking Strategy will set a framework for parking policy within the City.

Regional Significance:

Parking facilitates the CBD's attractiveness as a regional centre.

Sustainability Implications:

The development of the Strategy will involve consideration of sustainability principles.

Consultation:

Meetings were held with each of the following stakeholders individually:

- Lakeside Joondalup Shopping Centre
- WA Police Academy
- Edith Cowan University
- Joondalup Business Association
- Joondalup Health Campus

In addition, the following stakeholders attended a briefing with the Mayor and the two Ward Councillors:

- WA Police Academy
- Joondalup Business Association
- Edith Cowan University
- Joondalup TAFE Campus

This report proposes that the draft Strategy be released for public comment for a period of 2 months. During this period the City will implement a specific consultation strategy.

COMMENT

Not Applicable.

ATTACHMENTS

| | |
|--------------|----------------------------|
| Attachment 1 | Report to Strategy Session |
| Attachment 2 | Draft Parking Strategy |

VOTING REQUIREMENTS

Simple Majority

MOVED Cr McLean, SECONDED Cr Hollywood that Council:

- 1 **AGREES** to seek public comment on the draft Parking Strategy for the Joondalup Central Business District forming Attachment 2 to Report CJ063-04/07 for a period of sixty (60) days;
- 2 **REQUESTS** a further report be prepared following the close of public comment period.

Discussion ensued.

In relation to a query, the Chief Executive Officer advised that part of the approach at the time of implementation of the Strategy would be to look at the demand for bicycles and motor bike parking.

The Motion was Put and

CARRIED (11/0)

In favour of the Motion: Mayor Pickard, Crs Amphlett, Corr, Currie, Hart, Hollywood, Jacob, John, Magyar, Macdonald and McLean

Appendix 1 refers

To access this attachment on electronic document, click here: [Attach1brf170407.pdf](#)

CJ064-04/07 REGISTERING CATS AND ERADICATION OF FERAL CATS – [29182]

WARD: All

RESPONSIBLE DIRECTOR: Mr Ian Cowie
Governance and Strategy

PURPOSE

For Council to consider the potential of creating a Local Law to require the registration of cats and to consider the eradication of feral cats.

EXECUTIVE SUMMARY

A recent Notice of Motion requested a report on the registration of cats and the eradication of feral cats. This report responds to that request and considers the history of cat legislation proposals, the current situation and suggests that, if desired, a registration system for cats parallel the system applying to dogs as closely as possible for consistency.

BACKGROUND

On 27 February 2007, Council supported a Notice of Motion from Cr Amphlett in relation to registering cats. The Notice of Motion was as follows:

“In accordance with Clause 26 of the Standing Orders Local Law 2005, I hereby give notice that I intend to move the following Motion at the Council meeting to be held on Tuesday, 27 February 2007.

That a report be prepared for consideration by Council which addresses the appropriateness of registering cats within the City of Joondalup.”

Comments in support of Motion

This proposal aims to bring cat control into line with the way dogs are managed and treated within the City of Joondalup. This is considered an equitable approach. The report should consider what local laws, policies or education strategies would be needed to implement such registration.

This initiative is designed to promote responsible cat ownership within the City.”

This Motion was amended during debate in Council so that the report would also:

- “2. *Address the City engaging an external service provider to eradicate feral cats on public land under the care and control of the City, on an as needed basis, as the Cat Haven no longer provides this service.*
3. *Address the City supporting the eradication of feral cats on private land and providing residents with the contact details of several service providers in this field.”*

This report responds to this Notice of Motion and considers the application of registration provisions, similar to the Dog Act, to cats within the City of Joondalup and the eradication of feral cats.

In terms of registration, the Dog Act is State Government legislation which requires dogs to be registered and kept under control by their owners. It also applies penalties for dog attacks and places additional requirements on dangerous dogs and dogs such as greyhounds.

In terms of registration, the Dog Act requires dogs to be registered. If a dog is not registered, the penalty is \$500.

The Act indicates that the registration requirements do not apply to dogs under 3 months of age or dogs held by a range of bodies including the RSPCA, and dogs held by a registered veterinary surgeon in the course of his or her professional practice.

The Act also requires each local government to maintain a register of all dogs which have received registration. For dogs, all registrations cease on 31 October with a new registration period commencing 1 November. This enables different coloured registration tags to be used to indicate registration years. This is considered a much “cleaner” system for enforcement than the option of each dog’s registration period beginning and ending on a different day.

Regulations provide a concessional registration fee for people whose dogs are sterilised or who pay for longer registration periods.

The Act then lays out the procedure for registration including the form on which registration applications shall be made. Other matters covered by the Act include the situation where a dog’s ownership changes during the registration period, the refusal or cancellation of a registration, the refund of registration fees on cancellation and the requirement for registration tags.

Where a person conceals the truth in relation to registration and allows a dog to wear the registration tag of another dog or has a counterfeit or false certificate of registration, the penalty is \$1,000. Applying a tattoo to indicate that the dog has been sterilised when it has not been also attracts a penalty of \$1,000.

The relevant provisions of the Dog Act relating to registration are attached (Attachment 1).

There are only a few Councils with Local Laws which relates to cats. These include the following:

- Shire of Ashburton
- Shire of Busselton
- Shire of Capel
- Shire of Mundaring
- Shire of Northam
- City of Stirling

The issues covered in these Local Laws include:

- The identification of cats;
- Permits for keeping cats;
- Fauna protection;
- The removal and impounding of cats;
- Cat prohibited areas;
- Destruction of cats; and
- Abandonment of cats.

Possibly the Local Law of greatest relevance to the City of Joondalup, because of its urban similarity, is the one adopted by the City of Stirling. The City of Stirling's Local Law covers:

- Identifying cats;
- Permits for keeping cats;
- Cat prohibited areas;
- Removal and impounding of cats;
- Destruction of cats;
- Abandonment of cats;
- Evidence;
- Objections and appeals; and
- Offences, defence and penalties.

The full wording of this Local Law is included as Attachment 2.

There has been ongoing pressure on the State Government to develop statewide cat control legislation. For instance, in 1994, the State Government commissioned an advisory committee to prepare a report on the development of cat control legislation. The committee's report identified four issues in relation to cats. These were:

- The threat cats cause to wildlife;
- The community nuisance caused by cats;
- The impact cats have on public health; and
- The welfare of cats.

The committee's report recommended, amongst other things, that cats be identified and registered. It also recommended sterilisation, the licensing of sellers and breeders, limiting the number of cats per household, confinement and the drafting of a Cat Act.

The State Government did not follow the recommendations contained in this report. In making its decision, certain factors were noted.

1 Threat to Wildlife:

While it is clear that cats kill other animals, in the main these are introduced species and there is very little evidence that cats are a negative impact on endangered species of native wildlife in Western Australia. This contrasts with Victoria where cats were identified as a direct threat to the native lyre bird. Indeed, it could be argued that native wildlife is under far greater pressure from urban expansion than from cats. Further, where cats are a threat to wildlife, feral cats may be part of the problem and these will not be affected by legislation which focuses on owned cats.

2 Community Nuisance:

While it is clear that cats can cause a nuisance within the community, there is great variation in what individuals consider constitutes a nuisance.

3 Public Health:

In terms of public health, there is no strong case for action. Indeed, considerable research shows that cat ownership can generate health benefits. Consequently, it could be argued that cat ownership should be as easy as possible.

4 Cat Welfare:

In terms of cat welfare, the State Government took the view that the new Animal Welfare Act is best placed to deal with the welfare of cats. This legislation now makes it an offence to abandon any animal including a cat. It is also an offence to mistreat an animal. The penalties are severe under the Act with a minimum penalty of \$2,000 in place.

Having noted the above factors, the State Government took the view that it would not introduce a Cat Act. The State Government also took the view that if local governments wished to control cats, they could do so through their own local laws to provide flexibility. For instance, regional and remote local governments may have problems with feral cats but not with owned cats. In this regard, they could target laws to their own circumstances. Metropolitan Councils are more likely to have problems with owned cats causing nuisance and this needs to be addressed in a different way.

Several years after the State Government decided against proceeding with a Cat Act, the Hon Giz Watson introduced a Cat Control Bill into the Legislative Council. This broadly covered the issues which were the subject of recommendations from the cats advisory committee. However, this Bill did not receive sufficient support to progress through Parliament and become law.

In terms of feral cats, the City has, on occasion, engaged a contractor that specialises in eradication of feral cats. The contractor uses traps to catch the cats. The cost to provide this service ranges upwards of \$180 depending on the time involved and the number of visits the contractor has to make to the site. During such trapping, great care is required to ensure that the offending cats are feral and not just a neighbour's nuisance pet.

Consequently, the City currently operates in accordance with the first part of the amendment to the Motion relating to feral cats on public land.

DETAILS

The approach to registering cats could take a variety of forms. However, for consistency and ease of public understanding, it is suggested that, should registration be supported, it follow the registration requirements for dogs as closely as possible. In this regard, the Local Law would include the following:

- Create an offence for the owner of the cat and the occupier of the premises where the cat is ordinarily kept if the cat is not registered.
- Establish a penalty for this offence of \$500.
- That registration not apply to:
 - Cats under the age of 3 months.
 - Cats kept during a period that the owner is applying for registration.
 - Cats in the custody of an animal welfare group.
 - Cats held by a registered veterinary surgeon in the course of his or her professional practice.
 - Any cattery establishment.
- That the City maintains a register of cats which contains information similar to the register maintained for dogs.
- That registration periods conclude on 31 October.
- That concessional rates applying to dog registration apply to cats.
- That a form similar to the form for registering dogs be prepared for registering cats.
- Specify the process for registering cats in a similar manner to the process for registering dogs in the Dog Act.
- That provision be made for a change of ownership and the refusal or cancellation of a registration similar to those within the Dog Act.
- That the City prescribes registration tags for cats each year.
- That there be penalties for false or misleading claims.

In terms of eradicating feral cats on private land, the City is able to provide residents with the name of the contractor who undertakes such work at present. The City's website will be amended to provide the names of relevant contractors if this report's relevant recommendation is supported.

Issues and options considered:

Council could:

- Support a registration system for cats which is similar to dogs as outlined above;
- Support a registration system for cats which diverges from the system for dogs, ie with no sterilisation discount, with a different registration process, etc; or
- Reject the idea of cat registration.
- Support or reject the idea of identifying contractors who will eradicate feral cats on the City's website.

Link to Strategic Plan:

Not Applicable.

Legislation – Statutory Provisions:

This will be a new Local Law.

Risk Management considerations:

Registering cats is likely to be strongly supported by some and opposed by others.

The risk associated with eradicating feral cats is that, sometimes, it is difficult to distinguish between owned and feral cats. The inappropriate eradication of owned cats could lead to potential legal action by the aggrieved owners.

Financial/Budget Implications:

It is estimated that the City contains approximately 15,000 cats. This is derived from studies of pet ownership which indicate that the number of cats is approximately two-thirds the number of dogs. One way of assessing the financial implications of registration is to consider the situation in relation to dogs. The City contains just over 23,000 registered dogs. A number of these dogs are registered at a discount rate because the dogs are registered for extended periods or are sterilised. The value of dog registration fees for the past financial year is in the vicinity of \$210,000. It could be assumed that the City will receive approximately two-thirds of this amount from cat registrations if the registration fee is similar. However, this depends on public willingness to register cats.

These revenue figures take no account of the cost of processing registrations and maintaining the registration database or the costs of City Rangers controlling and managing dogs. It is estimated that the costs of registering and controlling dogs are over \$250,000 per annum. This includes significant proportions of the time of many Rangers.

Policy Implications:

This report relates to a new policy position for cats.

Regional Significance:

Not Applicable.

Sustainability Implications:

Not Applicable.

Consultation:

Should Council wish to introduce cat registration, it may well be appropriate to conduct public consultation before implementation.

COMMENT

This report has detailed the background to cat legislation and indicated how a registration system for cats could be established as a Local Law which parallels the system for dogs. However, there are several other issues of relevance including:

- Several surveys and studies have shown that only around 50% of dogs are registered with local government. This is likely to be significantly less for cats as people do not walk cats and, if the City “door-knocks” to check compliance, cats will be much harder to identify than dogs.
- Registration benefits are not as clear for cats as they are for dogs. In this regard, dogs are walked by their owners and, if they are involved in contravention of the legislation, their registration can be checked. In contrast, cats are not “walked” by their owners and their movements, particularly at night, are difficult to monitor and supervise.
- It could be argued that, as the State regulates dogs, the State should regulate cats and local governments who introduce Cat Local Laws are supporting a cost shift from the State to local government.

There are no concerns with the option of identifying contractors who can eradicate feral cats on the City’s website. Should Council wish to address perceived cat issues, the creation of an educational and marketing campaign could be more appropriate.

ATTACHMENTS

| | |
|--------------|--|
| Attachment 1 | Registration provisions within the Dog Act |
| Attachment 2 | The City of Stirling’s Cat Local Law |

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION: That Council:

- 1 DOES NOT AGREE to the suggestion of establishing a Cat Local Law requiring the registration of cats based on the following arguments;
 - (a) there are no real benefits in just registering cats;
 - (b) it is unlikely that large numbers of cats would be registered, even with a local law in place; and
 - (c) the State Government should regulate cats, as it does with dogs, and not shift the issue to local government;
- 2 NOTES that the City currently engages a contractor to eradicate feral cats on public land on an as needs basis and SUPPORTS an amendment to the City's website to identify contractors who will eradicate feral cats found on private land;
- 3 CONDUCTS an educational and marketing campaign on cat control and management.

Cr Hart left the Chamber at 2026 hrs and returned at 2027 hrs.

MOVED Cr Amphlett SECONDED Cr Magyar that Council:

- 1 **AGREES to commence the process of developing a Cat Local Law which will require the registration of cats within the City. The provisions within the Local Law should mirror, as closely as possible, the provisions within the Dog Act relating to registration and include:**
 - (a) **creating an offence for the owner of the cat and the occupier of the premises where the cat is ordinarily kept if the cat is not registered;**
 - (b) **establishing a penalty for this offence of \$500;**
 - (c) **that registration not apply to:**
 - **Cats under the age of 3 months;**
 - **Cats kept during the period when the owner is applying for registration;**
 - **Cats in the custody of an animal welfare group;**
 - **Cats held by a registered veterinary surgeon in the course of his or her professional practice;**
 - **Any cattery establishment;**
 - (d) **the City maintaining a register of cats which contains information similar to the register maintained for dogs;**
 - (e) **the registration periods concluding on 31 October;**
 - (f) **the concessional rates applying to dog registration apply to cats;**

- (g) a form similar to the form for registering dogs being prepared for registering cats;
 - (h) a specific process for registering cats in a similar manner to the process for registering dogs in the Dog Act being established;
 - (i) provisions relating to a change of ownership and the refusal or cancellation of a registration similar to those within the Dog Act being established;
 - (j) that the City prescribes registration tags for cats each year;
 - (k) establishing penalties for false or misleading claims in relation to registration;
- 2 **AGREES** that the proposed new Local Law also include the identification of all registered cats either by a microchip or a collar and tag similar to that which applies to dogs;
- 3 **NOTES** that the City currently engages a contractor to eradicate feral cats on public land on an as needs basis and **SUPPORTS** an amendment to the City's website to identify contractors who will eradicate feral cats found on private land;
- 4 **CONDUCTS** an educational and marketing campaign on cat registration, control and management.

Discussion ensued.

The Motion was Put and

CARRIED (10/1)

In favour of the Motion: Mayor Pickard, Crs Amphlett, Corr, Currie, Hollywood, Jacob, John, Magyar, Macdonald and McLean **Against the Motion:** Cr Hart

Appendix 11 refers

To access this attachment on electronic document, click here: [Attachment11brf170407.pdf](#)

CJ065-04/07 MINUTES OF EXTERNAL COMMITTEE – [28597]

WARD: All

RESPONSIBLE DIRECTOR: Mr Ian Cowie
Governance and Strategy

PURPOSE/EXECUTIVE SUMMARY

To submit minutes of an external committee to Council for information.

DETAILS

The following minutes are provided:

- Meeting of the Cities of Joondalup and Wanneroo North West Corridor Coordinating Committee held on 26 March 2007.

ATTACHMENTS

Attachment 1 Meeting of the Cities of Joondalup and Wanneroo North West Corridor Coordinating Committee held on 26 March 2007.

VOTING REQUIREMENTS

Simple Majority

MOVED Mayor Pickard, SECONDED Cr Jacob that Council NOTES the Minutes of the Meeting of the Cities of Joondalup and Wanneroo North West Corridor Coordinating Committee held on 26 March 2007 forming Attachment 1 to Report CJ065-04/07.

The Motion was Put and CARRIED (11/0) by En Bloc Resolution following consideration of Item CJ077-04/07, Page 96 refers.

In favour of the Motion: Mayor Pickard, Crs Amphlett, Corr, Currie, Hart, Hollywood, Jacob, John, Magyar, Macdonald and McLean

Appendix 2 refers

To access this attachment on electronic document, click here: [attach2brf170407.pdf](#)

CJ066-04/07 APPOINTMENT OF REPRESENTATIVES TO COMMITTEES – [02153]

WARD: All

RESPONSIBLE DIRECTOR: Mr Ian Cowie
Governance and Strategy

PURPOSE

To give consideration to appointments to various Council-created and external committees.

EXECUTIVE SUMMARY

As a result of the resignations of Cr John Park and Cr Marie Evans, and the recent election of Cr Marie Macdonald as Central Ward Councillor, Council consideration is required to be given to filling the vacancies on various Council-created and external committees.

BACKGROUND

Council establishes various committees to advise it on specific matters. Such committees have no delegated power. The Local Government Act 1995 applies to these Council-created committees, and appointment of representatives to these committees must be made by Council and passed by an absolute majority. Council also nominates representatives to committees created by external organisations. Council may nominate representatives to such external committees by a simple majority.

Following the elections held on 6 May 2006, representatives were appointed to various Council-created and external committees.

DETAILS

The following information is provided in relation to the vacancies created by the resignation of Cr John Park and Cr Marie Evans:

| Council-Created Committees | Comment |
|--|--|
| <p>Conservation Advisory Committee</p> <p>Vacancy – One Elected Member</p> | <p>This position was held by Cr Park.</p> |
| <p>Policy Committee</p> <p>Vacancy – South West Ward member</p> <p>Vacancy – Central Ward member (interim appointment made)</p> | <p>This position was held by Cr Evans.</p> <p>At the Council meeting held on 27 February 2007, Council appointed Cr Geoff Amphlett as Central Ward member as an interim measure until a replacement for Cr Park was appointed.</p> |

| | |
|--|---|
| <p>Strategic Financial Management Committee</p> <p>Vacancy – Central Ward Member (interim appointment made)</p> | <p>At the Council meeting held on 27 February 2007, Council appointed Cr Geoff Amphlett as Central Ward member as an interim measure until a replacement for Cr Park was appointed.</p> |
|--|---|

| External Committees | Comment |
|--|--|
| <p>North Metropolitan Regional Recreation Advisory Committee</p> <p>Vacancy - One Elected Member as Deputy to Cr Geoff Amphlett</p> | <p>This position was held by Cr Park.</p> |
| <p>North Western Metropolitan Regional Road Sub-Group</p> <p>Vacancy - One Elected Member as Deputy to Mayor Troy Pickard</p> | <p>This position was held by Cr Park.</p> |
| <p>WA Local Government Association – North Metropolitan Zone</p> <p>Vacancy – One Elected Member as deputy to Cr Steve Magyar</p> | <p>This position was held by Cr Park.</p> |
| <p>Yellagonga Regional Park Community Advisory Committee</p> <p>Vacancy – One Elected Member as deputy to Cr Brian Corr</p> | <p>This position was held by Cr Evans.</p> |

There is also a need to nominate an Elected Member to the Swan Catchment Council.

Link to Strategic Plan:

4.3.3 Provide fair and transparent decision-making processes.

Legislation – Statutory Provisions:

Tenure of committee membership

- 5.11 (1) Where a person is appointed as a member of a committee under section 5.10(4) or (5), the person's membership of the committee continues until:
- (a) the person no longer holds the office by virtue of which the person became a member, or is no longer the CEO, or the CEO's representative, as the case may be;

- (b) the person resigns from membership of the committee;
- (c) the committee is disbanded; or
- (d) the next ordinary elections day,

whichever happens first.

- (2) Where a person is appointed as a member of a committee other than under section 5.10(4) or (5), the person's membership of the committee continues until:
- (a) the term of the person's appointment as a committee member expires;
 - (b) the local government removes the person from the office of committee member or the office of committee member otherwise becomes vacant;
 - (c) the committee is disbanded; or
 - (d) the next ordinary elections day,

whichever happens first.

Clause 51(2) of the Standing Orders Local Law 2005 states: -

A nomination to any position is not required to be seconded.

Risk Management considerations:

Appointment of committees is essentially to assist the Council in performing some of its responsibilities. If the Council resolves not to appoint committees or representation to external committees, this may hinder the overall decision-making process.

Financial/Budget Implications:

Not Applicable.

Policy Implications:

Not Applicable.

Regional Significance:

A number of the external committees that the City of Joondalup is entitled to have representation on deal with matters that not only affect the affairs of the City but also the region and the local government industry as a whole. If the City has representation on such committees, this will allow the representatives to represent the best interests of the City of Joondalup.

Sustainability Implications:

Not Applicable.

Consultation:

Not Applicable.

COMMENT

The Council may appoint any elected member to the vacancies created by Cr Park and Cr Evans.

Where Cr Amphlett was appointed as an interim measure until a replacement was appointed for Cr Park, Council would need to formally remove Cr Amphlett from those committees and replace him with another member. Membership to the Policy and Strategic Financial Management Committees are based on representation from each Ward.

Where more than one person nominates for a vacancy on either Council appointed or external committees, a ballot will need to be conducted to determine the representative, however the ballot cannot be secret.

ATTACHMENTS

Attachment 1 Committees – role and membership

VOTING REQUIREMENTS

Absolute Majority

OFFICER'S RECOMMENDATION: That Council:

- 1 BY AN ABSOLUTE MAJORITY:
 - (a) APPOINTS one elected member to the Conservation Advisory Committee;
 - (b) gives consideration to appointing a Central Ward member to the Policy Committee;
 - (c) gives consideration to appointing a Central Ward member to the Strategic Financial Management Committee;
 - (d) APPOINTS Cr Michele John as South West Ward member to the Policy Committee.

- 2 NOMINATES the following representatives to external committees:
 - (a) North Metropolitan Regional Recreation Advisory Committee:

 One Elected Member as Deputy to Cr Geoff Amphlett;

- (b) North Western Metropolitan Regional Road Sub-Group:
One Elected Member as Deputy to Mayor Troy Pickard;
- (c) WA Local Government Association – North Metropolitan Zone:
One Elected Member as deputy to Cr Steve Magyar;
- (d) Yellagonga Regional Park Community Advisory Committee:
One Elected Member as deputy to Cr Brian Corr.
- (e) Swan Catchment Council:
One Elected Member.

ADDITIONAL INFORMATION

Cr Geoff Amphlett has submitted his resignation as member of the Audit Committee.

To enable this vacancy to be considered at the Council meeting to be held on 24 April 2007, the following revised recommendation is provided for Item CJ066-04/07 – Appointment of Representatives to Committees:

REVISED OFFICER'S RECOMMENDATION: That Council:

- 1 NOTES the resignation of Cr Geoff Amphlett from the Audit Committee;
- 2 BY AN ABSOLUTE MAJORITY:
 - (a) APPOINTS one elected member to the Conservation Advisory Committee;
 - (b) gives consideration to appointing a Central Ward member to the Policy Committee;
 - (c) gives consideration to appointing a Central Ward member to the Strategic Financial Management Committee;
 - (d) APPOINTS Cr Michele John as South West Ward member to the Policy Committee.
 - (e) gives consideration to appointing a Central Ward member to the Audit Committee;
- 3 NOMINATES the following representatives to external committees:
 - (a) North Metropolitan Regional Recreation Advisory Committee:
One Elected Member as Deputy to Cr Geoff Amphlett;
 - (b) North Western Metropolitan Regional Road Sub-Group:
One Elected Member as Deputy to Mayor Troy Pickard;

MOVED Mayor Pickard, SECONDED Cr Corr that Council:

- 1 NOTES the resignation of Cr Geoff Amphlett from the Audit Committee;**
- 2 (a) APPOINTS Cr Marie Macdonald to the Conservation Advisory Committee;**
(b) APPOINTS Cr Marie Macdonald to the Policy Committee;
(c) APPOINTS Cr Geoff Amphlett to the Strategic Financial Management Committee;
(d) APPOINTS Cr Michele John as South West Ward member to the Policy Committee.
(e) APPOINTS Cr Marie Macdonald to the Audit Committee;
- 3 NOMINATES the following representatives to external committees:**
**(a) North Metropolitan Regional Recreation Advisory Committee:
Cr Marie Macdonald as Deputy to Cr Geoff Amphlett;**
**(b) North Western Metropolitan Regional Road Sub-Group:
Cr Kerry Hollywood as Deputy to Mayor Troy Pickard;**
**(c) WA Local Government Association – North Metropolitan Zone:
Cr Albert Jacob as Deputy to Cr Steve Magyar;**
**(d) Yellagonga Regional Park Community Advisory Committee:
Cr Marie Macdonald as Deputy to Cr Brian Corr;**
**(e) Swan Catchment Council Local Government Reference Group:
Cr Brian Corr.**

The Motion was Put and

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

In favour of the Motion: Mayor Pickard, Crs Amphlett, Corr, Currie, Hart, Hollywood, Jacob, John, Magyar, Macdonald and McLean

Appendix 12 refers

To access this attachment on electronic document, click here: [Attach12brf170407.pdf](#)

CJ067-04/07 FINANCIAL ACTIVITY STATEMENT FOR THE PERIOD ENDED 28 FEBRUARY 2007 – [07882]

WARD: All

RESPONSIBLE DIRECTOR: Mr Mike Tidy
Director Corporate Services

PURPOSE

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

EXECUTIVE SUMMARY

The February 2007 year to date report shows an overall variance (under spend) of \$3.1m when compared to the year to date revised budget approved by Council at its meeting of 27 February 2007 (CJ036-02/07).

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

- The **Operating Surplus** is \$29.7m compared to a budgeted surplus of \$28.8m at the end of February 2007. The \$0.9m variance is primarily due to lower than budgeted expenditure mainly in employee costs, materials and contracts and utilities. This is partially offset by lower than budgeted government grants received.
- **Capital Expenditure** is \$10.4m against the year to date budget of \$12.5m. The \$2.1m under spend is due to delays in purchasing of vehicles, recycling bins, buildings and in the construction of infrastructure assets.

It is recommended that Council NOTES the Financial Activity Statement for the period ended 28 February 2007 forming Attachment A to Report CJ067-04/07.

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 28 February 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 Revised Budget or have been authorised in advance by Council where applicable.

ATTACHMENTS

Attachment A Financial Activity Statement for the period ended 28 February 2007.

VOTING REQUIREMENTS

Simple Majority

MOVED Mayor Pickard, SECONDED Cr Jacob that Council NOTES the Financial Activity Statement for the period ended 28 February 2007 forming Attachment A to Report CJ067-04/07.

The Motion was Put and CARRIED (11/0) by En Bloc Resolution following consideration of Item CJ077-04/07, Page 96 refers.

In favour of the Motion: Mayor Pickard, Crs Amphlett, Corr, Currie, Hart, Hollywood, Jacob, John, Magyar, Macdonald and McLean

Appendix 3 refers

To access this attachment on electronic document, click here: [Attach3brf170407.pdf](#)

CJ068-04/07 HILLARYS ANIMAL BEACH – [02093]

WARD: South West

RESPONSIBLE DIRECTOR: Mr David Djulbic
Infrastructure Services

PURPOSE

To provide Council with information on current community concerns regarding the animal beach facilities at Hillarys and a recommended way forward.

EXECUTIVE SUMMARY

This report outlines a range of options to address community concerns in ways that are both practicable and equitable.

It is recommended that Council:

- 1 *REQUESTS the preparation of an Amendment Local Law to the Animal Local Law to:*
 - (a) *extend the dog beach, south to Hillarys Groyne;*
 - (b) *enforce time restrictions on the horse beach for morning use only by the horse owners allowing the beach to convert to a dog beach after the designated time of 9.00am daily;*

- 2 *AUTHORISES the Chief Executive Officer to negotiate with the City of Wanneroo requesting it provides a suitable horse beach area within its City within a three-year timeframe.*

BACKGROUND

Recent publicity concerning the animal beach at Hillarys has highlighted problems of congestion, beach overlapping and competition between the owners of horses and dogs.

Enquiries with the two horse clubs in the region have identified that many of their members (some owners, others horse lessees) are local residents of the City of Joondalup and stable their horses within the City of Wanneroo. (It is difficult to obtain actual figures of the amount of City residents who own horses, as horse registration is not a requirement the City imposes on horse owners).

The number of registered dogs in the City of Joondalup currently stands at over 23, 000 with an estimated 10, 000 dogs still requiring registration; this is a significant number of registered dogs in comparison to other local governments in Western Australia. The current area of coastline the City dedicates to dog exercising is 650m, this is out of a total coastline area of 17, 000m vested in the City to manage. It would seem on *prima facie* that there is significant room for either expanding the current dog exercise area or providing new areas for this purpose; however, in practice, there are many implications involved in any changes to the current arrangements the City may choose to pursue. The options available to the City and their implications will be discussed further in the report.

In the case of horses, the facilities required to allow horses access to the beach are expensive and there are limited areas in the North West Corridor region that are appropriate for horse recovery/exercising. The following conditions for suitable horse beaches are necessary:

- Horse float parking
- A well constructed beach track to protect the local vegetation and allow for easy access to the ocean
- An area where reefs do not encroach on the shoreline (risk of injury to horses and damage to the reef)

The parties to whom this issue relates include:

- Dog owners
- Horse owners
- Local residents (non-animal owners)
- City of Wanneroo
- City of Joondalup

The rationale for including the City of Wanneroo as a stakeholder in this matter is that the horse beach is a regional facility and if the option of removing the facility is adopted, its Council may be required to make alternative arrangements available for horses.

DETAILS

The Hillarys Animal Beach aims to provide amenity for dog and horse owners for the purposes of animal exercise or recovery. (Recovery being the exercising of horses within the ocean only, not the ability to ride horses along the beach at fast speeds). As such, the dog beach area stretches 650m from Angove Drive in the south to the horse float parking facilities in the north. The horse beach area then extends 160m north of the dog beach up to Pinnaroo Point.

To allow for a regional comparison, the Town of Cambridge has approximately 2 kilometres of beach available for exercising dogs with only 2, 500 dogs registered in that Local Government. The City of Stirling has three dog exercise areas with a relatively large distance between each. There are over 16, 000 dogs registered with Stirling and the total area for exercise equates to almost one kilometre. The City of Wanneroo has three dog exercise areas, totalling an approximate area of 2.5 km. Over 17, 000 dogs are registered with the City of Wanneroo. The City of Joondalup has approximately 23, 000 registered dogs to provide for, with 650m of beach available for dog usage. If converted to a scale illustrating the amount of registered dogs per metre, each City's available dog beach area would be represented as:

- Town of Cambridge 1.25 dogs/m
- City of Stirling 16 dogs/m
- City of Wanneroo 6.8 dogs/m
- City of Joondalup 35 dogs/m

Clauses 10 and 26 of the City's *Animals Local Law* stipulate the conditions under which the City's animal beach may be used. Summarised, these clauses allow dogs to be exercised off lead in the dog exercise area and to be additionally exercised in the horse beach area, providing they are on a leash. Horses must remain within the designated horse beach area at all times. These laws are often flouted by dog owners, resulting in altercations between animals and issues of beach overlapping.

Factors that contribute to the present situation include:

- A lack of City resources to enforce compliance with the *Animals Local Law* at all times
- The costs of relocating the beach facility for exercising horses to the City of Wanneroo
- The fact that the horse beach is available to residents of the former City of Wanneroo and there is an expectation amongst regional horse owners that this should continue.

Issues and options considered:

Options:

- (a) Extend the dog beach south to Hillarys Groyne, providing an additional 200 to 300 metres for dog exercising
- (b) Extend the dog beach south to Hillarys Groyne and extend the dog beach north by absorbing the current horse beach facility. If option (b) is selected, it may be necessary to relocate the horse beach facility to the City of Wanneroo
- (c) Place time restrictions on the horse beach for early morning use only. After this time, it will revert to a dog beach facility
- (d) Break up the dog beach into sections along the Joondalup coastline i.e. nominating other beaches for the purposes of dog exercise.

Link to Strategic Plan:

Key Focus Area – Organisational Development

| | |
|----------------|--|
| Outcome | The City of Joondalup is an interactive community |
| Objective 4.3 | To ensure the City responds to and communicates with the community |
| Strategy 4.3.1 | Provide effective and clear community consultation |
| Strategy 4.3.3 | Provide fair and transparent decision-making processes |

Legislation – Statutory Provisions:

| | | |
|------------------------|------------|-------------------------------|
| Animals Local Law 1999 | Clause 10 | Dog Exercise Areas |
| | Clause 26 | Horse Exercise Area |
| | Schedule 2 | Prohibited Dog Exercise Areas |
| | Schedule 3 | Horse Exercise Area |

Should Council resolve to make changes to the current designated areas, an amendment to the Animals Local Law will be required. The local law amendment process requires advertising of the proposal and a six-week public comment period. The latter should be included as part of the consultation process.

Clause 23 of the City's Local Government and Public Property Local Law, provides for the City to set aside any local government property, local government building or reserve or portion of such, for a specific use or uses and may designate by signs use and conditions of use.

An extract of Clause 23 is attached.

Risk Management considerations:

Advice has been received that the congestion on the beach has resulted in injuries to expensive breeds of animals.

Due to a lack of City resources in policing the local law, appropriate behaviour of beach users is dependent on self-regulation for much of the time, which has been shown to be insufficient. A small minority of beach users regularly disregard the requirements of the local law, leading to public disputes and beach overlapping.

Financial/Budget Implications:

Not Applicable.

Policy Implications:

This report has legislative implications due to the Local Laws currently enforcing animal beach usage. Policies are used to guide legislative provisions. The City currently has no policies in relation to animal control or the provision of animal facilities.

Regional Significance:

The coastal location of the City means that all coastal facilities provided, service the public on a regional basis. This means providing not only for the City's residents, but inland commuters and groups/associations that convene at specific coastal areas because of the area's suitability to their activities (eg: surf-life saving, animal exercising, etc).

Sustainability Implications:

The current situation is not sustainable as the City is unable to provide sufficient amenity to all dog users. The City must either extend the current area available for dog exercising or break up the dog beach into sections along the Joondalup coastline i.e. nominating other beaches for the purposes of dog exercise.

The continuing use of a beach for exercising animals is sustainable providing that owners properly remove and dispose of animal excreta. In the case of horse droppings, there is a risk that the contaminants of hay and seeds can be blown into the adjacent sand dunes and germinate, resulting in an outbreak of introduced weeds and an environmental management cost for the City.

Consultation:

Enquiries have been made with the City of Wanneroo regarding previous discussions for relocating horse beach facilities to their area. Comments received in response to the recent media exposure on the issue have also been used to inform the report's content regarding non-dog/horse owner and dog owner concerns. The two major horse and pony clubs in the region were directly contacted to identify potential concerns for horse owners, should the City seek to undertake any of the options stated in the report.

COMMENT

The implications of each option presented will be addressed in turn.

Extension of dog beach south: There is considerable support by dog and horse owners for this option, as this portion of the beach is not used extensively and there would be no possibility for beach overlapping into areas that are designated for animal usage.

Extension of dog beach north: As noted, it would involve absorption of the horse beach, resulting in the possible relocation of that facility further north. This option may present difficulties for horse owners because the only appropriate beaches in the north area are at Yanchep and Two Rocks, a considerable distance from the current facility. Also, the City of Wanneroo would have to agree to provide an alternative horse beach to ensure that a regional facility remains in the area.

Place time restrictions on the horse beach for early morning use only: Horse owners support this option, providing it is enforced sufficiently. Currently, horse owners prefer to exercise their animals at this time of day due to the cooler climate being more conducive to horse recovery.

Break up the dog beach into sections along the Joondalup coastline i.e. nominating other beaches for the purposes of dog exercise: This option is a cause for concern for non-animal owners if the individual dog beach areas are located close to one another. In such circumstances, it is believed that people may walk their dogs from one dog beach to the next and create conflict at the non-dog beach which divides the two. However, should the animal exercise area be sufficiently spaced, this concern may be alleviated, as dog owners will be less likely to cross areas not designated for animal usage if the next dog beach is an ample distance away.

Should Council resolve to make changes to the current designated areas, an amendment to the Animals Local Law will be required. In accordance with Section 3.12 of the Local Government Act an amendment to a local law must be done through a new local law. The local law amendment process requires advertising of the proposal and a six-week public comment period, following which the Council must reconsider the proposed amendment and any comments that are received.

ATTACHMENTS

- | | |
|--------------|--|
| Attachment 1 | Animals Local Law and Schedules 2 & 3 |
| Attachment 2 | Clause 23 of the City's Local Government and Public Property Local Law |

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION: That Council:

- 1 REQUESTS the preparation of an Amendment Local Law to the Animal Local Law to:
 - (a) extend the dog beach, south to Hillarys Groyne;
 - (b) enforce time restrictions on the horse beach for morning use only by the horse owners allowing the beach to convert to a dog beach after the designated time of 9.00am daily;
- 2 AUTHORISES the Chief Executive Officer to negotiate with the City of Wanneroo requesting it provides a suitable horse beach area within its City within a three-year timeframe.

ADDITIONAL INFORMATION

The City contacted the Sorrento Surf Lifesaving Club about the beach area north of the Hillarys Marina.

The Club advised that they do not keep any records of beach attendance either there or at Sorrento however they do patrol to Pinnaroo Point and obtain feedback from the patrol officers. It was advised that it would probably be better to head north to Pinnaroo Point where the area is not as popular to swim.

Effectively, the City is looking to do this with the time restriction on the Horse Beach but it may also be an option to extend the animal beach area further south by approximately 325 metres instead of all the way to the marina breakwater wall which is approximately 950 metres from the current southern dog beach boundary.

The southward extension by 325 metres rather than 950 metres is suggested because the Surf Club advised that the area north of the Hillarys Marina is used by the Sea Cadets to launch their boats and for training. There is a Cadet Unit adjacent the park that is accessed from the north internal marina road.

The area is quite heavily used by swimmers during summer particularly on hot weekend days when the beach area in the Marina gets very crowded.

To minimise adverse impact on this portion of the beach a revised recommendation is provided below.

Extending the existing dog beach southwards to the Whitfords Nodes car park beach access path will reduce some of the current dog beach overcrowding issues, and at the same time should not adversely impact on the opportunity for beach swimming on that part of the beach extending southwards to the marina north wall which is a distance of approximately 625 metres. (Attachment 1 refers)

REVISED OFFICER'S RECOMMENDATION: That Council:

- 1 REQUESTS the preparation of an Amendment to the Animal Local Law to:
 - (a) extend the dog beach southwards by approximately 325 metres to the designated beach access path to the Whitford Nodes carpark;
 - (b) enforce time restrictions on the horse beach for morning use only by the horse owners allowing the beach to convert to a dog beach after the designated time of 9.00 am daily;
- 2 AUTHORISES the Chief Executive Officer to negotiate with the City of Wanneroo requesting it provides a suitable horse beach area within its City within a three-year timeframe.

MOVED Cr John, SECONDED Cr Magyar that Council:

- 1 **REQUESTS the preparation of an Amendment to the Animal Local Law to:**
 - (a) **extend the dog beach southwards by approximately 325 metres to the designated beach access path to the Whitford Nodes carpark;**
 - (b) **enforce time restrictions on the horse beach for morning use only by the horse owners allowing the beach to convert to a dog beach after the designated time of 9.00am daily;**
- 2 **AUTHORISES the Chief Executive Officer to negotiate with the City of Wanneroo requesting it provides a suitable horse beach area within its City within a three-year timeframe;**
- 3 **NOTES that in amending a local law it is required that a minimum six week public comment period will occur, following which Council will formally consider submissions about the proposed amended local law prior to making a final decision as to whether, and in what form, the local law should be adopted;**
- 4 **REQUESTS the preparation of a report to be considered by Council identifying the potential for an additional Dog Beach within the City of Joondalup.**

Discussion ensued.

AMENDMENT MOVED Cr Macdonald that an additional Point 5 be added to the Motion as follows:

“5 REQUESTS the preparation of a report to be considered by Council identifying the cost of fencing the dune adjacent to the dog beach.”

Mayor Pickard stated that as this amendment did not relate to this Item, the Chief Executive Officer would deal with the matter administratively, with information to be provided to Elected Members.

The Amendment was

NOT PURSUED

In relation to a query regarding costs involved for maintaining the additional area of the beach for dogs, it was advised that additional costings would relate to the provision of bins on the beach and dog excreta bags. With regard to the cleaning of the beach, this is already encompassed in the current beach cleaning arrangements that are in place.

AMENDMENT MOVED Cr Corr that an additional Point 5 be added to the Motion as follows:

“5 REQUESTS that the City’s Rangers be proactive in ensuring that the dog beach is only used by dogs registered in the City of Joondalup or in another Australian local authority.”

Chief Executive Officer advised that this issue will be administered as part of the City’s Animal Local Law. It was advised that steps would be taken to ensure that the beach is adequately patrolled by the City’s Rangers.

The Amendment was

NOT PURSUED

Discussion ensued.

The Motion as Moved Cr John, Seconded Cr Magyar was Put and

CARRIED (11/0)

In favour of the Motion: Mayor Pickard, Crs Amphlett, Corr, Currie, Hart, Hollywood, Jacob, John, Magyar, Macdonald and McLean

Appendices 4 and 14 refer

To access this attachment on electronic document, click here: [Attach4brf170407.pdf](#)
[Attach14min240407.pdf](#)

CJ069-04/07 TENDER 026-06/07 SUPPLY AND DELIVERY OF TWO (2) WATER TRUCKS WITH OR WITHOUT TRADE-INS OR OUTRIGHT PURCHASE – [73595]

WARD: All

RESPONSIBLE DIRECTOR: Mr Dave Djulbic
Infrastructure Services

PURPOSE

This report is to seek approval of Council to accept the tender submitted by Major Motors for the supply and delivery of two water trucks with trade-ins.

EXECUTIVE SUMMARY

Tenders were advertised on Wednesday, 24 January 2007 through state wide public notice for the Supply and Delivery of two (2) Water Trucks, with or without trade in. Tenders closed on Wednesday, 7 February 2007 and three submissions were received, being:

- Major Motors for supply, delivery and trade in.
- Smith Broughton Pty. Ltd. for outright purchase of the trade in vehicle.
- Brigold Pty. Ltd. for outright purchase of the trade in vehicle.

It is recommended, in relation to tender number 026-06/07, that Council, in relation to Tender Number 026-06/07 ACCEPTS the tender submitted by Major Motors for the Supply and Delivery of two (2) Water Trucks at a Lump Sum tendered price of \$301,700, and accepts the trade in value of \$134,545 offered for the old City of Joondalup vehicles, resulting in a nett change over Lump Sum Purchase Price of \$167,155 excluding GST.

BACKGROUND

The two water trucks are included as projects V306 and V307 in the 06/07 Heavy Vehicle replacement programme as detailed in the 2006/07 Budget.

DETAILS

Tenders were advertised on 24 January 2007 through state wide public notice for the supply of two water trucks with or without trade-ins or outright purchase. Tenders closed on 7 February 2007 and three submissions were received, being:

- Major Motors for supply, delivery and trade of the two (2) vehicles at \$167,154.54 nett changeover.
- Smith Broughton Pty. Ltd. for outright purchase of the two (2) trade vehicles at \$100,540.
- Brigold Pty. Ltd. for outright purchase of the two (2) trade vehicles at \$89,656.36.

The first part of the tender evaluation process is to check conformance to the Compliance Criteria, in order to ensure that all essential requirements have been met. Tenders not meeting all the essential requirements are deemed to be non-conforming and are eliminated from further consideration.

The submission from Major Motors met all the essential requirements and was carried forward into the second part of the evaluation process, which involves an independent assessment of the qualitative and quantitative criteria by each member of the Evaluation Panel. It is noted that as the other two tenderers were for outright purchase only there was no need to evaluate these submissions. Each member of the Evaluation Panel assessed the tender submission individually against the selection criteria using the weightings determined during the tender planning phase. The Evaluation Panel then convened to submit and discuss their assessments, leading to a ranking of the submission.

Notwithstanding that there was only one supply tender, it was still assessed by the Evaluation Panel using a weighted multi-criterion assessment system and AS 4120-1994 'Code of Tendering', ensuring compliance with *Regulation 18(4)* of the *Local Government (Functions and General) Regulations 1996*. The Evaluation Panel considered the tender submitted by Major Motors to be reasonable in light of current market conditions, and should be put to Council for consideration without the need to re-tender.

The Selection Criteria for Tender Number 026-06/07 are as follows:

Whole of Life Costings

Respondents shall provide a table detailing the costings for routine servicing to one hundred and forty thousand (140,000) kms and also detailing estimated fuel consumption in litres per 100kms on medium duty cycle.

Demonstrated Ability of Respondent to provide after sales service and product spare parts
Respondents shall demonstrate an appreciation of this requirement and provide an outline of the proposed methodology and approach, including timeframes. The methodology will be assessed for appropriateness and its ability to achieve the Contract objectives.

Respondents Scheduled Delivery Date

Respondents shall provide details of their delivery schedule which will follow issue of the City Purchase Order for delivery expected within 12 weeks from date of order.

Social and economic effects on the local community

In accordance with the City policy encouraging the involvement of local business, Respondents are to provide information on how, if successful, their involvement would, wherever possible:

- Maintain or increase opportunities for local employment;
- Maintain or increase arrangements with both Goods and Services providers within the local community;
- Provide value added services to the City.

Link to Strategic Plan:

3.1 To develop and maintain the City of Joondalup's Assets and Built Environment.

Legislation – Statutory Provisions:

The statewide public tender was advertised, opened and evaluated in accordance with the *Local Government (Functions & General) Regulations 1996*, where tenders are required to be publicly invited if the consideration under a contract is, or is expected to be, more, or worth more, than \$50,000. The consideration for this contract exceeds the Chief Executive Officer's Delegated Authority in relation to the acceptance of tenders to \$250,000.

Risk Management considerations:

It is considered that the Contract will represent a low risk to the City based on the Contractor's past satisfactory performance and supply history.

Financial/Budget Implications:

| Detail | Reference | Budget Amount | Tenderer Value | Variance |
|-------------------------------------|-------------------------------|---------------|----------------|------------|
| Account Number: | Project Numbers V306 and V307 | | | |
| Budget Item: | Heavy Vehicle Replacement | | | |
| Purchase Price for 2 x Water Trucks | | \$260,000 | \$301,700 | - \$41,700 |
| Trade in Price | | \$100,000 | \$134,545 | + \$34,545 |
| Nett | | \$160,000 | \$167,155 | - \$7,155 |

The amounts shown above are GST exclusive. The City of Joondalup is a registered business entity for GST purposes and is able to claim an input tax credit for the amount of GST payable.

The budget shortfall can be funded through the savings of approximately \$55,000 that were realised, in the replacement of a 6 wheel tipper truck (project V308) earlier in the financial year.

Policy implications:

Not applicable.

Regional Significance:

While there are no specific policy implications, the City's current practice is to encourage local business in the purchasing and tendering process and this has been applied and incorporated into the selection criteria. The recommended Respondent is an established supplier with an extensive Isuzu dealership in Forrestfield and an additional service facility located in Wangara Trading Estate, Wanneroo.

Sustainability Implications:

The replacement of the water trucks is necessary to support the City's service delivery objectives and its sustainability into the future.

Consultation:

Not Applicable.

COMMENT

The Evaluation Panel considered that Major Motors have the capability to supply the required water trucks and their offer represents best value for money to the City of Joondalup.

The Evaluation Panel therefore recommend Major Motors as the preferred tenderer.

ATTACHMENTS

Nil.

VOTING REQUIREMENTS

Simple Majority

MOVED Mayor Pickard, SECONDED Cr Jacob that Council, in relation to Tender Number 026-06/07 ACCEPTS the tender submitted by Major Motors for the Supply and Delivery of two (2) Water Trucks at a Lump Sum tendered price of \$301,700, and accepts the trade in value of \$134,545 offered for the old City of Joondalup vehicles, resulting in a nett change over Lump Sum Purchase Price of \$167,155 excluding GST.

The Motion was Put and CARRIED (11/0) by En Bloc Resolution following consideration of Item CJ077-04/07, Page 96 refers.

In favour of the Motion: Mayor Pickard, Crs Amphlett, Corr, Currie, Hart, Hollywood, Jacob, John, Magyar, Macdonald and McLean

CJ070-04/07 OFFER TO PURCHASE CITY OWNED LAND AT 21 (LOT 1254) EDINBURGH AVENUE, KINROSS – [17167]

WARD: All

RESPONSIBLE DIRECTOR: Mr David Djulbic
Infrastructure Services

PURPOSE

The City has received a formal offer from Anglican Homes Incorporated (trading as Amana Living) to purchase 21 (Lot 1254) Edinburgh Avenue Kinross for the price of \$440,000.

This report seeks Council's authority to advertise the proposal for public comment.

EXECUTIVE SUMMARY

The proposal is an exempt disposition as the offer is from a 'benevolent' organisation although it is being treated as if it were not to ensure maximum transparency for the disposal of a City asset.

The land in question has little use to the City and the only likely purchasers are adjoining landowners of which the proponent is one.

It is recommended that Council:

- 1 *APPROVES the advertising of the proposal to sell 21 Edinburgh Avenue, Kinross to Anglican Homes Incorporated for the price of \$440,000 for a period of 14 days, inviting submissions to be made to the City, including alternative expressions of interest in the property;*
- 2 *REQUESTS that a report be submitted to Council which considers any submissions made to City and which may or may not recommend disposal of the land to Anglican Homes Incorporated.*

BACKGROUND

| | |
|-----------------------------------|------------------------------|
| Suburb/Location: | Kinross |
| Applicant: | Anglican Homes Inc. |
| Owner: | City of Joondalup |
| Zoning: | DPS: Civic & Cultural |
| | MRS: Urban |
| Site Area (m²): | 1822 |
| Structure Plan: | Not Applicable |

The City has received a formal offer from Anglican Homes Incorporated (trading as Amana Living) to purchase 21 (Lot 1254) Edinburgh Avenue Kinross for the price of \$440,000.

The disposal is an 'exempt disposition' under the Local Government (Function and General Regulations) 1996 as the proposal is to dispose of the land to 'a body, the objects of which are benevolent.' However, for maximum transparency, the proposal will be treated as if it is not exempt.

This matter has been under discussion for some time and the City had the property valued at \$440,000 in May 2006. Verbal advice from the City's valuer has confirmed that the property would be similarly valued today. If Council approves the advertising requested, the City would update the valuation to comply with the Local Government Act 1995, which states that it can be no more than 6 months old.

The property in question is a battle-axe block situated behind Kinross Shopping Centre with little use to the City. The Valuation report comments that Anglican Homes 'represent the only viable entity for purchase of the site' particularly as they are an adjoining landowner.

However, there are also the options of either rezoning the site to residential or leasing the land to Amana Living. The site could possibly be rezoned to R40 which would increase the value of property significantly although the amenity of the land in question does not lend itself to a 'stand alone' residential development. The link to Amana Living's adjacent site improves the amenity for their purposes. Leasing is probably not an option, as it would not suit Amana's current proposal.

The disposal is defined as a 'land transaction' under s359 of the Local Government Act 1995 but is neither a 'major land transaction' nor a 'major trading undertaking' (as defined by the Act) as the minimum values are currently prescribed at \$1,000,000 and \$500,000 respectively. As such, no business plan is required.

Under s358 of the Local Government Act 1995, a local government can only dispose of property via a public auction or public tender or if it gives public notice of the proposed disposition inviting submissions. The advertising must be for a period of more than 2 weeks and submissions must be considered before a final decision is made.

Although Council approval is not specifically required for undertaking the advertising component of the proposal, authority to proceed is sought to ensure Council is aware of the offer to purchase.

Subject to Council's approval, the proposal will be advertised as discussed above. Subsequent to the advertising, a report will be returned to Council considering any comments made and making a recommendation.

DETAILS

Issues and options considered:

This report only seeks approval to advertise. Other issues and options, including comments received, will be reported in a subsequent report.

Link to Strategic Plan:

1.3.2 Provide quality of life opportunities for all community members

3.3.1 Provide residential living choices

3.1.4: Develop an Asset Management Strategy

The Asset Management Strategy currently being developed will include a property rationalisation strategy. Although not completed, it is generally accepted that property assets should only be retained when they support the delivery of the City's core services or provide a return on investment.

Legislation – Statutory Provisions:

Under s3.58 of the Local Government Act 1995, a local government can only dispose of property via a public auction or public tender or if it gives public notice of the proposed disposition inviting submissions if the disposition is not exempt. The advertising must be for a period of more than 2 weeks and submissions must be considered before a final decision is made. This is not required for exempt dispositions.

The disposal under consideration is an exempt disposition under the Local Government (Function and General Regulations) 1996.

Risk Management considerations:

Risk management considerations would be limited to the financial consequences of holding un-utilised property with no planned future use. Financial risk would be lowered if the value of this property was realised.

Financial/Budget Implications:

There are no financial or budget implications at this stage. All valuations have been paid for out of existing budgets. However, should the sale of this property be realised, the City will receive significant (one-off) income of \$440,000.

Policy Implications:

There are no policy implications at this stage.

Regional Significance:

There is no regional significance regarding this issue.

Sustainability Implications:

The sale of this property will assist in developing a sustainable City. It is proposed that any funds received be transferred to the Strategic Asset Management Reserve for future infrastructure asset renewal.

Consultation:

No consultation has taken place at this stage as this report merely seeks approval to advertise the proposal for comment. This advertising will constitute the required consultation.

COMMENT

The land in question is surplus to the City's requirements and has remained vacant since its development in 1999. The property is a battleaxe block and would only be of use to adjoining landowners.

The adjacent shopping centre has been advised previously and no interest was shown. In addition to the advertising proposed, surrounding landowners, including the shopping centre, will receive information of the proposal via mail.

Should the proposal proceed, Amana Living propose to extend their operations on the adjacent site which will improve services offered to the aging community of the local area. Amana Living advocate and care for older people, especially those who are financially or socially disadvantaged. They provide opportunities for older people to live as independently as possible so that they can experience their optimum quality of life.

Amana Living is the principal aged care agency of the Anglican Diocese of Perth and has served the community since 1962. They are a Public Benevolent Institution, incorporated under the Incorporations Act 1987.

ATTACHMENTS

Attachment 1 Valuation Report Summary – 21 Edinburgh Ave, Kinross
Attachment 2 Locality Plan

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION: That Council:

- 1 APPROVES the advertising of the proposal to sell 21 Edinburgh Avenue, Kinross to Anglican Homes Incorporated for the price of \$440,000 for a period of 14 days, inviting submissions to be made to the City, including alternative expressions of interest in the property;
- 2 REQUESTS that a report be submitted to Council which considers any submissions made to City and which may or may not recommend disposal of the land to Anglican Homes Incorporated.

MOVED Cr Hollywood, SECONDED Cr McLean that consideration of Offer to Purchase City Owned Land at 21 (Lot 1254) Edinburgh Avenue, Kinross be DEFERRED to the next meeting of Council pending the receipt of a current land valuation, identification of the options in which the land may be disposed and clarification of the rezoning process.

The Procedural Motion was Put and

CARRIED (10/1)

In favour of the Procedural Motion: Mayor Pickard, Crs Amphlett, Corr, Currie, Hart, Hollywood, Jacob, John, Macdonald and McLean **Against the Procedural Motion:** Cr Magyar

Appendix 5 refers

To access this attachment on electronic document, click here: [Attach5brf170407.pdf](#)

| | |
|---------------------------|---|
| Name/Position | Cr M Macdonald |
| Item No/Subject | CJ071-04/07 – Proposed Parking Prohibitions – Marjorie Street, Mullaloo |
| Nature of interest | Interest that may affect impartiality |
| Extent of Interest | Cr Macdonald lives in Mullaloo. |

CJ071-04/07 PROPOSED PARKING PROHIBITIONS – MARJORIE STREET, MULLALOO – [58072]

WARD: North Central

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

PURPOSE

To amend the City of Joondalup Parking Scheme by the modification of the existing “NO PARKING” prohibition on Marjorie Street, Mullaloo.

EXECUTIVE SUMMARY

The existing parking prohibitions on Marjorie Street prohibit parking on the carriageway and the verge. Residents are seeking to modify the current prohibition to enable them and their visitors to lawfully park on the verge adjacent to their property.

As such it is recommended that Council AMENDS the City of Joondalup Parking Scheme in accordance with Clause 33 of the City’s Parking Local Law (1998) by the installation of a “NO PARKING” carriageway only along Marjorie Street, Mullaloo as shown in Attachment 1 to Report CJ071-04/07.

BACKGROUND

The City has received correspondence from the residents of Marjorie Street requesting the removal of the verge parking component of the prohibition.

It was requested that the existing parking prohibition be modified in Marjorie Street.

DETAILS

Issues and options considered:

Residents of Marjorie Street are concerned that they are not lawfully permitted to park their own vehicles on the verge adjoining their property.

In view of this, the residents have requested that consideration be given to prohibit parking to the carriageway only. Residents will still be covered under the City’s Parking Local Law 42(2), which says that a person not being the occupier of the land abutting on to a road verge, shall not without the consent of that occupier, drive, park or stop a vehicle upon that road verge.

The proposed parking prohibition is shown on Attachment 1.

Link to Strategic Plan:

The recommendation in this report is supported by the following objective and strategy in the City's Strategic Plan 2003 – 2008:

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:

The City of Joondalup Parking Local Law 1998 was made in keeping with the requirements of the Local Government Act (1995):

33 *The local government may by resolution constitute, determine, vary and indicate by signs:*

- (a) Prohibitions;*
- (b) Regulations; and*
- (c) Restrictions,*

on the parking and stopping of vehicles of a specified class or classes in all roads, specified roads or specified parts of roads in the parking region at all times or at specified times, but this authority shall not be exercised in a manner inconsistent with the provisions of this local law or any other written law.

Risk Management considerations:

Not Applicable.

Financial/Budget Implications:

The cost to erect the necessary signage is approximately \$150 each, and sufficient funds exist in the maintenance operational budget for this work to occur.

Policy Implications:

Not Applicable.

Regional Significance:

Not Applicable.

Sustainability Implications:

Not Applicable.

Consultation:

Residents directly affected by the proposed parking prohibition, as outlined in Attachment 1, were consulted. The residents affected gave full support to the proposed prohibition.

COMMENT

The proposal to prohibit parking along Marjorie Street as per Attachment 1, will maintain the general traffic flow at all times and therefore increase the level of safety and access for all road users.

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

ATTACHMENTS

Attachment 1 Parking Prohibition – Marjorie Street, Mullaloo

VOTING REQUIREMENTS

Simple Majority

MOVED Mayor Pickard, **SECONDED** Cr Jacob that Council **AMENDS** the City of Joondalup Parking Scheme in accordance with Clause 33 of the City's Parking Local Law (1998) by the installation of a "NO PARKING" (carriageway only) on Marjorie Street, Mullaloo as shown in Attachment 1 to Report CJ071-04/07.

The Motion was Put and **CARRIED** (11/0) by En Bloc Resolution following consideration of Item CJ077-04/07, Page 96 refers.

In favour of the Motion: Mayor Pickard, Crs Amphlett, Corr, Currie, Hart, Hollywood, Jacob, John, Magyar, Macdonald and McLean

Appendix 6 refers

To access this attachment on electronic document, click here: [Attach6brf170407.pdf](#)

CJ072-04/07 WHITFORDS AVENUE - ENDEAVOUR ROAD INTERSECTION TREATMENT OPTIONS – [08496] [06121]

WARD: South West

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

PURPOSE

For Council to give consideration to proposed treatment options at the intersection of Whitfords Avenue and Endeavour Road, Hillarys.

EXECUTIVE SUMMARY

This intersection was part of the City's proposed Black Spot submissions for 2007/08, and was submitted to Council for approval in July 2006.

Council resolved to withdraw this intersection from the submission subject to further investigation and requested a further report on the options available to treat the intersection of Whitfords Avenue and Endeavour Road, including more detailed information on cost and operational effectiveness for each option in order that Council's preferred intersection treatment can be included as part of a future State Black Spot Program submission.

This report outlines the findings of the investigation into alternative options for the intersection in order that Council can consider the approval of this project as part of the 2008/09 State Black Spot submissions.

It is recommended that Council:

- 1 *Submits the proposal to install signals at Whitfords Avenue/Endeavour Road intersection as part of the 2008/09 State Black Spot submissions;*
- 2 *Seek Approval in Principal from Main Roads Western Australia for traffic signal installation based on the information presented in Report CJ072-04/07.*

BACKGROUND

The intersection of Whitfords Avenue / Endeavour Road, Hillarys has been identified by the City as a Black Spot site as it has had 23 reported crashes over the five year period from 2001 to 2005 inclusive.

This intersection is located at the north-western corner of the Whitfords City shopping complex and therefore provides a key access and egress point for patrons here. The intersection is also located approximately 300m west of the signalised Dampier Ave / Whitfords Avenue intersection.

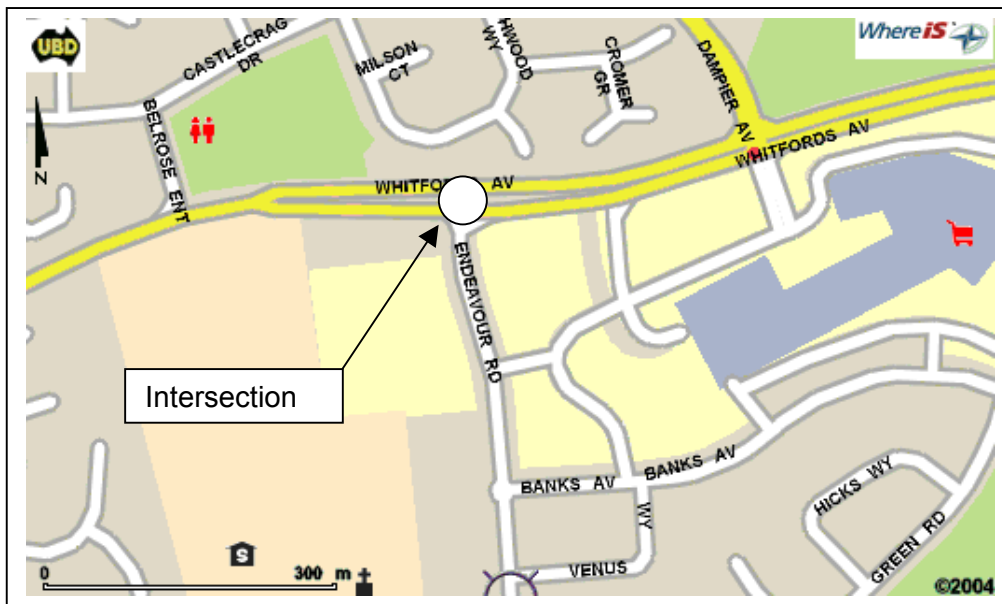
Endeavour Road is classified as a Local Distributor and Whitfords Avenue is classified as a District Distributor A in the Perth Metropolitan Area Functional Road Hierarchy.

The existing intersection is a T Junction with STOP sign control on Endeavour Road. The speed limit on Endeavour Road is the General Urban Speed Limit of 50 Km/hr and it is 60 Km/hr on Whitfords Avenue. The adjacent development is commercial including the Whitfords City Shopping Centre.

The traffic volume on Endeavour Road is 6736 (AAWT) – Sept 2005 and the traffic volume on Whitfords Ave (west of Marmion Ave) is 24899 (AAWT) – August 2005.

St Marks Anglican Community School is located nearby off St Marks Drive and as a consequence Endeavour Road forms an important access route to the school.

The location of the site is shown below:



Source: www.whereis.com

Crash statistics

Total reported crashes per year:

| Year | Number of Crashes |
|--------------|-------------------|
| 2001 | 4 |
| 2002 | 2 |
| 2003 | 7 |
| 2004 | 5 |
| 2005 | 5 |
| TOTAL | 23 |

Crash Severity

| Crash Severity | Number of Crashes |
|------------------------------|-------------------|
| Hospitalisation | 2 |
| Medical | 3 |
| Property Damage Only (Major) | 15 |
| Property Damage Only (Minor) | 3 |
| TOTAL | 23 |

Crash Type

| Crash Type | Number of Crashes |
|--------------------|-------------------|
| Right Angle | 3 |
| Right Turn Through | 10 |
| Side Swipe | 3 |
| Rear End | 7 |
| TOTAL | 23 |

The above data indicates that the principal crash type is the right turn through type. This involves vehicles turning right from Whitfords Avenue into Endeavour Road colliding with westbound Whitfords Avenue traffic. It also indicates that the severity of the crashes occurring is low with few injury crashes being reported.

Traffic operational Issues

Whilst the above identifies the reported crash issues occurring at this intersection it does not identify other traffic management or operational issues that are occurring here.

From numerous inspections of the operation of this intersection a number of operational issues have also been identified.

- Extended queuing occurs on Endeavour Road at peak shopping times and at school closing times (St Marks Anglican College).
- The service station located on the south east corner of the intersection and Bunnings on the western side of Endeavour Road are major traffic attractors to Endeavour Road as well as increasing the level of traffic congestion here due to vehicles entering and leaving these businesses in the vicinity of the Whitfords Avenue intersection.
- School children use this intersection to cross Whitfords Avenue going to and from school. There are Public Access Ways located to the west and east of Endeavour Road on the north side of Whitfords Avenue.

DETAILS

Issues and options considered:

Addressing the Reported Crashes and Traffic Management Issues

There are a number of possible treatments that can be considered.

Do Nothing

To retain the intersection as it is would not address the road safety and traffic management issues identified above. Over time it is reasonable to expect that not only will the traffic volumes on Whitfords Avenue and Endeavour Road increase with growth of the shopping Centre patronage and general traffic growth, but that the pedestrian and cyclist demand will increase due to Government initiatives and increasing fuel prices.

Therefore the number of road crashes would be expected to increase, the level of traffic congestion on Endeavour Road to increase and it would become more difficult to cross these roads when walking or cycling.

Cost to Do Nothing

There is no capital cost to do nothing; however there are crash costs associated with this option.

Assuming the current number of crashes and crash types remain similar, the crash costs are estimated at \$1,000,000 per annum based on 2001-2005 crash history and MRWA crash costs, and assuming no increase in traffic volumes. (Each type of crash has a cost allocated

to it based on data collated by MRWA. The sum of each crash cost multiplied by the number of crashes of that type gives the total crash costs estimated above.)

Seagull Island

This treatment provides a triangular island in the median to separate right turning vehicles in the median beak. This additional level of control simplifies the crossover of vehicles in the median and facilitates vehicles to position themselves correctly whilst waiting to compete their manoeuvre and hence can improve the level of safety.

A preliminary investigation shows that it is likely that no changes would be required to the existing kerb lines.



Typical "Seagull" island treatment

However a seagull island will not address the right turn through crashes, nor assist pedestrians and cyclists to cross Whitfords Avenue.

Cost for Seagull Island Treatment

A seagull island treatment costs approximately \$15,000 and ongoing crash costs for right turn through crashes are estimated at \$674,000/annum.

Crash cost savings by installing a seagull island are \$45,973 per year over ten years as calculated using CrashTool 2006, MRWA software for preparing State Black Spot submissions and crash analysis.

Roundabout

A roundabout provides equal priority to all legs of the intersection and by the nature of its design and operation has a major impact on both the number of right angle type crashes and their severity. Roundabouts encourage low speed at the intersection and, greatly improve the efficiency of the intersection operation over a typical T Junction under Stop sign control.

However, roundabouts do not facilitate pedestrians and cyclists to cross the road way or the intersection.

On the northern side of Whitfords Avenue at the intersection with Endeavour Road is a limestone ridge, which would significantly increase the cost of any road works if it were required to be removed. Therefore any design works would normally try to avoid this additional work and cost.

Two lane roundabout

As Whitfords Avenue in the vicinity of the Endeavour Road intersection is two lanes in each direction it would be reasonable to construct a two-lane roundabout. Due to the need to accommodate the existing and future traffic volumes it is envisaged that such a roundabout would be similar in size to that located to the east on Whitfords Avenue at the entrance to the shopping centre car park.

There are a number of issues associated with the provision of a two-lane roundabout and these include:

- Requires relocation of HT power lines on the southern side of Whitfords Avenue. This may be complicated with the need to ensure that the overhead wires remain within the road reserve boundary.
- Requires relocation of Telstra telecommunication cables.
- Relocation of street lighting to accommodate road changes.
- The loss of median trees due to change of road alignment (10 – 12).
- Changes required to road drainage.
- Depending on the outcome of the detailed design there may be insufficient verge width on the south east corner.

In addition, the roundabout does not provide direct assistance for pedestrians and cyclists to cross Whitfords Avenue or Endeavour Road. This is an important strategic element as this intersection is on the north west corner of the shopping area and therefore is a key access point from the residential areas to the north and west. Perth Bicycle route NW2 passes through this intersection and therefore it is also important that any modifications here also improve the facilities for cyclists wherever possible.

With the WA Government's intention to increase the level of walking and cycling in the community, safe road crossing facilities are essential elements in achieving this. In particular, ready access to shopping centres by pedestrians and cyclists must be encouraged.

At peak shopping times it is not possible to bias the intersection operation to better manage peak vehicle flows as each leg of the intersection has equal priority.

Cost of a two lane roundabout

A two-lane roundabout is estimated to cost \$850,000. There are a number of variables in this proposal that can affect costs, including service relocations, drainage works and miscellaneous associated works to address landscaping, aesthetics and safety of pedestrians. These costs can only be determined at detail design stage.

Crash costs would be significantly reduced but pedestrian crash costs may increase. Crash cost savings by installing a roundabout are \$85,397 per year over ten years as calculated using CrashTool 2006, MRWA software for preparing State Black Spot submissions and crash analysis.

Single lane roundabout

Whilst the provision of a two-lane roundabout has significant impact on the road reserve at this intersection an alternative to reduce the physical impact would be to only construct a single lane roundabout.

This would require a transition from two lanes to one lane between the shopping centre access point and Endeavour Road. Based on AUSTRROADS requirements the length of roadway required for the actual merge is approximately 98 metres. Whilst there is approximately 140 metres between the shopping centre access point and the Endeavour Road intersection, additional road length is required to accommodate the queuing that occurs due to vehicles slowing down for the merge. Therefore the roadway requirements are a combination of the physical merge length and the length of road required to accommodate the queuing resulting from the merging vehicles. From both a traffic management and a road safety perspective it is important that the queuing from the merge point does not interfere with the safe operation of the shopping centre access point and impact on the operation of the adjacent carpark.

On this basis it is considered that there is insufficient distance between the existing shopping centre access point and the Endeavour Road intersection to safely accommodate a physical merge from two lanes to one lane in Whitfords Avenue westbound together with the upstream queuing that would occur as a result of the merging vehicles.

In addition to considering this option, it would also require an analysis of the capacity of the intersection to ensure a single lane roundabout was able to adequately address the traffic volumes here. Irrespective, this will result in the loss of capacity on Whitfords Ave due to the reduction in the number of traffic lanes at the intersection and hence restrict the ability of this intersection to accommodate increased traffic flows.

Such a roundabout would require it to be pushed to the south, though not as much as for the two-lane roundabout. Also the following changes to the existing situation would be required:

- Relocation of street lighting to accommodate road changes.
- Loss of some median trees due to change of road alignment.
- Changes required to road drainage.

It would not be possible to manage or change priority of approaches as all legs have equal priority and pedestrian/cyclists issues are similar to a 2-lane arrangement.

Cost of single-lane roundabout

A single-lane roundabout is estimated to cost \$500,000. Realignment of the existing road may add to the cost if there are service relocation issues. These costs can be identified at the design stage.

Crash costs would be significantly reduced but pedestrian crash costs may increase.

Crash cost savings by installing a roundabout are \$85,397 per year over ten years as calculated using CrashTool 2006, MRWA software for preparing State Black Spot submissions and crash analysis.

Traffic Signals

The other option available to address the issues at this intersection is the installation of traffic signals.

The operation of the traffic signals is able to be automatically altered to accommodate varying traffic flows and priorities, both by time of day and day of the year and in particular, peak shopping periods.

Signals provide flexibility to accommodate the varying traffic demands for Whitfords City Shopping Centre. Once operational the signal phase times can be modified at no cost to achieve optimum network efficiency.

The existing channelisation is suitable for the installation of traffic signals and therefore no roadwork modifications would be required. There is therefore no impact on the trees in the median or the existing street lighting.

The installation of traffic signals would include the provision of pedestrian walk / don't walk signals to assist pedestrians and dismounted cyclists to cross all legs of the intersection.

MRWA has not granted Approval in Principle for signals at this intersection, it prefers the option of a roundabout as ongoing maintenance costs are borne by Council. Ongoing maintenance and management of signals is at the cost of MRWA.

Cost of Traffic Signals

Traffic signals are estimated to cost \$200,000 including any adjustments to pedestrian facilities such as pram ramps, additional footpath links and Tactile Ground Surface Indicators.

Crash costs are reduced significantly. Crash cost savings by installing traffic signals is \$96,972 per year over ten years as calculated using CrashTool 2006, MRWA software for preparing State Black Spot submissions and crash analysis.

Once signals are installed their operating and maintenance costs are borne by Main Roads Western Australia.

Link to Strategic Plan:

- 1.4 To work with the community to enhance safety and security in a healthy environment
- 3.1 To develop and maintain the City of Joondalup's assets and built environment
- 4.2 To provide quality services with the best use of resources
- 4.3 To ensure the City responds to and communicates with the community

Legislation – Statutory Provisions:

Not Applicable.

Risk Management considerations:

This intersection has received a number of complaints from residents and meets the Black Spot criteria of five or more crashes over five years.

Financial/Budget Implications:

If approved for funding by the State Black Spot program, the costs are shared by the State and the City two-thirds to one third respectively. The City would need to list this in its 2008/09 budget.

Policy Implications:

Not Applicable.

Regional Significance:

As this intersection is adjacent to Whitfords City Shopping Centre, it attracts visitors from Stirling and Wanneroo.

Sustainability Implications:

Not Applicable.

Consultation:

There is limited consultation required on Black Spot Projects because these projects are intended to save lives and reduce injury. Approval in Principle is required from Main Roads as part of the submission process, and consultation with service authorities with respect to service relocations is also necessary at design phase.

COMMENT

There are a number of road safety and traffic management issues that require addressing at this intersection. These are:

- Right turn through crashes
- Pedestrian and cyclist access through the intersection.
- Flexibility of operation to be able to address the changing traffic priorities during the day, the day of the week and seasons of the year.

In considering the possible options to address the road safety and traffic management issues, five options were considered being:

- Do nothing,
- A seagull island treatment,
- Single lane roundabout,
- Two-lane roundabout and
- Traffic signals.

In considering all of the above, only the traffic signal option will address all road safety and traffic management issues as well as providing flexibility of operation to accommodate varying traffic flows during the day, by day of the week and also peak shopping times.

Construction of a single or a two lane roundabout will have significant impacts on the median island trees, services (Telecommunication cables and overhead power lines) and depending on the final design, significant impact on the limestone ridge on the northern side of Whitfords Avenue.

Therefore it is considered that the best overall and most cost effective solution to address the road safety and traffic management issues at this intersection is the installation of traffic signals with a signalised right turn from Whitfords Ave into Endeavour Rd and the provision of pedestrian walk / don't walk signals.

ATTACHMENTS

Nil

VOTING REQUIREMENTS

Simple Majority

MOVED Mayor Pickard, SECONDED Cr Jacob that Council:

- 1 SUBMITS the proposal to install signals at Whitfords Road/Endeavour Road intersection as part of the 2008/09 State Black Spot submissions;**
- 2 SEEKS approval in principle from Main Roads Western Australia for traffic signal installation based on the information presented in Report CJ072-04/07.**

The Motion was Put and CARRIED (11/0) by En Bloc Resolution following consideration of Item CJ077-04/07, Page 96 refers.

In favour of the Motion: Mayor Pickard, Crs Amphlett, Corr, Currie, Hart, Hollywood, Jacob, John, Magyar, Macdonald and McLean

CJ073-04/07 PROPOSED AMENDMENT TO THE CARIDEAN STREET STRUCTURE PLAN – [25177]

WARD: North-Central

RESPONSIBLE DIRECTOR: Mr Clayton Higham
Planning and Community Development

PURPOSE

The purpose of this report is for Council to consider adopting an amendment to the Caridean Street Structure Plan No 4.

EXECUTIVE SUMMARY

The Caridean Street Structure Plan guides the development of Lots 742 and 743 Caridean Street, Heathridge corner Admiral Grove, Heathridge. The structure plan was finalised in February 2004 and aged persons' dwellings subsequently constructed on the site.

Residents of the development have experienced safety and security issues and a request has been received to modify the existing structure plan provisions by increasing the maximum height of fencing permitted on the front boundaries of the site from the current 1 metre.

It is considered appropriate that the structure plan be amendment to allow a maximum 1.8 metre high fence on the front boundaries of the site, with any fencing above 1 metre being permeable (open). This would allow the safety and security issues to be addressed, while not having a significant impact on the streetscape.

Clause 9.7 of District Planning Scheme No 2 (DPS2) allows the Council to waive advertising where it is considered the amendment is minor in nature, and this is considered appropriate in this instance.

BACKGROUND

Suburb/Location: Heathridge
Applicant: Ridley Strata Management
Owner: The Owners of 83 Caridean Street, Heathridge.
Zoning: **DPS:** Residential R40
MRS: Urban
Site Area: 2013m²
Structure Plan: Caridean Street Structure Plan.

The Caridean Street Structure Plan guides the development of two adjoining sites, located at Lot 742 (83) Caridean Street and Lot 743 (79) Admiral Grove, Heathridge (see Attachment 1). Lot 742 (the subject site) has been developed for 12 aged persons dwellings. Both sites abut, and have frontage to, the Heathridge Shopping Centre.

DETAILS

The body corporate of the aged persons' dwellings has written to the City highlighting safety and security issues being experienced by residents of the dwellings associated with the 1 metre high front fencing. Correspondence has also been received from concerned relatives.

Correspondence with the body corporate states, in part:

"...We have been instructed by the Owners of 83 Caridean Street to apply to the City of Joondalup for permission constantly to install gates and fences for safety and security reasons. The residents along the western boundary (all retirees) are constantly disturbed at night by persons entering the front courtyard areas of the units. There was an incident recently where intruders were knocking on one of the elderly lady's windows at night. Neighbourhood Watch Policing have attended the property and support the installation of the gates and fences..."

The North West Metropolitan Crime Prevention Office has written to the City confirming the incidences of anti-social behaviour and that an increase of wall height would be beneficial.

Proposed Amendment to the Structure Plan

The Caridean Street Structure Plan is proposed to be amended by modifying 3(XIV) which currently reads:

"Fencing along the primary frontage is not encouraged, however where it is proposed permeable fencing or solid fencing or a combination of both types of fencing will be permitted to a maximum height of 1.0 metre..."

It is proposed to amend Clause 3 (XIV) to read:

"Fencing along the primary frontage will be permitted to a maximum height of 1.8 metres, with any fencing being visually permeable above 1 metre..."

Issues and options considered:

The options available to Council in considering the proposal are:

- Not to adopt the proposed amendments to the structure plan.
- Adopt the proposed amendments to the structure plan and require the Structure Plan to be advertised.
- Waive advertising of the structure plan and adopt the proposed amendments to the structure plan.

Link to Strategic Plan:

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

Objective 3.1 To develop and maintain the City of Joondalup's assets and built environment.

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

Legislation – Statutory Provisions:

Under 9.7 of the DPS2, Council may amend an agreed structure plan, however, finalisation of any such amendment is subject to the approval of the Western Australian Planning Commission (WAPC). Should Council determine that the proposed modification is minor such not to materially alter the intent or purpose of the Agreed Structure Plan or cause any significant detriment to land within or abutting the structure plan area, it may waive public advertising of the proposed modifications in accordance with Clause 9.7 of DPS2.

Risk Management considerations:

Not Applicable.

Financial/Budget Implications:

Not Applicable.

Policy Implications:

Not Applicable.

Regional Significance:

Not Applicable.

Sustainability Implications:

Not Applicable.

Consultation:

Community Consultation has been previously undertaken in accordance with Clause 9.5 of the City's DPS2 with respect to the Caridean Street Structure Plan.

The original Caridean structure plan was advertised for a period of 28 days between November and December 2003. A total of two (2) signs were placed in strategic locations and an advertisement was placed in the local newspaper and the Western Australian on 12 November and 13 November 2003.

COMMENT

The aged persons' development has been constructed in accordance with the structure plan, and a maximum 1 metre high fence erected on the street frontages. In practice, however, this low front fencing, together with the reduced building setbacks, has generated security and safety concerns for the residents. In order to assist in addressing the safety and security concerns, it is appropriate that the possibility of higher fencing be considered.

The proposed amendment allows for the provision of permeable fencing above 1 metre in height to a maximum of 1.8 metres. The provision of permeable fencing would still achieve the goal of allowing surveillance of the street, car parking and shopping areas at the Heathridge Shopping Centre. In addition, surveillance of the dwellings can still occur from the street and car park areas, assisting to reduce anti-social behaviour occurring.

It is not considered that the proposed modifications to the structure plan will have a negative impact on the streetscape, given that the additional fence height will be permeable in nature.

Council at its meeting held in February 2007 considered and adopted a Standard Structure Plan template. The template will be used to provide a consistent approach to the format of future structure plans, or existing structure plans where a major review is required. In this instance, as the development of the sites is complete (lot 742) or substantially underway (lot 743), the Caridean Structure Plan has for all intents and purposes, served its function. Given this, and the minor nature of the proposed amendment, it is not proposed to retrospectively redraft the existing structure plan in the new Structure Plan template.

It is therefore recommended that Council adopts the proposed amendment to the structure plan. Given that the proposed amendments to the structure plan are considered minor in nature, do not materially alter the intent or purpose of the structure plan or cause any significant detriment to land within or abutting the structure plan area, it is recommended that public advertising be waived in this instance.

ATTACHMENTS

| | |
|--------------|-------------------------------------|
| Attachment 1 | Local Plan |
| Attachment 2 | Proposed Modification |
| Attachment 3 | Photographs of existing development |

VOTING REQUIREMENTS

Simple Majority

MOVED Mayor Pickard, SECONDED Cr Jacob that Council:

- 1 Pursuant to Clauses 9.6 and 9.7 of the City of Joondalup's District Planning Scheme No 2 RESOLVES that the proposed modification to the Caridean Structure Plan No 4 is considered to be minor in nature and AGREES to waive public notification of the proposed modifications;**
- 2 Pursuant to Clause 9.6 of the City of Joondalup's District Planning Scheme No 2, RESOLVES that Clause 3(XIV) of the Caridean Street Structure Plan as shown in Attachment 2 to Report CJ073-04/07 be adopted and submitted to the Western Australian Planning Commission for final adoption and certification;**
- 3 Subject to certification by the Western Australian Planning Commission, ADOPTS the modified Caridean Street Structure Plan No 4 as an Agreed Structure Plan and authorises the affixation of the Common Seal to, and the signing of, the Structure Plan documents.**

The Motion was Put and CARRIED (11/0) by En Bloc Resolution following consideration of Item CJ077-04/07, Page 96 refers.

In favour of the Motion: Mayor Pickard, Crs Amphlett, Corr, Currie, Hart, Hollywood, Jacob, John, Magyar, Macdonald and McLean

Appendix 7 refers

To access this attachment on electronic document, click here: [Attach7brf170407.pdf](#)

CJ074-04/07 PROPOSED ROAD RESERVE CLOSURES - YELLAGONGA REGIONAL PARK – [04381] [01018]

WARD: North and South-East

RESPONSIBLE DIRECTOR: Mr Clayton Higham
Planning and Community Development

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

On 27 March 2007, Council resolved that:

“consideration of proposed road reserve closures – Yellagonga Regional Park be DEFERRED until the next ordinary meeting of Council.”

The report is resubmitted to Council with no changes.

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 ² & 3410m ² |
| 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 of 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 (see Attachment 2).

The Yellagonga Regional Park Management Plan (the Plan) was adopted by these agencies 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 in time (see Attachment 2).

On 27 March 2007, Council resolved to defer consideration of the proposed closure of the unconstructed road reserves adjacent to Lot 70 Joondalup Drive, Joondalup and adjacent to Lot 43 Bindaree Terrace, Kingsley to facilitate the amalgamation of the land into the Park (CJ055-03/07 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. 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 6577m² 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 (see Attachment 1). It is 1682m² in area. Bindaree Park abuts Lot 43 to the north.

The subject portion of unconstructed road reserve adjacent to Lot 43 Bindaree Terrace is 3410m² 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 to:

- 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 (LAA) 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 LAA. 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 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 initiates the closure process and commences 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

MOVED Mayor Pickard, SECONDED Cr Jacob 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 Report CJ074-04/07, for the purposes of public advertising for a period of 35 days.

The Motion was Put and CARRIED (11/0) by En Bloc Resolution following consideration of Item CJ077-04/07, Page 96 refers.

In favour of the Motion: Mayor Pickard, Crs Amphlett, Corr, Currie, Hart, Hollywood, Jacob, John, Magyar, Macdonald and McLean

Appendix 8 refers

To access this attachment on electronic document, click here: [Attach8brf170407.pdf](#)

CJ075-04/07 MONTHLY TOWN PLANNING DELEGATED AUTHORITY REPORT, DEVELOPMENT AND SUBDIVISION APPLICATIONS – FEBRUARY 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 February 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 February 2007 under delegated authority and those applications dealt with as “R-code variations for single houses” for the same period are shown below:

| Approvals Determined Under Delegated Authority – Month of February 2007 | | |
|--|---------------|-------------------|
| Type of Approval | Number | Value (\$) |
| Development Applications | 111 | 24,138,179 |
| R-Code variations (Single Houses) | 40 | 3,455,262 |
| Total | 151 | 27,593,441 |

The number of development applications received in February 2007 was 109 (This figure does not include any applications that may become the subject of the R-Code variation process).

| Subdivision Approvals Processed Under Delegated Authority Month of February 2007 | | |
|---|---------------|---------------------------|
| Type of Approval | Number | Potential new Lots |
| Subdivision Applications | 0 | 0 |
| Strata Subdivision Applications | 3 | 4 |

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 111 development applications determined during February 2007, consultation was undertaken for 30 of those applications. Of the 3 subdivision applications determined during February 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 | February 2007 decisions - Development Applications |
| Attachment 2 | February 2007 decisions - Subdivision Applications |

VOTING REQUIREMENTS

Simple Majority

MOVED Mayor Pickard, SECONDED Cr Jacob that Council NOTES the determinations made under Delegated Authority in relation to the:

- 1 development applications described in this report for February 2007 forming Attachment 1 to Report CJ075-04/07;**
- 2 subdivision applications described in this report for February 2007 forming Attachment 2 to Report CJ075-04/07.**

The Motion was Put and CARRIED (11/0) by En Bloc Resolution following consideration of Item CJ077-04/07, Page 96 refers.

In favour of the Motion: Mayor Pickard, Crs Amphlett, Corr, Currie, Hart, Hollywood, Jacob, John, Magyar, Macdonald and McLean

Appendix 9 refers

To access this attachment on electronic document, click here: [Attach9brf170407.pdf](#)

CJ076-04/07 AQUATIC FACILITIES ASSESSMENT - CITY OF JOONDALUP LEISURE CENTRES, CRAIGIE - [09050]

WARD: Central

RESPONSIBLE DIRECTOR: Mr Clayton Higham
Planning and Community Development

PURPOSE

To provide feedback on the results of the aquatic facilities assessment conducted at the City of Joondalup Leisure Centres – Craigie.

To outline to Council the course of action that will be pursued to investigate the development of additional facilities at City of Joondalup Leisure Centres – Craigie.

EXECUTIVE SUMMARY

Since opening in July 2006, the City of Joondalup Leisure Centres – Craigie aquatic attendances have exceeded all expectations, with peak periods experiencing significantly high demand. As a result the City engaged a consultant to investigate the community's need for additional aquatic facilities at the Centre. The study is based on a broad consultative process that included engaging the views of users and non-users of the Centre, stakeholders plus sport and leisure industry associations. The study highlighted the need for a 50-metre pool and an outdoor water playground to be included in the mix of facilities at the Centre.

As a result of the findings, it is recommended that the City:

- *Develop conceptual drawings and undertake a feasibility study to determine the capital and operating costs of the following facilities;*
- *Outdoor eight lane (8) 50-metre pool with water depths to accommodate swimming competition diving at one end, with a shallow end at a depth of 1.1 metres – 1.2 metres.*
- *Pool blankets for 50-metre pool.*
- *Permanent terraced seating to accommodate 400 spectators, with capacity to accommodate additional temporary spectator stands.*
- *Shade structures for pool, water playground and spectator seating.*
- *Zero depth outdoor water play ground to a minimum of 200m².*
- *Review the Centre's current heating systems capacity to meet identified facility requirements.*

The results of the feasibility study will provide Council with accurate capital and operating costs of the proposed facilities. These cost estimates are required by the City to determine its ability to fund the proposed mix of additional aquatic facilities, at the City of Joondalup Leisure Centres – Craigie.

BACKGROUND

In 2003, planning for redevelopment at the City of Joondalup Leisure Centres – Craigie included a master plan inclusive of an outdoor 50-metre pool. The 50-metre pool was provided as a potential future addition to the now redeveloped facilities as a result of a community consultation process. The intent of the master plan was to ensure that the future addition of facilities such as a 50-metre pool, were based on real demand being experienced at the Centre.

Since opening in July 2006, the City of Joondalup Leisure Centres – Craigie aquatic attendances have out performed all performance indicators. The demand for aquatic facilities is consistently high during peak periods. Experiencing the highest demand are weekday afternoons, where the aquatic facilities accommodate squad swimmers; learn to swim lesson, families, lap swimmers and spa users.

The demand at the City of Joondalup Leisure Centres – Craigie is reflected in the Aquatic attendances, which are on target to achieve 278,000 aquatic visitations in the 12 months from July 2006. Comparatively, the City of Joondalup Leisure Centres – Craigie aquatic visitations for 12 months in 2001/2002, prior to the redevelopment, were 95,000.

In October 2006, the City undertook a review of the additional aquatic facilities required at the City of Joondalup Leisure Centres – Craigie. The review was commissioned as a result of the high attendances being achieved at the Centre. The aim of the review was to determine the community's need for additional aquatic facilities, with a specific focus on a 50-metre pool for the City of Joondalup Leisure Centres – Craigie.

The review was completed in February 2007.

DETAILS

The results of the review outlined the need for additional aquatic facilities at the City of Joondalup Leisure Centres – Craigie. The needs identified in the report specifically related to a 50-metre pool and a children's aquatic playground. The consultation process used for the review highlighted some key findings, which have been summarised below:

- **Population analysis** – The demand for aquatic facilities would not be expected to increase due to the projected population growth of the City of Joondalup alone.
- **Catchment review**– Craigie Leisure Centre enjoys one of the largest catchment areas with limited aquatic facility competition in the metropolitan area. A regional review shows a large area south of the Centre is void of aquatic facilities. The redevelopment at Aqua-motion in the City of Wanneroo was not considered to have significant impact on Craigie as only leisure pools are being provided.
- **Peak body** – The Department of Sport and Recreation hold a general view that metropolitan Perth is adequately provided with 50 metre pools currently; and funding support for new 50 metre pool developments would require substantial evidence of a need for such.
- **Public Submissions** - 31 written public submissions were received, with 29 submissions supporting a 50-metre pool.
- **Random Community Survey** – 250 phone surveys were completed, which highlighted a high level of awareness of the facility with 86% of households having used the Centre since re-opening in July. The most significant findings of this survey was that 52% of respondents stated additional facilities were required, with 48% stating no additional facilities were required. The respondents supporting additional facilities highlighted in order of preference a 50-metre pool (70%), water slides (37%) and outdoor water playground (33%).
- **Random User Survey** – 200 surveys were distributed; highlighting that 63% of respondents believed additional aquatic facilities were required. Almost 90% of respondents stated that a 50-metre pool should be added, followed by water slides 41% and water playground 40%.
- **School Survey** – The City received 19 responses from the total of 64 schools. 47% of the schools had attended CLC with 56% intending to use the Centre in the next 12 months. 70% of respondents recorded swim lessons as the reason for attending the Centre. Six respondents highlighted a need for additional aquatic facilities, with four of the six schools highlighting the need for a 50-metre pool.
- **Staff Workshop** – highlighted that the leisure pool lacked facilities to keep children interested and that both the leisure pool and lap pool become over crowded during peak times.
- **Existing user groups** – most groups outlined they were unsatisfied with the aquatic facility availability. 60% of the 13 user groups specifically requested the need for a 50-metre pool. The Department of Education and Training (Centres largest external user group) reported the facilities to be over crowded.

The report also reviewed if the current demand being experienced at the Centre could be sustained long term. Three new aquatic facilities in Perth were reviewed, focussing on their attendance trends since opening. In all cases attendances had increased since the first year of operation, which provides a good indication that the demand being experienced at the City of Joondalup Leisure Centres – Craigie is sustainable.

Issues and options considered:

The report has identified the additional aquatic facility suggestions of the community, which include a 50-metre pool and outdoor water playground. Specific details of each facility development option were provided during consultation. These options are outlined below;

Outdoor 50 metre pool – with characteristics in design making it flexible for a variety of uses such as lap swimming, walking, aqua-aerobics and learn to swim lessons. The pool should allow swimming competition diving at one end with a shallow end at a depth of 1.1 metres – 1.2 metres. Accommodation for 400 spectators on a permanent basis plus additional spectator seats on a temporary basis should be provided.

Options that were considered for a 50-metre pool but were not supported in the report include:

- **Elite Swimming** - The need for elite swimming competition standard design features was not considered significant and would require expensive minimum design specifications to accommodate limited use. This level of facility is also not consistent with the City's provision of a community leisure centre and is not supported within the State Government's State Facilities Plan.
- **Deep water** – Provision for deep water in the 50-metre pool to accommodate water polo or spring board competition diving was not considered significant. The provision of deep water increases operating costs and limits flexibility of use.
- **Moveable boom** – provision for a moveable boom to be able to convert the 50-metre pool into a 25-metre pool is considered an expensive option that does not necessarily increase the programming of the pool.

Outdoor Water playground – To be based on a minimum size of 150 –200m², with no pooling water including features that are specifically targeted for children aged 2-12 years, including the provision of water slides.

Options that were considered for an Outdoor Water Playground but were not supported in the report include:

- **Outdoor Leisure Pool** – The costs of providing a leisure pool are expensive compared to a zero depth water playground. Leisure pool construction costs are more expensive, require increased supervision; chemicals; water and maintenance, which increases operating costs. An outdoor leisure pool would also be seen to only duplicate the existing indoor leisure pool.

Link to Strategic Plan:

Outcome The City of Joondalup provides social opportunities that meet community needs.

Objectives: 1.3 To continue to provide services that meet the changing needs of a diverse and growing community.

Strategies 1.3.1 Provide leisure and recreational activities aligned to community expectations, incorporating innovative opportunities for today's environment.

1.3.3 Provide support, information and resources.

Legislation – Statutory Provisions:

Not Applicable.

Risk Management considerations:

Not Applicable.

Financial/Budget Implications:

The consultant's report provides some estimates of the expected operating costs and benefits, and estimates on capital costs to construct the facilities. These figures are preliminary estimates, with the accuracy of these figures at such an early stage only being considered as broad assumptions.

A feasibility study will determine accurate capital cost estimates and operational budget estimates for the proposed facility development options. The identification of these costs will provide the City with a clear understanding on the capital costs to construct the facilities and the ongoing operational costs to support the facilities. This will enable the City to determine its ability to fund the project.

Policy Implications:

Not Applicable.

Regional Significance:

The City of Joondalup Leisure Centres – Craigie is a regionally significant facility due to its central location within the City. The Centre is the only multi-purpose community facility directly provided by the City. The report highlighted a large gap of aquatic facilities located south of the Centre to Bold Park Aquatic Centre in Floreat, highlighting the regional significance of the aquatic facilities provided. The proposed developments at the Centre namely a 50-metre pool, would ensure Craigie remains a regional facility, as 50 metre pools attract a larger catchment than 25 metre or leisure pools. If a 50-metre pool is included in the mix of facilities at the City of Joondalup Leisure Centres – Craigie, the City would be the only Local Government in Western Australia that hosts two multi-purpose recreation facilities with 50 metre pools within its municipality.

Sustainability Implications:

Not Applicable.

Consultation:

The consultation process for the study included the following:

- Public submissions
- Community random phone survey
- Centre user random survey
- Schools survey
- User group survey
- Sporting Association, Industry representatives & neighbouring local government interviews.
- Staff workshop.

COMMENT

The report has substantiated the community's need for additional aquatic facilities at the City of Joondalup Leisure Centres – Craigie. The need for a 50-metre pool confirms that the community's current needs and those needs identified in the previous research conducted in 2002 are similar. Current facility demand for the swimming, gym and group fitness facilities at the City of Joondalup Leisure Centres – Craigie has remained strong since opening.

With the Centre operating at capacity there is a real need for additional facilities to meet this demand. The facilities that have been identified as development options are considered appropriate for the mix of facilities at Craigie.

Outdoor 50-metre pool – Integrated to the existing geothermal heating system provides for a low capital cost and lower operating cost facility for the City, as compared to an all-indoor facility. With the existing indoor facilities, the recommendation for an outdoor 50-metre pool is considered appropriate. The proposed lane depth is considered appropriate as it can support a broad mix of programs and user groups at the shallow end of the pool, whilst still allowing swimming competition diving from one end of the pool. Permanent spectator seating with a capacity of 400, allows the Centre to cater for school carnivals. The ability to provide temporary spectator seating will ensure the Centre can cater for major carnivals and swim club meets, where capacity will be beyond 400 seats. This design will reduce the annual costs for maintaining large amounts of typically not highly utilised seating.

Outdoor zero depth water playground – The water playground provides a low risk and low cost facility. The water playground would provide a mix of facilities specifically designed for the family market. The current leisure pool facilities provided at Craigie Leisure Centre have been designed as program areas to cater for swim lessons, aqua-aerobics and gentle exercise. The provision of features considered exciting or fun for children, have been limited in the leisure pool due to their impact on the programming ability of the pool.

An outdoor water playground would provide facilities that are considered fun and exciting. During the Centre's peak months of demand in summer, the outdoor water playground would alleviate the demand being placed on the indoor leisure pool facilities. The outdoor water playground would provide another reason for families and children to attend the Centre; assisting the Centre to expand annual attendances and increase revenue.

The development of additional facilities requires careful consideration in terms of their ability to meet the broadest range of community needs. Therefore flexibility in design should be implemented rather than catering for specific needs.

An innovative approach to the design and management of the outdoor aquatic facility should be considered in the planning stages. The largest costs for operating an aquatic facility include staff, heating (utilities) and chemicals. Considerations should include:

- Installation of pool blankets to maintain water temperature and reduce water evaporation.
- Reducing operating hours of the outdoor pool during winter when usage demand is low.
- Ensure low maintenance spectator seating is provided.
- Ensure sun and wind protection is provided.
- Provide clear lifeguard supervision points between facilities.
- Include Ultra-violet disinfection systems to improve water quality.

A feasibility study on the capital and operating costs of the proposed facilities is required. The feasibility will provide the City with a clear indication of the proposed facilities design, capital costs, expected construction timeframe and annual operating costs. The aquatic facilities assessment report and the proposed feasibility report will provide the relevant information for the Council to determine:

- The ability to fund the proposed aquatic facility additions at the City of Joondalup Leisure Centres – Craigie.
- The final mix of aquatic facility additions at the City of Joondalup leisure Centres – Craigie.

ATTACHMENTS

Attachment 1 City of Joondalup leisure Centres – Craigie, Aquatic Facilities Assessment.

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION: That Council:

- 1 NOTES the Aquatic Facilities Assessment Report for the City of Joondalup Leisure Centres Craigie;
- 2 ENDORSES the City to develop conceptual drawings and undertake a feasibility study to determine the capital and operating costs of the following facilities:
 - (a) Outdoor eight lane (8) 50-metre pool with water depths to accommodate swimming competition diving at one end, with a shallow end at a depth of 1.1 metres – 1.2 metres;
 - (b) Pool blankets for 50-metre pool;

- (c) Permanent terraced seating to accommodate 400 spectators, with capacity to accommodate additional temporary spectator stands;
- (d) Shade structures for pool, water playground and spectator seating;
- (e) Zero depth outdoor water play ground to a minimum of 200m²;
- (f) Review the Centre's current heating systems capacity to meet identified facility requirements.

MOVED Cr Amphlett, SECONDED Cr Corr that Council:

- 1 NOTES the Aquatic Facilities Assessment Report for the City of Joondalup Leisure Centres Craigie;**
- 2 ENDORSES the City to develop conceptual drawings and undertakes a feasibility study, to determine the capital and operating costs of the following facilities:**
 - **Outdoor eight (8) lane 50-metre pool with water depths to accommodate swimming competition diving at one end, with a shallow depth of 1.1 metres - 1.2 metres;**
 - **Pool blankets for 50-metre pool;**
 - **Permanent terraced seating to accommodate 400 spectators on the outer-side of the pool, with capacity to accommodate additional temporary spectator stands on the inner-side of the pool;**
 - **Shade structure for the water playground and spectator seating;**
 - **Zero depth outdoor water play ground to a minimum of 200m²;**
 - **Review the Centre's current heating systems capacity to meet identified facility requirements;**
 - **A grassed area between the 50-metre pool and zero depth outdoor water play ground to include shaded areas and facilities such as BBQs;**
- 3 LISTS for consideration a sum of \$3 million in the 2007/2008 Budget to commence a staged construction of a 50-metre swimming pool and associated facilities mentioned in Point 2 above;**
- 4 PREPARES as a high priority a Community Sporting and Recreation Facilities Fund (CSRFF) application by 31 October 2007 for submission to the Department of Sport and Recreation seeking a \$1.8 million grant for the construction of a 50-metre pool and outdoor water playground and supporting facilities and seeks the support of local State parliamentarians in relation to the City's CSRFF funding application;**

- 5 PREPARES as a high priority a submission to the Federal Government seeking a financial grant for the construction of a 50-metre pool and water playground and supporting facilities and seeks the support of local Federal parliamentarians in relation to this submission.**

Discussion ensued.

The Motion was Put and

CARRIED (11/0)

In favour of the Motion: Mayor Pickard, Crs Amphlett, Corr, Currie, Hart, Hollywood, Jacob, John, Magyar, Macdonald and McLean

Appendix 10 refers

To access this attachment on electronic document, click here: [Attach10brf170407.pdf](#)

REPORT OF THE CHIEF EXECUTIVE OFFICER

CJ077-04/07 OCEAN REEF MARINA PROJECT – [07303, 04171]

WARD: North-Central

RESPONSIBLE DIRECTOR: Mr Garry Hunt
Chief Executive Officer

PURPOSE

To progress the Ocean Reef Marina project.

EXECUTIVE SUMMARY

This report details a possible oversight and reporting structure for the project and seeks Council support for this structure and the community consultation programme.

BACKGROUND

Council purchased Part Lot 1029, a 24.4 ha piece of land at Ocean Reef adjacent to the boat launching facility in 1979 for a price of \$525,000. The purchase was made as an investment for the benefit of the community, to enable the development of a range of recreational, commercial and ancillary service uses.

The Ocean Reef Marina project development site is located on the coast at Ocean Reef and is approximately 46 hectares in area. The site includes Foreshore Reserve 20561, Lots 1029 and 1032 (which includes the City owned land), Groyne Reserve 36732 and Breakwater Reserve 39014 both vested in the City and Water Corporation land at Lot 1033. The site currently consists of a boat launching facility, parking for vehicles and boat trailers, reserves, freehold land and the sea sports club and sea rescue building.

The first stage of the project focuses on identifying a concept design and structure plan for the Ocean Reef Marina to meet the social/lifestyle needs of the region, promote economic development and protection of the environment in a sustainable way.

The structure plan will broadly identify what should be part of the development, which might include elements such as boat pens, recreation areas, natural bushland, and restaurants/shops. Physical development of the site will be a future project, once Council has considered the best way for development to take place. The State Government has made available funding assistance for this project of up to \$700,000.

A Project Group consisting of City officers, State Government Departmental representatives and relevant consultants has been established to manage the project. Clifton Coney Group has been appointed as the external Project Manager for this project, in accordance with their contract with the City.

Consultants required for this project will provide services such as community consultation and public relations, environmental assessment, planning and urban design, engineering and infrastructure, geotechnical and marine. These consultants were appointed in early 2006.

The following is a summary of events from the appointment of consultants:

- The project initiation meeting was conducted on 30 May 2006.
- Consultants reviewed previous reports and information to identify gaps and issues.
- Maunsell (consultant for environmental, engineering and infrastructure, geotechnical and marine) requested a review of fees due to market factors and timeline for project.
- Transition from Commissioners to Elected Members.
- Session with new Elected Members during August and September.
- The proposed Community Participation Plan for the project was reviewed to ensure its compliance with the City's updated Public Participation Policy through October and November (Key member of community consultation consultancy resigns 30 October).
- Maunsell advised the City on 6 November that they were withdrawing from the project.
- Community Participation Plan modified.
- Surveyor and property consultants appointed to project team.
- Negotiations with proposed replacement consultants for Maunsell.
- Worley Parsons appointed to replace Maunsell.

During consultations with Elected Members in February 2007 information was requested on:

- 1 Council's decision making process in relation to the project;
- 2 The nature of community participation.
- 3 Appropriate consultation with Government Departments, Agencies and Members of Parliament.

The report responds to these requests.

DETAILS

Oversight and Report Structure

An oversight and reporting structure for the project, based on the feedback received would be as follows:

- A Project Group (as mentioned in the background section) which would comprise the Project Manager (Clifton Coney), together with all members of the external Consultancy Team and representatives of the City. This would report to:

- A Steering Committee, chaired by the Chief Executive Officer, which would comprise the Project Manager and representatives from the Western Australian Planning Commission, Department of Planning and Infrastructure, Landcorp and the Water Corporation. This would provide information and reports on matters requiring Council decision.
- A Council Committee. It is proposed that the membership of this Council Committee should be:
 - His Worship the Mayor;
 - Two Elected Members from the North-Central Ward as the Ward in which the project is located; and
 - One Elected Member from each of the other Wards in the City of Joondalup.

This Committee will enable Council Members to provide leadership to the project and oversight its progress. It is not suggested that the Committee be given delegated authority to make final decisions in relation to the project and all such decisions will need to be progressed through Council as a whole.

Community Participation Plan

The Community Participation Plan has been finalised by the relevant consultants, Gryphon Management Australia (attached). This suggests that a Community Reference Group of thirty people be appointed representing various areas and interest groups. The breakup of the group proposed in the Gryphon Report is:

- 10 individuals representing Ocean Reef residents;
- 10 individuals representing surrounding suburbs including Iluka, Mullaloo, Heathridge, Connolly and Currambine;
- 5 individuals representing community groups/agencies; and
- 5 individuals representing the northwest corridor communities.

The Report suggests that the role of this group be as follows:

- Help the City of Joondalup develop a concept design and structure plan for the Ocean Reef Marina;
- Ensure the issues and concerns of the community are adequately represented;
- Represent the interests of the wider community;
- Act as a conduit to disseminate information and feedback to and from the wider community; and
- Liaise with extended networks and community groups to facilitate information sharing about the project.

Some Elected Members indicated concern at the size of the Community Reference Group. There was also a suggestion to involve the local Member of Parliament as part of the process. Liaison with the local Member of Parliament could be achieved through regular meetings with the Mayor and the Chief Executive Officer on the project which would cover relevant decisions of the Council and the activities of the Community Reference Group.

Issues and options considered:

Council could:

- 1 support the oversight and reporting structure and community consultation approach recommended in this report;
- 2 modify the oversight and reporting structure and community consultation approach recommended in this report.

Legislation – Statutory Provisions:

A Structure Plan is required to be prepared in accordance with the City's District Planning Scheme No. 2.

Consultation with the community and various interest groups is part of the structure plan development process.

Risk Management considerations:

A risk management report for the project has been developed. The report will be reviewed by consultants on an ongoing basis. The Project Group is currently formulating strategies to mitigate risks.

Financial/Budget Implications:

Funds available in the 2006/07 budget for this project total \$1,173,392. Year to date expenditure is approximately \$30,000.

Policy Implications:

The Community Participation Plan complies with Council Policy 1-2 Public Participation.

Regional Significance:

The Ocean Reef Marina development is a regionally significant project highlighted by the funding offered by the State Government to expedite the preparation of the structure plan.

Sustainability Implications:

A key element of the design outcomes for this project will be consideration and demonstration of urban design and environmental design solutions for the site that are acceptable to Council and the community and that incorporate best practice for coastal development.

Consultation:

The Community Participation Plan will guide public consultation on this project. This is the next critical stage of the structure plan process.

ATTACHMENTS

Attachment 1 Gryphon Management Australia Community Participation Plan Ocean Reef Marina.

VOTING REQUIREMENTS

Absolute Majority

MOVED Cr Jacob, SECONDED Mayor Pickard that Council:

- 1 NOTES the Gryphon Management Australia Report “The City of Joondalup Community Participation Plan - Ocean Reef Marina” forming Attachment 1 to Report CJ077-04/07;**
- 2 AGREES to the establishment of a Community Reference Group to a maximum of thirty people;**
- 3 SUPPORTS the proposed role of the Community Reference Group as outlined on page 9 of the Gryphon Report;**
- 4 AGREES to the establishment of a Steering Committee, comprising the Chief Executive Officer, representatives of the Western Australian Planning Commission, Department of Planning and Infrastructure, LandCorp and the Water Corporation, to oversee the day-to-day activities of the Project Group;**
- 5 ESTABLISHES a Committee of Council to be known as “Ocean Reef Marina Committee” to provide leadership for, and oversight of, the Ocean Reef Marina project;**
- 6 APPOINTS the following Elected Members to the Ocean Reef Marina Committee:**
 - His Worship the Mayor**
 - Two Councillors to represent the North Central Ward**
 - One Councillor to represent the North Ward**
 - One Councillor to represent the Central Ward**
 - One Councillor to represent South West Ward**
 - One Councillor to represent the South East Ward**
 - One Councillor to represent the South Ward**
- 7 DOES NOT delegate any powers to the new Ocean Reef Marina Committee.**

AMENDMENT Cr Macdonald SECONDED Cr Hart that Point 6 of the Motion be amended to read:

“6 APPOINTS all Elected Members to the Ocean Reef Marina Committee”.

Discussion ensued.

In accordance with Clause 55 of the Standing Orders Local Law 2005, Mayor Pickard ruled Cr Hart out of order and advised she would no longer be heard on this Item.

The Amendment was Put and

LOST (5/6)

In favour of the Amendment: Crs Corr, Hart, John, Macdonald, Magyar **Against the Amendment:** Mayor Pickard, Crs Amphlett, Currie, Hollywood, Jacob, McLean

The Motion as Moved by Cr Jacob and Seconded by Mayor Pickard was Put and

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

In favour of the Motion: Mayor Pickard, Crs Amphlett, Corr, Currie, Hart, Hollywood, Jacob, John, Magyar, Macdonald and McLean

Mayor Pickard sought nominations for Ward positions on the Ocean Reef Marina Committee.

There being two nominations for the Central Ward, voting was undertaken by a show of hands. Following a count of the votes, Cr G Amphlett was declared the preferred candidate.

MOVED Cr John, SECONDED Cr McLean that Council APPOINTS the following Elected Members to the Ocean Reef Marina Committee:

- His Worship the Mayor, Troy Pickard;
- Cr Steve Magyar and Cr Albert Jacob to represent the North Central Ward
- Cr Kerry Hollywood to represent the North Ward
- Cr Geoff Amphlett to represent the Central Ward
- Cr Michele John to represent the South West Ward
- Cr Brian Corr to represent the South East Ward
- Cr Russ Fishwick to represent the South Ward

The Motion was Put and

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

In favour of the Motion: Mayor Pickard, Crs Amphlett, Corr, Currie, Hart, Hollywood, Jacob, John, Magyar, Macdonald and McLean

Appendix 13 refers

To access this attachment on electronic document, click here: [Attach13agn240407.pdf](#)

CJ078-04/07 MEMBER COUNCIL GUARANTEES FOR THE RESOURCE RECOVERY FACILITY PROJECT - [03149]

WARD: All

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

This Item was **WITHDRAWN**.

C22-04/07 COUNCIL DECISION – EN BLOC RESOLUTION - [02154]

MOVED Mayor Pickard, SECONDED Cr Jacob that pursuant to the Standing Orders Local Law 2005 – Clause 48 - Adoption of Recommendations en bloc, Council ADOPTS the following Items CJ061-04/07, CJ065-04/07, CJ069-04/07, CJ071-04/07, CJ072-04/07, CJ073-04/07, CJ074-04/07 and CJ075-04/07.

The Motion was Put and

CARRIED (11/0)

In favour of the Motion: Mayor Pickard, Crs Amphlett, Corr, Currie, Hart, Hollywood, Jacob, John, Magyar, Macdonald and McLean

MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**C23-04/07****NOTICE OF MOTION – CR STEVE MAGYAR - ESTABLISHMENT OF A COMMITTEE OF THE WHOLE - [65597]**

In accordance with Clause 26 of Standing Orders Local Law 2005, Cr S Magyar gave notice of his intention to move the following motion at the Council Meeting to be held on 24 April 2007:

“That Council:

- 1 replaces the last three Briefing Sessions before the Local Government Elections in October 2007 with Meetings of the Committee of the Whole;***
- 2 uses a models of the “Committee of the Whole” where all members of Council are members of the “Committee of the Whole” and the Committee makes recommendations to Council after considering the reports from the Officers or notices of motions from Elected Member.”***

Reason for Motion

Cr Magyar submitted the following comment in support of his motion:

“There are many different models of decision making available for the City of Joondalup.

Council should explore the possibilities to find the model that best suits Council. It is suggested that Council trial different models to make an informed decision on different decision making processes.

One advantage of “Committee of the whole” over Briefing Sessions is that Elected Members are able to debate items and to receive briefings from Officers.”

Officer’s comment

The format for meetings was discussed at the Strategic Weekend held for Elected Members recently. There, it was noted that the approach to, and format of, meetings is a matter for the Elected Members to determine. This is still the case.

In relation to the proposal for a Committee of the Whole, it should be noted that a Presiding Person would need to be selected. The Mayor is not automatically the person who presides at Council Committees. This is a matter for the Committee to determine.

A Committee of the Whole would effectively give Elected Members two opportunities to debate matters coming before Council: once at the Committee stage and the second at Council. The concept of briefing Elected Members in advance of their debate and decision-making at Council would therefore disappear.

Establishing a Committee of the Whole also raises questions about public participation. If the Committee of the Whole has no delegated powers, the Act does not require the Committee to be open to the public. Council would need to determine whether it wants the Committee to be open to the public and, if so, whether it wants to continue with the concept of statement time and deputations at these meetings.

MOVED Cr Magyar SECONDED Cr Macdonald that Council:

- 1 replaces the last three Briefing Sessions before the Local Government Elections in October 2007 with Meetings of the Committee of the Whole;
- 2 uses a models of the “Committee of the Whole” where all members of Council are members of the “Committee of the Whole” and the Committee makes recommendations to Council after considering the reports from the Officers or notices of motions from Elected Member.

AMENDMENT MOVED Cr Corr SECONDED Cr John that the Motion be amended to read as follows:

“That Council:

- 1 *AMENDS its decision CJ236-12/06 Setting of Meeting dates – 2007, replacing the last three Briefing Sessions before the Local Government Elections in October 2007, Tuesday 21 August, Tuesday 18 September and Tuesday 9 October, with Meetings of the Committee of the Whole;*
- 2 *RESOLVES BY AN ABSOLUTE MAJORITY to establish a Committee of the Whole and appoints all Elected Members to the Committee;*
- 3 *in accordance with Sections 5.16 and 5.17 of the Local Government Act 1995, BY AN ABSOLUTE MAJORITY, delegates to the Committee of the Whole the powers and duties as defined in Attachment 1 to this Report;*
- 4 *REQUESTS the CEO to convene a meeting of the Committee of the Whole on Tuesday 31 July 2007 at 6.00 pm to deal with the election of the presiding and deputy presiding persons, determining the order of business at the committee meeting and any other matters required to ensure the effective running of the Committee, including but not limited to:*
 - 4.1 *processes for Deputations;*
 - 4.2 *processes for staff briefings prior to the voting of any items on the agenda;*

Attachment 1

Terms of Reference and instrument of delegation to the Committee of the Whole

The Committee of the Whole shall make recommendations to Council after considering reports from the officers or Notices of Motions from Elected Members.

The Committee of the Whole has the delegated power to resolve that the Committee request the CEO to provide further information which may assist Council in considering the recommendations of the Committee.

Council delegates to the Committee of the Whole all powers and duties that Council has not delegated to the CEO or requires a decision of an absolute majority.

Notwithstanding Clause 3, the Committee of the Whole is not to exercise any of its delegated powers or duties unless that exercising of duties or powers is done on the recommendation of the CEO.”

Discussion ensued.

The Amendment was Put and

LOST (5/6)

In favour of the Amendment: Crs Corr, Hart, John, Macdonald and Magyar **Against the Amendment:** Mayor Pickard, Crs Amphlett, Currie, Hollywood, Jacob and McLean

MOVED Cr Hart SECONDED Cr John that the Motion be now PUT.

The Procedural Motion was Put and

LOST (4/7)

In favour of the Procedural Motion: Crs Hart, Jacob, John and Macdonald. **Against the Procedural Motion:** Mayor Pickard, Crs Amphlett, Corr, Currie, Hollywood, Magyar, and McLean

The Motion as Moved by Cr Magyar and Seconded by Cr Macdonald was Put and

LOST (3/8)

In favour of the Motion: Crs Hart, John and Magyar **Against the Motion:** Mayor Pickard, Amphlett, Corr, Currie, Hollywood, Jacob, Macdonald and McLean

ANNOUNCEMENTS OF NOTICES OF MOTION FOR THE NEXT MEETING

NOTICE OF MOTION – CR MICHELE JOHN - DEVELOPMENT OF AN ELECTRONIC WEB-BASED EMAIL COMMUNICATIONS SYSTEM - [65597]

In accordance with Clause 26 of Standing Orders Local Law 2005, Cr M John has given notice of her intention to move the following motion at the Council Meeting to be held on 22 May 2007:

“That Council REQUESTS the Chief Executive Officer to prepare a report that details the potential development of an electronic web-based email communications system and database that will provide Council with the means of directly communicating advertised public notices to relevant ratepayers and stakeholders on a Ward basis electronically, rather than relying on a weekly printed media which many areas of our community do not receive regularly or at all.”

RULING BY MAYOR

Mayor Pickard made reference to his ruling given during discussion on Item CJ077-04/07 – Ocean Reef Marina Project.

Mayor Pickard advised that his ruling that “Cr Hart no longer be heard during this Item” had been incorrect, as Standing Orders Local Law 2005 required a Member to refrain from taking any further part for the *remainder of the meeting* other than recording the Member’s vote.

CLOSURE

There being no further business, the Mayor declared the Meeting closed at 2152 hrs; the following Elected members being present at that time:

MAYOR T PICKARD
Cr K HOLLYWOOD
Cr T McLEAN
Cr A JACOB
Cr S MAGYAR
Cr G AMPHLETT
Cr M MACDONALD
Cr M JOHN
Cr S HART
Cr B CORR
Cr R CURRIE